



GUIDELINES TO MSA OFFICIALS

JUDICIAL PROCEDURES

**Revised for the
2012 MSA YEARBOOK**

This guide to Judicial Procedures should be used only with the 2012 MSA Yearbook. This document is provided for MSA Officials' guidance and must not be used for formal adjudication.

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1 A) The Protest

Protest: Competitor against Competitor

- A protest may be made by any aggrieved entrant or driver (read C5.1)
- The protest must be lodged with either the Clerk of the Course, the Secretary of the Meeting or their deputies (read C5.1.2)
- The fee must be laid down with the written protest, as Appendix 1, item 13.1 (read C5.1.2)
- The maximum time allowed for a protest is 30 minutes (read C5.2)

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 entrant or driver protested and the protestor and neither may be represented by an advocate (read C5.4.1)
- 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. Either:

1. The protest is upheld and the fee is therefore refunded
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. Any penalty and points (see C2.1.7 and G5.3.10) are entered onto the Judicial Summary Sheet which is sent with the MSA Stewards report form.
2. The protest is not upheld and the fee is forfeit, unless there is a reason for not doing so determined by the Clerk (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 The protest is withdrawn and the fee is forfeit, unless the Clerk sees a reason to issue a refund of the fee (read C5.6)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 the documentation does not invalidate the outcome, but should be noted on the findings and witnessed along with the time and date of the failure.

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 an 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 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 competitor / entrant 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 C2.1.7 and G5.3.10) are entered onto the Judicial Summary Sheet which is sent with the MSA Stewards report form.
- Failure of the competitor to sign the documentation does not invalidate the outcome, but should be noted on the findings and witnessed along with the time and date of the 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 Clerk of Course decision may be made in accordance with the following section

1 C) The Appeal

(Note: This is not applicable for eligibility appeals)

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

- Appeal can only be made by the parties directly involved (Read C6.1.2 & “Appeal” in section B pg 57)
- Appeals must be lodged with the Clerk of 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, item 13.2)
- The maximum time for an appeal is usually 30 minutes, but can vary in certain cases (Read C6.3 to decide time allowed)

APPEAL HEARING (Read C6.4)

- The appeal will be heard by the Stewards of the Meeting with the appellant and witnesses
- The Stewards of the Meeting will hear the appeal as soon as is practicable
- 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 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, dated and receipt of the decision should be acknowledged by the competitor / entrant. Any penalty and points (see C2.1.7) are entered onto the Judicial Summary Sheet which is sent with the MSA Stewards report form.

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

Notice of any intention to further appeal to the MSC National Court must be lodged with the Secretary of the Meeting, the Clerk of the Course or their appointed deputies, within 30 minutes of the Stewards verbal decision to the competitor. Any such intention notice must be in writing and accompanied by the appropriate fee as stated in App. 1, item 13.4. (Read C7.1.5)

If the Competitor is not present for the decision / hearing

The decision must be sent to the competitor by first class mail or email by the Secretary of the Meeting. Any notice of intention to appeal to the MSC National Court must be lodged with the Secretary of the Meeting within 10 days of the decision being sent and must be accompanied by the appropriate fee as stated in App. 1, item 13.4. (Read C7.1 and 7.2)

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 Sections C7.1 – 7.3)

Please note do not attempt to verbally advise competitor regarding this procedure, advise them to read the relevant sections of the Yearbook.

A copy of the notice of intention to appeal must also be lodged with the MSA (Read C7.1.6)

Written confirmation of appeal must then be passed to the National Court

- Addressed to the Clerk to the MSC National Court at Motor Sports House
- Within 10 days of the written notice of intention to appeal
- Confirmation must include grounds of appeal and skeleton argument of points to be raised (Read C7.1.3, C7.1.6)

The Chairman to the National Court will consider whether there are grounds for the appeal

The Clerk to the National Court will advise all parties of the date of the hearing and that they are invited to attend the National Court hearing with their advocates if required.

