

Appeals

Rule 130. Any person who has been penalised by the Stewards and is aggrieved by the relevant decision of the Stewards shall be entitled to appeal to the Stewards of the Jockey Club, except in the circumstances set out in Rule 131.

Rule 131. There shall be no right of appeal against a decision in the following circumstances: —

- (1) A protest/objection except for the imposition of any sanction for the bringing of such protest/objection.
- (2) A direction that a horse shall pass a specified trial or test or examination.
- (3) The eligibility of a horse to run in any race.
- (4) The declaration of a horse as a non-runner.

Rule 132. The Stewards of the Jockey Club may grant pending the determination of any appeal a suspension or variation of the decision appealed against.

- Rule 133.**
- (1) The appellant shall lodge a notice of appeal at the Registry Office within 24 hours of the decision appealed against, together with such appeal fee as is determined by the Stewards of the Jockey Club.
 - (2) Within 48 hours of the lodging of the notice of appeal, or within 48 hours of his receipt of the transcript of evidence of the original inquiry whichever is the later, the appellant shall lodge his grounds of appeal at the Registry Office. If the appellant wishes to seek the leave of the Stewards of the Jockey Club to submit fresh evidence the grounds of appeal shall so state and include the reason(s) for such evidence not being submitted earlier. The submission shall contain the names of any new witnesses and a synopsis of the evidence they are to give or where no new witnesses are to be called a synopsis of any fresh evidence and a statement as to how such fresh evidence is to be introduced.
 - (3) The notice of appeal and the grounds of appeal must be signed by the appellant.

- (4) The Stewards of the Jockey Club may forward the notice of appeal and grounds of appeal to the Stewards concerned, who may submit comments thereon in writing to the Stewards of the Jockey Club. If they do so, a copy of their comments will be supplied to the appellant.
- (5) The Stewards of the Jockey Club may invite the Stewards to attend the hearing of the appeal to explain the reasons for their decisions and comment on any fresh evidence adduced by leave; provided that the Stewards of the Jockey Club hearing the appeal shall deliberate alone when reaching their decision on the appeal.
- (6) In calculating time for the purposes of appeals, Saturdays, Sundays and Hong Kong public holidays shall not be included.
- (7) In the event of the Stewards of the Jockey Club deciding that the appeal is frivolous or vexatious they may fine the appellant or make any other such order as they deem appropriate, and in addition may order the forfeiture of his deposited appeal fee.

- Rule 134. (1)** The appeal shall be heard by at least three Stewards of the Jockey Club. If less than three Stewards of the Jockey Club are available the number shall be made up by other Members of the Jockey Club specifically appointed by the Stewards of the Jockey Club to hear that particular appeal, but no Steward of a meeting against whose decision the appeal is made shall be included.
- (2) The Stewards of the Jockey Club may determine and regulate the procedure and conduct of the appeal either generally or in respect of the particular appeal. Unless otherwise directed by the Stewards of the Jockey Club, the hearing of all appeals shall take place in Hong Kong.
 - (3) On the hearing of the appeal, the Stewards of the Jockey Club may: —
 - (i) Uphold the decision appealed from in whole or in part or vary the same in such manner as they think fit; and/or
 - (ii) Increase or diminish any term of disqualification or suspension or any fine imposed subject in each case to any maximum or minimum penalty prescribed by the Rule under which such penalty was imposed; and/or

- (iii) Refer any matter back to the original tribunal for further hearing or consideration or for rehearing; and/or
- (iv) Reverse such decision; and/or
- (v) Order that all costs and expenses in relation to and/or occasioned by the appeal and/or any reasonable compensation for outlay incurred shall be paid by such person or persons and in such proportions as they may think fit.
- (vi) In the event of an appeal against a suspension being dismissed or varied, and after taking into account any portion of the suspension already served by the appellant, order the implementation of any suspension imposed or varied to commence on a date decided by the Stewards of the Jockey Club.

Rule 135. A person attending or required to attend before the Stewards or the Stewards of the Jockey Club (upon an appeal or otherwise) shall not be entitled to be represented by any other person, whether a member of the legal profession or otherwise provided that: —

- (1) An apprentice jockey may be represented by the trainer to whom he is allocated or another trainer acting for such trainer.
- (2) A person attending or required to attend before the Stewards of the Jockey Club in any hearing under these Rules, including any hearing upon an appeal, may be legally represented by leave of the Stewards of the Jockey Club, provided that an apprentice jockey may, in addition, be represented by the trainer to whom he is allocated.