



# New Zealand Gazette

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## NEW ZEALAND THOROUGHBRED RACING INCORPORATED

### AMENDED RULES OF RACING

PURSUANT TO  
SECTIONS 29 OR 34 OF THE RACING ACT 2003

## Racing Act 2003

Pursuant to section 29 or section 34 of the Racing Act 2003, New Zealand Thoroughbred Racing Incorporated (NZTR) has made the following changes to the Rules of Racing to become effective **1 June 2013**.

Industry consultation has taken place on these amendments and NZTR's Board has sought the views of the Judicial Control Authority (JCA) and the New Zealand Racing Board Dates Committee (NZRB). The NZRB and the JCA have approved these amendments.

These amendments to the Rules of Racing regard:

1. Riders' Allowances (Rule 542(5))
2. Riders' Licences (Rule 314)
3. Payments To Trainers And Riders (Various Rules)
4. Remounting during a race, entering a race track during the running of a race and pulling up (Rules 603, 636 & 640)
5. Renaming the 'Graded Stakes Committee' the 'New Zealand Pattern Committee' (Rules 104 & 506)
6. Decisions of the Judicial Committee (Rule 920(3)(c))

Deleted words are ~~struck out~~ and added words are shown in **bold**.

### 1. Riding Allowances

NZTR has made a change to Rule 542(5) to permit an Apprentice Rider to claim the allowance on raceday that he/she is entitled to claim when the declaration of riders for that meeting closed. This would provide more surety to connections and bettors.

542 (5) ~~A Rider to whom this Rule applies may claim in any applicable Race the same allowance during a Race day to which he was entitled at the beginning of the day.~~

***That notwithstanding Rules 542(1) (2) and (3) an apprentice may claim during a race meeting the same allowance to which he was entitled when declaration of riders for that race meeting officially closed.***

### 2. Rule 311 – Riders' Licences

NZTR has made an addition to Rule 314 to allow riders who are suspended to continue to ride trackwork during the period in which they are suspended. Currently Riders are issued with one licence which, in the event of a suspension, precludes them from riding not only in races but also trackwork.

**314 (3) A Rider, being the holder of a Class A, Class B, Class D or Class E Licence shall, as the holder of such Licence, also be licensed as a Class B Miscellaneous Licensee (Trackwork Rider's Licence).**

### 3. Payments to Trainers and Riders

In early 2011, NZTR consulted with stakeholders on proposed changes to the Rules. These proposed changes were intended to recognise the important services provided by trainers and riders to Clubs; resolve ambiguities and contradictions within the Rules; better reflect current practice and align New Zealand with the equivalent rules in Australia.

Prior to implementing these changes, the previous NZTR board prudently sought a binding ruling from Inland Revenue confirming the GST consequences of the proposed changes – being Clubs could recover all GST added to trainer and rider payments, irrespective of whether the Owner of the stake winning horse is GST registered. Unfortunately, Inland Revenue has adopted a contrary position. NZTR remains committed to proceeding with these rule changes and to operating in accordance with the law and the Rules of Racing. NZTR has now agreed with Inland Revenue this matter should be resolved by a court.

However, a practical difficulty is that the Rules of Racing need to be changed before the matter can be resolved by the court. This would place Racing Clubs in a position of uncertainty in relation to how their GST returns should be filed during the period commencing from the date of the rule change until a court determination is received – which is likely to be over a year.

#### **Rule 208(a)**

208 *Stipendiary Stewards and Investigators have the power:*

- (a) *to require from the person in whose name such horse is entered and/or the Trainer, if the Trainer entered the horse in a Race, proof:*
  - (i) *of ~~his~~the horse's ownership or other interest entitling ~~him~~that person to enter such horse for the Race;*
  - (ii) *that such horse is not wholly or in part owned by a person whose ownership of such horse would make it ineligible to start in such Race; and*
  - (iii) *that such horse is not otherwise ineligible to start in such Race;*

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#### **Rule 326**

- 326 (1) *Within seven days after any horse is taken or comes into the charge of a Trainer for the purpose of being trained the Trainer shall complete and forward to NZTR the form prescribed for that purpose by NZTR and in completing that form the Trainer must ensure that he has correctly identified the horse.*
- (2) *Every Trainer shall, within seven days after a horse trained by him:*
  - (a) *ceases to be in his charge or under his supervision for the purpose of being trained; or*
  - (b) *commences to spell, if that Trainer is a holder of a Class B trainer's licence, notify NZTR in writing of that fact.*
- (3) *NZTR may, on reasonable grounds, require a Trainer to cease to train, Race or trial any horse specified by NZTR and he shall not thereafter train, Race or trial that horse until he is advised by NZTR that he may again do so.*
- ~~(4) The Owner or lessee (as the case may be) shall pay to his Trainer, in respect of each horse trained for him, 10% on the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to the horse while trained by such Trainer and any goods and services tax applicable thereto.~~
- ~~(45) The sum payable (if any) by the Owner or lessee (as the case may be) to a Trainer pursuant to sub Rule (4) of this Rule shall be deducted from the stake otherwise payable to the Owner or lessee (as the case may be) by NZTR, on behalf of a Club, at the Race Meeting at which the stake was credited and is payable by NZTR, on behalf of a Club, to such Trainer. Subject to Rule 505A, NZTR, on behalf of a Club, shall pay to a~~