1 D) Judges Of Fact & Eligibility Procedures

Specified Judge of Fact against Competitor/Entrant (read G10)

A Judge of Fact may be appointed by an Organising Club, the MSA or (with MSA approval) a Regional Association (read G10.1)

The following officials may act as a judge of fact:

a) 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)
- Environmental Scrutineers and officials in charge of sound meters (read G10.2.2)

The Eligibility Judge will make a report to the Clerk of the Course (read 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 (read C3.1.2)

The competitor / entrant may wish to appeal the decision of the Clerk of the Course to the National Court and if so notice of intention to appeal must be lodged in writing to the Secretary of the Meeting (read C7.2 and C7.3). Any such appeal must be lodged in accordance with 1C) above relating to appeals to the National Court, please note there is a special fee for these appeals contained in App 1, item 13.4.

The Stewards of Event must be notified of any intention to appeal but **must not adjudicate on the matter** as the National Court will adjudicate on all such appeals (read C6.1.3). Any appeal must be against a ruling in respect of vehicle eligibility or penalty (read C7.2.1)

Written confirmation of appeal must then be passed to the National Court

- Addressed to the Clerk to the MSC National Court at Motor Sports House within 10 days of the written notice of intention to appeal
- This confirmation must include grounds of appeal and a skeleton argument of the points to be raised (Read C7.2.1)
- The MSC will ask for a submission from the technical officials regarding the judgement of eligibility
- The MSC will then allow 10 days for comments upon the written submissions of both sides
- The MSC Eligibility Appeal Panel will then convene, to consider all written submissions and make a decision which will be announced to all involved in the usual manner.
- The panel may not necessarily call all of the parties to present the evidence.

b) Other Judgements of Fact

- Chief Timekeeper of the Event or Chief Lap Scorer at kart meetings (read G6.2.7)
- Start Judge and Finish Judge (read Q18)
- As defined within the Event supplementary regulations (read D10.1.13)

The Eligibility Judge 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 referred to the Stewards of the Meeting (read C6.1). **Note only the penalty may be appealed** in this way. The Stewards of the Meeting announce their decision in accordance with 1C) above.

2A) Organising A Judicial Hearing

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

- Observe the formalities and procedures of a magistrate's court.
- 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. (But they must not 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 location in which it will be held
- Ensure that any minor is accompanied by their legal parent or guardian
- Note that advocates are not allowed to attend a Clerk of the Course or Stewards hearing.

2B) Adjudicating At A Hearing

- Ensure that all parties (appellant, witnesses, those appealed against, parent or 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 Clerks of Course or Stewards are satisfied that all parties had been properly advised of the time and location of the hearing
 - the parties have left in contravention of H33.1.6

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.
- 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, 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 Stewards 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)
 - a record of statements and evidence (not Verbatim).
 - details / numbers of regulation(s) contravened
 - the findings of the hearing should be signed by the Clerk of the Course or all Stewards present, as appropriate to the hearing
 - the date and time of findings
- 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 that they agree with the decision
- Failure of the competitor(s) to sign the 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. Appellant (protester) statement
 - b. Cross examination of appellant

2. First witness:
 - a. 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. Statement from the person appealed (protested) against
 - b. Cross examination of second party

5. Second witness:
 - a. Witnesses for second party.
 - b. Cross examination of each of second party witnesses.

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

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 acrimonious arguments between the parties
- 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
- 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

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
- 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
- Forward all fees, fines, further appeal fees along with a transcript of the evidence and written findings to the MSA (within the Stewards’ report).
- Cheques should be made payable to: ‘The Motor Sports Association’.

Section 3: PENALTY CRITERIA

The following pages list some of the more common breaches of the Regulations and suggested penalties for application by either a Clerk of the Course or the Stewards as appropriate. 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 and consider 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.

Note that whenever any penalty is applied the details should be recorded together with the appropriate penalty points which 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 points relate to the penalties applied and not for the nature of the offence. The point scale is fixed, but of course, the penalty may be increased or decreased as indicated in the following pages, see C2.1.7 for the scale of points. If a competitor reaches 12 points, the MSA will ask that licence must be returned by the competitor for possible suspension for 3 months.

