



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 472

HEARING WAS HELD VIA ZOOM ON 24 OCTOBER 2023 AT 17H30

Court:	Mr Wayne Riddell	Court President
	Ms Samantha van Reenen	Court Member
	Mr Michael Stephen	Court Member
In Attendance:	Mr Ronald Venter	Appellant – Father of minor competitor Ronald Venter
	Mrs Shandy Bezuidenhout	Mother of competitor Kyle Bezuidenhout
	Mr Ian Richards	MSA Steward
	Mr Craig Martin	Club Steward
	Mrs Allison Vogelsang	MSA Sporting Coordinator
	Mr Vic Maharaj	MSA Sporting Manager

BACKGROUND AND PRELIMINARY

1. These are the findings of a court of appeal, 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 appeal brought on behalf Mr Ronald Venter – Appellant – father of minor competitor Ronald Venter, against the findings by the MSA Stewards, against a protest at the National ROK Karting event held at Vereeniging Kart Circuit on 24 September 2023.
3. The original protest was against Mr Ian Bezuidenhout – Defendant – father of minor competitor Kyle Bezuidenhout, specifically against the competitor's driving conduct in the race in question.
4. The appellant sought the following in his application for leave to MSA:
 - a. The reversal of the decision of the Stewards in respect of the ROK National Karting Championship event dated 24 September 2023.
 - b. For the implementation of penalties in terms of the 2023 MSA National ROK Karting Standing Supplementary Regulations, Version 3, 31 July 2023, Ref: 162862
 - c. No costs order.

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

- d. Further and/or alternative relief.
5. The applicable extracts of the relevant article of the regulations set out as follows:
- a. GCR 172. BREACH OF RULES.**
Any of the following offences in addition to any other offences specifically referred to previously or hereafter, shall be deemed to be a breach of these rules...
- ...172 vii) Reckless or careless driving during the course of any competition or practice...*
- b. KARTING SSR – SECTION D, 9. PENALTY CATALOGUE.**
ZIG-ZAG means that Kart 1 changes the driving line more than two times on a straight track section for more than a kart width. It is irrelevant how far Kart 1 is ahead of Kart 2 or if Kart 2 would have been able to over-take.
- An advantage is at hand, if (either/or):*
- Kart 1 acts more than once a time this way within the same race.
- PENALTY**
Warning (No Advantage Gained) Black / White flag for Unsportsmanlike behaviour. 5 positions (Advantage Gained).
- c. KARTING SSR – SECTION G, 15 CONDUCT (L) Wild or disorderly driving shall be subject to exclusion.**
6. It is common cause that the competitors acknowledge that a properly constituted protest hearing took place.
7. The evidence of the race in question on the video supplied to the court was led by both drivers' parents, as both the competitors were minors racing in a junior karting category.

THE FINDINGS

8. The court found two primary incidents in the footage: (the court also notes other instances that also show signs of weaving (Zig-Zag). These two incidents illustrate that kart #95 Bezuidenhout "Zig-Zagged" two times and even more in other instances as per the rules.
- a. Incident 1:**
- | | |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7:24.04 | Out of the final corner |
| 7:24.05 | Moves right (more than one kart width)
Looks over the left shoulder. |
| 7:24.07 | Moves aggressively left.
Looks right. |
| 7:24.08 | Moves aggressively right.
Position at start line (long way before entry to next corner)
Looks left.
The normal lap over the start line, the karts are on the edge of the track. |

- There were 3 moves in a short space of time, with a clear look back to make the defensive change of direction.
- The lines painted on the track make it clear how far the competitor moved to make the defensive change in direction.

b. Incident 2:

7:24.22	Out of corner onto back straight
7:24.24	Moves right (more than one kart width in our opinion) Looks over the left shoulder.
7:24.25	Moves left. Looks right over his shoulder again.
7:24.27	Moves right. Looks left.
7:24.28	Moves left back onto the racing line.

- There were 4 moves down the back straight, with clear LOOKING back to make the defensive change of direction.
- Down the back straight there are no lines to see exactly how far competitor kart #95 moves, but the changes in direction are significant after looking back.
- Added to this, kart #95 comes out of the last corner basically on the edge of the track, midway down the straight is then in the middle of the track, and going into the corner is back on the edge of the track on the correct racing line. More than a kart width!

- The concerning aspect for the court in both the cases above, as well as during the race, is the following:
 - These are not changes of direction to break the tow.
 - They are also not gradual/smooth changes of direction.
 - The driver looks behind to see where the competitor is and then changes direction aggressively to block, on numerous occasions.
- The court thus now needs to look if an advantage was gained.
- To gain an advantage, the competitor must either have gained a position or the challenger should have lost a position. None of these happened in this case. While the immediate conjecture is to assume that no advantage was gained, however, the court feels this is not the case in this instance. The court is of the opinion that the repetitive actions of Kart #95, impeded or prevented the challenging kart #50, from making an attempted pass on kart #95. This is where the advantage lay, as it prevented the competitor, Kart #50 from making a clean overtake.
- The court is of the view that kart #95 Kyle Bezuidenhout is in violation of the following regulations:
 - GCR 172 (vii)
 - Kart Racing SSR SECTION D, 9. PENALTY CATALOGUE. ZIG-ZAG
 - Kart Racing SSR SECTION G, 15 CONDUCT (L)

PENALTY IMPOSED BY THE COURT

13. The court imposes a race exclusion of Kart #95 Kyle Bezuidenhout on the day in question. As per 12(iii) above.
14. Because of the introductory statement of Mr Ronald Venter, the appellant, which states he is not here to see competitors excluded but rather to have a poor driving habit rectified. The court suspends prayer 13 above and replaces it with a 5-place penalty. As per 12 (ii) above.
15. MSA is ordered to re-score the relevant race results and resulting championship.
16. Competitor Kyle Bezuidenhout is placed under observation for the remaining races of the 2023 calendar year.
17. The applicant is refunded his entire appeal and protest fee.
18. Competitor Kyle Bezuidenhout is ordered to pay costs of R2000 to MSA.
19. The court makes the following closing remark to the parents of competitor Kyle Bezuidenhout.
NOTE: The court is concerned that a potentially dangerous habit is busy forming in the defensive driving behaviour of Kyle Bezuidenhout. Every effort must be made by the parents to rectify this as soon as possible before the competitor reaches the more senior classes in karting, as this current defensive driving style will become increasingly dangerous when racing at much higher speeds.

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

These findings were issued and handed down on 03 November 2023

163087/158