WOON KWOK CHENG

v.

TAN SRI DATUK CHANG MIN TAT & 15 ORS.

HIGH COURT, PULAU PINANG
DATO' K.C. VOHRAH J.
CIVIL SUIT NO. 22-317-1991
26 FEBRUARY 1993

PRACTICE AND PROCEDURE: Plaintiff seeking declaration that decision of domestic tribunal disqualifying him from riding as a jockey is null and void - whether the action for declaration ought to be dismissed on grounds of delay on the part of the plaintiff in instituting the suit.

ADMINISTRATIVE LAW: Whether r. 144(a) of the Racing Rules invests arbitrary powers of punishment in the disciplinary body and is contrary to the principles of natural justice and invalid - Whether a domestic appeal tribunal is under a duty to give reasons for their decisions.

The plaintiff was a licensed jockey. Whilst riding in one of the Penang July (1990) races, he was dislodged from his horse. A dispute arose as to whether he had fallen from the horse or had deliberately jumped off his mount.

The 1st, 2nd and 3rd defendants were racing stewards and conducted an enquiry into the incident to determine what had actually occurred. After considering the evidence, they held that the plaintiff had indeed jumped off his mount and thereby had contravened r. 144(a) of the Rules of Racing of the MRA by failing to ride a horse on its merits. He was disqualified from riding as a jockey for 5 years effective from the date of the enquiry.

The plaintiff appealed to the Committee of the MRA. The members of the Committee were the 4th to the 16th defendants. The Committee reviewed the evidence and further studied the transcript of the proceedings of the enquiry and their written grounds of decision. Their finding was similar to the enquiry tribunal, the appeal was dismissed and the disqualification affirmed.

The plaintiff filed this action on 1 November 1992, around 1 year 10 months after his appeal was dismissed. The plaintiff sought:

> a declaration that the decision and finding of the enquiry and the Committee and the disqualification imposed on him is null and void, invalid and of no legal effect;
>
> the order of disqualification be set aside; damages.

The issues were noted to be as follows:

(1) The defendants claimed that there was undue delay on the part of the plaintiff in instituting an action in which a declaration is prayed for and the delay warranted a dismissal of the action.

2) Whether r. 144(a) of the Racing Rules under which the plaintiff was disqualified was contrary to natural justice because it did not provide for a maximum penalty and as such gave unlimited powers of punishment to the disciplinary body.

(3) Was the Committee of the MRA under a duty to disclose to the plaintiff their reasons in affirming the decision of the enquiry tribunal to disqualify the plaintiff.

Held:

[1] This action for a declaratory judgment is made in the context of O. 15 r. 16 RHC 1980. There is no case law to say that mere undue delay in seeking a declaratory judgment warrants a dismissal of the case. The claim is not yet time barred under the Limitation Act. If there are good grounds on which a claimant may succeed in his plea for a declaratory judgment, then even if there is delay which may be said to be undue delay, this itself cannot be a bar to the obtaining of a declaration.

[2] A reading of r. 144(a) shows clearly that the body that composed the rule considered the offence of not riding a horse on its merits as a serious offence. Therefore a minimum period of suspension was written in. The maximum penalty is not spelt out but it is obvious that leeway is given to the disciplinary body to impose a maximum of suspension for life. There is nothing improper in the period of suspension as long as the rules of natural justice are observed, there is procedural fairness at the hearing and the members acted honestly and in good faith. There is nothing in r. 144(a) which makes it plain that there is an intention to disregard the rules of natural justice.

[3] The answer to whether a domestic or statutory body is bound to give reasons for their decision is that it would depend on the circumstances of the case, whether an applicant would

be deprived of his livelihood, for instance. In the present case the plaintiff's livelihood is affected. But it is noted that the full transcript of the proceedings before the tribunals, the charge, the grounds of decision of the first tribunal, the previous convictions and the appeal papers have been seen by the Court and there is seen no patent or lurking defect which could vitiate the proceedings by reason of infringement of the rules of natural justice or of procedural unfairness. Thus there is no need for reasons to be supplied by the Committee.

[*Application dismissed with costs*].

