



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 462

HEARING HELD IN THE MSA BOARDROOM ON THE 5<sup>th</sup> SEPTEMBER 2022.

<b>Court composition:</b>	Ian Richards	Court President
	Johan Fourie	Court Member
	Miranda Du Plessis	Court Member (via Zoom)
<b>In Attendance:</b>	Andreas Meier	Appellant
	Salvi Gualtieri	Respondent
	Freddie Pretorius	Witness for Appellant
	Eldrid Diedericks	Clerk of Course
	Vic Maharaj	MSA Sporting Manager
	Allison Vogelsang	MSA Circuit Sport Coordinator

### INTRODUCTION:

The attendees were introduced, and no objections were raised against the composition of the court. All participants were informed that the proceedings were being recorded.

### THE HEARING:

The court was satisfied that the application for leave to appeal was complied with in terms of GCR 212 A, 214 A, and 219 as requisite. The court heard evidence presented from both Mr. Andreas Meier (APPELLANT) and Mr. Salvi Gualtieri (COMPETITOR) who competed in the Northern Regions BMW CCG Regional Championship regarding the incident that took place between T10 and T11 at Phakisa Raceway on 16 July 2022. The court furthermore also heard from Mr. Eldrid Diedericks (CLERK OF COURSE) as to whether regulation (SSR 38 J) as is indicated on the penalty form (NOTICE FROM THE CLERK OF COURSE) was the correct SSR applied to the race incident and whether the penalty applied was correct for that applicable to SSR 38 J. Mr. Diedericks (CLERK OF COURSE) acknowledged to the court that on paper, the penalty was indeed incorrect, however, he offered a plausible explanation that the previous penalty that he had issued on the event of 16 July 2022 was that of a jump start (SSR 38 J) and that he erred to update such regulation on the template form upon issuing the new penalty for competitors, Andreas Meier and Salvi Gualtieri. The court inquired from both competitors Mr. Andreas Meier and Mr. Salvi Gualtieri whether they accepted the genuine error in the application by

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sport, arts & culture

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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

the clerk of course and both indicated that they indeed accepted such an explanation and that both were always under the impression that SSR 50 was the regulation to be in effect. The court accepted the genuine error made in the heat of the moment by Mr. Eldrid Diedericks and proceed with the appeal.

#### **THE INCIDENT:**

The incident took place on the third lap of race 2 between turn 10 (right-hand turn) and turn 11 (left-hand turn) on the Phakisa Freeway racetrack which measures approximately 215m between the respective turns. Mr. Andreas Meier (APPELLANT) indicated that he had caught Mr. Salvi Gualtieri (COMPETITOR) going on the inside of the right-hand turn 10 and pulled next to Mr. Salvi Gualtieri. Mr. Salvi Gualtieri was only a fraction ahead being on the outside of turn 10 with his front bumper only slightly ahead of that of Mr. Andreas Meier. Mr. Salvi Gualtieri acknowledge during his statement that he was aware of Mr. Andreas Meier being to this outside (right) and slightly behind him but claimed he was unable to see Mr. Andreas Meier in his mirrors. Mr. Andreas Meier held the outside line heading towards the left-hand turn 11 with Mr. Salvi Gualtieri edging slightly ahead under acceleration and kept moving over to his right in order to try and retain the race line approaching turn 11, thereby crowding Mr. Andreas Meier.

Mr. Andreas Meier stated that he was forced to the very edge of the track by Mr. Salvi Gualtieri and had little option but to take extreme evasive action to prevent been run completely off track and had to brake severely (1.4g) to avoid running off track.

The severe braking by Mr. Andreas Meier resulted that Mr. Salvi Gualtieri edged slightly ahead with his right rear wheel and rear bumper then making contact with the left front bodywork of Mr. Andreas Meier, damaging the front carbon fiber canards. Mr. Salvi Gualtieri also claimed during his statement to have also damaged his right rear rim and right rear lower control arm during the incident.

The incident was reported by both competitors to Mr. Eldrid Diedericks (CLERK OF COURSE) as requisite. Having heard from both Mr. Andreas Meier (APPELLANT) and Mr. Salvi Gualtieri (COMPETITOR) and without any video footage being made available to support the claims by both competitors of the race incident, the clerk of course issued a 20-second penalty against Mr. Andreas Meier for a driving conduct infringement. Mr. Andreas Meier exercised his right to appeal such penalty decision issued by the clerk of the course. The lodged protest by Mr. Andreas Meier was then heard by the stewards who later further upheld the original decision of the clerk of the course.

