

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

CASE 92

Rule 14, Avoiding Contact

Rule 16.1, Changing Course

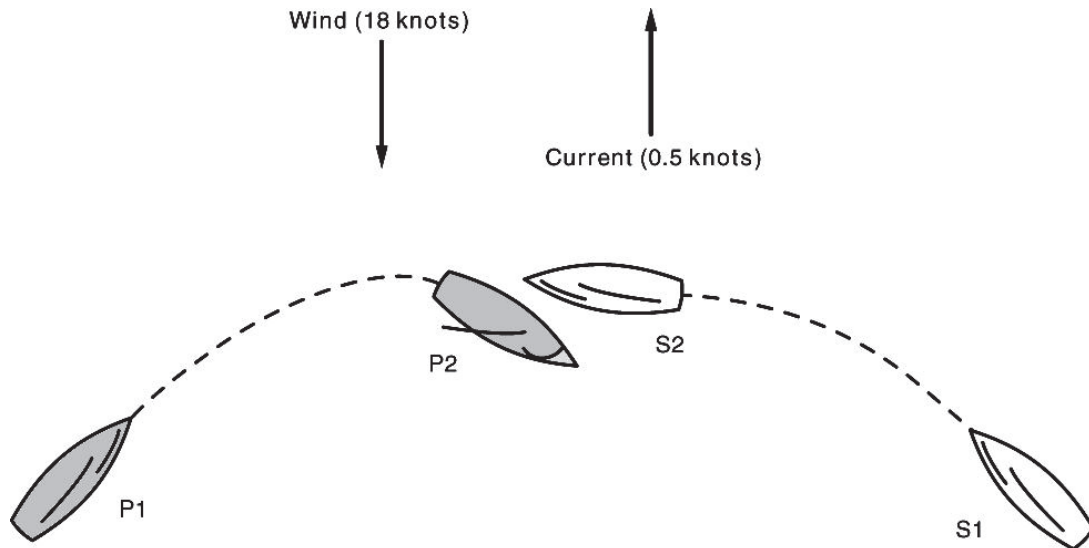
Rule 16.2, Changing Course

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

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.