

# **SPECIAL REGULATION**

## **NATIONAL SELECTION**

Version 1.0

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**SPECIAL REGULATIONS**..... i

Preamble ..... i

Contents ..... ii

**CHAPTER ONE: INTRODUCTION** ..... 1

Article 1 - Purpose ..... 1

Article 2 – Olympics and Paralympics Excluded ..... 1

Article 3 - Application ..... 1

Article 4 - Commencement ..... 1

Article 5 – Status and Amendment ..... 1

Article 6 - Definitions ..... 2

**CHAPTER TWO: OVERVIEW**..... 3

Article 7 – Squads and Teams

**CHAPTER THREE: ELIGIBILITY** ..... 3

Article 8 - International Events ..... 3

Article 9: National Squads ..... 3

Article 10: General Eligibility Requirements ..... 3

Article 11: Ineligibility ..... 4

**CHAPTER FOUR: SELECTION DECISION** ..... 4

Article 12: Selection Criteria ..... 4

Article 13: Selection Decision ..... 5

Article 14: Other Factors ..... 5

Article 15: Exceptional Circumstances, Injury and Illness ..... 6

**CHAPTER FIVE: APPEALS**..... 7

Article 16: Right of Appeal..... 7

Article 17: Grounds of Appeals..... 7

Article 18: Process of Appeal ..... 7

**CHAPTER SIX: VET INSPECTION AND EXAMINATION** ..... 8

Article 19: Inspection and Examination of Selected Horse ..... 8

## **CHAPTER ONE: INTRODUCTION**

### **Article 1 – Purpose**

- 1.1 This Special Regulation (SR) is established to set out the process for selection of riders and/or horses to represent New Zealand in International Events and for the selection of National Squads.
- 1.2 For the purposes of this Regulation, International Events, means any event (other than the Olympic Games and Paralympic Games), in which two or more countries participate, including (but not limited to):
  - World Equestrian Games; and
  - Nations Cup
  - Oceania (Trans-Tasman) Championships

### **Article 2 – Olympics Excluded**

- 2.1 This Regulation does not apply to the nomination and selection of riders and horses for any New Zealand team to any Olympic Games or Paralympic Games (“Games Selection”).
- 2.2 ESNZ will agree with NZOC or Paralympics NZ, as applicable, the nomination criteria and process for nomination, selection and appeals, which will apply for Games Selection.
- 2.3 Nothing in this Regulation shall apply to Games Selection.

### **Article 3 – Application**

- 3.1 This Regulation applies to all riders and horses wishing to be considered for selection to represent New Zealand, whether as an individual or as a member of a team, to compete in an International Event, or to participate in a National Squad.

### **Article 4 – Commencement**

- 4.1 This SR is published by the ESNZ Board and comes into effect on 17 June 2016.

### **Article 5 - Status and Amendment**

- 5.1 This Regulation overrides any correspondence, discussions and representations (whether written or oral) by ESNZ (including its Selectors) regarding selection for any International Event or National Squad.
- 5.2 In addition to this Regulation, the General Regulations (GRs) apply, with some Articles in the GRs relevant to national teams competing at International Events, which are referenced in this Regulation.
- 5.3 This Regulation may be amended at any time by the ESNZ Board. Amendments or a revised Regulation will be published on the ESNZ website.

## Article 6 – Definitions

6.1 In this Regulation, the following definitions apply:

**Chief Executive** means the ESNZ Chief Executive

**Constitution** means the Constitution of ESNZ.

**Constitutional Rules** means the rules set out in the ESNZ Constitution and referred to in that document as Articles.

**Discipline** means the equestrian disciplines of dressage, eventing, endurance, jumping and para-equestrian, for which separate Discipline Rules are established.

**Discipline Board** means a committee with delegated authority of ESNZ designated the responsibility of managing a Discipline in accordance with the Constitutional Rules, Regulations and Discipline By-Laws.

**Discipline By-Law** means the by-laws promulgated by a Discipline Board for the management and administration of its Discipline and approved by the ESNZ Board.

**Discipline Rules** means the rules for a Discipline as prescribed by the relevant Discipline Board.

**ESNZ** means Equestrian Sports New Zealand Incorporated.

**ESNZ Board** means the Board of Directors of ESNZ.

**Exceptional Circumstances** means any one or more of the following:

- Injury or illness of rider or horse
- Equipment failure
- Travel delay
- Bereavement or personal misfortune
- Any other circumstance or factor reasonably considered by the Selectors to cause, or be likely to cause, a rider or a horse not to perform at their optimal level

**FEI Anti-Doping Rules** means the FEI Anti-Doping Rules for Human Athletes and the FEI Equine Anti-Doping and Controlled Medications Regulations, as amended from time to time by the FEI.

