



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA COURT OF APPEAL 491

Court composition:	Adv. Francois v d Merwe	-	Court President
	Mr. Adrian Scholtz	-	Court Member
	Mr. Charan Moore	-	Court Member
In Attendance:	Mr. Teodore Kabakchiev	-	Appellant
	Mrs. Kim du Plessis	-	Trademore Sherco Racing
	Mr. Stevan du Plessis	-	Trademore Sherco Racing
	Mr. Ben du Doit	-	Sherco Racing
	Mrs. Deanne Ballington	-	Clerk of Course
	Mr. Graham Hedgcock	-	Route Director (<i>Not in attendance</i>)
	Mr. Mopeli Ntabe	-	LORA Chairman
	Mrs. Megan Prinsloo	-	Husqvarna / Gas Gas
	Mr. Travis Teasdale	-	Competitor
	Mr. Wade Young	-	Competitor
	Mrs. Carmen Hill	-	MSA Sporting Services Manager: Motorcycles
	Ms. Samantha Van Reenen	-	MSA Sporting Services Manager: Cars, Karting and Legal

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: V. Maharaj (Chief Executive Officer/Interim Chairman), P. Zeelie (Financial)
Mrs. D. Abrahams, Ms. T. Human, Mrs. S. Labuscagne-Jonck, Ms. K. Mohun, D. Ramchander
M. Rowe, Ms. M. Spurr, G. Waberski.

Interim Appointed Directors: X. Letlaka, Ms. C. Low, N. Townsend

Ms. Cleodine Goeieman - MSA Junior Sport Coordinator:
Motocross, Enduro and Cross
Country Mcycles & Qd

JUDGEMENT

1. This is an appeal lodged by Mr. Teodor Kabakchiev ("***the appellant***") in respect of a protest lodged in connection with the Roof of Africa 2024 Event. This appeal follows the decision handed down by Stewards after the Deferred Protest Hearing, which was heard virtually on 9 July 2025.
2. The appeal was set down for hearing on 7 October 2025.
3. At the commencement of the hearing, the Court informed the appellant that he had failed to comply with the provisions of GENERAL COMPETITION RULE ("***GCR***") 212(A)(iii), as set out below, and that the right of appeal had accordingly lapsed.
4. The following facts are common cause:
 - 4.1. Leave to appeal was granted by MSA on 12 August 2025 (see Appeal Bundle 3, page 252).
 - 4.2. In terms of GCR 212 (A)(iii), the formulated appeal and the requisite payment should have occurred on or before 21 August 2025.
 - 4.3. A payment was made by Trademore (Pty) Ltd, presumably on behalf of the appellant, to MSA on 22 August 2025 (see Appeal Bundle 3, page 246).
 - 4.4. Thereafter, and on 25 August 2025, the formulated appeal was transmitted to MSA.
5. After being allowed to demonstrate compliance with the lodging requirements prescribed by the GCRs, the appellant was unable to do so.
6. The Court accordingly held that the right of appeal had lapsed and indicated that written reasons would follow. This judgment constitutes the reasons for that finding.
7. GCR 212 (A)(iii) states that:

“The CEO of MSA (or his duly designated representative), in conjunction with the MSA Sporting Services Manager and in consultation with any other party / parties they may deem appropriate, shall consider the leave application and either:

*iii) Grant the requested leave to appeal, in which case a formulated appeal (see GCR 219) must be submitted within 7 (seven) working days of the leave being granted, together with payment of the required appeal fee of R10 000 (the leave to appeal fee paid will be credited towards the appeal fee so the actual additional amount payable will be **R5000**). Failing submission of a formulated appeal and the requisite payment within the stipulated time frame, the right of appeal shall automatically lapse, and any fees paid shall be forfeited.” (own underlining)*

8. GCR 212 A) iii) is peremptory.
9. The GCR’s make no express provision to condone the late filing of a Notice of Appeal.
10. GCR 216 further states that *“Appeals that are inadmissible are those ... v) which fail to comply with the conditions that prescribe the form, content and lodging procedures...”*
11. Having regard to the common cause facts, it is evident that the appellant failed to comply with the requirements set out above, with the result that the right of appeal has lapsed.
12. For the sake of clarity, it is recorded that this Court’s determination was confined to the question of whether the appeal had been properly lodged and, consequently, the merits of the appeal could not be considered.

Findings of this COURT:

The Court accordingly makes the following finding:

1. The appellant failed to comply with GCR 212 A) iii) by not submitting his formulated appeal and paying the prescribed fee within the stipulated time frames.
2. In terms of GCR 212 A) iii) the right of appeal automatically lapsed.
3. The appeal is dismissed.
4. The costs of the appeal are forfeited to MSA.
5. All parties are reminded of their rights in terms of GCR 212 B

These findings are distributed via email on 20 October 2025