
The
CASE BOOK
for 2001 – 2004

International Sailing Federation
July 2001

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Preface

The Case Book for 2001-2004 follows a complete review of all the cases previously published and includes nine new cases adopted by the ISAF Council since 1997. Many cases have been rewritten, some only slightly but others extensively, to illustrate as clearly as possible the application of the 2001-2004 racing rules. Four cases have been deleted, most of them being no longer relevant to the new rules. Cases are numbered sequentially beginning with '1', but there are four gaps in the number sequence as a result of the four deletions.

New cases are added each year, and sometimes cases are slightly changed or deleted. Soon after the first of each year, new cases and changes in existing cases are posted on the ISAF web site and mailed to International Judges, Umpires and Race Officers, and also national authorities and ISAF class associations.

The Case Book for 2001-2004 was prepared by the Case Book Working Party: Dick Rose, Chairman, Bill Bentsen, Trevor Lewis and Tony Mooney.

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ISAF Regulations and the Racing Rules Cases

ISAF Regulation 11.4, Interpretations of the Racing Rules of Sailing, governs publication of the Racing Rules Cases and all other interpretations of the racing rules. Regulation 11.4 includes the following:

11.4 Interpretations of the Racing Rules of Sailing

Interpretations of the racing rules by the ISAF shall be made only through publication of cases [in The Case Book or of umpire calls] in . . . the Umpires' Call Book for Match Racing or the Umpires' Call Book for Team Racing. The cases are authoritative interpretations and explanations of the rules for all racing and the calls are authoritative interpretations and explanations of the rules only for umpired match or team racing.

11.4.1 The Racing Rules Committee shall study cases . . . submitted . . . and shall recommend to the Council those that it approves for publication. . . .

11.4.2 Submissions for cases . . . shall be received at the ISAF Secretariat before the deadline [for submissions each year]. The submission . . . shall state whether a proposed case . . . duplicates a published case . . . and, if so, why the proposed case or call is preferable.

11.4.5 The following are guidelines for publishing cases:

- (a) Each case shall significantly clarify an important meaning of a rule or increase the understanding of a complex rule.
- (b) The case shall not duplicate one already published. When the case is an improvement on an existing case it shall be included and the existing case deleted.

- 11.5 Except for the publications of the ISAF Case or Call books, there shall be no interpretation of, publication of, or notice about the racing rules by the ISAF unless first reviewed and approved by the Chairman of the Racing Rules Committee or a member of the committee designated by the Chairman.

National Authority and ISAF Abbreviations

ARYF	All Russia Yachting Federation
CYA	Canadian Yachting Association
FAY	Federacion Argentina de Yachting
FIV	Federazione Italiana Vela
ISAF	International Sailing Federation
KNWV	Koninklijk Nederlands Watersport Verbond
NSF	Norwegian Sailing Federation
RYA	Royal Yachting Association
USSA	United States Sailing Association

Labels Used for Boats in Diagrams

A, B, C, etc.	Any boat, or
A	Boat clear ahead
B	Boat clear astern
I	Inside boat
L	Leeward boat
M	Middle or intervening boat
O	Outside boat
P	Port-tack boat
S	Starboard-tack boat
W	Windward boat

Combinations of these letters are also used.

SECTION 1 – ABSTRACTS OF CASES BY RULE NUMBER

Section 1 prints the abstract from each case under those rule numbers listed at the beginning of the case. Thus readers can identify the cases that bear on their particular questions and ignore the rest. However, the abstract of a case may not mention every rule; therefore readers must turn to the case itself to see how the rule has been interpreted or illustrated.

BASIC PRINCIPLE Sportsmanship and the Rules

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and, therefore, of rule 2.

PART 1 – FUNDAMENTAL RULES

Rule 1.1 Safety: Helping Those in Danger

CASE 20

When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

Rule 2 Fair Sailing

CASE 27

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

CASE 34

Hindering another boat may be a breach of rule 2 and the basis for action under rule 69.1.

CASE 47

A boat that deliberately hails 'starboard' when she knows she is on port tack has not acted fairly, and is liable to disqualification under rule 2.

CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and, therefore, of rule 2.

CASE 73

When, by deliberate action, L's crew touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.

CASE 74

There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's, or crew's, position is deliberately misused.

CASE 78

A boat does not break rule 2 by slowing another boats progress in a race, provided that this tactic is intended to benefit her own series result and that in using it she does not intentionally break a rule.

PART 2 – WHEN BOATS MEET

Part 2 Preamble

CASE 67

When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules applicable to the area concerned. When, under these rules, the boat racing is the keep-clear boat and intentionally hits the other, she may be penalized for gross misconduct.

Section A – Right of Way

Rule 10 On Opposite Tacks

CASE 9

When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

CASE 23

On a run, rule 18 does not apply to a starboard-tack boat overtaking two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

CASE 43

A close-hauled port-tack boat that is sailing parallel and close to a continuing obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

CASE 50

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

CASE 75

An outside port-tack boat must keep clear of an inside starboard-tack boat under rules 10 and 18.2(a). Having right of way entitles the starboard-tack boat to sail a course of her own choosing, provided that she complies with rule 18.4's requirement that until she gybes she sail no farther from the mark than needed to sail her proper course.

CASE 87

A right-of-way boat need not anticipate that the other boat will not keep clear.

CASE 88

A boat may avoid contact and yet fail to keep clear.

Rule 11 On the Same Tack, Overlapped

CASE 7

When a boat establishes an overlap to leeward from clear astern within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must not sail above her proper course and must initially give the windward boat room to keep clear.

CASE 12

In determining the right to room at a mark, it is irrelevant that boats are on widely differing courses, provided that an overlap exists at the relevant time.

CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. There can be more than one proper course.

CASE 24

The rights and obligations of boats when an overlap to leeward is established from clear astern.

CASE 25

When overlapped boats have passed a mark, an inside windward boat is no longer entitled to room and only rule 11 applies.

CASE 51

A protest committee must exonerate boats when they are compelled by another boat to break a rule.

CASE 53

A boat clear ahead need not anticipate her obligation to keep clear before being overlapped to leeward from clear astern.

CASE 70

A boat entitled to room under rule 18 is relieved of her obligations under rule 11 only to the extent that rule 18 explicitly provides rights in conflict with rule 11 and only when room as defined is being denied her.

CASE 73

When, by deliberate action, L's crew touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.

CASE 74

There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's, or crew's, position is deliberately misused.

CASE 86

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

Rule 12 On the Same Tack, Not Overlapped

CASE 2

Rule 18.2(c) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the two-length zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the two-length zone does so. Rule 18.2(a) applies only while boats are overlapped. When rules 18.2(a), 18.2(b) and 18.2(c) do not apply, right of way is determined by the relevant rule in Section A of Part 2.

CASE 15

In tacking to round the mark, a boat clear ahead must comply with rule 13; a close-hauled boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

CASE 24

The rights and obligations of boats when an overlap to leeward is established from clear astern.

CASE 41

Questions relating to the rights and obligations of two overlapped boats when approaching a third boat clear ahead. There is no obligation to hail for room at a mark or obstruction.

CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen.

Rule 13 While Tacking

CASE 15

In tacking to round the mark, a boat clear ahead must comply with rule 13; a close-hauled boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

CASE 17

A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.

Section B – General Limitations

Rule 14 Avoiding Contact

CASE 2

Rule 18.2(c) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the two-length zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the two-length zone does so. Rule 18.2(a) applies only while boats are overlapped. When rules 18.2(a), 18.2(b) and 18.2(c) do not apply, right of way is determined by the relevant rule in Section A of Part 2.

CASE 11

When an obstruction is a right-of-way boat about to be passed on the same side by two overlapped boats, the outside boat must give the inside boat room to pass.

CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. There can be more than one proper course.

CASE 23

On a run, rule 18 does not apply to a starboard-tack boat overtaking two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

CASE 26

When a right-of-way boat could have, but did not, avoid a collision that resulted in damage, she must be penalized under rule 14.

CASE 27

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

CASE 30

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurs. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

CASE 50

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

CASE 54

When a hailing boat observes no response to her hail, adequate notice of intent to tack requires a second, more vigorous hail.

CASE 75

An outside port-tack boat must keep clear of an inside starboard-tack boat under rules 10 and 18.2(a). Having right of way entitles the starboard-tack boat to sail a course of her own choosing, provided that she complies with rule 18.4's requirement that until she gybes she sail no farther from the mark than needed to sail her proper course.

CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

CASE 87

A right-of-way boat need not anticipate that the other boat will not keep clear.

CASE 88

A boat may avoid contact and yet fail to keep clear.

CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen.

CASE 92

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

Rule 14(b) Avoiding Contact

CASE 19

An interpretation of the term 'damage'.

Rule 15 Acquiring Right of Way

CASE 7

When a boat establishes an overlap to leeward from clear astern within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must not sail above her proper course and must initially give the windward boat room to keep clear.

CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

CASE 24

The rights and obligations of boats when an overlap to leeward is established from clear astern.

CASE 27

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

CASE 53

A boat clear ahead need not anticipate her obligation to keep clear before being overlapped to leeward from clear astern.

Rule 16.1 Changing Course

CASE 6

A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.

CASE 13

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.

CASE 25

When overlapped boats have passed a mark, an inside windward boat is no longer entitled to room and only rule 11 applies.

CASE 26

When a right-of-way boat could have, but did not, avoid a collision that resulted in damage, she must be penalized under rule 14.

CASE 46

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern.

CASE 52

Rule 16.1 does not restrict the course of a keep-clear boat. Manoeuvring to drive another boat away from the starting line does not necessarily break this rule.

CASE 60

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.

CASE 76

A boat changing course to a new proper course may break rule 16.

CASE 86

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

CASE 92

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

CASE 93

If two boats were on opposite tacks, rule 18.3 begins to apply when one of them completes a tack within the two-length zone. When rule 18.3(b) applies, and therefore rule 15 does not, a leeward boat is nevertheless subject to rule 16.1 if she changes course.

Rule 16.2 Changing Course

CASE 6

A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.

CASE 26

When a right-of-way boat could have, but did not, avoid a collision that resulted in damage, she must be penalized under rule 14.

CASE 60

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.

CASE 76

A boat changing course to a new proper course may break rule 16.

CASE 92

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.

Rule 17.1 On the Same Tack; Proper Course

CASE 7

When a boat establishes an overlap to leeward from clear astern within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must not sail above her proper course and must initially give the windward boat room to keep clear.

CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. There can be more than one proper course.

CASE 46

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern.

Section C – At Marks and Obstructions

Section C Preamble

CASE 70

A boat entitled to room under rule 18 is relieved of her obligations under rule 11 only to the extent that rule 18 explicitly provides rights in conflict with rule 11 and only when room as defined is being denied her.

Rule 18 Rounding and Passing Marks and Obstructions

CASE 23

On a run, rule 18 does not apply to a starboard-tack boat overtaking two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

CASE 70

A boat entitled to room under rule 18 is relieved of her obligations under rule 11 only to the extent that rule 18 explicitly provides rights in conflict with rule 11 and only when room as defined is being denied her.

Rule 18 Preamble

CASE 21

An interpretation of the word ‘room’ when passing a mark or obstruction.

Rule 18.1 Rounding and Passing Marks and Obstructions: When this Rule Applies

CASE 12

In determining the right to room at a mark, it is irrelevant that boats are on widely differing courses, provided that an overlap exists at the relevant time.

CASE 26

When a right-of-way boat could have, but did not, avoid a collision that resulted in damage, she must be penalized under rule 14.

CASE 81

When two boats on the same tack are about to round a mark, rule 18 applies even if the boats are on a beat. When one boat enters the two-length zone clear ahead of another boat on the same tack, rule 18.2(c) applies. When the boat clear ahead then tacks, rule 18 ceases to apply and she becomes subject to rule 13 after passing head to wind and rule 10 after she has completed her tack.

CASE 84

Discussion of the phrase ‘about to round or pass’.

CASE 94

Rule 18 begins to apply when boats are about to pass a mark or obstruction; the distance from the mark or obstruction may vary depending on sea and wind conditions. However, the obligations between boats may still change before one of them reaches the two-length zone. It is only at the two-length zone that it can be determined whether rule 18.2(a) or rule 18.2(c) will govern the rounding.

CASE 95

Rule 18 applies when both boats are about to pass a mark or obstruction. Where the boats were on the same tack approaching a windward mark, and the outside boat tacks, rule 18 still does not apply, even if both boats are now about to pass the mark, since they are now on opposite tacks. If the other boat then tacks, she is subject to rule 18.3.

**Rule 18.1(b) Rounding and Passing Marks and Obstructions:
When This Rule Applies**

CASE 9

When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.

CASE 15

In tacking to round the mark, a boat clear ahead must comply with rule 13; a close-hauled boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

CASE 43

A close-hauled port-tack boat that is sailing parallel and close to a continuing obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.

CASE 76

A boat changing course to a new proper course may break rule 16.

**Rule 18.2 Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear**

CASE 63

At a mark, when room is made available to a boat that has no right to it, she may, at her own risk, take advantage of the room so given.

**Rule 18.2(a) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Overlapped – Basic
Rule**

CASE 2

Rule 18.2(c) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the two-length zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the two-length zone does so. Rule 18.2(a) applies only while boats are overlapped. When rules 18.2(a), 18.2(b) and 18.2(c) do not apply, right of way is determined by the relevant rule in Section A of Part 2.

CASE 11

When an obstruction is a right-of-way boat about to be passed on the same side by two overlapped boats, the outside boat must give the inside boat room to pass.

CASE 12

In determining the right to room at a mark, it is irrelevant that boats are on widely differing courses, provided that an overlap exists at the relevant time.

CASE 21

An interpretation of the word ‘room’ when passing a mark or obstruction.

CASE 25

When overlapped boats have passed a mark, an inside windward boat is no longer entitled to room and only rule 11 applies.

CASE 33

A boat is entitled to room under rule 18.2(a) even though she has tacked into the inside overlapping position.

CASE 41

Questions relating to the rights and obligations of two overlapped boats when approaching a third boat clear ahead. There is no obligation to hail for room at a mark or obstruction.

CASE 59

When a boat comes abreast of a mark but is outside the two-length zone, and when her change of course towards the mark results in a boat previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give room to that boat, whether or not her distance from the mark was caused by giving room to other boats overlapped inside her.

CASE 75

An outside port-tack boat must keep clear of an inside starboard-tack boat under rules 10 and 18.2(a). Having right of way entitles the starboard-tack boat to sail a course of her own choosing, provided that she complies with rule 18.4's requirement that until she gybes she sail no farther from the mark than needed to sail her proper course.

CASE 86

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

CASE 94

Rule 18 begins to apply when boats are about to pass a mark or obstruction; the distance from the mark or obstruction may vary depending on sea and wind conditions. However, the obligations between boats may still change before one of them reaches the two-length zone. It is only at the two-length zone that it can be determined whether rule 18.2(a) or rule 18.2(c) will govern the rounding.

**Rule 18.2(b) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Overlapped at the
Zone**

CASE 2

Rule 18.2(c) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the two-length zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the two-length zone does so. Rule 18.2(a) applies only while boats are overlapped. When rules 18.2(a), 18.2(b) and 18.2(c) do not apply, right of way is determined by the relevant rule in Section A of Part 2.

**Rule 18.2(c) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Not Overlapped at the
Zone**

CASE 2

Rule 18.2(c) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the two-length zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the two-length zone does so. Rule 18.2(a) applies only while boats are overlapped. When rules 18.2(a), 18.2(b) and 18.2(c) do not apply, right of way is determined by the relevant rule in Section A of Part 2.

CASE 15

In tacking to round the mark, a boat clear ahead must comply with rule 13; a close-hauled boat clear astern is entitled to hold her course and thereby prevent the other from tacking.

CASE 16

When a boat clear astern overtakes two overlapping boats clear ahead, she may intervene between them only if there is room to pass between them.

CASE 29

When a boat is a continuing obstruction to other boats, it may nonetheless be safe for a third boat to sail between them.

CASE 62

One boat is obligated to keep clear of another under rule 18.2(c) until both have passed the mark or obstruction.

CASE 81

When two boats on the same tack are about to round a mark, rule 18 applies even if the boats are on a beat. When one boat enters the two-length zone clear ahead of another boat on the same tack, rule 18.2(c) applies. When the boat clear ahead then tacks, rule 18 ceases to apply and she becomes subject to rule 13 after passing head to wind and rule 10 after she has completed her tack.

CASE 94

Rule 18 begins to apply when boats are about to pass a mark or obstruction; the distance from the mark or obstruction may vary depending on sea and wind conditions. However, the obligations between boats may still change before one of them reaches the two-length zone. It is only at the two-length zone that it can be determined whether rule 18.2(a) or rule 18.2(c) will govern the rounding.

**Rule 18.2(d) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Changing Course to
Round or Pass**

CASE 75

An outside port-tack boat must keep clear of an inside starboard-tack boat under rules 10 and 18.2(a). Having right of way entitles the starboard-tack boat to sail a course of her own choosing, provided that she complies with rule 18.4's requirement that until she gybes she sail no farther from the mark than needed to sail her proper course.

CASE 86

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

**Rule 18.3 Rounding and Passing Marks and Obstructions:
Tacking at a Mark**

CASE 95

Rule 18 applies when both boats are about to pass a mark or obstruction. Where the boats were on the same tack approaching a windward mark, and the outside boat tacks, rule 18 still does not apply, even if both boats are now about to pass the mark, since they are now on opposite tacks. If the other boat then tacks, she is subject to rule 18.3.

**Rule 18.3(b) Rounding and Passing Marks and Obstructions:
Tacking at a Mark**

CASE 93

If two boats were on opposite tacks, rule 18.3 begins to apply when one of them completes a tack within the two-length zone. When rule 18.3(b) applies, and therefore rule 15 does not, a leeward boat is nevertheless subject to rule 16.1 if she changes course.

**Rule 18.4 Rounding and Passing Marks and Obstructions:
Gybing**

CASE 75

An outside port-tack boat must keep clear of an inside starboard-tack boat under rules 10 and 18.2(a). Having right of way entitles the starboard-tack boat to sail a course of her own choosing, provided that she complies with rule 18.4's requirement that until she gybes she sail no farther from the mark than needed to sail her proper course.

CASE 86

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

**Rule 18.5 Rounding and Passing Marks and Obstructions:
Passing a Continuing Obstruction**

CASE 16

When a boat clear astern overtakes two overlapping boats clear ahead, she may intervene between them only if there is room to pass between them.

CASE 29

When a boat is a continuing obstruction to other boats, it may nonetheless be safe for a third boat to sail between them.

CASE 30

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurs. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

CASE 33

A boat is entitled to room under rule 18.2(a) even though she has tacked into the inside overlapping position.

Rule 19.1 Room to Tack at an Obstruction

CASE 3

A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room, nor is the leeward boat obliged to bear away below the stern of the starboard-tack boat.

CASE 11

When an obstruction is a right-of-way boat about to be passed on the same side by two overlapped boats, the outside boat must give the inside boat room to pass.

CASE 33

A boat is entitled to room under rule 18.2(a) even though she has tacked into the inside overlapping position.

CASE 54

When a hailing boat observes no response to her hail, adequate notice of intent to tack requires a second, more vigorous hail.

Rule 19.1(b) Room to Tack at an Obstruction

CASE 35

When a boat is hailed for room to tack at an obstruction and replies ‘You tack’, and the hailing boat is then able to tack and avoid the hailed boat, the hailed boat has complied with rule 19.1(b).

PART 3 – CONDUCT OF A RACE

Rule 26 Starting Races

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

Rule 28.1 Sailing the Course

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

CASE 90

Interpretations of rule 28.1, the ‘string rule’.

Rule 28.2 Sailing the Course

CASE 58

A buoy or other object on the post-finish side of a finishing line is not a mark.

Rule 29.1 Starting; Recalls: On the Course Side at the Start

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

CASE 79

When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her DNS, this is an error that significantly worsens the boat's finishing position through no fault of her own, and therefore entitles her to redress.

Rule 29.2 Starting; Recalls: Individual Recall

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

CASE 71

A hail is not a 'sound signal'. Answers to questions arising from requests for redress after a procedural error by the race committee.

CASE 79

When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her DNS, this is an error that significantly worsens the boat's finishing position through no fault of her own, and therefore entitles her to redress.

Rule 30.3 Starting Penalties: Black Flag Rule

CASE 65

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and, therefore, of rule 2.

CASE 96

When after a general recall a boat learns from seeing her sail number displayed that she has been disqualified by the race committee under rule 30.3 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. When a boat breaks rule 30.3, she is not entitled to exoneration because of a procedural error by the race committee that is unrelated to her infringement.

Rule 31.1 Touching a Mark

CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

Rule 32.1(d) Shortening or Abandoning After the Start

CASE 28

When one boat breaks a rule and in so doing causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has shifted, for whatever reason, does not exempt a boat from the requirement to start as defined. A race committee may abandon under rule 32.1(d) only when the mark has moved a significant distance.

CASE 37

Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

PART 4 – OTHER REQUIREMENTS WHEN RACING

Rule 42 Propulsion

CASE 8

While reaching at good speed, a boat does not break rule 42 when her helmsman, anticipating and taking advantage of waves generated by a passing vessel, makes helm movements timed to the passage of each wave. This is not sculling but using the natural action of the water on the hull.

Rule 42.1 Propulsion: Basic Rule

CASE 5

Recovering an anchor rapidly may be propulsion contrary to rule 42.1.

CASE 69

Momentum of a boat after the preparatory signal that is the result of being propelled by her engine before the signal does not break rule 42.1.

Rule 43.1(a) Competitor Clothing and Equipment

CASE 89

A competitor may not wear or otherwise attach to his person a beverage container.

Rule 45 Hauling Out; Making Fast; Anchoring

CASE 5

Recovering an anchor rapidly may be propulsion contrary to rule 42.1.

Rule 46 Person in Charge

CASE 40

Unless otherwise specifically stated in the class rules, notice of race or sailing instructions, the owner or person in charge of a boat is free to decide who steers her in a race, provided that rule 46 is not broken.

Rule 49.2 Crew Position

CASE 36

Positioning of crew members relative to lifelines.

CASE 83

Repeated sail-trimming with a person's torso outside the lifelines is not permitted.

Rule 50.3 Setting and Sheeting Sails: Use of Outriggers

CASE 97

A jockey pole attached to a spinnaker guy is not an outrigger.

Rule 50.3(a) Setting and Sheeting Sails: Use of Outriggers

CASE 4

A crew member is not an outrigger.

PART 5 – PROTESTS, HEARINGS, MISCONDUCT AND APPEALS

Section A – Protests and Redress

Rule 60 Right to Protest and Request Redress

CASE 39

A race committee is under no obligation to protest a boat.

CASE 80

A protest hearing and decision must be limited to a particular incident that has been described in the protest. Without a hearing, a boat may not be penalized for failing to sail the course.

Rule 60.1 Right to Protest and Request Redress

CASE 1

A boat that breaks a rule while racing but continues to race may protest over a later incident, even though she is disqualified for the breach of a rule after the race.

Rule 61.1 Protest Requirements: Informing the Protestee

CASE 85

Class rules may not change a racing rule unless rule 86.1(c) permits the change.

Rule 61.1(a) Protest Requirements: Informing the Protestee

CASE 72

Discussion of the word ‘flag’.

Rule 61.2 Protest Requirements: Protest Contents

CASE 80

A protest hearing and decision must be limited to a particular incident that has been described in the protest. Without a hearing, a boat may not be penalized for failing to sail the course.

Rule 61.2(c) Protest Requirements: Protest Contents

CASE 22

A protest committee's refusal of a protest cannot be justified by the fact that the rule alleged to have been broken and cited in the protest as required by rule 61.2(c) was not the right one.

Rule 62 Redress

CASE 44

A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper act or omission of the race committee made her finishing position significantly worse.

CASE 80

A protest hearing and decision must be limited to a particular incident that has been described in the protest. Without a hearing, a boat may not be penalized for failing to sail the course.

Rule 62.1 Redress

CASE 68

The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the rules of Part 2 and her right to protest or appeal.

CASE 71

A hail is not a 'sound signal'. Answers to questions arising from requests for redress after a procedural error by the race committee.

Rule 62.1(a) Redress

CASE 37

Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

CASE 82

When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, boats are eligible for redress, and either direction is acceptable.

Rule 62.1(b) Redress

CASE 19

An interpretation of the term 'damage'.

Rule 62.1(c) Redress

CASE 20

When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

Section B – Hearings and Decisions

Rule 63.2 Hearings: Time and Place of the Hearing

CASE 48

Part 5 of the racing rules aims to protect a boat from miscarriage of justice, not to provide loopholes for protestees. A protestee has a duty to protect herself by acting reasonably before a hearing.

Rule 63.3 Hearings: Right to be Present

CASE 49

When two protests arise from the same incident, or from very closely connected incidents, it is advisable to hear them together in the presence of all the boats involved.

Rule 63.5 Hearings: Validity of the Protest

CASE 22

A protest committee's refusal of a protest cannot be justified by the fact that the rule alleged to have been broken and cited in the protest as required by rule 61.2(c) was not the right one.

Rule 64.1(a) Decisions: Penalties and Exoneration

CASE 22

A protest committee's refusal of a protest cannot be justified by the fact that the rule alleged to have been broken and cited in the protest as required by rule 61.2(c) was not the right one.

CASE 66

A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority qualified to resolve questions of measurement.

Rule 64.1(b) Decisions: Penalties and Exoneration

CASE 3

A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room, nor is the leeward boat obliged to bear away below the stern of the starboard-tack boat.

CASE 10

When two boats make contact, both may be exonerated when a third boat that broke a rule caused the situation.

CASE 28

When one boat breaks a rule and in so doing causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has shifted, for whatever reason, does not exempt a boat from the requirement to start as defined. A race committee may abandon under rule 32.1(d) only when the mark has moved a significant distance.

CASE 49

When two protests arise from the same incident, or from very closely connected incidents, it is advisable to hear them together in the presence of all the boats involved.

CASE 51

A protest committee must exonerate boats when they are compelled by another boat to break a rule.

Rule 64.2 Decisions: Decisions on Redress

CASE 45

A sailing instruction for finishing a race that conflicts with the definition Finish is invalid. The protest committee is not entitled to give redress so as to negate the definition.

CASE 71

A hail is not a 'sound signal'. Answers to questions arising from requests for redress after a procedural error by the race committee.

CASE 79

When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her DNS, this is an error that significantly worsens the boat's finishing position through no fault of her own, and therefore entitles her to redress.

Section C – Gross Misconduct

Rule 69 Allegations of Gross Misconduct

CASE 67

When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules applicable to the area concerned. When, under these rules, the boat racing is the keep-clear boat and intentionally hits the other, she may be penalized for gross misconduct.

Rule 69.1 Allegations of Gross Misconduct: Action by a Protest Committee

CASE 34

Hindering another boat may be a breach of rule 2 and the basis for action under rule 69.1.

Section D – Appeals

Rule 70 Right of Appeal and Requests for Interpretation

CASE 55

A boat has no right of appeal from a redress decision when she was not involved in the hearing. When she believes that her finishing place has been made significantly worse by the arrangement reached in that decision she must herself request redress. She may then appeal the decision of that hearing.

Rule 71.4 Appeal Decisions

CASE 61

When the decision of a protest committee is reversed upon appeal, the final standings and the awards must be adjusted accordingly.

PART 6 – ENTRY AND QUALIFICATION

Rule 78.3 Compliance with Class Rules; Certificates

CASE 57

The measurer referred to in rule 78.3 must be officially appointed for the race or series; that rule does not apply to a report lodged by an outside measurer. An in-date, duly authenticated certificate, presented in good faith by an owner who has complied with the requirements of rule 78.1, cannot be retrospectively invalidated after a race or series is completed.

PART 7 – RACE ORGANIZATION

Rule 85 Governing Rules

CASE 44

A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper act or omission of the race committee made her finishing position significantly worse.

CASE 66

A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority qualified to resolve questions of measurement.

Rule 86.1(c) Rule Changes

CASE 85

Class rules may not change a racing rule unless rule 86.1(c) permits the change.

Rule 88.2(c) Sailing Instructions

CASE 32

A competitor is entitled to look exclusively to written sailing instructions and to any written amendments for all details relating to sailing the course.

APPENDIX J – NOTICE OF RACE AND SAILING INSTRUCTIONS

Rule J1.2(8) Notice of Race Contents

CASE 98

The rules listed in paragraphs (a) through (f) in the definition Rule apply to all races governed by the Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. However, the sailing instructions may state that the prescriptions of the national authority will not apply. When a boat races under a handicapping or rating system, the rules of that system apply and, generally, her class rules do not. Rules J1.2(8) and J2.2(7) do not permit an organizing authority or race committee to make changes to class rules. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Rule J2.2(7) Sailing Instruction Contents

CASE 98

The rules listed in paragraphs (a) through (f) in the definition Rule apply to all races governed by the Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. However, the sailing instructions may state that the prescriptions of the national authority will not apply. When a boat races under a handicapping or rating system, the rules of that system apply and, generally, her class rules do not. Rules J1.2(8) and J2.2(7) do not permit an organizing authority or race committee to make changes to class rules. When the notice of race conflicts with the sailing instructions, neither takes precedence.

DEFINITIONS

Clear Astern and Clear Ahead; Overlap

CASE 12

In determining the right to room at a mark, it is irrelevant that boats are on widely differing courses, provided that an overlap exists at the relevant time.

CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen.

Finish

CASE 45

A sailing instruction for finishing a race that conflicts with the definition Finish is invalid. The protest committee is not entitled to give redress so as to negate the definition.

CASE 58

A buoy or other object on the post-finish side of a finishing line is not a mark.

CASE 82

When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, boats are eligible for redress, and either direction is acceptable.

Keep Clear

CASE 30

A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurs. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

CASE 50

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

CASE 60

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.

CASE 77

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

CASE 87

A right-of-way boat need not anticipate that the other boat will not keep clear.

CASE 88

A boat may avoid contact and yet fail to keep clear.

CASE 91

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen.

CASE 93

If two boats were on opposite tacks, rule 18.3 begins to apply when one of them completes a tack within the two-length zone. When rule 18.3(b) applies, and therefore rule 15 does not, a leeward boat is nevertheless subject to rule 16.1 if she changes course.

Mark

CASE 58

A buoy or other object on the post-finish side of a finishing line is not a mark.

Obstruction

CASE 10

When two boats make contact, both may be exonerated when a third boat that broke a rule caused the situation.

CASE 23

On a run, rule 18 does not apply to a starboard-tack boat overtaking two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

CASE 29

When a boat is a continuing obstruction to other boats, it may nonetheless be safe for a third boat to sail between them.

CASE 41

Questions relating to the rights and obligations of two overlapped boats when approaching a third boat clear ahead. There is no obligation to hail for room at a mark or obstruction.

Party

CASE 55

A boat has no right of appeal from a redress decision when she was not involved in the hearing. When she believes that her finishing place has been made significantly worse by the arrangement reached in that decision she must herself request redress. She may then appeal the decision of that hearing.

Proper Course

CASE 14

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. There can be more than one proper course.

CASE 46

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern.

CASE 86

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

Racing

CASE 68

The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the rules of Part 2 and her right to protest or appeal.

Room

CASE 16

When a boat clear astern overtakes two overlapping boats clear ahead, she may intervene between them only if there is room to pass between them.

CASE 21

An interpretation of the word ‘room’ when passing a mark or obstruction.

CASE 60

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.

CASE 70

A boat entitled to room under rule 18 is relieved of her obligations under rule 11 only to the extent that rule 18 explicitly provides rights in conflict with rule 11 and only when room as defined is being denied her.

CASE 93

If two boats were on opposite tacks, rule 18.3 begins to apply when one of them completes a tack within the two-length zone. When rule 18.3(b) applies, and therefore rule 15 does not, a leeward boat is nevertheless subject to rule 16.1 if she changes course.

Rule

CASE 85

Class rules may not change a racing rule unless rule 86.1(c) permits the change.

CASE 98

The rules listed in paragraphs (a) through (f) in the definition Rule apply to all races governed by the Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. However, the sailing instructions may state that the prescriptions of the national authority will not apply. When a boat races under a handicapping or rating system, the rules of that system apply and, generally, her class rules do not. Rules J1.2(8) and J2.2(7) do not permit an organizing authority or race committee to make changes to class rules. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Start

CASE 28

When one boat breaks a rule and in so doing causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has shifted, for whatever reason, does not exempt a boat from the requirement to start as defined. A race committee may abandon under rule 32.1(d) only when the mark has moved a significant distance.

RACE SIGNALS

X

CASE 31

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

CASE 38

The International Regulations for Preventing Collisions at Sea (IRPCAS) are intended to ensure the safety of vessels at sea by precluding situations that might lead to collisions. They effectively prohibit a right-of-way boat from changing course when she is close to a boat obligated to keep clear.

SECTION 2 – CASES

CASE 1

Rule 60.1 Right to Protest and Request Redress

A boat that breaks a rule while racing but continues to race may protest over a later incident, even though she is disqualified for the breach of a rule after the race.

Question

Boats A, B, and C are racing with others. After an incident, boat A hails and displays her protest flag, but boat B neither retires nor takes a penalty. Later, B protests a third boat, C, after a second incident. The protest committee hears A's protest against B and disqualifies B. Does this disqualification invalidate B's protest against C?

Answer

No. When a boat continues to race after an alleged breach of a rule, her rights and obligations under the rules do not change. Consequently, even though A's protest against B is upheld, B's protest against C is still valid and, when the protest committee is satisfied from the evidence that C broke a rule, she must be disqualified.

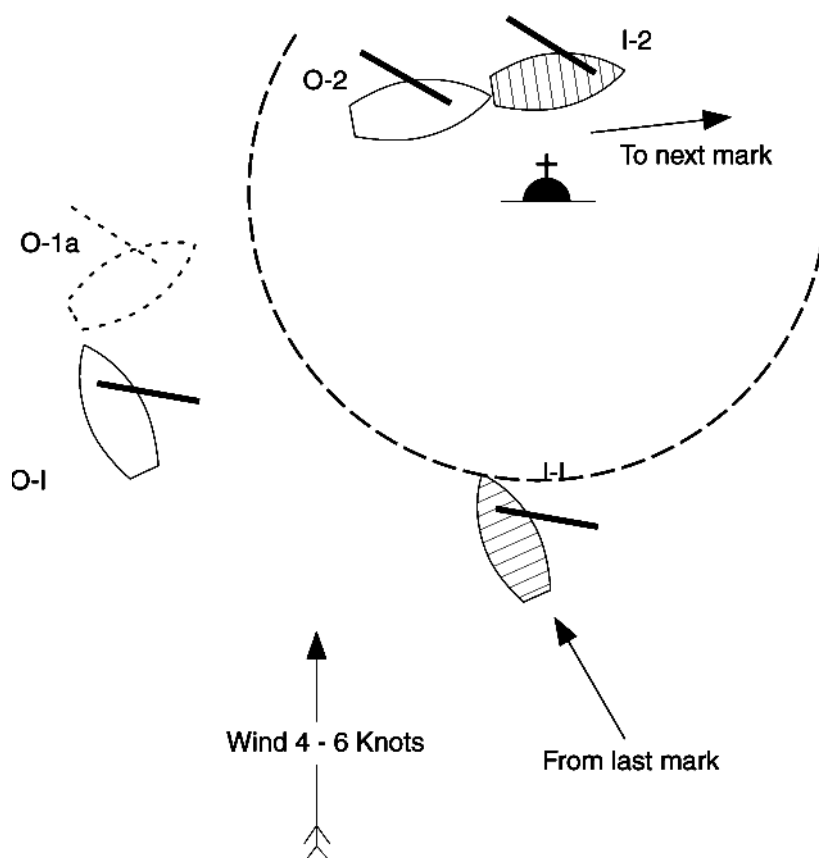
RYA 1962/25

CASE 2

Rule 12	On the Same Tack, Not Overlapped
Rule 14	Avoiding Contact
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Rule 18.2(b)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped at the Zone

**Rule 18.2(c) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Not Overlapped at the
Zone**

Rule 18.2(c) does not apply between a boat clear ahead and a boat clear astern if the boat clear astern reaches the two-length zone before the boat clear ahead. Rule 18.2(b) does not apply between two boats that were not overlapped before the first of them to reach the two-length zone does so. Rule 18.2(a) applies only while boats are overlapped. When rules 18.2(a), 18.2(b) and 18.2(c) do not apply, right of way is determined by the relevant rule in Section A of Part 2.



