



# MOTORSPORT SOUTH AFRICA

Association incorporated under section 21  
Reg. No. 1995/05605/08

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## MSA COURT OF ENQUIRY 1064

**ENQUIRY INTO THE ALLEGED CONTRAVENTION OF SSR 318 A (vii) BY MR. LANCE TRETHERWEY, MR. MARCUS TAYLOR, MR WARREN CONFAIT, MR CARL WIGGMAN AND MR. DEREK KEITH. HEARING HELD IN THE MSA REGIONAL KZN OFFICE ON THE 17<sup>th</sup> MARCH 2011 AT 15H00**

<b>Present</b>	:	Neil McCann	-	Court President
		Julian Lurie	-	Court Member
		Andrew Fleming	-	Court Member
		Leigh Dewar	-	Scribe
		Richard Vaughn	-	MSA Steward
		Lance Trethewey	-	Competitor
		Rob Spencer	-	Chief Scrutineer
		Carl Wiggman	-	Competitor
		Derek Keith	-	Competitor
<b>Absent with apology:</b>		Dave Hohls	-	Clerk of Course
		Marcus Taylor	-	Competitor
		Warren Confait	-	Competitor

The President introduced himself and the Court Members. There were no objections to the composition of the Court.

The Court held the view that the competitors should be afforded the opportunity of addressing the Court on the alleged Contravention of SSR 318 A (vii)

The Court was informed that the Clerk of the Course Dave Hohls had tendered his apologies and informed the Court Scribe that he would not be attending the hearing. The Court was presented with statements from the Clerk of Course.

The Court considered the evidence, by Mr. Lance Trethewey, Mr. Carl Wichman, Mr. Derek Keith, Mr. Marcus Taylor, Mr Richard Vaughn and Mr, Dave Hohls. In considering the elements and evidence, the Court takes cognisance of the provisions of GCR 211 and GCR 220.

### Findings:

The Court after having heard the evidence and the submissions finds that on the evidence presented, 26 out of 29 competitors stopped at the Marshal point to have their Route Cards ticked off. It was further confirmed that a stop sign at the point was displayed and that all competitors were informed and reminded of the requirement to stop and have their route cards ticked at the drivers briefing earlier in the day.

The provision of SSR 318 A (vii) a is not discretionary. In this regard the Court refers back to the highlighted duties in SSR 318 A which make the imposition of a penalty as indicated mandatory.



It is the view of the Court that the Clerk of the Course was not empowered to reduce the mandatory penalty and accordingly the Court imposes a sixty minute (60) penalty on Competitors Mr. Lance Trethewey, Mr. Carl Wiggman, Mr. Derek Keith, Mr. Marcus Taylor and Mr. Warren Confait as prescribed in SSR 318 (vii) a.

The Court in assessing the duties and responsibilities of the Clerk of Course finds that he failed to exercise his duties as required in terms of GCR 156.

The Court severally reprimands the Clerk of the Course and suspends his licence for a period of six (6) months. Mr. Hohls is hereby requested to hand over his official's card to MSA. The suspension is to run from the date of the publication of these findings up to and including 22<sup>nd</sup> September 2011.

The club NORMC is hereby requested to change the scores accordingly and re-submit to MSA.

These findings were read at the Court Of Enquiry 1064

**All parties are advised of their rights to appeal to a MSA Court of Appeal**

These findings were distributed at 14h00 on March 22, 2011

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