

Motor Sports Council National Court Reports

These reports of the proceedings are not word for word and cannot be relied upon as a guide for subsequent cases. The proceedings took place at Motor Sports House unless otherwise stated.

Stockport o61 Motor Club
MSA Registered Club 120290

On 6 September 2010, an investigatory tribunal of the National Court was convened under Regulation C9 to consider matters relating to the organisation of the Altratech Road Rally, held on 15/16 May 2010, and organised by Stockport o61 Motor Club.

The court heard that it was alleged that the event contravened a number of MSA Regulations and Motor Vehicle (Competitions and Trials) Regulations as detailed in the evidence presented to the court. The court heard evidence from Mr Fowler, MSA Competitions and Clubs Manager, and from Andrew Chambers and Julian Russell on behalf of the Stockport o61 Motor Club.

DECISION:

The court found that the following MSA Regulations had been contravened: R2.1.1, R2.3.2, R11.1.3 and R11.2.2. In addition, the court found that the Motor Vehicle (Competition and Trials) Regulations had been contravened by the unauthorised location of a number of time controls. The court ordered that any Road Rally or Navigational Rally organised by Stockport o61 Motor Club from 6 September 2010 until 31 December 2012 must be observed by two MSA appointed Observers and would be subject to satisfactory reports being submitted to the MSA. In addition, Stockport o61 Motor Club was fined £500 plus £250 as a contribution towards the cost of the hearing.

[J2010/17]

Joe L Porter of Hinckley,
Leicestershire
Kart National A licence 175310

On 23 September 2010, an appeal tribunal of the National Court was convened at Countesthorpe Village Hall, Countesthorpe, Leicester to hear the appeal of Joe Porter against the suspension of his licence for a period of three months, relating to an incident involving abusive language by his father at the Super One Kart meeting held at Clay Pigeon on the 22 August 2010.

The court noted that the applicant fully accepted the Stewards' decision on the day.

DECISION:

After due consideration, the court decided to reduce the suspension to a period of 38 days ending 29 September 2010. Porter was ordered to pay £250 as a contribution towards the costs of this hearing.

[J2010-22]

Stephen T Johnson of Accrington,
Lancashire
Rally National B Stage licence 27023

On 23 September 2010 an Eligibility Appeal tribunal of the National Court was convened at Countesthorpe Village Hall, Countesthorpe, Leicester to hear the appeal of Stephen Johnson against his exclusion from starting the Richard Burns Memorial Rally on the 14/15 August 2010.

After due consideration, the court found that the roll cage (ROPS) fitted to the car of competitor 135, Stephen Johnson, at the Richard Burns Memorial Rally at Marham on 14/15 August 2010 clearly did not comply with K1.3.1 in as much as there was more than one bend in the lower vertical part. The court referred to the 2004 MSA Competitors' Yearbook, (aka the 'Blue Book') which was current at the time the car was 'logbooked', in which Q1.2.1 clearly confirmed that only one bend on the lower vertical front leg was permitted. It was also noted that this regulation is still fully stated in the 2010 MSA Competitors' and Officials' Yearbook as Regulation K1.3.1. Such bends are not permitted in an uncertified ROPS structure.

DECISION:

The court recommended to the MSA that an urgent review of the regulations applicable to ROPS structures be carried out and that the findings be published to all competitors and officials as a matter of urgency. The decision of the court was to return the appeal fee to Johnson. No order with regard to costs was made.

[J2010-20]

Motor Sports Council National Court Report

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Aidan Wray of Strabane, Co Tyrone Rally National B Stage Rally Licence 200201

On 1 April 2008, a disciplinary tribunal of the National Court convened to consider the matter of Aidan Wray and contravention of Regulation O1.1.3 (2007) [C9 (d) 1 (c) 2008] in making fraudulent applications for a Competition Licence in both 2006 and 2007.

The court noted that at the time of the first application, Wray was only 15 years of age and that a forged and fraudulently altered passport was submitted with the application.

