

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 10, On Opposite Tacks

Rule 62.1(d), Redress

When a boat knowingly breaks a basic right-of-way rule for which she cannot be 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

A fleet of dinghies was beating to a windward mark to be left to port. Boat S, in 4th place, was sailing close-hauled on starboard tack on the starboard-tack layline to the mark. On the layline, there were three other boats on starboard tack close ahead of S and about ten behind her.

Boat P was sailing close-hauled on port tack on a track to pass close to the leeward side of the windward mark. Just before reaching the starboard-tack layline and one hull length from the mark, P luffed from port tack toward head to wind directly ahead of S. Before P passed head to wind, 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 many 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?

Answer 1

While P was luffing toward head to wind and still on port tack, she failed to keep clear of S. Therefore, P broke rule 10. Because of the lack of any gap between the fourteen boats on the layline, the proper action of P would have been to go behind all of them. So her decision to tack instead was not a simple misjudgement.

A boat participating in a race can reasonably be expected to know the basic right-of-way rules in Part 2, Section A. 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 10. 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. P took a Two-Turns Penalty, but S was still several places behind her. Thus the two turns was not the appropriate penalty as rule 44.1(b) states that when a boat has gained a significant advantage despite taking a penalty, the appropriate penalty is to retire which P failed to do. Because P knowingly broke a rule and did not take the appropriate penalty, she violated 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.

Had P had any doubt about the rules, she could have consulted them after coming ashore. If she only then realised that she would have to retire, she could still do so. However, she also failed to do that.

S's score in the race was, through no fault of her own, made significantly worse by P's action in breaking rule 10 and that action resulted in a penalty for P under rule 2. Therefore, S is entitled to redress under rule 61.2(d).

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 2017

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 thus it improves consistency across events.
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2. In the 2017-2020 RRS, it was introduced that 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 is very important, because it provides such guidance on the changed rule.
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