Cases referred to:
R v. B.B.C. exp Laville [1983] 1 All E.R. 241 ***(dist)***
Law v. National Greyhound Racing Club Ltd. [1983] 3 All ER 300 ***(dist)***
Hogg v. Scott [1947] 1 All ER 788 ***(dist)***
Barnard & Ors v. National Dock Labour Board & Anor [1953] 1 All ER 1113 ***(foll)***
Pyx Granite Co. Ltd. v. Ministry of Housing & Ors. [1959] ***(foll)***
Dawkins v. Antrobus [1879] xvi Ch.D 615 ***(cit)***
B.Mahesan v. K.K.Lim [1987] 1 CLJ 525/[1987] 2 MLJ 160 ***(cit)***
John v. Rees & Ors. [1969] 2 All ER 274 ***(foll)***
Lee v. Showmen's Guild of Great Britain [1952] 1 All E.R. 1175 @ 1180 ***(foll)***
Rohana bte Ariffin & Anor v. Universiti Sains Malaysia [1988] 1 CLJ 559/[1989] 1 MLJ 497 ***(cit)***
R v. Gaming Board for Great Britain, exp Benaim & Anor [1970] 2 All ER 528 ***(cit)***
Breen v. A.E.U. [1971] 1 All E.R. 1148 ***(foll)***
Siemens Engineering & Manufacturing Co. v. Union of India AIR [1976] SC 1785 ***(refd)***

Legislation referred to:
Contracts Act 1950, s. 24(e)
Limitation Act 1953
Rules of the High Court 1980, O. 53, O. 15 r. 16
Limitation Act 1939 (UK)
Rules of the Supreme Court, O. 53, O. 59 r. 4(2) (UK)
Supreme Court Act 1981, ss. 31, 36(6) & (7) (UK)

Other sources referred to;
Halsbury's Laws of England (4th Edn., Reissue) p. 280, para 170

For the plaintiff - Karpal Singh; M/s. Karpal Singh & Co.
For the defendants - W.H.Tang; M/s. Ariffin & Partners.

JUDGMENT

K.C. Vohrah J:
The plaintiff was licenced by the Malaysian Racing Association (MRA) to ride as a jockey. On 29 July 1990 he took part in race 3 on the 4th day of the Penang July race meeting in the Penang Turf Club. In that race he was dislodged from his horse. The plaintiff claimed that he fell down from his horse in that race. This was disputed by the stipendiary stewards who claimed that the plaintiff had deliberately jumped off his mount.

The first, second and third defendants, all racing stewards, with the first defendant as chairman, held an enquiry on 6 September 1990 into the reasons the applicant became dislodged from his horse. They heard what the chief stipendiary steward and the plaintiff had to say and they viewed a film of the race. And the racing stewards found that the applicant had deliberately jumped off his mount. They held that he had contravened r. 144(a) of the Rules of Racing of the MRA for failing to ride his horse on its merits and disqualified him from riding as a jockey for 5 years with effect from 6 September 1990.

The plaintiff appealed to the committee of the MRA under r. 17 of the Rules of Racing disputing the finding that he had failed to ride his horse on its merits. The committee of the MRA that heard the appeal on 4 January 1991 comprised the fourth to the sixteenth defendants, with the tenth defendant in the chair. At the hearing of the appeal the committee had the benefit of the transcript of the proceedings of the enquiry conducted by the racing stewards and their written grounds of decision. The committee heard what the plaintiff and the chief stipendiary steward had to say and they viewed the film which the racing stewards had viewed at the enquiry. The committee dismissed the appeal of the plaintiff and affirmed the disqualification for 5 years imposed by the racing stewards on him.

In the suit filed by the plaintiff against all 16 defendants, the plaintiff prays, *inter alia*, for

(1) a declaration that the decision of the racing stewards' enquiry and the Malaysian Racing Association finding the plaintiff guilty and disqualifying the plaintiff from riding for five (5) years is null and void, invalid and of no legal effect;
(2) an order that the disqualification of the plaintiff from riding as a jockey for 5 years be set aside;
(3) damages;

At the hearing of the suit no oral evidence was adduced. Both Counsel relied on the affidavits which had been filed by both sides in the case relating to an interlocutory application which

had been abandoned. And the issues were reduced to three -

(1) whether the delay on the part of the plaintiff in bringing up the suit for a declaration warrants dismissal of the action;
(2) whether r. 144(a) of the Racing Rules under which the plaintiff was disqualified for 5 years and which provides for a minimum penalty but does not provide for a maximum penalty is contrary to natural justice and therefore invalid as it invests in the disciplinary body arbitrary powers relating to punishment;
(3) whether the committee of the MRA breached rules of natural justice by not giving reasons for arriving at their decision affirming the disqualification imposed by the racing stewards at that enquiry.