Summary of the Facts

O and I were both on port tack, reaching to a mark to be left to starboard. The wind was light. When O came abreast of the mark she was clear ahead of I but three-and-a-half hull lengths from the mark. I had reached the two-length zone. After gybing and heading for the mark, O struck I on the transom. There was no damage. O protested I under rule 18.2(c). I protested O under rule 12. O was disqualified and she appealed.

Decision

Appeal dismissed. O apparently believed that rule 18.2(c) applied when the two boats were at position 1 and that I, then being clear astern, was obliged to keep clear of O until both boats had passed the mark. As it states, rule 18.2(c) applies only if a boat is clear ahead when she reaches the two-length zone. At position 1, I was within the two-length zone, but O was well outside. When O gybed to sail to the mark, the two became overlapped, and O was then obliged by rule 18.2(a) to give room to I to pass the mark, including room for her necessary gybe. Before O struck I, I pulled clear ahead of O. At that time rule 18.2(a) ceased to apply and rule 12 began to apply. Rule 18.2(b) did not apply because the boats were not overlapped immediately before I reached the zone. Therefore, it was proper to disqualify O for breaking rule 12. O also broke rule 14 because it was possible for her to avoid contact with I. It was probably not possible for I to avoid the contact. However, even if I could have avoided the contact, she could not have been penalized under rule 14 because she was the right-of-way boat and the contact did not cause damage.

USSA 1962/87

CASE 3

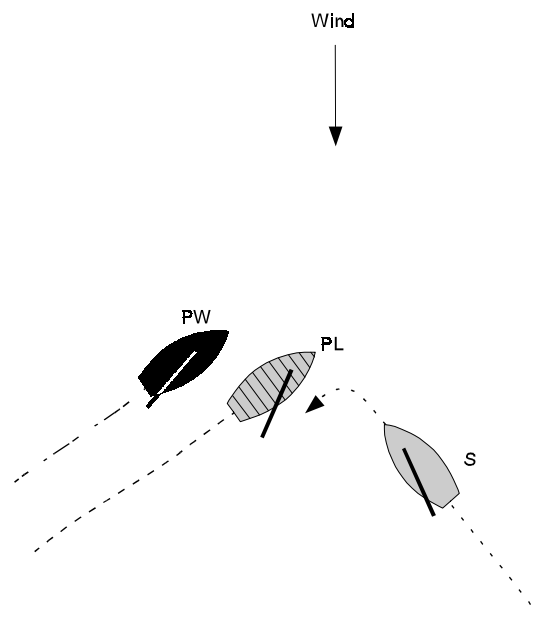
Rule 19.1 **Room to Tack at an Obstruction**
Rule 64.1(b) **Decisions: Penalties and Exoneration**

A leeward port-tack boat, hailing for room to tack when faced with an oncoming starboard-tack boat, an obstruction, is not required to anticipate that the windward boat will fail to comply with her obligation to tack promptly or otherwise provide room, nor is the leeward boat obliged to bear away below the stern of the starboard-tack boat.

Summary of the Facts

S hailed PL as the two dinghies approached each other on collision courses. PL then twice hailed 'Room to tack', but PW did not respond. PL, now unable to keep clear of S, hailed a third time, and PW then began to tack at the same that S, which was within three feet (1m) of PL, had to

bear away sharply to avoid a collision. PW retired and S protested PL under rule 10. The protest committee disqualified PL observing that, not having had a timely response from PW, she should have used her right to luff and forced PW to tack.



PL appealed, claiming that:

1. she had no right to force PW onto the opposite tack;
2. even with both of them head to wind, S would still have had to change course to avoid a collision; and
3. she had foreseen the development and had hailed PW in ample time.

Decision

Appeal upheld. Having hailed three times, PL was entitled to expect that PW would respond and give her room to tack. She was not obliged to anticipate PW's failure to comply with rule 19.1 or to bear away below the obstruction S. PL is exonerated as the innocent victim of another boat's breach of a rule, under the provisions of rule 64.1(b).

RYA 1962/37

CASE 4

Rule 50.3(a) Setting and Sheeted Sails: Use of Outriggers

A crew member is not an outrigger.

Question

Is it permissible for a crew to hold the sheet of a headsail or spinnaker outboard?

Answer

Yes. Rule 50.3(a) defines an outrigger as any fitting or other device; it is therefore permissible.

RYA 1962/41

CASE 5

Rule 42.1 Propulsion: Basic Rule Rule 45 Hauling Out; Making Fast; Anchoring

Recovering an anchor rapidly may be propulsion contrary to rule 42.1.

Question

Most of our races start against a foul tide and a head wind. When the wind is very light, the dinghies anchor at or near the starting line to prevent the tide sweeping them back. When the wind freshens or the tide eases, the dinghies pull up their anchors and start to sail. On the one hand it is contended that a dinghy must sail over her anchor before pulling it up, or break rule 42.1. On the other hand, it is felt that, so long as the anchor is thrown forward when it is dropped, rule 45 makes it quite clear that the anchor must be pulled up before starting to sail, it being quite immaterial that in so doing a dinghy acquires speed through the water. Which is the correct view?

Answer

Recovering an anchor, whether it was lowered or thrown forward, so as to gather way over the ground breaks rule 42.1.

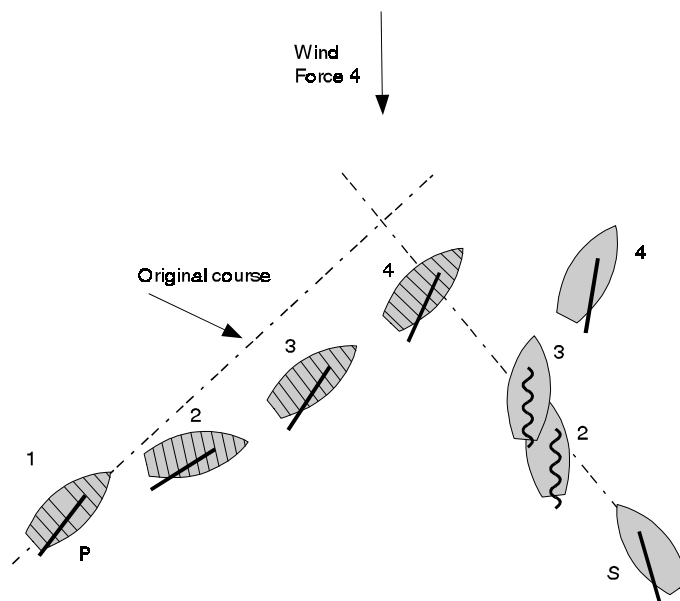
RYA 1962/44 and 1979/5

CASE 6

Rule 16.1 **Changing Course**

Rule 16.2 **Changing Course**

A starboard-tack boat that tacks after a port-tack boat has borne away to go astern of her does not necessarily break a rule.



Summary of the Facts

P, at position 2, bore away to pass astern of S. A moment later S chose to tack. After sailing free for about a hull length, P resumed her close-hauled course, having lost a hull length to windward, and passed S about a hull length to windward of her. After S tacked, P's luff to close-hauled was not caused by a need to keep clear of S. P protested S under rule 16.1. P claimed that, when S tacked after P had borne away to pass astern of S, S failed to give P room to keep clear. The protest committee disqualified S under rule 16.1. S appealed.

Decision

Appeal upheld. S was subject to rule 16 only while luffing from a close-hauled starboard-tack course to head to wind. During that time P had room to keep clear, and so S did not break rule 16.1. S did not break rule 16.2 because P was able to continue to sail her course “for about a hull length” which demonstrated that S’s luff did not require P to change course immediately to continue keeping clear. After S turned past head to wind, P became the right-of-way boat under rule 13, and rules 16.1 and 16.2 no longer applied. S kept clear of P as required by rule 13.

USSA 1963/93

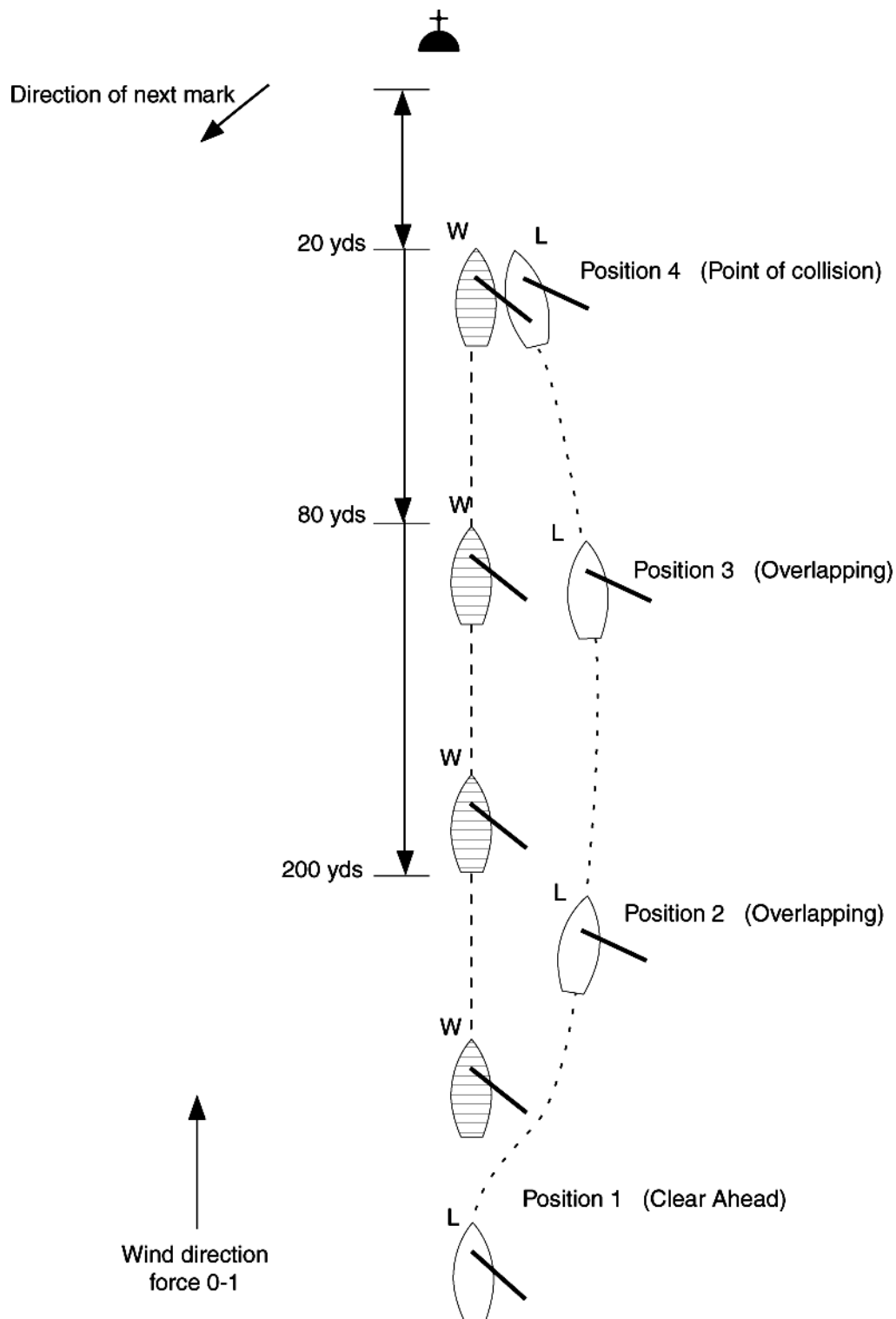
CASE 7

Rule 11	On the Same Tack, Overlapped
Rule 15	Acquiring Right of Way
Rule 17.1	On the Same Tack; Proper Course

When a boat establishes an overlap to leeward from clear astern within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must not sail above her proper course and must initially give the windward boat room to keep clear.

Summary of the Facts

About 200 yards (200m) from the mark, L established a leeward overlap on W from clear astern. L was less than two of her hull lengths from W. The two boats then sailed alongside each other, about one-and-a-half hull lengths apart, until they were 80 yards (80m) from the mark. At this point, L luffed slightly to lay the mark, a luff that did not affect W. W, not sailing below her proper course, maintained a steady course. L never became clear ahead. W’s boom touched L’s shroud, although without damage, and L protested under rule 11. L’s protest was dismissed, and she was disqualified on the grounds that she had not allowed W enough room to fulfill her obligation to keep clear as required by rule 15. L appealed.



Decision

Appeal upheld. When L established a leeward overlap from clear astern, W became bound by rule 11 to keep clear of L. At the same time, L was bound by rule 15 to allow W room to keep clear, but that obligation is not a continuing one, and in this case the overlap had been in existence for a considerable period during which nothing had obstructed W's room.

L was justified in changing course to approach the mark, provided that she did not sail above her proper course; it is L's proper course that is the criterion for deciding whether she broke rule 17.1. According to the agreed diagram, L at no time sailed above her proper course. L was also subject to rule 14, but since there was no damage, she cannot be penalized if she broke that rule. W is disqualified under rule 11, and L is reinstated.

RYA 1963/10

CASE 8

Rule 42 Propulsion

While reaching at good speed, a boat does not break rule 42 when her helmsman, anticipating and taking advantage of waves generated by a passing vessel, makes helm movements timed to the passage of each wave. This is not sculling but using the natural action of the water on the hull.

Summary of the Facts

Two small dinghies, A and B, were reaching at about hull speed in an 8-knot wind. A large power cruiser passed by rapidly on a parallel course to leeward, creating several large waves. As each wave reached A's quarter, her helmsman moved his tiller across the centre-line in a series of course changes rhythmically timed to the passage of the waves under his boat. This was done only during the encounter with the waves generated by the cruiser. B protested A under rule 42.2(d) for sculling. The race committee disqualified A and she appealed.

Decision

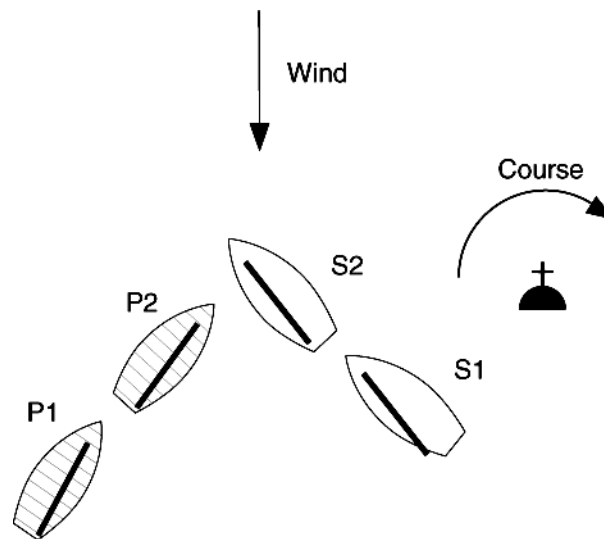
Taking advantage of wave action is consistent with rule 42.1. To do so, a helmsman may move his tiller as he thinks best. Appeal upheld.

USSA 1962/91

CASE 9

Rule 10 On Opposite Tacks
Rule 18.1(b) Rounding and Passing Marks and Obstructions:
When This Rule Applies

When a starboard-tack boat chooses to sail past a windward mark, a port-tack boat must keep clear. There is no rule that requires a boat to sail a proper course.



Question

Two close-hauled boats on opposite tacks meet at a windward mark to be left to starboard. S has adequate room to tack and round the mark with due allowance for wind and current but instead of tacking, S holds her course with the intention of forcing P to tack to keep clear. Can P disregard rule 10 if she considers S to be sailing beyond her proper course and to have sufficient room to round the mark?

Answer

No; rule 10 applies. Rule 18.1(b) provides that the boats are not subject to rule 18; thus when S chooses to hold her course, P must keep clear. While in certain circumstances boats are prohibited from sailing below or above a proper course there is no rule that requires a boat to sail a proper course.

RYA 1964/2

CASE 10

Rule 64.1(b) Decisions: Penalties and Exoneration **Definitions Obstruction**

When two boats make contact, both may be exonerated when a third boat that broke a rule caused the situation.

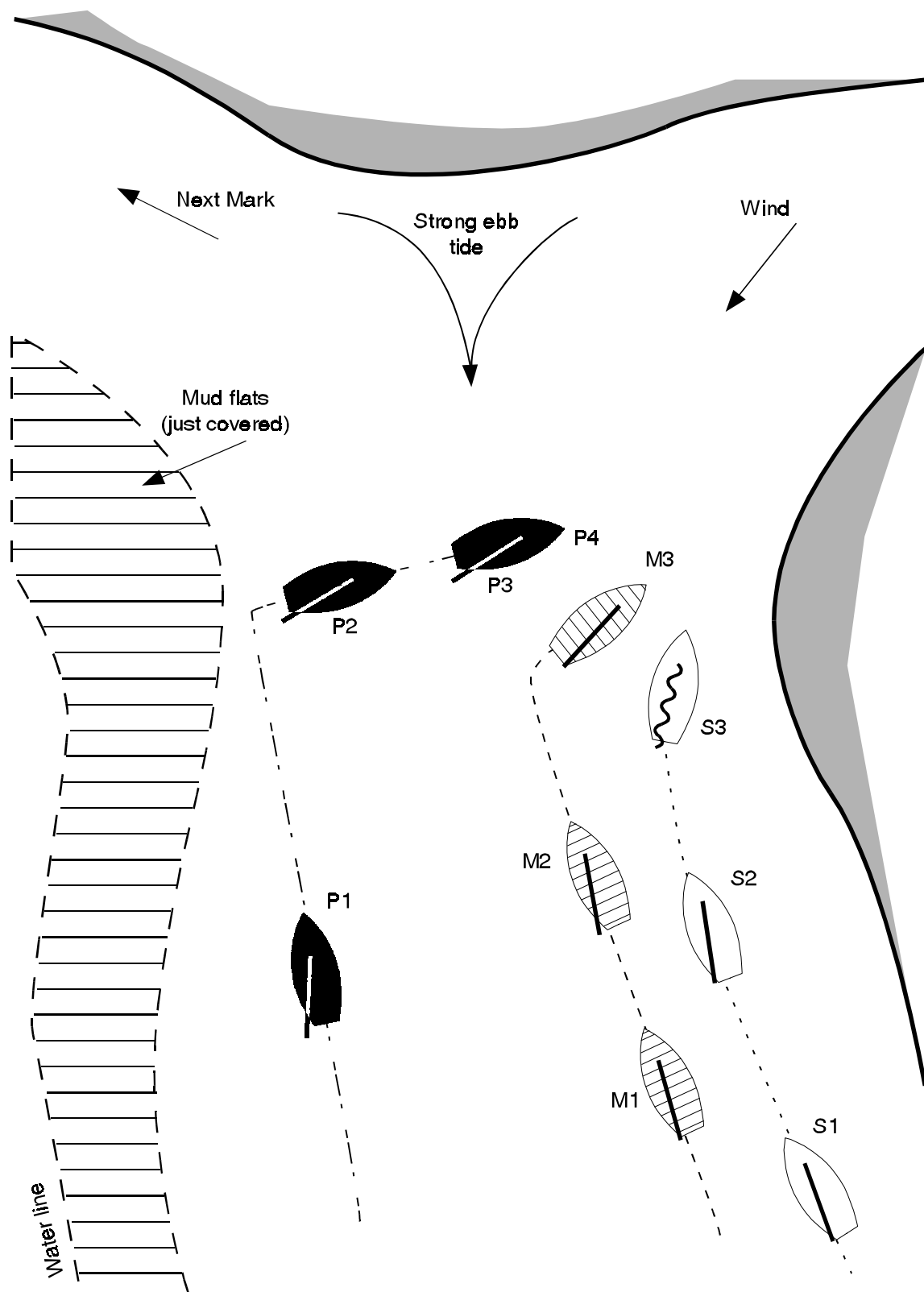
Summary of the Facts

As P approached the mud flats, she tacked onto port. M, on starboard tack, immediately hailed and then hailed again when one hull length away, since it was apparent that P was trying to cross ahead, and collision would be inevitable. When there was no response to her hails, M tacked, hailing S as she was going about. S tried to respond but there was contact. P retired. S protested M under rule 10. The protest committee, commenting that M had sufficient time to take avoiding action to keep clear of both P and S, disqualified M under rule 14.

M appealed, holding that the protest committee erred in suggesting that she, a right-of-way boat, was obliged to keep clear of P. Furthermore, after her second hail, had she borne away and then P finally responded by tacking, contact was likely. M also alleged that S had failed to carry out her obligation under rule 19.

Decision

Appeal upheld. P, which properly retired, broke rule 10. She caused the problem and M, in the circumstances, took proper action to mitigate the effects of P's error of judgment. Both M and S were the innocent victims of P's failure to observe the rules. M broke rule 13, but is exonerated under rule 64.1(b). S was subject to rule 14, but did not break it as it was not possible for her to avoid contact. P's illegal action was primarily responsible for the incident. M's claim under rule 19 would have failed because, according to the definition Obstruction, P was not an obstruction since M and S were not required to keep clear of P or give P room.

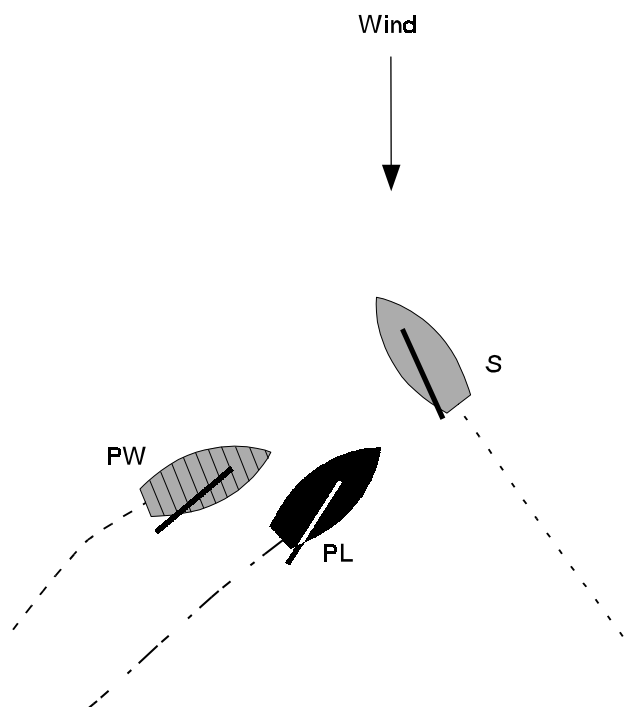


RYA 1964/8

CASE 11

Rule 14	Avoiding Contact
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Rule 19.1	Room to Tack at an Obstruction

When an obstruction is a right-of-way boat about to be passed on the same side by two overlapped boats, the outside boat must give the inside boat room to pass.



Summary of the Facts

PW and PL, close-hauled on port tack and overlapped, approached S on the windward leg. PL could pass safely astern of S. PW, on a collision course with S, hailed PL for room when they were about three hull lengths from S. PL ignored the hail and maintained her course. When PW bore away to avoid S, she and PL had slight beam-to-beam contact. PW protested under rule 18.2(a).

The protest committee held that rule 18.2(a) did not apply. PW could easily have tacked into the open water to windward to keep clear, and she should have done so. PW was disqualified under rule 19.1 and appealed.

Decision

S was an obstruction that PW and PL were about to pass on the same side. Hence, rule 18 applied. Under rule 18.2(a) PW was entitled to room to pass between PL and the stern of S. PL did not give PW sufficient room, and so PL broke rule 18.2(a). PL was subject to rule 14, but since she held right of way over PW and there was no damage, she cannot be penalized if she broke that rule. Rule 19.1 did not apply because PL did not have to make any change of course to clear S.

PW could not have known that PL was not going to give sufficient room until she was committed to pass between S and PL. Hence it was not reasonably possible for PW to avoid the contact that occurred, and so PW did not break rule 14.

Appeal upheld. The decision of the protest committee disqualifying PW is reversed. PW is reinstated, and PL is disqualified.

RYA 1964/18

CASE 12

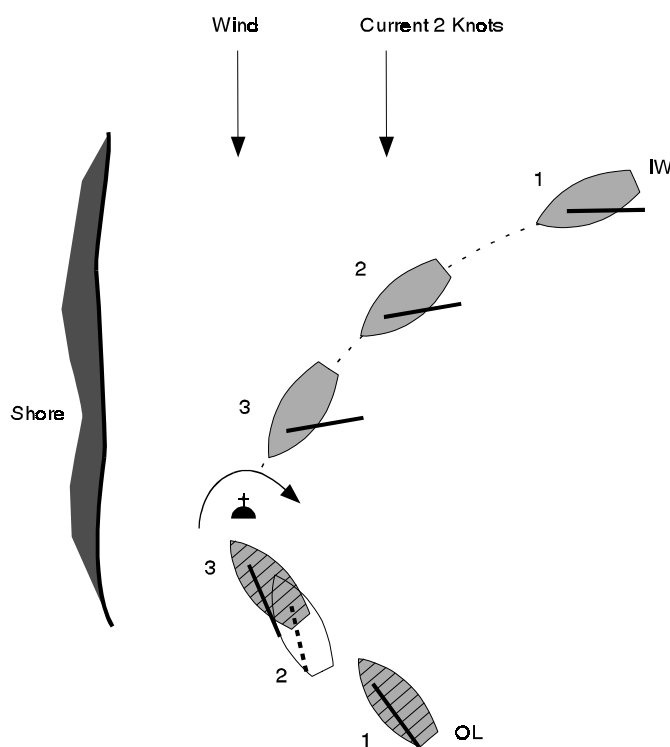
Rule 11	On the Same Tack, Overlapped
Rule 18.1	Rounding and Passing Marks and Obstructions: When This Rule Applies
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Definitions	Clear Astern and Clear Ahead; Overlap

In determining the right to room at a mark, it is irrelevant that boats are on widely differing courses, provided that an overlap exists at the relevant time.

Summary of the Facts

OL and IW were approaching a mark to be left to starboard. The winds were light and there was a 2-knot current in the same direction as the wind. IW, which had sailed high on the course to the mark to offset the effect of the current, approached it with the current, almost on a run. OL, on the other hand, had been set to leeward and, at position 1, about two hull lengths from the mark, was beating slowly against the current. IW

twice hailed for water, and OL twice replied ‘You can’t come in here.’ At the last moment shortly after position 3 in the diagram, as IW luffed to begin her passing manoeuvre, OL tried to give her room but the two dinghies made contact. There was no damage. OL protested under rule 11 but was herself disqualified under rule 18.2(a). She appealed, asserting that it was illogical and beyond the intention of the definition Overlap and of rule 18 to consider as overlapped two boats whose headings differed by 90 degrees. She also asserted that the purpose of rule 18 was to protect a boat in danger of hitting the mark that was unable to go astern of the outside boat. She further argued that throughout IW’s approach to the mark until she finally luffed, she was easily able to pass astern of OL, and that IW was not an ‘inside’ boat until a moment before contact.



Decision

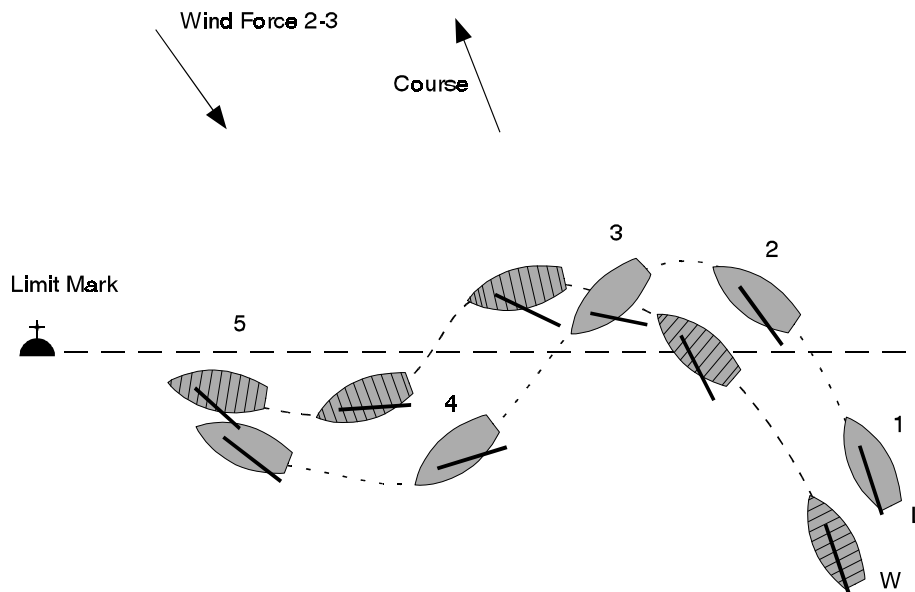
Appeal dismissed. The boats were about to leave the mark on the same required side and were on the same tack, and so rule 18 applied. The boats were overlapped at all relevant times and therefore rule 18.2(a) applied, modifying rule 11 by requiring OL to give IW room. OL’s disqualification is confirmed.

RYA 1964/19

CASE 13

Rule 11	On the Same Tack, Overlapped
Rule 14	Avoiding Contact
Rule 15	Acquiring Right of Way
Rule 16.1	Changing Course

Before her starting signal, a leeward boat does not break a rule by sailing a course higher than the windward boat's course.



Summary of the Facts

As the two 14-foot dinghies manoeuvred before the starting signal, they crossed the starting line. While bearing away to return to the pre-start side, L, initially the windward boat, assumed a leeward position by sailing under W's stern. Immediately after position 4, L luffed to close-hauled and sailed straight for the port end of the line. W meanwhile, with sheets eased, sailed along the line more slowly. At position 5, there was contact, W's boom touching L's weather shroud. L protested W under rule 11; W counter-protested under rules 12 and 15.

The protest committee found that L had right of way under rule 11 from the time she assumed a steady course until contact. W had enough room to keep clear, although she would have had to cross the starting line prematurely to do so. Therefore, it dismissed W's protest and upheld the protest by L. W appealed, this time citing rule 16.1.

Decision

Appeal dismissed. Between positions 2 and 3 L established an overlap to leeward of W, acquiring right of way under rule 11 but limited by rule 15's requirement to initially give room to W to keep clear. L met that requirement because L gave W room to keep clear. Just after position 4, L's change of course gave W room to keep clear as required by rule 16.1. Therefore L did not break rule 16.1. Thereafter, while L was sailing a close-hauled course, rule 11 applied. However, W failed to keep clear, and accordingly her disqualification under rule 11 is upheld. L broke rule 14 because it would have been easy for her to have borne off slightly and avoided the contact. However, she is not penalized because there was no damage.

RYA 1965/10

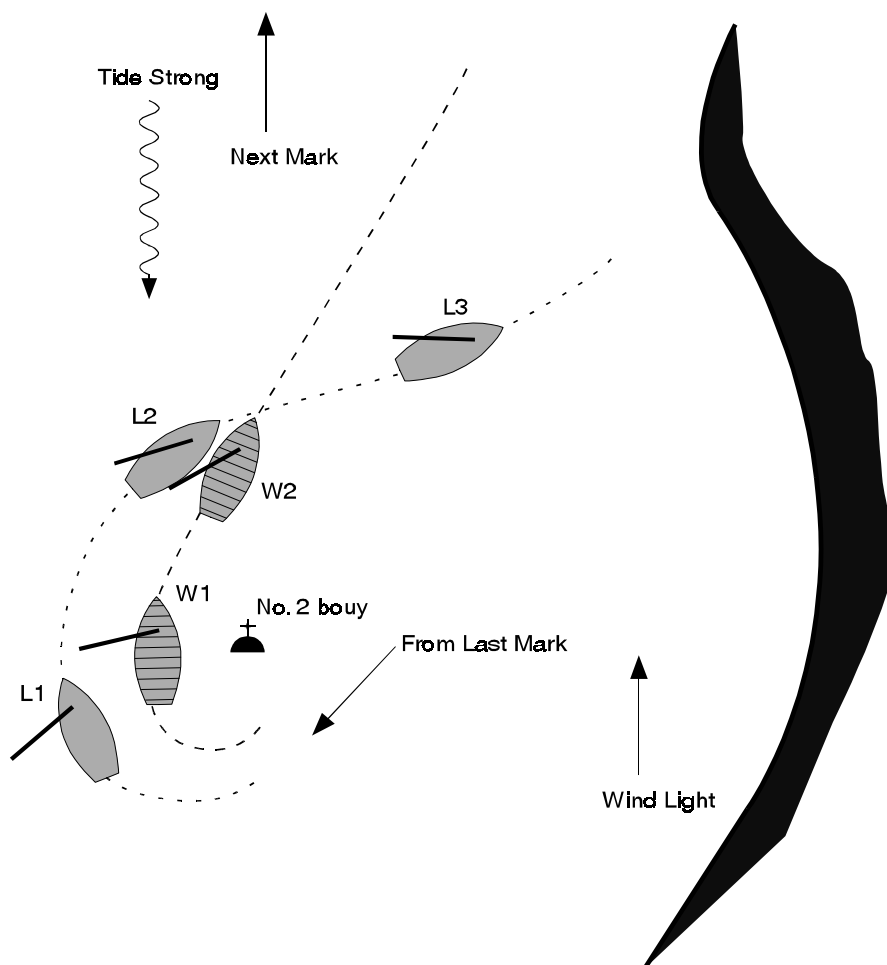
CASE 14

Rule 11	On the Same Tack, Overlapped
Rule 14	Avoiding Contact
Rule 17.1	On the Same Tack; Proper Course
Definitions	Proper Course

When, owing to a difference of opinion about a leeward boat's proper course, two boats on the same tack converge, the windward boat must keep clear. There can be more than one proper course.

Summary of the Facts

After rounding the windward mark in light wind, the fleet divided, some boats sailing inshore out of the tide and others remaining offshore in the hope of a better wind. W chose to stay offshore while L decided to go in. L established a leeward overlap on W from clear astern and overtook W. When the boats were level, L laid a course to get inshore, luffing slowly and informing W of her intention. W replied: 'You have no right to luff, you cannot come in.' L hailed W that she was sailing a proper course and that W should keep clear. The discussion took some time. L changed course very gradually, and at no time did W suggest that she was unable to keep clear. When the boats touched, both protested. The protest committee disqualified L under rule 17.1 for sailing above her proper course, and she appealed.



Decision

When, owing to a difference of opinion on the proper course to be sailed, two boats on the same tack converge, W is bound by rule 11 to keep clear and by rule 14 to avoid contact.

The case illustrates the fact that there can be more than one proper course. The basis for W's protest was that L, having established a leeward overlap from clear astern within two of her hull lengths of W, sailed above her proper course. L's defence and counter-protest were that the course she was sailing was, for her, a proper course and that W had broken rule 11. Which of two different courses is the faster one to the next mark can not be determined in advance and is not necessarily proven by one boat or the other reaching the next mark ahead. L could have avoided contact with W. By not doing so, she broke rule 14, but is not penalized because the contact caused no damage.

