



From the National Court

**MOTORSPORT UK NATIONAL COURT
SITTING 9 NOVEMBER 2022**

Tony Scott Andrews (Chairman)
John Hopwood
Ian Watson

J2022/31 Xentek Motorsport - Mikey Doble – Appeal

This is an Appeal lodged by Xentec Motorsport against a Decision of the Stewards made at Donington Park and dated 16th October this year, which Decision imposed a three second time penalty and three point's on the licence of their driver Mikey Doble.

Before the Court are:

Miss Sarah Franklin, solicitor, on behalf of Xentec Motorsport and Mikey Doble
Mikey Doble
Eddie Ives on behalf of Elite Motorsport,
Jamie Champkin representing Motorsport UK

The facts are that Mikey Doble, entered by Xentec Motorsport and driving car No 88 and Harley Houghton entered by Elite Motorsport and driving car No 20, were competing in a round of the Protyre Motorsport Ginetta GTS Challenge.

Elite Motorsport was also the entrant for Will Jenkins who was driving car No 30 in the same race.

At the conclusion of the race Ed Ives Elite lodged a Protest against Doble alleging that "Car 88 passed car 20 under Safety Car boards on lap 1." The Protest form shows that the competition number in the event was 30.

The Clerk's decision that "No action taken" was because "the move was being made as the flags came out."

Elite then appealed this decision to the Stewards in terms that "Car 88 passed car 20 while yellow boards/flag displayed at Macleans on lap 1 as shown by onboard video from car 20." The Stewards upheld the Appeal and imposed the penalty referred to above on Doble. It is this decision which is the subject of this Appeal.

Miss Franklin makes two interesting procedural points, effectively as a preliminary issue, and, as a result, argues that the Appeal should succeed without the need to consider the matter further.

First that the complaint of overtaking when such was prohibited was an issue between only the two cars involved, which were cars 20 and 88. Car 30 had no standing in the matter, was merely a third party, was not entitled to lodge the protest and that the Protest and subsequent Appeal were in reality made on behalf of car 30 to benefit its Championship position.

Secondly that the facts complained of in the Appeal to the Stewards differed from those referred to in the original Protest. ie first "Safety car boards" and later "yellow boards/flags".

As to the first, the Clerk dealt with the matter as being between cars 20 and 88. The error, if such it was, in the reference to car 30 in the Protest, had been corrected to car 20 in the subsequent Appeal, the Stewards having given permission to Ives "to amend his appeal form as he had written an incorrect car number."

As to the second, although the Protest refers to passing under Safety Car boards, in circumstances where all the boards had not yet been shown, the Clerk actually dealt with the matter as one of overtaking under yellow flags which would obviously be shown under Safety Car conditions and such is confirmed in his decision.

The Court finds that the reference by Elite to "flags" in their Appeal is not inconsistent with the subject of the proceedings before the Clerk and that the same issue of flags was what was before the Stewards.

In the circumstances this Appeal proceeds.

The facts, simply put, are that as cars 20 and 88 approached the right hand corner, Macleans, at which there is a marshal's post on the outside of the track, car 88 began to overtake car 20 on the inside of the track. It is accepted by both parties that the overtaking manoeuvre had been completed by the time the cars reached the light panel situate a short distance beyond the said marshal's post. There is no suggestion that the cars did not comply with the light panel which was indicating the presence of a Safety Car on the track. Elite, however, contends that whilst the overtake had been completed by the time the cars reached the light panel, it had certainly not taken place before the marshal's post which was displaying a yellow flag.

Doble, however, maintains as he has done throughout, that whilst there may have been some activity by the marshals with a view to displaying a yellow flag and, presumably also a Safety Car board, the flag was certainly not being shown at the time he overtook.

The issue is therefore whether or not a yellow flag was properly displayed.

The Court has heard evidence from the driver Doble and seen visual recordings.

The Court has considered the respective speeds of the cars and finds from the in-car taken from Elite's car 20 that it did not slow as one would have expected had their driver, Harley Haughton, seen a clearly displayed yellow flag but actually accelerated before reaching the light panel.

From the evidence of Doble and visual recordings placed before the Court, this Court is satisfied that no yellow flag was properly displayed such as to prevent an overtaking manoeuvre.

This appeal is accordingly allowed.

The appeal fee is to be refunded.

Mikey Doble is to be re-instated in the results.

The championship points are to be recalculated and both they and the amended results are to be re-issued.

Tony Scott Andrews
Chairman
9 November 2022