

Racing Rules of Sailing

New Case

A submission from the Danish Sailing Association, Real Federacion Española de Vela, and Royal Yachting Association

Purpose or Objective

To provide a case that interprets whether a race committee member is an interested source for the purpose of rule 41.

Proposal 1

This submission has two proposals of which this is the first.

CASE XXX

Rule 41, Outside Help

When a Race Committee becomes aware that a competing boat might be in danger and gives help, the boat may not break rule 41. When a member of the Race Committee takes such action, he is a disinterested source for the purposes of rule 41, unless he has a personal or financial interest in the boat's result in the race.

Assumed Facts

During an oceanic race, the Race Committee noticed that a boat was on collision course with a reef and emailed the following to the boat's skipper and navigator:

Just so I can relax a bit here in the Race Committee, tell me you are happy with your course in relation to Nerues Reef on Landsdown Bank. The Australian charts have the reef extending to 160 35E which is further east than the C-Map charts show.

As a result, the boat changed course to avoid the possibility of hitting a reef, which added to the distance she sailed.

Question 1

Did this constitute outside help in breach of RRS 41?

Answer 1

The boat did receive help from an outside source, in this case the Race Committee.

However the Race Committee's action did not result in a breach of rule 41 by the boat, as the help given is permitted under rule 41(d). The information was not requested by the boat so it was unsolicited information. The source, in this case a member of the Race Committee, was a disinterested source for the purposes of rule 41. This member of the Race Committee neither had any personal or

other interest in the boat's position relative to other boats in the race, nor would he gain or lose in any way as a consequence of the boat's result in the race.

The source, as a member of the Race Committee, has some responsibility for the safety of all competitors. Asking the question he did, when he became aware that the crew of a competing boat might be in danger, was therefore a proper action for him to take.

Danish Sailing Association, Real Federacion Espanola de Vela, and Royal Yachting Association 2018

Proposal 2

This proposal is only relevant if Proposal 1 is approved.

Question 2

In a similar incident when rule 41(a) applies because of danger, but rule 41(d) does not apply, either because the information has been solicited by the boat or the member of the Race Committee is not disinterested, what action should the Race Committee then take?

Answer 2

If the Race Committee believes that the boat may have gained an advantage as a result of the help given, the final paragraph of rule 41 applies, and it should protest the boat.

A protest committee, and not the Race Committee, should determine whether the boat gained a significant advantage as a result of help given under rule 41(a), and if that is the case, decide the appropriate penalty.

Danish Sailing Association, Real Federacion Espanola de Vela, and Royal Yachting Association 2018

Current Position

The case is new.

Reasons

The RRS used to define "interested party", which was used to help interpret "disinterested source". For RRS 2017-2020, "interested party" was deleted, replaced by "conflict of interest", inadvertently opening the interpretation of "disinterested source" to greater ambiguity. The proposed case therefore restores some key words from the "interested party" definition within its explanation.