

PROTEST COMMITTEE DECISION Case No: 10 With Case(s): 11

Race: final race

PARTIES

Boat or Committee or Person	Class/Fleet	Represented By/Not Present
ESP 7	Finn	Alejandro MUSCAT (Alex)
SUI 1	Finn	Nils THEUNINCK (U23)

WITNESSES

Name	Boat – Committee - Role
Bence Böröcz	IJ
GBR 38	Callum DIXON

Valid – Yes (if 'No' use Facts Found to document this decision)

Case Summary: (type of Hearing and just brief introduction to help the reader)

Tacking in the zone

Procedural Matters, (Conflicts of Interest,, parties not present, extending time limits)

Facts found:

1. On the first beat to windward, ESP 7 on close hauled course was approaching the mark on starboard tack and fetching the mark.
2. In the zone, SUI 1 passed head to wind from port to starboard and was then fetching the mark.
3. SUI 1 completed her tack clear ahead of ESP 7 as her bow passed the mark.
4. ESP 7 was higher speed than SUI 1 and did not alter her course.
5. There was contact between ESP 7's bow and SUI 1's stern to leeward of her rudder and about 1 second after SUI 1 completed her tack.
6. Immediately before the contact ESP 7 became inside overlapped to leeward of SUI's rudder.
7. SUI 1 took a Two-Turns penalty 45 sec after rounding the offset mark. There were no boats preventing SUI getting well clear and taking her penalty sooner.

Conclusion & Rules:

After SUI 1 completed her tack, she failed to initially give ESP 7 room to keep clear and broke RRS 15. By failing to give mark room, SUI 1 broke RRS 18.3. By not avoiding contact SUI 1 broke RRS 14.

From the moment it was clear that SUI 1 was not giving room or mark room, it was not reasonably possible for ESP 7 to avoid contact and therefore ESP 7 did not break RRS 14.

SI 1.8 allows a boat to delay a penalty for an incident in the zone around mark 1 until she has passed mark 1a. However, SUI 1 delayed her penalty another 45 seconds and failed to take her penalty as soon as possible after passing mark 1a.

Decision:

SUI 1 is dsq in the final race.

Protest Committee:

John Doerr, IJ GBR (C); Bence Böröcz IJ HUN; Michal Jodłowski, IJ POL; Tina Örtendahl IJ SWE;
Angela Stenger IJ GER (S);

International Jury: Yes/No

Signed:

Date, time: 18.05.2019 / 19:57