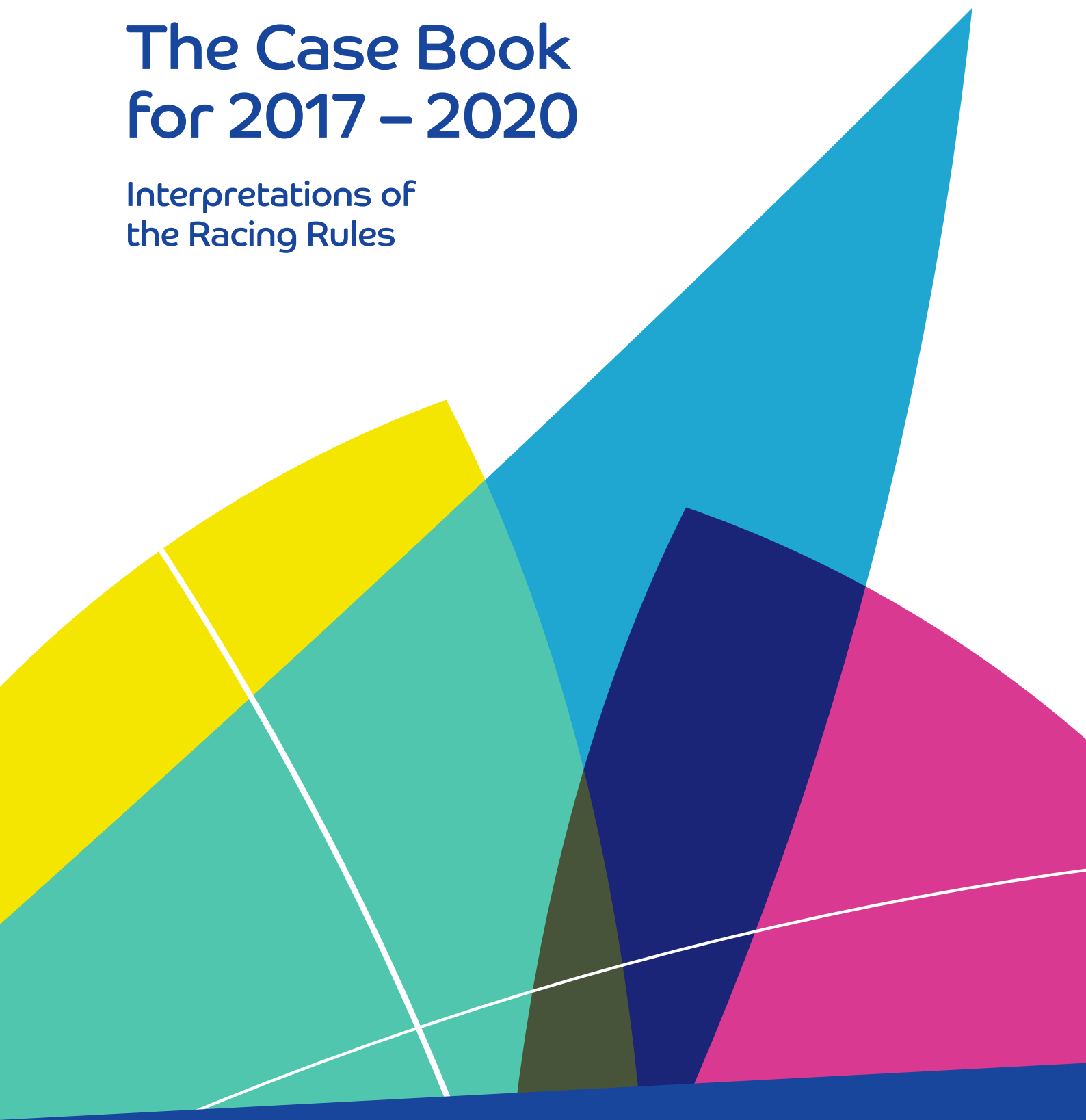


# The Case Book for 2017 – 2020

Interpretations of  
the Racing Rules



sport / nature / technology



As the leading authority for the sport, World Sailing promotes and supports the protection of the environment in all sailing competitions and related activities throughout the world.

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# Preface

*The Case Book for 2017-2020* follows a complete review of all the cases previously published and includes all new cases adopted by the World Sailing Council since 2013. Many cases have been rewritten, some only slightly but others extensively, to illustrate as clearly as possible the application of the 2017-2020 racing rules. Cases are numbered sequentially beginning with '1', but there are gaps in the number sequence as a result of past deletions. Many cases are based on actual appeals made to a national authority under rule 70.1 or requests for confirmation or correction made under rule 70.2. Others, in question-and-answer format, are based on hypothetical or assumed facts; many of these are the result of questions submitted to the World Sailing Question and Answer Panel.

New cases may be added each year in November during the World Sailing Annual Meeting, and sometimes cases are revised or deleted. In 2018, 2019 and 2020, most likely in January, new cases and changes in existing cases will be posted on the World Sailing website ([sailing.org](http://sailing.org)) and sent to International Judges, Umpires and Race Officers, and also to national authorities and World Sailing class associations.

*The Case Book for 2017-2020* was prepared by the Case Book Working Party: Dick Rose, Chairman, Lance Burger, Trevor Lewis, Dave Perry, and Michael Short.

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January 2017

## World Sailing Regulations and Rule Interpretations

*The following World Sailing Regulations govern publication of the cases in The Case Book and the issuance of other interpretations of the racing rules.*

- 28.3 Interpretations of the Racing Rules by World Sailing shall be made only through publication of cases in *The Case Book* or of calls in *The Call Book for Match Racing* or *The 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 match or team racing.
  - 28.3.1 The Racing Rules Committee shall study cases...submitted in accordance with Regulation 1, cases proposed by the Case Book Working Party or the Racing Rules Question and Answer Panel...and shall recommend to the Council those that it approves for publication in *The Case Book*....
  - 28.3.2 Submissions or proposals for cases..., in English and including any necessary diagrams, shall be received at the World Sailing Secretariat before the deadline in Regulation 15.6. If a submission or proposal duplicates a published case..., the submission or proposal shall state why the proposed case...is preferable.
  - 28.3.3 The following are guidelines for publishing cases in *The Case Book*:
    - (a) A case shall significantly clarify an important meaning of a rule or increase the understanding of a complex rule.
    - (b) A case shall not duplicate one already published. When a case is an improvement on an existing case it shall be included and the existing case deleted.
- 28.4 Except for the publication of the World Sailing case and call books, World Sailing shall not issue an authoritative interpretation or explanation of the Racing Rules unless it is first reviewed and approved by the Chairman of the Racing Rules Committee or a member of the committee designated by the Chairman.

## **National Authority Abbreviations**

ARG	Federacion Argentina de Yachting
CAN	Sail Canada
DEN	Danish Sailing Association
GBR	Royal Yachting Association
ITA	Italian Sailing Federation
NED	Koninklijk Nederlands Watersport Verbond
NOR	Norwegian Sailing Federation
RUS	Russian Yachting Federation
USA	US Sailing

## **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 enables readers to find the cases that interpret a particular rule. For example, Cases 15 and 17 interpret rule 13. The abstracts for those cases are in this section under the heading Rule 13, While Tacking. A case's abstract may not mention every rule that is interpreted by the case; therefore readers must study the case itself, in Section 2, to see how the rule has been interpreted or illustrated.*

### **DEFINITIONS**

#### **Definitions, Clear Astern and Clear Ahead; Overlap**

##### **CASE 12**

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

##### **CASE 23**

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

##### **CASE 33**

When a boat approaching an obstruction hails for room to tack, but does so before the time when she needs to begin the process described in rule 20 to avoid the obstruction safely, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

##### **CASE 41**

A discussion of how rule 19.2(b) and the definitions Obstruction and Clear Astern and Clear Ahead; Overlap apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

#### CASE 43

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

#### 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 and avoided.

### **Definitions, Finish**

#### CASE 45

When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

#### CASE 58

If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.

#### 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, a boat may cross the line in either direction and her finish is to be recorded accordingly.

#### CASE 112

A boat that makes, and does not correct, an error in sailing the course does not break rule 28 until she finishes. If a boat makes such an error, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.

#### CASE 128

If a boat makes an error under rule 28.2 or breaks rule 31 at the finishing line and finishes without correcting her error or taking a penalty, she must be scored points for the place in which she finished. She can only be penalized for breaking rule 28.2 or rule 31 if she is protested and the protest committee decides that she broke the rule.

## CASE 129

When the course is shortened at a rounding mark, the mark becomes a finishing mark. Rule 32.2(a) permits the race committee to position the vessel displaying flag S at either end of the finishing line. A boat must cross the line in accordance with the definition Finish, even if in so doing she leaves that mark on the side opposite the side on which she would have been required to leave it if the course had not been shortened.

## **Definitions, 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 occurred. 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 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 act to avoid contact until it is clear that the other boat is not keeping 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 and avoided.



### CASE 135

If a boat breaks a rule of Part 2 by failing to keep clear, the right-of way boat, or a third boat, may be entitled to redress if she is physically damaged, even if the damage is not caused directly by a collision with the boat that was required to keep clear.

### **Definitions, Mark**

### CASE 58

If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.

### **Definitions, Mark-Room**

### CASE 15

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

### CASE 21

When a right-of-way boat is obligated to give mark-room to a boat overlapped inside her, there is no maximum or minimum amount of space that she must give. The amount of space that she must give depends significantly on the existing conditions including wind and sea conditions, the speed of the inside boat, the sails she has set and her design characteristics.

### CASE 25

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

### CASE 63

At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

### CASE 70

An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside

of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

#### CASE 95

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

#### CASE 114

When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

#### CASE 118

In the definition Mark-Room, the phrase ‘room to sail to the mark’ means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark.

### **Definitions, Obstruction**

#### CASE 11

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

#### CASE 23

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

#### CASE 29

A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.

## CASE 41

A discussion of how rule 19.2(b) and the definitions Obstruction and Clear Astern and Clear Ahead; Overlap apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

## CASE 117

When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

## CASE 125

When an outside overlapped boat is required to give room to one or more inside boats to pass an obstruction, the space she gives must be sufficient to permit all the inside boats to comply with their obligations under the rules of Part 2.

## **Definitions, Party**

## CASE 55

A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a hearing does not have the right to appeal. When she believes that her score or place has been made significantly worse by an improper action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.

## **Definitions, Proper Course**

## 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 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. Two boats on the same leg sailing near one another may have different proper courses.

#### CASE 46

A leeward boat is entitled to luff to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

#### CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### CASE 134

A boat's proper course at any moment depends on the existing conditions. Some of those conditions are the wind strength and direction, the pattern of gusts and lulls in the wind, the waves, the current, and the physical characteristics of the boat's hull and equipment, including the sails she is using.

### **Definitions, Racing**

#### CASE 5

A boat that is anchored during a race is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

#### 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 racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.

## CASE 127

A boat clears the finishing line and marks when no part of her hull, crew or equipment is on the line, and no mark is influencing her choice of course.

## **Definitions, Room**

## CASE 21

When a right-of-way boat is obligated to give mark-room to a boat overlapped inside her, there is no maximum or minimum amount of space that she must give. The amount of space that she must give depends significantly on the existing conditions including wind and sea conditions, the speed of the inside boat, the sails she has set and her design characteristics.

## CASE 24

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15.

## CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.

## CASE 95

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

## CASE 103

The phrase ‘seamanlike way’ in the definition Room refers to boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat.

## CASE 114

When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

## CASE 118

In the definition Mark-Room, the phrase ‘room to sail to the mark’ means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark.

## CASE 125

When an outside overlapped boat is required to give room to one or more inside boats to pass an obstruction, the space she gives must be sufficient to permit all the inside boats to comply with their obligations under the rules of Part 2.

## **Definitions, Rule**

## CASE 85

If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

## CASE 98

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

# **BASIC PRINCIPLES**

## **Sportsmanship and the Rules**

## CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

### CASE 39

A race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitors.

### 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 breach of sportsmanship and of rule 2, and her helmsman commits an act of misconduct.

### CASE 71

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

## **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 the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

#### CASE 34

Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.

#### CASE 47

A boat that deliberately hails 'Starboard' when she knows she is on port tack has not acted fairly, and has broken 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 breach of sportsmanship and of rule 2, and her helmsman commits an act of misconduct.

#### CASE 73

When, by deliberate action, L's crew reaches out and 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

In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat's progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.

#### CASE 138

Generally, an action by a competitor that directly affects the fairness of the competition or failing to take an appropriate penalty when the competitor is aware of breaking a rule, should be considered under rule 2. Any action, including a serious breach of rule 2 or any other rule, that the committee considers may be an act of misconduct should be considered under rule 69.



## **Rule 3, Acceptance of the Rules**

### **CASE 98**

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

## **PART 2 – WHEN BOATS MEET**

### **Part 2 Preamble**

#### **CASE 19**

Interpretation of the term ‘damage’.

#### **CASE 67**

When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she commits an act of misconduct.

#### **CASE 109**

The *IRPCAS* or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An *IRPCAS* or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

## **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 19 does not apply to a starboard-tack boat that passes between 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 an 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**

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### **CASE 87**

A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

#### **CASE 88**

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

## CASE 99

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

## CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

## CASE 123

When it would be clear to a competent, but not expert, sailor at the helm of a starboard-tack boat that there is substantial risk of contact with a port-tack boat, the starboard-tack boat breaks rule 14 if contact occurs and there was still time for her to change course sufficiently to avoid the contact.

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

### CASE 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course. The proper course of the windward boat is not relevant.

### CASE 12

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

### 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.

Two boats on the same leg sailing near one another may have different proper courses.

#### CASE 24

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15.

#### CASE 25

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

#### CASE 41

A discussion of how rule 19.2(b) and the definitions Obstruction and Clear Astern and Clear Ahead; Overlap apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

#### CASE 46

A leeward boat is entitled to luff to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

#### CASE 51

A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.

#### CASE 53

A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.

#### CASE 70

An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

### CASE 73

When, by deliberate action, L's crew reaches out and 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.

## **Rule 12, On the Same Tack, Not Overlapped**

### CASE 2

If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

### CASE 15

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

### CASE 24

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15.

### CASE 41

A discussion of how rule 19.2(b) and the definitions Obstruction and Clear Astern and Clear Ahead; Overlap apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

### 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 and avoided.

## **Rule 13, While Tacking**

### CASE 15

In tacking to round a mark, a boat clear ahead must comply with rule 13; a 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.

### 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.

## **Section B – General Limitations**

## **Rule 14, Avoiding Contact**

### CASE 2

If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

### CASE 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course. The proper course of the windward boat is not relevant.

#### CASE 11

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

#### 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. Two boats on the same leg sailing near one another may have different proper courses.

#### CASE 23

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.

#### CASE 25

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

#### CASE 26

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking 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 occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

#### CASE 43

A close-hauled port-tack boat that is sailing parallel and close to an 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

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### 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 81

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

#### 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 and avoided.



## 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 99

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

## CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

## CASE 107

During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

## CASE 123

When it would be clear to a competent, but not expert, sailor at the helm of a starboard-tack boat that there is substantial risk of contact with a port-tack boat, the starboard-tack boat breaks rule 14 if contact occurs and there was still time for her to change course sufficiently to avoid the contact.

## **Rule 14(a), Avoiding Contact**

### CASE 87

A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

## **Rule 14(b), Avoiding Contact**

### CASE 19

Interpretation of the term ‘damage’.

## **Rule 15, Acquiring Right of Way**

### **CASE 2**

If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

### **CASE 7**

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course. The proper course of the windward boat is not relevant.

### **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**

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15.

### **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 take any action to keep clear before being overlapped to leeward from clear astern.

### **CASE 81**

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

### **CASE 93**

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other

boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.

#### CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

#### CASE 117

When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

### **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 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course. The proper course of the windward boat is not relevant.

#### 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. Two boats on the same leg sailing near one another may have different proper courses.

#### CASE 25

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward

boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

#### CASE 26

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

#### CASE 46

A leeward boat is entitled to luff to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

#### 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 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

#### 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 a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.

#### CASE 105

When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.

## CASE 114

When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

## **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 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, On the Same Tack; Proper Course**

### CASE 7

When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course. The proper course of the windward boat is not relevant.

### 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. Two boats on the same leg sailing near one another may have different proper courses.

### CASE 46

A leeward boat is entitled to luff to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.

### CASE 134

A boat's proper course at any moment depends on the existing conditions. Some of those conditions are the wind strength and direction, the pattern of

gusts and lulls in the wind, the waves, the current, and the physical characteristics of the boat's hull and equipment, including the sails she is using.

## **Section C – At Marks and Obstructions**

### **Rule 18.1, Mark-Room: When Rule 18 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 12**

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

#### **CASE 15**

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

#### **CASE 26**

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

#### **CASE 81**

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

#### **CASE 95**

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while

sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

#### CASE 132

A boat is 'on a beat to windward' when the course she would sail to finish as soon as possible in the absence of all other boats is a close-hauled course or above.

#### **Rule 18.2, Mark-Room: Giving Mark-Room**

#### CASE 114

When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.

#### **Rule 18.2(a), Mark-Room: Giving Mark-Room**

#### CASE 2

If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

#### CASE 59

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

#### **Rule 18.2(b), Mark-Room: Giving Mark-Room**

#### **Rule 18.2(c), Mark-Room: Giving Mark-Room**

#### CASE 2

If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.

## CASE 12

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

## CASE 25

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

## CASE 59

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

## CASE 63

At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

## CASE 70

An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

## CASE 75

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

## CASE 81

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.



## CASE 95

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

## CASE 118

In the definition Mark-Room, the phrase ‘room to sail to the mark’ means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark.

### **Rule 18.2(c)(2), Mark-Room: Giving Mark-Room**

## CASE 63

At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

### **Rule 18.2(d), Mark-Room: Giving Mark-Room**

## CASE 15

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

## CASE 25

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

## CASE 81

When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.

### **Rule 18.3, Mark-Room: Tacking in the Zone**

#### **CASE 93**

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.

#### **CASE 95**

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

### **Rule 18.4, Mark-Room: Gybing**

#### **CASE 75**

When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.

### **Rule 19, Room to Pass an Obstruction**

#### **CASE 23**

On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats 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 occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

## **Rule 19.2, Room to Pass an Obstruction: Giving Room 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.

### **CASE 11**

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

### **CASE 29**

A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.

### **CASE 33**

When a boat approaching an obstruction hails for room to tack, but does so before the time when she needs to begin the process described in rule 20 to avoid the obstruction safely, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

### **CASE 41**

A discussion of how rule 19.2(b) and the definitions Obstruction and Clear Astern and Clear Ahead; Overlap apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.

### **CASE 43**

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

#### CASE 49

When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

#### CASE 117

When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.

#### CASE 124

At any point in time while two boats are approaching an obstruction, the right-of-way boat at that moment may choose to pass the obstruction on either side provided that she can then comply with the applicable rules.

#### CASE 125

When an outside overlapped boat is required to give room to one or more inside boats to pass an obstruction, the space she gives must be sufficient to permit all the inside boats to comply with their obligations under the rules of Part 2.

### **Rule 20, 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.

#### CASE 10

If a boat hails for room to tack when she is neither approaching an obstruction nor sailing close-hauled or above, she breaks rule 20.1. The hailed boat is required to respond even if the hail breaks rule 20.1.

#### CASE 11

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

### CASE 33

When a boat approaching an obstruction hails for room to tack, but does so before the time when she needs to begin the process described in rule 20 to avoid the obstruction safely, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.

### 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 in a seamanlike way, the hailed boat has complied with rule 20.2(c).

### CASE 54

A boat is entitled to hail for room to tack at the time when she needs to begin the process described in rule 20 to avoid the obstruction safely. A boat that hails must give the hailed boat sufficient time to respond before tacking herself. The hail must clearly convey the hailing boat's need to tack and be sufficiently loud to be heard in the prevailing conditions. If the hailed boat does not respond, the hailing boat can repeat her hail if time permits, or avoid the obstruction and protest.

### CASE 101

When a boat with right of way is required to give another boat room for a manoeuvre, right of way does not transfer to the boat entitled to room. When, in reply to her call for room to tack when approaching an obstruction, a boat is hailed 'You tack', and when she does so and is then able to tack again to keep clear in a seamanlike way, the other boat has given the room required.

### CASE 113

An explanation of the application of rule 20 when three boats sailing close-hauled on the same tack are approaching an obstruction and the leeward-most boat hails for room to tack, but cannot tack unless both boats to windward of her tack.

## **Section D – Other Rules**

### **Rule 21, Exoneration**

#### **CASE 11**

When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.

#### **CASE 12**

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.

#### **CASE 24**

When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15.

#### **CASE 25**

When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.

#### **CASE 49**

When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

#### **CASE 63**

At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.

#### **CASE 70**

An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.

### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.

### CASE 95

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

### CASE 124

At any point in time while two boats are approaching an obstruction, the right-of-way boat at that moment may choose to pass the obstruction on either side provided that she can then comply with the applicable rules.

### CASE 125

When an outside overlapped boat is required to give room to one or more inside boats to pass an obstruction, the space she gives must be sufficient to permit all the inside boats to comply with their obligations under the rules of Part 2.

## **Rule 23, Capsized, Anchored or Aground; Rescuing**

### CASE 5

A boat that is anchored during a race is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

## **Rule 24.2, Interfering with Another Boat**

### CASE 126

For the purpose of determining whether rule 24.2 applies to an incident, a boat is sailing on the leg which is consistent with her course immediately before the incident and her reasons for sailing that course.

## **PART 3 – CONDUCT OF A RACE**

### **Rule 26, Starting Races**

#### **CASE 31**

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

### **Rule 28, Sailing the Course**

#### **CASE 28**

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(c) only when the change in the mark's position has directly affected the safety or fairness of the competition.

#### **CASE 58**

If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.

#### **CASE 90**

When a boat's string passes a mark on the required side, she does not break rule 28.2 if her string, when drawn taut, also passes that mark on the non-required side.

#### **CASE 106**

When the string representing a boat's track lies on the required sides of finishing marks or gate marks, it is not relevant that, when drawn taut, it also passes one of those marks on the non-required side.

#### **CASE 108**

When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after she is no longer touching the mark and is well clear of other boats, and when no question of advantage arises.



## CASE 112

A boat that makes, and does not correct, an error in sailing the course does not break rule 28 until she finishes. If a boat makes such an error, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.

## CASE 128

If a boat makes an error under rule 28.2 or breaks rule 31 at the finishing line and finishes without correcting her error or taking a penalty, she must be scored points for the place in which she finished. She can only be penalized for breaking rule 28.2 or rule 31 if she is protested and the protest committee decides that she broke the rule.

## CASE 129

When the course is shortened at a rounding mark, the mark becomes a finishing mark. Rule 32.2(a) permits the race committee to position the vessel displaying flag S at either end of the finishing line. A boat must cross the line in accordance with the definition Finish, even if in so doing she leaves that mark on the side opposite the side on which she would have been required to leave it if the course had not been shortened.

## **Rule 29.1, Recalls: Individual Recall**

### CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

### CASE 71

A hail is not the 'sound signal' required when flag X is displayed. 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 OCS, this is an error that significantly worsens the boat's score through no fault of her own, and therefore entitles her to redress.

## CASE 136

In finding facts, a protest committee will be governed by the weight of evidence. In general, a race committee member sighting the starting line is better placed than any competing boat to decide whether a boat was over the line at the starting signal and, if so, whether she returned and started correctly.

### **Rule 30.2, Starting Penalties: Z Flag Rule**

### **Rule 30.3, Starting Penalties: U Flag Rule**

### **Rule 30.4, 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 breach of sportsmanship and of rule 2, and her helmsman commits an act of misconduct.

## 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 the second sentence of rule 30.4 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. However, if the race committee does not display her sail number and she sails in the restarted race, she should be scored BFD, and not DNE.

## CASE 111

If a boat breaks rule 30.2 or rule 30.4 during a starting sequence that results in a general recall, the race committee is required to penalize her even if the race had been postponed before that starting sequence or if, during a later starting sequence, a postponement was signalled before the starting signal.

## CASE 140

How the rules apply when a boat is compelled to cross the starting line by another boat that was breaking a rule of Part 2.

### **Rule 31, 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.

## CASE 128

If a boat makes an error under rule 28.2 or breaks rule 31 at the finishing line and finishes without correcting her error or taking a penalty, she must be scored points for the place in which she finished. She can only be penalized for breaking rule 28.2 or rule 31 if she is protested and the protest committee decides that she broke the rule.

## **Rule 32, Shortening or Abandoning After the Start**

### CASE 28

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(c) only when the change in the mark's position has directly affected the safety or fairness of the competition.

### 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 129

When the course is shortened at a rounding mark, the mark becomes a finishing mark. Rule 32.2(a) permits the race committee to position the vessel displaying flag S at either end of the finishing line. A boat must cross the line in accordance with the definition Finish, even if in so doing she leaves that mark on the side opposite the side on which she would have been required to leave it if the course had not been shortened.

## **Rule 36, Races Restarted or Resailed**

### CASE 19

Interpretation of the term 'damage'.

## **PART 4 – OTHER REQUIREMENTS WHEN RACING**

## **Rule 41, Outside Help**

### CASE 78

In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat's progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable

chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.

#### CASE 100

When a boat asks for and receives tactical racing advice she receives outside help, even if she asks for and receives it on a public radio channel.

#### CASE 120

‘Information freely available’ in rule 41(c) is information that is available without monetary cost and that may be easily obtained by all boats in a race. Rule 41(c) is a rule that may be changed for an event provided that the procedure established in the rules is followed.

### **Rule 42, Propulsion**

#### CASE 5

A boat that is anchored during a race is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

#### CASE 8

Repeated helm movements to position a boat to gain speed on each of a series of waves generated by a passing vessel are not sculling unless they are forceful, and the increase in speed is the result of a permitted use of the water to increase speed.

#### CASE 69

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

#### CASE 132

A boat is ‘on a beat to windward’ when the course she would sail to finish as soon as possible in the absence of all other boats is a close-hauled course or above.

## **Rule 43.1, Competitor Clothing and Equipment**

### **CASE 89**

Except on a windsurfer or a kiteboard, a competitor may not wear or otherwise attach to his person a beverage container.

## **Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty**

## **Rule 44.2, Penalties at the Time of an Incident: One-Turn and Two-Turns Penalties**

### **CASE 19**

Interpretation of the term ‘damage’.

### **CASE 99**

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

### **CASE 107**

During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

### **CASE 108**

When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after she is no longer touching the mark and is well clear of other boats, and when no question of advantage arises.

## **Rule 45, Hauling Out; Making Fast; Anchoring**

### **CASE 5**

A boat that is anchored during a race is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she

returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.

### **Rule 46, Person in Charge**

#### **CASE 40**

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

### **Rule 48, Fog Signals and Lights; Traffic Separation Schemes**

#### **CASE 109**

The *IRPCAS* or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An *IRPCAS* or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

### **Rule 49, Crew Position; Lifelines**

#### **CASE 4**

A competitor may hold a sheet outboard.

#### **CASE 36**

Positioning of crew members relative to lifelines.

#### **CASE 83**

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

### **Rule 50.3, Setting and Sheetting Sails: Use of Outriggers**

#### **CASE 4**

A competitor may hold a sheet outboard.

#### **CASE 97**

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

## **PART 5 – PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS**

### **Section A – Protests; Redress; Rule 69 Action**

#### **Rule 60, Right to Protest; Right to Request Redress or Rule 69 Action**

##### **CASE 1**

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

##### **CASE 19**

Interpretation of the term ‘damage’.

##### **CASE 39**

A race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitors.

##### **CASE 44**

A boat is not permitted to 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 action or omission of the race committee made her score or place significantly worse.

##### **CASE 57**

When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.

##### **CASE 80**

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat must be scored DNF if she does not finish according to that term’s definition, she is not to be scored DNF for failing to sail the course correctly.

#### **Rule 61.1, Protest Requirements: Informing the Protestee**

##### **CASE 19**

Interpretation of the term ‘damage’.

## CASE 72

Discussion of the word 'flag'.

## CASE 85

If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

## CASE 112

A boat that makes, and does not correct, an error in sailing the course does not break rule 28 until she finishes. If a boat makes such an error, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.

### **Rule 61.2, Protest Requirements: Protest Contents**

## CASE 22

It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.

## CASE 80

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat must be scored DNF if she does not finish according to that term's definition, she is not to be scored DNF for failing to sail the course correctly.

### **Rule 62.1, Redress**

## CASE 31

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

## CASE 55

A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a hearing does not have the right to appeal. When she believes that her score or place has been made significantly worse by an improper



action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.

#### CASE 140

How the rules apply when a boat is compelled to cross the starting line by another boat that was breaking a rule of Part 2.

#### **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 44

A boat is not permitted to 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 action or omission of the race committee made her score or place significantly worse.

#### CASE 45

When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

#### 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 racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.

#### CASE 71

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

#### CASE 80

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat must be scored DNF if she does

not finish according to that term's definition, she is not to be scored DNF for failing to sail the course correctly.

#### 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, a boat may cross the line in either direction and her finish is to be recorded accordingly.

#### CASE 119

When a race is conducted for boats racing under a rating system, the rating that should be used to calculate a boat's corrected time is her rating at the time the race is sailed. Her score should not be changed if later the rating authority, acting on its own volition, changes her rating.

#### CASE 129

When the course is shortened at a rounding mark, the mark becomes a finishing mark. Rule 32.2(a) permits the race committee to position the vessel displaying flag S at either end of the finishing line. A boat must cross the line in accordance with the definition Finish, even if in so doing she leaves that mark on the side opposite the side on which she would have been required to leave it if the course had not been shortened.

### **Rule 62.1(b), Redress**

#### CASE 19

Interpretation of the term 'damage'.

#### CASE 110

A boat physically damaged from contact with a boat that was breaking a rule of Part 2 is eligible for redress only if the damage itself significantly worsened her score or place. Contact is not necessary for one boat to cause injury or physical damage to another. A worsening of a boat's score or place caused by an avoiding manoeuvre is not, by itself, grounds for redress. 'Injury' refers to bodily injury to a person and, in rule 62.1(b), 'damage' is limited to physical damage to a boat or her equipment.

#### CASE 116

A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining races. In such a situation it is not fair to

the other boats in the series to award her average points for half or more of the races that comprise her series score.

#### **CASE 135**

If a boat breaks a rule of Part 2 by failing to keep clear, the right-of way boat, or a third boat, may be entitled to redress if she is physically damaged, even if the damage is not caused directly by a collision with the boat that was required to keep clear.

#### **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.

#### **Rule 62.1(d), Redress**

#### **CASE 34**

Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.

#### **Rule 62.2, Redress**

#### **CASE 102**

When a boat requests redress because of an incident she claims affected her score in a race, and thus in a series, the time limit for making the request is the time limit for the race, rather than a time limit based on the posting of the series results.

## **Section B – Hearings and Decisions**

### **Rule 63.1, Hearings: Requirement for a Hearing**

#### **CASE 1**

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

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

#### **CASE 48**

Part 5 of the racing rules aims to protect a boat from being unfairly treated, 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, they should be heard together in the presence of representatives of all the boats involved.

### **Rule 63.4, Hearings: Conflict of Interest**

#### **CASE 137**

When deciding if a conflict of interest is significant, the protest committee should take into account the degree of conflict, the level of the event and the overall perception of fairness.

### **Rule 63.5, Hearings: Validity of the Protest or Request for Redress**

#### **CASE 19**

Interpretation of the term ‘damage’.

#### **CASE 22**

It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.

### **Rule 63.6, Hearings: Taking Evidence and Finding Facts**

#### **CASE 104**

Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor

diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

#### CASE 136

In finding facts, a protest committee will be governed by the weight of evidence. In general, a race committee member sighting the starting line is better placed than any competing boat to decide whether a boat was over the line at the starting signal and, if so, whether she returned and started correctly.

### **Rule 63.7, Hearings: Conflict between Rules**

#### CASE 98

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

### **Rule 64.1, Decisions: Penalties and Exoneration**

#### CASE 22

It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.

#### CASE 26

A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.

### **Rule 64.1(a), 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.

#### CASE 28

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(c) only when the change in the mark's position has directly affected the safety or fairness of the competition.

#### 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 occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.

#### CASE 49

When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.

#### CASE 51

A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.

#### CASE 93

If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.

#### CASE 95

If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

## **Rule 64.1(b), Decisions: Penalties and Exoneration**

### **CASE 99**

The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat’s penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.

### **CASE 107**

During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may ‘act to avoid contact’. When a boat’s breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.

### **CASE 140**

How the rules apply when a boat is compelled to cross the starting line by another boat that was breaking a rule of Part 2.

## **Rule 64.2, Decisions: Decisions on Redress**

### **CASE 31**

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

### **CASE 45**

When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to score all the boats in the order they crossed the finishing line.

### **CASE 71**

A hail is not the ‘sound signal’ required when flag X is displayed. Answers to questions arising from requests for redress after a procedural error by the race committee.

## CASE 116

A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining races. In such a situation it is not fair to the other boats in the series to award her average points for half or more of the races that comprise her series score.

### **Rule 64.3(a), Decisions: Decisions on Protests Concerning Class Rules**

## CASE 19

Interpretation of the term ‘damage’.

### **Rule 66, Reopening a Hearing**

## CASE 115

Interpretation of the word ‘new’ as used in rule 66.

## **Section C – Misconduct**

### **Rule 69, Misconduct**

## CASE 138

Generally, an action by a competitor that directly affects the fairness of the competition or failing to take an appropriate penalty when the competitor is aware of breaking a rule, should be considered under rule 2. Any action, including a serious breach of rule 2 or any other rule, that the committee considers may be an act of misconduct should be considered under rule 69.

### **Rule 69.1(a), Misconduct: Obligation not to Commit Misconduct; Resolution**

## CASE 78

In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat’s progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there was a reasonable chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.



## **Rule 69.2, Misconduct: Action by a Protest Committee**

### **CASE 34**

Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.

### **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 breach of sportsmanship and of rule 2, and her helmsman commits an act of 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. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she commits an act of misconduct.

### **CASE 122**

An interpretation of the term ‘comfortable satisfaction’ and an example of its use.

### **CASE 139**

Examples illustrating when it would be ‘appropriate’ under rule 69.2(j)(3) to report a rule 69 incident to a national authority or World Sailing.

## **Section D – Appeals**

### **Rule 70.1, Appeals and Requests to a National Authority**

### **CASE 55**

A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a hearing does not have the right to appeal. When she believes that her score or place has been made significantly worse by an improper action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.

### **CASE 104**

Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be

based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

#### **Rule 71.4, National Authority Decisions**

##### **CASE 61**

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

## **PART 6 – ENTRY AND QUALIFICATION**

#### **Rule 75.1, Entering a Race**

##### **CASE 40**

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

#### **Rule 78, Compliance with Class Rules; Certificates**

##### **CASE 57**

When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.

##### **CASE 131**

At the end of an event, if a boat has broken rule 78.2 by not producing a required certificate or arranging for its existence to be verified, the race committee is required, without a hearing, to score her 'DSQ' for all races of the event.

## **PART 7 – RACE ORGANIZATION**

### **Rule 84, Governing Rules**

#### **CASE 44**

A boat is not permitted to 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 action or omission of the race committee made her score or place 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 responsible for interpreting the class rules.

#### **CASE 98**

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

### **Rule 85, Changes to Rules**

#### **CASE 121**

The procedure that must be followed in order to change a racing rule for an event is described in detail.

### **Rule 86, Changes to the Racing Rules**

#### **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.

#### **CASE 85**

If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.

## CASE 121

The procedure that must be followed in order to change a racing rule for an event is described in detail.

### **Rule 87, Changes to Class Rules**

## CASE 98

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

### **Rule 88.2, National Prescriptions: Changes to Prescriptions**

## CASE 98

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

### **Rule 90.2(c), Race Committee; Sailing Instructions; Scoring: 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 A – SCORING**

### **Rule A3, Starting Times and Finishing Places**

#### **CASE 119**

When a race is conducted for boats racing under a rating system, the rating that should be used to calculate a boat's corrected time is her rating at the time the race is sailed. Her score should not be changed if later the rating authority, acting on its own volition, changes her rating.

### **Rule A5, Scores Determined by the Race Committee**

#### **CASE 28**

When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(c) only when the change in the mark's position has directly affected the safety or fairness of the competition.

#### **CASE 80**

A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat must be scored DNF if she does not finish according to that term's definition, she is not to be scored DNF for failing to sail the course correctly.

#### **CASE 128**

If a boat makes an error under rule 28.2 or breaks rule 31 at the finishing line and finishes without correcting her error or taking a penalty, she must be scored points for the place in which she finished. She can only be penalized for breaking rule 28.2 or rule 31 if she is protested and the protest committee decides that she broke the rule.

#### **CASE 131**

At the end of an event, if a boat has broken rule 78.2 by not producing a required certificate or arranging for its existence to be verified, the race committee is required, without a hearing, to score her 'DSQ' for all races of the event.

## **Rule A10, Guidance on Redress**

### **CASE 116**

A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining races. In such a situation it is not fair to the other boats in the series to award her average points for half or more of the races that comprise her series score.

## **APPENDIX J – NOTICE OF RACE AND SAILING INSTRUCTIONS**

### **Rule J1, Notice of Race Contents**

### **Rule J2, Sailing Instruction Contents**

### **CASE 98**

The rules listed in the definition Rule apply to races governed by *The Racing Rules of Sailing* whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.

### **CASE 121**

The procedure that must be followed in order to change a racing rule for an event is described in detail.

## **APPENDIX R – PROCEDURES FOR APPEALS AND REQUESTS**

### **Rule R5, Inadequate Facts; Reopening**

### **CASE 104**

Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can

change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.

## **RACE SIGNALS**

### **Race Signals: Recall Signals, X**

#### **CASE 31**

When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.

## **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. When the *IRPCAS* right-of-way rules replace the rules of Part 2, they effectively prohibit a right-of-way boat from changing course towards the boat obligated to keep clear when she is close to that boat.

#### **CASE 109**

The *IRPCAS* or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An *IRPCAS* or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.

# SECTION 2

## CASES

### CASE 1

**Rule 60.1, Right to Protest; Right to Request Redress or Rule 69  
Action**

**Rule 63.1, Hearings: Requirement for a Hearing**

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

#### **Facts**

Boats A, B and C are racing with others. After an incident between A and B, A hails 'Protest!' and displays her protest flag, but B does not take 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.

#### **Question**

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, the protest committee must hear B's protest against C and, if B's protest is valid and the protest committee is satisfied from the evidence that C broke a rule, C must be disqualified.



## CASE 2

**Rule 12, On the Same Tack, Not Overlapped**

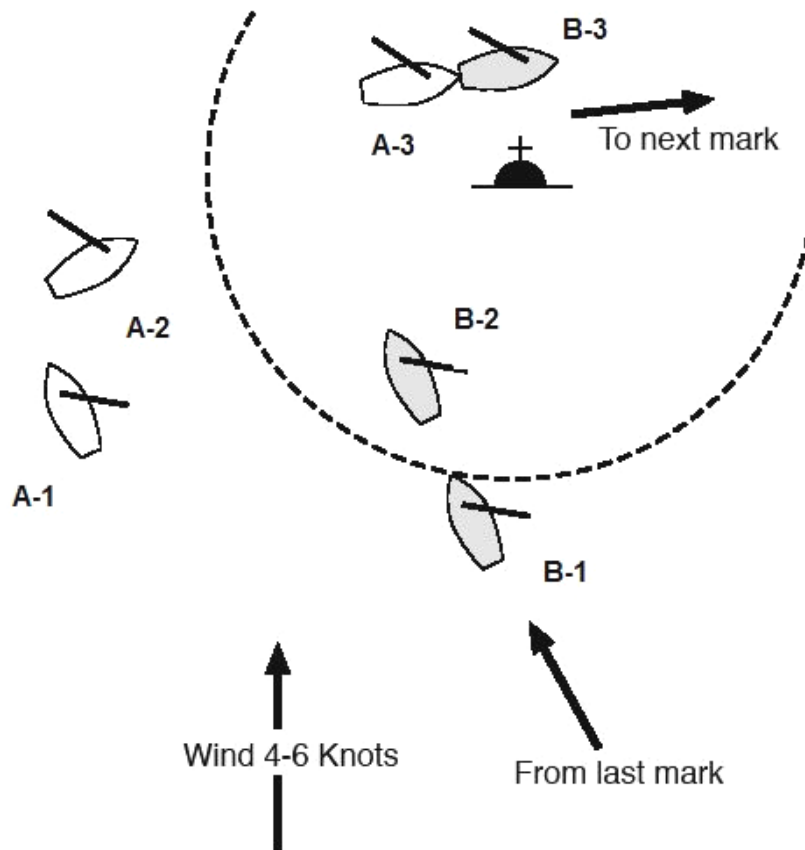
**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 18.2(a), Mark-Room: Giving Mark-Room**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

*If the first of two boats to reach the zone is clear astern when she reaches it and if later the boats are overlapped when the other boat reaches the zone, rule 18.2(a), and not rule 18.2(b), applies. Rule 18.2(a) applies only while boats are overlapped and at least one of them is in the zone.*



### Facts

A and B were both on port tack, reaching to a mark to be left to starboard. The wind was light. At position 1, when A came abreast of the mark she was clear ahead of B but four-and-a-half hull lengths from the mark. B, which had just reached the zone, was three lengths from the mark. Between positions 1 and 2 A gybed and headed to the mark, becoming overlapped outside B. Between positions 2 and 3, after B had gybed and

turned towards the next mark, she became clear ahead of A. When B first became clear ahead of A there was about one-half of a hull length of open water between the boats. A few seconds after B became clear ahead, A, who was moving faster, struck B on the transom. There was no damage or injury. A protested B under rule 18.2(b). B protested A under rule 12. A was disqualified and she appealed.

