

Protest C71 v. C41

Heard together with
C41 v. C71

C71 represented by Dan Ingall.

C41 represented by John Mansfield

Conflicts:

Peter Hannah declared a conflict of interest, as a competitor, (C58 Armadale) in the Couta 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)).

Zich Woinarski advised of a friendship with James Souter, owner of C71 and that he has known the father of her representative in this hearing (Dan Ingall) for many years.

The Parties consented to his hearing the protest.

VALIDITY.

Neither party hailed protest or displayed a flag.

There was serious damage that was obvious to both boats.

Both protests were accepted as valid (RRS 61.1 (4)), and the hearing proceeded.

FACTS FOUND

Prior to the Preparatory signal 71 & 41 were both sailing in or near the racing area and intended to race in the race.

The wind was approximately 10-15 knots from the south.

71 was on starboard tack sailing on a beam reach.

Her crew were all placed on the windward side.

No crew member was tasked with maintaining a lookout below.

41 was sailing on port tack, close hauled, on a collision course with C71

Her crew were busy adjusting jib car positions and rethreading jib sheets.

No crew member was tasked with maintaining a lookout. 41 did not see 71 until contact.

C71 did not see C41 until contact.

Contact occurred, with the jibboom of 71 hitting the starboard side of the bow of 41 just aft of the stem and the jibboom breaking.

71 suffered serious damage, could not continue racing and retired.

41 suffered damage to planking just aft of the stem and "grazing" by the bob stay to the rubbing strip further aft but was able to continue sailing and finished.

71 (having not seen 41) did not hail or alter course and took no action to avoid contact

41 (having not seen 71) did not hail, alter course or take any other action to avoid contact.

PC41 did not take any penalty or retire from the race.

CONCLUSIONS.

The incident occurred between boats intending to race and the rules of Part 2 apply.

As the incident took place prior to the preparatory signal the boats were not racing, and penalties apply only for RRS 14, when there is serious damage.

C41 on port failed to keep clear of C71 on starboard, as required by RRS10.

Although it was reasonably possible for her to do it C71 did not avoid contact with C41, and broke RRS14.

DECISION

C41 broke rule 10 and is to be scored DSQ

C71 broke rule 14, but as she retired she is not to be further penalised.

Protest C71 against C41 upheld. C41 DSQ

Protest C41 against C71 upheld. C71 Ret and no further penalty

COMMITTEE:

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

NOTE

Case 107:

Rule 14 – avoiding contact means...

A boat must do everything that can reasonably be expected of her in the prevailing conditions to avoid contact. This includes keeping a good lookout while sailing in the starting area during the starting sequence, a time when boats are often close to one another and frequently change course.

The word “act” is not restricted to changing course or speed. Hailing is an action that can be taken...

Boats that make contact having failed to keep a lookout and hail will find it difficult to establish they have complied with their obligation to avoid a collision, regardless of who has right of way.