



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING WEDNESDAY 30TH SEPTEMBER 2015**

Steve Stringwell (Chairman)
Mike Harris
Kevin Witton

CASE No J2015/21 Jim Clark Reivers Forest Rally, 31st May 2015

The MSA refers this matter to the MSC National Court as an Investigatory Hearing under General Regulation C9. The National Court was asked to investigate whether there may have been a breach of General Regulations (including but not limited to R24.3.3(b), R24.4.4, R24.4.12 and R26.9.3), an incorrect or improper declaration of results of a competition, a breach of condition of permit, a defect, default, omission, irregularity (including but not limited to a failure to comply with the incident reporting requirements of the applicable event safety plan), or inconsistency in respect of the Jim Clark Reivers Forest Rally held on 31st May 2015, permit no 89144.

The National Court has received a substantial number of submissions from the organising club and officials (including written submissions) namely Colin Smith the Clerk of the Course, John Richardson MSA Steward, Nicky Moffitt MSA Safety Delegate, Alan Page MSA Training Executive, Clayton Lackenby Deputy Clerk of the Course, Keith Cowan a sector marshal at post 17, Lyndsay Burnip Communications Officer, Graham Provest Deputy Clerk of the Course, Dave Robson a control marshal, Jock Armstrong driver and Paula Swinscoe co-driver.

In addition the Court heard oral submissions from John Richardson, Clayton Lackenby, Derek Holgate Safety Officer, Nicky Moffitt, Keith Cowan, Jock Armstrong driver and Paula Swinscoe co-driver.

The National Court considered that there has been a clear breach of R24.4.4, in that two non-competing cars had driven onto Special Stage 5. The National Court was concerned as this posed a serious risk of danger to competitors, spectators, officials and the occupants of the two non-competing cars.

The mere presence on the stage of the two non-competing cars would also suggest to the National Court that there was a possible breach of General Regulation R26.9.3.

Evidence was produced to the National Court and testimony was heard as to the radio communication on the event that were at times described as “spasmodic” and “less than satisfactory”. The National Court acknowledged that this was possibly due to the weather and military activities nearby on Otterburn.

The National Court was further concerned that the MSA appointed senior officials on the event (John Richardson the MSA Steward and Nicky Moffitt the MSA Safety Delegate) were not informed on the day of the event of the two non-competing cars on Special Stage 5.

The National Court also considered the penalty applied by the officials to Car 2 affecting the results, which may have been applied in an unfair manner. After hearing evidence from Mr

Jock Armstrong and Ms Paula Swinscoe and hearing from other senior club officials the National Court agrees that the penalty for car 2 was improperly applied without referral to a relevant or appropriate regulation. The National Court notes that the penalty had been imposed for a breach of R8.3.2 and R8.3.3 (being excessive speed and driving in a manner likely to bring motorsport into disrepute respectively). However, the National Court notes that the penalty imposed had been based on uncorroborated evidence, from a person who was not appointed as a driving standards observer, as required by relevant regulations. The National Court further notes that the Clerk of the Course failed to notify the MSA Steward of this penalty in breach of G5.3.10.

Having considered all the facts and evidence provided for this Investigatory Hearing, the National Court orders that:

1. the Border Ecosse Car Club Ltd and Clerk of the Course Mr Colin Smith, licence no 47086, do not organise a multi venue stage rally greater than a National B status event for the next 2 years and during that period of time are subject to MSA observation.
2. the time penalty for Car 2 (Mr Jock Armstrong and Ms Paula Swinscoe) be rescinded and the results re-declared and re-issued.
3. Border Ecosse Car Club make a contribution towards costs of the National Court of £1,000.

This decision was set down at 15:23hours on Wednesday 30th September 2015.

STEVE STRINGWELL
CHAIRMAN