



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## APPEAL COURT 415

### APPEAL HELD IN THE MSA BOARDROOM ON THE 22<sup>nd</sup> JANUARY AT 18h00.

<b>Present:</b>	Vito Bonafede	-	Court President
	Paddy Venske	-	Court Member
	Eldrid Diedericks	-	Court Member
	Ben Morgenrood	-	Appellant
	Gregg Canny	-	Observer
	Brian Algar	-	Observer
	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

### INTRODUCTION

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

### THE COURT

After hearing all the information from the Appellant Mr. Ben Morgenrood and his witnesses and from MSA's Mr. Wayne Riddell, as well as reading all the documentation and rules applicable the Court finds as follows:

### FINDINGS

The relevant clause in question from the regulations for the category is:

"1.4 Any driver wishing to make a 'one off' appearance in the series shall be required to obtain the prior written approval of the SA Sports and V8 Supercars committee. Such approval may be withheld in circumstances where it is felt that the intended participation will not be in the interests of the series or those of motorsport in general. In the event of a dispute, MSA shall make a final ruling. Drivers making 'one off' appearances' shall not be eligible to score championship points and shall also be responsible for payment of their own entry fees."

The Court took note of this clause and placed particular emphasis on the last sentence in its deliberations. The Court has consulted different sources for a definition of the term 'one off':

#### From Wikipedia:

"A **one-off** is something made or occurring only once, independent of any pattern. First used in 1934, this term is employed to differentiate singular items from those in a series:"

#### From Cambridge Dictionary:

"Something that happens or is made or done only once:"

The Court further took the following GCRs into consideration:

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



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

GCR 64 – “Words and expressions defined in any of these rules, the SSRs and the SRs for the purpose of the rule, bear the meaning assigned to such words and expressions in that rule.”

GCR 65 - INTERPRETATION OF RULES

“MSA shall be empowered to decide upon any questions raised within its territory concerning the interpretation of the CSIs (see GCR 12) and these rules, subject to the right of appeal (if any) under GCR 215.”

Information provided by MSA at the hearing was that 2014 marked the first time that MSA had undertaken the final analysis of the championship points, this having previously been undertaken by the relevant racing association. It was also brought to the attention of MSA by the secretary of the racing category that MSA had not applied Clause 1.4 of the category regulations, which MSA then duly acted upon.

Based on its interpretation of the rules, and taking into account the evidence provided, the Court is of the view that MSA correctly applied the rules and therefore the appeal fails.

In view of the failure of the appeal, the appeal fee is forfeited.

All parties are reminded of their rights as per Part X of the current MSA Handbook, with specific reference to GCR 212 B.

All parties are advised of their rights to Appeal to the National Court of Appeal subject to the successful application of GCR 212 B.

These findings were distributed at 14: 30 on the 28<sup>th</sup> January 2015.