



Ontario Sailing Appeal # OS2013-02

Wayfarer 10952 v Wayfarer 3854

Wayfarer 3854 is appealing the decision of the protest committee at the Mississauga Sailing Club on 9 August 2013 from a race on the same day.

Rule 11 On the same tack, overlapped

Rule 14 Avoiding contact

Rule 16.1 Changing course

When overlapped on the same tack, a windward boat shall keep clear of a leeward boat.

Summary of the facts (including an additional fact (in italics) provided under rule R5)
Wayfarer 10952 was to leeward of Wayfarer 3854 approximately 6–8 feet apart. The boats were overlapped. 10952 headed up and hailed “windward boat keep clear.” 10952 headed up again and hailed again. 10952 hailed and headed up again. 10952’s crew hiked out and 10952 skipper’s head made contact with the gunwale of 3854. The jib of 10952 did not luff at any time. *There was no damage or injury.*

The protest committee concluded that 3854 to windward did not keep clear of 10952, breaking rule 11. 3854 appealed claiming that the protest committee did not apply rule 16.1.

Decision of the appeals committee

Appeal denied. The facts found show the boats converged and support the protest committee’s conclusion that 3854 to windward, broke rule 11. The facts do not support a conclusion that 10952’s luffs deprived 3854 of room to keep clear, therefore she did not break rule 16.1.

Although there was contact between the boats, the protest committee did not come to any conclusions that either boat broke rule 14. 3854 also broke rule 14 because she did not avoid contact when it was reasonably possible to do so. There is nothing to be gained by coming to a conclusion about 10952 and rule 14 because there was no damage or injury and any breach of rule 14 by her as a right-of-way boat would be exonerated by rule 14(b).

5 September 2013

OS Appeals Committee:

Ms. Kathy Dyer, IJ, Chairman

Mr. Alex McAuley, IJ

Mr. Robert Stewart, IJ

Ms. Katie Nicoll, NJ

Mr. Peter Wood, NJ