



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT  
SITTING WEDNESDAY 20 NOVEMBER 2019**

**Chris Mount  
David Scott  
David Munro (Chairman)**

**J2019/37 Inquiry – Legend Cars National Championship – Brands Hatch 3<sup>rd</sup> November 2019**

The National Court, sitting as a tribunal of Inquiry, has considered matters referred to the Court by Motorsport UK under GR C.9.1 pursuant to an order made on 10<sup>th</sup> November 2019.

The Order for Inquiry referred the running of the event to be investigated with emphasis on considering the following matters:

1. The veracity of the conviction of John Mickel of an offence contrary to C.1.1.5 (Mr Champkin, who appeared for Motorsport UK, amended the reference to cite Q14.4.4) and;
2. The penalties applied therefore;
3. Such other matters as may arise by virtue of the evidence received.

The basic facts are straightforward. John Mickel was a competitor (Car No 4) in the Legend Cars National Championship. Race 20 was the final round of this championship. On the final lap - lap 14 of the race – an incident occurred in which there was a collision between Car No 4 and Car No 83 driven by Simon Harraway. The ultimate result of the collision was that Mr Harraway's car ended up in the gravel trap at Clark Curve and Mr Harraway did not finish the race.

The matter then came before the Clerk of the Course, Dorothy Uwota, who held an investigation into what had occurred. She had received radio messages from Post Chiefs and, during the investigation and in the presence of both parties, she received written reports about what had occurred.

It is a matter of regret and concern that none of these written reports or relevant documents were available to the National Court, although the responsibility for this failure to supply the material is not the fault of Miss Uwota.

During her investigation she had access to in-car footage from Mr Mickel's car (although this was incomplete) but no in-car footage was available from Mr Harraway's car. In addition, she had sight of in-car footage from another competitor (Car No 79 – Marcus Pett) who had followed Cars 83 and 4 into Surtees.

In a submission received from Mr Harraway he asserted that there was contact between the front of Mr Mickel's car and the rear of his car at Surtees which, he said, had pushed him onto the grass. This he claimed, had left mud on his tyres, thus reducing the grip as he negotiated Clearways. He maintained that this was the cause of the subsequent collision with Mickel's car in Clark Curve.

Mr Mickel denied that there was any contact at Surtees and that he did not cause the collision at Clark Curve.

Having concluded her investigation, Miss Uwota found Mr Mickel to be guilty of breaching GR Q.14.4.4 in that he caused a collision.

He was disqualified from the results of the race and, as a consequence, received an endorsement of 4 points on his competition licence.

He had been reminded of his right to appeal but did not do so.

Having now viewed all the available moving and still images, including the circuit CCTV, the Court notes that circuit CCTV was available on the 3<sup>rd</sup> November 2019 and that it was not viewed by Miss Uwota and would not have been seen by the competitors at the hearing that she conducted.

The issue of causation of the collision between the cars in Clark Curve (where Mr Harraway collided with the rear nearside of Mr Mickel's car – Mr Mickel being in front of Harraway at that point) would have been difficult to resolve without reference to the circuit CCTV, which was available and was considered by the Court. It is probably the central issue in the case.

The Court received oral evidence from both Mr Mickel and Miss Uwota, but Mr Harraway was unable to attend due to pressing personal commitments. In his written submissions to the Court he stated:

“As I broke (sic) on the entry to Surtees on the last lap John Mickel in car 4 drove into the back of my car picking me up and pushed me on past the corner and onto the grass. He did this with such force that even on full lock I went straight on and onto the grass. I returned to the track with mud on my tyres and then had zero grip going into and through McLaren & Clearways...”

This claim has to be considered in the light of all the available evidence.

Whilst it is open to this Court of Inquiry to reconsider the evidence which led to Miss Uwota's finding that Mr Mickel had caused the collision, the Court declines to do so as Mr Harraway was unable to attend the hearing. At present the initial finding that Mr Mickel was in breach of Q:14.4.4 remains, but exceptionally the Court will extend the time limit for an appeal to the Stewards of the Meeting. Should Mr Mickel choose to appeal then he must lodge his appeal, together with the appropriate fee, by no later than 09:00 hours on Friday 29<sup>th</sup> November 2019.

The Court makes no other orders.

**David Munro**  
**Chairman**  
**20<sup>th</sup> November 2019**