



# Hebe Haven Yacht Club

**THIS SIDE FOR PROTEST COMMITTEE USE**

*Fill in and check as appropriate*

Class IRC Race# 1

Filing# 2016/

WINTER SATURDAY SERIES 2016

Protest, or request for redress or reopening, received within time limit – See below \_\_\_\_\_

Protestor, or party requesting redress or reopening, represented by- Colin Johnson (*Outrageous*)

Other party, or boat being considered for redress, represented by- Eric Tomter (*Race Committee*)

### Remark

No objection about interested party .....  \_\_\_\_\_

Written protest or request identifies incident .....  \_\_\_\_\_

'Protest' hailed at first reasonable opportunity .....  \_\_\_\_\_

No hail needed; protestee informed at first reasonable opportunity .  \_\_\_\_\_

Red flag conspicuously displayed at first reasonable opportunity ....  \_\_\_\_\_

**Protest or request valid; hearing will continue**

**Protest or request invalid; hearing is closed**

## VALIDITY

### Facts Pertaining to Validity

1. The skipper of **Outrageous** used the club's online enquiry form to send a message requesting redress. This was on the Monday 01 November, after Saturday racing. The skipper received no reply to this.
2. The skipper sent a second message using the same website online form. This was forwarded to the sailing office on 2<sup>nd</sup> of November. In this message, he first used the word 'redress'.
3. A series of emails between the sailing office and the skipper containing discussion and explanation ensued.
4. A formal redress form was sent to the sailing office on Nov. 4 2016.

### Decision on Validity

1. The initial notification of intention to seek redress was in the first email message from the skipper on Monday 1<sup>st</sup>. The protest committee agrees that there was a clear intent to seek redress from the outset, and the delay was reasonable, given the timing of publishing results on the website.
2. The club's failure to monitor a communication channel (albeit one not officially used for contact of the **Race Committee**) added to the delay.
3. **The committee is satisfied that the request for redress is valid. The hearing will continue.**



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## FACTS FOUND

### Documentation and Rules:

1. Sailing Instructions stipulated that the 2016 Winter Saturday Series would be run per the following pertinent rules:
  - a. Racing Rules of Sailing 2013-2016
  - b. Hebe Haven Yacht Club Standard Sailing Instructions (SSI) 2013-2016

HHYC SSI states in part, the following rules:

#### **SSI D. MINIMUM NUMBER OF STARTERS**

A minimum of three boats in a class is required to have entered and be in close proximity to the starting line at their warning signal for such boats to rank as starters and to constitute a valid race, other than in match or team racing. This changes RRS 90.3.

#### **SSI 4. POSTPONEMENTS**

Any race except the last race of a series may be postponed to a later date at the discretion of the **Race Committee**. Any race abandoned, cancelled or not sailed for any reason may be resailed at the discretion of the **Race Committee**.

#### **SSI 7.1.1 – START SEQUENCE**

Races will be started using RRS 26 starting signals, with the warning signal made five minutes before the starting signal.

Succeeding classes will start:

- At five minute intervals, as signalled by the display of the warning signal of the succeeding class at the time of the starting signal of the preceding class; OR
- At any time after the starting signal for the preceding class by the display of the warning signal for the succeeding class.

### Events

1. Prior to leaving the clubhouse before racing, the Race Officer mentioned to a crew member of **Outrageous** the requirements (in SSI D) for minimum numbers for a valid race, and suggested **Outrageous** might join another division. This discussion was not relayed to the skipper.
2. For IRC Division Race 1 and Race 2, only one competitor, **Outrageous**, was *in close proximity to the starting line at the warning signal* for each race.
3. IRC and Sportsboats classes were combined to start in the same first sequence. The complete sequences of warning and starting sounds and signals, including displaying class flags for both classes, were made by the **Race Committee** boat per SSI 7.1.1 and RRS 26.
4. On each occasion, **Outrageous** crossed the start line after the starting signal, sailed the course displayed, and subsequently crossed the finish line, and her crossing time was acknowledged and noted.
5. The results for Race 1 and Race 2 recorded **Outrageous** (the sole competitor in her class) as having 'Retired' from those races (RET).



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6. **Outrageous** sought redress via an email message to a member of the **Race Committee**, claiming the following;

- Claim (a).** She had not retired.  
**Claim (b).** SIs may not change rule 90.3 per rule 86.  
**Claim (c).** Per 90.3(a) she should be scored.  
**Claim (d).** She should get recognition for her participation in races 1 & 2, as this was a series, considering it was unlikely she could attend the next races 3 and 4, when more boats were expected to appear.

## CONCLUSIONS AND RULES

1. **See Claim (a)** - The score of 'RET' for *Outrageous* was a 'scoring error' as described in rule 90.3(c).
2. **See Claim (b)** - Rule 86 does not allow any 'Part 7' rule to be changed by the Sailing Instructions. SSI D is incorrect in stating "This changes rule 90.3", and that sentence should be considered invalid and ineffective. However;
3. \*The rest of SSI D remains valid, since:
  - a. RRS Appendix J2.2(36) guides that sailing instructions include instructions regarding when appropriate, the minimum number of boats and their circumstances for a race to be started / considered valid and this is common practice, and;
  - b. SSI D states the requirements to be a 'valid starter' and for a 'valid' race, whereas RRS 90.3(a) refers to scoring a race. Therefore;
  - c. **See Claim (c)** - The Sailing Instruction does not alter / change, nor does it conflict with RRS 90.3(a). SSI D invalidated the race at the warning signal, in which case, 90.3(a) was not tested.
4. \*The class flag was flown at the warning signal for each race and the start sequence run, but this does not conflict with SSI D, and also did not automatically qualify **Outrageous** as a starter.
5. \*Per SSI D, at the warning signal for race 1 and race 2, there were *no valid starters* (due to the minimum number of boats in the start area at that time not being attained) meaning there was '*no valid race*'.

## DECISION

1. \*The request for redress is dismissed, with the above conclusions noted.
2. \*The scores for Race 1 and Race 2 shall be annulled, and it should be considered that the races were 'not sailed'.
3. The races may be rescheduled for a later date per SSI 4.

\*=Conclusion / Decision not unanimously agreed.

### PROTEST COMMITTEE

Members \_\_\_\_\_ Ben Harding (Chairman), Bridget Chan, Leslie Anderson (dissenting)

Chairman's signature Electronic Document (No Signature) Date & time 30/11/2016