

ISAF Case Book

New Case

A submission from the Royal Yachting Association

Proposal:

Rule 14, Avoiding Contact

Rule 44.1, Penalties for Breaking Rules of Part 2; Taking a Penalty

When a boat is not keeping a look-out, she may thereby fail to do everything reasonably possible to avoid contact. A hail may be an ‘act to avoid contact’.

When a boat that has broken a rule retires, whatever the reason for doing so, she has taken a penalty and is not therefore to be penalized further.

Summary of the Facts

After the preparatory signal and before the starting signal *Ephesian* on starboard tack and *Jupa* on port tack, both 33 foot long heavy keelboats, approached each other head-to-head. Neither boat was aware of the other as the bowmen, who would normally be stationed by the forestay, were both otherwise occupied in handling their genoas and no other crew members were keeping a look-out during these operations. *Ephesian* was moving slowly with limited manoeuvrability. They collided, causing serious damage to *Jupa*. In the resulting protest, *Jupa* was disqualified under rule 10. *Ephesian* was disqualified under rule 14 and appealed.

Decision

Appeal dismissed. The disqualification of *Ephesian* is confirmed. *Jupa* is scored DNF.

Ephesian claims that, even if she had seen *Jupa*, she could not have avoided her by altering course or speed. While the RYA accepts this statement, *Ephesian* misunderstands her obligations under rule 14. The first sentence of rule 14 reads: ‘A boat shall avoid contact with another boat if reasonably possible.’ This sentence requires a boat to do everything that can reasonably be expected of her in the prevailing conditions to avoid contact. This must include keeping a good look-out, particularly in a crowded start line situation, as failure to do so precludes her taking any further action.

Rule 14(a) then allows a boat to delay acting to avoid contact until it is clear that the other boat is not keeping clear or giving room. ‘It follows that, to avoid the risk of penalization, she must then act. The word ‘act’ is not restricted to changing course or speed. In this case 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 the other boat had been hailed.’ Hailing is the action that *Ephesian* could and should have taken.

ISAF case 87 states that a right-of-way boat need not anticipate that the other boat will not keep clear. In that case, it could not have been evident to S that P was not keeping clear until it was too late for S to take avoiding action. In this appeal there is a fact found that neither boat was keeping a look-out or saw the other. There is also a conclusion by the protest committee, which the RYA sees no reason to dispute, that the collision could have been avoided if *Ephesian* had seen *Jupa* and had hailed her.

RYA case 2003/8 states that a right-of-way boat must act to avoid contact that is predictable if neither boat takes evasive action, a risk that must be immediately obvious to a right-of-way boat keeping a good look-out.

Ephesian broke rule 14 and her appeal is dismissed.

Clearly, *Jupa* broke rule 10. As a result of the collision, she retired from the race and thus took a penalty for the purposes of rule 44.1. Rule 44.4(b) prevents the protest committee from penalising her further. The disqualification of *Jupa* is reversed and she is scored DNF. ISAF case 99 refers.

RYA 2004/6

Current Position:

None

Reason:

This appeal places a clear responsibility on boats to keep a proper lookout when racing. This requirement is implicit in rule 14 but is not otherwise explicit as IRPCAS rule 5. Rule 14 does not restrict the actions that may be necessary to avoid contact and, when a hail is sufficient to alert the other boat and give her time to avoid contact, a hail becomes a required action; sounding a horn might be a similar action in some circumstances.