

# General Manual (A)

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### PART 1 - INTRODUCTORY PROVISIONS

#### 1. The British Horseracing Authority

1.1 All functions relating to the governance and regulation of horseracing shall be exercisable by the British Horseracing Authority (referred to in these Rules as the Authority).

1.2 This includes all matters now or in the future contained or to be contained in these Rules.

1.3 References in these Rules to Horserace are to any race in which a horse runs with any other horse either

1.3.1 in competition for any prize of any kind or nature whatsoever, or

1.3.2 for the purposes of deciding the result of any bet or wager,

and at which more than twenty Persons (not including participants in the race) are present.

1.4 For the purposes of Paragraph 1.3, events at horse shows or gymkhanas which are restricted to children under 18 years of age or which involve a substantial element of chance or skill unconnected with horse-riding shall not be regarded as horseraces.

#### 2. Persons subject to the Rules

2.1 These Rules apply to

2.1.1 all Persons who have agreed to be bound by these Rules,

2.1.2 the owner and any Person who is any way legally interested in, directly or indirectly, or who plays an active part in managing a horse which is entered to run under these Rules wherever trained,

so, for the avoidance of any doubt, each and every lessor or lessee of a horse that is the subject of a lease agreement is to be treated as a Person that is legally interested in that horse for the purpose of these Rules throughout the duration of the relevant lease agreement.

2.1.3 the riders and trainers of such horses,

2.1.4 the employees and officers (or, if from overseas, the local equivalent) of Persons referred to in Paragraphs 2.1.2 and 2.1.3,

2.1.5 any Overseas Rider who rides in a race run under these Rules,

2.1.6 any Person referred to in Rule 30.2, and

2.1.7 any Person within Paragraph 2.2.

2.2 A Person who, but for this Paragraph, would have ceased to be subject to these Rules shall remain subject to them

2.2.1 to the extent necessary to enable the Authority to investigate and take Disciplinary Action, and for the hearing of appeals under Part 7, as regards any event or events which

2.2.1.1 took place whilst that Person was still subject to these Rules, and

2.2.1.2 is or are relevant to a contravention, or alleged contravention of these Rules, whether committed by that Person or by someone else,

2.2.2 to the extent necessary to enable the Authority to investigate and take Disciplinary Action as regards any activity carried out by that Person which purports to be have been done under a licence or permit granted to that Person by the Authority but after the licence or permit has ceased to be valid, or

2.2.3 for so long as any Arrears are due from that Person under these Rules.

2.3 Persons who are or have been subject to these Rules are deemed to have knowledge of them, including any amendments.

2.4 Every Person who is subject to these Rules

2.4.1 must comply with them at all times,

2.4.2 must comply with any directions, instructions or General Instructions given by the Authority as to the operation of these Rules, and

2.4.3 must comply with the instructions of the Stewards

2.5 Paragraph 2.4.1 does not apply to the extent that the Authority does not require compliance with any particular Rule.

2.6 A Person is liable to Disciplinary Action if

2.6.1 he contravenes a requirement imposed on him by or under a provision in this Manual or by any other provisions of these Rules,

2.6.2 any provision of these Rules states that he is taken to have contravened any such requirement, or

2.6.3 any provision of these Rules states that he is liable to Disciplinary Action.

2.7 Disciplinary Action may also be taken against a Person in any of the circumstances specified in Rules 63 to 70 of Part 6.

2.8 Where any Person behaves in such manner as the Authority considers to be contrary to the interests of racing that Person is liable under Rule 64 to exclusion from any premises licensed by the Authority.

2.9 A Person who agrees to be bound by these Rules has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any provision of these Rules against any other Person from time to time bound by these Rules.

### **3. Arrangement of Rules into Manuals**

3.1 These Rules are made up of the following Manuals

The General Manual (A)

The Race Manual (B)

The Trainer Manual (C)

The Rider Manual (D)

The Horse and Owner Manual (E)

The Race Administration Manual (F)

The Equine Anti-Doping Manual (G)

3.2 Each Manual is of equal standing and the fact that these Rules are divided into Manuals does not affect the weight of any requirements specified in each Manual.

### **4. Scheme**

4.1 This Manual has effect for the purposes of establishing the framework for the governance and regulation of horse racing.

4.2 It includes provision

4.2.1 about the functions of the Authority and the discharge of those functions,

4.2.2 requiring certain participants in racing to hold a licence or permit granted by the Authority,

4.2.3 requiring racecourses to be licensed by the Authority,

4.2.4 requiring the registration of horse names, horse owners and stable employees,

4.2.5 prohibiting certain conduct by Persons subject to these Rules,

4.2.6 for the Authority to obtain information, hold enquiries and take Disciplinary Action for the purpose of discharging its functions, and

4.2.7 for appeals to be made to the Authority or to an Appeal Board.

## **PART 2 - GENERAL FUNCTIONS OF THE AUTHORITY**

### **5. General functions of the Authority**

5.1 The Authority has the following general functions

5.1.1 making Rules relating to the governance and regulation of horse racing,

5.1.2 enforcing such Rules,

5.1.3 granting, refusing and withdrawing authorisations required by the Rules,

- 5.1.4 the administration of races,
- 5.1.5 appointing officials for races, and
- 5.1.6 determining when fees are payable and the level of fees.

5.2 The Authority also has

- 5.2.1 the specific functions in Part 8, and
- 5.2.2 such other functions as may be specified in any other provision of these Rules.

## **6. General Rule-making functions**

6.1 The Authority's Rule-making functions include

- 6.1.1 making Rules, and
- 6.1.2 giving guidance in relation to Rules.

6.2 In particular, the Authority may from time to time

- 6.2.1 add new provision to these Rules,
- 6.2.2 modify or delete an existing provision,
- 6.2.3 suspend any existing provision for such period or periods as the Authority may determine,
- 6.2.4 issue guidance to ensure compliance with any Rule,
- 6.2.5 issue guidance to prevent an anticipated contravention of any Rule,
- 6.2.6 give recommendations as to Disciplinary Action (including the imposition of disciplinary penalties) for contravention of these Rules generally, or of particular Rules, and
- 6.2.7 modify or delete any existing guidance or recommendations.

6.3 Any Rules made by the Authority for the purpose of discharging its functions may

- 6.3.1 contain such incidental, supplemental, consequential or transitional provision as the Authority considers appropriate, and
- 6.3.2 make different provision for different cases.

## **7. Compliance**

7. The Authority's compliance functions for the purpose of enforcing these Rules and otherwise discharging its functions include

- 7.1 gathering information,
- 7.2 carrying out enquiries and investigations,
- 7.3 taking Disciplinary Action,
- 7.4 the oversight of decisions taken by Judges, Clerk of the Scales and Stewards, and
- 7.5 determining objections made to the Authority in connection with racing.

## **8. Authorisations required under these Rules**

8. The Authority's functions as to authorisations include

- 8.1 granting, refusing, withdrawing and suspending licences or permits required by these Rules,
- 8.2 maintaining any register required by these Rules, and
- 8.3 giving, refusing or withdrawing any other approval or authority required by these Rules.

## **9. Race administration**

9.1 The Authority's functions as to race administration include

- 9.1.1 arranging race meetings and other fixtures, and
- 9.1.2 overseeing the conduct of meetings and fixtures.

9.2 Further provision as to race administration is contained in the Race Administration Manual (F).

## **10. Appointing officials**

## 10. Appointing officials

10.1 No Person other than the Authority may appoint officials for each race meeting.

10.2 For provisions of these Rules that make provision as to certain functions of officials see, in particular

10.2.1 Part (B)1 for functions of Stipendiary Stewards;

10.2.2 Parts (B)2 and (B)6 for functions of the Clerk of the Scales;

10.2.3 Part (B)3 for functions of the Starter;

10.2.4 Part (B)5 for functions of the Judge;

10.2.5 Part (F)2 for functions of the Inspector of Courses;

10.2.6 Part (F)7 for functions of the Stakeholder;

10.2.7 Part (F)8 for functions of Handicappers.

## 11. Fees

11.1 The Authority's functions as to fees include

11.1.1 authorising the level of fees which are payable in the circumstances specified in these Rules,

11.1.2 making changes to the fees, and

11.1.3 where the Authority agrees to make exceptional arrangements in respect of the conduct of any race meeting, charging fees that are in addition to those otherwise provided for in these Rules.

11.2 Schedule 1 lists the occasions on which a fee is payable in accordance with these Rules and the amount of the fee due.

11.3 Any change to the amount of a fee will be published in The Racing Calendar with the date on which the change is to be effective.

11.4 All fees and Arrears due are payable to the Authority.

## 12. Supplementary powers

12.1 The Authority may exercise all powers conferred on them by these Rules.

12.2 The Authority may give such directions, instructions or General Instructions as it considers appropriate as to the operation of these Rules, and any provision made under this Paragraph may make different provision for different cases.

12.3 The Authority may waive the application of a Rule, directions, instructions or General Instructions in such circumstances as it may consider appropriate.

12.4 In any case of expediency or of emergency, the Authority may

12.4.1 modify these Rules or any part of them,

12.4.2 suspend any Rule or part of a Rule for such period or periods as the Authority considers appropriate,

12.4.3 order the abandonment of any race or race meeting, and

12.4.4 refuse to allow a horse duly entered to run in any race.

12.5 The Authority may take such other action as it considers necessary for the purpose of

12.5.1 discharging its functions, and

12.5.2 carrying out or giving effect to these Rules (including preventing an anticipated contravention).

## PART 3 - LICENCES, PERMITS AND REGISTRATION

### *Introductory*

## 13. Scheme of this Part

13.1 This Part imposes restrictions on the carrying out of activities connected with horseracing and requires Persons intending to carry out the activities in Great Britain

- 13.1.1 to hold the appropriate licence or permit, or
- 13.1.2 to secure that the names of any horse, owner or stable employee is entered in the appropriate register.

13.2 The effect of the restrictions in this Part is that

13.2.1 a licence or permit is required for any Person who acts as

- 13.2.1.1 a trainer,
  - 13.2.1.2 a Jockey or an amateur rider,
  - 13.2.1.3 a valet to a rider (referred in this Manual as a master valet),
  - 13.2.1.4 an assistant to a master valet (referred in this Manual as an assistant valet),
- or
- 13.2.1.5 a rider's agent;

13.2.2 a licence is required to hold an authorised race meeting at any racecourse;

13.2.3 the names of any horse which is trained in Great Britain and runs at an authorised race meeting must be entered in a register maintained by the Authority;

13.2.4 the name of the owner of any such horse must be entered in a register maintained by the Authority; and

13.2.5 the names of stable employees must be entered in a register maintained by the Authority.

13.3 Rules 23 to 25 make provision as to the Authority's general powers under these Rules in connection with

13.3.1 the grant, refusal, withdrawal or suspension of any licence or permit, or

13.3.2 the making, modification or cancellation of any entry in a register maintained by the Authority under these Rules.

### ***Licences and permits***

## **14. Trainer's licences and trainer's permits**

14.1 A Person in Great Britain may not train a horse which runs in a race under these Rules unless

14.1.1 he holds a trainer's licence or a trainer's permit granted by the Authority in accordance with the Trainer Manual (C),

14.1.2 the horse is trained outside Great Britain and the trainer is duly qualified as a trainer in the country where the horse is trained, or

14.1.3 he is training a horse solely for the purpose of Hunters' Steeple Chases, the Grand Military Gold Cup or the Royal Artillery Gold Cup.

14.2 Requirements applying to all Persons to whom Paragraph 14.1 applies are specified in the Trainer Manual (C), along with detailed provisions about licences and permits granted by the Authority (including how to apply).

14.3 The provisions of Schedule 9 specify procedures applicable to the consideration and determination of applications.

14.4 **Hunters' Steeple Chase** means a weight-for-age steeple chase which is confined

14.4.1 to horses certified by a Master of Hounds to have been hunted, and

14.4.2 to Amateur Riders.

## **15. Rider's licences and amateur rider's permits**

15.1 A Person may not ride in any race under these Rules unless

15.1.1 he has attained the age of sixteen years,

15.1.2 he

15.1.2.1 holds a jockey's licence or an amateur rider's permit granted by the Authority, or

15.1.2.2 is authorised by a Recognised Racing Authority to ride under the rules of that

Recognised Racing Authority (whether by grant of a licence, permit or otherwise), and

15.1.3 he is not disqualified or suspended from riding either under these Rules or under the rules of any Recognised Racing Authority.

