



# New Zealand Gazette

OF THURSDAY, 24 SEPTEMBER 2009

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## NEW ZEALAND THOROUGHBRED RACING INCORPORATED

AMENDED RULES OF RACING

PURSUANT TO SECTIONS 29–32 OF THE RACING ACT 2003

## GAZETTE NOTICE OF AMENDED RULES OF RACING

### **Racing Act 2003**

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#### **Amendment to the New Zealand Rules of Racing**

Pursuant to sections 29–32 of the Racing Act 2003, notice is given that all of the New Zealand Rules of Racing have been amended as set out in this notice.

These amendments will come into effect from 5 October 2009.

The New Zealand Rules of Racing can be viewed on the New Zealand Thoroughbred Racing Incorporated's website:

<http://www.nzracing.co.nz>

or copies can be inspected free of charge or purchased at the New Zealand Thoroughbred Racing Incorporated, 106-110 Jackson Street, Petone, Wellington.

Dated at Wellington this 30th day of September 2009.

**Malcolm Holmes**

Chief Executive

New Zealand Thoroughbred Racing Incorporated

## RULES OF RACING

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### PART I

#### APPLICATION, INTERPRETATION AND DEFINITIONS

##### APPLICATION

- 101 (1) These Rules shall apply to all Races, Race Meetings and all matters connected with racing, and shall apply to and be binding on:
- (a) NZTR;
  - (b) all Clubs and Club Committees; and agents, employees and officers of every such Club;
  - (c) all Licensed Persons and others working in or about any racing stable, or in connection with the management, care, control or superintendence of racehorses and their training and riding;
  - (d) all Owners, lessees and any persons comprising or having a legal or beneficial interest (either directly or indirectly) in an Owner, lessee or Legal Ownership Entity that is an Owner or lessee, or in a Legal Ownership Entity that has a legal or beneficial interest (either directly or indirectly) in an Owner or lessee under these Rules, and the Racing Manager, as applicable, thereof;
  - (e) all persons seeking admission to or attending any Racecourse on which any Race Meeting is held;
  - (f) all Horse Breeders;
  - (g) every person who in any manner directly or indirectly, by himself or any other person on his own behalf or on behalf of any other person, does or attempts to do any act or thing for the purpose of securing any right, benefit or privilege which he or any such other person is not entitled to receive under these Rules, or to evade any disability of any kind imposed on him or any such other person by or under these Rules;
  - (h) every person who aids, abets, counsels or procures a breach of these Rules (and such person shall be liable to the same penalty as is provided for the actual breach);
  - (i) every person who so acts as to bring himself within the purview of these Rules; and
  - (j) all Judicial Committees and Appeals Tribunals.
- (2) These Rules shall apply to any horse:
- (a) as soon as it is taken in hand by any person for the purpose of being trained for racing;
  - (b) whether then taken in hand or not as aforesaid, as soon as it is entered for any Race or trial (including a jump-out or test for certification purposes), or registered under these Rules;
  - (c) irrespective of the two last preceding paragraphs, at all times when it is in the possession or ownership of a disqualified person, or (during the period of disqualification) while it is in the ownership or possession of any person to whom it was sold or otherwise disposed of, after the commission of the breach or Serious Racing Offence in respect of which his disqualification was imposed; or
  - (d) generally when anything is required or otherwise provided to be done under these Rules in respect of such horse.
- (3) All bodies and persons to whom these Rules are applied as aforesaid shall at all times be deemed to have full knowledge of these Rules, and of their rights, duties, liabilities and obligations thereunder, and to agree to be bound by the decisions and acts of all tribunals and persons authorised by these Rules to act and give decisions.

**INTERPRETATION**

102 In these Rules, unless the context otherwise requires:

- (a) words importing the singular also include the plural and vice versa;
- (b) the headings and subheadings in these Rules are not deemed to be part of the Rules or to be taken into consideration in interpreting and construing the Rules;
- (c) references to inclusions do not imply any limitation;
- (d) a reference to any policy includes all amendments to, supplements to and replacements of such policy;
- (e) all references to Rules are references to Rules in these Rules of Racing;
- (f) a reference to a Schedule or an Appendix is a reference to a Schedule or an Appendix to these Rules; and
- (g) words importing the masculine gender include the feminine.

- 103 (1) These Rules are to be read and interpreted with the purpose of ensuring that Races and racing be conducted effectively, efficiently and with integrity.
- (2) For the purpose of jurisdiction of these Rules, where any act or omission forming part of any breach or Serious Racing Offence, or any event necessary to the completion of any breach or Serious Racing Offence, occurs in New Zealand, the breach or Serious Racing Offence shall be deemed to be committed in New Zealand, whether the person charged with the breach or Serious Racing Offence was in New Zealand or not at the time of the act, omission, or event.

**DEFINITIONS**

104 In these Rules, unless the context requires otherwise:

**Agent** means a person who is legally authorised to act on behalf of another, whether generally or for a limited purpose, to create a legally binding relationship with a third party.

**Agreement of Apprenticeship** means an agreement of apprenticeship between an Apprentice and a Club or Trainer, as applicable, provided the agreement is executed in the form prescribed by NZTR and is entered into in accordance with the Apprentice Policy.

**Another Racing Authority** means HRNZ, GRNZ, or a recognised authority of thoroughbred or harness horse racing, or greyhound racing, of any country (or state in such country) other than New Zealand.

**Apprentice** means:

- (a) a person who is a holder of a Class B rider's licence, or a Class A miscellaneous licence and who is undertaking a modern or other apprenticeship towards a qualification as a Rider or Stablehand, as applicable; or
- (b) any other person who is undertaking a modern or other apprenticeship towards a qualification in Racecourse management,

in accordance with NZTR's Apprentice Policy and subject to an Agreement of Apprenticeship.

**Apprentice Jockeys' Fund** means the fund established by NZTR to promote the purposes set out in the Apprentice Jockeys' Fund Policy.

**Apprentice Jockeys' Fund Policy** means the Apprentice Jockeys' Fund Policy published, from time to time, by NZTR.

**Apprentice Policy** means the Apprentice Policy published, from time to time, by NZTR.

**Appeals Tribunal** means an Appeals Tribunal appointed by the Judicial Control Authority.

**Arrears** means any money payable by any person or body under these Rules or payable to NZTR or a Club in connection with any of its activities or operations and which remains unpaid for more than 28 days after becoming due for payment and includes any money or payment specifically deemed by any of these Rules to be Arrears.

**Arrears List** means the list of Arrears kept by NZTR in accordance with Rule 1201.

**Assistant Investigator** means a person appointed under Rule 201.

**Assistant Stipendiary Steward** means a person appointed under Rule 201.

**Authorised Person** means:

- (a) a person acting in any hospital who is employed by a District Health Board or similar entity or organisation and who in the normal course of the person's duties takes blood specimens;
- (b) a nurse registered or enrolled under the Health Practitioners Competence Assurance Act 2003;
- (c) a medical laboratory technologist registered under the Medical Auxiliaries Act 1966 or Regulations made under that Act; or
- (d) in the case of urine samples only, any employee of the Institute of Environmental Science and Research Limited (**ESR**) or New Zealand Racing Laboratory Services or such other laboratory or organisation as approved by the Board, who either:
  - (i) holds a scientific degree or New Zealand Certificate of Science; or
  - (ii) has completed NZQA Unit Standard 6417 (Level 3) or the latest NZQA Unit Standard which supersedes or is equivalent to NZQA Unit Standard 6417 (Level 3).

**Authorised Wagering Operator** means a wagering operator which fulfils all of the following requirements:

- (a) it is licensed to conduct wagering activities on Races;
- (b) NZTR obtains financial returns from it in relation to wagering activities carried out on any Races;
- (c) it agrees to provide NZTR with a disclosure of betting transactions placed on Races; and
- (d) it is provided with race field information by, and has a right to use such race field information under an agreement with, NZTR; and
- (e) it is able to provide and, if requested, provides NZTR with sufficient evidence to confirm the integrity of its wagering activities.

NZTR may publish a list of Authorised Wagering Operators on its website from time to time.

**Birdcage** means the enclosure on a Racecourse where horses are marshalled and paraded prior to a Race.

**Board** means the body of persons comprising the NZTR directors.

**Chief Executive** means the Chief Executive of NZTR.

**Class A rider's licence** means a licence granted pursuant to Rule 311. It may also be referred to as a Jockey's Licence and the holder as a Jockey.

**Class B rider's licence** means a licence granted pursuant to Rule 312(1). It may also be referred to as an Apprentice Jockey's Licence and the holder as an Apprentice Jockey.

**Class C rider's licence** means a licence granted pursuant to Rule 312(2). It may also be referred to as a Probationer's Licence and the holder as a Probationer.

**Class D rider's licence** means a licence granted pursuant to Rule 311 (2). It may also be referred to as a Jumps Licence and the holder as Jumps Jockey.

**Class E rider's licence** means a licence granted pursuant to Rule 313. It may also be referred to as an Amateur Rider's Licence and the holder as an Amateur Jockey.

**Class A trainer's licence** means a licence issued pursuant to Rule 303.

**Class B trainer's licence** means a licence issued pursuant to Rule 304.

**Class C trainer's licence** means a licence issued pursuant to Rule 305.

**Class A miscellaneous licence** means a licence issued pursuant to Rule 315. It may also be referred to as a Stablehand's Licence and the holder as a Stablehand.

**Class B miscellaneous licence** means a licence issued pursuant to Rule 316. It may also be referred to as a Trackwork Rider's Licence and the holder as a Trackwork Rider.

**Class C miscellaneous licence** means a licence issued pursuant to Rule 317. It may also be referred to as a Rider's Agent Licence and the holder as a Rider's Agent.

**Clerk of the Course** means a person appointed by NZTR or a Club to carry out the duties as the Clerk of the Course in accordance with these Rules at a Race Meeting.

**Clerk of the Scales** means a person appointed by NZTR or a Club to carry out the duties as the Clerk of the Scales in accordance with these Rules at a Race Meeting.

**Club** means an incorporated society registered with NZTR pursuant to NZTR's Constitution.

**Counsel** means a barrister and/or solicitor.

**Court of Law** means a court of law in New Zealand.

**De facto Partner** means a person in a de facto relationship with another person, which is a relationship between two persons (whether a man and a woman, or a man and a man, or a woman and a woman):

- (a) who are both aged 18 years or older;
- (b) who live together as a couple; and
- (c) who are not married to, or in a civil union with, one another.

**Emergency Medical Officer** means a qualified first aid provider or emergency medical provider appointed by NZTR as an Official in that capacity for a Race Meeting.

**Flat Race** means a Race in which there are no obstacles, including any hurdles or steeplechases, to be jumped by the horses competing in that Race, i.e. a race that is not a Jumping Race.

**Foreign Horse** means a horse foaled outside of New Zealand.

**General Trust Fund** means the fund administered by the General Trustees in accordance with the General Trust Fund Policy.

**General Trust Fund Policy** means the policy published by NZTR, from time to time, in accordance with Rule 1301.

**General Trustee** means a Trustee appointed by NZTR to act as a Trustee of the General Trust Fund.

**Goods and Services Tax** means tax payable under the Goods and Services Tax Act 1985.

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

**GRNZ** means New Zealand Greyhound Racing Association Incorporated and any successor or related body.

**Handicap Race** means a Race in which the weights to be carried by the horses are allotted by the Handicapper for the purpose of equalising their chance of winning.

**Handicapper** means a person appointed under Rule 213.

**Highweight Race** means any set weight Highweight Race or handicap Highweight Race in which only Riders who hold a Class D rider's licence and who in the period from 1 January in the previous year, have had at least one ride in a Steeplechase Race or Hurdle Race may ride.

**Horse Breeder** means any person who owns or leases a broodmare or stallion entered, or eligible for entry, in New Zealand Stud Book.

**HRNZ** means Harness Racing New Zealand Incorporated and any successor or related body.

**Hurdle Race** means a Race in which there are a number of hurdles, of a type specified in the Racing Policy, to be jumped by the horses competing in that Race.

**International Cataloguing Standards** means the International Cataloguing Standards published by the International Federation of Horseracing Authorities.

**Investigator** means a person appointed under Rule 201 who shall be deemed to be a racecourse inspector within the meaning of section 29(2)(a) of the Racing Act 2003.



**Jockey Challenge** means a type of bet offered by an Authorised Wagering Operator as a jockey challenge, for which the person placing the bet is placing a bet on a Riders outcome in a Race or over a series of designated Races.

**Judge** means the person appointed by NZTR or a Club to declare the official placings for each Race at a Race Meeting.

**Judge's Report** means the report specifying for a Race the placings of horses in stake-bearing placings and the placing immediately following the last stake-bearing placing, which is prepared and signed by the Judge in accordance with Rule 641.

**Judicial Committee** means a Judicial Committee appointed by the Judicial Control Authority.

**Judicial Control Authority** means the Judicial Control Authority established pursuant to the Racing Act 2003.

**Jumping Race** means a Hurdle Race or a Steeplechase Race, as applicable.

**Laying** means the placing of a bet, whether directly or indirectly, on a horse to lose a race, "Lay" and "Laid" each have a corresponding meaning.

**Legal Ownership Entity** means any legal person (e.g. a company or a Limited Partnership) other than a natural person or group of natural persons (e.g., persons in a syndicate or partnership).

**Licence** means one or more of the following licences:

- (a) Class A, Class B, Class C, Class D or Class E rider's licence;
- (b) Class A, Class B, or Class C trainer's licence; or
- (c) Class A, Class B or Class C miscellaneous licence.

**Licensed** means holding a valid and applicable Licence at that time.

**Licenceholder** means the holder of one or more of the following licences:

- (a) Class A, Class B, Class C, Class D or Class E rider's licence;
- (b) Class A, Class B, Class C trainer's licence; or
- (c) Class A, Class B or Class C miscellaneous licence.

Such person may also be referred to as a Licensed Person.

**Limited Partnership** means a limited partnership formed in accordance with the Limited Partnerships Act 2008.

**List of Disqualifications** means the List of persons and horses who are disqualified in accordance with the Rules, which is kept by NZTR in accordance with Rule 1103.

**Maiden** means:

- (a) for a Flat Race, a horse, which at the time of starting in a Flat Race, has not previously won a Flat Race;
- (b) for a Hurdle Race, a horse, which at the time of starting in a Hurdle Race, has not previously won a Hurdle Race; and
- (c) for a Steeplechase Race, a horse, which at the time of starting in a Steeplechase Race, has not previously won a Steeplechase Race.

**Maiden Race** means in respect of a Flat Race, a Hurdle Race or a Steeplechase Race (as applicable), a Race of that type in which only Maidens may start.

**Near Relative** means the:

- (a) wife, husband, civil union partner, or De facto Partner;
- (b) the father, father-in-law, mother, mother-in-law, and/or civil union partner or De facto Partner of the father or mother;
- (c) son, son-in-law, daughter, daughter-in-law, and/or civil union partner or De facto Partner of the son or daughter; and
- (d) brother, brother-in-law, sister, sister-in-law, and/or civil union partner or De facto Partner of the brother or sister,

of the person in question.

**New Zealand Stud Book Regulations** means the regulations set out in the First Appendix to these Rules.

**Notice of Appeal** means a prescribed notice of appeal in the appropriate form required by NZTR, which is filed with the Appeals Tribunal to appeal a ruling or decision made by a Judicial Committee.

**Notifiable Gear** means the notifiable gear set out in gear list approved and published by NZTR.

**NZRB** means the New Zealand Racing Board.

**NZTR** means:

- (a) New Zealand Thoroughbred Racing Incorporated;
- (b) the Board of New Zealand Thoroughbred Racing Incorporated;
- (c) the Chief Executive of New Zealand Thoroughbred Racing Incorporated; and
- (d) any agent, employee, director or officer of New Zealand Thoroughbred Racing Incorporated to whom the Board has delegated a power, duty, right or obligation.

**NZRB Betting Rules** means the New Zealand Racing Board's Betting Rules, as amended from time to time, issued by the New Zealand Racing Board pursuant to the Racing Act 2003.

**Official** means a person appointed or employed by NZTR or a Club to carry out official duties in accordance with these Rules either at a Race Meeting or in any matter which relates to Races or racing.

**Official Result of Placings** means the result of the official placings of horses in stake-bearing placings and the placing immediately following the last stake-bearing placing as declared in accordance with Rule 703.

**Owner** includes, in relation to a horse, a person, being a natural person or a group of natural persons or a Legal Ownership Entity, who has an Ownership interest in a horse, and "Ownership" and "Owned" have a corresponding meaning.

**Prohibited Substance** means any substance as declared in the Fourth Appendix to these Rules.

**Race** means a horse race or competition (not being a harness race or competition) conducted during a Race Meeting, which is conducted by any Club and "to Race" has a corresponding meaning.

**Race day** means a day of a Race Meeting on which Races are held.

**Racecourse** means a racecourse which is owned or under the control of a Club and includes all the land and improvements - such as stands, seats, stables, enclosures, rooms, offices, betting and recreational areas, carparks - used in connection with the conduct or observation of Races, Race Meetings or other matters connected with racing.

**Race Meeting** means any meeting conducted by a Club at which horse racing takes place, for which that Club has a betting licence, and at which the Totalisator is in operation.

**Racing Manager** means a person approved by NZTR as a Racing Manager in accordance with Rules 406, 422 and 426.

**Racing Policy** means any Racing Policy published by NZTR, from time to time, in accordance with Rule 501.

**Racing Year** means the period beginning on the first day of August in any calendar year and ending on the 31<sup>st</sup> day of July in the next succeeding calendar year.

**Register of Non Stud Book Mares** means the register of Non Stud Book Mares kept by NZTR.

**Register of Stud Book Mares** means the register of Stud Book Mares kept by NZTR.

**Registered Medical Practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

**Registrar** means a person appointed to act as a registrar for a Tribunal.



**Restricted Open Handicap Race** means a Flat Race which is a Handicap Race for horses which at the time of starting are not less than three years old and for which the minimum weight allotted shall be not less than 54kg.

**Review Panel** means the panel established under Rule 506 to review the Graded Stakes Committee decisions.

**Rider** means a person authorised by these Rules, whether as the holder of a Rider's Licence or otherwise howsoever to ride a horse in a race, and for the purposes of the drug and alcohol testing provisions in these Rules and Rule 610 includes the holder of a Class A miscellaneous licence (except where such a Licence contains a condition prohibiting the Licenceholder from riding horses) or Class B miscellaneous licence and any other person who rides or presents himself to ride a horse in trackwork and/or trials (including jump-outs and/or tests for certification purposes) and/or at any Training Facility or any Trainer's Premises.

**Rider's licence** means a Class A rider's licence, Class B rider's licence, Class C rider's licence, Class D rider's licence, or a Class E rider's licence.

**Rules** means these Rules of Racing, being the rules made by NZTR for the purposes of section 29 of the Racing Act 2003, including any amendments to the Rules made under section 39 of the Racing Act 2003.

**Serious Racing Offence** means a Serious Racing Offence within the meaning of Rule 801 of these Rules and includes any other breach of these Rules which is adjudged or declared, by a Judicial Committee pursuant to a power to do so contained in any of these Rules, or deemed by any of the Rules, to be a Serious Racing Offence.

**Starter** means the person appointed by NZTR or a Club in accordance with Rule 629 to start Races at a Race Meeting together with that person's assistants.

**Steeplechase Race** means a Race in which there are a number of steeples, of a type specified in the Racing Policy, to be jumped by the horses competing in that Race.

**Stipendiary Steward** means a person appointed under Rule 201.

**Thoroughbred Racing Monthly** means every publication, in whatever form, and every issue thereof, which is published by NZTR under the name of "Thoroughbred Racing Monthly", "the Thoroughbred Racing Monthly of NZTR", and/or "the Official Calendar of Thoroughbred Racing", which is deemed to be the "Official Calendar" of NZTR for the purpose of the Racing Act 2003.

**Totalisator** means a totalisator operated by NZRB under the Racing Act 2003.

**Trainer** means the holder of a valid Class A, Class B, or Class C trainer's licence.

**Trainer's licence** means a Class A, Class B, or Class C trainer's licence.

**Trainer's Premises** means any place, or part of a place, at which horses that are in training are quartered or trained or worked and:

- (a) which is owned, leased or occupied by a Trainer;
- (b) in respect of which a Trainer has any right of access; or
- (c) which is reasonably believed by NZTR or a Tribunal to be in some way related to a Trainer.

**Training Facility** means any place at which horses are actively trained or worked and:

- (a) which is owned, leased or occupied by a Club;
- (b) in respect of which a Club has any right or ability to access; or
- (c) which is reasonably believed by NZTR or a Tribunal to be in some way used by a Club.

**Training Partnership** means a training partnership which has been approved under Rule 309.

**Tribunal** means a Judicial Committee or an Appeals Tribunal.

**Veterinarian** has the same meaning as is set out for that term in the Veterinarians Act 2005.

**Weight-for-Age Races** means a Race with the weight to be carried by each horse allotted in accordance with the weight-for-age scale set out in the Racing Policy.

**Withdrawal Deadline** means, for a Race, the time and date fixed and advertised as the closing time and date for withdrawals for that Race.

**NON MATERIAL ADMINISTRATIVE ERRORS**

- 105 A failure, omission, error, failure to follow a protocol or instruction, oversight, want of form, irregularity or similar such thing, any of which is administrative in nature, shall not affect any act done, or purportedly done, or an information, penalty, decision, order, document, process or proceeding related to these Rules unless it is of material effect; and the relevant decision-maker (including a Tribunal) has the power to cure or ignore any such failure, omission, error, failure to follow a protocol or instruction, oversight, want of form, irregularity or similar such thing, any of which is administrative in nature, unless it believes it to be of material effect.

**REGULATIONS AND OTHER ADMINISTRATIVE MATTERS**

- 106 NZTR may make or issue the following under these Rules:

- (a) regulations;
- (b) directives;
- (c) policies;
- (d) guidelines;
- (e) practices,

all of which must be followed by those bound by the Rules.

**DELEGATION**

- 107 The Board, or the Chief Executive, of New Zealand Thoroughbred Racing Incorporated (as applicable), may delegate any power, duty, right or obligation the Board or the Chief Executive (as applicable) has under these Rules to any agent, employee, director or officer of New Zealand Thoroughbred Racing Incorporated.

**108 TRANSITIONAL PROVISIONS**

Notwithstanding any other Rule, the following transitional provisions set out in this Rule 108 shall apply in relation to the transition from the Rules of Racing that apply as at 4 October 2009, and these Rules of Racing which come into effect from 5 October 2009:

- (1) As from 5 October 2009 any Licence, registration, entry, acceptance, withdrawal or scratching granted or made in accordance with the New Zealand Thoroughbred Rules of Racing as at 4 October 2009, shall be assumed to be a Licence, registration, entry, acceptance, withdrawal or scratching granted or made under these Rules (with respect to Licences), and for any Race to be run on or after 5 October 2009 (with respect to entries, acceptances, withdrawals, and scratchings), provided that:
- (a) a person holding a:
    - (i) Jockey's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class A rider's licence from 5 October 2009 under these Rules of Racing;
    - (ii) Apprentice Jockey's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class B rider's licence from 5 October 2009 under these Rules of Racing;
    - (iii) Probationer's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class C rider's licence from 5 October 2009 under these Rules of Racing;
    - (iv) Jumps Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class D rider's licence from 5 October 2009 under these Rules of Racing;
    - (v) Amateur Jockey's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class E rider's licence from 5 October 2009 under these Rules of Racing;
    - (vi) Registered Trainer's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class A trainer's licence from 5 October 2009 under these Rules of Racing;
    - (vii) Permit-to-Train as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class B trainer's licence from 5 October 2009 under these Rules of Racing;

- (viii) Owner-Trainer's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class C trainer's licence from 5 October 2009 under these Rules of Racing;
  - (ix) Stablehand's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class A miscellaneous licence from 5 October 2009 under these Rules of Racing, and where the person's Stablehand's Licence as at 4 October 2009 is a non-riding Licence then that person shall be deemed to have a condition imposed on their Class A miscellaneous licence from 5 October 2009 prohibiting the person from riding horses;
  - (x) Trackwork Rider's Licence as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class B miscellaneous licence from 5 October 2009 under these Rules of Racing;
  - (xi) a NZTR registration as a Rider's Agent as at 4 October 2009 under the then Rules of Racing shall be deemed to be holding a Class C miscellaneous licence from 5 October 2009 under these Rules of Racing;
- (b) where the Owners of a horse were registered as a partnership or syndicate as at 4 October 2009 under the then existing Rules, then such Owners shall continue to be registered in respect of that horse, and the name under which the Owners are registered (e.g. ABC Syndicate, or ABC Partnership) shall continue to apply in respect of that horse, but the partnership and syndicate shall no longer be deemed to be a "registered partnership" or "registered syndicate". For the avoidance of doubt the reporting obligations under these Rules in relation to Owners and lessees shall apply, as applicable, and the reporting obligations set out in the Rules existing as at 4 October 2009 shall no longer apply;
- (c) where one or more Owner(s) of a horse is a registered company as at 4 October 2009 under the then existing Rules, then such company shall continue to be registered as the or a Owner in respect of that horse, and the name(s) under which the horse is registered (e.g. ABC Company Limited) shall continue to apply in respect of that horse, but the company shall no longer be deemed to be a "registered company". For the avoidance of doubt the reporting obligations under these Rules in relation to Owners and lessees shall apply, as applicable, and the reporting obligations set out in the Rules existing as at 4 October 2009 for a "registered company" shall no longer apply;
- (d) where two or more Trainers have notified NZTR prior to 5 October 2009 that such trainers are training in partnership, then such Trainers shall be deemed to be in a Training Partnership within the meaning of, and on the terms set out in, these Rules and each such Trainer's Class A trainer's licence shall be deemed to include a condition that such Trainer must only train horses in partnership with a or the Trainers previously notified to NZTR as being the first mentioned Trainer's training partners.
- (2) As from 5 October 2009:
- (a) any cancellation or suspension of a Licence;
  - (b) any person appearing on the List of Disqualification;
  - (c) any person or horse appearing on the Unpaid Forfeit List (which from 5 October 2009 is to be known as the Arrears List);
  - (d) any exclusion from entering a Racecourse under Rules made under section 34 of the Racing Act,
- as at 4 October 2009, under the then current Rules, shall continue under these Rules. For the avoidance of doubt, the Unpaid Forfeit List shall be deemed to be the Arrears List from 5 October 2009.
- (3) Any information filed before 5 October 2009 shall be heard under the Rules as were in force as at the time that information was filed.
- (4) Any act, matter, omission or thing occurring substantially prior to 5 October 2009 and which leads to an information being filed on or after 5 October 2009, shall be determined under the Rules as were in force as at 4 October 2009, provided that any act, matter, omission or thing occurring substantially on or after 5 October 2009 (albeit with minor or related acts, matters, omissions or things occurring prior to that date) and

which leads to an information being filed on or after 5 October 2009 shall be determined under the Rules then currently in force and effect.

- (5) Anything done on the exercise of a power under the Rules as at 4 October 2009 shall continue to have effect as if it had been done under the Rules as at 5 October 2009.
- (6) Any Official holding a position under the Rules as at 4 October 2009 shall continue in his position and be deemed to have been appointed under the Rules as at 5 October 2009.

**PART II****STIPENDIARY STEWARDS, INVESTIGATORS AND HANDICAPPERS****APPOINTMENT, FUNCTIONS AND DUTIES OF STIPENDIARY STEWARDS AND INVESTIGATORS**

- 201 (1) NZTR may appoint:
- (a) Stipendiary Stewards;
  - (b) Assistant Stipendiary Stewards;
  - (c) Investigators; and
  - (d) Assistant Investigators.
- (2) Assistant Stipendiary Stewards and Assistant Investigators shall be deemed to have the same duties, rights and obligations as are provided in these Rules for a Stipendiary Steward or Investigator, respectively, except in any of the following respects:
- (a) where the context of a particular rule requires otherwise; or
  - (b) where the terms or conditions of his appointment require otherwise.
- 202 All acts by any Stipendiary Steward or Investigator, Assistant Stipendiary Steward or Assistant Investigator shall, notwithstanding any subsequent discovery of some defect in his appointment, or that he was not qualified for appointment, be valid.
- 203 Stipendiary Stewards and Investigators shall at all times be admitted free to Racecourses and Training Facilities and to every part thereof and in performance of their duties shall have the right to enter into any building, room, or place thereon provided such entry reasonably relates to their functions.
- 204 The functions of Stipendiary Stewards and Investigators are to:
- (a) maintain the integrity of Races and racing;
  - (b) regulate and oversee all Race day matters and all matters related to Races and racing;
  - (c) investigate potential breaches of the Rules;
  - (d) assist in relation to licensing matters;
  - (e) generally, to do all things necessary so that Races and racing are conducted efficiently and with integrity and in accordance with these Rules.
- 205 Stipendiary Stewards and Investigators shall have such powers and functions as provided by these Rules and such further powers as may be reasonably necessary to enable them to carry out their functions under these Rules and to give effect to and implement these Rules.
- 206 Stipendiary Stewards and Investigators have the power at any time to investigate any matters relating to Races or racing.
- 207 (1) During a Race Meeting Stipendiary Stewards and Investigators, in addition to all other powers conferred on them by these Rules, have the power to:
- (a) regulate and control the conduct of the Officials and of all Licenceholders and persons attending on horses;
  - (b) request the Judicial Committee to order the removal of an Official for the duration of the meeting and to order the appointment of another person to act in place of the person so removed;
  - (c) appoint a deputy of or assistant to any such Official;
  - (d) order the removal of any Rider and substitute another in his place;
  - (e) request the Judicial Committee to determine any dispute concerning the exercise or proposed exercise by them of any of their powers or duties under these Rules; and
  - (f) take such steps as they consider necessary for the purpose of horse and Rider welfare.
- (2) Stipendiary Stewards and Investigators shall, in addition to all other powers conferred by these Rules, have the power to question any person and require him to supply any

information within his knowledge or possession or to make a written declaration (statutory or otherwise) or statement, respecting any matter connected with racing or otherwise being investigated by them.

208 Stipendiary Stewards and Investigators have the power:

- (a) to require from the person in whose name such horse is entered, proof:
  - (i) of his ownership or other interest entitling him 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;
- (b) at any time to detain and/or take possession or allow any person specified by them to take possession for such period as they or such person considers necessary or desirable, any horse which has been entered for or started in a Race and to examine that horse or order that it be examined by such person or persons as they direct and at such time and place as they specify:
  - (i) for the purpose of ascertaining whether that horse is the horse it is or was represented to be; and
  - (ii) for any other purpose as they think fit;
- (c) to require any horse to be produced for inspection, examination or observation by any person specified by them at a time and place also so specified;
- (d) at any time to order and/or cause a horse to be removed from the Racecourse;
- (e) to order the person who entered a horse for any Race to declare the name of the Owner or lessee (as the case may be) and the names of all persons interested directly or indirectly in the horse or the horse's stake earnings and if such person fails to prove to the satisfaction of the Stipendiary Stewards or Investigators that the declaration is true in every particular, a Stipendiary Steward or Investigator may file an information requesting the Judicial Committee to declare the entry of such horse to be invalid, the money paid for such entry to be forfeited to NZTR on behalf of the Club, and the stakes (if any) to be forfeited for the Race in which the horse is entered;
- (f) to require a Rider to permit a sample of his blood, breath, urine, saliva or sweat (or more than one thereof), to be obtained from him by or under the supervision of a Registered Medical Practitioner or an Authorised Person at such time and place as a Stipendiary Steward or Investigator shall nominate;
- (g) to require a Rider to undergo a medical examination by a Registered Medical Practitioner or an Emergency Medical Officer or similarly experienced person if they consider on reasonable grounds that the Rider may be unfit to ride in a Race he is proposing to ride in on that day because of injury, illness or other disability; and
- (h) to enter a Trainer's Premises and access any facility (including a horse float) at reasonable times for the purposes of:
  - (i) requiring a Rider to permit a sample to be obtained by them pursuant to rule 208(f) above;
  - (ii) ensuring non-Licensed Persons are not involved in the care, control or training of a horse;
  - (iii) ensuring horse and Rider welfare;
  - (iv) ensuring any relevant Trainer's Licence conditions are being observed;
  - (v) ensuring only a Rider, or holder of a Class A miscellaneous licence (permitted to ride horses under their licence) or Class B miscellaneous licence, or a Trainer, or a person approved to ride by a Stipendiary Steward, is riding a horse; or
  - (vi) speaking to a person in connection with an inquiry or investigation.

209 (1) Stipendiary Stewards and Investigators may scratch from a Race, or declare ineligible to start in a Race until a specific condition is met, any horse on any reasonable grounds including but not limited to:

- (a) that the horse is not in a fit condition or state to race;
- (b) that the horse has a contagious or other disease;



- (c) that the horse has or may have had administered to it a Prohibited Substance;
  - (d) that the horse has had, or is to have, or may have had used on or in relation to it, any gear, appliance or device not previously approved by NZTR;
  - (e) that the horse is to race with any gear, appliance, device or equipment which is faulty or unsafe and cannot immediately be replaced by the Trainer or Rider; or
  - (f) that the brands and/or markings of the horse are incorrect or that the identity of the horse is not able to be established.
- (2) A dispute as to the exercise or proposed exercise of a Stipendiary Steward's or Investigator's power pursuant to sub-Rule (1) hereof may be referred to the Judicial Committee for final determination provided:
  - (a) NZRB or any Authorised Wagering Operator has not been notified of the outcome of that exercise or proposed exercise of power; and
  - (b) it is not within ten minutes of the official start time of the Race determined by NZRB (as amended by NZTR from time to time).
- 210 (1) From any time at which withdrawals close for any Race Meeting and during any Race Meeting Stipendiary Stewards and Investigators have power where any horse has been entered for or has run in any Race, to order:
  - (a) that any person take and maintain possession of any horse at any place for such period and under such conditions as the Stipendiary Stewards or Investigators specify; and/or
  - (b) that the horse be examined and/or tested and/or have any sample taken therefrom (including a sample of its urine and/or blood). Any such sample ordered to be taken shall as far as practicable be taken in accordance with the swabbing instructions or other direction (if any) from NZTR in force at the time of the order.
- (2) Neither a Stipendiary Steward nor an Investigator nor NZTR nor any person authorised by any of them to act under these Rules, nor any employee nor agent of any of them shall be liable for damages to the Owner or lessee (as the case may be), or Trainer of such horse or to any other person subject to these Rules at any time when the alleged cause of action arose by reason of the exercise of the powers conferred hereby or by any other Rule.
- 211 For the purposes of these Rules, where applicable, Stipendiary Stewards and Investigators shall be deemed to be duly authorised officers or agents of the Club and the Club Committee at every Race Meeting.
- 212 Stipendiary Stewards and Investigators shall have the duty and power to:
  - (a) exclude and/or remove from any Racecourse any person excluded or prohibited from having admission or entry thereto under these Rules or by any Rules made pursuant to section 34 of the Racing Act 2003; and
  - (b) take such steps as may be reasonably practicable to prevent undesirable persons from having any connection with or influence on:
    - (i) racing;
    - (ii) Race Meetings; and
    - (iii) any Licensed Person.

#### **APPOINTMENT, FUNCTIONS AND DUTIES OF HANDICAPPERS**

- 213 NZTR may appoint Handicappers.
- 214 The duties of a Handicapper shall be to frame the handicaps for all Races run under these Rules and to allot the weights for individual horses in accordance with any system determined by NZTR for handicapping for the time being in force (if any), having regard in the case of a particular Race to the special conditions (if any) approved for that Race.
- 215 A person shall not attempt to improperly influence the Handicapper in any matter of the handicapping and/or the rating of any horse, but any Owner or lessee (as the case may be) or Trainer may apply in writing to NZTR for an explanation of the handicapping by the Handicapper of any horse owned, leased, or trained by that Owner or lessee or Trainer (as applicable).

- 216 (1) The Handicapper may amend the allotted weight and/or rating of a horse only if:
- (a) the Chief Executive is satisfied that the allotted weight and/or rating was incorrect because of:
    - (i) a clerical error at the time of release of such weight and/or rating;
    - (ii) incomplete or inaccurate information on the performances, age, sex or identity of that horse; or
    - (iii) an error by the Handicapper in the assessment of the age or sex of any entry or of the conditions of the Race; or
  - (b) the amendment is a rehandicap or imposition of a penalty, as a result of that horse winning another Race, and the amendment is made prior to the official scratching time on Race day.
- (2) The Handicapper may, with the permission of the Chief Executive and before the relevant Withdrawal Deadline, issue a substitute set of weights and/or ratings for a Handicap Race only when:
- (a) a correctly nominated horse was not included in the original weights; or
  - (b) the original weights were not in accordance with the conditions of the Race.
- (3) Notwithstanding the foregoing provisions of this Rule, an error in the allotted weight and/or rating of any horse in a Weight-for-Age, set weight or set weight and penalties Race may be corrected at any time.

