

FORUM

Further Comments on the 1972 Collision Regulations

Captain Wylie's extensive and detailed criticisms of the Sailing and Steering Rules in the new Collision Regulations (*Journal*, 26, 365) were published in the January number of *Navigation*, the journal of the French Institute of Navigation, with an editorial note by Professor Hugon. The note and Captain Wylie's reply are given below.

from the Editor of Navigation

The Editor of *Navigation* may permit himself one or two comments on the important criticisms advanced by Captain Wylie, though only with the greatest deference towards the views of one of the leading experts in this matter, to whom is due the greater part of the improvements in the Regulations of 1960, and not forgetting that he is also an eminent honorary member of our Institute. These observations must be seen within the context of a rule which applies to all our publications, that the author alone is responsible for opinions published in *Navigation*.

The sometimes infinitely subtle criticisms raised by Captain Wylie may also seem unduly harsh towards an essay which, though by no means irreproachable, nevertheless deserves to be defended against so radical a condemnation as has appeared under Captain Wylie's name. If it is not a question of making belated excuses to explain certain imperfections, we recall that we have already pointed out (*Navigation*, January 1973) that the methodical and coherent effort of a Working Group, composed of delegates from a dozen countries, had resulted after two years' work in a clear and logical document. This work was completely frustrated by the premature and often uncoordinated votes of the representatives of the 46 States convened at the Conference, and cast for the most part during the last week of the Plenary Session.

Captain Wylie's reproaches are concerned for the most part with the redundancy of different Rules, the ambiguity of some of them, the contradiction between Rules which follow each other and, finally, the impropriety of certain terms in the English version which do not express the same idea as the French version (which Captain Wylie seems to admire greatly, perhaps more than it deserves).

So far as the repetition which one finds in certain Rules is concerned one must admit that, in a document that should be a gospel for seafarers even more than for lawyers, redundancy should not necessarily be condemned and that the editor of the Rules, anxious to emphasize certain obligations, has no doubt voluntarily repeated them in different places.

There is no great harm in this; the worst thing is that there should be a contradiction between different Rules, and one must admit that the editors have often shown an unimaginative fear of falling into such a pitfall. Some of Captain Wylie's reproaches depend on such a subtle dialectic that he has really gone through the text looking for faults, to find dangerous contradictions or ambiguities.

How, for example, can one be so anxious about Rule 5 seeking to establish whether 'a full appraisal' is demanded 'at all times' or not. The French text, for which we should refuse unmerited bouquets, says no more.

The criticism of Rule 6(a) is meaningless since the author admits that Rule 6(b) (5) completes it.

The argument about the term 'operational' is pure exegesis; one can admit that this expression means radar 'in use'.

Rule 7(a) which prescribes the use of radar when it is necessary was discussed and it was finally agreed to use the expression 'all available means appropriate to existing circumstances and conditions', to avoid blaming a ship involved in a collision in clear weather and perfect visibility for not having used its radar.

The dispute about the word 'operational' is reversed in Rule 7(b) and once again it is the French who are credited with a clear view. Naturally, one can only plot if there is something on the screen to plot.

On Rule 7(c), at the expense of seeming ungracious, one must refuse the bouquets offered to the French text as this says 'on doit éviter' and not 'one should avoid', which is conditional, but this is an argument about words.

We find the strictures on Rule 8(c) severe and a little unnecessary; what carping critic would seek to find the connection between alterations of course and a close-quarter situation apart from all considerations of the risk of collision? How can one find an anomaly or shortcoming in the expression 'has to' to convey the obligation when one finds in Rule 9 that the consent of the overtaking vessel is required in a narrow channel.

Finally, Captain Wylie is one of the numerous detractors of the modification of Rule 21, now Rule 17. One must recall that in the first phase in the crossing of two ships the privileged vessel has the right of manoeuvre, whereas in the second phase she has the obligation. It is thus certain that the unprivileged vessel will find herself to port of the privileged vessel, but it really is splitting hairs to imagine that she can be concerned with anything but 'the other ship'. One should in fact delete the last eight words of the English text of Rule 17(c).

The discussion about the application of Rule 17 to overtaking is not really relevant, since Rule 13 already caters for this whereas Rule 17 is concerned only with crossing cases. It is, furthermore, possible that if two vessels, one of which is overtaking, should come into collision, the reason is that the path of one finally crosses the path of the other. One could go on like this for ever.

The observations on Rule 19 are unfortunate since they concern only repetition, and the suppression of Rule 19(a) would not prove very useful.

Finally there are Rules 19(d) and 19(e) which show that no distinction has been made between the radar detection of a risk of collision and the hearing of the fog signal. The exception specified in this case which limits the application of Rule 19(c) is mentioned to avoid constraining all ships to stop as soon as they hear a fog signal.

The final conclusion of Captain Wylie's comments is peremptory. Properly speaking it has always seemed to us that the new Rules compared with the old are restrictive in character, in so far as freedom to manoeuvre goes, and in each case go into too much detail in what is prescribed, as to what should be done and what not.

The future will show whether the effects of these new Rules may not be very beneficial, with some amendment of certain weak points, not necessarily those denounced by Captain Wylie.

from Captain F. J. Wylie, O.B.E., R.N. (ret.)

