



Ontario Sailing Appeal #OS2006-06

Albacore 8091 v Albacore 6613 – August 25, 2006

The protest committee is requesting confirmation or correction of its decision from a hearing on August 12, 2006 at the Mooredale Sailing Club Regatta

Rule 11 On the Same Tack, Overlapped

Rule 14 Avoiding Contact

Rule 18.5 Passing a Continuing Obstruction

Rule 70.2 Appeals; Confirmation or Correction of Decisions; Rule Interpretations

ISAF Case 104 “A national authority may derive additional facts by logical deduction.”

Summary of the protest committee’s facts:

There was room for 6613 to sail between 8091 and the other boat.

The committee also found that there was adequate time for 8091 to respond to the leeward boat and sheet in the boom.

Therefore under rule 11, 8091 as the windward boat did not keep clear of 6613.

Decision of the protest committee:

8091 was disqualified from the race on the grounds that under rule 11, it did not keep clear of 6613 and there was a collision as a result.

The committee then requested confirmation or correction of its decision under rule 70.2.

Summary of the facts as deduced by the appeals committee based on original facts, conclusion and facts provided by the protest committee in the request for confirmation:

8091 was on starboard tack, luffing and holding the boom out to the shroud, to leeward of the race committee signal boat before the starting signal.

An unidentified boat, Boat X, was also luffing on starboard, overlapped to leeward of 8091.

6613 approached the space between 8091 and Boat X on starboard from clear astern.

6613 sailed into the space between 8091 and Boat X and 8091 continued to hold the boom out.

6613 testified there was approximately two feet of space between his boat and Boat X.

Approximately three seconds after 6613 became overlapped to leeward of 8091, there was contact between 6613’s shroud and 8091’s boom, with 4–6 inches of overlap.

There was no damage.

Decision of the appeals committee:

The decision of the protest committee is corrected. 8091 is reinstated in her finishing place and 6613 is disqualified for breaking rules 14 and 18.5.

Before 6613 became overlapped to leeward of 8091, Boat X was an obstruction to 6613 because rule 12 required her to keep clear of a boat clear ahead on the same tack and Boat X was an obstruction to 8091 because rule 11 required her to keep clear of a leeward boat on the same tack. Boat X was a continuing obstruction to 6613 and 8091 because it would take some time for them to pass her, therefore rule 18.5 applies. There was not room for 6613 to sail between Boat X and the boom of 8091 in a seamanlike way when the overlap began as demonstrated by the collision which occurred almost immediately thereafter. 6613 was not entitled to room and did not keep clear of 8091, breaking rule 18.5.

In addition, it was reasonably possible for 6613 to avoid contact with 8091, therefore 6613 also broke rule 14. Even if 8091 could have avoided contact, she cannot be penalized under rule 14 because she was the right-of-way boat and the contact did not cause damage or injury.

Ontario Sailing Appeals Committee:

Mr. Andrew Alberti, SNJ, Chairman

Mr. Alex McAuley, IJ

Dr. Andrew Wardle, IJ

Ms. Kathy Dyer, SNJ

Dr. Mel Preston, SNJ

Mr. Peter Wood, SNJ