

# OWNERSHIP GUIDANCE NOTES

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## REQUESTS FOR REGISTRATIONS AS AN OWNER

1. These Guidance Notes should be read before completing the Application Form to which they relate. They are designed to assist but should any matter be unclear, applicants are encouraged to contact the Ownership Desk (01933 440077) for further confidential guidance.
2. Applicants are required to demonstrate or confirm that they are suitable (i.e. that they are 'fit and proper') to be registered.
3. It is also important that applicants understand their responsibilities under the [Rules of Racing](#) and, specifically, the Rules as they relate to Sole ownership (E)30A- (E)33.

## GENERAL SUITABILITY

4. In considering any application, the BHA must be satisfied that the applicant is suitable to be registered. Relevant considerations include the applicant's honesty and integrity and financial soundness.
5. In relation to each section below, the BHA expects full and frank disclosure from the applicant, who is required to disclose matters known to him/her and those which he/she can be expected to discover by making enquiries. Failure to do so will be a relevant factor in the assessment as to an applicant's honesty and integrity.
6. A person whose conduct, behaviour or character is not in accordance with that which, in the opinion of the Authority, should be expected of a registered person, may not be considered suitable and therefore may be refused registration.
7. In some cases a single factor may lead to the conclusion that someone is not suitable, whereas in another case the determination of whether someone is not suitable may depend upon the cumulative assessment of a number of matters.
8. It is not possible to produce a definitive list of all matters that would be relevant to a particular application. This document should be considered a guide as to the sorts of considerations that the Authority will have in mind when making such an assessment.

## HONESTY AND INTEGRITY

9. The criteria to which the Authority will have regard in assessing honesty and integrity include the following:
- a. Whether the applicant has been convicted of any criminal offence in Great Britain, or a foreign jurisdiction, excluding offences which are spent under the Rehabilitation of Offenders Act 1974 and in the case of foreign offences, such as may be appropriate. Particular consideration will be given to offences of dishonesty, fraud and those relating to sexual conduct, violence, animal welfare and health and safety.
  - b. Whether the applicant is the subject of any proceedings of a criminal nature, has been charged in connection with any alleged criminal offence or is aware of circumstances which may lead to his/her being so charged.
  - c. Whether the applicant has been the subject of any adverse finding by a judge in any civil proceedings, or has settled civil proceedings brought against him/her relating to any matter which could reasonably be said to materially affect his/her suitability to be registered as an owner.
  - d. The applicant's record of compliance with the regulatory requirements of the Authority or its predecessors, of any other Turf Authority or of a regulator of any other sport in which he/she has participated or has been otherwise involved.
  - e. Whether the applicant has been candid, open and truthful in all his/her dealings:
    - i. with the Authority in relation to the present or relevant past licence applications; and
    - ii. with any other Turf Authority or other sports regulator
  - f. Whether or not the applicant has been dismissed from any previous employment or position of trust or has been asked to resign or resigned on grounds connected with his/her honesty or integrity.
  - g. Whether an applicant has been convicted of, or dismissed or suspended from employment for drug or alcohol abuses or other abusive acts or has other lifestyle or social issues, which are likely either to render the applicant a threat to the health, welfare or safety of others involved in horseracing, or to the integrity of the sport.
  - h. Whether the applicant has engaged in conduct or there are circumstances which may render the applicant susceptible to pressure from persons seeking to corrupt horseracing and whether the applicant is likely to or may engage in such conduct.
  - i. An applicant's fitness and propriety includes assessment of the fitness and propriety of those with whom he/she is or may be associated or connected with in their personal or business dealings. For example, if the applicant has been a director or shareholder of a company that has committed a criminal offence, that matter will be taken into account and its ultimate relevance to his/her suitability will be assessed in the light of the applicant's responsibility (if any) in relation to that offence.

## **FINANCIAL SOUNDNESS**

### **10. Relevant factors include:**

1. Whether the applicant has been the subject of any judgment debt or award in Great Britain or elsewhere, which remains unpaid or was not satisfied within a reasonable period.
2. Whether the applicant has ever, in Great Britain or elsewhere, made arrangements with his creditors, filed for bankruptcy, had a bankruptcy petition served on him, been adjudged bankrupt, or been the subject of any other bankruptcy process (including any restrictions order or undertaking or sequestration of assets).
3. Whether the applicant has ever, in Great Britain or elsewhere, been a director of any company, or partner in any partnership, which has gone into receivership, liquidation (voluntary or compulsory), administration, voluntary arrangement or arrangement with its creditors.