



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

[www.motorsport.co.za](http://www.motorsport.co.za)

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort  
e-mail: [msa@motorsport.co.za](mailto:msa@motorsport.co.za) Telephone (011) 675 2220

## MSA COURT OF APPEAL 476

**HEARING WAS HELD VIA ZOOM ON 20 MAY 2024 AT 17H30**

<b>Court:</b>	Mr. Mitch Coetzee Ms. Arlene Brown Mr Iain Pepper	Court President Court Member Court Member
<b>In Attendance:</b>	Mr Franco Scribante Mr Byron Teengs Mr. Charl Arangies Mr Mark Du Toit Mr Gianni Giannoccaro Ms Tanya Kritzinger Mr. Harry Arangies Mrs Allison Vogelsang Ms Samantha Van Reenen  Mr Vic Maharaj	Appellant Entrant for the Appellant Defendant Extreme Supercar Committee Chairman Extreme Supercar Committee Member Extreme Supercar Secretary Observer MSA Sporting Coordinator MSA Sporting Manager – Cars, Karting & Legal MSA Sporting Manager

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## JUDGEMENT

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### PRELIMINARY MATTERS:

1. These are the written findings of Motorsport South Africa (“MSA”) Court of Appeal 476 which was heard electronically via the Zoom platform on the 20<sup>th</sup> May 2024 at 17:30.
2. The members of the Court were introduced to the parties and there was no objection 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

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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

**INTRODUCTION:**

1. The appeal was lodged by Mr Franco Scribante, against the findings of the Alternate Stewards protest hearing held on 29 November 2023.
2. The court was provided with the formulated appeal and annexures thereto and were asked to investigate the matter at hand and take action as deemed appropriate.
3. The hearing took place in accordance with the provisions of GCR 220 (to the extent that these are relevant).
4. Prior to the commencement of these proceedings, additional evidence was obtained and received by the court members, that was not given consideration at the previous hearing.

**THE HEARING:**

It was explained to the parties, that the hearing is being held “De Novo”, and proper decorum will be shown during the proceedings.

The court called Mr Byron Teengs first to give his testament. Mr Byron Teengs presented the following points:

The change of car and class was submitted to the CoC outside the allowed time limits (less than 1 hour of the competition starting);

The entry form indicated a different vehicle and class to the actual vehicle that was driven on the day in question.

Upon inspection, the entry form that was submitted indicated the following: Class GT3, and the chosen vehicle to be driven was an Audi R8 LMS GT3 EVO. However, a Ferrari F430 Challenge car was driven in Class A.

The Extreme Supercar Committee’s approval was not applied for in respect to the change of vehicle “and” or “class “that was used on the day in question;

There was never an approval received from the Extreme Supercar Committee for change of vehicle “and” or “class “

In terms of the reason for why the change occurred, there was never a good reason obtained or supplied to the Extreme Supercar Committee;

There was no official notice and nothing was published indicating any changes in respect of Mr Charl Arangies’ entry ;

In ending his testimony, Mr Byron Teengs raised the issue that GCR172 is vital here and needs to be considered by all.

The court members were given the opportunity to question Mr Byron Teengs. With no further questions being posed to Mr Byron Teengs by any of the court members, the President called Mr Charl Arangies to give his testimony and version of events.

Mr Charl Arangies, did not challenge what was stated by Mr Byron Teengs and proceeded to give his version of the facts. It was during his version, that court member Mr Iain Pepper questioned him on certain statements as they arose. Mr Mitch Coetzee also required clarity on explanations given during his testimony.

In essence, the following points from Mr Charl Arangies' testimony were ventilated and determined:

Mr Arangies admitted to only signing the original entry form (submitted online on 26.10.2023) on Friday 17.11.2023, at documentation. Mr Iain Pepper questioned if he checked the form at documentation before signing, which he then replied that he only checked that his name, and license number were correct on the form. Mr Pepper asked why he did not make the necessary correction to the entry form at that time, recording that the vehicle to be used was now going to be the Ferrari F430 in class A, and not the vehicle or class indicated on the originally submitted form. Mr Charl Arangies, stated that this was a mere oversight on his part.

Mr Iain Pepper added that this seemed strange as on 13.11.2023 Mr Ari Neveling, who submitted all the Stradale team entries on 26.10.2023, e-mailed Zelda at Zwartkops to change his own entry from a Porsche to an Audi R8 LMS GT3 into class A+. This is the entry form that was signed at documentation by Ari Neveling, yet nothing was submitted to change Mr Charl Arangies' original entry from the Audi R8 LMS GT3 to the Mercedes AMG GT3.

When questioned as to why he decided to not use the Mercedes as shown on the entry list and program, Mr Charl Arangies replied that there was a possibility that it was going to be used for the upcoming Kyalami 9 Hour race, and this commitment was only confirmed on that Friday.

Mr Charl Arangies, further testified that it was decided only on the Friday, that the Ferrari F430 was going to be raced in Class A.

