

# (C) Judicial

## General

**1.1.** Each of the following is a breach of these Regulations and/or Supplementary Regulations and will lead to disciplinary action being taken.

**1.1.1.** Bribery or attempt, directly or indirectly, to bribe any person having official duties in relation to an event or employed in any manner in connection with an event or acceptance of or offer to accept a bribe by an official or employee.

**1.1.2.** Any action having as its object the entry or participation in an event of:

- (a) A vehicle ineligible therefor and/or,
- (b) A person who is not the holder of a licence appropriate to the event concerned.

**1.1.3.** Any dishonest act or proceeding in connection with an event and/or motor sport generally.

**1.1.4.** Any proceeding and/or act prejudicial to the interest of the MSC and/or motor sport generally.

**1.1.5.** Driving in a manner incompatible with general safety, and/or departing from the standard of a reasonably competent driver.

**1.1.6.** Any contravention of Flag or Light Signals (Q.5).

**1.1.7.** Any contravention of these Regulations in respect of alcohol or doping or illicit drugs and testing in respect thereof.

**1.1.8.** Misbehaviour or unfair practice.

**1.1.9.** Abusive language or behaviour, physical assault, or threats of physical assault within the area under control of the Organising Club.

**1.1.10.** Deleted.

**1.1.11.** For any competitor to bet on an event for which he has an entry.

**1.1.12.** For any person involved in an event whether as competitor, official or organiser:

- (a) to make use of information which can properly be regarded as privileged for the purposes of obtaining or endeavouring or attempting to obtain financial gain whether directly or indirectly by or from betting.
- (b) to fail to disclose to Motorsport UK any information relating to the commission of any offence under (a) above.
- (c) to withhold information relating to the commission of any offence under (a) above when requested to disclose such information by Motorsport UK.

**1.1.13. Dishonored Payments.** Failure to honour a payment to the MSC, Motorsport UK, or to a Recognised Club or Event Organiser, will result in suspension of Licence until payment of the full amount, plus charges, has been made.

### 1.1.14. Persons Excluded Elsewhere

Any person excluded or suspended by the Governing Body of any other sport recognised by Motorsport UK shall be reported to the MSC National Court and in the event that the reason for such excluded or suspension would, had the matter involved these Regulations, be a breach of these Regulations then the National Court shall be entitled to impose any penalty as it would have done had the breach occurred under these Regulations.

## Disciplinary Officer

**1.2.** Motorsport UK will appoint a Disciplinary Officer whose function will be to advise whether disciplinary action should be taken by Motorsport UK in respect of any breach of Regulations. In the event that Motorsport UK decides to take action, the Disciplinary Officer will either prepare and present the case personally, or arrange independent legal representation. The Disciplinary Officer will personally represent or instruct someone on his behalf to represent Motorsport UK on all other matters before the National Court where it is considered appropriate.

## Penalties

**2.1.** Any Promoter, Organiser, Official, Entrant, Competitor, Passenger, Driver, Mechanic or other Person committing a breach of these Regulations or of any conditions attached to an organising Permit, or of any Instruction to Competitors, or of any special Track Rules may be penalised as hereinafter provided.

**2.1.1.** The penalties that may be inflicted are, in order of increasing severity, as follows:

- (a) Reprimand (2.4).
- (b) Fine (2.4).
- (c) Time Penalty (or Position/lap Penalty – Karts or Endurance Racing or Grid Place Penalty – Circuit Race) (2.3) or qualifying lap time(s) disallowed (Q12.6.1).
- (d) Disqualification (2.5).
- (e) Suspension (2.6).
- (f) Exclusion (2.7).

One or more of the above may be imposed as appropriate.

**2.1.2. The National Court** may also, in addition to any penalty:

- (a) Declare the results of an event null and void.
- (b) Order the return of any awards, or annul championship points.
- (c) Order the return of all, or part of Entry Fees.
- (d) Order the downgrading of any Motorsport UK licence. Once downgraded such licence may be upgraded by fresh signatures alone.
- (e) Impose such other conditions as it thinks fit.

**Note:** Throughout these sections an asterisk(\*) indicates a requirement for additional information to be printed in the Supplementary Regulations (SRs). Text shown in Italics indicate a Regulation which may be amended in the SRs. Text shown in red indicates a new or amended regulation for 2019.

**2.1.3. Suspension of Penalty.** The National Court may, at its sole discretion, order that any of the penalties detailed in 2.1.1 be suspended for a specified period of time. Should the competitor be found guilty of a subsequent offence, details of that offence will be forwarded to the MSC for the National Court to consider whether the suspended sentence should be activated in addition to any penalty imposed for the subsequent offence.

**2.1.4.** When a penalty that incurs penalty points is imposed by the Clerk of the Course, or the Stewards of the Meeting, details must be recorded on the Judicial Summary Sheet together with the number of penalty points imposed.

**2.1.5.** Penalty points will be imposed for the following offences:

- (i) Driving – breach of 1.1.5, Q.14.2, Q.14.4 (with the exception of Q14.4.2), Q.14.6 and/or
- (ii) Failure to comply with flag or light signals
- (iii) General Conduct – Abuse, physical assault or threats of physical assault. Refusal to obey the instructions of an Official.

**2.1.5.1.** For Short Circuit Karting only 2.1.5(i), driving, and 2.1.5(ii), failure to comply with flag or light signals does not apply.

