



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1122

FORMAL ENQUIRY HELD INTO THE ACCIDENT THAT OCCURRED DURING THE 2013 SA NATIONAL RALLY CHAMPIONSHIP (GARDEN ROUTE RALLY) ON THE 15TH NOVEMBER 2013, INVOLVING COMPETITORS OF CAR #71 AND CAR #548

held in the MSA Boardroom at 18h00 on 14th January 2014

Present:

Wayne Riddell	-	Court President
Wally Pappas	-	Court Member
Dick Schuttle	-	Court Member
Joe Fourie	-	Clerk of Course
Willie du Plessis	-	MSA Steward
Clint Weston	-	Competitor (Driver Car #71)
Christoff Snyders	-	Competitor (Co-Driver Car #71)
Neels Vosloo	-	Competitor (Driver Car #548)
Karin Britton	-	MSA Sport Coordinator/Scribe

Absent with apology:

Kevin Futcher	-	Competitor (Co-Driver Car #548)
Keith Coleman	-	Witness
Andy Haig-Smith	-	Witness
Charl van Jaarsveld	-	Marshal (Car 0)
Menno Havelaar	-	Marshal (Car 0)

A. Proceedings:

1. The court president introduced himself and the other court members to those present and asked if there were any objections to the composition of the court. No objections were raised in this regard.
2. The court then informed those present that this court had been called to investigate matters that may or may not have occurred at the Garden Route Rally in November 2013 as requested by the MSA Steward in his close out report for the event in question - GCR 154 (ii) and GCR 211

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



Directors: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. G. 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

3. The court then asked the CoC to tell the court what had transpired at the event in question.
4. The CoC informed the court that he had emphasised the point at drivers briefing regarding the use of open road sections. Once he was informed of the accident, he called for the drivers to appear in front of him on the Friday evening, in line with GCR 175. During the hearing, he found that the competitors had breached Rally SSR's 193.3.3.7. In so far as he was unable to apportion blame to any one competitor, he had imposed a penalty of a verbal warning to each of them. He also informed them that he was handing the matter over to the Stewards and that, if any other evidence surfaced, they would handle the matter going forward.
5. The CoC further advised that he had received a number of verbal reports after the hearing regarding the accident, but that he had informed these people that the matter had now been handed over to the Stewards and that they must now report this to the Stewards directly.
6. At this juncture of the proceedings, competitor Weston, under instruction of his attorney, launched an objection to the court proceeding on the grounds that he felt the matter had been dealt with by the CoC at the event in question.
7. The court president then asked competitor Weston if he felt he carried a working knowledge of the GCRs and its allied regulations relevant to this form of the sport. Competitor Weston acknowledged his knowledge of the mentioned rules. At that point, the court president stated that competitor Weston's objection was noted but that the court would be proceeding.
8. The court then asked if anyone had any objection, rebuttal or cross questioning for the CoC. None were received.
9. The court then moved to the MSA Steward to inform the court of what transpired after the matter was handed over.
10. The MSA Steward reported that he was informed that an accident had taken place on a public road between two rally cars, but that competitor Weston had left the scene of the accident almost immediately after, thus not allowing anyone to take photos, make drawings, document names and record information at the scene. He felt this was in clear breach of the National Road Traffic Act. He was also not even sure if this accident had in fact been reported to the Traffic or Police departments.
11. The Steward also reported that he had received a call from traffic authorities saying they had received too many complaints from the public on the way rally cars had driven on the road that would be closed to competitors the following day. It was felt by the Steward that the accident was not handled properly and that there was at the very least a clear breach of Rally SSR 188. Thus he had called for a court of enquiry.
12. The court then asked if anyone had any objection, rebuttal or cross questioning for the MSA Steward. Competitor Vosloo, although having no objection to what had been said, wanted to add

that he felt that the bigger issue was not that the matter may or may not have been handled properly, but that competitor Weston had in fact left the scene of the accident.

13. The court at this point enquired if either or both the competitors had reported this accident to authorities such as the traffic or police and if they had police case numbers. Both competitors confirmed that they had reported it and both had received case numbers.
14. Competitor Vosloo then informed the court that his navigator had received an injury and that he required medical attention to his neck.
15. The court asked the MSA Steward what surface the road was. He replied that it was a dirt road. The CoC then added that it was a dirt road on private property. This caused some initial concern by the court and they asked for proper clarity on this. The CoC stated that it was a public road that leads to the entrance of the forest road section and that the accident took place on the forest road. It was further stated by the MSA Steward that it was a road that the public had access to and that he himself had gained access to the start of a stage, by making use of this road.
16. Competitor Vosloo stated that when he reported the matter to the Police, they informed him that it was a public road.
17. The court then asked competitor Vosloo for his account of events that took place.
18. He led with a series of drawings. This helped everyone to discuss the situation from the 'same page' in a manner of speaking.
19. At this point, competitor Vosloo informed the court that they were approaching the hairpin corner with a flat tyre they had sustained.
20. He then explained to the court in detail the actual accident and then informed the court that competitor Weston had in fact not climbed out of his car but his navigator had. He then told the court that without any word or questions the navigator got back into the car and left the scene of the accident. It was also noted that the point of impact was on competitor Vosloo's side of the road.
21. At this point, the court president asked competitor Weston if he believed the pictures presented to be those of his car and the car he had made contact with. He confirmed this to be the case.
22. Competitor Vosloo then continued that he believed that competitor Weston is in clear breach of GCR 243 due to his actions of leaving the scene of the accident.
23. Competitor Vosloo further wanted competitor Weston to pay for the repairs to his car.
24. The court then interjected to ask competitor Vosloo what rule he felt applied to cost of repairs to a vehicle to be paid by another party. He was unable to furnish the court with anything in this regard.

