

## British Classic Week 2021

### **JURY HEARING RESULTS**

PROTEST COMMITTEE: Sonia Mayes, Bryan Willis (chairman)  
Lynne Rowcroft (secretary)

Report date 20/07/2021 08:52

Protest #1 18<sup>th</sup> July, IRC2, Race 1, FIREBRAND v CETAWAYO

FIREBRAND, represented by Omer Gurdogan, claimed that CETAWAYO had failed to keep clear in a down-wind incident soon after the start of the race. FIREBRAND, broad reaching tack on a steady course on starboard tack approached CETAWAYO which was broad reaching on port tack. After passing astern of another boat on port tack, FIREBRAND sailed for at least 5 boat lengths on a steady course,. With a collision imminent, and insufficient avoiding action by CETAWAYO, FIREBRAND was forced to make a substantial course change to avoid contact.

Peter Jenkins, represented CETAWAYO. His witness, CETAWAYO's skipper and helmsman David Murrin, claimed 'the first we knew about it [the impending incident] was when there was a hail from FIREBRAND', 'they appeared from nowhere' 'the call [of "starboard"] was too late'.

CETAWAYO did a crash gybe, but this was too late to keep clear. Contact was avoided by FIREBRAND luffing to pass astern of CETAWAYO.

The Protests Committee is satisfied that CETAWAYO broke rule 10 in not keeping clear. FIREBRAND took action to avoid contact as required by rule 14.

The Committee then addressed the question as to whether CETAWAYO had complied with the requirements for taking penalty.

Peter Jenkins claimed that CETAWAYO had accepted a penalty by promptly displaying a yellow flag from a staff on her stern and informing the race committee when finishing.

Omer Gurdogan stated that no one on FIREBRAND had seen the yellow flag, nor heard a radio call from CETAWAYO at the finish informing the race committee that she was accepting a penalty.

David Murrin claimed the yellow flag was displayed within 2 minutes of the incident. The Protest Committee accepted that CETAWAYO was manoeuvring during that time. The protest committee had evidence from the race officer that the radio call had been made.

When asked whether he would accept CETAWAYO's evidence that the requirements for taking a penalty had been met, Omer Gurdogan replied in the affirmative.

## DECISION

The protest is upheld; CETAWAYO broke rule 10, but took a 2% 'yellow flag' penalty. in accordance with S115.1.