



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 Appeal 499

Order and Written Reasons

Appeal concerning Car 431 and the 2026 INGCO Ermelo Rally

COURT COMPOSITION:	Mr Alexis Apostolidis	Court President
	Mr Adrian Scholtz	Court Member
	Mr Stuart Thompson	Court Member
ADMINISTRATIVE ATTENDANTS:	Mrs Carmen Hill	MSA Sporting Services Manager
	Mr Poka Lehapa	MSA Sporting Co-Ordinator - Rally
PARTIES IN ATTENDANCE:	Mr Ismaeel Davids	Appellant and competitor (Car #431)
	Mr Yusuf Ganief	Interested party and Co-Driver (Car #431)
	Mr Bruce Swatton	Protestor and competitor (Car #35)
	Mr Craig Reyneke	Interested Party and Co-Driver (Car #35)
	Mr Danie Terblanche	Respondent – Clerk of the Course
	Mr William Haddad	Respondent – MSA Steward
	Mr Zybrand Wepener	Respondent – Club Steward
	Mr Brian Vlismas	Respondent – Technical Consultant
	Mrs Sandra Labuscagne-Jonck	Respondent – Competitors Relations Officer
	Mr Jaco Jonck	Respondent – Event Secretary
	Mr Rod Hering	Respondent – Former National Rally Technical Delegate
	Mr Barry Kemp	Respondent – Time Keeper and Results Officer

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

Directors: Chairperson: Ms. C. Low, V. Maharaj (Chief Executive Office), P. Zeelie (Financial), M. Cronje, B. De Gouveia,
Mrs. T. Thompson, Mrs. S. Labuscagne-Jonck, X. Letlaka, D. Ramchander, Ms. M. Spurr, N. Townsend

ORDER

The Court ordered as follows at the hearing of COA 499 on 16 September 2026:

1. The appeal is admitted.
2. The appeal is upheld.
3. The Stewards' protest finding given at 18:20 on 22 August 2026 and the exclusion recorded at 18:30 are set aside.
4. The formal protest lodged by Bruce Swatton against Car 431 is declared inadmissible because it was lodged outside the applicable GCR 200 time limits and the requirement for an extension under the Note to GCR 200 was not proved.
5. MSA and the event timing and results officials must remove the exclusion that flowed from that protest and reissue the Ermelo event classification and resulting championship points from the official timing records as if that protest decision had not been made.
6. No finding is made in this appeal regarding the technical compliance or prospective NRC2 eligibility of Car 431.
7. The Court recommends that Ismaeel Davids and MSA convene to regularise and determine the homologation of Car 431 so that its eligible class can be established through the proper technical process.
8. Nothing in this order prevents MSA from acting under GCR 154 or convening a properly constituted enquiry under GCR 211, on fair notice and complete technical evidence, concerning future eligibility or any matter within its lawful powers.
9. The requests for a declaration that the protest was frivolous or vexatious, for a compelled apology, and for prospective permission to complete the season in NRC2 are refused.

10. No order is made concerning costs or the administrative treatment of the protest and appeal fees because the record contains no focused submissions establishing the appropriate order on those matters.
11. The court order is effective from 16 September 2026.

DATED THIS 28TH DAY OF SEPTEMBER 2026

A handwritten signature in black ink, appearing to read 'Alexis Apostolidis', with a long, sweeping horizontal stroke extending to the right.

