



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MOTORSPORT SOUTH AFRICA COURT OF ENQUIRY 1272

### COMPLAINANTS:

Mr Keagan Beaumont, (minor competitor)  
Mr Steve Beaumont, (father) and  
Mrs Kim Beaumont, (mother) as parents and natural guardians.

### DEFENDANTS:

Mr Kyle Bennett, and  
Mr Trevor Bennett

### DATES OF HEARING:

26 March, 24 April, and 8 May 2024

### OFFICIALS:

Mr Steve Harding	Court President
Mrs Karen Londt	Court Member
Mr Rashaad Monteiro	MSA Safeguarding Officer
Mr Vic Maharaj	MSA Sporting Services Manager
Ms Lizelle van Rensburg	MSA Sporting Co-ordinator

### PRELIMINARY MATTERS

1. These are the written findings of Motorsport South Africa ("MSA") Court of Enquiry 1272 which was heard in 3 separate sessions on 26 March, 24 April and 8 May 2024.
2. The first of these hearings was conducted in person, at the premises of Western Province Motor Club ("WPMC"), with Ms. Van Rensburg attending in person on behalf of MSA, while Messrs. Monteiro and Maharaj attended virtually via the Zoom platform.

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



MEMBER OF



**sport, arts & culture**

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Honorary President: R. Schilling

3. The members of the Court were introduced to the parties and there was no objection to the composition of the Court. At the time of the initial hearing the Court's membership included Ms. Samantha van Reenen. Ms. Van Reenen subsequently requested to be recused from the matter following her appointment to the position of Sporting Services Manager (Cars, Karting and Legal) at MSA, in line with the policy of MSA that the members of its secretariat do not serve on bodies exercising the judicial powers of MSA and deal only with secretarial and administrative matters relating thereto.

4. The remaining two members of the Court nonetheless continue to constitute a quorum.

*(see GCR 210 i) read with GCR 211 ii))*

5. The initial notice of enquiry included the minor competitor Mr Michael Danks and his father Mr Christopher Danks as respondents and mandated the court to:

1. investigate whether Mr Kyle Bennett and Trevor Bennett are guilty of breaching, *inter alia*, GCRs 172 iv), vi) and/or any part of the MSA Safeguarding policy ... and/or any part of the MSA Karting Code of Conduct.
2. if Mr Michael Danks is guilty of breaching, *inter alia*, GCRs 113 xiv), GCR 115 and GCR 116 due to the fact that his mechanics, Mr Kyle Bennett and Mr Trevor Bennett, allegedly breached, *inter alia*, any part of the MSA Safeguarding policy and/or any part of the MSA Karting Code of Conduct and/or the abovementioned GCRs ...
3. determine what action to take in response to its findings regarding items 1 and 2 above.

6. Following on representations made by MSA by lawyers acting on behalf of Mr Christopher Danks which cast doubt on the correctness of the manner of citation of the minor competitor Mr Michael Danks MSA issued an amended notice effectively withdrawing the allegations against Mr Michael Danks and his father. In consequence the enquiry was restricted to items 1 and 3 of the notice as referred to in 5 above.

