



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1153

HEARING HELD IN THE MSA BOARDROOM ON 12th AUGUST 2015 AT 18H00

Present:	Darryn Lobb	-	Court President
	Dick Shuttle	-	Court Member
	Paddy Venske	-	Court Member
	Schultz Swanepoel	-	Clerk of Course
	Marlene Swanepoel	-	Assistant Clerk of Course
	Terry Stidworthy	-	MSA Steward
	Corrie Taljaard	-	Competitor
	Jacques Taljaard	-	Competitor
	Kevin Hepburn	-	Inex Legends Representative
In Attendance:	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

INTRODUCTION

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

THE HEARING

The court of enquiry, convened in terms of GCRs 154 and 211, arose from an incident which occurred during the Inex Legends race (final race of the day) at Zwartkops on 25th July 2015, where a competitor lost control of his vehicle and made contact with the Pace Car of the day, which was parked just off the circuit.

THE FINDINGS

The court found that, on the first lap of the final race of the day, competitor Jacques Taljaard (car #8), lost control of his vehicle exiting Turn 7, spinning to the left hand side of the circuit. His vehicle made significant contact with the Zwartkops Pace Car, which was stationed on the grass verge in line with the entry to the pit lane.

A number of discussion points were raised during the enquiry, details of which are raised below in no particular order:

Possible contact between Car #2 and Car #8

It was unanimously agreed, through discussion, witness accounts, and video footage, that Car #8 did not make contact with any other competitors through Turn 7. As a result, the court did not require any information from Car #2.

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

Honorary Presidents – Mrs B Schoeman, T Kilburn

Pace Car Procedure

The court was informed that Zwartkops has implemented its own particular pace car procedure, going back a number of years. This procedure, as per the COC of the day, is as follows:

“The Pace Car pulls of at pit entrance for a rolling start, in case of a first lap incident. It stops next to the Armco approximately 50 metres from pit entrance, next to the Armco, around 6 metres from the edge of the circuit, on the grass. This enables it to catch the leader if a safety car is required before the start of the second lap.”

It was made clear to all present during the enquiry that this procedure does not comply with the provisions of the ‘white book’. SSR 39 D ii) clearly states: *“The pace car must leave the circuit via the pit entrance road....”*. No evidence was made available to the court that Zwartkops had been granted dispensation by MSA to run a different Pace Car procedure to that stipulated.

From further discussions with the COC, it became evident that the primary motivation behind the implementation of this alternative Pace Car procedure, was to take away the need for the Pace Car (which doubles as the Safety Car) to race down pit lane in the event of a first lap incident requiring a Safety Car intervention. As Zwartkops allows open access to both the pit lane and pit wall at all times of the day, the risks associated with a pace car hurrying down the pit lane are self-evident.

While the court cannot reasonably fault the COC for simply following a process that had been in place for many years at Zwartkops, this does not make the process right. Zwartkops should follow the rules applicable to all circuits, or if an alternative process is thought to offer a better solution, actively engage with MSA to obtain formal approval for an alternative system to be used. Any such alternative system will logically need to offer a safer way of doing things than the procedures already stipulated by MSA.

Yellow Flags

Concerns were raised during the enquiry as to whether yellow flags were waved at the two marshal posts preceding the incident, and specifically the post preceding Turn 7. However, upon review of onboard video footage during the race in question, it became clear that yellow flags were in fact waved at the two preceding marshal points.

Turn 7 Marshal Point

The court recommends that Zwartkops review the positioning of the Turn 7 marshal post. Through discussions with drivers, and viewing video footage, it appears to the court that the Turn 7 marshal post is not easily visible to competitors. The marshal post appears to be out of a driver’s line of site, and in addition, it appears to be positioned too far into Turn 7 to give a driver sufficient time to react to an incident, particularly one of the magnitude of this incident.

Decision not to red flag the race

The court is of the opinion, after reviewing photographic evidence, video footage and hearing witness accounts, that the race should have been red-flagged immediately or, at the very least, been the subject of a Safety Car intervention until the accident scene could be properly cleared. The latter option was however not one available to the officials as both the Safety and Medical cars were involved at the accident scene). In the circumstances, the red-flagging of the race would, in the court’s view, have been the only correct course of action.

It was immediately evident that both the occupants of the Pace Car, as well as the driver of Car #8, were injured. The immediate priority would naturally have been to attend to the injured parties before turning to the removal of the damaged vehicles from the accident scene. In fact, individuals (medical and other) remained at the scene until the end of lap 5, as was evident from video footage submitted.

Further to this, both video footage and photographic evidence presented to the court showed that a portion of the Pace Car remained on the race track in its resting position after the contact occurred (the relevant portion of the pit lane being deemed to form part of the race track).

The court believes that any competitor losing control in the same corner, would likely have arrived at the scene in very similar fashion to that of Car #8's incident, with potentially fatal consequences, on any of the 5 laps where individuals remained at the scene of the accident.

Considering some of the incidents that have occurred at international level in the recent past, it is unacceptable that a competing vehicle makes contact with any type of non-competition vehicle within the confines of the circuit and, even more so, that a race is allowed to continue at racing speed, in the knowledge that a live accident scene is still in the process of being attended to.

The court is therefore of the opinion that the COC erred in his assessment of the situation, particularly with regard to the safety of the competitors and officials involved.

Removal of damaged vehicles

The COC was unable to provide the court with a satisfactory explanation as to why the damaged vehicles were not removed from the accident scene, as soon as the injured parties had been safely evacuated from the scene. The court believes the decision not to remove the damaged vehicles from the scene to have been incorrect, bearing in mind their position and aggravated by the fact that a race was carrying on unabated around them.

The court agreed that a car losing control in Turn 7 would, more often than not, spin to the left of the track (as car #8 did), and as such, the two damaged vehicles remained 'in the firing line' of any similar incident occurring during the remainder of the race.

The court also questions the decision to leave the cars on the circuit in light of the fact that the incident occurred during the last race of the day, with less time pressures than would maybe have applied had it occurred earlier in the day.

The court wishes to remind all promoters, circuit owners and officials that, irrespective of the time of the day and the constraints of a race programme, all decisions should always be made with a 'safety first' approach.

Timing System

It was brought to the court's attention that, as per the race results, car #8 was not shown as a starter of the race, as he did not complete the first race lap. The court found that all cars being shown the green flag/light should in fact be highlighted as starting the race, irrespective of whether or not they cross the line at the end of the first full racing lap. The court therefore directs Zwartkops to liaise directly with their timing system supplier to have this anomaly corrected as a matter of urgency, preferably prior to the next event.

Court findings

The court finds the decisions and/or the inaction of the COC, to have created, and allowed to continue, a potentially hugely dangerous scenario. In the circumstances, the court finds that Mr Swanepoel's clerk of the course licence should be withdrawn permanently should he be found guilty of failing to pay sufficient attention to reasonable safety concerns during motorsport events at which he officiates during the period between the publication of these findings and the end of December 2017.

The court orders Mr Swanepoel to pay court costs in the amount of R750-00.

All parties are advised of their rights of appeal to the National Court of Appeal subject to a successful application in terms of the provisions of GCR 212 B.

These findings distributed at 13:45 on 27th October 2015

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