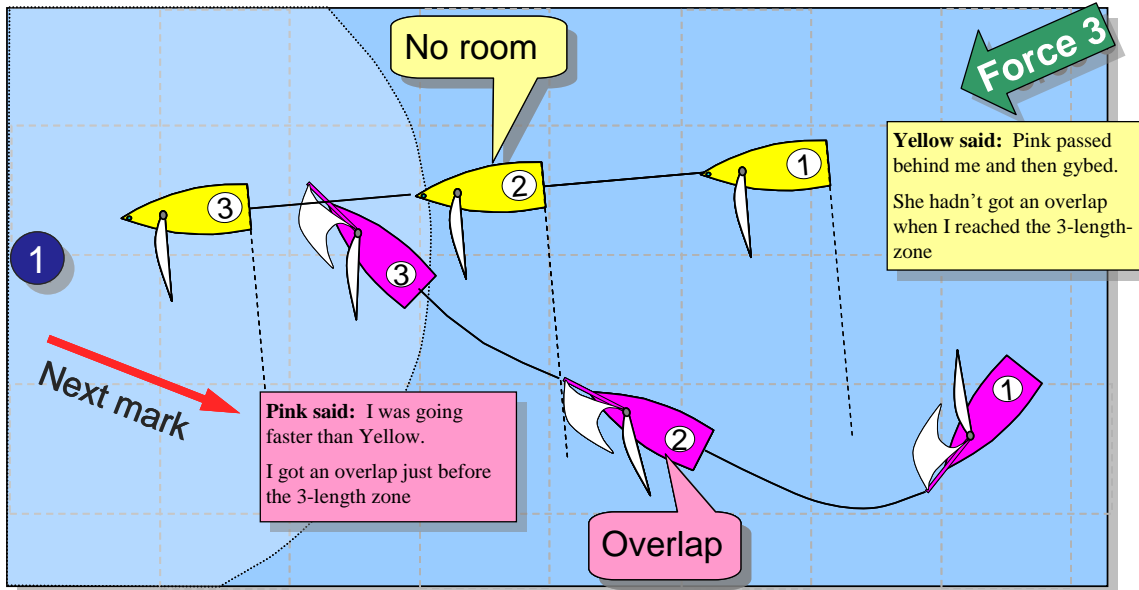


# 09 Oh yes I have. Oh no you don't

It can be difficult to understand applicable rules even when facts are clear. So what happens when there is disagreement over the basic facts of a situation?

## Description



## Commentary

#	Facts & Rules	RoW
①	Yellow is dead-running on Starboard; Pink with her asymmetric is broad-reaching on Port ( <b>Rule 10</b> "On opposite tacks"). Pink passes clear astern of Yellow, reaches the lay-line and gybes.	Yellow
②	Yellow reaches the 3-length <i>mark-zone</i> and because she doesn't think Pink has established an <i>overlap</i> hails "No room" ( <b>Rule 18.2b</b> "Giving mark-room"). Pink, who thinks she has established an <i>overlap</i> , makes her claim for <i>mark-room</i> as inside-boat. ( <b>Rule 18.2a</b> "Giving mark-room")	Yellow? Pink?
③	Pink, realising that there is doubt as to whether she did establish an <i>overlap</i> and hence has <i>mark-room</i> ( <b>Rule 18.2d</b> "Giving mark-room") luffs to pass behind Yellow	Yellow

## Learning-points

At the precise moment that the 3-length mark-zone is entered it is often difficult to determine if an *overlap* exists, and hence rights to *mark-room* established.

Rule 18.2d's elegant wording of clarifies this: "If there is reasonable doubt that a boat obtained or broke an overlap in time, it shall be presumed that she did not".

As Pink came from clear astern the onus is on her to prove that she did establish an overlap. Sensibly she keeps clear – shouting loudly would not be enough!

This is the only place in the RRS where onus of proof is clarified. Though RYA cases are not rules case 1990/3 advises that "When there is no collision there is a primary onus of proof on the protestor to show that a rule has been broken".

## 09 Oh yes I have. Oh no you don't

### Facts-Found

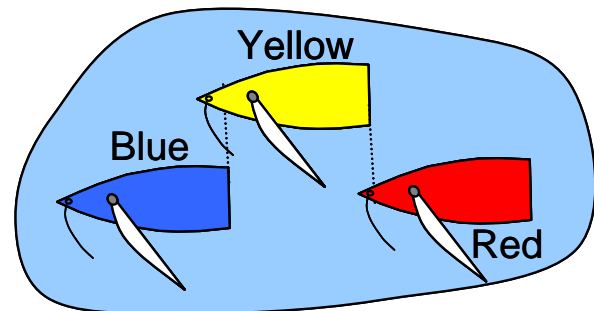
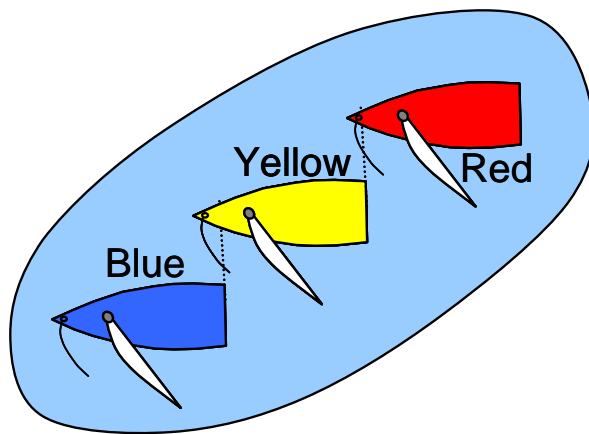
Pink was dead-running on starboard, Yellow broad-reaching on starboard about 2-lengths to leeward of Pink and clear-astern. Both boats were approaching a gybe-mark. At the moment that Pink entered the mark-zone there was doubt whether Yellow had established an overlap.

### Quiz questions

**Q09-1) Boats on opposite tacks can be overlapped – True or False**

**Q09-2) Red is overlapped on Blue. True or False**

**Q09-3) Red is overlapped on Blue. True or False**



**Q09-4) In a protest-hearing the RYA cases do not class as rules but the ISAF ones do – True or False**

### Quiz answers

**A09-1) True**

The terms clear ahead, clear astern, and overlap do not apply to boats on opposite tacks unless rule 18 applies or both are more than 90-degrees off the wind. Therefore boats on opposite tacks can be overlapped.

**A09-2) True**

The definitions of *Clear Astern*, *Clear Ahead* and *Overlap*, define when two boats overlap each other. They also say that an overlap exists when a boat between them overlaps both. Since Yellow is between Blue and Red and overlaps them both, Blue and Red are overlapped.

**A08-3) False**

The definitions of *Clear Astern*, *Clear Ahead* and *Overlap*, define when two boats overlap each other. Although both Blue and Red overlap with Yellow Red does not overlap Blue.

**A08-4) False**

Definition of *Rule* includes (a) The RRS, (b) ISAF Regulations, (c) prescriptions of the national authority, (d) the class rules, (e) the notice of race; (f) the sailing instructions; and (g) any other documents that govern the event. It does not include either RYA or ISAF case-books.