



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1240

HEARING HELD AT ZWARTKOPS RACEWAY, SHED 1 ON 17 SEPTEMBER 2020 AT 17H00

<b>Present:</b>	Tony Taylor	-	Court President
	Whammy Haddad	-	Court Member
	James Mahope	-	Court Member
	Retlafenya Ramphenyane	-	Court Member
	Nomkhosi Nharmuravate	-	Court Member
	Dick Shuttle	-	Karting Commission President
	Jannie Habig	-	Technical Delegate - Karting Exco
	Wayne Riddell	-	Clerk of Course (Attending via Zoom)
	William Mailula	-	Complainant
	Tumi Mailula	-	Praga Importer
	Leon Hill	-	Defendant
	Kyle Lawrence	-	Observer
<b>In Attendance:</b>	Allison Vogelsang	-	MSA Scribe (Attending via Zoom)
	Vic Maharaj	-	MSA Sporting Services Manager

### INTRODUCTION

The court members and attendees were introduced and no objections were raised against the composition of the court, nor to Mr Riddell's participation via Zoom.

### THE HEARING

The matter arises from a dispute lodged by Mr Reagile Mailula at the ROK Regional Karting event held on the 22<sup>nd</sup> February 2020 against the actions of Mr Leon Hill, entrant of Luke Hill, wherein it was alleged that he had contravened motorsport regulations, specifically MSA Karting Circular 4 of 2020 and the National Karting regulations V3, article 25 (ii) and (vi) by entering his kart under the banner of "IPK" and running his kart on track with "RS" branding.

Tumi Mailula informed the court that she had approached Mr Wayne Riddell at a club meeting in February and informed him that the Luke Hill kart was branded as "RS" and the "RS" brand had not been homologated by MSA. Mr Riddell had suggested that she wait for the Regional event and then enter a protest. Ms Mailula had taken cognisance of Mr Riddell's advice and entered a protest, but said protest had not been heard as the MSA Steward had recused himself due to a conflict of interests. MSA management, after consultation with the Karting Exco, had decided that the matter should be referred to a Court of Enquiry.

Mr Riddell, in his evidence, confirmed that he had seen the offending kart at the event of 22<sup>nd</sup> February.

*MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN 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

Mr Leon Hill explained to the court that, in his opinion, the chassis was legal and complied with the regulations in all ways. Asked to explain the "RS" branding on the kart, he informed the court that "RS" sponsored his son and for that reason he had the branding on the kart. Mr Hill confirmed that the kart had been raced on the circuit on the day in question.

Mr Shuttle, as President of the Karting Commission, was asked to explain to the court what the intention of MSA Karting Circular 4 of 2020 was. He, in turn, asked Mr Habig to explain the intention thereof. The court understood that said circular was meant to clarify National Karting Regulations V3, articles 25 (ii) and (vi).

### **FINDINGS**

By his own admission, Mr Leon Hill, has contravened motorsport regulations, specifically MSA Karting Circular 4 of 2020 and the National Karting Regulations V3, article 25 (ii) and (vi) by entering his kart under the banner of "IPK" and running his kart on track with "RS" branding.

Point 4 of the circular states specifically "the RS Kart is not homologated as a chassis brand for use in South African karting and it may therefore *not be marketed or raced as such in any form.*"

The ordinary meaning of "marketed" is described as "to advertise or promote (something)."

By displaying the RS logo on the kart Mr. Hill has, without doubt, intended to promote or market the brand.

### **Therefore:**

Mr Hill is to desist from placing any non-homologated branding on any kart under his control until such time as the brand is homologated in South Africa

Mr Hill is hereby fined R5000, of which R3000 is suspended for a period of twelve months provided that Mr Hill does not, in that time, contravene the current MSA National Karting Regulations, article 25 (ii) and (vi) .

Administrative costs of R500 are levied against Mr Hill.

All parties are reminded of their rights in terms of GCR 212 B.

These findings are distributed via email on 1 October 2020 at 14h10

**Ref. 162278/158**