



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1274

HEARING WAS HELD VIA ZOOM ON 16TH MAY 2024 @ 17H00

Court:	Mr. Neville Townsend	-	Court President
	Ms. Karen Londt	-	Court Member
	Ms. Gillian Dykes	-	Court Member
Attendance:	Mr. Scott Heygate	-	Protestor (Rider 387)
	Mr. Michael Pentecost	-	Protested Rider (Rider 929)
	Mr. Ashley Brandt	-	MSA Steward
	Mr. Craig Martin	-	Club Steward
	Ms. Miranda du Plessis	-	Event Secretary
	Mr. Gerhard Vorster	-	Mr. Pentecost Representative
	Mr. Vic Maharaj	-	MSA Sporting Services Manager
	Ms. Carmen Hill	-	MSA Noncircuit Sport Coordinator

JUDGEMENT

Introduction

1. Motorsport South Africa (“**MSA**”) convened a formal court of enquiry in terms of the provision of GCR 211 to investigate all aspects of the protest lodged by Mr. Scott Heygate (Competitor 387) and Mr. Michael Pentecost (Competitor 929) at the GXCC Northern Regions CC Mcycle & Quad Championship event held at Bapsfontein on the 20th April 2024.
2. The enquiry was convened in terms of rule 211 of the MSA General Competition Rules (“**GCR’s**”). The enquiry was held via virtually (“**zoom**”) and no objections were raised to the composition of the court.

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



MEMBER OF



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

3. PRECIS

- a. Common cause statements regarding the event read to all attendees and all agreed that these aspects are not in dispute:
- i. Event under this court of enquiry focus is the GXCC Northern Regions Regional CC Motorcycle & Quad Championship Round 3 held in Bapsfontein on the 20th April 2024;
 - ii. MSA Permit number MSA 17604, Regional and Club status issued on the 5th April 2024;
 - iii. Original MSA Steward – Mr. Werner Trollip;
 - iv. Affected riders: Mr. Scott Heygate (# 387) with MSA National licence 26407 entered in OR1 Pro class; Mr. Michael Pentecost (# 929) with MSA National licence 22106 entered in the OR1 Pro class;
 - v. Bulletin 1 issued: Change of officials noting that Mr. Ashley Brandt with licence 22429 as the MSA Steward and Mr. Craig Martin with licence 13271 as the Club Steward – dated 10/04/2024 @ 08:24;
 - vi. Bulletin 2 issued: Change of Official noting Mr. Willie Greyling with licence 14403 as Chief Marshal – dated 17/04/2024 @ 18:49;
 - vii. Bulletin 3 issued: Permission granted for rider J349 to race with a different colour number board – dated 17/04/2024 @ 18:49;
 - viii. Applicable Standing Supplementary Regulations (“**SSR**”) – GXCC Jnr & Snr Cross Country Motorcycles & Quad Championship version 2 – dated 17th April 2024;
 - ix. SSR 11 of the above SSRs refers to SSR 339 of the 2024 MSA National Cross Country Motorcycle SSR therefore the 2024 MSA National Cross Country SSR version 4 dated 15th February is applied;
 - x. SSR 334 (a), SSR 334 (d), SSR340 5) (vii), SSR 350 b) (ii), SSR 350 b) (iv) notes an electronic board as the official noted board. In this instance, **Telegram** was used;
 - xi. Supplementary Regulations (“**SR**”) for the event was issued to GXCC on the 5th April 2024

- xii. Protest was lodged with the race secretary at 16:20 on the 20th April and a card payment of R2000 was paid and reflected on the 22nd April @ 14:54 with reference 8030Gxcc. Payment was therefore paid within the timeframe specified as per Part IX of the MSA GCR Regulations;
 - xiii. Notice was given by the Race Secretary on "Telegram" @ 16:47 indicating the protest submitted;
 - xiv. The protest mentions **SSR 351 e) (iii)** and **SSR 339 d) (c)** were allegedly transgressed as rider # 929 turning inside one double marker.
- b. The four highlighted aspects of this court to investigate:
- i. Whether GCR 200 (vii) was adhered to: A Protest against any mistake or irregularity occurring whilst the competition is taking place – **within 30 minutes of the protestor finishing the event;**
 - ii. Whether SSR 339 d) (c) was adhered to - as per protest form. **No SSR 339 d) (c)** was found in the respective SSR;
 - iii. Whether **SSR 351 e) (iii)** was adhered to or transgressed: **Deviating off the marked route by any significant distance;**
 - iv. Whether SSR 339 d) (i) was adhered to: **Turning inside any of these double markers by any distance will be deemed as a deviation and penalised.**
4. The physical evidence presented:
- a. The court was provided with sufficient evidence regarding all of the above investigations.
 - b. The court was provided with video footage.
 - c. The court was provided with the real time finishing from the official timing provider.
 - d. The court was provided with the screenshots of the official notice board.
 - e. The court was provided with a comprehensive court bundle detailing:
 - i. The protest and findings of the Stewards and COC;
 - ii. Image of the alleged area of transgression;
 - iii. Proof of payment (R2000);
 - iv. Screenshots of the Telegram group (Notice Board);
 - v. Licence and Scrutineering information of both riders;

vi. Amended timing results indicating a 30 min penalty of rider # 929;

