

Glenn Dawson on understand Radio Sailing rule 44.1 (b)

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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 at all.

Many radio sailors thought that was harsh. Some years ago, the ISAF-RSD Rules Committee attempted to build an alternative penalty for this situation into Appendix E. The resultant rule is Appendix E 4.3(b). This has been in place for a few rules revisions (about 3 or 4 I think) and continues to give problems as the rule is poorly understood.

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 compared to the 2017-2020 version 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).

Despite these two changes, the fundamental intent of the rule has not altered from the previous versions.

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. The Call Book is designed to provide explanations and examples of the application of the rules. Rule E4.3(b) has caused quite a few interesting conversations! The Radio Sailing Call Book has been essentially completed at the WS Appendix E working party and is about to be presented to the Rules Committee of World Sailing for official adoption.

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 it applies when a boat has received 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.

In terms of the application of the rule, “advantage” is measured by establishing what position in the race the infringing boat would have been, if that boat did not infringe a rule, and comparing that to the position the boat actually is after the infringement and penalty. The following text is copied from the draft version of the Radio Sailing Call Book which is about 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.

So, for example, in a port/starboard infringement, if a port boat ducked the starboard boat, it might have lost one place in the race. If the port boat hit the starboard boat, did it’s turn and lost two or more 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.

Many skippers apply the concept from motor racing, where a car might have to allow another car that it infringed to get in front before continuing to race. Sailing Rules are different – there is no allowance or consideration of the boat that was infringed in E4.3(b). The ability for the infringed boat to seek redress or compensation is contained in other parts of the Racing Rules of Sailing – not in this particular rule. They can apply for redress under certain conditions.

The primary example of what the rule is intended to deal with, is the boat which barges in on port at a windward mark – a port tack boat enters the zone, crash tacks onto starboard, hitting both the mark and a 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 the race. 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 an infringed boat is poorly handled after the incident, or gets into some other difficulty, the advantage cannot be assessed as a result of these other things. The advantage can only be measured as a result of the breach despite taking the penalty and is assessed against the position in the heat or race.

I wonder whether this explanation casts any different light on your understanding of the rule? The reason I ask, is that this is a test of what the World Sailing Appendix E Committee have come up with by way of explanation. Many skippers still think of the rule in terms of disadvantage, but there is no mention of that in the rule. You can only apply what is written – not what you think should be, or

could be written. Some might even think that the rule is wrong – but that doesn't change it, and if you participate in radio sailing under Appendix E – that is what you have to work with.

In terms of policing – there would need to be a protest by the skipper of the boat/s infringed in the incident if the skipper believes that the infringing boat gained an advantage in the race despite her breach and penalty. 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 compared to the position they would have been in if they had abided by the Racing Rules.

I think the first thing to do in understanding this rule is to ignore any thoughts of “disadvantage” to the infringed boat and that hopefully recalibrates your perception of how the rule operates.

Regards
Glenn