



**CASE BOOK - INTERPRETATIONS OF  
THE RACING RULES OF SAILING  
2009 - 2012**

INTERNATIONAL SAILING FEDERATION  
[WWW.SAILING.ORG](http://WWW.SAILING.ORG)

**The**  
**CASE BOOK**  
**for 2009-2012**

*Interpretations of the Racing Rules*

**International Sailing Federation**  
**February 2009**

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# Preface

*The Case Book for 2009-2012* follows a complete review of all the cases previously published and includes eight new cases adopted by the ISAF Council since 2005. Many cases have been rewritten, some only slightly but others extensively, to illustrate as clearly as possible the application of the 2009-2012 racing rules. Cases are numbered sequentially beginning with '1', but there are gaps in the number sequence as a result of past deletions. Most cases are based on actual appeals made under rule 70.1 or requests for confirmation or correction made under rule 70.2. However, others, in question-and-answer format, are based on hypothetical or assumed facts.

New cases may be added each year in November during the ISAF Annual Meetings, and sometimes cases are revised or deleted. In 2010, 2011 and 2012, most likely in January, new cases and changes in existing cases will be posted on the ISAF web site ([www.sailing.org](http://www.sailing.org)) and mailed to International Judges, Umpires and Race Officers, and also to national authorities and ISAF class associations.

*The Case Book for 2009-2012* was prepared by the Case Book Working Party: Dick Rose, Chairman, Bill Bentsen, Josje Hofland-Dominicus, Trevor Lewis and Bo Samuelsson.

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David Tillett, Chairman  
ISAF Racing Rules Committee  
February 2009



# ISAF Regulations and Rule Interpretations

*The following ISAF Regulations govern publication of the cases in The Case Book and the issuance of other interpretations of the racing rules.*

- 31.3 Interpretations of the Racing Rules by the ISAF shall be made only through publication of cases in *The Case Book* or of calls in *The Call Book for Match Racing* or *The Call Book for Team Racing*. The cases are authoritative interpretations and explanations of the rules for all racing and the calls are authoritative interpretations and explanations of the rules only for match or team racing.
- 31.3.1 The Racing Rules Committee shall study cases...submitted in accordance with Regulation 1, cases proposed by the Case Book Working Party or the Racing Rules Question and Answer Panel...and shall recommend to the Council those that it approves for publication in *The Case Book*....
- 31.3.2 Submissions for cases..., in English and including any necessary diagrams, shall be received at the ISAF Secretariat before the deadline in Regulation 1.6. If a submission or proposal duplicates a published case..., the submission or proposal shall state why the proposed case...is preferable.
- 31.3.3 The following are guidelines for publishing cases in *The Case Book*:
- (a) A case shall significantly clarify an important meaning of a rule or increase the understanding of a complex rule.
  - (b) A case shall not duplicate one already published. When a case is an improvement on an existing case it shall be included and the existing case deleted.
- 31.4 Except for the publication of the ISAF case and call books, the ISAF shall not issue an authoritative interpretation or explanation of the Racing Rules unless it is first reviewed and approved by the Chairman of the Racing Rules Committee or a member of the committee designated by the Chairman.

## National Authority and ISAF Abbreviations

ARYF	All Russia Yachting Federation
CYA	Canadian Yachting Association
DSA	Danish Sailing Association
FAY	Federacion Argentina de Yachting
FIV	Federazione Italiana Vela
ISAF	International Sailing Federation
KNWV	Koninklijk Nederlands Watersport Verbond
NSF	Norwegian Sailing Federation
RYA	Royal Yachting Association
USSA	United States Sailing Association

## Labels Used for Boats in Diagrams

A, B, C, etc.	Any boat, or
A	Boat clear ahead
B	Boat clear astern
I	Inside boat
L	Leeward boat
M	Middle or intervening boat
O	Outside boat
P	Port-tack boat
S	Starboard-tack boat
W	Windward boat

Combinations of these letters are also used.

# SECTION 1

## ABSTRACTS OF CASES BY RULE NUMBER

*Section 1 enables readers to find the cases that interpret a particular rule. For example, Cases 15 and 17 interpret rule 13. The abstracts for those cases are in this section under the heading Rule 13, While Tacking. A case's abstract may not mention every rule that is interpreted by the case; therefore readers must study the case itself, in Section 2, to see how the rule has been interpreted or illustrated.*

### BASIC PRINCIPLE

#### **Sportsmanship and the Rules**

##### CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.

##### CASE 39

Except when it receives a report of a breach of a class rule or of rule 43 from an equipment inspector or a measurer for an event, a race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitor.

##### CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.



#### CASE 71

A hail is not the 'sound signal' required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

## **PART 1 – FUNDAMENTAL RULES**

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

#### CASE 20

When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

### **Rule 2, Fair Sailing**

#### CASE 27

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

#### CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.

#### CASE 34

Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.1.

#### CASE 47

A boat that deliberately hails 'Starboard' when she knows she is on port tack has not acted fairly, and has broken rule 2.

#### CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

#### CASE 73

When, by deliberate action, L's crew reaches out and touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.

#### CASE 74

There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's or crew's position is deliberately misused.

#### CASE 78

A boat may position herself in a tactically controlling position over another boat and then slow that boat's progress so that other boats pass both of them, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactic benefiting her series result. However, she breaks rule 2 if she intentionally breaks another rule to increase the likelihood of the tactic succeeding.

### **Rule 3(a), Acceptance of the Rules**

#### CASE 98

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **PART 2 – WHEN BOATS MEET**

### **Part 2 Preamble**

#### **CASE 67**

When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she may be penalized for gross misconduct.

#### **CASE 109**

The IRPCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An IRPCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

### **Section A – Right of Way**

#### **Rule 10, On Opposite Tacks**

#### **CASE 9**

When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

#### **CASE 23**

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

#### **CASE 43**

A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

#### CASE 50

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

#### CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### CASE 87

A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

#### CASE 88

A boat may avoid contact and yet fail to keep clear.

#### CASE 99

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

#### CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

## **Rule 11, On the Same Tack, Overlapped**

### CASE 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

### CASE 12

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

### CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

### CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

### CASE 24

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given sufficient room. If she takes unnecessary action that causes contact, she fails to keep clear as required.

### CASE 25

When an inside overlapped windward boat that is entitled to mark-room sails below her proper course while at the mark, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

### CASE 46

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

#### CASE 51

A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.

#### CASE 53

A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.

#### CASE 70

An inside overlapped windward boat that is entitled to and is receiving mark-room from the outside boat must keep clear of the outside boat.

#### CASE 73

When, by deliberate action, L's crew reaches out and touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.

#### CASE 74

There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's or crew's position is deliberately misused.

### **Rule 12, On the Same Tack, Not Overlapped**

#### CASE 2

Rule 18.2(b) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the zone does so. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

#### CASE 15

In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

#### CASE 24

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given sufficient room. If she takes unnecessary action that causes contact, she fails to keep clear as required.

#### CASE 41

If an obstruction can be passed on either side by two overlapped boats, the right-of-way boat, if she chooses to pass it to leeward, must give room to the other. If the right-of-way boat chooses to pass it to windward, she is entitled to room to do so, and the other boat must keep clear. There is no obligation to hail for room at an obstruction.

#### CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

#### CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

### **Rule 13, While Tacking**

#### CASE 15

In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

#### CASE 17

A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.

## **Section B – General Limitations**

### **Rule 14, Avoiding Contact**

#### **CASE 2**

Rule 18.2(b) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the zone does so. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

#### **CASE 7**

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

#### **CASE 11**

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

#### **CASE 13**

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

#### **CASE 14**

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

#### **CASE 23**

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.



#### CASE 25

When an inside overlapped windward boat that is entitled to mark-room sails below her proper course while at the mark, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

#### CASE 26

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized under rule 14.

#### CASE 27

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

#### CASE 30

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

#### CASE 43

A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

#### CASE 50

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

#### CASE 54

When a boat approaching an obstruction has hailed for room to tack, the protest committee should normally accept her judgment as to when safety required the hail. When the hailing boat observes no response to her hail, she should hail again more loudly. If after hailing she waits only a short time before tacking, she deprives the other boat of a choice of actions and risks contact with her. If a boat fails to keep a lookout she may fail to act reasonably to avoid contact.

#### CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

#### CASE 81

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

#### CASE 87

A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

#### CASE 88

A boat may avoid contact and yet fail to keep clear.

#### CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

#### CASE 92

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

#### CASE 99

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

#### CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

#### CASE 107

A boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

### **Rule 14(b), Avoiding Contact**

#### CASE 19

An interpretation of the term ‘damage’.

### **Rule 15, Acquiring Right of Way**

#### CASE 2

Rule 18.2(b) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the zone does so. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

#### CASE 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

#### CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

#### CASE 24

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given sufficient room. If she takes unnecessary action that causes contact, she fails to keep clear as required.

#### CASE 27

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

#### CASE 53

A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.

#### CASE 81

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

#### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).

#### CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

## **Rule 16.1, Changing Course**

### **CASE 6**

A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.

### **CASE 7**

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

### **CASE 13**

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

### **CASE 14**

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

### **CASE 25**

When an inside overlapped windward boat that is entitled to mark-room sails below her proper course while at the mark, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

### **CASE 26**

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized under rule 14.

### **CASE 46**

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

#### CASE 52

Rule 16.1 does not restrict the course of a keep-clear boat. Manoeuvring to drive another boat away from the starting line does not necessarily break this rule.

#### CASE 60

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

#### CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### CASE 76

When a boat changes course she may break rule 16, even if she is sailing her proper course.

#### CASE 92

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

#### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).

#### CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

## **Rule 16.2, Changing Course**

### CASE 6

A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.

### CASE 92

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

## **Rule 17, On the Same Tack; Proper Course**

### CASE 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.

### CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

### CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

### CASE 46

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

## **Section C – At Marks and Obstructions**

### **Rule 18.1, Mark-Room: When Rule 18 Applies**

#### **CASE 9**

When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

#### **CASE 12**

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

#### **CASE 15**

In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

#### **CASE 26**

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized under rule 14.

#### **CASE 60**

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

#### **CASE 76**

When a boat changes course she may break rule 16, even if she is sailing her proper course.



## **Rule 18.2(a), Mark-Room: Giving Mark-Room**

### CASE 2

Rule 18.2(b) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the zone does so. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

### CASE 59

When a boat comes abreast of a mark but is outside the zone, and when her change of course towards the mark results in a boat that is in the zone and that was previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give mark-room to that boat, whether or not her distance from the mark was caused by giving mark-room to other boats overlapped inside her.

## **Rule 18.2(b), Mark-Room: Giving Mark-Room**

## **Rule 18.2(c), Mark-Room: Giving Mark-Room**

### CASE 2

Rule 18.2(b) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the zone does so. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

### CASE 12

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

### CASE 15

In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

#### CASE 25

When an inside overlapped windward boat that is entitled to mark-room sails below her proper course while at the mark, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

#### CASE 59

When a boat comes abreast of a mark but is outside the zone, and when her change of course towards the mark results in a boat that is in the zone and that was previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give mark-room to that boat, whether or not her distance from the mark was caused by giving mark-room to other boats overlapped inside her.

#### CASE 63

At a mark, when room is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the room.

#### CASE 70

An inside overlapped windward boat that is entitled to and is receiving mark-room from the outside boat must keep clear of the outside boat.

#### CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### CASE 81

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

#### CASE 95

Rule 18.2(b) ceases to apply when either the boat entitled to mark-room or the boat required to give it turns past head to wind. When a right-of-way boat is compelled to touch a mark as a result of the other boat's failure to keep clear, she is exonerated from her breach of rule 31.

### **Rule 18.3, Mark-Room: Tacking When Approaching a Mark**

#### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).

#### CASE 95

Rule 18.2(b) ceases to apply when either the boat entitled to mark-room or the boat required to give it turns past head to wind. When a right-of-way boat is compelled to touch a mark as a result of the other boat's failure to keep clear, she is exonerated from her breach of rule 31.

### **Rule 18.4, Mark-Room: Gybing**

#### CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

### **Rule 18.5, Mark-Room: Exoneration**

#### CASE 12

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

#### CASE 63

At a mark, when room is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the room.

#### CASE 70

An inside overlapped windward boat that is entitled to and is receiving mark-room from the outside boat must keep clear of the outside boat.

### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).

### **Rule 19, Room to Pass an Obstruction**

#### CASE 3

A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.

#### CASE 11

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

#### CASE 23

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

#### CASE 29

A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.

#### CASE 30

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

### CASE 33

A boat that hails for room to tack before safety requires her to tack is entitled to receive room under rule 20.1(b), but by hailing at that time she breaks rule 20.3. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

### CASE 41

If an obstruction can be passed on either side by two overlapped boats, the right-of-way boat, if she chooses to pass it to leeward, must give room to the other. If the right-of-way boat chooses to pass it to windward, she is entitled to room to do so, and the other boat must keep clear. There is no obligation to hail for room at an obstruction.

### CASE 43

A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

### CASE 49

When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

## **Rule 20, Room to Tack at an Obstruction**

### CASE 3

A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.

### CASE 10

When two boats are involved in an incident and one of them breaks a rule, she shall be exonerated when a third boat that also broke a rule caused the incident.

#### CASE 11

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

#### CASE 33

A boat that hails for room to tack before safety requires her to tack is entitled to receive room under rule 20.1(b), but by hailing at that time she breaks rule 20.3. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

#### CASE 35

When a boat is hailed for room to tack at an obstruction and replies ‘You tack’, and the hailing boat is then able to tack and avoid the hailed boat, the hailed boat has complied with rule 20.1(b).

#### CASE 54

When a boat approaching an obstruction has hailed for room to tack, the protest committee should normally accept her judgment as to when safety required the hail. When the hailing boat observes no response to her hail, she should hail again more loudly. If after hailing she waits only a short time before tacking, she deprives the other boat of a choice of actions and risks contact with her. If a boat fails to keep a lookout she may fail to act reasonably to avoid contact.

#### CASE 101

When, in reply to her call for room to tack when close-hauled approaching an obstruction, a boat is hailed ‘You tack’, and when she does so and is then able to tack again to keep clear in a seamanlike way, the other boat has given the room required.

## **PART 3 – CONDUCT OF A RACE**

### **Rule 26, Starting Races**

#### **CASE 31**

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.

### **Rule 28.1, Sailing the Course**

#### **CASE 28**

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.

#### **CASE 90**

When a boat's string passes a mark on the required side, she does not break rule 28.1 if her string, when drawn taut, also passes that mark on the non-required side.

#### **CASE 106**

When a boat's 'string' lies on the required sides of finishing marks or gate marks, it is not relevant that the string representing her track, when drawn taut, also passes one of those marks on the non-required side.

#### **CASE 108**

When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after clearing and remaining clear of the mark and other boats, and when no question of advantage arises.

#### CASE 112

If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest when the error is made, or at the first reasonable opportunity after the first boat finishes, or at any time in-between.

#### **Rule 28.2, Sailing the Course**

#### CASE 58

If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, it is not a mark.

#### **Rule 29.1, Recalls: Individual Recall**

#### CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.

#### CASE 71

A hail is not the 'sound signal' required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

#### CASE 79

When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her OCS, this is an error that significantly worsens the boat's score through no fault of her own, and therefore entitles her to redress.



### **Rule 30.2, Starting Penalties: Z Flag Rule**

### **Rule 30.3, Starting Penalties: Black Flag Rule**

#### CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

#### CASE 96

When after a general recall a boat learns from seeing her sail number displayed that she has been disqualified by the race committee under rule 30.3 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. When a boat breaks the rule in the first sentence of rule 30.3, she is not entitled to redress because of a procedural error by the race committee that is unrelated to her breach.

#### CASE 111

If a boat is penalized under rule 30.2 or rule 30.3 after a starting sequence that results in a general recall, it is a proper action of the race committee to penalize her even if the race had been postponed before that starting sequence or if, during a later starting sequence, a postponement was signalled before the starting signal.

### **Rule 31, Touching a Mark**

#### CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

### **Rule 32.1, Shortening or Abandoning After the Start**

#### CASE 28

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.

#### CASE 37

Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

## **PART 4 – OTHER REQUIREMENTS WHEN RACING**

### **Rule 41, Outside Help**

#### CASE 100

When a boat asks for and receives tactical racing advice she receives outside help, even if she asks for and receives it on a public radio channel.

### **Rule 42, Propulsion**

#### CASE 8

While reaching at good speed, a boat does not break rule 42 when her helmsman, anticipating and taking advantage of waves generated by a passing vessel, makes helm movements timed to the passage of each wave. This is not sculling but using the natural action of the water on the hull.

#### CASE 69

Momentum of a boat after her preparatory signal that is the result of being propelled by her engine before the signal does not break rule 42.1.

### **Rule 43.1(a), Competitor Clothing and Equipment**

#### CASE 89

A competitor may not wear or otherwise attach to his person a beverage container.

### **Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty**

### **Rule 44.2, Penalties at the Time of an Incident: One-Turn and Two-Turns Penalties**

#### CASE 19

An interpretation of the term ‘damage’.

#### CASE 99

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

#### CASE 107

A boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

#### CASE 108

When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after clearing and remaining clear of the mark and other boats, and when no question of advantage arises.

### **Rule 46, Person in Charge**

#### CASE 40

Unless otherwise specifically stated in the class rules, notice of race or sailing instructions, the owner or other person in charge of a boat is free to decide who steers her in a race, provided that rule 46 is not broken.

### **Rule 48, Fog Signals and Lights**

#### CASE 109

The IRCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An IRCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

## **Rule 49, Crew Position**

### CASE 4

A competitor may hold a sheet outboard.

### CASE 36

Positioning of crew members relative to lifelines.

### CASE 83

Repeated sail trimming with a competitor's torso outside the lifelines is not permitted.

## **Rule 50.3, Setting and Sheetting Sails: Use of Outriggers**

### CASE 4

A competitor may hold a sheet outboard.

### CASE 97

A jockey pole attached to a spinnaker guy is not an outrigger.

# **PART 5 – PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS**

## **Section A – Protests; Redress; Rule 69 Action**

### **Rule 60, Right to Protest, Right to Request Redress or Rule 69 Action**

#### CASE 1

A boat that breaks a rule while racing but continues to race may protest over a later incident, even though after the race she is disqualified for her breach.

#### CASE 19

An interpretation of the term 'damage'.

#### CASE 39

Except when it receives a report of a breach of a class rule or of rule 43 from an equipment inspector or a measurer for an event, a race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitor.

#### CASE 57

The race committee is required to protest only as a result of a report received from an equipment inspector or a measurer appointed for an event. When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.

#### CASE 80

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term's definition, she may not be scored DNF for failing to sail the course correctly.

### **Rule 61.1, Protest Requirements: Informing the Protestee**

#### CASE 19

An interpretation of the term 'damage'.

#### CASE 72

Discussion of the word 'flag'.

#### CASE 85

If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

#### CASE 112

If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest when the error is made, or at the first reasonable opportunity after the first boat finishes, or at any time in-between.

## **Rule 61.2, Protest Requirements: Protest Contents**

### CASE 22

It is irrelevant for deciding on the validity of a protest that the protest committee thinks the rule cited in the protest as having been broken will very likely not be the applicable rule.

### CASE 80

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term's definition, she may not be scored DNF for failing to sail the course correctly.

## **Rule 62.1(a), Redress**

### CASE 37

Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

### CASE 44

A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper action or omission of the race committee made her score significantly worse.

### CASE 45

When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

### CASE 68

The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.

#### CASE 71

A hail is not the ‘sound signal’ required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

#### CASE 80

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term’s definition, she may not be scored DNF for failing to sail the course correctly.

#### CASE 82

When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, a boat may cross the line in either direction and her finish is to be recorded accordingly.

### **Rule 62.1(b), Redress**

#### CASE 19

An interpretation of the term ‘damage’.

#### CASE 110

A boat physically damaged from contact with a boat that was breaking a rule of Part 2 is eligible for redress only if the damage itself significantly worsened her score. Contact is not necessary for one boat to cause injury or physical damage to another. A worsening of a boat’s score caused by an avoiding manoeuvre is not, by itself, grounds for redress. ‘Injury’ refers to bodily injury to a person and, in rule 62.1(b), ‘damage’ is limited to physical damage to a boat or her equipment.

### **Rule 62.1(c), Redress**

#### CASE 20

When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

### **Rule 62.1(d), Redress**

#### CASE 34

Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.1.

### **Rule 62.2, Redress**

#### CASE 102

When a boat requests redress because of an incident she claims affected her score in a race, and thus in a series, the time limit for making the request is the time limit for the race, rather than a time limit based on the posting of the series results.

## **Section B – Hearings and Decisions**

### **Rule 63.1, Hearings: Requirement for a Hearing**

#### CASE 1

A boat that breaks a rule while racing but continues to race may protest over a later incident, even though after the race she is disqualified for her breach.

### **Rule 63.2, Hearings: Time and Place of the Hearing; Time for Parties to Prepare**

#### CASE 48

Part 5 of the racing rules aims to protect a boat from miscarriage of justice, not to provide loopholes for protestees. A protestee has a duty to protect herself by acting reasonably before a hearing.

### **Rule 63.3, Hearings: Right to be Present**

#### CASE 49

When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.



### **Rule 63.5, Hearings: Validity of the Protest or Request for Redress**

#### CASE 19

An interpretation of the term ‘damage’.

#### CASE 22

It is irrelevant for deciding on the validity of a protest that the protest committee thinks the rule cited in the protest as having been broken will very likely not be the applicable rule.

### **Rule 63.6, Hearings: Taking Evidence and Finding Facts**

#### CASE 104

Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

### **Rule 63.7, Hearings: Conflict between the Notice of Race and the Sailing Instructions**

#### CASE 98

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **Rule 64.1(a), Decisions: Penalties and Exoneration**

### CASE 22

It is irrelevant for deciding on the validity of a protest that the protest committee thinks the rule cited in the protest as having been broken will very likely not be the applicable rule.

### CASE 66

A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority qualified to resolve questions of measurement.

## **Rule 64.1(b), Decisions: Penalties and Exoneration**

### CASE 10

When two boats are involved in an incident and one of them breaks a rule, she shall be exonerated when a third boat that also broke a rule caused the incident.

### CASE 99

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

### CASE 107

A boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

## **Rule 64.1(c), Decisions: Penalties and Exoneration**

### CASE 3

A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.

### CASE 10

When two boats are involved in an incident and one of them breaks a rule, she shall be exonerated when a third boat that also broke a rule caused the incident.

### CASE 11

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

### CASE 28

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.

### CASE 30

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

### CASE 49

When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

#### CASE 51

A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.

#### CASE 76

When a boat changes course she may break rule 16, even if she is sailing her proper course.

#### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).

#### CASE 95

Rule 18.2(b) ceases to apply when either the boat entitled to mark-room or the boat required to give it turns past head to wind. When a right-of-way boat is compelled to touch a mark as a result of the other boat's failure to keep clear, she is exonerated from her breach of rule 31.

### **Rule 64.2, Decisions: Decisions on Redress**

#### CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.

#### CASE 45

When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

#### CASE 71

A hail is not the 'sound signal' required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

## **Rule 64.3(a), Decisions: Decisions on Measurement Protests**

### CASE 19

An interpretation of the term ‘damage’.

## **Section C – Gross Misconduct**

### **Rule 69.1, Allegations of Gross Misconduct: Action by a Protest Committee**

#### CASE 34

Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.1.

#### CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.

#### CASE 67

When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she may be penalized for gross misconduct.

## **Section D – Appeals**

### **Rule 70.1, Appeals and Requests to a National Authority**

#### CASE 55

A boat cannot protest the race committee or the protest committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat has no right of appeal from a redress decision when she was not a party to the hearing. When she believes that her score has been made significantly worse by the arrangement reached in that decision she must herself request redress. She may then appeal the decision of that hearing.

#### CASE 104

Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

#### **Rule 71.4, National Authority Decisions**

#### CASE 61

When the decision of a protest committee is changed or reversed upon appeal, the final standings and the awards must be adjusted accordingly.

### **PART 6 – ENTRY AND QUALIFICATION**

#### **Rule 78.3, Compliance with Class Rules; Certificates**

#### CASE 57

The race committee is required to protest only as a result of a report received from an equipment inspector or a measurer appointed for an event. When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.

### **PART 7 – RACE ORGANIZATION**

#### **Rule 85, Governing Rules**

#### CASE 44

A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper action or omission of the race committee made her score significantly worse.

#### CASE 66

A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority qualified to resolve questions of measurement.

#### CASE 98

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

#### **Rule 86.1(c), Changes to the Racing Rules**

#### CASE 85

If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

#### **Rule 87, Changes to Class Rules**

#### CASE 98

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **Rule 88.2, National Prescriptions**

### CASE 98

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **Rule 90.2(c), Race Committee; Sailing Instructions; Scoring: Sailing Instructions**

### CASE 32

A competitor is entitled to look exclusively to written sailing instructions and to any written amendments for all details relating to sailing the course.

## **APPENDIX A – SCORING**

## **Rule A2, Series Scores**

### CASE 78

A boat may position herself in a tactically controlling position over another boat and then slow that boat's progress so that other boats pass both of them, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactic benefiting her series result. However, she breaks rule 2 if she intentionally breaks another rule to increase the likelihood of the tactic succeeding.



## **Rule A5, Scores Determined by the Race Committee**

### **CASE 28**

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.

### **CASE 80**

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term's definition, she may not be scored DNF for failing to sail the course correctly.

## **APPENDIX F – APPEALS PROCEDURES**

### **Rule F5, Inadequate Facts; Reopening**

#### **CASE 104**

Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

# **APPENDIX J – NOTICE OF RACE AND SAILING INSTRUCTIONS**

## **Rule J1.2, Notice of Race Contents**

## **Rule J2.2, Sailing Instruction Contents**

### **CASE 98**

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **DEFINITIONS**

### **Definitions, Clear Astern and Clear Ahead; Overlap**

#### **CASE 12**

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

#### **CASE 23**

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

#### **CASE 33**

A boat that hails for room to tack before safety requires her to tack is entitled to receive room under rule 20.1(b), but by hailing at that time she breaks rule 20.3. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

#### CASE 43

A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

#### CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

### **Definitions, Finish**

#### CASE 45

When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

#### CASE 58

If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, it is not a mark.

#### CASE 82

When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, a boat may cross the line in either direction and her finish is to be recorded accordingly.

#### CASE 112

If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest when the error is made, or at the first reasonable opportunity after the first boat finishes, or at any time in-between.

## **Definitions, Keep Clear**

### **CASE 30**

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

### **CASE 50**

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

### **CASE 60**

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

### **CASE 77**

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

### **CASE 87**

A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

### **CASE 88**

A boat may avoid contact and yet fail to keep clear.

### **CASE 91**

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.

## **Definitions, Mark**

### CASE 58

If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, it is not a mark.

## **Definitions, Mark-Room**

### CASE 15

In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

### CASE 21

The amount of space that a right-of-way boat obligated to give mark-room to an inside overlapped boat must give at the mark depends on the inside boat's proper course in the existing conditions.

### CASE 63

At a mark, when room is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the room.

### CASE 70

An inside overlapped windward boat that is entitled to and is receiving mark-room from the outside boat must keep clear of the outside boat.

## **Definitions, Obstruction**

### CASE 10

When two boats are involved in an incident and one of them breaks a rule, she shall be exonerated when a third boat that also broke a rule caused the incident.

### CASE 23

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

#### CASE 29

A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.

#### CASE 41

If an obstruction can be passed on either side by two overlapped boats, the right-of-way boat, if she chooses to pass it to leeward, must give room to the other. If the right-of-way boat chooses to pass it to windward, she is entitled to room to do so, and the other boat must keep clear. There is no obligation to hail for room at an obstruction.

### **Definitions, Party**

#### CASE 55

A boat cannot protest the race committee or the protest committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat has no right of appeal from a redress decision when she was not a party to the hearing. When she believes that her score has been made significantly worse by the arrangement reached in that decision she must herself request redress. She may then appeal the decision of that hearing.

### **Definitions, Proper Course**

#### CASE 9

When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

#### CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

#### CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.

#### CASE 21

The amount of space that a right-of-way boat obligated to give mark-room to an inside overlapped boat must give at the mark depends on the inside boat's proper course in the existing conditions.

#### CASE 46

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

### **Definitions, Racing**

#### CASE 68

The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.

### **Definitions, Room**

#### CASE 21

The amount of space that a right-of-way boat obligated to give mark-room to an inside overlapped boat must give at the mark depends on the inside boat's proper course in the existing conditions.

#### CASE 60

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.

#### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).

### CASE 103

The phrase ‘seamanlike way’ in the definition Room refers to boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat.

### **Definitions, Rule**

### CASE 85

If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

### CASE 98

The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **RACE SIGNALS**

### **Race Signals, X**

### CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.



## **INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA**

### **CASE 38**

The International Regulations for Preventing Collisions at Sea (IRPCAS) are intended to ensure the safety of vessels at sea by precluding situations that might lead to collisions. When the IRPCAS right-of-way rules replace the rules of Part 2, they effectively prohibit a right-of-way boat from changing course towards the boat obligated to keep clear when she is close to that boat.

### **CASE 109**

The IRPCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An IRPCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

## SECTION 2 CASES

### CASE 1

#### **Rule 60.1, Right to Protest; Right to Request Redress or Rule 69 Action**

#### **Rule 63.1, Hearings: Requirement for a Hearing**

*A boat that breaks a rule while racing but continues to race may protest over a later incident, even though after the race she is disqualified for her breach.*

#### **Assumed Facts**

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.

#### **Question**

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.

RYA 1962/25

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## CASE 2

**Rule 12, On the Same Tack, Not Overlapped**

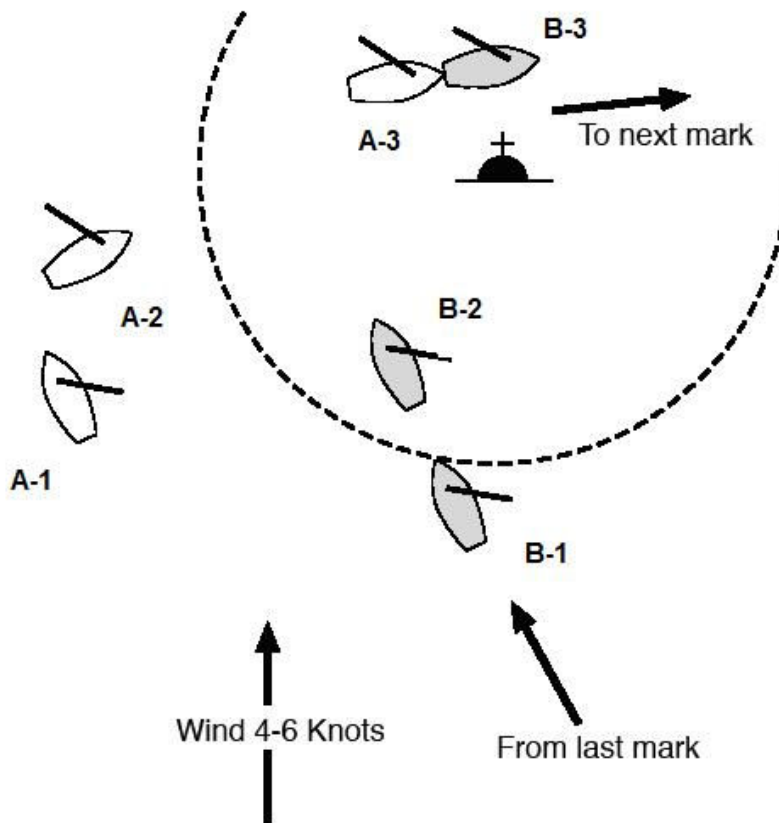
**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 18.2(a), Mark-Room: Giving Mark-Room**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

*Rule 18.2(b) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the zone does so. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.*



### Summary of the Facts

A and B were both on port tack, reaching to a mark to be left to starboard. The wind was light. At position 1, when A came abreast of the mark she was clear ahead of B but four-and-a-half hull lengths from the mark. B, who had just reached the zone, was three lengths from the mark. Between

positions 1 and 2 A gybed and headed to the mark, becoming overlapped outside B. Between positions 2 and 3, after B had gybed and turned towards the next mark, she became clear ahead of A. When B first became clear ahead of A there was about one-half of a hull length of open water between the boats. A few seconds after B became clear ahead, A, who was moving faster, struck B on the transom. There was no damage or injury. A protested B under rule 18.2(b). B protested A under rule 12. A was disqualified and she appealed.

### **Decision**

A apparently believed that the second sentence of rule 18.2(b) applied when the two boats were at position 1 and that B, then being clear astern, was obliged to give A mark-room. As that sentence states, it applies only if a boat was clear ahead when she reached the zone. At position 1, B had reached the zone, but A was well outside it. Moreover, the first sentence of rule 18.2(b) never applied because the boats were not overlapped when B, the first of them to reach the zone, did so. However, while the boats were overlapped, rule 18.2(a) did apply, and it required A to give mark-room to B. During that time B had to keep clear of A, first under rule 10 and later (after she gybed) under rule 11.

After B gybed she pulled clear ahead of A. At that moment rules 18.2(a) and 11 ceased to apply and rules 12 and 15 began to apply. Rule 15 required B initially to give A room to keep clear, and B did so because it would have been easy for A to keep clear by promptly bearing off slightly to avoid A's transom after A became clear ahead. When A hit B's transom, she obviously was not keeping clear of B, and so it was proper to disqualify A for breaking rule 12. A also broke rule 14 because it was possible for her to bear off slightly and avoid the contact with B.

After it became clear that A was not going to keep clear of B, it was probably not possible for B to avoid the contact. However, even if B could have avoided the contact, she could not have been penalized under rule 14 because she was the right-of-way boat and the contact did not cause damage or injury.

The appeal is dismissed, the protest committee's decision is upheld, and A remains disqualified for breaking rules 12 and 14.

## CASE 3

### Rule 19.2(a), Room to Pass an Obstruction: Giving Room at an Obstruction

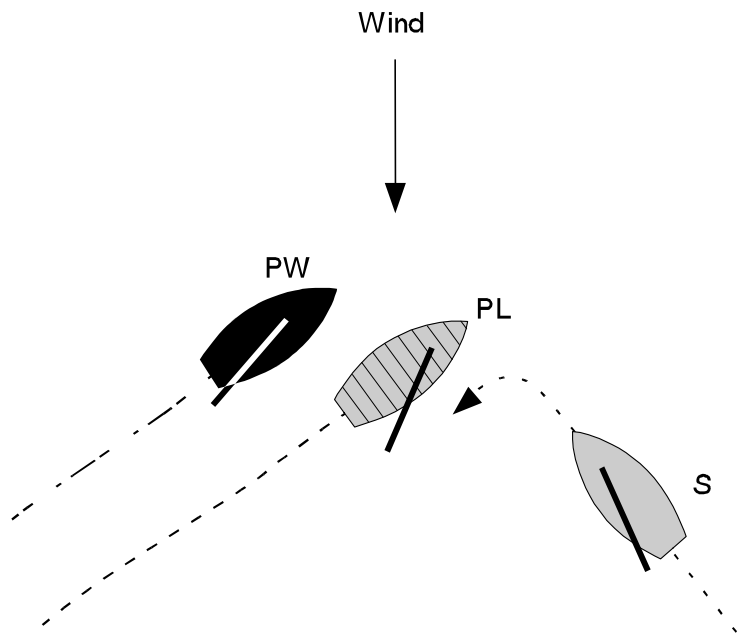
### Rule 20.1, Room to Tack at an Obstruction: Hailing and Responding

### Rule 64.1(c), Decisions: Penalties and Exoneration

*A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room.*

### Summary of the Facts

S hailed PL as the two dinghies approached each other on collision courses. PL then twice hailed 'Room to tack', but PW did not respond. PL, now unable to keep clear of S, hailed a third time, and PW then began to tack. At that moment, S, which was then within three feet (1 m) of PL, had to bear away sharply to avoid a collision. PW retired and S protested PL under rule 10. The protest committee disqualified PL observing that, not having had a timely response from PW, she should have used her right to luff and forced PW to tack.



PL appealed, claiming that:

- (1) she had no right to force PW onto the opposite tack;
- (2) even with both of them head to wind, S would still have had to change course to avoid a collision; and
- (3) she had foreseen the development and had hailed PW in ample time.

## **Decision**

PL's appeal is upheld. PL is to be reinstated. Because S was an obstruction to PL and PW, PL was entitled to choose between tacking and bearing away (see rule 19.2(a)). Having decided to tack and having hailed for room to do so three times, PL was entitled by rule 20.1 to expect that PW would respond and give her room to tack. She was not obliged to anticipate PW's failure to comply with rule 20.1. PL broke rule 10, but she is exonerated as the innocent victim of another boat's breach of a rule, under the provisions of rule 64.1(c).

RYA 1962/37

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## **CASE 4**

### **Rule 49, Crew Position**

### **Rule 50.3(a), Setting and Sheeting Sails: Use of Outriggers**

*A competitor may hold a sheet outboard.*

### **Question**

Is it permissible for a competitor to hold the sheet of a headsail or spinnaker outboard?

### **Answer**

Rule 50.3(a) prohibits the use of an outrigger and defines it to be a fitting or other device. A competitor is neither a fitting nor a device. It is therefore permissible for a competitor to hold a sheet outboard, provided that rule 49 is complied with.

