

DECISION

Demande n°: 20

Réclamation

Epreuve: Les Voiles de Saint-Tropez Course n°: 3
Date de l'instruction: 03/10/2023 16:15

PARTIES ET TEMOINS

Demande n°: 20: MAXIC - GBR8003X - UMIKO - Helen Lucas

MAXIC - BP72 - BLACK PEARL - Andrea Merani

Témoins: Skipper of BIANCA Gianni Somariva; Navigator of UMIKO Diego Fructuoso; Navigator of BLACK PEARL Michelle Malandra

RECEVABILITE

Objections au jury: Non

Dans le temps limite: Dans le temps limite

Incident identifié: Oui

Appel correct: Protest hélé

Pavillon rouge arboré: Oui

Décision: Réclamation recevable

POINTS DE PROCÉDURE

Black Pearl did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

Black Pearl was present when the parties where informed of the decision.

As there was no possibility to assist to the hearing and according to RRS 63.3(b), The IJ decides to reopen the hearing and start from the beginning. (See case 25)

The case was reopened on 04/10/2023 in accordance with RRS 63.3(b), because the protest committee decided that Black Pearl was unavoidably absent at the original hearing: the reason is that is not possible to assist to the hearing with such a short period of time.

FAITS ÉTABLIS

ORIGINAL FACTS:

15/16 knt 50 cm wave

Umico was coming on starboard out of the zone approaching mark 1.

Black Pearl on port inside the zone.

Black Pearl tacked inside the zone to starboard.

Before they were in close hauled, Black Pearl created an inside overlap with UMIKO.

Umico had to luff to avoid to the collision with Black Pearl between the port side of the bow of UMIKO and the starboard transom corner of Black Pearl.

both boats kept sailing approaching the mark.

When Black Pearl was going to pass the mark, as she was not able to round it, luffed and forced UMIKO to luff above close-hauled.

No contact occurred.

No boat took a penalty.

NEW FACTS:

15/18 Knt 50 cm wave.

Umiko was approaching to mark 1 on starboard out of the zone.

Black Pearl approaching on port.

Black pearl tacks out of the zone at about 6 boat length.

When Black Pearl finishes the tack UMIKO is at a distance of at least 5 meters clear astern and to windward of UMIKO.

UMIKO becomes overlapped with Black Pearl for about 4 m.

After the tack, Black Pearl Deep down for rounding the mark at least 35 seconds later.

Black pearl was doing a speed of 6 secs per length.

Just before Black Pearl is going to pass the mark, luffed about five/ten degrees. UMIKO luffed to avoid contact with Black Pearl.

No contact occurred.

No boat took a penalty.

Schéma: Croquis non validé

CONCLUSIONS ET REGLES APPLICABLES

Rules: ORIG RULES:RRS 63.3(b), 13, 18.3//NEW RULES: 13, 12, 11 63,3(b)

ORIGINAL CONCLUSIONS:

1. After Black Pearl passed head to wind and before they were on a close-hauled course, Black Pearl failed to keep clear of UMIKO. Black Pearl broke RRS 13.
2. After Black Pearl passed head to wind from port to starboard tack inside the zone and was then fetching the mark, she caused UMIKO on starboard tack since entering the zone, to sail above close-hauled to avoid contact. Black Pearl broke RRS 18.3.

NEW CONCLUSIONS:

1. After Black Pearl finished her tack out of the zone, UMIKO became overlap with Black Pearl from clear astern to windward.
2. As approaching to the mark UMIKO, to windward of Black Pearl, luffed at least in two times to keep clear of her as required by RRS 11.
3. Not rules was broken.

DÉCISION

Date et heure: 04/10/2023 11:14 CEST'

ORIGINAL DECISION: Black Pearl is DSQ in race no 3

Original decision given at 16:44 on 03/10/2023

NEW DECISION: Protest dismissed

JURY

Committee Type International Jury

Présidée par: Yves Leglise (FRA)

Membres du jury: Jean Cherbonel (FRA), Eugenio Torre (ITA), Luis Faria (POR), César Sans (ESP)

Imprimé: 2023-10-07 09:47