

Competitors: Breach of Regulations

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General

7. Any of the following offences will be considered to be a breach of these Regulations.

- 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. This includes the acceptance of, or offer to accept, a bribe by officials or employees.
- Any action having as its object the entry or participation in an event of:
 - A person or vehicle found to be ineligible and/or,
 - A person who is not the holder of a Licence appropriate to the event concerned.

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

Text shown in Italics indicate a Regulation which may be amended in the SRs.

- Any fraudulent act or proceeding in connection with an event or motor sport generally.
- Any proceeding or act prejudicial to the interest of the MSC or of motor sport generally.
- Driving in a manner incompatible with general safety, or departing from the standard of a reasonably competent Driver.
- Misbehaviour or unfair practice.
- Abusive language or behaviour, or assault, within the area under control of the Organising Club.
- 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.
- 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.
- It is an offence for any Competitor to bet on an event in which he is a participant.
- It is an offence for any person involved in an event whether as Competitor, Official or Organiser 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.
 - Fail to disclose to the MSA any information relating to the commission of any offence under k(i) above.
 - Withhold information relating to the commission of any offence under k(i) above when requested to disclose such information by the MSA.

Disciplinary Officer

2. The MSA will appoint a Disciplinary Officer whose function will be to advise whether disciplinary action should be taken by the MSA in respect of any breach of Regulations. In the event that the MSA decides to take action, the Disciplinary Officer will either prepare and present the case personally, or arrange independent legal representation. The Disciplinary Officer will personally represent or instruct independent legal advisors to represent the MSA on all other matters before the National Court where it is considered appropriate.

Penalties

3. Anyone breaching The Regulations or any conditions attached to an Organising Permit, or contravening any Instruction to Competitors or special Track Rules, may be penalised as indicated below. All parties concerned

shall be bound by the decision given, subject only to appeal as provided in these Regulations. The Stewards of the Meeting or the National Court may order costs to be paid as they think fit (including any ruling under A 60(k)).

Variations to Procedures

4. By sanction of the MSC, the Regulations for the British Touring Car Championship can vary the judicial procedures in respect of driving offences contrary to General Regulation 1(e), in the following way:

- Penalties not referred to in the General Regulations may be imposed, and/or
- The structure of appeals and consequent procedures Permitted by applicable Championship Regulations may be varied from those contained in these Regulations.

5. In the above event the current British Touring Car Championship Regulations will replace the part or parts of these Regulations that have been changed.

6. The penalties that may be inflicted are, in order of increasing severity:

- Reprimand [16]
- Fine [16]
- Time Penalty (or Position Penalty – Karts) [13-14]
- Exclusion [19]
- Suspension [20-24]
- Disqualification [25-27]

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

7. Any MSC Tribunal may also:

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

8. Any MSC Tribunal may, at its sole discretion, order that any of the penalties detailed above be suspended for a specified period of time, with details recorded on the Competitor's licence. 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.

9. 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. Penalty points will be imposed for the following offences:

- Driving – Breach of 1(e)
- Safety – Failure to comply with flag or light signals
- General Conduct – Abuse, assault or threats of either. Refusal to obey the instructions of an Official.

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

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

11. Any Competitor receiving twelve or more penalty points within a period of twelve months will immediately have his licence suspended for three months, in addition to any other penalty imposed. Any such Competitor may request an MSC Tribunal hearing to challenge or reduce the suspension. Such a request, explaining the reasons and accompanied by the appropriate fee (Part 3, Appendix 3), must be submitted in writing to the MSA Disciplinary Officer within seven days of written MSA confirmation of the licence suspension. This submission will not affect the suspension which will remain in force pending the decision of the Tribunal.

12. The Tribunal has no jurisdiction to consider the Competitor's guilt of the offence as charged. The Competitor must show that the consequences of a suspension will cause exceptional hardship. The Tribunal may uphold the suspension, or impose a lesser period or an alternative penalty [6].

