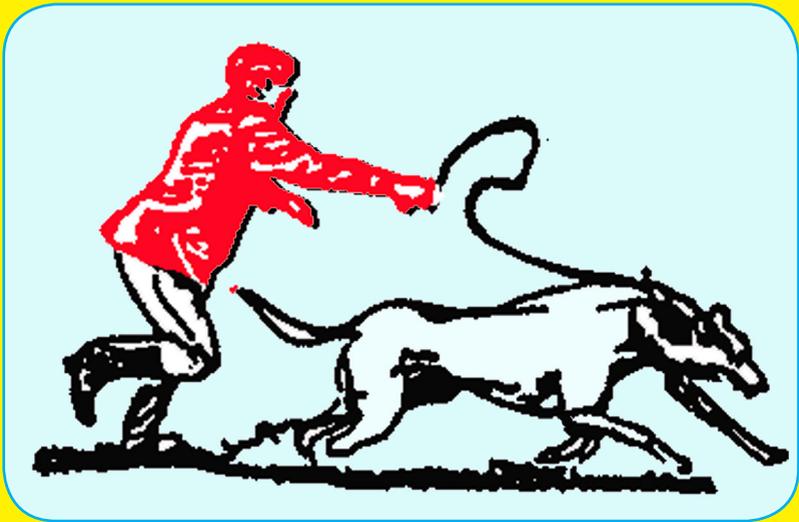


Irish Coursing Club

Rule 88: Prohibited Substances



*(AS AMENDED
1990, 1995, 1998, 2000, 2002, 2005,
2009, 2012, 2015, 2016 & 2017)*

Published September 2017

**It is a condition of entry into events organised
by The Irish Coursing Club or Affiliated Clubs,
that Members of the Irish Coursing Club
and persons concerned with greyhounds
entered in coursing events agree
to be bound by the Rules herein.**

PROHIBITED SUBSTANCES

(AS AMENDED 1990,1995,1998,2000,2002,2005,2009, 2012, 2015 & 2016)

1. Where a sample has been taken from a greyhound and analysed in accordance with this Rule and the analysis has proved positive for a drug, or drugs, stimulant or stimulants, sedative or sedatives which shall include the finding of a metabolite or an isomer or an isomer of a metabolite of a drug or drugs, stimulant or stimulants, sedative or sedatives which the Executive Committee consider improper, then a breach of this rule shall have occurred.
2. A person who administers, attempts to administer or causes to be administered a prohibited substance to a greyhound; or who aids or abets any person to administer a prohibited substance to a greyhound; or has prior knowledge of a prohibited substance being administered to a greyhound for the purposes of affecting its condition, behaviour or performance in any Event or when subject to any other contingency provided for pursuant to these Rules, shall be guilty of a breach of these Rules.
3. Where the handler is a person not of full age the owner or trainer may be deemed to be in breach of these rules if the handler commits any breach of these rules.
4. The Stewards of a coursing meeting may, or the Executive Committee may, or the Secretary of the Irish Coursing Club may direct a testing official, to carry out or cause to be carried out such a test or tests as they shall deem necessary in relation to a greyhound, which:
 - (a) has been entered for, or has competed in, an event, and/or
 - (b) has been presented for any test or examination for the purposes of ascertaining its fitness to course.
5. For the purposes of this Rule:
 - (a) the testing official may detain a greyhound for such a period and under such conditions as he thinks proper for the purposes of obtaining a sample; and
 - (b) no liability shall lie against the testing official, the stewards, the Secretary of the Irish Coursing Club, the Executive Committee of the Irish Coursing Club, or their servants or agents for any loss or damage howsoever sustained.
6. A testing official shall be a Stipendiary Steward as appointed by the Executive Committee of the Irish Coursing Club, a veterinary surgeon, control steward or any other such person as appointed by the Executive Committee or if so authorised by the Executive Committee, appointed by the secretary of Irish Coursing Club.

