

Greyhound Racing Appeal Committee

Appeal Procedures

1. Introduction

- 1.1. The Greyhound Racing Appeals Committee ("the Committee") is a committee established by section 50 of the Greyhound Industry Act 1958 ("the 1958 Act").
- 1.2. These procedures outline how appeals will be considered by the Committee. A copy of these procedures will be provided to those involved.
- 1.3. These procedures have been made by the Committee, following consultation with Rásaíocht Con Eireann ("the Board"). The procedures may be updated by the Committee from time to time, having consulted with the Board.
- 1.4. Subject to the 1958 Act, the Greyhound Racing Act 2019 ("the 2019 Act"), and these procedures, the Committee may regulate its own procedure.

2. Preliminary

- 2.1. The constituency of the Committee is set out in section 50(2) of the 1958 Act. The Committee consists of:
 - a. a chairperson, who shall be a Judge of the Supreme Court, Court of Appeal, High Court or Circuit Court or a practising barrister or solicitor of at least seven years' standing; and
 - b. two ordinary members.
- 2.2. A member of the Committee shall not be a member of the Board, an office holder in the Irish Coursing Club, or a member of the Greyhound Racing Control Committee ("the Control Committee").
- 2.3. If a member of the Committee believes that they may have a conflict of interest in relation to any appeal coming before it, the member will inform the other members of the Committee, and the Committee shall decide how to proceed, which may include proceeding in the absence of that member.
- 2.4. The quorum of the Committee shall be the chairperson and one ordinary member.
- 2.5. Appeals shall not be determined in favour of the person appealing unless at least two members of the Committee are in favour of that determination.
- 2.6. The Committee may act notwithstanding one vacancy among its ordinary members.
- 2.7. The Committee shall be assisted by the Board with secretarial and executive functions, which may include one or more members of staff of the Board performing the role of secretary to the Committee.

2.8. The Committee may take legal advice in conducting appeals, where appropriate, and may have a legal advisor present, including at any oral hearing, to advise them, at their discretion.

2.9. The Committee shall, as far as practicable, ensure that appeals are dealt with and determined expeditiously.

3. Appeals

3.1. In accordance with section 50 of the 1958 Act (as amended by section 50 of the Greyhound Racing Act 2019 ("the 2019 Act")), the Committee is empowered to determine appeals as provided for by section 49 of the 2019 Act pertaining to decisions of the Control Committee, and to determine appeals as provided for by section 51 of the 1958 Act pertaining to decisions of the Board.

Appeals provided for by section 49 of the 2019 Act

3.2. Where the Control Committee determines under section 45 of the 2019 Act that there has been a sanction breach of the Racing code, both the person to whom the decision relates, and the Board may appeal that decision to the Appeal Committee within 21 days of the making of the decision.

3.3. If the appeal is not validly made within 21 days of the making of the decision, in the manner set out in 3.5 below and accompanied by the fee determined by the Board as referred to in 3.4 below, the Committee shall not consider the appeal.

3.4. An appeal under this section (other than by the Board) shall be accompanied by such reasonable fee as is determined by the Board in consultation with the Committee. At the time of the making of these procedures, the fee is €100. The appeal will not be accepted unless it is accompanied by the applicable fee.

3.5. An appeal shall be submitted by serving a written notice of appeal on the Committee, in the following manner:

- a. By sending it by registered post to the Secretary of the Committee at the office of the Board, which at the time of the making of these procedures is located at Greenpark, Dock Road, Limerick, V94 Y17X; or
- b. By leaving it during normal office hours at the office of the Board addressed to the Secretary of the Committee; or
- c. By sending it electronically to the email address of the Secretary of the Committee.

3.6. The written notice of appeal shall:

- a. State the name and address of the appellant;
- b. Set out the subject matter of the appeal;

