

# New Zealand MotorSport Manual

## Edition No. 35

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#### **VALIDITY**

The various regulations contained in Manual 35 become effective from 10 April 2012.

This publication supersedes all previous editions.

# National Sporting Code

## National Sporting Code

The Fédération Internationale de l'Automobile (hereinafter referred to as "the FIA") –

The sole international sporting authority entitled to make and enforce regulations for the encouragement and control of automobile competitions and records and the final international court of appeal for the settlement of disputes arising therefrom has, so that these powers may be exercised in a fair and equitable manner, drawn up the International Sporting Code in and by which each national club or federation belonging to the FIA shall be presumed to acquiesce and be bound; and

Subject to such acquiescence and restraint, the FIA shall recognise one single national club or federation per country (hereinafter called "**the ASN**") as sole international sporting power for the enforcement of the International Sporting Code and control of motor sport in its own country, dominions, dependencies, protectorates and colonies (provided however that if one of such territories is represented directly on the FIA, the control of the sport in that territory shall be exercised by that territory's ASN) and each ASN shall have the right to delegate the whole or part of the powers conferred upon it by the International Sporting Code to another or several other clubs of its country and to withdraw such delegation (provided it first obtains the prior approval of the FIA to any such delegation or withdrawal of delegation) and each ASN may draw up its own Competition rules which will compulsorily be sent to the FIA.

### MotorSport New Zealand Incorporated –

*Being recognised by the FIA as sole international sporting power for the enforcement of the International Sporting Code and the control of motor sport in New Zealand and such other territories, the control of which may be granted to it by the FIA from time to time, and having acquiesced in and agreed to be bound by the International Sporting Code, has drawn up its own national Competition rules to ensure that Motorsport Competitions in New Zealand are fair and safe, being this **National Sporting Code** as follows:*

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**Note:** *Text changes from the previous issue of this Schedule are **highlighted** such. Text changes for grammatical and/or formatting reasons are not highlighted.*

## PART I – General Principles

1. **Commencement:** This Code shall come into force on the 10<sup>th</sup> Day of April 2012.

2. **Interpretation:**

(1) In this Code context otherwise requires:

“**this Code**” means this National Sporting Code and includes all Appendices thereto and all Schedules to such Appendices, each as may be amended by Manual Amendment issued by MotorSport NZ at any time and from time to time pursuant to Article 4 of this Code; and

“**Approved Promoter**” means an organisation (commercial or otherwise) approved by MotorSport NZ to be responsible for the promotion and administration of a specified MotorSport NZ Series or Event(s), and

“**Associate Member**” means a club which is a member of MotorSport NZ with restrictions on its ability to organise Series, Events or Meetings and whose members shall hold current membership of a Member Club to obtain a Competition Licence, and

“**Championship**” means a MotorSport NZ Championship, Cup, Trophy or Challenge, which are the property of MotorSport NZ by virtue of the delegation from the FIA.

(a) Championship. A championship may be a series of events or a single event. There are MotorSport NZ championships and international championships. Only the FIA may authorise an international championship. Only MotorSport NZ may authorise a MotorSport NZ or New Zealand MotorSport championship.

MotorSport NZ or New Zealand MotorSport championships may only be organised by MotorSport NZ or with the consent of MotorSport NZ by a member club, Rally NZ Ltd or an Approved Promoter.

MotorSport NZ or New Zealand MotorSport Premier Race Championships may only be organised by MotorSport NZ or with the consent of MotorSport NZ by an Approved Promoter.

A maximum of one(1) event of a MotorSport NZ or New Zealand motorsport championship may be run outside New Zealand, subject to the following conditions:

- (i) That it is run in Australia, and
- (ii) That the technical and sporting regulations of the MotorSport NZ or New Zealand MotorSport championship have received the approval of the FIA, and
- (iii) That the course on which the event is run has been licensed and approved by the FIA, and that all the FIA regulations on safety and medical assistance are respected.

International championships may only be organised by the FIA, or by another body with written consent of the FIA. In this case, the organiser of a Championship has the same rights and duties as the organiser of an event.

(b) Cup, Trophy and Challenge. A MotorSport NZ Cup, Trophy, or Challenge may comprise a number of events with the same regulations or a single event. These events may only be organised by a member club, Rally NZ Ltd or an Approved Promoter.

