



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 396:

TO INVESTIGATE THE APPEAL LODGED BY MR ROSS BRANCH (2012 MANTSHWABISI OFFROAD MOTORCYCLE EVENT ON THE 21ST AND 22ND JUNE 2012)

HEARING HELD IN THE MSA BOARDROOM, 9 MONZA CLOSE, KYALAMI PARK AT 14H00 ON MONDAY, 05TH NOVEMBER 2012.

| | | | |
|----------|-------------------|---|---|
| Present: | Willie du Plessis | - | Court President |
| | Elza Thiar | - | Court Member |
| | Brian Cook | - | Court Member (Absent) |
| | Kevin Branch | - | Father of Competitor Ross Branch |
| | Lauren Branch | - | Sister of Competitor Ross Branch |
| | Charles Bender | - | Representative of Brian Cocker |
| | Ian Smith | - | Representative and Father of Ruan Smith |
| | Ian Venter | - | Entrant – The Roost Gemini KTM |
| | Carmen Hill | - | MSA Scribe |

All present accepted the court composition.

Having gone through the documentation and the hearing on Monday 5th November 2012, the following observations were made:

- None of the officials from the event bothered to attend the appeal court
- The Clerk of the Course's decision to restart 3 competitors and give them new start times are not provided for in the regulations. Having done this and to be fair to the competitors they should be scored on their restarted times. If the CofC refused them a new restart time they may have left immediately and not at the later restart time. It is not clear how long this time was. In fact they may have withdrawn. Fact remains that at that time they had to go by the CofC's decision.
- The problem leading up to this Appeal was also a problem in 2011 and the organizers were well aware of this, yet let it happen again.
- The Court found it impossible to reconstruct the sequence of events accurately, including timing, due to the fact that a lot of documents / Results have no date or time on them. Results not signed / dated by CofC / Stewards.
- The Stewards erred by not having all affected parties in first protest hearing. They then heard a second protest with the "other" party against their own and again did not include all the affected parties.
- The Stewards reversed / modified their own decision taken in Protest 1. This is unheard of. Stewards can hear multiple protests but not against their own earlier decision.
- It also appears that the Stewards heard inadmissible protests (Out of time and Collective protests). This perpetuates the impression with competitors that this is procedurally acceptable.
- Competitors and Officials are clearly not up to date with the regulations, particularly with the Protest and Appeal procedures. Competitors are ill advised about when to protest or appeal by senior officials.
- The Northern Regions Sub Committee has no mandate to change results authorized by the Stewards of the event and can at best call for a Court of



Motorsport South Africa is the only recognised motorsport Federation in South Africa

Directors: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. Doig, J. du Toit, M. du Toit, P. du Toit, D. Lobb, N. McCann, C. Pienaar, B. Sipuka, D. Somerset, L. Steyn – Hon. Presidents : T. Kilburn, Mrs. B. Schoeman

Enquiry or express an opinion. They may also question the competence of Officials re future appointments.

Findings are as follows:

- The Court is unable to establish clearly whether competitors Branch, Garland and Young made a mistake or the organizer were to blame for them going wrong.
- The organizers, rightly or wrongly, gave them a new restart time. This is an admission of guilt from the CofC that the competitors, who were first on the road, may have been jeopardized by insufficient or missing route marking.
- Their original Start Times can therefore not be used for the Results purposes.
- The Court is of the view that whether the loop in question is ignored or the competitors are scored on the restart times the same is achieved.
- The 3rd set of results posted on the event, with the problem loop omitted, should be taken as Final after the Results Officer has resolved the suspect time allocated to competitor C222 Brandon Youell.
- These results should be circulated to all competitors and will become final as per GCR214. Competitors are reminded of their right of appeal to the National Court of Appeal.
- The full appeal fee to be refunded to the appellant.

Findings distributed via email on the 28th March 2013

Ref: 158575/98

| | Dist 416 | | | 200 | | | 221 | | |
|--------------------|----------|-------|---------|----------|-------|---------|----------|-------|---------|
| | Day 1 | Speed | %slower | D2 Loop1 | Speed | %slower | D2 Loop2 | Speed | %slower |
| Ross Branch | 06:33:38 | 63.4 | | 03:09:34 | 63.3 | | 03:29:08 | 63.4 | |
| Brandon Youell | 07:09:54 | 58.1 | 9.2% | 04:18:13 | 46.5 | 36.2% | 03:10:19 | 69.7 | -9.0% |
| Brandon Youell | 07:09:54 | 58.1 | 9.2% | 04:18:13 | 46.5 | 36.2% | 03:48:23 | 58.1 | 9.2% |
| Mark Garland | 06:44:10 | 61.8 | 2.7% | 03:16:16 | 61.1 | 3.5% | 03:33:26 | 62.1 | 2.1% |
| Brian Cocker | 07:12:12 | 57.8 | 9.8% | 03:25:48 | 58.3 | 8.6% | 03:39:10 | 60.5 | 4.8% |
| Clinton van Vuuren | 08:49:31 | 47.1 | 34.5% | 04:16:01 | 46.9 | 35.1% | 03:56:01 | 56.2 | 12.9% |
| Clinton van Vuuren | 08:49:31 | 47.1 | 34.5% | 04:16:01 | 46.9 | 35.1% | 04:41:18 | 47.1 | 34.5% |
| Tony Jardine | 08:23:06 | 49.6 | 27.8% | 04:41:40 | 42.6 | 48.6% | 03:43:53 | 59.2 | 7.1% |
| Tony Jardine | 08:23:06 | 49.6 | 27.8% | 04:41:40 | 42.6 | 48.6% | 04:27:16 | 49.6 | 27.8% |



