

## **BHA Disciplinary Enquiries**

### **Legal expenses insurance**

Subject to the claim meeting the conditions of cover, the legal expenses insurance provided by ARAG as part of NTF membership includes the legal costs of representation in a BHA disciplinary matter or an appeal from a racecourse decision (other than interference cases and charges brought under the safeguarding regulations – the policy excludes claims where there is an allegation against the member of assault, violence, malicious falsehood or defamation)

The insurance terms and conditions include that the claim must have a reasonable chance of success or of mitigating a guilty plea/penalty and the NTF member must notify the insurers immediately after first becoming aware that a claim has occurred or of circumstances which could give rise to a claim. More details can be found [here](#).

If you have any queries about the cover, then please either contact ARAG (as below) or Dawn Bacchus at the NTF office (01488 71729/mobile 07796316268).

The contact number to notify of a potential claim is 0330 303 1955 or download a claim form from [www.arag.co.uk/newclaims](http://www.arag.co.uk/newclaims). The policy number is 511236 and the start date of the scheme is 1st May 2014.

### **The interview/s**

When notified by the BHA that an investigation is underway, you may wish to have someone attend the interview with you. The NTF will not normally be aware that an investigation is underway unless advised by you.

If an insurance claim is accepted by ARAG, it may cover representation by an ARAG appointed solicitor at a formal interview or Dawn Bacchus or Paul Johnson are able to attend interviews with an NTF member, though this may not be possible due to other commitments, particularly at short notice.

An NTF representative or solicitor cannot, of course, answer questions put to you at interview or tell you what to say but by having early knowledge of a matter, a solicitor or NTF representative may be able to advise you as to potential disciplinary outcomes, further enquiries that could be made or suggestions as to steps to take to prevent future problems.

Even if you do not feel that it is necessary or do not wish to have someone attend an interview with you, members can, of course, ring the NTF for advice in connection with an investigation or enquiry.

### **The enquiry**

#### **Representation**

It is of course not essential for a trainer to be legally represented at all BHA enquiries and some enquiries are dealt with in writing without the trainer being required to attend at the BHA. It is important to ensure that your case will not be prejudiced by not attending the enquiry or not being represented and the NTF can advise upon this and liaise with the BHA.

## **External representation**

As mentioned above, the legal expenses insurance provided as part of NTF membership includes the legal costs of representation for responding to a disciplinary charge and at a disciplinary hearing – subject to meeting the conditions and terms of the cover and dependent upon the insurers accepting the claim for cover.

The insurers will wish to use solicitors or barristers appointed by them. If you wish to use a different legal adviser to the one appointed or likely to be appointed by ARAG, then you should raise this with them at the earliest opportunity for ARAG to consider.

Where a member has a BHA enquiry which is not covered by the legal expenses insurance and is looking to arrange external representation, the NTF can provide contact details to members for solicitors and barristers experienced in BHA matters including a direct access barrister. Direct access means that a member of the general public seeking legal advice or representation can, in certain areas of the law, go straight to a barrister rather than instructing a solicitor first.

## **Racecourse appeals and referrals**

Legal representation at appeals and referrals from raceday stewards' enquiries are covered subject to the normal term and conditions of the insurance cover.

However, the NTF nor the NTF members insurance scheme do not provide representation for trainers in "interference" cases as there will in most cases be NTF members on "both sides" although we are able to discuss the process of an appeal with members.

## **In-house representation**

Through its in-house legal executive, Dawn Bacchus, the NTF can offer representation at suitable enquiries. The final decision as to whether a matter is suitable for in-house representation will be made by the NTF executive taking into account the particular circumstances of the case and as to whether or not the matter is covered by the legal expenses insurance.

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