

## B - JUDICIAL

**The Judicial Procedures are an appendix of the Sporting Code.**

NB Where reference is made to the Permitting Body this is the MCRCB.

### 1 JUDICIAL BODIES

**The Judicial Bodies are:**

- 1) the (Judicial) Clerk of the Course;**
- 2) the Judicial Panel/Stewards;**
- 3) an MCRCB Tribunal.**

**Their duties and responsibilities are set out in the Sporting Code under articles A25.4, A25.1 and A6 respectively.**

### 2 BREACH OF REGULATIONS

Any of the following offences, in addition to any other offences specifically referred to previously or hereafter, shall be deemed to be a breach of these regulations. Please see Sporting Code (article 50.19) for the responsibility/liability of a rider.

- 2.1 To ride a machine that is not prepared in accordance with these regulations or does not comply with these regulations.
- 2.2 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 or competing in the event or in any other way involved in the event; and the acceptance of or offer to accept a bribe by such a person.
- 2.3 Any action having as its object the entry or participation in an event of :
  - a) A person or motorcycle found to be ineligible therefore and/or,
  - b) A person who is not the holder of a licence appropriate to the event concerned.
- 2.4 Any fraudulent act or proceeding in connection with an event or motor sport generally.
- 2.5 Any proceeding or act prejudicial to the interests of the MCRCB or of motor sport generally.
- 2.6 Reckless or dangerous riding in the course of a meeting (as defined in section D).
- 2.7 Careless riding in the course of a meeting (as defined in section D).
- 2.8 Disregard of flag signals (see the General Regulations, section E).

### FLAG OFFENCES

**All the following will result in the addition of at least 3 penalty points.**

#### 2.8.1 Red Flag or Light

**Penalty for disregarding a red flag or light:**

**During practice – A loss of grid positions (minimum four) in the relevant race(s). In addition a fine may be imposed.**

**During a race - A loss of places in the result (minimum four) in the relevant race(s). In addition a fine may be imposed.**

If however the Clerk of the Course considers the offence to be an act of Dangerous or Reckless riding he may report the matter to the Judicial Panel for action.

### 2.8.2 **Waved Yellow Flag**

Penalty for overtaking or not slowing down when waved Yellow Flag shown and not immediately raising a hand and reversing any positional or time advantage gained:

**During practice – A loss of grid positions (minimum four) in the relevant race(s). In addition a fine may be imposed.**

**During a race – A time penalty (minimum 10 seconds) or a ride-through penalty, depending on the circumstances. In addition a fine may be imposed.**

If however the Clerk of the Course considers the offence to be an act of Dangerous or Reckless riding he may report the matter to the Judicial Panel for action.

#### 2.8.2.1 **Stationary Yellow Flag**

**Penalty for overtaking when stationary Yellow Flag is shown and not immediately raising a hand and reversing any positional or time advantage gained:**

**During Practice -** A penalty which may result in a loss of places on the grid and/or a fine.

**During a Race -** A penalty which may result in a loss of places in the result and/or a fine.

### 2.8.3 **Black Flag with Orange Disc**

Penalty for delay in responding to a Black Flag with Orange Disc:

**During practice - A loss of grid positions (minimum four) in the relevant race(s). In addition a fine may be imposed.**

**During a race -** Exclusion. In addition a fine may be imposed.

If however the Clerk of the Course considers the offence to be an act of Dangerous or Reckless riding he may report the matter to the Judicial Panel for action.

### 2.8.4 **Black Flag**

Penalty for delay in responding to a Black Flag:

**During Practice - A loss of grid positions (minimum four) in the relevant race(s). In addition a fine may be imposed.**

**During the Race –** Exclusion. In exceptional circumstances this may be reduced to a loss of places in the result. In addition a fine may be imposed.

### 2.8.5 **Chequered Flag**

Penalty for disregarding a Chequered Flag or pit lane control flags/signals: A fine of not less than £60. In exceptional circumstances this may be reduced to a reprimand.

**2.8.6 White Flag with Diagonal Red Cross (Safety Car Flag)**

**When the Safety Car Flag is shown penalty for gaining a positional advantage and not immediately reversing any advantage gained (whether inadvertently or not):**

**A time penalty (minimum 10 seconds) or a ride-through penalty, depending on the circumstances. In addition a fine may be imposed.**

**Penalty for not slowing down when Safety Car Flag is shown:**

**A time penalty (minimum 10 seconds) or a ride-through penalty, depending on the circumstances. In addition a fine may be imposed.**

If, however the Clerk of the Course considers the offences above to be acts of Dangerous or Reckless riding he may report the matter to the Judicial Panel for action.

**2.8.7 Blue Flag**

Penalty for disregarding a Blue Flag:

During Practice - A penalty which may result in a loss of places on the grid and/or a fine.

During a Race - A penalty which may result in a loss of places in the result and/or a fine.

**2.9 Riding in a manner not compatible with general safety**

Any penalty incurred under this regulation shall not prevent any appropriate action under regulations 2.6 and 2.7 in respect of careless, reckless or dangerous riding.

2.10 The Clerk of the Course may refer matters of a more serious nature directly to the Judicial Panel, having satisfied himself that there is a case to answer.

2.10.1 Any allegations of contravention of 2.6, 2.7 or 2.9 may be modified by the Clerk of the Course/Judicial Panel to be considered as a lesser or greater offence.

2.11 The Permitting Body may in its absolute discretion, within a maximum of 30 days after the event, order that a hearing by the MCRCB Tribunal shall take place in respect of an allegation of careless, reckless or dangerous riding notwithstanding that the Clerk of the Course or Judicial Panel have taken no action.

