



Ontario Sailing Appeal #OS2016-07

Zingara v Zoo2  
Zoo2 v Xoomer Xpress  
Xoomer Xpress v Carpe Ventus

Zingara delivered an appeal of the decision of the protest committee on 12 September 2016 at the National Yacht Club to Sail Canada. The appeal was delegated to the appeals committee of Ontario Sailing for a decision.

- Rule 11**      **On the same tack, overlapped**
- Rule 13**      **While tacking**
- Rule 14**      **Avoiding contact**
- Rule 15**      **Acquiring right of way**
- Rule 16.1**    **Changing course**
- Rule 64.1(a)** **Decisions; Penalties and exoneration**

*After a boat passes head to wind, she shall keep clear of other boats until she is on a close hauled course. During that time rules 10, 11 and 12 do not apply.*

**Summary of the Facts** (including additional facts or other information supplied by the protest committee under rule R5)

Approximately 45 seconds before the starting signal, Zingara tacked to starboard and became overlapped ten feet to leeward of Zoo2 and eight feet ahead. Zoo2 was overlapped 30 feet to leeward of Carpe Ventus and eight feet ahead of Carpe Ventus. Xoomer Xpress was overlapped six feet to leeward of Carpe Ventus and six feet behind Carpe Ventus.

Four seconds after Zingara was on or below a close hauled course on starboard, she changed course quickly and sharply to windward and became head to wind. Zoo2 responded to Zingara's luff by luffing, closing the gap between them to six feet. Xoomer Xpress became overlapped eight feet to windward of Zoo2 and ten feet behind Zoo2. Xoomer changed course to windward and closed the gap with Carpe Ventus to two feet.

Two seconds later, Zingara passed head to wind, backwinded her jib and closed the gap with Zoo2. Carpe Ventus tacked to port and as her stern swung, her starboard aft stanchion broke off Xoomer Xpress's navigation light, which was mounted on her pulpit. Zingara's starboard side then made contact with Zoo2's port side – Zoo2's bow was just aft of Zingara's mast. Zoo2 and Xoomer Xpress had side to side contact causing scrapes to both boats. Zoo2 came to a stop and Xoomer Xpress scraped along Zoo2 bending two stanchions. Zingara then had side to side contact with Xoomer Xpress causing minor scrapes.

Zoo2 and Xoomer Xpress retired and no penalty turns were observed.

### **Decision of the protest committee**

Zingara as right of way boat, changed course to windward and passed head to wind. Zingara did not give Zoo2 room to keep clear, breaking Rule 16.1. Zoo2, Xoomer Xpress and Carpe Ventus are exonerated for breaking Rule 11.

Zingara appealed claiming that the protest committee's interpretation of the rules is incorrect because it applied rule 16.1 and not rule 11 to Zingara.

### **Decision of the appeals committee**

Appeal denied. The protest committee's facts support the conclusion that Zingara broke a rule and was properly disqualified.

Zingara became the right of way boat under rule 11 when she came to a close hauled course overlapped to leeward of Zoo2. By luffing sharply a few seconds later and passing head to wind, she broke rules 15, 16.1 and 13. By not avoiding contact with Zoo2 and Xoomer Xpress when it was reasonably possible to do so, Zingara also broke rule 14. Zingara's breaches of the rules caused serious damage to Zoo2 and Xoomer Xpress. Zingara did not exonerate herself by taking a penalty, which was to retire (rule 44.1(a)).

Zoo2 as the windward boat to Zingara broke rule 11 but is exonerated by rule 64.1(a) because she was compelled to break it by Zingara's breach of one or more rules. Zoo2 did not break rule 14 because it was not reasonably possible for her to avoid contact with Zingara and Xoomer Xpress.

Xoomer Xpress as the windward boat to Zoo2 broke rule 11 but is exonerated by rule 64.1(a) because she was compelled to break it by Zingara's breach of one or more rules. Xoomer Xpress did not break rule 14 because it was not reasonably possible for her to avoid contact with Zingara and Zoo2.

While tacking, Carpe Ventus did not break rule 13 because Zingara was also tacking and on Carpe Ventus' port side. Carpe Ventus, as the right of way boat, acted to avoid contact with Zingara when it became clear that Zingara was not keeping clear, as required by rule 14. Carpe Ventus also did not break rule 14 because it was not reasonably possible for her to avoid contact with Xoomer Xpress when she acted to avoid contact with Zingara.

### **OS Appeals Committee:**

Ms. Kathy Dyer, IJ  
Mr. Robert Stewart, IJ  
Ms. Katie Nicoll, NJ  
Mr. Peter Wood, NJ

27 October 2016