



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA
IN THE COURT OF APPEAL NO. 493
HELD VIRTUALLY VIA ZOOM ON WEDNESDAY, 19 MAY 2026 AT 17H30

COURT COMPOSITION:

Mr Wayne Field	Court President
Mr Michael Daniel	Court Member
Mr Michael Stephen	Court Member

ADMINISTRATIVE ATTENDANTS:

Mrs Carmen Hill	MSA Sporting Services Manager
Mrs Allison Vogelsang	MSA Sporting Co-Ordinator - Circuit and Karting

PARTIES IN ATTENDANCE:

Mr Morne Jurgens	Appellant and Father of Declan Jurgens
Mrs Vanessa Wood	MSA Steward

PARTIES ABSENT

Mr Nick Verheul	Entrant and Father of competitor Cristian Verheul
Master Cristian Verheul	Competitor
Mr Owen Marsh	Club Steward

INTRODUCTION

1. This Court of Appeal ("COA") was duly convened by Motorsport South Africa ("MSA") in terms of General Competition Rule ("GCR") 210 read with GCR 220 and the MSA Safeguarding Policy ("the Policy").
2. The Court sat as an independent appeal forum mandated to enquire into the relevant jurisdictional requirements, facts, to assess compliance with the applicable regulatory framework and to determine such findings and if required, consequential measures as may be warranted.
3. The Court's mandate is to consider the appeal of Morne Jurgens ("Jurgens"), father and entrant of Declan Jurgens ("Declan"), a minor competitor and MSA competition licence holder, against the finding and penalty imposed by the Stewards on 28 March 2026 upon Declan. The Stewards found that Declan was guilty of a "push out" in terms of the MSA National Standing Supplementary Regulations ("SSR's") for National Rotax Karting

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),
Ms. T. Human, Mrs. S. Labuscagne-Jonck, Ms. K. Mohun, D. Ramchander, Ms. M. Spurr
Interim Appointed Directors: X. Letlaka, N. Townsend

Championship (Regulation 39.24) in Junior Max Race 3 on that date. Declan was given a 10 position penalty by the Stewards as a consequence. This resulted in him being demoted from second to twelfth position in the results for that race.

4. Jurgens framed the appeal in the following terms :

“4. The appellant submits that:

- a. the finding that he (Declan) engaged in a “push out” is plainly wrong, contrary to the very definition contained in article 39.24 of the SSRS, not in accordance with the facts and the video footage of the incident and is unjustified;*
- b. the Stewards misdirected themselves in viewing the alleged incident as a “push out” and in imposing the incorrect penalty. The finding and penalty imposed by them on the appellant should be set aside in its entirety.”*

Note : In his appeal document, Jurgens refers to Declan as the appellant.

- 5. Jurgens timeously submitted the appeal and paid the requisite deposit of R30 000,00, proof of which was provided to this court.
- 6. The appeal is properly brought in terms of the requirements set out in GCR 212A and the Court has jurisdiction to consider the appeal.
- 7. Notwithstanding that notice of the COA was given by MSA to Declan, he was not in attendance as he was represented by his father. Mr Nick Verheul, the entrant for the minor competitor, Cristian Verheul, who was involved in the incident leading to the penalty and thereafter this appeal, was not in attendance, nor was his son, Cristian. Verheul communicated with MSA by email on the morning of the hearing and stated as follows :

“We (the Verheuls) did not protest or request the officials to look into this – Cristian was called up to receive a penalty for breaking the tramlines at the start of the race, so we were present by coincidence only.

We prefer not to get drawn into this and will not be attending.”

- 8. In the circumstances, this Court is of the view that Verheul was quite entitled to adopt the position which he did on his and Cristian’s behalf. The penalty was not issued to Declan as a consequence of any protest lodged by the Verheuls, but rather as a consequence of an observation by the Assistant Clerk of the Course communication to the Stewards as testified during the proceedings by Vanessa Wood, a Steward on the day in question. The Court accordingly accepts the Verheuls’ reasons for not being in attendance.

THE MERITS OF THE MATTER : WAS DECLAN JURGENS GUILTY OF A PUSH OUT?

9. In lodging his appeal, Jurgens submitted a brief bundle of documents consisting of a two and a half page document titled, *"Appellant's Formulated Appeal in terms of GCR 212A by Morne Jurgens on behalf of his son Declan Jurgens ("The Appellant")"*, a copy of the penalty form issued by the Stewards to Declan as well as an extract from the SSR's reflecting Regulation 39.24 which deals with a push out. A copy of the proof of payment of the deposit of R30 000,00 was also annexed to Jurgen's bundle. In addition, the Court was furnished with three video clips, one from each of Declan and Cristian's in-kart video cameras, and one seemingly obtained from the WPMC CCTV system at Killarney Racetrack.
10. Dealing with the videos which the Court members were provided with prior to the hearing, not very much by way of useful evidence was to be observed on either of the two in-kart camera videos. It was not clear from these two videos whether there had been any contact between the two karts in question or what in fact had transpired on track as between the two of them.
11. The third video provided to the members of the COA before the commencement of the hearing, presumably being CCTV footage obtained from the WPMC CCTV system, was of an exceedingly poor quality and was taken from a camera some distance to the north of turn 1. It was the consensus of the Court that no push out or any other breach of the SSR's was able to be observed from that video footage either.
12. Early in the hearing, it became apparent that there was further video footage of the incident, which had not been provided to the members of the Court. The reason for this was apparently an objection by an attorney acting on behalf of one of the parties (we assume this was Jurgens, but this was not clarified) received by MSA. MSA had interpreted this objection to mean that it would be impermissible to provide the Court with this video.
13. The Court considered whether it was appropriate for the members of the Court to view the video and came to the decision that there was no legal impediment in relation to the Court viewing this video. The video had nothing to do with the process adopted by the Stewards on 28 March 2026 following the incident, it was evidence of the incident itself. Accordingly, following the Court's ruling that the video was admissible, it was made available to the Court members, who gave it an initial viewing during the Court proceedings.
14. Jurgens made certain oral submissions during the hearing in relation to the appeal. These mainly amounted to a reiteration of what was contained in his written document in which he set out the appeal, and he did not seek to supplement those grounds.
15. When questioned about the video which was made available during the hearing to the Court, he expressed the view that Declan was quite entitled to drive in the manner in which was visible on the video and that Declan's conduct in this regard did not disclose a push out or any other breach of the SSR's.