Alexis Apostolidis

Court President

Court Members Adrian Scholtz and Stuart Thompson concurring

MSA Court of Appeal

REASONS

1. This appeal concerns the exclusion of Car 431 following a protest by Bruce Swatton about the car's eligibility to compete in NRC2 at the INGCO Ermelo Rally held on 21 and 22 August 2026.
2. The Court heard the appeal on 16 September 2026 and gave its order orally, with written reasons to follow. (*Notice Convening Court of Appeal 499 dated 8 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 46-50*)
3. The Court heard the timeliness of the protest as a preliminary issue because if the protest was out of time, there would be no sense to proceeding on the technical merits. The single decisive question was thus whether the formal protest was lodged within the applicable GCR 200 time limits or, if not, was rendered admissible by a valid extension under the Note to GCR 200. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 15-23 and 46-47*)
4. The Court, after deliberation amongst the Court Members, unanimously found, on a balance of probabilities, that the formal protest was late and that no circumstance making timely lodging physically impossible (in terms of the Note to GCR 200) was proved. The protest was therefore inadmissible under GCR 203 (iii). The Stewards' finding and the exclusion founded on that protest consequently fall to be set aside. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 46-49; 2026 MSA General Competition Rules, GCR 200 Note and GCR 203(iii)*)
5. The reasons that follow are deliberately confined to that procedural issue and the consequences of the order. It makes no finding that Car 431 was technically compliant or non-compliant with NRC2 and gives no prospective permission for the car to compete in NRC2.
6. **The parties' positions on timeliness**
 - 6.1. Davids submitted that the formal protest was received at approximately 16:24 on 22 August 2026 and was late under every potentially applicable part of GCR 200. He disputed that any physical circumstance justified extending the prescribed period.

(Application for Leave to Appeal and Suspension of Penalty dated 28 August 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 24-26 and 33-36)

- 6.2. Swatton accepted at the hearing that the formal protest was lodged outside the time limits prescribed by the rules. He explained that the NRC2 competitors understood from what they had been told that they had 30 minutes after publication of provisional results to lodge a protest. He said that they did not know that a different time limit applied to a technical eligibility protest. *(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 17-18)*
- 6.3. Swatton also said that concerns about Car 431 had been raised with MSA and event officials before the formal protest (the “earlier emails”). He accepted, however, that those communications were objections and not the formal protest adjudicated by the Stewards. The formal protest was lodged at approximately 16:24 on 22 August 2026. *(Email from Bruce Swatton and other NRC2 competitors to Vic and others dated 18 August 2026; Email headed NRC2 from Tommy Coetzee dated 21 August 2026; Witness Statement of Bruce Swatton dated 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 16-18)*
- 6.4. Wepener said that, at about 14:35, he heard that a protest was on its way and later agreed to an extension because the persons involved were occupied with the podium proceedings, a detailed protest had to be prepared and payment had to be arranged. He did not know at 14:35 who was protesting or the subject of the intended protest. *(Handwritten Statement of Zybrand Wepener submitted 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 21-23)*

6.5. Jonck said that he was acting as Event Secretary when the protest was received and was not the person who initially accepted it despite its lateness. He later became a Steward and was satisfied that GCR 200 had been considered. He did not identify a physical circumstance that made timely lodging impossible. *(Witness Statement of Jaco Jonck dated 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 19-20)*

6.6. The Respondents' written submission also accepted that the formal protest was outside the ordinary GCR 200 period that might apply, subject to identifying the correct subparagraph and trigger. *(Respondents' Concise Written Submission dated 16 September 2026)*

7. The evidence admitted at the hearing

7.1. The Pre Hearing Directive required witness statements, evidential objections and concise submissions by close of business on 14 September 2026. The Respondents' Concise Written Submission and William Haddad's witness statement were delivered on 16 September 2026 and were therefore two days late. *(Pre Hearing Directive on Evidence and Witnesses dated 10 September 2026; Respondents' Concise Written Submission dated 16 September 2026; Technical Witness Statement of William Haddad dated 16 September 2026)*

7.2. At the hearing, the Court invited objections to the late documents. Davids raised no objection, and the Court admitted them. Their late delivery was recorded, and Sandra Labuscagne-Jonck later apologised and provided an explanation. *(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 5-7, 42-43 and 48)*

7.3. The admitted late documents did not change the decisive facts. The Respondents' submission confirmed that the formal protest was outside the ordinary period, while Haddad's statement did not identify any physical circumstance that prevented

timely lodging. (*Respondents' Concise Written Submission dated 16 September 2026*; *Technical Witness Statement of William Haddad dated 16 September 2026*)

