



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL NO 461

HEARING HELD IN THE MSA BOARDROOM ON 17TH AUGUST 2022

Court composition:	Adv. Francois v d Merwe	Court President
	Mr. I Richards	Court Member
	Mr. B Shuttleworth	Court Member
In Attendance:	Julien Hardy	Appellant / Century Racing
	Glyn Hall	Defendant / Toyota Gazoo Racing SA
	Michael Jardime	Toyota Gazoo Racing SA
	Neil Woolridge	Defendant / NWM / Ford Castrol Team
	Lance Woolridge	Defendant / NWM / Ford Castrol Team
	Clive Densham	Technical Consultant
	William Haddad	MSA Steward
	Vic Maharaj	MSA Sporting Services Manager
	Poka Lehapa	MSA Scribe

INTRODUCTION:

1. Mr Julien Hardy (“**appellant**”) lodged 6 protests against 6 other competitors competing at the SA-Rally-Raid Championship event held at Upington from 24 June 2022 to 26 June 2022.
2. The appellant alleged that the protested vehicles did not comply with Article 3.4.1 and drawing 1 contained in Article 3.4.1 of the MSA National Standing Supplementary Regulations for the SA Rally-Raid Championship (“**the SSR’s**”). The appellant further alleged that the vehicles were producing power that exceeded the FIA specified normally aspirated power curve depicted in the aforementioned drawing and that the vehicles were performing in a manner that suggests that the vehicles were ineligible in terms of General Competition Rules (GCR’s) 200(vi). The 6 protests were all identical with only the names and vehicles being changed in each instance.
3. From the protests themselves, it appears that they were all lodged at 11:15 on 24 June 2022. It was established during the evidence of Mr. Hardy that the stewards accepted the protests at 11:20.

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sport, arts & culture

Department:
Sport, Arts and Culture
REPUBLIC OF SOUTH AFRICA

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4. A hearing was held by the stewards on 24 June 2022 at 16:30 during which it was decided that the Technical Consultant was going to run an engine test on the Toyota dyno and that the matter will be taken further if needed after publishing and discussing the results in the follow-up hearing. The hearing was then paused until the results were available at which time the hearing would have been reconvened.
5. It is common cause that no tests were conducted and that the meeting was never reconvened as agreed.
6. Instead, and on 4 July 2022, the stewards apparently published certain findings. It is stated by the stewards in the opening paragraphs that *“after the initial hearing and data download [they] came to the conclusion that an engine dyno test will create more questions than answers, trying to compare flywheel power with hub power at altitude. Which correction factors will be used?”*. These comments will be discussed later in this judgment.
7. The stewards, after having regard to the logged data, concluded that the protests were invalid.

THE RELEVANT RULES:

8. GCR 198(ii) states the following:
“Every protest shall be in writing, stating the name and address of the protestor, the grounds for the protest, be signed by the competitor or driver making the protest, be accompanied by the fee laid down in Appendix R, and be lodged within the appropriate time limit as specified below.”
9. GCR 198(v) states the following:
“Where the protest does not fully comply with the provisions above, the Stewards must accept it unless the provisions of GCR 203 apply. The Stewards can, however, require the protestor to re-submit the protest correctly and may impose penalties for non-compliance with the regulations in the first instance.”
10. GCR 203 (iii) and (iv):
*“A protest shall be inadmissible if:
(iii) it is late, unless receipted in terms of GCR 200 (Note)
(iv) it is in bad faith, frivolous or vexatious.”*
11. GCR 200 (Note) states the following:
“The Clerk of the Course or the Stewards of the Meeting may amend the above time limits if they think that circumstances make the lodging of a protest physically impossible within the time quoted.”
12. GCR 200(vi) states the following:
“A protest against the eligibility of any vehicle, or part of vehicle, when the reason for the alleged ineligibility is not apparent, but it is alleged that the vehicle is performing in a manner which suggests that it is ineligible – within 20 minutes of the performance that give rise to the protest.”

13. Art 3.4.1 of the MSA National Standing Supplementary Regulations (“the SSR’s”) state the following:
“The purpose of the strategy is to balance the performance of turbo petrol engines to the FIA specified 5 litre NA (Normally Aspirated) Ford engine power curve.”
14. Art 3.4.1(ii) of the SSR’s state the following:
“Method to balance performance NA versus Turbo: The turbo boost curve will be generated on a specified dyno to produce a power curve not exceeding the FIA specified NA power curve. See Drawing 1.” (our underlining)

THE RULES APPLIED TO THE EVIDENCE:

15. Mr. Hardy testified that it was decided before the event that a protest would be lodged because he knew that the engines, presumably of the other competitors, were not running as per the power they should.
16. The appellant specifically based his protest on GCR 200(vi). GCR 200(vi) requires: firstly, a “performance” which gives rise to the suggestion that the vehicle is ineligible; and secondly, that the protest be lodged within 20 minutes of the performance that gives rise to the protest.
17. From the evidence of Mr. Hardy, it is evident that there was no “performance” that triggered the protest, instead, the protest was premeditated. The protest accordingly appears to be in bad faith as same was premeditated and did not relate to any specific “performance”.
18. Further, the last protested vehicle finished qualifying at 09:59:52. Accordingly, the protest had to be lodged by no later than 10:19:52. The protest was filed only an hour after the permitted time.
19. There is no evidence that the stewards amended the time limits in accordance with GCR 200 (Note).