**PART III**  
**LICENSED PERSONS AND LICENCES**

**LICENCES**

- 301 (1) NZTR may grant Licences.
- (2) When considering an application or granting a Licence, NZTR may:
- (a) exempt an applicant from any requirement for that Licence; or
  - (b) impose such conditions as it sees fit in respect of that Licence.
- (3) A Licence shall not be issued to any person:
- (a) who is or has been an illegal bookmaker or an illegal bookmaker's clerk or agent;
  - (b) who is excluded from entering a Racecourse pursuant to Rules made under section 34 of the Racing Act 2003;
  - (c) who is undergoing a period of disqualification imposed under these Rules or by Another Racing Authority;
  - (d) whose name appears in the Arrears List or a list of arrears for Another Racing Authority; and/or
  - (e) who NZTR considers to be unsuitable to hold a Licence, for reasons of integrity, competence or otherwise.
- (4) Any Licence issued to a person who subsequently comes within any of the provisions of Rule 301(3)(a) to (d) is automatically revoked.
- 302 Any person applying for a Licence must:
- (a) do so on the prescribed form and pay the applicable fee; and
  - (b) provide such information, beyond that sought in the prescribed form, as NZTR requires.

**TRAINERS' LICENCES**

- 303 A Class A trainer's licence may only be granted to a person who:
- (a) has attained the age of 18 years;
  - (b) as his primary occupation, trains race horses;
  - (c) has:
    - (i) held a Class A rider's licence for at least two years;
    - (ii) held a Class A miscellaneous licence for at least six years; or
    - (iii) previously held a Class B trainer's licence;
  - (d) is competent to train race horses;
  - (e) owns or occupies appropriate Trainer's Premises; and
  - (f) is financially sound and of good character.
- 304 (1) A Class B trainer's licence may only be granted to a person who:
- (a) has attained the age of 18 years;
  - (b) fulfils one of the requirements at Rule 303(c)(i) and (ii) above;
  - (c) does not train more than six race horses, which shall include race horses in which he has an Ownership interest;
  - (d) is competent to train race horses;
  - (e) owns or occupies appropriate Trainer's Premises; and
  - (f) is financially sound and of good character.
- (2) For the purpose of this Rule only, a horse which is spelling is not being "trained".

- (3) A person holding a Class B trainer's licence shall, within seven days after a horse trained by him commences to spell or ceases to be in his charge or under his supervision for the purpose of being trainer, notify NZTR in writing of that fact.
- 305 (1) A Class C trainer's licence may be issued to a person who:
- (a) trains:
    - (i) only horses solely owned or leased to him;
    - (ii) only horses in respect of which he has an Ownership interest of at least 10% with the balance being owned by one or more Near Relatives; and
    - (iii) no more than two horses in respect of which he has an Ownership interest of at least 50%;
  - (b) is competent to train horses;
  - (c) owns or occupies an appropriate Trainer's Premises; and
  - (d) is financially sound and of good character.
- (2) For the purpose of this Rule only, a horse which is spelling is not being "trained".
- (3) A person holding a Class C trainer's licence shall, within seven days after a horse of the type set out in sub-Rule (1)(a)(iii) above, which is trained by him, commences to spell or ceases to be in his charge or under his supervision for the purpose of being trainer, notify NZTR in writing of that fact.
- 306 A Trainer's Premises must be approved by NZTR, and the requirement to obtain and retain such approval is a condition of each Trainer's licence.
- 307 Every Trainer's licence which is issued shall contain, or be presumed conclusively to contain, a condition that the Trainer shall, when required to do so by a Stipendiary Steward or Investigator, permit that Stipendiary Steward or Investigator to have reasonable access to that Trainer's Premises for the purposes of:
- (a) requiring a Rider to permit a sample to be obtained by him pursuant to Rule 208(f);
  - (b) ensuring non-Licensed Persons are not involved in the care, control or training of a horse;
  - (c) ensuring horse and Rider welfare;
  - (d) ensuring any relevant Trainer's Licence conditions are being observed; and/or
  - (e) ensuring only a Rider, or holder of a Class A miscellaneous licence (permitted to ride horses under their licence) or Class B miscellaneous licence, or a Trainer, or a person approved to ride by a Stipendiary Steward, is riding a horse.
- 308 A Trainer must not allow a non-Licensed Person to be involved in the care, control or training of any horse notified to NZTR pursuant to Rule 326(1) as being in his charge for the purposes of being trained.
- 309 Any Trainer who wishes to:
- (a) train in partnership with another Trainer must seek NZTR's permission to do so, which permission may be granted on such conditions as NZTR sees fit;
  - (b) no longer train in partnership with another or other Trainer(s) comprising a Training Partnership, must apply to NZTR to have the condition of training in partnership with such other Trainer(s) removed from their respective Licences, and such application shall result in NZTR reviewing all the Licences of the Trainers in that Training Partnership in accordance with Rule 322 which may involve the imposition of further conditions on any Licence, or cancellation or withdrawal or suspension of the Licence held by any Trainer who is part of that Training Partnership.
- 310 A Training Partnership shall be deemed to be jointly and severally liable for any breach of the following rules regardless of whether all Trainers in that partnership were involved in the breach:
- (a) 306, 308, 322, 325, 326(1), 326(3), 327, 330(6);
  - (b) 523, 524, 526, 527, 529, 533;
  - (c) 633, 634, 635, 636(1)(a), 650, 651(2), 652(1), 651(4), 652(2), 653, 654; and/or
  - (d) 804(2), 804(3).

**RIDERS' LICENCES**

- 311 (1) A Class A rider's licence (Jockey's Licence) may be issued to a person who:
- (a) has attained the age of 18 years and has completed an apprenticeship in accordance with NZTR's requirements;
  - (b) has:
    - (i) previously held a Class B rider's licence;
    - (ii) previously held a Class A rider's licence; or
    - (iii) otherwise satisfies NZTR that he is competent to ride in Races, trials (including jump-outs and tests for certification purposes) and trackwork; and
  - (c) is financially sound and of good character.
- (2) A Class D rider's licence (Jumps Licence) may be issued to a person who:
- (a) has attained the age of 18 years;
  - (b) satisfies NZTR that he is competent to ride in Jumping Races, jumping trials (including jump-outs and tests for certification purposes) and trackwork;
  - (c) has ridden in a Jumping Race in the 18 months prior to the date on which he has applied for a Class D rider's licence; and
  - (d) is of good character.
- 312 (1) A Class B rider's licence (Apprentice Jockey's Licence) may be issued to a person who:
- (a) has held a Class C rider's licence for at least 3 months;
  - (b) has attained the age of 15 years and 3 months;
  - (c) satisfies NZTR that he is competent to ride in Races, trials (including jump-outs and tests for certification purposes) and trackwork; and
  - (d) is of good character.
- (2) A Class C riders' licence (Probationer's Licence) may be issued for no more than 12 months to a person who:
- (a) has attained the age of 15 years;
  - (b) satisfies NZTR that he is competent to ride in trials (including jump-outs and tests for certification purposes) and trackwork; and
  - (c) is of good character.
- 313 (1) A Class E rider's licence (Amateur Rider's Licence) may be issued to a person who:
- (a) has not in the previous 12 months received any money or valuable consideration for riding in a Race, other than a trophy given under the conditions of the Race;
  - (b) has attained the age of 15 years;
  - (c) satisfies NZTR that he is competent to ride in Races, trials (including jump-outs and tests for certification purposes) and trackwork; and
  - (d) is of good character.
- 314 (1) Every Rider's Licence which is issued shall contain, or be presumed conclusively to contain, a condition that the holder shall, whenever required to do so by a Stipendiary Steward or Investigator, permit a sample of the holder's blood, breath, urine, saliva or sweat (or more than one thereof), to be obtained from the holder by, or under the supervision of, a Registered Medical Practitioner or an Authorised Person.
- (2) Where a Rider holds a Class D rider's licence, that Rider may also hold a Class A, Class B, or Class E rider's licence in accordance with these Rules.

**MISCELLANEOUS LICENCES**

- 315 A Class A miscellaneous licence (Stablehand's Licence) may be issued to a person who:
- (a) has attained the age of 15 years;

- (b) is of good character; and
- (c) satisfies NZTR that he is competent to discharge the functions of a Stablehand.

Pursuant to Rule 302, NZTR reserves the right to impose a condition on a person's Class A miscellaneous licence prohibiting that person from riding horses.

316 A Class B miscellaneous licence (Trackwork Rider's Licence) may be issued to a person who:

- (a) has attained the age of 15 years;
- (b) is of good character; and
- (c) satisfies NZTR that he is competent to ride in trackwork.

317 A Class C miscellaneous licence (Rider's Agent Licence) may be issued to a person who:

- (a) has attained the age of 18 years;
- (b) is of good character; and
- (c) satisfies NZTR that he is competent and responsible to discharge the functions associated with engaging Riders.

#### **LICENCES FOR OVERSEAS PERSONS**

318 NZTR may grant a temporary Licence to any person temporarily visiting New Zealand on such terms, and for such duration, as it sees fit.

#### **RENEWAL OF LICENCES ETC.**

319 Not later than the 1st day of July in each year every Licenceholder who wishes to renew his Licence for the next year, shall forward to NZTR an application for renewal in the prescribed form and with payment of the applicable fee.

320 All applications for renewal shall be treated as if they were initial applications for the grant of a Licence except that, unless NZTR decides otherwise, every renewed Licence shall be deemed to have the same conditions and duration as the previous Licence.

321 An Investigator or Stipendiary Steward shall consider any application for renewal referred to him by NZTR and shall forward to NZTR any recommendation or comments he may wish to make with respect to such application. The Investigator or Stipendiary Steward may also require the applicant to supply further information relevant to that application.

#### **REVIEW, SUSPENSION, WITHDRAWAL AND CANCELLATION OF LICENCES**

- 322 (1) NZTR may, on reasonable grounds, at any time review and impose conditions on any Licence, or cancel or withdraw or suspend any Licence including, but not limited to, if:
- (a) a Rider or Trackwork Rider or Stablehand who when required by a Stipendiary Steward or Investigator to permit a sample of his blood, breath, urine, saliva or sweat (or more than one thereof), to be obtained from him by or under the supervision of a Registered Medical Practitioner or an Authorised Person, refused or failed to do so at the time and place nominated by such Stipendiary Steward or Investigator; or
  - (b) a Trainer, when required to do so by a Stipendiary Steward or Investigator, failed to permit that Stipendiary Steward or Investigator to have reasonable access to that Trainer's Premises for the purposes of Rule 208(h); or
  - (c) a Licenceholder who holds a Licence but who no longer meets the criteria set out in these Rules for such Licence.
- (2) A Licenceholder must within seventy two hours of bankruptcy or admission to the no assets procedure, notify NZTR of such event.
- (3) Any Licenceholder may at any time make written application to NZTR to relinquish such Licence. NZTR may accept the relinquishment of such Licence upon such terms (if any) as it thinks fit to impose or refuse to accept that relinquishment.
- (4) Every cancellation, withdrawal, relinquishment, suspension or refusal to grant a renewal or accept a relinquishment of a Licence shall be notified by NZTR in the Thoroughbred Racing Monthly.
- (5) On the cancellation, withdrawal, relinquishment or expiration of a Licence the person formerly holding that Licence shall on demand by NZTR return to it within fourteen



days after the date of such demand, any identification card issued by the authority of NZTR. The identification card automatically shall be deemed to be no longer in force.

#### **CLASS A AND CLASS B MISCELLANEOUS LICENCES**

- 323 A Class A or Class B miscellaneous Licenceholder attending to any horse or fulfilling any duties, at any Race Meeting or trials (including jump-outs or tests for certification purposes) must wear, so as to be visible by relevant officials, a current identification card issued by NZTR.

#### **ABILITY TO RIDE**

- 324 Only a Rider, or holder of a Class A miscellaneous licence (except for a holder of such a licence that contains a condition prohibiting the holder from riding horses) or Class B miscellaneous licence, or Trainer, or such other person approved by a Stipendiary Steward, may ride a horse, which is registered, at any Racecourse, Training Facility or Trainer's Premises.

#### **TRAINERS**

- 325 (1) A Trainer may engage another Trainer to assist in the care, control or training of a horse only if that first trainer has NZTR's permission, which may be granted on such conditions as NZTR sees fit.
- (2) A Licensed Person who is an employee of a Trainer may train any horse of his employer during the latter's absence not exceeding one month (or such other period as may be approved in any particular case by NZTR) and he may on behalf of his employer take charge of any such horse at, and for the purposes of, any Race Meeting at which his employer is not present.
- (3) Where a Trainer of a horse which is to run at a Race Meeting is not in attendance at that Race Meeting, he must authorise another Trainer or Licensed Person to care for the horse at the Race Meeting and inform a Stipendiary Steward not later than one hour before the start of the Race of the identity of that person.
- (4) Subject to the provisions of the preceding sub-Rules of this Rule, a horse may only start in a Race, and a person may only start a horse in a Race, if that horse has been in training under the direct charge or care of a Trainer for a continuous period of not less than four weeks immediately prior to such Race, provided that the spelling of a horse after a Race at any Race Meeting held during the said period of four weeks shall be regarded as training for the purposes of this Rule.
- (5) Notwithstanding anything to the contrary in any of these Rules NZTR may authorise a Trainer to quarter or train horses at more than one Trainer's Premises, or to train or work horses from more than one Training Facility, subject to such conditions (if any) as NZTR thinks fit to impose. If a Trainer has been so authorised any horse which he trains at or from any of his authorised Trainer's Premises or Training Facilities shall for all the purposes of these Rules be deemed to be trained by him and no objection shall be taken to any such horse on the ground that while it was in training in one or more of his authorised Trainer's Premises or Training Facilities it was not under his direct charge or care.
- 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.

- (5) 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. NZTR, on behalf of a Club, shall pay such sum (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 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 505(4) in respect of winnings.
  - (6) 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.
  - (7) 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.
- 327 (1) A Trainer shall not, without the previous written consent of NZTR, employ or otherwise permit to work or to assist in any capacity in connection with the care, control or training of any horse:
- (a) any person whose last application for a Trainer's or Rider's or Rider's Agent Licence has been refused, or whose last licence as a Trainer or Rider or Rider's Agent was cancelled, withdrawn or revoked;
  - (b) any unlicensed person;
  - (c) any person who is excluded from entering a Racecourse pursuant to Rules made under section 34 of the Racing Act 2003; or
  - (d) any person prohibited by NZTR from being employed in or about any Trainer's Premises.
- (2) NZTR may issue to any person a notice prohibiting him from being employed in or about any Trainer's Premises and such notice shall be published by NZTR warning Trainers not to employ any such person in any capacity in or about a Trainer's Premises.
- 328 A Trainer who is also a Rider shall not, in any Race in which there runs any horse trained by him, ride a horse which is not trained by him.

#### **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.

#### **RIDERS**

- 330 (1) An Apprentice Jockey may only be engaged to ride a horse at a Race Meeting with the prior permission of his employer or his employer's Rider's Agent.
- (2) Any dispute with reference to the engagement or engagements of a Rider to ride at a particular Race Meeting or Race Meetings shall be determined by a Judicial Committee at the request of a Stipendiary Steward or any of the parties to the dispute.

- (3) A Rider shall not:
  - (a) wilfully or without reasonable cause break a riding engagement;
  - (b) permit himself to be engaged for more than one horse accepted or deemed to have been accepted for the same Race;
  - (c) fail to ride a horse at the weight at which it is handicapped to carry; or
  - (d) be represented by more than one Rider's Agent.
- (4) An Owner or lessee (as the case may be) or Trainer, and every Agent of an Owner or lessee (as the case may be) or Trainer, who has engaged a Rider to ride in a Race shall not, without reasonable cause, break such engagement.
- (5) The provisions of sub-Rule (2), (3) and (4) of this Rule shall extend and apply to Apprentice Jockeys engaged as is authorised pursuant to Rule 336 and to sub-Rule (1) of this Rule.
- (6) An employer of an Apprentice Jockey (or that employer's Rider's Agent, in the case of an Apprentice Jockey), and every Rider's Agent, shall not:
  - (a) permit the Apprentice Jockey or Rider to be engaged to ride more than one horse accepted or deemed to have been accepted for the same Race; or
  - (b) without reasonable cause, break an engagement for his Apprentice Jockey or Rider to ride a horse in a Race.

#### RIDING FEES

- 331 (1) The 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 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) NZTR shall pay the fees earned by a Rider other than an Apprentice Jockey at a Race Meeting 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 505(4) in respect of winnings.
- (2) NZTR shall, subject to Part XIII of these Rules, dispose of the fees earned by each such Apprentice Jockey 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.

**OWNERSHIP OF HORSES BY RIDER**

- 333 (1) A Rider may own or lease a horse which is in training or entered for a Race only if:
- (a) the Rider is not under the age of 18 years or is not a Rider holding a Class B or C rider's licence; and
  - (b) (i) the horse is owned by or leased to:
    - (A) the Rider only; or
    - (B) the Rider and other persons, where the Rider has at least a 25% interest in the horse, as Owner (where there is no lessee) or lessee (as the case may be); or
    - (C) a Legal Ownership Entity and the Rider is the beneficial owner of at least 25% of the shares or other ownership rights or interests or other legal or beneficial interest in that Legal Ownership Entity. Provided that a Rider may apply to NZTR for an exemption from the operation of this Rule so as to permit him to acquire or retain shares in a Legal Ownership Entity which is listed on a recognised stock exchange in New Zealand or in the jurisdiction of Another Racing Authority and in any such case NZTR may, if it thinks fit, grant that exemption or such terms and conditions as it thinks fit in its absolute discretion; or
  - (ii) the horse is the subject of a lease and the Rider is the only or one of the Owners (being the lessor) of that horse (for the avoidance of doubt, where the horse is the subject of a lease and the Rider is the only or one of the lessees of that horse then sub-Rule 333(1)(b)(i) applies),
- provided that the Rider declares such Ownership interest to NZTR so that the fact that such Rider has an Ownership interest shall be included in the race book for any Race for which the applicable horse is entered.
- (2) A Rider shall not, in any Race in which a horse or horses owned or leased by that Rider, or that Rider and other persons, or by an Legal Ownership Entity in which the Rider has a beneficial interest in accordance with Rule 333(1) (the **Rider's Horse**), ride any horse other than one of the Rider's Horses.

**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.

**AMATEUR RIDERS**

- 335 A Rider holding a Class E rider's licence, or a Class E rider's licence in combination with a Class D rider's licence, shall not ask for or receive any remuneration or reward (other than a trophy given under the conditions of the Race to a Rider of a horse) for riding in any Race, and no person shall offer or give any such remuneration or reward to such a Rider.

**RIDER'S AGENTS**

- 336 A Rider's Agent may only engage, or assist in engaging, a Rider to ride a horse in a Race if he has first obtained written approval from NZTR to represent that Rider or, in the case of an Apprentice Jockey, that Apprentice Jockey's employer.
- 337 A Rider's Agent must, as soon as practical, notify NZTR in writing in the event of the termination of a contract or arrangement to represent a Rider or an Apprentice Jockey's employer.
- 338 A Rider's Agent may only engage a Rider for a race with the consent of that Rider or, if the Rider is an Apprentice Jockey, the Apprentice Jockey's employer.
- 339 A Rider's Agent may not give, directly or indirectly, riding instructions of any nature to a Rider to whom he represents.

**MISCONDUCT**

- 340 A Licensed Person, Owner, lessee, Racing Manager, Official or other person bound by these Rules must not misconduct himself in any matter relating to the conduct of Races or racing.

**APPRENTICE JOCKEYS**

- 341 (1) Only a Trainer or a Club (as applicable) may employ an Apprentice.
- (2) An Apprentice must be employed pursuant to an Agreement of Apprenticeship in accordance with the Apprentice Policy, and during the term of that particular Agreement of Apprenticeship the relevant Apprentice and Trainer, or Club, or any person who is party to a transfer of the Apprentice (as applicable) must comply with the provisions of the Agreement of Apprenticeship and the Apprentice Policy.
- 342 (1) A person shall not offer or pay any inducement (whether in cash or otherwise) to any other person for the purpose of the engagement or transfer of an Apprentice, or the termination of an Agreement of Apprenticeship prior to the date it would otherwise have expired, and a person shall not accept such an inducement.
- (2) Whether or not it imposes any other penalty, the Judicial Committee shall direct a refund of the value of any such inducement. A failure to make such refund within seven days after and exclusive of the day on which it was directed is declared to be a Serious Racing Offence.

**PART IV****REGISTRATION OF HORSES FOR RACING AND BREEDING;  
AND OWNERS AND LESSEES****DETERMINATION OF AGE FOR HORSES**

401 The age of each horse shall be determined as follows:

- (a) in the event that the mare was first covered before 1 September in a calendar year, then the produce of that mare which is born in the following calendar year (regardless of its date of birth) will be deemed to have commenced its second year of life on 1 August of the calendar year in which it is born (i.e. it will become a yearling on that day); or
- (b) in the event that the mare was first covered on or after 1 September in a calendar year, then the produce of that mare which is born in the following calendar year (regardless of its date of birth) will be deemed to have commenced its first year of life on 1 August of the calendar year in which it is born, provided that date of birth is consistent with such covering.

**APPROVAL OF NAME OF HORSES**

- 402 (1) The Owner of a horse must propose the name under which the horse is to be registered at the time he or she applies for registration of the horse pursuant to Rule 406 and may only use that name for the horse once NZTR has approved that name for registration in accordance with sub-Rule (2) below.
- (2) NZTR may approve a name for registration, or require a change to a registered name, provided that NZTR shall, subject to sub-Rule (3) of this Rule, not approve for registration any name:
- (a) under which any other horse was previously registered under these Rules until a period of 15 years has elapsed from the date on which such other horse was foaled;
  - (b) which has previously been registered for a mare whose name has appeared in the New Zealand Stud Book until a period of 12 years has elapsed from the year in which NZTR is notified that the mare has died or has ceased breeding;
  - (c) which has previously been registered for a stallion whose name has appeared in the list of stallions at stud in the New Zealand Stud Book until a period of 15 years has elapsed from the last year in which such stallion's name appeared in such list; or
  - (d) which is recorded in a list of names designated from time to time by NZTR as names which cannot be used or repeated.
- (3) If a Foreign Horse is imported into New Zealand with a name that is not able to be approved under Rule 402(2), NZTR may nevertheless approve the name of that foreign horse unconditionally or on the condition that it is registered with a numeral, in which case the name with the relevant numeral shall be the name of the Foreign Horse in New Zealand.

**NOTIFICATION OF GELDING**

- 403 The Owner, lessee, or Racing Manager of a horse which has been registered under these Rules must notify NZTR as soon as practicable, but in any event before the Withdrawal Deadline for its next Race or before there is any change in the ownership or any lease is granted in respect of that horse, if such horse is gelded.

**HORSE IDENTITY**

- 404 (1) Once the name of a horse is registered in accordance with Rule 402, the name used for that horse in any Race or trial (including a jump-out or test for certification purposes) or otherwise in connection with racing in New Zealand or elsewhere must be its registered name.
- (2) A person shall not enter, accept, start or intend to start a horse in a Race or trial (including a jump-out or test for certification purposes) under a name other than its registered name or its recorded breeding details in the case of an unnamed horse that is entered for or starts in a trial.



- (3) A person shall not, in any matter connected with racing, use a name of and/or breeding details in relation to a horse other than its registered name and its breeding details recorded with NZTR. A person who acts in contravention of this sub-Rule (3) commits a Serious Racing Offence.

### REGISTRATION OF HORSES

- 405 A horse may only be entered for, and start in, a Race if it is registered in accordance with these Rules.
- 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.
- (b) If a Legal Ownership Entity is the Owner or an Owner of (or otherwise has a legal or beneficial interest in) a horse, then the application for registration of that horse must be accompanied by the full name of every person who:
- (i) has a legal or beneficial interest (directly or indirectly, whether as a shareholder or otherwise) in that Legal Ownership Entity; and
  - (ii) is a member of the board of directors or other governing body of that Legal Ownership Entity.
- (c) If a lease has been entered into in respect of a horse for which an application for registration is being made, then the application for registration of that horse must also be accompanied by a notice of lease completed in accordance with Rule 422 and payment of the applicable fee for registration of a lease of a horse.
- (d) NZTR may require an application for registration of a horse to be verified by way of statutory declaration by the Owner(s), Horse Breeder(s) or Trainer of the horse and/or for such other particulars or information concerning:
- (i) the horse;
  - (ii) the Owner(s) of the horse or any other person with a legal or beneficial interest in the horse;
  - (iii) any Legal Ownership Entity which has an Ownership interest, or otherwise has a legal or beneficial interest, in the horse, and, in the case of any such Legal Ownership Entity, the persons referred to in sub-Rule (b) of this Rule; and
  - (iv) the nominated Racing Manager (if one is required under these Rules),
- to be disclosed to it as NZTR may require in its absolute discretion.
- 407 In order to be eligible for registration, a horse must:
- (a) be micro-chipped, freeze branded, DNA-typed or identified in such other manner as is permitted or required by NZTR;
  - (b) have been accepted for inclusion:
    - (i) in the New Zealand Stud Book or in the stud book of Another Racing Authority; or
    - (ii) in the Register of Non Stud Book Mares as the produce of a sire and dam each registered under these Rules; and
  - (c) be the product of a natural service, which is the physical mounting of a mare by a stallion with intromission of the penis and ejaculation of semen into the reproductive

tract. A natural gestation must take place and delivery must be from the body of the same mare in which the foal was conceived. For the avoidance of doubt:

- (i) this natural service may include the immediate reinforcement of the stallion's service by using residual semen ejaculated by the stallion whilst it penetrated the mare during that service of the same mare, provided that the reinforcement of service must be immediately after the natural covering and the semen must not be processed or altered in any way before it is used for reinforcement; and
  - (ii) semen obtained from a stallion by any artificial means may not be used to reinforce a service, and any other form of artificial breeding (including artificial insemination, embryo transfer or transplant, cloning, or any other form of genetic manipulation) may not be used to produce the horse.
- 408 (1) A horse shall only be registered if the application for registration of that horse is approved by NZTR.
- (2) A natural person may have an Ownership interest in a horse for the purposes of racing only if he has attained the age of 18 years.
- (3) A person to whom any of sub-Rules 411(b)(i) to (vi) applies may not be:
- (a) an Owner of, or otherwise have a legal or beneficial interest in, a horse;
  - (b) a shareholder of, or otherwise have a legal or beneficial interest (directly or indirectly) in, a Legal Ownership Entity that is an Owner of, or otherwise has a legal or beneficial interest in, a horse; or
  - (c) a Racing Manager of a horse.
- (4) NZTR has complete discretion whether or not to approve an application for registration of and register a horse, and may approve registration of a horse on such terms and conditions as it sees fit in its absolute discretion, including (but not limited to) requiring a guarantee or other security in a form acceptable to it in its absolute discretion, from such person or persons as it may require (including, if applicable, the directors and shareholders of and any other persons with Ownership interests in, any Legal Ownership Entity which owns or is an Owner of a horse).
- (5) If NZTR approves a horse for registration, notification of registration of the horse shall be given to the Owner(s) and be published in the Thoroughbred Racing Monthly. NZTR shall also provide the Owner with a certificate of registration in respect of the horse.
- 409 A horse may not be entered for, or start in, a Race if a person has:
- (a) an Ownership interest in, or an interest as lessee of, that horse; or
  - (b) a legal or beneficial interest (whether as a shareholder or otherwise) in a Legal Ownership Entity which has an Ownership interest in, or an interest as lessee of, that horse,

which has not been notified to NZTR in accordance with these Rules.

## REGISTER OF HORSES

- 410 NZTR shall keep a register in respect of each horse approved for registration under Rule 408 stating:
- (a) the registered name of the horse;
  - (b) the branding, micro-chip or DNA-typing for the horse;
  - (c) the breeding of the horse;
  - (d) the name(s) of the Owner(s) of the horse (which shall be a *prima facie* record of the registered Owner(s) of a horse, but not absolute evidence of Ownership); and
  - (e) the name(s) of lessee(s) of the horse (which shall be a *prima facie* record of the registered lessee(s) of a horse, but not absolute evidence of a leasehold interest), if a lease of the horse has been registered by NZTR in accordance with these Rules.

**CANCELLATION OF REGISTRATION OF HORSES**

411 The registration of a horse, or the registration of a lease in respect of a horse may be cancelled by NZTR at any time in its absolute discretion if:

- (a) a person has, or has acquired:
  - (i) an Ownership interest in, or an interest as lessee of, that horse which has not been notified to and registered by NZTR; or
  - (ii) a legal or beneficial interest in that horse or a legal or beneficial interest (directly or indirectly) in a Legal Ownership Entity which:
    - (A) has an Ownership interest in;
    - (B) has an interest as lessee of; or
    - (C) otherwise has a legal or beneficial interest in,that horse without such interest having been notified to NZTR, in accordance with these Rules.
- (b) an Owner, lessee, or the Racing Manager of, or any person who otherwise has a legal or beneficial interest in, the horse, or a shareholder or person who otherwise has a legal or beneficial interest (directly or indirectly) in a Legal Ownership Entity which has an Ownership interest in, or an interest as lessee or has a legal or beneficial interest in, the horse:
  - (i) is a disqualified person in accordance with these Rules or the official rules of Another Racing Authority;
  - (ii) is named for the time being in the Arrears List or in the Thoroughbred Racing Monthly in respect of any entry in such list, or in the list of arrears or other similar list of Another Racing Authority;
  - (iii) who is or has been an illegal bookmaker or an illegal bookmaker's clerk or agent;
  - (iv) is a person who is excluded from entering a Racecourse pursuant to Rules made under section 34 of the Racing Act 2003;
  - (v) commits a Serious Racing Offence; and/or
  - (vi) is declared bankrupt (in the case of a natural person) or is being wound up or a liquidator or provisional liquidator or a receiver or statutory manager has been appointed in respect of it (in the case of a Legal Ownership Entity);
- (c) any information or evidence requested by NZTR under Rule 406(d) or Rule 428, 430 has not been provided to NZTR by the time fixed by it;
- (d) requested to do so by an Owner who is no longer intending to use that horse for the purpose of racing or breeding in accordance with the Rules.

412 Notification of:

- (a) the cancellation of registration, or disqualification, of a horse; or
- (b) the cancellation of registration of a lease of a horse,

shall be given to the Owner(s) and lessee(s) (if any), together with the reasons for such cancellation or disqualification, and be published by NZTR from time to time. NZTR may, on being satisfied in its absolute discretion that the reasons for any such cancellation no longer exist, direct that such horse or the lease of it (as the case may be) be again registered under these Rules.

413 The Owner, lessee, or Racing Manager (as applicable), of a horse must notify NZTR in writing if and as soon as any of the events set out in Rules 411(a) and (b) occur and must ensure that the relevant horse is not trained on a Racecourse or Training Facility, or entered for or started in a Race or a trial (including a jump-out or test for certification purposes), while any such event continues.

414 In any case where the registration of a horse, or the registration of a lease of a horse, has been cancelled under Rule 411 because an event described in Rule 411(b)(vi) has occurred, NZTR may, in its absolute discretion and on such conditions (if any) as it thinks fit, on the application of the liquidator, provisional liquidator, receiver, statutory manager or official assignee (as the case may be) reinstate the registration of that horse or the lease of it.

**REGULATIONS FOR OWNERSHIP INTERESTS AND RACING MANAGERS**

415 NZTR may, at any time, make, amend or revoke such regulations (not inconsistent with these Rules) as it thinks fit in respect of:

- (a) Ownership interests in and leases of horses; and
- (b) Racing Managers.

**REGISTRATION OF STALLIONS**

- 416 (1) NZTR shall keep a Stallions' Registration List in which the name of each stallion registered in a particular Racing Year will be recorded.
- (2) A thoroughbred stallion shall only be used for stud purposes in New Zealand if it has been registered for such purpose in the Stallions' Registration List in accordance with the New Zealand Stud Book Regulations.

**NOTIFICATION ON HORSE'S DEATH**

- 417 On the death of any registered horse the Owner or Racing Manager of the Owner (as the case may be) at the time of death shall, within one month of the date that the horse dies, notify NZTR in writing to that effect.

**FOREIGN HORSES**

- 418 NZTR may approve the registration of a Foreign Horse in accordance with Rules 406 and 407 on such terms and conditions it sees fit in its absolute discretion provided it has been provided with such evidence of the identity of a Foreign Horse as it may require in its absolute discretion.

**CERTIFICATE OF PEDIGREE**

- 419 (1) A person may obtain from NZTR a certificate of pedigree (if any) of:
- (a) any Foreign Horse which arrives in New Zealand; or
  - (b) any horse about to leave New Zealand,
- which endorses the certificate of identity of the horse.
- (2) Any person who wishes to obtain a certificate of pedigree shall apply, on the prescribed form to NZTR. The application must be accompanied by the applicable fee set by NZTR, from time to time.
- (3) NZTR may require an application for a certificate of pedigree to be verified by way of statutory declaration by the Owner(s), Horse Breeder(s) or Trainer of the Foreign Horse and/or for such other particulars or information to be disclosed as NZTR may require in its absolute discretion, including if it requires verification from Another Racing Authority.
- (4) An application for a certificate of pedigree may be approved and a certificate issued by NZTR under this Rule 419 in its absolute discretion.

**HORSES RETURNING TO NEW ZEALAND**

- 420 Unless NZTR approves otherwise, a horse which enters New Zealand for the first time, or which has been exported from New Zealand and is brought back to New Zealand, shall not be eligible to be entered for or started in a Race until NZTR has received:
- (a) a certificate of pedigree issued under Rule 419 in respect of that horse, duly endorsed by Another Racing Authority in which the horse raced overseas, or if it did not race each country from which the horse has returned; and
  - (b) evidence from Another Racing Authority of each country or state in which the horse raced while overseas of:
    - (i) the distance, conditions and name of each Race in which the horse started in that country or state;
    - (ii) the date on which each such Race was run and the place it was run at;
    - (iii) the stake offered to the winner, the weight which the horse carried, its placing and the type and amount of any prizes and/or stakes earned in each such Race.

**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) 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.
- (2) If a Legal Ownership Entity is the lessee or a lessee of the horse (or otherwise has an interest in the horse), then the application for registration of the relevant lease must be accompanied by the full name of every person who:
- (a) has a legal or beneficial interest (directly or indirectly, whether as a shareholder or otherwise) in that Legal Ownership Entity; and
  - (b) is a member of the board of directors or other governing body of that Legal Ownership Entity.
- (3) NZTR may require an application for registration of a lease to be verified by way of statutory declaration by the lessee(s), Owner(s), or Trainer of the horse and/or for such other particulars or information concerning:
- (a) the horse;
  - (b) the lessee(s) of the horse or any other person with a legal or beneficial interest in the lease of that horse;
  - (c) any Legal Ownership Entity which has a legal or beneficial interest in the horse, and, in the case of any such Legal Ownership Entity, the persons referred to in sub-Rule (2) of this Rule; and
  - (d) the nominated Racing Manager of the lessees for the horse (if one is required under these Rules),
- to be disclosed to it as NZTR may require in its absolute discretion.
- (4) A lease of a horse shall only be registered on the approval of NZTR.
- (5) A natural person may have an interest in a horse as lessee for the purposes of racing only if he has attained the age of 18 years.
- (6) A person to whom any of the sub-Rules 411(b)(i) to (vi) applies may not be:
- (a) a lessee of, or otherwise have a legal or beneficial interest in the lease of, a horse;
  - (b) a shareholder of, or otherwise have a legal or beneficial interest (directly or indirectly) in a Legal Ownership Entity that is a or the lessee of, or which otherwise has a legal or beneficial interest in the lease of, a horse; or
  - (c) a Racing Manager of a horse for the lessees of the relevant horse.
- (7) NZTR has complete discretion whether or not to approve the registration of a lease of a horse, and may approve registration of a lease on such terms and conditions as it sees fit in its absolute discretion, including (but not limited to) requiring a guarantee or other security in a form acceptable to it, in its absolute discretion, from such person or persons as it may require (including, if applicable, the directors and shareholders or any other persons with Ownership interests in any Legal Ownership Entity which is a or the lessee of the horse).

- (8) If NZTR approves the lease of a horse for registration, notification of registration shall be given to the Owner(s) and lessee(s) of the horse and be published in the Thoroughbred Racing Monthly.
- (9) If a lessee of a horse is required to nominate a Racing Manager in accordance with Rule 422(1)(d), then the Racing Manager nominated by such lessee is the Racing Manager of that horse for the purpose of racing in place of any Racing Manager nominated by the Owner(s) of the horse.

#### **CHANGE OF OWNER(S) OR LESSEE(S)**

- 423 (1) Notice of any change in the legal or beneficial Ownership of a horse or in the lessees of a horse (including, for the avoidance of doubt, any change in the percentage interest held by any Owner or lessee of the horse) must be given to NZTR within seven days after any such change takes place, and before the horse is started in any Race, provided that where any such change takes place:

- (a) during a Race Meeting; or
- (b) within the period of seventy-two hours immediately preceding the commencement of a Race Meeting at which the horse has been accepted for a start,

such notice must be given as soon as possible to NZTR, and when so given and acknowledged by NZTR during that Race Meeting it shall be deemed, only for the purposes of such Race Meeting, to have been accepted by NZTR.