There was clear evidence that Wray had competed as a driver in stage rally events using the fraudulently obtained licence. Bearing in mind the sophistication of the deception involved in the fraudulent applications and the persistence of the conduct, the National Court was obliged to consider this as a serious offence.

DECISION:

In view of the seriousness of the offence, it was the decision of the National Court that Aidan Wray be banned from obtaining a competition licence until 31 March 2011. This ban was to have effect both nationally and internationally. In addition, Wray was ordered to pay a fine of £500 and to pay £500 as a contribution towards costs. [J2008-01]

Matthew (Matt) S Parry of Bury St Edmunds, Suffolk Kart National A licence 195252

On 6 May 2008, an eligibility appeal panel of the National Court was convened to hear the appeal brought by Simon Parry on behalf of Matt Parry, a minor. The appeal was against the exclusion of the appellant's kart from the round of the

Super One Mini Max Kart Championship held at Clay Pigeon on 14-16 March 2008.

The court heard that Matt Parry's kart had been subjected to post-race scrutineering. Upon inspection of the engine used in the final race, it had been ascertained that the relationship between the crankshaft and the balance-shaft were 'not as supplied by Rotax'. The Chief Scrutineer and the Technical Commissioner filed a Non-Compliance Report in terms: 'Engine gears not in correct position. Not as supplied by Rotax'. The matter was referred to the Clerk of the Course who excluded Matt Parry and ordered that he count the event as a championship round. The appellant gave Notice of Intention to Appeal and now appealed to this court on grounds that the facts ascertained by the Scrutineers did not justify a finding that the engine was 'not as supplied by Rotax'.

Examination of the engine by the Eligibility Panel established that the relationship of the balance-shaft to the crankshaft (by reference to the markings on the crank case, gears and shafts referred to in the repair manual) did not accord with the relationship shown in the repair manual. The appellant maintained that the repair manual had no status in this matter and that reliance need be placed only upon the MSA 2008 General Regulations, the Championship Regulations and the Homologation Fiche.

The Technical Commissioner, however, made specific reference to the general principle stated in the regulations that 'Unless it states that you can do it, you cannot'. There was also the requirement that the engine must be 'as supplied by Rotax'. Whilst the fiche specified the components and stated that the balance shaft must be installed and in use, it specified no relationship between the balance-shaft and other components. The Technical Commissioner maintained

that for the engine to be 'as supplied by Rotax' then, notwithstanding any intervening disassembly of the engine, the components must at all times remain in the same relationship one to the other as maintained when the engine was new and supplied by Rotax.

It was the view of the Eligibility Panel of the National Court that Rotax was unlikely to assemble an engine for sale new in one form and then issue a repair manual requiring a different assembly of the components.

It followed, therefore, that if the engine was reassembled in a way which differed from that shown in the repair manual, it must perforce differ from the way in which it was 'supplied by Rotax'.

DECISION:

As stated above, the position in which the balance shaft had been installed in the appellant's engine did differ from that indicated in the repair manual, ie. the relationship between the balance shaft and the crankshaft differed such that it was not 'as supplied by Rotax'. On this basis, the appeal failed. The appeal fee was forfeit and the appellant was ordered to pay the sum of £250 as a contribution towards costs. The engine was to be returned to the Technical Commissioner, Paul Klaassen, and was not to be used again in this championship until Klaassen was satisfied that the engine complied with the Championship Regulations. [J2008-03]

Nina Baker and David R Baker of Ellon, Aberdeenshire Speed National A licence 58998 and Speed National A (Open) licence 2176

On 10 June 2008, an appeal hearing of the National Court was convened to consider the Appeals of Mr and Mrs Baker against the refusal of their entry

into the Highland Speed Championship.

The Court noted that Regulation C(a)57(b) permitted a club to refuse an entry on reasonable grounds.

