

CIRCULAR NO. TJA.5/2017/MRA

8 June 2017

TO: ALL TRAINERS, JOCKEYS AND APPRENTICES

ADOPTION OF ONE-PANEL RACEDAY STEWARDING STRUCTURE

Please be informed that the Perak Turf Club will be adopting the One-Panel Raceday Stewarding Structure with effect from 1 July 2017.

2 MRA Rules of Racing 156 to 169 pertaining to the One-Panel Raceday Stewarding Structure are set out at Annex A.

3 The full set of the MRA Rules of Racing and Regulations can be downloaded from the MRA website at www.malayan-racing.com.

Best Regards.



GENE TAN (MS)
FOR SECRETARY (SINGAPORE)
MALAYAN RACING ASSOCIATION

cc CEO, MRA
Secretary, MRA (Malaysia)
President & Chief Executive/General Managers/Secretaries, Associated Clubs
Panel of Stipendiary Stewards
Panel of Handicappers
Head/Senior Veterinary Surgeons, Associated Clubs

ST/GT/syn

PART XIII : PANEL OF STEWARDS

Panel of Stewards

Rule 156

- (1) The Local Committee may appoint a panel of Stewards consisting of not less than three (3) members. The Local Committee shall select the Chairman of the panel of Stewards, who, on a race day, shall be a Racing Steward.
- (2) Subject to Rule 156(1), the Local Committee may in its absolute discretion appoint any person to the panel of Stewards.
- (3) In the event of exceptional circumstances or urgency, the Local Committee may appoint one (1) person to form a single-member panel of Stewards.
- (4) In the event that any member of the panel of Steward is unable to attend on any race day or disqualified for any reason whatsoever, the remaining members of the panel of Stewards shall constitute the quorum, unless the Local Committee makes an appointment to fill up the vacancy.
- (5) The absence of any member of the panel of Stewards, for any reason whatsoever, from any part of an inquiry shall disqualify him from further participation from that inquiry.
- (6) In respect of any matter arising on a race day but which the inquiry, investigation and/or hearing is conducted on a different day, the Chairman of the panel of Stewards who was appointed for that particular race day ("the raceday panel") shall select not less than three (3) members out of the raceday panel, who shall be appointed to the panel of Stewards conducting the inquiry, investigation and/or hearing and the Local Committee may appoint other persons to this panel of Stewards, provided that the number of other persons so appointed shall at all times be one (1) less than the number of members from the raceday panel.
- (7) The decision of the panel of Stewards shall be that of the majority, provided that the Chairman shall have the casting vote.
- (8) No contravention or operation of Rules 156(1) to 156(7) shall affect the validity of any inquiry, investigation or hearing conducted by or any decisions made by the panel of Stewards.

Members of the panel of Stewards shall have no interest in horse or race

Rule 157

- (1) No member of the panel of Stewards participating in official duties of any race or in any inquiry, investigation or hearing arising from or in connection with any race shall:
 - (a) have an interest in any bet in any horse entered for that race; or
 - (b) have an interest in any horse, whether by himself or through his immediate family, servant or agent, which is entered for that race.
- (2) Any member of the panel of Stewards who contravenes Rule 157(1) is:
 - (a) immediately disqualified and must preclude himself from any further participation in official duties for that race and any inquiry, investigation and hearing arising out of or in connection with that race; and
 - (b) immediately disqualified and barred from participating in any discussions with and giving any directions and instructions to any official of the Association or Local Committee in relation to that race.
- (3) No contravention or operation of Rules 157(1) and 157(2) shall affect the validity of any inquiry, investigation or hearing conducted by or any decisions made by the panel of Stewards.

Conduct of Inquiry, Investigation or Hearing before panel of Stewards

Rule 158

- (1) All persons before the panel of Stewards for an inquiry, investigation or hearing shall not be assisted by a legal counsel.
- (2) During an inquiry, investigation or hearing, the panel of Stewards may, in their absolute discretion, after considering the views of any person directly involved in the inquiry, investigation or hearing:
 - (a) admit or exclude any evidence, whether physical or verbal, for any inquiry, investigation or hearing;
 - (b) decide on the relevance of any evidence, whether physical or verbal, for any inquiry, investigation or hearing; and
 - (c) permit or bar any person from being present at the inquiry, investigation or hearing.

