

S.I. No. __ of 2007

Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007 & 2008 Consolidated

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S.I. No. of 2007

GREYHOUND INDUSTRY (CONTROL COMMITTEE AND CONTROL APPEAL COMMITTEE) REGULATIONS 2007

Bord na gCon, in exercise of the powers conferred on it by Sections 13 of the Greyhound Industry Act 1958 (No. 12 of 1958), as amended by Section 9 of the Horse and Greyhound Racing (Betting Charges and Levies) Act 1999 (No. 24 of 1999) and also by subsection (3) of section 5 of said 1958 Act, hereby makes the following regulations, that is to say:-

Definitions.

1. In these Regulations, the following words and expressions have the meanings hereby assigned to them, that is to say:-

“the Act” means the Greyhound Industry Act, 1958 (No. 12 of 1958);

“the Board” means Bord na gCon, established under the Act.

“authorised officer” means a person appointed in writing by the Board to be an authorised officer for the purposes of the Act.

“control steward” means a steward appointed under permit from the Board to fulfil the duties of an authorised officer under the Act.

“racing regulations” means the Greyhound Industry (Racing) Regulations, 2007 (No. of 2007);

“stewards of the meeting” means the control steward and the stewards appointed by a race track executive, with the approval of the Board, to carry out such duties as may be assigned to them;

“stipendiary steward” means a steward appointed by the Board to supervise the conduct of greyhound racing and the performance of duties by duly authorised officials and stewards.

Citation and Commencement.

2. (1) These Regulations may be cited as the Greyhound Industry (Control Committee and Control Appeal Committee) Regulations 2007.

(2) These Regulations shall come into operation on the 19th day of June 2007.

Dissolution of existing Control Committee.

3. On the said 19th day of June 2007, the existing Control Committee established under Article 3 of the Greyhound Race Track (Racing) Regulations 1993 (S.I. No. 158 of 1993) shall stand dissolved.

Establishment of Control Committee.

4. There shall be established on the 19th day of June 2007 by virtue of this Article a committee of the Board to be styled and known as the Control Committee to fulfil the functions assigned to it by these Regulations. The Control Committee shall have full authority in respect of all matters that on the said date are within the remit of the existing Control Committee referred to in Article 3.

Membership of Control Committee.

5. (1) The following provisions regarding membership shall apply to the Control Committee:-

(i) the Control Committee shall consist of five members who shall be appointed by the Board.

(ii) no member of the Control Committee shall be a member of the Board, an officer or employee of the Board or a person holding a permit from the Board to perform specified functions at a racetrack.

(iii) at least one practising solicitor or practising barrister and at least one veterinarian shall be appointed to the Control Committee from time to time.

(iv) a member of the Control Committee may at any time resign his membership by letter addressed to the Board, and the resignation shall take effect on the date of receipt of the letter.

(v) the term of office of members of the Control Committee shall be three years but retiring members shall be eligible for reappointment.

(vi) a member of the Control Committee shall, unless he sooner dies, retires or otherwise ceases to be a member, hold office as such member until the expiration of his or her term of office.

(2) A member of the Control Committee shall cease to be a member:-

(i) on being adjudicated bankrupt;

(ii) on making a composition or arrangement with creditors;

(iii) on being sentenced to imprisonment on conviction on indictment;

(iv) on ceasing to be ordinarily resident in the State;

(v) if on appointment he or she was a person to whom Article 5(1)(iii) above applied ceasing to be such a person;

(vi) if removed by the Board pursuant to section 13 (7) of the Act.

(3) Members of the Control Committee shall be prohibited from having any beneficial interest in the ownership, control or operation of greyhound race tracks, the holding or conduct of public sales of greyhounds or the training of greyhounds for reward or in bookmaking.

(4) Members of the Control Committee shall be paid by the Board such remuneration and allowances for expenses as the Board may determine after consultation with the Minister and with the consent of the Minister for Finance.

(5) An officer of the Board authorised by the Board to act in that capacity shall be secretary of the Control Committee.

Functions of Control Committee.

