

UIM Appeal Board

**Decision**

Concerning the Appeal of  
Mr. Guido Cappelini

- Appellant -

against  
the U.I.M. Commissioners and the OOD's Decision from 18.09.2005 at  
Singapore to issue one red card for dangerous driving against the Appel-  
lant

On the basis of the documents received, the UIM Appeal Board formed by  
Kimon Papachristopoulos, Chairman  
Cees van der Velden, Member  
John Puddifoot, Member

It was decided in a telephone conference call from 29. September 2005:

***The appeal is upheld, the red card issued against the  
Appellant on 18.09.2005 is withdrawn.***

**Grounds**

During the F1 GP in Singapore on 18.09.2005 boat no 43 of the Appellant  
and Boat no. 1, driver Scot Gillman collided while approaching a right  
hand turn mark which resulted in a serious accident. As a consequence of  
the accident, the Appellant was taken to hospital and was accompanied by  
his team manager.

The first results were posted at 18.25 hours, this being confirmed in the  
documents being submitted to the UIM Appeal Panel. After this time the  
UIM Commissioner and OOD issued one red card against the Appellant  
stating the reason for the issuing of the red card as 'dangerous driving'.  
The Appellant at this time was in hospital accompanied by his Team Man-  
ager and no prior notification was given to the Appellant or the Team  
Manager by the UIM Commissioner or the OOD. The UIM Commissioner  
did however notify the oldest member of the Appellant's team that a red  
card had been issued against the Appellant for dangerous driving. The  
relevant form was posted at 18.35 hours. After his return from hospital the  
UIM officials informed the Team Manager that a red card had been issued  
against the Appellant. Due to the dissolution of the Jury the Appellant  
could not longer lodge a Protest against the red card.

The Appeal is valid according to the spirit of rule 405.03. This rule gives a  
driver in certain circumstances a right to appeal against specific decisions  
if the jury has dissolved itself during the protest period. The idea behind  
this rule is that a driver, who has not had the possibility to lodge a protest  
and without being negligent, shall be entitled to appeal without the prior  
lodging of a protest. In this case, the Appellant had obviously no opportu-  
nity to lodge a protest due to the medical treatment he was receiving in the  
hospital. With regard to his Team Manager the Appeal Board finds that he  
was justified in accompanying the Appellant to the hospital as his prime  
concern at that time was the wellbeing and physical condition of the Ap-  
pellant as the extent of his possible injuries at this time were unknown.

The Appeal was upheld, because the issuing of the red card infringed rule 406.02. By issuing the red card after the posting of the first results the deadline of this rule was exceeded and the U.I.M. Commissioner and the OOD had lost their right to impose penalties against the competitors. In these cases the rules in general permit the imposing of penalties only by the race jury following a protest against the relevant driver.

The Appeal Board can decide to leave it open as to whether the driving of the Appellant justified the issuing of a red card.

Signatures of the Appeal Board Members