



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 402

**APPEAL LODGED BY MR RONALD SLAMET AGAINST THE DECISION OF THE STEWARDS AT THE REGIONAL MAIN CIRCUIT EVENT, HELD AT KILLARNEY ON THE 10<sup>th</sup> AUGUST 2013.**

**HEARING HELD AT THE MSA OFFICE IN CAPE TOWN ON MONDAY, 26<sup>th</sup> AUGUST 2013 AT 18h00**

### Present:

|                 |   |                              |
|-----------------|---|------------------------------|
| Joy Dolinschek  | - | Court President              |
| Howard Daniels  | - | Court Member                 |
| Clint Rieper    | - | Court Member                 |
| Jan Thorsen     | - | MSA Steward                  |
| Ronald Slamet   | - | Competitor                   |
| David Bolding   | - | Representative for Mr Slamet |
| Celeste Chatton | - | MSA Scribe                   |

The Court President introduced herself and the court members. There were no objections to the composition of the court.

The appeal arises from the circuit event held at Killarney on the 10<sup>th</sup> August 2013, when two huge oil spills made it impossible to complete the races scheduled for that day and thus creating a Force Majeure situation. This particular appeal is in respect of race 2 for the Super Bike class which has Regional Championship status.

Due to the situation described above, the Stewards made the decision to award double points based on the outcome of the Super Bike race 1 earlier in the day.

Mr Bolding, on behalf of the appellant submitted that:

1. The awarding of double points was unfair. He stated the race should be allowed as a drop.
2. That there is no question that the circuit was unsafe and that the second race of the day could not possibly have been run.
3. That competitor Slamet should get his appeal fee returned as he has since learnt that the Stewards did not have the authority to instruct double points.
4. That at no time was the decision of the Stewards posted on any notice board and that the competitors only learnt of this via a meeting at which not all competitors were present, albeit that competitor Slamet did attend the meeting.

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



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Department:  
Sport and Recreation South Africa  
REPUBLIC OF SOUTH AFRICA



Consideration:

The Court considered the Regional regulations for the Super Bike Class, transcribed hereunder. Paragraph 16 of the regulations:

16. **NUMBER OF CHAMPIONSHIP EVENTS TO COUNT**

The top 8 (eight) events scored by a competitor in the 2013 calendar year will count towards the Championship. If more qualifying events are run, the competitor may drop **the worst event results**, with the top 8 (eight) counting for the overall title in Class and Overall.

It is evident from the regulations that the entire event of the 10<sup>th</sup> August 2013 would need to be dropped if the Court was to consider the appeal. This was relayed to the competitor and his representative who were given an opportunity to reconsider continuing with their appeal given the Super Bike regulations. The competitor determined that they would continue with the appeal.

The Court took into account that there had originally been 10 scheduled rounds to the Regional Championship, however the event scheduled for the 28<sup>th</sup> September 2013 has been cancelled, leaving only 9 events of which 8 would count toward the Championship and further if the event in question (10<sup>th</sup> August 2013) was set aside, then all events already run and the remaining events would be the only ones available for the Championship.

The Court further considered, with three events still to be run, if any further incident happened during the remaining rounds which would cause a race to be cancelled, the the entire championship would be lost. The Court considers such a possibility not to be in the interest of the Championship or the class as a whole.

Findings:

The Court finds as follows:

1. The Stewards did not have the authority to impose the ruling of double points. GCR 273 refers. The Court reprimands the Stewards. They are reminded that any decisions to be made relating to a Regional Championship will rest with the relevant MSA Regional Committee.
2. The Court believes that at very least the decision of the Stewards should have been reduced to writing and posted on the notice board.
3. That the circuit was unsafe to continue racing is not in dispute.
4. The Court finds that although the Stewards did not have the authority to award double points, it is the correct decision based on the best interests of the Super Bike Regional Championship. The ruling will stand with the authority of this court and the Appeal fails in this regard.
5. The appeal fee, less 10% for administrative costs, is to be returned to the appellants. As the Court believes the Appeal was made in good faith.

All parties are advised of their rights to appeal to the MSA National Court of Appeal.

Findings read at 18h30, 26<sup>th</sup> August 2013

**158791/98**  
**29<sup>th</sup> August 2013**