

## RYA GUIDANCE NOTE ON OUTSIDE HELP

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### 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, has changed in 2005. The changes raise issues that may not have been considered previously, in particular:

- Does rule 1.1 apply
- Does the action or information break rule 41
- Could the action or information be improper and lead to redress under rule 62.1(a)

### Relevant Racing Rules

#### **Rule 1.1, Helping Those in Danger**

A boat or competitor shall give all possible help to any person or vessel in danger.

#### **Rule 41, OUTSIDE HELP**

A boat shall not receive help from any outside source, except

- (a) help as provided for in rule 1;
- (b) help for an ill or injured crew member;
- (c) after a collision, help from the crew of the other boat to get clear;
- (d) help in the form of information freely available to all boats;
- (e) unsolicited information from a disinterested source, which may be another boat in the same race.

Rule 41 prohibits all outside help to a boat that is *racing* except for help in the five specific instances listed; these instances can be categorised as allowable help. Both rule 41 and rule 64.1(a), stating the penalty for breaking a rule, can be modified by sailing instructions.

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### Terminology

Boat in rule 1.1 is any boat whether racing or not and includes race committee vessels. The term is not restricted to a boat sailing under the Racing Rules of Sailing.

In danger in rule 1.1 includes actual and potential danger.

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

### Safety Issues

When a competitor is in the water, particularly when separated from his<sup>1</sup> boat, he should be considered to be in danger and any assistance given to remove him from danger is properly provided in accordance with rule 1.1.

When a competitor is in the water, the first duty of the race committee, normally working through safety boats on the course, is to get him out of the water. As soon as that is achieved, anyone else in a similar situation must be attended to. However, if no one else is in need of rescue, it is acceptable for the safety boat to put the person rescued back on his boat, even if that boat has 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 him is not an improper action under rule 62.1(a).

When a competitor is returned to his boat in the same area as he was recovered from the water, this may be considered part of the help required under rule 1.1 and allowable within the scope of rule 41(a). However, if the boat has made progress in the race from the point where the competitor was recovered, returning the competitor to his boat in the advanced location is likely to constitute outside help but not an improper action of the race committee. A protest committee should consider the circumstances of each case.

When a competitor is recovered by a support or coach boat associated with that boat and 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 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 boats before the start that they look as if they will be OCS; this may well help the whole fleet to achieve a fair start. Different

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<sup>1</sup> Throughout this document the words 'he' and 'his' include 'she' and 'her'

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considerations might apply where a race committee tells one boat that she is sailing for the wrong mark.

### **Discretionary Penalties**

At a major 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. Any outside help shall be reported to the protest committee on a form available from the race office 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:

#### **Outside Help**

The act of recovering a crew member from the water by another boat (racing or not) does not break rule 41, Outside Help, but subsequent actions may do so. Any occurrence of help must be reported to the protest committee who shall then decide the appropriate action. 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.

### **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 booklet<sup>2</sup> "Race, Training and Event Management – The Legal Aspects"

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<sup>2</sup> 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.

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### Examples

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

<b>Race Committee Action</b>	<b>Person in Danger?</b>	<b>Allowable Help?</b>	<b>Improper Action?</b>
Relevant Rule	1.1	41	62.1(a)
Recover competitor from water when separated from his boat	Yes	Yes	No
Return competitor to his boat in same area as recovery	No	Yes	No
Return competitor to his boat when boat has made progress in race	No	No	No
Assist righting of capsized boat	No	No	No
Hail boat that she is OCS	No	Yes	No
Use flag V or X or VHF radio before the starting signal to indicate that boats are on course side of starting line	No	Yes	No
Advise one competitor that he is sailing to the wrong mark	No	Yes	Yes
Advise one competitor that a mark is about to be moved	No	Yes	Yes
Use VHF (when standard on the boats racing) to advise imminent change or shortening of course	No	Yes	No

Other actions such as towing off a boat that has gone aground will depend upon the circumstances and specifically whether the boat is in danger as in rule 1.1.

### Reference Cases

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.

RYA case 1998/1 states that advice received from any source when the advice relates to an imminent danger to a boat or her crew may not break rule 41.