



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 488

HEARING WAS HELD AT MSA ON 17 JUNE 2025 AT 10H00

Court:	Mr. Wammy Haddad	-	Court President
	Mr. Rod Hering	-	Court Member
	Mr. Rodney Williams	-	Court Member
In Attendance:	Mr. Leon Boshoff	-	Appellant
	Mr. Jason Coetzee	-	Mechanic for the Appellant
	Mr. John Coetzee	-	Representative for the Appellant
	Mr. Ian Richards	-	MSA Steward
	Mr. Craig Lovett	-	Club Steward
	Mr. Eric Schultz	-	Clerk of the Course (Via Zoom)
	Mr. John Duvill	-	Rok Promoter (Via Zoom)
	Mr. Daniel Bright	-	Chief Scrutineer
	Mr. Alistair Pringle	-	Technical Consultant (Via Zoom)
	Mr. Luan Oelofse	-	Assistant COC (Via Zoom)
	Ms. Samantha Van Reenen	-	MSA Sporting Services Manager – Cars, Karting and Legal
	Mrs. Allison Vogelsang	-	MSA Circuit Sport Coordinator

JUDGEMENT

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), V. Maharaj (Chief Executive Officer), P. Zeelie (Financial),
Mrs. D Abrahams, Mrs. D. Ballington, K. Govender, Ms. T. Human, Mrs. S Labuscagne Jonck, D. Ramchander, M. Rowe, G. Waberski,
Honorary President: R. Schilling

INTRODUCTION

1. Motorsport South Africa ("**MSA**") convened a formal court of appeal in terms of the provisions of GCR 212 as granted to Mr. Leon Boshoff ("**the appellant**") by the High Court Order Case no 089206/2024 dated 19 March 2025. The appeal is based on the technical infringement from the National Rok Karting Championship Round 1 held at Killarney Kart Circuit on the 19th March 2024. No objections were raised to the composition of the court.
2. Mr. Eric Shultz enquired in what capacity Mr. John Coetzee was attending. It was confirmed that he was a club member and was permitted by the court members to proceed in his representation on behalf of the entrant.
3. The terms of reference of this enquiry are twofold:
 - 3.1. The alleged non-conformance of the carburettor needle in terms of the technical regulations; and
 - 3.2. Whether the correct procedures were followed by the MSA Officials during the impounding and technical inspection process.
 - 3.3. Finally, to determine what action to take in response to its findings concerning paragraphs 3.1 and 3.2 above.

THE SUBSTANCE OF THE APPEAL

4. The appeal was brought by the appellant on behalf of his minor son, Max Boshoff, with the central issue being an alleged technical infringement involving the carburetor needle on Max's kart.
5. The appellant and his witness, Jason Coetzee the mechanic for the appellant argued that the measurements confirmed the needle's compliance, and subsequent visual wear marks were consistent with normal maintenance, not a breach of regulations.
6. The appellant raised concerns about the 45-minute delay between inspection and the presentation of the needle, suggesting possible procedural irregularities.

7. The appeal further challenged the handling of the original protest by the appellant, who claimed he was pressured to sign documents without a proper hearing, and thus in contravention of *GCR 175*.
8. The appellant, asserted that the imposed penalties both the exclusion and a grid drop, constituted a double penalty not supported by MSA regulations, and that the stewards had acted beyond their authority.
9. The question arose in regard to the inconsistencies in the application of penalties across competitors and highlighted failures in upholding natural justice and procedural fairness during the protest and appeal process.
10. Accordingly, the appellant, sought to have the penalties overturned, the race results amended, and the appeal upheld on the grounds of regulatory non-compliance, procedural flaws, and inconsistent enforcement.
11. The carburetor needle from kart #33 was presented to the court by the Chief Scrutineer, Mr. Daniel Bright ("*Daniel*"), in a small zip-lock plastic bag stuck onto the back of a yellow scrutineering sticker. The sticker had the signatures of Daniel and the appellant on. Both confirmed their signatures thereto.
12. Four sample needles were in a plastic container in a plastic bag. The zip-lock bag and the sample needle bag was stapled onto a copy of the protest document.
13. The containers were opened for inspection and measurement. #33 needle had a circlip on the top to distinguish from the sample needles.
14. The needles were inspected under a bench magnifying glass:
 - 14.1. the triangular manufacturer emblem was visible at the top, though faintly as a result of the small size of the needle.
 - 14.2. the part number W23 was visible, equally faint.