2012 MANTSHWABISI - REVISED MOTORCYCLE RESULTS

| Pos | No | Rider | Lic | Vehicle Detail | DAY 1 | DAY 2 - FRIDAY 21 JUNE 2012 | | | | | | | OVERALL RESULT |
|--|------|----------------------|-----------|----------------|-----------------|-----------------------------|----------------|---------------------|----------|-------------|---------|-----------------|-----------------|
| | | | | | DAY 1 RESULT | Start Time | Loop 1 Time In | Loop 1 Elapsed Time | CALC | Finish Time | Penalty | DAY 2 RESULT | |
| MOTORCYCLES - PLATINUM CATEGORY | | | | | | | | | | | | | |
| 1 | 6 | Ross Branch | 2567 | Honda 450 | 06:33:38 | 08:03:00 | 11:12:34 | 03:09:34 | | 14:41:42 | | 06:38:42 | 13:12:20 |
| 2 | 14 | Mark Garland | 1196 | Yamaha | 06:44:10 | 08:03:15 | 11:19:31 | 03:16:16 | | 14:52:57 | | 06:49:42 | 13:33:52 |
| 3 | 107 | Ruan Smith | 791 | Hsqvarna 450 | 07:10:11 | 07:01:15 | 10:26:42 | 03:25:27 | | 14:02:26 | | 07:01:11 | 14:11:22 |
| 4 | 87 | Brian Cocker | 010/2012 | KTM 300 | 07:12:12 | 07:01:30 | 10:27:18 | 03:25:48 | | 14:06:28 | | 07:04:58 | 14:17:10 |
| 5 | 228 | Vincent Crosbie | 2561 | KTM 250 | 07:32:24 | 07:01:45 | 10:18:04 | 03:16:19 | | 13:49:40 | | 06:47:55 | 14:20:19 |
| 6 | 888 | Gary Pretorius | S | Suzuki 400 | 07:42:39 | 07:02:15 | 10:39:34 | 03:37:19 | | 14:31:26 | | 07:29:11 | 15:11:50 |
| 7 | 25 | Neil Gailey | 2581 | KTM 250 | 07:46:37 | 07:02:30 | 10:37:52 | 03:35:22 | | 14:27:47 | | 07:25:17 | 15:11:54 |
| 8 | C222 | Brandon Youell | 2403 | Yamaha 250 | 07:09:54 | 07:01:00 | 11:19:13 | 04:18:13 | 03:48:23 | 15:07:36 | | 08:06:36 | 15:16:30 |
| 9 | 439 | James Van Onselen | 18119 | Kawasaki 450 | 07:38:46 | 07:02:00 | 10:43:35 | 03:41:35 | | 14:45:18 | | 07:43:18 | 15:22:04 |
| 10 | 27 | Ian Venter | 449 | KTM 450 | 07:51:16 | 07:03:00 | 10:51:03 | 03:48:03 | | 14:48:12 | | 07:45:12 | 15:36:28 |
| 11 | 54 | Roelof Adriaan | 1258/12 | Yamaha 250 | 07:54:26 | 07:03:15 | 10:57:13 | 03:53:58 | | 15:07:09 | | 08:03:54 | 15:58:20 |
| 12 | C103 | Ernest Kotze | 10226 | Yamaha 250 | 08:21:46 | 07:04:15 | 10:58:37 | 03:54:22 | | 15:05:47 | | 08:01:32 | 16:23:18 |
| 13 | C52 | Luthan Gouws | 3651 | KTM 300 | 08:25:36 | 07:04:45 | 11:00:58 | 03:56:13 | | 15:11:55 | | 08:07:10 | 16:32:46 |
| 14 | C766 | Jan Berning | 429 | KTM 300 | 08:45:33 | 07:05:15 | 11:07:56 | 04:02:41 | | 15:35:20 | | 08:30:05 | 17:15:38 |
| 15 | E76 | Toni Jardine | 1344 | KTM 300 | 08:23:06 | 07:04:30 | 11:46:10 | 04:41:40 | 04:27:16 | 16:13:26 | | 09:08:56 | 17:32:02 |
| 16 | C750 | Clinton J Van Vuuren | 19377 | KTM 300 | 08:49:31 | 07:05:30 | 11:21:31 | 04:16:01 | 04:41:18 | 16:02:49 | | 08:57:19 | 17:46:50 |
| DNF | 8 | Tyron Miller | 85 | KTM 450 | 07:25:48 | DNS | | DNS | | | | DNF | DNF |
| DNF | 17 | Timothy Young | 1176 | Yamaha | 06:58:33 | 08:03:30 | 12:15:49 | 04:12:19 | | RETIRED | | DNF | DNF |
| DNF | 86 | David Reeve | 0008/2012 | KTM 300 | 06:57:38 | 07:00:30 | 10:27:59 | 03:27:29 | | RETIRED | | DNF | DNF |
| DNF | 156 | Willem Redelinghuys | 1605 | KTM | 07:48:55 | 07:02:45 | 11:04:13 | 04:01:28 | | | | DNF | DNF |
| DNF | C99 | Chris Kruger | 169 | KTM | 08:38:16 | 07:05:00 | 11:01:51 | 03:56:51 | | | | DNF | DNF |
| DNF | E158 | Gavin Bennett | 14973 | KTM 200 | 08:02:38 | 07:03:30 | 11:10:33 | 04:07:03 | | | | DNF | DNF |
| MOTORCYCLES - GOLD CATEGORY | | | | | | | | | | | | | |
| 1 | CD98 | Paul Bothma | 910 | Honda 450 | 08:14:05 | 07:03:45 | 10:43:47 | 03:40:02 | | | | 03:40:02 | 11:54:07 |
| 2 | CD34 | Christo Van Wyk | 917 | Yamaha 450 | 08:14:16 | 07:04:00 | 10:53:50 | 03:49:50 | | | | 03:49:50 | 12:04:06 |
| 3 | C540 | Tshepo Mbakile | 8870 | Yamaha 450 | 08:50:06 | 07:05:45 | 12:02:29 | 04:56:44 | | | | 04:56:44 | 13:46:50 |



