



Ontario Sailing Appeal #2007-02

Redress for Request by C&C 27 Blue Zulu – 17 June, 2007

C&C 27 Blue Zulu is appealing a decision of the protest committee on 27 June, 2007 from a race of the Nepean One Design Regatta on 17 June, 2007 at the Nepean Yacht Club.

Rule 62.1 Redress
ISAF Case 37
CYA Appeal 43

Summary of the facts:

The sailing instructions for the Nepean One Design Regatta stated that no warning signal would be made after 1400 on 17 June.

The warning signal for the last race of the Tanzer 22 class and C&C 27 class was made at 1406 and 1411 respectively.

All C&C 27s in the regatta started and finished the race.

A Tanzer 22 delivered a request for redress. No C&C 27 delivered a request for redress.

The protest committee upheld the Tanzer 22's request for redress and decided that the results for the last race would not be included in the series for either the C&C 27 or the Tanzer 22 classes. C&C 27 Blue Zulu requested redress for this decision of the protest committee.

Decision of the protest committee:

The race committee made an error by starting the race with a warning signal after 1400. The C&C 27 race should not be scored. Redress was denied.

Decision of the appeals committee:

Appeal upheld. The C&C 27 results for the last race are to be reinstated.

Starting the race with a warning signal after 1400 was an improper action of the race committee. All C&C 27s started and finished the race and there is no evidence that any boat's score in the race or series was made significantly worse by that action.

The C&C 27 race and the Tanzer 22 race were separate races. No request for redress was received for the C&C 27 race. To decide not to include the scores of the C&C 27 race in the series because of the Tanzer 22 request for redress, was an improper action of the protest committee.

ISAF Case 37 states: “When several classes are racing at the same time, each class is competing in a separate race” and “There may have been sufficient evidence to warrant abandonment of the races of some classes, but the protest committee erred in applying it to the classes in which no redress was sought. Its decision to do so was an ‘improper action’ within the terms of rule 62.1(a).”

In CYA Appeal 43 the appeals committee states: “Further, the protest committee should not have itself initiated redress to abandon the race for all classes. Abandonment is a last resort when no other equitable solution is available. In this case no boat’s score in any class was made significantly worse, and it was clearly most equitable to let the results stand.”

OS Appeals Committee:

Mr. Andrew Alberti, SNJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Alex McAuley, IJ

Dr. Andrew Wardle, IJ

Dr. Mel Preston, SNJ

Decision Announced: September 5, 2007