**2.12 During a competition, riders must not manoeuvre in a foul, unfair or dangerous manner. Therefore:**

2.12.1 It is forbidden to ride on the course in the opposite direction to that stated in the regulations or on the Track Licence.

2.12.2 It is forbidden to ride in the pit lane, with the engine running, in the opposite direction to that stated in the regulations or in the Track Licence, unless authorised.

2.12.3 It is forbidden to ride a race bike in the paddock at excessive speed or in a reckless or dangerous manner. It is forbidden to ride a race bike in other public areas.

2.12.4 It is forbidden to ride a paddock bike, bike or any other vehicle in the paddock at excessive speed or in a reckless or dangerous manner. It is

forbidden to ride a paddock bike in other public areas unless all road traffic regulations are complied with (see article B2.24 for penalties).

- 2.12.4.1 It is forbidden to ride a paddock bike, bike or any other vehicle in the paddock if under 18 years of age unless a competitor at the meeting, the rider and team will be held responsible.
- 2.12.5 Riders must not gain an unfair advantage, however slight.
- 2.12.6 Riders must not tour, see article 2.19.
- 2.12.7 It is forbidden for a rider to transport another rider on his solo machine during practice or races.
- 2.12.8 **When, for whatever reason, a rider leaves the track he must resume racing without any outside assistance, except by the marshals, at the place indicated by the marshals or at a place which does not provide an advantage to him.**
- 2.13 **Misbehaviour or Unfair Practice.**
- 2.14 Abusive language or behaviour, or assault within the area under the control of the MCRCB or to an official of the meeting.  
Any rider or team member using abusive language or behaviour, or assault, within the area under the control of the MCRCB or to an official of the meeting (or Circuit) will be excluded from the meeting. The penalty may be imposed on rider(s) and team if the offence is by a member of his team. In exceptional circumstances this may be reduced to a fine and a suspended sentence.
- 2.15 Failure to honour a cheque payable to the MCRCB, Event Organiser or any Body appointed or authorised by the MCRCB, will result in suspension until payment of the full amount, plus charges, has been made.

**All the following offences (2.16 to 2.20) will result in the addition of 1 to 3 penalty points.**

- 2.16 **Disregard of instructions of an Official, the Regulations or Official Bulletin**  
**Penalty:** Any rider or team member disregarding the instructions of any Official of the meeting ( or Circuit) or the Regulations or an Official Bulletin will be penalised. The penalty may be imposed on rider(s) if the offence is by a member of his team  
In exceptional circumstances this may mean exclusion of the rider(s) from the event.  
If a penalty for that offence has already been stated in these regulations that will be applied.
- 2.17 **Start Procedure (See appropriate General Regulations E 1.6)**  
**Penalty for disregarding Start Procedures:**  
Any rider or member of his team not complying with Start Procedure Regulations will result in a penalty (inc. a "Ride Through" penalty) being imposed on that rider. The minimum penalty will be a fine of £60.
- 2.17.1 **The penalty for delaying the start**  
Whether delaying the start is inadvertent or not, a "Ride Through" or positional penalty will be imposed.

- 2.18 **False Start (see appropriate General Regulations E 1.6.5)**  
**Penalty for a false (jump) start:**  
The rider concerned will be penalised by a “ride through” penalty; this may be substituted by a time penalty of 20 seconds.  
If the start is delayed or other riders inconvenienced the offence will be deemed more serious and the competitor may, in addition, be moved to the back of the grid or may be excluded from the race and/or meeting.
- 2.19 **Touring (See appropriate General Regulations)**  
**Penalty:**  
A penalty may be imposed on any rider found to be touring. If, by touring, that competitor unfairly hinders the progress of other riders or causes a hazard he will receive a fine of not less than £60.  
If the act of touring is considered to be careless, reckless or dangerous riding the offence will be deemed more serious and the competitor may be excluded from the meeting.
- 2.20 **Gaining a positional advantage (whether inadvertently or not) and not immediately reversing any advantage gained**  
A time or positional penalty, or a ride-through penalty, depending on the circumstances. In addition a fine may be imposed.
- 2.21 If any of the offences stated in the above articles are deemed to be of a more serious nature additional penalties may be imposed including exclusion.
- 2.22 **Using a machine not prepared in accordance with these Regulations**  
Using a machine which is not prepared in accordance with these Regulations and which could cause a hazard or result in a hazard to other riders or the rider himself. The rider and/or Team will be penalised by exclusion from that practice session or race or event. Additionally a fine may be imposed.
- 2.23 **Speeding in the pit lane**  
**1st offence of season – formal warning.**  
**2nd and subsequent offences – a mandatory fine of £60.**
- 2.24 **Deviation from the Racing Circuit (Short Cuts)**  
This will be considered as taking an unfair advantage  
During Practice – Time penalty (including loss of practice time) or “stop and go” penalty, for persistent infringement other penalties may be applied  
During a Race – Time penalty, ride-through or exclusion.
- 2.25 **Unauthorised practice starts**  
Unauthorised practice starts will be penalised by a loss of grid positions (minimum of four) and/or a fine.
- 2.26 **Misuse of passes by a rider or team member**  
For the misuse of passes (inc. Vehicle, Pit Lane, Signal Wall and Grid) or ignoring instructions of an official or failure to wear or show the pass correctly or to show it on the request of an official including an official of the circuit.  
A fine against the competitors in that team will be imposed.