2012 MANTSHWABISI - REVISED MOTORCYCLE RESULTS

| Pos | No | Rider | Lic | Vehicle Detail | DAY 1 | DAY 2 - FRIDAY 21 JUNE 2012 | | | | | | | OVERALL RESULT |
|--------------------------------------|------|--------------------|-------|----------------|-----------------|-----------------------------|----------------|---------------------|------|-------------|---------|--------------|----------------|
| | | | | | DAY 1 RESULT | Start Time | Loop 1 Time In | Loop 1 Elapsed Time | CALC | Finish Time | Penalty | DAY 2 RESULT | |
| MOTORCYCLES - SILVER CATEGORY | | | | | | | | | | | | | |
| 1 | 125 | Juan Je Roux | 15665 | Yamaha | 03:30:25 | 07:20:00 | 10:52:11 | 03:32:11 | | | | 03:32:11 | 07:02:36 |
| 2 | 24 | Dartagnan Lobjoit | 16383 | Honda 250 | 03:32:10 | 07:20:15 | 10:55:27 | 03:35:12 | | | | 03:35:12 | 07:07:22 |
| 3 | 377 | Kitso Malebo | 11416 | Yamaha 125 | 03:42:22 | 07:20:30 | 10:58:02 | 03:37:32 | | | | 03:37:32 | 07:19:54 |
| 4 | 15 | Rainer Katz | 18372 | KTM | 03:44:25 | 07:20:45 | 11:02:34 | 03:41:49 | | | | 03:41:49 | 07:26:14 |
| 5 | C475 | Andries Van Moltke | 3757 | Honda 450 | 03:46:46 | 07:21:15 | 11:02:13 | 03:40:58 | | | | 03:40:58 | 07:27:44 |
| 6 | CC89 | Lohan Spies | 19107 | KTM 200 | 03:49:30 | 07:21:30 | 11:09:22 | 03:47:52 | | | | 03:47:52 | 07:37:22 |
| 7 | C122 | Joey Evans | 1877 | KTM 450 | 03:59:20 | 07:22:30 | 11:15:24 | 03:52:54 | | | | 03:52:54 | 07:52:14 |
| 8 | 450 | Wian du Plessis | 552 | Gas Gas | 04:00:35 | 07:22:45 | 11:15:14 | 03:52:29 | | | | 03:52:29 | 07:53:04 |
| 9 | C336 | Anton Blignaut | 7136 | KTM 300 | 04:01:35 | 07:23:00 | 11:15:05 | 03:52:05 | | | | 03:52:05 | 07:53:40 |
| 10 | 30 | CJ Smith | 4243 | KTM 300 | 04:02:21 | 07:23:15 | 11:14:42 | 03:51:27 | | | | 03:51:27 | 07:53:48 |
| 11 | C102 | Marik Kotze | 1223 | Yamaha 250 | 03:57:18 | 07:22:00 | 11:25:19 | 04:03:19 | | | | 04:03:19 | 08:00:37 |
| 12 | C788 | Kobus Engelbrecht | 5733 | KTM 300 | 03:55:09 | 07:21:45 | 11:34:03 | 04:12:18 | | | | 04:12:18 | 08:07:27 |
| 13 | 972 | Grant Stellenberg | 972 | KTM 250 | 03:44:45 | 07:21:00 | 11:47:39 | 04:26:39 | | | | 04:26:39 | 08:11:24 |
| 14 | 74 | Grant Pretorius | 7250 | Yamaha 250 | 04:13:08 | 07:23:45 | 11:30:46 | 04:07:01 | | | | 04:07:01 | 08:20:09 |
| 15 | C699 | Kagiso Keorapetse | 3879 | Yamaha 250 | 04:16:37 | 07:24:00 | 11:30:04 | 04:06:04 | | | | 04:06:04 | 08:22:41 |
