



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort. P.O. Box 6677, Weltevreden, 1715
e-mail: allison@motorsport.co.za Telephone (011) 675 2220 Fax: (011) 675 2219, National Number: 0861 MSA MSA (0861 672 672)

MSA COURTS OF APPEAL 419 and 420

HEARING HELD IN THE MSA BOARDROOM AT 17H30 ON 08th JUNE 2015

Present:	Darryn Lobb	-	Court President
	Eldrid Diedricks	-	Court Member
	Alan Kernick	-	Court Member
	Brent Harran	-	Competitor
	Neil Harran	-	Representative of Brent Harran
	Gilbert Parsons	-	Representative of ETR Yamaha
	Andy Parsons	-	Representative of ETR Yamaha
	Lance Isaacs	-	Competitor (Black Swan BMW)
	John Cowley	-	Representative of Black Swan BMW
	Dick Shuttle	-	Series CoC
	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

INTRODUCTION

The court members and attendees were introduced and no objections were raised against the composition of the court.

The court further asked if there were any objections to the two appeals (COA 419 ETR Yamaha and COA 420 Black Swan BMW) being heard simultaneously as both related to the same matter, albeit that each appellant was seeking a different outcome. No objections were lodged in this regard.

THE HEARING

The appeals arose out of the stewards' findings on a protest received from the ETR Yamaha team at round 3 of the SuperGP championship held at Killarney on 17th May 2015, in connection with an incident whereby a medical vehicle had proceeded onto the circuit during race 1 and interfered with the race proceedings.

FINDINGS

The court heard that the stewards, after receiving a protest from the Yamaha team, had ruled that the race should have been red flagged when the medical vehicle went onto the circuit. In the circumstances, they had ordered that the race result should be declared as at the completion of lap 11 of the race.

The essence of the appeal from the ETR Yamaha team (COA 419) was that, while agreeing with the stewards' view that the race should have been red-flagged due to the presence of a medical vehicle on circuit, the stewards erred in declaring the race result as at the end of lap 11. ETR Yamaha contended in its appeal that the race result should have been declared as at the end of lap 12 as this was actually the last lap on which all competitors had competed on an equal footing, the medical vehicle having entered onto the circuit after the leaders had started lap 13 and passed the point where the medical vehicle had entered the circuit behind them.

MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA



Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, M. Rowe, Ms N. Singh, T. Sipuka – Hon. Presidents: T. Kilburn, Mrs. B. Schoeman

The essence of the appeal from the Black Swan BMW team (COA 420) was that the stewards had erred in declaring a race result on a shortened race distance and should in fact have dismissed the protest and declared the race result on the full race distance run. To support this view, the Black Swan team stated in its appeal that the regulations make provision for the use of white flags when there is a slow moving vehicle on circuit and the clerk of the course (CoC) had therefore not ordered the race to be red-flagged.

The CoC was questioned as to why he had called for the medical vehicle to enter the circuit. He advised that he had not in fact called for the medical vehicle to be deployed. This call had come from the person in Race Control, without consultation with, or approval from, either the CoC or the Race Director.

The court also heard evidence from Neil Harran, representing Brent Harran, who stated that he was of the view that the stewards had in fact ruled correctly in declaring the race results as at the end of lap 11.

The court, after careful deliberation, finds as follows:

1. Having an outside vehicle, be it medical or otherwise, on a circuit at the same time as a motorcycle race is dangerous in the extreme.
2. The operator in Race Control erred in unilaterally ordering the medical vehicle to be deployed without following due process.
3. In the circumstances, the CoC would have been correct to have immediately called for the race to be red-flagged.
4. Had the CoC called for the race to be red-flagged, the race would most certainly have been halted when the leaders were on lap 13 and, as such, the race result would correctly have been declared as at the end of lap 12.
5. As the court is of the view that the race should have been red-flagged immediately the medical vehicle joined the circuit, the race result is to be declared as at the end lap 12.
6. The appeal of the ETR Yamaha team therefore succeeds and the appeal fee, less R500 for administrative costs as per clause 13 of Appendix R, is to be returned to this appellant.
7. The appeal of the Black Swan BMW team is partially successful in that the decision of the stewards is amended but this appellant's desired outcome (that the race results be declared on full race distance) is not achieved. This appellant's appeal fee, less R1000 for administrative costs as per clause 13 of Appendix R, is to be returned.

All parties are reminded of their rights in terms of GCR 212 B).

These findings were distributed at 14:30 on the 23.06.2015