DECISION:

Having considered the written submissions of Mr and Mrs Baker, and heard submissions on behalf of the Championship Organisers, the court was not satisfied that the grounds for refusal of entry were reasonable, and accordingly the appeals of both Mr and Mrs Baker were upheld, and the appeal fees were to be returned to the appellants. [J2008-04]

Ian D White of Bournemouth, Hampshire Race National A licence 158950

On 10 June 2008, an appeal hearing of the National Court was convened to consider the appeal of Ian White against the exclusion of his Porsche from the results of the races at Donington Park on 24 March 2008.

The court considered the written submissions and the data from various tests, including independent tests conducted by Mr Cox, the Eligibility Scrutineer, together with submissions made on behalf of White.

DECISION:

Following those tests, the Eligibility Scrutineer had expressed the view that he was not confident as to the results obtained at the original test and accordingly the benefit of doubt had to be given to the competitor. The appeal was therefore upheld and the appeal fee was to be returned to the appellant. It was ordered that Ian White be reinstated in both races and the results be re-issued. [J2008-07]

John B Thorne of Milton Keynes, Buckinghamshire Race National A licence 182327

On 10 June 2008, an appeal hearing of the National Court was convened to consider the Appeal of Thorne against his exclusion from points scoring at Snetterton on 26/27th April.

Having considered the written submissions of Thorne and the Series Eligibility Scrutineer, the court noted that the recorded power output of Thorne's BMW M3 was 353.2bhp. The maximum permitted power/weight for Class A of the

2008 BARC/Dunlop Sport Maxx Cup is 210bhp/tonne. Thorne's car weighed 1,333kg giving a power weight figure of 264.96bhp/tonne which was in excess of the permitted figure.

DECISION:

Accordingly, the appeal had to fail. It was noted that Thorne had quoted that a co-efficient of 1.7 for supercharged/turbocharged cars should have applied. This was irrelevant as the Cup regulations were in respect of the recorded output and the co-efficient applied to engine capacity not power output. In any case, the BMW M3 was a naturally aspirated car and not forced induction. The appeal was rejected and the appeal fee forfeit. The appellant was additionally ordered to pay £250 as a contribution towards the costs of the hearing. [J2008-08]

Daniel J Welch of Fleet, Hampshire Race International C licence 53855

On 10 June 2008, an appeal hearing of the National Court was convened to consider the appeal of Daniel Welch against his exclusion from qualifying two at Donington on 3 May 2008.

The court considered the written submissions of Welch and the Series Eligibility Scrutineer. Welch's car had been found to be underweight when weighed at post-qualifying inspection. The pad scales used were the support race items supplied by TOCA. These scales had a current certificate, dated within the 12 months period as required by regulation A(a)34. Only the official scales were designated for recording weights throughout the meeting.

It was noted that a number of other cars had also been weighed on the day, and previously, without any discrepancy. The court also noted that a second set of scales was inadvertently introduced by the officials. This was thought to be inappropriate and only added to further tension and confusion.

DECISION:

The appeal was rejected and the appeal fee forfeited. The appellant was additionally ordered to pay the sum of £500 as a contribution toward the costs of the hearing. [J2008-10]

Adam M Rees Stevens of Aberystwyth, Dyfed Non Race National B licence 169194

On 10 June 2008, a disciplinary tribunal of the National Court was convened to hear charges against Adam Rees Stevens of contravening regulations C(d)1 (b) and (h) in that he applied for a competition licence at the Aberystwyth MC Night Owl Rally whilst under suspension for failing to honour cheques payable to the MSA in 2003 and 2004.

The court expressed regret that Rees Stevens did not attend the hearing.

DECISION:

The court found the charges proven. Rees Stevens was banned from participating in, competing in or organising any MSA motor sport event for five years and ordered to pay a fine of £500. [J2008-11]

Stuart Owen Jones of Machynlleth, Powys Non Race National B licence 177888

On 10 June 2008, a disciplinary hearing of the National Court was convened to hear charges against Stuart Jones of contravening regulations C(d)1 (b) and (h) in that he applied for a competition licence at the Aberystwyth MC Night Owl Rally whilst under suspension for failing to honour a cheque payable to the MSA in 2007.

