

Gambling Regulatory Authority Appeal Committee Regulations 2022

GN No. 186 of 2022

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THE GAMBLING REGULATORY AUTHORITY ACT

Regulations made by the Minister under sections 7(1)(ga) and 164 of the Gambling Regulatory Authority Act

1. These regulations may be cited as the **Gambling Regulatory Authority Appeal Committee Regulations 2022**.

2. In these regulations -

"Act" means the Gambling Regulatory Authority Act;

"appeal committee" means the appeal committee set up under regulation 3.

3. For the purpose of section 7(1)(ga) of the Act, the Board may set up an appeal committee which shall hear appeals against a decision of

(a) a stipendiary steward appointed by the Horse Racing Committee;

(b) an administrator of a horse racing organiser.

4.(1) The appeal committee shall consist of—

(a) a Chairperson and 2 Vice-chairpersons who shall be -

(i) retired Judges; or

(ii) law practitioners having not less than 15 years' standing; and

(b) such other members as possess experience -

(i) in horseracing;

(ii) as veterinarian; or

(iii) as equine laboratory analyst.

(2) A member of the appeal committee under paragraph (1) shall be paid such remuneration as the Board may determine.

5. (1) The appeal committee shall sit in one or more panels.

(2) A panel under paragraph (1) shall consist of—

(a) the Chairperson and 2 members of the appeal committee; or

(b) a Vice-chairperson, acting as chairperson of the panel. and 2 members of the appeal committee.

(3) The Vice-chairperson and members under paragraph (2) shall be designated by the Chairperson.

(4) A decision of a panel of the appeal committee shall be deemed to be a decision of the appeal committee.

6. The Chairperson, a Vice-Chairperson or member of the appeal committee shall, in relation to any matter before the appeal committee, in which he or any person related to him by blood or marriage has an interest -

(a) disclose the nature of the interest, in writing, to the other members of the appeal committee; and

(b) not take part in any deliberations of the appeal committee relating to that matter.

7. Where the Chairperson, a Vice-Chairperson or member of the appeal committee contravenes regulation 6, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

8.(1) The Board may appoint such persons as it thinks fit to act as secretaries of the appeal committee.

(2) A secretary appointed under paragraph (1) shall be paid such remuneration as the Board may determine.

9.(1) The appeal committee shall sit at such place and time as its Chairperson may determine.

(2) The appeal committee shall regulate its proceedings as it may determine and shall ensure that the proceedings are conducted in a manner which is consistent with the rules of natural justice and procedural fairness.

(3) The appeal committee may impose such time limit as it thinks fit for the determination of an appeal.

10. (1) The Authority shall extend such technical, administrative and secretarial assistance as may be necessary to enable the appeal committee to properly discharge its functions.

(2) Any staff of the Authority designated to extend technical, administrative and secretarial assistance under paragraph (1) shall be paid such remuneration as the Board may determine.

11. (1) A person aggrieved by a decision of a person specified in regulation 3 may, not later than 4 days from the date of the decision, file with a secretary of the appeal committee, at the seat of the Authority, a notice of appeal in the form set out in the Schedule and, at the same time -

- (a) serve a copy of the notice of appeal on the Horse Racing Division or a horse racing organiser; and
- (b) pay a non-refundable fee of 20,000 rupees to the appeal committee to hear the appeal.

(2) Where a person fails to lodge a notice of appeal within the delay specified in paragraph (1) and the Chairperson is satisfied that the failure was due to illness or other reasonable cause, the Chairperson may direct that the notice of appeal be filed within such reasonable time as he may determine.

(3) Where the Horse Racing Division or a horse racing organiser receives a copy of a notice of appeal under paragraph (1)(a), it shall, within 7 days and at its own cost, forward to the appellant and the appeal committee -

- (a) the transcript of the proceedings of the decision appealed against; and
- (b) any document or exhibit produced during these proceedings.

(4) An appellant under paragraph (1) shall, within 4 days of the receipt of the transcript, documents and exhibits under paragraph (3), file his grounds of appeal with a secretary of the appeal committee and, at the same time, communicate a copy of the grounds of appeal to the Horse Racing Division or the horse racing organiser.

12. (1) An appeal before the appeal committee shall be by way of a rehearing.

(2) The appeal committee may, where it finds it necessary in the interest of justice, admit new evidence that was not adduced before the person whose decision is being appealed against.

(3) The appeal committee shall not be bound by the rules of evidence but may remain guided by them on any matter it considers appropriate.

13. (1) For the purpose of an appeal before it, the appeal committee may -

- (a) require a person appearing before the appeal committee to give evidence either on oath or affirmation;
- (b) administer an oath, an affirmation or a declaration;
- (c) proceed in the absence of a party who, by notice, has been given a reasonable period of time to attend the proceedings;
- (d) from time to time, adjourn the proceedings;
- (e) summon a person to appear before the appeal committee to -
 - (i) give evidence; or
 - (ii) produce documents in the possession, custody or control of the person or persons named in the summons;

(f) order the inspection of a property provided that such inspection is relevant to the issue being determined.

