

## **APPEAL No 2016/1**

Rule 10  
Rule 18.3(a)  
Rule 61.1 (a)

### **SUMMARY OF THE FACTS**

Race: Croucher Series Race 2 September 17<sup>th</sup> 2016. (Dragon)

Dragon HKG46 approached the windward mark on starboard tack. Dragon HKG55 approached the mark on port and tacked inside HKG46 within one length of the mark in order to round. In doing so HKG55 caused HKG46 to sail above close hauled to avoid her. HKG55 bore away to continue rounding the mark, and in doing so her stern hit HKG46. HKG46 hailed "Protest" at the time of the incident. No damage was caused to either boat.

Dragon HKG46 displayed her protest flag within 20-30 seconds of the incident and then proceeded to hoist her spinnaker after rounding.

Both boats protested and continued racing. Neither boat took an alternative penalty.

In their appeal, HKG55 claimed that HKG46's protest had not been raised at the "first reasonable opportunity" and that, as windward boat after the tack, HKG46 should have kept clear of HKG55 as HKG55 bore away to round the mark.

### **DECISION**

Appeal dismissed.

### **GROUND FOR DECISION**

The Appeal Committee is satisfied that the protest flag was raised by HKG46 within 20-30 seconds of the incident, and before HKG46 hoisted her spinnaker. It is good seamanship for a helm and crew to attend to their duties in the mark rounding zone, after being forced into a luff. The Protest Committee was correct to rule that the protest flag was raised at the first reasonable opportunity (Rule 61.1(a)).

A port tack boat shall keep clear of a starboard tack boat. In completing her tack within 1 length of the mark, HKG55 failed to keep clear and broke Rule 10. At the same time, by tacking in the Zone and forcing HKG46 to luff, she broke Rule 18.3 (a).

The Appeal Committee considers the incident to have taken place during a single maneuver, and Rules 11 and 14 are not relevant. And even if they were, HKG55 broke Rule 16.1 in failing to give HKG46 room to keep clear as she bore away to round the mark.

The Appeal is thus dismissed

***HKSF RR&AC  
November 2016***