

MHYC Daydream Shield

MH409 Galan v A174 Hotspur

Hearing at Middle Harbour Yacht Club, on 11 November 2020 at 19:00 Hours.

Galan represented by: Mike Gallagher by telephone

CONFLICT OF INTEREST

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

PROCEDURE

The owner of Hotspur, through SASC advised that he would not be attending the protest hearing. In accordance with rule 63.3(b) the protest committee decided to hear the protest.

FACTS FOUND

1. Race 2 was started in wind S 15 to 20 kts with gusts over 20 kts.
2. Galan was approaching the starting line to start close hauled on starboard tack close to the race committee vessel.
3. Shambles was immediately to leeward of Galan.
4. Hotspur approached the race committee vessel to windward of Galan and attempted to pass between Galan and the race committee vessel.
5. There was contact between Hotspur and Galan amidships causing chips and scratches to Galan topsides.
6. Galan was unable to change course to leeward because of the boat to leeward.
7. Hotspur sailed well clear of the incident and took a Two Turns Penalty.
8. Hotspur later Retired.

CONCLUSION AND RULES THAT APPLY

- A. **Hotspur on the same tack to windward did not keep clear of Galan. Hotspur broke rule 11.**
- B. **Hotspur did not avoid contact with Galan when it was reasonably possible to do so. Hotspur broke rule 14.**
- C. **It was not reasonably possible for Galan to avoid contact with Hotspur. Galan did not break rule 14**
- D. **Hotspur's Two Turns Penalty was a penalty applicable to the incident and in accordance with rule 64.1(b) Hotspur may not be further penalised.**
- E. **Hotspur's retirement also means that she may not be further penalised.**

DECISION

Hotspur having taken an applicable penalty shall not be further penalised

John Allan
Chairman

Protest Committee: John Allan NJ, John Sturrock, John Crawford