- (2) The notice of a change in the Ownership of a horse or in the lessees of a horse must be submitted by the Owner(s), lessee(s) or Racing Manager (as the case may be) on the prescribed form to NZTR, with such further information as NZTR may require in its absolute discretion, and must:
    - (a) be accompanied by payment of the applicable fee set by NZTR, from time to time;
    - (b) state the full name(s) of:
      - (i) each person who is selling, transferring or otherwise disposing of all or any part of any interest he or it has in that horse (whether as Owner, lessee or otherwise);
      - (ii) each person who is acquiring any interest in that horse (whether as Owner, lessee or otherwise); and
      - (iii) if any person referred to in Rule 423(2)(b)(ii) is a Legal Ownership Entity, the full name of every person who:
        - (A) has a legal or beneficial interest in that Legal Ownership Entity (whether as a shareholder or otherwise);
        - (B) is a member of the board of directors or other governing body of that Legal Ownership Entity;
    - (c) be signed by each person:
      - (i) referred to in Rules 423(b)(i) and (ii) above;
      - (ii) named as an Owner of the horse on the register kept by NZTR in accordance with Rule 410; and
      - (iii) named as a lessee of the horse on the register kept by NZTR in accordance with Rule 410, where the interest being acquired is an interest as lessee in an existing registered lease,
- except:
- (iv) in cases of death or incapacity;
  - (v) where such person has been absent from New Zealand for more than one month and is unable to be located, in which event the remaining persons comprising Owner(s) or lessee(s), as applicable, agree to indemnify NZTR from and in connection with any loss, claim or damage that may arise from their failing to obtain the absent person's signature on notice of any change in the legal or beneficial Ownership of a horse or in the lessees of a horse; or



- (vi) if the relevant interest in the horse is no more than 20%, in which case if the horse has a Racing Manager then that Racing Manager, if duly authorised to do so, may sign on behalf of one or more Owner(s) or lessee(s); and
  - (d) if applicable, specify whether the owner/lessee is now registered under the Goods and Services Tax Act 1985, and if so specify its Good and Services Tax registration number.
- (3) If any person whose signature is required by this Rule refuses or fails to sign a notice of change, a notice signed by every other person whose signature is required may be accepted by NZTR as sufficient if accompanied by such evidence as NZTR may require, in its absolute discretion, that the change in the ownership of the horse or in the lessees of the horse has in fact occurred.
- (4) NZTR may require any notice of a change in the Ownership of a horse or in the lessees of a horse to be verified by way of statutory declaration by the lessee(s), Owner(s), Trainer of the horse, or any of the persons otherwise referred to in Rule 423(b)(i) and (ii), and/or for such other particulars or information to be disclosed in relation to such notice and any person acquiring any interest (whether as owner, lessee) or otherwise in the horse under it as NZTR may require in its absolute discretion.
- (5) In the case of a mare with foal at foot a separate notice must be given in accordance with this Rule in respect of the mare and the foal.
- (6) Notice of a change in the Ownership of a horse or in the lessees of a horse shall not be registered until such notice has been approved by NZTR and notification of such approval has been given to the Owner(s) of the horse and, where applicable, the lessee(s). NZTR may refuse to accept any such notice in its absolute discretion and shall not be bound to give any reason for such refusal. Notice of acceptance or refusal under this Rule shall be given to the Owner(s) or the lessee(s) as the case may be, and transferee(s) within thirty days after the notice of change of Ownership is received by NZTR.
- (7) A notice of a change in the Ownership of a horse, or in the lessees of a horse, shall not be accepted if any details contained in the notice conflict with the details already recorded with NZTR in its Register or in the Stud Book.
- (8) Subject to the proviso to sub-Rule (1) of this Rule, if there has been a change in the Ownership of a horse or in the lessees of a horse which is leased, that horse shall not be eligible to be entered in, accepted for, or started in a Race until notice of any such change has been approved and registered by NZTR.

#### **OWNERS' NAMES FOR RACING**

- 424 (1) A horse registered with up to (and including) ten Owners or lessees shall race in the names of those Owners or lessees (as the case may be), or in the Ownership name(s) nominated by them at the time they were registered as Owners or lessees (as the case may be), provided that Ownership name has been approved by NZTR. For the avoidance of doubt, an Ownership name may include the term "syndicate", "partnership", or "trust" etc if the Owners wish to use that term to describe their Ownership relationship or the nature of their Ownership of the horse.
- (2) A horse registered with more than ten Owners or lessees shall race in the ownership name(s) nominated by them at the time they were registered as Owners or lessees (as the case may be), provided that Ownership name has been approved by NZTR. For the avoidance of doubt, an Ownership name may include the term "syndicate", "partnership", or "trust" etc if the Owners wish to use that term to describe their Ownership relationship or the nature of their Ownership of the horse.

#### **RACING MANAGER**

- 425 A Racing Manager must be a natural person who has attained the age of 18 years.
- 426 (1) Where a horse has a Racing Manager, the Owner(s) or lessee(s) (as the case may be) who appointed the Racing Manager may revoke the appointment and nominate a new Racing Manager at any time. Any such revocation and new nomination must:
  - (a) be in writing; and

- (b) unless NZTR directs otherwise, be signed by persons holding at least a 51% interest as Owner or lessee (as the case may be) in such horse,

and shall not take effect until it has been notified to, and the appointment of the new Racing Manager has been approved by, NZTR.

- (2) NZTR may in its absolute discretion, at any time and without assigning any reason, withdraw its approval of the Racing Manager of a horse and require another Racing Manager to be nominated for that horse, including if the Racing Manager is or becomes a person to whom any of sub-Rules 411(b)(i) to (vi) apply.

#### **RESPONSIBILITIES AND AUTHORITY OF RACING MANAGER**

427 The Racing Manager of a horse:

- (a) shall in place of the Owner(s) or lessee(s) of that horse who appointed him as Racing Manager:
  - (i) have the authority under these Rules to nominate, enter, or accept that horse for, or withdraw or scratch it from, a Race; and
  - (ii) receive any prizes or stakes in respect of that horse,

and in that respect any reference to an Owner or lessee in any Rule empowering such persons to carry out such acts and to enjoy such rights shall be deemed to include the rights for the Racing Manager to act in the relevant Owner or lessee's place;
- (b) shall ensure by all reasonable means that the Owner(s) or lessee(s) who appointed him as Racing Manager of the relevant horse:
  - (i) meet in full all debts incurred in connection with the racing of that horse;
  - (ii) comply with any conditions imposed by NZTR on the registration of that horse;
  - (iii) carry out every obligation imposed on them under these Rules in their capacity as Owner(s) or lessee(s), as the case may be, of the horse; and
  - (iv) are represented:
    - (A) by him or failing him some other responsible person (not being Counsel or a lay advocate) at any hearing which commences and is heard on Race day; and
    - (B) by him or failing him Counsel or a lay advocate or some other responsible person at any other hearing;
- (c) (subject to any right of appeal which they may have under these Rules) shall comply with any decisions made in accordance with these Rules which relate to or affect them or the relevant horse; and
- (d) may, if duly authorised to do so, sign a notice of change of ownership on behalf of one or more Owner(s) or lessee(s) provided that:
  - (i) the relevant interest in the horse represented by that change of ownership is no more than 20%; and
  - (ii) in doing so, the Racing Manager warrants to NZTR that he has authority from the relevant Owner(s) or lessee(s) to sign on their behalf.

428 If an Owner or lessee of a horse is a Legal Ownership Entity, then the Racing Manager appointed in respect of that horse by the Owner(s) or lessee(s) (as the case may be) must:

- (a) give notice to NZTR as soon as the Racing Manager becomes aware of any change (directly or indirectly) in the legal or beneficial ownership of any shares, or other similar ownership rights or interests, in that Legal Ownership Entity or any change in the members of the board of directors or other governing body of that Legal Ownership Entity. Each such notice must set out the full name of each person who has:
  - (i) acquired the legal or beneficial ownership (directly or indirectly) of any such shares or other rights or interests; or
  - (ii) been appointed to such board or other governing body; and
- (b) provide to NZTR such information in respect of:
  - (i) the Legal Ownership Entity;

- (ii) the persons with legal or beneficial ownership (direct or indirect) of the shares or other similar ownership rights or interests in the Legal Ownership Entity; and
- (iii) the members of the board of directors or other governing body of the Legal Ownership Entity,

as NZTR may require from time to time in its absolute discretion.

429 It shall be the responsibility of every Racing Manager of a horse to take all reasonable steps to ensure that no person who:

- (a) nominated him as Racing Manager; or
- (b) is a shareholder or has a legal or beneficial interest in, or is a member of the board of directors or other governing body of, any Legal Ownership Entity which nominated him as Racing Manager,

is a person to whom any of sub-Rules 411(b)(i) to (vi) applies and that all such persons comply with all of the Rules applicable to them.

#### **ONGOING INFORMATION OBLIGATIONS**

430 Notwithstanding any other Rule in this Part IV, an Owner, lessee or Racing Manager of a horse must provide to NZTR such information in respect of:

- (a) that horse;
- (b) the Owners or lessees (as the case may be) of, or any other person with a legal or beneficial interest in, that horse; and
- (c) if an Owner or lessee of a horse is a Legal Ownership Entity, the Legal Ownership Entity and:
  - (i) any persons with legal or beneficial ownership (direct or indirect) of the shares of or other similar ownership rights or interest in that Legal Ownership Entity; and
  - (ii) the members of the board of directors or other governing body of the Legal Ownership Entity,

as NZTR may require from time to time in its absolute discretion.

#### **COMPLIANCE WITH SECURITIES ACT**

431 It shall be the responsibility of any Legal Ownership Entity or combination of persons who together own or lease a horse to comply with all applicable requirements of the Securities Act 1978.

#### **SYNDICATIONS**

432 (1) NZTR may, if it thinks fit:

- (a) maintain and administer a system for the syndication of thoroughbred bloodstock in New Zealand;
- (b) include in a Code of Practice that system and all other provisions which it considers necessary or desirable for or in relation to the establishment and maintenance of an effective such system;
- (c) incorporate in such Code of Practice all the requirements which are to be met by any person, company or other entity which seeks to or does in any way syndicate thoroughbred bloodstock in New Zealand;
- (d) seek the Securities Commission's approval of the provisions of such Code of Practice;
- (e) amend from time to time, or revoke, such Code of Practice; and
- (f) cause such Code of Practice to be set forth as an Appendix to these Rules.

(2) Every Code of Practice which is set forth as an Appendix to these Rules shall have full force and effect as part thereof.

(3) Any person who or company or other entity which fails to comply with a provision of any such Code of Practice commits a breach of this Rule and shall be liable to be disqualified or suspended by the Judicial Committee for such period (including for life) as it thinks fit and shall, in addition to or in lieu of being disqualified or suspended, be liable to be fined a sum not exceeding \$50,000. Such penalties are in addition to any

powers which may be exercised pursuant to the provisions of any such Code of Practice.

- (4) Any charge alleging a breach of this Rule shall be prosecuted by an Investigator. The Investigator and the party charged shall each be entitled to be represented by Counsel.
- (5) A Judicial Committee, in addition to or in lieu of imposing on any person who or company or other entity which commits a breach of this Rule the penalty or penalties referred to in sub-Rule (3) of this Rule, may order such person or company or other entity to pay a sum towards the costs and expenses of and incidental to the investigation of and any inquiry into such breach (including but not limited to costs incurred in carrying out an audit of the accounts or financial or other records of a syndicate).
- (6) In any case where it appears to NZTR, that there is reason to suspect that in respect of a horse owned or raced by a Syndicate (as defined in such Code of Practice), or the syndication of such a horse, all the applicable provisions of such Code of Practice have not or may not have been complied with, NZTR may direct that that horse be prohibited from being entered for or started in a Race until such steps as NZTR requires have been taken or until such events as it shall specify have occurred. Every person who or company or other entity which commits a breach of this Rule shall be liable to the penalty or penalties set out in sub-Rules (3) and (5) of this Rule.
- (7) Every Syndicate Promoter, Bloodstock Company, Authorised Syndicator, Amateur Authorised Syndicator, Syndicate and person (as defined in such Code of Practice) or investor in a Syndicate or Bloodstock Company who or which in any way applies to or does participate in the syndication of thoroughbred bloodstock in New Zealand by so applying or participating shall be deemed thereby to agree that in consideration of NZTR establishing a system for the syndication of thoroughbred bloodstock in New Zealand, including it in such Code Of Practice and causing it to be set forth as an Appendix to these Rules:
  - (a) he or it shall not have a right to and will not make any claim or commence any legal proceedings against NZTR itself or any officer or employee or agent thereof on account of or in connection with loss or expense incurred by him or it as a result of any act or omission (including any negligence) on the part of all or any thereof which is in any way directly or indirectly connected with the approval or authorisation of a Syndicator or with the syndication of thoroughbred bloodstock in New Zealand; and
  - (b) the provisions of this Rule may be pleaded against him or it as a complete bar to any such proceedings.

## COLOURS

- 433 (1) All racing colours are subject to the approval of NZTR.
- (2) The Owner or lessee (as the case may be), on entering a horse for a Race, may be required to confirm the racing colours to be carried, which shall be the registered racing colours of the or an Owner or lessee (as the case may be), or the Trainer, and such racing colours must be worn by the horse's Rider, provided that at any time the Stipendiary Stewards or NZTR may direct or give permission for alternative racing colours to be worn.
- (3) If two or more persons declare the same racing colours at the time of entry, the Stipendiary Stewards shall decide which person shall have the use of such racing colours and direct or authorise the other person or persons to adopt other racing colours or, in respect of two or more horses racing in the colours of the same Owner or Trainer, a different coloured skull cap.
- 434 (1) A register of racing colours shall be kept by NZTR.
- (2) Any person who wishes to apply for the registration of his racing colours shall apply in accordance with the Racing Colours Policy on the prescribed form to NZTR. The application must be accompanied by the applicable fee set by NZTR, from time to time.
- (3) Subject to this Rule, registration entitles the person registering to exclusive use of the racing colours during the period covered by such registration.
- (4) Registration of racing colours may be renewed on or before the expiry of the applicable registration period (which shall be no longer than five years). If application is not made

for renewal of registration within three months of the due date, any right of renewal shall lapse.

- (5) The representatives of a deceased Owner or lessee, or other person becoming entitled to race a horse on the death of an Owner or lessee shall, subject to this Rule, have the exclusive right to use the deceased's racing colours without registration until the time for the renewal of such registration.
- (6) NZTR:
  - (a) reserves the right to refuse the renewal of registration of any racing colours; and
  - (b) if satisfied that it is unfair or undesirable that any registered racing colours should continue to be so registered, may at any time cancel the registration.
- (7) Disputes as to the right to any racing colours shall be determined by NZTR.

**PART V**  
**PREPARATION FOR RACE MEETINGS**

**RACING POLICY AND CLASSIFICATION OF RACES**

- 501 (1) NZTR shall, from time to time, publish a Racing Policy which, amongst other matters, shall:
- (a) define different types of Races which may be run under these Rules and/or certain horses which may or may not be entered for or started in certain types of Races;
  - (b) prescribe the type of Races that may be run on Race days;
  - (c) prescribe policies associated with weights and weight allowances and adjustments relating to the weight horses carry in a Race; and
  - (d) contain such transitional provisions (if any) as it considers necessary or desirable in respect of the classification of Races; and
  - (e) contain such provisions as are, in its opinion, necessary to create or maintain an efficient and effective system for the classification of Races.
- (2) Subject to sub-Rule (3) below, a Club, Owners or lessees, Trainers, and/or Riders shall comply with the prescriptions and requirements set out for all Races of a type which that Club is programmed to run, and in which the horse connected to that Trainer and/or Owner or lessee (as the case may be) is entered and which the Rider is riding in a Race Meeting.
- (3) A Club may apply to NZTR for exemption from any of the terms of classification of Races set out in the Racing Policy. NZTR may grant the application if, and to the extent, it considers necessary or desirable and subject to any such conditions as it sees fit.
- (4) All definitions and terms related to Races in this part of the Rules shall bear the meaning set out in the Racing Policy.

**STAKES AND PRIZES**

- 502 (1) NZTR shall set and notify a Club of the minimum stakes payable for each Race Meeting (and each Race comprising each Race Meeting) held by that Club.
- (2) NZTR shall determine the amount of funding to be provided to each Club for the purpose of providing stakes for Races held by that Club in accordance with its programmed Race Meetings.
- 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.
- (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 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 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 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 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.
- (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 and the payment of any applicable goods and services tax.
- (4) Notwithstanding any other Rule (including Rules 326, 332 and 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 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.

#### **GRADED STAKES**

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

- (1) From time to time a Graded Stakes Committee shall be appointed, comprising eight members as follows:
- (a) a Chairman who shall be appointed by NZTR in August each year, after consultation with the President of the New Zealand Thoroughbred Breeders' Association;
- (b) three representatives of NZTR who shall be appointed by NZTR in August of each year;

- (c) three representatives of the New Zealand Thoroughbred Breeders' Association who shall be appointed by its Council in August of each year;
  - (d) a representative of the Bloodstock Agents Federation (NZ) Inc operating in New Zealand who shall be appointed by the New Zealand Thoroughbred Breeders' Association Council in August of each year.
- (2) The appointment of the relevant members shall take place in August of each year, and shall take effect from 1 September of that year to 31 August of the following year, except in the event of the death or resignation of a member of the Graded Stakes Committee or of a vacancy occurring in the membership of the Graded Stakes 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 Committee may be appointed for a further term as a member.
- (4) The Graded Stakes 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 Committee agree to such a lesser period of notice.
- (5) If:
  - (a) the Chairman is not present at a meeting of the Graded Stakes 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 Committee for more than two successive meetings of the Graded Stakes 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 Committee:
  - (a) the Graded Stakes 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 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 Committee to NZTR who shall be responsible for its publication and circulation.

NZTR shall reimburse the Graded Stakes 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 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 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 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 Committee (being the Chairman who was the Chairman of the Graded Stakes Committee at the time the decision relating to the Graded Stakes List produced by the Graded Stakes Committee was made, notwithstanding that his term of office as Chairman of the Graded Stakes 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 Committee's 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 Committee's List.
- (11) In considering any such application for review, the Review Panel shall have regard to the following:
  - (a) whether the Graded Stakes 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 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 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 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 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.

**RACE PROGRAMMES**

- 507 NZRB, in consultation with NZTR, shall determine the number of Race Meetings (if any) each Club may hold in a particular Racing Year, and the dates on which any such Race Meetings shall be held by that Club.
- 508 A Club's programme of Races for each Race Meeting shall:
- (a) be approved by NZTR. NZTR shall appoint persons (including the regional representatives of the Clubs) to assist it with the consideration and approval of such programmes; and
  - (b) only contain Races of a type prescribed in accordance with the Racing Policy.
- 509 A Club or Official from a Club shall not alter a programme (or any conditions thereof) approved by NZTR in accordance with Rule 508(a), without the prior approval of NZTR.
- 510 The approved programme of every Race Meeting of a Club at which the Totalisator is to be used shall be advertised in full at least once in the Thoroughbred Racing Monthly and such advertisement shall state:
- (a) the dates on which the Race Meeting is to begin and end;
  - (b) all of the Races programmed for that Race Meeting;
  - (c) the Club holding that Race Meeting;
  - (d) the relevant times and dates by which:
    - (i) entries;
    - (ii) declaration of weights;
    - (iii) declaration of withdrawals and/or acceptances, as applicable;
    - (iv) declaration of Riders; and
    - (v) scratchings,must be received, and the place where and the person to whom such notifications or declarations must be sent or delivered; and
  - (e) any other details NZTR requires to be advertised for the programme of that Race Meeting.
- 511 A Club or Official thereof may only advertise or otherwise publish that Club's programme after it is approved by NZTR in accordance with Rule 508(a).
- 512 NZRB shall determine the starting time of each Race at a Race Meeting. Such starting time may be amended by NZTR from time to time.

**CLUB HOLDING RACE MEETING**

- 513 Each Race Meeting shall be held by a Club in accordance with the programme approved by NZTR in accordance with Rule 508(a).
- 514 (1) A Club shall not permit any other Club or organisation to hold a Race Meeting on its Racecourse without the prior written consent of NZTR.
- (2) Unless NZTR determines otherwise in its sole discretion, the application by a Club for the consent of NZTR shall be forwarded to NZTR with full details of the agreement proposed to be made between the Club and such other club or organisation.
  - (3) Notwithstanding the provisions of sub-Rule (1) of this Rule it shall not be necessary for a Club to obtain NZTR's consent if:
    - (a) both the club conducting the Race Meeting and the club on whose Racecourse the Race Meeting is to be held are galloping clubs;
    - (b) they are both in the same Region; and
    - (c) the club conducting the Race Meeting held its last Race Meeting in the previous year on the same Racecourse.
- 515 (1) Only a Club may conduct a Race Meeting, and Owners, lessees, Trainers and Riders may not enter, start or ride a horse in a race at a race meeting conducted by a club that is not a Club.

- (2) Subject to sub-Rule (3), a Club may only conduct a race meeting if it is a Race Meeting at which the Totalisator is in operation.
- (3) A Club may conduct a race meeting at which equalisator betting will take place (and at which the Totalisator will not operate), provided that the Club has obtained a betting licence from NZRB in accordance with the Racing Act 2003 to carry out betting at that race meeting, in which event:
  - (a) the Club holding, and the person(s) in control of, the equalisator race meeting shall be responsible for the conduct and control of that race meeting, including all health and safety aspects of that event, and NZTR and NZRB shall have no responsibility in that regard;
  - (b) save for this Rule 515(3), these Rules shall not apply to that race meeting.

#### **STARTING LIMITS**

- 516 (1) Subject to sub-Rule (2) below, a Stipendiary Steward may limit the number of horses permitted to be started at any Race at any Racecourse, which shall be known as the starting limit for that Race.
- (2) On any Racecourse a Stipendiary Steward may, in the interests of safety, at any time, reduce the number of horses to be started in a Race.

#### **ENTRIES, ACCEPTANCES, WITHDRAWALS ETC**

- 517 Subject to Rule 538, entries, withdrawals and acceptances (as applicable), and declarations of Riders, for every Race shall not be admitted after the time and date advertised in accordance with Rule 510(d), provided that the advertised time and/or date may be extended for a period of time by NZTR.
- 518 (1) Only the 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 Owner or lessee or the Agent of the Owner or lessee to confirm its entry for that Race in writing, within a period specified by NZTR, in which case such Owner or lessee, or the Agent of such 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 the 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 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.
- 522 Any trivial error or violation of this Part V of the Rules in relation to the entry, acceptance, withdrawal or scratching of a horse may be corrected or remedied with the permission of NZTR.

#### ELIGIBILITY OF HORSES FOR RACES

- 523 A horse shall not be eligible to be entered for a Race until it is one year old.
- 524 A horse shall not be eligible to run in a Race unless it has been duly entered in accordance with these Rules by the person entitled to enter it, and a horse prohibited by these Rules from being, or which is not eligible to be, entered for a Race shall not be entered.
- 525 (1) The horses mentioned in sub-Rule (2) of this Rule are hereby:
- (a) prohibited from being trained upon a Racecourse or Training Facility; and
  - (b) deemed to be ineligible to be entered for or to start in a Race,
- and any such horse which is entered for or starts in a Race shall be liable to any penalty which may be imposed pursuant to Rule 803 and the person who entered the horse in that Race commits a breach of these Rules.
- (2) A horse is subject to the disabilities contained in sub-Rule (1) of this Rule if it is:
- (a) a horse affected by an unregistered Ownership or lessee interest;
  - (b) a disqualified horse, during the period of its disqualification;
  - (c) subject to sub-Rule (6) below, a horse owned by:
    - (i) a person holding a Class B or C Rider's Licence or, except as is provided by Rule 333, a person holding a Class A or D Rider's Licence;
    - (ii) a person whose last Licence was cancelled, withdrawn or revoked;
    - (iii) a person undergoing a period of disqualification imposed under these Rules or the official rules of Another Racing Authority;
    - (iv) a person whose name appears for the time being in the Arrears List or in the Thoroughbred Racing Monthly in respect of any entry in such list, or in the list of arrears of Another Racing Authority;
    - (v) a person who is or has been an illegal bookmaker or an illegal bookmaker's clerk or agent; and/or
    - (vi) a person who is excluded from entering a Racecourse pursuant to Rules made under section 34 of the Racing Act 2003;
  - (d) a horse blind in an eye;
  - (e) a horse whose registration has been cancelled;
  - (f) a horse which is owned by a Legal Ownership Entity which has failed to declare all persons having a legal and/or beneficial interest in that horse, or to provide information or evidence requested by NZTR under Rules 406(d), 428 and/or 430;
  - (g) a horse who has had a neurectomy operation performed on one or more of its legs; or
  - (h) a horse prohibited from being entered in or started in any Race by any of these Rules.
- (3) A horse owned by a person who at or in connection with a Race Meeting is appointed or acts as Handicapper, Clerk of the Scales, Starter, Judge or Veterinarian shall not be eligible to be entered for or to start in a Race at that Race Meeting and a horse which is entered for or starts in a Race at the Race Meeting shall be, in addition to any other penalty which may be imposed, disqualified for that Race provided however, that nothing herein shall apply in respect of the entry for a Race of a yearling bred by such person.
- (4) (a) Any person who is affected by the provisions of paragraph (c) of sub-Rule (2) or by the provisions of sub-Rule (3) of this Rule may apply to NZTR for a permit to race a horse or horses notwithstanding such provisions and NZTR may, if satisfied that the circumstances so warrant, grant a permit accordingly.



- (b) Any such permit shall be in writing and be expressed to be effective only during the pleasure of NZTR and may be cancelled at any time by NZTR.
    - (c) For as long as the permit is effective, the horse or horses of the person to whom it was granted shall not be subject to disqualification on the grounds set out in paragraph (c) of sub-Rule (2) and in sub-Rule (3) of this Rule nor prohibited from being trained on a Racecourse or Training Facility.
  - (5) For the purposes of paragraph (c) of sub-Rule (2) and of the whole of sub-Rules (3) or (6) hereof, a horse shall be deemed to be owned by any such person referred to in those sub-Rules if such person has a legal or beneficial interest in that horse, including a legal or beneficial interest in a Legal Ownership Entity.
  - (6) If a horse has been entered for or started in a Race while affected by any unregistered Ownership or lessee interest or while owned by a person referred to in Rule 525(2)(c) in contravention of the requirements of Rule 525(1), the Owner or lessee (as the case may be) or any of the Owners or lessees (as the case may be) or a Stipendiary Steward or an Investigator may apply to NZTR or the Judicial Committee for exemption from the operation of this Rule in respect of such Races as such horse has previously started in while so affected or while owned by such person and NZTR or the Judicial Committee may, if satisfied that there are special circumstances which so warrant, grant an exemption accordingly in which event the horse shall be deemed to have been validly entered for and started in all those Races to which the exemption applies and shall not be liable to disqualification on the grounds of such ownership provided that in granting any such exemption NZTR or the Judicial Committee may order the Owner or lessees (as the case may be) and/or any of the Owners or lessees (as the case may be) to pay to NZTR a sum up to the amount earned in stakes by the horse in such Races.
- 526 A person shall not enter, or cause to be entered, a horse in a Race with the sole purpose of affecting the weight to be allocated to any other horse entered in such Race.
- 527 A person shall not enter, accept or permit to be deemed to be accepted, or start, a horse in a Race for the primary purpose of affecting the total number of horses entered, accepted, or started for a Race.
- 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 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.

#### **ELIGIBILITY OF HORSES FOR JUMPING RACES**

- 529 (1) Whenever a horse:
- (a) is or is deemed to be accepted for its first Hurdle Race or Steeplechase Race; or
  - (b) is having its first Hurdle Race or Steeplechase Race in blinkers, or side winkers,
- the horse shall not be eligible to start in such Race unless NZTR has first received a certificate of qualification endorsed by a Stipendiary Steward or a person authorised by

a Stipendiary Steward to carry out such duties, in accordance with the Racing Policy, to the effect that such horse had had adequate schooling in:

- (c) such type of Race; or
  - (d) such blinkers or side winkers for the particular type of Race.
- (2) A certificate of qualification endorsed under sub-Rule (1) lapses after a period of 12 months from:
- (a) the date it is endorsed; or
  - (b) where the horse starts in a Race where such certificate of qualification is applicable prior to the expiry of the date referred to in paragraph (a) above, the date of the last Race in which the horse starts where such certificate of qualification is applicable.

#### ACCEPTANCES

- 530 All entries are subject to approval and NZTR or a Stipendiary Steward may decline to approve, or at any time after having approved an entry, reject any entry for a Race, despite a horse being eligible in accordance with these Rules to run in such a Race.
- 531 NZTR may, in such manner as it deems fit, reduce the number of acceptances or deemed acceptances for or, the probable starters in, a Race so as not to exceed the appropriate starting limit. Any horse affected by such reduction may be re-entered in such number and order as NZTR may decide following consultation with the Trainer of the horse so affected. The acceptance fee paid in respect of a horse so affected and not re-entered shall be refunded.

#### 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 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, 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 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 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 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 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 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.

#### **HANDICAPS AND WEIGHTS**

- 535 Every handicap for a Handicap Race shall be framed only by a Handicapper appointed by NZTR and in accordance with the weights and allowance prescriptions and requirements set out in the Racing Policy. A Handicapper shall not, and has no power to, appoint a deputy or assistant.
- 536 Subject to Rule 542, a horse is to carry, as a minimum, the weight allotted to it by the Handicapper.

#### **DECLARATION OF RIDERS**

- 537 The Owner or lessee or the Agent of the Owner or lessee 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.
- 538 (1) Subject to sub-Rule (2), if the conditions of a Race prescribe that only a Rider holding a particular class of Rider's licence is eligible to ride a horse in that Race then only a Rider holding that class of Rider's licence may ride a horse in that Race.
- (2) If the conditions of a Race prescribe that only a Rider holding a Class B rider's licence is eligible to ride a horse in that Race, then only a Rider holding a Class B rider's licence may ride a horse in that Race unless NZTR is satisfied that there is no Rider holding a Class B rider's licence available to ride a particular horse which is entered in such Race, in which event that horse may be ridden by a Rider holding a Class A rider's licence provided the horse carries a weight penalty of 3 kg.

#### **PENALTIES**

- 539 A horse shall not, in a Race, carry extra weight (either by way of penalty or re-handicap) for having run in second or in any lower place in any other Race, if the weights for the first mentioned Race have already been determined and issued.
- 540 A horse shall not carry extra weight (either by way of penalty or re-handicap) in:
  - (a) a Flat Race for having won a Hurdle Race or Steeplechase Race;
  - (b) a Hurdle Race for having won a Flat Race or Steeplechase Race;
  - (c) a Steeplechase Race for having won a Flat Race or Hurdle Race; or
  - (d) a Handicap Race for having won a Weight-for-Age Race.

- 541 (1) In calculating penalties, the value of a Race shall be the amount actually payable to the winner and penalties shall not be cumulative unless a provision to that effect appears in the conditions of the Race, or in these Rules.
- (2) Pending the determination of any proceeding concerning the award of a Race to a horse, the horse placed first by the Judge shall be liable to all weight penalties attaching to the winner of such Race. The eligibility or weight of a horse which won or lost a Race as the result of an information, proceeding or appeal shall be determined by the state of affairs at the time of starting and shall not be affected by any pending information, proceeding or appeal.

#### RIDING ALLOWANCES

- 542 (1) In every Flat Race which is not:

- (a) a Group Race;
- (b) a Listed Race;
- (c) a Highweight Race; or
- (d) a Race in which allowances may not be claimed;

an Apprentice Jockey, who is not prevented by any of these Rules from riding in that Race and who has ridden not more than 100 winners, shall be entitled to claim an allowance which shall be determined according to the number of winners ridden by that Apprentice Jockey and computed as follows:

- (e) if the Apprentice Jockey has ridden 4 or fewer winners – 4 kg;
- (f) if the Apprentice Jockey has ridden at least 5 winners but no more than 29 winners – 3 kg;
- (g) if the Apprentice Jockey has ridden at least 30 winners but no more than 59 winners – 2 kg; or
- (h) if the Apprentice Jockey has ridden at least 60 winners but no more than 99 winners – 1 kg.

Subject to the provisions of the Racing Policy relating to the lowest weights to be carried in certain Races, such allowances may be claimed notwithstanding that the effect of such may be to allow the horse ridden by an Apprentice Jockey to carry less than the minimum weight specified in the conditions of the Race.

- (2) In every Handicap Jumping Race or Set Weight Jumping Race for which the total stake (exclusive of the value of any prize) is the minimum stake for a Race conducted at a Premier meeting as prescribed in the then current NZTR Club Funding Distribution Model or less every Rider who has ridden not more than 10 winners of Jumping Races shall be entitled to claim an allowance which shall be determined according to the number of jumping winners ridden by the Rider and computed as follows:
- (a) if the Rider has ridden 4 or fewer winners – 3 kg;
  - (b) if the Rider has ridden 5 winners - 2.5 kg; or
  - (c) if the Rider has ridden at least 6 winners but no more than 9 winners - 1.5 kg, provided always that a horse shall not carry less than 60 kg.
- (3) In every Handicap Highweight Race or Set Weight Highweight Race, unless the conditions for the race provide otherwise, every Rider shall be entitled to claim an allowance which shall be determined according to the number of winners in Flat Races ridden by the Rider and computed as follows:
- (a) if the Rider has ridden 4 or fewer winners - 3 kg;
  - (b) if the Rider has ridden 5 winners - 2.5 kg; or
  - (c) if the Rider has ridden at least 6 winners but no more than 9 winners - 1.5 kg, provided always that a horse shall not carry less than 60 kg.
- (4) For the purposes of computing the number of winners under this Rule a “winner” shall mean a winning ride at a Totalisator meeting in New Zealand or winning ride at a race meeting held by any club outside New Zealand provided however that a winning ride

by an Apprentice Jockey in a Hurdle Race or Steeplechase Race shall be disregarded in calculating that Apprentice Jockey's allowance for Flat Races under Rule 542(1).

- (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 that day.

**PART VI**  
**RACE DAY AND TRIALS**

**CONTROL OF RACE MEETING ON RACE DAY**

- 601 A Race Meeting shall be deemed to commence at 7:30 am on the day on which the first Race of the Race Meeting is advertised to be run and to conclude at midnight on the last day (or only day, if there is only one) of the Race Meeting.
- 602 (1) From 7:30 am on Race day, the Stipendiary Stewards shall have the control of the Race Meeting and be charged with the duty of ensuring that the provisions of these Rules are applied and enforced in respect of that Race Meeting.
- (2) A Club must follow any directives, policies, guidelines or practices of NZTR (including the National Racing Bureau) necessary for the administration and control of a Race Meeting or related to Races or racing, including any decision by NZTR to cancel a Race day, or a Race Meeting, which may be made prior to or after 7:30 am on a Race day of that Race Meeting.
- 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.
- 604 (1) The following persons (in addition to those who may be excluded and removed under any other of these Rules, or under Rules made pursuant to section 34 of the Racing Act 2003) and horses shall be excluded from a Racecourse at any time when a Race Meeting is in progress:
- (a) all persons and horses whose names appear for the time being in any list of disqualifications kept by NZTR, or Another Racing Authority;
- (b) all persons whose names appear for the time being in the Arrears List kept by NZTR, or Another Racing Authority; and
- (c) all persons whose presence a Stipendiary Steward or an Investigator may deem undesirable;
- (2) All persons warned off a Racecourse by a Club or NZTR, or off a racecourse or racing facility by Another Racing Authority shall be excluded from every Racecourse when any matter connected with racing is in progress.
- (3) Notwithstanding that a person liable to be excluded or removed under this Rule, or under any other authority, may have paid to enter the Racecourse, or any enclosure therein, he shall not, by reason of such payment, be deemed to have acquired an irrevocable licence to go into or remain in such Racecourse or enclosure, and a Stipendiary Steward or an Investigator, or any officer or Agent thereof, may remove such person from such Racecourse or enclosure.

**RIDERS PRESENT**

- 605 (1) A Rider who has a riding engagement at a Race Meeting must present himself in the jockeys' room at least 40 minutes before the starting time for the first Race in which he has a riding engagement.
- (2) On or prior to presenting himself at the jockeys' room in accordance with sub-Rule (1) above, an Apprentice Jockey must notify a Stipendiary Steward whether it is such Apprentice Jockey's employer, or a representative of his employer, who is representing that Apprentice Jockey for such Race Meeting, and the person so notified to such Stipendiary Steward must be present at the Racecourse from the time the Stipendiary Steward is notified in accordance with this sub-Rule (2) until the last Race in which such Apprentice Jockey is engaged or any inquiry involving that Apprentice Jockey to be held in respect of that Race is so held on that Race Day (whichever is the later).
- 606 Unless otherwise permitted by a Stipendiary Steward, once a Rider has presented himself in the jockey's room in accordance with Rule 605(1) that Rider must remain in the jockeys' room



and other areas specified by the Stipendiary Stewards, until he has completed his riding engagements, when he shall seek the permission of a Stipendiary Steward to leave.

- 607 A Rider whose Licence is suspended may not enter the jockeys' room or weighing room otherwise than in accordance with the proviso to Rule 1106(1).

#### **IDENTIFICATION, RACING GEAR AND RIDING GEAR**

- 608 A horse must be able to be identified by a Stipendiary Steward or Investigator in a manner permitted in accordance with Rule 407(a). If the horse is unable to be identified by a Stipendiary Steward or Investigator in such manner as being the horse it is represented as being, the Stipendiary Steward or Investigator may withdraw that horse from any Race, trial (including a jump-out or test for certification purposes) it was purportedly entered to start or carry out.

