



Royal Yacht Squadron
BICENENARY INTERNATIONAL REGATTA
26th to 31st July 2015

INTERNATIONAL JURY HEARING DECISIONS

As at 30 July 2015, 19:30 latest at bottom

International Jury:
Jean-Louis Fabry FRA, Tony O'Gorman IJ IRL, Tom Sheppard IJ HKG,
Rut Subniran IJ THA, Bryan Willis IJ GBR (chairman)

Case 1, 28th July, Race 2, IRC 2

NOONMARK IV requested redress claiming that, at the start of the race, the Race Committee made an error/omission in the way that the boats that were on the course side of the line at the starting signal were informed by VHF radio, causing her to delay returning to start.

NOONMARK was represented by Stuart Quarrie; the Race Committee by John Grandy who brought line officer Rupert Erskine Crum to give evidence, which included a photograph taken at the instant of the start.

Boats were starting down-wind under spinnaker. At the instant of the starting signal, the Race Committee judged there to be 4 boats OCS, and made the following broadcast on VHF: 'four boats OCS including YES' and 'I will try to ascertain the other numbers' (or words to that effect). Not able to identify the other three boats promptly, the Race Committee did not make any further transmissions on the subject.

NOONMARK was unsure whether she was OCS and turned back only after about 2 minutes had passed, and started approximately 7 minutes after the starting signal. Had she been informed in the first instance she would have lost only 3-4 minutes.

The photograph showed three boats clearly OCS with YES being the furthest from the starting line.

Decision: There was no obligation for the Race Committee to inform yachts they are OCS, (sailing instruction 14.1: '... yachts may be announced on channel 5') but it was their intention, and practice, to do so.

In transmitting 'I will try to ascertain the other numbers' (or words to that effect) the RC made no indication that this would be soon. NOONMARK had the opportunity to make a judgement at the moment of the start that she was OCS, and on receiving the transmission '4 boats over including YES' could judge that she was one of the four leading boats and was therefore was OCS.

The Race Committee made an error in broadcasting the identity of only one of four boats. However, as YES was clearly recognisable and was clearly the boat that was the most advanced, announcing that YES was OCS, and identifying no other boat, was not prejudicial.

To be awarded redress, it has to found that the action that caused the worsening of the boat's score was 'through no fault of her own'. The Jury is satisfied that there was fault, in that it was possible for NOONMARK to decide that she was one of the four boats OCS, particularly when the RC made the announcement there were four boats OCS.

Decision: Redress is denied.

Case 2, 28th July, Race 2, IRC 2.

QUOKKA submitted a Request for Redress, claiming she was erroneously judged to be OCS at the starting signal. The Race Committee then studied the photograph referred to in Case 1 and concluded that, although her spinnaker was close to the line, she was not OCS. The Race Committee re-scored her by giving QUOKKA her finishing time and position as she had not returned to the start line. The Request was marked as 'withdrawn'.

Cases 4 and 5 (there was no Case 3) 28th July, Race 5, Level Rating

ROYAL SOLENT 4014 protested ROYAL THAMES 4020, and ROYAL THAMES protested ROYAL SOLENT with respect to the same incident approaching the windward mark.

4014 was approaching the windward mark on starboard tack on a track about one boat-length below the layline for the windward mark to be left to port. 4020 was on port tack some distance off the lee bow of 4014. When 4014 was about three lengths from the mark, 4020 on port tack ducked to pass astern of 4014. Immediately after clearing 4014, 4020 tacked to starboard and simultaneously 4014 tacked to port.

After both boats had completed their tacks, 4020 on starboard was on a collision course with 4014 on port tack. 4020 luffed with the intention of minimising damage, and hit 4014 on 4014's starboard side about a metre from the quarter, causing damage. Neither boat was aware of the other until they had completed their tacks. Neither boat took a penalty turn; both hailed protest and displayed a protest flag.

Conclusion: 4014, a port tack keep-clear boat, failed to keep clear and therefore broke rule 10. She was a keep-clear boat while she tacked (Racing rule 13 last sentence) and tacked into a keep-clear position (on port tack) in which it was impossible for 4020 to avoid contact without bearing away behind her stern.

