



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

Ground Floor, Quadrum 1, Quadrum Office Park, 50 Constantia Boulevard, Constantia Kloof, Roodepoort
e-mail: msa@motorsport.co.za Telephone (011) 675 2220

MOTORSPORT SOUTH AFRICA

COURT OF ENQUIRY 1296

HELD VIRTUALLY VIA ZOOM ON TUESDAY, 28 JULY 2026

COURT COMPOSITION:

Mr Alexis Apostolidis	Court President
Mr Bridgeton Petoors	Court Member
Mrs Chantelle De Sousa	Court Member
Mrs Arlene Brown	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:

Mr Kian Spies	Competitor
Mr Troy Snyman	Competitor
Mr Christiaan Du Plessis	Father and Entrant for Tristan Du Plessis
Mr Durelle Goodman	Competitor
Mr Roshaan Goodman	Competitor and Entrant for Durelle Goodman
Mr Jerry Botha	Father and Entrant for Tristan Botha
Mr Alex Lenaerts	Father and Entrant for Georgia Lenaerts
Mrs Maysurah Wally	Protestor and Entrant for Muhammad Wally
Mrs Lauren Koen	Mother and Entrant for Ayden Koen
Mr Lance Shisinwana	Father and Entrant for Tshepang Shisinwana
Mr Philip Human	Father and Entrant for Sebastiano Human
Mr William Mailula	Father and Entrant for Reagile Mailula
Mr Clinton Moss	Father and Entrant for Caleb Moss
Mr Roger Stephen	MSA Steward

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

Mrs Jackie Schreiber
Mrs Marlene Swanepoel
Mrs Vanessa Wood
Mr Gareth Schreiber

MSA Club Steward
Clerk of the Course
Assistant Clerk of the Course
Observer

REASONED JUDGMENT

Nature and Scope of Enquiry

1. This enquiry concerns the Senior Max class at the South African Rotax Max Challenge National Round 2 held at Formula K, Benoni, from 12 to 14 June 2026. The class programme provided for three point-scoring races. Race 1 was completed without a material start dispute. The originally-run Race 2 and the later re-run of Race 2 were each completed over ten laps, but each followed a defective start. The original Race 2 was cancelled after completion. The re-run took place in the programme time allocated to Race 3 and its classification was used, together with Race 1, to determine the published Senior Max overall result. Race 3 itself was not run. (Reference to “Race” herein is used interchangeably with the term “Heat”.)
2. The protest concerned kart 299, driven by Muhammad Wally. Mrs Wally lodged the written protest against the results of the day. The form recorded that the original Race 2 had been re-run because of a false start, that the re-run was also affected by a false start, and that the resulting classification should not stand. The Stewards did not hear or reject the protest; they referred it to Motorsport South Africa (MSA). MSA thereafter convened this Court of Enquiry to determine the seven matters set out in the Notice to Participants dated 9 July 2026.
3. The Court’s jurisdiction arises under GCR 211, read with GCR 154(ii). Those provisions permit MSA to convene a Court of Enquiry to enquire into an alleged breach, organisational defect or other irregularity, whether or not a valid protest or appeal is pending, and to make an

appropriate order after hearing interested parties. This is therefore a first-instance enquiry into the event irregularities; it is not confined to deciding the admissibility of the protest.

Material considered

4. The Court considered the Notice to Participants dated 9 July 2026; the protest form and accompanying note; the correspondence included in the COE 1296 bundle; Bulletins 8 and 10; the competitors' vote sheets; the Senior Max entry list, qualifying, race and overall classifications; the Stewards' and Clerk of the Course reports; the written submissions for karts 299 and 286; the 2026 MSA General Competition Rules; the 2026 MSA National Rotax Karting Sporting Regulations; all supplied video recordings and stills; the identified portions of the publicly available event broadcast on YouTube; and the oral evidence and submissions at the hearing, including the second-session recording. There was a problem with the transcript regarding the first half of the hearing and this could not be relied upon.
5. The recordings and stills must be approached according to what each reliably depicts. The Lenaerts recording separately labels the original start as 'Heat 2' and the later sequence as 'Heat 3'. It is common cause that the sequence labelled 'Heat 3' is the Heat 2 re-run conducted in the programme slot allocated to Heat 3. The Botha recording was confirmed, in the hearing, that it related to Heat 2. Taken with the official reports and the evidence at the hearing, the visual material confirms that both starts were defective. It is unnecessary to decide the matter by reference to the precise start-line or red-line position of any individual kart.

