



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort
e-mail: msa@motorsport.co.za Telephone (011) 675 2220

MSA COURT OF APPEAL 474

HEARING WAS HELD VIA ZOOM ON 16 JANUARY 2024 AT 17H30

Court:	Adv. Francois van der Merwe Ms Samantha van Reenen Mr Graeme Nathan	Court President Court Member Court Member
In Attendance:	Mr Robert Wolk Mr Michael van Rooyen Ms Arlene Brown Mr Andrew Shillinglaw Ms Amanda Coetzee Mrs Allison Vogelsang Mr Vic Maharaj	Appellant Competitor Clerk of Course MSA Steward Club Steward MSA Sporting Coordinator MSA Sporting Manager

JUDGEMENT

Introduction:

1. This appeal relates to a driving incident which occurred during Heat 1 (“**the Race**”) of the Global Touring Car Championship held at Zwartkops Raceway on 14 October 2023. Mr. Robert Wolk (“**the appellant**”) is appealing the Stewards' decision, which found him in violation of Regulation 25.2 of the MSA National Sporting SSR's for Global Touring Car and GTC SupaCup Championships (“**the SSR's**”), resulting in a three-place penalty as stipulated by Regulation 25.6.1.

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



sport, arts & culture

Department:
Sport, Arts and Culture
REPUBLIC OF 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

2. This Court was provided with the formulated appeal and the annexures thereto. Prior to the commencement of the proceedings, further video evidence was obtained at this Court's request, and all parties involved were afforded an opportunity to review this additional evidence.
3. No objections were raised regarding the composition of the Court.

The relevant facts:

4. Mr Michael van Rooyen, a fellow competitor of the appellant, filed a protest after the Race, alleging that the appellant deliberately and dangerously took him out in Turn 3 by bumping him twice even though the appellant had plenty of room on the inside.
5. According to the written findings of the Stewards, a protest hearing was held with both parties, who each presented video footage. This hearing culminated in the findings as set out above.
6. In his written appeal and during evidence, the appellant stated that upon entering Turn 3 at Zwartkops, he was alongside Mr Michael van Rooyen, in other words, he was alongside the B-pillar of Mr van Rooyens's car at the turn-in point of Turn 3.
7. According to the appellant, Mr van Rooyen deliberately and recklessly turned into the appellant, making contact twice through the sweep despite having significant space on the outside of the corner. Upon questioning by this Court, Mr Wolk stated that the initial contact was made between the front left wheel arch and the right rear wheel arch of Mr van Rooyen's car.
8. The appellant further stated that he did not drift wide into Mr van Rooyen and moved towards and onto the white line on the inside of the circuit, trying to avoid Mr van Rooyen after the initial contact.
9. During his evidence, Mr van Rooyen stated that the video footage shows that the appellant moved slightly to the outside shortly before the incident, which resulted in contact between

their respective cars. This was the first contact that was made. According to Mr van Rooyen, the initial contact was tyre on tyre.

10. The appellant further argued that Turn 3 at Zwartkops is deemed a straight or flat-out sweep and does not have a braking zone, rendering Regulations 25.2 to 25.4 of the SSR's inapplicable to that specific turn.
11. This argument requires further consideration before dealing with the incident itself.

The applicability of Regulations 25.2 to 25.4:

12. This Court disagrees with the argument advanced by the appellant that Turn 3 should be treated as a straight or a flat-out sweep. It does not necessarily follow that a corner becomes a straight if there is no braking area for a specific formula or class.
13. In substantiation of his argument, the appellant referred this Court to regulation 16f in Polo Cup, where Turn 3 is defined explicitly as a straight. Reference to this regulation does not assist the appellant as it is expressly stated in those regulations that Turn 3 is defined as a straight, whereas the GTC SSR's have no such provision. The GTC SSRs also do not contain a provision that deems a corner as a straight because there is no braking zone.
14. It is not for this Court to read into the regulations provisions not contained therein. To do so would go beyond the powers of this Court.
15. This Court accordingly believes that Turn 3 should be treated as a corner and not a straight.

The incident:

16. Turning to the incident itself, it is evident from the video footage that the appellant was on the inside line of the corner and that he was at least alongside the B-pillar of Mr van Rooyen's car at the turn-in point of Turn 3.
17. It is further evident from the video footage that Mr van Rooyen stretched his lead from the turning point to the apex of the corner and that the appellant was behind the B-pillar of Mr van Rooyen's car.

18. The video footage shows that the respective cars were in the middle of the corner or phase 2 of the corner when the initial contact was made.
19. SSR 25.3 states the following:
- “If, from the turning point, the lead car stretches the lead to the apex and the challenger’s front bumper is behind the centre (B pillar) of the lead car, the challenger will withdraw and allow the lead car a normal racing line, any contact made by the challenger on the lead car behind the B pillar will be deemed to be the challenger’s fault.”*
20. Having reviewed the video evidence, this Court is of the view that the appellant did not adhere to the prescripts of SSR 25.3 as quoted above. Being the challenger and inner car, the appellant had to withdraw and allow Mr van Rooyen a normal racing line. Had he done so, the incident would have been avoided.
21. In our view, the three-place penalty imposed by the Stewards was the minimum penalty prescribed by SSR 25.6.1 and was correctly applied.

The video footage supplied:

22. The onboard video footage supplied by both the appellant and Mr van Rooyen does not strictly comply with SSR 25.5.2, which states the following:

*“It is mandatory for all cars (both GTC and GTC SupaCup) to have front and rear facing cameras, **safely mounted in their cars**. The front facing camera must have at least 1/3rd of the screen showing the position of the steering wheel and thereby, the drivers left hand position. Once the steering wheel has been centered, **coloured tape is to placed on the top (12 o’clock position)** on order for the CoC to observe steering wheel positions and changes. The onus is on each driver / team to ensure that the cameras are working and switched on before each race.”*

23. Dealing first with the video footage supplied by the appellant, it is evident that the appellant failed to place coloured tape on the 12 o'clock position as required. The appellant must ensure that he complies with the SSR's in all respects. This Court is, however, of the view that this is a minor transgression and that the appellant should only be reprimanded in this regard.
24. Initially, no video footage was provided by Mr van Rooyen. As set out earlier, this Court requested Mr van Rooyen to provide video footage from his car. The video footage supplied by Mr van Rooyen fails to comply with almost all of the requirements of SSR 25.5.2 as the camera is placed outside the vehicle and provides no view of the steering wheel. Mr van Rooyen must ensure that he complies with the SSR's in all respects. This Court is of the view that this is a more serious breach of the regulations and that Mr van Rooyen should be fined in this regard.

The order:

1. The appeal is dismissed.
2. The appeal fees are to be retained by MSA.
3. Both the appellant and Mr van Rooyen are instructed to ensure that their cars comply strictly with the requirements of SSR 25.5.2.
4. Mr van Rooyen is fined in the amount of R2,000.00, which is to be paid to MSA within 14 days from the date of this order.
5. All parties are reminded of their rights in terms of GCR 212B.

These findings were issued and handed down on 23 January 2024

163177/158