

**APPEAL BOARD OF  
THE GREYHOUND BOARD OF GREAT BRITAIN**

**BETWEEN**

**CHRISTOPHER CRONIN**

**Appellant**

**And**

**THE GREYHOUND BOARD OF GREAT BRITAIN LIMITED**

**Respondent**

**Background**

1. This appeal was lodged by Christopher Cronin (“the Appellant”) by notice dated 5 December 2013. At the Appellant hearing the Appellant was represented by Mr Kevin Leigh of Counsel and the Respondent, GBGB, was represented by Mr Louis Weston of Counsel.
  
2. The Appellant in his appeal identified three separate appeals being:
  - (a) An appeal against the decision of the Disciplinary Committee made on 14 December 2010. On that date, after a 2 day hearing, the Appellant was reprimanded: fined £750 and ordered to pay costs of £10,000.
  - (b) An appeal against the decision of the Disciplinary Committee made on 1 November 2013 not to grant under Rule 163 a re-hearing of the hearing of December 2010.
  - (c) An appeal against the decision of the Disciplinary Committee made on 1 November 2013 to make an order of costs against the Appellant in the sum of £5,000.

### **Chronology (within GBGB)**

3. In December 2010 after a 2 day hearing the Disciplinary Committee reprimanded the Appellant: fined him £750 and ordered him to pay costs in the sum of £10,000.
4. Although there has been other litigation between the Appellant and GBGB (see paragraphs 7 and 8 below), the Appellant's application for a re-hearing under Rule 163 was the first application within GBGB Rules since the December 2010 decision. His application was not lodged until July 2013.
5. That application was heard by the Disciplinary Committee on 1 November 2013 and was rejected.
6. After the Disciplinary Committee had rejected the application under Rule 163, it then heard representations as to costs and made a costs order against the Appellant in the sum of £5,000.

### **Chronology (other litigation)**

- 7.1 In July 2011 GBGB issued a statutory demand against the Appellant. The Appellant then issued civil proceedings but in September 2011 these were struck-out. In January 2012 the Appellant had those proceedings reinstated but in March 2012 they were again struck-out. The Appellant was represented at that hearing.
- 7.2 The Appellant then lodged an application for permission to appeal the strike-out decision. This was refused on the papers but the Court of Appeal granted permission to appeal at an oral hearing when the Appellant was represented by Mr Leigh.
- 7.3 In May 2013 the Court of Appeal heard the appeal and in those proceedings the Appellant was represented by a QC and at least one Junior Counsel. In June 2013 the Court of Appeal handed down its Judgment and the appeal was rejected.
8. In July 2013 the Appellant commenced a second civil claim against GBGB. This was heard on December 2013 when the Appellant was against represented by Mr Leigh. That application was also struck-out.

## Earlier Directions

9. The Chair had made certain directions as to the conduct of the matter and it was proposed both in those directions and at the hearing that the matter would proceed on the following basis:
  - (a) The Appellant's appeal against the 2010 Disciplinary Committee would be considered first. In that matter the first consideration would be whether permission to appeal out of time should be granted and that issue would be dealt with as a preliminary matter.
  - (b) If permission to appeal out of time was granted, the appeal would be adjourned to a later date for the full appeal to be heard. The Chair anticipated that in those circumstances further directions would need to be given.
  - (c) If permission to appeal out of time was not granted, the Appeal Committee would then proceed to determine the appeal against the decision of the Disciplinary Committee not to grant a re-hearing under Rule 163.
  - (d) If the Appeal Committee decided to grant a re-hearing, the Appeal Committee would hear further representations as to the next procedural steps in that re-hearing process.
  - (e) If the Appeal Committee decided not to grant a re-hearing under Rule 163, the Appeal Committee would determine the Appellant's appeal against the award of costs made by the Disciplinary Committee on 1 November 2013.