25. The court then went on to say that they would not hear a matter regarding payment for repairs to a damaged vehicle, especially on an open road section, and that it wanted to dispel any thought that the court would make any such ruling with regard to the cost of repairs.
26. The court further stated that the members were not traffic / road ordinance specialists and could not and would not make a decision or ruling regarding the accident scene, speeds, speed measuring equipment or accident scene analysis.
27. Competitor Weston then wanted it to be noted that the only statement that has been supplied was by competitor Futchter, who was not present to question, and no other evidence was supplied.
28. The court president then interjected to remind competitor Weston that this was not a civil court but rather an internal enquiry and according to MSA regulations the court was allowed to hear and consider all forms of testimony.
29. Competitor Weston refuted all evidence that competitor Vosloo gave. He claimed he was in full control of the vehicle at all times and that it was competitor Vosloo who in fact was out of control. He claimed he approached a blind tight corner, going slowly. The other vehicle was going sideways towards him in the corner. He could not go left as he was already on the far left of the road and had he gone any further left they would have gone down the mountain side. Based on this, he then turned in to the right hand side in an attempt to pass the on-coming car on the right hand side (inside of the corner) of the road.
30. After the impact competitor Weston claims both he and his navigator got out of the car and walked over to the other vehicle to inspect the damage. Not a word was exchanged between the drivers, no verbal or other communication took place and it was very visibly evident to him that no one had been hurt.
31. Competitor Weston then got back into the vehicle, knowing that no one was injured and started his vehicle, while competitor Vosloo was still standing at the front of his vehicle.
32. They then left the scene, going around the left of the other car, moved off slowly and went to the next control point. They were then called at around 18h00 to appear in front of the CoC to explain what had happened.
33. The court president then asked why no one had said a word at the accident scene, to which none of the competitors answered. The court then asked if it was a fair comment that the court would expect at least one person, who felt they were in the right and had been wronged by the action of the other, not to have raised their voice or even asked the other what they were doing or had done. Both competitors felt it was a fair comment to make and a fair question to ask. Competitor Weston said all he was focused on was getting to the next stage.
34. Competitor Vosloo claims that competitor Weston left before they could ask if everyone was ok.

35. The court then made a call to another witness, Mr Keith Coleman, and placed the phone on open speaker mode for all to hear. The court then asked Mr Coleman to provide his account of what he had seen.
36. He explained to the court how he had allowed competitor Weston to pass him on the road some short distance back. When he arrived at the accident scene moments later he observed the competitor Weston's Citroen leave the scene of the accident. He was asked how many people he saw were out of the vehicles and he replied only 3 people out of the vehicles. No driver of the Citroën.
37. The court then asked if anyone had any objection, rebuttal or cross questioning for Mr Coleman. None were received.
38. The court then asked if anyone had any more questions to ask. Competitor Weston refuted staying in the car after the call to Mr Coleman had been ended.
39. Mr Weston's navigator, competitor Snyders, again supported Mr Weston's testimony, claiming he had 10 years' experience and that he felt competitor Vosloo was out of control at the speed he was travelling at. The court president then enquired if he was a traffic or road ordinance officer or specialist. He acknowledged he was not.
40. Having nothing more to offer the court, the court president then took the opportunity to explain the new MSA appeal procedures for 2014.
41. The court president then closed the court proceedings.

B. The court noted the following during the hearing:

1. The court notes that a "head-on" collision was never disputed by either of the competitors.
2. Competitor Weston at no point refuted the diagrams submitted to the court by competitor Vosloo.
3. Both competitors failed to offer any reasoning as to why there was no verbal interaction between them at the scene of the accident.
4. The court made it clear that due to the lack of any road / traffic ordinance specialists or practitioners, that it was not in a position to make a ruling on matters relating to speed or items relating to the actual scene of the accident, points of impact or the interpretation of the accident scene itself.
5. Further, the court also notes that there are no regulations or rules in place that make reference to, or gives the court latitude to consider, an order for costs relating to restoration of a fellow competitor's equipment that has suffered damages.

C. **The court, after hearing all the evidence submitted, finds and rules as follows:**

1. The court finds that there was substantial evidence that competitor Weston had left the scene of the accident prior to asking or establishing that anyone was injured or taking cognisance of the National Road Traffic Act in relations to Section 61 of the Act (ACCIDENTS AND ACCIDENT REPORTS). This was never denied or refuted by competitors Weston and Snyders.
2. The court finds that competitors Weston and Snyders were in breach of GCR 172 (iv), (vi), (vii) and GCR 243, SSR 188 (a), (c) and (k) as well as SSR 193.11.
3. The court also finds that competitor Vosloo and Futcher, by their own admission, were travelling on a public road with a flat tyre, also failing to take cognisance of the National Road Traffic Act.
4. The court finds that competitor Vosloo and Futcher were in breach of SSR 163 & 193.13.
5. The court sets aside the verbal warning issued to the competitors of both cars by the CoC.
6. The court rules that the crew of car # 71 (competitors Weston & Snyders) is fined an amount of R 5000-00 (Five Thousand Rand) for the breach of regulations as listed.
7. The court rules that the crew of car # 548 (competitors Vosloo & Futcher) is fined an amount of R 1000-00 (One Thousand Rand) for the breach of regulations as listed.
8. Further, the crew of car #71 (competitors Weston & Snyders) is ordered to pay court costs to MSA in respect of this hearing, in the amount of R5000-00 as per GCR 196.

The court further records that MSA has no jurisdiction with regard to damages claims in connection with competition vehicles being operated on public roads and any such claims would need to take the form of a civil suit.

Competitors are reminded of their rights as per GCR 212.

These findings issued by way of email.

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