



Ontario Sailing Appeal #OS2009-07

O Naturel and Ritalin Request for Redress

O Naturel is appealing a decision of the protest committee on 22 August 2009 from a race on the same day of the Anniversary Regatta at Collins Bay Yacht Club.

Rule 62 Redress

Rule 64.2 Decisions on Redress

Rule 90.2(c) Sailing Instructions

Sailing Instructions 4 and 7

Rule 90.2(c) requires changes to the sailing instructions to be in writing and be posted on the official notice board before the time stated in the sailing instructions. Oral changes may only be given on the water and only if the procedure is stated in the sailing instructions.

Summary of the facts

(Including revised and additional facts, *in italics*, provided by the protest committee under rule F5)

1. At the skippers' meeting at 0910, it was stated verbally that the race course would use the pin to port for the downwind legs.
2. *O Natural and Ritalin sailed the course displayed on the signal boat. The two boats then sailed around the finishing mark and sailed an additional lap.*
3. *The remainder of the fleet sailed the course based on the verbal statements at the skippers meeting.*

Decision of the protest committee

The protest committee found that the race committee can change the course from the sailing instructions and the race committee effectively communicated the change at the skippers' meeting. It denied the request for redress.

O Naturel appealed, claiming the protest committee erred in its belief that sailing instructions can be changed orally at a skippers' meeting.

Decision of the appeals committee

Rule 90.2(c) requires changes to the sailing instructions to be in writing and be posted on the official notice board before the time stated in the sailing instructions. Oral changes may only be given on the water and only if the procedure is stated in the sailing instructions.

Sailing instruction 7 tells competitors how the course to be sailed will be displayed on the signal boat and states the letter "P" displayed on the course board of the signal boat means the pin end of the start/finish line. Sailing instruction 4 states that any change to the sailing instructions will be posted on the CBYC official notice board by 0830 for weekend races. During the skippers' meeting held shortly after 0900, the race committee stated the pin to port would be used for the downwind legs. No written amendment was posted on the official notice board which is an omission by the race committee.

The race committee displayed a single letter "A" on the signal boat for race 1. O Naturel and Ritalin sailed this course and finished but were not scored as such, which is an improper action of the race committee. This improper action significantly worsened the scores of the two boats through no fault of their own which entitles O Naturel and Ritalin to redress.

In addition, the other boats in the PHRF 1 division sailed an additional lap as a result of the improperly changed sailing instruction. The scores of those boats were made significantly worse through no fault of their own by this improper action of the race committee. As it is impossible to score the race with any degree of accuracy, the only fair arrangement for all the boats affected is to abandon the race.

Appeal upheld. Redress is given as follows: the race committee is directed to abandon race 1 of the Anniversary Regatta for the PHRF 1 division only and rescore the series.

November 30, 2009

OS Appeals Committee:

Mr. Andrew Alberti, SNJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Alex McAuley, IJ

Ms. Janet McDougall, SNJ

Dr. Mel Preston, SNJ

Mr. Peter Wood, SNJ