

## SCHEDULES

### Schedule 1 - Fees

With effect from January 1, 2019, the fees payable under these Rules shall be as follows (plus VAT where applicable).

Fee payable under	Description	Amount
<b>General Manual (A)</b>		
Rule 99	Fee for VAT administration	£40.42
Rule 100	Authorisation of VAT declaration	
	<b>Sole Owner or Company</b>	£28.67
	Partner or Syndicate	£57.42
<b>Race Manual (B)</b>		
Fee payable under	Description	Amount of fee
Schedule 3, Para 26	Registration of a Hunters' Certificate	£77.25
<b>Trainer Manual (C)</b>		
Rule 16	Non on-line return of horse in training	£5.38
Rule 39	Replacement of Trainer's Identity Card	£38.25
Rule 40.8.1 and 40.8.2	Initial issue and renewal of Racehorse Attendants Identity Card and/or Validity Pass	£14.75
40.8.3	Replacement of a lost Racehorse Attendants Identity Card and/or Validity Pass	£38.25
Schedule 8, Para 5	Assessment of poor jumper	£387.02
	<b>Addition of undeclared headgear</b>	<b>£84.67</b>
<b>Rider Manual (D)</b>		
Rule 4	Flat race jockey licence	£197.17
Rule 4	Steeple chase and hurdle race jockey licence	£197.17
Rule 4	Apprentice jockey licence	£95.50
Rule 4	Conditional jockey licence	£95.50
Rule 17	Category A amateur rider permit	£101.75
Rule 17	Category B amateur rider permit	£101.75
Rule 23	Replacement of medical record book	£49.25
Rule 39	Registration of jockey's sponsorship agreement	£38.25
Rule 69	Master valet licence	£49.25
Rule 69	Valet's assistant permit	£49.25
Rule 69	Rider's agent licence	£192.75
Rule 77	Registration of authority to act as rider's agent for particular rider	£54.83
	<b>Combined flat/jump licence</b>	<b>£251.17</b>
<b>Horse and Owner Manual (E)</b>		
Rule 3	Registering a horse name - standard	£88.50
	Registering a horse name - fast track (day prior to entry)	£133.50
	Registering a horse name - fast track (day of entry)	£313.42
Rule 7	Single identity check	£43.67
	Foreign bred naming fee (including identity check)	£132.17
Rules 10 and 12	Change of a name	£88.50
	Reserving a name	
	-Year's reservation and yearly re-reservation	£119.58

	- Temporary reservation	£39.75
Rule 13	Initial issue of passport	£49.42
Rule 14	Revision and re-issue of passport	£49.42
	Replacement of lost passport	£105.75
Rule 21	Racing clearance notification (RCN)	£41.08
Rule 22	Passport endorsement	
	At The Racing Calendar Office	Nil
	At the Authority's office	Nil
	At the racecourse	Nil
	Owner registration: individuals, companies partnerships, clubs	
Rules 29 and 30A	Sole owner	£84.83
Rules 29 and 39	Recognised Company	£801.50
Rule 41	Registration of agent for an additional Recognised Company (also for annual renewal)	£57.42
	Owner registration: arrangements for multiple ownership	
Rules 60 and 73C	Syndicate	£320.67
Rule 73C	Change of Syndicate name	£33.92
Rules 60 and 68	Initial registration of Partnership	£206.00
Rule 69	Change of Partnership name	£33.92
Rule 71	Add Partner	£95.25
<b>Rules 60 and 73F</b>	<b>Racing Clubs</b>	<b>£320.67</b>
<b>Rule 73H</b>	<b>Change of Racing Club name</b>	<b>£33.92</b>
Rule 74	Single race lease	£150.33
Rule 76	Initial registration of other kinds of lease	£46.17
Rule 77	Re-registration of such leases	£23.33
Rule 85	Registration and re-registration of racing colours (where the registrant has had a horse in training in the last 18 months)	
	Single year	£56.58
	5 year	£275.83
	10 year	£537.50
	20 year	£1018.50
	Registration and re-registration of racing colours (where the registrant has not had a horse in training in the last 18 months)	
	Single year	£70.25
	5 year	£342.00
	10 year	£666.58
	20 year	£1,263.00
	Transferring or selling colours to non- family member	£140.42
Rule 90	Registration of authority to act as agent for owner	£54.83
Rule 91	Owner's sponsorship agreement	£29.58
<b>Race Administration Manual (F)</b>		
Rule 67	Replacement of a lost security code	£38.25
Rule 73	Entry for a race which closes to Horse Racing Ireland but made directly to the Racing Calendar Office	£82.00
Rule 81	Registration of transfer of engagements	£27.83
Rule 106	Entry processing fee	

	- General (internet only)	£21.54
	- General (call centre)	£32.25
	- Foreign races	£80.92

## **Schedule 2 - Deleted**

## **Schedule 3 - Deleted**

## **Schedule 4 -The Bloodstock Industry Code of Practice**

### ***Introduction***

The Code of Practice sets out the principles which apply to all sales of bloodstock and sales of stallion shares and nominations, be they private sales or sales at public auction, ensuring that sales of bloodstock in Britain not only comply with the law, but set and maintain a high standard of integrity and transparency, which will safeguard the interests of vendors, consignors, bloodstock agents, owners, trainers and the sales companies.

### ***Definitions***

Agent means any trainer, consignor, bloodstock agent, racing or stud Manager or other person or entity who represents a Principal in the sale or purchase of bloodstock, stallion shares and nominations, whether the Agent is paid by way of retainer, commission or other forms of remuneration, or has ongoing financial arrangements (for example the payment of management or training fees), or not.

Principal means a person or entity who appoints an Agent to act as agent on his behalf in the sale or purchase of bloodstock, stallion shares and nominations as in the definition above.

For clarification, words importing the masculine gender shall include the feminine.

### ***Code***

1. An Agent owes a duty to his Principal to act at all times in accordance with his Principal's best interests.
2. An Agent shall not place himself in a position where personal interests conflict with the duty to his Principal. In particular, an Agent shall not use his position to obtain a secret payment or secret profit, which means any payment or benefit in kind received by an Agent that is not disclosed to his Principal.
3. When an Agent acts as a vendor or part-vendor and sells or intends to sell any horse in which he has an interest to a Principal, or intended Principal, the Agent must disclose to his Principal, before completion, the full extent of that ownership or interest and the benefit derived from that transaction.
4. If an Agent acts for more than one Principal in a transaction (which might be both the vendor and purchaser), the Agent can only do so if he has first disclosed this fact, before completion, to all his Principals, and obtained their consent.
5. An Agent must notify his Principal, wherever possible in advance, when a conflict of interest could arise, such as transactions involving third parties with whom he has a retainer, transactions where he is aware he will benefit from a third party, or transactions concerning horses which he has previously purchased or been involved with.
6. An Agent shall disclose to his Principal and, if required, account to his Principal for any Luck Money paid to him by or on behalf of a vendor. Luck Money means any financial payment or payment in kind made by or on behalf of a vendor to a Purchaser or his Agent, after the sale of a horse has been concluded. The practice of giving and receiving Luck Money shall be entirely voluntary, transparent and should be disclosed to all appropriate parties by the recipient. A vendor has no obligation whatsoever to pay Luck Money and the non-payment of such should not prejudice any further business activity.
7. If an Agent receives an offer to purchase a horse he must relay that offer in its entirety to his Principal and respond in accordance with the Principal's instructions.
8. A vendor must not offer any secret payment or secret profit to any person whom he believes to be an Agent acting for a prospective purchaser.

### **Dispute Resolution**

9. Any dispute arising out of an alleged breach of the Code of Practice should be reported by a complainant to one of the following trade bodies or to the appropriate Sale Company in the first instance:

Federation of Bloodstock Agents  
National Trainers Federation  
Racehorse Owners Association  
Thoroughbred Breeders Association  
Doncaster Bloodstock Sales Ltd  
Tattersalls Ltd

A complainant shall provide written evidence of the alleged breach of the Code to the relevant trade body or the Sale Company in support of the allegation. The Sale company or the trade body will conduct its own investigation and may seek to mediate, or may advise the complainant of their right to pursue the complaint through the Courts. The commencement of a mediation will not prevent the parties commencing court proceedings.

