



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA
IN THE COURT OF APPEAL NO. 496
HELD VIRTUALLY VIA ZOOM ON WEDNESDAY, 29 JULY 2026 AT 18H00

COURT COMPOSITION:

Mr Jacques van der Merwe	Court President
Mr Marinus Barnard	Court Member
Mr Chassen Bright	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	Appellant and Entrant for minor competitor Muhammad Wally
Master Muhammad Wally	Appellant and minor competitor
Mr Troy Snyman	Respondent and competitor
Mr Lance Shisinwana	Witness and Entrant for minor competitor Tshepang Shisinwana
Mr Roger Stephen	MSA Steward
Mrs Jackie Schreiber	Club Steward
Mrs Julene Stanyer	MSA Race Secretary

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

JUDGMENT

Introduction:

1. This is an appeal in terms of GCR 212(A) against the driver conduct findings issued by the Stewards following Race 1 of the Senior Max category at the Rotax National Championship held at Formula K Kart Circuit, Benoni, on 13-14 June 2026.
2. The Stewards' written findings, published on 18 June 2026, concluded that the incident between kart no. 299, driven by Muhammad Wally, and kart no. 215, driven by Troy Snyman, constituted "*a very unfortunate racing incident*" and that no further action was to be taken.
3. The appeal was timeously noted and the prescribed fees paid. The Court heard the matter electronically on 29 July 2026. Both the Appellant and the Respondent submitted evidence bundles prior to the hearing, and both parties were afforded the opportunity to address the Court and to give oral evidence during the hearing.
4. Prior to the commencement of the hearing the parties were requested to indicate whether they had any objection to the Court composition. The parties indicated that they had no objection, with the result that the appeal proceeded.

Applicable regulatory framework:

5. This appeal arises from a National Rotax karting event. The applicable regulatory framework is therefore to be found, first, in the South African Rotax Max Challenge Sporting Regulations, read with the General Competition Rules of Motorsport South Africa.
6. The point of departure is SARMC SSR 3, which identifies the governing instruments and confirms the precedence of the SARMC SSRs in the event of inconsistency. It provides:

"SARMC SSR 3 - Administration

- a) *South African Rotax Max Challenge (SARMC) Karting is administered under the provisions of the General Competition Rules of Motorsport SA (GCR's) and these SARMC Sporting Regulations (SARMC SSR's) the Global Rotax Technical Regulations, the SARMC Supplementary Technical Regulations and the Supplementary Regulations (SR's) published for each karting event.*
- b) *Where there is a contradiction between the GCR's and these SARMC SSR's the latter shall take precedence.*
- c) *Neither the MSA Karting SSR's nor the SSR's for circuit racing apply to SARMC events.*

- d) *Individual event SR's may not conflict with these SARMC SSR's*
- e) *Regional and club regulations may not be in conflict with these SARMC SSR's unless written authorization is obtained from the promoter. Where individual club or regional regulations are silent on this, and in the event of a dispute these SARMC SSR's will take precedence.*

ANYTHING WHICH IS NOT EXPRESSLY ALLOWED IS FORBIDDEN."

7. The present matter concerns a finding made by the Stewards at a National event. Their role, powers and the route by which such decisions are taken on appeal are dealt with in SARMC SSR 14. It provides:

"SARMC SSR 14 - Officials

The officials will be appointed according to the supplementary regulations published for the event. The Clerk of the Course, the Stewards, the Chief Scrutineer and the Chief Timekeeper must be present at the event at the latest one hour before the beginning of the sporting checks. Notwithstanding the provisions of GCR 151, all Stewards at all National and Regional karting events must hold a Clerk of the Course licence which is valid for karting.

