

GFS DOWNHARBOUR PROTEST

FOXY and TISM - GOLD DIVISION, DIVISION 2; DOWNHARBOUR RACE 14/10/2017

Protest Committee

Michael Murphy, chairman,

Paul Hanly,

Steve Bradley

Boats

Protestor; Foxy represented by DJ Holster. There were no other witnesses.

Protestee; TISM represented by Ritchie Lees. Witness Michael Coleman.

Red Flag and Protest call.

DJ Holster said he called "Protest" immediately the incident occurred, and raised a red flag as soon as he had his boat under control. He estimated that took 1 minute. Ritchie Lee said he heard the Protest call, but looked and did not see a red flag. He did not deny that a red flag was raised, but did not see it. The committee accepted that a red flag was raised.

Event.

On 14/10/17 both boats were sailing in DownHarbour race 2 and were nearing the finish line. They had sailed through Humbug and rounded Onions Point. The wind was very light and approximately from North to North East. It had been more to the South in Humbug

DJ Holster said Foxy was close to the Woolwich shore and approaching a mooring buoy which was part of the continuing obstruction that was Woolwich shore. There was no boat on the buoy. Foxy was on starboard and running before the wind. Her course was to pass close to the buoy and continue over the finish line. He said TISM had overlapped him from behind in Humbug on his starboard side and was now still overlapped with Foxy's bow adjacent to TISM's stern. TISM was on starboard and running before the wind.

TISM had been clear of Foxy, but as they approached the buoy TISM came closer to Foxy. DJ Holster called "Keep up", but TISM kept coming closer and was within ½ inch or even just touched. As the buoy was cleared Foxy turned to port to avoid TISM and incurred an involuntary gybe to port. She continued on port over the finish line.

Ritchie Lees said both boats were on port, not starboard, and running before the wind as they approached the buoy. He was aware that he had to give Foxy room at the continuing obstruction. He was not aware of exactly where the buoy was as Foxy blocked his view of it. He agreed the boats were very close and may have touched. He thought Foxy had enough room. After the boats passed the buoy Foxy turned to port away from TISM, and Foxy gybed to starboard, and the boats sailed further apart.

It was pointed out to him that if a boat on a port run turned to port it would not gybe to starboard. It was also pointed out that if Foxy was on starboard and TISM on port, they would tend to approach each other, not sail apart. He accepted this, but said he recalled both boats on port at the time of the incident.

Michael Coleman said he was tending the jib on TISM and she was running on a port tack as the boats approached the buoy. He thought Foxy was also on port, but was not looking at her as he concentrated on the jib. He heard the call of "Keep up", but did not see how close the boats came, nor see Foxy gybe. He saw Foxy as she cleared the finish line and she was on port then.

With this conflicting evidence the committee faced 3 possibilities.

1. Both boats were on starboard, and TISM breached rule 11 by not keeping clear.
2. Both boats were on port, and TISM breached rule 19 by not giving room.
3. Foxy was on starboard and TISM was on port and she breached rule 10 by not keeping clear.

Facts found.

The decision was difficult, but the committee is bound to decide on the mere balance of probabilities.

The committee accepted the evidence of DJ Holster that Foxy was on starboard at the relevant time. The possibility that Foxy was on port and when she turned to port she gybed to starboard and sailed away from TISM was too improbable to accept, and Ritchie Lees was mistaken in his belief.

The committee accepts the evidence of Ritchie Lees and Michael Coleman that TISM was on port at the relevant time. TISM came within a few centimetres of Foxy. TISM did not keep clear of a starboard-tack boat.

The committee was not satisfied on the balance of probabilities that contact actually occurred.

TISM is in breach of rule 10.

"10 ON OPPOSITE TACKS

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

Penalties.

TISM is disqualified.

Michael Murphy, Chairman

31/10/2017