Racing Rules of Sailing

Rule 21

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To exonerate a right-of-way boat for a momentary breach of rule 16.1 or 15 and a keep-clear boat for a momentary breach of rule 10 or 11 when such a breach has no adverse consequences.

Proposal

Move rule 21 from Section C into Section D and revise it as follows:

21 EXONERATION

21.1 When Entitled to Room or Mark-Room

When a boat is sailing within the room or mark-room to which she is entitled under a rule of Section C, she shall be exonerated if, in an incident with a boat required to give her that room or mark-room,

(a) she breaks a rule of Section A, rule 15 or rule 16, or

(b) she is compelled to break rule 31.

21.2 Momentary Breaches of Rule 15 or 16.1

If a boat breaks rule 15 or 16.1, she shall be exonerated if

(a) there is no contact and she does not cause the other boat to act in an unseamanlike way, and

(b) immediately afterwards she gives the other boat room to keep clear.

Current Position

As above.

Reasons

1. Proposed rule 21.2 incorporates into the racing rules the following principle long held in team and match racing with regard to current rules 16.1 and 15: If a right-of-way boat changes course, or acquires right of way, in such a way that the other boat cannot keep clear, but then immediately changes course again so that the other boat can keep clear, the momentary breach of rule 16.1 or 15 by the right-of-way boat should not be penalized. The answers to the questions asked in Match Racing Call B11 and Team Racing Calls B4, D3
and E7 are based on this principle. This principle was also the basis for the Answer in current Q&A B 006, which was published in October 2013. In that Q&A, four incidents are described, two involving rule 16.1 and two involving rule 15.

2. The eight incidents described in those four calls and in Q&A B 006 have the following common features:

   (1) There were two boats involved – a right-of-way boat, A, and a keep-clear boat, B. As each incident began, A either changed course toward B or acquired right of way over B. For this reason, A was required to comply with either rule 16.1 or rule 15.

   (2) For just a moment during each incident, A was close to B and sailing a course such that A needed to take avoiding action. Therefore, at that moment B was not keeping clear as required by either rule 10 or 11 (see part (a) of the definition Keep Clear). For that reason, B broke either rule 11 or 10 at that moment. Also, because A had just changed course toward B or just acquired right of way over B, A broke rule 16.1 or 15 at that same moment. (In this discussion, the ‘course a boat is sailing’ at any moment is the direction she is moving at that time.)

   (3) Immediately after the moment mentioned in (2), A changed course to avoid B.

   (4) During each of the incidents, there was no contact between A and B, and B did not manoeuvre in an unseamanlike way.

   (5) However, the Answers to each of the Questions in the calls and in Q&A B 006 stated that neither A nor B broke a rule.

3. If B, a boat required to keep clear under rule 10 or 11, does not keep clear for a brief moment in time, she has broken the applicable rule, either rule 10 or 11, and the rules require her to be penalized. If A has just changed course toward B or acquired right of way over B, then A has changed course or acquired right of way in a manner that has not given B room to keep clear during that same brief moment. Therefore, A has broken the applicable rule, either rule 16.1 or 15, and the rules require her to be penalized.

4. The rules do not permit a boat to escape penalization because her breach was brief. Consider this common example: On a beat to windward a port-tack boat, P, is trying to cross ahead of a starboard-tack boat, S. If S had held her course she would have collided with P a few centimetres from P’s stern. For a brief moment S needs to take avoiding action by bearing off a few degrees. For the short period of time during which S needed to take avoiding action, P was breaking rule 10. The rules require that P be penalized even though she broke rule 10 for just a brief moment.

5. Calls, cases and Q&As can interpret racing rules, but the answers they give must be logically consistent with the racing rules, and they should not change a rule or make a new rule. If a call, case or Q&A ‘makes’ a new rule, then the Call Books, the Case Book and the Q&A Booklet become extensions of the rulebook.

6. To make the principle stated and applied in the four calls and in Q&A B 006 consistent with the racing rules, two new rules are needed, one that exonerates the keep-clear boat and another that exonerates the right-of-way boat when that principle is applied.

7. The Royal Yachting Association has made a submission proposing to remove the phrase ‘under a rule of Section C’ from rule 21 and to move rule 21 from Section C to Section D. Under the RYA proposal, the keep-clear boat, B, would be exonerated for her breach of rule
10 or 11 in each of the eight incidents because B was sailing within the room to which she was entitled in an incident with A, a boat required to give her that room, that broke rule 16.1 or 15.

8. New rule 21.2, proposed in this submission, would exonerate the right-of-way boat in each of the eight incidents for her breach of rule 16.1 or 15.

9. If the change in rule 21 proposed by the RYA submission and new rule 21.2 proposed in this submission are accepted, then Match Racing Call B11, Team Racing Calls B4, D3 and E7, and Q&A B 006 will all be consistent with the racing rules.

10. If one or both of these submissions is rejected, then the answers in those calls and in that Q&A should be rewritten so that they are logically consistent with the racing rules. Because the principle stated in those four calls has become well accepted in match and team racing, and because it now is becoming accepted in fleet racing as a result of Q&A B 006, it seems logical and appropriate to accept the RYA’s proposed change in rule 21 and the addition of rule 21.2 to rule 21 proposed in this submission.