

PREAMBLE TO PART 2

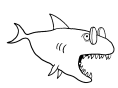
The rules of Part 2 apply between boats that are sailing in or near the racing area and intend to *race*, are *racing*, or have been *racing*. However, a boat not *racing* shall not be penalized for breaking one of these rules, except rule 14 when the incident resulted in injury or serious damage, or rule 23.1.

When a boat sailing under these rules meets a vessel that is not, she shall comply with the International Regulations for Preventing Collisions at Sea (IRPCAS) or government right-of-way rules. If the notice of race so states, the rules of Part 2 are replaced by the right-of-way rules of the IRPCAS or by government right-of-way rules.

The preamble clarifies which *rules* apply when and to whom. Note that the “preambles” rank as *rules* (see the definition *Rule*). If the rules of Part 2 apply to you and you are approaching a vessel that is clearly not in any way a part of a race, e.g., a cruising boat or commercial tug, then you are required (note the word “shall”) to comply with the Inland Navigational Rules (in U.S. waters) or the International Regulations for Preventing Collisions at Sea (outside of a country’s waters) or other applicable government right-of-way rules. If you don’t, you can be protested under rule 60 (Protests) and penalized under rule 60.5(c) (Protest Decisions). (See Cases 67 and 109.)

When the Inland Navigational Rules (INR), in U.S. waters, or the International Regulations for Preventing Collisions at Sea (IRPCAS), outside of a country’s waters, are to replace the *The Racing Rules of Sailing*, e.g., when the race will continue after sunset, the notice of race must specifically contain the numbers of the applicable INR or IRPCAS and state the time(s) or places(s) they will apply, as well as any night signals to be used by the race committee (Appendix J1.2(13), Notice of Race and Sailing Instructions: Notice of Race Contents).

Sailors wishing a complete copy of the INR or IRPCAS should contact the US Sailing office for information on how to get one.



“Is it true that the rules of Part 2 apply between boats that are racing in different races?”

Yes. The rules of Part 2 apply between boats in different races as long as they both fit the description in the preamble of Part 2. Rule 63.2(e) (Hearings) reads, “A hearing involving *parties in different events conducted by different organizing authorities shall be heard by a protest committee acceptable to those authorities.*”

Also, notice that when you intend to *race*, the rules of Part 2 only apply from when you begin to sail in or near the racing area until you have left the racing area; and they only apply between boats intending to *race*. This distinction may be important in resolving a financial claim after a serious collision when the boats were not actually *racing*.



“I realize I am technically ‘racing’ after my preparatory signal, but what happens if I foul a boat before or after I am racing?”

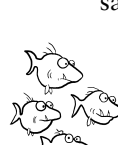
The preamble to Part 2 says, “a boat not *racing* shall not be penalized for breaking one of these rules, except rule 14 when the incident resulted in injury or serious damage, or rule 23.1.” Rule 14 (Avoiding Contact) is the rule that requires all boats to avoid contact if reasonably possible. If you don’t avoid contact when you could have, and there is injury or “serious damage,” then you can be penalized (see discussion of “injury and serious damage” under rule 44, Penalties at the Time of the Incident). Rule 23.1 (Interfering with Another Boat) says that even if you aren’t *racing*, you can’t interfere with a boat that is; see the discussion of rule 23.1.

Note, rule 44.1 (Taking a Penalty) says, “A boat may take a Two-Turns Penalty when she may have broken one or more rules of Part 2 in an incident *while racing* (emphasis added).” Therefore, if you break a *rule* before your preparatory signal (i.e., before you are *racing*), other than rule 14 when injury or serious damage results or rule 23.1, apologize and continue on. But if you break rule 14 or rule 23.1, you can’t take a Two-Turns Penalty, and you can be protested and penalized under rule 60.5(c) (Protest Decisions). Note, rule 60.5(c) says, “If a boat has broken a rule when not *racing*, her penalty shall apply to the race sailed nearest in time to the incident.” So if you cause “serious damage” between races and want to take a penalty, you should retire from the race sailed nearest in time to the incident.