15.2 The types of jockey's licences granted by the Authority are

15.2.1 a licence to allow the holder to ride in flat races, and

15.2.2 a licence to allow the holder to ride in Jump Races.

15.3 In these Rules, a jockey's licence granted to a Person whom the Authority considers to be inexperienced in racing is referred to as

15.3.1 an Apprentice Jockey's licence, where the licence allows him to ride in flat races, and

15.3.2 a Conditional Jockey's licence, where the licence allows him to ride in Jump Races.

15.4 The types of amateur rider's permit granted by the Authority are

15.4.1 a Category A amateur rider's permit, and

15.4.2 a Category B amateur rider's permit.

15.5 Requirements applying to all Persons within Paragraph 15.1.2 are specified in the Rider Manual (D), along with detailed provisions about licences and permits granted by the Authority (including how to apply).

15.6 The provisions of Schedule 9 specify procedures applicable to the consideration and determination of applications.

15.7 **Jump races** means a steeple chase, hurdle race or National Hunt Flat Race.

## **16. Licences and permits for Master Valets and their assistants**

16.1 A Person may not act as a master valet unless he holds a master valet's licence granted by the Authority in accordance with the Rider Manual (D).

16.2 A Person may not act as an assistant to a master valet unless he holds a master valets' assistant's permit granted by the Authority in accordance with the Rider Manual (D).

16.3 Detailed provisions about licences and permits granted by the Authority (including how to apply) are specified in Part (D)7.

16.4 The provisions of Schedule 9 specify procedures applicable to the consideration and determination of applications.

## **17. Licences for rider's agents**

17.1 A Person may not act as an agent for a rider unless he holds an agent's licence granted by the Authority in accordance with the Rider Manual (D).

17.2 Detailed provisions about licences granted by the Authority (including how to apply) are specified in Part (D)7.

17.3 The provisions of Schedule 9 specify procedures applicable to the consideration and determination of applications.

## **18. Racecourse licences**

18.1 An authorised race meeting in Great Britain may not be held at any place or on any track unless it is licensed by the Authority for that purpose.

18.2 The circumstances in which a licence be granted are specified in Part (F)2, along with other detailed provisions about racecourse licences (including how to apply).

## ***Registration***

## **19. The Authority's general functions as to registration**

19.1 The Authority must maintain a register for

19.1.1 the names of horses,

19.1.2 the names of owners of horses,

19.1.3 the names of stable employees, and

19.1.4 such other purpose as may be provided for in these Rules.

19.2 The register must include such information as the Authority considers appropriate.

19.3 Where the Authority approves an application for entry in a register which is made to it in accordance with Rule 23, it must make an entry in the register.

19.4 Registration may be cancelled, and an entry amended or removed, if the Authority considers that is appropriate to do so.

## **20. Register of horse names**

20.1 A horse trained in Great Britain may not be entered for or run in any race under these Rules unless its name is entered in the register of horse names maintained by the Authority.

20.2 Detailed provisions about the registration of horse names (including how to apply) are set out in Part (E)2.

## **21. Register of owners**

21.1 A horse trained in Great Britain may not be entered for or run in any race under these Rules unless the name of the owner of the horse is entered in the register of owners maintained by the Authority.

21.2 No entry may be made in the register in respect of any equitable interest in the ownership of a horse.

21.3 A horse trained outside Great Britain is not qualified to be entered for or run in any race under these Rules unless the name of the owner is registered by the Racing Authority of the country in which the horse is trained.

21.4 Detailed provisions about owners (including, in relation to horses trained in Great Britain, who may be registered and how to apply) are set out in Part (E)3.

21.5 The provisions of Schedule 9 specify procedures applicable to the consideration and determination of applications.

## **22. Register of stable employees**

22.1 A Person employed by a trainer may not continue in his employment unless his name has been entered in the register of stable employee names maintained by the Authority.

22.2 Detailed provisions about the registration of stable employee names (including how to apply) are set out in the Trainer Manual (C).

### ***General provisions as to licences, permits and registration***

## **23. Application procedures for Persons requiring licences, permits or registration**

23.1 An application for

23.1.1 a licence or permit,

23.1.2 the renewal of a licence or permit,

23.1.3 registration in any register maintained by the Authority under these Rules,

23.1.4 the provisions of Schedule 9 specify procedures applicable to the consideration and determination of applications.

23.2 Each application shall be considered individually on its merits.

23.3 At any time after receiving an application and before determining it, the Authority may require an applicant to provide it with such further information as it reasonably considers necessary to determine the application.

23.4 The Authority may require an applicant to provide information which he is requested to provide under this Rule in such form, or to verify it in such way, as the Authority may direct.

23.5 The Authority must notify the applicant of its decision on the application by a written notice.

## **24. The Authority's general powers as to licences and permits**

24.1 Where an application for a licence or permit is made to the Authority in accordance with the relevant application procedure, the Authority may

24.1.1 grant the application,

24.1.2 grant it subject to restrictions or conditions, or

24.1.3 refuse the application.

24.2 The Authority may on an application or on its own initiative

- 24.2.1 withdraw any licence or permit it has granted,
- 24.2.2 suspend it,
- 24.2.3 renew it,
- 24.2.4 renew it subject to conditions, or
- 24.2.5 refuse to renew it

24.3 The Authority may refuse an application for a licence or permit if it is not accompanied by the appropriate fee specified in Schedule 1, but this does not limit the power of the Authority to refuse an application for other reasons.

## **25. The Authority's general powers as to registration**

25.1 Where an application for registration in any register maintained by the Authority is made to the Authority in accordance with the relevant application procedure, the Authority may

- 25.1.1 approve the application and register the name or other information to which the application relates, or
- 25.1.2 refuse to approve the application.

25.2 The Authority may on an application or on its own initiative

- 25.2.1 cancel any registration under this Part, and
- 25.2.2 remove or amend any entry on a register maintained by it under these Rules.

25.3 The Authority may refuse an application for registration if it is not accompanied by the appropriate fee specified in Schedule 1, but this does not limit the power of the Authority to refuse an application for other reasons.

## **26. Deleted**

## **PART 4 - GENERAL REQUIREMENTS AS TO CONDUCT**

## **27. Deleted**

## **28. Deleted**

## **29. Entering or running a horse not qualified to race**

29.1 A Person who knows or believes that a horse is not qualified for a race must not

- 29.1.1 enter the horse in the race,
- 29.1.2 cause it to be entered for the race, or
- 29.1.3 cause it to start in the race.

29.2 The Authority may decide not to take Disciplinary Action for a contravention of this Rule if the Person satisfies the Authority that he took all reasonable precautions and exercised all due diligence to avoid the contravention.

## **30. Conduct prejudicial to horseracing**

30.1 A Person must not act in any manner which the Authority considers to be prejudicial to the integrity, proper conduct or good reputation of horseracing in Great Britain.

30.2 For the purposes of Paragraph 30.1, any Person who

- 30.2.1 in Great Britain, engages in bloodstock transactions or deals in racehorses (including horses intended for racing), and
- 30.2.2 in so doing, fails to observe any provision of The Bloodstock Industry Code of Practice,

may be taken to have contravened a requirement imposed on him by Paragraph 30.1, whether or not he is otherwise subject to these Rules.

30.3 A Person must not in connection with horseracing in Great Britain associate with



30.3.1 a Disqualified Person; or

30.3.2 a Person who is excluded under Rule 64 from any premises licensed by the Authority

unless he obtains the prior permission of the Authority.

30.4 Paragraphs 30.1 to 30.3 apply whether or not a Person's conduct constitutes a contravention of any other provision of these Rules.

30.5 The Bloodstock Industry Code of Practice for the time being in force is set out in Schedule 4.

### **31. Conduct obstructing the proper administration or control of racing**

31.1 A Person must not, in relation to the administration or control of racing

31.1.1 breach any declaration or undertaking given to the Authority,

31.1.2 provide any inaccurate information,

31.1.3 omit any relevant information which is requested, or

31.1.4 fail to comply with a requirement imposed on him by the Authority.

31.2 A Person must not deliberately mislead or by an overt act endeavour to mislead the Authority, the Stewards, any employee of the Authority or a representative of the Racecourse Managing Executive either at any enquiry or in connection with the administration or control of racing.

31.3 The Authority may decide not to take Disciplinary Action for a contravention of this Rule if the Person satisfies the Authority that the circumstances were exceptional and that he had a satisfactory reason for his conduct.

### **32. Violent or improper behaviour on racecourse etc**

32.1 A Person must not act in any violent or improper manner on any land or premises which is used by the Stewards or licensed by the Authority.

32.2 A Person must not act in any violent or improper manner on any land or premises on which he is present

32.2.1 in his capacity as a Person licensed, permitted or registered by the Authority in accordance with Part 3, or

32.2.2 for training which relates to an activity connected with horse racing.

### **33. Offering or accepting bribes**

33.1 A Person must not give or offer a bribe, or promise a bribe, to

33.1.1 a Person who has official duties in relation to a race or a horse, or

33.1.2 a Trainer, Rider, agent or other Person who has charge of, or access to, a horse.

33.2 Paragraph 33.1 applies regardless of the form of the bribe and whether it is direct or indirect.

33.3 A Person who has official duties in relation to a race must not accept or offer to accept any bribe in any form.

33.4 A Person who is a Trainer, Rider, agent or other Person having charge of, or access to, a horse must not accept or offer to accept any bribe in any form.

### **34. Offering rewards for amateur riders**

34.1 A Person must not offer or promise any reward to an Amateur Rider for riding in a race.

34.2 Nothing in this Rule prevents the advertisement of a trophy for Amateur Riders in the conditions of a race.

34.3 Reward means a reward by way of fee, present, expenses or any consideration apart from

34.3.1 any trophy that was advertised in the conditions of the race;

34.3.2 any expenses apportioned by F.E.G.E.N.T.R.I. for their Championship races under these Rules;

34.3.3 any reasonable expenses for Overseas Riders which are

34.3.3.1 offered by sponsors of an amateur or club race,

34.3.3.2 included in the conditions of the race, and

34.3.3.3 approved by the Authority;

34.3.4 any assisted or free travel and accommodation which is

34.3.4.1 offered to Amateur Riders when taking part in invitation races abroad, and  
34.3.4.2 approved by the Racing Authority appropriate to the racecourse concerned; or

34.3.5 any other expenses or benefits approved by the Authority

## **35. Placing bets or laying a horse to lose**

35.1 A Person must not make or offer to make a bet on horseracing on behalf of a Rider where the bet

35.1.1 in the case of an Amateur Rider, is to be placed on a race in which the Amateur Rider is riding, or

35.1.2 in any other case, is to be placed at any time during the term of the Rider's licence.

35.2 A Person must not offer a Rider the proceeds (or any part of the proceeds) of a bet on horseracing which is prohibited by Paragraph 35.1.

35.3 Paragraphs 35.1 and 35.2 apply regardless of where the bet is placed or where the race is run.

35.4 A service provider to a Person to whom these Rules apply must not

35.4.1 lay with a Betting Organisation any horse owned, trained or ridden by that Person to lose a race,

35.4.2 instruct another Person to do so on behalf of the service provider, or

35.4.3 receive the whole or any part of any proceeds of such a lay.

35.5 Paragraph 35.4 applies for the whole of the period in which the service was provided and for the period of 21 days afterwards.

35.6 Any reference to a Person laying a horse to lose includes any single instance of doing so, whether or not the single instance was, or was intended to be, one of a series of betting arrangements.

35.7 Nothing in this Rule prevents the laying of any horse owned by a Betting Organisation in the ordinary course of that Betting Organisation's business.

35.8 **Betting Organisation** means

35.8.1 any bookmaker,

35.8.2 the Tote,

35.8.3 any company offering spread betting on horseracing or person-to-person betting exchanges on horseracing, and

35.8.4 the employees of any such organisation.

35.9 Any Person who is subject to these Rules must ensure that

35.9.1 no Person but himself shall use an account with a Betting Organisation which is maintained in his own name to lay any horse to lose, and

35.9.2 all lay bets on such an account will be presumed to be effected by, or for, the benefit of the named account holder, unless in any case it is proved that the lay betting in question was effected by another Person without the account holder's actual or constructive knowledge, or actual or implied consent and not for his potential benefit.

## **36. Communication of Inside Information**

36.1 **Inside Information** is information about the likely participation or likely performance of a horse in a race, which

36.1.1 is known by an Owner, Trainer, Rider, stable employee or any of their service providers as a result of acting as such, and

36.1.2 is not information in the public domain.

