



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA

COURT OF APPEAL NO. 495

HELD VIRTUALLY VIA ZOOM ON TUESDAY 23 JUNE 2026 AT 18H00

COURT COMPOSITION:

Mrs. Marcia Davids	Court President
Mr. Marinus Barnard	Court Member
Mr. Jaco Jonck	Court Member

ADMINISTRATIVE ATTENDANTS:

Mrs. Carmen Hill	MSA Sporting Services Manager
Mrs. Allison Vogelsang	MSA Sporting Co-Ordinator - Circuit and Karting
Mr. Rashaad Monteiro	MSA Safeguarding Officer

PARTIES IN ATTENDANCE:

Mrs. Maysurah Wally	Mother of Muhammad Wally
Mr. Mohamed Wally	Respondent and Entrant for minor competitor Muhammad Wally
Master Muhammad Wally	Competitor
Mr. Alex Lenaerts	Appellant and Entrant for minor competitor Georgia Lenaerts
Mr. Werner Trollip	MSA Steward
Mrs. Gill Angove	Club Steward
Ms. Joana Waldeck	Club Steward

A. INTRODUCTION

1. This Court of Appeal ("COA") was duly convened by Motorsport South Africa ("MSA") in terms of General Competition Rule ("GCR") 210 read with GCR 220.

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



sport, arts & culture
Department:
Sport, Arts and Culture
REPUBLIC OF SOUTH AFRICA

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

2. The Court sat as an independent appeal forum mandated to enquire into the relevant jurisdictional requirements, facts and compliance with the applicable regulatory framework and to determine such findings and consequential measures as may be warranted.
3. The Court's mandate is to consider the appeal lodged by Alex Lenaerts ("the Appellant"), entrant of Kart 286, against the decision of the Stewards arising from an incident involving Kart 299 and Kart 286 during the NR Rotax Karting Round 2 – Formula K Kart Circuit event held on 16 May 2026.
4. The Appellant contends that:
 - 4.1 The Stewards initially found Kart 299 guilty of a contravention of SSR/GCR 39.25 and imposed the prescribed ten-position grid penalty;
 - 4.2 The hearing was concluded and the parties were excused;
 - 4.3 Thereafter, without reserving judgment, without notice to the affected parties and without affording them an opportunity to be heard, the Stewards effectively withdrew, amended, substituted and/or neutralised the original sanction; and
 - 4.4 Such conduct constituted a serious procedural irregularity and resulted in a gross miscarriage of justice as contemplated in GCR 204 and GCR 208 ix) (a), respectively.
5. The appeal was timeously lodged and the prescribed appeal fee was paid.
6. The Court is satisfied that the appeal complies with the requirements of GCR 212A and that it has jurisdiction to determine the matter.

B. THE MERITS OF THE MATTER

7. The Court has carefully considered the Notice of Appeal, the Respondents' Rebuttal, the Stewards' report, the documentary evidence contained in the appeal bundle, the applicable regulations, and the oral submissions presented during the hearing.

8. Certain facts are common cause, the parties agree that contact occurred between Kart 299 and Kart 286. It is further common cause that the incident was investigated by the Stewards and that a transgression under SSR/GCR 39.25 was initially recorded against Kart 299.
9. It is also common cause that following the initial Steward decision, Kart 299 requested that additional video evidence be considered. A subsequent hearing took place involving both competitors and the final official results thereafter reflected no ten-position grid penalty against Kart 299.
10. The Appellant's case is that the original hearing had concluded, that a finding had been reached and communicated, and that he specifically enquired whether the hearing was finished before leaving. According to the Appellant, he was informed that the matter had been concluded and that he was free to leave. The Appellant contends that he was never informed that the original finding was being reconsidered and was therefore denied an opportunity to address the subsequent developments.
11. The Respondents do not dispute that a further hearing took place after the original investigation. Their case is that additional evidence became available which demonstrated that Kart 286 had also engaged in conduct which warranted investigation. It was submitted on behalf of Kart 299 that both competitors had committed similar transgressions and that the Stewards ultimately elected to place both karts under observation. The Respondents contend that the Stewards were entitled to consider all available evidence before finalising the matter.
12. The Court accepts the evidence of Steward Gill Angove that the Stewards possess broad powers to investigate incidents, review available evidence and impose sanctions where appropriate. The Court further accepts her evidence that the Stewards acted in good faith and in what they believed to be the interests of fairness after additional information became available.

