

# DECISION

## Protest

Request No.: 05

Event: 2021 RVYC Waves Regatta Race Number: 2  
Hearing Date: 2021-06-19

### PARTIES AND WITNESSES

**Request No.: 05:** laser radial - radial - 137056 - Natasha Macklin

laser - radial - 174234 - Ryan Champoux

**Witnesses:** boat number 6, not present during hearing

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**Decision:** Request Valid

### PROCEDURAL MATTERS

Radial 174234 (Protestee) did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

### FACTS FOUND

1. Wind 5 kn, on waves.
2. Both boats sailing downwind on starboard gybe toward a leeward gate, approaching to round the right-hand mark to starboard.
3. Radial137056 overlapped to windward of Radial174234 (by 3 boat lengths) when boats reached the zone, the overlap was in place for a period of 15 boat lengths prior to reaching the zone.

Radial6 sails ahead of but overlapped to leeward of Radial137056 and windward of Radial174234.

1. Just prior to reaching the mark, Radial 137056 hails for room, but bow of Radial174234 makes contact with stern of Radial6 and midships of Radial137056.
2. Contact of boats forces Radial137056 to touch mark.
3. No damage or injury.
4. No boat takes a penalty.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 18.2(b), 14, 31, 43.1(c)

1. Radial 174234 outside overlapped at the zone, failed to give Radial137056 mark-room, and broke RRS 18.2(b).
2. It was not reasonably possible for Radial137056, the boat sailing within the mark-room to which she was entitled to avoid contact with Radial174234 when it was clear that Radial 174234 was not giving mark-room. Radial137056 did not break RRS 14.
3. Radial174234 did not avoid contact when it was reasonably possible, and broke RRS 14.
4. Radial137056 was compelled to touch the mark by the actions of Radial174234 who failed to give mark room.
5. Since Radial137056 broke RRS 31 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
6. Since Radial137056 was sailing within the mark-room to which she was entitled and the contact did not cause damage or injury, she is exonerated under RRS 43.1(c) for breaking RRS 14.

**DECISION****Date & Time:** 2021-06-19 19:40 PDT

The Protest is Upheld

Radial174234 is DSQ in race # 2.

**PROTEST COMMITTEE****Chaired By:** Thomas Sitar (CAN)**Committee Members:** Dave Cramb, Paul Martin, Gord McKee**Printed:** 2021-06-19 23:12