- 2.27 In exceptional circumstances - Exclusion of that team and all competitors in that team, the selling of passes will be deemed an exceptional circumstance. **Misuse of paddock bikes, race machines or any other means of transport (including cycles and skateboards etc.) within the Circuit by a rider, team member or any other person connected to the rider or team** A fine against the competitors in that team will be imposed.
- In exceptional circumstances - Exclusion of that team and all competitors in that team.
- 2.28 Any person or body who shall organise, advertise, enter for, ride in, officiate at, or in any manner whatsoever take part in a motorcycle competition or championship not organised in accordance in all respects with these regulations or who becomes disqualified or suspended by the governing body of any other sport recognised by the ACU or by the MSA shall be reported to an appropriate MCRCB Tribunal.

### 3 PENALTIES

Any Promoter, Organiser, Official, Competitor, Entrant, Team Member, Manufacturer or other person committing a breach of the Regulations or of any MCRCB conditions or of any instructions to competitors, or of any special rules may be penalised as hereinafter provided.

- 3.1.1 The penalties which may be inflicted as follows:

- a) Reprimand
- b) Fine
- c) Penalty Points
- d) Time Penalty or Position Penalty including "stop & go" or "ride through" (the pit lane at restricted speed)
- e) Loss of places on the grid including at the next meeting that rider takes part in.
- f) Loss of places in the results
- g) **Withdrawal of championship points**
- h) Exclusion
- i) Suspension
- j) Disqualification

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

- 3.1.2 Any MCRCB Tribunal may also:

- a) Declare the results of an event null and void.
- b) Order the return of any awards, or annual championship points.
- c) Order the return of all, or part of Entry Fees.
- d) Impose such conditions on future events as it thinks fit.
- e) Order the downgrading of any ACU licence or Registration.

- 3.1.3 The Judicial Panel or an MCRCB Tribunal may, at its sole discretion, order that any of the penalties detailed in 3.1.1 and 3.1.2 be held in suspense for a specific period of time. Should the competitor be found guilty of a subsequent offence, details of that offence will be forwarded to the Permitting Body, the Judicial Panel or an MCRCB Tribunal for them to consider whether the suspended sentence should be activated in addition to any penalty imposed for the subsequent offence.

- 3.2 When a penalty is imposed by the Clerk of the Course, Judicial Panel, or the Tribunal, details will be recorded by the Permitting Body.
- 3.3 **Time or Positional Penalty**  
The Clerk of the Course, or Judicial Panel, may impose a time or positional penalty, including a “stop and go” or “ride through”, on any competitor considered to have obtained an unfair advantage (whether inadvertently or not) in a race or practice. The penalty may be imposed after the race or practice session has finished.
- 3.3.1 **STOP & GO** - During the race or practice the rider will be instructed to stop in the designated penalty area. He must bring his machine to a complete stop and remain stationary for as long as indicated by the official responsible. He may then rejoin the race or practice.
- 3.3.2 **RIDE THROUGH** – During the race the rider will be instructed to ride through the pit lane. He may then rejoin the race. A ride through may take place during an intervention by the Safety Car, however the rider must rejoin at the back of the race as directed.
- 3.3.3 For a ride through penalty the rider must respect the speed limit (60 km/h) in the pit lane. The team will be notified and notification will be given to the rider at the finish line by means of a board. Failure by the relevant rider to perform the penalty having been shown the board 3 times will result in that rider being shown the black flag. If more than one rider is penalised the riders will be signalled on subsequent laps. The order of the riders will be based on the qualifying times with the fastest rider first. The second or subsequent rider will not receive instructions until the previous rider has completed the penalty or been shown the black flag.  
In the case where the organisation has been unable to carry out the penalty before the end of the race, the relevant rider will be inflicted with a time penalty of 20 SECONDS.  
In the case of a race interrupted prior to a ride through penalty being enforced, and if there is a second part to the race, the relevant rider will be inflicted with a time penalty of 20 seconds added to his time for the first part. He will not then have to carry out a ride through penalty.  
In the case of infraction of the ride through speed limit the penalty will be repeated. For a second infringement invoking a ride through penalty, the black flag will be shown to the rider.
- 3.4 **Sentence to a Reprimand or a Fine**  
A reprimand or a fine may be imposed by the Clerk of the Course, Judicial Panel or the MCRCB Tribunal.
- 3.4.1 **Time Limit for Payment of Fines**  
Fines shall be paid within 7 days of their being ordered. Any delay in making payment may entail suspension of licence for the period during which the amount remains unpaid. An Entrant shall, if called upon to do so, be responsible for the payment of any fine imposed and, in such circumstances in the event of non-payment, be suspended equally and simultaneously with the person on whom the fine has been levied.
- 3.4.2 **Allocation of Proceeds from fines**  
The proceeds from all fines shall be remitted to the Permitting Body.

**3.5 Sentence of Exclusion**

A sentence of exclusion from a meeting, or event(s), or part thereof, may be pronounced by the Clerk of the Course, Judicial Panel or the MCRCB Tribunal. It may be made retrospective.

**3.6 Suspension**

A person, body, motorcycle or make of motorcycle shall be said to be suspended when forbidden, by the MCRCB, and exceptionally under 3.6.2, 3.6.4, 4.5.3 and 5.5 by the Judicial Panel, to take part in any MCRCB competition for a stated period. The MCRCB may, at its discretion, restrict the suspension to certain categories or types of event.