**Horse** refers also to a pony unless the context requires otherwise.

**International Event** is defined in Article 1.2 and expressly excludes the Olympic Games and Paralympic Games.

**Judicial Committee** means the ESNZ Judicial Committee as described in the GRs.

**National Squad** means any squad of riders (with or without horses) which is selected by ESNZ (including any Discipline) and may include high performance squads, development squads and other squads.

**NZOC** means the New Zealand Olympic Committee Incorporated.

**Paralympics NZ** means Paralympics New Zealand Incorporated.

**Performance Criteria** means specifically the performance criteria within the Selection Criteria referred to in Article 12. **Person Responsible** has the meaning set out in Article 131 of the GRs.

**Regulations** means the General Regulations (GRs), Veterinarian Regulations, Special Regulations, Discipline By-laws and Discipline Rules as the context requires; and

**This Regulation**, means this Special Regulation – National Selection.

**Selection Criteria** means the criteria referred to in Article 12.

**Selectors** means the persons appointed by the ESNZ Board or the Discipline Board, as selectors for riders and teams for International Events and National Squads.

## **CHAPTER TWO: OVERVIEW**

### **Article 7 – Riders, Squads and Teams**

- 7.1 ESNZ may select riders and/or horses for National Squads, or to represent New Zealand as an individual rider or as a member of a team for the purposes of competing in International Events and for the development of riders and horses for future International Events.
- 7.2 Selectors have the authority to select riders, horses and teams to compete for New Zealand in International Events and for National Squads as set out in this Regulation.

## **CHAPTER THREE - ELIGIBILITY**

### **Article 8 – International Events**

- 8.1 To be eligible to be considered for selection to compete for New Zealand in an International Event, riders and horses must meet:
- a. the eligibility requirements set out in the GRs (Refer Annex C);
  - b. the General Eligibility requirements set out in Article 10;
  - c. any additional eligibility requirements of the International Event;
  - d. any additional eligibility requirements set out in the Selection Criteria for selection to that International Event.
- 8.2 A rider does not have to be a member of a National Squad to be eligible to be considered for selection under this Regulation to compete in an International Event, unless expressly specified in the Selection Criteria for that International Event.

### **Article 9 - National Squads**

- 9.1 To be eligible to be considered for selection to any National Squad, riders and horses must meet:
- a. the General Eligibility requirements set out in Article 10; and
  - b. any additional eligibility requirements set out in the Selection Criteria for selection to that National Squad.

### **Article 10 – General Eligibility Requirements**

- 10.1 In addition to the specific eligibility requirements in this Regulation, to be considered for selection under this Regulation, all riders must meet the following general eligibility requirements at the time of selection:
- a. Be a New Zealand citizen with a New Zealand passport;
  - b. Be a current financial member of ESNZ [and the Discipline];
  - c. Not have any outstanding liabilities to ESNZ (notwithstanding that this excludes any HorsePower Loan liability);
  - d. Not be under investigation for any breach of, or violation under, any part of any ESNZ rule, regulation or policy including but not limited to the ESNZ Anti-Doping Policy, the FEI Anti-Doping Rules, or the WADA Code;

- e. Not have used or administered any substance which, if it had been detected as being present in the rider's or horse's body tissue or fluids, would have constituted doping, or used any prohibited method or committed any other doping offence as defined in the ESNZ Anti-Doping Policy, the FEI Anti-Doping Rules, or the WADA Code; and;

3

- f. Have provided ESNZ with key contact details for communication purposes (including a current physical address, email address, and telephone number).

10.2 All horses must meet the eligibility requirements for International Events and National Squads as set out in the GRs and as specified by FEI in its rules or otherwise.

### **Article 11 – Ineligibility**

11.1 Selectors may not consider a rider or horse for selection under this Regulation if the rider or horse (as applicable) does not meet the applicable eligibility requirements specified in this Chapter 3 unless there is an Exceptional Circumstance pursuant to which Article 15 will apply.

## **CHAPTER FOUR – SELECTION DECISION**

### **Article 12 – Selection Criteria**

12.1 ESNZ will develop and publish a Selection Criteria for:

- a. each International Event to which ESNZ proposes to select riders and horses to represent New Zealand; and
- b. each National Squad, to which ESNZ proposes to select rider and/or horses.

