

DECISION

Protest

Request No.: 05

Heard Jointly With Number(s): 06

Event: 34th Phuket King's Cup Regatta Race Number:
Hearing Schedule: 2022-12-07 15:00

PARTIES AND WITNESSES

Request No.: 05: Multihull - AUS AUT2013 - 2fast4you - Kurt Wied

Charter/Cruising - DEN A11 - Kinnon - Torben Kristensen

Request No.: 06: Charter/Cruising - DEN A11 - Kinnon - Torben Kristensen

Multihull - AUS AUT2013 - 2fast4you - Hermann Schwarz

Witnesses: 2Fast4You: Hermann Schwarz (Skipper), Kinon: Chris Greagh

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit Case 05 received after class PTL. Case 06 received within class PTL.

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required 61.1(a)(4) - Both boats sustained serious damage which was obvious to both boats.

Decision: Request Valid

PROCEDURAL MATTERS

1. Observers: Bam Kamolwan, Niki Elliott
2. Cases 05 and 06 were held together.
3. After the incident, 2fast4you was concerned for the safety of the boat and crew. They bailed the water and returned cautiously to shore. Having secured the boat, they then proceeded to submit their protest without delay. Jury extended the time limit with respect to Case 05, per RRS 61.3.

FACTS FOUND

1. In Race #4 for Multihull Class and Race #4 for Cruising Class the wind was 15-18 knots.
2. Both boats were on starboard tack sailing a close-hauled course approaching the port layline.
3. 2fast4you (a 48' catamaran) was 2 boat lengths clear astern of Kinnon (a 40' monohull) and sailing a course 1 boat length to windward of the track of Kinnon.
4. Kinnon bore away, and then luffed past head-to-wind.
5. Before Kinnon reached close-hauled, 2fast4you bore away.
6. Kinnon completed her tack and continued to bear away to a downwind course across the bow of 2fast4you.
7. The bowsprit of 2fast4you made contact with Kinnon followed immediately by the port hull of 2fast4you crashing into Kinnon just forward of her shrouds causing Kinnon to spin clockwise. Then, the starboard hull of 2fast4you crashed into Kinnon just behind amidships.
8. Both boats sustained serious damage with water ingress through holes in the hulls.
9. Both boats retired.
10. Kinnon did not start Race #5. There was no further racing for the Multihull Class.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS13, RRS14, RRS 62.1(b), RRS64.2(a), RRS64.3, Cases 50 and 116

1. The decision by 2fast4you to bear away to avoid contact was reasonable. World Sailing Case 50

1. The decision by 2fast4you to bear away to avoid contact was reasonable - World Sailing Case 00.
2. Kinnon while tacking failed to keep clear of 2fast4you and broke RRS 13 and RRS 14.
3. It was not reasonably possible for 2fast4you, the right-of-way boat, to avoid contact with Kinnon when it was clear that Kinnon was not keeping clear. 2fast4you did not break RRS 14.
4. The score for 2fast4you in Race #4 has been, through no fault of her own, made significantly worse by physical damage because of the action of Kinnon that was breaking a rule of Part 2. Therefore, 2fast4you is entitled to redress under RRS 62.1(b).
5. World Sailing Case 116 limits the number of races that may be scored 'average points' under redress to fewer than half of her race scores:
 1. If 2fast4you is unable to start Race #5, she will be entitled to redress if she satisfies the international jury that she is unable to make repairs in time, in which case she needs to make a further request for redress.
 2. 2fast4you will not be entitled to average points for further races unless she completes more races.

DECISION

Date & Time: 2022-12-07 17:01 +07

1. Kinnon retired and is not be further penalised for her breach, per RRS64.2(a).
2. 2fast4you is to be scored in race #4, her average points in races 1, 2 and 3.

PROTEST COMMITTEE

Chaired By: John Doerr (GBR)

Committee Members: Rut Subniran (THA), Sungchul Jeong (KOR), Deepak Singh Dikhit (IND), Benjamin Harding (HKG)

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