



**Ontario Sailing Appeal 2005-05
Towser vs Banshee vs Clockwork – September 20, 2005**

Banshee is appealing a decision of the protest committee from a race of the Midweek Series at Royal Canadian Yacht Club on September 13, 2005

**Rule 14 Avoiding Contact
Rule 18.2(a) Overlapped – basic rule
Rule 18.2(c) Not overlapped at the zone
Rule 18.2(e) Overlap rights
Rule 64.1(b) Penalties and exoneration**

Summary of the facts:

Towser (28 feet), Banshee (31 feet) and Clockwork (41 feet) were approaching the gybe mark on starboard tack with Towser to windward and clear ahead of Banshee and Clockwork. Clockwork was sailing a higher course than Towser and Banshee and her boat speed was approximately 7 knots. Banshee was sailing a slightly higher course than Towser and her boat speed was approximately 5 knots. Towser's boat speed was approximately 4 knots.

Well before the two-length zone, Clockwork established an overlap to leeward of Banshee. Banshee established an overlap to leeward of Towser, but there was reasonable doubt they overlapped before Towser reached the two-length zone. There was a collision between Towser and Banshee. A second collision then occurred between Banshee and Clockwork. Towser swung up and a third collision occurred between Towser and Clockwork across Banshee's bow. There was significant damage. Banshee did not finish the race.

Clockwork protested Banshee and Towser. Towser protested Clockwork and Banshee. Banshee protested Towser and Clockwork.

Decision of the Protest Committee:

It was presumed that Banshee did not have an inside overlap with Towser at the two-length zone according to rule 18.2(e).

Banshee (clear astern at the two-length zone) did not keep clear of Towser (clear ahead) breaking rule 18.2(a).

Clockwork did not break rule 14(a) as it was not reasonably possible for Clockwork to avoid the collision with Banshee when it became clear that Banshee was not keeping clear.

Clockwork (clear astern at the two-length zone) did not keep clear of Towser (clear ahead) breaking rule 18.2(c). Clockwork was prevented from keeping clear of Towser by Banshee's failure to give room under rule 18.2(a) and is exonerated under rule 64.1(b). Towser did not break rule 14, as it was not reasonably possible for Towser to avoid the collision with Clockwork.
Banshee had already withdrawn from the race, so no further penalty applies.

Decision of the Appeals Committee:

Appeal dismissed. The facts found by the protest committee support the conclusion that Banshee broke rules 18.2(a) and 18.2(c). The protest committee correctly exonerated Clockwork under rule 64.1(b) for breaking rule 18.2(c) and correctly applied rule 14 to the collisions between Towser and Banshee and Towser and Clockwork.

Ontario Sailing Appeals Committee:

Mr. Alex McAuley IJ, Chairman
Dr. Andrew Wardle IJ, IU
Dr. Mel Preston SNJ
Ms. Kathy Dyer SNJ
Mr. Peter Wood SNJ