



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. P.O. Box 6677, Weltevreden, 1715
e-mail: msa@motorsport.co.za Telephone (011) 675 2220 Fax: (011) 675 2219, National Number: 0861 MSA MSA (0861 672 672)

COURT OF ENQUIRY 1205

HEARING HELD IN CAPE TOWN AT THE MSA REGIONAL OFFICE ON MONDAY 13th NOVEMBER 2017

Present:

Sparky Bright	-	Court President
Charmaine Haupt	-	Court Member
Wayne Arendse	-	Court Member
Andre Doubell	-	Chief Marshal
Tony Norton	-	MSA Steward
Robert Marle	-	Service Park Manager
Kes Naidoo	-	Competitor
Wayne Westgate	-	Marshal

In attendance: Lizelle van Rensburg - MSA Scribe

INTRODUCTION

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

THE HEARING

On the 3rd November 2017, Motorsport South Africa ("MSA") enrolled Court of Enquiry 1205 ("the Enquiry") to investigate the alleged abuse of an official at the Caledon National Rally on the 23rd September 2017. This is the written judgment of Court of Enquiry 1205. The enquiry took place on 13th November 2017 between approximately 18h00 and 18h35.

EVIDENCE RECEIVED

Mr Bright stated that, during Caledon National Rally on the 23rd September 2017, an incident had taken place where by it is that Mr Westgate was allegedly verbally and physically abused by a competitor's service crew.

The Court received the original report that had been handed to Mr Doubell.

Mr Westgate stated that he asked the vehicle that was trying to enter the service park at the exit side to leave and enter at the correct entry. At this point the occupants of the car became aggressive, verbally and put their hands on Mr Westgate's chest and said they would f&*k him up and m*&r him. He further stated that other competitors had come to help defuse the situation.

Mr Westgate presumed it was members of a competitor's service crew. As the vehicle was not marked he felt the vehicle should not be in the service area. After Mr Westgate was asked how he knew they were part of crew and not spectators, he stated that they went to a specific vehicle, a Toyota in the pits. Mr Westgate upon being asked whether he got the competitors cars competition number, stated that he was too busy and had not done so.

Mr Westgate stated that a person had come to him and apologized and said "it's because they are stressed". Mr Westgate thanked the person but had said "it's not ok. Apology doesn't mean anything, they publically

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), D. Easom, J. Fourie G. Hall, A. Harri, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Van der Merwe

assaulted me. I told him I am going to put in an incident report". When asked, Mr Westgate did not know the position of the person who had apologized to him on the event or his name, but it was not the person that had assaulted him. Mr Westgate was asked who he handed the report to, and he said he did not know the gentleman's name.

Mr Doubell was asked how he had become in possession of the report, he stated that the Clerk of the Course, Mr Rikus Fourie had handed it to him after the event. The court noted that MSA did not call Mr Fourie to the hearing, this is pity as he had something to answer to.

Mr Norton stated that the letter was raised at the 3rd Stewards meeting, and it was stated by Mr Terblanche that he would deal with the matter after the event, as the competitor had already left due to retiring from the rally. He further stated that the situation had been entered in the minutes of the 3rd Stewards meeting.

Mr Naidoo stated that he had seen navigator Mr Rafick Mia having words with Mr Westgate and approaching him, both Mr Naidoo and Mr Mia got to Mr Westgate at about the same time. Mr Mia is the navigator for Mr Rihaan Amlay (Car No. 433).

Mr Naidoo had witnessed Mr Mia verbally abusing Mr Westgate as he was unhappy about Mr Westgate's decision not to allow the vehicle into the service park area through the exit point. Mr Naidoo had not seen what had happened earlier. Mr Naidoo further stated that he thinks, the person referred to earlier with regards to the verbal and physical assaults was Mr Abduragmaan Amlay, but this was hearsay. Mr Naidoo further stated that Mr Amlay is the Team Manager of 3 cars.

FINDINGS

Having heard all the parties and viewed the evidence presented, the court finds as follows:

1. The Jury that sat at the third (3rd) Stewards meeting, held after the said event erred by conceding to allow the club to handle a matter that is a clear transgression of the Sporting Regulations. This could have, and should have been dealt with by the relevant officials on the day.
2. Competitor Rafick Mia is found to be in contravention of GRC 172x.
3. Mr Abduragmaan Amlay as a father Mr Rihaan Amlay and Team Manager of car number 433 is in contravention of GRC 172x.

RULING

1. The MSA Steward, Mr Norton, is reprimanded for not dealing with the matter after the third Stewards meeting.
2. Mr Mia's competition licence is withdrawn until the 31 May 2018.
3. Mr Abduragmaan Amlay is restricted from entering any official area at rally events until the 31st May 2018.
4. Both findings in points 3 and 4 above are suspended for twenty-four (24) months on condition that the said parties, their families, team members, friends are not found guilty of a similar breach of the regulations during the period of suspension.
The net effect of this ruling, that should either of the two (2) persons, their team members, friends or family become abusive again in the next twenty-four months, this six-month ban will come into effect immediately.
5. Mr Mia is further ordered to pay court costs in the amount of R750.00

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

These findings are distributed via email on 04th December 2017.

161355/098