

Manual Amendment

These amendments have been authorised to the text of MotorSport Manual Edition 35. It is recommended that in addition to retaining a copy of this amendment that all parties modify the actual text in their Manual according to the following:

Appendix One, Schedule P – Penalties

Amendments to Schedule P in Manual 35:

1. Amend Article 2.1 as stated in the schedule below.
2. Amend Article 3.1 as stated in the schedule below.
3. Amend Article 4.1 as stated in the schedule below.

1. **Item One:**

- 2.1 Pursuant to Article 90(3) of the National Sporting Code, MotorSport NZ has, subject to the following clauses, prescribed in Article 5 of this Schedule, penalties to apply to Competitors, Entrants and Drivers in Series, Meetings and Events.

(...)

- (6) In the case of fines imposed by:

- (a) The Judicial Committee of MotorSport NZ, or the Anti-Doping Judicial Committee of MotorSport NZ, following a Judicial Hearing held pursuant to Part X of the National Sporting Code; or,

(...)

- (7) With the exception of automatic suspension as detailed in Article 98 of the National Sporting Code, the penalty of licence suspension (reserved for serious breaches) may only be imposed by:

- (a) The Stewards following the hearing held pursuant to Part IX of the National Sporting Code.

In which case any Licence Suspension is limited to a maximum of three(3) months; or,

- (b)

- (i) The Judicial Committee of MotorSport NZ following a Judicial Hearing held pursuant to Part X of the National Sporting Code, or
- (ii) The Anti-Doping Judicial Committee of MotorSport NZ following a Judicial Hearing held pursuant to Part X of the National Sporting Code, or
- (iii) (in the case of alleged violations under the Sports Anti-Doping rules) The Sports Tribunal of New Zealand following a Hearing held pursuant to Part X of the National Sporting Code, or
- (iv) The National Court of Appeal following the hearing of an appeal pursuant to Part XI of the National Sporting Code.

(...)

Reason:

To align with revised National Sporting Code Part X.

2. Item Two:

3.1 If at the conclusion of any hearing held pursuant to Part VIII of this Code before the Clerk of the Course, or Event Director, or Race Director, or Stewards of the Meeting or Event, or separately appointed Stewards panel, the Official or Stewards hearing the matter considers that the complaint has been proved and the penalty prescribed in this Schedule or Standing Regulations is insufficient given the serious nature of the offence then in such instances the matter may be passed on for a sentence befitting the serious nature to be applied:

(...)

(2) By MotorSport NZ in the case of a Stewards Hearing.

Note: MotorSport NZ will call a further hearing using the same parameters that apply to Inquiries, Preliminary Hearings and Judicial Hearings in Part X of the Code.

Reason:

To align with revised National Sporting Code Part X.

3. Item Three:

4.1 Pursuant to Articles 91 and 92 of the National Sporting Code, MotorSport NZ has, subject to the following clauses, prescribed in Article 6 of this Schedule, penalties to apply to Officials, Member Clubs, Officers, Licence Holders, or other members of MotorSport NZ.

(1) GST is not payable on fines.

(2) In the case of fines imposed by:

- (a)** The Judicial Committee of MotorSport NZ or the Anti-Doping Judicial Committee of MotorSport NZ, following a Judicial Hearing held pursuant to Part X of the National Sporting Code; or,
- (b)** The National Court of Appeal following the hearing of an appeal pursuant to Part XI of the National Sporting Code; or
- (c)** (in the case of alleged violations under the Sports Anti-Doping rules) The Sports Tribunal of New Zealand following a Hearing held in accordance with the provisions of Article 118(5) of the Code.

there shall be no limit to any Maximum fine prescribed for the breach and any or all of the fine may be suspended for a determined period.

At the conclusion of the period the suspended portion of the fine may be released or called at the discretion of the Committee or Appeal panel whoever imposed the suspended fine.

(3) With the exception of automatic suspension as detailed in Article 98 of the National Sporting Code, the penalty of suspension or downgrading or termination of Officials licences may only be imposed by:

- (a)** The Judicial Committee of MotorSport NZ or the Anti-Doping Judicial Committee of MotorSport NZ, following a Judicial Hearing held pursuant to Part X of the National Sporting Code, or

- (b) The National Court of Appeal following the hearing of an appeal pursuant to Part XI of the National Sporting Code.
- (c) (in the case of alleged violations under the Sports Anti-Doping rules) The Sports Tribunal of New Zealand following a Hearing held in accordance with the provisions of Article 118(5) of the Code.

Any Licence Suspension issued from a decision of any of these bodies, with the exception of a positive drug doping test of an Official, being limited to a maximum of two(2) years. For a positive drug doping test the suspension period has a minimum period of two(2) years with no maximum limitation.

- (4) The penalty of refusal of permit issue, suspension of membership or termination of membership on Member Clubs may only be imposed by the Judicial Committee of MotorSport NZ following a Judicial Hearing held pursuant to Part X of the National Sporting Code.
- (5) The penalty of suspension of, or termination of, term of office on Officers may only be imposed by the Judicial Committee of MotorSport NZ following a Judicial Hearing held pursuant to Part X of the National Sporting Code.

Reason:

To align with revised National Sporting Code Part X.

This amendment is issued for MotorSport New Zealand Inc by the Administration.



B. Budd
Chief Executive Officer