



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 426 TO APPEAL THE DECISION OF THE STEWARDS TO UPHOLD A PENALTY OF EXCLUSION HEARING HELD IN THE MSA BOARDROOM AT 17H30 ON 19TH JULY 2016

Present:	Westley Pappas	-	Court President
	Vic Maharaj	-	Court Member
	Tony Taylor	-	Court Member
	Andrew Eva	-	Court Member
	Elke Van Vledder	-	Appellant
	Henry Van Vledder	-	Witness
	Graeme Nathan	-	VW Challenge Technical Committee Member
	Hannes Van Wyk	-	VW Challenge Technical Consultant
	Terry Stidworthy	-	MSA Steward
	Andrew Shillinglaw	-	Club Steward
	Carl Venter	-	Scrutineer
	Louis Smuts	-	Scrutineer
	Graham Savage	-	VW Challenge Chairman
In Attendance:	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe
Apologies :	Ken Cromarty	-	Clerk of Course

INTRODUCTION

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

THE HEARING

The court noted the apology from the Clerk of Course Ken Cromarty. Terry Stidworthy stated to the court that Ken had given Terry authority to speak on his behalf should it be necessary.

The appeal, lodged by Elke van Vledder, arises from a protest lodged by her during the Regional VW Challenge Championship event held at Zwartkops on the 16th June 2016.

The court heard from the TC Hannes van Wyk that routinely after each race the cars are moved to parc fermé. The COC asked the TC for cars placed in position 1, 2 and 3 to be checked for ride height, suspension mounting and control arm bushes after race 1.

All cars complied with the rules except for car C43 (Elke van Vledder) which was in contravention of the VW challenge rules SSR 17.17.6. The TC informed the COC of his recommendation of exclusion and the COC issued Elke van Vledder with exclusion. The TC took photos of the car which he presented to the Court.

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



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Department
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REPUBLIC OF 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

Honorary Presidents – Mrs B Schoeman, T Kilburn

A protest was then lodged by Elke. The stewards confirmed that they heard evidence from all parties and looked if there was an advantage gained. The Stewards found that advantage was gained and upheld the COC decision.

Graham Nathan was asked to look at the car as he is part of the VW technical committee and confirmed that an advantage was gained. The opportunity was afforded to Elke to inspect Graham's cars. Elke confirmed they did inspect his cars. Graham confirmed that it is standard practice for competitors to inspect each other's cars to allow for transparency within the series.

Henry stated that for competitors to inspect other competitor's cars is a conflict of interest.

Graham Savage stated the series has a TC and they rely on members on the TWG (technical working group) to assist.

Henry stated that he has inspected other competitor's cars and taken photos of the cars.

Henry stated the car was bought as is and the parts were never changed except for the bushes and spacers. The car has been through various technical checks and has always passed. The car wheel cannot move forward and an advantage cannot be gained.

After listening to all those present as well as viewing the photographic presentations presented to the court, the court has decided to make a finding as follows:

FINDINGS

Elke van Vledder's car is found to be in contravention of the VW challenge regulation SSR 17.17.6. The court is of the opinion that an advantage was gained and the COC penalty of exclusion is upheld. Elke is to score zero points for the day. The appeal is therefore unsuccessful and the appeal fee is retained.

Costs

The appellants are ordered to pay court costs in the amount of R2000.00

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

These findings were distributed at 14:30 on the 26th August 2016

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