

In position 1, the boats are on opposite tacks; therefore S has right of way over P under rule 10.

In position 2, both boats are on the same tack; therefore SB must keep clear of SA under rule 12.

RULE 10 — ON OPPOSITE TACKS

When boats are on opposite tacks, a port-tack boat shall keep clear of a starboard-tack boat.

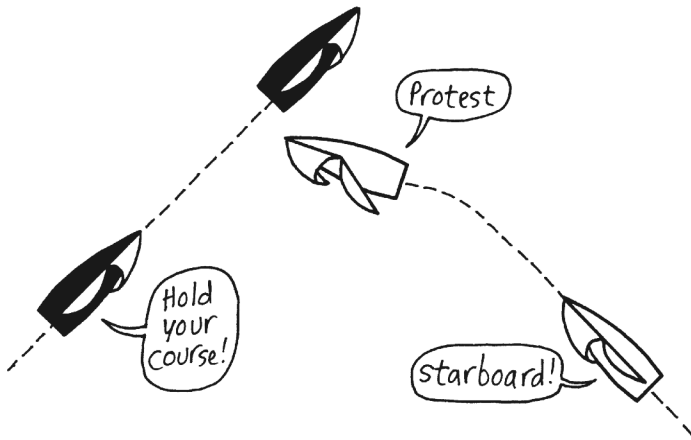
This basic rule applies to boats that are on **opposite tacks**. When boats are on the **same tack**, rules 11 (*windward/leeward*) and 12 (*clear astern/clear ahead*) apply. Thus, if on a downwind leg a *starboard-tack* boat comes up from behind and runs into a *port-tack* boat (assuming no damage or injury), who will be penalized under the rules? The *port-tack* boat under rule 10, because the two boats are on *opposite tacks*.



“If I’m on a beat converging with a port-tack boat and she hails “Hold your course,” is that hail binding on me?”

No. Appeal 27 reads, “In response to the questions regarding a boat that has been hailed to hold course, it is permissible to hail, but the rules do not recognize such a hail as binding on the other boat. S can tack or bear away at any time she is satisfied that a change of course will be necessary to avoid a collision.”

My opinion is that in order for the *port-tack* boat to be liable for failure to *keep clear*, it is important that as they approach each other, the *starboard-tack* boat hold her course as long as she can do so with safety. I recommend that when *port-tack* boats are about to cross close in front of *starboard-tack* boats, P should hail “Hold your course” or otherwise alert S that P is there, she realizes it’ll be close, and she wants S to hold her course for as long as possible.



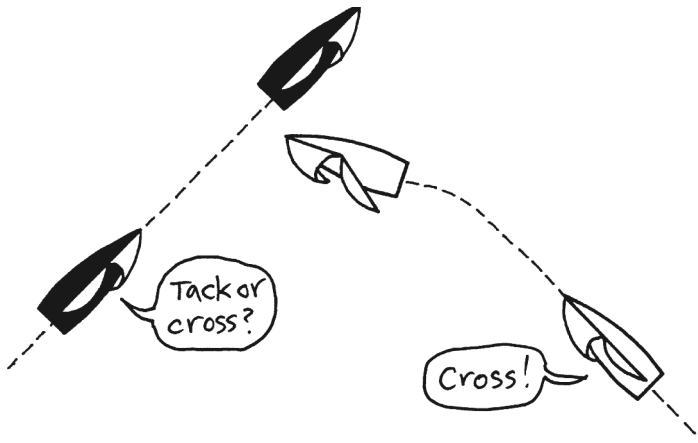
Though it is common for P to hail “Hold your course” to assure S that P is aware that she’s there and to encourage S to give her every opportunity to try and cross, S is in no way bound by that hail to actually do so. S may bear away or tack at any time she has a reasonable concern that her change of course is necessary to avoid a collision.

“Okay, but do I have to hit the port-tacker to prove there was a foul; and if there is no contact, whom is the ‘onus of proof’ on?”