Powers and authority of the panel of Stewards

Rule 159

- (1) The panel of Stewards shall have the authority and powers to regulate, control, inquire into, investigate, adjudicate upon and deal with any question, matter, incident, objection or complaint arising out of or in connection with any race or any race day or any non race day event as directed by the Local Committee.
- (2) Without prejudice to the generality of Rule 159(1), the panel of Stewards shall have the authority and powers to:
 - (a) Investigate, inquire into, adjudicate upon and deal with any alleged or suspected breach or contravention of the Rules.
 - (b) Investigate, inquire into, adjudicate upon and deal with any matter that in the opinion of the panel of Stewards requires an investigation, inquiry or hearing.
 - (c) Investigate, inquire into, adjudicate upon and deal with any matter that the panel of Stewards are directed to by the Local Committee.
 - (d) Make, alter or vary any of the arrangements for the conduct of any race meeting under the control of the Local Committee.
 - (e) Demand from any person the production of all entry forms, books and other documents relating to any race meeting, which the panel of Stewards may require.
 - (f) Access and take control of all land, booths, buildings, structures, stands, enclosures and other places used for or in connection with any race meeting.
 - (g) Search on all land, booths, buildings, structures, stands, enclosures and other places used for or in connection with any race meeting for any person, gear, equipment or other article, which may provide evidence to prove or disprove any contravention of the Rules, and take possession of the same.
 - (h) Exclude or expel any person, or cause any person to be excluded or expelled from any land, booths, buildings, structures, stands, enclosures, place used for or in connection with any race meeting and place under the control of the Club or the Local Committee.
 - (i) Regulate or control the conduct of any person having charge of or connected with any horse and any person on the racecourse, including but not limited to trainers, jockeys and officials of the Local Committee.

- (j) At their absolute discretion order any Rider off a horse without providing any reason and substitute the Rider with any other Rider or none.
- (k) In the event that any Rider disobeys the Starter's orders or is suspected of improper conduct in a race, at their absolute discretion penalise the Rider, prohibit the Rider from riding in that race, disqualify the horse ridden by the Rider from that race or substitute the Rider with another Rider or none.
- (l) Impose a penalty on any Rider for contravening any rules relating to riding.
- (m) Prohibit any horse from starting in any race at any meeting for any reason.
- (n) Order the removal and penalise any person using or responsible for the use of any shoes, racing plates, equipment or gear from any horse or person, which in their opinion is unsuitable, unsafe or ineffective.
- (o) At any time order any horse entered into any race to be examined for any purposes connected with the Rules by any person, which in the opinion of the panel of Stewards is qualified to conduct the examination. The members of the panel of Stewards and/or person examining the horse shall in their absolute discretion determine the nature, conduct and scope of examination, which includes taking of samples from any part of the horse's body and removal of implants from the horse.
- (p) Take possession of any horse entered for any race at a meeting for such period as the panel of Stewards deem necessary, for the purpose of subjecting the horse to any test, which in the opinion of the panel of Stewards is suitable to determine whether any prohibited substance has been administered to the horse.
- (q) Disqualify any horse entered for any race and penalise the owner or person having charge of that horse, which is:
 - (i) removed from the course contrary to the instructions or directions of the panel of Stewards; or
 - (ii) not physically produced to the panel of Stewards when in their opinion is required.

- (r) Demand any person to prove to the satisfaction of the panel of Stewards of his and/or any other person's interest in any horse entered into a race. Should any person fails to comply with any such demand, the panel of Stewards may disqualify the horse concerned and/or penalise the person contravening this sub-rule.
 - (s) Demand any owner to prove to the satisfaction of the panel of Stewards that the owner or any horse owned by the owner is not subject to any disability under the Rules.
 - (t) When the delay in declaring the all-clear of a previous race has rendered the commencement of the next race at the advertised time impossible or in the opinion of the panel of Stewards is necessary, extend or delay the time given for weighing-out and declaring weight, time of the start of a race or time in relation to any other requirement under the Rules or conditions of a race.
 - (u) Remove at any time during the race meeting, including when racing is taking place, the Judge, Starter, Clerk of Scales, or any other official, and substitute the official with another person appointed by the panel of Stewards or none.
 - (v) Appoint any official necessary for conducting the meeting if the Local Committee did not do so for any reason whatsoever, and appoint an assistant for any such official at the request of or with the consent of the Local Committee.
 - (w) Penalise any person obstructing them in the exercise of their authority or powers or performance of their duties.
- (3) If any person subject to the Rules contravenes any of the Rules, the panel of Stewards may, following an inquiry, investigation or hearing, impose against the person any of the following penalties:
- (a) a warning;
 - (b) a reprimand;
 - (c) a fine not exceeding \$250,000;
 - (d) a suspension for a term of any duration;
 - (e) a disqualification for a term of any duration;
 - (f) any combination of the abovestated penalties.