## **Decision**

A apparently believed that the second sentence of rule 18.2(b) applied when the two boats were at position 1 and that B, then being clear astern, was obliged to give A mark-room. As that sentence states, it applies only if a boat was clear ahead when she reached the zone. At position 1, B had reached the zone, but A was well outside it. Moreover, the first sentence of rule 18.2(b) never applied because the boats were not overlapped when B, the first of them to reach the zone, did so. However, while the boats were overlapped, rule 18.2(a) did apply, and it required A to give mark-room to B. During that time B had to keep clear of A, first under rule 10 and later (after she gybed) under rule 11.

After B gybed she pulled clear ahead of A. At that moment rules 18.2(a) and 11 ceased to apply and rules 12 and 15 began to apply. Rule 15 required B initially to give A room to keep clear, and B did so because it would have been easy for A to keep clear by promptly bearing off slightly to avoid B's transom after B became clear ahead. When A hit B's transom, she obviously was not keeping clear of B, and so it was proper to disqualify A for breaking rule 12. A also broke rule 14 because it was possible for her to bear off slightly and avoid the contact with B.

After it became clear that A was not going to keep clear of B, it was probably not possible for B to avoid the contact. However, even if B could have avoided the contact, she would have been exonerated under rule 14(b) because she was the right-of-way boat and the contact did not cause damage or injury.

The appeal is dismissed, the protest committee's decision is upheld, and A remains disqualified for breaking rules 12 and 14.

## CASE 3

### Rule 19.2(a), Room to Pass an Obstruction: Giving Room at an Obstruction

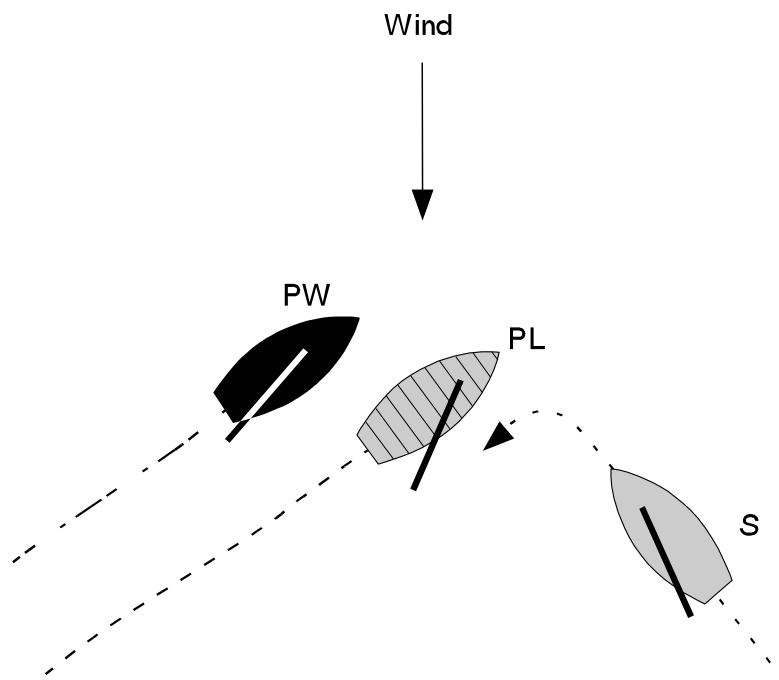
### Rule 20, Room to Tack at an Obstruction

### Rule 64.1(a), 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.*

### 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 that moment, S, which was then within three feet (1 m) 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**

PL's appeal is upheld. PL is to be reinstated. Because S was an obstruction to PL and PW, PL, as the right-of-way boat, was entitled under rule 19.2(a) to choose between bearing away and hailing for room to tack (see rule 20.1). Having decided to tack and having hailed for room to do so three times, PL was entitled by rules 20.2(b) and 20.2(c) to expect that PW would respond and give her room to tack. She was not obliged to anticipate PW's failure to comply with rules 20.2(b) and 20.2(c). PL broke rule 10, but she is exonerated as the innocent victim of another boat's breach of a rule, under the provisions of rule 64.1(a).

GBR 1962/37

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## **CASE 4**

### **Rule 49, Crew Position; Lifelines**

### **Rule 50.3(a), Setting and Sheetting Sails: Use of Outriggers**

*A competitor may hold a sheet outboard.*

### **Question**

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

### **Answer**

Rule 50.3(a) prohibits the use of an outrigger and defines it to be a fitting or other device. A competitor is neither a fitting nor a device. It is therefore permissible for a competitor to hold a sheet outboard, provided that rule 49 is complied with.

GBR 1962/41

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## CASE 5

### Definitions, Racing

### Rule 23, Capsized, Anchored or Aground; Rescuing

### Rule 42.1, Propulsion: Basic Rule

### Rule 45, Hauling Out; Making Fast; Anchoring

*A boat that is anchored during a race is still racing. A boat does not break rule 42.1 or rule 45 if, while pulling in her anchor line to recover the anchor, she returns to her position at the time the anchor was lowered. However, if pulling in the anchor line clearly propels her to a different position, she breaks those rules.*

### Facts

In races when the first leg is a beat to windward against adverse current and the wind is very light, some boats anchor at or near the starting line to prevent the current from sweeping them downwind. When the wind freshens or the current eases, they pull up their anchors and start to sail.

### Question 1

Is a boat that is anchored still ‘racing’ as the term is used in the preamble to Part 4?

### Answer 1

Yes. In the preamble to Part 4, the word ‘racing’ is printed in bold italics and, therefore, it is being used in the sense stated in the Definitions (see Terminology in the Introduction). The definition Racing makes no mention of a boat that is anchored, aground, capsized or otherwise not progressing in the race. Therefore anchored boats are still ‘racing’, which means that they are protected by rule 23 and governed by the racing rules including rules 42.1 and 45.

### Question 2

Is a boat required to sail to a point above her anchor before she pulls it up, or can she recover her anchor even if the action of pulling in the anchor line results in her being propelled through the water or over the bottom?

### Answer 2

Actions that are permitted by rule 45 are exceptions to rule 42.1. Rule 45 permits boats to anchor. To anchor a boat in a seamanlike way, additional

anchor line must be let out after the anchor touches the bottom. Rule 45 requires boats to recover their anchors before continuing in the race unless unable to do so. To recover an anchor, it is first necessary to pull in the additional line, and that action will move the boat to a point above the anchor. As this action is permitted by rule 45, it does not break rule 42.1.

However, if the additional line is pulled in so forcefully or rapidly that after the anchor is lifted off the bottom the boat clearly has been propelled to a different position from where the anchor was lowered, she has continued in the race before recovering her anchor, and her action breaks both rule 42.1 and rule 45.

Revised by World Sailing 2012

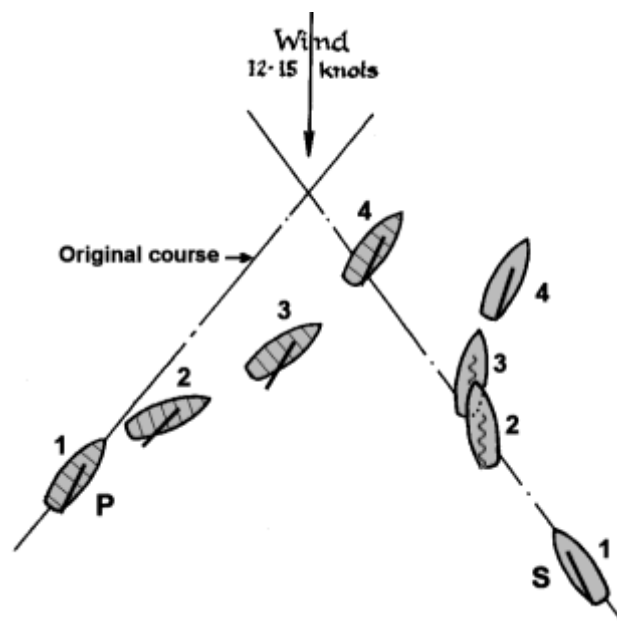
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## CASE 6

### 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.*



### Facts

Between positions 1 and 2 P 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 about a hull length to windward, and

passed S 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**

S's appeal is upheld. She is to be reinstated. 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. No rule was broken by S.

USA 1963/93

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## **CASE 7**

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

**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 16.1, Changing Course**

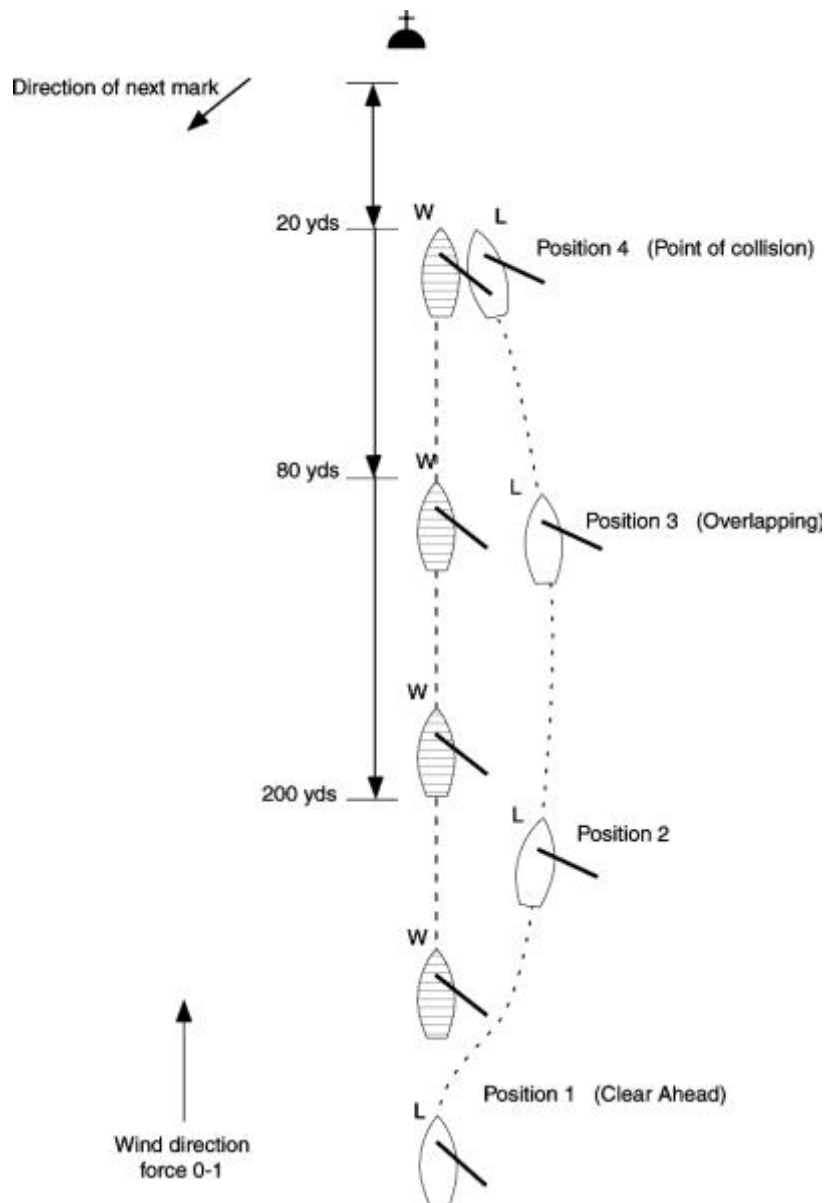
**Rule 17, On the Same Tack; Proper Course**

*When, after having been clear astern, a boat becomes overlapped to leeward within two of her hull lengths of the other boat, the windward boat must keep clear, but the leeward boat must initially give the windward boat room to keep clear and must not sail above her proper course. The proper course of the windward boat is not relevant.*

### **Facts**

Boats L and W were dinghies, 15 feet (5 m) in length. About 200 yards (200 m) from the mark, L became overlapped to leeward of 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 (80 m) from the mark. At this point, L luffed slightly to sail directly to the mark, a luff that did not affect W. W maintained a

steady course. L never became clear ahead. W's boom touched L's shroud, without damage or injury, 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 fulfil her obligation to keep clear as required by rule 15. L appealed.



(Note: Diagram is not to scale. Distances shown are approximate distances from the next mark. At the time of contact, neither boat had reached the zone around the mark.)

## Decision

L's appeal is upheld. When L became overlapped to leeward of W, 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 W certainly had room to keep clear.

Rule 17 applied to L because, as the diagram shows, she had been clear astern before the boats became overlapped and was within two of her hull lengths of W when the overlap began. L was justified in changing course to sail directly to 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; W's proper course is not relevant. According to the agreed diagram, L at no time sailed above her proper course. Therefore L did not break rule 17. Just after position 3 L luffed slightly. Clearly there was room for W to keep clear, and so L did not break rule 16.1. L broke rule 14 because she could have avoided contact with W, but she is exonerated under rule 14(b) because there was no damage or injury. W is disqualified under rule 11, and L is reinstated.

GBR 1963/10

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## CASE 8

### **Rule 42.1, Propulsion: Basic Rule**

### **Rule 42.2(d), Propulsion: Prohibited Actions**

*Repeated helm movements to position a boat to gain speed on each of a series of waves generated by a passing vessel are not sculling unless they are forceful, and the increase in speed is the result of a permitted use of the water to increase speed.*

### **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 without undue force, in a series of course changes rhythmically timed to the passage of the waves under his boat. These actions were repeated for each wave and A gained speed on each occasion. B protested A under rule 42.2(d) for sculling. The protest committee disqualified A and she appealed.

### **Decision**

A's appeal is upheld. She is to be reinstated.

The movement of the tiller, while repeated, was not forceful. Any gain in speed did not result directly from the tiller movement, but from positioning the boat to take advantage of wave action, which is consistent with rule 42.1. To do so, a helmsman may move his tiller as he thinks best, provided that his movements do not break rule 42.2(d).

USA 1962/91

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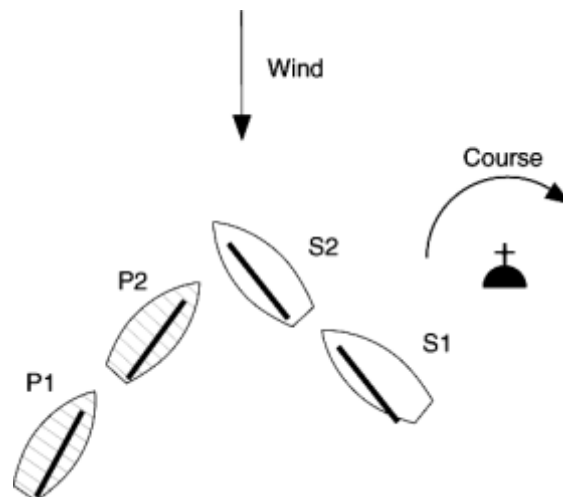
## CASE 9

### Definitions, Proper Course

### Rule 10, On Opposite Tacks

### Rule 18.1(b), Mark-Room: When Rule 18 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) states that the boats are not subject to rule 18 because they are on opposite tacks and the proper course for one of them (S), but not both, is to tack. When S chooses to hold her course, P

must keep clear. While in certain circumstances boats are prohibited from sailing above a proper course there is no rule that requires a boat to sail her proper course.

GBR 1964/2

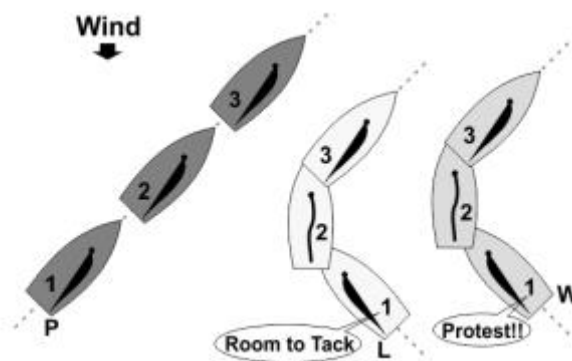
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## CASE 10

### Rule 20, Room to Tack at an Obstruction

*If a boat hails for room to tack when she is neither approaching an obstruction nor sailing close-hauled or above, she breaks rule 20.1. The hailed boat is required to respond even if the hail breaks rule 20.1.*

#### Facts for Question 1



L and W are close-hauled on starboard tack. L is on a collision course with P, a boat racing, close-hauled on port tack. L hails W for room to tack; W responds and protests.

#### Question 1

How does rule 20 apply to this situation?

#### Answer 1

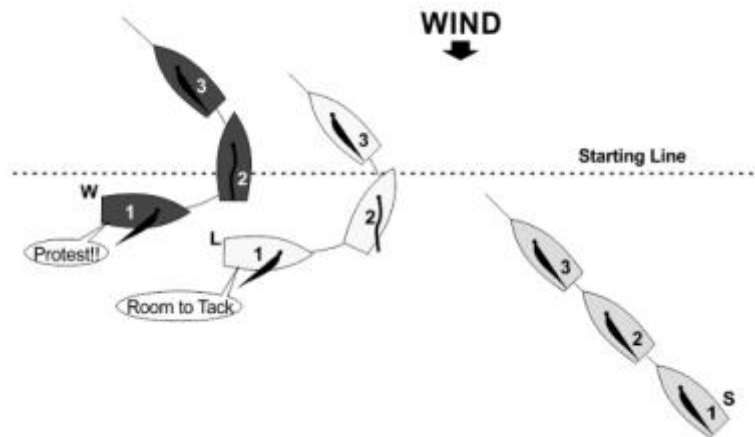
Although there is risk of collision between L and P, P is not an obstruction to L and W because neither L nor W is required to keep clear of her.

At the time L hails for room to tack, she is not approaching an obstruction and she breaks rule 20.1(a).

Rule 20.2(b) requires W to respond to the hail even if the requirements of rule 20.1 are not met. Therefore, W must either tack as soon as possible or hail 'You tack' and then give room for L to tack and avoid her. When W

responds, L must tack as soon as possible. W responds by tacking and breaks no rule.

### Facts for Question 2



L and W are reaching along the start line on port tack. L is on a collision course with S, approaching the line close-hauled on starboard tack. L hails W for room to tack. W responds and protests.

### Question 2

How does rule 20 apply to this situation?

### Answer 2

S is an obstruction to both W and L.

At the time L hails for room to tack, she is approaching an obstruction and will need to make a substantial course change to avoid it. However, because she is not sailing close-hauled or above, she breaks rule 20.1(b).

As in Answer 1, rule 20.2(b) requires W to respond to the hail even if the requirements of rule 20.1 are not met. Therefore, W must either tack as soon as possible or hail 'You tack' and then give room for L to tack and avoid her. W responds by tacking and breaks no rule. If L fails to tack, and for example sails astern of S, she also breaks rule 20.2(d).

## CASE 11

### Definition, Obstruction

### Rule 14, Avoiding Contact

### Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

### Rule 20.1, Room to Tack at an Obstruction: Hailing

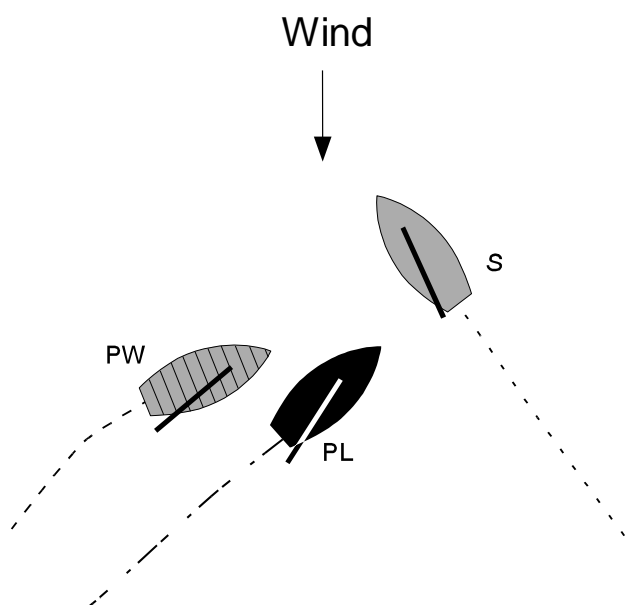
### Rule 21(a), Exoneration

*When boats are overlapped at an obstruction, including an obstruction that is a right-of-way boat, the outside boat must give the inside boat room to pass between her and the obstruction.*

### 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 to pass astern of S when PW and PL 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 with no damage or injury. PW protested under rule 19.2(b).

The protest committee held that rule 19.2(b) did not apply, stating that PW could easily have tacked into the open water to windward to keep clear, and should have done so. PW was disqualified under rule 11 and appealed.



## Decision

S was an obstruction to PW and PL because both PW and PL would each have needed to change course substantially if they had been sailing directly towards S and were one hull length from her, and because they both were required by rule 10 to keep clear of her (see the definition Obstruction). Under rule 19.2(a), PL, as the right-of-way boat, was entitled to pass S on either side. She chose to pass to leeward of S. Therefore, under rule 19.2(b) PW was entitled to room to pass between PL and the stern of S. PL did not give PW that room, so PL broke rule 19.2(b). PL was subject to rule 14, but since she held right of way over PW and there was no damage or injury, she is exonerated for breaking that rule (see rule 14(b)).

PW could not have known that PL was not going to give sufficient room until she was committed to pass between S and PL. PW broke rule 11, but she did so while sailing within the room to which she was entitled by rule 19.2(b). Therefore, as required by rule 21(a), PW is exonerated for breaking rule 11. Also, when it became clear that PL was not giving room, it was not reasonably possible for PW to avoid the contact that occurred, so PW did not break rule 14.

PW was not required to ‘tack into open water to windward to keep clear’ because PL did not hail under rule 20.1 for room to tack and avoid S. Had PL hailed, PW would have been required by rules 20.2(b) and 20.2(c) to respond even though rule 20.1(a) prohibited PL from hailing because she did not have to make any change of course to avoid S.

PW’s appeal is upheld. The decision of the protest committee disqualifying PW is reversed. PW is reinstated, and PL is disqualified for breaking rule 19.2(b). (See Case 125 for discussion of a similar situation.)

## CASE 12

**Definitions, Clear Astern and Clear Ahead; Overlap**

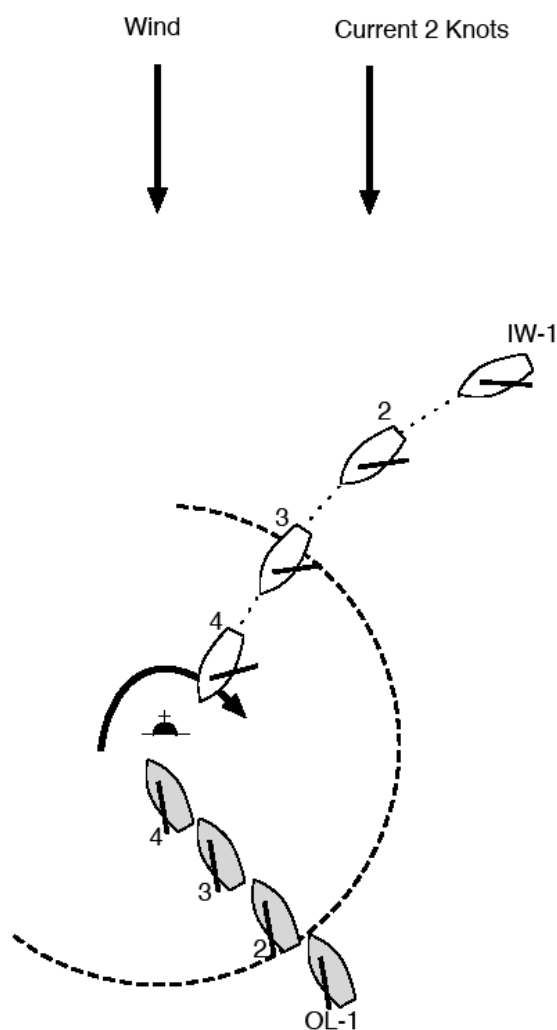
**Rule 11, On the Same Tack, Overlapped**

**Rule 18.1, Mark-Room: When Rule 18 Applies**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 21(a), Exoneration**

*In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them reaches the zone.*



### Facts

OL and IW were approaching a mark to be left to starboard. The wind was 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 three hull lengths from the mark, was sailing close-hauled 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 4 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 or injury.

OL protested under rule 11 but was herself disqualified under rule 18.2(b). She appealed, asserting that it was illogical and beyond the intention of the definition Clear Astern and Clear Ahead; 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**

OL's appeal is dismissed and her disqualification is confirmed.

The boats were required to leave the mark on the same side and were on the same tack, and so rule 18 applied after position 1 when OL reached the zone. From that time until contact occurred, neither boat was clear astern of the other and so they were overlapped (see the definition Clear Astern and Clear Ahead; Overlap). Therefore the first sentence of rule 18.2(b) applied, limiting the rights of OL, the outside boat, under rule 11 by requiring her to give IW, the inside boat, mark-room. OL did not give IW mark-room, and so is disqualified under rule 18.2(b).

IW broke rule 11, but did so while sailing within the mark-room to which she was entitled, and therefore is exonerated under rule 21(a).

Both boats broke rule 14 because each of them could have avoided the contact. However, because OL was the right-of-way boat and IW was entitled to mark-room, and there was no damage or injury, both are exonerated under rule 14(b) for breaking rule 14.



## CASE 13

### Definitions, Proper Course

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

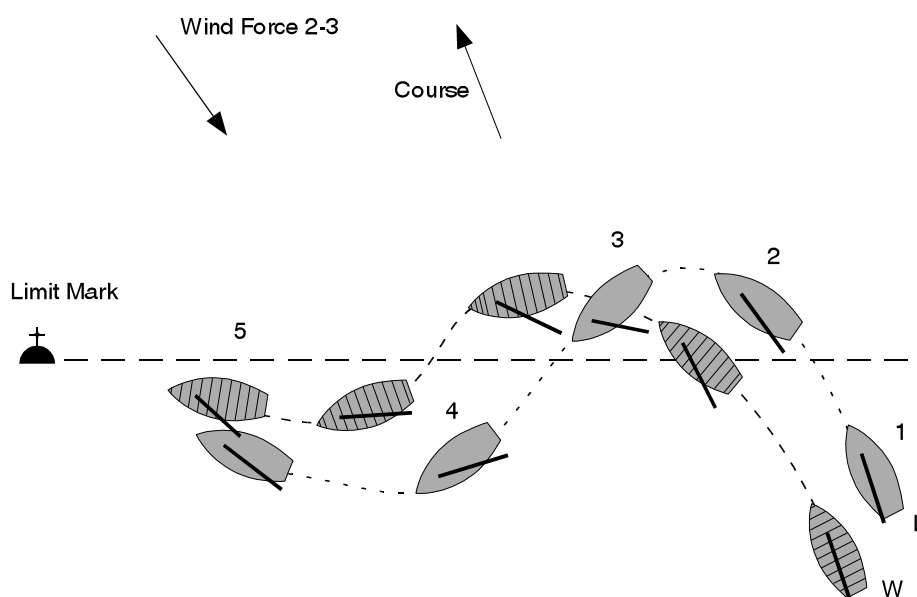
### Rule 14, Avoiding Contact

### Rule 15, Acquiring Right of Way

### Rule 16.1, Changing Course

### Rule 17, On the Same Tack; Proper Course

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



### Facts

As the two 14-foot (4 m) 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 windward 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 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**

W's appeal is dismissed. Between positions 2 and 3 L became overlapped 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, when L luffed to a close-hauled course, she was required by rule 16.1 to give W room to keep clear, and she did so.

L had been clear astern of W and was within two of her hull lengths of W when she became overlapped to leeward of W. Therefore, she was required by rule 17 to sail no higher than her proper course. However, she had no proper course before the starting signal (see the definition Proper Course) and the starting signal was not made until after the incident. Therefore, L's luff did not break rule 17 and she was in fact entitled to luff higher than she did, even as high as head to wind, as long as while so doing she complied with rule 16.1.

After L became overlapped to leeward of W, W was required by rule 11 to keep clear of L. She did not do so and accordingly her disqualification under rule 11 is upheld. In addition, W broke rule 14 because she could have avoided the contact with L.

L also broke rule 14 because it would have been easy for her to bear off slightly and avoid the contact. However, she is exonerated because she was the right-of-way boat and there was no damage or injury.

GBR 1965/10

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## **CASE 14**

### **Definitions, Proper Course**

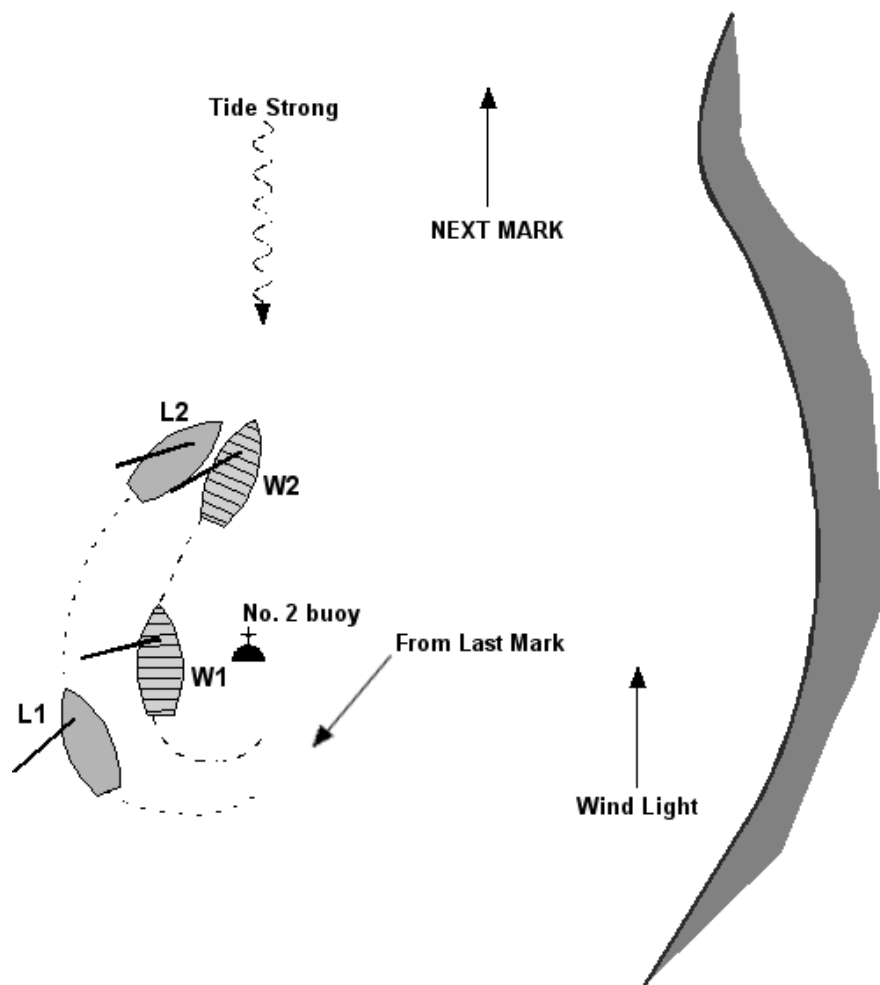
### **Rule 11, On the Same Tack, Overlapped**

### **Rule 14, Avoiding Contact**

### **Rule 16.1, Changing Course**

### **Rule 17, On the Same Tack; 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. Two boats on the same leg sailing near one another may have different proper courses.*



## Facts

After rounding the windward mark in light wind the fleet divided, some boats sailing towards shore to get out of the tide and others remaining offshore in hopes of a better wind. L had established an overlap to leeward of W from clear astern while within two of her hull lengths of W, and they rounded the mark overlapped. W chose to remain offshore, while L began to luff slowly and informed W of her intention to go inshore. W replied, 'You have no right to luff.' L replied that she was sailing her proper course and W was required to keep clear. The discussion took some time. L continued to gradually change course, and at no time did W state that she was unable to keep clear. The boats touched and both protested. The protest committee disqualified L under rule 17 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.

This case illustrates the fact that two boats on the same leg sailing very near to one another can have different proper courses. Which of two different courses is the faster one to the next mark cannot be determined in advance and is not necessarily proven by one boat or the other reaching the next mark ahead.

The basis for W's protest was that L sailed above her proper course while subject to rule 17. L's defence and counter-protest were that she had decided that the inshore course out of the tide would result in her finishing sooner and that, therefore, the course she was sailing was her proper course. In addition, L argued that W had broken rules 11 and 14.

The facts found do not show that L sailed above her proper course; therefore she did not break rule 17. When L luffed slowly between positions 1 and 2, W had room to keep clear, so L did not break rule 16.1. L could have avoided contact with W. By not doing so, she broke rule 14, but is exonerated for breaking it because she was the right-of-way boat and the contact caused no damage or injury.

By failing to keep clear of L, W broke rule 11. W could have avoided the contact, and by not doing so she too broke rule 14, but she is not exonerated.

L's appeal is upheld. L is reinstated, and W is disqualified for breaking rules 11 and 14.

GBR 1966/3

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## **CASE 15**

### **Definitions, Mark-Room**

#### **Rule 12, On the Same Tack, Not Overlapped**

#### **Rule 13, While Tacking**

#### **Rule 18.1(b), Mark-Room: When Rule 18 Applies**

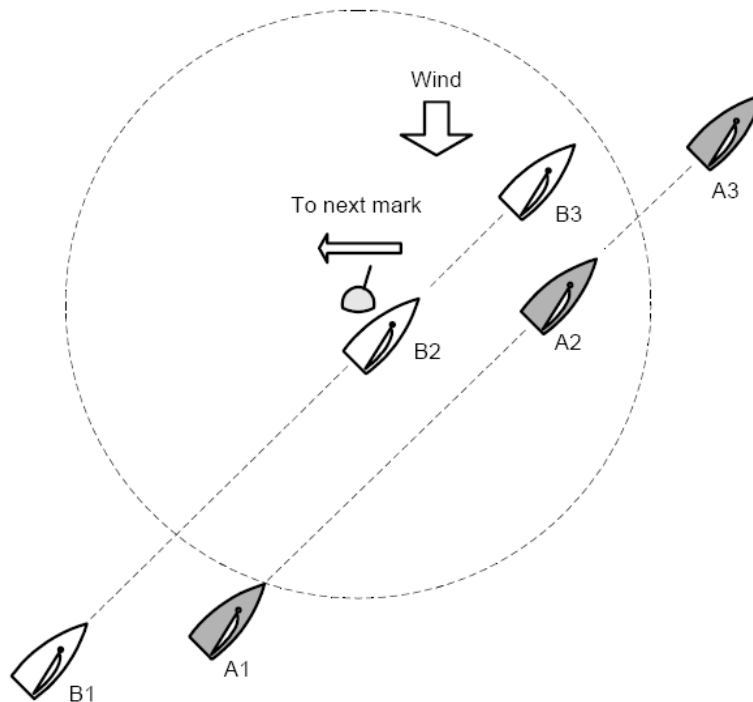
#### **Rule 18.2(b), Mark-Room: Giving Mark-Room**

#### **Rule 18.2(d), Mark-Room: Giving Mark-Room**

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

## Facts

A and B are approaching the windward mark which they are required to leave to port. They are close-hauled on parallel courses with A clear ahead. A expects B, when she can tack and fetch the mark, to tack to round it and head for the next mark. Instead, B holds her course as shown in the diagram and sails on well past the mark.



## Question

Has B the right to hold her course in this way and, thereby, prevent A from tacking?

## Answer

Yes. While A remains on port tack, B is required to keep clear by rule 12 and, as A was clear ahead when she reached the zone, B is required by rule 18.2(b) to give A mark-room as well. Provided B keeps clear of A and gives A mark-room if A luffs (even if A luffs as high as head to wind), B is entitled to sail any course she chooses, including holding her course. However, B is no longer required to give A mark-room after A leaves the zone (see rule 18.2(d)).

The mark-room to which A is entitled does not include room for her tack (see the last sentence of the definition Mark-Room). If A were to pass head to wind, then at that moment all parts of rule 18 would cease to apply because the boats would be on opposite tacks (see rule 18.1(b)). In

addition, A would no longer have right of way under rule 12, and B would become the right-of-way boat under rule 13.

GBR 1966/8

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## **CASE 16**

**Deleted**

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## **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.

GBR 1967/8

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## **CASE 18**

**Deleted**

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## CASE 19

### **Part 2 Preamble**

#### **Rule 14(b), Avoiding Contact**

#### **Rule 36(b), Races Restarted or Resailed**

#### **Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty**

#### **Rule 60.3(a)(1), Right to Protest; Right to Request Redress or Rule 69 Action**

#### **Rule 61.1(a)(4), Protest Requirements: Informing the Protestee**

#### **Rule 62.1(b), Redress**

#### **Rule 63.5, Hearings: Validity of the Protest or Request for Redress**

#### **Rule 64.3(a), Decisions: Decisions on Protests Concerning Class Rules**

*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 . . . impairing the value or usefulness of something.’

This definition suggests questions to consider. Examples are:

- Was the current market value of any part of the boat, or of the boat as a whole, diminished?
- Was any item of the boat or her equipment made less functional?

GBR 1968/2

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## CASE 20

### **Rule 1.1, Safety: 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.*

## **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**

B's appeal is 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. B is entitled to redress. The protest committee is directed to reopen the hearing and to grant appropriate redress following the requirements and advice given in rules 64.2 and A10.

GBR 1968/14

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# **CASE 21**

## **Definitions, Mark-Room**

## **Definitions, Room**

*When a right-of-way boat is obligated to give mark-room to a boat overlapped inside her, there is no maximum or minimum amount of space that she must give. The amount of space that she must give depends significantly on the existing conditions including wind and sea conditions, the speed of the inside boat, the sails she has set and her design characteristics.*



## Question

When rule 18 requires a right-of-way boat to give mark-room to an inside boat that overlaps her, what is the maximum amount of space that she must give? What is the minimum amount of space that she must give?

## Answer

In this situation, the definition Mark-Room states that the inside boat is entitled to room for four manoeuvres:

- Room to leave the mark on the required side.
- Room to sail to the mark, but only if the inside boat's proper course is to sail close to the mark.
- Room to round the mark as necessary to sail the course.
- Room to tack, but only if these additional conditions are met: the inside boat is overlapped to windward of the outside boat, the tack is part of the rounding necessary to sail the course, and the inside boat would be fetching the mark after her tack.

The definitions Room and Mark-Room do not include any reference to a maximum or minimum amount of space, and no rule implies that the right-of-way outside boat must give a maximum or minimum amount of space. She must give the inside boat the space she needs in the existing conditions to carry out those manoeuvres promptly in a seamanlike way. In addition, the inside boat is entitled to space to avoid touching the mark and space for her to comply with her obligations under the rules of Part 2 with respect to the outside boat as well as any other nearby boats.

The term 'existing conditions' deserves consideration. For example, the inside one of two dinghies approaching a mark on a placid lake in light air will need relatively little space beyond that required for her hull and properly trimmed sails. 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 space or even more to ensure safety. A boat with a spinnaker flying often needs more space than one with her spinnaker stowed. A boat that is planing or surfing may require less space to turn than a boat that is climbing a steep wave. The 'existing conditions' also include characteristics of the inside boat. For example, a boat with a long keel or a multihull may require more space to round a mark than a more easily turned monohull. A boat with a large rudder may need less space to turn than a boat with a small rudder.

The phrase ‘manoeuvring promptly in a seamanlike way’ has implications for both boats. First, it addresses the inside boat, saying she is not entitled to complain of insufficient space if she fails to execute with reasonable efficiency the handling of her helm, sheets and sails while manoeuvring. It also implies that the outside boat must provide enough space so that the inside boat need not manoeuvre in an extraordinary or abnormal manner (see also Case 103).

World Sailing 1969

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## CASE 22

**Rule 61.2(d), Protest Requirements: Protest Contents**

**Rule 63.5, Hearings: Validity of the Protest or Request for Redress**

**Rule 64.1, Decisions: Penalties and Exoneration**

*It is not relevant to the validity of a protest that a rule the protestor believes was broken is not one of the rules that the protest committee later determines to have been broken.*

### Facts

After a collision near a mark, S protested P, citing rule 18 on her protest form as required by rule 61.2(d). 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

Rule 61.2(d) requires the protest to identify any rule the protestor believes was broken. If this requirement is not met in the written protest delivered to the race office, it may be met before or during the hearing. There is no requirement that the rule or rules identified must be the rule or rules that are later determined to have been broken, and it is irrelevant for deciding on the validity of the protest that the protestor cited a rule that will very likely not be the applicable rule.

It is the protest committee, after finding the facts, that determines the applicable rule. Rule 64.1 states that a disqualification or other penalty shall be imposed whether or not the applicable rule was mentioned in the protest.

The appeal is upheld to the extent that the protest committee is instructed to hold a new hearing.

ITA 1967/4

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## CASE 23

**Definitions, Clear Astern and Clear Ahead; Overlap**

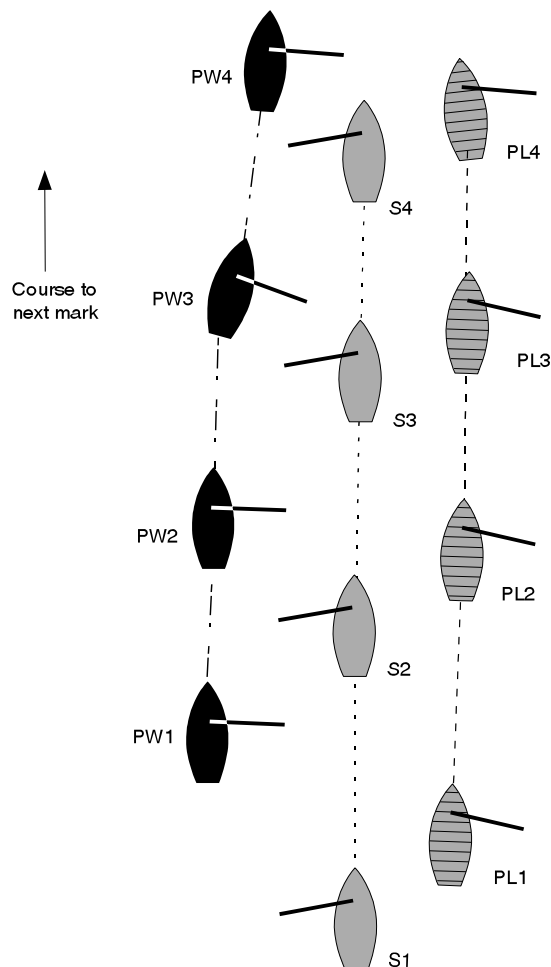
**Definitions, Obstruction**

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 19, Room to Pass an Obstruction**

*On a run, rule 19 does not apply to a starboard-tack boat that passes between two port-tack boats ahead of her. Rule 10 requires both port-tack boats to keep clear.*



## **Facts**

Three boats, one on starboard tack and two on port, were running. S overtook PL and PW and passed 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 19.2(c) 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. Because all three boats were sailing more than 90 degrees from the true wind, S and PL were overlapped from position 1 to position 4, and S and PW were overlapped from shortly after position 2 to position 4 (see the definition Clear Astern and Clear Ahead; Overlap).