Delay in bringing up action for declaration

The plaintiff was disqualified by the racing stewards on 6 September 1990 and his appeal was dismissed by the committee of the MRA on 4 January 1991. The present action was filed on 1 November 1992, some 1 year 10 months after his appeal was dismissed by the committee of the MRA. The defendants say this is undue delay. On the other hand the plaintiff says there is an explanation for the delay; a writ was in fact filed earlier on 3 July 1991 after he had obtained the transcript of the appeal on 12 February 1991 but the writ was struck out on 17 October 1991 without the case having being heard on its merits; and this action was filed shortly after that, on 1 November 1992.

The defendants argue that the explanation given by the plaintiff is not good reason and they urge the Court to refuse to entertain the declaration sought for the plaintiff. The defendants rely on **Halsbury's Laws of England** (Fourth Edition, Reissue) p. 280, paragraph 170, to say that since there is undue delay on the part of the plaintiff to act promptly and since no good reason has been given by the plaintiff for the delay the action should be dismissed.

The reliance on the said paragraph 170 is, with respect, misconceived. The said paragraph 170 deals with rules and principles dealt with by O. 53 of the English Rules of the Supreme Court, and subsections (6) and (7) of s. 36 of the English Supreme Court Act 1981 on the matter of applications for judicial review. Order 53 statutorily backed by s. 31 of the Supreme Court Act enables a person seeking to challenge an administrative act or omission to apply in a single application to the High Court for any of the prerogative orders either jointly or in the alternative and, in appropriate circumstances, for a declaration or an injunction or damages.

Our O. 53 is, however, based on the old O. 53 of the English RSC 1965 and there is no power given under the order to grant a declaration or injunction and it is still saddled with procedural technicalities. In any event both the present English O. 53 and our O. 53 are not relevant for the present case (where the decision making process of two domestic tribunals created under the Rules of Racing of the MRA are challenged) as both Orders deal with judicial review of the decision making process of persons or bodies charged with the performance of public acts or duties and not the decision making process of domestic tribunals (see *R. v. BBC, Ex parte Laville* [1983] 1 All ER 241 and *Law v. National Greyhound Racing Club Ltd.* [1983] 3 All ER 300 in regard to the position under the English O. 53).

The present action for a declaratory judgment is made in the context of O. 15 r. 16. Save for the observation of Cassels J. in *Hogg v. Scott* [1947] 1 All ER 788 I have not been able to find any case to say that mere undue delay in seeking a declaration warrants dismissal of the case. Cassels J. at p. 792 took the view that a claim for a declaratory judgment might be dismissed for "considerable delay" on the part of the plaintiff in bringing his proceedings. The plaintiff's case was, however, dismissed on other grounds, that the plaintiff had waived his right to take proceedings and that the action was barred by the Limitation Act 1939. The observation of Cassels J. on "considerable delay" is at variance with the position taken in other cases where the time for challenging decisions of persons or bodies by the prerogative order of *certiorari* had lapsed and nevertheless the Courts entertained actions for declaratory judgments. I just need mention two of the cases. In *Bernard & Ors. v. National Dock Labour Board & Anor.* [1953] 1 All ER 1113 the plaintiffs claimed for a declaration against the National Dock Labour Board that their suspension from work was wrongful. Their action was instituted more than $2^1/_2$ years after that suspension and *certiorari* being limited to 6 months (under the old RSC O. 59 r. 4(2)) could not therefore lie. The High Court entertained their action and granted the plaintiffs a declaration that their suspension was wrongful and a nullity and this was affirmed by the Court of Appeal.

In *Pyx Granite Co. Ltd. v. Ministry of Housing & Ors.* [1959] the plaintiff asked the High Court to declare, *inter alia,* that it was entitled to carry on quarrying operations at its lands and that the conditions imposed by the Minister of Housing and Development and Local Government some 1 year 3 months before were invalid. The defendants argued, *inter alia,* that the High Court had no jurisdiction to entertain the application citing a provision of a particular law and further arguing that if at all the only remedy open to the plaintiff to challenge the Minister's decision was by way of *certiorari* (and therefore not available being limited to 6 months). The House of Lords rejected this contention and held that the case was a proper case to make a declaration.