**2.1.6.** ‘Stop-Go’ or ‘Drive Through’ penalties (Q12.6), are not subject to penalty points and neither is there any right of appeal against either the decision for imposing the penalty or the penalty itself. This includes any such penalties converted to time penalties in accordance with Q12.6(h).

**2.1.7.** The number of points will be determined not by reference to the type of offence but by reference to the type of penalty imposed.

- (i) Verbal warning – 0 points (not recorded on licence)
- (ii) Formal written reprimand – 2 points
- (iii) Fine, Time, Grid Place or Position/lap penalty – 3 points
- (iv) Disqualified from practice, heat, race or an event – 4 points
- (v) Disqualified from the meeting – 6 points.

**2.1.8.** Should a competitor receive twelve penalty points within a period of twelve months, it will result in the suspension of his licence for three months, in addition to any other penalty imposed. Subject to 2.1.10 once the period of suspension is complete the penalty points relied on for suspension will not count further under this regulation.

**2.1.8.1.** For Short Circuit Karting a competitor who receives three recorded, non-technical, penalties within twelve months will receive a formal warning issued by Motorsport UK. Should the competitor, within three months of the formal warning receive any further, non-technical, penalty this will result in the suspension of his licence for three months, in addition to any other penalty imposed. This does not however remove the provision of 2.1.8 being imposed for points accrued in accordance with 2.1.5(ii).

**2.1.9.** Any competitor whose licence is suspended may request a hearing before the National Court to show why his licence should not be suspended, or should be suspended for a lesser period than three months. Initially, such a request, containing a brief statement of the grounds for the request, and accompanied by the appropriate non-refundable fee as set out in Part 3, Appendix 1, must be submitted in writing to Motorsport UK Disciplinary Officer to be received within 10 days from the date of the Motorsport UK letter giving written confirmation of the suspension of the licence. The submission of such a request will not affect the Suspension, which will remain in force pending the decision of the National Court.

**2.1.10.** The National Court shall have no jurisdiction to consider the competitor’s guilt in respect of the offences detailed in the relevant endorsements. The competitor must show that the consequences of a suspension will cause exceptional hardship meriting his licence not being suspended at all, or for a lesser period than three months.

The National Court may uphold the suspension, impose a lesser period of suspension or remove the suspension and impose an alternative penalty to suspension.

**2.1.11.** For short circuit kart race meetings all judicial duties are defined in U21.

**2.2.** Variation to Judicial Procedures. By sanction of the MSC the Regulations for the British Touring Car Championship are permitted to vary the judicial procedures in respect only of driving offences contrary to General Regulation 1.1.5 or 1.1.6 in order that:

- (a) Penalties not referred to in these Regulations may be imposed.  
and/or
- (b) The structure of Appeals and consequential procedures permitted by the applicable Regulations for the Championship may be varied from that contained in these Regulations.

**2.2.1.** In the above event the current British Touring Car Championship Regulations will replace the part or parts of these Regulations that have been varied.

**2.3. Time or Position Penalty (G.5.3).** Time penalty means a penalty expressed in minutes and/or seconds. The Clerk of the Course, or the Stewards of the Meeting, may impose a penalty for any competitor considered to have obtained an unfair advantage (whether inadvertently or not):

- (a) Of up to 10 seconds, if a race is not more than 30 miles.
- (b) Of up to one minute if a race is more than 30 miles.
- (c) In an Endurance Race ((Q)6.2) a time, position or lap penalty may be imposed. The penalty may be increased to one minute for each completed racing hour, (for example a 2 hour race may impose a penalty of up to two minutes). The penalty may be imposed after the race has finished.

**2.3.1.** At short circuit kart races, where a licensed timekeeper is not present a time penalty cannot be applied, but a competitor may be moved back up to five places in the results in lieu of a time penalty. Where a licensed timekeeper is present either a time penalty or place penalty may be imposed. Any such penalty, in line with the karting mandatory penalties, is not eligible for appeal against either the decision for imposing the penalty or the penalty itself.

**2.3.2. At short circuit kart race meetings a competitor, who is deemed to have gained an unfair advantage or has disadvantaged another competitor by the manner of his driving will be penalised by a time penalty of up to 10 seconds, or a Position Penalty of up to 5 places, or 1 lap, in the results of that race or timed qualifying, and such penalty is not eligible for appeal against either the decision for imposing the penalty or the penalty itself. This penalty does not preclude further action under 1.1.5. if deemed necessary after the hearing.**

At short circuit kart race meetings a competitor with the front fairing not affixed precisely in accordance with U17.5.5 when he arrives in Parc Ferme will be penalised with a 5 second penalty (3 places if there is no licensed Timekeeper) in the results of that Race or, if during timed qualifying, deletion of their fastest lap time. This will be imposed automatically by the Clerk of the Course upon receipt of the statement received from the Judge of Fact and is not eligible for appeal against either the decision for imposing the penalty or the penalty itself. This penalty does not preclude further action under 1.1.5 if deemed necessary. The mechanical failure flag will not be shown to a driver whose front fairing is no longer in the correct position.

**2.3.3.** At Race meetings, up to a 10 Grid Place Penalty may be applied at a driver's future Race, only where that penalty can be applied during that Meeting or the contested Championship or Series.

**2.3.4.** At Short Circuit Kart Race meetings, a competitor with the front fairing not affixed precisely in accordance with U17.5.5 when he arrives in Parc Ferme will be penalised with a 10 second penalty in the results of that race or, if during timed qualifying, deletion of their fastest lap time. This will be imposed automatically by the Clerk of the Course upon receipt of the statement received from the Judge of Fact and is not eligible for appeal. This penalty does not preclude further action under 1.1.5 if deemed necessary.