4020 was right-of-way boat but failed to take action that would have avoided contact. It was reasonably possible for her to have avoided contact (either by luffing earlier or bearing away) and therefore broke rule 14.

4014 was keep-clear boat (rule 13) during the simultaneous tack, and was keep-clear boat after the completion of the tack (rule 10).

Decision. Both boats are disqualified

Note: Trac-Trac print outs, and a replay of the Trac-trac record of the incident, were presented as evidence. However, the Jury is satisfied, and both parties agreed, Trac-Trac records are insufficiently accurate to be useful in boat-to-boat incidents.

Reopening: Both parties asked that the hearing be re-opened, each claiming there was significant new evidence. However the Jury was satisfied that the evidence referred to was available at the original hearing, and the requests were therefore refused.

Cases 6 and 7, 28th July Race 5, Level Rating.

REAL CLUB NAUTICA GRAN CANERIA 4010 protested YACHT CLUB COSTA SMERALDA 4006 with respect to an incident at the first windward mark on the first leg.

The Jury was satisfied, and 4010 accepted, that 4006 took a 'two turns' penalty after the incident in accordance with Level Rating SI 12.1.

4006 also displayed a yellow flag and informed the Race Committee by VHF at the finish. At the hearing, the Jury addressed the question as to whether the yellow flag was displayed at the first reasonable opportunity, but after the hearing realised that in the Level Rating Class, no yellow flag is required.

The incident resulted in damage but the damage did not impact on the safety or performance of the boat. Repair costs would not be large in comparison to the value of the boat. The damage, therefore, was not 'serious' in terms of Racing Rule 44.1(b) and therefore no further penalty is applicable. (Had the damage been 'serious' the penalty would be to retire.)

Decision

As 4006 admitted fault, the protest is upheld in relation to the incident, but as 4006 took a two-turn penalty immediately after the incident, no further penalty is to be imposed.

Case 8, 29th July Race RATI, IRC4.

CLARIONET protested WHOOPER, claiming she failed to leave Gurnard Cardinal to starboard as required by Sailing Instruction 10.1.1.

WHOOPER subsequently retired, and CLARIONET then withdrew her protest.

Case 9, 29th July, Race RATI, IRC3.

ARGYLL protested CUILAUN, claiming she failed to leave Gurnard Cardinal to starboard as required by Sailing Instruction 10.1.1.

CUILAUN subsequently retired, and ARGYLL then withdrew her protest.

Case 10, 29th July, Race RATI, IRC3.

SIGMANIA sought redress for time lost standing-by TOMAHAWK which had lost her main mast. The Jury was satisfied that in compliance with Racing Rule 1.1 (A boat or competitor shall give all possible help to any person or vessel in danger)

When south-west of St Catherine's point, SIGMANIA, seeing TOMAHAWK was dismasted, approached her and stood-by her while she secured her mast and rigging, relaying VHF information to the coastguard.

The Jury was satisfied that the Request met the requirements of Racing Rule 62.1(c) ('A request for redress ... shall be based on a claim ... that a boat's score in a race ... has been ..., through no fault of her own, made significantly worse by ... giving help ... in compliance with rule 1.1...')

In making its decision as to what arrangement would be the fairest to all boats, the Jury took into consideration SIGMANIA's positions at the beginning and conclusion of the stand-by operation, the time taken, the tidal drift during the operation, and the distance made good towards next mark during the operation.

Decision: Redress to be awarded to SIGMANIA by subtracting 28 minutes from her race elapsed time.

Case 11, 30th July, Race 2 (Tuesday), IRC3.

ARGYLL sought redress for improper action by the Race Committee in that the Race Committee reminded other yachts to comply but did not remind ARGYLL to comply with SI 17.2 and SI 18 requiring each yacht to declare her finishing time. ARGYLL was penalised by 4%, resulting in her losing first place and becoming fourth in the race.