#### Disciplinary Proceedings under the Rules of Racing

10. If the Authority is satisfied there has been a breach of this Code of Practice, it is likely to consider this to be contrary to the integrity, proper conduct or good reputation of horse racing, and the persons involved, whether bound by the Rules of Racing, or not, may be banned from British racecourses and other licensed premises and will also not be permitted to conduct business with licensed individuals.

This Code of Practice has been drawn up and published by the following organisations:

The British Horseracing Authority  
Doncaster Bloodstock Sales Ltd  
Federation of Bloodstock Agents  
National Trainers Federation  
Racehorse Owners Association  
Tattersalls Ltd  
Thoroughbred Breeders Association

### **Schedule 5 - Information regarded as in the public domain**

1. This Schedule specifies certain circumstances in which information is to be regarded, for the purposes of Rule 36.1.2 (communication of Inside Information), as being in the public domain.

1.1 It is not, and does not purport to be, an exhaustive statement of such circumstances.

2. Information is regarded as being in the public domain where the information is accessible to the public on a Trainer's or owner's telephone information line or website (whether or not for payment).

3. Information is regarded as being in the public domain if both of the following conditions are satisfied.

3.1 The first condition is that a Trainer or a Rider gives the information or expresses his opinion on a horse in a race in the course of

3.1.1 an interview or presentation conducted in the course of television or radio broadcasting;

3.1.2 an interview given, or article written, for the purposes of general publication (for example a written article, regular column, or website);

3.1.3 a talk or other presentation given to a specific group or groups (such as corporate sponsorship groups) or in the context of corporate hospitality or stable yard public days.

3.2 The second condition is that any fee paid to the Trainer or Rider for the information or opinion is no greater than that which reasonably reflects the occasion and his status.

### **Schedule 6 - Disciplinary Panels**

1. The provisions of this Schedule apply to any enquiry before a Disciplinary Panel but they are subject to any specific requirements set out in these Rules.

#### ***Selection***

2.1 The members of any Disciplinary Panel empanelled to conduct an enquiry will be selected from the Disciplinary and Licensing Panel Pool by the Judicial Panel Chairman in accordance with the Terms of Reference for the Disciplinary Panel.

2.2 The Judicial Panel Chairman shall provide to any Person provisionally selected sufficient details of the matter in question and the individuals concerned so as to enable any Person provisionally selected to declare any interest and to disqualify himself or to seek any waivers of objection as appropriate prior to final selection.

2.3 The Judicial Panel Chairman may delegate his function to the Deputy Judicial Panel Chairman.

#### ***Role of the Disciplinary Panel Chairman***

3.1 Each Disciplinary Panel shall have a Disciplinary Panel Chairman who shall be selected by the Judicial Panel Chairman in accordance with the Terms of Reference for the Disciplinary Panel.

3.2 Unless either the Judicial Panel Chairman so directs, or all parties otherwise agree, the Disciplinary Panel Chairman shall be a legally qualified person of sufficient qualification and experience.

3.3 Where the notification of charges includes a statement to the effect that the Authority considers the matter

suitable for a preliminary hearing

- 3.3.1 such a hearing will be held unless the Disciplinary Panel Chairman decides otherwise, and
- 3.3.2 it will normally be held on the first Thursday after the expiry of 28 days from notification of the charges.

3.4 The Disciplinary Panel Chairman shall give such directions as he considers appropriate for the purpose of ensuring a fair and expeditious conduct of the proceedings.

***Conduct of enquiry***

4. So far as reasonably practical in the circumstances of any particular case and subject to Paragraph 6 of this Schedule, the Disciplinary Panel Chairman must ensure that

- 4.1 in respect of any matter said to give rise to a contravention of any provision of these Rules, short particulars are provided in writing to any Person who is at risk of Disciplinary Action being taken against him, sufficient for him to understand the matters to be addressed in the enquiry;
- 4.2 the Rules in question are identified to that Person;
- 4.3 that Person understands those Rules;
- 4.4 statements and documents to be relied upon by the Authority are provided to that Person;
- 4.5 that Person is allowed a reasonable time to enable him to deal fairly with the matters raised in the statements and documents;
- 4.6 that Person is permitted legal representation and oral evidence is heard only in the presence of that Person or his representative who shall be given a fair opportunity to question any witness;
- 4.7 subject to Paragraph 5.1, the proceedings are conducted in private;
- 4.8 having decided that Person is in contravention of any provision of these Rules, but before deciding what Disciplinary Action to take, both that Person and the Authority (or their respective representatives) are given an opportunity to address the Disciplinary Panel regarding both the nature and extent of any Disciplinary Action to be taken;
- 4.9 subject to Paragraphs 5.2 and 5.3, the Disciplinary Panel must provide written reasons sufficient to allow the Authority and any Person against whom Disciplinary Action has been taken to understand the Disciplinary Panel's decision and which material facts have been relied upon; and
- 4.10 any Person who wishes the implementation of a decision to be stayed may apply for this when the decision is announced and before the Disciplinary Panel Chairman brings the hearing to a close.

5.1 The Authority may decide that, in relation to such types of matters as it may specify, an enquiry may be conducted in the presence of representatives of the media and, where such representatives are to be present

5.1.1 there will be a presumption that the proceedings will be open to representatives of the media unless any Person involved in a relevant enquiry satisfies the Disciplinary Panel Chairman, on written request, that there are exceptional reasons why that enquiry should be held in private, and

5.1.2 any request under Paragraph 5.1.1 for a private hearing must be submitted

- 5.1.2.1 in the case of an enquiry on an appeal made to the Authority under Rules 76 to 82 (appeal to Authority against Stewards' decision), at the time of the appeal or
- 5.1.2.2 otherwise, within 3 days of receipt of the letter requiring attendance at an enquiry.

5.2 A Disciplinary Panel shall provide written reasons, save for in exceptional circumstances:

- 5.2.1 in the case of an appeal from a racecourse in accordance with Rule 76, within 48 hours following the conclusion of the hearing; or
- 5.2.2 where the Disciplinary Panel sits as a tribunal of first instance in accordance with Rule 83, within 20 working days of the conclusion of the hearing.

5.3 A failure to comply with the requirements of Paragraph 5.2 shall not invalidate the proceedings or its outcome.

6.1 The Disciplinary Panel Chairman may decide that because of special circumstances the enquiry is to be conducted in a manner which involves a substantial departure from the procedure set out in Paragraphs 4 and 5

and, if he does, he will on an application made by any Person subject to the enquiry give reasons for his decision.

6.2 In all other cases reasons need not be given for decisions concerning the conduct of an enquiry.

6.3 The Disciplinary Panel Chairman will normally determine questions of procedure on the basis of written submissions without a hearing.

7.1 The provisions of Paragraphs 7.2 to 7.5 do not apply

7.1.1 to any appeal under Rules 76 to 82, or

7.1.2 to the extent that the Disciplinary Panel Chairman or the Authority, in writing, waives the application of some or all of such requirements.

7.2 At the time that the Authority notifies a Person who is the subject of the enquiry that an enquiry has been convened, and supplies him with particulars of the matters and evidence on which the Authority relies, the Authority will also provide him with a form for completion and that Person must, before the enquiry, complete the form disclosing

7.2.1 whether he admits to being in contravention of these Rules (see also Paragraph 10)

7.2.2 whether, and to what extent, he admits the evidence of any statement obtained by the Authority and given to him (this is necessary even if a Person admits to a contravention),

7.2.3 the nature of the case he intends to advance at the enquiry,

7.2.4 the identity of any witness he intends to call together with a summary of their evidence or a copy of their statement, and

7.2.5 the time he estimates he will require to present his case at the enquiry.

7.3 Unless the Authority otherwise determines, the completed form must be delivered to the Authority's Office

7.3.1 before the end of the period of 21 days starting with the date of receipt of the form, or

7.3.2 before the start of the period of 10 days that ends with the date fixed for start of the enquiry, whichever is the earlier.

7.4 Where there is a failure to return the form in accordance with Paragraphs 7.2 and 7.3, the Disciplinary Panel may

7.4.1 refuse to allow any evidence which is not disclosed in accordance with Paragraph 7.2 to be given at the enquiry, or

7.4.2 adjourn the enquiry and make an order for costs pursuant to the powers of the Authority under Rule 46.4.