6. (1) The Control Committee shall have the following functions:

(i) to investigate and make a decision on any matter notified, reported or otherwise in anyway brought to the attention of the Control Committee by the stewards of a meeting, a control steward, a stipendiary steward or an authorised officer of the Board under the racing regulations;

(ii) without prejudice to the generality of Article 6(1)(i), to determine complaints against officials appointed by the Board pursuant to Article 22(1) of the racing regulations made under Article 22(3) of said regulations;

(iii) without prejudice to the generality of Article 6(1)(i), to determine appeals against any action taken by the stewards of a meeting pursuant to Article 30 of the racing regulations under Article 31(1) of said regulations;

(iv) without prejudice to any other provision of this Article 6(1), to do any act or thing which the racing regulations provide may be done by it including any act or thing pursuant to Article 29(4) and (8) (Taking of Samples) and Article 32 (Bribes and Corrupt Practices) of the racing regulations;

(v) without prejudice to any other provision of this Article 6(1), to determine or otherwise do any act or thing that is required to be determined or done by it pursuant to the racing regulations;

(vi) to investigate or otherwise determine any matter referred to it by the Board in such manner it deems fit.

(2) The Control Committee shall have full authority to exercise the powers of the Board under sections 43, 45 and 47 of the Act for the purposes of the fulfilment of its functions,

(3) Acts of the Control Committee under these Sections and Regulations shall not be subject to confirmation by the Board.

Meetings of Control Committee.

7. (1) The Control Committee shall hold such and so many meetings as may be necessary for the effective performance of its functions.

(2) At a meeting of the Control Committee:-

(i) the quorum shall be three;

(ii) the chairperson shall, if present, be chairperson of the meeting;

(iii) if and so long as the chairperson is not present or the office of chairperson is vacant, the members present shall appoint one of their number to be chairperson of the meeting;

- (iv) every question shall be determined by a majority of the votes of the members present and voting on the question; and
- (v) if there is an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(3) The Control Committee may continue to act notwithstanding one or more than one vacancy in its membership. Where a vacancy occurs, the Board shall take steps to fill the vacancy as soon as practicable.

(4) Subject to these Regulations, the Control Committee may regulate by standing orders or otherwise the procedure and business of the Committee.

(5) All documents, reports, appeals or communications of any sort to be sent to the Control Committee shall be addressed to the Secretary of the Committee at the office of the Board.

Meeting Procedures.

8. (1) Where the Control Committee is dealing with any matter, it shall inform any person who might be affected by their decision of their intention to enquire into such matter and afford such person the opportunity of making such representations whether in writing or orally to them, as may be appropriate, such persons having being informed of the matters being dealt with by the Control Committee.

(2) Where any matter being enquired into by the Control Committee may result in a sanction of any kind being imposed upon any person or the taking of any disciplinary action, then the person against whom such sanction or disciplinary action may be imposed shall be informed of the matter the subject of the enquiry, the allegations being made against him and the date and time and venue of any hearing the Control Committee may hold in the matter.

(3) Any person against whom disciplinary action is contemplated shall have the right to appear at any hearing held by the Control Committee and shall have the right to representation at his or her own cost where any sanction is being contemplated against him or her.

(4) The Control Committee shall make known their decision on any matter to the person affected thereby either:-

- (i) at the conclusion of the hearing or investigation; or
- (ii) by letter sent within 14 days after the conclusion of such hearing to such person at the address of such person last known to the Control Committee.

(5) Where any person appears to the Control Committee to have contravened any provision in these Regulations, the racing regulations or any other direction or regulation made by the Board and for the time being in force, the Control Committee shall be empowered to do any or a combination of any of the following:-

- (i) impose fines up to a maximum of €7,500;
- (ii) direct any person to pay any costs or expenses which have been incurred partly or wholly by the action of such person including the costs of the Control Committee in conducting any investigations or hearings;
- (iii) exercise the powers of the Board under Sections 45 and 47 of the Act such power to be exercised taking into account any relevant provision of the racing regulations;
- (iv) without prejudice to Article 8(5)(iii), do any act or thing or impose such disciplinary action provided for by the racing regulations including any act or thing contemplated under Articles 29(4), 29(8) and 32 of the racing regulations;

(6) The Control Committee shall publish its findings in all decisions made pursuant to sub-article (5) above in a manner it deems fit, such publication to be withheld in the event of an appeal of its decision pursuant to sub-article (7) below, pending the outcome of the appeal.

