

Appeals Against Decisions of the Stewards

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.

Procedure for Appeals

- Rule 133.** (1) Rules 133 and 134 shall apply to an appeal under Rule 21 or 130.
- (2) The appellant shall lodge a notice of appeal at the Registry Office within 3 days of the decision appealed against.
 - (3) Within 4 days of the lodging of the notice of appeal, or within 4 days 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.
 - (4) The notice of appeal and the grounds of appeal must be signed by the appellant.

- (5) The Stewards of the Jockey Club may forward the notice of appeal and grounds of appeal to the Officials 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.
- (6) The Stewards of the Jockey Club may invite Officials, including the Stewards against whose decision the appeal is made, to attend the hearing of the appeal to make such representations as the Officials consider to be relevant to the appeal, provided that the Stewards of the Jockey Club hearing the appeal shall deliberate alone when reaching their decision on the appeal.
- (7) In calculating time for the purposes of appeals, Saturdays, Sundays and Hong Kong public holidays shall not be included.
- (8) 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.

- Rule 134.** (1) The appeal shall be heard by an appeal panel comprising of not less than three persons. Unless as otherwise directed by the Stewards of the Jockey Club, the appeal panel shall comprise two Stewards of the Jockey Club and one Member of the Club appointed by the Stewards of the Jockey Club. No person who is a member of the panel against whose decision the appeal is made shall sit on the appeal panel.
- (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 appeal panel 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.

Representation in an Inquiry or Appeal

Rule 135. A person attending or required to attend before the Stewards, the Stewards of the Jockey Club, or any body appointed by the Stewards of the Jockey Club under these Rules shall not be represented by any other person, whether a member of the legal profession or otherwise, except with leave of the panel hearing the matter or in the following circumstances: —

- (1) An apprentice jockey may, regardless of whether any legal representation is permitted under these Rules, be represented by the supervising trainer or another trainer on behalf of the supervising trainer in his absence. In case of a hearing concerning a riding offence, the Apprentice may be represented by the Chief Riding Instructor.
- (2) In any appeal under Rule 21 or 130, the appellant and Officials shall each be entitled to legal representation.