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Number 20 of 2001

HORSE AND GREYHOUND RACING ACT, 2001

AN ACT TO ESTABLISH A BODY TO BE KNOWN AS HORSE RACING IRELAND, TO DEFINE ITS FUNCTIONS, TO DISSOLVE THE IRISH HORSERACING AUTHORITY, TO AMEND AND EXTEND THE IRISH HORSERACING INDUSTRY ACT, 1994, THE GREYHOUND INDUSTRY ACT, 1958, AND THE BETTING ACT, 1931, AND TO PROVIDE FOR CONNECTED MATTERS. [2nd July, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—This Act may be cited as the Horse and Greyhound Racing Act, 2001. Short title.

2.—(1) In this Act—

Interpretation.

“Act of 1958” means Greyhound Industry Act, 1958;

“Act of 1994” means Irish Horseracing Industry Act, 1994;

“Act of 1999” means Horse and Greyhound Racing (Betting Charges and Levies) Act, 1999;

“establishment day” means the day appointed to be the establishment day for the purposes of this Act under *section 3*;

“HRI” means Horse Racing Ireland established under *section 5*;

“Minister” means Minister for Agriculture, Food and Rural Development;

“Racing Regulatory Body” has the meaning assigned to it by *section 2(1)* of the Act of 1994;

“Rules of Racing” has the meaning assigned to it by *section 2(1)* of the Act of 1994;

“subsidiary” in relation to—

[No. 20.] *Horse and Greyhound Racing Act*, [2001.]
2001.

- Pr.1 S.2
- (a) HRI, has the meaning assigned to it by section 2 of the Act of 1994,
 - (b) Bord na gCon, means a company established by it under section 18B (inserted by section 10 of the Act of 1999) of the Act of 1958.
- (2) In this Act —
- (a) a reference to a section is a reference to a section of this Act, unless it is indicated that reference to some other enactment is intended,
 - (b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
 - (c) a reference to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Establishment day. **3.**—The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.

Expenses of Minister. **4.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART 2

HORSE RACING IRELAND

Establishment of Horse Racing Ireland. **5.**—(1) On the establishment day, there shall stand established a body to be known as Horse Racing Ireland or in the Irish language *Rásaíocht Capall Éireann*, in this Act referred to as HRI, to perform the functions conferred on it by this Act and the Act of 1994.

(2) The Schedule to the Act of 1994, as amended by this Act, shall have effect with respect to HRI.

Dissolution of Irish Horseracing Authority. **6.**—(1) The Irish Horseracing Authority shall, on the establishment day, stand dissolved.

(2) Any reference in—

(a) any statute or instrument made under statute, or

(b) any permit or authorisation granted under the Act of 1994 which is in force immediately before the establishment day,

to the Irish Horseracing Authority shall from the establishment day be construed as a reference to HRI.

Amendment of Act of 1994. **7.**—The Act of 1994 is amended, with effect from the establishment day, as set out in the *Schedule* to this Act.

[2001.] *Horse and Greyhound Racing Act, [No. 20.]*
2001.

8.—(1) The general functions of HRI (in addition to its functions under the Act of 1994) shall include the following:

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General functions
of HRI.

- (a) Registry Office functions, that is to say—
- (i) naming horses, horse racing passports and identification,
 - (ii) horserace entries and declarations,
 - (iii) racing calendar publication,
 - (iv) stakeholding of race entry funds and prize money for horseraces,
 - (v) registration of racehorse owners,
- in accordance with the Rules of Racing,
- (b) the provision and maintenance of mobile track equipment, including starting stalls, photo finish and camera patrol equipment and any other such equipment agreed from time to time between HRI and the Racing Regulatory Body and to provide the Racing Regulatory Body with the photographs, films, sound recordings and other connected materials or data generated by this equipment as required by the Racing Regulatory Body for their examination and use in the enforcement of the Rules of Racing and all such equipment shall be required to be maintained to a specification agreed with the Racing Regulatory Body,
- (c) representing Irish horseracing internationally in respect of its functions,
- (d) negotiating all income from media rights under *section 10*,
- (e) the provision of any financial and other support it deems appropriate to—
- (i) maintain and improve the health and welfare status of the thoroughbred horse, and
 - (ii) assist educational and other institutions and organisations in providing improved training and education facilities and courses for the thoroughbred horse industry to satisfy the training and educational needs of that industry at all levels,
- and
- (f) any other functions of the Racing Regulatory Body which may be transferred to HRI in the future by agreement of both parties and subject to the consent of the Minister.