Overtaking or not slowing under yellow flag / lights	C1.1.6, G5.3, Q15, U12.5
Ignoring black flag	C1.1.6, G5.3, Q15, U12.5
Ignoring red flag or light signals	C1.1.6, G5.3, Q15, U12.5
Abusive language or behaviour or assault	C1.1.9, C2.6.2, G5.3
Causing an incident or loss of control	C1.1.5, Q12.6.1, Q14.5, U12.5.3
Failing to attend drivers briefing	G5.3, H33.1.3, Q8.1.11
Ineligible car (found at pre-event scrutineering)	D25.1.6, G5.3, J5
Ineligible car (found after practice).	C3.3, D25.1.8
Ineligible car (found after event)	C3.5, H32
Overshooting stage finish and reversing back	P51.1.1, R25.6.1
Driving wrong direction on stage	C1.1.5, P51.1.2, R25.6.2
Failing to produce competition licence	G3.1.3, G3.1.4, G5.2.6, H22, H33.1.1, U12.1, Appendix1:13.6
Fuel does not confirm with regulations	C3.5, C4, U16.17, U16.18
Gaining unfair advantage	C2.3, G5.3, G5.3.7
Running beyond the track limits	C1.1.5, Q12.6.1, Q14.5, U12.5.3, U12.5.4

Offence:	Overtaking Or Not Slowing Down Under Yellow Flags / Lights
Regulations:	C1.1.6, G5.3, Q15, U12.5
Points to consider before finding:	<p>Is this reported by a Judge of Fact? If not, is there any corroboration? Is there a written report? Is there any doubt regarding the numbers? Check timekeepers lap charts Check timekeepers lap and sector times Interview the driver(s) concerned.</p>
Guideline Penalty:	Exclusion From Practice, Heat, Race, Event (4 Points)
Alternative Penalties:	<p>Reprimand (2 points) Time Penalty (3 points) Fine (3 points) Exclusion from meeting (6 points)</p>
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
<p>Overtaking very slow car. Flag only just coming out. Driver unsighted. Waved past by other car. Around the stationary yellow. After the incident but before green</p>	<p>Marshals at risk. Second time past incident. Gaining an advantage. On ragged edge. Having their own accident</p>
NOTES:	
<p>1. For karting the time penalty can be replaced by position penalty</p> <p>2. Take care as slowing from 100mph to 80 mph is appreciable but might not be apparent to the marshals</p>	

Offence:	Ignoring Black Flag
Regulations:	C1.1.6, G5.3, Q15, U12.5
Points to consider before finding:	<p>Is this reported by a Judge of Fact? If not, is there any corroboration? Is there a written report? Was correct number clearly displayed? How many times was flag ignored? Interview the driver concerned.</p>
Guideline Penalty:	Exclusion From Practice, Heat, Race, Event (4 Points)
Alternative Penalties:	<p>Reprimand (2 points) Fine (3points) Exclusion from meeting (6 points)</p>
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Flag only just coming out. Driver unsighted.	Passing the flag several times.
<p>NOTES:</p> <p>1. Review why was the competitor receiving the black flag in the first place?</p> <p>2. Was it with a view to exclusion anyway?</p>	

Offence:	Ignoring Red Flag / Light Signals
Regulations:	C1.1.6, G5.3, Q15, U12.5
Points to consider before finding	Is this reported by a Judge of Fact? If not, is there any corroboration? Is there a written report? How many times was flag ignored? Interview the driver(s) concerned.
Guideline Penalty:	Exclusion From Practice Heat, Race, Event (4 Points)
Alternative Penalties:	Reprimand (2 points) Fine (3 points) Exclusion from meeting (6 points)
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Flag only just coming out. Driver unsighted.	Passing several flags clearly displayed.
NOTES:	
<i>The regulations require a competitor to stop racing, NOT to immediately come to a shuddering halt and cause problems for others.</i>	

Offence:	Abusive Language, Behaviour Or Assault
Regulations:	C1.1.9, C2.6.2, G5.3
Points to consider before finding:	Who is this incident reported by? Is there any corroboration? Is there a written report? Establish the facts regarding everyone involved In what position were these parties present? Interview all of the drivers(s) / parties concerned. Interview witnesses in driver's presence.
Guideline Penalty:	Suspension Of Licence For 30 Days [By Stewards Only] Plus Reported To The MSA For Further Consideration
Alternative Penalties:	Suspension for less than 30 days Exclusion from meeting (6 points) Exclusion from heat, race, event (4 points) Fine (3 points) Reprimand (2 points)
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Provocation on-track. Provocative behaviour of other person. Offence happens straight after incident. Is one persons word against another	Offence occurs well after any provocation. Injured party is an official Injured party is a spectator.
NOTES:	
<ol style="list-style-type: none"> <i>This should initially be dealt with by the C of C (see G5.3) who may penalise. If this is considered insufficient, it should be referred to the Stewards who may suspend the licence for up to 30 days and must report this to the MSA for possible further penalties</i> <i>The Entrant (who in many cases is the driver) is responsible for the behaviour of his mechanics, etc. The parent / guardian of any minor (under 18 in England) is automatically considered to be the Entrant</i> <i>Be careful that the accused can genuinely be "tied up" with an Entrant.</i> <i>Any mitigating or aggravating circumstances will be taken into account by the National Court when considering the case under appeal.</i> 	