3.6.1 Suspension shall render void any entry made for an event taking place during such suspension and any entry fee paid or payable shall be forfeited to the Permitting Body. The rider concerned must forfeit his licence to the ACU.

3.6.2 For an offence of reckless or dangerous riding or disregard of flag signals, or abusive language or abusive behaviour or physical assault or threat of physical assault or bringing the sport into disrepute, the Clerk of the Course may, in addition to any other penalty (including a Sentence of Exclusion) he is entitled to impose by these regulations, report the matter to the Judicial Panel with a view to them imposing further penalties including suspension for a period not exceeding 60 days (in exceptional circumstances this may be 6 months during the racing season but is subject to confirmation by the MCRCB Directors). If the Judicial Panel, after enquiry, are satisfied that a physical assault, or threat of a physical assault, occurred, their suspension will not be subject to appeal.

On imposing such a sentence, the Judicial Panel shall have the power to require the competitor concerned to deliver to them his competition licence which will be immediately forwarded to the ACU with a report on the enquiry leading to the suspension, which will then be considered by an ACU Tribunal, who may impose such further penalty as they think fit. An MCRCB Tribunal may also take action against that competitor.

3.6.3 Delay in handing in a licence in accordance with 3.6.1 and 3.6.2 will automatically result in the extension of the suspension by a period equal to the delay.

3.6.4 For offences of the use of an oversize engine (4.5.3.1 and 4.5.3.2) or use of illegal fuel (5.5 and 5.6) the Clerk of the Course will in addition to any other penalty (including sentence of exclusion) he is entitled to impose by these regulations report the matter to the Judicial Panel who will impose a sentence of suspension from Road Racing for a period of 6 months of the Road Racing season unless there are exceptional reasons not to do so.

A report on the enquiry leading to the suspension will then be forwarded to the Permitting Body. The matter may then be considered by an MCRCB Tribunal, who may impose such further penalty as they think fit.

**3.7 Disqualification**

A person, body, motorcycle or make of motorcycle shall be subject to disqualification when permanently forbidden by the MCRCB to take part in any competition whatsoever.

- 3.7.1 Disqualification will always have an International effect and shall be notified to the FIM
- 3.7.2 Disqualification shall render void any previous entry made for any competition and any entry fee paid shall be forfeited to the MCRCB.
- 3.7.3 A sentence of disqualification shall be reserved for exceptionally grave offences.
- 3.7.4 Where a sentence of disqualification relates to an Entrant, Rider or Passenger he shall immediately return his licence to the ACU.

### **3.8 Penalty Points**

The organisers of a Championship or Series may also impose penalty points.

Penalty Points may be given against any competitor by the Clerk of the Course or Judicial Panel. The points may be given as a penalty or an additional penalty. Any Competitor receiving 12 penalty points in a 12 month period will be automatically suspended from the next meeting or race in that Championship or Series.

After completion of the suspension the points total will be reduced to 3 points. The points remain for 12 months.

- 3.8.1 Any competitor whose registration is suspended, or becomes liable to suspension may request a hearing before a Tribunal set up by the Permitting Body to show cause why his/her registration should not be suspended. Initially, such a request containing a brief statement of the grounds for the request and accompanied by the appropriate fee as set out in section C, must be made in writing to the MCRCB within seven days of the written notification to the competitor of the suspension of the registration. The submission of such a request will not affect the suspension, which will remain in force pending the decision of the Tribunal. The Tribunal shall have no jurisdiction to consider the competitor's guilt of the offence charged in respect of any of the relevant penalties. In relation to the requirement that the competitor shows cause why his or her registration should not be suspended in respect of any relevant penalty concerning a riding offence, it is necessary that the competitor proves an exceptional circumstance meriting his or her registration not being suspended.

### **3.9 Suspension or Disqualification of a Make of Motorcycle**

The MCRCB Tribunal may suspend a make of machine within its own territory for a breach of the Regulations by the manufacturer or his accredited representative, or for any reason of safety.

### **3.10 Reciprocity of Penalties**

The ACU will withdraw from and not issue a licence to, and the MCRCB will not register or accept an applicant who is subject to a penalty of suspension or disqualification imposed under these rules or by the FIM or an FMN or the Speedway Control Board or the MSA, subject to the Right of Appeal to the appropriate MCRCB Tribunal.

### **3.11 Loss of Award**

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

- 3.11.1 Amendment of placings and awards - in such cases the Judicial Panel will declare the resulting amendment to the placings and awards, and they will

decide whether the next competitor in order (after those placed) shall be advanced.

### 3.12 **Publication of Penalty**

3.12.1 The FIM, the ACU or the MCRCB shall have the right to publish or cause to be published a notice stating that it has penalised any person, body, motorcycle or make of motorcycle, and if it so desires, the reasons therefor.

3.12.2 The person, persons or body referred to in such notice shall have no right of action against the FIM, the ACU or the MCRCB or against any person publishing or printing the notice and may incur disqualification if such action is taken.

### 3.13 **Remission of Penalty**

The appropriate MCRCB Tribunal shall have the right to remit the unexpired term of a sentence of suspension or disqualification on such conditions (if any) as it may think fit. Requests for remission of sentence must be in writing, accompanied by a non-returnable fee of £500. The same level of Tribunal which applied the original penalty will deal with the application entirely in writing.

### 3.14 **Judgement**

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

### 3.15 **Costs**

The Judicial Panel and/or the MCRCB Tribunal may make such order as to costs as they may think fit.

#### 3.15.1 **Time Limit for Payment of Costs**

Costs shall be paid within 7 days of their being ordered. Any delay in making payment may entail suspension of registration for the period during which the amount remains unpaid.

