

RYA 2015/1

#### Rule 44.2. One-Turn and Two-Turn Penalties

*For a boat to exonerate herself she must comply with the two requirements of the rule: to get well clear of other boats as soon as possible; and, to promptly make the required number of turns.*

#### SUMMARY OF THE FACTS

*Daring* was rounding a port-hand windward mark on starboard tack when she touched the mark. She wished to take a penalty and sailed past the mark and to windward of the course to the next mark. She bore away and gybed and then found her intended course was blocked by a number of boats, including *Hot Rats*, which had rounded the mark behind her and were sailing to the next mark. *Daring* sailed back towards the mark on port, allowing the other boats to pass her and then tacked to finish taking her turn.

*Hot Rats* protested *Daring* for hitting the mark and not exonerating herself. The protest committee found that *Daring* had not taken a One-Turn Penalty in compliance with rule 44.2 and disqualified her for breaking rule 31. *Daring* appealed on the grounds that the course that she actually sailed was equivalent to the disadvantage that she would have suffered in taking a One-Turn Penalty.

#### DECISION

The appeal is dismissed.

The requirements in rule 44.2 are absolute and cannot be satisfied by actions that may be equivalent, in time or distance.

The first requirement is to get well clear of other boats as soon after the incident as possible. If a boat commences her penalty turn from a position where the predictable course of other boats means that she would have to interrupt the turn, then she has failed to sail well clear as required by the rule.

The second requirement is to promptly make the required number of turns in the same direction, each turn including one tack and one gybe.

*Daring* did not sail sufficiently far from the fleet in order to take her turn as evidenced by the fact that other boats, who were sailing an entirely predictable course, interrupted the taking of her turn.

Therefore, *Daring* was not well clear of other boats, and did not take a One-Turn Penalty and was correctly disqualified for breaking rule 31.

*Hot Rats v Daring*, Royal Dart YC