

## Glenn Dawson on Understand Radio Sailing rule 44.1

[Glenn is Australia's representative on the World Sailing Appendix E Radio Sailing Racing Rules working party]

In the main body of the RRS (Rule 44.1), a boat infringing a rule and gaining an advantage is required to retire from the race – no alternative penalty is available.

Many radio sailors thought that was harsh, so attempted to build an alternative penalty for this situation into Appendix E. This has been in place for a few rules revisions (about 3 I think) and continues to give problems!

I have copied Rule E4.3(b) here:

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

*Rule 44.1 is changed 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 an advantage in the heat or race** by her breach despite taking a penalty, her penalty shall be additional One-Turn Penalties **until** her advantage is lost;*

There are two main changes to the rule in the new version (2021-2024) of Appendix E as follows:

- The old rule said “significant advantage” - the new rule simply states “advantage” thereby removing the inconsistency that the word significant implied.
- The old rule was unclear about how many turns were required – the new rule makes it clear that turns must be done until the advantage no longer exists (therefore clear that multiple turns may be required).

I am on the World Sailing Appendix E working party and we have been working on writing a Call for this rule for the new version of the Radio Sailing Call book. It has caused quite a few interesting conversations!

Now – the part of the rule that most people do not understand or get right:

- The rule does not talk about disadvantage at all.
- Disadvantage is not implied in the rule at all.
- The rule **only** talks about gaining an advantage in the heat or race.

The rule states clearly that there needs to be an advantage in the heat or race. The reference point for this advantage therefore is “in the heat or race”. So to establish whether there is an advantage in the race, you need to look at the position of the infringing boat in the heat or race – **not the relative position between the boats involved in the infringement**. There is no reference in Appendix E to the “disadvantaged” boat at all.

The problem we have been grappling with is how to define “advantage”. There are a number of slightly different meanings of the word depending on which dictionary you read, and these different meanings place a different complexion on the rule. Some indicate that an advantage is a better position, and others indicate a greater chance of success.

The answer we came up with is to establish what position in the race the infringing boat would have been, if that boat did not infringe a rule. The following is copied from the draft version of the Radio Sailing Call Book which has to be submitted to World Sailing for approval:

***If despite taking a penalty a boat is, as a result of her breach, in a better position in the heat or the race than she was before the incident, or in a better place than she would have been had she not broken a rule, then she is required to take additional One-Turn penalties until her advantage is lost. The relative position in the heat or the race of the boat that broke a rule and the boat that was infringed is not taken into account when evaluating whether an advantage has been gained.***

In a scenario where say a port boat hits a starboard boat, does a penalty and sails on while the infringed starboard boat is caught in irons and left behind as a result of the contact:

So if in your example, the port boat would have ducked the starboard boat, they might have lost one place in the race. If the port boat hit the starboard boat, did it's turn and lost two places as a result, then the infringing boat has not gained an advantage in the race – or in other words – a better place in the race, or a better chance of success. The rule pays no regard to the outcome for the infringed boat.

The rule is intended to deal with the boat which barges in on port at a windward mark – crash tacks onto starboard, hitting both the mark and the starboard boat, completes a penalty and sails on losing maybe one or two places in the race. If that boat had not infringed, they might have had to take 6 or 8 transoms before tacking on to starboard, and therefore lost 6 or 8 places. In this incident, the boat has clearly gained an advantage in the race, and should continue to sail penalty circles until those gains have been negated.

The second point is that the advantage has to be caused “by her breach despite taking a penalty”. Therefore, if the infringed boat is poorly handled after the incident, the advantage cannot be assessed as a result of poor boat handling, or hitting a mark or another boat. The advantage can only be measured as a result of the breach despite taking the penalty.

Without going into fact finding in the incidents you described, I wonder whether this explanation casts any different light? The reason I ask, is that this is a good test of what the World Sailing Appendix E Committee have come up with by way of explanation.

In terms of policing – there would need to be a protest by the skipper of the boat infringed in the incident. At that protest, the onus would be on the infringing skipper to establish that he/she did not improve his/her position in the race as a result of the infringement and subsequent penalty or penalties.

I think the first thing to do in thinking of this is to ignore any thoughts of “disadvantage” and see where that leads.

Regards  
Glenn

Update April 2021

I draw your attention to the *World Sailing Call Book for Radio Sailing* Rule 44 Protest **P4** last sentence which covers:

*“A boat that gains an advantage in the heat or race by breaking a rule of Part 2, or rule 31, despite taking a penalty shall take additional One-Turn Penalties until her advantage is lost.”*

The call book clarifies how the advantage is to be measured:

*“Any advantage gained is to be measured relative to the whole fleet. A boat may, after taking one or more one-turn penalties, be in a better position than the boat she infringed, but in a worse position than if she had not broken a rule. In this case she has completed her penalty.”*

Bill Clancy

World Sailing Call Book for Radio Sailing:

[https://www.sailing.org/documents/caseandcall/call\\_book\\_radio.php](https://www.sailing.org/documents/caseandcall/call_book_radio.php)