Powers of the Stipendiary Stewards

Rule 160

- (1) In addition to any other powers, duties or functions conferred by these Rules, the Stipendiary Stewards shall have the power and are authorised:
 - (a) To investigate and/or inquire into any alleged breach or contravention of the Rules.
 - (b) To investigate and/or inquire into any matter which in their opinion requires investigation and/or inquiry and any other matter which they are directed by the Committee, Local Committee and/or panel of Stewards to investigate and/or inquire into.
 - (c) To require any production of all entry forms and other documents and they shall have access to all stands, enclosures, and other places used for the purposes of the Race Meeting.
 - (d) To exclude or expel or cause to be excluded or expelled any person from any place under their control.
 - (e) To exclude or expel and cause or order to be excluded or expelled from all places under the control of any Associated Club:
 - (i) Every disqualified person.
 - (ii) Every person warned off the course.
 - (iii) Every person whose name has been published in the Forfeit List until the defaults are cleared.
 - (iv) Every person who has been declared by the Association or by the recognised racing authority of any country, where rules other than these Rules are applicable, to be a defaulter, disqualified, guilty of any corrupt or fraudulent practice or other misconduct in relation to racing generally.
 - (v) Rules 160(1)(e)(i), (iii) and (iv) do not apply where the disqualification was incurred under Rule 154(3) (which provides for a 14 –day period of grace for the disqualified person to have his name removed from the Forfeit List).

- (f) To regulate and control the conduct of all officials, other than the panel of Stewards and officials appointed by the Local Committee and of all MRA licensees and holders of MRA Passes, including but not limited to trainers, jockeys and persons in any way connected with any horse.
- (g) To order any Rider off a horse without assigning any reason and, if they deem it fit, to substitute him with another Rider. The Stipendiary Stewards shall not be liable for any loss or damage whatsoever resulting from their action under this Rule.
- (h) At any time order any horse entered into any race to be examined for any purposes connected with the Rules by any person, which in the opinion of the Stipendiary Stewards is qualified to conduct the examination. The Stipendiary Stewards and/or person examining the horse shall in their absolute discretion determine the nature, conduct and scope of examination, which includes taking of samples from any part of the horse's body and removal of implants from the horse.
- (i) To call on any person entering a horse, or in whose name a horse is entered, to produce proof of the extent of his and/or other person's interest or property in the horse.

In default of such proof being given to their satisfaction, they may disqualify such horse and the person so making the entry or in whose name the horse was entered.

- (2) In addition to any other powers, duties or functions conferred by these Rules, the Stipendiary Steward(s), in any case of a breach or contravention of the Rules or the Regulations, shall have the power to impose any one or more of the following penalties summarily and immediately :-
 - (a) A warning;
 - (b) A reprimand;
 - (c) A fine not exceeding \$2,000 in respect of any infringement of any Rule and/or Regulation which is punishable by the aforementioned fine and where an admission of guilt is accepted in writing in the prescribed form;

and there shall be no right of appeal against the decision of the Stipendiary Steward(s) made pursuant to this Rule 160(2).

- (3) When in the opinion of the Stipendiary Stewards there is reasonable suspicion that any person has committed any breach of the Rules of Racing which in their opinion ought to be considered by the panel of Stewards, they may in their discretion refer the matter to the panel of Stewards who shall not be bound by any finding of the Stipendiary Stewards.

Action against person giving false or misleading evidence

Rule 161

- (1) The panel of Stewards may in its absolute discretion investigate any person who gives or causes to be given in any inquiry, investigation or hearing before the panel any evidence, whether physical or verbal, which in the opinion of the panel is false or misleading in any particular matter.
- (2) The panel of Stewards may impose any penalty as it deems appropriate against any person who gives or causes to be given in any inquiry, investigation or hearing before the panel any evidence that is false or misleading in any particular matter.

Panel of Stewards to report all penalties to the Local Committee

Rule 162

- (1) The panel of Stewards shall report to the Local Committee all penalties imposed by the panel.
- (2) Unless the Local Committee requests or a court of law orders the panel of Stewards to provide reasons or explanations for any of their decisions, the panel of Stewards may in their absolute discretion decide not to provide reasons or explanations for any of their decisions.

