



GUIDELINES TO MSA OFFICIALS

JUDICIAL PROCEDURES

Revised for the 2017 MSA YEARBOOK

(v1.0 04Jan2017)

Note: Any newly introduced material (as opposed to minor re-wording or updating of details or references) is indicated by a bold sideline, as shown to the left.

These Guidelines are provided to MSA Officials as a quick guide to judicial procedures. The Guidelines hold no regulatory value and should be used only with reference to the current MSA Yearbook. The MSA Yearbook shall prevail in the event of any inconsistency with these Guidelines.

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INTRODUCTION

Please note: Do not give directly or indirectly any verbal or written advice to competitors regarding these procedures. Please refer them to the Yearbook in all cases. However, in doing so, it may be helpful to draw the competitor's attention to particular chapters or sections which may be most relevant.

These guidelines are applicable to the handling of judicial matters in any motor sport discipline (circuit racing, speed events, rallying, karting, etc).

The guidance in Sections 1 and 2 reflects good practice in managing any judicial procedures and hearings and are not discipline specific. The templates provided at the end of Section 2 are intended as examples which may be copied and used to assist in managing and recording hearings.

The individual Penalty Criteria at Section 3 may, by their nature, be more discipline specific though some will apply across disciplines. The Karting Penalties shown in the table at the end of Section 3 are mandatory and must be applied at all Kart meetings.

At Kart meetings which are part of the MSA Trial of CIK-FIA Judicial Procedures, similar penalties are applicable but will be imposed by the Stewards of the Meeting rather than the Clerk of the Course, and any appeals will be direct to the National Court. (A standard Meeting Bulletin will be issued which provides more detail on the Trial and the procedures to be followed.)

For some disciplines such as rallying it is recognized that there is a distinction between “sporting penalties”, which are clearly set out in the specific regulations and on which the results of the competition are based, and “judicial penalties” for breaches of common regulations (though these will also affect results). Some “sporting penalties” will not require the holding of a formal hearing before imposition (e.g. stage time penalties) but for other penalties consideration should always be given as to whether a hearing is appropriate in accordance with these guidelines.

Please also remember that MSA Officials must be seen to act impartially at all times – it is important that justice is not only done, but seen to be done.

Given the importance of recording accurate times for all decisions and the subsequent time limits for the lodging of protests and appeals, all officials' clocks and watches should be synchronized to the official timing equipment at the beginning of each meeting so as to avoid any discrepancies.

1 A) The Protest

Protest: Competitor against Competitor

- A protest may be made by any aggrieved competitor or entrant (read C5.1 and “Protest” in Section B).
- The protest must be in writing, signed and lodged with either the Clerk of the Course, the Secretary of the Meeting or their deputies (read C5.1.2). The exact date and time of receipt should be noted by the recipient.
- Payment of the appropriate fee, as per Appendix 1, article 13.1, must be submitted with the written protest (read C5.1.2). In the event that a higher fee is paid than that required this does not constitute a reason to refuse the protest.
- The maximum time allowed for a protest is usually 30 minutes (read C5.2).
- “Joint” protests are not acceptable (read C5.1.3)

Adjudication and the protest hearing

- The Clerk of the Course will adjudicate after hearing all of the evidence (read C5.4).
- The hearing should be held in the presence of the person making the protest and the entrant or driver who is the subject of such protest but neither party may be represented by an advocate (read C5.4.1).
- The hearing must occur as soon as possible and all parties given notice of the hearing. The hearing may be held in the absence of any of the parties provided that you are satisfied that they were aware of the time and place of the hearing or have left the meeting in contravention of H33.1.6 (read C5.4.1).

The Clerk of the Course’s decision

One of three things will happen in making a decision:

1. The protest is upheld and the fee is therefore refunded.
The Clerk of the Course will publish the decision made and advise all parties in writing. The decision should be signed, timed, dated and receipt of the decision should be acknowledged by the competitor / entrant. Any penalty and points (see C2.1.5, C2.1.7 and G5.3.10) are entered onto the Judicial Summary Sheet which is sent with the MSA Steward’s report form.
2. The protest is not upheld and the fee is forfeit, unless there is a specific reason for not doing so, as determined by the Clerk of the Course (read C5.6).
The Clerk of the Course will publish the decision made and advise the competitor / entrant in writing. The decision should be signed, timed, dated and receipt of the decision should be acknowledged by the competitor / entrant.
3. The protest is withdrawn and the fee is forfeit, unless the Clerk of the Course sees a specific reason to issue a refund of the fee (read C5.6).

In all cases the Clerk of the Course must notify the Stewards of the Meeting, in writing, of the findings of the protest (read C5.7) and copies of all reports etc. must also be passed to the Stewards. Forfeit fees must be handed to MSA Steward for onward transmission to the MSA.

Failure of the competitor to sign to acknowledge receipt of the decision documentation does not invalidate the outcome, but should be noted on the findings and witnessed along with the time and date of such failure.

If the Competitor is not present for the Protest decision / hearing

The decision must be posted on the Official Notice Board by the Secretary of the Meeting, along with the time of posting. Any appeal must be lodged within 30 minutes of the time of posting and must be accompanied by the appropriate fee as stated in Appendix 1, article 13.2 (read C6.3(g)).