12.2 The Selection Criteria for the selection of riders and horses for each International Event or National Squad, will be available in advance of the selection dates and will set out the following:

- a. the details of the International Event or National Squad programme – applicable dates, venue, selection dates etc;
- b. any additional eligibility requirements (as referred to in Chapter 3) including any events which must be attended in order to be considered for selection;
- c. the criteria that will be used by the Selectors to decide the riders and horses to be selected, including the period during which results and performances will be assessed (“the **Performance Criteria**”); and
- d. any other factors which may be applicable to the selection decisions, (in addition to those set out in Article 14).

12.3 Each Selection Criteria will be available from ESNZ.

12.4 Each Selection Criteria is deemed to be incorporated into this Regulation.

12.5 Each Selection Criteria may be amended by ESNZ from time to time.

12.6 To the extent of any inconsistency between this Regulation and any Selection Criteria, this Regulation shall apply.

## Article 13 – Selection Decision

- 13.1 The Selectors shall decide the riders and horses to be selected for each International Event and each National Squad by:
- a. only considering those riders and horses that are eligible, under this Regulation, unless there are Exceptional Circumstances;
  - b. applying the applicable Selection Criteria;
  - c. having regard to one or more of the Other Factors set out in Article 14;
  - d. taking into account any Exceptional Circumstances, Injury or Illness as specified in Article 15.
- 13.2 In making a decision under Article 13.1, the Selectors may give weight to any one or more of the factors specified in the applicable Selection Criteria (unless the Selection Criteria specifies otherwise) and to any one or more of the Other Factors set out in Article 14.
- 13.3 The Selectors shall decide, after consultation with the chef d'équipe and appropriate ESNZ management, but in their complete discretion, the number of riders and horses to be selected, subject to the applicable limitations specified by the FEI. There is no requirement for ESNZ to fill all places available at an International Event.
- 13.4 The Selectors may, after consultation with chef d'équipe and appropriate ESNZ management, select a rider or a horse subject to conditions relating directly to that horse and/or riders' selection which they may impose in their complete discretion, such as demonstrating fitness to compete, achieving further performances or results, or satisfying behavioral or other conditions. The Selectors, in consultation with chef d'équipe and appropriate ESNZ management, will deem those conditions satisfied or not in accordance with the timeframes they have set out.
- 13.5 The Selectors may select riders and horses as reserves for any riders, horses or teams selected to compete in an International Event.

## Article 14 – Other Factors

- 14.1 The Selectors may, in any selection decision, take into account the following factors:
- a. the performance record in competition of a rider and horse as a combination;
  - b. The horse' age, temperament, soundness history, whether the horse travels well, acclimatises well to a change of environment and whether it is accustomed to being stabled;
  - c. the horses' suitability to the Event and the likely conditions of the Event;
  - d. a rider's relationships with other riders who are being considered for selection under this Regulation, as well as with ESNZ staff and other personnel who may be involved with the team or squad;
  - e. a rider's conduct and behavior at previous events, tours, and training;
  - f. the results of any assessments, tests or examinations carried out with respect to a rider or the horse, which may affect their ability to perform to their best.

## Article 15 – Exceptional Circumstances, Injury and illness

- 15.1 **Claim:** If a rider considers there is any Exceptional Circumstance that is relevant to his or her selection, he or she must notify the ESNZ Chief Executive (or their nominee) of this claim in writing as soon as possible and within 48 hours upon the specific Exceptional Circumstances arising. The rider must provide full details of the Exceptional Circumstances and the effect or potential effect on the rider or the horse and their potential selection.
- 15.2 **Taking Exceptional Circumstances into Account:** The ESNZ Chief Executive (or their nominee) shall refer any claim for Exceptional Circumstances that is made in accordance with Article 15.1, to the ESNZ Selectors or Discipline Selectors as applicable, and the Selectors may, in their discretion, take it into account in considering its decisions. If a claim is not made in accordance with Article 15.1, the Selectors cannot take those Exceptional Circumstances into account (other than if Article 15.3 applies).
- 15.3 **Injury, Illness or Other Factors:** In addition, and whether or not a claim for Exceptional Circumstances has been made under Articles 15.1 or 15.2, if the Selectors are aware of any injury, illness or other factor affecting the fitness of a rider or horse to perform to the best of their ability, the Selectors may take such injury, illness or other factor affecting fitness into account in considering its decisions. However before taking the facts into account, the Selectors must first make enquiry of the rider as to the status and prognosis of the injury, illness or other factor affecting their fitness. If the Selectors wish to do so, may also request a medical examination under Article 15.4, and if they do so, the Selectors must also take into account the report from such examination.
- 15.4 **Medical Examination:** If a claim for Exceptional Circumstances is made under Article 15.1, or the Selectors wish to do so under Article 15.3, the Selectors may request, with the rider's agreement (if the Exceptional Circumstances affects the rider) or the agreement of the Person Responsible (if Exceptional Circumstances affect the horse), a medical examination be undertaken of the rider by a medical practitioner nominated by ESNZ (and at ESNZ's cost) or a veterinarian, as applicable, and to provide the Selectors with an opinion on the Exceptional Circumstances or other illness, injury or other factor affecting the fitness of the rider or horse. If a rider or Person Responsible does not agree to such medical or veterinary examination the Selectors can draw their own conclusions on the Exceptional Circumstances or other illness, injury or other factor affecting the fitness of the rider or horse, and/or may decide not to accept a claim (under Article 15.1) for Exceptional Circumstances.