Common-cause chronology

6. Race 1 finished at approximately 11h20. The first running of Race 2 was completed but was cancelled by Bulletin 8 at 14h08. The bulletin records that the lights did not go out, that some competitors signaled in anticipation of a false-start declaration, and that many competitors were compromised. The re-run of Race 2 finished at approximately 15h07. Bulletin 10, issued

at 15h30, recorded that a further race would not be run because not every competitor agreed. The overall results were published at approximately 16h14. The protest was received at approximately 16h26.

7. The contemporaneous official accounts were not wholly consistent. The Stewards' Report states that the lights went out 'very late' on the re-run and could possibly have affected the first few rows, while also stating that nobody false-started, slowed or stopped. The Clerk of the Course Report states that no competitor appeared to be compromised. At the hearing, however, the material defect in each start was no longer realistically disputed. The remaining dispute concerned the consequences of those defects, the cancellation decisions and the treatment of the protest.
8. Race 1 finished at approximately 11h20. No evidence establishes a material defect in its start or classification, and no party sought to have its result set aside.
9. The original Race 2 then ran for the scheduled ten laps and ended under the chequered flag. The timing material produced a complete classification; by way of example, kart 286 was classified fourth and kart 346 seventh. During the start no orange light was used to require another formation lap, no yellow flag with green diagonal cross was displayed to recall a false start, and no red flag stopped the race.
10. The Clerk of the Course later reported that the lights in the original Race 2 came on, went off and came on again. According to that report, approximately half the field backed off while the front half continued. The matter was brought to the Clerk's attention through complaints after the race and was referred to the Stewards.
11. Bulletin 8, issued at 14h08, cancelled the completed original Race 2. It stated that the lights did not go out, that competitors put up their hands in anticipation of a false-start declaration, and that many competitors were compromised. Bulletin 8 did not identify a GCR or Rotax

provision authorising retrospective cancellation, did not explain why the Clerk's on-off-on account differed from the bulletin, and did not record that affected competitors had been heard before their classification was removed.

12. Race 2 was re-run in the programme slot allocated to Race 3. That race also ran for ten laps and ended under the chequered flag; kart 286 was classified fifth. The Stewards' report recorded that the lights went out 'very late again' and could possibly have affected the first couple of rows, although it also stated that nobody false-started, slowed or stopped. The Clerk of the Course recorded that the lights went out just before the competitors crossed the start line and that no competitor appeared to be compromised.
13. The Lenaerts recording identifies the original running as 'Heat 2' and the re-run as 'Heat 3'. The re-run sequence shows a materially late light signal and competitors raising hands while the race is allowed to continue. It does not show an on-off-on cycle during the re-run. The unlabelled Botha clip is not used to determine which running it depicts. The Court therefore keeps the two defects separate: an on-off-on sequence and divided field in the original Race 2, and a materially late or irregular signal without recalling the re-run of Race 2.
14. After the re-run, competitors and entrants approached the Stewards about the start and offered video material. Clinton Moss testified that he was told a protest was coming and understood that he did not need to lodge a duplicate protest. At the hearing a Steward explained that she had understood his repeated approaches to concern a separate nose-cone issue, whereas he had also been raising the disputed starts. The misunderstanding was acknowledged and an apology was given.
15. Bulletin 10 was issued at 15h30. It stated that the heat 3 race would not be run because not every competitor was in agreement. The overall results were published at approximately 16h14 and used race 1 and the race 2 re-run to determine the overall round classification. The

single Wally protest against the results of the day was received at approximately 16h26 to 16h28. The Stewards accepted at the hearing that, treated as a protest against the overall results, it was within the applicable 30-minute period.

