



From the National Court

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

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

J2019/26 – Inquiry – Shenington SuperPrix & E Plate Meeting - Shenington 21st July 2019

This Inquiry relates to the circumstances in which a penalty was imposed against a driver at a Kart meeting held by the Shenington Kart Racing Club at Shenington on the evening of Sunday 21st July this year.

Mr Jamie Champkin appears before the Court on behalf of Motorsport UK and Mr James Ogden appears in person.

The Court has before it the Steward's Report and written statements from Sonja Game the Secretary of the event, and Ian Moore the Motorsport UK Steward.

The Steward's Report does not state what time the event ended but there is nothing before the Court to suggest that there were any outstanding technical and/or judicial matters or that the results had not been made Final. The statement of Sonja Game refers to an incident "at the end of a very long three days at our Superprix event". The inference drawn from this is that the meeting had ended and, therefore, if it had General Regulations G.2.3.4 and G.5.1.1 would indicate that the authority of the Stewards and the Clerk had ended.

It appears, however, that one Danny Allin, who was the mechanic assisting James Ogden, came into the signing on office and wished to complete a form which would enable the competitor Ogden to leave his caravan on site until the following weekend when he was intending to compete again. Allin sought advice on filling in the form and took exception to Sonja Game's response, which he considered unhelpful. It is alleged that Allin became aggressive and that he was shouting and waving his arms. Mrs Game, an extremely experienced Competition Secretary, found this particularly upsetting and considered Allin's actions unprovoked. She asked one of the Stewards, who was loading his car prior to leaving the circuit, to bring Allin back to Race Control. Ian Moore complied with this request and his statement shows that Allin asked of him "What's the matter?".

Of the two Club Stewards, it is understood that one, Sonja Games' husband, had already left the circuit and the other had witnessed the incident complained of by Sonja Game. By telephone they called the driver (who was driving home) to return to the circuit and advised him of Allin's actions. It is understood that it was not possible for the Steward to have obtained a statement from Sonja Game, or for her to give evidence in the presence of James Ogden, as she had been advised to go home. James Ogden was unaware of what had happened but, as the Competitor, he was responsible for the actions of his mechanic Allin, General Regulation H.32.1.10.

The Stewards then issued a decision timed at 19.19, receipt acknowledged at 20.00 finding James Ogden guilty of a breach of General Regulation C1.1.9, suspended his licence for thirty days and referred the matter to Motorsport UK for consideration of further penalty.

Ian Moore's statement shows that Ogden was clearly upset at what had happened and asked that the Stewards give his apologies to Mrs Game.

Ogden advises the Court today that, although Allin helped him dismantle and remove his caravan and awning that night, his association with Allin has ended.

This Court finds that Ogden was required to appear before the Stewards after one of them had already left the venue. This, combined with other facts, would suggest that the event had indeed ended. The result of this is that Ogden was handed a penalty by two Stewards whose authority to act may well have ended. The hearing was before just two Stewards who did not co-opt a third and found the competitor guilty of a serious offence in the absence of the primary witness.

That decision is obviously defective and is to be set aside. Other than generalities, there is no evidence before the Court as to what Allin is supposed to have said or as to the extent of his actions.

In view of the evidence available to the Court today the Court confirms that Ogden is entitled to the return of his licence and the Court considers that no further action or penalty against this driver is required.

Tony Scott Andrews
Chairman
10th September 2019