The court expressed regret that Jones did not attend the hearing.

DECISION:

The court found the charges proven. Jones was banned from participating in, competing in or organising any MSA motor sport event for five years and ordered to pay a fine of £500. [J2008-12]

It was directed that no further licence be issued to Oliver Bourton until 1 January 2010.

The appellant was ordered to also pay the sum of £500 as a contribution towards the costs of the hearing. [J2008-20]

George F Byrne of Croydon, Surrey Kart National A licence 196935

On 29 July 2008, a disciplinary hearing of the National Court was convened to consider matters referred to the National Court under General Regulation C(d)22 following incidents which took place at Rye House on 6th July 2008.

The court noted that George Byrne (aged 11) was the driver of kart 31 in the Mini Max Final on 6 July 2008 and his father, Sean Byrne, was his entrant and mechanic. By virtue of General Regulation K112, George Byrne was responsible for the conduct of team personnel.

Kart 31 was the subject of a black and orange flag procedure during the Mini Max final and was returned to parc ferme. There then followed an incident in parc ferme during which obscene language was used both by Sean Byrne and his son, and this was properly reported to the Deputy Clerk of the Course, Andrew Brant.

Mr Brant then interviewed both Sean Byrne and his son at race control and issued a penalty of exclusion for the meeting together with the endorsement of George Byrne's licence with six penalty points.

Sean Byrne reacted to this with a direct challenge to Mr Brant's authority and threatened him with violence. Byrne now accepted that the phrase "What if I come round this desk and sort this out with you man to man?" was a clear indication that he could in fact resort to violence.

DECISION

The National Court considered that this was a gross breach of General Regulation C(d)1g, which prohibits abusive language or behaviour. It was deemed particularly serious as it was directed towards the Deputy Clerk of the Course who was exercising a judicial function at the meeting. Accordingly, the National Court concluded that further penalties should be applied.

The competition licence of George Byrne was to be suspended forthwith until 5 August 2008. Following this immediate suspension, the licence would be further suspended for a period of 12

months, but this suspension would itself be suspended for a period of 12 months from 5 August 2008, pursuant to General regulation C(d)8.

George Byrne was also ordered to pay a fine of £250 and to pay £250 as a contribution towards costs. [J2008-21]

Jonathan P Maybin of Teignmouth, Devon Kart National B licence 192858

On 2 September 2008 an appeal tribunal of the National Court was convened to hear the appeal of Jonathan Paul Maybin against the decision of the Clerk of the Course at Clay Pigeon on 13 July 2008 to exclude him from the results of the final for driving in a manner inconsistent with general safety (MSC General Regulation C(d)1(e).) Leave to appeal in this matter was granted in view of alleged technical irregularities when the appeal was heard at the meeting.

The court heard that the incident which gave rise to the imposition of the penalty had been a collision between the kart driven by Maybin and another kart driven by Miss Serita Shone. Miss Shone's kart retired as a result of the collision but Maybin was able to continue and complete the race.

The incident was seen by the Deputy Clerk of the Course and referred to the Clerk of the Course who made the decision referred to above. That decision was appealed to the Stewards of the meeting but the decision was upheld.

The Deputy Clerk of the Course gave evidence to the court that he had viewed the incident from the inside of the corner at a distance of some fifteen metres and believed the collision between the two karts was solely attributable to the actions of Maybin. There was also a statement from Miss Shone who was unable to be present to give evidence or to be cross-examined.

Maybin, however, stated that his overtaking manoeuvre was entirely realistic as Miss Shone had run wide on entering the corner and that the collision was caused when she turned in to block his overtaking move.

