

Richard Ang Ah Lah v Singapore Turf Club
[2000] SGHC 194

Case Number : Suit 708/2000/K, SIC 694/2000/Y
Decision Date : 23 September 2000
Tribunal/Court : High Court
Coram : Choo Han Teck JC
Counsel Name(s) : Andre Arul [Arul Chew & Partners] for the plaintiff; Michael Palmer and Zee Yeng Yun [Harry Elias Partnership] for the defendant
Parties : Richard Ang Ah Lah — Singapore Turf Club

JUDGMENT:

Grounds of Decision

1. The plaintiff is a professional racehorse trainer as well as a co-owner of the "Happy Happy Stable". The defendant is a horse racing club and a member of the Malaysian Racing Association ("MRA") which regulates horse racing in Singapore and West Malaysia through four racing associations, including the defendant. On 23 August 2000 the plaintiff pleaded guilty to five charges of misconduct against him and was disqualified as a trainer for two years on each of the charges, but the disqualification periods are to run consecutively. The plaintiff brought this action with the view of setting aside the conviction and sentence. The present application before me was taken out by the plaintiff seeking an interim injunction against the defendant from enforcing the disqualification before the trial.

2. The story began on 19 August 2000 when *Crystal Chilavert*, one of the plaintiff's horses, was withdrawn just before the race for failing a pre-race blood test. A substance known as Telzenac (which is a commercial name for Etenac, an anti-inflammatory drug) was found in the blood of the horse. The plaintiff was subsequently informed that the same substance was found in *Prinz Oskar*, *Star Dragon*, and *Sky Warrior* - horses either trained by him or under his care. A search of the plaintiff's office on the very day yielded nothing of interest. His car was then searched, and a sling bag was found on the front floorboard. The sling bag contained a brown clutch bag in which contained some prohibited drugs of which Telzenac (in two 20 ml bottles) was one. Five syringes and 14 needles were also recovered from the bag.

3. On 22 August 2000 David Fisher, the defendant's Chief Stipendiary Steward, told the plaintiff by telephone to attend an inquiry the next day in respect of the articles seized from him. A written notice of the same date was also served on the plaintiff. The inquiry was convened on 23 August 2000 at 1.05pm. The panel consisted of David Fisher as chairman, and three stipendiary stewards, Scott Matthews, Peter Chadwick, and Rajendran Pavadai. The plaintiff was present by himself. The inquiry commenced with the following remarks by David Fisher to the plaintiff:

"Mr Ang the Stipendiary Stewards are inquiring into a matter relating to a report, a written report that I received from the Security Department of the Singapore Turf Club. I would advise you at the outset of this inquiry that a charge or charges may be laid against you from evidence emanating from this Inquiry. You may call any witnesses to the Inquiry and make any statements to the Stewards and you can present any evidence that you wish. You can question any evidence or witnesses that the Stipendiary Stewards might introduce. Do you understand your position and rights?"

The plaintiff acknowledged his understanding of David Fisher's opening address to him, and after a brief introduction to the members of the panel, the inquiry continued with the plaintiff answering questions put to him. The session ended at 2.10pm and the panel retired to consider the proceedings. When it resumed at 2.38pm the plaintiff was notified that he is being charged with five counts of contravention of the MRA Rules. The first charge was under Rule 203 (d) (i) and (ii), and the remaining four under

Rule 200(5). The first charge related to possession of any prohibited substance or instruments for the administration of a prohibited substance. The four other charges related to the administration of a prohibited substance into a horse that had been entered for a race. The charges were read to the plaintiff who pleaded guilty to all of them. His guilty plea was accepted and consequently, the panel disqualified him as a trainer for a total of ten years.

4. The plaintiff brought this action in order to set aside the convictions and disqualification. In the meantime, he wants to be reinstated. The plaintiff's arguments are based on his assertion that he has a likelihood of success, and that even if he were to fail, the punishment would not be so harsh as to merit a ten-year disqualification. In applications of this kind, the court must first inquire what sort of harm the plaintiff will suffer if the interim injunction is not granted and whether damages will be an adequate remedy. The plaintiff here says that he will not be able to work and will lose the income he would otherwise earn.

5. This is not a situation in which the plaintiff has been charged but not yet proven guilty. The inquiry is over and the plaintiff had admitted to the charges and condemned on their account. It is almost always invidious to try and determine the merits of the substantive case in the course of interim proceedings. Unless full arguments are presented it would be neither reasonable nor fair for a judge to give his opinion as to the plaintiff's (or defendant's as the case may be) chances of success. It is not appropriate to present arguments here tending to engage the issues at trial, and more so when the plaintiff also has a pending appeal against his disqualification before the panel of Racing Stewards. In such circumstances, the balance of convenience weighs in favour of maintaining the tribunal's decisions. Mr Arul urged me to maintain the status quo, that is, according to him, reinstating the plaintiff's licence. With respect, that is not the status quo. That is the position prior to the status quo.

6. Mr Palmer, representing the defendant, referred me to *Russell v Duke of Norfolk [1949] 1 All ER 109* in response to some of Mr Arul's most strenuous arguments against the stipendiary stewards for failing to adhere to the rules of natural justice. I agree that there is a strong similarity in fact and issue in that case to the present one, and Tucker LJ's judgment speaks persuasively in favour of the stewards' handling of the inquiry there, but as I have said, these are matters for the trial. The plaintiff had meticulously set out in his affidavit the various heads of loss suffered by him as a result of his disqualification. Perusing them, I am satisfied that damages will be an adequate relief should he succeed at trial. There was no question before me that the defendant will be unable to pay if so ordered at trial. Mr Arul referred to a passage from the decision in *Kok Seng Chong v Bukit Turf Club [1993] 2 SLR 3, 20* which he said supports the contention that loss of professional reputation is not something "capable of compensation by damages". I understand that passage as really saying that compensation for loss of professional reputation is not as easily quantifiable as compensation for loss of income. But I think that it is nonetheless capable of assessment, and that is good enough. In any event, an interim injunction will not help the plaintiff's reputation here. Nothing short of an outright vindication will do, but that cannot be realised before the full trial.

7. For the reasons above I dismissed the plaintiff's application.

Choo Han Teck

Judicial Commissioner

Copyright © Government of Singapore.