

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

DECISION IN RELATION TO APPEAL BY SIMON BAKER

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Introduction

1. This appeal, lodged by Simon Baker relates to an alleged breach of circuit limits by Car 4, during Mazda Racing Series Race 2 at Manfield on 14 February 2021. It is unfortunate that for various reasons, the matter did not reach a hearing at this court until 12 July 2021 – after the series had been concluded.
2. The issue in the appeal arises from Rule 10.2, Schedule Z, of the Motorsport Manual. The rule says:
 - (1) Drivers must use the circuit at all times. For the avoidance of doubt, the white lines defining the circuit edges are considered to be part of the circuit, but the kerbs are not. A driver will be judged to have left the circuit if either of all four(4) tyres of the car do not remain in contact with the circuit, or if any one(1) tyre entirely exceeds the outer edge of any kerb. Should a car leave the circuit the driver may re-join, however this may only be done when it is safe to do so and without gaining an advantage or interfering with any other competitor. A driver may not deliberately leave the circuit without justifiable reason.
 - (2) If by leaving the circuit or taking a shortcut from the circuit a competitor gains an advantage by overtaking one(1) or more competitors, that competitor must yield the advantage gained by allowing that one(1) or more competitors to re-pass within one(1) lap of the point of the incident. Failure to yield will result in the imposition of a Drive Through Penalty imposed by the Clerk of the Course.”
3. In this case, it is not in dispute, (and cannot be disputed) that Car 4, driven by James Parker, had two wheels outside the white line which defines the circuit, while overtaking Car 99 on the main straight, prior to the start finish line.
4. The Clerk of the Course (who conducted a post race Inquiry on 26 March 2021) had interpreted the rule as meaning that:

“All 4 wheels must be off the track for a competitor to be adjudged as exceeding track limits”.

He concluded in this case that Car 4 was forced outside the white lines when he passed Car 99, when rejoining. He further categorised it as a “racing incident”.



5. We find that the Clerk of the Course was somewhat misled by the word "either" in the rule, in his interpretation that the rule was only breached if all four wheels were off the track (where there is no kerb). Our view based on the wording of the rule, is that the rule, as written, is breached, if all four wheels do not stay within the boundaries of the circuit. In this case they did not.
6. We are of the view that the rule, as written, is capable of creating confusion or difficulty. We are not sure that the rule, as written, necessarily reflects the intention of those who drafted it. We think the rule is not fit for purpose, and is out of step with championship articles.
7. The next question is whether the driver of Car 4 gained an advantage by leaving the circuit. In this case, on balance, we are of the view that an advantage was obtained, in that the driver of Car 4 did not have to initiate, or complete the overtaking manoeuvre, and that he did gain an advantage over some other competitors by overtaking Car 99.
8. The appeal is therefore allowed. We see little point in penalising the driver of Car 4 at this late stage, with the series having been completed, and (as we understand it) won by Mr Baker, the Appellant. We order that the appeal fee be repaid to Mr Baker, the Appellant.

Dated this 20th day of August 2021


John Anthony Langford
Chairman