

Common Regulations

Breach of Regulations

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1

General

1.1. Breach of Regulations. Any of the following offences, in addition to any other offence specifically referred to previously or hereafter, shall be deemed to be a breach of these Regulations.

1.1.1. All bribery or attempt, directly or indirectly, to bribe any person having official duties in relation to an event or employed in any manner in connection with an event; and the acceptance of or offer to accept a bribe by such official or employee.

1.1.2. Any action having as its object the entry or participation in an event of:

- (a) A person or vehicle found to be ineligible therefore and/or,

Note: Throughout these sections an asterisk (*) indicates a requirement for additional information to be printed in the Supplementary Regulations (SRs).

Text shown in italics indicates a Regulation which may be amended in the SRs.

- (b) A person who is not the holder of a licence appropriate to the event concerned.

1.1.3. Any fraudulent act or proceeding in connection with an event or motor sport generally.

1.1.4. Any proceeding or act prejudicial to the interest of the MSC or of motor sport generally.

1.1.5. Driving in a manner incompatible with general safety, or departing from the standard of a reasonably competent driver.

1.1.6. Deleted.

1.1.7. Deleted

1.1.8. Misbehaviour or Unfair Practice.

1.1.9. Abusive language or behaviour, or assault, within the area under control of the Organising Club.

1.1.10. Failure to honour a cheque payable to the MSC, MSA, or to a Recognised Club or Event Organiser, will result in suspension of Competition Licence until payment of the full amount, plus charges, has been made.

1.1.11. Any person or body who shall organise, advertise, enter for, drive in, officiate at, or in any manner whatsoever take part in, a competition, or championship, not organised in accordance in all respects with these Regulations or who shall become disqualified or suspended by the governing body of any other sport recognised by the MSA shall be reported to an MSC Tribunal.

1.1.12. It is an offence for any competitor to bet on an event in which he is a participant.

1.1.13. It is an offence for any person involved in an event whether as competitor, official or organiser:

- (a) to make use of information which can properly be regarded as privileged for purposes of obtaining or endeavouring or attempting to obtain financial gain whether directly or indirectly by or from betting.
- (b) to fail to disclose to the MSA any information relating to the commission of any offence under (a) above.
- (c) to withhold information relating to the commission of any offence under (a) above when requested to disclose such information by the MSA.

1.2. Disciplinary Officer. The MSA will appoint a Disciplinary Officer. It shall be the function of the Disciplinary Officer to advise the MSA as to whether he considers it appropriate for disciplinary action to be taken by the MSA in respect of any breach of Regulations. In the event that the MSA decides to take such action the Disciplinary Officer shall give effect to that decision by either preparing and presenting the case himself or by arranging independent legal representation, by solicitor and/or counsel. Further it shall be the responsibility of the Disciplinary Officer to personally represent or instruct independent legal advisors to represent the MSA on all other matters before the National Court where it is considered appropriate by the Disciplinary Officer so to do.

Any Promoter, Organiser, Official, Competitor, Passenger, Driver, Mechanic or other Person committing a breach of The Regulations or of any conditions attached to an organising permit, or of any Instruction to Competitors, or of any special Track Rules may be penalised as hereinafter provided.

2.1. By sanction of the MSC the Regulations for the British Touring Car Championship are permitted to vary the judicial procedures in respect only of driving offences contrary to General Regulation O 1.1.5. whereby:

(a) Penalties not referred to in the General Regulations may be imposed.

and/or

(b) The structure of Appeals and consequential procedures permitted by the applicable Regulations for the Championship may be varied from that contained in these Regulations.

2.1.2. In the event that the British Touring Car Championship Regulations shall vary the penalties and procedures set out in these Regulations then the applicable British Touring Car Championship Regulations shall replace such part or parts of these Regulations as the case may be.

2.1.3. The penalties that may be inflicted are, in order of increasing severity, as follows:

- (a) Reprimand [2.4].
- (b) Fine [2.4].
- (c) Time Penalty (or Position Penalty – Karts) [2.3].
- (d) Exclusion [2.5].
- (e) Suspension [2.6].
- (f) Disqualification [2.7].

One or more of the above may be imposed as appropriate.

2.1.4. Any MSC Tribunal may also:

- (a) Declare the results of an event null and void.
- (b) Order the return of any awards, or annual championship points.
- (c) Order the return of all, or part of Entry Fees.
- (d) Impose such conditions on future events as it thinks fit.
- (e) Order the downgrading of any MSA licence. Once downgraded such licence may be upgraded by fresh signatures alone.

2.1.5. Any MSC Tribunal may, at its sole discretion, order that any of the penalties detailed in 2.1.3 or 2.1.4 be suspended for a specified period of time.

Details of such suspended sentence will be recorded on the licence of the competitor concerned.

Should the competitor be found guilty of a subsequent offence, details of that offence will be forwarded to the MSA for an MSC Tribunal to consider whether the suspended sentence should be activated in addition to any penalty imposed for the subsequent offence.

2.2.1. When a penalty that incurs penalty points is imposed by the Clerk of the Course, the Stewards of the Meeting, or an MSC Tribunal, details must be

recorded on the competitor's Licence Record along with the number of penalty points imposed.

(a) Penalty points will be imposed for the following offences:

- (i) Driving – breach of O 1.1.5.
- (ii) Safety – Failure to comply with flag or light signals.
- (iii) General Conduct – Abuse, assault or threats of either. Refusal to obey the instructions of an Official.

(b) The number of points will be determined not by reference to the type of offence but by reference to the type of penalty imposed.

- (i) Verbal warning – 0 points (not recorded on licence).
- (ii) Formal written reprimand – 2 points.
- (iii) Fine, time or place penalty – 3 points.
- (iv) Exclusion from practice, heat or race – 4 points.
- (v) Exclusion from the meeting – 6 points.

2.2.2. Should a competitor receive twelve penalty points within a period of twelve months, it will result in the immediate suspension of his licence for three months, in addition to any other penalty imposed [U 3].