(7) A person who is the subject of a decision of the Control Committee shall have a right to appeal that decision to the Control Appeal Committee in accordance with Article 14 of these Regulations.

Control Committee Conflict of Interest Procedures.

9. (1) Where a member of the Control Committee has (other than in that capacity) a pecuniary interest or other beneficial interest in, or material to, any matter to be considered by the Control Committee, he or she shall:—

- (i) in advance of any consideration of the matter, disclose that interest and its nature to the Control Committee,
- (ii) neither influence or seek to influence any decision to be made in relation to it,
- (iii) not make any recommendation in relation to it,
- (iv) not take part in any consideration of it,
- (v) absent himself from any meeting of the Control Committee or any part of such a meeting, at which it is being considered or discussed,
- (vi) not be counted towards a quorum during any such consideration or discussion, and
- (vii) not vote on any decision relating to the matter.

(2) Without prejudice to the generality of Article 9(1), a person shall be regarded for the purposes of Article 9(1) as having a beneficial interest if:-

- (i) he or any connected relative, or any nominee of his or any connected relative, is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in Article 9(1),
- (ii) he or any connected relative is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter, or
- (iii) any connected relative has a beneficial interest in, or material to, such a matter.

(3) For the purposes of Article 9(1) and (2), a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of a person, or of any company or other entity or person mentioned in Article 9(2), which is so remote or insignificant that it could not reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter or performing any function in relation to it.

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by the person to comply with Article 9(1), it shall be determined by the Control Committee, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) If during the consideration of any matter any such conflict of interest shall arise then the member of the Control Committee having such interest shall take no further part in the consideration of the matter and other members of the Control Committee shall reconsider the matter from the beginning.

Establishment of Control Appeal Committee.

10. There shall be established on the 19th day of June 2007 by virtue of this Article a committee of the Board to be styled and known as the Control Appeal Committee to fulfil the functions assigned to it by these Regulations.

Membership of Control Appeal Committee.

11. (1) The following provisions regarding membership shall apply to the Control Appeal Committee:-

(i) the Control Appeal Committee shall consist of three members who shall be appointed by the Board.

(ii) no member of the Control Appeal Committee shall be a member of the Board, an officer or employee of the Board, a member of the Control Committee or a person holding a permit from the Board to perform specified functions at a racetrack;

(iii) at least one practising solicitor or practising barrister and at least one veterinarian shall be appointed to the Control Appeal Committee from time to time.

(iv) a member of the Control Appeal Committee may at any time resign his membership by letter addressed to the Board, and the resignation shall take effect on the date of receipt of the letter.

(v) the term of office of members of the Control Appeal Committee shall be three years but retiring members shall be eligible for reappointment.

(vi) a member of the Control Appeal Committee shall, unless he sooner dies, retires or otherwise ceases to be a member, hold office as such member until the expiration of his or her term of office.

(2) A member of the Control Appeal Committee shall cease to be a member:-

- (i) on being adjudicated bankrupt;
- (ii) on making a composition or arrangement with creditors;
- (iii) on being sentenced to imprisonment on conviction on indictment;
- (iv) on ceasing to be ordinarily resident in the State;
- (v) if on appointment he or she was a person to whom Article 11(1)(iii) above applied ceasing to be such a person;
- (vi) if removed by the Board pursuant to section 13 (7) of the Act.

(3) Members of the Control Committee shall be prohibited from having any beneficial interest in the ownership, control or operation of greyhound race tracks, the holding or conduct of public sales of greyhounds or the training of greyhounds for reward or in bookmaking.

(4) Members of the Control Appeal Committee shall be paid by the Board such remuneration and allowances for expenses as the Board may determine after consultation with the Minister and with the consent of the Minister for Finance.

