

APPEAL No 2011/2

Rule 2
Rule 11
ISAF Case 73

SUMMARY OF THE FACTS

Race: Royal Hong Kong Yacht Club Farquhar Series 2011, 26 Feb 2011. (Etechells)

Sailing upwind, 787 tacked on to starboard to leeward of 1344. After 787 completed her tack, the two boats sailed close hauled on parallel courses for at least 30 seconds. 787 luffed and gradually sailed higher and got closer to 1344. 787 hailed 1344 to keep clear. 1344 held her course. After about 15 seconds, 787 came close and was about to collide. One of the crew put out his hand and slapped the deck of 1344 just behind the main traveler, stating "I told you to get up; I protest and you must do a penalty." Approximately 3 seconds later there was a glancing collision between the boats during which no damage occurred.

787 subsequently protested 1344 for breaking Rule 11. The PC found that 1344 had ample time, room and opportunity to keep clear after 787 completed her tack but failed to do so. As windward boat, she was in breach of Rule #11. The PC ruled that 1344 should be disqualified from the race.

1344 has appealed this decision, stating that the PC should have considered Rule 2 and ISAF Case 73. This is something that was not raised by anyone during the protest hearing.

DECISION

Appeal dismissed.

GROUND FOR DECISION

The HKSF Racing Rules and Appeals Committee does not consider Case 73 to be applicable in this instance.

Case 73 deals with the situation where a competitor deliberately moves his body to make contact with another boat "which action could have no other intention than to cause the windward boat to break rule 11". This is not considered to be Fair Sailing and a boat may be disqualified if it can clearly be established that this rule has been violated.

While the crew member of 787 did put out his hand to "slap" 1344, there was no intention on the part of 787 to cause 1344 to break Rule 11 at that moment (although she did shortly afterwards). His intention was to continue warning 1344 to keep clear, which as windward boat they were obliged to do.

The HKSF Racing Rules and Appeals Committee has also considered the suggestion by 1344 that 787 luffed above her proper course. The facts found state that the overlap was created as a result of the tack by 787 and not from clear astern. Rule 17 which restricts a leeward boat becoming overlapped from clear astern from sailing above her proper course does not therefore apply. The further facts stated by the protest committee make it clear that when 787 hardened up after she had

completed her tack, she gave room for 1344 to keep clear. 787 did not break Rule 16.1

The Appeal is thus dismissed

***HKSF RR&AC
November 2011***