- 609 NZTR may determine and publish an approved gear list of:

- (a) the type and nature of gear which is required to be used, and which it is permissible to use, as racing gear for horses and riding gear for Riders; and
- (b) Notifiable Gear, which is to be used in accordance with Rule 616,

and a horse or Rider using racing or riding gear, as applicable, must only use gear in accordance with the requirements of these Rules except where:

- (c) a Stipendiary Steward grants a Rider who is temporarily visiting New Zealand permission to use gear which may not comply with the requirements of the approved gear list, provided that the Stipendiary Steward is satisfied that such Rider's gear is approved for use in the country in which the Rider normally resides; or
  - (d) NZTR, in its sole discretion, permits from time to time the use of racing or riding gear which is not in accordance with the requirements of these Rules and the approved gear list, in which event a horse or Rider may use such alternative riding or racing gear as expressly permitted by NZTR and in accordance with any conditions NZTR may impose.
- 610 (1) NZTR shall, from time to time, publish all types of body protectors as have been approved by it.
- (2) A Rider shall, when mounted on a horse, wear:
- (a) a properly fastened body protector of a type and standard approved by NZTR, which shall be in a satisfactory condition and shall have attached to it a manufacturer's label that states that it complies with the relevant type and standard approved by NZTR; and
  - (b) a skull cap of a type and standard approved by NZTR.

The sole responsibility for wearing a body protector and skull cap in accordance with these Rules and for ensuring that the body protector and skull cap is in a satisfactory condition is that of the Rider, provided that where the Rider is an Apprentice Jockey such Apprentice Jockey's employer, or a representative of their employer who is in charge of the Apprentice Jockey at any relevant time, is also responsible for the Apprentice Jockey wearing a body protector and skull cap in accordance with these Rules and for ensuring such body protector is in a satisfactory condition.

- (3) A Stipendiary Steward may confiscate or order the satisfactory repair of any body protector or skull cap that does not comply with the requirements of sub-Rule (2).
  - (4) A Rider may not wear or have in their possession a body protector or a skull cap that has been modified in any way.
- 611 A Rider must not wear spurs in a Flat Race or flat trial (including a flat jump-out or flat test for certification purposes).
- 612 A person must use sound and suitable gear on a horse.
- 613 A person must not start or attempt to start a horse in a Race or trial (including a jump-out, or test for certification purposes with a horse):
- (a) in bandages, unless those bandages are securely fastened to the satisfaction of a Stipendiary Steward;
  - (b) with its ears plugged in any manner;

- (c) in plates having a sharp flange or sharp projection on the ground-bearing surface, or which are excessively worn or otherwise faulty or defective; or
- (d) unless fully shod with approved plates in accordance with the plating provisions of the approved gear list determined and published by NZTR in accordance with Rule 609, provided that in exceptional circumstances a Stipendiary Steward may permit a horse to run unshod or partly shod.

If a horse wears shoes, or wears plates which are in breach of paragraph (c) or paragraph (d), it may be, in addition to any other penalty which may be imposed, disqualified for such Race or trial. The obligations set out in paragraph (c) and paragraph (d) of this Rule also apply to a person shoeing the horse for that event, who for the purposes of this Rule shall be deemed to have attempted to start the horse in such Race or trial in such shoes or plates.

- 614 (1) In order to prevent danger to himself or to any other Riders or to any horses in a Race or trial (including a jump-out or test for certification purposes), a Stipendiary Steward may require a Rider to lengthen his stirrup leathers.
- (2) A person must not be neglectful or careless in saddling a horse.
- 615 A loss or breakage of gear during a Race or trial (including a jump-out or test for certification purposes), or any unusual happening in connection with gear, shall be reported by the Trainer and/or Owner or lessee (as the case may be) and/or Rider to the Stipendiary Stewards immediately after the Race or trial.

#### **NOTIFIABLE GEAR**

- 616 (1) Subject to the exceptions provided for in sub-Rule (2), a Trainer shall not start or attempt to start a horse in a Race with any item or items of Notifiable Gear unless:
- (a) the Trainer has obtained a Stipendiary Steward's permission to run the horse with such item or items of Notifiable Gear in such Race before the horse is accepted or is deemed to be accepted for such Race, provided that:
    - (i) such permission may not be sought or granted at a date earlier than the horse's last start;
    - (ii) in the event that the Race is a Jumping Race the requirements of Rule 529 have also been met; and
  - (b) it conforms substantially with the type or description of such Notifiable Gear from time to time approved by NZTR; and
  - (c) it is adjusted in accordance with any requirements (if any) of a Stipendiary Steward present at the Race Meeting.
- (2) A horse which runs with an item or items of Notifiable Gear in a Race:
- (a) which is a Flat Race, shall not run without such item or items of Notifiable Gear in its next consecutive Race unless such Race is a Jumping Race, or permission to start the horse without any, some or all such items of Notifiable Gear is obtained from a Stipendiary Steward;
  - (b) which is a Jumping Race, shall not run without such item or items of Notifiable Gear in its next consecutive Race unless the Race is a Flat Race, or permission to start the horse without any, some or all such items of Notifiable Gear is obtained from a Stipendiary Steward; or
  - (c) may, subject to paragraphs (a) and (b) of this sub-Rule (2), start in its next consecutive Race of the same type with the same item or items of Notifiable Gear, provided that the first such occasion on which the horse ran in such consecutive Races of that type with that or those items of Notifiable Gear the requirements set out in sub-Rule (1) were met.

#### **WEIGHING OUT**

- 617 All weighing of Riders for the purposes of these Rules shall be done by the Clerk of the Scales or a person approved by the Stipendiary Stewards to carry out the role of the Clerk of the Scales.
- 618 (1) Subject to sub-Rule (2) below, it is a Rider's responsibility if he is engaged to ride a horse in a Race to ensure that:

- (a) he is weighed out for that horse at the appointed place more than thirty minutes before the starting time of the Race, or such other time specified by NZTR on Race day; and
- (b) he weighs out at the correct weight, including claiming the correct allowance in the event that he is an Apprentice Jockey, or is a Rider eligible to claim an allowance in a Jumping Race or Highweight Race in accordance with Rules 542(2) or (3), as applicable,

provided that where the Rider is an Apprentice Jockey, such Apprentice Jockey's employer, or a representative of their employer who is in charge of the Apprentice Jockey at any relevant time during that Race Meeting, is also responsible for the Apprentice Jockey complying with his obligations under paragraphs (a) and (b) above.

- (2) Any horse which starts in a Race and is ridden by a Rider or an Apprentice Jockey, as applicable, with an incorrect weight or weight allowance, having regard to this Rule, may be, in addition to any other penalty which may be imposed, disqualified for the Race by the Judicial Committee.

619 A Rider shall not be weighed out for a ride in a Race:

- (a) where he is carrying more than 3 kg dead weight about his body until any excess weight above 3 kg is removed from about his body; and/or
- (b) with a skull cap, a colours cap, padded whip or any substitute for a whip, bridle, any item or items of Notifiable Gear, saddle number cloths or anything worn on a horse's legs and the weight of such shall not be included in the weight of a Rider for the purposes of weighing-out or weighing-in,

and unless a Stipendiary Steward permits otherwise, that Rider (after being weighed out) must not remove or add any article of wearing apparel (including any dead weight about his body) or riding gear with which he did or did not weigh out as the case may be.

- 620 (1) A Rider shall be weighed wearing his body protector and shall be deemed to have been weighed out at the weight shown on the scale less 1 kg to take into account the weight of his body protector.
- (2) Subject to sub-Rule (1) above, if a Rider, in being weighed out, exceeds by 0.5 kg or more the weight required by the conditions of the Race to be carried by his mount, the amount of such excess shall be deemed overweight and the amount of such overweight shall be declared by the Clerk of the Scales to a Stipendiary Steward and the Rider may then only proceed to ride in the Race with such overweight with the permission of a Stipendiary Steward.
- (3) If a Stipendiary Steward or Investigator is satisfied that any Rider whose name has been declared to NZTR is unable to make the weight which the horse he was to ride was handicapped to carry (or such other weight at which he may have agreed to ride the horse) the Stipendiary Steward or Investigator may permit another Rider to be substituted for the declared Rider and in such case no riding fees shall be payable to the declared Rider and no penalty shall be imposed upon the Trainer on account of the change in Riders.

#### **SAFETY, ACCIDENTS AND ILLNESS PRIOR TO START**

621 A Rider who has been declared by a Registered Medical Practitioner or an Emergency Medical Officer at the relevant Race Meeting to be unfit to ride in a Race must not:

- (a) weigh out or attempt to weigh out or be weighed out to ride in a Race; and
- (b) notwithstanding paragraph (a) ride in a Race at a Race Meeting, or ride in any trackwork or trials (including a jump-out or test for certification purposes),

without first obtaining a medical certificate from a Registered Medical Practitioner as fit to ride and presenting such medical certificate to a Stipendiary Steward or Investigator.

622 A Rider who is examined by or consults a Registered Medical Practitioner because of injury suffered through an accident or because of having for any reason become unfit for work or riding or who becomes aware or ought reasonably to become aware of circumstances, whether resulting from accident, illness or otherwise, which may affect his fitness for work or riding shall be required to obtain from a Registered Medical Practitioner, and to produce to a Stipendiary Steward or Investigator, a medical certificate as to his fitness to ride before riding

in a Race at a Race Meeting, or riding in any trials (including jump-outs or tests for certification purposes) or trackwork.

- 623 A Stipendiary Steward, who on reasonable grounds considers that a Rider may be unfit to fulfil a riding engagement for a Race, trial (including a jump-out or test for certification purposes), or trackwork because of injury, illness or other disability, may require the Rider to undergo a medical examination by a Registered Medical Practitioner in order to determine the Rider's fitness for riding and a Rider who has been required to undergo such a medical examination shall not ride in any Race, trial (including a jump-out or test for certification purposes), or trackwork unless a medical clearance has first been obtained and a medical certificate to that effect has been produced to a Stipendiary Steward.

- 624 (1) If a Rider:
- (a) is prevented by accident or illness; or
  - (b) in the opinion of a Stipendiary Steward or the Judicial Committee, is otherwise unfit to ride in a Race or trial (including a jump-out or test for certification purposes), or his removal is necessary to ensure safe riding in a Race or trial,
- the Rider may, with the permission of the Stipendiary Steward, be replaced by another Rider.
- (2) If, after a Rider has been weighed out for a horse, the horse is in the opinion of the Judicial Committee prevented by accident, injury, illness or other mishap from starting in a Race, a riding fee shall be paid to the Rider. The decision of the Judicial Committee shall be final.

#### **BIRDCAGE**

- 625 (1) A horse shall be in the birdcage not later than the time fixed by the Stipendiary Stewards (being the time specified in the Club's race book or as otherwise specified by NZTR).
- (2) A horse shall not be ordered to the starting post more than fifteen minutes before the appointed starting time (being the time specified in the Club's race book or as otherwise specified by NZTR) and each horse shall be at the starting post ready to start at the appointed time.
- 626 (1) Unless the Stipendiary Stewards direct otherwise, a horse, on leaving the birdcage, shall before proceeding to the starting post be ridden in front of the stand.
- (2) All horses and Riders shall remain in the charge of a Clerk of the Course on leaving the Birdcage until their arrival at the starting post.

#### **STARTING BARRIERS**

- 627 (1) Subject to sub-Rule (2), the order of stall positions at the starting post from which horses shall start shall be determined by NZTR either conducting a draw for such stall positions or using a random number selection facility.
- (2) Where the order of stall positions is to be determined by a manual draw for promotional purposes, the draw shall be conducted by a Stipendiary Steward.
- 628 (1) At a Race Meeting all Races shall, unless a Stipendiary Steward otherwise determines, be started with starting stalls approved by the Stipendiary Stewards.
- (2) A blindfold, rope or other means of persuading a horse to enter the starting stalls, may be used at the start with the prior permission of a Stipendiary Steward.

#### **AT THE START**

- 629 All Races shall be started by the Starter and, if applicable, Starter's assistant, or a person approved by the Stipendiary Stewards to carry out the role of Starter or Starter's assistant.
- 630 Only the Starter and his assistants, a Veterinarian, a farrier, the Clerks of the Course and the Riders in the Race, are permitted to be at the start of a Race, unless a Stipendiary Steward provides otherwise.
- 631 (1) A Rider and his horse shall, immediately on arriving at the starting post, be under the Starter's orders and a horse and/or its Rider shall thereafter not leave such starting post without the consent of the Starter.

- (2) Each horse shall, as far as is practicable, be started from the starting stalls corresponding to such stall position determined by NZTR in accordance with Rule 627.
- (3) Subject to sub-Rule (4), a Stipendiary Steward in consultation with the Starter may refuse to allow to start in the Race a horse which:
  - (a) refuses to enter its starting stall or is excessively unruly or fractious; or
  - (b) is considered by the Stipendiary Steward to be causing undue delay or to be injured or otherwise disabled,

in which case such horse shall be declared by such Stipendiary Steward to have been scratched from the Race.

- (4) If the Race is a Jumping Race then, a Stipendiary Steward in consultation with the Starter may in any case of emergency or with the prior permission of the Judicial Committee start a Race without using the approved starting stalls in which case the horses shall be drawn up in their proper order of stall positions and as nearly as possible in a straight line and the Race shall commence from a standing start, if possible, although this is not obligatory. If in so doing the Race is run over a shorter distance it shall not be void. An objection or protest shall not be taken or made, and an information shall not be filed or received, under these Rules on the ground that the horses were not started in accordance this Rule.
- (5) The Starter's decision as to whether or not a proper start has been effected and to any other matter in connection with the start shall be final and shall not be subject to appeal, including where the Starter has by his actions declared a Race to be a false start.
- (6) Except as provided in Rules 628(1) and 631(4), where:
  - (a) the horses are started in front of the starting post;
  - (b) the Race is run over the wrong distance, on a wrong course or before the appointed time; or
  - (c) any horse or horses is prevented by mechanical failure of the starting stalls from participating in the Race,

the Judicial Committee shall have an absolute discretion to determine whether the Race shall be deemed to have been run or to be void, provided, however, that in exercising such discretion the Judicial Committee shall have regard to:

- (d) the degree of variation from the advertised length of the Race; and
- (e) the interests of the public who have invested on that Race.

In any case where the Race has been declared void the horses may be started again as soon as practicable. The decision of the Judicial Committee on any such matter shall be final and shall not be subject to appeal.

- (7) In the case of a horse which has behaved in an unruly or fractious manner prior to the start of or during a Race the Stipendiary Stewards may ban such horse from being entered for or started in a Race until the horse or its Trainer has complied with such conditions as the Stipendiary Stewards specify.

632 If, in the opinion of the Judicial Committee, a horse which does not finish in the first three placings was prevented from taking an effective part in a Race owing to the mechanical failure of starting stalls, or is denied a fair start and such occurrence materially prejudiced the chances of that horse (but not where the horse is slow away by its own accord), the Judicial Committee may declare such horse to be a non-starter.

#### **AGE RESTRICTIONS FOR RUNNING IN RACES**

633 A horse shall not be run:

- (a) in a Race when the horse is less than two years old;
- (b) in a Hurdle Race run before the first day of February in the Racing Year in which it becomes three years old; and
- (c) in a Steeplechase Race until it is four years old.



**RUNNING RACES**

- 634 A horse shall not run in a Race unless it is eligible for the Race, and has been entered for the Race in accordance with these Rules. If a horse starts in a Race for which it is ineligible it shall be, in addition to any other penalty which may be imposed, disqualified.
- 635 (1) If a horse:
- (a) is being trained by a person who is not a Trainer; or
  - (b) is to be ridden by a person who is not a Rider qualified to ride in that Race,
- then that horse shall not be started in that Race.
- (2) If the horse has been trained by a person referred to in sub-Rule (1)(a) above:
- (a) it may be, in addition to any other penalty which may be imposed, disqualified for the Race and/or for such further period as the Judicial Committee thinks fit; and
  - (b) the person who has trained the horse and the Owner or lessee (as the case may be) or any other person who has employed or permitted such person to train the horse knowing that he was not qualified to do so shall be liable.
- (3) If the horse referred to in sub-Rule (1) above is to be ridden, or was ridden in that Race by a person referred to in sub-Rule (1)(b):
- (a) it may be, in addition to any other penalty which may be imposed, disqualified for the Race and/or for such further period as the Judicial Committee thinks fit; and
  - (b) the person who was to ride or has ridden the horse and the Owner or lessee (as the case may be) or any other person who has employed or permitted the person to ride the horse knowing or who reasonably ought to have known that he was not qualified to do so shall be liable.
- (4) A Trainer must ensure that the Rider whose name was declared to NZTR as the Rider of a horse at a Race Meeting rides that horse if it starts in the Race unless a Stipendiary Steward in his discretion permits the horse to be ridden by another Rider.
- 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, 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) being the Rider of a horse in a Race must not rely on the chance of a protest, objection, information or proceeding;
  - (e) shall not ride a horse in a Race without holding a current Rider's Licence; and
  - (f) 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.
- (2) Where a person acts in contravention of sub-Rule (1) above, the Judicial Committee may disqualify the horse for the Race and for such period as it thinks fit.
- 637 (1) A horse may be, in addition to any other penalty which may be imposed, disqualified for a Race if:
- (a) it runs on the wrong side of any post, flag, drum or other boundary mark and does not turn back and run the proper course from such post, flag, drum or other boundary mark;
  - (b) such horse, or any horse belonging to the same Owner or lessee (as the case may be), or in which the same Owner or lessee (as the case may be) has any registerable interest and which is running in the same Race, causes interference to another horse.



- 638 (1) A Rider shall not ride a horse in a manner which the Judicial Committee considers to be:
- (a) foul;
  - (b) reckless;
  - (c) improper;
  - (d) careless; or
  - (e) incompetent.
- (2) A Rider shall not make a celebratory gesture prior to his horse passing the winning post.
- (3) A Rider shall not:
- (a) use a whip other than a padded whip of a type, make or model specifically approved by NZTR, in a Race or trial (including a jump-out or test for certification purposes) or trackwork;
  - (b) strike a horse with a whip in a manner or to an extent which is unnecessary, excessive or improper;
  - (c) strike a horse forward of its shoulder; and/or
  - (d) during a Race or trial (including a jump-out or test for certification purposes), use or carry more than one padded whip.

#### **RUNNING OF JUMPING RACES**

- 639 In a Jumping Race a horse which, refusing to jump an obstacle, is led over it by a person or which is given a lead over an obstacle by a person not riding in the Race, shall be, in addition to any other penalty which may be imposed, disqualified for that Jumping Race.
- 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 horse gets away from a Rider:
    - (i) the horse may be remounted and 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
  - (d) where there is a flight of hurdles, including a brush hurdle, or a moveable steeplechase fence which has to be jumped more than once and in the course of the first or any subsequent time over such hurdles or fence a panel therein is knocked over, it shall be permissible but not obligatory to re-erect, replace or remove such panel before the next time round provided however that no such panel may be re-erected or removed until all horses still retaining their Riders and in the Race have passed over that jump on the round where such panel was knocked over;
- (2) In the event of a breach of any of the provisions of paragraphs (a), (b), (c)(i) and (c)(ii) of sub-Rule (1) of this Rule, in addition to any other penalty which may be imposed, the horse shall be disqualified for the Race.

- (3) A Rider shall not, at any time between when the horses leave the birdcage for the running of a Hurdle Race or Steeplechase Race and when any such Race is started, permit his horse to jump a hurdle, fence or other obstacle.

#### JUDGING OF THE RACE

- 641 (1) The Judge shall place all horses in a Race according to the order in which their noses have reached the winning post.
- (2) In a Race for which photo finish apparatus is operational, the Judge shall, after the last of the placed horses has passed the winning post, call for and inspect the photograph or photographs of the finish of such Race with a view to arriving at or checking his decision.
- (3) Immediately after the Race or as soon as possible when use is made of the photograph of the finish the Judge must place and name all horses finishing in a stake bearing place and the placing immediately following the stake-bearing placings, or such further number as a Stipendiary Steward may require, and record the distances between such placed horses. The Judge shall sign the report specifying the stake bearing placings and the placing immediately following the stake-bearing placings, or such other placings in accordance with this sub-Rule (3) and shall have it promptly delivered to the Clerk of Scales. The signing of such report by the Judge shall deem it to be the Judge's Report.
- (4) As soon as possible after signing the Judge's Report, the Judge must prepare a complete placing report for all horses in a Race, specifying the place and name of all horses finishing, their times and the distances between such horses. Once completed, this report is to be promptly delivered to NZTR.
- (5) The decision of the Judge of the order in which the horses have reached the winning post shall be final and shall not be subject to appeal. The Judge, himself, may correct a mistake, provided that a correction made after the declaration of the Official Result of Placings shall not in any way affect the Official Result of Placings.
- 642 (1) If a placed horse or its Rider causes interference within the meaning of this Rule 642 to another placed horse, and the Judicial Committee is of the opinion that the horse so interfered with would have finished ahead of the first mentioned horse had such interference not occurred, they may place the first mentioned horse immediately after the horse interfered with.
- (2) For the purposes of Rules 637 and 642:
- (a) "placed horse" shall be a horse placed by the Judge in accordance with Rule 641(3); and
- (b) "interference" is defined as:
- (i) a horse crossing another horse without being at least its own length and one other clear length in front of such other horse at the time of crossing;
- (ii) a horse jostling with another horse, unless it is proved that such jostling was caused by the fault of some other horse or Rider or that the horse or Rider jostled with was partly at fault; or
- (iii) a horse itself, or its Rider, in any way interfering with another horse or the Rider of another horse in a Race, unless it is proved that such interference was caused by the fault of some other horse or Rider or that the horse or Rider interfered with was partly at fault.
- 643 (1) If a Race is run by all the horses at wrong weights or if the Judge or his substitute or assistant or a Stipendiary Steward is not in the Judge's box when the placed horses or any of them pass the winning post, or all of the placed horses are disqualified, the Race may be declared void by the Judicial Committee who may direct the Race to be run again as soon as practicable.
- (2) The decision of the Judicial Committee on any of the matters mentioned in the last preceding sub-Rule shall be final and shall not be subject to any appeal.
- 644 A Jumping Race shall not exceed twenty minutes in duration. After the expiration of twenty minutes from the start of the Jumping Race, the Judge shall leave his box, and declare the relevant placings, and a horse which subsequently passes the winning post shall not be placed.

**DEAD-HEATS**

- 645 (1) If a dead-heat is run in a Race by two or more horses, the Owners or lessees (as the case may be) of such horses shall divide equally all the moneys or other prizes which any of them would have received if there had not been a dead-heat.
- (2) If the Owners or lessees (as the case may be) cannot agree as to which of them shall take a cup or other prize which cannot be divided, the question shall be determined by lot by NZTR who, in such cases, shall decide what sum of money shall be paid to the other Owner or lessee or Owners or lessees by the Owner or lessee who takes such cup or other indivisible prize.
- (3) In the case of a dead-heat for first place, each horse so dead-heating shall for the purposes of the classification of horses or Races or for liability to re-handicapping be regarded as having won the Race and as having had credited to it the actual amount in money paid in the aggregate to the Owner or lessee (as the case may be), Trainer and Rider of that horse (disregarding any deductions made therefrom by the Club for nomination, acceptance or other similar fees and goods and services tax).

**WALK OVER**

- 646 (1) Where only one horse weighs out for a Race, it must proceed to the starting post and shall then be deemed to have walked over.
- (2) Where only one horse weighs out in a Race in which a sum of money is given only one-half of the amount which by the conditions of the Race was payable to the winner shall be paid.
- (3) If two or more horses are weighed out but a horse is not placed in second or in any lower place, the money or prize provided by the conditions of the Race for the second or lower placed horse shall be retained by the Club.
- (4) A horse who walks over for a Race shall for the purposes of the classification of horses or Races or for liability to re-handicapping be regarded as having won the Race and as having had credited to it the actual amount in money paid in the aggregate to the Owner or lessee (as the case may be), Trainer and Rider of that horse (disregarding any deductions made by the Club for nomination, acceptance or other similar fees and goods and services tax).

**WEIGHING-IN**

- 647 (1) All Riders in a Race shall weigh-in, unless excused from doing so by a Stipendiary Steward. A horse whose Rider does not weigh in shall, in addition to any other penalty which may be imposed, be disqualified from the Race, unless the Stipendiary Stewards are satisfied that the:
- (a) Rider's failure to weigh-in, in accordance with this Rule, was justified by extraordinary circumstances, including if the Stipendiary Stewards are satisfied that, on account of accident or sudden illness, it is impracticable for him to weigh in; and
- (b) Rider weighed out correctly with, and carried, his proper weight.
- (2) The Clerk of the Scales shall record the exact time the last Rider, required by the Stipendiary Stewards to be weighed in, is so weighed in.
- 648 (1) A muzzle, martingale, breastplate, crupper, suspender or clothing of the horse (other than the articles mentioned in Rule 619(b) hereof) in which a horse runs, shall be put into the scales and included in the Rider's weight.
- (2) If a horse is led away from the scales before the Rider's weight has been declared by the Clerk of the Scales, no article shall thereafter be taken off such horse for the purpose of being weighed with the Rider whether or not he may be the proper weight without it.
- (3) If, on being weighed in, a Rider cannot draw the proper weight (meaning thereby the weight allotted by the Handicapper for his horse to carry and adjusted only by any re-handicap, by having been declared overweight, by penalty or by authorised allowance) the Clerk of the Scales shall allow such rider 0.5 kg and if the allowance is not sufficient to enable the proper weight to be drawn then subject to sub-Rule (4) of this Rule then in addition to any other penalty which may be imposed the horse shall be disqualified for the Race.

- (4) A horse carrying more than its proper weight or weight in excess of that at which the Rider weighed out shall not be disqualified by reason of that fact alone.
  - (5) If the Rider of a horse weighs in at a weight of 1kg or more in excess of that at which the Rider weighed out, the Clerk of the Scales shall record the weight by which the Rider on weighing in exceeded the weight at which he weighed out and inform a Stipendiary Steward and that Rider commits a breach of these Rules.
- 649 (1) A Rider must not:
- (a) do or permit any wrongful act or omission with respect to weight or weighing; or
  - (b) touch (other than accidentally) another person or any thing other than an article of his own equipment before weighing in provided, however, that a Stipendiary Steward may waive a breach of this sub-Rule if, in his opinion, the integrity of the weighing-in process has not been prejudiced by such action.
- (2) In the event of a Rider acting in contravention of Rule 649(1)(b), his horse may be disqualified for the Race concerned, irrespective of whether or not any penalty is imposed on the Rider for the breach, provided however that the Judicial Committee may in its discretion waive the disqualification of the horse if it is satisfied that the breach committed by the Rider was in no way related to the horse.
- (3) A Rider must not weigh-in at a weight that exceeds or is less than the proper weight as is defined in and with the allowance permitted by Rule 648(3).
- (4) An Owner or lessee (as the case may be), Trainer or other person for the time being in charge of a horse must not:
- (a) do or permit any wrongful act or omission with respect to weight or weighing; or
  - (b) after the horse's Rider has weighed out and before the horse races, remove or add any article of wearing apparel or riding or other gear with which the Rider did or did not weigh out as the case may be.

#### **HORSE WELFARE**

- 650 (1) The Trainer or any other person in charge of a horse that is to be brought to the Racecourse or is at the Racecourse to start in a Race must:
- (a) ensure that such horse is fit and properly conditioned for the Race in which it is entered; and
  - (b) report to the Stipendiary Stewards as soon as possible, and in any event no later than one hour before the starting time of that Race, being the time determined by NZRB (as amended by NZTR from time to time), any condition or occurrence that may affect the running of the horse in that Race unless the condition or occurrence is first noticed by the Trainer or other such person or brought to their notice after such time.
- (2) The Trainer and/or Owner or lessee (as the case may be) and/or Rider shall report to the Stipendiary Stewards as soon as possible anything which might have affected the running of their horse in a Race.
- (3) Should anything which might have any bearing on the past or the future running of the horse come to the notice of the Trainer, Owner or lessee (as the case may be) and/or Rider, after the horse has left the Racecourse, it must be reported as soon as possible to the Stipendiary Stewards.
- 651 (1) An attack of nasal bleeding shall be the appearance of blood at one or both nostrils, irrespective of quantity, unless in the opinion of the Stipendiary Stewards such bleeding was caused by external trauma.
- (2) If a horse suffers an attack of nasal bleeding at any time the Trainer of the horse shall report the fact of such bleeding to a Stipendiary Steward without delay and shall subsequently supply that Stipendiary Steward with any further information in relation to such attack which he may require.
- (3) A horse which has, in the opinion of a Stipendiary Steward (following consultation with a Veterinarian, as applicable), suffered an attack of nasal bleeding shall not without permission of a Stipendiary Steward:

- (a) be trained, exercised or galloped on any Training Facility or Racecourse for a period of two months from the date of the attack;
  - (b) start in any Race for a period of three months, and then only after a satisfactory gallop of at least 1,000 metres in the presence of a Stipendiary Steward.
- (4) If a horse suffers more than one attack of nasal bleeding such horse shall be ineligible to start in any Race.
- 652 (1) A mare or filly shall not Race or participate in any trials (including jump-outs or tests for certification purposes), or trackwork after day 120 of its pregnancy.
- (2) A Trainer shall, as soon as possible upon becoming aware of the pregnancy of a mare or filly in his charge, notify the Stipendiary Stewards in writing of the pregnancy, and the date of the last service, of such mare or filly.
- 653 A horse that has been subjected to any form of shock wave therapy shall be ineligible to Race or participate in any trial (including a jump-out or test for certification purposes) in the seven days immediately following such treatment.
- 654 A horse which has a tracheostomy is ineligible to Race or participate in trials (including jump-outs or tests for certification purposes) or trackwork.
- 655 (1) A Stipendiary Steward may, without any requirement to seek or receive the consent of the Owner or his Agent or its Racing Manager, order a horse to be destroyed by such person as the Stipendiary Steward considers suitable if that horse is injured on a Racecourse during a Race Meeting and in the opinion of the Stipendiary Steward the destruction of such horse is advisable to save it unnecessary suffering, provided that where a Veterinarian appointed for that Race Meeting is present the Stipendiary Steward first seeks the recommendation of that Veterinarian. For the purpose of this Rule the term "Owner" shall be deemed to include any person who has a legal or beneficial interest in that horse or Legal Ownership Entity that owns such horse.
- (2) NZTR, the Club, the Stipendiary Steward and any other officer or employee of NZTR or the Club, the Veterinarian, and any other person ordered or permitted by the Stipendiary Steward to destroy such horse shall have no liability for any loss suffered by any person as a result of or in connection with the destruction of such horse or any such order or recommendation as is referred to in Rule 655(1). The Stipendiary Steward may order that a post-mortem examination be carried out in respect of any horse which dies or is killed on a Racecourse.

#### **DRUG AND ALCOHOL TESTING**

- 656 (1) A Rider who rides or presents himself to ride a horse at a Racecourse, Training Facility or Trainer's Premises shall thereby be deemed to have consented to a sample of his blood, breath, urine, saliva or sweat (or more than one thereof), being obtained from him by or under the supervision of a Registered Medical Practitioner or by an Authorised Person if and whenever the Rider is required by a Stipendiary Steward or Investigator to permit such a sample to be so obtained.
- (2) A Stipendiary Steward or Investigator may require a Rider to supply a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) at a time and place nominated by the Stipendiary Steward or Investigator. If so, such Rider must comply with such a requirement. Any Rider acting in contravention of this Rule shall be reported to NZTR by the Stipendiary Steward or Investigator dealing with the breach and NZTR shall consider whether, in addition to any penalty which may be imposed by the Judicial Committee, such person's Licence should be cancelled under Rule 322(1) of these Rules.
- (3) A Rider who, having been required by a Stipendiary Steward or Investigator to supply a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) in accordance with this Rule must not have blood, breath, urine, saliva or sweat (whichever is the subject of the applicable sample) which is found upon analysis to contain any controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance or diuretic and/or its metabolites, artifacts or isomers.
- (4) A Rider who rides or presents himself to ride a horse at a Racecourse, Training Facility or Trainer's Premises must not have a breath alcohol level greater than 100 micrograms of alcohol per litre of breath.



- 657 (1) If a Rider has supplied a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) in accordance with Rule 656(2), and such sample or samples is or are found upon analysis to contain any controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance and/or its metabolites, artifacts or isomers, then:
- (a) that such person shall be notified in writing of the finding of that analysis as soon as reasonably practicable; and
  - (b) that person's Licence shall be automatically withdrawn from the date of the written notice until the Judicial Committee issues a substantive decision in relation to any information filed against that person in relation to that sample or samples.
- (2) If:
- (a) no information against that Rider is filed within 21 days of the written notice referred to in Rule 657(1)(a) being served on that person; and
  - (b) that Rider has subsequently provided a further sample of his blood, breath, urine, saliva or sweat (being the same type or sample as the first sample provided, e.g. urine) and such sample is found upon analysis not to contain a controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance and/or its metabolites, artifacts or isomers,
- then that person's Licence shall be reinstated.
- (3) If, in the opinion of NZTR, the hearing of an information against a Rider in relation to a sample or samples referred to in sub-Rule (1) above is not held in a timely way as a result of delays or omissions on the part of the informant, then NZTR may reinstate that person's Licence on such terms and conditions as NZTR sees fit.
- (4) The above provisions shall take effect notwithstanding anything to the contrary in the provisions of Rule 322.

#### **TRIALS GENERALLY**

- 658 Trials shall be conducted in accordance with the regulations set out at the Third Appendix.



**PART VII**  
**THE TOTALISATOR AND BETTING**

**GENERAL**

- 701 If a person who has any duties in connection with or who is employed in connection with or in the vicinity of the on-course Totalisator is required by a Stipendiary Steward or Investigator to provide him with information as to the investments on the on-course Totalisator made by any person or made on any horse he shall disclose such information as is so required.

**NUMBERING OF HORSES**

- 702 (1) The number of each horse on the Totalisator shall correspond with the number of the horse in the race fields, as authorised and published by NZTR.
- (2) A person shall not take any action, or omit to take any action, which results in the number of a horse on the Totalisator not corresponding with the number of the horse in the race fields, as authorised and published by NZTR, and where such action or omission was taken on a fraudulent basis commits a Serious Racing Offence.

**OFFICIAL BETTING RESULT**

- 703 At the close of each Race:

- (a) the Judge shall sign and have delivered to the Clerk of the Scales the Judge's Report in accordance with Rule 641(3);
- (b) the Stipendiary Stewards shall await confirmation from the Clerk of the Scales that the last of the Riders of the horses specified in the Judge's Report has been weighed in and of any issues arising in relation to the weighing in of such Riders under Rules 647 to 649; and
- (c) a Stipendiary Steward shall counter-sign the Judge's Report referred to in Rule 703(a) and by doing so declares the Official Result of Placings for that Race,

provided that if:

- (d) an information of the type referred to in Rule 907(2) is:
  - (i) filed prior to all of the relevant Riders being weighed in; or
  - (ii) reasonably believed by a Stipendiary Steward, to be about to be filed,and that information or proposed information may result in an alteration of the placing of one or more of the horses in a stake bearing place, the Stipendiary Steward shall not counter-sign the Judge's Report for that Race until the proceeding (if such proceeding occurs) is determined;
- (e) upon determination of such proceedings the Judicial Committee shall direct the Stipendiary Steward to counter-sign the Judge's Report, as amended (if necessary) in accordance with the Judicial Committee's decision.

- 704 Every person who fraudulently claims payment of any dividend commits a Serious Racing Offence.

**WAGERING ONLY WITH AUTHORISED BOOKMAKERS**

- 705 A person shall not make any wager either directly or indirectly with a bookmaker in New Zealand (other than any Authorised Wagering Operator or bookmaker authorised by law to act as such) in connection with any horse in a Race. A breach of this Rule shall constitute a Serious Racing Offence.

**BETTING BY OFFICIALS**

- 706 An Official shall not bet on a Race at any Race Meeting where he is officiating in, or assisting, one of the following positions:
- (a) Stipendiary Steward;
  - (b) Investigator;
  - (c) Judge;
  - (d) Starter;

- (e) Clerk of the Scales;
- (f) Veterinarian;
- (g) swabbing official; or
- (h) handicapper.

A breach of this Rule may be deemed by a Judicial Committee to constitute a Serious Racing Offence.

#### **BETTING BY RIDERS**

- 707 (1) Subject to Rules 708 and 709, a Rider may only bet on a race and/or sports event (including but not limited to a Race) in New Zealand or in any other jurisdiction provided that where he is betting on a Race and he is riding a horse in that Race he may only bet on the horse he is riding and only where:
- (a) he is the or an Owner or lessee (as the case may be) of that horse; or
  - (b) in any other case through or with the permission of the Owner or lessee (as the case may be) of that horse or the Racing Manager of such Owner or lessee (as the case may be),
- And where the Rider is on a Racecourse in New Zealand he may only bet in accordance with this Rule 707 where he uses his mobile phone to place such a bet through his account with an Authorised Wagering Operator.
- (2) Despite sub-Rule (1) above, a Rider under the age of 18 years must not bet on any race and/or sports event (including but not limited to a Race).
  - (3) A Rider shall at any time (including but not limited to where that Rider is suspected of acting in contravention of sub-Rule (1) or (2) above), upon request by a Stipendiary Steward or Investigator, supply written or electronic records of all bets made through that Rider's accounts, including written or electronic records of that Rider's mobile phone records.
  - (4) In circumstances where a Rider may not bet, a Rider must not:
    - (a) have a bet placed on his behalf; or
    - (b) receive any money, present, share, or other benefit in any way connected with any bet.

