

### **RYA 2011/3**

Rule 11 On the same tack, Overlapped

Rule 14 Avoiding Contact

*That a boat did not keep clear is a conclusion which can be reached only by applying the criteria in that definition. Contact may be evidence that a boat has already failed to keep clear.*

### **SUMMARY OF THE FACTS**

In F3-F4 winds, *Banjaard* (a 36 ft cruiser-racer) rounded the windward mark overlapped to windward of *Zoomers*, (an RS 400 dinghy). The next leg was a reach. *Zoomers* sailed lower to hoist her spinnaker, opening the gap to 25 metres. She then sailed higher, on a converging course. When she again came close to *Banjaard*, *Zoomers* began to bear away. *Banjaard* simultaneously began to luff. *Zoomers* capsized to windward, and her masthead ripped the spinnaker of *Banjaard*.

*Banjaard* protested, but was herself disqualified.

*Banjaard* appealed, asking whether all windward boats have to sail on the assumption that leeward dinghies might capsize to windward.

In answer to questions from the RYA, the protest committee stated that there would have been an almost immediate collision if *Zoomers* had held her course.

### **DECISION**

*Banjaard's* appeal is upheld to the extent that *Zoomers* is also disqualified.

As the windward of two overlapped same tack boats, *Banjaard* was required by rule 11 to keep clear of *Zoomers*. Contact is usually evidence that a failure to keep clear, as defined, has already occurred. The relevant test in the definition is whether the distance between the boats had closed to the point where *Zoomers* needed to take avoiding action. The RYA is satisfied that this point had been reached, given the certainty of almost immediate contact if *Zoomers* had held her course. *Banjaard* therefore broke rule 11.

*Banjaard* should have acted earlier than she did to try to keep clear. Had she done so, it would have been reasonably possible for her to avoid contact. She therefore also broke rule 14.

*Banjaard's* disqualification is upheld.

The change of course by *Zoomers* occurred at the point when it was clear that *Banjaard* was not keeping clear (see rule 14(a)). However, the RYA is satisfied that it was reasonably possible for her to change course at that moment without touching *Banjaard's* spinnaker. *Zoomers* therefore broke rule 14, and, since damage resulted (see rule 14(b)), she too is to be disqualified.

In answer to *Banjaard's* question, a capsize to windward by a leeward boat resulting in contact with the windward boat will not necessarily result in rule 11 being broken (see ISAF Case 77). In this case, the critical factor was not the contact, but the convergence of the courses and the closeness of the approach.

*Banjaard v Zoomers*, Guernsey Yacht Club