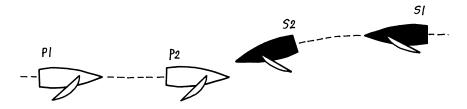
UNDERSTANDING THE RACING RULES OF SAILING THROUGH 2028 RULE 16 — CHANGING COURSE

RULE 16.1

When a right-of-way boat changes course, she shall give the other boat *room* to *keep clear*.

Rule 16.1 contains one of the most fundamental principles in the rules. Simply put, when a right-of-way boat changes her course near a keep-clear boat, she must be aware of the space and time the keep-clear boat will need to stay clear of her, assuming the keep-clear boat reacts and maneuvers promptly in a seamanlike way; and she must be sure to give her that **space** and **time**.

Let's get into this extremely important rule. Rule 16.1 is clearly talking to right-of-way boats (see Case 52). When two boats are about to collide, the keep-clear boat has the obligation to *keep clear*. The only way she can decide how to do this is if she can accurately figure out where the right-of-way boat is going. It would be chaos if just as a *port-tack* boat was reaching by a *star*-



S has the right of way over P. But rule 16.1 requires that S not change her course so close to P that P does not have room to keep clear. So despite having the right-of-way, S needs to be careful when changing course near P.

board-tack boat, S could suddenly and unexpectedly turn and hit P. The purpose of rule 16.1 is to protect keep-clear boats from unpredictable or last-second changes of course by right-of-way boats which, in essence, prevent the keep-clear boat from being able to *keep clear*.

"So if I'm on starboard tack near a port-tack boat, rule 10 doesn't allow me to steer any course I want to?"

Absolutely not. That is exactly what rule 16.1 is designed to prevent. Rule 16.1 does not shift the right-of-way between two boats; it is simply a common-sense "limit" on the right-of-way boat requiring her to limit her course changes when a keep-clear boat is close by and trying to *keep clear*.

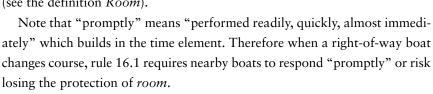
Notice that rule 16.1 only applies to a "change of course." It in no way applies to a change in your boat's speed, sail trim or angle of heel. When P reaches by just to windward of S such that S momentarily loses her wind, thereby straightening up and hitting P's mast, P is wrong under rule 10 (On Opposite Tacks). Of course, rule 2 (Fair Sailing) is available to P if she suspects that S deliberately tried to hit her in an unfair manner (see the discussion of rule 2).

"If I'm making a smooth turn toward a keep-clear boat, am I considered to be 'changing course' if I continue the arc of my turn?"

Appeal 33 says, "...a boat changes course when she sails the arc of a circle or any other course where she changes direction, whether or not she moves her helm...To change course means to change the direction in which the boat is heading...". That tells us that "course" in rule 16.1 refers to the boat's straightahead or "compass" course. Therefore, whenever a boat is turning, it is changing "course." It also refers to its fore and aft or "directional" course; i.e., when a boat that was moving forward begins to move astern, it has also changed "course" (see Appeal 33; see also rule 21, Starting Errors; Taking Penalties; Backing a Sail).

"*C* "Okay, so if I'm a right-of-way boat and want to change course near another boat, what exactly does rule 16.1 require that I give her?"

You need to give her "*room* to *keep clear*" of you. She is *keeping clear* of you when you can sail your straight-ahead course with no need to take action to avoid hitting her; and if you are *overlapped*, if you can also change course in both directions without immediately hitting her. The *room* you have to give her is the "space" and "time" she needs to get far enough away from you so that you can sail your course, assuming she acts promptly in a seamanlike way (see the definition *Room*).



However, "seamanlike" means "responsible, prudent, safety conscious." Therefore, you have to be sure that your course change doesn't force the keepclear boat to put their or your boat's crew, boat or equipment at risk of damage or injury by the need to make a sudden, hurried or extreme maneuver. For instance, forcing a *windward* boat to sail head to wind with a spinnaker up in heavy air may be considered "unseamanlike" as it may put their spinnaker at great risk of tearing.

"Does 'room' take into account the experience or the number of the crew on board the boat?"

No. Case 103 addresses this head on by saying, "Neither the experience of IW's crew nor their number is relevant in determining 'room'...the interpretation of 'seamanlike way' must be based on the boat-handling that can reasonably be expected from a competent, but not expert, crew of the appropriate number for the boat."

