



From the National Court

**THE MOTORSPORT UK NATIONAL COURT
DISCIPLINARY PANEL
SITTING 6TH DECEMBER 2022**

Case No. J2022/35

**Mark Heywood KC (Chairman)
David Scott
Robert Bassett**

BERNARD BAXTER

Mr Champkin appeared on behalf of Motorsport UK.
Mr Baxter did not appear and was not represented.

JUDGMENT

1. The National Court has considered disciplinary proceedings brought by Motorsport UK against Mr Bernard Baxter, arising from his contravention of General Regulation C1.1.9; use of abusive language and behaviour, physical assault, or threat of physical assault within the area under the control of the organiser, in the course of the CMMCS Super Saloon/Tin Top race, race 7 at Brands Hatch on 12th November 2022.
2. Mr Baxter declined to appear before the National Court at this hearing and is not represented. In correspondence, Mr Baxter has been provided with the case papers and a clear indication that he is entitled to be represented at this hearing and to submit any statements or evidence he wishes to be considered. Nothing has been put before us.

3. In that correspondence, Mr Baxter has confirmed that he is aware of the date and time of this hearing but has explained that he is unable to attend. No further reason has been given and no request has been made to adjourn to a date when he could attend. In the circumstances we consider it is appropriate to proceed in his absence.
4. The evidence before us is that Mr Baxter was involved in a heated altercation in the paddock, following the conclusion of race seven. Though heated, this was short lived. This allegation principally relates to Mr Baxter's own conduct some 45 minutes after the altercation in the paddock, he having been requested to attend before the clerk of the course, Mr Stevens.
5. Already present in the meeting room when Mr Baxter arrived was the other driver involved in the earlier altercation. Mr Stevens has made clear in his evidence before us that this was intended to be a fact-finding inquiry into what had gone on before. Mr Stevens describes Mr Baxter arriving in a state of agitation which rapidly progressed to "stratospheric rage." This behaviour took place not only before Mr Stevens and the other driver, but also before two of the Championship Coordinators, Ms Dann, and Mr Knowles.
6. Mr Stevens has described his concern at the escalating seriousness of Mr Baxter's behaviour which culminated in Mr Baxter picking up a substantial metal-framed chair, pointing the legs close to Mr Stevens chest in a threatening manner, and threatening to kill him, before throwing the chair to the ground with such force as to bend one of the heavy metal legs. We have seen a photograph of the damage to the chair and are satisfied that substantial force must have been used.

7. That account is supported by Ms Dann and Mr Knowles, who also refer to the obscene language used by Mr Baxter throughout. It is clear from the evidence that the shock and fear felt by those who witnessed this behaviour lasted at least many hours later into the evening.
8. The penalty imposed by the Clerk of the Course was that Mr Baxter be disqualified from the meeting and his licence endorsed with six penalty points.
9. From this summary of the evidence before the National Court it is clear that this was a situation of the utmost gravity. We are satisfied the severity of the incident calls for an exclusion pursuant to General Regulation C2.7. Accordingly, Mr Baxter is permanently forbidden from taking part in any competition whatsoever, nationally, and internationally.

Note

10. Mr Baxter is reminded of his rights to seek remission of this penalty in future, pursuant to General Regulation C2.12.
11. It is further ordered that Mr Baxter pay a contribution to the costs of this hearing in the sum of £1000.

Mark Heywood

Chairman

6th December 2022

