Racing Rules of Sailing

New Case

A submission from the Royal Yachting Association

Proposal

Rule 15, Acquiring Right of Way

Rule 16.1, Changing Course

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The other boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If she fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.

SUMMARY OF THE FACTS

At the starting signal, in 8 knots of wind, Heartbeat, LOA 13.5 metres, was approaching the port-biased starting line late, close-hauled on port tack and sailing a course to pass astern of the similarly-sized Checkmate which was OCS on starboard tack. Checkmate bore away to sail to the pre-start side of the line and Heartbeat promptly luffed to avoid her. When Checkmate reached the pre-start side of the line, she luffed towards a close-hauled starboard tack course, confusing Heartbeat, which believed that Checkmate was still OCS. Heartbeat then bore away, intending to pass behind Checkmate. There was a collision between the bow of Heartbeat and the port quarter of Checkmate, 1½m from her stern, resulting in serious damage to both boats. Each boat retired and each protested the other.
The protest committee found that Checkmate broke rule 21.1 when she bore away to sail to the pre-start side of the line since Heartbeat could no longer sail her course and needed to take avoiding action: and that, when she subsequently luffed, Checkmate broke rules 15 and 16.1, as Heartbeat was then unable to avoid her. It noted that at position 4 Heartbeat could not be sure whether tacking or bearing away was the better option, and she was not set up to tack. It concluded that Heartbeat was compelled to break rule 10 and exonerated her for breaking that rule under rule 64.1(c). It also concluded that it was not reasonably possible for Heartbeat to avoid the contact, so that she did not break rule 14.

Checkmate, having retired after the incident, was not penalized. Checkmate appealed against the conclusions of the protest committee.

**DECISION**

Checkmate’s appeal is upheld to the extent that the conclusion that she broke rules 15 and 16.1 is reversed, and that Heartbeat’s exoneration for breaking rules 10 and 14 is annulled. However, the conclusion that Checkmate broke rule 21.1 is confirmed. The protest committee was correct not to have penalized Checkmate, since she retired, and, similarly, Heartbeat, having retired, is not to be penalized.

The facts found by the protest committee describe two incidents, one following very closely after the other. In the first, from position 1 to position 3 in the protest committee’s diagram, Checkmate bore away from an OCS position and became required to keep clear by rule 21.1. There is no reason to disagree with the conclusion of the protest committee that the prompt luff of Heartbeat, now the right-of-way boat, was to avoid a collision and was a proper response as required by rule 14.

The second incident runs from position 3 until the collision. When Checkmate believed she had returned to the pre-start side of the starting line, she luffed. As stated by the protest committee, this change of course at position 4 required a further response from Heartbeat, which was now required to keep clear under rule 10.

A tack would have reduced the angle between the boats and, even if Heartbeat then failed to avoid a collision, the contact would have been side to side and potentially less serious. Bearing away increased the angle and, significantly, increased the risk of damage in any subsequent collision. It also limited any possible response by Checkmate to avoid a collision.

The subsequent luff by Checkmate increased the separation between the boats. If Checkmate had not luffed, Heartbeat would have needed to bear away even further than she did in order to avoid a collision.

At a starting line when the first leg is to windward, a boat that approaches the line on port tack must be fully prepared to keep clear of boats on starboard tack. The only reasonable response for Heartbeat after position 4 was to continue her luff into a tack. If she was not set up to tack, that was her responsibility and does not detract from her obligations. By bearing away and failing to keep clear, Heartbeat broke rules 10 and 14. Checkmate could do no more than she did to avoid the subsequent collision and did not break rule 14.
Reason

To clarify the obligations of a boat required to keep clear when she may have more than one option to do so in response to another boat changing course or acquiring right-of-way