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**MOTORSPORT SOUTH AFRICA**
**IN THE COURT OF ENQUIRY 1294**
**HELD VIRTUALLY VIA ZOOM ON THURSDAY 18 JUNE 2026 AT 18H00**

**In the matter of:**

MOTORSPORT SOUTH AFRICA

**and**

**(1) TROY SNYMAN** (Licence No. 03011 / Race No. 21)

**(2) JOHN DUVILL**

**(3) RONALD VENTER**

**(4) GARY LENNON**

**(5) CHERYL ADAMS**

**(6) TINUS SNYMAN**

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**REASONED JUDGMENT**

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## 1. Introduction and Background

1.1. This Court of Enquiry ("the Court") was convened by Motorsport South Africa ("MSA") in accordance with GCRs 154 and 211, following reports submitted to MSA by various parties after the completion of Rounds 3 and 4 of the National Rok Karting Championship, held at the Vereeniging Kart Circuit on 9–10 May 2026 under MSA Permit No. MSA-2026121.

1.2. By notice dated 26 May 2026 addressed to the Court members — Mr Alexis Apostolidis (Court President), Mr Leon Hill (Court Member), and Mr Claudio Piazza Musso (Court Member) — MSA set out five charges to be investigated.

1.3. The enquiry was convened based on reports submitted to MSA by various parties:

1.3.1. the MSA Stewards (Ian Richards and Kevin De Witt), whose report requested a Court of Enquiry into the driving standard and after-incident actions of Competitor #21 and whether his licence should be suspended (Charge 1);

1.3.2. the Clerk of the Course (Luan Oelofse), whose report requests that MSA remove Troy Snyman's licence for as long as regulations permit (Charges 1 and 5);

1.3.3. Mrs Cheryl Adams, whose email of 15 May 2026 requests investigations into the conduct of Mr Duvill, Mr Venter, and Mr Lennon (Charges 2, 3, and 4); and

1.3.4. Mr John Duvill (event promoter), whose email of 11 May 2026 requests investigation of Troy Snyman and his father (Charges 1 and 5).

1.4. The hearing took place electronically via the Zoom platform on 18 June 2026. The following persons participated: Troy Snyman (Competitor #21), Mr Tinus Snyman (father) and Mrs Cheryl Adams (mother), who appeared together under the "Troy Snyman" participant name; Mr James Moore (father of the injured party, Competitor #31 Jack Moore); the Clerk of the Course Mr Luan Oelofse; the MSA Steward Mr Ian Richards; the Club Steward Mr Kevin De Witt; the Technical Consultant Mr Alistair Pringle; and MSA's Sporting Coordinator Mrs Allison Vogelsang.

1.5. Mr John Duvill, Mr Ronald Venter, and Mr Gary Lennon did not participate in the hearing.

1.6. The officials at the event were: Clerk of the Course Luan Oelofse (Licence 15169, Grade A); MSA Steward Ian Richards (Licence 01036); Club Steward Kevin De Witt (Licence 15419); Chief Marshal Rob Loubsher; and Chief Scrutineer Alistair Pringle.

**2. The Parties**

2.1. **Troy Snyman** (Licence No. 03011) is a competitor in the OK-N (Rok Senior) class, holding an Annual National Licence — Karting — Senior Max. He was 18 years of age at the time of the event (turning 19). He competed under Race No. 21 as part of the WORR Racing team. He is the son of Mr Tinus Snyman and Mrs Cheryl Adams.

2.2. **Tinus Snyman** is the father of Troy Snyman. He was present in the paddock throughout the event and participated in the hearing on 18 June 2026.

2.3. **Cheryl Adams** is the mother of Troy Snyman. She was positioned on the upstairs veranda near the office area during the relevant after-incident events on Sunday. She submitted written representations dated 15 May 2026 and 30 May 2026 and participated in the hearing.

2.4. **John Duvill** is the promoter of the ROK Cup karting series in South Africa. He holds powers and responsibilities under GCR 140. He was positioned on Tolken Corner during Heat 2, from where he directly witnessed the on-track incident. He did not participate in the hearing.

2.5. **Ronald Venter** (Licence No. 03214) is a parent associated with a competing team. He did not participate in the hearing.

2.6. **Gary Lennon** is a promoter of the ROK Cup karting series in South Africa. He holds powers and responsibilities under GCR 140. He did not participate in the hearing.

2.7. **Jack Moore (Licence No. 17650, Competitor #31)** is the competitor who was the victim of the on-track incident. He was 14 years of age at the time of the event. He is not a respondent but is relevant as the injured party. His father, Mr James Moore, participated in the hearing and gave evidence.

## 3. The Charges

3.1. The notice to court members from the MSA, dated 26 May 2026, convening this Court specified the following charges:

(i) **Charge 1:** Whether Mr Troy Snyman is guilty of breaching, inter alia, GCR 172(iv) and/or (vi) and/or (vii), and/or the MSA Karting Code of Conduct, due to his alleged dangerous and/or reckless and/or unsportsmanlike and/or premeditated driving conduct in connection with the incident with Competitor Jack Moore in Heat 2 of the OKN race on Sunday, 10 May 2026.

(ii) **Charge 2:** Whether Mr John Duvill is guilty of breaching, inter alia, GCR 172(iv), and/or the MSA Karting Code of Conduct, due to his alleged verbal and/or physical abuse of Mr Troy Snyman.

(iii) **Charge 3:** Whether Mr John Duvill is guilty of breaching, inter alia, GCR 172(iv), and/or the MSA Karting Code of Conduct, due to his alleged verbal and/or physical abuse of Seso Hlako.

(iv) **Charge 4:** Whether Mr Ronald Venter and/or Mr Gary Lennon is guilty of breaching, inter alia, GCR 172(iv), and/or the MSA Karting Code of Conduct, due to his/their alleged verbal abuse of Mr Tinus Snyman.

(v) **Charge 5:** Whether Mrs Cheryl Adams and/or Mr Tinus Snyman is guilty of breaching, inter alia, GCR 172(iv) and/or (x), and/or the MSA Karting Code of Conduct, due to her/his/their alleged abuse of officials.

3.2. The Court was further directed to determine what action to take in response to its findings, including penalties as envisaged in GCR 177(ii)(c), (v), and (vi) in respect of Charge 1, and appropriate action in respect of Charges 2 through 5.

3.3. A notice to participants, dated 26 May 2026, was sent to all participants and contained the same charges as the notice to the court members.

## SECTION A

### 4. The Consent Requirement and MSA's breach

4.1. This ruling addresses various irregularities of a serious nature affecting the independence, scope, and timing of these proceedings. It is issued separately from and in addition to the Court's substantive judgment, as Section A, on the five charges referred to it by notice dated 26 May 2026 (Section B). The Court considers it necessary to address these matters in a discrete ruling because they raise questions of principle that extend beyond COE 1294 and affect the integrity of all future MSA Courts of Enquiry.

4.2. The central issue in Section A is straightforward: once a Court of Enquiry has been convened and a notice issued to its members specifying the charges to be investigated, can MSA or the parties unilaterally amend or narrow those charges without the Court's consent? The answer, as MSA's own officials acknowledged in writing, is no.

4.3. On 18 June 2026, MSA's Sporting Coordinator, Mrs Allison Vogelsang, forwarded settlement emails to the Court members with the following conditional framing: *"Should the Court accept the contents of these emails, then only Item 1... should be investigated*." (emphasis added) The phrase "Should the Court accept" demonstrates that MSA's own representative understood that the narrowing of charges required the Court's acceptance and could not be unilaterally imposed.

4.4. Later that same day, the MSA Steward, Mr Ian Richards, confirmed his agreement to the proposed narrowing of charges — but expressly conditioned it on the Court's consent, stating it was "*subject to the agreement of Motorsport South Africa and the Chairperson of the Court of Enquiry, who retain the authority to determine the final scope and conduct of the proceedings*." (Emphasis added).

4.5. Despite both officials recognising in writing that the Court's consent was required, MSA proceeded to issue an amended notice purporting to withdraw Charges 2–5 without ever obtaining that consent. The Court President was never asked for his agreement. When he queried the competence of the amendment, his concern was ignored.

4.6. This conduct is improper under MSA's own regulatory framework. The GCRs enshrine the independence of Courts of Enquiry. GCR 66 provides that no person shall act in a judicial capacity if directly or indirectly concerned in the matter. GCR 208(viii) provides that all hearings are held ***de novo***. GCR 211 empowers the Court to investigate and impose any penalty, and provides at sub-rule (iii) that the Court "shall not be precluded from imposing a penalty notwithstanding that no penalty was imposed by any other court referred to in the GCRs." This language contemplates an independent judicial function, not one subject to the direction of the parties or of MSA once convened.

4.7. MSA's own Internal Rules & Regulations expressly confirm this independence. Section 1.15 provides that "[t]he BOD is charged with ensuring the independence of the National Court of Appeal and the judicial system within MSA." This internal recognition of judicial independence — binding on all MSA structures — places an affirmative duty on MSA's governing body to protect, rather than undermine, the independent functioning of its judicial organs.

4.8. The principle that a judicial body, once constituted, determines its own procedure and scope is consistent with broader South African law. Section 34 of the Constitution recognises the right to have disputes decided by an "independent and impartial tribunal or forum" — not only a court of law. While an MSA Court of Enquiry is not a court established under Chapter 8 of the Constitution, it exercises a quasi-judicial function established under the GCRs and recognised by the courts as exercising "judicial powers" (*Brad Anassis T/A Bikefin Honda v President of MSA National Court Of Appeal No 151 and Others (48254/2011) [2013] ZAGPJHC 300 (22 March 2013)*). The constitutional principles accordingly support the GCR framework, but the Court's ruling does not depend on them: it rests on MSA's own rules and MSA's own officials' acknowledged understanding of those rules.

4.9. Where the GCRs are silent on procedural matters, the Court is guided by the principles of civil procedure and natural justice applicable in South African law. The Court President stated at the hearing: "although we're not the high courts, we operate on the same basis, so everybody has an opportunity to be heard." The Court follows the High Court's civil rules on evidence and attaches weight to allegations based on the principles of evidence.

4.10. The Court sets out below the chronology of the interference, followed by its analysis and findings.

Chronology of Irregularities

4.11. The Court sets out the following chronology, drawn from the correspondence placed before it and, in the interest of transparency, are set out in Annexure A hereto:

4.11.1. **26 May 2026:** MSA issues the original notice to Court members specifying five charges. The same notice is sent to all parties.

4.11.2. **4 June 2026:** The Court President requests copies of notices given to the parties and submission deadlines.

4.11.3. **17 June 2026 at 13:42:** Mr Michael North (Hyde Park Law), acting for the Rok Promoter (Messrs Lennon and Duvill), emails MSA's CEO (Mr Vic Maharaj) — referring to "our telephone discussion earlier today" — proposing that Charges 2–5 be withdrawn. He requests confirmation from all parties. The Court members are not copied on this email nor the other participants. (See Appendix A)

4.11.4. **17 June 2026 at 13:48–14:39:** Confirmations received from Venter, Orr (on behalf of Hlako), and Adams/Snyman.

4.11.5. **18 June 2026 at 04:27:** MSA's Sporting Coordinator**,** Mrs Allison Vogelsang**,** forwards the settlement emails to the Court members, stating: "Should the Court accept the contents of these emails, then only Item 1... should be investigated." This conditional framing — “Should the Court accept” — demonstrates that MSA’s own representative understood that the narrowing of charges required the Court’s acceptance and could not be unilaterally imposed.

**4.11.6.** **18 June 2026 at 07:27:** Court Member Mr Claudio Piazza Musso replies to MSA’s email, questioning the proposed settlement. He states that the settlement emails “constitute acknowledgement and admission of guilt” and that “a minimum of a warning is required for everyone due to their bad, disrespectful and rude conduct, which contravenes the GCRs.” He expresses concern that “the same culprits keep reappearing in these situations and are never punished sufficiently to curb their bad behaviour.” This email demonstrates that at least one Court Member, aside from the Court President, questioned the adequacy of the proposed settlement before the hearing commenced. (See Appendix A)

4.11.7. **18 June 2026 at 09:24**: The Court President replies, noting that "the MSA and the individuals below have not formally agreed to the settlement" and lists the five officials. The Court President does not accept the proposal. (See Appendix A)

4.11.8. **18 June 2026 at 12:40:** Mrs Allison Vogelsang emails the Clerk of the Course (Mr Luan Oelofse) and the MSA Steward (Mr Ian Richards) asking them to confirm they are "happy for MSA to remove point 5” (i.e. Charge 5) from the court notice. She states: "The court will then proceed tonight on the basis of point 1 only." The Court members are not copied on this email.

