



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 447

HEARING HELD IN THE MSA BOARDROOM AT 17h30 ON WEDNESDAY, 19 FEBRUARY 2020

<b>Present:</b>	Tony Taylor	-	Court President
	James Mahope	-	Court Member
	Gennaro Bonafede	-	Court Member
	Franziska Brandl	-	KTM Representative
	Fred Fensham	-	Husqvarna Representative
	Tristan Purdon	-	Competitor
	Lloyd Brown	-	Clerk of the Course
	Peter Gettliffe	-	Club Steward
	Andre Furby	-	Pro Timing (Timekeeper)
	Mike Russell	-	Medical Service Provider (Witness)
	Wyatt Avis	-	National Riders Representative
	Iain Pepper	-	2019 MX Commission President

<b>Apologies:</b>	Matthew Malan	-	Competitor
	Eldrid Diedericks	-	MSA Steward
	Craig Barthus	-	Assistant Clerk of the Course
	Annelize Boshoff	-	Lap Scorer

<b>In attendance:</b>	Carmen Hill	-	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 HEARING

The appeal is against the decision of the Stewards at the National Motocross event held at Terra Topia MX track on 26<sup>th</sup> October 2019, wherein heat two of the MX1 class was red flagged due to weather conditions, and the subsequent scoring of the heat.

The appeal is based on the following arguments:

1. The heat should not have been allowed to start as the weather conditions causing the red flag were already present prior to the start; and

*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. 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 decision of the Stewards regarding the race result was incorrect due to the fact that:
  - a. The timing system was faulty in that, after the red flag, it showed competitors crossing the line with their times but the lap number remained the same; and
  - b. The race was “stopped” prior to the required time / distance being completed as envisaged in SSR 240.

Having heard the Appellant, the Clerk of the Course and other witnesses, the court finds as follows:

1. Evidence led by the Clerk of the Course, Mr Lloyd Brown, indicated that he had relied on information provided by Mr Russell informing him of the distance that the existing lightning storm was away from the venue. When the app being used indicated that the lightning was 2 km away from the circuit the Clerk of the Course took the decision to stop the heat by means of a red flag. The court deemed this decision to have been reasonable and that the Clerk of the Course’s actions were therefore correct.
2. After examining the time sheets and hearing from the Chief Timekeeper, Mr Andre Furby, the court was satisfied that the anomaly whereby it appeared as if certain competitors had completed a specific lap more than once, had been satisfactorily explained. The timing system, once a red flag is issued, continues to record crossings but does not increment the laps. This was confirmed on further investigation with an independent time keeper, Mr Morne Venter, who is familiar with the TAG Heuer timing system.
3. In the opinion of the court, the race time is calculated as being the time at which the red flag was shown, in this case after 16:31.583 minutes. This is in excess of the minimum requirement of 50% plus one lap which, using the appellant’s calculation, would have been 12:30.000 plus 02:08.280, giving a total time of 14:38.280. A countback to the last completed lap cannot be used to determine the elapsed time.

Therefore:

1. The decision of the Stewards of the meeting to declare Mathew Malan the race winner and to award full points is upheld.
2. The Clerk of the Course, Stewards and Organisers are reprimanded and instructed to ensure that, at future events, the correct minimum number of red flags are available and used.
3. MSA is requested to amend the wording of SSR 237 to make it clear that the red flags are to be used and not just “available”.
4. In that the appeal has failed, the appeal fee is forfeited and court costs of R500 are levied against the Appellant.

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

These findings are distributed via email on 3 March 2020.

**Ref. 162218/158**