

# DECISION

Request No.: 04

## Protest and Request for Redress

Event: Irish Cruiser Racing Association National Championships Race Number: 3  
Hearing Schedule: 2023-09-09 19:00

### PARTIES AND WITNESSES

**Request No.: 04:** Class 3 - H - IRL 4444 - Insider - Stephen Mullaney

Class 3 - H - IRL 971 - Leeuwin - E. Burke & J. Murray

**Witnesses:** Leeuwin

### 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

### FACTS FOUND

1. In Class 3 - Race 3 the sea state was flat with approximately 10 knots of wind
2. At the Leeward mark
3. Xeeebek IRL 3022 was, on port at the mark, 4444 who had been outside overlapped at three lengths on port gave water and 3022 to round ahead of her.
4. 4444 was clear ahead of 971 at three lengths.
5. 971 obtained an inside overlap on 4444 inside three lengths.
6. There was contact between 4444 and 971
7. 971 continued to the leeward side of the mark (as she could not get her spinnaker down) and 4444 was obliged to continue outside of her until some distance below the mark and she lost several places and was forced onto the less favoured tack.
8. IRL 971 did not take place penalty but retired from the race.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:**

1. 971 clear astern at the time 4444 reached the zone was required by RRS 18.2(b) to give 4444 mark-room. Once 971 became overlapped inside of 4444 she did not give 4444 room to sail her proper course while they remained overlapped, and broke RRS 18.2(b) and 18.2(c)(2).

2. 4444's score in race 3 was made significantly worse through no fault of her own because of the action of 971 that was breaking RRS 18 a rule of Part 2. However, there was no injury or damage. Therefore, the requirements for redress in RRS 62.1(b) are not met.

### DECISION

**Date & Time:** 2023-09-09 23:54 IST

Protest is upheld. Since 971 took an applicable penalty, she is not further penalized under RRS 64.2(a).  
Redress is denied

### PROTEST COMMITTEE

**Committee Type** Protest Committee

**Chaired By:** Emmet Dalton (IRL)

**Committee Members:** Michael Butterfield (GBR), Craig Evans (GBR), Walter Stemberger (CRO), Derek Moynan (IRL)

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