Maybin contended that it was simply a racing incident without fault on either party and produced statements from two witnesses supporting that contention. Save for the above, the court had available to it only a circuit plan and a series of still photographs – which were of limited assistance.

DECISION:

Having due regard to all the circumstances, the court found that there was insufficient evidence to determine that Maybin had been at fault and the appeal was accordingly allowed. It was directed that Maybin be reinstated in the results and that they be reissued. The appeal fees paid in respect of this hearing and the earlier hearing before the Stewards of the meeting were to be returned to Maybin.

[J2008-23]

Harry Truelove of Lincoln Kart National A licence 187622

On 2 September 2008 a disciplinary tribunal of the National Court was convened to consider matters relating to Paul Truelove, who appeared by virtue of the provisions of MSC General Regulation C(d)22, as to whether a further penalty was appropriate in respect of the actions of his son, Harry Truelove, at the Stars of Tomorrow meeting at Genk, Belgium, on 10 August 2008, which had resulted in his licence being suspended for a period of 30 days.

The court heard that Paul Truelove and his son, Harry, were brought before the Clerk of the Course in connection with a technical issue. On being advised of the Clerk's decision, Harry, according to the Clerk's report, exploded in a fit of temper in the Clerk's office and used foul and abusive language towards the Clerk, then kicked and slammed the door on leaving, before continuing to utter verbal abuse, which was heard by the Stewards and others in the vicinity.

The Clerk of the Course referred the matter to the Stewards who imposed a 30-day suspension of licence and referred the matter to the MSA.

It was noted that Harry was 11 years of age. In the course of this hearing, his father was asked whether subsequent to his son's outburst he had remonstrated with him or suggested to his son that he should return to the Clerk and/or the Stewards and apologise for his behaviour, but he responded to the effect that he had been busy with other matters.

Paul Truelove was also asked at what stage, if any, his son did apologise for his behaviour and he referred to the three-line manuscript apology signed by Harry which was placed before the court.

When asked when this was written, Truelove advised that it was written the night before the hearing at his suggestion as he believed it "would be

better if he wrote something".

In the absence of any genuine expression of regret or contrition, Truelove's main concern appeared to be with perceived procedural irregularities arising from the technical issue with which the Clerk had been dealing.

It would appear also to be the case that the outburst on the part of Harry occurred but three days after a decision of a Clerk of the Course at Genk whereby Harry was fined the sum of £500 in respect of an assault by Harry upon another competitor on 29 June this year at the Stars of Tomorrow meeting at Llandow.

Paul Truelove stated that "Harry had won" that incident and that he

"did not think the words used by Harry were that bad."

The National Court disagreed with the view of Paul Truelove, and found that conduct such as this in a championship for children, where they were intended to learn the ways of motor sport was wholly unacceptable and showed a total lack of basic respect for race officials and the way in which motor sport is governed.

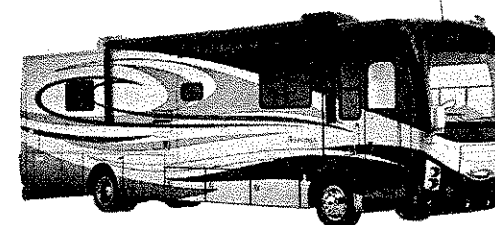
One was left to speculate what action Harry would have taken had he been on the track and not in the Clerk's room. For the benefit of other competitors and, hopefully for Harry, it was the view of this Court that Harry should be precluded from racing for some time.

DECISION:

It was accordingly ordered that Harry Truelove's existing licence be suspended until 31 December 2008, and that no new licence be issued to Harry Truelove until 3 September 2009. In the event that Harry Truelove makes application for a licence at that date, the licence would be suspended from that date for the remainder of the year, save that the period of suspension would itself be suspended under Regulation C(d)8 such that if any further issues arose they would be referred to this court.

Payment of a fine of £500 was ordered, and the appellant was also ordered to pay the sum of £250 as a contribution towards the costs of the hearing.