(5) An officer of the Board authorised by the Board to act in that capacity shall be secretary of the Control Appeal Committee.

Functions of Control Appeal Committee.

12. (1) The function of the Control Appeal Committee shall be to determine appeals made to it pursuant to Article 14 of these Regulations from decisions of the Control Committee made under these Regulations.

(2) The Control Appeal Committee shall have full authority to exercise the powers of the Board under section 43 of the Act to the extent necessary for the purposes of the fulfilment of its functions.

(3) The Control Appeal Committee shall be empowered to do any or a combination of any of the following:-

- (i) impose fines up to a maximum of €7,500;
- (ii) direct any person to pay any costs or expenses which have been incurred partly or wholly by the action of such person including the costs of the Control Committee in conducting any investigations or hearings, the costs and expenses of the Control Appeal Committee in conducting an appeal and any other costs and expenses incurred in connection with an appeal;
- (iii) exercise the powers of the Board under Sections 45 and 47 of the Act such power to be exercised taking into account any relevant provision of the racing regulations;
- (iv) without prejudice to Article 12(3)(iii), do any act or thing or impose such disciplinary action provided for by the racing regulations including any act or thing contemplated under Articles 29(4), 29(8) and 32 of the racing regulations;

(4) Acts of the Control Appeal Committee pursuant to these Regulations shall not be subject to confirmation by the Board.

Meetings of Control Appeal Committee.

13. (1) The Control Appeal Committee shall hold such and so many meetings as may be necessary for the effective performance of its functions.

(2) At a meeting of the Control Appeal Committee:-

- (i) the quorum shall be two;
- (ii) the chairperson shall, if present, be chairperson of the meeting;
- (iii) if and so long as the chairperson is not present or the office of chairperson is vacant, the members present shall appoint one of their number to be chairperson of the meeting;
- (iv) every question shall be determined by a majority of the votes of the members present and voting on the question; and
- (v) if there is an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(3) The Control Appeal Committee may continue to act notwithstanding one or more than one vacancy in its membership. Where a vacancy occurs, the Board shall take steps to fill the vacancy as soon as practicable.

(4) Subject to these regulations, the Control Appeal Committee may regulate by standing orders or otherwise the procedure and business of the Committee.

(5) All documents, reports, appeals or communications of any sort to be sent to the Control Appeal Committee shall be addressed to the Secretary of the Control Appeal Committee at the office of the Board.

Appeal Procedures.

14. (1) The Control Appeal Committee shall, as far as practicable, ensure that appeals are dealt with and determined expeditiously.

(2) A person who is the subject of a decision of the Control Committee may within one month after the date of receipt of notification of the decision, appeal against the decision to the Control Appeal Committee by serving on the Control Appeal Committee a notice of appeal which complies with Article 14(9).

(3) The notice of appeal may be served:-

- (i) by sending it by registered post to the Secretary of the Control Appeal Committee, or
- (ii) by leaving it during normal office hours at the office of the Board addressed to the Secretary of the Control Appeal Committee.

(4) The Control Appeal Committee shall not consider an appeal if the relevant notice of appeal is received by it later than the expiration of one month referred to in Article 14(2) or if or so long as the notice does not comply with the requirements of Article 14(9).

(5) An appeal shall be grounded on the record of the decision to which the appeal relates, on the information contained in the notice of appeal, on any observations of the Chief Executive Officer of the Board or any person designated by him or her or any other person given at the request of the Control Appeal Committee on any matter arising on the decision or on any other information received by the Control Appeal Committee in the conduct of the appeal.

(6) The appeal, if not withdrawn, shall be determined by the Control Appeal Committee:-

(i) by affirming the decision of the Control Committee to which the appeal relates, or

(ii) by substituting its determination for that decision, which shall thereupon stand annulled.

(7) The Chief Executive Officer of the Board or any person designated by him or her or any person with leave of the Control Appeal Committee shall be a party to an appeal.

(8) The Control Appeal Committee shall serve notice of its determination on each party to the appeal.

