



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1264

HEARING WAS HELD VIA ZOOM ON 11 JULY 2023 AT 18H00

Court:	Mr Neville Townsend	-	Court President
	Mr Wayne Riddell	-	Court Member
	Mr Johan Fourie	-	Court Member
Attendance:	Mr Ian Richards	-	Alternate MSA Steward
	Mrs Tracylynn Venter	-	Club Steward
	Mr Clinton Seller	-	Competitor
	Mr Morne Geldenhuis	-	Competitor
	Mr Michael White	-	Competitor
	Mr Damion Purificati	-	Competitor
	Mr Adrian van Dalen	-	Competitor
	Mr Adolf Boshoff	-	Competitor
	Mr Frans Fourie	-	Organiser – MRSSA
	Mr Christo Reeders	-	Organiser – MRSSA
	Mr Vic Maharaj	-	MSA Sporting Services Manager
	Mrs Allison Vogelsang	-	MSA Circuit Sport Coordinator
Apologies:	Ms Nicole van Aswegen	-	Competitor
Absent:	Mr Jean-Louis Maraz	-	Clerk of the Course

BACKGROUND AND PRELIMINARY

1. These are the findings of a court of enquiry, which was held virtually, using the Zoom platform. At the outset of the hearing the parties were asked whether there was any objection to the court as constituted. No such objection was received, and the matter proceeded.
2. It is an enquiry instituted by MSA following receiving reports from various parties, including the race officials for the MRSSA event held at Kyalami on 17 June 2023 and more specifically aspects concerning Race 2 for the Super 1000 SBK class.

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

3. The enquiry shall investigate the follow items:
 - 3.1. Investigate whether the race results were correctly calculated by the race officials following the race's premature stoppage by means of a red flag (in this regard, non-exhaustive reference is made here to, inter alia, GCRs 156, 273, 274; Circuit SSRs 43, 82 and MRSSA SSR 1.20).
 - 3.2. Investigate whether competitors Morne Geldenhuis and/or Clinton Seller were guilty of breaching Circuit SSR 61 iii) by the latter allegedly traveling on the former's motorcycle back to the pits following the race stoppage.
 - 3.3. Investigate whether any, or all, of the riders in the mentioned race failed to comply with the applicable regulations (see article 4 of Appendix H to the GCRs) following the red flag stoppage.
 - 3.4. Investigate why the race that was stopped prematurely was not re-started as per SSR 43.
4. Ian Richards asked for clarity on the role of Christo Reeders prior to the proceedings started. It was established that Mr Reeders was clearly there in the role as the series promotor albeit that he is a practicing attorney. There was no other objection.
5. It is common cause that Race 1 was conducted in accordance with the regulations and the results are not in dispute.
6. It was common cause that Race 2 was stopped during lap 8 at instruction of the Clerk of the Course by means of a Red Flag.
7. It was noted by the court that the Clerk of the Course Mr Jean-Louis Maraz, was absent from the hearing despite acknowledging receipt of the notice as well as accepting the virtual invitation to attend. He was contacted to ask why he was not attending, and he informed MSA that he was at the airport.

THE HEARING

8. In the absence of the CoC, the court president asked the alternate MSA Steward Mr Ian Richards to present what transpired at the protest hearing.
9. The Steward brought to the court's attention several applicable regulations in his view. Of these GCR 273 & 274, as well as Circuit Racing SSR's 41 & 43 were presented.
10. The Steward added further that the category specific regulations, SSR1.11 takes precedence in as much as it refers to Circuit Racing regulations SSR 82 (iv).
11. The Steward submitted to the court that he was of the view that a race result should be declared irrespective if the race had only run 7 of 10 laps, based purely on race distance.

ADDITIONAL TESTIMONY RECEIVED

12. The court heard that the Clerk of the Course, having become aware that the race, having to go back 1 lap, after the issuing of the Red Flag called for a 2-part race.
13. The court further heard that once the competitors received this instruction, some confusion ensued with some competitors saying that they didn't have enough fuel to finish the race. Others citing cold tyres and others simply stating that they were "done", with one saying that

because the front competitors were out, they felt that they would not continue in solidarity with the front competitors.

