Question
Blue on port tack and Yellow on starboard tack are approaching the windward mark on a collision course. The umpires agree that Yellow sails beyond the point where her proper course would be to tack to round the mark. Blue tacks to starboard to avoid Yellow, but before she reaches a close-hauled course Yellow has to luff to avoid Blue. There is a Y-flag.

What should the call be?

Answer
The umpires should first penalize both.

The umpires should then give Yellow an additional penalty. They should make their decision under rule C8.3, taking into account every aspect of the situation, and decide whether the additional penalty should be a red-flag penalty under rule C5.3 or a regular penalty under rule C5.2.

Blue breaks rule 13.1 by not keeping clear while tacking. Because Blue is neither compelled to break a rule, nor entitled to room or mark-room, she cannot be exonerated for her breach. Yellow, the inside overlapped right-of-way boat breaks rule 18.3(b) by sailing farther from the mark than needed to sail her proper course before she tacks, and is affecting Blue’s course when doing so.