



MOTORSPORT SOUTH AFRICA NPC

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RULING OF COURT OF ENQUIRY 1070

Introduction

1. The abovementioned Court was convened to investigate a protest lodged by the Mr Price Team against the use of what was considered to be illegal fuel not in compliance with the provisions of GCR240 read with SSR256 of the 2011 Regulations by competitor Calvin Vlaanderen in the 125 High School Class at the fourth round of the 2011 Full Throttle National Motor Cross Championship held on 18 June 2011 at the Bloemfontein Off Road Club. The Court comprised:
 - 1.1 Christo Reeders – Court President;
 - 1.2 Wally Pappas – Court Member; and
 - 1.3 Elza Thiar – Court Member
2. No objection was raised to either the composition of the Court or the manner in which it had been convened.

Parties/Witnesses

3. The parties were represented as follows:
 - 3.1 On behalf of the competitor appeared his father, Mr Paul Vlaanderen.
 - 3.2 The MSA Steward on the day, Mr Hilton Harper who also served as the jury president on the subsequent hearing, also appeared, albeit unaccompanied by any other official
 - 3.3 The protestor which purported to be one Fleming on behalf of the Mr Price Team was not in attendance.

Summary of Evidence

4. Mr Harper testified that upon receipt of the protestor's complaint, Mr Vlaanderen was summoned to a hearing where he was confronted with the allegation that an illegal fuel mix in conflict with the provisions aforesaid had been used during the first heat of the Class aforementioned. In particular Mr Harper testified to Mr Vlaanderen's response comprising four elements, viz:
 - 4.1 He admitted that an illegal fuel mix had been used;



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- 4.2 He would continue using the illegal fuel mix until the end of the 2011 season;
- 4.3 He harboured no concern about the loss of any points consequent upon the use of the illegal fuel as a decision had been taken that Vlaanderen Jnr would be competing overseas in 2012;
- 4.4 He required for Vlaanderen Jnr to continue competing until the end of the year in order to gain the benefit of the competition/practice so experienced.
5. On the basis of the “confession” aforementioned, no fuel sample had been taken for testing purposes notwithstanding that it had been offered by Mr Vlaanderen Snr.
6. Mr Vlaanderen Snr denied the entire account, stating instead that he admitted to utilising a mixture of 98 octane racing fuel and Avgas purely for practicing purposes and to save costs as there was a discrepancy of some R7,00 per liter between Avgas and 98 octane racing fuel.
7. During the course of the proceedings, Mr Harper further testified that when Mr Vlaanderen offered to provide a fuel sample for testing purposes he added that the test may result in an octane rating which exceeds 98. The Court found this curious and further questioning revealed that Mr Vlaanderen has adopted a practice of concocting his own fuel mixes at home; a practice which in itself ought to be frowned upon.
8. The entire issue was put to rest when it emerged that there is a discrepancy between the protestor as identified and the entrant’s details which accompanied the protestor from which the Court determined that the personal details were those of an entirely different individual, namely Peter Corkin. On this basis alone the protest was fatally flawed and the subsequent ruling fall to be set aside.
9. It bears mention that in view of the uncorroborated nature of Mr Harper’s evidence which resulted in a situation where the veracity of the allegations boiled down to his version which was denied by Mr Vlaanderen Snr, the court would likely have come to the same conclusion as is set out below. Nevertheless, the court harboured grave misgivings about the veracity of Mr Vlaanderen’s version of events since the details supplied by Mr Harper was of such a nature that Mr Vlaanderen’s denial thereof would impute the construction of an elaborate fabrication on the part of Mr Harper. This is unlikely. Furthermore, Mr Vlaanderen appeared to be uncomfortable when questioned about his fuel mixing practices and his failure to deny the allegation that the proffered test sample, if tested might reveal an octane rating in excess



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of 98. Under the circumstances, the Court deemed it fit to express its concerns and its misgivings to Mr Vlaanderen in no uncertain terms. Mr Vlaanderen was reprimanded and specifically warned that he escaped sanction purely on technical shortcomings and the unavailability of corroborating evidence.

Ruling

10. The court hands down the following ruling:
 - 10.1 The jury decision of 28 June 2011 is hereby set aside;
 - 10.2 The competitor's points scored at the event are re-instated.
11. MSA is directed to note that Mr Vlaanderen Snr. has been reprimanded and specifically warned about the consequences of the use of illegal fuel; particularly that any future offence may culminate in the suspension of the competitor's licence or his disqualification and that such a step will inevitably impact adversely upon his future proposed international racing career.

DATED at MIDRAND on this the 13th day of JULY 2011



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