

MOTORSPORT SOUTH AFRICA
COURT OF APPEAL 497 RULING

*Appeal arising from the 5-second penalty imposed on Competitor 299 following the Senior
Max Pre-Final at Zwartkops Raceway on 4 July 2026*

Parties in attendance	Mrs. Maysurah Wally	Appellant and Entrant for minor competitor Muhammad Wally
	Master Muhammad Wally	Appellant and minor competitor
	Mr. Steve Beaumont	Respondent and Entrant for minor competitor Keagan Beaumont
	Master. Keagan Beaumont	Respondent and minor competitor
	Mr. Kian Spies	Affected party and competitor
	Mrs. Vanessa Wood	Witness – MSA Steward
	Mrs. Marlene Swanepoel	Witness – MSA Steward
	Mr. Werner Trollip	Witness – Club Steward
	Mrs. Carmen Hill	MSA Sporting Services Manager
	Mr. Rashaad Monteiro	MSA Safeguarding Officer
	Mrs. Allison Vogelsang	MSA Circuit Sport Coordinator
Protestor / Competitor	Competitor 377 / entrant - Beaumont	
Presiding Court	Adv. Marcia Davids	Court President
	Mr. Garth Waberski	Court Member
	Mr. Mark Cronje	Court Member
Standard stated by the Court	De novo reconsideration; allegation to be established on a balance of probabilities	

1. INTRODUCTION AND SCOPE

- 1.1 This appeal concerns whether Competitor 299 deliberately slowed or braked in the right-left section over the tunnel on the final lap in a manner that constituted an unfair,

unsportsmanlike or dangerous brake test on Competitor 377, and whether the resulting 5-second penalty should stand.

- 1.2 The appeal also raises procedural complaints concerning the original protest hearing and a separate complaint concerning the conduct of Mr Beaumont toward the minor competitor after the race.
- 1.3 At the appeal hearing the Court expressly stated that the matter would be determined *de novo*, that the evidence would be considered afresh, and that the burden remained on the party advancing the allegation to establish it on a balance of probabilities. That approach governs this ruling.¹

2. ISSUES FOR DETERMINATION

- 2.1 Whether the objective evidence establishes that Competitor 299 materially reduced speed before contact with Competitor 377.
- 2.2 Whether that reduction was caused by normal defensive driving, a throttle lift, braking, or a combination of those actions;
- 2.3 Whether the action was deliberate and, in context, sufficiently unexpected or unsafe to constitute the alleged sporting offence;
- 2.4 Whether the procedural deficiencies alleged in the original protest hearing materially prejudiced Competitor 299, whether the subsequent enforcement of the grid penalty was compatible with GCR 217 and GCR 218 after written notice of intention to appeal, and whether the conduct of the presiding steward warrants a separate licensing sanction; and

¹ Court of Appeal transcript: approximately 00:11:46-00:12:40.

- 2.5 Whether the evidence permits a finding concerning Mr Beaumont's conduct toward the minor competitor after the race, and whether that conduct bears on the merits of the racing incident.

3. EVIDENCE CONSIDERED

3.1 Telemetry and MyChron comparison

- 3.1.1 The MyChron analysis compares the final three recorded laps, described in the data file as laps 11, 12 and 13 (corresponding to official racing laps 10, 11 and 12 because the MyChron also records the formation/warm-up lap). The selected section begins near 729.99 metres and covers the approach through the tunnel section.
- 3.1.2 The data shows that lap 13 diverges materially from laps 11 and 12. In the relevant section, lap 13 is at points approximately 7-8 km/h slower, with the most pronounced differences occurring after the initial deceleration. The RPM trace is also lower for substantial portions of the section. The longitudinal acceleration trace records an initial deceleration, a disturbance consistent with contact at about 740-741 metres, and a further deceleration thereafter.
- 3.1.3 The data is strong evidence of a deliberate reduction in propulsion and speed before contact. It does not, standing alone, conclusively identify whether the reduction was caused by throttle lift, brake application, or both. That question must be resolved together with the video and the competitors' explanations.