(2) This section shall come into operation on such day as the Minister may appoint by order.

9.—(1) HRI shall establish a forum to be known as the Racegoers Consultative Forum (“Forum”) for the purposes of consultations relating to the operations of HRI in the context of developments or desired developments in the horseracing industry generally as they affect the racegoer or service or facility user.

Racegoers
Consultative
Forum.

[No. 20.] *Horse and Greyhound Racing Act*, [2001.]
2001.

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(2) The Forum shall consist of so many members as may be decided, from time to time, by HRI and shall include representatives of horse racegoers clubs, racecourse supporters clubs and other organisations operating in the interests of racegoers or other interest groups affected by the decisions of HRI or who use the various facilities and services provided by HRI.

(3) The Forum shall be established under such terms and conditions determined, before its establishment, by HRI, following consultations with the Minister.

(4) The Minister may appoint two members to the Forum.

(5) HRI shall have regard to any opinions expressed by the Forum on any matter affecting the interests represented by the Forum which may be reviewed by HRI.

(6) HRI may publish any opinion or report of the Forum.

(7) HRI in respect of its appointments to the Forum and the Minister in respect of his or her appointments to the Forum shall ensure, in so far as is practicable, an equitable gender balance.

Media rights
committee.

10.—(1) HRI shall establish a committee (“media rights committee”) to negotiate on and from the establishment day in relation to all contracts or arrangements made on or after that day with any person in relation to the transmission or relaying of any broadcast (within the meaning of the Broadcasting and Wireless Telegraphy Act, 1988) or the photographing, filming or sound recording for commercial purposes of a race-fixture or any part thereof (“media rights”).

(2) The media rights committee shall consist of 3 members appointed by HRI who shall be members of HRI.

(3) The chairman of the media rights committee shall be the member of HRI representing the interests of authorised racecourses.

(4) The media rights committee shall include one member of HRI representing the Racing Regulatory Body.

(5) HRI may regulate the procedure of the media rights committee.

(6) There may be paid out of the income of HRI to members of the media rights committee such allowances for expenses incurred by them in the discharge of their functions as HRI may determine with the consent of the Minister and the Minister for Finance.

(7) A member of the media rights committee who fails to perform his or her functions may be removed by HRI.

(8) The secretariat and executive functions involved in servicing the work of the media rights committee shall be provided by HRI.

(9) For the first 5 years after the establishment day the income generated from media rights vested in authorised racecourses under section 61(2) of the Act of 1994 shall accrue to the authorised racecourses.

[2001.] *Horse and Greyhound Racing Act*, [No. 20.]
2001.

(10) HRI shall enter into arrangements with the executives of authorised racecourses in respect of the distribution of income generated after the period referred to in *subsection (9)* in relation to the media rights referred to in that subsection and the guarantee to them of an income from those media rights for each of the next 5 years following the period referred to in *subsection (9)* of at least the average annual income generated in respect of the period referred to in that subsection. Pr.2 S.10

(11) Subsections (1) and (3) of section 61 of the Act of 1994 are, with effect from the establishment day, repealed.

(12) Nothing in section 61 of the Act of 1994 or this section shall prohibit HRI from independently carrying out its functions under *paragraph (b)* of *section 8(1)*.

(13) The property rights held immediately before the commencement of *section 8* by the Racing Regulatory Body in relation to the publication of the lists of runners and riders and associated information on race-fixtures collected and compiled by it in the course of its Registry Office functions shall on the commencement of *section 8* pursuant to the transfer of those functions to HRI under that section be transferred to and vested in HRI and HRI shall pay to the Racing Regulatory Body the following amounts:

- (a) for the first 5 years after the commencement of *section 8*, the amount of the income generated from the sale of that information, and
- (b) for each of the subsequent 5 years after the period referred to in *paragraph (a)*, the average annual income generated in respect of the period referred to in that paragraph.