1 B) Disciplinary Procedure

An Official of a Meeting against a Competitor

- There should be a written report from an Official of the meeting of any alleged infringement of the regulations which must be given to the Clerk of the Course (read G5.2.14 and G5.3).
- The Clerk of the Course will convene a hearing with the competitor / entrant, complainant and any witnesses to review the matter in a similar way to a protest hearing (read C5.4 and C5.4.1).
- The hearing should be held in the presence of the person making the complaint and the entrant or driver who is the subject of such complaint but neither party may be represented by an advocate (read C5.4.1).
- The hearing must occur as soon as possible and all parties given notice of the hearing. The hearing may be held in the absence of any of the parties provided that you are satisfied that they were aware of the time and place of the hearing or have left the meeting in contravention of H33.1.6 (read C5.4.1).
- The Clerk of the Course will publish the decision made and advise the parties in writing. The decision should be signed, timed, dated and receipt of the decision should be acknowledged by the competitor / entrant. Any penalty and points (read C2.1.5, C2.1.7 and G5.3.10) are entered onto the Judicial Summary Sheet which is sent with the MSA Steward's report form.
- Failure of the competitor/entrant to sign to acknowledge receipt of the decision documentation does not invalidate the outcome, but should be noted on the findings and witnessed along with the time and date of such failure.
- The Clerk of the Course must notify the Stewards of the Meeting in writing of the findings of the Disciplinary Hearing but may also refer the matter to the Stewards of the Meeting for further consideration of an additional penalty in a similar way to an appeal (read G2.4.3 and G5.3.5).
- An appeal against the decision of the Clerk of the Course may be made in accordance with the following section 1C).

If the Competitor is not present for the Disciplinary decision / hearing

The decision must be posted on the Official Notice Board by the Secretary of the Meeting, along with the time of posting. Any appeal must be lodged within 30 minutes of the time of posting and must be accompanied by the appropriate fee as stated in Appendix 1, article 13.2 (read C6.3(g)).

1 C) The Appeal

(Note: This is not applicable for eligibility appeals.)

A Competitor may appeal against the decision(s) of any Official(s) of the Meeting.

- Appeals can only be made by the parties directly involved and not by third parties (read C6.1.2 and “Appeal” in section B).
- Appeals must be lodged with the Clerk of the Course or Secretary of the Meeting or their deputies (read C6.2).
- Appeals may be made against a decision of:
 - The Clerk of the Course
 - The Chief Scrutineer
 - The Chief Timekeeper
 - The Secretary of the Meeting
 - The Chief Medical Officer.
- Appeals must be lodged in writing with the appropriate fee (read C6.2 and Appendix 1, article 13.2). However, in the event that a higher fee is paid than that required this does not constitute a reason to refuse the appeal.
- The maximum time in which an appeal must be lodged is usually 30 minutes from the time of notification of the decision appealed, but can vary in certain cases (read C6.3 to decide time allowed).

APPEAL HEARING (Read C6.4)

- All parties shall be given notice of the Appeal Hearing (read C6.4). The appeal will be heard as soon as is practicable by the Stewards of the Meeting.
- The competitor or appellant must be given the opportunity to attend the hearing in order to present their case in person, as the use of an advocate is prohibited.
- Evidence and witnesses for all parties must be available at the Stewards’ hearing (subject to H33.1.6).
- If the subject of the appeal is a dispute between two Competitors both parties must be given the opportunity to attend.

THE STEWARDS’ DECISION

The Stewards of the Meeting will publish the decision they have made and advise the competitor / entrant in writing. The decision should be signed by all three Stewards, timed and dated and receipt of the decision should be timed/dated and acknowledged by the competitor / entrant. Any penalty and points (read C2.1.5 and C2.1.7) are entered onto the Judicial Summary Sheet which is sent with the MSA Steward’s report form. Any forfeit fees should also be sent to the MSA with the Steward’s report.

Failure of the competitor to sign to acknowledge receipt of the decision documentation does not invalidate the outcome, but it should be noted on the findings and witnessed along with the time and date of such failure.

Notice of any intention to further appeal to the National Court must be lodged with the Secretary of the Meeting, the Clerk of the Course or their appointed deputies, **within 30 minutes** of communication of the Stewards decision to the competitor (read C6.3(h)). Any such Notice of Intention must be in writing and accompanied by the appropriate fee as stated in Appendix 1, article 13.4 (read C7.1.5(a)). Any such Notice, together with the fee, must be handed to the MSA Steward for onward transmission to the MSA.

If the Competitor is not present for the Appeal decision / hearing

The decision must be sent to the competitor by first class mail (this may be supplemented by email) by the Secretary of the Meeting. Any Notice of Intention to Appeal to the National Court must be lodged with the Secretary of the Meeting **within 7 days** of the decision being sent and must be accompanied by the appropriate fee as stated in Appendix 1, article 13.4. A copy of any such Notice of Intention to Appeal should also be lodged with the MSA at the same time (read C7.1.5(b)).

The MSA must be notified of the decision of the Stewards of the Meeting, whether or not there is a further appeal, using the Stewards Report Form together with copies of all written evidence and notes of the evidence heard by the Stewards.

APPEALS TO THE NATIONAL COURT (Read C7.1 – 7.3)

Any Notice of Intention to Appeal must be lodged as indicated above (read C7.1.5).

Written Confirmation of the Appeal must then be submitted by the Appellant to the National Court:

- Addressed to the Clerk to the National Court at Motor Sports House,
- Within 10 days of the written Notice of Intention to Appeal,
- Confirmation of the Appeal must specify the grounds of appeal and the arguments in support (read C7.1.3, C7.1.6).

The Chairman of the National Court will consider whether there are potential grounds for the appeal (read C7.1.3). If so, the Clerk to the National Court will advise all parties of the date set for the hearing and that they are invited to attend the National Court hearing with their advocates if required (read C7.1.7).

EFFECT OF LODGING AN APPEAL OR GIVING NOTICE OF APPEAL (Read C7.3)

Note that the lodging of an appeal against a Clerk's decision, or giving Notice of Intention to Appeal against a Stewards' decision, does not suspend any penalty that may have been applied or endorsed during the Meeting out of which the decision has arisen.