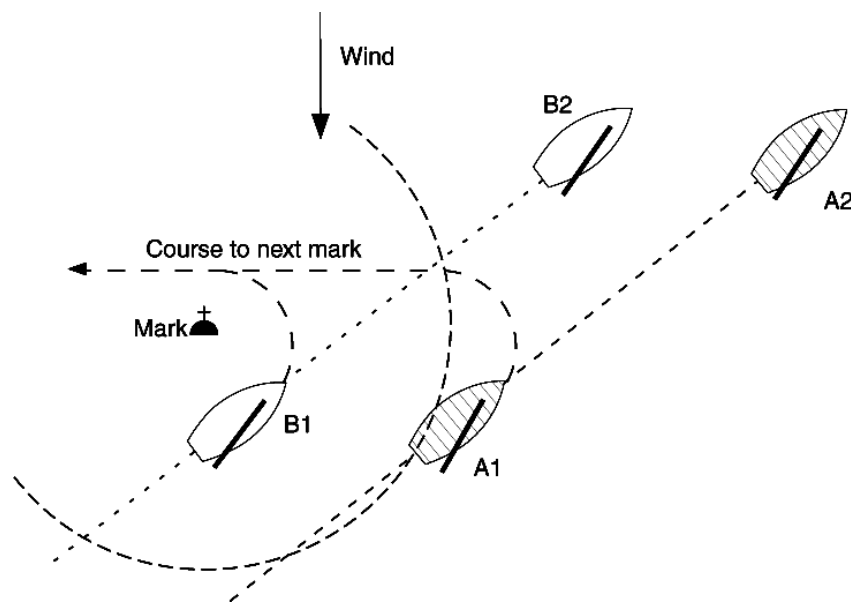
The appeal is upheld, and W is disqualified under rules 11 and 14. L is reinstated.

RYA 1966/3

CASE 15

Rule 12	One the Same Tack, Not Overlapped
Rule 13	While Tacking
Rule 18.1(b)	Rounding and Passing Marks and Obstructions: When This Rule Applies
Rule 18.2(c)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Not Overlapped at the Zone

In tacking to round the mark, a boat clear ahead must comply with rule 13; a close-hauled boat clear astern is entitled to hold her course and thereby prevent the other from tacking.



Question

A and B are close-hauled on parallel courses nearing the windward mark with A clear ahead. A expects B, on fetching the mark, to tack to round it for the next mark. Instead, B holds her course, so preventing A from tacking. Has B the right to do this?

Answer

Yes. While A remains on port tack, B is required to keep clear by rule 12 and, when A enters the two-length zone, by rule 18.2(c) as well. Provided she keeps clear of A, B is entitled to sail any course she chooses, including holding her course. However, if A were to tack, then as soon as she passed head to wind, the boats would be on opposite tacks. Rule 18.1(b) states that rule 18 would cease to apply at that point. In addition, rule 12 would no longer apply, and rule 13 would require A to keep clear of B.

RYA 1966/8

CASE 16

Rule 18.2(c)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Not Overlapped at the Zone
Rule 18.5	Rounding and Passing Marks and Obstructions: Passing a Continuing Obstruction
Definitions	Room

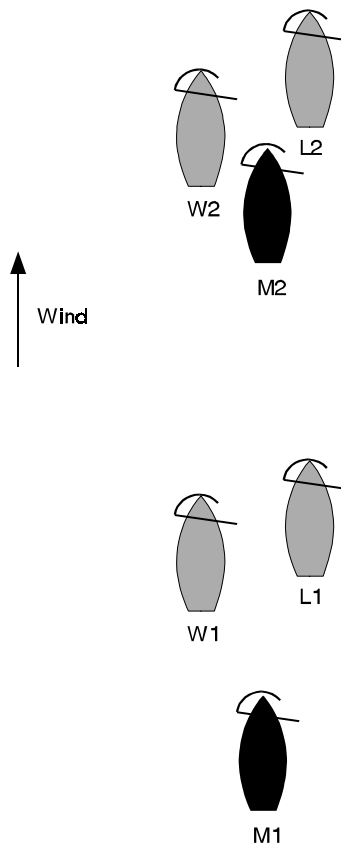
When a boat clear astern overtakes two overlapping boats clear ahead, she may intervene between them only if there is room to pass between them.

Summary of the Facts

Three port-tack boats are on a run. Boats W and L run into a soft patch of wind. M comes roaring up in a vicious little squall and overlaps W. There is room for M to poke her bow between W and L without making contact, but not room to sail through unless W and M trim their mainsheets.

Question

May M establish an overlap between W and L and be entitled to room?



Answer

No. According to the last sentence of the definition Obstruction, L is an obstruction to M and W. Because L is moving in the same direction as and at a speed similar to that of the other boats, she is a continuing obstruction. Because M is rapidly overtaking the boats clear ahead, the time at which she establishes an overlap on W will be almost the same as the time at which she establishes an overlap on L. While M is clear astern of W and L, she is required by rules 12 and 18.2(c) to keep clear of W and by rule 12 to keep clear of L. According to rule 18.5, if M obtains an overlap to leeward of W she is entitled to room to pass between W and L only if at the moment the overlap begins there is room (in the defined sense of ‘room’) for her to pass between them. As the facts and the diagram indicate, there is not enough space for her to sail between the boats in a seamanlike way (that is, with her boom and spinnaker trimmed appropriately to the wind). Hence, according to rule 18.5’s last sentence, M is not entitled to room to pass between W and L and she must keep clear of W. In addition, if she were to establish an overlap on L, rule 11 would require her to keep clear of L.

CASE 17

Rule 13 While Tacking

A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.

Question

Rule 13 applies until the tacking boat ‘is on a close-hauled course.’ However, the rule does not say whether the boat must be moving when she assumes a close-hauled course. Is it intended that, at the moment rule 13 ceases to apply, the boat must actually be moving through the water on a close-hauled course and not merely be on such a course?

Answer

A boat is no longer subject to rule 13 when she is on a close-hauled course, regardless of her movement through the water or the sheeting of her sails.

RYA 1967/8

CASE 18

Deleted

CASE 19

Rule 14(b) Avoiding Contact Rule 62.1(b) Redress

An interpretation of the term ‘damage’.

Question

Is there a special meaning of ‘damage’ in the racing rules?

Answer

No. It is not possible to define ‘damage’ comprehensively, but one current English dictionary says ‘harm or injury impairing the value or usefulness of something, or the health or normal function of a person.’

This definition suggests questions to consider. Examples are:

1. Was the current market value of any part of the boat, or of the boat as a whole, diminished?
2. Was any item of the boat or her equipment made less functional?
3. Was a member of the crew injured?

RYA 1968/2

CASE 20

Rule 1.1 **Helping Those in Danger**
Rule 62.1(c) **Redress**

When it is possible that a boat is in danger, another boat that gives help is entitled to redress, even if her help was not asked for or if it is later found that there was no danger.

Summary of the Facts

Dinghy A capsized during a race and seeing this, dinghy B sailed over to her and offered help. A accepted help and B came alongside taking the crew of two aboard. Then all hands worked for several minutes to right A whose mast was stuck in the mud. Upon reaching shore, B requested redress under rule 62.1(c).

The protest committee considered several factors in its decision. First, A’s helmsman was a highly experienced sailor. Secondly, the wind was light, and the tide was rising and would shortly have lifted the mast free. Thirdly, she did not ask for help; it was offered. Therefore, since neither boat nor crew was in danger, redress was refused. B appealed, stating that rule 1.1 does not place any onus on a boat giving help to decide, or to defend, a decision that danger was involved.

Decision

Appeal upheld. A boat in a position to help another that may be in danger is bound to do so. It is not relevant that a protest committee later decides that there was, in fact, no danger or that help was not requested.

RYA 1968/14

CASE 21

Rule 18	Preamble
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Definitions	Room

An interpretation of the word ‘room’ when rounding or passing a mark or obstruction.

Question

What is the maximum amount of room an inside boat without right of way is entitled to take in rounding or passing a mark or obstruction? What is the minimum amount that the outside boat is required to give?

Answer

The possible answers vary widely. To suggest the extremes, they might be:

1. as a minimum, enough room with sails and spars sheeted inboard for the hull to clear by centimetres both the outside boat and the mark or obstruction;
2. as a maximum, all the room the inside boat takes, setting her course as far abeam of the mark as she wishes.

As the definition Room and the preamble to rule 18 state, the word ‘room’ in rule 18 means the space needed by an inside boat, which in the existing conditions is handled in a seamanlike way, to round or pass

promptly between the outside boat and the mark or obstruction, including room to tack or gybe when either is a normal part of the manoeuvre.

The term ‘existing conditions’ deserves some consideration. For example, the inside one of two dinghies approaching a mark on a placid lake in light air will need and can be satisfied with relatively little space beyond that required for her hull and properly trimmed boom. At the other extreme, when two keel boats, on open water with steep seas, are approaching a mark that is being tossed about widely and unpredictably, the inside boat may need a full hull length of room or even more to ensure safety.

The phrase ‘in a seamanlike way’ applies to both boats. First, it addresses the outside boat, saying that she must provide enough room so that the inside boat need not make extraordinary or abnormal manoeuvres to keep clear of her and the mark. It also addresses the inside boat. She is not entitled to complain of insufficient room if she fails to execute with reasonable efficiency the handling of her helm, sheets and sails during a rounding.

ISAF 1969/1

CASE 22

Rule 61.2(c)	Protest Requirements: Protest Contents
Rule 63.5	Hearings: Validity of the Protest or Request for Redress
Rule 64.1(a)	Decisions: Penalties and Exoneration

A protest committee’s refusal of a protest cannot be justified by the fact that the rule alleged to have been broken and cited in the protest as required by rule 61.2(c) was not the right one.

Summary of the Facts

After a collision near a mark, S protested P, citing rule 18 on her protest form as required by rule 61.2(c). The protest committee declared the protest invalid and refused to proceed with the hearing, because it said the protest should have cited rule 10 rather than rule 18. Had the hearing gone ahead and the parties been questioned, the protest committee said, the protest might have been upheld. S appealed.

Decision

The appeal is upheld to the extent that the protest is to be reheard.

Rule 64.1(a) states that a disqualification or other penalty shall be imposed whether or not the applicable rule was mentioned in the protest. It is logical that only the protest committee, after ascertaining the facts, should then determine the rules that apply to them. A decision reached by a protest committee depends on the evidence provided by the parties and the witnesses; that the protestor has made a mistake in the rule cited is unimportant.

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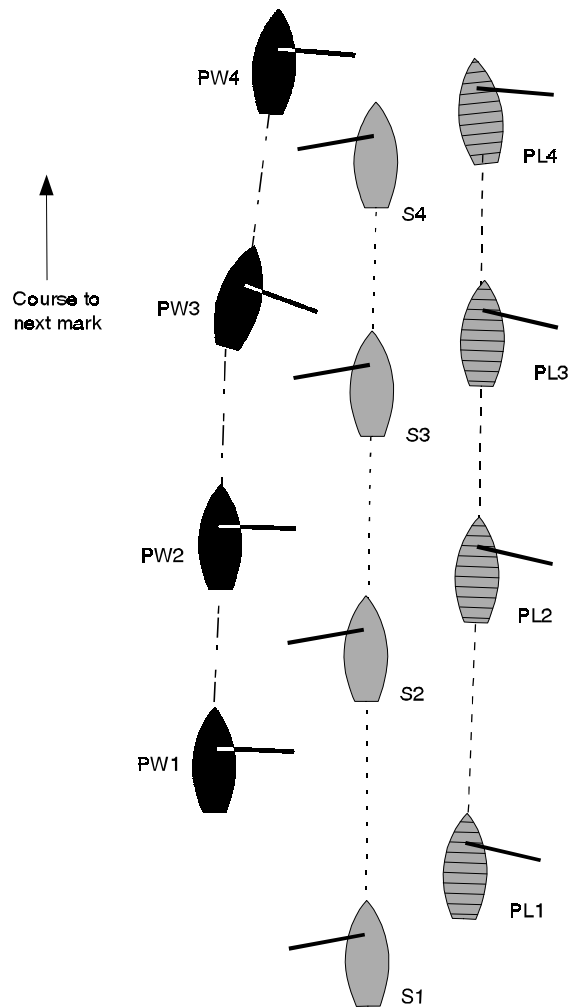
CASE 23

Rule 10	On Opposite Tacks
Rule 14	Avoiding Contact
Rule 18	Rounding and Passing Marks and Obstructions
Definitions	Obstruction

On a run, rule 18 does not apply to a starboard-tack boat overtaking two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

Summary of the Facts

Three boats, one on starboard tack and two on port, were running. S overtook PL and PW and intervened between them as shown in the diagram. The three boats continued on slightly converging courses, as shown, until S touched first PW and then PL. PW protested S, alleging that she had broken rule 18.5 because PL as leeward boat constituted an obstruction to PW as windward boat, and S had no right to come between them. The protest committee disqualified both PL and PW under rule 10, and PW appealed.



Decision

While the boats sailed from position 1 to position 4, rule 10 required both PW and PL to keep clear of S and rule 18 did not apply because during that time there was no obstruction that any two of the boats were about to pass or were passing on the same side. The last sentence of the definition Obstruction means that PW was not an obstruction to either S or PL because neither of them was required to keep clear of PW. Similarly, PL was not an obstruction to either S or PW because S was not required to keep clear of PL. Because both PL and PW were required by rule 10 to keep clear of S, the sentence in the definition means that S was an obstruction to both PL and PW. However, rule 18 did not apply because at no time were both PL and PW about to pass or passing S on the same side.

There was contact between S and PW and between S and PL. However, because S became trapped between PW and PL as their courses converged, it was not 'reasonably possible' for S, acting after it became clear that PW and PL were not keeping clear to avoid contact. Therefore, S did not break rule 14.

Under rule 10, S held right of way over both port-tack boats, PL and PW, neither of which kept clear of her. The protest committee's decision to disqualify both boats under rule 10 is upheld and the appeal is dismissed.

RYA 1970/1

CASE 24

Rule 11	On the Same Tack, Overlapped
Rule 12	On the Same Tack, Not Overlapped
Rule 15	Acquiring Right of Way

The rights and obligations of boats when an overlap to leeward is established from clear astern.

Questions

Two boats, A and B, are broad reaching on starboard tack in a light breeze on their proper courses for the next mark some distance away. Initially, B is clear astern of and directly behind A but is travelling slightly faster and establishes an overlap to leeward of A's stern but inside the end of her boom.

1. When are B's obligations under rule 12 replaced by her rights as leeward boat under rule 11?
2. What are B's obligations under rule 15?

Answers

As soon as B establishes the overlap, rule 12 ceases to apply. A becomes bound by rule 11, and B by rule 15, which embodies the principle in the rules that when the right of way suddenly shifts from one boat to another, the boat with the newly acquired right of way must give the other boat space and time for response and thus a fair opportunity to keep clear. B's obligation under rule 15 is not a continuing one; it protects A only temporarily, and only if she responds promptly after the overlap begins.

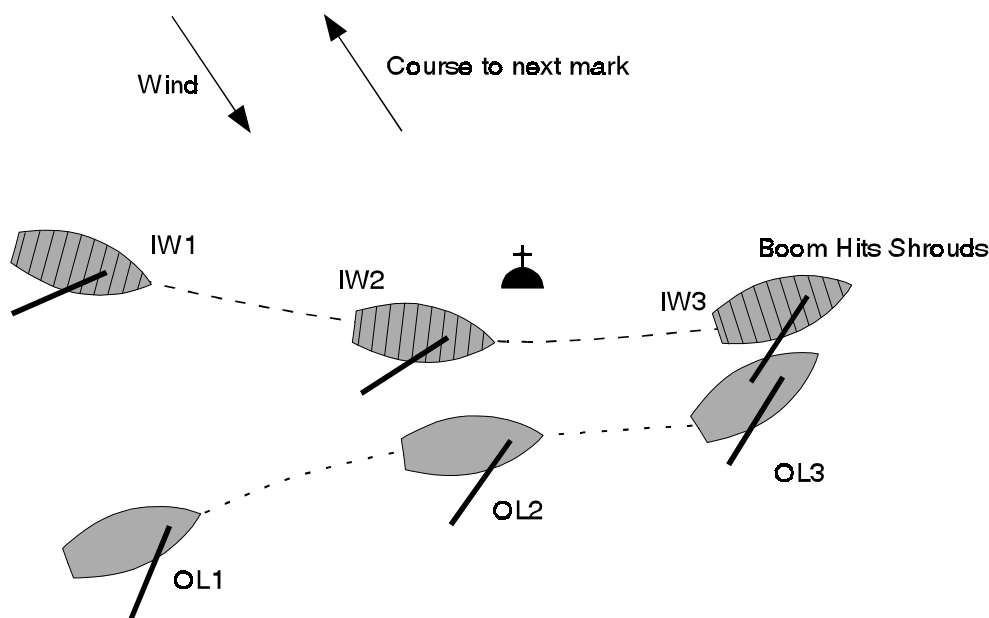
Rule 11 requires A to keep clear and, if this requires her to luff, she must do so. If, in so doing, any part of her hull, crew or equipment touches any part of B's hull, crew or equipment, B has broken rule 15 by not giving A enough room to keep clear. However, an unnecessary or excessive luff by A causing contact with B is a breach of rule 11.

RYA 1970/2

CASE 25

Rule 11 **On the Same Tack, Overlapped**
Rule 16.1 **Changing Course**
Rule 18.2(a) **Rounding and Passing Marks and Obstructions:**
 Giving Room; Keeping Clear: Overlapped – Basic
 Rule

When overlapped boats have passed a mark, an inside windward boat is no longer entitled to room and only rule 11 applies.



Summary of the Facts

Two 15-foot dinghies, IW and OL, were approaching a leeward port-hand mark. IW established an inside overlap on OL in proper time, and OL gave IW ample room to pass the mark. OL held her course for about a full

hull length past the mark before beginning to round up for the next leg. IW was slower in heading up, and her boom, still well out, hit OL's helmsman and shrouds. No damage occurred. IW protested OL under rule 18.2(a), and OL counter-protested IW under rule 11.

The protest committee found as a fact that IW did not try to round the mark onto a proper course to the next mark as soon as she had room to do so. IW did not deny this but attributed it to her boom-end mainsheet rig as compared to the centre-lead rig used by OL.

The protest committee dismissed IW's protest, upheld OL's, and disqualified IW. IW appealed.

Decision

OL could easily have avoided contact with IW, and so OL broke rule 14. However, she is not penalized for doing so because neither boat was damaged.

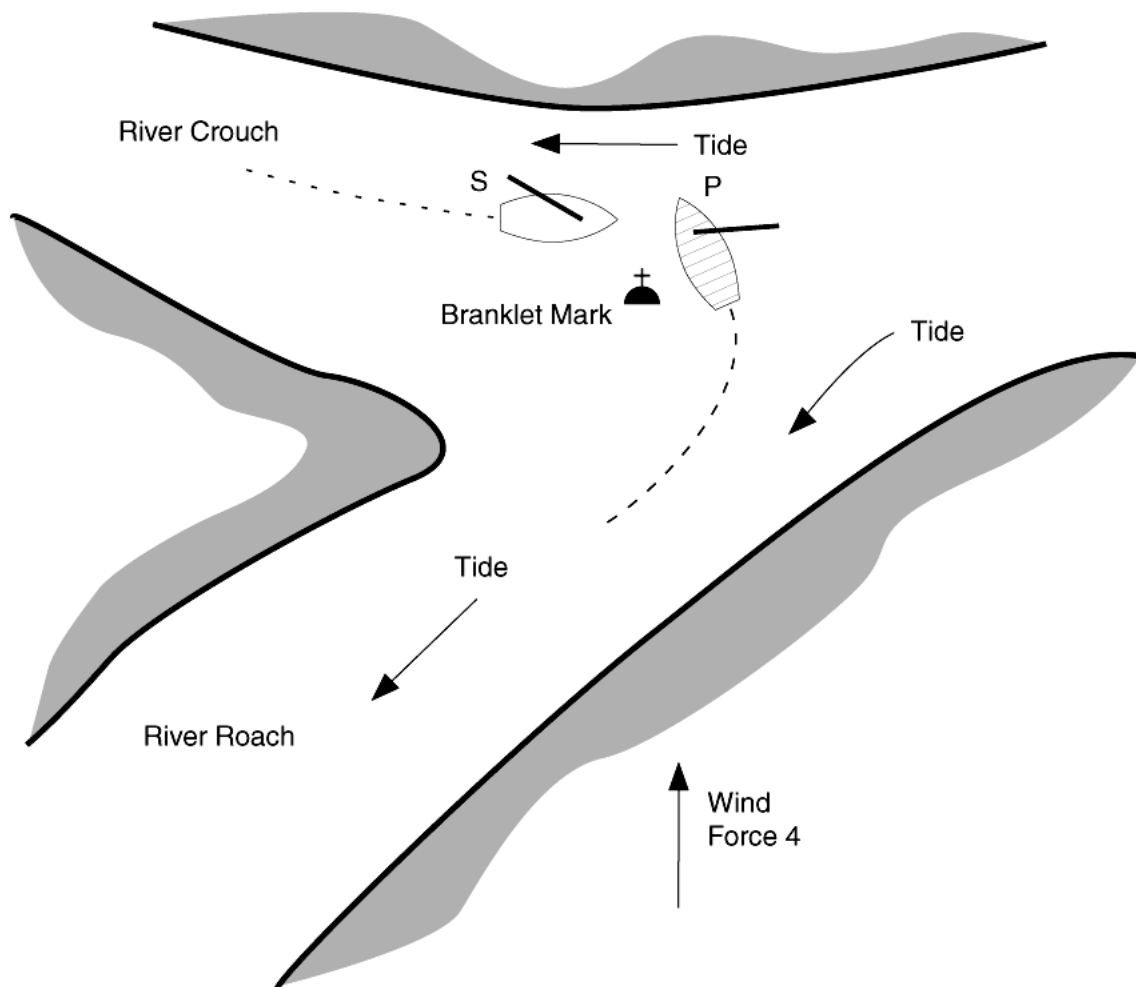
On the facts found, it is evident that when OL luffed at position 3 both boats had passed the mark. OL had given IW room to pass the mark, and IW was not prevented from keeping clear of OL because of proximity to it. Rule 18.2(a) no longer applied when the contact occurred. When OL luffed after passing the mark, there was room for IW to manoeuvre to keep clear, and so OL did not break rule 16.1. The protest committee properly applied rule 11, its decision is upheld and IW's appeal is dismissed.

CYA 1971/9

CASE 26

Rule 14	Avoiding Contact
Rule 16.1	Changing Course
Rule 16.2	Changing Course
Rule 18.1	Rounding and Passing Marks and Obstructions: When this Rule Applies

When a right-of-way boat could have, but did not, avoid a collision that resulted in damage, she must be penalized under rule 14.



Summary of the Facts

A Soling, S, and a 505, P, in separate races, approached the same mark on opposite tacks. Unknown to P, which was lowering her spinnaker and hardening up to leave the mark to port, S was required to leave it to starboard.

P heard no hail and was unaware of S's presence until the boats were in the positions shown in the diagram, at which time P's crew saw S. He shouted a warning and leaped out of the way just as S's bow struck P's hull behind the mast, causing damage.

P protested S under rule 14 on the grounds that S could have avoided the collision. S and two witnesses testified that S did not at any time change her course before the collision. S, protesting under rule 10, claimed that if she had changed course she would have broken rule 16.

The protest committee disqualified P under rules 10 and 14. P appealed.

Decision

Appeal dismissed. P as a the keep-clear boat failed to keep a lookout and to observe her primary duties to keep clear and avoid contact. She was correctly disqualified under rules 10 and 14. The main purpose of the rules of Part 2 is to avoid contact between boats. All boats, whether or not holding right of way, should keep a lookout at all times.

Rule 18 did not apply because S and P were not about to round the mark on the same side. S was about to leave it on her starboard side and P on her port side.

When it was clear that P was not keeping clear, S was required by rule 14 to avoid contact with P if it was reasonably possible. Before the positions shown in the diagram, S could have changed course and tried to avoid P. Such action would have constituted an attempt to avoid contact 'if reasonably possible' as required by rule 14. A change of course by S to avoid P would have given P more room to keep clear and would not have broken rule 16.1. Rule 16.2 did not apply because during the time S would have been changing course P was not keeping clear, a condition for rule 16.2 being applicable. S did not try to avoid the collision and damage resulted, so she is disqualified under rule 14.

RYA 1971/4

CASE 27

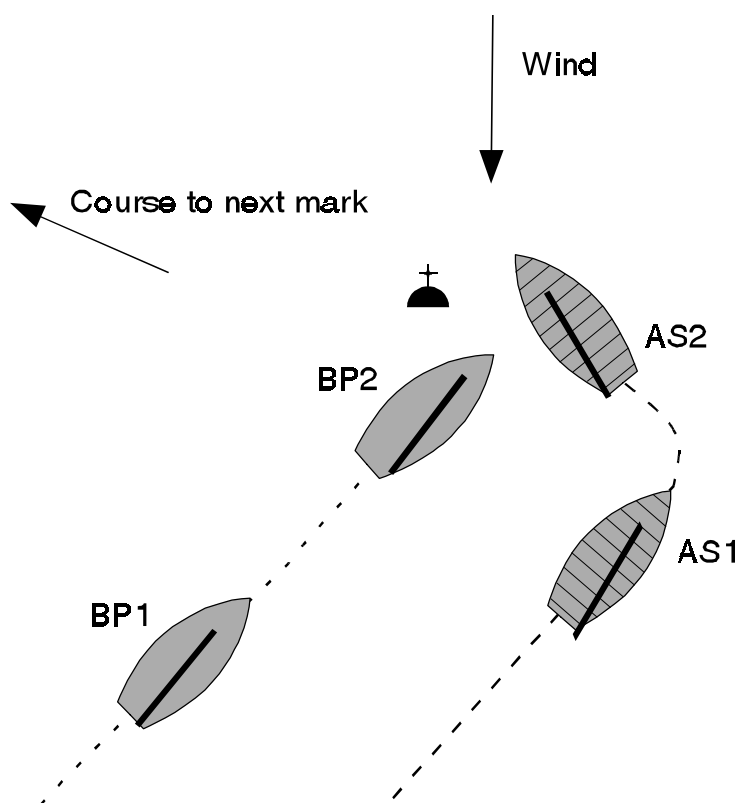
Rule 2	Fair Sailing
Rule 14	Avoiding Contact
Rule 15	Acquiring Right of Way

A boat is not required to anticipate that another boat will break a rule. When a boat acquires right of way as a result of her own actions, the other boat is entitled to room to keep clear.

Summary of the Facts

AS, a hull length to leeward and a hull length ahead of BP, tacked as soon as she reached the starboard layline. Almost immediately she was hit and holed by BP travelling at about ten knots. The protest committee disqualified AS for breaking rule 15. It also disqualified BP under rule 2, pointing out that she knew AS was going to tack but did nothing to avoid collision.

BP appealed, asserting that she was not obligated to anticipate an illegal tack.



Decision

Appeal upheld. BP is reinstated.

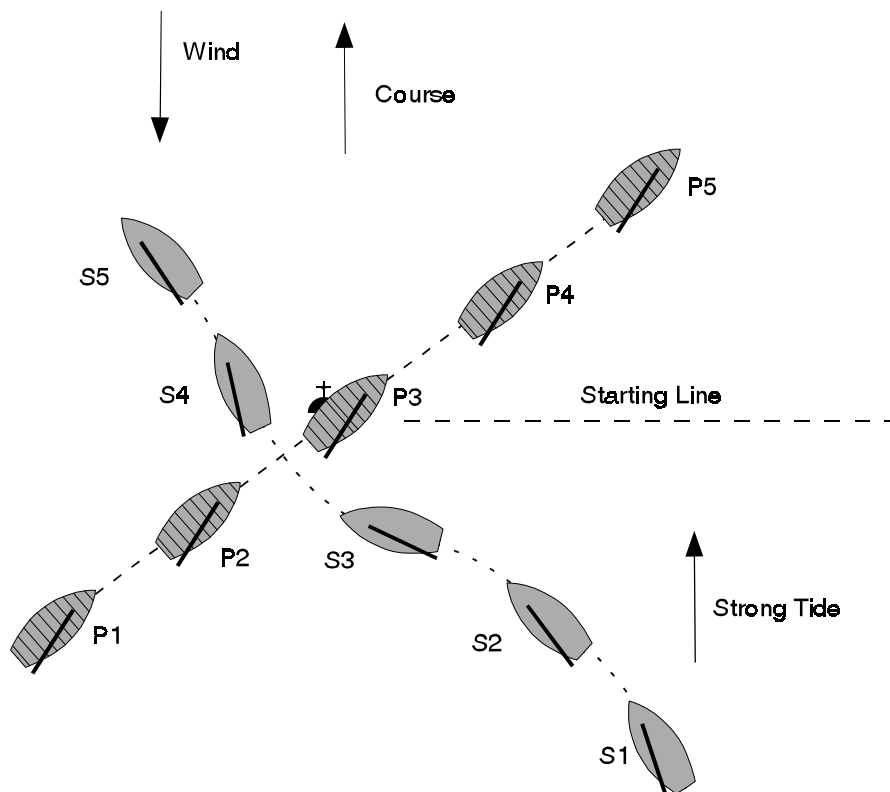
When AS passed through head to wind, BP became the right-of-way boat and held right of way until AS assumed a close-hauled course on starboard tack. At that moment AS, having just acquired right of way under rule 10, was required by rule 15 to give BP room to keep clear. BP took no action to avoid a collision, but what could she have done? Given her speed and the distance involved, she had perhaps one to two seconds to decide what to do and then do it. It is a long-established underlying principle of the right-of-way rules, as stated in rule 15, that a boat that becomes obligated to keep clear by an action of another boat is entitled to sufficient time for response. Also, while it was obvious that AS would have to tack to round the mark, BP was under no obligation to anticipate that she would break rule 15. BP broke neither rule 2 nor rule 14.

USSA 1971/140

CASE 28

Rule 32.1(d)	Shortening or Abandoning After the Start
Rule 64.1(b)	Decisions: Penalties and Exoneration
Definitions	Start

When one boat breaks a rule and in so doing causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has shifted, for whatever reason, does not exempt a boat from the requirement to start as defined. A race committee may abandon under rule 32.1(d) only when the mark has moved a significant distance.



Summary of the Facts

As S and P, close-hauled, approached the port end of the starting line, a strong tide was setting them toward the line and the starting line mark. When S was two hull lengths from the mark, she hailed P to keep clear. There was no response, and S was forced to bear away to avoid collision. Immediately after the starting signal, P rode over the mark. As S luffed back to close-hauled, on a course to the wrong side of the mark, it jumped out from under P's hull and bounced against S. P did not take a penalty, and S did not return to start between the starting marks.

S protested P under rules 10 and 31.1, and also requested redress, asking that the race be abandoned, citing rule 32.1(d). The protest committee disqualified P, refused S's request for redress, and scored S DNS. The latter decision was referred to the national authority with a question: If S had returned to start according to the definition Start, could the race have been abandoned under rule 32.1(d) because of the mark having shifted?

Decision

S touched the mark. However, she could not be expected to anticipate how it would move when another boat touched it. Therefore, as provided in rule 64.1(b), S is not penalized for contact with the mark because P's breach of a rule resulted in the mark touching S.

Because S did not start, the race committee was correct in scoring her DNS.

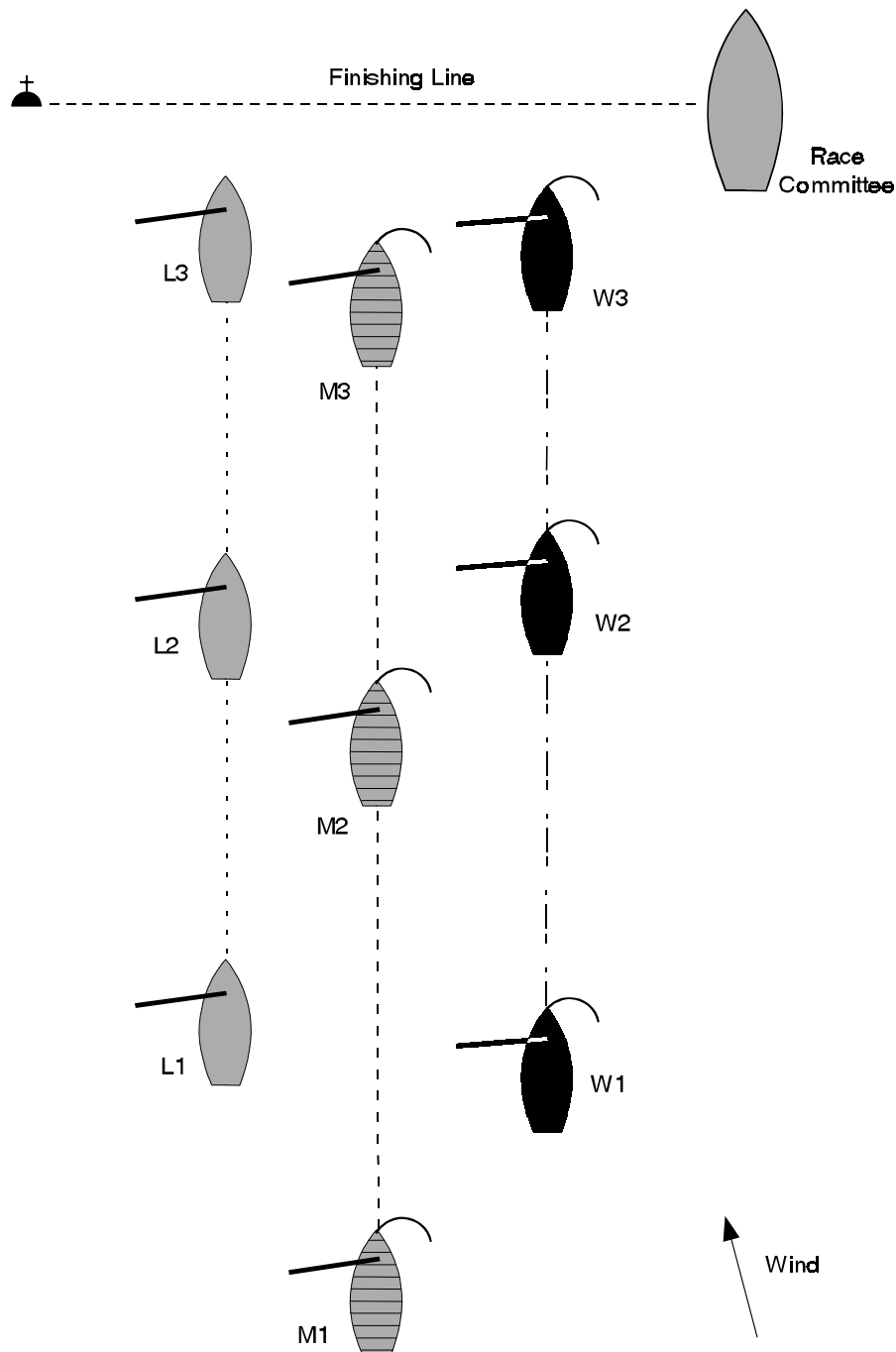
Rule 32.1(d) applies only to a mark that has moved a significant distance from its designated position. It does not apply to a mark that is temporarily pushed out of position as the result of a boat touching it. Therefore, abandonment was not an option open to the committee.

ARYF 1971

CASE 29

Rule 18.2(c)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Not Overlapped at the Zone
Rule 18.5	Rounding and Passing Marks and Obstructions: Passing a Continuing Obstruction
Definitions	Obstruction

When a boat is a continuing obstruction to other boats, it may nonetheless be safe for a third boat to sail between them.



Summary of the Facts

When running towards the finishing line, W established an overlap on L almost two hull lengths to windward of her. Subsequently, M established an overlap between them. All three boats finished with no narrowing of space between L and W and no contact. W protested M for taking room to which she was not entitled, citing rule 18.2(c). The protest was dismissed on the grounds that L and W had left sufficient room for M to intervene safely. W appealed.

