

Racing Rules of Sailing

Rule 28.2 and a New Case

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To make the final phrase in rule 28.2 easier to apply and to provide a new case that interprets the meaning of 'continue to *sail the course*' in the definition Finish.

Proposal 1

Change rule 28.2 as follows:

28 SAILING THE RACE

28.1 [no change]

28.2 A boat may correct any errors in *sailing the course*, provided she has not **finished** ~~crossed the finishing line to finish~~.

Current Position

As above.

Reasons for Proposal 1

In 2019 a proposal was approved changing the words 'provided she has not *finished*' to 'provided she has not crossed the finishing line to *finish*'. This change had an unintended consequence that was not noted during the discussion of rule 28 in 2019.

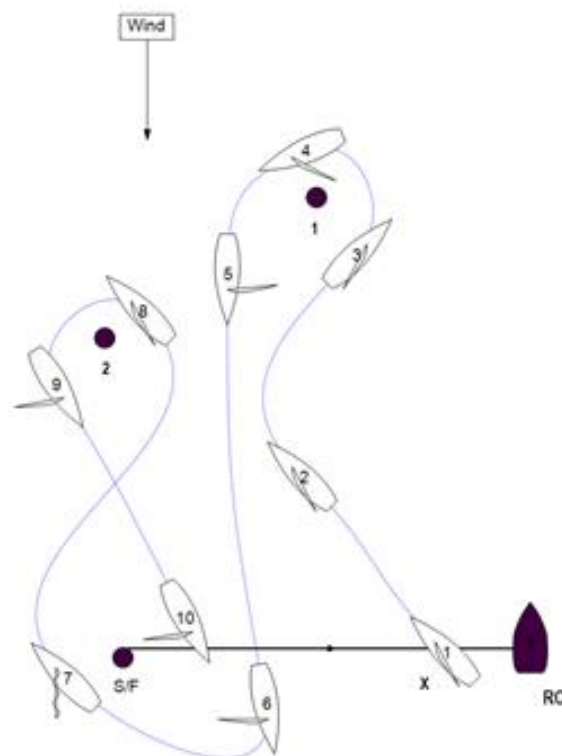
Under the current wording of rule 28.2, the words 'to *finish*' can be interpreted to mean 'for the purpose of *finishing*'. Those words make rule 28.2 depend on the intent of the competitors when their boat crosses the finishing line. Rules are easier to understand if they do not depend on the intent of competitors. Proposal 1 removes the necessity for determining the competitors' intent and, therefore, will make rule 28.2 easier to apply.

Proposal 2

Add the following new case:

CASE XXX**Definitions, Finish****Definition, Sail the Course****Rule 28, Sailing the Race****Rule 61.1(a)(3), Informing the Protestee**

When a boat crosses the finishing line from the course side twice, her second crossing constitutes her finish if, at all times between her first and second crossing, her actions are consistent with continuing to sail the course.

**Assumed Facts**

The course required boats to start, leave mark 1 to port, leave mark 2 to port, and finish. Boat X started, left mark 1 to port, and then sailed to the finishing line and crossed it from the course side. As X sailed from mark 1 to the finishing line she passed mark 2 to starboard. After crossing the finishing line, at position 7, X eased her main sheet, luffed her sail and stopped for 30 seconds. Then she sailed to mark 2, left it to port and crossed the finishing line from the course side a second time.

Boat Y saw X pass mark 2 to starboard and protested her alleging that she had not sailed the course as required by rule 28.1. Y's first opportunity to inform X that she was protesting her was after both boats had returned to shore, and X informed Y of her protest at that time. The protest committee decided that Y's protest met the requirements of rule 61.1(a)(3).

The protest committee asked Questions 1 and 2.

Question 1

When did X finish?

Answer 1

Boat X satisfied the first sentence of the definition Finish when her bow crossed the finishing line for the first time, shortly before position 6. The second sentence of the definition contains three conditions, (a), (b) and (c). If one of those three conditions applies, X's first crossing of the finish line does not qualify as her finish.

X did not take a penalty at or near the finishing line and, therefore, she did not satisfy condition (a). Boat X had made an error in sailing the course when she failed to leave mark 1 to port, which she corrected an error by sailing to mark 2 and rounding it to port.

The error in sailing the course that X made was made at mark 2, not at the finishing line. Therefore, X did not satisfy condition (b).

Additional facts are needed to determine whether or not X satisfied condition (c). Condition (c) states that a boat's first crossing of the finishing line does not qualify as her finish if she 'continues to *sail the course*'. A boat is 'continuing to *sail the course*' if, at all times after her first crossing of the line her actions are consistent with making her track comply with the string test in the definition Sail the Course.

There are situations in which a boat can stop for a period of time and still be 'continuing to sail the course' while she is stopped. Here are examples of such situations: a boat stops because she capsizes and remains stopped until her crew rights the boat; a member of a boat's crew falls overboard and the boat stops to recover the person; a boat stops while repairing a piece of equipment. The assumed facts stated in this case state that X stopped at position 7 for 30 seconds. The protest committee must find as facts why X stopped. If X stopped because her crew thought they had finished when they first crossed the line and then, 30 seconds later, she resumed sailing the course when the crew realized that they had failed to leave mark 2 to port, then X was not 'continuing to *sail the course*' during those 30 seconds.

The protest committee should have determined as fact X's reason for stopping at position 7. If the protest committee decides that, at any time between her first and second crossing of the finishing line, X's actions were not consistent with sailing the course, then she finished when she crossed the line for the first time. If, at all times between her first and second crossing of the line, her actions were consistent with sailing the course, then she met exception (c) and she finished when she crossed the line for the second time.

Question 2

What race score should X receive?

Answer 2

If X finished the first time she crossed the finishing line, then she broke rule 28.1 by failing to leave mark 2 to port before she finished. In that case the protest against her by Y should be upheld, and X should be scored DSQ.

If X finished the second time she crossed the line, then she corrected her error in sailing the course (as permitted by rule 28.2) by sailing to mark 2 and rounding it to port. In that case, the protest against

X should be dismissed and X should be scored points for her finishing place at the time of her second crossing of the line.

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Note: The wording of the proposed case assumes that, Proposal 1 is approved. If Proposal 1 is not approved, then some editing of the Answers may be needed.

Current Position

None. The proposed case is new.

Reasons for Proposal 2

1. The new case provides interpretations of exceptions (a), (b) and (c) in the definition Finish and, in particular the phrase 'continue to *sail the course*' in exception (c). There are situations in which a boat stops for a period of time between her first crossing of the finishing line and a second crossing made after the boat corrected an error in 'sailing the course'. The case provides examples of such situations, and it points out that, depending on her reason for stopping, a boat may, or may not, be considered to be 'continuing to *sail the course*' while she is stopped.
 2. Questions asked and differences of opinion expressed by experienced race officials indicate that the proposed discussion of exception (c) in the new case may be helpful.
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