



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF APPEAL 430

**APPEAL HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 15th MARCH 2016 AT 18H40 REGARDING APPEAL LODGED BY MR. DAVE MCSHANE AGAINST THE FINDINGS OF THE MSA STEWARDS RELEVANT TO THE NATIONAL CROSS COUNTRY CAR EVENT HELD ON THE 28TH & 29TH OCTOBER 2016 AT GLENHARVIE, GAUTENG**

**Present:**

Mr. Wally Pappas	-	Court President
Mr. Iain Pepper	-	Court Member
Mr. Ian Scheckter	-	Court Member
Mr. Eldrid Diedericks	-	Court Member
Mr. Dave McShane	-	Appellant
Mr. Vaughn Williams	-	Representative of Appellant
Ms. Elvene Coetzee	-	Competitor
Mr. Evan Hutchison	-	Competitor
Mr. William Haddad	-	MSA Steward
Mr. Eric Sommer	-	SANORA Timing and Tracking Manager

**In Attendance:**

Wayne Riddell	-	MSA Sporting Services Manager
Mr. Siegfried Rousseau	-	SANORA Chief Executive Officer
Mr. Hector North	-	Appellant Observer
Mrs. Karin Britton	-	MSA Scribe

2017-03-10

### INTRODUCTION

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

### THE HEARING

Vaughn Williams, the representative of competitor Dave McShane, contends that the protest of Evan Hutchinson should never have been heard, as it had been a protest against an infringement and not the results.

The court further heard from competitor McShane that he had been summoned by the Clerk of the Course post completing the race, to come and answer allegations on another matter entirely.

*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), 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

**FINDINGS**

After hearing evidence from those present, the court finds as follows:

The court is of the view that as per GCR 200 vii) the Stewards erred in hearing of the protest of competitor Evan Hutchison, which was out of time and in direct breach of said GCR.

That Dave McShane met with officials post the race, was testimony that the officials had been available to hear the protest of competitor Evan Hutchinson if he had protested in the prescribed time period.

The court therefore sets the findings of the Stewards aside and requests MSA to rectify the points accordingly.

Further, the court retains 25% of the appeal fee received for court costs and the remainder of the fee to be refunded to the appellant.

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

These findings are distributed via email on 24<sup>th</sup> March 2017.

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