



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY, 2ND AUGUST 2016**

**Tony Scott-Andrews
Mike Garton
Bob Kettleboro**

Case No 2016-14

Daniel Martin

Eligibility Appeal

This is an Eligibility Appeal brought by Daniel Martin against a decision of the Clerk of the Course to exclude him from the results of the Rotax Max Final held at Clay Pigeon on 12th June.

The decision was based upon a Non-compliance report alleging "Substance in the Clutch Drum".

This Court has seen the submissions made by both the Scrutineer and the Eligibility Scrutineer as well as those of the Appellant. There is considerable discrepancy between the version of the Appellant and those of the Scrutineers as to the manner and timing of the sealing of the clutch drum and as to who was present at any given time.

The Appellant contends that the race was conducted in very changeable conditions and that having qualified in fourth position for the final he had been obliged to deviate from the one dry line and take to the grass to avoid an on track incident. On his in-lap, after 24 racing laps, being unsure as to weight he deliberately went off line in order to pick up whatever was available. The Appellant states also that between each race the clutch drum and clutch face are cleaned, that the clutch drum which is of the new type or design was new that morning and that no substance had been put in the drum before the race.

The clutch systems on a 125 Rotax are said to be an open system.

The Scrutineer states that the new style drum from the Appellant's kart displayed "a shiny substance on the running surface with two small patches which seemed dry" with which finding it is said the Appellant disagreed. It is said that Eligibility Scrutineer retained the drum whilst the Scrutineer prepared a sealing bag adding the race number and class and that the drum was then placed in the numbered sealing bag in the presence of the Appellant. The Appellant was asked to wait outside the office whilst the scrutineer completed the Non-compliance report but on completion and needing the Appellant to sign the form and the bag it was found that the Appellant had left parc ferme.

The Appellant maintains that the Eligibility Scrutineer "was of the opinion that there was a "substance" in the clutch and proceeded to exclude me from the race after using a white cloth to test for any discolouration." Further the Appellant is adamant that he did not see the clutch drum sealed nor, despite enquiry, any paperwork from the scrutineers and that, as for leaving parc ferme, he was told to go and wait at the Clerk's office if he wanted to appeal.

If this is correct it would seem that the Appellant was under the belief that it was one of the Scrutineers who had excluded him such that he would need to appeal that decision.

The Appellant states that having waited for some thirty minutes outside the Clerk's office he was asked what he was doing there by the Clerk who appeared unaware of any scrutineering issues. When the documentation arrived some little while later a hearing took place and the appellant was excluded from the race.

Examination of the clutch drum today shows rather that it is scored and possibly out of shape rather than displaying any untoward substance.

It is noted also that the component itself has not been sealed in any way, merely placed in a numbered bag which the Clerk would have possibly needed to open on hearing from the competitor.

The MSA Bulletin numbered 118 and dated September 2015, Scrutineers section, details procedure for "sealing the component", inserting the seal number on the certificate and the type of seal used "and then put(ting) it in a sealing bag."

The Court is mindful that this was not done and this, together with the utterly contradictory statements of the parties and today's inspection of the drum itself lead the Court to find that there must exist doubt that the correct procedures were followed sufficient to warrant the Appeal succeeding.

It follows therefore that the decision of the Clerk of the Course dated 12th June be revoked, that the Appellant be put back in the results, that they be published accordingly and that the Appeal fee be refunded.

Tony Scott-Andrews
Chairman
2nd August