36.2 A Person must not communicate Inside Information directly or indirectly to any other Person for any material reward, gift, favour or benefit in kind.

36.3 Schedule 5 specifies certain circumstances in which information is regarded as being in the public domain for the purposes of Paragraph 36.1.2.

### **37. Assisting, encouraging or causing Rule contraventions**

37. A Person must not assist, or encourage, or cause another Person to act in contravention of a provision of these Rules.

### **38. Participation at unrecognised meetings**

38.1 A Person must not

38.1.1 own, train or ride a horse at any unrecognised meeting, or

38.1.2 act in any official capacity in connection with such a meeting.

38.2 Paragraph 38.1 does not apply to

38.2.1 pony races, or

38.2.2 any other specific event comprising or including a race in respect of which the Authority has granted an exemption under this Rule.

38.3 An application for an exemption under Paragraph 38.2.2 will be considered by the Authority only if it is made in writing to the Authority's Office at least 2 months before the event is due to take place.

38.4 The Authority may impose conditions on the grant of any exemption.

### **Other provisions as to conduct**

### **39. Requirement to comply with controls on sponsorship**

39. A Person must comply with any Code of Conduct on sponsorship imposed by or under these Rules.

### **40. Conviction of criminal offence connected with racing**

40. A Person who is convicted of any criminal offence in relation to racing in Great Britain or in any other country or territory shall be taken to have contravened a requirement imposed on him by these Rules.

### **41. Involvement in corrupt or fraudulent practices in relation to racing**

41. A Person who

41.1 is guilty of the commission of any corrupt or fraudulent practice in relation to racing in this or any other country,

41.2 conspires with any other Person for the commission of such a practice, or

41.3 connives at any other Person being guilty of such a practice,

shall be taken to have contravened a requirement imposed on him by these Rules.

### **42. Involvement in contravention of Rules as to betting etc**

42.1 Paragraphs 42.3 and 42.4 apply where

42.1.1 a Person has dealings with a Person listed in Paragraph 42.2, and

42.1.2 those dealings cause that listed Person to contravene any provision of Rules 35, 36, (C)64, (D)53, (D)54, (D)55, (D)75 or (D)78 (which impose restrictions on riders and valets in connection with betting).

42.2 The listed Persons are any Rider, any Trainer, any stable employee whose name is entered in the register of stable employee names, any rider's agent, any master valet or any assistant valet.

42.3 If that Person is subject to these Rules, he shall be taken to have contravened a requirement imposed on him by these Rules.

42.4 If that Person is not subject to these Rules, he is liable to exclusion under Rule 64 from any premises licensed by the Authority.

42.5 In this Rule

**Register of Stable Employee Names** means the register of the names of employees of a trainer, which is maintained by the Authority under Part 3 (licences, permits and registration).

### **42A. Disclosure of unacceptable conduct**

42A. Any Person who is subject to these Rules must, as soon as reasonably practicable, disclose to the Authority full details of any approach or invitation made to

42A.1 him; or

42A.2 any other Person, of which he is, or becomes, aware, to engage in conduct that would amount to a breach of these Rules.

## **PART 5 - ENQUIRIES AND INVESTIGATIONS**

### **43. Application of this Part**

43. The Authority may exercise the powers conferred by this Part for the purpose of

43.1 determining whether or not the provisions of these Rules are being complied with,

43.2 carrying out any investigation concerning a contravention of these Rules,

43.3 determining any appeal made to it in accordance with Rules 76 to 82 (appeals to the Authority against Stewards' decisions), and

43.4 otherwise discharging the functions of the Authority.

### ***Enquiries***

#### **44. Enquiries**

44.1 The Authority may at any time make enquiry into any matter relating to racing, whether the matter arises in Great Britain or elsewhere.

44.2 Paragraph 44.1 applies

44.2.1 irrespective of whether the matter was considered by the Stewards, and

44.2.2 whether or not the matter was referred to the Authority by the Stewards under Part (B)1.

44.3 Schedule 6 contains provision about Disciplinary Panels which may be convened for the purpose of carrying out enquiries.

#### **45. Requirement to co-operate with enquiries**

45.1 Any Person who receives a notice under Schedule 6 of an enquiry in connection with possible Disciplinary Action being taken against him

45.1.1 must return the form sent to him in accordance with Paragraph 7.2 of Schedule 6,

45.1.2 must attend at the enquiry and at any proceedings connected with it unless his attendance is not required, and

45.1.3 must produce any information or record relevant to the enquiry if requested to do so by

45.1.3.1 if the information or record requested is listed in Rule 50.4, the Disciplinary Panel **Chairman**, and

45.1.3.2 otherwise, the Authority.

45.2 Any other Person, if requested to do so by or on behalf of the Authority, must

45.2.1 attend at the enquiry and at any proceedings connected with it, and

45.2.2 produce any information or record relevant to the enquiry.

45.3 The Authority may decide not to take Disciplinary Action against a Person for failure to comply with any provision of this Rule if the Person satisfies the Authority that there was good cause for the failure.

#### **46. Conduct of enquiries and costs**

46.1 The Authority may determine the process and procedures applying in connection with the conduct of enquiries into

46.1.1 possible contraventions of these Rules, or

46.1.2 whether to take Disciplinary Action in relation to any person under these Rules.

46.2 The Authority may order any of the Persons listed in Paragraph 46.3 to pay

46.2.1 such reasonable costs and expenses relating to an enquiry, and

46.2.2 such reasonable compensation for outlay incurred in connection with it

as the Authority may determine.

46.3 The listed Persons are

46.3.1 any Person found to be in contravention of these Rules or on whom any award, order or other sanction has been imposed,

46.3.2 any Person who, under Part 7, has brought an unsuccessful appeal to the Authority against a decision of the Stewards,

46.3.3 the Trainer of any horse which has been the subject of an examination under these Rules, and

46.3.4 any Person whose conduct in relation to an enquiry was such that the Authority considers

46.3.4.1 it has unreasonably prolonged the enquiry, or

46.3.4.2 it has put the Authority or any other Person involved to additional direct or indirect expense and inconvenience.

46.4 Subject to Paragraph 46.5, the Authority may order the Trainer and/or owner to pay up to a total of £500 towards the costs of the B sample analysis procedure set out in Schedule (G)4.

46.5 For the Authority to make an order it must be satisfied that either the Trainer and/or owner should have accepted the result of the analysis of the A sample having regard to the knowledge of and the information which was available to one or other of them at the time.

46.6 The Authority may order any Person

46.6.1 who has requested and been granted an adjournment of an enquiry under these Rules, or

46.6.2 whose conduct may, in whole or in part, have caused an enquiry to be adjourned

to pay such reasonable costs and expenses as were wasted or occasioned by the adjournment and as the Authority may determine, irrespective of the final outcome of the enquiry.

## **47. Consideration of evidence**

47. The Authority may consider any video-recording, transcript, notes of evidence, statements or other material.

### ***Other powers of investigation***

## **48. Appointment of approved persons**

48.1 The Authority may approve such Persons as it considers appropriate for the purposes of exercising any of the following powers and may authorise them to

48.1.1 enter premises for training horses which are owned, controlled or occupied by a Trainer,

48.1.2 examine horses under the care of a Trainer,

48.1.3 request any information or record from any Person subject to these Rules,

48.1.4 inspect any vehicle used or to be used for the transportation of any horse or licensed Person to or from a racecourse,

48.1.5 take samples of any feedstuffs or feed additives or of any other substances or materials,

48.1.6 take custody of any vehicle, or of any substance or material, investigated under Paragraph 48.1.4 or 48.1.5, and

48.1.7 conduct a search of any Person present on licensed premises and take samples or custody of any article or materials found on such persons.

48.2 In exercising any such powers, an Approved Person must, if required to do so, produce evidence from the Authority of

48.2.1 his appointment, and

48.2.2 the scope of the investigating powers conferred on him.

48.3 In this Part **Approved Person** means a Person approved by the Authority under this Rule.

## **49. Powers to search training premises**

49.1 An Approved Person may enter any premises for training horses which the terms of his appointment authorise him to enter.

49.2 On entering premises, the Approved Person may

49.2.1 inspect the premises and their facilities,

49.2.2 inspect any vehicles used or to be used in connection with the training activity and whether or not present at the premises,

49.2.3 examine any horse under the care of the Trainer, whether or not it is currently in training,

49.2.4 conduct identification and vaccination checks,

49.2.5 inspect and take copies of the records a Trainer is required to keep under Rule (C)13 (duty to keep medication records),

49.2.6 take samples and other relevant details of any feedstuffs or feed additives or of any other substances or materials, and

49.2.7 take custody of any vehicle, substance or material investigated under Paragraph 49.

49.3 An examination under Rule 48.1.2 and Paragraph 49.2.3 may include taking samples for subsequent analysis.

49.4 A Person must not hinder or obstruct an Approved Person when the Approved Person is carrying out an investigation under this Part.

49.5 A Person shall be taken to have contravened a requirement imposed on him by this Rule if the Authority considers that he has

49.5.1 unreasonably refused an approved person access to premises, or

49.5.2 failed without reasonable excuse to comply with any requirement properly made by an Approved Person in exercise of his powers.

## **50. Requirement to provide information or records**

50.1 This Rule applies where an Approved Person requests any Person who is subject to these Rules to provide any information or record which the Approved Person reasonably believes is relevant to an investigation conducted under this Part.

50.2 that Person shall be taken to have contravened a requirement imposed on him by this Rule if

50.2.1 he fails to supply the information or record to the Authority within the time and in the manner specified when the request was made,

50.2.2 he fails to agree a time and place for an interview within the time specified when the request was made, or

50.2.3 he fails to attend such an interview.

50.3 Paragraph 50.2 does not apply if

50.3.1 that Person satisfies the Authority that he had good cause for his failure, or

50.3.2 the information or record requested falls within a category listed in Paragraph 50.4 and the request is made without prior specific authorisation from the Authority.

50.4 The listed categories of information are

50.4.1 telephone billing accounts for specified periods which are relevant to an investigation,

50.4.2 records relating to sponsorship agreements, where payment, hospitality or gratuities are involved,

50.4.3 training accounts providing details of payments and the Persons by whom the payments were made,

50.4.4 accounts in relation to the sale and purchase of horses, and

50.4.5 betting accounts.

50.5 that Person shall remain subject to these Rules until he has complied with the request to the reasonable satisfaction of the Authority.

50.6 Any Person who provides any information or record in accordance with this Rule is, unless the originals are returned within 7 days, entitled to request and be provided with a copy or duplicate of it within a reasonable time of making a request.

50.7 The Authority may summarily take any of the following measures in relation to any Person who contravenes a requirement imposed on him by this Rule:

50.7.1 exclusion under Rule 64;

50.7.2 a restriction preventing any of horses in training with that Person from running under these Rules;

50.7.3 a suspension of any or all horses owned by that Person from running in races under Rule 75;

50.7.4 a suspension from riding in races under these Rules;

The taking of any of the above summary measures shall be without prejudice to the Authority's power to take any further Disciplinary Action.

## **51. Rule 50: supplementary provisions**

51.1 An Approved Person who makes a request for information or a record under Rule 50 may require

51.1.1 that any information or record is provided in such documentary or electronic storage medium as he may specify, and

51.1.2 if the information is stored in a computer or other electronic device, that copies on disc or in hard copy are provided.

51.2 A request for a telephone billing account under Rule 50.4.1 may require itemised details of all calls made during a specified period.

51.3 For the purposes of Rule 50.3.1, a failure to comply with a request for a telephone billing account on the ground that the agreement with the relevant service provider does not enable the individual to obtain itemised details shall be treated as if it were a refusal without good cause.

51.4 Accordingly, each of the following Persons must ensure that the agreement he enters into with the relevant service provider for any telephone that he uses regularly enables him to obtain itemised details of all calls

51.4.1 any Rider,

51.4.2 any Trainer,

51.4.3 any Master Valet,

51.4.4 any Assistant Valet, and

51.4.5 any Authorised Rider's Agent.

51.5 **Assistant Valet** means a Person who holds a permit to act as an assistant to a master valet which was granted by the Authority under Part (D)7;

**Authorised Rider's Agent** means a Person who holds a licence to act as a rider's agent which is granted by the Authority under Part (D)7;

**Master Valet** means a Person who holds a licence to act as a master valet which is granted by the Authority under Part (D)7.