- 7.4. The Court also invited objections to the authenticity of the WhatsApp material. No party objected, and the Court admitted it for purposes of the hearing. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 7-9*)
- 7.5. The parties were asked whether the Joint Chronology required correction. Barry Kemp corrected the final parc ferme times by explaining that the entries for Cars 35 and 57 had been mistakenly swapped around . The corrected times were Car 431 at 14:13, Car 57 at 14:15 and Car 35 at 14:19. (*Joint Chronology; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 12-13*)
- 7.6. Kemp calculated during the hearing that the last car completed Special Stage 15 at approximately 14:49. The exact Stage 15 completion time of Car 431 was not separately established, but Car 431 had entered final parc ferme by 14:13 and therefore necessarily completed its Stage 15 performance before that time. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 12-15*)
- 7.7. Brian Vlismas confirmed that the National Championship cars, including Car 431, were scrutinised from approximately 07:00 on Friday morning and that all those cars were approved to run. He also explained that his scrutineering was confined to safety matters such as safety belts and fire extinguishers. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 31-32 and 46-47*)
- 7.8. The Friday approval was therefore an approval to participate following safety scrutineering. It is relevant to the starting point in GCR 200 (v)(a), but it was not a full homologation determination and does not establish that Car 431 complied with the technical requirements of NRC2. Pre-event scrutineering is general in nature, and the competitor remains responsible for conformity throughout the rally.

(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 31-32 and 46-47; 2026 Standing Supplementary Regulations for the South African Rally Championship, SSR 801(ix))

7.9. Swatton's filed statement said that he went to Rally HQ with Tommy Coetzee at approximately 15:15 to initiate and prepare the protest, arranged the R10,000 fee at approximately 15:43, transmitted proof of payment at approximately 15:45, attended the podium proceedings and later returned to finalise and lodge the protest. At the hearing, the podium proceedings were said to have begun at approximately 15:40, and Davids's photograph placed his crew on the podium at 15:55. *(Witness Statement of Bruce Swatton dated 14 September 2026; Prize Giving Photograph and Video Metadata dated 22 August 2026 at 15:55; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 23-27)*

7.10. The protest form records receipt of the formal written protest at 16:24. A later administrative narrative uses 16:25. The one-minute difference does not affect the result. *(MSA Protest Form for Car 35 against Car 431; Administrative Protest Narrative concerning Car 431)*

8. The applicable rules

8.1. A protest must be in writing, signed, state its grounds, be accompanied by the prescribed fee and be lodged within the appropriate time limit. Before hearing the merits, the Stewards must establish that the protest meets those requirements. *(2026 MSA General Competition Rules, GCR 198 and GCR 201(iv))*

8.2. GCR 200 (v)(a) requires a protest against vehicle eligibility, where the alleged ineligibility is apparent, within 30 minutes of approval by the scrutineers. *(2026 MSA General Competition Rules, GCR 200(v)(a))*

- 8.3. GCR 200 (v)(b) requires a protest where the alleged ineligibility becomes visible later, or where relevant parts were changed after scrutineering, within 30 minutes after the protestor or the protested vehicle finishes, whichever is later. *(2026 MSA General Competition Rules, GCR 200(v)(b))*
- 8.4. GCR 200 (vi) requires a protest where the reason for ineligibility was not apparent but the vehicle performed in a manner suggesting ineligibility within 20 minutes of that performance. *(2026 MSA General Competition Rules, GCR 200(vi))*
- 8.5. GCR 200 (vii) requires a protest concerning an irregularity during the competition within 30 minutes after the protestor finishes. GCR 200(viii) separately provides a period running from publication of provisional results for a protest concerning those results. *(2026 MSA General Competition Rules, GCR 200(vii) and GCR 200(viii))*
- 8.6. The Clerk of the Course or Stewards may amend a GCR 200 time-limit only if they are of the opinion that circumstances made lodging the protest physically impossible within the prescribed period. *(2026 MSA General Competition Rules, Note to GCR 200)*
- 8.7. A late protest is inadmissible unless it was receipted under a valid application of the GCR 200 Note. *(2026 MSA General Competition Rules, GCR 203(iii))*
- 8.8. The appeal was heard afresh. The Court applied the balance of probabilities, meaning that a fact had to be shown to be more likely than not. *(2026 MSA General Competition Rules, GCR 208(viii); Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 2)*

