

British Horseracing Authority Governing Body Requirements

Section 1: Overview of governing body endorsements for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories of the Points Based System

This page provides a brief explanation of the endorsement requirements a sport's governing body has agreed UK sponsors of Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) - Creative and Sporting categories of the Points Based System must show.

The Tier 2 (Sportsperson) category is for elite sportspeople and coaches who are internationally established at the highest level and whose employment will make a significant contribution to the development of their sport at the highest level in the UK, and who will base themselves in the UK.

The Tier 5 (Temporary Worker) - Creative and Sporting category is for sportspeople (and their entourage where appropriate) and coaches who are internationally established at the highest level in their sport or will make a significant contribution to the development of their sport in the UK.

A sport's governing body is one recognised by one of the home country sports councils (for example Sport England). Every governing body must be approved by the Home Office before they are included in Appendix M of the Immigration Rules.

The application process explained: Migrants applying to come to the UK under either of the sporting categories above need to be sponsored by an organisation that has a sponsor licence under Tier 2 (Sportsperson) or Tier 5 (Temporary Worker) - Creative and Sporting.

If you wish to sponsor such migrants, you must have a sponsor licence. Before you apply to the Home Office for a licence you must be endorsed by the governing body for your sport. This endorsement confirms to the Home Office that the application for a licence is from a genuine sports club (or equivalent) that has a legitimate requirement to bring migrants to the UK as sportspeople. Once licensed, you can assign certificates of sponsorship to a sportsperson or coach with a job offer that allows them to apply for leave to enter or remain in the UK. Each individual must also have a personal endorsement from the governing body for their sport before you assign the certificate of sponsorship.

The list of governing bodies and the tiers for which they are currently approved by the Home Office is in [Appendix M](#) of the Immigration Rules.

Approved governing bodies will work within the Home Office [code of practice for sports governing bodies](#) and must comply with any immigration regulations, UK legislation and the principles of the Points Based System as detailed on the [GOV.UK](#) website.

Length of endorsement

Governing body endorsements should be issued for a period appropriate to the period of approval for sponsorship or the tier under which the migrant's application is being made, that is:

Type	Tier	Length of endorsement
Sponsor	Tier 2 (Sportsperson) and/or Tier 5 (Creative and Sporting)	4 years from date of issue
Migrant	Tier 2 (Sportsperson)	For an initial maximum period of 3 years, with a further extension of a maximum period of 3 years. If the contract is for fewer than 3 years, it will be issued for the length of the contract.
	Tier 5 (Creative and Sporting)	For the length of the contract or up to a maximum of twelve months, whichever is the shorter period.

Change of employment

If a migrant is intending to change employer, their new employer must request a new governing body endorsement. The endorsement can be issued for the length of the contract or to the maximum period permitted within the category, whichever is the shorter. The new employer must assign a new certificate of sponsorship to the migrant to allow them to apply to the Home Office for new leave to remain. Leave to remain must be granted before the migrant can start work with the new employer.

Salary

The salary should be agreed as part of the contract between the migrant and the sponsor. This and the other conditions of employment should be at least equal to those normally given to a resident worker for the type of work undertaken.

Supplementary Employment

Tier 2 & Tier 5 migrants are eligible to undertake Supplementary Employment under the Home Office Supplementary Employment Regulations (please refer to the [Tier 2 & 5 Guidance for Sponsors](#) – Supplementary Employment).

Section 2: Requirements

This page explains the British Horseracing Authority (BHA) requirements for the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting categories. The requirements are effective from 1 October 2019.

These requirements are applicable to Great Britain. Enquiries for Northern Ireland should be directed to the [Irish Horseracing Regulatory Board](#).

Consultation

The following requirements have been agreed by the Home Office following consultation between the BHA and the following industry bodies and parties:

- [National Trainers Federation](#)
- [National Association of Racing Staff](#)
- [Professional Jockeys Association](#)
- [Irish Horseracing Regulatory Board](#)

Review

The requirements will be reviewed annually. The next review will be in October 2020.

