

THE OCEAN RACE

Jury Decision

Case: 3

Day: 29/06/23

With Case (s): 4

Race: Leg 7

Parties

	Sail No:	Represented by:
Initiator:	11 th Hour Racing	Marcel van Triest
Initiator:	International Jury	
Respondent:	Holcim	Benjamin Schwartz
	Guyot	Benjamin Dutreux
	Malizia	Boris Herrmann

Witness:

Represented by:	Role:

Procedural Matters:

The representative of Biotherm was not present at the hearing. International Jury proceeded under RRS 63.3(b).

Observers:

Lijia Xu, Neil Cox, Marine Derrieu, Mark Towill, Thomas Jullien, Niall Myant-best, Parr Rusell, Jens Kupam, Holly Cora, Marine Legendre

Validity:

On June 15, 2023, during the In Port Section of the Leg 7, on leg 4 in between marks 3 and 4 a collision between Guyot and 11th Hour Racing occurred.

There was a protest decided by the umpires on the water and 11th Hour Racing requested for redress.

On June 16, 2023 at 16:56, 11th Hour Racing lodged a request for redress by email.

On June 16, 2023 at 16:58, 11th Hour Racing lodged a protest against Guyot by email.

The request for redress was received within the time stated in SI 17.4.

On June 21, 2023 at 19:02 International Jury called a hearing to consider redress for Holcim, Biotherm, Guyot and Malizia to be heard together with request for redress lodged by 11th Hour Racing.

On June 27, 2023 at 05:52 11th Hour Racing communicated her intention to request redress in order to meet the requirements of Appendix UF 5.3 (c).

The requests for redress identify the reasons for making it and were delivered within the time limit, therefore the requests for redress are valid.

Hearing started on June 29, 2023 at 10:03 hrs

Fact Finds:

- The incident occurred on leg 4 (in between marks 3 and 4) of the In Port Section of the start of Leg 7 of the 2022-2023 Ocean Race from The Hague to Genova resulting in the serious damage on both 11th Hour Racing and Guyot.
- Appendix UF The Ocean Race Edition applied till the Leaving Gate of the start of Leg 7.
- 11th Hour Racing protested on the water.
- Umpires displayed black flag and disqualified Guyot.
- International Jury issued a written statement consisting of facts found, conclusion and decision of the umpires on protest between 11th Hour Racing and Guyot which was presented at this hearing by 11th Hour Racing – attachment 1
- Promptly after the incident, 11th Hour Racing informed Race Committee on VHF channel that she was protesting Guyot.
- 11th Hour Racing suspended racing and sailed back to the harbour.
- Guyot retired from Leg 7 after she came back ashore.
- A boat cannot suspend racing in Leg 7.
- 11th Hour Racing could not sail without repairing the damages caused by the collision and was scored zero points in Leg 7.
- 11th Hour Racing presented written statement describing the level of damages on 11th Hour Racing and repair instructions prepared by Giovanni Mascetti and Guillaume Verdier (naval architects) – attachment 2
- 11th Hour Racing presented the written statement describing the consequences of the collision prepared by Charlie Enright (skipper) – attachment 3

Conclusion:

It was not reasonably possibly for 11th Hour Racing to avoid contact after it became clear to 11th Hour Racing that Guyot was not keeping clear as a port tack boat.

11th Hour Racing's score in Leg 7 has been, through no fault of her own, made significantly worse by the physical damage caused by Guyot that was breaking a rule of Part 2 and was penalized.

Rules applicable:

RRS 62.1 (b), Case 87

Decision:

- Redress is granted to 11th Hour Racing in Leg 7.
- 11th Hour Racing is to be scored in Leg 7 points for a finishing place equal to the average (rounded to the nearest whole number) of her finishing places in Leg 1 to Leg 6 .
- 11th Hour Racing finishing places in previous legs, in Leg order were: 2nd, 3rd, 3rd, 1st, 1st, 1st
- Therefore 11th Hour Racing is scored points equal to a second finishing place (4 points). The finishing places and scores of other boats in Leg 7 are not changed.

Parties informed of the decision on June 29, 2023 at 11:01

Jury Members:

Panel Chairman Andrés Pérez	Scribe Sofia Truchanowicz	Chris Atkins	Pauline den Burger	Line Juhl	George Priol
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