9. Whether the protest was lodged in time

- 9.1. The protest was in substance a technical eligibility protest. It challenged Car 431's homologation or approval for NRC2, alleged unapproved technical deviations and

referred to an alleged performance advantage on Special Stage 15. (*MSA Protest Form for Car 35 against Car 431; Attached Grounds of Protest concerning Car 431*)

- 9.2. The earlier emails did not satisfy the requirements for the formal protest. They were not the written, signed and fee-accompanied protest later presented to and adjudicated by the Stewards. Swatton and the relevant officials consistently distinguished those communications from the formal protest. (*Email from Bruce Swatton and other NRC2 competitors to Vic and others dated 18 August 2026; Email headed NRC2 from Tommy Coetzee dated 21 August 2026; Witness Statement of Sandra Labuscagne-Jonck dated 14 September 2026; Witness Statement of Bruce Swatton dated 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 16-18*). That said, the earlier emails establish knowledge of the alleged ineligibility of Car 431 prior to the event in question and a formal protest could have been lodged prior to the event in respect of Car 431's participation or, at the very least, after Car 431 passed scrutineering on the Friday morning. Therefore, the filing of the protest did not comply with GCR 200 (v)(a) on the basis that the ineligibility of the car was, on a balance of probabilities, apparent to at least Bruce Swatton even before scrutineering approval. Therefore a protest first formally lodged at 16:24 on Saturday was plainly outside the 30-minute period in GCR 200 (v)(a). (The exact Friday approval minute is unnecessary because more than a day had passed). (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 46-47; MSA Protest Form for Car 35 against Car 431; 2026 MSA General Competition Rules, GCR 200(v)(a)*)
- 9.3. If the alleged ineligibility became visible later, Car 431 entered final parc ferme at 14:13 and Car 35 at 14:19. The later of those times was 14:19, so the 30-minute period in GCR 200 (v)(b) expired at 14:49. The formal protest at 16:24 was one hour and 35 minutes late on that approach. (*Hearing Transcript for Court of Appeal 499*)

dated 16 September 2026, pp. 12-16; MSA Protest Form for Car 35 against Car 431; 2026 MSA General Competition Rules, GCR 200(v)(b))

- 9.4. If the alleged ineligibility was suggested by Car 431's performance on Special Stage 15, Car 431 had entered final parc ferme by 14:13. Its Stage 15 performance therefore occurred before 14:13, and the 20-minute period expired no later than 14:33. The formal protest at 16:24 was at least one hour and 51 minutes late on that approach. *(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 12-16; 2026 MSA General Competition Rules, GCR 200(vi))*
- 9.5. Even if the last car's Stage 15 completion time of approximately 14:49 were used as the most favourable possible reference point, 20 minutes expired at approximately 15:09. The protest at 16:24 would still have been one hour and 15 minutes late. That calculation is favourable to the protestor but is not the proper vehicle-specific trigger under GCR 200 (vi). *(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 14-16; 2026 MSA General Competition Rules, GCR 200(vi))*
- 9.6. If the matter were treated as an irregularity during the competition, the 30-minute period after the protestor's 14:19 finish expired at 14:49. The protest was again late. *(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 12-16; 2026 MSA General Competition Rules, GCR 200(vii))*
- 9.7. GCR 200 (viii) did not postpone the deadline until provisional results were published. The protest did not complain of an arithmetical or classification error first appearing in the provisional results. It challenged the technical eligibility of Car 431. The specific eligibility periods in GCR 200(v) and (vi) could not be replaced by treating the matter as a results protest. *(Attached Grounds of Protest concerning Car 431; 2026 MSA General Competition Rules, GCR 200(v), GCR 200(vi) and GCR 200(viii))*

9.8. Swatton candidly admitted at the hearing that the formal protest was late under the rules. His belief that the period ran for 30 minutes after publication of provisional results explains the delay, but it does not change the prescribed period. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 17-18*)

9.9. The Court accordingly found that on a balance of probabilities the formal protest lodged at 16:24 was outside every GCR 200 period that could reasonably apply to the grounds stated in it.

