



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 446

HEARING HELD IN THE MSA BOARDROOM AT 17h30 ON THURSDAY 28 NOVEMBER 2019

Present:	Iain Pepper	-	Court President
	Alan Kernick	-	Court Member
	Gennaro Bonafede	-	Court Member
	Fabienne Lanz	-	Appellant
	Peter Lanz	-	Observer
	Dick Shuttle	-	Karting Commission President
	Garry Rogers	-	125GP Association Chairman
	Scott Falconer	-	Competitor
	Keith Palm	-	125GP Technical Consultant
In attendance:	Allison Atkinson	-	MSA Sport Coordinator
	Vic Maharaj	-	MSA Sporting Services Manager

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 the COC, Mr Eldrid Diedericks had tendered his apologies.

THE HEARING

The appeal is against the findings of the Stewards of the protest hearing held on the 4 September 2019. The appeal relates to competitor Scott Falconer being excluded from the results of heat 3 of the 125GP National Championship event held on 16-17 August 2019.

The appeal is based on the following factors:

1. Ms Fabienne Lanz stated the appeal is based on the fact that Mr Scott Falconer was only excluded for one heat. The exclusion should have been for all three heats, as the seals were added to the exhaust after qualifying.

The Hearing

1. The court questioned Ms Fabienne Lanz as to why she only submitted an appeal against Mr Scott Falconer and not Mr Connor Rogers, as he was excluded by the Stewards in the same Protest findings. Ms Fabienne Lanz stated that Mr Scott Falconer raced in her class. It was confirmed by Ms Allison Atkinson that Mr Connor Rogers competed in both the National and Regional Class on the day of the event.

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, R. Beekum, 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. Mr Keith Palm stated that the regulations for the 125GP class were never updated to include the updated part measurements. This was an oversight on his part. All parts imported from TM are raced as supplied. Therefore, all of the competitors that raced with a KZ10C motor would have been out of spec.
3. Mr Garry Rogers stated that Mr Alistair Pringle was the TC on the day of the event. The seals for the exhaust were not written down and no competitors signed for the seals. Mr Alistair Pringle was contacted telephonically and stated that after qualifying while he was sealing engines, Mr Peter Lanz requested that he should seal the exhausts as well, which he did. Mr Peter Lanz denied this statement, as he sealed Ms Fabienne Lanz's engine in the pits and not in parc ferme.

FINDINGS

Having heard all the parties the court finds as follows:

1. There is no dispute from competitor Scott falconer that his "U bend" does not comply with the 125GP karting regulations, article 7.3.17.3. As the 125GP association failed to update their regulations when the KZ10C motor was imported, and the parts are raced as supplied by TM, the Stewards findings are upheld.
2. The 125GP association is reprimanded for failing to update their regulations. They are instructed to ensure that their regulations are kept up to date, that due processes are followed when sealing and stripping of parts take place. The COC must be informed of any stripping that will take place.
3. The court is most perturbed by Ms Fabienne Lanz's application for leave to appeal, in so much as the appeal was only directed against Mr Scott Falconer. The court believes that the appeal submitted was vexatious and frivolous. Therefore, the appeal does not succeed and the appeal fees are retained.

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

These findings are distributed via email on 3 December 2019 at 10:45

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