SPECIMENS

7. Where the Stewards of a coursing meeting or the Executive Committee and/ or the Secretary have requested or instructed a testing official to take specimens for the purposes of testing a greyhound, the testing official shall be entitled to take from the greyhound such specimens of its excreta, urine, blood, saliva or other bodily substance as the testing official considers appropriate or convenient. In the event that sample required is blood, the taking of such sample shall only be performed by a veterinary surgeon.
8. Where the Stewards or Executive Committee and/or the Secretary require specimens of urine, blood, excreta, saliva or other bodily substance to be taken from a greyhound, a testing official is authorised to take such specimen (subject to 7. above) from a greyhound in accordance with the established procedures for the collection of such samples as approved by the Executive Committee of the Irish Coursing Club (SEE APPENDIX I; SAMPLE PROCEDURE).
9. In any hearing for a breach of these Rules any samples taken shall be presumed without further proof to have been properly taken.
10. The owner, trainer or person in charge of the greyhound at the time, on being notified that the greyhound has been selected for sampling shall present the greyhound for sampling to the nominated testing official and such owner, trainer or person in charge shall remain present at the taking of a specimen. The owner, trainer or person in charge shall provide all relevant documentation requested by the testing official relating to the sample as instructed by the testing official and shall sign all documentation provided by the testing official. Failure to comply is a breach of these Rules and may be treated as a breach of Rule 1 or 2.
11. Should the owner/trainer/handler or any other person in charge of a greyhound obstruct or impede the taking of a sample under these rules, or should the owner, trainer or any person in charge of a greyhound fail to present said greyhound for the taking of a sample under these rules, then the owner, trainer and/or other person shall be liable to the sanctions as contained under this rule as if the person concerned had been found to have administered a substance prohibited under these Rules.

DOCUMENTATION for HEARINGS

12. Where a specimen is taken from a greyhound pursuant to this Rule, the signature on the sample details form signed by any person who has taken such specimen or been involved in the procedure shall, without proof of the signature thereon, be ***prima facie*** evidence of the matters contained therein for the purpose of any hearings pursuant to these Rules.
13. Where the specimen taken from a greyhound has been analysed by a laboratory, and approved by the Executive Committee pursuant to this Rule, **a certificate signed by** any person by or with the authority of such laboratory shall be, **without proof of the signature** thereon, ***prima facie*** evidence of the matters contained therein for the purpose of any hearings pursuant to these Rules.
14. Where in any hearings pursuant to these Rules, it is necessary to prove that a drug is a prohibited substance as defined in these Rules, a certificate signed by a person who is or purports to be a qualified veterinary surgeon, chemist or analyst approved by the Executive Committee, or a qualified veterinary surgeon, chemist or analyst who is employed by a corporate veterinary surgeon, chemist or analyst or a firm of veterinary surgeons, chemists or analysts approved by the Executive Committee, shall be ***prima facie*** evidence of the matters contained in the certificate without proof of the signature on the certificate.

CONDUCT OF ENQUIRY

- 15.1 Whenever the Secretary of the Irish Coursing Club shall have received notification from an analyst that a prohibited substance has been found upon analysis to be present in a sample taken from a greyhound under these Rules, the Secretary shall, as soon as may be, upon receipt of the certificate showing positive for a prohibited substance under Rule 88, notify the owner and trainer of the greyhound, and the Executive Committee of the findings of the analyst. The owner and trainer shall be further notified that the said greyhound is provisionally suspended from coursing, racing and breeding until the hearing has concluded. Unless within the period of 14 days (or such further period as the Executive Committee or the Secretary shall allow) the owner or trainer admits to a breach of these Rules herein and signs the form in Appendix A within 14 days, the Executive Committee or the Secretary shall notify the parties that an inquiry into the circumstances surrounding the presence of the drug will be held as soon as possible before the Hearing Committee.
- 15.2 A result of an analysis referred to in paragraph 15.1 which is reported to the Secretary to be positive for a prohibited substance shall be referred to in Rule 88 as "an adverse analytical finding".
- 15.3 Where the result of an analysis being made available to the owner and trainer of the greyhound is an adverse analytical finding, the owner and trainer shall be informed that the finding will be published in accordance with the provisions of paragraph 15.4.