***Trainer such a sum of money, being (as set out in Rule 503(2)) 10% of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to a horse for a particular Race while trained by that Trainer, (less any amount which NZTR, on behalf of a Club, is legally obliged to deduct therefrom for tax,) within 45 days after the conclusion of that Race Meeting except that where the sum of money or any part thereof is in doubt by reason of an inquiry held or pending, payment of the sum payable or such part thereof as is in doubt shall be withheld until the inquiry and any appeals have been concluded. For the purposes of this Rule an inquiry shall be deemed to be held or to be pending when any test in relation to a horse placed by the Judge in a stake-bearing place is made pursuant to any other authority in these Rules relating to the administration to a horse of any drug and in such event NZTR, on behalf of the Club, shall withhold payment of the sum in the same manner and for the same time as is provided by Rule 505A(4) in respect of winnings.***

- (56) *In the event of a payment being made by NZTR, on behalf of a Club, to a person who is not entitled to it such person shall immediately return the amount of that payment to NZTR, on behalf of the Club. Any failure to do so is a Serious Racing Offence.*
- (67) *NZTR, on behalf of, and in the name of, the Club, shall issue any tax invoice, credit note or debit note required under the Goods and Services Tax Act 1985 and a Trainer who is a person registered under the Goods and Services Tax Act 1985 shall not issue any such tax invoice, credit note or debit note in respect of any amount payable to him pursuant to Rule 326(5) of these Rules as a result of a stake credited. NZTR, on behalf of a Club, shall be deemed to agree that a Trainer shall not issue any such tax invoice, credit note or debit note to it in respect of any such amount.*

**Rule 329 – (no amendments but relevant for other amendments regarding Payments to Trainers and Riders)**

**TRAINERS – GOODS AND SERVICES TAX**

- 329 (1) *Every Trainer who is a person registered under the Goods and Services Tax Act 1985, shall within three days after becoming so registered notify NZTR of such registration and of his Goods and Services Tax registration number.*
- (2) *Every Trainer who, having been a person registered under the Goods and Services Tax Act 1985, ceases to be so registered shall within three days of ceasing to be so registered notify NZTR of such cessation.*

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**Rule 332**

**RIDING FEES**

- 331 (1) *The riding fees payable to Riders shall be as from time to time determined and published by NZTR, unless there is a special arrangement providing for larger remuneration.*
- (2) *Where a horse is disqualified from a Race by reason of the fault or misconduct of the Rider the applicable riding fee shall not be payable provided however that if the Judicial Committee is satisfied the disqualification is due to inexperience or inadvertence it may direct that the Rider be paid the applicable riding fee.*

- (3) NZTR, on behalf of a Club, shall issue any tax invoice, credit note or debit note required under the Goods and Services Tax Act 1985 and a Rider who is a person registered under that Act shall not issue any such tax invoice, credit note or debit note in respect of riding fees earned by him at a meeting. NZTR, on behalf of a Club, shall be deemed to agree that a Rider shall not issue any such tax invoice, credit note or debit note to it in respect of any such riding fees.

- 332 (1) **Subject to Rules 331(2) and 505A, NZTR (on behalf of a Club) shall pay to a Rider the riding fees earned by that Rider (other than an Apprentice Jockey) at a Race Meeting, and, if applicable, a sum of money equal to 5% or 10% (as applicable in accordance with Rule 503(2)) of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to a horse for a particular Race where the Rider rode that horse in that Race,** within 45 days after the conclusion of the Race Meeting except that where the amount of such fees or any part of them is in doubt by reason of an inquiry held or pending, payment of such amount of the fees as may be in doubt shall be withheld until the inquiry and any appeals have been concluded. For the purposes of this Rule an inquiry shall be deemed to be held or to be pending when any test in relation to a horse placed by the Judge in a stake bearing place is made pursuant to any authority in these Rules relating to the administration to a horse of any drug and in such event NZTR shall withhold payment of fees in the same manner and for the same time as is provided by Rule 505A(4) in respect of winnings.
- (2) **Subject to Rules 331(2) and 505A, NZTR (on behalf of a Club) shall, subject to Part XIII of these Rules, dispose of the riding fees earned by each such Apprentice Jockey, and, if applicable, a sum of money equal to 5% or 10% (as applicable in accordance with Rule 503(2)) of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to a horse for a particular Race where the Rider rode that horse in that Race,** in the manner provided in the Agreement of Apprenticeship. Every such Agreement shall contain, and if it does not contain shall be conclusively presumed to contain, a provision to the effect that if the Apprentice is a person registered under the Goods and Services Tax Act 1985, NZTR shall pay to the Apprentice Jockey the amount of the Goods and Services Tax received by NZTR in respect of riding fees earned by the Apprentice and a further provision to the effect that if the employer of the Apprentice Jockey is a person so registered NZTR shall pay to such employer, out of the riding fees earned by the Apprentice Jockey, the employer's agreed share of such riding fees and the Goods and Services Tax applicable to such agreed share.
- (3) An employer and every Apprentice Jockey who accepts payment of such fees otherwise than through NZTR, shall forward the full amount of such payment to NZTR within seven days after receipt thereof by the employer or Apprentice Jockey.