7.5 A legally qualified member of the Disciplinary Panel may, in the absence of the Disciplinary Panel Chairman, exercise any of the functions under this Paragraph.

8. All questions concerning the admissibility of evidence shall be for determination by each Disciplinary Panel in its discretion and a panel shall not be bound by any enactment or Rule of law relating to the admissibility of evidence before a court of law or statutory tribunal.

9.1 A Disciplinary Panel shall reach its decision by simple majority and any such decision shall be announced as the decision of the panel.

9.2 Reasons given for decisions shall not include references to any minority opinion or dissenting view.

### ***Plea bargains***

10.1 A Person who wishes to explore with the Authority the possibility of admitting to lesser charges if more serious charges are not proceeded with (a plea bargain) should make this known to the Authority as soon as possible and ideally before the submission of the form referred to in Paragraph 7.2.

10.2 No member of a Disciplinary Panel will be informed of this unless a plea bargain is concluded.

10.3 Save in very simple cases it will be necessary for the Person seeking a plea bargain and the Authority to agree a statement of relevant facts regarding the charges it is proposed should be admitted so as to provide the Disciplinary Panel with sufficient information to enable it to make an accurate assessment of the seriousness of the matter.

10.4 If the facts in respect of any admitted charges cannot be agreed it may be necessary to convene a preliminary hearing so that the Disciplinary Panel can assess whether disagreement is such that it should be

resolved before a decision on what Disciplinary Action to take is made, and if so give directions as to how that should be done.

### **Confidentiality**

11.1 Any Person who attends an enquiry that is conducted in private must respect the privacy and confidentiality of the enquiry proceedings and of the evidence and of all documents and submissions prepared in connection with them.

11.2 All evidence and representations shall be privileged even if the hearing is not conducted in private but this provision is not intended in any way to constrain what a Disciplinary Panel may refer to in its written reasons even though these may be released for general publication.

11.3 Without prejudice to Paragraphs 11.1 and 11.2, the Authority may, at any stage of disciplinary proceedings publish any report or 'press release' regarding the proceedings, including (but not limited to)

11.3.1 the details of proceedings for contravention of any provision of these Rules which have been taken against any Person (including any facts alleged in support),

11.3.2 any topics of the enquiry or appeal hearing, and

11.3.3 any direction or finding made or Disciplinary Action taken.

11.4 It is irrelevant for the purposes of Paragraph 11.3

11.4.1 whether the publication is made

11.4.1.1 at the stage of investigation, enquiry or appeal, or

11.4.1.2 in the public press and media, on the Racing Administration Internet Site or in such other manner as the Authority may consider appropriate, and

11.4.2 if publication is made at the enquiry stage, whether the hearing is held in private or open to representatives of the media.

11.5 Without prejudice to Paragraphs 11.1 and 11.2, the Authority may share such evidence, documentation, submissions or representations with any Person where it is of the opinion that to do so may assist the initiation, conduct or defence of any criminal or quasi criminal investigation or proceeding, or the regulatory or disciplinary process of any trade profession or sport whether in the UK or elsewhere.

### **Time to consider new allegations**

12. If a Disciplinary Panel considers that a Person appearing at the enquiry may be liable to Disciplinary Action on account of conduct, or of contravention of a Rule, which has not previously been notified to him by the Authority (and whether in addition to or in substitution for the conduct or Rules of which he was notified), the Disciplinary Panel Chairman shall ensure that the Person is given a reasonable time to deal with the new allegations or addition or substitution of Rule, including by adjourning the proceedings in an appropriate case.

### **Appointment of assessors**

13.1 The Disciplinary Panel Chairman may appoint one or more legal or scientific assessors to assist a Disciplinary Panel and may take advice from such Persons.

13.2 The Disciplinary Panel Chairman shall ensure that the role of such assessors shall be limited to the provision of advice and that such Persons shall not participate in the making of the decision itself.

### **Adjournment and non-attendance**

14. A Disciplinary Panel may adjourn a hearing for such period and upon such terms (including as to costs) as it considers appropriate.

15.1 This Paragraph applies where a Person who is required to attend a hearing fails to do so.

15.2 If the Disciplinary Panel is satisfied that there are no reasonable grounds for the failure to attend, it may proceed with the hearing in such manner as it considers appropriate, including making its decision concerning any alleged contravention of these Rules by the Person and taking any Disciplinary Action against him.

### **Standard of proof**

16. Where any fact or matter is required to be established to the satisfaction of the Disciplinary Panel, the standard of proof shall be the civil standard.

### **Miscellaneous**

17.1 Where the horse is in joint or other multiple ownership only one representative from amongst the owners shall attend.

17.2 Where an enquiry concerns the possible disqualification or suspension of a horse on account of the alleged presence of a Prohibited Substance, the owner, or in the case of a joint or other multiple ownership, the representative shall be

17.2.1 given notice of the enquiry,

17.2.2 provided with all statements and documents to be relied upon by the Authority, and

17.2.3 permitted to attend the enquiry with legal representation and to question witnesses and make submissions.

17.3 In any other case where the matters being enquired into may result in the disqualification, suspension or alteration in the placing of a horse

17.3.1 an application may be made on behalf of the owner seeking permission to be present in person or represented, and

17.3.2 the Disciplinary Panel Chairman may determine the application without a hearing upon such terms as to participation and legal representation in the enquiry (including merely as an observer) as the Disciplinary Panel Chairman may consider appropriate and without any requirement to give reasons.

18. Notices and communications to Persons who are bound by these Rules shall be sent by first class post or by fax or by e-mail to the address or number as appropriate currently maintained for such Person at the Authority's Office save that where such Person has elected to be legally represented, communication may be made to such representative.

19.1 The Authority will make arrangements for the hearing to be recorded notwithstanding that the hearing may be taking place in private.

19.2 Any such recording shall belong to the Authority and, subject to Paragraph 19.3, no Person shall have the right to compel the production of it or a copy or a transcript save as required by law in connection with civil or criminal proceedings and subject to meeting any costs or expenses of the Authority incurred in providing it.

19.3 A Person who has commenced an appeal by lodging a notice of appeal will, as soon as practicable, be provided with a transcript for use in connection with the appeal.

19.4 Copies and transcripts of recordings shall at all times remain confidential.

#### ***Applications for permission under Rule 71.2***

20.1 An application to the Authority by a Disqualified Person for permission under Rule 71.2 for the Disqualified Person to be employed in a racing stable may not be made until the latter of

20.1.1 the expiry of the time limit for lodging an appeal to the Appeal Board or

20.1.2 the day after the publication of the Appeal Board's decision, or

20.1.3 the expiry of any period directed by the Authority under Rule 58.3 (directions by Authority when imposing a disqualification);

and accordingly no application will be considered in conjunction with any plea of mitigation made to a Disciplinary Panel.

20.2 An application for the Authority's permission, as referred to in Paragraph 20.1, must include

20.2.1 a full written submission in support,

20.2.2 any documentary evidence on which the applicant wishes to rely, and

20.2.3 a summary of the evidence of any supporting witness.

20.3 The Disciplinary Panel which deals with the application may or may not be the same as or include Persons who served on the panel which imposed the disqualification.

20.4 The Authority will be asked if it opposes the application and if so why.

20.5 The Disciplinary Panel Chairman shall then decide how to proceed to determine the application including whether to hold an oral hearing.

## Schedule 7 - Appeal Boards

### PART 1

#### Appeal Board Panels

1. The provisions of this Schedule apply to any appeal before an Appeal Board but they are subject to any specific requirements set out in these Rules.
2. The members of any Appeal Board will be selected from the Appeal Board Pool by the Judicial Panel Chairman in accordance with the Terms of Reference for the Appeal Board.
3. The Judicial Panel Chairman shall provide to any Person provisionally selected sufficient details of the matter in question and the individuals concerned so as to enable any Person provisionally selected to declare any interest and to disqualify himself or to seek any waivers of objection as appropriate prior to final selection.
4. Each Appeal Board shall have an Appeal Board Chairman who shall be selected by the Judicial Panel Chairman from the Chairman's Panel in accordance with the Terms of Reference for the Appeal Board.
5. The Judicial Panel Chairman may delegate his function to the Deputy Judicial Panel Chairman.
6. The Appeal Board Chairman shall:

6.1 be a member or former member of the judiciary, a Queen's Counsel or a junior barrister or solicitor of more than 10 years post call or admission;

6.2 not be a Steward.