The mechanical failure flag will not be shown to a driver whose front fairing is no longer in the correct position.

**2.4. Sentence to a Reprimand or a Fine.** A reprimand or a fine may be imposed by the Clerk of the Course, the Stewards of a Meeting or the National Court, provided that any fine imposed shall not exceed the amount specified in Part 3, Appendix 1.

**2.4.1. Time Limit for Payment of Fines.** Fines or Costs must be paid within 7 days of being imposed. Any delay in making payment may result in suspension of licence for the period during which the amount remains unpaid, beyond the said period of 7 days.

**2.4.2. Liability to Pay Fine and/or Costs.** Where an Entrant is responsible for the payment of any fine and/or costs, then in the event of nonpayment, they the Entrant can be suspended in the same way as the person on whom the fine or costs have been levied.

**2.4.3. Allocation of Proceeds from Fines.** The proceeds from all fines are remitted to Motorsport UK who will use them only for the provision of prizes, training, or for charitable purposes.

**2.5. Sentence of Disqualification.** A sentence of disqualification from all or part of an event can be imposed by the Clerk of the Course, the Stewards of the Meeting or the National Court. This can be imposed retrospectively.

**2.6. Suspension.** A person, body, vehicle or make of vehicle shall be said to be suspended when forbidden, by the National Court and Motorsport UK exceptionally under 2.6.2 or 2.6.3 by the Stewards of the Meeting, to take part in any competition for a stated period. The National Court may, at its discretion, restrict the suspension to certain categories or types of event.

**2.6.1.** Suspension renders void entries made for any event taking place during the suspension, and any entry fee paid or payable will be forfeited to the Organising Club (unless the SRs for the specific event stipulate otherwise [H.31.1.2(e)]). The Competitor concerned shall immediately return his licence to Motorsport UK.

**2.6.2.** For offences involving abusive language or behaviour, physical assault or threat of physical assault, the Stewards of the Meeting after holding an enquiry can impose an immediate suspension of licence for up to 30 days. On imposing such a sentence, the Stewards should confiscate the Licence of the person concerned which will be forwarded to Motorsport UK, together with a report on the enquiry. The matter may then be considered by the MSC National Court, who can impose a further penalty if appropriate.

Where Stewards of the Meeting are satisfied that a physical assault or a threat of physical assault has occurred, then no appeal against their sentence (either the decision for imposing the suspension or the suspension itself) is allowed.

**2.6.3.** If the Stewards of the Meeting, after holding an enquiry, are satisfied that a contravention of 1.1.5 was of a serious nature, and the maximum penalty of 30 days is imposed, the matter may also be referred by Motorsport UK to the MSC National Court, who may impose a further penalty.

**2.6.4.** Delay in handing in a licence in accordance with 2.1.8, 2.6.2 or 2.6.3 will automatically result in the extension of the suspension by a period equal to the delay.

**2.7. Exclusion.** The penalty of exclusion should be reserved for exceptionally grave offences. Any excluded person, body, vehicle or make of vehicle is permanently forbidden by the National Court to take part in any competition whatsoever, nationally and internationally.

Details will be notified to the FIA.

**2.7.1.** Exclusion renders void any previous entry made for any competition, and any entry fee paid or payable will be forfeited to the Organising Clubs, (unless the SRs for the specific event stipulate otherwise [H.31.1.2(e)]).

**2.7.2.** All excluded Licensees must immediately return their licences to Motorsport UK.

**2.8. Suspension or Exclusion of a Make of Vehicle.** The National Court can suspend a make of vehicle within its own territory for breach of these Regulations by the manufacturer or his accredited representative, or for reasons of safety.

**2.9. Reciprocity of Penalties.** Motorsport UK will not issue a licence and will withdraw any licence already issued to any person who is suspended or excluded by either the Auto-Cycle Union or the Speedway Control Board (subject to right of appeal to the National Court).

**2.10. Loss of Award.** Any competitor disqualified, suspended or excluded in any event shall thereby forfeit all right to any award in that event.

**2.10.1. Amendment of Placing and Awards.** In such cases the resulting amendment to the placings and awards will be published and the body imposing the penalty will decide whether the next competitor(s) in order (after those placed) shall be advanced.

**2.11. Publication of Penalty.** Every licence holder is deemed to agree that the FIA, Motorsport UK and the MSC all have the right to publish details of any decision of the National Court, penalised persons, bodies, vehicles or makes of vehicle, and if so desires, the reasons therefore. Those individuals and bodies referred to have no right of action against the FIA, Motorsport UK or the MSC, or against any printer or publisher of the information, and may incur further exclusion if any such action is taken.

**2.12. Remission of Penalty.** The National Court has the right to remit any unexpired term of a suspension or exclusion, as it may think fit. Requests for remission of sentence must be submitted in writing to the National Court, accompanied by a non-returnable fee as detailed in Part 3, Appendix 1. Whenever possible, the same Court which applied the original penalty will deal with the application and entirely in writing, with no right to an oral hearing.

## Technical Eligibility Checking

### 3. Technical Eligibility Checking

**3.1.** Whenever possible any eligibility inspection should be by two members of the Technical Commission, or by the Chief Scrutineer of the event and one member of the Technical Commission. They will then be considered as Eligibility Judges of Fact.