Decision

Appeal dismissed. W's argument is based on the provision, in rule 18.2(c), that a boat clear astern shall keep clear of a boat clear ahead, and, if the boat clear astern becomes overlapped between the other boat and an obstruction (considering L to be the obstruction) within the two-length zone, then the boat that had been clear astern is not entitled to room. Once W overtook L, the two boats sailed overlapped at least six hull lengths towards the finishing line. That was easily long enough to qualify L as a continuing obstruction. For that reason, at positions 2 and 3 while M and W were passing L rule 18.5 applied and rule 18.2(c) did not. At the moment that M's overlap on W began, there clearly was room for M to pass between W and the continuing obstruction, L. Therefore, M was entitled to room from W, and W gave her room. No rule was broken.

USSA 1974/163

CASE 30

Rule 14	Avoiding Contact
Rule 18.5	Rounding and Passing Marks and Obstructions: Passing a Continuing Obstruction
Definitions	Keep Clear

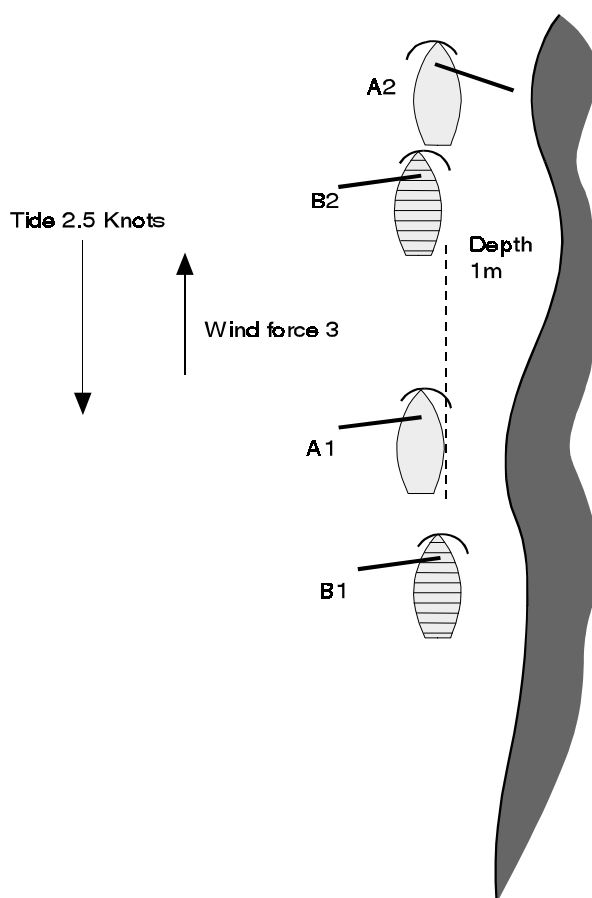
A boat clear astern that is required to keep clear but collides with the boat clear ahead breaks the right-of-way rule that was applicable before the collision occurs. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

Summary of the Facts

Boats A and B were running on starboard tack close to the shore against a strong ebb tide in a Force 3 breeze. A was not more than half a hull length clear ahead of B. B blanketed A, causing A to gybe unintentionally. This was immediately followed by a collision, although without damage, and B protested A under rule 10. The facts were agreed, and both boats were disqualified: B under rule 12 because she was too close to A to be keeping keep clear, and A under rule 10, for failing to keep clear of a starboard-tack boat.

A appealed on the grounds that both boats were passing a continuing obstruction, and rule 18.2(c) should have been applied, under which B was

the keep-clear boat. The protest committee observed that B caused both A's gybe and the collision by not keeping clear when both boats were on the same tack.



Decision

The appeal is upheld. In position 1, rules 12 and 18.5 applied. Rule 18.5 made rules 18.2(b) and 18.2(c) inapplicable, and no other parts of rule 18.2 were relevant. When B was clear astern of A she was required by rule 12 to keep clear but failed to do so. Her breach occurred before the collision, at the moment when A first 'had need to take avoiding action' (see the definition Keep Clear). At the moment B collided with A she also broke rule 14, although at that time she held right of way under rule 10, so is not subject to penalty under rule 14 because there was no damage.

After gybing, A became the keep-clear boat under rule 10, even though she had not intended to gybe. She broke that rule, but only because B's breach of rule 12 made it impossible for A to keep clear. A did not break rule 14 because it was not 'reasonably possible' for her to avoid contact.

Accordingly, B is disqualified under rule 12, and A is exonerated under rule 64.1(b) for her breach of rule 10.

RYA 1974/3

CASE 31

Sportsmanship and the Rules

Rule 2	Fair Sailing
Rule 26	Starting Races
Rule 28.1	Sailing the Course
Rule 29.1	Starting; Recalls: On the Course Side at the Start
Rule 29.2	Starting; Recalls: Individual Recall
Race Signals	X

When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress.

Summary of the Facts

At the start of a race the visual individual recall signal required by rule 29.2 was correctly made, but the accompanying sound signal was not made. One of the recalled boats, A, did not return and later requested redress on the grounds that she started simultaneously with the starting signal and heard no recall sound signal.

The protest committee gave A redress, but, at the end of the day B, another boat, requested redress from the protest committee's earlier decision. B was not given redress, and she then appealed on the grounds that rule 26 states: 'the absence of a sound signal shall be disregarded'.

Decision

Appeal dismissed. The protest committee's decision to give redress to A is upheld. The requirement in rule 29.2 and in Race Signals regarding the making of a sound signal when flag X is displayed is mandatory, as it is essential to call the attention of boats to the fact that one or more of them is subject to recall. When a correct visual recall signal is not accompanied by the required sound signal, a boat that is unaware that she started incorrectly may be given redress. However, if a boat realizes that she was over the line, she must comply with rules 28.1 and 29.1 and, if she fails to do so, she breaks rule 2 and has failed to comply with the Basic Principle, Sportsmanship and the Rules.

Rule 26 applies only to the warning, preparatory, one-minute and starting signals. When the individual recall signal is made, it is of less importance that the visual and sound signals should be made at the same time. However, they are both mandatory unless the sailing instructions state otherwise.

RYA 1974/7

CASE 32

Rule 88.2(c) Race Committee; Sailing Instructions; Scoring: Sailing Instructions

A competitor is entitled to look exclusively to written sailing instructions and to any written amendments for all details relating to sailing the course.

Summary of the Facts

The sailing instructions included, among other things, the following:

1. All races will be sailed under *The Racing Rules of Sailing* with RYA prescriptions, except as modified hereunder.
2. A briefing will be held in the clubroom 60 minutes before the start of the first race each day.
3. Shorten Course will be signalled by two guns and raising of flag S and the class flag. Boats in that class will round the mark about to be rounded by the leading boat and go straight to the finishing line. This changes the meaning of flag S in the Race Signals.

At a briefing, the race officer clarified the phrase in item 3, ‘go straight to the finishing line’, as meaning just that, but boats should finish in a windward direction to ensure that all classes, some of which might be finishing from different marks, should finish in the same direction.

Subsequently, a race was shortened. Six boats, which had not attended the briefing, followed the written sailing instructions, were recorded as not finishing, and sought redress. The boats alleged that the race committee had improperly changed the definition Finish and had failed to follow the requirements of rule 88.2(c). The protest committee upheld their requests for redress on the grounds they had cited.

The race committee appealed to the national authority, holding that the briefing sessions were a numbered part of the sailing instructions, all competitors should have attended, and the briefings constituted a procedure for giving oral instructions. Also, it argued that the sailing instructions were not changed but merely clarified by the race officer as to what the words 'go straight for the line' meant.

Decision

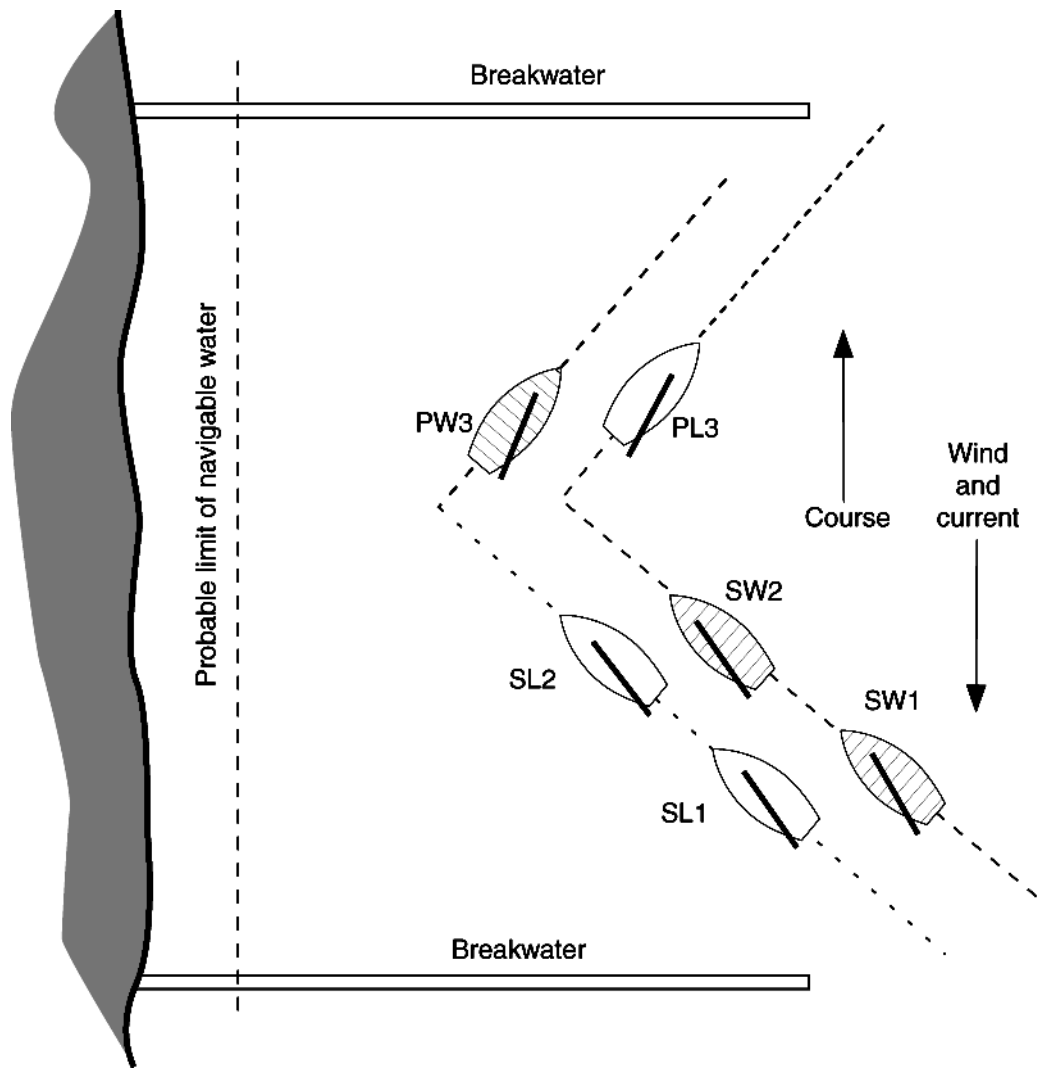
Appeal dismissed. The remarks of the race officer amounted to more than mere clarification. This is borne out by the fact that the boats that did not attend the briefing acted as they did. Competitors are entitled to look exclusively to the sailing instructions and to any amendments for all particulars of the course. Rule 88.2(c) requires changes to the sailing instructions to be in writing.

RYA 1975/3

CASE 33

- | | |
|---------------------|---|
| Rule 18.2(a) | Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Overlapped – Basic
Rule |
| Rule 18.5 | Rounding and Passing Marks and Obstructions:
Passing a Continuing Obstruction |
| Rule 19.1 | Room to Tack at an Obstruction |

A boat is entitled to room under rule 18.2(a) even though she has tacked into the inside overlapping position.



Question

There are breakwaters projecting from the shore at fairly regular intervals with a reasonable amount and depth of water between them. To be competitive when beating over a contrary current, it is necessary to cheat the tide by tacking into and out of the water between the various breakwaters. When two overlapped boats enter the area between two breakwaters, a question arises as follows.

SL and SW, small keel boats, enter the area close-hauled on starboard tack. In the absence of SW, SL would tack at a point where, on port tack and close-hauled, she would just clear the end of the farther breakwater. Since she is not yet in danger of running aground, however, she cannot hail SW about under rule 19.1. She must wait until SW tacks and tack with her. Both complete their tacks at position 3, at which point SW, now PL, can just fetch the end of the breakwater close-hauled, but PW has overstood and will have to bear away to pass it.

When PW obtains an inside overlap at position 3, is she entitled to room from PL to bear away to clear the breakwater?

Answer

When, after position 2, SW tacks, SL is also entitled to tack. When SW turns past head to wind, the overlap between her and SL ceases to exist. However, just before position 3 a new overlap begins while the boats are outside the two-length zone of an obstruction, the end of the breakwater. While the breakwater is a continuous structure from the shore to its outer end, it does not qualify as a continuing obstruction since the boats are concerned only with the outer end. Therefore, rule 18.5 does not apply and there are no restrictions on PW's rights when she obtains an overlap at position 3. Rule 18.2(a) does apply, and it requires PL to give PW room to pass the obstruction.

RYA 1975/8

CASE 34

Rule 2	Fair Sailing
Rule 69.1	Allegations of Gross Misconduct: Action by a Protest Committee

Hindering another boat may be a breach of rule 2 and the basis for action under rule 69.1.

Summary of the Facts

As the sixth and final race of a championship series began, A's accumulated score was such that the only way she could lose the prize was for B to finish ahead of her and among the first three of the 48 competitors. A crossed the line early and was recalled by loud hailer. About 70 to 100 metres beyond the starting line, she turned back, but she had sailed only some 20 to 30 metres towards the line when she met B, which had started correctly. Instead of continuing toward the pre-start side of the line A turned and sailed on top of B.

The race committee hailed A again that she was still above the line and received a wave of acknowledgement in return, but A continued to sail the course, hindering B throughout the windward leg. When A and B reached the windward mark, they were last but one and last respectively, whereupon A retired. B ultimately finished in 22nd place.

Since it was obvious to the race committee that A continued to race solely for the purpose of hindering B, it protested A under rule 2. A, which had been scored OCS, was then disqualified for breaking rule 2. She appealed, asserting that she believed she had returned and started correctly.

Decision

Appeal dismissed. The disqualification under rule 2 was appropriate.

The facts show gross breaches of rule 2 and of sportsmanship. Such deliberate attempts to win by unfair means should be dealt with severely. Rule 69.1 also could have been applied by the protest committee to exclude A from the entire series. Such action would have been well within the spirit of the racing rules.

NSF 1975/1

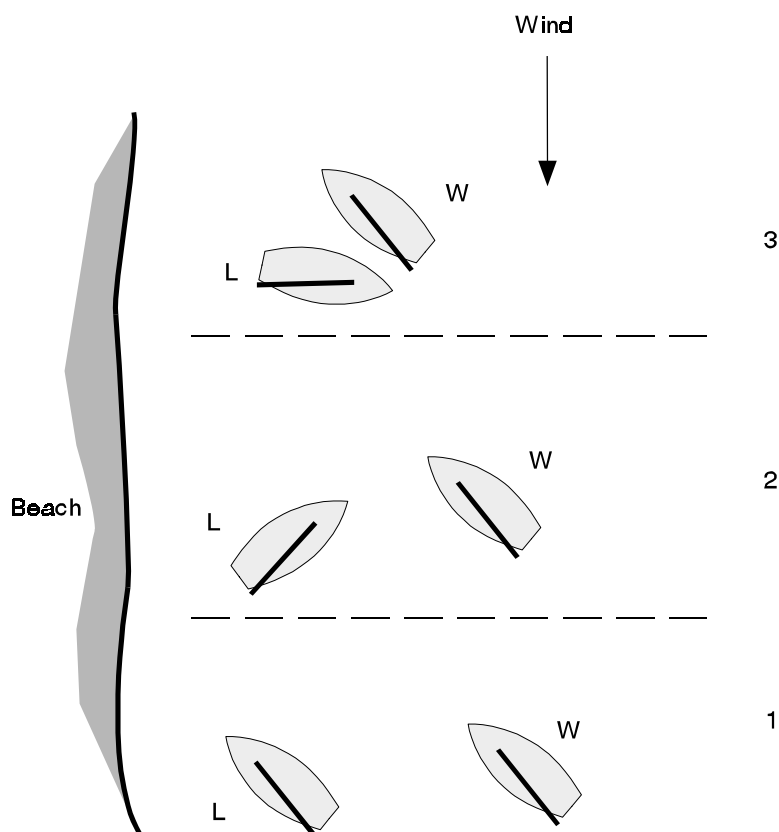
CASE 35

Rule 19.1(b) Room to Tack at an Obstruction

When a boat is hailed for room to tack at an obstruction and replies 'You tack', and the hailing boat is then able to tack and avoid the hailed boat, the hailed boat has complied with rule 19.1(b).

Summary of the Facts

As two close-hauled boats approached a shore, L hailed W for room to tack. W replied 'You tack' and L then tacked immediately. After tacking, L bore away in a seamanlike way and passed under W's stern, which she cleared by three feet (1m) or more. L protested W under rule 19.1. The protest committee decided that W failed to give room as required by rule 19.1(b) and disqualified her.



Decision

Appeal upheld. L's actions showed that she had room to tack and avoid W. W therefore met her obligation under rule 19.1(b).

USSA 1976/189

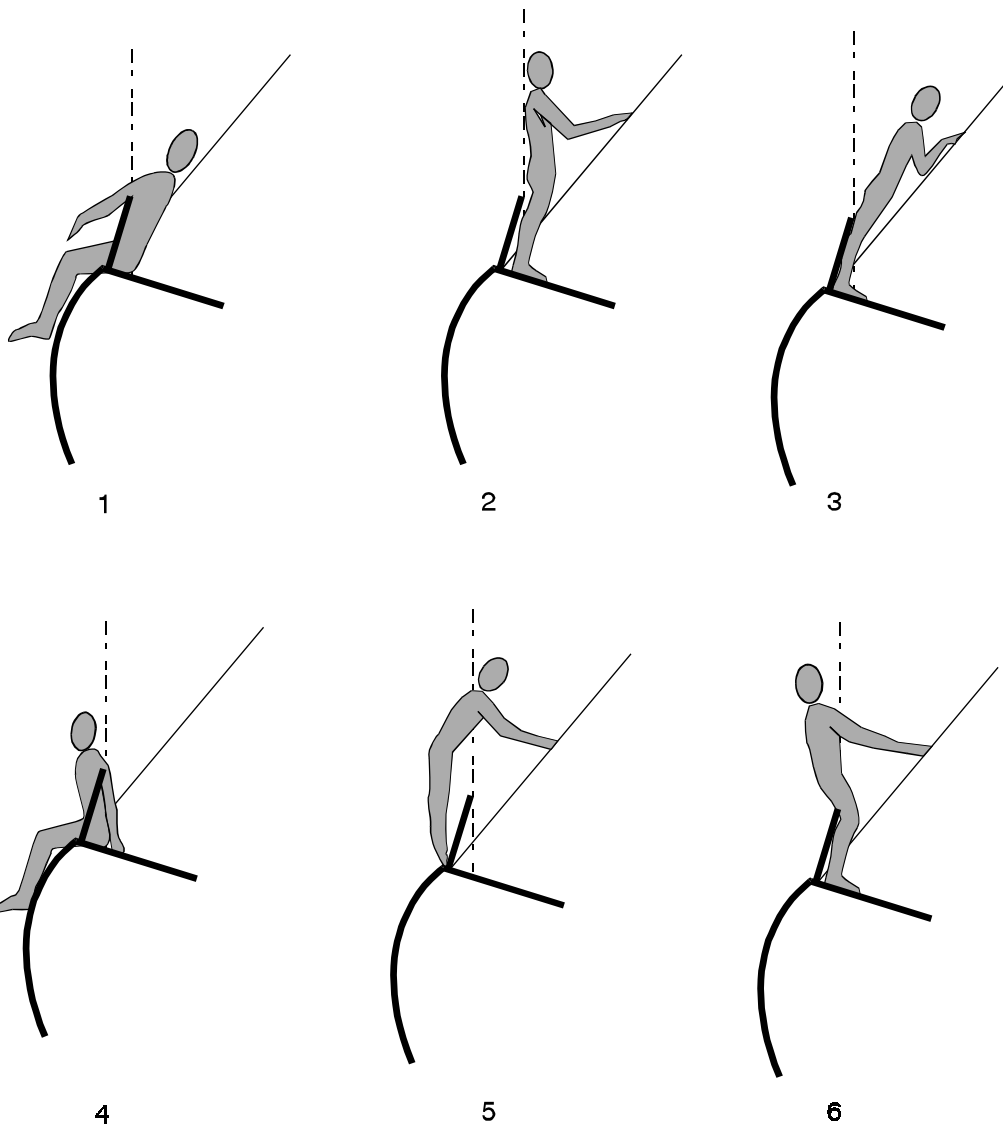
CASE 36

Rule 49.2 Crew Position

Positioning of crew members relative to lifelines.

Summary of the Facts

A boat in an offshore class, while close-hauled, had a crew member positioned, for several minutes on two occasions, next to the shrouds with his feet on the deck and his legs inside but touching the lifelines. While his torso was substantially upright, part of it was outboard of an imaginary line projected vertically from the top of the lifelines. The boat was disqualified under rule 49.2 and appealed.



Decision

The appeal is dismissed. As to the illustrated positions, 1, 2 and 3 do not break the rule; positions 5 and 6 break it. In position 4, on boats equipped with two wire lifelines, a crew member sitting on deck facing outboard with his waist inside the lower lifeline may have the upper part of his body outside the upper lifeline; otherwise the rule is broken.

USSA 1976/194

CASE 37

Rule 32.1(d) **Shortening or Abandoning After the Start**
Rule 62.1(a) **Redress**

Each race of a regatta is a separate race; in a multi-class regatta, abandonment may be suitable for some classes, but not for all.

Summary of the Facts

In the third race of a regatta involving about 120 boats and 15 offshore classes, all classes sailed the same course on which a reaching mark was found to have shifted off station by almost a mile. Various boats in several classes sought redress because of it. None of the boats in the last two classes, which had approached the displaced mark for over an hour after the mark had shifted, found any need to protest. The protest committee, however, abandoned the race for all classes. The boats in the last two classes asked for redress but it was denied. They appealed.

Decision

Appeal upheld. The protest committee failed to distinguish between different procedures under which a race may be abandoned. The race committee could have abandoned the race under rule 32.1(d) because the mark was out of position. It did not do so, however, and appeared to have been satisfied to let the several races stand.

When several classes are racing at the same time, each class is competing in a separate race. Had the protest committee taken up the question on a class-by-class, race-by-race basis, it would have found that there was no requirement or need to abandon the race for the last two classes. There may have been sufficient evidence to warrant abandonment of the races of some classes, but the protest committee erred in applying it to the classes in which no redress was sought. Its decision to do so was an ‘improper action’ within the terms of rule 62.1(a). The appeals are upheld, and all of the boats in the races of the two classes in question are reinstated in their finishing places.

CASE 38

International Regulations for Preventing Collisions at Sea

The International Regulations for Preventing Collisions at Sea (IRPCAS) are intended to ensure the safety of vessels at sea by precluding situations that might lead to collisions. They effectively prohibit a right-of-way boat from changing course when she is close to a boat obligated to keep clear.

Summary of the Facts

At about 0030, L and W were running on starboard tack on parallel courses about two hull lengths apart. W was to windward and clear astern of L and steadily closing up on her. The IRPCAS had been made applicable by the sailing instructions. L changed course to starboard, forcing W to respond in order to avoid a collision. W protested L on the grounds that 'luffing was forbidden at night'. The protest committee upheld the protest under the IRPCAS, Part B, Section II, Rule 17. L appealed on the grounds that the protest committee had misapplied the relevant IRPCAS rules.

Decision

IRPCAS Rule 13 (a) states that 'any vessel overtaking any other shall keep out of the way of the vessel being overtaken', and Rule 13 (b) states, 'A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights'. In the above case W was the overtaking vessel. Rule 13 (d) states, 'Any subsequent alteration of the bearing between the two vessels shall not . . . relieve [the overtaking vessel] of the duty of keeping clear of the overtaken vessel until she is finally past and clear.'

The overtaken vessel, in this case L, has obligations towards the overtaking vessel. These are in Rule 17 which states in part, 'Where one of two vessels is to keep out of the way, the other shall keep her course and speed'. It is this rule that prohibits the racing manoeuvre known as 'luffing' while the boats are so close that L's luff forces W to change course to avoid contact. Therefore, the appeal is dismissed and the protest committee's decision to penalize L is upheld.

CYA 1976/32

CASE 39

Rule 60

Right to Protest and Request Redress

A race committee is under no obligation to protest a boat.

Summary of the Facts

Throughout a five-race series, A competed with a crew of three. After the last race, B and others jointly protested A, alleging that she had broken a class rule that limited the crew to two. This was the first protest relating to the matter. It was refused because the hulls of the protesting boats were all over 6 m long, but none of the boats displayed a red flag. This decision was appealed on the grounds that the race committee ought, on its own initiative, to have protested A in all the races.

Decision

As provided in rule 63.5, the protest could not be heard because no red flag was displayed as required by rule 61.1(a). To uphold this appeal would amount to a conclusion that a race committee ought to know the class rules of each class, and that it then has an obligation to enforce them when members of the class themselves fail to do so. No such obligation is placed on a race committee and, furthermore, rule 60.2(a) is clearly discretionary. The responsibility for protesting primarily rests with the competitors.

The appeal is dismissed, and the decision of the protest committee is upheld.

CYA 1977/35

CASE 40

Rule 46 Person in Charge

Unless otherwise specifically stated in the class rules, notice of race or sailing instructions, the owner or person in charge of a boat is free to decide who steers her in a race, provided that rule 46 is not broken.

Summary of the Facts

In a series, A was entered by the owner, who steered her in race 1. In races 2 and 3 she was steered by another person from whom no entry had been received. The race committee, without a hearing, considered him to be a non-entrant and a non-starter, changed A's results, and awarded her a non-starter's points in races 2 and 3.

The relevant class rule 11(e) read: 'Distribution of duties between helmsman and crew shall be entirely at the discretion of the helmsman, unless otherwise stipulated in the sailing instructions.'

The race committee held that class rule 11(e) did not allow permanent substitution by the crew at the helm for an entire race or races, since the only purpose of that would be to improve a boat's chances of winning a series. A appealed.

Decision

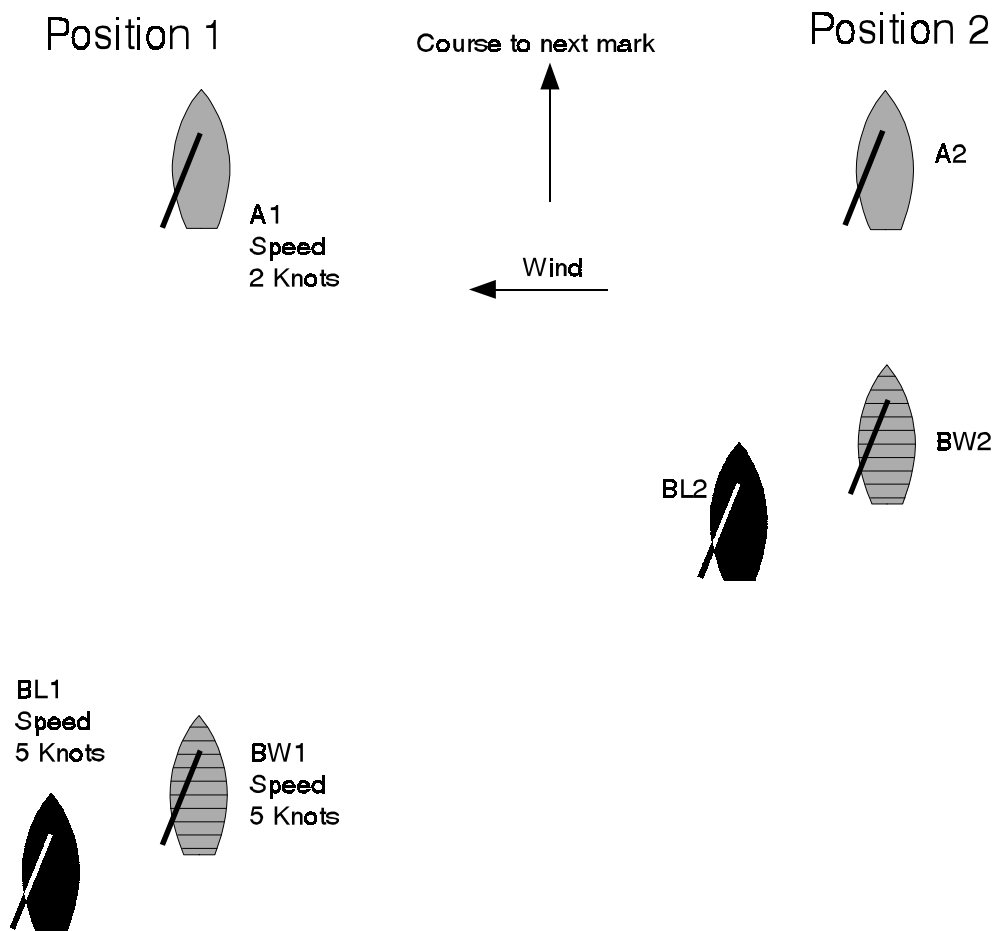
Appeal upheld. The owner of a boat may appoint another person to steer her. It is the boat that is entered in a race and, unless otherwise specifically provided in the class rules, notice of the race or sailing instructions (which was not so in this case), it is a matter for the owner or other person in charge of her to decide who steers her at any time, provided that rule 46 is not broken. A is to be reinstated in the race results.

RYA 1977/2

CASE 41

Rule 12	On the Same Tack, Not Overlapped
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Definitions	Obstruction

Questions relating to the rights and obligations of two overlapped boats when approaching a third boat clear ahead. There is no obligation to hail for room at a mark or obstruction.



Question 1

BW, the windward boat, is subject to rules 11 and 17.2 in her obligations to BL. Does the proximity of the third, slower boat, A, change the relationship between BW and BL to one in which rule 18 comes into force when they overhaul A?

Answer 1

Yes. With respect to A, both boats astern must keep clear of her under rule 12. However, A also is an obstruction to both, as the last sentence of the definition Obstruction makes clear. When they are ‘about to pass’ A, still overlapped, rule 18 will come into effect. If BL then chooses to pass A to leeward, rule 18.2(a) will require her to give room to BW, as inside boat, to do likewise. If BW passes A to windward, then rule 12 and, later, rule 11 require her to keep clear of A. If BL chooses to pass to windward of A, then rule 18.2(a) requires BW to give BL room to pass A and both rule 18.2(a) and rule 11 require BW to keep clear of BL. Rule 12, and later rule 11, require BL to keep clear of A.

Question 2

Does BW have to hail for room to pass to leeward of A, or would BL risk disqualification by not automatically giving room?

Answer 2

BW is not required to hail for room, although that is a prudent thing to do to avoid misunderstandings. Rule 18.2(a) requires BL to give room to BW when they both pass to leeward of the obstruction, whether or not BW hails for room.

RYA 1977/6

CASE 42

Deleted

CASE 43

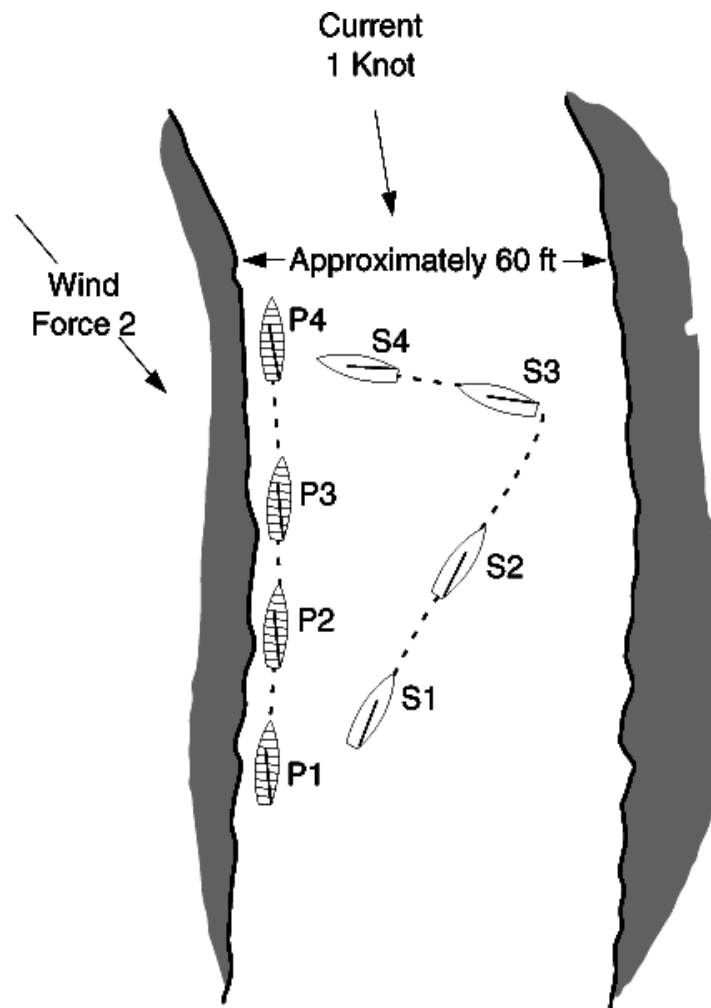
Rule 10

On Opposite Tacks

Rule 18.1(b)

Rounding and Passing Marks and Obstructions: When This Rule Applies

A close-hauled port-tack boat that is sailing parallel and close to a continuing obstruction must keep clear of a boat that has completed her tack to starboard and is approaching on a collision course.



Question

P is sailing up-river, close-hauled on port tack, very close to the bank. S, unable to point as high as P, is forced to sail away from the bank. She then tacks onto starboard and immediately hails 'Starboard' to P. P sails on and, when she reaches a position at which she cannot luff without hitting the bank or bear away without colliding with S, she hails S for room. What rule or rules apply?

Answer

P is subject to rule 10 and must keep clear. S establishes right of way over P when she tacks onto starboard, but must observe rules 13 and 15. S meets rule 13's requirement by not tacking so close that P has to take avoiding action before S reaches her close-hauled course, and she meets rule 15's requirements by initially leaving P room to keep clear when S gains right of way. Rule 18.1(b) makes rule 18 inapplicable.

RYA 1978/5

CASE 44

Rule 62

Redress

Rule 85

Governing Rules

A boat may not protest a race committee for breaking a rule. However, she may request redress, and is entitled to it when she establishes that, through no fault of her own, an improper act or omission of the race committee made her finishing position significantly worse.

Summary of the Facts

Sailing instruction 18 provided for the starting line and first mark to be laid such that the first leg would be sailed to windward. After the race committee did so and had started one class, the wind backed some 55 degrees. The Finn class was next to start, but the first mark could not be moved, since the prior class was still sailing towards it and was well short of it. When the Finns started, none could fetch the first mark on a single tack, but subsequent further backing of the wind permitted some to do so. Boat A requested redress, holding that, under rule 85 and the definition Rules, sailing instruction 18 was a rule and the race committee had broken it.

The protest committee was satisfied that the first leg of the course was not a 'windward' leg within the meaning of the sailing instructions. On the other hand, it found no evidence to suggest that, within the terms of rule 62, the race was unfair or that any boat was entitled to redress. The protest committee ruled that the results of the race were to stand.

