

**Racing Rules of Sailing**

## Rules 31 and 44

A submission from the Royal Yachting Association

**Proposal:****31 TOUCHING A MARK**

~~31.1~~ While *racing*, a boat shall not touch a starting *mark* before *starting*, a *mark* that begins, bounds or ends the leg of the course on which she is sailing, or a finishing *mark* after *finishing*.

~~31.2~~ A boat that has broken rule 31.1 may, after getting well clear of other boats as soon as possible, take a penalty by promptly making one turn including one tack and one gybe. When a boat takes the penalty after touching a finishing *mark*, she shall sail completely to the course side of the line before *finishing*. However, if a boat has gained a significant advantage in the race or series by touching the *mark* her penalty shall be to retire.

**44 PENALTIES FOR BREAKING RULES OF PART 2 AT THE TIME OF THE INCIDENT****44.1 Taking a Penalty**

~~A boat that may have broken a rule of Part 2 while *racing* may take a penalty at the time of the incident. Her penalty shall be a Two-Turns Penalty unless the sailing instructions specify the use of the Scoring Penalty or some other penalty. However, if she caused injury or serious damage or gained a significant advantage in the race or series by her breach her penalty shall be to retire.~~

- (a) A boat may take a Two-Turns Penalty when she may have broken a rule of Part 2 while *racing* or a One-Turn Penalty when she may have broken rule 31. Sailing instructions may specify the use of the Scoring Penalty or some other penalty.
- (b) When a boat may have broken a rule of Part 2 and rule 31 in the same incident she need not take the penalty for breaking rule 31.
- (c) If the boat caused injury or serious damage or gained a significant advantage in the race or series by her breach her penalty shall be to retire.

**44.2 One-Turn and Two-Turns ~~Penalty~~ Penalties**

After getting well clear of other boats as soon after the incident as possible, a boat takes a One-Turn or Two-Turns Penalty by promptly making ~~two~~ the required number of turns in the same direction, each turn including ~~two one~~ tacks and ~~two one~~ gybes. When a boat takes the penalty at or near the finishing line, she shall sail completely to the course side of the line before *finishing*.

**44.3 Scoring Penalty**

- (a) A boat takes a Scoring Penalty by displaying a yellow flag at the first reasonable opportunity after the incident, keeping it displayed until *finishing*, and calling the race committee's attention to it at the finishing line. At that time she shall also inform the race committee of the identity of the other boat involved in the incident. If this is impracticable, she shall do so at the first reasonable opportunity within the time limit for *protests*.
- (b) If a boat displays a yellow flag, she shall also comply with the other parts of rule 44.3(a).
- (c) The boat's penalty score shall be the score for the place worse than her actual finishing place by the number of places stated in the sailing instructions, except that she shall not be scored worse than Did Not Finish. When the sailing instructions do not state the number of places, the number shall be the whole number (rounding 0.5 upward) nearest to 20% of the number of boats entered. The scores of other boats shall not be changed; therefore, two boats may receive the same score.

~~**44.4 Limits on Penalties**~~

- ~~(a) When a boat intends to take a penalty as provided in rule 44.1 and in the same incident has touched a mark, she need not take the penalty provided in rule 31.2.~~
- ~~(b) A boat that takes a penalty shall not be penalized further with respect to the same incident unless she failed to retire when rule 44.1 required her to do so.~~

**64.1 Penalties and Exoneration**

- (a) When the protest committee decides that a boat that is a *party* to a protest hearing has broken a *rule*, it shall disqualify her unless some other penalty applies. A penalty shall be imposed whether or not the applicable *rule* was mentioned in the *protest*.
- (b) A boat that has retired or has taken a penalty in accordance with rule 44 shall not be penalized further for that incident unless the penalty for a rule broken is DNE.**
- ~~(b)~~ **(c)** When as a consequence of breaking a *rule* a boat has compelled another boat to break a *rule*, rule 64.1(a) does not apply to the other boat and she shall be exonerated.
- ~~(c)~~ **(d)** If a boat has broken a *rule* when not *racing*, her penalty shall apply to the race sailed nearest in time to that of the incident.

Current Position:

See above

Reason:

Rule 31.2 repeats many, but not all, of the relevant words in rule 44. Bringing all immediate penalties together into one rule simplifies the structure, avoids duplication, reduces the length of the rules and makes clear which penalties apply in the various circumstances.

The scoring penalty is normally used with large fleets, when the sailing water is restricted or in long distance races and when the race organizers consider it inappropriate or unsafe for boats to execute penalty turns. Thus the sailing instructions specifying the scoring penalty usually state that it applies to breaches of both rule 31.1 and Part 2 rules and that the penalty is the same in each case. This change brings the rule into line with current practice and is not a game change.

Additionally the scope of existing rule 44.4(b) is unclear whether it applies only to rule 44 penalties, to rule 31.2 and rule 44 penalties or to penalties for breaking any rule. Rule 44.4(b) relates to protest committee decisions and belongs in rule 64.1. The addition of the final words in the proposed rule 64.1(b) is necessary as a boat should not be able to escape a DNE penalty by retiring.

This submission is an extended alternative to deferred submission 137-05 and incorporates the principle reason for that submission.

If this submission is approved, the related parts of rule L14 will require amending.