

MOTORSPORT SOUTH AFRICA

IN THE COURT OF ENQUIRY 1297

In the matter between:

MOTORSPORT SOUTH AFRICA

and

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

RULING

Introduction

1. Motorsport South Africa (“MSA”) convened this Court of Enquiry under GCR 211 to investigate the front bumper mounting system fitted to the impounded kart of Mr Troy Snyman (“the Respondent”). The condition of the mounting brackets was identified during the post-event inspection directed in Court of Enquiry 1294.

2. The notice required the Court to determine whether the modification was deliberate and/or premeditated and whether it constituted a breach of, inter alia, GCR 172, GCR 176, the applicable MSA Karting Regulations and/or the Karting Code of Conduct. The Court was further empowered to determine the appropriate action, including a penalty under GCR 177.

3. COE 1297 is distinct from COE 1294. The latter concerned the Respondent’s driving conduct and his brake-failure defence. The bumper issue arose incidentally during the inspection ordered in that matter. The earlier observations concerning the bumper were

not treated as proof of guilt in this enquiry. The present issues were determined independently on the evidence placed before the Court at the hearing.

The hearing, the Respondent's non-attendance and the directive

4. The hearing was held electronically on 3 September 2026 before Adv. Marcia Davids, Mr Bridgeton Petoors and Mr Gert Botes.

5. The persons in attendance included Mr Alistair Pringle- the Technical Consultant at the event, Mr Ian Richards- the MSA Steward, Mr Luan Oelofse- the Clerk of the Course, Mr Sparky Bright-Chairman of the MSA Technical Panel and the technical specialist who participated in the post-event inspection and Mrs Allison Vogelsang- the MSA Sport Coordinator – Circuit and Karting.

6. The Respondent did not attend the hearing. Before the hearing, he requested that it be postponed, alternatively that his non-attendance be accommodated, because of his examination commitments and an additional class. The Court considered the request and issued a written directive dated 3 September 2026 refusing the postponement. The directive recorded, among other things, that the hearing had been diarised, the Court members had arranged their commitments and invested considerable preparation time, and the examination commitments were or ought reasonably to have been known in advance.

7. The refusal was communicated to the Respondent. The MSA Sport Coordinator reported at the hearing that the Respondent replied, "I understand." He did not thereafter indicate that he intended to attend. At the commencement of the scheduled proceedings, the coordinator nevertheless sent him a further message to establish whether he was

logging in. The Court stood the matter down and waited approximately ten minutes. He did not join.

8. The notice to participants expressly warned that failure to attend could result in the Court proceeding in the absent party's absence and issuing a finding. GCR 220 likewise permits a hearing to proceed to judgment in default of appearance. Having regard to the notice, the directive, the communication with the Respondent, the additional opportunity afforded at the start of the hearing and his written submissions, the Court was satisfied that he had been afforded a reasonable opportunity to participate. The Court accordingly proceeded in his absence.

9. The Court considered the Respondent's written submissions. His non-attendance was not treated as an admission of guilt and no adverse inference was drawn merely from his absence. In particular, his statement that he believed other drivers used similar modifications was not treated as an admission that he personally made or authorised the alteration.

9A. The Respondent also asserted that COE 1297 appeared to regard him as "guilty as charged" before the hearing. The Court has considered that concern. The supplementary ruling in COE 1294 recorded an observed irregularity and the technical delegates' opinion, but did not finally determine the distinct charges now before the Court. At the formal commencement of COE 1297, the Court expressly recorded that it remained obliged to decide the issues fairly and independently and invited objections concerning notice, jurisdiction and procedure. The present findings follow from the evidence received in this enquiry, not from a presumption arising from COE 1294.

Applicable regulatory framework

10. GCR 211 empowers MSA to convene a Court of Enquiry to investigate a breach of the GCRs, SSRs or SRs. A Court of Enquiry may impose any penalty referred to in those rules.

11. GCR 220 requires the Court, in a technical matter, to consider the report of the MSA Scrutineers and the recommendations of the Technical Consultant. Those reports and recommendations must be taken into account and acted upon unless the Court reasonably considers them incorrect, unfair or malicious. The rule does not relieve the Court of its duty to examine the factual basis and reliability of the technical opinion.

