

Freebird to give *Jagga* mark-room. When *Freebird* turned past head to wind, the boats were on opposite tacks on a beat to windward, and so rule 18 ceased to apply (see rule 18.1(a)). After *Freebird* completed her tack, she had right of way under rule 10, but initially she was subject to rule 15. She complied with that rule because *Jagga* had room to keep clear by crossing ahead of her.

Between positions 2 and 3 *Jagga* passed head to wind and was then on the same tack as *Freebird*. At that time *Jagga* was fetching the mark and *Freebird* had been on starboard tack since entering the zone, so rule 18.3 began to apply. While rule 18.3 applied, rule 18.2 did not. However, a short time later when *Jagga* completed her tack, *Freebird* was overlapped inside her, and *Jagga* was required by rule 18.3 to give *Freebird* mark-room.

After *Jagga* crossed ahead of *Freebird*, *Freebird* had right of way, first under rule 10, then under rule 13 and finally under rule 11. Therefore, *Jagga* had no protection from rule 15 during that time.

After position 3, rule 11 required *Jagga* to sail so that *Freebird* could ‘sail her course with no need to take avoiding action’ (see the definition Keep Clear). The fact that, when *Jagga* luffed, *Freebird* had to change course to avoid contact was evidence that *Jagga* broke rule 11 by not keeping clear. Also, when *Jagga* luffed she did not give *Freebird* space to sail to the mark and comply with her obligation under rule 31. Therefore, *Jagga* broke rule 18.3 (see also the definitions Mark-Room and Room).

The protest committee correctly disqualified *Jagga* under rule 18.3, but she also broke rule 11. *Freebird* broke rule 31 when she touched the mark, but she is exonerated under either rule 21(b) or rule 64.1(a). *Jagga*’s appeal is dismissed.

GBR 2000/4

CASE 96

Rule 30.4, Starting Penalties: Black Flag Rule

When after a general recall a boat learns from seeing her sail number displayed that she has been disqualified by the race committee under the second sentence of rule 30.4 and believes the race committee has made a mistake, her only option is not to start, and then to seek redress. However, if

the race committee does not display her sail number and she sails in the restarted race, she should be scored BFD, and not DNE.

Facts for Question 1

The race committee displayed the black flag as the preparatory signal for the start of a class. Boat A was identified in the triangle formed by the ends of the starting line and the first mark during the last minute before her starting signal. After the starting signal, the race committee signalled a general recall. The race committee disqualified A without a hearing for breaking rule 30.4, and displayed her sail number before the next warning signal for the race.

Question 1

If A believes that the race committee made a mistake when it identified her in the triangle during the last minute, do the rules permit her to sail in the race when it is restarted and then request redress?

Answer 1

Rule 30.4 clearly requires A not to sail in the restarted race and states that her disqualification will become non-excludable if she does. Her only remedy is to request redress, which, if given in a series, would normally be based on her results in other races.

Facts for Question 2

The facts are the same as for Question 1 except that the race committee failed to display A's sail number before the next warning signal for the race, and A sailed in the race when it was restarted.

Question 2

Is A entitled to a finishing place?

Answer 2

No. A should be disqualified as required by the second sentence of rule 30.4. However, because the race committee erred by not displaying her sail number between the general recall and the next warning signal for the race, she should be scored BFD (Disqualification under rule 30.4), and not DNE (Disqualification that is not excludable). If she requests redress claiming that she is entitled to a finishing place because the race committee erred by not displaying her sail number, her request should be

denied. While not displaying her sail number is an improper omission by the race committee, it is not the omission that deprived her of her finishing place, but the fact that she had been on the course side of the starting line in the minute before her starting signal. However, if she was scored DNE, redress should be granted to the extent of changing her score to BFD.

GBR 2000/1

CASE 97

Rule 50.3, Setting and Sheeting Sails: Use of Outriggers

A jockey pole attached to a spinnaker guy is not an outrigger.

Question

Is a jockey pole (a pole that exerts outward pressure on the line that controls the fore and aft position of a spinnaker pole) an outrigger?

Answer

No. When a spinnaker pole is set, the line that controls the fore and aft position of that pole is a guy, not a sheet. A jockey pole putting outward pressure on a guy is therefore not an outrigger, defined by rule 50.3(a) as a 'fitting or device' that exerts 'outward pressure on a sheet or sail'.

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