Of course, if there is any damage at all, you and/or the other boat may choose to protest so that the protest committee can find the facts and make a decision as to who was at fault. If there was no injury or serious damage, neither one of you can be “penalized” under rule 60.5(c) (Protest Decisions); but the facts and decision of the protest committee may be useful in determining who pays for the damage (rule 65, Legal Liability and Costs).

Remember, under the definition of *racing*, you are *racing* from your preparatory signal until you have *finished* and cleared the finishing line and finishing *marks* or retired. So if your preparatory signal is four minutes before your starting signal and you foul someone with three and a half minutes to go, you can be disqualified if you don’t take a penalty (which you can do right away; you don’t need to wait until after the starting signal). Remember also that you are no longer *racing* the moment your entire boat clears the finishing line and finishing *marks* (see Case 127, Appeals 16 and 26, and rule 28.1, Sailing the Course).

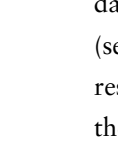
Note, however, that if you are not *racing* and break any other *rules*, other than those in Part 2 (When Boats Meet) and Part 4 (Other Requirements When Racing) and rule 31 (Touching a Mark), you will receive a penalty under rule 60.5(c) (Protest Decisions). For instance, you will be penalized before or after you are *racing* for breaking the sailing instructions, or for violating the principles in rule 2 (Fair Sailing), or for committing misconduct under rule 69 (Misconduct), or for not complying with the rules of Part 6 (Entry and Qualification) which include rules 75 (Entering an Event) and 78 (Compliance with Class Rules: Certificates). And your penalty will be applied to the race sailed nearest in time to that of the incident (rule 60.5(c)).



“If five minutes before my preparatory signal I’m near the starting line on starboard tack and despite my best effort to avoid the collision my boat gets holed by a port tacker who is also intending to race, and as a result I can’t sail in the race, do I have any recourse under the rules?”

You sure do. You should protest them under rule 10 (On Opposite Tacks) and rule 14 (Avoiding Contact), and request redress under rule 61.1(a) (Requesting or Considering Redress) and 61.4(b)(2) (Redress Decisions). Both of you were intending to *race* and were sailing in the racing area; therefore you were both governed by *The Racing Rules of Sailing* (preamble to Part 2, When Boats Meet). The *port-tack* boat (P) was required to *keep clear* of you while you were on *starboard tack* under rule 10, and both of you were required to avoid contact if reasonably possible. The protest committee is required to hold a hearing, find facts and determine which boat, if either, broke any rules (rules 60.5(a), Protest Decisions and 63.5(a), Decisions).

P cannot be penalized for breaking rule 10 as she was not *racing* at the time. But if P is found to have broken rule 14 and caused “serious damage,” P can be disqualified (see the preamble to Part 2). Once P is penalized for breaking rule 14, the protest committee must turn to your request for redress (rule 63.2(a), Hearings). If you were found not to have broken rule 14, you should be granted redress as your race score or place was made significantly worse (you were unable to race!) through no fault of your own due to the physical damage caused by P, a boat that was penalized for breaking a rule of Part 2 (see rule 61.4(b)(2), Redress Decisions). Furthermore, the question of financial responsibility for damages may be helped by a finding of facts and fault by the protest committee (see rule 65, Legal Liability and Costs).



“If I’m racing and a boat definitely fouls me, and later in the race I am converging with them and I don’t have the right of way, do I have to keep clear of them even though they were wrong in the first incident?”

You bet! When competitors know they have broken a *rule*, they are expected to promptly take a penalty (see Basic Principles: Sportsmanship and the Rules in the “Introduction of the RRS”).

But while a boat continues to race, she maintains all her rights just as any other boat. Case 1 reads, “Boats A, B, and C are racing with others. After an incident between A and B, boat A hails ‘Protest!’ and displays her protest flag, but boat B does not take a penalty. Later, B protests a third boat, C, after a second incident. The protest committee hears A’s protest against B and disqualifies B. Does this disqualification invalidate B’s protest against C?”

ANSWER: No. When a boat continues to race after an alleged breach of a rule, her rights and obligations under the rules do not change. Consequently, even though A’s protest against B is upheld, the protest committee must hear B’s protest against C and, if B’s protest is valid and the protest committee is satisfied from the evidence that C broke a rule, she must be disqualified.”