[J2008-25]



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for 231 days until 31 December 2010, this suspension and its effects to terminate at midnight on that date. That suspension itself was to be suspended for a period of 12 months dependant on no adverse reports during that time. In addition, Brookfield was ordered to pay £250 as a contribution towards the costs of this hearing. [J2010/06]

MotorSport Vision Racing (MSVR) MSA Registered Club 194547

On 4 May 2010, an Investigatory Tribunal of the National Court was convened, in accordance with General Regulation C9, to consider the results issued in respect of the GAZ Shocks Production BMW Championship held at Brands Hatch on 27 and 28 March 2010, race numbers 2 and 6.

The court was satisfied that the results issued in relation to these two events were incorrect due to failures in the timekeeping software systems.

DECISION:

Having heard from David Scott of MSVR with regard to the problems that had arisen at the venue, the court considered that it was appropriate to correct the published results to accurately reflect the true outcome of both races. Accordingly, amended results were ordered to be published forthwith and circulated to all competitors. The court considered that Scott's reasonable costs should be awarded to him, payable by TSL (Timing Solutions Ltd). [J2010-07]

Glenn Butcher (entrant) on behalf of Sean Butcher of London E14 Kart (Bambino) Licence 234969

On 15 June 2010, an eligibility appeal tribunal of the National Court was convened to hear an eligibility appeal by Glenn Butcher (entrant) on behalf of Sean Butcher (driver and a minor) into the exclusion of the latter from a Bambino karting event at Buckmore Park on 18 April 2010.

The court read written submissions from Mr Butcher and Mr Kelvin Nicholls (an MSA Technical Commissioner) together with other written evidence from Zip Kart and The Kart Shop at Buckmore Park. They also requested information from Mr Joe Hickerton, MSA Technical Administrator.

DECISION:

On the basis of the evidence presented, the eligibility appeal tribunal found that

the regulations and particularly the engine technical documentation relating to Bambino karting were not sufficiently explicit to uphold the exclusion by the Clerk of the Course. Therefore, the eligibility appeal tribunal ordered that the appeal be upheld and that the driver be reinstated in the event. They further ordered that the appeal fee be refunded to the appellant. [J2010-10]

Motor Sport (North West) Ltd of Stockport, Cheshire MSA Registered Club 121015

On 15 June 2010 an Investigatory Tribunal of the National Court was convened in respect of the Legend Fires North West Stages Rally held on the 5th/6th February 2010, Permit number 55770, and with regard to reports that a collision involving competitor vehicles numbers 48 and 28 did not appear to have been accidental.

The Inquiry heard evidence personally from Mr Gerry Morris, joint Clerk of the Course, Mr Martin Farrar, driver of car number 28, Mr Andrew Ward, co-driver of car number 28, and written evidence from Mr and Mrs Hynd, driver and co-driver of car number 48. In addition, a number of witness statements were taken into account.

The incident in question arose at Clifton Special Stage 17 or 18 (there was some confusion about the designated number of this stage in the evidence, but no confusion about the location). Mr. Hynd, driving car number 48, a Puma, was on his first lap of two, having started behind Mr Farrar, the driver of car number 28, a Subaru Impreza, who was starting his second lap. Mr Farrar said in evidence that there was a considerable speed differential between the two cars, with car 28 being around ten seconds a lap faster than car 48, resulting in car 28 catching car 48 rapidly on the stage. Mr Farrar claimed that having caught the Puma, he sounded his horn, a statement endorsed by his Co-driver, who had control of the horn switch, but not wholly supported by witnesses. According to Mr Farrar, he remained in close proximity (he said, around four feet) behind the Puma, until it spun anticlockwise in front of him, partly blocking the road. He told the Inquiry that this presented the driver of car 48 with an opportunity to permit him to pass, but car 48 continued. As the two vehicles then approached a 90° right hand bend at Junction 17, contact was made between both cars with the Impreza riding over the right front wing of the Puma. Mr and Mrs Hynd, occupants of the Puma,

stated in evidence given to the Clerk of the Course, that they had experienced more than one collision at this point, a suggestion supported by several witness statements produced in evidence to the Inquiry. Following the final collision, car 28 was able to and did pass car 48 without stopping, "as there was nothing else left to do" according to Mr Farrar's oral evidence.