RYA 1962/41

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## CASE 5

### Withdrawn for Revision during 2009

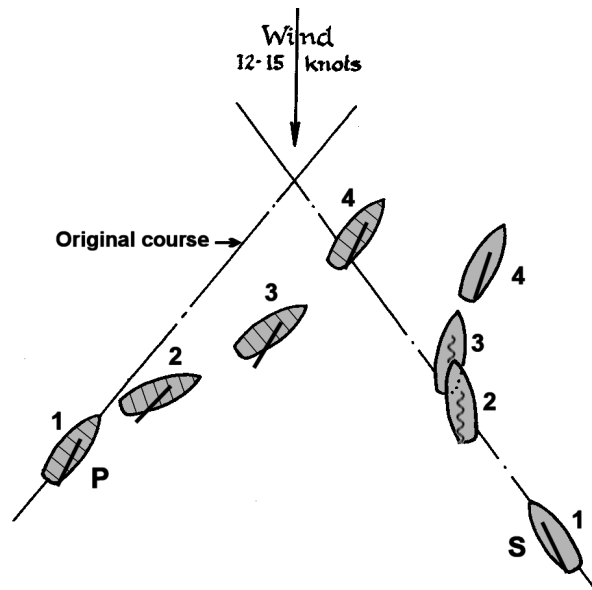
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## CASE 6

### Rule 16.1, Changing Course

### Rule 16.2, Changing Course

*A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.*



### Summary of the Facts

Between positions 1 and 2 P bore away to pass astern of S. A moment later S chose to tack. After sailing free for about a hull length, P resumed her close-hauled course, having lost about a hull length to windward, and passed S a hull length to windward of her. After S tacked, P's luff to close-hauled was not caused by a need to keep clear of S. P protested S under rule 16.1. P claimed that, when S tacked after P had borne away to pass astern of S, S failed to give P room to keep clear. The protest committee disqualified S under rule 16.1. S appealed.

## **Decision**

S's appeal is upheld. She is to be reinstated. S was subject to rule 16 only while luffing from a close-hauled starboard-tack course to head to wind. During that time P had room to keep clear, and so S did not break rule 16.1. S did not break rule 16.2 because P was able to continue to sail her course 'for about a hull length' which demonstrated that S's luff did not require P to change course immediately to continue keeping clear. After S turned past head to wind, P became the right-of-way boat under rule 13, and rules 16.1 and 16.2 no longer applied. S kept clear of P as required by rule 13. No rule was broken by S.

USSA 1963/93

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## **CASE 7**

**Rule 11, On the Same Tack, Overlapped**

**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 16.1, Changing Course**

**Rule 17, On the Same Tack; Proper Course**

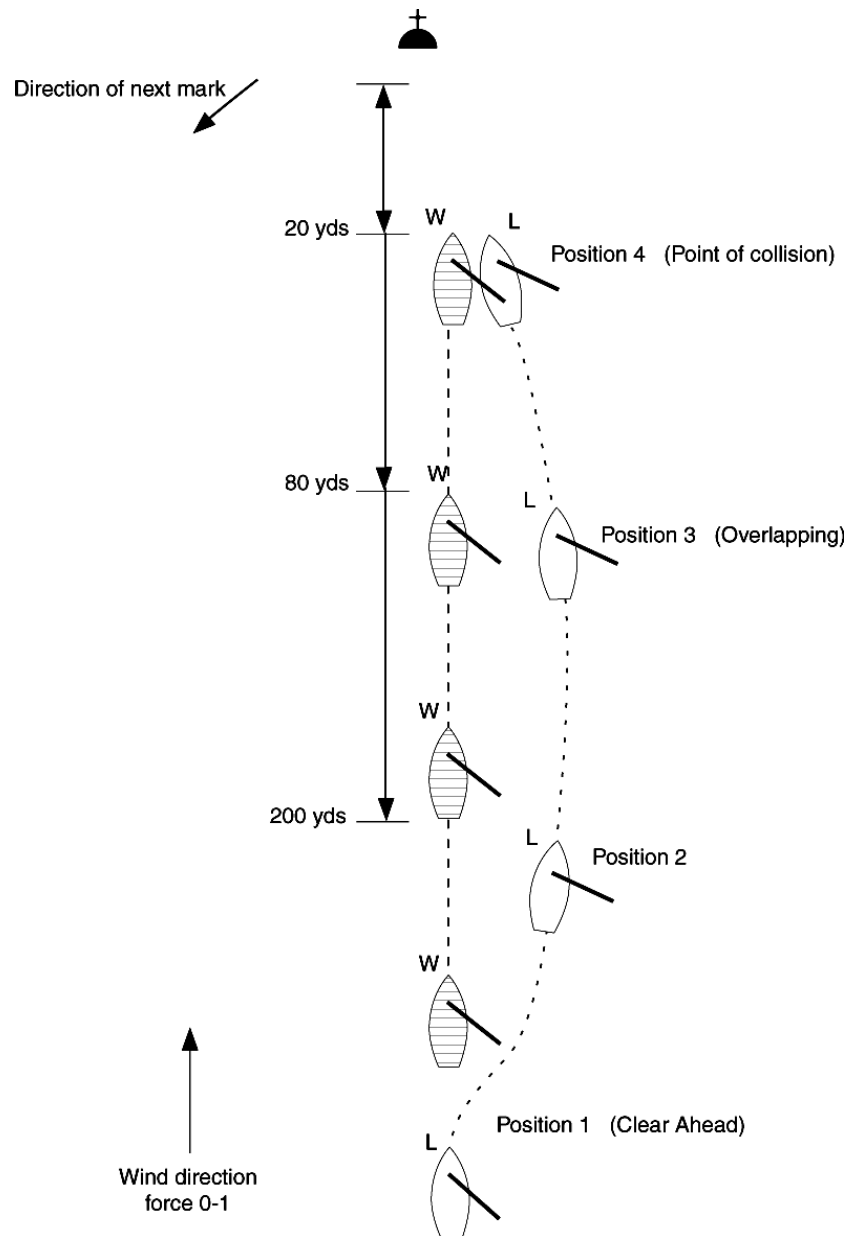
*When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course.*

### **Summary of the Facts**

About 200 yards (200 m) from the mark, L became overlapped to leeward of W from clear astern. L was less than two of her hull lengths from W. The two boats then sailed alongside each other, about one-and-a-half hull lengths apart, until they were 80 yards (80 m) from the mark. At this point, L luffed slightly to sail directly to the mark, a luff that did not affect W. W maintained a steady course. L never became clear ahead. W's boom touched L's shroud, although without damage or injury, and L protested under rule 11. L's protest was dismissed, and she was disqualified on the



grounds that she had not allowed W enough room to fulfil her obligation to keep clear as required by rule 15. L appealed.



## Decision

L's appeal is upheld. When L became overlapped to leeward of W, W became bound by rule 11 to keep clear of L. At the same time, L was bound by rule 15 to allow W room to keep clear, but that obligation is not a continuing one, and in this case the overlap had been in existence for a considerable period during which W certainly had room to keep clear.

Rule 17 applied to L because, as the diagram shows, she had been clear astern before the boats became overlapped and was within two of her hull lengths of W when the overlap began. L was justified in changing course to sail directly to the mark, provided that she did not sail above her proper course; it is L's proper course that is the criterion for deciding whether she broke rule 17. According to the agreed diagram, L at no time sailed above her proper course. Just after position 3 L luffed slightly. Clearly there was room for W to keep clear, and so L did not break rule 16.1. L broke rule 14 because she could have avoided contact with W, but she cannot be penalized because there was no damage or injury. W is disqualified under rule 11, and L is reinstated.

RYA 1963/10

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## CASE 8

### **Rule 42.1, Propulsion: Basic Rule**

### **Rule 42.2(d), Propulsion: Prohibited Actions**

*While reaching at good speed, a boat does not break rule 42 when her helmsman, anticipating and taking advantage of waves generated by a passing vessel, makes helm movements timed to the passage of each wave. This is not sculling but using the natural action of the water on the hull.*

### **Summary of the Facts**

Two small dinghies, A and B, were reaching at about hull speed in an 8-knot wind. A large power cruiser passed by rapidly on a parallel course to leeward, creating several large waves. As each wave reached A's quarter, her helmsman moved his tiller across the centreline in a series of course changes rhythmically timed to the passage of the waves under his boat. This was done only during the encounter with the waves generated by the cruiser. B protested A under rule 42.2(d) for sculling. The protest committee disqualified A and she appealed.

## Decision

A's appeal is upheld. She is to be reinstated.

The action, while repeated, was not forceful. Any gain in speed did not result directly from the tiller movement, but from positioning the boat to take advantage of wave action, which is consistent with rule 42.1. To do so, a helmsman may move his tiller as he thinks best, provided that his movements do not break rule 42.2(d).

USSA 1962/91

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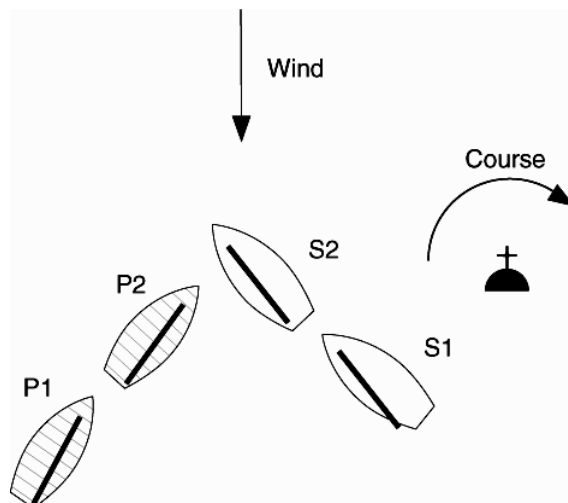
## CASE 9

### Rule 10, On Opposite Tacks

### Rule 18.1(b), Mark-Room: When Rule 18 Applies

### Definitions, Proper Course

*When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.*



## Question

Two close-hauled boats on opposite tacks meet at a windward mark to be left to starboard. S has adequate room to tack and round the mark with due allowance for wind and current but instead of tacking, S holds her course with the intention of forcing P to tack to keep clear. Can P disregard rule 10 if she considers S to be sailing beyond her proper course and to have sufficient room to round the mark?

## **Answer**

No; rule 10 applies. Rule 18.1(b) states that the boats are not subject to rule 18 because they are on opposite tacks and the proper course for one of them (S), but not both, is to tack. Therefore, when S chooses to hold her course, P must keep clear. While in certain circumstances boats are prohibited from sailing above a proper course there is no rule that requires a boat to sail her proper course.

RYA 1964/2

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## **CASE 10**

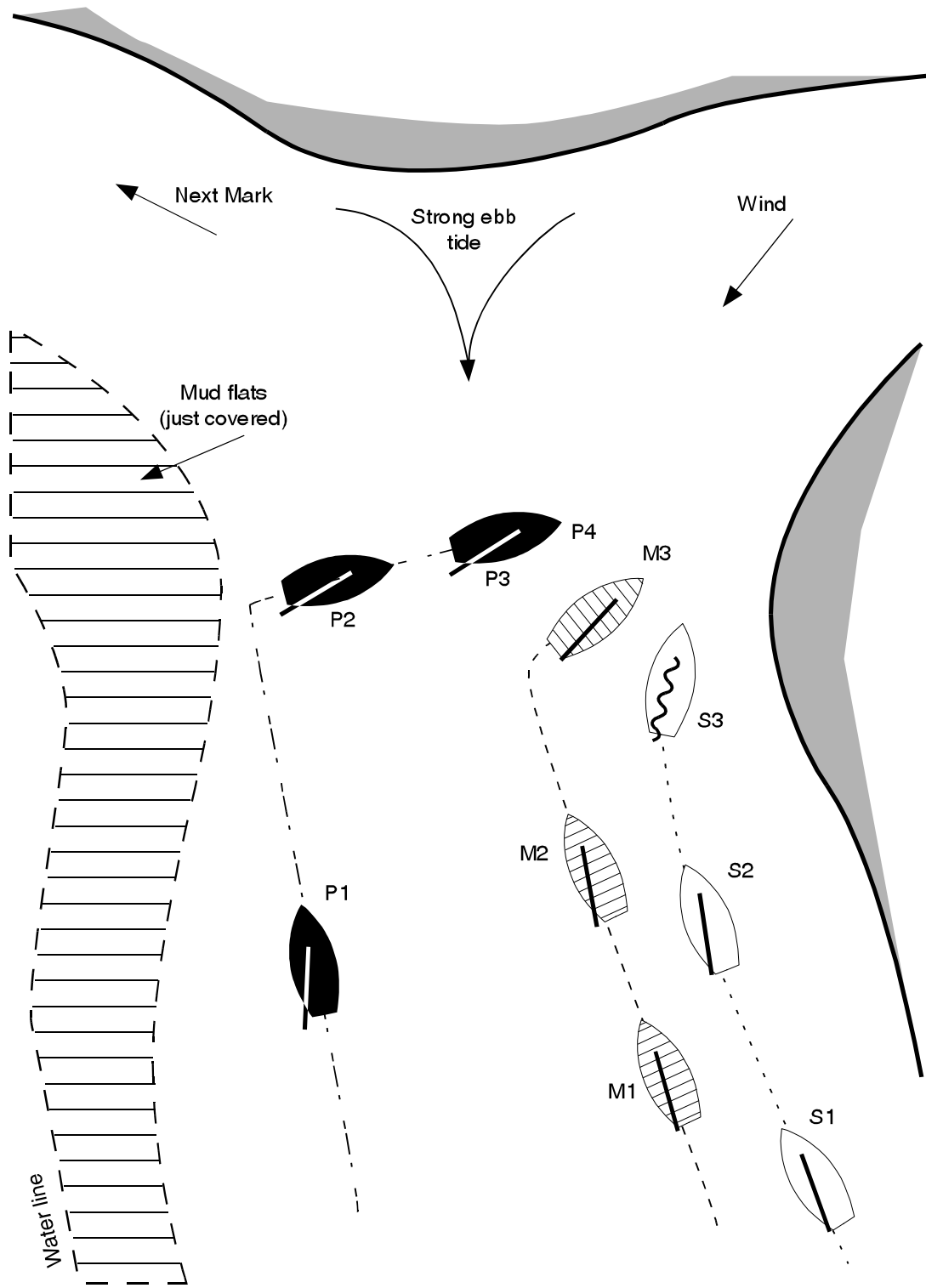
**Rule 20.1, Room to Tack at an Obstruction: Hailing and Responding**  
**Rule 64.1(b), Decisions: Penalties and Exoneration**  
**Rule 64.1(c), Decisions: Penalties and Exoneration**  
**Definitions, Obstruction**

*When two boats are involved in an incident and one of them breaks a rule, she shall be exonerated when a third boat that also broke a rule caused the incident.*

### **Summary of the Facts**

As P approached the mud flats, she tacked onto port. M, on starboard tack, immediately hailed and then hailed again when one hull length away, since it was apparent that P was trying to cross ahead and a collision would be inevitable. When there was no response to her hails, M tacked, hailing S as she was going about. S tried to respond but there was contact. P retired promptly after the incident because her crew believed she had gained an advantage over M and S who had lost considerable time as a result of the contact between them. S protested M under rule 10. The protest committee, commenting that M had sufficient time to take avoiding action to keep clear of both P and S, disqualified M under rule 14.

M appealed, asserting that the protest committee erred in suggesting that she, a right-of-way boat, was obliged to keep clear of P. Furthermore, after her second hail, had she borne away and then P finally responded by tacking, contact would have been likely. M also alleged that S had not given M room to tack as required by rule 20.1.



## **Decision**

P broke rule 10. When she retired promptly after the incident, she took the applicable penalty and is not to be penalized (see rule 64.1(b)).

S was subject to rule 14, but did not break it as it was not possible for her to avoid contact. Rule 20.1 did not apply between M and S because, according to the definition Obstruction, P was not an obstruction since M and S were not required to keep clear of P or give P room.

M, in the circumstances, took proper action to mitigate the effects of P's error of judgment. Both M and S were the innocent victims of P's breach of rule 10. M broke rule 13, but is exonerated under rule 64.1(c). M's appeal is upheld. M is to be reinstated.

RYA 1964/8

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## **CASE 11**

### **Rule 14, Avoiding Contact**

### **Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

### **Rule 20.1, Room to Tack at an Obstruction: Hailing and Responding**

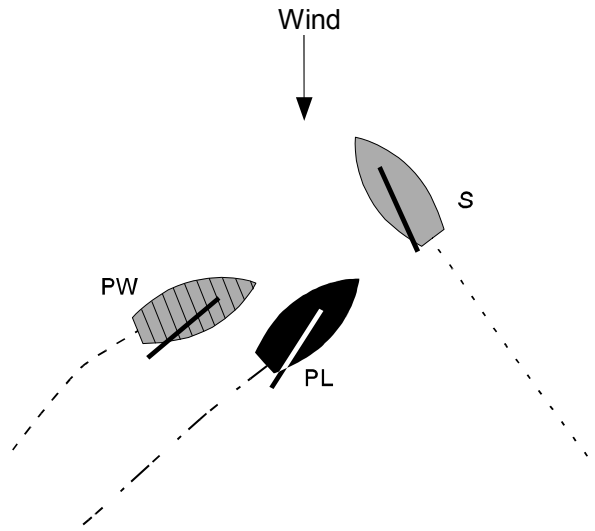
### **Rule 20.3, Room to Tack at an Obstruction: When Not to Hail**

### **Rule 64.1(c), Decisions: Penalties and Exoneration**

*When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.*

### **Summary of the Facts**

PW and PL, close-hauled on port tack and overlapped, approached S on the windward leg. PL could pass safely astern of S. PW, on a collision course with S, hailed PL for room to pass astern of S when PW and PL were about three hull lengths from S. PL ignored the hail and maintained her course. When PW bore away to avoid S, she and PL had slight beam-to-beam contact. PW protested under rule 19.2(b).



The protest committee held that rule 19.2(b) did not apply, stating that PW could easily have tacked into the open water to windward to keep clear, and should have done so. PW was disqualified under rule 20.1 and appealed.

### **Decision**

S was an obstruction that PW and PL were about to pass on the same side. Therefore, rule 19 applied. Under rule 19.2(b) PW was entitled to room to pass between PL and the stern of S. PL did not give PW that room, so PL broke rule 19.2(b). PL was subject to rule 14, but since she held right of way over PW and there was no damage or injury, she cannot be penalized for breaking that rule.

PW could not have known that PL was not going to give sufficient room until she was committed to pass between S and PL. PW broke rule 11, but she was compelled to do so by PL's failure to give room as required by rule 19.2(b). Therefore, as required by rule 64.1(c), PW is exonerated from breaking rule 11. Also, when it became clear that PL was not giving room, it was not reasonably possible for PW to avoid the contact that occurred, so PW did not break rule 14.

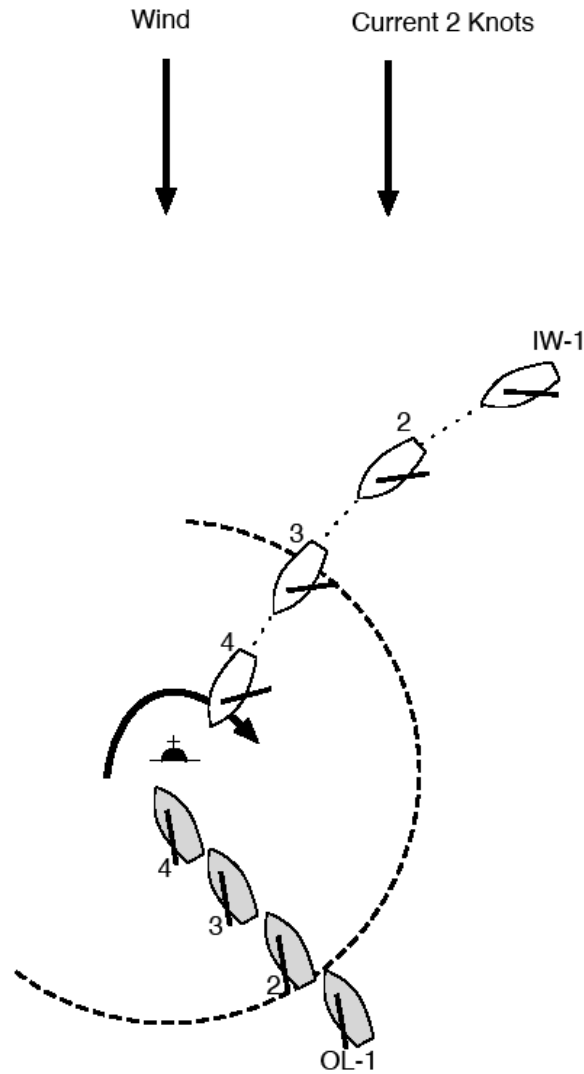
PW was not required to "tack into open water to windward to keep clear" because PL did not hail under rule 20.1 for room to tack and avoid S. Rule 20.3 prohibited PL from doing so because she did not have to make any change of course to avoid S.

PW's appeal is upheld. The decision of the protest committee disqualifying PW is reversed. PW is reinstated, and PL is disqualified.

## CASE 12

**Rule 11, On the Same Tack, Overlapped**  
**Rule 18.1, Mark-Room: When Rule 18 Applies**  
**Rule 18.2(b), Mark-Room: Giving Mark-Room**  
**Rule 18.5(b), Mark-Room: Exoneration**  
**Definitions, Clear Astern and Clear Ahead; Overlap**

*In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.*





## Summary of the Facts

OL and IW were approaching a mark to be left to starboard. The wind was light and there was a 2-knot current in the same direction as the wind. IW, which had sailed high on the course to the mark to offset the effect of the current, approached it with the current, almost on a run. OL, on the other hand, had been set to leeward and, at position 1, about three hull lengths from the mark, was sailing close-hauled slowly against the current. IW twice hailed for water, and OL twice replied 'You can't come in here.' At the last moment, shortly after position 4 in the diagram, as IW luffed to begin her passing manoeuvre OL tried to give her room but the two dinghies made contact. There was no damage or injury.

OL protested under rule 11 but was herself disqualified under rule 18.2(b). She appealed, asserting that it was illogical and beyond the intention of the definition Overlap and of rule 18 to consider as overlapped two boats whose headings differed by 90 degrees. She also asserted that the purpose of rule 18 was to protect a boat in danger of hitting the mark that was unable to go astern of the outside boat. She further argued that throughout IW's approach to the mark until she finally luffed, she was easily able to pass astern of OL, and that IW was not an 'inside' boat until a moment before contact.

## Decision

OL's appeal is dismissed and her disqualification is confirmed.

The boats were required to leave the mark on the same side and were on the same tack, and so rule 18 applied after position 1 when OL reached the zone. The boats were overlapped from that time until contact occurred, and therefore the first sentence of rule 18.2(b) applied, limiting OL's rights under rule 11 by requiring her to give IW mark-room. OL did not give IW mark-room, and so is disqualified under rule 18.2(b). It should be noted that OL also broke rule 14, as she could have avoided contact, but, because OL was the right-of-way boat and the contact caused neither damage nor injury, she could not have been penalized had rule 14 been the only rule she broke.

As a result of OL's failing to give IW mark-room to which IW was entitled, IW broke rule 11 while trying to take that mark-room, and therefore is exonerated under rule 18.5(b). IW also broke rule 14, as she too could have avoided contact, but is not to be penalized, because she was a boat entitled to mark-room and the contact caused neither damage nor injury.

## CASE 13

**Rule 11, On the Same Tack, Overlapped**

**Rule 14, Avoiding Contact**

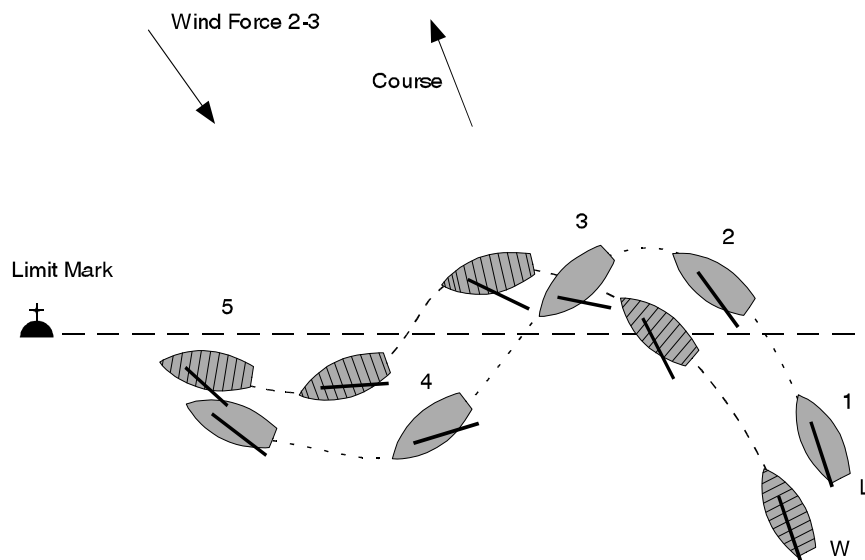
**Rule 15, Acquiring Right of Way**

**Rule 16.1, Changing Course**

**Rule 17, On the Same Tack; Proper Course**

**Definitions, Proper Course**

*Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.*



### Summary of the Facts

As the two 14-foot dinghies manoeuvred before the starting signal, they crossed the starting line. While bearing away to return to the pre-start side, L, initially the windward boat, assumed a leeward position by sailing under W's stern. Immediately after position 4, L luffed to close-hauled and sailed straight for the port end of the line. W meanwhile, with sheets eased, sailed along the line more slowly. At position 5, there was contact, W's boom touching L's windward shroud. L protested W under rule 11; W counter-protested under rules 12 and 15.

The protest committee found that L had right of way under rule 11 from the time she assumed a steady course until contact. W had room to keep clear, although she would have had to cross the starting line prematurely to do so. Therefore, it dismissed W's protest and upheld the protest by L. W appealed, this time citing rule 16.1.

## **Decision**

W's appeal is dismissed. Between positions 2 and 3 L became overlapped to leeward of W, acquiring right of way under rule 11 but limited by rule 15's requirement to initially give room to W to keep clear. L met that requirement because L gave W room to keep clear. Just after position 4, when L luffed to a close-hauled course, she was required by rule 16.1 to give W room to keep clear, and she did so. L had been clear astern of W and was within two of her hull lengths of W when she became overlapped to leeward of W. Therefore, she was required by rule 17 to sail no higher than her proper course. However, she had no proper course before the starting signal (see the definition Proper Course) and the starting signal was not made until after the incident. Therefore, L's luff did not break rule 17 and she was in fact entitled to luff higher than she did, even as high as head to wind, as long as while so doing she complied with rule 16.1.

After L became overlapped to leeward of W, W was required by rule 11 to keep clear of L. She did not do so and accordingly her disqualification under rule 11 is upheld. In addition, W broke rule 14 because she could have avoided the contact with L.

L also broke rule 14 because it would have been easy for her to bear off slightly and avoid the contact. However, she is not penalized because there was no damage or injury.

RYA 1965/10

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## **CASE 14**

**Rule 11, On the Same Tack, Overlapped**

**Rule 14, Avoiding Contact**

**Rule 16.1, Changing Course**

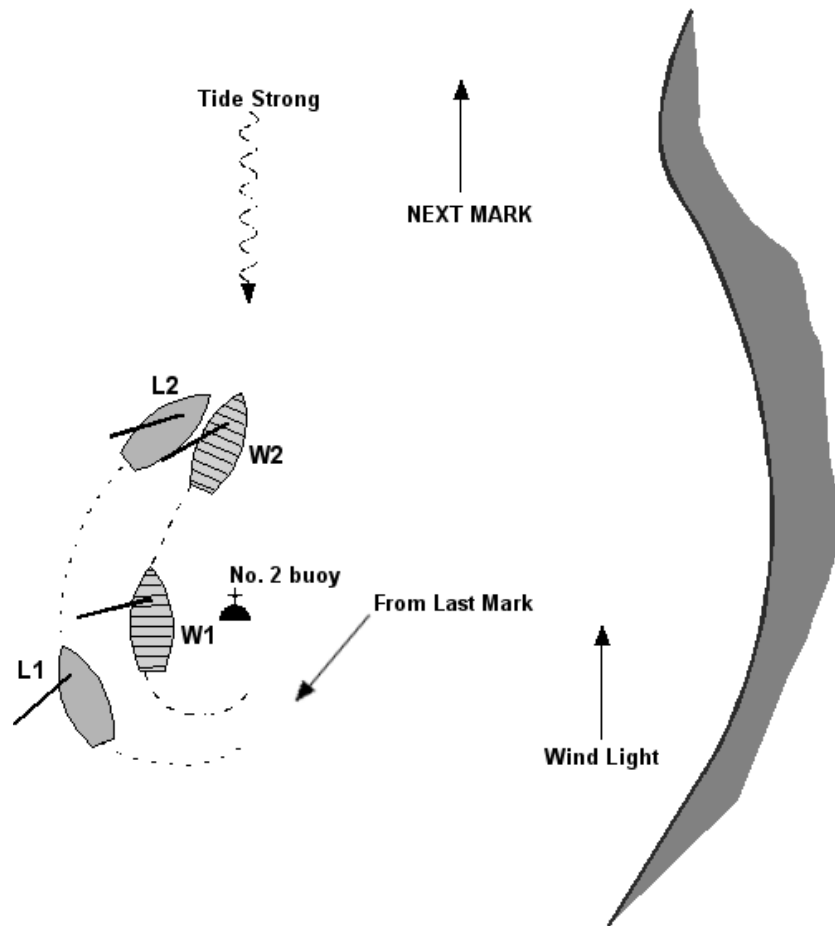
**Rule 17, On the Same Tack; Proper Course**

**Definitions, Proper Course**

*When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. Two boats on the same leg sailing near one another may have different proper courses.*

## Summary of the Facts

After rounding the windward mark in light wind the fleet divided, some boats sailing towards shore to get out of the tide and others remaining offshore in hopes of a better wind. L had established an overlap to leeward of W from clear astern and they rounded the mark overlapped. W chose to remain offshore, while L began to luff slowly and informed W of her intention to go inshore. W replied 'You have no right to luff.' L replied that she was sailing her proper course and W was required to keep clear. The discussion took some time. L continued to gradually change course, and at no time did W state that she was unable to keep clear. The boats touched and both protested. The protest committee disqualified L under rule 17 for sailing above her proper course, and she appealed.



## Decision

When, owing to a difference of opinion on the proper course to be sailed, two boats on the same tack converge, W is bound by rule 11 to keep clear and by rule 14 to avoid contact.

This case illustrates the fact that two boats on the same leg sailing very near to one another can have different proper courses. Which of two different courses is the faster one to the next mark can not be determined in advance and is not necessarily proven by one boat or the other reaching the next mark ahead.

The basis for W's protest was that L sailed above her proper course while subject to rule 17. L's defence and counter-protest were that she had decided that the inshore course out of the tide would result in her finishing sooner and that, therefore, the course she was sailing was her proper course. In addition, L argued that W had broken rules 11 and 14.

The facts found do not show that L sailed above her proper course; therefore she did not break rule 17. When L luffed slowly between positions 1 and 2, W had room to keep clear, so L did not break rule 16.1. L could have avoided contact with W. By not doing so, she broke rule 14, but is not penalized because the contact caused no damage or injury.

By failing to keep clear of L, W broke rule 11. W could have avoided the contact, and by not doing so she too broke rule 14, but is not exempt from penalization.

L's appeal is upheld. L is reinstated, and W is disqualified for breaking rules 11 and 14.

RYA 1966/3

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## CASE 15

**Rule 12, On the Same Tack, Not Overlapped**

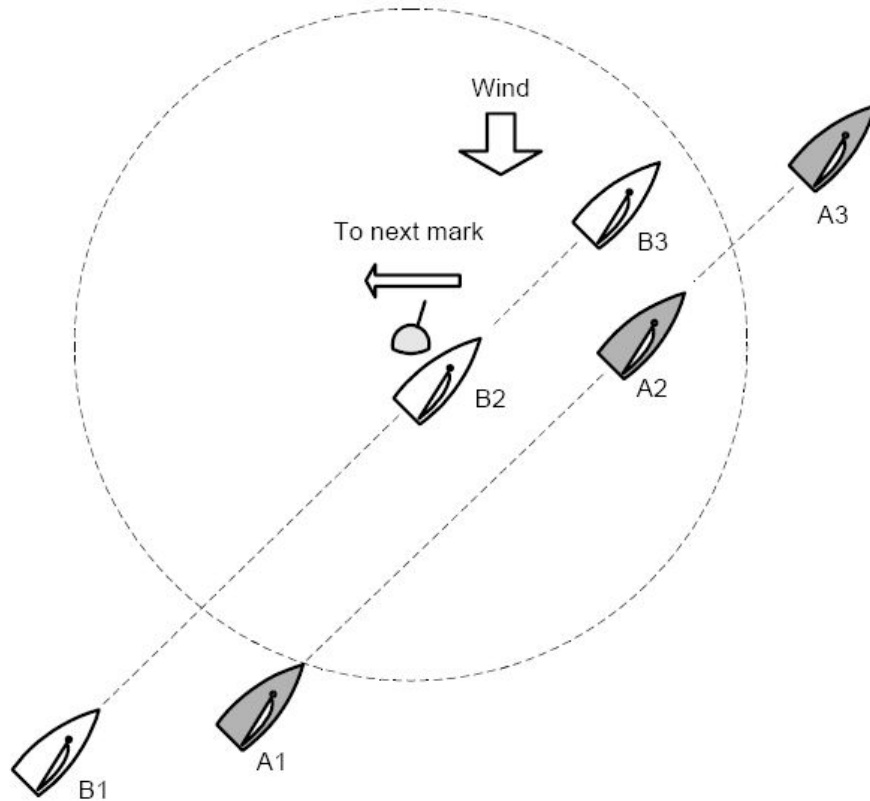
**Rule 13, While Tacking**

**Rule 18.1(b), Mark-Room: When Rule 18 Applies**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 18.2(c), Mark-Room: Giving Mark-Room  
Definitions, Mark-Room**

*In tacking to round a mark, a boat clear ahead must comply with rule 13; a boat clear astern is entitled to hold her course and thereby prevent the other from tacking.*



### Assumed Facts

A and B are approaching the windward mark which they are required to leave to port. They are close-hauled on parallel courses with A clear ahead. A expects B, when she can tack and fetch the mark, to tack to round it and head for the next mark. Instead, B holds her course as shown in the diagram and sails on well past the mark.

### Question

Has B the right to hold her course in this way and, thereby, prevent A from tacking?

### Answer

Yes. While A remains on port tack, B is required to keep clear by rule 12 and, as A was clear ahead when she reached the zone, B is required by rule 18.2(b) to give A mark-room as well. Provided B keeps clear of A and gives A mark-room if A luffs (even if A luffs as high as head to wind), B is entitled to sail any course she chooses, including holding her course. However, B is no longer required to give A mark-room after A leaves the zone (see rule 18.2(c)).

If A were to pass head to wind, then at that moment all parts of rule 18 would cease to apply because the boats would be on opposite tacks (see rule 18.1(b)). In addition, A would no longer have right of way under rule 12, and B would become the right-of-way boat under rule 13.

RYA 1966/8

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## **CASE 16**

### **Deleted**

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## **CASE 17**

### **Rule 13, While Tacking**

*A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.*

### **Question**

Rule 13 applies until the tacking boat ‘is on a close-hauled course.’ However, the rule does not say whether the boat must be moving when she assumes a close-hauled course. Is it intended that, at the moment rule 13 ceases to apply, the boat must actually be moving through the water on a close-hauled course and not merely be on such a course?

### **Answer**

A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.

RYA 1967/8

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## CASE 18

Deleted

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## CASE 19

**Rule 14(b), Avoiding Contact**

**Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty**

**Rule 60.3, Right to Protest; Right to Request Redress or Rule 69**

**Action**

**Rule 61.1(a)(3), Protest Requirements: Informing the Protestee**

**Rule 62.1(b), Redress**

**Rule 63.5, Hearings: Validity of the Protest or Request for Redress**

**Rule 64.3(a), Decisions: Decisions on Measurement Protests**

*An interpretation of the term 'damage'.*

### **Question**

Is there a special meaning of 'damage' in the racing rules?

### **Answer**

No. It is not possible to define 'damage' comprehensively, but one current English dictionary says 'harm . . . impairing the value or usefulness of something.'

This definition suggests questions to consider. Examples are:

1. Was the current market value of any part of the boat, or of the boat as a whole, diminished?
2. Was any item of the boat or her equipment made less functional?

RYA 1968/2

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## CASE 20

### **Rule 1.1, Safety: Helping Those in Danger Rule 62.1(c), Redress**

*When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.*

#### **Summary of the Facts**

Dinghy A capsized during a race and seeing this dinghy B sailed over to her and offered help. A accepted help and B came alongside, taking the crew of two aboard. Then all hands worked for several minutes to right A, whose mast was stuck in the mud. Upon reaching shore, B requested redress under rule 62.1(c).

The protest committee considered several factors in its decision. First, A's helmsman was a highly experienced sailor. Secondly, the wind was light, and the tide was rising and would shortly have lifted the mast free. Thirdly, she did not ask for help; it was offered. Therefore, since neither boat nor crew was in danger, redress was refused. B appealed, stating that rule 1.1 does not place any onus on a boat giving help to decide, or to defend, a decision that danger was involved.

#### **Decision**

B's appeal is upheld. A 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, in fact, no danger or that help was not requested. B is entitled to redress. The protest committee is directed to reopen the hearing and to grant appropriate redress following the requirements and advice given in rules 64.2 and A10.

RYA 1968/14

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## CASE 21

### **Definitions, Mark-Room** **Definitions, Proper Course** **Definitions, Room**

*The amount of space that a right-of-way boat obligated to give mark-room to an inside overlapped boat must give at the mark depends on the inside boat's proper course in the existing conditions.*

### **Question**

When a right-of-way boat is obligated to give mark-room to an inside boat that overlaps her, what is the maximum amount of space that she must give? What is the minimum amount of space that she must give?

### **Answer**

As the definition Mark-Room states, while the inside boat is at the mark the outside boat must give her room to sail her proper course. If the overlapped boats are on the same tack, mark-room includes room to tack. According to its definition, 'room' in this case is the space needed by an inside boat, which in the existing conditions is handled in a seamanlike way, to sail her proper course while at the mark.

