Racing Rules of Sailing

New Case based on Q&A J004

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To make a case of the contents in Q&A 2013-020 J004

Proposal

CASE XXX

Rule 10, On Opposite Tacks
Rule 14, Avoiding Contact
Rule 62.1(b), Redress

Physical damage as a consequence of the actions of a boat that was breaking a rule of part 2.

Situation

Two dinghies, Port (P) and Starboard (S) are sailing on a beat to windward, on opposite tacks and on a collision course, with more than 20 knots of wind. P is holding her course and at the very last moment S tacks onto port in an attempt to avoid P. There is contact between the boats, but no serious damage. When tacking to avoid P, S capsizes and in capsizing, the helmsman falls and damages the tiller. After righting the boat, the tiller cannot be repaired and the boat has to retire from the race. P takes a two-turns penalty for breaking rule 10.

Question

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

Answer

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

a) a collision was probable and, as required by rule 14, S took avoiding action as soon as it was clear that P was not keeping clear;
b) the capsize and falling were the result of P not keeping clear and not the result of poor seamanship by S, and
c) the tiller was previously in good condition
If the protest committee were not satisfied on all these points, S would be at least partially at fault, and therefore not entitled to redress.

**Current Position**

Q&A 2013-020 J004

**Reasons**

To make the contents in Q&A 2013-020 J004 stay as a Case.