7. Two subsequent hearings were held virtually utilising the Zoom platform on 24 April and 8 May respectively.

**THE FACTS TO BE DETERMINED**

8. The issue placed in front of this court related directly to a confrontation which took place between Keagan Beaumont, the minor son of Mr Steve and Mrs Kim Beaumont, on the one hand, and Mr Kyle Bennett and his father Mr Trevor Bennett, on the other.
9. Mr Christopher Danks although he no longer was a defendant in this matter, attended as a witness for the Bennetts.
10. It is however manifestly clear that there is a long running feud between Mr Danks and the Bennetts on the one hand and the Beaumont family on the other. This dispute seems to have its origins in an allegation of vote-rigging to benefit Michael, the son of Mr Christopher Danks, and an allegation of cheating on the part of Mr Steve Beaumont relating to the steps taken by him, in his capacity as Chairman of the Karting Section of WPMC, to nullify the effects of such alleged vote-rigging.
11. The court heard repeated accusations directed at the Beaumonts of “cheating”, being “cheats” and the like. The court heard further from the Bennetts that they take photographs of the actions of the Beaumonts, presumably to establish rule breaking by the latter. The court is satisfied that this is part of a vendetta against the Beaumont family.
12. It is unfortunately necessary to comment on the behaviour of the parties at the hearing. The body language, gestures and verbal tone of both Trevor and Kyle Bennett was extremely aggressive and intimidatory. The same criticism, albeit to a lesser extent, may be made of Mr Danks and Mrs Beaumont. The atmosphere was however distinctly unpleasant and had any minors been present the court would have been obliged to suspend the hearing for their protection.
13. The court heard the allegation, at the heart of this enquiry, that Kyle and Trevor Bennett confronted Keagan Beaumont, accused him of swearing at Kyle Bennett, screamed at him, accused him of being a cheat, and threatened to have him banned from karting. Keagan alleged in his written statement (presented at the first hearing) that Kyle Bennett had his finger in his face and was screaming at him.

14. The court at the third hearing which was conducted via Zoom, heard evidence from Keagan Beaumont which was entirely consistent with his written statement. It was heard with the camera on and both of his parents visible in addition to Keagan. It was clear to the court that he was neither reading from anything prepared for him nor was he being coached in the hearing as to what to say, (in contrast, later during the hearing when Keagan attempted to enter the fray and advance argument, Mrs Beaumont could clearly be heard whispering to him what to say).
15. The court heard evidence from Keagan, Mrs Beaumont and a witness, Mr Garth van der Merwe, that Keagan was hysterical and deeply traumatised by the confrontation, was in tears and inconsolable, and accepts that this was indeed the case.
16. Mr Kyle Bennett alleged that the incident was provoked by Keagan who had ridden past his pit, stopped briefly and swore at him. He initially was vague about what was said, later alleged that Keagan had said “ f---ing bastard”. In response to a question by the court he alleged that Keagan had used the words “f—ing bastard”. Mr Danks immediately interjected and said expressly “I heard that, I was in the pit”.
17. Mr Danks in his later testimony testified that he did not hear what Keagan had said to Kyle and launched into an explanation that he could see from Keagan’s body language that it was something ugly. Later he said that he had heard the word “effing”.
18. The court having regard to the testimony does not believe that on a balance of probabilities this provocation by Keagan, as alleged by Kyle Bennett and Christopher Danks, took place.
19. Even if the alleged provocation did take place it is no excuse for the direct confrontation of a 13 year old minor. As adults both Kyle and Trevor Bennett should be beyond the need to confront a minor over an alleged transgression at all, let alone in a way which results in the traumatising of a child.
20. It is clear that the conduct of Mr Kyle Bennett and to a lesser extent Mr Trevor Bennett fall short of the conduct required in terms of the MSA Safeguarding policy and the MSA Karting Code of Conduct. They also constitute contraventions of GCR 172 iv, vi, and x.

21. The court must, given its findings in regard to the factual allegations, determine what action to take in consequence thereof and this necessarily also involves an examination of its jurisdiction over the Defendants.

**THE CONTROL OF MOTORSPORT, THE GCRs, SSRs and the MSA KARTING CODE OF CONDUCT and the MSA SAFEGUARDING POLICY**

22. It is perhaps appropriate at this point to deal with what the National Court of Appeal (“NCA”) call the “rules of the game” which have been repeated several judgements of the NCA.

These are restated in paragraphs 9 to 14 below.

*See inter alia NCA164 (paras 14 to 16), NCA172 (para 33 to 38), and NCA178 (paras 15 to 20)*

23. MSA is a Non-Profit Company in terms of the Companies Act 61 of 1973 and Act 71 of 2008. MSA holds the sporting authority to govern motorsport as it is the delegated authority by the *Federation Internationale de l’Automobile (“FIA”)*, *Commission Internationale de Karting (“CIK”)* and *Federation Internationale de Motocyclisme (“FIM”)*. MSA is structured with a Board of Directors, a Secretariat, a National Court of Appeal, Specialist Panels, Sporting Commissions and Regional Committees. The Secretariat of MSA does not serve as bodies governing discipline of motorsport. It only attends to secretarial issues. The exercise of the sporting powers by MSA is in terms of the sporting codes of the FIA, CIK and FIM. As such, MSA has the right to control and administer South African National Championship competitions for all motorsport events. The National Court of Appeal of MSA is the ultimate final Court of Judgment of MSA.