APPEALS TO CHAMPIONSHIP STEWARDS

- An appeal by a competitor in relation to a championship matter should be made in writing to the Championship Coordinator in accordance with MSA Regulation W2.2.1 and noting the time limits set out in C6.5.1 and the provisions of C6.5 and C6.6.
- The Appeal must be accompanied by the correct fee as per Appendix 1 article 13.3 and the cheque should be made payable to 'The Motor Sports Association'.
- On receiving the Appeal the Championship Stewards will need to arrange a hearing, which may be by electronic means with the agreement of all parties connected with the appeal.
- On considering the matter the Stewards will deliver their decision in writing to the Appellant with copies to the Championship Coordinator and the MSA.
- In the event that the Appeal is successful, the Appeal Fee will normally be returned to the Appellant.
- In the event that the Appeal fails, the Appeal Fee will normally be forfeit and passed to the MSA.
- In the event that the Appeal fails, a right of Appeal to the National Court exists in accordance with C7.1.
- No award for costs can be made.

1 D) Eligibility Procedures

The following officials may act as a **Judge of Fact** regarding Eligibility

- Two Technical Commissioners (read C3.1).
- Chief Scrutineer of the Event and one member of the Technical Commission (read C3.1 and G10.2.1).
- In respect of sound: Environmental Scrutineers and officials in charge of sound meters (read G10.2.2).

The Eligibility Judge of Fact will make a report to the Clerk of the Course (read C3.1.1 and G10.1.3), who:

- Must call a hearing with the competitor / entrant present and make a decision (read C3.1.1).
- Will decide if there is a breach of regulations and what penalty should be applied (read C3.1.1 and C3.5.1).
- Must report his findings to the MSA through the Judicial Summary Sheet which must accompany the MSA Steward's report (read C3.1.2).

If a competitor/entrant **accepts the finding of eligibility non-compliance** but wishes to appeal **only** the nature of the penalty subsequently applied by the Clerk of the Course, then such an appeal may be lodged in the normal way and can be heard by the Stewards of the Meeting as set out above. Note, however, that imposition of a penalty under C3.5.1(c) [forfeit of points equal to two first places] can only be waived by the National Court, in which case Notice of Intention to Appeal must be lodged as below (read C3.5.2).

If the competitor / entrant **wishes to contest the finding of non-compliance** as well as the penalty imposed (or appeal a penalty imposed under C5.3.1(c)), such an appeal can only be heard by the National Court. If so, Notice of Intention to Appeal must be lodged in writing with the Secretary of the Meeting, the Clerk of Course, or their deputies in accordance with Section 1C) above relating to appeals to the National Court (read C7.2 and C7.3). Please note there is a special fee for these appeals contained in Appendix 1, article 13.4.

The Stewards of the Meeting must be notified of any Notice of Intention to Appeal but **must not adjudicate on eligibility matters** as the National Court will adjudicate on all such appeals (read C6.1.3). Any such Notice, together with the fee, must be handed to the MSA Steward for onward transmission to the MSA. The Secretary of the Meeting/Clerk of Course must also inform the Technical Commissioner/Chief Scrutineer that Notice of Intention to Appeal their decision has been lodged (read C7.2.1(b)).

Written confirmation of appeal must then be submitted by the appellant to the National Court:

- Addressed to the Clerk to the National Court at Motor Sports House within 10 days of the written notice of intention to appeal.
- The appellant's confirmation must include detailed grounds of appeal (read C7.2.1(c)).
- The technical officials will also be required to make a detailed submission within the same 10 day period regarding the judgement of eligibility (read C7.2.1(c)).
- A further 10 days will then be allowed for each party to provide written comments upon the original submissions of the other party (read C7.2.1(d)).
- These written comments will be exchanged with a further 7 days allowed for written response on any new matters raised (read C7.2.1(e)).
- The National Court will then convene to consider all written submissions and make a decision which will be announced to all involved in the usual manner (read C7.2.1(f)).
- The panel may not necessarily call the parties to present their evidence in person (read C7.2.1(g)).

1 E) Judges Of Fact (Read G10)

A specified Judge of Fact may be appointed by an Organising Club, the MSA or (with MSA approval) a Regional Association to adjudicate on any factual occurrence (read G10.1).

The following Officials may act as a Judge of Fact (read G6.2.7, Q18 and U5.1.1):

- Chief Timekeeper of the Event or Chief Lap Scorer at kart meetings.
- Start Judge and Finish Judge.
- As defined within the Event supplementary regulations (read D10.1.14).

It is essential that any officials who are to be Judges of Fact are specifically named, together with the particular facts they are to judge, in appropriate official event documentation (read G10.2). Any report submitted by an official who is not specifically named as a Judge of Fact in relation to the matter reported may still be acted upon by the Clerk of the Course but would not be regarded as a statement of fact and would be open to challenge.

The Judge of Fact will make a report to the Clerk of the Course (read G10.1.3), who:

- May call a hearing prior to making a decision.
- Will decide if there is a breach of regulations and what penalty should be applied (read G5.3 and Q12.5).

The competitor/entrant may wish to appeal the penalty imposed, in which case the matter is dealt with by the Stewards of the Meeting (read C6.1). **Please note that only the penalty may be appealed** in this way, although in doing so this may lead to the Judge of Fact's decision being brought into question and it is within the Stewards' remit to ask the Judge of Fact if he wishes to correct his decision if it is felt appropriate to do so (read G2.4.6, G10.1.1). The Stewards of the Meeting do not have the power to overrule a Judge of Fact's decision. The Stewards of the Meeting will then announce their decision in accordance with Section1C) above.