While those overlaps existed, rule 19 did not apply because there was no obstruction that any two of the boats passed on the same side. The penultimate 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 penultimate sentence of the definition means that S was an obstruction to both PL and PW. However, rule 19 did not apply because at no time did both PL and PW pass S on the same side.

Also, rule 19.2(c), which was cited by PW in her protest, applies only while boats are passing a continuing obstruction, and, as the last sentence of the definition Obstruction states, a boat racing that is under way is never a continuing obstruction.

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 to avoid contact after it became clear that PW and PL were not keeping clear. 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. Therefore, both PL and PW broke rule 10. Both PL and PW could easily have avoided contact with S, so both of

them also broke rule 14. The protest committee's decision to disqualify PL and PW is upheld and PW's appeal is dismissed.

GBR 1970/1

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## CASE 24

### **Definition, Room**

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

### **Rule 12, On the Same Tack, Not Overlapped**

### **Rule 15, Acquiring Right of Way**

### **Rule 21(a), Exoneration**

*When a boat becomes overlapped to leeward from clear astern, the other boat must act promptly to keep clear. When she cannot do so in a seamanlike way, she has not been given room as required by rule 15.*

### **Facts**

Two boats, A and B, are on a broad reach 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 becomes overlapped close to leeward of A's stern.

### **Questions**

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?
3. What are A's obligations under rule 11?

### **Answers**

1. As soon as B becomes overlapped, rule 12 ceases to apply. A becomes bound by rule 11, and B by rule 15.
2. Rule 15 embodies the principle in the rules that when the right of way 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 manoeuvre to keep clear. B's obligation under rule 15 is not a continuing one; it protects A only temporarily, and only if A responds promptly after the overlap begins (see the definition Room).

3. Rule 11 requires A to keep clear and, if this requires her to luff, she must do so promptly. If A does so but some part of her hull, crew or equipment touches any part of B's hull, crew or equipment, A breaks rule 11. If the contact occurred despite A having luffed in a seamanlike way, B has broken rule 15 by not giving A room to keep clear and A is exonerated under rule 21(a) for her breach of rule 11. However, if A luffed higher than was necessary to keep clear of B and, as a result, caused contact with B, A has been given the room required by rule 15 and is not exonerated.

GBR 1970/2

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## CASE 25

### **Definition, Mark-Room**

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

### **Rule 14, Avoiding Contact**

### **Rule 16.1, Changing Course**

### **Rule 18.2(b), Mark-Room: Giving Mark-Room**

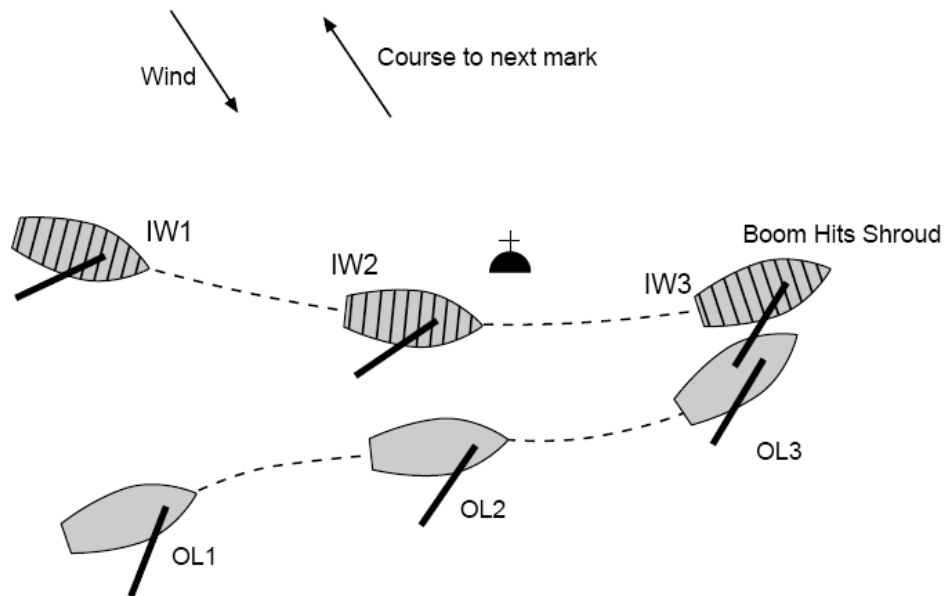
### **Rule 18.2(d), Mark-Room: Giving Mark-Room**

### **Rule 21(a), Exoneration**

*When an inside overlapped windward boat that is entitled to mark-room takes more space than she is entitled to, she must keep clear of the outside leeward boat, and the outside boat may luff provided that she gives the inside boat room to keep clear.*

### **Facts**

Two 15-foot (4.5 m) dinghies, IW and OL, were approaching a leeward port-hand mark. The next leg was a beat to windward. IW established an inside overlap on OL well before the boats reached the zone, and OL gave IW space to sail to the mark and to round the mark onto a close-hauled course. After IW passed the mark, OL began to luff to her course to the next mark. IW was slower in heading up, and her boom, still well out, touched OL's helmsman and shrouds. At the time of the contact IW was a hull length from the mark and sailing below a close-hauled course. No damage or injury occurred. IW protested OL under rule 18.2(b), and OL protested IW under rule 11.



The protest committee decided that, because IW did not promptly head up to a close-hauled course after sailing to the mark, she took more space than she was entitled to under rule 18.2(b). IW did not deny this but attributed it to her main sheet being led from the end of her boom, as compared to the centre-boom lead used by OL.

The protest committee dismissed IW's protest, upheld OL's, and disqualified IW for breaking rule 11. IW appealed.

## Decision

IW's proper course was to sail close to the mark, and the course change necessary to sail the course was to round up to a close-hauled course. Therefore, rule 18.2(b) required OL to give IW room to sail to the mark and room to round it onto a close-hauled course, leaving it on the required side. Between positions 1 and 2 OL gave IW room to sail to the mark and between positions 2 and 3 room to round the mark onto a close-hauled course. Therefore, OL did not break rule 18.2(b).

About halfway between positions 2 and 3, IW had been given the space she needed to sail to and around the mark onto a close-hauled course, leaving it on the required side. She therefore had been given mark-room by OL, and at that moment rule 18.2(b) ceased to apply (see rule 18.2(d)).

Throughout the incident IW was required by rule 11 to keep clear of OL. IW sailed a hull length away from the mark on a course below close-hauled, and shortly before the contact at position 3, IW broke rule 11 by failing to keep clear.

When OL luffed between positions 2 and 3, OL was required by rule 16.1 to give IW room to keep clear. OL luffed approximately 30 degrees while moving forward two hull lengths. Even with a boom-end mainsheet rig, a boat sailed in a seamanlike way can turn through 30 degrees and trim her mainsail appropriately while moving forward two hull lengths. Therefore, OL gave IW room to keep clear and did not break rule 16.1.

IW is not exonerated under rule 21(a) for breaking rule 11 because, when she did so, she was no longer entitled to mark-room from OL, and she was sailing to leeward of, not within, the room to which she was entitled under rule 16.1.

OL could have avoided contact with IW, and so OL broke rule 14. She is exonerated for doing so because she was the right of way boat and the contact resulted in neither damage nor injury (see rule 14(b)).

It was possible for IW to have avoided the contact, and therefore IW also broke rule 14. However, because IW was entitled to room under rule 16.1 and the contact resulted in neither damage nor injury, she too is exonerated for breaking rule 14.

IW's appeal is dismissed. The protest committee's decision to disqualify IW under rule 11 is upheld.

CAN 1971/9

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## **CASE 26**

**Rule 14, Avoiding Contact**

**Rule 16.1, Changing Course**

**Rule 18.1, Mark-Room: When Rule 18 Applies**

**Rule 64.1, Decision: Penalties and Exoneration**

*A right-of-way boat need not act to avoid a collision until it is clear that the other boat is not keeping clear. However, if the right-of-way boat could then have avoided the collision and the collision resulted in damage, she must be penalized for breaking rule 14.*

### **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

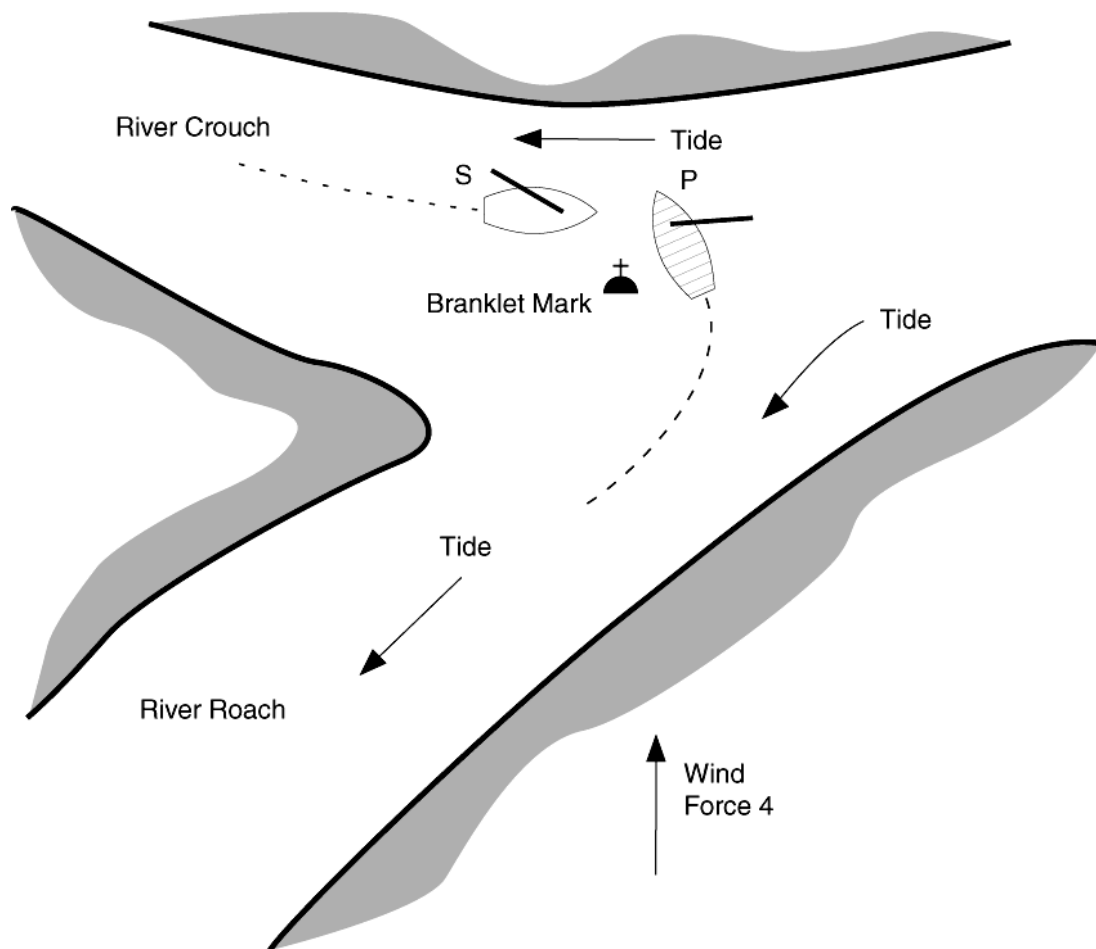


hardening up to leave the mark to port, S was required to leave it to starboard and was preparing to do so.

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 16.1.

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



## Decision

P, as the keep-clear boat, failed to keep a lookout and to observe her primary duties to keep clear and avoid contact. She broke both rule 10 and rule 14. An important 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, particularly when approaching a mark. If P had done so she

would have become aware of S's presence sooner and been able to avoid the collision.

Rule 18 did not apply because S and P were not required to leave the mark on the same side (see rule 18.1).

When it became clear that P was not keeping clear, S was required by rule 14 to act to avoid contact with P (see rule 14(a)). Before the positions shown in the diagram it became clear that the boats were on converging courses and that P was not keeping clear. At that time S could have luffed and avoided contact with P. Such a change of course by S would have given P more room to keep clear and would not have broken rule 16.1. The contact caused damage. Therefore, S broke rule 14 and, because the contact caused damage, she must be penalized for having done so (see rules 14(b) and 64.1).

P was correctly disqualified under rules 10 and 14. S is also disqualified, for breaking rule 14.

GBR 1971/4

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## CASE 27

**Rule 2, Fair Sailing**

**Rule 13, While Tacking**

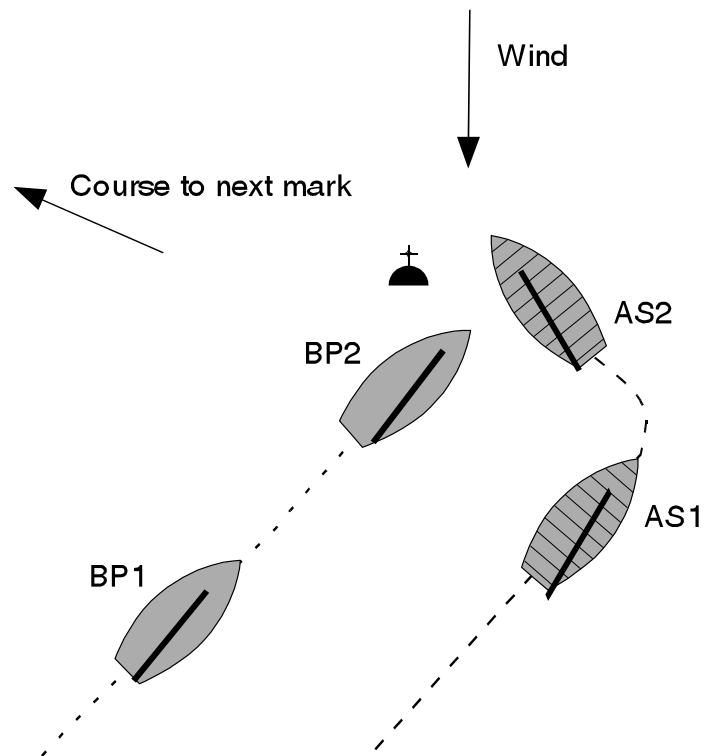
**Rule 14, Avoiding Contact**

**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.*

### Facts

AS was clear ahead of BP when she reached the zone. Between position 1 and 2, AS, a hull length to leeward and a hull length ahead of BP, tacked as soon as she reached the starboard-tack lay line. Almost immediately she was hit and damaged 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 a collision. BP appealed, asserting that she was not obligated to anticipate an illegal tack.



## Decision

After AS reached the zone, BP was required by rule 12 to keep clear of her and by rule 18.2(b) to give her mark-room. Both these obligations ended when AS passed head to wind (see rules 18.1(a) and 18.2(d)). When AS passed head to wind, BP became the right-of-way boat under rule 13 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.

The collision occurred almost immediately after AS assumed a close-hauled course on starboard tack. Therefore, BP needed to take avoiding action before AS had borne away to a close-hauled course. At that time BP had right of way under rule 13, and so AS broke rule 13. AS also broke rule 15 because, after she acquired right of way under rule 10, she did not give BP room to keep clear. Finally, AS broke rule 14 because she could have avoided the contact by turning back onto port tack after she passed head to wind.

BP took no action to avoid the 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 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 eventually tack to round the mark, no rule required BP to anticipate that AS would break a rule.

BP did break rule 10, but she is exonerated under either rule 64.1(a) or rule 21(a). BP did not break rule 14 because it was not reasonably possible for her to have avoided the collision after AS broke rule 13. BP did not violate any principle of sportsmanship or fair play and, therefore, did not break rule 2.

BP's appeal is upheld. She is to be reinstated. AS remains disqualified.

USA 1971/140

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## CASE 28

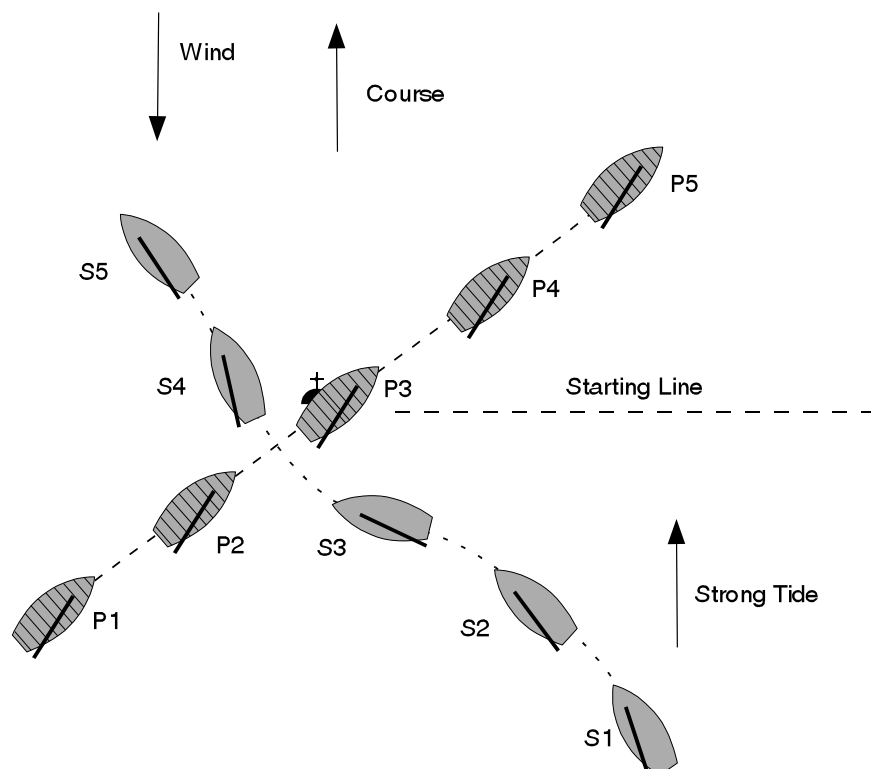
### Rule 28.1, Sailing the Course

### Rule 32.1, Shortening or Abandoning After the Start

### Rule 64.1(a), Decisions: Penalties and Exoneration

### Rule A5, Scores Determined by the Race Committee

*When one boat breaks a rule and, as a result, causes another to touch a mark, the other boat is to be exonerated. The fact that a starting mark has moved, for whatever reason, does not relieve a boat of her obligation to start. A race committee may abandon under rule 32.1(c) only when the change in the mark's position has directly affected the safety or fairness of the competition.*



## **Facts**

As S and P, close-hauled, approached the port end of the starting line, a strong tide was setting them towards 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 a collision. Immediately after the starting signal, P sailed 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, and also requested redress, asking that the race be abandoned, citing rule 32.1(c). The protest committee disqualified P for breaking rules 10 and 31, refused S's request for redress, and scored S DNS. The latter decision was referred to the national authority for confirmation or correction, along with a question: If S had returned to start as required by rule 28.1, could the race have been abandoned under rule 32.1(c) because of the mark having moved?

## **Decision**

Although S touched the mark, she could not be expected to anticipate how it would move when another boat touched it. Therefore, as provided in rule 64.1(a), S is exonerated for breaking rule 31 because it was P's two breaches that caused the mark to touch S. However, S could have returned and started as required by rule 28.1. The fact that the starting mark moved does not relieve her of her obligation to start.

Because S did not start, the race committee was correct in scoring her DNS (see rule A5).

Rule 32.1(d) makes it clear that the most important criterion for abandoning a race is that, for some reason, the safety or fairness of the competition has been adversely affected. Rules 32.1(a), (b) and (c) give examples of reasons that may justify abandoning a race; rule 32.1(d) implies that there may be other reasons. In this case, the unexpected movement of the starting mark as a result of P sailing over it did not justify abandoning the race. Indeed, the exact position of a mark frequently and routinely changes as a result of wind, current, waves or it having been touched by a boat, even though its anchor does not move. Such movement is a risk that competitors must accept and does not justify abandoning a race.

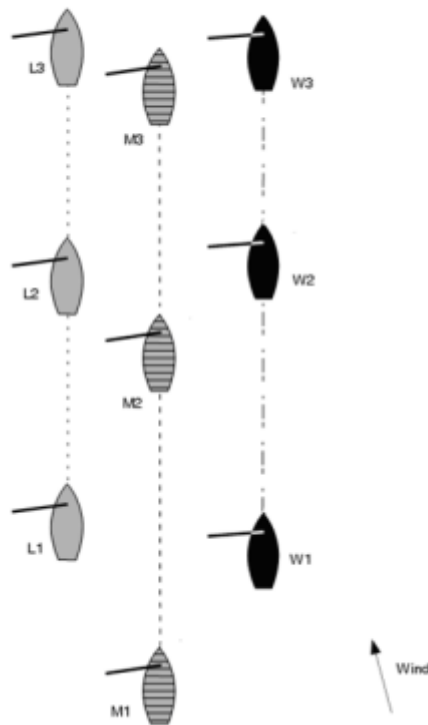
## CASE 29

### Definitions, Obstruction

#### Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

#### Rule 19.2(c), Room to Pass an Obstruction: Giving Room at an Obstruction

*A leeward boat is an obstruction to an overlapped windward boat and a third boat clear astern. The boat clear astern may sail between the two overlapped boats and be entitled to room from the windward boat to pass between her and the leeward boat, provided that the windward boat has been able to give that room from the time the overlap began.*



### Facts

When running on a downwind leg, W became overlapped with L when almost two hull lengths to windward of her. Subsequently, M sailed into the space between L and W. All three boats held their courses 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 rules 19.2(b) and 19.2(c). The protest was dismissed on the grounds that W had given room to M as required by rule 19.2(b). W appealed.

## Decision

Rule 11 required W to keep clear of L throughout the incident. While M was clear astern of L, rule 12 required her to keep clear of L, and after she became overlapped with L rule 11 required her to keep clear of L. As the diagram shows, both M and W met these requirements.

Because both W and M were required to keep clear of L throughout the incident, L was an obstruction to W and M during that time (see the penultimate sentence of the definition Obstruction). However, because L was a boat under way, L was not a continuing obstruction to them (see the last sentence of the definition Obstruction). When M became overlapped with W, rule 19.2(b) began to apply between them. It required W to give M room between her and the obstruction, unless she was unable to do so from the time the overlap began. As the facts clearly show, W was able to give M that room when the overlap began and continued to do so at all times until the boats finished. Therefore, W complied with rule 19.2(b). Rule 19.2(c) did not apply because the obstruction, L, was not a continuing obstruction. M broke no rule; therefore W's appeal is dismissed.

USA 1974/163

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## CASE 30

### Definitions, Keep Clear

### Rule 14, Avoiding Contact

### Rule 19, Room to Pass an Obstruction

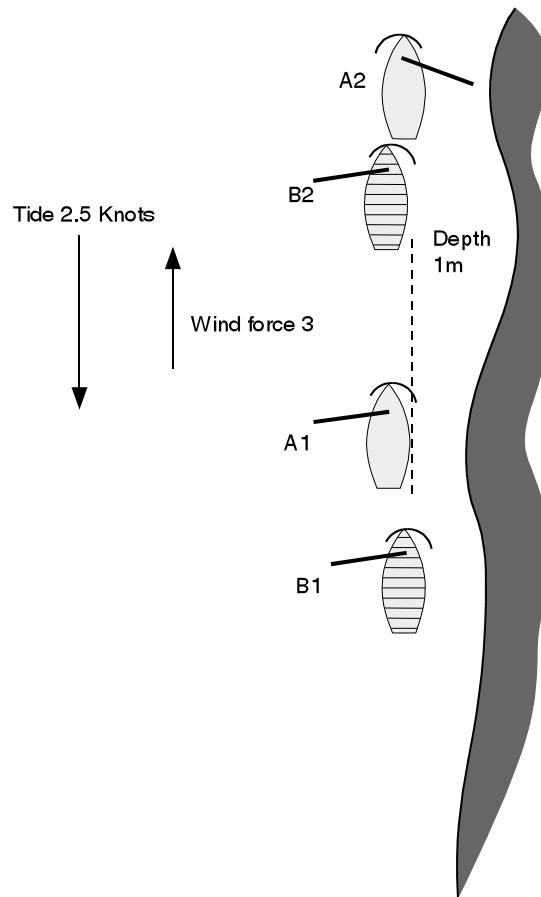
### Rule 64.1(a), Decisions: Penalties and Exoneration

*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 occurred. A boat that loses right of way by unintentionally changing tack is nevertheless required to keep clear.*

## Facts

Boats A and B were running on starboard tack close to the shore against a strong ebb tide in a Force 3 breeze. At position 1, A was not more than half a hull length clear ahead of B. B blanketed A, causing A to slow and, at position 2, to gybe unintentionally. This was immediately followed by a collision, although without damage or injury, and B protested A under rule 10. The facts were agreed, and both boats were disqualified: B under rule

12 because, just before A gybed, B was too close to A to be keeping clear, and A under rule 10 for failing to keep clear of a starboard-tack boat.



A appealed on the grounds that she was compelled by B's action to break rule 10. The protest committee, commenting on the appeal, stated that B caused both A's gybe and the collision by not keeping clear when both boats were on the same tack.

## Decision

The boats were passing close to the shoreline, which was an obstruction and also a continuing obstruction. Therefore, the conditions for rule 19 to apply were met. However, because the boats were not overlapped, neither of the two parts of rule 19 that place an obligation on a boat (rules 19.2(b) and 19.2(c)) applied.

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 needed 'to take avoiding action' (see the definition Keep Clear).

When B collided with A she also broke rule 14. However, at that time she held right of way under rule 10, and, because there was no damage or injury, she is exonerated under rule 14(b).



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 was properly disqualified by the protest committee under rule 12. However, A is exonerated under rule 64.1(a) for breaking rule 10. A's appeal is upheld, and she is to be reinstated.

GBR 1974/3

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## CASE 31

### **Sportsmanship and the Rules**

#### **Rule 2, Fair Sailing**

#### **Rule 26, Starting Races**

#### **Rule 29.1, Recalls: Individual Recall**

#### **Rule 62.1, Redress**

#### **Rule 64.2, Decisions: Decisions on Redress**

#### **Race Signals: Recall Signals, X**

*When the correct visual recall signal for individual recall is made but the required sound signal is not, and when a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, if she realizes she is on the course side of the line she must return and start correctly.*

### **Facts**

At the start of a race the visual individual recall signal required by rule 29.1 was correctly made, but the required sound signal was not. One of the recalled boats, A, did not return, was scored OCS and later requested redress on the grounds that she started simultaneously with the starting signal and heard no recall sound signal.

The protest committee found that A was not entirely on the pre-start side of the starting line at the starting signal. It adjusted A's score by giving her a finishing place as redress because of the absence of the sound signal. This changed the finishing place of boat B. B then asked for redress, claiming that her finishing place was affected by what she believed to have been an improper decision to give a finishing place to A. B was not given

redress, and she appealed on the grounds that rule 26 states, ‘the absence of a sound signal shall be disregarded.’

## **Decision**

Rule 62.1(a) has three requirements for giving redress. The first is that ‘an improper action or omission’ has occurred. Here, the race committee did not make the sound signal required by rule 29.1, an omission that was clearly improper. The second requirement is that a boat’s finishing place has been ‘made significantly worse’. Here, this requirement is met since A was scored OCS. The third requirement is that a boat suffered the consequences of the improper action or omission ‘through no fault of her own’. Here, A had no part in causing the race committee to omit the sound signal and she thought she had started correctly.

When it is decided that a boat is entitled to redress, rule 64.2 requires the protest committee to ‘make as fair an arrangement as possible for all boats affected.’ When the situation involves a boat scored OCS, if the redress given is to adjust the boat’s race score or finishing place, it should reflect the fact that, generally, when a recalled boat returns to the pre-course side of the line after her starting signal, she usually starts some time after boats that were not recalled. An allowance for that time should be made.

The requirement in rule 29.1 and in Race Signals regarding the making of a sound signal when flag X is displayed is essential to call the attention of boats to the fact that one or more of them are being recalled. When the sound signal is omitted from an individual recall, and a recalled boat in a position to hear a sound signal does not see the visual signal and does not return, she is entitled to redress. However, a boat that realizes that she was on the course side of the line is not entitled to redress, and she must comply with rules 28.1 and, if it applies, rule 30.1. If she fails to do so, she breaks those rules. In addition, she fails to comply with the Basic Principle, Sportsmanship and the Rules, and breaks rule 2.

Concerning B’s request, the provision of rule 26 that ‘the absence of a sound signal shall be disregarded’ applies only to the warning, preparatory, one-minute and starting signals. When the individual recall signal is made, both the visual and sound signals are required unless the sailing instructions state otherwise.

B’s appeal is dismissed. The protest committee’s decision to give redress to A is upheld.

## CASE 32

### Rule 86, Changes to the Racing Rules

### Rule 90.2(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.*

#### Facts

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

1. All races will be sailed under *The Racing Rules of Sailing* except as modified below.
2. A briefing will be held in the clubroom 60 minutes before the start of the first race each day.
3. Shortened 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 one of the briefings, the race officer attempted to clarify the phrase ‘go straight to the finishing line’ in item 3 by stating that when the course was shortened, all boats should cross the finishing line in a windward direction. This would ensure that all classes, some of which might be finishing from different marks, would finish in the same direction even if that were not the direction of the course from the mark at which the course was shortened.

Subsequently, a race was shortened. Six boats, which had not attended the briefing, followed the written sailing instructions and crossed the finishing line from the course side of the line. To cross the line from its course side, it was necessary for those boats to cross while sailing downwind. The six boats 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 90.2(c). The protest committee upheld their requests for redress on the grounds they had cited.

The race committee appealed to the national authority, asserting 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 to the finishing 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 90.2(c) requires changes to the sailing instructions to be in writing. Moreover, under no circumstance can sailing instructions change the definition Finish or the definition of any other term defined in Definitions (see rule 86).

GBR 1975/3

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## **CASE 33**

### **Definitions, Clear Astern and Clear Ahead; Overlap**

#### **Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

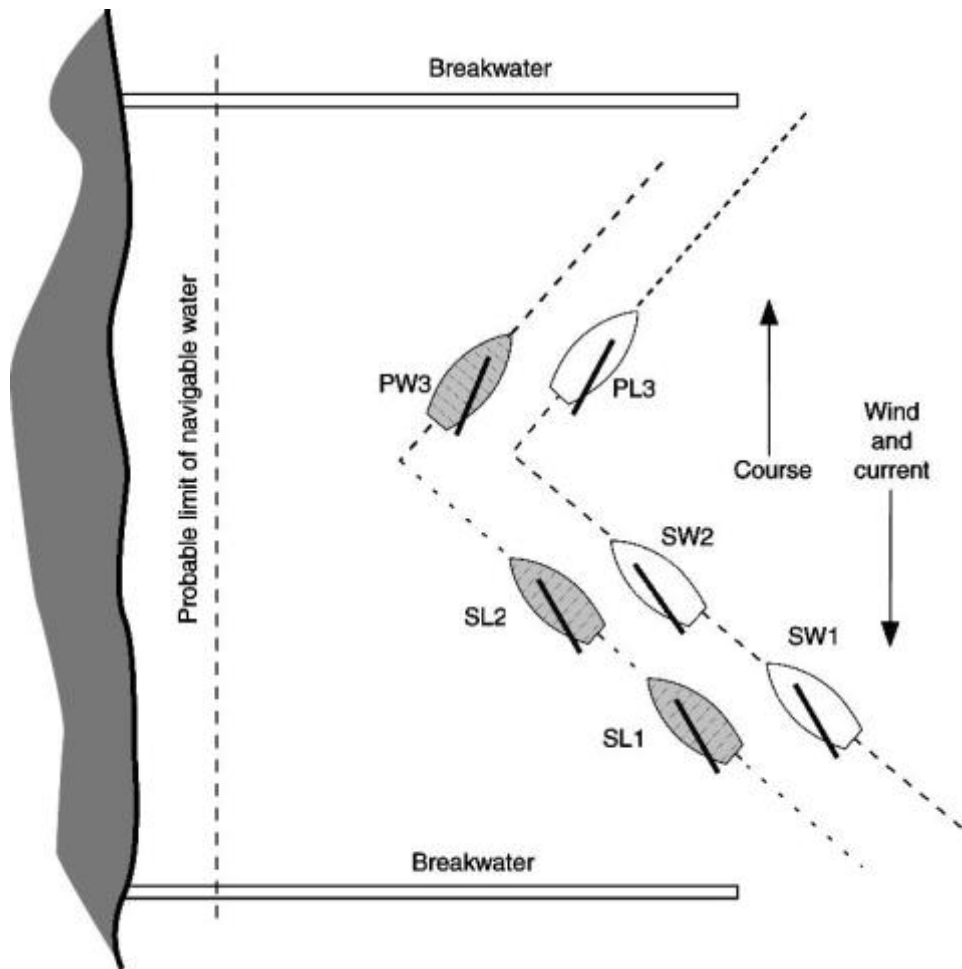
#### **Rule 20.1, Room to Tack at an Obstruction: Hailing**

#### **Rule 20.2, Room to Tack at an Obstruction: Responding**

*When a boat approaching an obstruction hails for room to tack, but does so before the time when she needs to begin the process described in rule 20 to avoid the obstruction safely, she breaks rule 20.1(a). However, even if the hail breaks rule 20.1(a), the hailed boat must respond. An inside overlapped boat is entitled to room between the outside boat and an obstruction under rule 19.2(b) even though she has tacked into the inside overlapping position.*

### **Facts for Question 1**

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 against a contrary current, it is advantageous to tack into and out of the area between adjacent breakwaters. SL and SW, small keel boats, enter one such area overlapped, 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.



### Question 1

If SL were to hail for room to tack at position 2, would SW be required to respond as required by rule 20.2(c)?

### Answer 1

Yes. SW is required to respond by rules 20.2(b) and 20.2(c), even if at position 2 SL was not yet in danger of running aground and her hail would therefore break rule 20.1(a). To avoid breaking rule 20.1(a), SL must not hail before the time when she needs to begin the process described in rule 20 to avoid the obstruction safely.

### Additional Facts for Question 2

SL does not hail for room to tack. However, SW tacks between positions 2 and 3 at a point where, after she completes her tack, her close-hauled course passes just to leeward of the end of the farther breakwater. Seeing SW begin to tack, SL immediately begins to tack as well.

## Question 2

After position 3, is PL (formerly SW), required to give PW (formerly SL) room between her and the breakwater?

## Answer 2

Yes. When SW tacks, SL is able to tack without breaking a rule. When SW turns past head to wind, the overlap between her and SL ceases to exist, because they are then on opposite tacks and sailing at less than 90 degrees to the true wind (see the definition Clear Astern and Clear Ahead; Overlap). A new overlap begins when SL passes head to wind, at which time the boats are once again on the same tack. After the new overlap begins PL, by bearing off, can easily give PW room between her and the breakwater. Therefore, rule 19.2(b) applies and, provided that PL and PW remain overlapped, it requires PL to give PW that room.

GBR 1975/8

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## CASE 34

### Rule 2, Fair Sailing

### Rule 62.1(d), Redress

### Rule 69.2, Misconduct: Action by a Protest Committee

*Hindering another boat may be a breach of rule 2 and the basis for granting redress and for action under rule 69.2.*

### 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 towards the pre-start side of the line A turned and began to hinder B by covering her closely.

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 given a disqualification that was not excludable for breaking rule 2. She appealed, asserting that she believed she had returned and started correctly.

### **Decision**

A's appeal is dismissed. It is clear from the facts found that A knew she had not started as required by rule 28.1, and that she chose not to do so. Facts are not subject to appeal. Penalizing A with a disqualification that was not excludable for breaking rule 2 was appropriate.

A would not have broken rule 2 if she had returned to the pre-start side of the starting line and started and, after having done so and without intentionally breaking any rule, she had managed to overtake and pass B and then closely covered her.

B could have requested redress and was entitled to receive it under rule 62.1(d).

The facts show a breach of sportsmanship and, therefore, of rule 2. Such a clear breach of rule 2 should be dealt with severely. The protest committee could also have called a hearing under rule 69.2, as a result of which it could have disqualified A from the entire series or taken other action under rule 69.2(h).

NOR 1975/1

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## **CASE 35**

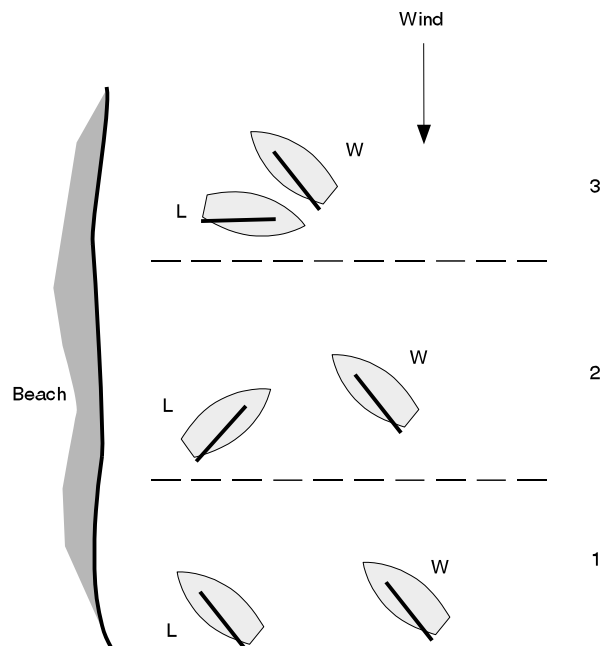
### **Rule 20.2(c), Room to Tack at an Obstruction: Responding**

*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 in a seamanlike way, the hailed boat has complied with rule 20.2(c).*

### **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 (1 m) or more. L protested W under rule 20.2(c). The

boats were 15 feet (4.5 m) in length and the wind was moderate. The protest committee decided that W failed to give room as required by rule 20.2(c) and disqualified her. W appealed.



## Decision

W's appeal is upheld, and she is to be reinstated. L's actions showed that she had room to tack and avoid W. W therefore met her obligation under rule 20.2(c).

USA 1976/189

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## CASE 36

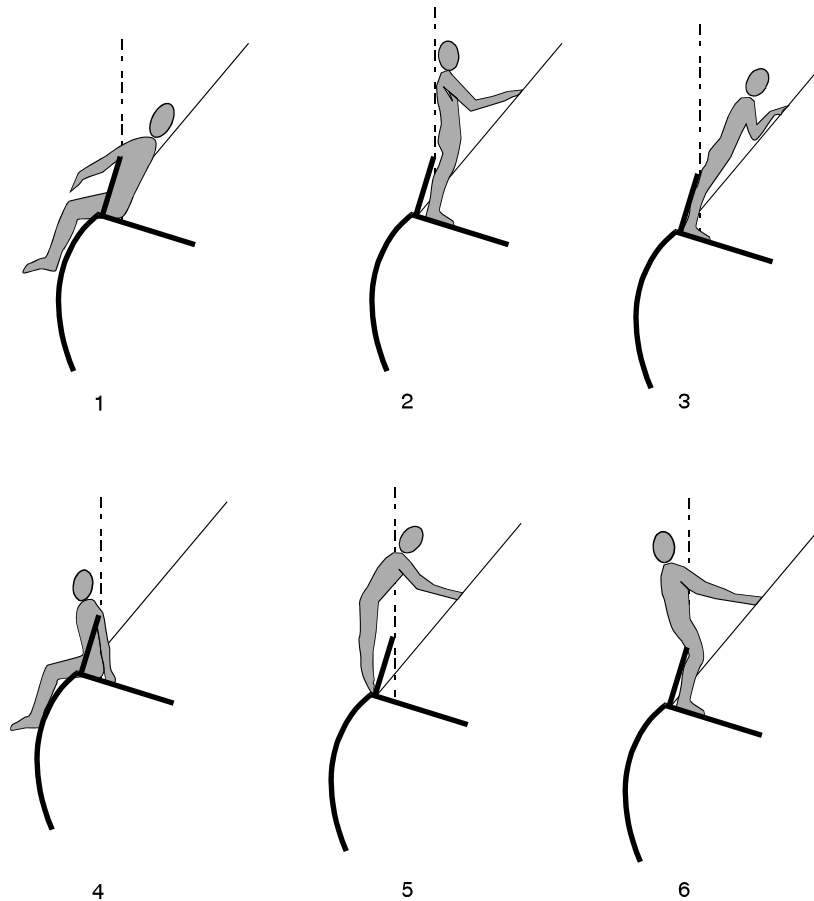
### Rule 49.2, Crew Position; Lifelines

*Positioning of crew members relative to lifelines.*

## 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. To clarify the rule, the drawing shows possible crew positions. Position 6 is the position of the appellant's crew member. Positions 1, 2 and 3 do not break the rule; positions 5 and 6 break it. On boats equipped with one lifeline, position 4 breaks the rule. On boats equipped with two lifelines, a crew member sitting on deck facing outboard with his waist inside the lower lifeline and the upper part of his body outside the upper lifeline, as shown in position 4, does not break the rule.

