



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1280

HEARING WAS HELD VIRTUALLY VIA ZOOM ON 07 October 2024 AT 17H30

Court:	Mr. Wayne Riddell	Court President
	Mr. Mark Cronje	Court Member
	Mr. Anthony Taylor	Court Member
In Attendance:	Mr. Schalk Geldenhuys	Competitor
	Mr. Nathan Victor	Competitor
	Mr. Clinton Bezuidenhout	Competitor
	Mr. Eric Schultz	Clerk of Course
	Ms. Samantha Van Reenen	MSA Sporting Services Manager
	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. Schalk Geldenhuys, Mr. Nathan Victor and Mr. Clinton Bezuidenhout during Race 2 of the VW Challenge category at the Regional Extreme festival held at Killarney Raceway on 10 August 2024.
2. The court of enquiry 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 on-track incident / accident between Mr Schalk Geldenhuys (#110), Mr Clinton Bezuidenhout (#57) and Mr Nathan Victor (#171) during race 2 of the VW Challenge class.
 - (b) Determine what action to take in response to its findings concerning item 1 above.

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

a. GCR 177. SCALE OF PENALTIES

The following scale indicates penalties in order of increasing severity that can be adopted by all officials:

- i) Reprimand*
- ii) Fine (up to the limits prescribed in Appendix R to these regulations)*
- iii) Time Penalty*
- iv) Exclusion*

The following scale indicates penalties in order of increasing severity that can only be imposed by formal MSA Courts:

v) Suspension and withdrawal of licence

- vi) Disqualification*
- vii) In addition to any other penalty, forfeiture of championship points, which shall only be imposed by MSA or the National Court of Appeal, (except as provided for GCR 176). One or more of the above penalties may be imposed as a result of a single finding, or an option of paying a fine introduced.*

b. 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.*

....

- *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.

STANDING SUPPLEMENTARY REGULATIONS applicable to race meetings for cars and motorcycles

- c. **SSR 49. RACING CONDUCT** No competitor shall indulge in foul language and unfair or dangerous conduct. Breach of this regulation may render the guilty party liable to exclusion.
- d. **SSR 50. OVERTAKING, RULE OF THE ROAD AND DRIVING DISCIPLINE**
i) Overtaking (cars)
 a) During a race,
 b) If the driver of the ...
 c) Corners, as well as the approach and exit zones thereof..... **manoeuvres liable to hinder other drivers, such as premature direction changes, deliberate crowding of cars towards the inside or the outside of a curve or any other abnormal change of direction, are strictly prohibited and shall be penalised,** according to the seriousness and repetition of the offences, by penalties ranging from a fine to exclusion from the race. The repetition of dangerous driving, even involuntarily, may result in exclusion from the race.
 d) **Any obstructive manoeuvre carried out by one or several drivers, either having common interests, or not, is prohibited.** The persistent driving abreast of several vehicles, as well as driving in a fan-shaped arrangement, is authorised only if there is not another car trying to overtake. Otherwise, the blue flag will be waved.
- e. **SSR 51. SAFE DRIVING/RIDING**
 i) **A competitor shall at all times drive/ride in a manner compatible with general safety** and may be halted by the Clerk of the Course for failure to do so. **Any penalty incurred under these regulations shall not prevent any further appropriate action by MSA.** (Refer also to SSR 17).
Cars: A driver may not maintain contact with or push a car in front of his own during a race.
- VW Challenge SSR's**
- f. **SSR 2.6.7.** Any competitor who, for the first time, **joins any class in one of the last three events of the series will be excluded in the scoring towards championship points but will still classify as a starter.**
- g. **SSR 3.3. Dangerous or unsafe driving is not acceptable. Bumping and/or pushing of other vehicles on the circuit is not allowed** and any drivers found doing this will be penalised by the Clerk of the Course in terms of GCR 157. The Clerk of the Course must consider infringements at previous events which resulted in penalties being imposed, when imposing penalties under this heading.
- h. **SSR 3.4.** Any **competitor who disadvantages another competitor by bumping** said competitor's vehicle, even unintentionally, that also results in the loss of place(s) during a race, will generally be penalised so as to finish behind the competitor that was disadvantaged. More severe penalties will be applied in the case of repeat offenders at the discretion of the Clerk of the Course.
- i. **SSR 3.5.** The vehicle ahead of any other vehicle in any 'train' of two or more vehicles on the circuit **may only change direction once in a straight line from the exit of one**

corner up to and including the entrance to the next corner unless involved in a genuine overtaking manoeuvre.

