



EQUESTRIAN SPORTS  
NEW ZEALAND

# The Judicial System of Equestrian Sports New Zealand

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The Role of the ESNZ Official

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# ESNZ's General Regulations and Discipline Rules

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**Every competitive sport has rules and regulations which it is governed by. Primarily they are in place to ensure a level playing field as well as protecting the welfare and health and safety of horse and rider.**

The role of the ESNZ Official is to have knowledge of the rules and regulations and know how to apply them so that horse welfare and health and safety are prioritised and no one competitor receives an advantage

Ground Jury: At ESNZ events a Ground Jury is made up of qualified ESNZ Judges, appointed to control a Competition or Event. The number and category of Judges to be appointed as members of a Ground Jury for an Event are determined by the discipline's rules.

The principal duty of the Ground Jury is the technical judging of all competitions and the determination of their final results. It is up to the Ground Jury to solve all the problems that could arise during its jurisdiction period.

Initially, any protest made, during a competition, or any complaint that is in regard to a particular competition, is directed to the Ground Jury appointed to control that competition. The Ground Jury's role is to then deal with the matter promptly and fairly. Should the person laying the protest or complaint not be satisfied with the decision made by the Ground Jury, they have a right to appeal the decision and this appeal would then be taken to the Appeal Committee for the Event.

