

Following are questions frequently asked re indemnities and competition licenses. In order to clear up any confusion and miss understandings it would be appreciated if you could please provide the answers to these questions.

Q. Please define what an indemnity is.

A. In the context which it is used by MSA, an indemnity could be defined as an undertaking in terms of which a person (party A) agrees not to hold another person(s) (party B) liable for any damages or losses suffered by party A that may be caused by or arise from the conduct or actions of party B.

An indemnity is therefore aimed at exempting another person from certain liabilities which that other person may otherwise incur. The risk for damages and losses remains with the person granting the indemnity to the extent provided for in the indemnity.

Q. Who must have an indemnity.

A. All persons taking part in any event, or being part of the officials of an event, be it a competitive or non-competitive event.

Q. Who is indemnified.

A. MSA, the Promoter, Organiser, Guarantor and Sponsor of the competition/event and the owner/s of any property on which the competition is held and any Government, Provincial or Municipal Body and their respective officials, agents, servants and representatives in addition to all associations and their member clubs and all clubs affiliated to MSA, and any Official, Representative, Promoter, Organiser, Sponsor, Guarantor organising any event, outing or function, the owner/owners of any property in or upon which the event, outing or function is held and any Government, Provincial, Regional Services Board or Municipal Body and their respective agents. (copied from the indemnity application)

Q. What is the cost of this indemnity.

A. That depends on the body administering the indemnity. In the case of SAVVA the cost is currently R2.00, which amount covers the cost of the card and the associated admin.

Q. Who gets the money.

A. The body that administers the indemnity.

Q. What is the money used for.

A. For admin and printing of cards.

Q. Once an indemnity is taken out is it valid for life or is it to be renewed annually.

A. Once signed the indemnity remains valid until withdrawn by the party signing the indemnity. What must however be born in mind is that the required wording of the indemnity may need to change to include additional parties or to add additional conditions as was the case that consent to testing for drugs was added as part of MSA's anti-doping code. In this case a new indemnity is required. In the case of the SAVVA administered scheme, they control this by means of the colour of the indemnity card. Currently all yellow SAVVA indemnity cards are valid.

Q. Some club members have existing indemnities taken out 2, 3, or even 5 years ago, are these still valid or do they now have to take out new ones.

A. In the case of SAVVA the wording on the indemnity was changed in January 2003. So any SAVVA indemnity signed before this date, although still valid in terms of the old wording (unless it has been revoked) will no longer be acceptable for SAVVA events. A similar check will have to be done for the other organizations.

Q. If so why.

A. If with the above detailed answer – there is still a problem – please contact me with more detail of the problem.

Q. By taking out an indemnity are you (the member) automatically covered by public liability insurance.

A. The indemnity has nothing to do with public liability insurance. The purpose of the indemnity is discussed above. The public liability insurance policy defines who the insured are. For competitive events an additional levy is paid to MSA to cover the event for PL. In the case of SAVVA the have a separate PL cover for all non competitive events on condition that certain conditions are met. SAMCA had a similar insurance, but I do not know whether their fees are paid up – please check with them directly.

Q . If not is such insurance available from motor sport S.A.

A See above

Q. If yes at what cost.

A. These costs are revised annually by MSA. Please refer to your (SAMCA) Motor Sport Portfolio holder to get the current costs.

Q. If yes then how does one go about obtaining this insurance.

A. See above.

Q. When a Triumph club member takes out an indemnity is the club also indemnified or only Motor sport S.A.

A. If you use the wording suggested by the Commission and used by SAVVA and CRRASA all affiliated clubs would be covered, which makes it easier to implement reciprocity between clubs from one association and say between SAMCA and SAVVA clubs. If each club does his own thing then one may land up having to sign one for each club before being able to take part in their events.

Q. Should the Triumph club or for that matter any other club not take out an indemnity with Motor sport S.A. and the members take out indemnities with the Triumph club or their respective clubs.

A. See above

Q. Under what circumstances does a member need a competition license.

A. The commission issued a detailed set of documents detailing the licence requirements for different events – please get a copy from SAMCA. If unsuccessful please contact me because then in all likelihood there are other SAMCA clubs that do not have this and we then would need to re-issue through the current management of SAMCA.

Q. Should a club organize a driving test or rally sprint on private property do the competitors need to have a competition license.

A. Yes as per the above documentation.

Q. If so how does he/she obtain one and at what cost.

A. Detailed in the above documentation.

Q. For what type of event or under what circumstances do an organizing club or organizer of an event need to obtain a permit from Motor sport S.A.

A. Detailed in the above documentation.

Q. How does one go about obtaining such permit and how long does it take .

A. Detailed in the above documentation. Application for organizing permit should be done 6 weeks before the event.

If there is any more info that you consider relevant that we need to know then please share it with us.

Thanking you

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