

The Royal Prince Alfred Yacht Club - Protest Hearing

Event: RPAYC Thursday Summer Twilight Race 6 on 18 February 2021

a) Protestor: *Express* represented by Stephen Merrington
a) Protestee: *Luna Fernando* represented by Marco Tapia
Witness: Hamish McDonald

b) Protestor: *Luna Fernando* represented by Marco Tapia
b) Protestee: *Azure Goddess* - no representative
Express represented by Stephen Merrington

Validity of the protest:

Although both protests were lodged outside the time limit, the Protest Committee decided to hear the Protests (in accordance with Rule 61.3) due to the extenuating reason of damage caused to two of the yachts.

The Protest Committee then considered the validity of the protests in accordance with RRS 63.5 and declared them valid.

FACTS FOUND:

1. *Express*, *Luna Fernando* & *Azure Goddess* were approaching the line to start with sheets eased at an approximate speed of 3 knots in a variable ENE wind of approximately 5 knots. At approximately 1 minute before the starting signal *Express* was to leeward with *Luna Fernando* to windward of *Express* and *Azure Goddess* to windward of *Luna Fernando*. There were no other vessels in proximity either to Windward or to Leeward of these three.

2. *Express* hailed *Luna Fernando* to keep clear.
Luna Fernando hailed *Azure Goddess* to keep clear.
Azure Goddess apparently responded "you can't push me over the line"

3. *Luna Fernando* then hailed *Express* "not to come up as *Azure Goddess* was not giving room" and *Express* heard this hail. *Express* bore away as both *Luna Fernando* and *Azure Goddess* continued to bear down on *Express*.

3a) *Express* later commented in the hearing "I was not prepared to go below the mark".

4. All three vessels continued on their course, and all the hails were repeated.

5. Just prior to the Start Signal, contact occurred between the Starboard side of *Express* and the Port side of *Luna Fernando* resulting in some damage to both boats.
Azure Goddess was approximately 0.5m to windward of *Luna Fernando*.

6. *Express* continued to Race without touching the Start Mark while *Azure Goddess* and *Luna Fernando* both returned behind the Start Line.

CONCLUSIONS:

- *Azure Goddess* was required to keep clear under Rule 11 and failed to do so.
- *Luna Fernando* was required to keep clear of *Express* under Rule 11 and failed to do so.
- *Express* & *Luna Fernando* were required to avoid contact under Rule 14 and failed to do so.

Rules that apply: RRS 14 & 11 & 43.1(a), 61.3,
Case 51

DECISIONS:

- 1) Azure Goddess is disqualified under Rule 11.
- 2) Luna Fernando broke Rule 11 but is exonerated under Rule 43.1 (a) because of his inability to respond due to the actions of Azure Goddess.
- 3) Express is disqualified under Rule 14 for failing to avoid contact when reasonably possible as there were no vessels to Leeward preventing them from bearing away again.

Protest Committee: Richard Hudson (Chairman), David West and Jim Gordon

Date: 24 February 2021