10. Whether the late protest was validly extended

10.1. The Note to GCR 200 sets a narrow factual condition. It is not enough that an extension was discussed or purportedly granted. The evidence must establish circumstances that made lodging within time physically impossible. (*2026 MSA General Competition Rules, Note to GCR 200*)

10.2. Wepener's evidence that he heard at approximately 14:35 that a protest was coming did not establish that the formal protest had been lodged. He did not then know the identity of the protestor or the subject of the intended protest. An oral indication that an unidentified protest might follow did not satisfy GCR 198. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 21-23; 2026 MSA General Competition Rules, GCR 198*)

10.3. The reasons advanced for additional time were that persons were occupied with podium proceedings, that detailed grounds had to be prepared and that payment had to be arranged. Those circumstances may explain inconvenience or delay, but they do not establish physical impossibility. (*Handwritten Statement of Zybrand Wepener submitted 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 21-23*)

- 10.4. Swatton's own account shows that he was able to approach an official, travel to Rally HQ, begin preparing the protest, arrange payment and communicate proof of payment. Officials were also at Rally HQ preparing the podium running order before moving to the podium. These facts are inconsistent with a finding that lodging a protest within time was physically impossible. (*Witness Statement of Bruce Swatton dated 14 September 2026; Witness Statement of Jaco Jonck dated 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 25-27*)
- 10.5. Attendance at the podium proceedings did not make filing physically impossible. It was a competing activity, not a physical barrier preventing delivery of a written protest. A misunderstanding of the applicable deadline likewise did not amount to physical impossibility. (*Witness Statement of Bruce Swatton dated 14 September 2026; Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 17-18 and 23-27; 2026 MSA General Competition Rules, Note to GCR 200*)
- 10.6. No contemporaneous written request or ruling recorded the time of the extension request, the physical circumstance relied upon, the length of the extension or the revised deadline. The later evidence that an extension was granted therefore did not prove the factual condition required by the Note. (*Witness Statement of Jaco Jonck dated 14 September 2026; Handwritten Statement of Zybrand Wepener submitted 14 September 2026; Administrative Protest Narrative concerning Car 431*)
- 10.7. The Court therefore found that on a balance of probabilities that an extension was purportedly allowed, but that physical impossibility was not proved. The extension therefore did not make the late protest admissible. (*2026 MSA General Competition Rules, Note to GCR 200 and GCR 203(iii)*)

11. The remaining issues

- 11.1. GCR 201 (iv) required the Stewards to determine admissibility before hearing the merits. Once this Court found the protest inadmissible under GCR 203(iii), there was no admissible protest upon which the technical finding and exclusion could stand. *(2026 MSA General Competition Rules, GCR 201(iv) and GCR 203(iii))*
- 11.2. The timeliness finding therefore disposed of the appeal. Continuing to hear evidence about homologation, vehicle specifications, the technical inspection, the constitution of the protest panel, the protest fee or the appropriate technical sanction would not have changed the result. It would also have risked making advisory findings on matters that were unnecessary to decide.
- 11.3. Accordingly, the Court consequently did not hear and determine the technical merits. It therefore made no findings on the correct NRC2 homologation route for Car 431, the governing vehicle-specific technical specification, the compliance of any component, the existence or effect of any dispensation, or whether a technical advantage was gained.
- 11.4. The Court also made no findings on whether the Friday safety scrutineering amounted to technical approval for NRC2. The evidence was that the cars were approved to run following safety checks only. That fact was relevant to timing, but it did not decide substantive technical eligibility. *(Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 31-32 and 46-47; 2026 Standing Supplementary Regulations for the South African Rally Championship, SSR 801(ix))*
- 11.5. The Court did not decide the disputes about the precise composition of the protest documents when first lodged, the actual credit time of the protest fee, the later constitution of the protest panel, or the procedure followed at the protest hearing.

