

UIM Appeal Board

**Decision**

Concerning the Appeal of  
Mr. Hannes Bohinc

- Appellant -

against

the Race Jury Decision from 11. September 2005 at Gallipoli to uphold disqualification of boat no. 81 from round 2 of the Powerboat P1 Grand Prix held in Gallipoli.

On the basis of the documents, the UIM Appeal Board formed by  
Kimon Papchrisoptoulos, Chairman  
Per Benson, Member  
Andrew Norton Member

decided in telephone conference from 29. September 2005:

***The appeal is upheld. Boat no. 81 will be scored and awarded points according to its race position in round 2 of the Powerboat P1 Grand Prix held in Gallipoli in 2005.***

**Grounds**

Boat no. 81 was disqualified from round 2 due to infringement of rule 309 C. 4. (c) of the U.I.M. Pleasure Navigation rules which determine a speed limit of 95 mph for Evolution boats. During the event the speed of the boats were measured with a radar gun type Stalker Sport. The radar gun was situated on a boat of about 60 feet length which was anchored. In this round the reading of the radar gun showed a speed of 97.5 mph for boat no. 81. The protest of boat no. 81 was not upheld.

The Appellant claims, that he did not exceed a speed of 95 mph and that the radar gun has not been calibrated before use.

He has the opinion, that the reading of the radar gun is not precise enough to give evidence for an infringement of the speed limit.

The Appellant added a statement of an Austrian expert to the appeal documents who concludes, that a tolerance of at least +2/ -3 mph for the Stalker Sport radar gun has to be taken into account.

The appeal board members made telephone investigations at the British harbour authorities, the Swedish, German and Dutch Waterways Police Departments with the result, that none of these Authorities use radar devices for speed controls due to inaccuracy of these mobile radar systems. Laser guns are used in Sweden and Germany but only from fixed points on land or from well moored boats but not from anchored boats, because the possible mistakes due to boat movements is considered too big.

In most countries a tolerance of about 3% to eliminate possible technical and handling errors is added to the reading when judging the reading of stationary radar devices in car traffic law enforcement.

The appeal board has no reason to doubt in the experts conclusion that a tolerance of at least 2 mph has to be added to the reading only to eliminate possible technical and handling errors, as this expertise is in line with the commonly known need to the adding of a tolerance in car traffic law enforcement.

In addition of this tolerance a further tolerance has to be added to the reading due to the fact, that the radar gun was located on a boat that was anchored and not fixed to the land by tight mooring. Even in calm weather conditions an anchored boat generally moves (changes position) due to wake, waves, current or wind. This movement may easily exceed 0.5 mph and has to be added to the possible error.

As a last influence on the reading the possible moving of the Officer himself who conducted the measurement has to be taken into account. The boats movement by means of pitch and rolling causes moving to the person standing on the boat. This moving may have as well considerable influence on the reading.

Taking into account all the possible factors, the appeal board finds that a tolerance of at least more than 2.5 mph has to be considered in favour of boat 81. Therefore there is not enough evidence, that boat no. 81 exceeded a speed of 95 mph.

Signatures of the appeal board members