Applicable rules

16. Rotax regulation 22 provides for a rolling start. The drivers must approach at reduced and constant speed in two lines, remain within the marked lanes, and maintain their positions until the start signal is given. The red lights are to be on as the karts approach. The start is given by switching off the red lights. If the Clerk of the Course is not satisfied with the formation, the orange light is used and an additional formation lap follows. In the case of repeated false starts or formation-lap incidents, the starting procedure may be stopped by red flag and recommenced.
17. Rotax regulation 41.1 provides that extinguishing the red lights four to seven seconds after they are lit indicates the start. Regulation 41.2 identifies the yellow flag with green diagonal cross or crosses as the signal that the race has false-started and that the field must slow and reform. Regulation 41.4 identifies the red flag as the signal that the race has been stopped.
18. GCR 198 requires a protest to be in writing, signed by the competitor or driver, accompanied by the prescribed fee, and lodged within the applicable time. Under GCR 198(v), a protest that does not fully comply must ordinarily be accepted unless GCR 203 applies. GCR 203 expressly makes a late protest or one accompanied by the incorrect fee inadmissible. GCR 200(viii) allows a protest concerning results within 30 minutes of publication of provisional results. Rotax regulation 34 likewise states that a protest will be heard only if submitted strictly in accordance with GCR Part IX and accompanied by the appropriate fee.
19. GCR 244 provides that a competition may be cancelled where the SRs so provide, where the Stewards have taken action in accordance with GCR 152, or where MSA has agreed to

cancellation. GCR 279 provides that results which have become final remain subject to MSA's power under GCR 154 and expressly contemplates amendment of results by a Court of Appeal or Court of Enquiry. Read together, GCRs 154(ii), 211, 244(iii) and 279 preserve a post-event supervisory jurisdiction, after hearing the interested parties, to set aside a classification produced by a proved material irregularity and to confirm the resulting cancellation.

Relevant MSA decisions

20. In MSA Court of Appeal 463, the Stewards declared a completed Mini Max heat null and void because competitors were out of their prescribed positions at the start and the Stewards could not resolve the conflicting accounts. The Court of Appeal held that the Stewards had identified no GCR or sporting regulation authorising that outcome. Having examined the video, it reinstated the heat and imposed the prescribed individual jump-start and false-start penalties. The decision establishes that annulment is not a substitute for applying specific start-infringement provisions where a valid common start can be identified and individual infringements can fairly be determined.
21. COA 463 does not establish that a completed heat must stand despite a defect in the official start procedure itself. The evidence and concessions in this enquiry establish defects in the administration of both starts and consequential uncertainty and unequal reactions within the field. The Court cannot fairly reconstruct either start by retrospectively selecting individual competitors for false-start penalties where the official signal and response procedure were themselves defective.
22. MSA Court of Enquiry 1281 concerned a red flag displayed after two competitors had taken the chequered flag but before the remainder of the field finished. Applying GCR 273(i), that Court classified the race at the last point at which all competitors had an equal chance to compete. Its operative rule concerned a stopped race and does not itself prescribe the remedy

here. Its broader reasoning is nevertheless relevant: official race-control signals must have certain consequences, and an appeal to free-standing fairness cannot displace the ordinary meaning of the applicable regulation.

23. MSA Court of Appeal 495 concerned the reconsideration of a concluded penalty after further video evidence became available. The Court accepted that Stewards possess broad investigative powers, but held that those powers are quasi-judicial and must be exercised in accordance with GCR 152.xxvi, GCR 202 and procedural fairness. Good faith and a desire to achieve a fair sporting outcome could not substitute for notice and an opportunity to be heard. The prejudice consisted in the loss of that opportunity, whether or not the representations would have changed the outcome. On the particular facts, the absence of a further protest against the published results did not cure or negate the antecedent procedural irregularity.

Issues

24. The Notice to Participants dated 9 July 2026 defines the Court's mandate. The Court is required to determine the following seven matters:

24.1 whether the Clerk of the Course's procedure for the start of the original Race 2 complied with the GCRs and the Rotax regulations;

24.2 whether the Stewards' decision to cancel the completed original Race 2 complied with those regulations;

24.3 whether the Clerk of the Course's procedure for the start of the Race 2 re-run complied with those regulations;

24.4 whether the Stewards' decision to cancel Race 3 complied with those regulations;

24.5 whether Race 3 should be re-run at a subsequent National Championship round;

24.6 whether publication of the provisional and final Senior Max results complied with those regulations; and

24.7 whether deferring Muhammad Wally's protest to MSA, instead of hearing it or declaring it inadmissible, complied with GCRs 201, 203 and 204.

