

WHISTLER III v WISEGUY

Date of Hearing: 29 June 2021
Date of Incident: 27 June 2021
Race: Race 2, Winter Series
Protestor: **WHISTLER III**
Protestee: **WISEGUY**
Representatives: WHISTLER III: Mike West
WISEGUY: Rob Pope
Witness: Steve Cowper (on board WHISTLER III)

Procedural Matters:

- An arbitration meeting was held on the day of the incident. Neither boat took a post-race penalty and the protest was not withdrawn.
- The protest committee decided that the protest was valid.
- John Wood attended the hearing as an observer.

Facts Found:

1. WHISTLER III and WISEGUY are Young 88s who were sailing downwind on port tack towards a mark to be rounded to port.
2. WHISTLER III was sailing a course to leeward of WISEGUY's course and was clear ahead as both boats approached the zone.
3. When WHISTLER III reached the zone of the mark, she remained clear ahead of WISEGUY.
4. When WHISTLER III was approximately two boat lengths from the mark, WISEGUY became overlapped to windward and inside of her.
5. WHISTLER III luffed to pass close to the mark, close hauled in the direction of the following leg, but she curtailed her luff as WISEGUY remained overlapped between her and the mark.
6. There was no contact.

Conclusions:

1. WISEGUY, to windward did not keep clear of WHISTLER III to leeward and broke RRS 11.
2. WISEGUY, having been clear astern at the zone, did not give WHISTLER III mark room and broke RRS 18.2(b).
3. After WISEGUY became overlapped inside WHISTLER III, she did not give room to allow WHISTLER III to sail her proper course while they remained overlapped, and broke RRS 18.2(c)(2).

Rules applicable: RRS 11, 18.2(b) & 18.2(c)(2).

Decision: WISEGUY is DSQ from race 2.

Protest Committee: John Grace (chair)
Geoff Herd
Richard Martin

Date Decision Advised: 29 June 2021. Written decision provided on 30 June 2021.