- 15.4 Upon the receipt by the Secretary of an adverse analytical finding and after having met the requirements of paragraph 15.3 and prior to an inquiry into the circumstances surrounding the presence of the drug being held before the Hearing Committee, a notice shall appear in the Sporting Press newspaper notifying that:
- (i) The Secretary has received such an adverse analytical finding;
 - (ii) The name of the prohibited substance;
 - (iii) The name of the greyhound concerned;
 - (iv) The name of the registered owner(s) and or guardian at the time of the taking of such sample;
 - (v) The date upon which and the place at which the said sample was taken
 - (vi) That the greyhound in question is provisionally suspended from coursing, racing (NI) and breeding until the hearing has concluded.
16. In any hearing before the Executive Committee of the Irish Coursing Club or any Hearing Committee, Appeal Committee or Sub-Committee the burden of proving a breach of these rules shall be on the Executive Committee or person or persons nominated for that purpose at a Hearing to the standard of the **balance of probabilities**. That is to say that any fact in contention is more probable than not. Any matter provided in these Rules as being Prima Facie evidence shall be deemed proved unless the contrary is proved.
17. The Executive Committee or any Hearing Committee or any Appeal Committee or Sub-Committee may require the attendance of and provision of evidence by the registered owner or any other person, who, in the opinion of the Committee or the Secretary, may have knowledge of any of the matters which are the subject of an inquiry. Any person who upon due notice being given in accordance with this rule neglects or refuses to appear to respond to any questions or to produce such subjects or information as may be required shall be guilty of a breach of these Rules.
18. If the Executive Committee or Secretary order an inquiry to be held in accordance with Rule 88, the Secretary shall notify any person or persons liable to be the subject of an adverse ruling by such inquiry (hereinafter called ‘the Affected Person’ which expression shall include the plural) that such an inquiry is taking place and that an adverse ruling may be made against such person or persons, the Secretary shall notify such person or persons of the time, date and place appointed for the holding of such inquiry. The date so appointed shall be not less than 28 days after the giving of such notification unless the owner and/or trainer request an expedited hearing. The Executive Committee nor any Hearing Committee nor any Appeal Committee shall make such adverse finding against any person unless notice in accordance with this Sub-Rule shall have been given.
19. After receiving notification under Rule 88 of this Rule, the Affected Person shall be entitled to attend the inquiry in person and/or to be represented by Counsel and/or Solicitors and/or by any other person.

20. Unless the Secretary directs otherwise, the Affected Person, no later than 14 days (unless an expedited hearing is requested) before any inquiry to be held under this Rule, shall:
- (a) Notify the Secretary in writing of his/her intention to attend the inquiry and the name(s) of any Counsel, Solicitors or other person who shall represent the Affected Person at the inquiry. If such person is not legally qualified the name, address and qualifications of such person shall be notified to the Secretary. The Executive Committee or the Secretary shall have the right to object before any hearing to such person, not being a legally qualified person;
 - (b) The Secretary shall provide to the Affected Person a copy of each document to be provided to the inquiry;
 - (c) Provide to the Affected Person a copy of a statement in writing from any witness who intends to give evidence to the inquiry. Each witness statement shall state the name and function of the proposed witness and shall be signed and dated.
 - (d) The owner, trainer, person in charge or any affected person intending to give evidence at the inquiry shall provide to the Secretary not less than 7 days before the inquiry the names and addresses of any witness to be called and forward copies of any documents written or digital or any film photograph or other image to be submitted to the inquiry.

CONDUCT OF PERSON AT HEARING

21. A person shall be guilty of a breach of this Rule if he or she-
- (a) Wilfully influences or attempts to influence any member of the Hearing Committee or the Testing Official or any party, witness or person concerned in any way with the hearing to be or being conducted;
 - (b) Wilfully interrupts a hearing;
 - (c) Misconducts himself or herself in any matter before the Hearing Committee as the Hearing Committee shall in its absolute discretion decide.

HEARING COMMITTEE

22. The Hearing Committee shall consist of persons not less than 3 who shall be appointed by the Executive Committee of the Irish Coursing Club.
23. The term of office for members of the Hearing Committee will be three years, but retiring members will be eligible for reappointment. The term of a member shall continue in respect of any Hearing that has not finally concluded.

