

APPEAL No 2017/1

Rule 14

Rule 18.2

SUMMARY OF THE FACTS

Race: Appalachian Series Race 2 March 4th 2016. (Etchells)

Etchells 1269 and 1190 approached a leeward mark on port gybe. 1269 was clear ahead as she entered the 3 length zone and there was no overlap. Both boats proceeded to remove their spinnakers in order to round the mark. Conditions were 8-10 kts, with a calm sea state. A strong tide was pushing the boats on to the mark as they rounded it.

At 1 length to the mark, 1190 established an overlap on the inside of 1269. 1269 rounded ahead of 1190, leaving ½ boat length in which she could turn and round the mark. 1190 failed to round the mark in the water provided, colliding with both the mark and 1269. As a result of the collision, damage was caused to 1269.

Both boats protested. Due to the damage, 1269 retired from racing while 1190 continued. Neither boat took an alternative penalty.

A hearing was arranged for both protests together after racing by the Organising Authority. In order to allow sufficient time for protest forms to be properly completed, the cut off for receiving the protest forms was extended by 30 minutes and set at 5:30 pm, 4 March 2017. (It should be noted that the current construction work at RHKYC's Kellett Island clubhouse has slowed the overall protest process after Saturday club racing.) By the cut off time, both protests had been received and the hearing was set to be opened at 6 pm the same day.

In the hearing, the Protest Committee (PC) applied RRS 18.2(e) and disqualified 1190. The PC further determined that it was reasonably possible for 1269 to afford 1190 more room to round the mark and thereby avoid the collision. 1269 was therefore also disqualified under RRS 14.

In their appeal, 1269 claimed that the protest of 1190 was submitted outside of the cut off time, thereby invalidating the RRS 14 ruling. The timing of the submission of 1269's own protest was not subject to questioning.

DECISION

Appeal dismissed.

FOUNDATIONS FOR DECISION

The Appeal Committee is satisfied that both protests were submitted within an extended time limit. In any case the PC is free to apply RRS 14 to 1269's own protest if applicable as a result of the Facts Found.

Since there was no overlap at the 3 length zone, 1269 was the right of way boat. She did not have to keep clear until it became apparent that 1190 was not going to keep clear. The PC was therefore correct in disqualifying 1190, as RRS18.2(b) applied.

On the assumption that 1269 was keeping a proper look out during the maneuver, it must have been obvious to her that 1190 was committed to rounding inside of her despite not having any right to do so. The Appeal Committee considers that 1269 could have taken a wider rounding, allowing for tide, to avoid the damage (at the same time as protesting 1190). The PC was therefore correct in disqualifying 1269 under RRS14, despite her not being the initial cause of the incident.

The Appeal is thus dismissed

***HKSF RR&AC
May 2017***