

# DECISION

Protest

Request No.: 02

Heard Jointly With Number(s): 03

Event: Beneteau 31.7 National Championships 2022 Race Number: Race 6  
Hearing Schedule: 2022-11-08 18:30

## PARTIES AND WITNESSES

**Request No.: 02:** 31.7 - IRL7317 - Attitude - George Misstear

31.7 - IRL1310 - After You Too - Michael Blaney

**Request No.: 03:** Protest Committee

Beneteau 31.7 - IRL 6662 - Bluefin Two

**Witnesses:** John Sugars Attitude - helm Gerard Byrne Bluefin Two- port winch

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**Decision:** Request Valid

## PROCEDURAL MATTERS

During the initial hearing the protest committee learnt that Bluefin Two was involved in the incident and may have broken a rule. The PC protested Bluefin Two under RRS 60.3(a)(2).

## FACTS FOUND

At the start of race 6:

Wind 5-8 knots, flat sea

15 seconds before the start:

Bluefin Two was sailing full and by on starboard at about 3 knots. Attitude was clear astern sailing slightly faster.

After You Two was overlapped to windward of both Bluefin Two and Attitude at more than a boat length

Attitude was initially sailing to pass to leeward of Bluefin Two.

Bluefin Two signalled to Att to pass to windward into the gap.

Less than 10 seconds and more than 5 seconds before the start, Att luffed to close hauled and passed a metre astern of Bluefin Two.

Bluefin Two continued sailing full and by before hardening up at the start. The gap between Bluefin Two and Attitude increased.

Attitude was then close hauled on starboard sailing at about 4 knots, still overlapped to leeward of After You Two. After You Two, sailing slowly at about 2 knots, held her course sailing slightly freer. The gap between After You Two and Attitude was closing.

Attitude hailed After You Two. After You Two initially held her course still sailing slightly lower. As the distance between the two boats decreased, Attitude held her course. Bluefin Two was at least a boat length to leeward.

A few seconds later, After You Two luffed above close hauled. There was contact between starboard side of Attitude and the port quarter of After You Two. There was a clear 'crunch', also heard by Bluefin Two.

Attitude protested and retired.

After You Two took a one turn penalty. RRS 41.1 had replaced the Two-Turns Penalty with a One Turn Penalty.

There was a short verbal exchange between the crew of Attitude and Aafter You Two.

There was damage to Attitude with a small crack on starboard cabin window. There was possible damage between the two layers of fibreglass on the starboard side. Further professional inspection is pending. A stanchion was bent.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

**Rules:** 11, 14, 43.1(c), 64.2(a)

After You Two to windward failed to keep clear of Attitude to leeward, and broke RRS 11.

After You Two did not avoid contact when it was reasonably possible, and broke RRS 14.

Attitude the right-of-way boat did not act to avoid contact with After You Two when it was reasonably possible. Attitude broke RRS 14.

Since Attitude was right-of way boat and the contact did cause damage or injury, she is not exonerated under RRS 43.1(c) for breaking RRS 14.

Both Attitude and After You Two took an applicable penalty.

**DECISION**

**Date & Time:** 2022-11-26 12:20 GMT

Protest Upheld. Attitude and AfterYou Two took the applicable penalty and are not further penalized.

**PROTEST COMMITTEE**

**Chaired By:** Michael Tyrrell (IRL)

**Committee Members:** Gordon Davies (IRL), Ailbe Millerick (IRL)

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