

Racing Rules of Sailing

Rule 41

A submission from the Chairman of the Racing Rules Committee

Purpose

To strengthen rule 41(a), which is an important safety rule, by removing any motivation for competitors not to avail themselves of help when they are in danger.

Proposal

Delete the last sentence of rule 41 as shown below:

41 OUTSIDE HELP

A boat shall not receive help from any outside source, except

- (a) help for a crew member who is ill, injured or in danger;
- (b) after a collision, help from the crew of the other vessel to get clear;
- (c) help in the form of information freely available to all boats;
- (d) unsolicited information from a disinterested source, which may be another boat in the same race.

~~However, a boat that gains a significant advantage in the race from help received under rule 41(a) may be protested and penalized; any penalty may be less than disqualification.~~

Current Position

As above.

Reason

1. Prior to 2013, rule 41(a) stated 'A boat shall not receive help from any outside source, except (a) help for an ill or injured crew member.' In 2013, rule 41(a) was changed to its current wording which allows help for a crew member who is in danger. One of the primary reasons for making that change in 2013 was for the safety of persons who were in the water and were in danger. Prior to 2013, a boat with a crew member overboard in dangerously cold water would break rule 41 if the crew member were put back aboard the boat by a support boat or spectator boat. During those years, persons in cold water often asked not to be helped so that they would not be obligated to retire after they received help. The main reason for the change made in 2013 was to allow such persons to receive help and not be penalized for receiving it.

At the same time that the change in rule 41(a) was made, the last sentence of current rule 41 was added to rule 41. A recent event in the Volvo Ocean Race (VOR) led to questions about that sentence. A VOR Race Control official noted that one boat was in danger of colliding with a reef while far from shore in the Coral Sea. The official emailed the boat pointing out she was at risk of striking the reef. The boat then changed course and avoided the reef. Since that incident, there has been debate about whether or not the boat should have been protested and penalized under rule 41's last sentence. Expert race officials have disagreed on whether the boat should have been penalized.

2. Rule 41's last sentence is inconsistent with rule 64.1 and the definition *Protest*. The sentence states that a boat that gains a significant advantage in the race from help received under rule 41(a) may be protested and penalized. A 'protest' is an allegation that a boat has broken a rule, but a boat that receives help under rule 41(a) has not broken rule 41 or any other rule. Rule 64.1 states that a boat can be penalized only if 'the protest committee decides that [she] has broken a *rule*'. Therefore, the protest committee is not permitted to penalize a boat under rule 41's last sentence.
 3. When a boat needs help under rule 41(a), she is already at a disadvantage in the race because a member of her crew is ill, injured or in danger. Therefore, it would be most unusual if the help she received gave her a 'significant advantage in the race.'
 4. The last sentence of rule 41 is complex and rarely applicable. Therefore, deleting it will simplify the rule.
 5. Rule 41(a) is an important safety rule that permits a boat to receive help for a crew member in danger. Removing the possibility of penalizing such a boat is consistent with rule 1.1, the first Fundamental Rule of our sport.
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