

Judges Newsletter - From the Jury Desk

Notice 34 – June 2014

Canada's Anti-Spam Legislation

Canada has new anti-spam legislation which becomes effective on July 1st. When it comes into force, it will regulate the sending of commercial electronic messages without the recipient's consent, which includes messages to an email address, social networking accounts, and text messages sent to a cell phone. To comply with this new law, Talspar Inc. (the corporation which supports the distribution) is required to obtain your consent to continue sending you e-communications. These include the newsletter, publications, announcements, or other information which may be of interest to sailing officials.

Understanding this is a bit of inconvenience for the reader, please confirm your consent to receive emails and / or other electronic exchanges of concern to sailing officials.

Email: judges-newsletter@lists.talspar.ca

Subject line: Newsletter

In the body of the email: Keep me subscribed' in the body of the message.

IRO Write Back

From: Hank
Sent: April-02-14
Subject: RE: From the Jury Desk - Notice 33

Stuart
11:17

Hi Leo,

.... let me put out there while you are correct:

“... of course recognizing that SIs are strictly in the domain of the race officers. (Rule 90.2(a)). “

Let me also suggest rule 90.1 ... the RC PRO writes the SIs in consort with the OA and the class.

Appendix L (Sailing Instructions Guide) is a great place to start when writing the SIs.

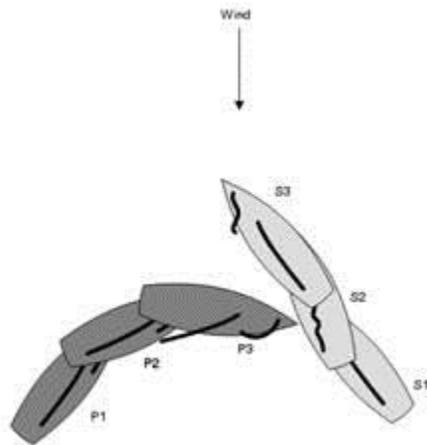
Hank,

Thanks for reminding me the input of the classes and the OA.

Leo

Rules Discussion

Case 88 - A boat may avoid contact and yet fail to keep clear



Summary of the Facts

S and P, two keelboats about 24 feet (7 m) in length, approached each other on a windward leg, sailing at approximately the same speed in 12 to 15 knots of wind and 'minimal' sea conditions. S was slightly ahead.

When approximately three hull lengths away, S hailed 'Starboard' and did so again at two hull lengths, but P did not respond or change course. At position 1 both boats changed course at the same moment.

S, fearing a collision, luffed sharply intending to tack and thereby minimize damage or injury, and P bore away sharply. As soon as she saw P bear away, S immediately bore away also. P, with her tiller turned as far to port as it would go, passed astern of S within two feet (0.6 m) of her. There was no contact. S protested under rule 10.

The protest committee decided that P did not break rule 10. It then considered whether S had broken rule 16.1 or 16.2 by luffing and then immediately bearing away. It concluded that she had not, after finding that her course changes did not affect P, which was already making a severe course change that would have been necessary even in the absence of S's actions.

S's protest was dismissed, and she appealed.

Decision

S's appeal is upheld. P is disqualified for breaking rule 10. Rule 10 required P to 'keep clear' of S. 'Keep clear' means something more than 'avoid contact'; otherwise the rule would contain those or similar words. Therefore, the fact that the boats did not collide does not necessarily establish that P kept clear.

The definition Keep Clear in combination with the facts determines whether or not P complied with the rule. In this case, the key question raised by the definition is whether S was able to sail her course 'with no need to take avoiding action'. The following considerations lead to the conclusions that P failed to keep clear of S and therefore broke rule 10:

(1) The courses of the boats when the incident began. They were on collision courses, which meant that at least one of them would have to change course.

(2) The distance between the boats at the moment both boats changed their courses. At position 1, if neither boat had changed course, P's bow would have struck the leeward side of S after the boats had sailed approximately two-thirds of a hull length.

(3) The estimated time remaining before contact. When both boats changed course there was very little time remaining before a collision would have occurred. For example, at a speed of five knots one of these boats would travel two-thirds of her length in 1.9 seconds. At six knots it would be 1.5 seconds.

(4) The extent of the course change needed by each boat to avoid a collision. This increased as the boats came closer. At the time P changed course, the change required was such that 'with her tiller turned as far to port as it would go' she passed S's stern 'within two feet' (0.6 m). At the same moment, the course change S would have needed to avoid P if P did not change course was approximately 90 degrees because S would have had to tack.

(5) The time required by either boat to make the necessary course change. This factor was itself determined by several others: the boat's weight and speed, her underwater hull shape, the size of her rudder, the sail handling required, and wind and sea conditions.

When the boats reached position 1 in the diagram, P was not keeping clear. A collision was imminent, and almost unavoidable, as shown by the fact that with helm hard over P passed less than two feet (0.6 m) from S's stern. At that diagram position, S had no assurance that P had heard her hails, or was preparing to change course, or even that P was aware of the presence of S. Also, P had sailed beyond the point at which she should have borne off, either to minimize the time and distance to reach the windward mark or to sail a course chosen for tactical reasons. For all these reasons, S was clearly unable to sail her course 'with no need to take avoiding action' and so P broke rule 10. S was fully justified in expecting a collision and in concluding that only her action would prevent it. There is no need to address the question of whether or not S broke rule 16.1 or 16.2 because, by the time S changed course, P had already broken rule 10, and S, acting as required by rule 14, changed course to avoid a collision. Even if the facts had indicated that S had broken rule 16.1 or 16.2, she would have been exonerated as provided in rule 64.1(a).

Another View

Racing Rules: How much room is enough room?