THE CONDUCT OF THE STEWARDS:

20. From the evidence, it is common cause that none of the protested vehicles were impounded and/or sealed to such an extent that would allow for later testing to be conducted. It is understandable that no vehicles were impounded as this would have resulted in 6 vehicles being unable to take part in the event.
21. The conduct of the stewards at the protest hearing in this matter was unsatisfactory. Having agreed to conduct a dyno test the stewards, without any further consultation with the parties involved, decided to only look at the data as obtained from the various vehicles. The data was only collected after the race on the 26th of June 2022.
22. No turbo boost curve was produced for the protested vehicles as envisaged in Art 3.4.1(ii) of the SSR’s. In other words, no dyno test was conducted.
23. This Court does not agree with the reasons provided by the stewards for not performing the required tests.

24. In terms of Art 3.4.1 of the SSR's the purpose of the strategy is to balance the performance of turbo petrol engines to the FIA specified 5 litre NA (Normally Aspirated) Ford engine power curve. From the above we can conclude that the reference NA engine is a Ford 5.0l Coyote engine with a 37mm air restrictor.
25. All the current T1 class vehicles have the same drivetrain, transmission, and differentials. The power loss through the drivetrain will be the same for all T1 vehicles.
26. A Hub dyno can therefore be used for any power curve comparisons. The atmospheric conditions do not change much day-to-day if the dyno tests are done at roughly the same time of the day and at roughly the same ambient air temperature then no correction factor is required.
27. The following test procedure should be followed:
 - 27.1. All vehicles need to have new air filters and their engine, transmission, and differential oil levels set correctly.
 - 27.2. Each vehicle's brakes need to be checked to ensure that they are not binding (remove the brake pads if necessary).
 - 27.3. Start by doing a dyno on a T1 vehicle with a Ford 5.0l Coyote engine with a 37mm air restrictor. Optimise ignition, fuel, and cam timing maps for maximum power. This will be the reference NA engine power curve.
 - 27.4. Dyno the other vehicles.
 - 27.5. Re-dyno the NA reference engine.
 - 27.6. Compare the Power curves.

CONCLUSION:

28. In terms of GCR 198 (ii), the protest must be lodged within the time limit afforded, in this case, the protest was submitted with specific reference to GCR 201(vi) which requires that such protest be lodged within 20 minutes of the performance that gave rise to the protest.
29. The protest was received by the stewards at 11h20 and in the absence of any extension of time as may be afforded under GCR 200 (Note) the protest fails both GCR 201(iv) and GCR 203(iii) in that the protest was not lodged timeously. The stewards should therefore not have entered into the merits of the protest.
30. It is common cause that the FIA T1 category is based on the FIA regulations and that a power curve for supercharged (turbocharged) cars was determined by the FIA to not exceed the 5 litre NA (Normally Aspirated) Ford engine power curve as applicable within the SA Rally Raid Championship. The requirement of the FIA T1 category SSR 3.4.1(ii) is clear in that a turbo boost curve will be generated on a specified dyno to produce a power curve not exceeding that of the FIA specified NA power curve with reference to diagram 1. This requirement to specify a dyno and to produce a power curve not exceeding that of the FIA power curve was not complied with either before or after the event.
31. Notwithstanding that the protest was submitted out of time, the stewards failed to comply with GCR 201, 202, and 204 respectively.

32. This court, therefore, suggests the following procedure to be adopted by the SA Rally Raid Championship:
- 32.1. The SA Rally Raid Championship and or its appointed technical delegates must specify a dyno to be used prior to the commencement of any official championship event.
 - 32.2. That such specified dyno contains the necessary calibration certificate valid for the current year.
 - 32.3. That the turbo boost curve as set out in Art 3.4.1(ii) of the SSR's will be generated on such specified dyno to produce a power curve not exceeding the FIA specified NA power curve where necessary.
 - 32.4. That the balance of performance may be adjusted by the technical delegates as set out in Art 3.4.2.(viii) if required.
33. This court notes and accepts that provision is made within the regulations for the FIA T1 cars to make use of the Motec ECU model M142 including the datalogger and harness for the sole use within the SA Raid Rally Championship. For all FIA events the FIA ECU, datalogger, and harness will be required.
34. This provision does lend itself to potential manipulation although no such manipulation was in any way insinuated nor suggested in this instance. This court, therefore, suggests that the SA Raid Rally Championship or its technical delegates consider approaching the FIA to negotiate the option of being able to download the data from the FIA data logger and to submit the data directly to the FIA for them to review the data where it is suspected that the parameters have been exceeded.
35. This will allow the use of only the FIA ECU, data logger, and harness and will not require the use of 3rd party ECU's, data loggers, and harnesses which will minimise the risk of any manipulation of the 3rd party installations.

THE ORDER:

36. The Court hereby recommends that Motorsport South Africa (MSA) convene a working group with all relevant parties to revisit and adequately clarify the applicable technical regulations, including those that gave rise to this failed appeal, that governs the local FIA Category within the SA Rally-Raid Championship.
37. The Court finds that the stewards may have become too familiar with their surroundings as the appointed series stewards and in so doing became complacent in the discharge of their duties and that the licenses of the stewards, therefore, be suspended for a period of 6 months.
38. Prayer 37 is suspended for 12 months on the condition that the stewards are not found guilty of breaching the GCR's, SSR's and/or the applicable category SSR's within the 1 (one) year period from the date of the distribution of these findings.
39. The protests were not lodged timeously in terms of the empowering provisions.
40. Moreover, the protest did not relate to any "*performance*" and was premeditated. There was accordingly no basis to lodge a protest in terms of GCR 200(vi).
41. The appeal is accordingly dismissed.

42. The court orders that the protest and appeal fees are forfeited and are to be retained by Motorsport South Africa (MSA).
43. The parties are reminded of their rights as afforded in GCR 212 B.

Dated at Pretoria on 23 September 2022.