



ROYAL NEW ZEALAND YACHT SQUADRON

PROTEST HEARING DECISION

PROTESTOR	<i>Harken 1991</i>	REPRESENTED	Steve Henry
PROTESTEE	<i>1993</i>	REPRESENTED	–
SERIES	Winter Series	DIVISION	MRX
RACE & DATE:	Race 12 10/08/2019	HEARING DATE	18:10 12/8/2019

Validity/Procedure:

- The Protest was valid
- The Protestee was not present and the hearing continued under RRS 63.3(b)

Witnesses:

- Mark Johnson *Harken 1991*

Facts Found:

- Both boats were sailing downwind. The wind was approximately 20kts, rough sea, 7kts boat speed downwind. Because of the conditions neither boat was flying a spinnaker
- An overlap was established as both boats converged from more than 3 boat lengths apart
- *Harken* was the leeward boat and sailing a higher course to *1993*. *Harken* called *1993* to come up more than once.
- *1993* bore away in an apparent attempt to pass astern of *Harken*
- *Harken* was forced to bear away sharply to avoid a collision between bow of *1993* and windward midships side of *Harken*
- No penalty was taken

Conclusions And Rules That Apply:

- *1993* was the windward boat and failed to keep clear of *Harken*, the leeward boat, breaking RRS Rule 11.

Decision:

- MRX *1993* DSQ in Race 12 of the Winter Series

Protest Committee Panel:

Louis Mayo, Russell Green, Sean Bainbridge, Blair Park

Decision Advised:

18:50 12/8/2019