A appealed, holding that her protest had not been based on a claim for redress under rule 62. It was based simply on the fact that the race committee had failed to comply with sailing instruction 18, a rule, and with rule 85, which bound race committees to be governed by the rules. The protest committee had based its decision on rule 62, which was, in her opinion, incorrect. To allow a race to stand when it had not been sailed as required by the rules contravened rule 85 and could not come within the scope of rule 62.

Decision

Appeal dismissed for the reasons given by the protest committee. A boat may request redress under the provisions of rule 62, but only on the grounds that, through no fault of her own, an improper act or omission of the race committee made her finishing position significantly worse. The racing rules do not permit a race committee to be protested or penalized.

RYA 1978/8

CASE 45

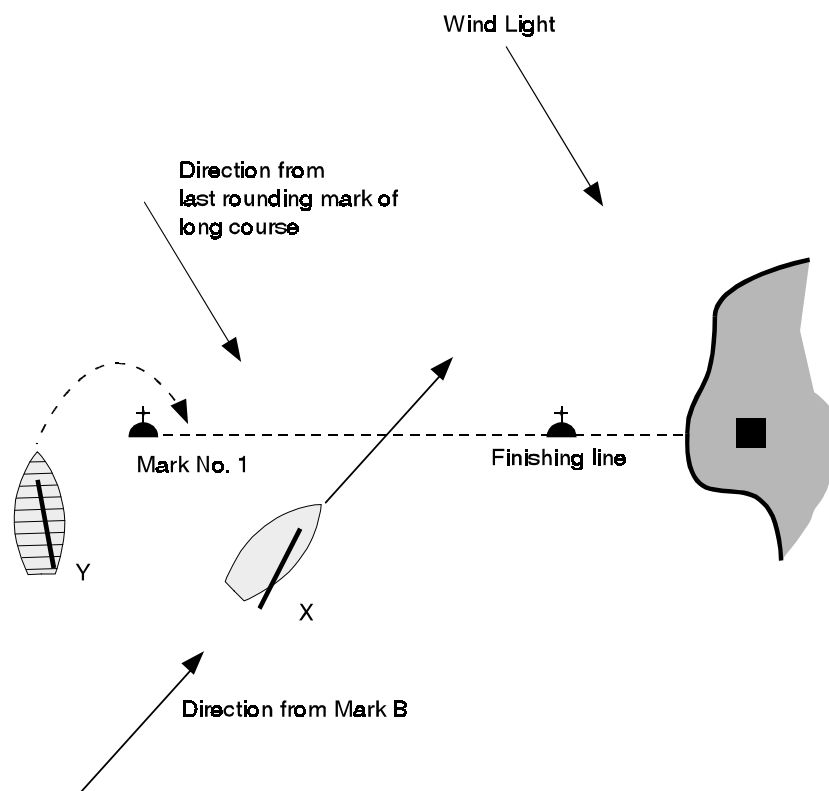
Rule 64.2 Definitions

Decisions: Decisions on Redress Finish

A sailing instruction for finishing a race that conflicts with the definition Finish is invalid. The protest committee is not entitled to give redress so as to negate the definition.

Summary of the Facts

During the day, the class sailed two races. After the first race on a long course that finished leaving Mark 1 to starboard, the wind became light. Accordingly, the race officer set a short second course with a sailing instruction that, although Mark B was the last rounding mark, Mark 1 was to be left to starboard. Other classes were finishing at the same mark, and the race officers had been advised not to set courses that might lead to different classes passing a finishing mark or crossing the finishing line in opposite directions.



X and two other boats finished leaving Mark 1 to port and were scored DNF. The rest of the fleet followed the course indicated by the race officer, leaving Mark 1 to starboard. They thus sailed a 'hook round' finish as shown in the diagram.

X requested redress on the grounds that the race committee had not applied the definition Finish correctly and had awarded the race to Y, whereas X had been the first boat to finish as required by the definition. The protest committee gave redress, agreed that the three boats had finished correctly, and reinstated them in the race. For boats not so finishing, the protest committee exercised its discretion under rule 64.2 to make such arrangements as it deemed fair and adjusted the points score according to the order in which all the boats crossed the finishing line, without regard to the direction in which they crossed it.

X appealed against the new finishing order, referring to the unequivocal wording of the definition Finish and stating that such an arrangement would negate the definition and defeat its purpose, which, she believed, was to prevent 'hook round' finishes.

Decision

Appeal upheld. The sailing instruction that purported to change the definition Finish was invalid. Such a sailing instruction is an improper action of

the race committee, and, depending on the circumstances, a boat may be eligible for redress if she obeys it. The results are to be based on the finishing positions of the boats that finished as required by the definition. If the protest committee is satisfied that the course ordered was such that the finishing places of other boats were made significantly worse it may award points to such boats, but it would not be fair for such boats to rank higher than those boats that finished correctly.

RYA 1979/1

CASE 46

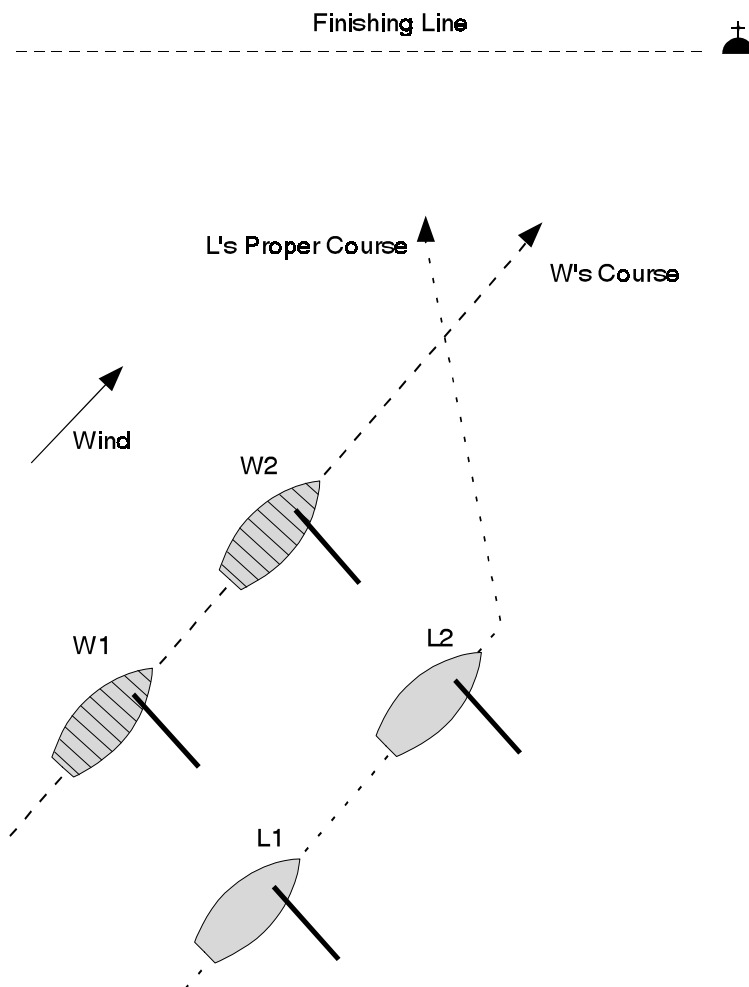
Rule 16.1	Changing Course
Rule 17.1	On the Same Tack; Proper Course
Definitions	Proper Course

A leeward boat is entitled to sail up to her proper course, even when she has established a leeward overlap from clear astern.

Summary of the Facts

For some time, W had been sailing almost dead downwind on a straight course toward the starboard end of the finishing line, when L overlapped her to leeward from astern. In the absence of W, L would have sailed a higher course directly towards the line. In order to do so, she hailed W to come up. There was no response. L hailed again and luffed, but W still did not respond. L stopped luffing and there was no contact. L protested under rule 17.2.

The protest committee held that there was insufficient evidence to show that W would have finished sooner by sailing a higher course. Even though there might be conflict between the courses of a windward and a leeward boat, it said, a boat overtaking another from clear astern did not have the right to force a windward boat to sail above her proper course. The protest was dismissed and L appealed, claiming the right to luff up to her proper course under rule 17.1.



Decision

Rule 11 says that, when two boats on the same tack are overlapped, the windward boat shall keep clear. A leeward boat's actions, however, are limited by rules 16.1 and 17.1. There was room for W to keep clear when L luffed, and so L did not break rule 16.1. The protest committee, although it did not say so explicitly, recognized that L's proper course was directly toward the finishing line. A direct course to the line was not only closer but would also have put both boats on a faster point of sailing. While L was not entitled to sail above her proper course, she was entitled to sail up to it, even when she has established the overlap from clear astern. Accordingly, she did not exceed the limitation to which rule 17.1 subjected her.

W, whether or not sailing a proper course, was obligated to keep clear of L, which she failed to do, by preventing L from luffing up to her proper course. Appeal upheld; W is disqualified for breaking rule 11.

USSA 1979/224

CASE 47

Rule 2 Fair Sailing

A boat that deliberately hails 'starboard' when she knows she is on port tack has not acted fairly, and is liable to disqualification under rule 2.

Question

An experienced helmsman of a port-tack boat hails 'Starboard!' to a beginner who, although on starboard tack, not being sure of himself and probably being scared of having his boat holed, tacks to port to avoid a collision. No protest is lodged.

One school of thought argues that it is fair game, because if a helmsman does not know the rules, that is his own hard luck. The other school rejects this argument, on the grounds that it is quite contrary to the spirit of the rules to deceive a competitor in that way.

It is known that such a trick is often played, particularly where novices are involved, and therefore guidance is sought on whether a protest committee should or should not take action under rule 2.

Answer

A boat that deliberately hails 'Starboard' when she knows she is on port tack has not acted fairly and has broken rule 2. The protest committee might also consider taking action under rule 69.

RYA 1980/1

CASE 48

Rule 63.2 Hearings: Time and Place of the Hearing; Time for Parties to Prepare

Part 5 of the racing rules aims to protect a boat from miscarriage of justice, not to provide loopholes for protestees. A protestee has a duty to protect herself by acting reasonably before a hearing.

Summary of the Facts

Two close-hauled port-tack boats, W and L, were approaching a windward port-hand mark. W established an inside overlap on L five to six hull lengths from the mark and hailed L for room to round it. L refused, saying that W was not entitled to room on a beat. W passed the mark on the wrong side, circled back, rounded the mark to port, displayed a protest flag, and informed L that a protest would be lodged. L was disqualified under rule 18.2(a) and appealed.

The appeal alleged that, contrary to rule 63.2, L's helmsman was aware that a hearing was being held only when he was told to attend it; he was refused permission to read the protest outside the hearing room but was required to read it while the hearing was in progress; and he was not given a reasonable time to prepare a defence. Further, no facts were presented in the hearing to establish that W had attained an inside overlap in proper time.

The protest committee commented upon the appeal as follows: the time of the hearing was posted on the official notice board; W's protest was lodged with the race office and was available for reading for well over an hour prior to that time; her helmsman informed L's helmsman that the protest had been lodged; he made no effort to prepare a defence; he had to be summoned from the club's dining room when the protest committee, the other party, and the witnesses were assembled and ready to proceed.

Decision

Appeal dismissed for the reasons given by the protest committee in its comments. L's helmsman knew that his boat was being protested, and it was his duty to protect himself by acting reasonably, which included seeking out W's protest form, reading it, and using the ample time available to prepare his defence. The protest committee found as fact that W had established an overlap in proper time, and that finding, as required by rule 70.1, is final.

RYA 1980/5

CASE 49

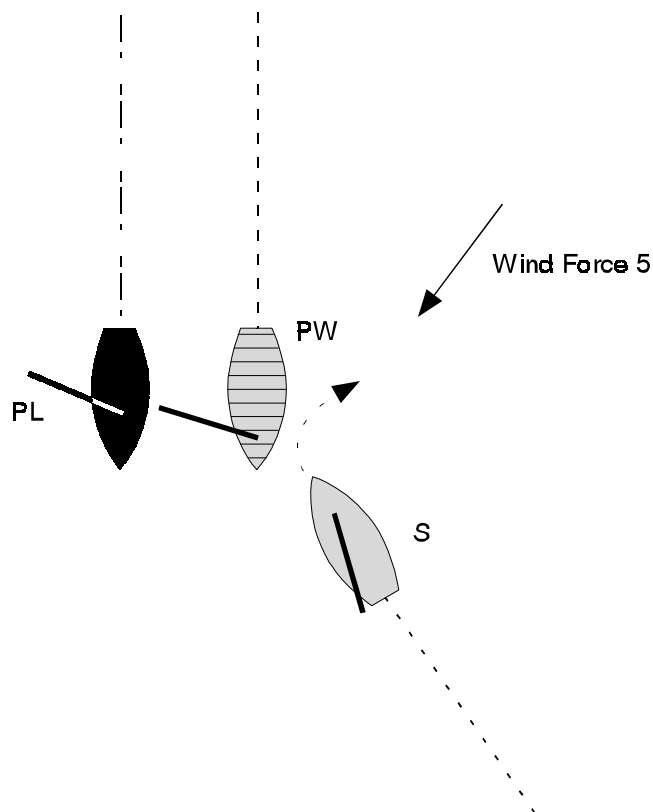
Rule 63.3

Hearings: Right to be Present

Rule 64.1(b)

Decisions: Penalties and Exoneration

When two protests arise from the same incident, or from very closely connected incidents, it is advisable to hear them together in the presence of all the boats involved.



Summary of the Facts

In a moderate to rough sea and a fresh breeze, S, close-hauled on starboard tack, converged with PW and PL, overlapped and broad reaching on port tack on a different leg of the course. The rigging of PW and S touched, in spite of S luffing sharply in attempting to avoid a collision, but there was no damage.

Two protests arose from this one incident and were heard separately. In the first protest, S v. PW, the latter was disqualified under rule 10. The facts found did not mention PL. In the second protest, PW v. PL, the latter was disqualified under rule 18.2(a) for not giving PW room to keep clear of S, an obstruction. PW appealed.

Decision

Appeal upheld. In cases of this kind, the two protests should be heard together in the presence of all the boats involved. This saves repetition and ensures that the evidence presented will help to illuminate all aspects of the incident. Had this procedure been followed, the protest committee would have learned that the collision between PW and S arose from the inability of PW to bear away because PL did not give her room to do so, and, as provided in rule 64.1(b), PW would have been exonerated from her breach of rule 10.

There was evidence that PL knew (and had she been keeping a proper lookout, she must have known) that S was converging with PW and PL, that PW would be likely to need room from PL to avoid a possibly serious collision, and that the situation was developing rapidly. PL was correctly disqualified and the decision to disqualify PW is reversed.

RYA 1981/6

CASE 50

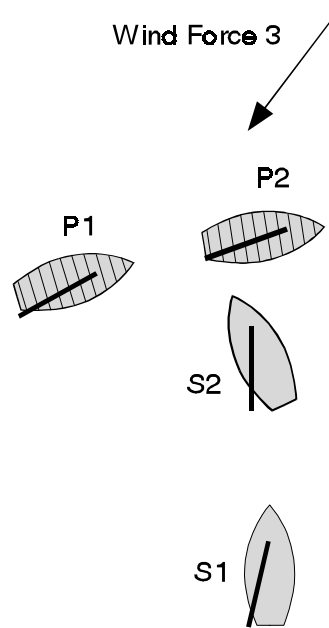
Rule 10	On Opposite Tacks
Rule 14	Avoiding Contact
Definitions	Keep Clear

When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the part of S, it should dismiss her protest. When the committee finds that S did change course and that there was reasonable doubt that P could have crossed ahead of S if S had not changed course, then P should be disqualified.

Summary of the Facts

On a windward leg, P met S and sailed a course to cross ahead of S. S bore away, displayed a protest flag, and hailed P her intent to protest. Both boats were identical 27-foot keel boats, and the wind strength was Force 3.

S protested under rule 10, stating that she had to bear away to avoid colliding with P. The protest committee dismissed the protest by S, stating that: ‘The need to change course could not be substantiated by the conflicting testimony of the two helmsmen.’ S appealed.



Decision

Rule 10 protests involving no contact are very common, and protest committees tend to handle them in very different ways. Some place an onus on the port-tack boat to prove conclusively that she would have cleared the starboard-tack boat, even when the latter's evidence is barely worthy of credence. No such onus appears in rule 10. Other protest committees are reluctant to allow any rule 10 protest in the absence of contact, unless the starboard-tack boat proves conclusively that contact would have occurred had she not changed course. Both approaches are incorrect.

S's diagram, later endorsed by the protest committee, shows that S bore away to avoid contact. P's diagram, which was not endorsed by the protest committee, showed a near miss if S did not bear away. P did not deny or confirm that S bore away but said that, if she did, it was unnecessary.

A starboard-tack boat in such circumstances need not hold her course so as to prove, by hitting the port-tack boat, that a collision was inevitable. Moreover, if she does so she will break rule 14. At a protest hearing, S must establish either that contact would have occurred if she had held her course, or that there was enough doubt that P could safely cross ahead to create a reasonable apprehension of contact on S's part and that it was unlikely that S would have 'no need to take avoiding action' (see the definition Keep Clear).

In her own defence, P must present adequate evidence to establish either that S did not change course or that P would have safely crossed ahead of S and that S had no need to take avoiding action. When, after considering all the evidence, a protest committee finds that S did not change course or that there was not a genuine and reasonable apprehension of collision on her part, it should dismiss her protest. When, however, it is satisfied that S did change course, that there was reasonable doubt that P could have crossed ahead, and that S was justified in taking avoiding action by bearing away, then P should be disqualified.

On the facts, as shown in the diagram and the report of the protest committee, the ability of P to cross ahead of S was doubtful at best. The appeal of S is upheld, and P is disqualified.

CYA 1981/58

CASE 51

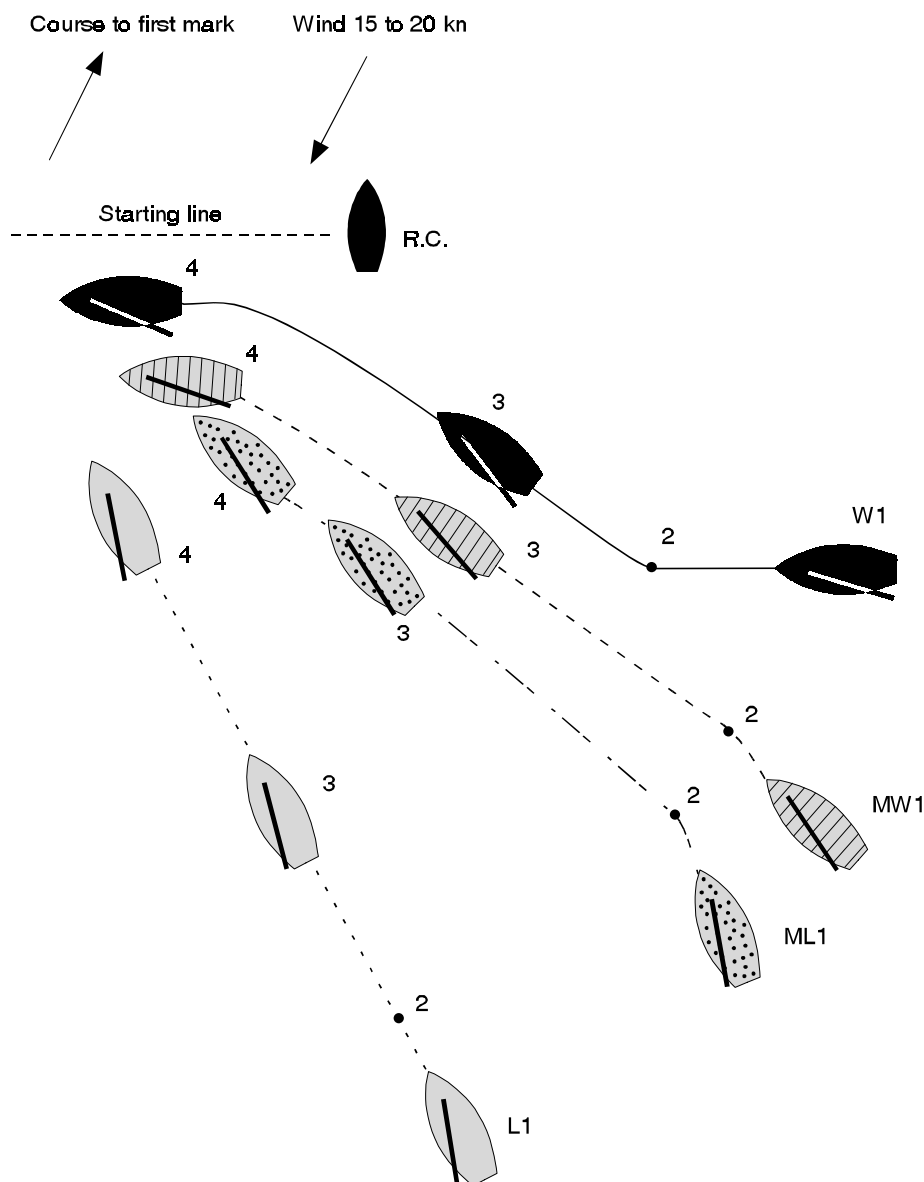
Rule 11 On the Same Tack, Overlapped
Rule 64.1(b) Decisions: Penalties and Exoneration

A protest committee must exonerate boats when they are compelled by another boat to break a rule.

Summary of the Facts

Positions 1 and 4 represent four large boats at between one minute before the starting signal and fifteen seconds before. At position 4, MW was forced to bear away to avoid collision with W, and ML and L were also forced to bear away to avoid the boat to windward. Had W steered a course to keep clear, she would have crossed the starting line before her starting signal. Each boat to leeward hailed the boat to windward, and each such boat protested the boats to windward.

The protest committee disqualified W, MW, and ML and justified its action with respect to the middle boats by stating that ‘failure to do so would limit the effectiveness of rule 11 because all boats, except the most windward one, would be immune to disqualification.’ MW and ML both appealed.



Decision

Both appeals are upheld. MW and ML are to be reinstated. Both boats were forced into a violation of rule 11 solely because of W's illegal course. They bore away only to comply with rule 14 and were entitled to exoneration under rule 64.1(b).

When it can be shown conclusively, in any such situation, that an intervening boat connived, in effect, in a windward boat's failure to keep clear by accepting that boat's lee side as a refuge or by exercising little or no initiative in attempting to force her to keep clear, she should be disqualified under rule 11. In making such a determination, the following points may be considered, although no one of them may be conclusive. Was the intervening boat herself purposely bearing away? Did she luff so as to force the windward boat to luff to keep clear? Did she hail the windward

boat to keep clear and do so promptly? Was she benefited or hindered by the windward boat's failure? Finally, did she sail herself into an obviously untenable position between two boats ahead?

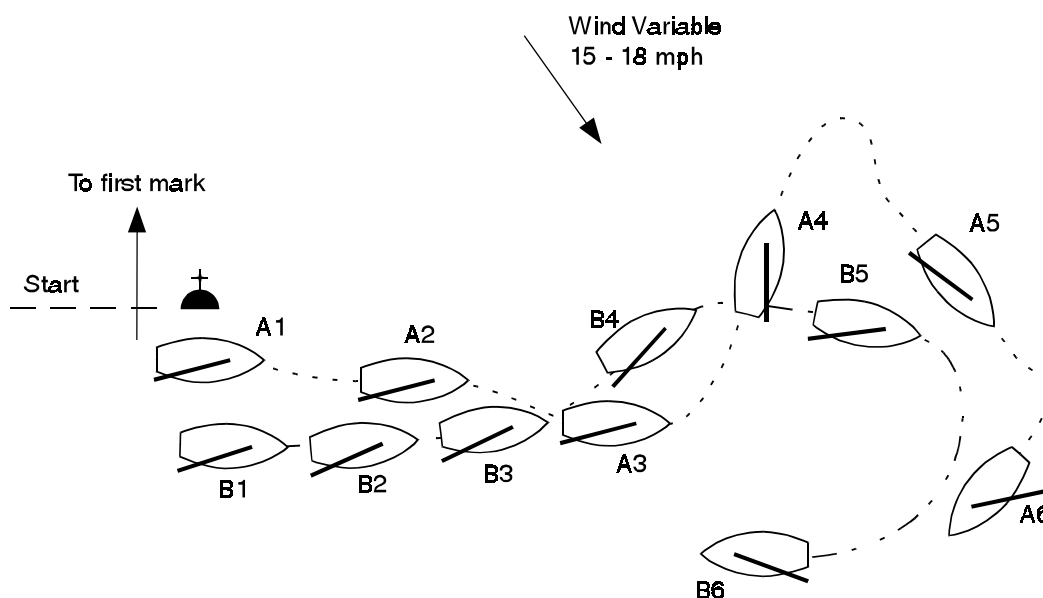
In this case, while W was in continuous and flagrant violation of rule 11 for a considerable period of time, there is nothing in the facts found to suggest that ML and MW be disqualified on the basis of any of the above considerations. In fact, neither intervened or bore away before W forced them to do so, and both of them, by hails and declarations of protest, asserted the obligations of windward boats to keep clear.

USSA 1950/37

CASE 52

Rule 16.1 Changing Course

Rule 16.1 does not restrict the course of a keep-clear boat. Manoeuvring to drive another boat away from the starting line does not necessarily break this rule.



Summary of the Facts

Before the starting signal, the two boats reached away from the starting line. A, moving faster, passed and was clear ahead of B at position 3. At position 4, A luffed up to close-hauled, intending to tack back to the line,

but she found that B also had luffed and worked into position where, had A tacked, there would have been an immediate collision. A then bore away to gybe, only to discover that B had borne away into a position where a gybe would again cause collision. Finally, B gybed and headed for the starting line, leaving A well astern.

A protested B under rule 16.1, claiming that she had been interfered with while in the act of keeping clear. The protest committee disqualified B, who appealed, holding that her disputed manoeuvres were legitimate means of driving a competitor away from the starting line.

Decision

Appeal upheld, B is reinstated. B's actions describe a classic manoeuvre in match and team racing, used to gain a favourable starting position ahead of another competitor. The essential point is that rule 16.1 applies only to a right-of-way boat, which B, at positions 3 and 4, was not.

At position 4, B, as windward boat, had to keep clear under rule 11, but A could not tack without breaking rule 13. At position 5, B became the leeward boat with right of way under rule 11. Had A gybed onto starboard tack, A would have been subject to rule 15 and, if she changed course after she was on starboard tack, to rule 16.1. The facts show that neither boat broke any rule.

USSA 1955/63

CASE 53

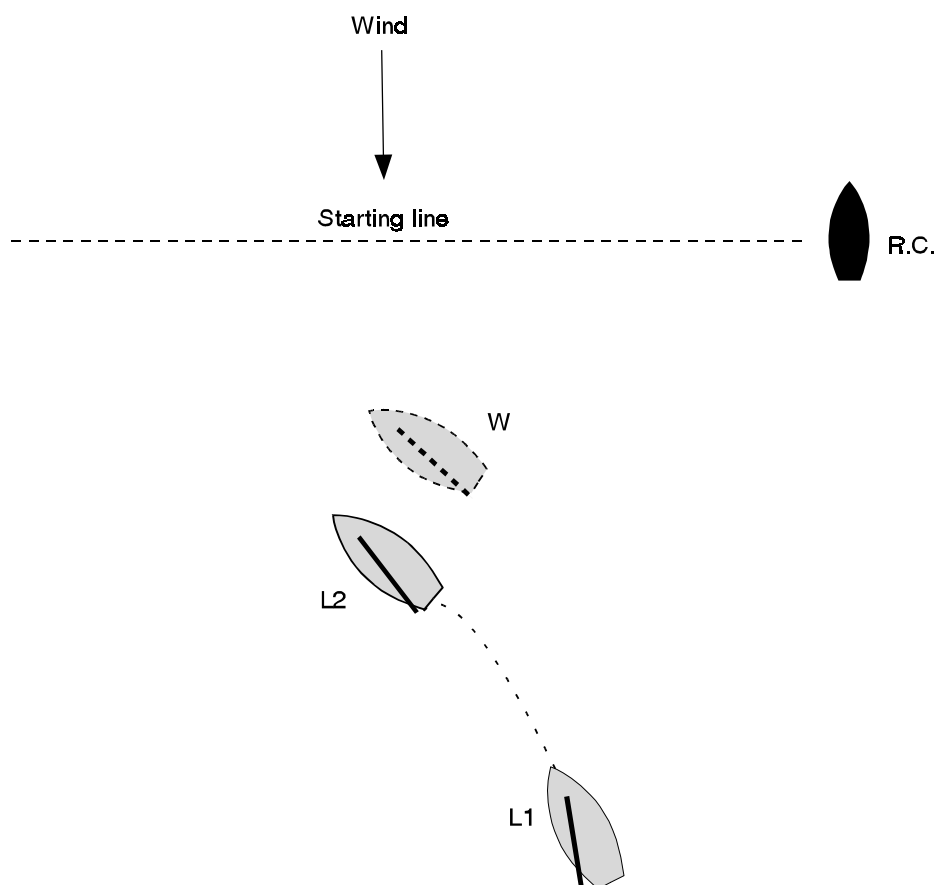
Rule 11 **On the Same Tack, Overlapped**
Rule 15 **Acquiring Right of Way**

A boat clear ahead need not anticipate her obligation to keep clear before being overlapped to leeward from clear astern.

Summary of the Facts

Thirty seconds before the starting signal, W was nearly wayless, her sails flapping. At least three hull lengths prior to establishing an overlap to leeward, L hailed 'Leeward boat'. W took no evasive action. Immediately after her overlap was established, L had to bear away to avoid contact with

W; meanwhile, W began to trim sails and head up. L protested. The protest committee found that W, having been given adequate warning of the impending situation, failed to keep clear of a leeward boat, thereby breaking rule 11. W appealed asking: ‘Does W, under rules 11 and 15, have an obligation to anticipate becoming overlapped to leeward to the extent of having to gather sufficient way to be able to respond once the overlap has been established?’



Decision

Allowing adequate time for response, when rights and obligations change between two boats, is implied in rule 15 by its requirement to allow a newly obligated boat ‘room to keep clear’. This rule does not require a boat clear ahead to anticipate her requirement to keep clear as a windward boat before the boat clear astern establishes an overlap to leeward.

If L had not borne away immediately, she would have broken rule 15. Since W at once trimmed sails, headed up, and thereafter kept clear, she fulfilled her obligations under rule 11. Appeal upheld; neither boat broke any rule.

USSA 1969/126

CASE 54

Rule 14	Avoiding Contact
Rule 19.1	Room to Tack at an Obstruction

When a hailing boat observes no response to her hail, adequate notice of intent to tack requires a second, more vigorous hail.

Summary of the Facts

L and W, close-hauled on starboard tack, were approaching the shore, with L a hull length ahead and a length-and-a-half to leeward. L hailed for room to tack, which hail was not heard by W. After waiting for a short interval, during which there was no response from W, L tacked onto port. Then, in spite of bearing away as rapidly as possible with main and jib sheets free, L hit W's leeward side. L protested W under rule 19, and W protested L under rule 10.

At the hearing, W acknowledged that she was aware of the position of L before she tacked, but neither helmsman nor crew had observed L during the thirty seconds before the collision. Nonetheless, the protest committee dismissed L's protest and disqualified her on the two grounds that she had not been in imminent danger of running aground and that her hailing was not adequate, since she had not hailed a second time after there had been no response to the first hail. L appealed.

Grounds for the appeal were: that the protest committee had improperly substituted its judgment as to the safety of the leeward boat and that when two close-hauled boats were approaching an obstruction, there was an obligation on the part of the windward boat to expect and be prepared for a hail that safe seamanship would tell her was likely to come.

Decision

L's appeal is dismissed, but the failure of a hailed boat to hear an adequate hail does not relieve her of her obligations under rule 19. On the basis of the facts presented, however, it is necessary to question whether the hail for room in this instance was adequate. Where a leeward boat, as in this case, receives no response after her hail, a second and more vigorous hail is required to constitute proper notice of her intention to tack.

Furthermore, rule 19.1 provides that after hailing the hailing boat shall give the other boat time to respond. The purpose of that is to provide time for one of the specific responses called for under rules 19.1(a) and (b) (to

tack or reply ‘You tack’). In either case, the hailing boat must tack after the appropriate response from the hailed boat. Therefore, the leeward boat must not sail into a position, before hailing, where she cannot allow sufficient time for a response.

L was properly disqualified under rule 10. Concerning rule 14, the right-of-way boat W (later S) had no reasonable opportunity to avoid the collision and therefore did not break rule 14. However, it was possible for L (now P) to avoid the collision since she caused it. Her failure to do so means that she broke rule 14 as well as rule 10.

USSA 1971/147

CASE 55

Rule 70	Right of Appeal and Requests for Interpretation
Definitions	Party

A boat has no right of appeal from a redress decision when she was not involved in the hearing. When she believes that her finishing place has been made significantly worse by the arrangement reached in that decision she must herself request redress. She may then appeal the decision of that hearing.

Summary of the Facts

A ‘protested’ the race committee because of inadequate rescue facilities in contravention of the club’s constitution. The race committee abandoned the completed race. B appealed.

Decision

The appeal is refused because it cannot be heard under rule 70.1(a). B has no right of appeal, as she was not a party to the request for redress by A. Therefore her ‘appeal’ is in fact not an appeal but a request for redress that could have been addressed to and heard by the protest committee.

The following points may assist in the consideration of this case:

1. There is no provision in the racing rules under which a boat can protest the race committee or protest committee. The only action a

boat can take against the committee is to request redress when she claims that her finishing position in a race or a series of races has been made significantly worse by an improper action or omission of the race committee or protest committee. In this case, A made no such claim; her 'protest' was merely a criticism of the committee, having no standing under the racing rules.

2. Quite apart from the racing rules, a competitor is at liberty to point out to the race committee that it has made an error. When aware of its error, the race committee may try to have it corrected by asking the protest committee to consider giving redress as permitted by rule 60.2(b).
3. If B had been a competitor in the race and had lodged a valid request for redress and claimed that her finishing position had been made significantly worse by the abandonment of the race, she would have been entitled to a redress hearing.

RYA 1982/11

CASE 56

Deleted

CASE 57

Rule 78.3 Compliance with Class Rules; Certificates

The measurer referred to in rule 78.3 must be officially appointed for the race or series; that rule does not apply to a report lodged by an outside measurer. An in-date, duly authenticated certificate, presented in good faith by an owner who has complied with the requirements of rule 78.1, cannot be retrospectively invalidated after a race or series is completed.

Summary of the Facts

A and B were among IOR-rated boats competing in a summer-long series. After its completion, B requested redress on the grounds that the race committee had used an incorrect rating certificate for A throughout the series. After the request was lodged, the rating authority confirmed that there had been an unsuspected error in A's certificate since her first hull measurement some years previously. B then stated that the race committee should have protested A, as required by rule 78.3.

The jury found that the owner of A was not responsible for the error of calculation in the rating, nor was there any evidence that he had broken rule 78.1. It decided that no action or omission of the race committee was responsible for the error or for its remaining undiscovered, and that therefore B was not entitled to redress. It referred the case under rule 70.2.