7. No Person is eligible to form part of the Appeal Board Pool:

7.1 if he has been the holder of a licence or permit granted by the Authority (whether as Rider or Trainer) within the previous 5 years;

7.2 if he is a director of, or is employed by, the Authority;

7.3 unless he has previously served on the Disciplinary Panel or Licensing Committee.

8. Deleted.
9. Deleted.
10. Deleted.
11. Deleted.

### PART 2

#### Appeal rights

##### ***Decisions subject to appeal***

- 12.1 There shall be a right of appeal to an Appeal Board against any of the decisions specified in Paragraph 12.2, 12.3 or 12.5.

- 12.2 The decisions specified here are any decision of the Authority

12.2.1 to refuse or withdraw a licence or permit on the ground that a Person is not a suitable Person,

12.2.2 to refuse a licence or permit on the ground that such action is necessary in the interests of racing, pending the outcome of an ongoing investigation or process (whether or not undertaken by the Authority),

12.2.3 to withdraw or suspend a licence or permit under Rule 63, or

12.2.4 to exercise the power of prohibition in Rule 65 (power to prohibit overseas riders from riding in races under these Rules).

- 12.3 The decisions specified here are any final decision or order of a Disciplinary Panel, apart from the following

12.3.1 the suspension of a rider under Rule 61 (rider's suspension at one racecourse extended to all racecourses),

12.3.2 the granting of (but not a decision to refuse to grant) an exclusion order under Rule 64 (power to issue exclusion orders),

12.3.3 the refusal of permission (but not a decision to grant permission) under Rule 71.2 (permission for disqualified person to be employed in a racing stable),

12.3.4 the imposition on granting of permission under Rule 71.2 (permission for disqualified person to be employed in a racing stable), the imposition of any limitation, condition or restriction on such

permission,

12.3.5 a final decision or order made on an appeal brought and heard under Rules 76 to 82 (appeals to the Authority from a Stewards' decision), Regulations for Arabian Horse Racing under Regulations 85 to 88, or Regulations for Point to Point Steeple Chases under Regulations 146 to 149 and

12.3.6 the allowing or dismissal of an application under Rule 69.3 (power to order that a suspension imposed by a Recognised Racing Authority shall not apply).

12.4 But Paragraph 12.3.5 does not exclude a right of appeal against any Disciplinary Penalty imposed for contravention of Rule (B)58 (Schooling and/or Conditioning).

12.5 The decisions specified here and any decision or order in respect of which the Authority considers it appropriate to extend a right of appeal.

### ***Persons who may bring an appeal***

13.1 Subject to Paragraph 13.3, the only Persons who may bring an appeal are

13.1.1 a Person who has had a licence or permit refused, withdrawn or suspended,

13.1.2 a Person who has been subjected in accordance with these Rules to a Disciplinary Penalty or an award, order or other sanction,

13.1.3 a Person who has been found to have contravened a provision of these Rules,

13.1.4 in the case of a decision to disqualify or suspend a horse or demote its placing, one or more of the Trainer, the Rider or the owner of the horse, or

13.1.5 the Authority.

13.2 Where more than one of the Persons specified in Paragraph 13.1.4 wishes to appeal

13.2.1 the appeal shall be treated as a joint appeal, and

13.2.2 the appellants shall only be permitted joint legal representation and must choose one representative from amongst them,

unless the Appeal Board Chairman decides otherwise.

13.3 The Authority may extend the right of appeal to other Persons if it considers it appropriate to do so.

### ***Grounds of appeal***

14. Subject to Paragraph 14A, the grounds for bringing an appeal are

14.1 that the reasons given are insufficient to support the decision,

14.2 that the hearing was conducted in a way which was substantially unfair and prejudicial to the appellant,

14.3 that there was insufficient material on the basis of which a reasonable decision maker could have made the decision in question,

14.4 that the decision maker

14.4.1 misconstrued,

14.4.2 failed to apply, or

14.4.3 wrongly applied,

these Rules, General Instructions or regulations which are relevant to the decision,

14.5 that any Disciplinary Penalty or any award, order or other sanction is so disproportionate that no reasonable decision maker could have decided upon it, or

14.6 that there is evidence available for the appeal which, had it been available at the original hearing, would have caused the decision maker to reach a materially different decision.

14A The Authority does not have the right to appeal a decision under the ground specified in Paragraph 14.2.

### ***Applications to stay implementation or vary conditions***

15.1 There shall also be a right to apply to an Appeal Board

15.1.1 to stay the implementation of a decision, or

15.1.2 to vary any conditions upon which a stay may have been granted by the decision maker,

pending the Appeal Board's own decision on an appeal brought under this Schedule.

15.2 There are two grounds for an application under Paragraph 15.1

15.2.1 that no application for a stay was made to the decision maker and it is appropriate to grant a stay, or

15.2.2 that the refusal of the decision maker to grant a stay was unfairly made or is otherwise unjust, or that the conditions attached to the grant of any stay are unreasonable.

15.3 An application to stay or vary a decision must be made within 48 hours of the decision.

15.4 The application will be determined by an Appeal Board Chairman acting alone and normally only in writing, but in a sufficiently urgent case an Appeal Board Chairman may allow an application for an expedited hearing before him.

15.5 As much notice as practically possible will be given to the Authority when an application is received.

15.6 The Appeal Board Chairman may grant a stay subject to such conditions as he considers appropriate.

15.7 In reaching his decision the Appeal Board Chairman will take into account

15.7.1 whether there is a good arguable case for the substantive appeal succeeding, at least to the point where the Appeal Board would be likely to substitute a Disciplinary Penalty or an award, order or other sanction which would have attracted a stay under Rule 85 had it been originally imposed by the Authority,

15.7.2 whether the reason given by the applicant for not applying to the decision maker for a stay is sufficient, and

15.7.3 the fairness to the applicant and the interests of racing in the context of the time likely to be taken by the substantive appeal and any other relevant circumstances.

## **PART 3**

Appeal Board procedure

### ***Notice of appeal***

16.1 A Person who wishes to appeal a decision (the appellant) must lodge a notice of appeal addressed to the Judicial Panel Secretary at the Authority's Office

16.1.1 within 7 days of the date of notification of the decision appealed against, but

16.1.2 if the decision appealed against involves a finding of a contravention of any provision of Rule (B)58 or (B)59.2, within 48 hours of that date.

16.2 When reasons are not given at the time of the decision, the date of notification shall be the date upon which written reasons are despatched to the appellant.

16.3 In a case within Paragraph 16.1.1, the notice of appeal must

16.3.1 state the specific decision or decisions being appealed,

16.3.2 set out any ground of appeal and the substantive injustice of allowing the original decision to stand,

16.3.3 set out the facts upon which the appeal is based,

16.3.4 be accompanied by a deposit of £800,

16.3.5 where appropriate, apply for leave to present new evidence under Paragraph 22.2, and

16.3.6 state whether the appellant will wish the Appeal Board to view any video evidence at the hearing of the appeal.

16.4 In a case within Paragraph 16.1.2, the notice of appeal must

16.4.1 state the specific decision or decisions being appealed, and

16.4.2 be accompanied by a deposit of £800,

and the appellant shall have a further 5 days to comply with the requirements of Paragraphs 16.3.2, 16.3.3, 16.3.5 and 16.3.6.

16.5 The deposit may be returned to an appellant, save:

16.5.1 that it shall be forfeited where the Appeal Board concludes that the appeal had no realistic prospect of success. In such circumstances, the written reasons shall address the issue;

16.5.2 where the Appeal Board orders that it be applied towards the satisfaction of any costs award.

16.6 Where a notice of appeal is lodged by electronic transmission, the deposit required to accompany the notice of appeal must be received not later than 5.00pm on the third day following the date of electronic transmission (including both the day of despatch and receipt).

