

## CASE 13

**Definitions, Proper Course**

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

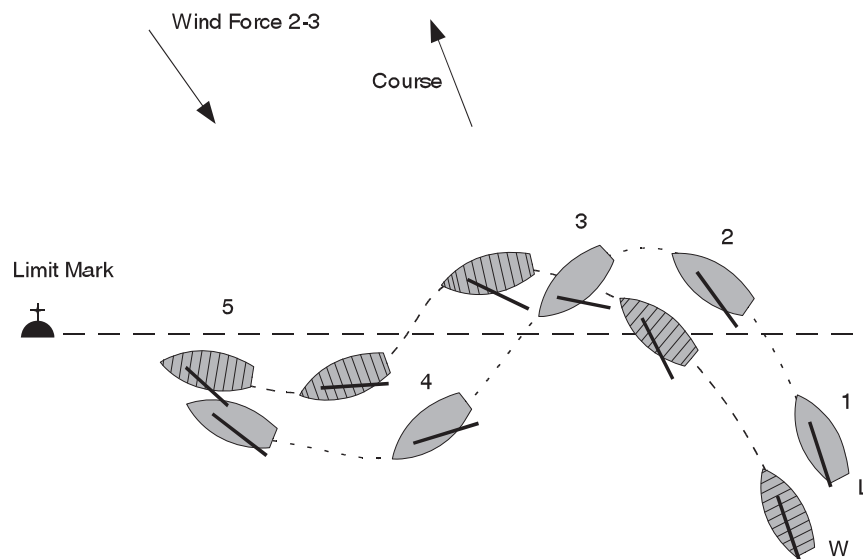
**Rule 14, Avoiding Contact**

**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**

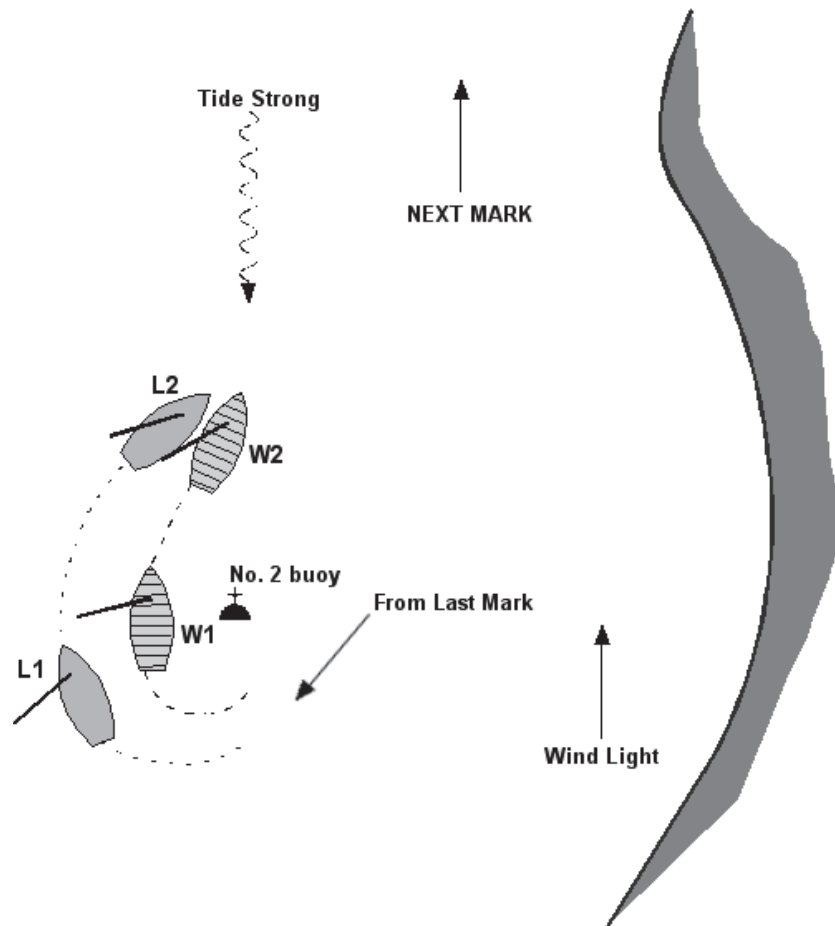
#### **Rule 11, On the Same Tack, Overlapped**

#### **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.

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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.*