**3.1.1.** If the Eligibility Judges of Fact agree that the vehicle or component is ineligible, this will be reported to the Clerk of the Course (or the Championship Stewards where the Clerk of the Course has no championship function) who, after giving the parties the opportunity to be heard, will disqualify the vehicle from the relevant results unless there are exceptional reasons why this should not be done.

This Regulation does not preclude a Scrutineer reporting a vehicle as being ineligible to the Clerk of the Course (or the Championship Stewards where the Clerk of the Course has no championship function). They will take appropriate action.

**3.1.2.** The findings of the Eligibility Judges of Fact or the Scrutineer, as the case may be, will also be reported to Motorsport UK who may take further action, including referring the matter to the National Court.

**3.2.** If a vehicle or component is not made available for an eligibility examination as required by the Technical Commissioners, the Clerk of the Course, the Championship Organisers or their respective Stewards, or a Competitor declines to accept potential liability for stripping, examination and rebuilding costs, the vehicle or component will be deemed ineligible and reported to the Clerk of the Course or the Championship Stewards, as the case may be, for the application of the penalties as detailed in 3.5.1 or 3.5.3.

**3.3.** Any vehicle found ineligible after practice, but subsequently approved before a race, will have all its practice times disallowed. The Clerk of the Course may Permit it to start from the back of the grid with a 10 second delayed start, providing that it does not take the place of any vehicle already qualified (whether a reserve or not). Penalties laid down in 3.5.1 or 3.5.3 would not be applied (Q.4.6.2, Q.12.9.3).

**3.4.** Competitors whose vehicles are subject to a pending eligibility check must advise this fact in writing to the Clerk of the Course of any event in which they wish to take part. The results of any such event will remain provisional until the eligibility decision has been made. Failure to inform the Clerk of the Course will result in a fine as detailed in Part 3, Appendix 1.

**3.5.** In the event of a vehicle being declared ineligible for a Championship, all Race or Kart Championships will apply the penalties as detailed in 3.5.1 and all other Championships as detailed in 3.5.3. Penalties may be applied even if a Competitor has retired from an event. Motorsport UK may insist on additional conditions being included in Championship Regulations.

**3.5.1.** Unless the regulations for a Championship specify a different penalty, any Competitor in a Race or Kart Championship whose vehicle is disqualified from the results in accordance with 3.1.1 or 3.1.2, will be subject to the following Championship penalties. These will be applied whether the Championship is for Drivers, Entrants or manufacturers.

- (a) The event will be counted as one of the events contributing to their total Championship score and
- (b) The Competitor will be disqualified from the event, forfeiting all Championship points, prize money and other awards and
- (c) The Competitor will forfeit a total of points equal to those obtained from two first places, even if this penalty results in a minus total of points.

**3.5.2.** The penalty imposed under 3.5.1(c) can only be waived by the MSC National Court on Appeal, but the Secretary of the Meeting, the Clerk of the Course, or their deputies, must be notified of the Intention to Appeal (7.1.4). This penalty will only be waived in exceptional circumstances. Championship Co-ordinators do not have the power to decide whether a penalty should be applied or waived.

**3.5.3.** Any Competitor taking part in a Championship (other than Racing and Karting) for Drivers, co-Drivers, Entrants or manufacturers, whose vehicle is declared ineligible in accordance with the Championship Regulations will be penalised as follows:

- (a) They will score zero points for that round and
- (b) The round will count as one of the events contributing to their total Championship score.

These penalties may not be decreased, but may be increased, by the Championship regulations which can only be applied by the Championship Stewards after a hearing. Penalties imposed can be appealed to the MSC, but the Championship Stewards must be informed of the Intention to Appeal in accordance with 7.1.4 Penalties will only be reduced in exceptional circumstances.

**3.5.4.** Deleted.

**3.5.5.** A special procedure as detailed in 7.2 applies in respect of any Appeal against an Eligibility decision (including the application of 3.5.1(c)).

## Fuel and Tyre Checking

**4.1. Fuel Checking.** It shall be an offence to use fuel which does not comply with the fuel specification laid down in the Technical Regulations, or the SRs for the Event (or Championship).

**4.2.** The analysis of a laboratory on the UKAS list in respect of the Motorsport UK fuel sample, or by an approved comparison test, will be taken as a finding of fact.

**4.2.1.** The provisions of 3.5 will apply in the case of fuel found to be ineligible and additional penalties may be applied by an MSC Tribunal.

### 4.3. Tyre Checking (Karting)

It shall be an offence to use a tyre which does not comply with the tyre specification laid down in the Technical Regulations, or the SRs of the Event (or Championship).

**4.3.1.** The analysis of a laboratory on the UKAS list (or a laboratory approved by another ASN in respect of U20.3.4.) or by a Motorsport UK approved comparison test, will be taken as a finding of fact.

**4.3.2.** The provisions of 3.5 will apply in the case of a tyre or tyres found to be ineligible (in accordance with U20) and additional penalties may be applied by an MSC Tribunal.

## Protests

### 5.1. Protest Against a Fellow Competitor

The right to protest lies solely with the Entrant or Competitor who is a party to a dispute about an act or omission of another Competitor in an event in which they have taken part. At International Events, only the Entrant can lodge a protest, unless the Competitor produces written authorisation to act on behalf of the Entrant.

**5.1.1.** The Clerk of the Course, acting in his official capacity, may take such action as he may deem proper in any circumstances regardless of whether a protest has been lodged.

**5.1.2.** Every protest, which must be in writing, must include the grounds for the protest, must be signed by the party making the protest, and accompanied by the payment laid down in Part 3, Appendix 1. 13. It must be lodged with the Secretary of the Meeting, the Clerk of the Course, or their deputies (G.3.2), within the appropriate time limit.

