

FINN GOLD CUP 2012

JURY DECISION

Case No: 12

With Case(s): 13

Race: 9

PARTIES

| | |
|-------------------------------|--------------------------------|
| Boat/Class/Fleet/RC/PC | Represented by: |
| CAN 9 | Rob Hemming |
| RUS 1 | Alexy Selivanov |
| DEN 2 | Jonas Hoegh-Christensen |

WITNESSES:

| | |
|-------------|-------------|
| Name | Role |
| | |

Protests valid

Case Summary: *Part 2 protest involving incident at the start of Race 9*

Procedural Matters (including Case type: e.g. Protest, Request for Redress, Reopening request etc)

As the cases concerned the same incident, the International Jury heard the cases together.

Facts found:

Approaching the committee boat to start with 30 seconds until the starting signal, DEN 2 was clear ahead of CAN 9 and RUS 1 close to the committee boat. All boats on starboard, sailing close-hauled or above. The wind was 25-28 knots with a 3 - 4 metre swell.

RUS 1 overlapped to windward of CAN 9 from astern and one-quarter to one-half a boat length to windward of CAN 9. At this point, the boats were 1 boat length to windward of DEN 2. As CAN 9 and RUS 1 approached the stern of the committee boat CAN 9 was sailing to windward of DEN 2. There was then contact abeam of CAN 9 and RUS 1 when the head of the crew of CAN 9 and the sail of RUS 1 made contact. Due to the contact, CAN 9 and RUS 1 slipped to leeward. At the same time, DEN 2 was hit by a wave and moved backwards and shortly afterwards, CAN 9 hit DEN 2 from astern on DEN 2's port transom and RUS 1 then hit DEN 2 on her starboard aft quarter.

Following the incident, there was a general recall. There was damage to DEN 2. No boat took a penalty turn.

Conclusion & Rules:

RUS 1 failed to keep clear of CAN 9 under rule 11 and DEN 2 under rule 12.

DEN 2 was an obstruction to CAN 9 and RUS 1 and, as right of way boat, CAN 9 had the choice of which side to pass DEN 2 under rule 19.2(a). CAN 9 decided to pass to windward of DEN 2.

CAN 9 failed to keep clear of DEN 2 under rule 12 but this was because RUS 1 failed to keep clear of CAN 9, compelling her to break the rule. CAN 9 therefore is exonerated under rule 64.1(c).

As the race was generally recalled, rule 36 states that no boat is to be penalised for a breach of a rule in the original start.

Decision:

Protest upheld. RUS 1 would have been disqualified, but under rule 36 cannot to be penalised.

Jury: Names

Panel Chairman: *Jim Capron (IJ USA)*

Panel: *Andrus Poksi (IJ EST), Ralph Roberts (IJ, NZL), Iskra Yovkova (IJ BUL), Jon Napier (IJ GBR)*

Signed:

Date, time: Thursday 17 May at 19.36hrs