24. No member of the Hearing Committee may be a member of the Executive Committee, an employee of the Irish Coursing Club or an Official licenced by the Irish Coursing Club.
25. At least one legally qualified person and one veterinarian shall be appointed to the Hearing Committee. The Hearing Committee shall elect a person to be Chairperson. The Hearing Committee may select from among its members a person to chair any particular enquiry.
26. A member of the Hearing Committee may resign at any time his/her membership by letter addressed to the Executive Committee, and the resignation shall take effect from the date of receipt of the letter.
27. A member of the Hearing 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.
28. A member of the Hearing Committee shall cease to be a member:
 - a. on being adjudicated bankrupt;
 - b. on making a composition or arrangement with creditors;
 - c. on being sentenced to imprisonment on conviction on indictment;
 - d. on ceasing to be ordinarily resident in the State;
 - e. if removed by the Executive Committee for stated reasons.
29. Members of the Hearing Committee shall be paid such remuneration and expenses as the Executive Committee determine.
30. If any member of the Hearing Committee shall be personally concerned with or interested in any greyhound the subject of an inquiry or in any greyhound competing in the same course or if for any reason is not independent shall stand down from the Committee for that inquiry. The Executive Committee or the Secretary may nominate a replacement for that inquiry.

MEETINGS OF THE HEARING COMMITTEE

31. At a meeting of the Hearing Committee:
 - a) The quorum shall be three.
 - b) The chairperson, if present, shall be chairman of the meeting unless the Committee decide otherwise.
 - c) 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 numbers to be chairperson of the meeting.
 - d) Every question shall be determined by a majority of the votes of the members present voting on the question; and if there is equal division of vote, then the chairperson of the meeting shall have a second or casting vote.

- e) The Hearing Committee may act notwithstanding one or more than one vacancy in its membership. Where a vacancy occurs, the Executive Committee shall take steps to fill the vacancy as soon as is practicable. Members of the Committee conducting any inquiry shall attend every date of hearing of that inquiry. Only a member who has attended every hearing date shall vote on the decisions of the Committee provided that no interim ruling of the Committee shall be invalidated by reason of a member subsequently not attending.
- f) Subject to Rule 88, the Hearing Committee may regulate by standing orders or otherwise the procedure and business of the Hearing Committee.
- g) The hearing shall as far as practicable be recorded by shorthand or such recording apparatus or such other means as the Hearing Committee determine; the record of any proceedings shall be retained for a period of not less than 12 months after the date on which the proceedings are finalised.
- h) The Hearing Committee shall make known their decision to the affected person(s) and the Secretary of the Irish Coursing Club on any matter by:
 - i. the conclusion of the hearing or;
 - ii. letter sent within 14 days after the conclusion of such hearing to the affected person and the Secretary of the Irish Coursing Club.

HEARING COMMITTEE DISCRETION TO REOPEN HEARING/ APPEAL AGAINST HEARING COMMITTEE DECISIONS

- 32. Notwithstanding any decision of the Hearing Committee, at the conclusion of any Hearing, the Hearing Committee that adjudicated at that hearing may, upon the request of any party to a Hearing or any party affected by the outcome and including on the application of the Executive Committee, order a reopening of any Hearing if they have reason to believe that, because of the receipt of evidence not previously available or for any other reason, a just decision may not have been made or that other changes in circumstances make it just for a decision to be reviewed. This right shall not be exercised after a period of 3 months from the making of the final decision unless the Executive Committee shall for reasons stated so direct;
- 33. Such reopened hearing can be a re-hearing or a continuation of the former hearing as the Hearing Committee deem fair and appropriate and at the conclusion thereof the Hearing Committee shall make such decision as they think fit;
- 34. Any person the subject of a Hearing Committee inquiry who is aggrieved by the decision at a hearing or re-opened hearing held under section 1 above shall be entitled to appeal to the Appeal Committee.

