



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 442

HEARING HELD IN THE MSA BOARDROOM AT 17h30 ON WEDNESDAY 17 JULY 2019

Present:	Tony Taylor	-	Court President
	Iain Pepper	-	Court Member
	Mark Cronje	-	Court Member
	Cheryl Snyman	-	Appellant
	Hector North	-	Observer
	Dick Shuttle	-	Clerk of the Course
	Dean Brooks	-	Father of Competitor Jordan Brooks
	Jordan Brooks	-	Competitor
	Matthew Morrell	-	Competitor
	Mike Morrell	-	Father of competitor Matthew Morrell
	Robert Laubscher	-	Marshal
	Charmaine Rossouw	-	Nose cone official
	Willie Doman	-	Observer
In attendance:	Allison Atkinson	-	MSA Sport Coordinator
	Poka Lehapa	-	MSA Intern

INTRODUCTION

The court members and attendees were introduced and no objections were raised against the composition of the court. The court was informed by Ms Allison Atkinson that neither of the Stewards would be present as it had been pointed out that in terms of a MSA National Court of Appeal ruling the Stewards should not be present as an Appeal Court sat as a court of first instance and should not be questioning the Stewards on their findings. The Court was somewhat perturbed by this ruling in that the Stewards had acted as a Disciplinary Panel and not as Stewards in a Protest hearing. The court felt that not being able to question the Stewards on how they had reached their decision and determined the penalty was counter-productive. Had the Clerk of the Course made the decision and imposed the penalty then the Court would have been able to question him. MSA were requested to clarify this issue with the National Court.

THE HEARING

The appeal is against the findings of the Stewards of the meeting at a Regional Rotax Karting event held on 08th June 2019. The appeal relates to competitor Troy Snyman being excluded from the results of heat 2 of the Mini Max event held on 08th June 2019.

The appeal is based on the following factors:

1. The Stewards findings were not handed to Competitor Morrell or to his entrant nor were they displayed on the notice board within one hour. It was contended that said findings were only furnished to the Entrant on 12th June 2019;

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



Department:
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA

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

2. The Stewards erred in that they took into account an incident in the qualifying sessions for which the competitor had already been penalised when determining the penalty;
3. The penalty imposed is wholly inappropriate for the offence.

FINDINGS

Having heard all the parties the court finds as follows:

1. The findings were handed to one "Mark" and he signed for these. Ms Snyman confirmed his signature and identified him as her partner and the father of competitor Troy Snyman and although the signature on the document does not have a time on it the Court is satisfied that the requirements of GCR 204 had been met.
2. The incident in the qualifying session related to unacceptable behaviour and gestures by competitor Troy Snyman and not to a driving conduct issue and that the competitor had been penalised for said behaviour by being placed at the back of the grid for heat 1. It is common practice that a person cannot be penalised twice for the same incident and the Stewards erred in taking this into account in their findings.
3. The evidence led by competitors Brooks and Morrell as well as that of Charmaine Rossouw (Nose Cone Official) seemed to suggest that there was no malicious intent in either of the incidents involving competitor Troy Snyman.

Therefore:

4. The finding of the Stewards, whereby competitor Troy Snyman was excluded from the results of heat 2, are set aside in their entirety.
5. The court was most perturbed by the statement in Ms Snyman's formulated appeal wherein it was suggested that Jordan Brooks had told the Stewards in the hearing that he had been instructed to "take Troy out". On questioning by the court, competitor Jordan Brooks, once again confirmed that he had indeed been given such an instruction. When asked who had given the instruction he replied – "Corrie". This was then confirmed to be Mr Corrie Liebenberg who manages the Birel Team. The court would suggest to MSA that this matter be taken up directly with Mr Liebenberg.
6. Given that the appeal succeeded, the appeal fee is to be refunded less R1500 for administrative costs.

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

These findings are distributed via email on 5 August 2019 at 15:10

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