



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MOTORSPORT SOUTH AFRICA COURT OF ENQUIRY NO 1283

2024 ROOF OF AFRICA / HEARING HELD IN PERSON AT SASCOC AUDITORIUM ON 11 FEBRUARY 2025 @ 09:00

<b>Court composition:</b>	Mr. Steve Harding	Court President
	Mr. Neville Townsend	Court Member
	Mr. Clint Rieper	Court Member
	Mr. Jack Cheney	Court Member
<b>Attendance:</b>	Mrs. Deanne Ballington	Clerk of the Course
	Mr. Barry Neal	Assistant Clerk of the Course
	Mr. Mike Kinnear	MSA Steward
	Mr. Graham Hedgcock	Route Director
	Mr. Sarel van der Walt	Chief Timekeeper
	Mr. Robbie Hunter	Pro Touch Global (PTG-ZA)
	Mr. Ross Whitehead	Pro Touch Global (PTG-ZA) & ROA Event Director
	Mr. Mopeli Ntabe	LORA Chairman & ROA Club Steward
	Mr. Likotsi Lemeke	LORA & ROA Chief Marshal
	Mr. Phakisa Mokhesi	LORA & ROA Event Secretary
	Mr. Ntaote Bereng	LORA PR
	Mr. Shabeer Moosa	LORA Deputy Chairman
	Mr. Lineo Koali	LORA EXCO Member
	Malcolm Joubert	Motul South Africa
	Mrs. Kim du Plessis	Trademore
	Mr. Stefan du Plessis	Trademore
	Mr. Tim Nourse	Trademore
	Mrs. Franziska Lucka	KTM
	Mr. Ben du Toit	Sherco
	Mr. Ockie Fourie	Complainant
	Mr. Sakkie Maartens	Spectator
	Mr. Vic Maharaj	MSA CEO
	Mrs. Carmen Hill	MSA Sporting Services Manager – Motorcycles
	Ms. Samantha Van Reenen	MSA Sporting Services Manager – Cars, Karting & Legal
	Ms. Cleodine Goeieman	MSA Sport Coordinator

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



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## **PRELIMINARY MATTERS**

1. These are the written findings of Motorsport South Africa ("MSA") Court of Enquiry 1283 which was heard on 11 February 2025.
2. The hearing was conducted in person at the premises of SASCOC to accommodate the large number of attendees.
3. The members of the Court were introduced to the parties. The court president disclosed to all present the circumstances in which Mr Clint Rieper was erroneously named as Clerk of the Course in the Supplementary Regulations of the event and disclosed the contact between Mr Ross Whitehead and Mr Rieper after the event, before asking whether there was any objection to the composition of the court. No objection was indicated and the court proceeded accordingly.
4. The court was convened in terms of the provisions of GCR 211 based on a request contained in the Clerk of the Course's report and a vast number of complaints received by MSA from competitors, teams, and other interested parties. A total of 77 complaints were received by MSA and to give an indication of the scope and extent of the task faced by this court, the official bundle provided to the court by MSA for this court of enquiry was comprised of 548 pages. The event was entered by very close to 500 riders, each of whom paid a substantial entry fee to compete, and many of whom felt aggrieved by the conduct and operation of the event.
5. The court was mandated to fully investigate the alleged non-compliance with MSA's regulations by the event promoters and/or the event organisers and/or the event officials. This court was specifically mandated to:
  - 5.1. Determine the final results of the event,
  - 5.2. Determine if the event promoters and organisers are guilty of breaching any of MSA's GCRs, SSRs, the approved SRs of the event and MSA's Code of Conduct and Safeguarding policy; and finally
  - 5.3. To determine what actions to take in response to its findings.
6. The court made clear that its mandate did not include the determination of a number of unresolved protests and that these would be dealt with by MSA after the conclusion of this court and the publication of its findings.
7. GCR 210 (vi) provides expressly that legal representation is not permitted. After determining that Mr Tim Nourse, who was present at the hearing as part of the Trademore delegation, was an attorney, Mr Nourse was requested to excuse himself from the hearing.

