

# IRISH COURSING CLUB

(Part 4)

As revised and approved by the Club at a General Meeting of the Club and approved by Bord na gCon in accordance with the Greyhound Industry Act, 1958 in August, 1988, And including amendments passed in 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010.

## **PART 4 - COMPLAINTS AND APPEALS**

### **38.-Procedure for Service of Notice of Appeal.**

Where any person desires to exercise his right of appeal under these Rules, he shall within fourteen days after the date on which the decision has been communicated to him, lodge with the Secretary of the Irish Coursing Club written notice of his intention to appeal with a deposit (see Appendix A4). The appellant shall, within three days of the lodgement of his notice of intention to appeal with the secretary of the Irish Coursing Club, give or send by post to any person, club or body concerned, a copy of the notice of appeal lodged with the Secretary of the Irish Coursing Club.

### **39.-Appearance before Executive Committee.**

The Secretary of the Irish Coursing Club shall, on receipt of notice of appeal and of the said deposit of and/or a reference submit a note of the appeal and/or references to the Members of the Executive Committee giving the names of the parties concerned and such other information as the Secretary deems necessary. The Executive Committee shall within ninety days of the date of lodgement of the notice of appeal and/or reference commence the hearing of the appeal and/or reference.

### **40.-Procedure prior to Hearing-(As amended 1993).**

The Secretary of the Irish Coursing Club shall acknowledge the receipt of notice of appeal and/or reference within seven days and shall send to the signatory of such notice and/or reference and to such other parties or clubs as may appear to be interested, at least seven days' notice of the date when and the place where such appeal will be heard. Any person served by the Secretary of the Irish Coursing Club under this Rule with any notice of the hearing of an appeal and/or reference shall be entitled to appear at the hearing thereof and to be heard by himself and to call evidence on his own behalf. Any club served by the Secretary of the Irish Coursing Club under this Rule with any notice of the hearing of an appeal and/or reference shall be entitled to be represented at the hearing thereof by the Secretary or a nominee of the committee of the club concerned, who shall be entitled to be heard and to call evidence on behalf of the club he represents.

### **41.-Powers (inter alia) of the Executive Committee to Impose Disabilities.**

A- The Executive Committee on the hearing of any appeal and/or reference under any of these Rules shall have power to affirm, vary or reverse the finding appealed against. The Executive Committee on any reference under these Rules shall have power inter alia to make an Exclusion Order against any person and/or to disqualify any greyhound. The decision of the Executive Committee on the hearing of an appeal and/or reference shall be final and conclusive.

B-If the Executive Committee on the hearing and consideration of any complaint made under Rule 44 hereof find that any person or club has been guilty of the matter complained of, they may take or authorise the taking of disciplinary action (including the imposition of such fines as the Committee thinks appropriate) against the guilty person or club. The Executive Committee may cause their decision under this Rule to be published in "Sporting Press" and, if they so think fit, in the daily Press.

### **42.-Appointment of a Sub-Committee:**

The Executive Committee shall have power to appoint a Sub-Committee for such purpose or purposes as the Executive Committee think fit.

### **43.-Appeal from Sub-Committee Decision.**

An appeal shall lie from a decision of a Sub-Committee to the Executive Committee if notice in writing is given to the Secretary of the Irish Coursing Club of such appeal within fourteen days after the date on which the decision of the Sub-Committee has been communicated to the person or secretary of the club who/or which wishes to appeal. The procedure on appeal shall be as herein before provided in Rules 38, 39 and 40.

### **44.-Complaints by Persons or Clubs, etc.**

Every person and/or club bound by these Rules shall be entitled to bring before the Executive Committee any complaint against any other persons or club as aforesaid, of any infringement of these Rules or of the club by which both the complainant and the person or club against whom or which complaint is made are bound, or of any dishonesty, wrongdoing, misconduct, betting misconduct, or irregularity in relation to the coursing, transferring or registering of any greyhounds, or to the running, management or control of any coursing club, coursing meeting or coursing trials.

