

Chinese New Year Macau Race 2009 Return Leg Macau to Hong Kong

Protest RB v Crystal Dolphin

The protest hearing on the incident between RB and Crystal Dolphin was re-opened on 13th August 2009.

The following facts were found
Both parties to the protest present

- 1) The start line was orientated approximately on an east-west line from Macau Inner Harbour Access Channel Buoy No 1 with the Committee boat at the port end of the line.
 - 2) Correct starting direction is through the line in the direction of the next mark RRS Definitions – ie in a southerly direction.
 - 3) Both parties confirm line position on sketch numbered one, with committee boat at port end of line, with proviso that orientation of committee boat's bearing could be plus or minus 10 degrees in either direction of the starting line.
 - 4) RB acknowledges they now realise they were on course side at the time of the starting signal.
 - 5) CD was on pre start side of the line on port, mainsail only hoisted, with engine running to charge batteries.
 - 6) RB returning to pre start side on starboard cleared the starting line (thus then achieving right of way status) a few seconds before the collision took place and was at that time on starboard approximately 3 boat lengths from the committee boat's stern.
 - 7) CD engaged reverse gear some 15-20 seconds prior to the collision before RB had fully returned to pre start side of the line in an endeavor to keep clear.
 - 8) RB crash tacked and collision occurred during last stage of completing that tack.
 - 9) Both parties agreed to these facts prior to our decision.
- Decision RB disqualified rule 15**

K C Mowser

Nick Burns

Warwick Downes

13th August 2009

As a result of information learnt from the re opened hearing of the Protest RB v Crystal Dolphin. On 13th August 2009

Protest Committee reconsidered their earlier decision to abandon the race and looked for clarification from Race Committee.

The ARO attended the hearing as RO was not available
The following facts were established

1) Race committee have no records of any boats starting in the correct direction, but acknowledge that some could have started correctly, they were concentrating on the boats that they considered were starting in the correct direction

2) Race Committee confirmed that the majority of the fleet approached the line from on course side, rounded the committee boat and proceeded to the first mark. They cannot however confirm if any boat started correctly.

Decision

That all boats entering that race should be notified and if any consider they started correctly and have substantive proof of this fact the protest committee will consider determining the results of the race based on the information received.

If no application is received by 18.00 hours on 30th August 2009 the race will be abandoned.

Rule 64.2

K C Mowser

Nick Burns

Warwick Downes
13th August 2009