Also note that the definition *Room* makes it clear that your course change can't force a keep-clear boat to foul another boat or touch a *mark*. You need to be aware of the space the keep-clear boat has around her to get away from you.

"If a port-tack boat is bearing away to go astern of me, can I hunt down (bear away) and force them to bear away more to avoid me?" Absolutely not. Rule 16.2 is known as "the anti-hunting" rule.

RULE 16.2

In addition, on a beat to windward when a *port-tack* boat is *keeping clear* by sailing to pass to leeward of a *starboard-tack* boat, the *starboard-tack* boat shall not bear away if as a result the *port-tack* boat must change course immediately to continue *keeping clear*.

The idea here is that if P has conceded that S is ahead in the race, and is steering a course that will take her behind S (she's "ducking" S), S can't bear away (turn away from the wind) so close to P that P would "immediately" need to change her course to continue to avoid S. This permits P to safely pass close to leeward of S without the risk of hull or spar contact if S were permitted to bear away and "hunt" P as she was ducking.

So, there are basically two questions the right-of-way boat will need to consider before changing course near another boat (these will be the same two questions the protest committee will have to answer in a protest involving rule 16):

- 1) When I change my course, will the other boat have enough "space" and "time" to get away from me "promptly" without having to make an "unseamanlike maneuver" to do so (rule 16.1)?
- 2) If it is after the starting signal and we're on a beat to windward, and if I am on *starboard tack* converging with a *port-tack* boat that is about to safely pass behind me, will I be able to bear away without making the port-tacker have to make an "immediate" course change to continue safely passing behind me (rule 16.2)?

If the answer to either of these questions is "No," then the right-of-way boat will break rule 16.1 and/or rule 16.2 if she changes course near the other boat. Clearly, the questions must be answered depending on the circumstances at the time, and for that reason it is impossible to project a hypothetical

- 1) the distance between the boats;
- 2) the speeds and sizes of the boats;
- 3) the angles at which they are converging;

distance apart. The major considerations will be:

- 4) the visibility between the boats;
- 5) the amount of course change by the right-of-way boat;
- 6) the amount and difficulty of the boat handling required by the keep-clear boat to *keep clear*; and

7) the reasonableness of the keep-clear boat's attempt to *keep clear*.

Having said all this, I will say that as a conservative and safe rule of thumb in most boats, any course change by the right-of-way boat when closer than two lengths from the keep-clear boat is risky.

"The rule does not say "after the starting signal," so why did you use that phrase above; and when is a boat "on a beat to windward?"

A boat is "on a beat to windward" when the course she would sail in the absence of other boats to get to the windward mark as soon as possible is closehauled or above, or she is sailing below close-hauled because she has overstood the close-hauled layline to the mark (see Case 132). Before the starting signal, boats are not "on a beat to windward."

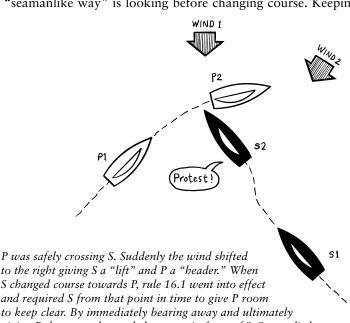
LET'S LOOK AT SOME COMMON SITUATIONS when rules 16.1 and 16.2 will come into play.

When a *port-tack* boat (P) and a *starboard-tack* boat (S) are converging on a beat:

Situation 1: P will cross S by half a boat-length or so. When about two lengths apart, S hails "Starboard" and makes a medium fast luff toward P. P, who has been watching S, continues for a couple of seconds, realizes she cannot cross S safely, and makes a routine tack to *starboard tack* on S's lee-bow. S could continue straight-ahead, but decides to tack away to avoid P's bad air.

Resolution: When the boats are converging, P is required to *keep clear* under rule 10 (On Opposite Tacks). When S changes her course near P, she is required to give P *room* to *keep clear* (rule 16.1). P is able to tack in a seaman-like way to continue *keeping clear* of S. S is able to sail her course without concern of hitting P. Therefore S gives P the *room* she needs to *keep clear*, and P does *keep clear*. Neither boat breaks a *rule*.