#### **NO LAYING BETS**

- 708 (1) Any person who:
- (a) is a Licensed Person and/or an Owner or lessee (as the case may be) must not Lay any horse under his ownership, management, care, control, supervision or superintendence, including (without limitation) any horse he trains or rides;
  - (b) is employed by a Trainer in connection with the training or care of racehorses must not Lay a horse under the control of that Trainer for whom he is or was employed, whilst so employed and for a period of 21 days after ceasing to be so;
  - (c) is a Rider's Agent must not Lay a horse to be ridden by a Rider for whom he is agent; or
  - (d) has provided a service or services connected with the keeping, training or racing of a horse must not, within 21 days of having last provided such service or services, Lay any such horse.
- (2) Any person Laying a horse in contravention of this Rule commits a breach of these Rules.

- (3) In circumstances where a person may not Lay a horse under sub-Rule (1), a person must not:
  - (a) have a horse Laid on his behalf; or
  - (b) receive any money, present, share, bet or other benefit in any way connected with the Laying of the horse by another person.

**NO BETTING ON JOCKEY CHALLENGE**

- 709 (1) A Rider may not bet or have another person bet on their behalf on a Jockey Challenge.
- (2) Any Rider making a Jockey Challenge bet is committing a breach of these Rules.
- (3) A Rider must also not receive any money, present, share, bet or other benefit in any way connected with the betting by another person on a Jockey Challenge.

**PART VIII****SERIOUS RACING OFFENCES, BREACHES AND GENERAL PROVISIONS****SERIOUS RACING OFFENCES**

- 801 (1) A person commits a Serious Racing Offence within the meaning of these Rules who:
- (a) corruptly gives or offers, directly or indirectly, any money, present, share in a bet, or other benefit, to a person having official duties in relation to a Race, or to an Owner or lessee (as the case may be), Trainer, Rider, or other person having charge of or access to a horse;
  - (b) having official duties in relation to a Race, or being the Owner or lessee (as the case may be), Trainer, Rider or other person having charge of or access to a horse, corruptly accepts or offers to accept any money, present, share in a bet or other benefit;
  - (c) wilfully enters for or starts in, or causes or procures to be entered for or started in, a Race a horse which he or she knows or believes or has reason to believe to be disqualified or not to be qualified to be entered for or to start in such Race, or wilfully enters a horse for a Race unless entitled under these Rules or the conditions of the Race to do so;
  - (d) fraudulently enters a horse for a Race or disguises or alters the appearance of a horse with intent to conceal its identity or to hold it out to be another horse or is in any way interested in or knowingly connected with any such entry or disguise or alteration;
  - (e) makes or accepts a wager illegal in the country in which the same is made; or
  - (f) refuses to supply any information, or to make a written declaration (statutory or otherwise), or statement respecting any matter connected with racing or a horse registered with NZTR or the ownership thereof which a Tribunal or NZTR (including a Stipendiary Steward or Investigator) require him to supply or make; or
  - (g) hinders or obstructs a Tribunal or NZTR from carrying out or determining an inquiry, investigation, information or proceeding in connection with racing or otherwise under these Rules;
  - (h) wilfully supplies false or misleading information, or makes a false or misleading declaration or statement, respecting any matter connected with racing or otherwise in connection with these Rules to a Tribunal, NZTR, or Committee of a Club, a Stipendiary Steward, an Investigator or any other body or tribunal or is knowingly a party to the giving of, false or misleading information or particulars; or
  - (i) knowingly employs or keeps in his employment a person whose name for the time being appears in the List of Disqualifications, provided that a disqualified person shall not be debarred from obtaining employment unconnected with the training or racing of horses;
  - (j) wilfully fails to register a financial arrangement, interest, sale, lease or other dealing by these Rules required to be registered;
  - (k) wilfully fails to perform an act ordered by a Tribunal, NZTR, Stipendiary Steward or Investigator to be performed by him;
  - (l) rides in a Race knowing or believing or having reason to believe that he is not qualified and eligible under these Rules to do so;
  - (m) commits a dishonest or fraudulent act connected with racing or betting associated with racing;
  - (n) administers, causes or permits to be administered or who attempts to administer or to cause to be administered or who permits a person to administer or cause to be administered for the purpose of affecting the speed, stamina, courage or conduct of a horse in a Race, a Prohibited Substance;

- (o) at any time uses or permits or causes to be used or who attempts to use or to cause to be used on or in relation to a horse any:
  - (i) electrical, mechanical or galvanic device; and/or
  - (ii) equipment, appliance or apparatus, other than as approved, from time to time, by NZTR,for the purpose of affecting either at the time of such use or attempted use or subsequently the speed, stamina, courage or conduct of such horse;
- (p) inflicts undue suffering on a horse by any means;
- (q) knowing that any person comprising or having a legal or beneficial interest in a Legal Ownership Entity (including a shareholder or director or a person with any other ownership rights in that Legal Ownership Entity, if applicable) is a prohibited person, enters a horse for or starts it in a Race in the name(s) or on behalf of such Legal Ownership Entity in which such prohibited person has an interest;
- (r) (unless he is a Registered Medical Practitioner or Emergency Medical Officer correcting an error) wilfully obliterates or removes or alters or tampers or interferes with any entry, note or writing made by that Registered Medical Practitioner or Emergency Medical Officer, as applicable, in any medical record form or other document issued by NZTR;
- (s) either by himself or in conjunction with any other person:
  - (i) does or permits or suffers to be done any act which a Judicial Committee deems fraudulent, corrupt or detrimental to the interests of racing; or
  - (ii) at any time writes or causes to be written, publishes or causes to be published, or utters or causes to be uttered, any insulting or abusive words with reference to a Tribunal, NZTR, Committee of a Club or a member or Official of any such body or a Stipendiary Steward or Investigator, or Registered Medical Practitioner;
- (t) commits a breach of any Rule which is or may be deemed to be a Serious Racing Offence by these Rules;
- (u) does or omits any act for the purpose of aiding a person to commit a Serious Racing Offence;
- (v) abets a person in the commission of a Serious Racing Offence;
- (w) counsels, procures or incites a person to commit a Serious Racing Offence;
- (x) conceals the commission of a Serious Racing Offence;
- (y) attempts to commit a Serious Racing Offence;
- (z) being a Licensed Person or Owner or lessee (as the case may be), his Agent or Racing Manager aids or assists or associates with a prohibited person or disqualified person for the purposes of the sale, purchase, care, breeding, training or racing of a horse registered under these Rules;
- (aa) either by himself or in conjunction with others or as a member of a society, union or association, publishes, communicates or sends to or causes to be published, communicated or sent to the Tribunal or to a member or officer thereof any statement, comment, or expression of opinion upon any question which is to be judicially decided by such Tribunal with intent corruptly to influence or affect the decision thereof;
- (ab) after being summonsed to attend to give evidence before a Tribunal or to produce to a Tribunal any paper, document, record or thing, without sufficient cause:
  - (i) fails to attend in accordance with the summons;
  - (ii) refuses to be sworn or to give evidence or, having been sworn, refuses to answer any questions that the person is required by the Tribunal or a member of it to answer concerning the proceeding; or
  - (iii) fails to produce any such paper, document, record or thing; or

- (ac) pays a fine or costs imposed under these Rules on behalf of the person who was ordered to pay that fine or those costs.
- (2) A person who commits a Serious Racing Offence shall be liable to:
  - (a) be disqualified for any specific period or for life; and/or
  - (b) be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or
  - (c) a fine not exceeding \$50,000.
- (3) The Judicial Committee may in addition to, or substitution of, any penalty imposed under sub-Rule (2) hereof disqualify for any Race and/or for any specific period or for life any horse connected with the Serious Racing Offence.

#### **BREACHES OF THE RULES**

- 802 (1) A person commits a breach of these Rules who:
- (a) acts in contravention of or fails to comply with any provision of these Rules or any Regulations made thereunder, or any policy, notice, direction, instruction, guideline, restriction, requirement or condition given, made or imposed under these Rules;
  - (b) commits a Serious Racing Offence;
  - (c) is an accessory after the fact to a breach of these Rules;
  - (d) conspires with a person to commit a breach of these Rules;
  - (e) attempts to commit, or does or omits to do an act in an attempt to commit, a breach of these Rules;
  - (f) does or omits to do an act for the purpose of aiding a person or horse to commit a breach of these Rules;
  - (g) abets any person in the commission of a breach of these Rules; and/or
  - (h) incites, counsels or procures a person to commit a breach of these Rules.
- (2) A horse commits a breach of these Rules which contravenes or does not comply with any provision of these Rules or any Regulations made thereunder or any policy, notice, direction, instruction, restriction, requirement or condition given, made or imposed under these Rules.
- (3) A person who, having an intent to commit a breach of these Rules, does or omits to do an act for the purpose of accomplishing his object is guilty of an attempt to commit a breach of these Rules intended, whether in the circumstances it was possible to commit a breach of these Rules or not.
- (4) A person is an accessory after the fact to a breach of these Rules who, knowing a person to have been a party to or to have committed a breach of these Rules, receives, comforts or assists that person or tampers with or actively suppresses any evidence against him in order to enable him to avoid prosecution under these Rules.

#### **GENERAL PENALTIES**

- 803 (1) A person who, or body or other entity (not being a Club) which, commits or is deemed to have committed a breach of these Rules or any of them for which a penalty is not provided elsewhere in these Rules shall be liable to:
- (a) be disqualified for a period not exceeding 12 months; and/or
  - (b) be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or
  - (c) a fine not exceeding \$20,000.

Where a Rule or any part of a Rule provides that the or a horse may be disqualified if a person commits a breach in respect of such Rule or any such part the liability to disqualification of the horse shall not be regarded as a penalty for the person's or body's or other entity's breach of the Rule or of the part.



- (2) Where a horse or its Rider commits or is deemed to have committed a breach of these Rules or of any of them and a penalty is not provided elsewhere in these Rules for that breach:
- (a) the horse may:
    - (i) be disqualified or scratched from any Race; and/or
    - (ii) be disqualified for a period not exceeding 12 months from and after the date of that Race;
  - (b) a Rider committing the breach, or a person who in the opinion of the Judicial Committee was in charge of the horse at any material time may:
    - (i) be disqualified for a period not exceeding 12 months; and/or
    - (ii) be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence expires and is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or
    - (iii) be fined a sum not exceeding \$20,000, unless the breach is:
      - (A) a riding breach;
      - (B) a breach related to wagering; or
      - (C) a breach related to drugs, alcohol or a Prohibited Substance,in which event such person shall be liable to a fine not exceeding \$50,000 or the amount of the fee and share of stakes payable to the Rider or Trainer concerned for the relevant Race (whichever is the greater amount) and to a period of disqualification not exceeding five years.
- (3) Nothing in the preceding sub-Rules of this Rule shall apply to a Serious Racing Offence, or a breach of the type set out in Rule 804.
- (4) The Judicial Committee may, in addition to or in substitution of any penalty imposed under this Rule, disqualify for any Race and/or for any period not exceeding 12 months, any horse connected with a breach.

#### **PROHIBITED SUBSTANCE OFFENCES**

- 804 (1) A horse which has been brought to a Racecourse or similar racing facility and which is found by a Tribunal conducting an inquiry to have had administered to it or have had present in its metabolism a Prohibited Substance, capable of affecting its speed, stamina, courage or conduct, shall be, in addition to any other penalty which may be imposed, disqualified for any Race or trial to which the Third Appendix hereto applies in which it has started on that day.
- (2) When a horse which has been brought to a Racecourse or similar racing facility for the purpose of engaging in a Race or trial to which the Third Appendix hereto applies is found by a Tribunal conducting an inquiry to have had administered to it or have had present in its metabolism a Prohibited Substance, capable of affecting its speed, stamina, courage or conduct, the Trainer and any other person who in the opinion of such Tribunal conducting such inquiry was in charge of such horse at any relevant time commits a breach of these Rules unless he satisfies the Tribunal that he had taken all proper precautions to prevent the administration or presence of such Prohibited Substance.
- (3) The Trainer and any other person who in the opinion of a Tribunal conducting an inquiry was in charge of a horse, which was or was to be brought to a Racecourse or similar racing facility for the purpose of engaging in any Race or trial to which the Third Appendix hereto applies, commits a breach of these Rules if such Tribunal conducting an inquiry finds that the result of analysis of any test or sample taken from the horse 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 day on which the horse was to Race or trial discloses a level of article, substance or liquid equal to or greater than such level as is set by NZTR and published in the Thoroughbred Racing Monthly from time to time.
- (4) A person shall not have in his or her possession on a Racecourse where a Race Meeting is being conducted or similar racing facility a Prohibited Substance, syringe, needle, device or other instrument which could be used to administer a Prohibited

Substance to a horse unless that person shall have first obtained the permission of the Stipendiary Steward or Investigator to be in possession or satisfies them that such possession is for his lawful use.

- (5) A person, except for a Veterinarian who is an official, shall not, during a day of racing, administer by injection, nasal gastric tube, gastric tube, ventilator or nebulizer to a horse entered in a Race on that day of racing any substance whatsoever, unless such administration occurred after the horse has raced or under the direction of a Stipendiary Steward or Investigator. For the purposes of this sub-Rule the day of racing is deemed to commence at 12.01 am and to conclude after the last Race.
- (6) A person who commits a breach of sub-Rule (2) or (3) or (4) or (5) of this Rule shall be liable to:
  - (a) be disqualified for a period not exceeding five years; and/or
  - (b) be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or
  - (c) a fine not exceeding \$25,000.
- (7) Any horse connected with a breach of sub-Rule (2) or (3) or (4) or (5) of this Rule shall be, in addition to any other penalty which may be imposed, disqualified from any Race or trial to which the Third Appendix hereto applies and/or be liable to a period of disqualification not exceeding five years.
- (8) If, in a proceeding in which any breach of this Rule or of Rule 801(1)(n) is alleged, it is proved that:
  - (a) a horse has had administered to it an article, substance or liquid; or
  - (b) before being administered to the horse the article, substance or liquid was contained in a bottle or other container it shall be presumed until the contrary is shown that the article, substance or liquid contained, at the time of administration, as a minimum those ingredients specified in any label which it is proved:
    - (i) was at the time of administration on the bottle or other container; or
    - (ii) was at the time of sale usually on the bottle or other container in which that article, substance or liquid was customarily sold.

Nothing in this sub-Rule (8) shall prevent a party to a proceeding calling evidence concerning:

- (c) whether an article, substance, liquid or Prohibited Substance was administered to a horse;
- (d) the ingredients of an article, substance, liquid or Prohibited Substance so administered; and/or
- (e) ingredients additional to or different from those so specified as having been contained in an article, substance, liquid or Prohibited Substance so administered.

## GENERAL PROVISIONS

- 805 Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the breach in these Rules, may be proved by the defendant but need not be negated in the information and, whether or not it is so negated, no proof in relation to the matter shall be required on the part of the informant.
- 806 At a hearing under these Rules a person shall not, without the leave of a Tribunal, adduce evidence that he was not the Owner or lessee (as the case may be), Trainer, Rider or person in charge of the horse unless, before the hearing commenced, he gave written notice to the Registrar for the Judicial Committee and the informant of his intention to raise such a defence and the details of the person who he states is or was at the material time the Owner or lessee (as the case may be), Trainer, Rider or person in charge of the horse (as the case may be). Where a hearing is to take place other than during a Race Meeting the defendant shall give such notice within two days after and exclusive of the date of service of the information.

- 807 In a proceeding where it is alleged that a person has acted without the required Licence he shall be deemed to have been unlicensed at the material time unless he produces his Licence or otherwise proves to the satisfaction of the Judicial Committee that at the material time he was a duly Licensed Person under these Rules.
- 808 In a proceeding for a breach of these Rules, other than a breach of Rule 801, it shall not be necessary for the informant to prove that the person charged intended to commit that or any breach of these Rules.
- 809 In a proceeding it shall not be necessary, and a person shall not be called upon, to prove:
- (a) that a person is a Stipendiary Steward or Investigator; or
  - (b) that the information was laid by a Stipendiary Steward or Investigator.
- 810 A person who, or other body or entity which, is fined or ordered to pay costs under these Rules shall pay that fine or costs to NZTR within 28 days of the fine or costs being imposed or, in the case of an appeal, within 28 days of a decision of the Appeals Tribunal upholding that fine or costs or imposing any other fine or costs.
- 811 (1) All bodies and persons affected by the decision of a Tribunal shall forthwith do all that it is necessary for them to do for the purpose of giving full effect to such decision.
- (2) A person who or body which wilfully fails forthwith to do all that it is necessary for him or it to do for the purpose of giving full effect to a decision of a Tribunal commits a breach of these Rules and, in addition to being liable to the penalty which may be imposed for that breach under any other Rule shall, unless the Tribunal determines otherwise, be disqualified for life. Such disqualification shall be notified in the List of Disqualifications.
- (3) It shall be the duty of all bodies or persons subject to these Rules to investigate and report to NZTR upon all matters which the Appeals Tribunal indicates in its decision are proper subjects for investigation.

**PART IX**  
**JUDICIAL COMMITTEE**

**FUNCTIONS AND DUTIES OF JUDICIAL COMMITTEE**

- 901 (1) A member of the Judicial Committee shall not sit as a member thereof in the determination of any matter, information or proceeding in which he is in any manner interested.
- (2) The Judicial Committee may decide to hold a hearing, or any part of a hearing, in private, otherwise all hearings shall be open to the public.
- (3) The Judicial Committee may, subject to the provisions of these Rules, determine the procedure and conduct of any hearing as it thinks fit.
- (4) The Judicial Control Authority shall appoint one of the members of a Judicial Committee to act as the Chairperson of that Judicial Committee. In any case where the appointed Chairperson of the Judicial Committee is unable or unwilling to act in relation to a particular matter the Judicial Committee shall appoint another of its members to act as Chairperson in relation to that matter.
- (5) Subject to the preceding sub-Rules of this Rule all appointed members of a Judicial Committee shall, if practicable, determine any matter, information or proceeding submitted for the determination of that Committee but one member shall constitute a quorum.
- 902 (1) The Judicial Committee shall have jurisdiction to hear and determine all proceedings commenced pursuant to these Rules, which are not expressly stated by any of these Rules to be within the jurisdiction of any other person or body.
- (2) The functions of a Judicial Committee shall be:
- (a) from the commencement of the first proceeding which it commences to deal with on any day of a Race Meeting or one hour prior to the starting time of the first Race of that day until after the conclusion of the last proceeding which it commences to deal with on that day, or thirty minutes after the last Race run on that day (whichever is the later) to:
- (i) hear all matters of a judicial nature which arise during and in relation to that day of racing and are submitted to it;
- (ii) determine any question as to whether that day of racing or any part thereof should be postponed, abandoned or cancelled;
- (iii) declare a Race null and void and if it thinks expedient order that such Race be run again; and
- (iv) exercise the powers, duties and functions conferred or imposed on Judicial Committees by these Rules and the Racing Act 2003;
- (b) to consider and determine the following matters in connection with racing:
- (i) all information and proceedings in relation thereto;
- (ii) any matter in connection with the riding or running of a horse which has become the subject of a proceeding;
- (iii) all questions of application or interpretation of these Rules which arise in the course of the hearing and determination of a proceeding;
- (iv) all questions of qualification of persons or horses which so arise;
- (v) all questions of liability of persons in respect of payments under these Rules which so arise;
- (vi) all matters submitted to it by a Stipendiary Steward or Investigator;
- (vii) any dispute concerning the exercise or proposed exercise by a Stipendiary Steward or Investigator of any of his powers, duties or functions under these Rules;
- (viii) all matters submitted to it for judicial determination or for a ruling under these Rules;

- (ix) whether it should order that the Judge, Starter, Clerk of the Course or any other Official be removed during and for the duration of the Race Meeting or any day thereof and that any person should be appointed in his stead;
  - (x) whether to declare the entry of any horse to be invalid, the money paid for such entry to be forfeited to the Club and sweepstake (if any) to be forfeited for the Race in which the horse is entered; and
  - (xi) all other matters which these Rules require or permit to be and are submitted to it;
- (c) subject to the powers of the Stipendiary Steward, to determine whether any horse should be scratched for any Race and to order that any horse be so scratched;
  - (d) in any circumstances in which it deems such action necessary or desirable, to order the removal of any Rider and the substitution of another;
  - (e) to order that a horse be swabbed or examined or tested or that a sample or samples be taken from it, as part of any investigation being carried out or hearing being conducted by the Judicial Committee, and in the event of such order being made neither the Judicial Committee nor a person carrying out its order shall be liable to the Owner or lessee (as the case may be) of or any other person having any or a beneficial interest in the horse or in a Legal Ownership Entity, which is the Owner of that horse for any loss suffered as a result of or in connection with such order or the carrying out thereof;
  - (f) to hold an inquiry into any alleged failure to comply with the provisions of Rule 636 notwithstanding that such inquiry involves consideration of the running or riding of a horse both in the particular Race to which the alleged failure relates and in some other Race or Races at a Race Meeting or Race Meetings at which that Judicial Committee did not necessarily officiate; and
  - (g) to require a Rider to permit a sample of his blood, breath, urine, saliva or sweat (or more than one thereof) to be obtained from him by or under the supervision of a Registered Medical Practitioner or an Authorised Person at such time and place nominated by a Stipendiary Steward or Investigator.
- (3) A Judicial Committee shall, in addition to having all the powers which are conferred on it by any of these Rules, have all such powers as are necessary to enable it to discharge the functions set out in sub-Rules (1) and (2) of this Rule.
  - (4) Notwithstanding anything to the contrary in this or any other Rule, the Judicial Committee shall not have the power to permit a horse to carry any weight other than that which it was handicapped or re-handicapped to carry (except that the handicapped or re-handicapped weight may be permitted to be altered by being declared overweight, by penalty or by authorised allowance).

## INFORMATIONS

- 903 (1) All proceedings shall be commenced by way of filing an information either:
- (a) with the Registrar for the Judicial Committee, where the information is filed during a Race Meeting; or
  - (b) with a person appointed by the Judicial Control Authority to receive an information, where the information is filed other than during a Race Meeting.
- (2) (a) During a Race Meeting an information may be filed only by:
- (i) a Stipendiary Steward or Investigator;
  - (ii) the Rider, Owner or lessee (as the case may be), or the Owner or lessee's Agent or the Racing Manager, Trainer or the person in charge of the horse, against another horse or Rider in that Race. Such Rider, Owner or lessee (as the case may be) or the Owner or lessee's Agent or the Racing Manager, Trainer, or person shall prior to the filing of an information lodge with the Judicial Committee a filing fee the amount of which shall be set from time to time by NZTR. Provided that the Judicial Committee may accept in lieu of such fee a written undertaking by the informant to pay such fee within seven days; or
  - (iii) a person with the leave of the Judicial Committee. Such person shall unless exempted by the Judicial Committee prior to filing an information lodge a

filing fee the amount of which shall be set from time to time by NZTR, provided that the Judicial Committee may accept in lieu of such fee a written undertaking by the informant to pay such fee within seven days.

- (b) An information which seeks or may result in any change to the Judge's placings specified in the Judge's Report on account of interference with the chances of another horse or horses placed by the Judge or any ground referred to in Rule 907(2) shall not be filed later than the time at which the last Rider weighs in unless the Official Result of Placings has not been declared and an extension of time in which to file an information is granted by a Stipendiary Steward.
- (c) After the time specified in paragraph (b) hereof an information shall not be filed against any person, or any horse which started in a Race, except by a Stipendiary Steward or Investigator.
- (d) Otherwise than during a Race Meeting an information may be filed only by a Stipendiary Steward or Investigator, after receiving the written permission of the Chief Executive to do so.
- (e) Nothing in paragraph (b) of this sub-Rule shall prevent a Stipendiary Steward or Investigator filing an information at any time later than the time specified in Rule 907(2) and seeking the disqualification of a horse from a Race or Races but such information, or proceeding resulting from the filing of such information, shall not have any effect on the Official Result of Placings declared.
- (3) An information may contain one or more alleged breach of these Rules against one or more persons or horses.
- (4) Subject to sub-Rule (2)(b) hereof, an information shall be filed within three years after the facts alleged in the information were brought to the knowledge of a Stipendiary Steward or Investigator.
- (5) Nothing in these Rules shall prevent:
  - (a) a Stipendiary Steward or Investigator at any time after a Race filing an information that a horse should be disqualified on account of or in connection with a Prohibited Substance having been administered to it, or its having been ineligible to be entered for or started in a Race or on any other ground on which, under these Rules, a horse can be disqualified for a Race after starting in a Race; or
  - (b) a Judicial Committee from disqualifying such horse if the information is proved and making such resultant orders as it considers required, and as are permitted by these Rules (including orders disqualifying the horse and ordering that any money, prize or trophy already handed over be refunded), but such disqualification or order, if ordered or made after the Official Result of Placings has been declared, shall not in any way affect that Official Result of Placings.
- 904 (1) An information in respect of a Race may be filed on any of the following grounds:
  - (a) that the Race was run over the wrong distance; and/or
  - (b) that the Race was started before the appointed time.
- (2) The Judicial Committee on determining the proceeding may declare the Race to be void and may direct that it be run again.
- (3) Any decision of the Judicial Committee pursuant to this Rule is final.
- 905 (1) An information or any breach of these Rules alleged in an information may, by leave of the Judicial Committee, be withdrawn by the informant before determination of the information by the Judicial Committee, or, where the defendant has admitted the charge, before penalty has been imposed.
- (2) The withdrawal of an information, or the dismissal of an information for want of prosecution, shall not operate as a bar to any other proceedings in the same matter and any subsequent information concerning such proceedings shall not be barred by Rule 903(4) provided that the original information complied with Rule 903(4).
- 906 If an information relating to the eligibility of a horse entered for a Race is filed on the day on which the Race is to be run, the Judicial Committee may require proof that such horse is qualified for the Race to be furnished before its Rider is weighed out and may, if such proof is



not furnished to its satisfaction, disqualify the horse for the Race and direct the Clerk of the Scales to refuse to weigh out any Rider for it.

- 907 (1) Save in the case of fraud, an information against a horse on the ground of misdescription or of any error or omission in any entry shall not be filed or received after a Race has been run.
- (2) An information against a horse on the ground of:
- (a) a cross or jostle or other act on the part of its Rider during the Race;
  - (b) its not having run the proper course;
  - (c) the Race having been started in front of the starting post, or before the time appointed for the start, or run on a wrong course; or
  - (d) any other act or thing occurring during the running of the Race or after the horses placed by the Judge have passed the post,
- shall, subject to Rule 903(2)(b), be filed before the Official Result of Placings has been declared.
- 908 If any information against a horse in a Race is duly filed any money or other prize to which the horse would otherwise have been entitled shall, if not already paid or handed over, be withheld until such information has been determined or, by leave of the Judicial Committee, withdrawn.
- 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 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 Owner or lessee (as the case may be) or the Racing Manager in respect of such stake or other prize be paid by 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 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.

#### **NOTICE OF HEARING**

- 910 (1) Subject to sub-Rule (2) hereof a defendant shall be served with a copy of the information and shall be advised by the Registrar of the date, time and place of hearing.
- (2) Where the hearing of an information is to take place during a Race Meeting, and the decision of the Judicial Committee may affect the placings of a horse, the following shall apply:
- (a) where in respect of any proceedings the defendant is not present, he shall be deemed to have been served when service of the information and advice of the date, time and place of hearing is effected upon the person in apparent control of a horse named in the information; and
  - (b) the defendant or person upon whom service may be effected shall be deemed to have been served with a copy of the information and advised of the date, time and

place of hearing, if advice that there is to be a hearing and of the horse or horses involved is given over the public address system at the Racecourse.

### **SERVICE OF INFORMATION**

- 911 (1) An information or other document which is required to be served on a person pursuant to these Rules may be served on him in any of the following ways:
- (a) by being delivered to him personally or being brought to his notice if he refuses to accept it;
  - (b) being left for him at his place of residence with a person appearing to reside there and appearing to be of or over the age of 14 years;
  - (c) by being sent to him by letter addressed to him at his last known or usual place of residence or at his place of business;
  - (d) by being sent to him by facsimile at his known facsimile number or the facsimile number at his place of business;
  - (e) by being sent to him by email at his known email address;
  - (f) by being served on his training partner by any of the above methods, if he is part of a Training Partnership; or
  - (g) by compliance with Rule 910(2).
- (2) Where service is effected in accordance with Rule 911(1)(c) above, then, unless the contrary is proved, service shall be deemed to have been effected on the person:
- (a) in the case of personal delivery to the person or a person of the type set out in Rule 911(1)(b) or (d), when received by that person;
  - (b) in the case of posting by mail, on the second working day following the date of posting to the addressee's last known address in New Zealand;
  - (c) in the case of facsimile transmission, when sent to the addressee's facsimile number; and
  - (d) in the case of email, when acknowledged by the addressee by return email or otherwise in writing.
- 912 (1) All informations filed during any day of a Race Meeting shall be determined by the Judicial Committee appointed to officiate on that day by the Judicial Control Authority, except where the hearing of the information is adjourned, in which case the hearing and the determination shall be by either that Judicial Committee or such other Judicial Committee as is appointed by the Judicial Control Authority.
- (2) All informations filed other than during a day of racing shall be determined by a Judicial Committee appointed by the Judicial Control Authority.

### **APPEARANCE**

- 913 (1) If, at the hearing of an information, the defendant does not appear and the Judicial Committee is satisfied the information has been served and the defendant is aware of the date of hearing, then the hearing may proceed in the absence of the defendant and evidence of a fact or opinion which could have been given orally may be given by way of affidavit.
- (2) Where on the hearing of an information only the defendant appears or neither the informant nor the defendant appear, the Judicial Committee may dismiss the information for want of prosecution or subject to Rule 915(2) adjourn the hearing to such time and place and on such conditions as it thinks fit.

### **PROCEDURE AT HEARING**

- 914 A defendant who does not appear at the hearing of the information may admit the breach of these Rules alleged in that information by giving written notice to the Judicial Committee that he does so and in such event the Judicial Committee shall have the same power to deal with him as if he had appeared before it and admitted that breach.
- 915 (1) Where at the hearing of an information both the informant and the defendant appear, the following provisions shall apply:
- (a) the Judicial Committee shall conduct the hearing as it thinks fit;

- (b) the Judicial Committee may, in its discretion, admit any evidence it deems relevant whether admissible in a Court of Law or not;
  - (c) the hearing may be recorded and evidence given may at the direction of the Judicial Committee be committed to writing;
  - (d) if a defendant admits a breach of these Rules, the Judicial Committee shall find the breach proved; and
  - (e) evidence of a fact or opinion which may be given orally may also be given by way of an affidavit.
- (2) A hearing may be adjourned to such time and place, and upon such conditions, as the Judicial Committee thinks fit provided that if the hearing commences during any day of a Race Meeting and the Judicial Committee's determination may affect the declaration of the Official Result of Placings on that day the hearing shall be concluded on that day and shall not be adjourned to any later date, except where the proceeding involved consideration of a breach of Rules 801 (1)(c), (d), (n), (q), (s) or 804 (1) and (2) in which case the Judicial Committee shall order the Stipendiary Steward, as it considers appropriate, to counter-sign the Judge's Report and declare the Official Result of Placings, and that shall be deemed to be the Official Result of Placings for the purpose of Rule 703. A decision of the Judicial Committee pursuant to this sub-Rule is final.
- (3) In any case where an information alleging a breach of these Rules has been filed and the defendant has appeared to answer the information the informant may, at any time before the Judicial Committee has given its decision in respect of the information, request the Judicial Committee to permit him to amend the information in a respect or respects to be stipulated by him and the Judicial Committee may permit the information to be amended accordingly.
- (4) In any case where an information has been filed alleging that a person or horse has committed a breach of these Rules the Judicial Committee may, at any time before it gives its decision in respect of the information, amend the information in such respect or respects as it thinks fit.
- (5) Without limiting the generality of the powers conferred by sub-Rules (3) and (4) of this Rule an information may be amended by substituting one alleged breach of these Rules for another.
- (6) If an information is amended under sub-Rule (3) or sub-Rule (4) of this Rule by substituting one alleged breach of these Rules for another:
  - (a) the person against whom an information has been filed shall be asked whether he admits the information as amended;
  - (b) the hearing shall thereafter proceed as if the information had been filed as amended; and
  - (c) the Judicial Committee shall have the power to accept the evidence already given as applying to the amended information but the person charged may request the Judicial Committee to recall any witness who has already given evidence to enable that witness to be cross-examined, or further examined or cross-examined, in view of the amended information.
- (7) Subject to sub-Rule (2) of this Rule the Judicial Committee may, if it considers that the defendant would be disadvantaged in his defence by reason of any amendment made under this Rule, adjourn the hearing of the information.
- (8)
  - (a) The Judicial Committee, of its own motion or on the application of a party to any proceedings before it, shall have the power to require (by way of summons signed by the Chairperson or another member of the Judicial Committee) any person to appear before it, to answer any question put to that person and to produce to it any papers, documents, records or things referred to in such summons.
  - (b) A person who after being summonsed to attend to give evidence before a Judicial Committee or to produce to the Judicial Committee any papers, documents, records or things:
    - (i) shall attend in accordance with the summons;
    - (ii) shall not refuse to be sworn or to give evidence or refuse to answer any questions that the person is lawfully required by the Judicial Committee or any member of it to answer concerning the proceeding; and

- (iii) shall produce any such paper, document, record or thing.

A breach of this Rule without sufficient cause is a Serious Racing Offence.

- (9) The informant and defendant shall be entitled to be present at the hearing of any proceeding unless either such person so unreasonably interrupts the hearing as to render its continuance in that person's presence impractical or that person absents himself without the leave of the Judicial Committee or the Judicial Committee believes there is good reason to continue to proceed in that person's absence in which case the hearing may continue in his absence.
- (10) The Judicial Committee may permit the informant and defendant to be out of the hearing during the whole or any part of the hearing on such terms as it thinks fit.
- 916 (1) Subject to sub-Rules (2) and (3) of this Rule, a person shall not be represented by Counsel or a lay advocate at any hearing held by a Judicial Committee in respect of a matter which arises on a Race day and which is held on that day.
- (2) When an information has been filed against a Rider holding a Class B rider's licence or a minor, or a horse ridden by a Rider holding a Class B rider's licence or a minor, then such Rider or minor is entitled to have his employer, parent or guardian or such other person as the Tribunal may nominate, present for the purpose of assisting and safeguarding his interests.
- (3) Subject to Rule 901(3), if a Judicial Committee is conducting a hearing at a Racecourse in the course of a Race day and a defendant is unavoidably absent from the Racecourse such person as is permitted by the Judicial Committee to appear as his duly authorised representative, together with the informant, shall have the right to be present while the whole of the evidence is being given.
- (4) At a hearing held by a Judicial Committee which is heard other than in the course of a Race day each person against whom and/or against whose horse an information has been filed may represent himself or be represented by Counsel or a lay advocate.
- 917 If a defendant wishes to raise an affirmative defence in respect of an information to be heard otherwise than on a Race day, he must give written notice of that defence to the informant and the Judicial Committee at least seven days prior to the hearing of that information.

#### **RULINGS**

- 918 (1) The following persons may file an information to which there is no defendant but which seeks a ruling from the Judicial Committee on a matter referred to in the information:
- (a) a Stipendiary Steward;
  - (b) an Investigator; or
  - (c) any person with the leave of the Judicial Committee. Such person shall unless exempted by the Judicial Committee prior to filing an information lodge with the Judicial Committee a filing fee the amount of which shall be set from time to time by NZTR, provided that the Judicial Committee may accept in lieu of such fee a written undertaking by the informant to pay such fee within seven days.
- (2) Any such information shall be served on such persons, bodies, Clubs or other entities (if any) as the Judicial Committee or the Chairperson thereof directs.
- (3) In dealing with any such information the Judicial Committee shall adopt such procedure as it thinks fit.

#### **ORDER FOR TAKING EVIDENCE OF PERSONS ABOUT TO LEAVE THE COUNTRY**

- 919 (1) A member of the Judicial Committee may, on the application of the informant or the defendant before the hearing, make an order for the taking of the evidence of any person, if he is satisfied that the person intends to depart from New Zealand before the hearing and that it is desirable or expedient that such evidence should be so taken.
- (2) The evidence shall be taken before a member of the Judicial Committee and recorded in such manner as directed by that member.
- (3) Evidence taken in accordance with this Rule may be tendered at the hearing as if it were given in the course thereof.

