



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 484

HEARING WAS HELD VIA ZOOM ON 24 JUNE 2024 AT 19H00

Court:	Mr. Neville Townsend	-	Court President
	Mr. Michael Daniel	-	Court Member
	Mr. Scott Falconer	-	Court Member
In Attendance:	Mr. Leon Boshoff	-	Appellant
	Mr. Leeroy Poulter	-	Engine Builder for the appellant
	Mrs. Jacky Billau	-	Parent competitor #68
	Mr. Ian Richards	-	MSA Steward
	Mr. Craig Lovett	-	Club Steward
	Mr. Eric Schultz	-	Clerk of the Course
	Mr. Gary Lennon	-	Promoter/ Importer
	Mr. Daniel Bright	-	Chief Scrutineer
	Mr. Alistair Pringle	-	Technical Consultant
	Mr. Sparky Bright	-	MSA Technical panel
	Mr. Vic Maharaj	-	MSA Sporting Services Manager
	Ms. Samantha Van Reenen	-	MSA Sporting Services Manager – Cars, Karting and Legal
	Mrs. Allison Vogelsang	-	MSA Circuit Sport Coordinator

JUDGEMENT

INTRODUCTION

1. Motorsport South Africa ("**MSA**") convened a formal court of appeal in terms of the provisions of GCR 212 as granted to Mr. Leon Boshoff ("**the entrant**").
2. The common cause statements surrounding the appeal were read to all parties and these form part of the summary of the circumstances:

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

- Event ROK Karting National Round 2 held on 1st /2nd March 2024
- Venue Killarney
- Applicable SSR MSA National ROK Karting V2 dated 22/01/2024
- MSA Permit 17556
- Class Mini Rok
- Competitor #55 Zak Boshoff (minor)
- Original inspection 18th March @14:00
- Outcome Engine was deemed in contravention of Section D Art9(a)
- Costs R16500 applied in terms of GCR 254(v), GCR 180(iii),GCR 196
- Penalty Exclusion from entire event
- Leave to appeal Received on 17th April 2024
- Statement Entrant acknowledges the contravention did occur(sec5)
- Leave to appeal was granted by MSA

Mr. Boshoff agreed that the common cause summary is not in dispute and correct.

3. Mr. Boshoff was requested to lead his appeal and stated various aspects surrounding the reasoning for the engine number being restamped.
 - 3.1. Mr. Boshoff stated that the kart had previously been in an accident and there was damage caused to the engine casing.
 - 3.2. Mr. Boshoff furthermore addressed the engine builder who reiterated the reasoning behind the engine number "shelf" material was removed and a number stamped.
 - 3.3. Mr. Boshoff queried why the engine compliance was noted after qualifying, yet the competitor was allowed to race all subsequent heats.
4. The scrutineer, Mr. Daniel Bright, had noted that his role was to scrutineer for safety and not specifically engine compliance and that the TC needs to respond.
5. Mr. Allistair Pringle was questioned in-depth regarding the period in noticing that the engine may have been tampered with and allowing the competitor to continue to compete.
 - 5.1. Mr. Pringle response included the fact that the engines vary in age, and he was unsure whether any tampering had in fact taken place.
 - 5.2. The verification of suspicion of tampering only occurred later which the TC then instructed the technical compliance request.
6. Mr. Sparky Bright gave evidence regarding the importance of engine number registering as well as prevention of the altering of engine numbers.
7. Mr. Gary Lennon gave the court insight into the complications involved in karting with regards to imported engines and that he was the promoter and registrar of engines within this facet.

8. THE COURT

- 8.1. Upon hearing all the evidence, the court proceeded to question for clarity:
- i. Mr. Boshoff did not answer directly regarding the importance of upholding the sanctity of engine serial number uniqueness.
 - ii. Mr. Boshoff was also unable to provide evidence of the damaged serial number, nor did he or the mechanic note to any authority that the engine number had been restamped.
 - iii. Mr. Poulter acknowledged that he had never removed or restamped a serial number previously and does not know why he did not advise any authority.
 - iv. Mr. Boshoff was unsure whether GCR 226 applies in this instance in terms of **“what is not specifically permitted is disallowed”**
 - v. Mr. Boshoff was unable to respond as to the guarantee that an engine (or more) of the same serial number may now exist.
 - vi. Mr. Pringle noted that this instance of irregularity was rare therefore he wanted to be sure of the serial markings of an engine of that age before deciding which may or may not impact the competitor

9. FINDINGS OF THE COURT

- 9.1. There are several aspects to take into consideration in this matter however, the fundamental violation of GCR 226 is evident and pertinent.
- 9.2. The court finds the likelihood of damage to the serial number “shelf” as highly unlikely as there was no evidence of the damage to the engine casing presented.
- 9.3. The court also finds that the indiscreet and irresponsible manner the entrant took to alter a vital aspect of regulating engine uniqueness cannot go unnoticed.
- 9.4. The court also finds that the aspects surrounding the specific engine were found to be within specification during the technical inspection (measurements) and does not detract from the fact of the contravention of the ROK Karting technical specifications Section B, Art 16 (c) and SSR Section D Art 9 (a) and the technical micro fiche specification.
- 9.5. The court finds that the scrutineer and TC acted carefully and can be commended.

10. OUTCOME

- 10.1. The court finds that the penalty imposed during the original protest hearing based on the TC report was correct.
- 10.2. The competitor is excluded from qualifying and all heats as per the original penalty.
- 10.3. The appeal fee is retained

11. DUE DILIGENCE OF THE COURT

- 11.1. It is prudent of the court to note the high risks involved should this conduct be condoned.

- 11.2. Altering engine numbers or chassis numbers in any way whatsoever, should not be tolerated.
- 11.3. The abuse of processes in place if this conduct is not checked leaves untold misfortune upon all facets and the destruction of fair and honest motor racing.
- 11.4. The court expresses extreme caution to all participants.
- 11.5. The court has taken the minor competitor into account as not knowing this conduct took place.
- 11.6. The engine builder was careless and affected the outcome on a minor competitor and the court hopes that this outcome is noted by the engine builder.
- 11.7. The court has no guarantee on the validity of the quantity of engines with this serial number and consideration needs to be taken to exclude all engines going forward with this serial number (21048)
- 11.8. The court also requests MSA consideration that going forward a fine be imposed of no less than R50 000.00 if found guilty of altering an engine or vin number in any way.

12. RECOMMENDATION

- 12.1. Addition to GCR to explicitly state
 - i. No modification or altering to any engine or vin number or any serialized aspect of identification without the express written approval of the promoter or MSA (or both).
 - ii. Restamping or modifying of a serial number will result in an immediate exclusion from an entire event irrespective of engine used.

The date of this judgement is the 1 July 2024

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