

NALS

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA  
IN MISCELLANEOUS

SUIT NO. M.35 OF 1995

CORAM: THE HON. MR. JUSTICE THEOBALDS, J.  
" HON. MR. JUSTICE LANGRIN, J.  
" HON. MR. JUSTICE SMITH, J.

IN THE MATTER OF AN APPLICATION BY  
JAMES LONG FOR AN ORDER OF CERTIORARI

AND

IN THE MATTER OF AN APPLICATION BY  
JAMES LONG TO QUASH THE DECISION OF  
THE JAMAICA RACING COMMISSION MADE  
ON THE 13TH DAY OF APRIL, 1995 AT  
8 WINCHESTER ROAD, KINGSTON 10, IN  
THE PARISH OF SAINT ANDREW.

AND

IN THE MATTER OF THE JAMAICA RACING  
COMMISSION REGULATIONS.

Mr. B. Frankson for Applicant instructed by Gaynair and Fraser.

Dr. Lloyd Barnett and Mr. R. Ashenheim instructed by Dunn, Cox &  
Ashenheim for Respondent.

Heard: November 1 & 2, 1995

ORAL JUDGMENT

LANGRIN, J.

This is an application by James Long for an Order of Certiorari to quash the decision of the Tribunal of the Jamaica Racing Commission which on the 13th April, 1995 found the applicant in breach of Rule 200(2) of the Jamaica Racing Commission Rules 1977. The applicant's Jockey permit was suspended and the applicant was fined \$10,000.

The grounds upon which the application is based are:

- (a) The applicant was not given a fair and impartial hearing.
- (b) That the Jamaica Racing Commission expressed or demonstrated a bias against the applicant.
- (c) That the decision of the Jamaica Racing Commission is oppressive, unjust, null and void and in breach of the principles of Natural Justice.

The horse "Studhammer" on the 22nd March 1995 was ridden by the applicant. This was its first race ever. It did not finish in

the frame and out of a field of 13 horses it finished next to last.

After the race, the applicant explained to the trainer the problem encountered with the horse during the race.

On the 29th March, 1995, the Stewards of the Race Meeting summon the applicant to explain the riding of the horse as they were of the opinion that the applicant did not ride the horse in accordance with the provisions of Rule 200(2) of the Jamaica Racing Commission Rules.

After hearing evidence, The Tribunal found that the applicant was in breach of Rule 200(2) and that the way in which he rode the horse in this particular race there was no doubt in their minds that the applicant never attempted anytime throughout the race to allow the horse to run on its merit.

Mr. Frankson before us submitted inter alia that the Tribunal was bias in that it failed to take into account matters which it ought to take into account for e.g. the fact that the horse was lame and was unfit to be ridden despite the efforts of the applicant.

Indeed the Tribunal took extraneous matters into account for e.g. reviews of the meeting in relation to the horse.

Doctor Barnett - submitted that there was no procedural impropriety on the face of the Record and once there was a basis for the decision of the Tribunal the Court should not interfere.

Rule 200(2) of the Racing Rules states as follows:

"The rider of every horse shall take all reasonable and possible measures throughout the race to ensure that his horse is given a full opportunity to win or of obtaining the best possible placing in the race."

We have carefully examined the Records in respect of the allegations that the applicant was deprived of a fair and impartial hearing as well as the submissions of Counsel and we have found no procedural impropriety on the part of the Tribunal to justify our interference.

The power given to the Tribunal under Sec.25 of the Act is to investigate and if necessary to probe explanations with a view to ascertain the facts.

We agree with Dr. Barnett that it was within the powers of the Tribunal to test every explanation advanced in light of the film of the Race which was exhibited at the Tribunal.

We conclude that there was no error on the face of the record and that the applicant was not deprived of a fair hearing.

Accordingly the application is unanimously dismissed.

Costs awarded to the Respondent to be agreed or taxed.