AT REGIONAL AND NATIONAL EVENTS

- *Penalties shall ONLY be imposed directly by the Stewards (following a hearing), either acting of their own volition or acting on a report from the Clerk of the Course (CoC). The only exception to this rule will be after a Race/Qualifying practice where the kart does not comply to a technical inspection and the Driver/Entrant in the case of minor competitor signs an admission of guilt form presented by the COC and Technical Consultant/Scrutineer. This admission of guilt cannot be protested.*
- *Once the Stewards have made a decision (to impose a penalty or otherwise), said decision cannot then be the subject of a protest.*
- *Any decision made by the Stewards is subject to appeal which requires the lodging of an application for leave to appeal to MSA - refer to GCR 212.*

AT CLUB EVENTS

- *Penalties shall be imposed by the Clerk of the Course (following a hearing) and any decision made (to impose a penalty or otherwise) may be the subject of a formal protest to the Stewards, with no rights of further appeal thereafter.*

Regardless of the event status, if a competitor lodges a protest against another competitor, the Stewards will hear such protests as has always been the case.

A Clerk of the Course applying for an upgrade to an 'A' grade license must be approved by the MSA Karting Management Group."

8. The SARMC SSRs further make it clear that a competitor who seeks formal intervention must proceed by way of the protest and appeal mechanisms created by the GCRs. In that regard SARMC SSR 34 provides:

"SARMC SSR 34 - Protest and appeals

Incident Reports will not be accepted by the Officials and any competitor who considers himself/herself sufficiently aggrieved, and requires an issue to be formally investigated, is advised to rather lodge a formal protest/appeal as per the relevant GCR's within the stipulated time limits.

By entering events in the SARMC competitors agree that time is of the essence and that a protest will only be heard if they are submitted strictly in accordance as per MSA GCR Part IX. The protest must be accompanied by the appropriate fee."

9. As to sanction, the SARMC SSRs prescribe a penalty catalogue relevant to driving conduct and safety. The provisions material to the present incident are the following:

"SARMC SSR 39 - Penalty catalogue

Participants, who commit an irregularity, shall be punished with a penalty according to the below regulations as well as possible imposition of LPS points as per Article 35.

Breaches and penalties below do not restrict the Clerk of the Course or the Steward (in the case of a protest) from imposing further penalties, in accordance with the general regulations, if they deem the incident justifies it.

39.1 Gaining an Unfair Advantage - 5 (five) seconds

39.2 Driving in a manner incompatible with general safety - e.g. causing an accident - Minimum 5 (five) seconds up to 10 (ten) seconds, Race or Meeting exclusion"

10. Because one of the issues raised on appeal concerns the procedure followed by the Stewards after the hearing, it is necessary to set out GCR 152(xxvi), which regulates the position where findings are not given immediately and where further evidence may affect the outcome. It reads:

"GCR 152(xxvi)

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 (Refer to GCR 202)."

11. The hearing procedure before the Stewards is then governed by GCR 202, which provides:

"GCR 202 - Protest hearings

The concerned parties shall be summoned to appear - preferably in writing where possible. The Stewards of the meeting must ensure that a summons has been personally received by all persons concerned.

Legal representation is not allowed in protest hearings, but the involved parties may be represented by fellow competitors taking part in the same event or club/association committee members provided that any such representative may not be a practicing attorney or advocate.

Where a party involved in a hearing wish to exercise his right to representation in terms of the above, he/she shall notify the Clerk of the Course and/or the Stewards of the Meeting of his intentions in this regard. The other parties involved in the hearing shall then be afforded the opportunity to avail themselves of similar representation if they so wish.

In the absence of any of the parties or witnesses at the hearing, judgment may proceed by default. The parties may be accompanied by witnesses and during the hearing the Stewards may allow further witnesses to be called. The protestor must state the case of the protest first and the other party/s will proceed after the protestor.

The protestor and person or persons protested against shall remain in the hearing and be party to all evidence led and shall be allowed to cross-examine. Where a technical matter is concerned, the Stewards shall consider the report of the MSA Scrutineers and recommendations of the MSA Technical Consultant (where applicable) and may not ignore these.

While protest hearings are of necessity informal, it is stressed that order must be maintained. Hearsay evidence may be led and will be given due weight by the Stewards of the Meeting. The interested parties should be asked to retire from the venue of the hearing while the Stewards of the Meeting deliberate and come to a decision on the protest.

If judgement cannot be given immediately after the hearing then the parties concerned shall be advised within one (1) hour of the end of the hearing of the time and place at which the decision will be given. In case of a split vote amongst the Stewards of the Meeting, the MSA Steward shall have the casting vote (see GCR 152 xxv)."

