

# DECISION

Request No.: 09

## Protest

Event: 33rd Phuket King's Cup Regatta Race Number: IRC Zero Race 5

Hearing Date: 2019-12-04

### PARTIES AND WITNESSES

**Request No.: 09:** IRC - Zero - AUS8898 - Millenium Racing - Peter Winter

Multihull - Racing - 1618 - Bonza - Mark Thornburrow

**Witnesses:** Crew of Millenium Racing. Mark boat and camera boat in vicinity may have also seen the incident

### 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

Jury used Appendix N1.4(b)

Hearing under RRS 63.3(b). Bonza did not attend.

Protestor represented by: James Forquharson (bowman)

Witness: Peter Gregg (navigator)

### FACTS FOUND

1. Race 5, third leg, windward mark, wind speed 14 knots
2. Millenium and Bonza close hauled on starboard tack overlapped. Bonza to leeward of Millenium 50 meters apart.
3. Millenium was fetching the mark.
4. Bonza tacked to port onto a converging course.
5. Bonza bore away attempting to pass astern of Millenium but collided with Millenium amidships causing damage.
6. Millenium: a 600 mm gash to the topside and deck, a number of stanchions broken resulting in the lifelines going overboard.
7. Millenium retired from race 5 being concerned for the safety of the boat and did not start race 6.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

Bonza did not keep clear of Millenium and broke rule 10 and 14.

When Millenium was aware that Bonza would not keep clear it wasn't reasonably possible for her to avoid contact therefore Millenium did not break rule 14.

Millenium's score has been made significantly worse by a physical damage caused by Bonza that broke a rule of Part 2 and Millenium is entitled to redress.

### DECISION

**Date & Time:** 2019-12-04 18:10 +07

Bonza is DSQ in race 5, Millenium is to be scored average points for race 5 according to Appendix A10(a).

Millenium is to be scored average points for race 6 according to Appendix A10(a) provided she completes at least one more race.

If Millenium is unable to race on Friday she may apply to the jury for the further redress but that redress will be limited by Case 116.

### PROTEST COMMITTEE

**Chaired By:** John Doerr (GBR)

**Committee Members:** Albert Chandler (THA), Ewa Jodlowska (POL)

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