2.2.3. Any competitor whose licence is suspended or becomes liable to suspension [2.2.2] may request a hearing before an MSC Tribunal to show why his licence should not be suspended, or should be suspended for a lesser period than three months. Initially, such a request, containing a brief statement of the grounds for the request, and accompanied by the appropriate fee as set out in Section Z, must be submitted in writing to the MSA Director of Sporting Services within 7 days of the MSA giving written confirmation of the suspension of the licence. The submission of such a request will not affect the Suspension, which will remain in force pending the decision of the Tribunal.

The Tribunal shall have no jurisdiction to consider the competitor's guilt of the offence charged in respect of any of the relevant endorsements. In relation to the requirement that the competitor shows why his licence should not be suspended, it is necessary that the competitor proves that the consequences of a suspension will cause exceptional hardship meriting his licence not being suspended at all, or for a lesser period than three months.

The Tribunal may uphold the suspension, impose a lesser period of suspension or impose an alternative penalty to suspension [2.1.3].

2.3. Time Penalty [C 5.4.9]. The Clerk of the Course, or the Stewards of the Meeting, may impose a penalty of up to 10 seconds (or up to one minute if a race of more than 30 miles) on any competitor considered to have obtained an unfair advantage (whether inadvertently or not) in a race. The penalty may be imposed after the race has finished.

2.3.1. At kart races a competitor may be moved back up to five places in the results in lieu of a time penalty.

2.4. Sentence to a Reprimand or a Fine. A reprimand or a fine may be imposed by the Clerk of the Course, the Stewards of a Meeting or the National Court,

provided that any fine imposed shall not exceed the amount specified in Section Z.

2.4.1. Time Limit for Payment of Fines. Fines or Costs shall be paid within 7 days of their being ordered. Any delay in making payment may entail suspension of licence for the period during which the amount remains unpaid.

2.4.2. Liability to Pay Fine and/or Costs. An Entrant shall, if called upon to do so, be responsible for the payment of any fine and/or costs imposed and, in such circumstances in the event of non-payment, be suspended equally and simultaneously with the person on whom the fine and/or costs have been levied.

2.4.3. Allocation of Proceeds from Fines. The proceeds from all fines shall be remitted to the MSA who will pay them into a special fund, and such fund will be used only for the provision of prizes, for training, or for charitable purposes.

2.5. Sentence of Exclusion. A sentence of exclusion from an event, or part thereof, may be pronounced by the Clerk of the Course, the Stewards of the Meeting or the National Court. It may be made retrospective.

2.6. Suspension. A person, body, vehicle or make of vehicle shall be said to be suspended when forbidden, by the National Court and exceptionally under 2.6.2 by the Stewards of the Meeting, to take part in any competition for a stated period. The National Court may, at its discretion, restrict the suspension to certain categories or types of event.

2.6.1. Suspension shall render void any entry made for an event taking place during such suspension and any entry fee paid or payable shall be forfeited to the Organising Club, unless the SRs for the specific event stipulate otherwise [E 3.3.5]. The competitor concerned shall forthwith return his licence to the MSA.

2.6.2. For the offences of abusive language or abusive behaviour or physical assault or threat of physical assault, the Stewards of the meeting can impose an immediate sentence of suspension for a period not exceeding 30 days. Furthermore if the Stewards of the Meeting, after holding an enquiry, are satisfied that a physical assault or a threat of physical assault has occurred then no further appeal against their sentence is allowed [C 5 4.7].

On imposing such a sentence, the Stewards of the Meeting shall have the power to require the competitor concerned to deliver to them his Competition Licence which will immediately be forwarded to the MSA, together with a report on the enquiry leading to the suspension. The matter may then be considered by a MSC Tribunal, who may impose such further penalty as they think fit.

2.6.3. If the Stewards of the Meeting, after holding a hearing, are satisfied that a contravention of O 1.1.5. was of a serious nature, they may impose a sentence of licence suspension for a period up to a maximum of 30 days. If the maximum penalty of 30 days is imposed, the matter may also be referred by the MSA to the MSC National Court, who may impose such further penalty as they think fit.

2.6.4. Delay in handing in a licence in accordance with 2.6.1 or 2.6.2 will automatically result in the extension of the suspension by a period equal to the delay.

2.7. Disqualification. A person, body, vehicle or make of vehicle shall be subject to disqualification when

permanently forbidden by the National Court to take part in any competition whatsoever.

2.7.1. Disqualification will always have international effect and shall be notified to the FIA.

2.7.2. Disqualification shall render void any previous entry made for any competition and any entry fee paid or payable shall be forfeited to the Organising Clubs, unless the SRs for the specific event stipulate otherwise [E 3.3.5].

2.7.3. A sentence of disqualification shall be reserved for exceptionally grave offences.

2.7.4. Where the sentence of disqualification relates to a competitor or driver he shall immediately return his licence to the MSA.

2.8. Suspension or Disqualification of a Make of Vehicle. The National Court may suspend a make of vehicle within its own territory for a breach of the Regulations by the manufacturer or his accredited representative, or for reasons of safety. If the National Court wishes a suspension of a make to apply internationally or if it is desired to disqualify a make of vehicle, the question shall be decided by an arbitration committee of the FIA, which will be appointed by, and act in accordance with the International Sporting Code.

2.9. Reciprocity of Penalties. The MSA will not issue a licence to an applicant who is subject to a penalty of suspension or disqualification imposed by either the Auto-Cycle Union or the Speedway Control Board (subject to right of appeal to the National Court).

2.10. Loss of Award. Any competitor who may be excluded, suspended or disqualified in any event shall thereby forfeit all right to any award in that event.

2.10.1. Amendment of Placing and Awards. In such cases the Clerk of the Course will publish the resulting amendment to the placings and awards and he will decide whether the next competitor in order (after those placed) shall be advanced.

2.11. Publication of Penalty

2.11.1. The FIA, the MSA or the MSC shall have the right to publish or cause to be published a notice stating that it has penalised any person, body, vehicle or make of vehicle, and if it so desires, the reasons therefore.

2.11.2. The person, persons or body referred to in such notice shall have no right of action against the FIA, the MSA or the MSC or against any person publishing or printing the notice and may incur disqualification if such action is taken.