Time Penalty [B 29]

13. 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 for races of more than 30 miles) on any Competitor considered to have obtained unfair advantage (inadvertently or not) in a race. The penalty may be imposed after the race has finished.

14. At Kart races a Competitor may be moved back up to five places in the results in lieu of a time penalty.

15. 'Stop-Go' or 'Drive Through' penalties (G 46), are not subject to penalty points or appeal.

Reprimand or Fine

16. 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 does not exceed the amount specified in Part 3, Appendix 3. Any fines or costs involved must be paid within seven days of being ordered. Any licence may be suspended until fines are paid.

17. All Entrants are responsible for the payment of any fine and/or costs imposed. In the event of non-payment, they can be suspended in the same way as the person on whom the fine or costs have been levied.

18. The proceeds from all fines are remitted to the MSA who will use them only for the provision of prizes and training, or for charitable purposes.

Sentence of Exclusion

19. A sentence of exclusion from all or part of an event can be imposed by the Clerk of the Course, the Stewards of the Meeting or the National Court. This can be imposed retrospectively.



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Suspension

20. Any person, body, vehicle or make of vehicle suspended by the National Court, and exceptionally under 21 by the Stewards of the Meeting, may not 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.

21. Suspension invalidates entries made for any event taking place during the suspension, and any entry fee paid or payable will be forfeited to the Organising Club (unless the SRs for the specific event stipulate otherwise [C(a) 59(e)]). The Competitor concerned shall immediately return his licence to the MSA.

22. For offences involving abusive language or behaviour, physical assault or threat of physical assault, the Stewards of the Meeting can impose an immediate suspension for up to 30 days. Where 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 [B 29]. On imposing such a sentence, the Stewards can confiscate the Competition Licence of the Competitor concerned which will be forwarded to the MSA, together with a report on the enquiry. The matter may then be considered by the MSC National Court, who can impose such further penalty if appropriate.

23. Following a hearing, if the Stewards of the Meeting decide that a contravention of 1(e), was of a serious nature, they can suspend a Competitor's licence for up to a maximum of 30 days. If the maximum 30 day penalty is imposed, the matter can also be referred by the MSA to the MSC National Court, who can impose further penalty as they think fit.

24. Any delay in handing in a licence in accordance with 21 or 22 will automatically result in the extension of the suspension by a period equal to the delay.

Disqualification

25. The penalty of disqualification should be reserved for exceptionally grave offences. Any disqualified person, body, vehicle or make of vehicle is permanently forbidden by the National Court to take part in any competition whatsoever, nationally and internationally. Details will be notified to the FIA.

26. Disqualification renders void any previous entry made for any competition, and any entry fee paid or payable will be forfeited to the Organising Clubs, (unless the SRs for the specific event stipulate otherwise [C(a) 59(e)]).

27. All disqualified Competitors or Drivers must immediately return their licences to the MSA.

Suspension or Disqualification of a Make of Vehicle

28. The National Court can suspend a make of vehicle within its own territory for breach of the Regulations by the manufacturer or his accredited representative, or for reasons of safety. International suspensions and disqualifications will be decided by an arbitration committee of the FIA, acting in accordance with the International Sporting Code.

Reciprocity of Penalties

29. The MSA will not issue a licence to any applicant who is suspended or disqualified by either the Auto-Cycle Union or the Speedway Control Board (subject to right of appeal to the National Court).

Loss of Award

30. Any Competitor excluded, suspended or disqualified in an event forfeits all right to any award in that event. In such cases the Clerk of the Course will publish any amendment to the placings and awards, and will decide whether the next Competitor in order (after those placed) shall be advanced.

Publication of Penalty

31. The FIA, the MSA and the MSC all have the right to publish details of penalised persons, bodies, vehicles or makes of vehicle. Those individuals and bodies referred to have no right of action against the FIA, the MSA or the MSC, or against any printer or publisher of the information, and may incur further disqualification if any such action is taken.

