

## **Racing Rules of Sailing**

### **New Case**

A submission from the Danish Sailing Association

#### **Purpose or Objective**

To provide a case that interprets the rules that apply when a boat knowingly breaks a basic right-of-way rule and does not take the appropriate penalty.

#### **Proposal**

### **CASE XXX**

#### **Basic Principle, Sportsmanship and the Rules**

##### **Rule 2, Fair Sailing**

##### **Rule 13, While Tacking**

##### **Rule 62.1(d), Redress**

*When a boat knowingly breaks a basic right-of-way rule for which she is not exonerated and does not take the appropriate penalty, she breaks rule 2 and should be penalized with a disqualification that shall not be excluded from her series score.*

#### **Assumed Facts**

In a continental event for an Olympic Class, a large fleet of skiffs was beating to windward to a windward mark to be left to port. Boat S, in approximately 4th place, was sailing close-hauled on starboard tack on the starboard-tack layline to the mark. There were other boats on starboard tack close ahead, behind and to windward of S. Boat P was sailing close-hauled on port tack on a track to pass close to the leeward side of the mark.

P luffed and turned through head to wind from port tack to starboard directly ahead of S. After P passed head to wind and before she reached a close-hauled course on starboard, S bore away rapidly and with a considerable change of course to avoid P. Thereby, S narrowly avoided contact with P and had no choice but to pass the mark on the wrong side. S then gybed onto port tack, took the stern of several starboard-tack boats and eventually rounded the windward mark several places behind P.

S protested P. After P rounded the mark, she took a Two-Turns Penalty, after which she was still several places ahead of S.

#### **Question 1**

How do the rules apply to this incident?

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**Answer 1**

While P was turning from head to wind to a close-hauled course on starboard tack, she failed to keep clear of S. Therefore, P broke rule 13.

The crew of an Olympic Class boat near the top of a large fleet at a continental event can reasonably be expected to know the basic right-of-way rules in Section A of Part 2. When S because of her rapid and considerable change of course only narrowly avoided contact, it must have become clear to P that she had broken rule 13. No rule exonerated P for that breach. Moments later, when S passed the mark on the wrong side, it was evident that P had gained a significant advantage over S in the race because of her breach.

As rule 44.1(b) states, the appropriate penalty for P was to retire. P took a Two-Turns Penalty, but that was not the appropriate penalty. Because P knowingly broke a rule and did not take the appropriate penalty, she clearly broke the fundamental principle of sportsmanship stated in Sportsmanship and the Rules. For these reasons, P broke rule 2, and the protest committee should penalize her with a disqualification that shall not be excluded from P's series score. This penalty should be applied regardless of the number of places that S lost because of the actions of P.

S's score in the race was, through no fault of her own, made significantly worse by P's action in breaking rule 13 and that action resulted in a penalty for P under rule 2. Therefore, S is entitled to redress under rule 61.2(d). Furthermore, the protest committee should consider whether it would be appropriate to act against P under rule 69.2(b).

**Question 2**

Would the outcome have been different if P had not taken a Two-Turns Penalty?

**Answer 2**

No. The outcome would be the same. The only difference in the written decision would be the deletion of the following sentence: 'P took a Two-Turns Penalty, but that was not the appropriate penalty.'

Danish Sailing Association 2016

Current Position

The case is new.

Reasons

1. There are currently inconsistent protest committee decisions between events when a boat knowingly breaks a basic right of way rule. In some events, she is penalised with a DSQ, while in others with a DNE. This case clarifies that a DNE is the appropriate penalty.
  2. In the new 2017 - 2020 RRS, the penalty for breaking rule 2 may be either DSQ or DNE. Therefore, protest committees will need guidance on when it is appropriate to penalize a boat with a DNE. This case provides such guidance.
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