2A) Organising A Judicial Hearing

By either the Clerk of the Course or the Stewards of the Meeting

- Observe the formalities and procedures generally expected of judicial proceedings and uphold fairness and equality in all matters
- Always designate a room or quiet area for all hearings.
- It is helpful, but not essential, to have somebody nominated to act as secretary and generally assist with proceedings – such secretary must not be present while decisions are being considered or play any part in the decision process.
- Ensure that everyone involved in the hearing is aware of the time that the hearing will take place and the location in which it will be held.
- Ensure that any minor is accompanied by their legal parent / guardian or the duly nominated representative (see note below).
- Note that advocates are not allowed to attend a Clerk of the Course or Stewards' hearing (see note below).

Note: Regulations C5.4.1 and C6.4 confirm that no party to a Protest Hearing, or to an Appeal Hearing held by the Stewards of the Meeting, may rely upon a third party advocate to present evidence or argument. Minors (persons under the age of 18) must always be accompanied by a parent or guardian, who can assist the minor in presenting his/her evidence as a mentor, but must not indulge in advocacy.

Occasionally, parties over the age of 18 who may have learning, reading, or other cognitive disabilities (that do not prevent the granting of a Competition Licence under Regulation H10.1) may require a mentor to assist in the same way as a parent or guardian. Where a request for this kind of mentoring is supported by a reasonable explanation for its requirement, the Clerk of Course or Stewards should normally allow the mentor to attend the Hearing and assist in the same way as the parent or guardian of a minor, to the extent required. Exclusion of the requested mentor from the Hearing could result in unfair procedure and potential injustice. When such attendance is agreed, the reasons should be recorded in the notes of the hearing.

2B) Adjudicating At A Hearing

- Ensure that all parties (appellant, witnesses, those appealed against, parent / guardian if applicable) are notified of:
 - the time and location of the hearing.
 - the nature of the investigation, protest or appeal.
 - any charges made against them.
 - the purpose of the enquiry.
- Hearings may proceed in absence of any of the parties involved and judgement given in default if:
 - the Clerk of the Course or Stewards are satisfied that all parties had been properly advised of the time and location of the hearing, or;
 - the parties have left the meeting in contravention of H33.1.6.
- If an event or Championship has appointed a suitably qualified person to act as a “Driving Standards Advisor” they may be considered as an expert witness and it would be appropriate for them to be admitted to any hearing concerning driving standards held by the Clerk or the Stewards to offer their view. Such evidence should be given in “open court” so that they can be challenged or questioned by all involved. They should not be present when decisions are being considered. In the event of the Clerk’s decision being subsequently appealed to the Stewards it is entirely appropriate for the Stewards to hear evidence from the same expert witness.

2C) Procedure Of Hearing (Background)

- The MSA Steward (Stewards’ hearing) or Clerk of the Course will chair the hearing.
- All parties must be introduced and the hearing procedures explained to all present.
- Note: the Clerk of the Course and Secretary of the Meeting may not take part in a Stewards hearing, unless acting as a witness. They may, however, be present in the capacity of an observer but must not be present while decisions are being considered.
- Both parties will be present through the complete hearing (protest or appeal). This does not include the period of deliberations towards a finding.
- Witnesses will remain out of the hearing until called to give evidence.
- Witnesses: - may stay following giving their evidence (at officials’ discretion);
 - if dismissed the Chairman must stress that they should not discuss the case with any other parties.
- Interpreters may be present (but only to translate).
- A minor should always be accompanied by their parent/guardian or the duly nominated representative, but the parent/guardian must only act as an observer of proceedings.

2D) Written Records

- Notes of the evidence heard and the findings made should be taken as a written record of proceedings and forwarded to the MSA with the MSA Steward's report form.
- Records must include:
 - the date and time of the start of the hearing;
 - details of whether the result of a protest, an appeal or enquiry (inc. competitor numbers);
 - all parties present during the hearing (inc. officials, competitors / entrants and witnesses);
 - brief notes of statements and evidence (not verbatim)
 - copies of any written statements (signed and dated as appropriate) ;
 - details / numbers of regulation(s) contravened;
 - the findings of the hearing signed by the Clerk of the Course or all Stewards present, as appropriate to the hearing;
 - the date and time of findings.
- Any witness statements should include the witness name, address or Licence number, their role in relation to the event, as well as set out clearly the facts etc. involved/witnessed. In all cases witness statements should be legible if hand written or preferably typed for clarity and signed/dated by the witness. If a statement is obtained from a minor, it is recommended that the parent/guardian is also asked to sign to indicate their approval to the statement being taken.
- A written copy of the findings should be given to the competitor(s) concerned and they should be asked to sign the official copy as proof of receipt (not to confirm they agree with the decision).
- Failure of the competitor(s) to sign the decision documentation does not invalidate the outcome. Failure to sign should be noted on the findings and witnessed along with the time and date of the failure.

2E) Procedure Of Evidence (Method)

Evidence should be called as follows:

1. First party:
 - a. Evidence of appellant (protester)
 - b. Cross examination of appellant (after giving their evidence)
2. First party witness:
 - a. Evidence of witness for appellant (protester)
 - b. Cross examination of appellant witness (after giving their evidence)

Additional witnesses for the appellant (protester) are then heard as 2 above

3. Independent Witnesses:
 - a. Independent evidence (such as any officials or marshals)
 - b. Cross examination of the independent witnesses
4. Second party:
 - a. Evidence of the person appealed (protested) against
 - b. Cross examination of second party
5. Second party witness:
 - a. Evidence of witness for second party
 - b. Cross examination of second party witness (after giving their evidence)

Additional witnesses for the person appealed (protested) against are then heard as 5 above

6. Second Party closing statement/summary (NB. No new evidence)

7. First Party closing statement/ summary (NB. No new evidence)

2F) Procedure Of Evidence (Control)

Please remember:

- Only allow statements during the giving of evidence - no interruptions from other parties should be allowed.
- Keep a “tight rein” on proceedings in order to avoid irrelevant issues and/or acrimonious arguments between the parties (who should be seated well apart).
- Only allow question and answer during cross examination, no statements should be allowed.
- The Clerk of the Course may be present in a Stewards’ hearing but only as an observer.
- Final statements from each of the parties should be allowed.
- All parties should leave the hearing for the Clerk of the Course or Stewards’ panel to consider their findings alone.
- Those hearing the case need to determine what weight is given to each piece of evidence they have heard before reaching any decision.
- Based on the evidence heard, always determine precisely what (if any) breach of regulations has been committed before considering any applicable penalty.
- Remember that the degree of proof required is what is more probable (i.e. the balance of probability) rather than proof beyond reasonable doubt.