**DECISIONS OF THE JUDICIAL COMMITTEE**

- 920 (1) The Judicial Committee, having heard what the informant and any other party entitled to be heard has to say and the evidence adduced may find any breach alleged in the information proved or dismiss the information, either on the merits or without prejudice to its again being laid, or make such other order as it thinks fit.
- (2) On finding a breach proved the Judicial Committee may impose any penalty provided by these Rules. In imposing a penalty provided in these Rules the Judicial Committee may have regard to such matters as it considers appropriate including:
- (a) the status of the Race;
  - (b) the stake payable in respect of the Race;
  - (c) any consequential effects upon any person or horse as a result of the breach of the Rule; and/or
  - (d) the need to maintain integrity and public confidence in racing.
- (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).
- (4) The decision of the Judicial Committee shall:
- (a) be committed to writing and signed by the Chairperson;
  - (b) state the specific Rule or Rules under which any person or horse is penalised; and
  - (c) if it involves any penalty, be communicated to each person penalised and NZTR as soon as practicable and published by the Judicial Control Authority on its website, unless the Chairperson of the Judicial Committee otherwise directs.
- (5) The Judicial Committee may, if it thinks fit, reserve its decision and in that case may give it at any adjourned or subsequent sitting of the Judicial Committee or may draw up its decision in writing and have it signed by the Chairperson. Nothing in this Rule shall authorise an adjournment in breach of Rule 915(2).
- (6) The written decision shall be delivered in such manner as the Chairperson directs or, failing any such direction, as he thinks fit.
- (7) When a Judicial Committee disqualifies a horse which started in a Race and was placed by the Judge in a stake bearing place in the Judge's Report, or places such a horse after a horse or horses with the chances of which the first-mentioned horse interfered, it shall amend the placings of that horse and those which finished behind it and, if the stakes have not already been paid or handed over, direct that they be paid or handed over in accordance with the amended placings. If the stakes have already been paid or handed over before a horse is disqualified the position shall be governed by Rule 909 of these Rules.
- (8) Subject to Rule 703, where the Official Result of Placings has not been declared for a Race and when on the determination of an information the Judicial Committee amends the placing of any horse in a stake-bearing place, the Judicial Committee shall order the Stipendiary Steward to counter-sign the Judge's Report and declare the Official Result of Placings in accord with its decision, and that shall be deemed to be the Official Result of Placings for the purpose of Rule 703.
- (9) Where any person has pursuant to Rule 903 or Rule 918 lodged a filing fee the Judicial Committee may order that such fee be returned or refunded to such person. Where the Judicial Committee refuses or fails to make such order, the filing fee lodged shall forfeit to NZTR.



- 921 (1) Subject to any right of appeal pursuant to these Rules the decision of the Judicial Committee shall bind all bodies and persons.
- (2) Every body which and person who is affected by such decision shall forthwith do all that it is necessary for it or him to do for the purpose of giving full effect to such decision.
- (3) A person who or body which wilfully fails forthwith to do all that it is necessary for him or it to do for the purpose of giving full effect to a decision of a Tribunal commits a breach of these Rules and, in addition to being liable to the penalty which may be imposed for that breach under any other Rule shall, unless the Tribunal determines otherwise, be disqualified for life. Such disqualification shall be notified in the List of Disqualifications.
- (4) It shall be the duty of all bodies or persons subject to these Rules to investigate and report to the Board upon all matters which a Judicial Committee indicates in its decision are proper subjects for investigation by any such body or person.
- (5) Any stakes already paid or prize awarded in respect of a disqualified horse shall if directed by the Judicial Committee be repaid to NZTR, on behalf of the Club, or returned to the Club (as applicable) immediately. Where any stake has been paid or handed over, NZTR, on behalf of the Club, shall not be responsible for the payment thereof and/or the handing over of any stake or prize to the person ultimately found to be entitled thereto unless it recovers the stake or prize from the person to whom the same was paid and/or handed over.
- (6) A person who fails to repay and/or return the stake shall be placed on the Arrears List for the amount unpaid and/or the value of any prize not returned. NZTR, on behalf of a Club, may commence and continue in any Court of competent jurisdiction an action for the return of the stake which has been paid or handed over to any person who is, as a result of a decision of the Judicial Committee, not entitled thereto.

#### POWER TO AMEND DEFECTIVE DECISIONS

- 922 (1) If, after a breach of these Rules has been found proved, the Judicial Committee imposes a penalty or makes an order that it was not within the jurisdiction of the Judicial Committee to impose or make, or does not impose a penalty or make an order that it was required by these Rules to impose or make, then, at any time thereafter, unless an appeal in relation to the finding is pending before the Appeals Tribunal, the Judicial Committee may set aside any penalty or order imposed or made and impose a penalty and make any order that it is within the jurisdiction of the Judicial Committee or that the Judicial Committee is required by these Rules to impose or make.
- (2) Except to the extent that they are amended in accordance with these Rules before a Stipendiary Steward declares the Official Result of Placings, the Judge's placings shall, for all purposes relating to Judge's Report and the Official Result of Placings, be deemed to be final.
- 923 (1) Subject to sub-Rule (3) of this Rule, a Judicial Committee may rehear any proceeding already determined by a Judicial Committee if:
- (a) a Judicial Committee in its decision at the original hearing:
- (i) found, or did not find, a breach of these Rules proved;
- (ii) made an order or declined to make an order; or
- (iii) imposed any penalty and/or awarded any costs or declined to impose any penalty and/or award costs;
- (b) not later than the time prescribed in sub-Rule (2) of this Rule any party to the proceeding files with the Chairperson of a Judicial Committee a written application for a rehearing; and
- (c) that Judicial Committee is satisfied that a miscarriage of justice might otherwise result because of:
- (i) a material mistake or omission in the conduct of the original hearing;
- (ii) a material mistake or omission in the determination of the proceeding;
- (iii) a material mistake or omission in the presentation of evidence and/or submissions at the original hearing; or



- (iv) any other similar reason.
- (2) A person who wishes to apply to the Judicial Committee for a rehearing of any proceeding must file a written application setting out the grounds on which a rehearing is sought with the Chairperson of the Judicial Committee not later than:
  - (a) thirty minutes after the last Race or fifteen minutes after the last proceeding is heard, whichever is later, on the day of the Race Meeting at which the proceeding for which a rehearing is sought was determined, if the proceeding was determined during a Race Meeting; or
  - (b) 24 hours after the proceeding was determined, if the proceeding was determined otherwise than during a Race Meeting.
- (3) On receipt of the written application filed pursuant to sub-Rule (2) of this Rule a Judicial Committee shall determine whether to rehear the proceeding. A Judicial Committee shall not rehear any proceeding if:
  - (a) the proceeding was heard during a Race Meeting and the issue to be determined concerned whether or not to disqualify or relegate a horse on account of something that happened during the running of a Race;
  - (b) the proceeding was one to which Rule 642 of these Rules apply; or
  - (c) the proceeding concerned any matter of fact in connection with weighing, a start in front of the post or on the wrong course, or before the appointed time, or in connection with the running of a Race over the wrong distance.
- 924 A decision of a Judicial Committee to or not to rehear any proceeding shall be final and shall not be subject to appeal.
- 925 (1) A rehearing shall be heard and determined by the same Judicial Committee, unless the Chairperson of the Judicial Control Authority directs otherwise.
- (2) The Judicial Committee shall conduct any rehearing as it thinks fit and the provision of these Rules governing the conduct of hearings shall apply (with any necessary modification) as if the rehearing were an original hearing.
- (3) At any rehearing the Judicial Committee may:
  - (a) confirm, set aside, or amend the finding, order or decision made at the original hearing; or
  - (b) substitute in place of the finding, order or decision made at the original hearing any other finding, order or decision (including a decision imposing a penalty and/or costs) permitted by these Rules in respect of the particular proceeding.
- (4) The application for rehearing shall not operate as a stay of proceedings unless the Judicial Committee so orders.

**PART X**  
**APPEALS TRIBUNAL AND APPEALS**

**APPEALS**

- 1001 (1) An appeal may lie against any decision of the Judicial Committee except:
- (a) any decision made by a Judicial Committee during the currency of a Race day or Race Meeting that a horse should or should not be disqualified or placed after another horse on account of something which happened during the running of a Race and any findings relating thereto;
  - (b) any decision made by the Judicial Committee to which Rule 642 of these Rules apply; or
  - (c) any decision of the Judicial Committee with respect to any matter of fact in connection with weighing, a start in front of the post or on the wrong course, or before the appointed time, or in connection with the running of a Race over the wrong distance.
- (2) Nothing in this Rule shall prevent an appeal being brought against a decision of a Judicial Committee:
- (a) disqualifying or refusing to disqualify any horse on account of or in connection with a Prohibited Substance having allegedly been administered to that horse; or
  - (b) a horse allegedly having been ineligible to be entered for or started in the Race concerned; or
  - (c) ordering that any money or other prize or trophy which has been paid or handed over in respect of a horse, which was placed in the Official Result of Placings for a Race, or was placed as a result of an amendment to the placings in accordance with these Rules following the declaration of the Official Result of Placings, and which was subsequently disqualified should be paid or returned.
- (3) Subject to sub-Rule (1) hereof:
- (a) Where on the determination of an information by the Judicial Committee, the Judicial Committee in its decision:
    - (i) finds, or does not find, a breach of these Rules proved;
    - (ii) makes an order or declines to make an order; or
    - (iii) imposes any penalty or declines to impose any penalty,the informant or the defendant may appeal to the Appeals Tribunal against the decision, finding, order or penalty of the Judicial Committee.
  - (b) The appeal may be against:
    - (i) the findings of the Judicial Committee;
    - (ii) if applicable, the order for or the penalty ordered, or both; and/or
    - (iii) if applicable, the order or the amount of the costs ordered to be paid, or both.
  - (c) An appeal against a finding shall not be lodged until the Judicial Committee's decision in respect of penalty has been given.

**TIME FOR FILING APPEAL**

- 1002 (1) A person who or body which wishes to appeal against a decision of a Judicial Committee in respect of any matter which arose on the day of the relevant Race Meeting (whether or not it was finally concluded on that day) must, not later than 4.00 pm on the third working day after and exclusive of the date on which the decision of the Judicial Committee was given in writing, file with the Appeals Tribunal a notice of appeal in the appropriate form determined by NZTR and a filing fee the amount of which shall be set, from time to time, by NZTR. The notice and the filing fee must both reach the Appeals Tribunal by that time.

- (2) A person or body wishing to appeal against any other decision in respect of which an appeal may be brought under these Rules must, by 4.00 pm on the fourteenth day after and exclusive of the day on which the decision was given in writing, file with the Appeals Tribunal a notice of appeal in the appropriate form determined by NZTR and a filing fee the amount of which shall be set, from time to time, by NZTR. The notice and the filing fee must both reach the Appeals Tribunal by that time.
- (3) Where the appellant is a Stipendiary Steward or an Investigator the filing fee shall not be required to be paid.
- (4) The notice of appeal shall be signed by the appellant or his Agent and shall set out in full the grounds of the appeal and only a ground so set out shall be argued at the hearing of the appeal except by special leave of the Appeals Tribunal granted on such terms and conditions as it thinks fit.
- (5) Where an appeal is to be heard expeditiously any time limits, conditions or requirements in these Rules relating to appeals, may be waived, abridged or amended by order of the Appeals Tribunal or its Chairperson.

#### **TRANSMISSION OF NOTICE OF APPEAL TO JUDICIAL COMMITTEE**

- 1003 (1) Where an appeal is against a decision of the Judicial Committee, the Appeals Tribunal shall as soon as possible send a copy of the notice of appeal to every respondent, NZTR and the Judicial Committee and any other person to whom the Chairperson of the Appeals Tribunal directs a copy to be sent.
- (2) The Judicial Committee shall send to the Appeals Tribunal:
- (a) the information;
  - (b) a transcribed record of the hearing;
  - (c) any tapes on which the hearing was recorded;
  - (d) any articles, documents, films or other items which were produced to the Judicial Committee at the hearing;
  - (e) a copy or transcript of the decision of the Judicial Committee; and
  - (f) any other documents, exhibits or items relating to the hearing which remain in its custody.

#### **SETTING DOWN APPEAL FOR HEARING**

- 1004 (1) As soon as possible after the Appeals Tribunal has received the documents referred to in sub-Rule (2) of Rule 1003 the Chairperson of the Appeals Tribunal shall determine a date and place for the hearing of the appeal.
- (2) He shall thereafter notify the parties to the appeal, and any other person who or body which was sent by him a copy of the notice of appeal, of the date, time and place appointed for the hearing.
- (3) The Appeals Tribunal shall also give notice of the date, time and place fixed for the hearing of the appeal to such other bodies and/or persons as the Chairperson of the Appeals Tribunal directs.
- (4) A body which or persons who has an interest in the subject matter of the appeal, may be added to the appeal either as a party or in some other capacity, at the discretion of the Appeals Tribunal.

#### **PROCEDURE ON APPEAL**

- 1005 (1) The Appeals Tribunal may conduct the hearing of the appeal in such manner as it thinks fit and may adjourn the hearing from time to time on such terms and conditions as it thinks fit.
- (2) The Appeals Tribunal may decide to hold an appeal, or any part of an appeal, in private.
- (3) All appeals shall, except when and to the extent that the Appeals Tribunal otherwise directs, be by way of rehearing based on the evidence adduced at the hearing conducted by the persons or body whose decision is appealed against.
- (4) The Appeals Tribunal shall have the same jurisdiction and authority as the Judicial Committee or other persons or body appealed from, including powers as to

amendment, and shall have power to receive such further evidence, if any, as it thinks fit. Except by special leave of the Appeals Tribunal an appellant shall not argue or be permitted to argue any ground of appeal not set out in the notice of appeal.

- (5) If the appellant fails to appear at the time fixed for hearing of the appeal the Appeals Tribunal may dismiss the appeal or proceed with the hearing or adjourn it to such time and place and on such conditions (if any) as it thinks fit.
  - (6) At the hearing of the appeal each party and any other person or body permitted by the Chairperson of the Appeals Tribunal to be heard at the hearing shall be entitled to have representation by Counsel or a lay advocate.
  - (7) Subject to sub-Rule (8) of this Rule, all appointed members of an Appeals Tribunal shall, if practicable, determine any appeal or matter submitted to that Tribunal, but any two members shall constitute a quorum.
  - (8) A member of an Appeals Tribunal shall not sit as a member thereof in the hearing and determination of any appeal in which the member is in any manner interested.
- 1006 (1) An appellant may withdraw his appeal with leave of the Appeals Tribunal and on such terms, including as to payment of costs and expenses, as it sees fit to impose.
- (2) Any amount ordered by the Appeals Tribunal to be paid in respect of the costs and expenses in connection with an appeal which is withdrawn shall, if unpaid within 14 days after and exclusive of the date on which that amount was ordered to be paid, be deemed to be Arrears and may be placed in the Arrears List.

#### **POWERS OF APPEALS TRIBUNAL ON APPEAL**

- 1007 (1) In its decision the Appeals Tribunal may:
- (a) uphold the finding, order or decision appealed against and dismiss the appeal;
  - (b) set aside the finding, order or decision appealed against;
  - (c) amend the finding, order or decision appealed against (within the limits imposed by these Rules);
  - (d) quash the penalty imposed and either impose any penalty (whether more or less severe) which the Tribunal whose decision is appealed against could have imposed pursuant to the finding, order or decision as so amended or deal with the appellant in any other way in which the Tribunal whose decision is appealed from could have dealt with the appellant on the finding, order or decision as so amended;
  - (e) impose a penalty if the Tribunal whose decision was appealed against has not imposed a penalty; or
  - (f) refer any matter back to the original Tribunal for further hearing or consideration or for rehearing.
- (2) In the case of an appeal against penalty the Appeals Tribunal may:
- (a) confirm the penalty and dismiss the appeal;
  - (b) if the penalty (either in whole or in part) is one which the Tribunal imposing it had no jurisdiction to impose, or is one which is inadequate or inappropriate or manifestly excessive, either:
    - (i) quash the penalty and impose such other penalty permitted by these Rules (whether more or less severe) in substitution therefore as the Appeals Tribunal considers ought to have been imposed or deal with the appellant in any other way that such Tribunal could have dealt with him or it on finding the information or charge proved;
    - (ii) quash any invalid part of the penalty that is separable from the residue; or
    - (iii) vary, within the limits imposed by these Rules, the penalty or any part of it or any condition imposed in it;
  - (c) in any case of an appeal against the amount of any sum ordered to be paid, confirm the amount or increase or reduce it within the limits imposed by these Rules;

- (d) exercise any power that the Tribunal whose decision is appealed against might have exercised;
  - (e) where a penalty was not imposed, impose such penalty as is permitted by these Rules; and/or
  - (f) refer any matter back to the original Tribunal for further hearing or consideration or for rehearing.
- (3) The Appeals Tribunal may order that all or any of the costs and expenses of any party to the appeal, any other person granted permission to be heard at the hearing by direction of the Chairperson of the Appeals Tribunal, NZTR and/or any employee or officer thereof, the Judicial Control Authority and the Appeals Tribunal be paid by such person or body as it thinks fit. Such amount if unpaid within 14 days after and exclusive of the date on which that amount was ordered to be paid, shall be deemed Arrears and may be placed on the Arrears List. The Appeals Tribunal 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.
- (4) The Appeals Tribunal may, if it thinks fit, reserve its decision and in that case may give it at any adjourned or subsequent sitting of the Appeals Tribunal or may draw up its decision in writing and have it signed by the Chairperson.
- (5) A decision of the Appeals Tribunal (whether reserved or not) shall be committed to writing and signed by the Chairperson.
- (6) The Appeals Tribunal shall give notice of the written decision to the parties to the appeal, any other body or person whom the Chairperson of the Appeals Tribunal had directed was to be given notice of the hearing of the appeal, any other person or body whom the Chairperson had directed was permitted to be heard at the hearing of the appeal, NZTR and the Judicial Control Authority.
- (7) A decision of an Appeals Tribunal shall be notified in the Thoroughbred Racing Monthly.
- 1008 If a decision of a Judicial Committee is held by an Appeals Tribunal to be invalid or void on the ground that one or more of the Judicial Committee's members ought not to have sat as a member thereof in the determination of a matter in which he was in some manner interested, the Appeals Tribunal shall also decide whether the matter in question shall be heard and determined by the remaining members of that Judicial Committee or by those members plus a newly appointed member who shall sit in the place of the member who ought not to have sat or by a newly appointed Judicial Committee.
- 1009 The Appeals Tribunal may permit any party to the appeal to be out of the hearing during the whole or any part of the hearing on such terms as it thinks fit.
- 1010 (1) An information, penalty, decision, order, document, process or proceeding shall not be quashed, set aside or held invalid by an Appeals Tribunal by reason only of any defect, irregularity, omission or want of form unless the Appeals Tribunal is satisfied that there has been a miscarriage of justice.
- (2) The decision of the Appeals Tribunal shall be final, shall bind all bodies and persons and shall not be subject to any appeal under these Rules.
- 1011 The filing fee deposited with the notice of appeal shall be disposed of in such manner as the Appeals Tribunal may direct and in the absence of any direction shall be forfeited to NZTR.
- 1012 Subject to the provisions of these Rules the Appeals Tribunal may determine its procedure as it thinks fit.
- 1013 Where a decision imposing a term of disqualification or suspension is stayed pending determination of an appeal and that appeal is subsequently dismissed or with leave of the Appeals Tribunal is withdrawn then, in exercising its powers under Rule 1007, the Appeals Tribunal shall impose a term of disqualification or suspension commensurate with that originally imposed or so much of it as has not been served and if, in the opinion of the Appeals Tribunal the appeal is frivolous and/or was lodged for the principal purpose of delaying the commencement of a term of disqualification or suspension, the Appeals Tribunal may increase the term of disqualification or suspension or impose a fine not exceeding \$5,000 in addition to the disqualification or suspension.

- 1014 (1) The Appeals Tribunal, of its own motion or on the application of any party to any appeal, shall have the power to require (by way of summons signed by the Chairperson or other member thereof) any person to appear before it to answer any question put to that person and to produce to it any papers, documents, records or things referred to in such summons.
- (2) A person bound by these Rules commits a Serious Racing Offence who after being summonsed to attend to give evidence before an Appeals Tribunal or to produce to an Appeals Tribunal any papers, documents, records or things, without sufficient cause (the onus of proving which shall be on him):
- (a) fails to attend in accordance with the summons;
  - (b) refuses to be sworn or to give evidence or, having been sworn, refuses to answer any questions that the person is lawfully required by the Judicial Committee or any member of it to answer concerning the proceeding; or
  - (c) fails to produce any such paper, document, record or thing.
- (3) A party to an appeal shall be entitled to be present at the hearing of the appeal unless he so unreasonably interrupts the hearing as to render its continuance in his presence impractical or absents himself without leave of the Appeals Tribunal or the Appeals Tribunal believes there is good reason to continue the proceeding in his absence in which case the hearing may continue in his absence.
- 1015 (1) Notwithstanding anything to the contrary in these Rules expressed or implied, but subject to sub-Rule (2) of this Rule, a person who has been disqualified for at least 12 months, or who owns a horse which has been disqualified other than for a Race, may apply in writing to the Appeals Tribunal for a cancellation of the remainder of the disqualification, provided that such application may not be filed in respect of the disqualification:
- (a) of such person prior to the expiry of the 12 month period commencing on the date such disqualification was imposed, or in the event such disqualification was for life the expiry of the five year period commencing on such date; or
  - (b) of such horse prior to the expiry of the three month period commencing on the date such disqualification was imposed.
- (2) If an application made pursuant to sub-Rule (1) of this Rule is dismissed the applicant may not make any further application until at least 12 months have elapsed since the date on which the first-mentioned application was dismissed.
- (3) The Appeals Tribunal or its Chairperson may direct that any application under sub-Rule (1) of this Rule should be served on such body or person as it or he shall specify and every such body or person on which a copy of the application is served shall be entitled to appear and be heard on the hearing of the application.
- (4) The Appeals Tribunal may order that all or any of the costs and expenses of any party to an application under sub-Rule (1) of this Rule, any person or body on whom the application was directed by the Appeals Tribunal or its Chairperson to be served, NZTR or any Official or employee thereof, the Judicial Control Authority and the Appeals Tribunal be paid by the applicant and within 14 days after and exclusive of the date on which that amount was ordered to be paid, may fix an amount by way of such costs and expenses. Such amount if unpaid shall be deemed Arrears and may be placed on the Arrears List.



**PART XI**  
**DISQUALIFICATIONS AND SUSPENSIONS**

**DISQUALIFICATIONS**

- 1101 (1) Each disqualification imposed under these Rules will take effect immediately, unless the Tribunal imposing the disqualification specifies a later date on which the disqualification will take effect.
- (2) For the avoidance of doubt, from the date such disqualification takes effect until such time as a person's and/or a horse's name appears in the List of Disqualifications that person and/or horse shall be subject to the same disabilities affecting persons and horses whose names then currently appear in the List of Disqualifications.
- 1102 If a horse placed by a Judge in a Race is disqualified pursuant to these Rules after running that Race, then for the purposes of placings it shall be regarded as if it did not start the Race and the placings will be altered accordingly.
- 1103 (1) A List of Disqualifications, which shall have effect throughout New Zealand, shall be kept and, from time to time, may be published by NZTR. It shall include details of each disqualification notified to NZTR by a Tribunal.
- (2) Where a person is disqualified pursuant to these Rules, the List of Disqualifications shall include the names of:
- (a) all horses of which such person was the Owner or had a leasehold interest on the date such disqualification takes effect or such other date specified by the Tribunal, which may be either the day when the breach of these Rules was committed for which such person was disqualified or any date later than that day;
  - (b) all horses of which such disqualified person has become the Owner or in which he has acquired any interest (including a leasehold interest) since the date so named; and
  - (c) all horses in which such disqualified person acquires any interest during the term of his disqualification or which at any time during that term are under his management, care, control or superintendence.
- (3) The entry of a horse's name in the List of Disqualifications shall operate as a disqualification of such horse for the term of such person's Disqualification and any horse which could be so named on the List of Disqualifications shall be deemed to have been named and disqualified on the same basis.
- 1104 (1) A person who is disqualified in accordance with this Part XI, or whose name appears in the list of disqualifications of Another Racing Authority shall not during the period of that disqualification:
- (a) enter or run any horse for any Race, either in his own name or in that of any other person and every entry theretofore made by him or of a horse in which he has any interest for a Race to be run shall be void as from the date of disqualification;
  - (b) train any horse or ride any horse in a Race or be employed in any capacity in connection with the training or racing of horses; and/or
  - (c) enter or go upon any Racecourse or any Training Facility or other place owned or controlled by any Club or by any consortium or other entity of which a Club is a member or in which it is a participant.
- (2) A horse named in the List of Disqualifications shall, during the period of its disqualification, be prohibited from being entered for or being started in any Race and from being taken for any purpose to a Racecourse or into any other place controlled by a Club or any consortium or other entity of which a Club is a member or in which it is a participant.
- (3) A person who contravenes this Rule shall, in addition to any other penalty which may be imposed under any of these Rules, be disqualified for an additional period of not less than six months to commence at the end of the period of the current disqualification. For every second or subsequent breach he shall, in addition to any

other such penalty, be disqualified for a period of not less than 12 months to commence at the expiry of the immediately previous period of disqualification.

1105 An entry may only be removed from the List of Disqualifications:

- (a) by NZTR where NZTR approved or imposed the disqualification in accordance with these Rules; or
- (b) on the direction of a Tribunal who approved or imposed the disqualification.

## SUSPENSIONS

1106 (1) During the term of any suspension and irrespective of whether such suspension has been duly notified in accordance with any of the preceding Rules in this Part XI the person who is suspended shall not:

- (a) if the person holds a Trainer's Licence, train a horse or, without the prior written consent of NZTR, be employed or work or assist in any capacity in connection with the care, control, training or riding of a horse; and/or
- (b) if the person holds a Rider's Licence, ride any horse in any Race or enter the jockey's room or weighing room on any Racecourse on any Race day. Provided however that where the person so suspended was the holder at the time of his suspension of both a Trainer's Licence and a Rider's Licence and the suspension relates to the Rider's Licence only, then such person may train any horse and, with the prior consent of the Judicial Committee for a particular Race Meeting (which may be revoked at any time) and for the purposes only of carrying out his work as a Trainer, may enter the weighing room on the relevant Racecourse on any day of such Race Meeting.

(2) Each suspension of a Rider or Rider's Licence which is imposed under these Rules by the Judicial Committee during any day of a Race Meeting shall take effect as follows:

- (a) if, at the time the suspension is imposed, the Rider has no engagements to ride a horse in a Race during the next seven day period after that Race day, from the completion of that Rider's engagements on that Race day; or
- (b) if, at the time the suspension is imposed, the Rider is engaged to ride a horse or horses in a Race(s) during the next seven day period after that Race day, then from the earlier of:
  - (i) the completion of such engagements within that seven day period; or
  - (ii) the completion of that seven day period.

(3) Each suspension of a Rider or Rider's Licence which is imposed under these Rules by a Judicial Committee otherwise than during any day of a Race Meeting shall take effect as follows:

- (a) if, at the time the suspension is imposed, the Rider has no engagements to ride a horse in a Race during the next seven day period after that day, from the day the suspension is imposed; or
- (b) if, at the time the suspension is imposed, the Rider is engaged to ride a horse or horses in a Race(s) during the next seven day period after that day, then from the earlier of:
  - (i) the completion of such engagements within that seven day period; or
  - (ii) the completion of that seven day period.

(4) Each suspension of a Trainer or a Trainer's Licence shall, unless the Tribunal imposing the suspension otherwise directs, take effect immediately.

1107 A person who is suspended by Another Racing Authority or who appears in the list of suspensions of Another Racing Authority shall be deemed to be suspended in New Zealand and Rule 1106 shall apply with all necessary modifications.

## STAY OF DECISION

1108 The filing of a Notice of Appeal shall not operate as a stay of the decision or of any disqualification or suspension appealed against unless, on a written application made to it, the Appeals Tribunal or its Chairperson otherwise directs.

**PART XII**  
**ARREARS**

**GENERAL**

1201 An Arrears List shall be kept and, from time to time, published in whole or in part by NZTR. It shall include all Arrears, within the meaning of these Rules, that have been duly notified to NZTR for that purpose. Every entry in the Arrears List shall state:

- (a) the date on which such entry was made;
- (b) the amount of Arrears and the body or person to whom the Arrears are owing and payable; and
- (c) unless NZTR considers the circumstances do not warrant it, the name of the body or person who is in Arrears and the name of the horse (if any) in respect of which such Arrears are payable. In the case of a Legal Ownership Entity, NZTR may choose to name solely the Racing Manager.

1202 Where a Club or a person (other than NZTR, or the General Trustees, or the Trustees of the Apprentice Jockeys' Fund) notifies NZTR of any Arrears, then that person or Club undertakes to hold harmless and keep indemnified NZTR, and any person acting under its direction (including all persons concerned in printing and publishing the Arrears List or any official publication in which the Arrears List appears) from all damages and consequences which he, it, or any such person acting under that person's direction may sustain by reason of such notification and until such security (by approved bond or otherwise) as NZTR may require is given in respect of such undertaking.

1203 (1) From the date a person's name appears on the Arrears List, or in any official arrears list published by Another Racing Authority:

- (a) a horse in which such person has an interest, or NZTR reasonably considers to be under that person's care, training, management, control or superintendence shall not be eligible to be entered in or start in any Race, unless NZTR approves otherwise in writing;
- (b) such person shall not enter or start a horse in a Race or trial, (including a jump-out or test for certification purposes); and
- (c) such person shall not enter or go upon a Racecourse or a Training Facility. Any person who acts in contravention of this paragraph (c) may be removed from such facility by NZTR and commits a Serious Racing Offence.

(2) From the date a horse's name appears in the Arrears List it shall, during the period it is listed, be prohibited from being entered for or being started in a Race and from being taken for any purposes to a Racecourse or into any other place controlled by a Club or any consortium or other entity of which a Club is a member or in which it is a participant. Any person who acts in contravention of this sub-Rule (2) commits a Serious Racing Offence, and the horse involved shall be, in addition to any other penalty which may be imposed, disqualified for the Race.

1204 (1) Arrears entered in the Arrears List shall be payable and paid to NZTR. On receipt of full and final settlement of the Arrears, NZTR shall:

- (a) if applicable, distribute the relevant amount of monies owing to the named entitled persons or bodies; and
- (b) remove the entry of such Arrears, and the name of the person(s) and/or horse(s) to whom the Arrears relate, from the Arrears List.

(2) Arrears may also be removed from the Arrears List by NZTR:

- (a) if it is satisfied that the person named as owing the Arrears has been placed into bankruptcy or the no asset procedure, since that person's name was entered in the Arrears List;
- (b) if directed to do so by the Board, provided that such Arrears have appeared in the Arrears List for a period of six years or more; and
- (c) if requested, in writing, by the body or person to whom any Arrears entered in the Arrears List are due.

- (3) Where a person is prevented by virtue of Rule 1203 from entering a horse for or starting it in a Race because of the non-payment of Arrears in respect of that horse which he is not personally liable to pay he may pay the Arrears to NZTR who shall remove the name of the horse from the Arrears List and the horse shall then be eligible to be entered for and started in a Race if no other Arrears in respect of that horse are in the meantime entered in the Arrears List and the horse is otherwise eligible. The name of the person who was liable to make such payment may, in NZTR's discretion, be retained in the Arrears List in respect of the amount so paid as Arrears due to the person so paying. Notwithstanding anything to the contrary in these Rules if any person, in bona fide ignorance of a horse's name being in the Arrears List, enters a horse for a Race such entry shall be deemed to be and always to have been valid if such person, on becoming aware that such horse's name is in the Arrears List and before the Race, pays to NZTR all Arrears in respect of which the entry in the Arrears List was made.
- (4) Where Arrears are removed from the Arrears List pursuant to this Rule, a letter from NZTR as to the date of removal shall be conclusive evidence of the date of removal of such Arrears.
- (5) Save as provided in this Rule, Arrears shall not be removed from the Arrears List.

**PART XIII**  
**SPECIAL FUNDS**

**GENERAL TRUST FUND**

1301 NZTR shall publish, from time to time, a General Trust Fund Policy which shall include:

- (a) the general purposes of the General Trust Fund;
- (b) the type of monies or fines that will be used to fund the General Trust Fund;
- (c) the responsibilities of the General Trustees in controlling and administering the General Trust Fund;
- (d) the terms on which a person is eligible to submit a request for a grant or payment; and
- (e) the terms and conditions on which payments shall be granted and the manner in which those payments may be made.

1302 The General Trustees shall control and administer the General Trust Fund in accordance with the terms of the General Trust Fund Policy.

1303 The moneys comprising the General Trust Fund shall be the absolute property of that trust and may be disbursed only:

- (a) by the General Trustees of the General Trust Fund appointed under these Rules; and
- (b) in accordance with the General Trust Fund Policy.

1304 Save as is specifically provided in these Rules or in the General Trust Fund Policy, a person shall not be entitled, as of right, to any payment or indemnity from the General Trust Fund.

**GENERAL TRUSTEES**

1305 (1) NZTR shall appoint, from time to time, three persons who shall act as the General Trustees of the General Trust Fund.

(2) The office of General Trustee shall be deemed to be vacant if a General Trustee:

- (a) dies;
- (b) tenders his resignation in writing to NZTR;
- (c) is removed from office by NZTR; or
- (d) leaves New Zealand for a period stated by him or otherwise established to the satisfaction of NZTR to be not less than six consecutive months.

The Chief Executive may thereupon appoint a fit person to hold temporary office as a General Trustee until NZTR appoints a person to permanently fill the vacancy at which meeting the vacancy shall be filled.

1306 (1) The General Trustees shall appoint one of their number to be Chairman, who shall preside at all meetings of the Trustees.

(2) Meetings of the General Trustees shall be held at such times and places as the Chairman directs and shall be convened by the Secretary of the General Trust Fund in accordance with such direction.

(3) At any such meetings two General Trustees shall form a quorum and have power to act as if all the Trustees were present.

(4) At a meeting at which all three General Trustees are present all matters shall be decided by a majority vote, otherwise all matters shall be decided by a unanimous vote.

(5) The General Trustees may decide any matter by correspondence but in such event their decision shall not be valid unless it is unanimous.

(6) The General Trustees may, from time to time, by Resolution passed at any meeting at which they are all present make Regulations for the more effective administration of the General Trust Fund in accordance with these Rules. Any such Regulations may in like manner be amended or revoked.

**PAYMENTS OUT OF THE GENERAL TRUST FUND**

- 1307 An application for a grant or other payment from the General Trust Fund shall be made in accordance with the General Trust Fund Policy unless required otherwise by the General Trustees.
- 1308 The General Trustees may make any payment from the General Trust Fund they consider appropriate, provided that such payment is consistent with the General Trust Fund Policy.
- 1309 The acceptance by any person of a sum granted by the General Trustees shall, for the purpose of these Rules, be accepted as a set-off against any further claim which that person may have as against his employer or any other person in respect of such accident.

**APPRENTICE JOCKEYS' FUND**

- 1310 NZTR shall publish, from time to time, an Apprentice Jockeys' Fund Policy which shall include:
- (a) the general purposes of the Apprentice Jockeys' Fund;
  - (b) the responsibilities of the Trustees of the Apprentice Jockeys' Fund;
  - (c) the terms on which the Trustees shall hold monies on trust for an Apprentice; and
  - (d) the terms on which the Trustees shall pay monies payable to an Apprentice from the Apprentice Jockeys' Fund.

**APPRENTICE JOCKEYS' FUND TRUSTEES**

- 1311 (1) The Chief Executive and the Chairperson of the Board shall be the Trustees of the Apprentice Jockeys' Fund.
- (2) The Trustees shall control and administer the Apprentice Jockeys' Fund in accordance with the terms of the Apprentice Jockeys' Fund Policy.
- (3) The Trustees may, from time to time, by Resolution passed at any meeting at which they are all present make Regulations for the more effective administration of the Apprentice Jockeys' Fund in accordance with these Rules and the Apprentice Jockeys' Fund Policy. Any such Regulations may in like manner be amended or revoked.

**APPRENTICE JOCKEYS' FUND TRUSTEES**

- 1312 The Trustees may make any payment from the Apprentice Jockeys' Fund they consider appropriate, provided such payment is consistent, and is made in accordance, with the terms of the Apprentice Jockeys' Fund Policy.
- 1313 A request for payment from the Apprentice Jockeys' Fund shall be made in accordance with the terms of the Apprentice Jockeys' Fund Policy, unless required otherwise by the Trustees.