(14) In this section, “authorised racecourse” and “race-fixture” have the meanings assigned to them by the Act of 1994.

11.—The Taxes Consolidation Act, 1997, is amended with effect from the establishment day—

Exemption from Corporation Tax and Capital Gains Tax.

- (a) in section 220, by the substitution in paragraph 5 of the Table for “The Irish Horseracing Authority” of “Horse Racing Ireland”, and
- (b) in Schedule 15, by the substitution in paragraph 27 for “The Irish Horseracing Authority” of “Horse Racing Ireland”.

PART 3

HORSE AND GREYHOUND RACING FUND

12.—(1) There shall stand established, on the establishment day, a fund to be known as the Horse and Greyhound Racing Fund, in this Act referred to as the “Fund”, for the purpose of giving support to horse and greyhound racing. Establishment of Fund.

(2) The Fund shall be managed and controlled by the Minister.

(3) The Minister shall pay into the Fund out of moneys provided by the Oireachtas, in the year 2001, an amount, determined by the Revenue Commissioners, equivalent to the revenue paid into the Exchequer in the year 2000 from excise duty on off-course betting.

[No. 20.] *Horse and Greyhound Racing Act*, [2001.]
2001.

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(4) The Minister shall pay into the Fund out of moneys provided by the Oireachtas, in the year 2002 and in each subsequent year, an amount, determined by the Revenue Commissioners, equivalent to the revenue from excise duty on off-course betting paid into the Exchequer in the preceding year or the year 2000 increased by reference to the Consumer Price Index, whichever is the greater.

(5) The total aggregate amount paid into the Fund under *subsections (3) and (4)* shall not exceed £200,000,000 or such other increased amounts as may stand specified in regulations made by the Minister with the consent of the Minister for Finance.

(6) The Minister shall pay out of the moneys paid into the Fund in each year—

(a) 80 per cent. to HRI, and

(b) 20 per cent. to Bord na gCon.

(7) The Minister may by regulations vary the percentages specified in *subsection (6)*.

(8) HRI and Bord na gCon shall apply moneys paid to them from the Fund only in the performance of their functions.

(9) (a) Payments from the Fund under *subsection (6)* shall be by instalments.

(b) The number of instalments and the amount of any such instalment shall be decided by the Minister based on an assessment of the financial needs at any time of HRI and Bord na gCon.

(10) HRI and Bord na gCon shall each with respect to moneys paid to them from the Fund prepare and submit to the Minister—

(a) strategic plans in accordance with the Strategic Management Initiative of the Government, and

(b) business, financial and development plans,

in such manner and at such intervals as required by the Minister with reference to the application of those moneys.

(11) All payments from the Fund to HRI and Bord na gCon shall be exempt from taxation.

(12) A statement of moneys paid into and out of the Fund shall be shown in a special note to the Appropriation Account under the Agriculture, Food and Rural Development Vote.

(13) A draft of every regulation proposed to be made under this section shall be laid before each House of the Oireachtas and the regulation shall not be made until a resolution approving of the draft has been passed by each such House.

PART 4

ACCOUNTS AND AUDITS OF HRI AND BORD NA GCON AND
ACCOUNTABILITY OF THEIR CHIEF EXECUTIVE OFFICERS TO
OIREACTHAS COMMITTEES

Audit of accounts
of HRI.

13.—Section 28 of the Act of 1994 is amended by the substitution for subsection (2) of the following subsections:

[2001.] *Horse and Greyhound Racing Act*, [No. 20.]
2001.

“(2) Accounts kept in pursuance of this section shall be submitted not later than 3 months after the end of the financial year to which they relate by HRI to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account, the balance sheet and such other (if any) accounts kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct and a copy of the Comptroller and Auditor General’s report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas. Pr.4 S.13

(3) The chief executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which HRI is required by this Act to prepare,
- (b) the economy and efficiency of HRI in the use of its resources,
- (c) the systems, procedures and practices employed by HRI for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting HRI referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.”.

14.—The Act of 1958 is amended by the substitution for section 19 of the following section: Accounts and audits of Bord na gCon.