*(see Articles 3 to 7 of the MSA Memorandum) (see Article 35 of the MSA Memorandum)*

24. The participation of motorsport competitors in events managed by MSA is based on the law of contract. MSA has the sporting authority and is the ultimate authority to take all decisions concerning organising, direction, and management of motorsport in South Africa. (see *GCR INTRODUCTION – CONTROL OF MOTORSPORT*)
25. MSA is an international and nationally recognised sporting body by the Government of South Africa. Its sporting platform is substantial. It has approximately six thousand licence holders and it sanctions approximately five hundred sporting events every year in South Africa. The

organisation of events under the control of MSA is a quality certification stamp which ensures that all participants can be assured that competition takes place within the boundaries of fair sporting events, with certainty as to good administration and results. For national events, national prizes and championships are awarded and organisers and promoters receive substantial accreditation for having the MSA stamp of approval for their events.

26. All participants involved in MSA sanctioned motorsport events subscribe to this authority. As such, a contract is concluded based on the “*rules of the game*”. There exists a ranking structure in the MSA Rules and Regulations. (General Competition Rules are referred to as “GCR’s”). The “*rules of the game*” of motorsport are structured in the main on the Memorandum of MSA and the GCR’s. Any competitor who enters a motorsport event subscribes to these “*rules of the game*”. (Reference in this judgment to “*rules and regulations*” intends to refer to the broad meaning of the “*rules of the game*”. Specific references to GCR’s are individually defined.)

(see GCR 1)

27. In addition to the GCR’s there are also Supplementary Regulations (“SR’s”) that an organiser and promoter of a competition is obliged to issue and Standing Supplementary Regulations (“SSR’s”) issued by MSA. Where an event forms part of a championship, there will be further SSR’s relating to that championship.

(see GCR 14 & GCR 16)

28. The GCR’s, SR’s and SSR’s thus constitute the “*rules of the game*” of motorsport.

29. It is appropriate to provide some background in regard to the introduction of the MSA Karting Code of Conduct and the MSA Safeguarding Policy.

30. MSA, in common with all national federations affiliated to the South African Sports Confederation and Olympic Committee (SASCOC) was required to adopt a safeguarding policy. MSA then drafted and implemented the MSA Safeguarding Policy in June 2022 and publicised the same via newsletter and its social media platforms and published the policy on its website. MSA has periodically reminded its stakeholders via social media of the existence of the policy. In April 2024 the online licencing system was upgraded to include an

acknowledgement and acceptance of the policy, which has regulatory effect at least in as far as its licence holders (post the implementation of the upgrade) are concerned.

31. The MSA Karting Code of Conduct is based on “The Race ‘n Respect Karting” campaign developed by Motorsport UK and has as its aim the promotion of values of fair play, fun, friendship, dignity, and respect for all within the sport. The campaign records that all parties involved in MSA karting are collectively responsible to set a good example and help to achieve a positive environment in MSA karting. The racing code urges co-operation of all stakeholders in the Code of Conduct which includes concepts relevant to volunteer officials and organisers, parents and guardians of minors, competitors, and their teams.
32. This code of conduct was introduced by MSA in March 2021 in a newsletter in which MSA urged all parties to “read, understand and fully adopt this policy which will be in effect at all MSA Karting events moving forward.” It has since that date been included on MSA’s website in the karting section alongside the various regulations applicable to karting. It does not however have any regulatory effect at present.

