

PROTEST COMMITTEE DECISION

Case No: 11 With Case(s): Race: 4

PARTIES

Boat or Committee or Person	Class/Fleet	Represented By/Not Present
Nifty		Tom Cheney
Gallivanter		Hannah Diamond

WITNESSES	
Name	Boat – Committee - Role
Jack Fenwick	Protest Committee

Valid – Yes/No (if 'No' use Facts Found to document this decision)

<p>Case Introduction: (Type of hearing and one or two sentences to set the scene of the case e.g. 'A boat to boat incident at the leeward mark' or 'A request for redress for being scored OCS.')</p> <p>A boat on boat incident at the leeward mark</p>	
<p>Procedural Matters: (Conflicts of Interest, parties not present, extending time limits)</p> <p>Prior to the hearing the representative of Gallivanter expressed concern about a potential conflict of interest of the protest committee under 63.4(a). The PC did not agree there was a Col but chose to stand Jack Fenwick down from the panel and brought on Adam Parry. The representative of Gallivanter raised a further concern that the PC was appointed by the OA and that the representative of Nifty was employed by the class association. The PC determined there to be no conflict of interest.</p> <p>Crew members of both Gallivanter and Nifty attended the hearing as observers</p>	
<p>Facts found:</p> <p>Gallivanter and Nifty approaching the leeward gate on stbd As Gallivanter entered the zone she was clear ahead of Nifty by around 3 boat lengths and further to windward. Gallivanter gybed from starboard to port and when she gybed was at least 4 boat lengths from the mark As Gallivanter re-entered the zone Nifty was overlapped inside As Gallivanter was level with the mark Nifty was aiming at her port quarter and luffed to avoid.</p>	
<p>Conclusion & Rules:</p> <p>Nifty was entitled to mark room under RRS 18.2(b) which Gallivanter failed to give her.</p>	
<p>Decision:</p> <p>Gallivanter is to be scored DSQ in race 4</p>	
<p>Request to Withdraw:</p>	<p>Request Approved:</p>
<p>Protest Committee: Niall McLeod, Bill Wyatt, Adam Parry</p>	
<p>International Jury: No</p>	
<p>Signed:</p>	<p>Date, time: 02/09/23 2000</p>