

INTERNATIONAL COURT OF APPEAL (I.C.A.)

OF THE

FEDERATION INTERNATIONALE DE L'AUTOMOBILE (F.I.A.)

CASE:

**Appeal of the Royal Automobile Club Motor Sports Association (MSA)
on behalf of its licence-holder, Allen LLOYD,
against the decision taken by the National Court of Appeal of the French ASN
(Fédération Française du Sport Automobile)
on 25 October 2001 for the
event run at Dijon-Prenois on 23 September 2001 counting in the
2001 FIA European Challenge for Historic Touring Cars**

Hearing on Monday 4 February 2002 in Paris

The FIA INTERNATIONAL COURT OF APPEAL comprising Mr Erich SEDELMAYER (Austria), elected President, Mr Vassilis KOUSSIS (Greece), Mr Reginald REDMOND (Ireland) and Mr Jan van ROSMALEN (Netherlands);

Meeting in Paris, on Monday 4 February 2002, at the Headquarters of the Fédération Internationale de l'Automobile (FIA-France) - 8, place de la Concorde - 75008 Paris;

Ruling on the appeal lodged by the Royal Automobile Club Motor Sports Association (MSA) on behalf of its licence-holder, Allen LLOYD, against a decision taken by the National Court of Appeal of the French ASN (Fédération Française du Sport Automobile) on 25 October 2001 during an event run at Dijon-Prenois on 23 September 2001 and counting in the 2001 FIA European Challenge for Historic Touring Cars;

After hearing:

For the appellant,

Mr Terry LANKSHEAR, Secretary General of the Royal Automobile Club Motor Sports Association, Mr Allen LLOYD, Competitor and Driver, assisted by Mr Alexandre STYLIOS, Lawyer with the Paris Bar, Ms Myriam BLUMBERG-MOKRI, Lawyer with the Paris Bar, and Mr Anthony SCOTT ANDREWS, Solicitor, as well as the following knowledgeable parties heard at the appellant's request: Messrs Gerry WAINWRIGHT, Les NAIRN, Chris COWLAM, Martin GRANT PETERKIN and the witness, Mr Alan PUTT,

For the FIA,

Mr Sébastien BERNARD, Head of the Legal Department of the FIA Sport Division,

and as knowledgeable parties,

Mr Ralf PETTERSSON, FIA Technical Delegate, and Mr Jacques BERGER, Director of the FIA Technical Department,

Having acknowledged that the procedure with full argument on both sides was in order, the rights of each party having been duly examined, both in the proceedings prior to the hearing and during the hearing itself, the parties, witnesses and the knowledgeable parties having provided all the detailed explanations and answers requested during the hearing with the help of a simultaneous translation system which was recognised as satisfactory by the parties;

.../...

WHEREAS it appears from evidence submitted to the Court and declarations made during the hearing by both the appellant and by the FIA, as well as by the witness and knowledgeable parties, that the track measurements were not taken in accordance with FIA prescriptions,

WHEREAS in effect, the two measurements which were officially requested - which are the only ones which should be taken into consideration - were taken using the marks left by the front wheels, with the distance between the centre of the two marks being determined by eye and then measured with a tape measure ,

WHEREAS according to Article 11.10 of Appendix K of the International Sporting Code under the heading «*Wheelbase, track, ground clearance*», it is specified that: «*Wheelbase and track: They must be those homologated or, if the model was not homologated, must conform to the manufacturer's original specification. The tolerance granted concerning the track is $\pm 1\%$* »

WHEREAS there is no disagreement in this respect, and for the historic vehicle used, a Ford Mustang, the track width must be 1460 mm with a tolerance of 1%, or 1474,6 mm,

WHEREAS according to the homologation manual (standard homologation form published in FIA Bulletin N° 272), the following is set out in Articles 207, 207 a) and 207 b):

«*Maximum Track:*

a) *At the front, in mm, measured horizontally at ground level with the steered wheels placed in the median position. There must be no fuel or people on board the car. The measuring method is as follows”*

WHEREAS the measurement as it should be taken is represented in a drawing showing a jig pressing on the ground and touching the same side of the front right and the front left tyres at their lowest point, and this in order to avoid any doubts regarding the ground markings of the tyres;

WHEREAS from the scrutineers report it may be seen that this was not the method used, and that different results were obtained for the first and second measurements; the first measurement was taken at a distance of 3 cm from the ground whereas the second was taken at the point of contact between the tyres and the ground;

WHEREAS such a difference is incomprehensible due to the fact that the first measurement of the track was 1490 mm while the second measurement was 1510 mm, in other words a difference of 20 mm (2 cm) which is enormous when one considers the amount of precision required for car tracks, especially cars in competition;

.../...

WHEREAS consequently, the measurements, other than their being unusual, were not taken in accordance with FIA regulations,

WHEREAS these measurements were the object, in Bulletin N° 272 published in 1992, of certain specifications, such as the use of a jig in accordance with Articles 207, 207 a) and 207 b), and whereas ever since, these prescriptions must be strictly followed; the Scrutineers are bound by this;

WHEREAS on the other hand, the grounds for the decision handed down by the first Court do not seem any more so in conformity with FIA regulations;

WHEREAS in effect, this decision specifies notably that : *« It must therefore be held that no method is imposed for such checks, and that each team of scrutineers can use whatever method it chooses.....This commonly used method is certainly not the only one.....Consequently: the Appeal Tribunal considers that the measuring procedure used in the case in point by the scrutineers under the supervision of the FIA Technical Delegate and the Chairman of the Stewards of the Meeting, who is also appointed by the FIA, was perfectly valid and cannot be successfully challenged »*;

WHEREAS to uphold these grounds - notwithstanding the fact they are contrary to FIA regulations - would allow such measurements to be taken in a completely arbitrary manner even though the FIA, since 1992, requires the use of the same methods of measurement in all competitions, thereby preserving the equality of chances;

WHEREAS finally, it appears that throughout the exclusion procedure, Articles 174 d), 174 e), 175 and 177 of the International Sporting Code were not respected; the decision of the Stewards of the Meeting did not even mention the names of the Stewards concerned, nor was it signed by the Stewards in question, but only by their President;

WHEREAS under such conditions, the decision taken by the National Court of Appeal on 25 October 2001 must be quashed for the following reasons:

- a) breach of rules of sporting procedure
 - b) the method of measurement used on 23 September 2001
 - c) the adopted grounds
- which thus undermine the authority inherent in the FIA regulations;

ON THESE GROUNDS,

STATES AND RULES that the appeal is admissible,

QUASHES the decision taken in all its provisions,

.../...

LEAVES it up to the competent sporting authority to re-establish the classification taking into account the present decision,

LEAVES the costs incurred to be borne by the Fédération Française du Sport Automobile in accordance with Article 190 of the International Sporting Code.

Paris, 4 February 2002

(signature)

The PRESIDENT