



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1200

### HEARING HELD IN THE MSA BOARDROOM ON THURSDAY 31<sup>st</sup> AUGUST 2017

|                       |                       |   |                                     |
|-----------------------|-----------------------|---|-------------------------------------|
| <b>Present:</b>       | Tony Taylor           | - | Court President                     |
|                       | Neil Lob              | - | Court Member                        |
|                       | Richard Leeke         | - | Court Member                        |
|                       | Dick Shuttle          | - | Clerk of Course                     |
|                       | Sue Cronje            | - | Race Control                        |
|                       | Jacques van Wyngaardt | - | Promoter                            |
|                       | Morne Venter          | - | Timekeeper                          |
|                       | Wayne Shelley         | - | Father of competitor Sandra Shelley |
|                       | Sandra Shelley        | - | Competitor                          |
| <b>In attendance:</b> | Karin Britton         | - | MSA Scribe                          |
|                       | Wayne Riddell         | - | MSA Sporting Manager                |

#### INTRODUCTION

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

#### THE HEARING

On the 21<sup>st</sup> September 2017, Motorsport South Africa ("MSA") enrolled Court of Enquiry 1200 ("the Enquiry") to investigate whether Mr. Shelley breached GCR 172 iv at the prize giving after the Circuit Motorcycle event held on the 29<sup>th</sup> July 2017.

Furthermore, the court would also investigate the stopping of the race by the Clerk of Course as per Circuit racing SSR 41, and MSA Circuit Racing Circular 1 of 2017.

This is the written judgment of Court of Enquiry 1200. The enquiry took place on the 31<sup>st</sup> August 2017 between approximately 18h00 and 19h00.

#### EVIDENCE RECEIVED

The court president, Mr. Tony Taylor asked Mr. Dick Shuttle to start the hearing off with his version of events.

Mr. Shuttle stated he had submitted a written version of events to MSA. He was at prize giving and was of the opinion that Mr. Shelley was intoxicated. Mr. Shelley was verbally insulting competitors who were receiving prizes. Mr. Shuttle then stood up to leave when Mr. Shelley approached him and asked why the red flag was called so late during the race. Mr. Shuttle stated that Mr. Shelley used foul language towards him and poked him in the chest. Mr. Shelley had a bottle in his hand and Mr. Shuttle stated he feared for his life. At this stage Mr. Shelley was held back by witnesses as well as his daughter.

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Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), D. Easom, J. Fourie G. Hall, A. Harri, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Van der Merwe

Mr. Shelley stated that there was camera footage that he requested. Mrs. Cronje stated that Allison Atkinson had requested this footage from her, however the cameras record over saved footage every few days. Therefore, no footage was made available. Mr. Shelley stated Mr. Shuttle approached him as he knew he was upset. When he asked Mr. Shuttle why he called for red flags so late Mr. Shuttle became aggravated which led to the use of foul language. Mr. Shuttle took his watch off and was preparing for a fight by inviting Mr. Shelley to hit him. Mr. Shelley stated he had no intention to hit Mr. Shuttle with a bottle.

Mr. van Wyngaardt stated he was sitting two tables away when the altercation took place. When the altercation broke up, Mr. Shuttle approached Mr. van Wyngaardt to ask if he had seen what happened and explained to him what had happened. Mr. van Wyngaardt stated that he had not seen what happened but that they would sort it out later as at this stage there was alcohol involved.

The court then moved onto the issue surrounding the red flag situation on the day in question. The court president asked Mr. Venter to state on which lap the red flag was called. Mr. Venter stated that 3 laps were completed and the accident occurred on the 4<sup>th</sup> lap. The red flag was called on the start of lap 8 (the lead competitors had completed 7 full laps). The copy of race control sheet stated that the race was stopped after the 6<sup>th</sup> lap (6 full laps had been completed. Mrs. Cronje stated with the confusion of the accident she circled lap 6. Mrs. Cronje also stated she called Mr. Shuttle and he responded immediately by coming up to race control. The court president stated that a report was submitted by a Mr. Charl Smalberger on the incident. In his report he stated that Mr. Shuttle did not respond to Mrs. Cronje calls on the radio for the COC. Mrs. Cronje stated that this is not factual. Mr. Shuttle had responded immediately to her calls.