11A. During the hearing, Mr Botes used the physical components to illustrate how the displacement system operates and to place the comparative measurements before the Court. Because Mr Botes sat as a member of the Court, the demonstration was treated as an aid to understanding the exhibits and not as independent expert testimony. The decisive technical conclusions are supported separately by the inspection report and by the evidence of Mr Bright and Mr Pringle, who participated in the inspection and confirmed the condition and effect of the components.

12. ROK Sporting Regulation 5.7.4 requires karts to be raced as homologated and prohibits modifications to the kart chassis or its components that are not reflected in the homologation documents. Regulation 2.4.10 defines technical non-compliance to include modified kart components not described or depicted in the applicable homologation documents and prescribes exclusion.

13. GCR 176 provides that, where a vehicle does not comply with the applicable technical regulations, the consequences depend upon advantage. In the event of a dispute, the contravention is deemed to afford an advantage until the contrary is proved. Where advantage has been gained, the driver is to be excluded from the results of the event or race meeting and may be precluded from participation in up to three further relevant events. GCR 176(ii) preserves MSA's power to take further action where warranted.

14. GCR 177 lists, in increasing severity, a reprimand, fine, time penalty and exclusion. A Court of Enquiry may impose a fine up to R600,000. Formal MSA Courts may additionally impose suspension and withdrawal of licence or disqualification. One or more penalties may be imposed for a single finding. A fine may not replace exclusion for technical non-compliance unless the contravention is minor and the Technical Consultant agrees that it afforded absolutely no advantage.

15. GCR 172 identifies several distinct breaches, including knowing participation of an ineligible vehicle, fraudulent conduct, conduct prejudicial to motorsport, and misbehaviour or unfair practice. Technical non-compliance does not, without further proof, establish every one of those forms of misconduct.

15A. The Court determines disputed facts on a balance of probabilities, while applying the express regulatory presumption in GCR 176 to the question of advantage. The Respondent's absence does not relieve MSA of producing evidence capable of establishing the physical non-compliance and the disciplinary allegations.

The evidence

16. The impounded components were displayed during the electronic hearing. A sealed bracket taken from the Respondent's kart was compared with a standard, unused component bearing the relevant homologation marking.

17. Mr Botes demonstrated the operation of the front bumper displacement system. The brackets locate the upper crash bar and lower chassis bar. In their homologated form, the relevant faces are straight and permit the bumper assembly to move rearwards upon contact. That displacement makes the infringement visible during post-race inspection and triggers the prescribed nose-cone consequence.

18. The standard component measured approximately 62 mm across the relevant span. The impounded brackets measured materially less—approximately 56 to 57 mm at the measured points. Visible grooves had been cut into both sides. The evidence was that the grooves caused the bars to seat more deeply and increased the force required for the bumper assembly to move.

19. Mr Bright testified in his capacity as Chairman of the MSA Technical Panel and as an experienced racing engineer who participated in the post-event inspection. He explained that components of this kind are used internationally and that, in his experience, the grooves found in the impounded brackets could not have arisen through ordinary use, vibration or contact with the smooth bars to which the brackets were fitted. The visible condition was consistent with deliberate filing or grinding.

20. Mr Bright explained that the purpose and effect of cutting the grooves was to cause the upper crash bar and lower chassis bar to seat more deeply in the brackets. This

increased the retention force of the front bumper mounting system and restricted its rearward movement following contact. It thereby reduced the likelihood that the displacement mechanism would activate and that the competitor would receive the prescribed nose-cone penalty.

21. Mr Pringle confirmed that he participated in the post-event inspection and examined both the upper crash bar and lower chassis bar. Both were perfectly smooth and undamaged. There were no rough surfaces or markings capable of scratching, grinding or otherwise creating the grooves observed on the mounting brackets. He accordingly agreed that the condition could not have resulted from the ordinary operation of those bars and was consistent with deliberate alteration.

21A. Mr Pringle further confirmed that the nose cone used during qualifying was not the same nose cone used during the racing session under investigation. Mr Bright testified that the nose cone used during qualifying displaced and attracted a penalty, whereas the subsequent racing configuration incorporated the altered brackets. In Mr Bright's opinion, the change in configuration strengthened the inference that the alteration was deliberate and intended to provide a sporting advantage during racing.

