



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 433

HEARING HELD IN THE MSA BOARDROOM AT 19H00 ON 07 JUNE 2017

Present:	Tony Taylor	-	Court President
	Richard Leeke	-	Court Member
	Noddy van Greunen	-	Court Member
	Wayne Robertson	-	Court Member
	Eldrid Diedericks	-	Clerk of the Course
	Ed Murray	-	Rotax Promoter
	Jan Habig	-	Technical Working Group Chairman
	Vaughn Williams	-	Representative for Warren Boyd
	Johann Grundlingh	-	Entrant for Sebastian Boyd
	Alex Licen	-	Technical Consultant (via Skype)
	Michael North	-	Observer
	Lourens Du Plessis	-	Observer
Apologies:	Warren Boyd	-	Appellant
In Attendance:	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

INTRODUCTION

The Court President introduced the court members to the attendees and there were no objections received against the composition of the court.

THE HEARING

This appeal, lodged by Mr. Warren Boyd, arises from a decision of the Stewards to uphold the exclusion of his son Sebastian Boyd from Race 1 of the Junior Max National Karting event that took place on 29 April 2017.

The Court President noted that Mr. Michael North is a practising attorney at law and Mr. Lourens du Plessis is a candidate attorney. Mr. North was reminded that he and Mr. du Plessis may only observe proceedings and not liaise verbally with Mr. Vaughn Williams during the hearing as per GCRs 210 and 220.

The Court President stated that MSA had received two documents approximately one hour before the court hearing had commenced. One of the documents received was a scrutineer's report that stated competitor Boyd's idle emulsion tube was loose and that he was therefore to be excluded from the results of Race 1. The other document received was a Clerk of Course penalty notice informing competitor Boyd that he was being excluded from the results of Race 1. Mr. Boyd had signed both of these documents.

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

Mr. Vaughn Williams stated that, on the day of the event, Sebastian Boyd had been excluded for the loose emulsion tube. As the TC form had only arrived an hour before this court hearing Mr. Boyd could not have been aware that the TC had recommended exclusion for Race 1. The COC penalty form made reference to the TC report. However, the TC report referred to had never been made available to Mr. Boyd.

The Court President stated that there was a signature on the form. Mr. Williams responded that this was not Mr. Boyd's signature. This document was not made available during the protest hearing, nor during any of the discussions that had taken place. They were in possession of all the original documents and the document under discussion had not been made available to them.

Mr. Williams stated that on the day of the event Sebastian Boyd's kart was been wheeled out of *parc ferme*. Mr. Alex Licen (the appointed TC) then called them back into *parc ferme* as he wanted to check the carburettor. The carburettor had been taken off the kart and been inspected by the TC. The emulsion tube had been found to be loose. The TC then gave his findings to the COC. Mr. Williams stated that Mr. Boyd was not present when this inspection took place.

Mr. Boyd had been requested to report to the COC. Mr. Grundlingh, as the registered entrant, went to see the COC. The COC informed Mr. Grundlingh that the emulsion tube had been found not to comply. Sebastian Boyd was therefore excluded from the results of Race 1 of the race meeting. Mr. Williams questioned Mr. Grundlingh about what took place in the hearing. Mr. Grundlingh stated he was not given a hearing as per GCR 175. He was only given the penalty notice. He was not given the right to question the TC or to see the component. Mr. Grundlingh then protested the COC's decision. The non-compliant component was then given back to the competitor to race with and was not impounded as per GCR 254.

Mr. Williams stated that the Stewards made a decision on the protest without looking at the component. The Stewards' decision was that there had been advantage gained. He contended however that the race times indicated that no advantage had in fact been gained. Mr. Williams stated that the term "loose" with regard to the emulsion tube was not clearly defined. The fact that the part was not available for the court to see, meant nobody could inspect the part to see how loose it was.

Mr. Murray brought a component to show the court an emulsion tube that was loose as an example. Mr. Williams stated that the court could not consider this component as it was not the offending part. The court members nevertheless decided to look at the component brought by Mr. Murray in order to get a better understanding of what the basis of the case was.

Mr. Jannie Habig (chairman of the Karting Technical Working Group - TWG) stated that there were three TC's who looked at the part and saw that it was out of specification. The part was impounded and sealed by Mr. Pringle. Mr. Habig stated the component measurements were correct, however it was not tightened to specifications. Mr. Licen at this stage was called on Skype.

Mr. Diedericks questioned Mr. Licen about what had transpired after the hearing took place with Mr. Grundlingh. Mr. Licen stated that after the hearing Mr. Boyd had approached the COC, in the presence of Mr. Grundlingh, and asked for his component back as he was racing again and needed the part. Mr. Diedericks had then asked Mr. Licen if the part could be returned as it was a component that could not be measured, as the emulsion tube was only loose. The carburettor was then returned to the competitor as requested. Mr. Williams stated that the part should not have been returned to Mr. Boyd, as per the regulations.

Mr. Licen stated that all competitors were randomly picked for checking. The respective mechanics with arm bands were told to remove the carburettors. Present at the strip was Alistair Pringle as well as himself, the local scrutineer and the gentleman who pushed the kart into *parc ferme*. Mr. Licen was questioned regarding how loose the component had actually been. Mr. Licen stated that a screwdriver was used to turn the component and it was found to be "floating". Mr. Licen stated that the emulsion tube was more than half a turn loose. The Rotax technical regulations state that the tube must be tight. At this stage the component was impounded and sealed by Mr. Alistair Pringle. Mr. Boyd also signed for this seal. Mr. Licen was presented with the document that was submitted to MSA before the hearing. He stated that Mr. Boyd did sign the document. Mr. Licen stated that a warning had been given at drivers briefing that these components would be checked.

FINDINGS

The court finds that the emulsion tube was not tight as per the technical regulations. However, the part should correctly have been impounded as per GCR 254.

The court would like to remind the TC and COC that due process needed to be followed in future. The court recommends to MSA that provision be made for an 'admission of guilt' form to be signed in circumstances where a competitor requests that an offending part be returned in order to allow him/her to continue racing.

The appeal therefore succeeds and the appeal fee is to be returned to the appellant, less court costs of R1250.00.

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

These findings were distributed at 14:15 on the 12th July 2017

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