Situation 2: Same scenario as above but the boats are a bit closer together when S luffs towards P. P tacks immediately in response to S's luff. P's tack is a routine tack to *starboard tack* on S's lee-bow. S tacks away to clear her air. **Resolution:** Note that rule 16.2 does not apply (because P is not sailing to pass to leeward of S), so the fact that P had to "immediately" change course to avoid S is not, in and of itself, proof of a breach of rule 16.1 by S. If in fact P's tack was "seamanlike," then P properly *kept clear* under rule 10, and S properly gave P *room* to *keep clear* under rule 16.1. But part of sailing in a "seamanlike way" is looking before changing course. Keeping in mind that

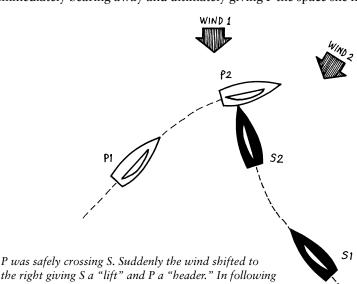


S changed course towards P, rule 16.1 went into effect and required S from that point in time to give P room to keep clear. By immediately bearing away and ultimately giving P the space she needed to cross in front of S, S complied with her obligation to give P room to keep clear. For a brief period in time, S is taking action to avoid P, so P is technically breaking rule 10 (port/starboard). But because P is sailing within the room she is entitled to under rule 16.1, she is exonerated by rule 43.1(b) for her momentary breach of rule 10.

P does not need to anticipate the fact that S "might" change course near her, if S gets so close to P before luffing that P will need to tack immediately, typically P will not have time to look over her shoulder to see if she is clear to tack, let alone prepare her crew for the tack, and S will break rule 16.1 if P fails to *keep clear*.

Situation 3: P will cross S by half a boat-length or so. When about one length apart, S hails "Starboard" and makes a medium fast luff toward P, putting the two boats on a collision course. P holds her course to get across S as quickly as she can (tacking would make matters worse because she would be turning directly in front of S). To avoid contact, S immediately bears away and protests.

Resolution: When S begins changing course towards P, rule 16.1 goes into effect, and it requires S from that point in time to give P *room* to *keep clear*. By immediately bearing away and ultimately giving P the space she needs to cross



the right giving S a "lift" and P a "header." In following the "lift" S changed course so close to P that P was unable to keep clear. Therefore S broke rules 16.1 and 14(a) (by failing to avoid contact), and P is exonerated by rule 43.1(b) for her breach of rule 10 (port/starboard).

in front of S, S has complied with her obligation to give P *room* to *keep clear*. For a brief period in time while S is bearing away to ultimately give P *room* to *keep clear*, S is taking action to avoid P, so P is technically breaking rule 10 (On Opposite Tacks) (see the definition *Keep Clear*). But because P is sailing within the *room* to *keep clear* she is entitled to, she is exonerated by rule 43.1(b) (Exoneration) for her momentary breach of rule 10. Neither boat is penalized (See Case 147).

Situation 4: P bears away to "duck" (pass to leeward of) S. When a length and a half away, S bears away towards P and P has to immediately bear away further to avoid S. S luffs back up to close-hauled and P safely passes close astern of her. P protests.

Resolution: By bearing away, P is *keeping clear* of S by sailing a course to pass to leeward of S. When S changes her course, P needs to immediately bear away further to *keep clear* of S. By causing P to have to immediately change her course to continue *keeping clear*, S breaks rule 16.2. This is so even though S gives P space to *keep clear* in a seamanlike way; i.e., S does not break rule 16.1. (See Case 92.)

BOTTOM LINE: Rule 16 is very strict, and S must be very careful with her course changes when near P. Again, course changes when closer than two lengths from the keep-clear boat are risky.

"I assume from all this that if I get a wind shift on a beat, I can't follow the shift and hit a port-tack boat that is just crossing my bow?"

That's absolutely right. Rule 16.1 applies to any course change, regardless of the reason (with one exception when rounding a mark; see discussion of rule 43.1(b), Exoneration). If you find yourself in the situation where P is crossing you and you get a favorable wind shift and want to head up and pass close astern of P, but you know that P doesn't have *room* to tack away after you head up, simply let P know, with a hail or a wave, that she can continue on across you as you head up to pass close astern of her.

