

Middle Harbour Yacht Club Thursday Twilight Series 2016

Protest No. 1 and Protest No 2

Race 15

Wailea v No Friends ***No Friends v Wailea***

Hearing at Middle Harbour Yacht Club, on 10 February 2016 at 19:00 Hours.

***Wailea* was represented by: Neil Padden**

***No Friends* was represented by: Geoff Charters**

Witness for *Wailea* was: Evan Hodge

FACTS FOUND

1. Protest No 1 and Protest No 2 related to the same incident and the protest committee heard the protests together.
2. The incident resulted in damage that was obvious to both boats and boats informed one another of their intention to protest within the protest time limit.
3. *Wailea* and *No Friends* were approaching the starting line to start, downwind, on port gybe, with *No Friends* clear ahead of *Wailea* and about 15 m to windward.
4. *No Friends* gybed onto starboard tack.
5. *Wailea* changed course in an attempt to keep clear and avoid contact with *No Friends*.
6. There was contact between the bow of *No Friends* and the port quarter of *W*, causing a triangular hole in *Wailea*'s hull.
7. *Wailea* retired as a result of the incident.

CONCLUSION AND RULES THAT APPLY

- A. The protest was valid in accordance with rule 61.1(a)(4).
- B. *W*, on port, did not keep clear of *No Friends* on starboard. *Wailea* broke rule 10.
- C. *No Friends*, acquiring right of way, did not initially give *Wailea* room to keep clear. *No Friends* broke rule 15.
- D. *Wailea* was compelled to break rule 10 by *No Friends* breaking rule 15. *Wailea* is exonerated for breaking rule 15 in accordance with rule 64.1(a).
- E. Once *No Friends* gybed, it was not reasonably possible for either boat to avoid contact. Neither boat broke rule 14.
- F. *Wailea*'s score in race 14 was made significantly worse, through no fault of her own, by physical damage because of *No Friends* breaking rule 15. *Wailea* is entitled to redress in accordance with rule 62.1(b).

DECISION

***No Friends* if disqualified from race 14.**

***Wailea* is to be scored points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races before race 15.**

John Allan
Chairman

Protest Committee: John Allan NJ, Mike Gallaher, John Crawford