**SCHEDULES****FIRST SCHEDULE****CLUBS****Clubs which may hold Totalisator race meetings****NORTHERN REGION****AREA ONE**

Auckland Racing Club  
Avondale Jockey Club  
Counties Racing Club  
Dargaville Racing Club  
Maramarua Hunt Club  
Paeroa Racing Club  
Pakuranga Hunt Club  
Thames Jockey Club  
Whangarei Racing Club

**AREA TWO**

Cambridge Jockey Club  
Racing Matamata  
Racing Rotorua  
Racing Tauranga  
Racing Te Aroha  
Rotorua & Bay of Plenty Hunt Club  
South Waikato Racing Club  
Taumarunui Racing Club  
Taupo Racing Club  
Waikato Hunt Club  
Waikato Racing Club  
Waipa Racing Club  
Whakatane Racing Club

**CENTRAL REGION****AREA ONE**

Hawke's Bay Racing Inc  
Levin Racing Club  
Masterton Racing Club  
Otaki Maori Racing Club  
Poverty Bay Turf Club  
Waipukurau Jockey Club  
Wairarapa Racing Club  
Wairoa Racing Club  
Wellington Racing Club  
Woodville Pahiatua Racing Club

**AREA TWO**

Egmont Racing Club  
Egmont-Wanganui Hunt Club  
Feilding Jockey Club  
Foxton Racing Club  
Manawatu Racing Club  
Marton Jockey Club  
Opunake Racing Club  
Rangitikei Hunt Club  
Rangitikei Racing Club  
Stratford Racing Club  
Taranaki Racing Club  
Wanganui Jockey Club  
Waverley Racing Club

**SOUTHERN REGION****AREA ONE**

Amberley Racing Club  
Ashburton Racing Club  
Banks Peninsula Racing Club  
Canterbury Jockey Club  
  
Greymouth Jockey Club  
Hororata Racing Club  
Kumara Racing Club  
Marlborough Racing Club  
Nelson Jockey Club  
North Canterbury Racing Club  
Reefton Jockey Club  
South Canterbury Hunt Club  
South Canterbury Racing Club  
Waimate District Hunt Club  
Waimate Racing Club  
Westland Racing Club

**AREA TWO**

Beaumont Racing Club  
Birchwood Hunt Club  
Central Otago Racing Club  
Eastern Southland Hunt Club  
Gore Racing Club  
Kurow Jockey Club  
Oamaru Jockey Club  
Otago Hunt Club  
Otago Racing Club  
Riverton Racing Club  
Southland Racing Club  
Tapanui Racing Club  
Waikouaiti Racing Club  
Wairio Jockey Club  
Winton Jockey Club  
Wyndham Racing Club

**Clubs which may not hold Totalisator race meetings****NORTHERN REGION**

Alexandra Racing Club	Auckland Provincial Polo Club
Awakino Beach Picnic Racing	Cambridge Polo Club
Glenmore Picnic Sports Club	Helensville District Racing Club
Kaipara Hunt	Morrinsville Polo Club
Ninety Mile Beach Sports & Picnic Racing Club	Northland Hunt Club
Opotiki Hunt Club	Poihipi Sports Racing Club
Reporoa Sports Club	South Auckland Racing Club
Taupo Hunt Club	Waimai Polo Club
Waitemata Hunt Club	Whakatane District Hunt Club

**CENTRAL REGION**

Castlepoint Racing Club	Central Districts Turf Club
Dannevirke Hunt Club	Feilding Polo Club
Gold Coast Turf Club	Hawke's Bay Polo Club
Kapiti Coast Beach Racing Club	Mahia Hunt Club
Manawatu Hunt Club	Petone Beach Racing Club
Poverty Bay Hunt Club	Poverty Bay Polo Club
Rangitikei Polo Club	Taranaki Hunt Club
Tolaga Bay Beach Picnic Racing Club	Tuki Tuki Polo Club
Waikohu Picnic Racing Club	Wairarapa Hunt Club

**SOUTHERN REGION**

Brackenfield Hunt Club	Chatham Island Jockey Club
Christchurch Hunt Club	Christchurch Polo Club
Doncaster Turf Club	Eastern Districts Picnic Race Meetings Club
Gore Gymkhana Club	Hawea Picnic Racing Club
Marchwood Picnic Racing Club	Oamaru Turf Club
Rapahoe Beach Racing Club	Riccarton Turf Club
Richmond Picnic Racing Club	Starborough Hunt Club
Upper Waitaki Gymkhana Sports Club	Waikaia Gymkhana Club
Weka Pass Railway Society Inc. Racing Club	Lakeside Football Club

**SECOND SCHEDULE****BOUNDARIES OF REGIONS**

The Northern Region shall comprise that area of the North Island bounded to the South by the northern boundaries of the Taranaki and Gisborne Districts and by the southern boundaries of Ruapehu and Waitomo Districts.

The Central Region shall comprise the remainder of the North Island.

The Southern Region shall comprise the South Island.

**THIRD SCHEDULE****(Rule 525(2)(c)(vi))****Prohibition Provisions****Rules Pursuant to Section 34 of the Racing Act 2003****1. Interpretation** – In this schedule:

- (a) **Racecourse, racing rules, racing code, and racing betting** each has the same meaning ascribed to it in section 5 of the Racing Act 2003;
- (b) **Bookmaker** has the same meaning ascribed to it in section 4 of the Gambling Act 2003;
- (c) **Exemptions Committee** means a committee comprising of the Chief Executive or General Manager of each racing code and a Chairman appointed by the racing codes; and
- (d) References to any Act include references to any subsequent Act consolidating or in substitution of it.

**2. Prohibited persons** – For the purpose of maintaining public confidence in the conduct of racing and the integrity of racing betting:

- (a) Persons (other than eligible individuals under the Criminal Records (Clean Slate) Act 2004 and those persons to which 2(b) applies) of the classes described in Category 1 are excluded absolutely from entering any racecourse to which section 34 of the Racing Act 2003 applies; and
- (b) Persons (other than eligible individuals under the Criminal Records (Clean Slate) Act 2004) of the classes described in Category 2 are excluded for a period of two years from the date of conviction from entering any racecourse to which section 34 of the Racing Act 2003 applies.

**3. Exemptions** –

- (a) Any person excluded under Rule 2 hereof from entering a racecourse may apply in writing to the Exemptions Committee to be exempted wholly or in part from that prohibition.
- (b) The Exemptions Committee may grant an exemption in whole or in part if it is satisfied that, having regard to the exceptional circumstances of the particular individual, doing so will not compromise the maintenance of public confidence in the conduct of racing and the integrity of racing betting.

**Category 1**

Classes of person excluded absolutely from entering any racecourse under Rule 2(a) –

*Racing Disqualifications*

- (a) Disqualified persons under the racing rules made by racing codes;
- (b) Persons who are disqualified or prohibited by racing authorities in any country outside New Zealand having reciprocal agreements with one or more of the racing codes;

*Bookmaking, Betting and Racing*

- (c) Bookmakers and persons acting as bookmakers agents but not persons lawfully acting as bookmakers or bookmakers agents in any country outside New Zealand;
- (d) Persons convicted (whether before or after the commencement of these rules) of any offence or infringement offence under the Gambling Act 2003, the Gaming Act 1908 or under Part II of the Gaming and Lotteries Act 1977;
- (e) Persons convicted (whether before or after the commencement of these rules) of any offence under the Racing Act 2003 or the Racing Act 1971;

*Offences*

- (f) Persons convicted (whether before or after the commencement of these rules) of the following offences:
- (i) endangering safety under sections 12 or 13 of the Summary Offences Act 1981;
  - (ii) possession of weapons or imitation firearms in a public place; or
  - (iii) any offence under the Gaming and Lotteries Act 1977 (other than Part II which relates to Bookmakers and Betting);

*Crimes*

- (g) Persons convicted (whether before or after the commencement of these rules) of any of the following crimes, or of being a party to any such crime, or of conspiring or attempting to commit any such crime:
- (i) crimes involving dishonesty, fraud, forgery, bribery or corruption;
  - (ii) violence offences, sexual offences, indecent acts or arson;
  - (iii) serious drug offences;
  - (iv) burglary, robbery or conversion; or
  - (v) participation in an organised criminal group under section 98A of the Crimes Act 1961; and

*Overseas Convictions*

- (h) Persons convicted (whether before or after the commencement of these rules) in countries outside New Zealand of offences or crimes corresponding to those mentioned in paragraphs (d), (e), (f) and (g) of these rules;

**Category 2**

Classes of person excluded from entering any racecourse for the period referred to in Rule 2(b) –

- (a) Persons convicted (whether before or after the commencement of these rules) of assault except those persons whose sentence or cumulative sentence (in the case of multiple convictions) in any such case is a fine of less than \$1,000 or community work of less than 100 hours and those persons on whom no sentence was imposed; and
- (b) Persons belonging to any one or more of the classes referred to in paragraphs (f) and (g) of Category 1 on whom no sentence was imposed or whose sentence:
- (i) did not include a custodial sentence (as defined in section 4 of the Criminal Records (Clean Slate) Act 2004); and
  - (ii) did not include a fine of \$1,000 or more or a term of community work of 100 hours or more or supervision.



## FIRST APPENDIX

## THE NEW ZEALAND STUD BOOK AND REGISTER OF NON STUD BOOK MARES

## REGULATIONS MADE BY NZTR

## PURSUANT TO RULE 11(3)(f) OF THE CONSTITUTION

- 1 (1) In these Regulations, unless the context otherwise requires, the words and phrases following shall severally have the meanings hereinafter stated:
- brand identification certificate** means the form referred to in Regulation 8 (1) hereof.
- branding slip** means the form used prior to the 31st July 1991 for returning a description and other particulars of a foal.
- A horse is deemed to be **bred** at the place of its birth.
- The person who owns or is the lessee of a broodmare at the time she foals is deemed to be the “**breeder of the foal**”.
- certificate of registration/document of description** means the document referred to in Regulation 5A (1) hereof.
- certificate of service** or **certificate** means the certificate referred to in Regulation 11(1) hereof.
- Foaling return** means the return required by Regulation 4 (1) hereof.
- horse** includes a stallion, colt, mare, filly, gelding or rig of any age.
- Judicial Committee** means a Judicial Committee appointed by the Judicial Control Authority established pursuant to the Racing Act 2003.
- lessee** includes in addition to a sole lessee the joint lessees of a horse.
- owner** includes in addition to a sole owner the joint owners of a horse.
- words** importing the singular number include the plural number and words importing the plural number include the singular number.
- year** or **year** means the period beginning on the 1st day of August in each calendar year and ending on the 31st day of July in the next succeeding calendar year.
- (2) For the purposes of the returns required by these Regulations a mare is deemed to have “slipped” when:
- (a) she has been observed to abort a foetus; or
  - (b) she has not been observed to abort a foetus but has, by the method referred to in the next succeeding sentence, previously been diagnosed to be pregnant and is subsequently in the same year found to be empty. The method of diagnosis is when a mare which has been served gives a positive reaction to a recognised chemical or biological test for pregnancy after the 45th day from the last date of service.
- In every other case, except the case of a mare foaling, a served mare shall be deemed to have “missed”.
- 2 (1) The following horses and no others shall be eligible for entry in the New Zealand Stud Book, viz:
- (a) horses which authentically trace in all their lines to horses recorded in that Stud Book;
  - (b) horses which are recorded in a recognised Stud Book of another country and be the product of a mating between a sire and dam both of which were registered prior to the 1st January 1980 in a Stud Book approved by the International Stud Book Committee, or trace in all lines of its pedigree to horses so registered;
  - (c) horses which are recorded in the New Zealand Register of Non-Stud Book Mares and have been promoted to Stud Book status by NZTR supported by the unanimous agreement of the International Stud Book Committee; and
  - (d) horses, other than those referred to in the last three preceding paragraphs, which are approved for entry by NZTR and the entry of which is supported by unanimous agreement of the International Stud Book Committee,

provided that any such horse is the product of a natural service, which is the physical mounting of a mare by a stallion with intromission of the penis and ejaculation of semen into the reproductive tract. A natural gestation must have taken place and delivery must have been from the body of the same mare in which the foal was conceived. For the avoidance of doubt:

- (e) such natural service may include the immediate reinforcement of the stallion's service by using residual semen ejaculated by the stallion whilst it penetrated the mare during that service of the same mare, provided that the reinforcement of service must be immediately after the natural covering and the semen must not be processed or altered in any way before it is used for reinforcement; and
  - (f) semen obtained from a stallion by any artificial means may not be used to reinforce a service, and any other form of artificial breeding (including artificial insemination, embryo transfer or transplant, cloning, or any other form of genetic manipulation) may not be used to produce the horse.
- (2) The following horses and no others shall be eligible for entry in Register of Non Stud Book Mares, viz:
- (a) horses which are for any reason not accepted for entry in the New Zealand Stud Book but have been registered in accordance with the provisions of Rule 404 to 410 of the Rules; and
  - (b) horses which are for any reason not accepted for entry in the New Zealand Stud Book but which are registered by Another Racing Authority,

provided that any such horse is the product of a natural service, which is the physical mounting of a mare by a stallion with intromission of the penis and ejaculation of semen into the reproductive tract. A natural gestation must have taken place and delivery must have been from the body of the same mare in which the foal was conceived. For the avoidance of doubt:

- (c) such natural service may include the immediate reinforcement of the stallion's service by using residual semen ejaculated by the stallion whilst it penetrated the mare during that service of the same mare, provided that the reinforcement of service must be immediately after the natural covering and the semen must not be processed or altered in any way before it is used for reinforcement; and
  - (d) semen obtained from a stallion by any artificial means may not be used to reinforce a service, and any other form of artificial breeding (including artificial insemination, embryo transfer or transplant, cloning, or any other form of genetic manipulation) may not be used to produce the horse.
- 3 (1) Notwithstanding that a horse is eligible for entry under the last preceding Regulation, it shall not be entered in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable):
- (a) until, in the case of a horse being the progeny of an unnamed dam, the dam is named and the name registered; and
  - (b) until, in any case, the identity and breeding of the horse is established to the satisfaction of NZTR.
- (2) Notwithstanding that a horse is eligible for entry under the last preceding Regulation if such horse has been foaled in New Zealand and has not been Microchipped, DNA-typed or freeze branded it shall not be entered in the New Zealand Stud Book and if entered shall be deleted therefrom unless in either case NZTR in its sole discretion decides otherwise.
- 4 (1) NZTR shall, not later than the month of December in each year, forward to every owner or, in the case of a mare which is leased, lessee known to him in New Zealand of a mare or mares eligible for entry, or entered, in the New Zealand Stud Book or Register of Non Stud Book Mares (as applicable) a form (referred to herein as a "foaling return") for returning particulars of their foalings and coverings. Such return shall be in a form prescribed by NZTR or processed through the Breeders Service Centre on line studbook, and shall be furnished to NZTR not later than the 28th February in each year. The relevant fee specified by NZTR is payable in respect of each year's foaling return in respect of every eligible broodmare accepted with a view

to inclusion in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) and the foaling return must be furnished to NZTR irrespective of whether:

- (a) as a result of her covering in the last preceding year the mare foaled, missed or slipped; or
- (b) the mare was covered during the last preceding year.

The fee is also payable in respect of a mare which has died leaving a surviving foal.

- (2) Every person in whose charge, care or control a mare entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) is at the time of foaling, shall keep a record of such foaling, showing the name and, if unnamed, the age, colour and pedigree of the mare, the date of foaling, the sex and colour of the foal and the name of its sire, and, not later than the 28th February after the date of such foaling, shall notify such particulars to NZTR.
  - (3) Every notification of particulars of the foaling of any mare duly forwarded pursuant to sub-Regulation (2) may be accepted by NZTR as an application for entry of the foal in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable).
  - (4) Every person who, being required so to do by these Regulations fails to furnish a return to NZTR by the 28th February in any Racing Year shall be liable for the relevant late entry fee specified by NZTR in respect of that return.
  - (5) Failure on the part of any person to comply with the provisions of sub-Rule (1), (2) and (4) hereof may be deemed by NZTR sufficient ground for refusing the registration of the horse concerned under the New Zealand Rules of Racing.
  - (6) If the foaling return for a mare records that she gave birth to a live foal during the period to which the return relates there shall be forwarded with the foaling return not only the fee referred to in Regulation 4 (1) hereof but also the relevant fee specified by NZTR for each live foal to which the mare gave birth during such period which fee shall be to enable the foal to be DNA-typed. If no live foal is so recorded no such additional fee of shall be payable provided however that if, contrary to what is recorded on the foaling return, a mare had given birth to a live foal the fee specified by NZTR shall be paid to NZTR when a sample of the hair of that foal is forwarded for DNA-typing. If, after the fee specified by NZTR has been forwarded with a foaling return but before the foal to which it relates has been DNA-typed, a foal dies, NZTR shall refund such fee to the person who paid it.
- 5A
- (1) The relevant fee specified by NZTR shall be payable in respect of each mare for which initial entry as a broodmare in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) is sought. Every person who applies for such initial entry of a mare shall forward to NZTR with such application the certificate of registration issued under the New Zealand Rules of Racing in respect of that mare. NZTR shall then prepare in respect of that mare a document which shall be called a certificate of registration/document of description and which shall be in a form prescribed by NZTR from time to time. NZTR shall thereafter forward to such person or his nominee the certificate of registration/document of description in respect of the mare.
  - (2) Every person applying for initial entry of a mare as a broodmare in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) shall be sent by NZTR instructions to enable samples of the hair of that mare to be obtained by such person.
  - (3) It shall be the duty of every such person to obtain at his expense samples, as required by such instructions, of the hair of the mare in respect of which initial entry as aforesaid is sought and secondly to ensure that, within two months of forwarding his application as aforesaid, such samples are forwarded to the laboratory of the Equine Parentage and Animal Genetic Services Centre, Massey University, Palmerston North.
  - (4) If the samples forwarded are not acceptable to the laboratory further samples shall be obtained and forwarded.
  - (5) Such laboratory shall, on a basis to be agreed between such Department or University and NZTR, carry out the DNA-typing of all such samples as are so forwarded to it and shall report in respect of such samples to NZTR.
  - (6) NZTR shall then make a decision in respect of the application for the initial entry of the mare as a broodmare in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable).

- (7) Hair samples are required to be obtained from such horse or horses as NZTR shall specify and to be forwarded to such laboratory as aforesaid in each of the following cases:
- (a) in the case of every stallion entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) which is standing at stud in New Zealand and which has not already been DNA-typed by such laboratory;
  - (b) whenever a mare which has been covered in one year by two or more stallions produces a live foal;
  - (c) whenever a mare foals less than 315 or more than 370 days after the date of last service;
  - (d) whenever the markings and/or brands of a horse differ, to an extent which is in the opinion of NZTR significant, from those recorded on the branding slip or brand identification certificate relating to such horse and NZTR considers that DNA-typing is required in view of the difference;
  - (e) whenever NZTR considers that the sire and/or dam of a horse may be different from that whose progeny it has hitherto been regarded as being;
  - (f) whenever a foal's reported coat colour is considered by NZTR to warrant investigation by way of DNA-typing being carried out; and/or
  - (g) in any other case where in the opinion of NZTR doubt exists on a matter which the proper compilation of the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) requires to be free from doubt.
- (8) It shall be the duty of every person who is required by NZTR pursuant to sub-Regulation (7) of this Regulation to cause hair samples to be obtained and submitted to do so in accordance with NZTR's requirements.
- (9) The relevant fee specified by NZTR per sample shall be paid to NZTR in respect of every sample forwarded pursuant to sub-Regulation (7) of this Regulation.
- 5B (1) It shall be the duty of the owner or, in the case of a mare which is leased at the time of foaling, lessee of every mare which gives birth to a foal to ensure that a sample of the hair of that foal is taken and sent to the laboratory of the Equine Parentage and Animal Genetic Services Centre, Massey University, Palmerston North.
- (2) No sample shall be taken from any such foal until it has:
- (a) been branded, microchipped; and
  - (b) lived for at least three months.
- (3) Subject to sub-Regulation (2) of this part of this Regulation, the sample shall be taken before the 31st day of July next following the birth of the foal or before any sale which takes place prior to that date, provided however that if a foal is sold before it is branded and microchipped and has lived for three months it shall be the duty of the purchaser to ensure that the sample is taken and sent to the laboratory after the foal has been branded and microchipped and has lived for at least three months but before the said 31st day of July or further prior sale.
- (4) If the sample forwarded is not acceptable to the laboratory a further sample shall be obtained and forwarded by the person under the duty pursuant to sub-Regulation (1) and (3) of this part of this Regulation.
- (5) The laboratory shall, on a basis to be agreed between such Department or University and NZTR, carry out the DNA-typing of all such samples as are so forwarded to it and shall report in respect of such samples to NZTR.
- (6) If any entry has already been made in the Stud Book in relation to any foal born, NZTR may in his sole discretion amend it so that the breeding of the foal as recorded in the New Zealand Stud Book accords with the results of the DNA-typing of the sample of hair taken from the foal.
- (7) If in respect of any foal born no sample of hair is taken and forwarded within the time required NZTR may refuse to enter in the New Zealand Stud Book the name or any other record of the foal or, if it has already been entered, may delete from such Stud Book the name of or any entry relating to such foal.

- 6 NZTR may waive part or all of any of the fees payable pursuant to these Regulations if it in its sole discretion shall consider the circumstances so warrant.
- 7 A foal is not eligible for inclusion in the New Zealand Stud Book unless it is begotten by natural service of the mare which gave birth to the foal.
- 8 (1) The owner of a foal foaled in New Zealand during the current Racing Year and eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) must obtain from a registered veterinary surgeon a brand and DNA-type identification certificate for returning a description and other particulars of the foal. Such certificate shall be in the form prescribed by NZTR from time to time.
- (2) It is the duty of the owner or, in the case of a mare which is leased, lessee of a mare entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) to ensure that branding and microchipping of that mare's foal is carried out either at or prior to weaning with a cipher brand on the near shoulder and numerical brands on the off shoulder to represent the serial number of the foal branded and the year in which the foal was dropped. The last figure of the brands must coincide with the year of foaling. If the foal is freeze branded the size of the brands to be used must have a marking face not to exceed 6.3 mm in width; the cipher or alphabetical brand shall not be less than 25.4 mm nor more than 38.1 mm in depth and the numerical brands shall not be less than 25.4 mm nor more than 38.1 mm in depth.
- (3) Every person in whose charge, care or control a mare entered or eligible for entry in the New Zealand Stud Book is at the time of foaling or any person in whose charge, care or control a foal entered or eligible for entry in the New Zealand Stud Book is after foaling and before the 31st day of July next following shall notify the particulars and description of such in a duly completed brand identification certificate not later than the 31st day of July next after the date of such foaling to NZTR, provided however that if a foal is sold during the Racing Year in which it was born the brand identification certificate in respect thereof shall be completed and forwarded to NZTR by the person who was the owner or, in the case of a dam which is leased, lessee of that foal's dam at the time when that foal was weaned from that dam, or such owner's or lessee's duly authorised agent. NZTR shall not, except in what it considers exceptional circumstances, accept the brand identification certificate from the new owner of any such foal.
- (4) Every person who being required so to do by these Regulations fails to furnish a brand identification certificate to NZTR by the 31st day of July next after the date of such foaling shall be liable to a late entry fee at the relevant rate specified by NZTR for every month or part of a month after the said 31st day of July.
- (5) No brand identification certificate shall be accepted after the 31st day of December next after the date of the foaling.
- (6) Failure on the part of any person to comply with the provisions of sub-Regulations (3) and (4) hereof or to make payment of the late entry fee due hereunder shall make the foal concerned ineligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) or for registration under the New Zealand Rules of Racing and any application for such entry or registration shall be null and void.
- (7) Notwithstanding anything contained herein, NZTR shall have power to extend the time or times provided herein and to waive any of the provisions herein if it in its sole discretion considers the circumstances so warrant.
- 9 (1) NZTR shall out of each annual specified fee (inclusive of GST) received by it under Regulation 4 (1) pay to the New Zealand Thoroughbred Breeders' Association a sum to be determined by NZTR and notified to the said Association, provided that Association keeps accurately and up to date a brand register and keeps such register freely available at all times for inspection by officers of NZTR.
- 10 (1) Every person disposing by sale or gift of any stallion, broodmare, or filly which is or is eligible to be entered in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) shall notify such change of ownership as required under Rule 423 of the New Zealand Rules of Racing and, in the case of a broodmare, shall state whether or not she has a foal at foot, its colour, sex and sire and, if served during the current season, the name of the covering stallion and date of the last service.
- (2) If a mare is sold with a foal at foot, a separate notice of change of ownership must be completed as to the foal.



- (3) If a mare is leased a notification of lease for stud purposes must be completed as to the mare and forwarded to NZTR together with the relevant fee specified by NZTR.
- 11 (1) The person in whose charge, care or control a stallion entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) is at the time of covering shall in each year complete a certificate of service in the form prescribed by NZTR or in the form of a computer printout acceptable to NZTR in respect of every mare which is or is eligible for entry in the New Zealand Stud Book or New Zealand Register of Non-Stud Book Mares covered by the stallion and shall lodge it with NZTR in accordance with the succeeding clauses of this Regulation.
- (2) A certificate of service in respect of a mare served by or paddocked with the stallion between the 1st day of September and the 31st day of January must be lodged with NZTR before the 28th day of February in the year of service. A certificate of service for a mare served by or paddocked with the stallion between the 1st day of February and the 31st day of July must be lodged with NZTR not later than 14 days after the 31st day of July. In the event of a mare being served by or paddocked with the stallion between the 1st day of September and the 31st day of January and also between the 1st day of February and the 31st day of July two certificates of service must be lodged.
- (3) If a mare has been covered by two stallions two certificates of service must be lodged.
- (4) The owner or lessee (or the duly authorised agent of either thereof) of every stallion entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) shall pay to NZTR the fee specified by NZTR for the relevant category set out below:
  - (a) 1-14 mares covered;
  - (b) 15-30 mares covered;
  - (c) 31-50 mares covered;
  - (d) 51-70 mares covered;
  - (e) 71-100 mares covered; or
  - (f) more than 100 mares covered.

Such fee shall be payable not later than the 28th day of February in the next succeeding year.

- (5) The fee for a certificate of service which is lodged later than required by Regulation 11 (2) hereof shall be at the rate specified by NZTR for each month or part thereof which elapsed between the last date by which the certificate ought to have been lodged and the date when it was lodged.
- (6) Before any mare is served by a stallion entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) the person in whose charge, care or control such stallion then is shall require the production to him of and shall inspect the certificate of registration/document of description issued by NZTR in respect of that mare and shall check the identity of the mare to be served by the stallion and be satisfied that such mare is the mare to which the certificate of registration/document of description relates. Such person shall note on the certificate of registration/document of description the date on which he inspected such certificate of registration/document of description and checked the identity of the mare. Such person shall also note thereon the name of the stallion by which the mare is to be covered and shall then sign such certificate of registration/document of description. No person in whose charge, care or control any such stallion then is shall cause or permit the stallion to serve any mare unless and until such person has taken all the steps and complied with and discharged all the duties and obligations imposed on him by this sub-Regulation. Any person who fails to take all such steps or to comply with and discharge all such duties and obligations commits a breach of these Regulations. In the event of any failure by any such person to take all such steps or to comply with and discharge all such duties and obligations NZTR may decline to include in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) any entry relating to any covering by that stallion or any foal resulting from any such covering.
- 12 (1) NZTR may reject at any time any foaling return, branding slip, brand identification certificate or certificate of service submitted to it, and whether or not any such return, slip, brand identification certificate or other certificate has previously been accepted by



it and whether or not any fees have been paid in respect thereof, without giving any reason for such rejection. NZTR may delete from the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) at any time any entry relating to and the name of any horse referred to therein. By submitting any foaling return or other document to NZTR for acceptance the person submitting it agrees to abide by the decisions of NZTR.

- (2) If, in the opinion of an Investigator or NZTR, there is reason to believe that there has been supplied to NZTR a foaling return or any other information relating to a horse entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) which is or may be incorrect or if, in the opinion of an Investigator or NZTR, there are other circumstances which make an investigation necessary or desirable such Investigator or NZTR may require:
    - (a) the person who supplied the return or other information and the owner of and any other person in New Zealand who then has charge, care or control of any horse entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) to submit for examination by him or such other person (if any) as NZTR appoints all books, receipts and other documents which such Investigator or NZTR or other person deems it necessary to examine and to pay such fees as NZTR directs; and/or
    - (b) the owner of and any other person in New Zealand who then has charge, care or control of any horse entered or eligible for entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) to permit all or any of inspection, examination and DNA-typing of such horse by such person as NZTR appoints.
  - (3) It shall be the duty of every owner or other person required pursuant to sub-Regulation (2) of this Regulation to submit books, receipts or other documents for examination or to permit all or any of inspection examination and DNA-typing of a horse to do so when and as often as required by the Investigator or NZTR or other appointed person.
  - (4) Failure by any owner or other person to discharge the duty set out in sub-Regulation (3) of this Regulation shall entitle NZTR:
    - (a) to refuse entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) to any horse owned by or leased to such owner or other person or any company in which such owner or other person is a shareholder; and/or
    - (b) to delete from the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) if already entered therein any entry relating to and the name of any horse owned by or leased to such owner or other person or any company in which such owner or other person is a shareholder.
- 13 (1) Before any stallion is first stood at service in New Zealand the owner of or person proposing to stand at service that stallion shall ensure that:
  - (a) a sample of that stallion's blood is taken by a Veterinarian and submitted to the MAF National Centre for Disease Investigation, Wallaceville, for the purpose of establishing whether the stallion has the virus of equine viral arthritis;
  - (b) no mare is served by that stallion unless such person has been advised in writing by the Laboratory or NZTR that the sample was negative for equine viral arthritis;
  - (c) if such person is advised that the sample was positive for equine viral arthritis, a sample of the horse's semen is then obtained and forwarded to such Laboratory and/or (if NZTR requires it) the horse is test mated with two seronegative mares and a sample of their blood is subsequently taken by a Veterinarian (at a time to be fixed by NZTR) and forwarded to such Laboratory;
  - (d) no mare - other than the mares with which that stallion may have been required by NZTR to be test mated - is served by a stallion whose blood sample was positive for equine viral arthritis unless such person has been advised in writing by the Laboratory or NZTR that the stallion although seropositive is not a shedder of the virus in his semen; and
  - (e) there are paid by such person, by the time required, all fees in respect of the taking and testing of samples and/or the test mating of the stallion with mares.

- (2) Every person owning or standing a stallion at service in New Zealand shall ensure that:
- (a) if the stallion has not previously stood at service in New Zealand such person complies with every obligation imposed upon him by sub-Regulation (1) of this Regulation; or
  - (b) if the stallion has previously stood at service in New Zealand:
    - (i) a sample of the stallion's blood is taken by a Veterinarian and submitted to the MAF National Centre for Disease Investigation, Wallaceville, for the purpose of establishing whether the stallion has the virus of equine viral arteritis, provided however that no sample of the stallion's blood shall be required to be taken and tested if such Laboratory or NZTR has previously advised such person in writing that the stallion although seropositive is not a shedder of the virus in his semen;
    - (ii) every such sample is taken not later than 30th June each year;
    - (iii) after the taking of such sample no mare is served by that stallion unless such person has been advised in writing by the Laboratory or NZTR that the sample was negative for equine viral arteritis; or
    - (iv) if such person is advised that the sample was positive for equine viral arteritis a sample of the horse's semen is then obtained and forwarded to such Laboratory and/or (if NZTR requires it) the horse is test mated with two seronegative mares and a sample of their blood subsequently taken by a Veterinarian (at a time to be fixed by NZTR) and forwarded to such Laboratory;
    - (v) no mare - other than the mares with which that stallion may have been required by NZTR to be test mated - is served by a stallion whose blood sample was positive for equine viral arteritis unless such person has been advised in writing by the Laboratory or NZTR that the stallion although seropositive is not a shedder of the virus in his semen; and
    - (vi) there are paid by such person, by the time required, all fees in respect of the taking and testing of samples and/or the test mating of the stallion with mares.
- (3) Not later than the 31st day of July in each year the owner of or person standing or proposing to stand at service in New Zealand a stallion shall:
- (a) lodge with NZTR a letter (from the Veterinarian who took the sample) confirming that the blood sample has been taken and forwarded to such Laboratory; or
  - (b) lodge with NZTR proof that the stallion although seropositive is not a shedder of the virus of equine viral arteritis in his semen and therefore is not required to be the subject of an annual blood test.
- (4) In the event of any person to whom this Regulation applies failing to comply with any obligation imposed upon him by any of the preceding sub-Regulations of this Regulation:
- (a) such person commits a breach of these Regulations and shall be liable to the penalties set out in Regulation 15(4) of these Regulations; and
  - (b) NZTR shall be entitled to refuse entry in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable) any horse born as a result of a mating in New Zealand of a mare and the stallion in respect of which such breach was committed.
- (5) NZTR may in writing exempt any such person from complying with this Regulation in respect of a stallion if he is satisfied that that stallion has already been tested for such virus that it is not then necessary for the stallion to be tested again.
- (6) NZTR may at any time require that a stallion which has already been tested for such virus be tested again within such time as it shall specify in writing and in any such case the provisions of sub-Regulations (1), (2), (3) and (4) of this Regulation shall apply with any necessary modifications.

meet an obligation imposed on him by these Regulations and any person who subsequently comes into possession of any such form, document, receipt or other paper shall ensure that unless it has already been sent to NZTR it is retained and available for inspection by an Investigator or NZTR for a period of at least seven years after and exclusive of the day of the last entry or writing being made therein or thereon or of the day on which he came into possession as the case may be.

- 15 (1) Every person who fails to comply with any obligation or discharge any duty imposed upon him by these Regulations commits a breach of these Regulations.
  - (2) Every person who (other than wilfully) furnishes to NZTR any incorrect information in connection with the pedigree, colour markings or brands of a horse commits a breach of these Regulations.
  - (3) Any alleged breach of these Regulations may be prosecuted by an Investigator and shall be considered and dealt with by a Judicial Committee.
  - (4) NZTR may exercise its powers under these Regulations notwithstanding that a Judicial Committee has penalised, or has the power to penalise, a person for a breach of these Regulations which constitutes a breach of the New Zealand Rules of Racing.
- 16 When a foal entered in the New Zealand Register of Non Stud Book Mares has proved satisfactorily eight thoroughbred crosses consecutively, including the cross of which it is the progeny, and shown such performances in races open to thoroughbreds, in both the thoroughbred and non thoroughbred sections of its pedigree as to warrant its assimilation with thoroughbreds, NZTR supported by the unanimous agreement of the International Stud Book Committee may allow such animal to be promoted to Stud Book status and to be considered as eligible to apply for admission to the New Zealand Stud Book. NZTR with the unanimous support of the International Stud Book Committee may classify a Non Stud Book mare as a 'vehicle' mare, if it can prove satisfactorily seven consecutive thoroughbred crosses and show satisfactory performances in both thoroughbred and non thoroughbred sections of its pedigree. The product of the mating of a Stud Book stallion and a 'vehicle' mare is eligible for promotion to the New Zealand Stud Book provided it has been accepted for inclusion as a foal in the New Zealand Register of Non Stud Book Mares.

**SECOND APPENDIX**  
**BLOODSTOCK SYNDICATION**  
**CODE OF PRACTICE**

(made by the Board pursuant to Rule 432 of the New Zealand Rules of Racing)

**1 DEFINITIONS**

- 1.1 In this Code of Practice the following words and expressions shall have the following meanings:

**“Advertisement”** means an advertisement as defined in section 2(1) of the Securities Act 1978. It includes any form of communication authorised or instigated by or on behalf of the syndicate promoter, or prepared with the cooperation of or by arrangement with the syndicate promoter, that contains or refers to an offer of securities. It applies to a communication that is merely intended to or likely to result in the public seeking further information or advice about an investment opportunity.

**“Associated Person”** has the meaning ascribed to the term associated person by section 8 of the Income Tax Act [1976] [2007] and in the case of a Bloodstock Company shall also include the directors and promoters of a Bloodstock Company.

**“Authorised Syndicator Status”** means that a Syndicate Promoter has been authorised under this Code of Practice to syndicate thoroughbred bloodstock and/or interests in thoroughbred bloodstock to the public, or that a Bloodstock Company has been authorised under this Code of Practice to offer its shares to the public.

**“Amateur Authorised Syndicator”** means a person who has Authorised Syndicator status who offers interests in two or less horses to the public in any one calendar year.

**“Bloodstock”** means thoroughbred bloodstock.

**“Bloodstock Company”** means a company which has Authorised Syndicator status under this Code of Practice and which in the opinion of the Board has as its principal business activity the ownership, management, breeding or racing of thoroughbred horses and/or interests in thoroughbred horses.

**“Board”** means the Board of New Zealand Thoroughbred Racing.

**“Chief Executive”** means the duly appointed Chief Executive of New Zealand Thoroughbred Racing.

**“Code of Practice”** means all the provisions set out herein relating to the syndication of thoroughbred bloodstock or the offer of shares in Bloodstock Companies to the public as authorised by the Securities Act (Bloodstock) Exemption Notice [1997] [2002].

**“Compliance Agreement”** means a written agreement on form COP 2 under which a Syndicate Promoter agrees with the Board for the time being of New Zealand Thoroughbred Racing to comply with and be bound by the provisions of this Code of Practice.

**“Person”** includes a natural person, partnership, firm, corporation or other body.

**“Syndicate”** means a partnership, [special][limited] partnership or other syndicate formed or to be formed solely for the purposes of owning, managing, racing or breeding bloodstock or interests in bloodstock in accordance with this Code of Practice.

**“Syndicate Promoter”** means a person who offers interests in bloodstock to the public, or shares in a Bloodstock Company to the public, pursuant to this Code of Practice.

**“Valuer”** or **“Bloodstock Valuer”** means a bloodstock valuer who has been entered on the Register of Bloodstock Valuers (maintained by Thoroughbred Racing) in accordance with clause 9 of this Code of Practice.

**2 APPROVAL OF SYNDICATE PROMOTERS**

- 2.1 Persons wishing to obtain Authorised Syndicator status must apply to the Board through the Chief Executive. An application must be accompanied by payment of the appropriate fee. Authorised Syndicator Status may be granted to individuals, partnerships, approved companies [as defined in the New Zealand Rules of Racing] and special purpose Bloodstock Companies as defined in clause 1.1 of this Code of Practice.

If the applicant is a Bloodstock Company it shall at the time of application submit copies of its constitution. The Articles or constitution shall include the provisions required by clause 22.2 of this Code of Practice.

Shares in such special purpose Bloodstock Companies may be offered to the public pursuant to this Code of Practice. Each Bloodstock Company must be an Authorised Syndicator itself regardless of whether the person seeking to establish the company is an Authorised Syndicator or not.

A Syndicate Promoter must complete and execute a Compliance Agreement. The Chief Executive will issue a Certificate of Authorised Syndicator Status if the application is approved by the Board.