## Preliminary Jurisdiction issues

- 10.1 Prior to the hearing, both GBGB and the Appellant in person had agreed that the first application (see paragraph 9(a) above) would be determined by the Chair alone.
- 10.2 However, during the course of the hearing Mr Leigh submitted that the decision to extend time limits should be heard by all three Members of the Appeal Board. He argued that Appeal Procedure Rule 1 stated that an appeal should be heard before a Panel of persons not less than 3 and not more than 5. He also submitted in the interest of fairness that the matter should be dealt with by the 3 Members and not the Chair alone.
- 10.3 Counsel for GBGB submitted that the decision as to whether time should be extended or not was covered by Rule 12 (i) and the jurisdiction was that of the Chair alone. Rule 12 (i) states:

*"12. The Chairperson of the Appeal Board may upon application of the Appellant or otherwise, make any order, give any direction or instruction considered necessary for the proper conduct of the proceedings, including but not limited to the following:*

  - (i) *Lengthening or shortening any time limit."*

11. The Chair considered this preliminary point of jurisdiction and determined as follows:

11.1 The Rules with regard to lodging appeals are governed by Rule 8:

*“A person wishing to appeal a decision of the Disciplinary Committee (“the Appellant”) shall lodge a Notice of Appeal where the GBGB Director of Regulation within 28 days of the date on which the decision appealed against was made. Any Notice of Appeal lodged outside this 28 day time period will not be considered.”*

In this case the Notice of Appeal was not lodged within 28 days.

11.2 Rule 12 permits there to be a lengthening or shortening of time limits. Such a decision is that of the Chair and the Chair alone.

11.3 Rule 1 covers the hearing of an appeal that has either been lodged within time or where the Chair has lengthened time limits. A decision to extend time or not to extend time must be determined by the Chair alone.

12. On a separate point Mr Leigh had submitted that this was a matter of such importance that in the interest of fairness the matter should be dealt with by a 3 person panel rather than the Chair alone. The Chair is not persuaded that the Rules can or should be varied on that basis.

The Chair alone then heard submissions as to the application to extend the time limits.

### **Application to extend time limits for lodging Notices of Appeal against the December 2010 Disciplinary Committee decision**

13. The Appellant had lodged his own lengthy grounds of appeal and a supplementary skeleton argument which dealt primarily with an application to appeal out of time.

14. Both Advocates agreed that this was a matter where the Appeal lodged in December 2013 with regard to a decision in December 2010 was out of time. The preliminary matter therefore to be determined by the Chairman was whether permission under Rule 12 (i) should be granted to extend the time limits.

## **Submissions of the Appellant**

15. On behalf of the Appellant it was submitted that the timetable of events was relevant and the following was drawn to the attention of the Chair:
  - (a) January 2010 the incident.
  - (b) December 2010 the disciplinary hearing. Findings were made but no reasons given.
  - (c) The Appellant asked for a re-hearing in February 2011, March 2011, June 2011 and August 2011.
  - (d) In July 2011 GBGB issued a statutory demand for the fine and the costs.
  - (e) In September 2011 the Appellant issued proceedings against GBGB and separately issued proceedings against the witness, Ms Teo, who was a vet who gave evidence in the disciplinary proceedings in December 2010.
  - (f) The claim against GBGB was struck out.
  - (g) January 2012 the claim was reinstated.
  - (h) 12 March 2012 the claim was again struck out. By that stage the Appellant was represented by Counsel, Mr Williams. Mr Williams also prepared a paper application for permission to appeal.
  - (i) An application for permission to appeal on the papers was refused. Subsequently Mr Leigh, who appeared today for the Appellant, made an oral application for permission to appeal to the Court of Appeal which was successful.
  - (j) In May 2013 the matter was heard at the Court of Appeal where the Appellant was represented by a QC and Junior Counsel. The Appeal was unsuccessful. A subsequent application for permission to appeal to the Supreme Court was made but refused.
16. In July 2013 the Appellant lodged his second claim against GBGB.
17. In December 2013 that application was dismissed after a hearing when the Appellant was again represented by Mr Leigh.
18. There were also separate proceedings brought by the Appellant in that he brought an action against the witness Teo (see paragraph 17 (e) above). This matter went to trial in March 2014.
19. In July 2013, in addition to the second civil proceedings the Appellant lodged an application under Rule 163 of the GBGB Rules for a re-hearing. The Appellant's advocate submitted that this was as a result of a comment made by GBGB

Counsel with the Court of Appeal proceedings. It was further submitted that he could not lodge the application before, in part because he did not have written reasons. It was also submitted that his legal team had not been advising him about the possibility of any further appeals or applications within the GBGB processes.

