



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 460

HEARING HELD VIA ZOOM ON THE 13th APRIL 2022 AT 17:30

Court composition:	Steve Harding	Court President
	Terry Moss	Court Member
	Vito Bonafede	Court Member
In Attendance:	Michael van Rooyen	Appellant
	Robert Wolk	Respondent
	Arlene Brown	Clerk of Course
	Vic Maharaj	MSA Sporting Manager
	Allison Vogelsang	MSA Circuit Sport Coordinator

BACKGROUND and PRELIMINARY

1. At the outset of the appeal the court president asked the parties whether there was any objection to the constitution of the court, and the parties indicated no such objection.
2. The appeal relates to an incident which took place during the 2nd Global Touring Car heat of the National Extreme Festival event held at Killarney International Raceway on 5 March 2022.
3. This appeal was brought before this court by Michael van Rooyen (the Appellant), in terms of leave to appeal granted to the appellant pursuant to the provisions of GCR 212 (A) i of the General Competition Rules of Motorsport South Africa. It is an appeal against the findings of an alternative panel of stewards who upheld the protest of Robert Wolk (the Respondent), which set aside the penalty imposed by the Clerk of the Course against the respondent and directed MSA to amend the results of the race to reflect the actual finishing positions of the parties.
4. The appellant was asked by the court whether he persisted in the allegation that annexure F to his application for leave to appeal constituted a protest lodged out of time. He conceded that nothing turned on this issue and stated that this point was included in the application for leave to appeal on advice received.
5. The appellant was also asked whether he persisted in the suggestion that the respondent had executed a so-called PIT ("Pursuit Intervention Technique") manoeuvre against him and

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sport, arts & culture
Department:
Sport, Arts and Culture
REPUBLIC OF SOUTH AFRICA

Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial), Mrs. D Abrahams, A. Harri, M. Hashe, FC. Kraamwinkel, Dr G. Mills, C. Oates, R. Schilling, S. Themba, G. Waberski

responded that he did not persist in this allegation and that this allegation was also included in the application for leave to appeal on advice received.

THE INCIDENT

6. The incident concerned occurred during the first lap of the race in question in turn 2 at Killarney. The said corner is the widest of the corners on the circuit and is a corner with a substantial radius which turns back on itself through over 180° in the form of a wide horseshoe bend. The incident took place towards the exit of turn 2 and in the opinion of the court occurred in the transition between the mid-corner phase and the exit phase of the corner. It is the opinion of the court that the fastest line through the corner requires a relatively late apex and to keep to the inside line on the exit of the corner in order to open the throttle as early as possible.
7. The court was in the fortunate position of being furnished with extensive footage of the incident which included footage from the car of the appellant, rearward facing footage from the car immediately in front of the incident, forward facing footage from the car immediately behind the incident, as well as 2 different recordings of the incident from trackside cameras.
8. The incident took place when the left front corner of the car driven by the respondent made contact with the right rear corner of the car driven by the appellant, either on or in the immediate vicinity of the rear wheel.
9. Both parties submitted incident reports in terms of SSR 25.5 of the Global Touring Car Championship standing supplementary regulations. Following on receipt of these incident reports and consideration of video footage from both competitors as well as circuit footage, the Clerk of the Course considered that the respondent had contravened the provisions of SSR 25.3 and consequently imposed the minimum penalty applicable in terms of SSR 25.6 of 3 places in the results of the relevant race.
10. The respondent lodged a protest against these findings. As the appellant had already left the circuit the protest was carried over to an alternative panel of stewards at the next event. As recorded in paragraph 3 above this protest was upheld by the stewards.

THE RULES APPLICABLE

11. Both drivers acknowledged that they were aware of the driver conduct regulations applicable to this category of racing. In response to a direct question from the court the appellant and respondent acknowledged that for the purpose of adjudicating responsibility for this incident, they were to be treated as the lead car (appellant) and the challenger (respondent) respectively.
12. The Circuit Racing SSR's (in particular SSR 50 i c)) do not provide much in the way of guidance however the championship concerned does lay down in its SSRs very specific driver conduct guidelines. For the sake of convenience we record the applicable extracts of the driver conduct guidelines below:

25.1 DRIVER CONDUCT GUIDELINES

The clear objective is that all racing will take place on the paved circuit. Contact of any nature, including so called rubbing, is highly undesirable during racing in the series. ...The aim is to ensure fast, competitive motorsport, where drivers use their skills to win races and championships on the track. The situations dealt with herein, relate to the behaviour of drivers in very competitive situations. The document is aimed at influencing drivers to race competitively but without destroying their own and/or other competitors' vehicles.

...

