

# DECISION

Protest

**Request No.: 03**

**Heard Jointly With Number(s): 05**

**Event:** NSC Cup Series 3    **Race Number:** 5  
**Hearing Date:** 2019-11-17

## PARTIES AND WITNESSES

**Request No.: 03:** Optimist (Silver) - SGP 3256 - Lee Kieran  
Optimist (Silver) - SGP 4427 - Daniel Khoo

**Request No.: 05:** Protest Committee  
Opti (Silver) - 3112

**Witnesses:** NIL

**Interpreters:** NIL

## VALIDITY

**Objection to Jury:** No                      No Conflicts of Interest to declare and no objection to any members of the panel.

**Within Time Limit:** Within Time Limit    Protest time limit was 1750h and the protest was lodged at 1730h.

**Incident Identified:** No                      Written protest or request does not identify the incident.

**Proper Hail:** No proper hail                      "Protest" was not hailed afloat. SGP 3256 informed SGP 4427 of his intention to protest when the two competitors discussed the incident ashore after racing in the boat park at around 1700h which was within the protest time limit.

**Red Flag Displayed:** Not required

**DECISION:** Request Valid                      Hearing was declared as valid as provided by RRS 61.1(a)(4).

## PROCEDURAL MATTERS

### Hearing of Case No.3

- 1) Parties have had reasonable time to prepare for the hearing.
- 2) Observer - Mr Khoo, Respondent SGP 4427's father.
- 3) The PC went to the boat park to investigate the extent of the damage for both boats and determined that there was serious damage to SGP 4427's bow. Therefore, the hearing was declared as valid as provided by RRS 61.1(a)(4).
- 4) The PC learnt during the hearing of Case No.3, a valid protest, that 3112 although not a party to the hearing, was involved in the incident and may have broken a rule. Therefore, the PC is protesting 3112 under RRS 60.3(a)(2).

### Hearing of Case No.5

- 1) Observers - Mr Khoo (father of SGP 4427), Mr Lee (father of SGP 3256).
- 2) Before the hearing started, the PC informed SGP 4427 and SGP 3256 that 3112 is non-existent and gave them 10 minutes to find the correct boat.
- 3) SGP 4427 and SGP 3256 found **3211 - Gerald Xie, who was the 3rd boat involved in the incident and not 3112.**
- 4) Parties have had reasonable time to prepare for the hearing.

## FACTS FOUND

### Hearing of Case No.3

- 1) There was a 15cm crack on the bow of SGP 4427 and no damage to the bow of SGP 3256.
- 2) A third boat identified only by SGP 4427 as 3112, had contact with SGP 3256 which caused SGP 3256 and the third boat to become stuck together.
- 3) SGP 3256 being unable to manoeuvre due to contact with a third boat, sailed straight into SGP 4427.

### Hearing of Case No.5

- 1) The wind speed around 6 knots and sea-state was choppy in Race 5.

- 2) SGP 3256 and SGP 4427 were sailing on their 2nd upwind (Leg 3) on starboard tack, while SGP 3211 was sailing on his 1st downwind (Leg 2) on starboard tack.
- 3) SGP 3256 was clear ahead and slightly to leeward by 2 boat-lengths of SGP 4427.
- 4) SGP 3256 tacked to port and became on a collision course with SGP 3211, and the distance between the boats was 1 boat-length.
- 5) SGP 3256 immediately bore away after tacking to try and avoid contact with SGP 3211 but gybed accidentally and contact occurred between the two gunwales, with no damage or injury.
- 6) SGP 3256 to windward and SGP 3211 to leeward, both on starboard tack, sailed on parallel courses with their sails entangled, with SGP 3256 on a collision course with SGP 4427.
- 7) The distance between SGP 4427 and SGP 3256 at that moment was 1 boat-length.
- 8) SGP 4427 tried to avoid contact by bearing away but contact occurred between the port bow of SGP 3256 and the bow of SGP 4427, with a 15cm crack in the bow of SGP 4427.
- 9) All three boats continued racing in Race 5 after the incident.
- 10) SGP 4427 finished in 67th place in Race 5. SGP 4427 also started in Race 6 and finished in 44th place.
- 11) Neither boats took a penalty.

**Diagram:** Diagram not endorsed

#### CONCLUSIONS AND RULES THAT APPLY

### Hearing of Case No.3

The damage to SGP 4427 is serious (WS Case 141). The PC learnt that another boat 3112, although not a party to the hearing, was involved in the incident and may have broken a rule.

### Hearing of Case No.5

SGP 3256 to windward failed to keep clear of SGP 4427 and 3211 to leeward, and broke RRS 11. SGP 3256 did not avoid contact and broke RRS 14. It was not reasonably possible for SGP 4427 and SGP 3211, the right-of-way boats, to avoid contact with SGP 3256 when it was clear that SGP 3256 was not keeping clear. Therefore, SGP 4427 and 3211 did not break RRS 14.

#### DECISION

**Date & Time:** 2019-11-18 11:45 +08

### Hearing of Case No.3

The PC is protesting 3112 under RRS 60.3(a)(2).  
(Started: 1855h/Finished:1920h, 17 Nov)

### Hearing of Case No.5

SGP 3256 is DSQ in Race 5.  
(Started: 1020h/Finished: 1145h, 18 Nov)

#### PROTEST COMMITTEE

**Chaired By:** Jerrold Ng (SGP)

**Committee Members:** Joe Chan (NJ) - SGP