



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort
e-mail: msa@motorsport.co.za Telephone (011) 675 2220

COURT OF ENQUIRY 1247

HEARING HELD IN THE MSA BOARDROOM AT 17H30 ON 8 DECEMBER 2020

Present:	Steve Harding	-	Court President (Via Zoom)
	James Mahope	-	Court Member
	Retlafenya Ramphenyane	-	Court Member
	Tasmin Pepper	-	Court Member
	Tumi Mailula	-	Mother of Competitor 679
	William Mailula	-	Father of Competitor 679
	Reagile Mailula	-	Competitor 679
	Shaheen Goolam	-	Mechanic of Competitor 679
	Zaeem Goolam	-	Mechanic of Competitor 679
	Mohammed Moerat	-	Competitor 627
	Tasneem Moerat	-	Mother of Competitor 627
	Kamal Moerat	-	Father of Competitor 627
	Wally Pappas	-	MSA Steward (Via Zoom)
In Attendance:	Allison Vogelsang	-	MSA Scribe
	Vic Maharaj	-	MSA Sporting Services Manager

INTRODUCTION

This court of enquiry was held, partially in person in the boardroom of MSA, with remote attendance by means of Zoom of the Court President and one of the MSA Stewards, who heard the original protest relating to the incident in question, Mr Wally Pappas.

The members of the court were introduced to the parties at the commencement of the hearing and there was no objection offered to the constitution of the court.

THE HEARING

1. The court of enquiry was convened in terms of GCR 211 to investigate an on track driving incident in the final heat of the Micro Max class at the Africa Open held on 15 November 2020 between competitors 627 Mohammed Moerat and competitor 679, Reagile Mailula. The court was instructed to investigate the incident with a view to determining whether competitor, Mohammed Moerat is guilty of breaching Articles 11 C i), 11 C ii) or any part of Article 11 D of the 2020 National Karting Championship Regulations and Specifications (version 5 dated 26 June 2020).

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

2. Both competitors involved in this incident being minors, the court president requested the parties to indicate one person to represent each of the 2 competitors. Competitor 627 was represented by his father and competitor 679 by his mother.
3. The court was furnished by MSA with a video which showed the incident in question from a variety of different angles. The video was played to those present or attending remotely in slow motion. The video was repeated and the father of competitor 627 was afforded the opportunity to give commentary on the video and what was apparent therefrom. The video was then again repeated and the mother of competitor 679 was given the opportunity to address the court in regard thereto. Sections of the video were replayed to provide the opportunity for the representatives of both competitors to furnish additional commentary.
4. In essence, on behalf of competitor 627, the argument was advanced that the impact had been between the rear bumper of kart 627 and the front bumper of kart 679, that kart 679 had never been ahead of kart 627, that kart 679 was not one third alongside kart 627 at any time during the incident and that there was accordingly no contravention of any provision of article 11 D of the National Karting Championship Regulations. The representative of competitor 679, on the other hand, argued that the incident between the 2 karts could not be regarded as merely a racing incident and that for this reason competitor 679 had protested in terms of the regulations to the stewards of the meeting.
5. The representative of competitor 679 chose to call a witness, Mr Goolam who is competitor 679's mechanic (and apparently coach) who testified that competitor 679 had been tactically coached on a particular approach to the corner in question.
6. It is appropriate to note that the incident in question was the subject of a protest by competitor 679 which was previously upheld by the stewards of the meeting. It is important to note that in terms of GCR 208 viii) all hearings held in terms of the GCRs are held *de novo*. After hearing the evidence of all the parties, Mr Pappas, one of the stewards who heard the original protest, was given the opportunity to address the court via Zoom. Mr Pappas, quite appropriately, did not attempt to comment in any way on the merits of the matter before the court, but addressed an apology for any perception of bias in his handling of the hearing of the protest, which apology was accepted.
7. Once all of the issues had been fully canvassed the court requested the remainder of the parties to leave the hearing in order to afford the members of the court the opportunity to reach a decision and indicated that the findings would be issued by email.

FINDING

1. After discussion, the court reached the following conclusions:
 - a. That competitor 627 deliberately chose the outside line on the approach to the corner in which the incident occurred, with a view to attempting to overtake the kart ahead of him utilising an outside line,
 - b. that competitor 627 on realising that he had left himself open to a passing manoeuvre by competitor 679, made a sudden and deliberate manoeuvre to his right, causing a side to side collision between his rear bumper and the front bumper of kart 679
 - c. that the incident in question did not constitute a contravention of any of the provisions of article 11 D of the 2020 National Karting Championship Regulations and Specifications, and finally
 - d. that the incident in question did however constitute a breach of article 11 C i) of the said regulations, namely "Gaining an Unfair Advantage",

2. The penalty prescribed for such a breach is a 5 second penalty, and MSA is instructed to re-score the final heat and consequently the event, on the basis of the addition of the prescribed penalty of 5 seconds to the time of competitor 627 for the final heat of the day.

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

These findings are distributed via email on 9 December 2020 at 11h00

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