

CHALLENGER OF RECORD & DEFENDER

AMERICA'S CUP 36

Interpretation 048

of

AC75 Class Rule Version 1.10 issued 21st May 2020

Rule References:

- 22.2 Hydraulic circuits and components are permitted only as part of an **HCC**.
- 22.3 Hydraulic circuits and components are permitted only for the purpose of adjusting **control surfaces** with **hydraulic actuators**, and for safely managing the flow of hydraulic fluid to and from these actuators.
- 22.4 Components in an **HCC** must be sized appropriately for their permitted use. It is prohibited to use oversized components, superfluous reservoirs, etc. in order to control the mass distribution on the **yacht**.
- 35.17 **Control system**
A system used for the adjustment of **control surfaces**, including all mechanical, hydraulic and electrical components involved in supplying or transmitting power or information used for such adjustment.
- 35.43 **HCC**
Hydraulic control circuit: a hydraulic circuit within a **control system**.

Context:

In the following “hydraulic system” refers always to a hydraulic circuit for the purpose to control a **control surface**. We further assume that it is appropriately sized for its purpose and that its use is permitted.

35.17 defines a **control system** as a system that is used for the adjustment of **control surfaces**. Hydraulic circuits and components are permitted only as part of an **HCC** and an **HCC** is defined as hydraulic circuit within a **control system**.

It can happen that a hydraulic system is installed on a **yacht** but that this hydraulic system is not used during an entire race. An example would be a hydraulic tack line adjustment for a **Code zero**, and the **Code zero** is not used during that same race or the sail may not even be on board during that same race. Rules 4.1 and 10.5 would be complied with in relation to the fitting of ballast if the **control surface** is not on board.

Questions:

1. Is it rule compliant to have a hydraulic system on board during a race and that hydraulic system is not used during that race, on the basis that the hydraulic system is not used because the **control surface** that it should or could control is not used, but is on board? If the answer is “no” which rules are infringed?
2. Is it rule compliant to have a hydraulic system on board during a race and that hydraulic system is not used during that race on the basis that the **control surface** that it should or could control is not on board? We further assume that no change of measurement certificate would be required to be able to use the hydraulic system in another race once the respective **control surface** is on board and able to be used. If the answer is “no” which rules are infringed?
3. Is it rule compliant to have a hydraulic system on board during a race and that hydraulic system is not used during that race on the basis that the **control surface** that it should or could control is not on board? We further assume that a change of measurement certificate would be required to be able to use the hydraulic system in another race. If the answer is “no” which rules are infringed?

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Interpretation:

- A. Rule 35.17 defines a **control system** is a system used for the adjustment of a **control surface**.

Rule 35.43 defines a **HCC** to be a hydraulic system within a **control system**, thus, the term “used” refers as well to the **HCC**.

Rule 22.2 regulates that hydraulic parts or components are permitted only as part of a **HCC**, thus the term “used” refers as well to those hydraulic parts or components (→ being part of a HCC, → being part of a control system).

- B. According to the OED, the most appropriate definitions of “to use” or “used” are:

II. To put to practical or effective use; to make use of, employ, esp. habitually.

15.a. transitive. *To put to practical or effective use, esp. as a material or resource; to utilize.*

The **Rules Committee** concludes that these definitions include the possibility that something “could be used”, while fulfilling the possibility of being fully functional for its purpose.

Further, together with the term “habitually” within the above OED definition of “to use”, the **Rules Committee** concludes that the expression “A system used for...” is interpreted as:

- a. “A system habitually used for...” or
- b. “A system for the purpose of...” or
- c. “A system designed for and habitually used for”

Answers:

- 1) Yes. The test is not whether or not a system IS used during a particular race, it is whether it is habitually used.
- 2) The answer assumes that the **control surface** that is controlled by a hydraulic system is permitted to be onboard by the AC75 Class Rule and the measurement certificate:

Yes. When elements of a yacht's **HCC** could act upon a **control surface** permitted by the yacht's currently valid measurement certificate, those elements are permitted even when the **control surface** has been removed from the **yacht** and replaced with rule-required ballast.

- 3) The answer assumes that the **control surface** that is controlled by a hydraulic system is not permitted to be onboard by the measurement certificate:

No. When elements of a yacht's **HCC** cannot act upon any of those **control surfaces** permitted by the **yacht's** currently valid measurement certificate, Rule 22.4 prohibits those elements.

END