## CASE 37

### **Rule 32.1(c), 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.*

#### **Facts**

In the third race of a regatta for each of 15 offshore classes, all classes sailed the same course on which a reaching mark was found to have moved almost a mile (1.6 kilometres) out of position. Various boats in several classes sought redress because of it. The mark moved out of position over an hour before any of the boats in the last two classes reached it. None of the boats in those two classes requested redress. The protest committee, however, abandoned the races for all classes. The boats in the last two classes then asked for redress, claiming that the abandonment of their races was improper. Redress was denied. They appealed.

#### **Decision**

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

If the protest committee had 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 races for the last two classes. There may have been sufficient reason to abandon the races of some classes, but the protest committee erred when it abandoned the races for the classes in which no redress was requested. Its decision to do so was an ‘improper action’ within the meaning 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. When the IRPCAS right-of-way rules replace the rules of Part 2, they effectively prohibit a right-of-way boat from changing course towards the boat obligated to keep clear when she is close to that boat.*

#### Facts

At about 0030, L and W were running on starboard tack on parallel courses about two hull lengths apart. W was clear astern of L and on a track to windward of L's track, and was steadily closing up on L. The sailing instructions had, between sundown and sunrise, replaced the rules of Part 2 with the *IRPCAS* right-of-way rules. 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, L's appeal is dismissed and the protest committee's decision to penalize her is upheld.

CAN 1976/32

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## CASE 39

### **Sportsmanship and the Rules**

#### **Rule 60.2(a), Right to Protest; Right to Request Redress or Rule 69 Action**

*A race committee is not required to protest a boat. The primary responsibility for enforcing the rules lies with the competitors.*

#### **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 metres 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 was invalid 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. Furthermore, rule 60.2(a) is clearly discretionary. As stated in Sportsmanship and the Rules, 'Competitors in the sport of sailing are governed by a body of rules that they are expected to follow and enforce.' The primary responsibility for enforcing the rules therefore rests with the competitors.

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

CAN 1977/35

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## CASE 40

### Rule 46, Person in Charge

### Rule 75.1, Entering a Race

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

### 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 protested her, alleging that she had broken class rule 11(e) in races 2 and 3. Class rule 11(e) reads, 'Distribution of duties between helmsman and crew shall be entirely at the discretion of the helmsman, unless otherwise stipulated in the sailing instructions.'

The protest committee decided that A was a non-entrant and a non-starter in races 2 and 3 and scored her DNS in those races, stating 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

A's appeal is upheld. The owner of a boat may appoint another person to steer her. It is the boat that is entered in a race (see rule 75.1) and, unless otherwise specifically provided in the class rules, notice of 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.

## CASE 41

### Definitions, Clear Astern and Clear Ahead; Overlap

### Definitions, Obstruction

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

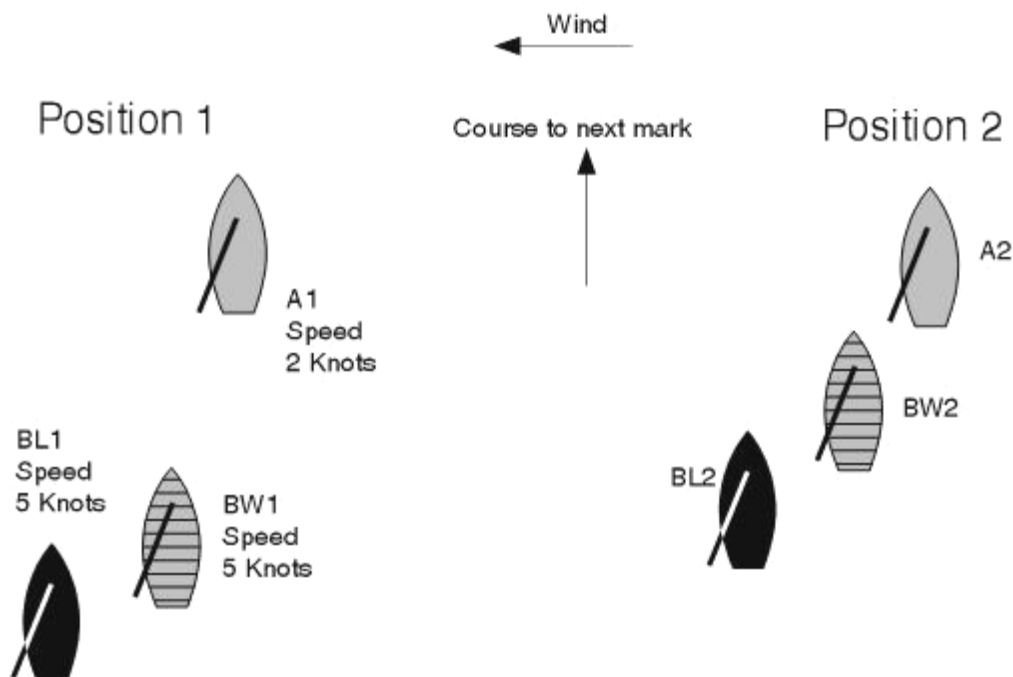
### Rule 12, On the Same Tack, Not Overlapped

### Rule 19.2, Room to Pass an Obstruction: Giving Room at an Obstruction

*A discussion of how rule 19.2(b) and the definitions Obstruction and Clear Astern and Clear Ahead; Overlap apply when two overlapped boats on the same tack overtake and pass to leeward of a boat ahead on the same tack. There is no obligation to hail for room at an obstruction, but it is prudent to do so.*

### Facts

Boats BL and BW, overlapped on starboard tack, are overtaking boat A, also on starboard tack but moving more slowly. Before the boats reached position 1, BW had overtaken BL from clear astern.



### Question 1

What are the applicable rules

- while BW and BL are overtaking A?
- after BW becomes overlapped to leeward of A at position 2?

### **Answer 1**

Because BW had overtaken BL from clear astern before the boats reached position 1, rule 17 does not apply between BW and BL at any time during the incident.

While BW and BL are overtaking A, rule 12 requires both BL and BW to keep clear of A. Therefore, A is an obstruction to both BL and BW. However, A is not a continuing obstruction, as the last sentence of the definition Obstruction makes clear. BL may choose to pass A on either side (see rule 19.2(a)). BL chooses to pass A to leeward. During the interval of time that BW is between BL and A and both BW and BL are still clear astern of A, rule 19.2(b) requires BL, the outside boat, to give BW, the inside boat, room to pass between herself and A, the obstruction.

When BW becomes overlapped with A, the applicable rules change: BL becomes overlapped with A because BW is between A and BL (see the fourth sentence of the definition Clear Astern and Clear Ahead; Overlap); rule 12 ceases to apply; BL and BW obtain right of way under rule 11 over A, so A ceases to be an obstruction to BW and BL, and BL becomes an obstruction to BW and A; initially, rule 15 requires both BL and BW to give A room to keep clear; and, as soon as she is able to do so, A is required by rule 19.2(b) to give BW room to pass between A and BL.

### **Question 2**

When a boat is entitled to room under rule 19.2(b), is she required to hail for room?

### **Answer 2**

No. A boat entitled to room under rule 19.2(b) is not required to hail for room, although that is a prudent thing to do to avoid misunderstandings.

GBR 1977/6

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## **CASE 42**

**Deleted**

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## CASE 43

**Definitions, Clear Astern and Clear Ahead; Overlap**

**Rule 10, On Opposite Tacks**

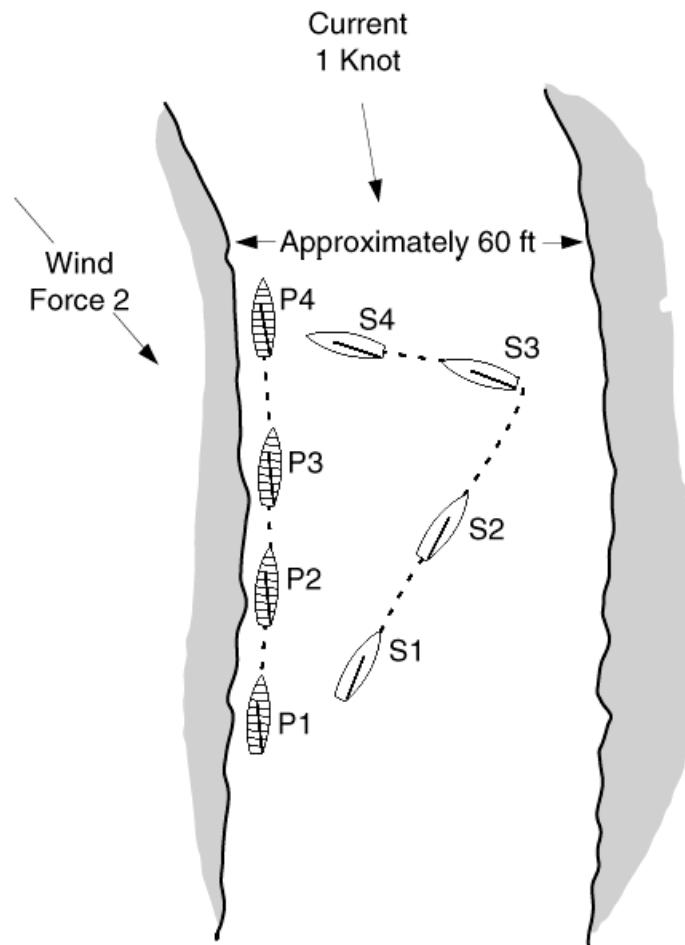
**Rule 14, Avoiding Contact**

**Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

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

### Facts

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.





## Question

Which rule or rules apply?

## Answer

P is subject to rule 10 and must keep clear. P is also required by rule 14 to avoid contact if reasonably possible. 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. After S acquires right of way over P under rule 10, S complies with rule 15 by initially giving P room to keep clear.

Rule 19.2(b) does not apply because S and P are on opposite tacks, are not both sailing more than 90 degrees from the true wind, and so are not overlapped at positions 3 and 4 (see the last sentence of the definition Clear Astern and Clear Ahead; Overlap). Rule 20 does not apply because P and S are not on the same tack. Therefore, S is not required to give P room in response to P's hail for room. However, after it becomes clear that P is not keeping clear, rule 14 requires S, if it is reasonably possible, to avoid contact with P. S would risk disqualification if there were contact that caused damage or injury.

GBR 1978/5

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## CASE 44

**Rule 60, Right to Protest; Right to Request Redress or Rule 69 Action**

**Rule 62.1(a), Redress**

**Rule 84, Governing Rules**

*A boat is not permitted to 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 action or omission of the race committee made her score or place significantly worse.*

## Facts

In the sailing instructions for a multi-class event, instruction 18 provided for the starting line and first mark to be laid so 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 ‘protested the race committee’, asserting that, under rule 84 and the definition Rule, 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 62.1(a), A’s score or place in the race or series had, through no fault of her own, been made worse because the first leg was not a ‘windward’ leg. The protest committee ruled that the results of the race were to stand.

A appealed, asserting that her protest had not been based on a claim for redress under rule 62.1(a). It was based simply on the fact that the race committee had failed to comply with sailing instruction 18, a rule, and with rule 84, which bound race committees to be governed by the rules. The protest committee had based its decision on rule 62.1(a), 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 84 and could not come within the scope of rule 62.1(a).

## **Decision**

The racing rules do not permit a race committee to be protested or penalized; however a boat may request redress (see rule 60). The protest committee allowed A’s complaint to be considered by treating it as a request for redress under rule 62.1(a). It found that there was no evidence that A’s score or place had been made worse by an action or omission of the race committee. Accordingly, A’s appeal is dismissed.

GBR 1978/8

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## **CASE 45**

### **Definitions, Finish**

### **Rule 62.1(a), Redress**

### **Rule 64.2, Decisions: Decisions on Redress**

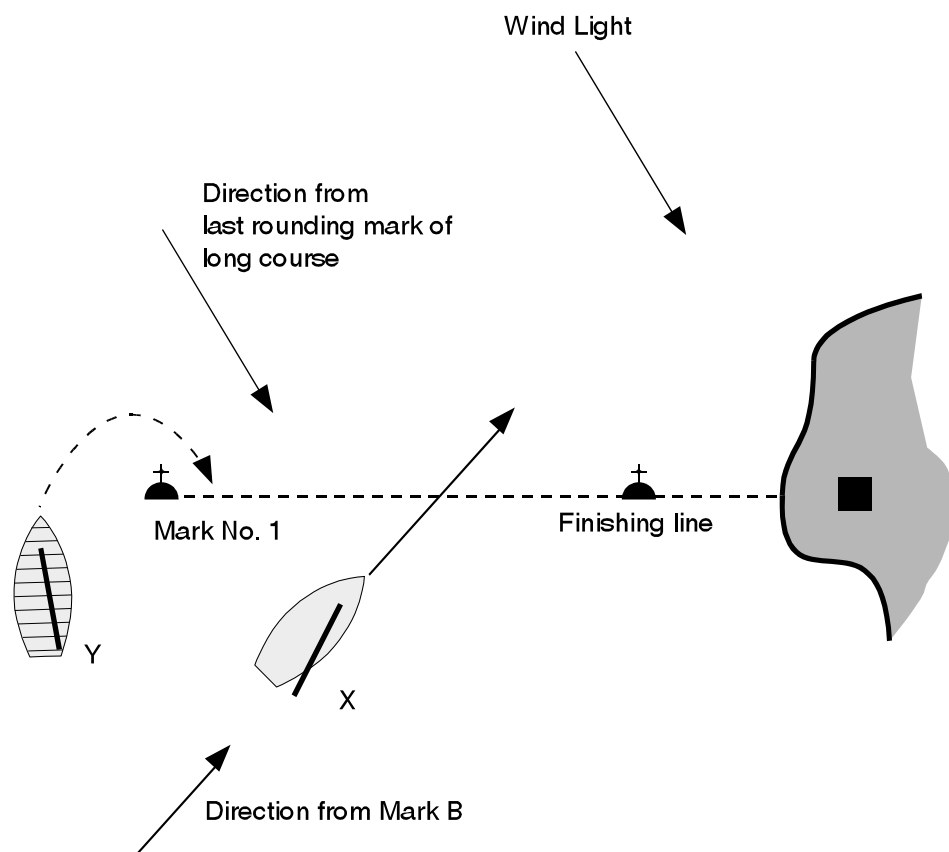
*When a boat fails to finish correctly because of a race committee error, but none of the boats racing gains or loses as a result, an appropriate and fair form of redress is to*

*score all the boats in the order they crossed the finishing line.*

## Facts

During the day, the class sailed two races. After the first race, which the boats finished leaving Mark 1 to starboard, the wind became light. Accordingly, the race officer set a shorter second course and issued a change to the sailing instructions stating that, although Mark B was the last rounding mark, Mark 1 was to be left to starboard. The same mark was being used for the finishing line of another race, and the race officer had been advised not to set courses that might lead to different boats 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. Y, followed by the rest of the fleet, sailed the course prescribed by the change to the sailing instructions, 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 when it awarded first place to Y, whereas X had been the first boat to finish as required by the definition. The protest committee gave redress, agreeing that X and the other two boats had finished correctly, and reinstated them in the race. For boats not

so finishing, the committee exercised its discretion under rule 64.2 to 'make as fair an arrangement as possible for all boats affected.' It adjusted the race scores 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, claiming that the wording of the definition Finish was unequivocal and stating that such an arrangement would negate the definition and defeat its purpose, which, she believed, was to prevent 'hook round' finishes.

### **Decision**

X's appeal is dismissed. Because the sailing instruction that conflicted with the definition Finish was invalid, issuing it was an improper action of the race committee that qualified the three boats for consideration for redress under rule 62.1(a). None of the boats gained or lost as a result of the race committee error, so the redress awarded was appropriate. It was also as fair an arrangement as possible for all boats affected, as required by rule 64.2.

GBR 1979/1

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## **CASE 46**

### **Definitions, Proper Course**

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

#### **Rule 16.1, Changing Course**

#### **Rule 17, On the Same Tack; Proper Course**

*A leeward boat is entitled to luff to her proper course, even when she has established a leeward overlap from clear astern and within two of her hull lengths of the windward boat.*



## **Facts**

For some time, W had been sailing almost dead downwind on a straight course towards the starboard end of the finishing line when L, a boat that had been clear astern, became overlapped within two of her hull lengths to leeward of W. 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 to a position very close to W, but W still did not respond. L stopped luffing and bore away just before contact would have occurred. L protested under rule 11.

The protest committee held that there was insufficient evidence to show that W would have finished sooner by sailing a higher course. It said that even though there might be conflict between the courses of a windward and a leeward boat, 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 to her proper course under rule 17.

## **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. 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 towards the finishing line. A direct course to the line was not only closer but would also have put L on a faster point of sailing. While L was not entitled to sail above her proper course, she was entitled to luff to her proper course, even though she had established the overlap from clear astern while within two of her hull lengths of W. Accordingly, L did not break rule 17.

W's proper course is not relevant to the application of the rules to this incident. She was required to keep clear of L. When L luffed, she gave W room to keep clear as required by rule 16.1. At the moment L needed to stop luffing and bear away to avoid contact, W broke rule 11. Therefore, L's appeal is upheld and W is disqualified for breaking rule 11.

USA 1979/224

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## 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 has broken rule 2.*

### Facts

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 when novices are involved.

## Question

In such a case, in addition to breaking rule 10, has the port-tack boat broken 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.

GBR 1980/1

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## 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 being unfairly treated, not to provide loopholes for protestees. A protestee has a duty to protect herself by acting reasonably before a hearing.*

## Facts

Boat Y was protested by boat X over an incident between them. Y was disqualified, and she appealed.

Her appeal alleged that, contrary to rule 63.2, Y's helmsman became 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.

The protest committee commented upon the appeal as follows: the time of the hearing was posted on the official notice board; X'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 Y's helmsman that the protest had been lodged; he made no effort to prepare a defence; and 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**

Y's appeal is dismissed for the reasons given by the protest committee in its comments. Y's helmsman knew that his boat was being protested, and it was his duty to protect himself by acting reasonably, which included seeking out X's protest form, reading it, and using the ample time available to prepare his defence.

GBR 1980/5

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## **CASE 49**

**Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

**Rule 21(a), Exoneration**

**Rule 63.3, Hearings: Right to be Present**

**Rule 64.1(a), Decisions: Penalties and Exoneration**

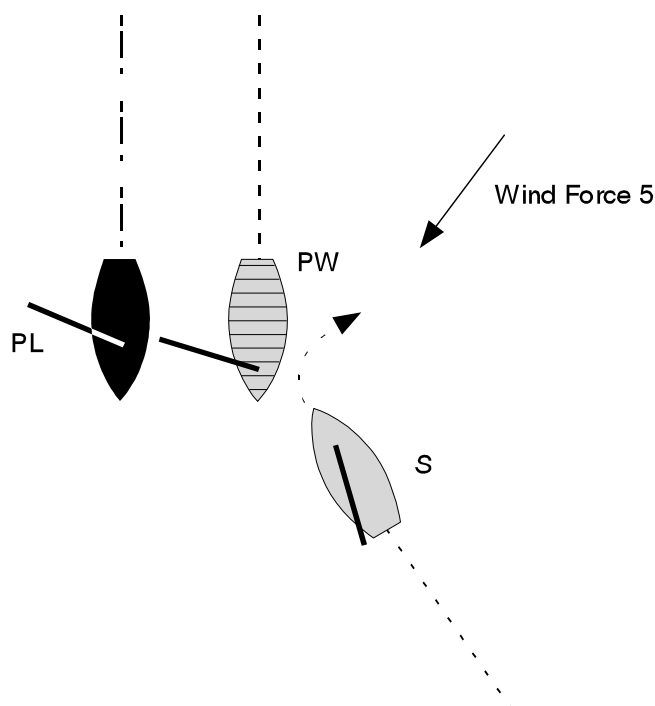
*When two protests arise from the same incident, or from very closely connected incidents, they should be heard together in the presence of representatives of all the boats involved.*

## **Facts**

In a moderate to rough sea and a fresh breeze, S, close-hauled on starboard tack on her proper course, 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 an attempt to avoid a collision, but there was no damage or injury.

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 in that hearing did not mention PL. During the hearing of the second protest, PW v PL, PL stated that she knew 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 disqualified under rule 19.2(b) for not giving PW room between her and S, an obstruction. PW appealed the decision of the protest committee disqualifying her for breaking rule 10.





## Decision

In cases of this kind, the two protests should be heard together in the presence of representatives of all the boats involved. This ensures that all of them hear all of the testimony given to the protest committee about the incident, as required by rule 63.3. 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, under either rule 21(a) or rule 64.1(a), PW would have been exonerated for breaking rule 10.

PW's appeal is upheld, and she is to be exonerated for breaking rule 10 and reinstated. The protest committee's decision to disqualify PL for breaking rule 19.2(b) was correct.

GBR 1981/6

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## CASE 50

### Definitions, Keep Clear

### Rule 10, On Opposite Tacks

### Rule 14, Avoiding Contact

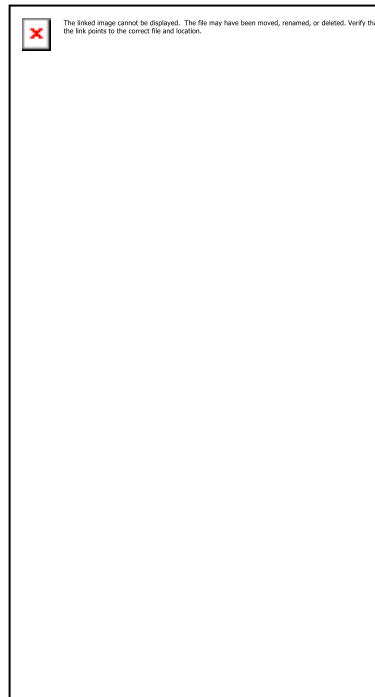
*When a protest committee finds that in a port-starboard incident S did not change course and that there was not a genuine and reasonable apprehension of collision on the*

*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.*

## **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 (8 m) 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. S's appeal is upheld, and P is disqualified.

CAN 1981/58

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## **CASE 51**

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

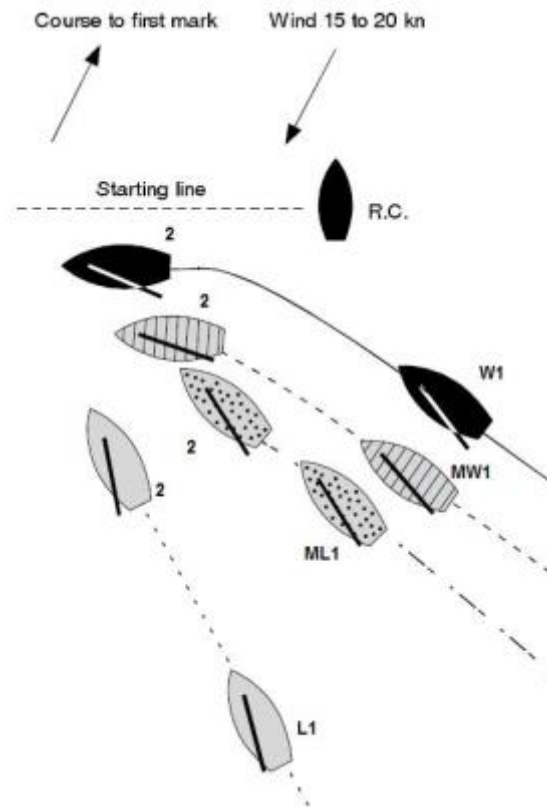
### **Rule 64.1(a), Decisions: Penalties and Exoneration**

*A protest committee must exonerate boats when, as a result of another boat's breach of a rule, they are all compelled to break a rule.*

### **Facts**

The diagram shows the tracks of four large boats from approximately thirty seconds before their starting signal until fifteen seconds before. At position 2, MW was forced to bear away to avoid collision with W, and

almost immediately afterwards ML and L were also forced to bear away to avoid the boat to windward. There was no contact between any of the boats. 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 protested the boat or boats to windward of her.



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 from disqualification.’ MW and ML both appealed.

## Decision

Both appeals are upheld. MW and ML are to be reinstated. Both of them, by their hails, attempted to avoid having to bear away, and neither bore away before becoming obligated to do so to avoid contact with the boat immediately to windward. Rule 14 required them to avoid contact if it was ‘reasonably possible’ to do so, and they complied with the rule. Each of them broke rule 11, but each was compelled to do so because W broke rule 11. Therefore, each of them is entitled to exoneration under rule 64.1(a).

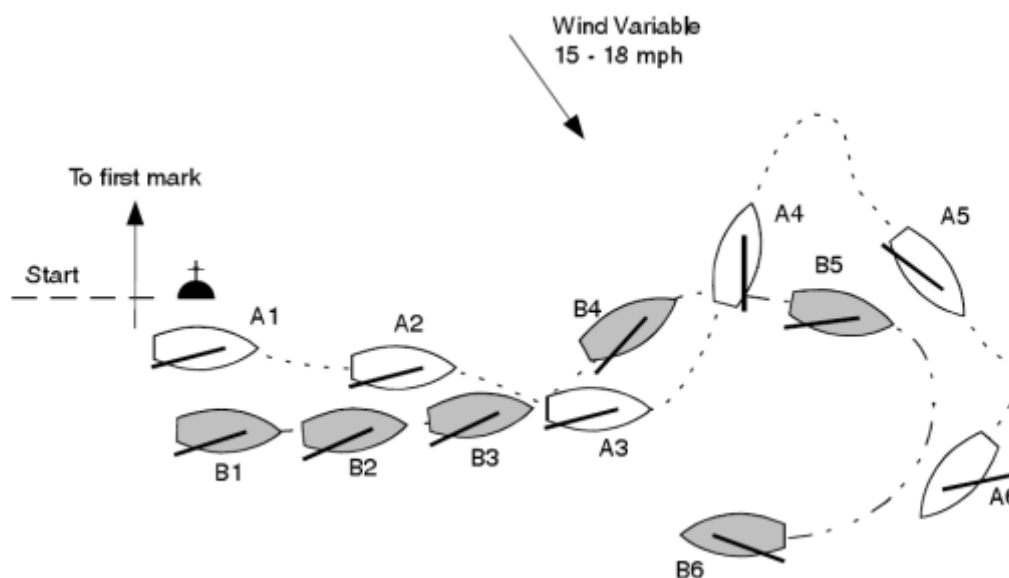
## CASE 52

### 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.*

#### Facts

Before the starting signal, the two boats, A and B, 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

B's appeal is upheld. She is reinstated. B's actions describe a classic manoeuvre in match and team racing, used to gain a favourable starting

position relative to 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.

USA 1955/63

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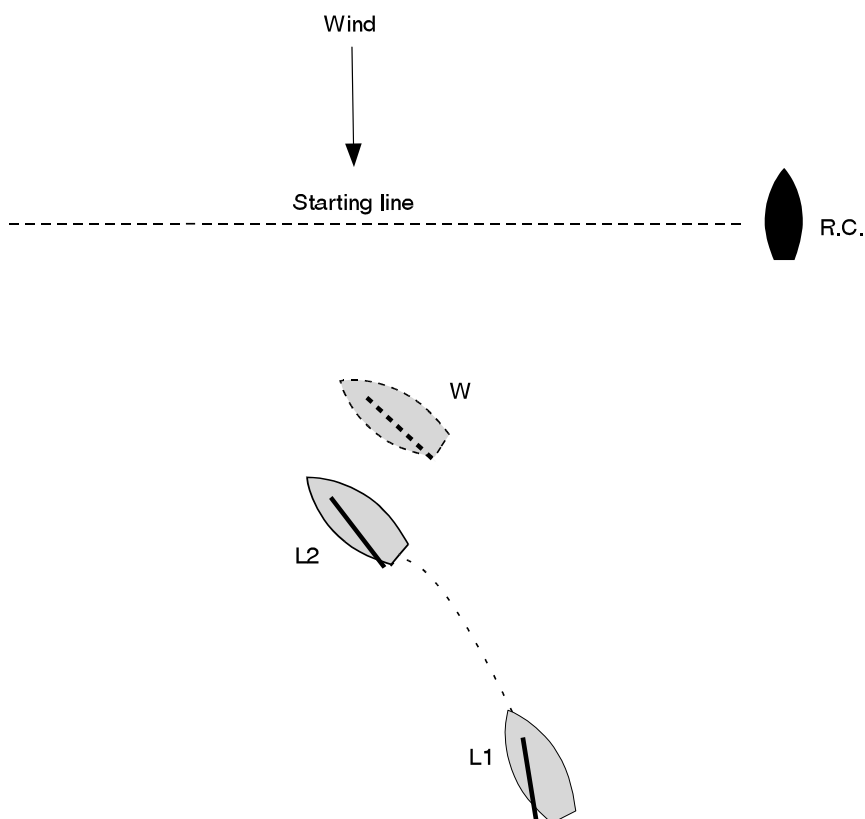
## **CASE 53**

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

*A boat clear ahead need not take any action to keep clear before being overlapped to leeward from clear astern.*

#### **Facts**

Thirty seconds before the starting signal, W was nearly wayless, her sails flapping. At least three hull lengths prior to becoming overlapped to leeward of W, L hailed 'Leeward boat'. W took no evasive action. Immediately after she became overlapped, L had to bear away to avoid contact with W; meanwhile, W began to trim her 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 the extent of having to gather sufficient way to be able to respond immediately after the boats become overlapped?'



## 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 take any action to keep clear as a windward boat before the boat clear astern becomes overlapped to leeward.

If L had not borne away immediately, she would have broken rule 15. After L became overlapped to leeward of W, W immediately trimmed her sails, headed up, and thereafter kept clear. By taking these actions, W fulfilled her obligations under rule 11. W’s appeal is upheld; neither boat broke any rule. W is to be reinstated.

USA 1969/126

## CASE 54

### Rule 20, Room to Tack at an Obstruction

*A boat is entitled to hail for room to tack at the time when she needs to begin the process described in rule 20 to avoid the obstruction safely. A boat that hails must give the hailed*

*boat sufficient time to respond before tacking herself. The hail must clearly convey the hailing boat's need to tack and be sufficiently loud to be heard in the prevailing conditions. If the hailed boat does not respond, the hailing boat can repeat her hail if time permits, or avoid the obstruction and protest.*

## **Facts**

Boat A is sailing close-hauled on port tack towards an obstruction that she must tack to avoid. Boat B is sailing close-hauled one boat length to windward and one boat length astern of A. A hails B for room to tack.

## **Question 1**

As A is approaching the obstruction, how soon is she entitled to hail for room to tack?

## **Answer 1**

A may hail for room to tack at the time that, to avoid the obstruction safely, she needs to begin the process described in rule 20. She may hail at the moment that allows her sufficient time in the prevailing conditions to

- hail B for room to tack, and make a second hail in the event B does not respond;
- give B time to respond (see Answer 2 below);
- give time for any additional boat that must respond for A to have room to tack (see Case 113); and
- tack herself, as soon as possible thereafter, in a seamanlike manner and avoid the obstruction.

## **Question 2**

How quickly must B respond?

## **Answer 2**

When the boats are clearly approaching an obstruction at which A will need room to tack, B must be alert to the situation and anticipate a hail from A. Anticipation is necessary because rule 20.2(c) requires B to respond either by immediately replying 'You tack' or by tacking as soon as possible. If B does not immediately hail 'You tack', A must give B the time required for a competent, but not expert, crew to prepare for and



execute her tack in a seamanlike manner as soon as possible in the prevailing conditions.

### **Question 3**

What should A do if B does not respond to her hail?

### **Answer 3**

Although the rule only requires one hail, if time permits it is prudent for A to repeat her hail. The lack of a response from B does not mean that A must hold her course. If needed, A should avoid the obstruction in the safest manner, which may include luffing up to head to wind or gybing. A can then protest if B has not responded as required by rule 20.2(c).

### **Question 4**

What action by A constitutes a hail as required by rule 20?

### **Answer 4**

Unlike rule 20.2(c), rule 20.1 does not require A to use specific words in her hail but, to meet the requirements of the rule, those words must clearly convey that A requires room to tack. The hail must be directed towards B and be as loud as is required in the prevailing conditions to be capable of being heard by B. A hail is primarily an oral signal, but in addition the hailing boat may draw attention to the hail by, for example, physical gestures, a whistle or horn signal, or, at night, light signals. If boats are required to monitor a particular radio channel while racing, the hail may also be made over that channel.

These requirements for hailing apply equally to B if she responds ‘You tack’.

GBR 2016/2

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## **CASE 55**

### **Definitions, Party**

### **Rule 62.1, Redress**

### **Rule 70.1, Appeals and Requests to a National Authority**

*A boat cannot protest the race committee. However, she may request redress or, if she is a party to a hearing, request that it be reopened. A boat that was not a party to a*

*hearing does not have the right to appeal. When she believes that her score or place has been made significantly worse by an improper action or omission of the race committee, her only remedy is to request redress. She may then appeal the decision of the redress hearing.*

## **Facts**

Boat A ‘protested’ the race committee because of inadequate rescue facilities in contravention of the club’s constitution. After receiving A’s ‘protest’, the race committee abandoned the completed race. No hearing took place as a result of A’s ‘protest’. Boat B lodged an appeal.

## **Decision**

B’s appeal is refused because it cannot be heard under rule 70.1. B does not have the right to appeal because she was not a party to a hearing. 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 understanding of this case:

1. Only a boat can be protested; there is no provision in the racing rules under which a boat can protest the race committee. The only actions a boat can take against the race committee or any other body listed in rule 62.1(a) is to request redress when she claims that her score or place in a race or a series of races has been made significantly worse through no fault of her own by an improper action or omission of the body concerned, or to ask for a hearing to be reopened under rule 66 when she is a party to it. In this case, A made no such request; her ‘protest’ was merely a criticism of the race committee, which has no significance under the racing rules.
2. Quite apart from her right under the racing rules to request redress, 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 consider abandoning the race under rule 32.1 or try to have the error taken into account 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, or the series if the race was part of a series, and had lodged a valid request for redress under rule 62.1(a) claiming that her score or place in the race or series had been made significantly worse through no fault of her own by the abandonment of the race, she would have been entitled to a redress

hearing at which she would have been a party. She then could have appealed the decision of that hearing.

GBR 1982/11

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## **CASE 56**

**Deleted**

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## **CASE 57**

**Rule 60.2, Right to Protest; Right to Request Redress or Rule 69  
Action**

**Rule 78, Compliance with Class Rules; Certificates**

*When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.*

### **Facts**

A and B were among boats racing under a rating system 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 made by the rating authority in A's certificate ever since her first hull measurement some years previously. B then stated that the race committee should have protested A.

The protest committee found that the owner of A was not responsible for the error 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 requested confirmation or correction of its decision under rule 70.2.

## Decision

The decision of the protest committee is confirmed. B claimed that the race committee's failure to protest A was prejudicial to herself and the other boats in the class. However, the race committee's right to protest a boat under rule 60.2(a) is clearly discretionary and not mandatory. Furthermore, in this case the report of the error in A's certificate came after the completion of the series, and it came from the national rating authority, over which neither the organizing authority nor the race committee had any authority.

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 completed series or any completed races in a series that is still in progress. Thus, when a current, properly authenticated certificate has been presented in good faith and a race or series has been completed, the results of that race or series must stand, even though at a later date the certificate is withdrawn.

GBR 1983/1

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## CASE 58

**Definitions, Finish**

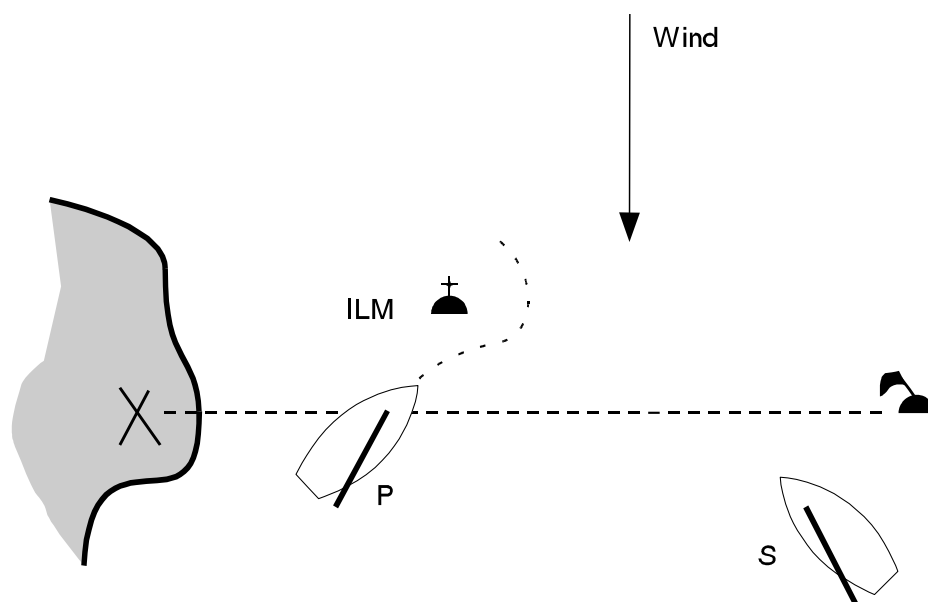
**Definitions, Mark**

**Rule 28.1, Sailing the Course**

*If a buoy or other object specified in the sailing instructions as a finishing-line limit mark is on the post-finish side of the finishing line, a boat may leave it on either side.*

## Facts

The sailing instructions stated that the finishing line was between a mast on shore and a 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, and 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 recording P as having finished before she had completed the course. The protest committee did not give S redress and referred that decision, under rule 70.2, for confirmation or correction.

### Decision

The protest committee's decision is confirmed. Rule 28.1 states that A boat 'may leave on either side a mark that does not begin, bound or end the leg she is sailing.' Since the inner limit mark was beyond the finishing line it did not 'bound' or 'end' the last leg of the course. Only when a limit mark is on, or on the course side of, the finishing line must a boat leave it on the specified side before, or when, finishing.

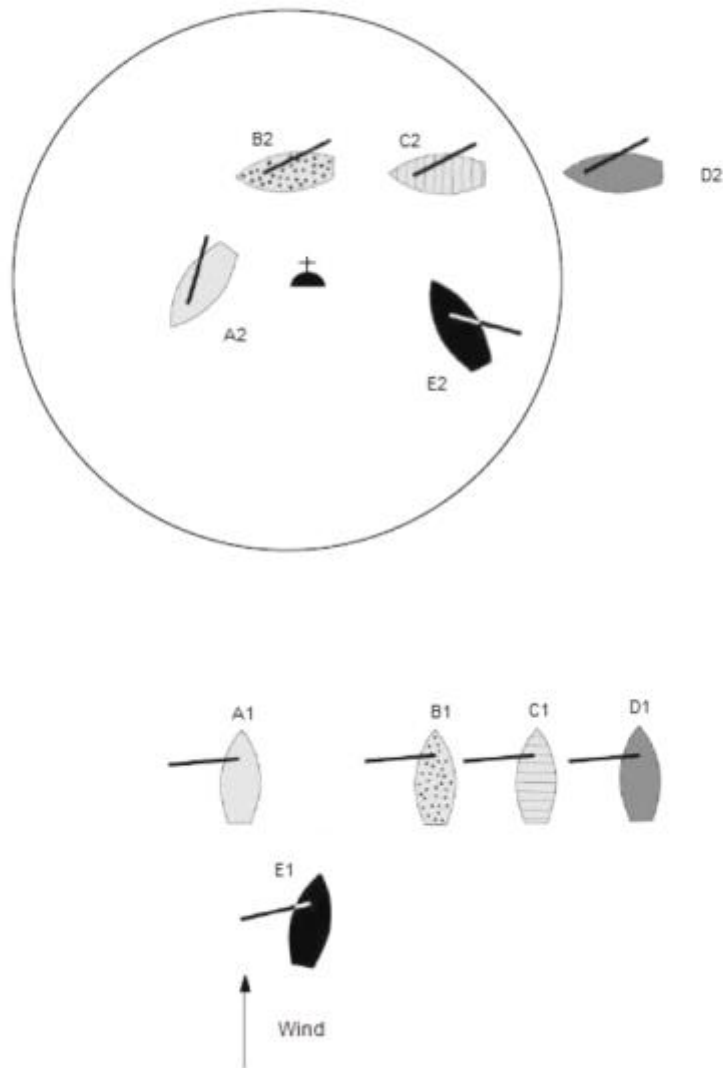
GBR 1983/5

## CASE 59

### Rule 18.2(a), Mark-Room: Giving Mark-Room

### Rule 18.2(b), Mark-Room: Giving Mark-Room

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



## Facts

Five boats were approaching a leeward mark dead before the wind. Four of them were overlapped in line with A nearest the mark. The fifth boat, E, was clear astern of A, B and C when those three boats reached the zone. When D came abreast of the mark and turned to round it, E became overlapped inside D. This occurred after E had already reached the zone and before D reached it. E rounded the mark behind A, B and C but inside D, which was able to give mark-room to E.

## Question

Was E entitled to mark-room under rule 18.2(a) from D?

## Answer

Yes. Because E was clear astern of A, B and C when they reached the zone, she was required by rule 18.2(b) to give each of them mark-room. Between E and D, however, a different relationship developed. In order to

leave room for the three inside boats with their booms fully extended, D had to approach the mark on a course that brought her abreast of it outside the zone. When E reached the zone, she was clear astern of D and D was still outside the zone. Therefore, rule 18.2(b) did not apply between D and E. When D changed course towards the mark, E obtained an inside overlap and rule 18.2(a) began to apply between D and E. E was entitled to mark-room under that rule, which D was able to give.

USA 1982/250

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## **CASE 60**

### **Withdrawn for Revision**

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## **CASE 61**

### **Rule 71.4, National Authority Decisions**

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

### **Question**

May the notice of race or sailing instructions state that, while the right of 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 change or 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 84 and governed by the rules: the organizing authority, the race committee, the technical committee and the protest committee.

