

CYCA WINTER SERIES 2022

Conditions of Entry

Boat Name: _____

The owner/charterer:

- 1 acknowledges that this entry is made subject to the conditions set out in the Notice of Race, as it may be amended;
- 2 acknowledges that all races will be governed by the current versions of:
 - the *rules* as defined in the Racing Rules of Sailing 2021-2024 of World Sailing
 - the prescriptions and special regulations of Australian Sailing,except as any of these are modified by the Notice of Race and Sailing Instructions, as they may be amended;
- 3 acknowledges and accepts the risks, including the risk of harm to persons, associated with:
 - (a) the perils of the sea;
 - (b) the seaworthiness or otherwise of any boat participating in any race comprising part of the Winter Series 2022;
 - (c) the participation, including negligent participation, by all persons in any such race, including participation as owner, charterer, crew person, official, race organiser or otherwise;
 - (d) the defaults, acts and omissions, including negligent defaults, acts and omissions, of Cruising Yacht Club of Australia ("CYCA") and its officers, officials, employees, agents, volunteers and members, and the crews of all boats;
- 4 acknowledges and accepts that CYCA:
 - (a) does not and cannot control, diminish or affect the perils of the sea;
 - (b) is not in a position to take precautions against the risk of harm to persons arising from the perils of the sea;
 - (c) is not in a position to provide advice, assistance or support to boats and crews during the course of any such race.
 - (d) does not certify the seaworthiness or suitability to race of any boat;
- 5 agrees:
 - (a) to release, hold harmless and indemnify CYCA, its officers, employees, agents, volunteers from all liability any of those persons has to the owner/charterer or any crew member on the boat, or to any person claiming through or under any such person, arising from loss of life or injury to persons, or loss or damage to property, howsoever caused, including by negligent act or omission, arising out of or relating to:
 - (i) participation by the boat or any other boat in any race comprising part of the Winter Series 2022;
 - (ii) the conduct or course of the race in any respect including any act or omission (whether reasonably foreseeable or not) causing or relating to loss of or damage to any boat or the death of or injury to any person; or
 - (iii) any of the matters referred to in paragraphs 3 and 4;
 - (b) that the benefit of paragraph 5(a) is held on trust by CYCA for the respective officers, employees, agents, volunteers and members of CYCA.
 - (c) that participation by the boat and crew in any race comprising part of the of Winter Series 2022 is agreed by CYCA on the basis that participation is entirely at the risk of the owner/charterer and each member of the crew on the boat and that CYCA is not responsible for the boat or its crew; and
 - (d) it is the sole and exclusive responsibility of each boat to decide whether to start or not to start in any race comprising part of the Winter Series 2022 or, once having started, whether to continue to race;
- 6 acknowledges and agrees that the contract formed by the acceptance of this entry by CYCA is governed by the law of New South Wales and that any liability for harm to persons that results from breach of an express or implied warranty that the Winter Series 2022 and all services relating thereto will be conducted or rendered with reasonable care and skill is excluded;
- 7 agrees that if the owner/charterer or any person on the owner's/charterer's behalf requests the Race Committee or any officer, employee or volunteer of CYCA to arrange for special assistance because the boat has become disabled, or for any other reason, then the owner/charterer indemnifies CYCA and its officers, employees and agents in respect of any liability, cost or expense which may thereby be incurred;
- 8 By taking part in this Series each competitor agrees and acknowledges that they are responsible for complying with any regulations in force from time to time in respect of COVID-19 and for complying with CYCA COVID-19 protocols and New South Wales Government's COVID-19 regulations or requirements.
- 9 confirms that:
 - (a) the information in or attached to this Entry Form (or required by the Notice of Race and already held by CYCA) is correct and up-to-date;
 - (b) subject to the Notice of Race and Sailing Instructions, the Organising Authority will be advised immediately in writing or by acknowledged email, of any change to that information;
 - (c) no alteration likely to affect the handicap of the boat has been made since the boat was last raced and that if any such alteration is made the CYCA will be notified immediately, in writing, or by acknowledged email.

SIGNATURE: _____ Owner/charterer DATE: _____