13. The Court accepts that any alleged conduct by Kart 286 constituted a separate factual enquiry. However, the existence of a separate potential transgression did not automatically reopen or negate the earlier determination relating to Kart 299. Those matters, although arising during the same race, concerned separate allegations between the competitors and required independent consideration.
14. The subsequent evidence presented by Kart 299 may have justified further investigation into the conduct of Kart 286 and may have warranted a separate enquiry into any alleged transgression committed by that competitor.
15. However, the question before this Court is not whether Kart 286 may also have committed a transgression, nor whether the Stewards were entitled to investigate that allegation. The issue is whether the procedure adopted in revisiting the original finding against Kart 299 complied with the requirements of the General Competition Rules and the principles of procedural fairness. However, the issue before this Court is not whether Kart 286 may likewise have committed a transgression, nor whether the Stewards were entitled to investigate such an allegation. The enquiry is confined to whether the process followed in reconsidering and altering the original finding against Kart 299 was consistent with the applicable General Competition Rules and the requirements of procedural fairness.
16. Accordingly, this appeal is not concerned with determining the substantive merits of the racing incident or attributing fault between the competitors. The sole issue for determination is whether the procedure adopted by the Stewards in revisiting and amending their initially communicated decision was lawful, procedurally fair, and in accordance with the General Competition Rules.
17. GCR 152.xxvi, read together with GCR 202 governing protest hearings and steward adjudication procedures, provides as follows:

"If for any reason the Stewards cannot give findings immediately after the hearing, they shall inform the interested parties of the time and place at which the findings will be given. This notice must be given both verbally, and in writing. Should there be the slightest possibility that new and/or additional evidence concerning a matter heard may change the findings of the hearing, it is essential that they reserve judgement. In such instances, the parties must be advised within one (1) hour of the end of the hearing, of the time and place at which the decision will be given."

The procedural safeguards contained in GCR 152.xxvi must furthermore be read together with GCR 202 governing protest hearings and steward adjudication procedures generally, which collectively underscore the obligation upon Stewards to ensure fairness, transparency, and equal participation by affected competitors.

18. The language employed in GCR 152.xxvi is peremptory in nature. The provisions requiring notice to interested parties, reservation of judgment, and communication of the time and place at which the decision will be delivered are framed in mandatory terms through the repeated use of the words 'shall', 'must', and 'essential'.
19. The Court finds that GCR 152.xxvi is directly applicable to the facts before it. Even if the Stewards retained authority to reconsider aspects of the matter prior to finalisation of the event, such reconsideration was required to occur in strict compliance with the mandatory procedural safeguards prescribed by the applicable regulations.
20. This Court does not find it necessary to determine whether the Stewards became *functus officio* upon conclusion of the initial hearing. Even if reconsideration remained permissible prior to finalisation of the event, such reconsideration was required to occur in compliance with the mandatory procedural safeguards contained in the applicable GCR provisions.

21. The evidence before this Court establishes that the initial hearing relating to the alleged SSR/GCR 39.25 infringement was concluded and that the affected parties were informed, expressly or by necessary implication, that the process had been finalised.
22. The Appellant's evidence was that he specifically enquired whether the hearing had concluded and was informed that he was free to leave.
23. No reservation of judgment was communicated in accordance with GCR 152.xxvi, nor were the affected parties advised that further evidence may alter the outcome previously communicated.
24. Thereafter, a subsequent process occurred during which additional considerations were entertained and which ultimately resulted in the original sanction against Kart 299 no longer forming part of the final official result.
25. On the evidence before this Court, the Appellant was neither notified that the original finding remained provisional nor afforded an opportunity to participate in any reconsideration process directed at altering the original sanction.
26. The prejudice suffered by the Appellant lies not necessarily in the ultimate racing outcome itself, but in the deprivation of the procedural right to participate in, address, and respond to a process which materially altered the previously communicated outcome.
27. While the Respondents argue that further evidence subsequently became available, the Court finds that no evidence was placed before it demonstrating that notice was given to the Appellant that the original finding under SSR/GCR 39.25 was under reconsideration.
28. The subsequent hearing relied upon by the Respondents appears, on the evidence before the Court, to have been directed primarily at allegations concerning the conduct of Kart 286. The Court is not satisfied that the affected parties were informed that the original sanction imposed upon Kart 299 was simultaneously being reconsidered.