Remission of Penalty

32. The National Court has the right to remit any unexpired term of a suspension or disqualification, as it may think fit. Requests for remission of sentence must be in writing, accompanied by a non-returnable fee as detailed in Part 3, Appendix 3. The same Tribunal which applied the original penalty will deal with the application entirely in writing.

Eligibility Checking

33. Whenever possible any eligibility inspection should be made 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. This 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).

34. If the Eligibility Judges of Fact agree that any 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 consulting all parties, will exclude the vehicle from the relevant results, unless there exist exceptional circumstances. The findings of the Technical Commission will also be reported to the MSA who may take further action, including increasing any penalty imposed.

35. 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 reported as ineligible to the Clerk of the Course (or the Championship Stewards) for the application of the penalties as detailed below.

36. Any vehicle found ineligible after practice, but subsequently approved before a race, 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 39 would not be applied [G 16].

37. Competitors whose vehicles are subject to a pending eligibility check must advise this fact to the Clerk of the Course of any event in which they wish to take part. The results of any 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 Part 3, Appendix 3.

38. In the event of a vehicle being declared ineligible for a Championship, all Race or Kart Championships will apply the penalties as detailed in 39, and all other Championships as detailed in 41. Penalties may be applied even if a Competitor has retired from an event. The MSA may impose additional conditions when approving a Championship.

39. Unless the regulations for a Championship specify a different penalty, any Competitor in a Race or Kart Championship whose vehicle is excluded from the results in accordance with 33 or 34, will be subject to the following Championship penalties. These will be applied whether the Championship is for Drivers, Entrants or manufacturers.

- (a) The event will be counted as one of the events contributing to their total Championship score
- (b) The Competitor will be excluded from the event, forfeiting all Championship points, prize money and other awards
- (c) The Competitor will forfeit a total of points equal to those obtained from two first places, even if this penalty results in a minus total of points

40. Although the penalty imposed under 39(c) can only be waived by an MSC Tribunal on Appeal, the Secretary of the Meeting must be notified of the Intention to Appeal [70]. 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.

41. Any Competitor taking part in a Championship (other than Racing and Karting) for Drivers, co-Drivers, Entrants or manufacturers, whose vehicle is declared ineligible in accordance with the Championship Regulations will be penalised as follows:

- They will score zero points for that round
- The round will count as one of the events contributing to their total Championship score.

42. These penalties can not be decreased, but may be increased, by the Championship Regulations. They can only be applied by the Championship Stewards after 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 60. Penalties will only be reduced in exceptional circumstances.

43. A special procedure as detailed in 76-77 applies in respect of any Appeal against an Eligibility decision [including the application of 39(c)].

Fuel Checking

44. It is an offence to use fuel which does not comply with the fuel specification laid down in the Technical

Regulations or the SRs for an Event (or Championship). Analysis by an MSA-Approved laboratory in respect of the MSA fuel sample will be taken as a finding of fact. The provisions of 38-43 will apply in the case of fuel found to be ineligible, and additional penalties may be applied by an MSC Tribunal.

Protests

45. The Clerk of the Course must report any protests lodged to the Stewards of the Meeting. Any author of a protest thought to have acted in bad faith by the Stewards will be deemed guilty of breach of these Regulations and may be penalised accordingly.

Protest Against a Fellow Competitor

46. The right to protest lies solely with the Entrant or Driver who is a party to a dispute about an act or omission of another Competitor in an event in which they have taken part. At International Events, only the Entrant can lodge a protest, unless the Driver produces written authorisation to act on behalf of the Entrant.

47. Every protest, which must be in writing, must include the grounds for the protest, must be signed by the party making the protest, and accompanied by the fee laid down in Part 3, Appendix 3. It must be lodged with the Secretary of the Meeting, or the Clerk of the Course, or their deputies [B 22], within the appropriate time limit.

Time Limit for Protests

48. A protest against another Competitor must be made within 30 minutes of the protester finishing the competition.

49. A protest against the eligibility of any part of a vehicle, when it is alleged that the vehicle is performing in a manner which suggests that it is ineligible (or if a part may have been changed after scrutineering) must be made within 30 minutes of the performance that gives rise to the protest.