(9) The notice of appeal shall be in writing and shall;-

(i) state the name and address of the appellant;

(ii) state the subject matter of the appeal;

(iii) state the appellant's interest in the outcome

(iv) state the ground of the appeal and the reasons, considerations and arguments on which they are based; and

(v) be accompanied by a fee of €50 and by such documentation relating to the appeal as the appellant considers necessary or appropriate.

(10) The requirement under Article 14(9)(iv) shall apply whether or not the appellant requests, or proposes to request in accordance with Article 14(24) an oral hearing of the appeal.

(11) Without prejudice to Article 14 (18) and unless requested to do so by the Control Appeal Committee, an appellant shall not be entitled to elaborate in writing on, or make further submissions in writing in relation to, the grounds of appeal stated in the notice of appeal or to submit further grounds of appeal, and any such elaboration, submissions or further grounds received by the Control Appeal Committee shall not be considered by it.

(12) Without prejudice to Article 14(18) and Article 14(24), the Control Appeal Committee shall not consider any documents submitted by an appellant at the appeal other than those which accompanied the notice of appeal.

(13) The Control Appeal Committee shall as soon as practicable after receiving notice of an appeal, send a copy of the notice to the Control Committee and to the Chief Executive Officer of the Board and to any person who has received leave of the Control Appeal Committee by post or personal delivery

(14) The Control Committee shall, within 14 days after receiving the copy of the notice, submit to the Control Appeal Committee a copy of:-

- (i) any relevant documents or information in its possession in relation to its dealing with the matter which is the subject of the appeal;
- (ii) the record of the decision of the Control Committee which is the subject of the appeal, and
- (iii) the notification of the decision to the appellant.

(15) The Chief Executive Officer of the Board or any person designated by him or her or any person with leave of the Control Appeal Committee may make submissions or observations in writing to the Control Appeal Committee in relation to the appeal within one month after receiving the copy of the notice of appeal from the Control Appeal Committee, and any such submissions or observations received by the Control Appeal Committee after the expiration of that period shall not be considered by it.

(16) Where no submissions or observations have been received within the period referred to in Article 14(15), the Control Appeal Committee may, without further notice to the Chief Executive Officer of the Board or any person designated by him or her or any person with leave of the Control Appeal Committee, determine the appeal.

(17) Unless requested to do so by the Control Appeal Committee, the Chief Executive Officer of the Board or any person designated by him or her or any person with leave of the Control Appeal Committee shall not be entitled to elaborate in writing on any submissions or observations made in accordance with Article 14(15) or make any further submissions or observations in writing in relation to the appeal, and any such elaboration or further submissions or observations shall not be considered by the Control Appeal Committee.

(18) Where the Control Appeal Committee is of the opinion that any document or information is necessary for the purpose of enabling it to determine an appeal, it shall serve on any party to the appeal or other person a notice:-

- (i) requiring the party or person concerned, within a period specified in the notice (being not less than 14 days beginning on the date of service of the notice) to submit to it such documents or information as are specified in the notice; and
- (ii) stating that, if the documents or information are not received by it before the expiration of the specified period, it may determine the

appeal after the expiration of that period without further notice to the party or person concerned.

(19) Where a notice has been served on a person under Article 14(18), the Control Appeal Committee, at any time after the expiration of the period specified in the notice, may, whether or not the notice has been complied with, determine the appeal without further notice to the person.

(20) Sittings of the Control Appeal Committee shall normally be held in private.

(21) The Control Appeal Committee, of its own motion or at the request of a party, may in its absolute discretion conduct an oral hearing of an appeal.

(22) The Control Appeal Committee in conducting an oral hearing may by notice in writing require any person to attend at such time and place as is specified in the notice to give evidence in relation to any matter in issue at the hearing or to produce any relevant documents in his or her possession or under his or her control.

(23) An oral hearing may be conducted on behalf of the Control Appeal Committee by one or more than one of its members.

(24) A request by a party for an oral hearing:-

(i) shall be made in writing to the Control Appeal Committee;

(ii) subject to clause (iii), shall be made within the period of one month referred to in Article 14(2);

(iii) where the request is by the Chief Executive of the Board or any person designated by him or her or any person with leave of the Control Appeal Committee, shall be made within the period of one month referred to in Article 14(15).