16.7 An appellant who seeks relief from the requirement to lodge a deposit on account of hardship (which alone shall be the relevant consideration) must lodge with the notice of appeal a statement which

16.7.1 requests relief from the deposit requirement, and

16.7.2 sets out the relevant grounds and facts supporting the claim of hardship.

16.8 The request for relief shall be considered by the Appeal Board Chairman and his decision whether to give no relief or partial or total relief shall be final without any requirement to give reasons.

### ***Convening an Appeal Board***

17. Upon a notice of appeal being lodged at the Authority's Office in accordance with Paragraph 16, such notice of appeal shall be passed to the Judicial Panel Chairman who shall convene an Appeal Board consisting of himself or a member of the Chairman's Panel to act as Appeal Board Chairman and two other Persons from the Appeal Board Pool.

18. Deleted.

### ***Initial stages***

19.1 The respondent shall, within 7 days of receiving the notice of appeal, nominate an individual or individuals to represent it and shall notify the appellant and the Judicial Panel Secretary of the individual so nominated and of any subsequent change in the nomination.

19.2 The appellant may nominate an individual or individuals to represent him and shall notify the respondent (or its representative) and the Judicial Panel Secretary of any individual so nominated.

19.3 Nominations shall state the individual and the address to which communications concerning the appeal proceedings should be made.

20.1 The respondent shall serve a written reply to the notice of appeal on the appellant and the Judicial Panel Secretary as soon as possible and in any event within 14 days of the lodging of the notice of appeal.

20.2 Where appropriate, the reply must include any application for leave to present new evidence under Paragraph 22 and state whether the respondent will wish the Appeal Board to view any visual recording at the hearing.

### ***Evidence***

21.1 Subject to Paragraphs 21.2 and 21.3, an appeal shall be by way of a review only on documents and video evidence considered at the original hearing (where a request for video evidence has been made) and without oral evidence.

21.2 An Appeal Board may in exceptional circumstances order that the appeal takes place as a full rehearing of the case. The decision of the Appeal Board as to whether to grant a full rehearing of the case shall be final and binding.

21.3 The respondent and the appellant shall be entitled to make oral submissions to the Appeal Board and the Appeal Board may:

21.3.1 on a prior application made to it, order that Paragraph 21.1 shall not apply, and

21.3.2 give leave for the appeal to take place as a full rehearing under Paragraph 21.2 or to present

new evidence under Paragraph 22.

22.1 The Appeal Board shall hear new evidence only where it has given leave that it may be presented.

22.2 An application for leave to present new evidence must be made in the notice of appeal or in the reply, setting out the nature and the relevance of the new evidence and why it was not presented at the original hearing.

22.3 Save in exceptional circumstances, the Appeal Board shall not grant leave to present new evidence unless

22.3.1 it is satisfied with the reason given as to why it was not, or could not reasonably have been, obtained and presented at the original hearing, and

22.3.2 it is satisfied that the evidence is cogent and might reasonably have caused the decision maker to reach a different conclusion.

22.4 The Appeal Board's decision shall be final.

23.1 The Judicial Panel Secretary shall prepare five sets of documents identically bundled and paginated, three of which shall be provided to the Appeal Board members and the others to the appellant and the respondent.

23.2 The sets of documents must be provided at least 7 days before the hearing and must comprise the following (or their equivalent)

23.2.1 any documents or other evidence referred to at the original hearing relevant to the appeal;

23.2.2 any transcript of the original hearing or extract from it of matters relevant to the appeal;

23.2.3 any notice published by the Authority concerning the decision being appealed and any written reasons for the decision not contained in such published notice;

23.2.4 any new evidence;

23.2.5 the notice of appeal;

23.2.6 the reply.

### ***Chairman's instructions***

24.1 The Appeal Board Chairman may upon the application of a party or otherwise, give any instructions considered necessary for the proper conduct of the proceedings, including but not limited to

24.1.1 requiring a Disciplinary Panel to clarify and/or amplify some aspect of the reasons given for the decision,

24.1.2 lengthening or shortening any time limit,

24.1.3 adapting or dispensing with any procedural steps set out in this Schedule,

24.1.4 requiring a record to be made of the proceedings or any part of them,

24.1.5 ordering Persons bound by these Rules to attend a hearing,

24.1.6 holding a preliminary hearing, and

24.1.7 requiring the provision of written submissions.

24.2 The decision of the Appeal Board Chairman shall be final.

### ***The hearing***

25. The Appeal Board may adjourn a hearing for such a period and upon such terms (including as to costs) as it considers appropriate.

26.1 Appeal hearings shall be conducted in private, except in relation to those matters which were conducted at the hearing below in the presence of representatives of the media, but in all other respects how, when and where the Appeal Board considers appropriate.

26.2 Reasonable notice shall be given by the Appeal Board of the date, time and venue of the appeal.

26.3 The appellant and the respondent shall respectively be given the opportunity to respond to the other's submissions in support of their applications, if any, to present new evidence.

26.4 Subject to the Appeal Board deciding to the contrary, the following procedures will apply at appeal hearings

26.4.1 the appellant will summarise their case,

26.4.2 the respondent will summarise their case,

26.4.3 any application to present new evidence will be dealt with,

26.4.4 the appellant will present new evidence to the extent permitted,

26.4.5 the respondent will present new evidence to the extent permitted,

26.4.6 where there is a witness, the Appeal Board, the respondent and the appellant shall have an opportunity to question each witness, and

26.4.7 the respondent will make any closing submissions before the appellant.

27. The Appeal Board may proceed in the absence of the appellant or the respondent in such manner as it considers appropriate, unless the Appeal Board is satisfied that there are reasonable grounds for the failure to attend.

28. The Appeal Board may, in the face of non-compliance with an order, requirement or instruction of the Appeal Board, take any action it considers appropriate, including an award of costs against the offender.

### ***Decisions of an Appeal Board***

29. The Appeal Board should allow an appeal

29.1 if satisfied that one or more of the grounds in Paragraph 14 have been made out and it would be unfair to allow the decision to stand, or

29.2 where new evidence has been presented on the appeal and the Appeal Board is satisfied in the light of that evidence that the decision was wrong.

30. In addition to allowing or dismissing an appeal, the Appeal Board may

30.1 exercise any power which the original decision maker could have exercised apart from

30.1.1 making an interim decision affecting a Disciplinary Penalty or an award, order or other sanction, or

30.1.2 granting or varying permission under Rule 71.2 (permission for disqualified person to be employed in a racing stable),

30.2 remit the matter for re-hearing,

30.3 order, in accordance with Paragraph 16.5, that any deposit be forfeited, returned or applied to satisfy any costs award,

30.4 where the appeal succeeds on grounds which include those set out in Paragraph 14.5, increase or decrease any Disciplinary Penalty or any award, order or other sanction originally imposed, or

30.5 make such further or other order as it considers appropriate, either generally or for the purpose of giving effect to its decision.

31.1 A decision, order, requirement, or instruction of the Appeal Board shall be determined by a majority which must include the Appeal Board Chairman.

31.2 But Paragraph 31.1 does not apply to any determination which this Schedule provides is to be made by the Appeal Board Chairman alone.

31.3 Any determination under Paragraph 31.1 shall be the determination of the Appeal Board and neither the notification of a decision nor any written reasons subsequently given shall include any reference to a minority or dissenting view.

32.1 A decision of the Appeal Board shall be final and binding, without prejudice to any right that the appellant may have to pursue further action in relation to the subject matter of any appeal to a judicial hearing.

32.2 If an Appeal Board is unable to reach a decision in accordance with Paragraph 31, the Appeal Board Chairman shall so certify and the Judicial Panel Chairman shall convene a new Appeal Board consisting of different members who shall proceed to hear the matter as soon as may be convenient.

### **Costs**

33.1 Subject to Paragraph 33.2, in respect of the original hearing and the appeal, the Appeal Board shall have the power to make such order as to costs as it considers appropriate.

33.2 Where

33.2.1 an appeal has been brought by the Authority, and

33.2.2 that appeal has failed

the Appeal Board shall order that the Authority pay the respondent's costs of the appeal save to the extent that (1) the respondent has acted unreasonably in connection with the appeal, and/or (2) the costs incurred by the respondent in connection with the appeal are unreasonable.

