

**FEVA SUMMER CHAMPIONSHIPS 2020
REQUEST FOR REDRESS**

PROCEDURAL MATTERS

1. After Race 4 was abandoned on Saturday, boats 7615, 5279, 7605 and 5763 requested redress.
2. For Covid reasons it was not practical to hold a hearing involving all boats at the club during the event. The PC therefore held a hearing just involving the boats who requested redress and the RO. Based on the evidence submitted, the PC put in a request for redress on behalf of 4079 and this boat was included in the hearing.
3. Redress was given to 4079, 7605 and 5279. The end-of-event ranking of boats reflected the PC's decision.
4. Following that decision, 9 new boats (5704, 7394, 5764, 7633, 6895, 4347, 4984, 4247, 4470) and 1 of the original boats (7615) submitted protest forms which together comprised of 6 requests for re-opening, 6 requests for redress and 3 requests for the PC to make a request for redress.
5. In addition, the PC decided that it might have made an error in its original facts found which might affect its decision.
6. The PC therefore decided to re-open the hearing, hold it using Zoom, and make all boats that had submitted protest forms relating to the incident parties to the hearing by requesting redress on their behalf. The parties were given 6 days' notice of the re-opened hearing.
7. The PC gave all the above boats the opportunity to raise any objections to the process. Only one boat, 7605, did, questioning who was requesting redress on behalf of the additional parties and how and when this was made. The PC answered the objection.
8. The PC circulated a summary of the evidence already heard to all parties before the hearing was re-opened.
9. Not everyone was able to or wanted to attend the re-opened hearing. It was attended by 4079, 7605, 7615, 5763, 5704, 4247, 5764, 7633, 6895, 4347 and the RO. 4470 submitted written evidence which was read out at the re-opened hearing. The evidence given to the original hearing, or what was written on their protest forms, was read out during the re-opened hearing for those boats not attending: 5279, 7394, 4984.
10. After the evidence gathering Zoom call, the PC became aware that some crucial evidence from the RO had not been obtained concerning the timing of the abandonment signal. This was obtained from the RO in writing and then circulated to all parties, asking that if any party wished to comment on this they could and requesting a reply in 24 hours or a request for more time to reply.
11. 4347 replied stating that it was not them who asked questions during the re-opened hearing (the RO had said it was).
12. No other responses were received within 48 hours of the communication being sent.

FACTS FOUND

1. The course was windward/leeward followed by a short port tack reach to the finish.
2. LR3 was displayed on the back of the committee boat signifying a 3-lap race.
3. The time limit was 70 minutes for the first boat. The Sailing Instructions stated that: "Boats failing to finish within 20 minutes after the first boat of her class finishes or within the time limit, whichever is later, will be scored in their observed position."
4. The times for the leading boat were:
Lap 1: Windward: 12 minutes; Downwind: 10 minutes; Total: 22 minutes
Lap 2: Windward: 12 minutes; Downwind 8 minutes; Total: 20 minutes
5. The length of the lap was being adjusted to suit the wind conditions.
6. The race started in 12-17 knots, but then dropped during lap 1. For lap 2 the wind was 6-8 knots. The wind picked up slightly during lap 3.
7. At the end of the second lap, the leading boats went through the gate and headed upwind for the third lap.

8. The race team hoisted the blue on-station flags in preparation for the final lap, as they had in the previous races at this time.
9. No shortened course flag was flown.
10. After 4-6 boats had passed through the gate, the next boat did not head upwind and instead sailed through the finish line and got a sound signal.
11. Most boats behind her followed across the finishing line with the initial ones getting a sound signal.
12. Some of the boats who had been going upwind on the third lap came back without rounding the windward mark and crossed the finish line.
13. Some of the boats who had crossed the finishing line, realised their error and started upwind on their third lap.
14. 4079, 7605, 5279 and 5704 were sailing upwind on the third lap. There is no evidence of any other boats sailing on the third lap at the time of abandonment.
15. All other boats, having crossed the finish line, stopped sailing the course and either sailed back ashore or waited around the finishing line.
16. 7615, 5763, 4247, 5764, 7633, 6895 and 4470 were all aware that it was a 3-lap race and went through the finishing line and stopped sailing the course because others had finished / they were following others / there were sound signals indicating finishes. The committee boat was still displaying LR3.
17. 4347 stated the reason he stopped racing was that he thought that the shortened course flag was flying when he crossed the finishing line.
18. The RO abandoned the race. The time of this abandonment is not known; the RO estimated that it was 10 minutes before the expiry of the time limit.
19. At this stage the RO estimated that the leading boat, 4079 was between half and two thirds of the way up the windward leg.
20. The boats still sailing the course did not hear the abandonment signal so could not confirm where they were on the course at the time. The first 2 had rounded the windward mark before they were informed of the abandonment.
21. During the period of time that the abandon signal will have been made, the order of the 4 boats still sailing the course was: 4079, 7605, 5279, 5704.
22. The RO stated that he abandoned the race on the grounds of fairness because the competitors were confused and because he didn't believe that anyone would finish the course within the time limit.
23. On the following day, the RO ran races in lighter winds and, on some occasions, shortened the course at the windward mark to fit within the time limit.

CONCLUSIONS & RULES THAT APPLY

1. The fact that the RO gave a sound signal for the first few boats who crossed the finishing line was not an improper action. Those boats were finishing (as per the definition).
2. The boats which crossed the finishing line after 2 laps and were no longer sailing the course had finished but had, through their own actions, failed to comply with rule 28.1 (sailing the course). Being confused or following others does not remove this responsibility. They are not entitled to redress.
3. The RO's decision to abandon the race on the ground of fairness (32.1(d)) was an improper action. Just because only a small number of competitors continued to sail the course does not mean the race becomes unfair – the other competitors knew it was a 3-lap race and it was their responsibility to sail the course correctly. Indeed, the action of abandoning was unfair to those who were continuing to sail the course.
4. The RO's decision to abandon the race because he felt none of the boats would complete the course within the time limit (32.1(b)) was premature and an improper action. There was no firm evidence presented to support his conclusion that no boat would complete the course within the

time limit. Four boats were at that time sailing the course, and neither the time of the abandon signal, nor the position of the leading boat at that time, was known by the RO. The leading boat took 20 minutes to sail lap 2, she started her last lap with 28 minutes of time limit remaining, and the wind speed at the time was greater than lap 2. The required condition that it was 'unlikely that any boat will finish within the time limit' was not met at the time the race was abandoned.

5. The RO estimated that, when he abandoned the race, there was still 10 minutes remaining for the leading boat to complete the course within the time limit. Given the uncertainty of this time and how far up the beat the boats were, the fact that the wind strength was increasing, and the time taken on the previous lap was 12 minutes up wind and 8 minutes downwind, the RO's improper action in abandoning the race may therefore have made the places of 4079, 7605, 5279 and 5704 in the series significantly worse through no fault of their own and they are entitled to redress under rule 62.

6. At the time of abandonment, the order of the boats still racing was 4079, 7605, 5279, 5704. All other boats were no longer racing and had finished without sailing the course.

7. The score or position of all boats at the time of abandonment is known and is the fairest arrangement possible for all boats. It was after the last mark (the gate) that the errors by boats and the RO started, and the boats' positions at the gate did not reflect these subsequent actions.

DECISION

1. Redress is granted.

2. 4079, 7605, 5279 and 5704 are to be scored 1, 2, 3 and 4 respectively in Race 4.

3. All boats except for 4079, 7605, 5279 and 5704 are to be scored N+1 in Race 4. That is what they would have scored if the RO had not made his improper action to abandon the race.