

Decision of Protest Committee

Event: Club Marine Wednesday Night Series

Organizing Authority: RNZYS

Date of incident: 6 Nov 2019

Date and time of hearing: 19 Nov 2019 18:00

Protestor: *Carpe Diem* represented by Rowan Smith

Protestee: *Duty Free* represented by Andrew MackMurdie

Witness: Ocean Mead, *Carpe Diem*.

Validity: the protest is valid under rule 61.1(a)(4).

Facts Found:

1. Approaching a windward mark, *Carpe Diem* was close hauled on starboard tack with *Rawhide* overlapped to windward and *Duty Free* close hauled on port tack.
2. *Duty Free* tacked onto starboard, completing the tack approximately 8-10 metres ahead of *Carpe Diem*.
3. Once the tack was complete, *Carpe Diem* had significantly more speed and luffed 15°. If she had luffed further or borne away sharply there would have been contact with *Rawhide*.
4. There was contact between the prod and bow of *Carpe Diem* and the stern and steering wheel of *Duty Free*, causing serious damage to both.
5. Both boats withdrew from the race.

Conclusions:

1. When *Duty Free* acquired right of way by completing her tack onto starboard clear ahead of *Carpe Diem* she did not give *Carpe Diem* room to keep clear as required by RRS 15.
2. It was not reasonably possible for *Carpe Diem* to avoid contact once the tack was completed, so she did not break RRS 14.
3. *Carpe Diem* clear astern did not keep clear of *Duty Free* as required by RRS 12, but is exonerated under RRS 21.
4. *Carpe Diem's* score in the race was made significantly worse by physical damage caused by a boat breaking a rule of part 2.

Decision: *Duty Free* retired from the race and no further penalty is applicable.

Redress is given to *Carpe Diem*. She shall be scored average points for all other races in the series, calculated as per RRS A10(a).

Protest committee: David McIntyre (chair), Blair Park, Louis Mayo.

Date and time decision advised: 18 Nov 2019 18:45