



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1103

COURT OF ENQUIRY HELD INTO THE ALLEGED CONDUCT OF OFFICIALS, COMPETITORS, AS WELL AS THE HANDLING OF THE FINAL RESULTS AT THE 6TH ROUND OF THE EP SPECIAL STAGE RALLY CHAMPIONSHIP, HOSTED BY ALGOA MOTORSPORT CLUB-RALLY DIVISION, THE HEARING HELD AT 18H30 ON MONDAY 26TH NOVEMBER 2012 AT ALDO SCRIBANTE RACEWAY, CONTROL TOWER, FIRST FLOOR.

PRESENT:

Sparky Bright	–	Court President
Elton Gilmer	–	Court Member
Eric Schultz	–	Court Member
Tubby Bennett	–	MSA Steward
Sam van den Berg	–	Clerk of the Course
Chris Shinn	–	Chairman of Informal Meeting held 13 November 2012 and Chairman of EP Regional Committee
Alistair Pringle	–	Scrutineer and Witness
Sarel van der Walt	–	Father Car 508 and Witness
Jouwert van der Walt	–	Driver Car 508
Andries Beyers	–	Navigator Car 508
Neville Bartle	–	Father Competitor 509 and Witness
Ross Bartle	–	Driver Car 509
Rikus Fourie	–	Navigator Car 509
Joe Fourie	–	Member of Rally Commission and Observer
June Scott	–	Event Secretary
Martie Fourie	–	Scorer
Joan Shinn	–	Scribe

PROCEEDINGS:

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

After having heard the evidence presented, the court records the following:

1. **Clerk of the Course (COC)**
 - a. The COC informed the court of the various happenings that took place during the Fountain Mall Event.
 - b. The COC submitted a written document along with his verbal explanations.
2. **Competitor 508**
 - a. Competitors (both Driver & Co-Driver) of car 508 gave their versions of what had transpired on the day. They acknowledged that they had fetched tools from the service van outside of a service area after Stage 2.
 - b. Competitors (both Driver & Co-Driver) of car 508 gave their versions of what had transpired when exiting the service park and their checking in for the start of Stage 9.



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- c. Competitors of 508 (both Driver & Co- Driver) then also gave their versions on how the results were published/displayed to the competitors as well as the verbal instructions/advice that they received from the COC and MSA Steward of the event.
- d. Competitor (Driver) of car 508 gave evidence as to the alleged outbursts of his father at the MacDonald's Restaurant that was used as the Race Control/Office, as well as the outbursts of the father of competitor 509.

3. Competitor 509

- a. Competitors (both Driver & Co- Driver) of car 509 gave evidence with regard to what had transpired with competitor 508 exiting the service park and their checking in for the start of Stage 9.
- b. Competitors (both Driver & Co- Driver) of car 509 gave their versions regarding how the results were published/displayed to the competitors and also the verbal instructions/advice received from the COC of the event.
- c. Competitor (Driver) of car 509 gave evidence regarding the alleged outbursts of his father at the prize giving venue.

4. MSA Steward

- a. The MSA Steward was questioned with regard to his involvement in the running of the event and advice he allegedly gave to the competitors.
- b. The MSA Steward submitted a written document to the court in connection with what he had witnessed of both Messrs. Bartle & van der Walt Snr's outburst/behavior when they saw the results of the event.

5. Race Secretary

- a. The Court questioned the Race Secretary on various issues with regards to the completed MSA reports.

6. Chief Scorer

- a. The Chief Scorer was asked to lead evidence on the results and instructions given to her by the CofC and the MSA Steward.

FINDINGS:

Based on the above, the court makes the following findings:

The Court, in coming to its findings, is cognisant of the fact that Motorsport competitors enter into a contract by which they agree to be bound by the rules of the sport. It follows that, by operating outside of this framework, a breach of contract exists. Competitors are reminded of the provisions of SSR 193 (5.3) of the 2012 MSA Handbook (Non-Circuit Cars).

