

IN THE MATTER OF: John Wrigley (deceased) – incident at Darley Moor Circuit 3 May 2021

And

IN THE MATTER OF: Regulation 28 Report to prevent future deaths dated 29 September 2023

RESPONSE OF MOTORSPORT UK ASSOCIATION LIMITED ('MOTORSPORT UK')

1. This is the Response of Motorsport UK to the Regulation 28 Report dated 29 September 2023 under the hand of Ms Sabyta Kaushal, HM Assistant Coroner Derby & Derbyshire ('HMC') ('the Report'). The Report was addressed to [REDACTED] and [REDACTED]. Both are senior members of staff at Motorsport UK. [REDACTED] is a non-practising solicitor and is the Regulatory Counsel and Disciplinary Officer. [REDACTED] is an engineer by background and is in the Safety Executive role at Motorsport UK.
2. Motorsport UK is recognised by UK Statute as a body Authorised to Permit motor sport competitions in the jurisdiction of the Court (and elsewhere) and further is recognised as the National Governing Body of 4+ wheel motorsport in the UK by Federation Internationale de l'Automobile, ('FIA') the World governing body of 4 + wheel motorsport, pursuant to the Statutes and International Sporting Code of FIA. Motorsport UK is a Founder Member of FIA and is placed by its representatives and nominees on the World Motorsport Council, the International Tribunal, the International Court of Appeal and across the several sporting Commissions of FIA.
3. This Response is necessarily affected by the fact that HMC has not concluded the Inquest to which the Report is related. The last Hearing of the matter at which live and other evidence was received, was 16 December 2022 and which was adjourned for further evidence which has been provided. HMC has additionally demanded other material, to which it is argued she is not entitled as it concerns unrelated matters. Those requests are the subject of legal correspondence in which HMC's latest

response was received on 21 November 2023 and which invites a response by 4 December 2023. The Inquest is listed to resume at a concluding hearing on 11 December 2023. References below to Evidence received are to that variously given at the Hearing 16 December 2022 ('the first hearing') and thereafter to date.

4. Regrettably, HMC appears to have misunderstood the Evidence.
5. All circuits Licenced for Regulated motor sport by the Statutorily recognised authorised bodies - Motorsport UK and the AutoCycle Union ("ACU") in this case - rigorously apply the application of and requirement for appropriate barriers to be positioned at relevant locations and the types of which depend on the various track features (simply expressed as straights or corners).
6. The Evidence provided to HMC at the first hearing included that of an acknowledged and internationally recognised Expert Track Inspector certified in the approval of circuits, including barriers, in the territories of FIA (including this jurisdiction) ([REDACTED]). His evidence is that the barriers in place in this instance were appropriate. Moreover, [REDACTED] evidence is that the tyre barrier referred to did absorb energy, which in turn was evidenced by the movement of it. It is a matter of physics.
7. The global standards applied to course design and regulated inspection have rejected the use of Recticel (or similar other brands such as Airfence referred to by HMC) on straights because of the risks of pocketing associated with it. It is however deployed in relevant circumstances i.e. at corners where there is a 'head-on' risk.
8. The risk of pocketing has been referred to and acknowledged by HMC in the Report but, without any scientific premise, she has apparently rejected the views of experts.

9. Barriers cannot absorb all energy applied to them. As offered in evidence at the first hearing and as recognised by HMC, barriers are intended primarily to keep competing vehicles within the course and thereby avoiding risk to persons outside the course.
10. Thus the underlying premise of paragraph 5.1 of HMC's Concerns cannot be accepted. There is no scientific basis or reference for the observations made. It fails to take into account the expert evidence which the Court received on the issue at the first hearing. It will be noted that despite extensive enquiry by local authority officers at the instruction of HMC, no other expert evidence was commissioned or called at the first hearing.
11. Regarding HMC's observations at paragraph 5.2 of the Report, we note HMC's comments regarding features between the track and barriers, in particular in this case wet grass. We unavoidably but respectfully comment that HMC's averment that '*wet grass caused his kart to accelerate and collide ...*' is simply, and scientifically wrong. The fact of the grass being wet could not cause the kart to accelerate without additional force being applied to the kart. Its retardation qualities may be reduced compared, for example, to dry grass or some other surface, but it cannot cause objects to accelerate.
12. HMC's comments regarding risk assessment in wet weather is noted, however that is already undertaken by highly trained and licenced officials at each Event as stated in Evidence at the First Hearing. As those assessments are already a mandatory part of Regulated motorsport, no further action is required.
13. Of concern however is the premise of the comment at paragraph 5.2 because it suggests at one possible level that whenever grass is wet competition should be abandoned. However, grass may be 'wet' for any number of reasons, even in otherwise dry weather depending on the time of year, including when freshly cut or dewed. At

another level HMC appears to opine that no competitive sport should occur whenever it is wet. That appears to be unrealistic in the latitudes of the UK.

14. Accordingly, in managing the obvious risks voluntarily accepted by written indemnity by all participants (such as and including Mr Wrigley) under the contractual Regulations of the sport, this ASN as with the other relevant Statutory authorities, requires the deployment of appropriate and suitably installed barriers at relevant locations on all Licenced courses and which is manifested by the recognised Statutory bodies granting Track Licences pursuant to the dynamic review of them by qualified experts.
15. Where relevant to the nature and type of the competition, the course will also benefit from inspection and if satisfied the grant of a Track Licence by the FIA (for cars) and/or the FIM (for motorcycles and sidecars). Note, Darley Moor is not a venue which has ever been used for FIA or FIM Permitted events.
16. All tracks and courses are inspected by vastly experienced qualified engineers variously employed by the Statutory authorities or the FIA/FIM where applicable. Those inspectors are fully conversant with the relevant laws of physics and the nature of the relevant competition vehicles and the nature of competition and associated risks.
17. All risk cannot be removed and participants freely acknowledge that.
18. This ASN as a Statutory authority has historically, and continues currently to collaborate nationally with other National Governing Bodies, and with the HSE on all such matters. Our contribution informs both the HSE's knowledge and published guidance including HSG112 and the deployment of suitably installed and appropriate barriers as stated above, and is part of a working group in relation to such matters.



REGULATORY COUNSEL

MOTORSPORT UK

23 November 2023.