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#### **RIDERS – GOODS AND SERVICES TAX**

- 334 (1) Every Rider who is a person registered under the Goods and Services Tax Act 1985 shall, within three days after becoming so registered, notify NZTR of such registration and of his Goods and Services Tax Act registration number.
- (2) Every Rider who, having been a person registered under the Goods and Services Tax Act 1985, ceases to be so registered shall, within three days of ceasing to be so registered, notify NZTR of such cessation.

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**Rule 406(a)(v) – (no amendments but relevant for other amendments regarding Payments to Trainers and Riders)**

- 406 (a) A person who wishes to register a horse must apply, on the prescribed form, to NZTR. The application form must:
- (i) be accompanied by payment of the applicable fee set by NZTR, from time to time;
  - (ii) state the full name of every Owner of the horse and any other person who has a legal or beneficial interest in the horse;
  - (iii) be signed by each person named as an Owner of the horse on the application form;
  - (iv) nominate a Racing Manager for the horse if it is owned by a Legal Ownership Entity or by two or more persons (including, for the avoidance of doubt, natural persons and Legal Ownership Entities); and
  - (v) specify whether the Owner is registered under the Goods and Services Tax Act 1985, and if so specify its Good and Services Tax registration number.

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**Rule 422(1)(c)**

**LEASING**

- 422 (1) If a lease is entered into in respect of a registered horse, the Owner(s) and lessee(s) must apply, on the prescribed form, to NZTR for registration of the lease. The application form must:
- (a) be accompanied by payment of the applicable fee set by NZTR, from time to time;
  - (b) state the full name of:
    - (i) every Owner of the horse;
    - (ii) every lessee of the horse; and
    - (iii) any other person who has an interest (directly or indirectly) in the horse;
  - (c) be signed by each person named as an Owner or lessee of the horse on the application form;
  - (d) nominate a Racing Manager for the horse if it is leased by a Legal Ownership Entity or there are two or more lessees; and
  - ~~(e)~~(e) specify whether the lessee is registered under the Goods and Services Tax Act 1985, and if so specify its Good and Services Tax registration number.

**Rules 503 to 505A**

- 503 (1) The value of prizes not in money shall, as far as practicable, be stated in the programme as advertised in accordance with these Rules.
- (2) All stakes shall be advertised as exclusive of goods and services tax, and for each Race the total stakes payable by NZTR (on behalf of the relevant Club) in respect of each



**horse that has finished in a stake-bearing position in that Race shall be allocated to the then Owner(s) or lessee(s) (as the case may be) or its Racing Manager on their behalf, the Trainer and the Rider, as follows:**

<b><u>Allocation of Total Stakes for a stake-bearing position in a Race</u></b>				
<b><u>Recipient</u></b>	<b><u>Flat Races</u></b>		<b><u>Jumping Races</u></b>	
	<b><u>Win</u></b>	<b><u>Place</u></b>	<b><u>Win</u></b>	<b><u>Place</u></b>
<b><u>Owner or lessee (as applicable)</u></b>	<b><u>85%</u></b>	<b><u>85%</u></b>	<b><u>80%</u></b>	<b><u>80%</u></b>
<b><u>Trainer</u></b>	<b><u>10%</u></b>	<b><u>10%</u></b>	<b><u>10%</u></b>	<b><u>10%</u></b>
<b><u>Rider</u></b>	<b><u>5%</u></b>	<b><u>5%</u></b>	<b><u>10%</u></b>	<b><u>10%</u></b>

- (3) In respect of a non-returnable prize NZTR shall pay, on behalf of a Club, the goods and services tax (if applicable) on the value of such prize to **the applicable prize winner** ~~an Owner or lessee (as the case may be).~~
- (4) In respect of a returnable prize neither the Club nor NZTR, on the Club's behalf or otherwise, shall pay goods and services tax.
- (5) Notwithstanding anything to the contrary expressed or implied elsewhere in these Rules, a sum of money credited to a horse in respect of a **particular** Race shall not be deemed to be stakes unless such sum is so credited solely on account of such horse having been placed by the Judge (or, in the case of an inquiry resulting in a change of placings, by the Judicial Committee) in a stake bearing place in that Race. A sum which is intended to be credited to a horse **in a particular Race** ~~or paid to its Owner or lessee (as the case may be)~~ merely on account of that horse having started in a Race shall not be included in the stake advertised for the Race and such sum, when credited or paid, shall not be deemed to be stakes.

504 Save as provided elsewhere in these Rules, a deduction shall not be made from the advertised stakes for a Race.

- 505 (1) The Owner or lessee (as the case may be) or (where applicable) the Racing Manager, of every horse shall notify NZTR, in writing on the appropriate horse registration form referred to in Rule 406, whether the Owner or lessee (as the case may be) is or is not a person registered under the Goods and Services Tax Act 1985 and carrying on a taxable activity within the meaning of that Act in respect of that horse and, if he is so registered, the Owner's or lessee's (as the case may be) goods and services tax registration number.
- (2) Subject to ~~the provisions of sub-Rule (4) of this Rule~~ **505A**, ~~all winnings and other stakes or prizes and any applicable goods and services tax shall be paid over and delivered respectively by NZTR, on behalf of the Club, to the Owner or lessee (as the case may be) within 45 days after receipt by NZTR of the notification referred to in sub-Rule (1) of this Rule unless an inquiry, investigation, proceeding or appeal affecting or which may affect them is being conducted or held or is pending.~~ **NZTR, on behalf of a Club, shall pay to the Owners or lessees of a horse, or its Racing Manager on the Owners or lessees behalf, a sum of money, being 80% or 85% (as applicable, in accordance with Rule 503(2)) of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to that horse for a particular Race while owned by such Owners or lessees (as the case may be), less any amount which NZTR, on behalf of a Club, is legally obliged to deduct therefrom for tax, within 45 days after the conclusion of that Race Meeting except that where the sum of money or any part thereof is in doubt by reason of an inquiry held or pending, payment of the sum**