“19.—(1) The Board shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of moneys received or expended by it, including an income and expenditure account and a balance sheet.

(2) Accounts kept in pursuance of this section shall be submitted not later than 3 months after the end of the accounting period to which they relate by the Board to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account, the balance sheet and such other (if any) accounts kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct and a copy of the Comptroller and Auditor General’s report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

[No. 20.] *Horse and Greyhound Racing Act*, [2001.]
2001.

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(3) The chief executive officer of the Board shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Board is required by this Act to prepare,
- (b) the economy and efficiency of the Board in the use of its resources,
- (c) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.”.

Accountability of chief executive officers of HRI and Bord na gCon to certain Oireachtas Committees.

15.—(1) In this section—

“chief executive” other than in *subsection (2)*, means the chief executive officer of HRI or Bord na gCon, as the case may be;

“Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee of Public Accounts or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) Subject to *subsection (3)*, at the request in writing of a Committee—

- (a) the chief executive officer of HRI shall attend before it to give account for the general administration of HRI, and
- (b) the chief executive officer of Bord na gCon shall attend before it to give account for the general administration of Bord na gCon.

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which the chief executive is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the chief executive is before it, the information shall be so conveyed in writing.

(5) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee

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does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion—

- (a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)* applies, or
- (b) the chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court may determine the matter.

(6) Pending the determination of an application under *subsection (5)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the chief executive shall attend before the Committee to give account for the matter.

PART 5

BETTING (MISCELLANEOUS)

16.—Section 32D (inserted by section 11 of the Act of 1999) of the Act of 1958 is amended by the substitution for subsection (2) of the following subsection:

Amendment of section 32D(2) of Act of 1958.

“(2) Regulations made under subsection (1)(b)(iii) of this section in respect of the opening hours of betting offices may permit betting offices to open for business any time at a greyhound race track—

- (a) on any day in respect of all the hours that registered premises (within the meaning of the Betting Act, 1931) are permitted to stay open, and
- (b) on the day of greyhound races at the race track, also from the time the public are permitted admission to the race track and up to two hours after the conclusion at it of the last race where that would exceed the hours referred to in paragraph (a).”.

17.—Any licence granted under section 3 of the Totalisator Act, 1929, to HRI or Bord na gCon or a subsidiary of either body to operate a totalisator may authorise it to—

Matters relating to totalisator licences held by HRI and Bord na gCon.

- (a) operate the totalisator from a registered premises (within the meaning of the Betting Act, 1931) with the consent of the registered proprietor (within the meaning of the Betting Act, 1931) of the premises, or
- (b) enter into a contract or an arrangement with the operator of a totalisator (within the meaning of the Totalisator Act, 1929) outside the State on horse and greyhound racing outside the State for either party to accept and place bets from members of the public in one jurisdiction into

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the totalisator pool of the totalisator of a party to the contract or arrangements in the other jurisdiction.

Amendment of Betting Act, 1931.

18.—(1) The Betting Act, 1931, is amended by the insertion after section 19 of the following section:

“Totalisator betting and sale of racing journals, non-alcoholic beverages and confectionery, etc. permitted in registered premises.

19A.—Notwithstanding section 19(3) of this Act, it shall be lawful for the registered proprietor of registered premises, so long as he or she continues to be a licensed bookmaker, in addition to carrying on the business of bookmaking—

(a) to accept at such premises totalisator bets for and on behalf of Horse Racing Ireland or Bord na gCon or a subsidiary (within the meaning of *section 2 of the Horse and Greyhound Racing Act, 2001*) of either body operating under a licence granted under the Totalisator Act, 1929, or

(b) to sell on the premises—

(i) such newspapers, magazines or other journals which are wholly or mainly concerned with horse or greyhound racing, or

(ii) for consumption only on those premises, any non-alcoholic beverages, packaged confectionery, potato crisps, peanuts or other similar products or fruit.”.

(2) Section 19(5) of the Betting Act, 1931, is amended by the substitution for “one hundred pounds” of “€3,000 (£2,362.69)”.

(3) Sections 33 and 34 of the Betting Act, 1931, are repealed.

Zero rating of turnover charge on off-course bets.