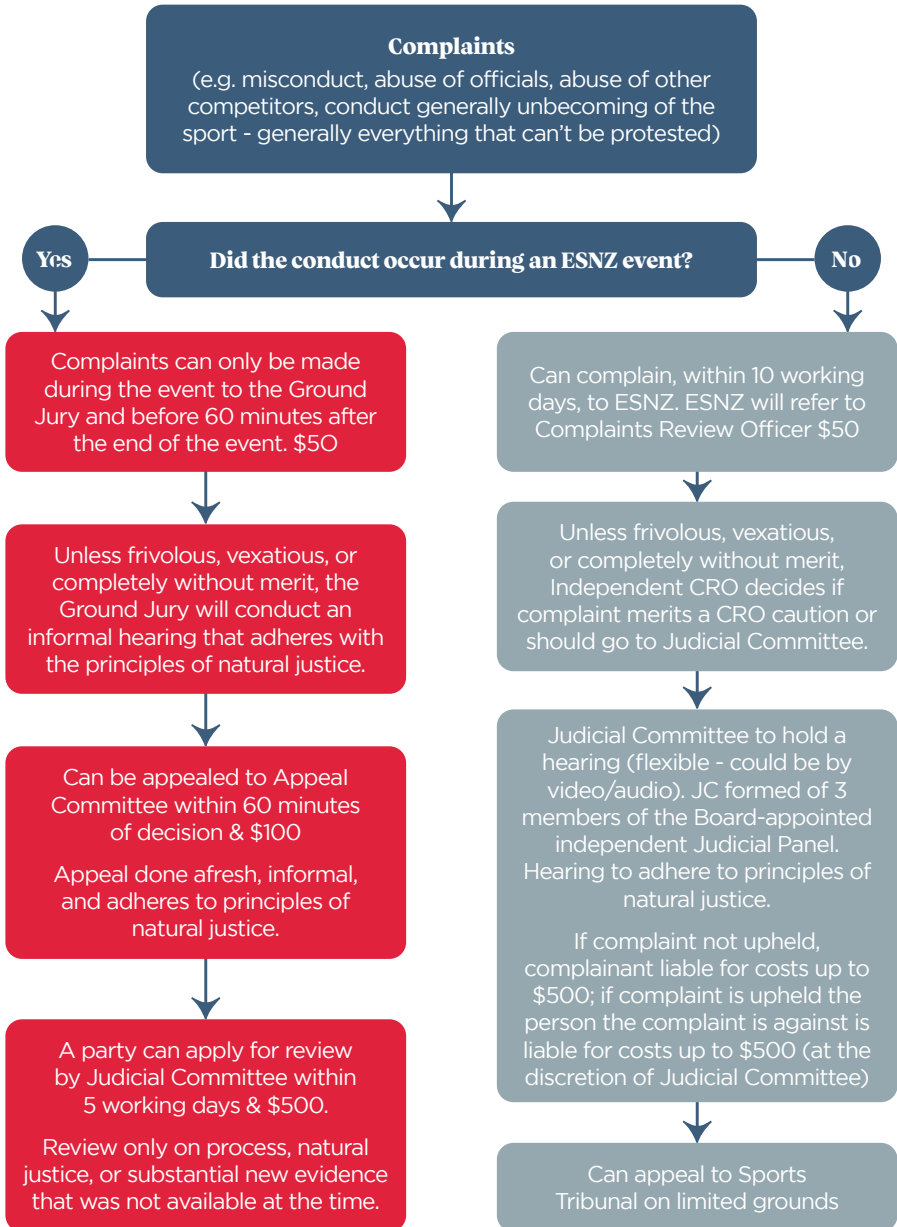
# Dealing with protests and complaints

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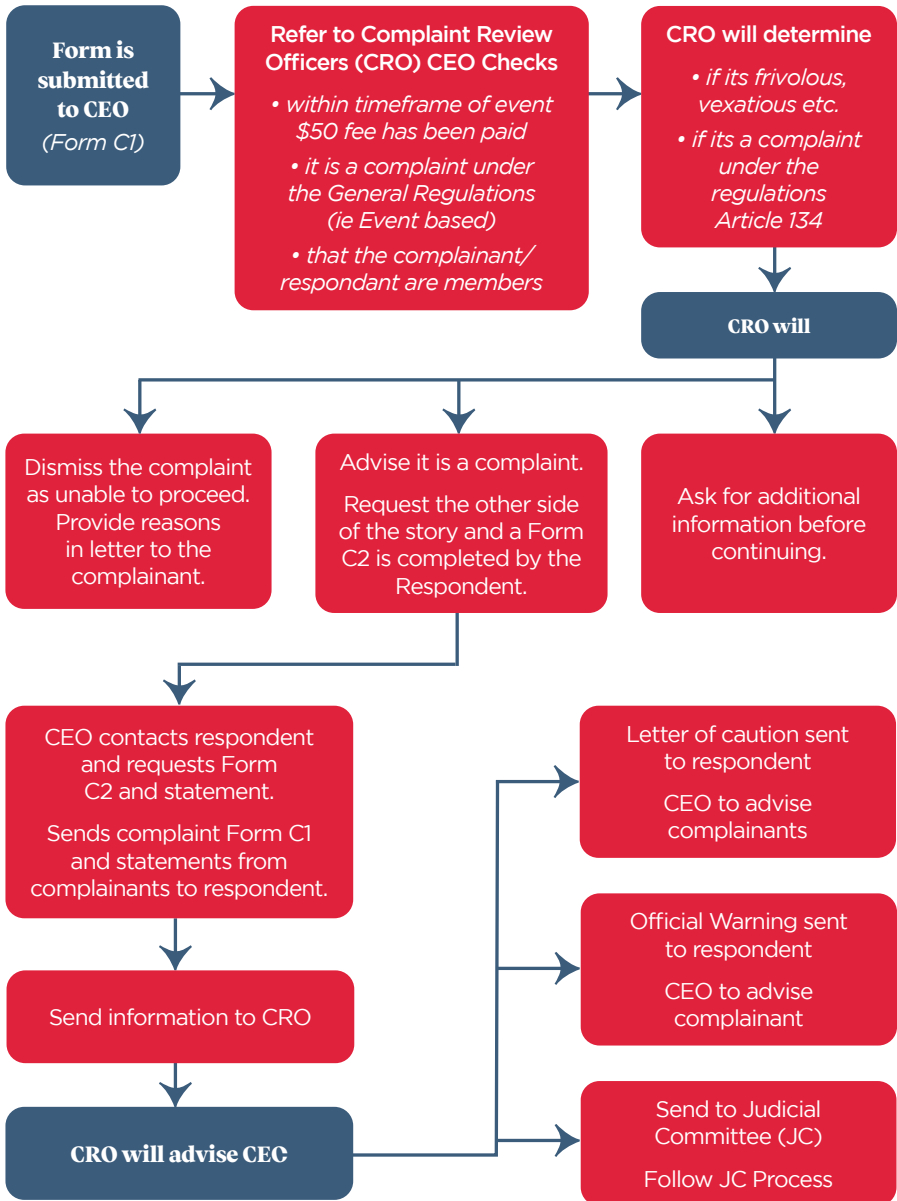
## Some important points for Ground Juries in dealing with protests.