20. Mr Leigh on behalf of the Appellant drew attention to the following:
  - (a) Page 302 of the bundle – Letter from the Solicitors for GBGB to Solicitors for the Appellant dated 19 August 2011 including “*no appeal was lodged by your client and any such appeal is now out of time....*”
  - (b) Page 304 of the bundle – Letter dated 9 September 2011 from the Appellant to the Chair of the GBGB in which it starts in part “*I have been informed before by yourself and other Members of the Board that I had the right of appeal and chose not to take it. I chose not to take it on the basis that the whole appeal process is again a breach of Natural Justice ....*”
  - (c) Page 310 of the bundle – Letter from Solicitors for GBGB to the Appellant in reply to that letter stating “*Your letter is misconceived in both fact and law*”.
21. It was submitted that the Appellant did not appeal the December 2010 decision of the Disciplinary Committee because the Appellant was about to sue GBGB. It was submitted, that if the civil action had succeeded, the GBGB process would have been ruled unlawful. It was submitted that the Appellant had been a litigant in person and the GBGB spent a considerable amount of money. The Appellant had never been advised about the possibility of appealing out of time.
22. In May 2013, if the Court of Appeal case had been successful, litigation would have been remitted for a full hearing on the merits. The Appellant submitted that the subject matter of the appeal arguments had never been aired because the Court of Appeal determined that the case as pleaded was hopeless.
23. Further, the Appellant did not trust the GBGB. The Appellant did not think he would get a fair hearing. The Appellant’s advocate submitted that the Respondent’s advocate said in the Court of Appeal you can make use of Rule 163. The Appellant’s position was that he was comfortable with the civil proceedings and his legal team thought they had a good case in the civil proceedings. If the Appellant had succeeded the matter would have been at an end.
24. The Appellant also submitted that because a litigant chooses a particular route, that does not close other routes to that litigant.
25. The Appellant submitted that the Chair should also consider proportionality in the sense that the Appellant was impecunious and all his legal work had been handled on a Conditional Fee Agreement. It was submitted that his lawyers thought the

civil route was a good route and took the matter to the Court of Appeal. The Appellant's legal team thought they would be successful in the Court of Appeal but within a relatively short period of time thereafter the Appellant decided to pursue this under Rule 163 without legal representation.

26. The Litigant personally re-issued the proceedings in the Civil Courts and the Rule 163 Application. The Appellant felt that the GBGB had set themselves against him.
27. The Appellant submitted that discretion should be exercised in his favour and that the Appellant's life had been ruined unless the decision was overturned. His successful business had changed to no business and he was now living on State benefits. It was submitted that the challenged decision was an unpleasant finding to the Appellant and a matter of most importance to him with the sanction being draconian. Although there has been a long passage of time, that in itself should not be a bar to justice.

### **Submissions on behalf of the Respondent**

28. The Respondent submitted that the Appellant is bound by the Rules and he had had a fair hearing at the original Disciplinary Committee where he was represented in part by a Solicitor and Counsel. On 15 December the GBGB wrote to the Appellant drawing his attention to the 28 day time limit for appeal.
29. Attention was drawn to the Court of Appeal decision in *Cronin –v- GBGB (2013) EWCA Civ 668* at paragraph 19. It was submitted that the Appeal Board was bound by that.

*“In the present case, Mr Cronin complains that he was in no position to pursue an appeal to the AB because he did not know the reasons for the decision of the DC. Without having been provided with the reasons, he claims that he was unable to formulate grounds of appeal in accordance with the Rules. Thus, it is said he cannot be blamed for not having pursued an appeal and the potential availability of reasons following a determination by the AB is irrelevant.”*

*“I am wholly un-persuaded by this analysis. Even without being provided with reasons by the DC, Mr Cronin and his advisers must have been well aware that the stark conflicts of evidence had been resolved to his disadvantage .....*”

It was submitted that the Chair would be bound by that decision especially in circumstances where the Appeal Board deals with matters by way of review rather than by hearing new evidence.

30. It was the Appellant who chose not to appeal the December 2010 hearing until December 2013. It was submitted that there would be no basis to decide to give the Appellant another chance and no reason to grant the application.

31. In May 2013 at the appeal the Appellant was represented. Even at that stage the Appellant did not decide to apply for a re-hearing. It was submitted that there was no good reason to extend and the Appellant had been out of time since January 2011.
32. It was also submitted that the Appellant had in these appeal proceedings merely stated that the choice of litigation venue was on the basis that the Appellant was *“running the most favourable horse”*.
33. Although the Appellant stated that he thought that all at GBGB were jaundiced against him, in reality he had given up his licence and did not pay the costs. His litigation only commenced after proceedings had been commenced against him. The chronology presented by the Appellant does not help him and the Rules are clear and must be followed. The Appellant had 3 years to lodge an appeal which is more than enough time.

