

## **APPEAL BOARD TERMS OF REFERENCE**

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

- 1.1 Appeal Boards are convened to hear appeals from some decisions made under the Rules of Racing to the extent permitted by the Rules for appeals to an Appeal Board, contained in the Judicial Panels Code (part of the Rules). The Appeal Board derives its authority from these Rules, which are determined by the Board of the Company.

### **2. MEMBERSHIP**

#### **Chairman's Panel**

- 2.1 Members of the Chairman's Panel for the Appeal Board shall consist of not less than three and not more than five persons.
- 2.2 A person is eligible for membership of the Chairman's Panel only if he is a member or former member of the judiciary, a Queen's Counsel or a junior barrister or solicitor of more than ten years post call or admission. No person is eligible if:
- 2.2.1 he has been the holder of a licence or permit granted by the Company (whether as Rider or Trainer) within the previous five years;
  - 2.2.2 he is a Steward; or
  - 2.2.3 he is a director of, or employed by, the Company.
- 2.3 The Chairman's Panel shall be chaired by the Judicial Panel Chairman. The deputy chairman of the Chairman's Panel shall be the deputy Judicial Panel Chairman. The deputy Judicial Panel Chairman shall be entitled to exercise all powers of the Judicial Panel Chairman at the request of the Judicial Panel Chairman.

#### **Panel for the Appeal Board**

- 2.4 Members of the Panel for the Appeal Board shall consist of not less than five and not more than eight persons.
- 2.5 A person is eligible for membership of the Panel only if he has previously served on the Disciplinary Panel or the Licensing Committee. No person is eligible if:
- 2.5.1 he has been the holder of a licence or permit granted by the Company (whether as Rider or Trainer) within the previous five years; or
  - 2.5.2 he is a director of, or employed by, the Company.
- 2.6 Applications for appointment to the two panels of the Appeal Board are by way of open competition. Applicants are judged against published criteria by the Judicial Panel Chairman, in consultation with such persons as the Judicial Panel Chairman considers appropriate.
- 2.7 Members of the two panels of the Appeal Board serve for an initial period of three years. At the end of each term of appointment, a member may be re-appointed by the Judicial Panel Chairman for a further term not exceeding three years.
- 2.8 Notwithstanding paragraph 2.7, a member of either panel for the Appeal Board may be required to resign at the request of a majority of members of both panels, such majority to include the vote of the Judicial Panel Chairman.

### **Convening an Appeal Board**

- 2.9 Upon a notice of appeal being lodged at the Company's Office in accordance with the Rules of Racing, such notice of appeal shall be passed to the Judicial Panel Chairman who shall convene an Appeal Board consisting of himself (or another member of the Chairman's Panel) to act as Chairman and two persons from the Panel. If the Judicial Panel Chairman sat at first instance, the deputy Judicial Panel Chairman shall convene the Appeal Board.
- 2.10 The Judicial Panel Chairman 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.
- 2.11 Where a person has been appointed to serve on a particular Appeal Board, his eligibility to continue to serve on that Appeal Board and to deal with all matters which may arise in relation to the matters before it shall survive the expiry of his appointed term.
- 2.12 The Appeal Board Chairman may decide whether physical attendance by the other Appeal Board members is required or if electronic link is sufficient.

### **3. FREQUENCY OF MEETINGS**

- 3.1 Appeal Boards shall meet whenever required under the Rules of Racing.

### **4. REVIEW**

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

### **5. RESOURCES**

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

### **6. OTHER**

- 6.1 Fees will be paid to Members of the Chairman's Panel and the Panel at a level to be determined by the Board of the Company and to be reviewed annually.
- 6.2 Expenses of office should be charged on a monthly basis. The prevailing expense account policy for committee members of the Company will apply.
- 6.3 For purposes of insurance, members of the Chairman's Panel and the Panel are treated as officers of the Company and as a result, the BHA's insurance programme will apply.
- 6.4 In the event of any conflict or inconsistency between these Terms of Reference and the Rules of Racing, the Rules of Racing shall prevail.
- 6.5 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 the Rules of Racing, as appropriate.

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