"Do I have to hail before changing my course? And if I do warn the other

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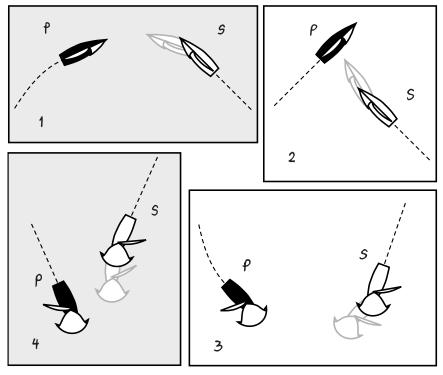
boat with a hail that I am about to change course toward them, does that count as 'giving room'?"

No and No. First, the rule does not require a hail. Second, the rule begins "When a boat changes course," which means that the test of whether you gave *room* will begin after you actually change your course. However, a clear hail alerting the keep-clear boat that you are about to change course is strong evidence that you intend to give her *room* to *keep clear* when you do change course, and makes it more likely she will be prepared to respond promptly, and is therefore strongly recommended.

When a port-tack boat (P) and a starboard-tack boat (S) are on a downwind leg:

Situation 1: P will cross S by half a boat-length or so. When one length away, S bears away such that the boats are now on a collision course. P immediately makes a routine gybe to *keep clear* of S, and protests.

Resolution: Again note that rule 16.2 does not apply because the boats are not on a beat to windward. When S changes her course, the only question is whether P is able to get out of her way in a seamanlike way (rule 16.1). P makes a routine gybe and therefore is able to promptly *keep clear* of S in a seamanlike way. Neither boat breaks a *rule*.



In diagram 1, the starboard-tack (right-of-way) boat (S) is bearing away while a porttack boat (P) is keeping clear by sailing to pass to leeward of S. If P needs to "immediately" change course to continue keeping clear in reaction to S's course change, S breaks rule 16.2.

In diagram 2, the starboard-tack (right-of-way) boat (S) is changing course while a porttack boat (P) is keeping clear by sailing to pass to windward of S. In this case rule 16.2 does not apply. If P can react to S's course change in a seamanlike way and keep clear of S, even if it requires an "immediate" course change, P must do so and S does not break rule 16.1. In diagrams 3 and 4, the boats are not on a beat to windward. Therefore rule 16.2 does not apply; and if P can react to S's course change in a seamanlike way and keep clear of S, even if it requires an "immediate" course change P must do so and S does not break rule 16.1.

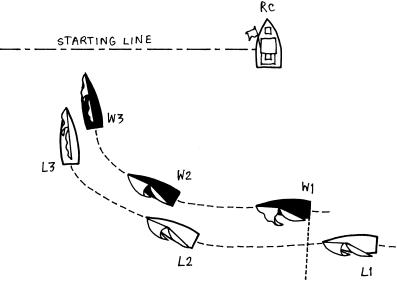
Situation 2: P and S are converging and P is sailing a course that will take her astern of S. When one and a half lengths apart, S luffs slightly which causes P to have to immediately luff slightly to continue safely passing astern of S, which she does. P protests.

Resolution: Because the boats are not on a beat to windward, rule 16.2 does not apply. When S changes course she is required to give P *room* to *keep clear* under rule 16.1, which she does. Neither boat breaks a *rule*. When a *leeward* boat (L) and a *windward* boat (W) are sailing on the same *tack*:

Situation 1: L is sailing along on a reach. W catches up and *overlaps* her to windward, but far enough away so that L can change her course toward her (luff) without immediately hitting her. L begins to luff medium fast and W promptly responds and *keeps clear*. At some point during the luff, L gets closer to W (either because W slows down her response rate, or L increases her luff-ing rate, or because the boats are simply getting closer as they both rotate up). L realizes that if she continues her luff she will get so close to W that she could then immediately hit W if she luffed even more. She stops her luff and protests. **Resolution:** When L luffs (changes course toward W), W must respond "promptly" (i.e., very quickly) and make her best effort to get out of L's way. Furthermore, L can luff as quickly as she chooses **provided** she allows W the *room* (space and time) needed to get out of her way, assuming W is responding promptly. However, L can never luff so suddenly or fast that, despite W's best efforts, W physically cannot *keep clear* of her and there is contact.

