

COURT OF APPEAL - COA 501
2026 SOUTH AFRICAN ROTAX MICRO MAX NATIONAL CHAMPIONSHIP

MARK AND SHANDY SMITH

on behalf of Slater Smith (Kart 699)

Appellants

and

RADHI HARRIS (KART 623)

Respondent

JUDGMENT OF THE COURT OF APPEAL

A. INTRODUCTION

1. This appeal concerns the proper calculation of the final points standings in the 2026 South African Rotax Max Challenge (SARMC) Micro Max National Championship.
2. The appeal is brought by Mr Mark Smith and Mrs Shandy Smith, the entrants for Slater Smith (Kart 699) (“the Appellants”), against the findings of the Stewards dated 9 September 2026. The Respondent is the entrant for Radhi Harris (Kart 623). The appeal was lodged on 16 September 2026, within the period allowed, and was heard electronically on 5 October 2026.
3. In this judgment, the 2026 MSA National Standing Supplementary Regulations (Version 3, 20 August 2026), which govern the SARMC and which the parties call the SARMC Sporting Regulations or “SSR”, are referred to as “the SSRs”. The MSA General Competition Rules are referred to as “the GCRs”. References to an Article are to an Article of the SSRs unless otherwise stated.

4. The Court has considered the notice of appeal and its annexures, the transcripts of the hearing before the Stewards, the written and oral submissions placed before it, and the applicable regulations. The Respondent's written submissions dated 5 October 2026 were received after the cut-off of 28 September 2026 stated in the notice to participants and were not admitted. The arguments they contain were, however, advanced before the Stewards, are recorded in the transcripts forming part of the Appellants' own bundle, and were answered by the Appellants.

B. URGENCY

5. Before dealing with the merits, the Court records that this matter has been dealt with on an urgent basis. The urgency arises principally from the imminent arrangements relating to the Rotax Max Challenge Grand Finals in Portugal, including the allocation and finalisation of the invitation associated with the South African Micro Max National Championship.
6. The outcome of this appeal has an immediate bearing upon the final Championship classification and, consequentially, upon the entitlement flowing from that classification. The matter could therefore not reasonably await determination in the ordinary course without creating uncertainty for the competitors, MSA and the organisers.
7. The Court has accordingly considered it appropriate to hear and determine the appeal urgently and to deliver this judgment ex tempore, with reasons sufficient to enable the parties to understand the basis of the Court's decision.

8. Urgency does not, however, alter the applicable regulations, lower the standard by which the appeal must be determined, or justify departure from procedural fairness. The Court has considered the material properly before it and has afforded the parties an opportunity to address the issues necessary for determination of the appeal.

C. BACKGROUND

9. At the fourth National event of the Championship, held at Zwartkops from 27 to 29 August 2026, Kart 623, driven by Radhi Harris, failed post-race scrutineering following Heat 4 because its gear oil volume measured 45ml against the mandatory minimum of 50ml. Its entrant signed an admission of guilt, and Kart 623 received a technical exclusion from Heat 4.
10. The technical exclusion itself is not challenged in this appeal. The Appellants confirmed before the Stewards that they do not challenge it. The issue before the Court is whether the zero-point result arising from that exclusion was required to remain one of Kart 623's ten counting Finals, or whether it was capable of falling outside the ten Finals counted under Article 26(j).
11. The Stewards dismissed the Appellants' protest on 9 September 2026. They held that Article 26(j) required the best ten Finals out of thirteen to count; that Article 26(l) assigned an exclusion a value of zero points; and that the zero therefore fell outside Kart 623's ten highest-scoring Finals.

12. The Appellants contend that this approach is inconsistent with GCR 234(i), which provides that an event in which a competitor has been excluded for sporting or technical non-compliance may not be dropped when assessing the Championship.
13. The consequence is material. The published standings reflect Kart 623 on 359 points (347 National points, being nine Finals of 35 points and one of 32 points, plus 12 regional bonus points) and Kart 699 on 329 points (317 National points plus 12 bonus points). The Appellants contend that, if the excluded Final is compelled to count as one of Kart 623's ten Finals, Kart 623's National points fall to 315 and its total to 327 points, and Kart 699 becomes the Championship winner on 329 points. The margin is therefore two points, and the Championship and the associated Grand Finals entitlement turn on a single question of interpretation.