- j. **SSR 3.6 When attempting an overtaking manoeuvre coming into a turn:**
- 3.6.1 Entering the Corner (Phase 1)**
- a. Two or more cars entering the braking zone of a corner together, it is expected of each driver that such cars will exit the corner without contact. Neither overly aggressive overtaking nor excessively defensive driving will be tolerated.
- b. The lead car may enter the braking area in which ever way he or she wishes, inside middle or outside.
- c. Once the lead car has entered the braking zone with a car in close proximity the lead car may not change direction or block the challenger. The onus for a clear and clean overtaking manoeuvre lies with the challenger as he or she has a clear view of what is in front and the knowledge of the anticipated line that the lead car should or would take through the corner, unless the lead car makes a premature or sudden direction change in the braking area any result in contact will be the fault of the challenger.
- k. **SSR 3.6.2 Middle of the corner (Phase 2)**
- a. If the challenger is on the inside in the braking area
- b. It must be remembered that the lead car has to and will,
- c. If at the turn in point, the inside car is past the B pillar of the outside car, the car on the outside cannot turn in and take the normal racing line and must give space for the car on the inside to take the corner.
- d. If the outside cars front bumper is past the B pillar of the inside car at the turning point and remains ahead of the B pillar at the midway point of the corner, the inside car must allow the outside car enough room through the corner to exit the corner.
- e. Any bumping of the lead car from the back on the rear bumper is the fault of the challenger.
- f. The 'Y' or 'T' bone by a challenger on the inside of the lead car would be a clear indication of the challenger coming in too fast and stopping against the leader whilst he is turning into a corner. This indicates a clear intention of driving the lead car off the circuit or a seriously over-aggressive move and will be deemed the fault of the challenger provided the lead car abided by the rules above.
- l. **SSR 3.6.3 Exiting the corner (Phase 3)**
- a. From the Apex out, if the outside car is past the inner cars B pillar at the turn in point and remains there at the midway point of the corner, the inner car will take extra care not to drift wide under power forcing the outer car wide and ultimately off the circuit at the exit.
- b. This is exaggerated in front wheel drive cars and drivers should exercise extra caution. The inner car should exercise extra caution to avoid contact i.e. by lifting of the throttle, applying brakes or taking extreme evasive actions. If there is no evidence of evasive action this will certainly count against the inside car. At the same time the outside car must also take extra care not to crowd the inside car inwards of the racing line.

- m. **SSR 3.8** To assist the CoC in adjudication of driving conduct, all competing cars must be fitted with at least a forward-facing video camera, in a position determined by the TC and must also show the position of the steering wheel, during all official practise sessions, qualifying and all races. Should the CoC or Race Officials require footage, during an incident related investigation or at any time during a race weekend for whatsoever reason, from any race participant, and the participant fails to present the requested footage in a reasonable time, he/she will be penalised with a minimum of a three (3) place penalty in the race that they did not have footage of and/or a 5-point penalty which will be deducted off the competitor's total championship points for the season. Repeat offences could include exclusion of the race, races and/or qualifying. This video material is to be made available to race officials in the case of incidents.*

The footage must be downloaded onto the club's laptop which will be made available on any official practice day, official qualifying and during races on race day. The CoC must be able to view the footage with media supplied by the competitor in VLC Media Player for Windows. Any footage that requires special software will not be viewed on the club's laptop and the onus is on the competitor to convert the footage to the correct format for any official to view. No video footage will be considered if presented via the video camera's built in viewing screen or on a mobile phone or tablet. The competitor is responsible for providing any cables required to copy the footage onto a laptop.

- n. **SSR 3.8.1** Competitors involved in a racing incident, where it is unclear who caused the incident, and where investigation is required, the party(s) that does not have footage available will automatically be found as the guilty party. Should none of the involved parties be able to produce the requested footage, the decision will be left to the CoC's discretion.*

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

5. The court started proceedings to establish that all three competitors present were of age to represent themselves. This was confirmed by each driver.
6. It was established by the court that it was common cause that competitor Victor and competitor Bezuidenhout were invited entries to the event based on domicile and were not regular competitors in the series. This point is an important factor to the final outcomes and findings of this court.
7. It is also common cause that the competitors acknowledged that the on-track incident between competitors Victor and Bezuidenhout resulted that competitor Victor ended up in the unprotected concrete wall on the inside of the circuit at the exit the turn commonly known as Cape Town corner, that resulted in the total destruction of competitor Victor's car.
8. It was also common cause that this incident resulted in the race being halted by means of a red flag.

