



Ontario Sailing Appeal 2014-06

Archer vs Surprise

Archer is appealing the decision of the protest committee at the National Yacht Club on 8 October 2014 for a race in the AHMEN series held on September 28.

Rule 10 On opposite tacks

Rule 14 Avoiding contact

Case 87

A right-of-way boat need not act to avoid contact until it is clear that the other boat is not keeping clear.

Summary of the facts found and decision of the protest committee

Wind was approximately 2-3 knots with flat seas. Surprise, a Melges 24, was sailing close-hauled on starboard tack along the port-favoured start-line with approximately 2 knots of speed. Archer, an R-Boat, was approaching the start-line on port at a speed of about 1 knot.

At approximately 10-15 seconds before the start, Archer hit the port aft quarter of Surprise approximately 18 inches forward of the transom. There was significant damage to both boats. Both boats finished the race.

The protest committee concluded that Archer, as port tack boat, did not keep clear of Surprise on starboard. Both boats broke Rule 14. Surprise is exonerated as it was not clear that Archer was not keeping clear. Archer is disqualified.

Archer is appealing the decision of the protest committee on the grounds that the findings of the PC are contradictory with respect to the conclusion that Surprise broke Rule 14 but is exonerated as there was damage to both boats.

Decision of the appeals committee

Appeal upheld. The protest committee's conclusion that both boats broke rule 14 is incorrect and its decision is, therefore, changed.

ISAF Case 87 states that "the broader requirement of rule 10" allows Surprise to "sail her course with no need to take avoiding action". Surprise is only required by rule 14 to take avoiding action if it is "reasonably possible" for her to do so. The fact found that Archer hit the port aft quarter of Surprise approximately 18 inches forward of the transom and the diagram endorsed by the protest committee show that Archer could have easily borne off and avoided Surprise from a close position. For that reason, by the time it became evident that Archer would not keep clear until the collision occurred, it was not possible for Surprise to avoid contact. Therefore, Surprise did not break rule 14. Had Surprise broken rule 14, then she could not have been exonerated for her breach as the contact caused damage.

The facts found stating the damage to Surprise was approximately 18 inches forward of her transom and the diagram endorsed by the protest committee support the conclusion that Archer could have borne away further, thus Archer broke both rules 10 and 14, and remains disqualified.

November 27, 2014

OS Appeals Committee:

Ms. Wendy Loat, NJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Alex McAuley, IJ

Mr. Robert Stewart, IJ

Mr. Peter Wood, NJ