4.11.9. **18 June 2026 at 12:46:** The Clerk of the Course confirms no objections.

4.11.10. **18 June 2026 at 12:51:** The MSA Steward confirms, but — critically — expressly conditions his agreement on the Court's consent, stating it is "subject to the agreement of Motorsport South Africa and **the Chairperson of the Court of Enquiry, who retain the authority to determine the final scope and conduct of the proceedings**." (See Appendix A). This is the second occasion on which an MSA official acknowledged in writing that the Court's consent was required — Mrs Vogelsang having framed her earlier email conditionally ("Should the Court accept"). Despite both officials recognising this requirement, the Court President was never asked for his agreement nor did the Court accept the request.

4.11.11. **18 June 2026 at 13:35:** MSA emails all parties (but not the Court members): "Following agreement from all parties concerned, Items 2–5 have been withdrawn and removed from the Court Notice."

4.11.12. **18 June 2026 at 13:51:** MSA emails Court members: "Please see updated notice sent out."

4.11.13. **18 June 2026 at 15:12:** The Court President replies: "I am not sure it is competent to change the notice by MSA once a court has been convened. Just for future reference."

4.11.14. **18 June 2026 at 18:00:** The hearing proceeds. The Court President announces at the outset that the Court will investigate all five charges plus two additional matters arising from the evidence, with the unanimous agreement of both Court Members.

4.11.15. **19 June 2026 at 09:11:** Mr North emails MSA's CEO (not the Court) complaining about the hearing. He alleges Mr Snyman made "false and defamatory allegations" about Messrs Lennon and Duvill, that the Court "permitted" this despite MSA's representatives indicating it was "inappropriate," and that the Court members "indicated... that they have inherent jurisdiction or power to hear and consider Mr Tinus Snyman's evidence even though the only issue to be investigated by COE 1249 [sic — he means 1294] and the ambit of its authority was clearly and unambiguously limited by MSA to item 1 of the amended notice only."

**4.11.16.** **19 June 2026 at 10:45:** Mr North sends a second email to MSA's CEO requesting that the Court revert to investigating Charge 1 only. The Court President, upon being forwarded this correspondence, declines to revert and advises MSA to obtain independent legal advice on how to respond to Mr North's email.

4.11.17. **19 June 2026 at 15:49:** Ms Megan Ross of Galaktiou Attorneys, acting for MSA, emails the Court President (not copying the other parties) requesting "that no finding be handed down in respect of the COE 1294 until such time that we have addressed the issues comprehensively." While no specific complaint is identified in the email, it is reasonable to infer that the “issues” refer to the procedural irregularities alleged by Mr North in his email earlier that day.

4.11.18. **19 June 2026 at 17:02:** The Court President responds, copied to both Court Members, asserting the Court's independence and declining the request. **20 June 2026 at 14:01:** Ms Ross sends a further email to the Court President. This email is again not copied to any of the parties to the proceedings (the Snyman family, Mr Moore, or any of the officials). In this email she states, inter alia: (a) that "the circumstances around the establishment of the COE, in particular the terms of references that are applicable thereto prior to the COE being convened, are still subject to further consultation"; (b) that "whether [the proceedings were] done in accordance with bounds of civil procedure and fairness is a matter that is in contention"; (c) that MSA "denies that the position taken by you and your Court members during the COE was in any way accepted by our client" and that the fact that MSA's three representatives present at the hearing "did not raise an objection to the approach that was adopted" is "not tantamount to MSA accepting the position"; and (d) that MSA "takes offence" at the Court President's characterisation that the approach seeks to "cut the court off at its knees." She requests the Court wait until "early next week" before handing down judgment.

## 4.12. ANALYSIS

<u>The Attempted Narrowing of Scope</u>

4.13. The hearing revealed that none of the participants had been involved in the "conciliatory discussions" described by Mr North. The Court President asked whether any of the persons on the call had been part of conciliatory discussions. No party indicated that they had. The Court President recorded: "the court takes that as a no." (Transcript, Page 73, Line 1007) Mr Tinus Snyman confirmed that the only communication he received was Mr North's email and that he was not part of any discussions. (Transcript, Page 73, Lines 1001-1003) The Clerk of the Course confirmed that "the officials only found out this afternoon when MSA contacted us and told us" about the agreement. (Transcript, Page 73, Lines 1009-1010)

4.14. When Mrs Adams expressed confusion about the scope of the hearing — believing that only Charge 1 remained — Court Member Mr Piazza Musso intervened to clarify: “even though everybody retracted their statements... We, as the court, are still looking into these matters. We’ll use all the evidence that was submitted to make a decision. And now the court is giving you guys the opportunity to either say something or stand by your retraction.” (Transcript, Page 77, Lines 775-779) This explanation demonstrated the Court’s unanimous view that the parties’ purported settlement could not bind the Court once convened.

4.15. The Court can only conclude that the "agreement" was initiated by Mr North on behalf of the Rok Promoter via a telephone call to MSA's CEO (Mr Vic Maharaj), and then cascaded by MSA to the officials and parties for confirmation — all on 17 June 2026, less than 24 hours before the hearing. Telephone calls were had by the MSA with some of the participants. No information was placed before this Court as to the content of these discussions.

4.16. Mrs Adams (speaking under the "Troy Snyman" participant name) explained the family's reason for agreeing: Mr Duvill's original email to MSA stated that the Snyman family and WORR were "not welcome at future ROK events indefinitely." The family felt that unless they agreed to the withdrawal, they would be permanently excluded from the Rok series.

4.17. The Clerk of the Course expressed scepticism regarding the retractions: "I just fail to understand how you would retract your statement if that email from Michael North is the only communication you have received. If I were on the other end of this, that one single email would not get me to agree to retract any statement, especially if it was true, and especially if it would have held my case in the long run."

4.18. The Court declined, by which it stands, to accept the amended notice or to limit its enquiry to Charge 1 alone, for the following reasons:

4.19. Once a Court of Enquiry has been convened under GCR 211 and a notice has been issued to the Court members specifying the charges to be investigated, any subsequent proposed amendment to withdraw or narrow said charges requires consideration and determination by the Court itself. In the interests of justice the Court would have had to have heard all the parties. The mandate of the Court is defined by the notice of 26 May 2026 addressed to the Court President and Court Members. It is therefore not competent for MSA, or for the parties, or for individual officials, to retrospectively amend or narrow the Court's terms of reference after the Court has been constituted and without its permission. To hold otherwise would permit respondents to dictate to a judicial body what it may or may not investigate, undermining the independence of the Court and the integrity of the process.

4.20. GCR 211 provides that the Court of Enquiry "shall be entitled to impose any of the penalties referred to in the GCR's, SSRs and SRs" and that it "shall not be precluded from imposing a penalty notwithstanding that no penalty was imposed by any other court referred to in the GCRs." This language contemplates an independent judicial function, not one subject to the direction of the parties or of MSA once convened.

4.21. The agreement of individual officials (such as the Steward and Clerk of the Course) to the narrowing of scope does not bind the Court. The officials' role at the event was to observe, adjudicate, and report. Their subsequent agreement to a settlement between the parties does not withdraw the referral they made in their official capacity, nor does it extinguish the Court's obligation to investigate the matters referred to it. The MSA Steward himself recognised this when he noted that the position was "subject to the agreement of… the Chairperson of the Court of Enquiry, who retain the authority to determine the final scope and conduct of the proceedings."

4.22. The charges under items 2–5 of the notice raise matters of public interest in motorsport — including the safety and dignity of competitors, the conduct of officials and promoters, and the integrity of the regulatory process. These are not purely private disputes capable of being withdrawn by consent of the individuals involved.

4.23. The settlement was communicated to MSA on 17 June 2026, less than 24 hours before the scheduled hearing. The amended notice to participants was issued at a point when the Court had already been constituted, its members appointed, and the hearing date set. The Court was not consulted on the amendment nor did it agree to it.

4.24. The Notice to the Members of this Court from the MSA was left as is i.e. with charges 1 to 5 present.

4.25. GCR 208(viii) provides that all hearings held in terms of the GCRs are held de novo. This confirms the original and independent character of the Court's jurisdiction. A Court of Enquiry, once constituted, exercises its powers under GCR 211 independently, on the basis of its own assessment of the evidence, irrespective of event-level findings or the wishes of the parties.

4.26. In COE 1283 (2025), the Court observed that “[d]ue to the various organising failures the CoC/Stewards were hindered in their duties thus rendering certain aspects of their duties out of their control” and that external interference with proper procedure has consequences for the integrity of proceedings. That Court gave “serious consideration to not declaring a result at all” as a consequence of widespread organisational failures and regulatory breaches. The present case raises analogous concerns: interference with the Court’s mandate, if permitted, would undermine the integrity of the judicial process.

4.27. GCR 211(iii) expressly provides that a Court of Enquiry "shall not be precluded from imposing a penalty notwithstanding that no penalty was imposed by any other court referred to in the GCRs." If the Court is not bound by the decisions of other MSA courts, it follows *a fortiori* that it cannot be bound by agreements between the parties to forgo investigation.

4.28. Finally, the Court is mindful of the fact that none of those purportedly agreeing to the variation of the charges participated in conciliatory proceedings that formed the basis of the variation of the charges.

4.29. The principle is elementary: judicial independence requires that the Court of Enquiry, once constituted, determines its own procedure and scope within its founding instrument.

4.30. The Court accordingly proceeds to determine all five charges on their merits as originally referred in the notice of 26 May 2026. The settlement between the parties is noted and given appropriate weight in the Court's findings and in mitigation where relevant, but it does not limit the Court's jurisdiction or its duty to make findings on each charge.

4.31. The Court is mindful that Mr Duvill, Mr Venter, and Mr Lennon did not participate in the hearing and may not have attended in reliance on MSA's amended notice. The principle actus curiae neminem gravabit — that an act of the court (or, in this context, of the convening authority) shall prejudice no one — requires this Court to ensure that no party suffers disadvantage as a consequence of MSA's decision to issue an amended notice upon which they may reasonably have relied.

4.32. The Court's approach to each charge reflects this principle: no adverse finding is made against any absent party without affording that party an opportunity to be heard. Where Charges cannot fairly be determined in the absence of the respondent, they are postponed to a return date with directions for notification and the filing of representations.

<u>The Post-Hearing Correspondence</u>

4.33. Mr North's email of 19 June 2026 is addressed to MSA's CEO and complains about the Court's conduct. It asserts that the Court's jurisdiction was "clearly and unambiguously limited by MSA to item 1 of the amended notice only." This assertion is legally incorrect.

4.34. As set out above, (a) the Court President never agreed to the amendment; (b) the notice to Court members was never formally replaced; and (c) it is not competent for MSA to limit the Court's jurisdiction after constitution. Mr North's assertion that the Court improperly "permitted" Mr Snyman to give evidence on Charges 2–5 ignores the fundamental principle that a Court of Enquiry exercises an independent judicial function and determines its own procedure.

4.35. It further ignores the principle of *audi **alteram** partem* – the right to be heard.

4.36. Finally, Mr North’s email was sent to the MSA only, which was then forwarded to the Court members. This is procedurally improper. Any communication to a judicial body concerning pending proceedings should be copied to all parties to avoid the perception of improper *ex parte* contact. The failure to do so raises a question about whether certain parties were being given preferential access to the Court without the knowledge of others.

4.37. Ms Ross's email of 19 June 2026 is more concerning. She writes on behalf of MSA — the very body that convened the Court — requesting that the Court withhold its judgment pending further correspondence about “issues” that she does not specify. It is reasonable to infer that she is referring to the procedural irregularities alleged by Mr North in his email earlier that day.

4.38. This email was sent to the Court President alone, without copying the parties to the proceedings. This too is procedurally improper and highly irregular. The Court repeats - any communication to a judicial body concerning pending proceedings should be copied to all parties to avoid the perception of improper *ex parte* contact. The failure to do so raises a question about whether certain parties were being given preferential access to the Court without the knowledge of others.