33.3 But no party shall be required to pay or contribute to another party's costs, or to the costs of the proceedings, in excess of £20,000 in the aggregate.

**Written decision**

34.1 As soon as practicable after the hearing, the Appeal Board shall publish a written statement of its decision, stating

34.1.1 the name of the appellant, the decision or decisions appealed against and the grounds of appeal,

34.1.2 whether or not the appeal is allowed, and

34.1.3 the order or orders made by the Appeal Board.

34.2 The written statement shall be signed and dated by the Appeal Board Chairman and be the conclusive record of the decision.

35.1 Upon the request of any party to the Appeal, the Appeal Board shall within a reasonable timeframe give written reasons for the decision and may publish these in such manner as the Appeal Board Chairman considers appropriate.

35.2 No request for written reasons made under Paragraph 35.1 shall be considered unless it is received by the Judicial Panel Secretary within 5 days of the date of the announcement of the decision.

**PART 4**

**Confidentiality**

36.1 Any appellant or other Person taking part in any appeal process which is conducted in private shall respect the privacy and confidentiality of the appeal proceedings and of the evidence and of all documents and submissions prepared in connection with them.

36.2 All evidence and representations shall be privileged even if the hearing is not conducted in private.

36.3 But Paragraphs 36.1 and 36.2 are not intended in any way to constrain

36.3.1 what an Appeal Board may refer to in its written reasons even though these may be released for general publication, or

36.3.2 what any party may seek to rely on should it pursue further action in relation to the subject matter of any appeal to a judicial hearing.

36.4 Without prejudice to Paragraphs 36.1 and 36.2, the Authority may share such evidence, documentation, submissions or representations with any Person where it is of the opinion that to do so may assist the initiation, conduct or defence of any criminal or quasi criminal investigation or proceeding, or the regulatory or disciplinary process of any trade profession or sport whether in the UK or elsewhere.

**Schedule 8 - Recognised Racing Authorities**

Algeria	-	Societe des Courses Hippiques et du Pari Mutuel
Argentina	-	Jockey Club Argentino
Australia	-	Australian Jockey Club Australian Racing Board Queensland Turf Club South Australian Jockey Club Tasmanian Turf Club Victoria Racing Club Western Australian Turf Club

Austria	-	Jockey Club for Austria
Bahrain	-	Equestrian and Horse Racing Club
Barbados	-	Barbados Turf Club
Belgium	-	Jockey Club of Belgium
Bolivia	-	Jockey Club of Bolivia
Brazil	-	Jockey Club Brasileiro/Jockey Club of Sao Paulo
Bulgaria	-	Centralen Hipodrom
Canada	-	Jockey Club of Canada
Chad	-	Association d'Encouragement pour l'Amelioration des Races de Chevaux au Tchad
Channel Islands	-	Channel Islands Racing and Hunt Club
Chile	-	Club Hipico of Santiago
Colombia	-	Association Colombiana de Cuadores de Caballos PSI
Croatia		Jockey Club of Croatia
Cyprus	-	Cyprus Turf Club
Czech Republic	-	Jockey Club Ceske Republiky
Denmark	-	Jockey Club of Denmark
Ecuador	-	Jockey Club of Ecuador
France	-	France-Galop
Germany	-	Direktorium fur Vollblutzucht und Rennen
Great Britain	-	The British Horseracing Authority (BHA)
Greece	-	Jockey Club of Greece
Hong Kong	-	The Hong Kong Jockey Club
Hungary	-	National Horseracing Ltd.
India	-	Royal Western India Turf Club Royal Calcutta Turf Club Madras Race Club Bangalore Turf Club Ltd Hyderabad Race Club
Ireland	-	Irish Turf Club Irish National Hunt Steeple Chase Committee
Isle of Man	-	Manx Racing Authority
Israel	-	Ministry of Agriculture
Italy	-	A.S.S.I. (ex U.N.I.R.E.)
Jamaica	-	Jockey Club of Jamaica
Japan	-	Japan Racing Association National Association of Racing
Kenya	-	Jockey Club of Kenya

Korea	-	Korea Racing Association
Lebanon	-	Societe pour la Protection et l'Amelioration des Chevaux Arabes au Liban
Macau	-	Macau Jockey Club
Malaysia	-	Malayan Racing Association
Mauritius	-	Mauritius Turf Club
Mexico	-	Jockey Club Mexicano A.C.
Morocco	-	Societe Royale d'Encouragement du Cheval
Netherlands	-	Stichting Nederlandse Draf-en-Rensport
New Zealand	-	New Zealand Thoroughbred Racing Inc
Norway	-	Norsk Jockey Club
Pakistan	-	Jockey Club of Pakistan
Panama	-	Panama Turf Authority
Paraguay	-	Jockey Club of Paraguay
Peru	-	Jockey Club of Peru
Philippines	-	Manila Jockey Club Philippine Racing Club
Poland	-	Polish Jockey Club
Qatar	-	Racing and Equestrian Club
Romania	-	Jockey Club of Romania
Russia	-	Rosplemkonzavod
Saudi Arabia	-	The Equestrian Club
Serbia		Horsemanship Federation of Serbia
Singapore	-	Singapore Turf Club
Slovakia	-	Turf Direktorium
Slovenia	-	Slovenian Turf Club
South Africa	-	National Horseracing Authority
Spain	-	Sociedad de Fomento de la Cria Caballar de Espana Jockey Club Espanol
Sweden	-	The Swedish Jockey Club
Switzerland	-	Schweizer Galopprensport Verband Federation Suisse du Galop
Thailand	-	The Royal Bangkok Sports Club
Trinidad and Tobago	-	Trinidad and Tobago Racing Authority
Tunisia	-	Societe des Courses de Tunis
Turkey	-	Jockey Club of Turkey
U.A.E.	-	Emirates Racing Association
United States of America	-	The Jockey Club, State Racing Commissions and Boards
Uruguay	-	Jockey Club of Montevideo

## **Schedule 9 - Licensing Committees**

### **Applications to the Authority for licences, permits and registrations**

#### **Part 1**

##### ***General***

1. The Authority shall decide whether or not an application for the grant or renewal of a licence, permit or registration should be granted or refused or granted subject to restrictions or conditions.

2.1 The Authority shall refer the application to its Licensing Committee for a decision on the merits, if the Authority

2.1.1 is minded to refuse the application or to attach conditions or restrictions to the licence, permit or registration on the ground that the applicant is not a suitable person,

2.1.2 is minded to refuse the application on the ground that such action is necessary in the interests of racing pending the outcome of an ongoing investigation or process (whether or not undertaken by the Authority), or

2.1.3 considers such a course to be otherwise appropriate,

in which event the relevant Paragraphs of Part 2 shall apply and the procedure for a determination by the Authority set out in Paragraph 5 shall not apply.

3. An applicant for the grant or renewal of a licence, permit or registration is required to satisfy the Authority that he meets all the criteria contained within the guidance notes which accompany the Prescribed form.

4. The applicant shall provide such information and documents and attend for interview at the Authority's offices or by telephone or at a hearing as may be required to enable the effective determination of the matters relevant to the application. Determination of the application may also require the provision of information or documents and the attendance for interview, etc by another person relevant to the application, such as the employer of an applicant for a trainer's licence. The applicant may be legally represented at a hearing and in such other circumstances as may be appropriate.

5. A decision by the Authority to grant a licence, permit or registration shall be sent to the applicant in writing. A decision to refuse the application or to grant it subject to restrictions or conditions shall be sent to the applicant accompanied by written reasons for the refusal or decision to impose conditions or restrictions.

6. An applicant who is aggrieved by a decision of the Authority made pursuant to Paragraph 5 shall, save as provided in Paragraph 7, have a right to seek a re-assessment of the application by the Licensing Committee in the manner set out in Part 2 and subject to the matters set out in that Part.

7. There shall be no right to a re-assessment of an application falling within the specific instances detailed in the criteria which accompanies the Prescribed form, save where the Authority considers it to be appropriate in the particular circumstances of an individual case. If the Authority considers such circumstances to be present, the application will proceed in accordance with Paragraph 2.1.3.

8. The grounds on which an applicant may apply for a re-assessment are not restricted to matters that were before the Authority when it made the decision in question. Any relevant matter of fact or law may be relied on to show that a different decision is appropriate in all the circumstances. The Licensing Committee may set aside, confirm or vary that decision.