2G) Findings Of The Hearing

- Findings should be written, timed, dated and signed by the Clerk of the Course or all three of the Stewards of the Meeting - names should be clearly printed and signatures added.
- Read the findings to the parties of the protest or appeal. Get the parties to sign original written findings as a receipt of findings only, date and time signature, giving a copy to the parties concerned.
- Do not enter into any further discussion with parties or witnesses.
- Written findings (preferably typed) should be posted on the official notice board outside race control or event administration.
- If any party subsequently wishes to appeal further, do not attempt to advise them in any way. Refer the possible appellant to the appropriate section in the yearbook.
- Forward all fees, fines, further appeal fees along with notes of the hearing, evidence and written findings to the MSA (within the Steward’s report).
- Cheques should be made payable to: ‘The Motor Sports Association’.

2H) Postponed Judicial Hearings - Delegation of Authority

It is expected that all judicial matters will be concluded before the close of any motorsport meeting.

Exceptionally, where a Clerk of the Course cannot conclude a judicial matter during a meeting (e.g. where a piece of video footage is required but will not be available until after the meeting), then the matter should subsequently be dealt with to conclusion by the same Clerk of the Course.

It may not be practical, however, for the original Stewards of the Meeting to reconvene to hear any appeal which subsequently arises from the Clerk's postponed decision. In such cases, it is permissible for the Stewards of the Meeting to formally delegate their authority to a subsequent panel of Stewards. This must always be done in writing.

Therefore, if a Clerk of the Course needs to carry a matter forward to another meeting, the Clerk should obtain a formal note of delegation from the current Stewards in case this is needed by the Stewards at the subsequent meeting should an appeal then be lodged against any decision made by the Clerk.

Similarly, if a Stewards' Appeal hearing needs to be postponed to a later date for unavoidable reasons, then a formal written delegation of authority must be made by the current Stewards if the matter is to be heard by a different panel of Stewards on the subsequent occasion.

2) Checklist for Judicial Hearings

1	All parties informed of time and place of hearing	
2	All parties present or immediately available	
3	Parents/Guardians present for any minors	
4	Introductions	
5	First party (Protestor/Appellant) evidence and cross examination	
6	First party witnesses and cross examination	
7	Independent witnesses or evidence and cross examination	
8	Second party (person protested/appealed against) evidence and cross examination	
9	Second party witnesses and cross examination	
10	Second Party Closing Statement (no new evidence)	
11	First Party Closing Statement (no new evidence)	
12	Clerk or Stewards deliberation in private	
13	Write out decision - sign, date and time	
14	Deliver findings - Remind of right of appeal	
15	Obtain signature, date and time for receipt of decision	
16	Decision, notes of hearing and any documents to MSA with any forfeit fees.	

MOTOR SPORTS ASSOCIATION



2J) Notes Template for Judicial Hearings

Venue.....Date.....Time.....
Event..... Permit No.
Race No..... Class..... Competitor No's.....
Reason for Hearing
Persons Present.....

1. FIRST PARTY (Protestor/Appellant)

Driver/Entrant Name.....
Age 18 or over **Yes / No**..... Parent/Guardian Name
Competitor No.....

Evidence Statement (key points):

Cross Examination (key points)

2. FIRST PARTY WITNESS(ES)

Name.....
Age 18 or over **Yes / No**..... Parent/Guardian Name
Role at event:

Evidence Statement (key points):

Cross Examination (key points)

3. INDEPENDENT WITNESS(ES) OR EVIDENCE

Name.....
Age 18 or over **Yes / No**..... Parent/Guardian Name
Role at event:
Nature of Other Evidence.....

Evidence Statement/Content (key points):

Cross Examination (key points)

4. SECOND PARTY (Person protested/appealed against)

Driver/Entrant Name.....
Age 18 or over **Yes / No**..... Parent/Guardian Name

Competitor No.....
Evidence Statement (key points):

Cross Examination (key points)

5. SECOND PARTY WITNESS(ES)

Name.....
Age 18 or over **Yes / No**..... Parent/Guardian Name

Role at event:
Evidence Statement (key points):

Cross Examination (key points)

6. CLOSING STATEMENTS [NB. No new evidence]:

Second Party (Key points):

First Party (Key points):

7. DECISION

Regulations contravened (if any)
Penalty imposed (if any).....
Other outcomes.....
Reasons for decision.....
.....
Time of decision.....
Time decision notified.....

Section 3: PENALTY CRITERIA

Guideline Penalties

The table on the following pages lists some of the more common breaches of the Regulations and suggested penalties for application by either a Clerk of the Course or the Stewards of the Meeting as appropriate. The list is not exhaustive but provides a basis for consistency in application of penalties across different meetings.