4.39. The substance of Ms Ross's request is equally improper. MSA, as the convening authority, has no standing to direct the Court as to when or whether to hand down its findings. Section 165(3) of the Constitution provides that no person or organ of state may interfere with the functioning of courts. This principle applies by necessary implication to all bodies exercising judicial functions. A request by the convening authority's attorneys to delay judgment — without citing any legal basis and without copying the other parties — amounts to an improper attempt to influence the timing and potentially the content of the Court's findings.

4.40. Ms Ross's second email of 20 June 2026 compounds the irregularity. It is once again sent without copying the parties to the proceedings — meaning the Snyman family, Mr Moore, and the officials are being excluded from correspondence that directly concerns the proceedings in which they are involved. This is a second ex parte communication from MSA's attorneys to the Court. The prohibition on ex parte communications with a judicial body is a foundational principle of civil procedure. Rule 6(5)(d) of the Uniform Rules of Court, which applies by analogy where the GCRs are silent, provides that all applications and communications must be served on all parties.

4.41. The substance of the second email is equally troubling. MSA's attorneys assert that "whether [the proceedings were] done in accordance with bounds of civil procedure and fairness is a matter that is in contention" — without identifying a single respect in which the proceedings were unfair. They further assert that MSA's silence at the hearing does not constitute acceptance — a position contrary to established authority.

4.42. As a matter of South African procedural law, a party cannot sit on its hands during a hearing, wait to see if the outcome is favourable, and subsequently raise a retroactive complaint regarding the framework adopted. By failing to object when explicitly invited to do so, and by proceeding to participate in the enquiry without qualification, MSA has legally waived its right to challenge this procedure (see ***Mphaphuli & Associates (Pty) Ltd v Presiding Officer, Conciliation Board, and Others***). Furthermore, under the doctrine of peremption (acquiescence), a party's unequivocal conduct that is inconsistent with an intention to challenge a ruling binds them to that ruling (see ***Dabner v South African Railways and Harbours***; and ***Samancor Group Pension Fund v Samancor Chrome***). MSA had no fewer than three representatives at the hearing — its Sporting Coordinator (Mrs Vogelsang), Ms Carmen Hill (Sporting Service Manager), and Mr Rashaad Monteiro (Medical and Insurance Coordinator). None raised any objection when the Court President announced, at the outset, that the Court would investigate all five charges plus two additional matters arising from the evidence — expressly inviting disagreement by stating: "I'm inclined, unless my co-members disagree, I'm inclined to look at all the charges." (Transcript, Page 4, Lines 67-68) No objection was raised by any participant. Mrs Vogelsang's only request — made at the end of the hearing — was that the Court consider postponing the charges against absent parties, which the Court President said would be addressed in the judgment.

4.43. The Court notes with concern that Ms Ross's second email was sent at 14:01 on Saturday 20 June 2026 — barely 44 hours after the hearing and only 21 hours after the Court President's firm response declining the first request. The escalating pattern — a first letter requesting a stay, a firm refusal, and then a second letter repeating the request with additional assertions — is consistent with an attempt to pressure the Court into delaying its judgment.

4.44. The Court will not be drawn into rolling correspondence with one party's attorneys about the legitimacy of its proceedings. As stated in the Court President's response of 19 June: "Should your client take issue... there are legal remedies which are provided for under the GCRs and civil law. No further correspondence regarding the Court's conduct and its jurisdiction will be entertained outside of the legally provided remedies."

<u>The Duty to Assist Unrepresented Parties</u>

4.45. The Snyman family participated in the hearing without legal representation. They are laypersons — parents of a young karting competitor — who were confronted with serious charges in a quasi-judicial proceeding. Messrs Lennon and Duvill, by contrast, had the benefit of legal representation through Mr North of Hyde Park Law. MSA had its own attorneys (Galaktiou Attorneys). The asymmetry of resources is stark.

4.46. In South African law, a presiding officer has a duty to ensure that unrepresented litigants are not prejudiced by their lack of legal knowledge. This duty is well established: see ***S v Rall*** 1982 (1) SA 828 (A); ***Xinwa and Others v Volkswagen of South Africa (Pty) Ltd*** [2003] ZACC 7; ***S v Mdali*** 2009 (1) SACR 259 (C); and ***Pedlar v Santam Limited*** (010346/22) [2023] ZAGPPHC 1824. It extends to all tribunals exercising judicial functions and includes the duty to explain the proceedings, to ensure the party understands the charges and the potential consequences, and to afford a fair opportunity to present their case.

4.47. The Court discharged this duty at the hearing. It explained at the outset that the Court would investigate all charges notwithstanding the settlement. It allowed Mr Tinus Snyman to give evidence at length. It put questions to him to clarify his position. Court Member Mr Piazza Musso explained to the family: "what the court is basically saying is, even though everybody retracted their statements, we, as the court, are still looking into these matters. We'll use all the evidence that was submitted to make a decision. And now the court is giving you guys the opportunity to either say something or stand by your retraction."

**4.48.** It is in this context that Mr North's complaint — that the Court "permitted" Mr Snyman to give evidence — must be understood. The Court did not merely "permit" it; it was **obliged** to afford Mr Snyman the opportunity to be heard. To have silenced him because of a settlement he did not negotiate, did not understand, and agreed to under perceived duress (as he explained at the hearing and mentioned above), would have constituted a denial of natural justice. The duty to assist unrepresented parties required the Court to ensure Mr Snyman understood that the settlement did not extinguish the charges and that he had the right to give evidence if he wished.

**SECTION A - Findings**

4.49. The Court finds that MSA acted improperly in issuing an amended notice purporting to limit the scope of COE 1294 to Charge 1 only, without obtaining the agreement of the Court President. This impropriety is aggravated by the fact that MSA's own Steward had expressly advised — in writing — that his agreement to the narrowing of charges was "subject to the agreement of… the Chairperson of the Court of Enquiry, who retain the authority to determine the final scope and conduct of the proceedings." MSA was accordingly on notice of the legal requirement for the Court's consent. Its decision to issue the amended notice without obtaining that consent was therefore not merely improper but was made with full knowledge of the correct procedure, as articulated by MSA's own official.

4.50. The Court finds that the notice to Court members dated 26 May 2026 was never formally replaced or withdrawn. The document described as an "updated notice" was sent to the parties (at 13:35 on 18 June) and forwarded to Court members (at 13:51), but the Court President immediately queried its competence (at 15:12). The original notice remains the operative instrument defining the Court's mandate.

4.51. The Court finds that Ms Ross's letters of 19 and 20 June 2026 — requesting that no finding be handed down, without citing any legal basis, and without copying any of the parties to the proceedings — constitute improper ex parte communications with a judicial body and an improper attempt to interfere with the independence of the Court, in breach of the principle enshrined in section 165(3) of the Constitution as applied by analogy to quasi-judicial tribunals. The assertion in the second letter that MSA's silence at the hearing does not constitute acceptance is noted but does not assist MSA: a party who participates without objection cannot later resile from the procedure adopted.

4.52. The Court finds that Mr North's email of 19 June 2026, while addressed to MSA and not to the Court, constitutes an attempt to enlist MSA in pressuring the Court to reverse its procedural ruling — which is equally improper.

**SECTION A - Observations and Directions**

4.53. The Court records the following observations for the guidance of MSA and all future Courts of Enquiry:

4.53.1. Once a Court of Enquiry has been convened under GCR 211 and a notice is issued to Court members specifying the charges to be investigated, any subsequent proposed amendment to withdraw or narrow said charges requires consideration and determination by the Court itself. It is not competent for MSA, the parties, officials, or any third party to amend or narrow the Court's terms of reference without the express written consent of the Court President.

4.53.2. MSA's role, once it has convened a Court of Enquiry, is administrative — providing logistical support, communicating with parties, and ensuring compliance with directions. It does not include directing the Court as to the scope or timing of its findings.

4.53.3. All communications to a Court of Enquiry concerning pending proceedings must be copied to all parties. Ex parte communications between one party (or MSA's attorneys) and the Court are improper and will not be entertained.

4.53.4. The GCRs should be amended to include a provision confirming that: (i) the notice to Court members constitutes the Court's terms of reference; (ii) any amendment requires the Court President's written consent; (iii) once constituted, the Court is functionally independent of MSA; and (iv) any attempt to interfere with the Court's proceedings constitutes a breach of GCR 172(iv).

4.53.5. MSA is directed to ensure that its employees, representatives, and instructed attorneys respect the independence of Courts of Enquiry and refrain from any conduct that tends to obstruct, influence, or delay their proceedings.

4.53.6. The Court makes no costs order as the GCRs do not provide for costs in the manner of civil litigation. However, the Court records its view that the conduct of MSA's attorneys in this matter — sending two ex parte communications to the Court President to request a stay of judgment without copying the parties, and in a manner that escalated with each refusal — falls below the standard expected of legal practitioners. The parties to this matter are reminded of their rights under criminal and civil law, including the right not to be intimidated.

4.54. This ruling forms part of the record of COE 1294 and this judgment.

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**SECTION B**

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## 5. The Evidence

### *5A. The Papers*

5.1. The documentary evidence before the Court comprises: the penalty document PEN-006; the Acceptance/Impounding of Parts form and TC Checklist; photographs of the sealed kart; the Chief Marshal's Incident Report; the Clerk of the Course's Report; the Stewards' Report; Mrs Adams's emails of 15 May 2026 and 30 May 2026; Mr Duvill's email of 11 May 2026; the settlement correspondence of 17 June 2026; the officials' agreement emails of 18 June 2026; and the MSA correspondence including the Clerk of the Course's email of 1 June 2026 regarding the black-and-white flag.

### *5B. Oral evidence*

5.2. All participants in the hearing were afforded the right to comment and/or present their case, answer and reply to questions from this Court and other participants. In the interests of justice, participants were provided with as much lee-way as possible to express their views.

5.3. The evidence considered by this Court includes the oral evidence, as recorded in a transcript of the proceedings.

### *5C. Saturday (Day 2) — Qualifying Incident and Conduct of Mr Tinus Snyman*

5.4. On Saturday, during qualifying, a nose cone penalty was issued to Competitor #31 (Jack Moore). Separately, a protest was lodged by Mr James Moore (father of Jack) alleging that Competitor #21 (Troy Snyman) had brake-checked Competitor #31.

5.5. The Stewards called both competitors and requested video footage and data so that they could "align the two and try and make a calculated or an informed opinion of the incident." Mr Tinus Snyman was asked to provide the Mychron data. His response, as recorded by the MSA Steward Mr Ian Richards, was: "We come from the bush, we do not have any laptop with us or anything, we can't read any data." The request was repeated — it being the competitor's responsibility to provide data to officials on demand.

5.6. In the absence of the Snyman family being able to read their own data, the Stewards requested whether Mr Moore's mechanic, who had the same type of equipment and software, had any objection to reading it. The mechanic read the data. Mr Ian Richards testified at the hearing that once the data was read, the Snyman family "then made the allegation that we are now sharing sensitive data with Mr Moore, which we felt was unfair, which was not correct." (Transcript, Page 36, Lines 462-463) Mr Richards explained that the engines were pool engines belonging to the Rok series and "therefore it is not their intellectual property." (Transcript, Page 36, Lines 464-465) He further stated that the Stewards asked "specifically, remove all laps except that specific lap" and that "we looked specifically at that data, that was relevant to the incident, and that is as far as it went." (Transcript, Page 37, Lines 475-476)

5.7. Troy Snyman testified at the hearing that the family normally runs an Alfano data logger but on this occasion had borrowed a teammate's Mychron. He stated there was "no intent to lie" about the device type. (Transcript, Page 40, Lines 513-515) He objected that a Mychron records more than engine data — including braking points, cornering speeds, and sprocket information — which he contended was proprietary. (Transcript, Page 40, Lines 516-517)

5.8. Mr James Moore testified that when Troy was initially asked whether he was running a data logger, the response was "yes, maybe it's an Alfano, we don't have anything to read it." Jack Moore then told his father: "Dad, I was next to him on the grid, it's actually a Mychron." (Transcript, Page 39, Lines 489-490)

5.9. From the data, the Stewards identified that "there was a severe brake application by Mr Troy Snyman" in an area "where no other lap had any close or any resemblance of a brake check." The protest was upheld and Competitor #21 was found guilty of brake-checking.

5.10. The Clerk of the Course noted that during the Stewards' deliberation on this protest, Mr Tinus Snyman spoke on the telephone to one Wesleigh Orr, openly in public, accusing the series, promoter, and officials of being corrupt. Mr Snyman further approached the Clerk of the Course to ask the names of the stewards while on the telephone Mr Tinus Snyman addressed this at the hearing. Mr Snyman stated that he spoke to Wesleigh Orr (the WORR team manager) "in private" to ask "what is my rights? Can MSA officials take my data and share it with the opposition?" He denied speaking "badly about MSA in the public."

