



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1195

### HEARING HELD IN THE MSA BOARDROOM ON THURSDAY 8<sup>th</sup> JUNE 2017

<b>Present:</b>	Richard Leeke	-	Court President
	Alan Kernick	-	Court Member
	Noddy van Greunen	-	Court Member
	Rick Andrew	-	MSA Steward
	Mike Ramsay	-	Father of competitor Lyle Ramsay
	Lyle Ramsay	-	Competitor
	Chris Clarke	-	Father of competitor Nick Clarke
	Nic Clarke	-	Competitor
	Adrian Wood	-	Competitor
	Vanessa Wood	-	Mother of competitor Adrian Wood
	Jannie van Rooyen	-	VW Technical committee chairman
	Graeme Nathan	-	VW Technical committee
	Wayne Robertson	-	Technical Consultant
<b>In attendance:</b>	Allison Atkinson	-	MSA Scribe
	Wayne Riddell	-	MSA Sporting Manager

### INTRODUCTION

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

### THE HEARING

On 31<sup>st</sup> May 2017 Motorsport South Africa ("MSA") enrolled Court of Enquiry 1195 ("the Enquiry") to investigate the alleged various technical infringements.

This is the written judgment of Court of Enquiry 1195. The enquiry took place on 8<sup>th</sup> June 2017 between approximately 17h00 and 19h30.

Mr. Clarke stated they protested Adrian Wood car for an illegal heat shield. The car was inspected by the TC – Mr. Wayne Robertson and it was found to have an illegal heat shield. The TC then inspected all the other cars in Parc Ferme and found a second car which belonged to Lyle Ramsay also not complying. The TC then reported these cars to the Stewards. The Stewards then held a protest hearing with competitors Lyle Ramsay and Adrian Wood. Nic Clarke was not included in this hearing.

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



sport & recreation  
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

The COC Mr Pappas stated he received the protest from Mr. Clarke and he then gave the protest to the Stewards. Once the formula 1600 race was finished Mr. Pappas went to the TC and the Stewards. The Stewards were then already conducting the protest hearing. The Stewards then told the COC they had finished the hearing and the COC then instructed the TC to release the vehicles. Mr. Robertson stated that pictures of the vehicles were taken by the stewards before they were released.

Mr. Andrews opened his testimony with an apology to the court that he was inexperienced in dealing with protest hearings and that in fact this event was the first time he had acted in this capacity. He then further stated he received the protest from the COC. He then called the competitors Lyle Ramsay and Adrian Wood.

He did not call Mr. Clarke or the CoC into the hearing. He informed the competitors that there was a protest against the heat shields. Mr. Wood stated in the hearing that the heat shield was fitted pre-season and he was cleared to race. Mr. Andrews found this explanation satisfactory and dismissed the protest as unsuccessful. In his findings he retained the protest fee for the failed protest. He further admits that he erred in not calling in Mr. Clarke to the protest hearing and that the protest was not successful and the protestor was advised of his rights to appeal.

Mr. Wood gave a statement on the heat shield. He stated that the heat shields are used to protect hydraulic and fuel lines. The heat shield was fitted to the exhaust systems which is in line with the VW Challenge regulations. The heat shield was passed at the annual pre-season checks. These checks were done in March this year before the first race of the season. The heat shields were installed for safety reasons. Mrs. Wood stated that GCR 254 was not followed correctly. Verbal permission was given from the previous TC to run the heat shields.

Mr. van Rooyen stated that the heat shields installed were drawing heat away from the intake manifold and therefore it is a performance advantage.

Mr. Robertson stated that he called for the COC to inform him of the cars that were found to be illegal. He could not leave his post as he had no assistance made available by the organising club at the time, this included access to any form of communication such as a two-way radio. Mr. Pappas stated by the time he had gone down to Mr. Robertson the Stewards had already had the hearing with the competitors. Due process was not followed by allowing the COC to issue penalties for the illegal cars.

## **FINDINGS**

After listening to all those present as well as viewing the photographic footage presented to the court, the court has decided to make a finding in three parts, namely **Part 1** that deals with the original protest, as well as the alleged technical infringements and **Part 2** that deals with the due processes that were not followed. **Part 3** will deal with the VW regulations.

### **Part 1**

The court finds that the protest which was lodged by Nic Clarke was on time and correct. However due to the correct processes not been followed by the stewards in allowing a second transgressor to be added into the protest hearing that never formed part of the original protest lodged by Nic Clarke automatically transgressed competitor Lyle Ramsay's rights.

This was further compounded by the fact that the TC was not present when deliberations were heard by the stewards as to the technical correctness and of advantage (if any) to the alleged technical infringements. This the court is compelled to set the entire hearing aside and declare Lyle Ramsay and Adrian Wood not be found guilty of a technical infringement, purely on a procedural technicality. The competitors are cautioned that had due process been followed the court would have found them guilty of a technical infringement. The full protest fee is returned to Mr Clarke.

### **Part 2**

The due process that should have been followed was that the TC should have conducted his inspections on the other cars and informed the COC. The COC then could make a ruling on the other cars.

The Stewards then should have heard the protest with everyone present in the hearing. The Steward is reprimanded and must remember that he takes instructions from the COC and not the TC. The court notes the Steward acknowledged his error and lack of experience and recommends that he does not officiate as an MSA Steward but rather as a club Steward under more experienced stewards for at least another year to gain the valuable experience required to conduct a proper hearing in future.

It must be noted that the TC did not have any assistance at parc ferme. Border Motorsport should have an assistant scrutineer available at parc ferme to assist the TC for all future events. MSA is therefore instructed to not issue any permits to BMSC for a period of 1 year, however this will be a suspended sentence. This suspension will be for the remaining of 2017. Should BMSC fail to provide assistance at parc ferme this suspended sentence will come into immediate effect.

**Part 3**

The VW Challenge club have to re look at their rules. Past verbal permission was given to the competitors to race with the heat shields which have caused the issues today. VW challenge is instructed to issue a circular on the heat shields.

VW Challenge club is ordered to pay court costs of R1500.00

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

These findings are distributed via email on 14<sup>th</sup> June 2017 at 14:00

**Ref. 161244/158**