21B. Mr Bright also addressed the safety significance of the system. The displacement mechanism is intended to discourage bumping by making contact detectable and attaching a sporting consequence to it. Interference with that mechanism removed or reduced an important deterrent and increased the risk of unsafe contact between open karts. He further confirmed that the inspection disclosed no defect in the braking system capable of explaining the collision considered in COE 1294. The Court treats that latter

evidence as contextual only: the brake-failure defence and the driving offence were determined in COE 1294 and are not being adjudicated afresh in this enquiry.

22. Mr Richards submitted that the alteration was relevant to intention and premeditation when considered with the deliberate contact previously determined in COE 1294. The Court has treated that submission cautiously. The driving offence determined in COE 1294 is not being tried again. The present decision concerns the distinct preparation and use of a non-compliant component.

22A. Certain witnesses expressed the opinion that the modification had been made specifically to facilitate the contact forming the subject of COE 1294. The physical and technical evidence establishes deliberate alteration and a potential sporting advantage. It does not, by itself, establish who operated the tool or the precise occasion on which the component was altered. The Court therefore relies on the earlier driving finding only as relevant context and does not treat it as proof of the present technical charges.

The Respondent's written submissions

23. The Respondent contended that the fact that his nose cone displaced during qualifying demonstrated that the modification did not prevent displacement. He also asserted that he was not the only driver with such a modification and questioned whether components from other competitors would similarly be confiscated.

24. The first submission does not answer the evidence. The technical case was not that displacement became physically impossible in every configuration. It was that the grooves increased retention force, made displacement more difficult and reduced the likelihood

that contact would activate the system. Further, the evidence established that the qualifying and racing nose cones were not the same.

25. The assertion that other competitors may have used similar modifications is not a defence to the compliance of Kart #21. No identified comparator, component, photograph or witness was produced to substantiate that assertion. The Court makes no finding concerning absent competitors. Consistent enforcement remains an administrative matter for MSA.

26. The components were retained because the modifications were permanent, the parts could not be restored to their homologated condition, and they constituted evidence in this enquiry. Their retention was not treated as proof of guilt or as a separate punitive sanction.

EVALUATION AND FINDINGS

Technical non-compliance

27. The physical comparison, measurements and visible tooling marks, together with Mr Pringle's direct inspection of the smooth and undamaged upper and lower bars and Mr Bright's technical opinion, establish on a balance of probabilities that the grooves were not the product of ordinary wear, vibration, impact damage or a manufacturing anomaly. They were produced by the deliberate removal of material.

28. The impounded brackets were materially different from the standard homologated component. Kart #21 was therefore not raced in its homologated condition. The Court finds a contravention of ROK Sporting Regulations 5.7.4 and 2.4.10.

Advantage and purpose

29. The Court accepts Mr Bright's evidence that the alteration caused the bars to seat more deeply in the cut grooves and increased resistance to rearward movement of the bumper assembly. Its objective effect was to reduce the likelihood that contact would be recorded through displacement and followed by the automatic nose-cone penalty. That constitutes a sporting advantage for purposes of GCR 176.

30. The Court further accepts Mr Bright's evidence concerning safety. The displacement mechanism discourages bumping in open karts by making contact visible and attaching a sporting consequence to it. Interfering with that mechanism weakens an important sporting-control and safety deterrent. The contravention was accordingly not minor and did not afford "absolutely no advantage".

Deliberateness, premeditation and responsibility

31. The nature and symmetry of the grooves, their depth, the visible grinding marks and the absence of any mechanical source capable of producing them establish that the physical alteration was deliberate and premeditated.

32. The evidence of a change between the qualifying and racing configurations materially strengthens that conclusion. The compliant configuration displaced in qualifying. The altered configuration was thereafter used for racing, when contact with other competitors was foreseeable and when preventing displacement carried an advantage.

33. The evidence did not identify the individual who physically operated the tool. That does not defeat technical responsibility for presenting and racing a compliant kart. On the combined evidence, and in the absence of any innocent explanation capable of displacing

it, the Court finds that the Respondent used and obtained the benefit of a deliberately altered component. The Court does not, however, make a separate finding of fraud under GCR 172(iii), because fraud was neither particularised nor independently proved to the required degree.

33A. This conclusion does not rest on silence alone. It rests on the measured departure from the standard component, visible and symmetrical tooling marks, the elimination of wear or bar damage as an explanation, the different qualifying and racing configurations, and the component's objective effect. The written submission that the qualifying nose cone displaced does not create a reasonable alternative explanation because the witnesses confirmed that the same nose cone was not used in the racing session.