8. By way of background this is an event with a long history dating back to 1967. It has an international reputation and as a result, the serious organisational deficiencies which occurred in 2024, have adverse effects on the reputation of the host nation Lesotho, on Motorsport South Africa as the responsible host FMN and generally on competitive motorcycling in South Africa.
9. Given the nature of Courts of Enquiry there is no fixed or laid-down procedure for their conduct which therefore falls to be determined by the court. The court heard evidence from a number of parties, these included the Clerk of the Course Mrs Deanne Ballington, the Assistant Clerk of the Course Mr Barry Neal, the Route Director Mr Graham Hedgcock, the Chairman of the organising club, (Lesotho Off-Road Association - LORA), Mr Mopeli Ntabe, and various other representatives and officials from LORA, the Chief Timekeeper, Mr Sarel van der Walt, the MSA Steward, Mr Mike Kinnear, Mr Robbie Hunter as representative of the Promoter, the Event Director appointed by the Promoter, Mr Ross Whitehead, as well as the representatives of a number of teams, sponsors, and competitors.
10. In these findings we will refer to PTG-ZA Group as the promoter and LORA as the organiser.
11. The court would like to express its gratitude to the participants for their frank, open and honest approach to this court of enquiry. Many of those giving evidence willingly conceded as to their own shortcomings in relation to the event.

### **THE COMPLAINTS**

12. In broad outline, the issues raised can be categorised under a number of different headings. These would include organisational shortcomings, which include issues such as the chaotic nature of administrative checking, the absence of suitable toilet facilities, inadequate provision of water, problems with fuel at USPs (Unassisted Service Point), the failure of the promoters to return fuel cans from the USPs, uncontrolled mass starts, late starts, the inadequacy of road closures and controls in relation to the "Round the Houses" race, the behaviour of the drivers of certain official vehicles (the Ford Rangers), and most importantly the failure to properly enforce a variety of MSA regulations and the supplementary regulations of the event.
13. The next category of issues related to issues affecting the timing and scoring of the event, these included the proximity of start and finish controls for the time trial necessitating the moving of the finish control to avoid conflicts, complaints regarding start orders, and generally the failure to timeously produce conclusive results which ultimately resulted in no prize-giving taking place.

14. The third category of issues related to the route; these complaints included complaints relating to the routes. The routes were divided into multiple categories, Gold, Silver, Bronze, and Iron; the court heard that in each instance the routes were too long to be completed within a reasonable amount of time even by the most competent riders in each category. There were also issues of routes crossing one another and/or overlapping. There were also questions regarding whether the routes had been properly laid out and issues in regard to the inadequacy of marking at points where there may be uncertainty.
15. It is proposed to deal with each of these categories of complaints separately in these findings.

### **ORGANISATIONAL SHORTCOMINGS**

16. The evidence received establishes many organisational shortcomings and a clear contravention of multiple regulations, including the following issues: -

- 16.1. Toilets

The promoter (PTG-ZA) advised that the arrangement was with a local supplier to supply toilets due to an agreement to have more stakeholders from the Lesotho area providing services for the event. The service provider however, failed in their duties to provide adequate working ablutions for riders and spectators. It is the promoter's duty to ensure that all aspects surrounding a service provider be made clear and the sole responsibility and failure thereof rests with the promoter. The organiser made mention of the lack of communication between PTG-ZA, and the supplier which resulted in the lack of services rendered. Toilets were locked due to the problem and various sanitation problems existed.

The Promoter conceded that the toilet/ablution arrangements were inadequate and takes full responsibility for this failure. Clearly a proper service level agreement needs to be concluded in the future and enforced.

- 16.2. Water

The promoter led the discussion that the water pipe had been damaged due to motorcycles riding over the pipe and they had fixed the pipe more than once. The promoter (PTG-ZA) had arranged water trucks to bring in 10 000 litres at a time to service the toilets, however, this never came to fruition as some toilets were closed off due to lack of water for sanitation. The promoter mentioned that 60 000 litres was brought in, however, there was no evidence provided to substantiate that this did occur.

The promoter was questioned about drinking water and advised that one of the sponsors was a water provider however, he could not attest that there was ample drinking water for riders and spectators. The failure to provide adequate sanitation water as well as drinking water rests solely on the promoter and infringes on overall health and sanitation codes.

In the complaints it was also mentioned that the USP area had no water. A rider was evacuated due to dehydration raising the concern for the need for adequate water for competitors.

16.3. Sequence blocks for starting

It is customary for an event of this magnitude to have sequence blocks set out for starting, where riders sequenced 1 - 100, 101 – 200 etc., in the various classes of Gold, Silver, Bronze, and Iron would line-up for the start of the event. There was no sequence blocking in place and neither was any form of order held to guide the riders and teams. Riders and teams pushed in anywhere they could, which created pandemonium. This disarray of organisation was created by the lack of planning by the promoter and organiser.