- As a Ground Jury member, at an event, who may have the job of dealing with a protest situation, it's important to remember that your decision can have an effect on a result, that could have lasting repercussions for one or more competitors.
- It's vital that the sports' rules are being upheld but also that health and safety and welfare of the horse and rider are put above any aspirations, however great or small they may be.
- Your job is always to apply the rules so that there remains a level playing field, at all times.
- Always remain impartial.
- Be professional and calm at all times.
- Never put anyone down or criticise anyone's actions.
- Never offer a view or opinion until you've heard both sides of the story.
- Listen to understand. Listen to analyse. Listen to seek clarity.
- Make sure you have fully heard both sides of the story, and gathered any supporting evidence supplied, before discussing, as a Ground Jury, privately and without interruption (and make considerations if the competition is still taking place).
- Check rules. Check schedules. Check Event/Competition conditions.
- The person putting in the protest or being protested about has a fair opportunity to be heard on the matters in issue.
- Be empathetic – put yourself in their shoes.
- You are always part of a team – never act alone.
- You are free from bias (including apparent bias) or pre-determination.
- Perception can often be mistaken for reality so be careful to avoid perception.
- It is important that any decision maker is as independent as possible, and conflicts of interests are minimised.
- Don't be in a hurry to leave the event as a protest decision needs careful consideration that is not rushed.
- Consider whether the issue gave an advantage or disadvantage.
- Consider the outcome options as the solution may not always be black or white.