payable or such part thereof as is in doubt shall be withheld until the inquiry and any appeals have been concluded. For the purposes of this Rule an inquiry shall be deemed to be held or to be pending when any test in relation to a horse placed by the Judge in a stake-bearing place is made pursuant to any other authority in these Rules relating to the administration to a horse of any drug and in such event NZTR, on behalf of the Club, shall withhold payment of the sum in the same manner and for the same time as is provided by Rule 505A in respect of winnings.

- (3) A Club shall be responsible for the delivery, within the time set out in sub-Rule (2) above, of any prize not in money owing to the Owner(s) or lessee(s) (as the case may be) and the payment of any applicable goods and services tax.

(4)

**505A** Notwithstanding any other Rule (including Rules 326, 332 and ~~505~~the preceding provisions of this Rule) where, in relation to a horse placed by the Judge in a stake-bearing position for which the amount of the total stakes payable for that Race, or the total stake payable for that stake-bearing position, is \$25,000 or greater, any test, examination or sample is taken or made pursuant to any power in these Rules relating to the administration of a Prohibited Substance to a horse, winnings, stakes or prizes or applicable goods and services tax shall not be paid or delivered to any potential recipient (including but not limited to the relevant Trainer, Owner(s) or lessee(s) (as the case may be) and Rider) in respect of that horse:

- (a) until the result of such test, examination or sample has been notified to NZTR as being a negative result; or
- (b) if as the result of such test, examination or sample an investigation or proceeding is taking or is to take place, until such time as the investigation, proceeding and any appeal relating thereto have been concluded and determined,

provided that NZTR may (in its sole discretion) pay, on a Club's behalf, any stakes or deliver any prize, the value of which is less than an amount set for such purposes, to any potential recipient (including but not limited to the relevant Trainer, Owner(s) or lessee(s) (as the case may be) or Rider) prior to the result of such test, examination or sample being notified to NZTR or the appeal, investigation or proceeding being concluded and determined and in the event the result is positive and/or any investigation, proceeding or appeal is concluded and determined in a manner that requires that any winnings, stakes or prize be refunded or returned by that recipient, then NZTR may, on a Club's behalf, off-set the value of any such stakes or prize already paid from any other winnings, stakes or prizes payable to that recipient by NZTR on the Club's behalf. For the avoidance of doubt, in the event that the result of such test, examination or sample has been notified by NZTR as being a positive result and no investigation, proceeding or appeal relating to that result has concluded and determined otherwise, then NZTR, on behalf of the relevant Club (as applicable), shall be under no obligation to, and shall not, pay or deliver the winnings, or other stakes, prizes or fees or Goods and Services Tax payable for the particular stake-bearing position in relation to that horse.

#### **Rules 518 to 521**

- 518 (1) Only the Trainer or Owner or lessee of a horse or his Agent acting on his behalf, including a Racing Manager, shall enter a horse for, or withdraw or scratch it from, a Race or declare the Rider of such horse for that Race.



- (2) *The lessor of a horse leased for racing purposes may, during the currency of such lease, enter such horse for a Race to be run after the expiration of such lease.*

#### **ENTRY FOR A RACE**

- 519 *An entry for a Race shall be made in writing, or by telephone, or other means approved by NZTR, by stating the registered name of the horse to be entered in that Race, provided that where it is made by telephone NZTR may require the **Trainer or** Owner or lessee or the Agent of the **Trainer or** Owner or lessee to confirm its entry for that Race in writing, within a period specified by NZTR, in which case such **Trainer or** Owner or lessee, or the Agent of such **Trainer or** Owner or lessee, must ensure that such confirmation is received by NZTR within that specified period, accompanied by the appropriate fee or other payment.*
- 520 (1) *An Owner or lessee **or a Trainer**, or the **Trainer's or** Owner's or lessee's Agent who enters or attempts to enter a horse for a Race shall, if required to do so by a Stipendiary Steward or Investigator, a Tribunal, or NZTR, produce such horse for inspection, examination or observation by any person specified by him or them at a time and place also so specified and allow any such body or persons or authorised agent to take possession of such horse for any of such purposes for such period as it or they deem necessary.*
- (2) *If such horse is not produced at the time and place specified the body or persons requiring production of such horse may take possession of the horse, and the person entering or attempting to enter the horse as aforesaid and the **Trainer or** Owner or lessee of the horse shall be deemed to have authorised such taking of possession.*
- (3) *A person who or Tribunal which:*
- (a) *requires the production of a horse pursuant to this Rule;*
  - (b) *takes or authorises or directs the taking of possession of a horse pursuant to this Rule; or*
  - (c) *inspects, examines or observes a horse pursuant to this Rule, shall not be liable in damages to the Owner or lessee or Trainer or Rider of such horse or to any other person subject to these Rules at the time when the alleged cause of action arose by reason of the exercise of the powers hereby conferred.*
- (4) *A person who wilfully breaches this Rule commits a Serious Racing Offence.*
- 521 *Entries shall not become void on the death of an Owner or lessee **or if the Trainer entered the horse, a Trainer.***

