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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**

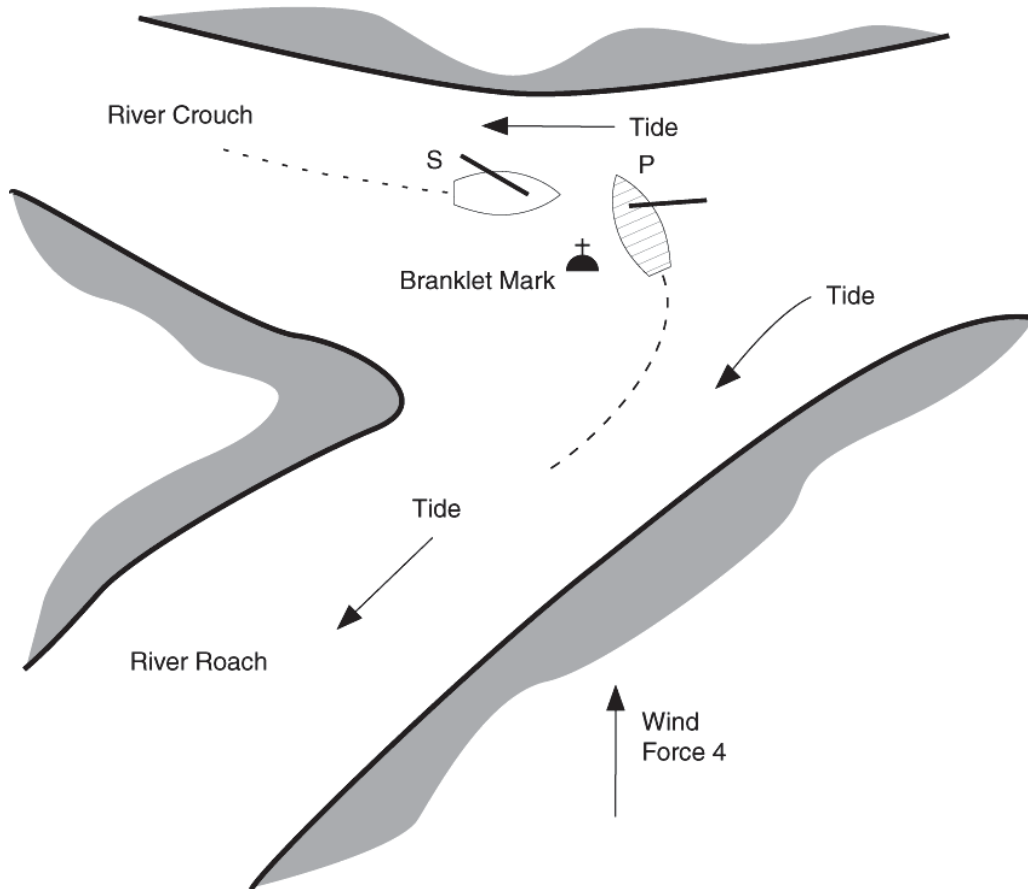
A Soling, S, and a 505, P, in separate races, approached the same mark on opposite tacks. Unknown to P, which was lowering her spinnaker and

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.

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