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Approval will centre on the following points in particular:

- (i) Approval of the sporting and technical regulations particularly with regard to safety, and
- (ii) Approval of the calendar, and
- (iii) Verification that the venue licence of the circuits is appropriate to the categories of vehicles proposed and respect of all the MotorSport NZ regulations on safety and medical assistance, and

**“Classification”** means grouping of vehicles according to their engine cylinder capacity or by other means of distinction; and

**“ClubSport Event”** means either a competitive Event in which competing vehicles, usually competing singly, attempt to complete a well-defined course in the fastest time and includes:

- (a) A speed Event;
- (b) A trial;
- (c) A sprint;
- (d) A street sprint;
- (e) A rallycross;
- (f) A hillclimb;
- (g) A motorkhana;
- (h) An autocross;
- (i) A cross country non-competitive Event;
- (j) A Rallysprint; and,
- (k) A Drift Event.

**“ClubSport Series”** means a Series for any one(1) or more ClubSport Events; and

**“Clubmans Event”** means a Race or Rally Event where the total number of entries are restricted to no more than seventy(70) for Race, or fifty(50) for Rally and where the prime emphasis is on a Competitor and/or Official gaining experience under competition conditions without reward of major trophies or titles; and

**“Code of Practice for Motorsport Fuel – Storage and Handling”** or **“Code of Practice – Fuel”** means the document developed and issued by MotorSport NZ pursuant to the Hazardous Substances and New Organisms Act 1996 (HSNO Act), in respect to fuels stored and handled at MotorSport NZ Events; and

**“Commercial Rights”** means all property rights and interests existing, created or arising by virtue of and in relation to a Series, Meeting or an Event capable of being granted or otherwise exploited for gain in New Zealand and includes:

- (a) Naming rights (including the right for the organiser of the Series, Meeting or Event to give to or use any official name in connection with the Series, Meeting or Event); and
- (b) Advertising rights being the licences to display, exhibit or advertise any name or names, trade marks or logos on any sign, hoarding, structure, trophy or award; and
- (c) Sponsorship rights being permissions or consents given to claim or assert sponsorship or endorsement of the Series, Meeting or Event to be recognised as a sponsor or endorser of or official supplier to the Series, Meeting or Event or otherwise to claim or assert association with the Series, Meeting or Event; and
- (d) Licensing rights to use the name of the Series, Meeting or Event and any other mark, name or logo used in connection with the Series, Meeting or Event; and

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- (e) Publicity rights being permissions or consents to publish newspaper and magazine articles (including photographs) relating to the Series, Meeting or Event; and
- (f) Film and broadcasting rights being licences to make cinematograph, cable and television films, images or sound recordings and broadcasts of any activities of the Series, Meeting or Event and to reproduce and distribute such films, recordings and broadcasts;

each arising out of and by virtue of that Series, Meeting or Event but for the avoidance of doubt, shall not include any such rights capable of being granted or otherwise exploited for gain outside New Zealand; and

**“Competitor”** means any person, firm or corporation whose entry is accepted for or who competes in any Series, Meeting or Event, whether as an Entrant, Driver, Co-driver, crew member or passenger; and

**“Competition”** means a motorsport competition in which an automobile takes part, which has a competitive nature or is given a competitive nature by the publication of results and which may comprise a heat or heats or other preliminaries and a final, free practice and qualifying practice sessions or be divided in some similar manner but must be completed by the end of the Meeting; and

**“MotorSport NZ Constitution”** means a “Constitution”, “constitution”, “Rules” or “rules” relating to MotorSport NZ, or a “Constitution of MotorSport New Zealand Inc”, or any version or iteration of same, which is registered in Companies Office records regarding MotorSport NZ; and

**“The 2000 Constitution”** means the “Constitution of MotorSport New Zealand” that was registered in the Companies Office on or about 20 July 2000, and which is or was in effect until The 2015 Constitution came into effect (on or about 30 May 2015); and

**“The 2015 Constitution”** means the version or iteration of the “Constitution of MotorSport New Zealand Inc” dated 24 May 2015 and which was registered in Companies Office records regarding MotorSport NZ on or about 30 June 2015; and

**“The 2016 Constitution”** means the version or iteration of the “Constitution of MotorSport New Zealand Inc” dated July 2016 and which was registered in Companies Office records regarding MotorSport NZ on or about 13 July 2016; and