Distance (m)	Lap 11 speed	Lap 12 speed	Lap 13 speed	Observation
740.29	98	97	94	Final-lap speed already lower before contact

765.77	98	97	91	7 km/h below lap 12
770.33	98	97	90	8 km/h below lap 12
776.03	99	98	91	7 km/h below lap 12

3.2 GPS line and defensive-driving explanation

3.2.1 Competitor 299 explained that he took a tighter defensive line, moved onto the marbles, and lifted the throttle to prepare for the final corner. The appeal hearing itself identified that the final-lap GPS trace remained further to the inside than a normal racing lap. In reviewing the telemetry the Court also observed that lap 12 was close to the final-lap line in places, while noting a marked slowing in the final-lap section.

3.2.2 The fact that the kart was defending does not, by itself, establish misconduct. A driver may take a lawful defensive line and may need to adjust throttle to maintain control. The decisive question is whether the degree, timing and manner of the slowing was reasonably connected to that defensive manoeuvre or instead amounted to an unexpected impediment likely to cause contact.²

3.3 Video evidence and contemporaneous statements

3.3.1 The data overview records that the pedal-view footage shows brake pressure at approximately 41 seconds and that the following kart's engine note reduces before the rear contact. During the original protest hearing, the steward stated that she observed the driver's foot on the brake and off the accelerator. Competitor 299 disputed that he had "stamped" or "slammed" on the brakes and maintained that any slowing was part of defending.

² Court of Appeal transcript: approximately 00:42:05-00:48:15 and 00:54:11-00:59:26.

3.3.2 The Court places greater weight on what the footage objectively shows than on the labels used by either side. The distinction between a heavy brake application and some brake pressure is important. The allegation need not be proved by demonstrating a dramatic wheel-locking stop; the issue is whether there was a deliberate and materially unexpected deceleration in a section where the following driver reasonably anticipated continued acceleration or substantially constant speed.³

4. ASSESSMENT ON THE MERITS

4.1 Material reduction in speed

4.1.1 On the balance of probabilities, Competitor 299 materially reduced speed before the collision. This finding is supported by the comparative speed trace, the longitudinal-G trace, the RPM reduction, the driver's admitted throttle lift, and the video evidence. The court noted that the reduction was not a momentary artefact caused only by the impact, the traces show a reduction beginning before the contact event.

4.2 Intent and purpose

4.2.1 The Court accepts that Competitor 299 intended to defend the final corner and that a tighter line may legitimately require some modulation of throttle, it is also clear that he knew Competitor 377 was immediately behind him.

4.2.2 The evidence does not establish, to the required standard, a specific malicious intention to cause a collision or to "get rid" of the following driver. That stronger allegation is not necessary to decide the appeal.

4.2.3 What is established is that Competitor 299 deliberately altered his speed in response to the proximity of the following kart and did so in a section ordinarily taken at or near full throttle. His own explanation was that he slowed because another kart was behind

³ *Original protest-hearing transcript: approximately 03:26-04:30. Data overview: video observations and conclusion on page 5.*

and because he was defending, the conduct was therefore deliberate in the ordinary sense, even if the asserted sporting purpose was defensive rather than punitive.

4.3 Whether the conduct crossed the sporting line

4.3.1 A lawful defensive manoeuvre does not entitle a leading driver to impose an abrupt or materially unexpected deceleration on a closely following kart at a point where the normal dynamics of the circuit give the following driver little realistic opportunity to react.

4.3.2 The comparative telemetry is significant because the reduction is not merely the consequence of a different geometric line: the final-lap speed falls materially below the preceding traces, including in a section where the kart had recovered close to the prior-lap speed before the additional slowing.