5.11. The Clerk of the Course records that Mrs Adams thereafter made a similar comment regarding a "corrupt system" when he passed them outside the secretary's office. Mrs Adams denies this. She states that she remained on the upstairs veranda near the office and that her interaction with the Clerk of the Course was a tearful plea for guidance, not a comment about corruption. Her detailed verbatim account is set out at paragraphs 5.31 and 5.32 below.

5.12. The Clerk of the Course further records that on Sunday morning, prior to Heat 2, Competitor #21 was excluded from qualifying for multiple offences that "stack up" under the Rok regulations to a Severity 3, warranting exclusion for the day. The Stewards considered the Clerk's penalty too harsh and reduced it to exclusion from qualifying only, permitting Troy to race in the heats. Troy therefore participated in Heat 2 under the Stewards' amended decision, not under appeal.

***5D. The Hearing — Charge 1: The On-Track Incident***

5.13. Troy Snyman gave oral evidence at the hearing. He submitted GoPro footage on the evening of the hearing — over five weeks after it was first demanded by the Clerk of the Course and Stewards on 10 May 2026. (Transcript, Page 8, Lines 108-109) The Court admitted this late evidence on the basis of fairness and the admission into evidence was not objected to by any of the participants.

5.14. Troy testified that during Lap 1 of Heat 2, Kart #31 (Jack Moore) hit his kart from behind at Mercedes Corner, causing him to go off the track and damaging his kart. (Transcript, Page 9, Lines 134-140) He stated that from that point his kart "began handling unpredictably" and he struggled to control it for the remaining 14 laps. (Transcript, Page 17, Lines 252-253)

5.15. Troy denied that the contact with Kart #31 on Lap 15 was deliberate, premeditated, or driven by temper or retaliation. He stated: "I did not wait for him, I did not slow down deliberately, and I did not accelerate intentionally into him." (Transcript, Page 16, Line 242) He contended that he was braking but the brakes did not respond, and that his GoPro footage shows his foot hitting the brake pedal without the kart stopping. (Transcript, Page 18, Lines 259-260)

5.16. The Court President put to Troy the critical question: was it his contention that he had some kind of brake failure that prevented him from slowing down sufficiently to avoid crashing into the back of Moore? Troy confirmed: "Yes, that's correct." (Transcript, Page 18, Lines 270-271)

5.17. The Clerk of the Course, Mr Luan Oelofse, responded with a significant observation: Troy set the fastest lap of the race on Lap 4 with his allegedly broken kart, and then "drastically starts going slower by 2 seconds a lap, 2.5 seconds a lap." (Transcript, Page 19, Line 280) He stated: "It's just interesting that the cart breaks on the very last lap of the very last corner when Jack Moore passes him." (Transcript, Page 19, Lines 281-282)

5.18. Troy responded that his fastest lap compared to the previous race was "nowhere close" and that the kart was "unpredictable to drive" — "every lap is different." (Transcript, Page 20, Lines 292-295) He explained that once he clocked a fast lap for grid position in the next race, he did not think pushing every lap was worth the risk. (Transcript, Page 20, Lines 305-308)

5.19. Mr James Moore (father of Jack) gave evidence. He stated that Troy's deliberate slowdown was visible to everyone at the track: "he managed to accelerate so quickly after he let Jack pass, having slowed down significantly." (Transcript, Page 22, Lines 319-320) He stated Troy made "no attempt to brake" (Transcript, Page 22, Line 321) and described the incident as "deliberate and calculated." (Transcript, Page 23, Line 325) He testified that it was "very clear to everybody" including "the paramedic watching." (Transcript, Page 23, Line 325) He stated that if Jack had simply been riding his bicycle and Troy had driven over him 15 minutes later, "in the public domain, it would be assault with intent to do grievous bodily harm." (Transcript, Page 44, Lines 596-597)

5.20. James Moore further drew attention to Troy's prior disciplinary history, stating: "I don't need to point out to MSA the number of courts of inquiries that have involved Troy for similar types of incidents. It's a serial history." (Transcript, Page 41, Lines 559-560) The Court President ruled that the Court would confine itself to the evidence of the specific event but would consider whether it was within its remit to study past judgments.

***5E. The Kart Inspection and Chain of Custody***

5.21. A critical issue emerged during the hearing: the impounded kart has never been inspected. MSA's Sporting Coordinator, Mrs Allison Vogelsang, confirmed: "the cart was impounded, no tests were carried out on the cart. The cart is still impounded at Vereeniging Raceway." (Transcript, Page 19, Line 274) When asked why, she stated: "We felt that the court had to give us a directive as to what they wanted us to do with the cart, so we felt it better just to keep it sealed." (Transcript, Page 46, Lines 620-621)

5.22. The Technical Consultant, Mr Alistair Pringle, testified that on the day of the race he sealed the kart and placed it in a garage — specifically, the lock-up garage of another karting team (RKT) — as "the only other place that we could leave it, where it would be locked up." (Transcript, Page 47, Line 657) He confirmed: "I can only comment on the day of the race. That was the last I've seen the cart." (Transcript, Page 47, Lines 644-645)

5.23. Troy stated: "the cart has not been locked up. Even I have had the opportunity to go up to my cart, touch it, tamper with doing anything. So… who's touched my cart? I don't know." (Transcript, Page 46, Lines 624-625) Mrs Vogelsang responded that "the cart was sealed with plastic wrap" and referred to photographs. (Transcript, Page 47, Line 636)

5.24. The MSA Steward, Mr Ian Richards, explained that the Mychron digital dash was impounded with the kart specifically to "retain the data" and that "there should be sufficient information still available to the court, should the court wish to review that data." (Transcript, Page 48, Lines 669-672)

5.25. Court Member Mr Claudio Piazza Musso identified the central difficulty: the Lap 1 and Lap 15 incidents "are actually tied together, because whatever happened in the second incident, was, from what I understand… if the cart's damaged from the first incident, it could have influenced what happened on the second incident. So they're actually tied together, you can't look at them separately." (Transcript, Page 15, Lines 218-220) He stated: "obviously, we would have to inspect the cart and make sure that that is the case." (Transcript, Page 15, Line 224)

***5F. The Black-and-White Flag — Confirmed by the Clerk of the Course***

5.26. The Court has been provided, during the hearing, with an email from the Clerk of the Course dated 1 June 2026 addressed to MSA's Sporting Coordinator, in which he confirms: "I can confirm that I did issue Jack Moore with a black & white flag." He explains that the flag was not recorded in his report "due to an oversight on my part" because "these flag entries are normally captured automatically via the LRRC system, which I input after each session. Unfortunately, due to significant activity and disruptions following this particular session, I did not get around to capturing it at the time." He took "full responsibility for this clerical oversight."

5.27. This email was sent to MSA on 1 June 2026 — over two weeks before the hearing. MSA did not provide it to the Court. When queried, MSA's Sporting Coordinator stated: "The reason MSA does not routinely circulate submissions from officials is that we have been advised that, following the conclusion of an event, the officials' duties are functus officio. They are invited to hearings, should the court members wish to hear from them."

5.28. The Court records its serious concern regarding this position, which is addressed in section 8 below.

***5G. The Hearing — Charges 2–5***

5.29. Mr Duvill, Mr Venter, and Mr Lennon did not participate in the hearing. MSA's Sporting Coordinator requested, at the end of the hearing, that the Court consider postponing charges relating to abusive behaviour to a return date so that absent parties could be heard. (Transcript, Page 80, Lines 1100-1103) The Court President indicated this would be addressed in the judgment.

5.30. Mr Tinus Snyman gave oral evidence regarding Charge 5 and the after-incident events. He stated that Mr Duvill "slapped Troy on the arm" and "grabbed his racing suit."

5.31. The Clerk of the Course records that Mrs Adams made a comment about a "corrupt system." Mrs Adams denies this. She states that she approached the Clerk of the Course tearfully and in distress, seeking guidance, and provides a verbatim account of what she says she actually said — a plea for help in a situation she perceived as dangerous. She states that, nervously and tearfully, she said: "Ian, there is a lot of swearing, shouting, and threatening happening downstairs. John, the events manager, and others are wanting to 'F' Tinus and Troy up and want us to leave the track immediately. I'm scared there is going to be big trouble downstairs. Must we leave? What must I do?"

5.32. She states the Clerk of the Course asked how old Troy was, she replied "turning 19," and he said "Tell Troy I want to see him."

5.33. Her verbatim account, if accepted, does not constitute abuse of officials but rather a distressed request for assistance. The Clerk of the Course's report was compiled after the event in circumstances where tensions were high and multiple incidents were unfolding simultaneously. It is possible that Mrs Adams's words were misunderstood or imprecisely recorded. Her subsequent correspondence — the 15 May 2026 email and the 30 May 2026 submissions — while critical of the process followed, was addressed through proper channels (to MSA) and was measured in tone. On the *Plascon-Evans* approach, Mrs Adams's detailed verbatim account is not far-fetched or untenable; accepting her version, no breach is established.

**6. Evidential Framework**

6.1. This matter has been determined partly on the papers and partly on oral evidence received at the hearing on 18 June 2026. GCR 175 requires that parties be summoned and afforded a hearing before any penalty is imposed. GCR 211 empowers this Court to investigate breaches of any of the GCRs, SSRs, or SRs, and to impose any penalty referred to therein. GCR 211(iii) provides that the Court "shall not be precluded from imposing a penalty notwithstanding that no penalty was imposed by any other court referred to in the GCRs."

6.2. Where disputes of fact arise on the papers, the Court is guided by the approach articulated in Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd 1984 (3) SA 623 (A) at 634E–635C. A final order may be granted on the admitted facts together with the respondent's version; a bare denial does not necessarily raise a real, genuine, or bona fide dispute of fact; and where allegations or denials are so far-fetched or clearly untenable, the court is justified in rejecting them on the papers. However, where oral evidence has been received and tested through questioning — as occurred at the hearing on Charge 1 — the Court evaluates credibility and reliability in the ordinary manner, having regard to the consistency of the account, its probability, its corroboration or contradiction by other evidence, and the demeanour of the witness insofar as can be assessed in a virtual hearing.

6.3. The hearing materially altered the evidential landscape in two respects. First, Troy Snyman gave oral evidence and raised a positive defence of brake failure. His version is no longer confined to Mrs Adams's written submissions but has been advanced by him personally, tested by questioning from the Court President, and contradicted by both the Clerk of the Course and James Moore. It must be evaluated against the totality of the evidence.

6.4. Second, it emerged at the hearing that the impounded kart has never been mechanically inspected and the Mychron data has never been extracted — despite the kart having been impounded on 10 May 2026 precisely to preserve that evidence. The chain of custody is compromised: the kart was stored in the lock-up garage of another karting team (RKT) at the Vereeniging circuit, the Technical Consultant could only vouch for it on the day of the race, and Troy himself testified that he could have accessed and tampered with it. This failure is attributable to MSA, not to Troy.

6.5. The Court must determine what consequence flows from MSA's failure to inspect the kart. In this respect, the eyewitness evidence of deliberate conduct is overwhelming and does not depend on mechanical inspection. The Court is thus satisfied that it can make a finding on the evidence before it.

6.6. However, fairness and completeness require that the kart be inspected, the Mychron data extracted and analysed, and a report provided. Should the inspection reveal genuine mechanical failure consistent with Troy's defence, the Court reserves the right to reconvene and reconsider the penalty. The finding of guilt is based on the totality of the evidence and is not dependent on the absence of mechanical data.

**6.7.** As to Charges 2, 3, and 4 (allegations against Mr Duvill, Mr Venter, and Mr Lennon): the respondents did not participate in the hearing. The effect of not participating in the hearing is dealt with below.

6.8. As to Charge 5 (Tinus Snyman): Mr Tinus Snyman participated in the hearing. He did not deny the substance of the Clerk of the Course's account regarding the corruption accusation — he confirmed he was on the telephone to Wesleigh Orr but stated the conversation was "in private" and concerned his rights regarding the data sharing. He did not deny the two refusals to surrender the camera footage. The evidence of his conduct as recorded by the Clerk of the Course stands substantially uncontested. The Court is entitled to and does, accept it.