50. The Clerk of the Course may amend the above time limits if it is felt circumstances make the lodging of a protest physically impossible within the time quoted. Protests dealt with 'out of time' in this way will be deemed to have extended time limits.

Adjudication of Protests

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

52. The Protest Hearing must take place as soon as practicable and all parties given notice of the hearing. They are entitled to call witnesses, but must state their case in person and not through an advocate. In their absence, or in the absence of their witnesses, judgement may be by default, providing the Clerk of the Course is satisfied that the party concerned is aware of the time and place of the hearing or has left the event in contravention of C(a)-62. 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.

53. In the event of a protest against the eligibility of a car or engine, the Clerk of the Course must order that

the car or engine be immediately examined or, on request of the Competitor protested against or the Technical Commissioner or Scrutineers, sealed for subsequent examination [C(b)-5]. The Technical Commissioner or Scrutineer sealing the car or component must furnish the Clerk of the Course with details of the seals used, their number and position.

54. 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-assembling the car/component. This sum is to also include the MSA Technical Commissioner's fee as set down in Part 3, Appendix 3.3 as a maximum figure to cover inspection costs. 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.

55. The Clerk of the Course will ensure that arrangements are made for the equipment to be examined with the least possible delay [C(b)-5]. The party making the protest is not entitled to be present at this examination.

56. 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. After giving the parties the opportunity to be heard, the Clerk of the Course will apply the penalties prescribed by the Regulations. If dismantling has been involved and the protest has proved unfounded, the Clerk 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.

Distribution of Awards

57. Where a protest is lodged, the distribution of any affected prize must be withheld until either it has been adjudicated upon or no intention of appeal has been lodged within the time allowed. The list of awards relating to such a prize must be declared provisional.

58. If, after the distribution of prizes, a decision is made which affects the results of a competition, any Competitor to whom a prize has been awarded but who is adjudged to be ineligible must return the prize to the Organisers on demand.

Forfeiture of Protest Fee

59. Unless otherwise decided by the Clerk of the Course, protest fees will be forfeited if the protest is not upheld. A protest can be withdrawn before the hearing, but the protest fee will only be refunded at the Clerk of the Course's discretion.

Appeals

Appealing to the Stewards of the Meeting Against a Decision of any Official

60. Any Entrant or Driver has the Right of Appeal to the Stewards of the Meeting against any penalty or

decision given by the Clerk of the Course or any other Official of the Meeting apart from Judges of Fact.

61. 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, ie a Right of Appeal against such decisions exists only for the parties in those proceedings. Eligibility Appeals are not heard by the Stewards of the Meeting but are referred directly to the National Court (26-27).

62. Appeals must be submitted in writing stating the grounds for the appeal, must be signed by the party making the appeal, and accompanied by the fee laid down in Appendix 3. Appeals must be lodged with the Secretary of the Meeting, or the Clerk of the Course, or their deputies [B 22] within the appropriate time limit.

63. Time Limit for Appeals

Nature of Appeal	Time Limit
(a) Appeals against the acceptance of an entry, Instructions to Drivers or the length of the course	<i>Race and Speed Events</i> : not less than one hour before the start of practice. <i>Other Events</i> : not less than one hour before the start of the competition
(b) Appeals 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
(c) Appeals 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
(d) Appeals 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
(e) Appeals against any mistake or irregularity occurring whilst the competition is taking place	Within 30 minutes of the appellant finishing the competition
(f) Appeals 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 A 61(c) or (d), within seven days of the date of despatch
(g) Appeals against a decision of the Clerk of the Course not falling within (a) to (f) inclusive	Within 30 minutes from the time of the first communication of the decision to the Competitor

The Stewards of the Meeting may amend these 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.

Appeal Hearings

64. 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 C(a)-62. 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.

Championship Appeals

65. 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. An appeal against points awarded (or not awarded) in a Championship must be lodged within seven days of the first publication of the points in dispute in an Official document (ie interim Championship results, programme, etc).