SANCTIONS

35. Where a greyhound is found to test positive contrary to Rule 88 the Hearing Committee shall impose the following mandatory sanctions on the owner, trainer and/or any other person in breach of Rule 88, as determined by the Hearing Committee:
- a. Impose a minimum fine of €2000 on the owner, trainer and/or any other person where a breach of Rule 88 has occurred as decided by the Hearing Committee.
 - b. The greyhound subject of the positive result, shall be disqualified from coursing, racing (NI) and/or breeding for a 6-month period, of which the coursing suspension sanction shall be served during a coursing season period.
 - c. In the event of a second or subsequent offence by the same person, then a minimum fine of €4000 shall apply. If the breach involves the same greyhound, then it shall be banned from coursing, racing (NI) and breeding for a 12-month period, of which the coursing suspension sanction shall be served during a coursing season period.
 - d. The greyhound shall be disqualified from the stake in question
 - e. The prize-money shall be forfeited
 - f. The trophy or trophies shall be forfeited
36. The Hearing Committee may impose any or any combination of the following additional discretionary sanctions:
- a. The greyhound may be disqualified from coursing, racing and /or breeding for a period not exceeding 12 months commencing on a date specified by the Hearing Committee.
 - b. A fine up to a maximum of €7,500 may be imposed in addition to the mandatory fine of €2,000 or €4,000 in the case of a second or subsequent offence.
 - c. Issue a caution, reprimand or severe reprimand.
 - d. The registered owner(s) of a disqualified greyhound may be warned off from all coursing meetings, greyhound tracks including greyhound sales, registering greyhounds and an Exclusion Order may be made against him under the terms of the Greyhound Industry Act 1958.
 - e. The Trainer of a greyhound deemed in breach of this rule may be warned off from all coursing meetings, greyhound tracks including greyhound sales, registering greyhounds and an Exclusion Order may be made against him under the terms of the Greyhound Industry Act 1958.
 - f. Any other person deemed in breach of this rule may be warned off from all coursing meetings, greyhound tracks including greyhound sales, registering greyhounds, and an Exclusion Order may be made against him under the terms of the Greyhound Industry Act 1958.
 - g. Unless the Hearing Committee determine otherwise, a fine imposed shall be paid to the Irish Coursing Club within 14 days of the date upon which the person is notified of the penalty, or in the event of an appeal when the fine is upheld, either in whole or in part, within 14 days of the date when the fine is upheld.

- h. The Hearing Committee may order the costs and expenses relating to a hearing to be paid by any person or persons in such sum or in any proportions as the Hearing Committee may direct.
- i. The Hearing Committee shall publish their decision signed by all members of the Committee who adjudicated on the case and shall forward same to the Secretary.

PENALTIES ISSUED BY THE HEARING COMMITTEE

37. The purpose of the inquiry into the administration of prohibited substances to greyhounds and the penalties to be issued by the Hearing Committee aim to achieve the following:
 - a. protect the welfare of the greyhound;
 - b. protect the integrity of coursing;
 - c. maintain public confidence in coursing;
 - d. maintain proper standards for all participants of coursing;
 - e. to bring about a positive behavioural change;
 - f. a sanction may be accompanied by an advisory notice to point out what changes in behaviour or attitude are required;
38. In considering any matter within its jurisdiction, the Hearing Committee or Appeal Committee shall be entitled to consider the objects of the Club as set forth in the Rules and may have regard to the interests of the public, owners, trainers or other participants in the sport.

APPEAL PROCEDURES

39. The Appeal Committee shall hear an appeal from any person who is aggrieved by the Hearing Committee decision at an inquiry. The conditions of Appeal, procedures for application for Appeal, and conduct of an Appeal are as follows:
 - a. There shall be a panel of persons not less than three and not more than five in number eligible to sit on the Appeal Committee which shall be convened to hear appeals from decisions of the Hearing Committee to the extent permitted by Rule 88.
 - b. The Executive Committee shall appoint a person eligible to serve as Chairperson of the Appeal Committee. No current member of the Hearing Committee shall be eligible to be Chairperson of the Appeal Committee or be a member of the Appeal Committee.
 - c. Only a member or former member of the Judiciary, Senior Counsel, Barrister or Solicitor of at least seven years call or admission shall be eligible to be a Chairperson of the Appeal Committee.

