



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 425

### HEARING HELD IN THE MSA BOARDROOM AT 17H00 ON 13<sup>th</sup> JULY 2016

<b>Present:</b>	Vito Bonafede	-	Court President
	Alan Kernick	-	Court Member
	Ian Scheckter	-	Court Member
	Tim Bishop	-	Appellant
	Arlene Brown	-	MSA Steward
	Wally Dolinschek	-	Defendant
<b>In Attendance:</b>	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. Tim Bishop on behalf of his minor son Tate Bishop, arises from a protest lodged by him during the National Karting Championship event held at Idube on 19<sup>th</sup> June 2016. After listening to all those present as well as viewing the documentation and presentations presented to the court, the court has decided to make a finding in two parts, namely **Part 1** that deals with the admissibility of the appeal and **Part 2** that deals with the merits of the on track incident that has been appealed.

#### FINDINGS

##### Part 1

After deliberation, the court found the appeal to be admissible. While it is true that Mr. Bishop initially paid the incorrect protest fee, the Stewards could (and probably should) have pointed out the error to him, allowed him to correct it and, if they felt it necessary, even penalised him for making the error in the first place. Had they done so, they may well have prevented the necessity for this hearing.

The court believes that Stewards should, as far as possible, adopt a 'user-friendly' approach to dealing with competitors. Where a matter which, at least on the face of it, has merit and is not dealt with due to a technicality, it inevitably creates animosity and ill-feeling, neither of which are good for the sport.

##### Part 2

Although the court is of the view that an incident probably did take place between competitors Dolinschek and Bishop (which led to Mr. Bishop's protest and appeal), the available evidence does not support a clear finding in this regard.

*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

In the circumstances, the court hereby orders that Competitor #17 Troy Dolinschek be placed under observation for a period of 12 months for any potential contravention of the Karting Driving Standards as per Section E 18 of the MSA Karting Regulations. Should he be found guilty of a driving standards contravention during this 12 month period (from the date of publication of these findings), the race officials concerned and/or an MSA court should consider withdrawing his competition licence for a period of 3 months.

**Costs**

The appeal fee is returned to the appellant, less court costs of R750-00.

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

These findings were distributed at 16:10 on the 2<sup>nd</sup> August 2016

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