



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA

IN THE COURT OF ENQUIRY NO.: 1289

HELD VIRTUALLY ON 20 OCTOBER 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)
Mrs. Allison Vogelsang	MSA Sporting Coordinator (Circuit & Karting)
Ms. Lizelle van Rensburg	Sport & Training Coordinator
Mr. Rashaad Monteiro	MSA Safeguarding Officer

PARTIES IN ATTENDANCE:

Master Jean-Hendrik de Villiers	Minor Competitor
Mr. Rikus de Villiers	<i>Entrant</i> for Master Jean-Hendrik de Villiers
Mr. Brendan Haskins	Proxy for Master Jean-Hendrik de Villiers
Master Zimvo Majova	Minor Competitor
Mr. Monwabisi Mcinga	<i>Entrant</i> for Master Zimvo Majova
Mr. Craig Lovett	Clerk of the Course
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 accordance with the provisions of General Competition Rule ("**GCR**") 211, read together with GCR 220 and the MSA Safeguarding Policy ("**the MSA Policy**").
2. The proceedings arise from an incident reported during the Western Province Motor Club ("**WPMC**") Regional and WPMC Club Karting Championship, Round 5, held at Killarney International Raceway on 18 – 19 July 2025.
3. The Court's jurisdiction and authority derive from the mandate conferred under the GCRs, which empowers this forum to investigate alleged breaches of the regulatory framework governing motorsport in South Africa, including but not limited to the GCRs, the Karting Code of Conduct ("**the Karting Code**"), the MSA Safeguarding Policy, the event Supplementary Regulations ("**SRs**"), and the ROK Standing Supplementary Regulations ("**SSR v3**").
4. The purpose of this enquiry is threefold:
 - 4.1 To determine, on the evidence presented, whether any conduct by the parties concerned constituted a contravention of the applicable rules and standards, including the GCRs, the Karting Code, the MSA Policy, and the event-specific SRs and SSRs;
 - 4.2 To review the penalty imposed at event level by the Clerk of the Course, assessing whether such penalty was appropriate and proportionate in light of the nature of the conduct, the safeguarding obligations, and the principles of fairness and deterrence; and
 - 4.3 To impose such further measures as may be necessary to uphold the integrity of competition, safeguard the welfare of participants, particularly minors, and reinforce the values of respect, safety, and accountability within the sport of karting.

5. In discharging this mandate, the Court is guided by the principles of procedural fairness, proportionality, and consistency with precedent, ensuring that its determinations serve both corrective and preventative objectives in alignment with MSA's commitment to a safe and respectful sporting environment.

PROCEDURAL HISTORY AND HEARING PROTOCOLS:

6. The Court records that all procedural requirements prescribed under the GCRs were duly observed in convening and conducting this enquiry. The following matters are noted:
 - 6.1 All parties were properly notified of these proceedings and furnished with comprehensive documentation prior to the hearing. The Court bundles comprised:
 - 6.1.1 Bundle 1¹: The notice to participants together with the applicable regulatory instruments, including the SRs for the event held on 18 – 19 July 2025, the 2025 ROK Cup SSR v3, and the 2025 GCRs.
 - 6.1.2 Bundle 2 and Bundle 4²: Evidentiary material, including the proxy form for Master Jean-Hendrik de Villiers, the Summons issued on 19 July 2025 at 15:13, and the Penalty / Exclusion / Fine sheet recorded at 16:29 on 19 July 2025, together with supporting documents relevant to the incident under review.
7. An initial hearing was scheduled for 09 September 2025, however, this date was subsequently amended. The Court ultimately convened and sat virtually on 20 October 2025, in accordance with the amended notice circulated to all parties.
8. At the commencement of proceedings, the Court invited any objections regarding its jurisdiction or the composition of its members. No objections were raised. The Court is satisfied that it was properly constituted under the GCRs and vested with full authority to adjudicate upon the matters referred to it.

¹ Bundle 1, pages 1 – 181.

² Bundle 2 and 4, pages 182 – 184.

9. The issues before the Court were determined on the basis of a balance of probabilities, consistent with the standard applicable to disciplinary proceedings under the GCRs. In reaching its conclusions, the Court attached appropriate weight to contemporaneous documentary evidence, video material, and oral submissions presented during the hearing.