#### 3.15.2 **Liability to Pay Costs**

An Entrant shall, if called upon to do so, be responsible for the payment of any cost imposed and, in such circumstances in the event of non-payment, be suspended equally and simultaneously with the person on whom the cost has been levied.

### 3.16 **Competitors – Under 18 years of age**

When being interviewed or attending any hearing any rider who is under 18 years of age must be accompanied by a parent or the named guardian, as stated on the Parental Consent Form.

NB A person under 18 years of age must not compete if a parent or named guardian, as stated on the Parental Consent Form, is not present

## **4 ELIGIBILITY CHECKING**

4.1 Eligibility inspection must be supervised by the Chief Technical Officer of the event and/or by an eligibility official appointed by the MCRCB. They will then be considered as Eligibility Judges of Fact.

Teams must be able to carry out any dismantling of the engine or machine in order that the inspection may be carried out, failure to carry out this duty may incur a penalty as foreseen in article 4.5.

4.1.1 Should the Eligibility Judge of Fact agree that the motorcycle/component is not eligible, this will be reported to the Clerk of the Course who after giving

the parties the opportunity to be heard, will impose penalties in accordance with article 4.5, unless there are exceptional reasons why this should not be done. If the Clerk of the Course considers that the matter is of a grave and weighty nature, he may refer the matter to the Judicial Panel.

- 4.1.2 The findings of the Clerk of the Course/Judicial Panel will be reported to the Permitting Body who may take further action, including increasing any penalty imposed.
- 4.2 If a motorcycle/component is not made available for an eligibility examination as required by the Chief Technical Officer, the Clerk of the Course or the Stewards, it will be considered as ineligible and will be reported as such to the Clerk of the Course, who will arrange for the matter to be heard in accordance with 4.1.1 and 4.1.2.
- 4.3 Should a motorcycle be deemed ineligible after the final qualifying practice, but subsequently be approved before the race, the motorcycle will have all its practice times disallowed, but may be permitted by the Clerk of the Course to start from the back of the grid, providing that by so doing, it does not take the place of any motorcycle already qualified (whether a reserve or not).
- 4.4 Competitors whose motorcycles are the subject of an impending check of eligibility must advise this fact to the Clerk of the Course of any event in which they wish to take part during this period, and the results of such event will remain provisional until such time as the eligibility decision has been made. Failure to so inform the Clerk of the Course (in writing) will entail a fine of £500.

#### 4.5 **INFRINGEMENT OF ELIGIBILITY REGULATIONS**

- 4.5.1 Any competitor, Entrant, Manufacturer or team competing in a championship whose motorcycle is found to be ineligible in accordance with 4.1, 4.2 or 4.3 will be subject to the following penalties, unless there are exceptional reasons not to do so.
  - 4.5.1.1 **Arising during Practice or from Post Practice Eligibility Inspection.**  
Minimum penalty: Forfeit the practice times from all completed timed sessions in that class at that meeting.  
In addition the following penalties may be imposed - penalty points, maximum 6, and/or a fine of up to £1000 and/or the rider may receive a ban from that meeting and future meeting(s).
  - 4.5.1.2 **Arising from Post Race Eligibility Inspection.**  
Minimum penalty : Be excluded from all races in that class at that meeting.  
Forfeit all Championship points, prize money and awards from that meeting.  
In addition the following penalties may be imposed - penalty points, maximum 6, and/or a fine of up to £2000 and/or a ban from this and future meeting(s).
- 4.5.2 **Additional Penalties**  
The following additional penalties may be applied whether the championship is for rider, entrant/sponsor, team or manufacturer
  - 4.5.2.1 Count the event as one of the events contributing to his Championship score.
  - 4.5.2.2 Be excluded from any other event at that meeting, forfeiting all Championship points, prize money and other awards from that meeting.

- 4.5.2.3 Forfeit a total of points no greater than those obtained from two first places, even if this penalty results in a minus total of points.
- 4.5.2.4 Penalty points and/or fine.
- 4.5.2.5 Be suspended from future events.
- 4.5.2.6 For any second offence in the season the minimum penalty is suspension from 3 meetings and £1000 fine, unless there are exceptional reasons not to do so.
- 4.5.3 The following penalties will apply:
  - 4.5.3.1 **In the event of an engine being found to be oversized**, the Judicial Panel will impose a sentence of suspension for a minimum period of 6 months of the Road Race season (1st March to the 31st October), unless there are exceptional reasons not to do so.
  - 4.5.3.2 **Refusal to have the machine examined**, the Judicial Panel will impose a sentence of suspension for a minimum period of 6 months of the Road Race season (1st March to the 31st October), unless there are exceptional reasons not to do so.
- 4.5.4 **Failure to comply with parc ferme regulations**, Will result in an automatic exclusion from that race or that practice session, unless there are exceptional reasons not to do so.
- 4.5.5 A special procedure as detailed in 7.4.7 applies in respect of any Appeal against an Eligibility decision including the application of 4.5.3.

