



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MOTORSPORT SOUTH AFRICA COURT OF ENQUIRY 1282

### PARTY:

Marco Ribeiro

### DATE OF HEARING:

25 November 2024

### OFFICIALS:

Mr Steve Harding	Court President
Mr Neville Townsend	Court Member
Mr Mitch Coetzee	Court Member
Ms Samantha van Reenen	MSA Sporting Services – Cars, Karts and Legal
Mrs Allison Vogelsang	MSA Sport Coordinator

### IN ATTENDANCE:

Mr Marco Ribeiro	Respondent
Mr. Brian Hoskins	Clerk of Course
Mr. Bertus Du Toit	Assistant Clerk of Course
Mr Dennis Agnew	MSA Steward
Ms Neva Van Der Merwe	Club Steward
Mr Pieter Smal	Chief Scrutineer
Mr Paul Lehmann	Chief Marshal
Mr Mike Jay	Category Chairman
Ms Lizelle Van Rensburg	Witness

### PRELIMINARY MATTERS

- These are the written findings of Motorsport South Africa (“MSA”) Court of Enquiry 1282 which was heard on 25 November 2024.
- The hearing was conducted in an online format with the parties, officials and witnesses all attending virtually via the Zoom platform.

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

3. The members of the Court were introduced to the parties and there was no objection to the composition of the Court.
4. The court was convened in terms of the provisions of GCR 211 based on post event reports submitted to MSA in connection with the Power Series event held at Killarney Raceway on 19 October 2024. The enquiry was mandated to fully investigate the alleged consumption of alcohol by the respondent, Mr Ribeiro; the actions of officials which led to competitor Marco Ribeiro being allowed onto the circuit to compete in race 2; and to determine what action to take in response to its findings in the above regard.
5. 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. The court heard evidence from a number of parties, Mr Bertus Du Toit, the assistant clerk of the course responsible for the category in which Mr Ribeiro was competing, Mr Brian Hoskins, the overall clerk of the course for the day, Mr Dennis Agnew and Mrs Neva van der Merwe, the MSA and club steward on the day, Mr Mike Jay the category chairman, and witnesses Ms Lizelle van Rensburg and Ms Karen Londt. The court also heard the evidence of the respondent Mr Ribeiro.

#### **THE EVIDENCE**

6. The following was established:-
  - a. that Mr Ribeiro had been observed, attired in racing overalls drinking wine over lunch in the VIP lounge of the Western Province Motor Club;
  - b. that Ms van Rensburg reported this observation to the clerk of the course's office;
  - c. the category clerk of the course Mr Bertus du Toit was dispatched to the VIP lounge to confront Mr Ribeiro with the allegation;
  - d. Mr Ribeiro informed him that he was not racing inasmuch as he had not taken part in heat one as a result of mechanical issues with his race car and wouldn't be competing further in heat two;
  - e. it subsequently came to the attention of the officials that the car had been repaired and that they understood that Mr Ribeiro intended to take part in heat two;
  - f. Mr Du Toit and the category chairman Mr Mike Jay, then went to the racecar of Mr Ribeiro, Mr Ribeiro was not present but they removed the transponder and the

scrutineering sticker from the racecar, and advised the mechanic responsible for the racecar that the car was not permitted to compete;

- g. Mr Ribeiro proceeded to the clerk of the courses office and engaged in an exchange with the officials during which he was advised of the removal of the transponder and scrutineering sticker and the reasons for this action;
- h. after this exchange Mr Ribeiro lodged a putative protest against the decision of the assistant clerk of the course to exclude him from further participation on the day;
- i. this putative protest was not adjudicated by the stewards until after the running of heat two, when it was rejected by them for lack of compliance with the provisions of GCR 198 ii) inasmuch as it failed to specify the grounds of the protest and was not accompanied by the prescribed protest fee;
- j. that during the exchange between Mr Ribeiro and the officials, Mrs Ribeiro who accompanied her husband was rude, swore at and was generally abusive of the officials;
- k. that despite the removal of the transponder and scrutineering sticker Mr Ribeiro proceeded to join the back of the field immediately after the start of heat two;
- l. that in so doing, he ignored both the red light at the prerace paddock exit and the red light at the end of the pit lane;
- m. that the officials, having realised that Mr Ribeiro was on the circuit, and established from the stewards that they had not granted permission for him to participate "under protest", took a decision to black flag him; and
- n. that Mr Ribeiro received a black flag properly displayed and accompanied by his race number at the end of his first, second, third and fourth laps, before pulling into the pit lane at the end of his fifth lap.

