



**From the National Court**

**THE MOTORSPORT UK NATIONAL COURT  
SITTING 6<sup>TH</sup> DECEMBER 2022**

**Case No. J2022/33**

**Mark Heywood KC (Chairman)  
David Scott  
Robert Bassett**

**ALISTAIR BRAY**

**JUDGMENT**

1. The National Court has considered an eligibility appeal brought by Mr Alistair Bray.
2. In the course of the BRSCC Masters MX5 Super Cup, race 3 held at Snetterton circuit on 15th October 2022, the Clerk of the Course, Mr Levitt, found that Mr Bray was guilty of contravening Championship Regulation 5.7.2: prohibited modifications. This finding arose from the fact that in post-race scrutineering following race 3, the cam timing in Mr Bray's car was found not to comply with the Championship Regulations, in that the exhaust cam was out of position compared to the inlet cam. In consequence Mr Bray was disqualified from the results of the race.
3. Championship Regulation 5.7.2 provides, so far as is relevant, that it is only permitted to use a standard camshaft complying with specified part numbers, and

that it is not permitted to regrind, re-profile or modify the cams in any way. Any method of altering the manufacturer's valve timing is prohibited and the manufacturer's standard valve timing must be maintained. The regulation sets out a diagram showing the required camshaft measurements. There is no reference to permissible tolerances.

4. After race 3, the cam timing of 5 cars, including Mr Bray's were checked for compliance by the scrutineers. The process involves the use of the club's own designated measuring tool, a flat metal bar, rectangular in shape and machined to fit inside the designated camshaft slots and upon which a dial gauge can be mounted to measure while the crankshaft is at the manufacturer's standard top dead centre. This is a pattern part, apparently in common use by engine builders. Rather surprisingly, it appears the procedure is performed initially by the teams' own mechanics, then verified by the series' technical expert, Mr Breland.
5. The issues before the Court have been difficult to resolve. Unfortunately, the material before us is limited, and in many ways, unreliable.
6. The Scrutineer's non-compliance report is handwritten. Mr Bray accepts that he signed the form to indicate that he agreed that the vehicle failed to comply with the regulations, but states that this was in his belief at the time that the timing tool was accurate. Mr Bray asserts in his protest/appeal form submitted to the Stewards that "we" had informed the scrutineers (a reference to Mr Breland, the series technical expert and an assistant scrutineer) at the time that the tool had been damaged by other competitors forcing the tool into place and out during the checks on other cars.

7. Unfortunately, though the form was sent in time, by email, it went to the recipient's junk mail folder and was not noticed for over an hour. The delay cannot have helped recognise the developing issues.
8. In his submission, Mr Smith, the Eligibility Scrutineer, describes Mr Bray "being in agreement that the standard timing could not be aligned." Given Mr Bray's account and timely lodging of his appeal, we cannot place as much weight as usual on the "agreement" that the cam timing was non-compliant.
9. Of greater concern is the fact that the club's designated tool was not secured. It appears to be common ground that the tool was made available to Mr Bray's team to assist in correcting the timing after the car had been released from parc fermé. The tool was not available to the Court, nor was there a template against which it could be measured. Photographs of the tool, taken against a steel ruler, were submitted by Mr Bray. It is clearly marked by use and deformed to a small degree, visible to the eye but not measured. Mr Smith expressed understandable surprise that the tool had been lent out in this way. There is no evidence of who had control of the tool, how it was treated or, most importantly, whether it was already deformed when lent out. We make it clear that it has not been suggested that the tool was deliberately damaged at any stage.
10. The measurements in question are very small and no evidence was put before us of the degree to which non-compliance was indicated. Mr Smith has provided what would otherwise be a persuasive description of how the test is carried out and why he considers it is unlikely the tool was deformed at the time the test was carried out, but he does not suggest such deformation would not affect the test. Unfortunately,

there can now be no way of checking. In the circumstances, we find it impossible to conclude even on the balance of probabilities, whether the cam timing was compliant or not.

11. Accordingly, the Court feels obliged to give the benefit of the doubt to Mr Bray and allow the appeal.

12. The results of the meeting are to re-published to the extent required in consequence of this ruling and the appeal fees are to be refunded.

Mark Heywood

Chairman

6<sup>th</sup> December 2022