

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.