



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 440

HEARING HELD IN THE MSA BOARDROOM AT 18h30 ON THURSDAY 27 JUNE 2019

Present:	Tony Taylor	-	Court President
	Vic Maharaj	-	Court Member
	Mark Cronje	-	Court Member
	Dick Shuttle	-	Clerk of Course
	Andrew Shillinglaw	-	MSA Steward
	Stephen Kotze	-	Club Steward
	Malaika Motlekar	-	Appellant
	Faizal Motlekar	-	Father of Ghazi Motlekar
	Ghazi Motlekar	-	Competitor
	Brandon Whiteley	-	Witness
	Elijah Gumbi	-	Team Manager Squadra Corse
	Mandla Mlangeni	-	Competitor
In attendance:	Allison Atkinson	-	MSA Sport Coordinator
	Poka Lehapa	-	MSA Intern
	Adrian Scholtz	-	MSA CEO

INTRODUCTION

The court members and attendees were introduced and no objections were raised against the composition of the court.

THE HEARING

The appeal is against the findings of the Stewards of the meeting at a Regional Rotax Karting event held on 08th June 2019.

Mrs Malaika Motlekar, as the Appellant, raised a concern that in terms of MSA National Karting Circular 2 of 2019 Elijah Gumbi could not represent competitor Mlangeni as an entrant. The court had no issue with Mrs Motlekar's submission and agreed with her contention but, in the interests of fairness, agreed that Mr Elijah Gumbi would be allowed to remain in the hearing in the capacity of a witness.

The appeal relates to a five-place penalty imposed on competitor 565 Ghazi Motlekar for allegedly having "dive bombed" competitor 579 Mandla Mlangeni with the result that the latter was forced off the track.

The appeal is based on the following factors:

1. Competitor 579 was represented by Elijah Gumbi (Team Manager) which is not in accordance with the MSA National Karting Circular 2 of 2019.
2. The penalty imposed on competitor 565 was "far too harsh for the minor incident that occurred".

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, D. Easom,
G. Hall, A. Harri, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

FINDINGS

Having heard all the parties the court finds as follows:

1. The Stewards erred in allowing competitor 579 to be represented by his team manager as an entrant as this is directly contrary to the provisions of MSA National Karting Circular 2 of 2019. Further, the practise of allowing any person who is not an official to remain in the Race Control areas is to be avoided at all costs as it leads to a perception that certain competitors are favoured over others.
2. Given that the Clerk of the Course was the person who had referred the matter to the Stewards for investigation and had himself observed the infringement, the Court must and does accept that the incident did occur and that the incident falls into the category of "EDGE-INTO" as defined in SARMC Sporting Regulations 2019 article 34 (at page 25).

Therefore:

3. The finding of the Stewards, whereby competitor 565 was subject to a five place penalty, is upheld as SARMC Sporting Regulations 2019 article 34 – Penalty Catalogue (at page 25) specifically provide for a 5 place penalty if an advantage was gained where it is deemed that a competitor committed an "EDGE-INTO" offence. Whether the penalty is deemed to be harsh or not is of no relevance as a competitor enters an event and is subject to the "rules of the game".
4. The Stewards of the meeting are severely reprimanded for having allowed the Team Manager to represent Competitor 579 as an entrant where this is clearly at odds with MSA National Karting Circular 2 of 2019. The Stewards are urged to familiarise themselves with the rules of the categories taking part in an event at which they are officiating.
5. Some of Mrs Motlekar's comments during the hearing bordered on abuse of officials – a contravention of the regulations in terms of GCR 172 (x) – and she is cautioned in this regard.
6. Given that the appeal fails in its entirety, the appeal fee paid is forfeited.

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

These findings are distributed via email on 19 July 2019 at 10:45am

Ref. 161959/158