USA 1983/252

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## CASE 62

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## CASE 63

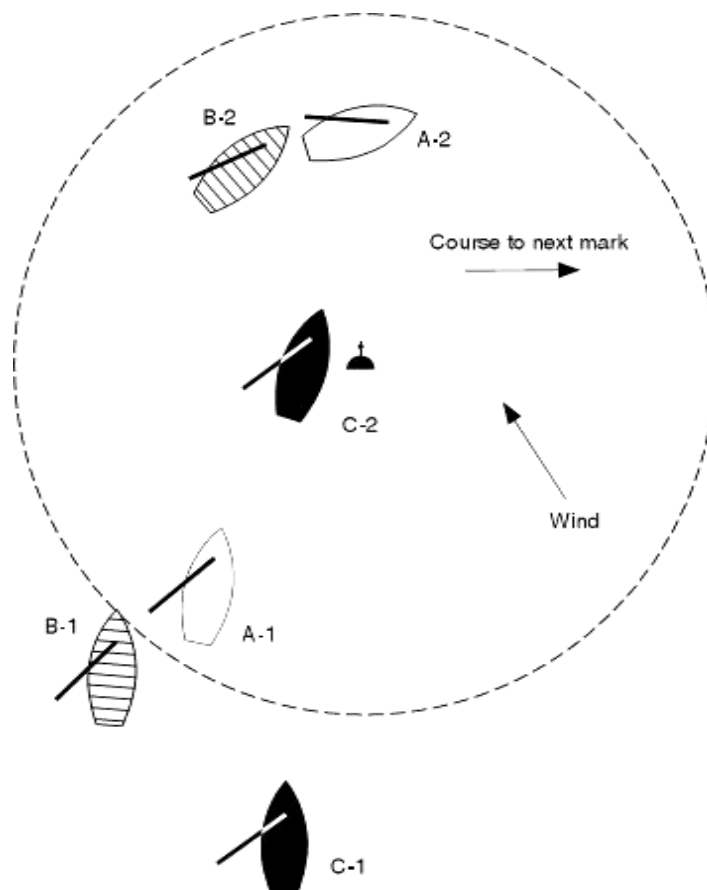
### Definitions, Mark-Room

#### Rule 18.2(b), Mark-Room: Giving Mark-Room

#### Rule 18.2(c)(2), Mark-Room: Giving Mark-Room

#### Rule 21(a), Exoneration

*At a mark, when space is made available to a boat that is not entitled to it, she may, at her own risk, take advantage of the space.*



### Facts

Two boats, A and B, broad reaching and about to leave a mark to starboard, were overlapped with B outside. C was further astern. A passed the mark about one hull length to leeward, as did B, leaving ample space



for C to round the mark inside them. B, because of her position outside A, was unable to deny C that space, and at no time during the incident sailed a course that would have resulted in a collision with C. No contact occurred. B protested C.

The next leg of the course was a close reach on starboard tack to the next mark (see direction to the next mark in the diagram).

The protest committee dismissed B's protest stating that C did not break any rule when she sailed between B and the mark and C did not cause B to take avoiding action or prevent B 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 space to C to pass inside.

## **Decision**

B's appeal is dismissed.

Rule 12 (and later rule 11) required C to keep clear of B. When B reached the zone at position 1, she was clear ahead of C so rule 18.2(b) required C to give B mark-room. C complied with those rules.

After C became overlapped inside B, C was also required by rule 18.2(c)(2) to give B room to sail her proper course. However, because B was overlapped outside A, B was prevented by A from sailing any closer to the mark than she did. As a result, there was ample space for C to sail between B and the mark without preventing B from sailing her proper course. Therefore, C did not break rule 18.2(c)(2).

When a boat voluntarily or unintentionally makes space between herself and a mark available to another that has no right to such space, the other boat may take advantage, at her own risk, of the space. The risk the other boat takes is that the boat entitled to mark-room may be able to close the gap between herself and the mark while sailing her proper course. In that case, the boat entitled to mark-room will be exonerated under rule 21(a) if she breaks a rule of Section A or rule 15 or 16, and only rule 14 will limit her course if she makes a rapid and aggressive attempt to close the gap between herself and the mark.

## CASE 64

### Deleted

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## CASE 65

### **Sportsmanship and the Rules**

#### **Rule 2, Fair Sailing**

#### **Rule 30.4, Starting Penalties: Black Flag Rule**

#### **Rule 69.2, Misconduct: Action by a Protest Committee**

*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 breach of sportsmanship and of rule 2, and her helmsman commits an act of misconduct.*

### **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 30.4 was in effect, so the race committee disqualified her without a hearing. 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 A for breaking rule 2.

The protest committee confirmed the disqualification of A under rule 30.4. It also decided that, by continuing to race and cover B when she knew that she had broken rule 30.4, A broke rule 2. As permitted by rule 2, it penalized her by making her disqualification not excludable. Later the same day, acting under rule 69.2, it called a hearing alleging that the behaviour of A's helmsman in hindering B constituted acts of misconduct. It decided that the helmsman's actions were indeed acts of misconduct and that he had therefore broken rule 69.1(a). It excluded him and disqualified A from all races of the series. A appealed the protest committee's decisions.

The protest committee confirmed the disqualification of A under rule 30.4. It also decided that, by continuing to race and cover B when she knew that she had broken rule 30.4, A broke rule 2. As permitted by rule 2, it penalized her by making her disqualification not excludable. Later the same day, acting under rule 69.2, it called a hearing alleging that the behaviour of A's helmsman in hindering B constituted acts of misconduct.

It decided that the helmsman's actions were indeed acts of misconduct and that he had therefore broken rule 69.1(a). It excluded him and disqualified A from all races of the series. A appealed the protest committee's decisions.

### **Decision**

A's appeal is dismissed.

A was correctly disqualified from race 4 for breaking rule 30.4. The protest committee found as fact that A's helmsman knew that he had been on the course side of the starting line at the starting signal; that he had broken rule 30.4; that he was, therefore, already disqualified; and that he had seriously hindered another boat in the race. A competitor who, while knowing that his boat has already been disqualified, intentionally hinders another boat clearly commits a breach of sportsmanship (see Sportsmanship and the Rules) and rule 2. The protest committee was justified in calling a hearing under rule 69.2, and it acted properly under rule 69.2(h) in excluding A's helmsman and disqualifying A from all races of the series. The committee could also call a hearing under rule 60.3(b) to consider redress for B (see rule 62.1(d)).

GBR 1984/7

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## **CASE 66**

### **Rule 84, 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 responsible for interpreting the class rules.*

### **Facts**

There is a protest against a number of boats for failure to comply with class rules. The protest committee, after a hearing, concludes 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.

## Questions

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?

## Answers

Rule 84 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.

In this case, the protestor and each boat protested were the parties to the hearing. Under rule 66, a party may ask that the hearing be reopened on the grounds that the protest committee made a significant error or that significant new evidence has become available. Also, under rule 70.1, a party may appeal the protest committee's decision or its procedures.

GBR 1984/16

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# CASE 67

## Part 2 Preamble

### Rule 69.2, Misconduct: Action by a Protest Committee

*When a boat is racing and meets a vessel that is not, both are bound by the government right-of-way rules. When, under those rules, the boat racing is required to keep clear but intentionally hits the other boat, she commits an act of misconduct.*

## 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 against L several times, thereby causing damage.

L informed the race committee of W's behaviour. The race committee protested W, and a hearing was called. 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**

W's appeal is dismissed. The preamble to Part 2 of the racing rules makes it clear that, when W met L, W was required to comply with the government right-of-way rules. Moreover, W was also subject to the racing rules other than those of Part 2. W did not comply with the government rules and, by intentionally hitting and damaging L, committed an act of misconduct (see rules 69.1(b)(1) and 69.1(b)(2)).

The decision of the protest committee is upheld, but W is disqualified under the government rule(s) applicable and not under racing rule 11 or rule 14. Both those rules are rules of Part 2, which would have applied only if both boats had been intending to race, were racing, or had been racing. W also committed an act of misconduct, so it would have been appropriate for the protest committee to call a hearing under rule 69.2.

NED 2/1982

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## **CASE 68**

### **Definitions, Racing Rule 62.1(a), Redress**

*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 racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal, even if she is later disqualified.*

### **Facts**

In a long distance race, boat A protested boat B under a rule of Part 2 and 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 denied B's request for redress, stating 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 the rules of Part 2 and her right to protest under rule 60.1. B appealed.

### **Decision**

B's appeal is 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(a). Therefore, the protest committee properly denied B's request for 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 require a boat to take a penalty when she realizes that she has broken a rule, but if she continues racing she retains her rights under the racing rules, including her rights under the rules of Part 2 and her rights to protest and appeal. The rules of Part 2 govern all boats that are racing, whether or not one of them is later disqualified for some reason.

CAN 1978/40

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## **CASE 69**

### **Rule 42.1, Propulsion: Basic Rule**

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

### **Facts**

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

## Question

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 as a source of power as required by rule 42.1. Her motion also 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.

USA 1986/269

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## CASE 70

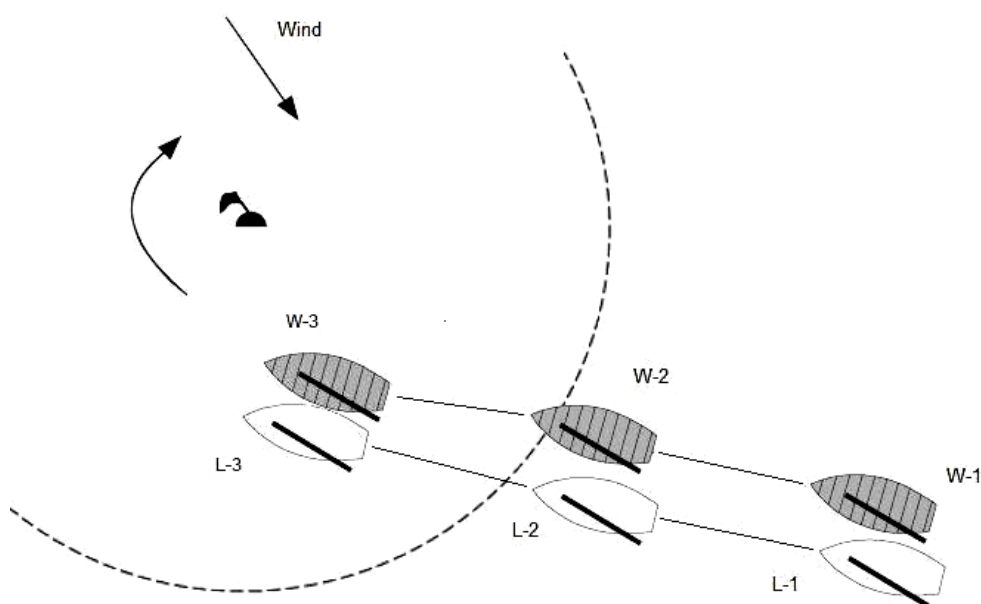
### Definitions, Mark-Room

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

### Rule 18.2(b), Mark-Room: Giving Mark-Room

### Rule 21(a), Exoneration

*An inside overlapped windward boat that is entitled to mark-room from the outside boat must keep clear of the outside boat and, if she is sailing outside of the mark-room to which she is entitled, she is not exonerated if she fails to keep clear.*



## **Facts**

L and W, both about 14 feet (4 m) long, were sailing on starboard tack at about 4 knots, approaching a windward mark to be left to starboard. The direction of the course to the next mark was downwind. The boats were overlapped with W, the inside boat, slightly ahead. W requested mark-room and L replied, 'Mark-room will be given when needed.' Subsequently, when 20 feet (6 m) from the mark, the boats made contact beam to beam. No damage or injury occurred. L protested W, alleging that W broke rule 11.

The protest committee disqualified L for not giving W room to sail to the mark after she asked for it. L appealed.

## **Decision**

Before and at the time of the contact, rule 11 required W to keep clear of L. While W was sailing to the mark, she broke rule 11 by sailing so close to L that there was a need for L to take avoiding action. Under rule 18.2(b) W was entitled to mark-room from L. W's proper course was to sail close to the mark, and so she was entitled to the space she needed in the existing conditions to sail promptly to it in a seamanlike way. The diagram accepted by the protest committee showed that, from the time W reached the zone until contact occurred, L had given W room to sail to the mark, but when W broke rule 11 she was not sailing within that room. For this reason, W is not exonerated under rule 21(a) for breaking rule 11.

Both boats could easily have avoided the contact, and so both broke rule 14. However, the contact caused neither damage nor injury and, because L was the right-of-way boat and W was entitled to mark-room, both boats are exonerated for breaking rule 14 (see rule 14(b)).

L's appeal is upheld. She is reinstated in her finishing place and W is disqualified for breaking rule 11.



## **CASE 71**

### **Sportsmanship and the Rules**

#### **Rule 29.1, Recalls: Individual Recall**

#### **Rule 62.1(a), Redress**

#### **Rule 64.2, Decisions: Decisions on Redress**

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

### **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 places 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 places and, where appropriate, other boats' scores were to be adjusted downwards. This done, C, which had finished behind A and B, requested redress, claiming that the race committee's omission of the required sound signal had made her score 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 29.1 and when she is then scored OCS, she is entitled to redress under rule 62.1(a). The claim that A was over the line early was not established as fact. Therefore, scoring A in her finishing place was an appropriate form of redress in this circumstance.

However, if it were determined in a hearing that a boat knew that she had been over the line, she would have been obliged to comply with rule 28.1 and, if it applied, rule 30.1, and she would not be entitled to redress. Had she broken those rules, she would also have broken rule 2 and failed to comply with the Basic Principle, Sportsmanship and the Rules.

## **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 C entitled to redress?

### **Answer 4**

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.

See also Cases 31 and 79.

## 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.

USA 1988/277

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## CASE 73

### Rule 2, Fair Sailing

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

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

#### Facts

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

#### Decision

W's appeal is upheld; L is disqualified and W reinstated. Because L could sail her course with no need to take avoiding action and there was no risk of immediate contact had L changed course in either direction, W was keeping clear of L. Therefore, W did not break rule 11. The deliberate

action of L's crew, which could have had no other intention than to disqualify W, broke rule 2.

GBR 1971/6

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## 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.*

### **Facts**

W was overtaking L in sub-planing conditions on a close 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 took a penalty. W protested L under rule 2. 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**

L's appeal is upheld; she 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.

GBR 1993/2

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## CASE 75

### **Definitions, Proper Course**

### **Rule 10, On Opposite Tacks**

### **Rule 14, Avoiding Contact**

### **Rule 16.1, Changing Course**

### **Rule 18.2(b), Mark-Room: Giving Mark-Room**

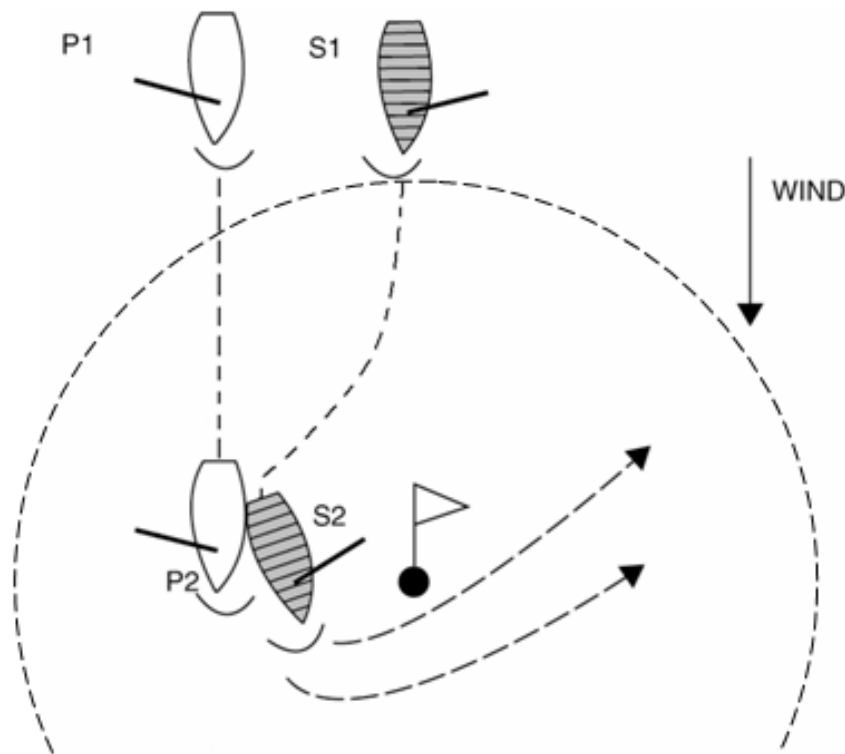
### **Rule 18.4, Mark-Room: Gybing**

*When rule 18 applies, the rules of Sections A and B apply as well. When an inside overlapped right-of-way boat must gybe at a mark, she is entitled to sail her proper course until she gybes. A starboard-tack boat that changes course does not break rule 16.1 if she gives a port-tack boat adequate space to keep clear and the port-tack boat fails to take advantage of it promptly.*

### **Facts**

Two boats, S and P, were sailing directly downwind towards a leeward mark to be left to port. They had been overlapped for several lengths with S inside and slightly ahead. As S entered the zone, she luffed. As her bow came abreast of the mark she bore away to gybe, and there was contact, but no damage or injury. S protested P under rule 10 while P protested S under rule 18.

The protest committee disqualified P for breaking rule 10. P appealed, asserting that she had given S mark-room and that S had broken rule 18.4.



## Decision

At position 1, S reached the zone and P was required by rule 18.2(b) to give S mark-room thereafter. In addition, until S gybed P was required by rule 10 to keep clear of S. As S luffed, she was required by rule 16.1 to give P room to keep clear, and until she gybed S was also required by rule 18.4 to sail no farther from the mark than needed to sail her proper course. The mark-room that P was required to give S was the space S needed in the existing conditions to sail promptly to the mark in a seamanlike way. That space was a direct corridor from S1 to a position close to and alongside the mark on the required side. P gave S that room. However, because S had right of way she was not required to remain within that corridor; she was permitted to sail any course provided that she complied with rules 16.1 and 18.4.

S luffed gradually through approximately 45 degrees while sailing about three lengths forward, and P made no effort to keep clear. Shortly before position 2, S needed to act to avoid P. At that moment P broke rule 10. When S luffed after position 1, if P had acted promptly there was space for her to have manoeuvred in a seamanlike way to keep clear of S. Therefore S did not break rule 16.1.

When S gybed just after position 2, she had not sailed farther from the mark than needed to sail her proper course. Indeed, in the absence of P (the boat 'referred to' in the definition Proper Course), S's proper course might well have been to sail even farther from the mark and higher than

she did, so as to make a smoother, faster rounding and to avoid interference with her wind by being backwinded or blanketed by other boats ahead. Therefore S did not break rule 18.4.

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 rule 10. However, S is exonerated because she was the right-of-way boat when the contact occurred and there was no damage or injury (see rule 14(b)).

P’s appeal is dismissed. She was properly disqualified, and S did nothing for which she could be penalized.

USA 1976/195

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## **CASE 76**

### **Withdrawn for Revision**

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## **CASE 77**

### **Definitions, Keep Clear**

#### **Rule 12, On the Same Tack, Not Overlapped**

#### **Rule 14, Avoiding Contact**

#### **Rule 31, Touching a Mark**

*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.*

### **Facts**

Boats A and B approached the leeward mark with spinnakers set. A rounds the mark clear ahead of B. A has difficulty lowering her spinnaker and, as she assumes a close-hauled course, her spinnaker guy trails astern by some 30 feet (9 m) and drags across part of the mark above the water. Later, when the mark is about five lengths astern of B, the boats are sailing close-hauled on port tack and B is 20 feet (6 m) astern of A. A is still having difficulties handling her spinnaker and the head of her spinnaker unexpectedly 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. 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, 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 because nothing B did or failed to do required A 'to take avoiding action' (see the definition Keep Clear). 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 or injury, A is exonerated (see rule 14(b)). 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.

Note that Case 91 also addresses an incident involving equipment out of its normal position.

USA 1980/232

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## CASE 78

**Rule 2, Fair Sailing**

**Rule 41, Outside Help**

**Rule 69.1(a), Misconduct: Obligation not to Commit Misconduct;  
Resolution**

*In a fleet race either for one-design boats or for boats racing under a handicap or rating system, a boat may use tactics that clearly interfere with and hinder another boat's progress in the race, provided that, if she is protested under rule 2 for doing so, the protest committee finds that there*



*was a reasonable chance of her tactics benefiting either her final ranking in the event or her chances of gaining selection for another event or for her national team. However, she breaks rule 2, and possibly rule 69.1(a), if while using those tactics she intentionally breaks a rule.*

### **Facts for Question 1**

In a fleet race for one-design boats, boat A uses tactics that clearly interfere with and hinder boat B's progress in the race. While using those tactics, A does not break any rule, except possibly rule 2 or rule 69.1(a). B protests A under rule 2.

### **Question 1**

In which of the following circumstances would A's tactics be considered unsportsmanlike and a breach of rule 2 or of rule 69.1(a)?

- (a) The protest committee finds that there was a reasonable chance that A's tactics would benefit her final ranking in the event.
- (b) The protest committee finds that there was a reasonable chance that A's tactics would increase her chances of gaining selection for another event.
- (c) The protest committee finds that there was a reasonable chance that A's tactics would increase her chances of gaining selection to her national team.
- (d) The protest committee finds that A and a third boat, boat C, had agreed that they would both adopt tactics that benefited C and that there was a reasonable chance that A's tactics would benefit C's final ranking in the event.
- (e) The protest committee finds that A was attempting to worsen B's race or series score for reasons unconnected with sport.

### **Answer 1**

In circumstances (a), (b) and (c), A would be in compliance with recognized principles of sportsmanship and fair play because there is a sporting reason for her actions.

In circumstance (d), both A and C would break rule 2, and possibly rule 69.1(a). In addition, by receiving help prohibited by rule 41 from A, C would also break rule 41.

In circumstance (e), A would break rule 2, and possibly rule 69.1(a) because, with no good sporting reason, her actions would clearly break recognized principles of sportsmanship and fair play.

### **Question 2**

Would Answer 1 be different if the boats had been racing under a handicap or rating system and if A had been faster or more manoeuvrable than B?

### **Answer 2**

No.

### **Question 3**

Would Answer 1 be different if, while using tactics that clearly interfered with and hindered B's progress in the race, A had intentionally broken a rule?

### **Answer 3**

Yes. Whenever a boat intentionally breaks a rule, she also breaks rule 2, and possibly rule 69.1(a).

USA 1991/282, revised extensively by World Sailing 2009 and 2013

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## **CASE 79**

### **Rule 29.1, Recalls: Individual Recall**

*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 OCS, this is an error that significantly worsens the boat's score through no fault of her own, and therefore entitles her to redress.*

### **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 OCS.

### **Question 1**

In rule 29.1, 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 29.1 obligates the committee to signal all boats that one or more of them are on the course side of the starting line at the starting signal. Rule 28.1 and, if it applies, rule 30.1 obligate 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 places a boat that does not realize that she was slightly over the line at the starting signal at a significant disadvantage because she cannot use the information the signal provides, in combination with her observations of her position relative to other boats at the time the signal is made, to decide whether or not to return to the pre-start side of the line.

### **Question 4**

How can a boat that fails to start properly be entitled to redress when rule 62.1 requires that her score 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. As Answer 3 indicates, a boat can be significantly disadvantaged by a delay by the race committee in making the recall signal. That error is entirely the race committee's fault, and not that of the disadvantaged boat. (See Case 31 for a discussion of appropriate redress in a similar situation.)

USA 1992/285

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## **CASE 80**

**Rule 60, Right to Protest; Right to Request Redress or Rule 69 Action**  
**Rule 61.2(b), Protest Requirements: Protest Contents**  
**Rule 62.1(a), Redress**  
**Rule A5, Scores Determined by the Race Committee**

*A hearing of a protest or a request for redress must be limited to the alleged incident, action or omission. Although a boat must be scored DNF if she does not finish according to that term's definition, she is not to be scored DNF for failing to sail the course correctly.*

### **Facts**

When boat A crossed the finishing line from the course side, the race committee scored her DNF because it believed from its observations that she had not left one of the rounding marks on the required side and, therefore, had failed to sail the course correctly. A requested redress on the grounds that, even though she had finished properly, she was not given a finishing place. The protest committee did not give A redress, deciding that rule 62.1(a) did not apply because A failed to sail the course correctly, and that her failure to do so was not due to an act or omission of the race committee but was entirely her own fault. A appealed.

### **Decision**

A's appeal is upheld. The race committee acted improperly in scoring A DNF when she did finish according to the definition Finish. The race committee could have scored A as DNF only for failing to finish correctly (see rule A5). Since A crossed the finishing line from the course side, and

none of the three exceptions in the definition Finish applied, she should have been recorded as having finished.

A fundamental principle of protest committee procedure is that a hearing must be limited to the particular ‘incident’ alleged in a protest (see rule 61.2(b)) or to the particular incident alleged to be ‘an improper action or omission’ in a request for redress under rule 62.1(a). Although the incident that was the subject of A’s request for redress was that she had been incorrectly scored DNF, the protest committee turned to a different incident when it considered whether or not she had failed to sail the course correctly and therefore broken rule 28.1. Since that incident was not the incident alleged in the redress for request, the committee acted improperly.

If a race committee believes from its observations that a boat has not sailed the course correctly, it may protest the boat for that breach as permitted by rule 60.2(a). In this case, the race committee did not protest A. Because A had not been protested for failing to sail the course correctly, she could not be penalized for that failure (see rule 63.1).

In summary, the facts show that A finished according to the definition Finish. She should not have been scored DNF and was therefore entitled to redress under rule 62.1(a) for an improper action of the race committee. 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.

USA 1993/289

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## **CASE 81**

**Rule 14, Avoiding Contact**

**Rule 15, Acquiring Right of Way**

**Rule 18.1(b), Mark-Room: When Rule 18 Applies**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 18.2(d), Mark-Room: Giving Mark-Room**

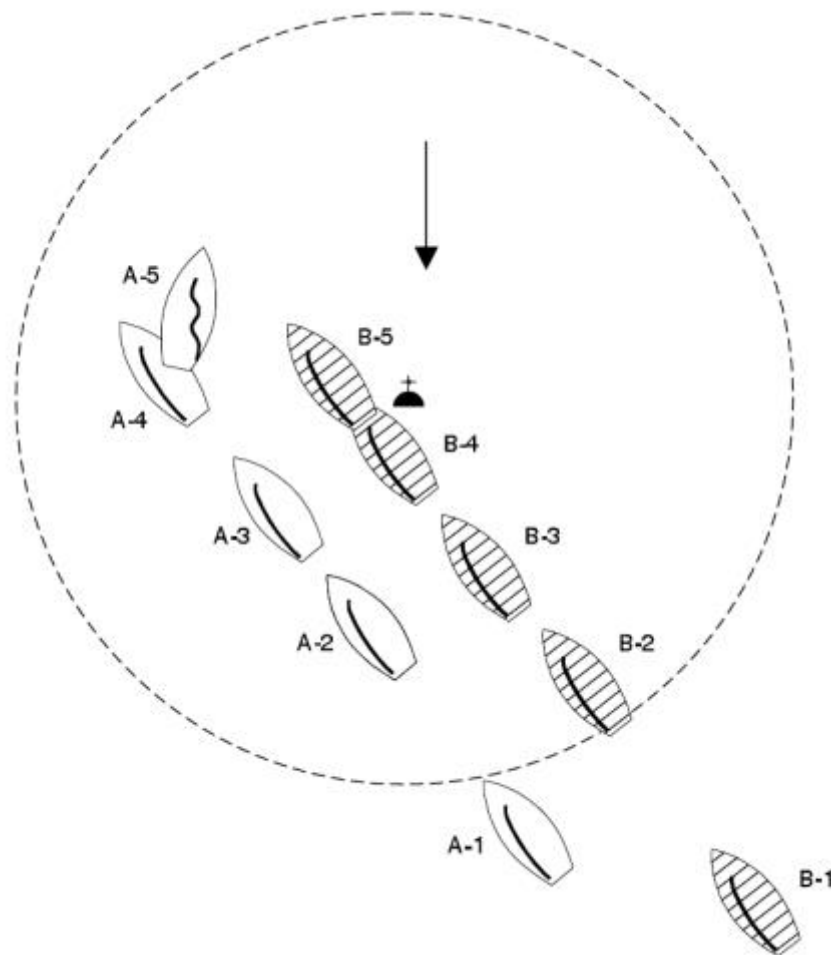
*When a boat entitled to mark-room under rule 18.2(b) passes head to wind, rule 18.2(b) ceases to apply and she must comply with the applicable rule of Section A.*

### **Facts**

Two boats, A and B, close-hauled on starboard tack, approached a mark to be left to starboard. A entered the zone clear ahead and on a track to leeward of B, and tacked onto a close-hauled port-tack course in order to

round the mark. B, still on starboard tack, made contact with A, then on port tack, causing no damage or injury. Both boats protested.

Citing rule 18.1(b), the protest committee decided that rule 18 did not apply because just prior to the contact 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.



## Decision

B was clear astern of A from position 1 to position 4. While B was clear astern, rule 12 required her to keep clear of A. Also, from the time A reached the zone until she passed head to wind, rule 18.2(b)'s second sentence applied, requiring B to give A mark-room. B fulfilled both these obligations. Shortly before position 5, when A passed head to wind, B's obligation to give A mark-room ended (see rule 18.2(d) or rule 18.1(b)). At that time B acquired right of way and A became obligated to keep clear of B, first by rule 13 and later, after A was on a close-hauled course, by rule 10. Rule 15 did not apply because B acquired right of way as a result of A's tack.

It is not clear from the facts whether B needed to act to avoid A before or after A assumed a close-hauled course on port tack. However, it is clear that B needed to act to avoid A while B held right of way. Therefore, A is disqualified, under either rule 13 or rule 10. Because it was possible for A to have avoided the contact, she also broke rule 14.

Rule 14 applied to B, but the facts do not enable a determination of whether it was reasonably possible for B, acting after it became clear that A was not keeping clear, to have avoided the contact. However, it is not necessary to make that determination because B had right of way and the contact did not cause damage or injury. Therefore, if B had been found to have broken rule 14, she would have been exonerated under rule 14(b).

A's appeal is dismissed. She remains disqualified, and B is not to be penalized.

USA 1993/290

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## CASE 82

### Definitions, Finish

#### Rule 62.1(a), Redress

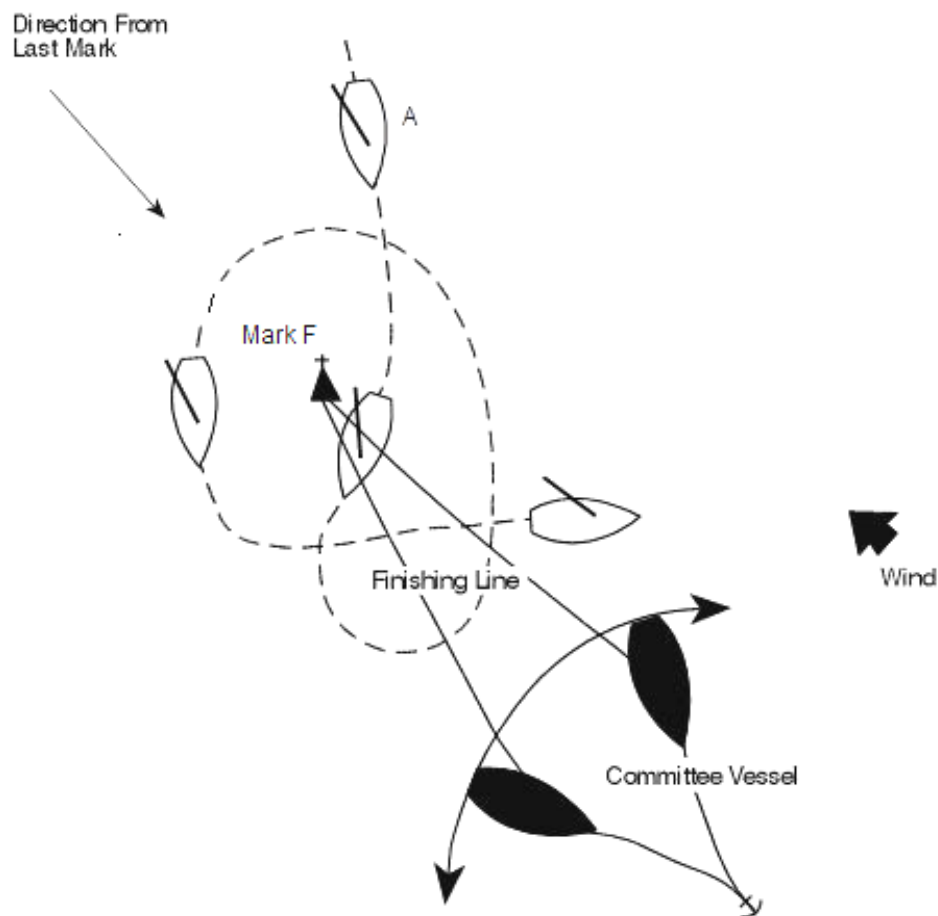
*When a finishing line is laid so nearly in line with the last leg that it cannot be determined which is the correct way to cross it in order to finish according to the definition, a boat may cross the line in either direction and her finish is to be recorded accordingly.*

### Facts

At the finish of a race boat A crossed the finishing line from the side of the line that she believed was the course side, leaving mark F to starboard. She recorded the time she crossed the line. The race officer did not record her as having finished and did not make a sound signal. Hearing no sound signal, A sailed the track shown in the diagram and finally crossed the line leaving mark F to port, at which time the race officer recorded her as having finished and made a sound signal. A requested redress, asking that the time she recorded at her first crossing be used as her finishing time.

The protest committee found as a fact that the committee boat was swinging back and forth across a line parallel to the last leg, 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

A's appeal is upheld. Positioning the finishing line marks so that boats cannot easily determine in which direction they should cross the finishing line is an improper action on the part of the race committee. When a boat cannot reasonably ascertain in which direction she should cross the finishing line so as to conform to the definition Finish, she is entitled to finish in either direction. A is therefore entitled to redress under rule 62.1(a). She is to be given her finishing place calculated from the time she herself recorded when she crossed the line for the first time.



## CASE 83

### Rule 49.2, Crew Position; Lifelines

*Repeated sail trimming with a competitor's torso outside the lifelines is not permitted.*

#### Facts

In a race for 24-foot (7 m) boats whose class rules require lifelines 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 windward side of the 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.

## CASE 84

### Deleted

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## CASE 85

### Definitions, Rule

#### Rule 61.1, Protest Requirements: Informing the Protestee

#### Rule 86.1(c), Changes to the Racing Rules

*If a racing rule is not one of the rules listed in rule 86.1(c), class rules are not permitted to change it. If a class rule attempts to change such a rule, that class rule is not valid and does not apply.*

### 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 protested 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 and B objected to that decision on the grounds that class rule 5 was not valid. Despite B's objection, the protest committee proceeded with the hearing and disqualified B and C. B appealed.

### Decision

B's appeal is upheld. Paragraph (d) of the definition Rule makes it clear that class rules apply to a race. Class rules may change racing rules, but only the rules listed in rule 86.1(c) and, with the approval of World Sailing, a rule in Appendix G (see rule G5). Rule 61 is not one of those rules, and therefore class rule 5, which attempts to change rule 61.1, is not valid and cannot apply. The sailing instructions might have changed rule 61.1 as permitted in rule 86.1(b), but did not do so. Therefore, A's 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.

USA 1994/299

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## CASE 86

**Deleted**

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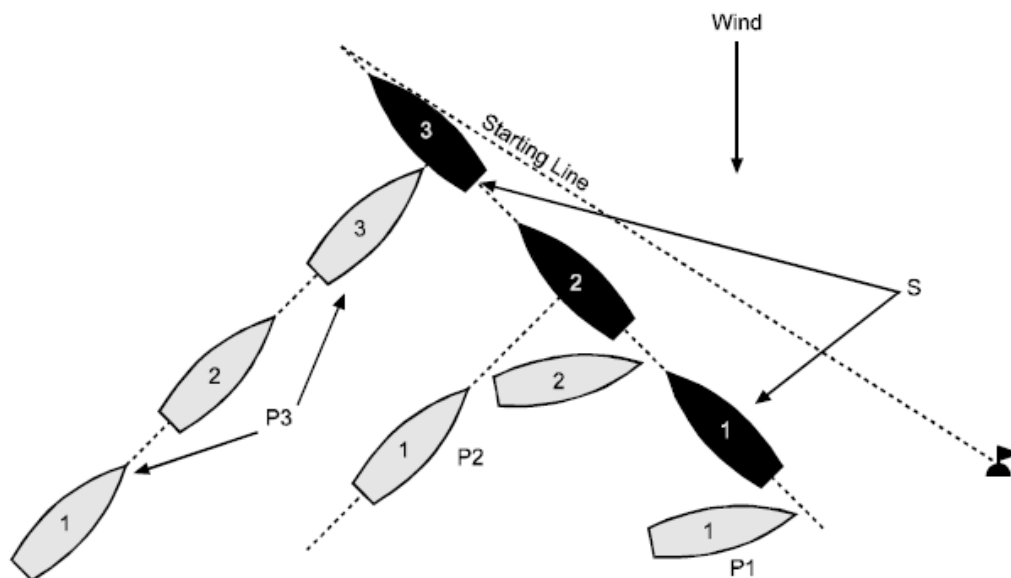
## CASE 87

**Definitions, Keep Clear**

**Rule 10, On Opposite Tacks**

**Rule 14(a), Avoiding Contact**

*A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.*



### 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 avoid contact with the other boat if reasonably possible. In P3'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). P3 broke both rule 10 and rule 14.

In S's case, while rule 10 required P3 to keep clear of her, at the same time S was required by rule 14 to avoid contact if it was 'reasonably possible' to do so. However, rule 14(a) allowed S to sail her course in the expectation that P3 would keep clear as required, until such time as it became clear 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 clear 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. S's appeal is upheld, and she is to be reinstated.

CAN 1994/105

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## **CASE 88**

### **Definitions, Keep Clear**

### **Rule 10, On Opposite Tacks**

### **Rule 14, Avoiding Contact**

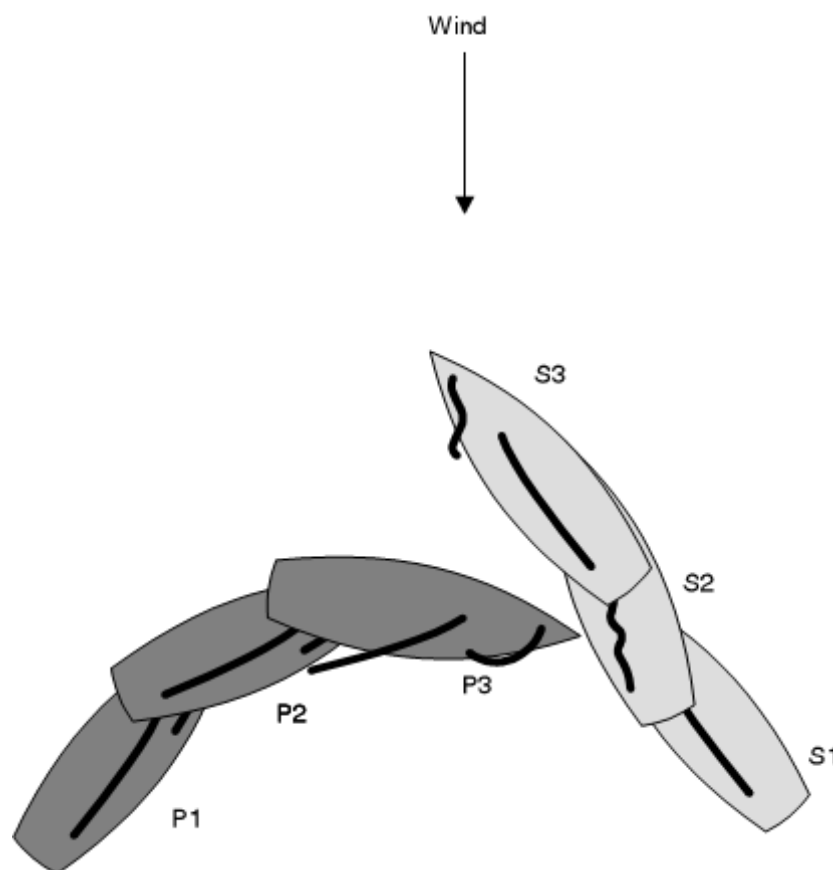
*A boat may avoid contact and yet fail to keep clear.*

### **Facts**

S and P, two keelboats about 24 feet (7 m) 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 position 1 in the diagram both boats changed course at the same moment.

S, fearing a collision, luffed sharply intending to tack and thereby minimize damage or injury, and P bore away sharply. As soon as she saw P bear away, S immediately bore away also. P, with her tiller turned as far to port as it would go, passed astern of S within two feet (0.6 m) of her. There was no contact. S protested under rule 10.

The protest committee decided that P did not break rule 10. It then considered whether S had broken rule 16.1 or 16.2 by luffing and then immediately bearing away. It concluded that she had 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's protest was dismissed, and she appealed.



## Decision

S's appeal is upheld. P is disqualified for breaking rule 10.

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 lead to the conclusions that P failed to keep clear of S and therefore broke rule 10:

- (1) the courses of the boats when the incident began. They were on collision courses, which meant that at least one of them would have to change course.
- (2) the distance between the boats at the moment both boats changed their courses. After position 1, if neither boat had changed course, P's bow would have struck the leeward side of S after the boats had sailed approximately two-thirds of a hull 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 tiller turned as far to port as it would go' she passed S's stern 'within two feet' (0.6 m). 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 position 1 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 (0.6 m) 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' and so P broke rule 10. S was fully justified in expecting a collision and in concluding that only her action would prevent it.

There is no need to address the question of whether or not S broke rule 16.1 or 16.2 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(a).

See also Case 50.

