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 11, On the Same Tack, Overlapped
Rule 14, Avoiding Contact
Part 2, Section C, At marks and Obstructions
Rule 31, Touching a Mark
Rule 44.1(b), Taking a Penalty

When a boat knowingly barges in at a starting mark where she is not entitled to mark-room, she breaks a basic right-of-way rule for which she cannot be exonerated, and she breaks rule 2 and should be penalized with a disqualification that shall not be excluded from her series score.

Facts

In a race for 10-meter keelboats, a group of boats are approaching the starting line to start. The conditions are flat water and 15 to 18 knots of wind. 20 seconds before the starting signal, X and Y are slowly approaching the line. X is on the layline to the committee vessel and Y is to leeward of her, and the separation between them is about half a boat width. Both are sailing close-hauled.

Z is reaching with higher speed from astern and on a course to windward of X. She is shouting “Room, room” and X is responding “No room, no room”. X maintains her course directly towards the port stern corner of the committee vessel.

Z continues her course and sails in between X and the committee vessel, and in position 3, she hits both. X is being pushed to leeward and collides with Y. There is damage to all three boats. All three boats protest right after the incident, and after the race, each of them deliver a valid protest.

During the hearing, Z is asked if she knew that she would break a rule if she went in between X and the committee vessel. She confirms that.
Question 1
How do the rules apply to this incident?

Answer 1
X has to keep clear of Y under rule 11, and she initially complies with that. According to the pre-amble of Part 2, Section C, X is not entitled to mark-room to pass between Y and the committee vessel. However, Y is sailing a course that leaves enough space between her and the committee vessel for X to pass through.

Z has to keep clear of X under rule 11. According to the pre-amble of Part 2, Section C, Z is not entitled to mark-room to pass between X and the committee vessel. X is sailing a course toward the committee vessel that leaves no space for Z. By barging in between X and the committee vessel where there is no room, Z breaks rule 11 and 31. As Z does not avoid contact, she also breaks rule 14.

In the hearing, Z confirmed that she knew that by barging in at the committee vessel she would break a rule. A boat that knowingly breaks a rule violates the fundamental principle of sportsmanship stated in Sportsmanship and the Rules. For that reasons, Z broke rule 2, and the protest committee should penalize her with a disqualification that shall not be excluded from Z’s series score. This penalty should be applied regardless of any number of places that X and Y may have lost because of the actions of Z.

X collides with Y, so she does not keep clear as required by rule 11 and does not avoid contact as required by rule 14. However, she was compelled to do so by Z breaking rule 11, so X is exonerated under rule 64.1(a).

If the damage to X or Y caused by the actions of Z made their finishing positions in the race significantly worse, through no fault of their own, they would be entitled to redress under rule 61.2(d). Furthermore, the protest committee might consider whether it would be appropriate to act against Z under rule 69.2(b).

Question 2
Would the outcome have been different if Z had taken a Two-Turns Penalty as soon after the incident as possible?
Answer 2

No. The outcome would be the same. After the incident, Z comes off the starting line to windward and ahead of X and Y. The alternative for Z would have been to take a full round on the right hand side of the committee vessel and then start. She avoided that by breaking a rule. Therefore, she “despite taking a penalty, gained a significant advantage in the race” so the Two-Turns penalty would not be the appropriate penalty. As stated in rule 44.1(b), the appropriate penalty would be to retire. Thus the only difference in the written decision would be the addition of the following sentence: ‘Z 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.

2. In the 2017-2020 RRS, the penalty for breaking rule 2 may be either DSQ or DNE. Therefore, protest committees need guidance on when it is appropriate to penalise a boat with a DNE. This case is very important, because it provides such guidance.