12. The present proceedings, however, are not protest proceedings before the Stewards but an appeal before this Court. Two features of the appeal jurisdiction are of immediate importance. The first is that appeals are heard afresh. The second is that they may be conducted electronically in accordance with the GCRs. Those provisions are as follows.

“GCR 208(viii)

All hearings and appeals in terms of these GCRs are held de novo.”

“GCR 212(A)

A) Leave to Appeal to an MSA Court of Appeal

For Regional Championship events and higher, if a Steward's decision has been issued or any dispute arises due to amended results from a protest (as allowed in GCR 156(x)) or the actions/decisions of an MSA official or MSA committee/member, the aggrieved party has the right to appeal to a MSA Court of Appeal. The appellant must submit a detailed formulated appeal (refer to GCR 219) outlining the background of the issue and why they are appealing the decision within seven (7) working days from when a finding/decision was delivered, along with payment of the required R30 000 appeal fee.

Failing submission of a formulated appeal and the requisite payment within the stipulated time frame, the right of appeal shall automatically lapse, and any fees paid shall be forfeited.”

“GCR 220 - Hearings

Hearings will be conducted electronically (e.g.: Teams, Zoom), any deviation thereto will be at the sole discretion of MSA. All parties concerned shall be given adequate (generally a minimum of seven (7) working days) notice of the hearing, and they shall be entitled to call witnesses. Every notice summoning an individual to a hearing shall state the capacity (e.g. defendant, witness, etc.) in which he/she is being required to attend. The hearing may proceed to judgment in default of appearance by any party or witness. In the case of an appeal to a MSA Court, the parties concerned shall state their cases personally. Representation by a fellow competitor in the same event or a committee member of the MSA-affiliated club/association of which the appellant is a member is allowed, but such person may not be a practicing attorney or advocate or be entitled to be admitted as either. Where the appellant is a practicing attorney or advocate, MSA reserves the right to appoint a practicing attorney or advocate as a member of the Court. Notwithstanding the foregoing legal representation is allowed in hearings conducted by the National Court of Appeal. Where an appellant intends exercising his/her right to legal representation in a hearing of the National Court of Appeal, MSA is to be advised of this fact, and the identity of the representative, at least seven (7) calendar days prior to the scheduled hearing. MSA shall then decide whether or not to obtain legal representation of its own and/or to allow the other parties in the hearing to obtain legal representation. Where an appellant fails to advise MSA of his/her intention to exercise his/her right to legal representation in terms of this regulation, the court shall be empowered to take

appropriate action so as to prevent prejudice to MSA and/or the other parties involved in the hearing. Hearings are not public and are reserved for the parties and representatives of the promoter and organisers concerned. MSA may, at its sole discretion, invite parties to the hearing, in the capacity of observers.

MSA are entitled to call upon witnesses, affected/interested parties, specialists or experts whose evidence they deem to be useful in assisting the court. The parties involved in the hearing are also entitled to call witnesses including specialists or experts, but it is their responsibility to ensure their attendance.

Where a technical matter is concerned, the court shall consider the report of the MSA Scrutineers and recommendations of the MSA Technical Consultant (where applicable). Said reports and/or recommendations shall be taken into account, and acted upon, by the court unless the court is reasonably of the view that they are simply incorrect and/or unfair and/or made with malicious intent. The merits of, or grounds for appeal, may not be heard before the court has established that the appeal has been lodged in terms of GCR 214 and GCR 219. The appellant may call witnesses in this regard. The appeal court shall then give a finding on the admissibility of hearing the appeal. An appellant dissatisfied with the finding may appeal to the higher court but shall confine the appeal to showing why the lower court erred in finding the original appeal to be inadmissible. If the higher court finds that in the circumstances prevailing at the time the appeal to the lower court/s was correctly lodged, the grounds of the appeal shall be referred to the lower appeal court involved for hearing."

13. Finally, insofar as the substance of the incident is concerned, the relevant general conduct provisions are GCR 172(vii) and GCR 173, and the fee consequence of an unsuccessful appeal is dealt with in GCR 219(iv), as amended. Those provisions read:

"GCR 172(vii)

Reckless or careless driving during the course of any competition or practice therefore."