- 2.2 Authorised Syndicator status enables the person to whom this status has been granted to syndicate bloodstock to the public or to offer shares in a Bloodstock Company to the public under this Code of Practice without the need for that offer to be effected through a registered prospectus under the Securities Act 1978. The Board will be entitled to refuse to grant Authorised Syndicator Status upon any of the following grounds:
- (a) The person or any associated person is disqualified under the Rules of Racing.
  - (b) The person or any associated person has been convicted of any criminal or fraudulent act, omission or conduct.
  - (c) The person is unable to demonstrate to the satisfaction of the Board that he/she/it has the ability to meet the Board's management and client servicing requirements.
  - (d) The person, if an individual, or any associated person is not twenty years or over.
  - (e) The person or any associated person has, in the sole opinion of the Board, an unsatisfactory record in either bloodstock syndication or trading.
  - (f) The Board is not satisfied by the production of written evidence acceptable to it that the person is financially sound and of good character.
- 2.3 Amateur status may be granted to persons who have Authorised Syndicator status who do not offer shares in more than two horses to the public in any one calendar year.
- 2.4 Amateur Authorised Syndicator status will not be granted to Bloodstock Companies.
- 2.5 Persons whose applications are declined may appeal to the Supervisory Panel. (See clause 11)

### **3 DISCLOSURE OF AUTHORISED SYNDICATOR STATUS ON PROMOTIONAL AND ADVERTISING MATERIAL**

- 3.1 Persons who have Authorised Syndicator status shall include in any printed promotional or advertising material issued by them the following statement: "...is an authorised syndicator under the Code of Practice regulating thoroughbred syndication which is administered by Thoroughbred Racing. Details of the venture are given in ... disclosure statement."
- 3.2 In the case of a Disclosure Statement a statement must be added to the effect that the Conference does not endorse the syndication or offer in question. The following statement is required: "...is an Authorised Syndicator in accordance with The Securities Act (Bloodstock) Exemption Notice [1997] [2002]. However, Thoroughbred Racing in no way endorses or guarantees investment in this venture nor accepts responsibility for any representation made herein or any loss or liability arising from this venture or participation in it."

In the case of broadcast advertisements Syndicate Promoters are required to consult with the Chief Executive on the form and placement of this statement in advertisements.

### **4 DISCLOSURE STATEMENTS**

- 4.1 Before accepting any moneys from an investor a Syndicate Promoter must obtain a signed Disclosure Statement in the form set out in the Schedule hereto from each investor. The Disclosure Statement must be fully and correctly completed for each particular syndication or offer.
- 4.2 A copy of the Disclosure Statement must be delivered to the Chief Executive prior to a syndicate or offer being advertised.

A copy of the Partnership or Syndicate Agreement must accompany this Disclosure Statement.



4.3 A Disclosure Statement is required to meet the following criteria:

- (a) The valuation of each horse must be specified as well as the total of the valuations.
- (b) All required information and valuation and veterinary certificates must be provided and in order and the Disclosure Document must be signed by the Syndicate Promoter.
- (c) The Board must be satisfied that there is no reason to suspect that any of the information provided is incorrect.
- (d) A certificate on form COP 7 must be attached declaring that no person(s) associated with the syndication or offer has/have changed or their status in terms of the criteria for approval of Syndicate Promoters materially altered since approval was granted and/or the last syndication or offer by the Syndicate Promoter.
- (e) The Board must be satisfied that the Syndicate Promoter's performance in prior syndications or offers has been satisfactory.
- (f) The Board must be satisfied that the charges, margins or disparities from valuation are not such that they may, in its opinion, bring the industry into disrepute.
- (g) The directive to the Bank in respect of the Syndicate or Bloodstock Company's account must be provided.

If a Disclosure Statement is not approved by the Board, it may be amended and resubmitted to the Chief Executive.

4.4 A Disclosure Statement must be signed by the Syndicate Promoter and where it is a corporate entity by all the directors thereof.

## 5 ADVERTISING

- 5.1 Advertisements shall not be misleading or factually incorrect or be likely to bring the thoroughbred industry into disrepute and shall otherwise comply with the requirements of the Securities Act 1978 and the Securities Regulations 1983.
- 5.2 A copy of each proposed advertisement in respect of a particular syndication or offer must be delivered to the Chief Executive 14 days prior to its intended first publication.
- 5.3 Each proposed advertisement must state clearly and prominently that applications for units or shares in the Syndicate or Bloodstock Company can only be made after an investor has received and signed a Disclosure Statement. In addition, each advertisement must state the name of the Manager of the Syndicate or the Directors of the Bloodstock Company, the name of the Syndicate Promoter, and the name of the auditor.
- 5.4 The proposed advertisement must be accompanied by an Authority to Publish/Broadcast Advertisement (form COP 8) completed as to part 1. Thoroughbred Racing will complete part 2 and issue the certificate to the Syndicate Promoter on approval of the content of the advertisement.
- 5.5 Disclosure of Authorised Syndicator status must be made in accordance with clause 3 of this Code of Practice.
- 5.6 No proposed advertisement shall be published until its publication has been authorised in writing by the Chief Executive.
- 5.7 The Syndicate promoter must provide a copy of the completed Authority to Publish/Broadcast to each publisher of the advertisement.

## 6 BANK ACCOUNT

- 6.1 A Syndicate Promoter must establish a separate bank account for each Syndicate or Bloodstock Company. All moneys received by the Syndicate Promoter from investors in a Syndicate or Bloodstock Company must immediately be deposited into that separate bank account by the Syndicate Promoter. If no interest is to be paid to investors in the event that investments are refunded that fact must be disclosed in the advertisement.
- 6.2 Each Syndicate Promoter must issue in favour of Thoroughbred Racing an irrevocable written direction in the form prescribed by Thoroughbred Racing (form COP 6) to the trading bank at which the Syndicate or Bloodstock Company's bank account is maintained to the effect that moneys held in the Syndicate or Bloodstock Company's bank account being moneys held on behalf of investors will be either:
  - (a) "Frozen" if directed by the Chief Executive.



- (b) Paid to Thoroughbred Racing if directed by the Chief Executive.

Such irrevocable written direction shall cease to be of effect from the date upon which shares or units are validly allotted to investors pursuant to clause 7 of this Code of Practice.

- 6.3 The irrevocable written direction to the Bank must accompany each Disclosure Statement sent to the Chief Executive, who will lodge it with the Bank.

## **7 ALLOTMENT OF SHARES OR UNITS IN SYNDICATE OR BLOODSTOCK COMPANY, AND DISBURSEMENT FROM BANK ACCOUNT**

- 7.1 No allotment of shares or units in a Syndicate or Bloodstock Company shall be made and no money shall be disbursed from the Syndicate or Bloodstock Company's bank account until the following criteria have been satisfied:

- (a) The Chief Executive has advised that it has no objection to the Disclosure Statement.
- (b) The minimum level of subscription as set forth in the Disclosure Statement has been received.

- 7.2 Units or Shares in a Syndicate or Bloodstock Company shall be allotted within six months of the date of the Disclosure Statement.

- 7.3 A Syndicate Promoter who fails to allot Units or Shares within the period specified in clause 7.2 shall refund all subscriptions received to investors. Unless the advertisement disclosed that interest would not be paid to investors in the event of investments being refunded the Syndicate Promoter shall also pay to investors their proportionate share of the interest earned on the subscriptions while they were in the separate bank account.

- 7.4 In the event that the minimum amount (as per clause 6 of the Disclosure Statement) is not raised within 4 months of the date of the Disclosure Statement, the Syndicate Promoter shall be obliged to refund to investors all subscriptions received. Unless the advertisement disclosed that interest would not be paid to investors in the event of investments being refunded the Syndicate Promoter shall also pay to investors their proportionate share of the interest earned on the subscriptions while they were in the separate bank account.

## **8 POWERS OF SUSPENSION OR CANCELLATION OF AUTHORISED SYNDICATOR STATUS AND POWERS OF ENFORCEMENT**

- 8.1 If in the opinion of the Board a Syndicate Promoter is in breach of the Code of Practice it may:

- (a) require the Syndicate Promoter to remedy any breach or default within 7 days and failing such breach or default being remedied within that time suspend or cancel the Authorised Syndicator status of the Syndicate Promoter; or
- (b) suspend or cancel the Authorised Syndicator status of the Syndicate Promoter; or
- (c) exercise all or any of the following powers in relation to any syndication or offer:
  - (i) suspend or order the cessation of any syndication or offer;
  - (ii) suspend or order the withdrawal of any advertisement relating to a syndication or offer;
  - (iii) remove, or require the Syndicate Promoter to remove, a Syndicate Manager or remove the Directors of a Bloodstock Company and if necessary either require the Syndicate Promoter to appoint a new Manager or itself appoint a new Manager or new Directors;
  - (iv) order or make refunds to investors in conjunction with the powers in respect of Bank Accounts set out in clause 6.2 of this Code of Practice;
  - (v) require an audit (at the expense of the Syndicate Promoter) by an independent firm of chartered accountants of either the affairs of a Syndicate or Bloodstock Company or the financial accounts of a Syndicate or Bloodstock Company;

## **9 REGISTER OF BLOODSTOCK VALUERS**

- 9.1 Thoroughbred Racing will maintain a Register of Bloodstock Valuers. Bloodstock Valuers may be entered on the Register either upon the nomination of the Bloodstock Agents' Federation NZ Inc. or following receipt of an application from a Bloodstock Valuer which is agreed to by the Board.

- 9.2 The Board is entitled to reject any nomination or application if it is not satisfied that:
- (a) The Valuer is of good standing and/or character; or that
  - (b) The Valuer is sufficiently experienced in equine practice; or that
  - (c) The Valuer is sufficiently competent in the field in respect of which he or she is certifying - ie, racing or breeding.
- 9.3 The Board is entitled to remove a Bloodstock Valuer from the Register if in its opinion:
- (a) The Valuer is insufficiently competent in the field in which he/she is certifying under this Code of Practice.
  - (b) The Valuer has acted in an improper or unprofessional manner whether in respect of valuations under this Code of Practice or otherwise in his/her business or has breached any of the provisions of this Code of Practice.
  - (c) The Valuer has charged or is charging excessive fees.

## **10 VALUATIONS AND VETERINARY REPORTS TO BE ATTACHED TO A DISCLOSURE STATEMENT**

- 10.1 Valuation reports for inclusion with a Disclosure Statement may only be obtained from Bloodstock Valuers who are, at the time of the report, entered in the Register of Bloodstock Valuers established under this Code of Practice and are independent both of each other and of the Syndicate Promoter.
- 10.2 Two valuation reports in the prescribed form prepared by valuers so entered must be included with a Disclosure Statement provided to an investor.
- 10.3 Veterinary reports for inclusion with a Disclosure Statement may only be obtained from Veterinary Surgeons who meet the following criteria:
- (a) The veterinary surgeon must hold a current annual practising certificate issued by the Veterinary Surgeons Board of New Zealand.
  - (b) The veterinary surgeon must be experienced in equine practice.
  - (c) The veterinary surgeon must spend the majority of his or her professional time in equine practice.
  - (d) The veterinary surgeon must be competent in the field in respect of which he or she is certifying - ie., racing or breeding.
- 10.4 Where bloodstock is purchased from countries outside New Zealand the following criteria apply in respect of valuation and veterinary reports:
- (a) In the case of bloodstock purchased in Australia a Syndicate Promoter must use either bloodstock valuers and veterinary surgeons who have been approved under the New South Wales or equivalent system of syndication or New Zealand bloodstock valuers and veterinary surgeons.
  - (b) In the case of bloodstock purchased from any other country a Syndicate Promoter must use reputable bloodstock valuers and veterinary surgeons who are recognised as such by the principal racing authority in that country or the state in which the bloodstock is located. The Board may suspend a particular syndication if it believes that either the bloodstock valuers or the veterinary surgeons used are not competent in the area in which they are certifying.

## **11 SUPERVISORY PANEL**

- 11.1 A Supervisory Panel consisting of three persons will be appointed and established by the Board. At least one member of the Panel will be a lawyer who will act as Chairman.
- 11.2 The duties of the Supervisory Panel are as follows:
- (a) To call periodic meetings of representatives of Thoroughbred Racing, Syndicate Promoters, Bloodstock Agents' Federation NZ Inc. and other interested parties to review the operation of the Code of Practice and to consult with any other interested parties.
  - (b) To act on recommendations from such meetings and to request Thoroughbred Racing to take appropriate action where it deems it necessary.

- (c) To report to the Securities Commission on the operation of the Code of Practice, known breaches and remedial action taken after the first 12 months and thereafter every year, or at any other time which the Supervisory Panel considers appropriate.
  - (d) To act as an Appeal Authority pursuant to clause 11.3 below.
- 11.3 The role of the Supervisory Panel as an Appeal Authority shall be:
- (a) To hear and determine appeals from persons who have been declined Authorised Syndicator status by the Board.
  - (b) To hear and determine any complaint levied against the Board in relation to the operation of the Code of Practice.
  - (c) To hear and determine complaints concerning excessive fees charged by Bloodstock Valuers and/or Veterinarians in respect of certificates issued under this Code of Practice.
  - (d) To hear and determine appeals from persons who have been refused entry on or removed from the Register of Bloodstock Valuers.
- 11.4 The following provisions shall govern appeals to be heard and determined by the Supervisory Panel:
- (a) All appeals to the Supervisory Panel must be lodged within 30 days of the date of the decision which is being appealed against.
  - (b) The Supervisory Panel may remit the matter in question to a re-hearing by the Board or, upon hearing evidence and if necessary any additional evidence, make such order as the Supervisory Panel thinks ought to have been made by the Board, or such other order as in its opinion may be necessary to ensure the determination on its merits of the real question at issue.
  - (c) The Supervisory Panel may in its discretion allow any party to be represented by Counsel on the hearing of any appeal and it may have Counsel present to assist the Supervisory Panel. In all other respects, the Supervisory Panel may establish its own procedures.
  - (d) It may make such order in respect of the costs and expenses of and incidental to any hearing and determination by it as it thinks fit provided however that it may not make any order that the Board pay any costs or expenses.
- 11.5 Any decision of the Supervisory Panel shall be final and conclusive as to the matter before it for hearing and determination.

## **12 REPORTING**

- 12.1 A Syndicate Promoter shall, in addition to complying with all of the provisions of section 53 of the Securities Act 1978:
- (a) comply with the succeeding sub-Rule of this clause;
  - (b) ensure that the auditor has no interest in or association with the Syndicate Promoter or the Syndicate.
- 12.2 A Syndicate Promoter shall keep investors fully informed of the affairs of each Syndicate or Bloodstock Company. The minimum reporting requirements are as follows:
- (a) Within three months of the end of the financial year of a Syndicate or Bloodstock Company, the Syndicate Promoter shall provide to each investor complete and audited financial accounts of the Syndicate or Bloodstock Company prepared following an audit carried out by a member of the New Zealand Society of Accountants who meets the requirements of section 53 of the Securities Act 1978 and clause 12.1 of this Code.
  - (b) At the completion of each six months of each financial year of the Syndicate or Bloodstock Company the Syndicate Promoter shall provide a written report of the business and affairs of the Syndicate or Bloodstock Company to each investor provided that where a Syndicate or Bloodstock Company has interests in bloodstock which is racing or is to be raced the reports shall be issued at the completion of each three months.

- 12.3 Copies of the financial statements, accounts and auditor's report, and the written report referred to in clause 12.2(b) of this Code, must be sent to the Chief Executive within 30 days of the issue thereof.

### **13 NOTIFICATION OF MEMBERS OF SYNDICATE**

- 13.1 In addition to complying with sections 51 and 52 of the Securities Act 1978 a Syndicate Promoter must notify the Chief Executive of the names and addresses of investors within 30 days of the issued capital of a Syndicate or Bloodstock Company being subscribed. A copy of the page of form COP 4 which is to be signed by and witnessed in respect of each investor must be provided to the Chief Executive with that notification.
- 13.2 Changes of investors and their addresses shall be notified to the Chief Executive within 30 days of any change occurring. Notification of each change of investor must be accompanied with a copy of the covenant (on form COP 14), duly and properly executed by that investor, undertaking not to consent or agree to any alteration to the deed or agreement under which the Syndicate or Partnership is constituted or the Memorandum or Articles of Association or Constitution of the Bloodstock Company without the consent of the Board.

### **14 NOTIFICATION OF PRIVATE SYNDICATIONS AND BLOODSTOCK COMPANIES**

- 14.1 A Syndicate Promoter who has Authorised Syndicator status must notify Thoroughbred Racing within 60 days of completing a private Syndication or Bloodstock Company offer of the following:
- (a) Name, capital and number of shares of the Syndicate or Bloodstock Company.
  - (b) If a Syndicate, the term of the Syndicate.
  - (c) Names and addresses of members of the Syndicate or Bloodstock Company.
  - (d) Bloodstock owned or leased by the Syndicate or Bloodstock Company.

### **15 FEES**

- 15.1 A Syndicate Promoter shall pay the fees prescribed from time to time by the Board for the processing of an application for Authorised Syndicator status and for the processing of a Disclosure Statement. The fees applicable for Amateur Syndicator Status shall be as prescribed from time to time by the Board.
- 15.2 All fees shall be paid at the time application for Authorised or Amateur Syndicator status or for approval of a Disclosure Statement is made.
- 15.3 Until fees are paid, the application shall not be referred to the Board for consideration.
- 15.4 Thoroughbred Racing shall be entitled to charge a Syndicate Promoter interest on a daily basis on overdue fees at the rate of 5% above the base lending rate of the ANZ Banking Group (New Zealand) Limited as at the commencement of each 30-day period fees are overdue.

### **16 RECORDS**

- 16.1 The Syndicate Promoter shall ensure that complete and proper records are kept of the affairs of each Syndicate or Bloodstock Company operated under this Code of Practice including (but not limited to) any specific records that are required by this Code of Practice.
- 16.2 The Syndicate Promoter shall on request make available to the Chief Executive all records and other information held by it or any manager in relation to any Syndicate or Bloodstock Company.

### **17 COSTS**

- 17.1 Thoroughbred Racing shall be reimbursed by Syndicate Promoters in respect of all reasonable costs and expenses incurred by it in the proper exercise of the powers set forth in clause 8 of this Code of Practice.

### **18 MANAGEMENT**

- 18.1 A Syndicate Promoter may delegate all or any of the management responsibilities of a Syndicate or Bloodstock Company. However, the Syndicate Promoter shall remain primarily responsible for the management of the Syndicate or Bloodstock Company.
- 18.2 The bloodstock of a Syndicate or Bloodstock company shall be managed and cared for in accordance with good industry practice.

- 18.3 The Board may remove a manager (including the Syndicate Promoter) of a Syndicate or any of the Directors of a Bloodstock Company upon any of the following grounds and appoint another person(s) in his/her/its/their place:
- (a) If the Manager or a Director has been convicted of a criminal offence or in its opinion defrauded or attempted to defraud any person.
  - (b) If the Manager or a Director is or becomes disqualified under the Rules of Racing or the Rules of Harness Racing.
  - (c) If in its opinion the Manager or a Director acts or has acted in a manner which is or was contrary to the best interests of shareholders, investors, partners or members or is or was likely to bring the thoroughbred industry into disrepute.
  - (d) If in its opinion the Manager or a Director fails or has failed to comply with the standards set forth in clauses 12 and 16 relating to reporting, auditing or keeping of accounts and records if such functions have been delegated by the Syndicate Promoter. Such failure on the part of the Manager shall not affect the Syndicate Promoter's primary responsibility as set out in clause 18.1.

## **19 CONFLICT OF INTEREST**

- 19.1 A Valuer may not issue a Valuation Report for inclusion with a Disclosure Statement where the Valuer has or has had a direct or indirect interest in the Syndicate Promoter or his/her/its business or has or has had a pecuniary interest in any of the bloodstock acquired or to be acquired by the Syndicate or Bloodstock Company.
- 19.2 A veterinary surgeon may not issue a Veterinary Report for inclusion with a Disclosure Statement where the veterinary surgeon has or has had a direct or indirect interest in the Syndicate Promoter or his/her/its business or has or has had a pecuniary interest in any of the bloodstock acquired or to be acquired by the Syndicate or Bloodstock Company.

## **20 CERTIFICATES**

- 20.1 Within 30 days of allotting units or shares in a Syndicate or Bloodstock Company, a Syndicate Promoter shall send a Certificate to each investor which shall evidence the investor's interest in that Syndicate or Bloodstock Company.
- 20.2 The Certificate shall set forth the nature, ownership, terms and conditions of the investor's interest in the Syndicate or Bloodstock Company.

## **21 AMENDMENT OF CODE OF PRACTICE**

- 21.1 This Code of Practice may, with the consent of the Securities Commission, be amended from time to time by resolution of the Board.

## **22 SYNDICATE AGREEMENTS OR CONSTITUTION**

- 22.1 Each agreement or deed under which a Syndicate is constituted shall contain a provision to the effect that the Board shall be entitled to remove the Manager of the Syndicate upon any of the grounds listed in clause 18.3 and appoint another person to act as Manager of the Syndicate. Such provision shall state that its intent is to create a benefit to Thoroughbred Racing and the Board and to be enforceable by either or both thereof in terms of the Contracts (Privity) Act 1982.
- 22.2 The constitution of a Bloodstock Company shall contain a provision to the effect that Thoroughbred Racing shall be entitled to remove the Directors upon any of the grounds listed in clause 18.3 and to appoint other persons to act in their place. Such provision shall state that its intent is to create a benefit to Thoroughbred Racing and the Board and to be enforceable by either or both thereof in terms of the Contracts (Privity) Act 1982.
- 22.3 Each agreement or deed under which a Syndicate is constituted shall contain a provision that a transfer of shares or interests in the Syndicate shall not be effective until the incoming shareholder in the Syndicate has given a written covenant on form COP 14 to the effect that such shareholder will not consent to any alteration to the agreement or deed without the consent of the Board.
- 22.4 The constitution of a Bloodstock Company shall contain a provision that a transfer of shares shall not be effective until the incoming shareholder has given a written covenant on form COP 14 to the effect that such shareholder will not consent to any alteration to the constitution without the consent of the Board.

**23 AMATEUR AUTHORISED SYNDICATOR EXEMPTIONS**

- 23.1 The fee payable upon application for Amateur Authorised Syndicator status shall be as prescribed from time to time by the Board.
- 23.2 Amateur Authorised Syndicators shall be bound by all other provisions of the Code of Practice.
- 23.3 Amateur Authorised Syndicators who wish to exceed the limits of syndication for an Amateur set out under the definition of Amateur Authorised Syndicator in clause 1.1 of this Code of Practice shall be obliged to pay to the Chief Executive immediately the additional fees applicable to an application for full Authorised Syndicator status.



**SCHEDULE****DISCLOSURE STATEMENT**

.....SYNDICATE/BLOODSTOCK COMPANY

- 1 Name and Address of Syndicate Promoter
- 2 Name and Address of Manager of Syndicate/Directors of Bloodstock Company
- 3 Statement of Business Plan
- 4 If Syndicate, terms of Syndicate
- 5 Capital of Syndicate or Bloodstock Company and Number and Value of Shares or Units to be Offered  
Capital: \$ ..... No. of Shares/Units:\$ .....

Value of Each Share/Unit: \$.....

- 6 Minimum Amount that in the Opinion of the Syndicate Promoter must be raised to make the Syndicate or Bloodstock Company Commercially Viable

\$.....

- 7 Certificate of Veterinary Surgeon which may be inspected at the premises of New Zealand Thoroughbred Racing (106-110 Jackson Street, Petone, Wellington or write to PO Box 38386, Wellington Mail Centre)

Name of Veterinary Surgeon .....

Date of Report .....

- 8 Valuers' Report which may be inspected at the premises referred to in No 7 above

Names of Valuers

(a) .....

(b) .....

Dates of Reports by:

(a) ..... (b) .....

Values attributed to bloodstock by:

(a) .....

(b) .....

- 9 Cost of Bloodstock to Syndicate or Bloodstock Company (Information to be supplied in respect of each horse separately)

If purchased:

Date of purchase:..... Purchase price (including GST).....

(Note: If any horse offered for syndication has been sold by the Syndicate, or persons associated with the Syndicate, within the 12 months prior to the syndication, the purchaser and price paid in each transaction within that period shall be shown.)

If Leased:

(a) Lessor .....

(b)..... Term of Lease.....

(c) Lease Payments (including percentage of earnings) .....

.....

(d) Residual Value (if a financial lease) .....

(e) Right of Purchase: YES/NO .....

(f) Exercise Price .....

- 10 Remuneration of Fees or Costs Payable or likely to be Payable by Syndicate or Bloodstock Company

(a) Brokerage or Underwriting

Amount Payable.....

Payable to .....

(b) Promoters' Fees & Costs

Amount Payable .....

Payable to .....

(c) Managerial Fees & Costs

Amount Payable .....

Payable To .....

(d) Other Substantive or Unusual Fees & Costs

Amount Payable .....

Payable To .....

(e) Other Benefits

Does the Syndicate Promoter or Manager have any insurance agency? .....

If so, name the insurance principal .....

Is the Promoter or Manager receiving any commission on an insurance arranged by him?

.....

If so, what commission is he receiving? .....

Who is entitled to any such commission? .....

11 Statement of Risks - the Syndicate Promoter considers the following to be risks associated with this venture or the bloodstock industry:

(a) Standard industry risks as attached

(b) Special risks or factors attaching to this investment

[If no special risk or factors are stated an investor may assume that the Syndicate Promoter claims there are none.]

12 Details of Insurance

List of bloodstock not covered by the following insurance policy/policies:

.....

.....

Insurer .....

Type of Policy [Death/Infertility/Other] .....

Value of Policy .....

Term of Policy.....

Premiums paid to .....

Will future progeny be insured? YES/NO .....

Date Policy comes into effect .....

Date Bloodstock acquired by syndicate .....

13 Procedure Required to Remove Manager/Directors

14 Liability of Investor to Contribute Further Sums to or on behalf of the Syndicate or Bloodstock Company

15 Basis upon which Profits and/or Losses including Distributions on Dissolution will be Allocated

16 Where Copies of Syndicate Agreement, or any other Agreement affecting the operation or management of the Syndicate, or Memorandum and Articles of Association or Constitution may be Obtained

17 Subscriptions Held in Trust

Pending allotment, no subscriptions will be disbursed from the syndicate bank account.

18 Schedule of Bloodstock - see attached Schedule

19 Details of Syndicate or Bloodstock Company Borrowings

(a) Amount .....

(b) Term .....

(c) Financial rate .....

(d) Lender .....

(e) Procedures for authorising additional borrowing .....

.....

.....

(f) Security or securities given or proposed to be given in respect of borrowings

.....

.....

20 Estimated Dates when Bloodstock will Commence Racing

.....

21 Procedure for Authorising Acquisition of additional Bloodstock or other Assets

22 Power of Attorney

(a) Are investors required to give the Promoter or Manager a power of attorney?

.....

(b) If so, why is a power of attorney required? .....

.....

(c) What powers are given by the investor to the Promoter or Manager? .....

.....

.....

(d) What, if any, limitations are there on the powers which may be exercised by the Promoter or Manager under the power of attorney?

.....

23 Disclosure of Former Name

Here list every name under which the Syndicate Promoter or Manager or the directors of any Bloodstock Company, or any of them, have ever previously syndicated or offered to syndicate bloodstock or offered shares in a Bloodstock Company.

## PROMOTER DECLARATION

This Disclosure Statement has been signed by the Syndicate Promoter or, where the Syndicate Promoter is a Corporate Body, by each of its Directors

on this ..... day of ..... 20.....

.....  
Promoter

.....  
Director

.....  
Director



## AUTHORISED SYNDICATOR STATUS

..... is an Authorised Syndicator in accordance with the Securities Act (Bloodstock) Exemption Notice [1997] [2002]. Thoroughbred Racing and the Securities Commission in no way endorse or guarantee investment in this venture nor accept responsibility for any representation made herein, any liability arising from this venture or any loss incurred by any participant in it.

## APPLICANT ACKNOWLEDGMENT

I hereby acknowledge receipt of this Disclosure Statement. I confirm that I will not consent or agree to any alteration to the Syndication Agreement or constitution without the consent of the Board.

Dated this ..... day of ..... 20 .....

Witness:

Signature: .....Signature: .....

Name: ..... Name: .....

Occupation:

Address: .....Address: .....

## STATEMENT OF STANDARD INDUSTRY RISKS

## Breeding

- (a) The Syndicate's/Bloodstock Company's primary source of income will be the sale of yearlings. The price of yearlings is normally determined at auction and to some extent the interest expressed in particular bloodlines is dictated by "fashion" which is affected by such factors as the racetrack success of related progeny.
- (b) It would be unusual for a broodmare to produce a foal every year of its breeding life.
- (c) The commercial value of stallion shares may be reduced significantly if the progeny of the stallion fail to perform to expectations on the racetrack.
- (d) Deaths from accidents and natural causes, and poorly conformed progeny (which reduces sales prices), occur from time to time.

## Racing

- (a) Not all yearlings proceed to become racehorses.
- (b) There is a significant possibility that any racehorse could injure itself and thereby need a long recuperation period or be unable to race again. This risk is seldom insurable.
- (c) Male racehorses are unlikely to have any significant value at the end of their racing career with the exception of well bred and highly performed entire horses, suitable to become stallions.

## SCHEDULE OF BLOODSTOCK

Age	Colour	Sex	Name	Breeding	Brand Mark	
					Left	Right

**THIRD APPENDIX**  
**REGULATIONS FOR TRIALS**

- 1 Any breach of these Regulations shall be deemed to be a breach of the New Zealand Rules of Racing and the penalty provisions of the Rules, shall, where applicable, apply to these Regulations.

2 **DEFINITIONS**

- (a) These Regulations shall apply to any duly authorised trials conducted by a Club.
- (b) Judicial Committee means a Judicial Committee appointed by the Judicial Control Authority whose powers and procedures to act pursuant to these Regulations shall be in accordance with Part IX of the New Zealand Rules of Racing.

3 **CONTROL**

Trials shall be under the jurisdiction of NZTR which may authorise a Club to conduct such trials. A Stipendiary Steward, or a person appointed by a Stipendiary Steward, shall be the Controller of the trials. The Controller may, in his discretion:

- (a) relegate or disqualify horses for:
  - (i) interference; and/or
  - (ii) breaches of the conditions laid down for trials;
- (b) refer any matter, including misconduct and wrongful entry or the supply of misleading information which results in a wrongful entry being made, to the Chief Executive who in turn may refer the matter to the Judicial Control Authority; and
- (c) require any horse to be swabbed.

An Investigator shall have the same powers as the Controller has under Paragraphs (b) and (c) of these Regulations.

4 **ENTRY**

- (a) For horses without a registered name, full breeding, sex, age and colour must be advised prior to the official nomination deadline.
- (b) Horses can only be entered and started by persons holding a Trainer's licence who have such horses under their direct charge or control. Any person who enters a horse and supplies false information in regard to that horse, or races in a trial a horse which is not the horse so entered or described may commit a Serious Racing Offence as described in the Rules.
- (c) No late entries permitted except with the permission of the Controller.
- (d) Any applicable entry fee is payable to, and will be collected by, NZTR after the trial meeting.
- (e) The following horses are ineligible for entry in Jumping Trials:
  - (i) unregistered horses;
  - (ii) two-year-olds;
  - (iii) three-year-olds, prior to the first day of February in the Racing Year in which any such horse becomes three years old; and
  - (iv) in any steeplechase, a horse that is less than four years old.

5 **NUMBER OF STARTERS**

The maximum number of starters in a Trial shall be the starting limit of the track and distance, or as determined by the Controller.

6 **WEIGHTS**

All trials will be run under catchweight conditions.

**7 OTHER CONDITIONS**

- (a) Registered racing colours or stable colours should be worn.
- (b) Riders must be attired in boots and silks or jodhpurs.
- (c) No horse is to race without plates or shoes which may be subject to inspection.
- (d) Trainers must declare a rider prior to the horse leaving the birdcage.
- (e) Bandages must be sewn or securely taped.
- (f) Scratchings to be notified to NZTR by 9.00 am on trials day.
- (g) NZTR reserves the right to regroup any heat/s as one heat should scratchings permit.
- (h) All races shall be run against a running rail where practicable.
- (i) Starting gates will be used, provided however, that the Controller has the power to decide that starting gates are not required. In any event horses shall start from their designated barrier position.
- (j) If a horse is unruly at the start, the starter has the power as on race day to scratch a horse.
- (k) The identity of horses may be verified at any time by the Controller, a Stipendiary Steward or Investigator.
- (l) Clubs must supply NZTR with the results of all trials.

**8 RIDERS****(a) Trials**

A horse starting in a Trial shall only be ridden by a Rider or any other person who has the prior permission of the Stipendiary Stewards.

**(b) Rider's Expenses**

The Club will incorporate in the entry fee an amount as set by NZTR to be paid to the Rider holding a Class A or B or D rider's licence. No fee is to be paid to a rider holding a Class C rider's licence.

**9 SERVICES**

The Club shall:

- (a) ensure the presence of an ambulance; and have a doctor on stand-by in the near vicinity, and/or a fully qualified St John Ambulance Officer (or similar) in attendance.
- (b) ensure the attendance of a Veterinarian; and
- (c) ensure that at all times either an official Race day starter or a person experienced and approved by the Stipendiary Steward is in attendance.
- (d) have the option whether a Clerk of the Course be in attendance.
- (e) ensure the attendance of a Farrier.

**10 DATES FOR TRIAL MEETINGS**

These shall be set by NZTR following consultation with regional representatives of the Clubs and any other industry participants NZTR chooses.

**FOURTH APPENDIX**  
**PROHIBITED SUBSTANCES FOR PURPOSES OF RULE 104(1)**  
**OF THE NEW ZEALAND RULES OF RACING**

The following substances are declared as prohibited substances:

- 1 Substances capable at any time of acting directly or indirectly on one or more of the following mammalian body systems:
  - the nervous system
  - the cardiovascular system
  - the respiratory system
  - the digestive system
  - the urinary system
  - the reproductive system
  - the musculoskeletal system
  - the blood system
  - the immune system
  - the endocrine system
- 2 Substances falling within the following categories of substances:
  - acidifying agents
  - adrenergic blocking agents
  - adrenergic stimulants
  - alkalinising agents
  - anabolic agents
  - analgesics
  - antiangina agents
  - antiarrhythmic agents
  - anticholinergic agents
  - anticoagulants
  - antidepressants
  - antihistamines
  - antihypertensives
  - anti-inflammatory agents
  - blood coagulants
  - bronchodilators
  - bronchospasm relaxants
  - buffering agents
  - central nervous system stimulants
  - cholinergic agents
  - corticosteroids
  - depressants
  - diuretics



- endocrine secretions and their synthetic counterparts
  - general anaesthetics
  - haematopoietic agents
  - hormones (including trophic hormones) and their synthetic counterparts
  - hypnotics
  - local anaesthetics
  - masking agents
  - muscle relaxants
  - narcotic analgesics
  - neuromuscular agents
  - plasma volume expanders
  - respiratory stimulants
  - sedatives
  - tranquillisers
  - vasodilators
- 3 Metabolites, artefacts and isomers of the prohibited substances prescribed in paragraph 1 and 2 hereof.
- 4 The following prohibited substances when present at or below the concentrations respectively set out are excepted from the provisions of paragraphs 1, 2 and 3 hereof:
- (a) alkalinising agents, when evidenced by total carbon dioxide (TCO<sub>2</sub>) at a concentration of 36.0 millimoles per litre in plasma;
  - (b) arsenic at a mass concentration of 0.30 milligrams per litre in urine.
  - (c) Dimethyl sulphoxide at a mass concentration of 15 milligrams per litre in urine or 1.0 milligrams per litre in plasma;
  - (d) in male horses other than geldings, 5 $\alpha$ -estrane-3 $\beta$ , 17 $\alpha$ -diol in urine (including both the free substance and that liberated from its conjugates) at a mass concentration equal to or less than that of 5(10) estrene-3 $\beta$ , 17 $\alpha$ -diol in urine (including both the free substance and that liberated from its conjugates);
  - (e) Salicylic acid at a mass concentration of 750 milligrams per litre in urine or 6.5 milligrams per litre in plasma;
  - (f) Hydrocortisone at a mass concentration of 1.00 milligrams per litre in urine;
  - (g) Testosterone (including both free testosterone and testosterone liberated from its conjugates):
    - (i) in geldings: at a mass concentration of 20 micrograms per litre in urine;
    - (ii) in fillies and mares: at a mass concentration of 55 micrograms per litre in urine;
  - (h) 3-Methoxytyramine (including both free 3-methoxytyramine and 3-methoxytyramine liberated from its conjugates) at a mass concentration of 4.0 milligrams per litre in urine;
  - (i) Boldenone – 15 microgram free and conjugated boldenone per litre in urine from male horses (other than geldings);
  - (j) Theobromine – 2 milligrams theobromine per litre in urine.
- 5 The following substances are excepted from the provisions of paragraphs 1, 2 and 3 hereof:
- antimicrobials (antibiotics) and other antiinfective agents with the exception of procaine penicillin
  - altrenogest (regumate)
  - ambroxol
  - antiparasitics – (except piperazine group)

- bromhexine
- bufotenine
- chondroitin sulphate
- dembrexine
- glucosamine
- hordenine
- hyaluronic acid
- licensed vaccines against infectious agents
- omeprazole
- pentosan polysulphate
- polysulphated glycosaminoglycane