

# **Bradley v Jockey Club [2004] EWHC 2164 (QB)**

## **Case Overview**

Bradley, a former steeplechase jockey, was charged by the Jockey Club with various breaches of the Rules of Racing, specifically Rules 204(iv), 62(ii)(c), Rule 22(vii)(b) and Rule 220 (viii). Bradley was found to have provided confidential information for benefit or monetary reward. The matter was brought before a Disciplinary Committee which found certain charges proved and imposed penalties including an 8-year disqualification period. Bradley appealed this decision to an Appeal Board, which substituted the period of disqualification to five years. Bradley subsequently brought a claim against the Jockey Club in the High Court challenging the penalties imposed as disproportionate and unlawful. The practical effect of the penalties would have a significant effect on the livelihood of the claimant.

## **Background Facts**

The claimant, a former steeplechase jockey, held a jockey license from January 1982 until December 1989.

During his time as a jockey the claimant formed an acquaintance with three individuals who in 2001 were convicted and charged with the following offences: importation or supply of cocaine and involvement in a conspiracy to import cocaine. The claimant was called to give evidence at the trial of one of these individuals at the Southampton Crown Court. He disputed that his association with the individuals was in relation to drugs, but to the provision of information to a gambling organisation. On 18 June 2002 the claimant was notified by the Jockey Club that they intended to launch an inquiry related to matters arising out of the claimant's evidence. On 4 September 2002 the Claimant agreed to be bound by the Rules of Racing and obtained the right of appeal in the enquiry. The claimant was subsequently charged by the Jockey Club for breaches of the above-mentioned rules. The matter was heard before a Disciplinary Committee and appealed to an Appeal Board. A period of disqualification of five years eventually imposed on the claimant.

The claimant filed a claim against the Jockey Club in the High Court on contractual and non-contractual grounds.

## **Reasoning**

*Contract claim*

The claimant argued that he had a contractual relationship with the Jockey Club based on (a) his holding of a jockey licence and (b) exchange of correspondence with the Jockey Club in which the claimant consented to be bound by the Rules of Racing, in order to obtain the right of appeal. The claimant contended that there was an implied term in the contract that the Jockey Club would only impose a proportionate penalty. The Jockey Club disputed the existence of a contractual relationship between the parties. The Court found that a contractual relationship was constituted by the correspondence mentioned at (b) however, it rejected that there was a basis for implying that the Jockey Club would only impose a proportionate penalty. In the court's view, the clear intention of the correspondence was to make an appeal procedure available for any complaint about proportionately. Under the Rules of Racing the Disciplinary Committee and the Appeal Board decide what is a proportionate penalty.

#### *Non-contractual claim*

Under this head of claim the claimant argued that the penalty imposed would operate as an unreasonable restraint of trade. The claimant required access to racecourses and training yards to carry out his job as a bloodstock agent. This access would be severely curtailed by the penalties imposed. In considering this claim the court made clear that its role was strictly supervisory, its function being to determine whether the decision reached by the Appeal Board was lawful. The Court determined that in order to prove this head of claim the claimant would need to show that the Appeal Board's decision to impose a five-year disqualification fell outside its discretionary area of judgement.

#### **Outcome**

The Court was to act in a supervisory capacity with its function one of review. On consideration of the claimant's conduct, new witness evidence presented before the court, comparable cases in which penalties were imposed by the Jockey Club and the lawfulness of the Appeal Board's decision, the court stated that the Appeal Board carried out a *"careful balancing exercise, looking on the one hand at the important purpose served by the Rules and the seriousness of the breaches of those Rules, and, on the other hand, at the mitigation and at the impact of disqualification upon the claimant and his family"*. The court determined that the Appeal Board acted within its discretionary area of judgement in reaching its decision, and the claimant's challenge to the decision of the Appeal Board was rejected. The court accepted that a five-year period of disqualification was a proportionate and lawful penalty.