Adherence to GCR 156 (xiii) by the Clerk of the Course was not possible due to the multiple problems faced by her as a result of the lack of attention to even basic details by the Promoter. There was no stipulated starting order nor was order kept during the start process.

16.4. Start/Finish

The course design was not conducive to align with Art. 13.1 (f) which led to multiple inaccuracies in the timing provided. The decontrol area, timing had to be moved as the timing system was unable to capture correctly as stated by the timing provider. Confusion came about between the organiser and the CoC on the matter, and a dispute arose as to the authority to move the finish. The Promoter seemed unaware of the roles and responsibilities and duties held by the Organiser and CoC.

16.5. DSP (Designated Service Point) Environmental

The Promoter led the discussion that there were DSP points, and the various areas were cordoned off to demarcate the sections. The gross failure however came to the fore that although the promoter did arrange for refueling mats (ground mats), these were not in place. The raw open refilling rider tanks were clearly visible in an open area of dry grass with a severe lack of firefighting equipment as well as lack of environment protection which violates the most basic of

environmental codes. The setting out of the fuel appeared to be random and was again indicative of a lack of attention to detail in relation to the event.

The promoters/organisers failed in their duty to provide a safe environment for refueling. The actions and omissions of the promoter created an extreme fire risk as well as hazardous refueling areas and made compliance by the competitors with Art. 12.15 of the National Enduro & Hard Enduro SSRs impossible.

The number of riders failing to use an environmental mat as per Art. 12.15 a) and the Environmental Code cannot be quantified as the promoters had failed in their duties to provide the adequate environmental protection for them to comply.

16.6. Medical Controversy

Rider #13 (Luke Walker) was evacuated and released but noted as UNFIT. The cause was Heat Stroke/ Dehydration however, the rider continued to participate. The rider was not cleared from the injury register. The officials' oversight into this could be the cause, however, the disorganisation in general created an excessive amount of undue chaos for the officials to deal with. Based on the nature and medical declaration of unfit, Luke Walker needs to be excluded.

Quite apart from the duty of the officials to stop the competitor from riding in the circumstances there is also an onus on the competitor, if he has been seen by the medics, to confirm with them whether he is able to continue or not. There is also the possibility to use a special examination to get clearance from the CMO to ride in such an event. (In this instance, the use of an intravenous drip for recovery is a prohibited method in terms of WADA.)

16.7. Rider #2 T. Kabakchiev – Appeal

It is noted in Bundle 1 that an appeal was submitted by rider #2 (T Kabakchiev). In the appeal it is noted that the Route Director was contacted for advice on the amount of fuel to administer for the race. This conduct is highly unethical and is in contravention of GCR 172 (vi), as unfair practice. The Route Director should in no way engage with competitors during the planning and the execution phase of the event, by giving any team or competitor information that may create an unfair advantage.

Rider #2 was in contravention of Art. 15 (h) (vi) and (x) by receiving outside assistance and must be excluded.

16.8. USP-refueling

Art. 12.5 refers to the requirements of safety with regard to refueling. The promoter failed to provide a safe environment and, it is also noted that competitor #2 (T Kabakchiev) decants from 3 “clear plastic water bottles” with no sealing option around between the decanter and the tank, the open fuel is poured directly into the tank. This is a high safety and fire risk. This was observed from video material included in the bundle.

16.9. Helmet cameras

In the video evidence provided in Bundle 5, rider #2 (T Kabakchiev), of the evidence pack refers to a screenshot discussion between the CoC (Deanne Ballington) and rider #2, which clearly indicates that the CoC was unaware that the rider had a helmet camera on at the start of the event. The competitor is in violation of GCR 124 as well as Art. 9 (a) (xiii) of the SSRs for National Enduro and Hard Enduro and National Cross Country SSR 351 i) (ii). The penalty for non-compliance is that the competitor shall not be permitted to take part in the event until rectified, however, the officials were unaware of the non-compliance at the start of the race. As a highly experienced international competitor there can be no excuse as this is also a requirement of the FIM. It is therefore concluded that the competitor be excluded from the event for non-compliance.