### **QUESTIONS OF JURISDICTION**

33. At the commencement of the hearing Mr Trevor Bennett queried the permit number relating to the event in respect of which this Court of Enquiry was convened by MSA. Mr Danks, despite being present as a witness, questioned what jurisdiction MSA had over an out of season practice session and suggested that the matter was one for resolution by the host club WPMC.
34. It is clear from reading of the regulations that there are numerous transgressions thereof which can take place outside of the ambit of a competition for which a permit has been issued and these would include transgressions of several of the provisions of GCR 172 including inter alia, GCR 172 iv, vi and x.
35. MSA has jurisdiction over its licence holders in terms of the provisions of GCR 122. The regulations attribute responsibility for certain acts and omissions of other parties to its licence holders.

*See for example GCR 113 xiv, GCR 118, and GCR 172 x*

36. It is the clear intent of both the MSA Safeguarding Policy and the MSA Karting Code of Conduct that they are intended to apply to everyone involved in South African Motorsport in whatever capacity. However, that intent alone cannot make them legally binding on parties who have no contract with MSA.
37. Mr Kyle Bennett claimed in his evidence to “have a racing team”, in response to questions from the court he testified that he did not hold an entrant’s licence but that he ran 6 to 12 racing teams, that is to say that he supports a number of individual karters by providing services to them on practice days and race days and throughout the week. (His father interjected at this point to say he is a mechanic.) Mr Trevor Bennett described himself as a mechanic working for one identified team.
38. In the absence of notice to any particular licence holder proved to be associated with either of the Bennetts there is nobody to be held responsible for their actions, as contemplated in GCR 113 xiv or GCR 172 x. Additionally in the case of Mr Kyle Bennett who appears to work for multiple individuals it would be singularly unfair to sanction any one of them for his actions even were they to be cited properly as a Defendant.
39. In conclusion we do not believe that there is any contractual nexus in terms of which we could impose any of the prescribed penalties on any of the parties in this matter.
40. Had we had any such jurisdiction it is likely that we would have imposed a 2 month ban on Mr Kyle Bennett from being present at any karting circuit under the jurisdiction of MSA while any minor competitor was present at the circuit and a warning to Mr Trevor Bennett. The short period of the ban suggested takes into account that the ban would have the effect of depriving Mr Kyle Bennett of his livelihood. We would have suspended such ban for a period of three years conditional upon Mr Kyle Bennett not having been found guilty of any contravention of the regulations insofar as they relate to his conduct.
41. The court expresses its extreme disappointment at the conduct of all of the adult parties who appeared at this hearing. It is clear that they follow neither the letter nor the spirit of the MSA Karting Code of Conduct and set a very poor example for minor participants in the sport.



OTHER MATTERS

42. Finally, the court feels that it is incumbent upon it to make several observations and recommendations to MSA for the future.
43. MSA should be extremely hesitant in acceding to requests for in-person hearings where matters are initially convened as online hearings. This is especially the case in matters involving minor competitors or any other vulnerable parties or matters under the safeguarding policy. There is no apparent reason for the request in this instance which only resulted in an extremely unpleasant hearing, aggression, and intimidation.
44. It is important for the regular conduct of the sport to have the capacity to discipline persons associated with it, who may not be the holders of licences and who may not be contractually bound by the regulations, such as for example family members, coaches, mechanics, engine tuners, and suppliers of specialist services all of whom are intimately involved in the sport and from whom a certain level of conduct is to be expected.
45. It is recommended that MSA investigate the amendment of its memorandum in such a way as to bind its corporate members, such as for example, member clubs, and venue owners, to enforce any sanctions by way of a ban imposed on any person by exercising their right of admission to prohibit the attendance of such persons in compliance with such ban. This is merely a suggestion and there may be other effective ways to sanction people, who have no contractual nexus with MSA, for inappropriate actions which constitute contraventions of the regulations.
46. It is also recommended that GCR 122 be amended to include specific reference to the MSA Safeguarding Policy and the MSA Karting Code of Conduct.  
Competitors are reminded of their rights in terms of GCR 212 B.

HANDED DOWN AT JOHANNESBURG ON THIS THE 27TH DAY OF MAY 2024.

*SCHarding*

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Mr Steve Harding  
Court President

*KJLondt*

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Mrs Karen Londt  
Court Member