



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 463

### APPEAL HELD ELECTRONICALLY VIA ZOOM ON THURSDAY 16 MARCH 2023 AT 17h30

<b>Present:</b>	Ian Richards	-	Court President
	Eric Schultz	-	Court Member
	Jackie Schreiber	-	Court Member
	Steve Beaumont	-	Appellant
	Francois Koekemoer	-	Affected party & father of minor competitor Liam Koekemoer
	Neva van der Merwe	-	MSA Steward
	Joy Dolinschek	-	Clerk of the Course
	Brendon van Eden	-	Assistant Clerk of the Course
	Stephen Matthews	-	Chief Marshal
<b>In Attendance:</b>	Lizelle van Rensburg	-	MSA Sport Coordinator

#### **INTRODUCTION:**

The attendees were introduced, and no objections were raised against the composition of this 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 iii), and GCR 219 as was requisite.

#### **THE INCIDENT:**

The incident occurred at the Killarney Karting circuit on 11 February 2023 under MSA permit number 17146 during heat three of the Mini Max class. During the formation lap of heat three in the Mini Max class, there was an on track incident which resulted in competitor 576 (A. Beaumont) being bumped and pushed wide into the 'Horseshoe' corner by competitor 570 (C. Schultz).

Although competitor 576 eventually regained his position before reaching the 90m mark, competitor 570 then decided to occupy the wrong side of the grid, moving from grid position three and now occupying position four. This resulted in competitor 565 (L. Koekemoer) being out of position and was supposed to be in grid position four. All efforts were made by competitor 565 to try to regain his correct position however, by the start of the race, this was not achieved.

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



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

Furthermore, it also became evident that competitor 560 (N. Lennox) was in his correct position (5th on the grid) but found he now had an open space in front of him left open by competitor 570, who now occupied grid position four. Competitor 565 was found to be between grid positions four and six, which was correctly occupied by competitor 516 (F. Bensch).

Although the pre-race official allegedly tried to notify the Clerk of the Course of the incorrect grid positions, the race was allowed to continue without further stoppage. The court determined from the Assistant Clerk of Course (Mr Brendon van Eden), that he was unaware of the karts being out of position and accordingly permitted the start to proceed normally.

For the benefit of the sequence of events that followed, this court will deal with these matters in PART A and PART B, respectively.

#### **PART A:**

Since the Mini Max heat three was allowed to continue with the knowledge and witnesses that the Mini Max grid formation was incorrect, Mr F. Koekemoer, the entrant and guardian of competitor Liam Koekemoer (565), submitted a protest at 15h40 on 11 February 2023. The protest was received by the Assistant Clerk of the Course, Mr Brendon van Eden (*the timing of this receipt will be dealt with later in these findings*) and was subsequently handed to and received by the MSA steward, Mrs Neva vd Merwe (*the timing of this receipt will be dealt with later in these findings*) for the Stewards' consideration.

The MSA steward, Mrs Neva vd Merwe, indicated to the court that the Stewards were not aware of any race start infringements for the Mini Max heat three and summoned the three Mini Max competitors, Liam Koekemoer (565), Cody Schultz (570) and Nicholas Lennox (560) to a hearing to determine the facts.

Mrs Neva vd Merwe indicated that it became evident during the hearing that the competitors were agitated and blamed each other for their out of place grid positions. The Stewards, therefore, were unable to determine the facts at the protest hearing. The video footage that was available to the Stewards did not assist them either. With the available video footage and the various versions obtained from the three competitors, the Stewards decided to declare the Mini Max heat 3 NULL and VOID (*The Court will deal with the Stewards' decision later in these findings*). Mr F. Koekemoer accepted the finding handed down by the Stewards. (*The Court will deal with the acceptance of the Stewards' decision later in these findings*).

#### **PART B:**

As a direct result of the findings by the Stewards with regard to the Mini Max heat 3, and unbeknown at the time of the protest, the entrant and guardian for Mini Max competitors Keegan Beaumont (577) and Aiden Beaumont (576) were deemed to have been prejudiced by the decision of the Stewards. Mr S. Beaumont duly appealed the decision, and leave to appeal was granted by Motorsport South Africa (MSA) in terms of GCR 212 A iii) and GCR 219 on 15 February 2023.

In his appeal, Mr S. Beaumont stated that both his competitors, Keegan Beaumont (577) and Aiden Beaumont (576), were on the front row of the grid. In contrast, fellow competitors Franco Bensch (516) and Aleksandar Praizovic (517) were at the back of the grid, and none of these four competitors were involved in the protest hearing, however, the outcome of the protest favoured those competitors who were out of position on the starting grid. As a result, the decision reached by the Stewards had a direct impact on the championship, which prejudiced his competitors. Mr S. Beaumont stated that he believed the Stewards erred in their decision and did not apply the available regulations to those competitors who were out of grid position.

