



**From the National Court**

**MOTOR SPORTS COUNCIL NATIONAL COURT  
SITTING TUESDAY 14 JANUARY 2020**

**Nicky Moffitt  
Richard Norbury  
David Munro (Chairman)**

**J2020/01 Whilton Mill X30 Junior Heat 3**

The National Court has considered matters arising from a kart racing meeting at Whilton Mill on 24<sup>th</sup> November 2019 and in particular the judicial proceedings that had taken place in respect of Samuel Hawthorne, a competitor in race 19 which was heat 3 of the X30 Junior races that day. The meeting was run under CIK Trial judicial system as provided for by the 2019 General Regulations. These require all judicial decisions to be made by the Stewards of the Meeting whose decisions cannot be the subject of appeal. This is made clear by General Regulation U21.2.1 of the 2019 regulations.

The matter was brought before the National Court by Motorsport UK under the provisions of General Regulation 9.1. The National Court therefore sat as a tribunal of inquiry and not in exercise of its appellate jurisdiction.

Motorsport UK had brought the matter to the attention of the court having received an email from Mr Jez Hawthorne, the parent of Samuel Hawthorne, who had been the subject of judicial proceedings before the Stewards of the Meeting in question. Mr Hawthorne had expressed concern that video footage was available which had not been viewed by the Stewards. This was a commercially produced video feed with commentary published via YouTube rather than material officially produced for judicial purposes.

In opening the matter to the court Mr Champkin made it clear that the outcome of the judicial proceedings before the Stewards may have resulted in an incorrect or improper declaration of the results of heat 3.

Motorsport UK had considered that video footage, which was not seen by the Stewards and which had only become available after they had reached their decision, might have led them to a different conclusion.

The order for the C.9 Inquiry required the court to consider the following matters:

1. All facts and matters surrounding the incident including such as may be revealed on moving images delivered to Motorsport UK and
2. The guilt or not specifically of Samuel Hawthorne of any offence contrary to GR C2.3.2 and
3. To determine such facts and matters as may arise from the evidence.

General Regulation C9.1 provides that the court must deal with issues referred to it by Motorsport UK. “Issue” being defined as:

“A breach of these Regulations, an incorrect or improper declaration of results of a competition, breach of condition of permit, defect, default, omission, irregularity or inconsistency”

The court, having heard evidence from the Clerk of the Course, Ken Potter, who witnessed the original incident and from David Simons, the appointed Motorsport UK Steward on 24 November 2019 and also from Mr Jez Hawthorne and Mr Dino Miscouris, the parents of the competitors involved makes the following findings:

1. Under the rules of the C.I.K Trial all judicial decisions were to be made by the Stewards of the Meeting.
2. The effect of General Regulation U21.2.1 is clear. There can be no appeal from such decision.
3. The Stewards conducted the hearing correctly and made a decision based on the evidence before them.
4. The subsequent discovery of video evidence does not invalidate their decision.
5. Consequently, it cannot be said that the decision of the Stewards caused an incorrect or improper declaration of the results of the competition.
6. The court does not find that there is evidence of any breach of the regulations or of the conditions of any permit or that there was any defect, default, omission, irregularity or inconsistency.
7. As a consequence, the decision of the Steward stands, and the court makes no judgement in respect of the video material subsequently obtained.

**David Munro**  
**Chairman**  
**14<sup>th</sup> January 2020**