Racing Rules of Sailing

New Case

A submission from the US SAILING

Purpose or Objective

To provide a Case containing explanations of the definition Mark-Room as it applies in RRS 18

Proposal

CASE XXX  (Appeal 106)

Rule 14, Avoiding Contact
Rule 16.1, Changing Course
Rule 18.1, Mark-Room: When Rule 18 Applies
Rule 18.2(b), Mark-Room: Giving Mark-Room
Rule 18.5, Mark-Room: Exoneration
Definitions, Mark-Room

A boat rounding a mark is no longer “at the mark” after she has left the mark astern and it no longer has any effect on her course.

Summary of the Facts

Sugar Magnolia, an Olsen 25, and Showtime, an S2 7.9, 25 and 26 feet long respectively, were overlapped on opposite tacks, sailing on converging courses, and approaching a leeward mark to be left to port. The wind speed was 5-8 knots with commensurate sea conditions; there was no current.

Between positions 2 and 3 in the diagram, Sugar Magnolia gybed onto port tack. Between positions 3 and 6, she sailed her proper course, heading up to not quite close-hauled. Showtime’s course after position 4 at first widened the space between her and Sugar Magnolia; she then luffed to a course that at position 5 placed the boats on converging courses. At that point Showtime hailed Sugar Magnolia to keep clear. Between positions 5 and 6, neither boat changed course, and the space between them diminished until they were very close. At position 6, Sugar Magnolia luffed and her stern swung into Showtime’s topsides with damage resulting.
Sugar Magnolia protested. She argued that mark-room entitled her to sail her proper course while “at the mark,” and that at the time of contact she was still “at the mark” because rule 18 still applied and because she was not yet on her proper course towards the next mark. Sugar Magnolia also argued that although she broke rule 11, On the Same Tack, Overlapped, she should have been exonerated under rule 18.5(a) because she was taking mark-room to which she was entitled under rule 18. Showtime argued that at position 5 Sugar Magnolia had left the mark astern and therefore she was no longer “at the mark” or entitled to mark-room.

The protest committee found that before and while rounding the mark Showtime gave Sugar Magnolia mark-room as required by rule 18.2(b). It also found that after she changed course and before contact occurred, Showtime gave Sugar Magnolia room to keep clear as required by rule 16.1, but Sugar Magnolia failed to keep clear of Showtime as required by rule 11. Concerning Sugar Magnolia’s argument, the committee said it did not consider her to be “at the mark” when she broke rule 11 because she had left the mark astern and it was no longer affecting the course she was sailing. The committee also concluded that both boats could have avoided the contact if they had acted in time. It disqualified Sugar Magnolia for breaking rules 11 and 14 and Showtime for breaking rule 14. Sugar Magnolia appealed.

Decision

The primary issue in this incident was whether Sugar Magnolia was “at the mark” at the time of the contact between her and Showtime.
Rule 18 applied as long as at least one of the boats was in the zone (see rule 18.1), and rule 18.2(b) required Showtime to give Sugar Magnolia mark-room as soon as Sugar Magnolia reached the zone. However, in rule 18.2 the definition Mark-Room introduces another provision. After Sugar Magnolia had finished sailing “to” the mark, and was “at” it, she became entitled to “room to sail her proper course while at the mark,” which was the course she would have sailed to finish as soon as possible in the absence of Showtime.

When she reached position 5, Sugar Magnolia had left the mark astern and, as the protest committee noted, from that point on the mark was no longer affecting the course she was sailing. Therefore, at position 5 Sugar Magnolia was beyond the mark, not “at” it.

Since Sugar Magnolia was no longer “at the mark” when contact occurred (position 6), she therefore was no longer entitled to room to sail her proper course or to the exoneration provided by rule 18.5. The fact that she was still sailing her proper course (slightly below close-hauled to regain her normal speed) had no bearing on whether she was still “at the mark.” Although rule 18.2(b) still applied, it had no effect because it did not specify any rights or obligations after Sugar Magnolia was no longer “at the mark.” Therefore, at the time of the contact between the boats, the only rules of consequence were rules 11 and 14.

There are other circumstances in which a boat can be “at the mark” even though she has left the mark astern. The other determining factor is whether the mark still has an effect on her course. For example, in a strong adverse current a boat may have to sail beyond the point where she has left the mark astern before being able to change course to round the mark without risk of the current pushing her into it. In that case, the boat would still be “at the mark.”

Rule 11 required Sugar Magnolia to keep clear of Showtime but she failed to do so. She could have been exonerated under rule 18.5(a) if she had been taking mark-room to which she was entitled, but she was not; therefore she is not exonerated from breaking rule 11. Had Sugar Magnolia been unable to keep clear of Showtime immediately after she was no longer at the mark, that fact could have been evidence that Showtime failed to provide mark-room, but in this case Sugar Magnolia was able to keep clear of Showtime as soon as she was no longer at the mark.

Rule 14 required Sugar Magnolia to avoid contact “if reasonably possible.” She had been hailed by Showtime at position 5 and so must have been aware that the boats’ courses were converging. She had enough time and space to change course and avoid the collision, but failed to act soon enough, and so broke rule 14.

Showtime also broke rule 14. Although rule 14(a) provided that she did not need to act to avoid Sugar Magnolia until it was “clear” that Sugar Magnolia was not keeping clear, that fact had been evident for some time because Sugar Magnolia was not changing course as Showtime approached.

Sugar Magnolia’s appeal is denied and the decision of the protest committee to disqualify both boats is upheld.

June 2011

Current Position

None
Reasons

The phrase “at the mark” in the definition Mark-Room is new to the RRS and has given rise to
discussion and debate among judges and competitors alike. Questions about the precise meaning
of this phrase have no obvious answers in the rules themselves, and dictionaries provide so many
meanings of “at” that they are of no practical use for purposes of the racing rules.

There are two basic questions: (1) exactly when does a boat arrive “at the mark,” and (2) exactly
when does she cease to be “at the mark”? This proposed Case answers the second question, and
the proposed Case in Submission xxx –xx (US SAILING Appeal 105) answers the first one.

Although the usefulness of this Case if adopted may not extend beyond 2012 if rule 18 is
substantially revised, it nevertheless will be very important to competitors and officials during 2012,
the year of the Olympic Regatta and the many national, continental and international
championships that will be held in 2012, including some that national authorities will use as
Olympic selection events. Without official international interpretations that only ISAF can provide,
there will be no reliable guidance concerning how the definition Mark-Room applies in rule 1