BACKGROUND:

10. The Court records the following material facts as common cause and not in dispute:
 - 10.1 The incident under review occurred immediately following the conclusion of a race heat, within the scales / parc fermé area of the Killarney International Raceway. This zone is designated as a controlled environment, subject to strict regulatory oversight, where competitors are required to remain seated in their karts, conduct themselves in an orderly manner, and comply fully with the directions of event Officials. The integrity of this area is fundamental to ensuring accurate post-race procedures and maintaining safety standards.
 - 10.2 It is established on the record that physical contact occurred between two minor competitors, namely Master Jean-Hendrik de Villiers and Master Zimvo Majova, during the said post-race period. While the degree of contact was limited, its occurrence within a controlled environment raises safeguarding concerns and constitutes conduct falling below the standards of respect and propriety mandated by the Karting Code, the MSA Policy, and the applicable GCR's.
 - 10.3 The Clerk of the Course, exercising powers under the GCRs, issued an event-level penalty at 16:29 on 19 July 2025. This Court is now tasked to review the adequacy and proportionality of that penalty in light of the governing regulatory framework, the safeguarding obligations imposed by MSA, and the overarching principles of fairness, deterrence, and integrity. The enquiry further seeks to determine whether additional, adjusted, or confirmatory measures are warranted to reinforce compliance and uphold the values underpinning motorsport.

REGULATORY FRAMEWORK:

11. The Court's deliberations are guided by the following provisions, which collectively establish the standards of conduct, safeguarding obligations, and procedural requirements applicable to this matter:
 - 11.1 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.
 - 11.2 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.
 - 11.3 GCR 202: Enshrines the principles of procedural fairness in protest hearings and disciplinary proceedings, including the right of all parties to be heard and the requirement for impartial adjudication.
 - 11.4 SSR v3, 2025 - Article 2.4.13(iii): Identifies "*Abusive Language, Behaviour or Assault*" as sanctionable conduct. The penalty schedule contained therein operates as guidance and is applied proportionately, taking into account the nature and gravity of the conduct and any mitigating or aggravating circumstances.
 - 11.5 WPMC SRs (2025): These regulations define and govern conduct within controlled areas such as parc fermé and the scales zone. They restrict access to authorized persons only and require competitors to remain orderly and comply with official instructions at all times. Breaches of these provisions compromise safety and procedural integrity.
 - 11.6 The MSA Policy (2025): Establishes a zero-tolerance framework for physical or psychological abuse, with particular emphasis on the protection of minors and other vulnerable participants. The policy mandates proactive measures to prevent harm, promotes education and awareness, and empowers MSA to implement proportionate interventions to uphold the welfare of all participants.

- 11.7 The Karting Code: Requires all participants to demonstrate respect, fairness, and integrity both on and off the track. It expressly condemns conduct “without respect,” including negative gestures, intimidation, and any form of physicality outside the bounds of competitive racing. Compliance with this Code is a condition of participation in MSA-sanctioned karting events.

EVIDENCE OVERVIEW AND EVALUATION:

12. The Court confirms that the proceedings were duly recorded and that all parties were afforded a full and fair opportunity to present their respective cases in accordance with the principles of procedural fairness under GCR 202. In reaching its determination, the Court considered the following categories of evidence:
- 12.1 The Court examined video footage depicting the post-race interaction within the scales / parc fermé area. This visual evidence was instrumental in establishing the sequence of events and the nature of the physical contact between the competitors. The footage corroborates the occurrence of an intentional interaction, albeit brief, in a controlled environment where strict compliance with conduct standards is required.
- 12.2 The Court reviewed contemporaneous documents, including the Summons issued on 19 July 2025 at 15:13 and the Penalty / Exclusion / Fine sheet recorded at 16:29 on the same date. These documents reflect the immediate response by the Clerk of the Course and provide context regarding the initial disciplinary measures imposed at event level.
- 12.3 The Court heard submissions from the respective *entrants*, the appointed proxy, and the event Officials. These submissions provided insight into the circumstances surrounding the incident, the parties’ perspectives, and the rationale advanced for the event-level penalty.
- 12.4 On the totality of the evidence, the Court is satisfied that post-race physical contact occurred between the competitors in the scales / parc fermé area. The conduct is established on a balance of probabilities and is not disputed by the parties.

13. The Court notes the following:

13.1 There is no evidence of physical injury arising from the contact;

13.2 There was no escalation beyond the immediate interaction, and the situation did not deteriorate into a broader altercation;

13.3 Notwithstanding the limited nature of the contact, its occurrence within a controlled environment, where discipline and safeguarding obligations are paramount, constitutes a breach of the standards of respect, safety, and integrity mandated by the Karting Code, the MSA Policy, and the GCRs.