2.12. Remission of Penalty. The National Court shall have the right to remit the unexpired term of a sentence of suspension or disqualification on such conditions (if any) as it may think fit. Requests for remission of sentence must be in writing, accompanied by a non-returnable fee as detailed in Section Z. The same Tribunal which applied the original penalty will deal with the application entirely in writing.

2.13. Judgement. All parties concerned shall be bound by the decision given, subject only to appeal as provided in these Regulations.

2.14. The Stewards of the Meeting or the National Court may make such order as to costs as they may think fit including any ruling under B 12.1.11.

3

Eligibility Checking

3.1. Whenever possible any eligibility inspection should be by two members of the Technical Commission, or by the Chief Scrutineer of the event and one member of the Technical Commission. They will then be considered as Eligibility Judges of Fact.

3.1.1. Regulation 3.1 does not preclude a Scrutineer reporting a vehicle as being ineligible to the Clerk of the Course or the Championship Stewards where the Clerk of the Course has no championship function. They will then take appropriate action.

3.1.2. If the Eligibility Judges of Fact agree that the vehicle or component is ineligible, this will be reported to the Clerk of the Course or the Championship Stewards where the Clerk of the Course has no championship function who, after giving the parties the opportunity to be heard, will exclude the vehicle from the relevant results unless there are exceptional reasons why this should not be done.

3.1.3. The findings of the Technical Commission will also be reported to the MSA who may take further action, including increasing any penalty imposed.

3.2. If a vehicle or component is not made available for an eligibility examination as required by the Technical Commissioners, the Clerk of the Course, the championship organisers or their respective Stewards, it will be considered as ineligible and will be reported as such to the Clerk of the Course or the Championship Stewards, for the application of the penalties foreseen in 3.5.1(a), (b) and (c) or 3.5.2 (a) and (b) [E5.1.4].

3.3. Should a vehicle be found ineligible after practice, but subsequently be approved before the race, the vehicle will have all its practice times disallowed. The Clerk of the Course may permit it to start from the back of the grid with a 10 second delayed start, providing that it does not take the place of any vehicle already qualified whether a reserve or not. Penalties laid down in 3.5.1 would not be applied [J 4.5.2].

3.4. Competitors whose vehicles are the subject of an impending check of eligibility must advise this fact to the Clerk of the Course of any event in which they may wish to take part pending resolution of the eligibility issue, and the results of such event will remain provisional until the eligibility decision has been made. Failure to inform the Clerk of the Course (in writing) will entail a fine as detailed in Section Z.

3.5. In the event of a vehicle being declared ineligible for a Championship, all race or kart championships will apply the penalties detailed in 3.5.1. All other championships will apply the penalties detailed in 3.5.2. Penalties may be applied even if a competitor has retired from the event. The MSA may impose additional conditions when approving a Championship.

3.5.1. Unless the regulations for a championship specify a different penalty, any competitor competing in a race or kart championship and whose vehicle is excluded from the results of the meeting in accordance with 3.1.1 or 3.1.2, will be subject to the following championship penalties, which will be applied whether the championship is for drivers, entrants or manufacturers.

(a) Count the event as one of the events contributing to their total Championship score.

(b) Be excluded from the event, forfeiting all Championship points, prize money and other awards.

(c) Forfeit a total of points equal to those obtained from two first places, even if this penalty results in a minus total of points.

Although the penalty imposed under (c) can only be waived by an MSC Tribunal on Appeal, the Secretary of the Meeting must be notified of the Intention to Appeal. [6.5.4] This penalty will only be waived in exceptional circumstances. Championship Co-ordinators do not have the power to decide whether a penalty should be applied or waived.

3.5.2. Any competitor taking part in a Championship, whether for drivers, co-driver, entrants or manufacturers and which is not race or kart and whose vehicle is declared ineligible in accordance with the Championship Regulations will be penalised as follows:

(a) Score zero points for that round.

(b) Count that round as one of the events contributing to their total championship score.

These penalties may not be decreased by the Championship Regulations; however they may be increased. They can only be applied by the Championship Stewards after holding a hearing. Penalties imposed can be appealed to the MSC but the Championship Stewards must be informed of the Intention to Appeal in accordance with 6.5. Penalties will only be reduced in exceptional circumstances.

3.5.3. A special procedure as detailed in 6.5.8 applies in respect of any Appeal against an Eligibility decision [including the application of 3.5.1(c)].

4

Fuel Checking

4.1. It shall be an offence to use fuel which does not comply with the fuel specification laid down in the Technical Regulations, or the SRs for the Event (or Championship).

4.2. The analysis of an MSA officially Approved laboratory in respect of the MSA fuel sample will be taken as a finding of fact.

4.2.1. The provisions of 3.5 will apply in the case of fuel found to be ineligible and additional penalties may be applied by an MSC Tribunal.

5

Protests

5.1. **Protest against a fellow competitor.** The right to protest lies solely with any Entrant or Driver who is a party to a dispute concerning the act or omission of another Competitor in an event in which he is or has been taking part (N.B. At International Events, only the 'Entrant' can lodge a protest, unless the Driver produces written authorisation to act on behalf of the Entrant).

5.1.1. Any official, acting in his official capacity, may take such action as he may deem proper in any circumstances regardless of whether a protest has been lodged.

5.1.2. Every protest shall be in writing stating the grounds for the protest, be signed by the party making

the protest, and be accompanied by the fee laid down in Section Z. It must be lodged with the Secretary of the Meeting, or the Clerk of the Course, or their deputies [C 3.7], within the appropriate time limit.

5.2. Time limit for Protests

5.2.1. A protest against another competitor – within 30 minutes of the protester finishing the competition.

5.2.2. A protest against the eligibility of any vehicle, or part of vehicle; when the reason for the alleged ineligibility is not apparent, but it is alleged that the vehicle is performing in a manner which suggests that it is ineligible, or if a part or parts may have been changed after scrutineering – within 30 minutes of the performance that gives rise to the protest.

5.2.3. The Clerk of the Course may amend the above time limits if he thinks that the circumstances make the lodging of a protest physically impossible within the time quoted. If he decides to deal with a protest 'out of time', by doing so he will be deemed to have extended the time limit.

