

INTERNATIONAL COURT OF APPEAL (I.C.A)
of the
FEDERATION INTERNATIONALE DE L'AUTOMOBILE

CASE:

**Appeal by the Motor Sports Association (MSA)
on behalf of its licence-holder, Lister Racing, driver Jamie Campbell-Walter
against decision N° 9 of the Panel of the Stewards of the Meeting dated 21
September 2003
Event run at Oschersleben (Germany) from 19 to 21 September 2003, and
counting towards the 2003 FIA GT Championship**

Hearing of Tuesday 21 October 2003 in Paris

The FIA INTERNATIONAL COURT OF APPEAL, composed of Mr Harry DUIJM (the Netherlands), elected President, Mr Erich SEDELMAYER (Austria), Mr Hervé de LIEDEKERKE (Belgium), and Mr José MACEDO e CUNHA (Portugal);

Meeting in Paris on Tuesday 21 October 2003 at the headquarters of the FIA – 8, place de la Concorde – 75008 Paris,

Ruling on the appeal brought by the Motor Sports Association (MSA), on behalf of its licence-holder, Lister Racing, driver Jamie Campbell-Walter, against the Decision N°9 given by the Panel of Stewards dated 21 September 2003 during the event run at Oschersleben (Germany) from 19 to 21 September 2003 and counting towards the 2003 FIA GT Championship;

Having heard

For the appellant, Mr Terry LANKSHEAR, Secretary General of the MSA, Mr L. PEARCE, representing the appellant Lister Cars Limited, Mr Jamie CAMPBELL-WALTER, driver, assisted by Mr Simon TAYLOR, solicitor at Nottingham;

For the defender, in the absence of the representative of the Automobile Club de Suisse, but which gave evidence by letter of 17 October 2003, the representative of the competitor Force One Racing, represented by Messrs Jean-Pierre JABOUILLE and Antoine FRESNAULT, and the driver Mr Philippe ALLIOT;

For the FIA, Mr Pierre de Coninck, Secretary General FIA Sport, and Mr Sébastien Bernard, Head of Legal Affairs for the Sport Department of the FIA;

Having acknowledged that the procedure was in order, the rights of each of the parties having been duly examined, both in the proceedings which preceded the hearing and during the hearing itself, the arguments of the parties, and having provided all the detailed explanations requested from them during the hearing and having received answer, with the help of a simultaneous translation system which was recognised as satisfactory by the parties;

WHEREAS, the appellant requested the annulment of the decision made by the Stewards by reason that the driver Jamie Campbell-Walter had made no infringement, and having almost completely passed car N° 4 driven by Philippe Alliot,

it was the latter who had hit him with the right front wheel against the left rear wheel of Jamie Campbell-Walter projecting car N° 14 to the left of the track;

WHEREAS, furthermore the driver Jamie Campbell-Walter held that he had committed no fault, either intentionally or unintentionally, and that it was the impact caused by Philippe Alliot which had caused car N° 14 to swerve towards the left side of the track thus unintentionally projecting Philippe Alliot's car, the line of which was thus obstructed;

WHEREAS, on his own behalf Philippe Alliot held that on the contrary that he had moved to the left to allow the leading car to pass, that is car N° 14 driven by Jamie Campbell-Walter, and that it was the latter, who in overtaking, hit with his left rear wheel the front right wheel of Philippe Alliot's car, projecting him into the pit wall, and causing him the loss of his car and the end of his sporting season;

WHEREAS, the FIA requested the International Court of Appeal to give a severe condemnation on the appellant confirming his exclusion from the race made by the first judges;

WHEREAS it was incumbent on the Court to enquire into the respective responsibilities of the two drivers;

WHEREAS that after having examined the dossiers provided by the two parties, together with the video pictures, one produced by the circuit and the other by Eurosport, it was apparent that while Philippe Alliot attempted to move right to regain the proper line for entering the following corner, which turned left, car N° 14, which was on the proper line on the right of the track to take the same corner, moved abruptly to the left blocking the road for Philippe Alliot whose car was projected against the pit wall with considerable violence;

WHEREAS the International Court of Appeal had questioned Jamie Campbell-Walter as to his position immediately before the accident so as to understand the reason why he had abruptly moved to his left, thus leaving his proper line;

WHEREAS, Jamie Campbell-Walter declared upon being questioned twice that he had never had the intention of overtaking car N° 21, Ferrari, which was keeping to the proper line on the right, a car which he had caught up with at the same time as Philippe Alliot;

WHEREAS that, upon further questioning, he was asked if he could explain to the Court the exact position of the debris which was lying on the track, and that his formal reply was that the debris was found 130 m before the place of the collision and that, after having slightly moved to avoid it, he regained his line;

WHEREAS therefore the debris played no part in the collision which took place later;

WHEREAS, on his own admission, Jamie Campbell-Walter, before the collision, was on his proper line, moved off it, and thus obstructed the line of Philippe Alliot, thus provoking the collision under the conditions stated above;

WHEREAS, it therefore appeared that the initial cause of the collision was attributable to the driver of car N° 14 which had no reason without overtaking the Ferrari to leave the line it was on to take the left-hand corner;

WHEREAS that under these circumstances it is incumbent to confirm the decision made by the first judges in conformity with Articles 38 and following of the FIA GT Sporting Regulations which provide that any action by a driver causing an avoidable collision will be penalised;

WHEREAS that furthermore, that Article 2 “Overtaking” of Chapter IV of Appendix L to the International Sporting Code provides at Article c) that manoeuvres liable to hinder other drivers such as premature changes of direction, are strictly prohibited and shall be penalised, according to the importance and repetition of the offences, by penalties ranging from a fine to the exclusion from the race;

WHEREAS that under these circumstances it is incumbent to confirm purely and simply the decision made by the Stewards declaring the exclusion from the race of car N° 14, it being understood that no proof exists of the intentional character of the collision;

ON THESE GROUNDS,

DECLARES AND JUDGES the appeal admissible,

ON THE SUBSTANCE,

CONFIRMS the decision to exclude car N° 14 driven by Jamie Campbell-Walter taken by the Stewards in the event run at Oschersleben (Germany) from 19 to 21 September 2003 counting towards the 2003 FIA GT Championship,

LEAVES the Sporting Power the responsibility of drawing the consequences of the present decision and re-establishing the classification,

LEAVES the payment of costs, calculated in conformity with Article 190 of the International Sporting Code, to the charge of the appellant.

Made in Paris, 21 October 2003

The PRESIDENT