



From the National Court

MOTOR SPORTS COUNCIL NATIONAL COURT

J2019/32 – Phil Maynard, on behalf of Jake Maynard

This is an Appeal lodged by Mr Phil Maynard ("the Appellant") against the refusal by Forest Edge Kart Club ("FEKC") to accept race entries for his son Jake Maynard. General Regulation C.6.3.2 refers. By two letters dated 11th October, 2019, FEKC advised the Appellant that the club's Management Committee had discussed incidents involving Mr Maynard and took the following decisions:- First, "In line with the Constitution" to expel the Appellant from the Club. Secondly, "To refuse any future race entries from you (Jake)".

The decision to refuse future race entries (which would include the entry made on behalf of Jake Maynard for an event this weekend) contains the words "By reference to Supplementary Regulation 47".

Art 47 purports to reserve to the Club the right to refuse any entry to any participant without cause." There can be no doubt here, however, that "the cause" for the refusal to accept an entry for Jake Maynard is the decision taken by the Management Committee.

FEKC advised the Appellant that the decision taken was "in line with the Constitution." FEKC, whilst advising the Appellant of its decisions and that it was acting in line with the Club's Constitution, failed to advise the Appellant that he had a right to appeal those decisions. The Appellant, a member of FEKC states upon enquiry that he has never been supplied with a copy of the Club's constitution and was therefore unaware of his right of appeal.

Whether or not that is correct it seems clear that these decisions were taken without giving the Appellant an opportunity to be heard.

It follows therefore that those decisions shall be considered as ineffective until such time as the Appellant has been given an opportunity to be heard by way of an Appeal against the decisions of the Management Committee.

If the Appellant wishes to appeal then he must give written notice of his wish to appeal to FEKC within seven days of the date of this decision.

This Appeal is therefore allowed and the Appeal fee shall be returned.

It also follows that, pending the hearing of an appeal if lodged within seven days, race entries for Jake Maynard should not be refused as a result of the said decisions of the Management Committee.

Tony Scott Andrews,
Chairman,
National Court
31 October 2019