5.3. Adjudication of Protests. Any protest shall be adjudicated upon by the Clerk of the Course, subject to the rights of appeal provided by these Regulations.

5.3.1. Protest Hearings. The hearing shall take place as soon as practicable. All parties shall be given notice of the hearing. They shall be entitled to call witnesses, but shall state their case in person and not through an advocate, and they, and their witnesses, shall be given an opportunity to be heard. In their absence or in the absence of their witnesses, judgement may be by default providing that the Clerk of the Course has satisfied himself that the party concerned is aware of the time and place of hearing or has left the event in contravention of E 5.1.6. If judgement cannot be given immediately after the hearing all parties must be advised of the time and place at which the decision will be given.

5.3.2. In the event of a protest against the eligibility of a car or engine, the Clerk of the Course shall order that the car or engine will immediately be examined or, on the request of the competitor protested against, or the Technical Commissioner or Scrutineers, sealed for subsequent examination [E 11.3.8].

5.3.3. The Technical Commissioner or Scrutineer sealing the car or component shall furnish the Clerk of the Course with details of the seals used, their number and position.

5.3.4. In default of agreement between the parties, the Clerk of the Course, in consultation with the Stewards of the Meeting will determine a realistic estimated cost of stripping and re-building the car/component [as recommended in Section U of the Official's Yearbook]. Unless the car/component can be examined immediately, this amount must be deposited with the MSA by the protester within 7 days, and no examination will commence until it has been received. Failure to lodge the deposit within the time limit will result in the protest lapsing.

5.3.5. The Clerk of the Course will ensure that arrangements are made for the car or engine to be examined with the least possible delay [E 11.3.8]. The party making the protest is not entitled to be present at this examination.

5.3.6. The Technical Commissioner or Scrutineer will report his findings to the Clerk of the Course, who will adjudicate on any contraventions of the Technical

Regulations. The Clerk of the Course, after giving the parties the opportunity to be heard, will apply the penalties prescribed by the Regulations. If dismantling has been involved and the protest has proved unfounded, the Clerk of the Course will, unless there are special reasons to the contrary, order the competitor who lodged the protest to pay the reasonable costs of preparing the car or parts for examination, dismantling and reassembly, and the Scrutineer's Fees. The amount deposited with the MSA may be used as a contribution towards these costs.

5.4. Where a protest is lodged, the distribution of any affected prize must be withheld until the protest has been adjudicated upon and either the result of any possible appeal arising out of such adjudication is known, or the time for appeal has expired without notice of intention of appeal having been given. The list of awards in so far as it relates to such a prize must be declared to be provisional.

5.4.1. If after the distribution of prizes a decision is made pursuant to these Regulations which affects the results of a competition, any competitor to whom a prize has been awarded but who is adjudged to be ineligible therefore must return such prize to the Organisers on demand.

5.5. Forfeiture of Protest Fee. Unless otherwise decided by the Clerk of the Course for special reasons, the protest fee shall normally be forfeit if the protest is not upheld.

5.5.1. A protest, once made, may be withdrawn before the hearing but the protest fee will only be refunded at the Clerk of the Course's discretion.

5.6. The Clerk of the Course will make a full report to the Stewards of the Meeting in respect of any protests with which he has dealt.

5.7. If it is proved to the satisfaction of the Stewards of the Meeting that the author of the protest has acted in bad faith, he shall be deemed guilty of breach of these Regulations and may be penalised accordingly.

6

Appeals

6.1. Appealing to the Stewards of the Meeting against a decision of the Clerk of the Course or of any other Official of the Meeting. Any Entrant or Driver shall have the Right of Appeal to the Stewards of the Meeting against any penalty or decision given by the Clerk of the Course or another Official of the Meeting except that there shall be no Right of Appeal against the decision of a Judge of Fact. A Right of Appeal does not exist for third parties in respect of a published decision of the Clerk of the Course arising out of Disciplinary or Protest Hearings, i.e. a Right of Appeal against such decisions exists only for the parties in those proceedings. It should be noted, however, that Eligibility Appeals are not heard by the Stewards of the Meeting but are referred directly for consideration by the National Court. (6.5.8)

6.1.1. Every appeal shall be in writing stating the grounds for the appeal, be signed by the party making the appeal, and be accompanied by the fee laid down in Section Z. It must be lodged with the Secretary of the Meeting, or the Clerk of the Course, or their deputies [C 3.7], within the appropriate time limit.

6.2. Time limit for Appeals

6.2.1. An appeal against the acceptance of an entry, Instructions to Drivers or the length of the course; Race and Speed Events – not less than one hour before the start of practice for the event in question; Other events – not less than one hour before the start of the competition in question.

6.2.2. An appeal against handicap, make up of a heat, or qualification for a heat or final – not less than one hour before the time laid down for the start of the competition, heat, or final.

6.2.3. An appeal against a decision of a Scrutineer or Technical Commissioner, by the competitor directly concerned – within 30 minutes of that decision being notified to that competitor.

6.2.4. An appeal against the eligibility of any vehicle, or part of vehicle; when the alleged ineligibility is apparent – within 30 minutes of the vehicle being approved by the scrutineer.

6.2.5. An appeal against any mistake or irregularity occurring whilst the competition is taking place – within 30 minutes of the appellant finishing the competition.

6.2.6. An appeal concerning the results of a competition – within 30 minutes of the publication of provisional results or any amendments thereto, or, if results are published in accordance with B 13.1(c) or (d) – within 7 days of the date of despatch.

6.2.7. An Appeal against a decision of the Clerk of the Course not falling within 6.2.1 to 6.2.6 inclusive – within 30 minutes from the time of the first communication of the decision to the Competitor.

6.2.8. The Stewards of the Meeting may amend the above time limits if they think that the circumstances make the lodging of an appeal physically impossible within the time quoted. If they decide to deal with an appeal 'out of time', by doing so they will be deemed to have extended the time limit.

