



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

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COURT OF ENQUIRY 1183

HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 9th NOVEMBER 2016

Present:	Daryn Lobb	-	Court President
	Eldrid Diedericks	-	Court Member
	Dick Shuttle	-	Clerk of Course
	Jordan North	-	Defendant
	Michael North	-	Defendants brother and entrant
	LJ Mgingi	-	Competitor
	Lungile Mgingi	-	Competitor Mgingi Father
	Marlene Swanepoel	-	Clerk of Course
In attendance:	Allison Atkinson	-	MSA Scribe
	Adrian Scholtz	-	MSA Chief Executive Officer

Introduction

The court started a few minutes late, due to a private conversation between the North and Mgingi families. The court members and attendees were introduced, and no objections were lodged against the composition of the court.

The Hearing

The court heard evidence from all parties present, including a detailed account from Mr. Michael North, brother of Jordan North, providing the court with a detailed account of events which took place prior to the event, and also, events which have taken place subsequent to the incident.

Without going into this detail, the court wishes to make the following comments:

1. The court would like to thank both families for handling the social media, and media events as they did. A special thanks must be given to Mr. Lungile Mgingi who did everything in his power to ensure that this matter was not viewed in anyway whatsoever, as a racial incident, despite his son being the recipient of a physical attack. The court thanks both families for, despite the damage the incident caused to the reputation of motorsport, not entertaining any racist allegations whatsoever. Our sport is a sport that does not tolerate racism, nor promote it.
2. The court would also like to thank both competitor LJ and competitor Jordan for the way in which they have handled the incident subsequently, and particularly competitor LJ.
3. The court is deeply pained and saddened to have to impose a penalty on a 13-year competitor, for attacking another competitor on track, as the court does not believe that children of this age should be pushed to the point of physical attack on the race track, and finds it incredibly sad that this has happened. The court further believes that removing competitor Jordan North's license, as if he were

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



Department:
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA

Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), P. du Toit, D. Easom, J. Fourie, G. Hall, A. Harri, M. Rowe, R. Schilling, Ms N. Singh, Ms M. Spurr
Honorary Presidents – Mrs B. Schoeman, T. Kilburn

found guilty of such offense, as an adult, would serve to destroy any potential motorsport career for the competitor, the court believes a more constructive penalty is required, considering the age of the competitor.

4. The court believes that had this been an incident between two competitors, not deemed to be minors, the court would have imposed a maximum sentence on competitor Jordan North.

Findings

Having said this, and considered all information presented to the court by both families, the court finds as follows:

1. Competitor Jordan North's actions on the day, by physically attacking competitor LJ Mgingqi on the race track, are found to be contrary to the interests of the sport see GCR 172 (iv), and lead to him being handed a 24 (Twenty-four) month race ban from competition, effective 1 December 2016. Of this ban, 21 (twenty-one) months are suspended for a period of 36 (Thirty-six) months. For clarity, should competitor Jordan North be found guilty of another offence contravening GCR 172 (iv), during the 36 (thirty-six) months following 1 December 2016, he will receive an automatic 21 (twenty-one) month race ban from competing. The age of Competitor Jordan North, together with the information presented by Mr. Michael North (Brother of competitor Jordan North), was taken into account when deciding on a suitable penalty to be imposed on Competitor Jordan North.
2. Competitor Michael North, as entrant for Competitor Jordan North, and therefore, deemed to be the Competitor as per GCR 19, is further fined an amount of R5 000
3. Furthermore, Competitor North is ordered to pay court costs of R2 500.
4. The affected parties are reminded of the provisions of GCR 196 and 222 with regard to the time limits for the payment of fines and costs.

****The court agreed unanimously on all findings mentioned in this document, other than the 36 month suspension which was a majority decision****

The court would like to reiterate to all competitors reading these findings, that physical attacks of any kind, will not be tolerated in motorsport. The court would like to further encourage all parents of competitors reading these findings, to do everything in their power to ensure that their children are fully aware that any kinds of abuse will not be tolerated in motorsport, and that if found guilty of such, they risk losing out on any potential career in motorsport.

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

These findings are distributed via email on 20th January 2017 at 12:30

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