

GFS TWILIGHT PROTEST

MISTRESS and L'ATTITUDE – TWILIGHT ORANGE DIVISION RACE 04/01/2017

Protest Committee

Michael Murphy, chairman,
Paul Stubbs
Graeme Davey

Boats

Protestor; Mistress represented by Ray Hand. Witness Tim Kannegieter (Force Four)

Protestee; L'Attitude represented by Egon Ostergaard. Witnesses Tom Willioams (crew) and Grahame Smith (crew)

Preliminaries;

Ray Hand said he had flown a red flag and called "Protest" as soon as the incident occurred. Egon Ostergaard agreed he saw the flag and heard the hail.

The committee found that these formalities had occurred and the protest was valid.

Egon objected to the protest on several grounds

1. The starters had not notified him of the lodging of the protest form.
2. In the announcement of the results on the night it was not stated that the results were subject to a protest.
3. He had not been notified that the protest had been lodged until some days later.

He referred to several rules, 61.1 (a), 61.1(a) (1), 61.1 (a) (3), 61.3.

There is no requirement in the Rules or GFS Sailing Instructions for the starters to notify a boat that a protest form has been lodged, no requirement for a pending protest to be stated at the announcement of results on the night, and no specific time limit for a boat to be notified of a pending protest by the Protest Committee.

Rule 61.1 had been complied with by Mistress flying a red flag and hailing "protest" at the first reasonable opportunity. The other rules are not relevant to the circumstances of this protest. The Committee ruled that the protest was valid and should be heard.

Event

Ray Hand stated he was sailing Mistress down the starting line, close hauled on starboard tack waiting for the starting signal which was imminent. He was approaching some boats on port tack which were also awaiting the starting signal. The boat in that group closest to him was L'Attitude and close behind L'Attitude was Force Four.

Ray saw that on their courses Mistress would collide with L'Attitude about amidships. He hailed "Starboard". L'Attitude did not change course and Mistress tacked to port to avoid a collision. Force Four ducked behind Mistress and continued to sail to leeward of Mistress after she tacked onto port.

Tim Kannegieter from Force Four confirmed this version of events. He had seen L'Attitude was on a collision course with Mistress. He further said he anticipated he would have to duck behind Mistress and that he expected L'Attitude would do so as well. He left room for L'Attitude to duck behind Mistress and between Mistress and Force Four. L'Attitude did not change course and Mistress had to tack onto port to avoid a collision.

Egon said he was on port tack heading for the start line and saw Mistress on starboard and on a collision course. He could have ducked behind Mistress. He could not tack to starboard because Force Four was overlapping him to windward and the rest of the fleet was to windward of Force Four. He chose to let his sails off to slow down, and thought he had slowed sufficiently for Mistress to pass in front. Of his two crew members, Tom Williams thought that there was a danger of collision, but that Mistress may pass in front. Graham Smith said the boats were close and that both skippers did the right thing to avoid a collision.

Egon raised two other issues that he said exonerated him. Mistress was not sailing her proper course and Mistress was barging down the line on a course that was not parallel to the start line, but took her slightly away from the line. There is no proper course before a start. A boat is not prohibited by the rules from positioning itself on what she sees as the best tactical position on the start line, even if that requires port tack boats to keep clear of her. These issues do not exonerate L'Attitude.

Facts found

L'Attitude was on a port tack and on a potential collision course with Mistress on a starboard tack.

On the balance of probabilities Force Four was astern of L'Attitude.

L'Attitude had the option of keeping clear of Mistress by ducking behind her stern, but failed to do so.

L'Attitude let off her sails to slow down but this did not have sufficient effect to keep clear of Mistress.

Mistress had a reasonable and genuine concern to avoid a collision when she tacked to port to avoid L'Attitude.

L'Attitude did not keep clear of Mistress.

Penalties

L'Attitude has breached rule 10 and is disqualified.

Rule

"10 ON OPPOSITE TACKS

When boats are on opposite tacks, a port tack boat shall keep clear of a starboard tack boat."

Michael Murphy, Chairman

7 February 2017