6.2.9. Appeal Hearings. The Stewards of the Meeting shall hear any appeal as soon as practicable. All parties shall be given notice of the hearing. They shall be entitled to call witnesses, but shall state their case in person. Advocates may not be present at any hearing of the Stewards. Parties, and their witnesses, shall be given the opportunity to be heard. In their absence or in the absence of their witnesses, judgement may be by default providing that the Stewards are satisfied that the party concerned is aware of the time and place of hearing or has left the event in contravention of E 5.1.6. If judgement cannot be given immediately after the hearing all parties must be advised of the time and place at which the decision will be given.

6.3. Appeals arising out of a Championship classification, or points, will be adjudicated upon by the Championship Stewards appointed for that purpose by the Championship Organisers.

6.3.1. An appeal against points awarded (or not awarded) in a Championship must be lodged within 7 days of the first publication of the points in dispute in an official document (i.e. interim championship results, programme, etc.).

6.4. Forfeiture of Appeal Fee. Unless otherwise decided by the Stewards for special reasons, the Appeal Fee shall normally be forfeit if an Appeal is not upheld.

6.5. Appeals to the National Court

6.5.1. A right of Appeal against a decision of the Stewards of the Meeting to the National Court (which is designated the National Court of Appeal for the purposes of the FIA International Sporting Code) can be made:

- (1) only by a person or body who was a party in the proceedings in which the decision appealed against was made and
- (2) in accordance with the provisions of 6.5.2. A right of Appeal does not exist for third parties.

6.5.2. The following are the only grounds for lodging an Appeal against the decision of the Stewards of the Meeting or the Stewards of a Championship:-

- (a) that a gross miscarriage of justice has occurred.
- (b) that the penalty is wholly inappropriate for the breach of regulations.

6.5.3. Notice of Intention to Appeal [6.5.4] and Confirmation of Appeal [6.5.5] must be lodged in accordance with these Regulations.

6.5.4. A written Notice of Intention to Appeal against a decision of the Stewards of the Meeting, accompanied by the correct fee [see Section Z] must be lodged with the Secretary of the Meeting, or the Clerk of the Course, or their deputies [C 3.7] (or the Co-ordinator of the Championship in the case of an appeal against the Championship Stewards) within 30 minutes of their decision being verbally announced. If the party(ies) concerned are not present when the decision is announced, it must be sent to them by first class mail, and any Notice of Intention to Appeal, together with fee, must be lodged with the Secretary of the Meeting not later than 7 days after the date of posting. A copy of such Notice of Intention must also be lodged with the MSA at the same time.

6.5.5. Within 10 days of the Notice of Intention, written Confirmation of the Appeal, signed by both the Appellant and the Entrant (if appropriate), must be submitted to the Clerk to the National Court at Motor Sports House. This Confirmation must include the Grounds of Appeal [6.5.2] and also a skeleton argument of the points to be raised.

The Clerk to the National Court will refer the matter to the National Court who will advise within ten days as to whether the Appeal is considered to meet with either of the permitted Grounds of Appeal. If the Appeal is considered not to comply or is withdrawn, the Appeal will lapse and the Appeal fee will be forfeit. If the Appeal is considered to meet the specified criteria the Clerk will arrange for the National Court to be convened.

6.5.6. Skeleton Arguments. In respect of all Appeals admitted to the National Court, the Appellant must, not later than 7 clear days before the notified appeal hearing date, submit to the Clerk to the National Court, a skeleton argument in writing.

This skeleton argument must:

- (a) Identify all regulations relied upon.
- (b) Indicate the number, and identity, of all witnesses on behalf of the appellant.
- (c) State with particularity the factual basis of the appeal, including the evidence to be given by the witnesses on behalf of the appellant.

In the case of Appeals listed at short notice, the Clerk

to the National Court is permitted, with the agreement of the parties to the Appeal, to establish a timetable for the delivery of skeleton arguments other than that set out above.

6.5.7. Deleted

6.5.8. Eligibility Appeal. A special appeal procedure [3.5.1] will apply in the case of any appeal against a ruling in respect of eligibility of a vehicle or against the imposition of 3.5(c). These Appeals are not heard by the Stewards of the Meeting but are referred directly for consideration by the National Court.

- (a) Notice of Intention to Appeal together with the fee must be lodged, in writing, within 30 minutes of the decision being announced, unless that decision is notified only in writing, in which case 7 days is allowed for Notice of Intention to Appeal and fee.
- (b) Within 10 days of the Notice of Intention to Appeal, both the appellant parties and the Technical Commissioners/Scrutineers concerned must submit to the Clerk to the National Court, in writing, the detailed reasons for appealing, or of coming to the decision complained of, quoting regulation numbers, dimensions etc. as relevant.
- (c) Copies of these submissions will be sent to the opposing parties, with a further 10 days allowed for written comment.
- (d) All these written submissions and any associated exhibits will then be considered by the National Court, who will adjudicate on the matter.
- (e) There will be no right to an oral hearing.

6.6. Deleted.

6.6.1. Deleted.

6.6.2. Deleted.

6.6.3. Deleted.

6.6.4. Jurisdiction

The National Court shall be empowered to settle any dispute referred to it in accordance with these regulations by allowing or dismissing an Appeal in whole or in part. Upon dismissing an Appeal in whole or in part the National Court may impose any authorised penalty upon an offending party. Upon allowing or dismissing an Appeal, the National Court may make an order as to costs.

6.7. Effect of giving Notice of Appeal

6.7.1. The lodging of an Appeal against a decision of the Clerk of the Course or the giving of Notice of Intention to Appeal against a decision of the Stewards of the Meeting does not suspend any penalty that may have been applied, or endorsed, during the event out of which the decision has arisen. Thus no competitor may continue to compete 'under appeal'.

After the conclusion of the event out of which the decision has arisen, if Notice of Intention to appeal against the Stewards' decision has been given, the operation of such sentence or decision shall be suspended until the disposal of the Appeal by the National Court. If a sentence of suspension is upheld, the competitor concerned shall be excluded from the results of any competition in which he has competed pending the hearing of the appeal. Moreover, the Tribunal to which the appeal is directed may take into account any benefit or advantage the appellant may have gained through appealing, and may make such

order as it considers appropriate in the circumstances.