19.—(1) Section 54D(1) (inserted by section 4 of the Act of 1999) of the Act of 1994 is amended by the substitution for “0.3 per cent.” of “zero per cent.”.

(2) This section shall come into operation on such day as the Minister may appoint by order.

Repeal.

20.—Section 54E (inserted by section 4 of the Act of 1999) of the Act of 1994 is, with effect from 31 August 2001, repealed.

PART 6

TRANSFER OF ASSETS AND LIABILITIES OF IRISH HORSERACING AUTHORITY TO HRI

Definition.

21.—In this Part, “Authority” means “Irish Horseracing Authority”.

[2001.] *Horse and Greyhound Racing Act*, [No. 20.]
2001.

22.—(1) The following shall be transferred to HRI on the establishment day—

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Transfer of property and liabilities of Authority to HRI.

- (a) all property (including assets and racecourses) and rights held or enjoyed immediately before the establishment day by the Authority, and
- (b) all liabilities incurred before the establishment day by the Authority that had not been discharged before the establishment day,

and, accordingly, without any further conveyance, transfer or assignment—

- (i) the said property, real and personal, shall on the establishment day vest in HRI for all the estate, term or interest for which, immediately before the establishment day, it was vested in the Authority but subject to all trusts and equities affecting the property and capable of being performed,
- (ii) the said rights shall, as on and from the establishment day, be enjoyed by HRI, and
- (iii) the said liabilities shall, as on and from the establishment day, be the liabilities of HRI.

(2) All moneys, stocks, shares and securities transferred to HRI by this section that, immediately before the establishment day, are standing in the name of the Authority shall, upon the request of HRI, be transferred into its name.

(3) Every right and liability transferred by this section to HRI may, on or after the establishment day, be sued on, recovered or enforced by or against HRI in its own name and it shall not be necessary for HRI to give notice to the person whose right or liability is transferred by this section of the transfer.

23.—(1) Every bond, guarantee or other security of a continuing nature made or given by or on behalf of the Authority to any person or given by any person to and accepted by or on behalf of the Authority and every contract or agreement in writing made between the Authority and any other person and in force but not fully executed and completed immediately before the establishment day shall continue in force on and after such establishment day and shall be construed and have effect as if HRI were substituted for the Authority as a party thereto and the name of HRI were substituted therein for that of the Authority and shall be enforceable by or against HRI.

Preservation of certain continuing contracts and adaptation of references to HRI in certain documents.

(2) References to the Authority contained immediately before the establishment day in the memorandum and articles of association of any company (within the meaning of the Companies Acts, 1963 to 1999), shall, on and after such establishment day, be construed as references to HRI.

24.—Where, immediately before the establishment day any legal proceedings are pending in any court or tribunal and the Authority is a party to the proceedings, HRI shall be substituted for the Authority as a party thereto and the name of HRI shall be substituted in the proceedings for that of the Authority and the proceedings shall not abate by reason of such substitution.

Pending legal proceedings.

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Final accounts of
Authority.

25.—(1) As soon as may be after the establishment day HRI shall cause to be prepared in such form as may be approved of by the Minister all proper and usual accounts of all moneys received or expended by the Authority in the accounting year, or the part of an accounting year, of the Authority ending immediately before the establishment day.

(2) Accounts prepared pursuant to this section shall be submitted as soon as may be by HRI to an auditor for audit and, immediately after the audit, a copy of the accounts as audited and a copy of the auditor's report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

Transfer of
totalisator licences.

26.—On the establishment day any totalisator licence granted under the Totalisator Act, 1929, which was immediately before that day held by the Authority or a subsidiary of it shall, by virtue of this section, be transferred to HRI or a subsidiary of it and shall, on and after the establishment day, have effect as if the name of HRI or the subsidiary concerned were substituted therein for that of the Authority.

Transfer of staff.

27.—(1) Every person who is on the day immediately before the establishment day a member of the staff of the Authority or a subsidiary of it shall, on the establishment day, be transferred to and become a member of the staff of HRI or a subsidiary of it, as HRI may determine.