**“Any Subsequent Constitution”** means any further version or iteration of the Constitution of MotorSport NZ which is registered in Companies Office records regarding MotorSport NZ after The 2016 Constitution was registered in those records; and

**“The Current Constitution”** means the current, or most recent, version or iteration of the Constitution of MotorSport NZ which is registered in Companies Office records regarding MotorSport NZ from time to time; and

**“Cross Country Vehicle”** means a vehicle which has a manufacturer’s design function to traverse arduous cross country terrain; and

**“Cross Country (or Off-Road) Event”** means an event intended only for cross country vehicles, which may be defined as follows:

- (a) Point to Point means an event where the object is for a team of vehicles to seek and visit points spread out on open ground. The points must be accessible by vehicle(s) and it may require team effort to reach and pass through the points. Public highways must not be used.
- (b) Promotional Event means a non-competitive event designed solely to enable participants to experience driving their vehicles off-road, and to introduce them to organised off-roading; and

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“**Cylinder capacity**” means the volume generated in cylinder (or Cylinders) by the upward or downward movement of the pistons. This volume is expressed in cubic centimetres and for all calculations relating to cylinder capacity the symbol Pi will be regarded as equivalent to 3.1416; and

“**Driver**” means any person who is entered for and drives in an Event; and

“**Economy Run**” means a Competition in which Competitors negotiate a defined road course usually over a long distance, where fuel usage by the competing vehicles is the main factor in deciding the winner; and

“**Entrant**” means any person firm or corporation who or which being responsible for a competing vehicle and having the right to make any entry for that competing vehicle into a Series, Meeting or an Event, enters a competing vehicle in that Series, Meeting or Event and who is and remains responsible for all matters relating to such entry and who, if such person is also a Competitor in the competing vehicle so entered, shall mean that Competitor to the intent that any reference in this Code to the Entrant shall be deemed to be a reference also to that Competitor; and

“**Event**” means either a non-competitive Event (refer also Cross Country Event) or a single Competition with its own results in which an automobile takes part, which has a competitive nature or is given a competitive nature by the publication of such results and includes (but not by way of limitation):

- (a) A Race (and any practice session therefore);
- (b) A Rally;
- (c) A ClubSport Event;
- (d) A Trial, (Navigational, Sporting or Regularity);
- (e) A Sprint;
- (f) A Street Sprint;
- (g) A Rallycross;
- (h) A Rallysprint;
- (i) A Hillclimb;
- (j) A Motorkhana;
- (k) A Record Attempt;
- (l) An Economy Run;
- (m) An Autocross; and

“**FIA**” means the Fédération Internationale de l’Automobile; and

“**Force majeure**” means for the purposes of this Code (but not by way of limitation) any cause of delay beyond the reasonable control of the party liable to perform unless conclusive evidence to the contrary is provided and shall include unavailability of materials or personnel, delays in shipping or transportation, fire, explosion, strike, lock-out, storm, flood, earthquake and subsidence; and

“**Handicap**” means a method by which an artificial disadvantage (usually time) is imposed on one(1) or more Competitors with the aim of equalising as much as possible the chance of winning; and

“**International Series**” means a Series which is open to entrants and Drivers of various nationalities and means an International Series as defined in the International Sporting Code; and

“**International Event**” means an Event which is open to entrants and Drivers of various nationalities and means an International Event as defined in the International Sporting Code; and

“**International Meeting**” means a Meeting which is open to entrants and Drivers of various nationalities and means an International Meeting as defined in the International Sporting Code; and

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**“International Permit”** means an organising permit granted by the FIA under the International Sporting Code; and

**“International Sporting Code”** means the International Sporting Code drawn up by the FIA and in force from time to time and at any time and which, as the context may require, shall be deemed to be incorporated into and made a part of this Code; and

**“Licence”** means a certificate of registration issued by MotorSport NZ to any person, firm, Member Club or corporation in accordance with this Code; and

**“Licensed Driving School”** means a race or rally driving school licensed by MotorSport NZ in accordance with Article 55 of this Code; and

**“Management Committee”** means the committee established by the Chief Executive Officer of MotorSport NZ under the delegation of authority of the Board of MotorSport NZ in accordance with the Constitution; and