Forfeiture of Appeal Fee

66. Unless otherwise decided by the Stewards, the Appeal Fee will normally be forfeited if the Appeal is not upheld.

Appeals to the National Court

67. A right of Appeal against a decision of the Stewards of the Meeting to the National Court can only be made:

- By a person or body who was a party in the proceedings in which the decision appealed against was made, and
- In accordance with the provisions of 68.

68. A Right of Appeal does not exist for third parties. 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 gross miscarriage of justice has occurred
- The penalty is wholly inappropriate for the breach of regulations.

69. Notice of Intention to Appeal [70] and Confirmation of Appeal [72] must be lodged in accordance with these Regulations.

70. A written Notice of Intention to Appeal against a decision of the Stewards of the Meeting, accompanied by the correct fee (see Appendix 3) must be lodged with the Secretary of the Meeting or the Clerk of the Course or their deputies [B 22] (or the Co-ordinator of the Championship in the case of an appeal against Championship Stewards) within 30 minutes of a decision being verbally announced.

71. If the parties 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 seven days after the date of posting. A copy of the Notice of Intention must be simultaneously lodged with the MSA.

72. Within ten 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 (68) and also a skeleton argument (see below) of the points to be raised.

73. 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, it will lapse and the Appeal fee will be forfeited. If the Appeal is considered to meet the specified criteria, the Clerk will arrange for the National Court to be convened.

Skeleton Arguments

74. In respect of all Appeals admitted to the National Court, the Appellant must, not later than seven 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:

- Identify all regulations involved
- Identify all Appellant's witnesses
- Specify the factual basis of the Appeal, including the evidence to be given in support of the Appellant.

75. In the case of Appeals listed at short notice, the Clerk to the National Court may, with the agreement of all parties, alter the timetable for the delivery of skeleton arguments.

Eligibility Appeal

76. A special appeal procedure [39] applies in the case of any appeal against a ruling in respect of eligibility of a vehicle or against the imposition of 39(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 seven days is allowed for submission of Notice of Intention to Appeal and fee

(b) Within ten 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, technical specifications etc as relevant

(c) Copies of these submissions will be sent to the opposing parties, with a further ten 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.

77. The National Court is empowered to settle any dispute referred to it in accordance with these Regulations by allowing or dismissing an Appeal in whole or in part. In doing so it 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.

Effect of Giving Notice of Appeal

78. 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'.

79. After the conclusion of the event out of which a decision has arisen, if Notice of Intention to Appeal against a Stewards' decision has been given, the operation of any sentence or decision will be suspended until the disposal of the Appeal by the National Court. If a sentence of suspension is upheld, the Competitor concerned will be excluded from the results of any competition in which he has competed pending the hearing of the Appeal. In coming to a judgement, the National Court can take into account any benefit the Appellant may have gained through appealing.

Judgement on Appeal to the National Court

80. The National Court can decide that a penalty or other decision appealed against can be waived, varied or a fresh penalty imposed under 3-32. However it can not order any competition to be re-run. Court decisions must be announced at the end of a hearing, or exceptionally can be reserved, and a written decision (including reasons) sent to all parties as soon as practicable.

Hearings of the National Court

81. All parties concerned in any hearings held by the National Court must be given adequate notice of the hearing, and (except for matters before an Eligibility Appeal Panel 76(e)) are entitled to call witnesses, give evidence and be represented by an advocate if they choose. The name of any advocate must be advised to the Clerk of the National Court prior to the hearing date. The hearing can proceed to a decision whether or not any or all parties are present, subject to the provisions of 76(e).

Costs

82. In giving a decision, the National Court can award costs to cover its own expenses. These will exclude the expenses or defence fees incurred by the individual parties. Any costs incurred in bringing or responding to an action before the National Court must be borne by the party incurring the cost. An order for costs against an individual party will only be made if they are considered to have acted without foundation.

APPENDIX A

83. These notes are not part of the regulations but are intended to assist Competitors when 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 1.82.

