



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY 15TH SEPTEMBER 2015**

Tony Scott Andrews (Chairman)
Chris Mount
Ian Watson

CASE No J2015/14

These two Appeals are brought in respect of two decisions made at Silverstone on 7th June 2015 in the Cadet Class of Formula Kart Stars.

The first is in respect of a penalty imposed by the Stewards of the event who found the Appellant guilty of an offence under MSA General Regulation C1.1.5 when he was excluded from the race, the second against a decision of the Stewards that the Appellant was in breach of MSA General Regulation C1.1.6 when he was excluded from the meeting.

It should be noted that this event was effectively running under CIK Regulations such that first instance decisions were made not by the Clerk of the Course but by the Stewards of the Meeting such that any Appellant would have an automatic right of appeal to this Court. That is to say that an appellant need not meet the criteria set down at Regulation C7.1.3.

In respect of the first offence the Appellant maintains that the track being used was temporary and that the edges of the track were not clearly defined such that from the position of a driver in a kart they would be extremely difficult to see. This, it is said, would explain why the Appellant left the track with all four wheels off on several occasions.

The evidence before the Court, however, shows that Friday was used for testing during which drivers could become accustomed to the track layout and to its limits. Enforcement of track limit regulations was relaxed on the Friday but drivers were warned at the briefing the following day that henceforth they would be rigorously applied.

It is understood that the Appellant took part in both Friday testing and the Saturday races when no complaint was raised as to his ability to keep within the track limits. In view of this the Court sees no justification for the suggestion that they were difficult to see on the Sunday when, even after being penalised for breaching C1.1.5 in an earlier race, the Appellant continued to leave the track in his subsequent race. It was for these subsequent transgressions that the Appellant was shown a black flag.

The MSA's printed document completed by the Stewards and entitled Stewards' Decision Notification shows that the second penalty was applied for breach of "C1.1.6- Contravention of flag signal-black flag (ignored more than once)" This wording would seem to suggest, however unintended such might be, that it may be acceptable to ignore the flag just once but in this instance it was considered by the Stewards that the Appellant had in fact ignored the flag twice and that was why he was penalised.

Upon enquiry it now appears that the flag was displayed during the penultimate lap such that although the Appellant could have entered the pit lane at the conclusion of the final lap rather than take the chequered flag on the track as he did, he most certainly did not pass or ignore the flag twice. As to whether he should have come in within one lap of receiving the signal there is evidence to indicate that the flag was displayed in a strong wind contemporaneously with both a number board and a last Lap board such that it may well not have been clearly visible to a driver. In this instance the Appellant states that he was not aware of the flag and that he did not choose to ignore it.

The decision of this Court is therefore that:

1. The Appeal against penalty for breach of C1.1.5 is dismissed,
2. The Appellant will pay the sum of £1,000 as a contribution toward Court costs,
3. The Appeal against penalty for ignoring a flag signal is allowed, and
4. The Appeal fee in respect of 3. above is to be refunded to the Appellant.

TONY SCOTT ANDREWS
CHAIRMAN