

REGULATION CHANGES FOR APPROVAL WITH CONSULTATION

Committee:	Judicial Committee
Date of meeting:	20 th July 2021
Closing date for consultation:	28 th August 2021
Email for comments:	Judicialconsultation@motorsportuk.org

Section C - Judicial

Current Regulation

C.14 No current regulation.

Proposed Regulation

Right of Review

C.14.1.1 A party has the right to request the review of a decision if, in Competitions forming part of a Motorsport UK Permitted Championship, cup, trophy, challenge or series, a significant and relevant new element is discovered which was unavailable to the parties seeking the review at the time of the decision concerned. The Clerk of the Course or the Stewards who have given a ruling or, failing this, a person or body designated by Motorsport UK for the purpose ('the Review Body') may decide to re-examine their decision following a written request for review by:

- i. Any one of the parties concerned being a party that is directly affected by the decision handed down, or
- ii. the Regulatory Counsel of and on behalf of Motorsport UK.

The Clerk of the Course or the Stewards also have the right, of their own volition, to instigate such a review if they themselves discover a significant and relevant new element which was unavailable to them at the time of the decision concerned.

The Review Body must meet (in person or by other means) on a date determined in its discretion, summoning the party or parties concerned to hear any relevant explanations and in the Review Body's judicial discretion to consider any evidence not previously available and so to judge on the matter in the light of the facts and elements brought before them.

C.14.1.2 The party or parties concerned may waive their right to a hearing in writing but shall be permitted to make written representations but a party is not entitled to be represented at any hearing other than those conducted by the National Court or the International Court of Appeal.

Section C - Judicial

Current Regulation

Proposed Regulation

C.14.2 Pending determination by the Review Body a review has no suspensive effect on the execution of the original decision of the Clerk of the Course or the Stewards when they have given a ruling

C.14.3. The Review Body shall have the sole discretion to determine if a significant and relevant new element exists and, if so, to determine if the original decision including any penalty shall stand or be set aside or varied.

C.14.3.1. The decision of the Review Body as to whether or not such an element exists is not subject to appeal before any further judicial body.

C.14.3.2. If the Review Body determines that a significant and relevant new element does exist and therefore progresses to a re-examination of their original decision, the subsequent decision of the Review Body as to whether the original decision shall stand or be set aside or varied may be appealed.

C.14.4. The period during which a request for review may be brought expires fourteen calendar days after the end of the Competition concerned.

C.14.4.1. Furthermore, within the framework of a Motorsport UK Permitted Championship, cup, trophy, challenge or series, a request for review may not, in any event, be brought less than four calendar days prior to the date of the relevant prize-giving ceremony following the end of the Competition concerned.

C.14.5. The right of appeal against a new decision, subject to 14.3.1 and in accordance with 14.3.2 above, is confined to the circumstances permitted by GR C.6.1.1 and C.7.1.1 (as appropriate) and pursuant to GR C.6.1.2 and C.7.1.2 limited to the party or parties concerned.

C.14.6. Should the first decision already have been the subject of an appeal before the Stewards, the National Court or before the International Court of Appeal, or successively before more than one of these judicial bodies,

the case shall be submitted only to them for the possible revision of their previous decision.

Reason: *To incorporate the Right of Review provisions of the FIA ISC into the UK General Regulations, to provide an ability for significant relevant new evidence to be considered.*

Implementation: **1st January 2022**

Section C – Judicial

Current Regulation

C.15 No current regulation.

Proposed Regulation

Recording of Judicial Hearings

C.15 Only audio or video recordings of Judicial Hearings made by the Officials of the Event or National Court (official recordings) are permitted. Such recording shall be on a suitable secure digital recording device under the control of the Organisers. A Competitor is not permitted howsoever to record any Judicial Hearing and breach of this obligation shall be treated as a breach of C.1.1.3.

C.15.1. The official recording shall not be edited and shall be securely retained by the Organisers for a maximum period of 70 days (C.9.1) following the last day of the Event at which the Hearing took place or if it takes place otherwise than at an Event then 70 days next following the date of the Hearing.

C.15.2. The fact of the official recording must be notified to all participants at the commencement of the hearing and shall be noted on the relevant Judicial Decision and referenced in any written notes.

C.15.3. The official recording shall be surrendered to Motorsport UK or to the National Court on demand. If it is not demanded within the above time-limits (C.15.1) then it shall be disposed of securely.

C.15.4. No part of any official recording nor any transcript of it shall be published broadcast or distributed howsoever, including through any social media.

C.15.5. Any official recording may be considered as evidence by the National Court and by the Stewards of the Meeting where any dispute between the parties to the Appeal arises as to the evidence given before another Judicial body at the Event or any Hearing other than at the Event.

C.15.6. An Appellant proceeding before the National Court shall be entitled to be provided

with a copy of the official recording only for the purposes of preparing for that Appeal or appearing before the Court and otherwise subject to the provisions of this Regulation C.15.

Reason: *To prohibit (other than official) recording of judicial hearings and any such publication, particularly through social media.*

Implementation: 1st January 2022