Offence:	Causing An Incident Or Loss Of Control
Regulations:	C1.1.5, G2.4, Q14.5, U12.5.3
Points to consider before finding	<p>Is this reported by a Judge of Fact? If not, is there any corroboration? Are you dealing with a Protest? Are there any written reports? Was there contact involved? Interview the people concerned. Interview witness in presence of competitors Was it avoidable?</p>
Guideline Penalty:	Exclusion From Practice, Heat, Race, Event (4 Points)
Alternative Penalties:	<p>Suspension of Licence Exclusive from meetings (6 points) Time Penalty (3 points) Fine (3 points) Reprimand (2 points)</p>
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Other competitor “shut the door”. Action was an “error of judgement”.	Action created an obvious danger to others.
NOTES:	
<ol style="list-style-type: none"> 1. All incidents of this type are now covered within C1.1.5 2. In Karting a minimum 10 second penalty must be applied 3. Depending on how serious the offence is considered to have been, the Clerk may refer the matter to the Stewards of the Meeting under G5.3 4. The Stewards may impose penalties under G2.4 and C2.6.3 and may refer the matter to the MSA for possible further penalty 5. Deal with the initial incident do not be swayed by the subsequent consequences that may or may not happen as a result of this action 	

Offence:	Failing To Attend Drivers' Briefing
Regulations:	G5.3, H33.1.3, Q8.1.11
Points to consider before finding	Interview the driver concerned.
Guideline Penalty:	Fine Up To A Maximum Of £160 (Does not carry penalty points)
Alternative Penalties:	Smaller Fine Reprimand
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Inexperienced competitor. Amateur category.	Experienced competitor ("should know better"). Professional competitor.
NOTES:	
<i>Make sure the competitor receives the information delivered within the briefing they missed.</i>	

Offence:	Ineligible Car (Found At Pre-Event Scrutineering)
Regulations:	D25.1.6, G5.3, J5
Points to consider before finding	Interview the Scrutineer. Interview the driver concerned.
Guideline Penalties:	Exclusion From Event
Alternative Penalties:	Transfer to appropriate class. Rectify situation and re-scrutineer
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Genuine mistake.	Deliberate attempt to cheat.
NOTES:	
<i>Remember that penalty points are <u>not</u> applied for technical infringements</i>	

Offence:	Ineligible Car (Found After Practice)
Regulations:	C3.3, D25.1.8
Points to consider before finding	Interview the Scrutineer. Interview the driver concerned.
Guideline Penalties:	Exclusion From Event
Alternative Penalties:	Transfer to appropriate class. Start from back of grid with 10 second delayed start (if ineligibility is rectified)
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Genuine mistake. Can be corrected for the race.	Deliberate attempt to cheat. Cannot be corrected for the race
NOTES:	
<i>Remember that penalty points are <u>not</u> applied for technical infringements</i>	

Offence:	Ineligible Car (Found After Event)
Regulations:	H32, C3.5
Points to consider before finding	Interview the Scrutineer. Is this a Judge of Fact report? Interview the driver concerned. Is the ineligibility a result of accident damage?
Guideline Penalty:	Exclusion From Event, Championship Penalties [C3.5.1]
Additional/Alternative Penalties:	Report to MSA Fine Reprimand
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Exceptional circumstances [C3.1.1]	Considered a deliberate attempt to cheat
NOTES:	
<ol style="list-style-type: none"> 1. Remember that penalty points are <u>not</u> applied for technical infringements 2. An example of exceptional circumstances could be wrong type of windscreen wiper blades on a Group N car. But be careful, a claim that the ineligibility will not improve performance whilst it may be valid, ignores the fact that there could have been an improvement in vehicle reliability 	