## 5 FUEL CHECKING

- 5.1 Competitors are required to have sufficient fuel remaining in the tank at all times for testing and in order to comply with the regulations this should be 2 litres.
  - a) Control Fuel - The minimum amount of fuel required for testing is 1 litre if it is a control fuel.
  - b) Non Control Fuel – The minimum amount of fuel required for testing is 2 litres if a control fuel is not required or if a control fuel is required but found not to be being used. This may be reduced to 1 litre if the competitor agrees to only one fuel sample being taken (see Technical Regulations).
  - c) The Clerk of the Course/Judicial Panel may only make exceptions if the appointed officials for the testing of fuel are satisfied that they have sufficient fuel to carry out the tests required by the regulations.
- 5.2 It shall be an offence to use fuel which does not comply with the fuel specification laid down in the Technical Regulations, or the Championship Conditions/Supplementary Regulations for the Event.
  - a) Fuel which is not a control fuel (ineligible), but which complies in all other respects with the fuel regulations will be penalised as in article 5.4
  - b) Fuel that is not the control fuel and which does not comply with fuel regulations as laid down in the Technical Regulations will be penalised as in article 5.5.
- 5.3 The analysis of an MCRCB officially approved testing facility in respect of the fuel sample will be taken as a finding of fact.

- 5.4 In the event of the fuel being found to be ineligible (i.e not the Control Fuel when required) but to comply with fuel regulations in all other respects.
- 5.4.1 **Arising during Practice or from Post Practice Eligibility Inspection**  
Minimum penalty: Forfeit the practice times from all completed timed sessions in that class at that meeting.
- 5.4.2 **Arising from Post Race Eligibility Inspection**  
Minimum penalty : Be excluded from the race. Forfeit all Championship points, prize money and awards for that race.
- 5.5 In the event of the fuel being found not to comply with the MCRCB fuel regulations, the Judicial Panel will impose the sentence of suspension for a minimum period of 6 months of the Road Race season (1st March to the 31st October), unless there are exceptional reasons why this should not be done.
- 5.6 If a fuel sample is not made available or there is insufficient fuel for a test(s) to be carried out for an eligibility or non compliance with fuel regulation examination, as required by the Chief Technical Officer, the Clerk of the Course, the Stewards or the official appointed to supply and test fuel, for any reason the fuel will be considered as not to comply with the fuel regulations and will be reported as such to the Clerk of the Course, for application of the penalties as stated in article 5.5. Only in exceptional circumstances may these be reduced by the Judicial Panel to the minimum penalty as stated in article 5.4.1 and 5.4.2.
- 5.7 A special procedure as detailed in 7.4.7 applies in respect of any appeal against a breach of fuel regulations.

## **6 PROTESTS**

- 6.1 The right to protest lies solely with any entrant or rider or passenger who is party to a dispute concerning the act or omission of another Competitor in an event in which he is or has been taking part.
- 6.1.1 Any official, acting in his official capacity, may take such action as he may deem proper in any circumstances regardless of whether a protest has been lodged.
- 6.1.2 Every protest shall be in writing stating the grounds for the protest, be signed by the party making the protest, and be accompanied by a fee laid down in section C (see also article 6.3.4). It must be lodged with the Clerk of the Course, or the Secretary of the Meeting, or their deputies, within the appropriate time limit.
- 6.2 **Time limit for protests**
- 6.2.1 A protest against another competitor - within 30 minutes of the protester finishing the competition.
- 6.2.2 A protest against the eligibility of any motorcycle, or part of motorcycle; when the reasons for the alleged ineligibility is not apparent or known, but it is alleged that the motorcycle is performing in a manner which suggests that it is ineligible, or if a part or parts may have been changed after technical control - within the time the machine is held in the "parc ferme", in accordance with Championship or Supplementary Regulations, or within 30 minutes of the performance that gives rise to the protest, whichever is the

shortest time. If machines are not automatically held in the parc ferme any protest must be made to the Clerk of the Course before the end of that practice session.

*NB see also 7.2.4*

- 6.2.3 The Chief Steward may amend the above time limit if he thinks that the circumstances make a lodging of a protest physically impossible within the time quoted. If he decides to deal with a protest "out of time", by doing so he will be deemed to have extended the time limit.
- 6.2.4 No protests regarding machine eligibility will be accepted once a machine has been released from the parc ferme or has finished the race whichever is the later.

### 6.3 **Adjudication of Protests**

Any protests shall be adjudicated upon by the Judicial Panel, subject to the rights of appeal provided by these Regulations.

- 6.3.1 Protest Hearings - The hearing shall take place as soon as practicable. All parties shall be given notice of the hearing. They shall be entitled to call witnesses, but shall state their case in person and not through an advocate, and they, and their witnesses, shall be given an opportunity to be heard. In their absence or in the absence of their witnesses, judgement may be by default providing that the Judicial Panel has satisfied themselves that the party concerned is aware of the time and the place of the hearing or has left the event in contravention of A50.22. If judgement cannot be given immediately after the hearing all parties must be advised of the time and place at which the decision will be given.
  - 6.3.1.1 Competitors must remain available at the meeting until any protest period relating to their event has elapsed, failing which, any judicial action against or relating to that competitor may be heard in their absence.
- 6.3.2 In the event of a protest against the eligibility of a machine or engine, the Clerk of the Course shall order that the machine or engine will be examined as soon as practicable as determined by the Clerk of the Course or Steward(s) of the meeting.
  - 6.3.2.1 A motorcycle may only be sealed if it is to be used in a further event(s) that day. A postponement can only be agreed to in exceptional circumstances where there is no alternative.
- 6.3.3 The Eligibility Officer sealing the motorcycle or component shall furnish the Clerk of the Course with details of the seals used, their number and position.
- 6.3.4 For a protest against an engine an additional fee will be payable
  - 6.3.4.1 The costs for dismantling and reassembling an engine is laid down in section C.
  - 6.3.4.2 The deposit for a fuel check is laid down in section C.
  - 6.3.4.3 The charges (deposit) as specified in 6.3.4.1 and 6.3.4.2 are in addition to the protest fee and must be lodged with the protest fee.
  - 6.3.4.4 **In the case of engines**, if the party who makes the protest is the losing party, the deposit shall be paid to the winning party. If the party who makes the protest wins the protest, the deposit shall be reimbursed. This will be in addition to any other penalties or costs awarded.