6.7.2. Deleted.

6.8. Deleted.

6.9. Judgement on Appeal to the National Court. The National Court may decide that the penalty or other decision appealed against may be waived, varied or a fresh penalty imposed under 2, but they shall not order any competition to be re-run. The decision shall be announced at the end of the hearing, or exceptionally can be reserved, and a written decision including reasons will be sent to all parties as soon as practicable.

7

Hearings of National Court

All parties concerned shall be given adequate notice of the hearing, and (save for matters before an Eligibility Appeal Panel- 6.5.8(e)) they shall be entitled to call witnesses, give evidence and be represented by an advocate if they choose. The name of such advocate must be advised to the Clerk to the National Court prior to the hearing date. The hearing may proceed to determination in default of appearance by any party or witness subject always to the provisions of 6.5.8(e).

7.1. Costs. In giving a decision on any matters brought before them, the National Court may decide, according to the decision, to award costs which shall be calculated to the level of the expenses occasioned by the preparation of the case and the meeting of the National Court. The costs shall be constituted by these expenses alone, to the exclusion of the expenses or defence fees incurred by the parties. That is to say any costs incurred in bringing or responding to an appeal or other matter before the National Court shall be borne by the party incurring the cost, and an order for costs shall not be made against a party unless they are considered to have acted without foundation.

Appendix A

These notes are not part of the regulations but are intended to assist competitors when becoming involved in or contemplating becoming involved in MSA judicial procedures. They should act as an explanation of the course of any judicial procedure and must be read in conjunction with Section O – Judicial – of the Yearbook.

1. The Machinery of Justice

- The rules of Motor Sport have established procedures designed to preserve a balance between justice and the proper conduct of the sport.
- In accordance with the International Sporting Code of the FIA, General Regulations contained in the MSA Yearbook have been enacted and published. Further rules are published from time to time in the Supplementary Regulations of individual events – so called because they are 'supplementary' to the General Regulations.
- To administer these rules and regulations, the MSA can appoint individual officials known as MSA Stewards, and requires organisers to appoint other officials, such as Clerks of the Course, Scrutineers,

Secretaries, Timekeepers, Event Stewards and so on, each with their duties and responsibilities. The Clerk of the Course and Stewards of the Meeting (i.e. the MSA Steward (where required) and the Event Stewards) have certain powers to impose penalties, and it follows therefore that there should exist avenues of appeal, which may be followed by any person penalised by them. Similarly, persons against whom any action has been taken, even though not of a punitive nature, should have opportunity to protest or appeal, except in certain special cases.

- Lastly, those who commit breaches of the Regulations in circumstances unrelated to an event, or of a kind which appears to merit penalties beyond the powers of the Stewards, are liable to be charged with those offences before the National Court.

- It is expected that all officials and competitors will be familiar with the MSA General Regulations and with the Supplementary Regulations for any event. No person can expect adequately to present his case, and no official can expect adequately to hear such a case without being in possession of these documents.

- The three main Judicial Bodies, in order of progression, are, the Clerk of the Course, the Stewards of the Meeting and the National Court. The Clerk of the Course will make the initial decision. That decision may be appealed against, and the Appeal will be heard by the Stewards of the Meeting. Their decision will normally be final, but may be appealed against. Such an Appeal will be heard by the National Court. In addition, the National Court may deal with some matters as a first Judicial Body.

- At most events there should be three Stewards of the Meeting. The club organising an event is responsible for appointing the Stewards, although at all Race, Speed, Kart, Stage Rally and some other events, the MSA appoints the Chief Steward. The MSA list of Stewards is composed of people who have considerable experience of Motor Sport, and who usually have acted as Club appointed Stewards for a number of years. They are, however, independent, and are not employed by the MSA.

- Tribunals are appointed by the MSC and the members are usually either senior MSA Stewards, members of one of the specialist Committees or other experienced people who are independent of the MSA.

- The Stewards of the Royal Automobile Club are appointed by the Royal Automobile Club. They are senior Judges, lawyers or eminent drivers plus some senior Royal Automobile Club Officials.

- In order to ensure the correct atmosphere of impartiality and integrity, there must be no impression to any of the parties to a Hearing that there is a beneficial or prejudicial relationship between any of the Stewards and any of the parties.

- If a Steward discovers that he has an involvement, connection or commercial interest with a party to the hearing, then he must declare, in front of all the parties, that there is a possible conflict of interest. Unless all parties state their agreement for the hearing to continue with the same Stewards, then that Steward must withdraw.

2. The Clerk of the Course

- The first judicial authority in connection with any

competition is the Clerk of the Course. He must deal with any protests from competitors or adverse reports from Observers, Scrutineers or Technical Commissioners, Judges of Fact, etc. He should, whenever possible, give the competitor(s) concerned the opportunity of explaining his/his/her side of the matter, and after considering all the relevant reports, the Clerk of the Course will then make his decision.

- The various time limits for lodging Protests are given in O 5. No attempt should be made to prevent a competitor lodging a Protest within the time limit. Joint Protests should not be accepted, but more than one individual Protest may be accepted on the same grounds. Protests must be in writing, signed, and accompanied by the appropriate fee.

- These time limits may be extended if it can be shown that there were special circumstances making observation of them impracticable.

- The Clerk of the Course's decision should always be communicated in writing, and if he feels an offence has been committed, he should make out a report which must detail which rules have been breached, what actions or penalties have been applied, and the time that the written decision was notified to the competitor concerned.

- The competitor concerned has 30 minutes to Appeal against that decision. The Appeal must be in writing, and accompanied by the appropriate fee. This Appeal will be heard as soon as practicable by the Stewards of the Meeting.

3. Steward of the Meeting

- **The Stewards of the Meeting are the second judicial body at any competition. They will hear any Appeals arising out of a decision of the Clerk of the Course or of any other Official of the meeting. The decision of the Stewards of the Meeting will normally be final, and can only be appealed against in accordance with O 6.5. The nature of MSC Tribunals is given below.**

- **No Appeal is valid unless it is in writing, signed, accompanied by the appropriate fee, and submitted in accordance with the Regulations. They should always be dated and the time of acceptance noted.**

4. The Nature of the National Court and its Tribunals

• Location and Arrangement

Tribunals normally sit at the MSA offices, but can meet at other venues at the MSC's discretion. The press and other observers are not permitted to attend. The Tribunals may, where in the circumstances they consider it proper to do so, proceed in the absence of any party or witness, provided that the Tribunal is satisfied that notice of the time and place of the Hearing has been given, and the absent party or witness has not provided acceptable reasons for his absence.