The inside boat's proper course is the course she would sail to finish as soon as possible in the absence of the outside boat. This may entitle the inside boat to more space than she needs for a seamanlike rounding. For example, her proper course may be a track that takes her farther from the mark as she rounds than a seamanlike rounding would so that her speed is not reduced by the tightness of her turn. Note that, according to the definition Mark-Room, an inside overlapped boat that is required to keep clear of the outside boat is not entitled to sail her proper course while sailing to the mark; she is only entitled to sail her proper course after she is at the mark.

The term 'existing conditions' deserves some consideration. For example, the inside one of two dinghies approaching a mark on a placid lake in light air will need relatively little space beyond that required for her hull and properly trimmed sails. At the other extreme, when two keel boats, on open water with steep seas, are approaching a mark that is being

tossed about widely and unpredictably, the inside boat may need a full hull length of space or even more to ensure safety.

The phrase 'in a seamanlike way' applies to both boats. First, it addresses the outside boat, saying that she must provide enough space so that the inside boat need not make extraordinary or abnormal manoeuvres to sail her proper course while at the mark. It also addresses the inside boat. She is not entitled to complain of insufficient space if she fails to execute with reasonable efficiency the handling of her helm, sheets and sails while sailing her proper course.

ISAF 1969/1

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## CASE 22

**Rule 61.2(c), Protest Requirements: Protest Contents**

**Rule 63.5, Hearings: Validity of the Protest or Request for Redress**

**Rule 64.1(a), Decisions: Penalties and Exoneration**

*It is irrelevant for deciding on the validity of a protest that the protest committee thinks the rule cited in the protest as having been broken will very likely not be the applicable rule.*

### Summary of the Facts

After a collision near a mark, S protested P, citing rule 18 on her protest form as required by rule 61.2(c). The protest committee declared the protest invalid and refused to proceed with the hearing, because it said the protest should have cited rule 10 rather than rule 18. Had the hearing gone ahead and the parties been questioned, the protest committee said, the protest might have been upheld. S appealed.

### Decision

Rule 61.2(c) requires the protest to identify any rule the protestor believes was broken. There is no requirement that the rule or rules identified must be the rule or rules that are later determined to have been broken, and it is irrelevant for deciding on the validity of the protest that the protestor cited a rule that will very likely not be the applicable rule.

It is the protest committee, after finding the facts, that determines the applicable rule. Rule 64.1(a) states that a disqualification or other penalty shall be imposed whether or not the applicable rule was mentioned in the protest. It is unimportant that the protestor made a mistake in citing the rule.

The appeal is upheld to the extent that the protest committee is instructed to hold a new hearing.

FIV 1967/4

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## CASE 23

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 19, Room to Pass an Obstruction**

**Definitions, Clear Astern and Clear Ahead; Overlap**

**Definitions, Obstruction**

*On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.*

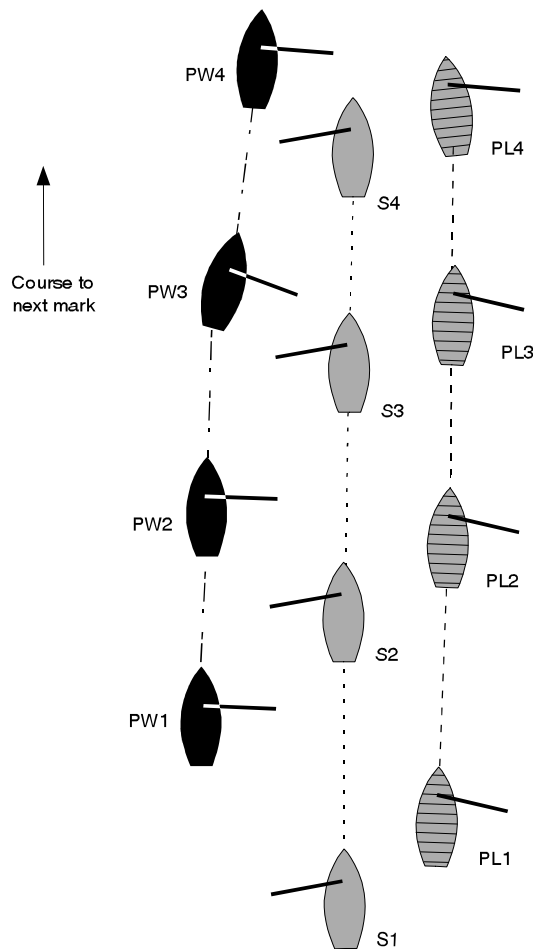
### **Summary of the Facts**

Three boats, one on starboard tack and two on port, were running. S overtook PL and PW and passed between them as shown in the diagram. The three boats continued on slightly converging courses, as shown, until S touched first PW and then PL. PW protested S, alleging that she had broken rule 19.2(c) because PL as leeward boat constituted an obstruction to PW as windward boat, and S had no right to come between them. The protest committee disqualified both PL and PW under rule 10, and PW appealed.

### **Decision**

While the boats sailed from position 1 to position 4, rule 10 required both PW and PL to keep clear of S. Because all three boats were sailing more than 90 degrees from the true wind, S and PL were overlapped from position 1 to position 4, and S and PW were overlapped from shortly after

position 2 to position 4 (see the definition Clear Astern and Clear Ahead; Overlap). Rule 19 did not apply because during that time there was no obstruction that any two of the boats passed on the same side. The penultimate sentence of the definition Obstruction means that PW was not an obstruction to either S or PL because neither of them was required to keep clear of PW. Similarly, PL was not an obstruction to either S or PW because S was not required to keep clear of PL. Because both PL and PW were required by rule 10 to keep clear of S, the penultimate sentence of the definition means that S was an obstruction to both PL and PW. However, rule 19 did not apply because at no time did both PL and PW pass S on the same side. Also, rule 19.2(c), which was cited by PW in her protest, applies only while boats are passing a continuing obstruction, and, as the last sentence of the definition Obstruction implies, a boat racing that is under way is never a continuing obstruction.



There was contact between S and PW and between S and PL. However, because S became trapped between PW and PL as their courses converged, it was not 'reasonably possible' for S to avoid contact after it became clear that PW and PL were not keeping clear. Therefore, S did not break rule 14.

Under rule 10, S held right of way over both port-tack boats, PL and PW, neither of which kept clear of her. The protest committee's decision to disqualify both boats under rule 10 is upheld and PW's appeal is dismissed.

RYA 1970/1

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## CASE 24

**Rule 11, On the Same Tack, Overlapped**

**Rule 12, On the Same Tack, Not Overlapped**

**Rule 15, Acquiring Right of Way**

*When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given sufficient room. If she takes unnecessary action that causes contact, she fails to keep clear as required.*

### Assumed Facts

Two boats, A and B, are on a broad reach on starboard tack in a light breeze on their proper courses for the next mark some distance away. Initially, B is clear astern of and directly behind A but is travelling slightly faster and becomes overlapped close to leeward of A's stern.

### Questions

1. When are B's obligations under rule 12 replaced by her rights as leeward boat under rule 11?
2. What are B's obligations under rule 15?
3. What are A's obligations under rule 11?

## Answers

As soon as B becomes overlapped, rule 12 ceases to apply. A becomes bound by rule 11, and B by rule 15, which embodies the principle in the rules that when the right of way suddenly shifts from one boat to another, the boat with the newly acquired right of way must give the other boat space and time for response and thus a fair opportunity to keep clear. B's obligation under rule 15 is not a continuing one; it protects A only temporarily, and only if she responds promptly after the overlap begins.

Rule 11 requires A to keep clear and, if this requires her to luff, she must do so promptly. If A does so in a seamanlike way but some part of her hull, crew or equipment touches any part of B's hull, crew or equipment, B has broken rule 15 by not giving A enough room to keep clear. However, if A luffs higher than is necessary to keep clear of B and, as a result, causes contact with B, A breaks rule 11. Although B obtains right of way under rule 11 as soon as the overlap begins, her right of way is limited during the time that rule 15 applies.

RYA 1970/2

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## CASE 25

**Rule 11, On the Same Tack, Overlapped**

**Rule 14, Avoiding Contact**

**Rule 16.1, Changing Course**

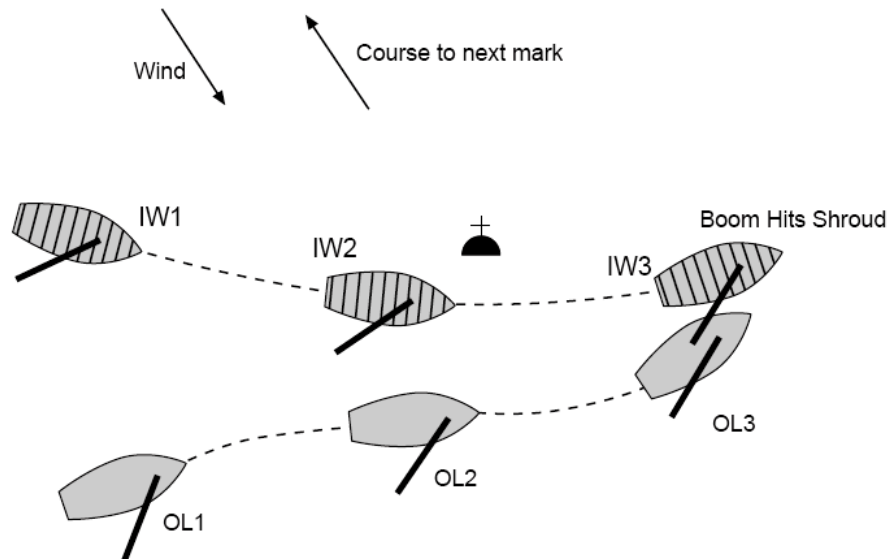
**Rule 18.2(b), Mark-Room: Giving Mark-Room**

*When an inside overlapped windward boat that is entitled to mark-room sails below her proper course while at the mark, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.*

### Summary of the Facts

Two 15-foot (3.5 m) dinghies, IW and OL, were approaching a leeward port-hand mark. IW established an inside overlap on OL well before the boats reached the zone, and OL gave IW space to sail to the mark and then to sail her proper course while at the mark. After IW passed the mark, OL

began to luff to her course to the next mark. IW was slower in heading up, and her boom, still well out, touched OL's helmsman and shrouds. At the time of the contact IW was a hull length from the mark and over 45 degrees below close-hauled. No damage or injury occurred. IW protested OL under rule 18.2(b), and OL protested IW under rule 11.



The protest committee decided that, because IW did not luff to a close-hauled course while she was at the mark, she did not sail her proper course during that time. IW did not deny this but attributed it to her boom-end mainsheet rig as compared to the centre-lead rig used by OL.

The protest committee dismissed IW's protest, upheld OL's, and disqualified IW for breaking rule 11. IW appealed.

## Decision

Rule 18.2(b) required OL to give IW room to sail to the mark and then room to sail her proper course while at the mark. Clearly, between positions 1 and 2 OL gave IW room to sail to the mark. At position 2, IW was 'at the mark' and between positions 2 and 3 she was entitled to room to sail her proper course. Her proper course during that time was to luff onto a close-hauled course, and OL gave her room to do so. Therefore, OL did not break rule 18.2(b).

When OL luffed between positions 2 and 3, IW was required by rule 11 to keep clear of OL, and OL was required by rule 16.1 to give her room to do so. OL luffed approximately 30 degrees while moving forward two hull lengths. Even with a boom-end mainsheet rig, a boat sailed in a seaman-like way can turn through 30 degrees and trim her mainsail appropriately



while moving forward two hull lengths. Therefore, OL gave IW room to keep clear and OL did not break rule 16.1.

OL could easily have avoided contact with IW, and so OL broke rule 14. However, she is not penalized for doing so because neither boat was damaged, nor was there any injury.

IW sailed well below her proper course; in fact she sailed a hull length away from the mark on a course over 45 degrees below close-hauled and, as a result, took much more space than rule 18.2(b) entitled her to take. Throughout the incident IW was required by rule 11 to keep clear of OL. Shortly before the contact, IW broke rule 11 by failing to keep clear.

It was possible for IW to have avoided the contact, and therefore IW also broke rule 14. However, because IW was entitled to mark-room and the contact resulted in neither damage nor injury, she too can not be penalized for breaking rule 14.

IW's appeal is dismissed. The protest committee's decision to disqualify IW under rule 11 is upheld.

CYA 1971/9

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## CASE 26

### **Rule 14, Avoiding Contact**

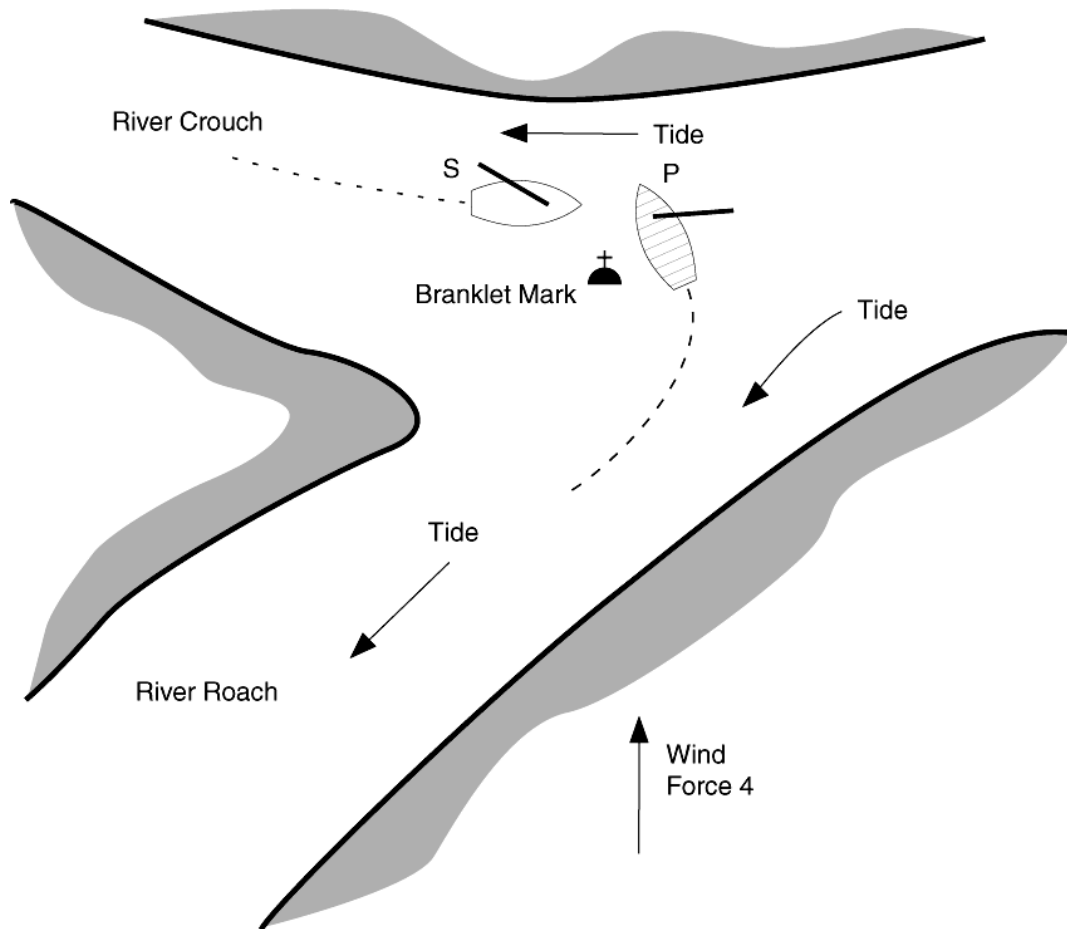
### **Rule 16.1, Changing Course**

### **Rule 18.1, Mark-Room: When Rule 18 Applies**

*A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized under rule 14.*

### **Summary of the Facts**

A Soling, S, and a 505, P, in separate races, approached the same mark on opposite tacks. Unknown to P, which was lowering her spinnaker and hardening up to leave the mark to port, S was required to leave it to starboard and was preparing to do so.



P heard no hail and was unaware of S's presence until the boats were in the positions shown in the diagram, at which time P's crew saw S. He shouted a warning and leaped out of the way just as S's bow struck P's hull behind the mast, causing damage.

P protested S under rule 14 on the grounds that S could have avoided the collision. S and two witnesses testified that S did not at any time change her course before the collision. S, protesting under rule 10, claimed that if she had changed course she would have broken rule 16.1.

The protest committee disqualified P under rules 10 and 14. P appealed.

### **Decision**

P, as the keep-clear boat, failed to keep a lookout and to observe her primary duties to keep clear and avoid contact. She broke both rule 10 and rule 14. An important purpose of the rules of Part 2 is to avoid contact between boats. All boats, whether or not holding right of way, should keep a lookout at all times.

Rule 18 did not apply because S and P were not required to leave the mark on the same side (see rule 18.1).

When it became clear that P was not keeping clear, S was required by rule 14 to act to avoid contact with P (see rule 14(a)). Before the positions shown in the diagram it became clear that the boats were on converging courses and that P was not keeping clear. At that time S could have luffed and avoided contact with P. Such a change of course by S would have given P more room to keep clear and would not have broken rule 16.1. The contact caused damage. Therefore, S broke rule 14 and must be penalized for having done so (see rule 14(b)).

P was correctly disqualified under rules 10 and 14. S is also disqualified, for breaking rule 14.

RYA 1971/4

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## CASE 27

### **Rule 2, Fair Sailing**

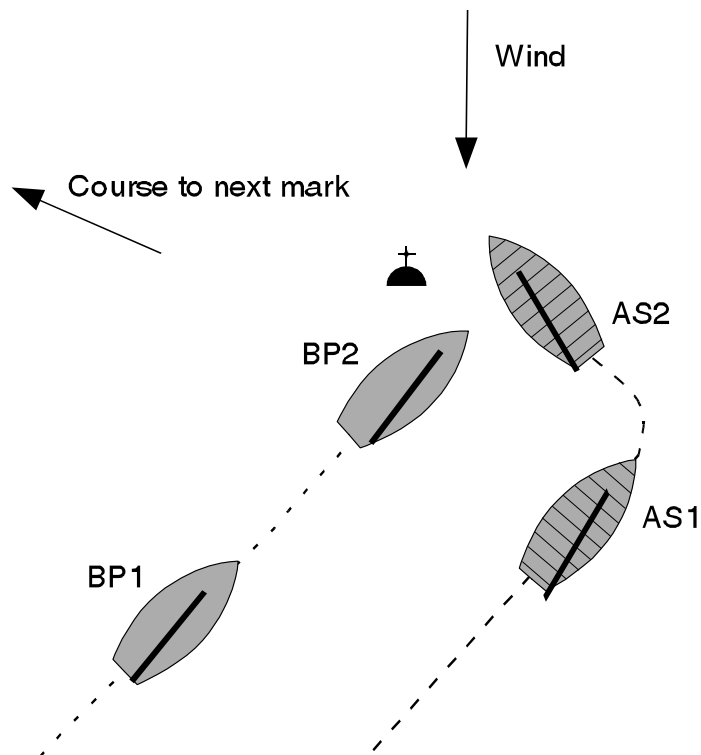
### **Rule 14, Avoiding Contact**

### **Rule 15, Acquiring Right of Way**

*A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.*

### **Summary of the Facts**

AS was clear ahead of BP when she reached the zone. Between position 1 and 2, AS, a hull length to leeward and a hull length ahead of BP, tacked as soon as she reached the starboard-tack lay line. Almost immediately she was hit and damaged by BP travelling at about ten knots. The protest committee disqualified AS for breaking rule 15. It also disqualified BP under rule 2, pointing out that she knew AS was going to tack but did nothing to avoid a collision. BP appealed, asserting that she was not obligated to anticipate an illegal tack.



## Decision

BP's appeal is upheld. She is to be reinstated.

After AS reached the zone, BP was required to keep clear of AS and give her mark-room under rule 18.2(b). Both these obligations ended when BP passed head to wind because the boats were then on opposite tacks and on a beat to windward. When AS passed through head to wind, BP became the right-of-way boat under rule 13 and held right of way until AS assumed a close-hauled course on starboard tack. At that moment AS, having just acquired right of way under rule 10, was required by rule 15 to give BP room to keep clear. BP took no action to avoid a collision, but what could she have done? Given her speed and the distance involved, she had perhaps one to two seconds to decide what to do and then do it. It is a long-established principle of the right-of-way rules, as stated in rule 15, that a boat that becomes obligated to keep clear by an action of another boat is entitled to sufficient time for response. Also, while it was obvious that AS would have to tack to round the mark, BP was under no obligation to anticipate that AS would break rule 15, or indeed any other rule. BP broke neither rule 2 nor rule 14.

## CASE 28

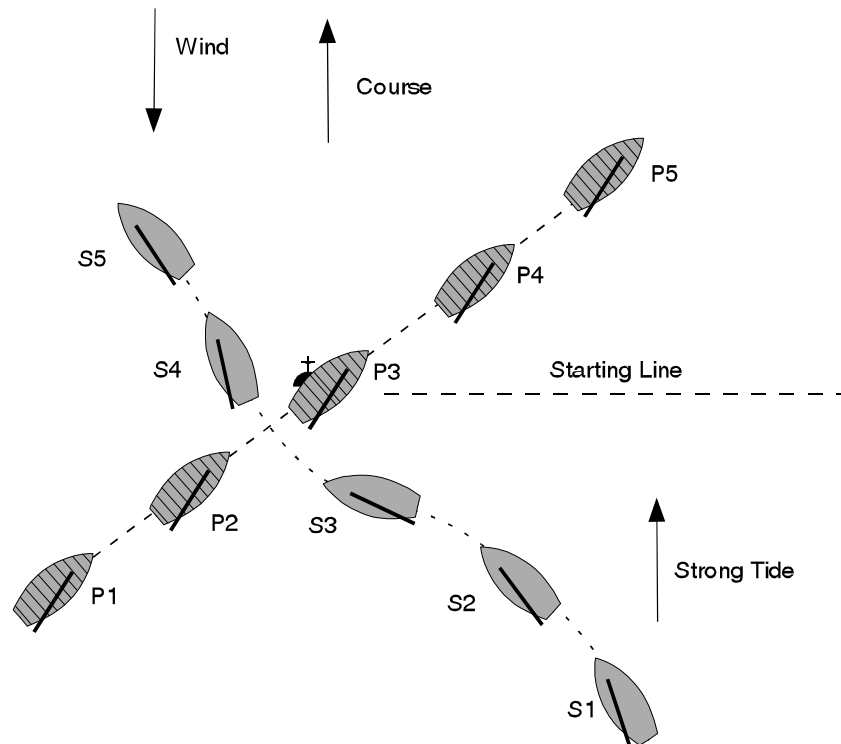
### Rule 28.1, Sailing the Course

### Rule 32.1, Shortening or Abandoning After the Start

### Rule 64.1(c), Decisions: Penalties and Exoneration

### Rule A5, Scores Determined by the Race Committee

*When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(d) only when the change in the mark's position has directly affected the safety or fairness of the competition.*



### Summary of the Facts

As S and P, close-hauled, approached the port end of the starting line, a strong tide was setting them towards the line and the starting line mark. When S was two hull lengths from the mark, she hailed P to keep clear. There was no response, and S was forced to bear away to avoid a collision. Immediately after the starting signal, P sailed over the mark. As S luffed

back to close-hauled, on a course to the wrong side of the mark, it jumped out from under P's hull and bounced against S. P did not take a penalty, and S did not return to start between the starting marks.

S protested P under rules 10 and 31, and also requested redress, asking that the race be abandoned, citing rule 32.1(d). The protest committee disqualified P for breaking rules 10 and 31, refused S's request for redress, and scored S DNS. The latter decision was referred to the national authority for confirmation or correction, along with a question: If S had returned to start as required by rule 28.1, could the race have been abandoned under rule 32.1(d) because of the mark having moved?

### **Decision**

Although S touched the mark, she could not be expected to anticipate how it would move when another boat touched it. Therefore, as provided in rule 64.1(c), S is not penalized for contact with the mark because it was P's two breaches that caused the mark to touch S. However, S could have returned and started as required by rule 28.1. The fact that the starting mark moved does not relieve her of her obligation to start.

Because S did not start, the race committee was correct in scoring her DNS (see rule A5).

Rule 32.1(e) makes it clear that the most important criterion for abandoning a race is that, for some reason, the safety or fairness of the competition has been adversely affected. The last sentence of rule 32.1 and the use of 'competition' in rule 32.1(e) imply that the adverse event should affect all boats competing. Rules 32.1 (a), (b), (c) and (d) give examples of reasons that may justify abandoning a race; rule 32.1(e) implies that there may be other reasons. In this case, the unexpected movement of the starting mark as a result of P riding over it did not justify abandoning the race. Indeed, the exact position of a mark frequently and routinely changes as a result of wind, current, waves or it having been touched by a boat, even though its anchor does not move. Such movement is a risk that competitors must accept and does not justify abandoning a race.

ARYF 1971

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## CASE 29

### **Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

### **Rule 19.2(c), Room to Pass an Obstruction: Giving Room at an Obstruction**

### **Definitions, Obstruction**

*A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.*

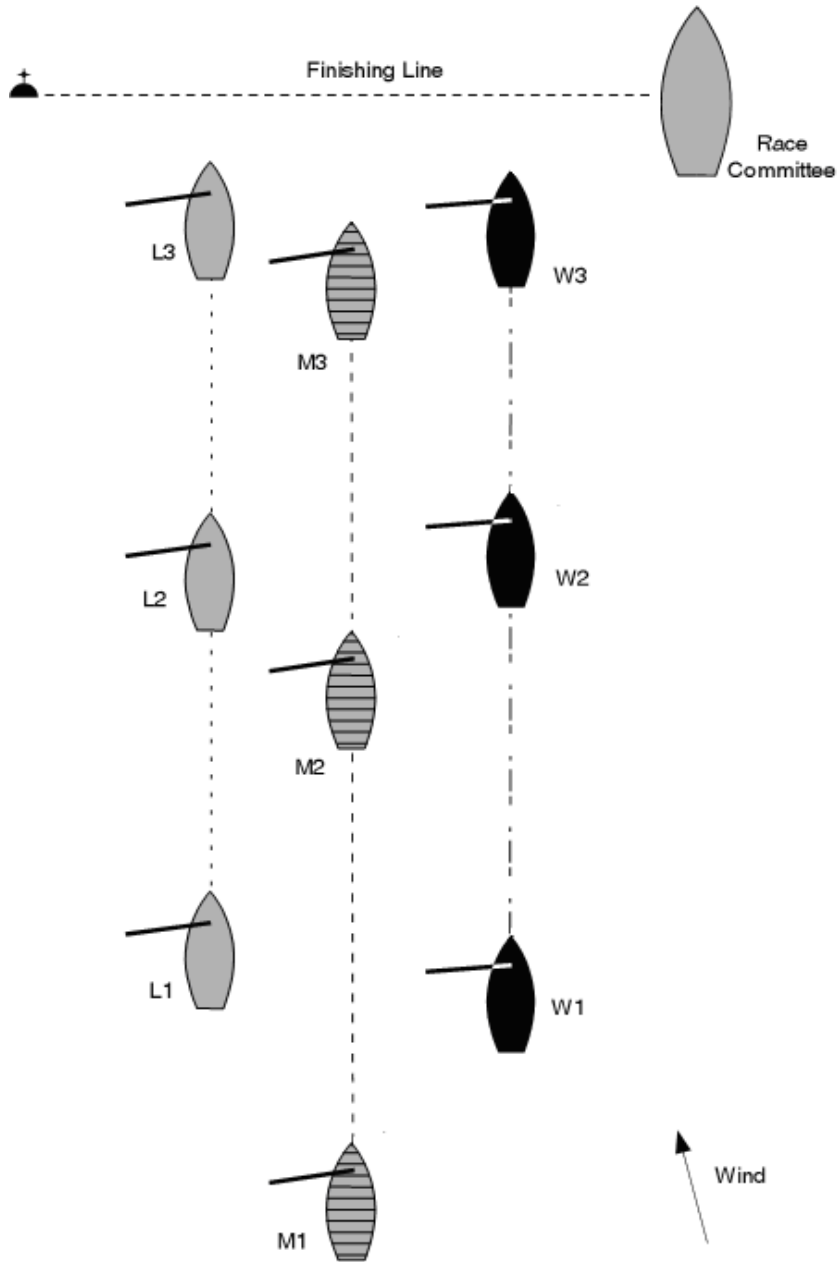
### **Summary of the Facts**

When running towards the finishing line, W became overlapped with L when almost two hull lengths to windward of her. Subsequently, M sailed into the space between L and W. All three boats finished with no narrowing of space between L and W and no contact. W protested M for taking room to which she was not entitled, citing rules 19.2(b) and 19.2(c). The protest was dismissed on the grounds that W had given room to M as required by rule 19.2(b). W appealed.

### **Decision**

Rule 11 required W to keep clear of L throughout the incident. While M was clear astern of L, rule 12 required her to keep clear of L, and after she became overlapped with L rule 11 required her to keep clear of L. As the diagram shows, both M and W met these requirements.

Because both W and M were required to keep clear of L throughout the incident, L was an obstruction to W and M during that time (see the penultimate sentence of the definition Obstruction). However, because L was a boat under way, L was not a continuing obstruction to them (see the last sentence of the definition Obstruction). When M became overlapped with W, rule 19.2(b) began to apply between them. It required W to give M room between her and the obstruction, unless she was unable to do so from the time the overlap began. As the facts clearly show, W was able to



give M that room when the overlap began and continued to do so at all times until the boats finished. Therefore, W complied with rule 19.2(b). Rule 19.2(c) did not apply because the obstruction, L, was not a continuing obstruction. M broke no rule; therefore W's appeal is dismissed.

USSA 1974/163



## CASE 30

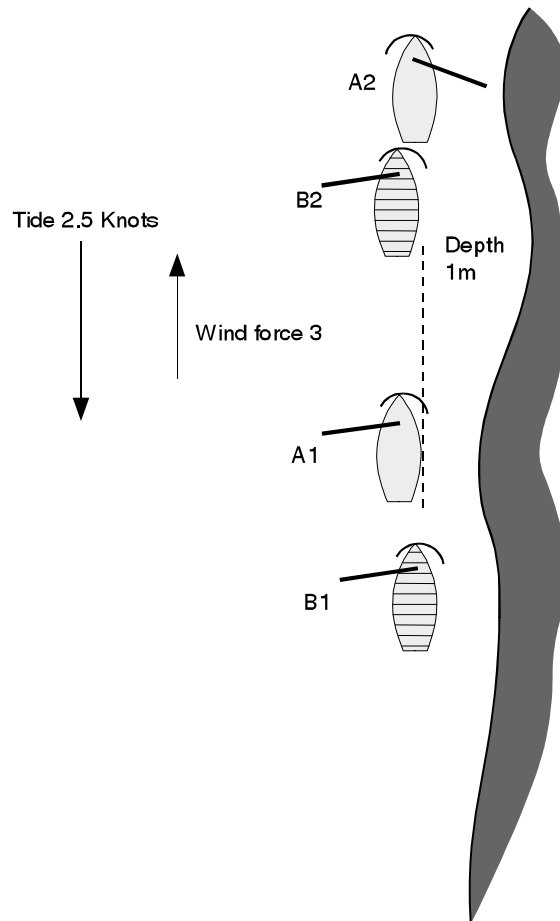
**Rule 14, Avoiding Contact**

**Rule 19, Room to Pass an Obstruction**

**Rule 64.1(c), Decisions: Penalties and Exoneration**

**Definitions, Keep Clear**

*A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.*



## **Summary of the Facts**

Boats A and B were running on starboard tack close to the shore against a strong ebb tide in a Force 3 breeze. A was not more than half a hull length clear ahead of B. B blanketed A, causing A to gybe unintentionally. This was immediately followed by a collision, although without damage or injury, and B protested A under rule 10. The facts were agreed, and both boats were disqualified: B under rule 12 because she was too close to A to be keeping clear, and A under rule 10 for failing to keep clear of a starboard-tack boat.

A appealed on the grounds that she was compelled by B's action to break rule 10. The protest committee, commenting on the appeal, stated that B caused both A's gybe and the collision by not keeping clear when both boats were on the same tack.

## **Decision**

The boats were passing close to the shoreline, which was an obstruction and also a continuing obstruction. Therefore, the conditions for rule 19 to apply were met. However, because the boats were not overlapped, neither of the two parts of rule 19 that place an obligation on a boat (rules 19.2(b) and 19.2(c)) applied. When B was clear astern of A she was required by rule 12 to keep clear but failed to do so. Her breach occurred before the collision, at the moment when A first needed 'to take avoiding action' (see the definition Keep Clear). When B collided with A she also broke rule 14. However, at that time she held right of way under rule 10, so is not subject to penalty under rule 14 because there was no damage or injury.

After gybing, A became the keep-clear boat under rule 10, even though she had not intended to gybe. She broke that rule, but only because B's breach of rule 12 made it impossible for A to keep clear. A did not break rule 14 because it was not 'reasonably possible' for her to avoid contact.

Accordingly, B was properly disqualified by the protest committee under rule 12. However, A is exonerated under rule 64.1(c) for her breach of rule 10. A's appeal is upheld, and she is to be reinstated.

## CASE 31

### **Sportsmanship and the Rules**

#### **Rule 2, Fair Sailing**

#### **Rule 26, Starting Races**

#### **Rule 29.1, Recalls: Individual Recall**

#### **Rule 64.2, Decisions: Decisions on Redress**

#### **Race Signals, X**

*When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is over the line she must return and start correctly.*

### **Summary of the Facts**

At the start of a race the visual individual recall signal required by rule 29.1 was correctly made, but the required sound signal was not. One of the recalled boats, A, did not return and later requested redress on the grounds that she started simultaneously with the starting signal and heard no recall sound signal.

The protest committee found that A was not entirely on the pre-start side of the starting line at the starting signal. It gave A a finishing position as redress because of the absence of the sound signal. Another boat, B, then asked for redress, claiming that her finishing position was affected by what she believed to have been an improper decision to give a finishing position to A. B was not given redress, and she appealed on the grounds that rule 26 states: ‘the absence of a sound signal shall be disregarded’.

### **Decision**

B’s appeal is dismissed. The protest committee’s decision to give redress to A is upheld. The requirement in rule 29.1 and in Race Signals regarding the making of a sound signal when flag X is displayed is essential to call the attention of boats to the fact that one or more of them are being recalled. When the sound signal is omitted from an individual recall, and a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. (If the redress given is to adjust the boat’s race score, it should reflect the fact that, generally,

when a recalled boat returns to the pre-course side of the line after her starting signal, she usually starts some time after boats that were not recalled. An allowance for that time should be made.) However, a boat that realizes that she was over the line is not entitled to redress, and she must comply with rules 28.1 and, if it applies, rule 30.1. If she fails to do so, she breaks rule 2 and fails to comply with the Basic Principle, Sportsmanship and the Rules.

Concerning Boat B's request, the provision of Rule 26 that 'the absence of a sound signal shall be disregarded' applies only to the warning, preparatory, one-minute and starting signals. When the individual recall signal is made, both the visual and sound signals are required unless the sailing instructions state otherwise.

RYA 1974/7

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## CASE 32

### **Rule 90.2(c), Race Committee; Sailing Instructions; Scoring: Sailing Instructions**

*A competitor is entitled to look exclusively to written sailing instructions and to any written amendments for all details relating to sailing the course.*

#### **Summary of the Facts**

The sailing instructions included, among other things, the following:

1. All races will be sailed under *The Racing Rules of Sailing* except as modified below.
2. A briefing will be held in the clubroom 60 minutes before the start of the first race each day.
3. Shortened Course will be signalled by two guns and raising of flag S and the class flag. Boats in that class will round the mark about to be rounded by the leading boat and go straight to the finishing line. This changes the meaning of flag S in the Race Signals.

At one of the briefings, the race officer attempted to clarify the phrase 'go straight to the finishing line' in item 3 by stating that when the course was shortened, all boats should cross the finishing line in a windward direction.

This would ensure that all classes, some of which might be finishing from different marks, would finish in the same direction even if that were not the direction of the course from the mark at which the course was shortened.

Subsequently, a race was shortened. Six boats, which had not attended the briefing, followed the written sailing instructions, were recorded as not finishing, and sought redress. The boats alleged that the race committee had improperly changed the definition Finish and had failed to follow the requirements of rule 90.2(c). The protest committee upheld their requests for redress on the grounds they had cited.

The race committee appealed to the national authority, asserting that the briefing sessions were a numbered part of the sailing instructions, all competitors should have attended, and the briefings constituted a procedure for giving oral instructions. Also, it argued that the sailing instructions were not changed but merely clarified by the race officer as to what the words 'go straight to the finishing line' meant.

### **Decision**

Appeal dismissed. The remarks of the race officer amounted to more than mere clarification. This is borne out by the fact that the boats that did not attend the briefing acted as they did. Competitors are entitled to look exclusively to the sailing instructions and to any amendments for all particulars of the course. Rule 90.2(c) requires changes to the sailing instructions to be in writing. However, under no circumstance can sailing instructions change the definition Finish or the definition of any other term defined in Definitions (see rule 86).

