



**Ontario Sailing Appeal # OS2012-10**

**Tantrim v Rebel 3**

Rebel 3 is appealing the 14 July 2012 decision of the protest committee at Collins Bay Yacht Club from a race on the same day.

**Rule 11**            **On the Same Tack, Overlapped**  
**Rule 14**            **Avoiding Contact**  
**Rule 18.3**         **Tacking When Approaching a Mark**  
**Rule 44.1**         **Penalties at the Time of an Incident; Taking a Penalty**  
**Rule 61.1(a)(3)** **Protest Requirements; Informing the Protestee**  
**Rule 64.1(b)**      **Decisions; Penalties and Exoneration**  
**ISAF Case 104**

*When there is contact between boats, the protest committee must consider whether one or more boats broke rule 14. When rule 18.3 applies, rule 18.2 does not. An appeals committee may derive additional facts by logical deduction.*

**Facts found by the protest committee**

(including additional facts in *italics* provided by the protest committee under rule F5)

1. Rebel 3 (a Thomas 35) entered the three-length zone on starboard tack
2. Tantrim (an Antrim 27) tacked to starboard two boat lengths from the mark
3. At the completion of the tack, *the boats were overlapped with Tantrim 15 feet below and half a boat length ahead of Rebel 3*
4. Tantrim luffed up but not past head to wind
5. Contact was made *between the mastheads of the boats above the mark, causing Tantrim's wind instruments to be torn off*
6. Rebel 3 maintained her course until contact
7. *Rebel 3 retired from the race*

**Conclusions and decision of the protest committee**

Rebel 3 is DSQ, rule 11. Rule 18.3(a) is not relevant.

Rebel 3 appealed claiming that the protest committee should have found the protest invalid and incorrectly applied rule 18.3(a).

**Decision of the appeals committee**

The protest committee applied rule 61.1(a)(3) and found the protest valid. Tantrim's wind instruments were torn off, which is damage that was obvious, therefore a hail of protest and the display of a red flag were not required at the time of the incident.

Rule 18.3 applied because Tantrim was subject to rule 13 in the zone and Rebel 3 was fetching the mark. The protest committee found as fact that Rebel 3 did not change course until there was contact between the boats. These facts support the conclusion that Tantrim did not break rule 18.3(a).

The protest committee's facts support the conclusion that Rebel 3 broke rule 11.

Because there was contact between the boats, rule 14 also applied. Rebel 3 did not change course and therefore broke rule 14 by not avoiding contact with Tantrim when it was reasonably possible for her to do so. The protest committee did not find any facts relating to Tantrim and rule 14. However, the protest committee found as fact that the contact was at the mastheads. It can be logically deduced that Rebel 3's wind shadow caused Tantrim to heel to windward as she was the larger, faster boat, passing Tantrim to windward. In this case, there was nothing Tantrim could have done to avoid the contact, so Tantrim did not break rule 14.

Rebel retired from the race, thus taking a penalty for the purposes of rule 44.1 and cannot be further penalized according to rule 64.1(b).

Appeal upheld, but only to the extent that Rebel 3 is to be scored DNF not DSQ.

24 August 2012

**OS Appeals Committee:**

Ms. Kathy Dyer, IJ, Chairman

Mr. Alex McAuley, IJ

Mr. Robert Stewart, IJ

Ms. Wendy Loat, NJ

Ms. Katie Nicoll, NJ

Mr. Peter Wood, NJ