

**IN THE MOTORSPORT NEW ZEALAND  
COURT OF APPEAL**

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**APPEAL BY RICHARD BETHUNE**

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**APPEAL BY RICHARD BETHUNE**

1. This is an appeal by Richard Bethune against decision ST6 from the NZGP meeting at Manfield on 10 February 2018, regarding the “dampers” on the F1600 car of competitor 17.
2. The matter concerns Rule 20.3.3 which states that damper units with a maximum number of three external adjusters are permitted on cars covered by the rule. But, possibly unhelpfully, the rule goes on to state that “damper units, manufactured new, with more than three external adjusters, and subsequently modified to comply with this rule are specifically prohibited”.
3. In this case it is not disputed that key components of the damper units were manufactured by Sachs in Germany, and supplied to Triple 8 Engineering in Australia – the canister component was supplied by Sachs with provision for four way adjustment, but in the process of building or completing the damper unit, Triple 8 had machined down the external hex configuration of the high speed rebound adjuster, to make the unit, functionally, a three way damper.
4. This appeal is not without merit, and we were troubled by the fact that key components were manufactured by Sachs, not Triple 8. However, the rule itself defines damper units as “shock absorbers” or vice versa, and we have reached the view that the unit did not come into existence, or could not be said to have been “manufactured” until it was a functional shock absorber.
5. We have therefore reached the view that Triple 8 did not receive a damper unit from Sachs, and then modify it to meet the rules. All Triple 8 received was various components, to which it then added its own components, and modified the valve housing / valve body to a three way adjustment, to give the finished product.  
We noted that almost all motor manufacturers outsource numerous components, but are still regarded as the maker, or manufacturer, of the finished product.



6. Therefore the appeal fails, and we thank both the Appellant and Respondent for their very helpful and lucid presentations.

Dated this 19<sup>th</sup> day of June 2018



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**John Anthony Langford**

