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.

Both boats display a Y-flag at position 4. What should the call be?

Answer
Penalize Yellow and Blue.

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 affects Blue’s course while doing so.

Coming into the situation, neither boat was in a controlling position because neither boat could impede, affect or change the other boat’s course while complying with the applicable rules. By breaking rule 18.3(b), Yellow gained a controlling position on Blue.

If the umpires were satisfied that Yellow broke rule 18.3(b) deliberately or gained an advantage by breaking the rule after allowing for a penalty, they would give Yellow a second penalty under
rule C8.3. This should be a red-flag penalty under rule C5.3 (red and second yellow flag) so that Yellow is behind Blue in the race. See also MR CALL M2.

If the umpires were not satisfied that either of these conditions existed, the umpires would give Yellow a red-flag penalty under rule C6.5(b). This would put Yellow behind Blue and Blue would still have a penalty.

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