



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1235

**HEARING HELD AT CONTROL TOWER, ALDO SCRIBANTE RACEWAY, Coega IDZ Port
Elizabeth 18H30 ON 15th JANUARY 2020**

Present:	Kobie Coertze	-	Court President
	Neville Townsend	-	Court Member
	Neels Vosloo	-	Court Member
	Allistair Pringle	-	Complainant – Chief Scrutineer
	Clifford Bacon	-	Defendant – Competitor (in attendance via teleconference)
	Elwin Barnard	-	Witness
In attendance:	Sparky Bright	-	MSA Eastern Cape Coordinator
	Lloyd Brown	-	Clerk of the Course
	Barry Kapelus	-	MSA Steward
	Lynne Bright	-	Race Secretary
	Brian Jerling	-	Observer

1. The members of the court were introduced by the court president and the parties were afforded the opportunity to indicate any objection to the membership of the court. No objections were offered.
2. The court president then confirmed with Mr. Bacon that he had received the documents as distributed by MSA via email and that he understood the contents thereof.
3. The court president requested confirmation from Mr. Bacon that the allegations made by Mr. Pringle in the incident report provided regarding the abuse of an official was a true statement. Mr. Bacon confirmed that it was true and that he was with much regret guilty of such charge.
4. Mr. Bacon requested an opportunity to explain the events that led to the incident as described and the court president afforded him this opportunity.

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

5. The explanation raised a number of other points, amongst which included the fact that the incident took place after the official closing of the track after official practice Friday evening.
6. The court then proceeded to deal with these subsequent matters of concern that came to light during the testimony of Mr. Bacon.
 - a) Mr. Bacon testified that Mr. Pringle removed the scrutineering sticker from the vehicle in the pits without any prior notification or discussion with him. This resulted in the confrontation which escalated and led to the incident as described in the incident report.
 - b) Mr. Bacon clarified that, during scrutineering, Mr. Pringle indicated that the vehicle did not meet the required standards due to non-conforming roll cage for the 3-hour class. Mr. Bacon claimed that Mr. Pringle went to enquire with the race officials if there was another class he could be accommodated in. Mr. Bacon indicated in his statement that Mr. Pringle indicated he will be allowed to race in the Coastal Challenge category and subsequently passed the vehicle. The court president enquired from Mr. Bacon if he completed any further documentation relating to the change. Mr. Bacon indicated that he did not have any documents to substantiate this claim.
 - c) Mr. Bacon indicated during further testimony that he was aware of the possible nonconformance on the vehicle prior to entering the event.
 - d) Mr. Bacon felt that he was being unjustly treated by the race officials and that he was provoked by Mr. Pringle in particular.
 - e) Mr. Bacon testified that Mr. Pringle pushed on him during the confrontation.
7. Court member Mr. Townsend requested of Mr. Bacon what he regarded as per the GCR's to be the correct procedures for resolving a conflict. He demonstrated that he was aware of the procedures that should have been followed.
8. The court president proceeded to afford Mr. Pringle the opportunity to comment on the statements made by Mr. Bacon in his testimony and version of events.
9. Mr. Pringle acknowledged that he did remove the scrutineering sticker as described by Mr. Bacon.
10. Mr. Pringle indicated that he repeatedly indicated to Mr. Bacon during the confrontation that ensued that he was not willing to address the matter at that time and to discuss it in the morning. He indicated that he noticed a beverage in the hand of Mr. Bacon that resembled alcohol and for this reason attempted to avoid addressing the issue at the time.
11. Mr. Pringle proceeded to walk away from the pits of the competitor and proceeded to his own personal enclosed pits at the track. Mr. Bacon followed him there where the confrontation continued in front of numerous witnesses including Mr. Barnard present.
12. Mr. Pringle explained that he indicated to Mr. Bacon during scrutineering that he was to enquire with the race officials regarding the possibility of being accommodated in another

class. Mr. Bacon returned and indicated he was given permission. Based on this Mr. Pringle passed the vehicle for competition.