29. The Court accepts the submission of the Appellant that, had he been informed that the original finding and sanction were under reconsideration, he would have advanced submissions regarding the separate nature of the incidents and the propriety of any reconsideration of the original decision.
30. The Court is not required to speculate whether those submissions would ultimately have changed the outcome. The prejudice suffered by the Appellant lies in being deprived of the procedural opportunity to make such submissions before the original sanction was altered.
31. Fundamental fairness required that, before a concluded sanction could be withdrawn, amended, substituted or rendered ineffective, the parties affected by that decision should have been informed of the proposed reconsideration and afforded an opportunity to be heard. The Court finds that this did not occur.
32. GCR 152 read together with GCR 202 confers extensive powers upon Stewards to investigate incidents, determine breaches of the regulations, and impose penalties. These powers, however, are quasi-judicial in nature and must be exercised in accordance with the principles of procedural fairness and natural justice.
33. MSA, as the recognised governing body for motorsport in South Africa, bears a responsibility to ensure that its disciplinary processes are conducted fairly, transparently and in accordance with its own rules.
34. The Court is unable to accept that a concluded sanction can thereafter be amended, withdrawn or neutralised without notice to the affected parties and without affording them an opportunity to be heard.
35. The Court finds that the procedure adopted by the Stewards departed from the requirements of GCR 152.xxvi read together with GCR 202.

36. The Court further finds that such departure caused prejudice to the Appellant, who was deprived of the opportunity to be heard before a concluded decision affecting race results and championship standings was altered.
37. The Court furthermore finds that the procedural irregularity identified herein materially affected the fairness and integrity of the adjudicative process and warrants appellate intervention in terms of the applicable General Competition Rules.
38. The Court accordingly finds that the procedure adopted in reconsidering and altering the originally communicated sanction constituted a serious procedural irregularity which materially prejudiced the Appellant.
39. The Court emphasises that its finding is not based upon any disagreement with the Stewards' assessment of the racing incident itself, nor upon the subsequent investigation into the conduct of Kart 286. Rather, it is founded upon the procedural unfairness that attended the reconsideration of a concluded decision affecting the rights and interests of the competitors concerned.

C. THE FINDING

40. In the circumstances and having regard to the evidence placed before this Court, the Court is satisfied that the appeal must succeed.
41. The Court has carefully considered the Respondents' submission that the Appellant failed to lodge a further protest following publication of the final race results. While the Court accepts that the existence or absence of a protest may, in appropriate circumstances, carry procedural significance under the applicable regulations, the Court is of the opinion that such consideration is not determinative on the particular facts of this matter.

