



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA

IN THE COURT OF ENQUIRY NO.: 1287

HELD VIRTUALLY ON 06 NOVEMBER 2025

COURT COMPOSITION:

Mr. Marinus Barnard	Court President
Ms. Karen Weehuizen-Londt	Court Member
Mrs. Jackie Schrieber	Court Member

ADMINISTRATIVE ATTENDANCE:

Ms. Samantha Van Reenen	MSA Sporting Services Manager (Cars, Karting & Legal)
Ms. Lizelle van Rensburg	MSA Sport & Training Coordinator
Mr. Rashaad Monteiro	MSA Safeguarding Officer

PARTIES IN ATTENDANCE:

Mrs. Stefanie Wharton	<i>Entrant</i> for Master Liam Wharton
Master Liam Wharton	Minor Competitor
Mr. Leon Boshoff	<i>Entrant</i> for Master Competitors Max and Zac Boshoff
Master Max Boshoff	Minor Competitor
Master Zac Boshoff	Minor Competitor
Ms. Joy Dolinschek	MSA Steward
Mr. Owen Marsh	Club Steward

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

Chairperson: Ms. C. Low, Directors: V. Maharaj (Chief Executive Officer), P. Zeelie (Financial), Mrs. D. Abrahams
Ms. T. Human, Mrs. S. Labuscagne-Jonck, Ms. K. Mohun, D. Ramchander, M. Rowe, Ms. M. Spurr
Interim Appointed Directors: X. Letlaka, N. Townsend

JUDGEMENT

INTRODUCTION:

1. This Court of Enquiry (“***the Court***”) was convened by Motorsport South Africa (“**MSA**”) under GCR 211 and conducted in accordance with GCR 220 (to the extent relevant) and the MSA Safeguarding Policy (“***the MSA Policy***”).
2. The Court’s mandate was to investigate the incidents which arose at the WPMC Regional Karting Championship, Round 5 (19 July 2025), and determine appropriate action.
3. The matter before this Court originates from a formal protest lodged by Mrs. Stefanie Wharton (“***Mrs. Wharton***”), acting in her capacity as the mother and legal guardian of Master Liam Wharton (“***Liam***”), a licenced minor competitor.

THE PROTEST:

4. The protest concerns two distinct and serious incidents which occurred during and immediately after Heat 1 of the Mini Max class:
 - 4.1 First, an on-track incident during the closing stages of Heat 1, wherein it is alleged that Liam was deliberately forced wide by another competitor, Master Max Boshoff (“***Max***”), resulting in a loss of position and adversely affecting his race outcome; and
 - 4.2 Second, a scale-area incident immediately following Heat 1, wherein Liam was allegedly subjected to physical aggression by Master Zac Boshoff (“***Zac***”), also a minor competitor, while queuing for post-race weigh-in.

HEARING PROTOCOLS:

5. The Court confirms that all parties were properly notified of these proceedings and were furnished with the relevant documentation and evidence bundles, namely:

5.1 Bundle 1: The applicable regulations, procedural framework, and governing provisions¹.

5.2 Bundle 2: Evidentiary material including:

- 5.2.1 Protest Form lodged on 19 July 2025 at 12:20²;
- 5.2.2 Proof of payment of the prescribed protest fee³;
- 5.2.3 Detailed e-mail correspondence from Mrs. Wharton dated 24 July 2025 outlining the incidents and procedural grievances⁴;
- 5.2.4 Video evidence links depicting both the on-track and scale-area incidents⁵.

5.3 Bundle 3: Additional evidentiary documents and video footage.

- 6. At the commencement of these proceedings, the Court invited all parties to raise any objections regarding its jurisdiction and the composition of its members. No such objections were advanced by any party.
- 7. The Court is therefore satisfied that it has been properly constituted in accordance with the applicable provisions of the General Competition Rules (“**GCR**”) and is duly vested with the authority to adjudicate upon the matters referred to it.
- 8. The Court accordingly proceeded to hear the evidence, consider the submissions, and determine the issues arising from the protest and related incidents.

BACKGROUND:

- 9. The protest lodged by Mrs. Wharton arose from two separate but closely connected occurrences during Heat 1 of the Mini Max class at the WPMC Regional Karting Championship.
- 10. These incidents, though distinct in nature, collectively raised serious questions about sporting conduct, procedural fairness, and safeguarding obligations under the rules of Motorsport South Africa.

