

Answer:

The answer to this month's question will depend on the propulsion being used by the sailboat. Let us first consider the situation where the sailboat is powered only by its sail at the time of the above situation:

The COLREGs provide a "ranking" of priorities for responsibilities between vessels. A power vessel must give way to (i) a vessel not under command, (ii) a vessel restricted in her ability to manoeuvre, (iii) a vessel engaged in fishing and (iv) a sailing vessel. Similarly, a sailing vessel must give way to (i) a vessel not under command, (ii) a vessel restricted in her ability to manoeuvre, and (iii) a fishing vessel. At first glance, it may appear that the boat fishing could have rights as either a vessel not under command or a fishing vessel. However, the definitions of the COLREGS for these two types of vessel are quite specific. A "vessel not under command" is: "a vessel which through which some exceptional circumstances is unable to manoeuvre as required by these rule and is therefore unable to keep out of the way of another vessel". This is not the case here; a case where this may be invoked is if the vessel had lost her steerage or power, for example, restricting her ability to manoeuvre. Similarly, a "vessel engaged in fishing" is defined as "any vessel with nets, lines, trawls or other fishing apparatus which restrict manoeuvrability, **but does not include a fishing vessel with trolling lines or other fishing apparatus which do not restrict manoeuvrability**". Again, the fishing boat here does not meet the definition of a "fishing vessel". Thus we conclude that in this first case, the fishing boat must give way to the sailboat. This does not however mean that the sailing vessel is without obligations; as the stand-on vessel, the sailing vessel must maintain her course and speed so that the give-way vessel can effectively manoeuvre to avoid her. Note too that the give-way vessel must alter her course and speed sufficiently to make her intentions clear and to allow passage at a safe distance.

If the sailboat were in fact motor-sailing, the situation changes. A "sailing vessel" is defined as "any vessel under sail provided that propelling machinery, if fitted, is not being used". If the sailboat is motor-sailing, she is in fact a "powered vessel", as is the fishing boat in this situation. Here the fishing boat is to starboard of the motor-sailing powerboat, and thus the sailboat must give way and the fishing boat becomes the stand-on vessel. The same general comments regarding responsibilities above also apply here of course.