**“Manual Amendment”** means an amendment to:

- (a) This Code; or,
- (b) Any Appendix to this Code; or,
- (c) Any Schedule to an Appendix to this Code;

made by MotorSport NZ pursuant to Article 4 of this Code; and

**“Marathon Rally”** means a Rally with an itinerary of not less than 1,000 km of special stages; and

**“Meeting”** means an organised assembly of Competitors and Officials and including one(1) or more competitive or non-competitive Events taking place within a defined period at the same venue; and

**“Member Club”** means a club which is a member of MotorSport NZ; and

**“Motorkhana”** means a Competition in which Competitors negotiate a precise course of less than 200 metres, usually defined by flags or cones, designed to test Driver skill rather than outright speed or reliability; and

**“MotorSport NZ”** means MotorSport New Zealand Incorporated which has, in accordance with its Constitution and By-laws, delegated the various powers and discretions to be exercised by it under this Code to its Executive Committee; and

**“National Court of Appeal”** means the National Court of Appeal, established by MotorSport NZ from time to time in accordance with Article 121 of this Code; and

**“National Event”** means a Meeting or an Event open to Competitors holding C Grade and/or R Grade Competition Licences or International Competition Licences issued by MotorSport NZ; and

**“National Sporting Calendar”** means the National Sporting Calendar maintained by MotorSport NZ; and

**“Office Bearer”** means any of the office bearers of MotorSport NZ set out in Clause 9.1 of the Constitution of MotorSport NZ; and

**“Official”** means any of the persons designated an Official by MotorSport NZ in Appendix One of this Code pursuant to Article 66 or Article 67 of this Code; and



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**“Official Bulletin”** means any document advising important information to Competitors in a Meeting or Event, which must be signed by the Permit Issuing Authority where issued prior to the commencement of a Meeting or Event or otherwise by the stewards, and which:

- (a) If issued before the commencement of the Meeting or Event, must be mailed, faxed, emailed or delivered to each Entrant so as to be received by each Entrant prior to the commencement of the Meeting or Event; or,
- (b) If issued after the commencement of the Meeting or Event, must be communicated to each Competitor which, if reasonable in the circumstances, may be by placing it on an official notice board at the Meeting or Event; and,

which shall thereupon be deemed to be a part of the Supplementary Regulations of the Meeting or Event; and

**“Official Interpretation”** means MotorSport NZ’s interpretation of any provision of an Appendix to this Code or any provision of a Schedule to an Appendix of this Code, which is published by MotorSport NZ pursuant to Article 6 of this Code; and

**“Organising Permit”** means the organising permit issued by MotorSport NZ pursuant to Article 8 of this Code, either to itself a Member Club or in restricted circumstances to an Associate Member as the organiser of a Meeting or Event; and

**“Owner”** means the person, firm or corporation having ownership or effective management control of a competing vehicle in any Series, Meeting or Event; and

**“Permit”** includes (as the context may require):

- (a) An Organising Permit for a Meeting or Event; and
- (b) A Sanctioning Permit for a Sanctioned Series;

issued by MotorSport NZ in accordance with Article 8 of this Code; and

**“Permit Issuing Authority”** means the authority delegated the responsibility for approving Permits for events, either the Permit Issuing Steward for the region or the MotorSport NZ office, in accordance with Appendix One of the Code; and

**“Race”** means an Event held on a closed circuit between more than two(2) vehicles, running at the same time in proximity on the same course, on one(1) surface, where speed or the distance covered in a given time is the determining factor and “Race Series” means a Series of one(1) or more Race Events; and

**“Rally”** means an Event which is constituted either by a single itinerary, which must be followed by all cars, or by several itineraries converging on the same rallying-point fixed beforehand, and followed by a common itinerary the route of which may include one(1) or several special stages (that is, tests or competitions organised on roads closed to normal traffic, which as a general rule, together determine the general classification of the Rally) the itineraries which are not used for special stages being called “road sections” provided however that permanent or semi-permanent motor racing circuits must not constitute more than ten per cent (10%) of the total distance of the special stages and includes a Marathon Rally; and

**“Rally Series”** means a Series of one(1) or more Rallies; and

**“Record Attempt”** means an Event in which an attempt is made to set a record in relation to motoring or motorsport use of a vehicle or vehicles; and