# Complaint flow chart

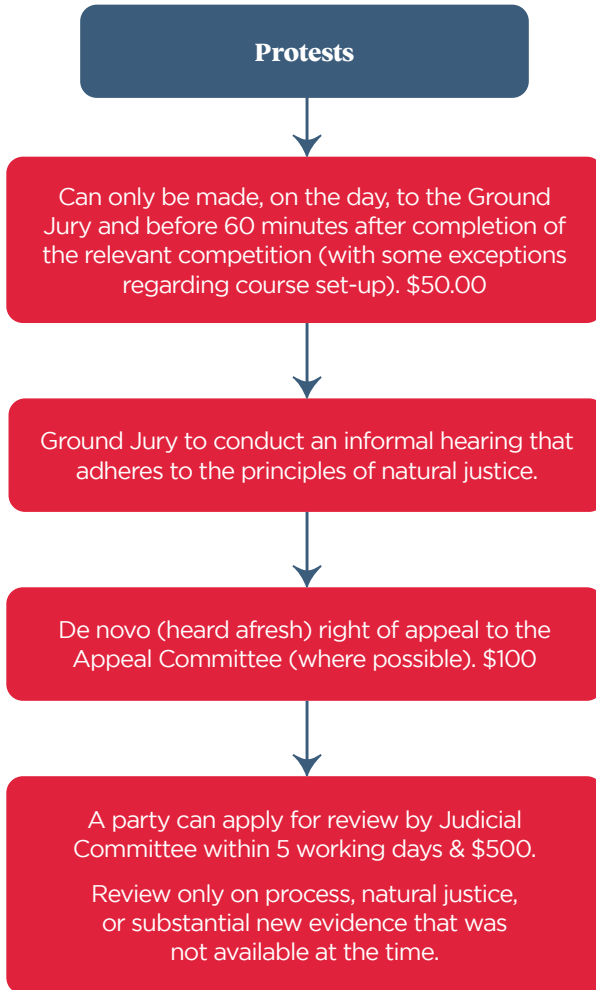


# Complaint process

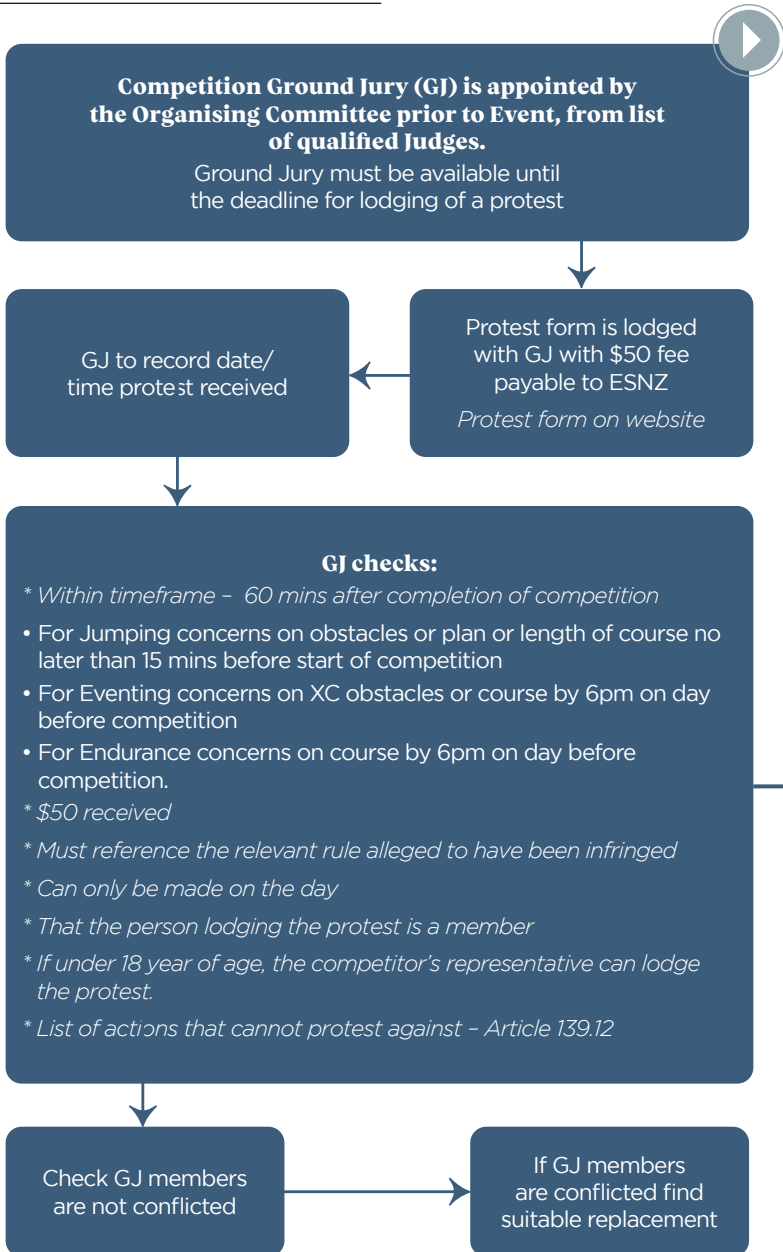


# Protest flow chart

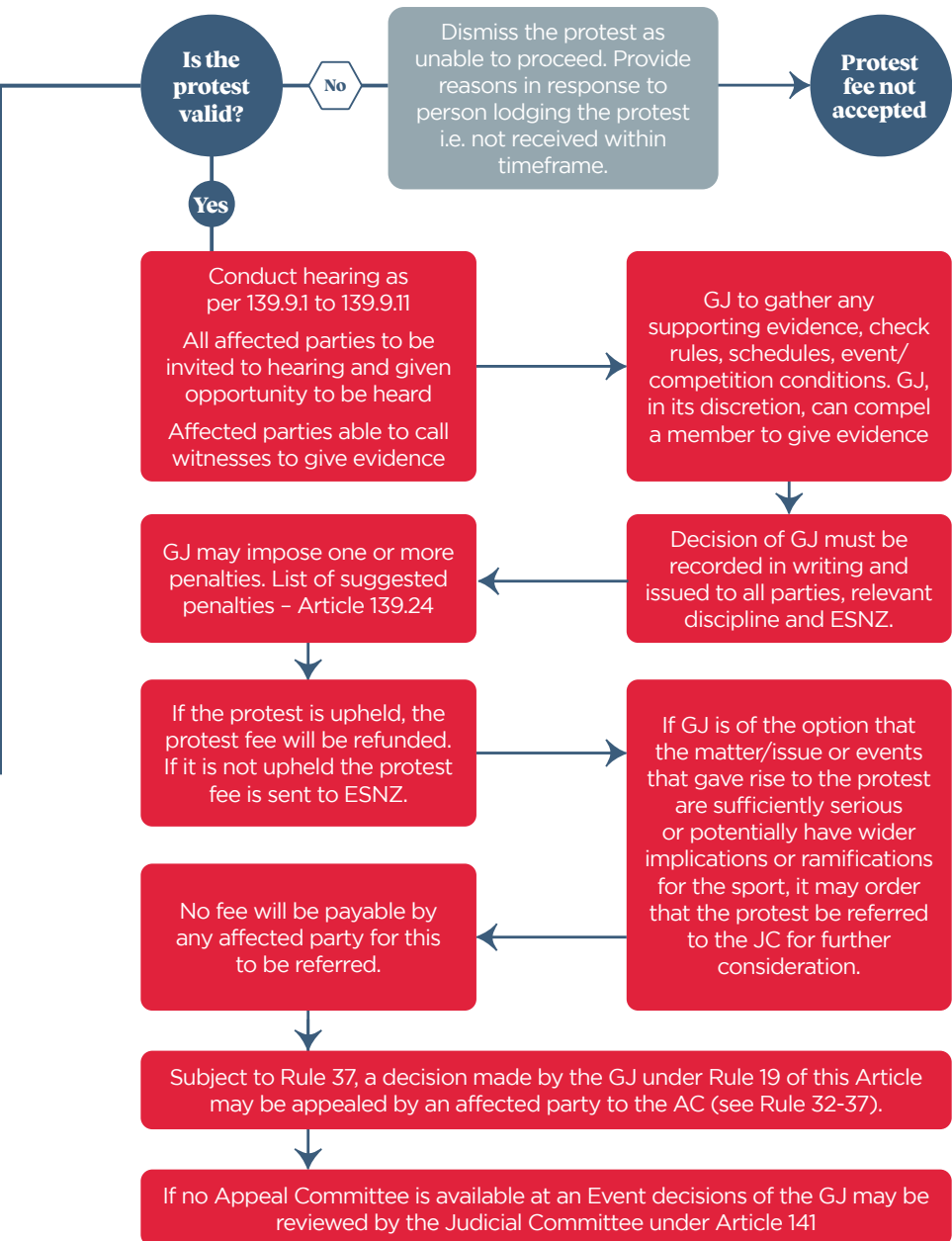
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# Protest Procedure







# ESNZ General Regulations Chapter Nine:

## Legal System

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### **Article 139: Ground Jury and Appeal Committee – Judicial Duties and Process**

1. The judicial role of the GJ is to promptly and fairly deal with matters and issues that are directly connected with a Competition or Competitions at an Event that may affect the outcome or result of the Competition or Competitions at an Event and therefore require timely consideration and resolution.
2. The judicial role of the Appeal Committee is to hear appeals from a judicial decision of the GJ.
3. The jurisdiction of the GJ and Appeal Committee begins one hour before the start of the first Competition, or at the commencement of the event, as specified in the schedule and extends until 60 minutes after the conclusion of the last Competition at an Event, unless the GJ is required to hear a protest under Rule 15 of this Article 139 in which case the GJ will have jurisdiction to hear that protest and the Appeal Committee will have jurisdiction to hear an appeal from the GJ's decision regarding that protest.

