

RYA 2012/2

Rule 14, Avoiding Contact

Rule F2.1(a) [as prescribed by the RYA], Submission of Appeals

Definitions, Keep Clear

The time limit for notifying an appeal runs from receipt of the written decision of the protest committee.

A right-of-way boat risks penalization if she does not act to avoid contact involving damage immediately it is evident that the other boat is not keeping clear.

SUMMARY OF THE FACTS

Two Squibs were on a beat to windward with *Toy* on starboard and *Quickstep III* on port, on a collision course. *Quickstep III* completed a tack onto starboard a short distance ahead of *Toy*. *Toy* acted to avoid contact immediately the tack was complete but very shortly after, *Toy*'s bow hit *Quickstep III*'s transom.

In the initial protest hearing *Quickstep III* was found to have failed to give *Toy* room to keep clear and she was disqualified for breaking rule 15. However, at a reopening of the hearing it was found that *Quickstep III* had completed a two-turns penalty in respect of the incident and she was reinstated to her original finishing position.

Quickstep III appealed the decision on the grounds that *Toy*, having had time to take avoiding action, should have been disqualified for breaking rule 14 because the collision had caused damage.

In its comments on the appeal the protest committee questioned the timeliness of the notification of the appeal to the RYA since it was made more than 15 days after the decision had been given at the end of the hearing albeit within 15 days of the appellant receiving the written decision.

DECISION

The appeal is valid and is upheld. *Toy* is disqualified.

The RYA interprets its prescription as permitting the time limit to run from receipt of the written decision of the protest committee because the decision to appeal will often depend upon the exact words of the protest decision.

From the definition Keep Clear, a boat fails to keep clear at the moment that a right-of-way boat would need to act to avoid contact with her. That is also the moment after which a right-of-way boat risks penalization if she has not acted to avoid contact that results in damage. The RYA is satisfied that it was, or should have been, plain to *Toy* that *Quickstep III* was not keeping clear while she was tacking, as evidenced by the fact that *Toy*'s avoiding action, taken immediately *Quickstep III* had reached a close-hauled course, was unsuccessful. *Toy* did not act to avoid contact soon enough, although she could have done so, and, as there was contact resulting in damage, she is disqualified under rule 14.