

DECISION

Request No.: 03

Request for Redress

Event: Finn Masters Europeans Race Number: 4
Hearing Schedule: 2023-09-06 17:30

PARTIES AND WITNESSES

Request No.: 03: Finn - NED 68 - Bow 83 - Houweling K.W.V. de Kaag

Race Committee

Witnesses: GBR 567 and Mina Stanikic (International Jury)

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: Yes

Decision: Request Valid

PROCEDURAL MATTERS

Mina Stanikic, Chair of the International Jury and member of the panel hearing the case, stated she saw the incident in presence of the party, presented evidence and remained on the panel.

FACTS FOUND

- 1.- The wind was 8 knots and the waves were slightly choppy.
- 2.- GBR 567 and NED 68 were sailing towards mark 1 for the second mark rounding, with NED 68 sailing close-hauled on starboard and GBR 567 close-hauled on port.
- 3.- GBR 567 tacked in the zone to starboard and was then overlapped to leeward of NED 68 with 1.5 metres between the hulls.
- 4.- Soon after that, GBR fell, lost control of the boat and luffed sharply, started tacking and before completing the tack, GBR's bow hit NED's port side, in the middle of the hull, causing physical damage.
- 5.- GBR 567 took a two turn penalty after the incident.
- 6.- NED 68 finished race 3 without noticing any impact on the performance of the boat.
- 7.- After the race 3, NED 68 discovered that the deck had separated from the hull and decided not to start race 4 to avoid further damage to the hull.
- 8.- The hull of NED 68 was manufactured in May 2023 and the cost of the repair of the damage was first estimated to be between 500€ and 1000€.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 13, 14, 62.1(b)

- 1.- After passing head to wind and before being on a close-hauled course, GBR 567 failed to keep clear of NED 68 and broke RRS 13.
- 2.- GBR 567 did not avoid contact when it was reasonably possible, and broke RRS 14.
- 3.- It was not reasonably possible for NED 68, the right-of-way boat, to avoid contact with GBR 567 when it was clear that GBR 567 was not keeping clear. NED 68 did not break RRS 14.
- 4.- GBR 567 took an appropriate penalty for breaking RRS 13 and RRS 14.
- 5.- NED's score in race 4 was made significantly worse through no fault of her own by physical damage because of the action of GBR 567, a boat that was breaking RRS 13 and RRS 14 and took the appropriate penalty.

DECISION

Date & Time: 2023-09-06 18:03 CEST

Redress is given to NED 68. NED 68 is to be scored in race 4 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in races 1, 2 and 3.

PROTEST COMMITTEE**Committee Type** Protest Committee**Chaired By:** Antonio Gonzalez de la Madrid (ESP)**Committee Members:** David Hudson (RSA), Mina Stanikic (SRB), Rainer Heinrich (GER), Antonio Gonzalez de la Madrid (ESP)