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PART IX – Protests

Note: Text changes from the previous issue of this Schedule are **highlighted** such. Text changes for grammatical and/or formatting reasons are not highlighted.

Information: For further information on rights of protest and associated time lines refer to the chart at the end of Schedule G in this Manual.

108. Right to Protest: A Competitor shall have the following rights of protest:

(1) Against any alleged:

- (a) Technical ineligibility of a competing vehicle; or
- (b) Ineligibility of another Competitor,

To enter or compete in any Event; and

(2) Against the composition of a heat, group, class or handicap; and

(3) Against any alleged:

- (a) Technical ineligibility of a competing vehicle in; or
- (b) Disciplinary infringement of another Competitor,

During an Event; and

(4) Against the results of classification of an Event; and

(5) Against any alleged:

- (a) Mistake made in relation to; or
- (b) Breach of; or
- (c) Irregularity in the application of this Code or the Standing Regulations or the Supplementary Regulations (if any) by any Official of a Meeting or Event or against any;
- (d) Decision taken or penalty imposed by; or
- (e) Action of; or
- (f) Inaction of any Official of a Meeting or Event; and

(6) Against any alleged:

- (a) Mistake made in relation to; or
- (b) Breach of; or
- (c) Irregularity in the application of;

this Code or the Articles of a Sanctioned Series, or against any:

- (d) Decision taken or penalty imposed by; or
- (e) Action of; or
- (f) Inaction of any Official of a Sanctioned Series.

109. Lodging a Protest into the Conduct of a Sanctioned Series, Meeting or Event:

- (1) Every protest shall be in writing and accompanied by a fee, the level of which shall be prescribed by MotorSport NZ in Appendix One of this Code from time to time, which fee shall only be returned if the protest is prima facie well-founded or if so directed by MotorSport NZ.
- (2) All protests are where possible, to be lodged using MotorSport NZ's official protest form in force from time to time and must be addressed to the Stewards of the Meeting provided however that all protests are to be lodged with the Clerk of the Course for conveying to the Stewards of the Meeting. On occasions where the Clerk of the Course cannot be reached the protest can be conveyed directly to the Stewards.
- (3) A protester may withdraw any protest at any time, including during the protest hearing. Where a protest is withdrawn following the initiation of the hearing process by the Stewards, the protest fee shall be forfeited.
- (4) No protest may be made against the alleged ineligibility or infringement of more than one(1) Competitor or more than one(1) competing vehicle.
- (5) The lodging of a protest does not of itself suspend the application or effect of any penalty imposed which is subject of, or a consequence of, the protest lodged.

110. Time Limits for Protests:

- (1) A protest against the entry of a Competitor or Driver or Entrant or vehicle to enter or compete in an Event must be lodged no later than sixty(60) minutes after the official end of initial scrutineering (if any) or (if none) no later than sixty(60) minutes prior to the start of the Event.
- (2) Protests against the composition of heats, groups, classes or Handicaps given must be lodged at least sixty(60) minutes before the due time of the Event.
- (3) Protests against decisions of any official of a Meeting or an Event must be lodged within sixty(60) minutes of the decision being notified in writing to the Competitor or in the case of Competitors where the Entrant is not also the Driver, the Entrant's representative.
- (4) Protests against any mistake made, or irregularity in the application of, or alleged breach of this Code or the Standing Regulations or the Supplementary Regulations (if any) of the Meeting or Event on the part of any Official or against any technical ineligibility of any competing vehicle or against any disciplinary infringement by any other competitor in an Event which has concluded shall be lodged as follows:
 - (a) In the case of Races, Sprints, Hillclimbs and Autocrosses, within sixty(60) minutes of the finish of the last vehicle in the Event class or group;
 - (b) In the case of Rallies, within sixty(60) minutes of the Protestants finishing time in the Event;
 - (c) In the case of Trials, within sixty(60) minutes of the Competitor against who the protest is lodged finishing the Event or within sixty(60) minutes of any refusal of a claim lodged under Articles 18 and 19 of Schedule T of Appendix 5 of this Code.
- (5) Protests regarding the findings of Scrutineers or Technical Officers of a Meeting or Event at the final examination of competing vehicles must be lodged within sixty(60) minutes of their findings being published. In the case of checks carried out away from the venue by the scrutineers or Technical Officers of a Meeting or Event, such a protest must be lodged within sixty(60) minutes of the time the Competitor is notified of the results of the check.
- (6) Protests against the results or classification of an Event must be lodged within thirty(30) minutes after the publication of the provisional results for the Event, class or group. Entrants must have previously been advised of the time and place of such publication and of each subsequent publication but only if such subsequent publication pertains to the previous publication.
- (7) Protests against the inaction of any Official of a Meeting or Event must be lodged within sixty(60) minutes after the publication of the provisional results of the Event.
- (8) Protests against the results of an Event which are required to be posted to Competitors within a specified time

after the Event, shall be lodged as follows:

- (a) In the case of all Events, within 72 hours of dispatch of the results; or
 - (b) If a time is specified by the Stewards on the Official Notice Board, within such time.
- (9) Protests against the action of any Official of the Series must be lodged within sixty(60) minutes of the Competitor receiving notification of the action.
- (10) Protests against any mistake made, or irregularity in the application of, or alleged breach of this Code or the Articles of a Sanctioned Series on the part of any Official of the Series must be lodged within sixty(60) minutes of the finish of the last vehicle in the Event class or group in relation to which it is protested the mistake or breach was made, or the irregularity took place.
- (11) Protests against the inaction of any Official of a Sanctioned Series must be lodged with the Stewards within sixty(60) minutes after publication of the provisional results of the Event in relation to which it is protested the Official should have acted.