6.9. As to Charge 5 (Cheryl Adams): Mrs Adams's detailed verbatim account of her interaction with the Clerk of the Course — a tearful plea for guidance rather than abuse — is not far-fetched or untenable. On the *Plascon-Evans* approach, her version is accepted. No breach is established.

## 7. Analysis and Findings of Fact

***Charge 1 — Troy Snyman: Dangerous / Reckless / Unsportsmanlike / Premeditated Driving***

7.1. The Court has before it: (a) the written reports of the Chief Marshal, the Clerk of the Course, and Mr Duvill — all consistent eyewitness accounts of deliberate ramming; (b) Troy's oral evidence raising a brake failure defence; (c) the Clerk of the Course's observation that Troy set the fastest lap on Lap 4 then slowed by 2–2.5 seconds per lap; (d) James Moore's evidence of Troy slowing, letting Jack pass, then accelerating; (e) Jack Moore's GoPro footage (e) Troy's GoPro footage (provided late); and (f) the uninspected kart with unextracted Mychron data.

7.2. The eyewitness evidence is overwhelming. Three independent witnesses — the Chief Marshal (32 years' experience), the Clerk of the Course, and the promoter — give consistent accounts: Troy, a lap down, deliberately slowed, waited for Moore, and drove into his rear at speed. The Chief Marshal stated he had "not seen anything like that in 32 years of being a marshal." James Moore's testimony corroborated this: Troy "managed to accelerate so quickly after he let Jack pass, having slowed down significantly" (Transcript, Page 22, Lines 319-320) and made "no attempt to brake." (Transcript, Page 22, Line 321)

7.3. Troy's brake failure defence is undermined by his own performance data. As the Clerk of the Course testified, Troy set the fastest lap of the race on Lap 4 — with his allegedly damaged kart. (Transcript, Page 19, Line 280) He then "drastically" slowed by 2–2.5 seconds per lap for the remaining laps. If the kart had genuinely suffered brake failure from Lap 1, it is improbable that Troy could have set the fastest lap on Lap 4. Troy's explanation — that he pushed for one fast lap for grid position and then backed off because the kart was unpredictable — is internally inconsistent: if the kart was too unpredictable to push, it was also too unpredictable to set the fastest lap of the entire race.

7.4. Furthermore, James Moore's evidence — unchallenged by Troy — is that Troy accelerated after letting Jack pass on the final lap. (Transcript, Page 22, Lines 319-320; Transcript, Page 23, Lines 331-332) If Troy's brakes had failed, he would have had no reason or ability to accelerate towards Moore. The acceleration is consistent only with a deliberate act.

7.5. Troy stated: "I feel bad about the impact and the outcome. Even the cart handling issues, I should have reacted better. But my mistake in misjudgment is not the same as a deliberate intent." The Court acknowledges this expression of regret but finds that it falls short of an acknowledgement that the contact was accidental. The overwhelming weight of the evidence establishes deliberate conduct.

7.6. The Court observes that Troy's testimony was, for the most part, interrupted by prompts from Troy's mother as to what to say. The Court expressed its concern and warned Mrs Adams twice about interfering with Troy's testimony. This detracts from the weight of the oral evidence given

by Troy. The Court was invited, by Mr Moore, to consider the past cases against Troy. The Court declines to do so as the evidence before it suffices in making its conclusion.

7.7. The Court finds, on the evidence before it, that Competitor #21 deliberately drove into the rear of Competitor #31 on the final lap of Heat 2, while a lap down, with the purpose of exacting retribution. This constitutes breaches of GCR 172(iv), (vi), and (vii), SSR 2.4.13(i), SSR 2.4.7 Severity 3, and the MSA Karting Code of Conduct.

7.8. However, the Court notes that the kart has never been mechanically inspected and the Mychron data has never been extracted. Court Member Mr Piazza Musso correctly identified at the hearing that the Lap 1 and Lap 15 incidents are "tied together" and that the kart should be inspected. (Transcript, Page 15, Lines 219-224) While the Court is satisfied on the evidence that the contact was deliberate — the fastest-lap evidence, the acceleration evidence, and three consistent eyewitnesses are dispositive — fairness and completeness require that the kart be inspected and the data analysed. Should the inspection reveal genuine mechanical failure that is consistent with Troy's account, the Court reserves the right to reconsider the penalty. The finding of guilt stands, but the penalty is subject to review following inspection.

7.9. The victim, Jack Moore, was only 14 years of age. SSR 3.2.9 provides that the safety of children within sport is a priority. The Karting Code of Conduct emphasises that this is not Formula 1.

**7.10. Finding on Charge 1: Troy Snyman is guilty of breaching GCR 172(iv), (vi), and (vii), and the MSA Karting Code of Conduct, through dangerous, reckless, unsportsmanlike, and premeditated driving. The penalty is subject to review following the kart inspection directed below.**

***The Alleged Black-and-White Flag to Kart #31***

7.11. The Clerk of the Course has confirmed in writing that he did issue a black-and-white flag to Kart #31 on Lap 1 of Heat 2 and that the failure to record it was "an oversight on my part." This confirms Mrs Adams's submission and vindicates her on this point.

7.12. Nevertheless, this does not assist Competitor #21. A black-and-white flag is a warning that officials are managing the situation. The proper course was to protest — not to ram another competitor 14 laps later. The Clerk of the Course's failure to record the flag, and MSA's failure to provide the Clerk's confirmation email to the Court, are addressed in section 8 below.

***Charges 2, 3, and 4 — Duvill, Venter, Lennon***

7.13. Mr Duvill, Mr Venter, and Mr Lennon did not participate in the hearing. The settlement between the parties is noted. The evidence against these individuals — comprising Mrs Adams's

allegations of verbal abuse and physical contact — rests on uncorroborated hearsay from Mrs Adams, who was not present in the paddock when the alleged incidents occurred.

7.14. Mr Tinus Snyman alleged, during the hearing, that Mr Duvill "slapped Troy on the arm and grabbed his racing suit." (Transcript, Page 54, Lines 832-836) The Clerk of the Course directly contradicted this, stating that Mr Duvill was not near Troy. (Transcript, Page 57, Lines 898-899)

7.15. This is a direct dispute of fact between persons who were present, which cannot fairly be resolved in the absence of Mr Duvill.

7.16. MSA's Sporting Coordinator requested at the hearing that these charges be postponed to allow absent parties to be heard. (Transcript, Page 80, Lines 1100-1103)

7.17. The principle *audi alteram partem* requires that no adverse finding be made against a person who has not had an opportunity to respond. Mr Duvill, Mr Venter, and Mr Lennon may not have attended in reliance on MSA's amended notice.

**7.18. Finding on Charges 2, 3 and 4: The Court accordingly postpones Charges 2, 3, and 4 to a return date to allow Mr Duvill, Mr Venter, and Mr Lennon to be heard. Directions are set out in section 11 below.**

***Charge 5 — Tinus Snyman: Abuse of Officials***

7.19. Mr Tinus Snyman participated in the hearing and was afforded a full opportunity to respond to the allegations against him. He confirmed he was on the telephone to Wesleigh Orr on Saturday and stated the conversation was "in private" and concerned his rights regarding data sharing. He did not, however, deny that he accused officials of being corrupt — he disputed only that the conversation was public. He did not deny the two refusals to surrender the camera footage on Sunday. When asked whether he wished to present evidence in his defence on Charge 5, he initially deferred to Mrs Adams, and when pressed by Court Member Mr Piazza Musso, he provided testimony regarding the conduct of Mr Lennon, Mr Venter, and Mr Duvill — but did not contest the substance of the allegations against himself. His statement that the family was "chased away like dogs" and that "everybody was biased against us" does not constitute a denial of the alleged conduct; it is a justification.

7.20. A party who seeks to excuse conduct by reference to perceived mistreatment implicitly admits that the conduct occurred. Even accepting that Mr Snyman genuinely believed officials were biased, publicly accusing them of corruption and refusing to comply with official instructions remains a breach of GCR 172(iv) and (x), SSR 3.2.1, and the Karting Code of Conduct. His statements at the hearing further demonstrate a continuing attitude of defiance towards the authority of MSA officials, which the Court takes into account in determining penalty.

**7.21. Finding on Charge 5 (Tinus Snyman): Tinus Snyman is guilty of a breach of GCR 172(iv) and (x) and the Karting Code of Conduct.**

***Charge 5 — Cheryl Adams: Abuse of Officials***

7.22. The Clerk of the Course records in his report that "the Mother of Snyman made a similar comment regarding the corrupt system" when he passed her outside the secretary's office on Saturday. This is the sole evidential basis for the charge against Mrs Adams.

7.23. Mrs Adams denies this allegation in both her written submissions and at the hearing. In her letter of 30 May 2026 she provides a detailed verbatim account of her interaction with the Clerk of the Course. She states that at the time of the Sunday incident in Heat 2 Lap 15 she remained standing on the upstairs veranda near the office. After receiving a telephone call from Mr Tinus Snyman informing her of what was happening downstairs — that they had been ordered, sworn at, and threatened to leave — she went inside and passed the Clerk of the Course. She asked if she could speak to him privately, and they stepped into a room opposite the office. She states that, nervously and tearfully, she said: "Ian, there is a lot of swearing, shouting, and threatening happening downstairs. John, the events manager, and others are wanting to 'F' Tinus and Troy up and want us to leave the track immediately. I'm scared there is going to be big trouble downstairs. Must we leave? What must I do?" She states the Clerk of the Course asked how old Troy was, she replied "turning 19," and he said "Tell Troy I want to see him."

7.24. The Court observes the following. The Clerk of the Course's report was compiled after the event in circumstances where tensions were high, multiple incidents were unfolding simultaneously, and the Clerk was managing the impoundment, the exclusion, the Stewards' hearing, and the departure of the Snyman family from the circuit — all at the same time. The reference to Mrs Adams in his report is a single sentence. It does not record the words she is alleged to have used, the context in which they were said, or whether the interaction was public or private. By contrast, Mrs Adams's account is detailed, internally consistent, and specific as to the words used, the location, and the Clerk of the Course's reply. Her account describes a private, tearful exchange in a room opposite the office — not a public outburst.

7.25. Mrs Adams's verbatim account, if accepted, does not constitute abuse of officials. It is a distressed request for assistance from a mother who had just been informed by telephone that her husband and son were being threatened and sworn at. The Clerk of the Course's report — compiled under pressure and after the fact — may have imprecisely recorded or misunderstood her words. The Court notes that Mrs Adams does not use intemperate language in any of her written communications to MSA. Her email of 15 May 2026, while critical of the process followed, was addressed through proper channels and is measured in tone. Her letter of 30 May 2026 is similarly restrained and constructive. At the hearing, she conducted herself with composure and dignity. None of this is consistent with a person who abuses officials.

7.26. On the *Plascon-Evans* approach, Mrs Adams's detailed verbatim account raises a genuine dispute of fact. Her version is not far-fetched or clearly untenable — it is plausible, detailed, and uncontradicted by any specific rebuttal from the Clerk of the Course. The Clerk of the Course did not, in his report or at the hearing, provide his own verbatim account of what Mrs Adams said. The Court must therefore accept Mrs Adams's version. Accepting that version, no breach of GCR 172(iv) or (x) or the Karting Code of Conduct is established.

7.27. **Finding on Charge 5 (Cheryl Adams): Cheryl Adams is not guilty. The Court is not satisfied on a balance of probabilities that Mrs Adams abused officials**.

**8. The Conduct of the Hearing Participants.**

8.1. The Court records its appreciation for the manner in which the hearing was conducted. Troy Snyman, Mr Tinus Snyman, Mrs Adams, Mr James Moore, the Clerk of the Course, and the Stewards all conducted themselves with dignity, notwithstanding the understandable emotions involved.

**9. MSA Administrative Failures**

9.1. The Court records its serious concern regarding a number of administrative failures on the part of MSA which have compromised these proceedings over and above those dealt with in Section A.

***Failure to Inspect the Kart***

9.2. The kart was impounded on 10 May 2026. The Mychron digital dash was impounded with it specifically to retain the data. (Transcript, Page 48, Lines 669-672) Despite this, no inspection was conducted and no data was extracted in the five weeks between the event and the hearing. MSA stated it was "waiting for a directive from the court." (Transcript, Page 46, Lines 620-621) This is unacceptable. The kart was impounded precisely to preserve evidence for this enquiry. MSA, as the convening authority, bore the responsibility to ensure that the impounded evidence was properly analysed and presented to the Court. It should not have been necessary for the Court to issue a directive for MSA to do what was plainly required by the impoundment itself.

