



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT  
SITTING TUESDAY 10 SEPTEMBER 2019**

**Mike Harris  
Richard Norbury  
Tony Scott Andrews (Chairman)**

**J2019/25 – Inquiry – BARC Junior Saloon Car Championship 2019**

This C.9 Inquiry comes before the Court as a result of an alleged breach of Motorsport UK social media policies.

Mr Jamie Champkin, who initiated the Inquiry, appears for Motorsport UK.

The Court heard oral evidence given by Mr Benjamin Buesnel, Digital Communications Officer. No other party is present.

The Court has statements from Raymond Ward ("Ward") on behalf of Thomas Ward and from Ralph Saunders, father of Lewis Saunders.

The facts presented to this Court are that a driver in the Junior Saloon Car Championship, Thomas Ward, was excluded from a race at Snetterton held on 5th and 6th May this year for colliding with another competitor, Lewis Saunders.

Ward stated that, on arriving home on the evening of Sunday 6th May, he discovered a social media post made on an open forum page, (not a secured password protected personal profile, where the profile and account was accessible by many) that was critical of Lewis Saunders' driving. Acting as administrator he deleted it, changed the access rights to the page and shortly afterwards permanently deleted the page.

On 7th May Ward states that he found a message which he considered both abusive and threatening. He responded in terms that the posting was not made by either him or Thomas.

On Saturday 11th May he received a letter which appears to be undated (but which is subsequently referred to as being of 7th May) from the Series Clerk of the Course who had officiated at Snetterton, advising that he had seven days in which to appeal against her decision, a copy of which was enclosed. That decision was dated 7th May, found Thomas Ward guilty of contravening Championship Regulation 2.3, imposed a fine of £500 and placed three points on his licence. It also required Thomas Ward to take down all social media posts similar to that posted on 6th May.

Ward duly lodged an Appeal and paid the appropriate appeal fee on 13th May, confirmed that the posting had been removed and the page closed and re-iterating that neither he nor Thomas had made the offending posting and that they had no association with whoever had posted it.

Some ten days later he enquired of the Championship Co-ordinator, to whom he had been told to address his Appeal, what was happening to the Appeal as he was aware that there was a championship round at Silverstone on 1st and 2nd June. He was told to wait for a decision.

Ward states that he heard nothing further until an e-mail was received from the Co-ordinator on Wednesday 12th June advising that the Appeal would be heard on 15th June at Knockhill. Ward stated that he could not be there at such short notice, the response allegedly being that a written and pdf version of his Appeal details should be submitted for consideration by the Stewards.

Ward submitted his case in writing.

On Tuesday 18th June Ward received an e-mail from the Co-ordinator advising that the Stewards heard the case in his absence, confirmed the Clerk's decision and the penalty of a £500 fine, but removed the imposition of penalty points.

Ward wished to appeal this decision and the matter came to the attention of the Motorsport UK Disciplinary Officer who then initiated this Inquiry into the procedure adopted and the penalty imposed, and directed that Ward's intimated Appeal be subsumed within the terms of the Order for an Inquiry.

The Court has heard from the Clerk that she will be unable to attend.

The Championship Co-ordinator of this BARC Championship has not attended.

Neither the Clerk nor the Co-ordinator have deemed it necessary to provide a statement.

The Championship Regulation for breach of which Thomas Ward has been penalised, 2.3 states: "By registering for the Championship all competitors and their associates commit to the Motorsport UK Race'n Respect campaign and agree to positively promote and demonstrate the Racing Code which is appended to these Regulations."

Regulation 2.4 states:

"Where any reports of disrespectful conduct are judged to be well founded the Championship Organisers may issue warnings or require remedial actions and/or report the matter to the Championship Stewards who may impose appropriate penalties which can include loss of Championship points and/or race bans through to Championship Expulsion and referral to the Motorsport UK".

It would seem from Regulations 2.3 and 2.4 that reports of disrespectful conduct which are "judged to be well founded" are to be referred to the Championship Organisers, the BARC. It is not stated by whom such conduct is to be adjudged. Further it would seem to empower the Organiser to issue warnings or require action to be taken, presumably action such as that required by the Clerk of the Course in her Decision of 7th May.

As such action may well conflict with the provisions of General Regulation W.2.2.2, one would assume this perceived breach would and should have been referred to the Championship Stewards and dealt with by them and not by the Clerk of the Course.

The Court takes particular note of the fact that the Clerk's decision of 7th May, which was made outside of any Race meeting, was made without a hearing and without giving Ward or Thomas Ward any opportunity to respond to the accusations made against them and which they have consistently denied. The decision would seem, therefore, to have been made without any regard whatsoever for the rights of a competitor to a fair hearing.

The Clerk's decision of 7th May is to be set aside.

It follows, therefore, that the decision of the Stewards who heard the Appeal at Knockhill is also to be set aside. The Appeal fee paid by Ward is to be returned.

Although the Court could direct that this matter be referred finally to the Championship Stewards, the Court is empowered under the terms of the Inquiry to hear the Appeal intimated by Thomas Ward and it will do so.

The Court has no knowledge of what evidence either the Clerk or the Stewards had available to them, if any. This Court, however, has had the benefit of hearing from Mr Benjamin Buesnel and is satisfied that there is no evidence before this Court which would enable it to find that the offending postings emanated from either Ward or Thomas Ward or by any known person on their behalf.

The Court does, however, deplore the actions of whoever made the posting in question and of others who made postings critical of Raymond and Thomas Ward in the absence of any evidence to support their beliefs and allegations.

**Tony Scott Andrews**  
**Chairman**  
**10<sup>th</sup> September 2019**