Racing Rules of Sailing

Rules 44 and 64.1(c)

A submission from US SAILING

Proposal

44   EXONERATION AND PENALTIES AT THE TIME OF AN INCIDENT

Insert new rule 44.1:

44.1 Exoneration

When a boat breaks a rule and as a consequence compels another boat to break a rule, the other boat shall be exonerated.

Renumber rules 44.1 – 44.3 accordingly.

64.1 Penalties and Exoneration

(c) When a boat has broken a rule and is exonerated for her breach under rule 18.5, 20.2 or 44.1, she shall not be penalized under rule 64.1(a) for that breach.

(c) When as a consequence of breaking a rule a boat has compelled another boat to break a rule, rule 64.1(a) does not apply to the other boat and she shall be exonerated.

Current Position

As above.

Reason

Current rule 64.1(c) only applies to incidents that become the subject of a hearing. This was appropriate before the development of on-the-water penalties. Now, however, many if not most incidents are resolved on the water when one boat takes a penalty under rule 44. If the other boat in the incident has been forced to break a rule as a direct consequence of the first boat’s breach, she should be exonerated at the time. Under the current rules a boat that is compelled to break a rule should nevertheless take a penalty, to fulfil the requirements of Sportsmanship and the Rules. This is contrary to normal practice, to all principles of fairness, and to the intent of rule 44.

The appropriate place for a rule about exoneration therefore is in rule 44 itself, which deals with on-the-water penalties. In addition, the proposed new rule covers exoneration that results from a hearing. The title of rule 44 should thus be modified to reflect the added topic.

Although this proposal moves exoneration to rule 44, it is still necessary in rule 64.1 to direct protest committees not to apply penalties when the boat has already been exonerated for her breach. Proposed Rule 64.1(c) makes this clear.
Proposed Rule 64.1(c) also allows for the possibility that a boat may break two or more rules in a single incident. If she is only exonerated for one of her breaches, she should be penalized for the rules she broke for which she was not exonerated. For example: Boats A and B are overlapped on starboard tack at a windward mark to be left to port, with A inside. A bears off sharply around the mark and her stern swings to windward. B does not have room to keep clear. As A bears away, she turns also into the path of boat C, approaching the mark on port tack. C does not have room to keep clear of A. A is exonerated by rule 18.5 for her breach of rule 16.1 with regard to boat B, but must take a penalty for breaching rule 16.1 with regard to boat C.

This submission is part of a ‘package’ of related submissions from US SAILING involving penalties, exoneration and rules compliance. The submissions in this ‘package’ are those involving Sportsmanship and the Rules, Rule 14, Rule 44.1, Rules 44 and 64.1(c), a new definition Exonerate and two submissions involving Rule 44.1(b).