Decision

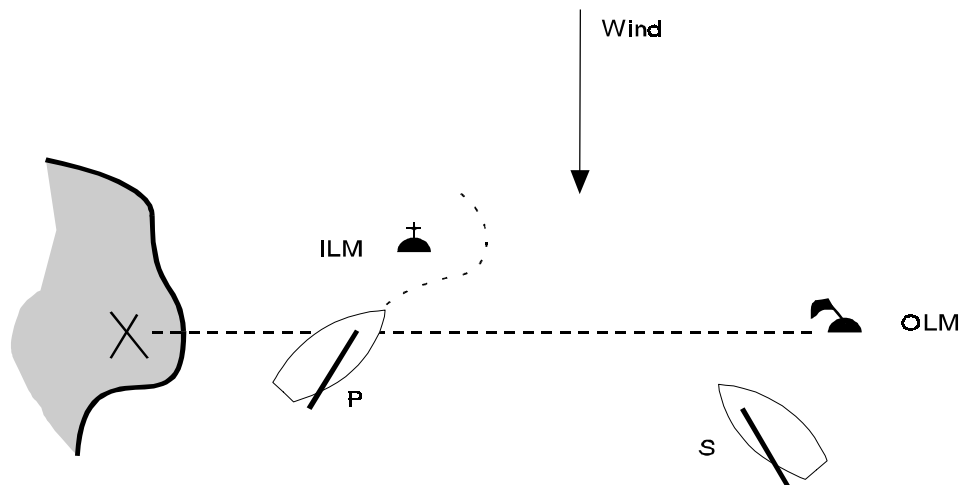
The decision of the jury is confirmed. B claimed that the race committee's failure to protest A, as required by rule 78.3, was prejudicial to herself and the other boats in the class. However, rule 78.3 was not pertinent. It applies to a race, or a series of races, in respect of which a measurer has been appointed. Rule 78.3 does not apply to a report lodged by an outside measurer. In this case the report came from the national rating authority, over which neither the organizing authority nor the race committee had any authority. Since no measurer had been appointed specifically for the series, no hearing could be called under rule 78.3.

When a valid certificate is found to be defective, it may be withdrawn by the authority that issued it, but no retrospective action may be taken in regard to a series completed or races still under the jurisdiction of a race committee. Thus, when a duly authenticated certificate has been presented in good faith and the race or series completed, the final results must stand, even though at a later date the certificate is withdrawn.

CASE 58

Rule 28.2	Sailing the Course
Definitions	Finish
Definitions	Mark

A buoy or other object on the post-finish side of a finishing line is not a mark.



Summary of the Facts

The finishing line was between a mast on shore and an outer limit mark, with an inner limit mark to be left to port. On the day in question, the inner limit mark lay on the post-finish side of the line. P crossed the line, then rounded the inner limit mark as shown in the diagram. The race officer timed her as finishing when her bow crossed the line, before she had rounded the limit mark.

S requested redress on the grounds that the race officer acted incorrectly in finishing P before she had completed the course. The protest committee did not give S redress and referred that decision, under rule 70.2, for confirmation.

Decision

The protest committee's decision is confirmed. Rule 28.2 states that 'A boat may leave on either side a mark that does not begin, bound or end the leg she is on.' Since the limit mark was beyond the finishing line it did not 'end' the leg. Only when a limit mark is on, or on the course side of, the finishing line must a boat leave it on the required side before, or when, finishing.

CASE 59

Rule 18.2(a) Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule

When a boat comes abreast of a mark but is outside the two-length zone, and when her change of course towards the mark results in a boat previously clear astern becoming overlapped inside her, rule 18.2(a) requires her to give room to that boat, whether or not her distance from the mark was caused by giving room to other boats overlapped inside her.

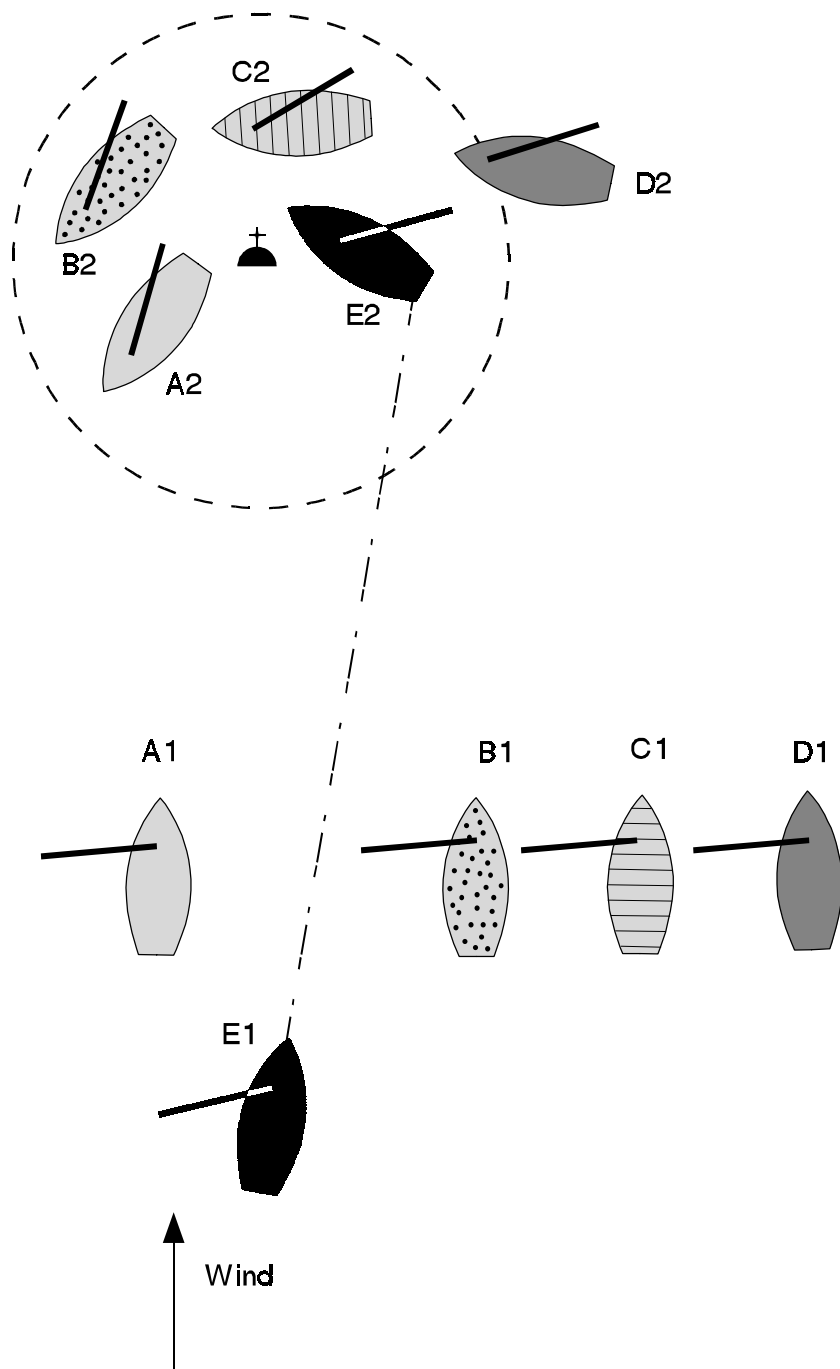
Question

Five boats are approaching a leeward mark dead before the wind. Four of them are overlapped in line with A nearest the mark. The fifth boat, E, is clear astern of A, B, C and D when A and B reach the two-length zone. When the four front boats come abreast of the mark and turn to round it, the change of bearing of C and D, relative to E, results in E becoming overlapped inside them while each is outside the two-length zone. E rounds the mark behind A and B but inside C and D, both of which are able to give room to E.

Is E entitled to room under rule 18.2(a) from C and D?

Answer

Since E is clear astern of A and B when they reach the two-length zone, she is required by rule 18.2(c) to keep clear of them. Between E and the two outside boats, however, a different relationship develops. C and D, in order to leave room for the two inside boats with their booms fully extended, must approach the mark on courses that bring them abreast of it outside the two-length zone. When C and D change course towards the mark, E obtains an inside overlap while they are outside the two-length zone. Thus, the conditions of rule 18.2(a) are met, and E is entitled to room under that rule, which C and D are able to give.

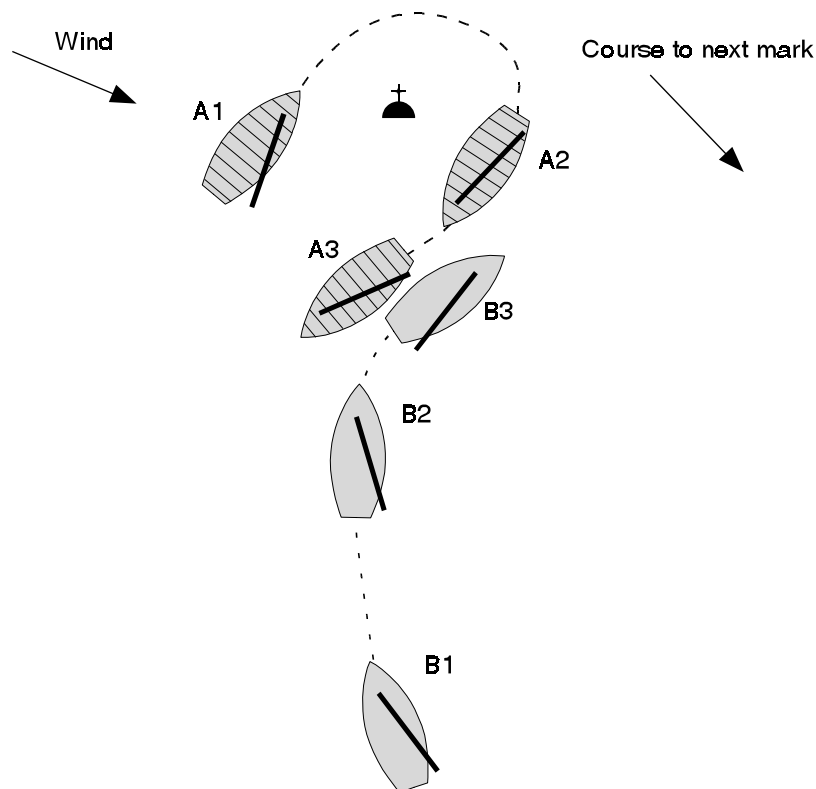


USSA 1982/250

CASE 60

Rule 16.1	Changing Course
Rule 16.2	Changing Course
Definitions	Keep Clear
Definitions	Room

When a right-of-way boat changes course in such a way that a keep-clear boat, despite having taken avoiding action promptly, cannot keep clear in a seamanlike way, the right-of-way boat breaks rule 16.



Summary of the Facts

After A rounded the windward mark to starboard ahead of B and then gybed onto starboard tack, she chose not to sail directly towards the next mark but, for tactical reasons, to reach high above it. To do so, after gybing she luffed sharply, at which point she was bow to bow with B, who was on port tack beating to windward. The boats were now little more than one length apart. B immediately bore away as hard as she could to avoid a collision, but her action was not sufficient. However, A quickly luffed still further and the two passed very close to each other but without contact.

The protest committee upheld A's protest under rule 10 and B appealed, claiming that A had broken rule 16 by failing to give B room to keep clear.

Decision

B's appeal is upheld; she is reinstated and A is disqualified.

Tactical desires do not relieve a boat of her obligations under the rules. A was free to adopt any course she chose to reach the leeward mark, but she did not have the right to luff into the path of B so close to B that B could not keep clear. Despite B's bearing away as hard as possible, a potentially serious collision would have occurred had A not taken avoiding action by quickly luffing further. As it turned out, their combined efforts narrowly averted such a collision, but that does not change the conclusion that in this case when A gybed onto starboard tack, became the right-of-way boat, and continued to alter course, she did not at any time give B 'the space [she needed]. . . while manoeuvring promptly in a seamanlike way' to enable A to 'sail her course with no need to take avoiding action.' Therefore, A broke rule 16.1. She also broke rule 16.2, because, immediately after she gybed, the boats were on courses that would have resulted in them crossing, with B keeping clear. When she changed course further, B immediately needed to change course to continue keeping clear.

USSA 1975/178

CASE 61

Rule 71.4 Appeal Decisions

When the decision of a protest committee is reversed upon appeal, the final standings and the awards must be adjusted accordingly.

Question

May an authority organizing a race state in the notice of race or sailing instructions that, while appeal is not denied, final regatta standings and awards will not be affected by any appeal decision?

Answer

No. Rule 86.1 prohibits changing any part of rule 70 or rule 71 in the sailing instructions. An appeal involves not only the adjudication of a dispute on the meaning of a rule but also, in the event of a reversal of the decision of the protest committee, an adjustment of the results of the race and the final standings of the regatta on which the awards are based. Rule 71.4 states that the decision of the national authority is final, and this decision must be implemented by those bodies subject to rule 85 and governed by the rules: the organizing authority, the race committee and the protest committee.

USSA 1983/252

CASE 62

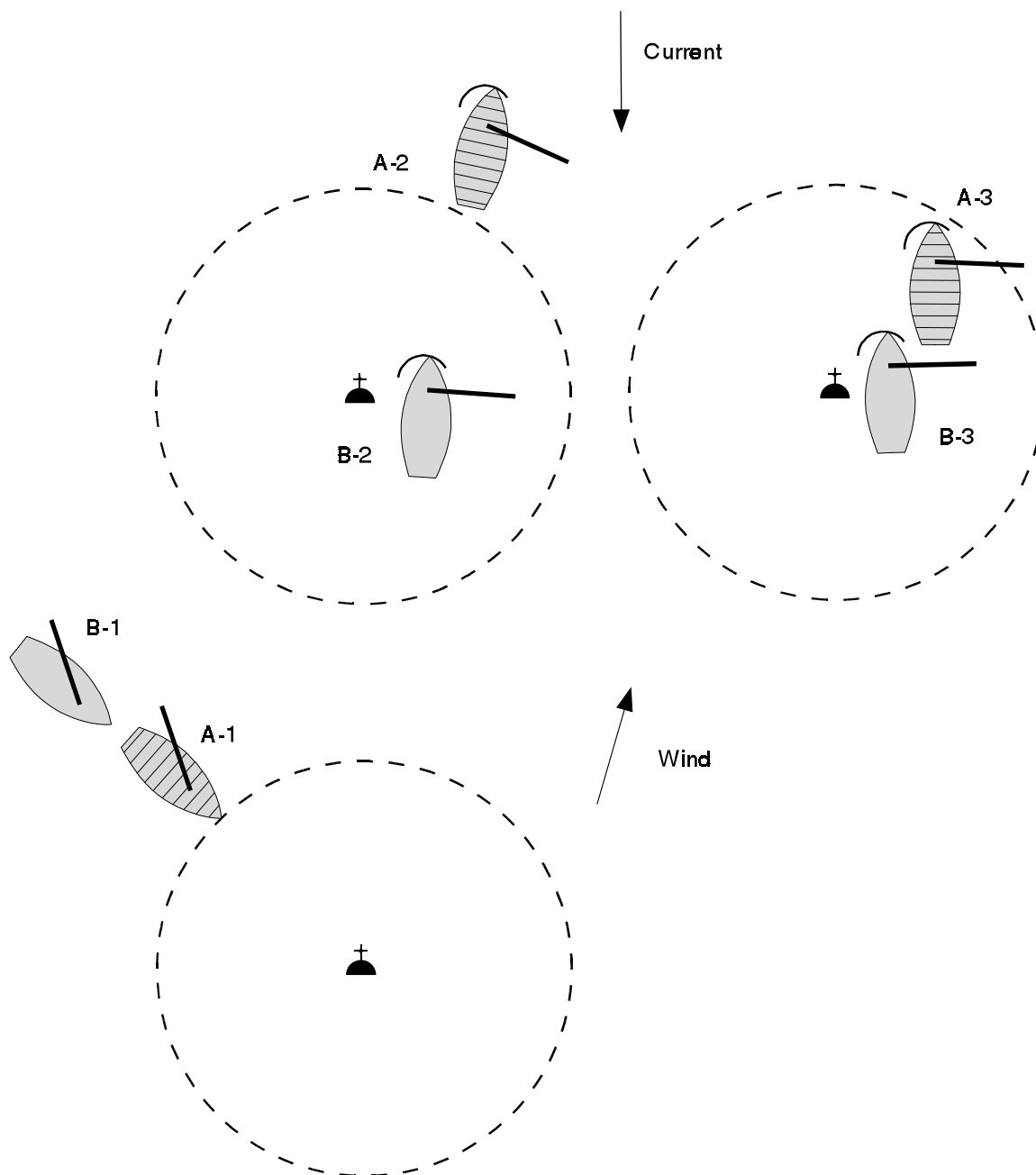
Rule 18.2(c) Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Not Overlapped at the Zone

One boat is obligated to keep clear of another under rule 18.2(c) until both have passed the mark or obstruction.

Summary of the Facts

Two offshore boats, A and B, rounded the windward mark, a large navigational buoy, to port with A clear ahead of B. The wind was very light, and there was a 1.5-knot current against the wind. After rounding, A gybed onto port tack, set her spinnaker, and sailed downwind more than two hull lengths from the mark. B kept clear of A while A rounded, rounded herself, gybed and set her spinnaker, but the wind lightened and she did not clear the mark, the wind and current offsetting each other. As a result of the lightening wind and B's blanketing her, A began to drift backwards towards the mark and eventually there was minor contact causing no damage.

A protested under rules 18.2(c) and 11; B protested under rule 18.2(a). The protest committee dismissed A's protest, upheld B's, and disqualified A for failing to give room to round the mark. A appealed.



Decision

Appeal upheld; A is reinstated and B is disqualified.

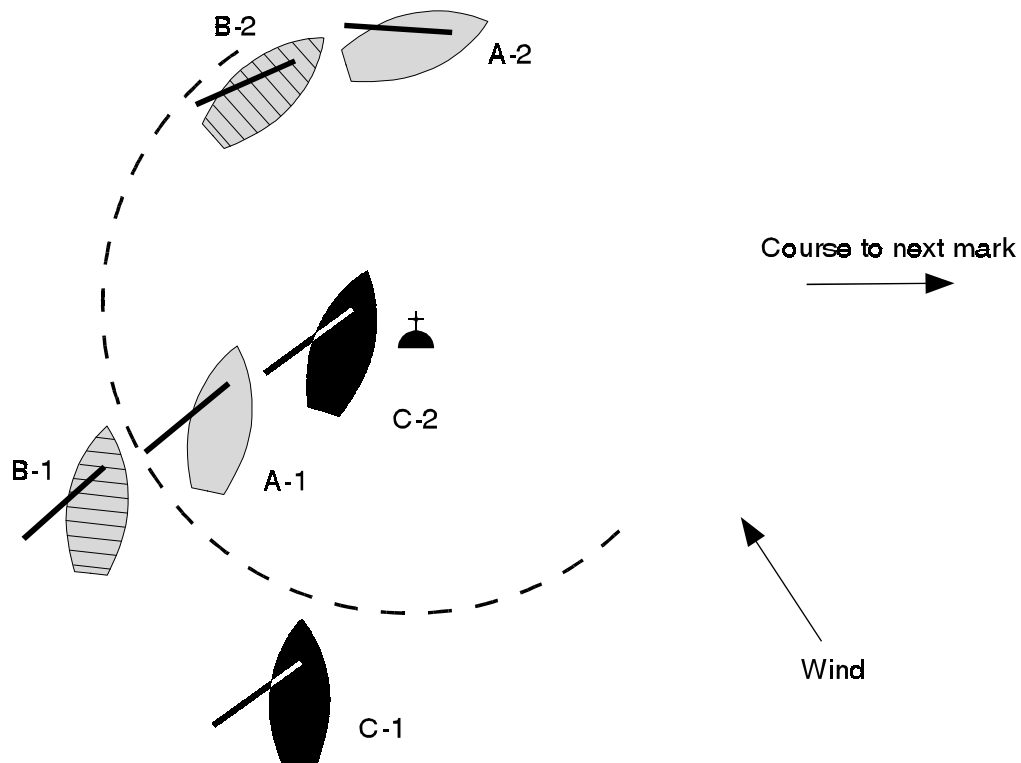
The boats were not overlapped at the time A reached the two-length zone, and so B was required by rule 18.2(c) to keep clear of A until both boats had passed the mark. When contact occurred, B was not past the mark. Hence, she is disqualified for breaking rule 18.2(c).

USSA 1983/256

CASE 63

Rule 18.2 Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear

At a mark, when room is made available to a boat that has no right to it, she may, at her own risk, take advantage of the room so given.



Summary of the Facts

Two boats, A and B, almost on a dead run, about to round the leeward mark, were overlapped with B outside. C was further astern. A passed the mark about one hull length to leeward, as did B, leaving ample room for C to round the mark inside them. B, because of her position outside A, was unable to luff C, and at no time during the incident sailed a course that would have resulted in a collision with her. No collision occurred.

B's protest against C was dismissed because C did not break any rule when she sailed between B and the mark and she did not cause B to take avoiding action or prevent her from luffing. B appealed on the grounds that C's action prevented her from executing her intended manoeuvre, which had been to slow down by bearing away and then to harden up across A's transom, thereby denying room to C to pass inside.

Decision

Appeal dismissed. As C and B were not overlapped at two hull lengths from the mark, B was not obliged to allow C room to round it. However, B, because she could not prevent it, allowed room and the protest committee found that she was not in a position to do otherwise. C broke no rule, nor did B suffer any disadvantage from C's rounding of the mark.

When a boat voluntarily or unintentionally makes room available to another that has no rights under the rules to such room and does not make or indicate any claim to it, the other boat may take advantage, at her own risk, of the room so given.

RYA 1984/1

CASE 64

Deleted

CASE 65

Sportsmanship and the Rules

Rule 2 Fair Sailing

Rule 30.3 Starting Penalties: Black Flag Rule

When a boat knows that she has broken the Black Flag rule, she is obliged to retire promptly. When she does not do so and then deliberately hinders another boat in the race, she commits a gross breach of sportsmanship and, therefore, of rule 2.

Summary of the Facts

At the start of race 4, A was clearly about three to four hull lengths on the course side of the starting line. Rule 30.3 was in effect. A, although she knew she was over the line at her starting signal, continued to race and covered B for the first part of the first beat. B protested.

The protest committee confirmed the disqualification of A and, later, acting under rule 69.1 against her helmsman, decided that his behaviour in hindering B was a gross breach of sportsmanship and excluded him from the series. He appealed.

Decision

Appeal dismissed.

On the facts found by the protest committee, A was correctly disqualified from race 4. The protest committee found as fact that the helmsman knew that he had been on the course side of the starting line at the starting signal; that he had broken rule 30.3; that he was, therefore, disqualified; and that he had seriously hindered another boat in the race. The protest committee decided that this was a gross breach of rule 2, and it acted properly under rule 69.1 in excluding the helmsman from the series.

RYA 1984/7

CASE 66

Rule 64.1(a) **Decisions: Penalties and Exoneration**
Rule 85 **Governing Rules**

A race committee may not change, or refuse to implement, the decision of a protest committee, including a decision based on a report from an authority qualified to resolve questions of measurement.

Question

A race committee protests a number of boats, under rule 78, for measurement defects. The protest committee, after a hearing, concludes that it is satisfied that there is reasonable doubt about the interpretation or application of the relevant class rules. Acting under rule 64.3(b), it refers the matter to the class association, as being the appropriate authority qualified to resolve such questions. The class association reports that all the boats concerned have broken a class rule, and the protest committee, accepting the report, disqualifies the boats. The race committee then refuses to implement these decisions because it alleges that for various reasons they are unfair.

May the race committee change or decide not to implement the decisions of a protest committee, whether or not these decisions are based on a report made under rule 64.3(b)? If not, who may take what action?

Answer

No. Rule 85 states that the race committee shall be governed by the rules. A race committee has no jurisdiction over a protest committee and is not entitled to change or refuse to implement any decision that the protest committee may have made. Rule 64.1(a) provides that a protest committee's decision to penalize must be implemented.

RYA 1984/16

CASE 67

Part 2

Preamble

Rule 69

Allegations of Gross Misconduct

When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules applicable to the area concerned. When, under these rules, the boat racing is the keep-clear boat and intentionally hits the other, she may be penalized for gross misconduct.

Summary of the Facts

Under the government right-of-way rules applicable, W, a boat that was racing, was required to keep clear of a sailing vessel to leeward, L, that was not racing. W wished to sail a lower course to a mark and hailed L, which refused to respond. W then intentionally hit L by bumping her boom several times, thereby causing damage.

L informed the race committee of W's behaviour. A hearing was called, and W was disqualified for breaking rules 11 and 14. W appealed on the grounds that the racing rules did not apply, and consequently the protest committee was not entitled to disqualify her.

Decision

Appeal dismissed. The preamble to Part 2 of the racing rules makes it clear that, when W met L, they were bound by the government right-of-way rules. However, W was also subject to the racing rules other than those of Part 2. W did not observe the government rules and, by intentionally hitting and damaging L, committed a gross breach of not only a rule but of good manners as well.

The decision of the protest committee is upheld, but W is disqualified under the government rule applicable and not under racing rule 11 or rule 14, a rule of Part 2 which would have applied only if both boats had been intending to race, or were racing or had been racing. W also committed a gross breach of the government rule and a gross breach of good manners, and was therefore subject to further penalization under rule 69.

KNWV 2/1982

CASE 68

Rule 62.1	Redress
Definitions	Racing

The failure of a race committee to discover that a rating certificate is invalid does not entitle a boat to redress. A boat that may have broken a rule and that continues to race retains her rights under the rules of Part 2 and her right to protest or appeal.

Summary of the Facts

In a long distance race, boat A protested boat B under a rule of Part 2 and boat B was disqualified.

B requested redress. She stated that it had come to light in a protest hearing after an earlier race that A had failed to revalidate her rating certificate and therefore had been ineligible to enter the long distance race. B further claimed that since A was ineligible when she entered that race she was not racing in it; therefore B had no reason to take a penalty or retire, nor did A have the right to protest under rule 60.1.

The protest committee refused B's request for redress, holding that the invalidity of A's rating certificate did not change the fact that she was racing within the terms of the definition and so was entitled to her rights under Part 2 of the racing rules. B appealed.

Decision

Appeal dismissed. The failure of the race committee to discover the invalidity of A's rating certificate and prevent her from racing was not an improper omission which worsened B's finishing place within the meaning of rule 62.1, and the protest committee properly denied B redress. A was a boat 'intending to race' prior to her preparatory signal and a boat racing thereafter. The rules of Part 2 applied to her and to all other boats that were racing. The principles of sportsmanship obligate a boat to take a penalty or retire when she realizes that she has broken a rule, but if she continues racing she retains her rights under the rules of Part 2 and also her rights to protest and appeal. The rules of Part 2 govern all boats that are racing, whether or not one of them is thereafter disqualified for any reason.

CYA 1978/40

CASE 69

Rule 42.1 Propulsion: Basic Rule

Momentum of a boat after the preparatory signal that is the result of being propelled by her engine before the signal does not break rule 42.1.

Question

In a flat sea and 1-2 knots of wind a boat enters the starting area under power shortly before the preparatory signal at a speed of 5-6 knots. At the preparatory signal she is moving at the same rate of speed but no longer motoring. At 2.5 minutes before the starting signal she hoists her sails and slows to 2 knots. Does she break rule 42.1?

Answer

No. A boat begins racing at her preparatory signal. During the period in which the boat was racing she was using wind and water as sources of power as required by rule 42.1. Her motion resulted from momentum created by engine power that propelled her before she began racing. Nothing in the rule requires that a boat be in any particular state of motion or non-motion when she begins racing. Therefore rule 42.1 was not broken.

USSA 1986/269

CASE 70

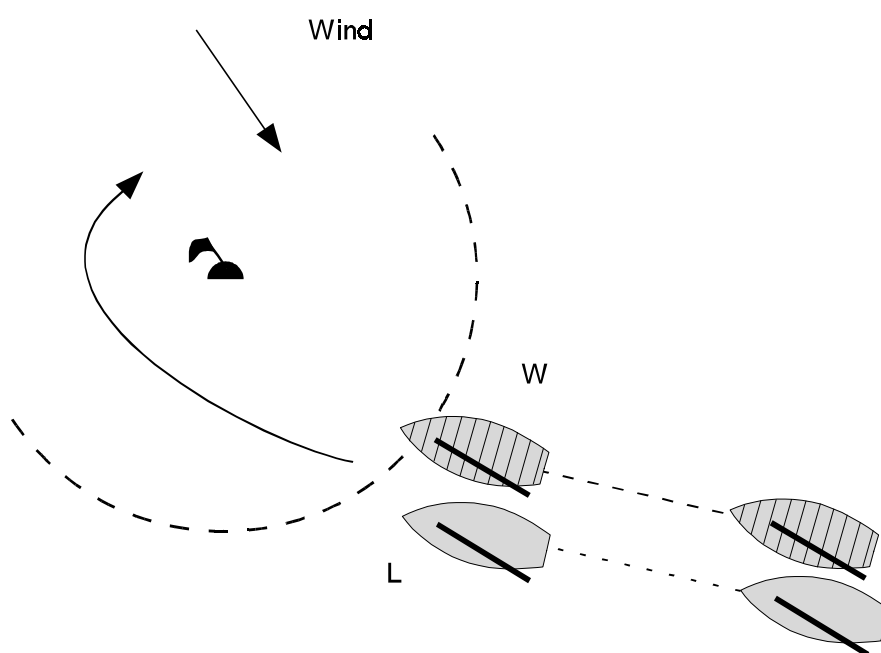
Rule 11 **On the Same Tack, Overlapped**

Part 2, Section C, Preamble

Rule 18 **Rounding and Passing Marks and Obstructions**

Definitions **Room**

A boat entitled to room under rule 18 is relieved of her obligations under rule 11 only to the extent that rule 18 explicitly provides rights in conflict with rule 11 and only when room as defined is being denied her.



Summary of the Facts

L and W, both about 14 feet (4m) long, were sailing on starboard tack at about 4 knots, approaching a windward mark to be passed to starboard. W was slightly ahead. W requested room and L replied: 'Room will be given when needed'. Subsequently, when 20 feet (6m) from the mark the boats made contact beam to beam. Neither boat was damaged.

The protest committee disqualified L for her failure to give room as required stating that L 'had the option of giving room and protesting if necessary'. L appealed on the grounds that the protest committee erred in believing that rule 18 rendered rule 11 completely inapplicable and that W was entitled to whatever room she desired, rather than room as defined.

Decision

The facts stated by the protest committee do not include a finding that W or L changed course, or that W had, or would have, insufficient room as defined, to manoeuvre promptly in a seamanlike way in the existing conditions, to pass between L and the mark or to tack around it. To the contrary, the diagram accepted by the committee showed both L and W on courses leading them to leeward of the mark with adequate room for W to round it.

The relationship between rules 11 and 18.2(a) is specified by the preamble to Section C of Part 2, of which rule 18 is part. In this incident there was no conflict between rules 11 and 18. Therefore, rule 11 did not cease to apply; it continued to obligate W to keep clear of L unless she was prevented from doing so by L's failure to give her sufficient room. Rule 18 applied, because the boats were 'about to pass' the mark, and rule 18.2(a) gave W the right to the room she needed to pass it. However, the fact was that W already had this room before and at the time of contact. The boats were within the two-length zone, but this did not give W any additional rights. She therefore broke rule 11 by failing to keep clear of L.

L could easily have avoided making contact with W, and so L broke rule 14. However, she is not penalized for doing so because neither boat was damaged.

L's appeal is upheld; L is reinstated in her finishing position and W is disqualified.

CASE 71

Rule 29.2	Starting; Recalls: Individual Recall
Rule 62.1	Redress
Rule 64.2	Decisions: Decisions on Redress

A hail is not a 'sound signal'. Answers to questions arising from requests for redress after a procedural error by the race committee.

Summary of the Facts

Boats A and B were near the port end of the starting line and very close to the line at the starting signal. The race committee, believing that both had been on the course side of the line at their starting signal, displayed flag X and hailed both sail numbers.

Neither A nor B heard the hails or saw flag X but continued racing and their finishing positions were recorded. Preliminary results were posted showing A and B scored as OCS.

A promptly requested redress, citing as grounds that the race committee failed to make the required sound signal and that she did not see a flag or have any other reason to believe that she did not start correctly.

The protest committee heard A's request. The committee did not find as fact whether or not A or B was on the course side of the starting line at the starting signal. However, when the committee learned that B was next to A, it gave redress to both boats, stating that they were to be scored in their finishing positions and, where appropriate, other boats' scores were to be adjusted downwards. This done, C, which had finished behind A and B, requested redress in her turn, claiming that the race committee's omission of the required sound signal had made her finishing position significantly worse by causing two boats which failed to start properly to be scored ahead of her. C's request was denied and she appealed.

In commenting on the appeal the race committee asked several questions.

Question 1

Did the hail of sail numbers constitute a sound signal?

Answer 1

No. The hail of one or more sail numbers is not the sound signal required when flag X is displayed.

Question 2

Did the protest committee act properly in giving redress to A?

Answer 2

Yes. When a boat reasonably believes that she has started properly and has not been notified to the contrary in the manner required by rule 29.2 and when she is then scored OCS, she is entitled to redress under rule 62.1(a). Case 31 supports giving redress under similar circumstances.

However, if it were determined in a hearing that a boat knew that she had failed to start properly, a race committee's error in notification procedures would not by itself be grounds for redress, because of rule 62's requirement that there be 'no fault of her own'.

Question 3

Did the protest committee act properly in giving redress to B, which had not requested it?

Answer 3

Yes. The protest committee found that B was in the same circumstances as A, and it then acted as required by rule 64.2's first sentence.

Question 4

Was the form of redress (reinstating the boats in their finishing positions) given to A and B equitable?

Answer 4

Yes.

Question 5

Was C entitled to redress?

Answer 5

No. The claim that A and B were over the line early was not established as fact. Therefore, despite the race committee's failure to make the required sound signal, C's claim that her score was made significantly worse by that error is not supported by the facts. C is not entitled to redress, and her appeal is denied.

USSA 1988/276

CASE 72

Rule 61.1(a) Protest Requirements: Informing the Protestee

Discussion of the word 'flag'.

Question

What is the test of whether an object is a flag within the meaning of rule 61.1(a)?

Answer

In the context of rule 61.1(a), a flag is used as a signal to communicate the message 'I intend to protest'. Only if the object used as a flag communicates that message, with little or no possibility of causing confusion on the part of those on competing boats, will the object qualify as a flag. A flag must be seen primarily to be a flag.

USSA 1988/277

CASE 73

Rule 2 **Fair Sailing**
Rule 11 **On the Same Tack, Overlapped**

When, by deliberate action, L's crew touches W, which action could have no other intention than to cause W to break rule 11, then L breaks rule 2.

Summary of the Facts

W and L were overlapped on starboard tack beating towards the windward mark. The crew of L, who was on a trapeze, deliberately touched W's deck with a hand and intimated that W should retire. The protest committee disqualified W under rule 11 and she appealed.

Decision

Appeal upheld; L is disqualified and W reinstated. W was bound by rule 11 to keep clear of L. There was no evidence that the boats would have collided had not the crew of L, by deliberate action, touched W's deck. This action, which could have had no other intention than to disqualify W, broke rule 2.

RYA 1971/6

CASE 74

Rule 2 **Fair Sailing**
Rule 11 **On the Same Tack, Overlapped**

There is no rule that dictates how the helmsman or crew of a leeward boat must sit; contact with a windward boat does not break rule 2 unless the helmsman's or crew's position is deliberately misused.

Summary of the Facts

W was overtaking L in sub-planing conditions on a fine reach. L luffed slightly, the helmsman's back making contact with W just forward of the

shroud. At this point the hulls were about an arm's length apart. Neither boat accepted a 720° Turns Penalty. At the subsequent hearing, the protest committee disqualified L under rule 2, stating that W was correctly trimmed with full sails and her crew sitting by the leeward shroud. 'Contact', it continued, 'could only have been made if L's helmsman was sitting out flat.' In the prevailing conditions this was significantly beyond the normal sailing position required.' L appealed.

Decision

Appeal upheld; L is reinstated and W disqualified under rule 11. In Case 73 it is clear that L's crew deliberately touched W with the intention of protesting her out of the race. In this case there was no such deliberate action by L. There is no rule that dictates how a helmsman or crew must sit and, in the absence of deliberate misuse of his positioning, no breach of rule 2 took place.

