

15 and 16.1. W could also be exonerated under rule 21(a) because at the time she broke rule 11 she was sailing within the room to which she was entitled under rules 15 and 16.1.

L became overlapped from clear astern within two of her hull lengths of W, and so rule 17 prohibited L from sailing above her proper course. The protest committee did not find facts as to whether or not L sailed above her proper course after the overlap began. If she did, she broke rule 17. However, nothing is to be gained by seeking the facts needed to resolve this question because L would remain disqualified under rules 15 and 16.1.

The protest committee did not discuss rule 14. W did not break rule 14, as it was not reasonably possible for her to avoid contact. L, however, did break rule 14; the fact that she caused the contact showed that it was possible for her to avoid it. She would have been subject to penalty for this breach if there had been damage or injury to either boat. No facts were found about damage or injury, but this issue need not be addressed since L would remain disqualified under rules 15 and 16.1.

For the above reasons L's appeal is denied.

USA 1998/76

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## **CASE 94**

**Deleted**

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## **CASE 95**

**Definitions, Mark-Room**

**Definitions, Room**

**Rule 18.1(a), Mark-Room: When Rule 18 Applies**

**Rule 18.2(b), Mark-Room: Giving Mark-Room**

**Rule 18.3, Mark-Room: Tacking in the Zone**

**Rule 21(b), Exoneration**

**Rule 64.1(a), Decisions: Penalties and Exoneration**

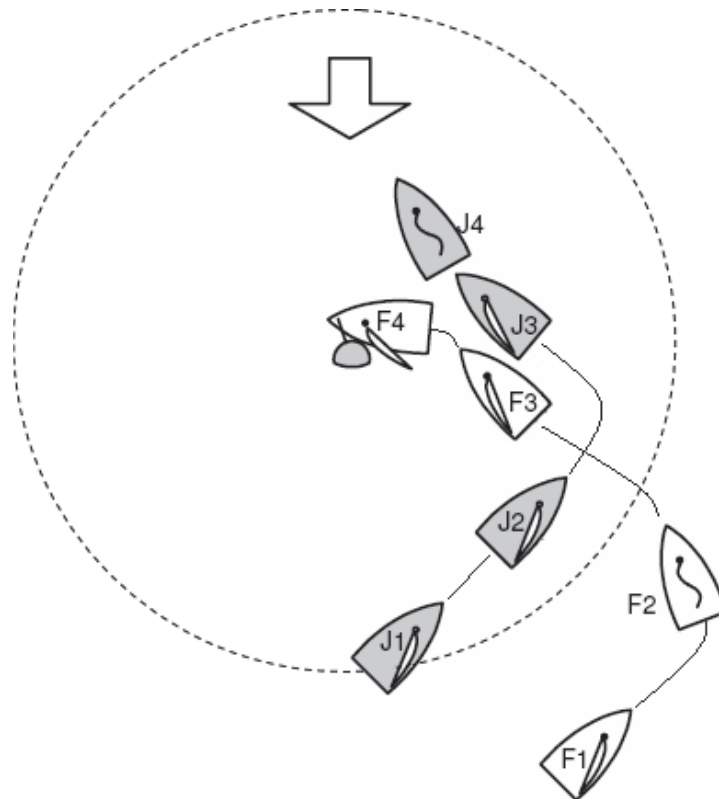
*If two overlapped boats on the same tack are on a beat to windward and are subject to rule 18.2(b), rule 18 ceases to apply when either of them turns past head to wind. When a*

boat is required to give another boat mark-room, the space she must give includes space for the other boat to comply with rule 31. When the boat entitled to mark-room is compelled to touch the mark while sailing within the mark-room to which she is entitled, she is exonerated for her breach of rule 31.

## Facts

Approaching the windward mark, *Jagga* and *Freebird* were overlapped on port tack, *Freebird* being between one and two boat-lengths to leeward. *Freebird* tacked and entered the zone on starboard tack. *Jagga* then tacked into a position to windward of *Freebird*. *Jagga* luffed so that her swinging stern required *Freebird* to change course to avoid contact, which she did, touching the mark as a result. *Freebird* protested.

The protest committee disqualified *Jagga* under rule 18.3. *Jagga* appealed on the grounds that, because she was an inside overlapped boat when she entered the zone, she was entitled to room to pass the mark.



## Decision

When *Jagga* reached the zone she was overlapped inside *Freebird*. From that time until *Freebird* turned past head to wind, rule 18.2(b) required

*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

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## 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*