The first running of Race 2

25. Kart 286 correctly submits that completion under a chequered flag is a serious sporting fact and that completed results should not be displaced merely because a different outcome is preferred. The hearing nevertheless confirmed that the original Race 2 start was defective. The reported on-off-on light sequence caused different reactions within the field, yet the prescribed false-start recall or stopping procedure was not implemented and the race ran to completion. GCR 152(i), (xv), (xvi) and (xxviii) confer enforcement, investigative and classification powers, while GCR 244(ii) permits cancellation where the Stewards have acted in accordance with GCR 152. GCR 152 does not, however, expressly confer a general power to annul a completed circuit race.

26. The Court need not decide whether GCR 152 could in some exceptional factual setting support retrospective cancellation of a completed circuit race. Bulletin 8 identified no empowering provision, contained no adequate reasons explaining why the completed classification had to be extinguished, and the record does not establish that interested competitors were heard before it was removed. The fact that the underlying start was defective does not retrospectively supply the missing authority or procedure. Consistently with COA 463 and COA 495, the decision recorded in Bulletin 8 has not been shown to be a lawful and procedurally fair exercise of GCR 152. Item 2 of the Notice is answered in the negative.

27. That conclusion does not require preservation of a classification generated by the proved start defect. GCR 154(ii) expressly authorises MSA, where results were improperly or incorrectly made or an organisational defect, breach or other irregularity occurred, to enquire into the matter and, after hearing the interested parties, make such order as it deems proper. GCR 279 preserves that power notwithstanding finality of the results, and GCR 244(iii) separately recognises MSA's agreement as a basis for cancellation. Exercising that independent first-instance jurisdiction under GCR 154(ii), read with GCRs 211, 244(iii) and 279, this Court declares the first running invalid, sets aside its classification and confirms its cancellation.

The re-run of Race 2

28. The re-run was affected by a separate start defect. The Stewards' report itself records that the lights went out 'very late again' and could possibly have affected the first couple of rows. The Lenaerts footage shows the late light event and raised hands, and the hearing evidence confirms that competitors approached the officials immediately afterwards. The contrary official observations - that nobody false-started, slowed or stopped and that no competitor appeared compromised - cannot be treated as conclusive because they do not address the visible dispute or the absence of the prescribed recall procedure. The Court does not rely on a precise start-line or red-line measurement and does not attribute an on-off-on sequence to the re-run.

29. That defect was not cured by allowing the race to continue for its scheduled distance. Rotax Regulation 22 required the Clerk of the Course either to give a proper start by extinguishing the red lights in accordance with the procedure or, if dissatisfied with the formation or start, to require another formation lap or invoke the prescribed stopping procedure. Rotax Regulation 41.2 supplied the false-start signal. None of those corrective procedures was implemented despite the visibly disputed start.

30. The hearing also demonstrated why the absence of an immediate second protest cannot be treated as acceptance that the re-run was regular. Competitors approached the Stewards, were told that a protest was coming or understood that the matter was already being addressed, and later discovered that the officials regarded the time for a protest against the separate re-run result as having elapsed. The eventual protest was directed against the day's overall results and was timely on that basis. This sequence is consistent with genuine miscommunication, not acquiescence in the validity of the re-run.

31. This conclusion is consistent with COA 463. There, a valid start could be identified and individual infringements could be sanctioned. Here both official start procedures were defective. The evidence does not permit a fair finding that any identified competitor, rather than the defective signalling and recall procedure, caused the irregularity. No individual false-start or jump-start finding is therefore made, and individual penalties would not cure the organisational defect.

Race designation, the vote and further relief

32. Kart 286's request to reinstate the first running as Race 2 and retrospectively redesignate the later running as Race 3 cannot be granted. The first running has been independently declared invalid and its classification set aside in this enquiry. The later competition was announced and contested as the Race 2 re-run, and is itself invalid. Re-labelling it cannot cure its defective start and would create a result for a competition that was not run on that declared basis.