Where facilities exist for immediate payment by electronic transfer of funds of the above fees, then payment by such method is acceptable.

**5.1.3.** A single protest lodged by more than one competitor, or a single protest against more than one competitor, will not be accepted but more than one individual protest may be accepted on the same grounds.

### 5.2. Time Limit for Protests

**5.2.1.** A protest against another Competitor must be made within 30 minutes of the finish of the competition.

**5.2.2.** A protest against the eligibility of any vehicle, or part of vehicle:

- (a) When the reason for the alleged ineligibility is apparent – within 30 minutes of the time laid down for conclusion of the relevant scrutineering session;
- (b) When 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, or if a part or parts may have been changed after scrutineering – within 30 minutes of the performance that gives rise to the protest.

**5.2.3.** The Clerk of the Course may amend the above time limits if he thinks that the circumstances make the lodging of a protest physically impossible within the time quoted. If he decides to deal with a protest 'out of time', by doing so he will be deemed to have extended the time limit.

**5.3.** In the event of a protest against the eligibility of a vehicle or engine, the Clerk of the Course shall order that the vehicle or engine will immediately be examined or, on the request of the competitor protested against, or the Technical Commissioner or Scrutineers, sealed for subsequent examination (J.3.1.5).

**5.3.1.** The Technical Commissioner or Scrutineer sealing the vehicle or component shall furnish the Clerk of the Course, and the Competitor, with details of the seals used, their number and position.

**5.3.2.** The sealing of any vehicle or component shall be carried out in the presence of the Competitor protested against.

**5.3.3.** In default of agreement between the parties, the Clerk of the Course, in consultation with the Stewards of the Meeting will determine a realistic estimated cost of stripping and re-assembling the car/component. This sum is to include the Motorsport UK Technical Commissioner's fee as set down in Part 3, Appendix 1 as a maximum figure to cover inspection costs. Unless the car/component can be examined immediately, the amount of this estimated cost must be deposited with Motorsport UK by the protester within 7 days, and no examination will commence until it has been received. Failure to lodge the said amount within the time limit will result in the protest lapsing.

**5.3.4.** The Clerk of the Course will ensure that arrangements are made for the equipment to be examined with the least possible delay (J.3.1.5). The party making the protest is not entitled to be present at this examination.

**5.3.5.** The Technical Commissioner or Scrutineer will report his findings to the Clerk of the Course, who will adjudicate on any contraventions of the Technical Regulations. After giving the parties the opportunity to be heard, the Clerk of the Course will apply the penalties prescribed by the Regulations.

**5.3.5.1.** If the protest is not upheld and dismantling has been involved, the competitor who lodged the protest shall pay the reasonable costs of preparing the vehicle or parts for examination, dismantling and reassembly, together with the Examiner's Fees. The amount deposited with Motorsport UK as estimated costs may be used as a contribution towards these costs.

**5.3.5.2.** If the protest is upheld and dismantling has been involved, the competitor who has been protested against shall pay the costs of preparing the vehicle or parts for examination, dismantling and reassembly, together with the Examiner's Fees. The findings of the Clerk of the Course will include, but are not limited to, a fee which will incorporate all these associated costs. The amount deposited with Motorsport UK as estimated costs will be returned to the competitor who has submitted the protest.

**5.4. Adjudication of Protests.** Any protest shall be adjudicated upon by the Clerk of the Course, subject to the rights of appeal provided by these Regulations.

**5.4.1.** The Protest Hearing must take place as soon as practicable and all parties given notice of the hearing. They are entitled to call witnesses, but must state their case in person and not through an advocate. In the absence of any of the parties, or in the absence of their witnesses, the Clerk of the Course may make a decision, providing he is satisfied that any party concerned is aware of the time and place of the hearing or has left the event in contravention of H.33.1.6. If a decision cannot be given at the conclusion of the hearing, all parties must be advised of the time and place at which the decision will be given.

**5.5. Distribution of Awards.** Where a protest is lodged, the distribution of any affected prize must be withheld until either it has been adjudicated upon or no intention of appeal has been lodged within the time allowed. The list of awards relating to such a prize must be declared provisional.

**5.5.1.** If, after the distribution of prizes, a decision is made which affects the results of a competition, any Competitor to whom a prize has been awarded but who is adjudged to be ineligible must return the prize to the Organisers on demand.

**5.6. Forfeiture of Protest Deposit.** Unless otherwise decided by the Clerk of the Course, protest deposits will be forfeited if the protest is not upheld. A protest can be withdrawn before the hearing, but the protest deposit will only be refunded at the Clerk of the Course's discretion.

**5.7.** The Clerk of the Course must report any Protests lodged to the Stewards of the Meeting. Any author of a Protest thought to have acted in bad faith by the Stewards will be deemed guilty of breach of these Regulations and may be penalised accordingly.

## Appeals

### 6.1. Appeals to the Stewards of the Meeting against a decision of the Clerk of the Course or of any other Official of the Meeting.

**6.1.1.** Any Entrant or Competitor shall have the Right of Appeal to the Stewards of the Meeting against any penalty or decision given by the Clerk of the Course or another Official of the Meeting except for cases where these Regulations specify that no right of appeal exists (2.1.6, 2.3.1, 2.3.2, 2.3.4, 2.6.2, 6.1.1, U21)

**6.1.2.** A Right of Appeal does not exist for third parties in respect of a published decision of the Clerk of the Course arising out of Disciplinary or Protest Hearings, i.e. a Right of Appeal against such decisions exists only for the parties in those proceedings.

