



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF APPEAL 477

**HEARING WAS HELD IN PERSON AND VIA ZOOM ON 10 APRIL 2024 AT 17H00**

**Court:**  
Mr. Wayne Riddell Court President  
Mr. Raj Ramchander Court Member  
Mr. Cobus Barnard Court Member

**In Attendance:**  
**In Person**  
Mr. Greg Billau Appellant – Father of minor competitor Logan Billau  
Mrs. Jacky Billau Appellant – Mother of minor competitor Logan Billau  
Mr. Derick Irving Engine Builder  
Mr. Andrew Eva MSA Court Appointed TC  
Mr. Vic Maharaj MSA Sporting Manager

**Virtually**  
Mr. Daniel Bright Event TC  
Mr. Alistair Pringle Series TC  
Mr. Eric Schultz Series Clerk of the course  
Mr. Sparky Bright Chairman MSA Scrutineering

**Apologies:** Mrs. Allison Vogelsang MSA Circuit Racing Co-Ordinator

### **BACKGROUND AND PRELIMINARY**

1. These are the findings of an application for appeal, approved by MSA, against the decision of the stewards emanating out of a ruling to exclude competitor Logan Billau from the National Rok Karting event held on 02 March 2024.
2. The court of appeal, which was a hybrid hearing that involved both in person and virtually, using the Zoom platform. At the outset of the hearing, the parties were asked whether there was any objection to the court as constituted. No such objection was received, and the matter proceeded.
3. It is an appeal brought on behalf of Mr. Greg Billau – Appellant – father of minor competitor Logan Billau, against the findings by the MSA Stewards, against a protest at the National Rok Karting event held on 02 March 2024.

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



**sport, arts & culture**

Department:  
Sport, Arts and Culture  
REPUBLIC OF SOUTH AFRICA

Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial),  
Mrs. D Abrahams, Mrs. D. Ballington, K. Govender, Ms. T. Human, FC. Kraamwinkel, Mrs. S Labuscagne Jonck, M. Rowe, G. Waberski  
Honorary President: R. Schilling

4. The original protest was against the technical infringement notice received against the competitor for an adverse squish reading of the competitor's race engine.
5. The appellant sought the following in his application for leave to MSA:
  - a. The reversal of the decision of the Stewards in respect of the Rok National Karting Championship event in question.
  - b. For the re-measurement of the squish of the engine with the regulation 3.15mm resin core solder, by an independent MSA appointed technical consultant.
  - c. The rescoring of the championship points in question.
  - d. If the engine remained out of specification, the infringement be converted to a fine as per GCR 176 on the grounds of no advantage gained.
6. The applicable extracts of the relevant article of the regulations set out as follows:
  - a. **GCR 176. PENALTIES FOR TECHNICAL INFRINGEMENTS**
    - i) ***Where a vehicle/machine is found not to comply with the applicable technical regulations and specifications the following penalties will apply:***
      - a) ***Where, at the sole discretion of the appointed Technical Consultant (or similar technical representative or body) no advantage has been gained – the competitor shall be fined an amount not less than R750. In the event of a dispute, any contravention of the technical regulations will be deemed to afford an advantage, until the contrary is proven.***
      - b) ***Where advantage has been gained: the driver/rider concerned shall be excluded from the results of the event/race meeting concerned and may be precluded from participation in up to three further events/race meetings counting towards a similar championship or series, details of which must be stipulated by the Clerk of the Course.***
  - b. **KARTING SSR – SECTION B – KID ROK & MINI ROK, 17. KID ROK & MINI ROK ENGINE SPECIFICATION SHEET**

***Squish 2.65mm Min measured with 3.15mm resin core solder.***
7. It is common cause that the competitor acknowledges that a properly constituted protest hearing took place.
8. The court started out with a concern that the initial penalty document that was drafted was defective, in as much as the document was an old version used that referenced the 2023 regulations.
9. The court noted to the applicant that the relief they sought in 5b above could not be affected with the penalty document as it stood and that the only way the court could progress was for the applicant to condone the obvious erroneous date reference and allowed the court to amend the penalty to read 2024.
10. The applicant agreed to the request and co-signed the amendment.
11. The court then asked the applicant to confirm that the engine presented was still sealed with the correct seal number as to when the engine was first impounded.
12. The applicant confirmed this to the court and the seal was then broken and the engine removed.

13. The court then instructed the independent MSA appointed technical consultant Mr. Andrew Eva to conduct the squish test on the engine presented.
14. Three separate solder squish tests were conducted. The first test conducted was not conclusive, so the court ordered two more tests. The two results read 2.65mm and 2.66mm), these pieces of solder were then taped to a document where the competitor was asked to sign these into record.
15. The engine was then resealed with a new seal and the seal number documented.
16. The engine was then re-impounded at the MSA offices.

### **THE FINDINGS**

17. The court found the squish result to be favorable and in compliance with the regulations set out in 6.b. above.
18. The court therefore sets the penalty of exclusion aside.
19. MSA is instructed to retain the impounded engine until the time period for appeals to a National Court have expired.
20. MSA is further instructed to amend the results of the event and resulting championship accordingly.
21. A concerning aspect for the court is the fact that outdated documents are being used by the officials. These types of situations can give rise to potentially unfair service delivery to the competitors who expect to be always treated honestly and fairly.
22. The court, having studied the karting regulations in question in detail and experienced the squish measuring process, make a recommendation to the promoters to investigate a better wording to the regulations of both the process and source of the solder product for examining the squish in future.
23. MSA are instructed to refund the appeal and protest fees to the competitor.
24. As per GCR 196, the court makes an order of costs to the value of R1000 against the applicant.
25. All parties are reminded of their rights in terms of GCR 212B.

These findings were issued and handed down on 14 May 2024