***Chain of Custody***

9.3. The kart was stored in the lock-up garage of another karting team (RKT) at the Vereeniging circuit. (Transcript, Page 47, Lines 648-652) The Technical Consultant confirmed he could only vouch for the kart on the day of the race. (Transcript, Page 47, Lines 644-645) Troy stated at the hearing that he could have accessed and tampered with the kart. (Transcript, Page 46,

Lines 624-625) The chain of custody is compromised. Any inspection of the kart must now be conducted with this caveat, and the Court's directions below address this.

***Withholding of the Clerk of the Course's Flag Confirmation***

9.4. The Clerk of the Course confirmed by email dated 1 June 2026 — over two weeks before the hearing — that he had in fact issued a black-and-white flag to Kart #31 which was not recorded in his report. This email was sent to MSA's Sporting Coordinator. MSA did not provide this email to the Court. MSA's position — that officials are functus officio after an event and their submissions are not routinely circulated — is misconceived.

9.5. A Court of Enquiry under GCR 211 exercises an independent judicial function and is entitled to all evidence in MSA's possession that is relevant to the charges. The withholding of a material communication from an official — one that confirms a factual allegation made by a party — undermines the fairness of the proceedings. The Court directs MSA to provide to the Court all correspondence between MSA and officials relating to COE 1294, without exception.

***The Functus Officio Position***

9.6. MSA's position that officials' duties are functus officio after the event is incorrect in law and in practice. While an official's executive functions at an event conclude when the event ends, his obligation to cooperate with subsequent judicial proceedings — including Courts of Enquiry — does not. GCR 211 empowers the Court to investigate breaches and the officials are witnesses whose evidence is essential. To treat them as functus officio and withhold their communications from the Court is to obstruct the judicial process.

***Failure to provide Troy Snyman’s GoPro Footage to the Court***

9.7. A further administrative failure concerns the GoPro footage ultimately provided by Troy Snyman. Mrs Adams undertook in her letter of 30 May 2026 that Troy would provide the footage upon his return from Stellenbosch. At the hearing on 18 June 2026, the Court President asked whether Troy had provided his GoPro footage. MSA's Sporting Coordinator confirmed: "They submitted it now, this evening, to me." The footage was then viewed during the proceedings.

9.8. The Court records its concern that this footage was received by MSA on the evening of the hearing — some nineteen days after Mrs Adams's undertaking of 30 May 2026 — and was not provided to the Court or to the other parties in advance. It is unclear whether MSA made any attempt during those nineteen days to follow up on the undertaking, to request the footage from the Snyman family, or to secure it in advance of the hearing so that the Court and all parties could review it before the proceedings commenced. SSR 6.11.4 provides that competitors shall make available all camera footage to officials on demand. The obligation falls on the competitor — but it falls equally on MSA, as the convening authority and administrator of these

proceedings, to ensure that evidence which has been promised and which is plainly relevant to the central charge is obtained, distributed to the Court and all parties, and available for proper consideration in advance of the hearing. Instead, the footage arrived on the evening of the hearing and was viewed for the first time during the proceedings — in circumstances where neither the Court members, Mr Moore, nor the officials had the opportunity to study it beforehand.

9.9. This failure is compounded by MSA's position regarding the Clerk of the Course's email of 1 June 2026 confirming the black-and-white flag to Kart #31. That email was also in MSA's possession for over two weeks before the hearing and was not provided to the Court. MSA's explanation — that officials are functus officio after the event and their submissions are not routinely circulated — has been addressed and rejected elsewhere in this ruling. The same principle applies to the GoPro footage: evidence in MSA's possession that is relevant to the charges must be provided to the Court and all parties timeously. MSA is not a passive post-box; it is the administrator of the proceedings and bears responsibility for ensuring that the tribunal is properly equipped to discharge its function.

9.10. In civil proceedings, a party who fails to discover or make available a document in its possession that is relevant to the issues commits a serious procedural irregularity. Rule 35 of the Uniform Rules of Court — which applies by analogy where the GCRs are silent — imposes an obligation of discovery and production. The equivalent obligation in the context of a Court of Enquiry falls on MSA as the convening and administering authority. The failure to secure and circulate Troy's GoPro footage in advance of the hearing — and to present it to the Court only when the Court President specifically asked whether it had been provided — is inconsistent with MSA's duty to assist the Court and to ensure the orderly and fair conduct of the proceedings. The principle in section 165(4) of the Constitution — that organs of state must assist and protect courts to ensure their effectiveness — applies with equal force to the administrative support MSA is obliged to provide to its own judicial bodies.

***The Attempted Amendment of the Notice***

9.11. MSA's agreement to narrow the scope of the enquiry at the last minute, without consulting the Court, has been addressed in Section A above. The hearing confirmed that none of the participants had been involved in the "conciliatory discussions" described by Mr North. The "settlement" appears to have been orchestrated by the Rok Promoter's attorney via a telephone call to MSA's CEO, with the parties then asked to confirm by email. MSA then asked the officials to agree, and issued an amended notice — all within hours. This process was inadequate and created the difficulties that this Court has had to address regarding attendance, jurisdiction, and fairness.

**10. Observations on the Conduct of Officials**

9.12. **Telemetry data:** The hearing established (through the evidence of MSA Steward Ian Richards) that Troy's Mychron data was read by the opposing team's mechanic on their laptop because the Snyman family stated they did not have a laptop. (Transcript, Page 36, Lines 453-456) Ian Richards explained that only the relevant laps were shown and that the engines were pool engines belonging to the Rok series, not proprietary. (Transcript, Page 36, Lines 464-465; Transcript, Page 37, Lines 475-476) The Court accepts this explanation as mitigating the concern but maintains that data should be reviewed on neutral equipment controlled by officials.

9.13. **Flag recording:** The Clerk of the Course has confirmed the B&W flag to #31 was issued but not recorded. GCR 156 requires a full record. The Court recommends that MSA: (a) issue a directive that every flag must be recorded; and (b) consider a mandatory standardised flag log.

**10. Penalties and Directions**

***Troy Snyman (Charge 1)***

10.1. The aggravating factors are severe: (a) the deliberate and premeditated nature of the driving, endangering the safety of Competitor #31 and causing injury; (b) the pattern of misconduct over the weekend, escalating from brake-checking on Saturday to deliberate ramming on Sunday; (c) the competitor was a lap down with no competitive reason to engage; (d) the deliberate removal and withholding of camera footage in contravention of SSR 6.11.4; (e) the absence of genuine remorse; (f) the gravity of the offence in a grassroots series populated by young competitors; and (g) the victim, Jack Moore, was only 14 years of age.

10.2. The Court confirms that the finding of guilt stands.

10.3. However, in light of the failure to inspect the kart and extract the Mychron data — a failure attributable to MSA — the Court directs that the penalty be imposed provisionally, subject to the outcome of the kart inspection directed below. If the inspection reveals genuine mechanical failure consistent with Troy's brake failure defence, the Court reserves the right to reconvene and reconsider the penalty. The finding of guilt on the basis of the eyewitness evidence and the fastest-lap evidence is not affected.

10.4. The provisional penalty is a suspension of Troy Snyman's MSA competition licence for a **period of twelve (12) months** from the date of this judgment.

***Tinus Snyman (Charge 5)***

10.5. Mr Tinus Snyman is suspended from attending or being present at any MSA-sanctioned karting event for a period of **six (6) months** from the date of this judgment. In mitigation, the Court

notes the settlement demonstrating belated willingness to engage and Mr Snyman's willingness to provide evidence at the hearing.

***Directions — Kart Inspection***

10.6. MSA is directed to arrange for the inspection of Kart #21 and the extraction of the Mychron data **within 21 days of the date of this judgment**, subject to the following conditions:

a) The inspection shall be conducted by the Technical Consultant (Mr Alistair Pringle) and an independent scrutineer appointed by MSA who was not involved in the event;

b) The independent scrutineer must be present at all times when the kart is accessed. All access and acts performed in relation to the kart must be recorded in writing with photos where appropriate, including the movement of the kart and the computer, should these be sent elsewhere for analysis;

c) The inspection shall take place in the presence of Troy Snyman or his nominated representative, and a representative of the Moore family if they wish to attend;

d) The Mychron data shall be extracted and analysed, with particular attention to brake application data on the final lap of Heat 2;

e) A written report shall be provided to the Court within 7 days of the inspection;

f) The chain of custody compromise shall be noted in the report, and the inspecting officials shall record any evidence of tampering;

g) The kart and Mychron digital dash shall thereafter be returned to the competitor.

***Directions — Charges 2, 3, and 4 (Return Date)***

10.7. Charges 2, 3, and 4 are postponed.

10.8. MSA is directed to:

a) Notify Mr John Duvill, Mr Ronald Venter, and Mr Gary Lennon in writing, within **7 days** of the date of this judgment, that the Court has declined to accept the amended notice, that Charges 2, 3, and 4 remain extant, and that they are entitled to make written representations and/or attend a further hearing;

b) Allow a period of **21 days** from the date of such notification for written representations to be filed;

c) Set a return date for a further hearing, to take place within 45 days of the date of this judgment, at which Mr Duvill, Mr Venter, and Mr Lennon shall be afforded the opportunity to give evidence and respond to the allegations against them;

d) The Court reserves its findings on Charges 2, 3, and 4 until after the return date hearing.

***Directions — MSA***

10.9. MSA is directed to:

a) Provide to the Court, within 7 days, all correspondence between MSA and any official, party, or legal representative relating to COE 1294 that has not already been placed before the Court;

b) Reconsider the position that officials are *functus officio* for purposes of Court of Enquiry proceedings, and ensure that all relevant communications from officials are provided to the Court as a matter of course;

c) Investigate the circumstances in which the "conciliatory discussions" referenced by Mr North were facilitated and whether MSA's agreement to narrow the scope was reached in accordance with proper procedures;

d) Issue a directive regarding the handling of impounded evidence, including timelines for inspection and data extraction, chain of custody protocols, and reporting to the convening authority.

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**ORDER**

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In Case 1294, the Court makes the following order:

1. **Charge 1 — Troy Snyman (Licence No. 03011):**

---

a) Troy Snyman is found **guilty** as charged.

b) The exclusion from the event under MSA Permit No. MSA-2026121, as imposed by the Stewards on 10 May 2026, is confirmed.

c) The competitor's MSA competition licence is hereby **provisionally suspended for a period of twelve (12) months** from the date of this judgment, in terms of GCR 184 and GCR 177(v), during which time the competitor may not participate in any MSA-sanctioned event in any capacity.

d) The penalty at (c) is subject to review following the kart inspection directed at paragraph 10.6. Should the inspection reveal genuine mechanical failure consistent with the competitor's brake failure defence, the Court may reconvene to reconsider the penalty. The finding of guilt is not affected.

e) Upon the expiry of the suspension period, the competitor's licence shall not be reinstated unless and until the competitor has: (i) completed a driver conduct and sportsmanship course or programme as may be prescribed or approved by MSA; and (ii) appeared before a panel designated by MSA and demonstrated an understanding of the regulations and an undertaking to comply therewith.

f) All results obtained by Competitor #21 at the event held under MSA Permit No. MSA-2026121 are expunged.

---

**Charges 2, 3, and 4 — Duvill, Venter, Lennon:**

Charges 2, 3, and 4 are **postponed** to a return date, to be set in accordance with the directions at paragraph 10.6. No findings are made at this stage. Mr Duvill, Mr Venter, and Mr Lennon shall be afforded the opportunity to be heard before any finding is made.

---

**Charge 5 — Tinus Snyman:**

a) Tinus Snyman is found **guilty** as charged.

b) Mr Tinus Snyman is suspended from attending or being present at any MSA-sanctioned karting event for a period of six (6) months from the date of this judgment.

c) (j) Upon the expiry of the suspension, Mr Snyman's attendance at future events shall be conditional upon his signing a written undertaking to comply with the GCRs, SSRs, and the Karting Code of Conduct.

---

**Charge 5 — Cheryl Adams:**

Cheryl Adams is found **not guilty** as charged.

---

**MSA Directives:**

a) MSA is directed to arrange the inspection of Kart #21 and extraction of the Mychron data within 21 days, in accordance with paragraph 10.6.

b) MSA is directed to comply with the directions at paragraphs 10.8 and 10.9.

c) MSA is directed to circulate this judgment and order to all parties before this Court, including the legal representatives of Mr Duvill and Mr Lennon and the MSA within **48 hours** of receipt of the judgment, with copy to this Court.