D. THE ISSUE

14. The central issue is whether GCR 234(i), properly interpreted in conjunction with the definitions contained in the GCRs and Article 26(j) and (l) of the SARMC Sporting Regulations, applies to an exclusion from an individual Final, as opposed to an exclusion from an event.
15. Two questions follow. The first is whether GCR 234(i) is engaged at all in a championship which counts the best ten of thirteen Finals. The second, if it is engaged, is whether it prevails over Articles 26(j) and 26(l) in light of Article 3(b).

16. The determination of that issue requires the Court to give effect to the language actually employed in the applicable regulations.

E. THE APPLICABLE REGULATIONS

17. GCR 40 defines an “EVENT” as:

*“a single competition comprising a
race/races/heats/sections/practice/qualifying that is completed at a meeting.”*

18. GCR 41 defines a “SERIES” as a competition comprising more than one event, in which each event is organised in terms of the same SRs and SSRs. The distinction is significant. Under the GCR definitions, a race, heat or Final forming part of an event is not synonymous with the event itself. The event is the broader competition comprising those constituent parts.

19. GCR 233 provides that events and/or heats and/or races which are cancelled automatically count as dropped scores for Championship purposes.

20. GCR 234(i), headed “Scoring after exclusion from results”, provides in material part that where a Championship Series allows one or more events to be dropped from a Series for scoring purposes, an event in which a competitor is excluded from the results because of sporting or technical non-compliance may not be dropped when assessing the Championship.

21. Article 26(j) of the SARMC Sporting Regulations provides:

“The best 10 (ten) finals out of a possible 13 (thirteen) finals at National events count.”

22. Article 26(l) provides:

“Exclusions score zero points.”

23. SSR 3(b) provides that, in the event of contradiction between the GCRs and the SARMC Sporting Regulations, the latter take precedence.

F. THE APPELLANTS' CASE

24. The Appellants submit that Article 26(j), Article 26(l) and GCR 234(i) must be read together. On their construction, Article 26(j) determines the number of Finals which count, Article 26(l) determines the score attributable to an exclusion, and GCR 234(i) determines whether the excluded result may be discarded. They contend that for this reason there is no contradiction for Article 3(b) to resolve.

25. They accordingly contend that Kart 623's exclusion must remain one of its ten counting Finals and score zero. The Appellants further rely upon COE 1296. They submit that the decision establishes that Article 26(j) cannot be read in isolation and must operate consistently with a specific GCR regulating the treatment of a particular result.

26. They contend that Round 4 was an event in which Kart 623 was excluded from the results, and that GCR 234(i) therefore applies. They add that if the rule were confined

to the exclusion of a competitor from an event as a whole, it would rarely or never apply, which cannot have been intended.

27. They also contend that an interpretation permitting the zero-point exclusion to fall outside the ten counting Finals deprives the exclusion of an effective Championship consequence.
28. Finally, they rely on Articles 17.11 and 17.12 of the Global Rotax MAX Challenge Sporting Regulations 2026, under which a blank result due to a disqualification may not be discounted. They seek in the alternative an order that MSA produce a written waiver from BRP-Rotax permitting the South African scoring structure to depart from those Articles

G. THE RESPONDENT'S CASE

23. The Respondent contends that the Appellants' interpretation overlooks the defined meaning of the word "event".
24. The Respondent submits that GCR 234(i) applies where an event is capable of being dropped from a Series and the competitor has been excluded from that event.
25. The SARMC scoring system does not provide that the best ten events count. It provides that the best ten Finals out of thirteen Finals count.

26. The Respondent was excluded from one Final. He was not excluded from the National event as a whole. The Respondent therefore submits that the factual and regulatory trigger for GCR 234(i) is absent.
27. On this interpretation, Article 26(l) assigns the excluded Final a score of zero and Article 26(j) then determines which ten of the thirteen Final scores count towards the Championship. This was the interpretation adopted by the Stewards.
28. In the alternative, the Respondent relies on Article 3(b) and on the correspondence with BRP-Rotax of 21 to 23 September 2026.

