

# DECISION

Request No.: 04

## Protest

Event: UKLA Noble Marine & Ovington ILCA 4, ILCA 6, ILCA 7 Qualifier 3 Race Number: 5  
Hearing Schedule: 2023-03-26 16:40

### PARTIES AND WITNESSES

**Request No.: 04:** Ilca 4 - 199865 - Oliver Mayo

ILCA - ILCA 4 - GBR 209216 - Oliver Smith

**Witnesses:** Ben Anderson

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** N/A

**Decision:** Request Valid

### PROCEDURAL MATTERS

209216 did not come to the hearing, the hearing proceeded in accordance with RRS 63.3(b).

### FACTS FOUND

199865 and 209216 were both approaching the leeward right hand gate mark.

199865 was inside overlapped 209216 when it entered the zone.

199865 was hit on the port side by 209216 pushing her into the mark.

There was no damage.

No penalties were taken.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 14, 18.2 (b), 31, 43.1(b)

1. 209216 outside overlapped, failed to give 199865 mark-room, and broke RRS 18.2(b).
2. 199865 touched right hand gate mark and broke RRS 31.
3. 209216 did not avoid contact when it was reasonably possible, and broke RRS 14.
4. Since 199865 broke RRS 31 while she was sailing within the mark-room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
5. It was not reasonably possible for 199865, the boat sailing within the mark-room to which she was entitled to avoid contact with 209216 when it was clear that 209216 was not giving mark-room. 199865 did not break RRS 14.

### DECISION

**Date & Time:** 2023-03-26 16:52 UTC

The Protest is Upheld

209216 is DSQ in race 5.

### PROTEST COMMITTEE

**Chaired By:**

**Committee Members:** Michael Butterfield (GBR)