### **45.-Consideration without Complaint.**

The Executive Committee may of its own motion consider any such matters where it deems it desirable so to do without any complaint being made thereto.

### **46.-Procedure for making Complaints.**

Any person or club desiring to make a complaint under Rule 44 hereof shall send such complaint in writing to the Secretary of the Irish Coursing Club together with a fee as set out in Appendix A(4) and

shall furnish to the Secretary all written evidence and the documents relating to such complaint, which the Secretary may request.

#### **47.-Procedure of Hearing Complaint.**

When the Secretary of the Irish Coursing Club has obtained all the particulars required under Rule 46 he shall bring the complaint, documentary evidence, and correspondence before the next meeting of the Executive Committee. If the Executive Committee are of opinion that the complaint is frivolous or vexatious or that by reason of apparent lack of evidence or of lapse of time or the trivial nature of the complaint, no good purpose would be served by further investigation of such complaint, they shall refuse to entertain the complaint and the Secretary of the Irish Coursing Club shall notify the complainant accordingly and the said deposit or any part thereof may be declared forfeited by the Executive Committee. Unless the Executive Committee for any of the foregoing reasons refuse to entertain the complaint, they shall fix the time and place at which such complaint shall be heard and the Secretary of The Irish Coursing Club shall, not less than fourteen days before the date fixed for hearing, send by registered post to the person or club against whom or which the complaint is made and to the complainant, written notice of the date, time and place at which the complaint will be heard by the Executive Committee, and the Secretary of the Irish Coursing Club shall, with such notice, send to the person or club against whom or which the complaint is made a statement of the complaint with reasonable particulars as to the place, time and circumstances and shall before the date of the hearing of the complaint furnish to the person or club against whom or which complaint is made, if so requested, within reasonable time by such person or club, such further particulars as to the complaint as the Secretary shall be able from the documents at the Secretary's disposal to furnish and shall consider reasonably necessary to enable such person or club to prepare his or its defense.

#### **48.-Penalty For Misrepresentation.**

Any person who, or the purpose of procuring any registration or transfer in the Stud Book, either willfully or negligently furnishes to the Keeper of the Stud Book, directly or by way of certificate given to another person, information which is false, shall be guilty of an offence and liable to disciplinary action under Rule 41 B on the matter being brought before the Executive Committee under Rule 44.

#### **49.-Notice of Intention of Appeal.**

Any person or club desirous to exercise a right of appeal under Rule 43 shall, within fourteen days of the date on which the decision of the Sub-Committee has been communicated to him or to the secretary of the club, as the case may be, lodge with the Secretary of the Irish Coursing Club written notice of intention to appeal together with a deposit (see appendix A4) and where the appellant is a club there shall also be lodged with the Notice of Appeal a copy of the Resolution directing such appeal. On compliance by the appellant with this Rule, the further procedure as to Appeals shall be similar to the procedure described in Rules 38, 39 and 40 for appeals.

#### **50.-Powers of Executive Committee on Appeal from Sub-Committee.**

The Executive Committee may, on hearing of an appeal against the decision of a Sub-Committee, affirm, vary or reverse the decision of the Sub-Committee. If after the appeal, the Executive Committee are of the opinion that the appeal was frivolous or vexatious they shall have power to order the forfeiture of the deposit. In default of such forfeiture, the deposit shall, after hearing of the appeal, be returned to the appellant. The Executive Committee may cause their decision on an appeal against the decision of a Sub-Committee thereof, to be published in "Sporting Press" and, if they so think fit, they may cause such notice to be published in the daily Press.

#### **51.-Referred Cases.**

Any club may bring before the Executive Committee any question or matter, other than a question or matter involving a dispute as to fact, arising out of these Rules or the rules of such club which may be in dispute or upon which a ruling may appear desirable. A question or matter brought before the Executive Committee under this Rule is hereinafter called "a referred case".

#### **52.-Referred Cases to be reported to Secretary .**

A club desiring to bring a referred case before the Executive Committee shall furnish to the Secretary of the Irish Coursing Club a statement in writing of the question or matter on which a ruling is desired and shall furnish all documents and documentary evidence-as may reasonably be required.

