



Ontario Sailing Appeal # OS2011-07

**Blew by U v Knotty Gurl**

The protest committee is seeking confirmation or correction of its decision on 5 October 2011 from a race on 20 September 2011 at the Britannia Yacht Club.

**Rule 10, On Opposite Tacks**

**Rule 14, Avoiding Contact**

**Rule 23.1, Interfering with Another Boat**

**Rule 64.1(d), Penalties and Exoneration**

*The rules of Part 2 apply between boats that are sailing in or near the racing area and intend to race, are racing, or have been racing. However, a boat not racing shall not be penalized for breaking one of these rules, except rule 23.1.*

**Summary of the facts found**

(including additional facts, *in italics*, derived by the appeals committee)

1. Blew by U's warning signal had been made, Knotty Gurl's warning signal had not been made.
2. Knotty Gurl was on port tack running along the starting line.
3. Blew by U was close reaching on starboard tack slightly below the starting line.
4. Blew by U saw Knotty Gurl when she was approximately 1.5 boat lengths away on a collision course.
5. Blew by U immediately bore away in an attempt to avoid a collision, but realized a collision was unavoidable and imminent.
6. Blew by U then headed up to minimize the impact and avoided a T-bone collision.
7. Knotty Gurl did not see Blew by U before the collision.
8. There was significant damage to both boats.
9. *Both boats sailed in the races.*

The protest committee also prepared a diagram of the incident.

**Decision of the protest committee**

The protest committee came to the following conclusions:

1. Knotty Gurl, on port tack, did not keep clear of Blew by U, on starboard tack, breaking rule 10.
2. Knotty Gurl did not see Blew by U and failed to avoid contact, breaking rule 14.
3. Knotty Gurl was not racing and interfered with a boat that was racing, breaking rule 23.1.
4. When it became clear that Knotty Gurl was not keeping clear, Blew by U acted in an attempt to avoid contact, as required by rule 14(a).

The protest committee disqualified Knotty Gurl from the race she sailed that evening, in accordance with rule 23.1.

**Decision of the appeals committee**

The protest committee's decision is confirmed, with a minor correction. Knotty Gurl broke rule 23.1 and her penalty was correctly applied to the race sailed nearest in time to that of the incident, in accordance with rule 64.1(d).

10 November 2011

**OS Appeals Committee:**

Ms. Kathy Dyer, IJ, Chairman

Mr. Alex McAuley, IJ

Mr. Robert Stewart, IJ

Ms. Wendy Loat, NJ

Ms. Janet McDougall, NJ

Mr. Peter Wood, NJ