

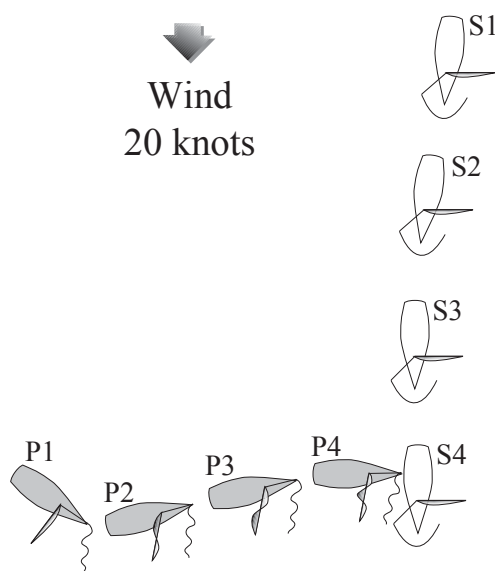
# 2002 SUPPLEMENT TO THE CASE BOOK FOR 2001—2004

*This supplement includes two cases that were approved for publication in November 2001.*

## CASE 99

**Rule 10**                      **On Opposite Tacks**  
**Rule 14**                      **Avoiding Contact**  
**Rule 44.1**                   **Penalties for Breaking Rules of Part 2: Taking a Penalty**

*The fact that a boat required to keep clear is out of control does not entitle her to exoneration for breaking a rule of Part 2. When a right-of-way boat becomes obliged by rule 14 to ‘avoid contact . . . if reasonably possible’ and the only way to do so is to crash-gybe, she does not break the rule if she does not crash-gybe. When a boat retires as required by rule 44.1, whether out of choice or necessity, she cannot then be penalized further.*



### Summary of the Facts

Mumm 30s were racing in difficult conditions. Boat S was running at 10-14 kts. Before Boat P reached position 1 she had broached and was out of

control. P struck S amidships resulting in serious damage. Both boats retired. S protested P.

The protest committee found that S had made minor changes of course when the boats were well apart; that these were thwarted by the erratic motion of P, still out of control; and that when it became apparent that P was not going to keep clear the only action available to S was to crash-gybe, which risked considerable damage to S.

The protest committee disqualified both boats – P for breaking rule 10 and S for breaking rule 14, stating that S should have been aware of the difficulties experienced by P and should have taken more significant action earlier. It referred its decision to the national authority for confirmation or correction.

## **Decision**

The decisions of the protest committee are reversed. Both boats are to be scored DNF.

Clearly, P broke rule 10. The fact that she was out of control does not justify exonerating her. In breaking rule 10, P caused serious damage and therefore was required by rule 44.1 to retire at the time of the incident. She did so, and thus took a penalty for the purposes of rule 44.1. She was therefore exempted from further penalisation by rules 44.4(b) and 64.1(a). Her disqualification is reversed, and she is to be scored DNF.

Turning to S, rule 14 makes special provisions in the case of a right-of-way boat. First, for her to be penalised, there must be contact that caused damage. This is not in doubt. Second, she was not required to act to avoid contact until it was clear that P was not keeping clear. It was only at that time that rule 14 required her to avoid contact if reasonably possible. The protest committee found that, when it became clear to S that P was not going to keep clear, the only action available to S was to crash-gybe, which risked considerable damage to S. That was equivalent to finding that it was not reasonably possible for S to avoid contact. Therefore, S did not break rule 14. Her disqualification is reversed, and she too is to be scored DNF.

Finally, the protest committee should note that, in light of the changed decision, rule 60.3(b) entitles it to call a hearing to consider giving S redress under rule 62.1(b).

## CASE 100

### **Rule 1.1                      Helping Those in Danger** **Rule 41                        Outside Help**

*When a boat is not in danger, advice that she seeks and receives that will help her to complete the race is outside help, even if it is sought and received on a public radio channel.*

#### **Summary of the Facts**

Three large boats were to round a mark near coastal rocks and then sail into a 6-knot current. The wind was light. Boat A radioed to Boat B, whose skipper was more familiar with the area, asking whether it was safe to anchor in the vicinity of the mark. Boat B replied that it was not safe to anchor. Boat C protested both boats under rule 41, for discussing what tactics were to be used for rounding the mark and sailing the next leg.

The protest committee dismissed the protest against B and disqualified A for receiving outside help. It noted that she was not in danger, as she could have sailed or motored away from the mark in perfect safety at any time, and that the only reasons for anchoring at the mark were to overcome the adverse current and to win the race.

Boat A appealed, on the grounds that she did not believe she had received help, that advice given via a public radio frequency was not outside help, and that a national authority should not condone disqualification for receiving safety information.

#### **Decision**

Appeal dismissed. Boat A requested and received outside help. Her request for advice was not made for reasons of safety such as danger or illness or injury of a crew member but for tactical racing reasons. The help she sought and received did not come within the scope of rule 1.1 or of the exceptions to rule 41, and therefore she broke rule 41.

The fact that the question and answer were broadcast on a public frequency is irrelevant. The answer was advice communicated to A in reply to her specific question.

RYA 2001/4

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