¹ Court Bundle, pages 1-173.

² Court Bundle, pages 174-175.

³ Court Bundle, page 176.

⁴ Court Bundle, pages 177-179.

⁵ Court Bundle, pages 178-179.

11. The first incident occurred during the closing stages of Heat 1. It is alleged that Max, while engaged in competitive racing, executed a deliberate manoeuvre that forced Liam wide in the second-last corner of the final lap.
12. According to the protest⁶, this action was not accidental but intentional, resulting in Liam losing his leading position and finishing third, a material alteration of the race outcome.
13. The second and more serious incident transpired immediately after the race at the designated scales area. While competitors queued for post-race weigh-in, Zac allegedly struck Liam.
14. This physical contact, described by the complainant [Mrs. Wharton] as intentional and aggressive, goes beyond the realm of competitive spirit and breaches the fundamental principles of safety, respect, and integrity that underpin motorsport.
15. The nature of this allegation raises serious safeguarding concerns under the MSA policy and may, on a *prima facie* basis, constitute a breach of the Karting Code of Conduct (“*the Karting Code*”) and the GCRs.
16. It is an act that, if proven, cannot be condoned in any sporting environment, particularly where minors are involved.
17. In lodging the protest, Mrs. Wharton complied fully with all procedural requirements prescribed under the GCRs. She completed the official protest form, paid the prescribed protest fee, and submitted video evidence capturing both incidents.
18. These steps ensured that the matter was properly placed before the stewards for adjudication.
19. The protest hearing was subsequently convened by the stewards of the meeting, namely Ms. Joy Dolinschek (“*Ms. Dolinschek*”) and Mr. Owen Marsh (“*Mr. Marsh*”), who bore the responsibility of applying the rules impartially and safeguarding the integrity of the sport.

⁶ *Supra* note 2.

ONUS OF PROOF AND THE EVIDENCE BEFORE COURT:

20. The Court confirms that the proceedings were duly recorded, and all parties were afforded a full and fair opportunity to present their respective cases and address this Court.
21. Following the conclusion of oral submissions, the Court undertook a comprehensive analysis of all documentary and *viva voce* evidence presented during these proceedings.
22. For purposes of this judgment, and without repeating the recorded proceedings in detail, the evidence considered by the Court included, *inter alia*:
 - 22.1 The protest form and accompanying proof of payment⁷, which confirmed that the complainant, Mrs. Wharton, complied fully with the procedural requirements prescribed under the GCRs.
 - 22.2 Detailed e-mail correspondence from Mrs. Wharton⁸, which provided a chronological account of the incidents and highlighted significant procedural irregularities during the protest hearing.
 - 22.3 Video evidence depicting both the on-track incident and the scale-area altercation. These recordings were instrumental in corroborating the complainant's version of events and were examined in detail by the Court.
 - 22.4 Additional video evidence [submitted by Mr. Leon Boshoff ("Mr. Boshoff" and/or "**the respondent**")], in his capacity as the father and legal guardian of the minor licenced competitors, Max and Zac. This evidence included slow-motion footage of the incidents.
 - 22.5 Upon review, the material suggested that the on-track manoeuvre may reasonably be attributed to the competitive dynamics of the race rather than deliberate misconduct. However, this observation does not diminish the gravity of the second incident.

⁷ Court Bundle, pages 174-176.

⁸ Court Bundle, pages 177-179.

22.6 Oral presentations and detailed submissions by Mrs. Wharton and Mr. Boshoff, supported by references to documentary and video evidence.

22.7 The Court also considered the submissions of Liam and Zac. Notably, Mr. Boshoff and Zac conceded wrongdoing in respect of the second incident, acknowledging that Zac struck Liam unlawfully.

22.8 It was further noted that no physical injuries were sustained, no medical evidence of injury was presented, and no lasting emotional harm was evidenced. Notwithstanding, the safeguarding concerns remain undiminished.

22.9 Submissions from the stewards, namely Ms. Dolinschek and Mr. Marsh, who acknowledged that the protest hearing was conducted in an informal manner and conceded to certain procedural irregularities, including non-compliance with GCR 202.

23. Having regard to the evidence, the Court must apply the governing regulatory framework and satisfy itself that the outcome accords with the MSA policy, the Karting Code, and the GCRs, respects procedural fairness, is supported by the record, is proportionate, and incorporates appropriate safeguarding and compliance measures.