RYA 1975/3

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## CASE 33

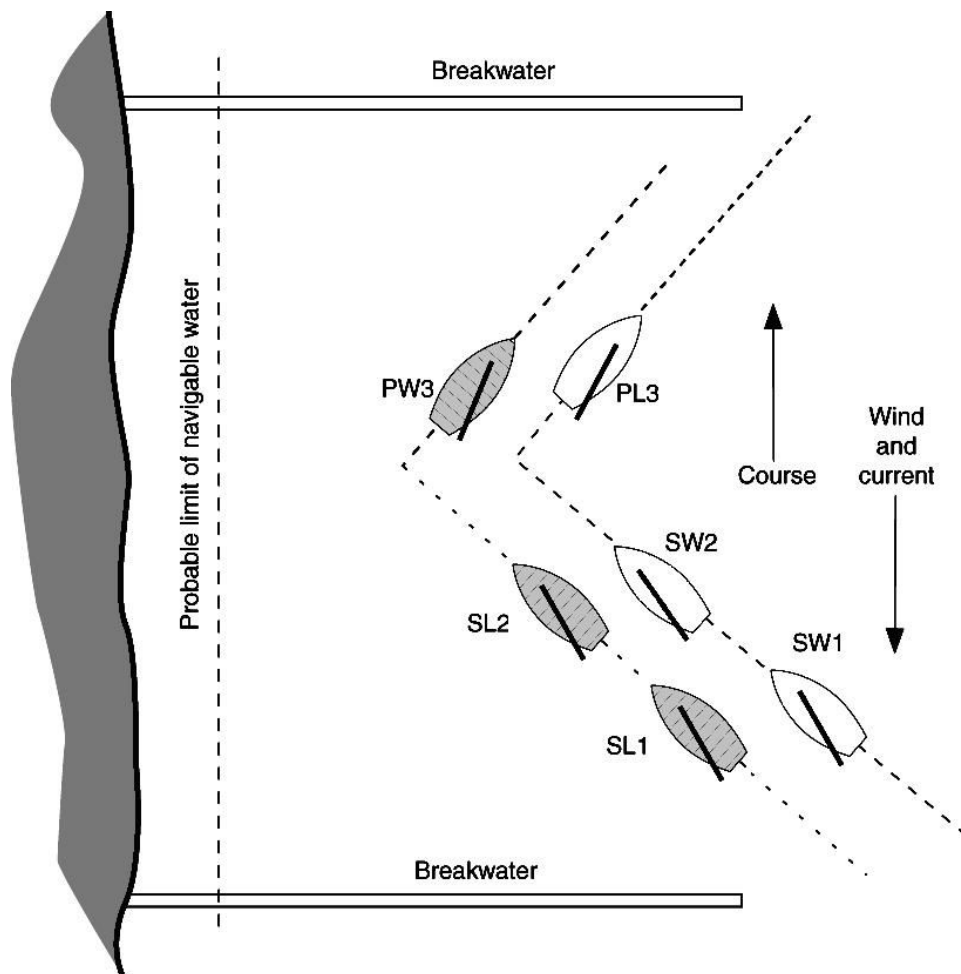
**Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

**Rule 19.2(c), Room to Pass an Obstruction: Giving Room at an Obstruction**

**Rule 20.1(b), Room to Tack at an Obstruction: Hailing and Responding**

**Rule 20.3, Room to Tack at an Obstruction: When not to Hail  
Definitions, Clear Astern and Clear Ahead; Overlap**

*A boat that hails for room to tack before safety requires her to tack is entitled to receive room under rule 20.1(b), but by hailing at that time she breaks rule 20.3. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.*



### **Assumed Facts for Question 1**

There are breakwaters projecting from the shore at fairly regular intervals with a reasonable amount and depth of water between them. To be competitive when beating against a contrary current, it is advantageous to tack into and out of the area between adjacent breakwaters.

SL and SW, small keel boats, enter one such area overlapped, close-hauled on starboard tack. In the absence of SW, SL would tack at a point where, on port tack and close-hauled, she would just clear the end of the farther breakwater.

### **Question 1**

If SL were to hail for room to tack at position 2, would SW be required to respond as required by rule 20.1(b)?

### **Answer 1**

Yes. However, because at position 2 SL is not yet in danger of running aground, she would break rule 20.3 if she hailed SW for room to tack at that time. To avoid breaking rule 20.3, she must not hail until safety requires her to tack.

### **Additional Assumed Facts for Question 2**

SL does not hail for room to tack. However, SW tacks between positions 2 and 3 at a point where, after she completes her tack, her close-hauled course passes just to leeward of the end of the farther breakwater. Seeing SW tack, SL immediately tacks as well.

### **Question 2**

After position 2, is PL (formerly SW), required to give PW (formerly SL) room between her and the breakwater?

### **Answer 2**

Yes. When SW tacks, SL is able to tack without breaking a rule. When SW turns past head to wind, the overlap between her and SL ceases to exist, because they are then on opposite tacks and sailing at less than 90 degrees to the true wind (see the definition Clear Astern and Clear Ahead; Overlap). A new overlap begins when SL passes head to wind, at which time the boats are once again on the same tack. After the new overlap

begins PL, by bearing off, can easily give PW room between her and the breakwater. Therefore, rule 19.2(b) applies and requires PL to give PW that room.

Although the breakwater is a continuous structure from the shore to its outer end, it does not qualify as a continuing obstruction because the boats pass close to it only briefly, near its outer end. Therefore, rule 19.2(c) does not apply.

RYA 1975/8

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## CASE 34

### **Rule 2, Fair Sailing**

### **Rule 62.1(d), Redress**

### **Rule 69.1, Allegations of Gross Misconduct: Action by a Protest Committee**

*Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.1.*

### **Summary of the Facts**

As the sixth and final race of a championship series began, A's accumulated score was such that the only way she could lose the prize was for B to finish ahead of her and among the first three of the 48 competitors. A crossed the line early and was recalled by loud hailer. About 70 to 100 metres beyond the starting line, she turned back, but she had sailed only some 20 to 30 metres towards the line when she met B, which had started correctly. Instead of continuing towards the pre-start side of the line A turned and began to hinder B by covering her closely.

The race committee hailed A again that she was still above the line and received a wave of acknowledgement in return, but A continued to sail the course, hindering B throughout the windward leg. When A and B reached the windward mark, they were last but one and last respectively, whereupon A retired. B ultimately finished in 22nd place.

Since it was obvious to the race committee that A continued to race solely for the purpose of hindering B, it protested A under rule 2. A, which had been scored OCS, was then disqualified for breaking rule 2. She appealed, asserting that she believed she had returned and started correctly.



## **Decision**

A's appeal is dismissed. It is clear from the facts found that A knew she had not started as required by rule 28.1, and that she chose not to do so. Facts are not subject to appeal. The disqualification of A for breaking rule 2 was appropriate.

A would not have broken rule 2 if she had returned to the pre-start side of the starting line and started and, after having done so and without intentionally breaking any rule, she had managed to overtake and pass B and then closely covered her.

B could have requested redress and was entitled to receive it under rule 62.1(d).

The facts show a gross breach of sportsmanship and, therefore, of rule 2. Such a deliberate attempt to win by unfair means should be dealt with severely. The protest committee could also have called a hearing under rule 69.1, as a result of which it could have disqualified A from the entire series.

NSF 1975/1

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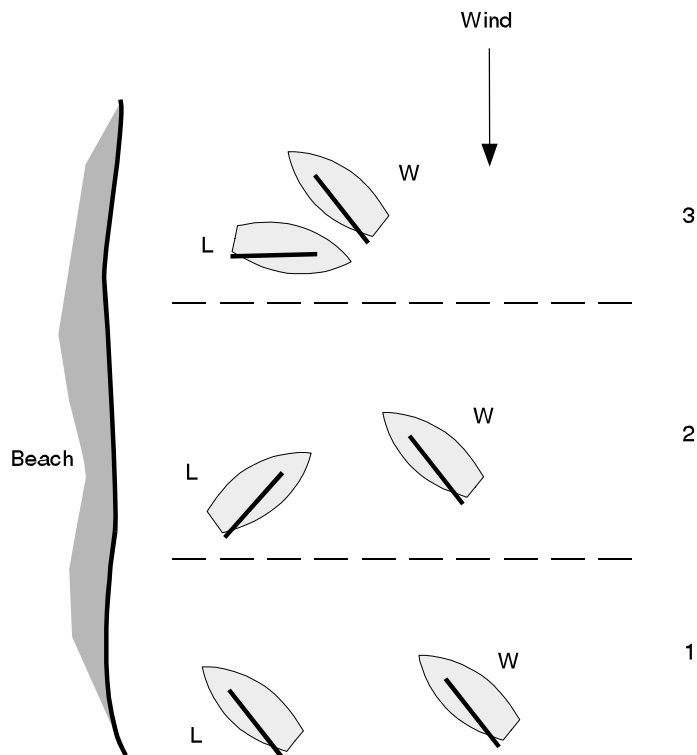
## **CASE 35**

### **Rule 20.1(b), Room to Tack at an Obstruction: Hailing and Responding**

*When a boat is hailed for room to tack at an obstruction and replies 'You tack', and the hailing boat is then able to tack and avoid the hailed boat, the hailed boat has complied with rule 20.1(b).*

### **Summary of the Facts**

As two close-hauled boats approached a shore, L hailed W for room to tack. W replied 'You tack' and L then tacked immediately. After tacking, L bore away in a seamanlike way and passed under W's stern, which she cleared by three feet (1 m) or more. L protested W under rule 20.1(b). The protest committee decided that W failed to give room as required by rule 20.1(b) and disqualified her. W appealed.



### Decision

W’s appeal is upheld, and she is to be reinstated. L’s actions showed that she had room to tack and avoid W. W therefore met her obligation under rule 20.1(b).

USSA 1976/189

## CASE 36

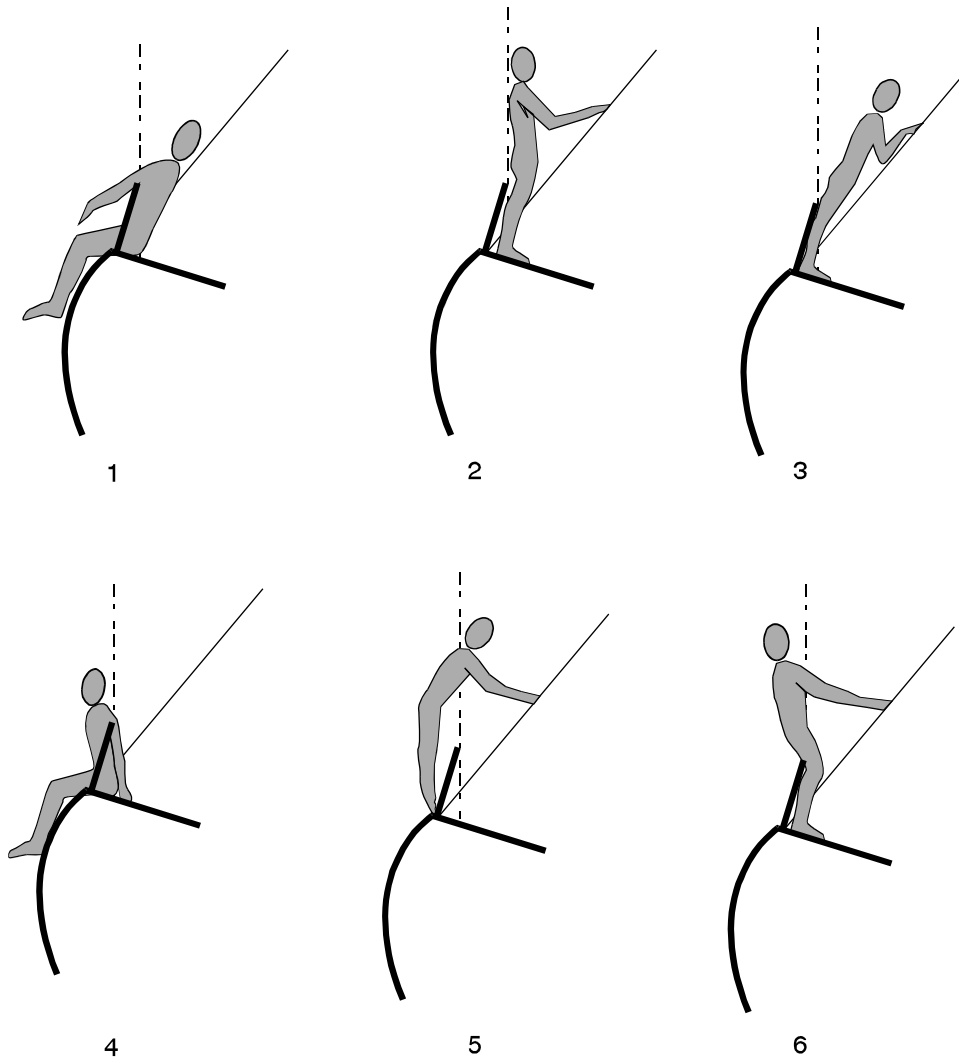
### Rule 49.2, Crew Position

*Positioning of crew members relative to lifelines.*

### Summary of the Facts

A boat in an offshore class, while close-hauled, had a crew member positioned, for several minutes on two occasions, next to the shrouds with his feet on the deck and his legs inside but touching the lifelines. While his torso was substantially upright, part of it was outboard of an imaginary

line projected vertically from the top of the lifelines. The boat was disqualified under rule 49.2 and appealed.



## Decision

The appeal is dismissed. To clarify the rule, the drawing shows possible crew positions. Position 6 is the position of the appellant's crew member. Positions 1, 2 and 3 do not break the rule; positions 5 and 6 break it. On boats equipped with one lifeline, position 4 breaks the rule. On boats equipped with two wire lifelines, a crew member sitting on deck facing outboard with his waist inside the lower lifeline and the upper part of his body outside the upper lifeline, as shown in position 4, does not break the rule.

USSA 1976/194

## CASE 37

### **Rule 32.1(d), Shortening or Abandoning After the Start Rule 62.1(a), Redress**

*Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.*

#### **Summary of the Facts**

In the third race of a regatta involving about 120 boats and 15 offshore classes, all classes sailed the same course on which a reaching mark was found to have moved almost a mile out of position. Various boats in several classes sought redress because of it. The mark moved out of position over an hour before any of the boats in the last two classes reached it. None of the boats in those two classes requested redress. The protest committee, however, abandoned the races for all classes. The boats in the last two classes then asked for redress, claiming that the abandonment of their races was improper. Redress was denied. They appealed.

#### **Decision**

The protest committee failed to distinguish between different procedures under which a race may be abandoned. The race committee could have abandoned the race under rule 32.1(d) because the mark was out of position. It did not do so, however, and appeared to have been satisfied to let the several races stand.

When several classes are racing at the same time, each class is competing in a separate race. If the protest committee had taken up the question on a class-by-class, race-by-race basis, it would have found that there was no requirement or need to abandon the race for the last two classes. There may have been sufficient reason to abandon the races of some classes, but the protest committee erred when it abandoned the races for the classes in which no redress was requested. Its decision to do so was an ‘improper action’ within the meaning of rule 62.1(a). The appeals are upheld, and all of the boats in the races of the two classes in question are reinstated in their finishing places.

## CASE 38

### International Regulations for Preventing Collisions at Sea

*The International Regulations for Preventing Collisions at Sea (IRPCAS) are intended to ensure the safety of vessels at sea by precluding situations that might lead to collisions. When the IRPCAS right-of-way rules replace the rules of Part 2, they effectively prohibit a right-of-way boat from changing course towards the boat obligated to keep clear when she is close to that boat.*

#### Summary of the Facts

At about 0030, L and W were running on starboard tack on parallel courses about two hull lengths apart. W was to windward and clear astern of L and steadily closing up on her. The sailing instructions had, between sundown and sunrise, replaced the rules of Part 2 with the *IRPCAS* right-of-way rules. L changed course to starboard, forcing W to respond in order to avoid a collision. W protested L on the grounds that ‘luffing was forbidden at night’. The protest committee upheld the protest under the *IRPCAS*, Part B, Section II, Rule 17. L appealed on the grounds that the protest committee had misapplied the relevant *IRPCAS* rules.

#### Decision

*IRPCAS* Rule 13(a) states that ‘any vessel overtaking any other shall keep out of the way of the vessel being overtaken’, and Rule 13(b) states, ‘A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.’ In the above case W was the overtaking vessel. Rule 13(d) states, ‘Any subsequent alteration of the bearing between the two vessels shall not . . . relieve [the overtaking vessel] of the duty of keeping clear of the overtaken vessel until she is finally past and clear.’

The overtaken vessel, in this case L, has obligations towards the overtaking vessel. These are in Rule 17, which states in part, ‘Where one of two vessels is to keep out of the way, the other shall keep her course and speed.’ It is this rule that prohibits the racing manoeuvre known as ‘luffing’ while the boats are so close that L’s luff forces W to change course to avoid contact. Therefore, L’s appeal is dismissed and the protest committee’s decision to penalize her is upheld.

CYA 1976/32

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## CASE 39

### **Sportsmanship and the Rules**

#### **Rule 60.2(a), Right to Protest; Right to Request Redress or Rule 69 Action**

*Except when it receives a report of a breach of a class rule or of rule 43 from an equipment inspector or a measurer for an event, a race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitor.*

### **Summary of the Facts**

Throughout a five-race series, A competed with a crew of three. After the last race, B and others jointly protested A, alleging that she had broken a class rule that limited the crew to two. This was the first protest relating to the matter. It was refused because the hulls of the protesting boats were all over 6 m long, but none of the boats displayed a red flag. This decision was appealed on the grounds that the race committee ought, on its own initiative, to have protested A in all the races.

### **Decision**

As provided in rule 63.5, the protest was invalid because no red flag was displayed as required by rule 61.1(a). To uphold this appeal would amount to a conclusion that a race committee ought to know the class rules of each class, and that it then has an obligation to enforce them when members of the class themselves fail to do so. No such obligation is placed on a race committee. Furthermore, rule 60.2(a) is clearly discretionary, except when a race committee receives a report required by rule 43.1(c) or 78.3, which it had not. As stated in Sportsmanship and the Rules, 'Competitors in the sport of sailing are governed by a body of rules that they are expected to follow and enforce.' The primary responsibility for enforcing the rules therefore rests with the competitors.

The appeal is dismissed, and the decision of the protest committee is upheld.

CYA 1977/35

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## CASE 40

### Rule 46, Person in Charge

*Unless otherwise specifically stated in the class rules, notice of race or sailing instructions, the owner or other person in charge of a boat is free to decide who steers her in a race, provided that rule 46 is not broken.*

### Summary of the Facts

In a series, A was entered by the owner, who steered her in race 1. In races 2 and 3 she was steered by another person from whom no entry had been received. The race committee, without a hearing, considered him to be a non-entrant and a non-starter, changed A's results, and awarded her a non-starter's points in races 2 and 3.

The relevant class rule 11(e) read: 'Distribution of duties between helmsman and crew shall be entirely at the discretion of the helmsman, unless otherwise stipulated in the sailing instructions.'

The race committee held that class rule 11(e) did not allow permanent substitution by the crew at the helm for an entire race or races, since the only purpose of that would be to improve a boat's chances of winning a series. A appealed.

### Decision

A's appeal is upheld. The owner of a boat may appoint another person to steer her. It is the boat that is entered in a race and, unless otherwise specifically provided in the class rules, notice of the race or sailing instructions (which was not so in this case), it is a matter for the owner or other person in charge of her to decide who steers her at any time, provided that rule 46 is not broken. A is to be reinstated in the race results.

RYA 1977/2

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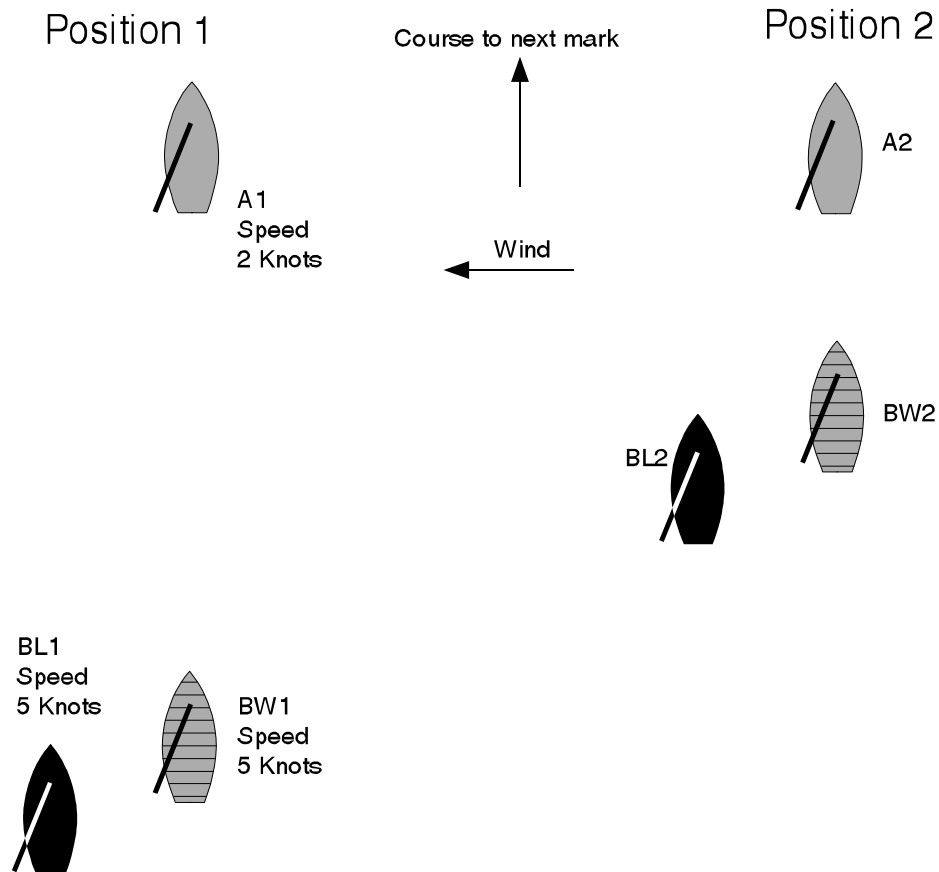
## CASE 41

### Rule 12, On the Same Tack, Not Overlapped

### Rule 19.2, Room to Pass an Obstruction: Giving Room at an Obstruction

### Definitions, Obstruction

*If an obstruction can be passed on either side by two overlapped boats, the right-of-way boat, if she chooses to pass it to leeward, must give room to the other. If the right-of-way boat chooses to pass it to windward, she is entitled to room to do so, and the other boat must keep clear. There is no obligation to hail for room at an obstruction.*



### Assumed Facts

Boats BL and BW, overlapped on the starboard tack, are overtaking Boat A, also on the starboard tack but moving more slowly. Rule 17 does not apply between BW and BL during the incident.



### **Question 1**

Does rule 19 apply between BW and BL as they overtake and begin to pass A? If so, which parts of it apply and when do they apply?

### **Answer 1**

At positions 1 and 2, rule 12 requires both BL and BW to keep clear of A. Therefore, A is an obstruction to both BL and BW. However, A is not a continuing obstruction, as the last sentence of the definition Obstruction makes clear.

As BL and BW overtake A, BL may choose to pass A on either side (see rule 19.2(a)). When either BL or BW begins to pass A, provided that they are still overlapped, rule 19.2(b) will apply.

If BL chooses to pass A to leeward, rule 19.2(b) will require her to give room to BW, as inside boat, to do likewise if BW steers a course to do so. However, BW is not required to take the room provided, and may pass A to windward, keeping clear of her under rule 12 and then rule 11.

If BL chooses to pass to windward of A, then rule 19.2(b) requires BW to give BL room to pass A and rule 11 requires BW to keep clear of BL. Rule 12, and later rule 11, require BL to keep clear of A.

### **Question 2**

Does BW have to hail for room to pass to leeward of A? If not, would BL risk disqualification by not giving room?

### **Answer 2**

BW is not required to hail for room, although that is a prudent thing to do to avoid misunderstandings. Rule 19.2(b) requires BL to give room to BW if they both pass to leeward of the obstruction, whether or not BW hails for room.

RYA 1977/6

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**CASE 42**

**Deleted**

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## CASE 43

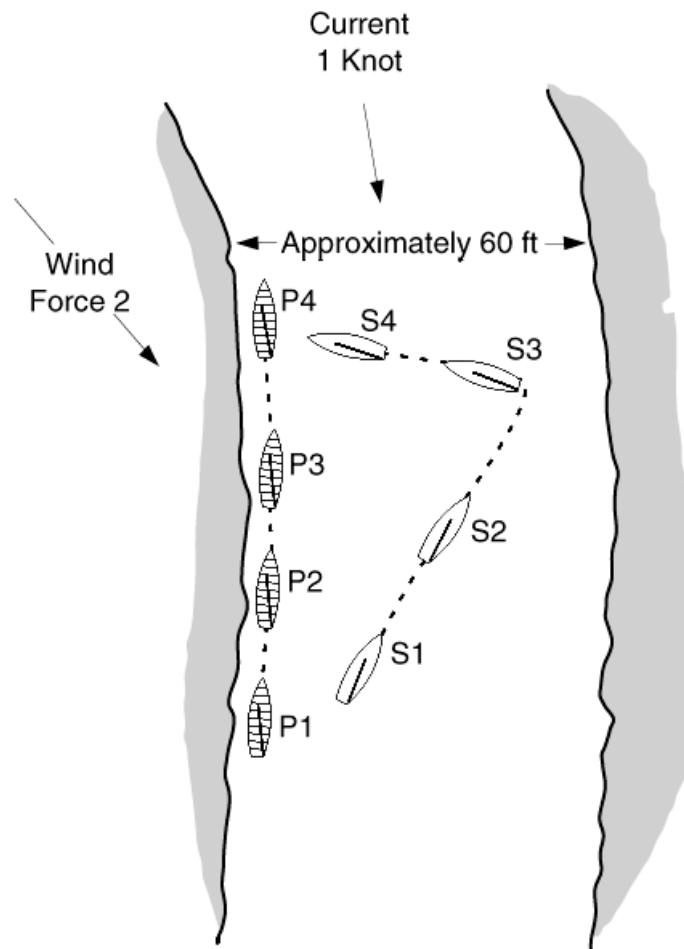
**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

**Definitions, Clear Astern and Clear Ahead; Overlap**

*A close-hauled port-tack boat that is sailing parallel and close to an obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.*



### Assumed Facts

P is sailing up-river, close-hauled on port tack, very close to the bank. S, unable to point as high as P, is forced to sail away from the bank. She then tacks onto starboard and immediately hails 'Starboard' to P. P sails on and,

when she reaches a position at which she cannot luff without hitting the bank or bear away without colliding with S, she hails S for room.

### **Question**

Which rule or rules apply?

### **Answer**

P is subject to rule 10 and must keep clear. P is also required by rule 14 to avoid contact if reasonably possible. S establishes right of way over P when she tacks onto starboard, but must observe rules 13 and 15. S meets rule 13's requirement by not tacking so close that P has to take avoiding action before S reaches her close-hauled course. After S acquires right of way over P under rule 10, S complies with rule 15 by initially giving P room to keep clear.

Rule 19.2(b) does not apply because S and P are on opposite tacks, are not both sailing more than 90 degrees from the true wind, and so are not overlapped at positions 3 and 4 (see the last sentence of the definition Clear Astern and Clear Ahead; Overlap). Rule 20 does not apply because P and S are not on the same tack. Therefore, S is not required to give P room in response to P's hail for room. However, after it becomes clear that P is not keeping clear, rule 14 requires S, if it is reasonably possible, to avoid contact with P. S would risk disqualification if there were contact that caused damage or injury.

RYA 1978/5

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## **CASE 44**

### **Rule 62.1(a), Redress**

### **Rule 85, Governing Rules**

*A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper action or omission of the race committee made her score significantly worse.*

## **Summary of the Facts**

Sailing instruction 18 provided for the starting line and first mark to be laid so that the first leg would be sailed to windward. After the race committee did so and had started one class, the wind backed some 55 degrees. The Finn class was next to start, but the first mark could not be moved, since the prior class was still sailing towards it and was well short of it. When the Finns started, none could fetch the first mark on a single tack, but subsequent further backing of the wind permitted some to do so. Boat A ‘protested the race committee,’ asserting that, under rule 85 and the definition Rule, sailing instruction 18 was a rule and the race committee had broken it.

The protest committee was satisfied that the first leg of the course was not a ‘windward’ leg within the meaning of the sailing instructions. On the other hand, it found no evidence to suggest that, within the terms of rule 62.1(a), the race was unfair or that any boat was entitled to redress. The protest committee ruled that the results of the race were to stand.

A appealed, asserting that her protest had not been based on a claim for redress under rule 62.1(a). It was based simply on the fact that the race committee had failed to comply with sailing instruction 18, a rule, and with rule 85, which bound race committees to be governed by the rules. The protest committee had based its decision on rule 62.1(a), which was, in her opinion, incorrect. To allow a race to stand when it had not been sailed as required by the rules contravened rule 85 and could not come within the scope of rule 62.1(a).

## **Decision**

The racing rules do not permit a race committee to be protested or penalized. However, as stated in rule 60.1(b), a boat may request redress. The protest committee allowed A’s complaint to be considered by treating it as a request for redress under rule 62.1(a). It correctly found that there was no evidence that A’s score had been made worse by an action or omission of the race committee. Accordingly, A’s appeal is dismissed.

RYA 1978/8

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## CASE 45

### **Rule 62.1(a), Redress**

### **Rule 64.2, Decisions: Decisions on Redress**

### **Definitions, Finish**

*When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.*

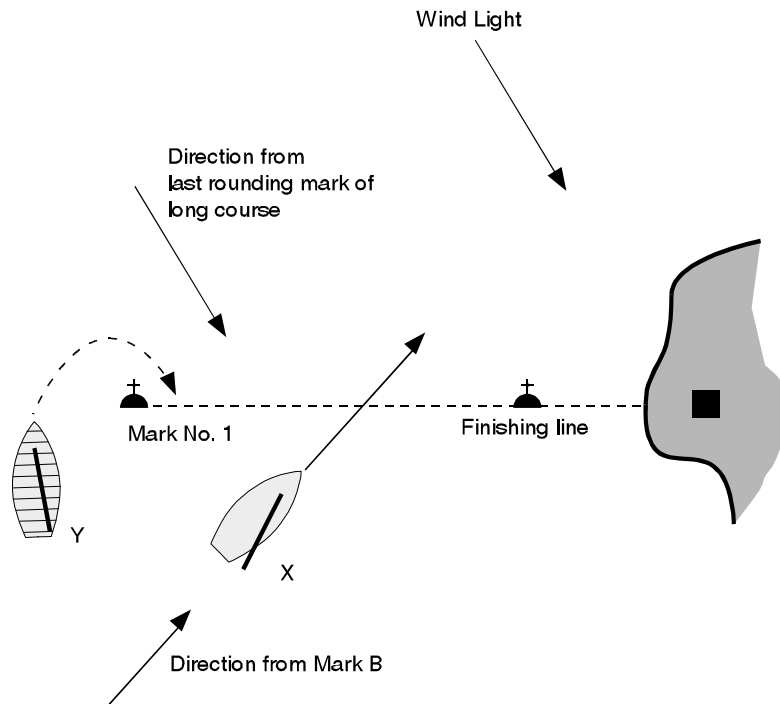
### **Summary of the Facts**

During the day, the class sailed two races. After the first race, which the boats finished leaving Mark 1 to starboard, the wind became light. Accordingly, the race officer set a shorter second course and issued a change to the sailing instructions stating that, although Mark B was the last rounding mark, Mark 1 was to be left to starboard. The same mark was being used for the finishing line of another race, and the race officer had been advised not to set courses that might lead to different boats passing a finishing mark or crossing the finishing line in opposite directions.

X and two other boats finished leaving Mark 1 to port and were scored DNF. Y, followed by the rest of the fleet, sailed the course prescribed by the change to the sailing instructions, leaving Mark 1 to starboard. They thus sailed a 'hook round' finish as shown in the diagram.

X requested redress on the grounds that the race committee had not applied the definition Finish correctly when it awarded first place to Y, whereas X had been the first boat to finish as required by the definition. The protest committee gave redress, agreeing that X and the other two boats had finished correctly, and reinstated them in the race. For boats not so finishing, the committee exercised its discretion under rule 64.2 to 'make as fair an arrangement as possible for all boats affected.' It adjusted the race scores according to the order in which all the boats crossed the finishing line, without regard to the direction in which they crossed it.

X appealed against the new finishing order, claiming that the wording of the definition Finish was unequivocal and stating that such an arrangement would negate the definition and defeat its purpose, which, she believed, was to prevent 'hook round' finishes.



## Decision

X's appeal is dismissed. Because the sailing instruction that conflicted with the definition Finish was invalid, issuing it was an improper action of the race committee that qualified the three boats for consideration for redress under rule 62.1(a). None of the boats racing gained or lost as a result of the race committee error, so the redress awarded was appropriate. It was also as fair an arrangement as possible for all boats, as required by rule 64.2.

RYA 1979/1

## CASE 46

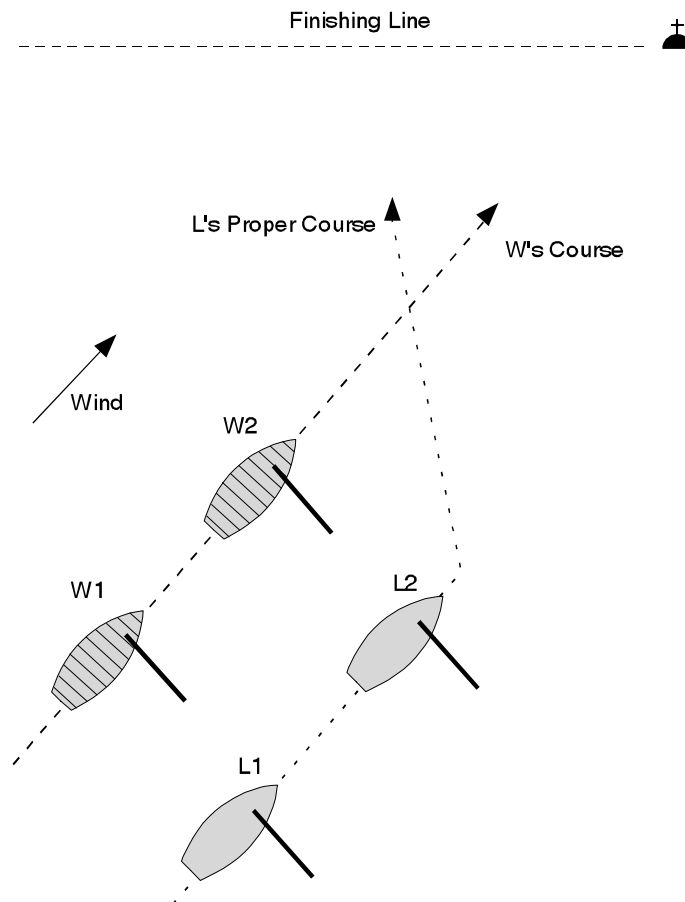
**Rule 11, On the Same Tack, Overlapped**  
**Rule 16.1, Changing Course**  
**Rule 17, On the Same Tack; Proper Course**  
**Definitions, Proper Course**

*A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.*

## Summary of the Facts

For some time, W had been sailing almost dead downwind on a straight course towards the starboard end of the finishing line when L, a boat that had been clear astern, became overlapped within two of her hull lengths to leeward of W. In the absence of W, L would have sailed a higher course directly towards the line. In order to do so, she hailed W to come up. There was no response. L hailed again and luffed to a position very close to W, but W still did not respond. L stopped luffing and bore away just before contact would have occurred. L protested under rule 11.

The protest committee held that there was insufficient evidence to show that W would have finished sooner by sailing a higher course. It said that even though there might be conflict between the courses of a windward and a leeward boat, a boat overtaking another from clear astern did not have the right to force a windward boat to sail above her proper course. The protest was dismissed and L appealed, claiming the right to luff up to her proper course under rule 17.



## **Decision**

Rule 11 says that when two boats on the same tack are overlapped the windward boat shall keep clear. A leeward boat's actions, however, are limited by rules 16.1 and 17. There was room for W to keep clear when L luffed, and so L did not break rule 16.1. The protest committee, although it did not say so explicitly, recognized that L's proper course was directly towards the finishing line. A direct course to the line was not only closer but would also have put both boats on a faster point of sailing. While L was not entitled to sail above her proper course, she was entitled to sail up to it, even though she had established the overlap from clear astern while within two of her hull lengths of W. Accordingly, she did not exceed the limitation to which rule 17 subjected her.

W's proper course is not relevant to the application of the rules to this incident. She was required to keep clear of L. When L luffed, she gave W room to keep clear as required by rule 16.1. At the moment L needed to stop luffing and bear away to avoid contact, W broke rule 11. Therefore, L's appeal is upheld and W is disqualified for breaking rule 11.

USSA 1979/224

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## **CASE 47**

### **Rule 2, Fair Sailing**

*A boat that deliberately hails 'Starboard' when she knows she is on port tack has not acted fairly, and has broken rule 2.*

### **Assumed Facts**

An experienced helmsman of a port-tack boat hails 'Starboard' to a beginner who, although on starboard tack, not being sure of himself and probably being scared of having his boat holed, tacks to port to avoid a collision. No protest is lodged.

One school of thought argues that it is fair game, because if a helmsman does not know the rules, that is his own hard luck. The other school rejects this argument, on the grounds that it is quite contrary to the spirit of the rules to deceive a competitor in that way.

It is known that such a trick is often played, particularly when novices are involved.



## Question

In such a case, has the port-tack boat broken rule 2?

## Answer

A boat that deliberately hails 'Starboard' when she knows she is on port tack has not acted fairly and has broken rule 2. The protest committee might also consider taking action under rule 69.

RYA 1980/1

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## CASE 48

### **Rule 63.2, Hearings: Time and Place of the Hearing; Time for Parties to Prepare**

*Part 5 of the racing rules aims to protect a boat from miscarriage of justice, not to provide loopholes for protestees. A protestee has a duty to protect herself by acting reasonably before a hearing.*

### **Summary of the Facts**

Two close-hauled port-tack boats, W and L, were approaching a windward mark to be left to port. W became overlapped inside L five to six hull lengths from the mark and hailed L for mark-room to round it. L refused, saying that W was not entitled to mark-room on a beat. W passed the mark on the wrong side, circled back, rounded the mark leaving it to port, displayed a protest flag, and informed L that a protest would be lodged. The protest committee found as fact that W became overlapped inside L in proper time. L was disqualified under rule 18.2(b) and appealed.

