

DECISION

Request No.: 09

Protest

Event: 2022 49er, 49erFX and Nacra 17 World Championships Race Number: 5
Hearing Schedule: 2022-09-01 18:30

PARTIES AND WITNESSES

Request No.: 09: 49erFX - CAN 6 - Antonia Lewin-LaFrance

49erFX - JPN586

49erFX - FRA 9

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 9 was scheduled for 18:30 at 17:53.
2. The hearing started at 18:32.
3. CAN 6 did not come to the hearing and the hearing proceeded under RRS 63.3(b).
4. At 18:39 CAN 6 arrived, after the protests were decided.
5. The hearing was reopened on the same day at 18:45 in accordance with RRS 63.3(b), because the International Jury decided that CAN 6 was unavoidably absent at the original hearing: the 2 coach boats CAN 6 tried to use to come to the hearing venue had failed to start.

FACTS FOUND

1. Wind speed: 13 knots
2. After rounding the windward mark, CAN 6 and FRA 9 were sailing on starboard, with FRA 9 clear astern.
3. CAN 6 started to hoist her spinnaker.
4. FRA 9, sailing faster, became overlapped to windward of CAN 6.
5. CAN 6 luffed after hoisting her spinnaker.
6. Contact occurred between the helm of CAN 6 and the spinnaker of FRA 9.
7. CAN 6 held her course on starboard and was on a converging course with JPN 586 on the port layline.
8. Contact occurred between the crew of JPN 586 and the spinnaker of CAN 6, causing a small rip.
9. JPN 586 took a one-turn penalty.
10. The rip in the spinnaker of CAN 6 increased in size until she reached the downwind gate. The spinnaker became unusable
11. CAN 6 retired on the second upwind leg and did not finish race 5.
12. At the time of the incident with JPN 586, CAN 6 was in 6th position.
13. FRA 9 did not take a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 10, 11, 14, 16.1, 43.1(b), 44.1(b), 62.1

1. FRA 9 to windward failed to keep clear of CAN 6 to leeward, and broke RRS 11.
2. When changing course, CAN 6, the right-of-way boat, failed to give FRA 9 room to keep clear, and broke RRS 16.1.
3. Since FRA 9 broke RRS 11 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
4. CAN 6 did not avoid contact with FRA 9 when it was reasonably possible, and broke RRS 14.

5. It was not reasonably possible for FRA 9, the boat sailing within the room to which she was entitled, to avoid contact with CAN 6 once it was clear that CAN 6 was not giving room. FRA 9 did not break RRS 14.
6. JPN 586 on port failed to keep clear of CAN 6 on starboard, and broke RRS 10.
7. JPN 586 did not avoid contact when it was reasonably possible, and broke RRS 14.
8. It was not reasonably possible for CAN 6, the right-of-way boat, to avoid contact with JPN 586 once it was clear that JPN 586 was not keeping clear. CAN 6 did not break RRS 14 in this incident.
9. As JPN 586 caused serious damage by her breach, her penalty was to retire as required by RRS 44.1(b).
10. The score of CAN 6 in race 5 was made significantly worse through her own fault. Therefore, the requirements for redress in RRS 62.1 are not met.

DECISION**Date & Time:** 2022-09-01 19:19 ADT

CAN 6 and JPN 586 are DSQ in race 5.
Redress is not given to CAN 6.

PROTEST COMMITTEE**Chaired By:** Jon Napier (GBR)**Committee Members:** Yoann Peronneau (FRA), Alan Baser (GBR), Wendy Loat (CAN), Michael Turner (CAN)**Printed:** 2022-09-02 11:09