(2) Every person who is on the day immediately before the commencement of *section 8* a member of the staff of the Racing Regulatory Body and who is engaged on work relating to the functions to be transferred from that Body to HRI under *paragraph (a) or (b) of section 8(1)* shall, subject to agreement on terms and conditions, have the right to transfer on the commencement of *section 8* to HRI and become a member of the staff of HRI or a subsidiary of it, as HRI may determine.

(3) Every person who is, immediately before the transfer of any functions under *section 8(1)(f)* from the Racing Regulatory Body to HRI, a member of the staff of the Racing Regulatory Body engaged in work relating to these functions, shall, subject to agreement on terms and conditions, have the right to transfer, on the transfer of those functions, to HRI and become a member of the staff of HRI or a subsidiary of it, as HRI may determine.

(4) A person referred to in *subsection (1), (2) or (3)* may, subject to *subsection (5)*, be placed by HRI or a subsidiary of it into a different grade or position (including a lower grade or position) in HRI or a subsidiary of it, as the case may be, from that which he or she held immediately before the establishment day, the commencement of *section 8* or the transfer of functions under *section 8(1)(f)*, as the case may be, where it considers it necessary or having regard to the structure and remuneration of grades and positions in HRI or a subsidiary of it, as the case may be.

(5) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection (1), (2) or (3)* shall not, while in the service of HRI or a subsidiary of it, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in

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relation to tenure of office) or remuneration to which he or she was subject immediately before the establishment day, the commencement of *section 8* or the transfer of functions under *section 8(1)(f)*, as the case may be. Pt.6 S.27

(6) HRI shall have regard to the period of service in the Authority or the Racing Regulatory Body of any person transferred under this section when deciding the conditions of service of the person under *subsection (5)*.

(7) In this section, “recognised trade union or staff association” means a trade union or staff association recognised by HRI for the purposes of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees.

SCHEDULE

Section 7.

AMENDMENTS TO ACT OF 1994

The Act of 1994 is amended as follows:

1. In section 2(1) (interpretation), by the substitution for the definition of “the Authority” of the following definition:

“‘HRI’ means Horse Racing Ireland established under *section 5* of the *Horse and Greyhound Racing Act, 2001*;”

and, accordingly, the Act of 1994 shall have effect as if each reference therein to the Authority were a reference to HRI.

2. In section 19 (race-fixtures committee)—

(a) by the insertion after subsection (1) of the following subsection:

“(1A) Any terms of reference under subsection (1) shall include that when the race-fixtures committee recommends race-fixtures for any particular racecourse, it should before considering the removal of any existing fixture from that racecourse consult with the executive of the racecourse concerned and seek to agree with such executive how such removal may be achieved having regard to the economic importance of such fixture to that racecourse, in the context of the best interests of the horseracing industry.”

(b) in subsection (2)(a) and (b), by the substitution for “steward of the Racing Regulatory Body” of “member or official of the Racing Regulatory Body nominated by that Body” in both places where it occurs,

(c) by the deletion of subsection (4).

3. In section 23 (superannuation)—

(a) by the substitution for subsection (1) of the following:

“(1) HRI shall, with the consent of the Minister and the Minister for Finance, make a scheme or schemes for the granting of superannuation benefits to or in respect of persons—

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- (a) appointed to positions on the staff of HRI, or
- (b) transferred under *section 27* of the *Horse and Greyhound Racing Act, 2001*, to HRI or a subsidiary of HRI and who—
 - (i) immediately before the establishment of HRI, were members of the staff of the Irish Horseracing Authority or a subsidiary of it and members of a superannuation scheme made by the Irish Horseracing Authority, or
 - (ii) immediately before the commencement of *section 8* of the *Horse and Greyhound Racing Act, 2001*, were members of the staff of the Racing Regulatory Body and members of a superannuation scheme made by the Racing Regulatory Body.”,

(b) by the substitution for subsection (7) of the following subsection:

“(7) Superannuation benefits granted under schemes under this section to persons who—

- (a) immediately before the establishment of HRI, were members of the staff of the Irish Horseracing Authority or a subsidiary of it, or
- (b) immediately before the commencement of *section 8* of the *Horse and Greyhound Racing Act, 2001*, were members of the staff of the Racing Regulatory Body,

and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled before that establishment or commencement, as the case may be.”, and

(c) in subsection (8), by the substitution for “the Authority or its subsidiaries under section 75” of “HRI or its subsidiaries under *section 27* of the *Horse and Greyhound Racing Act, 2001*”.

