

## REGULATION CHANGES APPROVED BY MOTORSPORT UK BOARD 19 MARCH 2024

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| Committee:       | Judicial Committee |
| Date of meeting: | 06 March 2024      |

### Section C – Judicial

#### Proposed Regulation:

##### General

**14.1 Subject to payment of the Fee (Art.14.2.1 below)** a party has the right to request the review of a decision if, in Competitions forming part of an **ASN Motorsport UK** Permitted Championship, cup, trophy, challenge or series, a significant and relevant new element is discovered which was unavailable to the parties seeking the review at the time of the decision concerned. The Clerk of the Course or the Stewards who have given a ruling or, failing this, a person or body designated by **the ASN Motorsport UK** for the purpose ('the Review Body') may decide to re-examine their decision following a written request for review by:

- (i) Any one of the parties concerned being a party that is directly affected by the decision handed down, or
- (ii) the Regulatory Counsel of and on behalf of **the ASN Motorsport UK**.

**14.1.1** The Clerk of the Course or the Stewards also have the right, of their own volition, to instigate such a review if they themselves discover a significant and relevant new element which was unavailable to them at the time of the decision concerned. **No fee is payable in this case but the fact of the Review must be notified to [legal@motorsportuk.org.uk](mailto:legal@motorsportuk.org.uk).**

**14.2.1. A party seeking the Review of a Decision must:**

- a. Where submitted at an Event, submit the Application to the Event Secretary together with a Fee Undertaking. The Fee is that applicable to a Protest at the relevant Event.
- b. Where submitted after the conclusion of the relevant Event submit the Application with Fee to the ASN electronically to: [legal@motorsportuk.org](mailto:legal@motorsportuk.org).

**14.2.2** Where the Application is submitted at the Event then the relevant Judicial body:

- a. may determine the matter at the Event or subsequently in accordance with the remainder of this Regulation C.14. but
- b. must copy the Application and Fee Undertaking to [legal@motorsportuk.org](mailto:legal@motorsportuk.org) and where one is appointed then to the ASN Steward to be included in the Steward's Event Report.

**14.2.3** The Application for Review must subject to Article 14.6 be submitted with Fee Undertaking no later than 7 calendar days next following the date of the Decision.



14.2.4 The Review process must be concluded in accordance with 14.5.3 and 14.5.3.1 and the Decision must be published as an Event Official Document and must be copied to [legal@motorsportuk.org](mailto:legal@motorsportuk.org).

14.3 The Review Body must hold a Hearing and meet (in person or by other means) on a date determined in its discretion subject to Article 14.2.4 and, summon the party or parties concerned to hear any relevant explanations and in the Review Body's judicial discretion to consider any evidence not previously available and so to judge on the matter in the light of the facts and elements brought before them.

14.3.1. The party or parties concerned may in writing waive their right to a Hearing in writing but shall be permitted to make written representations however a party is not entitled to be represented at any Hearing other than those conducted by the National Court or the International Court of Appeal.

14.4. Pending determination by the Review Body a review has no suspensive effect on the execution of the original decision of the Clerk of the Course or the Stewards when they have given a ruling.

14.5. The Review Body shall have the sole discretion to determine if a significant and relevant new element exists and, if so, to determine if the original decision including any penalty shall stand or be set aside or varied. This Decision must be recorded and forms part of the Official Documents of the Event.

14.5.1. The decision of the Review Body as to whether or not such an element exists is not subject to appeal before any further judicial body.

14.5.2. If the Review Body determines that a significant and relevant new element does exist and therefore progresses to a re-examination of their original decision, the subsequent decision of the Review Body as to whether the original decision shall stand or be set aside or varied may be appealed.

14.5.3 The Review Body should complete the Review and provide a Decision within 7 days of the Right of Review request where possible and in any event within 14 days of receipt of the application.

14.5.3.1 The time limit for providing a Right of Review Decision in 14.5.3 above may be extended only by express permission in writing from the ASN Regulatory Counsel.

~~14.4. The period during which a request for review may be brought expires fourteen calendar days after the end of the Competition concerned.~~

14.6. Furthermore, Within the framework of an ASN Permitted Championship, cup, trophy, challenge or series, a request for review may not, in any event, be brought less than four calendar days prior to the date of the relevant prize-giving ceremony following the end of the Competition concerned.

14.7. The right of appeal against a new decision, subject to and in accordance with 14.5.2 above, is confined to the circumstances permitted by GR C.6.1.1 and C.7.1.1 (as appropriate) and pursuant to GR C.6.1.2 and C.7.1.2 limited to the party or parties concerned.

14.8. Should the first decision already have been the subject of an appeal before the Stewards, the National Court or before the International Court of Appeal, or successively before more than one of these



judicial bodies, the case shall be submitted only to them for the possible revision of their previous decision.

14.9 Unless otherwise decided by the Review Body, Right of Review Fees will be forfeited if the Right of Review is not upheld. A Right of Review can be withdrawn before the hearing, but the Right of Review Fee will then only be refunded at the Review Body's discretion.

**Implementation Date:** Immediate

Reason: Clarification pursuant to feedback at Judicial Seminars and further pursuant to amendments made to International Sporting Code (fee and timetable). National amendments considered appropriate but not identical to ISC.