#### **Rule 528**

- 528 (1) *For the purposes of determining what horses may be entered for Flat Races and Jumping Races of a specified type it shall be determined that if a horse which won a Race is, after the results were declared for that Race, determined to be ineligible for such Race or is otherwise disqualified in respect of such Race the horse previously placed second in the Race shall (if not itself ineligible or disqualified) be deemed to have won such Race at midnight on the date of such determination. If the second horse is itself ineligible or disqualified this and the next sub-Rule shall apply to the third horse and so on in respect of any horse placed by the Judge.*

- (2) For the purpose of determining what horses may be entered for Flat Races and Jumping Races in which eligibility is determined not by the type of Race but by winnings, it shall be determined that:
- (a) if the winning stake was not paid over before the determination referred to in sub-Rule (1) of this Rule it shall be deemed to have been credited, to the horse previously placed second, at midnight on the date of such determination;
  - (b) if the winning stake was paid over before the determination and is ordered to be paid to NZTR any money directed pursuant to Rule 909(2) to be paid to the **Trainer, Rider and** Owner or lessee (as the case may be) of the horse previously placed second in the Race shall (together with the money previously credited to that horse) for the purpose of calculating winnings be deemed to have been credited to that horse at midnight on the date of publication of such direction in the Thoroughbred Racing Monthly.

#### **Rules 532 to 534**

#### **ACCEPTING AND WITHDRAWING HORSES**

- 532 A horse nominated for a Race shall, unless the conditions applicable to that Race otherwise provide, be deemed to have been accepted and to be an acceptor for that Race unless instructions to withdraw it from the Race were received by NZTR from ~~or on behalf of the~~ **the Trainer or** Owner or lessee (as the case may be) or his Agent or Racing Manager not later than the Withdrawal Deadline. The acceptance fee for that Race shall be payable in respect of a horse unless it is withdrawn in accordance with this Rule. Where instructions for withdrawal of a horse from a Race Meeting that are received by NZTR do not specify a particular Race at that Race Meeting, such instructions shall be deemed to apply to all Races for which the horse has been entered at that Race Meeting.
- 533 A Trainer shall not, without the prior consent of the Owner or lessee (as the case may be) or his Agent or its Racing Manager, withdraw from a Race a horse which such Trainer is or has been training if such horse has been removed, or the Trainer has received notice of intention to remove such horse, from the Trainer's custody.

#### **SCRATCHING HORSES**

- 534 (1) At any time from the Withdrawal Deadline to the scratching deadline (as specified for the relevant Race Meeting in accordance with Rule 510(d)(v) or as amended by NZTR from time to time) on the relevant Race day, a person intending to scratch a horse from a Race (after it has been accepted or is deemed to have been accepted) shall give notice to that effect to NZTR and where such notice for scratching a horse refers to a Race Meeting but does not specify a particular Race at that Race Meeting, such notice shall be deemed to apply to all Races for which the horse has been accepted or deemed to have been accepted at that Race Meeting.
- (2) (a) If, after the scratching deadline (as specified for the relevant Race Meeting in accordance with Rule 510(d)(v) or as amended by NZTR from time to time) on the relevant Race day, **a Trainer or** an Owner or lessee (as the case may be) or his Agent or its Racing Manager wishes to scratch a horse from a Race he must (whether by production of a veterinary certificate acceptable to the Stipendiary Steward or otherwise) attempt to satisfy the Stipendiary Steward that there are circumstances which warrant the horse being scratched and that he is therefore entitled to scratch it after that time. If the Stipendiary Steward is so satisfied,

*the Stipendiary Steward may authorise the **Trainer or** Owner or lessee (as the case may be) or his Agent or its Racing Manager to scratch the horse.*

- (b) If the Stipendiary Steward is not so satisfied, he shall complete an information and file it with the Registrar for the Judicial Committee and the Judicial Committee shall then determine whether there are such circumstances and whether the **Trainer or** Owner or lessee (as the case may be) or his Agent or its Racing Manager is authorised to scratch the horse after that time.*
- (c) A material change in the condition of the track, occurring after the scratching deadline (as specified for the relevant Race Meeting in accordance with Rule 510(d)(v) or as amended by NZTR from time to time) on the relevant Race day, shall be deemed by the Stipendiary Steward and the Judicial Committee to constitute such circumstances.*
- (3) A Stipendiary Steward may scratch a horse at any time from the Withdrawal Deadline up until the scratching deadline if there are reasonable circumstances which, in the opinion of the Stipendiary Steward, warrants that horse being scratched.*
- (4) If the **Trainer or** Owner or lessee (as the case may be) or his Agent or the Racing Manager of a horse which is scratched pursuant to Rule 534(3) wishes to appeal against that decision, he shall inform the Stipendiary Stewards of that wish and a Stipendiary Steward shall file an information with the Judicial Committee who shall consider the matter de novo.*
- (5) Scratchings shall be final and a horse which has been scratched by the **Trainer or** Owner or lessee (as the case may be) or his Agent or its Racing Manager shall not be reinstated for a Race, unless following an application from the **Trainer or** Owner or lessee (as the case may be) or his Agent or its Racing Manager NZTR, in its sole discretion, directs that a horse which has been so scratched be reinstated.*