There is no reason why a person seeking declaratory relief should be precluded from such relief merely on the ground of undue delay so long as the claim is not time barred by the Limitation Act 1953 or by any other legislation (and I have not been able to ascertain any). In the present case the suspension imposed on the plaintiff is current and will expire only in 1995. He is under a disability for so long as the suspension remains and if there are good grounds on which he can succeed in obtaining his declaratory judgment to nullify that disability imposed on him then the delay in filing his action for declaratory relief, even if the delay can be considered as undue delay, cannot be a bar to his obtaining the declaratory relief.

Whether Rule 144(a) is invalid as being contrary to natural justice

Rule 7(1) of the Rules of Racing gives power to the stewards to punish and reads:

> The Stewards shall have power to punish by fine not exceeding RM10,000 and/or suspend and/or disqualify any person, or disqualify any horse for any term.

When in the opinion of the stewards a horse has not been run on its merits, there is a minimum penalty. This is provided by r. 144(a) which reads:

> When in the opinion of the Stewards a horse has not been run on its merits they may disqualify the horse and may punish or disqualify the rider, the trainer, owner or any other person who in their opinion was a party to the horse not being run on its merits.
>
> *Penalties*
>
> 1. For the first offender, the minimum period of disqualification shall be twelve months.
> 2. For second offenders, committing the same offence within twelve months of regaining his licence, the minimum period of disqualification shall be two years. Before a renewal of licence after disqualification can be considered, a show cause by the applicant shall be required.

Counsel for the plaintiff while agreeing that contractually the plaintiff bound himself to abide with the rules of the MRA argues that if a rule confers power on a disciplinary committee which can be exercised arbitrarily then the power of punishment cannot be exercised in accordance with natural justice and therefore the rule is bad.

The validity of a rule may indeed be questioned as it was in *Dawkins v. Antrobus* [1879] xvi Ch. D. 615 (see also *B. Mahesan v. K.K Lim* [1987] 2 MLJ 160 where *Dawkins* was referred to). In *Dawkins* at p. 631 Brett LJ opined that the Court will not interfere against the decision of the members of a club professing to act under their rules, unless it can be shown either that the rules are contrary to natural justice, or that what has been done is contrary to the rules, or that there has been *mala fides* or malice arriving at the decision. In that case the plaintiff, a member of the club was expelled from the club by the committee for conduct injurious to the character and interests of the club under a rule which the plaintiff contended was void. The Court of Appeal held the rule was valid and Brett LJ held at p. 632 that not only was the rule properly passed but also that the rule was not improperly applied to the plaintiff.

In our case, as I understand him, Counsel for the plaintiff is not saying that r. 144(a) was improperly passed or that it was improperly applied to the plaintiff. He does raise the issue of the committee of the MRA not giving reasons for the decision the committee made but this is being dealt with later. In the context that powers can be exercised arbitrarily, I think what he is saying is that the rule (contractually extended to the plaintiff) invests arbitrary powers of punishment which excludes the application of the rules of natural justice to a domestic tribunal and the rule should therefore be voided. I am not sure if Counsel is predicating his view on the amorphous concept of "public policy", that the rule is opposed to public policy, it being contrary to s. 24(e) of the Contracts Act 1950 presumably. If that is his view I would advert to the observation of Megarry J. (as he then was) in *John v. Rees & Ors.* [1969] 2 All ER 274, where his Lordship

while inclining to the *obiter* view of Denning LJ in *Lee v. Showmen's Guild of Great Britain* [1952] 1 All ER 1175 at 1180 that public policy would invalidate any stipulation excluding the application of the rules of natural justice to a domestic tribunal stated at 308:

> Before resorting to public policy, let the rules of the club or other body be construed and in the process of construction, the Court will be slow to conclude that natural justice had been excluded. Only if the rules make it plain that natural justice was intended to be disregarded will it be necessary to resolve the issue of public policy.

I would like to adopt the approach of his Lordship and I do not think there is any necessity for me to deal with the issue in the context of public policy. Is there anything in r. 144(a) which makes it plain that there is an intention to disregard natural justice? Let us examine the nature of learned Counsel's complaint first. He says that the penal stipulation in r. 144(a) gives members of both the tribunals arbitrary powers and therefore the rule cannot be used to justify the suspension of the plaintiff. He argues that while the minimum period of disqualification is fixed at one year for first offenders and at two years for second offenders, the upper limit is not fixed and that that means "a penalty at large is involved". I understand him to mean that the members of the tribunals would have absolute discretion to impose any period of suspension provided the period is above the minimum period imposed by the rule and that the tribunals might impose a term of the suspension at the whims and fancies of the members comprising the tribunals.