- In order to facilitate the operation of Tribunals and Appeal hearings by the MSC, the following procedure will be adopted in all cases other than Appeals against Technical decisions.

- (a) The written notice of confirmation of Appeal, together with skeleton arguments in support of that

appeal, must be lodged with the Clerk to the National Court within ten days of the decision being appealed against. He will then notify the appellant whether Leave to Appeal has been granted.

- (b) Where appropriate, the Appellant will be given sight of any reports or documentary evidence which will be produced at the hearing.
- (c) Witnesses preparing written reports need not be called to attend if they were present at the event and were available at the Stewards of the Meeting's hearing.

- The Tribunal, in giving judgement for or against the accused, shall do so by writing down its findings, and reading it aloud to the parties appearing. Such judgements may also include any recommendation which the Tribunal deems fit, together with an allocation of costs if appropriate.

- A copy of the findings, in writing, will be sent to all parties as soon as practicable.

- At Tribunals the MSA may be legally represented. Not applicable to Eligibility Appeal Panels.

- At Tribunals the appellant is entitled to be represented by an advocate who should be nominated in advance of the hearing. Not applicable to Eligibility Appeal Panels.

- **Tribunals of the National Court are of four kinds:**

1) Disciplinary Tribunals are appointed to try cases brought before them by the MSA for breaches of rules carried out by persons or groups subject to the General Regulations. Disciplinary Tribunals have two primary duties:

- (a) to determine whether or not the breach is proved (unless the matter has been referred to them for the application of an additional penalty); and
- (b) if so, to impose the appropriate penalty.
- To these may be added the right to make any recommendation to the MSC that might seem relevant.

- **Procedure at Disciplinary Tribunals**

- The Clerk to the Tribunal will bring in the main parties, and briefly state the purpose of the Hearing. The alleged breach shall then be read to the party, either by the Clerk of the Tribunal, or by the Chairman; and the party will plead to each charge.

- If the party accepts the charge, the proceedings may be shortened and will generally be in respect of mitigation.

- The prosecution proceeds first, summarising its case, and is normally required to adduce evidence of the existence of a rule or regulation allegedly breached, and evidence of the breach.

- Prosecution witnesses may be cross-examined by the defence, and re-examined by the prosecution.

- The defence will then present its evidence in rebuttal of the prosecution's case, defence witnesses being cross-examined and re-examined in turn.

- All witnesses may, of course, be questioned by members of the Tribunal.

- The prosecution may then address the Tribunal, summarising the evidence presented.

- The defence may also address the Tribunal, summarising the accused's defence.

- The Tribunal will then adjourn to determine if the charge is proved. No person, other than the Clerk to the Tribunal, if required, will be present or partake in the discussion with the Tribunal at this stage.

- If the Tribunal finds the charge(s) have not been proved, it shall dismiss the case.

- If the Tribunal finds the charge(s), or any of them, proved, it shall announce its findings.

- The Tribunal shall determine and announce whether a penalty is imposed, and if so its nature (and extent, if relevant, as e.g. duration of suspension).

2) Appeal Tribunals are appointed to hear pleas arising from decisions made by Stewards of a Meeting. Appeal Tribunals are obliged to confine their decisions to matters actually appealed, though they are free also to make recommendations to the MSC arising out of their deliberations. They have the power to review and amend any penalty previously applied.

- **Procedure at Appeal Tribunals**

Immediately prior to the start of the Hearing, the members of the Tribunal, and all parties, will be handed a dossier consisting of the original Protest or complaint, any reports or sketches etc., which were produced at the original Hearing, the notes or transcript of the Stewards' Hearing, the Stewards' report and the findings as appropriate.

- The Appellant normally presents his case first, addressing the Tribunal and/or calling witnesses who may be cross-examined. However, if the Tribunal decide to proceed by way of a partial or complete re-hearing, the Tribunal will then decide the order in which they wish to hear the evidence.

- The respondent follows similarly, also addressing the Tribunal and/or calling witnesses who may also be cross-examined.

- The respondent then may make a final address if he so desires.

- The appellant may make a final address if he so desires.

- The Tribunal then adjourns in order to decide whether, and if so to what extent, the Appeal shall succeed.

- The Tribunal shall then deliver its judgement by writing it down, and reading it aloud to the parties concerned but exceptionally the judgement can be reserved A direction as to the disposition of the Appeal Fee, either by way of its return to the Appellant (if the Appeal has succeeded) or its forfeiture (if the Appeal has failed) should be made. An allocation of costs may be made if appropriate.

3) Investigatory Tribunals are appointed under Regulation A 3.3. to enquire into matters referred to them by the MSA. Investigatory Tribunals are free to receive evidence and to hear witnesses as they wish. The tribunal may make recommendations to the MSC, make any necessary amendment to the results of a competition, and/or if a breach of the Regulations has occurred, either impose an appropriate penalty or refer the matter to a subsequent Disciplinary Tribunal.

- **Procedure at Investigatory Tribunals**

- The Tribunal will determine the form of the Hearing, including the manner of receiving evidence, consistent with its terms of reference.

- The Tribunal will determine whether, and if so to what extent, any rule or regulation has been breached.

- Providing the party concerned is present, and has been warned in advance that a possible breach of the regulations is being investigated, he may be charged with an offence, and the Tribunal may proceed as a Disciplinary Tribunal, or the matter may be adjourned for a subsequent hearing. If the person concerned is not present, and the Investigatory Tribunal decides he has a case to answer, he can be charged and summoned to attend before a subsequent Disciplinary Tribunal, who will hear the matter afresh.

- The Tribunal may, if it determines that the results of a competition have been incorrectly or improperly made out, make such order as it deems appropriate.

