



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1248

HEARING HELD ELECTRONICALLY VIA ZOOM ON MONDAY 22nd FEBRUARY 2021 AT 17h30

Present:	Tony Taylor	-	Court President
	Adv. Thembelani Mayosi	-	Court Member
	Richard Vaughan	-	Court Member
	Janet Buys	-	Court Member
	Eric Schultz	-	Clerk of the Course
	Peter Collings	-	Event Secretary
	Roger Pearce	-	SAES Promoter
Absent:	Gareth Pearce	-	Defendant
	Zane Pearce	-	Defendant
In Attendance:	Lizelle van Rensburg	-	MSA Sport Coordinator
	Vic Maharaj	-	MSA Sporting Services Manager

INTRODUCTION

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

Neither Mr Gareth Pearce nor Mr Zane Pearce were in attendance at the scheduled start time. The court then waited a further five minutes and proceeded with the matter at hand in terms of GCR220, which states: *"The hearing may proceed to judgement in default of appearance by any party or witness"*.

THE HEARING

The court was convened to investigate an allegation that Mr Gareth Pearce participated at the South African Nine Hour held at Killarney on 05th December 2020, whilst not in possession of a valid competition licence and that Mr Zane Pearce, the entrant, knowingly allowed his participation.

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



Department of
Sport, Arts and Culture
REPUBLIC OF 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

Mr Collings, the Event Secretary, confirmed that, in his perusal of the lap times, he found that car # 2 had three drivers whilst the entry form only showed two drivers, namely Mr Zane Pearce and Mr Thouca Mechanicos. He informed the court that, after having spoken to Mr Zane Pearce, it was confirmed that Mr Gareth Pearce was, in fact, the third driver and that he had participated in the event, as alleged.

Documentation presented to the court by MSA unequivocally confirmed that Mr Gareth Pearce was not in possession of a competition licence valid for the category in which he had participated.

The court questioned the three officials present in order to understand the system used to ensure that an unlicensed driver, or a driver that had not entered, would be prevented from actually taking part in the event.

FINDING:

The Court was satisfied that Mr Gareth Pearce had taken part in the event in question whilst not being in possession of the requisite competition licence and that Mr Zane Pearce, the entrant, should have been aware of this fact. That neither of the defendants chose to attend the proceedings was to their detriment as they could not present any defence against the allegations.

The court was satisfied that the organisers and officials had taken all the steps required of a reasonable man and as such no blame could be apportioned to them in this instance. They were advised to revisit their system to ensure an even more rigorous procedure to prevent a re-occurrence.

The court, in deliberating, regarded the absence of a competition licence on the part of Mr Gareth Pearce as an extremely serious offence. The ramifications and liability that MSA, the organisers and officials could have been subjected to, had Mr Gareth Pearce been involved in an incident where either he, or a fellow competitor, was seriously or fatally injured due to Mr Gareth Pearce's on-track actions were far reaching.

Similarly, the behaviour of Mr Zane Pearce, in allowing Mr Gareth Pearce to participate in the event whilst not in possession of the required competition licence is regarded in as serious a light as that of Mr Gareth Pearce's actions.

It was determined that Mr Gareth Pearce and Mr Zane Pearce, the entrant who allowed Mr Gareth Pearce to compete without holding the requisite MSA competition licence, had contravened GCR 58 (ii), GCR 121 (i), and GCR 172 (ii) c).

THEREFORE:

1. Car # 2 and its drivers are hereby excluded from the results of the SAES event held at Killarney on 05th December 2020 and MSA is instructed to ensure that the results are amended to reflect this exclusion. Any awards made to the team and/or its members are to be returned to the Organiser within seven days of this finding being published.
2. In terms of GCR 184, Mr Gareth Pearce is suspended from holding a competition licence from MSA for a period of five years from the date of publication of these findings. Mr Gareth Pearce is further fined an amount of R10000, of which R8000 is suspended for a period of five years provided he does not contravene any GCR that relates to the holding of a competition licence.

3. In terms of GCR 184, Mr Zane Pearce's competition licence and entrants licence is hereby suspended for a period of five years from the date of these findings first being published. Subject to Mr Zane Pearce not being found to have contravened any GCR, SR, SSR or other rule relative to an un-licenced participation in a motorsport event whether it relates to himself or a person participating in any team of which he is the entrant or deemed entrant, three years of this suspension is in itself suspended for a period of five years. The import of this is that Mr Pearce may not participate in any form, in any event, held under the auspices of MSA for the period commencing on the date of these findings first being published through to and including the 31st December 2022.
4. Administration costs of R2000 are levied against Mr Zane Pearce.

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

These findings are distributed via email on 9 March 2021.

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