



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA

IN THE COURT OF ENQUIRY NO.: 1288

HELD VIRTUALLY ON 05 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	Sport & Training Coordinator
Mr. Rashaad Monteiro	MSA Safeguarding Officer

PARTIES IN ATTENDANCE:

Mr. Charl Visser Jnr	Competitor
Mr. Brian Marshall	<i>Entrant</i> for Master William Marshall
Master William Marshall	Minor Competitor
Ms. Joy Dolinschek	MSA Steward
Mr. Owen Marsh	Club Steward

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



sport, arts & culture

Department:
Sport, Arts and Culture
REPUBLIC OF SOUTH AFRICA

Chairperson: Ms. C. Low, Directors: V. Maharaj (Chief Executive Office), 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 duly convened by Motorsport South Africa ("**MSA**") in terms of GCR 211. The proceedings were conducted in accordance with GCR 220 (to the extent applicable), read together with the MSA Safeguarding Policy ("**the MSA Policy**").
2. The Court accordingly sat as an independent adjudicative forum mandated to enquire into the relevant facts, to assess compliance with the applicable regulatory framework, and to determine such findings and consequential measures as may be warranted.
3. The Court's mandate is to investigate the incident(s) arising from the WPMC Regional & WPMC Club Karting Championship, Round 5, held at Killarney International Raceway Kart Circuit on 18 - 19 July 2025, and to determine whether any participant's conduct and / or the handling of the matter at event level complied with the GCRs, the applicable karting regulations, and the safeguarding standards required by MSA.
4. Where breaches are established, the Court is further required to determine appropriate action that is fair, proportionate, and consistent with the objectives of safety, integrity, deterrence, and the protection of minors.
5. The matter before the Court originates from a formal protest lodged on 19 July 2025 at 15:36 ("**the Protest**") by / for Mr. Charl Visser Jnr ("**the Complainant**").
6. The Protest constitutes the procedural foundation for these proceedings and is the instrument through which the issues in dispute were formally brought to the attention of the relevant Officials and, ultimately, referred to this Court for determination.

THE PROTEST:

7. The Protest concerns two distinct aspects arising from the same race meeting, namely:

- 7.1 An on-track incident occurred between the competitors, namely the Complainant and Master William Marshall ("***the Respondent***"); and
- 7.2 A subsequent off-track interaction which took place in a controlled area immediately following stoppage of the race, during which physical contact occurred when the Respondent tapped the helmet of the Complainant while the latter was seated in his kart.

HEARING PROTOCOLS:

- 8. All parties were duly notified of these proceedings and furnished with the relevant documentation and evidence bundles, which comprised, *inter alia*, the following:

- 8.1 Bundle 1: Notice to participants and relevant Regulations¹.

- 8.2 Bundle 2: Evidentiary documents and video footage, including²:

- 8.2.1 Protest Form - 19 July 2025 (15:36)³;
- 8.2.2 Proof of payment of the protest fee⁴;
- 8.2.3 Letter from Hector North Inc. to MSA dated 22 July 2025, with accompanying letter and annexures⁵; and
- 8.2.4 Video footage (as per indexed listing).

- 9. An initial notice to participants scheduled the hearing for 09 September 2025 at 18h30. Subsequently, an amended notice rescheduled the hearing for 05 November 2025 at 18h00. The Court duly convened and sat on 05 November 2025.
- 10. At the commencement of proceedings, the Court invited any objections regarding its jurisdiction and composition. No objections were raised.
- 11. The Court is satisfied that it was properly constituted under the General Competition Rules ("***GCRs***") and duly vested with the requisite authority.

¹ Court Bundle, pages 1 – 173.

² Court Bundle, pages 174 – 181.

³ Court Bundle, pages 174 – 175.

⁴ Court Bundle, page 176.

⁵ Court Bundle, pages 177 – 181.