"GCR 173

Any person directly or indirectly involved in motorsport committing a breach of the CSIs of the FIA, CIK or FIM, the GCRs, SSRs and Official instructions of MSA, any conditions of an Organising Permit, special track rules, SRs for the competition or official instructions to competitors, may be penalised by the Clerk of the Course, Stewards of the Meeting, a MSA Court of Appeal, MSA or the National Court of Appeal, as the case may be."

"GCR 219(iv), as amended by MSA General Circular 2 of 2026

(iv) Where an appeal fails, the appeal fee shall be retained by MSA. Where an appeal succeeds, the appeal fee paid (less a 10% administration fee) shall be returned to the appellant."

14. It is against that regulatory framework that the present appeal must be determined.

Nature of the appeal:

15. The appeal was advanced on two broad bases:
 - 15.1. first, that the Stewards acted procedurally unfairly by adjourning the hearing, indicating that further footage would be obtained, and thereafter issuing findings without reconvening the hearing; and
 - 15.2. second, that on the merits the Stewards erred in rejecting the Appellant's version that Mr Snyman caused the collision.

The procedural complaint:

16. The Appellant's principal procedural contention was that the Stewards adjourned the matter to obtain additional footage, that additional evidence was thereafter obtained, and that the findings were issued without affording the parties an opportunity to address such further material.
17. That complaint does not survive scrutiny on the evidence before this Court.
18. During the appeal hearing, the Stewards confirmed that they did not consider any new evidence or additional evidence after the hearing and that their finding was made on the evidence and submissions placed before them by the parties at the hearing. They also indicated that no further evidence was found.
19. In my view, that is decisive of the procedural point.
20. They also indicated that no further evidence was found.
21. The wording used in the written findings, and the reference in the Stewards' report to further footage being contemplated or sought, may well have been inexact. However, contemplation of further footage is not the same as reliance upon further footage.
22. On the evidence before this Court, the Appellant has not established that the Stewards in fact received and relied upon additional evidence behind the parties' backs.
23. Accordingly, no material procedural unfairness has been established on this ground.
24. In any event, this Court hears the matter de novo in terms of GCR 208(viii), and has itself considered the relevant material afresh.

The merits:

25. The central question is whether Mr Snyman drove into Mr Wally, as alleged by the Appellant, or whether the collision occurred because Mr Wally, while aware of the Respondent's position, continued into a narrowing gap and attempted to force his kart into the turn.
26. Having considered the onboard footage, the written material, and the submissions made at the hearing, this court is satisfied that the Stewards' outcome was correct.
27. The objective probabilities establish the following:
 - 27.1. Mr Snyman was on the inside line on the approach to the left hander of the chicane;
 - 27.2. He did not materially deviate from that line so as to constitute a "*cut in*" or a deliberate move into kart no. 299;
 - 27.3. Mr Wally was aware of the presence of kart no. 215 to his inside;
 - 27.4. Mr Wally was also aware of the kart ahead of him and of the fact that the available space was reducing; and
 - 27.5. notwithstanding that knowledge, Mr Wally persisted in trying to place his kart into that diminishing space, with the result that his left rear wheel rode over Mr Snyman's right front wheel and his kart overturned.
28. This court does not accept the Appellant's submission that the footage demonstrates a deliberate steering manoeuvre by Mr Snyman designed to place his right-front wheel in front of kart no. 299's left-rear wheel. The steering inputs relied upon are, on a proper reading of the footage, entirely consistent with the ordinary corrections of a driver holding the inside line on approach to the left hander of the chicane.
29. Nor is there merit in the contention that Mr Snyman "*ran out of road*" in a manner inconsistent with his version. The footage and the track position show that he was already committed to the inside approach and had no realistic room to move further away from kart no. 299.
30. Just as importantly, the factual premise now emphasised by the Appellant in reply - namely that the Respondent failed to explain how his front wheel came to occupy the position it did - does not assist the appeal. The more probable inference is that the position of the two karts arose from Mr Wally's decision to continue turning across a space already occupied by the respondent's kart.
31. The appeal court need not rely on any allegation of prior contact involving another kart in order to resolve this matter. Even leaving such allegation aside, the direct evidence relating to the subject collision is sufficient.

