



# Edit the decision

Protest	Case	Lodge time	Time limit	Initiator	Respondent	Witness	Race	Incident time	Incident place	Rule	Description
	6	20:12		Sunrise GBR 888X			1			28	Request for redress sailing the course

**Hearing** 10:00

**Protestor name**

Tom Cheney

**Witness name**

**Protestee name**

**Interpreter name**

**Judges**

**Valid**

**Procedure**

1. Request for redress was received by the Race Office at 20:12 on 27 October 2021.
2. Sunrise was made aware of the incident by a posting of the decision to change the finishing line shortly after 16:00 and the decision of the International Jury in Case 2.
3. The request is based on a claim that Sunrise's score was made worse through no fault of her own by an improper action or omission by the race committee.
4. The request for redress is valid.

**Facts**

1. The protest committee decided to reopen the deliberation at 09:15 on 29 October 2021 to include missing facts and conclusions, and to revise the decision.
2. The sailing instructions describe two different finishing lines. The normal finishing line is defined by SI 11.1 and is located inside the entrance to Marsamxett Harbour. The alternative finishing line is defined by SI 11.3 as a line in the South Comino Channel.
3. The course is defined in SI 8.1 and describes the full 606 NM course, including a fairway buoy between the South Comino Channel and the finishing line.
4. In accordance with SI 11.3, the race committee invokes the course with the alternative finishing line without using RRS 32.
5. The sailing instructions do not state that the last bullet in SI 8.1 is deleted when invoking SI 11.3.
6. Early in the morning of Wednesday, 27 October 2021, the race committee decided to invoke SI 11.3 for safety reasons. This decision was based on deteriorating weather conditions.
7. The RC decision was made after approximately 60% of the fleet had finished at the original finishing line at the entrance to the harbour.
8. The race committee recalculated the corrected times in the provisional results using the time each boat crossed the alternative finishing line.
9. As a result of the recalculated results, the overall finishing positions for several boats that sailed the full course were changed.

**Conclusion**

1. SI 11.3 provides for an alternative finishing line, which is not in conflict with, and is independent of, RRS 32.
2. The race committee's decision to select the alternative finishing line position was consistent with SI 11.3 and was not an improper action. However, the race committee made an error in failing to include a sailing instruction that deleted the requirement to round the fairway buoy.
3. Different boats could interpret the sailing instructions differently with respect to the course with the alternative finishing line. Some boats may decide that the last mark of the new, shorter course, is Lampadusa. Some boats may decide that the new, shorter course must be sailed from Lampadusa and then round the fairway buoy before crossing the alternative finishing line in the South Comino Channel in the direction from the fairway buoy.
4. By having doubtful sailing instructions that do not clearly identify the course to be sailed with the alternative finishing line, it cannot be established that any boats broke RRS 28.1
5. Regardless of the course sailed, if the sailing instructions are flawed and redress is warranted, the protest committee is required to make as fair an arrangement as possible for all boats affected, whether or not they requested redress, in accordance with RRS 64.3. In this case, the RMSR International Jury would consider that the fairest arrangement would be to score the race using the finishing times taken at a finishing line where the times of all boats were taken; which is currently the scores as determined by the race committee. See Fact 7.

**Decision**

Sunrise's request for redress is not granted.

**Publish**

**Decision affects scoring**

**Keep posting time: 29 oct 12:06:58**

Update

**Event** Rolex Middle Sea Race 2021  
**Dates** 23 Oct 2021 - 29 Oct 2021

**Jury** Gordon Stredwick  
David Pelling  
Jim Capron  
Mufti Kling  
Zoran Grubisa