



# MOTORSPORT SOUTH AFRICA NPC

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## MSA COURT OF ENQUIRY 1148

### FORMAL ENQUIRY INTO AN ACCIDENT THAT OCCURRED ON 17<sup>TH</sup> APRIL 2015 DURING SPECIAL STAGE 8 OF THE 2015 SASOL RALLY, INVOLVING CAR NUMBERS 12 AND 17.

#### HEARING HELD AT MSA HEAD OFFICE AT 18H30 ON 28<sup>TH</sup> JULY 2015.

Present:

Vito Bonafede	-	Court President
Patrick Dunseith	-	Court Member
Greg Higgins	-	Court Member
Richard Leeke	-	MSA Rally Commission President
Willie du Plessis	-	Clerk of the Course
William Haddad	-	MSA Steward
Japie van Niekerk	-	Driver (Car 12)
Henk Lategan	-	Driver (Car 17)
Barry White	-	Co-Driver (Car 17)

In attendance:

Wayne Riddell	-	MSA Sporting Services Manager
Karin Britton	-	MSA Sport Coordinator

Apologies:

Gordon Noble	-	Co-Driver (Car 12)
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After hearing the evidence of the competitors, viewing all available video footage and obtaining feedback from the CoC (Mr Willie du Plessis), the court records/finds as follows:

1. The rally was a FIA sanctioned event and was run under the FIA rules since it was an FIA African Rally Championship event.
2. The Super Special stage where the incident occurred has been run in the identical format for many years and pace notes were made on foot by the majority of the competitors, including the crews of Cars 12 and 17.
3. The accident occurred when Car 17 attempted to rejoin the competition, having spun. There was clearly no malicious intent on the part of either of the drivers (competitors Lategan and van Niekerk).

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



sport & recreation  
Department:  
Sport and Recreation South Africa  
REPUBLIC OF 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 – Hon. President: T. Kilburn

4. It can logically be argued that competitor Lategan may well bear more responsibility for what transpired as the accident was the culmination of his spin and his attempts to rejoin the competition.
5. However competitor Lategan's actions in recovering from the spin, while leading to an unfortunate result, were, at worst, ill advised. Extenuating circumstances, such as restricted visibility, played a role and there was certainly no intention on his part to create a dangerous situation or cause an accident.
6. Competitor van Niekerk is quite within his rights to feel aggrieved at what transpired as the accident, which caused extensive damage to both cars, was not of his making. However, there was the possibility that he could have minimized the damage, different actions on his part may well have at least lessened its severity.
7. In the circumstances and taking the following FIA rule (Clause 20.1.4 of the 2015 FIA Rallies Rule Book/Year Book) into consideration, the accident is deemed to be a 'racing accident', with no action required to be taken against either of the drivers.
8. The deployment of safety marshals at strategic points on the stage in question, with appropriate flag signals, may well have prevented the accident. If the same stage is run again in the future, the court is of the view that appropriate deployment of safety marshals should be a mandatory requirement.
9. The organisers and officials of all rallying events making use of Super Special-type stages must seriously consider, and address, all safety aspects relating to such stages to ensure the safety of competitors and, even more importantly, spectators. Suitable safety plans, approved by the MSA Rally Commission, must be in place for all such stages.
10. All drivers and co-drivers need to be aware of the additional risks associated with competing in close proximity to one another in Super Special-type environments and exercise due care accordingly. Drivers may indeed need to abort their runs if this is what is necessary to prevent or avoid accidents. In such circumstances, the officials should take appropriate steps to ensure that a driver 'doing the right thing' to avoid an accident is not unfairly prejudiced in terms of the competition.

All parties are reminded of their rights as per GCR 212B.

These findings issued by way of email on 12<sup>th</sup> August 2015.

Ref. 160034/098