



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1111 ENQUIRY TO INVESTIGATE VARIOUS ASPECTS OF THE RKC KARTING REGIONAL EVENT HELD ON 20<sup>th</sup> APRIL 2013. HEARING HELD IN THE MSA BOARDROOM AT 18:00 ON 06<sup>th</sup> MAY 2013.



<b>Present:</b>	Glenn Rowden	-	Court President
	Wally Pappas	-	Court Member
	Dick Shuttle	-	Court Member
	Peter Lanz	-	Witness
	Wayne Robertson	-	NRKC Chairman
	Alasdair Murray	-	Scrutineer
	Kevin de Wit	-	MSA Steward
	Allan Bouw	-	NR Cadet Class Representative
	Maurice Rosenberg	-	Technical Consultant
	Garth Waberski	-	Parent of Jarrod Waberski
	Andrew Eva	-	Scrutineer
	Laurance Jones	-	125GP Competitor
	Allison Atkinson	-	MSA – Court Scribe

The Court President introduced himself and the other court members. There were no objections to the composition of the court.

### Hearing

Noted that the Clerk of Course, Mr Eldrid Diedericks, had tendered his apologies and informed the court scribe that he would not be able to attend the hearing.

The court takes exception to the non-attendance of the Club Steward, Mrs. Vanessa Wood, as reminders were sent out to all parties. Her excuse that she “forgot” is not acceptable.

The court afforded Mr. Bouw an opportunity to address it on the alleged contravention as a result of the Cadet class running non-specified tyres.

The court then heard from all the witnesses present.

The court considered the evidence of the aforementioned witnesses.

In considering the elements and evidence, the court takes cognisance of the provisions of GCR 211 and GCR 220.

### Findings:

It is clear from the evidence that all five Cadet karting competitors as well as three additional competitors from other classes competed on Bridgestone tyres, rather than the stipulated Mojo wet weather tyres, at the karting event which took place on the 20<sup>th</sup> April 2013. No prior permission was obtained from MSA or the Karting Commission to run the Bridgestone tyres as per Karting Regulations Article 23.2 (ii). The weather conditions on the day and the refusal of the importer to fetch additional tyres created a “force majeure” situation. The court members have subsequently satisfied themselves that there are currently sufficient stocks but cannot



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Directors: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. Doig, J. du Toit, M. du Toit, P. du Toit, D. Lobb, N. McCann, C. Pienaar, B. Sipuka, D. Somerset, L. Steyn – Hon. Presidents : T. Kilburn, Mrs. B. Schoeman

confirm the position on the day. In view of the “force majeure” situation, Article 23.2 B note ii) of the Karting regulations would apply - “Force majeure and/or extraordinary circumstances (e.g. unavailability of a specified make or compound of tyre) will also allow MSA Karting Commission or the organisers to make changes to this regulation by issuing a final notice in this regard.” The publication of such bulletin would have prevented the current situation. The Stewards should make themselves fully *au fait* with the Karting Regulations.

The court heard evidence from Mr. Rosenberg that he was not informed that he was the appointed TC for the event. He only heard on the Thursday prior to the event from a client that he was the appointed TC for the event. He then contacted Mrs. Wood to inform her that he would arrive late on the day of the event. It was further confirmed that no alternative arrangements were made for the other appointed scrutineers to mark the tyres. Mrs. Wood had doubled up on her duties as Club Steward and event organizer. The Court therefore finds that Mrs. Wood cannot be appointed in an official capacity if she is the event Organiser. The Court hereby reprimands Mrs. Wood for her actions and withdraws her Stewards licence for a period of six months, of which three months is suspended for a period of two years .

The Court takes exception to the written submission sent in by Mr. Ed Murray. The actions of Mr. Murray are viewed in a very dim light by the Court. As a tyre supplier it is his duty to supply sufficient tyres. Under the circumstances, the court is of the view that it would be unfair to penalize the competitors too harshly for using the incorrect tyres and would re-instate them were this not to the disadvantage of all other competitors who complied. Accordingly the penalties stand but the organizers are directed to refund 50% of the entry fee to these competitors. The status of the event could also be scrapped but this would impact negatively on all competitors and as such this avenue is not considered.

The Court finds that the Clerk of Course and MSA Stewards’ decisions on the day of the event to have been incorrect. The MSA Steward is reprimanded in this regard and advised to familiarize himself with the GCR handbook and Karting Regulations of 2013. The court finds that the Clerk of the Course was in dereliction of his duties by not holding hearings with the excluded competitors nor getting them to sign receipt of the written penalties and withdraws his Clerk of the Course licence for a period of six months, of which three months is suspended for a period of two years.

MSA is hereby further directed not to issue NRKC and RKC karting clubs with a permit unless the Northern Regions committee appoints the Clerk of Course, MSA Steward and Technical Consultant for all Regional Karting events for the remainder of the 2013 season.

No order is made as to costs.

All parties are reminded of their rights of appeal to the MSA National Court of Appeal.

Findings were distributed via email on the 10<sup>th</sup> May 2013 at 10:00am.

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