**6.1.3.** It should be noted, that Technical Eligibility Appeals are not heard by the Stewards of the Meeting but are referred directly for consideration by the National Court. (See special procedure 7.2.)

**6.2.** Appeals must be submitted in writing stating the grounds for the appeal, must be signed by the party making the appeal, and accompanied by the fees laid down in Part 3, Appendix 1. 13. Appeals must be lodged with the Secretary of the Meeting, the Clerk of the Course, or their deputies (6.3.2.4) within the appropriate time limit.

Where facilities exist for immediate payment by electronic transfer of funds of the above fees, then payment by such method is acceptable.

### 6.3. Time Limit for Appeals

Nature of Appeal	Time Limit
(a) Appeals against the acceptance of an entry, Instructions to Drivers or the length of the course	<i>Race and Speed Events:</i> not less than one hour before the start of practice. <i>Other Events:</i> not less than one hour before the start of the competition
(b) Appeals against handicap, make up of a heat, or qualification for a heat or final	Not less than one hour before the time laid down for the start of the competition, heat or, final
(c) Appeals against a decision of a Scrutineer or Technical Commissioner, by the Competitor directly concerned	Within 30 minutes of that decision being notified to that Competitor
(d) Deleted	
(e) Appeals against any mistake or irregularity occurring whilst the competition is taking place	Within 30 minutes of the appellant finishing the competition
(f) Appeals concerning the results of a competition	Within 30 minutes of the publication of provisional results or any amendments thereto, or, if results are published in accordance with D.26.1.3 or D.26.1.4, within seven days of the date of despatch
(g) Appeals against a decision of the Clerk of the Course not falling within (a) to (f) inclusive	Within 30 minutes from the time of the first communication of the decision to the Competitor. If the party(ies) concerned are not present when the decision is announced, within 30 minutes of the posting of the decision on the Official Notice Board. (H33.1.6)
(h) Appeals against a decision of the Stewards of the Meeting	Within 30 minutes from the time of the first communication of the decision to the Competitor (subject to 7.1.5(b))

**6.3.1.** The Stewards of the Meeting may amend the above time limits if they think that the circumstances make the lodging of an appeal physically impossible within the time quoted. If they decide to deal with an appeal 'out of time', by doing so they will be deemed to have extended the time limit.

**6.3.2.** Appeals against the refusal of an entry (H.30.1.3) must be made in writing to Motorsport UK within 48 hours of the competitor receiving notice that his entry is refused and in any case no later than 24 hours before the competition starts. If the National Court cannot be convened in time such appeals will be considered by the Chairman of the National Court or, in the event that he is not available, someone nominated by him and his decision shall be final.

**6.3.3.** Appeals against the refusal of an entry which has been submitted within 24 hours of the commencement of the event where the event is listed in D20.1.1 must be made in writing to the Stewards of the Meeting within 30 minutes of the competitor receiving notice that his entry is refused and in any case no later than one hour before the competition starts. In such cases, the decision of the Stewards of the Meeting shall be final.

**6.4. Appeal Hearings.** The Stewards of the Meeting shall hear any appeal as soon as practicable. All parties shall be given notice of the hearing. They shall be entitled to call witnesses, but shall state their case in person. Advocates may not be present at any hearing of the Stewards. Parties, and their witnesses, shall be given the opportunity to be heard. In the absence of any of the parties or their witnesses, the Stewards may make a decision providing that the Stewards are satisfied that any party concerned is aware of the time and place of the hearing or has left the event in contravention of H.33.1.6. If a decision cannot be given at the conclusion of the hearing all parties must be advised of the time and place at which the decision will be given.

**6.5. Championship Appeals.** Appeals arising out of a Championship classification, or points, will be adjudicated upon by the Championship Stewards appointed for that purpose by the Championship Organisers.

**6.5.1.** An appeal against points awarded (or not awarded) in a Championship must be lodged within 7 days of the first publication of the points in dispute in an official document (i.e. interim championship results, programme, etc.).

**6.6. Forfeiture of Appeal Deposit.** Unless otherwise decided by the Stewards for special reasons, the Appeal Deposit shall normally be forfeit if an Appeal fails for any reason.

## The National Court

### 7.1. Appeals to the National Court.

**7.1.1.** A right of Appeal against a decision of the Stewards of the Meeting, or Championship Stewards, to the National Court can only be made:

- (a) By a person or body who was a party in the proceedings in which the decision appealed against was made, and
- (b) In accordance with the provisions 7.1.3.

**7.1.2.** A Right of Appeal does not exist for third parties.

**7.1.3.** The following are the only grounds for lodging an Appeal against the decision of the Stewards of the Meeting or the Stewards of a Championship:

- (a) A gross miscarriage of justice has occurred
- (b) The penalty is wholly inappropriate for the breach of regulations.

**7.1.4.** Notice of Intention to Appeal (7.1.5) and Confirmation of Appeal (7.1.6) must be lodged in accordance with these Regulations.

### 7.1.5. Notice of Intention to Appeal.

- (a) A written Notice of Intention to Appeal against a decision of the Stewards of the Meeting, accompanied by the correct fee (see Part 3, Appendix 1) must be lodged with the Secretary of the Meeting, the Clerk of the Course, or their deputies (G.3.2.4) (or the Co-ordinator of the Championship in the case of an appeal against the Championship Stewards) within 30 minutes of the time of the first communication of the decision.