13. Mr. Pringle testified that after he completed his duties he went to enquire with the race officials if in fact Mr. Bacon received the necessary permission and completed the required procedures. It was at this time he learned that this did not take place and he proceeded to remove the scrutineering sticker.
14. The court president requested from Mrs. Bright present if any change of class was carried out by Mr. Bacon as the court had no event documentation to indicate this. Mrs. Bright confirmed she and Mr. Bacon had had a conversation but she had referred him to the COC. She confirmed that no documentation was done nor any amendments made on the entry form to indicate change of class was initiated by Mr. Bacon.
15. The court president afforded Mr. Barnard the opportunity to provide a witness account of his request of the events that took place in the pits of Mr. Pringle.
16. Mr. Barnard proceeded to confirm the verbal abuse that took place by Mr. Bacon directed at Mr. Pringle. He also confirmed in his testimony that Mr. Bacon had in his hand a beverage that resembled alcohol and that he was genuinely concerned for the safety of Mr. Pringle. When the event escalated to a point that Mr. Barnard could not stomach anymore and before it could escalate, to what he believed was to become physical, he stepped in and pacified the situation. He testified that at no point did Mr. Pringle come across as threatening to Mr. Bacon nor did he witness any physical contact between the two parties.
17. Having heard all the testimonies, the court president closed the hearing, advising the findings would be distributed to all parties concerned in due course.

FINDINGS:

18. The court is of the view that the seriousness of incidents of this nature in Motorsport, in which a considerable number of persons attending events are children and teenagers that could bear witness to these events, must be discouraged and where adults set inappropriate examples the punishment should serve as a deterrent to others.
19. The court finds that Mr. Bacon, by his own admission of guilt, breached GCR 172(iv) and (x) relating to the Abuse of an Official.
20. The court concluded the appropriate penalty in this instance is that Mr. Bacon's competitor license in terms of GCR 20 is suspended for a period of 6 months until 15 July 2020.
21. The court also concluded that due to Mr. Bacon demonstrating that he was aware of the correct procedures to follow for conflict resolution during a MSA event and yet proceeded with his actions a fine of R 1 000.00 in terms of GCR 178 and Appendix R section 10 is issued to Mr. Bacon.
22. The court finds in the additional matter of concern mentioned in section 6 (b) of this document that Mr. Bacon was in breach of GCR 91 ii).

23. The court finds that in the additional matter of concern mentioned in section 6 (c) of this document Mr. Bacon was in breach of GCR 93 iii) in making a false declaration.
24. The court concluded the appropriate penalty in this instance and for the seriousness of the transgression by Mr. Bacon is a further penalty of an additional 12 months' suspension.
25. The court takes in account the regret displayed by Mr. Bacon and concludes that the penalties imposed in section 20 and 24 of this document are however suspended conditional upon Mr. Bacon not being found by any MSA administrative body to have contravened any of the provisions of GCR 172 before 31 December 2020. Should Mr. Bacon be found guilty as mentioned during any such proceedings, these penalties as well as any others as deemed appropriate by the relevant MSA administrative body, will take effect.
26. The court finds that in the additional matter of concern mentioned in section 6 (a) of this document Mr. Pringle passed a vehicle during scrutineering with a known nonconformance without confirming that correct procedures was followed and/or concessions made prior to doing so. This could have resulted in an on track incident with severe consequences for all involved.
27. The court takes in consideration the Mr. Pringle acted with best interests but concludes, due to the seriousness of what this oversight could have led too, his official's license is suspended for 6 months. This suspension is suspended conditional upon Mr. Pringle not being found by any MSA administrative body to have contravened any GCR's before 31 December 2020. Further to this Mr. Pringle is required to attend the first seminar available in his area of domicile on the GCR's presented by MSA as a refresher.
28. The court finds that in the additional matters of concern mentioned in section 6 (d) and (e) no evidence of these matters taking place could be found. Testimony by witness Mr. Barnard stated the opposite. No further action is deemed to be required.
29. The court further notes in the absence of a dedicated entrant on the entry form (GCR 114) Mr. Theo Claasen listed on the form is deemed to be representative of the entrant.
30. The court finds that, although Mr. Claasen failed in his duties and responsibilities (GCR 113) as entrant representative and was responsible for all acts of all persons on his team - GCR 113(xiv) and GCR 115, this however does not excuse Mr. Bacon's conduct (GCR 116).
31. Mr. Bacon is further ordered to contribute an amount of R1 000 to the costs of MSA in convening this Court of Enquiry.
32. Mr. Bacon and Mr. Pringle are reminded of their rights as set out in GCR 212B.

These findings are published via email on the 27th January 2020.