- d. The Executive Committee shall appoint the persons eligible to serve as members of the Appeals Committee. No member of the Executive Committee, employee of the Irish Coursing Club or Licensed Official can be a member of the Appeal Committee
- e. The Executive Committee shall make reasonable remuneration to the members of the Appeal Committee when serving on an Appeal Committee.
- f. The members of the Appeal Committee shall serve between 1-3 years unless they resign earlier. A member of the Appeal Committee (including the Chairperson) may be required to resign from the Appeal Committee at the request of the majority of members of the Appeal Committee. At the end of his/her term as a member of the Appeal Committee, a person may be elected for a further term of 1-3 years by the Executive Committee.

CONVENING OF THE APPEAL COMMITTEE

40. Upon notification of receipt by the Secretary of the Irish Coursing Club of a Notice of Appeal, the Chairperson of the Appeal Committee shall convene an Appeal Committee consisting of him/herself and at least two persons chosen by him/herself from the person eligible to serve on the Appeal Committee.
41. The Executive Committee shall in consultation with the Chairperson of the Appeal Committee appoint an employee from within the Irish Coursing Club to provide administrative support to the Appeal Committee as required.

COMMENCEMENT OF APPEAL

42. A person wishing to appeal a decision of the Hearing Committee (“the Appellant”) shall lodge a Notice of Appeal with the Secretary of the Irish Coursing Club within 14 working days after the date on which the decision appealed against was made. Any notice of appeal lodged outside the 14 day period will not be considered.
43. The Notice of Appeal shall:
 - a. State the specific decision(s) being appealed;
 - b. State the decision(s) being sought from the Appeal Committee;
 - c. Set out the ground(s) of appeal and the substantive injustice of allowing the decision appealed against to stand;
 - d. Set out in summary form the facts upon which the appeal is based;
 - e. Attach a copy of every document and witness statement that was placed before the Hearing Committee in connection with the decision appealed against;
 - f. State whether the Appellant seeks an oral hearing of the appeal and the time estimated for such hearing;

- g. Be signed by the Appellant, or his/her Counsel, Solicitors or other representative;
- h. The Appellant shall lodge the sum of €500 as the appeal fee with the Secretary of the Irish Coursing Club within fourteen working days after the disputed decision was made;
- i. An appellant who seeks relief from the requirement to lodge the appeal fee on account of hardship (which shall be the sole relevant consideration) shall lodge with the Notice of Appeal a statement requesting relief from the appeal fee requirement, setting out the relevant grounds and facts supporting the claim of hardship, and attaching any relevant evidence;
- j. The request for relief shall be considered by the Chairperson of the Appeal Committee without an oral hearing and whose decision to grant partial or total relief shall be final and with no obligation to explain;
- k. The appeal fee or any part of the appeal fee shall be repaid or withheld as the Appeal Committee so directs.
- l. The Executive Committee or Appeal Committee may specify a form to be completed by an appellant.

CONDUCT OF APPEAL

- 44. The Chairperson of the Appeal Committee may, upon application of the Appellant or otherwise, give any direction or instruction considered necessary for the proper conduct of the proceedings, including but not limited to the following:
 - a. lengthening or shortening any time limit;
 - b. adapting or dispensing with any procedural steps set out in these conditions;
 - c. requiring a record to be made of the proceedings or any part of them;
 - d. ordering any person bound by the Rules of the Irish Coursing Club to attend hearing;
 - e. holding a preliminary hearing;
 - f. suspending the decision of the Hearing Committee pending determination of the appeal;
 - g. adjourning a hearing for such a period and upon such terms as he/she considers appropriate;
 - h. the decision of the Chairperson in respect of the matters set out above shall be final.
 - i. Other than on the exercise of any right of appeal provided for by the Rules, a person who fails to abide by any decision of the Hearing Committee made at an inquiry shall be guilty of breach of these Rules.

