

**Appeal OSA 2004-04**  
**Connestoga 1 vs. Sea Cadets 1**  
**Sept. 13/2004**

Connestoga 1 entered an appeal to a Protest Hearing held at the 2004 Ontario Summer Games on August 19, 2004

Rule-60 Right to Protest and request Redress  
Rule-61 Protest Requirements  
Sailing Instruction 11-Boats

**Summary of Facts:**

From the Protest hearing the following facts were noted and decisions made.

1. Battens were inserted in the mainsail of boat #72 before races 7 & 8.
2. Battens were not made available by the organizing Authority for the boat. Conestoga 1 violated Sailing Instruction 11. Conestoga 1 was disqualified from races 7 & 8.

**Conclusions of Appeals Committee:**

(a) From the Protest Form we note that the offense was installing the battens and that this was observed by the protestor "were seen". In this case the requirement to notify at the "first reasonable opportunity" RRS 61.1a was not met.

(b) If for some reason the offense was not noticed at that time but they were observed sailing with battens that must have been illegally installed then as an incident observed in the racing area and RRS 61.1a requires a hail which one would assume had to be made from the "boat" protesting.

(c) From the above conclusions the Appeals Committee is of the opinion that the Protest as filed was an invalid protest and should have not been heard.

**OSA Appeals Committee Decision:**

The Appeal by Connestoga 1 is upheld and Connestoga 1 is to be reinstated in Races 7 & 8 and all results adjusted accordingly.