## **PART 6 - DISCIPLINARY ACTION**

### **CHAPTER 1 - GENERAL**

## **52. General power to deal with matters relating to racing**

52.1 The Authority may deal with any matter relating to racing whether the matter arises in Great Britain or elsewhere.

52.2 In particular, the Authority may

52.2.1 impose a Disciplinary Penalty or Penalties on any Person who contravenes a requirement imposed on him by or under these Rules,

52.2.2 on certain specified other grounds, apply such other award, order or sanction as it has power to apply under these Rules both in relation to Persons who are subject to these Rules and to other Persons,

52.2.3 disqualify horses in relation to races that have already been run, and

52.2.4 suspend horses from running in future races.

52.3 The powers of the Authority extend to conduct that has already been considered by Stewards under the Race Manual (B) and, in such cases, the Authority's powers apply

52.3.1 irrespective of any decision or action taken by the Stewards, and

52.3.2 whether or not the matter was referred to the Authority by the Stewards under Part (B)1.

52.4 Where

52.4.1 a Person has failed to comply with a requirement imposed on him by or under these Rules, or

52.4.2 has engaged in any other conduct in respect of which the Authority has power to take Disciplinary Action under these Rules,

the Authority may decide not to take any Disciplinary Action against the Person if he satisfies the Authority that, in all the circumstances, there was good cause for the failure or conduct.

52.5 Except where expressly stated, the Authority's powers to take Disciplinary Action under these Rules are not limited or excluded by reason of the fact that some Rules do while others do not prescribe specific sanctions for their contravention.

## **CHAPTER 2 - PERSONS**

### ***Disciplinary action for contravention of these Rules***

#### **53. Powers to take Disciplinary Action against a person for contravention of these Rules**

53.1 The Authority may take Disciplinary Action against a Person under this Rule if

53.1.1 the Authority considers that he is guilty of misconduct, and

53.1.2 the Authority is satisfied that it is appropriate in all the circumstances to take action against him.

53.2 A Person is guilty of misconduct if, while he is subject to these Rules

53.2.1 he contravenes a requirement imposed on him by or under these Rules,

53.2.2 any provision of these Rules states that he is taken to have contravened any such requirement, or

53.2.3 any provision of these Rules states that he is liable to Disciplinary Action.

53.3 If the Authority is entitled to take Disciplinary Action against a person under Paragraph 53.1

53.3.1 it may impose on him any of the Disciplinary Penalties specified in Rules 54 to 62, and

53.3.2 more than one penalty may be imposed in respect of each contravention of a Rule, including a continuing contravention.

53.4 Where a Rule

53.4.1 requires a particular penalty, award, order or sanction, the Authority must comply with the requirement, or

53.4.2 makes provision for the application of any other penalty, award, order or sanction, that provision shall continue to apply notwithstanding that the Authority may have imposed one or more Disciplinary Penalties under Rules 54 to 62.

53.5 If a particular Rule so provides, contravention of the Rule does not give rise to any of the consequences



provided for in this Part.

53.6 In Rules 54 to 62 the Offender means a Person against whom the Authority is entitled to take action under this Rule.

## **54. Cautions**

54. The Authority may issue the Offender with a caution.

## **55. Financial penalties**

55.1 The Authority may impose on the Offender a financial penalty of such amount as the Authority considers appropriate.

55.2 The amount of any financial penalty imposed shall not exceed £75,000.

55.3 The Authority may

55.3.1 defer all, or

55.3.2 any part of a financial penalty with

55.3.3 it becoming payable pending, or

55.3.4 subject to any future event.

## **56. Suspension or withdrawal of licence or permit**

56.1 The Authority may suspend or withdraw any licence or permit held by the Offender.

56.2 Rule 72 contains supplementary provisions which apply where a licence or permit is withdrawn.

## **57. Declaration of ineligibility for licence or permit or registration**

57.1 The Authority may declare that the Offender is ineligible for any licence or permit or registration under these Rules.

57.2 A declaration of ineligibility under Paragraph 57.1 may be imposed for such period or periods as the Authority may specify.

## **58. Declaration of disqualification of persons**

58.1 The Authority may declare the Offender to be a Disqualified Person.

58.2 A disqualification under Paragraph 58.1 may be indefinite or may be imposed for such period or periods as the Authority may specify.

58.3 When the Authority declares the Offender to be a Disqualified Person, the Authority may give such directions as it considers appropriate concerning the handling of any future application by that Offender for permission to be employed in a racing stable under Rule 71.2.

58.4 Rule 71 contains supplementary provisions which apply where a person is declared to be a Disqualified Person.

## **59. Additional penalties: trainers**

59.1 This Rule applies where the Offender is a Trainer, and any penalty that is imposed under this Rule is in addition to any other penalty, award, order or sanction applied under these Rules.

59.2 The Authority may impose, for such period or periods as the Authority considers appropriate, such restrictions as it may specify on the running of all horses which are in the Trainer's care.

59.3 In particular, such restrictions may include

59.3.1 refusing to accept any entry for a horse,

59.3.2 refusing to allow any horse to run even if it is duly entered,

59.3.3 where a horse has left the care of the Trainer and run in a race, refusing to allow the horse to return to the care of the Trainer, and

59.3.4 refusing to allow any horse to be declared to run under Part (F)6.

59.4 Paragraphs 59.3.1 and 59.3.4 do not apply to any horse running in a race that will be run outside the period of the restriction.

## **60. Additional penalties: rider to attend remedial training**

60.1 This Rule applies where the Offender is a Rider, and any penalty that is imposed under this Rule is in

addition to any other penalty, award, order or sanction applied under these Rules.

60.2 The Authority may order the Rider to attend a course in remedial training at the British Racing School or Northern Racing College.

## **61. Additional penalties: rider's suspension extended to all racecourses**

61.1 This Rule applies where the Offender is a Rider, and any penalty that is imposed under this Rule is in addition to any other penalty, award, order or sanction applied under these Rules.

61.2 Where the Stewards have suspended a Rider from riding at a particular racecourse for any period

61.2.1 the Rider is to be regarded for the purposes of Rule 53 as a Person guilty of misconduct and against whom it is appropriate for the Authority to take Disciplinary Action, and

61.2.2 subject to the exceptions specified in Rule 62, the Authority will impose on the Rider a general suspension for the same period and which applies to all races at other racecourses.

61.3 Subject to Paragraph 61.4, any suspension imposed by the Authority under this Rule shall take effect in accordance with Schedule (B)1 (effective days for riding suspension by Stewards).

61.4 The Authority may, if it considers it appropriate to do so, substitute a different period in which the general suspension under this Rule will apply, in any case where

61.4.1 the Rider's suspension is for a period of 4 days or less,

61.4.2 the Rider makes an application to the Authority in accordance with Paragraph 61.5, confirming that he is engaged to ride outside Great Britain, and

61.4.3 the Authority is satisfied that, without a substitution of the period under this Paragraph, the Rider's general suspension would otherwise fall on a day when the Rider is engaged to ride outside Great Britain in a race which

61.4.3.1 takes place at a meeting with a Group 1 Pattern Race,

61.4.3.2 is regarded as Group 1, as indicated in Part 1 of the International Cataloguing Standards Book, or

61.4.3.3 the Authority considers to be the equivalent of a Grade 1 Pattern Race.

61.5 The Rider's application must be made to the Authority's Disciplinary Department

61.5.1 before 1.00p.m. the day before the day of the race the Rider wishes to ride in , or

61.5.2 before 5.00p.m. on the last previous day that the Authority's Office is open for business, if the deadline in 61.5.1 falls on a day on which it is closed.

61.6 Where the Authority exercises its power under Paragraph 61.4 to substitute the period of a Rider's suspension, it may impose such restrictions or conditions as the Authority considers appropriate.

## **62. Rule 61: excepted cases**

62.1 The general suspension for which Rule 61.2.2 makes provision is subject to the following exceptions.

62.2 No general suspension will be imposed where the right of appeal to the Authority under Rules 76 or 82 has been exercised in respect of the Stewards' suspension and the appeal is not yet finally determined.

62.3 No general suspension will be imposed

62.3.1 where the Authority has decided to cancel the Stewards' suspension in exercise of its powers under Rule (B)18 (other powers of the Authority as to Stewards' decisions), or

62.3.2 to the extent that the Authority has reduced the period of the suspension in exercise of those powers.

62.4 Where the original riding suspension imposed by Stewards on a Professional Rider is for 4 days or less, no general suspension will be imposed in respect of any day when

62.4.1 a Group 1 or Grade 1 Pattern Race is programmed to take place in Great Britain, and

62.4.2 the Rider would otherwise be entitled to ride in that race (whether under the terms of his jockey's licence or the equivalent authorisation to ride by a Recognised Racing Authority).

62.5 Where the original riding suspension imposed by Stewards on an Amateur Rider in a steeple chase, hurdle race or National Hunt Flat Race is for 4 days or less, no general suspension will be imposed in respect of any day when a Grade 1 Pattern Race is programmed to take place in Great Britain.

62.6 The Authority may, on an application by a Professional Rider or an Amateur Rider made under Paragraph 12 of Schedule (B)1, direct that the exception specified in Paragraph 62.4 or 62.5 does not apply to him in respect of the original riding suspension imposed by Stewards.

### ***Authority's other powers to take Disciplinary Action***

## **63. Powers to suspend or withdraw licences on grounds other than Rule contravention**

63.1 The Authority may suspend or withdraw any licence or permit granted to a Person under these Rules if the Authority considers that

63.1.1 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

63.1.2 any other good cause is shown.

63.2 Rule 72 contains supplementary provisions which apply where a licence or permit is withdrawn.

## **64. Power to issue exclusion orders**

64.1 The Authority may exclude a Person from any premises licensed by them, or cause or order him to be excluded from such premises where the Authority considers the presence of the Person on such premises is undesirable in the interest of racing.

64.2 An exclusion under Paragraph 64.1 may be indefinite or may be imposed for such period as the Authority may specify.

64.3 A Person may be excluded under this Rule whether or not he is otherwise subject to these Rules and even though he is not, and has not been declared, a Disqualified Person.

## **65. Power to prohibit Overseas Riders from riding in races under these Rules**

65.1 The Authority may prohibit an Overseas Rider from taking part in any race, or any description of race, run under these Rules.

65.2 A prohibition under Paragraph 65.1 may be indefinite or may be imposed for such period or periods as the Authority may specify.

### ***Events triggering automatic disqualification***

## **66. Person whose name appears on the Forfeit List**

66.1 Where a Person's name appears on The Forfeit List, that person shall be treated as a Disqualified Person for the purposes of these Rules until his name is removed from the List.

66.2 Where a Recognised Company is disqualified by virtue of Paragraph 66.1 its registration under these Rules shall be cancelled.

66.3 Paragraph 66.1 applies regardless of when the Arrears arose or whether The Forfeit List was published under any previous version of the Rules of Racing.

## **67. Person whose name appears in official forfeit list of Recognised Racing Authority**

67.1 Where the Authority is notified by a Recognised Racing Authority that a Person's name appears in an official forfeit list published by that Recognised Racing Authority, that Person shall be treated as a Disqualified Person for the purposes of these Rules from the date of such notification until such time as his name is removed from that list.

67.2 The Authority may, on application to it, direct that Paragraph 67.1 shall not apply to such Person as it may specify.

67.3 Any application under Paragraph 67.2 must be made to the Authority's Office before the end of the period of 7 days starting with the day after that on which the Person's name is first published in the relevant official forfeit list.

67.4 The Recognised Racing Authority may make an application to the Authority to be represented at any hearing convened by the Authority in order to determine an application for the purposes of Paragraph 67.2. Any such

application shall be determined by the Disciplinary Panel **Chairman**.

67.5 If the Recognised Racing Authority chooses to make an application pursuant to paragraph 67.4, the application and any subsequent attendance at a hearing shall be at its own expense.

## **68. Person disqualified by order of a Recognised Racing Authority**

68.1 This Rule applies to any Person on whom disqualification has been imposed by a Recognised Racing Authority.

68.2 For so long as that Person's disqualification continues, he shall be treated as a Disqualified Person under these Rules.

68.3 The Authority may

68.3.1 on application by that Person, direct that Paragraph 68.2 shall not apply to him, or

68.3.2 when such an application is made, suspend the operation of Paragraph 68.2 pending the Authority's decision on the application.

68.4 that Person may not make an application for the purposes of Paragraph 68.3 unless he has exhausted all appeal procedures available to him under the rules of the Recognised Racing Authority.