1. The results posted at 16h25 on the day of the event, which included the 20 minute penalty issued to competitor 508, are deemed to be correct and remain as is. The organisers are hereby instructed to supply these results and amend the results with regards to any penalties issued below. These results are to be submitted to MSA within 48 hours of these findings being issued. (Refer GCR 276)
2. The Club is hereby instructed to ensure that they have the required quantity of officials and that they are competent to carry out their required duties. Point 3 below is also relevant to these instructions as well as the GUIDELINE Document attached.

The Chief Scorer is commended on producing a result (correct or incorrect) in the time that she did, amid the difficulties in doing so with what was submitted to her.

3. Among other GCR's and SSR's, the non-compliance of SSR 193 19.17 by the Organisers regarding "0" and "00" cars, can cause a MAJOR safety risk to the competitors and the repercussions of this to ALL involved, including MSA, can and could have been devastating.



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4. The Organisers are hereby fined an amount of R10,000 for not complying with the requirements of MSA under the relevant GCR's and SSR's with regard to the running of events. The aforementioned penalty is however suspended until the 31 December 2014 and will only come into effect should the Organisers be found guilty of not complying with the "RULES of the GAME" in the intervening period.
5. The COC is found to have erred in respect of various areas of the relevant GCRs and SSRs pertaining to events and rallying. (Refer GCR 276, GCR 175 and GCR 156(viii)).
6. The MSA Steward is found to have contravened GCR151 (iv, vi), GCR152 (xvi) and GCR 152 (NOTE). Mr. Tubby Bennet may accordingly not act as a MSA Steward at any motorsport event until the 31 June 2013. He is further instructed to re-acquaint himself with the rules pertaining to Stewards duties as per the GCR Handbook.
7. Mr. Sarel van der Walt Senior's challenging of the COC's decision to issue a 20 minute penalty on a public forum, is a breach of GCR 172 (iv), as there are clear cut protocols laid out in the GCR's on how to challenge such decisions, which were not followed by the competitor.
8. Mr. Neville Bartle's challenging of the COC's decision on the signed-off results on a public forum is a breach of GCR 172 (iv), as there are clear cut protocols laid out in the GCR's on how to challenge such decisions, which were not followed by the competitor.
9. Competitor 508 is found to have contravened SSR 193 (18.6.3) and SSR 193 (12) of the 2012 MSA Rallying Regulations.
10. Competitor 509 is found not to have complied with GCR 200(viii) regarding protests.
11. The COC's licence is downgraded to "C" grade status as per GCR 168(g) and he needs to officiate under the guidance of "A" or "B" Grade COC's Mr. Keith Coleman, Mr. Joe Fourie or Mr. Rikus Fourie for a period of 7 months ending on the 30 June 2013, at which time the above-mentioned officials would need to submit a written report to MSA on the ability of Mr. Sam van den Berg's readiness to take charge of an event on his own at a Regional level.
12. With regards to point 7 above, Jouwert van der Walt's MSA competition licence for ALL categories of Motorsport is suspended for a period of 6 months for contravention of GCR 172 (iv) and SSR 188 (k) of the 2012 MSA Rally Regulations. This penalty is however suspended until the end of 2014, and will only come into effect if competitor van der Walt is found guilty of a contravention in terms of GCR 172 (iv) during the intervening period.
13. With regards to point 8 above, Ross Bartle's MSA competition licence for ALL categories of Motorsport is suspended for a period of 6 months for contravention of GCR 172 (iv) and SSR 188 (k) of the 2012 MSA Rally Regulations. This sentence is however suspended until the end of 2014, and will only come into effect if competitor Bartle is found guilty of a contravention in terms of GCR 172 (iv) during the intervening period.
14. Competitors Ross Bartle and Jouwert van der Walt, as well as the AMSC Rally Division (Club) are ordered to pay costs in connection with this hearing in the amount of R500 each. Said costs are to be paid to MSA within 7 days of these findings being issued.

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

Finding issued on the 6th December 2012



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