USA 1996/305

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## CASE 89

### Rule 43.1(a), Competitor Clothing and Equipment

*Except on a windsurfer or a kiteboard, 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 windsurfer or a kiteboard, 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 rules B4 and F4 modify rule 43.1(a) for windsurfing competition and kiteboard racing.)

World Sailing 1997

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## CASE 90

### Rule 28.2, Sailing the Course

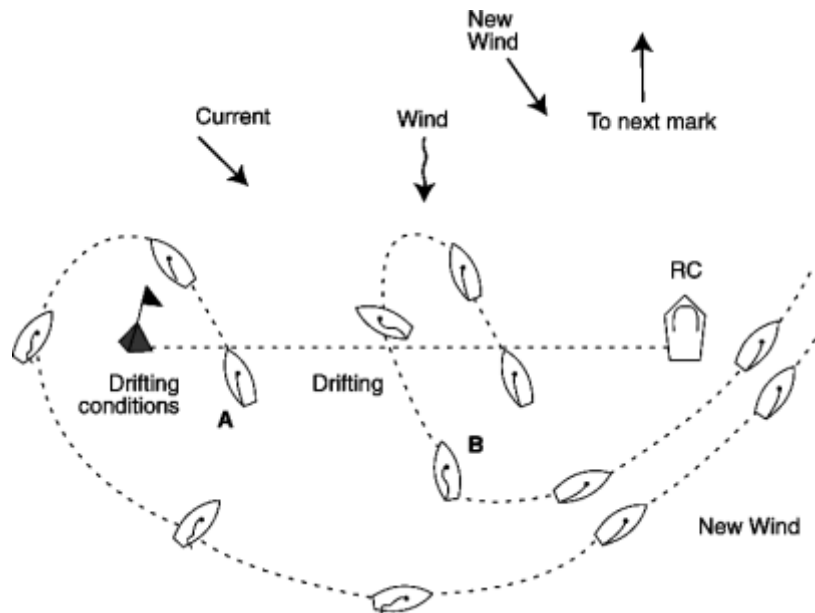
*When a boat's string passes a mark on the required side, she does not break rule 28.2 if her string, when drawn taut, also passes that mark on the non-required side.*

#### 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 28.2) but the protest committee decided that the protest was invalid. However, it sent a request for interpretation of rule 28.2 to the national authority under rule 70.4.



## Question

Did boats A and B comply with rule 28.2?

## Answer

Boat A complied with rule 28.2. 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 track, when drawn taut, leaves each starting mark on the required side as it crosses the starting line. Rule 28.2 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 makes a clockwise penalty turn around it, she complies with rule 28.2. Another example, as boat A illustrates in this case, is when a boat's string passes the two starting-line marks on the required side, she does not break rule 28.2 when her string also passes one of those marks (in this case the race committee boat) on the non-required side.

Boat B broke rule 28.2. 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 track is drawn taught it will not pass through the starting line and therefore will not leave the starboard-end mark on the required side.

See Case 106 for a discussion of a similar incident at a finishing line.

ARG 1996/3

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## CASE 91

### Definitions, Clear Astern and Clear Ahead; Overlap

### Definitions, Keep Clear

### Rule 12, On the Same Tack, Not Overlapped

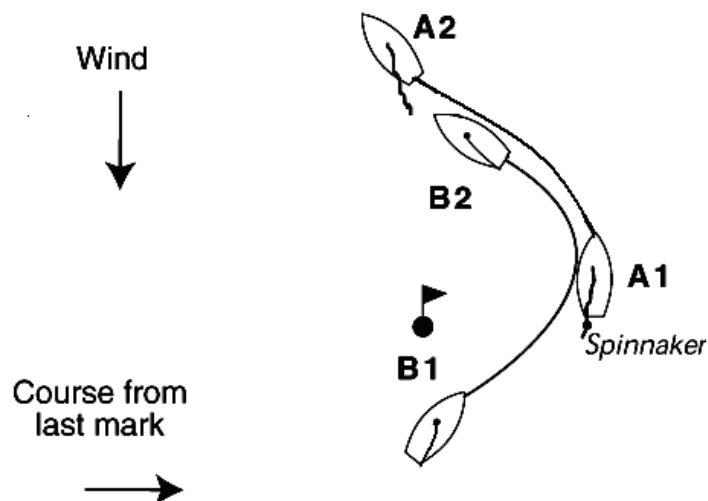
### Rule 14, Avoiding Contact

*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 and avoided.*

### 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 A's mast. The contact did not result in damage. 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 B's 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 (6 m).

In this case, B also broke rule 14 by causing contact she could have avoided. However, A did not break that rule because, after it became clear that B was not keeping clear, it was not reasonably possible for her to avoid the contact. Even if it had been possible, as a right-of-way boat she would have been exonerated under rule 14(b).

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

USA 1987/271

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## CASE 92

### Rule 14, Avoiding Contact

### Rule 16.1, Changing Course

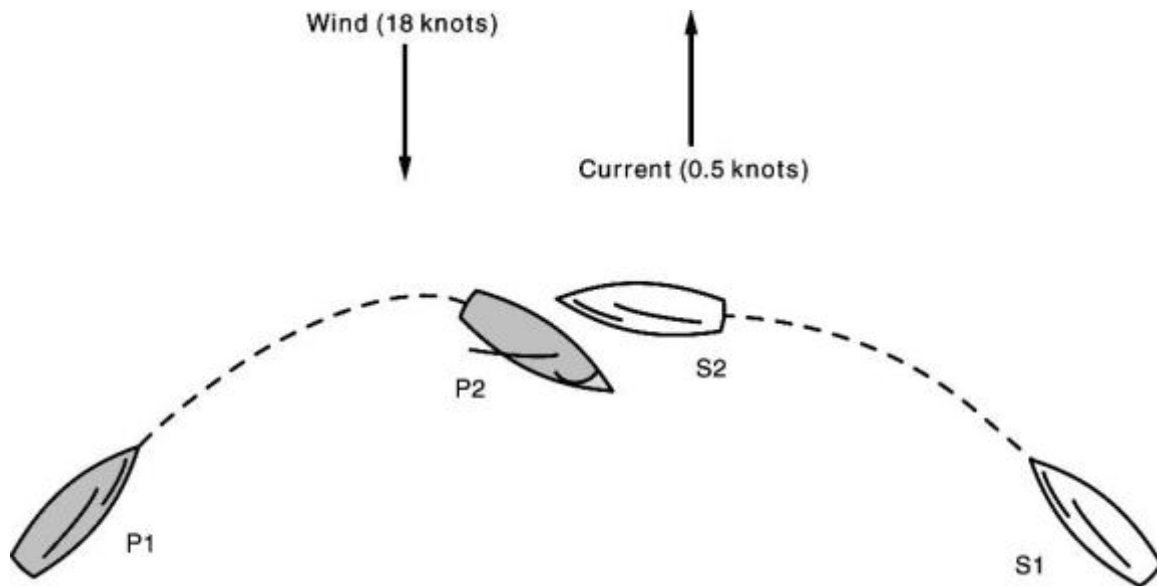
### Rule 16.2, Changing Course

*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.*

## 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

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

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 by passing astern of her 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 seamanlike 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 must be penalized under that rule because, as the right-of-way boat, she failed to avoid contact that caused damage when it was reasonably possible for her to have done so.

S 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 towards 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 either rule 21(a) or rule 64.1(a).

USA 1997/75

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## CASE 93

### **Definitions, Room**

### **Rule 15, Acquiring Right of Way**

### **Rule 16.1, Changing Course**

### **Rule 18.3, Mark-Room: Tacking in the Zone**

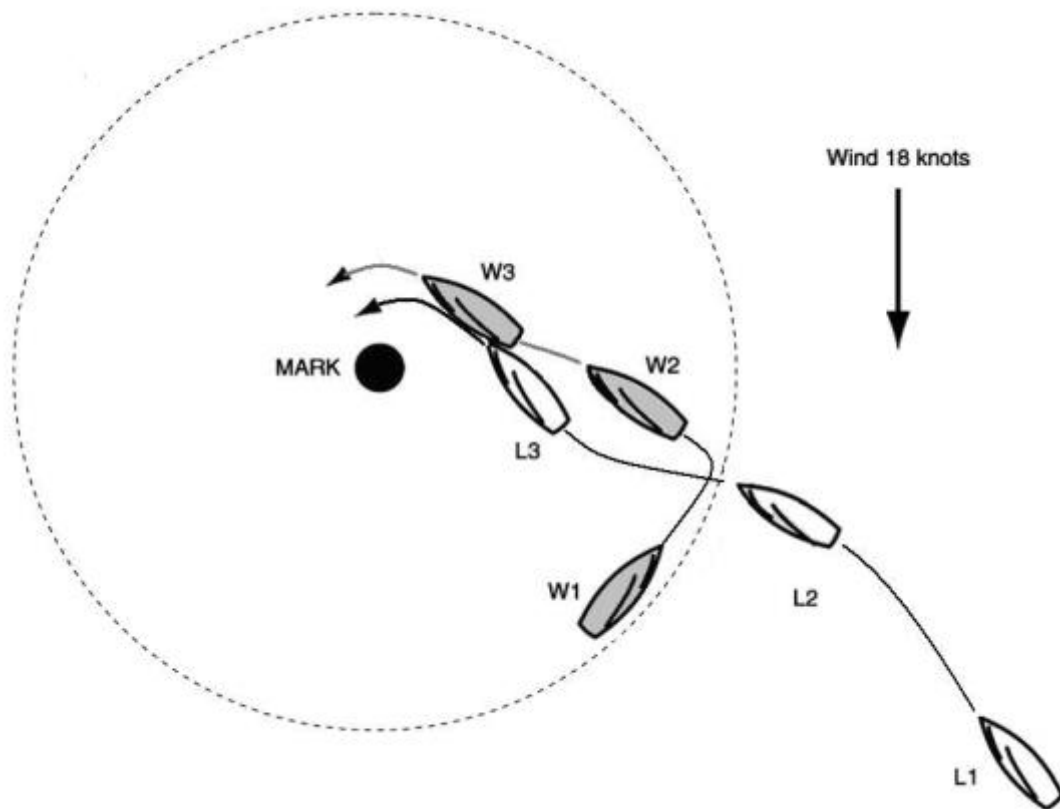
### **Rule 21(a), Exoneration**

### **Rule 64.1(a), Decisions: Penalties and Exoneration**

*If a boat luffs immediately after she becomes overlapped to leeward of another boat and there is no seamanlike action that would enable the other boat to keep clear, the boat that luffed breaks rules 15 and 16.1. The other boat breaks rule 11, but is exonerated.*

### **Facts**

At position 1 W and L were on opposite tacks approaching a windward mark that they were required to leave to port. After W passed head to wind within the zone and was on her new close-hauled course, L was directly astern of her. 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

Between positions 1 and 2, while in the zone, W passed head to wind. At that time, W was fetching the mark, so rule 18.3 began to apply. In her appeal L argued that W broke rule 18.3. That rule required W to give L mark-room when L became overlapped inside her. The facts indicate that W's course was far enough above the layline to allow L room to sail to the mark and round it. Therefore, W gave mark-room to L and did not break rule 18.3.

At position 2 W had right of way over L under rule 12. A short time later, between positions 2 and 3, the boats became overlapped at which time L acquired right of way under rule 11, and initially rule 15 required L to give W room to keep clear. At all times after the boats became overlapped, rule 16.1 applied. L's luff, which was made immediately after the overlap began, deprived W of room to keep clear. No seamanlike action was available to her to do so. L thus broke rules 15 and 16.1.

L is not exonerated under rule 21(a) because, at the time she broke rules 15 and 16.1, she was not sailing within the mark-room to which she was entitled and which W gave her. That fact made rule 21(a) inapplicable.

When L luffed, W unavoidably broke rule 11, but she is exonerated under rule 64.1(a) because she was compelled to do so by L's breaches of rules

15 and 16.1. W could also be exonerated under rule 21(a) because at the time she broke rule 11 she was sailing within the room to which she was entitled under rules 15 and 16.1.

L became overlapped from clear astern within two of her hull lengths of W, and so rule 17 prohibited L from sailing above her proper course. The protest committee did not find facts as to whether or not L sailed above her proper course after the overlap began. If she did, she broke rule 17. However, nothing is to be gained by seeking the facts needed to resolve this question because L would remain disqualified under rules 15 and 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. L, however, did break rule 14; the fact that she caused the contact showed that it was possible for her to avoid it. She would have been subject to penalty for this breach if there had been damage or injury to either boat. No facts were found about damage or injury, but this issue need not be addressed since L would remain disqualified under rules 15 and 16.1.

For the above reasons L's appeal is denied.

USA 1998/76

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## **CASE 94**

### **Deleted**

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## **CASE 95**

**Definitions, Mark-Room**

**Definitions, Room**

**Rule 18.1(a), Mark-Room: When Rule 18 Applies**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 18.3, Mark-Room: Tacking in the Zone**

**Rule 21(b), Exoneration**

**Rule 64.1(a), Decisions: Penalties and Exoneration**

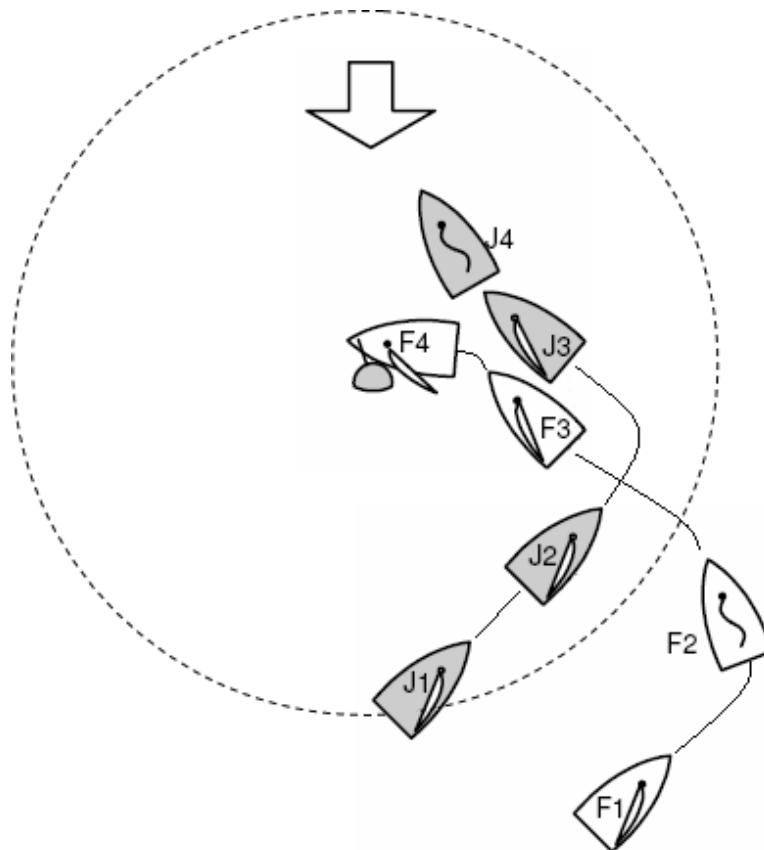
*If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a*

*boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.*

## 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 and entered the zone on starboard tack. *Jagga* then tacked into a position to windward of *Freebird*. *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. *Jagga* appealed on the grounds that, because she was an inside overlapped boat when she entered the zone, she was entitled to room to pass the mark.



## Decision

When *Jagga* reached the zone she was overlapped inside *Freebird*. From that time until *Freebird* turned past head to wind, rule 18.2(b) required

*Freebird* to give *Jagga* mark-room. When *Freebird* turned past head to wind, the boats were on opposite tacks on a beat to windward, and so rule 18 ceased to apply (see rule 18.1(a)). After *Freebird* completed her tack, she had right of way under rule 10, but initially she was subject to rule 15. She complied with that rule because *Jagga* had room to keep clear by crossing ahead of her.

Between positions 2 and 3 *Jagga* passed head to wind and was then on the same tack as *Freebird*. At that time *Jagga* was fetching the mark and *Freebird* had been on starboard tack since entering the zone, so rule 18.3 began to apply. While rule 18.3 applied, rule 18.2 did not. However, a short time later when *Jagga* completed her tack, *Freebird* was overlapped inside her, and *Jagga* was required by rule 18.3 to give *Freebird* mark-room.

After *Jagga* crossed ahead of *Freebird*, *Freebird* had right of way, first under rule 10, then under rule 13 and finally under rule 11. Therefore, *Jagga* had no protection from rule 15 during that time.

After position 3, rule 11 required *Jagga* to sail so that *Freebird* could ‘sail her course with no need to take avoiding action’ (see the definition Keep Clear). The fact that, when *Jagga* luffed, *Freebird* had to change course to avoid contact was evidence that *Jagga* broke rule 11 by not keeping clear. Also, when *Jagga* luffed she did not give *Freebird* space to sail to the mark and comply with her obligation under rule 31. Therefore, *Jagga* broke rule 18.3 (see also the definitions Mark-Room and Room).

The protest committee correctly disqualified *Jagga* under rule 18.3, but she also broke rule 11. *Freebird* broke rule 31 when she touched the mark, but she is exonerated under either rule 21(b) or rule 64.1(a). *Jagga*’s appeal is dismissed.

GBR 2000/4

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## CASE 96

### Rule 30.4, 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 the second sentence of rule 30.4 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. However, if*



*the race committee does not display her sail number and she sails in the restarted race, she should be scored BFD, and not DNE.*

### **Facts for Question 1**

The race committee displayed the black flag as the preparatory signal for the start of a class. Boat A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal. After the starting signal, the race committee signalled a general recall. The race committee disqualified A without a hearing for breaking rule 30.4, and displayed her sail number before the next warning signal for the race.

### **Question 1**

If A believes that the race committee made a mistake when it identified her in the triangle during the last minute, do the rules permit her to sail in the race when it is restarted and then request redress?

### **Answer 1**

Rule 30.4 clearly requires A 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.

### **Facts for Question 2**

The facts are the same as for Question 1 except that the race committee failed to display A's sail number before the next warning signal for the race, and A sailed in the race when it was restarted.

### **Question 2**

Is A entitled to a finishing place?

### **Answer 2**

No. A should be disqualified as required by the second sentence of rule 30.4. However, because the race committee erred by not displaying her sail number between the general recall and the next warning signal for the race, she should be scored BFD (Disqualification under rule 30.4), and not DNE (Disqualification that is not excludable). If she requests redress claiming that she is entitled to a finishing place because the race committee erred by not displaying her sail number, her request should be

denied. 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 place, but the fact that she had been on the course side of the starting line in the minute before her starting signal. However, if she was scored DNE, redress should be granted to the extent of changing her score to BFD.

GBR 2000/1

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## **CASE 97**

### **Rule 50.3, Setting and Sheeting Sails: 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’.

GBR 2000/2

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## CASE 98

### **Definitions, Rule**

#### **Rule 3, Acceptance of the Rules**

#### **Rule 63.7, Conflict between Rules**

#### **Rule 84, Governing Rules**

#### **Rule 87, Changes to Class Rules**

#### **Rule 88.2, National Prescriptions: Changes to Prescriptions**

#### **Rule J1.1(2), Notice of Race Contents**

#### **Rule J1.2(9), Notice of Race Contents**

#### **Rule J2.1(1), Sailing Instruction Contents**

#### **Rule J2.2(7), Sailing Instruction Contents**

*The rules listed in the definition Rule apply to races governed by The Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply. A sailing instruction, provided it is consistent with any prescription to rule 88.2, may change some or all of the prescriptions of the national authority. Generally, neither the notice of race nor the sailing instructions may change a class rule. When a boat races under a handicapping or rating system, the rules of that system apply, and some or all of her class rules may apply as well. When the notice of race conflicts with the sailing instructions, neither takes precedence.*

### **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 the national authority, the sailing instructions, the class rules, the notice of race or any other document or rule. Starts were given for a class of boats racing under a handicap system and for two one-design classes. *Buttercup*, a J/24, raced in the handicap class and was protested for breaking a J/24 class rule.

### **Question 1**

Did any of the following apply?

- (1) the prescriptions of the national authority
- (2) the class rules
- (3) the notice of race
- (4) the sailing instructions
- (5) other documents governing the event

## **Answer 1**

Rules J1.1(2) and J2.1(1) require that both the notice of race and the sailing instructions inform competitors ‘that the race will be governed by the *rules* as defined in *The Racing Rules of Sailing*.’ If the notice of race or the sailing instructions includes such a statement, then the prescriptions of the national authority, the class rules, the notice of race and the sailing instructions, as well as the six World Sailing Codes, all apply because they are all defined to be rules (see the definition Rule). Any other documents that will govern the event must be listed in the notice of race and the sailing instructions (see rules J1.1(3) and J2.1(2)).

In this case the notice of race and the sailing instructions for the Spring Tune-Up did not comply with rules J1.1(2) and J2.1(1). They stated only that ‘*The Racing Rules of Sailing* would apply.’ Nevertheless, documents 1, 2, 3 and 4 all applied. The reasoning that leads to this conclusion is presented in the next paragraph.

If a term appears in italics in a racing rule, that term is used in the sense stated in the Definitions (see Terminology in the Introduction). Rules 3.1(a) and 3.3(a), in which ‘rules’ is in italics, make it clear that, by participating in the race, each competitor and boat owner agrees to be governed by the racing rules and by the rules in the documents listed in the definition Rule. That list includes documents 1, 2, 3 and 4. Rule 84, in which ‘rules’ again appears in italics, implies that the rules in all those documents also govern the organizing authority, the race committee, the technical committee and the protest committee while they are conducting and judging the race.

## **Question 2**

May a prescription or a rule in the notice of race or the sailing instructions be changed?

## **Answer 2**

Yes, provided that the procedures stated in the racing rules for making such a change are followed. (Note that an addition to a rule, or deletion of all or part of it, is a ‘change’ to the rule. See rule 85.1.) The notice of race or sailing instructions may change a prescription or state that some or all of the prescriptions will not apply, provided that the national authority has not restricted changes to those prescriptions in a prescription to rule 88.2. In the absence of such a change in the notice of race or sailing instructions, all the prescriptions apply. Rules 89.2(b) and 90.2(c) cover the procedures for changing, respectively, the notice of race and the sailing instructions.

### **Question 3**

May a class rule be changed?

### **Answer 3**

No, unless the class rules themselves permit the change, or unless written permission of the class association for the change has been obtained and is displayed on the official notice board (see rule 87).

Rule J2.2(7) requires the sailing instructions to inform competitors of any changes made to the class rules under rule 87. Rule J1.2(9) requires that such a change in a class rule also be included in the notice of race when that information would help competitors decide whether to attend the event or would provide information that they will need before the sailing instructions become available.

### **Question 4**

*Buttercup*, a J/24, raced in the handicap class. Did the J/24 Class Rules or the handicap system rules apply to her?

### **Answer 4**

The rules of the handicap system applied to *Buttercup* (see paragraph (d) in the definition Rule). If her handicap was explicitly based on the assumption that she race in compliance with some, or all, of the J/24 class rules, then those J/24 class rules, or all the J/24 class rules, applied to her. However, if *Buttercup*'s handicap was not based on such an assumption, then none of the J/24 class rules applied to her.

### **Question 5**

If a rule in the notice of race conflicts with a rule in the sailing instructions, which takes precedence? Can the conflict be resolved?

### **Answer 5**

Neither takes precedence. Rule 63.7 governs a protest or request for redress arising from such a conflict. It requires the protest committee to apply the rule that it believes will provide the fairest result for all boats affected. If such a conflict arises outside of a hearing of a protest or request for redress, the conflict can be removed by changing either the notice of race (as permitted by rule 89.2(b)) or the sailing instructions (as permitted by rule 90.2(c)).

## CASE 99

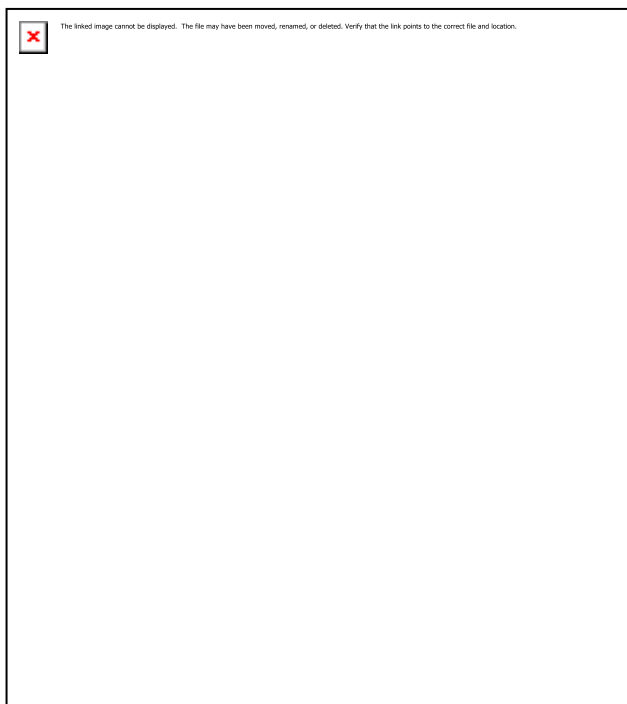
**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty**

**Rule 64.1(b), Decisions: Penalties and Exoneration**

*The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to 'avoid contact . . . if reasonably possible' and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat's penalty under rule 44.1(b) is to retire, and she does so (whether because of choice or necessity), she cannot then be disqualified.*



### Facts

Farr 30s were racing in difficult conditions. Boat S was running at 10-14 knots. Before boat P reached position 1 she had broached and was out of control. P struck S amidships resulting in serious damage. Both boats retired. S protested P.

The protest committee found that S had made minor changes of course when the boats were well apart; that these were thwarted by the erratic motion of P, still out of control; and that when it became apparent that P

was not going to keep clear the only action available to S was to crash-gybe, which risked considerable damage to S.

The protest committee disqualified both boats, P for breaking rule 10 and S for breaking rule 14, stating that S should have been aware of the difficulties experienced by P and should have taken more significant action earlier. It referred its decision to the national authority for confirmation or correction.

## **Decision**

The decisions of the protest committee are reversed. Both boats are to be scored RET.

Clearly, P broke rules 10 and 14. No rule justifies exonerating her, even though she was out of control. In breaking rules 10 and 14, P caused serious damage. Rules 10 and 14 are rules of Part 2, and rule 44.1 permits a boat that breaks one or more rules of Part 2 to take a penalty. Because P caused serious damage, the applicable penalty for her was to retire (see rule 44.1(b)). P did retire (whether because of choice or necessity does not matter) and was, therefore, exempt from disqualification (see rule 64.1(b)). Her disqualification is reversed, and she is to be scored RET.

Turning to S, rule 14 makes special provisions in the case of a right-of-way boat. First, for her to be penalized, there must be contact that caused damage or injury. This is not in doubt. Second, she was not required to act to avoid contact until it was clear that P was not keeping clear. It was only at that time that rule 14 required her to avoid contact if reasonably possible. The protest committee found that, when it became clear to S that P was not going to keep clear, the only action available to S was to crash-gybe, which risked considerable damage to S. That finding was equivalent to a finding that it was not reasonably possible for S to avoid contact. Therefore, S did not break rule 14. Her disqualification is reversed, and she too is to be scored RET.

Finally, the protest committee should note that, in light of the changed decision, rule 60.3(b) entitles it to call a hearing to consider giving S redress under rule 62.1(b).

## CASE 100

### Rule 41, Outside Help

*When a boat asks for and receives tactical racing advice she receives outside help, even if she asks for and receives it on a public radio channel.*

### Facts

Three large boats were to round a mark near coastal rocks and then sail into a 6-knot current. The wind was light. Boat A radioed to boat B, whose skipper was more familiar with the area, asking whether it was safe to anchor in the vicinity of the mark. B replied that it was not safe to anchor. Boat C protested both boats under rule 41, for discussing what tactics were to be used for rounding the mark and sailing the next leg.

The protest committee dismissed the protest against B and disqualified A for receiving outside help. It noted that she could have sailed or motored away from the mark in perfect safety at any time, and that the only reasons for anchoring at the mark were to overcome the adverse current and to win the race.

A appealed, on the grounds that she did not believe she had received help, that she believed that advice given on a public radio channel was not outside help, and that a national authority should not condone disqualification for receiving safety information.

### Decision

A's appeal is dismissed. A asked for help for tactical racing reasons and received it. It is irrelevant that A's question and the information she received in response were broadcast on a public radio channel. The help A received did not come within the scope of the exceptions to rule 41, especially not rule 41(d) since she asked for the information. Therefore A broke rule 41.



## CASE 101

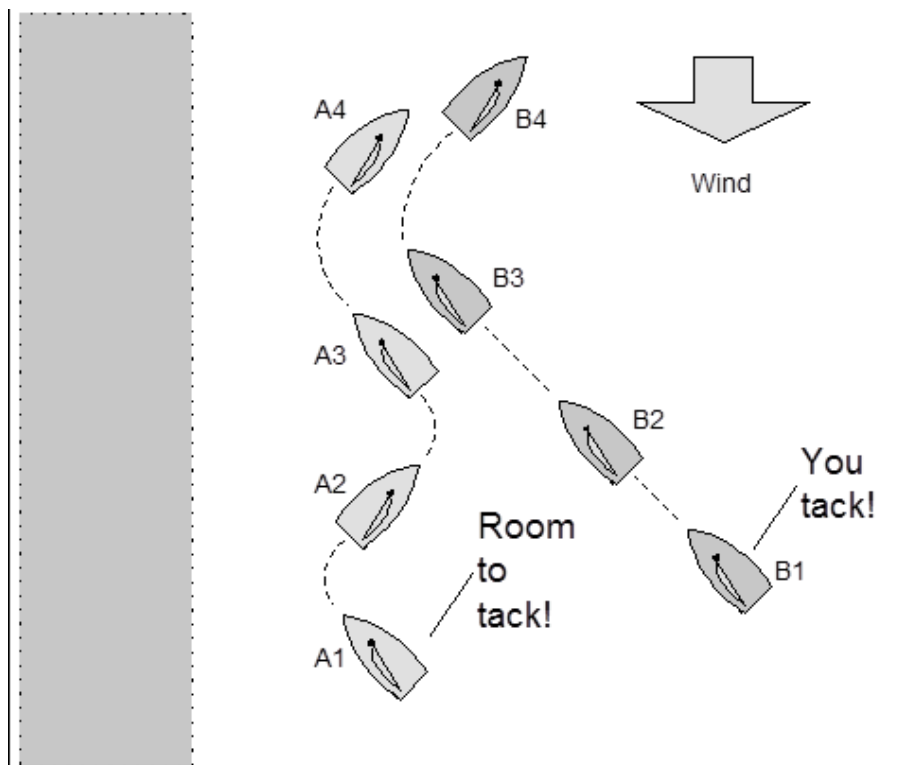
### Rule 20.2(c), Room to Tack at an Obstruction: Responding

*When a boat with right of way is required to give another boat room for a manoeuvre, right of way does not transfer to the boat entitled to room. When, in reply to her call for room to tack when approaching an obstruction, a boat is hailed 'You tack', and when she does so and is then able to tack again to keep clear in a seamanlike way, the other boat has given the room required.*

#### Facts

A and B were International Dragons. A was approaching the shore close-hauled on starboard tack, clear ahead and on a track to leeward of B. A hailed for room to tack, and B replied 'You tack'. A tacked and B held her course. A was then on a collision course with B and tacked again. Both of A's tacks were made in a normal, seamanlike way. After A's second tack she was overlapped to leeward of B. Shortly afterwards B tacked and A did likewise. A protested B for not giving room as required by rule 20.2(c).

The protest committee concluded that B failed to give A 'room to tack and avoid her', and disqualified B, stating that she had 'failed to keep clear of A after her tack.' B appealed.



## Decision

B's appeal is upheld, and she is to be reinstated. A's actions show that she had room to tack and avoid B. B therefore met her obligation under rule 20.2(c).

It is important to distinguish a requirement to keep clear from a requirement to give room. When a boat with right of way is required to give another boat room for a manoeuvre, right of way does not transfer to the boat entitled to room. After A tacked onto port tack, B was not required to keep clear of A; instead, it was A that was required by rule 10 to keep clear of B. B was only required by rule 20.2(c) to give A room to tack and avoid B, and B did so.

GBR 2001/11

## CASE 102

### Rule 62.2, Redress

*When a boat requests redress because of an incident she claims affected her score in a race, and thus in a series, the time limit for making the request is the time limit for the race, rather than a time limit based on the posting of the series results.*

## **Facts**

*Scruples* requested redress at the end of an eight-race series because of an incident that occurred in Race 5 of the series, which was sailed three weeks earlier. The protest committee found her request to be invalid because it was made after the time limit. She appealed, stating that it was not until the end of the series and the posting of the results that she knew that her score in Race 5 had affected her series score and that the time for her to make her request did not begin until after the series was completed and the results posted.

## **Decision**

*Scruples*'s appeal is dismissed. Her request for redress was not valid because it was not delivered to the race office within the protest time limit that applied to Race 5 (see rule 62.2). The incident affected her score in the series only through its effect on her score in Race 5 and, therefore, the relevant time limit for requesting redress was the time limit that applied to that race.

GBR 2001/9

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# **CASE 103**

## **Definitions, Room**

*The phrase 'seamanlike way' in the definition Room refers to boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat.*

## **Facts**

Two 30-foot (9 m) boats on port tack, OL and IW, are at an obstruction, an anchored boat. OL has chosen to pass to leeward of the obstruction. The boats are overlapped with IW on the inside. Although boats of this class are normally sailed by a crew of six, IW is sailing with a crew of three, and they are relatively inexperienced.

## **Question 1**

Should the experience and number of crew members sailing IW be considered in determining how much 'room' she is entitled to under rule 19.2(b) between OL and the obstruction?

## **Answer 1**

Neither the experience of IW's crew nor their number is relevant in determining 'room'. In rule 19.2(b), which requires OL to give IW 'room' between her and the obstruction, 'room' is a defined term. The definition Room is 'the space a boat needs in the existing conditions . . . while manoeuvring promptly in a seamanlike way.' In determining whether or not OL has given the required space, the interpretation of 'seamanlike way' must be based on the boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat. (Case 21 discusses other aspects of the definition Room.)

## **Question 2**

Is the answer the same with respect to 'room' as used in the definition Mark-Room and in other rules in Part 2?

## **Answer 2**

Yes.

USA 1999/77

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## **CASE 104**

**Rule 63.6, Hearings: Taking Evidence and Finding Facts**

**Rule 70.1, Appeals and Requests to a National Authority**

**Rule R5, Inadequate Facts; Reopening**

*Attempting to distinguish between facts and conclusions in a protest committee's findings is sometimes unsatisfactory because findings may be based partially on fact and partially on a conclusion. A national authority can change a protest committee's decision and any other findings that involve reasoning or judgment, but not its findings of fact. A national authority may derive additional facts by logical deduction. Neither written facts nor diagrammed facts take precedence over the other. Protest committees must resolve conflicts between facts when so required by a national authority.*

## **Question 1**

What criteria determine whether a finding in a protest committee's decision is subject to change on appeal? Are the criteria based on whether the finding is a 'fact' or a 'conclusion', whether it incorporates an interpretation of a rule, or something else?

### **Answer 1**

The distinction between 'fact' and 'conclusion' does not provide a satisfactory criterion because the two concepts can overlap. In the context of rule 63.6 and other rules using the term, a 'fact' is an action or condition that a protest committee 'finds' occurred or existed. A 'conclusion' is derived by reasoning from something else, and can be purely factual. For example, if the facts are that there were three classes in a race and five boats in each class, it is both a conclusion and a fact that there were 15 boats in the race. A conclusion can also be partially non-factual, as when a judgment is made that includes non-factual elements. An example is the statement, 'Boat A displayed her flag at the first reasonable opportunity after the incident,' which is based on a combination of the facts about an incident and an interpretation of the phrase 'first reasonable opportunity' in rule 61.1(a).

A finding that is an interpretation of a rule is clearly subject to change by a national authority, but other findings that involve reasoning or judgment are equally subject to change. For example, a protest committee might state, 'The wind velocity of 15 knots was too high for the boats to be able to race in safety.' This statement is an opinion or judgment but not an interpretation of the rules.

The criterion for determining whether a protest committee's finding is subject to change on appeal is therefore only that the finding is not exclusively factual in nature. Rule 70.1 permits the appeal of a protest committee's 'decision or its procedures, but not the facts found.' However, it does not prohibit the appeal of other findings or judgments made by the protest committee. Similarly, rule R5 requires a national authority to accept a protest committee's findings of fact, but does not require the acceptance of other findings. The effect of both rules is that a national authority can change any finding by a protest committee except a finding of fact.

## **Question 2**

May a national authority derive additional facts by drawing conclusions from the protest committee's written facts or its diagram?

## **Answer 2**

Yes. The national authority may apply logic to derive additional facts from either source.

## **Question 3**

What is the status of a diagram prepared or endorsed by a protest committee as required by rule R2.2(b)?

## **Answer 3**

Both the diagram and the written facts are facts found by the protest committee. Neither takes precedence over the other.

## **Question 4**

When facts conflict with each other, such as a conflict between the diagram and the written facts, is a national authority required to accept all of them? How are conflicts to be resolved?

## **Answer 4**

The national authority cannot logically accept conflicting facts. Rule R5 gives a national authority the authority to require the protest committee to provide revised or additional facts that resolve the conflict.

USA 2003/85

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# **CASE 105**

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

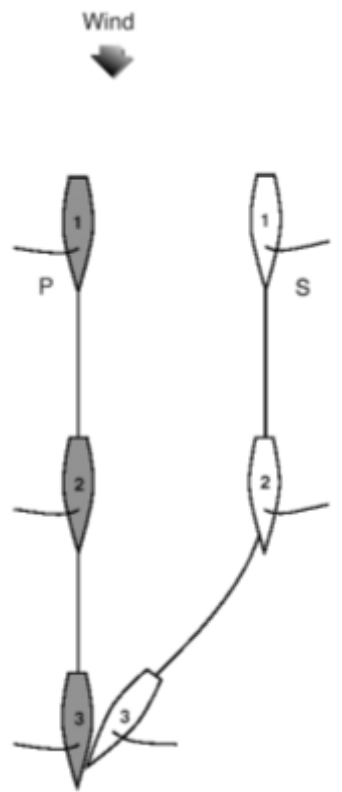
**Rule 15, Acquiring Right of Way**

**Rule 16.1, Changing Course**

*When two boats are running on opposite tacks, the starboard-tack boat may change course provided she gives the port-tack boat room to keep clear.*

## **Facts**

After sailing alongside P for some time on port tack, S gybes to starboard tack without breaking rule 15. Both boats continue to sail parallel courses. About two minutes after her gybe S begins to luff. P does not respond to the luff and the boats touch at position 3. There is no damage or injury.



## Questions

At the time of the contact, does rule 15 still apply? Does S break rule 16?

## Answers

S as the starboard-tack boat has right of way under rule 10, and P as the port-tack boat must keep clear. Rule 15 applies only briefly after S becomes the right-of-way boat, but rule 16.1 continues to limit how S may change course. S may luff provided that she does so in a way that gives P room to keep clear, and P must be prepared to react promptly, if necessary by gybing, to continue to keep clear. Rule 16.2 does not apply because, although the boats are on opposite tacks, P is not sailing to pass astern of S. Since P has room to keep clear of S by responding promptly when S luffs, S does not break rule 16.1. P does not keep clear and does not avoid contact with S. P therefore is to be penalized for breaking rules 10 and 14.

S also breaks rule 14 because, after it became clear that P was not keeping clear, S could have avoided the contact. However, because there was no damage or injury she is exonerated (see rule 14(b)).

## CASE 106

### Rule 28.2, Sailing the Course

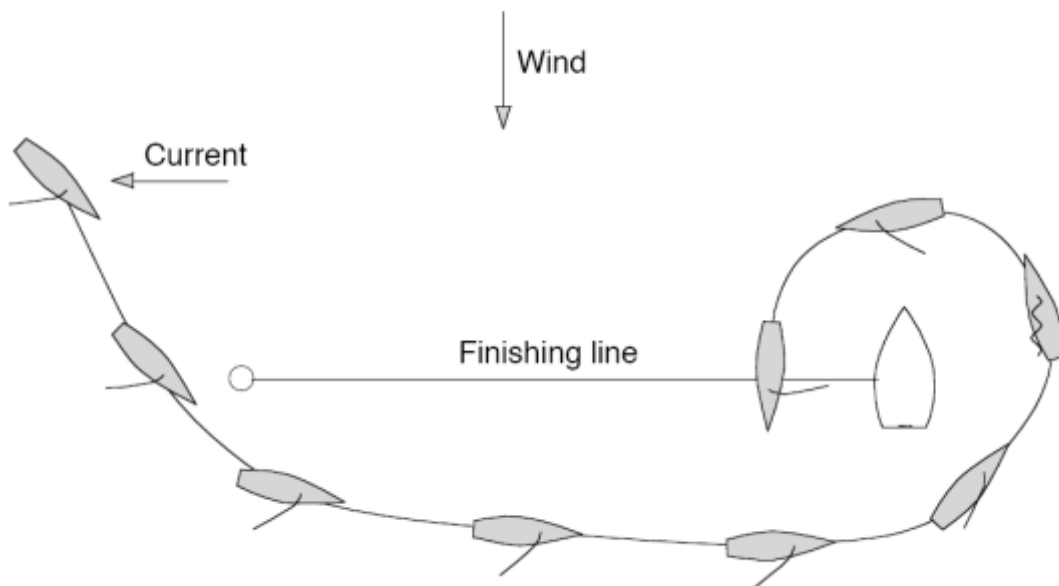
*When the string representing a boat's track lies on the required sides of finishing marks or gate marks, it is not relevant that, when drawn taut, it also passes one of those marks on the non-required side.*

#### Facts

As boats approach a downwind finishing line, a tidal current takes one of them outside one of the finishing marks. She sails beyond the entire finishing line, rounds the other finishing mark, and then crosses the finishing line from its course side.