### **Matters Other than Matters under Protest or Complaints**

4. The GJ may have any matter brought to its attention by any person or may observe a matter concerning the operation of the Event, other than a matter which is under protest or which is a Complaint. In relation to these matters the GJ may, during the period of its jurisdiction, take any or all of the following actions:
  - 4.1 Investigate at the GJ's sole discretion;
  - 4.2 Hold a meeting of the parties. If the GJ determines that a hearing is necessary, the hearing will be conducted as per Rules 9.1-9.11 of this Article.
  - 4.3 Decide the matter and/or take such steps as the GJ considers are appropriate to remedy or dispose of the matter; and or
  - 4.4 Impose such penalties as set out in Rule 24 of this Article.

The result of any such investigation/action must be issued in written form to all affected parties.

Subject to Rule 37, any decision made by the GJ under Rule 4.3 and/or 4.4 of this Article may be appealed by an affected party to the Appeal Committee (see Rules 32-37).

## Complaints

5. The GJ shall have power to receive and determine a Complaint against any competitor, ESNZ Member or any Official where the conduct that is the subject of the Complaint occurred during the Event and is not a matter that could be protested under Rule 11 of this Article.
6. A Complaint must be received by the GJ in writing, and prior to 60 minutes after the end of the Event.
7. The GJ may investigate the Complaint at the GJ's sole discretion.
8. Should any member of the GJ have a conflict of interest, the President of the GJ may appoint a suitable replacement. If the President has a conflict, the remaining members of the GJ shall appoint a suitable replacement.
9. If the GJ determines that the Complaint is frivolous, vexatious, trivial, or without merit, the GJ must dismiss the Complaint. If the GJ does not make such determination the GJ must hold a hearing:
  - 9.1 All affected parties must be invited to the hearing and given the opportunity to be heard.
  - 9.2 No party at the hearing may be represented by parent, counsel, or agent unless the party is under the age of 18 in which case a parent or guardian is permitted, or the GJ allows representation (for example a competitor with a speech impediment or a competitor who does not speak English).
  - 9.3 Hearings may be conducted as informally as the GJ determines, but must give each party a fair opportunity to be heard.
  - 9.4 The GJ must receive and consider any information put to it by an affected party and is not bound by the rules of evidence.
  - 9.5 Affected parties are entitled to call witnesses to give evidence.
  - 9.6 The GJ, in its discretion can compel a Member to give evidence.
  - 9.7 The hearing may be recorded and evidence may be committed to writing, at the discretion of the GJ.
  - 9.8 The standard of proof on all questions to be determined by the GJ shall be on the balance of probabilities. (For example, if it was more likely than not that competitor breached a rule then the standard of proof has been met).
  - 9.9 The decision of the GJ must (even if announced verbally) be recorded in writing and issued to all affected parties, the relevant Discipline Committee, and ESNZ as soon as practicable.
  - 9.10 A decision of the GJ may include penalties as set out in Rule 24 of this Article.
  - 9.11 A decision of the GJ may be unanimous or by majority vote. No member of the GJ may abstain from any decision.
10. Subject to Rule 37, any decision made by the GJ under Rules 9.9 and 9.10 of this Article may be appealed by an affected party to the Appeal Committee (see Rules 32-37).

