

#### **Answer to Scenario 4 – Proper Course and Mark Room**

P is penalized. S did nothing for which she can be penalized.

At position 1, S reached the zone and P was required by [rule 18.2\(b\)](#) to give S mark-room thereafter. In addition, until S gybed P was required by [rule 10](#) to keep clear of S. As S luffed, she was required by [rule 16.1](#) to give P room to keep clear, and until she gybed S was also required by [rule 18.4](#) to sail no farther from the mark than needed to sail her proper course. The mark-room that P was required to give S was the space S needed in the existing conditions to sail promptly to the mark in a seamanlike way. That space was a direct corridor from S1 to a position close to and alongside the mark on the required side. P gave S that room. However, because S had right of way she was not required to remain within that corridor; she was permitted to sail any course provided that she complied with rules 16.1 and 18.4.

S luffed gradually through approximately 45 degrees while sailing about three lengths forward, and P made no effort to keep clear. Shortly before position 3, S needed to act to avoid P. At that moment P broke rule 10. When S luffed after position 2, if P had acted promptly there was space for her to have maneuvered in a seamanlike way to keep clear of S. Therefore, S did not break rule 16.1.

When S gybed just after position 3, she had not sailed farther from the mark than needed to sail her proper course. Indeed, in the absence of P (the boat 'referred to' in the definition Proper Course), S's proper course might well have been to sail even farther from the mark and higher than she did, so as to make a smoother, faster rounding and to avoid interference with her wind by being backwinded or blanketed by other boats ahead. Therefore, S did not break rule 18.4.

Concerning [rule 14](#), both boats broke the rule because there was contact and it was reasonable possible for each of them to avoid it. P is therefore disqualified under rule 14 as well as rule 10. However, S is exonerated because she was the right-of-way boat when the contact occurred and there was no damage or injury (see rule 14(b)).

(From World Sailing Casebook, Case 75)