



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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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](mailto:msa@motorsport.co.za) Telephone (011) 675 2220 Fax: (011) 675 2219, National Number: 0861 MSA (0861 672 672)

## COURT OF ENQUIRY 1176 HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 13<sup>th</sup> JULY 2016 AT 16H00

<b>Present:</b>	Vito Bonafede	-	Court President
	Alan Kernick	-	Court Member
	Ian Scheckter	-	Court Member
	Eldrid Diedericks	-	Clerk of the Course
	Joy Dolinschek	-	Karting Commission President
	Dean Brooks	-	Witness
	Tim Bishop	-	Witness
	Mohamed Wally	-	Complainant
	Alistair Pringle	-	Technical Consultant
	Wally Dolinschek	-	Father of Troy Dolinschek (Defendant)
<b>Apologies:</b>	Brian McFall	-	Nose Cone judge of fact
	Aldrin van Zijl	-	Complainant
	Charl Visser	-	Witness
<b>In Attendance:</b>	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

### INTRODUCTION

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

### THE HEARING

After hearing evidence from all parties present it is very clear that Competitor # 17 Troy Dolinschek's nose cone was dislodged. This fact was never refuted by any of the parties present, including Troy's father, Wally Dolinschek.

### FINDINGS

The standard 10 second time penalty as per Karting Regulations Section A Article 11 (xvi) should have been applied to Competitor # 17 Troy Dolinschek's race time for the heat in question at the event. As it wasn't, this court retrospectively applies the penalty and requests MSA to amend the race results and championship scoring accordingly.

Based on further information provided by Karting Commission President Joy Dolinschek and the CoC of the event, it is evident to the court that the nose cone rule has been incorrectly/inconsistently applied over the past 6 months.

*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

As competitors have a reasonable expectation that the rules will be consistently applied, the court urges the Karting Commission and its race officials to apply the rule - Section A Article 11 (xvi) - as written and, if it needs changing, to do this via the normal processes.

The court is concerned at the letter forwarded by Mr. Aldrin Van Zyl where he states that Mr. Mohamed Wally suggested that the class be boycotted. Boycotting a class could be in contravention of GCR 172 (iv) and all parties in the hearing need to take heed of this GCR. The court hereby warns all parties, including Mr. Mohamed Wally, of the possible consequences of the breaching of this GCR.

The court reminds all parties of their rights of protest as per Part IX of MSA's general competition rules. These rights could and should have been exercised on the day of the event when the complainants were clearly aggrieved.

**Costs**

Due to the inconsistent application by the MSA Karting Commission of its own rules, which directly led to this hearing taking place, the commission is ordered to pay costs in the amount of R3000-00 as per GCR 196.

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

These findings are distributed via email on 2<sup>nd</sup> August 2016 at 16:00

**Ref. 160752/098**