#### **Rule 537**

#### **DECLARATION OF RIDERS**

537 The **Trainer or** Owner or lessee (**as the case may be**) or the Agent of the **Trainer or** Owner or lessee (**as the case may be**) for a horse accepted or deemed to have been accepted for a Race shall:

- (a) declare to NZTR the name of the Rider of that horse by the time and date specified by NZTR for declaration of Riders for that Race;*
- (b) in the event that the Rider declared under paragraph (a) above is replaced in accordance with Rules 620(3) or 624 with another Rider, declare to a Stipendiary Steward the name of such replacement Rider of that horse immediately following such replacement.*

#### **Rule 909**

- 909 (1) *Where, before an information is duly filed, any money or other prize has been paid over the Club or NZTR on behalf of the Club, as applicable, shall not be responsible for such payment to any other person found to be entitled to such money or other prize unless it recovers the amount from a person who has been directed to refund the same, whose name in the case of failure to pay shall be placed in the Arrears List.*

(2) *Where any money or other prize has been paid or handed over in respect of a horse and subsequently it is determined that the horse was ineligible to be entered for or started in the Race concerned or that it be disqualified for such Race, the Tribunal making such determination as aforesaid, whether or not it imposes any penalty authorised by these Rules, may direct:*

- (a) *that the gross stake credited to the horse or any other sum credited to the horse or paid to its **Trainer, Rider and its** Owner or lessee (as the case may be) or the Racing Manager on the Owner or lessee's behalf, and any goods and services tax paid by NZTR on behalf of the Club to **the Trainer, Rider and** the Owner or lessee (as the case may be) or the Racing Manager in respect of such stake or other prize be paid by **the Trainer, Rider and** the Owner or lessee (as the case may be) or the Racing Manager to NZTR to be held and disposed of as NZTR shall direct; and/or*
- (b) *that such prize so handed over or the money equivalent to the value thereof at the time of such handing over be returned or paid to the Club or NZTR on its behalf, as the case may be;*

*and in the event of **the Trainer, Rider, or** the Owner or lessee, as the case may be, (or its Racing Manager on its behalf), failing to carry out any such direction as aforesaid he shall, in addition to any other penalty which may be imposed, be deemed to be in Arrears and his name shall be placed in the Arrears List.*

(3) *A direction made by NZTR pursuant to this Rule shall be published by NZTR.*

#### **4. Rules 603(c), 636(1)(c–g) & 640(1)(c) – Relating to remounting during a race / entering a race track during the running of a race/pulling up**

NZTR has made amendments to Rules relating to remounting during a race, entering a race track during the running of a race and pulling up to strengthen safety and welfare.

With regard to Rule 640(1)(c), it is NZTR's practice to divide any unclaimed prize money among the runners that do not finish in a jumping race on a case-by-case basis. It is not intended to introduce a Rule for this.

**603** *A person shall not:*

- (a) *impede the conduct of a Race Meeting; or*
- (b) *behave improperly towards, or impede, a Stipendiary Steward, Investigator, Official, Employee or member of the Committee of a Club, NZTR or NZRB in the course of their duties; or*
- (c) ***enter the race track during the running of a race without the permission of a Stipendiary Steward.***

**636** (1) *A person:*

- (a) *shall not run a horse, or cause or permit a horse to be run, other than on its merits;*
- (b) *being the Rider of a horse in a Race, must take all reasonable and permissible measures throughout the Race to ensure that his horse is given full opportunity to win the Race or to obtain the best possible finishing place;*
- (c) ***being the Rider of a horse in a Race, which he pulls up for any reason, must wait in the area where he pulled up until all contenders in the race have passed by and, if the race is a steeplechase or hurdle race, he must refrain from jumping any further steeples or hurdles;***

- ~~(e)~~(d) being the Rider of a horse in a Race, must ride his horse out to the end of the Race if there is a reasonable chance of it running into a position for which there is prize money to be awarded or a dividend to be declared;
- ~~(d)~~(e) being the Rider of a horse in a Race must not rely on the chance of a protest, objection, information or proceeding;
- ~~(e)~~(f) shall not ride a horse in a Race without holding a current Rider's Licence; and
- ~~(f)~~(g) being the Rider of a horse, must appear in the racing colours registered in connection with that horse, and wear the requisite riding gear of the type and nature set out in the approved gear list determined and published by NZTR in accordance with Rule 609.

