

MOTORSPORT SOUTH AFRICA

COURT OF APPEAL 500

In the appeal arising from the proceedings held on 24 August 2026

National Extreme Festival Round 5 – Aldo Scribante Raceway

JUDGMENT

1. This appeal served before the Court in terms of GCR 212A. The hearing of the appeal was conducted by way of Zoom. At the commencement of the proceedings, the parties were invited to indicate whether they had any objection to the constitution of the panel. No objection was raised by any party, and the Court accordingly proceeded to hear the appeal as duly constituted.
2. The matter arises from proceedings before the Stewards following the National Extreme Festival Round 5 held at Aldo Scribante Raceway. The record before us concerns two related, though distinct, subjects. The first is the on-track incident involving Christopher Tait and Hannes Scheepers, which gave rise to a protest and to the outcome recorded under FIN-002 / PEN-009. The second is the subsequent complaint of misconduct arising from remarks attributed to Llewellyn Tait concerning the Clerk of the Course and his handling of the incident. That second matter culminated in the finding and sanction recorded under FIN-003 / PEN-010. It is, in substance, the latter outcome that lies at the heart of this appeal.
3. It is therefore necessary to distinguish carefully between those two aspects. The protest outcome in relation to the race incident stands on one footing. The misconduct finding and sanction stand on another. The present appeal, properly understood, is concerned principally with the correctness of the misconduct outcome, and more particularly with the question whether the sanction imposed upon Christopher Tait was lawful, fair and proportionate in the circumstances.

4. The questions that arise for decision may be stated as follows. First, whether the Stewards were competent under the General Competition Rules to entertain the misconduct complaint. Secondly, whether the proceedings before the Stewards were procedurally fair. Thirdly, whether the evidence established misconduct under the provisions relied upon. Fourthly, whether the consequences of the proven misconduct could properly be visited upon Christopher Tait. Fifthly, whether the sanction imposed was proportionate to the conduct proved. Finally, whether any order should be made by this Court in relation to the prior suspended sanction recorded under COE 1278.
5. We deal first with the issue of competence. In our view, the contention that the Stewards lacked jurisdiction altogether cannot be upheld. The scheme of the GCRs is sufficiently clear. GCR 156(xvii) requires the Clerk of the Course to convey breaches or misbehaviour to the Stewards. GCR 152(xxvii) empowers the Stewards to deal with alleged breaches of the regulations. GCR 152(xvi) and (xvii) further contemplate the investigation of incidents and, where appropriate, the recommendation of further action. It follows that misconduct arising at or in connection with an event may, in a proper case, be dealt with by the Stewards. The existence of the wider machinery contemplated in GCR 211 does not detract from that competence. The challenge to jurisdiction, advanced in absolute terms, must therefore fail.
6. The next question is whether the proceedings before the Stewards were procedurally fair. Having considered the record with care, we are not persuaded that the hearing before the Stewards was procedurally unfair. The Stewards' hearing was conducted in person. The parties were notified of the hearing, attended it, and were afforded the opportunity to state their respective cases fully, to answer the allegations made against them, and to ask such questions as they considered necessary in the course of the proceedings. The record does not establish that evidence was improperly entertained after the hearing had concluded, nor does it show that the decision below rested upon post-hearing material received in breach of fairness. The criticism advanced in that regard cannot, on the papers before us, be sustained.

7. That is not to suggest that the manner in which the complaint was formulated was beyond criticism. Plainly, it was not. The conduct complained of was that of Llewellyn Tait, whereas the immediate sporting sanction was ultimately imposed upon Christopher Tait. Greater precision in the articulation of the route by which that consequence was said to follow would undoubtedly have been preferable. But imperfect formulation does not, without more, render a hearing unfair. What matters is substance rather than elegance. The substance of the complaint was known to the Tait side, and they were given a proper opportunity to meet it. We are accordingly satisfied that the proceedings before the Stewards, taken as a whole, were fair in substance.

8. The appeal before this Court was likewise fully ventilated. The hearing took place via Zoom. Comprehensive documentation was placed before the court and the following persons gave evidence and/or addressed the Court:

8.1 Mrs. Katherine Tait

8.2 Master Christopher Tait

8.3 Llewellyn Tait

8.4 Mr. Deon Holliday

8.5 Mr. Hannes Scheepers

8.6 Mr. Luan Oelofse

8.7 Mr. Eric Schultz

8.8 Mr. Bradley Liebenberg

The parties were given full opportunity to state their cases, to ask such questions as they wished to raise, and to address both the merits and the issue of sanction. We are satisfied that the appeal has been fairly and fully heard.

9. Because this Court hears the matter de novo in terms of GCR 208(viii), it is incumbent upon us to reach our own conclusion on the evidence and the applicable rules. Having done so, we are satisfied that remarks were made by Llewellyn Tait in anger and frustration concerning the Clerk of the Course and his handling of the incident. It is unnecessary for present purposes to rehearse every expression attributed to him. It is sufficient to say that the tenor of the

remarks, as borne out on the record, was improper. They went beyond the bounds of permissible criticism and amounted to verbal disparagement of an official at a sanctioned event.