16.10. Communication

The promoter proved insight into the means of communication with the riders and teams and that a “Telegram” group had been set up for this purpose. In light of the poor/unstable communication in and around the event area in Lesotho, this caused a breakdown in communication between the promoter, CoC, and riders. The group was also left as an open communication medium which is destructive by design for both promoter and competitors.

The promoter had failed to consider that digital communication can and does fail and therefore, all communication needs to also be reduced in writing on the “Official Bulletin Board”. The SR for the event makes note of the Bulletin board being held at the Fixed Race Headquarters at the Avani Lesotho Hotel. However, no evidence was mentioned that this was used and only reference to the Telegram group as the means of communication were used for the event.

The failure in this regard rests upon both the Promoter and the CoC for not ensuring that all notices were made available at the official Bulletin Board at the Avani Hotel. The promoter also failed in their duty to specify in the SR what the Official Written Bulletin board will be used. However, in section 17 of the SR for the event, reference has been made to the use of both “WhatsApp, email and Telegram”.

These digital mediums are highly ineffective as the use thereof is highly dependent on various aspects of social media communication. This oversight rests solely upon the promoter who failed to instill a proper race conducive bulletin medium as well as the official Written Bulletin board which MUST always be used as the baseline of official communications.

The court advised that going forward, only “Sportity” be used in conjunction with official Written Notice Boards. The failure in communication caused dire miscommunication which led the competitors into panic and pandemonium thus creating an unsettled race environment.

The communication sentiment as per the evidence in the bundle is somewhat sub-standard and elementary and cannot be allowed going forward. There are various aspects which were not communicated by the promoter which is in violation of multiple safety protocols. The lack of proper specific information communicated to competitors rests upon the promoter.

16.11. Printer

Evidence was led by the CoC (Deanne Ballington) regarding multiple communication problems between the promoter and the CoC. The supplying of a printer discussion highlighted that delays were caused by the lack of a printer for the CoC to use. It is customary for a promoter of all events to provide a printer for the use of printing various bulletins and results. The reports in Bundle 1 clearly indicate the delays and problems caused by the issue of printing. Although the responsibility is not mentioned in the SSR or SR as to provisioning of a printer, it is customary for the promoter/organiser to provide a working printer for all officials to use. The sole responsibility of the delay rests solely upon the promoter who failed to provide a printer for the officials.

16.12. Live Streaming

The Telegram group notifications indicate that “live streaming” was communicated by the promoter however, same was not available at the event. No evidence was mentioned of this during the hearing as the court focused on the safety aspects and failure of the event as a whole.



16.13. Tracks crossing and public road crossing

The Route Director (Graham Hedgcock) gave evidence that due to the recent rains, the loops had to be changed. In this change process it became apparent that various loops either crossed each other, as well as, included public road crossings. In the evidence pack it is also noted that a severe lack of safety control was in place at the road crossings and thus created an unsafe environment for the competitors. Art. 12.16 refers specifically to the safety measures at road crossings and the failure to provide adequate safety in this regard rests upon the Route Director and the promoter/organiser. The Route Director conceded that the various loops did cross each other which violates the safety of riders.

16.14. Clerk of the Course

The report submitted by the CoC and the evidence led by the CoC (Deanne Ballington) clearly indicates a breakdown in communication between the officials and the promoter. The CoC stated that during the initial stages of the event she had called on MSA and advised of the requirement for a possible Court of Enquiry. The court finds this a noble gesture to inform MSA of the current status during the event. The CoC was engulfed in a barrage of chaotic events rendering her alienated from the actual racing. Far too many failures occurred sequentially thus hindering her ability to execute her duties fully as a CoC. Questions must also be asked as to why the CoC and her Assistant were always together, when clearly the event could have benefited from their taking responsibility for different specific aspects of the event. An event of this magnitude with four different routes and 500 riders needs more than one CoC and the court recommends a CoC, Deputy CoC as well as Assistant CoC's for each class, in addition to the Race Director and Route Director, apart from the other officials, to manage the event. It is equally clear that the CoC's attention to checking on start orders, route issues, medical reports and the like was insufficient.

GCR 152 (i) clearly stipulates that the Stewards of the meeting shall have the authority for the enforcement of the GCRs, SSRs and SRs and GCR 152 (ii) also stipulates that the stewards shall not in any way be responsible for the events organisation. Due to the various organising failures the CoC/Stewards were hindered in their duties thus rendering certain aspects of their duties out of their control. The MSA Steward was too involved in the running of the event to maintain the dispassionate distance required from the organisation to provide effective oversight. While the court recognises that his involvement was necessitated by the lack of officials and the chaotic situation of the event, this situation should have been avoided.

