

**DECISION OF PROTEST COMMITTEE****PROTEST & REQUEST FOR REDRESS****DATE OF HEARING:** 08/08/2018**RACE:** Wednesday Winter Sweepstake Race 17 / Wednesday Winter Pointscore Race 5**PROTESTOR:** 35048 "The Real Thing" (Nelsen Marke 1D35), represented by John Anderson**PROTESTEE:** M33 "Morticia" (Adams 10.6), unrepresented.**WITNESSES:** Nil**PRELIMINARY:** LMYC Sailing Instructions provide for arbitration as per Appendix T. As both parties were not present, Arbitration did not proceed.

M33 did not attend the hearing. Parties were notified of the time and place for the hearing and the hearing proceeded as allowed for in rule 63.3(b).

**VALIDITY:** The protest and request for redress is valid.**FACTS FOUND:**

1. Boats were on a downwind leg approaching Cardiff Point mark in 4-5 knots of breeze.
2. 35048 running on starboard tack established an overlap to windward of M33, also running on starboard tack steering a course just above the mark.
3. The course was shortened at Cardiff Point mark, requiring boats to pass the mark to starboard.
4. At the zone, 35048 was overlapped to the mast of M33, with 2 metres between the boats.
5. 35048 hailed for mark-room and steered down toward the mark.
6. M33 held a course that would pass 5 metres above the mark and there was contact between the boats.
7. The boats sailed together wholly overlapped before M33 bore away to finish and touched the mark.
8. 35048 luffed, tacked and returned to a downwind course to finish.
9. There was no damage or injury.
10. M33 took a post-race penalty.

**CONCLUSIONS:**

1. 35048 an inside overlapped boat to M33 was entitled to mark-room. M33 broke rule 18.2(b)
2. 35048 as windward boat, failed to keep clear of M33 as required by rule 11 but is exonerated by rule 21(a) as she was sailing within the mark-room to which she was entitled.
3. As contact was reasonably possible for both boats to avoid, M33 and 35048 both broke rule 14, but M33 as a right-of-way boat and 35048 as a boat entitled to mark-room are both exonerated by rule 14(b).
4. M33 touched the mark and broke rule 31.
5. Although 35048 score may have been made significantly worse by M33 breaking a rule of part 2, there was no damage or injury. Refer rule 62.1(b).

**RULE(S) APPLICABLE:** 63.3(b), 18.2(b), 11, 14, 21(a), 31, 62.1(b), 64.1**DECISION:** As M33 took an applicable penalty, she shall not be further penalised as per 64.1(b). Redress is not granted.

Signed: \_\_\_\_\_

Chairman

08/08/2018 1.15pm