Those questions became unnecessary once the protest failed on the separate and decisive ground of lateness.

11.6. No inference for or against any party should be drawn from the absence of findings on the above issues. They were not decided because they were not necessary to the outcome, not because the Court accepted or rejected the competing evidence concerning them.

11.7. The requests for a declaration that the protest was frivolous or vexatious and for a compelled apology were refused. A protest may be late without having been brought in bad faith. The Court did not hear evidence sufficient to make the additional findings required for that relief. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 50; 2026 MSA General Competition Rules, GCR 206*)

11.8. The Court made no order concerning costs or the administrative treatment of the protest and appeal fees because no focused submissions established the proper order under the applicable rules. The successful appeal does not, through this judgment alone, produce a direction that the appeal fee be refunded or forfeited. Its administrative treatment remains for MSA to determine under the applicable rules, subject to any available internal process. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 50*)

12. Regularization recommendations

12.1. The Court addresses the regularization recommendation only to explain the scope and practical effect of the order already made. This explanation does not expand or vary that order.

12.2. For the Ermelo event, the position is clear. The protest finding and exclusion were set aside because the protest was inadmissible. MSA and the event officials must

remove that exclusion and recalculate the event classification and resulting championship points as if the protest decision had not been made. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 48-49*)

12.3. The relief in the preceding paragraph is event specific. It restores the result affected by the invalid protest process. It does not amount to a technical finding that Car 431 was compliant with NRC2 at Ermelo, and it does not decide the car's prospective eligibility for later events. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 49*)

12.4. The statement that the Court made no finding on technical compliance means exactly that. The Court neither approved nor rejected the car's homologation, specification or NRC2 classification. Those merits were not reached because the preliminary time-bar issue disposed of the appeal. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 49*)

12.5. The recommendation that Davids and MSA convene to regularise and determine the vehicle's homologation is not itself a homologation decision or dispensation. The anticipated process may identify the governing technical route, the required documents, any necessary inspection and the class for which the vehicle qualifies. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 49-50*)

12.6. The Court cannot specify in its judgment or reasons which technical passport, homologation document, deviation, dispensation, measurements or inspection steps will be sufficient. Those matters were not heard and fall to the appropriate MSA technical and regulatory structures applying the relevant rules to complete evidence.

12.7. The order neither authorises nor prohibits Car 431 from competing in NRC2 while that process is underway. It leaves future entry and eligibility to be determined by

MSA and the relevant structures and event officials under the applicable regulations. The order cannot itself be relied upon as authority to enter a later event in NRC2. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, pp. 49-50*)

12.8. The refusal of prospective permission to complete the season in NRC2 means that this Court did not grant such permission. It is not a finding that Car 431 is ineligible. It reflects that prospective technical eligibility was outside the issue decided and could not properly be determined on the limited preliminary hearing. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 50*)

12.9. Nothing in the order prevents MSA from acting within its lawful powers under GCR 154, convening a properly constituted enquiry under GCR 211, or using another applicable technical process on fair notice and complete evidence to determine future eligibility. Conversely, the order does not predetermine the result of any such process. (*Hearing Transcript for Court of Appeal 499 dated 16 September 2026, p. 50; 2026 MSA General Competition Rules, GCR 154 and GCR 211*).

12.10. It follows that the Court order does not prevent any person or entity with the right to protest from filing a protest within the applicable time limits at a future NRC event.

13. Conclusion and orders

13.1. The formal protest was lodged outside the applicable GCR 200 time limits. No physical impossibility was proved, and the purported extension did not satisfy the Note to GCR 200. The protest was therefore inadmissible, and the technical finding and exclusion founded on it cannot stand.

By direction of the Court

Alexis Apostolidis

Court President

Court members Adrian Scholtz and Stuart Thompson concurring.