H. INTERPRETATION OF GCR 234(i)

28. The Court accepts that regulations forming part of a coherent sporting code should, where reasonably possible, be interpreted harmoniously. That principle does not, however, permit the Court to disregard defined terminology or substitute different words for those chosen by the rule-maker.
29. GCR 234(i) does not state that a result from which a competitor has been excluded may not be dropped. Nor does it state that an event, heat, race or Final from which a competitor has been excluded may not be dropped. It specifically refers to an event.
30. That terminology assumes particular importance because the GCRs themselves define an event as the broader competition comprising races, heats, practice, qualifying and other constituent elements.

31. The Court therefore cannot simply equate an individual Final with an event for purposes of GCR 234(i). Had the rule-maker intended GCR 234(i) to apply to every race, heat or Final exclusion within an event, language capable of achieving that result was readily available.
32. This is demonstrated by GCR 233 itself, which expressly refers to “Events and/or heats and/or races which are cancelled”. The use of those separate expressions demonstrates that the GCRs recognise the distinction between an event and its constituent heats or races. It is therefore significant that GCR 234(i) does not repeat that broader terminology.
33. The SSRs use the same vocabulary. Article 16(j) distinguishes an exclusion from “the relevant race” from an exclusion from “the entire event/race meeting”. Kart 623 was excluded from Heat 4 only.
34. The Court has considered the Appellants’ submission that Round 4 was an event in which Kart 623 was excluded. That is so, but GCR 234(i) operates only where the Championship Series “allows one or more events to be dropped”. The SARMC does not allow events to be dropped. It selects the best ten Finals from thirteen. The condition for the operation of GCR 234(i) is accordingly absent whichever event the excluded competitor was competing in.
35. The Court has also considered the submission that, on this reading, GCR 234(i) would never apply. It does not accept that. GCR 233 itself contemplates dropped scores in

respect of events, so a series in which events may be dropped is a recognised structure and GCR 234(i) has work to do in it.

36. The Court is not persuaded that it is entitled to insert the words “heat”, “race”, “Final” or “result” into GCR 234(i) where the regulation itself uses the defined word “event”.

I. ARTICLE 26(j) AND ARTICLE 26(l)

37. The SARMC Championship scoring structure is directed expressly at Finals.
38. Article 26(j) establishes the mathematical structure: the best ten Finals from a possible thirteen Finals count.
39. Article 26(l) expressly prescribes the points consequence of an exclusion: the exclusion scores zero points.
40. The excluded Final therefore does not disappear from the Championship record. It remains one of the thirteen Finals and is allocated the score prescribed by Article 26(l), namely zero. Article 26(j) thereafter requires the ten best Final scores to be counted.
41. Nothing in Article 26 expressly provides that an excluded Final carrying zero points must nevertheless be included among the ten counting Finals. Such a requirement can therefore arise only if GCR 234(i) applies.
42. The Appellants say that Articles 26(j) and 26(l) merely fix a number and a value. That is correct, but the value is zero, and a zero is by definition not among the best results. To require it to sit within the counted ten, ahead of higher-scoring Finals, would be to

rewrite Article 26(j) so as to count, in effect, the best nine Finals plus any exclusion. The Article does not say that.

43. For the reasons already given, the Court finds that GCR 234(i) does not apply to an exclusion from an individual Final where the Championship scoring structure selects the best Finals rather than the best events.
44. It follows that the zero-point Final remains part of the thirteen results but is not required to be included amongst the ten Finals ultimately counted towards the Championship.
45. In any event, if contrary to the Court's primary conclusion there is tension or contradiction between GCR 234(i) and Article 26, Article 3(b) resolves that contradiction by giving precedence to the SSRs. The Appellants' contention that the provisions are complementary does not assist them. Their construction requires the zero to be counted within the ten, whereas Article 26(j) requires the best ten to be counted. Those outcomes cannot both be given effect, so there is a contradiction, and Article 3(b) applies.
46. On that alternative basis, Articles 26(j) and 26(l) would prevail. The Court is not at liberty to add to Article 26 a qualification which it does not contain. The Court's conclusion on the meaning of GCR 234(i) and its conclusion on Article 3(b) are each independently sufficient to dispose of the appeal.

