

# DECISION

Request No.: 02

## Protest and Request for Redress

Event: ACO 12th MUSTO Skiff World Championship 2023 Race Number: 5  
Hearing Schedule: 2023-07-17

### PARTIES AND WITNESSES

**Request No.: 02:** MUSTO SKIFF - GER 580 - GILBERT BRIETZKE

MUSTO SKIFF - GBR 216

**Witnesses:** GER 558

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** N/A

**Decision:** Request Valid

### PROCEDURAL MATTERS

### FACTS FOUND

1. The conditions were 15 - 18 knots with 0.5m waves.
2. GER 580 close-hauled on starboard with GBR 216 close-hauled on port on a collision course.
3. GBR 216 bore away to pass astern and made contact with the aft-port quarter below the waterline of GER 580.
4. GER 580 luffed in an attempt to avoid contact.
5. The contact resulted in a 20cm crack to the hull of GER 580.
6. The damage was estimated to be in the region of €1000-2000.
7. GBR 216 subsequently retired from race 5.
8. GER 580 finished race 5 and 6.

**Diagram:** No Diagram Needed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 10, 14, 44.1(b), 62.1(a)

1. GBR 216 on port tack failed to keep clear of GER 580 on starboard tack and broke RRS 10.
2. GBR 216 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for GER 580, the right-of-way boat, to avoid contact with GBR 216 when it was clear that GBR 216 was not keeping clear, GER 580 did not break RRS 14.
4. By retiring from the race 5, GBR 216 took the applicable penalty and is not further penalised, RRS 44.1(b).
5. GER 580's score in race 5 and 6 was not made significantly worse through the physical damage.

### DECISION

**Date & Time:** 2023-07-17 18:56 UTC

1. The protest is upheld. Since GBR 216 took an applicable penalty, she is not further penalized under RRS 64.2(a).
2. Redress not given.

### PROTEST COMMITTEE

**Committee Type:** Protest Committee

**Chaired By:** Peter Scheuerl (GER)

**Committee Members:** Alen Kustic (CRO), Luke Scott (RSA), Walter D'Auria (ITA), Patric Loydell (RSA)

**Written Decision Requested By:** GBR 216 & GER 580

