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FIA Declares McLaren Appeal Inadmissible



The FIA's International Court of Appeal has thrown out McLaren's case against Lewis Hamilton's recent Belgian Grand Prix penalty on the grounds that their appeal was inadmissible.

Hamilton had 25 seconds added to his Spa race time for gaining an advantage by cutting a chicane whilst fighting Ferrari's Kimi Raikkonen for the lead. This was given in place of a drive-through penalty, as the incident occurred late in the race, and drive-throughs are not susceptible to appeal under the International Sporting Code.

McLaren had appealed the stewards' decision, which saw Hamilton drop from first to third in the Belgian results, on the grounds that their driver had relinquished the lead back to Raikkonen immediately following the incident in order to negate any advantage. They also cited the fact that on two occasions race control had told the team that Hamilton's conduct appeared to be within the rules.

However, the Court rejected McLaren's right to appeal, citing Paragraph 5 of Article 152 of the International Sporting Code, which states: "Penalties of driving through or stopping in pit lanes together with certain penalties specified in FIA Championship regulations where this is expressly stated, are not susceptible to appeal."

The Court's decision means Hamilton's championship lead remains at just a single point over Ferrari's Felipe Massa, who inherited the victory at Spa.

The International Court of Appeal's decision in full:

At the Grand Prix of Belgium, run on 7 September 2008, and counting towards the 2008 FIA Formula One World Championship, the Stewards of the meeting imposed a drive-through penalty upon the driver of car No. 22, Lewis Hamilton, for a breach of Article 30.3 (a) of the 2008 FIA Formula One Sporting Regulations and Appendix L, Chapter 4, Article 2 (g) of the International Sporting Code.

As the drive-through penalty was imposed at the end of the race, 25 seconds were added to the driver's elapsed race time in accordance with Article 16.3 of the FIA 2008 Formula One Sporting Regulations.

Article 152 of the International Sporting Code states that drive-through penalties are "not susceptible to appeal".

The competitor Vodafone McLaren Mercedes appealed the Steward's decision before the International Court of Appeal in a hearing in Paris on September 22nd.

Having heard the explanations of the parties the Court has concluded that the appeal is inadmissible.

The International Court of Appeal was presided over by Mr Philippe NARMINO (Monaco), elected President, and composed of Mr Xavier CONESA (Spain), Mr Harry DUIJM (Netherlands), Mr Thierry JULLIARD (Switzerland) and Mr Erich SEDELMAYER (Austria).

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