

Appeal J H Bowman v RIU - Decision of Appeals Tribunal dated 9 February 2018 - Chair, Prof G Hall

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

**BEFORE AN APPEALS TRIBUNAL OF THE JUDICIAL CONTROL AUTHORITY
UNDER THE RACING ACT 2003**

AND IN THE MATTER of the New Zealand Rules of Racing

BETWEEN

James Hugh Bowman, Licensed Jockey

Appellant

AND

RACING INTEGRITY UNIT (RIU)

Respondent

INFORMATION: A10037

COMMITTEE: Prof G Hall (Chairman)

Mrs N Moffatt (Member)

APPEARING: Mr P O'Sullivan for the Appellant

Mr J Oatham, Chief Stipendiary Steward (Thoroughbred Racing) for the Respondent

DECISION OF APPEALS TRIBUNAL

[1] Mr Bowman was suspended from riding from the end of racing on 9 February up to and including 21 February (8 days) by a raceday committee of the JCA after he had admitted a breach of r 638(1)(d) (careless riding) in race 3 at the Auckland Racing Club's meeting on 27 January last.

[2] Mr Bowman filed a Notice of Appeal with the JCA on 30 January. The ground of appeal was that "the penalty is too severe".

[3] At a teleconference held on 2 February it was agreed that the appeal would be heard in Auckland on Friday 9 February. However, it was accepted that whether this appeal would proceed was dependent on the outcome of an appeal involving Mr Bowman that was being heard in Sydney on 5 February.

[4] The outcome of this appeal was that Mr Bowman's suspension was not altered.

[5] Mr O'Sullivan informed the Executive Officer of the JCA on the evening that the decision was delivered that Mr Bowman sought leave to withdraw his appeal.

[6] Rule 1006(1) provides: "An appellant may withdraw his appeal with leave of the Appeals Tribunal and on such terms, including as to payment of costs and expenses, as it sees fit to impose."

[7] After hearing from the respondent, the Tribunal delivered an oral decision that evening granting Mr Bowman leave to withdraw his appeal and invited submissions as to costs.

[8] We have received a submission from Mr Oatham who has stated that the RIU does not seek costs. We did not receive a submission from Mr Bowman.

[9] The filing fee is \$250. It is not clear whether this fee has been paid. If it has been paid, it is forfeited. If there has not been payment, we require Mr Bowman to pay the filing fee immediately upon his receipt of this decision.

[10] We make no order of JCA costs.

Dated at Gore this 9th day of February 2018.

Geoff Hall, Chairman

Penalty: