



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 416

HEARING HELD IN THE MSA BOARDROOM AT 18H00 ON 24th MARCH 2015

Present:	Vito Bonafede	-	Court President
	Wally Pappas	-	Court Member
	Paddy Venske	-	Court Member
	Hector North	-	Appellant
	Johan Grundlingh	-	Clerk of Course
	Eldrid Diedericks	-	Assistant Clerk of Course
	Iain Pepper	-	Representative for Competitor North
	Michael North	-	Witness
	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

INTRODUCTION

The court members and attendees were introduced and no objections were raised against the composition of the court.

THE HEARING

This appeal, lodged by Mr. Hector North on behalf of his minor son Jordan, arises from a protest lodged by him during the National Karting Championship event held in Port Elizabeth on 27th February 2015.

It is placed on record that Mr. John Coetzee, parent of Jason Coetzee (No. 46), the competitor who was involved in an incident with Jordan North (No. 12), was requested to attend this appeal hearing and was also given the opportunity to be part of the proceedings via Skype. Mr. Coetzee tendered his apologies due to prior work commitments.

Having perused all the documentation provided (protest documents and findings, Karting Regulations and the appeal document), the Court decided to hear the Appeal in two parts:

1. An investigation of the process and procedures followed at the event in connection with the protest submitted by Mr. North.
2. An investigation of the actual incident during Junior Rok Race 3 that gave rise to the protest.

Part 1

The Court requested Mr. Hector North to outline the process and procedures that were followed by the officials at the event. Mr. North's version was corroborated by the Clerk of Course, Mr. Johan Grundlingh.

In broad terms, Mr. North had submitted an incident report to the CoC, who then made a decision that the incident could be deemed a racing incident, requiring no further action and that in his view incident reports were not permitted. Mr. North then lodged a formal protest against the Clerk of the Course's decision not to act.

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



Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, M. Rowe, Ms N. Singh, T. Sipuka – Hon. Presidents: T. Kilburn, Mrs. B. Schoeman

The protest hearing was conducted at the circuit by the two Stewards Mr. Pat Fourie and Mr. Elton Gilmer, with only Mr. Hector North (the protestor) being invited to attend. Neither the other party involved in the incident that formed the subject matter of the protest, competitor Jason Coetzee, nor his parent, were invited to attend the hearing and therefore were not present. The Clerk of the Course, Mr. Grundlingh, was also present for the entire hearing, including when the Stewards deliberated on their findings.

Part 2

The Court asked Mr. Pepper, as the nominated representative for competitor North, to provide his perspective on the incident that took place involving competitors North and Coetzee.

Mr. Pepper did so, and also offered video footage for the Court to consider.

Having asked various questions, the Court was satisfied that it was in a position to make a finding regarding the incident.

FINDINGS

Part 1

The Stewards, Messrs. Pat Fourie and Elton Gilmer, failed to hold the protest hearing in accordance with the provisions of GCRs 152 (xxii), 201 and 202 and therefore are guilty of breaching MSA's regulations.

The Clerk of the Course, Mr. Johan Grundlingh, who had already made a finding on the incident report submitted by Mr. North, was present at all times during the protest hearing, including during the Stewards' deliberations, which are supposed to be held in private. As an 'A' Grade Clerk of the Course, Mr. Grundlingh can reasonably be expected to have a good understanding of the procedures surrounding hearings and should have excused himself when the Stewards were deliberating on their findings.

It is clear to the Court that Mr. H North was not afforded the opportunity of his protest being dealt with correctly and the protest fee paid at the event is therefore to be returned to him.

The MSA officials' licences of Messrs. Grundlingh, Fourie and Gilmer are to be suspended with immediate effect and will only be reinstated following their successful re-writing of the relevant MSA officials' exams. Assuming that they are successful in having their MSA officials' licences so reinstated, their failure in this instance to follow the correct procedures should be taken into account in the event that they are found guilty of any similar infringements in the period between the date of this hearing and end December 2016.

Part 2

Competitor Jason Coetzee (Junior Rok No. 46) approached Turn 2 'hot' and was the direct cause of the incident which put competitor Jordan North (No. 12) off the circuit. Competitor Coetzee's actions constituted a breach of the 2015 MSA Karting Regulations and Specifications, with specific reference to the following clauses: Section A 11 vii), Section B 15 vii). C and F, and Section. E. 18. iv).

As a result of his actions, competitor Coetzee is penalised five (5) places for the race in question (Junior Rok Race 3) in accordance with Section A 11 iii) and vii).

The appeal fee paid by Mr. North is to be returned to him and Mr. J Coetzee, whose son's actions precipitated both the protest hearing and this appeal hearing, is ordered to pay costs in connection with this matter in the amount of R5000.

All parties are reminded of their rights in terms of GCR 212 B).

These findings were distributed at 13:30 on the 1st April 2015