The Machinery of Justice

84. The General Regulations of Motor Sport have established procedures designed to preserve a balance between justice and the proper conduct of the sport. Further rules can be published in the Supplementary Regulations of individual events. It is important that all Officials and Competitors are familiar with all the General and Supplementary Regulations for any event.

85. To administer all these, the MSA appoints 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 own duties and responsibilities. The Clerk of the Course and Stewards of the Meeting have certain powers to impose penalties. Similarly, persons against whom any action has been taken, even though not of a punitive nature, should in general have opportunity to protest or appeal. Given these procedures, there must exist avenues of appeal against their outcomes.

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.

86. The three main MSA Judicial Bodies are, in order of progression:

- Clerk of the Course
- Stewards of the Meeting
- National Court.

87. The Clerk of the Course will make the initial decision, which may be appealed against, and any Appeal heard by the Stewards of the Meeting. Their decision will normally be final, but the matter may sometimes also go to Appeal in front of the National Court, which may in addition deal with some matters as a first Judicial Body. 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.

88. 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.

89. Tribunals are appointed by the MSC with members usually either senior MSA Stewards, members of one of the specialist MSA 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.

90. In order to ensure impartiality, any Steward finding they have any connection with a party to the hearing must declare a possible conflict of interest. Unless all parties agree otherwise, then that Steward must withdraw.

Clerk of the Course

91. The Clerk of the Course is the first judicial authority in any competition and must deal with any protests from Competitors or adverse reports from Observers, Scrutineers or Technical Commissioners, Judges of Fact, etc. Whenever possible Competitors should be given the opportunity to explain their side of the matter, and after considering all relevant reports, the Clerk of the Course will make a decision.

92. The various time limits for lodging Protests are given in 45-59. These can be extended in special circumstances if impracticable. No attempt should be made to prevent or delay a Competitor lodging a Protest. Joint Protests are not 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.

93. The Clerk of the Course's decision should always be communicated in writing. If an offence is thought to have been committed, the Clerk should report 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 the Clerk's decision. The Appeal, which must be in writing and accompanied by the appropriate fee, must be heard as soon as practicable by the Stewards of the Meeting.

Stewards of the Meeting

94. 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 Stewards decision will normally be final, and can only be appealed against in accordance with 67-77, through the National Court and its Tribunals.

National Court and its Tribunals

95. 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. Any Tribunal can proceed in the absence of any party or witnesses, provided that sufficient notice of the Hearing has been given.

96. The following procedure will be adopted in all cases other than Appeals against Technical Decisions:

- Written notice of confirmation of an Appeal, together with outline arguments, must be lodged with

the Clerk to the National Court within ten days of any decision being appealed against. The Clerk will then notify the appellant whether Leave to Appeal has been granted

- Where appropriate, the Appellant will be given sight of any reports or documentary evidence which will be produced at the hearing
- 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.

97. The Tribunal in giving judgement shall do so by writing down its findings, and reading them aloud to the parties appearing. These 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.

98. The MSA may be legally represented at Tribunals, though not at Eligibility Appeal Panels.

99. At Tribunals the appellant is entitled to be represented by an advocate who should be nominated in advance of the hearing. This does not apply to Eligibility Appeal Panels.

100. Tribunals of the National Court are of four kinds:

Disciplinary Tribunals

101. These 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:

- 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
- If so, to impose the appropriate penalty.

102. To these may be added the right to make any recommendation to the MSC that might seem relevant.

103. Procedure at Disciplinary Tribunals involves The Clerk to the Tribunal bringing in the main parties and briefly stating the purpose of the Hearing. The alleged breach is read to the party (either by the Clerk of the Tribunal or the Chairman) and the party issues a plea to each charge. If the party accepts the charge, proceedings may be shortened and mitigation considered.

104. If the party contests the charge, the prosecution proceeds first, summarising its case. Prosecution witnesses may be cross-examined by the defence, and re-examined by the prosecution. The defence then presents its evidence, defence witnesses being cross-examined and re-examined in turn. All witnesses may be questioned by members of the Tribunal.