4. In section 25 (application of funds of HRI), in paragraph (c), by the substitution for subparagraph (v) of the following:

“(v) the improvement of authorised racecourses and the amenities thereof, and in so doing may use a graded system of grant rates and may make—

- (I) grants of up to 100 per cent. of the cost of projects involving essential non-revenue enhancing works such as health and safety measures, and
- (II) grants of lower rates in respect of other development work.”.

5. In section 29 (reports to Minister by HRI), by the substitution for “the establishment day” of “the day of the establishment of HRI”.

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6. In section 39 (Racing Regulatory Body), upon the commencement of *section 8*—

(a) by the substitution for paragraphs (a) to (d) of the following:

“(a) to be solely and independently responsible for the making and enforcing of the Rules of Racing and ensuring the particular rules governing the functions referred to in *paragraphs (a) and (b) of section 8(1) of the Horse and Greyhound Racing Act, 2001*, are complied with,

(b) to provide adequate on-course integrity services for horseracing by employing, licensing, monitoring and controlling the activities of horseracing officials including the following—

- (i) inspector of courses,
- (ii) clerks of courses,
- (iii) clerks of scales,
- (iv) handicappers,
- (v) starters,
- (vi) judges,
- (vii) veterinary officers,
- (viii) veterinary assistants,
- (ix) medical officers,
- (x) stewards secretaries, and
- (xi) security officers,

(c) to license racecourses under the Rules of Racing and all participants in racing including all classes of trainers, jockeys, jockeys’ valets, jockeys’ agents and stablestaff,

(d) to make all decisions relating to doping control, forensics and handicapping in respect of horseracing, and

(e) to be responsible for the representation of Irish horseracing internationally in respect of its functions under this Act.”,

and

(b) by the re-numbering of that section as subsection (1) of that section and the insertion after subsection (1) of the following:

“(2) Nothing in this section shall prevent the transfer of any functions specified in subsection (1) to HRI in accordance with *paragraph (f) of section 8(1) of the Horse and Greyhound Racing Act, 2001*.”.

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7. By the substitution for section 41 of the following:

“41.—Funds held by the Racing Regulatory Body in individual client accounts including all supporting assets and liabilities in respect of the functions to be transferred to HRI under section 8 of the *Horse and Greyhound Racing Act, 2001*, shall be transferred to HRI on the commencement of that section.”.

8. In section 42 (costs of integrity services)—

(a) by the re-numbering of that section as subsection (1) of that section, and

(b) by the insertion after subsection (1) of the following:

“(2) If in respect of the costs of integrity services in any particular year, agreement is not reached between HRI and the Racing Regulatory Body on the budget—

(a) they may agree to the appointment of one expert or group of persons or consultancy to arbitrate on the cost of the provision of those services for that year and the decision of the expert or group or consultancy shall be final and binding on both parties, or

(b) in case they fail to agree to any such appointment to arbitrate on that cost, the Minister may appoint a person to so arbitrate and the decision of that person shall be final and binding on both parties.”.

9. By the deletion of section 43 (collection of fees and charges on behalf of Authority).

10. In section 44 (alteration of Rules of Racing)—

(a) by the re-numbering of that section as subsection (1) of that section, and

(b) by the insertion after subsection (1) of that section of the following subsection:

“(2) HRI shall publish in the racing calendar any Rules referred to it under subsection (1) and any other information required to be published under the Rules of Racing, in accordance with the Rules of Racing.”.

11. In section 45 (appeals against sanctions of Racing Regulatory Body) by the substitution for subsection (1) of the following subsection:

“(1) Where the Racing Regulatory Body imposes a sanction against any person involved in horseracing or refuses to grant to a person a licence or suspends or revokes a licence granted, under section 39(b) or (c), it shall afford the person an opportunity to appeal to it or such other person nominated by it against the sanction imposed or the refusal to grant or the suspension or revocation, of the licence, as the case may be.”.

