

Cruising Yacht Club of Australia

2020-2021 Wednesday Twilight Series

Race 5

Request for Redress

Nelita KA 168 v Race Committee

Hearing at the CYCA Thursday 5 November 2020

Protest Committee: Steve Hatch, Karl Garavan & John Kirkjian

Nelita was represented by John Allan

FACTS FOUND

1. The breeze was blowing from the NNE at 12 knots with gusts of 16 knots.
2. At 19:00 hours there was an incident between the yachts Bliss and Into the Mystic resulting in their rigs becoming entangled and in danger of collapsing.
3. Nelita was near the yachts and stood by to assist, she gave help by transferring James Whelan (a member of her crew) on board Into the Mystic
4. Nelita withdraw from the race as she believed she no longer complied with CYCA Wednesday Twilight Series SI 5.1
5. Nelita was scored DNF by the race committee

CONCLUSION

1. Nelita was unaware of her rights under RRS 47.2 that would allow a crew man to intentionally leave the boat to help a person or vessel in danger.
2. SI 5.1 does not amend RRS 47.2
3. By retiring from the race Nelita fails the "through no fault of her own test" 'as required by RRS 62.1.
4. Nelita therefore not entitled to redress.

RULES APPLICABLE

RRS 1.1, 62.1c & 64.2, Appendix A 10(a) & WS Case 20

DECISION

1. Nelita score of DNF in race 5 is confirmed

John Kirkjian

Chairman

5 November 2020