

# Vaikobi 29er East Coast Championships 2022

## 2960 v 2239

Hearing at Middle Harbour Yacht Club, on 5 January 2022 at 16:35 Hours, 2 protest committee members attended by Zoom.

**2960 represented by Sara Bruce**

**2239 represented by Louis Tilley**

### PROCEDURAL MATTERS

#### Conflict Of Interest

Protest Committee members declared that they had no conflicts of interest and no party objected to the members hearing the protest.

#### Validity

The Protest was valid.

### FACTS FOUND

1. 2960 and 2239 entered the zone around the starboard gate mark overlapped with 2960 on starboard and 2239 inside on port.
2. When 2239 was less than 1 hull length from the mark, there was contact between 2239's sprit and the arm of the crew of 2960 without causing damage or injury.
3. 2239 gybed and 2960, sailing slowly with her spinnaker in the water, then passed astern of 2239 and sailed between 2239 and the mark.
4. There was then another contact between the starboard midships of 2239 and the port side of 2960 as 2239 was changing course around the mark, again, without injury or damage.

### CONCLUSION AND RULES THAT APPLY

- A. 2239 on port did not keep clear of 2960 on starboard. 2239 broke rule 10.
- B. 2960 overlapped outside 2239 when the first of them reached the zone did not give 2239 mark-room. 2239 broke rule 18.2(b).
- C. When the first contact occurred, 2239 was sailing within the mark-room to which she was entitled. 2239 is exonerated for breaking rule 10 by rule 43.1(b).
- D. With respect to the first contact, 2960 and 2239 did not avoid contact when it was reasonably possible for them to do so. Both boats broke rule 14, but 2239 was a sailing within the mark-room to which she was entitled, and 2960 was the right of way boat, and as there was no damage or injury both boats are exonerated for breaking rule 14 by rule 43.1(c).
- E. 2239, after 2960 had passed astern of her, was overlapped to leeward of 2960, and in addition to being entitled to mark-room, was the right of way boat.
- F. 2960, overlapped to windward of 2239 did not keep clear of 2239. 2960 broke rule 11.
- G. 2239, a right of way boat changing course, did not give 2960 room to keep clear. 2239 broke rule 16.1.

- H. 2239, was sailing within the mark-room to which she was entitled and is exonerated for breaking rule 16.1 by rule 43.1(b).
- I. With respect to the second contact, it was not reasonably possible for 2960 to avoid contact. 2960 did not break rule 14.
- J. With respect to the second contact, 2239, acting no sooner than it became clear that 2960 was not keeping clear, did not avoid contact when it was reasonably possible to do so. 2239 broke rule 14, but because she was sailing within the mark-room to which she was entitled she is exonerated by rule 43.1(c).

## **DECISION**

**2960 is disqualified in Race 6.**

A handwritten signature in blue ink, appearing to read "E Kirby", is centered on a white background.

Erica Kirby  
Chair

**Protest Committee:** John Allan NJ (by Zoom), Rob Armstrong NU, Peter Hammond (by Zoom), Erica Kirby NJ, NU