DECISION

Protest

Request No.: 29

Heard Jointly With Number(s): 30, 31

Event: Junior World Championships-49er,49erFX and Nacra 17 Race Number: 9
Hearing Schedule: 2022-08-06

PARTIES AND WITNESSES

Request No.: 29: 49er - NZL 989 - Scott Mckenzie

49er - SWE 112 - no name - Philip Lindblad

Request No.: 31: 49er - Swe 11 - Alexander Brorsson

49er - Nzl 989 - Scott McKenzie

Request No.: 30: 49er - NZL 989 - Scott Mckenzie

49er - SWE 112 - no name - Philip Lindblad

VALIDITY

Objection to Jury: No

Within Time Limit: Beyond Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. The hearing was heard by a panel of three members in accordance with RRS N1.4(b).
2. Hearing No. 29 was heard together with Hearings No. 30 and No. 31 in accordance with RRS 63.2 since all hearings arose from the same incident.
3. Protest No. 30 was lodged by NZL 489 about the same protestor as in protest no. 29 but included additional information in the description of the incident.
4. The protest time limit was 15:45.
5. NZL 989 requested for hearing no. 29 at 15:52.
6. NZL 989 finished last in the last race of the day.
7. When NZL 989 came ashore the ramp was busy and NZL 989 had to wait.
8. The helm of NZL 989 lodged protest no. 29 immediately when they came ashore while his crew was derigging the boat.
9. NZL 989 failed to deliver the protest within the protest time limit, as required by RRS 61.3. However, there was good reason for the PC to extend the time limit under RRS 61.3.
10. SWE 112 requested for hearing no. 31 at 16:07.
11. SWE 112 failed to deliver the protest within the protest time limit, as required by RRS 61.3. There was no good reason for the PC to extend the time. Therefore protest no. 31 was invalid.
12. As protest no. 29 was valid, the hearing proceeded.

FACTS FOUND

1. Wind speed: 15 knots
2. NZL 989 on starboard and SWE 112 on port were sailing close hauled on a collision course.
3. At a distance of 1 boat length from SWE 112, NZL 989 bore away and passed astern of SWE 112.
4. There was contact between the crew of NZL 989 and the starboard tiller extention of SWE112.
5. If NZL 989 had not borne away she would have made contact half a meter from the back of the starboard wing of SWE 112.
6. Neither damage nor injury occured.
7. No boat took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY
Rules: RRS 10, 14

1. SWE 112 on port failed to keep clear of NZL 989 on starboard, and broke RRS 10.
2. SWE 112 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for NZL 989 the right-of-way boat to avoid contact with SWE 112 when it was clear that SWE was not keeping clear. NZL 989 did not break RRS 14.

DECISION
Date & Time: 2022-08-06 18:35 CEST

SWE 112 is DSQ in race F1.

PROTEST COMMITTEE
Chaired By: Yoann Peronneau (FRA)
Committee Members: Adrian Bauder (SUI), Ambrogio Giuseppe (ITA)

Printed: 2022-08-07 10:00