14. The court also heard that some competitors proceeded to the pits after receiving the Red Flag.
15. Having now received these various bits of information, the Clerk of the Course noticed that the competitors had abandoned the race and as such called the second part off.
16. When questioned by the court if competitor Geldenhuis gave competitor Seller a lift on his bike back to the pits, Competitor Geldenhuis confirmed this to be true.

THE PROTEST

17. A protest was filed on behalf of competitor Geldenhuis by his sponsor. This action was confirmed by competitor Geldenhuis.
18. The protest was filed late but in mitigation it was stated that due to the time of the day and the fact that everyone had to vacate the premises at Kyalami the protest was placed in abeyance, until it could be heard.
19. MSA appointed an additional steward to hear the matter, to allow for two stewards to be present virtually via Zoom.
20. When the matter was convened, it was assumed by the senior steward that all the remedial checks had been concluded and that he needed only concern himself with the merits presented.
21. The court heard that the protestor was in fact not a registered entrant nor MSA licence holder of any sort.

COURT OBSERVATIONS

22. The court heard that the second part of the second race had essentially been abandoned by the competitors. We feel that the CoC should have insisted that the race proceed as per the regulations. At this point the Clerk would have at least been able to declare a result to the event.
23. This action by the CoC would naturally invoke several complaints and protests. This said, he would then at least have followed with the rules and given the stewards a solid base to work off.
24. The steward on the day should have conducted preliminary checks to ensure that the protest complied with the peremptory requirements as stipulated in the GCR's. Had this been done, the protest would have failed at inception and there would have not been any hearing on the matter.
25. Although giving a lift is a gesture of good sportsmanship, it is primarily against the rules. Added to this, this type of action exposes both competitors to risk that the MSA medical insurance would not cover should the riders have fallen, or even worse that the foot of competitor Seller had accidentally got caught into the rear wheel of the bike he was sitting pillion on.

26. The alternate steward unfortunately erred when using an extract of the Force Majeure regulation to determine a successful race distance to declare a race result. One is reminded that the use of the entire rule must be considered and not just a singular sentence in isolation.

THE FINDINGS

27. In the matter of item 3.1 above, the court finds that the race had not reached its natural conclusion and in the absence of not meeting the muster as prescribed by the rules. The result of race 2 in question is declared Null and Void. The promoters and MSA are directed to score the day's race results for this class as zero for each competitor for Race 2 and to affect the prize giving and championship results on the Race 1 result only.
28. In the matter of item 3.2 above, neither competitor Geldenhuis nor Seller denied the allegation. As such they are equally guilty of a breach of Circuit SSR 61 iii). They are both fined the sum of R5000.00 each for this transgression. A note from the court is that these competitors are well seasoned national competitors with a plethora of race and championship wins to their names. Junior competitors look up to them and see what they do and will attempt to emulate them. These kinds of transgressions left unchecked will no doubt set a dangerous precedent for future champions and place the sport and Motorsport South Africa and the competitors at risk.
29. In the matter of item 3.3 above, the court found too many indiscretions by a vast number of competitors. Had the court tried to single out the transgressors, it ran the risk of missing someone in the process and as such would make its findings to bias some of the transgressors. It was this that forced the court to declare Race 2 Null and Void.
30. In the matter of item 3.4 above, the court feels that it has adequately ventilated the matter above.

FEES

31. The court directs that the protest fee is returned as the protest did not fail, it was defective at source and as such should never have been heard in the first instance.
32. As much as the court feels that certain administrative costs need to be levied in this matter, it is hard pressed as to whom it should direct these to. The Clerk of the Course, The Steward, the Competitors, or the Promoter. As such, the court reluctantly makes no order on administrative costs in the interest of finding closure to what was a series of unfortunate events that led it to the point.

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

The findings are issued via email on the 2nd August 2023