



From the National Court

**MOTOR SPORTS COUNCIL NATIONAL COURT
SITTING TUESDAY 04 FEBRUARY 2020**

**Richard Norbury
David Scott
David Munro (Chairman)**

J2020/02 BRSCC Fiesta Championship Appeal

The National Court has considered the appeal of Isaac Smith against a decision of the Stewards of the BRSCC Fiesta Championship 2019.

This Championship was held over 22 Rounds on 8 weekends. Rounds 6, 7 and 8 were held at Cadwell Park on 11th – 12th May 2019. Round 6 was on 11th May and Rounds 7 & 8 were held on 12th May 2019.

In Round 6, Mr Smith was disqualified for a breach of GR C1.1.5 and in Round 7 he received a 10 second time penalty for a further breach of GR C1.1.5. but gained 30 Championship points from that Round.

In Round 8 he was classified in 6th place. That position attracted 34 Championship points.

The final Rounds of the Championship were held at Brands Hatch on 26th - 27th October 2019. Going into the final Round, Mr Smith appears to have been informed by the Championship Co-ordinator that he had a total of 799 points. This placed him 13 points ahead of his nearest competitor, David Nye.

Following the final race, it was announced that Mr Smith had won the Championship with 843 points from David Nye with 836 points.

Subsequently, the calculation of these points was called into question and, as a result of a referral by the Championship Co-ordinator to the Championship Stewards, under Championship Regulation 1.2.3, the Stewards held an inquiry into the matter on 2nd December 2019. The outcome of the hearing was then published by BRSCC on 6th December 2019. It is this decision which is the subject of the present appeal.

The BRSCC Fiesta Championship has additional, specific penalties that provide for the forfeiture of Championship points for the Championship offence of "Serious breaches of Motorsport UK Regulation [C1.1.5]".

Where there has been such an offence, CR 4.2.1 provides for the forfeiture of Championship points and how that forfeiture should be applied at single qualifying / single race and at multiple qualifying / multiple race events.

As a result of the offences at Cadwell Park, the Clerk of the Course had imposed a disqualification from the results of Round 6 on 11th May and ordered that 4 penalty points be endorsed on Mr Smith's Licence.

For the offence committed on the following day, in Round 7, a 10 second time penalty was imposed together with an order that 3 penalty points were to be endorsed on the Licence. Both these decisions were properly recorded and acknowledged by the appellant.

Due to administrative errors, Motorsport UK were only aware of the imposition of 4 penalty points, i.e. those awarded in Round 6.

Championship Regulation 4.2.2 provides that the Clerk of the Course shall notify the Championship Co-ordinator of his ruling as to the imposition of penalty points and that the Co-ordinator will apply the following sanctions: "The number of penalty points endorsed shall be doubled and that number of points shall be deducted from the competitor's and team championship total".

In their decision of 2nd December, the Championship Stewards concluded that a total of 7 penalty points had been imposed, and that under CR 4.2.2 a total of 14 Championship points should be deducted as a consequence.

We are satisfied that this is the correct decision.

The Championship Stewards, however, found that Mr Smith had been penalised under GR C1.1.5 on both 11th and 12th May and that accordingly that he was liable to forfeit all Championship points for the event, pursuant to CR 4.2.1.

There is no reference in their decision to any consideration of whether both offences were to be classified as "serious", and they appear to have interpreted CR 4.2.1 as applying to all breaches of GR C.1.1.5, irrespective of seriousness.

It is plain that the drafting of CR 4.2.1 is both unhelpful and unclear but, in any event, the degree of seriousness does not feature in their decision. We are of the view that this regulation requires urgent review to ensure that further difficulties of interpretation do not arise.

We agree with the appellant's arguments to the extent that the second offence cannot satisfactorily be regarded as "serious" as required by the Championship regulations and, as a result, we conclude that the Championship Stewards fell into error in concluding that all Championship points for that meeting should be forfeit.

CR 4.2.1 provides that, where such an offence is committed during the first race, then the only points forfeit will be those gained for qualifying and the first race. As the appellant did not gain any points in either qualifying or the first race then there are no Championship points to be forfeit as a consequence.

The appellant has raised a number of issues with which we cannot agree.

In particular, we do not consider that the Championship Stewards decision was reached in the course of an appeal. It may have been reached outside the time limits set in GR C6.5.1, but we do not accept that this has any bearing on the matter as it deals specifically with appeals rather than references by a Co-ordinator to Championship Stewards.

Further we do not accept the proposition that penalty points are not applicable to a time penalty imposed for a breach of C.1.1.5. This is covered by C2.1.5 and C2.1.7.

We have heard arguments from Mr Smith in relation to the points allocated for the fastest lap set in a race at the Anglesey Round. We note that the points initially awarded to the competitor who is recorded as having set the fastest lap at the race in question have now been withdrawn as he was not, as required by CR 1.6.1, a classified finisher and that these points have not been reallocated to any other competitor.

Although not a matter for this Court to determine, as the issue did not form part of the decision of the Championship Stewards, we note that is consistent with the Championship regulations.

In conclusion, this appeal is successful in part. The only Championship points to be deducted from the appellant's total in respect of the Cadwell Park Rounds are those specified in CR 4.2.2, which in the appellant's case total 14.

We are of the view that the management of the points allocation during this Championship was inadequate and that the points situation should have been resolved long before the final meeting at Brands Hatch.

If appropriate, the final classification of the Championship should now be re-calculated and published.

The Appeal fee is to be refunded.

David Munro
Chairman
04th February 2020