

# DECISION

Request No.: 02

## Protest

Event: PCU GP14 World Championship 2022 Race Number: 06  
Hearing Schedule: 2022-08-18 17:55

### PARTIES AND WITNESSES

**Request No.: 02:** 14154 - Garreth Gallagher

14188 - John Hayes

**Witnesses:** Simon Cully 14274 - helm

### 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

14188 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

### FACTS FOUND

Wind 12-15 knots, sea less than 50 cm.

At the start of race 6:

14154, was close hauled on starboard, 3 boat lengths from the track of the pathfinder, on a course to pass close astern of the gate boat. 14274 (the witness) was to windward of 14514, but further from the pathfinder track.

14188 was overlapped to windward at a distance of 3-4 boat-lengths from 14154.

14188 bore away and accelerated, crossing ahead of 14274 and was heading towards 14154

When 14188 was about 1m from 14154, 14154 bore away by about 25° to and remained more than 1 metre from 14188.

14188 started close astern of the gate boat. 14154 started in the second row of boats.

As 14188 was approaching 14154, the helm of 14188 used words such as :

'stupid fucking cunts' (repeatedly)

'do you know what you are doing' (repeatedly).

14188 continued to talk in this manner as the boat started the first beat.

The tone was rude and aggressive.

There was no contact or injury

Neither boat took a penalty

14154 finished 36th, 14188 finished 25th.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 2, 11, 62.1(d)

14188 to windward failed to keep clear of 14154 to leeward, and broke RRS 11.

By:

- knowingly breaking rule 11 and not taking the appropriate penalty;

- using foul and abusive language that caused offence

- acting recklessly, in a manner that was likely to cause damage or injury;

14188 failed to compete in compliance with the principles of sportsmanship and fair play. 14188 broke RRS 2.

14154's score in race 6 was made significantly worse through no fault of her own by an action of 14188 that resulted in a penalty under RRS 2.

**DECISION****Date & Time:** 2022-08-18 19:05 IST

14188 is disqualified in Race 6 and the disqualification is not excludable (DNE). Redress is given to 14154. 14154 is to be scored in race 6 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in races 1,2,4,5 (14.8 points).

**PROTEST COMMITTEE****Chaired By:** Emmet Dalton (IRL)**Committee Members:** Gordon Davies (IRL), Emmet Dalton (IRL), Antonio Mata (POR), Carolyn Haines (GBR)**Printed:** 19 Aug 15:33