4.3.3 The Court therefore finds, on a balance of probabilities, that the combination of the deliberate speed reduction and the brake/throttle input created an unreasonable and foreseeable risk of rear contact. The conduct falls within unfair / unsportsmanlike / dangerous driving as alleged, even though the evidence does not justify the more pejorative finding that the driver intended to cause a crash.

5. PROCEDURAL FAIRNESS OF THE ORIGINAL PROTEST HEARING

5.1 The contemporaneous record

5.1.1 The contemporaneous recording of the protest hearing materially strengthens the procedural complaint, early in the hearing the entrant asked to see the protest form.

5.1.2 The steward acknowledged that the parties were "in a rush" and stated that footage showed Competitor 299 "clearly brake testing" Competitor 377 and described the conduct as unsportsmanlike and dangerous before the short hearing had run its

course. Near the end, the steward again apologised for rushing the matter because they "have to".

5.1.3 Those remarks create a legitimate concern that the hearing was compressed and that the conclusion may have been expressed too firmly before all of Competitor 299's evidence had been fully explored.

5.1.4 The Court also notes the evidence that telemetry was not reviewed at first instance, and Ms Wood's appeal evidence that the steward panel did not consider telemetry necessary and did not regard itself as technically trained to analyse it.⁴

5.2 Legal effect in a *de novo* appeal

5.2.1 As a matter of procedural fairness, a competitor should know the case to be met, be given a reasonable opportunity to present material evidence, and have the matter decided by an impartial decision-makers who have not effectively pre-judged the issue.

5.2.2 The original hearing did not display those safeguards as clearly as it should have. The combination of time pressure, the early use of conclusive language, and the refusal or deferral of potentially relevant telemetry amounts to a material procedural irregularity. However, the present appeal was expressly constituted as a *de novo* rehearing. The Court received and interrogated the telemetry, viewed the available video material, heard the competing explanations, and allowed extensive submissions on procedure and credibility. In those circumstances the procedural defects at first instance do not, by themselves, require the appeal to succeed where the Court is independently satisfied on the merits after a fresh hearing. They remain relevant to institutional practice and to the Court's assessment of the weight to place on the original stewards' conclusions.

⁴ Original protest-hearing transcript: 00:29-00:47; 02:29-02:41; 04:52. Court of Appeal transcript: approximately 01:18:57-01:20:00.

5.3 GCR 217, GCR 218 and the subsequent grid penalty

- 5.3.1 GCR 217 creates a specific protection where a competitor has been precluded from further participation during an event or race meeting and loses the protest against that preclusion. If the competitor gives the Stewards written notice of an intention to pursue the appeal process under GCR 212, accompanied by the applicable appeal fee, the rule expressly provides that the penalty of preclusion is suspended pending the eventual appeal.
- 5.3.2 GCR 218 must be read together with that specific provision. Although GCR 218 states generally that an appeal, or notice of intention to appeal, does not suspend a penalty during the meeting, it expressly refers back to GCR 217 and provides for suspension after the meeting. GCR 217 is therefore the specific rule governing a penalty of preclusion from further participation during the event.
- 5.3.3 The evidence confirms that written notice of intention to appeal was given and that the applicable appeal fee was paid on 4 July 2026. The requirements of GCR 217 were therefore satisfied and the penalty of preclusion was suspended pending determination of the appeal. Competitor 299 should accordingly have been permitted to start the Final from P2, racing under appeal. The regulatory concern arising from this sequence is the Stewards' failure to give effect to the suspensive protection in GCR 217, rather than any issue concerning Mr Beaumont's presence in the restricted area.
- 5.3.4 Competitor 299 in fact served the grid consequence without receiving the benefit of GCR 217 and GCR 218, the Court recommends that MSA avoid any double penalty. The record should reflect that he was entitled to start the Final from P2 under appeal. His actual Final result should remain as classified and he should not additionally be disqualified from the Final merely because the appeal was ultimately unsuccessful.

