
GUIDANCE NOTE ON OUTSIDE HELP

Introduction

This guidance note is directed at race committees to assist them in deciding appropriate action before giving information or assistance to boats and competitors that are *racing* (as defined in the Racing Rules of Sailing). This guideline is also relevant to protest committees when afloat observing races and when considering redress.

Rule 41, Outside Help, was changed in 2005 and again in 2009. These changes raise issues that may not have been considered previously, in particular:

- Could the action or information cause the boat or competitor to break rule 41?
- Could the action or information be improper and lead to redress under rule 62.1(a)?

The guideline considers what can be done to mitigate any disadvantage to boats or competitors arising from race committee actions.

Rules and Terminology

Rule 41 prohibits a boat that is *racing* from receiving help from any outside source except in four specific instances:

- (a) help for an ill or injured crew member;
- (b) after a collision, help from the crew of the other boat to get clear;
- (c) help in the form of information freely available to all boats;
- (d) unsolicited information from a disinterested source, which may be another boat in the same race.

Rule 62.1(a) allows a claim for redress when an improper race committee action may have resulted in a boat's score being made worse.

Rule 64.1(a) states the penalty for breaking a rule.

All three of these rules can be changed by sailing instructions.

Race committee includes anyone performing a race committee function including safety or patrol boats and their crews.

Safety Issues

When competitors are in the water, particularly when separated from their boat, they may be considered to be in danger and any assistance given to remove them from danger is one of the primary duties of the race committee. In many cases, it will also be appropriate for fellow competitors to offer help, and possibly to provide help, as required by fundamental rule 1.1.

When a race committee considers that competitors in the water may be in danger, its first duty, normally working through safety boats on the course, is to get them out of the water. As soon as that is achieved, anyone else in a similar situation must be attended to. If no one else is in need of rescue, it is both normal and acceptable for the safety boats to put those rescued back on their boats, even if the boats have sailed on for a considerable distance. If this is not possible because of the need for other rescues or for any other reason, any delay in returning them to their boats is not an improper action under rule 62.1(a).

When competitors are returned to their boats in the same area as they were recovered from the water, it may be considered harsh to require the boats to retire for breaking rule 41. To avoid this need to retire, a sailing instruction is necessary; see Discretionary Penalties below. If the boats have made significant progress in the race from the point where the competitors were recovered from the water, returning them to their boat in the advanced location is not an improper action of the race committee but it will need to be considered differently by the protest committee.

When a competitor is recovered by a support or coach boat that is associated with that boat or that is not accredited to the race committee, any action beyond the immediate recovery of the competitor will need to be examined by the protest committee.

Information provided to Boats

When the race committee provides information to boats that are *racing*, this information ranks under rule 41(d) as unsolicited information from a disinterested source. Thus a boat does not break rule 41 by receiving and acting upon this information. However the race committee must ensure that the information given does not unfairly help one boat over another.

It is important to achieve a balance between providing useful information which will help the race as a whole and information which will advantage one boat over the rest of the fleet. An example of the former might be telling all boats shortly before the start that some are currently on the course side of the line; this may help the whole fleet to achieve a fair start. Different considerations might apply where a race committee tells one boat that she is sailing for the wrong mark. When it is intended to communicate using VHF radio, this should be stated in the sailing instructions.

Discretionary Penalties

At a major event, and particularly at a junior or youth event, or when an experienced protest committee is available, it may be appropriate for the sailing instructions to state that the penalty for breaking rule 41 is at the discretion of the protest committee. This can be helpful when, for example, a boat may have made a little progress in the time between a crew member falling overboard and being returned to his boat.

One possible sailing instruction to enable discretionary penalties is:

Penalties for breaking rule 41, Outside Help, shall be at the discretion of the protest committee. When a boat has received outside help, a request for a lesser penalty than retirement may be made to the protest committee in writing before the end of protest time on the day concerned.

This sailing instruction should be accompanied by a notice to competitors on the official notice board, similar to the following. In addition, the procedure should be described at any briefing given to competitors.

Outside Help

The act of recovering a crew member from the water by another boat (racing or not) will not normally be penalised under rule 41, Outside Help, but subsequent actions may result in a penalty. When a boat has received outside help and a lesser penalty than retirement has been requested, the protest committee will then decide the appropriate penalty, if any. The sailing instructions provide that the penalty is at the discretion of the protest committee. The protest committee will not penalise actions based solely on safety considerations.

Mandatory Instructions on the Water

If the race committee in pursuance of their responsibilities for safety wish to require boats and competitors to comply with their instructions, it will be appropriate to include a sailing instruction similar to the following. This is particularly important for junior classes.

Boats and Competitors in Difficulty

When the race committee considers that a boat or competitor is in difficulty it may instruct the boat or competitor to accept outside help, retire or sail ashore.

Some observers may note that such a sailing instruction conflicts with rule 4, Decision to Race. However rule 4 is unlikely to be a legally effective defence following an accident to a young or inexperienced sailor. Reference should also be made to the RYA booklet¹ "Race, Training and Event Management – The Legal Aspects"

¹ This booklet is identified as G6/98. Take care when ordering from the RYA as there is a RYA navigation booklet with the same G6 reference.

Examples

The examples below are for general guidance. The particular circumstances of any action may change the answer.

Race Committee Action	Allowable Help?	Improper Action?
Relevant Rule	41	62.1(a)
Recover competitor from water when separated from his boat	No	No
Return competitor to his boat in same area as recovery	No	No
Return competitor to his boat when boat has made progress in race	No	No
Assist righting of capsized boat	No	No
Hail boat that she is OCS	Yes	No
Use visual signals or VHF radio before the starting signal to indicate that boats are on course side of starting line	Yes	No
Advise one competitor that he is sailing to the wrong mark	Yes	Yes
Advise one competitor that a mark is about to be moved	Yes	Yes
Use VHF (when standard on the boats racing) to advise imminent change or shortening of course	Yes	No

The race committee will need to consider the consequences of providing the help described in the shaded areas. Other actions such as towing off a boat that has gone aground remain proper and necessary actions when required for reasons of safety but the boat will always break rule 41 and is unlikely to be eligible for redress as she may in part be responsible for her plight.

Reference Case

ISAF case 20 states that any boat in a position to help another that may be in danger is bound to do so. It is not relevant that a protest committee later decides that there was no danger or that help was not requested.