Offence:	Overshooting Stage Finish And Reversing Back
Regulations:	P51.1.1, R25.6.1
Points to consider before finding	Is there a report from a Judge of Fact? If not, who from and their position? If possible, interview driver.
Guideline Penalty:	Exclusion From Event (4 Points)
Alternative Penalties:	
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
None	None
NOTES:	

Offence:	Driving Wrong Direction On Stage
Regulations:	C1.1.5, P51.1.2, R25.6.2
Points to consider before finding	Is there a report from a Judge of Fact? If not, who from and their position? If possible, interview driver.
Guideline Penalty:	Exclusion From Event (4 Points)
Additional/Alternative Penalties:	
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Accidental	Deliberate
NOTES:	

Offence:	Failing To Produce Competition Licence
Regulations:	G3.1.3, G3.1.4, G5.2.6, H22, H33.1.1 U12.1
Points to consider before finding	Interview the driver concerned. Establish the reasons for non-production Is the driver likely to have a licence? Is the withdrawal of the licence likely?
Guideline Penalty:	Non-Refundable Fee Of £62 (Does not carry penalty points)
Alternative Penalties:	Prevent from competing
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
None	None
NOTES:	
<ol style="list-style-type: none"> 1. <i>Especially at events requiring a Medical Certificate, check whether the reason for the non-production is a genuine administrative problem or genuinely left at home</i> 2. <i>Where possible check that the licence has not been withdrawn for any reason, via the MSA text message service available to MSA Stewards.</i> 3. <i>Ensure the appropriate form is completed and signed by the competitor, payment made and then approved and counter signed by the MSA Steward</i> 	

Offence:	Fuel Does Not Conform With Regulations
Regulations:	C3.5, C4, D34, U16.17, U16.18
Points to consider before finding	Report of Testing Body. Interview the driver concerned.
Guideline Penalty:	Exclusion, Championship Penalties C3.5.1 Additionally Report To The MSA
Alternative Penalties:	
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
None	None
NOTES:	
<ol style="list-style-type: none"> 1. Remember that penalty points are <u>not</u> applied for technical infringements 2. Mitigating circumstances may be considered by the National Court. 	

Offence:	Gaining Unfair Advantage
Regulations:	C2.3, G5.3, G5.3.7
Points to consider before finding	Is there a written report? Was an advantage really gained Was it unavoidable
Guideline Penalty:	A Time Penalty (Up To 10 Seconds Or Up To 1 Minute) Or In Kart Racing A Position Penalty (Up To 5 Places) but only if no-one else is involved
Alternative Penalties:	Exclusion from race Reprimand
<u>Mitigating Circumstances:</u>	<u>Aggravating circumstances:</u>
Inadvertent action Action subsequently corrected by competitor	Regularly leaving circuit
NOTES:	
<ol style="list-style-type: none"> 1. This offence does <u>not</u> carry penalty points against the drivers licence 2. This offence may be the result of missing a chicane, taking a shortcut, etc. 3. In Karting: if another competitor is involved the minimum penalty should be a 10 second time penalty 	

Offence:	Running Beyond Track Limits in Qualifying
Regulations:	C1.1.5, Q12.6.1, Q14.5, U12.5.3
Points to consider before finding	Is this reported by a Judge of Fact? If not, is there any corroboration? Are you dealing with a Protest? Are there any written reports? Was there contact involved? Interview the people concerned. Interview witness in presence of competitors Was it avoidable?
Guideline Penalty:	Loss of Lap Time(s)
Alternative Penalties:	Exclusion from qualifying (4 points) Fine (3 points) Reprimand (2 points)
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>
Action was an "error of judgement" Action was a result of another's actions	Action created an obvious danger to others.
NOTES:	
<ol style="list-style-type: none"> 1. <i>You may decide to warn the competitor by the use of the Black / White flag</i> 2. <i>Act after review to see if advantage has been gained, preferably on the lap in question when running beyond the track limits.</i> 	

