



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1095

ENQUIRY 1095 INTO THE ALLEGED CONTRAVENTION OF GCR 172 (x) BY MRS VANESSA WOOD. HEARING HELD IN THE MSA BOARDROOM ON THE 4th JUNE 2012 AT 18H00

Present:	Christo Reeders	-	Court President
	Vito Bonafede	-	Court Member
	Grant Shearer	-	Court Member
	Belinda Buys	-	Chief Marshal
	Vanessa Wood	-	Representative Team Squadra Corse
	Elijah Gumbi	-	Witness for Vanessa Wood
	Kevin de Wit	-	Clerk of the Course
	Joy Dolinschek	-	Observer (Karting Commission President)
	Louis Smuts	-	Scrutineer
	Andrew Eva	-	Observer (Chairman SASA)
	Jenny de Wit	-	NRKC Secretary
	Wayne Robertson	-	Technical Consultant
	Allison Atkinson	-	MSA – Court Scribe

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

The Hearing

The Court afforded the opportunity to Mrs. Wood of addressing the Court on the alleged Contravention of GCR 172 (x).

The Court then heard statements from Mr. Elijah Gumbi, Mr. Kevin de Wit, Mr. Louis Smuts, Mrs. Jenny de Wit and Mr. Wayne Robertson.

The Court considered the evidence of the aforementioned witnesses. In considering the elements and evidence, the Court takes cognisance of the provisions of GCR 211 and GCR 220.

Findings:

In respect of the charge, the evidence revealed that under any other circumstances, Mrs Wood's conduct would constitute abuse of an official. However, Mrs Wood is not a MSA licence holder, other than holding a COC licence. No function performed under the COC licence is in issue in this instance; however, armed with the specific knowledge regarding spectator behaviour and competitors' and their support staff's conduct in the pits and parc ferme, Mrs Wood's conduct on the day is simply deplorable.

In as much as Mrs Wood holds no other MSA licence, this Court has no jurisdiction over Mrs Wood in respect of the purported "offence" she is alleged to have committed. Having said this, there is no doubt that had Mrs Wood indeed held a MSA licence, this Court would have imposed a severe sanction and the licence would have been suspended for at least 12 months.



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Directors: S. E. Miller (Chairman), A. Taylor (Financial), 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

Under GCR 172 (x) this Court was at liberty to impose a penalty on the competitor represented by Mrs Wood. However, the Court recognises that the competitor concerned is new to the sport and other imperatives also apply. Under the circumstances, it would be unfair to the competitor concerned to impose a penalty upon him. This ruling ought to be brought to the competitor's attention, however, so that he is aware of the relevant GCR and can appreciate that a repeat performance of Mrs Wood's conduct will culminate in sanctioning of the competitor concerned.

Although no penalty can be imposed upon Mrs Wood for the reasons set out above, she is directed to refrain from entering any area designated as parc ferme in any capacity other than when she is acting as a COC for a period of twelve months and further, to not engage with any official on behalf of any competitor whom she represents for the same period. Any "advice" which Mrs Wood is employed to dispense to competitors can be imparted to the competitor concerned who can then deal with the relevant official directly so that an appropriate sanction can be imposed upon the competitor concerned should there be a breach of any rule.

Should Mrs Wood refrain from observing this directive, the competitor whom she represents will have an appropriate penalty imposed upon him / her as if the competitor is in breach of the directive and whichever GCR may be breached by Mrs Wood at the time.

Furthermore, MSA is directed to examine GCR 172 (x) and draft such amendments as may be appropriate to ensure that it also provides for transgressions by team representatives who are found to be in breach of the rules, allied to appropriate sanctioning.

The Karting Commission is directed to examine the propriety of retaining Mrs Wood as a member and to submit its findings, any ruling it may make and the reasons for such ruling to MSA within a period of 14 days from the date of publication of this ruling.

The rulings of the COC, Assistant COC and Stewards as well as the fine imposed under circumstances where Mrs Wood had been absent and was not afforded an opportunity of being heard, is hereby set aside. All officials who had participated in what can only be described as a gross miscarriage of justice is hereby severely reprimanded and directed to study GCR 175.

No order is made as to costs.

All parties are advised of their rights to appeal

These findings were distributed via e-mail on the 14th June 2012, at 09:20

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