The appeal alleged that, contrary to rule 63.2, L's helmsman became aware that a hearing was being held only when he was told to attend it; he was refused permission to read the protest outside the hearing room but was required to read it while the hearing was in progress; and he was not given a reasonable time to prepare a defence. Further, the appeal alleged that no evidence was presented in the hearing to establish that W had become overlapped inside L in proper time.

The protest committee commented upon the appeal as follows: the time of the hearing was posted on the official notice board; W's protest was

lodged with the race office and was available for reading for well over an hour prior to that time; her helmsman informed L's helmsman that the protest had been lodged; he made no effort to prepare a defence; and he had to be summoned from the club's dining room when the protest committee, the other party, and the witnesses were assembled and ready to proceed.

### **Decision**

L's appeal is dismissed for the reasons given by the protest committee in its comments. L's helmsman knew that his boat was being protested, and it was his duty to protect himself by acting reasonably, which included seeking out W's protest form, reading it, and using the ample time available to prepare his defence. The national authority is satisfied that the protest committee's conclusion that W became overlapped in time was drawn from the facts the committee found based on evidence that it heard. Those facts are not appealable (see rule 70.1).

RYA 1980/5

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## **CASE 49**

**Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

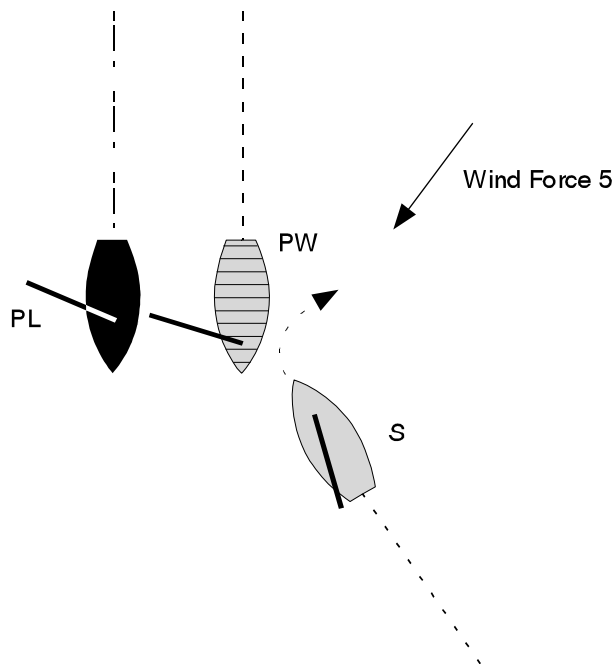
**Rule 63.3, Hearings: Right to be Present**

**Rule 64.1(c), Decisions: Penalties and Exoneration**

*When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.*

### **Summary of the Facts**

In a moderate to rough sea and a fresh breeze, S, close-hauled on starboard tack on her proper course, converged with PW and PL, overlapped and broad reaching on port tack on a different leg of the course. The rigging of PW and S touched, in spite of S luffing sharply in an attempt to avoid a collision, but there was no damage or injury.



Two protests arose from this one incident and were heard separately. In the first protest, S v PW, the latter was disqualified under rule 10. The facts found in that hearing did not mention PL. During the hearing of the second protest, PW v PL, PL stated that she knew that S was converging with PW and PL, that PW would be likely to need room from PL to avoid a possibly serious collision, and that the situation was developing rapidly. PL was disqualified under rule 19.2(b) for not giving PW room between her and S, an obstruction. PW appealed the decision of the protest committee disqualifying her for breaking rule 10.

### **Decision**

In cases of this kind, the two protests should be heard together in the presence of representatives of all the boats involved. This ensures that all of them hear all of the testimony given to the protest committee about the incident, as required by rule 63.3. Had this procedure been followed, the protest committee would have learned that the collision between PW and S arose from the inability of PW to bear away because PL did not give her room to do so, and, as provided in rule 64.1(c), PW would have been exonerated from her breach of rule 10.

PW's appeal is upheld, and she is to be exonerated from her breach of rule 10 and reinstated. The protest committee's decision to disqualify PL for breaking rule 19.2(b) was correct.

RYA 1981/6

## CASE 50

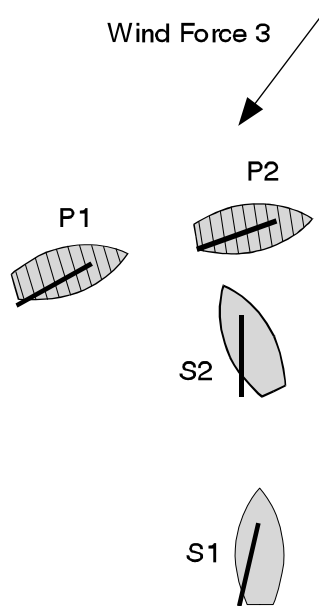
### Rule 10, On Opposite Tacks Rule 14, Avoiding Contact Definitions, Keep Clear

*When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.*

### Summary of the Facts

On a windward leg, P met S and sailed a course to cross ahead of S. S bore away, displayed a protest flag, and hailed P her intent to protest. Both boats were identical 27-foot keel boats, and the wind strength was Force 3.

S protested under rule 10, stating that she had to bear away to avoid colliding with P. The protest committee dismissed the protest by S, stating that: ‘The need to change course could not be substantiated by the conflicting testimony of the two helmsmen.’ S appealed.



## Decision

Rule 10 protests involving no contact are very common, and protest committees tend to handle them in very different ways. Some place an onus on the port-tack boat to prove conclusively that she would have cleared the starboard-tack boat, even when the latter's evidence is barely worthy of credence. No such onus appears in rule 10. Other protest committees are reluctant to allow any rule 10 protest in the absence of contact, unless the starboard-tack boat proves conclusively that contact would have occurred had she not changed course. Both approaches are incorrect.

S's diagram, later endorsed by the protest committee, shows that S bore away to avoid contact. P's diagram, which was not endorsed by the protest committee, showed a near miss if S did not bear away. P did not deny or confirm that S bore away but said that, if she did, it was unnecessary.

A starboard-tack boat in such circumstances need not hold her course so as to prove, by hitting the port-tack boat, that a collision was inevitable. Moreover, if she does so she will break rule 14. At a protest hearing, S must establish either that contact would have occurred if she had held her course, or that there was enough doubt that P could safely cross ahead to create a reasonable apprehension of contact on S's part and that it was unlikely that S would have 'no need to take avoiding action' (see the definition Keep Clear).

In her own defence, P must present adequate evidence to establish either that S did not change course or that P would have safely crossed ahead of S and that S had no need to take avoiding action. When, after considering all the evidence, a protest committee finds that S did not change course or that there was not a genuine and reasonable apprehension of collision on her part, it should dismiss her protest. When, however, it is satisfied that S did change course, that there was reasonable doubt that P could have crossed ahead, and that S was justified in taking avoiding action by bearing away, then P should be disqualified.

On the facts, as shown in the diagram and the report of the protest committee, the ability of P to cross ahead of S was doubtful at best. S's appeal is upheld, and P is disqualified.

CYA 1981/58

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## CASE 51

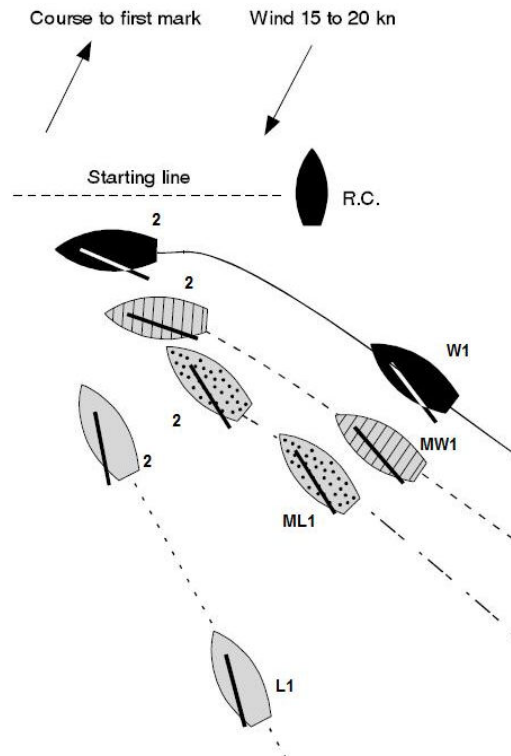
### Rule 11, On the Same Tack, Overlapped Rule 64.1(c), Decisions: Penalties and Exoneration

*A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.*

#### Summary of the Facts

The diagram shows the tracks of four large boats from approximately thirty seconds before their starting signal until fifteen seconds before. At position 2, MW was forced to bear away to avoid collision with W, and almost immediately afterwards ML and L were also forced to bear away to avoid the boat to windward. There was no contact between any of the boats. Had W steered a course to keep clear, she would have crossed the starting line before her starting signal. Each boat to leeward hailed the boat to windward, and each protested the boat or boats to windward of her.

The protest committee disqualified W, MW, and ML and justified its action with respect to the middle boats by stating that 'failure to do so would limit the effectiveness of rule 11 because all boats, except the most windward one, would be immune from disqualification.' MW and ML both appealed.



## Decision

Both appeals are upheld. MW and ML are to be reinstated. Both of them, by their hails, attempted to avoid having to bear away, and neither bore away before becoming obligated to do so to avoid contact with the boat immediately to windward. Rule 14 required them to avoid contact if it was 'reasonably possible' to do so, and they complied with the rule. Each of them broke rule 11, but each was compelled to do so because W broke rule 11. Therefore, each of them is entitled to exoneration under rule 64.1(c).

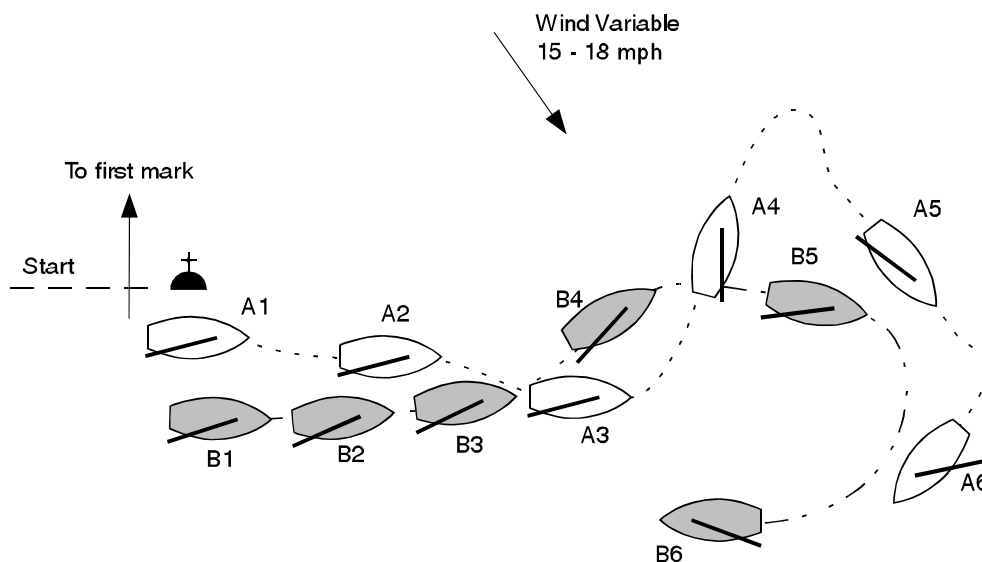
USSA 1950/37

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## CASE 52

### Rule 16.1, Changing Course

*Rule 16.1 does not restrict the course of a keep-clear boat. Manoeuvring to drive another boat away from the starting line does not necessarily break this rule.*



### Summary of the Facts

Before the starting signal, the two boats reached away from the starting line. A, moving faster, passed and was clear ahead of B at position 3. At position 4, A luffed up to close-hauled, intending to tack back to the line,

but she found that B also had luffed and worked into position where, had A tacked, there would have been an immediate collision. A then bore away to gybe, only to discover that B had borne away into a position where a gybe would again cause collision. Finally, B gybed and headed for the starting line, leaving A well astern.

A protested B under rule 16.1, claiming that she had been interfered with while in the act of keeping clear. The protest committee disqualified B, who appealed, holding that her disputed manoeuvres were legitimate means of driving a competitor away from the starting line.

### **Decision**

B's appeal is upheld. She is reinstated. B's actions describe a classic manoeuvre in match and team racing, used to gain a favourable starting position ahead of another competitor. The essential point is that rule 16.1 applies only to a right-of-way boat, which B, at positions 3 and 4, was not.

At position 4, B, as windward boat, had to keep clear under rule 11, but A could not tack without breaking rule 13. At position 5, B became the leeward boat with right of way under rule 11. Had A gybed onto starboard tack, A would have been subject to rule 15 and, if she changed course after she was on starboard tack, to rule 16.1. The facts show that neither boat broke any rule.

USSA 1955/63

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## **CASE 53**

### **Rule 11, On the Same Tack, Overlapped Rule 15, Acquiring Right of Way**

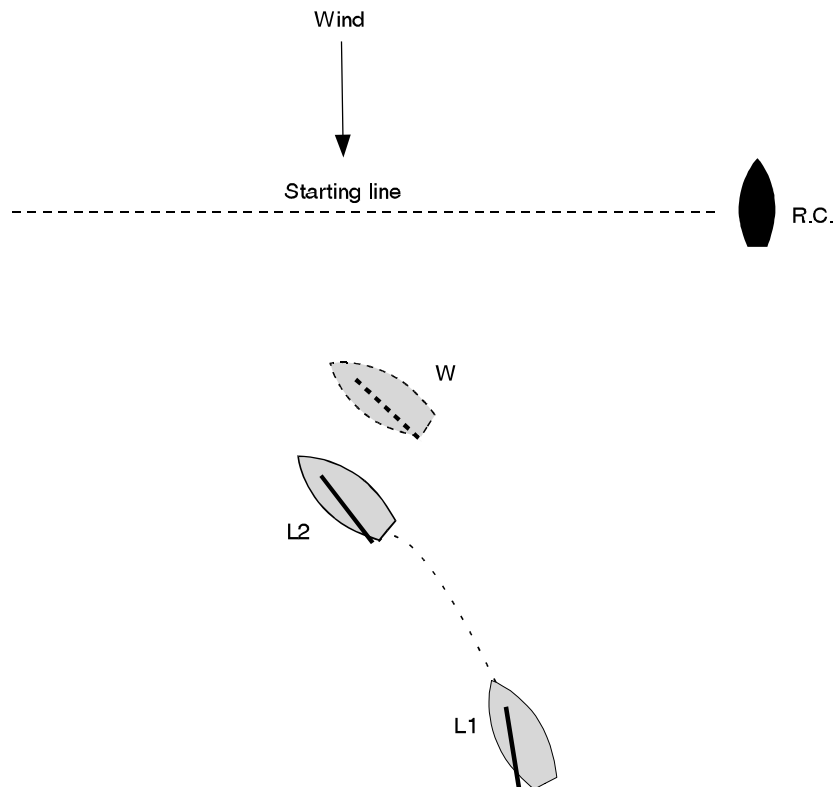
*A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.*

### **Summary of the Facts**

Thirty seconds before the starting signal, W was nearly wayless, her sails flapping. At least three hull lengths prior to becoming overlapped to leeward of W, L hailed 'Leeward boat'. W took no evasive action. Immediately after she became overlapped, L had to bear away to avoid



contact with W; meanwhile, W began to trim her sails and head up. L protested. The protest committee found that W, having been given adequate warning of the impending situation, failed to keep clear of a leeward boat, thereby breaking rule 11. W appealed asking: ‘Does W, under rules 11 and 15, have an obligation to anticipate becoming overlapped to the extent of having to gather sufficient way to be able to respond immediately after the boats become overlapped?’



## Decision

Allowing adequate time for response, when rights and obligations change between two boats, is implied in rule 15 by its requirement to allow a newly obligated boat ‘room to keep clear’. This rule does not require a boat clear ahead to take any action to keep clear as a windward boat before the boat clear astern becomes overlapped to leeward.

If L had not borne away immediately, she would have broken rule 15. After L become overlapped to leeward of W, W immediately trimmed her sails, headed up, and thereafter kept clear. By taking these actions, W fulfilled her obligations under rule 11. W’s appeal is upheld; neither boat broke any rule. W is to be reinstated.

USSA 1969/126

## CASE 54

### Rule 14, Avoiding Contact

#### Rule 20.1, Room to Tack at an Obstruction: Hailing and Responding

*When a boat approaching an obstruction has hailed for room to tack, the protest committee should normally accept her judgment as to when safety required the hail. When the hailing boat observes no response to her hail, she should hail again more loudly. If after hailing she waits only a short time before tacking, she deprives the other boat of a choice of actions and risks contact with her. If a boat fails to keep a lookout she may fail to act reasonably to avoid contact.*

#### Summary of the Facts

A and B, close-hauled on starboard tack, were approaching the shore, with A a hull length ahead and one length-and-a-half to leeward. A hailed for room to tack but B did not hear the hail. After waiting for a short interval, during which time there was no response from B, A tacked onto port. Then, in spite of bearing away as rapidly as possible with her sheets free, A hit B's leeward side. A protested B under rule 20.1(b) and B protested A under rule 10.

At the hearing, B acknowledged that she was aware of the position of A before A tacked, but B's helmsman and crew had not observed A during the thirty seconds before the collision. The protest committee dismissed A's protest and disqualified her on the grounds that she had hailed for room to tack when not in imminent danger of running aground and that her hail was inadequate, since B had not heard the hail or responded.

A appealed, claiming that the protest committee had improperly substituted its own judgment for A's as to her safety. In addition, she argued that when two close-hauled boats are approaching an obstruction, the boat to windward is obligated to expect and be prepared for a hail.

#### Decision

The protest committee should accept a leeward boat's judgment that safety required her to change course unless there is little or no doubt that the boat's hail was earlier than necessary. Concerning the hail, when the hailed boat fails to respond in any way, as B did in this case, the hailing boat should hail again, more loudly. A did not do so. Also, A gave B little

or no time to respond, thereby depriving her of the choice of actions provided in rule 20.1(b), and also risking contact with her. A broke rule 20.1(a), and also rule 14 because clearly she could have avoided contact with B by complying with rule 20.1(a). By failing to keep clear of B she also broke rule 10.

B also contributed to causing the collision. Rule 14 required her, as well as A, to avoid contact 'if reasonably possible'. This requirement means a boat must do everything that can reasonably be expected of her in the circumstances to avoid contact. This includes keeping a lookout, especially when two boats approach an obstruction together. B's failure to observe A for a 30-second period was in this case a clear breach of rule 14.

The appeal is dismissed. A was correctly disqualified, not only for breaking rule 20.1(a), but also rules 10 and 14. B is also disqualified, for her breach of rule 14.

USSA 1971/147

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## CASE 55

### **Rule 70.1, Appeals and Requests to a National Authority Definitions, Party**

*A boat cannot protest the race committee or the protest committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat has no right of appeal from a redress decision when she was not a party to the hearing. When she believes that her score has been made significantly worse by the arrangement reached in that decision she must herself request redress. She may then appeal the decision of that hearing.*

### **Summary of the Facts**

A 'protested' the race committee because of inadequate rescue facilities in contravention of the club's constitution. The race committee abandoned the completed race. B appealed.

## **Decision**

B's appeal is refused because it cannot be heard under rule 70.1. B has no right of appeal, as she was not a party to the hearing of the request for redress by A. Therefore her 'appeal' is in fact not an appeal but a request for redress that could have been addressed to and heard by the protest committee.

The following points may assist in the understanding of this case:

1. There is no provision in the racing rules under which a boat can protest the race committee or protest committee. The only actions a boat can take against one of these committees are to request redress when she claims that her score in a race or a series of races has been made significantly worse by an improper action or omission of the race committee or protest committee, or to ask for a hearing to be reopened under rule 66 when she is a party to it. In this case, A made no such claim; her 'protest' was merely a criticism of the committee, having no standing under the racing rules.
2. Quite apart from the racing rules, a competitor is at liberty to point out to the race committee that it has made an error. When aware of its error, the race committee may try to have it taken into account by asking the protest committee to consider giving redress as permitted by rule 60.2(b).
3. If B had been a competitor in the race and had lodged a valid request for redress claiming that her score had been made significantly worse by the abandonment of the race, she would have been entitled to a redress hearing at which she would have been a party. She then could have appealed the decision of that hearing.

RYA 1982/11

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**CASE 56**

**Deleted**

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## CASE 57

### **Rule 60.2, Right to Protest; Right to Request Redress or Rule 69 Action**

### **Rule 78.3, Compliance with Class Rules; Certificates**

*The race committee is required to protest only as a result of a report received from an equipment inspector or a measurer appointed for an event. When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.*

### **Summary of the Facts**

A and B were among boats racing under a rating system in a summer-long series. After its completion, B requested redress on the grounds that the race committee had used an incorrect rating certificate for A throughout the series. After the request was lodged, the rating authority confirmed that there had been an unsuspected error in A's certificate since her first hull measurement some years previously. B then stated that the race committee should have protested A, as required by rule 60.2.

The protest committee found that the owner of A was not responsible for the error of calculation in the rating, nor was there any evidence that he had broken rule 78.1. It decided that no action or omission of the race committee was responsible for the error or for its remaining undiscovered, and that therefore B was not entitled to redress. It requested confirmation or correction of its decision under rule 70.2.

### **Decision**

The decision of the protest committee is confirmed. B claimed that the race committee's failure to protest A, as required by the last sentence of rule 60.2, was prejudicial to herself and the other boats in the class. However, that rule's provision concerning rule 78.3 did not apply. Rule 78.3 applies to a report received from an equipment inspector or a measurer appointed for an event. In this case the report came from the national rating authority, over which neither the organizing authority nor the race committee had any authority.

When a valid certificate is found to be defective, it may be withdrawn by the authority that issued it, but no retrospective action may be taken in regard to a completed series or any completed races in a series that is still in progress. Thus, when a current, properly authenticated certificate has been presented in good faith and a race or series has been completed, the results of that race or series must stand, even though at a later date the certificate is withdrawn.

RYA 1983/1

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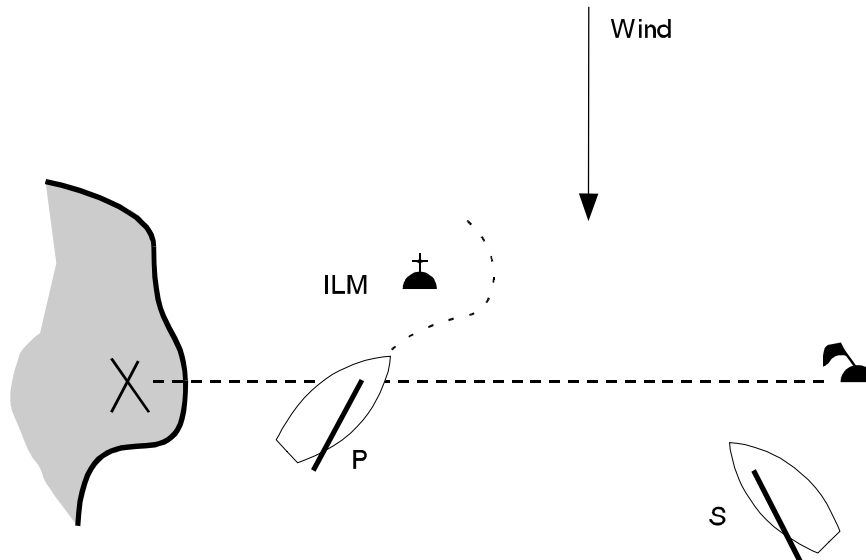
## CASE 58

### Rule 28.2, Sailing the Course

#### Definitions, Finish

#### Definitions, Mark

*If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, it is not a mark.*



#### Summary of the Facts

The finishing line was between a mast on shore and a mark, with an inner limit mark to be left to port. On the day in question, the inner limit mark lay on the post-finish side of the line. P crossed the line, and then rounded the inner limit mark as shown in the diagram. The race officer timed her as

finishing when her bow crossed the line, before she had rounded the limit mark.

S requested redress on the grounds that the race officer acted incorrectly in recording P as having finished before she had completed the course. The protest committee did not give S redress and referred that decision, under rule 70.2, for confirmation.

### **Decision**

The protest committee's decision is confirmed. Rule 28.2 states that 'A boat may leave on either side a mark that does not begin, bound or end the leg she is on.' Since the inner limit mark was beyond the finishing line it did not 'bound' or 'end' the last leg of the course. Only when a limit mark is on, or on the course side of, the finishing line is it a mark, as that term is defined, and only then must a boat leave it on the specified side before, or when, finishing.

RYA 1983/5

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## **CASE 59**

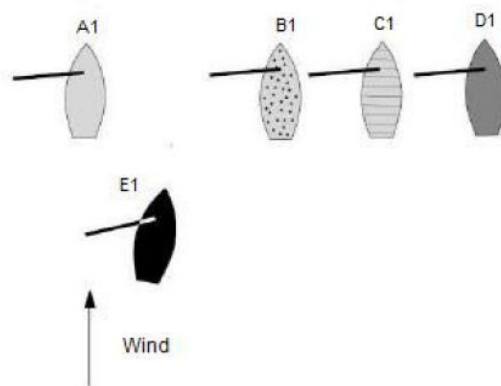
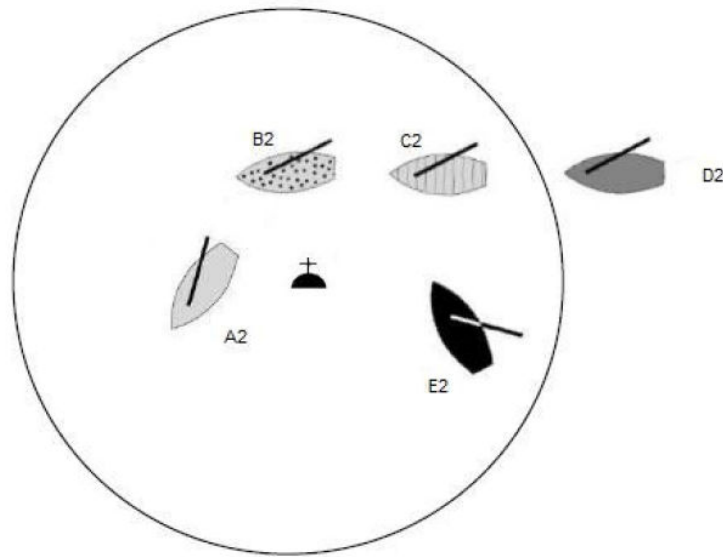
### **Rule 18.2(a), Mark-Room: Giving Mark-Room**

### **Rule 18.2(b), Mark-Room: Giving Mark-Room**

*When a boat comes abreast of a mark but is outside the zone, and when her change of course towards the mark results in a boat that is in the zone and that was previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give mark-room to that boat, whether or not her distance from the mark was caused by giving mark-room to other boats overlapped inside her.*

### **Assumed Facts**

Five boats were approaching a leeward mark dead before the wind. Four of them were overlapped in line with A nearest the mark. The fifth boat, E, was clear astern of A, B and C when those three boats reached the zone. When D came abreast of the mark and turned to round it, E became overlapped inside D. This occurred after E had already reached the zone and before D reached it. E rounded the mark behind A, B and C but inside D, which was able to give mark-room to E.



**Question**

Was E entitled to mark-room under rule 18.2(a) from D?

**Answer**

Yes.

Because E was clear astern of A, B and C when they reached the zone, she was required by rule 18.2(b) to give each of them mark-room. Between E and D, however, a different relationship developed. In order to leave room for the three inside boats with their booms fully extended, D had to approach the mark on a course that brought her abreast of it outside the zone. When E reached the zone, she was clear astern of D and D was still outside the zone. Therefore, rule 18.2(b) did not apply between D and E. When D changed course towards the mark, E obtained an inside overlap



and rule 18.2(a) began to apply between D and E. E was entitled to mark-room under that rule, which D was able to give.

USSA 1982/250

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## CASE 60

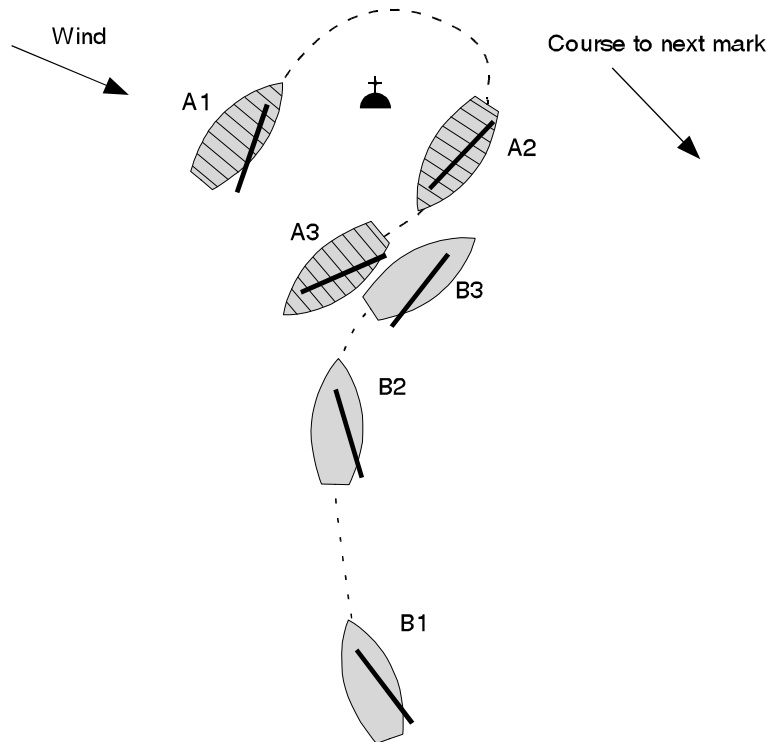
### Rule 16.1, Changing Course

### Rule 18.1(c), Mark-Room: When Rule 18 Applies

### Definitions, Keep Clear

### Definitions, Room

*When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.1.*



## Summary of the Facts

After A rounded the windward mark to starboard ahead of B and then gybed onto starboard tack, she chose not to sail directly towards the next mark but, for tactical reasons, to reach high above it. To do so, after gybing she luffed sharply, at which point she was bow to bow with B, who was on port tack beating to windward. The boats were now little more than one length apart. B immediately bore away as hard as she could to avoid a collision, but her action was not sufficient. However, A quickly luffed still further and the two passed very close to each other but without contact. The protest committee upheld A's protest under rule 10 and B appealed, claiming that A had broken rule 16.1 by failing to give B room to keep clear.

## Decision

B's appeal is upheld; she is reinstated and A is disqualified.

Tactical desires do not relieve a boat of her obligations under the rules. A was free to adopt any course she chose to reach the leeward mark, but she did not have the right to luff into the path of B so close to B that B could not keep clear. Despite B's bearing away as hard as possible, a potentially serious collision would have occurred had A not taken avoiding action by quickly luffing further. As it turned out, their combined efforts narrowly averted such a collision, but that does not change the conclusion that in this case when A gybed onto starboard tack, became the right-of-way boat, and continued to alter course, she did not at any time give B 'the space [she needed] . . . while manoeuvring promptly in a seamanlike way' to enable A to 'sail her course with no need to take avoiding action.' Therefore, A broke rule 16.1.

Although both boats were in the mark's zone, rule 18 did not apply because B was approaching the mark and A was leaving it (see rule 18.1(c)). Therefore, A was not entitled to exoneration under rule 18.5(b) for her breach of rule 16.1.

## CASE 61

### Rule 71.4, National Authority Decisions

*When the decision of a protest committee is changed or reversed upon appeal, the final standings and the awards must be adjusted accordingly.*

#### Question

May the organizing authority state in the notice of race or sailing instructions that, while appeal is not denied, final regatta standings and awards will not be affected by any appeal decision?

#### Answer

No. Rule 86.1 prohibits changing any part of rule 70 or rule 71 in the sailing instructions. An appeal involves not only the adjudication of a dispute on the meaning of a rule but also, in the event of a change or reversal of the decision of the protest committee, an adjustment of the results of the race and the final standings of the regatta on which the awards are based. Rule 71.4 states that the decision of the national authority is final, and this decision must be implemented by those bodies subject to rule 85 and governed by the rules: the organizing authority, the race committee and the protest committee.

USSA 1983/252

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## CASE 62

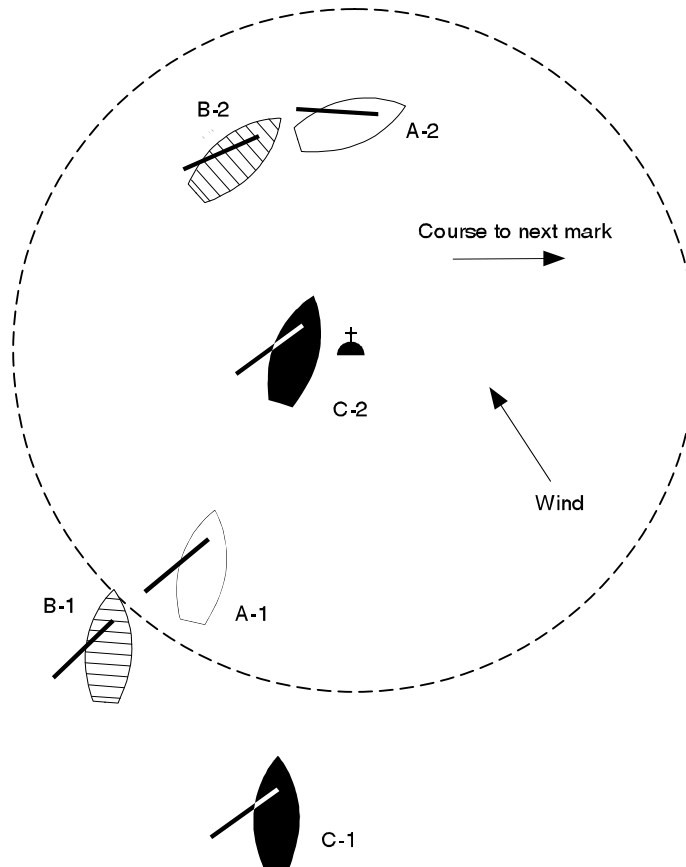
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## CASE 63

### Rule 18.2(b), Mark-Room: Giving Mark-Room Rule 18.5(b), Mark-Room: Exoneration Definitions, Mark-Room

*At a mark, when room is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the room.*



### Summary of the Facts

Two boats, A and B, broad reaching and about to round the leeward mark, were overlapped with B outside. C was further astern. A passed the mark about one hull length to leeward, as did B, leaving ample room for C to round the mark inside them. B, because of her position outside A, was unable to deny room to C, and at no time during the incident sailed a course that would have resulted in a collision with C. No contact occurred. B protested C.

The protest committee dismissed B's protest stating that C did not break any rule when she sailed between B and the mark and C did not cause B to take avoiding action or prevent B from luffing. B appealed on the grounds that C's action prevented her from executing her intended manoeuvre, which had been to slow down by bearing away and then to harden up across A's transom, thereby denying room to C to pass inside.

### **Decision**

B's appeal is dismissed. When B entered the zone she was clear ahead of C, so rule 18.2(b) required C to give B mark-room. Rule 12 (and later rule 11) also required C to keep clear of B. B was not required to give C mark-room. However, B, because she could not prevent it, allowed C room to sail between her and the mark and the protest committee found that she was not in a position to do otherwise. When C sailed between B and the mark C broke no rule.

When a boat voluntarily or unintentionally makes room at a mark available to another that has no rights to such room, the other boat may take advantage, at her own risk, of the room. The risk she takes is that the boat entitled to mark-room may be able to close the gap between her and the mark while sailing her proper course. In that case, the boat entitled to mark-room will be exonerated if she breaks a rule of Section A or rule 15 or 16 (see rule 18.5(b)), and only rule 14 will inhibit her if she makes a rapid and aggressive attempt to close the gap between herself and the mark.

RYA 1984/1

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## **CASE 64**

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## CASE 65

### **Sportsmanship and the Rules**

#### **Rule 2, Fair Sailing**

#### **Rule 30.3, Starting Penalties: Black Flag Rule**

#### **Rule 69.1, Allegations of Gross Misconduct: Action by a Protest Committee**

*When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and of rule 2, and her helmsman commits a gross breach of sportsmanship.*

### **Summary of the Facts**

At the start of race 4, A was clearly about three to four hull lengths on the course side of the starting line. Rule 30.3 was in effect, so the race committee disqualified her without a hearing. A, although she knew she was over the line at her starting signal, continued to race and covered B for the first part of the first beat. B protested A for breaking rule 2.

The protest committee confirmed the disqualification of A under rule 30.3. It also decided that, by continuing to race and cover B when she knew that she had broken rule 30.3, A broke rule 2. As required by rule 90.3(b), it penalized her by making her disqualification not excludable. Later the same day, acting under rule 69.1, it called a hearing alleging that the behaviour of A's helmsman in hindering B was a gross breach of sportsmanship and of rule 2. It decided that the helmsman had committed the alleged gross breaches, and excluded him and disqualified A from all races of the series. A appealed the protest committee's decisions.

### **Decision**

A's appeal is dismissed.

A was correctly disqualified from race 4 for breaking rule 30.3. The protest committee found as fact that A's helmsman knew that he had been on the course side of the starting line at the starting signal; that he had broken rule 30.3; that he was, therefore, already disqualified; and that he had seriously hindered another boat in the race. A clearly committed a gross breach of sportsmanship (see Sportsmanship and the Rules) and of rule 2, and the protest committee acted properly under rule 69.1 in excluding A's helmsman and disqualifying A from all races of the series.

