



From the National Court

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

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

Case No 2016-19

Eligibility Appeal

This Appeal is brought by an Entrant PG on behalf of a Competitor, a minor, and is an appeal against a decision of the Clerk of the Course at a Super One kart meeting held at Llandow 5th June this year.

The facts are somewhat unusual in that they result in this matter coming before the Court as an Eligibility Appeal.

During the race in question it was noted that the strap on the Competitor's helmet appeared as though it might have been undone. It was, however, concluded that it was probably merely a long strap and no action was taken.

When the kart came into parc ferme, however, it was seen that the helmet was in fact undone. The scrutineer quite properly referred the matter to the Clerk but elected to use a Non-compliance form which he completed in the normal way.

The Clerk accepted it as such and, according to the Appellant, failed to consider (MSA Regulation C.3.1.1) whether there could be any exceptional reasons not to do so and proceeded to exclude the Competitor from the race which he had just won. It is alleged that the Clerk stated that he had no option.

It is the view of this Court that Non-compliance forms should be used in respect of vehicles or components and not for items such as helmets although, of course, scrutineers are required to check whether helmets and clothing are suitable as part of their pre-race checks.

As such it is considered inappropriate to use such a form for an instance such as this. Nonetheless, the scrutineer was correct to have referred it to the Clerk and it was unfortunate that the Clerk decided to treat it as a non-compliance issue rather than merely a report on a sporting issue as a breach of, for example, K.10.1 and, if indeed it was actually so, that he considered that he had no option but to order exclusion from the race.

In all the circumstances it is the decision of this Court that:-

1. The appeal is allowed.
2. The appeal fee is to be refunded.
3. The decision of the Clerk of the Course is to be set aside.

4. This court imposes a Reprimand on the Entrant PG for breach of MSA Regulation K.10.1
5. The results of the race and any resultant Championship points tables be amended to reflect this decision and be published accordingly

Tony Scott-Andrews
Chairman
2nd August