

Racehorse Owner Eligibility and Right to Appeal Policy

1. RESPONSIBILITY FOR OWNER REGISTRATION

- a. Under the Horse and Greyhound Racing Act 2001 as amended, one of the general functions of Horse Racing Ireland (HRI) is the registration of racehorse owners for the administration of horse racing in Ireland. Under the Irish Horseracing Industry Act 1994 as amended, HRI is also responsible for the overall administration of Irish horse racing. The types of racehorse ownership permitted for racing purposes in Ireland and the criteria for registration of same by HRI are set out in HRI Directive 15. Applicants should therefore read the Irish Horseracing Regulatory Board (“IHRB”) Rules of Racing and, specifically, the provisions of HRI Directives 13 and 15 in conjunction with this Racehorse Owner Eligibility Policy (the “Policy”).
- b. HRI may grant, refuse, withdraw or suspend racehorse ownership registrations in accordance with HRI Directive 15.
- c. The Policy sets out the criteria for determining the eligibility of applicants for ownership of racehorses. It also sets out the criteria for determining the eligibility of registered racehorse owners on an ongoing basis.
- d. Where information is disclosed to HRI through the application process or comes to light after HRI approves an owner registration, the eligibility or on-going eligibility of an owner is assessed on a case-by-case basis and will take account of the following main criteria: General eligibility,
 - Honesty and integrity and
 - Financial soundness
- e. Where HRI rejects an ownership application or withdraw or suspend an existing owner registration, the applicant or its registered agent has the right to appeal the decision to the Appeals Committee.

2. APPLICATIONS FOR REGISTRATIONS AS AN OWNER

Note: For the purposes of the Policy, ‘owner’ refers to sole owner, company owner and its registered agent, syndicate owner and its registered agent and club owner and its registered agent as mentioned in HRI Directive 15. For a definition of ‘registered agent’, please see the relevant Owner Registration Form. For the purposes of the Policy, ‘applicant’ also includes parties who are already registered as a racehorse owner and ‘application’ includes ongoing ownership registrations.

- a. The Policy should be read before completing the relevant Owner Registration Form. If applicants require further guidance on the application of the Policy and/or the registration process, they should contact the HRI Ownership Department (+353 45 455455).

- b. Applicants are required to confirm that they are eligible and to disclose any relevant information so that their eligibility for owner registration can be considered in full.

3. GENERAL ELIGIBILITY

- a. In considering any application, HRI must be satisfied that the applicant or registered agent is eligible to be registered. Relevant considerations include the applicant's or registered agent's honesty and integrity and financial soundness.
- b. In relation to each section below, HRI requires full and frank disclosure from the applicant or registered agent who is required to disclose matters known to him/her and those which the applicant or registered agent can be expected to discover by making enquiries. Failure to disclose relevant information will be a factor in HRI's assessment of an applicant's or registered agent's honesty and integrity.
- c. The weight to be given to any factor will vary from case to case. In some cases, a single factor may lead to the conclusion that an applicant or registered agent is not eligible, whereas in other cases the determination of eligibility may depend upon the cumulative assessment of a number of factors. HRI retains discretion as to the weight given to any factor or factors in an assessment.
- d. It is not possible to produce a definitive list of factors that would be relevant to a particular application. This document should be considered a guide as to the types of considerations that an applicant or registered agent should bear in mind when signing his/her eligibility declaration and that HRI will have in mind when assessing eligibility. HRI retains discretion to take into consideration any factor or factors it views as relevant to a determination of eligibility, whether or not that factor is mentioned in the Policy, and whether or not that information is disclosed by the applicant or the registered agent. HRI expressly retains discretion to take account of information it views as relevant to the assessment that is obtained from bona fide sources.

4. HONESTY AND INTEGRITY

The criteria listed below to which HRI may have regard in assessing applicants' or registered agents' honesty and integrity are non-exhaustive:

- a. Whether the applicant or registered agent has been convicted of any criminal offence in Ireland or in a foreign jurisdiction, excluding offences which are regarded as spent under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 as amended, or equivalent provisions. Particular consideration will be given to offences of murder, manslaughter, theft, fraud, money laundering, financing of terrorism, other offences involving dishonesty and offences relating to sexual conduct, violence (including domestic and/or against children), animal welfare and health and safety.
- b. Whether the applicant or registered agent, in Ireland or a foreign jurisdiction, is the subject of any proceedings of a criminal nature, has been charged in connection with any alleged criminal offence or is aware of circumstances which may lead to him/her being so charged.

