







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).