68.5 The application must be made in writing to the Authority's Office before the end of the period of 3 days starting with the day after that on which

68.5.1 the appeal under the rules of the Recognised Racing Authority is finally dismissed, or

68.5.2 where there is no procedure for appeal, the disqualification is imposed.

68.6 The Authority may also consider an application by that Person if that Person satisfies the Authority that it was not possible to comply with Paragraph 68.5 and that the application was made at the earliest opportunity.

68.7 The Authority shall direct that Paragraph 68.2 shall not apply to a Person where the Recognised Racing Authority informs the Authority in writing that it does not wish for the disqualification to be reciprocated under this Rule.

68.8 The Recognised Racing Authority may make an application to the Authority to be represented at any hearing convened by the Authority in order to determine an application for the purposes of Paragraph 68.3. Any such application shall be determined by Disciplinary Panel **Chairman**, and in the event that such application is successful, the Recognised Racing Authority may only make submissions relating to any alleged failure to comply with: (i) the rules of natural justice; or (ii) the rules of the Recognised Racing Authority.

68.9 If the Recognised Racing Authority chooses to make an application pursuant to paragraph 68.8, the application and any subsequent attendance at a hearing shall be at its own expense.

### ***Rider suspended under other Rules or regulations***

## **69. Jockey or amateur rider suspended by Recognised Racing Authority**

69.1 This Rule applies where a Jockey or a person who holds an amateur rider's permit granted by the Authority has been suspended from riding by a Recognised Racing Authority.

69.2 The Jockey or amateur rider must not ride in any race on any day when such suspension is effective.

69.3 The Authority may

69.3.1 on the application of a Jockey or amateur rider, direct that Paragraph 69.2 shall not apply to him, and

69.3.2 when such an application is made, suspend the operation of Paragraph 69.2 pending the Authority's decision on the application.

69.4 The Jockey or amateur rider may not make an application for the purposes of Paragraph 69.3 unless he has exhausted all appeal procedures available to him under the rules of the Recognised Racing Authority.

69.5 The application must be made in writing to the Authority's Office before the end of the period of 48 hours starting with the day after that on which

69.5.1 the appeal under the rules of the Recognised Racing Authority is finally dismissed, or

69.5.2 where there is no procedure for appeal, the suspension is imposed.

69.6 The Authority may also consider an application for the purposes of Paragraph 69.3 if the Jockey or amateur

rider satisfies the Authority that it was not possible to comply with Paragraph 69.5 and that the application was made at the earliest opportunity.

69.7 The Authority shall direct that Paragraph 69.2 shall not apply to a Jockey or amateur rider where the Recognised Racing Authority informs the Authority in writing that it does not wish for the suspension to be reciprocated under this Rule.

69.8 The Recognised Racing Authority may make an application to the Authority to be represented at any hearing convened by the Authority in order to determine an application for the purposes of Paragraph 69.3. Any such application shall be determined by the Disciplinary Panel **Chairman**, and in the event that such application is successful, the Recognised Racing Authority may only make submissions relating to any alleged failure to comply with: (i) the rules of natural justice; or (ii) the rules of the Recognised Racing Authority.

69.9 If the Recognised Racing Authority chooses to make an application pursuant to paragraph 69.8, the application and any subsequent attendance at a hearing shall be at its own expense.

## **70. Rider suspended at Arabian horse race or point-to-point steeple chase**

70.1 This Rule applies where any Jockey or person who holds an amateur rider's permit granted by the Authority has been suspended from riding by the Stewards of a meeting which was held under

70.1.1 the Authority's Regulations for Arabian Horse Racing, or

70.1.2 the Authority's Regulations for Point to Point Steeple Chases.

70.2 The Jockey or amateur rider must not ride in any race on any day when such suspension is effective.

### ***Miscellaneous and supplementary***

## **71. Consequences of being a Disqualified Person**

71.1 For the period of his disqualification, a Disqualified Person must not

71.1.1 act as a Steward or official at a recognised meeting,

71.1.2 act as an Authorised Agent under these Rules,

71.1.3 enter, run, train or ride a horse in any race at a recognised meeting, but this is subject to Paragraph 9 of Schedule (B)2 (which provides for a 14 day period of grace for trainers disqualified for being on Forfeit List),

71.1.4 be employed in any racing stable without first having obtained permission from the Authority under Paragraph 71.2,

71.1.5 enter any premises licensed by the Authority,

71.1.6 deal in any capacity with a racehorse (for example, by selling or placing shares in the horse) unless that Person is making arrangements for the sale of his horse(s) after being declared a Disqualified Person, and he has the Authority's approval to do so,

71.1.7 be a proprietor or a director of an equine swimming pool or be employed at such a pool, or

71.1.8 lease, or continue to lease, any horse that he owns to a third party, unless he has the Authority's approval to do so.

71.2 The Authority may, on an application made to it by a Disqualified Person, grant permission for the Disqualified Person to be employed in any racing stable for the purposes of Paragraph 71.1.4.

71.3 The procedure for making such an application is specified in Paragraph 20 of Schedule 6 (procedure for the granting of such permission).

71.4 Where the Authority finds that a horse has been dealt with in contravention of Paragraph 71.1.6

71.4.1 the horse shall be automatically declared to be suspended from all future racing, and

71.4.2 the suspension shall be removed only when the Authority is satisfied that the horse has been sold on the open market to a purchaser who has no previous connections with the Disqualified Person.

71.5 Where an entry for a race which is made by a Disqualified Person has been mistakenly or inadvertently accepted, the entry shall be void and the horse shall not be qualified to be entered or to start.

71.6 Where a Person registered as an Owner is declared a Disqualified Person that Person may not leave in the care or control of a Trainer, any horse that he owned at the time of being charged or disqualified unless the

Authority is satisfied that there has been a genuine sale arrangement.

## **72. Withdrawal or suspension of licence or permit: supplementary provisions**

72.1 Where the Authority suspends or withdraws a licence or permit under any provision of this Part, the Authority may determine how, and subject to what requirements or conditions, the suspension or withdrawal of the licence or permit is to take effect.

72.2 A determination under Paragraph 72.1 may be general or be with specific reference to a particular case or cases.

72.3 For example, the Authority may

72.3.1 determine the period or periods for which the suspension or withdrawal is to take effect,

72.3.2 specify the races or description of race in respect of which it is to take effect,

72.3.3 determine that the whole or any part of a period for which the licence or permit is to be suspended, or that any particular respect in which the suspension of the licence or permit is to take effect, shall itself be suspended for so long as the Person concerned complies with such requirements or conditions as the Authority may specify,

72.3.4 provide for any part of the suspension of the licence or permit to take effect only if a further suspension is imposed under these Rules (whether by the Stewards or by the Authority), in respect of a matter occurring within such period as the Authority may specify, including upon the outcome of any pending appeal or enquiry, and

72.3.5 reinstate the licence or permit at the end of a specified period if the Person complies with (or continues to comply with) such requirements or conditions as the Authority may specify.

72.4 In any case where a partial suspension of the kind referred to in Paragraph 72.3.4 is activated by a subsequent suspension, the two periods of suspension are to take effect consecutively.

## **CHAPTER 3 - HORSES**

### **73. General powers to disqualify a horse or suspend it from running**

73.1 The Authority may disqualify a horse under Rule 74, or suspend it from running under Rule 75, in any circumstances it considers appropriate.

73.2 The disqualification of a horse may apply to one or more races that have already been run.

73.3 The suspension of a horse from running may apply to prevent the horse from running in

73.3.1 one or more specified races or races of a specified description, and

73.3.2 any future races.

73.4 Suspension of the kind referred to in Paragraph 73.3.2 may be indefinite or may be imposed for such period as the Authority may specify.

73.5 The power under Paragraph 73.3 to suspend a horse from running includes

73.5.1 power to provide for the suspension to take effect automatically where the horse has failed to meet performance criteria set by the Authority, and

73.5.2 power to make the lifting of a suspension subject to such restrictions or conditions as the Authority considers appropriate.

73.6 Where

73.6.1 a Person makes an error, or contravenes a Rule, in entering a horse for a race, and

73.6.2 the appropriate steps specified in Rule (F)78 (steps for correcting certain errors) for correcting the error or contravention have been taken,

the horse shall not be liable to disqualification on account of the error or contravention.

### **74. Disqualification of horses in races already run**

74.1 The powers conferred by Paragraph 74.2 are exercisable by the Authority on an objection made to it under Part (B)7 or where such circumstances are found by the Disciplinary Panel to have occurred.

74.2 The Authority will disqualify a horse in relation to a race that has already been run, if the Authority is satisfied that any of the following grounds is established.

## GROUND 1

Where the horse has been the subject of fraudulent practice.

## GROUND 2

Where the Authority considers that, at the time of the race, the Rider of the horse was not permitted to ride under these Rules.

Examples of circumstances in which this Ground will apply include

- 74.2.1 that the Rider did not hold a jockey's licence or an amateur rider's permit granted by the Authority or, in the case of an Overseas Rider, was not qualified to ride in the race under Part (D)4;
- 74.2.2 that the Rider was suspended from riding under these Rules;
- 74.2.3 that the Rider was prevented from riding by Rule (D)51 (declaration of unfitness to ride).

## GROUND 3

Where the horse has been the subject of an examination under Part (B)1 and a sample from the horse tests positive for a Prohibited Substance.

On a disqualification on this ground following analysis of a stored sample

- 74.2.4 all prize money paid respectively to the owner, Trainer or Rider must be repaid by them to such Person as the Authority may direct (or failing any such direction to the Authority itself), and
- 74.2.5 any physical prize or trophy awarded to a winning owner of the disqualified horse must be surrendered by the owner to the Authority,

but there will be no alteration in the placing of any other horse in the race.

The Authority may direct that Paragraph 74.2.4 or 74.2.5 shall not apply to any owner, Trainer or Rider who satisfies the Authority that there are exceptional reasons why it should not apply.

## GROUND 4

Where the Authority considers that any provision of Schedules (B)2 (requirements for a horse to enter) and (B)3 (qualifications for horse to run) has not been complied with in relation to the horse.

## GROUND 5

Where the Authority considers that the horse carried less than the weight that it should have carried in accordance with the conditions of the race and these Rules.

## GROUND 6

Where a different name is used for entering or running a horse in a race from that specified in relation to the owner under Part (E)3.

## GROUND 7

Where

- 74.2.6 a joint ownership, lease or other arrangement for running a horse (the arrangement) is entered into in respect of the horse after the horse has been entered in a race,
- 74.2.7 the arrangement qualifies for registration under Chapter 3 of Part (E)3, and
- 74.2.8 the horse starts for the race without the arrangement having been registered.

The Authority may decide not to disqualify a horse on this Ground if it is satisfied that the failure to notify The Racing Calendar Office of the arrangement was accidental and The Racing Calendar Office certifies that it accepts the registration.

## GROUND 8

Where

- 74.2.9 a horse has changed ownership with a transfer of engagements, and
- 74.2.10 the horse starts for a race without notice of the transfer of engagements having been given to

The Racing Calendar Office under Part (F)5 (entries).

The Authority may decide not to disqualify a horse on this Ground if it is satisfied that the failure to notify The Racing Calendar Office of the transfer of engagements was accidental, but any Person responsible for the failure shall be liable instead to a financial penalty imposed by the Authority.

#### GROUND 9

Where a horse which is the subject of a lease is run in a Selling or Claiming Race without the lessee having obtained the lessor's prior written consent.

#### GROUND 10

Where the Authority considers that the provisions of Schedule (G)3 (sampling at racecourse) were not followed in relation to a horse.

#### GROUND 11

Where provided for in Manual (G), as a consequence for a Horse following an Equine Anti-Doping Rule Violation. On a disqualification on this ground:

74.2.11 all prize or other money paid respectively to the owner, Trainer, Rider or any other recipient in accordance with these Rules other than the stable of the horse must be repaid by them to such Person as the Authority may direct (or failing any such direction to the Authority itself), and

74.2.12 any physical prize or trophy which has been awarded to a winning owner, Trainer or Rider of the disqualified horse or to any other prize recipient must be surrendered by the relevant recipient to the Authority.

The Authority may direct that Paragraph 74.2.11 or 74.2.12 shall not apply to any owner, Trainer, Rider or other recipient who satisfies the Authority that there are exceptional reasons why it should not apply.

#### GROUND 12

Where the horse is the subject of an inaccurate, misleading or fraudulent declaration at the time of registration with the General Stud Book and/or Authority.

### **75. Suspension of horses from running in future races**

75.1 If the Authority is satisfied that any of the following grounds is established, it may suspend a horse from running.

