

DECISION

Protest

Request No.: 02

Heard Jointly With Number(s): 01

Event: RS Aero European Championships 2022 Race Number: 9

Hearing Schedule: 2022-08-03 18:50

PARTIES AND WITNESSES

Request No.: 02: RS Aero - RS Aero 7 - LTU 1542 - Martis Pajarskas

RS Aero - RS Aero 7 - GBR 2990 - Anya Haji-Michael

RS Aero - RS Aero 7 - GBR 3926 - Jack Miller

Request No.: 01: Race Committee

RS Aero - RS Aero 7 - LTU 1542 - Martis Pajarskas

Witnesses: Paul Kimmens (member of the RC at the pin end)

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. Hearing No. 2 was heard together with Hearing No. 1 in accordance with RRS 63.2 since both hearings arose from the same incident.
2. LTU 1542 was represented by Martis Pajarskas.
3. GBR 2990 was represented by Anya Haji-Michael.
4. GBR 3926 was represented by Jack Miller.
5. Race Committee was represented by Bob Wainwright.

FACTS FOUND

1. Wind conditions 8-9 knots, flat sea.
2. 10 seconds before the starting signal in race #9 of the Aero 7, LTU 1542 was sailing on starboard tack on close hauled, close to the pin end of the starting line. GBR 2990 was clear ahead and 1 boat length to leeward of LTU 1542. GBR 3926, closest boat to the pin end, was overlapped to leeward of GBR 2990, at a lateral distance of 1/2 boat length.
3. At the starting signal, GBR 3926 luffed up to head to wind and contact occurred between her port side of the bow and the race committee vessel at the pin end of the line.
4. When GBR 3920 luffed, also GBR 2990 luffed sharply up to head wind, drifted sideways and immediately contact occurred between her port side of the hull and the starboard side of GBR 3926.
5. LTU 1542, at that time, was sailing on close hauled overlapped to windward of GBR 2990 at a lateral distance of 2 meters. Immediately after GBR 2990 luffed, LTU 1542 luffed.
6. Contact occurred between the bow of GBR 2990 and the port aft side of LTU 1542's hull, pushing LTU 1542's bow onto the race committee vessel at the pin end of the line. Contact occurred between the forward port quarter of LTU 1542 and the bow of the race committee vessel at the pin end of the line.
7. GBR 3926 took a one turn penalty.
8. GBR 2990 took a two turns penalty
9. LTU 1542 did not take any penalty.
10. There was neither damage or injury to any of the boats.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 11, 16.1, 14, 31, 43.1(b), 43.1(c), 44.1

1. When changing course, GBR 3926 the right-of-way boat failed to give GBR 2990 room to keep clear, and broke RRS 16.1.
2. GBR 3926 touched the pin end of the starting line and broke RRS 31.
3. GBR 3926 did not avoid contact when it was reasonably possible, and broke RRS 14.
4. Since GBR 3926 was right-of way boat and the contact did not cause damage or injury, she is exonerated under RRS 43.1(c) for breaking RRS 14.
5. By taking a one turn penalty, GBR 3926, breaking a rule of Part 2, did not take the appropriate penalty as required by RRS 44.1
6. When changing course, GBR 2990 the right-of-way boat failed to give LTU 1542 room to keep clear, and broke RRS 16.1.
7. GBR 2990 to windward failed to keep clear of GBR 3926 to leeward, and broke RRS 11.
8. Since GBR 2990 broke RRS 11 and 16.1 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
9. It was not reasonably possible for GBR 2990 the boat sailing within the room to which she was entitled to avoid contact with GBR 3926 when it was clear that GBR 3926 was not giving room. GBR 2990 did not break RRS 14.
10. It was not reasonably possible for GBR 2990 the right-of-way boat to avoid contact with LTU 1542 when it was clear that LTU 1542 was not keeping clear. GBR 2990 did not break RRS 14.
11. LTU 1542 to windward failed to keep clear of GBR 2990 to leeward, and broke RRS 11.
12. LTU 1542 touched the pin end of the starting line and broke RRS 31.
13. Since LTU 1542 broke RRS 11 and 31 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
14. It was not reasonably possible for LTU 1542 the boat sailing within the room to which she was entitled to avoid contact with GBR 2990 when it was clear that GBR 2990 was not giving room. LTU 1542 did not break RRS 14.

DECISION

GBR 3926 is DSQ in race #9.

Date & Time: 2022-08-03 20:16 IST

PROTEST COMMITTEE

Chaired By: David Battye (GBR)

Committee Members: Stavros Kouris (GRE), Holger Herburger (GER)

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