



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING MONDAY 19TH OCTOBER 2015**

Tony Scott Andrews (Chairman)
Peter Riches
Ian Watson

CASE No J2015/28 Llandow Kart Club Inquiry

This is an Inquiry instigated by the MSA into an event held at Llandow Kart Circuit on 21st June 2015 organised by the Llandow Kart Club.

The Court has today heard evidence from the Chief Scrutineer, the Clerk of the Course, the MSA Steward, the Chairman of the Club and the Championship Eligibility Scrutineer.

Many facts have been brought to the Court's attention today but those considered relevant are as follows.

At the conclusion of one race the Scrutineer elected to inspect clutches and considered one of them to be ineligible as its surface was contaminated. Whilst the Scrutineer went to fetch a bag in which the clutch drum could be sealed and sent for examination by an appropriate official (the Scrutineer confirms that she would have sent it to the Championship Eligibility Scrutineer) the said Eligibility Scrutineer, although not having signed on in any capacity for the meeting and present effectively only as a spectator, chose to enter Parc Ferme and, at the request of a somewhat disgruntled competitor, picked up the offending Clutch drum and indicated to the competitor in the absence of the Chief Scrutineer that he could find no fault with it. He also made comments as to the limitations placed upon the Chief Scrutineer by virtue of her licence grade. Such comments were made in the hearing of a number of competitors some of whom subsequently caused quite unnecessary and unfounded problems for the Chief Scrutineer during the scrutineering process.

The Clutch drum was, however, duly bagged ready for despatch. All other karts were released from parc ferme the competitors having knowledge of the fact that one clutch was suspect. In view of the interference by the Championship Eligibility Scrutineer in the process relating to the Clutch and the complaints made by the competitor to whom it belonged advice was sought from the MSA as to inspection of the clutch and although that advice was to follow the normal procedure the clutch was returned to the competitor.

The Clerk of the Course, who had been dealing with other matters, was advised of the problem which had occurred and of the dissatisfaction among other competitors once it was realised that the suspect clutch had been returned to the competitor. After consulting with a senior official of the Club it was decided that the only way to resolve the problem was to nullify/void the results. It would seem that notification of this decision was given only by means of the internet with no direct communication being given to the affected competitors. It was not known to the competitor who had won the race (and whose clutch had been sealed) until some time later.

The findings of this Court are that:

1. Although the Championship Eligibility Scrutineer had recently resigned from his position as the Club's Chief Scrutineer, he remained in the regulations as being the appointed Eligibility Scrutineer for the Championship.
2. Notwithstanding his said position he had no entitlement to enter parc ferme and certainly no right to discuss with a competitor a component which he would have known was the subject of an investigation. To publically question the competence of the appointed Chief Scrutineer in such circumstances was equally unacceptable, especially when the contents of prior e-mails relating to his proposed attendance at the event are brought into consideration. For these actions which interfered with the running of the event, the said Eligibility Scrutineer, Mr John Taylor, will receive a Reprimand.
3. The Chief Scrutineer, when sealing the clutch drum into the bag was intending to complete a Non-Compliance Report. This course of action would have been entirely inappropriate as it would effectively have pre-judged the outcome of any subsequent inspection. The proper document would have been a sealing certificate.
4. Whilst accepting that it may well have been thought that there was no point in submitting the clutch to the Eligibility Scrutineer as he had already expressed his opinion, the Scrutineer should, in the prevailing circumstances, have given some regard to the advice received from the MSA and despatched the clutch direct to the MSA for an independent inspection.
5. Although it may well not have been known to the Clerk of the Course at the time, the Chief Scrutineer has today told the Court that all the scrutineering checks on all the karts had been completed such that it was appropriate for them to have left parc ferme.
6. As no Non-Compliance report had ever been completed and in the absence of any further or other Judicial matters, the results would have become Official (or Final) and the competitor had already received the relevant award for winning the race.
7. In all the circumstances it follows that the decision to nullify or void the results was incorrect. Once results have been declared Official only this Court can alter them.
8. Although in the way of things the paperwork handed to the Steward late that night would doubtless have referred to the attempt to nullify the results, the matter, unfortunately, was not subsequently raised.
9. As the purported nullification of the results was invalid the results as they previously stood must remain. The Club must ensure that notification of that fact is given to all relevant parties.
10. As it is the Club who appointed the Scrutineer and the Clerk, been agreeable to the decision to nullify the results and had not yet taken such steps as they may have considered necessary subsequent upon a resignation to alter in their regulations a particular appointment (which would possibly have avoided certain problems), the Club is ordered to pay a contribution toward costs in the sum of £250.

TONY SCOTT ANDREWS
CHAIRMAN