

**THE RULE:** RRS 14 Avoiding contact - A boat shall avoid contact with another boat if reasonably possible.

However, a right-of-way boat or one entitled to room or mark-room

- (a) need not act to avoid contact until it is clear that the other boat is not *keeping clear* or *giving room* or *mark-room*, and  
(b) shall be exonerated if she breaks this rule and the contact does not cause damage or injury.

**All Boats shall avoid contact** – not just the keep clear boat.

The following case has been around a long time. Please read it. No pictures this week!

When a Protest Committee hears evidence at the hearing these are some of the comments that are made:

- (1) “they did not hail “starboard””,
- (2) “I did not see the other boat and they did not hail starboard”,
- (3) “I did not see the other boat and anyway we were on starboard”,

NOTE: most boats do hail and advise the other boat that they are there!

When **you** are in the vicinity of the starting area or a “mark rounding” **you** really, really need to have a “look out” person and **you** need to be “aware” of what is happening around **you**.

**You** need to call “starboard” or “overlap/no overlap”, **you** need to make the other boat “aware” that **you** are there!

***This one is all about You!***

#### CASE 107

##### Rule 14, Avoiding Contact

##### Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty

##### Rule 64.1(b), Decisions: Penalties and Exoneration

*During the starting sequence, a boat that is not keeping a lookout may thereby fail to do everything reasonably possible to avoid contact. **Hailing is one way that a boat may ‘act to avoid contact’.***

*When a boat’s breach of a rule of Part 2 causes **serious damage** and she then retires, she has taken the applicable penalty and is not to be disqualified for that breach.*

#### Facts

1. Between the preparatory and starting signals, Ephesian on starboard tack and Jupa on port tack approached each other head-to-head.
2. Both boats were heavy keelboats, 33 feet (10 m) long.
3. Neither boat was aware of the other.
4. The bowmen on both boats, who normally would have been stationed by the forestay, were handling their genoas, and no other crew members were keeping a lookout.
5. Ephesian was moving slowly with limited manoeuvrability.
6. They collided, causing serious damage to Jupa, who therefore retired.
7. In the resulting protest, Jupa was DSQ under RRS 10, and Ephesian was DSQ under RRS14.
8. Ephesian appealed, claiming that she could not have avoided Jupa by changing course or speed.

#### Decision

1. RRS14 begins ‘A boat shall avoid contact with another boat if reasonably possible.’ This requirement means a boat must do everything that can reasonably be expected of her in the prevailing conditions to avoid contact. This includes keeping a good lookout while sailing in the starting area during the starting sequence, a time when boats are often close to one another and frequently change course.
2. The protest committee concluded that if either boat had seen the other a collision could have been avoided, even at the last minute, particularly if Ephesian had hailed Jupa when it was clear that Jupa was not changing course to keep clear. **Until that moment, rule 14(a) allows a right-of-way boat to delay acting to avoid contact.** It follows that at that moment she must begin to act in an effort to avoid contact. **The word ‘act’ is not restricted to changing course or speed. Hailing was an action that Ephesian could and should have taken.** Ephesian broke RRS14. Because the collision resulted in damage, the protest committee’s decision to disqualify Ephesian was correct (see RRS14(b) and 64.1). Her appeal is therefore dismissed.
3. Clearly, Jupa broke RRS10. As a result of the serious damage she suffered in the collision, she retired from the race and thus took the applicable penalty (see RRS44.1(b)). RRS64.1(b) prohibits penalizing her further. The disqualification of Jupa is reversed and she is to be scored RET.