

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

**of the**

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE  
(FIA)**

**CASE:**

**Appeal lodged by**

**The Royal Irish Automobile Club (RIAC)**

**on behalf of its licence-holder, B&H Jordan Honda,**

**against Decision (document N°31) of the**

**Panel of the Stewards of the Meeting of 30 September 2001**

**Formula One Grand Prix run at Indianapolis (United States)**

**on 30 September 2001**

**Hearing of Friday, 26 October 2001 in Paris**

The FIA INTERNATIONAL COURT OF APPEAL, comprising Mr Jan van ROSMALEN (Netherlands), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), and Mr Vassilis KOUSSIS (Greece);

Meeting in Paris on Friday, 26<sup>th</sup> October 2001 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 Irish Automobile Club on behalf of its licence-holder, B&H Jordan Honda, against Decision (document N° 31) of the Panel of the Stewards of the Meeting of the Formula One Grand Prix run at Indianapolis (United States) on 30 September 2001 wherein Car N°11 from Jordan Honda driven by Jarno TRULLI was excluded from the classification for non-compliance with Article 3.13.1.d of the FIA 2001 Technical Regulations;

After hearing:

**For the appellant:**

Mr Alex SINCLAIR, RIAC Secretary General, Mr Trevor FOSTER, Joint Managing Director, Jordan Honda, Mr Michael FERN, Senior Tyre Engineer, Jordan Honda, Mr BURROWS, Jordan Honda, Mr ROBERTS, Jordan Honda, Mr HUTCHESON, Bridgestone, Dr Michael ANSELL, handwriting expert, assisted by Mr Timothy KING QC, Barrister, and Mr Ian TITCHMARSH, Solicitor, as well as the driver Jarno TRULLI;

**For the FIA:**

Mr Pierre de CONINCK, Secretary General of the Sport 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 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** the appellant maintains that if the thickness of the skid-block of Car N° 11 did not respect the prescriptions of Article 3.13.1.d of the Technical Regulations (less

than 10 mm with a tolerance of more or less 1 mm), it was due to the damage of the two fasteners of this skid-block following the collision between Car N° 11, driven by Jarno TRULLI, and Car N° 17 at the first curve during the second lap of the race, and the ensuing shock which caused a loss of pressure in the back right wheel (33%), according to the indications given by the manufacturer, Bridgestone ;

**WHEREAS** with this loss of pressure, which reduced the capacity of the car to maintain a certain height, there was damage and loss of the two fasteners which led the skid-block to slide down and undergo extreme damage as a result of its contact with the track, and there was therefore under these circumstances no intention to stretch the regulations or to cheat;

**WHEREAS** concerning the decision of exclusion itself, the appellant claims that only two Stewards of the Meeting, and not three, were present at the meeting when the representatives of the Jordan Honda Team were heard, even though the decision is signed by three Stewards of the Meeting including the Chairman of the Panel, Mr Roger PEART, who was not present during the discussion;

**WHEREAS** at the hearing Mr Pierre de CONINCK, in his capacity as Secretary-General of the FIA Sport Department, asked to take the floor to announce that there had been in effect irregularities in the procedure and requested, under such circumstances, that the International Court of Appeal note the nullity of the decision of the Stewards of the Meeting taken at the United States Grand Prix wherein Car N° 11 belonging to the competitor Jordan Honda, driven by Jarno TRULLI, was excluded;

**WHEREAS** Mr Timothy KING, on behalf of Jordan Honda, also asked that the nullity of the decision in question be noted;

**WHEREAS** the International Court of Appeal must therefore rule on the grounds of nullity of the decision, nullity which was referred to by both the FIA and the competitor Jordan Honda;

**WHEREAS** Mr Roger PEART, Chairman of the Panel of the Stewards of the Meeting informed the FIA that in effect he had not been able to be present when the representatives of the Jordan Honda team were heard, but that he had been fully informed of the case and that he had agreed with the other Stewards of the Meeting to exclude Car N°11;

**WHEREAS** in this case the International Court of Appeal must recall Article 134 of the International Sporting Code the terms of which provide that the Stewards of the Meeting must be three in number and that they shall officiate as a body under the authority of a Chairman;

**WHEREAS** this Panel's mission, notably, is to hear the competitor who must be summoned;

**WHEREAS** in this case, the fact that the competitor was heard by only two Stewards of the Meeting - in the acknowledged absence of the Chairman of the Panel, the latter who as a result was unable to form a personal opinion as to the explanations provided by the competitor – violates the rights of the defence and results in the absolute nullity of the decision;

**WHEREAS** under these conditions, the International Court of Appeal, noting the nullity of the decision taken, must quash it;

**ON THESE GROUNDS,**

**RECORDS** the nullity of Decision (document N°31) of the Panel of the Stewards of the Meeting of the United States Grand Prix taken on 30 September 2001 at 5:04 p.m., notified at 5:45 p.m., which violates the rights of the defence of the competitor B&H Jordan Honda;

**LEAVES** it to the sporting authority to re-establish the classification taking into account the present decision;

**ORDERS** the reimbursement of the appeal fee to the appellant;

**LEAVES** it to the FIA, in accordance with Article 190 of the International Sporting Code, to bear the costs which exclude any costs or fees for the defence incurred by the parties.

Paris, 26 October 2001

(signature of J. van Rosmalen)

The PRESIDENT