

## MOTORSPORT UK RTA DISQUALIFICATIONS – SUSPENSION OF ASN LICENCE

### APPEALS GUIDANCE AND PROTOCOL / PRACTICE DIRECTION

#### OFFICIALS

The overarching principle is that the holder of an ASN Licence automatically Suspended or having restrictions placed on the ASN Licence by the ASN by virtue of the mandatory Regulatory disclosure of the fact of disqualification from holding or obtaining a DVLA Licence may Appeal that Suspension and or restrictions to the independent ASN National Court at any time during the period of the Suspension (“Appellant”).

The Appeal process shall be a ‘fast-track’ process intended to be concluded within 5 business days (“BD”) commencing with the delivery of a Notice of Appeal by (or where legally represented) on behalf of the Appellant as provided below.

1. **BD 1:** delivery by or on behalf Appellant of Notice of Appeal. The Notice of Appeal shall be on the pro-forma downloadable [here](#) and must be simultaneously delivered by attachment to e mail to both: [nationalcourtadmin@motorsportuk.org](mailto:nationalcourtadmin@motorsportuk.org) and [legal@motorsportuk.org](mailto:legal@motorsportuk.org).

Wherever possible Notice of Appeal should be delivered no later than 1300hrs.

2. **The Notice of Appeal** must:

- (a) provide the Grounds of Appeal and
- (b) should attach a copy of any Order made by the disqualifying Court and
- (c) elect whether or not an oral hearing is required and
- (d) if an oral hearing is required then whether or not the Appellant agrees to a digital online hearing.

If no positive election for oral hearing is made then the Appeal will be treated as documentary only.

3. **BD 2:** The National Court Admin shall no later than 1300hrs issue Directions to include confirmation of the Hearing date location and time and otherwise additional Directions in the discretion of the appointed Chair.

The Directions shall be delivered by email simultaneously to the Appellant or nominated representative and to ASN Legal Team.

4. **BD 3:** The ASN through its Legal Team shall no later than 1300hrs provide its Response by Position Statement delivered simultaneously by email to the Appellant or nominated representative and to [nationalcourtadmin@motorsportuk.org](mailto:nationalcourtadmin@motorsportuk.org).
5. **BD 4:** The Appellant shall no later than 1300hrs deliver as at (1) above any final submissions and evidence to be included in the Hearing bundle.
6. **BD 4:** The National Court Administration shall as soon as practicable but no later than 1630hrs deliver the Appeal Bundle by email simultaneously to the Appellant and ASN Legal Team.
7. **BD 5:** Hearing. The principles of a fair hearing apply and the Court shall direct the proceedings. The Court in its discretion may deliver its Decision at the conclusion of the Hearing or defer delivery to written form no later than 1 (one) BD next following the Hearing date.
8. The Decision shall be Reasoned and confirmed in writing.
9. There shall be no Appeal against the Decision and for the avoidance of doubt National Competition Rules **Chapter 2 App.10** (Right of Review) does not apply therefore there shall be no Right of Review.
10. The proceedings of the National Court under this Appeal process shall be confidential and the Decisions shall not be published.
11. The Court has overriding discretion to amend the timetable for the Appeal if considered by the Court to be in the interests of justice in which case the Court shall issue Directions accordingly.

Issued: January 2023

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Issued jointly by the ASN and independent National Court