When Mr Charl Arangies was questioned as to why he did not follow the required SSR's and seek the approval of the Extreme Supercar Committee before the changing of the vehicle and class. He testified, that he had asked the Extreme Supercar Committee member, Mr Jonathan du Toit, what the correct procedure was, and he advised that he should notify the CoC and Stewards informing them of the change of vehicle and class, to which he then did.

At this stage, the MSA Change of Driver form that was submitted, was examined by the court. From the Inspection of the form, it was apparent that the form was submitted at 07h45 on 17.11.2023, which was out of time, as it was less than 1 hour before the practice session, which was scheduled to commence at 08h30.

Furthermore, the submitted form simply "notified" the officials of the change and no good reason was given as to why the change was occurring. The form stated:

"changing of car and class", "changing from Mercedes AMG GT3 #86 Class GT3 to Ferrari F430 Challenge #86 Class A"

The form was signed by the Clerk of Course S Swanepoel and MSA Steward A Shillinglaw. There is a further signature below with the initial T.K, the court is surmising that this is the 'Time Keeper' acknowledging the notification to change the details on the Timing system.

The court is of the opinion that Mr Charl Arangies was simply notifying the officials of his intent to change the vehicle and class and was doing so without the necessary Extreme Supercar Committee's approval.

The court felt that the CoC and the MSA Stewards should be reprimanded, for not first determining if the changes were within the time limit (which it was not) and, secondly, that it had complied with the SSR's of the class, and whether or not approval was obtained by the Extreme Supercar Committee.

Although the CoC and MSA Stewards, erred, this was not a turning point in this case. On closer examination of the SSR's, it clearly makes provision for a competitor to apply to the Extreme Supercar Committee to change class or car or driver, and from the above testimony by Mr Charl Arangies, it is clear that this was not done.

During questioning by the court, the Chairman of the Extreme Supercar Committee (Mr Mark du Toit) was asked what the procedure would be to gain the approval by the Extreme Supercar Committee for a change of class and / or car. Mr Mark du Toit responded and testified, that normally an email would be sent to the Extreme Supercar Committee, requesting any changes, which could then be discussed and decided by the Extreme Supercar Committee.

When asked, if Mr Charl Arangies had in fact approached the Extreme Supercar Committee, WOULD permission have been granted to change the car and / or class? To which Mr Mark Du Toit replied that permission would probably have been granted.

Facts are facts, here and unfortunately, Mr Charl Arangies did NOT apply to the Extreme Supercar Committee prior and without good reason for the change of class and car.

Before conclusion of the court, Mr Franco Scribante and Mr Charl Arangies were given a final opportunity to raise any further questions, and both declined.

The court then concluded the forum, and the session ended.

### **THE FINDINGS:**

After deliberating the court, are of the opinion that Mr Franco Scribante could have submitted his protest at a much earlier stage, once he noticed the lap times being published by Mr Charl Arangies' class and car.

The court acknowledges and accepts that Mr Franco Scribantes' Team, only made an enquiry into the change after they had sight of an Official Notice being circulated on the WhatsApp group, for the change of class for two other competitors from GT3 to A+. It was only then that they formally enquired as to whether anything else was posted on the official noticeboard, as they had not seen anything pertaining to Mr Charl Arangies. They were informed that everything received was posted on the official noticeboard.

In careful consideration and review of how the protest was handled by the Scribante Team, the court are of the opinion that this was not ideal, however, the protest was complied with by the required GCRs and SSR rules and within the stipulated timeframe.

When examining the entry form that was submitted and signed by Mr Charl Arangies, the court note the following discrepancies:

The original entry form listed the Vehicle details as follows:

Make: Audi Type/Model: R8 LMS GT3 EVO Year: 2016

Engine Make: Audi Capacity: 5200cc No of Cylinders: 10

Class : GT3

Mr Arangies testified that he signed this form at documentation on 17.11.2023 (as required in terms of GCR 96), after checking his name and license number details, but it was an oversight that he did not correct the car described, to reflect the actual car (Ferrari F430) that was used.

*In terms of GCR 91 (ii) you are permitted to make an alteration to your entry form, as long as the competitor initials this change. Failure to comply with the above may result in exclusion or lesser penalty...*

Furthermore, the self-scrutineering document provided as part of the evidence by the secretary described, the Audi R8 GT3 LMS class GT3, and it has not been signed. No self-scrutineering form for the Ferrari F430 class A was ever received or presented.

*In terms of GCR 97, an entry containing a false or incorrect statement shall be invalid.*

In this instance an Audi R8 LMS GT3 in class GT3 reflected as the vehicle entered and signed by Mr Charl Arangies, when in fact the Ferrari F430 class A was raced.

In the court's opinion, the change of class and car did NOT and has not complied with *SSR 4.1 and 4.4.4 of 2023 MSA National Challenge Standing Supplementary Regulations Extreme Supercar Championship Version 1; 1 January 2023 Ref 162922*

**The order:**

1. The appeal is successful.
2. The appeal fees less 20% are to be refunded.
3. Mr Charl Arangies is excluded from the event in its entirety and as such does not score any points.
4. MSA is ordered to amend the days results and Championship Points.
5. All parties are reminded of their rights in terms of GCR 212B.

These findings were issued and handed down on 5 June 2024

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