640 (1) The following provisions apply to Hurdle Races and Steeplechase Races:

- (a) in every case where the course to be run is not wholly enclosed by rails or where part of the course is indicated by a special mark of any description, a Stipendiary Steward or official appointed by the Stipendiary Stewards for the purpose shall on the day of the Race explain, indicate or point out to all Riders the course and all flags, posts, drums and boundary marks being used. Any subsequent removal or alteration of any flag, post, drum or boundary mark indicating the course and any new flag, post, drum or boundary mark shall not, unless explained, indicated or pointed out to all Riders by a Stipendiary Steward or other Official of the Race Meeting, have any effect for any purpose in connection with the course;
- (b) if a horse misses a jump its Rider shall not proceed in the Race until the horse has negotiated the jump;
- (c) if ~~the~~ **a horse and/or Rider falls or** gets away from its Rider **after a race has started:**
  - (i) **that horse shall take no further part in the race unless:**
    - (A) **the Rider has been examined by a Racecourse Medical Officer, and**
    - (B) **the horse has been examined by a Veterinary Surgeon; and**
  - (ii) **provided that both the Rider and the horse are passed fit to race, that horse may be remounted and the Rider shall ride to either:** ~~ridden for the remainder of the Race provided that no jumps have been evaded, and, after remounting, the Rider shall ride to behind that place where the horse got away before proceeding to continue the Race; and~~
  - ~~(ii) a Rider so losing his horse may be assisted in remounting it; and~~
    - (A) **behind the place where the fall occurred or where the horse got away from its Rider, or,**
    - (B) **if the horse missed a jump prior to such fall or where the horse got away from its Rider, a place from which the horse can approach and negotiate that jump before continuing the Race; and**

## 5. Rules 104 & 506 – Renaming the ‘Graded Stakes Committee’ the ‘NZ Pattern Committee’

NZTR has amended Rules in accordance with the establishment of Asian Pattern Committee Ground Rules, which aim to ensure quality control for all Group races, both domestic and international, within the Asian Racing Federation (ARF) membership. The ARF Pattern Committee comprises seven ARF member countries: Australia, Hong Kong, Japan, New Zealand, Singapore, South Africa and the United Arab Emirates, each of which have Group 1 races in Part 1 of the International



Cataloguing Standards and International Statistics Book ('the Blue Book'), maintained by the International Grading and Race Planning Advisory Committee (IRPAC).

#### **DEFINITIONS**

104 In these Rules, unless the context requires otherwise:

~~Graded Stakes~~ **New Zealand Pattern** Committee means the committee established under Rule 506(1) for the purpose of determining Group Races and Listed Races.

#### **GRADED STAKES**

506 The provisions of this Rule 506 govern the appointment, operation, rights and powers of the ~~Graded Stakes~~ **New Zealand Pattern** Committee and Review Panel.

- (1) From time to time a ~~Graded Stakes~~ **New Zealand Pattern** Committee shall be appointed, comprising eight members as follows:
  - (a) a Chairman who shall be appointed by NZTR, after consultation with the President of the New Zealand Thoroughbred Breeders' Association;
  - (b) three representatives of NZTR who shall be appointed by NZTR;
  - (c) three representatives of the New Zealand Thoroughbred Breeders' Association who shall be appointed by its Council;
  - (d) a representative of the thoroughbred auction companies operating in New Zealand who has experience in cataloguing and pedigree compilation and who shall be appointed by the New Zealand Thoroughbred Breeders' Association Council.
- (2) The appointment of the relevant members shall take place in December of each year, and shall take effect from 1 January to 31 December of the following year, except in the event of the death or resignation of a member of the ~~Graded Stakes~~ **New Zealand Pattern** Committee or of a vacancy occurring in the membership of the ~~Graded Stakes~~ **New Zealand Pattern** Committee, in which event the body or bodies which appointed the member who held the now vacant position shall appoint another person to fill that position.
- (3) A member of the ~~Graded Stakes~~ **New Zealand Pattern** Committee may be appointed for a further term as a member.
- (4) The ~~Graded Stakes~~ **New Zealand Pattern** Committee shall meet at such time and place as is determined by the Chairman and is notified to the members in writing at least ten days prior to the date of the meeting, provided that less than ten days' notice may be given if five or more members of the ~~Graded Stakes~~ **New Zealand Pattern** Committee agree to such a lesser period of notice.
- (5) If:
  - (a) the Chairman is not present at a meeting of the ~~Graded Stakes~~ **New Zealand Pattern** Committee, the members present shall elect one of their number to be Chairman of that meeting;
  - (b) any member is absent without leave of the ~~Graded Stakes~~ **New Zealand Pattern** Committee for more than two successive meetings of the ~~Graded Stakes~~ **New Zealand Pattern** Committee then that person's seat shall be vacated, but in the case of any member who has been granted leave of absence for a period of not less than three months the body or bodies which elected or appointed him may appoint a substitute to act in his stead during his absence.