33. After the re-run, the officials canvassed competitors on whether another race should be held. Bulletin 10 records the resulting decision in one sentence: Race 3 would not be run because not everyone was in agreement. The vote could provide factual information about competitors' preferences, but the GCRs do not make unanimity a condition for holding a programmed championship race. Bulletin 10 recorded no safety problem, force majeure,

shortage of daylight, staffing impossibility, provision in the SRs, action under GCR 152 or agreement by MSA under GCR 244(iii). The recorded reason was therefore not a regulatory ground for cancellation. Race 3 nevertheless cannot now be reconstructed: it was never run, GCR 221 prevents this Court from ordering a later re-run of the competition, and a race at another round would occur under different track, weather and championship conditions. Race 3 must remain a cancelled race and dropped score under GCR 233 which expressly provides for such eventualities.

34. The Court recognises that it might be contended that directing Race 2, the Race 2 re-run and/or Race 3 to be held at a future date would not in every instance constitute a “re-run” within the meaning of GCR 221. As regards Race 2, that contention cannot succeed. Race 2 was completed and subsequently cancelled. To direct that it be held again would plainly constitute a re-run. The same applies to the Race 2 re-run, which was itself completed but is now set aside by this Court.
35. Race 3 stands on a somewhat different footing because it was never run. Viewed in isolation, directing that Race 3 be held for the first time might therefore not, in the strict literal sense, amount to the “re-run” of Race 3. GCR 221, however, does not refer to the re-run of a particular race or heat; it provides that the Court is not empowered to order “any competition to be re-run.” Race 3 formed part of the National Round 2 competition, which has already taken place and concluded. An order directing that one of its constituent point-scoring finals now be conducted at a later event would, in substance, amount to reopening and partially re-running that concluded competition in order to reconstruct its results.
36. The above interpretation is reinforced by GCR 233, which expressly prescribes the championship consequence where events, heats or races are not completed or are cancelled. The regulatory scheme therefore provides for such occurrences to be dealt with through the applicable dropped-score provisions, rather than by an appeal court directing that the

competition, or part thereof, subsequently be conducted. The Court accordingly concludes that it has no power under GCR 221 to direct the subsequent running of Race 2, the Race 2 re-run or Race 3 as part of National Round 2.

37. Additionally, the Court is further mindful of the Rotax Karting Sporting Regulations 26(h), (i) and (j).

38. The applicable National Championship regulations provide that each of the first three National rounds comprises time trials and three point-scoring finals. Round 2 was accordingly required to comprise Race 1, Race 2 and Race 3. The fact that the re-run of Race 2 occupied the time originally allocated to Race 3 did not convert that race into Race 3. It remained, both in substance and in the official documentation, a re-run of Race 2. Race 3 was therefore not run.

39. The requirement for three point-scoring finals does not, however, mean that a validly cancelled race must subsequently be run or that the entire National round necessarily fails if fewer than three finals ultimately produce results. As stated above, GCR 233 expressly contemplates this eventuality by providing that races which are cancelled automatically count as dropped scores for Championship purposes.

40. It follows therefore that, for Senior Max at National Round 2, Race 1 is the only final producing a valid point-scoring result. Race 2 and its re-run are set aside for the reasons given above, while Race 3 was not run. For championship-scoring purposes the cancelled races are to be dealt with in accordance with GCR 233.

41. Finally, Regulation 26(j) does not alter the above conclusion. It provides that the best 10 finals out of a possible 13 National finals count towards the Championship. Read with regulations (h) and (i), the 13 possible finals comprise three finals at each of the first three National events and four finals at the final National event. The effect of the present decision is therefore that Race 2 and Race 3 of National Round 2 constitute two of the dropped finals contemplated by

the Championship scoring structure (as per a consistent application of GCR 233). The Race 2 re-run does not constitute an additional fourteenth final: it was an attempted re-running of Race 2 and occupies no separate place in the Championship scoring structure.

42. Accordingly, MSA is directed to recalculate and republish the Senior Max classification and championship standings accordingly. The Court declines the invitation either retrospectively to redesignate the Race 2 re-run as Race 3 or to direct that Race 3 be conducted at a subsequent National event.

