

APPEAL No 2017/3

Rule 63

Rule 66

Rule 14

Rule 11

SUMMARY OF THE FACTS

Race: HHYC Typhoon Series Mirs Bay Race July 29th 2017. (HKPN B)

Shortly before the start of the race, Shikari and 4 Sail, were both moving slowly on the same tack with Shikari to windward, and sailing lower on a collision course. 4 Sail luffed in an attempt to avoid the collision and was steering from port to starboard across Shikari's stern when the damage occurred to Shikari's rudder and backstay. 4 Sail suffered minor scratches.

Both boats protested. Due to the damage, Shikari retired from racing while 4 Sail continued. Neither boat took an alternative penalty.

A hearing was arranged for both protests together on August 2nd by the Organising Authority. Both parties were notified one day before the hearing and both confirmed their attendance.

During the hearing, the PC found that Shikari did not, as windward boat comply with Rule 11 to keep clear. Shikari was disqualified from the race. The PC also considered Rule 14, and determined that 4 Sail did everything possible to avoid contact from the time it was apparent that a collision may occur without anticipating Shikari's actions which they are not required to do (14.a) and they did not break rule 14.

On 5th August the Organising Authority received a request for reopening from Shikari. The PC reviewed and decided not to reopen the hearing. Shikari subsequently appealed, claiming that the PC had incorrectly followed the protest procedure, both during the hearing and afterwards in choosing not to reopen the hearing

PROTEST PROCEDURE

The representative from Shikari was asked if he wanted more time to consider the protest: he declined. In this respect the protest procedure was followed correctly.

The protest forms themselves had the wrong submission times noted on them by the Organising Authority in that they had been reversed. However, both were handed in together within the time limit and this had no effect on the hearing. This element of the procedure was acceptable.

During the hearing, the PC recalled both parties to clarify some points. The RR&AC is satisfied with the PC's explanation that the clarification process was handled in an appropriate manner and that it had no overall bearing on the decision.

The RR&AC is also satisfied that no more than one representative of 4 Sail was present at the hearing, except when being called as a witness.

REQUEST FOR REOPENING

The Shikari helmsman requested that the hearing be reopened, but had previously been given the opportunity to delay the initial hearing, and had raised no objection to the hearing schedule. The request for reopening was made more than 24 hours after the decision had been published and was out of the time limit. No significant new evidence was introduced. The PC was within its right to decline the request for reopening.

DECISION

Appeal dismissed

GROUNDINGS FOR DECISION

As set out above, the RR&AC is satisfied that the protest procedure was followed correctly and that there was no misinterpretation of the Rules.

***HKSF RR&AC
Nov 2017***