



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 409:

APPEAL LODGED BY JADE GUTZEIT AGAINST THE DECISION OF THE JURY MEMBERS WHICH UPHELD THE EXCLUSION OF BLAKE GUTZEIT AT THE ROOF OF AFRICA EVENT, WHICH WAS HELD IN LESOTHO FROM THE 13TH – 16TH NOVEMBER 2013.

Present:	Wally Pappas	-	Court President
	Dick Shuttle	-	Court Member
	Graeme Nathan	-	Court Member
	Jade Gutzeit	-	Entrant for Blake Gutzeit
	Des Gutzeit	-	Observer
	Carmen Hill	-	Scribe
Not in Attendance	Lindy Sutherland	-	Assistant Clerk of Course & Enviro Steward
	Keke Malebo	-	2 nd Jury Member
Apologies	Gillian Dykes	-	Jury President
	Peter Luck	-	Organiser/Promoter (LORA)
	Justin Harris	-	Race Director
	Mike Kinnear	-	1 st Jury Member
	Clint Rieper	-	Clerk of the Course

The Court President welcomed the attendees and asked if there were any objections to the composition of the Court. None were put forward.

Those not in attendance, had forwarded their apologies. In the absence of all other parties who were listed as attendees Mr Jade Gutzeit was asked to table his arguments and the reason for submitting his appeal.

Mr Jade Gutzeit stated that he was only aware of his riders penalty (No 106 – Blake Gutzeit), when he was penalised in the results (exclusion).

At the protest hearing, he was told that evidence existed via a) video footage and b) GPS Tracking.

Neither of these were ever presented to him.

He did not argue the offence but did argue the validity of the evidence.

The Court contacted Mr Peter Luck telephonically to confirm what he saw. Mr Luck stated that he observed a rider going off track by about 15 metres and confirmed with the cameraman that it was competitor 106 or 109 (he couldn't recall exactly).

After circling, only a tyre track was found and this was submitted to the Court in papers previously relied on by the Race Jury in the form of a very poor reproduction of a Google Earth map.

Mrs Lindy Sutherland, who was the assistant COC, was spoken to telephonically regarding the GPS Tracking record. She stated that she thought it was given to the secretary of the meeting although it was not presented at the Jury protest hearing according to Mr Jade Gutzeit. No video footage was offered either.

CONCLUSION

Although it was clearly stated in the 2013 Noncircuit Mcycle/Qd SR's (347 (d)) that crossing cultivated lands is forbidden, the SR's also give allowance for deviating off the course (342 (b)). This allowance is 20 metres.

MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA

Directors: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. G. Doig, J. du Toit, M. du Toit, P. du Toit, D. Lobb, N. McCann, C. Pienaar, B. Sipuka, D. Somerset, L. Steyn – Hon. Presidents : T. Kilburn, Mrs. B. Schoeman



sport & recreation
Department:
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA



FINDINGS

In the absence of any substantial evidence, the Court overturns the original penalty against Competitor 106 (B Gutzeit) and the decision of the Jury.

The Court orders the re-instatement of Competitor 106 into the results

Costs - The Court orders MSA to retain 25% of the Appeal fee for court costs as per GCR 196

All parties are reminded of their right to appeal under GCR 212

Findings distributed on the 10th February 2014 via email

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