

having finished, A was required to cross the line from north to south (see the definition Finish). If A's taut string was not constrained to lie in navigable water, it would follow the straight line across the headland from Mark 1 to the finishing line. Then, the 'course side' of the line would be south of the line, and A would be required to cross the line from south to north.

## Question 2

In tidal waters, should navigable waters be considered at high tide or low tide?

## Answer 2

Neither. Whether water at a particular location is navigable or not depends on the draft of the boat and the depth of water at the time the boat sails past that location.

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## CASE 146

### Definitions, Room

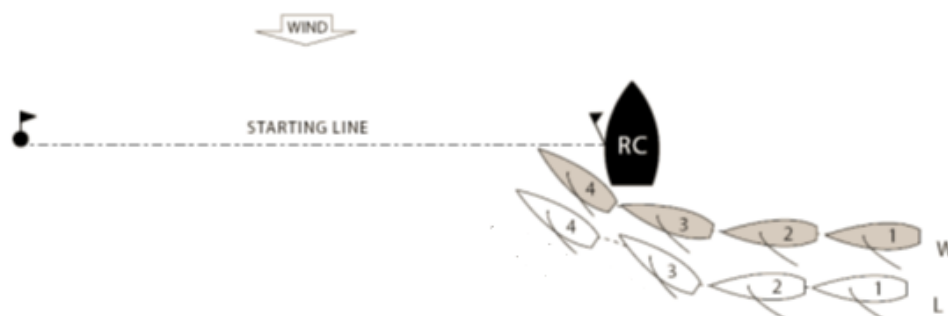
### Rule 11, On the Same Tack, Overlapped

### Rule 16.1, Changing Course

### Part 2, Section C Preamble

### Rule 21, Exoneration

*When boats are approaching a starting mark to start and a leeward boat luffs, the windward boat is exonerated under rule 21(a) if she breaks rule 11 while sailing within the room to which she is entitled under rule 16.1.*



## **Facts**

Two boats, L and W, were approaching the race committee signal boat, overlapped on starboard tack, ten seconds before the starting signal. As W was passing astern of the committee boat, L luffed. W luffed slightly but was unable to respond further to L's luff without hitting the committee boat. L bore away to avoid contact. L protested.

The protest committee disqualified W under rule 11, claiming that she should not have sailed between L and the committee boat and that she was 'barging.' W appealed.

## **Decision**

The race committee signal boat was both a mark and an obstruction for L and W (see the definitions Mark and Obstruction). However, because the committee boat was surrounded by navigable water and L and W were approaching it to start, the rules in Section C of Part 2 (specifically rules 18 and 19) did not apply. Accordingly, L was under no obligation to give W room to pass the committee boat.

At positions 1 and 2, L was able to sail her course with no need to take avoiding action and could change course in both directions without immediate contact. Therefore, W was keeping clear as required by rule 11 (see the definition Keep Clear).

When L luffed at position 3, she was required by rule 16.1 to give W room to keep clear. This obligation applies even when boats are passing the committee boat and are about to start. 'Room' is the space W needed to keep clear of L while also complying with her obligations under the rules of Part 2, which includes rule 14, and rule 31. See Case 114.

When L luffed, W luffed as far as she could without risk of touching the committee boat which would have broken rule 31. By bearing away, L gave W room to keep clear in compliance with rule 16.1.

At position 3, L was unable to 'sail her course with no need to take avoiding action;' therefore, W broke rule 11. However, as W was sailing within the room to which she was entitled under rule 16.1, she is exonerated under rule 21(a).

W's appeal is upheld, the decision of the protest committee is reversed, and W is reinstated in her finishing place.

Note: The term 'barging' is not used in *The Racing Rules of Sailing*. The term is commonly used to refer to the situation where a leeward boat is holding her course and a windward boat sails between the committee boat and the leeward boat and either hits the leeward boat or forces her to bear

off to avoid contact. In such a case the windward boat breaks rule 11 and is not exonerated because the leeward boat held her course or bore off and, therefore, rule 16.1 did not apply.

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