



# **MOTORSPORT SOUTH AFRICA NPC**

Reg. No 1995/005605/08

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**FINDING OF COURT OF ENQUIRY 1080 HELD TO INVESTIGATE THE INCIDENT INVOLVING COMPETITORS RAS AND BRYDGES IN WHICH IT WAS ALLEDGED THAT COMPETITOR BRYDGES JUMPED ON A YELLOW FLAG. THE COURT WAS FURTHER EMPOWERED TO INVESTIGATE AMONGST OTHER THINGS THE ACTION OF THE STEWARDS IN RESPECT OF THE VARIOUS HEARINGS CONVENED ON THE DAY. THE INCIDENT TOOK PLACE ON THE 7<sup>TH</sup> AUGUST 2011 AT THE 2011 UTC SUPERMOTO NATIONAL CHAMPIONSHIPS, AT THE BORDER KARTING CLUB.**

**COURT HELD ON 8<sup>TH</sup> SEPTEMBER 2011 AT THE MSA OFFICE, KYALAMI BUSINESS PARK AT 16H30.**

**PRESENT:**

CHRISTO RHEEDERS  
WALLY PAPPAS  
ELZA THIART  
MARCO RAS  
MARINUS RAS  
GLEN BRYDGES

COURT PRESIDENT  
COURT MEMBER  
COURT MEMBER  
COMPETITOR  
COMPETITOR RAS'S FATHER  
COMPETITOR BRYDGES'S FATHER

The Court President introduced the Court members and there being no objection, the Court proceeded.

The Court was tasked with investigating the events surrounding the penalty imposed on Competitor Brydges at the East London National Supermoto event, in which he was penalised for jumping on a yellow flag. In essence, the Court was required to investigate the incident, the imposition of the penalty by the COC, the subsequent protest hearing, a further protest hearing from a competitor Ras, and the final appeal lodged by Competitor Brydges.

At the outset, the Court permitted evidence from the father of competitor Brydges. The evidence presented was to be considered in conjunction with video evidence of the alleged incident. Mr Brydges on behalf of his minor son, who was not present, provided the Court with a fairly detailed version of what he thought had transpired on the day. The evidence was poorly constructed and was often if not at all times in direct conflict with the video evidence. The Court allowed the evidence, and further allowed Mr Brydges sufficient time to persuade the Court that his evidence in chief should override the very clear video evidence.

Evidence was also led by Competitor Ras's father representing his minor son. This evidence was wholly consistent with the evidence the Court was able to view from the video evidence.

Interestingly in cross examination, Mr Brydges suggested that the marshal was in the incorrect position and that Competitor Ras must also have been unable to see the marshal, as had been the case with his son. This was denied by Competitor Ras who testified he had not only been in the lead, but had seen the Marshall, had sufficient time to slow down, sufficient time to ride over the jump and that in doing what was required by the rules, effectively disadvantaged when competitor Brydges in second place had taken advantage under the yellow flag. This fundamental piece of evidence remained unchallenged. It was further pointed out that the incident took place on the 5<sup>th</sup> or 6<sup>th</sup> lap of the race, making it highly improbable that riders would by then have been unaware of



where marshals were standing. The video evidence was so produced that the waving yellow flag was in fact visible from a significant distance before the jump and any suggestion that it would only have been visible at the last minute or even less likely obscured is easily argued away by the video footage. The fact that Brydges was the closest rider to the marshal and Ras the furthest away when taking the jump, did little to convince the Court that Brydges was in anything but the best position to see the marshal who was standing to his left.

The video evidence of the incident in which competitor Brydges disregarded a waved yellow flag was so obvious, that the Court in assessing the offence seriously contemplated whether the penalty imposed by the COC should not have been increased. The fact that the flag was waved as a result of a fallen rider simply aggravates the situation. In the end however, the Court found that the decision of the Clerk of the Course by placing competitor Brydges back one place was not only consistent, but correct with the interpretation of the rule as set out in SSR 129, however the penalty in the view of the Court was not severe enough.

The Court heard evidence of a number of concerning aspects related to the procedures followed on the day. It appeared that the COC did not conduct any form of hearing with the rider. The evidence suggested that the COC most likely relied on the showing of a black flag with a board displaying the rider's number, after which a penalty was imposed. The Court questioned whether the provisions of GCR 175 required a hearing irrespective of the showing of the penalty board. Equally concerning was the evidence presented that advice had been provided to competitors on what steps to follow by the COC and Stewards. The provisions of GCR 152(Note) make it clear that advice should not be given. It is further noted that SSR 129 allows the COC certain discretion. This in itself makes the holding of a hearing a necessity, as the simple fact is that evidence may well sway the severity of the penalty.

The very nature of the first protest submitted by Competitor Brydges against the decision of the COC, required at the very least the inclusion of evidence from Competitor Ras, the competitor affected by the incident involving the yellow flag. Brydges on his evidence alone was reinstated and the penalty dropped.

Evidence presented by Ras suggested he was never called to the hearing and that on enquiry was informed it was unnecessary for him to have given evidence. This cannot possibly be correct as his evidence would have had a direct impact on the hearing. This simple fact is evidenced by the second protest submitted by Ras against the changes made to the points. At this hearing, essentially the same as the first protest submitted by Brydges, the Stewards investigated all the same elements again. This time however, evidence was led by Ras, resulting in the Stewards changing their findings to penalise Brydges again.

#### **FINDINGS:**

1. That the evidence of Mr Brydges be rejected as not only improbable but simply incorrect in relation to the video evidence presented.
2. That the penalty as imposed by the Clerk of the Course in placing Competitor Ras ahead of Competitor Brydges be confirmed.
3. That a fine of R5000-00 be imposed on Competitor Brydges for failing to comply with the provisions of SSR 117.
4. The Court can find no justification for the poor conduct of the Stewards. In this regard then, the Stewards are severely reprimanded.
5. That the Court notes the particular ambiguity of SSR 129, but finds that the COC in future make every effort to hold a hearing before the imposition of a penalty.

Further costs are not awarded.

Findings not read at the court, but distributed on the 13<sup>th</sup> September 2011