16.15. Race Numbers

A rider complained of incorrect race numbers; however, this was not addressed as the court had focused on the major violations of safety during the event.

16.16. Time Trials

All parties involved in the Time Trials acknowledged lack of control, and this specific part of the event created an unsafe environment for all parties. Promoter vehicles were mentioned as being out of control. The lack of control between LORA and the Promoters cannot be ignored, as this infringes on the overall safety of riders, officials, spectators, and members of the public. The promoter and LORA acknowledged the lack of control and must be noted as an infringement on safety.

16.17. Public Address

A complainant indicated in the evidence pack that a Public Address (PA) system was not used. This is consistent with the lack of organisation by the promoter /organiser.

16.18. GPS

Various testimonies at the hearing indicated that the failure of the GPS system was due to the lack of waypoints and “breadcrumb” usage and that this caused the GPS units to “create a line” path which riders followed. The court is of the opinion that this method is then highly ineffective and infringes on safety aspects which can be seen in the videos provided where competitors were led to areas where there was no possibility of passage. The court advises that better care be taken in future to add safety markings which are environment friendly or can be removed after the event. Both the route director and organiser made mention of “painting the valley” is not conducive to the aesthetics of Lesotho however, there are methods of effectively marking routes which are biodegradable which will enable a higher safety precaution and better route marking for competitors.

16.19. Tracking and timing

The promoter made use of a timing provider who had not tried and tested the timing system at an event of this nature prior to the Roof of Africa event by his own admission. Members of the court questioned the functional operation of the timing system, and it is clear that this specific timing setup is not conducive to proper timing at an Enduro/Cross country style event, for fast and immediate timing within the timeframes necessitated by the event itself. The system still

needs development and testing in order to facilitate faster timing and results. The Court is of the opinion that this system be tried, and type tested for fast response and updating before being approved for an event of this nature.

The owner of the timing company gave insight to the system which uses a Bluetooth tagging option. The timing provider failed in his duties as per GCR 163 (i), (ii), (iii), (iv), (v), (vi), and (vii) to provide reliable timing on the days of the event. The system was only able to provide results after much processing.

The inability of the timing provider to provide timeous and accurate results at the event on the day has led to multiple repercussions regarding event timing during the course of the event.

16.20. LORA

The court acknowledges and accepts the sovereignty of the Lesotho people therefore, all attempts must be made to correct any wrongdoing by any party, albeit promoters, officials, or competitors. The court heard the evidence from the speaker of LORA however, there is a fair measure of additional control and safety that LORA could have accomplished, specifically pertaining to the Time Trial areas.

Competitors routing through farmlands could have been avoided with proper markings and LORA has a fair measure of responsibility as delegated by the promoter.

16.21. Abuse of officials, competitors, public, teams

The evidence pack makes note of certain irregularities regarding abuse however, all aspects stemming from this court pertaining to factors not within the scope of this court will be referred to MSA to investigate separately from these findings. This specifically includes the allegations made against Mr Robbie Hunter and which were expressly denied by him.

16.22. Age of Entry

The age of entry as per the SR is noted as 14 years old on a two-stroke 125cc to 200cc or four-stroke 150cc to 250cc. Concern was raised as to reasoning of the lowering of the age as the Roof of Africa event is not designed for riders under the age of 16. The court agrees that the minimum age be adjusted back to 16 years old. The risk on young riders cannot be overlooked therefore, the age realignment is to be instituted with immediate effect.

### 16.23 Administrative checking

The substantial deficiencies in relation to the documentation relating to the event must be rectified by the promoter's appointing a suitably qualified and MSA licensed Race Secretary on a part-time basis from the opening of entries until the closing thereof and on a full-time basis until the event is complete and the results are issued.

## **RESULTS**

17. Given the very extensive list of failures to enforce regulations and the myriad difficulties occasioned by the route inadequacies, timing challenges and other similar matters this court gave serious consideration to not declaring a result at all. There is precedent for such a procedure and this court was faced with the same dilemma that faced MSA's National Court of Appeal 1078 where there was similarly widespread short cutting and deviation from the prescribed route by competitors, and multiple failures on the part of the promoters, organisers and officials. The question faced by this court is the same question that was faced by the NCA in NCA 1078, namely is it possible for this court to reconstruct a result with integrity, or is the overwhelming evidence indicating multiple failures and contraventions of the regulations such that a fair and reasonable result cannot be achieved?
  
