

## **PROTEST C2015 V. C08**

Yabby Lake Race 23 February 2019

C2015 represented by Peter Blake

C08 represented by Grant Smith.

### **Conflicts:**

Peter Hannah declared a conflict of interest, as a competitor, (C58 Armadale) in the coua Boat season aggregate, of which this race is one of a possible 32 or thereabouts. The Parties consented to his hearing the protest (RRS 63.4 (b)(1).

### **VALIDITY**

On hearing evidence from three witnesses it was found there was injury to crew (including hospitalisation) and damage to boats, but despite a conversation at or about the time of the protest time limit no attempt was made by C2015 to inform the other boat.

C08 first learned of the protest on the Thursday following the Saturday race.

The protest was found to be invalid.

### **PROTEST COMMITTEE V. C08**

Acting under RRS 60.3 (a) (1) the Protest Committee adopted the allegations contained in the above protest and protested C08.

The hearing proceeded.

The Committee heard from the parties and from five other witnesses from the two boats involved and from two other boats.

### **FACTS FOUND**

At approx. 2-3 minutes prior to the starting signal (and after the Preparatory signal) both boats were sailing in or near the racing area and intended to race.

The wind was approximately 12 knots from the south.

C08 was on Starboard tack with the wind abeam, sailing parallel to and below the starting line. One crew member was placed to leeward.

C2015 was on port tack, with wind abeam, sailing approximately parallel to the starting line, on a line which was either on a collision course with C08 or was sufficiently close thereto, to raise a real apprehension of potential collision.

C08 hailed C2015 ("starboard") a number of times.

C2015 did not acknowledge the hail and appeared not to have seen C08 or to be responding.

C08 altered course to windward (starboard) to avoid contact.

C2015 did not see C08 until the boats were approximately 2-3 lengths apart, at which time C08 had begun to luff.

One crew on C08 advised the skipper to “go down”, others to “go up”. C2015 altered course to weather (port) in order to avoid contact.

As a result, both boats were turning to windward, and the combined actions resulted in contact rather than avoiding it.

The jibboom of C2015 passed over the deck of C08 between her port stays.

There was damage to C2105, breaking whisker stays and rendering C2015 unable to continue sailing. There was injury to the skipper of C2015, who required hospitalisation.

Neither boat took a penalty turn. C2015 retired.

There was minor damage to C08, who continued to race and finished.

### **CONCLUSION**

C2015 on Port failed to keep clear of C08 on starboard as required by RRS10.

It was not reasonably possible for C08 to avoid contact with C2015 when it was clear that C2015 was not keeping clear. C08 did not break RRS14.

### **DECISION**

C2015 broke Rule 10 but having retired is not to be further penalised.

Protest against C08 is dismissed.

### **COMMITTEE**

J Philpot, B. Zichy-Woinarski, P Hannah (Chair)