111. Action by the Stewards on Receipt of a Protest:

- (1) The Stewards shall consider all protests as urgent and shall take steps as soon as possible after receiving the protest, to convene a hearing.
- (2) The Stewards shall notify the Protestant and the party or parties against who the protest is lodged as to the time and place of such hearing and the details of the protest.
- (3) If a protest is lodged with or delivered to them personally, the Stewards shall notify the Clerk of the Course of the Meeting or Event that a protest has been received.
- (4) The Stewards shall determine if the protest was received within the time or times specified in Article 110. If it appears to them that the protest was received out of time, they shall so inform the Protestant provided however that if the Stewards consider that it was physically impossible for the protest to be lodged within that time, they may, in their absolute discretion, agree to hear the protest which will then be deemed to be valid.

112. Protest Hearings:

- (1) The concerned parties shall be summoned to appear at the hearing convened by the Stewards. Such notification shall where possible, be given in writing and delivered personally to the party concerned or some person appearing to have ostensible authority for the person concerned. Proof of delivery shall, where possible, be obtained by signature of the recipient and the Stewards should ensure that summons has been personally received by all persons concerned before proceeding with the hearing.
- (2) The parties concerned may be accompanied by witnesses and the Stewards may, during the hearing, allow further witnesses to be called. In the absence of any of the parties concerned or witnesses at a hearing of the Stewards, judgment may be by default.
- (3) The protester at a hearing will make their initial statement and be questioned on it, followed by the respondent making their initial statement and be questioned on it. Then witnesses (if any) may be called. While Stewards' Hearings are of necessity informal, order must be maintained. Hearsay is admissible, but will be treated with due care by the Stewards. The parties concerned must be asked to retire from the hearing while the Stewards deliberate and come to a decision on the protest.
- (4) At the conclusion of the hearing the Stewards may;
 - (a) Inflict a Penalty under the authority of Article 90.
 - (b) Order that any party to the hearing shall pay fair and reasonable travel costs of the Stewards and of any other party attending the hearing.
- (5) If judgement cannot be given immediately after the hearing, then the parties concerned should be advised within one(1) hour of the end of the hearing, of the time and place at which the decision will be given. In the case of a tied vote amongst the Stewards, the Chairman of the Stewards shall have the casting vote.

Information: Refer to Procedures for the conduct of a hearing flow chart (copy included at the end of Appendix One Schedule G in this Manual).

113. Inadmissible Protests: The only protests, which are inadmissible, are:

- (1) Protests not lodged in writing, not containing the grounds of protest or not accompanied by the correct fee;
- (2) Protests lodged out of time;
- (3) Protests against the decisions (excluding penalties) of judges of fact;
- (4) Protests signed by more than one(1) Entrant or Driver;
- (5) Protests against more than one(1) Competitor;
- (6) Protests regarding refusal of an entry; and
- (7) Protests against the imposition of drive through penalty.

114. Decision of the Stewards: The Stewards shall render their decision to the parties concerned after their hearing. This may be conveyed orally but must be followed by a written decision as soon as practicable and (if the hearing is held at the venue of the Meeting or Event) posted on the Official Notice Board. All parties concerned shall be bound by the decision handed down subject to the rights of appeal hereinafter provided. Neither the Stewards nor MotorSport NZ shall have the right to order that a Competition or Event shall be re-run. A decision communicated by email or facsimile shall be considered a written decision.

115. Treatment of Protest Fee: If a protest is withdrawn before the Stewards initiate the hearing process or in cases where a protest is upheld the protest fee will be refunded. The hearing process is initiated when a notice to appear at a hearing is issued.

In cases where a protest is withdrawn after the Stewards initiate the hearing process or is judged by the Stewards to be unfounded in whole or in part, the protest fee shall be retained and forwarded to MotorSport NZ.

If it is proved that the Protestant has acted in bad faith or that the protest is frivolous or vexatious, such finding shall be a breach of this Code which the Stewards may refer the matter to MotorSport NZ for penalty in accordance with this Code.

116. Protests Affecting the Prize-giving: No cash prizes may be presented to a Competitor until the time limit for protests and appeals in relation to the conduct of the Meeting or Event has expired and the Clerk of the Course or the Stewards have signed the final results. If a protest or appeal has been lodged and the final decision has not been made, the list of awards and prizes must be published provisionally and bear the wording "Subject to protest or appeal".

117. Publication of Judgement: MotorSport NZ shall have the right to publish or cause to be published any judgement and to state the names of all parties concerned. The persons referred to in such notices shall have no right of action against MotorSport NZ or against any person publishing the said notice.