



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1221 HEARING HELD IN THE MSA BOARDROOM ON THURSDAY 5<sup>th</sup> SEPTEMBER 2019

<b>Present:</b>	Paddy Venske	-	Court President
	Ian Richards	-	Court Member
	Sean Cronin	-	Court Member
	Ed Murray	-	Rotax Promoter
	Wayne Robertson	-	Technical Consultant
	Arnold Neveling	-	Competitor
	Vaughn Williams	-	Entrant for Bradley Liebenberg
	Dick Shuttle	-	Karting Commission President
	Garth Waberski	-	Representative for Arnold Neveling
	Michael North	-	Observer
	Hector North	-	Observer
	Cameron Prenter	-	Observer
<b>In attendance:</b>	Allison Atkinson	-	MSA Sporting Coordinator – Circuit & Karting
	Poka Lehapa	-	MSA Sport & Development Coordinator
	Adrian Scholtz	-	MSA CEO

### INTRODUCTION

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

### THE HEARING

This enquiry arose as a result of a specific instruction from the MSA National Court of Appeal in its findings in the matter referred to as NCA 170, the relevant wording of which reads as follows:

***“MSA is directed to appoint a Court of Enquiry in terms of GCR 211 read with GCR 154, to investigate whether the technical infringement of the Appellant during the event gained him an advantage or not, and to impose a suitable penalty pursuant to the provisions of the GCR’s, SSR’s and SR’s;...”***

This is the written judgement of Court of Enquiry 1221, the hearing took place on 5<sup>th</sup> September 2019 between approximately 17:30 and 18:30

### FINDINGS

Having heard all the parties present the court finds as follows:

1. The court specifically notes that the report of the official Technical Consultant for the event (Mr Wayne Robertson) only indicated that the infringement was the use of an incorrect spark plug but omitted to stipulate any suggested penalty for the infringement.

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



Department:  
Sport and Recreation South Africa  
REPUBLIC OF SOUTH AFRICA

Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), F. Alibhai, R. Beekum, FC. Kraamwinkel, G. Hall, A. Harri, Dr G. Mills, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

2. The official Technical Consultant (Mr. Robertson) stated that he believed that competitor Neveling's admitted use of an incorrect spark plug had afforded him an advantage. Mr. Robertson however was unable to provide any material evidence to support his view in this regard, other than his opinion based on his years of experience in the sport.
3. In the circumstances, the court is unable to make a conclusive finding as to whether the use of the incorrect spark plug afforded competitor Neveling an advantage or not. However, the court is guided by the following rules:

GCR 225 states that ***"Where there is a contradiction between the GCRs and SSRs, the latter take precedence except where the category regulations provide otherwise"*** (our emphasis). In the court's view, this implies that the category regulations take ultimate precedence.

4. The applicable category regulations in this instance are the 2018 National Karting Regulations and Specifications, specifically Article 11 ii), which states: ***"Any contravention of the karting technical regulations and specifications will generally result in automatic exclusion from the relevant race (where appropriate) or the entire event. The only exception will be in instances where no advantage has been gained, in accordance with the provisions of GCR 176. Refer also to the provisions of Article 22 of the MSA Karting Regulations. Notwithstanding there having been no advantage gained, a competitor found using any component which is not compliant with the relevant engine or chassis, example exhaust, air box, and radiator and or carburettor specifications will be liable for automatic exclusion."***
5. The court finds that the aforementioned Article 11 ii) makes a penalty of exclusion mandatory in this instance and therefore rules that competitor Neveling be excluded from the results of Race 1 at the event in question. The race results are to be amended accordingly.

No finding as to costs is made in connection with this matter.

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

These findings are distributed via email on 12 September 2019 at 16:30pm.

**Ref. 162011/158**