16. Other than clarifying certain aspects of what transpired on the day as regards the Stewards' involvement in the issuing of the penalty to Declan, Vanessa Wood did not have anything substantive to add by way of evidence.
17. It is fortunate that the Court has now had the benefit of viewing the video footage which became available during the hearing as this clearly shows what transpired at the time of the incident. The Court does not intend to set out in any detail all of the events that occurred as between Declan and Cristian as they raced down the main straight into turn one and exited the corner. What is apparent from the video is that there was indeed contact between the karts of the two competitors approaching the corner. Declan had moved across from the left hand side of the track towards the right hand side. However, he did not push Cristian partially or wholly onto the grass on the inside of the track. Rather, that was when the minor physical contact between the two karts occurred. This was in the form of the front of Cristian's kart making contact with the rear of Declan's kart. The video footage does not in any way suggest that Declan was guilty of having committed a push out. Cristian's kart was in any event towards the inside of Declan's kart as they approached turn one. The Court is furthermore satisfied that Declan is not guilty of any other breach of the SSR's in the manner in which he drove towards and around turn one on that particular lap and in relation to his interaction with Cristian's kart which was in his proximity.
18. At the time of the contact between the two karts, the front wheels of Cristian's kart were definitely not next to the rear wheels of Declan's kart as required in terms of the SSR 39.24 in order to be found guilty of a transgression of that regulation.
19. SCR 39.24 reads as follows :

"30.24 PUSH OUT means if Kart 1 constrict the drivable section towards the outside line forcing Kart 2 to leave the drivable section either partial or completely. It is irrelevant if the Karts have touched each other or not. A prerequisite is, however, that Kart 2 has to be at least 1/3 (front tyres next to rear tyres) next to Kart 1."
20. In the circumstances, the Court finds that the Stewards erred in finding that Declan was guilty of a push out. He was not charged with a breach of any other regulation and in the view of the Court, he was not guilty of any other breach. In the circumstances, the requirements for a push out were not met and the finding of the Stewards was incorrect. Self-evidently, if Declan was not guilty of a breach of SSR 39.24, then no penalty should have been imposed upon him.
21. The Court has considered whether in ordering that Jurgens' deposit is repayable to him, it is obliged to levy an administrative fee payable by Jurgens in terms of the GCR's? Unlike protests where GCR 205 provides for a mandatory 10% administration fee to be levied when the protest fee is to be refunded to the protester upon a successful protest, no such regulation exists in relation to appeal fees. Accordingly, the Court has a discretion as to whether to impose an administrative fee to be deducted from the appeal fee before it is refunded to the

appellant, or not. In this case, the Court is of the view that the interests of fairness and justice dictate that the fee should be refunded to Jurgens in full without deduction.

RECOMMENDATIONS

22. During the course of the hearing it became apparent to the COA that this hearing would have benefitted from better administrative procedures on race day at the venue. Therefore, the COA recommends :

- a. It be recorded in future by the Stewards (on the penalty form) how the incident came to their attention.
- b. All available footage be made available by competitors, entrants and any others to the Stewards before a decision is made or penalty imposed. Where appropriate, officials should supervise removal of a video camera from any competitor's vehicle under *parc ferme* conditions.
- c. All video footage and other relevant evidence should be made available to the COA by MSA prior to the hearing. The fact that this evidence may or may not have served before the Stewards' enquiry is not relevant to this requirement.

THE FINDING

23. In the circumstances, the finding of the Court is that the appeal is upheld and the finding that SSR 39.24 was contravened and penalty imposed upon Declan Jurgens by the Stewards is hereby set aside.

24. MSA is instructed to amend the results for Race 3 and the Overall Result for Junior Max Round 1, 2026, including the championship points awarded to reflect that Declan Jurgens placed second in Race 3. All other competitors' positions in Race 3, the Overall Result and the Championship points affected by this finding are to be amended accordingly.

25. The deposit in the sum of R30 000,00 paid by Morne Jurgens to MSA in terms of GCR 112A is hereby ordered to be refunded to him without deduction as soon as reasonably possible.

All participants are reminded of their rights in terms of the GCRs.

This judgment was handed down via email on 20 June 2026.