REGULATORY FRAMEWORK:

24. The Court's deliberations were guided, *inter alia*, by the following instruments, which collectively establish the applicable standards of conduct, procedural fairness, and safeguarding obligations:

24.1 GCR's 172(iv) and (vi): These provisions prohibit any act prejudicial to the interests of motorsport or Motorsport South Africa, as well as any form of misbehaviour or unfair practice. Such conduct undermines the integrity of the sport and attracts disciplinary sanction.

24.2 GCR's 202: This rule enshrines the principles of procedural fairness in protest hearings. It requires that the protestor be afforded the right to present their case first, remain present for all evidence, and participate fully in the hearing process. Compliance with this rule is essential to uphold transparency and justice in motorsport adjudication.

24.3 The MSA policy (2025): This policy imposes a zero-tolerance standard for any form of physical, psychological, or emotional abuse involving minors. It reflects Motorsport South Africa's commitment to a safe and respectful environment for all participants, particularly vulnerable individuals.

24.4 The Karting Code: This code requires all competitors, entrants, and associated persons to demonstrate respect, fairness, and integrity both on and off the track. It reinforces the expectation that competitive spirit must never compromise safety or ethical behaviour.

25. Having set out the applicable framework, the Court evaluates the evidence and the parties' conduct against those standards. The complainant bears the onus to establish, on a balance of probabilities, that her version is more probable than the respondent's.

EVALUATION:

26. Upon careful consideration of all the evidence presented, the Court finds that the first incident arose from the competitive dynamics between Liam and Max. The circumstances indicate that both drivers contributed to the occurrence, and the Court accepts that it was not the result of deliberate misconduct.

27. Conversely, the video recordings, corroborated by the complainant's contemporaneous account, clearly establish that Zac struck Liam at the scales area immediately following Heat 1. This constitutes the second incident.

28. The Court is satisfied that this act was not incidental but deliberate and constitutes a serious breach of the applicable rules and regulations. Mr. Boshoff's explanation that the contact was accidental is wholly inconsistent with the visual evidence and lacks credibility when weighed against the sequence of events captured on video.

- 29. The Court notes further that both Mr. Boshoff and Zac admitted the unlawfulness of the second incident. Such admissions do not excuse or mitigate the gravity of the conduct, which remains unacceptable given the safeguarding obligations and the imperative of maintaining sporting integrity.
- 30. The Court also notes material procedural defects in the protest hearing. In particular, contrary to GCR 202, the complainant was not afforded the right to present her case first, she was interrupted during her submissions, and she was excluded from portions of the hearing while the stewards' continued discussions with the respondent.
- 31. These failures contravene the mandatory provisions of GCR 202, which enshrine the principles of procedural fairness and transparency. Such omissions undermine confidence in the integrity of the adjudicative process and cannot be condoned.
- 32. Finally, the Court notes with concern that the penalty imposed, namely a Heat 1 disqualification accompanied by an observation and a warning, was manifestly inadequate given the seriousness of the assault and its safeguarding implications.
- 33. The failure to apply the prescribed penalty guidelines for violent conduct, as set out in the Rotax Sporting Regulations⁹, reflects a significant lapse in judgment by the stewards.
- 34. This omission not only diminishes the deterrent effect of disciplinary measures but also compromises Motorsport South Africa's commitment to ensuring a safe and respectful environment for all participants, particularly minors.

FINDINGS:

- 35. Having considered the evidence, submissions, the onus, and applicable regulatory framework, the Court makes the following findings:
 - 35.1 Zac committed an act of physical aggression against Liam at the scales area immediately following Heat 1. This conduct is in direct contravention of multiple governing provisions, namely:

⁹ Rotax Sporting Regulations – Penalty Catalogue (Article 38).

- 35.1.1 GCR's 172(iv) and (vi): These provisions prohibit acts prejudicial to the interests of motorsport and any form of misbehaviour or unfair practice;
- 35.1.2 The MSA Policy: This policy imposes a zero-tolerance standard for physical or psychological abuse involving minors;
- 35.1.3 The Karting Code: This code mandates respect, fairness, and safety both on and off the track.