Findings on the seven matters in the Notice

43. For clarity, the Court's findings on each matter identified in the Notice are:

43.1 Item 1 - Original Race 2 start: The question is whether the Clerk of the Course followed the prescribed rolling-start procedure, not whether a particular driver should retrospectively be penalised.

- i. The Clerk's own report records that the red lights came on, went off and came on again. It records the practical consequence: approximately half the field backed off while the front half continued. The contemporaneous complaints and raised hands are consistent with competitors receiving and reacting to an ambiguous official signal.
- ii. Rotax regulation 22 required a clear start by extinction of the red lights. If the formation or start was unsatisfactory, the orange light, false-start signal or red-flag procedure had to be used promptly. None was used. The race instead ran ten laps to the chequered flag before the problem was addressed.

- iii. The Court accordingly finds that the original Race 2 start did not comply with Rotax regulations 22, 41.1 and 41.2. The defect lay in the official signal and failure to recall the field. The evidence does not establish an individual false-start offence by any identified competitor.

43.2 Item 2 - Cancellation of the completed original Race 2: The underlying start was defective, but the separate question is whether the Stewards lawfully and fairly cancelled a completed ten-lap race.

- i. Bulletin 8 was issued at 14h08 after the race had finished and a complete classification existed. It stated that the lights did not go out and that many competitors were compromised. It did not identify a power under GCR 152 or GCR 244, reconcile that account with the Clerk's on-off-on report, set out evidence of the effect on the classification, or record that competitors whose completed results were removed had been heard.
- ii. GCR 152 contains specific powers concerning enforcement, investigation, classification and competitions that are stopped. It does not expressly confer an unrestricted power to erase a completed circuit race. COA 463 requires the empowering rule to be identified, and COA 495 requires procedural fairness when competitive rights are altered.
- iii. The Court therefore does not uphold Bulletin 8 as a lawful exercise of the Stewards' power. That conclusion does not reinstate a result produced by the proved organisational defect. After hearing all interested parties, this Court independently sets aside the original Race 2 classification under GCR 154(ii), read with GCRs 211, 244(iii) and 279.

43.3 Item 3 - Start of the Race 2 re-run: This running must be assessed separately from the original Race 2. The Court does not transfer the original on-off-on sequence to the re-run.

- i. The re-run took place in the Race 3 programme slot, ran for ten laps and ended under the chequered flag. The Stewards reported that the lights went out 'very late again' and could possibly have affected the first rows. The Lenaerts footage shows a late or irregular light signal and raised hands. Competitors then approached the officials and offered footage.
- ii. No orange light, yellow-and-green false-start flag or red flag recalled or stopped the field. The race was allowed to continue despite the disputed signal. The fact that officials did not observe a particular kart slowing or stopping does not establish compliance with the mandatory start and recall procedure.
- iii. The Court finds that the re-run start did not comply with Rotax regulations 22, 41.1 and 41.2. The defect was a materially late or irregular official signal and failure to recall the field. No individual competitor is found to have committed a false-start offence.

43.4 Item 4 - Cancellation of Race 3: Race 3 was never run because the re-run of Race 2 occupied its programme slot and the officials subsequently decided not to conduct another race.

- i. Bulletin 10, issued at 15h30, gives the reason that not every competitor agreed. Neither the bulletin nor the hearing evidence identifies unanimity as a requirement imposed by the SRs or GCRs. No safety, force-majeure or other recognised ground under GCR 244 was recorded.

- ii. The Court therefore finds that the recorded decision did not comply with GCR 244 or the applicable sporting regulations. Competitor sentiment could inform the officials but could not supply legal authority to cancel a championship race.

43.5 Item 5 - Re-running Race 3 later: The Court cannot order Race 3 to be held at a subsequent National Championship round.

- i. GCR 211(ii) constitutes this Court of Enquiry, in the first instance, as an MSA Court of Appeal. GCR 221 expressly provides that such a court is not empowered to order a competition to be re-run.
- ii. A later race would also not reproduce the cancelled Formula K competition. It would involve a different date, track or track condition, weather, equipment state and championship position. Race 3 must therefore remain cancelled rather than being recreated at a later round.

