

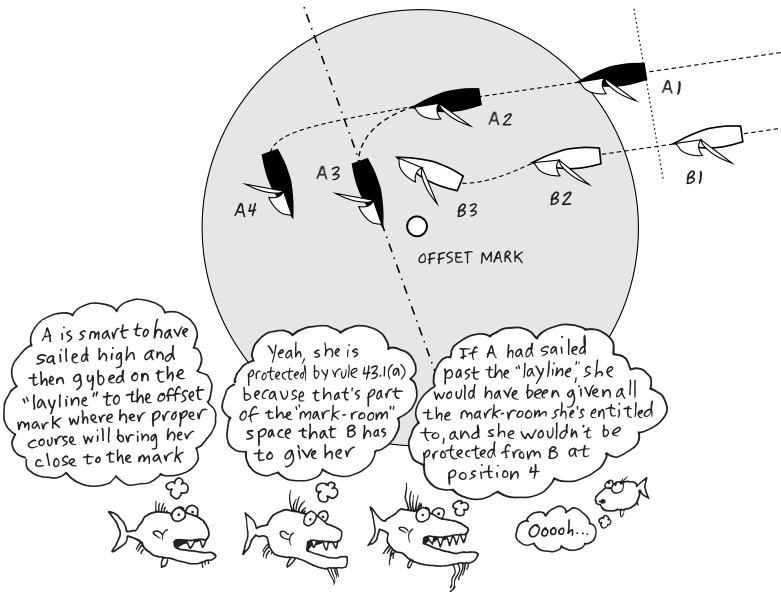
RULE 43 — EXONERATION

RULE 43.1(b)

When a boat is sailing within the *room* or *mark-room* to which she is entitled and, as a consequence of an incident with a boat required to give her that *room* or *mark-room*, she breaks a rule of Section A of Part 2, rule 15, 16, or 31, she is exonerated for her breach.

RULE 43.2

A boat exonerated for breaking a *rule* need not take a penalty and shall not be penalized for breaking that *rule*.



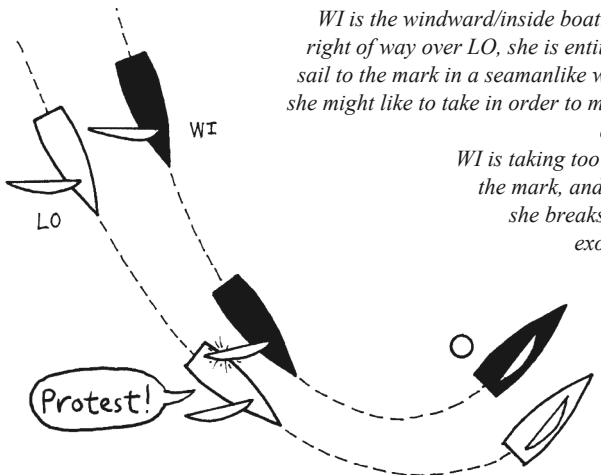
“Exonerated” means freed from having to take a penalty or otherwise being penalized for breaking the rule. So if the boat ahead or the inside boat (AI) is a keep-clear boat and she is sailing within the *mark-room* to which she is entitled (meaning she is rounding the *mark* in a seamanlike way) and she fouls the other boat (BO) or touches the *mark*, BO breaks rule 18.2(b) (Giving Mark-Room) and AI is exonerated for breaking a rule of Part 2, Section A or rule 31 (Touching a Mark). And if AI is a right-of-way boat and while rounding the *mark* in a seamanlike way (i.e., within the *mark-room* she is entitled to) she has to change course and she fails to give BO *room to keep clear*, BO breaks rule 18.2(b) and AI is exonerated for breaking rule 16.1 (Changing Course).

This is a common sense rule. If you are entitled to *room* at the *mark*, you should be able to sail your course to and around that *mark* without concern for the boats required to give you *mark-room*. And those boats should be able to easily anticipate the course you are going to sail around the *mark* and give you the *room* you need to sail it.

“Do I need to protest the outside boat so the protest committee can exonerate me?”



No. Rule 43.1(b) tells you that you are exonerated at the time of the incident. But if someone protests the incident, the protest committee will decide if you were entitled to exoneration; and if it decides you weren't, then it will penalize you (see rule 64.2, Penalties).



WI is the windward/inside boat. Because she does not have right of way over LO, she is entitled only to enough space to sail to the mark in a seamanlike way, as opposed to the space she might like to take in order to make a tactical “swing wide-cut close” type of rounding.

WI is taking too much room while sailing to the mark, and by hitting the leeward boat she breaks rules 11 and 14, and is not exonerated under rule 43.1(b).

Note that exoneration for breaking rule 16 (Changing Course) only applies when rule 18 (Mark-Room) or 19 (Room at an Obstruction) applies. For instance, when boats are approaching a starting *mark* surrounded by water (like a race committee boat) to *start*, rules 18 and 19 do not apply (preamble to Section C). So both before and after the starting signal, rule 16.1 applies and right-of-way boats must give *keep clear* boats *room* to *keep clear* **anytime** they change course. The same applies at a windward *mark* when a *starboard-tack* boat (S) is bearing away around the *mark* and a *port-tack* boat (P) is approaching the *mark*. Because P is “approaching” the *mark* and S is “leaving” it, rule 18 does not apply (rule 18.1(c)), and therefore rule 16.1 does apply to S; i.e., S must be careful as she changes course near P (see discussion of rule 16).

Also note that rule 43.1(b) does **not** exonerate a boat for breaking rule 14 (Avoiding Contact), so all boats rounding *marks* must be careful to avoid any contact, and particularly any contact that causes damage or injury.



“Can you explain how this all works at an offset mark or the mark at the end of the first reaching leg on a trapezoid course?”

Sure. Commonly, fleets will sail on a short reaching leg after the windward *mark* and then round an “offset” *mark* to begin the downwind leg where boats will sail on both *tacks*, or they will round a *mark* at the end of the first reaching leg onto a downwind leg on a trapezoid course. Let’s say Boats A and B are reaching on starboard tack to leave the mark to port. A enters the zone clear ahead of B, so B must give A mark-room under rule 18.2(b)). A wants to gybe and begin sailing the downwind leg on port tack. She knows that she is not “protected” by rule 43.1(b) (Exoneration) if she gybes around the mark because she does not need to gybe to begin sailing the next leg.

A sails high so that she would pass the mark about a length to windward of it. When A gets to the point where her proper course on port tack would bring her close to the mark (within a couple of feet of it), she gybes to port tack. Because mark-room includes room for A “to sail to the mark” when her proper course is to sail close to it, A is sailing within the mark-room to which she is entitled, and A is exonerated by rule 43.1(b) if she breaks rule 10 (port/star-board); i.e., she is “protected” by rule 43.1(b). Furthermore, when A gybes, B becomes overlapped inside A and becomes required to also give A room to sail her proper course under rule 18.2(c)(2) until A has been given mark-room.

However, if A had stayed on starboard tack and sailed past the point where her proper course on port tack would have brought her close to the mark (call it the “port layline” to the mark), she is no longer entitled to room to sail to the mark. While still on starboard tack A had been given room to leave the mark to port, and to bear away to the course needed to sail the course with no risk of touching the mark. Therefore A had been given mark-room, and rule 18 ceased to apply, meaning that if she gybed to port tack after that point, she would be required to keep clear of B under rule 10 (On Opposite Tacks).

Next, the question of how much room an outside boat must give to an inside boat depends on whether the outside boat is a “right-of-way” boat or a “keep-clear” boat.