42. On the evidence before this Court, the Appellant reasonably believed that the original determination and sanction imposed under SSR/GCR 39.25 remained operative and enforceable. The Court further accepts that the subsequent observation notice and discussions relating to Kart 286 were understood by the Appellant to constitute a separate enquiry concerning a distinct incident and competitor.
43. The Court accordingly reaches the conclusion that the Appellant was not reasonably placed on notice that the Stewards intended reconsidering, altering, withdrawing, neutralising, or otherwise revisiting the original sanction imposed against Kart 299 pursuant to the initial hearing.
44. In those circumstances, the Appellant's failure to lodge a further protest after publication of the race results does not remedy or negate the procedural deficiencies identified by this Court.
45. The Court is compelled to conclude that, even if the Stewards retained authority under the applicable regulations to reconsider aspects of the matter following the emergence of further evidence, any such reconsideration capable of materially affecting the rights, obligations, penalties, or competitive positions of the parties was required to occur strictly in accordance with the procedural safeguards prescribed by the applicable General Competition Rules, including GCR 152.xxvi read together with GCR 202.
46. The Court is driven to the conclusion that the Stewards ought not to have altered, withdrawn, substituted, neutralised, or otherwise failed to apply the original sanction imposed under SSR/GCR 39.25 without first complying with the mandatory procedural safeguards prescribed by GCR 152.xxvi read together with GCR 202, including formally informing the affected parties that the original determination was under reconsideration and affording all affected parties a proper opportunity to make representations and be heard regarding the further evidence and proposed reconsideration.

47. The Court is satisfied that the procedure ultimately adopted failed to comply with the mandatory procedural safeguards contemplated in the applicable regulations and materially prejudiced the Appellant's right to procedural fairness.
48. The Court finds that the Stewards ought not to have altered, withdrew, substituted or otherwise failed to apply the original sanction imposed under SSR/GCR 39.25 without first reserving judgment or complying with the procedural requirements of GCR 152(xxvi) by recalling the affected parties and affording them an opportunity to be heard.
49. The Court accordingly declares that the subsequent reconsideration, which had the effect of neutralising the original sanction imposed on Kart 299, was procedurally invalid.

D. ORDER

50. The appeal succeeds.
51. The Court finds that the procedure adopted in reconsidering and altering the originally communicated sanction against Kart 299 did not comply with the procedural requirements contained in the applicable General Competition Rules, including GCR 152.xxvi read together with GCR 202.
52. The Court finds that the subsequent reconsideration process and amended outcome cannot stand due to non-compliance with the mandatory procedural safeguards prescribed by the applicable General Competition Rules.
53. The Court finds that the original sanction imposed under SSR/GCR 39.25 remains operative. MSA is directed to amend the official results to give effect to the original penalty of a 10-place position imposed on Kart 299 in Heat 1. Should any party contend that further and/or additional evidence exists which may materially affect the outcome thereof, such party shall

be entitled to pursue such further processes and remedies as may be available in terms of the applicable General Competition Rules.

54. The appeal fee paid by the Appellant shall be refunded in full.

E. OBSERVATION OF THE COURT

57. During the hearing of this appeal, it became apparent that greater procedural clarity is required where Stewards contemplate reconsidering, revisiting, or altering findings after the conclusion of a hearing.

58. The Court accordingly considers it appropriate to record the following observations in relation to the proper application of the applicable General Competition Rules:

58.1 where there exists any possibility that further and/or additional evidence may materially influence the outcome of a matter, judgment should be expressly reserved in accordance with GCR 152.xxvi read together with GCR 202; and

58.2 any reconsideration of a concluded finding or sanction capable of materially affecting the rights, obligations, penalties, or competitive positions of affected parties should only occur after all affected parties have been properly notified and afforded a reasonable opportunity to make representations and be heard.

59. Stewards should ensure that the procedural status of proceedings, including whether a matter has been finalised, reserved, or remains under reconsideration, is clearly recorded and communicated on the relevant documentation and notices issued to the parties.

60. The integrity of the administration of justice in motorsport depends not only upon the correctness of decisions ultimately reached, but equally upon adherence to procedures which are fair, transparent, and consistent with the applicable regulations.

61. The Court accepts that the Stewards acted with the bona fide intention of achieving what they considered to be a fair sporting outcome. However, procedural fairness remains a

fundamental component of the adjudicative process and cannot be displaced by considerations of outcome alone.

62. The failure to afford affected parties a proper opportunity to be heard before reconsidering and altering a concluded sanction materially undermined the procedural fairness required by the applicable General Competition Rules and necessitates the intervention of this Court.
63. It is for that reason, rather than any disagreement with the Stewards' racing judgment or sporting discretion, that this Court is compelled to intervene.

This judgment is handed down on 14 July 2026.

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