

## **Racing Rules of Sailing**

### **New Case Based on Q&A J 004**

A submission from the Chairman of the Racing Rules Committee

#### **Purpose or Objective**

To add a new case based on Q&A J 004

#### **Proposal**

Insert a new case as follows:

#### **CASE XXX**

Definition, Keep Clear  
Rule 10, On Opposite Tacks  
Rule 62.1(b), Redress

*A boat may be entitled to redress when she has got damage as a result of the actions of the boat that had to keep clear, even if the damage is not caused directly by a collision but indirectly, as the consequence of the infractor's actions.*

#### **Assumed Facts**

Two dinghies, Port (P) and Starboard (S), are sailing on opposite tacks on a beat to windward in strong wind (more than 20 knots). The boats are on a collision course. P is holding her course and at the very last moment S tacked onto port in an attempt to avoid P. There was contact between the boats, but no serious damage. When tacking to avoid P, S capsized and in capsizing, the helmsman fell and damaged the tiller. After righting the boat, the tiller could not be repaired and the boat had to retire from the race. P took a two-turns penalty for breaking rule 10 and finished the race.

#### **Question**

Is S eligible for redress under rule 62.1(b) if she lodges a valid request for redress?

#### **Answer**

Rule 62.1(b) does not require physical damage (or injury) to have been caused directly by the boat that was breaking a rule of part 2. It is sufficient that any physical damage (or injury) was the probable consequence of the action of the boat infringing the rules. For that to be the case, the protest committee should find facts leading to conclusions that:

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- a collision was probable, and S took avoiding action as soon as it was clear that P was not keeping clear,
- the capsize and falling were the result of P not keeping clear and not the result of poor seamanship by S, and
- the tiller was previously in good condition

If the protest committee were not satisfied on all these points, S would be at least partially at fault, and therefore not entitled to redress.

#### Current Position

There is no current position

#### Reasons

1. Q&A J 004 to be used as the base for a new Case.
2. To clarify that a boat may be entitled to redress when she has got damage as a result of the actions of the boat that had to keep clear, even if the damage was not caused directly by a collision but indirectly, as the consequence of the infractor's actions