

## **New 2013 RRS Rule 44 and Appendix E E4.3**

### **Rule 44.1 Taking a Penalty**

A boat may take a Two-Turns Penalty when she may have broken one or more rules of Part 2 in an incident while *racing*. She may take a One-Turn Penalty when she may have broken rule 31. Alternatively, sailing instructions may specify the use of the Scoring Penalty or some other penalty, in which case the specified penalty shall replace the One-Turn and the Two-Turns Penalty. However,

- (a) when a boat may have broken a rule of Part 2 and rule 31 in the same incident she need not take the penalty for breaking rule 31;
- (b) if the boat caused injury or serious damage or, despite taking a penalty, gained a significant advantage in the race or series by her breach her penalty shall be to retire.

### **New Rule E4.3 Taking a Penalty**

Rule 44.1 is changed in Appendix E, E4.3 to:

A boat may take a One-Turn Penalty when she may have broken one or more rules of Part 2, or rule 31, in an incident while *Racing*. However,

- (a) when she may have broken a rule of Part 2 and rule 31 in the same incident she need not take the penalty for breaking rule 31;
- (b) if the boat gained a significant advantage in the heat or race by her breach despite taking a penalty, her penalty shall be an additional One-Turn Penalty;
- (c) if the boat caused serious damage, or as a result of breaking a rule of Part 2 she caused another boat to become *disabled* and retire, her penalty shall be to retire.

### **44.2 One-Turn and Two-Turns Penalties**

After getting well clear of other boats as soon after the incident as possible, a boat takes a One-Turn or Two-Turns Penalty by promptly making the required number of turns in the same direction, each turn including one tack and one gybe. When a boat takes the penalty at or near the finishing line, she shall sail completely to the course side of the line before *finishing*.

### **E1.1 Definitions**

**Disabled:** A boat is disabled while she is unable to continue in the heat.

Rule 44.1 covers how a boat may take a penalty turn when she may have broken one or more rules of Part 2. Appendix E for Radio Controlled sail boats has modified Rule 44.1 significantly. Appendix E, E4.3(b) now requires a boat that has gained a significant advantage, as a result of that boat breaking a rule of Part 2, over a boat or boats, her penalty shall be to complete an additional One Turn Penalty.

This change has brought about much discussion of the possibility that even after completing the additional one turn penalty, that boat might still have a significant advantage over other boat or boats.

Appendix E only changes Rule 44.1. For the proper way to complete your penalty turn, you must look at Rule 44.2. Rule 44.2 is not changed in Appendix E and if it is followed as written, the new Rule E4.3 should work to prevent a boat, who has broken a rule that applies, to not gain a significant advantage over the boat or boats that were fouled.

Rule 44.2 is very specific on how to do a penalty turn.

1. After **getting well clear** of other boats **as soon after the incident as possible**.
2. a boat takes a **One-Turn or Two-Turns Penalty** by promptly **making the required number of turns in the same direction**.
3. **each turn including one tack and one gybe**.
4. When a boat takes the penalty at or near the finishing line, she **shall sail completely to the course side** of the line **before finishing**.

I recommend that Race Committees make a better effort to enforce Rule 44.2 instructions to deal with boats that break rules. We must enforce "Getting Well Clear" first. This alone will take care of most of the problems. A boat should not be allowed to continue to sail the course when there is an opportunity for her to sail well clear promptly! If a boat that has the ROW, over the boat that is doing a penalty turn, is forced to alter her course because the boat doing the penalty, has not sailed clear of other boats, she has broken still another rule that is not part of the original incident and would be required to do still another penalty. If the boat that was protested is in the middle of a pack of boats, she should immediately luff her sails and allow the boats abeam of her to sail past until she is able to sail clear.

Under the new Appendix E rules, the word "Entanglement" no longer is used. *Disabled* now replaces it. It is yet unclear how the new rule will play out on the race course. If, as some have suggested, skippers are still not retiring after causing another boat to become *Disabled*, the following changes to the Sailing Instructions may be considered.

Rule E4.3(c) There is a concern that the wording of this rule applies only when the boat that has been fouled is disabled AND retires. If a boat was disabled and did not retire, the offending boat is not obliged to retire. It has been suggested another Sailing Instruction that would change Rule E4.3(c) to replace the words "disabled and retires" with "disabled or retires".

This is another Sportsmanship issue. If we find that our skippers are not following this rule in a sportsmanship manner, I recommend that you add the following Sailing Instruction entry and enforce it! The rule E4.3(c) ties disabled to retires with the word "and". If a boat is disabled for any length of time, it is only appropriate for the offending boat to retire as completing even one extra turn might still give the offending boat a significant advantage.

**New Sailing Instruction entry:**

Rule E4.3(c) if the boat caused serious damage, or as a result of breaking a rule of Part 2 she caused another boat to become disabled or retires, her penalty shall be to retire.

Modifying Rule E4.3(c)