#### **Part 2**

### **Applications to the Licensing Committee**

#### ***Screening of applications for a re-assessment***

9.1 An applicant seeking a re-assessment of an application must first submit their case for screening by satisfying the Licensing Committee either that the application for a re-assessment has a real prospect of success or that there is some other compelling reason why it should be heard. If either requirement is satisfied the applicant may proceed to a hearing before the Licensing Committee (subject to the provisions of Paragraph 18.1.3), and if not, the decision of the Authority will stand. The following provisions shall apply

9.1.1 The decision as to whether or not the application for a re-assessment should proceed will be made on a 'documents only' basis, save where the applicant asks for an oral hearing and the

Licensing Committee considers such a hearing to be appropriate.

9.1.2 The provisions of Paragraph 10 onwards (as relevant) shall apply to timetabling and other procedural matters.

10.1 The timetable and procedure for an application for a re-assessment shall be as follows

10.1.1 The applicant shall set out in writing the grounds relied on to show that a different decision should be made, accompanied by such evidence and other relevant written material as he may wish to rely on and lodge the same with the Licensing Team within 21 days of the date of receipt of the decision and reasons in question, together with written notice to the Licensing Team as to whether or not the applicant is legally represented and if so by whom.

10.1.2 Where the applicant wishes to apply for an oral hearing, he shall make and lodge a request in writing to that effect at the same time as the grounds are lodged pursuant to Paragraph 10.1, such request for an oral hearing to be accompanied by written reasons as to why an oral hearing is appropriate at this stage.

10.1.3 Prior to the decision as to whether or not the application for a re-assessment should proceed, the Authority shall not be allowed to rely on information or argument beyond that specified in the decision and reasons provided pursuant to Paragraph 5, unless the Licensing Committee permits otherwise; in which event permission may be given subject to such terms (if any) as may be appropriate to allow the fair determination of the application.

10.1.4 The decision of the Licensing Committee as to whether or not the application should proceed shall be in writing accompanied by written reasons.

***Matters applicable to 'suitable person' and other cases***

11.1 Where the Authority is minded to refuse the application, or to attach conditions or restrictions to any licence, permit or registration on the ground that

11.1.1 the ground that the applicant is not a suitable person, or

11.1.2 such action is necessary in the interests of racing pending the outcome of an on-going investigation or process (whether or not undertaken by the Authority),

the applicant will be notified in writing.

12.1 A notification given under Paragraph 11 will include,

12.1.1 the facts as they appear to the Authority in such a way as to enable the applicant to deal with its concerns but consistent with the proper protection of confidential sources of information, where relevant,

12.1.2 the reasons why it appears to the Authority that there are grounds for it to recommend to the Licensing Committee that it refuse a licence or permit or grant the same subject to restrictions or conditions, and

12.1.3 an invitation to attend a hearing, the date and time of the hearing and the possible consequences of non-attendance, being those specified in Paragraph 18.

13.1 Within 21 days of receipt of the letter specified in Paragraph 12, the applicant will be expected to confirm in writing to the Licensing Team

13.1.1 whether he will attend the hearing,

13.1.2 whether he will be legally represented and if so by whom, and

at the same time provide to the Licensing Team copies of all documents, statements and argument he wishes to rely on in answer to the objections of the Authority.

***Matters applicable to hearings before the Licensing Committee***

14.1 The provisions set out in Paragraphs 15-28 shall apply to the determination of

14.1.1 applications for a re-assessment where the Licensing Committee has decided that an

application should proceed,

14.1.2 applications referred to the Licensing Committee which the Authority is minded to refuse because the applicant is not a suitable person.

15.1 The Authority may by written notice given to the applicant state that it wishes to be represented at the hearing and (whether or not the Authority wishes to be so represented) may serve on the applicant any further information, documents or argument which it may wish to rely on within 14 days of the date of

15.1.1 the decision of the Licensing Committee made pursuant to Paragraph 10.1.4 allowing an application to proceed, or

15.1.2 the expiry of the period specified in Paragraph 13

as the case may be.

16. The applicant shall have a period of 14 days from the date of receipt of any information, documents or argument provided by the Authority pursuant to Paragraph 15.1 in which to lodge with the Licensing Team any material in reply.

17. The Licensing Committee may invite such person as it considers necessary to provide information or relevant opinion and to produce such documents as may be appropriate.

18.1 The applicant shall attend the hearing. If an applicant fails to attend a hearing or if his representative, or one or more of his witnesses or other persons invited to attend the hearing, do not attend the hearing, the Licensing Committee may (at its absolute discretion)

18.1.1 adjourn the hearing to a specified date or a date to be fixed,

18.1.2 proceed with the hearing in the absence of the applicant or in the absence of a witness or other person, or

18.1.3 dismiss the application for a re-assessment, in which case the original decision of the Authority will stand.

19.1 In conducting the hearing the Licensing Committee will give the applicant an appropriate opportunity to

19.1.1 make representations and call witnesses on any matter relevant to the hearing,

19.1.2 provide further information with respect to any matter on which the Licensing Committee has sought clarification,

19.1.3 question any other person appearing before the Licensing Committee on an issue relevant to the matters before it, and

19.1.4 address the Licensing Committee on any relevant matter.

20. The hearing will take the form of a discussion led by the Licensing Committee which will not engage in or permit cross-examination, unless it considers that such is required to enable the fair disposal of the matters before it.

21. All questions concerning the admissibility of evidence shall be for determination by the Licensing Committee in its absolute discretion and for the avoidance of doubt the Licensing Committee shall not be bound by any enactment or rule of law relating to the admissibility of evidence before a court of law or statutory tribunal.

22. Where any fact or matter has to be established to the satisfaction of the Licensing Committee, the standard of proof shall be the standard applied in the civil courts in England in a dispute between private persons concerning a matter of comparable seriousness to the subject matter in question, i.e. on the balance of probabilities.

23. The Licensing Committee shall reach decisions by a simple majority. Decisions so reached shall be announced as decisions of the Licensing Committee. Reasons given for decisions shall not include references to any minority opinion or dissenting view.

24. The decision of the Licensing Committee shall be final subject to relevant rights of appeal. The Licensing Committee will give written reasons for its decision and save for in exceptional circumstances shall provide such written reasons within 20 working days of the hearing.

### ***Composition of the Licensing Committee***

25.1 The members of any Licensing Committee will be selected by the Judicial Panel Chairman from the

Disciplinary and Licensing Panel Pool in accordance with the Terms of Reference for the Licensing Committee. The Licensing Committee shall consist of a minimum of three persons, save that it may act by a single person in the following cases, namely

- 25.1.1 all aspects of screening an application for a re-assessment as set out in Paragraphs 9 and 10, including deciding whether or not the application should proceed,
- 25.1.2 the giving of directions (whether or not at a directions hearing) for the expeditious and just determination of an application, and
- 25.1.3 deciding an application referred to the Licensing Committee referred by Paragraph 2.1.2.

Where the Licensing Committee consists of three or more persons one of them shall, unless the Judicial Panel Chairman so directs or all parties agree otherwise, be a legally qualified person of a sufficient qualification and experience who shall chair the hearing. Where the Licensing Committee acts by a single member, such person shall, unless the Judicial Panel Chairman so directs or all the parties agree otherwise, be a legally qualified person of sufficient qualification and experience.

25A. The Judicial Panel Chairman shall provide to any Person provisionally selected sufficient details of the matter in question and the individuals concerned so as to enable any Person provisionally selected to declare any interest and to disqualify himself or to seek any waivers of objection as appropriate prior to final selection.

25B. The Judicial Panel Chairman may delegate his function to the Deputy Judicial Panel Chairman.

### ***Confidentiality***

26. The proceedings shall be held in private (unless the Licensing Committee considers otherwise) and shall be confidential, save that the Authority may publish on its website or in any press release the decision, any reasons, any summary thereof and any brief details of the proceedings or matters before the Licensing Committee, and save also as appears in Paragraph 27.

