



**Ontario Sailing Appeal #OS2015-04**

**Spectrum v Canadian Express**

Canadian Express is appealing the decision of the protest committee at the Midland Bay Sailing Club on 8 July 2015 for a race held on 17 June 2015.

**Rule 61.1(a) Protest Requirements; Informing the Protestee  
Sail Canada Appeal 88**

*It is not reasonable to stow a protest flag where it cannot be displayed immediately.*

In its decision, the protest committee found as fact that a crew was sent below to get the flag which was then attached to the backstay of Spectrum. This occurred after the hail of protest and Spectrum's rounding of the leeward mark. It then concluded that the flag had been displayed at Spectrum's first reasonable opportunity and declared the protest valid.

Sail Canada Appeal 88 states: The requirement in rule 61.1(a) that a protest flag be flown at the first reasonable opportunity implies that the flag shall be immediately available for display. Stowing the flag below decks where it is not readily accessible makes it unlikely that the flag can be displayed at the first reasonable opportunity.

While a boat is not obligated to give precedence to the display of a red flag at the expense of dousing the spinnaker or otherwise handling the boat in a seamanlike way, it is not reasonable thereafter to have a crew go below to get the flag. The protest committee's conclusion that the flag was displayed at the first reasonable opportunity is incorrect.

Canadian Express's appeal is upheld. Spectrum did not display a red flag at the first reasonable opportunity as required by rule 61.1(a), therefore her protest is not valid and the hearing should have been closed. Midland Bay Sailing Club is directed to score Canadian Express points according to her finishing place for the race of 17 June 2015.

**OS Appeals Committee:**

Ms. Wendy Loat, NJ, Chairman

Ms. Kathy Dyer, IJ

Mr. Robert Stewart, IJ

Ms. Katie Nicoll, NJ

Mr. Peter Wood, NJ

•• September 15, 2015