12. In section 48(9) (suspension or revocation of course betting permit), by the insertion after paragraph (b) of the following:

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“(c) HRI may, where an authorised bookmaker has failed to comply with regulations made under section 53(1)(b), suspend for such time as it thinks fit or revoke a permit granted under this section to that bookmaker.”.

13. In subsection (1) of section 53 (regulations in relation to authorised bookmakers), by the substitution for paragraph (b) of the following:

“(b) for governing the activities of authorised bookmakers at authorised racecourses, including—

- (i) the range of betting services available, and
- (ii) the methods of bookmaking and practices employed by such bookmakers such as—
 - (I) the timing for opening a book,
 - (II) the setting, changing and presentation of betting odds on offer,
 - (III) the requirements for pay-outs of winnings, and
 - (IV) the use of appropriate modern facilities and equipment.”.

14. In section 53, by the substitution for subsection (2) of the following:

“(2) Regulations made under subsection (1)(e)(iii) of this section in respect of the opening hours of betting offices may permit betting offices to open for business any time at an authorised racecourse—

- (a) on any day in respect of all the hours that registered premises (within the meaning of the Betting Act, 1931) are permitted to stay open, and
- (b) on the day of a race-fixture at the racecourse, also from the time the public are permitted admission to the racecourse and up to two hours after the conclusion at it of the last race where that would exceed the hours referred to in paragraph (a).”.

15. By the deletion of Part X (other than section 77(1)).

16. In the Schedule—

(a) in paragraph 2, by the substitution for “15” of “12” and the deletion of “to be members of the Authority”,

(b) by the substitution for paragraph 7 of the following:

“7. (1) Subject to subparagraph (5), of the ordinary members of HRI—

- (a) 5 shall be nominated for appointment thereto by the Racing Regulatory Body,

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(b) one each shall be nominated for appointment thereto by such persons or organisations as the Minister considers, from time to time, to be representative of the following interests—

- (i) authorised racecourses,
- (ii) racehorse owners,
- (iii) racehorse trainers,
- (iv) racehorse breeders,
- (v) authorised bookmakers,
- (vi) persons employed directly in the horseracing industry, and
- (vii) the horseracing industry in Northern Ireland.

(2) Subject to subparagraphs (3) and (4), a person nominated under subparagraph (1) shall be elected at a general meeting of the Racing Regulatory Body or the interest groups referred to in subparagraph (1)(b), as the case may be, specially convened for that purpose upon adequate notice being given by it of the meeting.

(3) In the event of a dispute in respect of any aspect of the method of election to be carried out in accordance with subparagraph (2), the Minister shall decide the method.

(4) The Minister may, as he or she deems appropriate, decide on or approve alternative arrangements for the nomination of Board members to that specified in subparagraph (2) where the need arises.

(5) Where the Racing Regulatory Body or an interest group referred to in subparagraph (1)(b) fails to make a nomination by such date as the Minister may require for nominations to be given to him or her under subparagraph (1), the Minister may appoint such person as he or she decides.

(6) Nominations under subparagraph (1) shall, in so far as is practicable and having regard to relevant experience, create an equitable balance between men and women.”,

(c) in paragraph 9, by the substitution for subparagraphs (2) to (4) of the following:

“(2) Subject to this paragraph, the term of office of an ordinary member of HRI shall be 4 years.

(3) On the anniversary of the establishment of HRI and thereafter on each anniversary of such establishment, 3 of the ordinary members of HRI shall retire from office.

(4) The members to retire under subparagraph (3) in any year shall be those who have been longest in office since their last appointment, and where there are members whose appointment was made on the same day and who are obliged to retire under that subparagraph, the members to retire

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shall, unless such members otherwise agree amongst them- SCH.
selves, be determined by the Minister by lot.

(5) A member of HRI shall not serve for more than two
consecutive terms.”,

(d) after paragraph 11, by the insertion of the following:

“11A. Where a member of HRI, whose term of
office has expired, has not been re-appointed or may
not be re-appointed by virtue of having served two
consecutive terms, the member shall continue in
office until the vacancy, occasioned by him or her,
is filled by the appointment of another.”,

and

(e) in paragraph 17, by the substitution for “8” of “7”.