



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

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MSA COURT OF ENQUIRY 1198

HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 18:00 ON 20th JULY 2017

Present:	Joy Dolinschek	-	Court President
	Charmaine Haupt	-	Court Member
	Carel van der Merwe	-	Court Member
	Nathan Victor	-	Competitor
	Angelique Victor	-	Entrant / Legal Guardian
	Phillip Victor	-	Father of competitor
	Josh Geringer	-	Competitor
	Martin Geringer	-	Entrant / Legal Guardian
	Callie Steyn	-	Clerk of the Course
	Jan Thorsen	-	MSA Steward
	Marius Fouche	-	Witness
In attendance:	Lizelle van Rensburg	-	MSA Scribe

INTRODUCTION:

The Court President introduced herself and the other court members. There were no objections to the composition of the court.

1. THE HEARING

Motorsport South Africa has convened a Court of Enquiry in terms of GCR 211 to investigate, inter alia:

- Whether Mr Josh Geringer and Mr Nathan Victor has breached the General Competition Rule GCR 172 (iv), 172 (vi), 172 (vii) or any other GCR in relation to both on and off track incidents that took place at the Zone 7 MX event on the 27th May 2017.
- Whether Mr Callie Steyn has breached the General Competition Rule GCR 175 or any other GCR in relation to allegedly imposing a penalty on competitors without a hearing.

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

2. EVIDENCE LEAD

- a. Nathan gave evidence that following an on track incident, he had thrown a handful of sand/gravel and although he had not specifically meant to target Josh, that was indeed the outcome. That he (Nathan) had then continued with the race to the end. That Josh had, during the course of the race experienced a technical failure (not related to the earlier incident between the two riders) making it impossible for Josh to complete the race who had then been forced to retire early. That when he (Nathan) had come into the pits after the race, Josh was already disrobed of his race kit and proceeded to physically make contact with Nathan and swear at him which action was defended by Nathan. That other persons intervened to pull the two riders apart. In reply to the question as to why he (Nathan) had thrown sand/gravel/stones at Josh he replied he was frustrated, as an explanation he stated that he had a flat tyre in the previous race causing the frustration.
- b. Josh gave evidence that the sand/gravel/stone throwing had not affected his race. That he was a non-finisher as the result of a technical failure. That he admits to physically making contact with Nathan and swearing at him. In reply to the question as to why he (Josh) had challenged Nathan and sworn at him, he replied that he was frustrated, as an explanation he stated that not having finished the race caused the frustration.
- c. Callie Steyn stated that he had indeed held a hearing with the competitors, which neither competitor denies and that during the hearing he had advised the competitors they would be excluded. The results were distributed at 18:04 and the penalties were signed by Mr Steyn at 18:17. The penalties were not posted on the notice board.
- d. Mr Jan Thorsen (MSA Steward) gave input that: -
 - i) This was the event when the unfortunate incident with the marshal happened and that Mr Steyn's attention was required in many places on that day, as a result the day ran late.
 - ii) That Mr Steyn was also responsible to at very least supervise the starts of the following races.
 - iii) That the delay in the written penalties and the correct administration thereof was due to the need to find appropriate documentation upon which to issue the penalties.

3. COURT REFERENCES

- a. GCR 172 and particularly (iv), (vi) and (vii).
- b. GCR 157 "the Clerk of the Course is empowered to penalise competitors . . . and shall notify his intention to do so"
- c. GCR 204 – findings of the Stewards shall be posted on the official notice board or be included in the provisional results.
- d. GCR 121 (xii) and GCR 122 (i).

4. COURT FINDINGS

- a. The Court upholds the decision of the Clerk of the Course to exclude competitors Geringer and Victor from the event.
- b. Competitors Geringer and Victor, claiming that they didn't know they had the right to protest against the decision of the CofC, are reminded that they should refresh their understanding of the rules as per GCR's 121 and 122.

- c. The Court finds that the Clerk of the Course did hold a hearing and did convey his intentions to the competitors.
- d. The Court notes there were approximated 170 competitors at the event and recommends that an Assistant Clerk of the Course should be appointed in future.
- e. Costs are awarded against competitors Geringer and Victor in the amount of R375 each.

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

These findings are published via email on 14/08/2017.

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