



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MOTORSPORT SOUTH AFRICA COURT OF ENQUIRY NO 1281

Court composition:	Mr. Steve Harding	Court President
	Mrs. Tandy Sinclair	Court Member
	Mrs. Vanessa Wood	Court Member
Attendance:	Mr. Luan Oelofse	Clerk of the Course
	Mrs. Joy Dolinschek	MSA Steward
	Mr. Owen Marsh	Club Steward
	Mr. Stephen Matthews	Chief Marshal
	Mr. Clint Lingeveldt	Entrant for minor competitor Caleb Lingeveldt
	Mr. Raaziegh Harris	Entrant for minor competitor Radhi Harris
	Mr. Seraj Doutie	Entrant for minor competitor Aleena Doutie
	Ms. Samantha Van Reenen	MSA Sporting Services Manager – Cars, Karting & Legal
	Ms. Lizelle van Rensburg	MSA Sport Coordinator

PRELIMINARY MATTERS

1. These are the written findings of Motorsport South Africa (“MSA”) Court of Enquiry 1281 which was heard on 30 September 2024.
2. The hearing was conducted in an online format with the parties, officials and witnesses all attending virtually via the Zoom platform.
3. 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



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

4. The court was convened in terms of the provisions of GCR 211 based on post event reports submitted to MSA in connection with heat 2 of the Bambino karting category at the WPMC Karting event held at Killarney Kart Circuit on 17 August 2024. The court was specifically directed to investigate the circumstances surrounding the determination of the race results by the race officials in heat 2 of the Bambino class with a view to establishing whether the declared results of the race were accurate or if there have been any discrepancies or errors in their finalisation; and, then to determine what action to take in response to its conclusions in the foregoing regard.
5. In essence the question before the court was a simple one. Factually it was common cause that a red flag had been called and displayed after some of the competitors had taken the chequered flag and before the remainder of the field had reached the finish line. The court was required to determine how the results should be established in such circumstances.
6. Given the nature of Courts of Enquiry there is no fixed or laid down procedure for their conduct which therefore falls to be determined by the court. In this instance the court was of the view that it should first attempt to determine a consensus view of which karts were and were not affected by the red flag, then hear evidence from the Clerk of the Course and the chief marshal in regard to the circumstances which gave rise to the incident before allowing the parties to ventilate the issue before the court.

THE EVIDENCE

7. During the 6th and final lap of the heat in question an incident occurred involving the karts of Divaaj Govender and Aleena Doutie, who were 3rd and 4th respectively at the end of the previous lap. This incident resulted in a red flag. The court established that two competitors, namely numbers 23, Radhi Harris, and 33, Caleb Lingeveltdt had crossed the finish line, in that order, and taken the chequered flag before the red flag was displayed. The red flag affected the remaining 5 competitors, number 35, Lehan Fourie, who correctly stopped on the finish line and the other 4, at least one of whom did not.
8. After the conclusion of the heat an initial set of results were released, based on the order in which the karts crossed the line at the conclusion of the penultimate 5th lap of the race. Significantly, this made Caleb Lingeveltdt the winner while Radhi Harris, who was the first to take the chequered flag, was consigned to 2nd place. Mr Harris, the father and entrant of his son, Radhi Harris then made an approach to the Clerk of the Course for an explanation of the apparent change and after a discussion between the race direction (the Clerk and his assistants) the Clerk of the Course chose to issue a revised set of results based on the result at the end of the 6th lap. The basis of this decision was according to the report of the Clerk of the Course, in order to be fair to the competitors who had already crossed the line.

9. Mr Lingeveldt, as father and entrant of his minor son Caleb, lodged a protest against the revised set of results which was determined by the Stewards to be out of time.
10. In essence the simple question before the court could be put as; which of the two sets of results is correct?

THE FINDINGS

11. The issue is in our view a simple one. GCR 273 i) provides expressly that in the circumstances of a race stoppage “*the classification will occur from the last part of the event in which all current competitors had an equal chance to compete unless the regulations provide otherwise.*” None of the parties were able to suggest any provision in the regulations which provide otherwise. The court has examined the GCRs of MSA and MSA National Karting SSRs, the MSA SARMC Regulations and the 2024 MSA WC Karting regulations and 2024 WPMC Karting Club regulations as referred to in the supplementary regulations as well as the FIA Karting International Sporting Code and General Prescriptions mentioned in the SARMC SSRs none of which provide “*otherwise*”, *i.e* provide for an alternative method of classification in these circumstances.
12. There is no room for an application of a concept of fairness into the regulations which must be applied as in accordance with their ordinary meaning. The ordinary meaning of the wording of GCR 273 i) has always been interpreted in the case of circuit racing as requiring the establishment of the classification at the end of the lap preceding the lap in which the red flag is displayed and we can see no reason to depart from this understanding of the regulations. It may well be the case that this results in a competitor such as Radhi Harris being deprived of the rewards of a last lap overtake but that does not justify a departure from the applicable regulation or its established interpretation. (Incidentally the FIM recognised this “unfair” consequence and amended the applicable regulation (article 1.25) applying to MotoGP, in 2022, but that of course does not change the interpretation to be applied in this instance).
13. It is further the courts view that there must be absolute certainty on the consequences of a red flag and that allowing any other interpretation may result in competitors attempting to avoid its consequences and continuing to race to the line.
14. It is our finding that the initial set of results determined at the end of Lap 5 of the race should stand and it is so ordered. We further direct that the protest fee be repaid by MSA to Mr Lingeveldt in the event that this has not already occurred.

OTHER OBSERVATIONS

15. While falling outside of the mandate of this court, we note that there appears to have been some delay in the display of the red flag following the incident. The Chief Marshal attributed this to limited visibility resulting from the raising of the tyre barriers earlier this year in to meet the minimum circuit safety standards of the CIK. It is recommended that if the Chief Marshal wishes to have line of sight observation of the circuit that he moves himself to an elevated position which affords sight of the whole of the circuit or as much of it as possible even if that necessitates the deployment of an extra marshal on the ground.

16. This class is effectively the kindergarten of motor racing. It is recommended that an additional briefing of these competitors and novice competitors in other classes be held on a regular basis to explain the flags and the required actions of competitors when they are displayed with particular emphasis on the red flag and chequered flag.

The parties are reminded of their rights in terms of GCR 212 B.

These findings are dated on 4 October 2024.

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