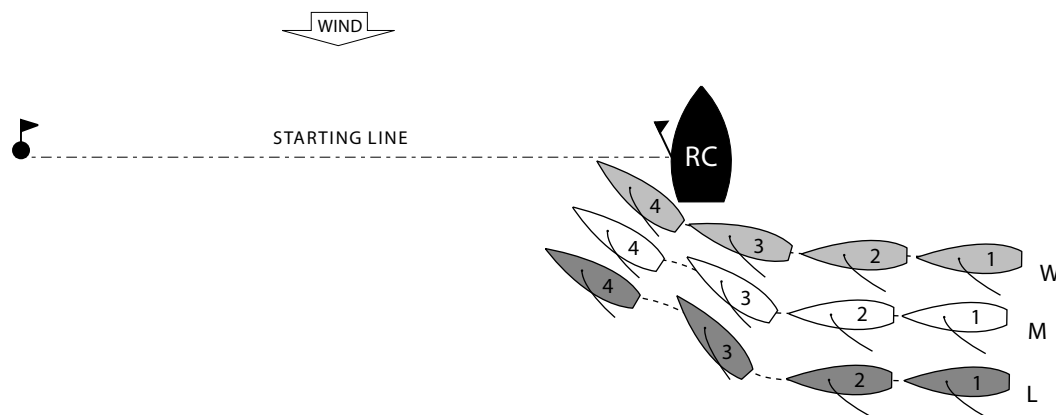


**APPEAL 117***Us2 vs Soulshine and Still Crazy***Definitions, Room****Rule 11, On the Same Tack, Overlapped****Rule 16.1, Changing Course****Part 2, Section C Preamble****Rule 21, Exoneration**

*When boats are passing a race committee boat and a leeward boat luffs, rule 16.1 requires her to give the windward boat room to keep clear, which includes room to avoid touching the committee boat or breaking a rule of Part 2.*

**Facts and Decision of the Protest Committee**

*Us2* (L), *Soulshine* (M) and *Still Crazy* (W) were approaching the race committee signal boat, overlapped on starboard tack, to start. As W was passing astern of the committee boat, L luffed. M luffed slightly but was unable to respond further to L's luff without hitting W. W luffed slightly but was unable to respond further to M's luff without hitting the committee boat. L and M bore away to avoid contact. L protested.

The protest committee disqualified W under rule 11, claiming that she should not have sailed between the leeward boat and the committee boat and that she was "barging." W appealed.

**Decision of the Appeals Committee**

The race committee signal boat was both a mark and an obstruction for L, M and W (see the definitions Mark and Obstruction). However, because the committee boat was surrounded by navigable water and L, M and W were approaching it to start, the rules in Section C of Part 2 (specifically rules 18 (Mark-Room) and 19 (Room to Pass an Obstruction)) did not apply. Accordingly, L was under no obligation to give M and W room to pass the committee boat, and M was under no obligation to give W room to pass the committee boat.

At positions 1 and 2, L and M were able to sail their courses with no need to take avoiding action, and could change course in both directions without immediate contact. Therefore M and W were keeping clear as required by rule 11 (see definition Keep Clear).

When L luffed (changed course) at position 3, she was required by rule 16.1 to give M and W room to keep clear. This obligation applies even when boats are passing the committee boat and are about to start. “Room” is the space M and W needed to keep clear of L while also complying with their obligations under the rules of Part 2, which includes rules 14 (Avoiding Contact) and 16.1, and rule 31 (Touching a Mark). See Case 114. M luffed as far as she could without risk of having contact with W. M was also required by rule 16.1 to give W room to keep clear which was the space W needed to keep clear of M while also complying with her obligations under the rules of Part 2 and rule 31. W luffed as far as she could without risk of touching the committee boat which would have broken rule 31. By bearing away, both L and M gave M and W room to keep clear in compliance with rule 16.1.

At position 3, L and M were unable to sail their courses with no need to take avoiding action; therefore M and W broke rule 11. However, as M and W were sailing within the room to which they were entitled under rule 16.1, they are exonerated under rule 21(a).

W’s appeal is upheld, the decision of the protest committee is reversed, and W is reinstated in her finishing place.

Note: The term “barging” is not used in *The Racing Rules of Sailing*. The term is commonly used to refer to the situation where a leeward boat (L) is holding her course and a windward boat (W) sails between the committee boat and L and either hits L or forces L to bear off to avoid contact. In such a case W breaks rule 11 and is not exonerated because L is holding her course and, therefore, rule 16.1 does not apply.

*January 2018*