If the Clerk of the Course considers, after hearing all the evidence, that the competitor has committed an offence he should then look at the Guideline Penalty. This should be taken as the starting point but consideration should then be given to any aggravating or mitigating factors and whether it would be appropriate to either increase or decrease that penalty, bearing in mind that they may need to justify their decision to the MSA. In addition to the various aggravating circumstances mentioned on each page, the fact that the offence has been repeated before could constitute an aggravating circumstance. Cases deemed to be of a particularly serious nature by the Clerk of the Course can, after imposition of penalties within the Clerk's authority, always be referred to the Stewards of the Meeting for consideration of a further penalty which is not available to the Clerk of the Course (i.e. Suspension of Licence) and onward referral to the MSA.

The full scale of penalties that may be imposed is set out in C2.1.1.

For **karting, mandatory penalties** have been agreed for common offences and these are set out in the final table below, together with explanatory notes. Where an offence is judged to have been committed at a kart meeting, all Clerks and Stewards should determine which regulation has been breached and must then apply the appropriate Mandatory Penalty for that offence as shown in the table. **These must not be varied.**

Penalty Points

Whenever any penalty is applied the details should be recorded together with the appropriate penalty points where these are applicable. Points are not an additional penalty, neither are they something that can be omitted. Penalty points are only imposed for any offence that relates to driving, safety or behaviour and no points are applied for technical offences. The breaches for which penalty points are applied are set out in C2.1.5.

The number of points relates to the penalties applied and not to the nature of the offence. The point scale is fixed but, of course, the penalty may be increased or decreased as indicated above. The scale of points is set out in C2.1.7.

If a competitor is believed to have reached twelve penalty points during a meeting, the MSA Steward should note this within his report and the MSA will then take appropriate action with regard to any licence suspension. It is not appropriate for the licence to be suspended on the day or for the competitor to be prevented from continuing to compete within the meeting solely on the basis of accrued penalty points.

Motor Sports Association – Guideline Penalties for Common Offences

<u>Offence</u>	<u>Regulations</u>	<u>Guideline Penalty</u>	<u>Considerations</u>	<u>Notes</u>
Abusive language, behaviour or threat of assault	C1.1.9, C2.6.2, G5.3	Meeting Exclusion	Was this following on-track provocation? Was this immediately after an incident? Was the other person provocative? Are there “independent” witnesses? Was the injured party an official or spectator? There must be Zero tolerance of assault.	Clerk to take action first, then pass on to Stewards if appropriate. Care: f*** words are commonly used by many and alone are not necessarily abusive!! Entrant is responsible for anyone connected with his team.
Particularly aggressive behaviour or actual assault	C1.1.9, C2.6.2, G2.4, G5.3	Licence Suspension (30 days)	Was this following on-track provocation? Was this immediately after an incident? Was the other person provocative? Are there “independent” witnesses? Was the injured party an official or spectator? There must be Zero tolerance of assault.	Clerk to take action first (Meeting exclusion), then pass on to Stewards for consideration of suspension of licence and referral to National Court. Entrant is responsible for anyone connected with his team
Causing another competitor to lose control or otherwise causing an incident	C1.1.5, G2.4, G5.3, Q14.4.5, U12.5.8	Exclusion	Did the other competitor “close the door”? Was this an error of judgement or more malicious, possibly causing danger to others?	Always deal with the incident and not the outcome. If serious enough, Clerk can take action then pass to Stewards (G5.3.5) for consideration of Licence Suspension and referral to MSA (G2.4.3 / C2.6.3)
Driving wrong direction on a stage	C1.1.5, P51.1.2, R25.6.2	Exclusion	Is the report from a Judge of Fact? Can the report be relied upon? Was this deliberate or accidental?	No options available
Failing to produce a competition licence	G3.1.3, G3.1.4, G5.2.6, H22, H33.1.1, U12.1	Pay non-refundable fee (App.1 art.1)	Establish reasons for the non-production and try to corroborate the competitor’s story.	Ensure that there is no reason for the licence to have been withdrawn. Ensure the fee is paid and the appropriate form is signed by the competitor before any participation.
Failing to attend a drivers briefing	G5.3.8, H33.1.3, Q8.1.11	Fine (App.1 art.13.6)	Is the competitor considered inexperienced? Is the competitor considered a professional?	Ensure the competitor still gets briefed
Failing to advise the Clerk of impending eligibility check	C3.4	Fine (App.1 art.13.6)	If the Clerk is not informed when does the offence become apparent?	If informed prior to the event then results must remain provisional until check has been made and then results issued accordingly
Fuel or tyres do not conform to regulations	C3.5, C4, D34, D36, U16.17, U16.18	Exclusion + Championship Penalties (C3.5)	Review the report of the testing body. Interview the competitor concerned.	Check championship regulations for alternative or additional penalties. Send report to the MSA. Does not carry penalty points.
Gaining unfair advantage	C2.3, G5.3, G5.3.7	Time Penalty	Was the action deliberate or inadvertent? Was the action subsequently corrected? Was the action repeated?	Ensure that the driving standard does not breach C1.1.5. Does not carry penalty points but must not be used to avoid points carried by C1.1.5.

Please note: This list is not exhaustive and merely gives the guideline penalty which the MSA advises as appropriate for the selected offences.