10. Conduct of that nature cannot be countenanced. Organised motorsport depends not only upon competitive vigour but upon discipline, respect for officials, and observance of the processes established by the rules. Decisions of officials may be challenged, and in appropriate cases successfully challenged, but they must be challenged through the channels provided. Public or intemperate verbal attacks upon officials do not enhance the integrity of the sport; they erode it. Left unchecked, such conduct is apt to undermine respect for officialdom and confidence in the orderly administration of competition.
11. In our judgment, the conduct proved falls within GCR 172(iv) and GCR 172(vi). It was conduct prejudicial to the interests of motorsport and it constituted misbehaviour or improper conduct within the contemplation of those provisions. We do not consider it necessary, for the disposition of this appeal, to go further than that. The misconduct is sufficiently and properly characterised on that footing.
12. The critical question is the sanction that followed. Under PEN-010, Christopher Tait was excluded from Round 5 and precluded from Round 6. In our respectful view, that sanction cannot stand. The conduct proved was that of Llewellyn Tait. Christopher Tait, who is a minor competitor, was not shown to have uttered the remarks or otherwise personally engaged in the verbal misconduct found. It is true that the GCR framework contemplates circumstances in which responsibility may attach within the competitor, entrant and representative structure. GCR 19, GCR 22, GCR 113(xiv), and GCR 114 to 116 make that plain. But the existence of power to attribute consequences within that structure does not relieve a tribunal of the obligation to ensure that sanction remains fair, measured and proportionate.
13. Sanction is not an exercise in abstract authority. It must be directed to the misconduct proved, to the person truly responsible for it, and to the legitimate

interests of the sport. Where the misconduct is the act of an adult representative or parent, and where the principal burden of the penalty falls upon a child competitor, the tribunal must ask whether the sanction is directed at the proper subject and whether it exceeds what fairness permits. In the present matter, the sanction imposed upon Christopher did both. It visited substantial sporting prejudice upon the child for the words of the adult. In the circumstances of this case, that was disproportionate.

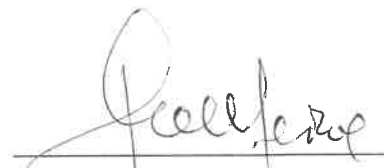
14. That conclusion should not be mistaken for leniency. The conduct was serious and required censure of a real and practical kind. Standards must be set and maintained. Parents, entrants and representatives bear a particular responsibility in this regard. They are not merely partisans of a competitor; they are participants in the regulatory environment of the sport and, especially where younger competitors are concerned, examples to those who compete within it. If they transgress the standards of respectful engagement required by that environment, sanction must follow. But the sanction must, so far as the rules permit, be directed at the person whose conduct generated the breach.
15. That, in our view, is the proper course here. The fitting response is to substitute for the sanction imposed upon Christopher a sanction directed personally at Llewellyn Tait. Such a sanction must be sufficiently serious to mark the impropriety of the conduct, to vindicate the authority of officials, and to deter repetition. At the same time, it should avoid imposing undue prejudice upon the minor competitor whose participation ought not to be the principal casualty of the adult's misconduct.
16. We are satisfied that a severe reprimand, a written apology, and a substantial defined period during which Llewellyn Tait may neither act in a representative capacity nor enter restricted competition areas under MSA control meet those requirements. Such a sanction is neither nominal nor merely symbolic. It is practical, targeted and proportionate. It sets a proper standard for conduct at MSA events while ensuring that responsibility rests where responsibility properly lies.

17. For completeness, we record that nothing placed before this Court warrants interference with the separate protest outcome recorded under FIN-002 / PEN-009. That matter rests on its own footing and remains undisturbed.
18. It is necessary to add a word concerning COE 1278. The prior suspended sanction recorded under COE 1278 does not fall to be set aside, varied or otherwise disturbed by this judgment. This appeal is directed to the misconduct sanction imposed under FIN-003 / PEN-010 and the proportionality of that sanction as visited upon Christopher Tait. Nothing in this judgment is to be understood as expunging, nullifying or altering the prior suspended sanction recorded under COE 1278, which remains extant according to its own terms and operation. This Court makes no order in relation to that prior suspended sanction beyond clarifying that it is not set aside or disturbed herein.
19. In the result, the appeal succeeds in part. The misconduct finding is upheld in substance to the extent that this Court finds that Llewellyn Tait engaged in improper and prejudicial verbal conduct falling within GCR 172(iv) and GCR 172(vi). The sanctions imposed upon Christopher Tait under PEN-010 are set aside. They are replaced with a sanction directed at Llewellyn Tait.
20. The following order is made:
 - a. The appeal against the sanction imposed under FIN-003 / PEN-010 succeeds.
 - b. It is declared that the misconduct established on the record consists of improper and prejudicial verbal conduct by Llewellyn Tait, falling within GCR 172(iv) and GCR 172(vi).
 - c. The sanctions imposed upon Christopher Tait under PEN-010, namely his exclusion from Round 5 and his preclusion from Round 6, are set aside.

- d. For the avoidance of doubt, the prior suspended sanction recorded under COE 1278 is not set aside, varied or otherwise disturbed by this judgment.
- e. In substitution for the sanction imposed below, the following sanction is imposed upon Llewellyn Tait:
 - i. He is severely reprimanded.
 - ii. He shall deliver a written apology to the Clerk of the Course, the Stewards and Motorsport South Africa within seven days of this judgment.
 - iii. He is prohibited, for a period of 21 months from the date of this judgment, from acting as a competitor representative or entrant representative at any MSA-sanctioned event.
 - iv. He is prohibited, for the same period, from entering any restricted competition area under MSA control at any MSA-sanctioned event, save with the prior written permission of Motorsport South Africa.
 - v. During the period referred to in the paragraph above, any engagement with officials relating to Christopher Tait's participation at MSA-sanctioned events shall be conducted through another properly nominated adult representative.
 - vi. The outcome recorded under FIN-002 / PEN-009 remains undisturbed.

21. This is the unanimous judgment of the Court.

SIGNED AT PRACTICE ON THIS 5th DAY OF OCTOBER 2026.



Jacques van der Merwe
Court President