45. The Chairperson of the Appeal Committee may dismiss an appeal with or without granting the Appellant an oral hearing if the Chairperson of the Appeal Committee is satisfied that the Appeal is frivolous, vexatious or brought for any improper purpose.
46. Subject to the Appellant requesting an oral hearing in a Notice of Appeal which complies with the provisions regarding commencement of the appeal as contained above, the Appellant shall be entitled to an oral hearing of the appeal. If the Appellant requests an oral hearing of the appeal to which he/she is entitled, the Appeal Committee shall notify the Appellant in writing of the time, date and place of the oral hearing. Such notice shall be provided no later than 28 days before the proposed date of the oral hearing.
47. If the Appellant fails to comply with the provisions for lodging an appeal or if the Appellant fails to attend a duly notified oral hearing, then the Appeal Committee may proceed to consider and determine the appeal in the absence of the Appellant in such manner as it considers appropriate.
48. The Appeal shall be considered by the Appeal Committee and shall be by way of review of the inquiry.
49. The Appeal Committee shall not consider new evidence other than in an appeal against the refusal of the Hearing Committee to consider such evidence.
50. The Appeal Committee may in its absolute discretion hear such oral evidence as it determines is relevant. The Appeal Committee shall conduct the appeal hearing in such a manner as it considers fit and otherwise in accordance with the Rules of the Irish Coursing Club. Any such hearings shall be in private unless the Appeals Committee otherwise direct.
51. The Appeal Committee shall reach its decision on any issue on the appeal by a majority, and if the Appeal Committee fails to reach a majority decision on any issue, the decision of the Chairperson of the Appeals Committee shall be final.
52. The Appeal Committee may confirm, reverse or otherwise vary the decision of the Hearing Committee. The Appeal Committee shall have all of the powers that were available to the Hearing Committee in respect of the original decision.
53. The Appeal Committee shall announce its decision to the Appellant as soon as is practicable in such a manner as it considers appropriate but not later than 14 days from making the decision. The Appeal Committee shall provide reasons for the decision and may publish these reasons in such manner as the Chairperson determines appropriate.

FINALITY

The decision of the Hearing Committee shall be final and binding on all matters unless there is an appeal to the Appeal Committee. The decision of the Appeal Committee shall be final and binding on all matters. No action shall be taken in any Court of Law to challenge or otherwise seek redress in relation to any decision of the Hearing Committee or the Appeal Committee.

If it shall be alleged by any party that there is an irregularity in the appointment of the Hearing Committee or Appeal Committee, or that there is an irregularity in the procedure of either Committee and the party concerned has made complaint to that Committee, any party may apply to the Executive Committee specifying the irregularity complained of.

The Executive Committee shall consider such application and if satisfied that the complaint of irregularity is well founded and that such irregularity materially affected the outcome, may annul the decision of that Committee and direct the holding of a new hearing or appeal.

If the Executive Committee is not so satisfied it shall affirm the decision.

The decision of the Executive Committee is final and binding and no proceedings in any Court of Law shall be taken in respect of such decision.

TRANSITION:

- (1) The rescindment of the previous Rule 88 and the commencement of the 2012 Rule 88 does not, unless the contrary intention appears-
 - (a) revise anything not in force or existing at the time at which the rescinding took effect;
 - (b) affect the previous operation of the previous Rule 88 repealed or anything duly done or suffered pursuant to previous Rule 88;
 - (c) affect any right, interest, title power or privilege created, acquired, accrued, established or exercisable or any status or capacity existing prior to the rescinding;
 - (d) affect any duty, obligation, liability or burden of proof imposed, created or incurred prior to the rescinding;
 - (e) affect any penalty or forfeiture incurred or liable to be incurred in respect of any breach committed against the previous Rule;
 - (f) affect any investigation, legal proceeding, inquiry, or remedy in respect of any such right, interest, title, power, privilege, status, capacity, duty, obligation, liability, burden of proof, penalty or forfeiture; and any such investigation, legal proceeding, inquiry or remedy may be instituted, continued, or enforced, and any such penalty or forfeiture may be imposed and enforced as if the rescinding had not occurred.

INTERPRETATION

If any doubt or difficulty shall arise as to the interpretation of these Rules the Hearing Committee, the Appeal Committee or any affected person may request the Executive Committee to provide a definitive ruling.

