

QUESTION 127

Questions from the Inland Lakes Yachting Association Appeals Committee

Rule 1.1, Safety: Helping Those in Danger

Rule 41(a), Outside Help

Explanation of rule 41(a).

Note: Rule 41 (Outside Help) has been significantly changed three times since the 2005–2008 edition of The Racing Rules of Sailing (RRS). Up through the 2005–2008 edition of the RRS, a boat was permitted to receive outside help for a crew member who was in danger. Under the rules in the 2009–2012 edition of the RRS, if a boat received help for a crew member who was in danger, she broke a rule. In the 2013–2016 and 2017–2020 editions of the RRS, a boat was permitted to receive help for a crew member who was in danger, but the last sentence in rule 41 said the boat could be protested and penalized if she gained a significant advantage by the help she received. In the 2021–2024 edition of the RRS, the last sentence in rule 41 was deleted, with the result that a boat cannot be penalized if she receives help for a crew member who was in danger. To enhance safety, Question 127 explains what rule 1.1 requires and rule 41(a) permits.

Question 1

If a boat that is racing receives outside help for a crew member who is in danger, has the boat broken rule 41?

Answer 1

No. Rule 41(a) specifically permits a boat to receive outside help from any outside source for a crew member who is ill, injured or in danger. Furthermore, rule 1.1 requires a boat, competitor or support person to give all possible help to any person or vessel in danger.

If a boat that is racing receives outside help for a crew member who is in danger, she does not break rule 41 and she may continue racing.

Question 2

Is there a special meaning of the phrase “in danger” when used in rule 1.1, rule 41(a), and in other rules in *The Racing Rules of Sailing* (RRS)?

Answer 2

No. The phrase “in danger” is not defined in the RRS. The Terminology section of the Introduction to the RRS states that “other words and terms are used in the sense ordinarily understood in nautical or general use.” As understood in general use, the phrase “in danger” means: “the possibility of something happening that may injure, harm or kill somebody.”

Question 3

Does the fact that a person is in the water, by itself, mean that the person is “in danger?”

Answer 3

When people are in the water, the possibility of injury, harm or death exists. Therefore, it should be considered that they are “in danger” until it is obvious that they are not. There are many

reasons a person in the water may be in danger, including injury, fatigue, hypothermia, pre-existing health conditions, physical disabilities, being tangled in the rigging, being separated from the boat, being in water where there are sharks, and other reasons.

Case 20 states “A boat in a position to help another that may be in danger is required by rule 1.1 to do so.” A boat, competitor or support person will likely have no knowledge as to the circumstances that led to a person being in the water, or the condition of the person, until they are close by and have had the chance to assess the situation, which will, if practicable, usually include discussing the situation with the person.

Assumed Facts for Question 4

A boat in a race has capsized and at least one of the crew is in the water. A support boat lifts the mast of the capsized boat and holds the boat while the crew climbs back aboard. The boat continues in the race.

Question 4

Has the racing boat broken rule 41?

Answer 4

It depends.

Rule 41(a) permits a boat to receive help from any source if a crew member is “in danger.” If any of the crew were “in danger” (see Answer 2), and if they would remain in danger until the boat is righted and the crew is back on board, then the boat has not broken rule 41(a).

Furthermore, if the crew is unable to right the boat without outside help, then the crew is “in danger” and the boat has not broken rule 41(a).

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