



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

<http://www.motorsport.co.za> First Floor, No. 9 Monza Close, Kyalami Park, Midrand. P.O. Box 11499 Vorna Valley, 1686
e-mail: allison@motorsport.co.za Telephone (011) 466-2440. Fax: 086 610 4617 National Number: 0861 MSA MSA (0861 672 672)

COURT OF ENQUIRY 1125 INTO THE ALLEGED RACING INCIDENT BY MR. STEWART MCLARTY. HEARING HELD IN THE MSA BOARDROOM ON THE 3rd MARCH 2014 AT 18:00

Present:	Wally Pappas	-	Court President
	Graeme Nathan	-	Court Member
	Dick Shuttle	-	Court Member
	Ken Cromarty	-	Clerk of Course
	Glenn Rowden	-	MSA Steward
	Terry Stidworthy	-	Club Steward
	Stewart Mclarty	-	Competitor
	Wayne Lebotsch y	-	Competitor
	Anton Brits	-	Witness
	Tyler Ross	-	Witness
	James Hurley	-	Witness
	Gordon Slabbert	-	Witness
	Mandy Griffin	-	Observer
	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

Introduction

The President introduced himself and the Court Members. There were no objections to the composition of the Court.

The officials of the event in question asked the Court members why the enquiry was been called for as no protest was lodged by competitor Mr. Lebotschy on the day of the event.

The Court then called upon MSA Sporting Services Manager, Mr. Wayne Riddell to clarify why the enquiry was taking place. Mr. Riddell stated that after viewing on board camera footage of the racing incident, he believed it was a safety concern and that MSA was well within its rights to call for a COE based on GCR 211 which reads.

211. COURTS OF ENQUIRY

'MSA shall be entitled to convene a Court of Enquiry to investigate a breach of any of the GCR's, SSRs or SRs, whether or not such breach has been the subject of a protest and/or appeal'

The court members then decided that the enquiry will go ahead.

The Court held the view that the competitors should be afforded the opportunity of addressing the Court on the alleged Contravention of GCR 211.

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: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. G. Doig, J. du Toit, M. du Toit, P. du Toit, D. Lobb, N. McCann, C. Pienaar, B. Sipuka, D. Somerset, L. Steyn – Hon. Presidents : T. Kilburn, Mrs. B. Schoeman

The Hearing

Evidence was led by both drivers. Additional video footage showing the incident in question from another angle (External View) was handed to the Court by Mr. Lebotschy. Competitor Mclarty vehemently objected to its introduction.

The court took the stance that they were fully entitled to view any evidence they wished in order to come to a correct finding in the interest of the sport and that justice may not ultimately be served if it relied on arguable technicalities. Court members then viewed the video footage.

Findings

After viewing the video footage extensively and hearing all evidence presented by all parties, the court finds as follows:

1. Mr. Mclarty is found to be in breach of GCR 172 (vii) and SSR 49.
2. Mr. Mclarty licence is hereby suspended for 6 months, which penalty is suspended for 1 year from date of publication of these findings. **Note: The net effect of this is that the suspension for six months, will only take effect should competitor Mclarty be found guilty of a further driving infringement during the next 12 month period.**
3. The Clubman's Association is hereby ordered to write regulations on driver conduct and to submit these to MSA within one week of these findings been published.
4. Mr. Lebotschy penalty of a 3 race observation is hereby revoked.
5. The CoC Mr. Cromarty is reprimanded for not asking the drivers if any video footage or other evidence was available.
6. Costs of R1000-00 are ordered against competitor Mclarty as per GCR 196

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

The findings distributed at 12:15 on 5th March 2014

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