

## **TERMS OF REFERENCE FOR DISCIPLINE**

### **1. PURPOSE AND DUTIES**

- 1.1 To hold Disciplinary Enquiries under the Rules of Racing and, where appropriate, to impose penalties as provided for in the Rules of Racing.
- 1.2 To hear appeals to the Company from Stewards' decisions.
- 1.3 To consider applications that a suspension imposed by a Recognised Racing Authority should not have an effect under these Rules.
- 1.4 To consider applications that decisions taken by an employee of the Company or the Company should not take effect under the Rules of Racing.
- 1.5 To consider applications where the Company has corrected a decision of the Stewards because the Stewards have failed to apply accurately any mandatory provision of the Rules.
- 1.6 To consider applications by disqualified persons to be employed in a racing stable.
- 1.7 To follow the provisions for Disciplinary Enquiries set out in the Judicial Panels Code (part of the Rules of Racing).

### **2. MEMBERSHIP OF THE INDEPENDENT JUDICIAL PANEL POOL**

- 2.1 The independent Judicial Panel Pool shall comprise no more than 22 members. Appointments to the independent Judicial Panel Pool are by way of open competition. Applicants are judged against published criteria by the independent Judicial Panel Chairman, in consultation with such persons as the independent Judicial Panel Chairman considers appropriate.
- 2.2 The independent Judicial Panel Chairman shall chair the Disciplinary aspects of the independent Panel Pool jurisdiction.
- 2.3 Members of the independent Judicial Panel Pool serve for an initial period of three years. At the end of each term of appointment, a member may be re-appointed by the independent Judicial Panel Chairman subject to agreed procedures.

### **3. EMPANELLING DISCIPLINARY ENQUIRIES**

- 3.1 In accordance with the Rules of Racing, the independent Judicial Panel Chairman shall empanel a Disciplinary Enquiry consisting of a chair and two other persons from the independent Judicial Panel Pool according to members' availability and expertise.
- 3.2 Unless the independent Judicial Panel Chairman so directs or all the parties agree otherwise, Disciplinary Enquiries will be chaired by a legally qualified person of sufficient qualification and experience from the independent Judicial Panel Pool. The independent Judicial Panel Chairman may chair an Enquiry himself.
- 3.3 Individuals that are actively serving as stewards may not sit on a Disciplinary Enquiry.
- 3.4 The independent Judicial Panel Chairman or the nominated Chair shall provide to any person provisionally selected sufficient details of the matter in question and the individuals concerned so as to enable any person provisionally selected to declare any interest and to disqualify himself or to seek any waivers of objection as appropriate prior to final selection.

- 3.5 The independent Disciplinary Panel Chairman may decide whether physical attendance by the other independent Judicial Panel members is required or if electronic link is sufficient.
- 3.6 A nominated Panel Chairman may sit alone prior to the hearing in order to give directions for the just and expeditious progress of the enquiry.
- 3.7 A Disciplinary Panel shall reach its decision by simple majority and any such decision shall be announced as a decision of the panel.

#### **4. FREQUENCY OF MEETINGS**

- 4.1 A Disciplinary Enquiry is scheduled to take place weekly, usually on the Thursday of each week unless there is a Bank Holiday on a Monday in which case the Disciplinary Enquiry usually takes place on a Friday. This may be cancelled if there are no enquiries to consider. Members of the independent Judicial Panel Pool may be selected to sit on a Disciplinary Enquiry in accordance with paragraph 3 above.
- 4.2 Other independent Judicial Panel Pool meeting dates are organised as and when necessary to facilitate the business of the independent Judicial Panel Pool.

#### **5. REVIEW**

- 5.1 The independent Judicial Panel Chairman may, at any time, convene a meeting to review the independent Judicial Panel's performance, constitution and Terms of Reference to ensure operation at maximum effectiveness.

#### **6. RESOURCES**

- 6.1 The Company shall, in consultation with the independent Judicial Panel Chairman, appoint an employee to provide administrative support to the independent Judicial Panel Pool who shall report to an appropriate member of the Company Executive.

#### **7. OTHER**

- 7.1 Fees will be paid to the members of the independent Judicial Panel Pool for attendance at Disciplinary Enquiries and for related preparation and follow up work at a level to be determined by the Company and to be reviewed annually.
- 7.2 Expenses of office should be charged on a monthly basis. The prevailing expense account policy for committee members of the Company will apply.
- 7.3 Members of the independent Judicial Panel Pool are considered officers of the Company and, as a result, the Directors and Officers Third Party liability insurance will apply.
- 7.4 In the event of any conflict or inconsistency between these Terms of Reference and the Rules of Racing, the Rules of Racing shall prevail.
- 7.5 Capitalised terms included in these Terms of Reference shall be interpreted in accordance with the definitions contained in the Articles of Association of the Company or in the Rules of Racing, as appropriate.

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