## CHAPTER FIVE – APPEALS

### Article 16 – Right of Appeal

- 16.1 A rider may lodge an appeal against their non-selection (“Appellant”) to represent New Zealand at an International Event in accordance with this Regulation.
- 16.2 There is no right of appeal against a decision to select or not select a rider or a horse for a National Squad.

### Article 17 – Grounds of Appeal

- 17.1 A rider may only appeal against their non-selection, on one or more of the following grounds (and no other grounds):
- a. this Regulation (including the Selection Criteria) was not properly followed and/or implemented;
  - b. the Appellant was not afforded a reasonable opportunity to satisfy the requirements in this Regulation;
  - c. the decision not to select the Appellant was affected by actual bias; and/or
  - d. there was no material on which the selection decision could reasonably be based.

### Article 18 – Process for Appeal

- 18.1 Any appeal must be made by an Appellant as follows:
- a. the Appellant must notify the Chief Executive in writing of their wish to appeal the Selector’s decision not to select the Appellant, within 48 Hours from the date the and time that the decision was notified to the Appellant, or the selection was publicly announced (whichever is the earlier);
  - b. on receipt of such notice the Chief Executive shall, as soon as practicable, convene a confidential and “without prejudice” meeting between the Chief Executive and as many of the Selectors as are available, the Appellant, and the Appellant’s authorised representative (if any). This meeting will be facilitated by a person (appointed by the Chief Executive) who is independent of both ESNZ and the rider. The purpose of the meeting is to allow the Selectors to explain their decision not to select the Appellant, to allow the rider to respond, and to see whether the appeal can be resolved by agreement;
  - c. if the appeal is unresolved after the process in Article 18.1b is followed, the Appellant may appeal the decision by:
    - i. informing the Chief Executive, in writing, of their intention to appeal to the ESNZ Judicial Committee, within 48 Hours of the end of the “without prejudice” meeting (held under Article 18.2b), or within 48 Hours of such other time period after this meeting as agreed between the Chief Executive and the Appellant; and;
    - ii. filing and serving on the Chief Executive and the Judicial Committee, a notice of the appeal setting out the grounds of appeal and the facts relied upon, within 48 Hours of informing the Chief Executive as described in Article 18.2ci above;
- 18.2 There is a further right of appeal from a decision of the Judicial Committee to the Sports Tribunal, in accordance with the General Regulations.

## CHAPTER SIX – VET INSPECTIONS AND EXAMINATIONS

### Article 19 – Inspection and Examination of Horses

- 19.1 Horses selected or nominated for selection (including reserve horse(s)) may be required to be examined by a Veterinarian appointed by ESNZ, Discipline Board or the Selectors to report on whether the horse is sufficiently healthy, fit and sound to undertake the task for which it is being selected, at any time during the selection process.
- 19.2 If the Veterinarian will not certify the horse as sufficiently healthy, fit and sound to undertake the proposed International Event or participate as part of the National Squad, the rider and/or owner (as appropriate in the circumstances) will be informed immediately. The rider/owner will be entitled to a copy of the report to gain an understanding of why the Veterinarian has formed this view and if they dispute this finding, they may have the horse examined at their own expense by a Veterinarian of their choice. This will need to be conducted as soon as reasonably possible after they have been provided the initial report. If there is a conflict of opinion between these two reports and the rider/owner wishes to pursue the issue, they can request that ESNZ or the Discipline concerned (as applicable) pay for a third Veterinarian nominated by ESNZ or Discipline Board to examine the horse. The opinion of the third Veterinarian shall be final.
- 19.3 The Veterinary reports shall be confidential to the Selectors, riders and/or owners, and Chef d'Equipe.
- 19.4 Selected horses may be tested for the presence of prohibited substances.
- 19.5 Selected horses may have blood tests carried out to enable information to be collected and utilised in monitoring each horse's health and fitness after travelling and through the duration of the tour for the International Event.
- 19.6 The Selectors have the right to alter any selection of a horse and/or rider following the Veterinary inspection.