Scuttlebutt 5046 - Published on April 3, 2014

by Editor by *Jos M. Spijkerman, International Judge/Umpire*

In a great many rules a boat is entitled to "room". Room to keep clear, room to sail a proper course, room to tack, etc. etc. Even the definition "Mark-room" starts by giving room to pass the mark on the required side.

Frequently I get questions about room involving a specific distance; "If I keep half a meter away from the other boat, do I give enough room?" or "10 centimetres was enough, wasn't it?"

Sometimes I feel almost guilty in having to answer: “It depends”. The actual space and time a boat is entitled to when she’s been given room under the rules is depending on a number of factors. These factors are all described in the definition of “ROOM”;

Room: *The space a boat needs in the existing conditions, including space to comply with her obligations under the rules of Part 2 and rule 31, while manoeuvring promptly in a seamanlike way.*

Let’s go over these factors one by one:

Existing conditions;

These include things like wind-strength, wave-height and all other environmental conditions. A boat needs more distance in high wave, hard wind conditions than in no waves and low wind. If there are rolling waves shifting the boat to one side, the distance it needs is bigger than when these waves are not there. But existing conditions also include the boat-type. You can imagine that a laser doesn’t need as much room as say, a tornado, or a 12 meter yacht.

Manoeuvring promptly;

A boat is entitled to the room it needs to do the manoeuvre efficiently and promptly. But she does not get more room, if the crew are beginners who need more time and space to, for example hoist a spinnaker, or gybe or any other manoeuvre. The rules make no allowances for incompetent boat handling. If you are still learning you better make sure you do it away from other boats, because mistakes may result in being protested for taking too much room.

In a seamanlike way;

You are allowed to manoeuvre in a seamanlike way; that is to say with sufficient regard for the safety of the boat and crew. The room you are entitled to, is not so small that only, for instance, a crash-gybe, is possible. Especially rule 15 and 16 are interpreted that way. A keep-clear boat must do everything to keep clear, but not so that only an unsafe – “unseamanlike” – manoeuvre accomplishes that. Than the room provided is not enough.

Including space to comply with her obligations under rules of Part 2 and rule 31;

This addition is from the latest rulebook. But in fact it was already more or less done that way for a long time. The middle boat in a three boat overlapped mark rounding has to give mark-room to the inside boat and that means that the outside boat has to give that middle boat room to not only round the mark in the existing conditions, manoeuvring promptly in a seamanlike way, but also room to be able to give room to the inside boat, which is more room than the previous three conditions provided.

In summary;

If you consider all these conditions, then you can make an educated guess on the distances involved. An experienced sailor can usually tell if a boat takes more room than the definition provides. As a jury-member I usually ask the sailors at the table, if I don’t know the boat well enough. And also going out on the water observing the racing boats can tell you a lot.

And finally the principle of last certainty applies. Only when it is quite clear that a boat is taking more room than she is entitled to, can you start concluding that a rule might be broken.

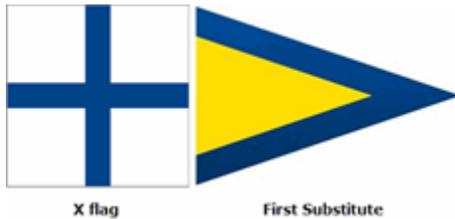
OCS: Are we missing something?

Published on June 3, 2014

by Editor by Mike Butterfield (IRO, IU, IJ) GBR

Boats that are OCS are one of the big problems for race officers. We do have a number of tools at our disposal to deal with it but I wonder if we are missing a trick.

At the moment our first line of defense is the raise the “X” (Individual Recall) with its sound signal and as an alternative we can have a general recall with “First Substitute” (General Recall) and its two sounds. It just depends on how confident (and quick) we are in identifying the boats OCS before we make the decision.



We know with “X” we have about 5 seconds and this year I had one start where it stretched to 13 and Redress was given to the sailors. Incidentally as they did not return (which would have taken time), they were given a 20% place penalty by the RYA Appeals panel.

In our race management training we accept we will not identify all boats OCS and ask our pin, what they have, and they reply with two numbers, those they have as over and those they can identify. From this and our observations we see if we have most boats and make our decision “X” or “First” sub.

Now we know ISAF have Race Management policies for the Olympics and ISAF events which covers this point. In these guidelines we are told “When the race management team is satisfied that all boats over the line have been identified, an Individual Recall will be signaled.”

Now we have just noted we differ from the guidelines, by our two number system, to get a good percentage of boats identified before we call Individual Recall. What may be needed for the ISAF events is not what we necessarily need to worry about for fair day to day racing.

ISAF say in their Race Management Policies:

“The Race Management Team will not signal an individual recall and then a general Recall.”

Now I have never seen it done, and nothing is said of it in training race officers, so it appears to be universally accepted – BUT WHY?!

To me within the time constraints we have (and put at 5 seconds) we have little enough time on the average start line to enable us to decide if we have identified all or most of the boats that are OCS.

What we do know is that we have OCS boats so it seems sensible to call for an “X” with its signal so we have this option available and we may see who starts to return relative to the numbers identified.

If after we have consulted our ARO (pin) and DRO (on committee boat) we are not satisfied we have identified enough boats what is unfair in going for the First Sub at this point. There does not appear to be an issue of fairness as we have called them all back.

I can see no real downside to this approach and would like to advocate we adopt this as a sound race management practice, or at least open a discussion on it. Anything that might save a good start is worth trying, and we know often if we go for general recalls we are rewarding those who pull the start over and force us to move to the Black Flag.

I think this new approach could assist in our race management practices and I ask you to consider it.

Editor’s Note

Sail Canada’s Race Management program does recommend the above practice.

Log Book Entry

"When an old man dies, a library burns to the ground." African Proverb

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Leo Reise – Editor  
CAN-IJ