



Ontario Sailing Appeal # OS2012-13

Radial 169228 v Radial 199966

Radial 169228 is appealing the decision of the protest committee at the CORK International Regatta on 15 August 2012 from a race on the same day.

Rule 61.1(a) Protest Requirements; Informing the Protestee

When there are no circumstances preventing a boat from hailing protest, the hail must be made nearly immediately after an incident.

Decision of the protest committee

In answer to the question on the protest form "How did you inform the protestee of your intention to protest?" 169228 indicated a hail of "Protest 199966" was made 30 seconds after the incident. The protest committee concluded that 30 seconds was not at the first reasonable opportunity for the hail, found the protest invalid and closed the hearing.

169228 appealed claiming that reasonable is not the same for every person.

The protest committee commented on the appeal by providing the following facts contained in the notes of the members of the committee:

1. Shortly after rounding the final mark an incident involving contact occurred between 169228 and 199966.
2. There was no obvious damage or injury sustained in the contact, and both continued racing.
3. The protestor did not hail "Protest" at the time of the incident as by his own admission he thought that hailing "Protest" required him to submit a protest form and he was unsure as to whether he wanted to do this.
4. At least 30 seconds after the incident and as the boats approached the finish line 169228 hailed "Protest."

The protest committee provided the following as a footnote to fact 4: Both the protestor and protestee testified that the boats had sailed alongside each other for some time, one had then tacked off and they had come back together at the finish line when the hail was made.

Decision of the appeals committee

The facts support the conclusion that the protest was not valid because the hail was not made at the first reasonable opportunity. Appeal denied.

7 September 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