



Ontario Sailing Appeal #OS2006-08

Albacore 6857 v Albacore 6700 – 16 September 2006

Albacore 6857 is appealing the decision on 16 September 2006 of the protest committee for the Albacore Canadian Championships at the Nepean Sailing Club for a race on the same day

Rule 10 On Opposite Tacks

Rule 11 On the Same Tack, Overlapped

Rule 14 Avoiding Contact

Rule 18.1 When This Rule Applies

Rule 18.2(a) Giving Room, Keeping Clear, Overlapped – Basic Rule

Rule 64.1(b) Decisions, Penalties and Exoneration

Definitions, Obstruction

When an obstruction is a right-of-way boat that can be passed on either side by two overlapped boats, and the right-of-way leeward boat chooses to pass it to leeward, she must give room to the other boat to do likewise

Summary of the protest committee's facts:

(including additional facts, *in italics*, provided by the protest committee under rule F5)

1. In very light air, 6857 established an overlap from clear astern on 6700
2. 6700 was luffing 6857, not abruptly
3. The two boats were heading downwind on a port tack
4. 7945 was beating to windward on a starboard tack
5. *The hulls of 6700 and 6857 were 2 to 3 feet apart, and 6700 was not luffing*
6. Contact occurred between 6857 and 7945

Conclusions of the protest committee:

6700 gave sufficient room to 6857 to avoid 7945 approaching on starboard. 6857 did not take the room. Rule 10, 6857 is required to keep clear of 7945.

Decision of the protest committee:

6857 is disqualified under rule 10, race 3

6857 appealed claiming that 6700 was luffing and did not provide sufficient room for 6857 to manoeuvre promptly in a seamanlike way to avoid contact with both 7945 and 6700, breaking rule 18.2(a).

Decision of the appeals committee:

Appeal upheld. 6700 did not give sufficient room to 6857 to pass between 7945 and 6700, breaking rule 18.2(a) and is disqualified from race 3. 6857 is reinstated in her finishing place.

Initially, 6857 was keeping clear of 6700 as required by rule 11 and had room to keep clear when 6700 changed course as required by rule 16.1. 6857 and 7945 then became on collision courses. By definition, 7945 on starboard tack was an obstruction to both 6857 and 6700 on port tack because rule 10 required both to keep clear of her. Rule 18 began to apply when the boats were about to pass the obstruction. When 6700 elected to pass to leeward of the obstruction, rule 18.2(a) required her to give 6857 on the inside, room to do likewise.

The appeals committee finds that 6700 did not provide sufficient room for 6857 to fulfill both of her obligations: under rule 10 to keep clear of 7945 and, under rule 11 to keep clear of 6700, breaking rule 18.2(a). 6857 broke rule 10 by not keeping clear of 7945, but is exonerated under rule 64.1(b) because 6700's breach of rule 18.2(a) compelled her to break rule 10. It cannot be determined from the facts if 6857 broke rule 14. However, even if 6857 could have avoided the contact, she cannot be penalized under rule 14 because she was a boat entitled to room and there is no evidence that the contact caused 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