

# DECISION

Request No.: 10

Protest and Request for Redress

Event: 33rd Phuket King's Cup Regatta Race Number: 5

Hearing Date: 2019-12-04

## PARTIES AND WITNESSES

Request No.: 10: Premier - HKG2372 - Bella Uno

Premier - THA2555 - Pine Pacific

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**DECISION:** Request Valid

## PROCEDURAL MATTERS

1. Jury used Appendix N1.4(b).
2. Video clip from Pine Pacific was presented.

## FACTS FOUND

1. Incident was less than one minute before the start of race 5. Wind was about 12 knots with moderate waves.
2. Bella Uno was just below close-hauled on starboard approaching the start line with Pine Pacific clear ahead but slower and above close hauled.
3. As Bella Uno approached, Pine Pacific bore away causing Bella Uno to establish an overlap to leeward.
4. Bella Uno bore away slightly to avoid contact and immediately Pine Pacific luffed sharply and her stern made contact with the starboard side of Bella Uno approx 2 meters from the bow and near the waterline.
5. The contact caused damage of 25 cm x 10 cm to Bella Uno, including a hole through the hull.
6. As the result of the hole in the hull, Bella Uno retired and returned to shore.
7. On inspection, it was found that the bulkhead of Bella Uno was also damaged and she did not return to race.
8. Pine Pacific continued sailing and finished with no penalty turns taken.
9. The race was subsequently abandoned and one race was completed during the day.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

1. When Bella Uno became overlapped to leeward, she acquired the right of way because of the action of Pine Pacific, so Bella Uno was not required to give Pine Pacific room under RRS 15.
3. Pine Pacific, to windward, failed to keep clear of Bella Uno and broke RRS 11 & 14.
4. When it was clear that Pine Pacific would not keep clear, it was not reasonably possible for Bella Uno to avoid contact and she did not break RRS 14.
5. Bella Uno score in race 5 was made significantly worse through no fault of her own by an action of Pine Pacific that broke rules of part 2.
6. Since the incident caused serious damage, Pine Pacific shall be penalized as per RRS 36(b), even though the race was resailed.

## DECISION

**Date & Time:** 2019-12-04 19:19 +07

1. Pine Pacific is DSQ in race 5.
2. In race 5 Bella Uno is scored average points according to RRA A10 (a).
3. Bella Uno may apply for further redress but this may be limited by Case 116 and dependent on her effort to repair the damage and race as soon as possible.

## PROTEST COMMITTEE

**Chaired By:** John Doerr (GBR)

**Committee Members:** Christiane Admiraal (NED), Rut Subniran (THA)