



## ROLEX SYDNEY HOBART YACHT RACE 2022

### INTERNATIONAL JURY DECISION

**CASE 4 – Chutzpah (Sail No. R33) vs XS Moment BNMH (Sail No. 11744)**

**CASE 5 - XS Moment BNMH (Sail No. 11744) vs Chutzpah (Sail No. R33)**

#### **Parties:**

Chutzpah represented by Bruce Taylor

XS Moment BNMH ('XS Moment') represented by Ray Hudson

#### **Witnesses:**

Kingsley Piesse – Chutzpah

Chris Rockell – Cinquante

Alex Lyons – XS Moment

Chris Zonca – XS Moment

**Hearing Date:** 30 December 2022

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#### **1. Procedural Matters:**

1.1. Both protests were for the same incident, the Jury heard the cases together.

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#### **2. Facts Found:**

- 2.1. Approaching starting line 2 on starboard tack. KD4 is overlapped to leeward of Chutzpah, these boats travelling at approximately 2 knots on a course just above close hauled and with mainsails eased. Chutzpah had significant leeward drift so that her course was significantly different to her heading.
- 2.2. XS Moment, on starboard tack and travelling at 5.5 knots, created an overlap to leeward from clear astern of Chutzpah with 2 metres separation.
- 2.3. 2 seconds after the overlap was created by XS Moment, Chutzpah took action to luff.
- 2.4. Contact then occurred between the port transom of Chutzpah and the forward quarter of XS Moment approximately 6 metres from the bow.
- 2.5. Contact continued between the boats including, shattering XS Moment's mid hull window. Chutzpah damaged her pushpit, second to fourth stanchion, and port transom.
- 2.6. Chutzpah took an alternative penalty and XS Moment did not take an alternative penalty.
- 2.7. Both boats finished the race.

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**3. Conclusions and Rules:**

- 3.1. XS Moment went from keep clear boat to right of way boat when she overlapped Chutzpah (rule 11).
- 3.2. In acquiring right of way, XS Moment had an obligation to initially give Chutzpah room to keep clear (rule 15). This includes room for Chutzpah to stop her leeward drift and to change her course to a diverging course. As evidenced by where the contact occurred and the speed differential of the boats, this room was not given. XS Moment broke rule 15.
- 3.3. It was reasonably possible for XS Moment to avoid contact but by failing to do so, she broke rule 14.
- 3.4. It was not reasonably possible for Chutzpah to avoid contact, so she did not break rule 14.
- 3.5. Chutzpah broke rule 11 but is exonerated by rule 43.1(b).

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**4. Decisions:**

- 4.1. XS Moment is penalised as per SI 21.2.  
2 hours shall be added to XS Moment's elapsed time.

Decision Published: 14:10, 30 December 2022.

Jamie Sutherland NZL IJ/NU– Chairman, David Tillett AM AUS NJ, Richard Slater AUS IJ/IU, Russell Green NZL NJ/IU, Philippe Mazard FRA IJ/NU