5.4 Licensing consequence for the presiding steward

5.4.1 The Court does not find that Ms Vanessa Wood acted dishonestly or with personal malice. The sanction is justified by the material procedural failures in the protest hearing and, subject to the official record confirming compliance with the notice-and-fee requirements of GCR 217, the failure to give effect to the suspension of the preclusion penalty. Those matters concern the exercise of Steward authority. They do not justify a finding against, or suspension of, any Clerk of the Course licence. A three-month suspension from exercising Steward authority is proportionate and corrective. Before resuming Steward duties, Ms Wood should complete such refresher instruction as MSA considers appropriate on protest-hearing procedure, procedural fairness, the treatment of technical evidence, and the operation of GCR 217 and GCR 218.

6. MR BEAUMONT'S CONDUCT AND ITS RELEVANCE

6.1 Evidence before the Court

6.1.1 The Wally family alleged that, after the race and before a protest had been lodged, Mr Beaumont entered the restricted parc ferme area without the relevant mechanic band, approached the minor competitor and shouted words to the effect of "I'll see you in the office".

6.1.2 The matter was reported to officials at the time. Ms Wood later told the Court of Appeal that the complaint had been addressed, that Mr Beaumont and Competitor 299 were summoned, and that the stewards determined that nothing untoward had transpired.⁵

6.2 Assessment

6.2.1 The Court distinguishes this conduct issue from the racing incident. The fact that a protestor may have acted inappropriately after the race does not determine whether the on-track allegation is proved. Equally, the complaint should not be dismissed merely because it is collateral to the racing issue, particularly where a minor competitor is involved.

⁵ Court of Appeal transcript: approximately 00:16:16-00:18:29 and 01:21:12-01:21:26.

- 6.2.2 On the present record, the allegation of an aggressive direct approach is supported principally by the Wally family's account and the fact that it was reported contemporaneously.
- 6.2.3 The appeal transcript does not record a focused evidentiary enquiry in which Mr Beaumont squarely answered the allegation about entering parc ferme, the absence of a band, the precise words used, and his tone. Ms Wood's statement that officials found nothing untoward is a conclusion rather than a detailed factual account. The Court therefore does not make a definitive disciplinary finding against Mr Beaumont on this appeal record.
- 6.2.4 Nevertheless, if an adult entrant entered a restricted area and addressed a minor competitor aggressively about a disputed racing incident, that would be inconsistent with appropriate safeguarding and paddock discipline. The proper course is for concerns to be raised with officials and for any necessary communication with a minor to occur through the prescribed official process.
- 6.2.5 **The Court recommends that MSA remind entrants, parents and officials of those boundaries and ensure that any future complaint of this nature is separately recorded and determined** (bolded and underlined for emphasis).

7. MISSING TELEMETRY FROM COMPETITOR 377

- 7.1 The absence of Competitor 377's telemetry limits the ability to perform a symmetrical data comparison. The Court has considered the submission that the protestor should have retained the data once an appeal was contemplated.
- 7.2 On the material presently available, the Court is not prepared to draw a punitive adverse inference that the missing data would necessarily have disproved the protest. There is insufficient direct evidence as to the cause of the loss and the precise retention obligations applicable at the time.

- 7.3 The absence of the data nevertheless reduces the weight of any assertion that depends on Competitor 377's precise speed, throttle position or opportunity to avoid the collision. The Court therefore relies principally on Competitor 299's objective telemetry, the available video, and the physical sequence evident from those sources, rather than on unsupported assumptions about Competitor 377's data.

