

Submission 168-17, Supporting Paper**New Team Racing Call J9**

This is the supporting paper referenced in the Reasons for submission 168-17. The full analysis agreed in May 2017 by the Team Racing Rules Working Party (the WP) is appended and resulted in the publication of TR Rapid Response Call 2017-001.

First, although the WP is unanimous that the submission represents a correct interpretation of the current racing rules, some RRC members may believe this is undesirable in fleet racing. In this context it is important to note the World Sailing policy that if the rules in different disciplines are the same, the interpretation shall be the same. In the proposed call the fleet racing and team racing rules are identical.

If the RRC decides the Call J9 interpretation is not desirable, two questions arise:

- (1) What outcome do we wish to achieve?
- (2) What rule change(s) do we need to achieve this outcome?

Any changes to the rules to achieve an alternative outcome may be non-trivial.

The concerns of the WP include

- (a) the WP conclusion that moving "or rule 31" into rule 21(a) will not work, and
- (b) rule 14 that only requires a boat to avoid contact with another boat; there is no obligation to avoid contact with a mark even if it is solid, for example a committee boat or a heavy steel navigation buoy.

The WP requests guidance from the RRC and will be happy to work with other interested parties to propose a submission in 2018 for a workable solution.

Richard Thompson

Chairman

Team Racing Rules Working Party

[1708] Exoneration for Hitting a Mark

The Brief

1. Review application of rule 21 in withdrawn submission 101-16 (new call J9) and current call E8 (answer 2 in particular).
2. Advise RRC on what action to take in time for decisions in November 2017.

The Chairman suggested the key question is *whether an inside boat entitled to mark-room can be exonerated for hitting the mark when, from the time it was clear that she was not being given mark-room, she could have passed the wrong side of the mark in a seamanlike way.*

The Chairman suggested a possibility that our interpretation could create an undesirable game change, particularly as the relevant rules for team racing on which any decision is based are likely to be the same for fleet racing. If so, we should then consider recommending an appropriate rule change, noting that any interpretation of the same rule cannot be different between team racing and fleet racing.

Recommendations

1. Calls E8 and J9

Rule 21(b) exonerates a boat for breaking rule 31 only if: (i) the incident is between her and a boat required to give her mark-room; (ii) she is sailing within the mark-room to which she is entitled; and (iii) she is compelled to break rule 31.

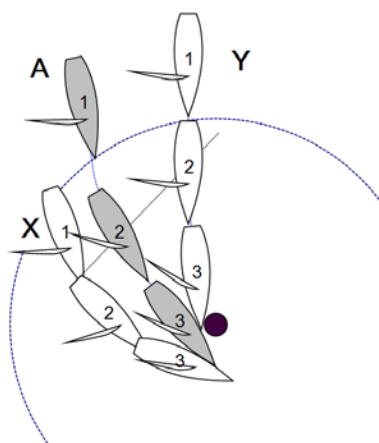
Condition (iii) based on the principle that a boat should avoid contact if possible and protest. And the principle within rule 14(a) and associated cases (e.g. Case 87) should apply when interpreting “if possible”: that a boat entitled to mark-room is entitled to assume that each element of mark-room, including room to leave the mark on the required side, will be given until it is clear that it will not be. It is only at this time that she needs to act to avoid contact if possible (with the mark under rule 31, and with the other boat under rule 14).

Answer 2 of Call E8 is incorrect to the extent that B should be penalised for breaking rule 31. The facts state that the third boat Y’s presence prevented X from giving B mark room. When this became clear to B (position 3), she was still able to avoid contact with the mark by bearing away and passing the wrong side of it. B was therefore not compelled to break rule 31, so is not exonerated for this breach. Whereas answer 1 of Call J9 correctly applies rule 21(b) in penalising Y for breaking rule 31.

The WP concludes and recommends:

1. **Call E8 was correctly withdrawn as answer 2 failed to apply rule 21(b) correctly.**
2. **The incorrect Call E8 and the correct Call J9 show there is inconsistent application of rule 21(b). World Sailing’s vehicle to improve global consistency is the Rapid Response Call. Correct Call J9 is valuable as it highlights both the application of new rule 19.1(b) and the correct application of rule 21(b). It should be published as a Rapid Response Call for 2017 and then re-submitted in November 2017.**