- (b) If the party(ies) concerned does not attend the hearing, the decision must be sent to them by first class mail, and any Notice of Intention to Appeal, together with fee, must be received by the Secretary of the Meeting not later than seven days after the date of posting. A copy of such Notice of Intention must also be lodged with Motorsport UK at the same time (H33.1.6).

**7.1.6. Confirmation of Appeal.** Within ten days of the Notice of Intention, written Confirmation of the Appeal, signed by both the Appellant and the Entrant (if appropriate), must be submitted to the Clerk to the National Court at Motorsport UK House. This Confirmation must specify the Grounds of Appeal (7.1.3) and the arguments in support.

**7.1.7.** The Clerk to the National Court will refer the matter to a Chairman of the National Court who will advise within ten days as to whether the Appeal is considered to meet with either of the permitted grounds of Appeal (7.1.3). If the Appeal is considered not to comply or is withdrawn, it will lapse and the Appeal fee will be forfeited. If the Appeal is considered to meet either of the specified criteria, the Clerk will arrange for the National Court to be convened.

**7.1.8.** In respect of all Appeals admitted to the National Court, the Appellant must, not later than ten clear days before the notified appeal hearing date, submit to the Clerk to the National Court, a skeleton argument in writing. This skeleton argument must:

- Identify all regulations involved
- Identify all Appellant's witnesses
- Specify the factual basis of the Appeal, including the evidence to be given in support of the Appellant.

**7.1.9.** Where an Appeal, or Protest, is in respect of an incident involving any other party in addition to the Appellant or a Protestor, the Clerk to the National Court will forward a copy of the Appeal and this Skeleton Argument to such other party who within 10 days must file his response.

**7.1.10.** In the case of Appeals listed at short notice, the Clerk to the National Court may, with the agreement of all parties, alter the timetable for the delivery of skeleton arguments.

### 7.2. Eligibility Appeals.

**7.2.1.** A special appeal procedure (6.1.3) applies in the case of any appeal against a ruling in respect of eligibility of a vehicle or against the imposition of 3.5.1(c). These Appeals are not heard by the Stewards of the Meeting but are referred directly for consideration by the National Court.

- (a) A written Notice of Intention to Appeal accompanied by the correct fee (see Part 3, Appendix 1) must be lodged, with the Secretary of the Meeting, the Clerk of the Course, or their deputies (G.3.2.4) within 30 minutes of the decision being notified, unless that decision is notified only in writing, in which case any Notice of Intention to Appeal, together with fee, must be received by the Secretary of the Meeting not later than seven days after the date of posting. A copy of such Notice of Intention must also be lodged with Motorsport UK at the same time.
- (b) The Secretary of the Meeting/Clerk of the Course must inform the Technical Commissioner/Chief Scrutineer that Notice of Intention to Appeal their decision has been lodged as soon as such a Notice is received.

- (c) Within ten days of the Notice of Intention to Appeal, both the appellant parties and the Technical Commissioners/Scrutineers concerned must submit to the Clerk to the National Court, in writing, the detailed reasons for appealing, or of coming to the decision complained of, quoting regulation numbers, technical specifications etc as relevant.
- (d) Copies of these submissions will be sent to the opposing parties, and also to any other party directly involved by the Appeal, with a further ten days allowed for written comment.
- (e) Copies of these written comments will be sent to opposing parties and, where any entirely new matter has been raised, a further seven days will be allowed for written response on that specific point.
- (f) All these written submissions and any associated exhibits will then be considered by the National Court, who will adjudicate on the matter.
- (g) There will be no right to an oral hearing.

### 7.3. Effect of Giving Notice of Appeal

**7.3.1.** The lodging of an Appeal against a decision of the Clerk of the Course, or the giving of Notice of Intention to Appeal against a decision of the Stewards of the Meeting, does not suspend any penalty that may have been applied or endorsed, during the Meeting out of which the decision has arisen. Thus no Competitor may continue to compete 'under appeal'.

**7.3.2.** After the conclusion of the Meeting out of which a decision has arisen, if Notice of Intention to Appeal against a Stewards' decision has been given, the operation of any sentence or decision will be suspended until the disposal of the Appeal by the National Court. If a sentence of suspension is upheld, the Competitor concerned will be disqualified from the results of any competition in which he has competed pending the hearing of the Appeal. In coming to a judgement, the National Court can take into account any benefit the Appellant may have gained through appealing.

### 7.4. Time Limits

The National Court has authority to extend the time limits for admission of appeals in such circumstances as are considered, at its sole discretion, to be appropriate in the interests of justice.

### 7.5. Judgement on Appeal to the National Court

**The National Court can decide that a penalty or other decision appealed against can be waived, varied or a fresh penalty imposed and/or may make such other or further order as it deems appropriate.**

**However it can not order any competition to be re-run. Court decisions are normally given at the end of a hearing, but exceptionally can be reserved, and a written decision (including reasons) sent to all parties as soon as practicable.**

### 8. Disciplinary Hearings

**8.1.** The National Court is empowered to decide cases brought before it by Motorsport UK for breaches of these regulations and to impose any appropriate penalty and any order for costs.