Griff Rhys Jones represented ARGYLL; the Race Committee was represented by John Grandy. Andrew Rayner who runs the results service and regatta office, gave evidence. Andrew explained that after race 2 (the first race of the regatta) several boats had not complied with SI 17.2 but the office had received several SMS declarations from phone numbers not on the official list of competitors and were therefore unidentified. Andrew therefore arranged for a staff member to phone all numbers on the official list for boats that had apparently not declared, and either tell the recipient that the office had not received a declaration or leave a message to that effect. The two registered numbers for ARGYLL would have been included. Griff said his mobile phone number was one of the two entered for ARGYLL and he had not received the message; he wasn't sure about the other number (of ARGYLL's skipper O. Graffy). Matt Walker of DORADE, Alex Reilly of CUILAUN and David of CETEWAYO, all gave their opinions that should the Jury give redress of removing the 4% penalty they would not mind ARGYLL being placed above them as she beat them on the water.

John Grandy opined that Andrew had acted reasonably and the Race Committee made no error or omission. The Jury was satisfied that Andrew's action was fair and reasonable in the circumstances.

Griff accepted that ARGYLL had failed to make the declaration and that the 4% penalty was correctly applied.

DECISION: There was no error or omission of the Race Committee and therefore no redress can be awarded.

Case 12, 30th July, Race 4, IRC3.

CETEWAYO protested DORADE claiming DORADE failed to keep clear in a port-and-starboard incident downwind soon after rounding the windward mark.

The wind was light, with a tidal stream of 1.8 knots.

DORADE entered the zone at the windward mark clear ahead of CETEWAYO. The course to the next mark was directly down-wind and either tack would be a proper course. DORADE intended to gybe-set onto port tack after rounding the mark.

While DORADE was rounding, CETEWAYO, sailing faster, established an overlap inside DORADE but kept clear and gave room to DORADE. As a result of the tidal stream, both boats were outside the zone when DORADE completed her gybe onto port tack. DORADE initially kept clear of CETEWAYO who remained on starboard tack on a steady course. The boats converged. DORADE believed she could cross ahead of CETEWAYO. However CETEWAYO believed a collision would occur and bore away and gybed. There was no contact; neither boat took a penalty.

After DORADE left the zone, she no longer had protection from rule 18.2(c). DORADE on port tack was required by Racing Rule 10 to keep clear. Definition of 'keep clear': 'A boat keeps clear of a right-of-way boat if the right-of-way boat can sail her course with no need to take avoiding action'.

In this case, CETEWAYO had a genuine and reasonable apprehension of a collision and therefore felt a need to alter course. (ISAF Case 50 refers.)

Decision: DORADE broke rule 10. DORADE is DSQ.

Addendum:

On 30th July the Jury received the following question from CUILAUN:

‘Sailed wrong [course] – missed Gurnard buoy before finish. I [retired as a result of a] protest. Could I have taken a time penalty rather than retire? If not applicable this time, I would like to know for the future.’

Jury’s opinion: There is no time penalty (or turns penalty) for failing to sail the course, but you could ‘unwind’ a mark passed on the wrong side if you haven’t finished. If you have finished and then realise you sailed the wrong, you must retire.

On 26th July after the Skippers’ Briefing:

BELLA MENTE submitted three questions concerning situations on the race course involving a J class boat interacting with an IRC boat and the responsibilities to comply with Notice to Marinas (Appendix 3 to the Sailing Instructions required by Sailing Instruction 9.5) together with responsibilities to comply with the rules of Part 2 of the Racing Rules.

It is not possible to give definitive answers to these questions.

If a hearing is brought under Sailing Instruction 9.6 the Jury will make its decision based on:

- whether or not an IRC boat had infringed SI 9.5 in that the skipper/helmsman of the J/Large Classic was concerned as to the safety of his vessel not through his own action (in which case the jury may impose a penalty under SI 21.4),
- whether or not either boat broke a rule of part 2 of the racing rules

The Jury notes that the Race Committee intends to set courses such that the only time the Js and Large Classes are likely to interact with other competing boats will be outside the Solent during the Race Around The Island, where the Notice to Mariners does not apply.

Tom Sheppard IJ HKG, Tony O’Gorman IJ IRL, Rut Subniran IJ THA Jean-Louis Fabry FRA, Bryan Willis IJ GBR (chairman)