Racing Rules of Sailing

Rule 61.1(a)(4)

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To make rule 61.1(a)(4) more consistent with its intent by rewording it so that it applies in more situations in which it is appropriate and fair, and so that it does not apply in situations in which it is not needed.

Proposal

Amend rule 61.1(a)(4) as follows:

(4) [However,] if as a result of the incident a member of either crew is in danger, or there is injury or serious damage results in damage or injury that is obvious to the boat intending boats involved and one of them intends to protest, the requirements of this rule do not apply to her, but she shall attempt to inform the other boat within the time limit of rule 61.3.

Clean Copy of the Proposal

(4) [However,] if as a result of the incident a member of either crew is in danger, or there is injury or serious damage that is obvious to the boat intending to protest, the requirements of this rule do not apply to her, but she shall attempt to inform the other boat within the time limit of rule 61.3.

Current Position

As above.

Reasons

1. Current rule 61.1(a)(4) was added to rule 61.1(a) in 2005. Since then it has gradually become clear that the current rule applies in some situations in which it is not needed, and that it should apply in some other situations in which it currently does not apply. The proposal is intended to correct those faults.

2. Here is an example of a situation in which the current rule applies when it should not. (In all these examples Boats A and B, both over 6 metres long, are racing.) There is an incident with contact between A and B that results in minor damage that is obvious to both boats. The damage does not affect their ability to continue to compete in the race. A intends to protest. There is no good reason to waive the requirements for A to hail 'Protest' and
display a red flag, but under the current rule those requirements are waived. Under the proposed rule they are not waived.

3. Here is an example of a situation in which the current rule ought to apply, but does not. There is contact that results in injury to a member of the crew of A. There is no damage or injury to B, and B’s crew is unaware of the injury to A’s crew member. The person in charge of A intends to protest, but he first cares for the injured crew member. After he has done that, the race is over. Under the current rule, A was required to hail ‘Protest’ and display a red flag at the first reasonable opportunity, so a protest by her could be invalid. However, under the proposal, rule 61.1(a)(4) would apply to A and the only requirement on A would be to attempt to inform B within the protest time limit, and that time limit could be extended.

4. Here’s another example in which the rule ought to apply. There is an incident involving A and B in which a crew member of B falls overboard and becomes separated from B. The water is very cold. A intends to protest, but she is in a better position than B to help the person in the water. Acting as required by rule 1, A’s crew pulls the B’s crew member out of the water. This certainly is a situation in which A should not have to concern herself with hailing ‘Protest’ and displaying a red flag. Under the current rule, A is required to hail and display her flag, but under the proposed rule, she is only required to attempt to inform B within the protest time limit.