

CASE 99

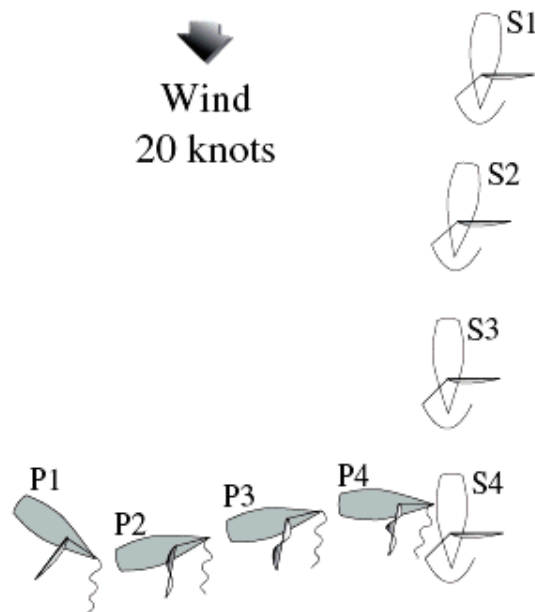
Rule 10, On Opposite Tacks

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).