| 16 | C861 | Bowie Molefe | 17176 | Suzuki 250 | 04:52:44 | 07:25:00 | 11:15:47 | 03:50:47 | | | | 03:50:47 | 08:43:31 |
| 17 | C557 | Byron Coetzer | 14973 | KTM 200 | 04:26:58 | 07:24:15 | 12:02:59 | 04:38:44 | | | | 04:38:44 | 09:05:42 |
| 18 | C447 | Ralph Wheeler | 6124 | Yamaha 450 | 04:37:53 | 07:24:30 | 12:10:53 | 04:46:23 | | | | 04:46:23 | 09:24:16 |
| 19 | C775 | Hugh Fletcher | 2575 | Yamaha 450 | 04:38:08 | 07:24:45 | 12:10:55 | 04:46:10 | | | | 04:46:10 | 09:24:18 |
| 20 | C289 | Kurt Kapeller | 9258 | KTM 250 | 04:54:49 | 07:25:30 | 12:17:57 | 04:52:27 | | | | 04:52:27 | 09:47:16 |
| 21 | 83 | Wayne Jordaan | 2564 | KTM 300 | 04:54:12 | 07:25:15 | 12:28:45 | 05:03:30 | | | | 05:03:30 | 09:57:42 |
| 22 | CC42 | Jaco Versfeld | 18219 | Suzuki 250 | 05:59:22 | 07:25:45 | 13:37:18 | 06:11:33 | | | | 06:11:33 | 12:10:55 |
| 23 | C787 | Tshepo Greek Kwapa | 9175 | Yamaha | 04:07:52 | 07:23:30 | 14:20:29 | 06:56:59 | | | | 06:56:59 | EXCLUDED |
| DNF | C100 | Faanie Nel | 167 | KTM 300 | 03:57:59 | 07:22:15 | RETIRED | DNF | | | | DNF | DNF |
| DNF | E325 | Ivan Swanepoel | 12274 | KTM 510 | 04:43:37 | DNS | | DNS | | | | DNF | DNF |
| DNF | 247 | Glen Grundy | 5868 | Honda 450 | 04:44:07 | DNS | | DNS | | | | DNF | DNF |



2012 MANTSHWABISI - REVISED MOTORCYCLE RESULTS

| Pos | No | Rider | Lic | Vehicle Detail | DAY 1 | DAY 2 - FRIDAY 21 JUNE 2012 | | | | | | | OVERALL RESULT |
|--|------|-----------------|------|----------------|--------------|-----------------------------|----------------|---------------------|------|-------------|---------|--------------|----------------|
| | | | | | DAY 1 RESULT | Start Time | Loop 1 Time In | Loop 1 Elapsed Time | CALC | Finish Time | Penalty | DAY 2 RESULT | |
| MOTORCYCLE RETIREMENTS - END OF DAY 1 | | | | | | | | | | | | | |
| DNF | 55 | Dillon Inggs | 1335 | KTM 250 | DNF | | | | | | | DNF | DNF |
| DNF | 72 | Brett Cummings | 1197 | Honda 450 | DNF | | | | | | | DNF | DNF |
| DNF | 199 | Lepsey Mosope | 5916 | | DNF | | | | | | | DNF | DNF |
| DNF | C240 | Tiro Otlogetswe | 7862 | Yamaha | DNF | | | | | | | DNF | DNF |
| DNF | C546 | Ryan Meyer | 3878 | Yamaha 450 | DNF | | | | | | | DNF | DNF |

NOTE: Competitor C787 Excluded by the Clerk of the Course in terms of SSR 352 (g) (iv)

Published at 17H15

Provisional at 18H00

Final at 18H30 subject to no protests being received