## Protests

- 11.** The GJ shall have the power to receive and determine any of the following protests received during its period of jurisdiction:
  - 11.1** Protests relating to a breach of Discipline Rules or By Laws and/or ESNZ Regulations by a competitor while riding and competing in an Event (for the avoidance of doubt this is conduct that could not be the basis of a Complaint).
  - 11.2** Protests relating to the eligibility of a competitor for a Competition or Event.
  - 11.3** Protests relating to the eligibility of a horse for a Competition or Event.
  - 11.4** Protests relating to the eligibility of any combination of horse and rider for a Competition or Event.
  - 11.5** Protests to an obstacle, or to the plan or length of a course for a jumping Competition.
  - 11.6** Protests relating to the cross country course or obstacles at an Event.
  - 11.7** Protests relating to the classification of a Competition.
  - 11.8** Protests relating to Article 3 of the VRs.
- 12.** There is no Protest against:
  - 12.1** Decisions of the Ground Jury arising from the field of play, which are final and binding, such as, but not limited to:
    - (a)** where the Decision is based on a factual observation of performance during a Competition or the awarding of marks for performance;
    - (b)** whether an obstacle was knocked down; whether a Horse was disobedient; whether a Horse refused at an obstacle or knocked it down while jumping;
    - (c)** whether an Athlete or Horse has fallen;
    - (d)** whether a Horse circled in a combination or refused or ran out;
    - (e)** the time taken for the round;
    - (f)** whether an obstacle was jumped within the time; and/or
    - (g)** whether the particular track followed by an Athlete caused him/her to incur a penalty under the applicable Sport Rules.
  - 12.2** The Elimination or Disqualification of a Horse for veterinary reasons, including nonacceptance of a Horse at a Horse Inspection unless otherwise specified;
  - 12.3** The Elimination or Disqualification of an Athlete for medical

- 13.** For a Protest to be valid it must:
  - 13.1** be made by a competitor who has competed in the specific Competition from which the protest ensues, or that competitor's representative when the competitor making the protest is incapacitated or is under the age of 18;
  - 13.2** be submitted to the GJ in writing and accompanied by a fee of \$50.00. The fee can be paid in cash or as a cheque;
  - 13.3** reference the relevant Rule alleged to have been infringed from the ESNZ Regulations and/or the Discipline Rules or By-Laws; and
  - 13.4** subject to Rules 14 or 15 of this Article, be submitted to the GJ no later than 60 minutes after the completion of the Competition from which the protest ensues. For the purposes of this Rule, the GJ is the sole judge of time.
- 14.** Protests concerning an obstacle or the plan or length of the course for a jumping Competition must be lodged no later than 15 minutes before the start of the Competition.
- 15.** Protests concerning the cross-country obstacles or course in Eventing, or the Course in Endurance must be lodged no later than 6pm on the day before the relevant Competition.
- 16.** At all Events, all Officials must be available until the deadline for the lodging of a protest, as determined by the President of the GJ, has passed. If a protest is lodged before this deadline, all Officials must, if required, remain available to assist in relation to the hearing of the protest and any appeal to the Appeal Committee.
- 17.** On receipt of a protest the GJ will immediately inform the organizer of the Event. If the protest could potentially affect the result of a class, the official result will immediately be deemed under protest and no prize money, trophies, and other awards from the affected class shall be awarded until the protest is finally determined including exhaustion of the appeal process.
- 18.** Protests are determined by the GJ. Should any member of the GJ have a conflict of interest, the President of the GJ may appoint a suitable replacement. If the President has a conflict, the remaining members of the GJ shall appoint a suitable replacement. The President, or if the President is replaced then a member of the GJ as determined by the GJ, will be the chair of the GJ.
- 19.** The GJ will hold a hearing as soon as possible.
  - 19.1** The hearing will be conducted as per Rules 9.1 to 9.11 of this Article.
- 20.** If the protest is upheld, the protest fee will be refunded. Otherwise the protest fee is to be forwarded to ESNZ.

21. If, after dealing with the protest, the GJ is of the opinion that the matter, issue or events that gave rise to the protest are sufficiently serious or potentially have wider implications or ramifications for the sport of equestrian, it may order that the protest be referred to the Judicial Committee for further consideration notwithstanding the fact that the GJ has dealt with the protest. No fee will be payable by any affected party for this referral.
22. Subject to Rule 37, a decision made by the GJ under Rule 19 of this Article may be appealed by an affected party to the Appeal Committee (see Rule 32-37)
23. If no Appeal Committee is available at an Event decisions of the GJ may be reviewed by the Judicial Committee under Article 141.

