



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY 1 OCTOBER 2019**

**John Felix
Mike Garton
Guy Spollon (Chairman)**

J2019/24 – Nigel Frankland

This matter came before the National Court on 1st October 2019 by way of a disciplinary hearing.

This matter was listed as a contested hearing. However, when Mr Frankland was informed that 'provocation' is not a defence to an allegation of assault, he immediately conceded that he had assaulted a fellow marshal, a Mr Alan Crook. Mr Frankland subsequently went on to apologise for his actions and emphasized how much he regretted the incident.

The National Court was very anxious to know more of the background in this matter and, accordingly, witnesses were called, namely Nigel Frankland, Fay Crook and Alan Crook. The Court also had the benefit of considering the written statements of Chris Southcombe, Adrian Cashmore, Hilary Whates and Phil Smith.

The essential facts are as follows:

1. Nigel Frankland is an enthusiastic and experienced Marshal. In recent times he has regrettably experienced health issues, the consequence of which is that he is now registered disabled. His wife, Jeanette, of whom he is very protective, is also registered disabled.
2. Fay Crook has been a Registered Marshal since 1988. In July this year she was Chief Marshal at the Silverstone Classic event. On Friday, 26th July 2019 she found that Nigel Frankland had parked his car by the Assembly Area. She informed Nigel Frankland that he should park opposite, in the Official's Car Park. Nigel Frankland said he was disabled but was told that was not an excuse. Nigel Frankland duly moved his car to the Official's Car Park. Later, Fay Crook discovered that Nigel Frankland had again parked his car next to the Assembly Area. When questioned about the matter, Mr Frankland said that he had the permission of Security. Enquiries indicated that permission had not been granted.
3. During the evening of 26th July 2019 there was a Marshal's BBQ and Fay Crook confronted Nigel Frankland, accompanied by his wife, who is 4'7" tall and walks with the aid of a stick, about his improper parking and his ignoring her instructions. Fay Crook's husband, Alan Crook, then intervened and, unfortunately, matters became very heated with a degree of swearing and physical contact. The incident culminated in Jeanette Frankland slapping Alan Crook's face and Nigel Frankland then grabbing hold of Alan Crook around his neck. The matter was quickly diffused with Nigel Frankland and his wife being ushered to the other side of Scrutineering.

The court finds that:

1. Marshals have a responsible job to perform. At a very busy event such as the Silverstone Classic their tasks are often demanding and it is invariably necessary for them to implement strictly the rules and the planning of the event.
2. Transport for Marshals is provided so that they can attend to their duties at whatever location to which they are assigned. Consideration is also given to individual Marshals who are disabled.
3. Mr Frankland was not entitled to park where he did, and Mr and Mrs Crook were only trying to do their job in enforcing the strict and necessary parking restrictions.
4. Whether Mr Frankland felt that he had been provoked or not, he was not entitled to grab hold of Mr Crook in the way that he did.
5. There does not now appear to be any ongoing animosity between the parties as:
 - (i) Mr and Mrs Crook had the good grace to shake hands with Mr Frankland and Mr Frankland shook hands with the Crooks in the well of the Court.
 - (ii) Mr Frankland and the Crooks orally accepted that they could all work together in the future at motor sport events.
6. Mr Nigel Frankland has marshalled at numerous motoring events over the years and has made a significant contribution to the sport.

In all the circumstances of this matter, the court directs that:

1. Mr Nigel Frankland's licence to Marshal is suspended with immediate effect for a period of 12 months.
2. He must pay £400 towards the costs of this hearing.

Guy Spollon
Chairman
1st October 2019