Offence:	Running Beyond Track Limits in Racing	
Regulations:	C1.1.5, Q14.5, U12.5.3	
Points to consider before finding	Is this reported by a Judge of Fact? If not, is there any corroboration? Are you dealing with a Protest? Are there any written reports? Was there contact involved? Interview the people concerned. Interview witness in presence of competitors Was it avoidable?	
Guideline Penalty:		Time Penalty
Alternative Penalties:	Exclusion from race (4 points) Fine (3 points) Reprimand (2 points)	
<u>Mitigating Circumstances:</u>	<u>Aggravating Circumstances:</u>	
Action was an "error of judgement" Action was a result of another's actions	Action created an obvious danger to others.	
NOTES:		
<ol style="list-style-type: none"> <i>The procedure for dealing with this situation would normally be:</i> <ul style="list-style-type: none"> <i>First offence - treat as an error of judgement</i> <i>Second offence - warn the competitor by the use of the Black / White flag</i> <i>Third offence - issue a five second time penalty</i> <i>Fourth offence - issue a drive through penalty</i> <i>Fifth offence - exclude from the race</i> <i>Ensure that the competitor has seen the warning flag once before moving to a time penalty and likewise has seen the time penalty board before moving to a driver through penalty</i> <i>Penalty of exclusion should only be used for persistent offenders</i> <i>Actions of others can easily result in a competitor running beyond the track limits and judges appointed to report such an offence should be briefed to take such matters into account before making a report</i> 		

Motor Sports Association – Penalties Summary Sheet

<u>Offence</u>	<u>Regulations</u>	<u>Datum Penalty</u>	<u>Notes</u>
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.1.1)	Ensure that there is no reason for the licence to have been withdrawn and ensure the appropriate form is signed by the competitor
Failing to attend a drivers briefing	G5.3, H33.1.3, Q8.1.11	Fine (App.1.13.6)	Ensure the competitor still gets briefed
Overtaking or not slowing down under yellow flags / lights	C1.1.6, G5.3, Q15, U12.5	Exclusion	Slowing from 100 to 80 mph may not be obvious
Ignoring the Black Flag	C1.1.6, G5.3, Q15, U12.5	Exclusion	Review why the black flag was being shown
Ignoring the Red Flag or Light signals	C1.1.6, G5.3, Q15, U12.5	Exclusion	Red means stop racing not come to a halt
Gaining unfair advantage	G5.3, C2.3, G5.3.7	Time Penalty	May be a position penalty in karting when no other kart is involved
Making another competitor lose control or otherwise causing an avoidable incident	C1.1.5, G2.4, Q14.5, U12.5.3	Exclusion	Karting: minimum 10sec. penalty must be applied Always deal with the incident and not the outcome
Running beyond the track limits in qualifying	C1.1.5, Q12.6.1, Q14.5, U12.5.3	Loss of lap time(s)	May warn with black & white, act after review to see if advantage was gained
Running beyond the track limits in racing	C1.1.5, Q14.5, U12.5.3, U12.5.4	Time Penalty	As a guide: 2 nd offence warning flag, 3 rd offence give 5 sec. pen., 4 th offence drive through pen., 5 th exclude
Making a false start	Q12.4, Q12.5	Time Penalty	Check championship regulations for alternatives
Abusive language, behaviour or assault	C1.1.9, C2.6.2, G5.3	Licence suspension	Clerk to take action first, then pass on to Stewards
Ineligible or unsafe vehicle at pre-event scrutineering	D25.1.6, G5.3, J5	Exclusion	If problem can be rectified, re-scrutineer and continue
Ineligible or unsafe vehicle after practice / qualifying	D25.1.8, C3.3	Exclusion	Loss of all times from the session. In racing if rectified & no reserves, back of grid plus 10sec
Ineligible or unsafe vehicle after event	C3.5, H32	Exclusion	There are no penalty points for technical offences
Failing to advise the Clerk of impending eligibility check	C3.4	Fine (App.1.13.6)	Results will remain provisional until check has been made and then results issued accordingly
Fuel does not conform to regulations	C3.5, C4, D34, U16.17, U16.18	Exclusion	Check if any championship penalties apply
Overshoot stage finish and reverse back	P51.1.1, R25.6.1	Exclusion	No options available
Driving wrong direction on a stage	C1.1.5, P51.1.2, R25.6.2	Exclusion	No options available

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