

DECISION

Request No.: 14

Event: 2022 Winter Regatta Race Number: before first race
Hearing Schedule: 2022-12-11 16:20

PARTIES AND WITNESSES

Request No.: 14: 420 - FRA 57358 - Flavie Arnaud
420 - ITA 5704 - Nicolas Margaria
Witnesses: 55881

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

At the beginning of the hearing, the protestee did not come to to hearing, and the PC proceeds under RRS 63.3(b). The protestee of ITA joined to the hearing 9 minutes late.

FACTS FOUND

1. The incident occurred before the warning signal of the race n. 3
2. Wind 12kts, wave 0.5m
3. FRA 57358 was on starboard tack stationary head to wind in the waiting area.
4. ITA 5704 was sailing on port tack on collision course with FRA 57358.
5. FRA 57358 hailed "starboard" to ITA 5704 several times.
6. When ITA was 1 hull length away from FRA, FRA started boring away.
7. ITA 5704 held her course and hit FRA 57358, a damage occurred in the left side of the hull of the FRA 57358.
8. Both boats started and finished the race n. 3.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: RRS 10, RRS 14

1. ITA 5704 on port failed to keep clear of FRA 57358 on starboard, and broke RRS 10.
2. ITA 5704 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for FRA 57358, the right-of-way boat, to avoid contact with ITA 5704 when it was clear that ITA 5704 was not keeping clear and FRA 57358 did not break RRS 14.

DECISION

Date & Time: 2022-12-11 16:35 CET

1. Protest Upheld. Since the provision of preamble to RRS Part 2 applies, no penalty is imposed on ITA 5704.

PROTEST COMMITTEE

Chaired By: Piero Occhetto (ITA)

Committee Members: Alessandro Pezzoli (ITA), Giorgio Bolla (ITA), Paola Misurale (ITA), Lucia Ranza (ITA), Jean-Miltiade Bouyoukas (FRA)