7. Mr Ribeiro was afforded the opportunity to cross examine each of the aforementioned witnesses and had no witnesses to call its own. He testified that:-

- a. his wife had ordered a glass of wine to accompany her lunch. At her request he tasted the wine, taking one or two sips thereof in to establish whether or not there was anything wrong with it;
- b. he was advised by the manager of the race team responsible for his car that he could compete because the protest had not yet been adjudicated;
- c. he acknowledged the abuse by Mrs Ribeiro, but contended that he could not be held responsible for it; and

- d. disclosed that it was his first season of racing and only his third race day.

### **THE FINDINGS**

8. The evidence received establishes a clear contravention of multiple regulations, including the following:-
- a. GCR 118 which forbids the *“consumption of alcohol by any competitor while taking part in an event, or in the time period between a competitor completing an event and the relevant race officials at the event giving a decision on any protest and/or appeal that he/she may have lodged.”* It should be noted that this prohibition is absolute and that it matters not that the quantity of alcohol consumed may have been minimal nor that the competitor is not intoxicated.
  - b. GCR 121 which deals with the responsibility of drivers and in particular sub regulations v), (competing in a vehicle which is ineligible), viii) (obeying the instructions of an authorised official), and xii (being aware of the regulations and conduct required),
  - c. GCR 172 x) which relates to the abuse of officials;
  - d. GCR 271 ii) which obliges competitors to observe a red light;
  - e. appendix H article 5, which requires a competitor whose number is shown accompanied by black flag to stop at the end of the lap and immediately report to the clerk of the course and provides further that failure to stop once the black flag has been displayed twice, renders a competitor liable to be punished for this failure.
9. The evidence of Mr Ribeiro and his conduct during the hearing displayed a woeful lack of understanding of the rules which he agreed and undertook to abide by when obtaining a competition licence and again acknowledged in making the entry to the event in question. Apart from the above findings of the breach of multiple regulations this lack of knowledge and understanding is further demonstrated by the failure to appreciate the rules governing protests and failing to understand his responsibility for his wife in terms of GCR 172 x) which makes the abuse of officials an offence. It is appropriate to quote in full the provisions of this sub- regulation which are rendered in bold in the original text to emphasise their importance. **“Abuse of officials by competitors and/or their family members and/or members of the pit crew. Such breach of the rules may result in the competitors concerned, if found guilty following a hearing, being suspended for a period of up to 6 months or for up to 6 events (whichever is more appropriate), for a first offence.”**

10. Mr Ribeiro displayed an acute lack of understanding of the role which officials play in motorsport. They give generously of their time, they attend seminars and training, they undertake examinations, they render themselves subject to multiple rules of motorsport and subject themselves to disciplinary action where they fail to observe such rules and regulations. They too are required to observe a prohibition on the consumption of alcohol. To the extent to which some of them may receive a small monetary stipend in acknowledgement of their service from Western Province Motor Club, this can hardly equate to adequate compensation for the hours spent, sacrifices made, expenses incurred by way of transport costs and in many instances the taking of leave in order to attend events on a Friday for official practice. They are not there as servants of the competitors and most definitely do not receive salaries for their services from the competitors as suggested by Mr Ribeiro.
11. In so far as our mandate included the requirement to investigate the actions of officials which led to Mr Ribeiro being able to gain access to the circuit for heat 2 we can find no error or culpability on their part, and find that they acted appropriately and in terms of the regulations.
12. We do have one observation and that relates to the decision of the stewards not to take any action in respect of Mr Ribeiro's failure to observe the black flag. We accept this as reasonable, given the uncertainty immediately after the race as to how many times Mr Ribeiro had passed the flag, (primarily occasioned by the absence of the transponder). Insofar as the consumption of alcohol is concerned GCR 118 expressly mandates MSA (not the stewards) to take further action in this regard.

### **SANCTIONS**

13. Having made the findings of multiple contraventions as recorded in paragraph 8 above, it is now the duty of this Court to decide on an appropriate course of action. Were it not for the fact that Mr Ribeiro is a new and inexperienced competitor the sanction which is proposed below would have been considerably harsher and it is likely that we would have imposed a licence suspension of two years for the consumption of alcohol and a further six months for the abuse of officials along with additional sanctions for the other offences.
14. It is however incumbent upon this court to exercise leniency towards a relative newcomer.
15. In the circumstances we impose the following:
  - a. A fine of R10,000 to take effect immediately;

- b. A fine of an additional R20,000 which is suspended for two years, on condition that Mr Ribeiro is not found guilty during that period of any contravention of GCR's 118, 121, 122, 123, 124, 172 or appendix H;
- c. We direct further that before Mr Ribeiro is granted a new competition licence for 2025 (or in the event that he does not take a licence for 2025, before the next time he applies for a licence), he shall attend an official MSA Officials GCR seminar and pass the examination in respect thereof with the minimum grade required for a Grade C licence.

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

These findings were issued and handed down on 28<sup>th</sup> November 2024

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