Length of season

Horseracing takes place all year round in Great Britain however, there are two types which are predominantly take place within the following season dates:

- Flat Racing – Runs from the end of March until beginning of November with Winter Flat season taking place in the intervening months
- Jump Racing - Runs from April to April

Requirements

The table below shows the endorsement requirements for sponsors and migrants.

Category	Requirement	
Sponsor Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting	Governing body endorsements will only be considered from individuals who hold a current BHA: <ul style="list-style-type: none">• Licence or Permit to Train;• BHA Ownership Registration and wishes to employ/retain the migrant Trainer/Jockey.	
Migrant Tier 2 (Sportsperson) and or Tier 5 (Temporary Worker) Creative and Sporting	Jockey (Professional)	Initial Application The jockey should have been issued with a licence, equivalent to a professional jockey's licence in Great Britain, from a Recognised Racing Authority *. Full details of any such licence and its period of validity should be submitted with the application.

	<p style="text-align: center;">Trainer</p>	<p>The jockey should also have ridden one or more 'pattern-class' winners (i.e. winners at group or grade 1, 2 or 3 level and listed races).</p> <p>An endorsement will be issued on condition that the jockey is issued a licence by the BHA.</p> <p>Injuries and suspensions</p> <p>In order to obtain the governing body endorsement, a clearance from the individual's most recent Recognised Racing Authority* will be required which confirms that the individual is not subject to a provisional/current suspension or subject to any unexpired period of ineligibility or Disqualification in any jurisdiction. as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence.</p> <p>Initial Application</p> <p>The trainer should hold a licence to train with a Recognised Racing Authority. This should be submitted with the application.</p> <p>The Trainer should also have trained one or more 'pattern-class' winners (i.e. winners at group or grade 1, 2 or 3 level and listed races) and the winners of more than 100 races under the Rules of a Recognised Racing Authority.</p> <p>If an overseas Trainer is having runners in Great Britain for more than 90 consecutive days, they will be likely to require a BHA Licence to train.</p> <p>Suspensions</p> <p>In order to obtain the governing body endorsement, a clearance from the individual's most recent Recognised Racing Authority* will be required which confirms that the individual is not be subject to a provisional/current suspension or any unexpired period of ineligibility or Disqualification in any jurisdiction as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence.</p>
<p>Tier 5 (Temporary Worker) Creative and Sporting Only</p>	<p style="text-align: center;">Entourage</p>	<p>Initial Application</p> <p>Entourage encompasses the support staff that are required to support the continuity of care and/or performance of a sports person/sports animal(s) and work as part of a seasonal operational team. Individuals will be undertaking a permissible role</p>

		<p>that is recognised under the BHA's Stable Employees Register.</p> <p>The only permissible roles are:</p> <ul style="list-style-type: none"> • Assistant Trainer • Head Lad/Lass • Stable Lad/Lass • Apprentice/Conditional Jockey • Work Rider <p>Individuals will have trained and/or worked as part of the operational team and demonstrate 6 months experience in a similar job. The latter should be demonstrated by submitting references from previous employers with the application.</p> <p>Staff normally required as part of the support team when the sports team/training operation is located in Great Britain for competition, pre-training, training or recovery. This is to be confirmed in writing as part of the application.</p> <p>Suspensions</p> <p>In order to obtain the governing body endorsement, the individual must not be subject to a provisional/current suspension or any unexpired period of ineligibility or Disqualification in any jurisdiction as a result of being charged with or found guilty of a corruption offence and/or a doping offence and/or another misconduct offence.</p>
<p>Extensions: The Jockey, Trainer or Entourage member must continue to meet the criteria for initial endorsement.</p>		
<p>Change of Employment: If Trainers, Professional Jockeys and Entourage staff are intending to change employer, their new employer must request a new endorsement to reapply to the Home Office. New leave to remain must be granted before the individual can change employers.</p>		

*Recognised Racing Authorities are defined under [Code 24](#) of the Rules of Racing.

