



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 457

HEARING HELD VIA ZOOM ON THURSDAY 24 JUNE 2021 AT 17H30

Present:	Paddy Venske	-	Court President
	Neville Townsend	-	Court Member
	Karen Vorster	-	Court Member
	Derek Wilson	-	Appellant (Father of Competitor)
	Matthew Wilson	-	Competitor
	Greg Orsmond	-	Alternate Steward
	Lizelle van Allemann	-	Clerk of Course
	Miranda du Plessis	-	Event Secretary
	Wian du Plessis	-	Route Marker
	Carmen Hill	-	MSA Non-Circuit Sporting Coordinator
	Vic Maharaj	-	MSA Sporting Services Manager
Apologies:	Eldrid Diedericks	-	Alternate Steward
	Dick Shuttle	-	Alternate Steward

INTRODUCTION

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

FINDINGS

With regards to the above mentioned Court of Appeal No 457 and after hearing all the evidence, we the court find as follows:

- 1) With regards to the Alternate Stewards Protest hearing and findings handed down on the 30 April 2021 we do not agree with their findings.
- 2) It is evident that all the mitigating circumstances were not taken into account.

Therefore, state the following;

SSR351 g) xii - Evidence provided in an Affidavit to the Court in that the GPS was found on circuit and was in the possession of the Route Director on the Sunday after the event and that the Route Director had requested all GPS's to be handed in by the Monday after the event, therefore the application of the said SSR is not valid.

However, the said GPS was found to be damaged and could not be downloaded to extract the information required by the officials.

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



Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial), Mrs. D Abrahams, A. Harri, M. Hashe, FC. Kraamwinkel, Dr G. Mills, C. Oates, R. Schilling, Ms M. Spurr, S. Themba

The GPS was taken to Garmin, by the competitor, and they managed to extract the route taken until it had fallen from the competitor, the evidence had shown that the competitor had complied with the route till then. The Court deliberated the SSR's applicable to the GPS requirements for the event. SSR 345 a) The competitor started the event with a Commission approved GPS as per the regulations. Actually he complied in its entirety with SSR 345.

The Court also took note that on discovery that the GPS was missing, it was immediately reported to race control, the reason given is that the competitor wanted the officials to note his honesty at that point instead of waiting until the end to report it.

Without the evidence of a GPS compliant map we studied the lap time sheets and as can be seen there was absolutely no reason to believe that the competitor had deviated from the control route and this was also confirmed by the Clerk of Course and Route Director.

The Court therefore finds that the penalty applied by the Alternate Stewards to be incorrect and that the Competitor Mr Mathew Wilson is not guilty of the said offence and that he be reinstated as per the original results of the event. Prior to imposition of penalties.

Appeal fees, less 10 % administration fee, to be refunded to Mr. M Wilson.

Furthermore, the court would like to make the following suggestions to the Commission to adjust the SSR's so as to eliminate the ambiguity which was the crux of this Appeal.

It is further recommended that these adjustments, if accepted, be distributed before the next event.

1) SSR 345 a) – For safety reasons as well as protection of the landowners and for competitor accuracy tracking that the use of a Commission approved Garmin GPS device will be compulsory at all events. No competitor may compete without an approved and fully operational Garmin GPS device from the start of the race to the end of the race indicating the entire track or route/s taken during the entire race.

2) SSR 345 b) – The onus is on the competitor to ensure the GPS is mounted or stored in such a way as to avoid loss or damage or accidental loss of track records. Multiple use of approved GPS is allowed.

3) The onus is on the competitor to ensure that the GPS device is in good working order for the entire duration of the race meeting.

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

These findings are distributed via email on 06.07.2021 at 12h00

Ref. 162534/098