35.2 Mr. Boshoff, as the *entrant* for Max and Zac, bears ultimate responsibility for the conduct of all persons connected with his entry in terms of GCR 113. This responsibility is not merely nominal, it is substantive and requires *entrants* to ensure compliance with all applicable rules and safeguarding obligations.

35.3 The protest hearing process convened by the stewards on 19 July 2025 failed to comply with the mandatory requirements of GCR 202. The complainant was not afforded the right to present her case first, she was interrupted during her submissions, and she was excluded from part of the proceedings.

35.4 These procedural deficiencies undermine the principles of fairness and transparency fundamental to motorsport adjudication. Furthermore, safeguarding considerations were not properly applied despite the involvement of minors and the serious nature of the allegations.

35.5 The penalty imposed by the stewards, namely a Heat 1 disqualification accompanied by an observation and a warning, was manifestly inadequate and inconsistent with the regulatory framework.

35.6 The failure to apply the prescribed sanction for physical assault, as set out in the Rotax Sporting Regulations, represents a significant lapse in judgment and fails to reflect the seriousness of the safeguarding breach.

36. Before determining sanction, the Court records the applicable sanctioning principles. Any penalty must be proportionate to the seriousness of the misconduct, consistent with comparable cases and the regulatory framework, and must advance safeguarding, deterrence, and the integrity of the sport.
37. In assessing aggravation and mitigation, the Court considers:
 - 37.1 the nature and intent of the conduct (a deliberate strike);
 - 37.2 the involvement of a minor and the setting (the scales area, a controlled environment);
 - 37.3 the potential risk and impact on the victim [Liam] and other participants;
 - 37.4 the respondent parties' attitude, including the admissions made, remorse (if any), and cooperation;
 - 37.5 any relevant prior disciplinary history; and
 - 37.6 the guidance in the Rotax Sporting Regulations, which prescribes event exclusion for acts of physical assault absent cogent mitigating circumstances.
38. The sanction must vindicate Motorsport South Africa's safeguarding obligations and uphold sporting integrity.

SANCTIONS:

39. In terms of GCR 177, read together with GCR 184, and having regard to the seriousness of the aforesaid breaches and the procedural failures identified, the Court imposes the following sanctions:

FIRST INCIDENT:**Sanctions against Max:**

40. The Court, having properly investigated the first incident, confirms the stewards' decision and imposes no sanction in respect of that incident.

SECOND INCIDENT:Sanctions against Zac:

41. The Court directs that Zac be suspended from participation in all Motorsport South Africa sanctioned events for a period of six (6) months, effective immediately from 01 January 2026. His competition licence shall be withdrawn for the same duration.

Sanctions against Mr. Boshoff (*Entrant*):

42. As the *entrant* responsible for Max and Zac, Mr. Boshoff bears ultimate accountability for the conduct of persons connected with his entry under GCR 113.
43. Accordingly, the Court imposes a financial penalty of Fifty Thousand Rand (R 50 000.00), payable to Motorsport South Africa within fourteen (14) days of the date of this judgment.

Mandatory Safeguarding Education:

44. The Court directs that both Mr. Boshoff and Zac complete an MSA-approved safeguarding awareness program prior to any application for reinstatement.
45. Proof of successful completion must be submitted to Motorsport South Africa as a condition precedent to the restoration of their competitive privileges.

Formal Written Apology:

46. The Court further directs that Mr. Boshoff submit a formal written apology for the conduct in question within seven (7) days of this judgment. This apology shall be addressed to Motorsport South Africa and distributed by MSA to the affected parties, including the complainant, as part of restorative measures aimed at reinforcing respect and accountability within the sport.

COURT NOTES:

47. The Court reiterates that safeguarding breaches involving minors are treated with the utmost seriousness and will attract decisive intervention. Such conduct undermines not only the safety of participants but also the integrity and reputation of motorsport as a whole.
48. Stewards are reminded of their binding obligations under GCR 202, which enshrine the principles of procedural fairness, and under the MSA Policy, which mandates proactive measures to protect minors from harm.
49. Compliance with these provisions is not discretionary, it is fundamental to the proper administration of the sport. Fair play is the cornerstone of competition, and when safety and integrity are compromised, the very spirit of motorsport ceases to exist.

Date of Judgment: 21 January 2026

Signed Electronically:

Mr. Marinus Barnard **Court President**

Ms. Karen Weehuizen-Londt **Court Member**

Mrs. Jackie Schrieber **Court Member**