## CASE 66

### **Rule 64.1(a), Decisions: Penalties and Exoneration Rule 85, Governing Rules**

*A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority qualified to resolve questions of measurement.*

#### **Assumed Facts**

A race committee protests a number of boats, under rule 60.2, for measurement defects. The protest committee, after a hearing, concludes that it is satisfied that there is reasonable doubt about the interpretation or application of the relevant class rules. Acting under rule 64.3(b), it refers the matter to the class association, as being the appropriate authority qualified to resolve such questions. The class association reports that all the boats concerned have broken a class rule, and the protest committee, accepting the report, disqualifies the boats. The race committee then refuses to implement these decisions because it alleges that for various reasons they are unfair.

#### **Questions**

May the race committee change or decide not to implement the decisions of a protest committee, whether or not these decisions are based on a report made under rule 64.3(b)? If not, who may take what action?

#### **Answers**

Rule 85 states that the race committee shall be governed by the rules. A race committee has no jurisdiction over a protest committee and is not entitled to change or refuse to implement any decision that the protest committee may have made. Rule 64.1(a) provides that a protest committee's decision to penalize must be implemented.

In this case, the race committee and each boat protested by it are the parties to the hearing. Under rule 66 a party may ask that the hearing be reopened on the grounds that the protest committee made a significant error or that significant new evidence has become available. Also, under rule 70.1, a party may appeal the protest committee's decision or its procedures.

RYA 1984/16

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## CASE 67

### Part 2 Preamble

#### Rule 69.1, Allegations of Gross Misconduct: Action by a Protest Committee

*When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she may be penalized for gross misconduct.*

### Summary of the Facts

Under the government right-of-way rules applicable, W, a boat that was racing, was required to keep clear of a sailing vessel to leeward, L, that was not racing. W wished to sail a lower course to a mark and hailed L, which refused to respond. W then intentionally hit L by bumping her boom against L several times, thereby causing damage.

L informed the race committee of W's behaviour. The race committee protested W, and a hearing was called. W was disqualified for breaking rules 11 and 14. W appealed on the grounds that the racing rules did not apply, and consequently the protest committee was not entitled to disqualify her.

### Decision

W's appeal is dismissed. The preamble to Part 2 of the racing rules makes it clear that, when W met L, W was required to comply with the government right-of-way rules. Moreover, W was also subject to the racing rules other than those of Part 2. W did not comply with the government rules and, by intentionally hitting and damaging L, committed a gross breach of not only a rule but of good manners as well.

The decision of the protest committee is upheld, but W is disqualified under the government rule applicable and not under racing rule 11 or rule 14. Both those rules are rules of Part 2, which would have applied only if both boats had been intending to race, were racing, or had been racing. W also committed a gross breach of the government rule and a gross breach of good manners, so the protest committee would have been entitled to call a hearing under rule 69.1.



## CASE 68

### **Rule 62.1(a), Redress Definitions, Racing**

*The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.*

### **Summary of the Facts**

In a long distance race, boat A protested boat B under a rule of Part 2 and boat B was disqualified.

B requested redress. She stated that it had come to light in a protest hearing after an earlier race that A had failed to revalidate her rating certificate and therefore had been ineligible to enter the long distance race. B further claimed that since A was ineligible when she entered that race she was not racing in it; therefore B had no reason to take a penalty or retire, nor did A have the right to protest under rule 60.1.

The protest committee denied B's request for redress, stating that the invalidity of A's rating certificate did not change the fact that she was racing within the terms of the definition and so was entitled to her rights under the rules of Part 2 and her right to protest under rule 60.1. B appealed.

### **Decision**

B's appeal is dismissed. The failure of the race committee to discover the invalidity of A's rating certificate and prevent her from racing was not an improper omission which worsened B's finishing place within the meaning of rule 62.1(a). Therefore, the protest committee properly denied B's request for redress. A was a boat 'intending to race' prior to her preparatory signal and a boat racing thereafter. The rules of Part 2 applied to her and to all other boats that were racing. The principles of sportsmanship require a boat to take a penalty when she realizes that she has broken a rule, but if she continues racing she retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal. The rules of Part 2 govern all boats that are racing, whether or not one of them is later disqualified for some reason.

CYA 1978/40

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## CASE 69

### **Rule 42.1, Propulsion: Basic Rule**

*Momentum of a boat after her preparatory signal that is the result of being propelled by her engine before the signal does not break rule 42.1.*

### **Assumed Facts**

In a flat sea and 1-2 knots of wind a boat enters the starting area under power shortly before her preparatory signal at a speed of 5-6 knots. At the preparatory signal she is moving at the same rate of speed but no longer motoring. At 2.5 minutes before her starting signal she hoists her sails and slows to 2 knots.

### **Question**

Does she break rule 42.1?

### **Answer**

No. A boat begins racing at her preparatory signal. During the period in which the boat was racing she was using wind as a source of power as required by rule 42.1. Her motion also resulted from momentum created by engine power that propelled her before she began racing. Nothing in the rule requires that a boat be in any particular state of motion or non-motion when she begins racing. Therefore rule 42.1 was not broken.

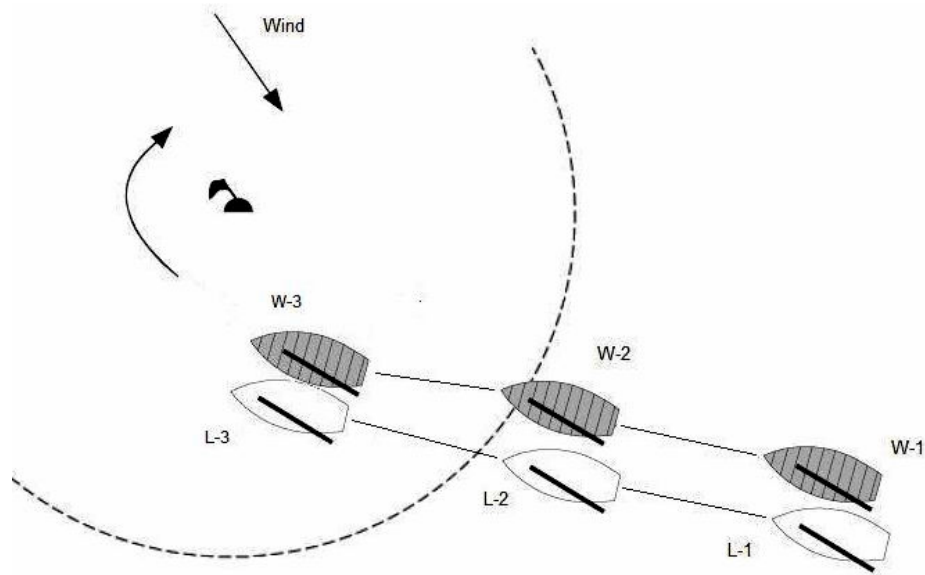
USSA 1986/269

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## CASE 70

### **Rule 11, On the Same Tack, Overlapped Rule 18.2(b), Mark-Room: Giving Mark-Room Rule 18.5(a), Mark-Room: Exoneration Definitions, Mark-Room**

*An inside overlapped windward boat that is entitled to and is receiving mark-room from the outside boat must keep clear of the outside boat.*



### Summary of the Facts

L and W, both about 14 feet (4 m) long, were sailing on starboard tack at about 4 knots, approaching a windward mark to be left to starboard. The boats were overlapped with W, the inside boat, slightly ahead. W requested mark-room and L replied, ‘Mark-room will be given when needed’. Subsequently, when 20 feet (6 m) from the mark, the boats made contact beam to beam. No damage or injury occurred. L protested W, alleging that W broke rule 11.

The protest committee disqualified L for not giving W room to sail to the mark after she asked for it. L appealed.

### Decision

Before and at the time of the contact, rule 11 required W to keep clear of L and rule 18.2(b) required L to give W mark-room. While W was sailing to the mark, she broke rule 11 by sailing so close to L that there was a need for L to take avoiding action. The diagram accepted by the protest committee showed that, from the time W reached the zone until contact occurred, L was giving W room to sail to the mark. Therefore, W’s breach of rule 11 was not a result of L having failed to give W mark-room. For this reason, W is not exonerated under rule 18.5(a) for breaking rule 11.

Both boats could easily have avoided the contact, and so both broke rule 14. However, the contact caused neither damage nor injury and, because L was the right-of-way boat and W was entitled to mark-room, neither is to be penalized for breaking rule 14 (see rule 14(b)).

L's appeal is upheld. She is reinstated in her finishing place and W is disqualified for breaking rule 11.

USSA 1988/273

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## CASE 71

### **Sportsmanship and the Rules**

#### **Rule 29.1, Recalls: Individual Recall**

#### **Rule 62.1(a), Redress**

#### **Rule 64.2, Decisions: Decisions on Redress**

*A hail is not the 'sound signal' required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.*

### **Summary of the Facts**

Boats A and B were near the port end of the starting line and very close to the line at the starting signal. The race committee, believing that both had been on the course side of the line at their starting signal, displayed flag X and hailed both sail numbers.

Neither A nor B heard the hails or saw flag X but continued racing and their finishing places were recorded. Preliminary results were posted showing A and B scored as OCS.

A promptly requested redress, citing as grounds that the race committee failed to make the required sound signal and that she did not see a flag or have any other reason to believe that she did not start correctly.

The protest committee heard A's request. The committee did not find as fact whether or not A or B was on the course side of the starting line at the starting signal. However, when the committee learned that B was next to A, it gave redress to both boats, stating that they were to be scored in their finishing places and, where appropriate, other boats' scores were to be adjusted downwards. This done, C, which had finished behind A and B, requested redress in her turn, claiming that the race committee's omission of the required sound signal had made her score significantly worse by causing two boats which failed to start properly to be scored ahead of her. C's request was denied and she appealed.

In commenting on the appeal the race committee asked several questions.

### **Question 1**

Did the hail of sail numbers constitute a sound signal?

### **Answer 1**

No. The hail of one or more sail numbers is not the sound signal required when flag X is displayed.

### **Question 2**

Did the protest committee act properly in giving redress to A?

### **Answer 2**

Yes. When a boat reasonably believes that she has started properly and has not been notified to the contrary in the manner required by rule 29.1 and when she is then scored OCS, she is entitled to redress under rule 62.1(a). The claim that A was over the line early was not established as fact. Therefore, scoring A in her finishing place was an appropriate form of redress in this circumstance.

However, if it were determined in a hearing that a boat knew that she had been over the line, she would have been obliged to comply with rule 28.1 and, if it applied, rule 30.1, and she would not be entitled to redress. Had she broken those rules, she would also have broken rule 2 and failed to comply with the Basic Principle, Sportsmanship and the Rules.

### **Question 3**

Did the protest committee act properly in giving redress to B, which had not requested it?

### **Answer 3**

Yes. The protest committee found that B was in the same circumstances as A, and it then acted as required by rule 64.2's first sentence.

#### **Question 4**

Was C entitled to redress?

#### **Answer 4**

No. The claim that A and B were over the line early was not established as fact. Therefore, despite the race committee's failure to make the required sound signal, C's claim that her score was made significantly worse by that error is not supported by the facts. C is not entitled to redress, and her appeal is denied.

USSA 1988/276

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## **CASE 72**

### **Rule 61.1(a), Protest Requirements: Informing the Protestee**

*Discussion of the word 'flag'.*

#### **Question**

What is the test of whether an object is a flag within the meaning of rule 61.1(a)?

#### **Answer**

In the context of rule 61.1(a), a flag is used as a signal to communicate the message 'I intend to protest.' Only if the object used as a flag communicates that message, with little or no possibility of causing confusion on the part of those on competing boats, will the object qualify as a flag. A flag must be seen primarily to be a flag.

USSA 1988/277

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## CASE 73

### **Rule 2, Fair Sailing**

### **Rule 11, On the Same Tack, Overlapped**

*When, by deliberate action, L's crew reaches out and touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.*

### **Summary of the Facts**

W and L were overlapped on starboard tack beating towards the windward mark. The crew of L, who was on a trapeze, reached out and deliberately touched W's deck with a hand and intimated that W should retire. L protested W. The protest committee disqualified W under rule 11 and she appealed.

### **Decision**

W's appeal is upheld; L is disqualified and W reinstated. Because L could sail her course with no need to take avoiding action and there was no risk of immediate contact had L changed course in either direction, W was keeping clear of L. Therefore, W did not break rule 11. The deliberate action of L's crew, which could have had no other intention than to disqualify W, broke rule 2.

RYA 1971/6

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## CASE 74

### **Rule 2, Fair Sailing**

### **Rule 11, On the Same Tack, Overlapped**

*There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's or crew's position is deliberately misused.*

## **Summary of the Facts**

W was overtaking L in sub-planing conditions on a close reach. L luffed slightly, the helmsman's back making contact with W just forward of the shroud. At this point the hulls were about an arm's length apart. Neither boat took a penalty. At the subsequent hearing, the protest committee disqualified L under rule 2, stating that W was correctly trimmed with full sails and her crew sitting by the leeward shroud. 'Contact', it continued, 'could only have been made if L's helmsman was sitting out flat.' In the prevailing conditions this was significantly beyond the normal sailing position required.' L appealed.

## **Decision**

L's appeal is upheld; she is reinstated and W disqualified under rule 11. In Case 73 it is clear that L's crew deliberately touched W with the intention of protesting her out of the race. In this case there was no such deliberate action by L. There is no rule that dictates how a helmsman or crew must sit and, in the absence of deliberate misuse of his positioning, no breach of rule 2 took place.

RYA 1993/2

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## **CASE 75**

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 16.1, Changing Course**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 18.4, Mark-Room: Gybing**

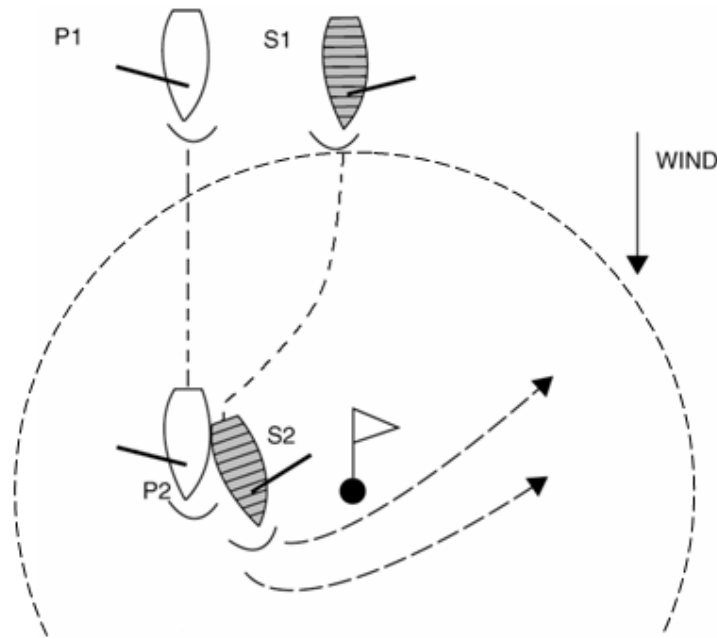
*When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.*



## Summary of the Facts

Two boats, S and P, were sailing directly downwind towards a leeward mark to be left to port. They had been overlapped for several lengths with S inside and slightly ahead. As S entered the zone, she luffed. As her bow came abreast of the mark she bore away to gybe, and there was contact, but no damage or injury. S protested P under rule 10 while P protested S under rule 18.

The protest committee disqualified P for breaking rule 10. P appealed, asserting that she had given S mark-room and that S had broken rule 18.4.



## Decision

At position 1, S reached the zone and P was required by rule 18.2(b) to give S mark-room thereafter. In addition, until S gybed P was required by rule 10 to keep clear of S. As S luffed, she was required by rule 16.1 to give P room to keep clear, and until she gybed S was also required by rule 18.4 to sail no farther from the mark than needed to sail her proper course. The mark-room that P was required to give S was the space S needed in the existing conditions to sail promptly to the mark in a seamanlike way. That space was a direct corridor from S1 to a position close to and alongside the mark on the required side. P gave S that room. However, because S had right of way she was not required to remain within that corridor; she was permitted to sail any course provided that she complied with rules 16.1 and 18.4.

S luffed gradually through approximately 45 degrees while sailing about three lengths forward, and P made no effort to keep clear. Shortly before position 2, S needed to act to avoid P. At that moment P broke rule 10. When S luffed after position 1, if P had acted promptly there was space for her to have manoeuvred in a seamanlike way to keep clear of S. Therefore S did not break rule 16.1.

When S gybed just after position 2, she had not sailed farther from the mark than needed to sail her proper course. Indeed, in the absence of P (the boat 'referred to' in the definition Proper Course), S's proper course might well have been to sail even farther from the mark and higher than she did, so as to make a smoother, faster rounding and to avoid interference with her wind by being backwinded or blanketed by other boats ahead. Therefore S did not break rule 18.4.

Concerning rule 14, both boats broke the rule because there was contact and it was 'reasonably possible' for each of them to avoid it. P is therefore disqualified under rule 14 as well as rule 10. However, S cannot be penalized because she was the right-of-way boat when the contact occurred and there was no damage or injury (see rule 14(b)).

P's appeal is dismissed. She was properly disqualified, and S did nothing for which she could be penalized.

USSA 1976/195

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## CASE 76

### **Rule 16.1, Changing Course**

### **Rule 18.1(a), Mark-Room: When Rule 18 Applies**

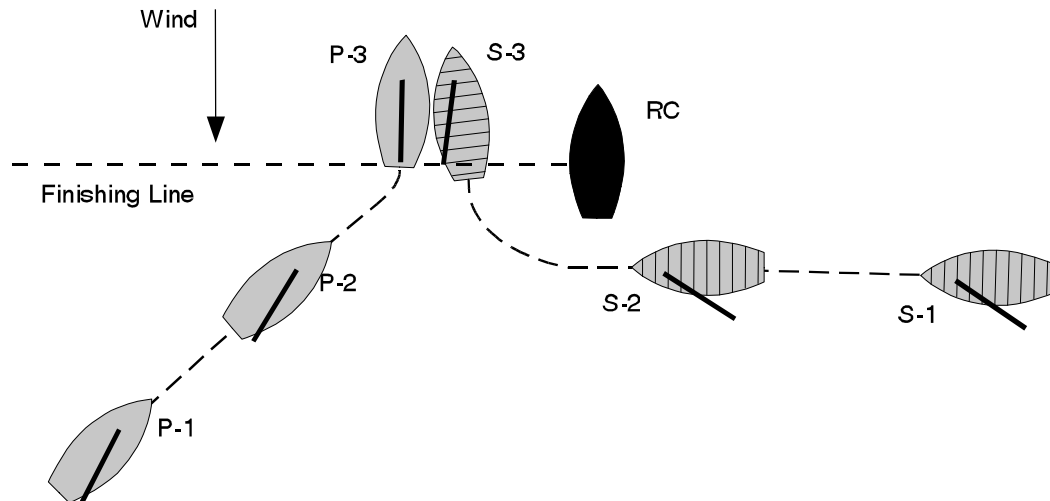
### **Rule 64.1(c), Decisions: Penalties and Exoneration**

*When a boat changes course she may break rule 16, even if she is sailing her proper course.*

### **Assumed Facts**

S on starboard tack and P on port tack are on a leg from the leeward mark to the finishing line. S has overstood and bears away to clear the stern of the committee boat at the starboard end of the line. P can cross S clear ahead if S maintains that course, and P hails S to hold her course. After S passes the stern of the committee boat, her proper course is to luff to a

close-hauled course. S luffs to a close-hauled course at which point there is less than a hull length between S and P. Both then luff to head to wind, and they manage to avoid contact by the narrowest of margins.



### Question

What rules govern the relationship between the two boats?

### Answer

Rule 18 does not apply because the boats are on opposite tacks on a beat to windward (see rule 18.1(a)). Therefore, S is not entitled to mark-room from P. P is subject to rule 10, which requires her to keep clear of S, but S rule 16.1 prohibits S from changing course without giving P room to keep clear, even when S is sailing her proper course. In this situation when S luffs to a close-hauled course just after passing the stern of the committee boat, she does not give P room to keep clear and, therefore, breaks rule 16.1. P breaks rule 10, but is compelled to do so because S breaks rule 16.1. Therefore, P is to be exonerated under rule 64.1(c)

USSA 1980/231

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## CASE 77

**Rule 12, On the Same Tack, Not Overlapped**

**Rule 14, Avoiding Contact**

**Rule 31, Touching a Mark**

**Definitions, Keep Clear**

*Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.*

### **Assumed Facts**

Boats A and B approached the leeward mark with spinnakers set. A rounds the mark clear ahead of B. A has difficulty lowering her spinnaker and, as she assumes a close-hauled course, her spinnaker guy trails astern by some 30 feet (9 m) and drags across part of the mark above the water. Later, when the mark is about five lengths astern of B, the boats are sailing close-hauled on port tack and B is 20 feet (6 m) astern of A. A is still having difficulties handling her spinnaker and the head of her spinnaker unexpectedly streams astern and strikes B's headstay.

### **Question**

What rules apply during these incidents and does any boat break a rule?

### **Answer**

When A's spinnaker guy drags across the mark, she breaks rule 31. A boat touches a mark within the meaning of rule 31 when any part of her hull, crew or equipment comes in contact with the mark. The fact that her equipment touches the mark because she has manoeuvring or sail-handling difficulties does not excuse her breach of the rule.

When contact occurs later between the two boats, rule 18 no longer applies. Because A's spinnaker is not in its normal position, the boats are not overlapped and, therefore, rule 12 applies. That rule requires B to keep clear of A, which she is doing because nothing B did or failed to do required A 'to take avoiding action' (see the definition Keep Clear). This is shown by the fact that the contact between them results exclusively from A's equipment moving unexpectedly out of normal position. Therefore, B did not break rule 12.

Rule 14 also applied. A broke rule 14 by causing contact that she could have avoided. However, because there was no damage or injury, A cannot be penalized. It was not reasonably possible for B to avoid contact with A's spinnaker as it streamed astern, and so B did not break rule 14.

Note that Case 91 also addresses an incident involving equipment out of its normal position.

USSA 1980/232

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## CASE 78

### **Rule 2, Fair Sailing** **Rule A2, Series Scores**

*A boat may position herself in a tactically controlling position over another boat and then slow that boat's progress so that other boats pass both of them, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactic benefiting her series result. However, she breaks rule 2 if she intentionally breaks another rule to increase the likelihood of the tactic succeeding.*

### **Assumed Facts for Questions 1 and 2**

Boat A was well ahead of B. Both boats were on the last leg of the course in the final race of a one-design class series. Suddenly, A changed course so that she sailed back down the course towards B and positioned herself in a tactically controlling position over B. A then slowed B's progress, resulting in three boats passing them. While A was controlling B and slowing her progress, both boats remained on the last leg of the course, and A did not break any rule, except possibly rule 2. A had calculated her own and B's series scores, and had determined that if B were to be passed by three boats A would defeat B in the series.

### **Question 1**

Did the tactic used by A, turning back and slowing another boat's progress, break rule 2? Is this tactic acceptable at any time during any race of a series?

### **Answer 1**

A's tactic was in compliance with recognized principles of sportsmanship and fair play because the tactic was intended to benefit her own series result. A boat may use such a tactic at any time during any race of a series without breaking rule 2, provided that, if she is protested for using the tactic, the protest committee finds that there was a reasonable chance that her tactic would benefit her series result. A boat will usually be unable to meet this criterion unless she is in the final race or races of a series in which the scoring system permits one or more race scores to be excluded when series scores are calculated. If she fails to meet the criterion, she breaks rule 2.

Notwithstanding the argument in the paragraph above, a boat also breaks rule 2 if she intentionally breaks another rule to increase the likelihood of the tactic succeeding.

There are several formats for a 'series' of races. Most are simply a single set of, for example, seven races, where the winner is the boat with the lowest series score (see rule A2). Others, such as one-design class championships with large fleets, involve a qualifying series followed by a final series. For the purposes of this case, a 'series' is a set of races, including the race in which the questionable tactic was used, governed by a particular notice of race and sailing instructions.

### **Question 2**

Would the answer to Question 1 be different if A had been unsuccessful in her tactic – i.e., if three boats had not passed B?

### **Answer 2**

No. A boat may use the tactic that A used even if she uses it unsuccessfully, provided the protest committee finds that there was a reasonable chance that the tactic would benefit her series result (see Answer 1).

### **Assumed Facts for Question 3**

Boat A was ahead of B. Both boats were on the same leg. A positioned herself in a tactically controlling position over B and then slowed B's progress, resulting in several boats passing them. One of the boats that passed both A and B was C. While controlling B and slowing her progress, A did not break any rule, except possibly rule 2. B protested A for breaking rule 2, alleging that A's tactic was undertaken to benefit C, whose crew were friends of A's crew.

### **Question 3**

What criteria should the protest committee use to decide whether or not A broke rule 2?

### **Answer 3**

Except when sailing under Appendix D (Team Racing), it is unsportsmanlike for a boat to use the tactic that A used unless there is good reason to believe that the tactic benefited or could have benefited her own series result. A should be asked how the tactic did or could have benefited her series result. If the committee finds that the tactic did benefit A's series result or had a reasonable chance of doing so, then it should not penalize her for breaking rule 2 or consider calling a hearing under rule 69.1(a).

### **Assumed Facts for Question 4**

Repeatedly during either a race or series, boat A positioned herself in a tactically controlling position over B and then slowed B's progress, resulting in several boats passing them. Each time A did this both A and B were on the same leg. While controlling B and slowing her progress, A did not break any rule, except possibly rule 2. It appeared to B that A's slowing of B did not benefit A's series result and was done merely to harass B. B protested A for breaking rule 2, alleging that A's tactic was undertaken to harass B and not to benefit A's series result.

### **Question 4**

What criteria should the protest committee use to decide whether or not A broke rule 2?

## **Answer 4**

It is unsportsmanlike for a boat to use the tactic that A used unless there is good reason to believe that the tactic benefited or could have benefited her series result. A should be asked how the tactic did or could have benefited her series result and B should be asked for any evidence that would support her allegation. If the committee finds that the tactic did benefit A's series result or had a reasonable chance of doing so, then it should not penalize her for breaking rule 2 or consider calling a hearing under rule 69.1(a).

USSA 1991/282, revised by ISAF 2009

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## **CASE 79**

### **Rule 29.1, Recalls: Individual Recall**

*When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her OCS, this is an error that significantly worsens the boat's score through no fault of her own, and therefore entitles her to redress.*

### **Assumed Facts**

At the start of a race for one-design boats, ten boats near the middle of the starting line were slightly across the line at their starting signal. The race committee signalled 'Individual recall' by displaying flag X with one gun. However, these signals were made approximately 40 seconds after the starting signal. None of the boats returned to start, and several of them lodged requests for redress upon learning after the race that they had been scored OCS.

### **Question 1**

In rule 29.1, what does 'promptly display' mean?



### **Answer 1**

No specific amount of time will apply in all circumstances, but in this rule it means a very short time. A race committee should signal 'Individual recall' within a very few seconds of the starting signal. Forty seconds is well beyond the limits of acceptability.

### **Question 2**

Is it reasonable for a boat to request redress because of a less-than-prompt individual recall signal, even when she did not return to start?

### **Answer 2**

Yes.

### **Question 3**

Why should a boat be given redress because of the committee's failure to signal promptly, when the rules say that failure to notify a boat that she is on the course side of the starting line at her starting signal does not relieve her of her obligation to start correctly?

### **Answer 3**

The rules do not say this. Rule 29.1 obligates the committee to signal all boats that one or more of them are on the course side of the starting line at the starting signal. Rule 28.1 and, if it applies, rule 30.1 obligate each boat to return to the pre-start side of the line and then start, but this assumes that the signals, both visual and sound, have been made. When a signal is not made or, as in this case, when the signal is much too late, it places a boat that does not realize that she was slightly over the line at the starting signal at a significant disadvantage because she can not use the information the signal provides, in combination with her observations of her position relative to other boats at the time the signal is made, to decide whether or not to return to the pre-start side of the line.

### **Question 4**

How can a boat that fails to start properly be entitled to redress when rule 62.1 requires that her score be made significantly worse 'through no fault of her own'?

## **Answer 4**

A boat that has no reason to believe that she was on the course side of the line at her starting signal has the right to assume that she started correctly unless properly signalled to the contrary. As Answer 3 indicates, a boat can be significantly disadvantaged by a delay by the race committee in making the recall signal. That error is entirely the race committee's fault, and not that of the disadvantaged boat. (See Case 31 for a discussion of appropriate redress in a similar situation.)

USSA 1992/285

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## **CASE 80**

**Rule 60, Right to Protest; Right to Request Redress or Rule 69 Action**

**Rule 61.2(b), Protest Requirements: Protest Contents**

**Rule 62.1(a), Redress**

**Rule A5, Scores Determined by the Race Committee**

*A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat may be scored DNF if she does not finish according to that term's definition, she may not be scored DNF for failing to sail the course correctly.*

### **Summary of the Facts**

When boat A crossed the finishing line in the direction of the course from the last mark, the race committee scored her DNF because it believed from its observations that she had not left one of the rounding marks on the required side and, therefore, had failed to sail the course correctly. A requested redress on the grounds that, even though she had finished properly, she was not given a finishing place. The protest committee did not give A redress, deciding that rule 62.1(a) did not apply because A failed to sail the course correctly, and that her failure to do so was not due to an act or omission of the race committee but was entirely her own fault. A appealed.

## **Decision**

A's appeal is upheld. The race committee acted improperly in scoring A DNF when she did finish according to the definition Finish. The race committee could have scored boat A as DNF only for failing to finish correctly (see rule A5). Since A crossed the finishing line from the direction of the last mark, she should have been recorded as having finished.

A fundamental principle of protest committee procedure is that a hearing must be limited to the particular 'incident' alleged in a protest (see rule 61.2(b)) or to the particular incident alleged to be 'an improper action or omission' in a request for redress under rule 62.1(a). Although the incident that was the subject of A's request for redress was that she had been incorrectly scored DNF, the protest committee turned to a different incident when it considered whether or not she had failed to sail the course correctly and therefore broken rule 28.1. Since that incident was not the incident alleged in the redress for request, the committee acted improperly.

If a race committee believes from its observations that a boat has not sailed the course correctly, it may protest the boat for that breach as permitted by rule 60.2(a). In this case, the race committee did not protest A. Because A had not been protested for failing to sail the course correctly, she could not be penalized for that failure.

In summary, the facts show that A finished according to the definition Finish. She should not have been scored DNF and was therefore entitled to redress under rule 62.1(a) for an improper action of the race committee. The decision of the protest committee is reversed and A is to be scored as having finished at the time she crossed the finishing line.

USSA 1993/289

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## **CASE 81**

**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

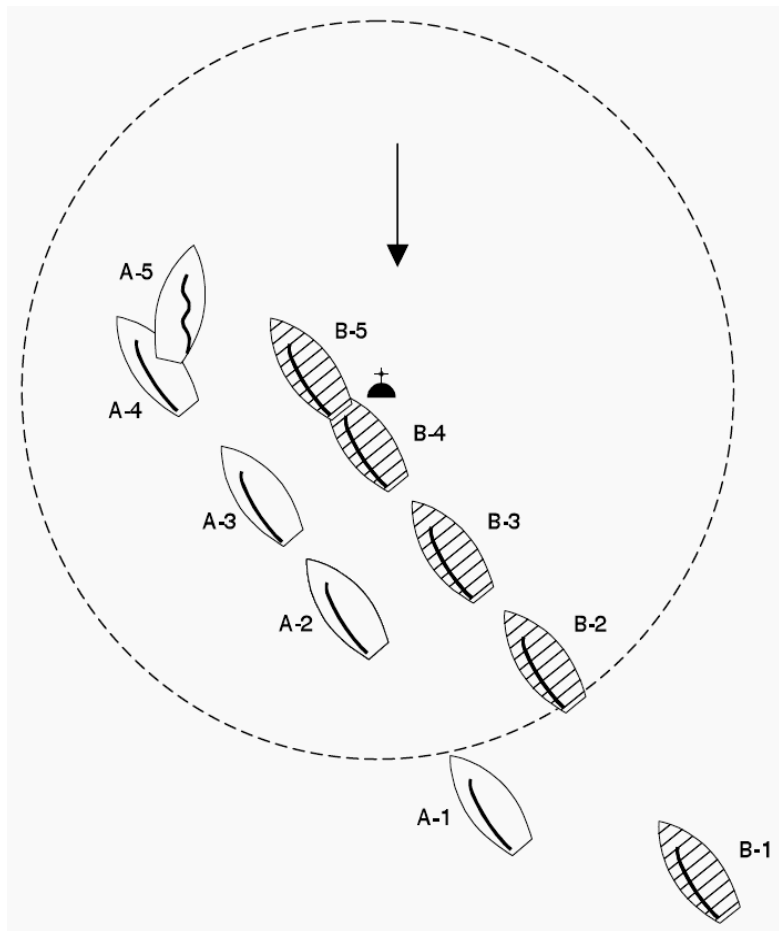
**Rule 18.2(c), Mark-Room: Giving Mark-Room**

*When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.*

## Summary of the Facts

Two boats, A and B, close-hauled on starboard tack, approached a mark to be left to starboard. A entered the zone clear ahead and to leeward of B, and tacked onto a close-hauled port-tack course in order to round the mark. B, still on starboard tack, made contact with A, then on port tack, causing no damage or injury. Both boats protested.

Citing rule 18.1(b), the protest committee decided that rule 18 did not apply because just prior to the contact both boats were on opposite tacks and B had to tack to pass the mark on her proper course. Having decided that rule 18 did not apply, the protest committee disqualified A under rule 10. A appealed.



## Decision

B was clear astern of A from position 1 to position 4. While B was clear astern, rule 12 required her to keep clear of A. Also, from the time A reached the zone until she passed head to wind, rule 18.2(b)'s second sentence applied, requiring B to give A mark-room. B fulfilled both these obligations. Shortly before position 5, when A passed head to wind, rule

18.2(b) ceased to apply (see rule 18.2(c)). At that time B acquired right of way and A became obligated to keep clear of B, first by rule 13 and later, after A was on a close-hauled course, by rule 10. Rule 15 did not apply because B acquired right of way as a result of A's tack.

It is not clear from the facts whether B needed to act to avoid A before or after A assumed a close-hauled course on port tack. However, it is clear that B needed to act to avoid A while B held right of way. Therefore, A is disqualified, under either rule 13 or rule 10. Because it was possible for A to have avoided the contact, she also broke rule 14.

Rule 14 applied to B, but the facts do not enable a determination of whether it was reasonably possible for B, acting after it became clear that A was not keeping clear, to have avoided the contact. However, it is not necessary to make that determination because B had right of way and the contact did not cause damage or injury. Therefore, B could not be penalized under rule 14 (see rule 14(b)).

A's appeal is dismissed. She remains disqualified, and B is not to be penalized.

USSA 1993/290

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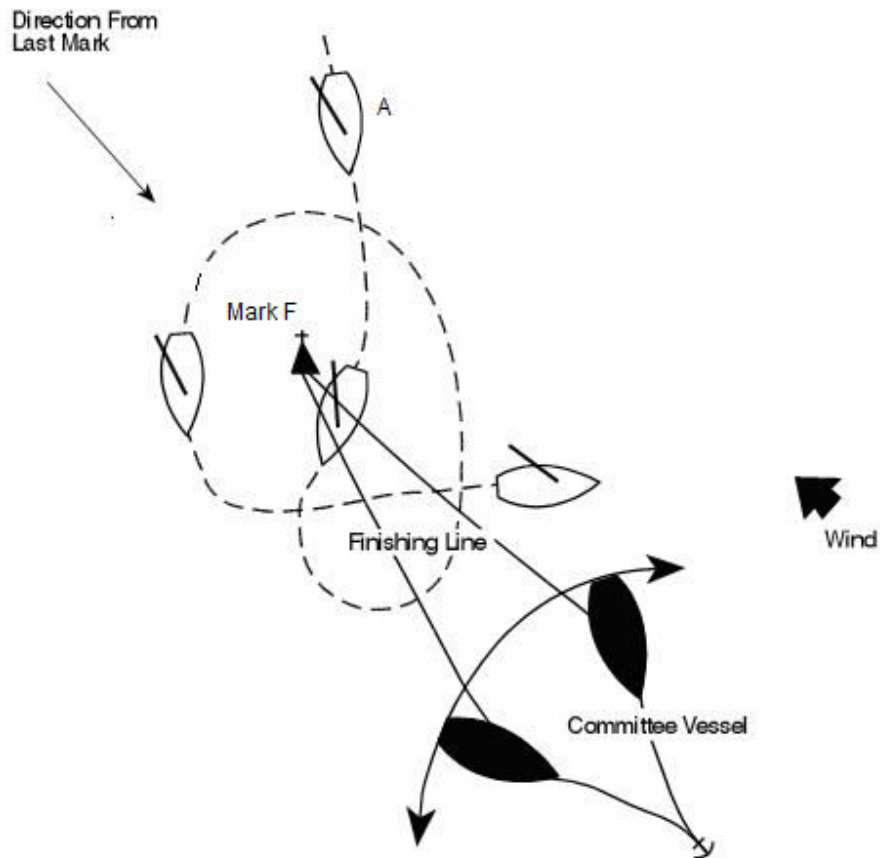
## CASE 82

### **Rule 62.1(a), Redress Definitions, Finish**

*When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, a boat may cross the line in either direction and her finish is to be recorded accordingly.*

### **Summary of the Facts**

At the finish of a race boat A crossed the finishing line in the direction, she believed, of the course from the last mark, leaving mark F to starboard. She recorded the time she crossed the line. The race officer did not record her as having finished and did not make a sound signal. Hearing no sound signal, A sailed the track shown in the diagram and finally crossed the line leaving mark F to port, at which time the race officer recorded her as having finished and made a sound signal. A requested redress, asking that the time she recorded at her first crossing be used as her finishing time.