## Decision

34. The Chair considered all documents lodged and submissions made. By notice dated 5 December 2013 the Appellant amongst other things appealed against the decision of the Disciplinary Committee December 2010. For this appeal the Appellant will need permission to appeal out of time.
35. In reaching his conclusion the Chair in particular noted the following correspondence in December 2010 where the time limits were drawn to the attention of the Appellant. The Chair also noted the following correspondence:
  - (a) Page 280. Letter dated 15 December 2010 from GBGB to the Appellant - *“Should you wish to appeal the Disciplinary Committee’s decision you would be required to lodge your appeal within 28 days of the inquiry date....”*
  - (b) Page 302. Letter from Charles Russell of 19 August 2011 from Solicitors for GBGB to Solicitors for the Appellant – *“No appeal was lodged and any such appeal is now out of time”*.
  - (c) Page 305. Letter from the Appellant – *“I have been informed ... that I had the right of appeal and chose not to take it. I chose not to take it on the basis that the whole appeal and process is a breach of Natural Justice....”*
36. The Chair noted in his submissions today that Mr Leigh conceded that the Appellant chose not to exercise rights within the GBGB Rules because the

Appellant thought he would not get a fair hearing before the GBGB and the Appellant therefore decided to “*ride the most favourable horse*”.

37. The general rule is that an appeal must be lodged within 28 days and that period expired in January 2011. Any application to extend time is a matter of discretion. The Chair is not persuaded that discretion should be exercised in this case. The Appellant chose his method of litigation and therefore must take the consequences. It was a deliberate decision of the Appellant not to proceed by way of an application to appeal during the period between December 2010 and December 2013. He chose not to exercise his right of appeal until December 2013 and as such the Chair is not persuaded to exercise any discretion in his favour.

38. Although the Appellant states that hardship would be caused in the particular circumstances of this case any hardship is not enough to persuade the Chair to extend the time limit for lodging an appeal by a period of over 2 years, especially as the decision not to appeal seems to have been a conscious choice of the Appellant.

#### **Appeal against refusal to allow a re-hearing**

39. The Appeal Committee then sat as a Committee of 3 to determine the following:

- (a) The appeal against the refusal in December 2013 to allow a re-hearing.
- (b) The decision in December 2013 to order costs against the Appellant.

40. The 3 person Appeal Board then convened to hear the rest of this appeal. The first matter to be considered was the Appellant’s appeal against the Disciplinary Committee’s decision to refuse to allow him a re-hearing.

#### **Appellant’s submissions**

41. The Appellant’s advocate reviewed the appeal grounds lodged by the Appellant against the refusal to allow a re-hearing. Mr Leigh conceded that he would not be pursuing the grounds with regard to the blood test. That part of the appeal was abandoned.

42. Although there was substantial material before the Appeal Board and all matters were considered, the appeal focused on three particular areas:

- (a) Jurisdiction. Was the dog a greyhound?

- (b) The County Court decision in *Cronin –v- Teo*.
- (c) The Appellant’s other grounds of appeal (these were not developed by Mr Leigh but neither were they abandoned by him).
43. Mr Leigh submitted that the jurisdictional point was fundamental. The Disciplinary Committee were looking at an application to re-visit the jurisdiction and it is wrong for GBGB to take the point that it was not argued before the original DC other than some in passing discussion from the transcript. No Court other than Master Kay have considered the point.
44. It was never argued before the DC because Counsel did not argue the point in December 2010. The submission is that GBGB only has jurisdiction if contractually engaged with “*puppies within the regulation*”. Although the Appellant was a trainer within the regulations it was submitted that the puppy was not a greyhound because the sire and dam were not registered greyhounds and therefore the puppies were incapable of being greyhounds. Although this point was raised in November 2013, it was submitted that the DC did not give reasons for rejecting it in its decision.
45. The Disciplinary Committee in November 2013 were seized of the matter because it was raised on the papers even if not developed in oral application. Reference was made to the notes of the Chair suggesting the Appellant had given up this point but the Appellant sent an email confirming he had not done so. There was a requirement of the Disciplinary Committee to address the point and the Disciplinary Committee were wholly silent. The Disciplinary Committee therefore in November 2013 should have considered it and should have given a ruling on it.

