

# DECISION

Request No.: 03

## Protest and Request for Redress

Event: ACO 12th MUSTO Skiff World Championship 2023 Race Number: 9  
Hearing Schedule: 2023-07-18 18:35

### PARTIES AND WITNESSES

**Request No.: 03:** MUSTO SKIFF - ESP 634 - Justo Martinez

MUSTO SKIFF - NED 595 - Karsten Groth

**Witnesses:** AUS 408

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**Decision:** Request Valid

### PROCEDURAL MATTERS

1. The International Jury decided that it made a significant error and reopened the hearing on the 20th of July 2023 at 18h30 in accordance with RRS 66.1.

### FACTS FOUND

1. The conditions were 18-20knots of wind with 30-50cm waves.
2. During the first beat, ESP 634 close-hauled on starboard, NED 595 close-hauled on Port, on a converging collision course.
3. If neither boat changed course, ESP 634's bow would have made contact with NED 595's starboard aft quarter.
4. NED 595 held her course. When ESP 634 was within 1 boat length from NED 595, ESP 634 bore away to pass astern of NED 595. As ESP 634 bore away, NED 595 luffed and passed head to wind, but before reaching a close-hauled course on Starboard, NED 595's boom, which was un-sheeted, made contact with the chest over the lifejacket of ESP 634.
5. NED 595 promptly took a one turn penalty.
6. Thereafter ESP 634 experienced pain in his chest and struggled to control his mainsheet with his right arm while on starboard tack, and had to cleat his mainsheet.
7. ESP 634 was hurt by contact with NED 595, however ESP 634 stated that he was not injured. ESP 634 did not seek external medical advice or treatment as he is a certified doctor.
8. ESP 634 capsized after the incident and recovered towards the back of the fleet.
9. ESP 634 completed race 9 in 12th position.
10. NED 595 completed race 9 in 24th position.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 13, 14, 44.1(b), 62.1(b), 64.2(a)

1. After passing head to wind and before being on a close-hauled course, NED 595 failed to keep clear of ESP 634. NED 595 broke RRS 13.
2. NED 595 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for ESP 634, the right-of-way boat to avoid contact with NED 595 when it was clear that NED 595 was not keeping clear. ESP 634 did not break RRS 14.
4. NED 595 took an appropriate penalty at the time of the incident.
5. Since there was no injury ESP 634 did not meet the requirements for redress, RRS 62.1(b).

**DECISION****Date & Time:** 2023-07-20 19:00 UTC

1. The protest is upheld. Since NED 595 took an applicable penalty, she is not further penalized.
2. Redress is not given.

**PROTEST COMMITTEE****Committee Type** Protest Committee**Chaired By:** Alen Kustic (CRO)**Committee Members:** Peter Scheuerl (GER), Luke Scott (RSA), Walter D'Auria (ITA), Patric Loydell (RSA)**Printed:** 21 Jul 16:34