

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY, 4TH JULY 2017**

**Guy Spollon (Chairman)
Peter Riches
Ronald McCabe**

**CASES No. J2017 – 19 Dyson
No. J2017 – 18 Luff
No. J2017 – 17 Priaulx**

These Appeals proceed as Eligibility Appeals.

It is appropriate in this matter that all 3 Appellants' cases proceed together because the facts are common to all 3 cases and identically affect each one of them. Furthermore all 3 Appellants have indicated by virtue of the paperwork provided to the Court that the relevant issues are common to all 3 cases.

Background

Following Rounds 6 and 7 of the Ginetta Junior Championship held at Thruxton on 6th and 7th May 2017, a technical check was carried out at Ginetta's premises on:

- (a) Engine no. G40 12 103 from Car No. 72 driven by Matt Luff.
- (b) Engine no. G40 16 028 from Car No. 29 driven by Harry Dyson.
- (c) Engine no. G40 14 049 from Car No. 11 driven by Sebastian Priaulx.

The official Ginetta car technical report dated 16th May 2017 concluded:

“that material had been removed from the cylinder heads of all 3 engines, this was apparent from both the measurements and the surface finish of the cylinder head.”

The report does not refer to the engines being sealed and that seals had to be broken before the inspections could take place. The report does not provide any information about the sealing history of the engines nor previous examinations by Ginetta. The report does not refer to the representations made by the Applicants' representatives to the effect that the engines could not have been tampered with because seals were in place prior to the inspections.

On 20th May 2017 the Eligibility Scrutineer at the Oulton Park race circuit issued Non-compliance Reports in respect of all 3 engines, describing the non-compliance as:

“Non-standard cylinder head because material had been removed” Championship Regulation 5.7.5.

On 21st May 2017, following receipt of the reports from the Eligibility Scrutineer, the Clerk of the Course found all 3 Appellants guilty of contravening Championship Regulation 5.7.5 and, therefore, C 3.1.1 and ordered that the drivers:

- (a) Be excluded from the results of the practice or race championship rounds 6 and 7 (Thruxton).
- (b) Be penalised under Regulations C 3.5.1 (a) and (b).
- (c) Be penalised under Regulation C 3.5.1 (c).

The Clerk of the Course it seems did not hold a hearing with the Appellants to consider the engine check nor the Eligibility Scrutineer’s Report. He apparently had a pre-prepared decision which had been written before the Appellant entered his office. The decisions were simply handed out.

Appeals were lodged on 21st May 2017.

Technical Regulations

The scrutineering protocol is at Championship Regulation 3.3. The Technical Regulation applicable to the engines is at Championship Regulation 5.7. The Championship Regulations require engines to be sealed so that they cannot be modified Championship Regulation 5.7.3.

Eligibility

In the Appellants’ first submissions to the National Court:

- (a) Detailed histories of each engine were provided with specific reference to the history of sealing and inspections.
- (b) It was made plain that none of the engines or seals had been tampered with by the drivers and/or entrant.
- (c) The cylinder heads on the engines had not been modified by removing material as alleged and such modifications would have been impossible to undertake without removal of the MSA/Ginetta seals which were in place.
- (d) The Appellants:
 - (i) Requested sight of the Ginetta engine/engine seal records.

- (ii) Made the point that the Regulations require a log book to be maintained which should contain a record of the sealing of an engine and the inspections that have taken place.
- (iii) Requested sight of all logbooks.

Penalty

Again, in their first written submissions to the Court, the point was made by all 3 Appellants that the Clerk of the Course failed to hold a hearing to consider whether the penalties applied were appropriate.

The written submissions from the MSA Championship Eligibility Scrutineer concerning all 3 cases was duly received by the Court dated 12th June 2017. In this document, it is noted that:

- (a) A seal on the cam covers for all 3 engines was “not as it should be” (when scrutineering occurred at Thruxton on 5th May 2017).
- (b) When on 16th May 2017 the engines were inspected at the Ginetta factory:
 - (i) Black silicone was found around the front cam shaft retaining cap.
 - (ii) A visual inspection of the cylinder heads showed that the underside finish was “not as standard”.
 - (iii) A measurement of the depth of the heads was taken and compared against 2 new engines from Ginetta, revealing that material had been removed.

In the second set of submissions submitted by the Appellants the matters listed hereinafter were raised, namely:

- (a) No explanation is given as to what the expression “seal not being as it should be” means.
- (b) No such allegation regarding seals was made previously in any of the scrutineering reports relating to any one of the 3 cars.
- (c) The Eligibility Scrutineer gives no history of the fixing of seals to the engines prior to the Thruxton race meeting.
- (d) The black silicone found around the front cam shaft restraining cap is not a substance used by the entrants.
- (e) The alleged “finishing” of the heads is nothing to do with the Appellants/entrants who have no facility to tune and/or modify engines.

(f) The comparison of the 3 engines against new engines is inconclusive.

The Appellants in addition provided statements from the Team Manager, Chief Mechanic and the Mechanic for each Appellant, together with a video link to show the state of the engine seals.

Although there have been detailed responses by the MSA Championship Eligibility Scrutineer to the Appellants' submissions, the National Court is faced with documentation which is woefully inadequate and late. The Court considers it important to summarise what the records, such as they are, reveal in respect of each engine.

Car No. 11 Engine G40 14 049

The engine should have 3 seals fixed to it. The logbook records only 2 seals were fixed in April 2016, one to the head and one to the sump. Thereafter a seal was fitted on 28th June 2016 and a further seal on 13th August 2016, but the location of these seals is not identified. There is no sealing sheet for 2017, showing when and where seals were fixed. The fact that a seal was physically removed in 2017 and does not correspond with the seal number in the logbook is not conclusive of anything. The Court has not been provided with the up-to-date sealing record from August 2016 to April 2017.

The Court has been provided with the Ginetta bulletins. These show a further history of the engine where it has been repeatedly examined and which would have involved removing and replacing seals. There is nothing in the records to prove that the Appellants have either tampered with the seals or modified the engine.

The comparison of the head measurements between the Appellants engine and the 2 new engines is inconclusive not least because there is no evidence indicating that the engine of Car No. 11 is of an identical specification to the new engines against which it was compared. The Court has not been told if the specifications are the same or have changed. The matter is also not helped by the absence of the history of the maintenance and inspection of this engine.

Car No. 72 Engine G40 12 103

This is a 2012 engine which was originally installed in Car No. 63 for the 2016 season before being fitted in Car No. 72 for the 2017 racing season. The sealing record provided shows 2 seals fitted – one on 16th June 2016 and one on 18th June 2016. No indication is given of the location of the seals. There is a complete absence of the sealing sheet for 2017.

Car No 29 Engine G40 16 028

There are simply no sealing records produced by the Eligibility Scrutineer/Ginetta for 2016 nor 2017.

The National Court has no hesitation in allowing each one of these 3 appeals, not least because of the totally inadequate documentation in these matters. It is, therefore, ordered that the Appellants' appeal fees are reimbursed.

The National Court strongly recommends that:

- (a) The 3 engines in question, prior to any further competition use, are stripped and checked as to their compliance with the Regulations.
- (b) Appropriate steps are thereafter taken to ensure that the relevant logs and records as to work undertaken and seals applied and removed on these engines are conscientiously recorded and maintained.

GUY SPOLLON
CHAIRMAN