- 6.3.4.5 **In the case of fuel**, if the party who makes the protest is the losing party they will pay the cost of the test and the deposit will be retained. If the party who makes the protest wins the protest, the deposit shall be reimbursed and the cost of the test awarded against the losing party. This will be in addition to any other penalties or costs awarded.
- 6.3.5 The Clerk of the Course will ensure that arrangements are made for the motorcycle or engine to be examined with the least possible delay. The party making the protest is not entitled to be present at this examination.
- 6.3.6 The Chief Technical Eligibility Officer will report his findings to the Clerk of the Course, who will ask the Judicial Panel to adjudicate on any contraventions of the Technical Regulations. The Judicial Panel, after giving the parties the opportunity to be heard, will apply the penalties prescribed by the Regulations.
- 6.4 Where a protest is lodged, the distribution of any affected prize must be withheld until the protest has been adjudicated upon and either the result of any possible appeal arising out of such adjudication is known, or the time for the appeal has expired without the intention to appeal having been given. The list of awards in so far as it relates to such a prize must be declared to be provisional.
- 6.4.1 If after the distribution of prizes a decision is made pursuant to these Regulations which affects the results of a competition, any competitor to whom a prize has been awarded but who is adjudged to be ineligible therefore must return such prize to the organisers on demand.
- 6.5 **Forfeiture of Protest Fee**  
Unless otherwise decided by the Judicial Panel for special reasons, the protest fee shall normally be forfeit if the protest is not upheld.
- 6.5.1 A protest, once made, may be withdrawn before the hearing but the protest fee will only be refunded at the Judicial Panel's discretion.
- 6.6 If it is proved to the satisfaction of the Judicial Panel that the author of the protest has acted in bad faith, he shall be deemed guilty of a breach of these regulations and may be penalised accordingly.

## **7 APPEALS**

### **7.1 Appealing against a decision of the Clerk of the Course or any other Official of the Meeting**

Any Entrant or Rider who is party to a decision shall have the Right of Appeal to the Stewards of the Meeting against a penalty or decision given by the Clerk of the Course or any other Official of the Meeting (whether arising from a protest or otherwise), except that there shall be no right of appeal against the statement of a Judge of Fact. The appeal submission must show that new evidence is available, the original decision was fundamentally flawed or the penalty excessive, the eligibility will be decided by the Chief Steward and his decision is final. A right of appeal does not exist for third parties i.e. a right of appeal against a decision exists only for the parties involved in those proceedings. Eligibility appeals are dealt with in accordance with article 7.4.7.

- 7.1.1 Every appeal shall be in writing stating the grounds for the appeal.

The appeal must be signed by the party making the appeal, and be accompanied by the fee laid down in section C. It must be lodged with the Clerk of the Course, or Secretary of the Meeting, or their deputies, within the appropriate time limit.

### 7.2 Time Limit for Appeals

- 7.2.1 An appeal against the acceptance of an entry, instructions to riders or the length of the course – not less than one hour before the start of practice for the event in question.
- 7.2.2 An appeal against the handicap, the make up of a heat, or qualification for a heat or final - not less than two hours before the time laid down for the start of the competition, heat, or final.
- 7.2.3 An appeal against a decision of a Technical Official, by the competitor directly concerned - within 30 minutes of that decision being notified to that competitor.
- 7.2.4 An appeal against the eligibility of any motorcycle, or part of the motorcycle; when the alleged ineligibility is apparent - within 30 minutes of the motorcycles being approved by the Technical Eligibility Official.
- 7.2.5 An appeal against any mistake or irregularity occurring whilst the competition is taking place - within 30 minutes of the appellant finishing the competition.
- 7.2.6 An appeal concerning the results of a competition - within 30 minutes of the publication of provisional results or any amendments thereto.
- 7.2.7 An appeal against a decision of the Clerk of the Course not falling within 7.2.1 to 7.2.6 inclusive - within 30 minutes of that decision being notified to the competitor.
- 7.2.8 The Steward(s) of the Meeting may amend the above time limits if they think that 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. In the event of a penalty being notified by post, the appeal must be lodged within 5 working days of the date of posting the notification.
- 7.2.9 Appeals arising out of a Championship classification, or points, will be adjudicated upon by appropriate Stewards appointed by the Permitting Body.
- 7.2.9.1 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 (i.e. interim championship results, programme, etc.)
- 7.2.10 **Appeal Hearings**

The Judicial Panel 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 and not through an advocate, and they, and their witnesses, shall be given an opportunity to be heard. In their absence or in the absence of their witnesses, judgement may be by default providing that the Stewards are satisfied that the party concerned is aware of the time and place of the hearing or has left the event in contravention of A50.22 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.

**7.3 Forfeiture of Appeal Fee**

Unless otherwise decided by the Judicial Panel for special reason, the appeal fee shall normally be forfeit if an appeal is not upheld.

**7.4 Appeals to a MCRCB Tribunal**

7.4.1 A right of appeal exists against decisions by the Stewards of the Meeting or Judicial Panel to an MCRCB Tribunal (National Court of Appeal) (see the Sporting Code – article 6)

7.4.1.1 The appeal submission must show the original decision was fundamentally flawed or the penalty excessive, the eligibility will be decided by the Clerk to the Tribunal and his decision is final.

