



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1262

HEARING WAS HELD VIA ZOOM ON 17 MAY 2023 AT 17H00

Court: Mr Steve Harding - Court President
Ms Miranda Du Plessis - Court Member
Mr. Mark Cronje - Court Member

Attendance: Mrs Jackie Schreiber - Event Promoter
Father of minor competitor - Defendant
Mother of minor competitor - Defendant
Garth Waberski - KMG Chairman
Mr. Vic Maharaj - MSA Sporting Services Manager
Mrs. Allison Vogelsang - MSA Circuit Sport Coordinator

BACKGROUND

1. These are the findings of a Court of Enquiry called by Motorsport South Africa (MSA) to investigate whether the defendants are guilty of breaching inter alia GCR 172 iii by the submission of an allegedly fraudulent licence on behalf of a minor competitor, on which licence the competitor competed in round 2 of the ROK regional championship event held on 22 April 2023 at the Formula K Kart Circuit in Gauteng.
2. The hearing was held electronically utilising the Zoom platform. At the commencement of the hearing the court enquired as to whether there was any objection to the constitution of the court and no such objection was offered.
3. We have deliberately chosen not to identify the minor competitor or his parents. There remains an unfortunate stigma attaching to mental disorders, and widespread disclosure of the identity of the minor competitor could potentially bring about teasing and bullying in the age group to which he belongs.

THE FACTS

4. Mrs Jackie Schreiber, the event promoter was asked to provide some background as to how this matter came about and the circumstances leading up to this court of enquiry. She testified

MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA



Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial),
Mrs. D Abrahams, Mrs. D. Ballington, K. Govender, M. Hashe, FC. Kraamwinkel, C. Oates, S. Themba, G. Waberski
Honorary President: R. Schilling

that the entry for the event was made online by Squadra Corse on behalf of the minor competitor. The licence was presented at administrative checking on the day of the event and accepted at face value. The following day while compiling the records of the event, Mrs Schreiber noticed some irregularities in the licence of the minor competitor.

5. She then caused the licence in question to be inspected more closely. While the licence purports to reflect an expiry date of 31 December 2023 there were several features of the licence inconsistent with this. Firstly, the licence is headed "Motorsport South Africa 2019 Junior Licence", the purported date of issue is reflected as 7 May 2022, and the insurance information details reflect the period of cover as being from 1 January 2019 to 31 December 2019. The court also heard from Mrs Allison Vogelsang that the licences are issued for the calendar year and that any licence issued in May 2022 would have expired on 31 December 2022. Mrs Vogelsang further confirmed that no licence had been issued to the minor competitor for 2023.
6. The court then enquired from the father of the minor competitor to explain the circumstances in which this licence was caused to be presented, inasmuch as the notice convening the court of enquiry alleged that he was responsible for this.
7. Before he could fully reply the mother of the minor competitor stepped in and advised the court that her husband was suffering from mental illness and was under psychiatric treatment. She claimed that he was responsible for the delivery of the purported licence to Squadra Corse. She explained that he claimed to have no knowledge or at least no recollection of the events and circumstances giving rise to the fraudulent alteration of the competitor's licence.

CONCLUSION AND FINDINGS

8. This court has concluded that the licence was fraudulently altered and the most likely person responsible for this fraudulent alteration was the father of the minor competitor.
9. It is important to emphasise just how serious the issues surrounding fraudulent acts in relation to competition licences are. Quite apart from the fact that it is a criminal offence, the potential consequences, for MSA, its officials and other competitors in the event of any major incident are incredibly serious. The prejudice suffered by MSA in this particular instance was limited to the delay in receiving the appropriate licence fee on behalf of the minor competitor, who has subsequently been correctly licensed.
10. One can only imagine the extent of the prejudice had the minor competitor been involved in an incident which gave rise to the need for hospitalisation, particularly as he presumably would have been accepted into a private hospital on the strength of the arrangements which MSA has with the various hospital groups relating to the compulsory medical insurance arranged by it. The subsequent repudiation of a claim by the insurer on the basis that the licence was fraudulently issued and that the competitor was not insured, would cause enormous and possibly irreparable prejudice not only to MSA but to a variety of classes of its stakeholders.
11. This court has no doubt that had this fraud been perpetrated by an adult competitor it would have prohibited that competitor from holding a licence for a period comprising at least several

years. In this instance however we are dealing with a 10 year old minor competitor who was not in any way responsible for the fraud which was perpetrated. This court does not believe the wrongs of the father should result in punishment to the minor child. The minor competitor is the only party subject to the jurisdiction of MSA and his parents act in this instance in a representative capacity and are not licence holders.

12. After deliberation, and consideration of the mental health issues of the father of the minor competitor, this court considers that a fine of R10,000, which is suspended until the minor competitor attains majority on condition that the competitor is not found to have committed any fraudulent act in relation to his licensing to participate in motorsport, is appropriate. For the sake of clarity and the avoidance of any future dispute it is recorded that the fine will fall away at the end of the period of suspension provided that the competitor is not found to have committed any fraudulent act in relation to his licensing to participate in motorsport.

The parties are reminded of their rights as per GCR 212 B

The findings are issued by email 23 May 2023.

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