



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 431

### HEARING HELD IN THE MSA BOARDROOM AT 18H00 ON 5<sup>th</sup> APRIL 2017

<b>Present:</b>	Wally Pappas	-	Court President
	Ian Scheckter	-	Court Member
	Marlene Swanepoel	-	Clerk of Course
	Ken Cromarty	-	MSA Steward
	Hennie de Beer	-	Club Steward
	Vaughn Williams	-	Representative of Mr. Wally
	Mohamed Wally	-	Appellant (Father of competitor Muhammad Wally)
	Maysurah Wally	-	Mother of competitor Muhammad Wally
	Dean Brooks	-	Father of Jordan Brooks
	Louis Smuts	-	Witness
<b>Apologies:</b>	Paddy Venske	-	Court Member
<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 raised against the composition of the court. Apologies by the third court member was tendered and noted.

### THE HEARING

This appeal, lodged by Mr. Mohamed Wally on behalf of his minor son Muhammed Wally, arises from a protest lodged by his wife Maysurah Wally during the Regional Karting Championship event held at Zwartkops on 18<sup>th</sup> February 2017 that had allegedly been refused to be heard by the stewards on the day.

After listening to all those present as well as viewing the footage presented to the court, the court has decided to make a finding in two parts, namely **Part 1** that deals with the on track incident that gave rise to the original protest, as well as the alleged wild and disorderly driving by competitor Jordan Brooks and **Part 2** that deals with the findings of the Stewards with respect to the admissibility of the protest.

### FINDINGS

#### Part 1

After deliberation the court finds that competitor Jordan Brooks changed direction as per Section E 18 (iv) of the National Karting regulations. Dean Brooks confirmed as much to the court when asked for his version of events on the day.

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



Department:  
Sport and Recreation South Africa  
REPUBLIC OF SOUTH AFRICA

Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), P. du Toit, D. Easom, J. Fourie, G. Hall, A. Harri, M. Rowe, R. Schilling, Ms N. Singh, Ms M. Spurr  
Honorary Presidents – Mrs B. Schoeman, T. Kilburn

Competitor Brooks is hereby given a 5 place penalty for heat one (1) only. MSA is instructed to amend the scoring accordingly on publication of these findings.

**Part 2**

The court, after listening to evidence lead by the CoC as to why she made a decision not to impose a penalty for robust driving on the circuit, finds that the explanation offered by the CoC is weak at best. The court reprimands the Clerk of Course for not taking any action. The court feels that the COC should reacquaint herself with the National Karting regulations, if she intends to continue in the capacity of a kart racing CoC.

After listening to the evidence of the MSA steward Mr Ken Cromarty, it is abundantly clear to the court that the Stewards erred in not conducting a protest hearing in accordance with the provisions of GCR 198(v).

The court feels that the primary duty of the stewards is to offer an unbiased adjudication of events when requested to so. It was felt that the Stewards had already assumed a prejudged decision, by viewing the footage without the competitors and COC present. This was further compounded by having a meeting of sorts with the COC in camera before allowing the competitors to state their case. This too is a clear breach of GCR 201 (iv). For these actions of the stewards, the court feels it is compelled to sternly reprimand them for their lack of neutrality and due diligence in the exercising of their duties.

The officials licences of the Stewards, Ken Cromarty and Hennie de Beer, are withdrawn for a period of six (6) months, from date of publication of these findings. This withdrawal however is suspended for six (6) months, and such suspension will only come into effect should they be found guilty of failing in their duties during the intervening period.

**Costs**

The appeal fee is returned to the appellant, less court costs of R1250-00.

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

These findings were distributed at 15:40 on the 6<sup>th</sup> April 2017

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