- 14.3. the sides of the taper specifically were inspected for machining marks and tampering.
15. #33 needle showed slight marks on the taper sides. This can be normal wear as the needle moves up and down in the emulsion tube when the accelerator pedal is moved. The tip of the needle had an angle with the longitudinal axis. Doubt if this is performance enhancing as the needle moves up-down the emulsion tube and the operating length is adjustable by moving the circlip between the four adjusting grooves. The sample needles looked newer.
- 15.1. the length was measured with a digital vernier, zeroed.
- 15.2. #33 needle : 45,12 mm
- 15.3. Sample 1 : 45,08 mm
- 15.4. Sample 2 : 45,07 mm
- 15.5. Sample 3 : 45,05 mm
- 15.6. Sample 4 : 45,03 mm
16. It is to be noted that the length, is not specified in the *2024 ROK Technical Regulations*, but it specifies wear marks near the tip is common.

THE INSPECTION IMPOUND PROCEDURE

17. After heat 2 all karts were inspected in the parc fermé by Daniel.
18. The #33 needle was removed from the carburettor and inspected. Daniel said it was compliant but scratched, and that a new needle would need to be fitted.
19. Daniel returned to parc fermé accompanied by the Technical Consultant, Mr. Alistair Pringle ("*Alistair*"), and asked to take the #33 needle to the CoC without sealing and without informing the appellant.
20. Daniel and Alistair went back to the pits with the #33 needle and presented same to the Appellant. Daniel confirmed "to the pits" not Parc Fermé. Daniel put the #33 needle in the zip-lock bag and sealed with a scrutineering sticker. Daniel signed on the sticker and the Appellant confirmed his signature. This was sent to MSA for safe keeping for the hearing.
21. ROK Technical Infringement Notice signed by the Assistant Clerk of the Course, Mr. Luan Oelofse ("*Luan*") and timed at 15h00 was served on the appellant. A note at the bottom of the page reads:

"15h15 received from TC."

22. A Summons to Report to the CoC was served on the appellant, at 15h15. The appellant reported to CoC and was informed that the #33 needle was not compliant.
23. ROK Penalty Form issued 15h31.
24. Appellant handed in protest form 15h55.
25. Protest hearing between Appellant, Stewards and the Assistant CoC. The hearing found that the #33 needle was non-compliant and failed the protest. The Appellant voiced his intention to appeal.
26. At the bottom of the Protest page is a hearing note: *"The competitor does not accept the findings & declined to sign"*. No time.
27. *MSA GCR 252 vi and vii* is very clear about impounding cars and components for evidence in the Parc Fermé in the presence of the competitor and the technical official. Evidence may not leave the parc fermé unless sealed, signed and identified by both.
28. The parc fermé is an out of bounds area and only the parc fermé officials and the required team personnel are allowed in. In the case of a component required to be moved to a different area before impounding the official must be accompanied by the competitor or his appointed representative. When there are a number of cars in the pits and people milling around it is easy to lose or confuse a part and unwittingly disadvantage a competitor.

FINDINGS:

29. The MSA procedure of Parc Fermé impounding (GCR 252 vi & vii) suspected parts for inspection and clarification was clearly not followed, and makes the penalty null and void.
30. The Appeal is upheld and the Stewards decision set aside.
31. The Exclusion from heat 2 is set aside.
32. The disqualification is set aside and the race may be dropped.

33. The Protest and Application for leave to Appeal fees to be refunded less 10% administration fee.

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

The date of this judgement is 7 July 2025.