**“Sanctioned Series”** means a Series to the organiser of which MotorSport NZ issues a Sanctioning Permit and includes a MotorSport NZ Championship; and

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**“Sanctioning Permit”** means the sanctioning permit issued by MotorSport NZ pursuant to Article 8 of this Code, to either itself or a Member Club as the organiser of a Sanctioned Series; and

**“Series”** means a single Event or a series of Events the results of which are aggregated to form a single result and includes (but not by way of limitation):

- (a) An Event or series of Events the winner of which is awarded the title of “Champion” or some other title in the style of “Champion”;
- (b) A Championship;
- (c) A Series;
- (d) A Cup;
- (e) A Trophy;
- (f) A Challenge; and

**“Stewards”** means the Stewards of the Meeting appointed by MotorSport NZ for a Meeting or an Event and includes the Stewards of the Meeting when acting in relation to the conduct of a Sanctioned Series of which such Meeting or Event was a round; and

**“Steward Safety Officer”** means an official appointed in lieu of a Steward; where appointed the Steward Safety Officer shall assume the duties and authority of a Steward as they relate to safety only; and

**“Street Race”** means a Race held on a temporary venue whether consisting wholly or partly of roads (as defined in the Transport Act or the Local Government Act) or not; and

**“Street Sprint”** means a ClubSport Event single car sprint held on a road in residential or commercial (industrial or shopping) areas. Cars may be started at intervals, provided no two(2) cars are on the same section of road between marshal points at any one(1) time; and

**“Standing Regulations”** means the regulations applicable to all Meeting and Events prescribed by MotorSport NZ pursuant to Article 7 of this Code; and

**“Supplementary Regulations”** means the regulations issued by the organiser of a Meeting or Event pursuant to Article 17 of this Code; and

**“Trial”** means an Event in which Competitors in vehicles attempt to complete a specific course defined by written route instructions, with close adherence to a speed schedule, the placing in which are decided by reference to accumulated penalties; and

**“Venue”** means any circuit or track for which MotorSport NZ issues Permits for Meetings or Events in accordance with this Code; and

**“Working Day”** Refer to current Holidays Act.

- (2) The name or proposed name given to any Competition by the organiser thereof, shall not for the purposes of this Code, affect the determination of whether such Competition is an Event, or a Meeting, Race, Rally, Record Attempt or Series.
- (3) In the event of any inconsistency or contradiction between any provision of this Code (on the one hand) and any provision of an Appendix or Schedule to an Appendix of this Code (on the other hand), this Code shall prevail.
- (4) This Code shall bind MotorSport NZ.

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### 3. Application:

- (1) This Code governs all Competitions, Meetings and Events for automobiles (except International Series, International Meetings and International Events) for which MotorSport NZ has been recognised by the FIA as the sole sporting power in New Zealand.
- (2) No International Event may be conducted without an International Permit. All applications for an International Permit and all correspondence to and communication with the FIA in connection with an International Event or International Permit must be made by and through MotorSport NZ at all times. All International Events must be conducted in accordance with the International Sporting Code, any breach of which shall be deemed a breach of this Code and vice versa.
- (3) All International Record Attempts shall be conducted in accordance with Appendix D of the International Sporting Code.
- (4) It shall be a condition of any Permit, approval consent, dispensation, waiver or exemption granted by MotorSport NZ that the organiser of the Series, Meeting or Event comply with all statutes, regulations, ordinances, resource consents or by-laws applicable to the organiser or the Series, Meeting or Event together with all and any contractual obligations entered in to by and binding upon the organiser of the Series, Meeting or Event and any breach of any such statute, regulation, ordinance, resource consent, by-law or contractual obligation shall be deemed to be a breach of this Code.
- (5) MotorSport NZ may, in its discretion, grant to the organiser of any Series, Meeting or Event (including itself) such dispensation, waiver or exemption from any of the provisions of this Code as may be necessary or desirable to accommodate any extraordinary features of the Series, Meeting or Event which may not be contemplated by this Code provided such feature is not contrary to any provision of this Code.
- (6) The onus of complying with this Code and a Permit issued by MotorSport NZ shall at all times be upon the organiser of any Series, Meeting or Event.
- (7) The processes of the Clerk of the Course, Event Director, Race Director or Stewards shall not be deemed invalid, by reason of some procedural error of deficiency, provided there has been no demonstrable prejudice to the competitor.