### **Respondent’s argument**

46. Mr Weston on behalf of the GBGB submits that the assertions made by the Appellant are hopeless. He made specific reference to the decision of Master Kay in *Cronin –v- GBGB (case number H013X0372)* heard in December 2013 with judgment handed down 31 March 2014 with particular reference to paragraph 12(d):
- “In my view the argument that “greyhound” within the Rules does not, as a matter of construction, include a greyhound puppy, i.e. a puppy which is descended from a line of acknowledged greyhounds, is hopeless.... It has been submitted this hearing must proceed on the basis that a puppy is not a greyhound but, as a matter of construction of the Rules that submission is wrong”.*
47. Further, Mr Weston drew the attention of the Appeal Board to the decision of District Judge Molyneux at Southend County Court in January 2010:

*“The application is made because the Defendant says first of all, that the Defendant had no jurisdiction to deal with the matters himself and matters surrounding the events in January 2010 ... I find that, based on the Rules, the GBGB did have jurisdiction....”.*

48. Mr Weston also drew the attention of the Appeal Board to the opening note on behalf of the GBGB and the opening note on behalf of Mr Cronin at the original hearing in December 2010. At paragraph 1 of the opening note on behalf of Mr Cronin, Mr Cronin’s lawyer stated “...an inquiry ... would be held into the welfare of a number of greyhound puppies ... which were within Mr Cronin’s care in January 2010”.
49. Mr Weston also drew the Appeal Board’s attention to the statement of Helen Shaw, the owner of the bitch, “Angel of Love”. In her statement at page 451 she makes reference to litters of greyhounds. Mr Weston also drew the Appeal Board’s attention to the statement of Mrs Mort, Keeper Greyhound Stud Book and Secretary of the National Coursing Club who confirmed at page 453 *“I confirm that the greyhound, Lenson Joker was registered with the Greyhound Stud Book, and as a Stud Dog, on 24 March 2010. His status as a Stud Dog was retrospectively registered for 2009 as well, as he already had a litter. This is not against our Rules, which say he must be registered for the period during which mating takes place, but obviously is not best practice.”*
50. Mr Weston also stated that the charges relates to puppies and 151 (ii) to disrepute. He also drew attention to the definition of a greyhound being under Rule 22 *“Greyhound – definition – the term greyhound shall include dog or bitch”*. Further, Rule 23 makes no reference to the greyhound being registered. Further Rule 24 is about registration not about whether a dog is or is not a greyhound. He submitted that registration has its own criteria and backdating is to allow registration. Mr Weston submitted that the Disciplinary Committee had decided correctly and that jurisdiction was not raised in December 2010. This is a matter where Rule 163 application for a re-hearing should not be used as a method to re-open the matter by way of appeal. The point was not taken in 2010 and some of the puppies are racing currently as greyhounds. This point had been argued and dismissed previously both on the law and on the facts.

### **Appellant’s reply**

51. Mr Leigh stated that a slip rule should apply and pertinent information was not previously available. The Appeal Board should make a just decision. The point about jurisdiction was not picked up either by the GBGB or the Appellant and Rule 163 is wide enough to encompass it. Mr Leigh stated that Mr Cronin’s skeleton did not concede the point and that Master Kay’s decision was wrong. He submitted the dog is a greyhound only if it is capable of being registered.

### **County Court Judgment**

52. The second area of focus was the recent County Court Judgment in the matter of Cronin –v- Teo. Ms Teo was the vet who gave evidence at the original proceedings in December 2010.

### **Appellant's submissions**

53. The Appellant submitted that the case in the Civil Court had given rise to a liability in favour of Mr Cronin (the Appellant) against Ms Teo (the vet). The issue of quantum had been adjourned to 1 May.
54. Mr Leigh submitted the finding was that on Wednesday 27 January there was a breach of contract by Ms Teo in that she failed to notify Mr Cronin of the possibility of canine distemper. This should have been told to the Appellant and that would have enabled him to get another vet to examine. The failure to do so prevented him from getting independent evidence which could have been adduced at the DC hearing in 2010.

### **Respondent's submissions**

55. Mr Weston on behalf of the GBGB stated that the Appeal Board could not consider new evidence. The Appeal Board deals with this matter by way of review only. The DC was in a position to weigh up the evidence and the appeal body is not in a position so to do. It was submitted that a review of a hearing in December 2013 cannot be based on matters which occurred thereafter. Further, the point raised evidentially does not assist the Appellant. The mere fact that the Appellant was not told about distemper would not impact on the analysis of the evidence presented with respect to the particular charges laid.

