

Racing Rules of Sailing

New Case

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To clarify how the rules apply to situations that frequently occur on a beat to windward between a port-tack boat and a starboard-tack boat.

Proposal

CASE XXX

Definitions, Keep Clear

Rule 2, Fair Sailing

Rule 10, On Opposite Tacks

Rule 64.1(a), Decisions: Penalties and Exoneration

Interpretations of the rules that apply when a close-hauled starboard-tack boat bears away as a close-hauled port-tack boat crosses ahead, including situations in which hails are exchanged between the boats.

Assumed Facts for Question 1

Boat P is close-hauled on port tack on a collision course with Boat S close-hauled on starboard. As P approaches S, P hails ‘Tack or cross?’ and S clearly hails in response, ‘Cross’. P holds her course, S bears away and passes astern of P. S does not protest, P does not take a penalty. A third boat, Y, sees S bear away. Y then hails ‘Protest’ and delivers a written protest alleging that P broke rule 10. During the hearing S testifies that she hailed ‘Cross’ and bore away because, for tactical reasons, she did not want P to tack close to leeward of her.

Question 1

How do the rules apply to this situation?

Answer 1

The crew of a starboard-tack boat in S’s position often prefer to bear away behind P in order to avoid having P tack close to leeward. By hailing ‘Cross’ in response to P’s hail, S communicates to P that she has chosen to sail a course that will permit P to cross her bow safely. As S testified, when she bore away after hailing ‘Cross’, S did so because she had chosen to do so and not because she needed to do so. Therefore, when S changes course to sail astern of P, P does not break rule 10.

Assumed Facts for Question 2

P is close-hauled on port tack on a collision course with S close-hauled on starboard. As P approaches S, P hails ‘Tack or cross?’ and S does not hail ‘Cross’ in response, nor does S make any hail or gesture to suggest to P that she has chosen to sail a course that will permit P to cross her bow

safely. P holds her course, S bears away and passes astern of P. S hails 'Protest', and P does not take a penalty. S delivers a written protest alleging that P broke rule 10.

Question 2

How do the rules apply to this situation?

Answer 2

P's hail places no obligation on S, and P's hail does not change her obligation under rule 10 to keep clear of S. If the protest committee concludes from the testimony during the hearing that S bore away because she needed to act to avoid P, then P broke rule 10.

Assumed Facts for Question 3

The same as the facts for Question 1, except that, it is S, and not Y, that hails 'Protest' and delivers a written protest alleging that P broke rule 10.

Question 3

How do the rules apply to this situation?

Answer 3

S's hail of 'Cross' communicates to P that S has chosen, for reasons of her own, to sail a course that will permit P to cross S's bow safely. When S then hails 'Protest' after bearing away, S is not acting in compliance with recognized principles of sportsmanship and fair play, so S breaks rule 2. The protest committee could also consider action under rule 69.2(b).

Neither the hail 'Tack or cross?' by P nor the hail 'Cross' by S changes P's obligation under rule 10 to keep clear of S. If the protest committee concludes from the testimony during the hearing that S bore away before the boats had reached positions at which S needed to act to avoid P, then P did not break rule 10. However, if the committee concludes that when S bore away she needed to act to avoid P, then P broke rule 10.

If the committee decides that P broke rule 10, it must then decide whether P is exonerated under rule 64.1(a) as a consequence of S's breach of rule 2. P is not exonerated because, at the time that she broke rule 10, S had not yet broken rule 2. Therefore, P's breach of rule 10 was not a consequence of S's breach of rule 2.

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Current Position

None. The proposed case is new.

Reason

The hail of 'Tack or cross?' by a port-tack boat to a starboard-tack boat is often made on a beat to windward, and there are a variety of ways in which the starboard-tack boat may respond. The case illustrates how the rules apply in several different port-starboard crossing situations. It is a revision of the case proposed in 2015 in Submission 278-15. The revision addresses the concerns raised in comments made by members of the Racing Rules Committee on that submission.