(2) A person summoned to attend or to appear before the appeal committee as a witness shall have the same protection as a witness in proceedings before the Supreme Court.

14. Any person who -

(a) by any means, attempts to influence a decision of the appeal committee:

(b) tampers with, or intimidates, or attempts to tamper with or intimidate, any witness summoned to depose before the appeal committee;

(c) without reasonable cause -

(i) fails to attend a sitting of the appeal committee after having been summoned to do so;

(ii) refuses to take an oath before the appeal committee, or to answer fully and satisfactorily, to the best of his knowledge and belief, any question lawfully put to him in any proceedings before the appeal committee or to produce documents when required to do so;

(d) knowingly gives false evidence, or evidence which he knows to be misleading, before the appeal committee;

(e) at any hearing of the appeal committee -

(i) wilfully insults the Chairperson, a Vice-chairperson *or* member;

(ii) wilfully interrupts or disturbs the proceedings; or

(f) does any other act or thing that would, if the appeal committee were a court of law, constitute a contempt of the Court,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

15. (1) Any party to the proceedings before the appeal committee may be represented by a law practitioner who shall be allowed reasonable opportunity to present the case and, in particular, to inspect such documents which the appeal committee proposes to consider in determining the matter before it.

(2) Notwithstanding paragraph (1), where the appellant is an apprentice jockey, he may be represented by a trainer who shall be allowed reasonable opportunity to present the case and in particular, to inspect documents which the appeal committee proposes to consider in determining the matter before it.

(3) A law practitioner appearing before the appeal committee on behalf of a party shall have the same protection and immunity as a law practitioner, legal consultant or law firm has in appearing for a party in proceedings before the Supreme Court.

- 16.** The appeal committee may, upon hearing an appeal, against a decision of a stipendiary steward of the Horse Racing Division or an administrator of a horse racing organiser -
- (a) affirm, vary or cancel the decision; or
 - (b) remit the decision for reconsideration.
- 17.** A decision of the appeal committee shall -
- (a) be unanimous or, where there is disagreement among the members, that of the majority;
 - (b) be in writing and contain reasons for the decision;
 - (c) be delivered not later than 30 days from the date on which the hearing is completed before the appeal committee and
 - (d) be served on all parties to the proceedings before the appeal committee.
- 18.** The protection from liability under section 159 of the Act shall apply mutatis mutandis to every member of the appeal committee.
- 19.** The Gambling Regulatory Authority Appeal Committee (Decision of Administrators and Racing Stewards) Regulations 2020 are revoked.
- 20.** Notwithstanding regulation 19, an appeal that has, at the time of the coming into operation of these regulations, already been lodged under the Gambling Regulatory Authority Appeal Committee (Decision of Administrators and Racing Stewards) Regulations 2020, continue to be heard as if the Gambling Regulatory Authority Appeal Committee (Decision of Administrators and Racing Stewards) Regulations 2020 had not been revoked.

Made by the Minister on 18 July 2022.

SCHEDULE

[Regulation 11]

NOTICE OF APPEAL

**TO THE APPEAL COMMITTEE OF THE (S)A113LING
REGULATORY AUTHORITY**

(This form must be completed and lodged with the Secretary of the Appeal Committee not later than 4 days from the date of the decision)

Email address

For inquiries, telephone on +230 260 2000

Pursuant to the provisions of the Gambling Regulatory Authority Appeal Committee Regulations 2022, I hereby appeal against the decision specified hereunder, and on the grounds to be supplied within 4 days of receiving the transcript.

Name of appellant

Address

Telephone no. Mobile no.

Email address

Decision appealed against

Decision of a stipendary steward of the Horse Racing Division or an administrator of a horse racing organiser to suspend/disqualify/fine (name of licensed person) for breach of (insert rule) on (date of decision) and the penalty being (insert penalty details).

Are you being represented? Yes/No*

Details of person representing appellant

.....

Name

Profession

.....

Address

Mobile no.

.....

Telephone no.

.....

Email address

Is your appeal on the merits of the decision? Yes/No

Is your appeal against the penalty imposed? Yes/No

I, the undersigned, hereby agree to present the grounds of appeal within 4 days of receiving the transcript.

.....

Signature of appellant

1. Do you wish to produce evidence additional to what was given at the proceedings before the stipendiary stewards or other racing authority? Yes/No

2. If you propose to rely on any additional evidence, oral or written, notice of such proposal must be given to the appeal committee at least 5 clear days before the date of the hearing. Such notice must be in writing and attach an outline of any additional evidence and statements of any additional witnesses. Copies of all documents intended to be relied upon must be served on the other party at least 5 clear days before the hearing.

3. Do you require the presence for cross-examination at the appeal hearing of all or any of the officials who participated in the inquiry from which your penalty arose? Yes/No

4. If your reply to question no. 3 is in the affirmative, please identify the officials who you require to be present

(a)

(b)

Declaration

I, the undersigned, declare that all information given is true and that I understand that an application fee of 20,000 rupees must accompany this form and is non-refundable.

.....

Signature of appellant

.....

Date

OFFICE USE ONLY

Date

Received by

Receipt no.

Transcript received by

Grounds of appeal received by