RYA 1993/2

CASE 75

Rule 10	On Opposite Tacks
Rule 14	Avoiding Contact
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Rule 18.2(d)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Changing Course to Round or Pass
Rule 18.4	Rounding and Passing Marks and Obstructions: Gybing

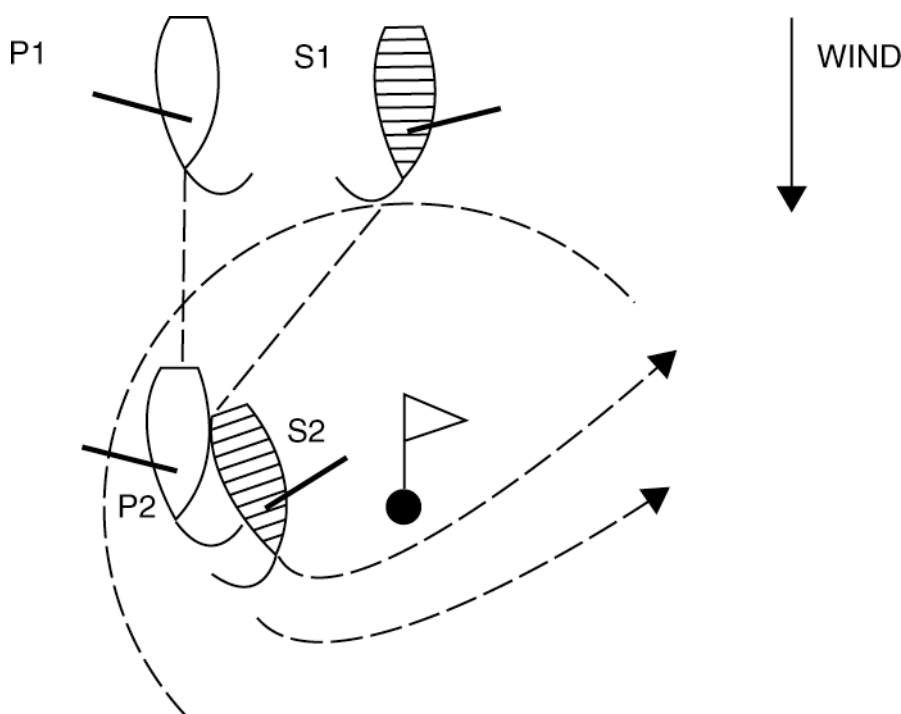
An outside port-tack boat must keep clear of an inside starboard-tack boat under rules 10 and 18.2(a). Having right of way entitles the starboard-tack boat to sail a course of her own choosing, provided that she complies with rule 18.4's requirement that until she gybes she sail no farther from the mark than needed to sail her proper course.

Summary of the Facts

Two boats, S and P, were sailing directly downwind towards a leeward mark to be left to port. The boats were overlapped with S inside and slightly ahead. As S approached the two-length zone, she luffed to a position approximately a hull length wide of the mark. As her bow came abreast of the mark S bore away to gybe, and there was contact, but no damage. S protested P under rule 10 while P protested S under rule 18.

The protest committee disqualified P and commented: ‘The essential question is whether or not an inside starboard-tack boat may sail wide of the mark to make a tactically desirable rounding. There is no conflict here between rules 10 and 18. Until the inside boat gybes, Rule 18.4 limits her course by requiring her to sail no farther from the mark than needed to sail her proper course. There is no question that S gybed in compliance with that rule.’

P appealed, arguing that, because S luffed away from the mark and increased her distance from it, that was conclusive evidence she did not gybe as required by rule 18.4.



Decision

Appeal dismissed.

S was the right-of-way boat under both rules 10 and 18.2(a). Until she gybed, S was required by rule 18.4 to sail no farther from the mark than needed to sail her proper course. The facts show that she complied with this rule.

If S had not luffed after position 1, she would have hit the mark. Therefore, that luff was a necessary change of course to round the mark. Rule 16 did not apply to that change of course (see rule 18.2(d)).

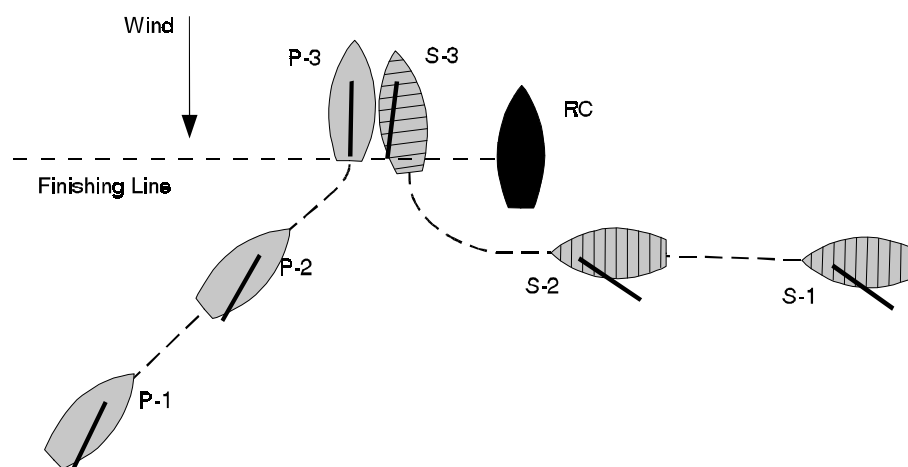
Concerning rule 14, both boats broke the rule because there was contact and it was 'reasonably possible' for each of them to avoid it. P is therefore disqualified under rule 14 as well as rules 10 and 18.2(a). However, S cannot be penalized because there was no damage (see rule 14(b)).

USSA 1976/195

CASE 76

Rule 16.1 **Changing Course**
Rule 16.2 **Changing Course**
Rule 18.1(b) **Rounding and Passing Marks and Obstructions:**
When This Rule Applies

A boat changing course to a new proper course may break rule 16.



Question

S on starboard tack and P on port tack are beating to the finishing line. S has overstood and sails free to clear the stern of the committee boat at the starboard end of the line. P can cross S clear ahead if S maintains that course, and P hails S to hold her course. As she passes the stern of the committee boat, S comes up to a close-hauled course at which point there is less than a hull length between S and P. Both then go head to wind, and they manage to avoid contact by the narrowest of margins. What rules govern the relationship between the two boats?

Answer

S is not entitled to room from P under rule 18.2(a) because, as stated in rule 18.1(b), the boats are on opposite tacks on a beat to windward. P is subject to rule 10 which requires her to keep clear of S, but S is subject to rule 16.1 which prohibits her from changing course without giving P room to keep clear, even when S is changing to a new proper course. In this situation when S changed course just after passing the stern of the committee boat, she did not give P enough room to keep clear and, therefore, broke rule 16.1.

Also, when S changed course between positions 2 and 3 P clearly needed to change course immediately in an attempt to continue keeping clear. Therefore, S also broke rule 16.2.

USSA 1980/231

CASE 77

Rule 12	On the Same Tack, Not Overlapped
Rule 14	Avoiding Contact
Rule 31.1	Touching a Mark
Definitions	Keep Clear

Contact with a mark by a boat's equipment constitutes touching it. A boat obligated to keep clear does not break a rule when touched by a right-of-way boat's equipment that moves unexpectedly out of normal position.

Summary of the Facts

Boats A and B, running downwind with spinnakers set, are four hull lengths from the mark when B surges into an inside overlap and hails for room. At one hull length from the mark, A breaks the overlap and rounds the mark ahead of B, but has difficulty lowering her spinnaker. Her spinnaker guy trails astern some 30 feet (10m) and drags across part of the mark above the water. Immediately after rounding, B falls further astern because of difficulty in lowering her spinnaker and hoisting her jib. When she is 20 feet (6m) astern of A, the head of A's spinnaker streams astern and strikes B's headstay.

Question

What rules apply during these incidents and does any boat break a rule?

Answer

When A's spinnaker guy drags across the mark, she breaks rule 31.1. A boat touches a mark within the meaning of rule 31 when any part of her hull, crew or equipment comes in contact with the mark. The fact that her equipment touches the mark because she has manoeuvring or sail-handling difficulties does not excuse her breach of the rule.

When contact occurs later between the two boats, both have passed the mark and therefore rule 18 no longer applies. Because A's spinnaker is not in its normal position, the boats are not overlapped and, therefore, rule 12 applies. That rule requires B to keep clear of A, which she is doing. Concerning the definition Keep Clear, nothing B did or failed to do required A 'to take avoiding action'. This is shown by the fact that the contact between them results exclusively from A's equipment moving unexpectedly out of normal position. Therefore, B did not break rule 12. Rule 14 also applied. A broke rule 14 by causing contact that she could have avoided. However, because there was no damage, A cannot be penalized. It was not reasonably possible for B to avoid contact with A's spinnaker as it streamed astern, and so B did not break rule 14.

USSA 1980/232

CASE 78

Rule 2 Fair Sailing

A boat does not break rule 2 by slowing another boat's progress in a race, provided that this tactic is intended to benefit her own series result and that in using it she does not intentionally break a rule.

Summary of the Facts

On a windward leg near the finish of the final race of a one-design class series, boat A is some distance ahead of B. Suddenly, A changes course, so that she sails back down the course towards B and positions herself in a tactically controlling position over B.

A then slows B's progress, resulting in three boats passing them. A had calculated her own and B's score, and had determined that if B were to be passed by three boats A would defeat B in the series.

Question

Was the tactic used by boat A, turning back and slowing another boat's progress, a sportsmanlike action? Is this tactic acceptable in any race or in part of a race?

Answer

A's tactic broke no rule, including rule 2, which refers to sportsmanship. It is acceptable for a boat to slow another boat's progress in a race and to use this tactic in any race of a series, at any time or place during the race, provided the tactic is intended to benefit her own series result. However, if a boat intentionally breaks a rule while using this tactic she also breaks rule 2.

USSA 1991/282

CASE 79

Rule 29.1	Starting; Recalls: On the Course Side at the Start
Rule 29.2	Starting; Recalls: Individual Recall
Rule 64.2	Decisions: Decisions on Redress

When a boat has no reason to know that she crossed the starting line early and the race committee fails to promptly signal 'Individual recall' and scores her DNS, this is an error that significantly worsens the boat's finishing position through no fault of her own, and therefore entitles her to redress.

Summary of the Facts

At the start of a race for one-design boats, ten boats near the middle of the starting line were slightly across the line at their starting signal. The race committee signalled 'Individual recall' by displaying flag X with one gun. However, these signals were made approximately 40 seconds after the starting signal. None of the boats returned to start, and several of them lodged requests for redress upon learning after the race that they had been scored DNS.

Question 1

In rule 29.2, what does 'promptly display' mean?

Answer 1

No specific amount of time will apply in all circumstances, but in this rule it means a very short time. A race committee should signal 'Individual recall' within a very few seconds of the starting signal. Forty seconds is well beyond the limits of acceptability.

Question 2

Is it reasonable for a boat to request redress because of a less-than-prompt individual recall signal, even when she did not return to start?

Answer 2

Yes.

Question 3

Why should a boat be given redress because of the committee's failure to signal promptly, when the rules say that failure to notify a boat that she is on the course side of the starting line at her starting signal does not relieve her of her obligation to start correctly?

Answer 3

The rules do not say this. Rule 29.2 obligates the committee to signal all boats that one or more of them is on the course side of the starting line at the starting signal. Rule 29.1 obligates each boat to return to the pre-start side of the line and then start, but this assumes that the signals, both visual and sound, have been made. When a signal is not made or, as in this case,

when the signal is much too late, it has no application to a boat that has no reason to believe that she had not started correctly.

Question 4

How can a boat that fails to start properly be entitled to redress when rule 62 requires that her finishing position be made significantly worse ‘through no fault of her own’?

Answer 4

A boat that has no reason to believe that she was on the course side of the line at her starting signal has the right to assume that she started correctly unless properly signalled to the contrary. In this circumstance, the error that made her finishing position significantly worse was that she was scored DNS. That occurred through no fault of her own.

Question 5

What redress should be given?

Answer 5

Rule 64.2 obligates the protest committee to ‘make as fair an arrangement as possible for all boats affected’. In this case it might be reasonable to treat the boats as if they had started properly, since they were only slightly over the line at the starting signal. Another arrangement might be to award their actual finishing positions to the boats that were recalled, but to score all other boats as though the recalled boats had not started. This results in ten scores that are used twice, but gives some recognition to the fact that the ten boats may have benefited from the signalling error. No solution will be perfect, however, since the damage caused by an error that results in redress being given cannot be undone. This is an unavoidable aspect of any circumstances that lead to giving redress.

USSA 1992/285

CASE 80

Rule 60	Right to Protest and Request Redress
Rule 61.2	Protest Requirements: Protest Contents
Rule 62	Redress

A protest hearing and decision must be limited to a particular incident that has been described in the protest. Without a hearing, a boat may not be penalized for failing to sail the course.

Summary of the Facts

When boat A crossed the finishing line, the race committee scored her DNF because it believed that she had failed to sail the course correctly. A requested redress on the grounds that she was not given a finishing position although she had finished properly. The protest committee did not give A redress, deciding that rule 62 did not apply because A failed to sail the course and that her failure to do so was entirely her own fault and not due to an act or omission of the race committee. A appealed.

Decision

Appeal upheld. The race committee erred in summarily scoring A DNF when she did finish according to the definition Finish. The race committee could have scored boat A as DNF only for failing to finish correctly. Since A crossed the finishing line from the direction of the last mark, she should have been recorded as having done so.

A fundamental principle of protest hearing procedure is that a hearing must be limited to a particular ‘incident’, the term used in rule 61.2(b). Rule 61.2 requires that a protest include a description or identify the incident, the lack of which identification cannot be remedied. Similarly, if a protest committee initiates action on its own, rule 61.2 requires that a description of the incident be included in the protest. Since a protest committee must limit any hearing to the incident described in the protest, whether a boat-versus-boat protest, a request for redress or a protest by a committee, any penalty the committee imposes must also be so limited.

When A requested redress, the incident about which she complained was that she had been scored DNF even though she met the definition Finish. When the protest committee considered whether or not A sailed the

course, it improperly expanded the hearing beyond the incident that was the subject of A's request for redress.

In summary, the facts indicate that A finished according to the definition Finish. Therefore, she should not have been scored DNF and was entitled to redress for an improper action of the race committee. Because A had not been protested for failing to sail the course, she could not be penalized for that failure. For these reasons, the decision of the protest committee is reversed and A is to be scored as having finished at the time she crossed the finishing line.

USSA 1993/289

CASE 81

**Rule 18.1 Rounding and Passing Marks and Obstructions:
When This Rule Applies**

**Rule 18.2(c) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Not Overlapped at the
Zone**

When two boats on the same tack are about to round a mark, rule 18 applies even if the boats are on a beat. When one boat enters the two-length zone clear ahead of another boat on the same tack, rule 18.2(c) applies. When the boat clear ahead then tacks, rule 18 ceases to apply and she becomes subject to rule 13 after passing head to wind and rule 10 after she has completed her tack.

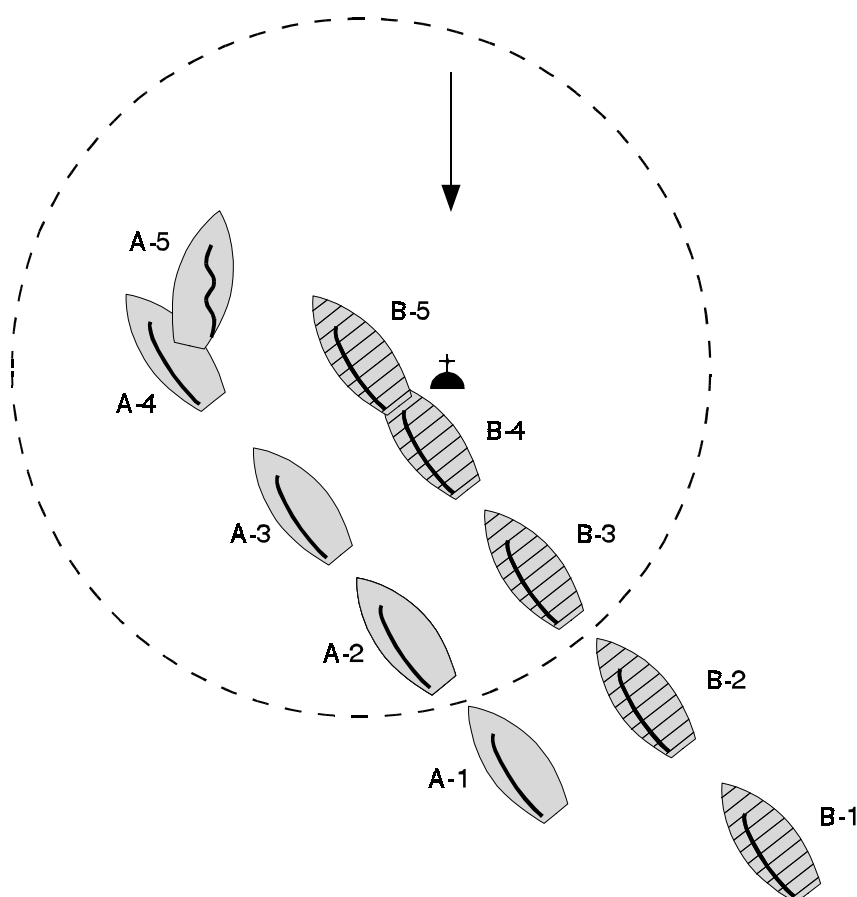
Summary of the Facts

Two boats, A and B, close reaching on starboard tack, approached a mark to be rounded to starboard. A entered the two-length zone clear ahead and to leeward of B, and tacked onto a close-hauled port-tack course in order to round the mark. B, still on starboard tack, collided with A, then on port tack, causing no damage. Both boats protested.

The protest committee decided that rule 18.1(b), one of the exceptions of rule 18, applied because just prior to the collision both boats were on opposite tacks and B had to tack to pass the mark on her proper course.

Having decided that rule 18 did not apply, the protest committee disqualified A under rule 10.

A appealed on the grounds that rule 18.2(c) applied because the boats were not on a beat as they approached the mark, and that because rule 18.2(c) conflicted with rule 10, applying the preamble to Section C, B was required to keep clear once A had completed her tack.



Decision

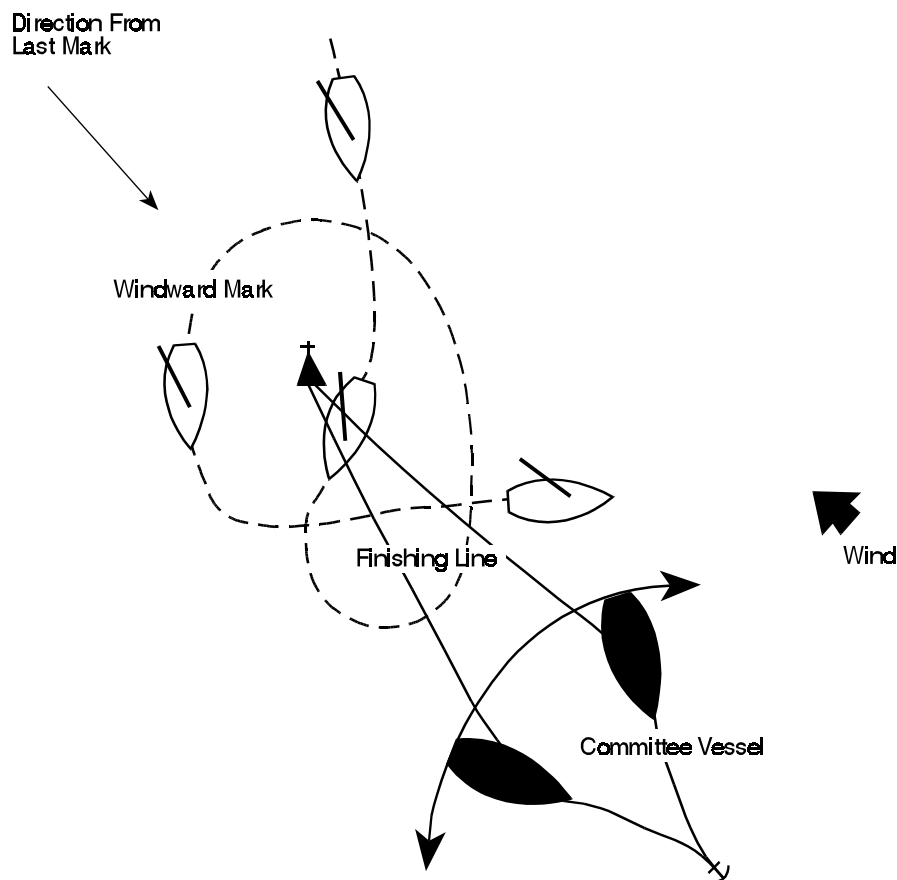
Rule 18 applies when two boats on the same tack are about to round a mark, whether or not they are on a beat. Therefore, rule 18.2(c) applied, beginning when A entered the two-length zone clear ahead of B on the same tack.

Rule 18.2(c) requires a boat clear astern to keep clear of a boat clear ahead until they have passed the mark except, if the boat clear ahead tacks, rule 18 ceases to apply when she passes head to wind at which time she becomes subject to rule 13 (see rule 18.1(b)). After she is on a close-hauled port-tack course, she is subject to rule 10. A's appeal is denied.

CASE 82

Rule 62.1(a)	Redress
Definitions	Finish

When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, boats are eligible for redress, and either direction is acceptable.



Summary of the Facts

At the finish of a race boat A crossed the finishing line in the direction, she believed, from the last mark and logged her own finishing time. The race officer ignored her finish. Hearing no sound signal, she returned across the line when the race officer logged her time and made a sound signal. A requested that her own time, at her first crossing, be taken for finishing.

The protest committee found as a fact that the committee boat was swinging either side of the leeward/windward line but believed that the race officer was watching closely to determine the correct direction for

each boat to cross the line. Redress under rule 62.1(a) was denied and A appealed.

Decision

Appeal upheld. A is to be given her finishing place calculated from the time she herself logged when she crossed the line for the first time. When a boat cannot reasonably ascertain in which direction she should finish so as to conform to the definition, she is entitled to finish in either direction.

RYA 1992/1

CASE 83

Rule 49.2 Crew Position

Repeated sail-trimming with a person's torso outside the lifelines is not permitted.

Summary of the Facts

In a race for 24-foot sloops the wind is about 15 knots with gusts lasting about three seconds; a choppy sea is striking the boats on the beam. A's spinnaker trimmer is standing on the weather deck holding the sheet, which he is barely able to pull in. His posture changes to compensate for changes in the boat's trim and the load on the sheet. During some of the gusts he is seen to be leaning back with part of his torso outboard of the lifelines.

Questions

1. Is it correct to equate the words 'position any part : ' in rule 49.2 with a stationary position?
2. Is leaning against the load on a sheet 'to perform a necessary task', for example trimming the sheet?
3. Is the duration of a gust 'brief' in these circumstances?

Answers

It is clear from diagram 6 of Case 36 that the position adopted by A's crew member is capable of breaking rule 49.2. To 'position the torso' does not mean that the torso is stationary, it implies a deliberate act with some duration.

The phrase 'to perform a necessary task' contained within rule 49.2 means that the torso may be positioned outside the lifelines only to perform a task that could not reasonably be carried out from within the lifelines. The use of 'briefly' in the rule makes it clear that the torso must be moved inboard as soon as the task is completed.

The rule is clearly aimed at permitting an otherwise illegal action. Permission does not extend to normal sail trimming even when this would be more effectively achieved by positioning the torso outside the lifelines. Rule 49.2 is for the safety of the crew, and it is unavoidable that it inhibits the gains that might be obtained from optimizing weight distribution of the crew. The actions of A's crew member in leaning outboard of the lifelines break rule 49.2.

RYA 1992/10

CASE 84

Rule 18.1 Rounding and Passing Marks and Obstructions: When This Rule Applies

Discussion of the phrase 'about to round or pass'.

Question

When is a boat 'about to round or pass' a mark within the meaning of rule 18.1?

Answer

The phrase 'about to round or pass' has never been defined precisely, nor can it be. In approaching a mark, there is no exact point at which a boat becomes 'about to round or pass' it. Almost always, a boat two hull lengths from a mark is 'about to round or pass' it, but this is sometimes so at a greater distance too. Not only is the distance from the mark a factor,

but the boat's speed is also important, and other factors such as the conditions of wind and current and the amount of sail handling required before or during the rounding may also be relevant. Moreover, the nearer the boat is to the mark the more definitely she is 'about to round or pass' it. The answer to the question depends upon the particular circumstances of each situation.

USSA 1953/53

CASE 85

Rule 61.1	Protest Requirements: Informing the Protestee
Rule 86.1(c)	Rule Changes
Definitions	Rule

Class rules may not change a racing rule unless rule 86.1(c) permits the change.

Summary of the Facts

Boats in the XYZ Class have hulls 8 m long. Rule 5 in the XYZ Class Rules states:

The requirement in racing rule 61.1 to display a red flag shall not apply to the XYZ Class unless specifically required in writing in the sailing instructions of a race or series of races.

In a race for XYZ Class boats, boat A lodged a protest against boats B and C and noted on her protest form that she did not display a red flag because it was not required by her class rules. The protest committee, relying on class rule 5, decided the protest was valid, proceeded with the hearing, and disqualified B and C. B appealed.

Decision

Appeal upheld. Paragraph (c) of the definition Rule makes it clear that class rules apply to a race, 'except any that conflict with the rules in this book' – that is, the racing rules. When a rule is listed in rule 86.1(c), class rules may change it, and there is no conflict. However, rule 61 is not so listed, and since class rule 5 conflicts with rule 61, class rule 5 does not

apply. The sailing instructions might have changed rule 61.1 as permitted in rule 86.1(b), but did not do so. Therefore, the protest was invalid and should have been refused. Accordingly, the protest committee's decisions are reversed, and the two boats are reinstated in their finishing places.

USSA 1994/299

CASE 86

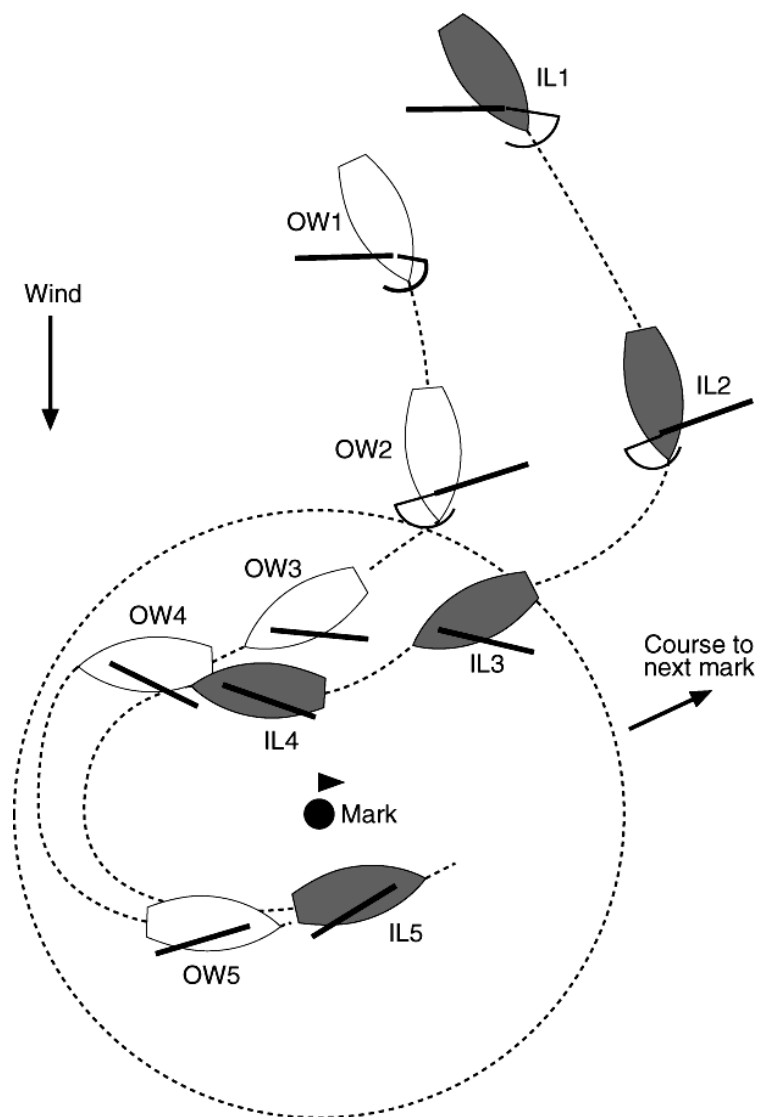
Rule 11	On the Same Tack, Overlapped
Rule 16.1	Changing Course
Rule 18.2(a)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Overlapped – Basic Rule
Rule 18.2(d)	Rounding and Passing Marks and Obstructions: Giving Room; Keeping Clear: Changing Course to Round or Pass
Rule 18.4	Rounding and Passing Marks and Obstructions: Gybing
Definitions	Proper Course

When rules 18.2(a) and 18.4 apply at a leeward mark, an outside windward boat must keep sufficiently clear of the leeward boat that the leeward boat is able to sail her proper course while passing the mark.

Summary of the Facts

Boats I and O were on port tack and overlapped at three hull lengths from the leeward mark. As the boats entered the two-length zone, both gybed onto starboard tack. When I was one-half of a hull length and O one hull length from the mark, I began to luff and O initially luffed in response. I continued to luff, and her bow struck O forward of O's stern. Neither boat was damaged. Both boats then bore away and gybed, and I passed within about one-quarter hull length of the mark. O rounded behind I.

O protested I for sailing above her proper course and thereby breaking rule 18.4. The protest committee disqualified I. I appealed.



Decision

From the time the boats gybed onto starboard tack until I gybed onto port to round the mark, rules 11, 18.2(a) and 18.4 applied. Both rule 11 and rule 18.2(a) required O to keep clear of I.

During this period, I was obligated by rule 18.4 to sail no farther from the mark than needed to sail her proper course. Although the protest committee concluded that she did sail above her proper course, the written facts and the endorsed diagram do not support that conclusion. In the absence of O (the ‘boat referred to’ in the definition Proper Course), I’s proper course might well have been to sail even higher than she did, so as to make a smoother, faster rounding instead of the abrupt, tight one that she made. Therefore, I did not break rule 18.4.

The only other rule that limited I’s rights under rules 11 and 18.2(a) was rule 16.1, which required I to give O room to keep clear as she changed course. Rule 16.1 applied to IL between positions 3 and 4 because IL’s turn between those positions was not made ‘to round or pass’ the mark

and, therefore, rule 18.2(d) did not apply. Well before contact was made O had ample room to give I sufficient space to make a ‘tactical’ rounding of the mark. Therefore, I cannot be penalized for failure to give O room to keep clear as required by rule 16.1.

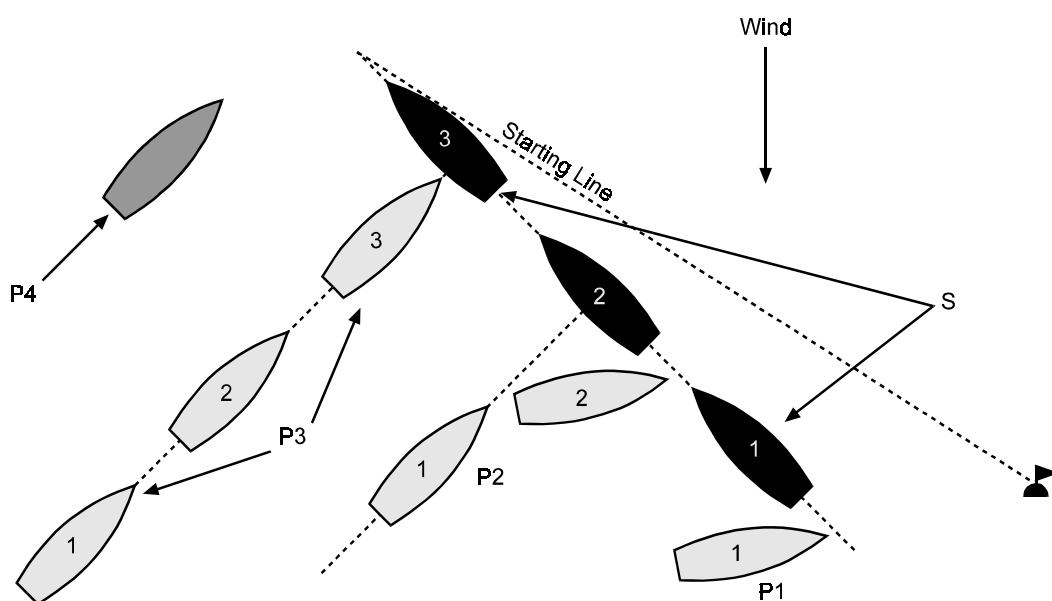
The protest committee did not find facts relevant to whether or not I broke rule 14. However, if she did, she cannot be penalized for doing so because neither boat was damaged. Since O broke rules 11 and 18.2(a) by failing to keep clear of I, and I broke no rule, the appeal is sustained and the decision of the protest committee is reversed. O is disqualified, and I is reinstated in her finishing place.

USSA 300/1995

CASE 87

Rule 10	On Opposite Tacks
Rule 14	Avoiding Contact
Definitions	Keep Clear

A right-of-way boat need not anticipate that the other boat will not keep clear.



Summary of the Facts

The angle of the starting line made it only just possible for a close-hauled boat on starboard tack to cross the line, and most boats approached on port tack. However, S approached on starboard tack from the right-hand end, continually hailing 'Starboard' to port-tack boats as they approached.

P1 and P2 bore off below S. P3, however, made no attempt to avoid S and struck her amidships at right angles, causing considerable damage. The protest committee disqualified both boats, P3 under rule 10 and S under rule 14. S appealed.

Decision

Rule 10 required P3 to keep clear of S. Rule 14 required each boat to try to avoid contact with the other boat. In P's case, rule 14's requirement to avoid contact with S was consistent with the broader requirement of rule 10 that she allow S to 'sail her course with no need to take avoiding action' (see the definition Keep Clear).

In S's case, she was entitled by rule 10 to have P3 keep clear of her, but at the same time she was required by rule 14 to avoid contact if it was 'reasonably possible' to do so. However, the second sentence of rule 14 allowed S to sail her course in the expectation that P3 would keep clear as required, until such time as it became evident that P3 would not do so. In this case, the diagram shows that P3 could readily have borne off and avoided S from a position very close to S. For that reason, the time between the moment it became evident that P3 would not keep clear and the time of the collision was a very brief interval, so brief that it was impossible for S to avoid contact. Therefore, S did not break rule 14 and her disqualification is reversed.