---

**General:**

a) The parties are reminded of their rights under GCR 204 in respect of this judgment.

b) The Court records its serious concern regarding MSA's administrative failures as set out in sections 8 and 9, and in Section A, and expects MSA to address these issues as a matter of urgency.

c) The judgement, directions and orders are effective immediately.

**DATED** at Craighall Park on this 22nd day of June 2026.

_____

**ALEXIS APOSTOLIDIS**

**PRESIDING JUDGE — COURT OF ENQUIRY**

**COURT MEMBER: MR LEON HILL - CONCURRING**

**COURT MEMBER: MR CLAUDIO PIAZZA MUSSO - CONCURRING**

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

**Allison Vogelsang**

| | |
|---|---|
| **From:** | Michael North <mpn@hydeparklaw.co.za> |
| **Sent:** | Wednesday, 17 June 2026 13:42 |
| **To:** | Vic Maharaj |
| **Cc:** | Allison Vogelsang; Gary Lennon; John Rok Series; wesleigh@worrmotorsport.com; ronaldv@exmsgroup.com; cheryladams999@gmail.com; Hector North |
| **Subject:** | URGENT - MSA COURT OF ENQUIRY NO. 1294 |

Dear Vic,

1. I refer to our telephone discussion earlier today.

2. I confirm that I act for the Rok Promoter - whose representatives Messrs. Lennon and Duvill have both been summoned to appear at MSA Court of Enquiry No. 1294 ("***COE 1294***") tomorrow evening.

3. I am instructed that there have been various conciliatory discussions between the parties involved in the matters set out in paragraphs 2, 3, 4, and 5 of the notice convening COE 1294 ("***the notice***") and that, as between all of the parties affected by those issues, they have resolved and/or they have agreed to resolve those issues between them on terms acceptable to them and do not believe that an enquiry into those issues by MSA remains necessary.

4. I am instructed that the only matter that remains unresolved is the matter to be investigated under item 1 of the notice which is whether Mr Troy Snyman has breached any of the GCRs as a consequence of his alleged dangerous and/or reckless and/or unsportsmanlike driving on 10 May 2026.

5. If MSA is agreeable, it is proposed that the ambit of COE 1294 be limited (by agreement between the parties concerned under items 2,3,4 and 5) to investigating and enquiring into the issue under item 1 of the notice only and not any of the remaining issues concerning them. This will dramatically curtail the time needed for the proceedings as well as the requirement for various parties to attend COE 1294 (other than those parties whose presence may be relevant under item 1 of the notice).

6. For good order I have copied all affected parties under items 2 to 5 of the notice on this e-mail with a request that each of those parties confirm (in writing) that they agree with and confirm the contents of paragraphs 3, 4 and 5 above.

7. I confirm that Messrs. Lennon and Duvill have already agreed by virtue of this email.

8. Confirmation from Mr Wesleigh Orr's employee (Mr Hlako), Mr Ronald Venter, and Mrs Cheryl Adams personally and on behalf of Mr Tinus Snyman and Mr Troy Snyman is awaited.

9. Please will you thereafter confirm whether MSA agrees to what is proposed in this email as well as it was ultimately the party responsible for convening COE 1294.

Yours sincerely,

**Michael North**
Director

hectornorthin
ATTORNEY

First Floor, Dunkeld Place, 12 North Road, Dunkeld West
T : +27 11 325 4846
F : +27 11 325 4244
E : Mpn@hydeparklaw.co.za

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# Re: MSA COE 1294 - Notice

1 message

**Race Driver SA** <racedriversa@gmail.com> Thu, Jun 18, 2026 at 7:27 AM
To: Allison Vogelsang <allison@motorsport.co.za>
Cc: Alexis Apostolidis <asla.msa.nca@gmail.com>, Leon Hill - Steelform <leon@steelform.co.za>, Carmen Hill <carmen@motorsport.co.za>

Hi Allison,

Thank you for the information.

My view is that the received emails constitute acknowledgement and admission of guilt as everyone needs to resolve the issues mentioned for the court case.

Therefore a minimum of a warning is required for everyone due to their bad, disrespectful and rude conduct, which contravenes the GCRs.

If I recall correctly, officials were affected by such behavior. For that reason a minimum warning for everyone is necessary and must be documented for future indiscretions by any party. This will allow MSA to escalate the punishment for the behavior, and any party can then be banned from the track and have their licences revoked.

I strongly feel that the same culprits keep reappearing in these situations and are never punished sufficiently to curb their bad behaviour and disobeying the rules.

Many thanks,

Race Driver SA
Claudio Piazza Musso
racedriversa@gmail.com
+27 (0)83 277 0304

RDSA RACE DRIVER SA WORLD CLASS DRIVER TRAINING SIMGRID sparco InvestChem RAVENOL

On Thu, 18 Jun 2026 at 04:27, Allison Vogelsang <allison@motorsport.co.za> wrote:

> Dear All,
>
> Please see the attached emails received for your consideration.
>
> I have informed all court participants that the court will proceed as scheduled this evening.
>
> Should the Court accept the contents of these emails, then only Item 1, as detailed in the Court Notice, should be investigated.
>
> Kind regards,

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# Re: MSA COE 1294 - Notice

1 message

**Alexis Apostolidis** <asla.msa.nca@gmail.com> Thu, Jun 18, 2026 at 9:24 AM
To: Allison Vogelsang <allison@motorsport.co.za>
Cc: Leon Hill - Steelform <leon@steelform.co.za>, Race Driver SA <racedriversa@gmail.com>, Carmen Hill <carmen@motorsport.co.za>

Dear Allison

Case 1294 refers to the belated settlement between some of the parties.

I note that the MSA and the individuals below have not formally agreed to the settlement.

Mr. Luan Oelofse - Clerk of Course

Mr. Robert Laubscher - Chief Marshal

Mr. Ian Richards - MSA Steward

Mr. Kevin de Wit - Club Steward

Mr. Alistair Pringle - Technical Consultant

Alexis

On Thu, Jun 18, 2026 at 4:27 AM Allison Vogelsang <allison@motorsport.co.za> wrote:

> Dear All,
>
> Please see the attached emails received for your consideration.
>
> I have informed all court participants that the court will proceed as scheduled this evening.
>
> Should the Court accept the contents of these emails, then only Item 1, as detailed in the Court Notice, should be investigated.
>
> Kind regards,
>
> Allison Vogelsang
>
> Sporting Coordinator – Circuit and Karting
>
> **Motorsport South Africa** / Telephone O/H: +2711 675 2220/ **After hours licence queries only**:
>
> Physical address: Ground Floor, Quadrum Building 1, Quadrum Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Roodepoort, Johannesburg, 1709

## Allison Vogelsang

**From:** Luan Oelofse <luanoelofse@gmail.com>
**Sent:** Thursday, 18 June 2026 12:46
**To:** Allison Vogelsang
**Cc:** Ian Richards; Carmen Hill
**Subject:** Re: FW: MSA COE 1294 - Notice

Hi Allison,

As per our telephonic conversation, I have no objections.

Kind Regards,
Luan

On Thu, Jun 18, 2026 at 12:40 PM Allison Vogelsang <allison@motorsport.co.za> wrote:

> Dear Ian and Luan,
>
> Please see attached submissions. Please advise as the COC and Steward of the day that you are happy for MSA to remove point 5 of the court notice.
>
> The court will then proceed tonight on the basis of point 1 only.
>
> **Kind regards,**
>
> **Allison Vogelsang**
>
> **Sporting Coordinator – Circuit and Karting**
>
> **Motorsport South Africa** / Telephone O/H: +2711 675 2220/ **After hours licence queries only**:
>
> Physical address: Ground Floor, Quadrum Building 1, Quadrum Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Roodepoort, Johannesburg, 1709
>
> 

## Allison Vogelsang

**From:** Ian Richards <classiccarracers@gmail.com>
**Sent:** Thursday, 18 June 2026 12:51
**To:** Allison Vogelsang
**Cc:** Luan Oelofse; Carmen Hill
**Subject:** Re: FW: MSA COE 1294 - Notice

Good afternoon Allison,

With reference to your correspondence dated 17 June 2026 regarding Court of Enquiry No. 1294.

Having considered the contents of your email, and noting the representations made that the parties affected by items 2, 3, 4 and 5 of the Notice to Participants have resolved, or have agreed to resolve, the matters concerned between themselves, the Stewards have no objection to those items being withdrawn from consideration by the Court.

Accordingly, the Stewards raise no objection to the removal of items 2, 3, 4 and 5 from the ambit of Court of Enquiry No. 1294, and are satisfied that the enquiry may proceed solely in respect of item 1, namely the investigation into the alleged conduct of Mr Troy Snyman arising from the incident involving competitor Jack Moore on 10 May 2026.

This position is subject to the agreement of Motorsport South Africa and the Chairperson of the Court of Enquiry, who retain the authority to determine the final scope and conduct of the proceedings.

Kind regards,

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# Re: FW: MSA COE 1294 - Notice

1 message

**Alexis Apostolidis** <asla.msa.nca@gmail.com> Thu, Jun 18, 2026 at 3:12 PM
To: Allison Vogelsang <allison@motorsport.co.za>
Cc: Leon Hill - Steelform <leon@steelform.co.za>, Race Driver SA <racedriversa@gmail.com>, Carmen Hill <carmen@motorsport.co.za>

Thanks, I am not sure it is competent to change the notice by MSA once a court has been convened. Just for future reference

On Thu, Jun 18, 2026 at 1:51 PM Allison Vogelsang <allison@motorsport.co.za> wrote:

> Dear All,
>
> Please see updated notice sent out.
>
> Kind regards,
>
> Allison Vogelsang
>
> Sporting Coordinator – Circuit and Karting
>
> **Motorsport South Africa** / Telephone O/H: +2711 675 2220/ **After hours licence queries only**:
>
> Physical address: Ground Floor, Quadrum Building 1, Quadrum Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Roodepoort, Johannesburg, 1709
>
> 
>
> 
> 
>
> **From:** Allison Vogelsang
> **Sent:** Thursday, 18 June 2026 13:35
> **To:** Cheryl Adams <cheryladams999@gmail.com>; John Rok Series <john@ftwmotorsport.com>; Gary Lennon <garylennon1@yahoo.com>; Ronald Venter - Expert Mining Group <ronaldv@exmsgroup.com>;

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# Michael North Letter

1 message

**Allison Vogelsang** <allison@motorsport.co.za> Fri, Jun 19, 2026 at 12:16 PM
To: Alexis Apostolidis <asla.msa.nca@gmail.com>
Cc: Leon Hill - Steelform <leon@steelform.co.za>, Race Driver SA <racedriversa@gmail.com>, Carmen Hill <carmen@motorsport.co.za>

Dear All,

Please see attached letter received from Michael North for your urgent attention and revert.

Kind regards,

Allison Vogelsang

Sporting Coordinator – Circuit and Karting

**Motorsport South Africa** / Telephone O/H: +2711 675 2220/ **After hours licence queries only**:

Physical address: Ground Floor, Quadrum Building 1, Quadrum Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Roodepoort, Johannesburg, 1709




**From:** Allison Vogelsang
**Sent:** Friday, 19 June 2026 08:53
**To:** 'Alexis Apostolidis' <asla.msa.nca@gmail.com>
**Cc:** Leon Hill - Steelform <leon@steelform.co.za>; Race Driver SA <racedriversa@gmail.com>; Carmen Hill <carmen@motorsport.co.za>
**Subject:** RE: FW: MSA COE 1294 - Notice

## Allison Vogelsang

**From:** Michael North <mpn@hydeparklaw.co.za>
**Sent:** Friday, 19 June 2026 09:11
**To:** Vic Maharaj
**Cc:** Allison Vogelsang; Carmen Hill; Hector North
**Subject:** URGENT - COE 1249

Dear Vic,

I am instructed that, despite the agreement reached by all parties and MSA in relation to the issues recorded in paragraphs 2 to 5 of the notice convening COE 1249 ("***the notice***"), Mr Tinus Snyman (in breach of that agreement) made numerous false and defamatory allegations and statements of and concerning our clients (Messrs. Lennon and Duvill) during the hearing last night in the presence of various third parties, court members and officials.

Mr Snyman's conduct is *mala fide* having regard to the agreement that was reached by all parties affected by items 2 to 5 of the notice prior to the hearing last night.

