

# DECISION

Request No.: 05

## Protest

Event: Irish Cruiser Racing Association National Championships Race Number: 1  
Hearing Schedule: 2023-09-09 19:15

### PARTIES AND WITNESSES

**Request No.: 05:** Class 1 - IRL 2160 - Chimaera - Nevan Powell

Class 1 - GBR 8933R - Bon Exemple - Colin Byrne

**Witnesses:** David carberry, Tribal

### 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

Witnesses:

Cian Lynch (crew of 2160)

David Carberry crew on Tribal FRA 21711

David Stewart

### FACTS FOUND

1. Race 1 Class 1 approximately 45 seconds before the start In 7 knots of breeze with a flat sea.
2. 2160 and 8933 were on starboard tack lining up for the committee boat end of the start line.
3. 2160 was sailing at approximately 5kts on a course to pass close the the committee boat.
4. 8933 was sailing at approximately 1kt on a similar course.
5. 2160 on starboard came from astern of 8933 and went to leeward of 8933, luffing immediately.
6. 8933 was almost head to wind.
7. 8933 luffed further to keep clear of 2160.
8. There was immediate contact between the port quarter of 8933 and the starboard quarter of 2160.
9. The contact propelled 8933 forward
10. 8933 at contact had been one boat length from the committee boat.
11. 8933 could not tack because of the proximity of windward boats.
12. 8933 could not bear off because of the proximity of 2160.
13. 8933 then immediately made contact with the committee boat.
14. There was no damage or injury.
15. No boat took a penalty.

**Diagram:** No Diagram Needed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 11,31, 15, 16.1, 14,43

1. 8933 to windward failed to keep clear of 2160 to leeward, and broke RRS 11.
2. It was not reasonably possible for 8933, the boat sailing within the room to which she was entitled to avoid contact with 2160 when it was clear that 2160 was not giving room. 8933 did not break RRS 14.
3. 2160, the right-of-way boat, did not act to avoid contact with 8933 when it was reasonably possible. 2160 broke RRS 14.
4. When changing course 2160, the right-of-way boat, failed to give 8933 room to keep clear and broke RRS 16.1.
5. When acquiring the right of way through her own actions, 2160 failed to initially give 8933 room to keep clear and

broke RRS 15 .

6. 8933 touched a starting mark and broke RRS 31.
7. Since 8933 was compelled to break RRS31 as a consequence of 2160 breaking RRS 15 and 16.1, she is exonerated under RRS 43.1(a) for this breach.
8. Since 8933 broke RRS 11 a rule of Section A while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.

**DECISION**

**Date & Time:** 2023-09-09 23:24 IST

2160 is DSQ in race 1

**PROTEST COMMITTEE**

**Committee Type** Protest Committee

**Chaired By:** Emmet Dalton (IRL)

**Committee Members:** Michael Butterfield (GBR), Craig Evans (GBR), Walter Stemberger (CRO)

**Printed:** 10 Sep 10:59