

PRESIDENT

C.D. Strang – U.S.A.

VICE-PRESIDENT

V. Iaconianni - Italy

TREASURER

L. Laik - Monaco

SECRETARY GENERAL

R. Vandekerckhove - Monaco

ADMINISTRATORS

S. Abu Shaikha - Qatar

P. Bogdanov – Russia

A. Botero - Colombia

J. Czeszko – Poland

C. Gustafsson - Sweden

S. Hearn - U.S.A

U. Isik - Turkey

Yahya A. Jalil - Malaysia

J.M. Lhomme – France

J. Reed - United Kingdom

J.M. Van Lancker - Belgium

LEGAL CONSULTANT

K. Papachristopoulos

Germany/Greece

APPEAL BOARD DECISION

UIM Appeal Board

Decision

Concerning the Appeal of
Mr. Owen Jelf

- Appellant -

against

the Race Jury Decision from 27th May 2007 at Portimao to impose a one lap penalty against the Appellant in the 1st heat of the U.I.M. F 2000 World Championship event on 27th May 2007

On the basis of the documents and of a telephone conference held on 8th August 2007, which was attended by the body:

Kimon Papchrisoptoulos, Chairman
Fred Hauenstein, Member
Gordon Sutherland, Member

The Appellant
Mr. Owen Jelf

The UIM Appeal Board decided:

The appeal is partly upheld. The one lap penalty shall be annulled. Two yellow cards are imposed against the Appellant for dangerous driving in the first heat of the Portimao Grand Prix on 27th May 2007.

50% of the appeal fee shall be reimbursed to the Appellant.

Grounds

I.

The race was under yellow flag for two occasions for the reason of floating boats and towing activities following accidents. In both occasions a jet-ski was utilised as pace boat and in both cases the Appellant was in the lead and following the pace boat first.

PRESIDENT

C.D. Strang – U.S.A.

VICE-PRESIDENT

V. Iaconianni - Italy

TREASURER

L. Laik - Monaco

SECRETARY GENERAL

R. Vandekerckhove - Monaco

ADMINISTRATORS

S. Abu Shaikha - Qatar

P. Bogdanov – Russia

A. Botero - Colombia

J. Czeszko – Poland

C. Gustafsson - Sweden

S. Hearn - U.S.A

U. Isik - Turkey

Yahya A. Jalil - Malaysia

J.M. Lhomme – France

J. Reed - United Kingdom

J.M. Van Lancker - Belgium

LEGAL CONSULTANT

K. Papachristopoulos

Germany/Greece

In both cases the Appellant started accelerating his boat to at least approximately racing speed when he deemed the end of the yellow flag period being close. In at least one of these cases the pace boat had already left the race course and was resent out due to ongoing towing activities parallel and nearby the race course. In both cases the yellow flag was still shown and the green flag was not yet raised.

II.

The Appellant was originally disqualified for this behaviour. Following his protest the race jury decided not to uphold the disqualification but to impose a one lap penalty against the driver.

III.

The Appellant has the opinion that the one lap penalty is too severe in relation to the accusation. He claims that in the past it has become common practice in F 2000 to accelerate to almost racing speed after the pace boat left the race course and before the green flag is shown.

VI.

In regard of this one lap penalty the appeal was to be upheld partly. The rules do not foresee the imposition of a one lap penalty for speeding under yellow flag.

With this behaviour the Appellant infringed rules 5.2 and 5.4 of the F 2000 section in the blue pages (blue pages). These rules determine that under yellow flag the driver has to slow down and must maintain his position at slow speed of approximately 4000 rpm until race control raises green flag.

A specific penalty for speeding under yellow flag is neither foreseen in rules 5.2 or 5.4 nor in any other rule. Therefore only the general penalties of rules 406.04 – 406.09 (white pages) and 11 (blue pages) can be imposed in this case.

The spirit of the rule does not demand to apply the one lap penalty in such cases in general. The one lap penalty is foreseen for overtaking under yellow flag (rule 5.2 and 12.11), for restart after yellow flag in incorrect position (rule 5.4 and 12.13) and for destroying the first buoy. While the latter provision has no relevance in this case the former might lead to the conclusion that the spirit of the rules might demand the imposition of the one lap penalty. This idea obviously was the basis for the decision of the Race Jury.

PRESIDENT

C.D. Strang – U.S.A.

VICE-PRESIDENT

V. Iaconianni - Italy

TREASURER

L. Laik - Monaco

SECRETARY GENERAL

R. Vandekerckhove - Monaco

ADMINISTRATORS

S. Abu Shaikha - Qatar

P. Bogdanov – Russia

A. Botero - Colombia

J. Czeszko – Poland

C. Gustafsson - Sweden

S. Hearn - U.S.A

U. Isik - Turkey

Yahya A. Jalil - Malaysia

J.M. Lhomme – France

J. Reed - United Kingdom

J.M. Van Lancker - Belgium

LEGAL CONSULTANT

K. Papachristopoulos

Germany/Greece

Overtaking and accelerating shortly before the moment when the green flag is shown have in common that the driver committing these infringements intends to gain an unfair advantage. With the latter manoeuvre the driver generates a significant gap between him and the following drivers by accelerating earlier than allowed. On the other hand taking over and gaining one position thereby has a different quality than generating a bigger gap by accelerating. Although the Appeal Board has the opinion that the imposition of a one lap penalty could in general be an appropriate penalty for accelerating under yellow flag before the green flag is shown, the Appeal Board sees no sufficient basis for such penalty in the rules. The difference in quality in between overtaking and accelerating prevents the conclusion that the spirit of the rules demands the one lap penalty in the case of the Appellant. On the occasion of this case the relevant commissions might consider to implement the one lap penalty as additional alternative penalty for accelerating/ speeding under yellow flag.

The Appeal Board found that from the reasonable possible penalties, i.e. reprimand (rule 406.04), yellow cards (rule 406.05.11.5 blue pages) or disqualification (rule 406.06) the imposition of two yellow cards would be the most appropriate penalty. The Appeal Board assumed in favour of the Appellant, that it had become common practice in F 2000 to accelerate after the pace boat left the race course but before the green flag is shown. Taking this into account the imposition of a disqualification would be too strict. Furthermore disqualification might be too strict compared with the one lap penalty that is foreseen for overtaking under yellow flag. Anyhow speeding under yellow flag is in general at least potentially dangerous and in the subject case it was at least in one instance definitely dangerous as a boat was towed parallel and close to the race course. The specific penalty for dangerous driving is the yellow card penalty and two yellow cards reflect the seriousness of the infringement.

The Appeal board found it appropriate to reimburse 50% of the appeal fees according to rule 405.10 paragraph 4 as the appeal was partly upheld.

(Signatures of the Appeal Board Members)

Gordon Sutherland

Fred Hauenstein
