



Horse Racing Appeal Panel
90 Sheppard Avenue East, Suite 200
Toronto ON M2N 0A4
Tel: 416 326-8700 or 1 800 522-2876 toll free in Ontario
Fax: 647 423-2198

Practice Direction

“B” Hearings

This document provides general information about the scheduling of “B” hearings before the Horse Racing Appeal Panel (HRAP or Panel). The procedure outlined in this document is for information only. It is not a rule within the meaning of the HRAP’s Rules of Procedure. The HRAP may vary its approach to the scheduling of a “B” hearing, as and where appropriate.

Introduction

The HRAP is committed to providing a fair, open and accessible process for parties and has established Rules of Procedure to support, among other things, the efficient and timely resolution of matters.

The purpose of this Practice Direction is to provide clarity with respect to the scheduling of “B” hearings, in the interest of transparency and so as to allow parties to plan and prepare accordingly.

“B” Hearings

Under the HRAP’s Rules of Procedure, a minimum of three Panel members will normally preside over cases in which the penalty under appeal is significant (i.e. the licensee faces a monetary penalty of more than \$2,000 or a suspension of at least 15 days) or where the “stakes” are generally higher (i.e. equine or human drug cases, or where the race is a leg in a series or itself has a purse of \$200,000 or more). In all other cases, usually only a single Panel member will preside. These are known in the industry as “B” hearings.

“B” hearings typically involve appeals of on-track violations, such as urging or interference or various other infractions under the Rules of Racing. Normally, the evidence presented in these cases is relatively simple and straightforward – oftentimes there are only a few witnesses (another jockey, for instance, and an AGCO Judge or Steward) and the only real evidence that is brought forward is video of the race. Disclosure between the parties, in other words, is not normally complicated, controversial or labour intensive or time consuming to obtain or retrieve.

In the majority of “B” appeals, licensees are granted a “stay” by the Panel, usually with the consent of the Registrar of the AGCO, temporarily suspending the ruling or decision of the Judge or Steward that they are appealing. The effect of temporarily suspending the ruling or decision means that it does not apply until the licensee’s appeal is heard or such other time as the HRAP may determine. Delayed appeals can run contrary to the interests of the licensee who has brought the appeal, the AGCO as the regulator of horse racing in the province, and/or other industry participants who might be impacted by the decision (e.g. where placement is at issue) as well as the betting public.

Scheduling

As a general principle, scheduling timelines must be appropriate to the nature of the particular case and the facts and issues at dispute.

Given that most “B” appeals involve relatively little disclosure and evidence, the Panel will normally schedule



Horse Racing Appeal Panel

90 Sheppard Avenue East, Suite 200

Toronto ON M2N 0A4

Tel: 416 326-8700 or 1 800 522-2876 toll free in Ontario

Fax: 647 423-2198

their hearings on an expedited basis, with the objective being to hold the hearing within 45 calendar days of receiving the notice of appeal.

This policy recognizes the parties' interest in having an appeal heard within a reasonably short timeframe, while also appreciating that some time is necessary to allow the parties to prepare their case and to ensure the availability of the participants.

As a general rule, "B" appeals shall be conducted electronically, at least in the short term during the coronavirus outbreak, unless it is likely to cause prejudice to either of the parties or there are other justifiable reasons for not so doing.

More Information

For more information about the hearing process, please consult our Guide to the Appeals Process which can be found on the HRAP's website at www.hrappealpanel.ca.