4. **Amendment to this Code:** MotorSport NZ may amend this Code and any Appendix to this Code and any Schedule to any Appendix of this Code at any time and from time to time. All amendments to this Code shall be published by MotorSport NZ by issuing a Manual Amendment and shall become effective on the date nominated by MotorSport NZ which date may at MotorSport NZ's option in its absolute discretion, be before or after the date of publishing.

4.1 On or about 30 June 2015 The 2015 Constitution came into effect, superseding The 2000 Constitution. On or about 13 July 2016 The 2016 Constitution came into effect superseding The 2015 Constitution. There may be further amendments or iterations of the MotorSport NZ Constitution in future.

- (1) This Code is expected to be updated over time so that all references in the Code as to aspects of the MotorSport NZ Constitution refer specifically to the relevant provisions pursuant to The Current Constitution (whether that is The 2016 Constitution or Any Subsequent Constitution) and so that all references to MotorSport NZ entities, roles or representatives refer specifically to the relevant entity (or entities), role(s) or representative(s) pursuant to The Current Constitution.
- (2) In the meantime, and for the avoidance of doubt, pending further amendment(s) to this Code:
  - (a) unless the context requires otherwise or as otherwise directed by the MotorSport NZ Board:

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- (i) any provision(s) in the Code that refer to particular provisions in the MotorSport NZ Constitution (but without specifying which particular version or iteration of the MotorSport NZ Constitution) shall be construed and applied as a reference (or as references) to the equivalent and/or updated provision(s) (if any) in The Current Constitution; and
- (ii) any provision(s) in the Code that refer to any entity (or entities), role(s) or representative(s) that is changed or superseded by The 2015 Constitution, The 2016 Constitution, Any Subsequent Constitution or The Current Constitution (or differences between whichever MotorSport NZ Constitution was in place when the relevant provision of the Code was drafted or last amended, and any later version of the MotorSport NZ Constitution or the Current Constitution) shall be construed and applied as references to the equivalent entity (or entities), role(s) or representative(s) (if any) under The Current Constitution; and

- (b) any uncertainty or ambiguity as to how any provision in this Code should be construed or applied that arises from any differences between The 2000 Constitution, The 2015 Constitution, The 2016 Constitution, Any Subsequent Constitution and/or The Current Constitution shall be referred to the MotorSport NZ Board, and the Board (or its delegate(s)) shall determine in good faith how such provisions are to be construed and applied, and the Board's decision in that regard shall be final.

**Explanatory Note:** *For example, as at the time at which this part of the Code was amended, any reference in the Code to the "Executive Committee" or the "Executive", or to the "Executive Committee of MotorSport NZ" or the "Executive of MotorSport NZ", shall (unless the context indicates otherwise) be construed as a reference to the Board of MotorSport NZ.*

- 5. **Ownership of Commercial Rights:** All Commercial Rights in respect of any Sanctioned Series, Meeting or Event shall, so soon as the same may come into existence or become capable of commercial exploitation for gain, vest in and become the property of MotorSport NZ.
- 6. **Official Interpretation:** MotorSport NZ may in its discretion as any particular circumstances may make necessary or desirable, interpret any provision of any Appendix to this Code or any provision of any Schedule to an Appendix of this Code. All such interpretations shall be made in writing and published by MotorSport NZ and shall have persuasive effect upon the organiser or any Official of a Sanctioned Series, Meeting or Event.
- 7. **Standing Articles and Regulations:**
  - (1) MotorSport NZ shall in Appendix One of this Code, from time to time prescribe standing Articles for Race, Rally and ClubSport Series (but without prejudice to the provisions of Article 11(8)).
  - (2) MotorSport NZ shall in Appendix Three of this Code, from time to time prescribe Standing Regulations for Rallies.
  - (3) MotorSport NZ shall in Appendix Four of this Code, prescribe from time to time Standing Regulations for Race Meetings and Events.
  - (4) MotorSport NZ shall in Appendix Five of this Code, from time to time prescribe Standing Regulations for ClubSport Events.
  - (5) MotorSport NZ shall in Appendix Six of this Code, from time to time prescribe Standing Regulations for Historic and Classic competition Events.
  - (6) MotorSport NZ shall in Appendix Seven of this Code, from time to time prescribe Standing Regulations for the conduct of national record attempts.