#### **THE RULES APPLICABLE**

The category championship SSR regulations don't offer much in terms of driving conduct other than a yellow and red card system for driving infringements that may be issued by the clerk of the course or the stewards for reckless and dangerous driving, bumping, and causing damage to their own and other cars, unsportsmanlike behaviour and/or any contravention of such regulations. In an instance where there is contact between two cars, these incidents must be reported to the Clerk of the Course before 30 minutes have passed after the race completion. The Clerk of the Course reserves the right to investigate the incident and issue a Yellow card and/or a 20-second penalty or any other penalties to one or both drivers at his discretion.

The court is therefore guided by the Circuit Racing SSR's, and in specific, SSR 50 i) a) and SSR 50 i) c) thereof. For ease of reading, the applicable extracts of the driver conduct guidelines are below:

## **OVERTAKING, RULE OF THE ROAD AND DRIVING DISCIPLINE**

### **i) Overtaking (cars)**

a) During a race, a car alone on the track may use the full width of the said track. However, as soon as it is caught up in a straight line by a car which is either temporarily or consistently faster, the driver shall give the other vehicle the right of way by pulling to one side in order to allow for passing on the other side.

c) Corners, as well as the approach and exit zones thereof, may be negotiated by the drivers in any way they wish, within the limits of the track. Overtaking, according to the possibilities of the moment, may be done either on the right or on the left. However, manoeuvres liable to hinder other drivers, such as premature direction changes, deliberate crowding of cars towards the inside or the outside of a curve or any other abnormal change of direction, are strictly prohibited and shall be penalised, according to the seriousness and repetition of the offences, by penalties ranging from a fine to exclusion from the race. The repetition of dangerous driving, even involuntarily, may result in exclusion from the race.

### **THE FACTS**

As indicated under the above heading, THE INCIDENT, the incident took place between turn 10 and turn 11. This court finds that Mr. Salvi Gualtieri (COMPETITOR) was indeed caught by Mr. Andreas Meier (APPELLANT) on the exit and on the inside of turn 10 and was next to Mr. Salvi Gualtieri temporarily in a straight line heading towards turn 11. Mr. Salvi Gualtieri admitted during his statement that he was aware that Mr. Andreas Meier was next to him albeit not ahead but failed to see him, yet felt he was entitled to hold his race line in his approach towards the left-hand turn 11 and as such, crowded Mr. Andreas Meier to the edge of the circuit finally making brief contact with Mr. Andreas Meier. This driving conduct is contrary to SSR 50 i) c) which states, *manoeuvres liable to hinder other drivers, such as premature direction changes, deliberate crowding of cars towards the inside or the outside of a curve or any other abnormal change of direction, are strictly prohibited and shall be penalised, according to the seriousness and repetition of the offences, by penalties ranging from a fine to exclusion from the race.*

The court was furnished with the onboard video footage of Mr. Andreas Meier together with supporting documentation which clearly showed that Mr. Salvi Gualtieri indeed ran wide going into turn 10 and that he was temporarily caught in a straight line between the exit of turn 10 and turn 11. As such the court is further guided by SSR 50 i) a) which states, *as soon as it is caught up in a straight line by a car which is either temporarily or consistently faster, the driver shall give the other vehicle the right of way by pulling to one side in order to allow for passing on the other side.*

The court is further of the opinion that notwithstanding that Mr. Andreas Meier had the right to be on the section of track he chose between turn 10 and turn 11, he too had a clear direct view and judgment to withdraw earlier from the challenge so as to avoid making any contact between the two competitors at all costs.

### **PENALTIES and COSTS**

1. This court, therefore, finds that this was a racing incident, and that Mr. Andreas Meier was not predominantly at fault therefore the time penalty of 20 seconds added to his race 2 should be reversed and the race results are to be amended.

2. This court further recommends that both competitors be placed under observation for the next championship event.
3. The court directs that the appeal fee should be returned, less an amount of R1,500.00 which is to be retained by MSA on account of the administrative costs relating to the application for leave to appeal and this appeal.
4. The parties are reminded of their rights as per GCR 212 B.
5. The findings are issued by email 9<sup>th</sup> September 2022 at 09h30

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