7.4.1.2 An appeal against the decision of the Stewards of the Meeting or Judicial Panel can only be made by any person (or body) who was an original party to the decision, in accordance with 7.4.2. A right of appeal does not exist for third parties.

7.4.2 The following are the only grounds for lodging an Appeal against a decision of the Stewards of a Meeting/Judicial Panel:

a) Where it is claimed that a gross miscarriage of justice has occurred.

And/or

b) Where the party penalised claims that the penalty is wholly inappropriate for the breach of regulations..

7.4.3 Notice of Intention to Appeal [7.4.4] and Confirmation of Appeal [7.4.5] must be lodged in accordance with these regulations.

7.4.4 A written Notice of Intention to Appeal against a decision of the Stewards/Judicial Panel, accompanied by the correct fee as laid down in section C must be lodged with the Stewards of the Meeting within 30 minutes of their decision being verbally announced. If the party(ies) concerned are not present at the Hearing, the decision must be sent to them by first class mail, and any Notice of Intention to Appeal, together with the fee, must be lodged with the MCRCB not later than 5 days after the date of posting.

7.4.5 Within 5 working days of the Notice of Intention, written Confirmation of the Appeal, signed by both the Appellant and the Entrant (if appropriate) or Parent/legal guardian (if the appellant is under 18 years of age), must be submitted to the Clerk to the MCRCB Tribunals at the address of the MCRCB. This confirmation, must include the Grounds of Appeal [7.4.2] and also a skeleton argument of the points to be raised. The Clerk to the Tribunals will advise, within 10 days, as to whether the Appeal meets with the permitted Grounds of Appeal. If he rules that it does not comply, or it is withdrawn, the Appeal will lapse and the fee may be forfeit. If he rules that the Appeal may meet the specified criteria, he will arrange for an Appeal Tribunal to be convened.

7.4.6 Skeleton Arguments - In respect of all appeals admitted to the Tribunal excepting Eligibility Appeals [7.4.7] the appellant must , not later than 14 clear days before the notified appeal hearing date, submit to the Clerk to the Tribunals a skeleton argument in writing. This skeleton argument must:

a) Identify all regulations relied upon.

- b) Indicate the number, and identity, of all witnesses on behalf of the appellant.
- c) State with particularity the factual basis of the appeal, including the evidence to be given by the witnesses on behalf of the appellant. In the case of Appeals listed at short notice, the Clerk to the MCRCB Tribunals is permitted, with the agreement of the parties to the Appeal, to establish a timetable for the delivery of skeleton arguments other than that set out above.

**7.4.7 Eligibility Appeal**

A special appeal procedure [4.5.5 and 5.7] will apply in the case of any appeal against a ruling in respect of eligibility of a motorcycle or against the imposition of 4.5.3 (oversize engine) and 5.4 and 5.5 (ineligible fuel).

- 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 Notice of Intention to Appeal and fee.
- b) The following will apply:
  - i) Within 7 days of the Notice of Intention to Appeal, both the appellant parties and the Technical Eligibility Official concerned must submit to the MCRCB, in writing, the detailed reasons for appealing, or of coming to the decision complained of, quoting regulation numbers, dimensions etc. as relevant.
  - ii) Copies of these submissions will be sent to the opposing parties, with further 7 days allowed for written comment.
  - iii) All these written submissions and any associated exhibits will then be considered by an Eligibility Appeal Panel, who will adjudicate on the matter.

**7.5 Jurisdiction**

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

**7.6 Effect of giving Notice of Appeal**

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 or Judicial Panel does not suspend any penalty that they have applied, or endorsed, during the meeting out of which the decision has arisen. Thus no competitor may continue to compete "under appeal".

After the conclusion of the event out of which the decision has arisen, if Notice of Intention to Appeal against the Stewards decision has been given, the operation of such sentence or decision shall be suspended until the disposal of the appeal by the MCRCB Tribunal. If a sentence of suspension is upheld, the competitor concerned shall be excluded from the results of

any competition in which he has competed pending the hearing of the appeal. Moreover, the Tribunal to which the appeal is directed may take into account any benefit or advantage the appellant may have gained through appealing, and may make such order as it considers appropriate in the circumstances.

**7.7 Hearing of an Appeal**

All parties concerned shall be given adequate notice of the hearing of an appeal to the MCRCB Tribunal, and they shall be entitled to call witnesses, give evidence and be represented by an advocate if they choose. The hearing may proceed to determination in default of appearance by any party or witness.

**Costs**

Any costs incurred in bringing or responding to an appeal shall be borne by the party incurring the cost, and an order for costs shall not be made against any party unless they are considered to have acted unreasonably. Any costs incurred by the MCRCB in relation to a hearing before an MCRCB Tribunal may be ordered to be paid by either party.

**7.8 Judgement on Appeal**

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

**7.9 Forfeiture of Appeal Fee**

Unless otherwise decided upon for special reasons, the appeal fee shall normally be forfeit if the appeal is not upheld.

7.9.1 An appeal, once made, may be withdrawn before the hearing but the appeal fee will only be refunded at the discretion of the appeal body.

7.10 Appeals to the Tribunal should be addressed to:

Mr. L. Needham  
Clerk to the MCRCB Tribunal  
MCRCB  
Brands Hatch Circuit  
Fawkham  
Longfield  
Kent DA3 8NG