



Notice to Industry

No. 003 - November 27, 2017

CHANGES TO THE HORSE RACING APPEAL PANEL'S RULES OF PROCEDURE

The Horse Racing Appeal Panel (HRAP or Panel) is committed to reviewing and updating its Rules of Procedure on an annual basis to ensure that its adjudicative process remains fair, open and accessible to all parties and that proceedings before it are administered in the most efficient and effective way possible.

To that end, the HRAP has recently made a number of changes to its Rules of Procedure to address some minor issues that have come up over the past year. These changes have been approved by the Panel and are effective immediately.

All appeals heard by the HRAP moving forward will be under its Rules of Procedure dated November 2017.

What are the changes?

Most of the amendments were of a “housekeeping” nature, but there are a few key changes that are important to highlight.

Adjournments. A new Rule has been introduced to both formalize and simplify the adjournments process. Rule 12.2 now states that “a request for an adjournment of a hearing must be in writing, in a form prescribed by the HRAP, and be served on the other parties.” A new form has also been created that will require the party seeking the adjournment to include:

- the reasons for their request;
- consent to the adjournment from the other parties or their representatives, if given; and
- the dates the parties are available/not available within the next 30 days of the hearing to be adjourned.

To be eligible for consideration, an adjournment request must be received by the Panel at least 48 hours before the hearing the requestor is seeking to adjourn. The objective of the new form and process is to have the parties coordinate and provide all the necessary

information up front, so as to allow the Panel to make a timely decision and to facilitate the quick scheduling of a new hearing.

It is important to note that adjournment requests that are objected to by another party may necessitate a hearing or teleconference call by the presiding Panel member, so he or she can assess the reasons/arguments on both sides. On the other hand, where both parties consent to the adjournment, the HRAP will typically grant the request.

A copy of the new adjournments form is attached.

Withdrawals. Rule 2.20 has been amended to clarify that a party wishing to withdraw an appeal must file a request to withdraw and seek the consent of the other party. This Rule applies whatever the status of the appeal. Previously, a withdrawal request only had to be submitted if a notice of hearing had been issued by the HRAP. This minor change was made to ensure there is a clear, simple and consistent process in place for all parties.

Note that withdrawals must be in the form prescribed by the HRAP (which is available on the HRAP's website), and must be submitted at least 48 hours before a hearing to be considered. If both parties consent to the withdrawal, the HRAP will typically issue an order or decision formally accepting the withdrawal, removing/lifting the stay of penalty (if any), and closing the file before the Panel.

If you have any questions about these changes, or for more information generally about HRAP proceedings, please visit www.hrappealpanel.ca or contact the HRAP office at info@hrappealpanel.ca or 416-326-8700 (or Toll free in Ontario: 1-800-522-2876).