



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 483

HEARING WAS HELD VIA ZOOM ON 24 JUNE 2024 AT 17H30

<b>Court:</b>	Mr. Neville Townsend	-	Court President
	Mr. Michael Daniel	-	Court Member
	Mr. Scott Falconer	-	Court Member
<b>In Attendance:</b>	Mr. Mark Cronje	-	Appellant
	Mr. Greg Billau	-	Respondent
	Mrs. Jacky Billau	-	Parent competitor #68
	Mr. Ian Richards	-	MSA Steward
	Mr. Craig Martin	-	Club Steward
	Mr. Luan Oelofse	-	Clerk of the Course
	Master Noah Cronje	-	Minor competitor #24
	Master Logan Billau	-	Minor competitor #68
	Mr. Vic Maharaj	-	MSA Sporting Services Manager
	Ms. Samantha Van Reenen	-	MSA Sporting Services Manager – Cars, Karting and Legal
	Mrs. Allison Vogelsang	-	MSA Circuit Sport Coordinator

## JUDGEMENT

### INTRODUCTION

1. Motorsport South Africa ("**MSA**") convened a formal court of appeal in terms of the provisions of GCR 212 as granted to Mr. Mark Cronje ("**the entrant**").
2. The common cause statements surrounding the appeal were read to all parties and in agreement:
  - Event ROK Kartin National Round 2 held on 17<sup>th</sup>/18<sup>th</sup> May 2024
  - Venue Vereeniging
  - Applicable SSR MSA National ROK Karting V2 dated 22/01/2024

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



MEMBER OF



sport, arts & culture

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REPUBLIC OF SOUTH AFRICA

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Honorary President: R. Schilling

- MSA Permit 17612
- Class Kid Rok
- Incident Race 3 on 18<sup>th</sup> May 2024
- Incident report Received from Mr. Cronje at 17:00
- Incident findings 19:26 – result 5<sup>th</sup> place penalty on driver #68
- Present Parents of both minor competitors and competitors
- Protest Signed at 19:37 parent of competitor #68
- Protest Received 19:44 by MSA Steward Mr. Ian Richards
- Present Parents of competitor #68
- Protest finding 21:11
- Competitors Noah Cronje #24 & Logan Billau #68
- Leave to appeal was requested on the 21<sup>st</sup> of May by Mr. Mark Cronje
- Leave to appeal granted by MSA according to GCR 212(A)(iii) on 22<sup>nd</sup> May

3. The court was provided with adequate evidence which included video evidence, photos and lap logging information which included lateral G-force information. The information was concise and in-depth, allowing the court adequate material to make an informed decision.
4. Mr. Cronje presented his case to the court and included various angles of alleged infringements and stated various aspects regarding the process followed being not in accordance with the specific GCR requirements.
5. Mr. Billau in response gave further evidence with detailed lap logging information.
6. Mr. Ian Richards was requested to respond to the allegation made by Mr. Cronje, that he was not allowed to interview the minor drivers' without the express permission of both parents.
7. Both minor competitors gave insight into their version of the incident.
8. Both guardians were afforded the right on behalf of the competitor to be present at a protest hearing involving his driver.
  - 8.1. Mr. Richard's gave a detailed response and cited GCR 202, GCR 201, GCR 152 (xxi), GCR 175
9. The panel clarified various aspects stemming from the evidence given by all parties
10. The stewards acknowledged that only an external WhatsApp video was used to make the final decision in the protest hearing

## **11. FINDINGS OF THE APPEAL COURT**

- 11.1. The court finds that the stewards only used one source of video information which did not specifically indicate the proper detailed maneuvering of each competitor.
- 11.2. Further evidence was available. However, competitor (#24) was not given the opportunity to respond in the protest hearing as per GCR 201
- 11.3. The stewards did not comply with GCR 201(ii) in that *“they shall **personally** or through the Clerk of the Course, notify the protestor and the party/ies protested”*.
- 11.4. The stewards did not comply with GCR 202 in that *“the concerned parties shall be summoned to appear”*.
- 11.5. The stewards did not comply with GCR 175 in that the circumstances were indeed possible to summon all parties and the stewards had the means to contact all parties.
- 11.6. The court finds that any further evidence regarding the incident is not considered, as the protest was flawed in execution and infringes on the rights of the appellant.
- 11.7. The findings of the protest hearing on the 18<sup>th</sup> May at 21:11 are withdrawn and the 5-place penalty is reinstated.
- 11.8. The appellant cost of R5000.00 is returned, less 10% administration fee.
- 11.9. The protestor fee is retained.

## **12. DUE DILIGENCE OF THE COURT**

- 12.1. Although expressly noted that the evidence led not be considered, the court finds, this conduct highly dangerous and should not be condoned.
- 12.2. The safety aspects and high risks involved in this driver conduct should be discouraged in young competitors.
- 12.3. Both drivers are hereby instructed to compete in a fair and disciplined and safe manner.

## **13. RECOMMENDATION**

- 13.1. The court recommends that the MSA stewards rewrite the GCR exam within 90 days from publication of these findings.

The date of this judgement is the 1 July 2024

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