- c. Whether, in Ireland or a foreign jurisdiction, the applicant or registered agent has been the subject of any adverse finding by a judge in any civil proceedings or has had administrative sanctions imposed on him/her by any Irish or foreign State or public authority in any relevant proceedings or has settled civil proceedings brought against him/her relating to any matter which could reasonably be said materially to affect his/her eligibility to be registered as an owner. This includes, but is not limited to, proceedings for restriction or disqualification from acting as a director or similar proceedings brought under the Companies Act 2014 as amended (or equivalent foreign legislation).
- d. The applicant's or registered agent's record of compliance with the regulatory requirements of IHRB and directives of HRI (or its predecessors), of any other turf or racing authority or of a regulator of any other sport in which he/she has participated or has been otherwise involved.
- e. Whether the applicant or registered agent has been candid, open and truthful in all his/her dealings:
 - with HRI regards the present or relevant past owner applications; and
 - with any other turf or racing authority or other sports regulator regards relevant owner or similar applications.
- f. Whether or not the applicant or registered agent has been dismissed from any previous employment or position of trust or has been asked to resign or resigned on grounds connected with his/her honesty or integrity and that any such dismissal or request for resignation was not deemed unfair by an independent court or tribunal such as the Workplace Relations Commission, the Labour Court or similar body in Ireland or elsewhere.
- g. Whether the applicant or registered agent has been convicted of or dismissed or suspended from employment for drug or alcohol abuses, or other abusive acts or has other lifestyle or social issues which are likely either to render the applicant or registered agent a threat to the health, welfare or safety of others involved in horse racing or to the integrity of the sport.
- h. Whether the applicant or registered agent has or has had business or other relevant dealings with persons seeking to corrupt horse racing.
- i. An applicant's or registered agent's eligibility includes assessment of those with whom he/she are associated or connected in their personal or business dealings. For example, if the applicant or registered agent has been a director or shareholder of a company that has committed a criminal offence, that matter will be taken into account and its ultimate relevance to his/her eligibility will be assessed in the light of the applicant's or registered agent's responsibility (if any) in relation to that offence.

5. FINANCIAL SOUNDNESS

The factors below to which HRI may have regard in determining an applicant's or registered agent's financial soundness are non-exhaustive. Relevant factors include:

- a. Whether the applicant or registered agent has been the subject of any judgment debt or award in Ireland or elsewhere, which remains unpaid or was not satisfied within a reasonable period.
- b. Whether the applicant or registered agent has, in Ireland or elsewhere, made arrangements with his/her creditors, filed for bankruptcy, had a bankruptcy petition served on them, been adjudged bankrupt, or been the subject of any other bankruptcy process (including any restrictions order or undertaking or sequestration of assets).
- c. Whether the applicant or registered agent has, in Ireland, been subject to a debt relief notice, debt settlement arrangement, or personal insolvency arrangement under the Personal Insolvency Act 2012 as amended or has been subject to any other similar personal insolvency process either in Ireland or in another jurisdiction.
- d. Whether the applicant or registered agent has, in Ireland or elsewhere, been a director of any company, or partner in any partnership, which has gone into receivership, liquidation (voluntary or compulsory), administration, voluntary arrangement or arrangement with its creditors.

6. RIGHT TO APPEAL – OWNER ELIGIBILITY REGISTRATION AS AN OWNER

- a. The Right to Appeal Policy (“Appeal Policy”) governs the process for appeal against a decision of HRI (a) to refuse owner registration, (b) to suspend owner registration or (c) to void an owner registration. The main objective of the Appeal Policy is to allow the appellant a further option to have his/her owner application reviewed in full by an Appeals Committee.
- b. The Appeal Policy should be read in conjunction with the rest of the HRI Owner Eligibility Policy along with HRI Directives 13 and 15.

7. HOW TO APPEAL A HRI DECISION

- a. An applicant or registered agent may appeal in writing a HRI decision regarding a new owner application or following the suspension or removal of the existing registered owner from the register of owners held by HRI within 14 days of the initial communication of the decision. An applicant or registered agent may request HRI to extend this timeframe. HRI will respond to any such request in writing.
- b. The appeal submission should:
 - outline the reasons why the HRI decision is being challenged,
 - produce relevant documentation to support the appeal, and
 - produce any other relevant information/documentation.

Requests for appeal (plus all supporting documentation) should be sent by registered post and addressed to:

Owner Eligibility Appeal
HRI Company Secretary
Horse Racing Ireland
Ballymany
The Curragh
Co. Kildare
R56 XE37

8. GROUNDS FOR AN APPEAL

The appellant must outline the reasons why he/she believes the decision to refuse the application or suspend or void an existing registration is incorrect and provide any supporting documentation in relation to same. The appellant has the right to submit any new information he/she deems relevant for his/her appeal.

9. APPEALS COMMITTEE

The HRI Board shall have discretion in the composition of the Appeals Committee. However, unless otherwise determined by the HRI Board, it shall comprise of three members of the HRI Board. The HRI Board reserves the right to appoint independent members, including in the role of the chair. All members of the Appeals Committee will be independent of the original HRI decision.

10. APPEAL FORMAT

Appeals must be made by written submission for consideration by the Appeals Committee. The appellant also has the right to request an oral hearing. The format of an oral hearing shall be determined by the chair at the relevant time. The Appeals Committee may seek any additional information from both the appellant and/or other sources as it deems appropriate.

11. APPEAL OUTCOME

The Appeal Committee will endeavour to provide in its written decision and reasons within 14 days following the submission for appeal or after any oral hearing(s) have taken place (whichever is the later). However, it reserves the right to extend that timeframe should it deem it necessary. Any such extension shall be communicated in writing by the appellant.

The Appeals Committee has the power to allow or dismiss an appeal or may vary the original decision. Any decision of the Appeal Committee shall be final and binding.

12. CONFIDENTIALITY

The fact of an appeal and related information and/or documentation are confidential. Any oral hearing and or/other discussions/meetings will be conducted in private. However, Horse Racing Ireland retains the right to provide information to the Irish Horse Racing Regulatory Board.