18. This court recognises that not all competitors in motorsport are competing for the podium. The multiple classes and enormous popularity of this event as evidenced by an entry of almost 500 riders, indicates that there are multiple enthusiastic amateur riders with little or no chance of competing against the front runners and competitors; those against whom there is no evidence of wrongdoing should be entitled to a result. In the words of NCA 1078 they "within their own means, ... attended the event, and expended substantial funds. They are entitled to a result as much as the front runners and championship contenders as long as they did not themselves breach the regulations." As a court we believe that we have established a reliable set of results, the integrity of which can be defended. Where contraventions of the regulations have been detected those contraventions have been penalised with the appropriate penalties as provided for in MSA's regulations and the supplementary regulations of the event, where penalties are appropriate, and excluded from the results those competitors whose contraventions cannot be adequately sanctioned by prescribed penalties or should not have been permitted to start.
  
19. For the sake of clarity, the methodology of scoring as applied by the court is recorded below.
  - 19.1 The time trial results have not been included in the overall results. The reasoning behind this, is twofold. In the first instance the finish timing point was moved and secondly, nowhere in the Supplementary Regulations of the event, the National Enduro & Hard Enduro Regulations or any

bulletin is it specified whether the time trial was to be scored or not as required in terms of the National Cross Country Motorcycle Regulations.

19.2 Competitors who completed the first race day, by following the course and not by road or leaving the course, have been scored at the finish. Other competitors who did not reach the finish, have been scored back to the last checkpoint, which would be the DSP. These competitors finish time at the point plus a penalty of the slowest time (per class) at the finish plus 5 hours. This keeps them in correct order of their finish and making it impossible for them to overtake anyone who completed the full race distance on the first racing day. Competitors who did not reach the DSP are scored as “Did not Finish” (DNF).

19.3 Competitors who rode the route in reverse, have been excluded. The onus is on the competitor to ensure that they follow the GPS direction correctly.  
(Refer Art. 15 h) (xii))

19.4 Competitors who deviated from the route at CP3 had been penalised with the slowest time (per class) for that piece of the route plus 30 minutes.  
(Refer Art. 15 e) (iii)).

19.5 Competitors who missed CP6, to be penalised for a minor deviation by 30 minutes.

19.6 Competitor 2, T Kabakchiev, is excluded for wearing a camera on his helmet in contravention of MSA and FIM regulations.

19.7 Competitor 13, L Walker is excluded as having been declared medically unfit by the CMO after having raced day 1, he should not have been allowed to restart. His racing on day two was in addition a contravention of the rules of the World Anti-Doping Agency (WADA) as the receipt of an intravenous infusion is a prohibited method.

20. The Court would like to express its gratitude to the Chief Timekeeper, Mr Sarel van der Walt, for the enormous number of hours devoted to assisting the members of the court with checking tracks to ensure the integrity of the results.

21. The results of the four classes are included as an appendix to these findings.

## **ROUTE**

22. After a thorough and comprehensive examination by the court of the data relating to both the tracks as set, and the tracks as ridden by the competitors, the court reaches the inescapable conclusion that the entire route had clearly not been ridden by the route director or his assistants. This had a number of consequences

including incorrect race distances, incorrect estimates of time, incorrect placement of refuel points, and marshal placement. Numerous riders ran out of fuel. The various different routes set for different classes crossed and at times overlapped giving rise to an enormous amount of confusion on the part of riders, some of whom rode the route in the wrong direction and instances of different classes racing in opposing directions in the same sections.

23. There can be no doubt that the tracks as set for the riders had not been ridden in one continuous ride but that individual sections had been ridden or walked and then mapped together in order to create the routes.
24. Furthermore, the Route Director acknowledged the various problems he encountered, and it is clear that Mr Hedgcock should not be used to set Enduro/Hard Enduro routes at this level going forward. Mr Hedgcock took full responsibility for the failure of the routes therefore; it is an appropriate action to ensure that a more competent Route Director sets the loops for this event going forward.

