

MEDIA RELEASE

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The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **Andrew Stroud v Motorcycling New Zealand Inc** (SDT/05/05). This is not the written decision of the Tribunal for the purposes of its rules.

The Sports Disputes Tribunal has dismissed the appeal of Andrew Stroud against a decision of the Appeal Committee of Motorcycling New Zealand (MNZ) disqualifying him from a superbike event at Mansfield in 2005 for passing under a yellow flag.

In a Provisional Decision, the Tribunal found against Andrew Stroud on his factual challenge to an infringement of the yellow flag rule. The evidence fell short of establishing that MNZ had made a factual error in determining Andrew passed another rider under a yellow flag. The Tribunal also referred to the law relating to the limited situations when decisions of officials such as referees and flag marshals can be overturned.

Andrew had also appealed against the disqualification subsequently imposed. The Steward at the meeting had originally relegated Andrew one place but, after a protest by another rider that relegation was not an available penalty, the protest committee disqualified Andrew.

In its Provisional Decision, the Tribunal expressed a provisional view that the penalties specifically listed in Rule 6-19-1 of MNZ's Rules for a breach of the yellow flag rule (which did not include relegation) may not have been the only penalties that applied. The Tribunal raised the possibility that the Steward may have had the power to relegate under another more general sanctions rule, Rule 7-3-1, which deals with the penalties a Steward may impose in general. Further submissions were called on this point.

As a result of these submissions the Tribunal has concluded that, in relation to a breach of the yellow flag rule, the only penalties which the Steward could impose were those listed in Rule 6-19-1 (the restricted powers). He did not have the power to impose other penalties contained in the more general Rule 7-3-1. In the circumstances of this case, the only action which the Steward could have taken was to ignore the breach, fine Andrew Stroud or exclude him (the technical term for disqualification in its normal sense). Although the application of Rule 6-19-1 may in some circumstances lead to an unfair result, the Tribunal accepted the submissions of MNZ that it was the only rule which governed the sanctions in this case. In such circumstances, exclusion was appropriate. The appeal was therefore dismissed.