Motor Sports Association – Guideline Penalties for Common Offences

<u>Offence</u>	<u>Regulations</u>	<u>Guideline Penalty</u>	<u>Considerations</u>	<u>Notes</u>
Ignoring the Black Flag	C1.1.6, G5.3.2, Q15, U12.5	Exclusion	Had the flag been displayed for a period? Was the driver unsighted? Had the flag been passed several times?	Review why the black flag was being shown
Ignoring the Red Flag or Light signals	C1.1.6, G5.3.2, Q15, U12.5	Exclusion	Had the flag been displayed for a period? Was the driver unsighted? Had the flag been passed several times? Was more than one flag passed?	Red means stop racing not come to a halt and cause problems for others
Ineligible or unsafe vehicle at pre-event scrutineering	C3.1.1, D25.1.6, G5.3.1, H32, J5	Exclusion	Is it a deliberate cheat or a genuine mistake? If eligibility, can a class change solve problem?	If problem can be rectified, re-scrutineer and continue. Does not carry penalty points.
Ineligible or unsafe vehicle after practice / qualifying	C3.1.1, C3.3, D25.1.8, G5.3.1, H32	Exclusion	Is it a deliberate cheat or a genuine mistake? If eligibility, can a class change solve problem?	Loss of all times from the session. In racing if rectified & no reserves, back of grid plus 10sec. Does not carry penalty points.
Ineligible or unsafe vehicle after event	C3.1.1, C3.5, G5.3.1, H32	Exclusion + Championship Penalties (C3.5)	Are there any exceptional circumstances to consider such as accident damage?	Check championship regulations for alternative or additional penalties. Send report to the MSA. Does not carry penalty points.
Making a false start	Q12.4, Q12.5	Time Penalty	Is there a Judge of Fact report? Was advantage gained?	Check championship regulations for alternatives. Does not carry penalty points.
Overshoot stage finish and reverse back	P51.1.1, R25.6.1	Exclusion	Is the report from a Judge of Fact? Can the report be relied upon?	No options available
Overtaking or not slowing down under yellow flags / lights	C1.1.6, G5.3.2, Q15, U6.3, U12.5	Exclusion	Is there any doubt over numbers? Were people at risk? Was there any large speed disparity? Had the flag been displayed for a period? Was the driver unsighted? Was more than one flag passed? Check lap & sector times and lap charts	Slowing from 100 to 80 mph may not be obvious to an observer or someone trackside
Running beyond the track limits in qualifying	C1.1.5, Q12.6.1, Q14.4, Q14.5, U12.5.3, U12.5.4, U12.5.8	Loss of lap time(s) [specify which time]	Was this reported by Judge of Fact? Was this an error of judgement or resulting from actions of another? Was a danger to others created?	If advantage was gained remove the lap time concerned. Continual offenders can be excluded which attracts penalty points as C1.1.5 / Q14.4.4 then apply
Running beyond the track limits in racing	C1.1.5, Q14.4, Q14.5, U12.5.3, U12.5.4, U12.5.8	Time Penalty	Was this reported by Judge of Fact? Was this an error of judgement or resulting from actions of another? Was a danger to others created?	Guide: 2 nd offence = warning flag; 3 rd offence = 5 sec. pen.; 4 th offence = 10 sec. pen.; 5 th offence = drive through pen.; 6 th = exclude which attracts penalty points as C1.1.5 / Q14.4.4 apply. Ensure warning is seen before moving to next penalty.

Please note: This list is not exhaustive and merely gives the guideline penalty which the MSA advises as appropriate for the selected offences.

2017 KARTING PENALTIES

Summary of Mandatory Penalties

The following penalties are as defined on the Clerks Decision Notification and accompanied by the Clerks Decision Notification Explanations issued by MSA. These are mandatory penalties.

INFRINGEMENT / DESCRIPTION	PENALTY
(C)2.3.2. Gaining an Unfair Advantage	10 Seconds or 1 Lap Penalty
(C)1.1.5. Driving in a manner incompatible with general safety	1 Lap Penalty or Race Exclusion
(C)1.1.5. Driving in a manner incompatible with general safety - Aggravated Contact	Race Exclusion or Meeting Exclusion & Referral to Stewards of the Meeting
(C)1.1.6. Contravention of flag signal <u>before or after Race</u> - ¼ Black/Yellow / Yellow	10 Seconds Penalty
(C)1.1.6. Contravention of flag signal <u>during Race</u> - ¼ Black/Yellow / Yellow	1 Lap Penalty
(C)1.1.6. Contravention of flag signal - Ignore Technical Flag Twice	Black Flag
(C)1.1.6. Contravention of flag signal - Black Flag (ignored more than once)	Race Exclusion or Meeting Exclusion
(C)1.1.9. Abusive Language, Behaviour or Assault -	Race Exclusion (4 points) & Referral to Stewards of the meeting
(C)1.1.9. Abusive Language, Behaviour or Assault - Serious	Meeting Exclusion (6 points) & Referral to Stewards of the Meeting
(H)33.1.3. Failure to attend Drivers' Briefing (recommend £50)	Fine of £.....
(H)33.1.4. Failure to obey an Official of the Meeting	Race Exclusion (4 points) or Meeting Exclusion (6 points)
(C)3.1.1. Scrutineer Non-Compliance Report, vehicle or component ineligible	Race Exclusion or Meeting Exclusion
(U)17.29 Underweight	Race Exclusion
(U)8.1. Failure to report to Scrutineering	Race Exclusion or Meeting Exclusion
(C)2.3.4/(U)17.5.5. Incorrectly positioned front fairing - race	10 Seconds penalty
Incorrectly positioned front fairing - TQ	Deletion of fastest time
(U)17.5.5. Attempting to tamper with or reattach the front fairing during race / timed qualifying	Race /TQ Exclusion
Intentionally reattaching the front fairing after chequered flag	Meeting Exclusion & Referral to Stewards of the Meeting

Although the above details the mandatory penalties for driving, behaviour etc. this does not preclude the Clerk issuing penalties against other breaches of regulations as defined in (C)2.1.

