

DECISION

Reopening by PC

Request No.: 29

Event: 2022 49er, 49erFX and Nacra 17 World Championships Race Number: 5
Hearing Schedule: 2022-09-03

PARTIES AND WITNESSES

Request No.: 29: Protest Committee

49erFX - JPN 586 - Misaki Tanaka

49erFX - FRA 9 - Lara Granier

49erFX - CAN 6 - Georgia Lewin-LaFrance

VALIDITY

Objection to Jury: No

Within Time Limit: N/A

Incident Identified: N/A

Proper Hail: N/A

Red Flag Displayed: N/A

Decision: Request Valid see procedural matters

PROCEDURAL MATTERS

Case 9 was reopened by the International Jury due to a possible error in the original decision. Two videos became available that were viewed by the International Jury. The International Jury decided that it may have made a significant error and reopened on its own the hearing on Sept 3 in accordance with RRS 66.1. The parties were present. The panel included one new member and included a majority of members of the original panel (see RRS 66.3).

CAN 6 was represented by Georgia Lewin-LaFrance (helm)

FACTS FOUND

1. Wind speed: 13 knots
2. After rounding the windward mark, CAN 6 and FRA 9 were sailing on starboard, with FRA 9 clear astern.
3. CAN 6 started to hoist her spinnaker.
4. FRA 9 hoisted her spinnaker immediately upon rounding the mark, before CAN 6 had hoisted her spinnaker.
5. FRA 9, sailing faster, became overlapped very close to windward of CAN 6 and then luffed sharply.
6. Contact occurred between the helm of CAN 6 and the spinnaker of FRA 9.
7. CAN 6 was on starboard on a converging course with JPN 586 sailing upwind on the port layline.
8. Contact occurred between the crew of JPN 586 and the spinnaker of CAN 6, causing a small rip.
9. JPN 586 took a One-Turn Penalty.
10. The rip in the spinnaker of CAN 6 increased in size until she reached the downwind gate. The spinnaker and bowsprit were not able to be retrieved completely after rounding the gate.
11. The spinnaker escaped from the bag on the second upwind leg causing CAN 6 to capsize.
12. CAN 6 retired on the second upwind leg and did not finish race 5.
13. CAN 6 rounded the windward mark in 10th, dropped to 15th after the incident with JPN 586, CAN 6 rounded the gate in 14th position and dropped to last after capsizing.
14. FRA 9 did not take a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 11, 14, 10, 62.1

1. FRA 9 to windward failed to keep clear of CAN 6 to leeward, and broke RRS 11.
2. FRA 9 did not avoid contact with CAN 6 when it was reasonably possible to do so, and broke RRS 14.

3. It was not reasonably possible for CAN 6, the right of way boat to avoid contact with FRA 9 once it was clear that FRA 9 was not keeping clear. CAN 6 did not break RRS 14.
4. JPN 586 on port failed to keep clear of CAN 6 on starboard, and broke RRS 10.
5. JPN 586 did not avoid contact when it was reasonably possible, and broke RRS 14.
6. It was not reasonably possible for CAN 6, the right-of-way boat, to avoid contact with JPN 586 once it was clear that JPN 586 was not keeping clear. CAN 6 did not break RRS 14 in this incident.
7. As JPN 586 caused serious damage by her breach, her penalty was to retire as required by RRS 44.1(b).
8. The damaged spinnaker caused the capsize of CAN 6 on the second windward leg.
9. CAN 6's score in race 5 was made significantly worse through no fault of her own by physical damage because of the action of JPN 586 that was breaking RRS 10, a rule of Part 2 and who will be penalized.

DECISION**Date & Time:** 2022-09-03 19:09 ADT

FRA 9 and JPN 586 are disqualified in race 5. Redress is given to CAN 6. CAN 6 is to be scored average points in Race 5 based on all races up to and including Sunday Sept 4. except Race 5. Not to be worse than RET.

PROTEST COMMITTEE**Chaired By:** Ilca Heinrich (GER)**Committee Members:** Yoann Peronneau (FRA), Alan Baser (GBR), Wendy Loat (CAN), Michael Turner (CAN)**Printed:** 2022-09-03 20:01