CYA 1994/105

CASE 88

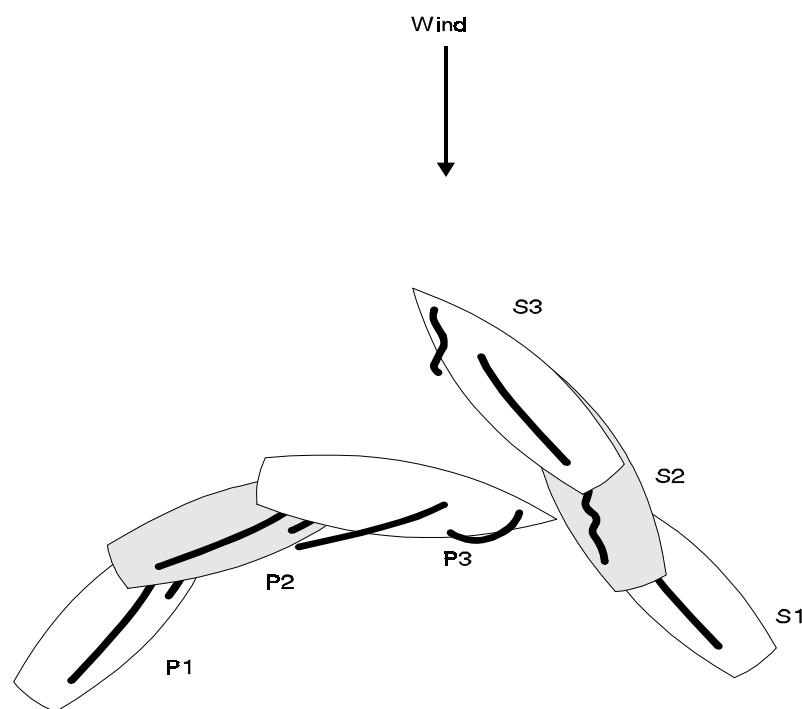
Rule 10	On Opposite Tacks
Rule 14	Avoiding Contact
Definitions	Keep Clear

A boat may avoid contact and yet fail to keep clear.

Summary of the Facts

S and P, two keelboats about 24 feet (7m) in length, approached each other on a windward leg, sailing at approximately the same speed in 12 to 15 knots of wind and 'minimal' sea conditions. S was slightly ahead. When approximately three hull lengths away, S hailed 'Starboard' and did so again at two hull lengths, but P did not respond or change course. At positions S1 and P1 in the diagram both boats changed course at the same moment. S, fearing a collision, luffed sharply intending to tack and thereby minimize damage, and P bore away sharply. On seeing P bear away, S immediately bore away also. P, with her helm hard over, passed astern of S within two feet (0.6m) of her. There was no contact. S protested under rule 10.

The protest committee dismissed S's protest, then considered whether she had broken rule 16.1 or 16.2 by luffing and then immediately bearing away. It concluded that she did not, after finding that her course changes did not affect P, which was already making a severe course change that would have been necessary even in the absence of S's actions. S appealed the decision to dismiss her protest.



Decision

Rule 10 required P to ‘keep clear’ of S. ‘Keep clear’ means something more than ‘avoid contact’; otherwise the rule would contain those or similar words. Therefore, the fact that the boats did not collide does not necessarily establish that P kept clear. The definition Keep Clear in combination with the facts determines whether or not P complied with the rule. In this case, the key question raised by the definition is whether S was able to sail her course ‘with no need to take avoiding action’.

The following considerations led to the national authority’s conclusions and decision:

1. the courses of the boats when the incident began. They were on collision courses, which meant that one of them would have to change course.
2. the distance between the boats at the moment both boats changed their courses. In the diagram, the distance from P’s bow to the leeward side of S, projected forward on the diagram and assuming that S would not change course, was approximately two-thirds of P’s length.
3. the estimated time remaining before contact. When both boats changed course there was very little time remaining before a collision would have occurred. For example, at a speed of five knots one of these boats would travel two-thirds of her length in 1.9 seconds. At six knots it would be 1.5 seconds.
4. the extent of the course change needed by each boat to avoid a collision. This increased as the boats came closer. At the time P changed course, the change required was such that with her helm ‘hard over’ she passed S’s stern ‘within two feet’ (0.6m). At the same moment, the course change S would have needed to avoid P if P did not change course was approximately 90 degrees because S would have had to tack.
5. the time required by either boat to make the necessary course change. This factor was itself determined by several others: the boat’s weight and speed, her underwater hull shape, the size of her rudder, the sail handling required, and wind and sea conditions.

When the boats reached positions S1 and P1 in the diagram, P was not keeping clear. A collision was imminent, and almost unavoidable, as shown by the fact that with helm hard over P passed less than two feet (0.6m) from S's stern. At that diagram position, S had no assurance that P had heard her hails, or was preparing to change course, or even that P was aware of the presence of S. Also, P had sailed beyond the point at which she should have borne off, either to minimize the time and distance to reach the windward mark or to sail a course chosen for tactical reasons. For all these reasons, S was clearly unable to sail her course 'with no need to take avoiding action'. S was fully justified in expecting a collision and in concluding that only her action would prevent it.

The question of whether or not S broke rule 16.1 or 16.2 is irrelevant because, by the time S changed course, P had already broken rule 10, and S, acting as required by rule 14, changed course to avoid a collision. Even if the facts had indicated that S had broken rule 16.1 or 16.2, she would have been exonerated as provided in rule 64.1(b).

P broke rule 10 by failing to keep clear of S. P is therefore disqualified, and the decision of the protest committee is reversed.

USSA 1996/305

CASE 89

Rule 43.1(a) Competitor Clothing and Equipment

A competitor may not wear or otherwise attach to his person a beverage container.

Question

Does rule 43.1(a) permit a competitor to wear or otherwise attach to his person a beverage container while racing?

Answer

No. Except on a sailboard, there is no necessity for such a practice, and therefore its primary purpose must be considered to be to increase the competitor's weight. (Note that rule B4.2 modifies rule 43.1(a) for sailboards.)

ISAF 1997/1

CASE 90

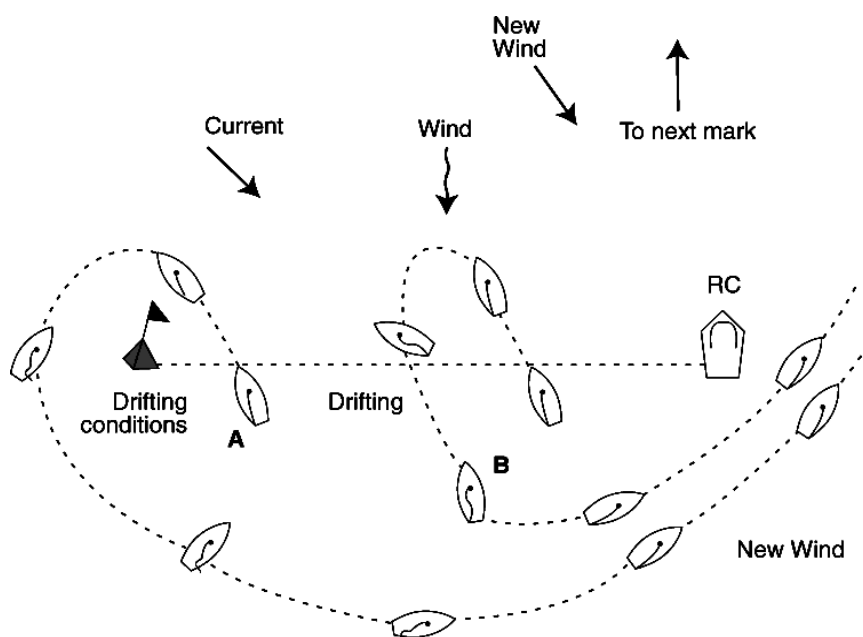
Rule 28.1 Sailing the Course

Interpretations of rule 28.1, the 'string rule'.

Summary of the Facts

The first leg of a race on the Panama River was to windward, in a weak and fluky wind and against a strong current. Boats A and B started correctly, but the wind died and they drifted backwards. A passed outside the port end of the line, and B crossed back over the line. Later, the wind returned but from a new direction, and both boats passed to starboard of the race committee boat at the starboard end of the line and continued up the leg.

A protested B for breaking the 'string rule' (rule 28.1) but the protest committee decided that the protest was invalid. However, it sent the protest to the national authority under rule 70.3.



Decision

Boat A complied with rule 28.1. After starting, she left each starting mark on its required side. Then she sailed around the entire starting line as shown. Even so, the string representing her wake, when drawn taut, leaves each starting mark on the required side as it crosses the starting line. Rule 28.1 does not prohibit extra turns around a mark, provided that the string when drawn taut lies on the required side of each mark. For example, if a boat touches a rounding mark while leaving it on her starboard side as required by the sailing instructions, and then does a clockwise 360° penalty turn around it, she complies with rule 28.1.

Boat B broke rule 28.1. After starting, she left the port-end mark to port and the starboard-end mark to starboard, as required. However, she later drifted back across the starting line and then left the starboard-end mark to port. When the string representing her wake is drawn taut it will not pass through the starting line and therefore will not leave the starboard-end mark on the required side.

FAY 1996/3

CASE 91

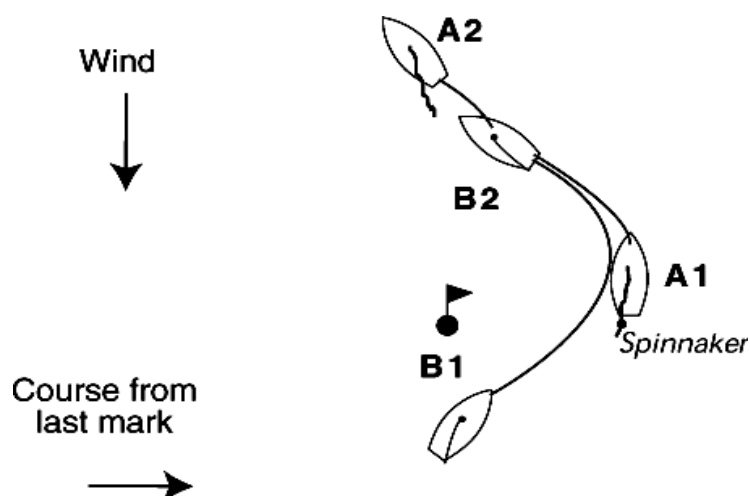
Rule 12	On the Same Tack, Not Overlapped
Rule 14	Avoiding Contact
Definitions	Clear Astern and Clear Ahead; Overlap
Definitions	Keep Clear

A boat required to keep clear must keep clear of another boat's equipment out of its normal position when the equipment has been out of its normal position long enough for the equipment to have been seen.

Summary of the Facts

Boats A and B were reaching on port tack and approaching a leeward mark to be left to port. B was clear astern of A. A's spinnaker had been flying out of control from the top of her mast for the entire leg. Both boats tacked around the mark. After both had tacked, B sailed a short distance close-hauled. She then bore away, and her rigging made contact with A's spinnaker, which was still flying from the top of her mast. A protested.

The protest committee disqualified B for breaking rule 12 when her rigging made contact with A's spinnaker. B appealed.



Decision

The contact was caused by B bearing away. At the time of contact, A's spinnaker was not in its normal position, and B's bow was astern of A's hull and all of her equipment that was in normal position. Therefore, there was no overlap (see the definition Clear Astern and Clear Ahead; Overlap), and rule 12 applied. It required B to keep clear of A's hull, equipment and crew, including her spinnaker.

B broke rule 12 by failing to keep clear, because by sailing towards A's spinnaker she created a need for A to take avoiding action (see the definition Keep Clear). B's crew had been able to see A's spinnaker streaming from the top of her mast for quite some time before the contact, so her failure to keep clear could not be blamed on the fact that A's spinnaker was not in its normal position.

Case 77 addresses an incident that appears to be similar but is significantly different. There, B passed the mark close astern of A with no knowledge that A would lose control of her spinnaker. B could not have been expected to foresee that A's spinnaker would suddenly trail astern by 20 feet (6m).

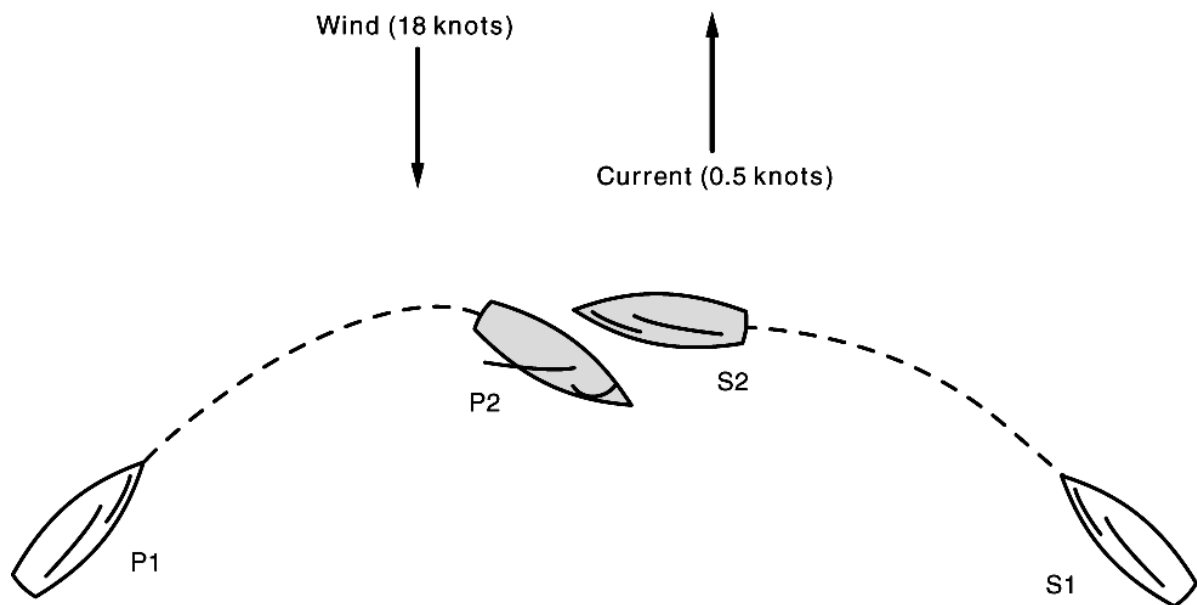
In this case, B also broke rule 14 by causing contact she could have avoided. However, A did not break that rule because it was not reasonably possible for her to avoid the contact. Even if it had been possible, as a right-of-way boat she could not be penalized because there was no damage (see rule 14(b)).

B was properly disqualified for breaking rule 12. She also broke rule 14. Her appeal is dismissed.

CASE 92

Rule 14 **Avoiding Contact**
Rule 16.1 **Changing Course**
Rule 16.2 **Changing Course**

When a right-of-way boat changes course, the keep-clear boat is required to act only in response to what the right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently.



Summary of the Facts

On a windward leg in winds of 18 knots, S and P approached each other on opposite tacks. P bore off to avoid S. S also bore off, and P continued bearing off in order to pass astern of S. S also continued to bear off, heeling further to leeward as a result. There was contact between the masts and rigging of the two boats and P's mast was broken.

The protest committee disqualified S for breaking rule 16 and she appealed.

Decision

Initially the boats were on collision courses. P bore away to keep clear of S as required by rule 10. The written facts and the diagram established that P would have kept clear of S if S had not changed her course. However, S bore away, causing P to immediately bear away still further to be able to continue keeping clear. By changing course as she did, S broke rule 16.2.

S continued changing course, at an increasing rate of turn. At some time before the collision, nothing that P could have done in a seaman-like way would have made it possible for her to keep clear. Therefore, by continuing to change course S also broke rule 16.1.

In addition, S broke rule 14 and was subject to being penalized under that rule because, as the right-of-way boat, she failed to avoid contact that resulted in damage.

The appellant argued that P could have tacked or gybed, and claimed that this was P's obligation. This is a misunderstanding of the obligations of a keep-clear boat under rule 10 and other right-of-way rules. A keep-clear boat is required to act only in response to what a right-of-way boat is doing at the time, not what the right-of-way boat might do subsequently. Until she was unable to do so, P did as she was required, keeping clear by changing course in such a way that S, had she not continued to bear away toward P, would have had 'no need to take avoiding action' (see the definition Keep Clear).

In failing to keep clear, P broke rule 10, but that was a consequence of S's breaches of rules 16.1 and 16.2. Therefore P is exonerated under rule 64.1(b).

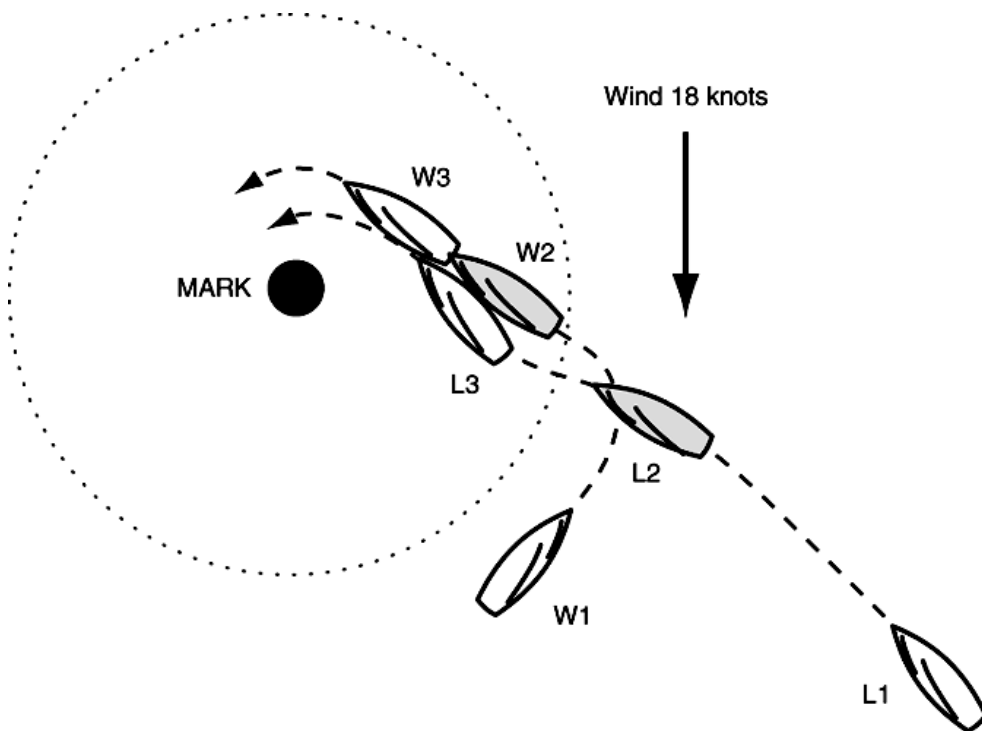
The protest committee's decision to disqualify S is upheld, under rules 14, 16.1 and 16.2.

USSA 1997/75

CASE 93

Rule 16.1	Changing Course
Rule 18.3(b)	Rounding and Passing Marks and Obstructions: Tacking at a Mark
Definitions	Keep Clear
Definitions	Room

If two boats were on opposite tacks, rule 18.3 begins to apply when one of them completes a tack within the two-length zone. When rule 18.3(b) applies, and therefore rule 15 does not, a leeward boat is nevertheless subject to rule 16.1 if she changes course.



Summary of the Facts

As they approached a windward mark, L was directly astern of W after W had completed a tack within the two-length zone and was on her new close-hauled course. W's course was far enough above the layline to allow L to pass between W and the mark. In position 2, L had borne off from a point close astern of W and was about to overlap W to leeward. When the overlap began L immediately luffed and struck W's port side. The boats then continued around the mark without further incident. L protested W but L was disqualified for breaking rule 16.1. She appealed.

Decision

When W completed her tack within the two-length zone, rule 18.3 began to apply. In her appeal the appellant correctly noted that rule 15 did not apply because rule 18.3(b) made it inapplicable, and argued that W broke rule 18.3(b). That rule required W to give L room to round the mark, and rule 11 required W to keep clear. The definition Keep Clear says that a windward boat is not keeping clear if the leeward boat would immediately make contact if she changed course. In this case, although the protest committee found that L luffed immediately after overlapping W, it did not find that the contact occurred immediately after L began her luff. The diagram does not show the passage of time, but between positions 2 and 3, which show the boats shortly before the overlap began and then at the moment of contact, there is no clear evidence that at the moment L began to luff she immediately struck W. We therefore conclude that W was keeping clear until L luffed.

Although rule 15 did not apply, rule 16.1 did, because rule 18.3 states that rule 18.2(d) does not apply. L's luff quickly deprived W of room to keep clear. No seamanlike action was available to her to do so. L thus broke rule 16.1. W unavoidably broke rule 11, but she is exonerated because of L's breach of rule 16.1.

L became overlapped from clear astern within two of her hull lengths of W, and so rule 17.1 prohibited L from sailing above her proper course. The protest committee did not find as a fact that L either did or did not sail above her proper course after becoming overlapped. If she did, she broke rule 17.1. However, nothing is to be gained by seeking the facts needed to resolve this question because L would remain disqualified under rule 16.1.

The protest committee did not discuss rule 14. W did not break rule 14, as it was not reasonably possible for her to avoid contact. In causing the contact, L broke rule 14 and would have been subject to penalty unless there had been no damage to either boat. No facts were found about damage, but this issue need not be addressed since L would remain disqualified under rule 16.1.

For the above reasons the appeal is denied.

CASE 94

- Rule 18.1 Rounding and Passing Marks and Obstructions:
When this Rule Applies**
- Rule 18.2(a) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Overlapped – Basic
Rule**
- Rule 18.2(c) Rounding and Passing Marks and Obstructions:
Giving Room; Keeping Clear: Not Overlapped at
the Zone**

Rule 18 begins to apply when boats are about to pass a mark or obstruction; the distance from the mark or obstruction may vary depending on sea and wind conditions. However, the obligations between boats may still change before one of them reaches the two-length zone. It is only at the two-length zone that it can be determined whether rule 18.2(a) or rule 18.2(c) will govern the rounding.

Summary of the Facts

The diagram shows the positions of three dinghies that fly spinnakers at four moments in time as they approach a leeward mark.

At position 1, B is about four hull lengths from the mark, C is overlapped with B and clear ahead of A. C hails that she is about to round the mark and that A has no overlap. She acknowledges B's overlap. C then proceeds to lower her spinnaker.

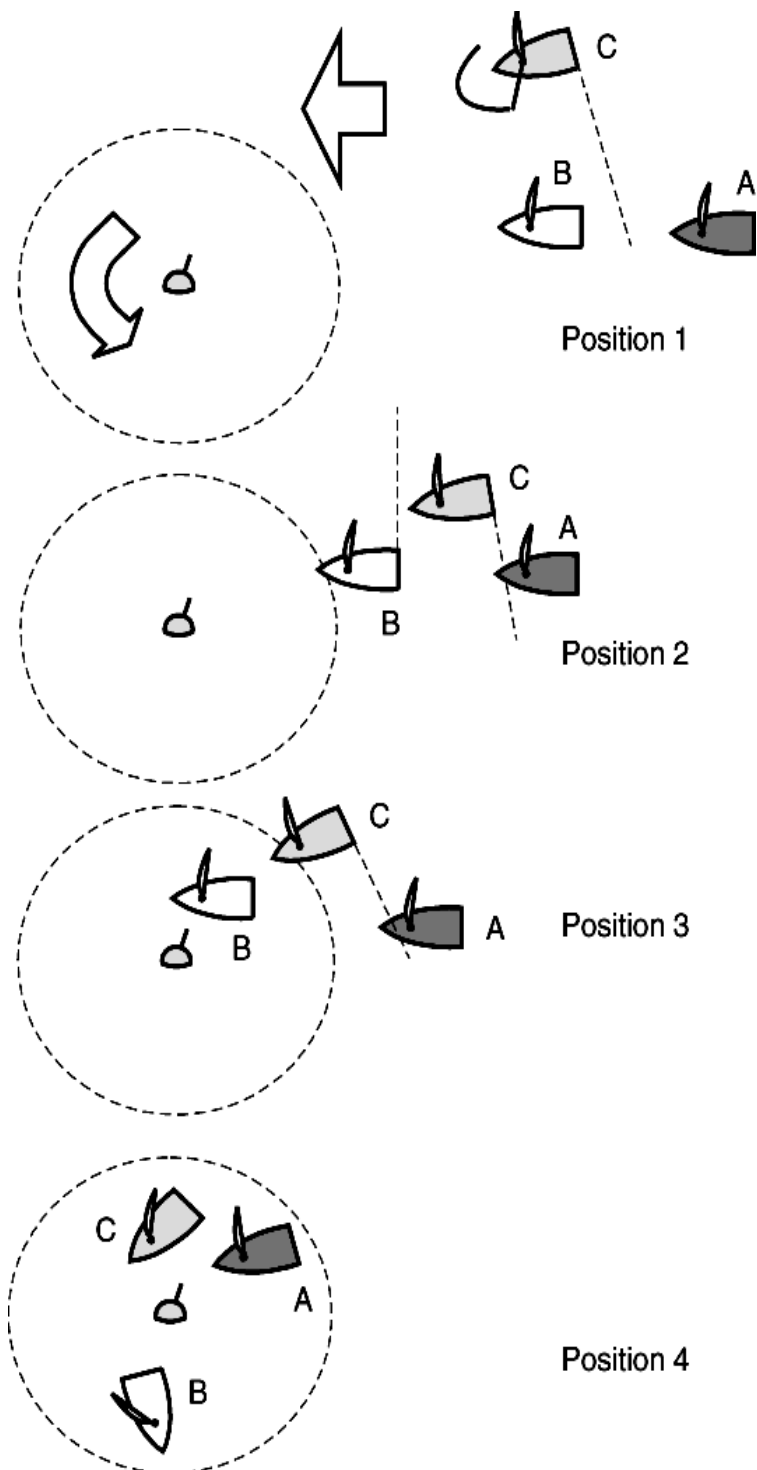
At position 2, B reaches the two-length zone clear ahead of C and A. A now has an overlap on C.

At position 3, C reaches the two-length zone overlapped with A and clear astern of B. C is still lowering her spinnaker and slowing down to allow B to round ahead.

At position 4, C is not allowing A room to pass the mark.

Questions

When did rule 18 begin to apply? For each of the four positions shown in the diagram, what rights do the boats have and which parts of rule 18.2 apply?



Answers

Rule 18 begins to apply when the boats become ‘about to pass’ a mark or obstruction. The meaning of this phrase is discussed in Case 84.

In position 1, whether these boats are ‘about to pass’ the mark or not depends on the circumstances. If the boats are moving fast due to either strong wind or favorable current, or if the boats are involved in lowering their spinnakers in preparation for passing the mark, then they are ‘about to pass’ the mark at this point.

In such circumstances, rule 18.2(a) requires C to give room to B to pass the mark, and rule 12 requires A to keep clear of both B and C. Rule 11 also applies between C and B.

However, if the wind is moderate, and there is no current or adverse current and if there is no necessity at that time to begin to lower spinners in preparation for passing the mark, then at position 1 the boats are not ‘about to pass’ the mark. Under such conditions, rule 18 does not apply. C holds right of way over B under rule 11 and both C and B hold right of way over A under rule 12.

If the boats were ‘about to pass’ the mark at position 1, then the applicable part of rule 18 could change before any of the boats reaches the two-length zone. An example of such a change is shown at position 2 in the diagram. At that moment B’s bow reaches the two-length zone and she is clear ahead of the other two boats. When B pulled clear ahead of C between positions 1 and 2, rules 18.2(a) and 11 ceased to apply between C and B and rules 18.2(c) and 12 began to apply between them. Rules 18.2(c) and 12 also apply between B and A. Because B has entered the zone, both C and A will remain obligated to keep clear of B, even if one or both of them obtains an overlap on B later. Finally, because A has obtained an overlap on C at position 2, C has right of way under rule 11 and she has become obligated by rule 18.2(a) to give room to A.

If the boats were not about to pass the mark at position 1, then rule 18 starts to apply at position 2 between B and C and between B and A because B has reached the two-length zone. Both C and A are obligated by rule 18.2(c) to keep clear of B, even if one or both of them obtains an overlap on B later. However, since neither C nor A has reached the zone, rule 18 does not yet apply between them. They are subject only to rule 11 which requires A to keep clear of C.

At positions 3 and 4, all the boats are subject to rule 18. C and A continue to be obligated by rule 18.2(c), as well as rule 12, to keep clear of B. At position 3, C, who holds right of way over A under rule 11, becomes obligated by rule 18.2(a) to give A room to pass the mark. At position 4 the diagram indicates that C is not fulfilling that obligation, and so at that point C is breaking rule 18.2(a) by failing to give A sufficient room to pass the mark.

CASE 95

**Rule 18.1 Rounding and Passing Marks and Obstructions:
When This Rule Applies**

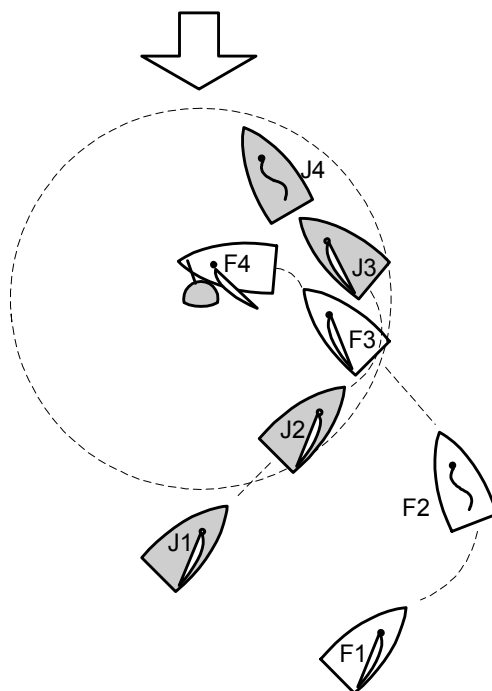
**Rule 18.3 Rounding and Passing Marks and Obstructions:
Tacking at a Mark**

Rule 18 applies when both boats are about to pass a mark or obstruction. Where the boats were on the same tack approaching a windward mark, and the outside boat tacks, rule 18 still does not apply, even if both boats are now about to pass the mark, since they are now on opposite tacks. If the other boat then tacks, she is subject to rule 18.3.

Summary of the Facts

Approaching the windward mark, *Jagga* and *Freebird* were overlapped on port tack, *Freebird* being between one and two boat-lengths to leeward. *Freebird* tacked. *Jagga* then tacked. *Freebird* became overlapped to leeward. *Jagga* luffed so that her swinging stern required *Freebird* to change course to avoid contact, which she did, touching the mark as a result. *Freebird* protested.

The protest committee disqualified *Jagga* under rule 18.3(b). *Jagga* appealed on the grounds that, as an inside overlapped boat, she was entitled to room to pass the mark.



Decision

The appeal is dismissed.

In position 1 rule 18 did not apply because *Freebird* was not yet about to round the mark. After she tacked rule 18 still did not apply because the boats were on opposite tacks (see rule 18.1(b)). *Jagga*'s claim to room to pass the mark was therefore groundless because during the time she was an inside overlapped boat rule 18 did not apply. When *Jagga* turned past head to wind during her tack, both boats were on starboard tack and therefore rule 18 began to apply at that time. Because *Jagga* completed her tack inside the two-length zone and because *Freebird* was fetching the mark at that time, 18.3 applied and it also made all of rule 18.2 inapplicable.

When *Freebird* became overlapped on the inside, *Jagga* was immediately required to keep clear under rule 11. She also had no protection from rule 15 because rule 18.3(b) made it inapplicable. Rule 11 and the definition Keep Clear required *Jagga* to sail so that *Freebird* could 'sail her course with no need to take avoiding action'. The fact that *Freebird* had to change course to avoid contact was evidence that *Jagga* did not keep clear and did not give *Freebird* room as required by rule 18.3(b). The protest committee correctly disqualified *Jagga* under rule 18.3(b) but she is also disqualified under rule 11. Although *Freebird* broke rule 31.1 in touching the mark, she is exonerated under rule 64.1(b).

RYA 2000/4

CASE 96

Rule 30.3 Starting Penalties: Black Flag Rule

When after a general recall a boat learns from seeing her sail number displayed that she has been disqualified by the race committee under rule 30.3 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. When a boat breaks rule 30.3, she is not entitled to exoneration because of a procedural error by the race committee that is unrelated to her infringement.

Question 1

When a boat disagrees with her disqualification under rule 30.3 in a recalled start, can she take part in the restart and then request redress?

Answer 1

Rule 30.3 clearly requires her not to sail in the restarted race and states that her disqualification will become non-excludable if she does. Her only remedy is to request redress, which, if given in a series, would normally be based on her results in other races.

Question 2

When the race committee sees a boat breaking rule 30.3 in a start that is recalled, but then fails to display her sail number, so that she competes in the restart, is she then entitled to a finishing position?

Answer 2

No. The race committee should disqualify her, and the protest committee should normally refuse a request for redress. While not displaying her sail number is an improper omission by the race committee, it is not the omission that deprived her of her finishing position, but the fact that she had been on the course side of the starting line in the minute before her starting signal.

Question 3

When the race committee sees a boat breaking rule 30.3 in a start that is recalled, but advises her orally of her disqualification rather than displaying her sail number, is she entitled to take part in the restart and to receive a finishing position?

Answer 3

She should not compete in the restart. She remains disqualified and she is not entitled to redress for the mistake of the race committee. It is not the mistake that deprived her of her finishing position, but the fact that she had been on the course side of the starting line in the minute before her starting signal. The statement in the rule that ‘if the race is restarted or re-sailed she shall not sail in it’ is separate from, and not dependent on, the requirement on the race committee to display her sail number.

RYA 2000/1

CASE 97

Rule 50.3 Use of Outriggers

A jockey pole attached to a spinnaker guy is not an outrigger.

Question

Is a jockey pole (a pole that exerts outward pressure on the line that controls the fore and aft position of a spinnaker pole) an outrigger?

Answer

No. When a spinnaker pole is set, the line that controls the fore and aft position of that pole is a guy, not a sheet. A jockey pole putting outward pressure on a guy is therefore not an outrigger, defined by rule 50.3(a) as a ‘fitting or device’ that exerts ‘outward pressure on a sheet or sail’.

RYA 2000/2

CASE 98

Rule J1.2(8) Notice of Race Contents **Rule J2.2(7) Sailing Instruction Contents** **Definitions Rule**

The rules listed in paragraphs (a) through (f) in the definition Rule apply to all races governed by the Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. However, the sailing instructions may state that the prescriptions of the national authority will not apply. When a boat races under a handicapping or rating system, the rules of that system apply and, generally, her class rules do not. Rules J1.2(8) and J2.2(7) do not permit an organizing authority or race committee to make changes to class rules. When the notice of race conflicts with the sailing instructions, neither takes precedence.

Summary of the Facts

The notice of race and the sailing instructions for the Spring Tune-up Race stated that *The Racing Rules of Sailing* would apply, but made no reference to the prescriptions of US SAILING, the sailing instructions, the class rules, the notice of race or any other document or rule. Starts were given for PHRF boats and the Olson 30 and J/24 classes. *Buttercup*, a J/24, raced in PHRF and was protested for breaking a J/24 class rule.

Question 1

Did any of the following apply?

1. the prescriptions of US SAILING
2. the sailing instructions
3. the notice of race
4. other documents governing the event

Answer 1

Whenever the notice of race and the sailing instructions state that a race will be governed by the rules in *The Racing Rules of Sailing*, then, as rules 3(a) and 85 and the definition Rule indicate, the prescriptions of the national authority, the notice of race and the sailing instructions all apply. Any other documents that will govern the event must be listed in the notice of race and the sailing instructions. A sailing instruction may state that the prescriptions of the national authority will not apply; however, in the absence of such a sailing instruction, the prescriptions always apply.

Question 2

Buttercup, a J/24, raced in a PHRF class. Did the J/24 rules or the PHRF rules apply?

Answer 2

The PHRF rules applied (see paragraph (c) in the definition Rules). The J/24 class rules apply only to a boat that races as a J/24, which usually is when it races in a J/24 fleet.

Question 3

Does an organizing authority or race committee have the authority to change or delete class rules?

Answer 3

No, unless the class rules themselves permit such changes. The only function of rules J1.2(8) and J2.2(7) is to require that competitors be informed of proper changes that have been made to the class rules. The racing rules do not permit an organizing authority or race committee to make changes to class rules.

Question 4

If the notice of race conflicts with the sailing instructions, which takes precedence?

Answer 4

Neither. If there is no statement in either document about precedence, they both apply, and a boat whose finishing place has been made significantly worse because of the conflict may be entitled to redress.

USSA 2000/80
