Ontario Sailing Appeal #OS2006-03

Reddy v Osprey, Osprey v Selene, Osprey v Reddy, Selene v Curacao, Curacao v Selene – July 9, 2006

Selene is appealing a decision of the protest committee on July 1, 2006 from a race of the C&C Owners' Regatta at National Yacht Club

Rule 10 On Opposite Tacks
Rule 11 On the Same Tack, Overlapped
Rule 13 While Tacking
Rule 14 Avoiding Contact
ISAF Case 49 "When two protests arise from the same incident, or from very closely connected incidents, it is advisable to hear them together in the presence of all the boats involved."

Summary of the facts:
(Including additional facts, *in italics*, provided by the protest committee under rule F5)
The four boats were on starboard tack, close-hauled approaching the starting line.
Curacao (RW 30) was *clear ahead and to* leeward of Selene (C&C 27). Osprey (C&C 27) was *just clear astern and* to windward of Selene and Reddy (C&C 25) was *just clear astern and* to windward of Osprey.
Curacao was early for the starting signal and headed up, went into irons and lost steerage.
Curacao hailed she had lost steerage.
Selene became overlapped to windward of Curacao.
To avoid a collision with Curacao, Selene headed up *and passed head to wind*.
Curacao passed head to wind.
There was contact between *the bow of* Curacao and *the aft quarter of* Selene*'s port side near the winch*.
Selene fended off the bow pulpit of Curacao.
Selene bore away to a close-hauled course on port and hailed Osprey.
Osprey tacked to port in an attempt to avoid a collision with Selene and hailed Reddy.
Reddy bore away in an attempt to avoid a collision with Osprey.
There was contact between Reddy and Osprey aft of the winch.
There was damage to both Reddy and Osprey.
There was contact between Selene and Osprey with no damage.
Osprey and Reddy did not finish the race.

Decision of the protest committee:
Curacao was the leeward boat, Selene was the windward boat and failed to keep clear, breaking rule 11. Selene is DSQ.

Osprey tacked to avoid Selene and Reddy bore away to avoid Osprey. Both attempted to avoid contact as required by rule 14. Neither Osprey nor Reddy broke a rule.

Selene appealed her disqualification under rule 11, claiming that the relevant rule was rule 13. Selene is also appealing the protest committee's procedures, disputing the protest committee's decision to hold one hearing for all five protests. Selene claims Curacao should not have been considered as a party to the hearing because her protest was not valid as Curacao did not display a protest flag and did not inform Selene of her intention to protest.

Decision of the appeals committee:
The incidents described in the five protests are the same incident and the decision of the protest committee to hear them at once in the presence of all boats involved is confirmed. Curacao was a party to the hearing by virtue of Selene's valid protest against her. The appeal of the protest committee's procedures is dismissed.

While Curacao and Selene were overlapped on starboard, Selene to windward, kept clear by heading up and passing head to wind as required by rule 11.

Selene and Curacao were beyond head to wind and not on close-hauled courses when they collided and therefore subject to rule 13 at the same time. Curacao was the boat on Selene's port side and did not keep clear, breaking rule 13.

Selene on port, broke rule 10 by not keeping clear of Osprey on starboard, but was compelled to break rule 10 by Curacao's breach of rule 13 and is exonerated under rule 64.1(b).

Osprey on port, broke rule 10 by not keeping clear of Reddy on starboard, but was compelled to break rule 10 by Selene's breach of rule 10 and is exonerated under rule 64.1(b).

The course changes by Selene, Osprey and Reddy were consistent with attempting to avoid contact, therefore none broke rule 14.

Selene's appeal of her disqualification is upheld. Selene is reinstated in her finishing place and Curacao is disqualified.

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