The protest committee found as a fact that the committee boat was swinging back and forth across a line parallel to the last leg, but believed that the race officer was watching closely to determine the correct direction for each boat to cross the line. Redress under rule 62.1(a) was denied and A appealed.

### **Decision**

A's appeal is upheld. Positioning the finishing line marks so that boats cannot easily determine in which direction they should cross the finishing line is an improper action on the part of the race committee. When a boat cannot reasonably ascertain in which direction she should cross the finishing line so as to conform to the definition Finish, she is entitled to finish in either direction. A is therefore entitled to redress under rule 62.1(a). She is to be given her finishing place calculated from the time she herself recorded when she crossed the line for the first time.

RYA 1992/1

## CASE 83

### Rule 49.2, Crew Position

*Repeated sail trimming with a competitor's torso outside the lifelines is not permitted.*

### Assumed Facts

In a race for 24-foot sloops whose class rules require lifelines the wind is about 15 knots with gusts lasting about three seconds; a choppy sea is striking the boats on the beam. A's spinnaker trimmer is standing on the windward side of the deck holding the sheet, which he is barely able to pull in. His posture changes to compensate for changes in the boat's trim and the load on the sheet. During some of the gusts he is seen to be leaning back with part of his torso outboard of the lifelines.

### Questions

1. Is it correct to equate the words 'position any part' in rule 49.2 with a stationary position?
2. Is leaning against the load on a sheet 'to perform a necessary task', for example trimming the sheet?
3. Is the duration of a gust 'brief' in these circumstances?

### Answers

It is clear from diagram 6 of Case 36 that the position adopted by A's crew member is capable of breaking rule 49.2. To 'position the torso' does not mean that the torso is stationary; it implies a deliberate act with some duration.

The phrase 'to perform a necessary task' contained within rule 49.2 means that the torso may be positioned outside the lifelines only to perform a task that could not reasonably be carried out from within the lifelines. The use of 'briefly' in the rule makes it clear that the torso must be moved inboard as soon as the task is completed.

The rule is clearly aimed at permitting an otherwise illegal action. Permission does not extend to normal sail trimming even when this would be more effectively achieved by positioning the torso outside the lifelines. Rule 49.2 is for the safety of the crew, and it is unavoidable that it inhibits the gains that might be obtained from optimizing weight distribution of the crew. The actions of A's crew member in leaning outboard of the lifelines break rule 49.2.

RYA 1992/10

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## CASE 84

### Deleted

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## CASE 85

### **Rule 61.1, Protest Requirements: Informing the Protestee**

### **Rule 86.1(c), Changes to the Racing Rules**

### **Definitions, Rule**

*If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.*

### **Summary of the Facts**

Boats in the XYZ Class have hulls 8 m long. Rule 5 in the XYZ Class Rules states:

The requirement in racing rule 61.1 to display a red flag shall not apply to the XYZ Class unless specifically required in writing in the sailing instructions of a race or series of races.

In a race for XYZ Class boats, boat A protested boats B and C and noted on her protest form that she did not display a red flag because it was not required by her class rules. The protest committee, relying on class rule 5, decided the protest was valid and B objected to that decision on the grounds that class rule 5 was not valid. Despite B's objection, the protest committee proceeded with the hearing and disqualified B and C. B appealed.

### **Decision**

B's appeal is upheld. Paragraph (d) of the definition Rule makes it clear that class rules apply to a race. Class rules may change racing rules, but only the rules listed in rule 86.1(c). Rule 61 is not listed there, and therefore class rule 5, which attempts to change rule 61.1, is not valid and can not apply. The sailing instructions might have changed rule 61.1 as permitted in rule 86.1(b), but did not do so. Therefore, A's protest was



invalid and should have been refused. Accordingly, the protest committee's decisions are reversed, and the two boats are reinstated in their finishing places.

USSA 1994/299

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## CASE 86

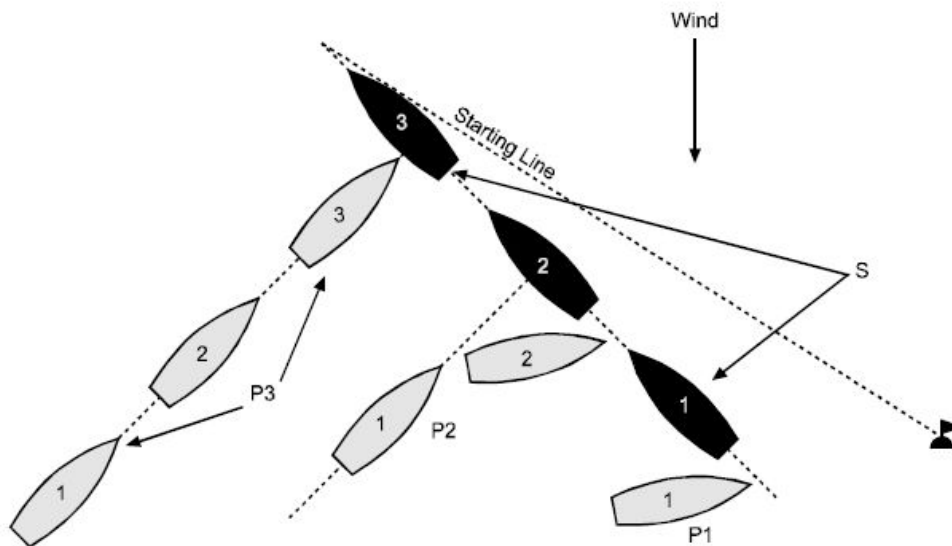
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## CASE 87

**Rule 10, On Opposite Tacks**  
**Rule 14, Avoiding Contact**  
**Definitions, Keep Clear**

*A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.*



### Summary of the Facts

The angle of the starting line made it only just possible for a close-hauled boat on starboard tack to cross the line, and most boats approached on port

tack. However, S approached on starboard tack from the right-hand end, continually hailing 'Starboard' to port-tack boats as they approached.

P1 and P2 bore off below S. P3, however, made no attempt to avoid S and struck her amidships at right angles, causing considerable damage. The protest committee disqualified both boats, P3 under rule 10 and S under rule 14. S appealed.

### **Decision**

Rule 10 required P3 to keep clear of S. Rule 14 required each boat to avoid contact with the other boat if reasonably possible. In P3's case, rule 14's requirement to avoid contact with S was consistent with the broader requirement of rule 10 that she allow S to 'sail her course with no need to take avoiding action' (see the definition Keep Clear). P3 broke both rule 10 and rule 14.

In S's case, while rule 10 required P3 to keep clear of her, at the same time S was required by rule 14 to avoid contact if it was 'reasonably possible' to do so. However, the second sentence of rule 14 allowed S to sail her course in the expectation that P3 would keep clear as required, until such time as it became evident that P3 would not do so. In this case, the diagram shows that P3 could readily have borne off and avoided S from a position very close to S. For that reason, the time between the moment it became evident that P3 would not keep clear and the time of the collision was a very brief interval, so brief that it was impossible for S to avoid contact. Therefore, S did not break rule 14. S's appeal is upheld, and she is to be reinstated.

CYA 1994/105

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## **CASE 88**

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

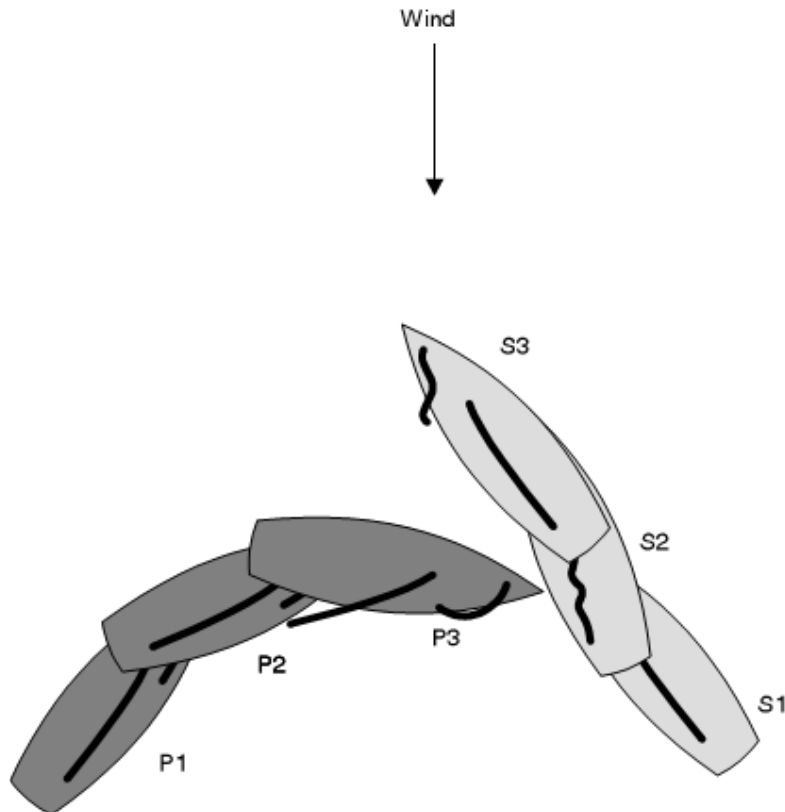
**Definitions, Keep Clear**

*A boat may avoid contact and yet fail to keep clear.*

## Summary of the Facts

S and P, two keelboats about 24 feet (7 m) in length, approached each other on a windward leg, sailing at approximately the same speed in 12 to 15 knots of wind and 'minimal' sea conditions. S was slightly ahead. When approximately three hull lengths away, S hailed 'Starboard' and did so again at two hull lengths, but P did not respond or change course. At position 1 in the diagram both boats changed course at the same moment. S, fearing a collision, luffed sharply intending to tack and thereby minimize damage or injury, and P bore away sharply. As soon as she saw P bear away, S immediately bore away also. P, with her tiller turned as far to port as it would go, passed astern of S within two feet (0.6 m) of her. There was no contact. S protested under rule 10.

The protest committee decided that P did not break rule 10. It then considered whether S had broken rule 16.1 or 16.2 by luffing and then immediately bearing away. It concluded that she had not, after finding that her course changes did not affect P, which was already making a severe course change that would have been necessary even in the absence of S's actions. S's protest was dismissed, and she appealed.



## Decision

S's appeal is upheld. P is disqualified for breaking rule 10.

Rule 10 required P to 'keep clear' of S. 'Keep clear' means something more than 'avoid contact'; otherwise the rule would contain those or similar words. Therefore, the fact that the boats did not collide does not necessarily establish that P kept clear. The definition Keep Clear in combination with the facts determines whether or not P complied with the rule. In this case, the key question raised by the definition is whether S was able to sail her course 'with no need to take avoiding action'.

The following considerations lead to the conclusions that P failed to keep clear of S and therefore broke rule 10:

1. the courses of the boats when the incident began. They were on collision courses, which meant that at least one of them would have to change course.
2. the distance between the boats at the moment both boats changed their courses. After position 1, if neither boat had changed course, P's bow would have struck the leeward side of S after the boats had sailed approximately two-thirds of a hull length.
3. the estimated time remaining before contact. When both boats changed course there was very little time remaining before a collision would have occurred. For example, at a speed of five knots one of these boats would travel two-thirds of her length in 1.9 seconds. At six knots it would be 1.5 seconds.
4. the extent of the course change needed by each boat to avoid a collision. This increased as the boats came closer. At the time P changed course, the change required was such that 'with her tiller turned as far to port as it would go' she passed S's stern 'within two feet' (0.6 m). At the same moment, the course change S would have needed to avoid P if P did not change course was approximately 90 degrees because S would have had to tack.
5. the time required by either boat to make the necessary course change. This factor was itself determined by several others: the boat's weight and speed, her underwater hull shape, the size of her rudder, the sail handling required, and wind and sea conditions.

When the boats reached position 1 in the diagram, P was not keeping clear. A collision was imminent, and almost unavoidable, as shown by the

fact that with helm hard over P passed less than two feet (0.6 m) from S's stern. At that diagram position, S had no assurance that P had heard her hails, or was preparing to change course, or even that P was aware of the presence of S. Also, P had sailed beyond the point at which she should have borne off, either to minimize the time and distance to reach the windward mark or to sail a course chosen for tactical reasons. For all these reasons, S was clearly unable to sail her course 'with no need to take avoiding action' and so P broke rule 10. S was fully justified in expecting a collision and in concluding that only her action would prevent it.

There is no need to address the question of whether or not S broke rule 16.1 or 16.2 because, by the time S changed course, P had already broken rule 10, and S, acting as required by rule 14, changed course to avoid a collision. Even if the facts had indicated that S had broken rule 16.1 or 16.2, she would have been exonerated as provided in rule 64.1(c).

USSA 1996/305

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## CASE 89

### Rule 43.1(a), Competitor Clothing and Equipment

*A competitor may not wear or otherwise attach to his person a beverage container.*

#### Question

Does rule 43.1(a) permit a competitor to wear or otherwise attach to his person a beverage container while racing?

#### Answer

No. Except on a sailboard, there is no necessity for such a practice, and therefore its primary purpose must be considered to be to increase the competitor's weight. (Note that rule B2.1(b) modifies rule 43.1(a) for windsurfing competition.)

ISAF 1997/1

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## CASE 90

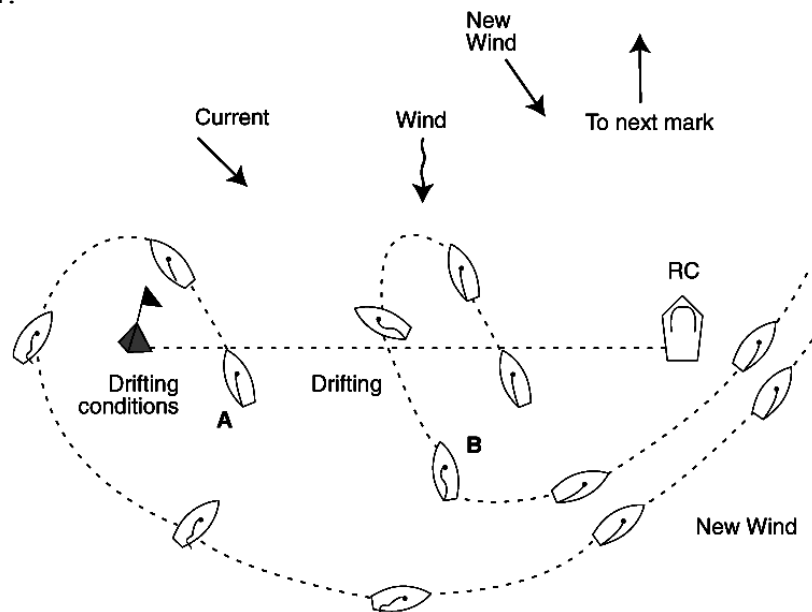
### Rule 28.1, Sailing the Course

*When a boat's string passes a mark on the required side, she does not break rule 28.1 if her string, when drawn taut, also passes that mark on the non-required side.*

#### Assumed Facts

The first leg of a race on the Panama River was to windward, in a weak and fluky wind and against a strong current. Boats A and B started correctly, but the wind died and they drifted backwards. A passed outside the port end of the line, and B crossed back over the line. Later, the wind returned but from a new direction, and both boats passed to starboard of the race committee boat at the starboard end of the line and continued up the leg.

A protested B for breaking the 'string rule' (rule 28.1) but the protest committee decided that the protest was invalid. However, it sent a request for interpretation of rule 28.1 to the national authority under rule 70.4.



#### Question

Did boats A and B comply with rule 28.1?

## **Answer**

Boat A complied with rule 28.1. After starting, she left each starting mark on its required side. Then she sailed around the entire starting line as shown. Even so, the string representing her track, when drawn taut, leaves each starting mark on the required side as it crosses the starting line. Rule 28.1 does not prohibit extra turns around a mark, provided that the string when drawn taut lies on the required side of each mark. For example, if a boat touches a rounding mark while leaving it on her starboard side as required by the sailing instructions, and then makes a clockwise penalty turn around it, she complies with rule 28.1. Another example, as boat A illustrates in this case, is when a boat's string passes the two starting-line marks on the required side, she does not break rule 28.1 when her string also passes one of those marks (in this case the race committee boat) on the non-required side.

Boat B broke rule 28.1. After starting, she left the port-end mark to port and the starboard-end mark to starboard, as required. However, she later drifted back across the starting line and then left the starboard-end mark to port. When the string representing her track is drawn taut it will not pass through the starting line and therefore will not leave the starboard-end mark on the required side.

See Case 106 for a discussion of a similar incident at a finishing line.

FAY 1996/3

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## **CASE 91**

**Rule 12, On the Same Tack, Not Overlapped**

**Rule 14, Avoiding Contact**

**Definitions, Clear Astern and Clear Ahead; Overlap**

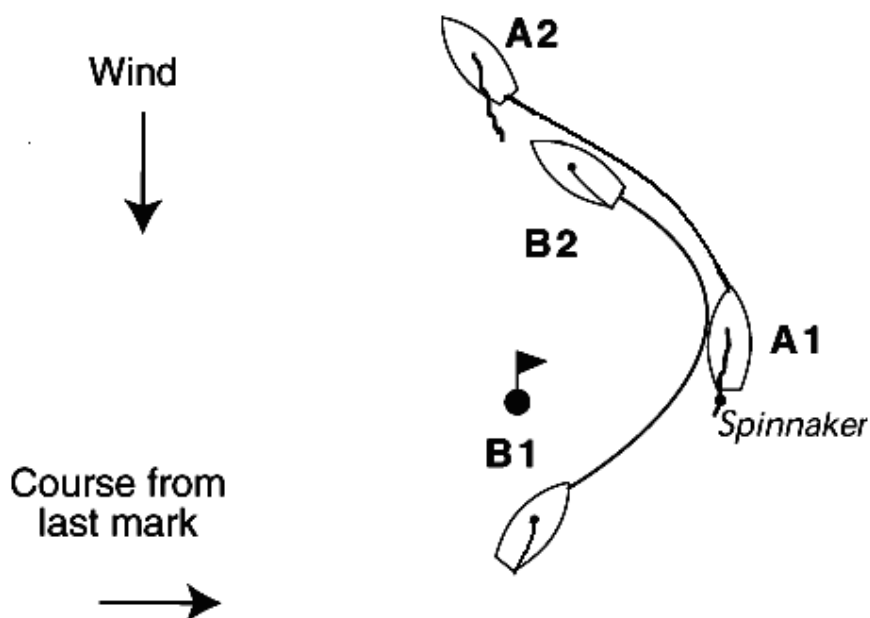
**Definitions, Keep Clear**

*A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen and avoided.*

## Summary of the Facts

Boats A and B were reaching on port tack and approaching a leeward mark to be left to port. B was clear astern of A. A's spinnaker had been flying out of control from the top of her mast for the entire leg. Both boats tacked around the mark. After both had tacked, B sailed a short distance close-hauled. She then bore away, and her rigging made contact with A's spinnaker, which was still flying from the top of A's mast. A protested.

The protest committee disqualified B for breaking rule 12 when her rigging made contact with A's spinnaker. B appealed.



## Decision

The contact was caused by B bearing away. At the time of contact, A's spinnaker was not in its normal position, and B's bow was astern of A's hull and all of her equipment that was in normal position. Therefore, there was no overlap (see the definition Clear Astern and Clear Ahead; Overlap), and rule 12 applied. It required B to keep clear of A's hull, equipment and crew, including her spinnaker.

B broke rule 12 by failing to keep clear, because by sailing towards A's spinnaker she created a need for A to take avoiding action (see the definition Keep Clear). B's crew had been able to see A's spinnaker streaming from the top of her mast for quite some time before the



contact, so B's failure to keep clear could not be blamed on the fact that A's spinnaker was not in its normal position.

Case 77 addresses an incident that appears to be similar but is significantly different. There, B passed the mark close astern of A with no knowledge that A would lose control of her spinnaker. B could not have been expected to foresee that A's spinnaker would suddenly trail astern by 20 feet (6 m).

In this case, B also broke rule 14 by causing contact she could have avoided. However, A did not break that rule because it was not reasonably possible for her to avoid the contact. Even if it had been possible, as a right-of-way boat she could not be penalized because there was no damage or injury (see rule 14(b)).

B was properly disqualified for breaking rule 12. She also broke rule 14. Her appeal is dismissed.

USSA 1987/271

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## CASE 92

### **Rule 14, Avoiding Contact**

### **Rule 16.1, Changing Course**

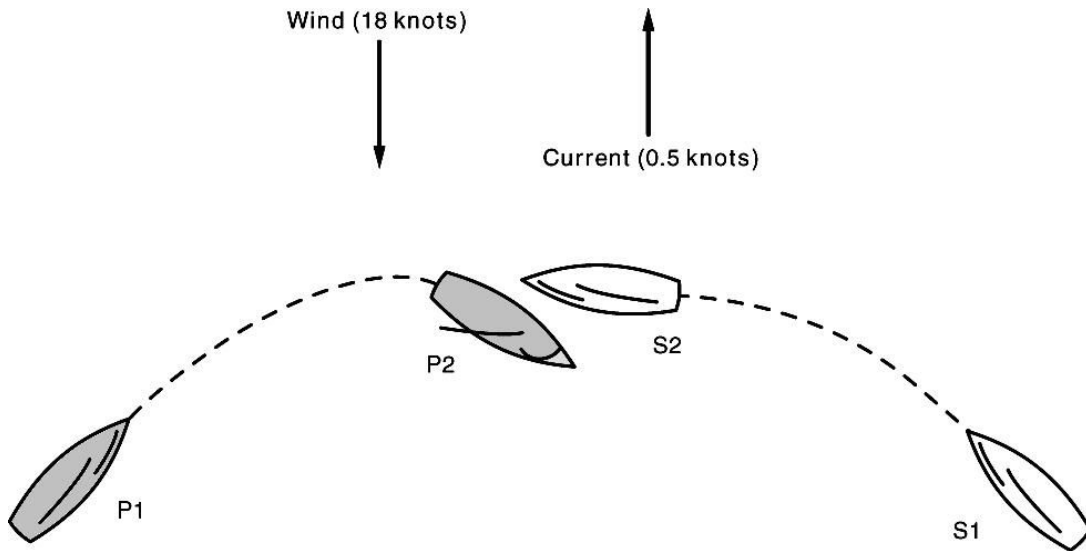
### **Rule 16.2, Changing Course**

*When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.*

### **Summary of the Facts**

On a windward leg in winds of 18 knots, S and P approached each other on opposite tacks. P bore off to avoid S. S also bore off, and P continued bearing off in order to pass astern of S. S also continued to bear off, heeling further to leeward as a result. There was contact between the masts and rigging of the two boats and P's mast was broken.

The protest committee disqualified S for breaking rule 16 and she appealed.



## Decision

S's appeal is dismissed. The protest committee's decision to disqualify her is upheld, under rules 14, 16.1 and 16.2.

Initially the boats were on collision courses. P bore away to keep clear of S as required by rule 10. The written facts and the diagram established that P would have kept clear of S by passing astern of her if S had not changed her course. However, S bore away, causing P to immediately bear away still further to be able to continue keeping clear. By changing course as she did, S broke rule 16.2.

S continued changing course, at an increasing rate of turn. At some time before the collision, nothing that P could have done in a seamanlike way would have made it possible for her to keep clear. Therefore, by continuing to change course S also broke rule 16.1.

In addition, S broke rule 14 and must be penalized under that rule because, as the right-of-way boat, she failed to avoid contact that caused damage.

S argued that P could have tacked or gybed, and claimed that this was P's obligation. This is a misunderstanding of the obligations of a keep-clear boat under rule 10 and other right-of-way rules. A keep-clear boat is required to act only in response to what a right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently. Until she was unable to do so, P did as she was required, keeping clear by changing course in such a way that S, had she not continued to bear away towards P, would have had 'no need to take avoiding action' (see the definition Keep Clear).

In failing to keep clear, P broke rule 10, but that was a consequence of S's breaches of rules 16.1 and 16.2. Therefore P is exonerated under rule 64.1(c).

USSA 1997/75

## CASE 93

**Rule 15, Acquiring Right of Way**

**Rule 16.1, Changing Course**

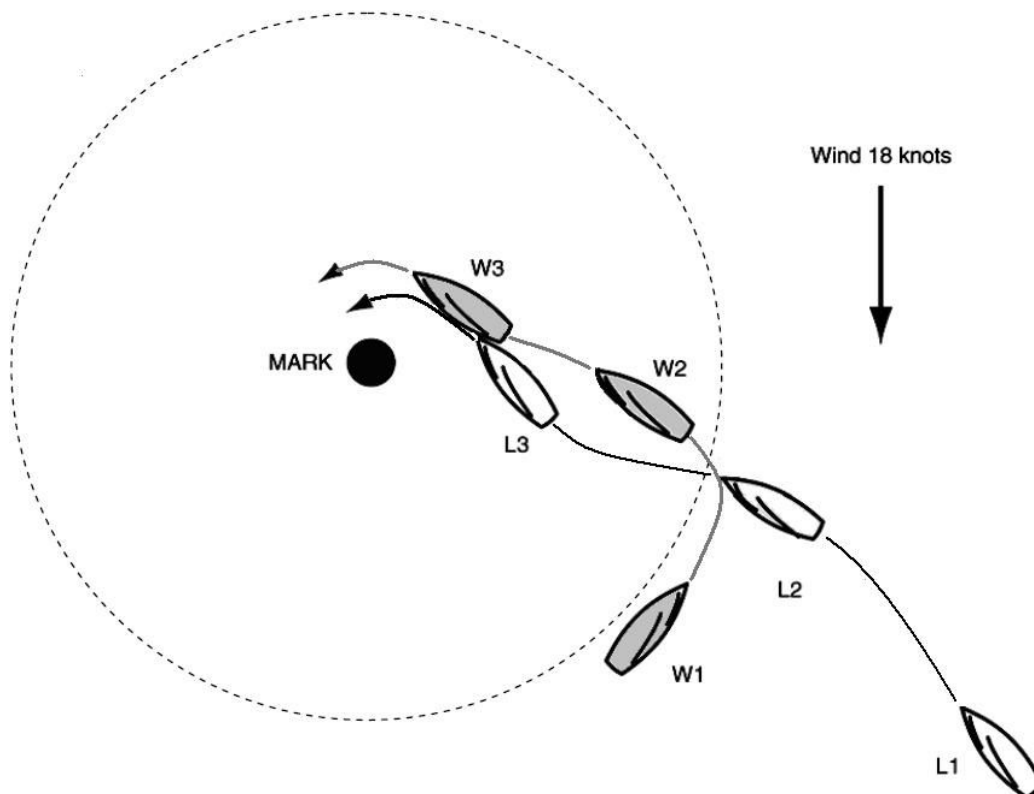
**Rule 18.3(b), Mark-Room: Tacking When Approaching a Mark**

**Rule 18.5, Mark-Room: Exoneration**

**Rule 64.1(c), Decisions: Penalties and Exoneration**

**Definitions, Room**

*If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated under rule 64.1(c).*



## **Summary of the Facts**

As they approached a windward mark, and after W completed a tack within the zone and was on her new close-hauled course, L was directly astern of W. W's course was far enough above the layline to allow L to pass between W and the mark. In position 2, L had borne off from a point close astern of W and was about to overlap W to leeward. When the overlap began L immediately luffed and struck W's port side. The boats then continued around the mark without further incident. L protested W but L was disqualified for breaking rule 16.1. She appealed.

## **Decision**

In position 1 the boats were approaching the mark on opposite tacks. When the first part of W's hull to reach the zone did so, L was fetching the mark and W was subject to rule 13 because she had turned past head to wind but had not yet borne off to a close-hauled starboard-tack course. Therefore, rule 18.3 began to apply at that time. In her appeal L argued that W broke rule 18.3(b). That rule required W to give L mark-room. The facts indicate that W's course was far enough above the layline to allow L to sail to the mark and then round it on her proper course. Therefore, W did not break rule 18.3(b).

In position 2 W had right of way over L under rule 12. A short time later, between positions 2 and 3, the boats became overlapped at which time L acquired right of way under rule 11, and, initially, rule 15 required L to give W room to keep clear. At all times after the boats became overlapped, rule 16.1 applied. L's luff, which was made immediately after the overlap began, deprived W of room to keep clear. No seamanlike action was available to her to do so. L thus broke rules 15 and 16.1.

L is not exonerated under rule 18.5 because, at the time she broke rules 15 and 16.1, she was not taking the mark-room that W had given her. That fact made rule 18.5 inapplicable. Also, because she was sailing to the mark and not yet rounding it, exoneration for breaking rules 15 and 16.1 would not have been available even if she had been taking the mark-room that W gave her (see rule 18.5(b)).

When L luffed W unavoidably broke rule 11, but she is exonerated under rule 64.1(c) because of L's breaches of rules 15 and 16.1.

L became overlapped from clear astern within two of her hull lengths of W, and so rule 17 prohibited L from sailing above her proper course.

The protest committee did not find facts as to whether or not L sailed above her proper course after the overlap began. If she did, she broke rule 17. However, nothing is to be gained by seeking the facts needed to resolve this question because L would remain disqualified under rules 15 and 16.1.

The protest committee did not discuss rule 14. W did not break rule 14, as it was not reasonably possible for her to avoid contact. L, however, did break rule 14; the fact that she caused the contact showed that it was possible for her to avoid it. She would have been subject to penalty for this breach if there had been damage or injury to either boat. No facts were found about damage or injury, but this issue need not be addressed since L would remain disqualified under rules 15 and 16.1.

For the above reasons L's appeal is denied.

USSA 1998/76

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## CASE 94

**Deleted**

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## CASE 95

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 18.2(c), Mark-Room: Giving Mark-Room**

**Rule 18.3(b), Mark-Room: Tacking When Approaching a Mark**

**Rule 64.1(c), Decisions: Penalties and Exoneration**

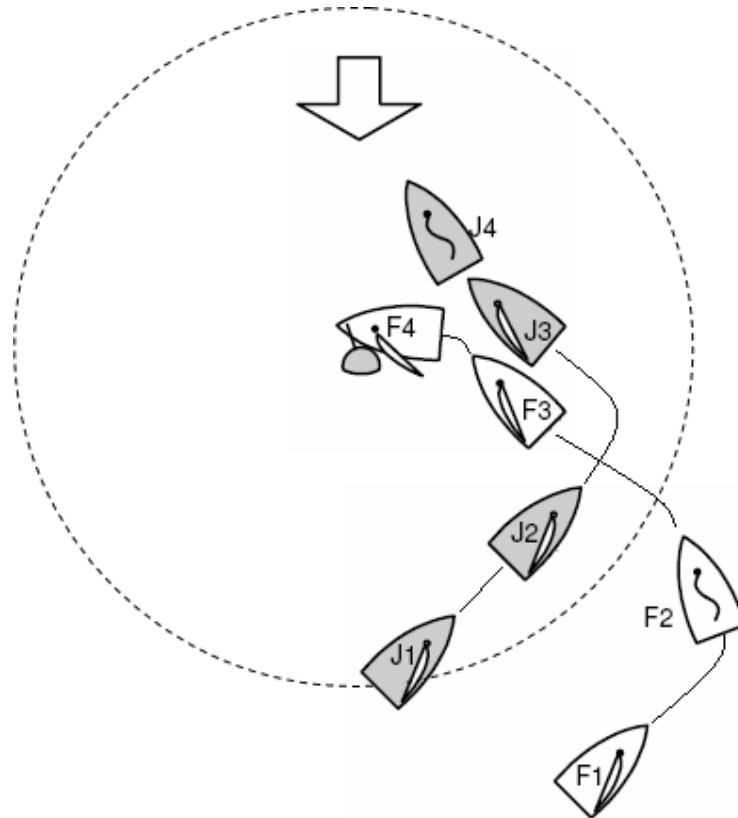
*Rule 18.2(b) ceases to apply when either the boat entitled to mark-room or the boat required to give it turns past head to wind. When a right-of-way boat is compelled to touch a mark as a result of the other boat's failure to keep clear, she is exonerated from her breach of rule 31.*

### **Summary of the Facts**

Approaching the windward mark, *Jagga* and *Freebird* were overlapped on port tack, *Freebird* being between one and two boat-lengths to leeward.

*Freebird* tacked. *Jagga* then tacked into a position to windward of *Freebird*. *Jagga* luffed so that her swinging stern required *Freebird* to change course to avoid contact, which she did, touching the mark as a result. *Freebird* protested.

The protest committee disqualified *Jagga* under rule 18.3(b). *Jagga* appealed on the grounds that, as an inside overlapped boat, she was entitled to room to pass the mark.



## Decision

When *Jagga* reached the zone she was overlapped inside *Freebird*. From that time until *Freebird* turned past head to wind, rule 18.2(b) required *Freebird* to give *Jagga* mark-room. However, after *Freebird* turned past head to wind, rule 18.2(b) ceased to apply (see rule 18.2(c)) and *Jagga* was no longer entitled to mark-room. The boats were then on opposite tacks, with *Freebird* fetching the mark. *Freebird* was subject to rule 15 after she completed her tack. She complied with that rule because *Jagga* had room to keep clear by crossing ahead of *Freebird*.

Between positions 2 and 3 when *Jagga* turned past head to wind, she became subject to rule 13 in the zone, and therefore rule 18.3 began to apply. When *Jagga* completed her tack, *Freebird* was overlapped inside

her. *Jagga* was then required by rule 11 to keep clear of *Freebird* and by rule 18.3(b) to give *Freebird* mark-room. After *Jagga* crossed ahead of *Freebird*, *Freebird* had right of way, first under rule 10, then under rule 13 and finally under rule 11. Therefore, *Jagga* had no protection from rule 15 during that time. Rule 11 and the definition Keep Clear required *Jagga* to sail so that *Freebird* could ‘sail her course with no need to take avoiding action’. The fact that, when *Jagga* luffed, *Freebird* had to change course to avoid contact was evidence that *Jagga* did not keep clear and did not give *Freebird* mark-room as required by rule 18.3(b). The protest committee correctly disqualified *Jagga* under rule 18.3(b), but she also broke rule 11. *Freebird* broke rule 31 when she touched the mark, but she is exonerated under rule 64.1(c). *Jagga*’s appeal is dismissed.

RYA 2000/4

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## CASE 96

### **Rule 30.3, Starting Penalties: Black Flag Rule**

*When after a general recall a boat learns from seeing her sail number displayed that she has been disqualified by the race committee under rule 30.3 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. When a boat breaks the rule in the first sentence of rule 30.3, she is not entitled to redress because of a procedural error by the race committee that is unrelated to her breach.*

### **Assumed Facts**

The race committee displayed the black flag as the preparatory signal for the start of a class. Boat A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal. After the starting signal, the race committee signalled a general recall. The race committee disqualified Boat A without a hearing for breaking rule 30.3.

### **Question 1**

If Boat A believes that the race committee made a mistake when it identified her in the triangle during the last minute, do the rules permit her to sail in the race when it is restarted and then request redress?

### **Answer 1**

Rule 30.3 clearly requires boat A not to sail in the restarted race and states that her disqualification will become non-excludable if she does. Her only remedy is to request redress, which, if given in a series, would normally be based on her results in other races.

### **Additional Assumed Facts**

The race committee failed to display A's sail number before the next warning signal for the race, and A sailed in the race when it was restarted.

### **Question 2**

Is A entitled to a finishing place?

### **Answer 2**

No. Boat A should be disqualified as required by the second sentence of rule 30.3. However, because the race committee erred by not displaying her sail number between the general recall and the next warning signal for the race, she should be scored DSQ, and not DNE (Disqualification not excludable under rule 90.3(b)). If she requests redress claiming that she is entitled to a finishing place because the race committee erred by not displaying her sail number, her request should be denied. While not displaying her sail number is an improper omission by the race committee, it is not the omission that deprived her of her finishing place, but was the fact that she had been on the course side of the starting line in the minute before her starting signal. However, if she was scored DNE, redress should be granted to the extent of changing her score to DSQ.

RYA 2000/1

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## CASE 97

### **Rule 50.3, Setting and Sheetting Sails: Use of Outriggers**

*A jockey pole attached to a spinnaker guy is not an outrigger.*

#### **Question**

Is a jockey pole (a pole that exerts outward pressure on the line that controls the fore and aft position of a spinnaker pole) an outrigger?

#### **Answer**

No. When a spinnaker pole is set, the line that controls the fore and aft position of that pole is a guy, not a sheet. A jockey pole putting outward pressure on a guy is therefore not an outrigger, defined by rule 50.3(a) as a 'fitting or device' that exerts 'outward pressure on a sheet or sail'.

RYA 2000/2

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## CASE 98

### **Rule 3(a), Acceptance of the Rules**

### **Rule 63.7, Conflict between the Notice of Race and the Sailing Instructions**

### **Rule 85, Governing Rules**

### **Rule 87, Changes to Class Rules**

### **Rule 88.2, National Prescriptions**

### **Rule J1.1(2), Notice of Race Contents**

### **Rule J1.2(9), Notice of Race Contents**

### **Rule J2.1(1), Sailing Instruction Contents**

### **Rule J2.2(6), Sailing Instruction Contents**

### **Definitions, Rule**

*The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the*

*notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.*

### **Assumed Facts**

The notice of race and the sailing instructions for the Spring Tune-Up Race stated that *The Racing Rules of Sailing* would apply, but made no reference to the prescriptions of the national authority, the sailing instructions, the class rules, the notice of race or any other document or rule. Starts were given for a class of boats racing under a handicap system and for two one-design classes. *Buttercup*, a J/24, raced in the handicap class and was protested for breaking a J/24 class rule.

