



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 478

HEARING WAS HELD IN PERSON AND VIA ZOOM ON 10 APRIL 2024 AT 18H20

Court:	Mr. Wayne Riddell Mr. Raj Ramchander Mr. Cobus Barnard Mr. Andrew Eva	Court President Court Member Court Member Court Member
In Attendance:	<u>In Person</u> Mr. Anthony Lessing Mr. Mohamed Karodia Mr. Lee Thompson Mr. Philip Croeser Mr. Eldrid Diedericks Mr. Wayne Robertson Mr. Vic Maharaj	Appellant Defendant Team Member of Defendant Chairman, VW Challenge Association Clerk of The Course Technical Consultant MSA Sporting Services Manager
Apologies:	Mrs. Allison Vogelsang	MSA Circuit Racing Co-Ordinator

BACKGROUND AND PRELIMINARY

1. These are the findings of an application for appeal, approved by MSA, against the decision of the stewards emanating out of a ruling not to exclude competitor Mohamed Karodia from the Regional Extreme Festival event held on 02 March 2024.
2. The court of appeal, which was a hearing that involved everyone in person at the MSA offices boardroom. 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.
3. 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 Regional Extreme Festival Championship event in question.
 - b. For the exclusion of Competitor Karodia.
 - c. The rescoring of the championship points in question.

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



MEMBER OF



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

4. The applicable extracts of the relevant article of the regulations set out as follows:
- a. GCR 198. LODGING A PROTEST...**
- i) A protest to be considered by the Stewards, must be lodged directly with the Stewards or the Clerk of the Course, his deputy or the Secretary of the Meeting.*
- ii) Every protest shall be in writing, stating the name and address of the protestor, the grounds for the protest, be signed by the competitor or driver making the protest, be accompanied by the fee laid down in Appendix R, and be lodged within the appropriate time limit as specified below.*
- iii) The time of receipt and acknowledgement of payment of the correct fee must be noted thereon by the person with whom it is lodged. Payment of protest fees may be in the form of cash or electronic fund transfer (EFT). In the event of a payment being dishonoured the protestor will be subject to any disciplinary action MSA may deem fit, including disqualification.*
- v) Where the protest does not fully comply with the provisions above, the Stewards must accept it unless the provisions of GCR 203 apply.*
- b. GCR 200. TIME LIMITS FOR PROTESTS**
- iv) A protest against a decision of a Scrutineer or Clerk of the Course, by the competitor directly concerned – within 30 minutes of that decision being notified to that competitor in writing.*
- b) A protest against the eligibility of any vehicle, or part of vehicle, when the alleged ineligibility is apparent but only become visible at a later stage – within 30 minutes of the protestor or protested having finished the race or event, whichever is the later.*
- c) If any part or parts have been changed after scrutineering and are alleged to be ineligible – within 30 minutes of the protestor or protested having finished the race or event, whichever is the later.*
- vii) A protest against any mistake or irregularity occurring whilst the competition is taking place – within 30 minutes of the protestor finishing the event.*
- viii) A protest concerning the results of a competition – within 30 minutes of the publication of provisional results.*
- Note: The Clerk of the Course or the Stewards of the Meeting may amend the above time limits if they think that circumstances make the lodging of a protest physically impossible within the time quoted.*
- GCR 203. INADMISSIBLE PROTESTS**
- A protest shall be inadmissible if:...*
- iii) it is late, unless received in terms of GCR 200 (Note)*
5. The court started proceedings by establishing a formal chronological timeline of each action as it took place.
6. Once the order of events and times actioned was established, the court asked if there was any objection to the listed order. There was no objection received.

7. It is common cause that the competitor acknowledged to the court that he had not complied with the timelines stipulated in the GCR's relating to the lodging of protests and cited his extended period spent sourcing the protest fee.
8. It is also common cause that the stewards, armed with this information took a verbal notification of protest as the recorded time of lodging the protest. This can be found in their findings.
9. The court found no notice of extension nor reference to the "Note:" in GCR 200.
10. The court found that the protest was defective from the outset as it had breached several rules listed in point 4 above.
11. The court believed that had MSA Noticed that the protest had been defective, it would not have granted leave to appeal as it had.
12. This court is duty bound to comply with the GCR's as they are laid out. As such, it cannot rule on the contents of the hearing as presented by the applicant and the officials.
13. The relief sought in 3 above could not be affected due to the defective protest.

THE FINDINGS

14. The court found the protest defective.
15. The court found that the Stewards erred in proceeding with a protest hearing.
16. The court therefore sets the findings of the protest hearing aside.
17. The court rules that the notice issued by the Clerk of The Course issued at 14:33 on Saturday 02 March 2024, stands firm.
18. MSA is instructed to refund both the appeal fee (as this Appeal court should never have taken place) and the protest fee to the applicant (as it too, should never have taken place).
19. A concerning aspect for the court is the fact that the officials failed in the application of their duties. These types of situations can give rise to potentially unfair service delivery to the competitors who expect to be always treated honestly and fairly.
20. The court feels that the applicant who is a seasoned national competitor should have known the timelines applicable to protests.
21. As per GCR 198, the court makes an order of costs to the value of R2000 against the applicant.
22. All parties are reminded of their rights in terms of GCR 212B.

These findings were issued and handed down on 14 May 2024