



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 470

**HEARING WAS HELD VIA ZOOM ON 3 OCTOBER 2023 AT 17H00**

<b>Court:</b>	Adv. Francois van der Merwe Ms Samantha van Reenen Mr Gennaro Bonafede Mr Kelvin van der Linde	Court President Court Member Court Member Court Member
<b>In Attendance:</b>	Mr Robert Wolk Mr Saood Variawa Ms Arlene Brown Mr Wayne Riddell Mr Gert Botes Mrs Allison Vogelsang Mr Vic Maharaj	Appellant Competitor Clerk of Course Alternate MSA Steward Alternate Club Steward MSA Sporting Coordinator MSA Sporting Manager

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## JUDGEMENT

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### Introduction:

1. Mr Robert Wolk is appealing the three-place penalty imposed by the alternate stewards on 31 July 2023, following an incident during Heat 2 of the Global Touring Car Championship Race ("**the race**"), a part of the Extreme Festival held at the East London Grand Prix circuit on 22 July 2023. Both Mr Wolk and Mr Saood Variawa were involved in the incident.
2. The relevant facts are briefly set out below.

*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, Ms. T. Human, FC. Kraamwinkel, Mrs. S Labuscagne Jonck, M. Rowe, G. Waberski  
Honorary President: R. Schilling

3. An incident report was lodged by Mr Variawa after the race, alleging that Mr Wolk did not leave him enough space at the exit (phase 3) of turn three on lap 6, forcing him off the circuit. Ms Arlene Brown, the COC, determined the incident to be a racing incident, but Mr Variawa filed a protest against the finding. After that, the alternate stewards imposed the penalty as set out above.

#### **The evidence presented during the appeal**

4. Mr Variawa submitted that Mr Wolk did not leave him enough space on the outside of phase 3 of the corner and that he was forced off the circuit. Mr Variawa further alleged that Mr Wolk made contact with his vehicle. Significantly, it was alleged that the left rear wheel of Mr Wolk's vehicle made contact with the right rear wheel of Mr Variawa's vehicle at the exit of turn 3, forcing Mr Variawa to leave the circuit.
5. Mr Wolk, in turn, alleged that no contact was made between the vehicles and that although he could not see Mr Variawa's vehicle on his left during phase 3 of the corner, he was aware of his presence and that he was left with enough space on the outside.
6. The alternate stewards testified that they could hear a sound on the in-car camera, indicating that contact was made between the two vehicles.

#### **The video evidence:**

7. The members of the Court extensively reviewed the video footage provided by Mr Wolk and Mr Variawa. From Annexure F, it is clear that no contact could have been made between the vehicles, as alleged by Mr Variawa. Throughout phase 3 of the corner, the right rear wheel of Mr Variawa's vehicle is completely visible. It is, therefore, objectively impossible for the vehicles to have made contact, as alleged by Mr Variawa.
8. It is evident that Mr Wolk was in complete control of his vehicle throughout all three corner phases. It seems that Mr Variawa encountered oversteer in phase three of the corner, causing him to turn his steering wheel left to correct it.

**Conclusion:**

9. Regarding the evidence presented, and after having reviewed the video footage, there is no evidence that the vehicles made contact. In addition, the Court could not hear any sound on the recordings indicating that contact was made between the two vehicles.
10. In our view, Mr Variawa was left with enough space during phase 3 of the corner. We find that the oversteer and resultant correction by Mr Variawa caused his vehicle to leave the circuit and that Mr Wolk was not at fault.

**The order:**

1. The appeal is accordingly upheld, and the findings of the alternate stewards dated 31 July 2023 are set aside.
2. All fees paid by the Appellant relating to the appeal will be refunded less R1000 administrative costs.
3. Mr Variawa is ordered to pay costs of R1000 to MSA.
4. All parties are reminded of their rights in terms of GCR 212B.

Dated at Pretoria on 11 October 2023.

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