



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1189

### HEARING HELD AT THE ALDO SCRIBANTE RACEWAY CONVERENCE ROOM ON WEDNESDAY 22 MARCH 2017

|                       |                      |   |   |
|-----------------------|----------------------|---|---|
| <b>Present:</b>       | Roger Stephen        | - | Court President                               |
|                       | Eric Schultz         | - | Court Member                                  |
|                       | Brendan Smith        | - | Court Member                                  |
|                       | Keith Coleman        | - | Representing the ARC (Defendant)              |
|                       | Marco Griesel        | - | Scrutineer / Scorer / Witness                 |
|                       | Gerhard Bezuidenhout | - | Clerk of the Course (Defendant)               |
|                       | Neville Bartle       | - | Chairman of Algoa Rally Club 2016 (Defendant) |
|                       | K Futcher            | - | Witness                                       |
|                       | Peter Twiss          | - | ARC Committee Member 2016                     |
|                       | Selwyn Robinson      | - | ARC Committee Member 2016                     |
|                       | Rikus Fourie         | - | ARC   |
|                       | Bryan Heine          | - | Sponsor                                       |
| <b>Apologies:</b>     | Andrew Heine         | - | Competitor                                    |
|                       | Joe Fourie           | - | MSA Steward                                   |
| <b>In attendance:</b> | Sparky Bright        | - | MSA Provincial Coordinator                    |

### INTRODUCTION

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

### THE HEARING

On 22<sup>nd</sup> March 2017 Motorsport South Africa (“MSA”) enrolled Court of Enquiry 1189 (“the Enquiry”) to investigate:

- 1) Whether Mr. Gerhard Bezuidenhout had breached GCR 175 or any other GCR in relation to allegedly excluding a competitor without a hearing.
- 2) Whether the Algoa Rally Club (ARC) had breached GCR 172 (iv) or any other GCR in relation to allegedly conducting any proceeding or act prejudicial to the interests of MSA or of motorsport in general.

*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), P. du Toit, D. Easom, J. Fourie, G. Hall, A. Harri, M. Rowe, R. Schilling, Ms N. Singh, Ms M. Spurr  
Honorary Presidents – Mrs B. Schoeman, T. Kilburn

This is the written judgment of Court of Enquiry 1189. The enquiry took place on 22<sup>nd</sup> March 2017 between approximately 18h15 and 19h10 in terms of GCR 220, and is in two parts.

#### **EVIDENCE RECEIVED Part 1.**

As the writer of the letter of complaint to MSA (Mr. Sydney Cupido) regarding alleged transgressions relating to the actions of the clerk of the course, Mr Gerhard Bezuidenhout, was not at the hearing, his only evidence presented was the letter which he sent to MSA. The court unfortunately only heard one side of the story as presented by the defendant, Mr. Gerhard Bezuidenhout.

Despite the above, the court proceeded on the basis of the letter written to MSA. It became evident from Mr. Bezuidenhout as well as his witness; Mr. Marco Griesel, and all event documentation that the competitor concerned was not in fact excluded and retired from the Rally due to mechanical failure. Mr. Heine stated that his son, Andrew Heine, had apparently heard the COC mention that the team was excluded for working on the car in a "Tyre Change Only" Service area (hearsay evidence). The COC said that he had not excluded the team but told them that they would have to run to Super Rally Rules if they wanted to continue.

When questioned about allowing another team to check their oil at this Service area, the COC mentioned that when the mechanic wanted to check the oil, he told him that this was a tyre change Service area only and he was not allowed to check or add oil. Mr. Bezuidenhout also pointed out to the court that Mr Sidney Cupido was not the entrant of Car 413, in fact the entrant was the navigator/Co-Driver Mr Llewellyn van Greunen. The Driver, Mr. Keenan Sassman had also not signed the entry form.

#### **EVIDENCE RECEIVED Part 2.**

It appears that the basis of the enquiry into part 2 of the hearing stems mainly from the COC, Mr. Bezuidenhout 's letter to MSA, where he makes several comments regarding the Rally Organisers and Sponsor for this event and events leading up to this Rally.

Mr Bezuidenhout was asked by the Court who the COC represents, to which he replied MSA. It was pointed out to him that in terms of GCR 156, the COC actually acts on behalf of the Promoters / Organisers.