### **Appellant's other submissions**

56. The advocate for the Appellant was asked whether he wished to develop any of the further 5 grounds of appeal identified within the Appellant's own appeal. Mr Leigh indicated that he did not do so but they were not abandoned by the Appellant. He confirmed that they were as follows:
- i. The conduct of the DC (paragraphs 8 to 32 of the appeal).
  - ii. The presentation (paragraphs 33 to 44)
  - iii. The second witness statement (paragraphs 44 to 75).
  - iv. Missing tests (paragraphs 74 to 116)

### **Respondent's submissions**

57. The Appellant was given the opportunity to advance his “other” submissions orally and did not do so. The Respondent submitted that the second witness statement was sent to the DC on 3 December and is referred to in the transcript at paragraph 47. It was therefore before the DC when they came to their decision.
58. Further, the Respondent submitted that the point with regard to missing tests was an error in a skeleton argument presented during other litigation and is not a live issue.
59. The Respondent further submitted Ms Teo’s notes were known of in cross examination at the time of the hearing in 2010. Mr Cronin was represented at those hearings and they were not asked for and there was no request to adjourn. In addition, the notes do not show any great difference in evidence and do not support the submissions made by the Appellant. Those notes would not have disturbed the DC decision in 2010.
60. The Respondent further submitted that the two experts gave evidence which was almost unchallenged.

## **Costs**

61. Both parties were invited to make submissions both as to the costs of the DC hearing and submissions as to costs (if any) of the Appeal Board hearing. It was made clear that no such consideration would arise unless the Appellant’s appeal were to fail.

## **Appellant’s submissions as to costs**

62. Mr Leigh initially submitted that there was no jurisdiction for the DC to make a costs order nor for the Appeal Board. Rule 164 only gives power to award costs when there is an inquiry. If the re-hearing is not granted there is no inquiry.
63. Mr Leigh also submitted that any costs order should affect the ability to pay. In addition it is submitted that the costs were not a punishment and reference was made to *Davis –v- SRA*. Regulators in other jurisdiction look at the ability of a Member to pay as a relevant factor in determining cost orders.
64. With regard to quantum Mr Leigh submitted that if a costs order is to be made for today’s proceedings the figures produced by GBGB are excessive and should be reduced by 50%.

### **Respondent's submissions as costs**

65. The Respondent submitted that if an application is made to re-open an inquiry it must relate to an inquiry and therefore there must be jurisdiction. The Rule gives the Disciplinary Committee the discretion to order costs "*relating to an inquiry.... in such sum and in such proportions as the DC may direct*".
  
66. Mr Weston also drew the Appeal Board's attention to Rule 20 of the Appeal Board Rules granting the Appeal Board the same powers available to the Disciplinary Committee.
  
67. With regard to the *SRA –v- Davis*, Mr Weston drew the Appeal Board's attention to the fact that this appeal is private law rather than the statutory law of the Solicitors Disciplinary Tribunal. In this matter the Respondent agreed to be bound by the Rules. Further, in the case of *Davis* the Solicitors were not "*volunteers*" to the process. In this appeal and before the DC, Mr Cronin has chosen to challenge the GBGB in a manner which contains serious reputational issues for the sport and for GBGB.

### **Appellant's response**

68. Mr Leigh stated that the *SRA* was a case where they did elect disciplinary proceedings and that civil proceedings means are not relevant but in disciplinary proceedings they should be.
  
69. With regard to quantum Mr Leigh suggested there were no specific details about the work that the Solicitors had undertaken or why. Mr Leigh suggested that the claim for costs should be reduced by 50%.