THE Secretary General of the Institut Français de Navigation was good enough to reproduce my comments on the Collision Regulations 1972¹ in the January 1974 issue of his *Journal*; it was accompanied by an Editorial Note. This takes up my further comment of the new Rules and leaves no doubt in my mind that some of them were thought to be finicky, not to say litigious.

Professor Hugon has a certain advantage over me in that he was a member of the Imco Committee which drew up the new Rules, whereas I belonged to the one which produced the 1960 version. Additionally our present positions are such that his voice is likely to be heard rather than mine. This being so, and without wishing to appear in any way argumentative, I feel that I should try to put the record straight on one or two points.

To begin on the subject of language, one is well aware of the difficulties of reproducing exact shades of meaning in a translation. I cannot say how closely the French translation of my comments can be identified with them or whether Professor Hugon's editorial comments on them were based on the English or the French versions. Nor can I say how accurately the translation which I obtained of the editorial reflected the editor's intention.

His viewpoint and mine clearly do not coincide for he complains that one of my comments is *pure exegèse*, meaning pure exegesis or interpretation, and, more generally, that I have gone through the text with 'a deliberate bias looking for dangerous contradictions and ambiguities'. Far from disputing this, I would say that I consider it to be the clear duty of an informed and devoted critic of such an important text, the success of which will depend on interpretation. The remarks which follow may suggest that I am not exaggerating.

Professor Hugon picks about ten of my comments for his review and in about half of these I find that he has misunderstood the basis of my objection. In others he seems prepared to accept imperfect wording *in the English text*. In my view, slipshod wording will lead to trouble, and not only in translation. Rule 19 is one of the Rules in which he misinterprets my comment. Clauses (b), (c), (d) and (e) of this Rule must include conditions of visibility in which some vessels may be in sight while others, including 'another' vessel in clauses (d) and (e) are not. Clause (a) adds absolutely nothing to the interpretation of (d) and (e), while in respect of (b) and (c), it has no meaning whatsoever. These points may serve to accentuate the difficulties of language in itself, and in translation, and the need for the greatest precision in drafting.

A further point must be made in connection with Professor Hugon's remarks on my comments on Rule 17. I have to record with pleasure that he agrees with my suggestion that the last eight words of 17(c) should be deleted. On the other hand, I must express my profound concern regarding his statement that 'the application of Rule 17 to overtaking is not really relevant, since Rule 13 already caters for this whereas Rule 17 is concerned only with crossing cases' (as translated).

The 1960 Rules used effectively the same opening wording for Rules 21, 22 and 23 as is used in Rules 16 and 17 of 1972. The usual (I believe) interpretation that Rules 21-23 of 1960 apply as much to Rule 24 as to 19 was evidenced in two collision cases, the Nassau-Brott and the Ring-Orlik.² It cannot surely be gainsaid that Rules 16 and 17 (1972) apply equally to Rules 13 and 15 (1972). If not,

why is the plural used in the opening words in Rules 16 and 17 and why does 'crossing' appear only in clause (c) of 17? Rule 13 by itself contains no instructions concerning the behaviour of give-way and stand-on vessels. That two such diametrically opposed opinions should exist about an important Rule is startling and it is to be hoped that someone will look into it.

A number of points in my original note are not mentioned by Professor Hugon, notably the ambiguities which may arise from a combination of 17(d) for the give-way ship and 8(d) for the stand-on ship acting on 17(a) (ii).

REFERENCES

- ¹ Wylie, F. J. (1973). *Some comments on the Regulations for Preventing Collisions at Sea*. This *Journal*, 26, 365.
- ² Wylie, F. J. *Choosing and Using Ship's Radar*, pp. 122, 137.

The Extraction of Information from a Radar Display

R. J. Turner

THE comments of Captain Maybourn on collision-avoidance systems in his paper 'The Pay-off from Improved Navigational Aids' (27, 133) prompt me to make a number of observations. What information, *in principle*, are we able to extract from a radar display? This information will, of course, be degraded by the system errors, but that is another matter. Some of the following comments may appear trivial but it seems to me that they are of fundamental importance and escape sufficient emphasis.

First of all, what is it that the shipborne radar *measures*? It is, of course, the range and bearing of targets from the aerial, that is from own ship, and a succession of these observations measures the velocity of a target relative to own ship. It is important to remember that this is the only *measurement* made by the radar. Any other information is deduced by employing other measurements (or estimates) *not* made by the radar.

Secondly, I come to the problem of the description of a vehicle's dynamic state, that is its position, velocity and acceleration. Here we are primarily concerned with velocity and I will confine myself to that. If we wish to describe (or measure) a vehicle's velocity, we must do so relative to a stated frame of reference. It is important to remember that *all* motion is relative: not even Einstein was able to find an inertial frame of reference. The marine industry has an unfortunate tendency to acquire, and subsequently to refuse to relinquish, inappropriate jargon. I deprecate the terms 'relative display' and 'true motion display'. Firstly all displays are relative displays whether it be relative to own ship, relative to the water, or relative to the ground, and furthermore all displays are true in the sense that they represent a physical fact. The use of the term 'true