105. The prosecution and defence can then address the Tribunal, summarising the evidence, before the Tribunal adjourns to determine its decision. No person, other than the Clerk to the Tribunal if required, can be present or enter discussions with the Tribunal at this stage.

106. If the Tribunal finds the charge(s) have not been proved, it will dismiss the case. If any of the charges are, proved, The Tribunal announces its findings and whether a penalty is to be imposed, and the nature of the penalty.

Appeal Tribunals

107. These 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.

108. Immediately prior to the start of an Appeal Tribunal Hearing, the Tribunal members and all parties will be given a dossier incorporating the original protest or complaint, any reports or sketches etc produced at the original Hearing, the notes or transcript of the Stewards' Hearing, the Stewards' report and the original findings.

109. Normally the Tribunal first hears the Appellant's case, with witnesses called and cross-examined if necessary. The respondent follows, calling witnesses who may also be cross-examined. The respondent and appellant can then make a final address if desired. In the case of a partial or complete re-hearing however, the Tribunal can change the order of the hearing.

110. The Tribunal then adjourns to consider its decision. Judgement, which is delivered in writing, is then also read aloud to the parties. The Tribunal also decides on return of the Appeal Fee if the Appeal has been successful, or its forfeiture if the Appeal has failed. An allocation of costs may be made if appropriate. Exceptionally judgement can be reserved.

Investigatory Tribunals

111. These 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. They can make recommendations to the MSC, make any necessary amendment to the results of a competition, and if a breach of the Regulations has occurred either impose an appropriate penalty or refer the matter to a subsequent Disciplinary Tribunal.

112. The Investigatory Tribunal determines the form of the Hearing, including the manner of receiving evidence, consistent with its terms of reference. It determines whether, and to what extent, any rule or regulation has been breached.

113. Providing the person concerned is present and has been warned in advance that a possible breach of the regulations is being investigated, they may be charged with an offence and the Tribunal can 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 there is a case to be answered, they can be charged and summoned to attend before a subsequent Disciplinary Tribunal. 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.

114. The Tribunal delivers its judgement in writing, also reading it aloud to the parties concerned. Tribunal judgements can include any suitable recommendations, and can allocate costs if appropriate.

Eligibility Appeal Panels

115. These are appointed to hear any Eligibility Appeals in accordance with the procedure laid down in 76-77. Eligibility Appeals are dealt with in writing.

116. If a Competitor wishes to Appeal in respect of an eligibility ruling or penalty under 39(c) or 41, full details of the grounds of Appeal must be submitted to the MSA in writing within ten days. 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.

117. The Eligibility Appeal Panel will then consider all these submissions, plus any other appropriate exhibits, and will adjudicate on the matter. The Decision will be notified to all parties in writing. The Panel will also decide whether the Appeal fee should be returned or forfeited, and may also allocate costs if appropriate.

118. In giving a decision, the National Court may award costs reflecting only the level of expenses caused by the preparation of the case and the meeting of the National Court. These costs must exclude expenses or defence fees incurred by the parties. Any costs incurred in bringing or responding to any matter before the National Court must be borne by the party incurring the cost. An order for costs can not be made against a party unless they are considered to have acted without foundation.

Anti-Doping Tribunals

119. Anti-Doping Tribunals are appointed to determine whether a doping offence has been committed and, if so (or where the offence is admitted but the exercise of a discretion is required) what the circumstances (if any) shall be. Alternatively where the offence is admitted but 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.

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

Witnesses and Examination

121. Witnesses are not required to give evidence on oath. They may be examined by the party calling them, and can give evidence directly 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.

122. On cross-examination this does not apply. Questioning may take the form of 'leading' or suggesting, 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.

The Nature of Evidence

123. 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.

124. 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.

125. 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.

126. 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.

127. 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.

128. 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].

129. 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.

130. Objects may be put in evidence, as for instance, the cylinder head in question.

131. 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.

132. 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.

133. 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.

Degree of Proof

134. 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.