



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY 3rd NOVEMBER 2015**

Guy Spollon (Chairman)
John Felix
Mike Garton

CASE No J2015/37 Euan McKay Eligibility Appeal

This matter comes before the National Court by way of an Eligibility Appeal.

The essential facts are as follows:

1. On 20th September 2015 the BARC ran a Clubmans Race Meeting at the Snetterton Circuit. The Appellant, Euan McKay, was a competitor and at the conclusion of Race 23 for Legends Cars a fellow competitor protested the eligibility of Euan McKay's car.
2. The protest form is not helpful in that it merely states the belief that Euan McKay's car
"is in breach of Regulation 6.39 of the Legends Car Championship Sporting & Technical Regulations."
3. The National Court comments that on any protest form there should be set out in clear and simple language specifically how and in what way any regulations have allegedly been contravened. It is not sufficient for there to be a general assertion that a regulation has been breached.
4. Regulation 6.39 of the Legends Car Championship Sporting & Technical Regulations states that:
"Any bonnet hole(s) or louvers must be on the left side (cylinder side) of the bonnet, which means no hole(s) or louvers may be on the right side (carburettor side), over a line drawn from the centre of the front bonnet pin to a point which is the centre of the rear of the bonnet. Bonnet louvers are defined as aluminium plates with maximum 3/8" edges. The size of the area for holes will be 2 x 4" dia max or 3 x 3" dia max or 4 x 2" dia max holes in the hood. It is not permitted to run with the rear of the bonnet raised."
5. From examination of the Scrutineer's Non Compliance Form it is clear that the non-compliance was found as a consequence of there being 5 holes in the bonnet. Regrettably there is no detail as to precisely where the holes were located nor indeed the size of the holes.
6. Mr McKay appeals primarily on the basis that:
 - (a) The regulations do not state that there cannot be 5 holes in the bonnet.

- (b) The regulations do not state what size the holes must be nor what the total area of the holes must be.

The National Court finds that:

1. Regulation 6.39 is somewhat ambiguous and consideration should be given to the redrafting of the same as a matter of some urgency.
2. Regulation 6.39 specifically refers to

“The size of the AREA for holes”

and then refers to 3 possibilities, namely:

- (a) 2 circular areas of 4” diameter.
- (b) 3 circular areas of 3” diameter.
- (c) 4 circular areas of 2” diameter.

One interpretation is that the maximum number of holes is 4 circular holes of no more than 2” diameter. Another possible interpretation however is that there can be any number of holes in any one of the 3 categories above, namely (i), (ii) and (iii).

3. As the Court has not been provided with any photographs of the bonnet nor the bonnet itself and has furthermore not been given the dimensions of the 5 holes complained of nor indeed their precise location on the bonnet, this Appeal must succeed.
4. Much greater care must be made when drafting regulations and protest forms alleging non-compliance.

The National Court accordingly directs:

1. The Appeal must succeed.

The Appellant must be reimbursed his appeal fees.

**GUY SPOLLON
CHAIRMAN**