J. COE 1296

43. The Court has carefully considered the Appellants' reliance upon COE 1296. Whether or not a decision of that kind binds this Court, it is distinguishable for the reasons that follow.
44. COE 1296 concerned cancelled races and the operation of GCR 233. GCR 233 expressly provides that events and/or heats and/or races which are cancelled automatically count as dropped scores for Championship purposes.
45. The Court in COE 1296 therefore applied an express GCR provision dealing with the precise circumstance before it. It held that Article 26(j) did not alter the consequence expressly prescribed by GCR 233. That reasoning does not establish that every provision dealing with an event must automatically be extended to an individual Final. On the contrary, the difference in wording is material.
46. GCR 233 expressly identifies events, heats and races. On the other hand, GCR 234(i) refers only to an event. COE 1296 therefore supports the proposition that Article 26(j) must be read together with the applicable GCR. It does not determine the anterior question in this appeal, namely whether GCR 234(i) is applicable to an exclusion from a single Final at all. The Court finds that it is not.

K. THE GLOBAL ROTAX REGULATIONS

47. The Appellants also relied upon the 2026 Rotax Global Sporting Regulations and contended that a disqualification or exclusion should not be capable of being discounted. The material placed before the Court indicates that BRP-Rotax regards the points-scoring structure, the number of counted or discarded results and the use

of heats, Super Heats, Pre-Finals or Finals as matters capable of forming part of the sporting organisation of a local Championship.

48. The Appellants rely on Articles 17.11 and 17.12 of the Global Regulations, under which a blank result due to a disqualification may not be discounted. Those Articles appear under Article 17 of the Global Regulations, headed “Race Event”, which is introduced as the format Rotax recommends, and they are headed Pre-Finals and Finals. They deal with the allocation of points in those sessions. Article 21 of the Global Regulations provides that the classification of the RMC 2026 will be that of the relevant event or series regulations. The cumulative National classification is therefore governed by Article 26 of the SSRs. No departure from Articles 17.11 or 17.12 arises, so no waiver was required. Article 26(m), moreover, treats an exclusion as distinct from a disqualification.
49. The material placed before the Court indicates that BRP-Rotax regards the points-scoring structure, the number of counted or discarded results and the use of heats, Super Heats, Pre-Finals or Finals as matters capable of forming part of the sporting organisation of a local Championship.
50. The correspondence further indicates that BRP-Rotax did not regard a different local scoring system as requiring a deviation or waiver merely for that reason, and regarded interpretation and application of the South African regulations and the final Championship standings as matters falling within MSA's authority and appeal procedure.

51. The Court therefore does not accept that the absence of a written waiver from BRP-Rotax determines this appeal, the appeal falls to be decided by interpreting the applicable South African regulatory framework.

L. EFFECT OF THE EXCLUSION

52. The Court has considered the Appellants' argument that allowing the zero-point Final to fall outside the ten counting Finals effectively erases the sanction. The Court does not agree that this consideration can alter the wording of the regulations.
53. Article 26(l) expressly determines the points consequence of an exclusion: zero points. Whether that zero ultimately forms part of the ten counting Finals is thereafter determined by the Championship scoring structure, unless another applicable regulation expressly provides otherwise.
54. The Court may not impose an additional Championship consequence merely because one interpretation might be regarded as producing a stronger sanction. The task of this Court is to apply the regulations as promulgated, not to rewrite them according to what the Court considers the preferable disciplinary policy.
55. The Court nevertheless acknowledges the concern behind the Appellants' argument. On the present wording, the Championship cost of a technical exclusion to a competitor with enough strong results can be slight. Here, for example, if the excluded Final would otherwise have produced a win, the cost to Kart 623 was three points, being the difference between 35 and the 32 that became its tenth counting result. That is a matter of policy for MSA and the SARMC and not for this Court.

