

# PROTEST COMMITTEE DECISION

Case No: 4 With Case(s): 6 Race: 2

## PARTIES

Boat or Committee or Person	Class/Fleet	Represented By/Not Present
NOR 80		Steve Kibble
FIN 59		Cesar Elizager

WITNESSES	
Name	Boat – Committee - Role
Stardust	

Valid – Yes

<p><b>Case Introduction:</b> Incident at the first windward mark, race 2.</p>
<p><b>Procedural Matters:</b> Hearing adjourned because there is a possibility that a third party involved in the incident may have broken a rule: 60.3 (a) (1). The hearing was reopened with ESP as a witness</p>
<p><b>Facts found:</b></p> <p>Wind speed 12 knots with a leeward going current. At the first windward mark NOR 80 was close hauled on starboard fetching the mark. <i>Stardust</i> was ahead and to leeward, sailing high and slow to make the mark. FIN 59 passed astern of <i>Stardust</i>. FIN 59 passed head to wind from port to starboard inside the zone, ahead and to leeward of NOR 80. FIN 59 was sailing slowly with <i>Stardust</i> inside. As NOR 80 was passing FIN 59 the distance between the boats was less than one metre. At the mark, <i>Stardust</i> luffed head to wind and the genoa was backed for a few seconds. FIN 59 luffed suddenly, and there was no contact between FIN 59 and <i>Stardust</i>. There was contact between the bow of FIN 59 and the port quarter of NOR 80. There was minor damage to NOR 80. <i>Stardust</i> touched the mark and took a One turn penalty. FIN 59 touched the mark and took a One Turn Penalty.</p>
<p><b>Conclusion &amp; Rules:</b></p> <p>FIN 59 passed head to wind inside the zone. Rule 18.3 applies between FIN 59 and NOR 80 and 18.2 does not. When FIN 59, right of way boat, changed course she did not give NOR 80 room to keep clear and broke rule 16.1. NOR 80 broke RRS 11 as a consequence of FIN 59 breaking RRS 16.1 and is exonerated under RRS43.1 (b). It was no reasonably possible for NOR 80 to avoid contact when it became clear that FIN 59 was not giving room. FIN 59 took an applicable penalty</p>
<p><b>Decision:</b> No further penalty.</p>
<p><b>Protest Committee:</b></p> <p>Antonio Matta, Gordon Davies, Jean Pierre Cordonnier, Miroslav Bjelajac, Paco Quiñonero</p> <p>International Jury: YES</p> <p><b>Signed:</b></p>
<p>Date, time: 15/6/22 at 11:20</p>