Based on this evidence, The National Court had to consider whether the Clerk of Course had erred in his findings that the matter under consideration had been no more than a "Rally Incident", or whether any disciplinary action was justified.

DECISION:

The Court concluded that the original decision was not consistent with the new evidence that had subsequently come to light from all parties, including both drivers and both co-drivers, in addition to independent witnesses. The National Court was of the view that an offence of driving incompatible with general safety had been committed by Mr Farrar and was satisfied that the powers under General Regulation C9 enabled them to deal with the issue forthwith.

Accordingly the National Court found that competitor Martin C Farrar of Liversedge, West Yorkshire (Rally National A Stage licence 16393) drove in a manner incompatible with general safety (C1.1.5) and accordingly ordered that he be excluded from the event (C2.1.1(d)) and that his licence be suspended for six months (C2.1.1(e)), that suspension to expire on 14th December 2010. Mr Farrar was also ordered to pay £350 as a contribution towards the costs of this hearing. The Court additionally ordered that the results of the Legend Fires North West Stages Rally be reissued by Motor Sport (North West) Ltd and sent to each competitor. [J2010/04]

Lydden Hill Motorsport Club MSA Registered Club 221036

On 29 June 2010, an investigatory tribunal of the National Court was convened under General Regulation C9 to consider matters relating to the Lydden Hill Motorsport Club Junior Rallycross Championship, following concerns that an Eligibility Protest made at a Rallycross event there on the 20th September 2009 had not been properly dealt with.

The court heard evidence from Mr Alun Morgan, Chief Safety Scrutineer, and Mr Andrew Stevens, on behalf of the Lydden

Hill Motorsport Club ("LHMC") and considered the correspondence and documentation produced to it.

The investigatory tribunal found that the protest had been lodged at 18.10 hours on 20th September 2009 together with the relevant fee. It had been lodged by Nigel Whiten of M3 motorsport on behalf of Simon Quinn, a minor. The final results of the meeting had been published at 17.22 hours as evidenced by the MSA Stewards Report. The Tribunal noted that in view of General Regulation C(d)49 (2009), the protest should have been lodged within 30 minutes of the performances that gave rise to the protest, this being an eligibility protest. The Clerk of the Course nevertheless appeared to have accepted the protest by requesting the engine and transmission of car number 589 (Bradley Bailey) to be sealed for subsequent examination. In the circumstances the Tribunal reluctantly concluded that the time limit was deemed to have been extended by virtue of general regulation C(d)50.

The Tribunal further noted that the protest had been lodged by Mr Whiten who had signed on as the guardian of the driver and protester, Simon Quinn. However, it was clear that general regulation C(a) 53 applied in these circumstances. This requires that "Where a competitor has not reached his 18th birthday the Entry for an event must be supported by Parent or Legal Guardian as Guarantor. Such Guarantor will be considered as being the Minors' Entrant, and as such will be subject to these Regulations." and "The Guarantor, or his representative, must attend the event with the Minor, and sign-on as his Entrant. When a Guarantor's representative attends an event and signs on as his Entrant, the Representative must produce the Guarantor's written and signed authorisation to so act." Enquiries had been made by both LHMC and the MSA and it was clear that no such signed authorisation was ever produced.

