



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

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MSA COURT OF ENQUIRY 1209

HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 20:00 ON 23rd JANUARY 2018

Present:	Joy Dolinschek	-	Court President
	Tony Norton	-	Court Member
	John Coetzee	-	Court Member
	Ian Long	-	Clerk of the Course
	Carel vd Merwe	-	Assistant Clerk of the Course
	Stephanie vd Merwe	-	Race Secretary
	Paul Lehmann	-	MSA Steward
	Pierre Voight	-	Club Steward
	John Beighton	-	Competitor
	Daniella de Sousa	-	Competitor
	Freddie de Sousa	-	Father of Competitor
	Gideon Greef	-	Pit Assistant
In attendance:	Lizelle van Rensburg	-	MSA Scribe

INTRODUCTION:

The Court President introduced herself 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:

- The incident in race 1 of the 2.1 Modified Saloon Class at the CHD Tar Oval event held at Killarney on the 02nd December 2017 whereby a competitor was incorrectly given a black flag and all decisions taken by all the officials with regards to this incident.

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

2. EVIDENCE LEAD

- a) Mr Ian Long, in his capacity as Clerk of the Course stated that on the first lap of the race he received a radio report from a marshal and the assistant Clerk of the Course that competitor R Griessen had 'taken out' competitor Rauch.
- b) Acting on this information he deployed the black flag against competitor Griessen. Griessen left the circuit.
- b) That the purported action by competitor Griessen posed an unsafe condition to continue the race until the circuit had been cleared and rendered safe again.
- c) That he instructed the deployment of the red flag to indicate to competitors that the race was under 'safety status' conditions.
- d) That once the circuit had been cleared the 'safety status' was withdrawn and the race continued.
- e) Subsequent to this he (Mr Long) was shown footage which caused him to investigate the incident and became aware that competitor Griessen had not been involved or 'taken out' competitor Rauch. Indeed competitor Rauch had taken himself 'out'.
- f) The Clerk of the Course, assistant Clerk and the MSA Steward convened and concluded that the race should be declared null and void.
- g) Ms Stephanie vd Merwe, in her capacity as Race Secretary stated that she had completed the required documentation on the instruction of the Clerks and the MSA Steward and posted same for the signature of all the competitors in the 2.1 Modified Saloon class.
- h) Competitors SA1 (A29) and A46 refused to sign the document and tendered incident reports.
- i) Mr Paul Lehmann, in his capacity as MSA Steward heard/handled these incident reports and upheld the decision to declare the race null and void.

3. COURT REFERENCES

- a) GCR 152 xxvii) and xxviii)
- b) GCR 151 ii)
- b) OT 11.7.5. BLACK FLAG

4. COURT FINDINGS

- a) The Court finds that the involvement of the MSA Steward in the hearing to declare race 1 null and void was acceptable and within his powers.
- b) That the decision of the MSA Steward to 'hear' the two incident reports was perhaps not entirely appropriate. Incident reports should ideally be dealt with by the Clerk of the Course. The Court nevertheless understands that the MSA Steward had been party to the decision to declare the heat null and void and was therefore in a position to discuss same with the incident reports tenders.
- c) The incident reports originated due to the competitors being unwilling to sign the notice advising of the decision to declare the heat null and void. Ideally the competitors should have protested this decision.

- d) The MSA Steward erred by not including the Club Steward in the various hearings and decision making. For this he is severely reprimanded.
- d) The Court finds that the Clerk of the Course erred in the premature use of the black flag – OT 11.7.5.3 and OT 22.12.
- e) The Clerk of the Course erred in his application of the 'Red' flag to indicate SAFETY STATUS RACING. – OT 22.4. For this the current suspension of his officials licence is extended for a further 3 months after which he must rewrite and pass all of the MSA Exams for the facets in which he is involved.

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

These findings are published via email on 07th February 2018.

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