Mr Coleman pointed out that the COC in his reports for this event and three previous events generally only had good things to say about the Officials and everyone involved in the Rally's. Mr Bezuidenhout stated that he was frustrated by the letter written to MSA and was basically reacting to this.

There are obviously some concerns in that the COC felt that the Organisers / Club Officials often wanted additional Rules applied or withdrawn. Mr Heine stated that this was done by way of Bulletins issued by the COC after discussions with him.

This often led to confrontation, if there were no specific rules for changes to be made, the COC would generally use the National Rally SSR's. The Club was not always happy about this. Both Mr. Heine and the COC were reminded that any Bulletin making any changes had to be issued and approved by MSA and Bulletins making these changes could not just be issued as and when wanted even though these Rallies are Club Events.

The 2016 Chairman, Mr. Bartle as well as the COC Mr. Bezuidenhout were cautioned as per MSA's observations in their emails to MSA and other involved parties that emails of this nature could be

construed as intimidation which in its own is a breach of GCR 172 (iv). Both parties acknowledged this and assured the court that no further emails of this nature had been or would be sent.

At this point, Mr Bezuidenhout withdrew the accusations in his letter referring to the personal issues between himself and the Algoa Rally Club. While the Court acknowledges this, the contents of Mr. Bezuidenhout's letter to MSA are still part and parcel of this COE.

## **FINDINGS**

### **Part 1.**

It is the finding of this court that the COC, Mr Bezuidenhout had not excluded the competitors of Car 413. He had however mentioned to the team that if they wanted to continue then they would have to run Super Stage Rules for the next day. This is an indication to the court that in terms of GCR 175, the COC should in fact have had a hearing with the team as he was not prepared for them to continue the rally as such but only under Super Stage Rules. Thereafter, the team submitted their incident report, retiring from the event due to a broken front shock.

The COC, Mr. Gerhard Bezuidenhout is reprimanded for not fully adhering to GCR 175, as once he had made the statement that the competitors could continue the next day under Super Rally Rules, he had in fact implied to them that their Rally was over, there should have been a hearing with the team.

The COC has ultimate authority regarding the running of the event and with regard to the Driver of Car 413 not signing the entry form, this should ultimately have been checked by the COC through the Race Secretary. Although Mr. Bezuidenhout has not yet re-written the GCR & COC exams, as his three year term has come to an end, he must officiate in the capacity of COC for at least another four events before any up-grade of his licence can be considered.

### **Part 2.**

It is evident that there are issues between Committee Members of the ARC of 2016 and the COC who they have been using, Mr. Gerhard Bezuidenhout. It is the finding of this court that it is of utmost importance that the Organisers and Controllers and their appointed Officials make themselves fully aware of the MSA Rules and Regulations and Requirements in terms of the GCR's, SSR's, Club Regulations and SR's. As many of the issues brought up in the evidence are Club related issues, it is hoped that the new Committee of 2017 can address any issues.

As there is a new Committee for 2017, it is recommended that when appointing Officials, with special reference to their COC that both parties are fully aware of the fact that the COC acts on behalf of the Promoters / Organisers. It is imperative that these parties work closely together within the Rules and Regulations. It is also recommended that the ARC go through their Club / 50K Regulations for 2017 with special attention being given to the Super Stage Regulations which should be adapted and clearly written to suit the ARC Club Regulations.

The impression is that the Senior Club Officials and Sponsors of 2016 used strong arm tactics to try to persuade their Clerk of the Course to issue Bulletins as and when required by them REF, GCR's 67, 70b)iii & 88. The Organisers are reprimanded for this as this could lead to the impression of the breaching of GCR 172 (iv) in order to change certain Rules and Regulations outside of the permissible times and Regulations.

While it is encouraging to note that all Officials, including Race Secretaries, need to write the GCR exam for 2017, the court also recommends that all the ARC Committee members for 2017 attend a GCR seminar and write the exams. It is also recommended that the Senior Committee members write the Rally COC exam. This will give the new committee a better insight as to how to rectify the mistakes made by the 2016 Committee.

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

These findings are distributed via email on 06/04/2017.

**161170/098**