#### GROUND 1

Where the Authority has imposed a Disciplinary Penalty on a Person under Rules 54 to 62 in respect of a contravention of a Rule and the horse was involved in the circumstances giving rise to the contravention.

#### GROUND 2

Where the horse has been the subject of fraudulent practice.

#### GROUND 3

Where an examination of a horse which was ordered by Stewards under Part (B)1 shows a Prohibited Substance.

#### GROUND 4

Where a horse has been the subject of an examination by an Approved Person authorised to enter the Trainer's premises under Part 5 and a sample from the horse tests positive for a Prohibited Substance prohibited at all times as specified in Schedule (G)1.

#### GROUND 5

Where the horse is the subject of an inaccurate, misleading or fraudulent declaration at the time of registration with the General Stud Book and/or the Authority.

#### GROUND 6

In such other circumstances as may be specified in these Rules as a ground for suspending the horse.

75.2 Where the Stewards have exercised their powers under Part (B)1 to suspend a horse from running at a particular racecourse for a particular period, the Authority will impose a general suspension on the horse to prevent the horse from running at any other racecourse for the same period.

75.3 The exceptions in Rules 62.2 and 62.3 shall apply in relation to the general suspension of a horse under Paragraph 75.2, as those provisions apply in relation to the general suspension of a Rider under Rule 61.

## **PART 7 - APPEALS**



## **Appeals to the Authority from Stewards' decisions**

### **76. Appeals to the Authority from Stewards' decisions**

76.1 Any Person listed in Paragraph 76.2 who is aggrieved by a Stewards' decision is entitled to appeal to the Authority.

76.2 The Persons who may appeal under this Rule are

76.2.1 any owner, Trainer or Rider of a horse in a race which is the subject of

76.2.1.1 a Stewards enquiry under Rule (B)11.6,

76.2.1.2 a suspension following a contravention of a Rule contained in Part (B)4, or

76.2.1.3 an objection under Rule (B)73.2, or

76.2.2 any other Person on whom any form of Disciplinary Penalty has been imposed by the Stewards under Part (B)1.

### **77. Requirement to co-operate for the purposes of an appeal**

77.1 If he is requested to do so by or on behalf of the Authority, a Person must

77.1.1 attend the hearing of any appeal under Rule 76, and

77.1.2 produce any information or record relevant to the appeal.

77.2 The Authority may decide not to take Disciplinary Action for any failure to comply with any provision of this Rule if the Person satisfies the Authority that there was good cause for the failure.

### **78. Bringing an appeal**

78.1 In any case where

78.1.1 a decision of the Stewards relates to a contravention of Rule (B)58 or (B)59.2 (failure to obtain the best possible placing), or

78.1.2 a Rider has been suspended from riding,

the appellant must lodge a notice of appeal with the Authority's Office before the end of the period of 48 hours starting with the day after that on which the Stewards' decision is announced.

78.2 In any other case the appellant must lodge a notice of appeal with the Authority's Office before the end of the period of 7 days starting with the day after that on which the Stewards' decision is announced.

78.3 No appeal notice may be lodged unless it is accompanied by a deposit of

78.3.1 in the case of an appeal by an Apprentice Jockey, Conditional Jockey or amateur rider

78.3.1.1 £110, in any case where a financial penalty of £500 or less was imposed, and

78.3.1.2 otherwise £250;

78.3.2 in any other case

78.3.2.1 £220, in any case where a financial penalty of £500 or less was imposed, and

78.3.2.2 otherwise £500.

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

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

78.4.2 where the Disciplinary Panel orders it be applied towards the satisfaction of any costs award.

78.5 The notice of appeal must be signed by the appellant, his Authorised Agent or his solicitor and must state the grounds of appeal in general terms.

78.6 Where the appeal is from the imposition of a financial penalty of £500 or less, the notice of appeal must also

state whether the appellant seeks a personal hearing or is content for the appeal to be decided on a submission of written evidence.

## **79. Submission of written evidence**

79.1 This Rule applies where an appeal is to be decided by submission of written evidence.

79.2 The appellant must before the end of the period of 7 days starting with the day on which the notice of appeal is lodged submit to the Authority's Office such written evidence and representations as he wishes to be considered by the Authority.

79.3 The Authority may request the Stewards whose decision is subject to appeal also to submit written evidence.

79.4 Where the Authority requires further information for the purposes of considering the appeal, the Authority may direct that a written summary of evidence must be compiled by such Person as it may specify.

79.5 The written summary of evidence must be signed by the appellant.

79.6 If the appellant fails to sign the written summary of evidence the Authority will treat the appeal as one where the appellant has required a personal hearing.

## **80. Consideration by the Authority**

80.1 The Authority must consider and determine any appeal made to it from a Stewards' decision.

80.2 The Authority may confirm or reverse or otherwise vary the decision of the Stewards and, in connection with any of the matters raised on appeal, may exercise any of the Authority's powers under Part 6.

80.3 On an appeal, the Authority has the same powers as to costs as it has under Rule 46 in relation to enquiries.

80.4 Where

80.4.1 the appeal is from the imposition of a financial penalty of £500 or less, and

80.4.2 the appellant has not requested a personal hearing,

the appeal will be considered in the absence of the appellant and the Authority must communicate its decision to the appellant in writing prior to publication.

## **81. Implementation of decision to suspend a horse for future races**

81.1 Where the appeal is against a decision by the Stewards to suspend a horse from running in future races

81.1.1 the suspension of the horse shall not take effect until the appeal has been determined, and

81.1.2 if the appeal is dismissed, the suspension shall commence on the day following that on which a decision on the appeal is given.

81.2 The Authority may direct that Paragraph 81.1.1 or 81.1.2 does not apply in any particular case.

81.3 An appeal against a decision by the Stewards to suspend a horse may not be withdrawn without the consent of the Authority and, in giving its consent, the Authority may impose such conditions as it considers appropriate (for example, by specifying the dates between which the suspension is to take effect or by imposing any orders as to costs and forfeiture of the deposit).

## **82. Implementation of decision to suspend a rider**

82.1 Where an appeal against a decision by the Stewards to suspend a Rider is dismissed, the suspension of the Rider shall commence either

82.1.1 on the date determined in accordance with the provisions of Schedule (B)1 (which makes provision as to commencement of a rider's suspension), or

82.1.2 if the appeal has not been concluded by that date, on the day following that on which the decision on the appeal is given.

82.2 The Authority may direct that Paragraph 82.1 does not apply in any particular case.

### ***Appeals from decisions of the Authority***

## **83. Power to provide for appeals to an Appeal Board**

83.1 The Authority's general powers under Part 1 include power to make provision for decisions made by the Authority to be reviewed by, or appealed to, boards (known as Appeal Boards), in such circumstances and on such terms as the Authority considers appropriate.

83.2 The Authority may from time to time

83.2.1 make new provision for and in connection with appeals to an Appeal Board, and

83.2.2 modify or delete an existing provision.

## **84. Appeal Boards**

84.1 Appeal Boards shall be convened in accordance with Schedule 7 to hear appeals from decisions of the Authority.

84.2 Schedule 7 contains provision about

84.2.1 the decisions against which a Person has a right to appeal to an Appeal Board,

84.2.2 the Persons by whom an appeal may be brought,

84.2.3 the membership of an Appeal Board,

84.2.4 the convening of an Appeal Board,

84.2.5 the process and procedure for making appeals,

84.2.6 the powers of an Appeal Board in the conduct and determination of an appeal, and

84.2.7 certain other matters relating to the conduct of appeals.

## **85. Implementing decisions subject to right of appeal**

85.1 Subject to Paragraphs 85.2 to 85.5, a decision by the Authority against which there is a right of appeal to an Appeal Board shall not be carried into effect until the time for bringing an appeal has expired without an appeal being brought.

85.2 If an appeal is brought, the Authority's decision shall not be carried into effect until the day after the date on which the appeal

85.2.1 is finally disposed of by an Appeal Board,

85.2.2 is abandoned, or

85.2.3 fails by reason of non-prosecution.

85.3 A refusal by the Authority of any application made to it (such as for the grant or renewal of a licence or permit) shall take effect immediately.

85.4 A decision under Part 6 to suspend a horse from running in future races shall take effect the day after the date on which the decision is announced whether or not the Rider, Trainer or other Person has, or exercises, a right of appeal to an Appeal Board.

85.5 A decision to

85.5.1 withdraw or suspend a licence or permit for a period of 3 months or more, or

85.5.2 declare a Person to be a Disqualified Person,

shall take effect immediately on the announcement of the decision unless the Authority or an Appeal Board directs otherwise.

85.6 Any direction under Paragraph 85.5 may be given subject to such restrictions or conditions as the Authority or the Appeal Board considers appropriate.

## **86. Implementing decision of Appeal Board**

86.1 An Appeal Board shall announce its decision to the parties to the appeal as soon as practicable and in such a manner as it considers appropriate.

86.2 Unless an Appeal Board directs otherwise, any decision made by it (including a decision to impose or substitute a Disciplinary Penalty or other measure) shall come into effect the day after the announcement of the decision.

## **PART 8 - SPECIFIC FUNCTIONS OF THE AUTHORITY**

### **87. Maintaining the Forfeit List**

87.1 The Authority may

87.1.1 keep a record of all Arrears due to it (the Forfeit List), and

87.1.2 authorise the publication of the Forfeit List.

87.2 The Forfeit List may include

87.2.1 the sums due,

87.2.2 the name or names of the Person or Persons from whom the sums are due, and

87.2.3 such other information as the Authority may consider appropriate.

87.3 The Forfeit List is available on the Racing Administration Internet Site.

87.4 A Person's name may be removed from the Forfeit List only on payment of any published Arrears direct to The Racing Calendar Office.

## **88. Controls on race conditions, advertising and sponsorship**

88.1 The Authority may

88.1.1 prohibit the advertisement in The Racing Calendar of any race or meeting, and

88.1.2 direct any Racecourse Managing Executive to modify or remove any of the conditions of a race, even after it has been advertised.

88.2 The Authority may

88.2.1 determine the circumstances in which sponsorship is permitted for or in connection with racing, and

88.2.2 approve any sponsorship agreements, subject to such restrictions or conditions as it may determine.

## **89. The Breeders' Prize Scheme and Appearance Money Scheme**

89.1 The Authority may establish and operate

89.1.1 a scheme which specifies conditions under which the recorded breeder of a horse qualifies to receive a payment in respect of any race won by a horse to which the scheme applies;

89.1.2 a scheme for paying appearance money to the owners of horses in certain races.

89.2 The current Breeders' Prize Scheme is set out in Schedule (F)10.

89.3 The current Appearance Money Scheme is set out in Schedule (F)11.

89.4 Recorded breeder, in relation to a horse, means the Person identified as the recorded breeder in the General Stud Book or the Non-Thoroughbred Register.

## **90. Managing the numbers of horses running in a race**

90. The Authority may specify the circumstances in which a race is to be divided or declarations made under Rule (F)89 are to be eliminated.

## **91. Prohibiting certain equipment used for racing**

91. The Authority may prohibit any equipment for use on a horse in a race which they consider is unsuitable, unsafe or ineffective.

## **92. Requiring stalls tests**

92.1 The Authority may determine the circumstances in which a horse

92.1.1 may be required to take a stalls test, and

92.1.2 will be prohibited from taking a stalls test.

92.2 A prohibition under Paragraph 92.1.2 may take effect automatically and may last for such period or periods as the Authority may determine.

## **93. Maintaining the list of Recognised Racing Authorities**

93.1 A Recognised Racing Authority is any racing authority which is for the time being listed in Schedule 8.

93.2 The Authority may at any time in connection with the discharge of its functions under these Rules

93.2.1 approve a racing authority as a Recognised Racing Authority and add its name to the list specified in Schedule 8, and

93.2.2 modify or delete any existing entry.

## **94. Powers in relation to Authorised Agents**

94. The Authority may allow or refuse to allow any Person to act, or continue to act, as authorised agent or sub-agent for another Person for the purposes of these Rules.

## **95. Regulation of Arabian horse racing**

95.1 The Authority may authorise the publication of the British Horseracing Authority Regulations for Arabian Horse Racing.