25.2 ENTERING THE CORNER (PHASE 1)

Two or more cars entering the zone of a corner together it will be expected that each driver will exit the corner without contact. Neither overly aggressive overtaking nor excessively defensive driving will be tolerated.

...

If by the end of the braking area at the turning point in a straight line the challenging car is alongside the lead car ('alongside' being nose of challenger next to front door of leader inside or outside) it becomes the duty of both drivers to prevent crowding of each other to the inside or outside of the track throughout the entire corner.

25.3 MIDDLE OF CORNER (PHASE 2)

If the challenger is on the inside line in the braking area at the turning point and his front bumper is behind the centre of the leader (B pillar) he will withdraw and forfeit the corner to the lead driver to take his normal line. It must be remembered that the lead car has to and will, turn with the aim of apexing unless the challenger is alongside in the braking area or at the turning point. If, from the turning point, the lead car stretches the lead to the apex and the challenger's front bumper is behind the centre (B pillar) of the lead car, the challenger will withdraw and allow the lead car a normal racing line, any contact made by the challenger on the lead car behind the B pillar will be deemed to be the challenger's fault.

Any bumping of the lead car from the back on the rear bumper is the fault of the challenger; furthermore the bumping of the lead car behind the B pillar by the challenger is also the fault of the challenger, if the lead car was abiding by the above rules.

...

25.4 EXITING THE CORNER (PHASE 3)

From the "apex" out, the inner car will take extra care not to drift wide under power forcing the outer car wide and ultimately off the circuit at the exit. This is exaggerated in front wheel drive cars and those drivers should exercise extra caution. The challenger should exercise extra caution to avoid contact, by applying brakes or taking extreme evasive action. If there is no evidence of evasive action this will certainly count against the challenger.

DETERMINATION OF THE FACTS

13. As stated in paragraph 6 above, it is the opinion of this court that the incident took place in the transition between Phases 2 and 3 of the corner.
14. This court does not agree with the findings of the alternative stewards that SSR's 25.2 and 25.3 do not apply in the circumstances of the specific instance. In any event, to the extent that the appellant was making a challenge against another competitor other than the respondent, that challenge was over by the time the incident took place.
15. It is the opinion of this court that the appellant and the respondent must be regarded as the lead car and challenger respectively when determining the responsibility for the incident in question and that this responsibility falls to be determined by the strict application of the driver conduct rules set out in SSRs 25.1 to 25.4.
16. After hearing from both parties in relation to their contentions as to how the incident took place and who was responsible for it and having viewed and considered extensively the various items of video evidence available this court is of the view that:

- a. The appellant maintained a consistent line around the corner in the area where the incident took place and made no attempt to crowd the respondent towards the inside of the corner.
 - b. The respondent, despite his contention that he maintained the inside line hugging the kerb in fact drifted outwards, understeering towards the appellant and failed to take the extreme evasive action required of him in terms of the regulations to avoid the incident.
 - c. The braking of the respondent immediately before the incident, as evidenced by the brake lights on the respondent's car in the video evidence was not sufficient to constitute extreme evasive action.
17. If the incident is regarded as having occurred during phase 2 of the corner as defined in the above-mentioned driver conduct regulations, then it is the view of this court that the respondent is responsible for the collision by the simple application of SSR 25.3 which states clearly that any bumping of the lead car behind the B pillar by the challenger is the fault of the challenger if the lead car is abiding by the rules.
18. If however, the incident is regarded as having occurred during phase 3 of the corner then it is the view of the court that the respondent remains responsible in as much as he did in fact drift wide from the kerb, albeit that the movement was not substantial, and failed to take appropriately "extreme evasive action" as required of him in terms of SSR 25.4.
19. In all the circumstances the court determines that the appeal succeeds and that the finding of the alternative stewards should be set aside.

PENALTIES and COSTS

20. It then remains for this court to determine whether the penalty imposed by the Clerk of the Course, which, as recorded, constituted the minimum penalty in terms of the applicable regulations, should stand.
21. This court is of the view that the appellant, having been prejudiced by the actions of the respondent, should not suffer an additional penalty by way of the loss of points as a result of his finishing behind the respondent, in the absence of extraordinary circumstances, and that the respondent should be penalised to the extent which will result in him finishing behind the appellant. The court accordingly imposes a 5 place penalty on the respondent and directs MSA to amend the results of the race in question so as to reflect the appellant in 6th position and the respondent in 7th.
22. The court directs that the appeal fee should be returned, less an amount of R2,000.00 which is to be retained by MSA on account of the administrative costs relating to the application for leave to appeal and this appeal.
23. The parties are reminded of their rights as per GCR 212 B.
24. The findings are issued by email 21 April 2022 at 12h00.