## Decision of the Appeal Committee

70. This appeal is dealt with by way of review of the decision made by the Disciplinary Committee in December 2013. Two matters from that are left to decide:
- (i) A review of the decision of the Disciplinary Committee not to re-open the matter i.e. a refusal to re-open under Rule 163.
  - (ii) A review of the decision of the Disciplinary Committee to make an order for costs against in the sum of £5,000 in 2013.
71. With regard this appeal the advocates focused on three areas:
- (i) Jurisdiction. What is the definition of a greyhound?
  - (ii) The County Court Judgment in *Cronin –v- Teo*.
  - (iii) The other appeal grounds of the Appellant.
72. Greyhound. The Appeal Board reminded itself that it was merely here to review the decision of the Disciplinary Committee. The Appellant's arguments were firstly that the GBGB had no jurisdiction because the puppy was not a greyhound and, secondly, that no adequate reasons were given by the Disciplinary Committee in 2013 on this point.
73. With regard to the assertion that there is no jurisdiction because the puppy was not a greyhound the Appeal Board find no grounds to criticise the decision of the Disciplinary Committee. The Appeal Board noted the decision made by Master Kay as quoted at paragraph 49:
- "In my view the argument that "greyhound" within the Rules does not, as a matter of construction, include a greyhound puppy, i.e. a puppy which is descended from a line of acknowledged greyhounds, is hopeless.... It has been submitted this hearing must proceed on the basis that a puppy is not a greyhound but, as a matter of construction of the Rules that submission is wrong".*
74. With regard to the reasons of the DC in 2013 it does seem that the jurisdictional point was not part of the reasons. However, there is some divergence as to whether the appeal was or was not abandoned. During the course of the Appeal Board proceedings reference was made to an email where the Appellant confirmed that he had not abandoned it. However, from the DVD of the proceedings all 3 Members of the Appeal Board this argument was not developed. In any event from our reasons above we have made it clear why the jurisdiction point was bound to fail and does.

75. With regard to the County Court Judgment this resulted in a recent decision of proceedings brought by Mr Cronin against Ms Teo. As such this was not material before the DC in December 2013 and therefore cannot be part of any review. The County Court Judgment would be new evidence. However, the Appeal Board was also satisfied on the basis of the material presented to it today, that the County Court decision would not have persuaded the Disciplinary Committee to permit a re-hearing. The decision such as it was disclosed to the Appeal Board does not impact on the key allegations that had to be considered by the DC in December 2010.
76. The Appeal Board noted and understood why these were not developed by Mr Leigh on behalf of the Appellant. . The Appeal Board saw no merit in any of the arguments that were raised by the Appellant in person but not developed by his advocate.
77. The Appellant's appeal against the refusal to allow a re-hearing is dismissed.

### **Costs**

78. The Appeal Board heard arguments with regard to costs on the following basis:
  - (i) The DC and therefore the Appeal Board had no jurisdiction as there was not an inquiry.
  - (ii) The Appellant's means should be taken into consideration and no order for costs made at all.
79. The first matter referred to in the Appellant's grounds of appeal as to costs related to the costs order made in December 2010. As the Chair has already ruled that an application for an appeal out of time has been refused the Appeal Board has no jurisdiction over this.
80. The Appeal Board determined that an application under Rule 163 must be an application that relates to an inquiry. If it does not relate to an inquiry it relates to nothing. Therefore the DC had jurisdiction to make a costs order in December 2013 and the Appeal Board has jurisdiction to make a costs order. As such the jurisdiction argument raised by the Appellant is rejected.
81. With regard to the Appellant's means the Appeal Board distinguishes this matter from the case of *Davis –v- SRA*. That related to a statutory framework where the

solicitor was not a volunteer in the proceedings. In these proceedings Mr Cronin had agreed to be bound by the GBGB Rules and, with regard to the proceedings in December 2013 and the proceedings today, these are brought of his own choice. In those circumstances while the Appeal Board notes his financial circumstances the Appeal Board takes the view as follows:

- (i) There was no reason to interfere with the DC's costs order.
- (ii) With regard to these proceedings the Appeal Board rules that a costs order should properly be made against the Appellant.
- (iii) The Appeal Board has summary assessed the costs at £12,500.

82. Further, when these proceedings were lodged the Chair waived the appeal fee. That decision is properly to be considered by the Appeal Board today. The Appeal Board rules that that fee of £750 should be paid.

**Conclusion**

83. The result of this appeal is therefore as follows:

- (i) The Appellant's application for permission to appeal the December 2010 DC hearing out of time is refused by the Chair.
- (ii) The Appellant's appeal against the refusal of the DC in December 2013 to re-hear the matter under Rule 163 is refused.
- (iii) The Appellant's appeal against the costs order made by the DC in December 2013 is refused.
- (iv) The Appeal Board orders the Appellant to pay the sum of £12,500 for this failed appeal.
- (v) The Appeal Board orders the Appellant to pay the sum of £750 for the appeal fee in this matter.

Signed: .....

Dated: .....