95.2 Arabian horse races are held under the sanction of the Authority and under those Regulations.

95.3 Each Person taking part in those races must comply with those Regulations.

## **96. Regulation of point-to-point steeple chasing**

96.1 The Authority may authorise the publication of the British Horseracing Authority Regulations for Point-to-Point Steeple Chases

96.2 Point-to-point steeple chases are held under the sanction of the Authority and under those Regulations.

96.3 Each Person taking part in those races shall comply with those Regulations.

## **PART 9 - MISCELLANEOUS**

### ***Equine swimming pools***

## **97. Equine swimming pools: requirement for certificate of approval**

97.1 No Person may operate an equine swimming pool unless he holds a certificate of approval granted by the Authority.

97.2 An initial application for a certificate of approval, and an application for its renewal, must be made using such form as may be prescribed by the Authority.

97.3 A certificate of approval expires at the end of the period of 12 months starting with the date on which it is granted or renewed.

97.4 An application under Paragraph 97.2 must be sent to the Authority's Office together with

97.4.1 the name of the pool's proprietors,

97.4.2 if any proprietor is a body corporate, the names of its directors,

97.4.3 a list of all Persons employed by the proprietors at the pool, and

97.4.4 such fee as the Authority may from time to time determine,

and any changes to the Person listed in Paragraphs 97.4.1 to 97.4.3 must be notified to the Authority before the end of the period of 14 days starting with the day on which the change takes place.

97.5 The fees payable shall be such as the Authority may from time to time determine.

97.6 The Authority may, if it considers it appropriate to do so

97.6.1 either on an initial application or subsequently, inspect the applicant's establishment at such time and with such frequency as it considers appropriate, and 97.6.2 grant or renew a certificate of approval subject to such conditions or restrictions as it consider appropriate.

97.7 A certificate of approval shall immediately cease to be valid if

97.7.1 the certificate expires and is not renewed,

97.7.2 any of the listed Persons in Paragraphs 97.4.1 to 97.4.3 becomes a Disqualified Person,

97.7.3 it appears to the Authority that a listed Person was already a Disqualified Person at the time the application for the grant or renewal of the certificate was made,

97.7.4 there has been any failure to notify the Authority under Paragraph 97.4 of any changes to a

listed Person, or

97.7.5 the Authority gives a direction under Paragraph 97.8.

97.8 The Authority may direct that a certificate of approval shall cease to be valid where

97.8.1 any action, proceedings or arrangement under any insolvency or bankruptcy law is taken against the proprietor or any of its directors, or

97.8.2 in such other circumstances as the Authority considers appropriate.

### ***Value added tax***

#### **98. General liability for value added tax**

98.1 Where a fee or other sum of money is payable by any Person under these Rules, the amount of any value added tax (VAT) which is chargeable on the payment shall also be paid by the Person who makes the payment.

98.2 Nothing in this Rule affects any obligation a Person may have to pay VAT in addition to any fee or other sum of money which is payable under these Rules.

#### **99. Fees for VAT administration**

99.1 To register his racing activity as a business for VAT or extend an existing VAT registration an application must be sent to The Racing Calendar Office together with the appropriate fee specified in Schedule 1.

99.2 A fee specified in Schedule 1 shall be payable for VAT administration

99.2.1 with effect from the date on which the information is first recorded, and

99.2.2 subject to Paragraph 100.6, at the end of the period of 12 months starting with that date and at the end of each subsequent 12 month period.

#### **100. VAT registration scheme**

100.1 The VAT registration scheme means the scheme in respect of value added tax which is set out in the Memorandum of Understanding dated 16th March 1993 and which was agreed between the thoroughbred horseracing and breeding industry and HM Revenue and Customs.

100.2 An owner, joint owner, joint ownership, recognised business partnership or racing partnership who wishes to

100.2.1 register his racing activity as a business for VAT purposes under the VAT registration scheme, or

100.2.2 extend an existing VAT registration to provide for his racing activity, must submit an application on the prescribed form signed by the owner or the nominated partners to The Racing Calendar Office.

100.3 The Authority shall have complete discretion whether to approve any application. An application will be deemed invalid unless

100.3.1 the ownership is registered in accordance with these Rules,

100.3.2 the owner has secured income via an owner's sponsorship agreement registered under Rule (E)91, and

100.3.3 the horse has been reported as being in the trainer's yard as required by Rule (C)16.1.

100.4 The owner must notify The Racing Calendar Office of his VAT Registration Number and the effective date of his VAT Registration by forwarding to The Racing Calendar Office a copy of the relevant documentation received from HM Revenue and Customs.

100.5 After receipt of notification under Paragraph 100.4 and the payment of the fee required by Rule 99.1, The Racing Calendar Office will cause VAT to be added, as appropriate, to any subsequent account which it receives under the provisions of Rule (F)129 (crediting of money due).

100.6 A fee required by Rule 99.2 shall be payable for VAT administration.

100.7 Once an owner ceases to be registered for VAT purposes under the VAT registration scheme, he must immediately notify The Racing Calendar Office by forwarding a copy of all relevant documents received from HM Revenue and Customs.

100.8 Paragraph 100.5 shall immediately cease to apply, and an owner's VAT record shall be cancelled, where The Racing Calendar Office is notified by one of the following methods that an owner has ceased to be registered for VAT purposes under the VAT registration scheme

100.8.1 notice by the owner or, if the owner is deceased, of any executor or personal representative of his,

100.8.2 in the case of a company, notice by an officer of the company or of any liquidator of the company,

100.8.3 in the case of a joint ownership, notice by any joint owner, and

100.8.4 on receipt of HM Revenue and Customs Form 35.

### ***Publication of information***

## **101. Powers to publish information**

101.1 The Authority may at any time publish notice of

101.1.1 any charges for the contravention of these Rules which are laid against any Person (including any facts alleged in support),

101.1.2 any topics for a disciplinary enquiry,

101.1.3 any topics for an appeal hearing,

101.1.4 any directions given, and findings made, in respect of a Rule contravention, enquiry or hearing,

101.1.5 any penalties, award, order or other sanctions applied,

101.1.6 any other decision made by the Authority as to any matter or any Person, and

101.1.7 any decision or report of Stewards of Meetings (but this without prejudice to the power of the Stewards under Rule (B)11 (enquiries) to publish information).

101.2 Except where these Rules provide otherwise, publication may be made in such manner as the Authority thinks appropriate, whether in the public press and media or the Racing Administration Internet Site or otherwise.

### ***Delegation of functions***

## **102. Delegation of functions**

102.1 Except where these Rules provide otherwise, the Authority may make arrangements for any one or more of its functions to be exercised on its behalf by

102.1.1 a committee or sub-committee of the board of the Authority, or

102.1.2 any Person nominated by the Authority, including a member of its staff.

102.2 The Authority may make such arrangements where it is satisfied that it is in the interest of the efficient administration of horseracing and the operation of these Rules to do so.

102.3 If the Authority considers it appropriate to do so, it may ratify the exercise (or purported exercise) on its behalf of any one or more of its functions by any Person notwithstanding that the Person may not have been duly authorised by the Authority at the relevant time.

102.4 This Rule does not restrict the Authority's general powers under these Rules.

## **103. Delegation: right of reconsideration**

103.1 Where any Person is adversely affected by an act or decision made by an employee of the Authority on behalf of or in the name of the Authority, that Person has the right to have the matter in question referred to the Authority if

103.1.1 he makes an application in writing for reconsideration,

103.1.2 the application is received at the Authority's Office before the end of the period of 72 hours starting with the day on which the Person is given notice of the act or decision in question, and

103.1.3 the circumstances reasonably permit a reconsideration to take place.

103.2 On an application under Paragraph 103.1, the act or decision shall stand unless and until the Authority

decides otherwise.

### ***Exclusion of liability***

#### **104. Exclusion of liability**

104.1 Neither the Authority nor its employees or agents shall be liable to any Person for any act done or omission made in the bona fide discharge or purported discharge of any duties on the part of any such employee or agent under or pursuant to these Rules.

104.2 Nothing in this Rule shall exclude liability for death or personal injury resulting from negligence.

### **PART 10 - SUPPLEMENTARY**

#### ***Giving notices etc***

#### **105. The giving of notices, directions and other documents**

105.1 This Rule applies where provision made (in whatever terms) by or under these Rules authorises or requires a notice, direction or any other document (including a copy of a document) to be given or sent to a Person.

105.2 For the purposes of this Rule, the proper address of a Person is

105.2.1 in the case of a body corporate, the address of the registered or principal office of the body,

105.2.2 in the case of a partnership, or any other unincorporated body, the address of the principal office of the partnership or body, and

105.2.3 in any other case, the last known address of the Person in question.

105.3 This Rule has effect subject to Rule 106 (notices, directions and documents in electronic form).

#### **106. The giving of notices, directions and other documents in electronic form**

106.1 This Rule applies where

106.1.1 any provision of these Rules authorises the giving or sending of a notice, direction or other document by its delivery to a particular person (the recipient), and

106.1.2 the notice, direction or other document is transmitted to the recipient

106.1.2.1 by means of an electronic communications network, or

106.1.2.2 by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

106.2 The transmission has effect for the purposes of these Rules as a delivery of the notice, direction or other document to the recipient, but only if the requirements imposed by or under this Rule are complied with.

106.3 Where the Person making the transmission is the Authority, it may (subject to Paragraph 106.6) determine

106.3.1 the manner in which the transmission is made, and

106.3.2 the form in which the notice, direction or other document is transmitted.

106.4 Where the recipient is the Authority

106.4.1 in the case of an application for the grant of any licence or permit in accordance with these Rules, the Authority must, within 7 days of the electronic transmission, receive at the Authority's Office (or at The Racing Calendar Office, as appropriate) the original of all documents required to make the application, and

106.4.2 in any other case, the Authority must receive the original of such documents as it may specify within such period as it may specify.

106.5 If any requirement of Paragraph 106.4 is not complied with, the Authority may withdraw any licence or permit and cancel any registration or other step taken by it in reliance on the information contained in the electronic transmission.

106.6 Where the recipient is a Person other than the Authority, the recipient must have indicated to the Person making the transmission the recipient's willingness to receive notices, directions or other documents transmitted



in the form and manner used.

106.7 An indication to a Person for the purposes of Paragraph 106.6

106.7.1 must be given to the Person in such manner as he may require,

106.7.2 may be a general indication or one that is limited to notices or documents of a particular description,

106.7.3 must state the address to be used,

106.7.4 must be accompanied by such other information as the person requires for the making of the transmission, and

106.7.5 may be modified or withdrawn at any time by a notice given to the person in such manner as he may require.

106.8 In this Rule electronic communications network has the same meaning as in the Communications Act 2003 (c. 21).

## **107. Deemed service of notices, directions and other documents**

107.1 A notice, direction or other document which is given or sent in accordance with these Rules shall, subject to Paragraph 107.2, be deemed to be received on the day shown in the table below

107.2 Unless the context otherwise requires, if a document is received by the Authority

107.2.1 after 5.00 pm, on a business day, or

107.2.2 at any time on a Saturday, Sunday, Bank Holiday, Good Friday or Christmas Day it will be treated as being received on the next business day.

<b>Method of Service</b>	<b>Deemed Day of Service</b>
First class post (or other service for next-day delivery)	The 2nd day after it was posted
Delivering the document to a permitted address	The day after it was delivered to that address
Fax/Email	If transmitted on a business day, before 4 p.m., on that day; otherwise, on the business day after the day on which it was transmitted
Other electronic means	The 2nd day after the day on which it is transmitted

## **108. Computation of time**

108. Except where these Rules provide otherwise, when the specified period for doing any act at the Authority's Office ends on a day on which the office is closed, that act will be done in time if done by 5.00pm on the next day on which the Authority's Office is open.

### ***Procedure for the making of Rules etc***

## **109. Publication of Rules, regulations or guidance**

109.1 This Rule applies where the Authority proposes to

109.1.1 add new Rules or regulations,

109.1.2 modify, delete or suspend any existing Rules or regulations, or

109.1.3 give any new guidance.

109.2 Before the date on which the proposed change takes effect, the Authority must publish notice of it in The Racing Calendar.

109.3 Paragraph 109.2 does not require publication of prior notice where

109.3.1 the change in question is made in a case of emergency or expediency,

109.3.2 it is a modification, deletion or suspension of an existing Rule or regulation, and

109.3.3 the Authority subsequently reports the fact that it was made without prior notice.

109.4 The report required by Paragraph 109.3.3 must be published in the next issue of The Racing Calendar.

## ***Interpretation***

### **110. Meaning of rider**

110. Unless the context otherwise requires, any reference in this Manual to rider (without more) is to

110.1 a Jockey,

110.2 a Person who holds an amateur rider's permit granted by the Authority, or

110.3 an Overseas Rider,

who is not suspended from riding by the Authority or by a Recognised Racing Authority.