#### Question

Has the boat complied with rule 28.2?



#### Answer

Yes. When the course requires boats to pass between two marks at a finishing line or at a gate, a boat complies with rule 28.2 if the string representing her track when drawn taut passes between the marks from the direction of the previous mark. She complies with rule 28.2 even if the string also passes one mark of the finishing line or gate on the non-required side. In this case the boat passed the buoy serving as a mark of the finishing line on the non-required side before passing it on the required side.



See Case 90 for a discussion of a similar incident at a starting line.

GBR 2004/4

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## CASE 107

### Rule 14, Avoiding Contact

### Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty

### Rule 64.1(b), Decisions: Penalties and Exoneration

*During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. Hailing is one way that a boat may 'act to avoid contact'. When a boat's breach of a rule of Part 2 causes serious damage and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.*

### Facts

Between the preparatory and starting signals, *Ephesian* on starboard tack and *Jupa* on port tack approached each other head-to-head. Both boats were heavy keelboats, 33 feet (10 m) long. Neither boat was aware of the other. The bowmen on both boats, who normally would have been stationed by the forestay, were handling their genoas, and no other crew members were keeping a lookout. *Ephesian* was moving slowly with limited manoeuvrability. They collided, causing serious damage to *Jupa*, who therefore retired. In the resulting protest, *Jupa* was disqualified under rule 10, and *Ephesian* was disqualified under rule 14. *Ephesian* appealed, claiming that she could not have avoided *Jupa* by changing course or speed.

### Decision

Rule 14 begins 'A boat shall avoid contact with another boat if reasonably possible.' This requirement means a boat must do everything that can reasonably be expected of her in the prevailing conditions to avoid contact. This includes keeping a good lookout while sailing in the starting area during the starting sequence, a time when boats are often close to one another and frequently change course.

The protest committee concluded that if either boat had seen the other a collision could have been avoided, even at the last minute, particularly if

*Ephesian* had hailed *Jupa* when it was clear that *Jupa* was not changing course to keep clear. Until that moment, rule 14(a) allows a right-of-way boat to delay acting to avoid contact. It follows that at that moment she must begin to act in an effort to avoid contact. The word ‘act’ is not restricted to changing course or speed. Hailing was an action that *Ephesian* could and should have taken. *Ephesian* broke rule 14. Because the collision resulted in damage, the protest committee’s decision to disqualify *Ephesian* was correct (see rules 14(b) and 64.1). Her appeal is therefore dismissed.

Clearly, *Jupa* broke rule 10. As a result of the serious damage she suffered in the collision, she retired from the race and thus took the applicable penalty (see rule 44.1(b)). Rule 64.1(b) prohibits penalizing her further. The disqualification of *Jupa* is reversed and she is to be scored RET.

GBR 2004/6

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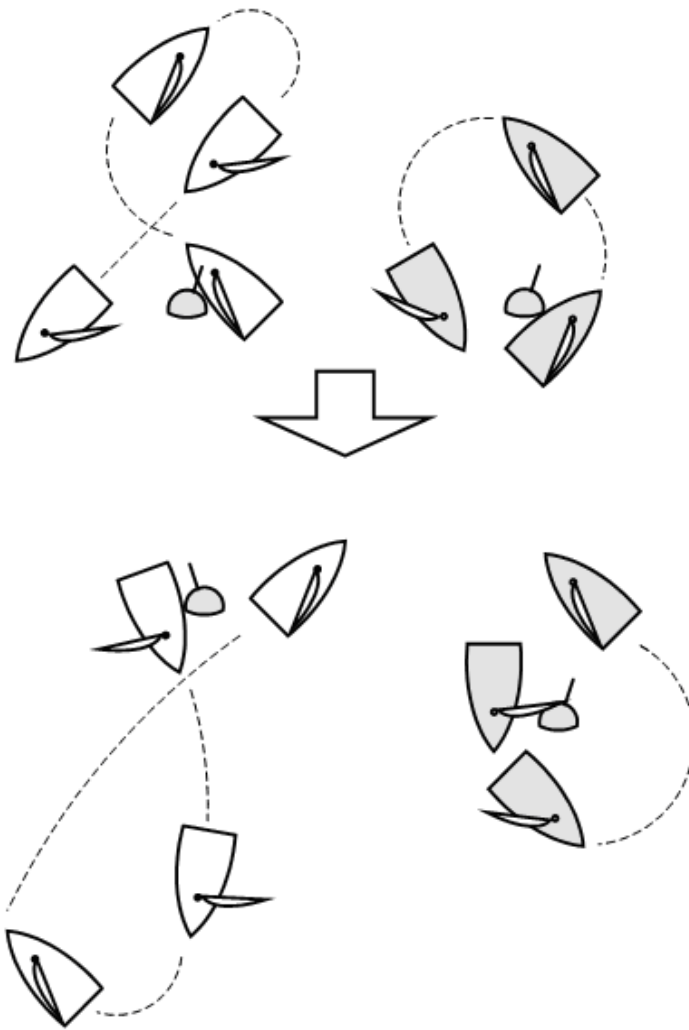
## CASE 108

### **Rule 28.2, Sailing the Course**

### **Rule 44.1(b), Penalties at the Time of an Incident: Taking a Penalty**

### **Rule 44.2, Penalties at the Time of an Incident: One-Turn and Two-Turns Penalties**

*When taking a penalty after touching a mark, a boat need not complete a full 360° turn, and she may take her penalty while simultaneously rounding the mark. Her turn to round the mark will serve as her penalty if it includes a tack and a gybe, if it is carried out promptly after she is no longer touching the mark and is well clear of other boats, and when no question of advantage arises.*



## Facts

In each of the four illustrated situations, a boat touches a rounding mark that she is required to leave to port and then makes a turn that includes one tack and one gybe.

## Question

In each situation, does the boat take a One-Turn Penalty that complies with rule 44 and with rule 28.2?

## Answer

When a boat breaks rule 31, her penalty is usually a One-Turn Penalty. However, if, by touching the mark, she causes injury or serious damage or gains a significant advantage in the race or series, her penalty is to retire (see rule 44.1(b)).

In each illustrated situation she takes a One-Turn Penalty that complies with rule 44.2, provided that

- (a) as soon as possible, and before beginning her penalty turn, she sails well clear of any other boats;
- (b) when she begins her penalty turn she is no longer touching the mark; and
- (c) she makes her penalty turn promptly after she is clear of other boats.

Rule 44.2 does not require a boat that takes a One-Turn Penalty to complete a full 360° turn, or a turn of any particular number of degrees, and it does not prohibit taking the penalty while making another manoeuvre, such as rounding the mark.

All four illustrated turns comply with rule 28.2. Provided that the string representing the boat's track when drawn taut lies on the mark's required side, the boat would comply with rule 28.2 even if (as not illustrated) a penalty turn resulted in the boat making an extra 360° turn around the mark.

GBR 2005/4

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## CASE 109

### Part 2 Preamble

#### **Rule 48, Fog Signals and Lights; Traffic Separation Schemes International Regulations for Preventing Collisions at Sea**

*The IRPCAS or government right-of-way rules apply between boats that are racing only if the sailing instructions say so, and in that case all of the Part 2 rules are replaced. An IRPCAS or government rule may be made to apply by including it in the sailing instructions or in another document governing the event.*

### Question 1

What are the 'government rules' to which the preamble to Part 2 and rule 48.1 refer? How do those rules differ from the *International Regulations for Preventing Collisions at Sea (IRPCAS)*?

### Answer 1

The *IRPCAS* apply only 'upon the high seas and in all waters connected therewith navigable by seagoing vessels' (*IRPCAS* Rule 1(a)). On a country's harbours, rivers, lakes and other inland waters, governments and

other government authorities may establish other rules. Those other rules are the ‘government rules’ to which the Part 2 preamble and rule 48.1 refer. Such rules, which may apply nationally on all inland waters or only on specific inland waters, may restate, replace, change or add to the *IRPCAS* (*IRPCAS* Rules 1(b) and 1(c)).

## **Question 2**

When the notice of race, sailing instructions and other documents that govern an event do not mention the *IRPCAS* or government rules, do any rules of the *IRPCAS* or government rules apply to a boat racing under *The Racing Rules of Sailing*?

## **Answer 2**

Yes. When a boat sailing under the Part 2 rules meets a vessel that is not, the *IRPCAS* or government right-of-way rules apply between them (Part 2 preamble). In addition, a boat racing shall comply with rule 10, Traffic Separation Schemes, of the *IRPCAS* (rule 48.2). Finally, when safety requires, a boat racing shall sound fog signals and show lights as required by the *IRPCAS* or applicable government rules (rule 48.1).

## **Question 3**

May the notice of race, sailing instructions or another document that governs the event make the *IRPCAS* or government right-of-way rules or other rules of the *IRPCAS* or government rules applicable?

## **Answer 3**

Yes, in three ways:

- (1) The sailing instructions may state that the right-of-way rules of the *IRPCAS* or government rules replace all of the rules of Part 2 (Part 2 preamble and rule J2.2(2)). This is often done for oceanic races and also for racing at night.
- (2) The sailing instructions may state that a particular rule from the *IRPCAS* or government rules (other than a right-of-way rule) will apply to the event and include the text of that rule (rule J2.2(40)).
- (3) The definition Rule includes ‘(g) any other documents that govern the event.’ Such a document may include the text of a particular rule or rules from the *IRPCAS* or government rules (other than a right-of-way rule) that will apply to the event. To govern an event, a document must be listed in the notice of race (rule J1.1(3)), stating

where or how it may be seen, and in the sailing instructions (rule J2.1(2)).

A boat that breaks a rule of the *IRPCAS* or a government rule can always be prosecuted by an authority responsible for its enforcement, but a protest may be made under such a rule only when the rule concerned ‘governs the event’.

#### **Question 4**

If the sailing instructions state that the right-of-way rules of the *IRPCAS* replace the rules of Part 2, which rules of Part 2 are replaced by which rules of the *IRPCAS*?

#### **Answer 4**

All the rules of Part 2 are replaced. Part B of the *IRPCAS* contains the *IRPCAS* ‘Steering and Sailing Rules’, which are, in effect, ‘right-of-way rules’. However, Part B of the *IRPCAS* must be read in conjunction with the whole of the *IRPCAS*, particularly Part A. For example, many terms used in Part B are defined in Part A.

#### **Question 5**

Is it possible to provide for a wider or narrower range of replacements of right-of-way rules that apply between competing boats?

#### **Answer 5**

A sailing instruction may only replace all the rules of Part 2 with all the right-of-way rules of the *IRPCAS* or government rules. Rule 86.1(b) does not permit the sailing instructions to change Part 2, which includes its preamble. Therefore, a wider or narrower range of replacements of right-of-way rules that apply between competing boats is not permitted.

GBR 2005/1

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## **CASE 110**

### **Rule 62.1(b), Redress**

*A boat physically damaged from contact with a boat that was breaking a rule of Part 2 is eligible for redress only if the damage itself significantly worsened her score or place. Contact is not necessary for one boat to cause injury or*

*physical damage to another. A worsening of a boat's score or place caused by an avoiding manoeuvre is not, by itself, grounds for redress. 'Injury' refers to bodily injury to a person and, in rule 62.1(b), 'damage' is limited to physical damage to a boat or her equipment.*

## **Facts**

Boat B is required to keep clear of boat A. However, B collides with A, turning A 180 degrees before she is able to continue sailing to the next mark. A loses five finishing places because of the incident. She protests B and requests redress under rule 62.1(b). During the hearing, it is established that there was physical damage to A but that the damage itself did not affect her ability to proceed in the race at normal speed. A's protest is upheld and B is disqualified.

## **Question 1**

Is A entitled to redress?

## **Answer 1**

No. Under rule 62.1(b), the damage itself must be the reason a boat's score or place is made significantly worse. In this case the damage had no effect on A's score.

## **Question 2**

Must contact between the boats occur in order for redress to be granted under rule 62.1(b)?

## **Answer 2**

No. A boat that suffers injury to a member of her crew or physical damage while acting to avoid contact with a boat that has broken a rule of Part 2 may be entitled to redress if the injury or damage is found to have made her score or place significantly worse and was not her fault. See also Case 135.

## **Question 3**

If there had been no collision because A had been able to avoid B by changing course 180 degrees, but A lost five places as a result, would she have suffered 'injury' or 'damage' as those terms are used in rule 62.1(b)?

### **Answer 3**

No. 'Injury' in the racing rules refers only to bodily injury to a person, and 'damage' is limited to physical damage to a boat or her equipment.

USA 1996/73 and 2007/98

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## **CASE 111**

### **Rule 30.2, Starting Penalties: Z Flag Rule**

### **Rule 30.4, Starting Penalties: Black Flag Rule**

*If a boat breaks rule 30.2 or rule 30.4 during a starting sequence that results in a general recall, the race committee is required to penalize her even if the race had been postponed before that starting sequence or if, during a later starting sequence, a postponement was signalled before the starting signal.*

### **Facts for Question 1**

The fourth race of a series was scheduled to start at 10:00 a.m., but it was postponed for thirty minutes while the race committee waited for the wind to fill in. At the preparatory signal, the race committee displayed flag Z. Boat A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal. After the starting signal the race committee signalled a general recall. The race committee then began a second starting sequence for that race and again displayed flag Z as the preparatory flag. After removing the preparatory flag, but before the starting signal, the race committee signalled a postponement. Later, the race committee began a third sequence of signals and was successful in starting the fourth race, and the race was completed.

A was given a 20% Scoring Penalty, and she requested redress on the grounds that the race had been postponed – indeed, postponed twice – before its starting signal and, therefore, under rule 30.2's third sentence, she should not have received the penalty.

### **Question 1**

When the race committee imposed a 20% Scoring Penalty on boat A, did it act properly under rule 30.2?



## **Answer 1**

Yes. The first three sentences of rule 30.2 refer to a single starting sequence. The starting sequence in which A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal was not postponed or abandoned before its starting signal. Therefore, the race committee acted properly under rule 30.2 when it imposed a 20% Scoring Penalty on A. That action was not an improper action, and A was not entitled to redress.

During the second starting sequence, if a boat had been identified in the triangle between the time that the preparatory flag was removed and the time that the postponement signal was made, then it would have been an improper action under rule 30.2 to give that boat a 20% Scoring Penalty.

## **Facts for Question 2**

The facts are the same as those in Question 1 except that the black flag was used as the preparatory flag for the first and second attempted starts. Before the warning signal for the second attempted start the race committee displayed A's sail number. A sailed in the starting area during the second starting sequence and sailed in the race after the third starting sequence. A was scored DNE for that race without a hearing.

## **Question 2**

When the race committee scored A DNE without a hearing, did it act properly under rule 30.4?

## **Answer 2**

Yes. The reasoning in Answer 1 also applies here. The race committee acted properly when it scored A DNE without a hearing, and A was not entitled to redress.

During the second starting sequence, if a boat had been identified in the triangle between the time that the preparatory flag was removed and the time that the postponement signal was made, then it would have been an improper action under rule 30.4 to disqualify that boat without a hearing.

## CASE 112

### Definitions, Finish

### Rule 28.2, Sailing the Course

### Rule 61.1(a)(3), Protest Requirements: Informing the Protestee

*A boat that makes, and does not correct, an error in sailing the course does not break rule 28 until she finishes. If a boat makes such an error, a second boat may notify the first that she intends to protest before the first boat finishes, or at the first reasonable opportunity after the first boat finishes.*

### Facts

Boat A leaves the first mark of the course on the wrong side. Then, without correcting her error, she sails the remainder of the course correctly and crosses the finishing line from the course side and then returns to the harbour. Another boat, B, sees A leave the first mark on the wrong side and decides to protest her.

### Question 1

Does A finish when she crosses the finishing line?

### Answer 1

A finishes provided that she crosses the finishing line in accordance with the definition Finish, whether or not a string representing her track complies with rule 28.2. Because A did not continue to sail the course after crossing the finishing line, she finished in accordance with the definition at the time she crossed the line (see definition Finish (c)).

### Question 2

When does A break rule 28.2?

### Answer 2

A makes an error when she leaves the first mark on the wrong side. However, rule 28.2 allows her to correct her error at any time before she finishes, but not thereafter. Therefore, A does not break rule 28.2 until she finishes.

### Question 3

When must B inform A of her intention to protest?

### Answer 3

Rule 61.1(a)(3) states that B need not hail 'Protest' or display a red flag, but she must inform A of her intention to protest before A finishes or at the first reasonable opportunity after A finishes.

GBR 2003/4

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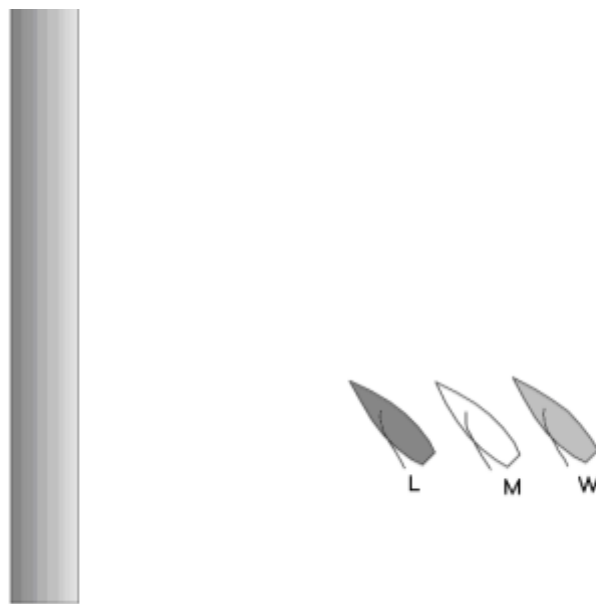
## CASE 113

### Rule 20, Room to Tack at an Obstruction

*An explanation of the application of rule 20 when three boats sailing close-hauled on the same tack are approaching an obstruction and the leeward-most boat hails for room to tack, but cannot tack unless both boats to windward of her tack.*

### Facts

L, M and W are sailing close-hauled on starboard tack. They are approaching an obstruction they cannot safely avoid without making a substantial course change. The obstruction is not a mark. When the boats are in the positions shown in the diagram, L hails 'Room to tack' loudly enough to be heard by both M and W. When L hails, it is clear that M and W must both tack in order to give room to L, and M does not have room to tack and avoid W.



## **Question 1**

Does rule 20.2(c) require W to respond to L's hail?

### **Answer 1**

Yes. When a boat that is not adjacent to the hailing boat has heard the hail, and will have to respond before the hailing boat is able to tack, she is a 'hailed boat' in the context of rule 20.2 and she shall respond accordingly.

## **Question 2**

Is M required to hail W for room to tack immediately after L's hail?

### **Answer 2**

Yes, if W is not already responding to L's hail. Because replying 'You tack' is not an option for M in this case, M is required by rule 20.2(c) to respond to L's hail by tacking as soon as possible. Therefore, if M cannot tack because of the presence of W, she must immediately hail W for room to tack, and rule 20.3 permits her to do so even if, in the absence of L, M would not yet need to hail for room to tack. If she fails to hail for room, and as a result is unable to tack as soon as possible, she breaks rule 20.2(c).

World Sailing 2009

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## **CASE 114**

**Definitions, Mark-Room**

**Definitions, Room**

**Rule 16.1, Changing Course**

**Rule 18.2, Mark-Room: Giving Mark-Room**

*When a boat is entitled to room, the space she is entitled to includes space for her to comply with her obligations under the rules of Part 2 and rule 31.*

### **Facts for Question 1**

A, B and C are overlapped and on the same tack when the first of them reaches the zone of a mark. A is on the outside, C is on the inside and B is between them.

### **Question 1**

Does rule 18.2 require A to give enough space to B to enable B to give mark-room to C?

### **Answer 1**

Yes. The definition Mark-Room uses the defined term 'room', and room includes the space a boat needs to comply with her obligations under the rules of Part 2 and rule 31. The space that A is required to give to B includes the space B needs to comply with her obligations under the rules of Part 2. Therefore, rule 18.2 requires A to give B sufficient space for B to give C mark-room.

### **Facts for Question 2**

L, M and W are overlapped and on the same tack with L to leeward, W to windward and M between them. L has no proper course restriction and she luffs. Both M and W luff in response to L's luff.

### **Question 2**

Does rule 16.1 require L to give enough space to M to enable M to give room to W to keep clear?

### **Answer 2**

Yes. When M changes course to keep clear of L, rule 16.1 requires M to give W room to keep clear. The space that L is required to give to M includes the space M needs to comply with her obligations under the rules of Part 2. Therefore, rule 16.1 requires L to give M sufficient space for M to give W room to keep clear.

### **Facts for Question 3**

The mark at the starboard end of the starting line is surrounded by navigable water. When approaching the starting line to start, L and W are overlapped on starboard tack. L is sailing a course that will pass sufficiently far from the mark that there is space for W to sail between L and the mark. W sails into the space that L freely gives. After W is alongside the mark L luffs, and by luffing promptly in response W keeps clear of L. However, in order to keep clear of L, W is compelled to touch the mark.

### **Question 3**

Does L comply with rule 16.1?

### **Answer 3**

No. W is required to keep clear under rule 11 and, as stated in the preamble to Section C, she is not entitled to room under rule 19 or mark-room under rule 18. However, when L changes course W is entitled to room to keep clear of L under rule 16.1, including the space W needs to comply with rule 31. L's change of course compels W to touch the mark. L breaks rule 16.1 and, under either rule 21(b) or rule 64.1(a), W is exonerated for her breach of rule 31.

### **Facts for Question 4**

The same as the facts for Question 3 except that rule 31 has been deleted by the rules of Appendix B or F or by the sailing instructions, and the mark is a committee boat or other substantial object.

### **Question 4**

Does L comply with rule 16.1?

### **Answer 4**

No. A boat entitled to room under rule 16.1 is entitled to the space she needs to manoeuvre in a seamanlike way to keep clear. Touching such a mark risks damaging either the boat racing or the committee boat, and taking such a risk is not seamanlike.

World Sailing 2010/revised by World Sailing 2013.

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## **CASE 115**

### **Rule 66, Reopening a Hearing**

*Interpretation of the word 'new' as used in rule 66.*

### **Question**

What criteria should the protest committee use to decide whether or not evidence is 'new'?

### **Answer**

Evidence is 'new'

- if it was not reasonably possible for the party asking for the reopening to have discovered the evidence before the original hearing,

- if the protest committee is satisfied that before the original hearing the evidence was diligently but unsuccessfully sought by the party asking for the reopening, or
- if the protest committee learns from any source that the evidence was not available to the parties at the time of the original hearing.

World Sailing 2011

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## CASE 116

### **Rule 62.1(b), Redress**

### **Rule 64.2, Decisions: Decisions on Redress**

### **Rule A10, Guidance on Redress**

*A discussion of redress in a situation in which a boat is damaged early in a series, is entitled to redress under rule 62.1(b), and is prevented by the damage from sailing the remaining races. In such a situation it is not fair to the other boats in the series to award her average points for half or more of the races that comprise her series score.*

### **Facts**

A regatta is held over two days, with five races scheduled. Under the scoring system if five races are completed, each boat's series score is the total of her race scores excluding her worst score. On the first day, only Race 1 is completed and boat A finishes in second place. On the second day, A finishes fifth in Race 2. Before the start of Race 3, A collides with boat B and the damage is so extensive that A is unable to compete in the remaining races of the series. She protests B and requests redress under rule 62.1(b). The protest committee finds that A is entitled to redress, and acting under rule A10(b) it awards her for Races 3 and 4 the average of her points in Races 1 and 2. A is scored DNC in Race 5, but discards that score. A's series score is the lowest and so she wins the regatta, despite having competed in only two of the five races.

### **Question 1**

Was the redress granted to A appropriate?

### **Answer 1**

No. Although the protest committee did not break any rule, its decision in awarding the redress was not the fairest arrangement for all boats affected (see rule 64.2). In this case, awarding a boat her average scores for half of the races that counted towards her series score is not fair to the other boats.

### **Question 2**

What would have been a fair award of redress to A?

### **Answer 2**

The protest committee should ensure that, after excluding her worst score, more than half of a boat's race scores are based on her finishing positions in races that she starts. Different situations may require different redress arrangements. One possibility in this particular case is that the protest committee could have awarded A redress only for the race in which the collision took place.

World Sailing 2011

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## **CASE 117**

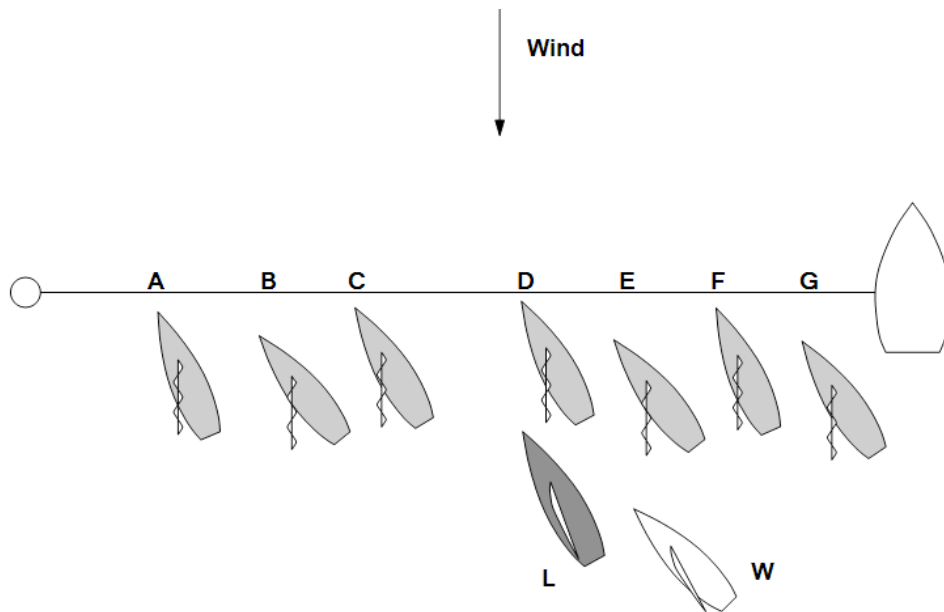
### **Definitions, Obstruction**

#### **Rule 15, Acquiring Right of Way**

#### **Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction**

*When three boats are on the same tack and two of them are overlapped and overtaking the third from clear astern, if the leeward boat astern becomes overlapped with the boat ahead, the boat ahead is no longer an obstruction, and rule 19.2(b) does not apply. There are no situations in which a row of boats sailing close to one another is a continuing obstruction.*





### Facts

Approximately 15 seconds before the starting signal. Boats A, B, C, D, E, F and G are holding their positions on starboard tack a short distance below the starting line. Boats L and W are approaching the line of boats from astern. There is insufficient space for both L and W to pass through any of the gaps between adjacent boats ahead of them.

### Question 1

If L becomes overlapped to leeward of D while W is clear astern of D, is L required to give W room to pass to leeward of D?

### Answer 1

No. When L becomes overlapped to leeward of D, she obtains right of way over D, and therefore D is no longer an obstruction to L and W. For that reason, rule 19.2(b) does not apply between L and W. Instead, rule 11 begins to apply between L and D, but L is initially required by rule 15 to give D room to keep clear. W continues to be required by rule 12 to keep clear of D and by rule 11 to keep clear of L.

After L becomes overlapped to leeward of D, L has right of way over both D and W. Therefore, at that time L becomes an obstruction to D and W and, if W becomes overlapped with D, rule 19.2(b) begins to apply between D and W. Rule 19.2(b) requires D to give W room to pass between herself and L unless D has been unable to do so from the time that W's overlap with D began.

## Question 2

If there is not space for both L and W to pass through the gap between C and D, does that mean that L has to allow W into the gap and not pass through the gap herself?

## Answer 2

No.

## Question 3

According to the definition Obstruction, a boat racing is never a continuing obstruction. Nevertheless, are there any situations, such as the one in the diagram, where a row of racing boats sailing close to one another becomes a continuing obstruction?

## Answer 3

No.

World Sailing 2011

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# CASE 118

## Definitions, Mark-Room

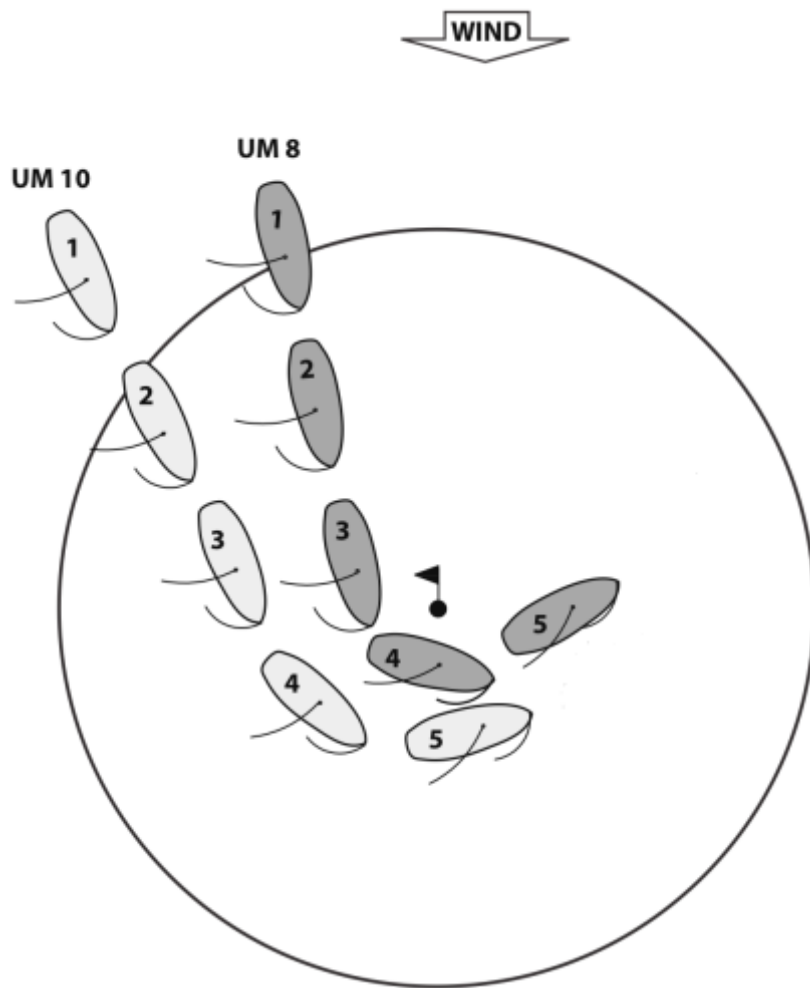
## Definitions, Room

## Rule 18.2(b), Mark-Room: Giving Mark-Room

*In the definition Mark-Room, the phrase 'room to sail to the mark' means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark.*

## Facts

UM8 and UM10, overlapped on port tack with UM8 inside, approached a leeward mark to be left to port and subsequently rounded it as shown in the diagram. The next leg was a beat to windward. The wind was moderate and the seas negligible. UM8 protested UM10 under rule 18.2(b) for not giving her room to sail to the mark and round it. The protest committee decided that UM10 did give UM8 the room she was entitled to and denied the protest. UM8 appealed.



## Decision

In order to sail the course, it was necessary for *UM8* to change course from a broad reach to a close-hauled course as she rounded the mark. Therefore, her proper course was to sail close to the mark at some point in her turn. Because *UM8* was entitled to mark-room, she was entitled to room, as defined by the definition Room,

- to leave the mark to port,
- to sail to the mark, and
- to round the mark onto a close-hauled course.

The phrase ‘*room* to sail to the *mark*’ means space to sail promptly in a seamanlike way to a position close to, and on the required side of, the mark. In this case, *UM8* had sailed to the mark at position 3 in the diagram because the mark was abeam of her bow and she was close to the mark. Between positions 3 and 5 she was rounding the mark and, therefore, entitled to room to turn promptly in a seamanlike way from a broad reach to a close-hauled course.

The diagram indicates the *UM10* gave *UM8* room to sail to the required side of the mark and to round it as necessary to sail the course. Therefore, the protest committee's application of rule 18.2(b) and the three components of the definition Mark-Room were correct. *UM8*'s appeal is denied and the decision of the protest committee is upheld.

USA 2011/105

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## CASE 119

### **Rule 62.1(a), Redress**

### **Rule A3, Starting Times and Finishing Places**

*When a race is conducted for boats racing under a rating system, the rating that should be used to calculate a boat's corrected time is her rating at the time the race is sailed. Her score should not be changed if later the rating authority, acting on its own volition, changes her rating.*

### **Facts**

Boat A entered and participated in a race for a perpetual trophy and was scored by the race committee using the rating on her performance-handicap rating certificate that was in effect at the time of the race. No protest against her was made, and no boat requested redress claiming that A had been improperly scored.

Several weeks after the race, the rating authority, acting on its own volition, changed A's rating. No changes had been made in A's hull or equipment between the end of the race and the time that her rating was changed. When the race committee learned of the change in A's rating, it re-scored the race using the new rating, which made A's score significantly worse.

A requested redress, claiming that it was improper for the race committee to re-score the race. The protest committee agreed and, under rule 62.1(a), granted A redress by reinstating her original score.

### **Questions**

Was it an improper action of the race committee to re-score the race based on the change in A's rating? Was the redress given to A appropriate?

## Answers

Re-scoring the race was an improper action of the race committee. A boat's rating under a rating system may, from time to time, be changed by the rating authority even though no changes have been made in the boat's hull or equipment. This is particularly common for ratings given under a performance-handicap rating system. These systems base a boat's rating, in part, on her performance in past races, which may change over time.

The rating for a boat at the time a race is sailed is the rating that should be used by the race committee to calculate her corrected time under rule A3. The original score given by the race committee to A was calculated based on A's rating at the time of the race. Therefore, the redress given to A by the protest committee was appropriate.

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## CASE 120

### Rule 41(c), Outside Help

*'Information freely available' in rule 41(c) is information that is available without monetary cost and that may be easily obtained by all boats in a race. Rule 41(c) is a rule that may be changed for an event provided that the procedure established in the rules is followed.*

### Question 1

What is the meaning of the term 'information freely available' as used in rule 41(c)?

### Answer 1

'Information freely available' means information that is available without monetary cost and that may be easily obtained by all boats in a race. 'Easily obtained' means the information is available from a public source that competitors can reasonably be expected to be aware of and can locate with little effort. An example of information found by little effort is information that can be found near the top of the list of internet addresses identified by conducting a search for the information using a widely-used internet search program. Information for which a fee has been paid (even if that fee is very small) or that is not easily obtained by all boats in a race is

not 'freely available'. Examples are information supplied only to those boats that have paid a subscription fee or other fee for the information, and information whose location on the internet is hidden or obscure.

The costs of equipment or software and fees for communication services are not costs for the information that can be obtained with that equipment, software or communications service. For example, a cost to a competitor for a computer or cell phone and for internet access is not considered a cost for the information that the competitor can obtain with that equipment. If there is no charge for access to that information, the information is 'freely available'.

However, information is not 'freely available' if access to it is limited to persons who have purchased special-purpose equipment or software from the person or organization that provides the information. Such information is not 'freely available' even if there is no additional charge made for receiving the information using the special-purpose equipment or software. For example, any data or information that can be retrieved at no cost using an existing internet access account is 'freely available'. However, data or information is not 'freely available' if it is only accessible if one pays the person or organization that provides the information for special-purpose hardware or application software.

In addition to the above considerations, information is not 'freely available' if it becomes available so close to the start of a race that competitors do not have a reasonable period of time to find it and familiarize themselves with it. This prevents one competitor from arranging for data to be posted just before a race, with other competitors not having the time to find it and familiarize themselves with it.

Note that, in addition to the provisions in rule 41, a class rule may prohibit certain equipment from being on board a boat, and such a class rule may, therefore, limit information that a boat may use.

## **Facts for Question 2**

Boat A is a large boat with plenty of space for equipment and a large crew with a dedicated navigator/weather router on board. She has an Inmarsat or VSAT system and pays a monthly communications fee of \$5000, enabling large amounts of downloads and browsing of the internet. The boat's objective in having very good access to the internet is to have access to digital weather information for use in routing. All the data used by the boat are available throughout the year at no charge, to anyone with internet

access. None of the data that is downloaded comes from the Inmarsat or VSAT communications provider themselves.

Boat B is a 40-foot (12 m) boat with a crew of eight. She uses a tablet computer with a mobile data card for which she pays a small monthly communications fee similar to a phone communications fee. The crew purchased a routing and weather analysis application for use during the race. The application costs \$2000 and is available on the open market for purchase by anyone. The application includes a paid-in-advance subscription to weather data that can be downloaded during the race. The weather data is the same for all boats that have purchased the application. The weather data is race-specific. The weather data cannot be used with other weather or routing applications and is not usable without purchasing the routing and weather analysis application.

Boat C is a 40-foot boat with a crew of eight. She uses a tablet computer with a mobile data card for which she pays a small monthly communications fee similar to a phone communications fee. The crew is downloading hi-resolution weather files for a small monthly subscription fee. The files are not tailored to the boat; all boats subscribing to the files receive the same data. Nobody, even ashore with internet access, could access this data without subscribing and paying for it.

Boat D is a 40-foot boat with a crew of eight. She uses a tablet computer with a mobile data card for which she pays a small monthly communications fee similar to a phone communications fee. She additionally contracts for a subscription for private weather data for \$15,000 for the race. That private weather data includes extremely high resolution satellite imagery on which every squall can be seen and tracked. This imagery is not customized for the particular boat and is available to any boat that pays for it and has the ability to download it.

## **Question 2**

Do any of these boats break rule 41(c) if they receive information using the services described?

## **Answer 2**

Boat A does not break rule 41(c). She does not pay a fee for the information she receives. Paying a fee for a communications system, such as an Inmarsat or VSAT system, and a monthly communication fee that enables her to communicate and access information on the internet does not break rule 41(c).

Boat B breaks rule 41(c). The routing and weather information that B downloads cannot be accessed without the special-purpose software that B purchased. Therefore she is receiving information that is not freely available to boats that have not made that purchase.

Boats C and D break rule 41(c). The fees that they pay enable them to receive weather information that they would not be able to receive if they had not paid the fees. The requirement to pay a fee for information, whether it is large or small, means that that information is not available at no monetary cost, and therefore the information is not 'freely available'.

### **Question 3**

Can rule 41(c) be changed for a particular event?

### **Answer 3**

Yes. See rule 86.1. Rule 41(c) is a rule that may be changed for an event provided that the procedure established in the rules for such changes is followed. Case 121 discusses that procedure.

### **Question 4**

Can the restriction stated in rule 41(c) be changed for an event without changing the rule?

### **Answer 4**

No.

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## **CASE 121**

**Rule 85, Changes to Rules**

**Rule 86, Changes to the Racing Rules**

**Rule J1.2(1), Notice of Race Contents**

**Rule J2.2(3), Sailing Instructions Contents**

*The procedure that must be followed in order to change a racing rule for an event is described in detail.*

### **Question 1**

What is the procedure that must be followed in the notice of race and the sailing instructions to change a racing rule for a particular event?



## **Answer 1**

The following procedure must be followed:

- (1) Determine whether or not the rule you wish to change may be changed. Rule 86.1(b) states that certain racing rules may not be changed unless the change is permitted in the rule itself. Rules 86.2 and 86.3 permit exceptions to rule 86.1(b) in certain circumstances. If the rule may not be changed, any attempt to change it will be invalid.
- (2) Rule 85.1 requires that the specification of a change to any rule, including a racing rule, must identify the rule being changed and include a statement of the change in full. After reading that statement, it should be possible for a reader to know precisely how the changed rule would read. Also note that, under rule 85.1, an addition to a rule or deletion of all or part of it is a 'change' to the rule.
- (3) The race committee is required by rule 90.2(a) to publish written sailing instructions that conform to rule J2. Rule J2.2(3) requires that any change in a racing rule for an event must be stated in the sailing instructions for that event.
- (4) The organizing authority is required by rule 89.2(a) to publish a notice of race that conforms to rule J1. Under rule J1.2(1), the organizing authority must decide whether knowledge of a change in a racing rule would help competitors decide whether to attend the event or would provide them with information they will need before the sailing instructions become available. If so, the change in the racing rule must be stated twice, in the notice of race and in the sailing instructions.

In addition, when a rule change is made under rule 86.2, a letter of approval must be obtained from World Sailing, the authorization must be stated in both the notice of race and the sailing instructions, and the letter must be posted on the official notice board. When a rule change is made under rule 86.3, the approval of the national authority may be required.

## **Question 2**

Can a racing rule be changed for an event without following the procedure described in Answer 1?

## **Answer 2**

No.

## CASE 122

### Rule 69.2(g), Misconduct: Action by a Protest Committee

*An interpretation of the term ‘comfortable satisfaction’ and an example of its use.*

#### Facts for Question 1

Based on a report that the protest committee received, it believes that a person (competitor, boat owner or support person) may have broken rule 69.1(a). It has called a hearing and taken the evidence of the party and witnesses.

#### Question 1

Rule 69.2(g) requires that, before the committee warns or penalizes the person, it shall be established to ‘the comfortable satisfaction of the protest committee, bearing in mind the seriousness of the alleged misconduct’, that the person has broken rule 69.1(a).

What is the meaning of ‘comfortable satisfaction’ as used in rule 69.2(g)?

#### Answer 1

‘Comfortable satisfaction’ is one of three standards of proof commonly used in courts of law or arbitration hearings. The other two standards are ‘proof beyond a reasonable doubt’ and ‘balance of probabilities’. The ‘proof beyond a reasonable doubt’ standard is the strictest of the three standards. It is usually reserved for serious criminal cases. The ‘balance of probabilities’ standard (also sometimes referred to as the ‘preponderance of the evidence’ standard) is the least strict of the three, and it is widely used in civil legal proceedings.

