

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.