



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

[www.motorsport.co.za](http://www.motorsport.co.za)

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## MSA COURT OF ENQUIRY 1251

HEARING HELD ELECTRONICALLY VIA ZOOM ON WEDNESDAY 01<sup>st</sup> SEPTEMBER 2021 AT  
17h30

<b>Present:</b>	Adv. Francois van der Merwe	-	Court President
	Adv. Thembelani Mayosi	-	Court Member
	Ian Richards	-	Court Member
	Johan Fourie	-	Court Member
	Brendon van Eeden	-	Clerk of the Course (Defendant)
	Joy Dolinschek	-	MSA Steward
	Charmaine Haupt	-	Club Steward
	Sean Lavis	-	Timekeeper
	Tim Bishop	-	Father of Competitor Tate Bishop (Complainant)
<b>In Attendance:</b>	Lizelle van Rensburg	-	MSA Sport Coordinator
	Vic Maharaj	-	MSA Sporting Services Manager

## INTRODUCTION

1. Motorsport South Africa convened a formal enquiry to investigate the following:
  - 1.1 If Mr Brendon van Eeden, GTi Challenge Clerk of the Course, and/or Mr Brian Hoskins, Overall Clerk of the Course, committed a breach of article 11.3 of the Club Standing Supplementary Regulations WPMC GTi Challenge Championship Version 1 and/or SSR 43 of PART XII – STANDING SUPPLEMENTARY REGULATIONS APPLICABLE TO RACE MEETINGS FOR CARS AND MOTORCYCLES in race 1 of the GTi Challenge races at the WPMC Powerseries event (“**the event**”) on the 10th July 2021.
  - 1.2 If a breach of the motorsport regulations as per item 1 above did in fact occur, what action/s should have been taken/should be taken to rectify the situation.
2. This enquiry was called by MSA under circumstances where no formal protest was lodged in terms of Part IX of the MSA General Competition Rules (GCR’s).

*MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN 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, S. Themba, G. Waberski

3. Parties are reminded of the fact that they should always follow the correct procedures in respect of protests and that this judgment should not be viewed as setting a precedent whereby a party may circumvent the GCR's in future instances.
4. Nevertheless, this Court is seized with the matter and has considered same after hearing evidence from the parties involved. There is no need to repeat the evidence as the facts are common cause.

#### **THE COMMON CAUSE FACTS**

5. The following facts are common cause:
  - 5.1 Race 1 of the event was red flagged after two laps had been completed. ("Part 1 of the Race");
  - 5.2 Part 1 of the Race was in essence declared null and void by the Defendant, being the Clerk of the Course, Mr van Eeden;
  - 5.3 The race was restarted ("Part 2 of the Race") with less than the minimum required competitors, as set out in paragraph 10 of the SSR's of the WPMC GTi Challenge Championship ("the SSR's").
  - 5.4 As Part 1 of the Race was declared null and void, competitor Tate Bishop was not considered for a bonus point in terms of paragraph 12 of the SSR's for his fastest lap in Part 1 of the Race.
  - 5.5 Circuit Racing SSR's paragraph 43 (ii) states that:
    - 5.5.1 If more than two laps have been completed but less than 75% of the scheduled distance or time:
      - 5.5.1.1 The race shall be deemed to be in two distinct parts. The classification of the first part shall be determined at the conclusion of the lap prior to the red flag being given.
      - 5.5.1.2 Unless the regulations specify to the contrary or the Stewards of the Meeting rule otherwise, all vehicles will be in a parc fermé between the two parts of the race. A new starting order will be established by the Timekeepers taking the above into account. Only those still competing at the end of the first part of the event and who arrive at the pits under their power and using an authorised route, will be allowed to compete in the second part. No reserve vehicles will be permitted.
      - 5.5.1.3 The distance or time of the second half will be that required to complete the scheduled distance or time and the combination of the two parts will be the basis for final classification.
  - 5.6 There was a clear failure on the part of the Clerk of the Course to apply paragraph 43 of the Circuit Racing SSR's in that Part 1 of the Race should have been combined with Part 2 of the Race to determine the final results.

- 5.7 The Defendant states that he was monitoring the cameras, and that he was running up and down to ensure that the cars were in the correct position. On the day he miscalculated the countback. He explained to the drivers on the grid that he was going to restart the race, in other words, that he was going to disregard Part 1 of the Race.
- 5.8 Only after Part 2 of the Race had already started did the Defendant consult the relevant SSR's and realised that he made an error.
- 5.9 The explanation by the Defendant in this regard is unsatisfactory. It is the Defendant's responsibility to ensure that the SSR's are followed correctly. Nothing prevented the Defendant from consulting the SSR's prior to the start of the race. It is also troublesome that the Defendant was watching the cameras and not attending to his duties as the Clerk of the Course.

#### **FINDINGS OF THIS COURT**

6. This Court accordingly makes the following finding:
- 6.1 Part 1 of the Race is declared to be valid;
- 6.2 The final classification shall be the combination of the two parts;
- 6.3 Any championship points shall be awarded on the basis that the Race did in fact start with 6 (six) starters as required.
- 6.4 All championship points that may have been earned in Part 1 of the Race shall be awarded accordingly.
- 6.5 The Defendant, Mr van Eeden is suspended for a period of 1 (one) year.
- 6.6 Prayer 6.5 is suspended for a period of 1 (one) year, on condition that the Defendant does not breach the GCR's, SSR's and/or the applicable SR's within the 1 (one) year period.
- 6.7 Should the defendant commit a further breach within the 1 (one) year period, prayer 6.5 of this order will be imposed on the defendant in addition to whatever sanction is ordered against the defendant at that stage.
- 6.8 The Defendant is to be assisted by a Grade A Clerk of the Course for his next 3 (three) events.

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

These findings are distributed via email on 20<sup>th</sup> September 2021.

**Ref. 162557/098**