

COURT OF APPEAL INFORMATION

This document serves as a guideline for a Competitor Relations Officer to assist Competitors in providing information on the next step on the judicial ladder.

For full comprehensive detail surrounding the National Court of Appeal process, please visit:

- manual.motorsport.org.nz
- National Sporting Code, Part XI (123-125) Appeals.

You are officiating as a Competitor Relations Officer at an event and have had a Competitor lodge a Protest in accordance with *Part IX (108-117) Protests*, either against a Clerk of the Course Decision, or directly to the Steward(s) of the Event.

The Protest Hearing has now been completed, and the Competitor is unhappy with the decision.

What is their next step? Their next step is the **National Court of Appeal**.

Note: *The following proceedings are no longer in the purview of the on-event officials although the competitor will need to fill out the Notice of Intention To Appeal form to be handed to the Stewards of the meeting within one (1) hour after their written decision has been delivered. The Competitor will need to seek their own advice and or assistance to complete this form.*

Under Part XI – Appeals, of the National Sporting Code, competitors can find out if they have the rights to a National Court of Appeal, and information on how to Appeal if they have the right to do so. Also included under Part XI is how the National Court of Appeal is established, and their authorities.

To help you advise the competitor of where to find the information relevant to the next step and how that works, use the following guidelines.

This information was an accurate reflection of the MotorSport New Zealand Manual as of 1 May 2024.

This section is where the competitor will find if they have the Rights to a National Court of Appeal:

NSC Part XI

- 124. Right of Appeal:** Any Officer, Competitor, Entrant, Driver, person, firm, body corporate, Member Club, or Official upon whom or which a penalty or any other decision has been imposed under this Code by:
- (1) The Stewards (including a penalty or decision imposed by another Official which is upheld by the Stewards in a protest); or
 - (2) The Judicial Committee of MotorSport NZ in a Judicial Hearing held in accordance with Part X of this Code;

Shall have a right of appeal to the National Court of Appeal.

This section is where the competitor will find how much it may cost them if they proceed with the Appeal:

Appendix One – Schedule B

4.2 Appeal Fees

For our information, please take note of the following clause as it may be something that gets queried:

NSC Part XI - Appeals

123. National Court of Appeal:

- (12) The lodging of an appeal does not of itself suspend the application or effect of any penalty imposed which is the subject of, or a consequence of, the appeal lodged.

For our information, here is the clause informing of the initial procedure and timeline to start the Appeal process:

NSC Part XI - Appeals

125. Procedure for Appealing:

- (1) Every Officer, Competitor, Entrant, Driver, person, firm, body corporate, Member Club or Official who or which intends to appeal against any penalty or decision (“the appellant”) must deliver a Notice of Intention to Appeal to the Stewards, MotorSport NZ or the Judicial Committee of MotorSport NZ, whoever or whichever imposed the penalty or decision against which the appellant intends to appeal (“the lower court”).
- (2) Subject to any delay caused by force majeure, every Notice of Intention to Appeal must:
- (a) be delivered or emailed to the Chairman of the lower court within one (1) hour of receipt by the appellant of the lower court’s written decision; and
 - (b) Include details of the decision(s) to which the Notice of Intention to Appeal relates; and
 - (c) be accompanied by such fee as may be stipulated by MotorSport NZ from time to time.

Remember, it’s important to ensure each Competitor is aware of their rights and obligations when it comes to the Appeal process.

For further information, please refer to NSC Part XI in full, or call your Head of Department, or the MotorSport New Zealand Office.