

## **GFS TWILIGHT PROTEST**

### **HASTA LA VISTA and MONKEY BUSINESS – DOWNHARBOUR RACE 12/11/2016**

#### **Protest Committee**

Michael Murphy, chairman,

Paul Hanly,

Alan Bull

#### **Boats**

Protestor; Hasta La Vista represented by John Veale. Witnesses Andrew Nelson (crew) and Pam Joy (Tana).

Protestee; Monkey Business. At the request of Terry Brookes, the skipper, he was represented by Paul Glynn (crew). Witness Mattijs Willenboeg (crew)

#### **Preliminaries;**

Paul Glynn advised that Terry Brookes had suffered a heart incident and requested that Paul Glynn represent him. This request was accepted.

John Veale said that he had hailed "Protest" and raised a red flag immediately after the event. Paul Glynn said he had not heard or seen the red flag, but did not dispute that this had happened. The committee accepted that this had happened.

John Veale said when he returned to the clubhouse the starters had gone and he contacted Phil Hare to notify the protest. He then completed the Protest Form and emailed a scan of it to the Protest Committee Chairman. It was received at 18.20 pm. The last boat finished at 16.31pm. That is within the 2 hour limit after the last boat finished. The Committee accepted that this was sufficient compliance with the Sailing Instructions.

The registered skipper of Monkey Business on the Down Harbour races is Paul Glynn. Paul was a crew member of GFS, but is no longer a member. He stated previously by email that the correct registration would be Terry Brookes as skipper and Paul Glynn as helmsman. The Committee accepted that an error has occurred and will leave it to the parties to correct the error.

#### **Event.**

On 12/11/2016 both Hasta La Vista and Monkey Business were positioning themselves for the start of the race. The start line was from the clubhouse to the Sea Scouts mast in Woolwich. The wind was approximately NE. John Veale estimated the wind speed as 10 to 12 kts generally, but lighter at the start. Paul Glynn estimated 4 to 5 kts at the start line, and John did not dispute this.

Minutes before the start Hasta La Vista was sailing close hauled on a starboard tack along the start line and generally N towards the club house. John Veale said that Monkey Business was close

hailed on starboard and sailing in the same direction. Monkey Business overtook them and became the windward boat on the same tack. At the time the overlap commenced the boats were converging. Monkey Business was hailed twice to move up, but continued on its converging course. Monkey Business converged until the boats were about 1 to 2 m apart and by then its stern was forward of Hasta La Vista's mast and still overlapped. Monkey Business then tacked onto port. In tacking its stern came closer to Hasta La Vista and John Veal turned away from Monkey Business to avoid colliding with its stern.

His crewman, Andrew Nelson, confirmed this series of events.

John Glynn had a different recollection of events. He said Hasta Le Vista overtook Monkey Business to leeward of it, and the distance between the boats was 4 to 5 m initially. When he first heard hailing to come up he tacked to port. When he tacked Monkey Business was still 4 to 5 m away from Hasta La Vista. He did not know if Hasta La Vista had turned to keep away from him.

Monkey Business' mainsheet hand, Mattijs Willenboeg, agreed that it was Hasta La Vista that overtook Monkey Business to leeward and that they were 4 to 5 m apart at the beginning, but said they were converging. When Monkey Business tacked her stern came within 0.5 m of Hasta La Vista. As mainsheet hand he had a good view of how close the boats came. He did not know if Hasta La Vista had turned to avoid Monkey Business' stern.

Pam Joy was on the helm of Tana and was between the boats and the clubhouse and relatively close to them. She heard the calls of "Up" and looked back. She had a clear view and saw Monkey Business tack and saw Hasta La Vista bear away. She thought that it was likely Monkey Business' stern had collided with Hasta La Vista

#### **Facts found.**

The Committee accepts the independent witness, Pam Joy's evidence that the stern of Monkey Business came very close to the forward section of Hasta La Vista at the time Monkey Business tacked. That positioning makes it improbable that Hasta La Vista was the overtaking boat. The Committee accepts the common evidence of all but one witness that the stern on Monkey Business came very close to Hasta La Vista when it tacked.

The Committee accepts the evidence of John Veale, Andrew Nelson and Pam Joy that Hasta la Vista had to bear away to avoid Monkey Business. That Hasta La Vista turned away is not contradicted by Paul Glynn or Mattijs Willenboeg. They simply said they did not see whether it happened.

The Committee finds as a matter of fact that Monkey Business over took Hasta La Vista from astern and to windward.

The Committee finds as a matter of fact that the boats were converging and that Monkey Business, immediately before tacking, came so close to Hasta La Vista that Hasta La Vista could not change course to starboard without immediately making contact. Monkey Business was in breach of rule 12.

The Committee finds as a matter of fact that when Monkey Business tacked and passed head to wind, Hasta La Vista had to bear away to avoid a collision with Monkey Business. Monkey Business was in breach of rule 13.

*“12 ON THE SAME TACK, OVERLAPPED*

*When boats are on the same tack and overlapped, a windward boat shall keep clear of a leeward boat.”*

*“Keep Clear*

*A boat keeps clear of a right of way boat*

- (a) if the right of way boat can sail her course with no need to take avoiding action and*
- (b) when the boats are overlapped, if the right of way boat can also change course in both directions without immediately making contact.”*

*“13 WHILE TACKING*

*After a boat passes head to wind, she shall keep clear of other boats until she is on a close hauled course. During that time rules 10, 11 and 12 do not apply. . . .”*

**Penalties.**

Monkey Business is disqualified.

Michael Murphy, Chairman

22/11/2016