BACKGROUND:

12. The Protest arises from two separate but related occurrences during Round 5 of the WPMC Regional & WPMC Club Karting Championship at Killarney International Raceway.
13. The first concerns an on-track incident involving competitive racing between the Complainant and the Respondent, which forms the basis for the initial complaint and requires consideration under the applicable sporting regulations.
14. The second matter concerns an off-track interaction in a controlled area immediately following a red flag incident during heat 2 of Senior Max class, which physical contact occurred between the Complainant and the Respondent. This contact, described on the record as a *“tap on the helmet”* was initiated by the Respondent.
15. While the contact is noted as not severe, it nonetheless falls below the standard of conduct prescribed by the GCRs, the Karting Code of Conduct (*“the Karting Code”*), and the MSA Policy. Such conduct, even if minor, is inconsistent with the principles of respect, safety, and integrity that govern all MSA-sanctioned events.
16. The Court further notes that the event Supplementary Regulations (*“SRs”*) and other regulatory materials were duly circulated to all parties.
17. It is recorded that the WPMC SRs contained in Bundle 1 bear a header referencing *“18 & 19 July 2024,”* which appears to be a typographical carry-over. For the avoidance of doubt, all other documentation and official notices correctly identify the event as having taken place on 18 – 19 July 2025.

ONUS OF PROOF AND THE EVIDENCE BEFORE COURT:

18. The proceedings were duly recorded, and all parties were afforded a full and fair opportunity to present their respective cases in accordance with the principles of procedural fairness.
19. In reaching its determination, the Court considered, *inter alia*, the following:

- 19.1 The Protest Form dated 19 July 2025 and the accompanying proof of payment of the prescribed protest fee;
 - 19.2 Letter from Hector North Inc. addressed to MSA, dated 22 July 2025, together with its annexures;
 - 19.3 The video footage referenced and indexed in Bundle 2; and
 - 19.4 Oral submissions advanced by the parties and by the Stewards of the meeting.
20. The Court records that the Complainant bears the onus of proof and is required to establish, on a balance of probabilities, that their version of events is more probable than that of the Respondent.

REGULATORY FRAMEWORK:

- 21. GCR 172(iv) and (vi): These provisions categorically prohibit any act that is prejudicial to the interests of motorsport, as well as any form of misbehaviour or unfair practice. Such conduct undermines the integrity of competition and attracts disciplinary sanction.
- 22. GCR 202: Enshrines the principles of procedural fairness in protest hearings, including the prescribed sequence of submissions, the right of all parties to be present throughout the proceedings, and the opportunity for full participation. Compliance with this rule is fundamental to transparency and justice.
- 23. GCR 113: Imposes ultimate responsibility on the entrant for the conduct of all persons connected with the entry. This responsibility is substantive and requires entrants to ensure compliance with all applicable rules and safeguarding obligations.
- 24. The MSA Policy (2025): Establishes a zero-tolerance framework for harassment and abuse, expressly defining physical abuse and empowering MSA to implement proportionate interventions. The policy reflects MSA's commitment to creating a safe and respectful environment for all participants, particularly minors.

25. The Karting Code: Requires all participants to demonstrate respect and prohibits any conduct “without respect,” including negative gestures and improper behaviour. Contraventions may attract penalties under the Code and, where appropriate, may be mitigated by the tendering of a formal written apology.
26. Rotax Sporting Regulations (2025 v4):
 - 26.1 Article 38 (Penalty Catalogue): Provides recommended sanctions for various forms of misconduct, including race or meeting exclusion for “*Abusive Language, Behaviour or Assault.*” These guidelines ensure consistency and proportionality in disciplinary measures.
 - 26.2 Article 39 (Licence Penalty System - LPS): Implements a rolling points system and empowers Officials and the Court to deduct points for misconduct at both regional and national levels, reinforcing accountability and deterrence.

EVALUATION:

On-track incident:

27. Upon careful consideration of the material before the Court, including the available video footage, the competitive dynamics do not establish deliberate on-track misconduct on a balance of probabilities.
28. Accordingly, no sanction is warranted in respect of the on-track incident.

On Track/within controlled conditions

29. The video evidence and contemporaneous accounts confirm that physical contact occurred between the competitors, described on the record as a “*tap on the helmet.*” The Court makes the following observations:
 - 29.1 The contact was minor in nature and not serious.

