

APPEAL No 2012/4

Rule 10
Rule 11
Rule 64.1c

SUMMARY OF THE FACTS

Race: Royal Hong Kong Yacht Club Autumn Regatta 2012, Race 2 9 September.
(Dragons)

Sailing downwind and near the finish line, HKG51 gybed onto starboard close to and to windward of HKG55. HKG51 subsequently steered a lower course than HKG55 to avoid a Ruffian on port gybe who had failed to respond to her "starboard" call. HKG55 then also bore away to the finish.

HKG55 protested HKG51 for breaking Rule 11 (and Rule 14). The Ruffian was called as a witness.

The PC was unable to establish whether there was any overlap between the HKG51 and HKG55 after HKG51's gybe, before HKG51 bore away, ruling that there was insufficient evidence. The Protest was dismissed on the basis that Rule 12 applied.

DECISION

Appeal dismissed.

GROUND FOR DECISION

If an overlap was established when HKG51 bore away to avoid a collision with the Ruffians, then HKG51 may have broken Rule 11. However, since she was avoiding a collision with another boat (a Ruffian), which was breaking Rule 10, HKG51 is exonerated under 64.1c

The Appeal is thus dismissed

***HKSF RR&AC
November 2012***