



Hearing Date: 10/03/20 Heard Jointly with Number:

### BEFORE THE START OF THE HEARING

A Post-Race Penalty is not available *list boat names/numbers*

Withdrawal - Choose from list

*When withdrawal is requested, list the decision, parties and reasons for request and decision below*

### ARBITRATION

*Note that arbitration is normally only suitable for protests*

Arbitration - Choose from list

. The hearing will be - Choose from list

*list parties that decline arbitration below*

### TYPE OF HEARING

*check all the options that apply to this hearing*

Protest

Request for redress

Request to reopen a hearing

Reopened Hearing

Hearing concerning a support person

Report of misconduct

### PARTIES AND WITNESSES

*Enter details and comments as required*

All parties present at the hearing *list parties not present*

Hearing held by telephone conference

Hearing will continue: Yes

Parties making the allegation or requesting / being considered for redress or reopening represented by: *list names and parties*

Julia Mellers (Oxford 2)

Other parties represented by: *list names and parties*

Jack (Warwick Black)

Martin Smethers PRO

Witness(es): *list names, boat number, party called by*

Interpreter(s) *list names, boats represented*

Observers: Choose from list

### CONFLICT OF INTEREST

*select options*

*Enter comments as required*

No conflict of interest was declared

Parties accept all PC members

Hearing continues

### VALIDITY

*select options*

*Enter comments as required*

Time limit - extended for reasons given

Race results were not obviously and clearly available at the venue

Incident is identified by written allegation or request

Hail not required

Red flag not required

Hearing request is valid, hearing continued

### FACTS FOUND State what happened

*Leave blank for arbitration*

1. Wind strength F3/4

2. There were three flights of six Fireflies each, two sail rigs with cut down configuration.

3. Racing was resumed from the previous day at race 19

4. One team were allocated a sub fleet of boats with blue jibs, the other team to white jibs.

5. All boats had white hulls.

6. A photograph shows three boats with white jibs with sail numbers blue 5, black B2, red 1 . The blue jib boats had sail numbers red 3, black 4, black 6.

7. There was one red sail number in each sub fleet.

8. The sub fleets were not numbered sequentially. The white jibs were 1,B2,5 and the blue jibs 3,4,6 .

9. Hull numbers were not present or used.

10. Crews were not identified by names, numbers, colours or shapes.

11. The Oxford 2 team were allocated according to the schedule to the white jib boats. Warwick Black were allocated to the blue jibs.

12. The teams were in the correct boats.

13. There was no change in the Finish boat personnel during the days's session up to and beyond race 30.

14. Sails were changed for day 2 from day 1 and the original sequence of consecutive numbers and same colours was no longer the case. The boat differentiator was now the colour of the jibs.

15. There was no sail change on day 2 up to race 28.

16. The Race Officer was based on the shore and was not able to accurately judge the finish.
  17. The finish record document provided shows the results for races 22,23 and 24. The records show results in a format using the designations for boats in three flights: Race 22 B# and R#, Race 23 B# and R# and Race 23 B# and Y#.
  18. Each position from first to sixth was recorded.
  19. The finish record shows a finish order of B4,R2,R1,B6,B5,R3
  20. The "R" refers to sail numbers 1,B2,5 used for white jobs on day 2 . This was a legacy from day 1 originally using red sail numbers 1,2,3. The "B" referred to the Black sail numbers 3,4,6 used for blue jibs on day 2 replacing the 4,5,6 used in day 1.
  21. The finish order was recorded as W,O,O,W,W,O (Warwick (W),Oxford (O))
  22. The win with 10 points (P1,P4,P5) was awarded to W (Warwick). Oxford recorded as 11 points (P2,P3,P6).
  23. Oxford claim a finish order for Oxford of P2,P3,P5 (email submission to BUSA Technical Delegate 4 March 2020).
  24. Warwick thought they had lost the race. The Warwick team are not confident about the finish order (email 4 March 2020 to Technical Delegate)
  25. The Finish boat records for races 19 to 30 were submitted to the PC. The races for the flight used in this case were race 19, 22, 25 and 28.
- Diagram Diagram not required

## RULES THAT APPLY AND CONCLUSIONS

*Leave blank for arbitration*

1. The request for redress is accepted and a hearing undertaken. RRS62.2
2. The PC accepts that there was potential confusion about boat identification.
3. The Finish team were in the best position to determine the race order in a close finish.
4. The boats were clearly identifiable by the jib colour.
5. The finish records used the designation of "B" and "R" as a matter of shorthand convenience.
6. The PC studied the race results from races 19,22,25 and 28.
7. It was noted that the records show a clarification by referring to "R/W" instead of "R" from race 25. The "W" refers to the white jibs, previously the red sail numbers as a sub fleet.
8. Race 19 records show the "B" team were blue jibs with sail numbers 3,4 6. Referred to as B3, B4 and B6. The "R" team were white jibs with sail numbers 1,B2 and 5. Referred to as R1, R2 and R5.
9. Race 22 records show that boats in position 5 and 6 were recorded as "B5" and "R3".
10. The letter references reverted to the race 19 descriptions for race 25.
11. The PC concludes that the records for race 22 inadvertently transposed the designation letter of "B" and "R" for sail numbers 5 and 3. The results sequence should read B4,R2,R1,B6,R5,B3.
12. This implies that the finish order in race 22 is W,O,O,W,O,W (Warwick (W),Oxford (O))
13. The win with 10 points (P2,P3,P5) should have been awarded to O (Oxford) and W (Warwick) recorded as 11 points (P1,P4,P6).
14. The PC concludes that the Race 22 was recorded incorrectly by an understandable confusion over sail numbers.

## ARBITRATION

Protest is Choose from list

The following boats accepted a Post-Race Penalty

## DECISION

*Leave blank for arbitration*

Redress is given as below

*then detail applicable penalties and/or redress given below*

The race results are changed. The Win is awarded to Oxford 2.

## PROTEST COMMITTEE CHAIR / ARBITRATOR

Carol Haines

Date and time 10/03/20 1700

Other protest committee members Callum Bright Stephen Watson

Written decision requested by the following parties : *list parties requesting written decision and dates transmitted below*

Oxford 2, Warwick Black, Race Officer

## Privacy Statement

*The organizing authority will use the information provided on this form for the purposes of administering a hearing or report under the Racing Rules of Sailing. The legal basis for processing information relating to persons bound by the Racing Rules of Sailing is contract, and the grounds for processing information relating to any person not bound by the Racing Rules of Sailing is legitimate interest. In accordance with the Racing Rules of Sailing, personal information contained on this form may be shared with the RYA and/or World Sailing. The decision of the protest committee or any subsequent appeal may be made public.*