13.4 The Court emphasizes that safeguarding obligations apply at all times, and even minor physicality in a controlled zone compromises the integrity of the sport and the safety culture that MSA is committed to uphold.

FINDINGS:

14. Having considered the evidence, submissions, and applicable regulatory framework, the Court makes the following findings:

14.1 The post-race physical contact constitutes conduct falling below the standards required by the GCRs, the SSR v3, the WPMC SRs, the MSA Policy, and the Karting Code. Compliance with these instruments is mandatory and fundamental to the integrity of motorsport.

14.2 The incident involved minor competitors in a crowded, controlled environment, the scales / parc fermé area, where safeguarding obligations are heightened. Even brief, non-injurious contact in such a setting raises serious concerns and demands corrective intervention to uphold participant welfare.

14.3 While an event-level penalty was imposed by the Clerk of the Course, this Court is required to determine whether further measures are necessary to ensure that the sanction is proportionate, deterrent, and restorative, taking into account precedent parity with prior decisions (COE 1287 and 1288).

14.4 In terms of GCR 113, the *entrant* bears ultimate responsibility for ensuring compliance by all persons connected with the entry and for fostering an environment consistent with the standards enshrined in the MSA Policy and the Karting Code.

AGGRAVATING AND MITIGATING FACTORS:

15. The interaction occurred inside a controlled area where discipline, compliance, and safety are paramount. The WPMC SRs emphasize order and restricted access in this zone. Any physicality here elevates risk and undermines official control. Both competitors are minors. Physical conduct, however limited, triggers safeguarding obligations and requires a clear corrective response to protect all young participants. The scales area is congested and emotionally charged post-race. Even minor contact can provoke retaliation or distress, affecting bystanders and Officials. Motorsport relies on self-control and respect, especially off-track. A sanction must reinforce norms so that similar conduct is not normalized, particularly among juniors.
16. The contact was brief and limited, with no injury and no continuing altercation. It does not approach the severity seen in deliberate striking (cf. COE 1287). The incident occurred immediately post-race, when emotions can be heightened. This context does not excuse the conduct but informs proportionality. The parties participated in the enquiry. There is no evidence of non-cooperation or obstruction. There is no evidence before the Court of prior similar offences by the competitor or the *entrant*. The Clerk of the Course imposed a penalty on the day. To avoid undue cumulative punishment, the Court has factored this into the overall sanction.

PROPORTIONALITY AND PRECEDENT PARITY:

17. Having regard to COE 1287 (*Serious Post-Race Strike*) and COE 1288 (*Minor Helmet Tap*), the present matter is assessed as more serious than a fleeting helmet tap, given its occurrence within the parc fermé environment and the heightened safeguarding obligations applicable therein. However, it falls materially short of the gravity associated with a deliberate, forceful strike, as adjudicated in COE 1287. A graduated response is therefore warranted, restorative and deterrent, but not so punitive as to resemble suspension or licence withdrawal.

SANCTIONS:

18. Acting in terms of GCR 177, read with GCR 184, and having regard to the principles above, the Court imposes:

Sanctions – Competitor: Master Jean-Hendrik de Villiers

Formal Reprimand:

19. For conduct inconsistent with the standards of respect and safeguarding required at MSA events.

Written Apology:

20. A formal, written apology to be submitted to MSA within seven (7) days of this judgment. MSA will ensure onward transmission to the affected party.

Safeguarding Awareness Training:

21. Completion of an MSA-approved safeguarding awareness module within fourteen (14) days of this judgment. Proof of completion must be filed with MSA prior to participation in any future event.

Sanctions – Entrant: Mr. Rikus de Villiers (GCR 113):

Written Reprimand:

22. Reiterating the *entrant's* ultimate responsibility to ensure that all persons connected with the entry uphold the MSA Policy, the Karting Code, the WPMC SRs, and the ROK SSRs.

Financial Penalty:

23. A financial penalty of R 15 000.00, payable to MSA within fourteen (14) days of the date of this judgment. Failure to comply with this directive shall constitute a breach of GCR 184 and may result in the imposition of further disciplinary measures.

COURT NOTES:

24. Safeguarding is a standing duty. Even minor physicality in *parc fermé* compromises safety culture and must elicit a clear response.
25. Stewards and *entrants* are reminded of binding duties under GCR 202 (procedural fairness), GCR 113 (entrant responsibility), the MSA Policy, the Karting Code, and the event SRs/ROK SSRs. Compliance is not optional.

Date of Judgment: 21 January 2026

Signed Electronically:

Mr. Marinus Barnard **Court President**

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

Mrs. Jackie Schrieber **Court Member**