

Racing Rules of Sailing

Rules 44.1 and New Rule 44.4

A submission from US Sailing

Purpose or Objective

Replace the current Two-Turns Penalty in rule 44.1 and add new rule 44.4 with popular alternatives that are very frequently made applicable by the notice of race or sailing instructions.

Proposal 1

Change rule 44.1 as shown below:

44.1 Taking a Penalty

- (a) **When a boat** ~~A boat may take a Two-Turns Penalty when she~~ may have broken one or more rules of Part 2 in an incident while *racing*, ~~she~~ **she** may take a One-Turn Penalty ~~when she may have broken rule 31. Alternatively, sailing instructions may specify the use of the Scoring Penalty or some other penalty, in which case the specified penalty shall replace the One-Turn and the Two-Turns Penalty.~~ However, **if her breach occurs in the zone around a mark other than a starting mark, her penalty shall be a Two-Turns Penalty.**
- (b) **When a boat may have broken rule 31, she may take a One-Turn Penalty.** **However,** when she ~~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** ~~if~~ the boat caused injury or serious damage or, despite taking a penalty, gained a significant advantage in the race or series by her breach her penalty shall be to retire.

Alternatively, the notice of race or sailing instructions may specify the use of the Scoring Penalty or some other penalty, in which case the specified penalty shall replace the penalties in rules 44.1(a) and (b).

Current Position

As above.

Clean Copy of rule 44.1 if Proposal 1 is approved

44.1 Taking a Penalty

- (a) When a boat may have broken one or more rules of Part 2 in an incident while *racing*, she may take a One-Turn Penalty. However, if her breach occurs in the
-

zone around a *mark* other than a starting *mark*, her penalty shall be a Two-Turns Penalty.

- (b) When a boat may have broken rule 31, she may take a One-Turn Penalty. However, when she 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, despite taking a penalty, gained a significant advantage in the race or series by her breach her penalty shall be to retire.

Alternatively, the notice of race or sailing instructions may specify the use of the Scoring Penalty or some other penalty, in which case the specified penalty shall replace the penalties in rules 44.1(a) and (b).

Reasons for Proposal 1

1. There is strong evidence across many international classes and major events that competitors prefer a lesser voluntary penalty than the Two-Turns Penalty in rule 44.1. Over the past two rules cycles many international one-design classes have conducted their world championships and national championships under the proposed alternative. Examples of classes that use the proposed rule are Etchells, J22, J24, M24, J70, and Viper640. Some of the major US events using it are Charleston Race Week and the NOOD Regattas, which are six very popular events for one-design keelboats held annually at six major yachting centers in the US and the British Virgin Islands.
2. This proposal retains the Two-Turns Penalty for Part 2 rule breaches at marks other than starting marks because in those incidents the boat that breaks a rule often disrupts several boats and she may even have gained an advantage over those boats, even after taking a One-Turn Penalty. When rules are broken outside of the zone, the One Turn Penalty is seen by most competitors to be fairer because the lesser penalty is closer to the loss experienced by the boat that was fouled.

Proposal 2

Note: Proposals 1 and 2 are independent proposals.

Add new rule 44.4 as follows:

44.4 Post-Race Penalty

- (a) **When a boat did not take a penalty at the time of an incident and later decides that she may have broken one or more rules of Part 2 or rule 31 in the incident, she may take a Post-Race Penalty unless rule 44.1(b) applies.**
 - (b) **A Post-Race Penalty is a 30% Scoring Penalty calculated as stated in rule 44.3(c). However, rule 44.1(a) applies.**
 - (c) **A boat takes a Post-Race Penalty by delivering to the race office a written statement that she accepts the penalty and that identifies the race number**
-

and where and when the incident occurred. She may take this penalty at any time until the beginning of a protest hearing involving the incident.

Current Position

None. Rule 44.4 is new. However, its wording is very similar to the wording of current rule T1.

Reasons for Proposal 2

1. The proposed new rule 44.4 makes the Post-Race Penalty in Appendix T, Arbitration, available at all events, including those without arbitration, without a special sailing instruction.
2. Boats often realize that they may have broken a rule after it is too late for them to take the Turns Penalty under rule 44.1. This may happen later in the race or it may happen ashore, after consultation with a rules expert or the rulebook itself. The proposed new rule allows such boats to take a penalty that is more severe than the Turns Penalty at the time of the incident but less harsh than retirement.
3. By providing the option to take a Post-Race Penalty, proposed new rule 44.4 promotes compliance with the Fundamental Principle of Sportsmanship.
4. The Post-Race Penalty has been available internationally at events with arbitration for many years, and has been made available in the United States by a US prescription since 2013 as an option that could be invoked by the NoR or SIs at all US events. It has proved to be popular across all levels of the sport and should be available at events with or without arbitration.
5. The introductory words describing when the penalty is available specify that the Post-Race Penalty is not an alternative to a Turns Penalty or a Scoring Penalty at the time of the incident, but is only to be taken if a boat realizes too late that she may have broken a rule. A boat that was in an incident where she clearly broke a rule (for example, a boat that was on port tack in a simple port/starboard incident with contact) may still be protested and the protest committee may penalize her if they find that she was aware at the time of the incident that she had broken a rule and did not take a penalty under rule 44.1.

Consequential Changes needed if Proposal 2 is approved

1. Change rule T4(a) to:
 - (a) a boat may take a Post-Race Penalty **as described in rule 44.4, except that she may deliver the statement to the arbitrator, a member of the protest committee, or the race office,** and
 2. Delete rule T1 and renumber the rest of the appendix accordingly.
 3. Change the titles of rules 44, 44.1 and 44.2 as follows:
44 ~~PENALTIES AT THE TIME OF AN INCIDENT~~
44.1 Turns Penalties ~~Taking a Penalty~~
-

44.2 How to Take Turns Penalties ~~One Turn and Two Turns Penalties~~

4. In rule A10 add the following new abbreviation after 'SCP':

PRP Post-Race Penalty taken

Consequential Changes needed in rule 44.4 if both Proposal 1 and 2 are approved

1. In rule 44.4(a), change the rule reference '44.1(b)' to '44.1(c)'.
 2. In rule 44.4(b), change the rule reference '44.1(a)' to 'the second sentence of rule 44.1(b)'.
-