Mr. Shuttle stated that the accident took place on turn 12. When you are looking at the accident you cannot judge if the competitors were on or off the track. When Mr. Shuttle radio the marshals to ask if they were off the track, it was confirmed that the track was cleared. Mr. Shuttle stated after starting the race he had to go across to the medical center to speak to the replacement race secretary. While sorting out a few admin queries the call came on the radio that riders were down. Double waved yellow flags were been waved and it was confirmed that all riders were off the track by the medics. The reason for calling the red flag was so that the medics could cross the track to bring the injured competitors to the medical center. It must also be noted that no competitors were slowing down with the double waved yellow flags. Mr. Shelley submitted photo evidence that an ambulance and competitors were in fact on the track while the race was still on the go. It was clear to the court that in the picture submitted, one could see riders down, the ambulance stationary in the run off area and a number of riders were on their bikes negotiating the corner. The court president stated that there was a circular issued by MSA about calling for red flags. Mr. Shuttle stated that at first he had not received this circular, and later on he downloaded it from the MSA website.

## **FINDINGS**

After listening to all those present the court has decided to make a finding in three parts, namely **Part 1** that deals with the alleged breach of GCR 172 (iv) by Mr. Wayne Shelley at the prize giving after the event. **Part 2** that deals with the stopping of the race by the COC as per Circuit racing SSR41, and MSA Circuit racing circular 1 of 2017 and **Part 3**, a directive to MSA.

### **Part 1**

Mr. Shelley acknowledged being involved in a confrontation with Mr. Shuttle at the Prize Giving venue after the above mentioned event, where considerable abusive language took place. Mr. Shelley's admission of having consumed large amounts of alcohol does not mitigate in any way his behaviour.

Mr. Shelley is found to be in breach of GCR 172 (iv). Mr. Shelley as the entrant for Ms. Sandra Shelley (his daughter), an underage minor licence is hereby withdrawn for a period of two years. This withdrawal is suspended for the full period provided Mr Shelley is not found to have contravened GCR 172 in any way during this period.

Mr Shelley is further levied a fine of R5 000-00 of which R3000-00 is suspended for a period of two years provided Mr Shelley is not found to have contravened GCR 172 in any way in that period. The balance to be paid within 48 hours of these findings being presented (GCR 222). A further R1000-00 court costs are levied against Mr Shelley.

Mr. Shelley is reminded that failure to comply with any of the court's findings could be prejudicial to his daughter's motorsport future.

Mr. Shuttle is cautioned to avoid becoming embroiled in confrontational issues where alcohol is clearly been consumed. He is severely reprimanded for his part in this confrontation and altercation.

### **Part 2**

The court found that Mr. Shuttle (CoC) had not complied with the requirements of MSA Circuit Racing circular 1 of 2017, in that he had failed to stop the race immediately, it became apparent that there were riders down and that they were in a somewhat dangerous position. The stopping of the race after lap 7 had been completed, further reinforces the court's opinion that the race should have been stopped immediately.

MSA are hereby instructed to withdraw Mr. Shuttle's officials licence for a period of two years of which 18 months of this withdrawal is suspended for a period of two years, provided that Mr. Shuttle is not found guilty of disregarding MSA directives and / or allowing racing to continue whilst circumstances demand that it be discontinued. Mr. Shuttle is to rewrite both his GCR and SSR exams prior to being reissued with an officials licence. Mr. Shuttle is further ordered to pay Court costs in the amount of R1 000-00.

### **Part 3**

MSA are requested to investigate the fact, from testimony given at the hearing, that ambulance (A2) crossed the circuit (between T5 and T6) to be able to assist at the T12/ T13 incident while the said race was still "live".

MSA must insist that a qualified licenced official is present in Race Control at all times while circuits are "live". Race Control must be a defined point on the circuit and should be manned at all times from the start of practise till the end of the last race. This is in respect of all circuits and not just Red Star Raceway.

MSA are to instruct their officials to address the application and observation of the rules regarding "red flagged events" with competitors and marshals alike at all briefings, again, at all circuits

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

These findings are distributed via email on 17<sup>th</sup> October 2017 at 11:30am

**Ref. 161329/158**