- Where there are orders made, or penalties to be imposed, the Tribunal shall deliver its judgement by writing it down and reading it aloud to the parties concerned. Such judgements may moreover include any recommendations which the Tribunal deems fitting, together with an allocation of costs if appropriate.

4) Eligibility Appeal Panels are appointed to hear any Eligibility Appeals in accordance with the procedure laid down in O 6.5.8.

- Procedure at Eligibility Appeals

- Eligibility Appeals are dealt with in writing.

- If a competitor wishes to Appeal in respect of an eligibility ruling, or penalty under O 3.5 (c), he must submit to the MSA in writing within ten days, full details of his grounds of Appeal.

- Within the same period, the Technical Commissioners concerned must also submit their reasons for coming to their decision, quoting the relevant regulation numbers, dimensions etc., as appropriate.

Copies of these submissions will be sent to the opposing parties, who will then be allowed a further ten days for written comments.

- The Eligibility Appeal Panel will then consider all these submissions, plus any appropriate exhibits and will adjudicate on the matter.

- The Decision will be notified to all parties in writing. The Panel will decide whether the Appeal fee in respect of its hearing should be returned or forfeited, and may also allocate costs if it thinks it appropriate.

In giving a decision on any matters brought before them, the National Court may decide, according to the decision, to award costs which shall be calculated to the level of the expenses occasioned by the preparation of the case and the meeting of the National Court. The costs shall be constituted by these expenses alone, to the exclusion of the expenses or defence fees incurred by the parties. That is to say any costs incurred in bringing or responding to an appeal or other matter before the National Court shall be borne by the party incurring the cost, and an order for costs shall not be made against a party unless they are considered to have acted without foundation.

5) Anti-Doping Tribunals are appointed to determine whether a doping offence has been committed and, if so (or where the offence is admitted by the exercise of a discretion is required), what the circumstances (if any) shall be. Alternatively where the offence is admitted by the exercise of any discretion is either not

applicable or is not sought, the matter shall be referred to the Chairman of the Anti-Doping Tribunal alone.

6) Anti-Doping Appeal Tribunals. In certain instances matters may be appealed to the Anti-Doping Appeal Tribunal. All relevant procedures and requirements will be available from the MSA.

5. Witnesses and Examination

- Witnesses are not required to give evidence on oath. They may be examined by the party calling them, and shall give evidence directly and/or by answering questions. They may not be 'led' on examination by the party that has called them; that is to say they may not be asked questions generally which put words into their mouths, although this is relaxed somewhat for formal identification etc.

- On cross-examination this does not apply. Questioning may take the form of 'leading' or suggestions, and opposing counsel is entitled to test the credibility of the other side's witnesses.

- Re-examination, i.e. further questioning by the witness's own side, is always confined to clarification of matters raised in cross-examination.

6. The Nature of Evidence

- Direct evidence is usually the oral evidence of a witness (though it may include documentary evidence as below), and is given by some person who himself saw or heard or otherwise perceived the fact to which he testifies.

- Hearsay Evidence. Evidence given by a witness who had heard something said by someone else is not admissible to prove the truth of the statement, but is admissible to prove the statement was made, e.g. a witness may have been told that a car went over the fence. All that he can testify to as a witness is that he was told this; it is no evidence that the car did go over the fence.

- Opinion. The opinion of a witness is generally inadmissible: he is there to relate observed facts. An Expert Witness may however be called to state his opinion on a matter within his special knowledge or skill where the Tribunal itself cannot form an opinion because special study, skill or experience is required. For example, an engineer, doctor, designated Observer, or racing driver may qualify, or be stipulated as an expert in his particular field, and hence give expert opinion in evidence. He will, however, be subject to cross-examination in such areas of evidence and his evidence will be evaluated, not by other experts in this field necessarily, but by the Tribunal.

- Documents may be produced in evidence:

in such case the Hearing must be satisfied as to their source, validity, relevance etc., and to do so it may be necessary to call direct evidence in this respect. It should be remembered that documents on their own may not be accepted without corroboration.

- A report from any official that has been produced, and has later been open to challenge at the original Stewards' Hearing is acceptable, but should not be amplified later unless that official is attending as a witness.

- Data logged evidence, video and other photographic evidence may be considered by Clerks of the Course, Stewards or Tribunals, providing they are satisfied as to its authenticity, and in all circumstances at their sole discretion [B.7]
- Prior to the hearing of an Appeal each party is required to specify to all other parties, details of all reports, documents, objects, photographs or recordings which are to be used at the hearing. All parties must have the opportunity of inspecting any or all of the items detailed in the list.
- Objects may be put in evidence, as for instance, the cylinder head in question.
- Circumstantial Evidence. The fact of the existence of a number of situations or occurrences, or circumstances, may be submitted. It may be cogent (e.g. a man seen running from the otherwise deserted scene of an alleged offence at the time that it was committed) or it may be valueless, but it is admissible.
- It is not permitted to introduce, before any decision is given, evidence relating to previous breaches. Similarly it is forbidden to introduce material in addresses that could have been and should have been produced in evidence. Failure to give evidence is not in itself admission of guilt, but it may give rise to certain conclusions by reasonable men: the innocent usually, in human experience, assert their innocence, an failure to do so while subject to examination is

rightly capable of being interpreted as an admission of guilt.

- As a private Tribunal operating within a sport, and administered by laymen, the strict laws of evidence which apply in most Courts of the land do not necessarily apply. The criteria for acceptance of evidence should be that the evidence does have a bearing on the matters for determination, that its nature and acceptance would not offend natural justice and fairness, and that it is open to be tested by the opposing party.
- The degree of proof required is what is more probable i.e. the balance of probability. Although some sporting or social stigma may accrue to persons found to have been in breach of the Regulations of a sporting body, it is not sufficient to justify the necessity of proof beyond reasonable doubt.

7. Deleted

8. Degree of Proof

8.1. The degree of proof required is what is more probable i.e. the balance of probability. Although some sporting or social stigma may accrue to persons found to have been in breach of the Regulations of a sporting body, it is not sufficient to justify the necessity of proof beyond reasonable doubt.