What is also concerning to our clients is that the court members comprising COE 1249 apparently:

(a) permitted Mr Snyman to continue with this conduct despite our clients not being present and despite MSA's own representatives indicating that Mr Snyman's conduct was inappropriate (as none of our clients were there to defend themselves in relation to his allegations and statements); and
(b) indicated to those present at the hearing that they have inherent jurisdiction or power to hear and consider Mr Tinus Snyman's evidence even though the only issue to be investigated by COE 1249 and the ambit of its authority was clearly and unambiguously limited by MSA to item 1 of the amended notice only.

Not only were the proceedings last night conducted in violation of the express agreement between all parties concerned by items 2 to 5 of the notice and MSA, but those proceedings were ostensibly permitted (by the court members of COE 1249) to be used as a platform for Mr Tinus Snyman to defame our clients and were conducted in violation of fundamental principles of natural justice and *audi alteram partem*.

Had our clients known that Mr Snyman intended breaching the express agreement with our clients (and MSA) and had they known that the court members comprising COE 1249 would improperly permit that breach to occur and continue unabated without any intervention from them, our clients would have attended that hearing and exercised all of their rights to defend themselves.

Our clients require the recording of the proceedings before COE 1249 last night.

Our clients believe that Mr Snyman's conduct is a breach of GCR 172 and is conduct that brings motorsport into disrepute. Our clients believe that they have also been defamed by Mr Snyman.

Please revert to me urgently as to what steps MSA proposes taking against Mr Tinus Snyman.

In the interim, all rights vested in our clients remain reserved.

Yours sincerely,

**Michael North**
Director

hectornorthin
ATTORNEY

First Floor, Dunkeld Place, 12 North Road, Dunkeld West
T : +27 11 325 4846
F : +27 11 325 4244
E : Mpn@hydeparklaw.co.za

**Disclaimer**

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# Re: Michael North Letter

1 message

**Alexis Apostolidis** <asla.msa.nca@gmail.com> Fri, Jun 19, 2026 at 1:03 PM
To: Allison Vogelsang <allison@motorsport.co.za>
Cc: Leon Hill - Steelform <leon@steelform.co.za>, Race Driver SA <racedriversa@gmail.com>, Carmen Hill <carmen@motorsport.co.za>, vic@motorsport.co.za

Your email is well received.

As the Court President for Case 1294 I reply to your request for the Court to revert as follows:

1. The COE is an independent body. Once constituted it is not beholden to the MSA or any other third party, nor does it have to explain its decisions.

2. It is irregular and procedurally unlawful for the COE to advise the MSA how to respond. The MSA, if they feel a need to respond, should seek separate legal advice.

3. The COE notes:

a. Mr North's clients are seeking to interfere with the court process and the free will of the participants.
b. The matter is *sub judice*. MSA's interference with the court process is unlawful.
c. The participants are reminded of their rights under GCR 204 and remedies under civil law.

No further communications from Mr North or his clients shall be entertained by this Court in adherence with due process.

**The Court reserves the right to investigate Mr North and Mr North's client's conduct relating to the alleged agreement and interference with this court. It also reserves its right to investigate the relationship with the MSA and the exertion of improper influence on the MSA. Further, the right to investigate the identity of the informant to Mr North or his clients, regarding a matter that is not open to the public , is *sub judice,* and at which Mr North's clients could have attended, is also reserved.**

Regards
Alexis Apostolidis
COE President - Case 1294

On Fri, Jun 19, 2026 at 12:16 PM Allison Vogelsang <allison@motorsport.co.za> wrote:

> Dear All,
>
> Please see attached letter received from Michael North for your urgent attention and revert.
>
> Kind regards,
>
> Allison Vogelsang
>
> Sporting Coordinator – Circuit and Karting
>
> **Motorsport South Africa** / Telephone O/H: +2711 675 2220/ **After hours licence queries only**:
>
> Physical address: Ground Floor, Quadrum Building 1, Quadrum Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Roodepoort, Johannesburg, 1709

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# MOTORSPORT SOUTH AFRICA NPC / COURT OF ENQUIRY 1294 (MOT1/0007)

1 message

**Megan Ross** <megan@galaktiou.co.za> Fri, Jun 19, 2026 at 3:49 PM
To: "asla.msa.nca@gmail.com" <asla.msa.nca@gmail.com>
Cc: "leon@steelform.co.za" <leon@steelform.co.za>, "racedriversa@gmail.com" <racedriversa@gmail.com>, Nicqui Galaktiou <nicqui@galaktiou.co.za>, Talia Simpson <Talia@galaktiou.co.za>

**ATTENTION: MR ALEXIS APOSTOLIDIS (COURT PRESIDENT _ COE 1294)**

Dear Mr Apostolidis,

1. We act on behalf of Motorsport South Africa NPC (“our client”).

2. Our client has instructed us in respect of the Court of Enquiry (“COE”) 1294, which took place yesterday, 18 June 2026. As you are aware, there have been several complaints and concerns that have been raised by our client as well as third parties regarding how the proceedings were conducted.

3. We are in the process of consulting with our client in this regard and intend addressing correspondence to you and the Court members early next week. We, therefore, request that no finding be handed down in respect of the COE 1294 until such time that we have addressed the issues comprehensively.

Sincerely,

**MEGAN ROSS**
Director

Mobile: +2
Direct Tel: +2

NICQUI GALAKTIOU INC.

3rd Floor

198 Oxford
Johannesburg
www.gala

megan@gala
reg no.2016

Disclaimer

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# Re: MOTORSPORT SOUTH AFRICA NPC / COURT OF ENQUIRY 1294 (MOT1/0007)

1 message

**Alexis Apostolidis** <asla.msa.nca@gmail.com> Fri, Jun 19, 2026 at 5:02 PM
To: Megan Ross <megan@galaktiou.co.za>
Cc: "leon@steelform.co.za" <leon@steelform.co.za>, "racedriversa@gmail.com" <racedriversa@gmail.com>, Nicqui Galaktiou <nicqui@galaktiou.co.za>, Talia Simpson <Talia@galaktiou.co.za>

Dear Ms Ross

Your email refers.

As Court President for COE 1294 I respond to your email as follows:

1. I have conferred with my two court members who are in agreement with the views expressed herein.

2. The Court was duly established under GCR 211. Thereafter, it is an entirely independent body.

3. The Court is entitled to conduct its proceedings as it sees fit as long as it is within the bounds of civil procedure and fairness and the empowering legislation and rules. It is improper for the Court to engage in legal argument on its actions with one or more of the parties in the matter or any other third party.

4. I find it extraordinary in the extreme that any party, especially having legal representation, would attempt to interfere with the due process of the Court.

5. More bewildering is that the position taken by the court was accepted by your client (which had no less than 3 representatives there) who raised no objections, at any point during the proceedings, concerning the decision to look at all 5 charges.

6. Furthermore, it is astonishing that the MSA and the promoters (who have complained through their attorney) take a position without the benefit of reading the Court's judgment but rather seek to cut the court off at its knees and presumably prevent a judgment from being issued.

7. As Court President for this case I state, categorically and unequivocally, that the Court will render and issue judgment as it is entitled to do when it is ready to do so.

8. Should your client take issue and/or should the promoters take issue, there are legal remedies which are provided for under the GCRs and civil law.

9. No further correspondence regarding the Court's conduct and its jurisdiction will be entertained outside of the legally provided remedies.

Regards
Alexis Apostolidis

On Fri, Jun 19, 2026 at 3:49 PM Megan Ross <megan@galaktiou.co.za> wrote:

> **ATTENTION: MR ALEXIS APOSTOLIDIS (COURT PRESIDENT _ COE 1294)**
>
> Dear Mr Apostolidis,
>
> 1. We act on behalf of Motorsport South Africa NPC (“our client”).
>
> 2. Our client has instructed us in respect of the Court of Enquiry (“COE”) 1294, which took place yesterday, 18 June 2026. As you are aware, there have been several complaints and concerns

that have been raised by our client as well as third parties regarding how the proceedings were conducted.

3. We are in the process of consulting with our client in this regard and intend addressing correspondence to you and the Court members early next week. We, therefore, request that no finding be handed down in respect of the COE 1294 until such time that we have addressed the issues comprehensively.

Sincerely,

**MEGAN ROSS**
Director

Mobile: +27
Direct Tel: +27

NICQUI GALAKTIOU INC.

3rd Floor

198 Oxford
Johannesburg S
www.gala

megan@gala
reg no.2016

Gmail **Alexis Apostolidis <asla.msa.nca@gmail.com>**

# RE: MOTORSPORT SOUTH AFRICA NPC / COURT OF ENQUIRY 1294 (MOT1/0007)

1 message

**Megan Ross** <megan@galaktiou.co.za> Sat, Jun 20, 2026 at 2:01 PM
To: Alexis Apostolidis <asla.msa.nca@gmail.com>
Cc: "leon@steelform.co.za" <leon@steelform.co.za>, "racedriversa@gmail.com" <racedriversa@gmail.com>, Nicqui Galaktiou <nicqui@galaktiou.co.za>, Talia Simpson <Talia@galaktiou.co.za>

Dear Mr Apostolidis,

1. Firstly, this response is not exhaustive of all the issues raised in your email and, as such, any omission and/or failure by us to deal with same should not be construed as an admission or waiver thereof.

2. As previously indicated, we are in the process of consulting with our client and taking instructions on this matter, after which we will address you and the Court members more comprehensively. However, given the nature of some of the statements made in your email, we considered it necessary to provide certain responses in the meantime.

    2.1. The circumstances around the establishment of the COE, in particular the terms of references that are applicable thereto prior to the COE being convened, are still subject to further consultation.

    2.2. The conducting of the COE's proceedings and whether it was done in accordance with bounds of civil procedure and fairness is a matter that is in contention.

    2.3. We deny that the position taken by you and your Court members during the COE was in anyway accepted by our client. The fact that our client had representatives present at the COE who did not raise an objection to the approach that was adopted by your and the other Court members is not tantamount to MSA accepting the position.

    2.4. The contents of the Court's judgement are irrelevant to the procedural concerns and challenges that have been raised in respect of the COE's proceedings that were held. Furthermore, our client denies that it is in anyway trying to cut the court off the at the knees and takes offence to such an accusation. In fact, you and the Court Members suggested that our client seek independent legal advice in paragraph 2 of your email to MSA on 19 June 2026, which it has duly done.

    2.5. We requested that the Court wait until early next week before handing down its judgement to afford us an opportunity to advise our client on this matter and mitigate against any potential harm to the parties concerned. This request does not prejudice the Court nor any of the interested parties in the COE.

3. Lastly, we note the stance adopted by you and the Court members in respect of handing down the finding pursuant to COE 1294 and we record that our client's rights are expressly reserved in this regard.

Regards,

**MEGAN ROSS**

---

**From:** Alexis Apostolidis <asla.msa.nca@gmail.com>
**Sent:** Friday, 19 June 2026 17:02
**To:** Megan Ross <megan@galaktiou.co.za>
**Cc:** leon@steelform.co.za; racedriversa@gmail.com; Nicqui Galaktiou <nicqui@galaktiou.co.za>; Talia Simpson <Talia@galaktiou.co.za>
**Subject:** Re: MOTORSPORT SOUTH AFRICA NPC / COURT OF ENQUIRY 1294 (MOT1/0007)



Dear Ms Ross

Your email refers.

As Court President for COE 1294 I respond to your email as follows:

1. I have conferred with my two court members who are in agreement with the views expressed herein.

2. The Court was duly established under GCR 211. Thereafter, it is an entirely independent body.

3. The Court is entitled to conduct its proceedings as it sees fit as long as it is within the bounds of civil procedure and fairness and the empowering legislation and rules. It is improper for the Court to engage in legal argument on its actions with one or more of the parties in the matter or any other third party.

4. I find it extraordinary in the extreme that any party, especially having legal representation, would attempt to interfere with the due process of the Court.

5. More bewildering is that the position taken by the court was accepted by your client (which had no less than 3 representatives there) who raised no objections, at any point during the proceedings, concerning the decision to look at all 5 charges.

6. Furthermore, it is astonishing that the MSA and the promoters (who have complained through their attorney) take a position without the benefit of reading the Court's judgment but rather seek to cut the court off at its knees and presumably prevent a judgment from being issued.

7. As Court President for this case I state, categorically and unequivocally, that the Court will render and issue judgment as it is entitled to do when it is ready to do so.