**THE RULES APPLICABLE:**

The 2023 MSA National SARMC Karting Sporting Regulations (16937) V2 09 02 2023 provide for both FALSE START as well as JUMP START situations and read as follows:

*FALSE START*

*(Type A) means Kart 2 leaves the marked corridor during launch phase with at least two tyres before the start has been released. Leaving = the tyres are completely on or outside the corridor line.*

*FALSE START*

*(Type B) means Kart 2 leaves the marked corridor during launch phase with at least four tyres before the start has been released. Leaving = the tyres are completely on or outside the corridor line.*

*JUMP START means that Kart 2 accelerates during launch phase leaving Kart 1 behind before start has been released. It is irrelevant if the start will be repeated afterwards.*

The Court addressed the decision made by the Stewards with regard to declaring the Mini Max heat three NULL and VOID. Mrs Neva vd Merwe was unable to provide or indicate to this court which GCR or SSR was used to make their finding. Although Mrs Neva vd Merwe did indicate to the court that due to the conflicting versions between the competitors that were involved in being out of grid position as well as the limited footage that was available to them (*the Stewards*), the pressure and task to reach a just and fair decision was immense and, that given the circumstances, their fairest decision was to declare the heat NULL and VOID. This court is, therefore, of the opinion that the Stewards may have become complacent in the discharge of their duties by not applying their minds and referencing the available regulations for false starts and jump-starts where applicable.

**THE FACTS:**

The video footage provided to this court as evidence only showed the area and region of the 'Horseshoe' corner, which ended just before reaching the 90-meter mark. Furthermore, (*grainy*) photographed static images taken from the TV screen / TV monitor were provided to this court, showing the competitors just before reaching the 90m mark, and which showed that the starting grid positions were not correct at that point. Another (*grainy*) photo of the competitors crossing the start line out of position was also provided. Fortunately, Mr S. Beaumont had obtained the original video footage, which was still in his possession and on which he had formulated his appeal. Mr Beaumont kindly provided the video footage for the court members to review as additionally submitted evidence to this court. From the video footage made available, the court was then able to determine the following facts at the exact moment that the start lights were extinguished.

Grid Position	Kart No.	Actual Start Position	Kart No.
1	577	1	577
2	576	2	576
3	570	3	560
4	565	4	570
5	560	5	565
6	516	6	516
7	517	7	517

**PENALTIES and COSTS:**

This court, having reviewed the video footage provided by the appellant, Mr S. Beaumont and having examined such footage frame by frame until the start lights had been extinguished for the Mini Max heat three, determined the following:

1. The Mini Max heat three be reinstated, and the following penalties be applied retrospectively:
  - a. Competitor 560 - JUMP START as per SARMC 34.18, a 10 second penalty.
  - b. Competitor 570 - FALSE START as per SARMC 34.17 Type B, a 10 second penalty.
  - c. Competitor 565 - FALSE START as per SARMC 34.17 Type A, a 3 second penalty.
2. The race results for Mini Max heat three is to be rescored with the appropriate penalties having been applied.

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.

**RECOMMENDATIONS:**

This court remains concerned about procedural errors that were noted within the provided protest document handed to the court members, which did not fully meet the requirements of GCR 198. Of concern was the original protest document that was not signed by the protestor and indicated the lodged protest time of 15h40. The time receipted by the Clerk of the Course indicated the protest was received at 15h27, while the time indicated of receiving the protest by the Stewards was 15h35. Furthermore, the Stewards' findings were dated correctly however, no time was indicated on the form of said findings. In addition, the Stewards' findings were merely noted to indicate that the protestor, Mr F. Koekemoer, accepted the decision of the Stewards but that the protestor had not signed the actual finding and decision. This court, therefore, recommends to Motorsport South Africa (MSA) that a basic checklist be put in place for officials to check for the presence of the protestor's signature, that the correct date is indicated on the protest form, that the correct time of the submitted protest is indicated on the protest form, that the time of the protest as received by the stewards is indicated and is correct on the protest form, and that the 'protest fees attached' checkbox is correctly checked and that the correct protest fee has been paid before dealing with any lodged protests.

The competitors are reminded of their rights as per GCR 212 B.

These findings are distributed via email on 31 March 2023.

**Ref. 163005/098**