9. It is also common cause that after an initial investigation that the officials believed that the incident was likely to be a racing incident but that subsequent footage that surfaced caused the officials to think otherwise and thus asked MSA to launch this enquiry. Correctly so, in the courts view.
10. The court found that competitor Schalk Geldenhuys was not directly involved in the incident and in fact got caught up in the mele caused between competitors Victor and Bezuidenhout.
11. The court found that the incident was initiated by competitor Bezuidenhout on entry to the corner when he attempted to overtake competitor Victor around the outside in the approach to the right-hand hairpin corner. This is referenced as **"Phase 1" in 4 (J)** above. This move caused contact between Bezuidenhout and Victor. This action the court sees as the ignition source.
12. The court believed that the contact at the apex of the corner was an intended retaliation by competitor Victor described as **"Phase 2" in 4 (K)** above, albeit that it seemed that Bezuidenhout's actions may have caused him to bog down mid-corner.
13. The court also noted the initial crowding out on the exit of the corner by Victor on Bezuidenhout. A second intention by Victor after the resultant contacts earlier in the corner as described as **"Phase 3" in 4 (L)** above.
14. The court also noted with immense concern that Bezuidenhout turned aggressively and purposefully towards Victor as described as **"Phase 3" in 4 (L)** above.
15. This court is duty bound to comply with the GCR's and SSR's as they are laid out. The same is expected by the competitors alike in all respects.
16. The court requested additional onboard footage from both Victor and Bezuidenhout, of the incident as per **4 (M)** above. Non was available, despite the provisions of the regulations and the facts that an accident took place in the race in question. As such they are both guilty of **SSR 3.8** above.
17. The court also believes that both competitor Victor and Bezuidenhout had the experience and actual ability to avoid the incident that ultimately resulted in not only the destruction of a race car but also the possible extreme unnecessary injury of a competitor, as such, they are found to have breached **GCR 172**, STANDING SUPPLEMENTARY REGULATIONS applicable to race meetings for cars and motorcycles **SSR 49, SSR 50 & SSR 51**.
18. The court is extremely concerned that such incidents, left unchecked, set an extremely dangerous precedent. Not only in main circuit racing but also for young kart racing drivers who aspire to one day race in main circuit events, but also, often receive tutoring and training from these young main circuit competitors.
19. It was also felt by the court that both competitor Victor and Bezuidenhout were not forthcoming with honest answers under examination.

THE FINDINGS

20. The court finds that the number of possible penalties offered and prescribed in the VW Challenge SSR's would serve as no consequence if imposed, due to the point raised in section 6 above, by virtue of the fact that they were invited competitors and not regular participants in the class.
21. The court imposes the immediate removal of Nathan Victor's competition licence for a period of Twelve months as of the date of these findings due to his retaliatory action in the incident as well as for not having his onboard race footage available upon request.
22. The court suspends Nine Months of prayer 21 above for a period of Two years. Should competitor Victor be found guilty of any of the listed rules in section 4 above during the Two-year suspended period, the remaining Nine months licence suspension will come into effect.
23. The effect of prayer 21 & 22 above is a Three-month removal of competition licence as of the date of these findings.
24. The court imposes the immediate removal of Clinton Bezuidenhout's competition licence for a period of Eighteen months as of the date of these findings due to his retaliation action in the incident that resulted in the destruction of a race vehicle, that placed a fellow competitor in potential physical harm as well as for not having his onboard race footage available upon request.
25. The court suspends Twelve Months of prayer 24 above for a period of Two years. Should competitor Bezuidenhout be found guilty of any of the listed rules in section 4 above during the Two-year suspended period, the remaining Twelve months licence suspension will come into effect.
26. The effect of prayer 24 & 25 above is a six-month removal of competition licence as of the date of these findings.
27. As per GCR 198, the court makes an order of costs to the value of R2,000.00 against each competitor respectively.
28. All parties are reminded of their rights in terms of GCR 212B

These findings were issued and handed down on 5 November 2024

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