Both the World Anti-Doping Agency and the Court of Arbitration for Sport use the ‘comfortable satisfaction’ standard. The World Anti-Doping Agency uses that standard in hearings to determine whether or not an athlete has violated the World Anti-Doping Code. Article 3.1 of the code states that, bearing in mind the seriousness of the allegation, it shall be established to the ‘comfortable satisfaction’ of the hearing panel that a violation occurred. Article 3.1 goes on to state, ‘This standard of proof in

all cases is greater than a mere balance of probabilities but less than proof beyond a reasonable doubt.’

The racing rules do not state which standard of proof a protest committee should use in a hearing to decide a protest or a request for redress. However, in most such hearings, the protest committee uses the ‘balance of probabilities’ standard, which is whether it is more likely than not that an allegation or claim has been established.

Rule 69.2(g) specifically requires that in a rule 69 hearing the protest committee use the more strict ‘comfortable satisfaction’ standard. The rule further requires the seriousness of the alleged conduct to be considered as an important factor when the committee is addressing whether or not it is ‘comfortably satisfied’ that the alleged offence was committed. The ‘comfortable satisfaction’ standard is always more strict than the ‘balance of probabilities’ standard but is less strict than the standard of ‘beyond a reasonable doubt’. In between these two limits, the standard of proof is a sliding scale, based on the seriousness of the allegations before the committee.

It is also a fundamental principle in disciplinary proceedings that a person must be regarded as innocent until any allegation is proven. Therefore part of the ‘comfortable satisfaction’ test is whether or not the evidence presented to the committee is sufficient to mean the person is no longer presumed to be innocent.

The last sentence of the Terminology section of the Introduction implies that the words ‘comfortable’ and ‘satisfaction’ are used in rule 69.2(g) in ‘the sense ordinarily understood in . . . general use.’ Both ‘comfortable’ and ‘satisfaction’ are frequently used in everyday speech, and so most judges will be familiar with how they are generally used. Judges could also consider whether they feel ‘uncomfortable’ with any conclusion reached. If they are uncomfortable, then they are not ‘comfortably satisfied’.

Note that in a rule 69 hearing, the protest committee must answer ‘Yes’ to both of the following questions before it warns or penalizes a competitor or boat under rule 69.2(h) or 69.2(i):

- Is the committee comfortably satisfied that the facts found establish that the alleged conduct occurred?
- Is the committee comfortably satisfied that the conduct that occurred was misconduct sufficiently serious to warrant the warning or penalty?

As rule 69.1(b) states, an act of misconduct may be a breach of good manners or sportsmanship, unethical behaviour, or conduct that may bring the sport into disrepute.

## **Question 2**

Please provide a plausible example of a report of an incident alleging misconduct and a report of a hearing under rule 69.2 in which the 'comfortable satisfaction' standard is used.

## **Answer 2**

Boat A had been presented for pre-event measurement and a required corrector weight was properly attached under a floorboard that was held in place by several screws. During the event, A was spot checked by a member of the technical committee, and the corrector weight was missing. The technical committee protested the boat for breaking rule 78.1 and rule 2, and at the conclusion of a hearing of that protest, the protest committee disqualified A for breaking those rules.

Acting under rule 69.2(b) and (e), the protest committee then decided to call a hearing and, in its notice to A's crew, it alleged that the crew had removed the corrector weight, and that that action was an act of misconduct and, therefore, a breach of rule 69.1(a). Boat A was represented at the hearing by P, who was the helmsman of A and the person in charge of A. P denied having any knowledge of the missing corrector weight. He explained that the boat was left unlocked and unattended every night. He alleged that somebody else had removed the corrector weight during the night. A's crew were called as witnesses. They also testified that they had no knowledge of the missing weight and that they had seen no evidence that the floorboard had been removed and replaced.

Nearly all the evidence supported the allegation that a member of A's crew had removed the corrector weight. Because tools were needed to remove the weight, the committee concluded that the weight had been removed deliberately (not accidentally). A gained an advantage by the weight's removal, and its removal was not likely to be discovered because the floorboard was screwed into place. The only contradictory evidence was that each member of the crew denied having removed the weight. The protest committee concluded that it was comfortably satisfied that a member of A's crew had removed the weight and that that action constituted an act of misconduct and, therefore, a breach of rule 69.1(a). A

was penalized under rule 69.2(h)(2) by being scored DNE for all races in the event.

Because nearly all the evidence supported the allegation, the committee would have reached the same conclusion had it used the ‘balance of probabilities’ standard of proof. However, if the committee had used the ‘beyond a reasonable doubt’ standard, it might well have reached a different conclusion. No member of A’s crew ever admitted removing the weight, and it was, in principle, possible that someone else could have removed it because the boat was often left unattended and unlocked. Therefore, there was a possibility that the weight could have been removed without the knowledge of A’s crew. Consequently, if the standard of proof had been ‘beyond a reasonable doubt’, the committee probably would not have concluded that a member of A’s crew removed the weight.

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## **CASE 123**

### **Rule 10, On Opposite Tacks**

### **Rule 14, Avoiding Contact**

*When it would be clear to a competent, but not expert, sailor at the helm of a starboard-tack boat that there is substantial risk of contact with a port-tack boat, the starboard-tack boat breaks rule 14 if contact occurs and there was still time for her to change course sufficiently to avoid the contact.*

### **Facts for Question 1**

In a fleet race with 10 knots wind, two one-design dinghies, each 5 metres in length, are approaching each other on close-hauled courses. S is on starboard tack and P is on port tack. Both boats hold their course and speed. There is contact between S’s bow and P’s starboard quarter, about 20 centimetres from P’s stern, causing damage. Neither boat takes a penalty. S protests P.

### **Question 1**

How do the rules apply to this incident? In particular, did S break rule 14?

## **Answer 1**

In this situation P judged incorrectly that she would cross ahead of S without breaking rule 10. P could have tacked to leeward of S and thereby kept clear of S and avoided the contact. Because P failed to do so, she broke both rule 10 and rule 14 and is disqualified.

Rule 14 requires a boat, including a right-of-way boat, to avoid contact if reasonably possible. However, rule 14(a) also states that a right-of-way boat need not act to avoid contact until it is 'clear' that the other boat is not keeping clear. In the conditions described, when P's bow crossed in front of S's bow it would be clear to a competent, but not expert, sailor at the helm of S that there was substantial risk of contact and therefore that P was not keeping clear. At that moment there was still time for S to bear away sufficiently to avoid the contact, and therefore S broke rule 14. Because the contact caused damage, S is disqualified and is not exonerated (see rule 14(b)).

## **Facts for Question 2**

The facts are the same as those for Question 1, except that just before the contact occurs S bears away slightly in an attempt to avoid P. However S misjudges the manoeuvre and there is contact that causes damage.

## **Question 2**

Did S break rule 14?

## **Answer 2**

As noted in Answer 1, at the time it became clear that P was not keeping clear, there was still time for S to bear away sufficiently to avoid the contact. Therefore, it was reasonably possible for S to have done so. She failed either to bear away sufficiently or to begin to bear away early enough, but that does not mean that it was not reasonably possible for her to have avoided the contact. Therefore, S broke rule 14 despite having borne away slightly before the contact occurred. Because the contact caused damage, S is disqualified and is not exonerated.

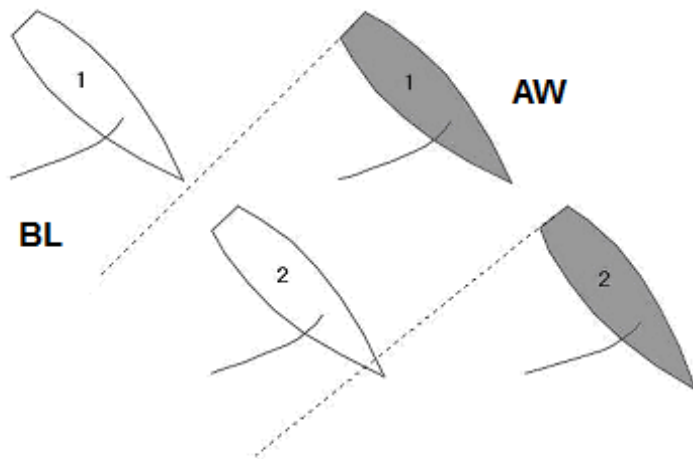
## CASE 124

### Rule 19.2(a), Room to Pass an Obstruction: Giving Room at an Obstruction

### Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

### Rule 21(a), Exoneration

*At any point in time while two boats are approaching an obstruction, the right-of-way boat at that moment may choose to pass the obstruction on either side provided that she can then comply with the applicable rules.*



### Facts

While racing, boats AW and BL are approaching an obstruction that can be passed on either side. Both boats are heading towards the middle of the obstruction. At position 1, AW is clear ahead by a very narrow margin and on a track to windward of BL. At position 2, they have become overlapped with AW to windward of BL.

At position 1, AW is clear ahead and thus has right-of-way under rule 12. When the overlap between them begins, BL becomes the right-of-way boat under rule 11.

## Question

Rule 19.2(a) states that the right-of-way boat may choose to pass the obstruction on either side. How can we determine which boat has the right to choose in this situation?

## Answer

At any point in time, the right-of-way boat at that moment is entitled by rule 19.2(a) to choose on which side she will pass the obstruction. Therefore, while AW is clear ahead of BL, she has the right to choose to pass the obstruction on either side. When the boats become overlapped, AW loses that right, and at that time BL has the right to choose.

When a right-of-way boat acts to implement a choice she has made under rule 19.2(a), she must comply with any applicable rules of Sections A and B. Rule 19.2(b) applies if the boats are overlapped. In that case, the outside boat must give the inside boat room between her and the obstruction, unless she has been unable to do so from the time the overlap began. Rule 21(a) applies while the inside boat is taking the room to which she is entitled under rule 19.2(b).

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## CASE 125

### Definition, Obstruction

### Definition, Room

### Rule 19.2(b), Room to Pass an Obstruction: Giving Room at an Obstruction

### Rule 21(a), Exoneration

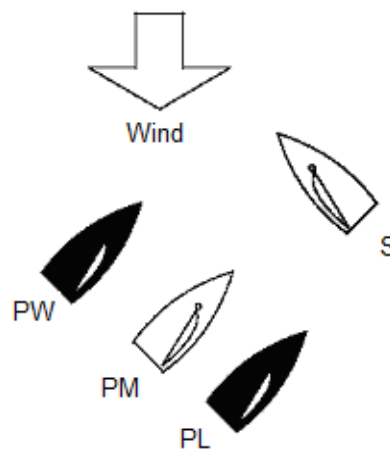
*When an outside overlapped boat is required to give room to one or more inside boats to pass an obstruction, the space she gives must be sufficient to permit all the inside boats to comply with their obligations under the rules of Part 2.*

## Facts

Boats PW, PM and PL are close-hauled and overlapped on port tack. Boat S is close-hauled on starboard tack. PW is on a collision course with S. PM and PL do not need to change course to pass safely astern of S. PW bears away to pass astern of S without making contact, and PM bears away



to give her just enough space to do so. PL holds her course and there is contact between PM and PL, without damage or injury. No boat takes a penalty. PM protests PL.



### Question

How do the rules apply to this incident and which boat or boats should be disqualified?

### Answer

S was an obstruction to PW, PM and PL because each of them would need to change course substantially if she were sailing directly towards S and were one hull length from S, and because they all were required by rule 10 to keep clear of S (see definition Obstruction). PL had the right under rule 19.2(a) to choose to pass S on either side because she had right of way over both PM and PW. However, PL was not entitled to hail for room to tack under rule 20 because she did not need to change course to avoid S (see rule 20.1(a)). As PL passed astern of S, rule 19.2(b) required PL to give room to both PM and PW to pass between her and S. Rule 19.2(b) also required PM to give PW room.

The space that PL was required to give to PM and PW included enough space for PM to give PW room and for PM to keep clear of PL, as well as space for PW to keep clear of both S and PM (see the definition Room). PL did not give that space. Therefore, she broke rule 19.2(b), and should be disqualified. PL also broke rule 14 because the contact could have been avoided if PL had given PM and PW enough space. However, because PL had right of way over PM and there was no damage or injury, PL is exonerated under rule 14(b) for her breach of rule 14.

PM broke rule 11, but she is exonerated under either rule 21(a) or rule 64.1(a). PM did not break rule 14 because it was not possible for her to

have avoided making contact, either with PL or with PW. (See Case 11 for discussion of a similar situation.)

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## **CASE 126**

### **Rule 24.2, Interfering with another Boat**

*For the purpose of determining whether rule 24.2 applies to an incident, a boat is sailing on the leg which is consistent with her course immediately before the incident and her reasons for sailing that course.*

#### **Facts for Question 1**

The course for a race begins with a windward leg to the windward mark, followed by a short reach to an offset mark and then a run to the leeward mark. Boats L and W sail the windward leg and round the windward mark and the offset mark. On the run, while L and W are on the same tack sailing towards the leeward mark, L luffs W, and W responds and keeps clear. After the race, W learns that L had failed to start and has been scored OCS. W protests L alleging that L broke rule 24.2.

#### **Question 1**

For the purposes of rule 24.2, were L and W sailing on the same leg of the course or different legs when L luffed W?

#### **Answer 1**

For the purpose of determining whether rule 24.2 applies to an incident, a boat is sailing on the leg which is consistent with the course she is sailing before the incident and with her reasons for sailing that course. L had not started, but she was unaware that she had made that error. Therefore, L was sailing on the leg of the course to the leeward mark. Clearly W was on the same leg. Therefore, when L luffed W, rule 24.2 did not apply between them.

#### **Facts for Question 2**

The facts are the same as for Question 1, but with these differences: L started correctly, but she was unaware of the requirement to round the offset mark and she failed to round it on the required side. After rounding

the windward mark she sailed towards the leeward mark until she luffed W.

## **Question 2**

For the purposes of rule 24.2, were L and W sailing on the same leg of the course or different legs when L luffed W?

## **Answer 2**

Clearly W was sailing on the leg to the leeward mark. Because L was unaware of the requirement to round the offset mark and had been sailing towards the leeward mark from the time she rounded the windward mark until she luffed W, L was also sailing on the leg to the leeward mark. Therefore, when L luffed W, rule 24.2 did not apply between them.

## **Facts for Question 3**

The facts are the same as for Question 2, but with these differences: After L had sailed part of the way to the leeward mark, she realized that she had failed to round the offset mark and she turned back to correct her error. While L was beating to windward to the offset mark she encountered boat X. X had rounded the windward mark and the offset mark and was running towards the leeward mark on the same tack as L. L deviated from her proper course to the offset mark in order to luff X. X protested L alleging that L broke rule 24.2.

## **Question 3**

For the purposes of rule 24.2, were L and X sailing on the same leg of the course or different legs when L luffed X?

## **Answer 3**

Clearly X was sailing on the leg to the leeward mark. When L realized that she failed to round the offset mark and turned to sail towards the offset mark, she was no longer sailing on the leg to the leeward mark and had begun to sail on the leg from the windward mark to the offset mark. She was sailing on that leg when she encountered X. Therefore, the boats were sailing on different legs when L luffed X. Rule 24.2 did apply between L and X, and L broke it.

## CASE 127

### Definition, Racing

*A boat clears the finishing line and marks when no part of her hull, crew or equipment is on the line, and no mark is influencing her choice of course.*

### Question

The definition Racing states that a boat that ‘finishes and clears the finishing line and marks’ is no longer racing. When does a boat ‘clear’ the finishing line and marks?

### Answer

A boat clears the finishing line and marks when the following two conditions are met: no part of her hull, crew or equipment is on the line, and no finishing mark is influencing her choice of course.

For example, a boat that clears the finishing line and then continues to sail toward a finishing mark, where current sets her into the mark, is still racing and has broken rule 31. However, a boat that crosses the finishing line, and sails to a position at which no finishing mark is influencing her choice of course, is no longer racing. If, later, she hits a finishing mark, she does not break rule 31.

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## CASE 128

### Definition, Finish

#### Rule 28.2, Sailing the Course

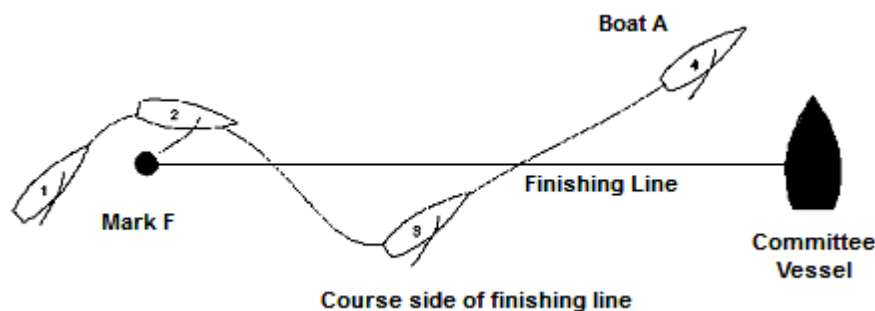
#### Rule 31, Touching a Mark

#### Rule A5, Scores Determined by the Race Committee

*If a boat makes an error under rule 28.2 or breaks rule 31 at the finishing line and finishes without correcting her error or taking a penalty, she must be scored points for the place in which she finished. She can only be penalized for breaking rule 28.2 or rule 31 if she is protested and the protest committee decides that she broke the rule.*

## Facts for Question 1

All the boats in a race, with the exception of boat A, sailed to the finishing line from the last mark and then finished by crossing the line from its course side leaving the committee vessel to starboard and mark F to port. As shown in the diagram, A left mark F to starboard, bore away, sailed completely to the course side of the finishing line, and, shortly after position 3, finished. A then sailed into the harbour. Members of the race committee observed A sail the course shown in the diagram. The rules of Appendix A applied.



## Question 1

What should the race committee do in this situation?

## Answer 1

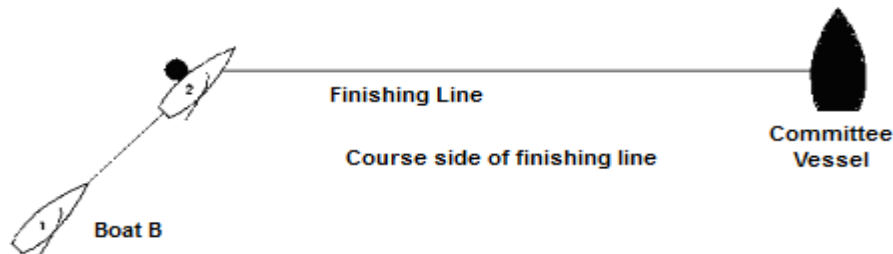
The race committee is required by rule A4.1 to score A points for the place in which she finished.

To comply with rule 28.2, a string representing a boat's track must, when drawn taut, pass mark F on the required side. A made an error under rule 28 at the line because the string representing her track, when drawn taut, passes mark F on the wrong side. A did not correct that error, and therefore she broke rule 28.2. As rule A5 states, only the protest committee may penalize A for her breach. Therefore, A can be penalized only if a valid protest is made against her and the protest committee decides that she broke the rule.

As rule 60.2(a) states, the race committee may protest A. If it decides to do so, it must inform her that it intends to protest and deliver its written protest within the time limit of rule 61.3 (see rule 61.1(b)). In addition, the protest committee or a boat may protest A.

## Facts for Question 2

The race committee observes boat B touch the finishing mark as she crosses the finishing line. B does not take a penalty and sails into the harbour.



## Question 2

What should the race committee do?

## Answer 2

B finished when her bow crossed the finishing line just before position 2. The race committee is required by rule A4.1 to score B points for the place in which she finished.

As rule 60.2(a) states, the race committee may protest B. If it decides to do so, it must inform her that it intends to protest and deliver its written protest within the time limit of rule 61.3 (see rule 61.1(b)). In addition, the protest committee or a boat, if the boat saw B touch the mark, may protest B (see rules 60.1(a) and 60.3(a)).

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## CASE 129

### Definition, Finish

### Rule 28, Sailing the Course

### Rule 32.2(a), Shortening or Abandoning after the Start

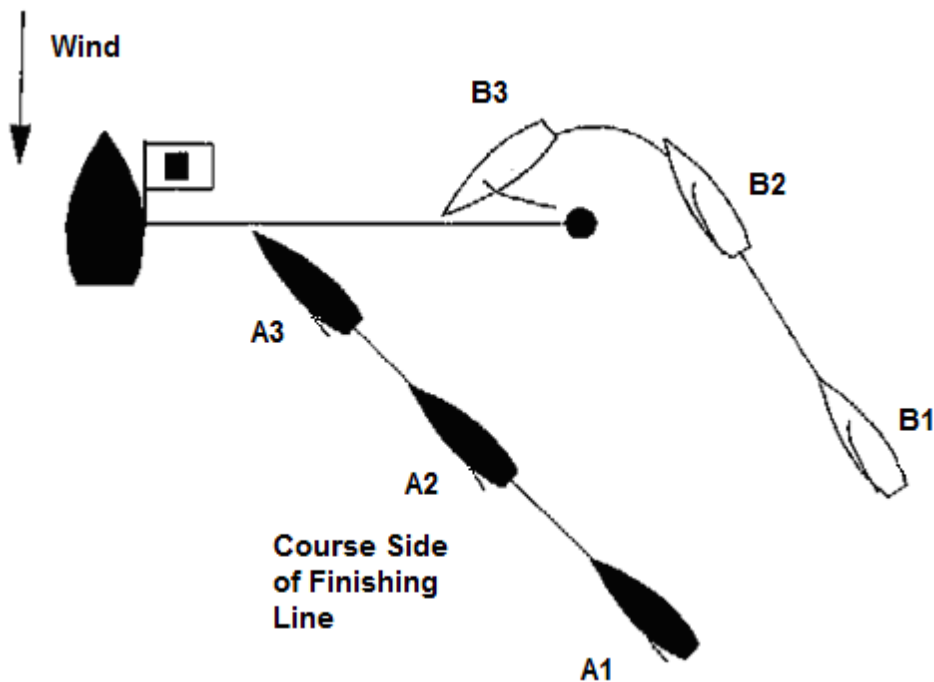
### Rule 62.1(a), Redress

*When the course is shortened at a rounding mark, the mark becomes a finishing mark. Rule 32.2(a) permits the race committee to position the vessel displaying flag S at either end of the finishing line. A boat must cross the line in accordance with the definition Finish, even if in so doing she leaves that mark on the side opposite the side on which*

*she would have been required to leave it if the course had not been shortened.*

### **Facts for Question 1**

The sailing instructions state that all rounding marks, including the windward mark, are to be left to port. Due to insufficient wind the race committee shortens the course by displaying flag S (with two sounds) from a staff on a committee boat anchored near the windward mark.



The committee sets the finishing line as shown in the diagram. At the time that flag S is displayed, the boats are between the last rounding mark and the finishing line. Boats A and B approach the finishing line, see flag S and sail the courses shown in the diagram.

### **Question 1**

After the race committee shortens the course, are boats still required to leave the windward mark to port and to 'hook round' it (as B does), or are they required to cross the finishing line from the course side (as A does)?

### **Answer 1**

After the race committee shortens the course, the windward mark is no longer a rounding mark. It becomes a finishing mark (see rule 32.2(a)). To comply with rule 28, boats must finish in accordance with the definition Finish. Therefore, they must cross the finishing line from its course side. A finishes in accordance with the definition; B does not finish.

## **Additional Facts for Question 2**

Boat B requests redress claiming that positioning the committee boat as shown in the diagram was an improper action of the race committee because it was not clear from reading the racing rules and the sailing instructions in which direction boats were required to cross the finishing line.

## **Question 2**

Was it an improper action of the race committee to anchor the committee boat displaying flag S where it did?

## **Answer 2**

No (even though this action was not good race management practice). When the course is shortened at a rounding mark, rule 32.2(a) permits the race committee to position the vessel displaying flag S at either end of the finishing line. Rule 28 clearly requires boats to cross the finishing line in accordance with the definition Finish. The definition Finish cannot be changed by a sailing instruction (see rule 86.1(b)).

World Sailing 2013

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## **CASE 130**

### **Deleted**

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## **CASE 131**

### **Rule 78.2, Compliance with Class Rules; Certificates Rule A5, Scores Determined by the Race Committee**

*At the end of an event, if a boat has broken rule 78.2 by not producing a required certificate or arranging for its existence to be verified, the race committee is required, without a hearing, to score her 'DSQ' for all races of the event.*



## **Facts**

A rule in the sailing instructions for an event requires that a certificate be produced or its existence verified before a boat races. One boat does not comply with this requirement, but before the first race she provides the race committee with a statement signed by the person in charge that the boat has a valid certificate. At the end of the event, the certificate has neither been produced nor verified.

## **Question**

Is the race committee permitted to score the boat 'DSQ' for all races without a hearing?

## **Answer**

Yes. In fact, it is required to do so (see rules 78.2 and A5).

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## **CASE 132**

### **Rule 18.1(a), Mark-Room: When Rule 18 Applies** **Rule 42.3(c), Propulsion: Exceptions**

*A boat is 'on a beat to windward' when the course she would sail to finish as soon as possible in the absence of all other boats is a close-hauled course or above.*

## **Question**

The phrase 'on a beat to windward' is used in rules 18.1(a) and 42.3(c). When is a boat on a beat to windward?

## **Answer**

For the purposes of rules 18.1(a) and 42.3(c), a boat is on a beat to windward when the course she would sail to finish as soon as possible in the absence of all other boats is a close-hauled course or above.

When a boat is on a windward leg, she is not necessarily on a beat to windward. An example is a boat that has overstood a windward mark and, in the absence of other boats, would therefore sail below close-hauled to finish as soon as possible. Such a boat may have overstood the mark either by sailing beyond the layline to the mark or because a change in wind

direction has made it possible for her to sail to the mark on a course below close-hauled.

Also, when a boat is on a reaching or a downwind leg, there are circumstances in which she may be on a beat to windward. This can happen when a boat has been swept by current below the rhumb-line to a reaching mark, or there has been a change in wind direction, and as a result the course the boat would sail to finish as soon as possible in the absence of other boats has become a close-hauled course or above.

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## **CASE 133**

### **Withdrawn for Revision**

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## **CASE 134**

### **Definitions, Proper Course**

#### **Rule 17, On the Same Tack; Proper Course**

*A boat's proper course at any moment depends on the existing conditions. Some of those conditions are the wind strength and direction, the pattern of gusts and lulls in the wind, the waves, the current, and the physical characteristics of the boat's hull and equipment, including the sails she is using.*

### **Facts**

Two boats, W and L, are sailing downwind on the same tack in conditions where they would normally use spinnakers in place of headsails to finish as soon as possible. The next mark is directly downwind from their current positions.

W has a problem hoisting her spinnaker and L, sailing faster, establishes a leeward overlap from clear astern and is subject to rule 17. In order to gain a tactical advantage over W, L decides to continue sailing with her headsail and to delay hoisting her spinnaker.

L then sails the course that results in the best VMG ('velocity made good', velocity towards the next mark) for a boat sailing downwind with a

headsail. That course is above the course that would result in her best VMG if she were using her spinnaker.

W protests L alleging that, by not hoisting her spinnaker and sailing a lower, faster course in order to finish as soon as possible, L breaks rule 17. In the hearing L's representative stated that, to finish as soon as possible in the absence of W, L would have hoisted her spinnaker and sailed a faster and lower course.

### **Question**

When L delayed hoisting her spinnaker and instead sailed the course that resulted in the best VMG for a boat sailing downwind with a headsail, did she break rule 17 by sailing above her proper course?

### **Answer**

No. A boat's proper course at any moment depends on the existing conditions. Some of those conditions are the wind strength and direction, the pattern of gusts and lulls in the wind, the waves, the current, and the physical characteristics of her hull and equipment. The sails that she has set are part of her equipment and, therefore, one of the conditions on which her proper course depends. While L was sailing with her headsail, her proper course was the course that gave her the best VMG with her headsail, and not her spinnaker, set. L did not sail above that course so she did not break rule 17.

There is no requirement in the racing rules for a boat to hoist her spinnaker at any particular time or for her to finish as soon as possible. There could be a variety of reasons, including tactical considerations, why a boat would not use a spinnaker. Therefore, even though L stated that in the absence of W she would have hoisted her spinnaker and sailed a lower course, L broke no rule by continuing to sail with her headsail instead of her spinnaker. (See Case 78 for a discussion of tactics that interfere with or hinder another boat's progress.)

## CASE 135

### Definitions, Keep Clear

#### Rule 62.1(b), Redress

*If a boat breaks a rule of Part 2 by failing to keep clear, the right-of way boat, or a third boat, may be entitled to redress if she is physically damaged, even if the damage is not caused directly by a collision with the boat that was required to keep clear.*

### Facts for Question 1

Two dinghies, P on port tack and S on starboard tack, are on a collision course on a beat to windward in strong wind (more than 20 knots). P holds her course and, when it becomes clear to S that P is not keeping clear, S immediately and rapidly tacks onto port tack to avoid P. Despite S's attempt to avoid P, there is contact between the boats, but it does not cause damage. However, while tacking to avoid P, S capsizes and in capsizing, the helmsman falls and damages the tiller. After righting the boat, the tiller cannot be repaired and S retires from the race. P takes a Two-Turns Penalty and finishes the race. S requests redress under rule 62.1(b).

### Question 1

Is S entitled to redress if her request is valid?

### Answer 1

Rule 62.1(b) does not require physical damage (or injury) to have been caused directly by the boat that was breaking a rule of Part 2. It is sufficient that any physical damage (or injury) was the probable consequence of the action of the boat breaking a rule. B is entitled to redress provided that the protest committee concludes that

- P broke rule 10;
- a collision was probable, and S took avoiding action as soon as it was clear that P was not keeping clear;
- the capsize and the helmsman's fall were the result of P not keeping clear and not the result of poor seamanship by S; and
- the damage was not due to the tiller previously having been in poor condition.

## **Facts for Question 2**

Two boats, A and B, are on a collision course in strong winds. A is required to keep clear of B. A holds her course and, when it becomes clear to B that A is not keeping clear, B immediately and rapidly makes a large change in course to avoid A. There is no contact between A and B. However, while manoeuvring to avoid potentially damaging contact with A, B collides with C, a third boat nearby. C is damaged and loses several places. A takes a Two-Turns Penalty and finishes the race. C requests redress under rule 62.1(b).

## **Question 2**

Is C entitled to redress if her request is valid?

## **Answer 2**

Yes, provided that the protest committee concludes that

- A broke a rule of Part 2;
- a collision was probable, and B took avoiding action as soon as it was clear that A was not keeping clear;
- the damage to C was the result of A not keeping clear and not the result of poor seamanship by B; and
- after B began to change course, it was not reasonably possible for C to have avoided the collision and resulting damage.

See also Case 110.

World Sailing 2014

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## **CASE 136**

### **Rule 29.1, Recalls: Individual Recall**

### **Rule 63.6, Hearings: Taking Evidence and Finding Facts**

*In finding facts, a protest committee will be governed by the weight of evidence. In general, a race committee member sighting the starting line is better placed than any competing boat to decide whether a boat was over the line at the starting signal and, if so, whether she returned and started correctly.*

## **Facts**

At the starting signal, the race committee member sighting the line judged three boats to be over the line. Flag X was promptly displayed with a sound signal, and it remained displayed for the required amount of time (see rule 29.1). Another race committee member, at the other end of the line, confirmed the identity of the three boats and that they had not returned and restarted correctly. All three boats were scored OCS. One of these three boats completed the course and finished first. On learning that she had been scored OCS, she requested redress, maintaining that she had returned and started correctly. She called as witnesses two other competitors who had been close by and who believed that she had returned and started correctly.

### **Question 1**

May the decision of the race committee that a boat has not started or restarted correctly be overruled on the basis of other evidence? If so, in what circumstances?

### **Answer 1**

Yes, if the protest committee is satisfied on the weight of the evidence that the race committee members sighting the line and observing the boats after the starting signal were not watching while the boat was crossing the starting line or carrying out the returning manoeuvre, or were mistaken as to the identity of the boat.

### **Question 2**

In assessing the weight of evidence in such a case, should the protest committee attach more weight to that of race committee members?

### **Answer 2**

The evidence of race committee members, who are in the best position to judge, is usually more reliable.

### **Question 3**

If the issue is simply whether a boat was ‘over’ the starting line, or whether it had ‘wholly’ returned, is a person who was not in a position to sight along the line a competent witness?

### **Answer 3**

See Answer 2. A race committee member sighting directly along the line at all relevant times is in the best position to make such a judgment.

RYA 1984/8

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## **CASE 137**

### **Rule 63.4(b), Hearings: Conflict of Interest**

*When deciding if a conflict of interest is significant, the protest committee should take into account the degree of conflict, the level of the event and the overall perception of fairness.*

#### **Facts**

After a declaration of a conflict of interest by a protest committee member, one of the parties does not consent to the person remaining as a member of the protest committee.

#### **Question**

How should the protest committee decide if the conflict is significant or not, as required by rule 63.4?

#### **Answer**

The member concerned should not be present during this decision process. Rule 63.4(c) requires the other members of the protest committee to consider the degree of conflict. For example, a parent/child relationship will almost certainly create a high degree of conflict, while more distant relationships will generally create diminishing degrees of conflict as the distance increases. Similarly, an employer/employee relationship could create a high degree of conflict.

Rule 63.4(c) also requires the level of the event to be considered. At some levels of event it is not practical to find suitable protest committee members who have no conflict of interest, yet the event still needs the service of a protest committee. It may be possible to balance the conflict between two or more protest committee members.

The protest committee should also consider if the perception of fairness is best served by having more members on the protest committee or by not including a person with a conflict. The protest committee may also take into account the strength of feeling of the parties and if their concerns are shared or confined to one party.

World Sailing 2016

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## CASE 138

### **Rule 2, Fair Sailing** **Rule 69, Misconduct**

*Generally, an action by a competitor that directly affects the fairness of the competition or failing to take an appropriate penalty when the competitor is aware of breaking a rule, should be considered under rule 2. Any action, including a serious breach of rule 2 or any other rule, that the committee considers may be an act of misconduct should be considered under rule 69.*

### **Question 1**

When there has been an action by a person that might be considered to be bad sportsmanship or misconduct, what actions might constitute misconduct?

### **Answer 1**

Rule 69 covers all acts of misconduct, and may range from a very minor misdemeanour to a very significant act of bad sportsmanship or bringing the sport into disrepute. The following actions should be considered as examples of acts of misconduct, but they are not exclusive examples and this is not a definitive list:

1. Engaging in any unlawful activity (for example, theft, assault, criminal damage)
2. Engaging in any activity which may bring the sport into disrepute
3. Bullying, discriminatory behaviour and intimidation
4. Physical or threatened violence
5. Acting recklessly or in manner that does, or is likely to, cause damage or injury



6. Disobeying the reasonable instructions of event officials
7. Intentionally breaking a rule or inciting others to break a rule
8. Interference with another competitor's equipment
9. Repeated breaches of a rule
10. Failing to act to prevent your boat or team breaking a rule when you are aware of that breach
11. Not telling the truth or the whole truth in a hearing
12. Other forms of cheating such as falsifying personal, class or measurement documents, entering a boat known not to measure, missing out a mark to gain places, etc.
13. Foul or abusive language that causes or may cause offence
14. Making abusive or disrespectful comments concerning race officials or their decisions (including via electronic means such as social media)

## **Question 2**

When should a protest committee proceed under rule 2 and when should it proceed under rule 69?

## **Answer 2**

A boat may be protested for a breach of rule 2 and the protest committee is required to hear and decide the protest. To uphold a protest for an alleged breach of rule 2, the protest committee is required to clearly establish that a boat has not competed in compliance with recognized principles of sportsmanship and fair play. It follows that the action must directly involve the competition for a breach of rule 2 to be established.

A protest committee may protest a boat for a breach of rule 2, but it may decide that action under rule 69 is more appropriate, or in some circumstances action under both. Generally, an allegation of an action that directly affects the competition should be subject to protest under rule 2.

An action that is considered to be an act of misconduct and that does not directly affect the competition should be subject to action under rule 69.

A protest and the subsequent hearing under any rule, including rule 2, may reveal conduct that the protest committee considers to be an act of misconduct. In that case it may be appropriate for the protest committee to take separate action under rule 69.

### **Facts for Question 3**

A boat is sailing upwind on port tack and attempts to cross ahead of a boat on starboard tack. The port-tack boat misjudges the cross and fails to keep clear.

### **Question 3**

Has the port-tack boat intentionally broken a rule?

### **Answer 3**

No. A misjudgment such as this is common during a race and is not unfair sailing or an act of misconduct. In order for it to be unfair sailing or an act of misconduct, there must be evidence that the boat knew or should have known that she would not make the cross and attempted to do so anyway.

However, when the port-tack boat realizes that she has failed to keep clear, she has knowingly broken a rule and must take the appropriate penalty. Otherwise she has broken a recognized principle of sportsmanship (see Basic Principles, Sportsmanship and the Rules).

World Sailing 2016

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## **CASE 139**

### **Rule 69.2(j), Misconduct: Action by a Protest Committee**

*Examples illustrating when it would be 'appropriate' under rule 69.2(j)(3) to report a rule 69 incident to a national authority or World Sailing.*

### **Facts**

The protest committee has found that a competitor or support person has committed an act of misconduct and imposed a penalty under rule 69.

### **Question 1**

When should the protest committee report the breach to the national authority of the person or to World Sailing?

### **Answer 1**

Rule 69.2(j) requires a report to the national authority or to World Sailing when the penalty applied is greater than DNE for one race, if the person has been excluded from the venue or in other cases when the protest

committee considers it 'appropriate'. It would be 'appropriate' to report in the following circumstances, as examples:

- (1) In a single race event the protest committee believes that the penalty for the breach would have been more than DNE for one race if it were in a multiple race event. This might be because of the seriousness of a single breach or a number of lesser breaches.
- (2) A support person is found in breach of rule 69 and would have been excluded from the venue, but the event is now into its last day and exclusion from the venue would be ineffective.
- (3) The protest committee has good reason to believe that the person who has breached rule 69 has previously been penalized for a breach of rule 69.1(a) and especially if the breach is similar.
- (4) The breach has an impact on events beyond the jurisdiction of the protest committee. For example, selection or qualification for another event and the breach has adversely affected the selection or qualification of another competitor.

## **Question 2**

Should the report be sent to the national authority or World Sailing?

## **Answer 2**

The report is only sent to World Sailing when the breach occurs at specific international events as listed in World Sailing Regulation 35, Disciplinary Code. Otherwise the report is to be sent to the national authority of the person(s) found to have breached rule 69 (not necessarily to the national authority of the boat owner or venue).

World Sailing 2016

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## **CASE 140**

**Rule 30.3, Starting Penalties: U Flag Rule**

**Rule 30.4, Starting Penalties: Black Flag Rule**

**Rule 62.1, Redress**

**Rule 64.1(b), Decisions: Penalties and Exoneration**

*How the rules apply when a boat is compelled to cross the starting line by another boat that was breaking a rule of Part 2.*

### **Facts for Question 1**

A race is started under rule 30.3, U Flag Rule, or 30.4, Black Flag Rule. Twenty seconds before the starting signal there is an incident between boats A and B. The race committee identifies part of A on the course side. A does not return to the pre-start side of the starting line, but continues sailing the course and finishes. The race committee scores her UFD or BFD, as appropriate.

A lodges a valid protest against B. The protest committee disqualifies B for breaking a rule of Part 2. The committee finds that B, as a consequence of breaking a rule, has compelled A to break rule 30.3 or 30.4. It also finds that there was no injury or physical damage, and that B did not break rule 2, Fair Sailing.

### **Question 1**

May the protest committee exonerate A for her breach of rule 30.3 or 30.4, and score her in her finishing position, even though A has never started according to the definition Start?

### **Answer 1**

No. A has broken rule 30.3 or 30.4, but she has also broken rule 28.1 by failing to start (see the definition Start). B's breach compelled A to break rule 30.3 or 30.4. However, it did not prevent A from sailing back to the pre-start side of the starting line and starting correctly. The protest committee may exonerate A under rule 64.1(a) for her breach of rule 30.3 or 30.4, and if so, the race committee shall score her DNS under rule A5.

Had A returned to the pre-start side of the starting line, started correctly, sailed the course and finished, the protest committee could have exonerated her for the breach of rule 30.3 or 30.4 and scored her in her finishing position.

### **Facts for Question 2**

The race is started under rule 30.4, Black Flag Rule. The facts are the same as for Question 1, but this time there is a general recall. A's sail number is properly displayed as required by rule 30.4. Before the restart, A informs the race committee that she intends to protest B for breaking a rule of Part 2 in the recalled start. A starts, sails the course and finishes the restarted race. The race committee scores her DNE. A lodges a protest against B for the breach in the initial start and requests redress. In her request she claims that the race committee acted improperly when it scored her DNE.

## **Question 2**

If the protest committee decides that B broke a Part 2 rule and, when she did so, compelled A to break rule 30.4, may the committee give A redress by scoring her in her finishing position in the restarted race?

## **Answer 2**

No. A initially broke the first sentence of rule 30.4 and was identified on the course side of the starting line. Then her sail number was properly displayed according to rule 30.4. Because the race committee displayed A's sail number after a general recall, the penultimate sentence of rule 30.4 prohibited A from sailing in the restarted race. By starting in the restarted race, she breaks the penultimate sentence of rule 30.4. The race committee does not make a mistake when it scores her DNE. A is not entitled to redress because the race committee does not act improperly.

## **Facts for Question 3**

The facts are the same as for Question 2 but this time A does not sail in the restarted race. When she comes ashore, she protests B for the incident in the initial start. The protest committee decides B broke a rule of Part 2 for which she cannot be penalized (see rule 36).

## **Question 3**

If the protest committee decides that B broke a Part 2 rule and, when she did so, compelled A to break rule 30.4, may the protest committee change A's BFD score?

## **Answer 3**

Yes, the protest committee will exonerate A for breaking rule 30.4 and will correct her score from BFD to DNS in the restarted race. However, she is not entitled to redress because the race committee did not act improperly.

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