



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

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MSA COURT OF ENQUIRY 1196

HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 17:30 ON 12th JULY 2017

Present:	Steve Miller	-	Court President
	Joy Dolinschek	-	Court Member
	Tony Norton	-	Court Member
	Eugene van Zyl	-	Competitor (Defendant)
	Byron Zimmerman	-	Competitor (Defendant)
	Phil Herholdt	-	Clerk of the Course
	Brendon van Eeden	-	Assistant Clerk of the Course
	Ian Long	-	Clubman Chairman
	Freddie van Zyl	-	Witness
	Alton Philander	-	Witness
	Patrick Newman	-	Witness
In attendance:	Lizelle van Rensburg	-	MSA Scribe

INTRODUCTION:

The Court President introduced himself and the other court members. There were no objections to the composition of the court.

1. THE HEARING

Motorsport South Africa has convened a Court of Enquiry in terms of GCR 211 to investigate, inter alia whether:

- a. Whether Mr Eugene van Zyl has breached the General Competition Rule GCR 172 (iv), 172 (vi), 172 (vii) or any other GCR in relation to both on and off track incidents that took place at the WPMC Powerseries event on the 03rd June 2017.
- b. Whether Mr Byron Zimmerman has breached the General Competition Rule GCR 172 (iv), 172 (vii) or any other GCR in relation to both on and off track incidents that took place at the WPMC Powerseries event on the 03rd June 2017.

2. Having heard the representations of the persons present the Court determined:

- a. That there was clear, unequivocal, and acknowledged evidence of multiple on-track incidents between Messer's van Zyl and Zimmerman. This was substantiated by the

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Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), P. du Toit, D. Easom, J. Fourie, G. Hall, A. Harri, M. Rowe, R. Schilling, Ms N. Singh, Ms M. Spurr

video evidence provided which indicated that both were at times the aggressor and the victim.

- b. There was clear evidence that Mr Zimmerman wittingly drove into the rear of Mr van Zyl's vehicle on the slow down lap. Mr Zimmerman admitted to this behaviour both in his incident report on the day and verbally to the Court.
- c. There is evidence, substantiated by witnesses, that Mr van Zyl accosted Mr Zimmerman in parc ferme and verbally threatened him. Mr van Zyl admitted to this behaviour during Court proceedings. There is no evidence or claim that Mr van Zyl "made good" on his verbal threats.
- d. There was some suggestion of minor procedural impropriety in the administration of justice. Mr van Zyl in particular questioned the presence of Mr Zimmerman's parents at the CoC's hearing and also questioned the legitimacy of Mr Zimmerman's father submitting an incident report.
- e. There was evidence that persons other than the drivers and officials entered parc ferme unauthorised and that the exercise of parc ferme authority may have been inconsistent.

3. FINDINGS:

- a. Both Messer's van Zyl and Zimmerman acted in a manner prejudicial to the interests of MSA and motor sport generally. Both engaged in intimidating behaviour, one by means of on-track aggression and the other via off-track threats. Both behaviours are viewed in an especially negative light by MSA. Both are clearly in breach of GCR 172 iv). Accordingly:
 - i. The Court upholds the CoC's decision to exclude Mr Zimmerman from the results of the day. The Court further precludes Mr Zimmerman from participation in any class of motorsport until the 30th October 2017.
 - ii. The Court upholds the CoC's decision to exclude Mr van Zyl from the results of the day. The Court commutes Mr van Zyl's sentence from exclusion until January 2018 at Killarney to preclusion from participation in any class of motorsport until the 30th October 2017.
- b. The Court is satisfied that all hearings were conducted satisfactorily and that the officials conducted themselves in exemplary fashion. Given that they made no representation during the hearing the Court does not believe that the presence of the Zimmerman parents was either materially influential or prejudicial to the outcome of the hearing. However, the submission of an incident report by a person other than an official or a driver is highly unusual and the Court urges that this behaviour should be discouraged by the officials in future.
- c. GCR 252 provides simple and clear guidelines for managing the parc ferme. The officials on the day are encouraged to exclude persons other than drivers from the area until the Clerk of Course, Technical Consultant or Chief Scrutineer has declared parc ferme conditions over. We remind officials and competitors that the CoC has the right to exclude any competitor who flaunts these rules.

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

These findings are published via email on 26/07/2017.