



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT  
SITTING MONDAY 19<sup>TH</sup> OCTOBER 2015**

***Tony Scott Andrews (Chairman)***  
***Peter Riches***  
***Ian Watson***

**CASE No J2015/34 Track Torque Eligibility Appeal**

This Eligibility Appeal is brought before the National Court by Track Torque Racing, their car having been excluded from the results of a Fun Cup race held at Donington on 22<sup>nd</sup> August 2015.

The car was excluded because the rear wing was lower than the height stipulated in the Fun Cup Regulations. Both the Scrutineer's Non-Compliance Report and the resultant Clerk's Decision to exclude refer to the relevant measurement being 1,376.5mm as opposed to the required 1,380mm.

That is the figure which this Court will accept notwithstanding the scrutineer's subsequent and somewhat inexplicable submission that the deficiency in height was actually 15mm and not 3.5mm.

The Appellant's submissions to this Court are that they accept the rear wing was low but that it was low because of damage caused to the adjacent bodywork to which the wing was attached. The Appellant goes on, however, to explain that the damage to which they refer was not as a result of any collision occurring during the race from which it had been excluded but was caused by the necessity to push start the car on at least four occasions during pit stops because the starter motor had failed. Photographs have been produced showing that the car was started by pushing on the rear wing. It is this that the Appellant states caused damage to the support area beneath the wing.

Clearly there is a requirement for the car to comply with the regulations at all times and clearly accident damage caused during a race can sometimes be considered but, in this instance, it is the team itself that inflicted the damage which, however inadvertently, caused the car to fail the post-race scrutineering checks.

The decision of this Court must therefore be that:

1. the Appeal be dismissed.
2. it is considered that although note is taken of the Appellant's comments as to the validity of the penalty imposed, the penalties set out at Fun Cup Championship Regulation 3 would seem not to be mandatory such that the penalty imposed cannot be considered as in breach and, further, as the Championship has now concluded, the penalty already imposed would seem entirely appropriate.
3. the Appeal fee is forfeit,
4. the Appellant do pay a contribution toward the costs of this Court in the sum of £500.

**TONY SCOTT ANDREWS  
CHAIRMAN**