32. The Court is therefore satisfied that the incident was not caused by any breach on the part of Mr Snyman warranting sanction under GCR 172 or SARMC SSR 39.
33. The Stewards' conclusion that no action was to be taken against Mr Snyman was correct, albeit this Court reaches that conclusion on the fuller reasons set out above.

Prior disciplinary findings:

34. Considerable material was placed before this Court concerning other proceedings involving Mr Snyman, including COE 1294 and the supplementary telemetry ruling.
35. Those matters do not constitute proof of liability in the present appeal.
36. This appeal falls to be determined on its own facts and on the evidence relevant to the Formula K incident.
37. This court accordingly will not use prior findings as propensity evidence against the Respondent.

Relief sought beyond the appeal:

38. In the notice of appeal, the Appellant also sought damages in respect of the kart and equipment, as well as relief relating to the conduct of officials.
39. This Court's powers are those conferred by the GCRs. They do not include the award of civil damages of the kind claimed by the Appellant.
40. That relief is therefore incompetent in these proceedings and cannot be granted.
41. As to the suggested reprimand or enquiry into the officials, no proper basis has been established in this appeal for such order, particularly in circumstances where the appeal against the Stewards' substantive finding fails.

Conclusion:

42. The Appellant has failed to establish any basis upon which this Court may properly interfere with the Stewards' decision. In particular, the Appellant has failed to establish either a material procedural irregularity attended by prejudice, or any misdirection on the merits warranting appellate intervention.
43. On the contrary, the probabilities and the objective evidence before this Court establish that Mr Wally was aware of the Respondent's kart, yet nevertheless persisted in attempting to force his kart into the turn. It was that decision which brought about the contact and the ensuing overturning of kart no. 299.

44. In that regard, the Court considers the following provision to be directly relevant. It reads as follows:

“SARMC SSR 39.21

39.21 CUT IN means that Kart 1 constricts the drivable section towards the curve centre forcing Kart 2 to leave the drivable section either partial or completely for passing the curve. It is irrelevant if the karts have touched each other or not. A prerequisite is; however, Kart 2 has to be at least 1/3 (front tyres next to rear tyres) next to Kart 1.

An advantage is at hand, if (either/or):

Kart 2 suffers a position loss or drop - out

Kart 2 suffers a damage leading in a position loss or drop-out in the same lap

General

Not relevant

Without advantage

10 (ten) seconds

With Advantage:

10 (ten) positions”

45. Applying that provision to the facts as this Court finds them, the Appellant ought to have exercised better judgment and yielded rather than persist in turning across a space already occupied. The Court accordingly finds that the Appellant’s own decision-making was the operative cause of the collision. It is, however, fortunate that the incident did not result in more serious injury.

46. The appeal must therefore fail.

Order:

47. The following order is made:

47.1. The appeal is dismissed.

47.2. The Stewards’ driver conduct findings dated 18 June 2026 are confirmed.

- 47.3. It is found that no breach warranting sanction was established against Mr Troy Snyman arising from the Race 1 incident between karts no. 299 and 215.
- 47.4. The Appellant's claim for damages is refused for want of jurisdiction.
- 47.5. In terms of GCR 219(iv), read with MSA General Circular 2 of 2026, the appeal fee is retained by MSA.
- 47.6. Save as aforesaid, no further order is made.

NOTE: On the facts as found by this Court, SARMC SSR 39.21 would, in any event, have attracted a 10 (ten) second penalty. That issue is, however, moot, as kart no. 299 did not finish the race.

NOTE FURTHER: This Court considers that greater precision in the identification of on-track incidents is desirable. In particular, this Court is of the view that MSA should consider adopting or revising circuit maps and related event documentation so as to ensure that corners, sections of track and incident points are more clearly and consistently identifiable.

This judgment is to be brought to the attention of MSA for consideration of the foregoing observation. The decision of the Court was unanimous.

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

Signed at Pretoria on this 12th day of August 2026.

Jacques van der Merwe
Court President