

DECISION

Protest

Request No.: 02

Heard Jointly With Number(s): 03

Event: 2021 RQYS Div Yacht Racing Race Number: 28/04/2021

Hearing Date: 2021-05-05

PARTIES AND WITNESSES

Request No.: 02: WAGS - LY328Q - Scimitar J - Doug Brewer

WAGS - SW116028 - Scarlett - Margetts

Request No.: 03: WAGS - SW116028 - Scarlett - Craig Margetts

WAGS - LY328Q - Scimitar J

Witnesses: John Anderson - Scimitar J (SJ); Graeme Parnwell-SJ; Peter McDonald -SJ; Graeme Garton-Scarlett (S); Kerry Margetts-S; Cheryl Willis-S

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. Heard with No. 3 same incident.

FACTS FOUND

1. +/-20 kt windspeed, good visibility.
2. Scimitar J (SJ) tacked onto starboard.
3. Scarlett (S) had just completed a tack onto port when SJ tacked which put the boats on a converging course.
4. Both boats observed each other at approx. 80-100 m.
5. SJ hailed and signaled S a minimum of three times to keep clear.
6. At approx. 3-5 BL separation S changed course to starboard attempting to keep clear of SJ.
7. There was contact resulting in serious damage to both boats.
8. Both boats retired from the race.

Diagram: Endorsed by Protest Committee

CONCLUSIONS AND RULES THAT APPLY

Rules: 10,13, 14,15, 43.1(c), 44.1(b), definition Room, Keep Clear, Case 17

1. SJ had completed their tack, RRS 13, Case 17.
2. SJ gave S room to keep clear, RRS 15, definition of Room and Keep Clear.
3. S on port tack did not keep clear of SJ on starboard tack, RRS 10, and definition of Keep Clear.
4. It was reasonably possible for S to avoid contact with SJ, RRS 14.
5. When SJ became aware that S was not keeping clear maintaining her course was the most appropriate action which they took, RRS 14.
6. SJ is not exonerated for breaking RRS 14 as there was damage and injury, RRS 43.1(c).
7. Both boats retired, RRS 44.1(b).

DECISION

Date & Time: 2021-05-06 09:18 AEST

1. As both boats retired no further penalty is applied.

PROTEST COMMITTEE

Chaired By: Greg Kemp (AUS)

Committee Members: Mark Gallagher (AUS), Jan Kemp (AUS)