Decision of the panel of Stewards to be final

Rule 163

- (1) No appeal shall lie against the decisions of the panel of Stewards relating to:
 - (a) a penalty imposed on any person that is a warning and/or a reprimand;
 - (b) an objection against the placement of horses arising from any incident during a race;

- (c) the result of an objection after the running of a race;
 - (d) the disqualification of a horse found to be in contravention of the Rules or pursuant to any other provisions of the Rules;
 - (e) a penalty imposed on any person that is a fine not exceeding the amount of \$2,000.
- (2) Any person lodging a Notice of Appeal against the decision of the panel of Stewards to the Appeal Panel, unless Rule 163(1) bars such an appeal, may request for a stay of the enforcement of penalties against him. The panel of Stewards may in their absolute discretion grant such a stay.

PART XIV : APPEALS FROM DECISIONS OF THE PANEL OF STEWARDS

Right to appeal from decisions of the panel of Stewards

Rule 164

Subject to Rule 163(1), all persons have the right to appeal against the decisions of the panel of Stewards to the Appeal Panel.

Appeal Panel

Rule 165

- (1) The Local Committee shall appoint an Appeal Panel consisting of not less than three (3) Appellate Stewards. The Local Committee may in its absolute discretion appoint any person as an Appellate Steward of the Appeal Panel.
- (2) The Local Committee shall select the Chairman of the Appeal Panel who shall have the casting vote.
- (3) Each Appellate Steward of the Appeal Panel shall have one (1) vote each and the decision of the Appeal Panel shall be that of the majority.
- (4) In the event that any Appellate Steward is unable to attend any stage of the hearing before an Appeal Panel or disqualified for any reason whatsoever, the remaining members of the Appeal Panel shall constitute the quorum, unless the Local Committee makes an appointment to fill up the vacancy.

- (5) The absence of any member of the Appeal Panel, for any reason whatsoever, from any part of an appeal before the Appeal Panel shall disqualify him from further participation in that appeal.
- (6) No member of the Appeal Panel participating in any appeal shall have an interest in any horse that is involved in the subject matter of the appeal, whether by himself or through his immediate family, servant or agent.
- (7) Notwithstanding Rule 165(6), no person shall be disqualified from hearing as a member of the Appeal Panel an appeal arising from or in connection with any race by the reason that the person has an interest in any bet in any horse entered for that race.

Filing of appeal and other procedures

Rule 166

- (1) A person who wishes to appeal against the decision of the panel of Stewards shall lodge a Notice of Appeal with the General Manager or Secretary of the Club holding the race meeting together with a deposit of \$2,000, or such other sum which the Local Committee may prescribe from time to time, within forty-eight (48) hours of the person being notified of the decision of the panel of Stewards.
- (2) Unless the decision appealed against relates to careless riding under Rule 44(9)(b), the Appellant shall purchase the Notes of Evidence and/or Proceedings concerning his Appeal by paying the prescribed fee for the same, which the Local Committee may prescribe from time to time, at the time of lodging his Notice of Appeal.
- (3) The Appellant shall lodge in writing his Grounds of Appeal with the General Manager or Secretary of the Club holding the race:
 - (a) at the time of filing of his Notice of Appeal, if the decision appealed against relates to careless riding under Rule 44(9)(b); or
 - (b) within fourteen (14) days, Sundays and public holidays excluded, from the date on which he is notified that the Notes of Evidence and/or Proceedings concerning his appeal are available, if the decision appealed against relates to any matter other than careless riding under Rule 44(9)(b).
- (4) The Grounds of Appeal shall consist of sequentially numbered paragraphs with cross-references to the Notes of Evidence, where available, concerning his appeal and shall state succinctly:

- (a) the circumstances giving rise to his appeal;
 - (b) the issues raised in his appeal; and
 - (c) the contentions or arguments supporting his appeal, including any supporting reasons and facts.
- (5) The Appeal Panel hearing the appeal may, if necessary in the opinion of the Panel, require the Appellant who had lodged his Grounds of Appeal to:
- (a) provide written or verbal clarification on any matter that the Panel may require; and
 - (b) furnish further arguments, particulars or documents that the Panel may require.
- (6) Any person who is required to but fails to lodge his Notice of Appeal or Grounds of Appeal within the time period prescribed under this Rule shall have his appeal deemed to be withdrawn and right to appeal forfeited, unless the General Manager or Secretary of the Club grants the person an extension of time allowed for lodging his Notice of Appeal or Grounds of Appeal.
- (7) The Local Committee may in its absolute discretion forfeit any deposit paid by the Appellant, or any part thereof, if the Appellant:
- (a) withdraws his appeal after lodging his Notice of Appeal and payment of the deposit; or
 - (b) is required to but fails to lodge his Grounds of Appeal within the time period prescribed under this Rule.

