



Ontario Sailing Appeal 2014-03

Jamaica Me Crazy v Thunderstruck

Thunderstruck is appealing the decision of the protest committee at the Royal Canadian Yacht Club on 8 June 2014 for a race held on the same day.

Rule 28.2 Sailing the Course

A string representing a boat's track from the time she begins to approach the starting line from its pre-start side to start until she finishes shall, when drawn taut, pass each mark on the required side and in the correct order and touch each rounding mark.

Summary of the facts found

Four boats on port approached the windward and offset marks. The two leading boats left the two marks to port on the windward and downwind legs. Thunderstruck sailed between the two marks and then left both to port on the downwind leg. The fourth boat left both marks to port on the windward and downwind legs. Both marks were identical and one had shifted.

The protest committee concluded that Thunderstruck did not pass the marks in the correct order and on the required side and disqualified her for breaking rule 28.2. Thunderstruck appealed.

Decision of the appeals committee

Appeal upheld, but only to the extent that the appeals committee returns the protest to the Royal Canadian Yacht Club for a new hearing with a different protest committee.

It is the contention of the appellant that the offset mark had shifted to a position to leeward of the windward mark and therefore Thunderstruck had complied with rule 28.2 by first rounding the windward mark and thereafter leaving the offset mark to port. The protest committee did not find any facts that support or refute this contention.

Under rule R5, the appeals committee asked the protest committee to provide an additional fact or facts or other information to determine which mark had shifted and to describe how the mark had shifted. The protest committee was unable to do this, therefore a new hearing is warranted.

August 25, 2014

OS Appeals Committee:

Ms. Wendy Loat, NJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Alex McAuley, IJ

Mr. Robert Stewart, IJ

Ms. Katie Nicoll, NJ

Mr. Peter Wood, NJ