## **Penalties**

24. A determination of the Ground Jury under this Article may include such order or orders as the GJ considers appropriate in the circumstances. Where the GJ determines a penalty is appropriate the GJ may impose one or more of the following penalties:
  - 24.1 A verbal warning, written caution, or Official Warning;
  - 24.2 A fine;
  - 24.3 Deduction of points;
  - 24.4 Re-orderings of placings in the Competition;
  - 24.5 Disqualification from the entire Event or Competition or Competitions within the Event;
  - 24.6 Suspension from participation at that FEI or ESNZ Event.
  - 24.7 If the protest is regarding Article 3 of the VRs, the GJ may exclude a competitor from any further participation in a Competition or Event as set out in Article 3 of the Veterinary Regulations and/or disqualify a horse as set out in Article 3 of the VRs; and/or
  - 24.8 Any other penalty the GJ considers appropriate in the circumstances.

**Familiarise yourself with your discipline's rules.**

**All ESNZ rules and regulations can be found here:**

**<https://www.nzequestrian.org.nz/esnz/rules-regulations/>**

# Ground Jury FAQs

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**? During what time at the event can a protest be lodged?**

On the day and up to 60 minutes after the completion of the competition.

**? During what time at the event can a complaint be lodged?**

Complaints can only be made during the event to the Ground Jury and before 60 minutes after the end of the event.

**? What differentiates a protest from a complaint?**

Protests are basically concerning the competition – anything that may unfairly affect the outcome or results. Complaints cover everything that can't be protested – misconduct, abuse – of the horse, an official, another competitor, conduct which is generally unbecoming of the sport.

**? Do competitors have to use the official protest and complaint forms if they wish to lodge a protest or complaint?**

No, while it is preferable to use the forms provided on the ESNZ website, a protest or complaint can still be accepted if not on the form, as long as it is in writing and providing the same information as the official form asks for.

**? A competitor is unsure about putting a protest in, after witnessing another competitor breaking the rules, can they discuss this with a GJ member first?**

Preferably not as that could conflict the GJ member. It would be wise to advise them to discuss with the TD or Chief Steward, who is not part of the GJ.

**? A Jumping competitor has a rail down in the ring, that they were penalised for, which they feel was not their fault, can they protest this?**

No, this would fall under GR Article 139.12.

**? A competitor wishes to protest a jump in a XC course, the day before this is to be ridden, what is the process and timeline for this?**

Protests concerning the cross-country obstacles or course in Eventing must be lodged no later than 6pm on the day before the relevant Competition.

**? Can video coverage be used as evidence for a protest?**

Yes, provided it was recorded and obtained within the rules.

**? A rider removes his helmet for the award ceremony, while still mounted. He puts it back on, undone, to leave the ring. Five minutes later another competitor (further down the placings) lodges a protest against the rider who removed their helmet. Is this a protestable offence?**

GR Article 151.4 applies: While riding at any showgrounds/competition venue, or ESNZ venue, the use of properly fastened approved, tagged protective headgear will be mandatory. This includes award ceremonies where riders are mounted.

And GR Article 151.5 should be applied (ie written warning for first offence).

**? A class has just finished, and one rider comes forward, claiming that the winner of the class was seen whipping her horse excessively in the warmup. What course of action do you take?**

The opposing rider needs to put in a complaint – this can be done on the day, to the GJ. It is then up to the GJ to decide what to do.

**? You are an official at an event and witness a form of horse abuse (Article 132), outside the ring. What steps can you take?**

A complaint does not necessarily need to be made for you to act on any witnessed form of horse abuse. However, don't act alone in dealing with this. If the abuse is ongoing (ie excessive use of the whip) then you should stop it immediately. Next you should bring it to the attention of the Ground Jury who will talk to the rider/member committing the abuse and make a decision on how this should be appropriately dealt with.







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