



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL NO. 397

APPEAL LODGED BY MR THOMPSON AGAINST FINDINGS OF THE STEWARDS AT THE REGIONAL KARTING EVENT HELD AT ZWARTKOPS ON THE 9th FEBRUARY 2013. HEARING HELD IN THE MSA BOARDROOM ON THE 26th FEBRUARY 2013 AT 17H30

Present :	Christo Reeders	- Court President
	Wally Pappas	- Court Member
	Terry Stidworthy	- Court Member
	Delon Thompson	- Competitor
	Alan Thompson	- Father of Delon Thompson
	Allan Bouw	- Witness
	Lourens Odendaal	- Father of Jarrod Odendaal
	Kevin de Wit	- MSA Steward
	Graeme Nathan	- Observer
	Allison Atkinson	- MSA Scribe

The president introduced himself and the other court members. There were no objections to the composition of the court.

After having heard and examined the evidence presented by all parties, the court finds as follows:

From video footage received from competitor Odendaal, it is apparent that Karting Regulations Section A Art 11 (vii) was transgressed by competitor Thompson, which imposes a strict prohibition against “crowding other competitors out of their line in corners and abnormal change/s of direction”.

Further, Section E 18(iv) provides that “drivers may pass on either the left or the right side, providing the manoeuvre does not obstruct or endanger other competitors.”

It is clear that competitor Thompson miscalculated the overtaking manoeuvre in the last corner leading to the finish line. There is no basis for finding that his conduct was malicious or intentional. However, in view of the strict prohibition set out above, there is equally no doubt that competitor Odendaal “crowded” and “obstructed” as a result of the contact between his vehicle and that of competitor Thompson’s.

Section 11(iii) provides that “a standard 5-place penalty may apply in respect of any on-track incident for which a competitor is found guilty”. This wording is unfortunate. While it appears that it is intended to stand in juxtaposition to the sentence which follows thereafter, viz. “the Clerk of the Course shall, however, be entitled to impose a heavier penalty should this be deemed warranted”, The only reasonable interpretation that can be attached to this rule is that the imposition of the proposed penalty is optional, notwithstanding that the rule appears to have been applied as a peremptory penalty in



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recent times and this Court intends to avail itself of the option which is evident from the wording of the rule.

The appeal is partially successful, only in respect of the sentence/penalty that was meted out by the Stewards. The court therefore sets aside the penalty imposed by the Stewards and instead substitutes the original penalty with one of a one place penalty as per Karting regulations Section A Art 11 (vii).

In view of the partial success of the appeal half of the appeal fee is returned.

As a casual remark, the Court recommends for the Karting Commission to substitute the word "may" where it appears in rule 11(iii) for the word "shall" in the event that the penalty set out therein is intended to serve as a peremptory penalty.

The results for the event at Zwartkops are to be amended accordingly.

All parties are reminded of their right of appeal to the MSA National Court of Appeal.

Findings sent via email on the 27th February 2013 at 12h30

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