S does NOT have to hit P to prove that P failed to *keep clear*. S should avoid the collision and protest. Though the rule itself contains no specific “onus” (i.e., an assignment of responsibility to one boat or the other to prove the other boat’s guilt), Case 50 discusses the whole issue, including the question of “onus of proof:” “Rule 10 protests involving no contact are very common, and protest committees tend to handle them in very different ways. Some place an onus on the port-tack boat to prove conclusively that she would have cleared the starboard-tack boat, even when the latter’s evidence is barely worthy of credence. No such onus appears in rule 10. Other protest committees are reluctant to allow any rule 10 protest in the absence of contact, unless the starboard-tack boat proves conclusively that contact would have occurred had she not changed course. Both approaches are incorrect.

“A starboard-tack boat in such circumstances need not hold her course so as to prove, by hitting the port-tack boat, that a collision was inevitable. Moreover, if she does so she will break rule 14 (Avoiding Contact). At a protest hearing, S must establish either that contact would have occurred if she had held her course, or that there was enough doubt that P could safely cross ahead to create a reasonable apprehension of contact on S’s part and that it was



A long standing universally accepted tactic is for S to “wave” P across for tactical reasons (S is on the layline, or unable to tack, or simply wants to continue sailing on starboard tack). P often initiates the communication by calling “Tack or Cross?”. S indicates to P that P can safely cross with a hand gesture and/or hail. S typically bears away soon enough to allow her to smoothly head up and pass close astern of P, which is before S may actually “need” to bear away to avoid hitting P. However, regardless of where she bears off, S would never protest P in this situation because S is “waving” P across, and it would be considered unsportsmanlike to protest in this situation.

unlikely that S would have ‘no need to take avoiding action’ (see the definition Keep Clear).

“In her own defence, P must present adequate evidence to establish either that S did not change course or that P would have safely crossed ahead of S and that S had no need to take avoiding action. When, after considering all the evidence, a protest committee finds that S did not change course or that there was not a genuine and reasonable apprehension of collision on her part, it should dismiss her protest. When, however, it is satisfied that S did change course, that there was reasonable doubt that P could have crossed ahead, and that S was justified in taking avoiding action by bearing away, then P should be disqualified.”

In Case 88, P and S were converging on an upwind leg. When three and then two lengths away, S hailed “Starboard” but P held her collision course. When just under two lengths away, and fearing a collision, S luffed to try to minimize the contact at the same moment P bore away sharply. S then bore away sharply to pull her transom out of P’s way. P passed astern of S within two feet; there was no contact. The protest committee dismissed S’s rule 10 protest against P and S appealed.

In its decision, the appeals committee says, “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.’” After listing all the considerations it took into account, the appeals committee concluded that S did have a need to take avoiding action, and disqualified P for breaking rule 10.

“I’ve seen starboard-tack boats intentionally wave port-tack boats across them. Can you discuss that?”



Sure. There are many times in a race when a *starboard-tack* boat (S) is approaching a *port-tack* boat (P) where P cannot cross S. For tactical reasons, S does not want P to tack in front or close to leeward of her. Maybe S is on the starboard-tack layline to the windward *mark*, or S cannot tack away because of boats to windward of her, or maybe S just wants to continue sailing on *star-board tack* for strategic reasons. S will tell P it is safe to cross her, and will bear away and avoid hitting P if need be.

The safest way for S to communicate this to P is to make eye contact with the skipper of P and make a clear hand gesture “waving” P across. A hail such as “Cross” can also be made. Often P will initiate this communication by hailing “Tack or Cross?” Beware of hailing “Go!” because “Go” sounds like “No.” But until P is 100% certain that S is “waving” her across, P should plan on *keeping clear* by tacking or ducking S.

If S has to bear away to avoid P, typically she does so at a time where she can do a smooth early bear away and be luffing up to a close-hauled course as she passes P’s stern. This bear away will be done before she “needs” to bear away to avoid contact with P. Therefore, P has *kept clear* and not broken rule 10 (On Opposite Tacks) (see the definition *Keep Clear*). However, regardless of where she bears off, S would never protest P in this situation because S is “waving” P across. This is a long standing and universally accepted tactic, and it would be considered unsportsmanlike to protest in this situation (see rule 2, Fair Sailing).