

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

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

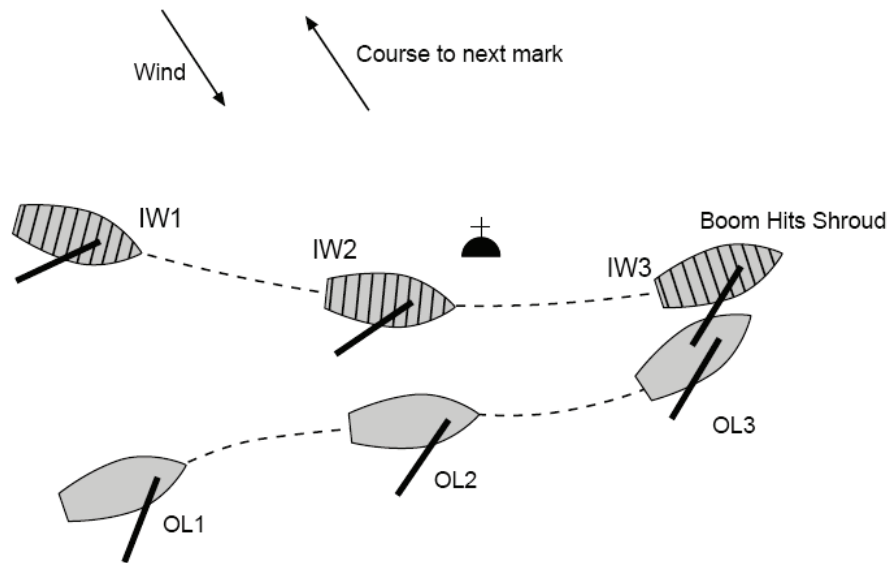
Rule 18.2(d), Mark-Room: Giving Mark-Room

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

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