(25) The Control Appeal Committee shall not consider a request for an oral hearing made later than the expiry of the relevant period referred to in Article 14(24).

(26) Where the Control Appeal Committee is requested to conduct an oral hearing and decides to determine the appeal without such a hearing, it shall serve notice of its decision on each party to the appeal.

(27) The Control Appeal Committee shall dismiss any appeal which in its opinion is frivolous, vexatious or without substance or foundation.

(28) An appellant may withdraw an appeal by notice in writing to the Control Appeal Committee at any time before the appeal is determined.

(29) Where the Control Appeal Committee is of the opinion that proceedings on an appeal have been unnecessarily delayed by the conduct of the appellant, it may serve on the appellant a notice stating that it is of that opinion and requiring the appellant, within a period specified in the notice (being not less than 14 or more than 28 days after the date of service of the notice) to make a submission in writing to it as to why the appeal should not be treated as having been withdrawn.

(30) At any time after the expiration of the period specified in a notice which has been served under Article 14(29), the Control Appeal Committee may, after considering any submissions made to it pursuant to that subparagraph:-

- (i) declare that the appeal and, where appropriate, the application is to be treated as having been withdrawn, or
- (ii) determine the appeal.

(31) Where under Article 14(30)(i) the Control Appeal Committee declares that an appeal or application is to be treated as having been withdrawn, then the appeal is deemed to have been withdrawn and accordingly shall not be determined by the Control Appeal Committee.

(32) Appeals, notices of appeal, submissions, observations, requests, documents or information, which are required by or under these Regulations to be made or submitted to the Control Appeal Committee within a specified period shall, if its offices are closed on the last day of the period, be regarded as having been received before the expiration of the period if received by it on the next following day on which its offices are open.

(33) The Control Appeal Committee may publish its findings in all decisions in a manner it deems fit.

Control Appeal Committee Conflict of Interest Procedures.

15. (1) Where a member of the Control Appeal Committee has (other than in that capacity) a pecuniary interest or other beneficial interest in, or material to, any matter to be considered by the Control Appeal Committee, he or she shall:-

- (i) in advance of any consideration of the matter, disclose that interest and its nature to the Control Appeal Committee ,
- (ii) neither influence or seek to influence any decision to be made in relation to it,
- (iii) not make any recommendation in relation to it,
- (iv) not take part in any consideration of it,
- (v) absent himself from any meeting of the Control Appeal Committee or any part of such a meeting, at which it is being considered or discussed,
- (vi) not be counted towards a quorum during any such consideration or discussion, and
- (vii) not vote on any decision relating to the matter.

(2) Without prejudice to the generality of Article 15(1), a person shall be regarded for the purposes of Article 15(1) as having a beneficial interest if:-

(i) he or any connected relative, or any nominee of his or any connected relative, is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in Article 15(1),

(ii) he or any connected relative is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter, or

(iii) any connected relative has a beneficial interest in, or material to, such a matter.

(3) For the purposes of Article 15(1) and (2), a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of a person, or of any company or other entity or person mentioned in Article 15(2), which is so remote or insignificant that it could not reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter or performing any function in relation to it.

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by the person to comply with Article 15(1), it shall be determined by the Control Appeal Committee, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) If during the consideration of any matter any such conflict of interest shall arise then the member of the Control Appeal Committee having such interest shall take no further part in the consideration of the matter and other members of the Control Appeal Committee shall reconsider the matter from the beginning.

GIVEN UNDER THE SEAL OF Bord na gCon, this 14th day of June 2007.

Richard O'Sullivan

Chairman of the Board

Adrian Neilan

Chief Executive of the Board

EXPLANATORY NOTE

These regulations provide for:-

- the establishment of a Control Committee and a Control Appeal Committee to have jurisdiction over matters

- relating to the effective control and compliance with the rules and regulations governing greyhound racing;
the dissolution of the existing Control Committee established under Article 3 of the Greyhound Race Track (Racing) Regulations 1993 (S.I. No. 158 of 1993).