



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort
e-mail: msa@motorsport.co.za Telephone (011) 675 2220

COURT OF APPEAL 453

HEARING HELD IN SHED 1 AT ZWARTKOPS RACEWAY ON THURSDAY 22 OCTOBER 2020 AT 17H30

Present:	Dick Shuttle	-	Court President
	Terry Wilford	-	Court Member
	Mark Cronje	-	Court Member
	Jeffrey Kruger	-	Appellant
	Mr Kruger Senior	-	Father of Jeffrey Kruger
	Craig Martin	-	MSA Steward
	Allison Vogelsang	-	MSA Circuit Sporting Coordinator
	Vic Maharaj	-	MSA Sporting Services Manager
Apologies:	Eric Schultz	-	Clerk of Course
	Amanda Coetzee	-	Club Steward

INTRODUCTION

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

The court accepted a written submission from Bradley Liebenberg which was distributed to all parties.

THE HEARING

The appeal is against the decision of the stewards to issue a 5 second penalty against competitor #20, Jeffrey Kruger, for an alleged jump start in race 3 of the GTC SUPACUP held at Red Star Raceway as part of the National Extreme Festival event of the 26th September 2020.

The Appeal is based on the following factors;

1. That he complied fully with SSR39.
2. That he was not the driver in pole position at the start of race 3 and was in fact in 7th position on the circuit.
3. That the start light signals at the start of race 3 were not visible to him as envisaged in article 14 of Appendix H in the GCR's.
4. That he maintained his correct starting position at the start of race 3 and did not improve on his allocated starting position as envisaged in SSR39 (D) (ii).
5. That he did not accelerate as envisaged in SSR39 (D) (iii) and submits that SSR39 (D) (iii) should be read together with the provisions of SSR39 (D) (ii) and the prohibition on improving one's allocated starting position or the disposition of the cars as determined by the starter.
6. That the starter was satisfied with the disposition of the cars at the start of race 3 and the start lights were extinguished in terms of SSR 39(D) (iii) read together with GCR 160(iii).

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Department:
Sport, Arts and Culture
REPUBLIC OF SOUTH AFRICA

Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), F. Alibhai, R. Beekun, FC. Kraamwinkel, G. Hall, A. Harri, Dr G. Mills, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

7. That the driver in pole position in the GTC class was required to ensure the field was well bunched and that he did not exceed 100km/h as he approached the start line.
8. That any alleged acceleration prior to the starting lights being extinguished was only as a consequence of:
 - a. the start lights were not visible as envisaged in article 14 of Appendix H in the GCR's and
 - b. that he was attempting to ensure that the field was well bunched as envisaged in SSR39 (D)(ii).

It is the opinion of the appellant that the stewards failed to appreciate in dismissing his protest that;

9. He was not the pole position driver as envisaged in SSR39. He started Race 3 in 7th position.
 - 9.1 He maintained his correct starting position and did not improve on his allocated starting position.
 - 9.2 The light signals at the start of race 3 were not visible as envisaged in article 14 of Appendix H of the GCR's.
 - 9.3 The driver of the pole position car of the GTC class did not slow down sufficiently to ensure the field was well bunched.
 - 9.4 The starter was satisfied with the disposition of the cars at the start of race 3 and he extinguished the red starting lights signaling the start of race 3 as envisaged in SSR39 (D) (iii).
 - 9.5 He gained no advantage over any other competitor at the start of race 3. He started race 3 as the 7th car on the circuit behind the GTC cars and entered turn 1 in the same position.

The submission by Bradley Liebenberg was discussed and the court thanks Mr. Liebenberg for his input. In his submission and with specific reference to items 6 and 7 he makes reference to on-board footage that he submitted.

Jeffrey Kruger was also asked to explain the entire chain of events leading up to the start of race 3. All parties viewed the footage together including the MSA Steward, Craig Martin.

FINDINGS

Having studied the submitted footage the court finds that it was apparent that the start lights were extinguished before competitor #20, Jeffrey Kruger, accelerated.

Regarding the question of whether competitor #20 held his position of pole for the GTC SUPACUP and 7th for the entire grid, the court finds that competitor #20 had very little choice but to accelerate once he realised the lights were not on and the main GTC field was already over the start line and at least 100 metres ahead.

It would seem from evidence given by Jeffrey Kruger the instructions given by the Clerk of the Course regarding where to position the "second Grid" behind the GTC field were not totally clear. They were evidently told not to get too close to the main field.

This meant that the start lights were extinguished before the GTC SUPACUP field had taken the last turn as evidenced in the footage.

Therefore, it is the decision of the court that:

1. The penalty against Jeffrey Kruger, competitor #20, be overturned and the race results adjusted accordingly.
2. His appeal fee should therefore be refunded less administration costs of R1000.00 as per Appendix R 12 (iii)

3. The court further advises the GTC management to review the procedure of rolling starts with respect to combined classes.
4. With respect to race day administration the court finds the submitted documentation to be sadly lacking in the following areas;
 - a) The incident report submitted by Bradley Liebenberg was not receipted correctly by a race official or the race secretary.
 - b) The penalty is also poorly transcribed with information lacking.
 - c) There is no receipt signature for the protest fee.
 - d) The reference by the stewards in their findings is incorrect. They make reference to GCR 208 when it should be GCR 212 (A)

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

These findings are distributed via email on 30 October 2020 at 17h20

Ref. 162296/158