It is quite obvious that the body that made the rule considered the offence of not riding a horse on its merits to be a serious offence and intended the offence to be severely dealt with and so provide a deterring effect on an offender and an eye opener to others. The rule makers were certainly entitled to this view and indeed they should be given every leeway to properly regulate and keep honest the conduct of races. The rule makers wrote in a minimum period of suspension which members of the domestic tribunal are compelled to impose if an offender is found guilty of the offence charged and the offender had committed the same offence within twelve months of regaining his licence (and obviously after the members have considered that no other longer period of suspension is suitable). On the other hand although, the maximum period is not spelt out it is quite obvious the maximum punishment an offender can receive is a suspension for life. True a suspension for life imposed on an offender means the offender will probably never ride the races of the MRA again. Whether the offender is suspended from riding for 1 month or for life the suspension will certainly affect his livelihood. But there is nothing improper whether the suspension is for one month or for life so long as the rules of natural justice are observed and there is procedural fairness at the hearing before the suspension is made. Of course members of the tribunal acting in exercise of the power vested by the rule must act honestly and in good faith. And there is nothing in the rule that excludes such proper exercise of the power to punish vested in the members. In between the minimum period and the maximum it would be for the members of the tribunal to apportion the punishment and that would be for the members of the tribunal acting honestly and in good faith to decide taking in account all the circumstances under which the offence was committed and whether the offender was a first, second or habitual offender. I do not see the powers invested in the domestic tribunal by r. 144(a) relating to punishment as intended to be exercised in disregard of natural justice. And I would like to point out that there is nothing in the pleadings, nor is that in issue, that the members of both the tribunals acted *mala fide* in the exercise of the powers of punishment. My view is that r. 144(a) is not invalid.

Non supply of reasons for decision

Counsel for the plaintiff has relied on *Rohana bte Ariffin & Anor. v. Universiti Sains Malaysia* [1989] 1 MLJ 497 to say that the appeal tribunal (the committee of the MRA) should have given reasons for their decision dismissing the appeal of the plaintiff against the decision of the racing stewards.

Is there a duty in tribunals to give reasons for their decisions?

In 1970 Lord Denning MR giving the judgment of the Court of Appeal in *R. v. Gaming Board for Great Britain, exparte Benaim & Anor.* [1970] 2 All ER 528 held that that while the Gaming Board for Great Britain are bound to observe the rules of natural justice in considering whether to issue a certificate of consent to an applicant under the Gaming Act 1968 including giving the

applicant sufficient indication of the objections raised against him such as to enable him to answer them however when the Board come to a decision the Board are not bound to give their reasons for their decision or to submit to cross examination as to any reason in fact given. Shortly after that case Lord Denning MR in *Breen v. A.E.U.* [1971] 1 All ER 1148 had something more to say about the giving of reasons by tribunals. It will be noted that in that case Denning MR and Edmund Davies and Megaw L. JJ. held that the district committee of a union exercising administrative functions were required to observe the rules of natural justice in that they had to act fairly in exercising their discretion to refuse approval of Breen as a shop steward. Edmund Davies and Megaw L. JJ. held on the facts of the case as accepted by the trial Judge that the district committee had not acted unfairly in exercising their discretion. Denning MR dissented and in the course of his judgment he gave his view on the need in some circumstances for tribunals to give reasons for their decisions (although in that case reasons were in fact given by the district committee to the plaintiff). It has to be pointed out as was done in *Rohana* that the two other Judges in the case did not disagree with Lord Denning's view. His Lordship observed:

> Then comes the problem: ought such a body, statutory or domestic, to give reasons for its decision or to give the person concerned a chance of being heard? Not always, but sometimes. It all depends on what is fair in the circumstances. If a man seeks a privilege to which he has no particular claim - such as an appointment to some post or other - then he can be turned away without a word. He need not be heard. No explanation need be given: see the cases cited in *Schmidt v. Secretary of State for Home Affairs* [1969] 1 All ER 904. But, if he is a man whose property is at stake, or who is being deprived of his livelihood, then reasons should be given why he is being turned down, and he should be given a chance to be heard. I go further. If he is a man who has some right or interest, or some legitimate expectation, of which it would not be fair to deprive him without a hearing, or reasons given, then these should be afforded him, according as the case may demand. The giving of reasons is one of the fundamentals of good administration. Again take *Padfield's* case [1968] 1 All ER 694. The dairy farmers had no right to have their complaint referred to a committee of investigation, but they had a legitimate expectation that it would be. The House made it clear that if the Minister rejected their request without reason, the Court might infer that he had no good reason: and, that if he gave a bad reason, it might vitiate his decision.

