



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1250

HEARING HELD VIA ZOOM ON 1st JUNE 2021 AT 17H30

Present:	Adv Francois Van Der Merwe	-	Court President
	Eldrid Diedericks	-	Court Member
	Ian Richards	-	Court Member
	Brian Martin	-	Defendant
	Bob West	-	MSA Steward
	Barry Neal	-	MSA Chief Marshal
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.

THE HEARING

1. This enquiry stems from a steward's report of Mr Bob West, an MSA Steward, relating to an incident involving Mr Brian Martin ("**the defendant**") at the South African Endurance Series event held on 10 April 2021 at Dezzi Raceway, Port Shepstone.
2. In summary, it is alleged that Mr Martin drove contra flow down the 6-hour pit lane, exited the 6-hours pit lane by making use of the entrance thereto, proceeded onto a live racetrack, driving contra flow on the track until he reached the entrance of the 1 hour pit lane and then turned into the 1-hour pits.

THE EVIDENCE AT THE ENQUIRY:

Mr Barry Neal, the Chief Marshal on the day, in summary stated the following:

- 2.1. There were two pit lanes on the day, the main Dezzi pits and an infield pits.
- 2.2. After the 6-hour race had finished, the 1-hour pit lane was opened and competitors were going around to form up on the grid. The racetrack was accordingly live at that stage.
- 2.3. He then observed the defendant driving in the wrong direction down the 6-hour pits (the infield pits) entering onto the live racetrack and entered the main Dezzi pits on the other side of the track.

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



Department of
Sport, Arts and Culture
REPUBLIC OF 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

- 2.4. He then requested the MSA steward, Mr West to go and have a word with the defendant about the incident.
3. Mr West in summary stated the following during his evidence:
 - 3.1. That he and Mr Neal were on their way to join Mr Schultz (the Clerk of the Course) on the starting grid for the 1-hour race.
 - 3.2. He then observed the defendant driving down the wrong way of the 6-hour pits (the infield pits) onto the track, driving for 20m in the wrong direction on the track and entering the 1-hour pits on the opposite side of the track.
 - 3.3. He found the defendant putting away his car in the garage and asked the defendant if he realised what he had done. The defendant stated that he looked both ways. He then told the defendant that he drove down the wrong direction of the pits and had entered a live track, driving contra flow on the track.
 - 3.4. He could see the situation was escalating and left.
 4. The Defendant in summary stated the following:
 - 4.1. After the 6-hour race the infield pit area had to be cleared as there was going to be a Red Bull show at the track the next day.
 - 4.2. There was a blue Cobra which Des Gutzeit had control of and he needed to move the car out of the pit area. Des Gutzeit told the defendant to take the car and to put it into his garage.
 - 4.3. Des Gutzeit gave his golf cart to one of his workers with the keys to his garage. The golf cart went down to the end of the pit lane on the grass, crossed over and went and opened the garage.
 - 4.4. His pit lane was closed. He drove the car down the pit lane where he thought it was safe.
 - 4.5. He waved at someone across the track who did not respond.
 - 4.6. He then checked the track and decided it was safe enough for him to cross. He proceeded to drive across the track and went and parked the car in the garage.
 - 4.7. Mr West then approached him without identifying himself. He did not know that Mr West was the MSA Steward on the day.
 - 4.8. When Mr West confronted him about the incident, he told Mr West: "Bob you know what, whatever I've had enough, I've had a long day I am tired." He then walked away.

APPLICABLE REGULATIONS:

5. Regulation 7(d) of the supplementary Regulations (SR's) of the SAES Endurance Series Championship states the following:

"Any competitor found using the access roads, pits or any area other than the circuit for testing or which is being ridden in a manner that is considered by the Clerk of the Course to be dangerous including travelling in the wrong direction on the circuit or pit lane, will be excluded from the event, irrespective as to who was riding/driving the Vehicle at the time. Notwithstanding the competitor's exclusion, he/she will be reported to the Stewards of the Meeting, who may consider further action in terms of a breach of GCR 172 vii). PIT LANE SPEED 10KPH."

(Own underlining)

6. Rule 172(vii) of the General Competition Rules (GCR's) state the following:

“Any of the following offences in addition to any other offences specifically referred to previously or hereafter, shall be deemed to be a breach of these rules ... iv) Reckless or careless driving during the course of any competition or practice therefore.”

FINDING

7. It is undisputed that the defendant entered a live racetrack. The defendant in his own evidence admitted that he should never have crossed the track.
8. There was no justification for the defendant to do so.
9. The explanation provided by the defendant, that he had to clear the pits for a Red Bull show the next day is unsatisfactory. No explanation was provided by the defendant why this could not have been done after completion of the racing on the day.
10. The further evidence by the defendant that a golf cart crossed the track 5 minutes before him similarly does not assist the defendant. It is the defendant's responsibility to adhere to the GCR's and/or the SR's at all times. The fact that someone else contravened the GCR's and/or the SR's shortly before him does not relieve him of this responsibility.
11. It is important to state that it is not for a competitor to decide when it is safe for him to cross a live racetrack. It matters not whether the defendant could see certain portions of the track from his vantage point or that he considered it safe to cross.
12. The defendant's attitude towards Mr West when he was confronted about the incident is also concerning. The fact that the defendant had a long day and that he was tired does not allow him to disregard the GCR's and/or the SR's. In our minds this is exactly the time when one should be especially vigilant in adhering to the GCR's and/or the SR's.
13. The Court accordingly finds that the defendant's actions, of driving contra flow in the pit lane and crossing over a live racetrack, were reckless, careless and clearly in breach of the GCR's and/or the SR's as set out previously. The Court further finds that the breach is of a serious nature.

CONCLUSION:

In the premises the Court grants the following order:

1. The defendant is excluded from the results of the South African Endurance Series event held on 10 April 2021 at Dezzi Raceway, Port Shepstone.
2. The defendant's licence in terms of GCR 20 is suspended for a period of 6 Months until 1 December 2021.
3. Prayer two is suspended for a period of 1(one) year, being until 31 May 2022, on condition that the defendant does not breach the GCR's and/or the applicable SR's within the 1 (one) year period.
4. Should the defendant commit a breach within the 1 (one) year period, prayer 2 of this order will be imposed on the defendant in addition to whatever sanction is ordered against the defendant at that stage.
5. The defendant is ordered to pay an amount of R1,500.00 as a contribution towards the costs, which costs are to be paid within 48 hours of receipt of this judgment by the defendant as per GCR 196.

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

These findings are distributed via email on 8th June 2021 at 08:30am

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