MANDATORY KARTING PENALTIES - EXPLANATIONS

Regulation	Penalty
C2.3.2. – Gaining an Unfair Advantage	10 Seconds Penalty or 1 Lap Penalty
Gained an unfair advantage – The hearing has determined that you have gained an advantage over another driver(s) by the manner of your driving. You may not have actually made contact, but your position on the track may have unfairly impeded the other driver(s). The penalty will be determined by the degree of advantage that you have gained, in order that any advantage has been negated, with a 10 second penalty as a minimum.	
C1.1.5. Driving in a manner incompatible with general safety, and/or departing from the standard of a reasonably competent driver.	1 Lap Penalty or Exclusion from Race
The hearing has determined that you have gained an advantage over another driver(s) by the manner of your driving. It is likely that you have actually made contact and that contact has significantly impeded the other driver(s). You departed from the standards expected of a reasonably competent driver.	
C1.1.5. Driving in a manner incompatible with general safety, and/or departing from the standard of a reasonably competent driver.	Exclusion from Race or Exclusion from Meeting (& Referral to Stewards of the Meeting)
Aggravated Contact – The hearing has determined that you have driven in a manner that is incompatible with general safety and have caused an incident. It may be that it is considered that you had taken retaliatory action following another incident, although this may not be the case. The penalty reflects the seriousness of the incident and considers that your safety and that of others has been put at risk. The Stewards of the Meeting will hold a further hearing to determine if further action is considered necessary.	
C1.1.6. Any contravention of Flag or Light Signals (Q.5).	10 Seconds Penalty
Ignored ¼ Black/Yellow or Yellow Flag or Light Signal – It has been determined that you ignored the instructions issued by the deployment of these signals in that you did not slow down sufficiently or that you overtook another kart(s) during the rolling lap prior to the race start.	
C1.1.6. Any contravention of Flag or Light Signals (Q.5).	1 Lap Penalty
Ignored ¼ Black/Yellow or Yellow Flag or Light Signal – It has been determined that you ignored the instructions issued by the deployment of these signals in that you did not slow down sufficiently or that you overtook another kart(s) during the race or timed practice.	
C1.1.6. Any contravention of Flag or Light Signals (Q.5).	Black Flag
Ignored Technical Flag twice – It is determined that you have ignored the Technical Flag. Something has been seen on your kart that could be dangerous to yourself or others or that has rendered your kart ineligible. You should have returned to your pits within one lap.	
C1.1.6. Any contravention of Flag or Light Signals (Q.5).	Exclusion from Race or Exclusion from Meeting
Ignored Black Flag – It is determined that you have ignored the Black Flag more than once. An incident had occurred that lead the Clerk of Course to decide that he required you to stop racing and you should have returned to your pits within one lap and reported to him. The fact that you have passed it at least twice is a serious breach of the regulations.	
C1.1.9. Abusive language or behaviour, physical assault, or threats of physical assault within the area under control of the Organising Club.	Exclusion from Race & Referral to Stewards of the Meeting
Abusive Language, Behaviour or Assault – After a hearing the clerk has found that there has been an incident involving the use of Abusive Language, Behaviour or Threat of Physical Assault. It may have been mild, but the Stewards of the Meeting will hold a further hearing to ascertain the full facts of the incident. (This penalty carries Penalty Points.)	
C1.1.9. Abusive language or behaviour, physical assault, or threats of physical assault within the area under control of the Organising Club.	Exclusion from Meeting & Referral to Stewards of the Meeting
Abusive Language, Behaviour or Assault – A Clerk's hearing has satisfied itself that there has been a serious incident of Abusive Language, Behaviour or Actual Physical Assault. The Stewards of the Meeting will hold a further hearing to determine whether a further penalty is appropriate. (This penalty carries Penalty Points.)	
H33.1.3. Competitors must attend any meeting or briefing where this is required by the SRs, by the Clerk of the Course, or by the Stewards of the Meeting.	Fine of £.....
Failure to attend drivers' briefing – A hearing has determined that you failed to attend, or arrive in time for, a drivers' briefing. (1st offence recommended £50)	
H33.1.4. Competitors and their service/pit assistants must at all times obey the instructions of an authorised official of the meeting.	Exclusion from Race or Exclusion from Meeting
Failure to obey an official of the meeting - A hearing has determined that you or a member of your team failed to obey a meeting official. (Any penalty will carry Penalty Points.)	
C3.1.1. 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.	Exclusion from Race or Exclusion from Meeting
Technical Infringement – It has been determined by the Meeting Scrutineers that your kart does not meet the technical requirements and the hearing can find no satisfactory reason for this non-compliance.	
U17.29. The minimum weight limit is the combined weight of Driver, kart and engine with the kart in complete racing trim, as at the end of each race or heat.	Exclusion from Race
Underweight - It has been determined by the Meeting Scrutineers that your kart does not meet the weight limits for your class and the hearing can find no satisfactory reason for this non-compliance.	
U8.1. After receiving the end of race signals, all karts must proceed directly to the Parc Ferme without stopping, giving or receiving any object whatsoever and without any assistance (except that of Marshals if necessary).	Exclusion from Race / Meeting
Failure to report to Scrutineering – A hearing has determined that you failed to report to scrutineering after your race or timed qualifying.	
C2.3.4 / U17.5.5 - Incorrectly positioned front fairing - race	10 Seconds Penalty
C2.3.4 / U17.5.5 – Incorrectly positioned front fairing - timed qualifying	Deletion of fastest time
You have returned to post race/qualifying scrutineering with front fairing incorrectly positioned after an impact. A penalty of 10 seconds/deletion of time has therefore automatically been imposed.	
U17.5.5 - Attempting to tamper with or reattach the front fairing during race/timed qualifying	Exclusion from Race / TQ
U17.5.5 - Intentionally reattaching the front fairing after chequered flag	Exclusion from Meeting & Referral to Stewards of the Meeting
It has been reported that you have attempted to reattach the front fairing during the race/TQ and therefore you are penalised by exclusion from the race/timed qualifying. If you have intentionally reattached the front fairing after the chequered flag you will be excluded from the meeting and referred to the Stewards of the Meeting for consideration of referral to the MSA for further penalty.	