



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort. P.O. Box 6677, Weltevreden, 1715
e-mail: msa@motorsport.co.za Telephone (011) 675 2220 Fax: (011) 675 2219

MSA COURT OF APPEAL 439

HEARING HELD IN THE MSA BOARDROOM AT 17h30 ON THURSDAY 27 JUNE 2019

Present:	Tony Taylor	-	Court President
	Vic Maharaj	-	Court Member
	Mark Cronje	-	Court Member
	Eldrid Diedericks	-	Clerk of Course
	Andrew Shillinglaw	-	MSA Steward
	Dick Shuttle	-	Karting Commission President
	Willie Doman	-	Technical Consultant
	Charmaine Rossouw	-	Nose Cone official
	Brandon Whiteley	-	Witness
	Imraan Kajee	-	Father of Moosa Kajee
	Moosa Kajee	-	Competitor
	Joseph Munthali	-	Witness
	Thapelo Kekana	-	Witness
	Elijah Gumbi	-	Team Manager Squadra Corse
	Mandla Mlangeni	-	Competitor

Apologies: Ken Cromarty - Club Steward

In attendance: Allison Atkinson - MSA Sport Coordinator
Poka Lehapa - MSA Intern
Adrian Scholtz - MSA CEO

INTRODUCTION

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

THE HEARING

The appeal is against the findings of the Stewards of the meeting at a Regional Rok Karting event on 25th May 2019.

The Court, after discussion with Mr Elijah Gumbi, ruled that in terms of MSA National Karting Circular 2 of 2019 he could not represent competitor Mandla Mlangeni as an entrant but in the interests of fairness he would be allowed to remain in the hearing in the capacity of a witness.

The Stewards disqualified competitor 71 (Moosa Kajee) following an on-track altercation between him and competitor 79 (Mandla Mlangeni) which degenerated into an off-track physical altercation between the two competitors after the race.

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



Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), F. Alibhai, D. Easom, G. Hall, A. Harri, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

The appeal is based on the following factors:

1. Competitor 79 was represented by Elijah Gumbi (Team Manager) which is not in accordance with MSA National Karting Circular 2 of 2019.
2. The penalty imposed on competitor 71 was disproportionate to the penalty imposed on competitor 79.

FINDINGS

1. The Stewards erred in allowing competitor 79 to be represented by his team manager as an entrant as this is directly contrary to the provisions of MSA National Karting Circular 2 of 2019.
2. Given that both competitors were involved in the brawl the court is of the view that the different penalties imposed on the two parties was disproportionate.
3. The findings of the Stewards, whereby competitor 71 was disqualified and competitor 79 was penalised by a five second time penalty, are overturned in both instances.
4. The Court is appalled at the behaviour of both competitors and takes a very dim view of this type of conduct. The competition licences of both competitors are hereby withdrawn for a period of one year. However, said withdrawal of licences is suspended for a period of two years in both instances. The effect of this is that the competitors may continue to race but if either of them are found guilty of any similar conduct (an on-track incident leading to an off-track confrontation) in the two years from the date of publication of these findings then the penalty of one year's withdrawal of licence will take effect.
5. The Stewards of the meeting are reprimanded for having allowed the Team Manager to represent Competitor 79 where this is clearly at odds with MSA National Karting Circular 2 of 2019.
6. This Court recommends that the MSA Karting Commission review MSA National Karting Circular 2 of 2019 to see whether it is fit for purpose as written, or whether any amendments should perhaps be considered.
7. This Court further recommends that the MSA Karting Commission consider the option of making the fitment of on-board cameras mandatory on all karts during competition.
8. Given that the Appeal was partially successful, 50% of the appeal fee paid is to be refunded to the appellant.

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

These findings are distributed via email on 16 July 2019 at 11:00 am

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