M. ALLEGATIONS OF BAD FAITH

56. The Respondent characterised the appeal as opportunistic and contended that it was brought in bad faith and/or was frivolous or vexatious. The Court is not persuaded that it is necessary or appropriate to make such a finding.
57. The appeal raised a genuine question concerning the interaction between GCR 234(i) and Article 26 of the SARMC Sporting Regulations. The fact that the Court ultimately rejects the Appellants' interpretation does not establish that the appeal was brought in bad faith.
58. The Court accordingly makes no finding of bad faith, frivolousness or vexatiousness against the Appellants.

N. OTHER MATTERS

59. The Court has considered the matter afresh. Any complaint about the conduct of the hearing before the Stewards therefore has no bearing on the outcome, and the Court expresses no view on it. The complaint lodged by the Appellants with the MSA Ethics and Governance Committee is not before this Court and is a matter for the appropriate MSA structure.

O. THE APPELLANTS' OBJECTION AND THE RIGHT OF FURTHER APPEAL

60. Mrs Smith, on behalf of the Appellants, objected to the period of 48 hours indicated for approaching the National Court of Appeal, contending that the Appellants are entitled to the seven days provided for in the GCRs.
61. The Court notes the objection. The Court has no power to curtail the right of appeal conferred by the GCRs, including the seven-day period, and nothing in this judgment or its order purports to do so. Any party who wishes to appeal may do so within the period prescribed by the GCRs.
62. Having regard to the urgency recorded above, and in particular the timing of registration for the Rotax Max Challenge Grand Finals, the Court **recommends** that the parties waive the balance of the seven-day period, and that any party intending to appeal notify MSA within 48 hours of delivery of this judgment. This is a recommendation only. It does not bind the parties and does not affect the right of appeal.

P. CONCLUSION

63. The decisive consideration is the language of the applicable regulations.
64. GCR 234(i) applies where a Championship Series allows events to be dropped and a competitor has been excluded from an event. The SARMC Championship does not calculate its National Championship by selecting the best ten events. Article 26(j) expressly selects the best ten Finals out of thirteen Finals. Kart 623 was excluded from an individual Final. It was not excluded from the National event as defined by GCR 40.

65. The Court finds no proper textual basis upon which the word “event” in GCR 234(i) can be extended to include an individual Final for purposes of the present Championship scoring calculation.
66. Article 26(l) therefore applies to the excluded Final and assigns it zero points. Article 26(j) thereafter operates according to its terms by selecting the best ten Finals.
67. The Stewards accordingly reached the correct result in dismissing the protest and maintaining the published Championship standings. The same result would follow, in the alternative, from the precedence clause in SSR 3(b) if a contradiction were found.
68. Given the urgency of the matter and the need for certainty concerning the final Championship classification and consequential arrangements for the Rotax Max Challenge Grand Finals, the order takes effect immediately upon delivery.

Q. ORDER

69. The following order is made:
- 69.1 The appeal is dismissed.
- 69.2 The decision of the Stewards dated 9 September 2026 is confirmed.
- 69.3 The technical exclusion of Kart 623 remains recorded as a zero-point result in accordance with Article 26(l) of the 2026 SARMC Sporting Regulations.
- 69.4 That zero-point Final is not required by GCR 234(i) to form part of Kart 623's ten counting Finals for purposes of Article 26(j).
- 69.5 The published 2026 South African Rotax Max Challenge Micro Max National Championship standings accordingly remain undisturbed.

- 69.6 The Court makes no finding that the appeal was brought in bad faith or that it was frivolous or vexatious.
- 69.7 Any consequence relating to the appeal fee shall be dealt with in accordance with the applicable GCRs.
- 69.8 This order takes effect immediately. Given the urgency of the matter and the need for certainty in relation to the final Championship classification and consequential arrangements for the Rotax Max Challenge Grand Finals, the Court recommends that any party intending to approach the National Court of Appeal make that decision within 48 hours of this order, notwithstanding that any longer period prescribed by the applicable GCRs shall remain unaffected.

By direction of the Court

Adv Marcia Davids- Court President

Court members Adv. Rushay Kooverjie and Mr. Marinus Barnard concurring.

6 October 2026