DECISION:

The court found that accordingly, Mr Whiten had no standing or authority to act and the protest had been null and void from the outset. Having reached this conclusion, the Tribunal was aware that the Championship Eligibility Scrutineer was absent from the event. His role was undertaken at very short notice by Mr Alun Morgan, who on receiving a request to seal the engine and transmission of car 584, from Deputy Clerk, Mr W Woods, did so. No MSA Sealing certificates were available but a handwritten note of the

seal number was made and the seals were photographed in situ. Mr Morgan left matters with the MSA Steward, Mr Andrew Thomson. It was unclear if anyone confirmed the position with the Clerk of the Course or his Deputy and in any event, no further action to progress the protest was undertaken.

Whilst observing that this was a regrettable state of affairs the Tribunal, having heard evidence from Mr Andrew Stevens on behalf of LHMC, was satisfied that they have reorganised their administration and training in order to ensure that there can be no repetition of the events in question. The Tribunal also recognised that the drafting of the Championship and event regulations left much to be desired and created some concern as to whether Mr Quinn (Jnr), a Motorsport Ireland licence holder was, in fact, eligible to compete in either the Championship or the event. On hearing from Mr Stevens and reviewing the regulations, the Tribunal were content to accept that it was always the intention to utilise the reciprocal arrangements between the MSA and Motorsport Ireland and accordingly it was agreed that he was eligible to compete.

It was plain that no arrangements had been made to examine the sealed engine or other components, nor was there any agreement as to stripping and rebuilding costs between the parties. Attempts to pursue this by the MSA did not produce any resolution and the Clerk of the Course seems to have been unaware of his duties under what is now General Regulation C5.3.3 and C5.3.4. It was considered that the response to the reasonable enquiries by the MSA was tardy, and a quicker response by LHMC might have led to an earlier resolution of this matter.

It was further noted that the Safety Scrutineer allowed the seals to be removed after the 30 day deadline imposed by C(b)5, there being no agreement of the relevant parties to extend the deadline to 50 days. The tribunal did not think that his decision could be criticised, particularly in view of the fact that it was given on 23rd October 2009. This date was significant because it was now clear that whatever Mr Whiten may have claimed, the "protest" had effectively been withdrawn by Mr John Quinn, father of Simon Quinn, by the previous day in a telephone conversation with Mr Tony Richardson, Clerk of the Course. It was noted that this withdrawal had not been confirmed in writing (which it should have been), but Mr Quinn's subsequent apology in correspondence on

1st June 2010 for this oversight was accepted.

Mr Whiten, whose lack of standing in the matter had already been the subject of comment, purported to continue the protest with the approval of Mr Quinn until 22nd June 2010. The Tribunal observed that there was an apparent breakdown in communications between M3 Motorsport, Mr Whiten's business, and Mr Quinn Snr.

The Tribunal concluded that the protest fee must be returned as the protest was null and void from the outset. [J2010-05]

Patrick (Pat) M Flynn of Belper, Derbyshire (2009) Rally National A Stage licence 17209

On 29 June 2010, a disciplinary tribunal of the National Court was convened to consider its receipt of written complaints that, whilst acting as a Championship Co-ordinator, Mr Flynn had used abusive language and behaviour at the Malcolm Watson Spring Rally Stages on 10th and 11th April 2010.

The National Court noted that it was a matter of record that Patrick Flynn had not held a competition licence since 31st December 2009. Accordingly the Court had no jurisdiction to adjudicate upon reports that Mr Flynn's conduct breached the ruling made by the Court on 5th May 2009 when he was found to have acted in a matter where his conduct was prejudicial to the interest of the sport and of having used abusive language and behaviour contrary to general regulations C(d)1(d) and (e).

DECISION:

As Mr Flynn was not a competition licence holder by 10th and 11th April 2010, and despite the fact that he acted as a Championship Co-ordinator during the event in question, the National Court was unable to take any action against him in response to the grave complaints, notwithstanding the fact that the matters alleged arose within the period in which his last licence was subject to suspension conditional upon his behaviour. The National Court believed that the situation whereby Championship Co-ordinators could be appointed without them holding an MSA licence was a matter which gave rise to considerable concern and believed that the issue should be referred to the Judicial Advisory Panel. [J2010-08]