### **111. References to Jockeys**

111.1 In this Manual, unless the context otherwise requires, Jockey

111.1.1 means a Person who holds a jockey's licence granted by the Authority, and

111.1.2 includes an Apprentice Jockey or a Conditional Jockey.

111.2 For these purposes

**Apprentice Jockey** means a Person who holds an apprentice jockey's licence granted by the Authority (see Rule 15.3);

**Conditional Jockey** means a Person who holds a conditional jockey's licence granted by the Authority (see Rule 15.3).

### **112. References to other types of rider**

112.1 In this Manual, unless the context otherwise requires, Overseas Rider

112.1.1 means a Person who is authorised by a Recognised Racing Authority to ride under the rules of that Racing Authority (whether by grant of a licence, permit or otherwise), but

112.1.2 does not include a Person who also holds a jockey's licence or an amateur rider's permit granted by the Authority.

112.2 In Parts 4 to 7, unless the context otherwise requires

**Amateur Rider** means

112.2.1 a Person who holds an amateur rider's permit granted by the Authority, or

112.2.2 an Overseas Rider whose authorisation by a Recognised Racing Authority corresponds to such a permit and who rides in a race under these Rules;

**Professional Rider** means

112.2.3 a Jockey, or

112.2.4 an Overseas Rider whose authorisation by a Recognised Racing Authority corresponds to a jockey's licence granted by the Authority and who rides in a race under these Rules.

### **113. Other definitions**

113.1 Definitions of

113.1.1 terms used in only one Rule are set out in that Rule, and

113.1.2 terms used in more than one Part are set out in Rules 110 to 112 and in the following provisions of this Rule.

113.2 In this Manual, unless the context otherwise requires

**Appeal Board** means a board convened under Part 7 to hear appeals from decisions made by the Authority;

**Appeal Board Chairman** means a member of the Chairman's Panel of the Appeal Board selected to chair an

Appeal Board under Paragraph 4 of Schedule 7;

**Appeal Board Pool** means the pool of Persons appointed by the Judicial Panel Chairman in accordance with the Terms of Reference for the Appeal Board who are eligible to sit on an Appeal Board;

**Arrears** means all sums due to be paid in accordance with these Rules (including any unpaid stake) together with any costs assessed by the Court;

**Assistant Valet** means a Person who holds a permit to act as an assistant to a master valet which was granted by the Authority under Part (D)7;

**Authorised Agent**

113.2.1 in the case of a recognised company, means the registered agent of the company under Rule (E)41 (recognised company to act through registered agent), and

113.2.2 otherwise, means any person authorised by the Authority to act as agent or sub-agent for another person in exercise of the Authority's powers under Rule 94;

**the Authority** means the British Horseracing Authority;

**the Authority's Office** means the office for the time being appointed by the Authority as the office of the British Horseracing Authority (the present address is 75 High Holborn, London, WC1V 6LS);

**Chairman's Panel** means the panel of Persons appointed by the Judicial Panel Chairman in accordance with the Terms of Reference for the Appeal Board who are eligible to chair an Appeal Board;

**Clear Day** means, in determining the number of days:

113.2.2A The day on which the period begins; and

113.2.2B If the end of the period is defined by reference to an event, the day on which that event occurs

are excluded.

**Clear Working Day** means, in determining the number of days:

113.2.2C The day on which the period begins; and

113.2.2D If the end of the period is defined by reference to an event, the day on which that event occurs; and

113.2.2E Saturday, Sunday, Bank Holiday, or day on which the Authority's office is not open for non-automated commercial business

are excluded.

**Deputy Judicial Panel Chairman** means the Person appointed by the Judicial Panel Chairman as his deputy in accordance with the Terms of Reference for the Appeal Board;

**Disciplinary Action** means any action taken by the Authority under Part 6 or by the Stewards under Part (B)1;

**Disciplinary and Licensing Panel Pool** means the pool of Persons appointed by the Judicial Panel Chairman in accordance with the Terms of Reference for the Disciplinary Panel and the Terms of Reference for the Licensing Committee who are eligible to sit on a Disciplinary Panel and/or a Licensing Committee;

**Disciplinary Panel** means a disciplinary panel convened for the purpose of carrying out an enquiry under Part 5;

**Disciplinary Panel Chairman** means a member of the Disciplinary and Licensing Panel pool selected to chair a Disciplinary Panel under Paragraph 3.1 of Schedule 6;

**Disciplinary Penalty** means any penalty imposed by the Authority under Rules 54 to 62 on a person for being in contravention of a Rule;

**Disqualified Person** means a person who is for the time being a Disqualified Person pursuant to

113.2.3 these Rules,

113.2.4 any Rules of Racing previously in force,

113.2.5 the Authority's Regulations for Point-to-Point Steeple Chases, or

113.2.6 the Authority's Regulations for Arabian Horse Racing;

**the Forfeit List** means the list maintained by the Authority under Rule 87;

**General Instructions** means instructions relating to one or more racecourses which are issued to racecourse managing executives by the Authority;

**Judicial Panel Chairman**

means the independent head of the Authority's judicial system who oversees and is responsible for the Disciplinary Panel, Licensing Committee and Appeal Board;

**Judicial Panel Secretary** means the Person appointed to provide administrative support to the Judicial Panel Chairman, the Disciplinary and Licensing Panel Pool and the Appeal Board Pool;

**Master Valet** means a Person who holds a licence to act as a master valet which is granted by the Authority under Part (D)7.

**National Hunt Flat Race** means a flat race for horses which at starting have not run under any recognised Rules of Racing except in national hunt flat races held under these Rules or in Irish national hunt flat races or in French AQPS races (and, by virtue of race conditions, no horse aged more than 7 years old will be eligible to start in a national hunt flat race.);

**Person** includes a body corporate;

**Prescribed** means prescribed by the Authority;

**Prohibited Substance**

113.2.7 means a substance which

113.2.7.1 originates externally to the horse, whether or not it is endogenous to it, and

113.2.7.2 is listed in any of the categories specified in Paragraph 1, 2, 3 or 4 of Schedule 3, and

113.2.8 includes the metabolites of the substance and the isomers of the substance and the metabolites;

**Racecourse Managing Executive** means the person who holds a racecourse licence granted by the Authority under Part (F)2;

**Racing Administration Internet Site** means the internet based administration service provided by the Authority, which can be accessed at [www.racingadmin.co.uk](http://www.racingadmin.co.uk);

**The Racing Calendar** means the work published under that name, including on the Racing Administration Internet Site, and includes any references on that site to the 'Racing Bulletin' which is authorised by the Authority;

**The Racing Calendar Office** means the office for the time being appointed by the Authority as The Racing Calendar Office (the present Racing Calendar Office is at Weatherbys, Sanders Road, Wellingborough, Northamptonshire, NN8 4BX);

**Recognised Company** means a company (other than a stud company) which is for the time being registered in the register of owners under Rules (E)39 to (E)46;

**Recognised Racing Authority** means a racing authority of a country which is for the time being recognised by the Authority under Rule 93;

**Registered Agent**, in relation to a recognised company, means an agent for the company who is for the time being registered under Rule (E)41;

**these Rules** means all the Rules of racing, including provisions which are contained in any other Manual (see Rule 3);

**Trainer**, in Parts 4 to 7

113.2.9 means any person who holds a licence or permit to train which is granted by the Authority or whose authorisation by a Recognised Racing Authority corresponds to such a licence or permit; and

113.2.10 includes any person who is treated as a trainer in accordance with Rule (C)1.1.3 (horse trained solely for hunters' steeple chases, the Grand Military Gold Cup or the Royal Artillery Gold Cup);

**VAT** means value added tax for the time being in force;

**Veterinary Officer** means a registered veterinary surgeon engaged by the Authority;

**Veterinary Surgeon** means any qualified veterinary practitioner appropriately registered to practice.

113.3 Any reference to a sample from a horse testing positive for any substance is to be construed in accordance with Rule (C)52.

113.4 Words importing the masculine gender include the feminine.

113.5 The singular includes the plural (and vice versa).

## SCHEDULES

### Schedule 1 - Fees

With effect from January 1, 2017, 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	£38.17
Rule 100	Authorisation of VAT declaration	
	Registered Owner or Company	£27.08
	Joint Owner or Racing Partnership	£54.25
<b>Race Manual (B)</b>		
Fee payable under	Description	Amount of fee
Schedule 3, Para 26	Registration of a Hunters' Certificate	£75.18
<b>Trainer Manual (C)</b>		
Rule 16	Non on-line return of horse in training	£5.08
Rule 39	Replacement of Trainer's Identity Card	£36.17
Rule 40.8.1 and 40.8.2	Initial issue and renewal of Racehorse Attendants Identity Card and/or Validity Pass	£13.92
40.8.3	Replacement of a lost Racehorse Attendants Identity Card and/or Validity Pass	£36.17
Schedule 8, Para 5	Assessment of poor jumper	£365.16
	<b>Addition of undeclared headgear</b>	<b>£80.00</b>
<b>Rider Manual (D)</b>		
Rule 4	Flat race jockey licence	£186.33
Rule 4	Steeple chase and hurdle race jockey licence	£186.33
Rule 4	Apprentice jockey licence	£90.25
Rule 4	Conditional jockey licence	£90.25
Rule 17	Category A amateur rider permit	£96.08
Rule 17	Category B amateur rider permit	£96.08
Rule 23	Replacement of medical record book	£46.58
Rule 39	Registration of jockey's sponsorship agreement	£36.17
Rule 69	Master valet licence	£46.58
Rule 69	Valet's assistant permit	£46.58
Rule 69	Rider's agent licence	£182.17
Rule 77	Registration of authority to act as rider's agent for particular rider	£51.83
	<b>Combined flat/jump licence</b>	<b>£237.33</b>
<b>Horse and Owner Manual (E)</b>		
Rule 3	Registering a horse name - standard	£83.58
	Registering a horse name - fast track (day prior to entry)	£126.08
	Registering a horse name - fast track (day of entry)	£296.08
Rule 7	Identity check	£41.25
Rules 10 and 12	Change of a name	£83.58
	Reserving a name	

	-Year's reservation and yearly re-reservation	£113.00
	- Temporary reservation	£37.58
Rule 13	Initial issue of passport	£46.75
Rule 14	Revision and re-issue of passport	£46.75
	Replacement of lost passport	£99.92
Rule 21	Racing clearance notification (RCN)	£38.83
Rule 22	Passport endorsement	
	At The Racing Calendar Office	£38.83
	At the Authority's office	£38.83
	At the racecourse	£38.83
	Owner registration: individuals, companies partnerships, clubs	
Rule 29	Individual owner	£80.17
Rule 29	Stud company	£198.92
Rules 29 and 39	Other company	£757.33
Rules 29 and 47	Business partnership	£198.92
Rules 29 and 53	Clubs	£198.92
Rule 41	Registration of agent for a recognised company (also for annual renewal)	£54.25
	Owner registration: arrangements for multiple ownership	
Rule 61	Racing partnership	£303.00
Rule 64	Change of racing partnership name/details - per item changed	£32.00
Rule 68 and 69	Initial registration of joint ownership (including joint ownership name)	£85.75
Rule 69	Change of joint ownership name joint ownership/details - per item changed	£32.00
Rule 70	Re-registration of Change of joint ownership	£22.08
Rule 74	Single race lease	£142.00
Rule 76	Initial registration of other kinds of lease	£43.67
Rule 77	Re-registration of such leases	£22.08
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	£53.47
	5 year	£267.32
	10 year	£534.65
	20 year	£1069.30
	Registration and re-registration of racing colours (where the registrant has not had a horse in training in the last 18 months)	
	Single year	£66.33
	5 year	£331.50
	10 year	£663.00
	20 year	£1,326.00
	Transferring or selling colours to non- family member	£306.00
Rule 90	Registration of authority to act as agent for owner	£51.83
Rule 91	Owner's sponsorship agreement	£38.17
<b>Race Administration Manual (F)</b>		
Rule 67	Replacement of a lost security code	£36.17

Rule 73	Entry for a race which closes to Horse Racing Ireland but made directly to the Racing Calendar Office	£77.47
Rule 81	Registration of transfer of engagements	£26.25
Rule 106	Entry processing fee	
	- General (internet only)	£20.33
	- General (call centre)	£30.50
	- Foreign races	£76.50

## **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
Venezuela	-	Institutio Nacional de Hipodromos

## 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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