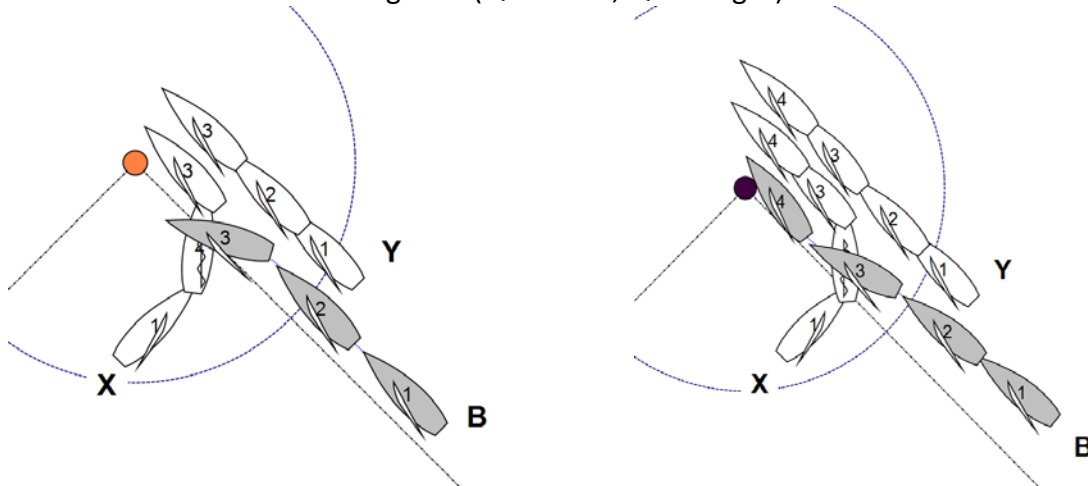
In the published call, the position of X should be moved up to remove any possible ambiguity that (i) at the time of the incident A and Y are still required to give X mark-room (so 18.2(b) and (c) apply and new rule 18.2(d) does not), and that (ii) when it is clear A is not giving Y room to leave the mark on the correct side, Y is still able to avoid the mark by passing the other side of it. Below is a suitable diagram. To highlight new rule 19.1(b) it would be appropriate to add within the answer: “Although X is an obstruction to A and Y, rule 19 does not apply (see rule 19.1(b)).”



3. **The windward mark in team racing is normally rounded to starboard, so new rule 18.3 rarely applies in team racing. However a corrected Call E8 could be very helpful for umpired fleet racing and Medal Race as congestion at the first windward mark is commonly caused by boats tacking from port to starboard inside the zone, and Call E8 helps clarify the rule’s application. The WP is not aware of a similar call on this rule, in which case World Sailing should develop a replacement to Call E8 for submission to November 2017 conference.**

The text would need to be substantially changed to reflect the new wording of rule 18.3, and diagram 1 also now needs changing to show an overlap at position 3. The italicised rule guidance on “passing the wrong side” is no longer relevant; it could be changed to guidance on “compelled” (and this guidance could helpfully be added to J9). If by 2018 there is a Call Book for Fleet Racing, World Sailing might decide to publish this call in that book.

Possible amended Call E8 diagrams (Q1 on left, Q2 on right):



2. Change to Rule 21(b)

The current rule 21 wording was developed and passed by World Sailing RRC, and explicitly treats rule 31 differently from Part 2 rules. A suggestion that rule 21(b) is inappropriate should be based on real experience of application of that rule. The publication and application of J9 should therefore precede any decision on change to rule 21; consistent application worldwide for a year will lead to a better-informed discussion of the matter.

Having said that, rule 21(b) does seem to have two disadvantages over the alternative of treating a breach of rule 31 similar to a breach of those rules listed in 21(a):

- i. It adds surprise and complexity by differentiating between the consequence of a boat's contact with another boat, and her contact with a mark. Currently a boat sailing within mark-room to which she is entitled is exonerated (under rule 21(a)) for breach of Section A rules and rules 15 and 16, and is only penalised (under rule 14) if the contact was (i) avoidable and (ii) caused damage or injury. Whereas if she makes avoidable contact with the mark, she is penalised whether or not there is damage or injury. In most team racing, the chance of damage from contact between a boat and a mark is substantially less than from boat-boat contact, and if contact with one or other is unavoidable, there is less risk of damage if the boat makes contact with the mark.
- ii. Consider the boat denied mark-room and therefore passing the wrong side of the mark and then returning to round correctly. It is possible in match and team racing, when races are between just two teams, to penalise further the boat / team that failed to give mark-room so that no advantage is gained. However in fleet racing, with many boats / teams, this is not possible, and a boat wrongly denied mark-room, and as a result passing the wrong side of the mark, will lose places in the fleet.

However changing rule 21(b) also has challenges such as:

- i. applying the same rule 14 "injury or damage" test to contact with marks would require a new additional rule or a change to rule 21(b) or 14;
- ii. some form of "compelled" test is still required, as if the umpire decides the inside boat is being given mark-room and able to pass the mark without making contact with it, he should penalise her if she breaks rule 31. It is not as simple as just adding "or rule 31" to the list in rule 21(a).

Publication of J9 and consistent and correct application of rule 21(b) will show how valid the above concerns are. The frequency of additional penalties for gaining advantage being imposed by umpires when the boat entitled to mark-room passes the wrong side of a mark may be a good guide to the desirability of changing rule 21(b).