43.6 Item 6 - Provisional and final results: The publication process and the substantive correctness of the published classification must be distinguished.

- i. The overall results were published at approximately 16h14. Nothing in the record proves that the mere time or mechanical act of publication breached a specific rule. The classification nevertheless counted the Race 2 re-run, together with Race 1, even though the re-run arose from a defective start. It also proceeded on the basis that Race 3 would not be held.
- ii. Once both Race 2 classifications are set aside, the published Senior Max round result is substantively incorrect. GCR 279 makes final results subject to MSA's supervisory jurisdiction under GCR 154. MSA must therefore recalculate and

republish the round and consequential championship scoring with Race 1 as the only valid point-scoring final.

43.7 Item 7 - Deferral of the Wally protest: The Court must decide separately whether the protest was timely, whether it complied with the fee requirement and whether the Stewards followed the prescribed decision-making process.

- i. The protest against the day's results was lodged approximately 12 to 14 minutes after publication at 16h14. The Stewards accepted at the hearing that it was timely on that characterisation. It was not rendered late merely because the separate re-run result had been published earlier.
- ii. MSA held approximately R36 000 due to the Wally family. The protest form asked that R10 000 be taken from that credit, but no prior appropriation agreement or receipt proved that the prescribed fee accompanied the protest. The later R10 000 payment cannot cure that defect retrospectively. The protest was therefore inadmissible under GCR 203(v).
- iii. The Stewards were nevertheless required by GCR 201(iv) to hear the protestor on admissibility and decide whether to admit or reject the protest. The event report instead records that it was deferred to MSA for assistance because of the variables involved. That referral did not comply with GCRs 201, 203 and 204. The Court's independent enquiry jurisdiction under GCR 211 and GCR 154(ii) remains unaffected.

Items not included in the Notice of charges

Friday official practice

44. Kart 299 submits that official practice formed part of the meeting and asks the Court to infer a foundational defect from the fact that a Friday summons was heard only on Saturday. The submission raises questions about the presence of the officials identified in Rotax regulation 14, but supplies no affirmative evidence that any required official was absent. A hearing on the following day does not, without more, prove absence, want of jurisdiction, or prejudice. Even if an administrative irregularity were established, invalidity of every later competition would not follow automatically. The suggested cumulative theory cannot replace proof of a breach, a causal connection, and a material effect. This ground is not established.

Admissibility of the protest by Mr Wally

45. The protest form described its subject as the results of the day. The overall results were published at approximately 16h14 and the protest was lodged at approximately 16h26 to 16h28. Whether the interval is taken as 12 or 14 minutes, it was within the 30-minute period in GCR 200(viii). Roger, speaking for the Stewards at the hearing, expressly agreed that the timing was correct if the protest was directed at the day's results. The Stewards' earlier view that the protest time had expired arose from treating it as a protest confined to the separately published Race 2 re-run result. That was too narrow a characterisation of the written protest.

46. The fee issue is factually distinct from timeliness. MSA, at the time, held approximately R36 000 due to the Wally family from earlier successful proceedings. Mrs Wally wrote on the protest form that the R10 000 fee should be taken from that credit and handed the form to the race secretary. The secretary did not reject the form, seek confirmation from MSA or require immediate separate payment. At the hearing Mrs Wally accepted that there had been no prior agreement formally appropriating the credit to this protest. She also stated,

consistently with the later payment, that the R10 000 would have been paid immediately if requested. After MSA refunded the earlier credit, the R10 000 was paid. Those facts explain the omission but do not prove that the prescribed fee accompanied the protest when it was lodged, as required by GCR 203(v). Hence, this issue is disposed with.

47. The Court observes, however, that GCR 201(iv) required the Stewards to convene the protestor and determine admissibility. The event report instead records the Wally protest against the overall results as 'deferring to MSA for assistance'. At the hearing the Stewards explained that there were too many variables concerning the subject matter of the protest and that guidance was required from MSA. That explanation is understandable in light of the workload that the Stewards had, but referral cannot be classified as a decision admitting or rejecting the protest. Had the fee question been raised then, Mrs Wally could have addressed it and the Stewards could have made a reasoned admissibility ruling. COA 495 confirms that the loss of an opportunity to participate in a process affecting competitive rights is material procedural prejudice. During the hearing it was conceded by Mrs Wally that whether the subject matter of the protest was heard there and then, or by this Court, in this judgment, there would be no material prejudice.

