



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. P.O. Box 6677, Weltevreden, 1715
e-mail: msa@motorsport.co.za Telephone (011) 675 2220 Fax: (011) 675 2219, National Number: 0861 MSA MSA (0861 672 672)

COURT OF ENQUIRY 1166

HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 15th MARCH 2016 AT 17H30

Present:	Wally Pappas	-	Court President
	Alan Kernick	-	Court Member
	Noleen Roome	-	Court Member
	Greg Higgins	-	Court Member
	Kevin de Wit	-	Clerk of the Course
	Dick Shuttle	-	MSA Steward
	Roy Wyman	-	Competitor's Father
	Tiago Rebelo	-	Competitor
	Janine Rebelo	-	Competitor's Mother
	Nqaba Ntombela	-	Competitor
	Zakhele Ntombela	-	Competitor's Father
	Oliver Gunner	-	Competitor (Witness)
	Maria Diamko	-	Competitor Gunner's Mother
	Fabienne Lanz	-	Team Manager
	Peter Lanz	-	Witness
Absent:	Wayland Wyman	-	Competitor
In Attendance:	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

INTRODUCTION

The court started half an hour late due to the late arrival of competitor Ntombela and his father. The court members and attendees were introduced and no objections were lodged against the composition of the court.

THE HEARING

The court heard the evidence and statements from all parties present. Competitor Wayland Wyman was reportedly unable to attend the hearing due to his attending a school function/camp and his father, Roy Wyman, read out a statement detailing Wayland's account of the events that took place on the day.

The evidence presented was that, following an on-circuit incident between competitors Wayland Wyman and Tiago Rebelo, the latter voiced his dissatisfaction in *parc fermé* regarding the incident and stated that that he intended addressing the matter directly with competitor Wyman.

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



sport & recreation
Department
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA

Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, M. Rowe, Ms N. Singh, T. Sipuka

Honorary Presidents – Mrs B Schoeman, T Kilburn

Competitors Nqaba Ntombela and Oliver Gunner announced that they would accompany competitor Rebelo in confronting competitor Wyman. It was reported that these three competitors then approached competitor Wyman on an open grandstand and an abusive altercation broke out between them. It was further reported that this altercation was initiated by competitor Rebelo regarding competitor Wyman's driving conduct.

During the altercation, competitor Wyman reportedly brandished a dustbin and made threats of assault. The altercation ultimately resulted in competitor Ntombela being hit on the head and punched in the mouth.

Competitor Wyman then went back to the pit area and proceeded to tell his father, Roy Wyman - previously a licenced and experienced karting competitor - of what had occurred.

Disturbingly, Mr Roy Wyman, by his own admission, proceeded to tell his son "*you should have hit the black boy to the ground so that he never stands up*" or as near to this statement as could be ascertained from the account of witness Mr Peter Lanz. Mr Lanz was privy to the occurrence after finding a bloodied competitor Ntombela and proceeded to inform the CoC of his discovery.

Credit is due to the CoC, Mr Kevin de Wit, for promptly convening a hearing regarding the altercation and issuing penalties.

However, the court is dismayed at such young boys behaving in this manner at a motorsport event and in a public forum. The court is similarly dismayed that their conduct appears to be condoned by some parents.

It was noted that competitor Gunner, although initially present, was not implicated in the abuse on the day.

FINDINGS

The court upholds the CoC's racing-related penalties issued on the day. They were deserved and to do otherwise would require the entire race result to be set aside, which would not be in the best interests of the sport.

In addition, the court finds as follows:

1. Competitor Nqaba Ntombela voluntarily joined the confrontation of competitor Wyman and contributed to the resultant intimidation. His actions are found to be contrary to the interests of the sport – GCR 172 (iv) – and lead to him being handed a three (3) month ban from competition, said ban being suspended for three (3) months. For clarity, the effect of this penalty is that, should competitor Ntombela be found guilty of a similar offence (an act prejudicial to the interests of the sport) during the three (3) months following the publication of these findings, he will receive an automatic three (3) month race ban. The fact that competitor Ntombela was subject to physical abuse and injury was taken into account as a mitigating factor when deciding the penalty to be imposed on him.
2. Competitor Tiago Rebelo was instrumental in sparking the public fracas that took place. Rather than making use of the remedies available to him in terms of the motorsport regulations, he decided to take the law into his own hands and rather confront competitor Wyman directly. His actions are found to be contrary to the interests of the sport – GCR 172 (iv) – and lead to him being handed a one (1) year ban from competition, said ban being

suspended for two (2) years. The effect of this penalty is that, should competitor Rebelo be found guilty of a similar offence (an act prejudicial to the interests of the sport) during the two (2) years following the publication of these findings, he will receive an automatic one (1) year ban from competition.

3. Competitor Rebelo is further ordered to pay court costs to MSA in the amount of R500-00.
4. Competitor Wayland Wyman, through his actions, clearly aggravated the situation that unfolded, knocking competitor Rebelo's cap off his head, physically assaulting competitor Ntombela, brandishing a dustbin in a threatening manner and dishing out verbal abuse. His actions are found to be contrary to the interests of the sport – GCR 172 (iv) – and lead to him being precluded from further motorsport competition for the balance of the 2016 racing season, with effect from the date of publication of these findings.
5. Upon competitor Wayland Wyman's return to motorsport competition, his conduct will be under observation by MSA for a further two (2) year period and any actions on his part during this period that are found to be prejudicial to the interests of the sport will be severely dealt with.
6. Mr Roy Wyman's actions amounted to, or at least bordered on, racial abuse and incitement to violence. He was also found by the court not to be a reliable witness. His actions cannot be condoned and were contrary to the interests of the sport – see GCR172 (iv). He is accordingly barred from being present in any official area at any MSA-sanctioned motorsport event for the balance of the 2016 racing season, from the date of publication of these findings.
7. Mr Roy Wyman and competitor Wayland Wyman are collectively ordered to pay a fine of R10 000-00 for conduct prejudicial to the interests of motorsport – refer GCR 172 (iv).
8. In addition, competitor Wyman is ordered to pay court costs to MSA in the amount of R2500-00.
9. The affected parties are reminded of the provisions of GCRs 196 and 222 with regard to the time limits for the payment of fines and costs.

The court wishes to remind all motorsport competitors reading these findings that confrontations and/or abuse of any kind will not be tolerated in motorsport.

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

These findings are distributed via email on 6th April 2016 at 15:55

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