

MOTORSPORT NEW ZEALAND NOTICE OF JUDICIAL COMMITTEE HEARING DECISION

MOTORSPORT NEW ZEALAND INC

BEFORE THE JUDICIAL COMMITTEE APPOINTED BY MOTORSPORT NEW ZEALAND, NAMELY:

- Martin Fine (Chair)
- Adam Simmons
- Janet Phipps

TO THE PARTIES CONCERNED OR INTERESTED:

- Ben Hunt and Tony Rawstorn (Car 1)
- Robbie Stokes and Shane Reynolds (Car 3)
- David Loughlin (Clerk of the Course)

BACKGROUND

During the Battery Town Rally Bay of Plenty held on 11 October 2025 the Clerk of the Course held a hearing into an incident with Car 3 regarding an alleged breach of Schedule R Art 19 of the Code. The Clerk of the Course determined a breach had occurred (Decision Number 3) and imposed a monetary penalty. Following the event the crew of Car 1 submitted a Request for Inquiry under Part X of the Code regarding the choice of the penalty applied by the Clerk of the Course.

A Judicial Committee was established and a hearing held on 30 October commencing at 19.00 hrs.

THE HEARING

The parties all appeared by video link, and the matter was reheard de novo. The facts were canvassed in detail, each party, including the Clerk of the Course for the event, was given the opportunity to present a detailed account of the events from their perspective.

Also canvassed was the decision of the Clerk of the Course to cancel Special Stage 3 of the event which he subsequently reinstated by providing an assessed time for all cars except the first 10 who had managed to traverse the stage competitively.

Following the investigation phase of the hearing the Panel adjourned to consider the matter and issue a decision.

FINDINGS

In relation to the alleged breach of Schedule R, Art 19:

1. The facts established that Car 3 entered Service 2 having traversed TC4B without stopping at the control. The co-driver was at the control as the car drove through. He followed the car to its service area and the car was turned around and driven back through the control, made a U-turn and re-entered the control to be checked in. It then continued back into service.
2. The driver of Car 3 suggested that an unidentified marshal had instructed him to “drive through into service” which was why he did not stop while the car was checked in. While the Panel considered this, there was no evidence from the Marshal concerned and the Panel concluded that even had the conversation have taken place it could not be construed as authority to release the competitor from presenting his car in the control at the time it was checked in by this co-driver.

3. Schedule R Art 19 is a longstanding and well understood rule of rallying which finds its genesis in the very early transition of trials to speed trials and then rallying as we know it today. The rule is provided to support the fundamental principle that the route is sacrosanct and that a competitor cannot deviate from that route without suffering the ultimate sanction of exclusion from the competition. Under the heading of Exclusion, Art 19 also provides that a competitor is prohibited from re-entering a control.
4. The Clerk of the Course determined that a breach had occurred and applied a monetary penalty under NSC.4 of \$250 on the basis that there was no other penalty in Schedule P to cover the offence.
5. Art 90(3) of the National Sporting Code states:

MotorSport NZ shall in this code and in either Appendix One of this code, or in the Standing Regulations prescribe from time to time all penalties to apply to Competitors, Entrants and Drivers in Meetings and Events (to the exclusion of any other penalty or penalties) for breaches of:

- (a) This Code; and,
- (b) Any of the Appendices to this Code; and,
- (c) Any of the Schedules to the Appendices of this Code; and,
- (d) The Standing Regulations of the Meeting or Event; and,
- (e) The Supplementary Regulations of the Meeting or Event (if any), and
- (f) The Sanctioned Series Articles (if any).

6. There is no dispute that the car re-entered the control in breach of Art 19.

In relation to the decision of the Clerk of the Course to cancel and subsequently reinstate Special Stage 3:

7. After a serious accident in the Stage the Clerk of the Course initially stopped the stage to assess the situation.
8. He then instructed the stage was cancelled and the results were taken down. The Panel believes the Notice Board showed the stage as cancelled.
9. Following a number of enquiries received from competitors the Clerk of the Course reinstated the Stage with the times of those competitors who had traversed the stage under competition being displayed and all other competitors receiving the same assessed time.

DECISION

The Panel has determined:

1. In the matter of the penalty to Car 3 for a breach of Schedule R Art 19 the Panel rules that the penalty applied was incorrect.
2. The correct penalty is exclusion under Schedule R Art 19.
3. The Code provides the ability to impose the penalty of exclusion under Art 19 independent of Schedule P by virtue of the clear wording of NSC90(3).
4. The fine imposed by the Clerk of the Course is set aside.
5. Car 3 is excluded.

6. In relation to the Cancellation of Special Stage 3 the Panel finds that the Clerk of the Course made a decision to delete Stage 3 from the results of the Rally.
7. Having made that determination the Clerk of the Course has no authority to revisit or amend that action.
8. Special Stage 3 is therefore deleted from the result and a new result reflecting this should be issued by the organiser.
9. No order for costs was made.

DATED this 1st day of November 2025



Martin Fine
Chairman

RIGHT OF APPEAL

The parties are reminded of the right of appeal to the National Court of Appeal in accordance with Part XI of the National Sporting Code.