



Ontario Sailing Appeal #OS2006-09

Trumpeter vs Bear Necessity – 27 August 2006

Trumpeter is appealing the decision on 27 August 2006 of the protest committee at the Etobicoke Yacht Club Open Regatta for a race held the same day.

Rule 11 On the Same Tack, Overlapped

Rule 14 Avoiding Contact

Rule 16 Changing Course

Rule 18.1(a) Rounding and Passing Marks and Obstructions – When This Rule Applies

An inside boat approaching the starting line to start is not entitled to room at a starting mark or committee boat surrounded by navigable water.

Summary of the protest committee's facts:

1. Trumpeter was approaching the starting line on starboard tack.
2. Wind was 6 knots. Trumpeter was traveling at 4 knots.
3. Bear Necessity was to windward of Trumpeter and passed in front of Trumpeter. At the time Bear Necessity crossed, there was 25 to 30 seconds to the starting signal.
4. Bear Necessity headed up to leeward of Trumpeter to cross the starting line.
5. With 7 to 10 seconds remaining to the starting signal she was approximately 1.5 boat lengths from the committee boat.
6. At 3 seconds to the starting signal Bear Necessity bore away to avoid hitting Trumpeter.
7. Bear Necessity's stern hit Trumpeter amidships.
8. There was beam-to-beam contact between Trumpeter and the committee boat.
9. There was minor damage to Bear Necessity's stern.
10. At time of collision the boats were not close hauled.

Conclusion of the protest committee:

Trumpeter had opportunity to pass to windward of the committee boat before she was overlapped with the committee boat. Rule 18.1(a) applies. Rule 11 applies.

Decision of the protest committee:

Bear Necessity broke rule 14 but is exonerated. Trumpeter is disqualified.

Trumpeter appealed, claiming that Bear Necessity's change of course denied her room to keep clear, breaking rule 16.1.

Decision of the appeals committee:

Appeal dismissed. The decision of the original protest committee to disqualify Trumpeter is confirmed.

The decision that Bear Necessity broke rule 14 is corrected.

Trumpeter was not entitled to room to pass between Bear Necessity and the committee boat because rule 18.1(a) rendered rule 18 inapplicable. There was room for Trumpeter to keep clear of the committee boat when Bear Necessity changed course, as required by rule 16.1. Trumpeter did not keep clear of Bear Necessity overlapped to leeward on the same tack, breaking rule 11. Bear Necessity bore away in an attempt to avoid contact with Trumpeter when it became clear that Trumpeter was not keeping clear, therefore Bear Necessity did not break rule 14.

CYA Appeal 35 does not apply since, unlike that case, Trumpeter had an opportunity to go to windward of the committee boat after the collision course was established.

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