### **Question 1**

Did any of the following apply?

- (1) the prescriptions of the national authority
- (2) the class rules
- (3) the notice of race
- (4) the sailing instructions
- (5) other documents governing the event

### **Answer 1**

Rules J1.1(2) and J2.1(1) require that both the notice of race and the sailing instructions inform competitors ‘that the race will be governed by the rules as defined in *The Racing Rules of Sailing*.’ If the notice of race or the sailing instructions includes such a statement, then the prescriptions of the national authority, the class rules, the notice of race and the sailing instructions all apply because they are all defined to be rules. Any other documents that will govern the event must be listed in the notice of race and the sailing instructions (see rules J1.1(3) and J2.1(2)).

In this case the notice of race and the sailing instructions for the Spring Tune-Up did not comply with rules J1.1(2) and J2.1(1). They stated only that ‘*The Racing Rules of Sailing* would apply.’ Nevertheless, documents

1, 2, 3 and 4 all applied. The reasoning that leads to this conclusion is presented in the next paragraph.

If a term appears in italics in a racing rule, that term is used in the sense stated in the Definitions (see Terminology in the Introduction). Rule 3(a), in which ‘rules’ is in italics, makes it clear that, by participating in the race, each competitor and boat owner agrees to be governed by the racing rules and by the rules in the documents listed in the definition Rule. That list includes documents 1, 2, 3 and 4. Rule 85, in which ‘rules’ again appears in italics, implies that the rules in all those documents also apply to the organizing authority, the race committee and the protest committee while they are conducting and judging the race.

A rule in any of the first four documents listed in the question can be changed provided that the procedures stated in the racing rules for making such a change are followed. (Note the statement under Terminology in the Introduction that an addition to a rule, or deletion of all or part of it, is a ‘change’ to the rule.) A sailing instruction may change a prescription or state that some or all of the prescriptions will not apply, provided that the national authority has not restricted changes to those prescriptions in a prescription to rule 88.2. In the absence of such a sailing instruction, all the prescriptions apply. See Answer 3 for the conditions under which a class rule may be changed. Rules 89.2(a) and 90.2(c) cover the procedures for changing, respectively, the notice of race and the sailing instructions.

## **Question 2**

May a prescription or a rule in the notice of race or the sailing instructions be changed?

## **Answer 2**

Yes, provided that the procedures stated in the racing rules for making such a change are followed. (Note the statement under Terminology in the Introduction that an addition to a rule, or deletion of all or part of it, is a ‘change’ to the rule.) A sailing instruction may change a prescription or state that some or all of the prescriptions will not apply, provided that the national authority has not restricted changes to those prescriptions in a prescription to rule 88.2. In the absence of such a sailing instruction, all the prescriptions apply. Rules 89.2(a) and 90.2(c) cover the procedures for changing, respectively, the notice of race and the sailing instructions.

### **Question 3**

May a class rule be changed?

### **Answer 3**

No, unless the class rules themselves permit such a change, or unless written permission of the class association for the change has been obtained and is displayed on the official notice board (see rule 87).

Rule J2.2(6) requires the sailing instructions to inform competitors of any changes made to the class rules under rule 87. Rule J1.2(9) requires that such a change in a class rule also be included in the notice of race when that information would help competitors decide whether to attend the event or would provide information that they will need before the sailing instructions become available.

### **Question 4**

*Buttercup*, a J/24, raced in the handicapped class. Did the J/24 Class Rules or the handicap system rules apply to her?

### **Answer 4**

The rules of the handicap system applied to *Buttercup* (see paragraph (d) in the definition Rule). If her handicap was explicitly based on the assumption that she race in compliance with some, or all, of the J/24 class rules, then those J/24 class rules, or all the J/24 class rules, applied to her. However, if *Buttercup's* handicap was not based on such an assumption, then none of the J/24 class rules applied to her.

### **Question 5**

If a rule in the notice of race conflicts with a rule in the sailing instructions, which takes precedence? Can the conflict be resolved?

### **Answer 5**

Neither takes precedence. Rule 63.7 governs a protest or request for redress arising from such a conflict. It requires the protest committee to apply the rule that it believes will provide the fairest result for all boats affected. If such a conflict arises outside of a hearing of a protest or request for redress, the conflict can be removed by changing either the

notice of race (as permitted by rule 89.2(a)) or the sailing instructions (as permitted by rule 90.2(c)).

USSA 2000/80

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## CASE 99

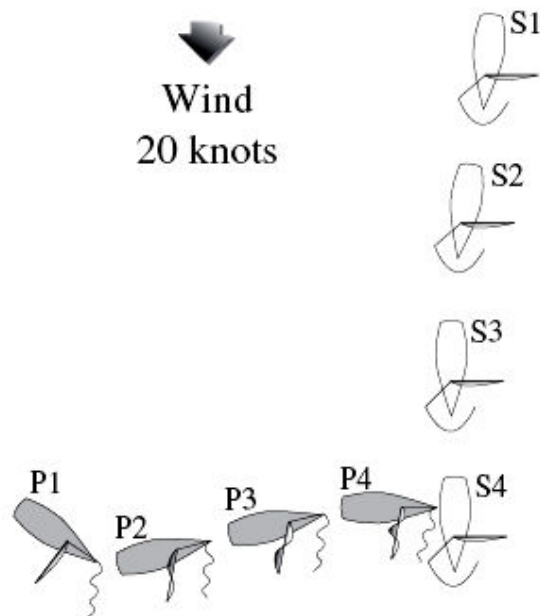
**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty**

**Rule 64.1(b), Decisions: Penalties and Exoneration**

*The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to 'avoid contact . . . if reasonably possible' and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat's penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.*



### Summary of the Facts

Mumm 30s were racing in difficult conditions. Boat S was running at 10-14 knots. Before Boat P reached position 1 she had broached and was out

of control. P struck S amidships resulting in serious damage. Both boats retired. S protested P.

The protest committee found that S had made minor changes of course when the boats were well apart; that these were thwarted by the erratic motion of P, still out of control; and that when it became apparent that P was not going to keep clear the only action available to S was to crash-gybe, which risked considerable damage to S.

The protest committee disqualified both boats, P for breaking rule 10 and S for breaking rule 14, stating that S should have been aware of the difficulties experienced by P and should have taken more significant action earlier. It referred its decision to the national authority for confirmation or correction.

### **Decision**

The decisions of the protest committee are reversed. Both boats are to be scored DNF.

Clearly, P broke rule 10. No rule justifies exonerating her, even though she was out of control. In breaking rule 10, P caused serious damage. Rule 10 is a rule of Part 2, and rule 44.1 permits a boat that breaks such a rule to take a penalty. Because P caused serious damage, the applicable penalty for her was to retire (see rule 44.1(b)). P did retire (whether because of choice or necessity does not matter) and was, therefore, exempt from disqualification (see rule 64.1(b)). Her disqualification is reversed, and she is to be scored DNF.

Turning to S, rule 14 makes special provisions in the case of a right-of-way boat. First, for her to be penalized, there must be contact that caused damage or injury. This is not in doubt. Second, she was not required to act to avoid contact until it was clear that P was not keeping clear. It was only at that time that rule 14 required her to avoid contact if reasonably possible. The protest committee found that, when it became clear to S that P was not going to keep clear, the only action available to S was to crash-gybe, which risked considerable damage to S. That finding was equivalent to a finding that it was not reasonably possible for S to avoid contact. Therefore, S did not break rule 14. Her disqualification is reversed, and she too is to be scored DNF.

Finally, the protest committee should note that, in light of the changed decision, rule 60.3(b) entitles it to call a hearing to consider giving S redress under rule 62.1(b).

## CASE 100

### Rule 41, Outside Help

*When a boat asks for and receives tactical racing advice she receives outside help, even if she asks for and receives it on a public radio channel.*

### Summary of the Facts

Three large boats were to round a mark near coastal rocks and then sail into a 6-knot current. The wind was light. Boat A radioed to boat B, whose skipper was more familiar with the area, asking whether it was safe to anchor in the vicinity of the mark. Boat B replied that it was not safe to anchor. Boat C protested both boats under rule 41, for discussing what tactics were to be used for rounding the mark and sailing the next leg.

The protest committee dismissed the protest against B and disqualified A for receiving outside help. It noted that she could have sailed or motored away from the mark in perfect safety at any time, and that the only reasons for anchoring at the mark were to overcome the adverse current and to win the race.

Boat A appealed, on the grounds that she did not believe she had received help, that she believed that advice given on a public radio channel was not outside help, and that a national authority should not condone disqualification for receiving safety information.

### Decision

A's appeal is dismissed. Boat A asked for help for tactical racing reasons and received it. It is irrelevant that A's question and the information she received in response were broadcast on a public radio channel. The help A received did not come within the scope of the exceptions to rule 41, especially not rule 41(d) since she solicited the information. Therefore A broke rule 41. Even if she had needed help because she was in danger, the receipt of such help would have been a breach of rule 41.

RYA 2001/4

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## CASE 101

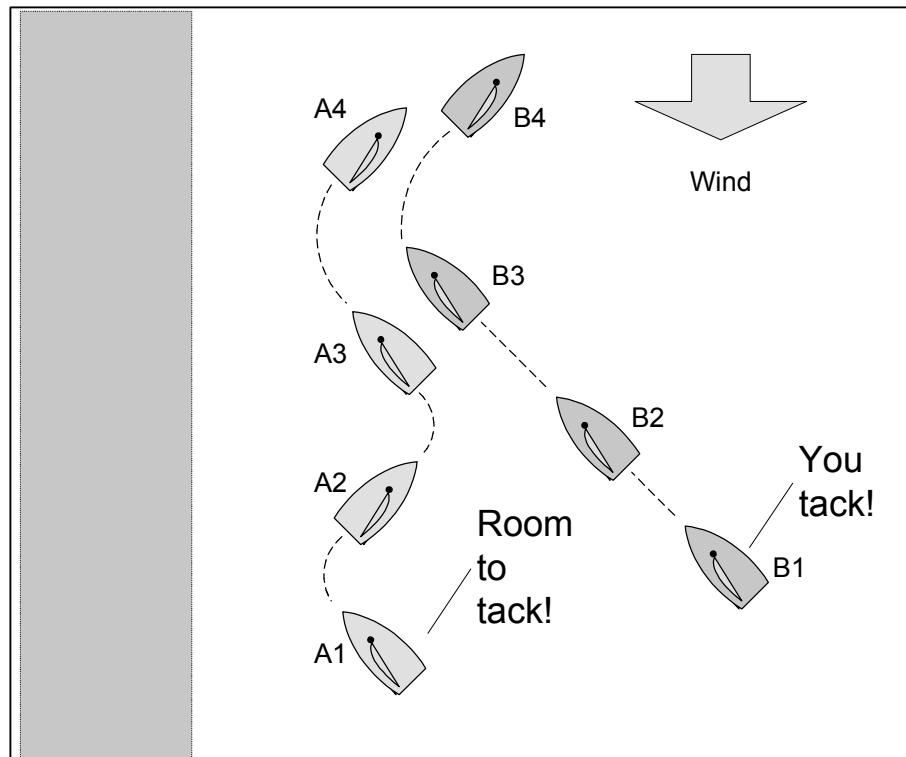
### Rule 20.1(b), Room to Tack at an Obstruction: Hailing and Responding

*When, in reply to her call for room to tack when close-hauled approaching an obstruction, a boat is hailed 'You tack', and when she does so and is then able to tack again to keep clear in a seamanlike way, the other boat has given the room required.*

#### Summary of the Facts

A and B were International Dragons. A was approaching the shore close-hauled on starboard tack, clear ahead and to leeward of B. A hailed for room to tack, and B replied 'You tack.' A tacked and B held her course. A was then on a collision course with B and tacked again. Both of A's tacks were made in a normal, seamanlike way. After A's second tack she was overlapped to leeward of B. Shortly afterwards B tacked and A did likewise. A protested B for not giving room as required by rule 20.1(b).

The protest committee concluded that B failed to give A 'room to tack and avoid her', and disqualified B, stating that she had 'failed to keep clear of A after her tack.' B appealed.





## **Decision**

B's appeal is upheld, and she is to be reinstated. A's actions show that she had room to tack and avoid B. B therefore met her obligation under rule 20.1(b).

It is important to distinguish a requirement to keep clear from a requirement to give room. When a boat with right of way is required to give another boat room for a manoeuvre, right of way does not transfer to the boat entitled to room. After A tacked onto port tack, B was not, as the protest committee evidently believed, required to keep clear of A; instead, it was A that was required by rule 10 to keep clear of B. B was only required by rule 20.1(b) to give A room to tack and avoid B, and B did so.

RYA 2001/11

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## **CASE 102**

### **Rule 62.2, Redress**

*When a boat requests redress because of an incident she claims affected her score in a race, and thus in a series, the time limit for making the request is the time limit for the race, rather than a time limit based on the posting of the series results.*

### **Summary of the Facts**

*Scruples* requested redress at the end of an eight-race series because of an incident that occurred in Race 5 of the series, which was sailed three weeks earlier. The protest committee found her request to be invalid because it was made after the time limit. She appealed, stating that it was not until the end of the series and the posting of the results that she knew that her score in Race 5 had affected her series score and that the time for her to make her request did not begin until after the series was completed and the results posted.

### **Decision**

*Scruples's* appeal is dismissed. Her request for redress was not valid because it was not delivered to the race office within the protest time limit

that applied to Race 5 (see rule 62.2). The incident affected her score in the series only through its effect on her score in Race 5 and, therefore, the relevant time limit for requesting redress was the time limit that applied to that race.

RYA 2001/9

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## CASE 103

### Definitions, Room

*The phrase ‘seamanlike way’ in the definition Room refers to boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat.*

### Assumed Facts

Two 30-foot boats on port tack, OL and IW, are at an obstruction, an anchored boat. OL has chosen to pass to leeward of the obstruction. The boats are overlapped with IW on the inside. Although boats of this class are normally sailed by a crew of six, IW is sailing with a crew of three, and they are relatively inexperienced.

### Question 1

Should the experience and number of crew members sailing IW be considered in determining how much ‘room’ she is entitled to under rule 19.2(b) between OL and the obstruction?

### Answer 1

Neither the experience of IW’s crew nor their number is relevant in determining ‘room’. In rule 19.2(b), which requires OL to give IW ‘room’ between her and the obstruction, ‘room’ is a defined term. The definition Room is ‘the space a boat needs in the existing conditions while manoeuvring promptly in a seamanlike way’. In determining whether or not OL has given the required space, the interpretation of ‘seamanlike way’ must be based on the boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat.

## Question 2

Is the answer the same with respect to ‘room’ as used in the definition Mark-Room and in rules 15, 16.1 and 20.1(b)?

## Answer 2

Yes.

USSA 1999/77

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## CASE 104

### **Rule 63.6, Hearings: Taking Evidence and Finding Facts Rule 70.1, Appeals and Requests to a National Authority Rule F5, Inadequate Facts; Reopening**

*Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.*

## Question 1

What criteria determine whether a finding in a protest committee's decision is subject to change on appeal? Are the criteria based on whether the finding is a ‘fact’ or a ‘conclusion’, whether it incorporates an interpretation of a rule, or something else?

## Answer 1

The distinction between ‘fact’ and ‘conclusion’ does not provide a satisfactory criterion because the two concepts can overlap. In the context of rule 63.6 and other rules using the term, a ‘fact’ is an action or condition

that a protest committee ‘finds’ occurred or existed. A ‘conclusion’ is derived by reasoning from something else, and can be purely factual. For example, if the facts are that there were three classes in a race and five boats in each class, it is both a conclusion and a fact that there were 15 boats in the race. A conclusion can also be partially non-factual, as when a judgment is made that includes non-factual elements. An example is the statement ‘Boat A displayed her flag at the first reasonable opportunity after the incident’, which is based on a combination of the facts about an incident and an interpretation of the phrase ‘first reasonable opportunity’ in rule 61.1(a).

A finding that is an interpretation of a rule is clearly subject to change by a national authority, but other findings that involve reasoning or judgment are equally subject to change. For example, a protest committee might state that ‘The wind velocity of 15 knots was too high for the boats to be able to race in safety’. This statement is an opinion or judgment but not an interpretation of the rules.

The criterion for determining whether a protest committee's finding is subject to change on appeal is therefore only that the finding is not exclusively factual in nature. Rule 70.1 permits the appeal of a protest committee's ‘decision or its procedures, but not the facts found.’ However, it does not prohibit the appeal of other findings or judgments made by the protest committee. Similarly, rule F5 requires a national authority to accept a protest committee's findings of fact, but does not require the acceptance of other findings. The effect of both rules is that a national authority can change any finding by a protest committee except a finding of fact.

## **Question 2**

May a national authority derive additional facts by drawing conclusions from the protest committee's written facts or its diagram?

## **Answer 2**

Yes. The national authority may apply logic to derive additional facts from either source.

## **Question 3**

What is the status of a diagram prepared or endorsed by a protest committee as required by rule F2.2(b)?

### **Answer 3**

Both the diagram and the written facts are facts found by the protest committee. Neither takes precedence over the other.

### **Question 4**

When facts conflict with each other, such as a conflict between the diagram and the written facts, is a national authority required to accept all of them? How are conflicts to be resolved?

### **Answer 4**

The national authority cannot logically accept conflicting facts. Rule F5 gives a national authority the authority to require the protest committee to provide revised or additional facts that resolve the conflict.

USSA 2003/85

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## **CASE 105**

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 16.1, Changing Course**

*When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.*

### **Assumed Facts**

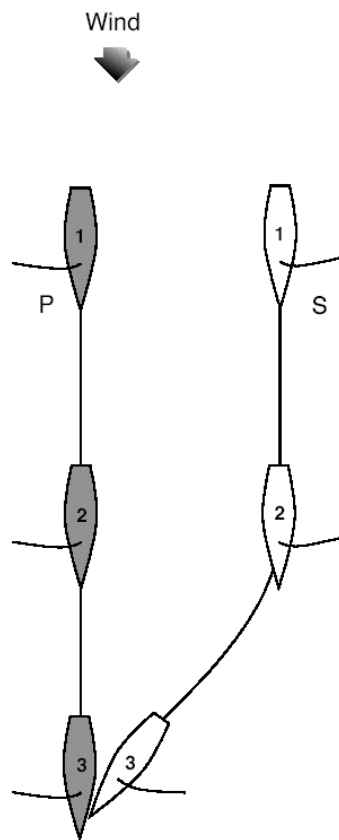
After sailing alongside P for some time on port tack, S gybes to starboard tack without breaking rule 15. Both boats continue to sail parallel courses. About two minutes after her gybe S begins to luff. P does not respond to the luff and the boats touch at position 3. There is no damage or injury.

### **Questions**

At the time of the contact, does rule 15 still apply? Does S break rule 16?

## Answers

S as the starboard-tack boat has right of way under rule 10, and P as the port-tack boat must keep clear. Rule 15 applies only briefly after S becomes the right-of-way boat, but rule 16.1 continues to limit how S may change course. S may luff provided that she does so in a way that gives P room to keep clear, and P must be prepared to react promptly, if necessary by gybing, to continue to keep clear. Rule 16.2 does not apply because, although the boats are on opposite tacks, P is not sailing to pass astern of S. Since P has room to keep clear of S by responding promptly when S luffs, S does not break rule 16.1. P does not keep clear and does not avoid contact with S. P therefore is to be penalized for breaking rules 10 and 14.



S also breaks rule 14 because, after it became clear that P was not keeping clear, S could have avoided the contact. However, because there was no damage or injury she is not to be penalized.

DSA 2005

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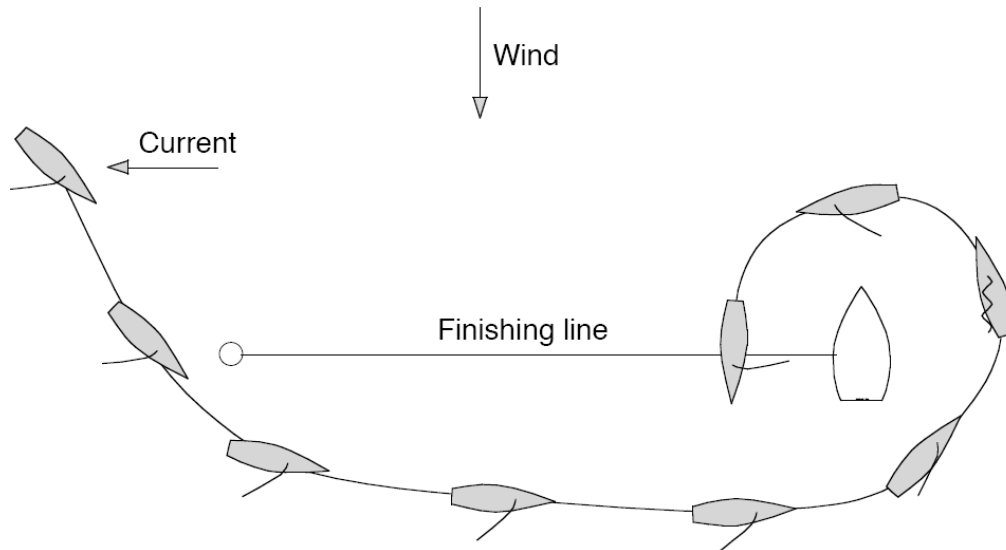
## CASE 106

### Rule 28.1, Sailing the Course

*When a boat's 'string' lies on the required sides of finishing marks or gate marks, it is not relevant that the string representing her track, when drawn taut, also passes one of those marks on the non-required side.*

#### Assumed Facts

As boats approach a downwind finishing line, a tidal current takes one of them outside one of the finishing marks. She sails beyond the entire finishing line, rounds the other finishing mark, and then crosses the finishing line from the direction of the last course mark.



#### Question

Has the boat complied with rule 28.1?

#### Answer

Yes. When the course requires boats to pass between two marks at a finishing line or at a gate, a boat complies with rule 28.1 if the string representing her track when drawn taut passes between the marks from the direction of the previous mark. She complies with rule 28.1 even if the string also passes one mark of the finishing line or gate on the non-required side. In this case the boat passed the buoy serving as a mark of the

finishing line on the non-required side before passing it on the required side.

See Case 90 for a discussion of a similar incident at a starting line.

RYA 2004/4

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## CASE 107

### **Rule 14, Avoiding Contact**

### **Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty**

### **Rule 64.1(b), Decisions: Penalties and Exoneration**

*A boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may 'act to avoid contact'. When a boat's breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.*

### **Summary of the Facts**

Between the preparatory and starting signals, *Ephesian* on starboard tack and *Jupa* on port tack approached each other head-to-head. Both boats were heavy keelboats, 33 feet (10 m) long. Neither boat was aware of the other. The bowmen on both boats, who normally would have been stationed by the forestay, were handling their genoas, and no other crew members were keeping a lookout. *Ephesian* was moving slowly with limited manoeuvrability. They collided, causing serious damage to *Jupa*, who therefore retired. In the resulting protest, *Jupa* was disqualified under rule 10, and *Ephesian* was disqualified under rule 14. *Ephesian* appealed, claiming that she could not have avoided *Jupa* by changing course or speed.

### **Decision**

Rule 14 begins 'A boat shall avoid contact with another boat if reasonably possible.' This requirement means a boat must do everything that can reasonably be expected of her in the prevailing conditions to avoid contact.



This includes keeping a good lookout, particularly in a crowded starting line situation.

The protest committee concluded that if either boat had seen the other a collision could have been avoided, even at the last minute, particularly if *Ephesian* had hailed *Jupa* when it was clear that *Jupa* was not changing course to keep clear. Until that moment, rule 14(a) allows a right-of-way boat to delay acting to avoid contact. It follows that at that moment she must begin to act in an effort to avoid contact. The word ‘act’ is not restricted to changing course or speed. Hailing was an action that *Ephesian* could and should have taken. *Ephesian* broke rule 14. Because the collision resulted in damage, the protest committee’s decision to disqualify *Ephesian* was correct (see rules 14(b) and 64.1(a)). Her appeal is therefore dismissed.

Clearly, *Jupa* broke rule 10. As a result of the serious damage she suffered in the collision, she retired from the race and thus took the applicable penalty (see rule 44.1(b)). Rule 64.1(b) prohibits penalizing her further. The disqualification of *Jupa* is reversed and she is to be scored DNF.

RYA 2004/6

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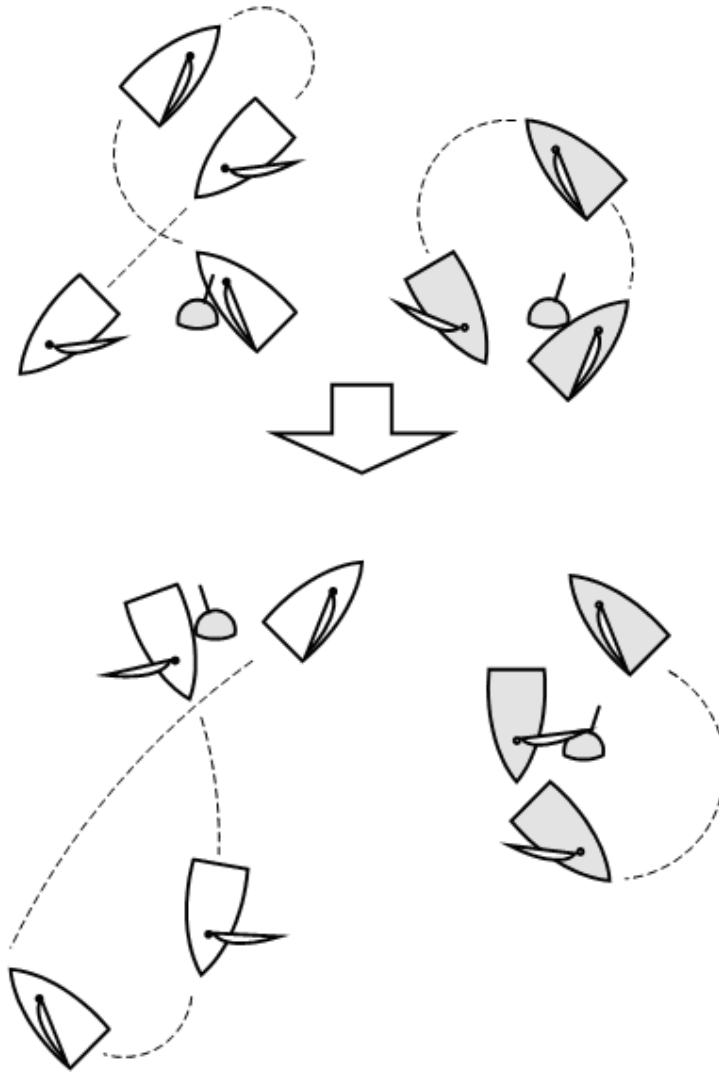
## CASE 108

### **Rule 28.1, Sailing the Course**

### **Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty**

### **Rule 44.2, Penalties at the Time of an Incident: One-Turn and Two-Turns Penalties**

*When taking a penalty after touching a mark, a boat need not complete a full 360°turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after clearing and remaining clear of the mark and other boats, and when no question of advantage arises.*



**Assumed Facts**

In each of the four illustrated situations, a boat touches a rounding mark that she is required to leave to port and then makes a turn that includes one tack and one gybe.

**Question**

In each situation, does the boat take a One-Turn Penalty that complies with rule 44 and with rule 28.1?

**Answer**

When a boat breaks rule 31, her penalty is usually a One-Turn Penalty. However, if, by touching the mark, she causes injury or serious damage or

gains a significant advantage in the race or series, her penalty is to retire (see rule 44.1(b)).

In each illustrated situation she takes a One-Turn Penalty that complies with rule 44.2, provided that

- (a) as soon as possible, and before beginning her penalty turn, she sails well clear of any other boats and remains clear of them while making her turn;
- (b) when she begins her penalty turn she is no longer touching the mark; and
- (c) she makes her penalty turn promptly after she is clear of other boats.

Rule 44.2 does not require a boat that takes a One-Turn Penalty to complete a full 360° turn, or a turn of any particular number of degrees, and it does not prohibit taking the penalty while making another manoeuvre, such as rounding the mark.

All four illustrated turns comply with rule 28.1. Provided that the string representing the boat's track when drawn taut lies on the mark's required side, the boat would comply with rule 28.1 even if (as not illustrated) a penalty turn resulted in the boat making an extra 360° turn around the mark.

RYA 2005/4

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## CASE 109

### Part 2 Preamble

#### Rule 48, Fog Signals and Lights

#### International Regulations for Preventing Collisions at Sea

*The IRPCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An IRPCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.*

### **Question 1**

What are the ‘government rules’ to which the preamble to Part 2 and rule 48 refer? How do those rules differ from the *International Regulations for Preventing Collisions at Sea (IRPCAS)*?

### **Answer 1**

The *IRPCAS* apply only ‘upon the high seas and in all waters connected therewith navigable by seagoing vessels’ (*IRPCAS* Rule 1(a)). On a country’s harbours, rivers, lakes and other inland waters, governments and other government authorities may establish other rules. Those other rules are the ‘government rules’ to which the Part 2 preamble and rule 48 refer. Such rules, which may apply nationally on all inland waters or only on specific inland waters, may restate, replace, change or add to the *IRPCAS* (*IRPCAS* Rules 1(b) and 1(c)).

### **Question 2**

When the notice of race, sailing instructions and other documents that govern an event do not mention the *IRPCAS* or government rules, do any rules of the *IRPCAS* or government rules apply to a boat racing under *The Racing Rules of Sailing*?

### **Answer 2**

Yes. When safety requires, a boat racing shall sound fog signals and show lights as required by the *IRPCAS* or applicable government rules (rule 48). Also, when a boat sailing under the Part 2 rules meets a vessel that is not, the *IRPCAS* or government right-of-way rules apply between them (Part 2 preamble).

### **Question 3**

May the notice of race, sailing instructions or another document that governs the event make the *IRPCAS* or government right-of-way rules or other rules of the *IRPCAS* or government rules applicable?

### **Answer 3**

Yes, in three ways:

- (1) The sailing instructions may state that the right-of-way rules of the *IRPCAS* or government rules replace all of the rules of Part

2 (Part 2 preamble and rule J2.2(2)). This is often done for oceanic races and also for racing at night.

- (2) The sailing instructions may state that a particular rule from the *IRPCAS* or government rules (other than a right-of-way rule) will apply to the event and include the text of that rule (rule J2.2(38)).
- (3) The definition Rule includes ‘(g) any other document governing the event.’ Such a document may include the text of a particular rule or rules from the *IRPCAS* or government rules (other than a right-of-way rule) that will apply to the event. Rules for crossing shipping lanes are often made available in such a document. To govern an event, a document must be listed in the notice of race (rule J1.1(3)), stating where or how it may be seen, and in the sailing instructions (rule J2.1(2)).

A boat that breaks a rule of the *IRPCAS* or a government rule can always be prosecuted by an authority responsible for its enforcement, but a protest may be made under such a rule only when the rule concerned ‘governs the event’.

#### **Question 4**

If the sailing instructions state that the right-of-way rules of the *IRPCAS* replace the rules of Part 2, which rules of Part 2 are replaced by which rules of the *IRPCAS*?

#### **Answer 4**

All the rules of Part 2 are replaced. Part B of the *IRPCAS* contains the *IRPCAS* ‘Steering and Sailing Rules’, which are, in effect, ‘right-of-way rules’. However, Part B of the *IRPCAS* must be read in conjunction with the whole of the *IRPCAS*, particularly Part A. For example, many terms used in Part B are defined in Part A.

#### **Question 5**

Is it possible to provide for a wider or narrower range of replacements of right-of-way rules that apply between competing boats?

## **Answer 5**

A sailing instruction may only replace all the rules of Part 2 with all the right-of-way rules of the *IRPCAS* or government rules. Rule 86.1 states that the sailing instructions shall not change Part 2, which includes its preamble. Therefore, a wider or narrower range of replacements of right-of-way rules that apply between competing boats is not permitted.

RYA 2005/1

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## **CASE 110**

### **Rule 62.1(b), Redress**

*A boat physically damaged from contact with a boat that was breaking a rule of Part 2 is eligible for redress only if the damage itself significantly worsened her score. Contact is not necessary for one boat to cause injury or physical damage to another. A worsening of a boat's score caused by an avoiding manoeuvre is not, by itself, grounds for redress. 'Injury' refers to bodily injury to a person and, in rule 62.1(b), 'damage' is limited to physical damage to a boat or her equipment.*

### **Assumed Facts**

Boat B is required to keep clear of Boat A. However, B collides with A, turning A 180 degrees before she is able to continue sailing to the next mark. Boat A loses five finishing places because of the incident. She protests B and requests redress under rule 62.1(b). During the hearing, it is established that there was physical damage to A but that the damage itself did not affect her ability to proceed in the race at normal speed. A's protest is upheld and B is disqualified.

### **Question 1**

Is A entitled to redress?

### **Answer 1**

No. Under rule 62.1(b), the damage itself must be the reason a boat's score is made significantly worse. In this case the damage had no effect on A's score.

### **Question 2**

Must contact between the boats occur in order for redress to be granted under rule 62.1(b)?

### **Answer 2**

No. A boat that suffers injury to a member of her crew or physical damage while acting to avoid contact with a boat that has broken a rule of Part 2 may be entitled to redress if the injury or damage is found to have made her score significantly worse and was not her fault.

### **Question 3**

If there had been no collision because A had been able to avoid B by changing course 180 degrees, but A lost five places as a result, would she have suffered 'injury' or 'damage' as those terms are used in rule 62.1(b)?

### **Answer 3**

No. 'Injury' in the racing rules refers only to bodily injury to a person, and 'damage' is limited to physical damage to a boat or her equipment.

USSA 1996/73 and 2007/98

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## **CASE 111**

### **Rule 30.2, Starting Penalties: Z Flag Rule**

### **Rule 30.3, Starting Penalties: Black Flag Rule**

*If a boat is penalized under rule 30.2 or rule 30.3 after a starting sequence that results in a general recall, it is a proper action of the race committee to penalize her even if the race had been postponed before that starting sequence or if, during a later starting sequence, a postponement was signalled before the starting signal.*

### **Assumed Facts for Question 1**

The fourth race of a series was scheduled to start at 10:00 a.m., but it was postponed for thirty minutes while the race committee waited for the wind to fill in. At the preparatory signal, the race committee displayed flag Z. Boat A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal. After the starting signal the race committee signalled a general recall. The race committee then began a second starting sequence for that race and again displayed flag Z as the preparatory flag. After removing the preparatory flag, but before the starting signal, the race committee signalled a postponement. Later, the race committee began a third sequence of signals and was successful in starting the fourth race, and the race was completed. Boat A was given a 20% Scoring Penalty, and she requested redress on the grounds that the race had been postponed – indeed, postponed twice – before its starting signal and, therefore, under rule 30.2's third sentence, she should not have received the penalty.

### **Question 1**

When the race committee imposed a 20% Scoring Penalty on Boat A, did it act properly under rule 30.2?

### **Answer 1**

Yes. The race committee acted properly under rule 30.2. The first three sentences of rule 30.2 refer to a single starting sequence. The starting sequence in which A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal was not postponed or abandoned before its starting signal. Therefore, the race committee acted appropriately under rule 30.2 when it imposed a 20% Scoring Penalty on A. That action was not an improper action, and A was not entitled to redress.

During the second starting sequence, if a boat had been identified in the triangle between the time that the preparatory flag was removed and the time that the postponement signal was made, then it would have been an improper action under rule 30.2 to give that boat a 20% Scoring Penalty.



## **Assumed Facts for Question 2**

The assumed facts are the same as those in Question 1 except that the black flag was used as the preparatory flag for the first and second attempted starts, and A was disqualified without a hearing.

## **Question 2**

When the race committee disqualified A without a hearing, did it act properly under rule 30.3?

## **Answer 2**

Yes. The reasoning in Answer 1 also applies here. The race committee acted properly when it disqualified A without a hearing, and A was not entitled to redress.

During the second starting sequence, if a boat had been identified in the triangle between the time that the preparatory flag was removed and the time that the postponement signal was made, then it would have been an improper action under rule 30.3 to disqualify that boat without a hearing.

ISAF 2009

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## **CASE 112**

### **Rule 28.1, Sailing the Course**

### **Rule 61.1(a), Protest Requirements: Informing the Protestee Definitions, Finish**

*If one boat makes an error in sailing the course, a second boat may notify the first that she intends to protest when the error is made, or at the first reasonable opportunity after the first boat finishes, or at any time in-between.*

### **Assumed Facts**

Boat A leaves the first mark of the course on the wrong side. Then, without correcting her error, she sails the remainder of the course correctly and crosses the finishing line from the direction of the last mark. Another

boat, B, sees A leave the first mark on the wrong side and decides to protest her.

### **Question 1**

When does A break rule 28.1?

### **Answer 1**

A makes an error when she leaves the first mark on the wrong side. However, rule 28.1 allows her to correct her error at any time before she finishes, but not thereafter. Therefore, A does not break rule 28.1 until she finishes.

### **Question 2**

Does A finish when she crosses the finishing line?

### **Answer 2**

A finishes provided that she crosses the finishing line in accordance with the definition Finish, whether or not a string representing her track complies with rule 28.1.

### **Question 3**

When must B inform A of her intention to protest?

### **Answer 3**

Rule 61.1(a) requires a boat intending to protest to inform the other boat 'at the first reasonable opportunity.' Normally this is done by hailing 'Protest' and, when required, displaying a red flag.

Although A does not break rule 28.1 until she finishes (see Answer 1), leaving the mark on the wrong side and continuing to sail the course without correcting her error provides B with a sufficient reason to decide to protest her. In this situation, therefore, B may notify A of her intention to protest when A leaves the mark on the wrong side, or at the first reasonable opportunity after A finishes, or at any time in-between.