A definitive ruling as to the interpretation of these Rules shall be binding on all members and any person engaged in coursing at any level under these Rules and no proceedings of any kind in any Court shall be brought in respect of such interpretation.

The Executive Committee shall be bound by its own prior Interpretations which shall remain binding as if they were a Rule of the Club unless same shall have been modified, varied or incorporated into a Rule change by the members in General Meeting in accordance with these Rules.

APPENDIX I:

SAMPLE-TAKING PROCEDURE

1. The greyhound(s) selected for testing may be chosen by the Executive Committee, Secretary or by means of a public draw, the time and location of which are notified in advance to the general public prior to the draw.
2. The Executive Committee may vary the selection method but shall ensure the public are notified in advance of such change as they consider appropriate.
3. Identity Cards of all greyhounds the subject of a draw shall be held by the Testing Official until the greyhound(s) for testing are known with unselected greyhound's identity cards returned.
4. Testing Officials to arrange draw at completion of all finals (location and timing of draw to be announced over PA). Result to be announced over the PA also.
5. The Testing Official shall solely determine the sample type to be taken, be that urine or blood.
6. The Testing Official shall have full discretion over the length of time to be allocated to sample taking procedure.
7. The testing official will identify himself/herself and inform the responsible person that the greyhound shall be submitted for a specimen test and confirm that the responsible person is 18 years or over before commencing sample procedure.
8. The testing official shall wear disposable plastic gloves as approved by the Executive Committee or if the testing official decides it is more appropriate for responsible person to take sample, then gloves shall be worn also.
9. The testing official shall open the sample kit (containing pre-coded sample bottle A and pre-coded sample bottle B, two plastic sealable bags and corresponding labels) and urine collection funnel (or any other collection device as approved by the Executive Committee of the Irish Coursing Club) in the presence of the responsible person.
10. The testing official shall identify the greyhound by reference to the earmark from identification papers supplied by the Secretary of the Irish Coursing Club or the greyhounds Identity Card.
11. The testing official shall offer the responsible person the option of a split sample.
12. If the responsible person requires a split sample, then sufficient specimen will be required to accede to this request as determined by the testing official. A split sample shall only be of the same specimen type. A testing official will take all reasonable steps to obtain sufficient specimen to accommodate a split sample. Failure to obtain sufficient specimen for a split will not nullify the test.
13. The testing official shall use pre-coded sample bottle A for prime sample and pre-coded sample bottle B in the event of a split sample (or another collection device as approved by the Executive Committee of the ICC).

14. On completing the specimen collection process, the testing official shall affix screw cap of sample bottle A to engage locking mechanism and place in plastic bag as provided in sample kit in presence of the responsible person
15. In the event of a spilt sample, the testing official shall pour urine from pre-coded sample bottle A into pre-coded sample bottle B in the presence of the responsible person and repeat actions noted at point 14.
16. The split sample shall be held by laboratory as nominated by the Executive Committee for storage until further written instruction is received from the owner and/or trainer of the greyhound as to which approved laboratory to send the split sample for analysis. Whenever the owner or trainer requires an analysis of the split sample a request for such analysis must be made to the Secretary of the Irish Coursing Club to be received not later than 28 days after the sample results are notified to the owner and/or trainer. A request made after such time shall not be valid. The split sample will not undergo analysis until the owner or trainer nominates a laboratory from an approved list of analysts. The Secretary will request the dispatch of the sample to a nominated laboratory on receipt of written instruction from the owner or trainer not later than 28 days from date of notification to the owner and/or trainer. The cost of storage, dispatching and analysing the split sample to be borne by the owner/trainer.
17. The sample details form shall be completed by the testing official and the responsible person and any other person noted on the form. A duplicate copy of the completed sample details form shall be given to the responsible person. The original is forwarded to the Secretary of the Irish Coursing Club and a copy retained by the testing official.
18. In the event of sample(s) not being dispatched on the day of collection, then it shall be placed in a standard fridge and dispatched by registered post on the next available post day or as directed by the Secretary of the ICC.

