

APPEAL No 2013/3

Rules 10, 11, 12, 13, 14, 16, 66, 31, 64.1a

SUMMARY OF THE FACTS

Race: Royal Hong Kong Yacht Club Ruffian Spring Series, Race 2 - 23 February.

The case involves contact between three boats HKG 515(Victory 9), HKG C70 (Brigand), HKG530 (Miss Piggy) at the start. Shortly before the start, Miss Piggy crossed Brigand on port tack and tacked to windward of her on to starboard tack. Travelling faster, Brigand bore away to avoid Miss Piggy then squeezed in between Victory 9 and Miss Piggy causing Brigand's collisions on Victory 9 (1st collision) then Miss Piggy (2nd collision).

Brigand's first collision was just after the start, when she bumped the starboard side of Victory 9, pushing her into the ODM. Brigand then hit the port side of the stern of Miss Piggy, causing damage on Brigand's starboard side.

Victory 9 protested Brigand for breaking Rules 11 and 17. Brigand protested Miss Piggy for breaking Rules 10,11,13 and 14. Miss Piggy protested Brigand for breaking Rules 12 and 16.1. All three protests were heard together on the same day.

The PC ruled that Victory 9 didn't break any rule in this incident. Victory 9 was hit by Brigand and forced to touch the outer mark of the starting line. (Victory 9 broke rule 31 but is exonerated under 64.1a).

The PC then ruled that Miss Piggy violated the Rules in tacking and then not keeping clear of Brigand, leeward boat. She was therefore disqualified from the race. (Miss Piggy first broke Rule 13 and then Rule 11.)

Finally the PC ruled that Brigand should have avoided colliding with Victory 9 and had therefore broken Rule 14. Brigand was disqualified from the race.

Brigand then made three requests under Rule 66 to reopen the hearing. These requests were made on 25th February, 7th March and 8th March. In each case the PC ruled that there was no new evidence that had not been available at the time of the hearing and that there had been no mistake in the decision. The hearing was therefore not reopened.

DECISION

Appeal dismissed.

FOUNDATIONS FOR DECISION

Based on the facts found there has been no error in the original decision or process. No significant new evidence was introduced under any of the requests for reopening which would have justified such action by the PC.

The Appeal is thus dismissed

HKSF RR&AC
June 2013