- (6) At a meeting of the ~~Graded Stakes~~ **New Zealand Pattern** Committee:
- (a) the ~~Graded Stakes~~ **New Zealand Pattern** Committee may regulate the conduct of business at its meetings in such a manner as it thinks fit and shall determine its own procedure;
  - (b) the presence of five members shall constitute a quorum;
  - (c) each member shall have one vote and in the case of an equality of votes the Chairman shall also have a casting vote on any question put to the vote at any such meeting.
- (7) The functions of the ~~Graded Stakes~~ **New Zealand Pattern** Committee shall be to:
- (a) produce no later than 31 August in each calendar year a list ranking the pre-eminent Races in New Zealand, in five categories of Races, namely Group I, Group II, Group III, Listed Stakes and Listed Jumps, in terms of the quality of horses contesting those Races having regard to:
    - (i) age, sex and aptitudes;
    - (ii) the then current version of the International Cataloguing Standards and ensuring that the list meets the specifications of the International Cataloguing Standards in order to enable its inclusion in Part 1 of the International Cataloguing Standards Handbook,
  - (b) supply the list produced by the ~~Graded Stakes~~ **New Zealand Pattern** Committee to NZTR who shall be responsible for its publication and circulation.
- NZTR shall reimburse the ~~Graded Stakes~~ **New Zealand Pattern** Committee for the reasonable costs and expenses incurred in carrying out such functions.
- (8)
- (a) Subject to paragraph (c), before downgrading or delisting a Race from its ranking the ~~Graded Stakes~~ **New Zealand Pattern** Committee shall give written notice to the Club concerned of its intention to do so and no Race shall be downgraded or delisted until there has been two consecutive annual runnings of that Race after the giving of such notice.
  - (b) Any Club that has been put on notice pursuant to paragraph (a) herein in respect of a particular Race is to be advised annually by the ~~Graded Stakes~~ **New Zealand Pattern** Committee of its assessment of that Race in terms of the criteria set out in sub-Rule (7)(a) of this Rule until such time as either the notice is withdrawn or the Race is downgraded or delisted.
  - (c) Notwithstanding the foregoing, the ~~Graded Stakes~~ **New Zealand Pattern** Committee may at any time, without giving written notice to a Club, downgrade or delist a Race where the Club has made significant changes to the Race in terms of one or more of the following:
    - (i) the distance of the Race;
    - (ii) the date of the Race;
    - (iii) the stake money;
    - (iv) the conditions of the Race.
- (9) From time to time a Review Panel shall be established, comprising the:
- (a) Chairman of the ~~Graded Stakes~~ **New Zealand Pattern** Committee (being the Chairman who was the Chairman of the ~~Graded Stakes~~ **New Zealand Pattern Committee** at the time the decision relating to the Graded Stakes List produced by the ~~Graded Stakes~~ **New Zealand Pattern** Committee was made, notwithstanding that his term of office as Chairman of the ~~Graded Stakes~~ **New Zealand Pattern** Committee may have expired at the time the decision is being reviewed);
  - (b) the President of the New Zealand Thoroughbred Breeders' Association or his nominee; and
  - (c) the Chairman of the Board of NZTR or his nominee;

- (10) Subject to sub-Rule (12)(a), application may be made to the Review Panel for a review of the ~~Graded Stakes~~ **New Zealand Pattern** Committee List by any one or more of the following bodies:
- (a) NZTR;
  - (b) a Club;
  - (c) the New Zealand Thoroughbred Breeders' Association;
  - (d) any branch of the New Zealand Thoroughbred Breeders' Association;
  - (e) the Bloodstock Agents' Federation (NZ) Inc,
- provided that request for a review is lodged in writing with NZTR within 28 days of the date of the first publication of the ~~Graded Stakes~~ **New Zealand Pattern** Committee List.
- (11) In considering any such application for review, the Review Panel shall have regard to the following:
- (a) whether the ~~Graded Stakes~~ **New Zealand Pattern** Committee has adequately carried out its functions as defined in sub-Rule (7);
  - (b) whether adequate notice has been given to the Club concerned in terms of sub-Rule (8)(a) prior to the downgrading or delisting of any particular Race or Races;
  - (c) whether the changes relied upon by the ~~Graded Stakes~~ **New Zealand Pattern** Committee for downgrading or delisting a Race pursuant to Rule (8)(c) justify such actions;
  - (d) whether new information or changed circumstances have arisen since the ~~Graded Stakes~~ **New Zealand Pattern** Committee made its determination in respect of any particular Race or Races.
- (12) The Review Panel may:
- (a) confirm the List produced by the ~~Graded Stakes~~ **New Zealand Pattern** Committee, in which event the decision of the Review Panel shall be final; or
  - (b) set aside the List and prescribe the terms for referring it back to the ~~Graded Stakes~~ **New Zealand Pattern** Committee for re-consideration.
- (13) A Club shall only advertise a Race to be run at its Race Meeting in a particular Racing Year as being a Group Race or a Listed Race if that Race appears on the list published by NZTR in accordance with sub-Rule (7)(b) above for that Racing Year.

## 6. Rule 920(3)(c) – Decisions of the Judicial Committee

NZTR has removed 'or' in Rule 920(3)(c). This corrects a grammatical error. The inclusion of 'all or any' in the opening sentence of Rule 920 negates the need for 'or' in the applicable points (a) to (d) below.

### DECISIONS OF THE JUDICIAL COMMITTEE

- 920 (3) The Judicial Committee may order that all or any of the costs and expenses of:
- (a) any party to the hearing;
  - (b) any other person granted permission to be heard at the hearing by direction of the Judicial Committee;
  - (c) NZTR and/or any employee or officer thereof; ~~or~~
  - (d) the Judicial Control Authority and the Judicial Committee;
- be paid by such person or body as it thinks fit. Such amount if unpaid for 28 days shall be deemed Arrears and may be placed on the Arrears List. The Judicial Committee may in addition to or substitution of any other order or penalty, order that a Rider's riding fee or any part thereof be paid to the Rider or such other person as it thinks fit or be repaid to the Owner or lessee (as the case may be).