



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1229 HEARING HELD AT SASCOC AUDITORIUM ON 01 NOVEMBER 2019

Present:	Steve Miller	-	Court President
	Zamile Qwemesha	-	Court Member
	Nomkhosi Nharmuravate	-	Court Member
	Iain Pepper	-	Court Member
	Michael North	-	Club Steward
	Denise Abrahams	-	Mother of competitor Mika Abrahams
	Farouk Abrahams	-	Father of competitor Mika Abrahams
	Cheryl Adams	-	Mother of competitor Troy Snyman
	Tinus Snyman	-	Father of competitor Troy Snyman
	Maysurah Wally	-	Mother of competitor Muhammad Wally
	Muhammad Wally	-	Competitor
	Mike Morrell	-	Father of competitor Matthew Morrell
	Malaika Motlekar	-	Mother of competitor Ghazi Motlekar
	Mandla Mzama	-	Mechanic for competitor Wally
	Elvis Macshinga	-	Mechanic for competitor Wally
	Corrie Liebenberg	-	Observer
	Charmaine Rossouw	-	MSA Scrutineer
	Justice Mponda	-	Mechanic for competitor Snyman
	Laren Odendaal	-	Witness
	Alistair Simpson	-	Witness
	Dick Shuttle	-	MSA Karting Commission President
In Attendance:	Allison Atkinson	-	MSA Scribe
	Adrian Scholtz	-	MSA CEO
	Anton Roux	-	MSA Chairman
	Vic Maharaj	-	MSA Sporting Services Manager

INTRODUCTION

The President introduced the Court. No objections were recorded.

1. The Evidence

The Court heard evidence from eye witnesses and viewed the available video evidence and concludes that:

- 1.1. At the conclusion of heat one, competitor Snyman was found to be underweight after three weighing attempts. This fact is attested to by the video evidence and the accounts of eye witnesses.

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



Department:
Sport and Recreation South Africa
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

- 1.2. Competitor Snyman left the official weighing area underweight, the recollection of the weighing official notwithstanding.
- 1.3. Competitor Snyman subsequently returned to the weighing area from parc ferme and was found to be above the minimum weight.
- 1.4. Allegations of improper behaviour, to wit the illegal tampering with the kart to assist it to make the minimum weight, were made by competitor Wally, and a protest was submitted to the Stewards.
- 1.5. The Stewards reviewed the available evidence and eye witness accounts and ruled that Snyman was underweight, and that there were indications that improper behaviour had indeed occurred.
- 1.6. The Stewards excluded Snyman from the results of the first heat, and ordered that he begin heat two from the back of the field.
- 1.7. Snyman did not appeal the Stewards' findings.
- 1.8. Snyman accepted the penalty and started the second heat from the back.

2. The Findings

Accordingly the Court finds that:

- 2.1. Competitor Snyman was underweight.
- 2.2. The penalty applied by the Stewards for this infraction was correct as per the 2019 National Karting Championship Regulations and Specifications (161793/144), article 11; and SARMC Sporting Regulation V3, rule 34.
- 2.3. The penalty levied by the Stewards was correctly applied.
- 2.4. On balance of probability, some improper behaviour did occur.
- 2.5. For a National karting event the security at and management of the weighing area was woefully inadequate. It is undesirable that multiple weighing attempts should be made for any individual competitor. It is unacceptable that a competitor can leave the weighing area and then be allowed to return, for any reason whatsoever.
- 2.6. Access to parc ferme was lax and that the system in place to limit the number and nature of individuals in this area was inappropriate.

3. The Verdict

The Court rules that:

- 3.1 The underweight penalty applied to competitor Snyman stands.
- 3.2 That whilst the video evidence was not conclusive on what was exchanged between competitor Snyman and his mechanic, and the eyewitness accounts differed on what exactly was exchanged, on balance of probabilities some form of improper behaviour did occur in contravention of GCR 172 iv) and 172vi) which resulted in competitor Snyman being above the minimum weight requirement.
- 3.3 The security and management of the weighing area needs serious and immediate attention.
- 3.4 Access to the parc ferme needs to be strictly controlled and further limited. The promoters and organisers of events are instructed to institute a viable system of control that ensures that the number and nature of helpers is limited and controlled. Ideally a system of colour-coded wristbands per individual racing class should be implemented to ensure correct, limited, and fair access to parc ferme.

4. The Penalties

The Court accordingly imposes the following penalties:

- 4.1 Competitor Snyman is excluded from all forms of MSA-sanctioned karting competition for 3 months, beginning January 2020.
- 4.2 Such sentence to be suspended for 6 months provided Snyman is not convicted of any further transgression of GCR172.
- 4.3 Competitor Snyman is fined a sum of R10,000-00, such fine is to be paid to the MSA in accordance with the GCR's.
- 4.4 Costs in the amount of R10,000 are awarded against Competitor Snyman, and payable to MSA.
- 4.4 The scale official is hereby officially reprimanded and enjoined to apply far greater rigour in the execution of her duties.

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

These findings are distributed via email on 20 November 2019 at 15h40

Ref. 162057/158