The first job of the protest committee will be to determine if W actually *keeps clear* of L. Clearly she does because L can always sail her course; i.e., her straight-ahead course, with no apprehension of collision. Furthermore, throughout the incident L can always change course in either direction without making immediate contact with W. Once it is decided that W has *kept clear* throughout the incident, it then means that L has complied with rule 16.1. Neither boat breaks a *rule*.

NOTE: If L had allowed herself to get so close to W that L could not change course any more without immediately making contact with W, it would have been a much different situation. This is often called the "lock-up" position. First, by definition W was not *keeping clear* (see part (b) in the definition *Keep Clear*), and she breaks rule 11 (On the Same Tack, Overlapped). However, when L changes course she is required to give W room to keep clear. Because W was sailing within that room (space), W is exonerated by rule 43.1(b) (Exoneration). As long as L bears away immediately, L gives W room to keep clear and therefore complies with rule 16.1. Neither boat is penalized. However, if there is contact, then this protest will be resolved by the protest committee's determination of whether W was maneuvering promptly in a seamanlike way or not (an admittedly difficult protest at best). If yes, then L failed to give her



When L becomes overlapped to leeward of W and then luffs, L must initially give W room to keep clear when she first becomes overlapped (rule 15); and then L must give W any additional room W needs to keep clear when she luffs (rule 16.1).

enough *room* to continue *keeping clear* and is disqualified under rule 16.1 (and W is exonerated by rule 43.1(b)); if no, then W failed to *keep clear* by her own actions and is disqualified under rule 11. (See Appeal 119.)

"If L luffs, then stops luffing to give W more room to respond, is L still bound by rule 16.1 to give W room to keep clear when L begins luffing again?" Yes. Rule 16.1 applies to L whenever she changes her course. The use of the word "initially" in rule 15 (Acquiring Right of Way) makes the requirement in rule 15 a temporary one at the outset of the overlap. However, rule 16.1 does not contain the word "initially." Therefore, throughout her luff L must give W room to keep clear; and each time L stops and then changes her course again, she must give W room to keep clear once again. W, on the other hand, will put herself at great risk by remaining too close to L over an extended period of time, and should make every effort to get well clear when L first luffs.

"What if, despite the fact that L has given W plenty of room, W allows herself to get so close to L that L can't change course at all without hitting W?" Part (b) in the definition Keep Clear tells W that she is not keeping clear if she allows herself to get so close to L that L can't change course in **both directions**

at that moment without **immediately** making contact with her. Note the use of the word "if" in the definition suggests that L does not need to actually hit W to prove she couldn't change course without contact. If the protest committee decides that L couldn't have changed course without immediately hitting W, then W has broken rule 11 (On the Same Tack, Overlapped) simply by her extreme close proximity to L.

Furthermore, any time L has a reasonable apprehension that contact with W may occur if she holds her course, W fails to *keep clear* and breaks rule 11; and when W allows herself to get that close to L, L will generally be justified in being concerned about the masts touching, the boats being tossed together by waves, etc., etc.

However, when L is luffing and her bow is getting closer to W's stern quarter, there will come a point that, due to the way boats rotate, it will become impossible for W to *keep clear* if L continues to luff (the "lock-up" position). At that point, L must cease her luff and allow W the *room* she needs to move away from L before she continues her luff again.

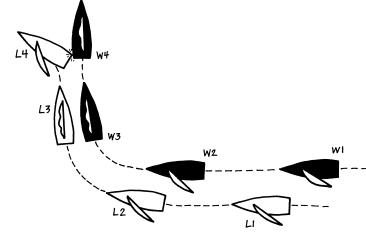
"Is it true that the rules regarding the rate of L's luff are the same before and after starting?"

Yes. Rule 16.1 is the rule that deals primarily with the rate of L's luff, and there is absolutely no difference in the application of rule 16.1 before or after *starting*.

"What if a boat to windward of W, or some other object, restricts her ability to respond to a luff by L?"

This is commonly the situation as boats begin to tightly line-up in the final minute before a start or as they approach a crowded downwind *mark*. The room that rule 16.1 requires L to give W often must include time for W to wait for boats to windward of her to respond, or for W to sail past an object (e.g., something in the water) that prevents her from *keeping clear* of L. A hail by W to the effect, "I am trying to *keep clear* but I have these other boats, or the race committee boat, to windward of me!" will be useful and is strongly encouraged.