"Not always but sometimes. It depends on what is fair in the circumstances." That is the answer to the question whether a body, statutory or domestic, ought, to give reasons for its decision. I am not touching on the other matter discussed by Denning MR whether a person ought to be given a chance to be heard as that question does not arise here.

In the case of *Rohana bte. Ariffin* Edgar Joseph J. (as he then was) was acutely aware that whether reasons had to be furnished depended on the circumstances of the case. It will be noticed that his Lordship was very cautious (at p. 496) when he commented on a passage in the judgment of Bhagwati J. (as he then was) in *Siemens Engineering & Manufacturing Co. v. Union of India* AIR [1976] SC 1785 that every quasi-judicial order must be supported by reasons:

> With respect to Bhagwati J, I consider that if the requirement for reasons is essential for every quasi judicial order, then it would place administrative bodies in a very difficult position.
>
> But, having said that, I accept that there are certain cases where reasons for decision should be given ...

In *Rohana bte Ariffin* Edgar Joseph J. quashed the two separate decisions of the council of the university dismissing the appeals of both Rohana and another lecturer in the university against the decisions of the relevant disciplinary authority. The Court found several breaches of principles relating to natural justice and procedural fairness which vitiated the proceedings. It is in this context of the several breaches that the Court also held (his Lordship did expressly preface what he was about with the note that it was with regard to all the circumstances of the case) that a reasoned decision can be an additional constituent of the concept of fairness. The Court held that neither the disciplinary authority nor the university council gave reasons for their decision and the applicants were entitled to succeed on this ground in their application to quash their decision.

In the case before me there is of course no statutory obligation on the part of the said two domestic tribunals to furnish reasons for their decisions. Nor is there any provision in the Rules

of Racing or other rules of the MRA which requires the tribunals to furnish reasons for their decision save that the racing stewards may under r. 7(5) of the Racing Rules be required to do so by the committee.

True, the career of the plaintiff as a jockey was at stake at the proceedings before the tribunals and has been adversely affected by the decisions of both the tribunals but it has to be noted that the full transcript of the proceedings before the two tribunals, the charge, the grounds of decision of the first tribunal (comprising the racing stewards), the list of previous convictions and the appeal papers lodged by the plaintiff, against the decision of the first tribunal are all before the Court and they reveal no patent (nor is there any complaint of any lurking) defect which would vitiate the proceedings on the ground that it infringes any of the rules relating to natural justice or that there was procedural unfairness at the hearings before the tribunals. The tribunal sitting on appeal reviewed the evidence which was on record and viewed the same film of the race and heard the same witnesses including the Accused as the first tribunal and the members had also the benefit of the grounds of decision of the first tribunal and the list of previous convictions of the plaintiff. As regards the sentence the racing stewards stated in their grounds of decision that before coming to the sentence they had heard a plea in mitigation but at the same time they noted that he had a previous conviction under the same r. 144(a) on 24 October 1988 for which he was disqualified for 6 months. The racing stewards stated that in all the circumstances they imposed a disqualification of 5 years. The racing stewards being on the ground were the best judges of what the punishment ought to have been. When the committee of the MRA dismissed the appeal and affirmed the sentence it was clear they came to the same finding that the plaintiff had not ridden his horse on the merits and agreed with the disqualification imposed by the first tribunal, and as regards the punishment there clearly is nothing wrong in principle when the committee did not interfere with the disqualification imposed by the racing stewards.

I cannot agree therefore that the failure on the part of the committee of the MRA to provide reasons for their decision dismissing the appeal of the plaintiff and affirming the disqualification imposed by the racing stewards is a defect which vitiates the proceedings. There can be the case where a decision in proceedings before a tribunal is attacked on the ground of defects relating to natural justice in the proceedings. In such a case such faults would, on a *prima facie* basis, vitiate the proceedings. In that event the absence of reasons by the decision maker explaining or throwing light on the tribunal's decision merely confirms that the decision is bad. Here in the present case the transparency of the proceedings before both the tribunals reveals no defects relating to natural justice or procedural unfairness and there is no need for reasons to be supplied by the committee of the MRA for their decision even if requested for, though in this case they were not.

To conclude, I have not found any breach of the rules of natural justice or that there had been procedural unfairness in this case.

The plaintiff's claim is dismissed with costs.