- 29.2. No physical injury was alleged or proved.
- 29.3 Any intentional physical contact between competitors within the controlled environment is unacceptable.
- 29.4 Such conduct is contrary to the Karting Code, inconsistent with the safeguarding expectations of MSA regarding respectful behaviour, and falls within the ambit of Article 38 of the Rotax Sporting Regulations (*"Abusive Language, Behaviour or Assault"*) as a matter of principle.
- 29.5 The Respondent acknowledged and admitted his misconduct toward the Complainant.

FINDINGS:

- 30. The Court makes the following findings:
 - 30.1 The on-track incident does not warrant the imposition of any sanction.
 - 30.2 A minor physical interaction occurred after a red flag incident, at the exit of the pit lane during controlled conditions, consisting of a *"tap on the helmet"* by the Respondent upon the Complainant.
 - 30.3 While the contact was not of a serious or violent nature, such conduct falls below the standards of respect, safety, and integrity mandated by the Karting Code, the MSA Policy, and the Rotax Sporting Regulations.
 - 30.3 Entrant responsibility, as codified in GCR 113, applies in full.
 - 30.4 Entrants are obliged to ensure that all persons connected with their entry comply with the governing rules and safeguarding obligations at all times.
 - 30.5. The Respondent is found guilty of the conduct described above toward the Complainant.

SANCTIONS:

31. Acting in terms of GCR 177, read together with GCR 184, and having regard to the principle of proportionality, particularly noting that Rotax Article 38 operates as a recommended guideline, the Court has considered the minor nature of the contact, the absence of injury, and the safeguarding objectives. The following sanctions are imposed:

Formal Reprimand:

32. A formal reprimand is hereby imposed upon Master William Marshall for conduct inconsistent with the standards of respect and safeguarding expected under the MSA Policy and the Karting Code.

Written Apology:

33. The Respondent shall submit a formal written apology to MSA within seven (7) days of the date of this judgment. MSA shall ensure onward transmission of the apology to Mr. Charl Michael Visser and any other affected party.

Safeguarding Awareness Training:

34. Master William Marshall shall complete an MSA-approved safeguarding awareness module within fourteen (14) days of this judgment. Proof of completion shall be emailed to MSA before the Respondent is permitted to enter any subsequent event.

Entrant Responsibility Reminder (GCR 113):

35. Entrants bear ultimate responsibility for the conduct of all persons connected with their entry. This obligation extends to compliance with the MSA Policy, the Karting Code, the event SRs, and the Rotax Sporting Regulations. Failure to comply may result in further disciplinary action under GCR 184.

Written Reprimand - Entrant:

36. A written reprimand is issued to Mr. Brian Marshall, reminding him of his duty to ensure compliance by all associated persons with the aforementioned Regulations, Codes and Policies.

Financial Penalty - Entrant:

37. A financial penalty of Five Thousand Rand (R 5 000.00) is imposed on Mr. Brian Marshall as the entrant responsible for the Respondent. This amount shall be payable to MSA within fourteen (14) days of the date of this judgment.

COURT NOTES:

38. Although Rotax Article 38 prescribes race or meeting exclusion for "*Abusive Language, Behaviour or Assault*" the Penalty Catalogue is advisory rather than mandatory. In this matter, the conduct consisted of a single, minor tap on the helmet, without injury, escalation, or aggravating circumstances.
39. The sanctions imposed are therefore measured, proportionate, and restorative. They serve not only as a deterrent but as an opportunity to reinforce the principles of respect and safeguarding that underpin motorsport.
40. It must be underscored that safeguarding breaches, however minor, require decisive yet balanced intervention. Such action is essential to uphold participant safety, mutual respect, and the integrity and reputation of the sport.
41. Stewards and entrants are reminded of their binding obligations under GCR 202 (procedural fairness), GCR 113 (entrant responsibility), the MSA Policy, the Karting Code, and the event SRs. Compliance with these provisions is not optional, it is fundamental to the fair administration of motorsport and the maintenance of a safe, respectful competitive environment.

Date of Judgment: 21 January 2026

Signed Electronically:

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