

**IN THE NATIONAL COURT OF APPEAL
APPOINTED BY THE MOTORSPORT
NEW ZEALAND BOARD**

APPEAL BY STEPHEN HARRISON

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APPEAL BY STEPHEN HARRISON
(heard before John Langford, Paul Te Punga, and Shayne Harris)

1. Stephen Harrison has appealed a decision of the Stewards, given at the Speedworks Motorsport NZ Championship held at Taupo Motorsport Park on 27 March 2022. The Stewards upheld a clerk of the course decision, (D8), to apply a time penalty of 5 seconds to car 78 (drive by Mr Harrison) for a pit lane speed infringement.
2. The grounds of appeal were that the penalty was “clearly excessive”, which suggested that Mr Harrison accepted that the offence had been committed, and that only the penalty was at issue. As he advanced his case, it became clear that he did not admit or accept the alleged speed, which was 57 kph, or 17 kph over the pit lane limit. He based his position on the fact that the speed had been taken from an in car video device rather than a calibrated speed camera. He stated that the reading was taken from the car’s transmission, and the excess speed might be accounted for by wheelspin, or loss of traction.
3. Nevertheless, on looking at the video we concluded that car 78 had sped up, and then slowed down, to a speed which was just under the 40 kph limit. It therefore follows that car 78 was travelling in excess of 40 kph at some point, if only for about a second. Even allowing for some inaccuracy in the car video or V Box device, we conclude that the car was travelling well in excess of 40 kph, before Mr Harrison realised his mistake and braked. We do accept that Mr Harrison had inadvertently turned off his speed limiter, and the offence was not deliberate. Regrettably most of the incidents of breaches which occur on track, are not deliberate – only a few are intentional.
4. So, the offence was committed, and we turned our mind to whether the penalty imposed was clearly excessive. The rule provides for an open ended penalty of “up to 30 seconds penalty”. On the face of it a 5 second penalty is at the low end of the scale, and from our collective knowledge of the sport, penalties of 10 seconds or more are not uncommon.
5. Whilst we are sympathetic to Mr Harrison, and are aware that the 5 second penalty had repercussions for him in terms of the outcome of the championship, we do not find that the penalty was “clearly excessive”.
6. The appeal therefore fails, and it follows that the appeal fee is forfeited.

7. No costs were sought by Mototorsport, over and above the appeal fee.

Dated this 20th day of April 2022 (delivered orally following the hearing on 19 April 2022)


John Anthony Langford
Chairman