Specific breaches

34. The Court therefore finds:

- the contraventions of ROK Sporting Regulations 5.7.4 and 2.4.10 proved;
- GCR 176 applicable, with sporting advantage established;
- misbehaviour or unfair practice under GCR 172(vi) proved;
- conduct prejudicial to the interests of motorsport under GCR 172(iv) proved, because deliberate interference with a safety-related sporting-control mechanism undermines fair and safe karting;
- fraud under GCR 172(iii) not proved as a separate offence; and
- no separate breach of the Karting Code of Conduct proved, because no precise provision of the supplied Code regulating technical modification was identified. The technical and disciplinary findings rest on the GCRs and ROK Sporting Regulations.

Penalty

35. Under GCR 176 and ROK Regulation 2.4.10, exclusion is the prescribed consequence. The Court has also considered the seriousness of the deliberate and premeditated alteration; its interference with a safety-related sporting-control mechanism; the sporting advantage it was designed to secure; the absence of any satisfactory innocent explanation; and the need for both specific and general deterrence.

36. The Court has considered cumulative proportionality. COE 1294 excluded the Respondent from the same event, expunged Kart #21's results and imposed a twelve-month licence suspension for a distinct driving offence. The Court may not punish that driving offence again. Equally, the existence of the earlier sanction cannot immunise the Respondent from an effective and proportionate sanction for the separate technical infringement proved in this enquiry. Each contravention must be addressed on its own factual and regulatory basis.

37. The exclusion required by GCR 176 is accordingly recorded and confirmed in respect of the event. Although it has no additional practical effect beyond the exclusion already ordered in COE 1294, it rests on an independent technical basis. If no further penalty were imposed, the deliberate modification adjudicated in this enquiry would attract no distinct practical consequence. That result would not adequately reflect the gravity of the conduct or the need for deterrence.

37A. GCR 177 expressly permits one or more penalties to be imposed for a single finding. Exercising its power under GCR 177(ii)(c), read with GCR 176(ii), the Court imposes a fine of R300,000 in addition to exclusion and a formal reprimand. The amount is within the Court of Enquiry's maximum fine jurisdiction of R600,000 and corresponds to the

amount identified in GCR 177(ii)(e) for a fine in terms of GCR 176. The Court regards it as proportionate to a deliberate modification intended to frustrate a safety-related sporting-control mechanism and secure an unfair advantage.

37B. Purposeful interference with homologated equipment to evade a sporting consequence is incompatible with fair and safe competition and will not be tolerated. A competitor does not escape sanction for one proved infringement merely because a separate infringement at the same event has already attracted punishment. The cumulative order below recognises both the separateness of the offences and overall proportionality.

Order

38. The following order is made:

1. The allegations that Kart #21 contravened ROK Sporting Regulations 5.7.4 and 2.4.10 are upheld.
2. The Court finds that the technical contravention afforded a sporting advantage for purposes of GCR 176.
3. The allegations under GCR 172(iv) and GCR 172(vi) are upheld. The allegation of fraud under GCR 172(iii) and the alleged separate breach of the Karting Code of Conduct are not upheld.
4. Mr Troy Snyman and Kart #21 are excluded from the results of the event held under MSA Permit No. MSA-2026121. This exclusion is founded independently on the technical infringement and operates consistently with the exclusion already imposed in COE 1294.

5. Mr Troy Snyman is formally reprimanded under GCR 177 for the breaches of GCR 172(iv) and (vi) and is fined R300,000 under GCR 177(ii)(c), read with GCR 176(ii). In accordance with GCR 180, the fine must be paid within forty-eight hours of its imposition, excluding Saturdays, Sundays and public holidays. The lodging of an appeal does not suspend the obligation to pay within that period.
6. The impounded front bumper mounting brackets and associated permanently modified components shall remain in MSA's custody and shall not be returned for competition use.
7. MSA is requested to conduct or direct targeted inspections of comparable front-bumper mounting systems and to issue a competitor notice clarifying the homologation requirements, so that the rule is consistently understood and enforced. This recommendation does not affect the findings concerning Kart #21.
8. No additional order as to costs is made in this enquiry. The cost treatment recorded in the supplementary ruling in COE 1294 remains unaffected.
9. Any aggrieved party may apply for leave to appeal to the National Court of Appeal in accordance with GCR 212(B), within seven working days of written notification of this ruling and upon payment of the prescribed fee.