#### **53.-Notice by Secretary to Parties Concerned.**

The Secretary of the Irish Coursing Club shall, on receipt of any referred case from any club and on compliance by the secretary of such club with Rule 52, serve by registered post on any other club or person concerned with and named in such a referred case, a notice setting forth the terms of the case and shall give not less than seven days notice to the club bringing forward such case and to any other club or person concerned and named in such case, of the date and place at which the same will be considered by the Executive Committee, and shall, after the expiration of not less than seven days,

have the case on the agenda of and heard by the Meeting of the Executive Committee which the person concerned has been notified to attend,

**54.-Consideration of Referred Case.**

A referred case shall be considered by the Executive Committee and not by a Sub-Committee thereof, Every decision or ruling of the Executive Committee on a referred case shall remain in force and be binding on all members of the Irish Coursing Club, and of all affiliated clubs unless and until reversed or varied by a Resolution of the Irish Coursing Club passed at a General Meeting, No such Resolution may be passed at a General meeting of the Irish Coursing Club unless at least twenty-one days prior to such General Meeting notice of intention to propose such Resolution shall be published in "Sporting Press," The Secretary of the Irish Coursing Club shall when so requested by at least two representative members of the Irish Coursing Club publish notice of intention to propose and second a Resolution under this Rule,

**55.-Powers in Special Circumstances.**

Where a complaint is made by any person or club under Rule 44 hereof the Executive Committee after previous notice to the person or club against whom or against which such complaint is made shall, under what it considers special circumstances, have power to suspend any person or club or cancel any coursing meeting pending the hearing of the complaint against the person or club affected by such order of the Executive Committee The Executive Committee in making any order under this Rule shall set out in such order the special circumstances in which such order is made,

**56.-Examination of Persons.**

Where a complaint is made under Rule 44 hereof, the Executive Committee shall have power to require the person against whom such complaint has been made, or where the complaint is made against a club, any named official of such club, to attend before the Executive Committee and there to be examined by the Executive Committee with reference to such complaint, If the Executive Committee desire any such person or official as aforesaid to attend before them, the Secretary of the Irish Coursing Club shall notify such person or official thereof by registered letter or, in exceptional circumstances where time does not permit a registered letter, by telegram, If such person or official fails in response to such notice or telegram either to attend before the Executive Committee or furnish a satisfactory explanation for failure to attend or to send a satisfactory reply to the complaint, the Executive Committee shall be entitled to suspend such person or official until the next meeting of the Executive Committee and, if the Executive Committee exercise the power of suspension conferred by this Rule, they shall adjourn the further hearing of the complaint to their next meeting, notice of such adjournment shall be given by the Secretary of the Irish Coursing Club to the person or official concerned, If any person against whom a complaint is made as aforesaid, or where such complaint is made against a club or if any official of such club shall be present at the meeting of the Executive Committee which shall sit to hear such complaint and shall refuse to be examined by the Executive Committee with reference to such complaint, the Executive Committee shall have power to take disciplinary action as provided for in Rule 41 B,

**57.-Proceedings in Absence of Party .**

If any person served with a notice under these Rules of the time and place of the hearing of any complaint or appeal or reference or matter shall fail to attend at such time or place or if any club so served shall fail to be represented there by its secretary or nominee of the committee of the club concerned, at such time and place, then the Executive Committee or Sub-Committee by whom or which such complaint or appeal or reference or matter is to be heard, may on such proof of service as they may consider satisfactory, proceed to a hearing and decision in the absence of the person or representative of the club served. Natural Justice, see appendix J.

**58.-General Powers of Executive Committee.**

On the hearing of any complaint or appeal or reference or matter the Executive Committee shall be entitled, inter alia,

A To call in their Legal Adviser to assist them by way of advice.

B After the taking of evidence and hearing of arguments the Executive Committee shall be entitled to deliberate in private.

C To decide by a majority of those present, and in the event of equality of voting, on the casting vote of the person acting as Chairman of the meeting (whose casting vote shall be additional to his deliberate vote).