27.1 Information and documents considered by the Licensing Committee shall be used solely for the proper regulation of horseracing and shall not be disseminated further except where disclosure is required by law or following a proper application by a fellow competent regulatory body. The proper regulation of horseracing shall include but not be limited to the following purposes

- 27.1.1 the interviewing of other persons who may assist the Licensing Committee to determine the matters before it,
- 27.1.2 reference to such information and documents in any written reasons of the Licensing Committee for its decision, and
- 27.1.3 those purposes specified in Paragraph 28.

28. The Licensing Committee may arrange for any hearing to be recorded and the recording shall be the sole property of the Authority and no person shall have the right to compel the production of it or a transcript save as authorised by the Licensing Committee or as required by law and subject to meeting any costs or expenses in providing it.

### ***Other applications relating to licences, permits and registrations***

29.1 Where information comes to the attention of the Authority, which prompts it to

- 29.1.1 seek the withdrawal or suspension of a licence or permit, or
- 29.1.2 the cancellation or removal of any person from the register of Owners maintained by the Authority,

the decision concerning such licence, permit or registration shall be taken by the Licensing Committee by reference to such of the provisions included in Paragraphs 15-28 (making the necessary changes so as to apply those Paragraphs) as are appropriate in the circumstances having regard to the urgency of the situation and to such further (if any) directions as may be appropriate.

30. The Authority may also refer such other matter as may be appropriate to the Licensing Committee concerning a licence, permit or registration, which shall decide or otherwise deal with the matter in such manner as it considers appropriate, having regard to all the circumstances.

31. Where an application has been referred to the Licensing Committee pursuant to Paragraph 2.1.2, it shall

determine the application in such manner as it considers appropriate, having regard to all the circumstances.

### **Miscellaneous**

32. The Licensing Committee shall be at liberty to disapply, amend or add to the matters set out in this Part in any particular case, and to give directions as they consider appropriate for the purpose of disposing of the issues before it fairly and expeditiously and taking all other proper considerations into account (including the urgency of a situation).

33. An appeal shall lie to the Appeal Board in such circumstances as are specified in Schedule 7 Paragraph 12.

34. Where an applicant seeks to renew a licence or permit and has made an application for a re-assessment or in any other relevant case, the Authority or the Licensing Committee may grant to him such temporary licence or permit, if any, as may be appropriate in the circumstances.

35. The applicant is referred to Rules 105 to 108, which deal with the methods and time for the service of documents.

## **Schedule 10 - Protocol in relation to guilty pleas and plea bargaining**

### **General Principles**

1. It is in the interests of racing that persons correctly charged under the Rules of Racing plead guilty to such charges at an early stage. Guilty pleas

- 1.1 avoid the risk of the guilty being acquitted,
- 1.2 enable the appropriate sanction to be applied as soon as possible,
- 1.3 save significant cost, and
- 1.4 remove the need for witnesses (from all sides) to give up their time in order to attend hearings.

2. In exceptional circumstances it may be appropriate for certain charges not to be proceeded with in exchange for a guilty plea to other charges. This will only be done when the Authority is satisfied that

- 2.1 the likely penalty for the remaining offences is sufficient to protect the interests of racing, and
- 2.2 there is no other compelling reason to proceed to determine the charge at a hearing.

3. Charges will only be brought when it is appropriate to do so by the Disciplinary Officer under the applicable criteria, and

- 3.1 not as a means of applying pressure in the hope of obtaining a guilty plea to other charges, or
- 3.2 with the intention of their being dropped before the Enquiry.

4. The Authority cannot give binding indications as to penalty and should make it clear to accused persons that the decision on penalty is for the Disciplinary Panel.

5. The Authority will draw the accused person's attention to the guidance in the current Guide to Procedures and Penalties concerning

- 5.1 the effect of guilty pleas (see Paragraphs 2 and 3 of Section 6), and
- 5.2 the entry point for the relevant offence.

6. Furthermore when given an opportunity to address the Panel regarding both the seriousness of the conduct and nature of the penalty which the Panel might consider to be appropriate, it is right that the Authority should volunteer to the Panel when doing so information about the assistance it has received.

6A. Any correspondence or communications between the parties as part of this protocol shall be confidential between them, whatever the outcome and shall not be disclosed to the Disciplinary Panel or Appeal Board as applicable.

### **Practical Steps**

7. If an accused person indicates a willingness to plead guilty to all the charges against him he should be encouraged to do so without delay, either

7.1 by way of his Schedule 6 Paragraph 7.2 submissions, or  
7.2 otherwise in writing to the Secretary of the Disciplinary Panel.

8. If an accused person indicates a willingness to plead guilty to some charges, whether in exchange for other charges being dropped or otherwise, the Case Manager will

8.1 in consultation with the Head of Integrity, Legal and Risk (or Disciplinary), and

8.2 if possible the appropriate Executive Director,

8.2.1 seek to establish as clearly as possible the factual basis on which the accused person is willing to plead guilty; this will ideally be done by means of a draft statement of facts, and

8.2.2 consult with the Disciplinary Officer (DO) as to whether the proposal merits serious consideration.

9. If the DO decides to accept the proposal or a modified version of it the accused person will be so informed.

10. The DO will make his decision taking account of

10.1 all relevant considerations, and

10.2 the importance of the case in the overall interests of racing.

11. In the unlikely event that the DO is unable to be contacted, any decision should be taken

11.1 with as many of the relevant Executive Directors as possible, and

11.2 immediately recorded by the Case Manager.

12. If an accused person pleads guilty to all charges, or the decision is made to accept guilty pleas to some charges and not to proceed with others, the Authority and the accused person or his representatives should attempt to agree a statement of facts concerning the offence(s).

13. The purpose of the statement of facts is to provide the Panel with sufficient information to enable it to make an accurate assessment of the seriousness of the offence(s) (see Schedule 6 Paragraph 10). A statement of facts may not be necessary in very simple cases.

### **Newton Hearing**

14. If a statement of facts cannot be agreed it may be necessary

14.1 to convene a preliminary hearing so that the Disciplinary Panel can assess whether the disagreement is such that it should be resolved before a decision on penalty is made, and

14.1 if so give directions as to how that should be done.

15. There may also be occasions where the Panel feel that

15.1 an agreed statement of facts is insufficient for the Panel to make a proper judgment of the true level of culpability, and

15.2 may wish the Authority to present some or all of its case and evidence and to hear the evidence of the accused in reply.

16. The Panel may give directions for what is known as a Newton hearing.

### **Goodyear Hearing**

17. Where there is a wide range of penalty in the Guide to Procedures and Penalties for particular misconduct, an accused person may wish to receive an indication of the level of penalty to be expected if they make admissions. This is when a Goodyear hearing will be required.

18. Experience suggests the following guidelines will be helpful

18.1 every effort must be made to avoid last minute Goodyear style conferences or hearings, and the initiative should be with the accused to approach the Authority, not vice versa;

18.2 it is inappropriate for the Authority and the accused to conclude a bargain as such (plea in return for agreed penalty/dropped charges) which is then jointly presented to the Panel.

19. The Authority should only respond by indicating if it would be prepared in principle to drop certain charges if an accused admits others, or not. If the Authority is so prepared then a Goodyear hearing will be arranged.

20. The Authority should address the Panel on penalty in a very similar manner to other cases. It should

20.1 refer to the Guide to Procedures and Penalties,

20.2 draw attention to what it sees as aggravating or mitigating factors, and

20.2 to the importance or seriousness of the case as it sees it in the overall context of racing.

21. The Authority may make submissions on the nature of

21.1 the penalty e.g. fine versus suspension, or

21.2 a combination of both.

22. The Authority will not, however, request

22.1 a particular level of fine, or

22.2 period of disqualification or suspension as the case may be.

23. The Authority should conclude by saying that if, having received the Panel's indication of its thinking on penalty, the accused is prepared to admit particular charges, the Authority will, with the Panel's consent, drop the other charges.

## **Index of defined expressions**

1. This index provides a guide to words or expressions which are defined generally and so liable to be met in provisions which do not themselves contain the definition.

2. Where a term is used only in one Rule (or in a series of closely connected Rules), the definition will be set out in that Rule. Always check the Rule itself before looking at this index.

3. Where a term is used in more than one place, it will start with a capital letter. The second column of this index tells you where you can find the substantive definition.

4. This index is not part of these Rules.

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