5. Verbal evidence

- a. Mr. Scott Heygate (# 387) indicated that Mr. Michael Pentecost (# 929) had gained advantage by turning left of a double marker thus gaining advantage over the entire race.
- b. Mr. Heygate furthermore mentioned that “due to the extreme dust he raced a safe race as it was not easy to overtake with excessive dust”.
- c. Mr. Pentecost (# 929) agreed that on inspection that he may have been inside left of the marker and that rider # 387 was correct. He further stated that the specific corner was after an uphill bump and his wheels in the air and he more than likely did not see the marker.
- d. Mr. Ashley Brandt gave evidence that he was unaware that the protest was out of time as he believed the protest time was 30 min after the results were posted. He explained that the alleged transgression corner was investigated and the circumstances surrounding the transgression was agreed by both competitors.
- e. Mr. Craig Martin echoed the statement of Mr. Ashley Brandt.
- f. Mrs. Miranda du Plessis gave evidence that the protest was submitted to her and the Stewards addressed the matter, and the final finding of the Officials was handed back to her. Mrs. du Plessis further noted that a representative of “KTM” had contacted her to dispute the findings therefore Mrs. du Plessis referred the matter to “MSA”.

6. Assessment of the evidence

- a. GCR 200 (vii) – by the evidence given the protest surrounds an alleged transgression relating to a mistake or irregularity during competition. It is clear that the specified time had exceeded in order to lodge a protest of this nature.
 - i. In giving evidence it was agreed that no aspects hindered the submission timeframe. GCR 200 (Note)
- b. SSR 339 d) (c) as per protest does not exist therefore not a valid SSR to protest.
- c. SSR 351 e) (iii) –

- i. The video evidence provided as well as image presented in the court bundle is inconclusive. The video is extremely pixelated, and a clear view is not possible. Assumptions can be made but no conclusive evidence.
- ii. The Stewards and riders attending the corner of transgression evidence is also not conclusive as multiple other riders could have made various tyre marks/tracks.
- iii. The video and image do not CLEARLY indicate markers (SSR339 d) (i)) where the runup to a corner is SPECIFICALLY stated as follows for a track turning left:
 1. Two markers one above the other with a gap not exceeding 10cm - 100m before the left-hand turn (or visible direction arrow may be placed)
 2. Another double marker or arrow will be placed within 10m of the turn.
 3. This must be followed by a **SINGLE** confirmation marker on the left-hand side of the track **WITHIN SIGHT** of the intersection.
 4. This single marker was placed **ON THE TURN** with no room for the competitor to make decisions.
 5. The alleged deviation was not significant.
- iv. SSR 339 d) (i) -
 1. The evidence presented was not conclusive to indicate that a clear violation of this regulation took place.
 2. No witness of the instance was presented during the enquiry.
 3. The video evidence is of poor quality and the court is unable to assess the alleged transgression if any violation clearly occurred.
 4. Post assessment by the Stewards is not conclusive that the transgression took place as the course had multiple riders on the day.

7. Findings of this Court of Enquiry

- a. Whilst it is the duty of the court to ensure that the regulations are adhered to, it is also the courts duty to ensure that no dispute arises from evidence presented. The video

evidence presented is not conclusive and the court is unable to use the image or video.

The court must ensure that proper conclusive evidence is used in decision making.

- b. The submission of the protest was outside of the parameters defined in GCR 200 (vii) and is therefore not a valid protest. The Steward should not have investigated this protest.
- c. The protest SSR 339 d) (c) is not valid SSR therefore the protest is not valid.
- d. The single left hand turn marker was **on the corner** and should be within sight, meaning a few meters before.
- e. Competitor # 929 was allegedly on the wrong side of a single marker (corner) where SSR 339 d) (i) penalty refers to turning inside of any DOUBLE marker. **No penalty is referred to for turning inside of a single marker.**
- f. The Officials were correct in his finding and the original results are valid.
- g. The results should not have been amended prior to the Officials findings.
- h. The race secretary was correct in her actions by referring the matter to MSA for a court of enquiry.
- i. GCR 203 (iii) is applied in this instance as the protest was late and no "GCR 200 NOTE" circumstances existed.

8. Recommendations

- a. **The original results reinstated as rider # 929 winning this event.**
- b. Protest fees retained.
- c. GXCC route markers reminded of their task to effectively and safely route mark and ensure corner markers are within sight of a corner and NOT "on the corner".
- d. Amendment to SSR 351e) (iii) to read: Deviation off the marked route by further than 2 meters – refer SSR 339 d) (i)
 - i. The use of a measurable is recommended.
- e. Amendment to SSR 339 d) (i) to read: Turning inside of any of these double markers by any distance or a corner single marker by more than 2m will be deemed as a deviation and penalised – Refer SSR 351 e) (iii)
- f. MSA Steward (Mr. Ashley Brandt) – GCR webinar to be attended and exam to be rewritten within a 6-month period.

- g. Club Steward (Mr. Craig Martin) – GCR webinar to be attended and exam to be rewritten within a 6-month period.

9. Summary

- a. All attempts need to be made to ensure that MSA effectively adjudicates over the regulations pertaining to the various motorsport racing facets.
- b. Ultimately motorsport racing is a competition sport therefore rules and regulation define the parameters for competitors to compete safely and fairly.
- c. Whilst GCR 197 stipulates the right to protest, the onus rests upon the competitor to know the regulations.
- d. The sentiments of all parties regarding keeping the fun in motorsport racing is noted.
- e. Competitors are reminded of all aspects of GCR 203
 - i. A protest shall be inadmissible if:
 - 1. It is against the refusal of an entry.
 - 2. It is a collective protest (signed by more than one entrant or driver)
 - 3. It is late, unless receipted in terms of GCR 200 (Note)
 - 4. It is in bad faith, frivolous or vexatious.

10. The date of this judgement is deemed to be 30th May 2024

The parties are reminded of their rights as per GCR 212 B

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