## **FINDINGS**

25. Considering the prestige of this event, it is appalling to note the number of failures on the part of the promoter/organiser. The Roof of Africa event is held in high regard at an international level and it is clear that the organisers have now failed two years in succession to provide the high quality that competitors expect. The infringement of multiple safety, health, and environmental codes, and disregard of the regulations as provided by the Federation, leads the court to conclude that the promoter engaged by the organiser lacks competency with an event of this nature. The brand damage caused to MSA is insurmountable to quantify and therefore, corrective action needs to be instilled to ensure the protection of this event and safety of competitors.
26. The organiser/promoter contracts the various service providers (Route Director / Timing / Sanitation / Water / Communication /and so forth) and it is vividly clear that all avenues of the organisation of this event have failed the competitors. It must be noted that the event entry fee is commensurate with an international status event with the lowest entry fee being R6800 (ex-vat) paid directly to PTG Events (Pty) Ltd, thus resulting in the likely turnover well in excess of R3,500,000.00 excluding sponsorships. The court gave serious consideration to ordering a partial refund to competitors, but such an action would be beyond the powers of this court.
27. It is clear that the promoter and organiser are in breach of GCR 122. The promoter failed dismally in their duties and brought the 'Event' and the Federation into disrepute thus causing a long-lasting negative impact

to the Roof of Africa event. The organiser and promoter were unclear as to the roles and responsibilities of the event, apart from failing in their duties to provide various services related to this type of event.

28. The Court recommends that this promoter be placed under stricter control measures should they be involved with this event in 2025 and 2026. An organising committee, overseen by an experienced organiser appointed by MSA, needs to properly plan the event and steer any organising committee going forward, the cost thereof to be borne by the promoter or in their absence the organiser. The Race Director should be someone with experience of organising major motorsport events and should hold a Grade A Clerk of the Course licence for the enduro facet.
29. The failure of this event cannot be taken lightly, and this court must be seen to have taken fair action after hearing the evidence. No evidence provided gave any indication of a well-run event. All parties involved with the 2024 Roof of Africa acknowledged their failure to provide a service to the competitors compatible with the status of the event and the amount paid to enter. The appropriate action needs to be of such nature to ensure any further failure does not occur again.
30. The rights relating to the event belong to the organiser LORA. They are perfectly within their right to contract with any party whom they wish to promote the event. Given the international reputation of PTG-ZA and its promotion of major international events, albeit not in the motorsport discipline, it was not unreasonable for LORA to expect a far higher standard from the promoter. This notwithstanding the responsibility ultimately rests with the organiser for the failings of the promoter.

## **SANCTIONS**

31. Having made the findings of multiple contraventions as recorded in above, it is now the duty of this Court to decide on an appropriate course of action.
32. In the circumstances we impose the following:
  - 32.1 A fine of R200,000 is imposed against the event promoter in respect of the general shortcomings in event organisation.
  - 32.2 An additional fine of R50,000 is imposed against the event promoter expressly in relation to the breach of GCR 243 in relation to the management of road crossings and competitor usage of public roads.

32.3 A contribution to the cost of establishing this court of enquiry in an amount of R40,000.00 is to be paid by the promoter to Motorsport South Africa.

32.3.1 Notwithstanding, the imposition of the fine against the promoter (PTG-ZA) the court directs that no permit is to be issued to LORA for a future edition of the event until such time as payment has been made.

33. MSA is directed not to issue a permit for the next edition of the event without the provision of a detailed operational plan indicating the actions to be adopted to ensure that the same difficulties are not encountered in the future.
34. The court further instructs that at least 3 non-competing riders, of varying class ability, ride the full loop setting of this event as expected by competing riders, within the 7 days prior to the next edition of the event taking place to ensure that competitors are able to complete the route within a reasonable period of time and that the last competitor should be able to easily complete the route in daylight hours.
35. MSA is directed to publish the annexed results of the four classes in accordance with the provisions of GCR 141 (x) (c) contemporaneously with the publication of this judgement.
36. These results are to be treated as provisional and subject to protest, competitors are reminded of the time limit for any such protest as set out in GCR 200 viii).
37. With regard to protests or appeals already made by any competitor, such competitor shall be entitled to withdraw such protest or appeal for a period expiring seven working days after the date of the electronic publication of these findings and the annexed results, in these circumstances any protest/appeal fees paid by the competitor in respect of a withdrawn protest/appeal shall be refunded.

The Parties are reminded of their rights in terms of GCR 212B in relation to matters unrelated to the results of the competition.

These findings are dated on 9 April 2025.