



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1278

**HEARING WAS HELD VIRTUALLY VIA ZOOM ON 25 JULY 2024 AT 17H30**

<b>Court:</b>	Mr. Wayne Riddell Mr. Mark Cronje Mr. Paul Williams	Court President Court Member Court Member
<b>In Attendance:</b>	<b><u>In Person</u></b> Master Christopher Tait Mrs. Katherine Tait Mr. Llewelyn Tait Mr. Kyle Petersen Mr. Chad Petersen Mr. Eric Schultz Mr. Vic Maharaj Ms. Samantha Van Reenen	Competitor Entrant for competitor Christopher Tait Father of competitor Competitor Father of competitor Clerk of Course MSA Sporting Services Manager MSA Sporting Services Manager: Cars, Karting and Legal
<b>Apologies:</b>	Mrs. Allison Vogelsang	MSA Circuit Racing Co-Ordinator

### **BACKGROUND AND PRELIMINARY**

1. These are the findings of a formal enquiry in terms of the provisions of GCRs 211, based on reports submitted to MSA by the Clerk of the Course, into the alleged conduct of Mr. Llewelyn Tait and Mr. Chad Petersen during Race 2 of the VW Challenge category at the Regional Extreme festival held at Zwartkops Raceway on 8 June 2024.
2. The court of appeal, which was a hearing that involved everyone attending virtually via the Zoom platform, hosted and recorded by MSA. 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. The enquiry was to:
  - (a) Fully investigate the alleged off-track incident between Mr. Llewelyn Tait and Mr. Chad Petersen during race 2 of the VW Challenge class and if they are, based on their conduct in parc fermé, guilty of breaching, inter alia, GCRs 172 iv) and vi)?

***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), P. Zeelie (Financial),  
Mrs. D Abrahams, Mrs. D. Ballington, K. Govender, Ms. T. Human, Mrs. S Labuscagne Jonck, V. Maharaj (Executive), D. Ramchander, M. Rowe, G. Waberski  
Honorary President: R. Schilling

(b) Determine what action to take in response to its findings concerning item 1 above.

4. The applicable extracts of the relevant article of the regulations set out as follows:

**a. GCR 22. "ENTRANT"**

*means any person, persons or body who enters a vehicle in a competition and who is in possession of a licence. In the case of minors, the parent or court-appointed legal guardian is automatically deemed to be the entrant, and he/she shall not be required to be in possession of a licence separate to that of his/her minor child. Should a parent or legal guardian not be willing or able to act as the entrant for his or her minor child, he or she shall advise MSA accordingly and nominate an alternative entrant to act on his or her behalf. Any such alternative entrant for a minor driver/rider must hold an entrants licence issued by MSA and, unless MSA has granted specific written approval to the contrary following a formal request, such alternative entrant may only represent one minor driver/rider.*

**b. GCR 113. ENTRANT (See GCR 22.) In particular entrants shall:**

- i) hold the appropriate licence (this may be through their children in the case of minors) issued by their parent ASN or FMN.*
- ii) be bound by the provisions of the sporting codes applicable to the event, such agreement being signified by the signature of the holder on the licence.*

....

- viii) be present or represented at documentation.*

....

- xiv) have the prime responsibility for all acts and omissions of all persons connected with his entry (notably his driver(s), mechanic(s), pit personnel, passengers and service crews) and for ensuring that they comply with the rules and regulations and be responsible for the payment of any fines levied on such persons.*
- xv) ensure that they sign on at documentation with his driver(s) / rider(s), in order to formalise their legal standing at the event in question.*

**c. GCR 114. ENTRANT'S REPRESENTATIVE (See GCR 22.) In the absence of a separate entrant, the nominated driver (or his/her parent/legal guardian), or the first nominated driver (or his/her parent/legal guardian) in the case of more than one driver, shall be deemed to be the representative of the entrant and shall assume the applicable duties and responsibilities.)**

**d. GCR 115. ENTRANT RESPONSIBLE FOR HIS REPRESENTATIVE**

*Notwithstanding the foregoing, an entrant is held responsible for any misdemeanour of a driver acting as his/her representative and, with the driver, is liable to penalty.*

**e. GCR 116. INDIVIDUAL RESPONSIBILITY**

**All persons who during a competition are connected with an entry are not absolved from their individual responsibility under any relevant regulations because of the responsibilities assumed by the entrant or his/her representative.**

**f. GCR 172. BREACH OF RULES**

**Any of the following offences in addition to any other offences specifically referred to previously or hereafter, shall be deemed to be a breach of these rules.**

....

**iv) Any proceeding or act prejudicial to the interests of MSA or of motor sport generally shall be deemed a breach of the regulations and disciplinary action may be taken against offenders.**

**By way of clarification, it is confirmed that the following shall be included in the definition of "prejudicial acts" as per the above:**

- **Intimidation, either on track or off track.**
- **Verbal and or physical abuse.**

....

