



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY 14TH NOVEMBER**

David Munro (Chairman)
Richard Norbury
Chris Mount

CASE No J2017- 35&36 Greenall and Brown

The National Court has considered the eligibility appeals of Greenhall and Brown. Strictly speaking these were separate appeals but they are inextricably linked, and it is entirely appropriate to apply the principles of joinder and to regard them as conjoined appeals.

The appeals rise from protests made by James Rigby, an entrant, following a Honda Cadet Race at Clay Pigeon 4th June 2017. Mr Rigby protested the eligibility of 9 engines in total, and of these 3 were said to be ineligible following Technical Examination by a Technical Commissioner on the 20th June 2017.

A Stewards Hearing was convened at the next Super 1 round which took place at Larkhall on 12th August 2017, the Stewards accepted the findings of the Technical Commissioner, and found the engines from Kart No. 7 (belonging to Archie Brown) and Kart No. 64 (belonging to Oliver Greenhall) together with the spare engine of Oliver Greenhall to be ineligible. As a consequence, both Competitors were excluded from the meeting at Clay Pigeon.

The Court has given careful consideration to the detail of the protest forms. The exact chronology of events is unclear as there appears to be more than one version of each document. In both appeals the form would seem to have been amended to some extent. The initial protest forms were submitted at 3: 10 pm on 4th June in each case, with a further form being timed at 4:10pm. The forms timed at 3:10 pm contain the demand that "The whole engine needs to be checked" and a specific list of components is then identified, namely:

Deck Height
Exhaust
Crank Throw
Carb
Con Rod.

The later forms list the same components but do not contain the same injunction requiring an examination of the whole engine. It suggests that time was given to the protestor to enable him to amend the content of the form as he saw fit. The engines were subsequently examined by the Technical Commissioner and all the listed items were in compliance with the appropriate regulations. All the engines

subject to protest, including those of the appellants, were apparently from the same engine builder. The examination undertaken by the technical commissioner extended to other components and included the ignition timing and camshafts of each of the 3 engines. The alleged non-compliance therefore related to components other than those which had been identified in the final editions of the protest forms.

Protests against a fellow competitor must comply with General Regulation C. 5.1 and in particular General Regulation C5.1.2 provides that

“Every protest, which must be in writing, must include the grounds for the protest...”

In the present case the protest identifies the components that are the subject of complaint, and they are the same in the case of both appellants.

General Regulation C5.2.2 (a) deals with time limits in cases of apparent ineligibility and C5.2.2 (b) deals with protest time limits in cases where the reason for the alleged ineligibility is not apparent, but it is alleged that the vehicle is performing in a manner which suggests that it is ineligible.

What is significant in the instant case is that no reason is given in the protest for the selection of the particular kart. Given that all the protests made by Mr Rigby concern engines from a single source it cannot reasonably be supposed that each and every one (in the absence of any claim of apparent, i.e. visible, ineligibility) was performing in such a way that it suggested ineligibility of the kart or its components. The Court notes that not all the engines that were protested had actually been raced at that meeting. This strongly suggests a speculative barrage of protests. In other words, a “scatter gun approach”.

The court is concerned to note that the protest in each case contains a uniform demand for the inspection of clearly identified items. What it does not do is to say why. It does not give any reason for the protest being made. Plainly it should do so. There must be grounds for the protest. This is a primary requirement of C5.1.2.

Given that the protest is invalid for want of compliance with the General Regulations, the court concludes that these appeals should succeed. As a consequence, the appeal fees are to be returned and both competitors are to be re-instated in the results of the meeting at Clay Pigeon.

**DAVID MUNRO
CHAIRMAN**