- c. Set out the appellant's interest in the outcome;
 - d. Set out the detailed grounds of the appeal and the reasons, considerations and arguments on which they are based; and
 - e. Be accompanied by the fee determined by the Board as referred to at 3.4 above, and by such documentation relating to the appeal as the appellant considers necessary and appropriate.
- 3.7. The Committee's secretariat will provide the respondent to the appeal with a copy of the appellant's written notice of appeal and any accompanying documentation submitted with it.
- 3.8. The respondent is entitled to respond in writing, and to submit any documentation to the Committee which they believe is appropriate, within such timeframe as may be specified by the Committee.
- 3.9. An appeal shall be grounded on the following:
- i. the record of the decision to which the appeal relates;
 - ii. the information contained in the notice of appeal and documentation submitted with it;
 - iii. any information or documentation submitted by the respondent in response to the notice of appeal; and
 - iv. any information or documentation sought and received by the Committee.
- 3.10. Unless deemed appropriate by the Committee, an appellant shall not be entitled to elaborate in writing on the grounds of appeal, make further submissions in writing in relation to the grounds of appeal, or to submit further grounds of appeal.
- 3.11. Unless deemed appropriate by the Committee, the Committee shall not consider any documents submitted by the appellant or the respondent other than those that accompanied the notice of appeal and the response to the appeal respectively.
- 3.12. The Committee shall ensure that the notice of appeal and its determination of the appeal are sent to the Control Committee, to the Chief Executive Officer of the Board, and to any other person deemed appropriate by the Committee, and the Committee shall comply with section 52(1) of the 2019 Act, where applicable.
- 3.13. Where the Committee is of the opinion that any additional documents or information are necessary for the purpose of enabling it to determine an appeal, it shall write to any party to the appeal or other person requesting that these documents or information be supplied.
- 3.14. An appeal can be withdrawn at any time prior to the Committee determining the appeal.
- 3.15. The Committee can:

- a. Confirm the decision of the Control Committee to which the appeal relates, including its decision in relation to costs, or
- b. Cancel the decision of the Control Committee and replace it with such other decision as the Committee considers appropriate, which may be a decision –
 - i. to impose different racing sanctions, or
 - ii. not to impose a racing sanction on the person.

For the avoidance of doubt, if the racing sanction being appealed is a disqualification order, it may be varied or revoked in whole or in part by the Appeal Committee as provided for in section 47(3) of the 2019 Act.

The racing sanctions are set out in section 46 of the 2019 Act.

Appeals provided for by section 51 of the 1958 Act

- 3.16. An appeal to the Committee under section 51(1) or (2) of the 1958 Act shall be brought by the applicant, licensee or permit holder, as the case may be, within 21 days beginning on the date of the making of the decision being appealed, or the making of the regulation being appealed.
- 3.17. The Committee shall not consider an appeal under section 51(1) or (2) unless it has been validly made, in the manner as provided for at 3.5 and 3.6 above, within 21 days of the making of the decision under appeal.
- 3.18. An appeal under section 51 of the 1958 Act shall be accompanied by a fee of a sum as may be specified by law and is currently the euro equivalent of £5. The appeal will not be accepted unless it is accompanied by the applicable fee.
- 3.19. An appeal under section 51 shall be submitted in the same manner as set out in 3.5 and 3.6 above, and 3.7 to 3.14 above apply as appropriate to appeals under section 51 of the 1958 Act.
- 3.20. The Committee shall, after considering the refusal, suspension, revocation or regulation to which the appeal relates, and after conducting any investigations, inquiries and hearings which it considers necessary, either
 - a. refuse the appeal; or –
 - b. decide as follows:
 - a) in the case of an appeal against the refusal of a licence, permit or approval, direct the Board (who shall comply with the direction) to grant a licence, permit or approval;
 - b) in the case of an appeal against a revocation or suspension of a licence or permit, annul the revocation or suspension; or

- c) in the case of an appeal against a regulation, direct the Board (who shall comply with the direction) to revoke the regulation.

4. Oral Hearings

- 4.1. Appeals provided for by section 49 of the 2019 Act generally involve the holding of an oral hearing.
- 4.2. For appeals provided for by section 51 of the 1958 Act, the Committee may decide at its discretion whether it is necessary to hold an oral hearing as part of the consideration of the appeal. This could be of its own motion or at the request of a party to the appeal.
- 4.3. In the case of appeals provided for by section 51 of the 1958 Act, the Committee will inform the parties whether it is of the view that an oral hearing is required in its consideration of an appeal. The decision of the Committee shall be final. In the event that an oral hearing does take place as part of an appeal provided for by section 51 of the 1958 Act, any witness may, if the chairperson thinks fit, be examined on oath.
- 4.4. Where the Committee is conducting an oral hearing, it may by notice in writing request any person to attend at such time and place as specified in the notice to give evidence in relation to any matter at issue at the hearing, or to produce any relevant documents in their possession or under their control.
- 4.5. Save as is provided for in these procedures, the procedure to be adopted at an oral hearing is a matter for the Committee to determine on a case by case basis.