- **Acts (including comments and or gestures) which would reasonably be considered by the general public to be offensive or inappropriate.**
- **It is stressed that the above list is not exhaustive, and that each case will be treated on an individual basis.**

....

**vi) Misbehaviour or unfair practice.**

**Note: The underlined section in the above rules is those of the court to emphasise specific words.**

5. The court started proceedings to enquire how Mr. Llewelyn Tait and Mr. Chad Petersen came to be at the same event as Master Christopher Tait and Kyle Petersen. It was established that both men were the natural fathers of the respective competitors, with one difference in that Master Tait was a minor and that Mr. Tait would have been his entrant, despite the actual entry form showing otherwise.
6. It was also established by the court that the mother – Catherin Tait, that despite signing the official entry form as the entrant was not at the event at all as by her own submission, she was in fact in KZN at the time.
7. The court establishing a formal chronological timeline of each action as it took place.
8. Once the order of events was established, the court asked if there was any objection to the listed order. There was no objection received other than a disagreement on "the angle of grabbing by the throat". The Petersen family contest that it was from behind and the Tait family contest that it was from the front.
9. It is common cause that the competitors acknowledged that despite the contention of what position the grabbing of the throat took place, that there was a verbal argument that took place during the race, in which foul language was used; that Mr. Petersen did tap Mr. Tait's cap

downwards while on his head; that Mr. Tait pulled Mr. Petersen to the floor and that a physical altercation took place, until friends and family of the two pulled them apart.

10. It is also common cause that after hearing about the altercation, the CoC confronted the 2 men in the parc fermé area asking for a written incident report to be drafted and submitted to him, that the verbal altercation flared up again where the CoC asked Mr. Tait to leave the area.
11. There was disparity on the term of the word attack or assault with both fathers claiming self-defence.
12. The court found that the relationship between the parents remained acrimonious, even after a considerable time had expired since the altercation took place.
13. The court believed that the CoC correctly called for a formal enquiry to be called by MSA as he felt that the volatility of the situation on the day would have made it near impossible to have both competitors and fathers in the same room behind closed doors.
14. The court was also informed by both fathers that they had each lodged a case with the South African Police Services, these case numbers have been received by MSA.
15. This court is duty bound to comply with the GCR's as they are laid out. The same is expected by the competitors and parents alike in all respects.
16. The court is satisfied that while the two competitors who were out on track (it must be noted that no incident nor action by the officials resulted from the on-track race in question), the two parents, Mr. Llewelyn Tait and Mr. Chad Petersen were involved in both a verbal and physical altercation. As such, they are found to have breached GCR 172 (iv) and (vi).
17. The court also believes that any one of the fathers involved had the ability to stop and walk away from the confrontation.
18. It was also found by the court that Master Christopher Tait is a minor and that despite having his mother sign as the initial entrant, his father presided over him as his formal entrant in line with GCR 22 as his mother was in fact not at the circuit at all.
19. It was also found that Mr. Chad Petersen is connected with competitor Kyle Peterson by virtue of GCR 114, 115 & 116.

### **THE FINDINGS**

20. The court found that Master Christopher Tait, through his entrant Mr. Llewelyn Tait has breached GCR 172 (iv) & (vi).
21. The court also finds Mr. Kyle Petersen, through his father Mr. Chad Petersen has breached GCR 172 (iv) & (vi).

22. The court therefore imposes a fine of R50 000-00 (Fifty Thousand Rand) on each competitor for breaching GCR 172. The competitors are reminded of the inclusive provisions of GCR 180 – time limits for payment of fines.
23. Both competitors licenses are suspended for five years from date of these findings.
24. Prayer 23 above is in itself suspended for a period of two years with the proviso that if at any point during this period of suspension, Mr. Llewelyn Tait and / or Mr. Chad Petersen are found jointly or severally in contravention of GCR 172 (iv) & (vi), the five-year ban comes into immediate effect on the guilty party.
25. The court rules that while exclusion should be appropriate in such instances, it felt that the parents were in the altercation while the drivers were out on track and as such could not have intervened to prevent the situation escalating the way it did, as such, no exclusion is issued in this instance.
26. Both Mr. Llewelyn Tait and Mr. Chad Petersen are banned from attending any MSA sanctioned motorsport event until 31 December 2024.
27. A concerning aspect for the court is the fact that the officials were unable to deal with the initial situation at the event in question due to the volatility of the parents.
28. Parents, the court feels can make or break a competitor's career and every opportunity must be taken to nurture young competitors in the sport, rather than take a stance of aggression when challenged in competition.
29. The court feels that one of the fathers is a seasoned competitor with more than eight years in motorsport and should have known of the possible consequences of exerting aggression at a race meeting.
30. As per GCR 198, the court makes an order of costs to the value of R2,000.00 against each competitor.
31. All parties are reminded of their rights in terms of GCR 212B.

These findings were issued and handed down on 4 September 2024

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