

DECISION

Protest

Request No.: 01

Event: 2022 - 2023 Polar Bear Series Race Number: 1
Hearing Schedule: 2022-11-08 19:00

PARTIES AND WITNESSES

Request No.: 01: Hotfoot 31 - 2 - 49507 - Thursday's Child - Nicholas Flandin

Dufour 310 - 3 - Rio - Brad Davies

Witnesses: Gunnar Jonsson

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

- Rio represented by Paul Arcoite
- The hearing took place on Zoom
- 360 degree video of incident provided by Thursday's Child on Youtube

FACTS FOUND

- Wind light, 3-5 knots; no waves
- All boats moving slowly at between 2 and 3 knots
- This race had a downwind start
- Thursday's Child (TC) was reaching on starboard tack leeward of and overlapped with Pair of Hearts at the start signal, eventually passing her without incident
- TC was on course side prior to and after the start signal and attempting to return to the pre-start side of the start line
- Rio was approaching the start line on starboard tack from the pre-start side of the start line
- Rio was moving at 2 knots clear ahead of Pair of Hearts and TC as TC moving at 3 knots established an overlap to leeward with Rio's stern
- TC continued to steer toward the pre-start side of the start line reducing the distance between TC and Rio
- Rio turned up to avoid contact with TC at which time Rio's spinnaker made contact with TC's mast and rigging
- Crew on TC fended off as Rio's stern approached TC
- Light hull contact occurred eight seconds later as TC continued to overtake Rio
- There was no damage and no injuries
- Neither boat did penalty turns

Diagram: Endorsed by Protest Committee - YouTube video: <https://www.youtube.com/watch?v=CD2AhNv9H8I>

CONCLUSIONS AND RULES THAT APPLY

Rules: 14, 21.1, 43.1(c)

1. While sailing towards the pre-start side of the starting line to start after the starting signal, Thursday's Child failed to keep clear of Rio, and broke RRS 21.1.
2. Thursday's Child did not avoid contact when it was reasonably possible, and broke RRS 14.
3. Since Rio was right-of way boat and the contact did not cause damage or injury, she is exonerated under RRS 43.1(c) for breaking RRS 14.

DECISION

Date & Time: 2022-11-08 20:06 PST

Thursday's Child is DSQ in race 1.

PROTEST COMMITTEE

Chaired By: Jennifer Ross (CAN)
Committee Members: Gordon McKee (CAN), Tom Sitar (CAN)