### 9. Investigatory Hearings

**9.1.** If it appears to Motorsport UK from a Steward's Report or otherwise that there may have been a breach of these Regulations, an incorrect or improper declaration of results of a competition, breach of condition of permit, defect, default, omission, irregularity or inconsistency ("the Issue") Motorsport UK at its discretion and no later than 60 days from the Issue coming to the attention of Motorsport UK, shall be entitled to refer the Issue to the National Court provided always that the Issue has not previously been considered by the National Court, except as permitted under 9.1.1. Upon such referral the National Court, after giving interested parties an opportunity to be heard, may make such order as it deems appropriate. If the National Court concludes that a breach of these regulations may have occurred it may deal with the Issue either forthwith or defer it to a later date and in either case may impose such a penalty, and any order for costs as it considers appropriate.

**9.1.1.** In circumstances where Motorsport UK is satisfied that a new element in respect of the Issue is discovered, Motorsport UK may within 60 days refer the Issue back to the National Court for further consideration and, if appropriate, the possible revision of their previous decision, notwithstanding that the Issue has already been considered by the National Court.

**9.1.2.** Motorsport UK may also refer an issue to the National Court notwithstanding the 60 days time limit provided by 9.1 and/or 9.1.1 having expired provided that all parties concerned are agreed that an Investigatory Hearing is appropriate.

**9.1.3.** Exceptionally the National Court may consider an application by a party other than Motorsport UK for the National Court to hold an Investigatory Hearing into an issue which Motorsport UK has not itself referred to the National Court. If the National Court is fully satisfied that it would have been reasonable for such a referral to have been made then the National Court may, of its own volition, instigate an Investigatory Hearing.

Any such application may only be submitted by one or more of the parties directly involved in the issue and must be made promptly and in any event within three months from the date when the issue was first brought to the attention of Motorsport UK or if later within 14 days of written notification to the parties that the issue would not be referred by Motorsport UK to the National Court.

Applications must be submitted in writing to the Clerk to the National Court and be accompanied by the appropriate fee. In applications considered to be of sufficient urgency the National Court is entitled to proceed against an undertaking to lodge the fee.

The application must be set out in full the grounds for requesting the National Court itself to instigate an Investigatory Hearing and should be supported by any relevant documentary or other evidence. If so directed by the National Court the parties to the Application shall furnish to the National Court for transmission to the other parties all documentation then and at any time in the possession of the parties relating to the specific event out of which the issue is stated to have arisen and if necessary the National Court may amend any relevant time-limit or timetable until this requirement has been complied with.

Correctly lodged applications will be considered by the National Court acting by a panel of three of the nominated Chairmen of the National Court. Any application considered by the National Court shall be deemed correctly lodged.

Motorsport UK will be asked by the National Court to set out the process that has been followed in dealing with the issue in question and the reasons for the non-referral to the National Court by Motorsport UK. This will be disclosed to the Applicant except in exceptional circumstances as determined exclusively by the National Court.

The National Court will consider the application by way of written submissions but the National Court has the authority to call an oral hearing should it consider it appropriate to do so and the parties (including Motorsport UK) may be represented at such a hearing. Written submissions shall be exchanged and disclosed. The National Court may facilitate additional submissions as it sees fit.

Applications will only proceed to an Investigatory Hearing of the National Court (and the Application Fee returned) where the National Court is fully satisfied that any reasonable tribunal properly advised would have considered it appropriate to refer the issue to the National Court and that the holding of an investigatory hearing would clearly be in the best interests of the sport.

If an application is considered by the National Court to satisfy the above criteria then an investigatory hearing into the issue will be arranged under the chairmanship of a National Court Chairman who shall be legally qualified. For the avoidance of doubt it should be noted that an application under this Regulation 9.1.3 shall not in any way determine the substance of the issue itself which shall be reserved to any investigatory hearing.

Any decision to hold an investigatory hearing under this Regulation should not be taken by any party as any indication as to the possible findings and outcome of that hearing.

If an application is considered by the National Court to be frivolous or vexatious, the National Court may make an order for costs in favour of Motorsport UK on an indemnity basis.

**9.1.4.** The National Court has discretion as to the procedure it adopts for the purposes of any investigatory hearing under this Regulation 9.

## **10. Arbitration**

**10.1.** The National Court shall be empowered at its sole discretion to provide binding arbitration between competitors, clubs and other recognised bodies, and one another on any matter directly connected with Motor Sport. This arbitration can be requested by those concerned, or initiated by Motorsport UK but may only proceed with the consent of all parties. Liability for the costs of the arbitration may be ordered by the Court who are also empowered to make such order in respect of the terms of the arbitration as they think fit. Any party requesting arbitration must pay a non-refundable fee as detailed in Part 3, Appendix 1.

### **11. Anti-Doping and Anti-Alcohol and Illicit Drugs**

**11.1.** The Anti-Doping Regulations, Anti-Alcohol Regulations and Illicit Drugs Testing Regulations are detailed in H38.

### **12. Hearings of the National Court**

**12.1.** All parties concerned in any hearings held by the National Court must be given adequate notice of the hearing, and (except for matters before an Eligibility Appeal Hearing 7.2) are entitled to call witnesses, give evidence and be represented by an advocate if they choose. The name of any advocate must be advised to the Clerk to the National Court prior to the hearing date. The hearing can proceed to a decision whether or not any or all parties are present.

### **13. Costs**

**13.1.** In giving a decision, the National Court can award costs to cover its own expenses, together with those incurred by Motorsport UK. These will exclude the expenses or defence fees incurred by the individual parties. Any costs incurred in bringing or responding to an action before the National Court must be borne by the party incurring the cost. Exceptionally, in the case of an Investigatory hearing (9), the Court may order the payment of costs against an individual party

## **Judicial Notes for Guidance**

Notes for Guidance are now published in Part 3, Appendix 4.