Further information

This information is available on the BHA website at: www.britishhorseracing.com

In addition a link to the published information will also be provided on the National Trainers Federation website at www.racehorsetrainers.org and the Authority's Racing Administration website at www.racingadmin.co.uk.)

For any queries relating to the requirements or the endorsement process please contact:

The Licensing Team - Sponsor and Migrant Worker Endorsements (England, Scotland, Wales)

Telephone: 020 7152 0167

Email: licensing@britishhorseracing.com

Annette Baker - Appeals and Disputes (England, Scotland, Wales)

Telephone: 020 7152 0143

Email: abaker@britishhorseracing.com

As part of the wider communication plan to raise employer awareness of the change in procedures the BHA will:

- publicise the information in member newsletters;
- handle queries from their members escalating as needed;
- write to employers highlighting the changes and the various requirements of Tier 2 and Tier 5.

Information on visas and immigration is available on the www.gov.uk/browse/visas-immigration/work-visas website.

Dispute handling procedures

Where an application for an individual covered by the requirements for a governing body endorsement as set out for Tier 2 (Sportsperson) & Tier 5 (Temporary Worker- Creative and Sporting) has been refused on the grounds that the individual fails to meet the published requirements, the sponsor may seek a review of the application. The sponsor will have 21 days to request such a review. In these cases, the BHA will refer the sponsor's evidence to the Licensing Committee as set out below.

Where possible the sponsor's supporting evidence will be sent to the Licensing Committee in advance for their consideration in order to allow an informed decision.

Sponsors should note that, in respect of any application, there will only be one Licensing Committee available and the decision of the Licensing Committee is final. Sponsors should therefore ensure that all evidence it wishes to present in support of its application is presented to the Licensing Committee. If the sponsor has previously made an application that was unsuccessfully appealed to the Licensing Committee a further appeal cannot be requested for the same person during the year unless their status changes and they meet the requirements whereby a new application can be submitted.

a. The Review

The request for a review may only be made by the sponsor for whom the governing body endorsement has been initially rejected by the BHA.

A review shall be commenced by the appellant lodging with the Judicial Panel Secretary, a written notice of appeal within 21 days of the decision appealed against. The notice of appeal shall:

- i. set out details of the decision appealed against and, if the whole of the decision is not appealed against, identify that part of it which is appealed against;
- ii. set out in full the grounds of appeal and an appellant shall not be entitled to rely in any ground of appeal not set out in the notice of appeal; and
- iii. be accompanied by a deposit of £500. The Licensing Committee shall have discretion as to whether the deposit is returned.

The procedure for appeal will be in accordance with the BHA's Judicial Panels Code and the Panel shall be comprised as detailed below.

b. The Licensing Committee

The Licensing Committee will be appointed by the Judicial Panel Chairman, in accordance with paragraph 103 of the [Judicial Panels Code](#).

c. Power of the Licensing Committee

An endorsement request may be refused if the individual does not meet the relevant criteria set out in this document or fails to provide the mandatory documents. The BHA will notify an individual in writing of any endorsement request which is refused setting out the reasons for refusal.

An individual shall have 21 days from the date of the written refusal to submit an appeal in writing to the BHA. An individual may only appeal on the basis that the BHA have not applied the endorsement criteria correctly.

The Licensing Committee shall consider the appeal in accordance with the [Judicial Panels Code](#).

d. The Decision

The Licensing Committee will make a decision using the above criteria which shall be final and binding. There are no other grounds of appeal.

Section 3: Process for applying for an endorsement

How to apply for governing body endorsements for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker) Creative and Sporting applications

Governing body endorsements will be issued by the BHA's Licensing Team. Endorsement requests should be made to the Licensing Team who will then verify the information and approve the endorsement as appropriate.

Once approved, each employer will be provided with a unique number and written confirmation of their endorsement by the BHA to use when applying to the Home Office for registration as a sponsor.

For each migrant worker endorsed, the sponsor will receive a unique number in respect of the migrant worker and written confirmation, for the sponsor to use when applying to the Home Office for the registration of each worker.

Sponsors are required to keep copies of all paperwork relating to endorsements received from the BHA.