

## British Classic Week 2021

### **JURY HEARING RESULTS**

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

Report date 23/07/2021 17:10

#### Case #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. FIREBRAND, broad reaching 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, stated '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'.

The Protest Committee is satisfied that although CETAWAYO did a crash gybe, this was too late to keep clear. Contact was avoided by FIREBRAND luffing to pass astern of CETAWAYO.

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, kept it displayed till the finish, and informed the race committee by radio 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 Sailing Instruction 15.1.

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Case #2 20th July; Report by ZALEDA re Use of Engine (Sailing Instruction 19.4)

The Protest Committee received a report from Bill Hogg representing ZALEDA describing an incident in which ZALEDA used her engine during the race:

On approach to the finish and while in a wind hole so with no way on the yacht and lying at 90 degrees to our true course, I used the engine in a hard burst for about 5 seconds to avoid the yacht striking the Gurnard IALA buoy. The tide was taking us directly onto the buoy at around 2.5 knots. The yacht gained way at 90 degrees to our course for the finish line and avoided striking the buoy.

I then immediately shut the engine down and with the remaining momentum undertook a 360 degree turn to dissipate any momentum advantage I may have gained.

If you have any queries on the situation, please let me know but I deemed the action completely necessary to avoid serious damage to the yacht.

Sailing Instruction 19.3 & 19.4: A yacht that puts her engine in gear ... at any time while racing shall submit a written declaration of "engine use" to the organising authority soon as practical after racing, stating the time the engine was in gear ..., the reason for using it and the duration of use. The Protest Committee will review all such declarations to determine whether any competitive advantage was gained.

Race Officer Dai Pritchard advised the protest committee that he was satisfied that no advantage accrued

DECISION No advantage was gained. No penalty.

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CASE # 3 Class 3 Race # 5, 22<sup>nd</sup> July ILLIRIA v Race Committee

CASE # 4 Class 3 Race # 5, 22<sup>nd</sup> July SUNMAID V v Race Committee

CASE # 5 Class 4 Race # 5, 22<sup>nd</sup> July STILLETTO v Race Committee

ILLIRIA withdrew her Request before the hearing. The other two boats' Requests were heard together.

The boats claimed that the Race Committee did not make clear as to which was the applicable start line.

Andrew and Scott representing ILLIRIA and STILETTO complained that the Race Committee did not make clear that only the outer line would be used. Because there were so many other boats preparing to 'start' on the inner line, they believed that they were starting correctly.

#### FACTS FOUND

The Race Committee intended all boats to start on the 'outer' line. These two boats (along with several others) 'started' on the inner line. They were all scored 'DNS'.

At the morning briefing the line was not specified. It was common practice to leave the decision as to the course and the line to be used, till after assessing the conditions shortly before the start of the race.

SI 12.7 clearly defines three starting lines ('inner' 'outer' and 'combined')  
The Race Committee announced the course and the fact that the outer line would be used, on VHF Ch5 as required by SI 9.1  
It was repeated on ch5 a minute later  
The course and line were also included in a WhatsApp broadcast

On seeing that there appeared to be boats preparing to start on the inner line, Charles Hall Thompson the Race Officer arranged further VHF transmissions to emphasise the outer liner was to be used.

When the 'outer' line was selected by the Race Committee as the line to be used, it was correctly included in the Radio transmissions and WhatsApp broadcast.

#### DECISION

There was no error or omission by the Race Committee.

The Requests are denied.

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#### HEARING #6 Race date: 21<sup>st</sup> July, Race #4, Class 1. Protest Committee v HAPPY FOREVER

HAPPY FOREVER's folding propellor came off and was lost soon after leaving the dock to go racing. It was found and refitted after the race.

The absence of the propellor invalidated the Measurement Certificate for race 4. HAPPY FOREVER sailed the race without a valid certificate.

The Race Committee, with the support of the Protest Committee chairman, encouraged HAPPY FOREVER to start the race, in the hope that their race might be scored equitably.

HAPPY FOREVER was offered the following: Should HAPPY FOREVER get consent from every other owner in her class that her result of race 4 stand with a 4% penalty, the race committee/protest committee would not lodge a protest.

This somewhat unusual offer was given with the support of the class in the spirit of fellowship\* desired by the British Classic Yacht Club.

[\*fellowship: 'friendliness and companionship based on shared interests']

**INFORMING THE PROTESTEE** The crew members and the skipper were informed that in the absence of evidence of unanimous approval from the rest of the class, the protest committee would protest. The offer effectively extended the time limit for lodging a protest in accordance with rule 61.3 ['The protest committee shall extend the time if there is good reason to do so.']

HAPPY FOREVER's skipper agreed verbally on the pontoon that should he fail to get consent from all owners, he would retire from the race.

No 'notice of retirement', nor 'unanimous agreement', was received and so the Protest Committee was left with no option but to lodge the protest.

**RULES** alleged to have been broken: RRS 78.1 and IRC rule 8.9.

At the hearing Francesc Terrasa represented HAPPY FOREVER

HAPPY FOREVER had obtained a trial rating without a propellor in case they couldn't recover the propellor and would have been happy to have had that rating applied to race 4.

After the conclusion of the hearing when the protest committee was deliberating, Francesc approached the committee to point out that the date and race number were not correct on the protest form.

The protest committee made these corrections under rule 61.2, and rejected the claim that the protest was invalid and a new protest would be out of time.

**DECISION:**

IRC Rules do not permit ratings to be applied retrospectively, except under a rating review which did not apply in this case.

The Protest Committee spoke with various prominent RORC/IRC Rating officials, none of whom could suggest a solution of retrospectively rating a boat.

The Protest Committee regrets that nothing can be done to give a deserved score to HAPPY FOREVER in this case.

HAPPY FOREVER is disqualified from race 4.