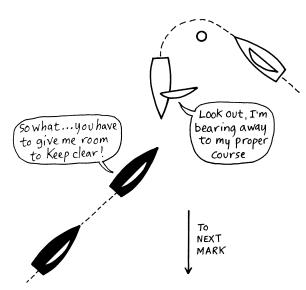
Situation 2: W is slowly sailing along the starting line about a minute before starting. L catches up from *clear astern* and becomes *overlapped* to leeward of W. After about five seconds, L begins to slowly luff toward W.



When L bears away, she cannot do so as suddenly and fast as she pleases. She is required by rule 16.1 to give W room to keep clear (unless she is changing course to round a mark; see rule 43.1(b)). She is also required by rule 14 to avoid contact. If, however, W has allowed herself to get so close that L can't luff or bear away at that moment without immediately hitting W, W has failed to keep clear and has broken rule 11 by her extreme close proximity to L.

Resolution: Prior to the overlap, W, as the boat *clear ahead*, is the right-ofway boat under rule 12 (On the Same Tack, Not Overlapped); therefore she doesn't need to take any action in anticipation of L's leeward *overlap*. When L becomes *overlapped*, L is required by rule 15 (Acquiring Right of Way) to initially give W room to keep clear. This includes the "space" and "time" necessary for W to trim her sails and otherwise get steerageway to get away from L. After W has had room to keep clear, L may luff, provided she gives W any **additional** room W needs to keep clear under rule 16.1. The bottom line is that when *leeward* boats "come in the back door" (i.e., establish leeward *overlaps* from *clear astern* on *windward* boats) and then want to luff, they must plan to be very patient. (See Cases 7, 24 and 53.)

"Can L bear away with no limitation and hit W with her transom?" No, with one exception discussed below. When L bears away near W, L must comply with rule 16.1 as well; i.e., she must bear away in a way that gives W room to keep clear. Normally, if L bears away slowly and with some caution not to swing her stern into W's *leeward* side, L will not break rule 16.1. And if W has left herself so close to windward of L that L can't luff and bear away



without immediately hitting her, W has failed to *keep clear* and has broken rule 11 (On the Same Tack, Overlapped).

"If I am on starboard tack, can I bear away around the windward mark with no limitation regarding boats that are approaching the mark on port tack?" No! Rule 16.1 applies to your course change and you are required to give those *port-tack* boats room to *keep clear* of you (usually by passing to windward of them). Note, rule 18 (Mark-Room) doesn't apply because the *porttack* boats are approaching the *mark* and you are leaving it (see rule 18.1(a)(3), When Rule 18 Applies).

December

"Are there any exceptions to rule 16?"

Well, in fact, there is one exception to rule 16, and that is found in rule 43.1(b) (Exoneration). This will be discussed in detail in the discussion of rule 18 (Mark-Room) in Chapter 8. But in a nutshell, rule 43.1(b) says that a boat is exonerated (freed from penalty) if she breaks rule 16.1 in an incident with a boat that is required to give her *mark-room*, when she is changing course to round a *mark*. So as a *leeward* boat (L) which is entitled to *mark-room* is bearing away around a windward *mark*, she does not need to give an *overlapped windward* boat (W) *room* to *keep clear* of her transom as she bears away. She does however have to avoid contact with W under rule 14 (Avoiding Contact).

"Sounds like there could be some difficult protests involving rule 16.1; are there any onuses to help resolve these disputes?"

No. In a dispute over whether W kept clear or whether L provided enough room to keep clear, neither the rules nor the appeals place any "onus" on either boat. The protest committee will have to determine the facts and use its best judgment. Remember that a *windward* boat's right to "room to keep clear" under rule 16.1 is a 'shield' and not a 'sword' for W. Also, to be entitled to the protection of room, W must respond as soon as she can to L's change of course and make a reasonable attempt to get clear. From there it will be up to the protest committee to decide from the weight of the evidence on (a) the wind and sea conditions, (b) the nature of the incident and (c) the exact actions of both boats as to whether or not W had "room to keep clear." Hails by both boats at the time will be very helpful in resolving such conflicts and are strongly encouraged. And to be safe, I always assume that the benefit of any doubt will go to the right-of-way boat (L), so windward boats should stay extra clear. Having said that, I always encourage leeward boats never to hit windward boats because then at least they will not be penalized if the protest committee finds in favor of the windward boat.