8. CONCLUSION

- 8.1 Having reconsidered the matter afresh, the Court finds on a balance of probabilities that Competitor 299 deliberately reduced speed in the relevant tunnel section while Competitor 377 was following closely, that the reduction was materially greater than on the comparison laps, that the available video supports brake input in addition to a throttle lift; and that the timing and degree of the deceleration created an unreasonable and foreseeable risk of rear contact. The conduct therefore falls within the sporting offence alleged.
- 8.2 The Court does not find that Competitor 299 acted with a specific intention to cause a collision. The finding is based on the unsafe and materially unexpected character of the deliberate deceleration, not on a finding of malicious intent.
- 8.3 The original protest hearing was procedurally deficient in material respects, particularly because of the evident time pressure, premature conclusive language and the failure to consider or properly accommodate relevant telemetry. Those deficiencies should be addressed in future stewarding practice. They do not, however, displace the Court's independent *de novo* finding reached after a substantially fuller evidentiary process.
- 8.4 The Court further finds that the identified failures warrant a separate regulatory consequence for the presiding steward. The basis is the material procedural deficiency in the protest hearing and, if the official record confirms that written notice of intention to appeal was accompanied by the applicable fee, the failure thereafter to give effect to the suspensive operation of GCR 217. The sanction is not based on the handling of

Mr Beaumont's alleged entry into the restricted area. A three-month suspension from Steward functions is proportionate to the departures identified. No finding or sanction is made in respect of any Clerk of the Course licence or function.

9. ORDER

1. The appeal against the finding of unfair / unsportsmanlike / dangerous driving is dismissed.
2. The 5-second penalty imposed on Competitor 299 is confirmed.
3. Ms Vanessa Wood is suspended from exercising MSA Steward officiating authority for three months from the date of this ruling. MSA is directed to record and give effect to that suspension. Before resuming Steward duties, Ms Wood must complete any refresher training required by MSA concerning protest-hearing procedure, procedural fairness, the treatment of technical evidence, and the operation of GCR 217 and GCR 218. No suspension or adverse finding is made in respect of any Clerk of the Course licence or function.
4. No separate disciplinary finding is made against Mr Beaumont in this appeal concerning the alleged parc ferme approach to the minor competitor, because the evidentiary enquiry on that issue was insufficiently complete for a definitive finding.
5. In addition to the Steward suspension ordered above, MSA is directed to note the procedural concerns identified in this ruling and to reinforce:
 - (a) adequate time for protest hearings;
 - (b) disclosure of the protest and case to be met;
 - (c) an opportunity to tender relevant technical evidence;
 - (d) avoidance of language indicating pre-judgment before deliberation is complete; and
 - (e) correct application of the suspensive provisions in GCR 217 and GCR 218.
6. The Court further recommends that MSA consider appointing, at events where practicable, a suitably experienced Driving Conduct Official to assist the Stewards with the assessment of driving standards and the interpretation of relevant technical data, including telemetry, video and comparative performance data. Such an official should act in an advisory

capacity and provide specialist input where required, while the ultimate decision-making responsibility remains with the Stewards. This would promote greater consistency in driving-conduct decisions and reduce the risk of technical evidence being misunderstood or insufficiently considered.

7. The Court records that Competitor 299 gave written notice of intention to appeal and that the applicable appeal fee was paid on 4 July 2026. GCR 217 was therefore engaged and the preclusion penalty was suspended pending the appeal. Had GCR 217 and GCR 218 been applied correctly at the event, Competitor 299 would have started the Final from P2 and competed under appeal. Ordinarily, if the appeal were thereafter unsuccessful, the applicable consequence contemplated by the regulations would follow in respect of participation under appeal. In this case, however, Competitor 299 was not afforded the suspensive protection and instead served the grid consequence before the appeal was heard. The Court considers that a further retrospective exclusion from the Final would amount, in substance, to imposing the consequence twice. The Court therefore recommends that MSA amend the official record to reflect that Competitor 299 was entitled to start the Final from P2 and that his actual Final classification remain undisturbed, he should not now be retrospectively disqualified from the Final as an additional consequence of the same penalty.
8. The appeal fee is retained by MSA.

10. RECORD NOTE

The Court has treated the original audio/video recordings as the best evidence where transcript wording is disputed. The short protest-hearing transcript itself notes that overlapping speech, background noise and audio quality may affect precision and that the original recording is authoritative.

The decision of the Court is unanimous.

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

This judgment was handed down via email on 21 August 2026.