

Decision

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

Clearly, P broke rules 10 and 14. No rule justifies exonerating her, even though she was out of control. In breaking rules 10 and 14, P caused serious damage. Rules 10 and 14 are rules of Part 2, and rule 44.1 permits a boat that breaks one or more rules of Part 2 to take a penalty. Because P caused serious damage, the applicable penalty for her was to retire (see rule 44.1(b)). P did retire (whether because of choice or necessity does not matter) and was, therefore, exempt from disqualification (see rule 64.1(b)). 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 penalized, there must be contact that caused damage or injury. 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 finding was equivalent to a 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).

RYA 2001/7

CASE 100

Rule 41, Outside Help

When a boat asks for and receives tactical racing advice she receives outside help, even if she asks for and receives it 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. 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 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.

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

Decision

A's appeal is dismissed. A asked for help for tactical racing reasons and received it. It is irrelevant that A's question and the information she received in response were broadcast on a public radio channel. The help A received did not come within the scope of the exceptions to rule 41, especially not rule 41(d) since she solicited the information. Therefore A broke rule 41.

RYA 2001/4

CASE 101

Rule 20.2(c), Room to Tack at an Obstruction: Responding

When a boat with right of way is required to give another boat room for a manoeuvre, right of way does not transfer to the boat entitled to room. When, in reply to her call for room to tack when approaching an obstruction, a boat is hailed 'You tack', and when she does so and is then able to tack again to keep clear in a seamanlike way, the other boat has given the room required.

Summary of the Facts

A and B were International Dragons. A was approaching the shore close-hauled on starboard tack, clear ahead and on a track to leeward of B. A hailed for room to tack, and B replied 'You tack.' A tacked and B held her