Conduct of Appeal Hearing

Rule 167

- (1) All appeals shall be heard by way of a rehearing, unless otherwise directed by the Appeal Panel. The Appeal Panel may conduct the hearing of the appeal in a manner that is in the opinion of the Panel fit and appropriate, including but not limited to postponing the hearing or adjourning the hearing.
- (2) Save with the leave of the Appeal Panel:
- (a) the parties to the appeal shall be bound by and confined to the Notes of Evidence and/or Proceedings, where available, recorded before the panel of Stewards who dealt with the matter that is the subject of the appeal;

- (b) the parties to the appeal shall not be entitled to introduce new evidence;
and
 - (c) the parties to the appeal shall not raise any ground not set out in the Grounds of Appeal, where submitted.
- (3) All parties to an appeal before the Appeal Panel shall be entitled to be present at the hearing of the appeal and to have the assistance of expert witnesses and/or legal counsel at their own cost.
 - (4) The Appeal Panel shall have the power to appoint expert witnesses and/or legal assessors to assist the Panel in any appeal hearing.
 - (5) Should any party be absent from the hearing of the Appeal, the Appeal Panel may in its absolute discretion proceed with the hearing, adjourn the proceedings or make such orders that is in the opinion of the Panel fit and appropriate. The absence of any party shall not invalidate the proceedings, hearing or any orders made by the Panel.
 - (6) The Appeal Panel may reserve its decision to be made and announced at a later date as the Panel deems fit and appropriate.
 - (7) Unless the Local Committee requests or a court of law orders the Appeal Panel to provide reasons or explanations for any of their decisions, the Appeal Panel may in its absolute discretion decide not to provide reasons or explanations for any of its decisions.

Powers of Appeal Panel

Rule 168

- (1) Without prejudice to the Rules, the Appeal Panel shall have the powers and authority to:
 - (a) allow an appeal;
 - (b) dismiss an appeal;
 - (c) substitute the decision of the panel of Stewards, or any part thereof, with its own decision;
 - (d) substitute the existing charge against the Appellant with any other charge, provided that the charge against the Appellant is remitted to the panel of Stewards, as the Local Committee may appoint, for a new inquiry and first instance hearing.
 - (e) admit or disallow new evidence, whether physical or verbal, from the parties to the Appeal;

- (f) draw any inferences of fact in the opinion of the Appeal Panel necessary and appropriate in the circumstances;
 - (g) decide on the application, interpretation and scope of any Rule;
 - (h) make any orders against the parties to the appeal that is in the opinion of the Appeal Panel fit and appropriate, including but not limited to order:
 - (i) the Appellant to pay to the Club and/or Local Committee the costs and expenses actually incurred by the latter parties, or any part thereof;
 - (ii) that the deposit paid by the Appellant, or any part thereof, be forfeited; and
 - (iii) the appeal before the Appeal Panel be heard de novo; and
 - (i) decide in its absolute discretion the penalty to be imposed against the Appellant, including increasing the penalty imposed or recommended against the Appellant, which includes but is not limited to the following penalties:
 - (i) a warning;
 - (ii) a reprimand;
 - (iii) a fine not exceeding \$250,000;
 - (iv) a suspension for a term of any duration;
 - (v) a disqualification for a term of any duration; or
 - (vi) any combination of the abovestated penalties.
- (2) The Appeal Panel shall have the power to, at their absolute discretion and on their own motion:
- (a) review any decision of the panel of Stewards or Stipendiary Stewards notwithstanding that no appeal is made therefrom;
 - (b) review any matter arising from, out of or in connection with any Race Meeting, regardless of whether such matter may or may not have been dealt with by the Stipendiary Stewards or panel of Stewards;

- (c) review their own previous decisions where the justice of the case so requires or permits; and/or
- (d) make a decision on behalf of the Stipendiary Stewards or panel of Stewards when such a decision is not made within a period of time appropriate to the circumstances of the case, but in any event not before the expiration of thirty (30) days from the time the matter first arises.

No further appeal against the decisions of the Appeal Panel

Rule 169

Notwithstanding Rule 140, there shall be no further appeal against the decisions of the Appeal Panel, which shall be final and binding on the parties