Administration of the event - observations

48. The hearing disclosed material communication and organisational failures. There was only one protest. Competitors who approached the Stewards after the re-run were told, or reasonably understood, that a protest was coming and that duplicate protests were unnecessary. The officials later distinguished between a protest against the separate re-run result, which they regarded as late, and the timely protest against the day's overall results. One Steward understood repeated approaches by a competitor to concern a nose-cone issue, whereas the

competitor was also raising the disputed starts; the misunderstanding was acknowledged and an apology given. The fee was left unresolved despite the asserted MSA credit. The Stewards referred the protest because there were too many variables and they required guidance. These facts demonstrate genuine miscommunication between competitors, Stewards and Clerks of the Course.

49. The Court does not infer bad faith or impose misconduct findings. The evidence was that officials were managing a large entry with limited personnel, technology and training, and participants acknowledged the difficult conditions in which they worked. Those pressures explain, but do not excuse, departures from mandatory procedure.

50. Future events require a clearly assigned start decision-maker; an immediate and recorded recall procedure for a defective signal; a single written channel for competitors approaching the Stewards; written confirmation whether an existing protest covers an issue or a separate protest is required; immediate endorsement of the time, subject and fee status of every protest; and reasoned decisions identifying the empowering provision and operative consequence. None of this seems reasonably capable of being achieved without there being more “feet on the ground” to divide workloads and avoid the high workload and pressures placed on the few stewards and officials.

Order

51. The following order is made:

51.1 The Stewards’ decision recorded in Bulletin 8 has not been shown to comply with GCR 152, GCR 244(ii) or procedural fairness and is not upheld as a lawful exercise of the Stewards’ power.

51.2 Exercising the independent power conferred by GCR 154(ii), read with GCRs 211, 244(iii) and 279, the Court declares the original Race 2 invalid, sets aside its classification and confirms its cancellation.

51.3 The Race 2 re-run is declared invalid because its start procedure did not provide the field with the clear, common and timely signal required by Rotax regulations 22, 41.1 and 41.2, and the prescribed recall or stopping procedure was not implemented.

51.4 The classification and points arising from the Race 2 re-run are set aside.

51.5 The decision recorded in Bulletin 10 not to run Race 3 did not comply with GCR 244 or the applicable sporting regulations; nevertheless Race 3 remains a cancelled race because it was not run and this Court may not order a later re-run.

51.6 For Senior Max at SARMC National Round 2, Race 1 is the only valid point-scoring final. The original Race 2, its re-run and Race 3 shall be treated as cancelled races and dropped scores under GCR 233.

51.7 MSA shall recalculate and republish the Senior Max round classification and championship scoring consistently with this judgment.

51.8 The requests to redesignate the Race 2 re-run as Race 3, or to run Race 3 at a subsequent round, are refused.

51.9 The Friday-practice and cumulative-invalidity grounds are not established.

51.10 The written protest against the results of the day, received at approximately 16h26 to 16h28 on 14 June 2026, was lodged within the time prescribed by GCR 200(viii), but was inadmissible under GCR 203(v) because the prescribed protest fee was not proved to have accompanied it.

51.11 No disciplinary penalty is imposed on any competitor or official. The evidence establishes defective procedures and material miscommunication, but not bad faith or an individual false-start offence. The treatment of any appeal fee shall follow the GCR applicable to the proceeding under which it was accepted. The R10 000 paid after the event does not retrospectively validate the protest, and MSA must account separately to the payer for that amount.



PRESIDING MEMBER

For the Motorsport South Africa Court of Enquiry

Date of judgment: 07 AUGUST 2026

COURT MEMBER CHANTELE DE SOUSA – CONCURRING

COURT MEMBER BRIDGETON PETOORS – CONCURRING

COURT MEMBER ARLENE BROWN – CONCURRING