



From the National Court

**MOTOR SPORT COUNCIL NATIONAL COURT
SITTING TUESDAY 16TH MAY 2017**

**Guy Spollon Chairman
Chris Mount
Bob Kettleboro**

CASE No: J2017-07 LEE PATTISON

The Appellant Lee Pattison is a registered competitor in the 2017 Renault Clio Championship organised by the BARC. The Appellant's car is presented and run by Team WDE.

The Appellant took part in the championship event at Donnington Park on 16th April 2017. His car bore the competition no 5.

This matter concerns the events surrounding Race 4. The Appellant started the race from pole position and was still leading when he was struck from behind by another competitor at the uphill entrance to Coppice Corner. Regrettably, both cars left the track and entered the gravel traps.

It is the Appellant's case that:

1. Before he had the opportunity to drive or try to drive off from the gravel area, he was notified via car radio by the Clerk of the Course that there was a red flag.
2. As only 10 laps of the race had by then been completed, he believed the race would be restarted.
3. In the belief of (1) and (2) above he switched off his still running engine and alighted from his car.
4. His car was thereafter towed out of the gravel area for ease and he was able to drive back to the paddock.
5. He was then wrongly excluded from the race results as he was allegedly not under his own power at the time of the red flag.

The Appellant appealed to the Stewards of the meeting who rejected the appeal on the basis that the Appellant's car was not under its own power at the showing of the red flag. The Appellant now appeals to the National Court.

The relevant regulations are:

1. Under GR Q5.4 any race can be stopped at the sole discretion of the Clerk of the Course by waving the red flag at the start finish line. Competitors are warned that the race has been stopped by the simultaneous waving of the red flag at all flag marshalling posts.
2. Under GR Q5.4.2 Any race stopped after the leader has completed more than 2 laps but less than 75% of its duration will be considered as the first part of a two part race ... only cars which are under their own power at the showing of the red flag will be classified.
3. Under GR Q5.5 the Clerk of the Course may order that the duration of the second part or re run of any race shall be of a shorter distance than originally scheduled or may be abandoned altogether.
4. Under GR Q5.4.2 in the event of an abandoned race the positions of all "classified cars" are based upon the order of crossing the finish line at one lap less than at the time of the first showing of the red flag.

There can be no dispute in this matter that:

1. The Appellant was leading the race when he was the innocent victim of a collision caused by a pursuing competitor.
2. As a result of the collision, the Appellant's car ended up in the gravel trap.
3. At the material time the Appellant had not completed 75% of the race.
4. The Clerk of the Course rightly or wrongly concluded that the Appellant's car was "beached" in the gravel trap on the exit of Coppice Corner and was, particularly with deteriorating weather conditions, in a dangerous position.
5. Subsequently the decision was taken not to run the second part of the race and effectively to exclude the Appellant on the basis that he was not under his own power at the time of the red flag.

This Court considers that the critical question to be asked is was the Appellant under his own power or not immediately prior to the deployment of the red flag.

There is no definition for the purposes of the General Regulations of the words "under one's own power" and there is certainly nothing that we can find that dictates that a vehicle should actually be moving at the critical time.

We have had the opportunity of viewing the video footage which shows the collision itself and also what happened within the cockpit of car no 5 immediately post collision.

The Court has also had the advantage of hearing oral evidence from both the Appellant and the Clerk of the Course. The evidence of the Appellant was critical in that he indicated very clearly that:

1. Prior to having any opportunity to try and drive out of the gravel trap, he had been told "red flag".
2. He, accordingly, turned his car engine off.

Although the Appellant in practice may have had difficulty in extricating his car from the gravel trap, it certainly seems that he was on notice of a red flag before he had the chance to try. The Appellant had not abandoned his car nor had he turned off the engine prior to the deployment of the red flag.

We do not feel that it can be held that he was not under his own power at the material time and accordingly we allow this appeal.

It follows that:

1. All appeal fees will be re-imbursed and
2. The Appellant must be re-instated in the results.

GUY SPOLLON

CHAIRMAN