



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1241

HEARING HELD IN SHED 1, ZWARTKOPS RACEWAY ON 10TH NOVEMBER 2020 AT 18h00

| | | | |
|-----------------|-------------------------|---|---------------------------------|
| Present: | Tony Taylor | - | Court President |
| | Paddy Venske | - | Court Member |
| | Richard Leeke | - | Court Member |
| | Ed Murray (via Zoom) | - | Complainant |
| | Vanessa Wood | - | Representative for Complainant |
| | Wayne Riddell | - | Clerk of the Course (Defendant) |
| | Craig Martin (via Zoom) | - | MSA Steward (Defendant) |
| | Gert Botes | - | Club Steward (Defendant) |
| | Patsy Roos (via Zoom) | - | VKC promoter (Defendant) |

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| In Attendance: | Allison Vogelsang | - | MSA Scribe |
| | 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 Murray's, Ms Roos's or Mr Martin's participation via Zoom. There were no objections to Ms Vanessa Wood presenting Mr Murray's complaint to the court as he, following a back operation, was unable to attend the court in person.

THE HEARING

The hearing was called to investigate a complaint lodged by Mr Ed Murray in connection with the combining of the Bambino and Kid Rok Classes at the VKC Club Karting Event held at the VKC Kart Club on 08th August 2020.

Ms Vanessa Wood, representing Mr Ed Murray, informed the court that, the regulations found in the 2020 MSA Karting Handbook on page 6, article 10 specify as follows:

- i) Amalgamation of classes may take place in Club, Regional and National Championship events if there are less than 10 entries, subject to the proviso that:
 - **KZ or similar 6-speed karts may never be amalgamated with any other non-gearbox class.**
 - **Bambino class may never be combined with other classes under any circumstance.**
 - **Kid ROK class may not be combined with other classes.**

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



Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial), Mrs. D Abrahams, A. Harri, M. Hashe, FC. Kraamwinkel, Dr G. Mills, C. Oates, R. Schilling, Ms M. Spurr, S. Themba

And further on page 19, Article 17 points d and e state:

- d. Bambino must always practice separately from all other classes and may not be combined with any other class**
- e. Kid Rok must practice and race separately always;**

The Clerk of the Course, of the event in question, amended the race day program, with the knowledge and agreement of both Stewards, thereby allowing the Kid Rok and Bambino classes to participate simultaneously which is, in terms of these regulations, specifically forbidden.

Ms Wood was at pains to point out the dangers inherent in allowing the two classes to run together and Mr Murray further confirmed this in his address to the court.

Mr Riddell, in response to the allegations, admitted, without any qualification, that he had erred in allowing the categories to run together and pointed out that the day in question was fraught with difficulties, primarily caused by the circuit not having been properly secured the night before the event with the result that competitors had made their way onto the premises prior to the arrival of the COVID-19 Compliance Officer and other officials thereby necessitating the entire event being suspended whilst the situation was resolved.

In Mr Riddell's testimony he indicated that the event had been delayed for almost one and a half hours and he therefore changed the program, including combining the Kid Rok and Bambino classes, to ensure that all heats could be completed within the timeframe available.

Mr Riddell informed the court that he was not aware of the requirement stipulating that the categories were specifically not permitted to run together.

Neither the MSA Steward, the Club Steward nor Ms Roos (the VKC promoter) contradicted Mr Riddell's testimony in any way.

Ms Wood was at pains to point out that the day in fact finished early and there was no need to combine categories and also questioned Mr Riddell's statement that he was not aware of the rule.

FINDING

Given that Mr Riddell had acknowledged that he had erred in allowing the categories to be combined and that the Stewards accepted such change, without question, the Court finds that they had collectively breached the regulations contained in the 2020 MSA Karting Handbook page 6, Article 10 i) as well as article 17 d and e.

To pursue the allegation by Ms Wood that there was no need to combine the categories on the day is pointless, hindsight always affords one with twenty-twenty vision and the court accepts that the officials did what they believed to be correct on the day.

Likewise as to whether Mr Riddell and / or the Stewards were aware of the provisions is immaterial. Mr Riddell and Mr Martin are both A grade Clerks of the Course with many years of experience and are expected to be fully conversant of the rules at the event that they are about to officiate at.

THEREFORE:

The Court cannot sufficiently stress that the safety of all participants should remain of primary importance in everyone's minds. Therefore, no excuses can be accepted for any disregard of rules designed to ensure such safety.

The Clerk of the Course licences of both Mr Riddell and Mr Martin are hereby suspended for a period of six months effective from the date of these findings being published. This suspension is in turn suspended for a period of six months on the condition that they do not contravene any published regulation in any form of motor sport in that six month period.

Mr Botes is reprimanded for failing to ensure that he was sufficiently aware of the regulations and he is placed under observation for a period of six months effective from the date of these findings being published.

On the grounds of cause and effect, the owners or managers of the VKC circuit and the promoter of the event are instructed to ensure that, going forward, the circuit is properly secured and that people are not permitted to gain access to the premises prior to the arrival of the necessary officials. Had this been the case on 08th August 2020 the Clerk of the Course would have had no need to revise the race day program and this court would have been avoided in its entirety. VKC is therefore fined an amount of R10,000, such fine to be suspended for a period of six months from the date that these findings are published provided that a similar occurrence does not happen in that period of time.

The Clerk of the Course and the Stewards are to be lauded for taking the steps that they did to ensure that the event was not compromised in terms of the regulations laid down in respect of the State of Disaster surrounding the COVID-19 pandemic.

The court was concerned that the Stewards report on the day did not mention, in any way, the change to the program at the start of the day.

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

These findings are distributed via email on 24 November 2020 at 08h30

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