

**NEW ZEALAND  
THOROUGHBRED RACING**



# NEW ZEALAND THOROUGHBRED RACING

## RULES OF RACING

PURSUANT TO SECTION 37 OF THE RACING INDUSTRY ACT 2020

**EFFECTIVE 15 August 2024**

**RULE AMENDMENTS INCLUDED IN THIS PUBLICATION**

| <b>Subject</b>                        | <b>Rules Changed or Added</b>  |
|---------------------------------------|--|
| 1. Employment of Stipendiary Stewards | Rule 201(1) deleted – Rule 202(2) renumbered as Rule 201                       |
| 2. Postmortem                         | Rule 208(i) Added  |
| 3. Payment of Riders                  | Rule 359 (1) Renumbered as 358 (5)<br>Rule 359 (2) Renumbered as 358 (6)       |
| 4. Riding Instructions                | Rule 373(4) Deleted<br>Rule 360 Added  |
| 5. Naming of horses                   | Rules 402(2)(a), (b) and (c) Amended<br>Rule 402(2)(c) renumbered as 402(2)(d) |
| 6. Retirement of a horse              | Rules 417(1)(b) to 417(1)(e) added   |
| 7. Shoeing of horses                  | Rule 613(d) Amended  |
| 8. Bloodletting/Blood withdrawal      | Rule 804(5)(b) Amended<br>Rule 804(6) Amended<br>Rule 804(8) Amended           |

**Definitions Amended:**

Assistant Investigator  
Assistant Stipendiary Steward  
Investigator  
Stipendiary Steward



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**CHIEF EXECUTIVE**

|  |           |
|--|-----------|
| Amendment to allotted weight and/or rating if original weight and/or rating allotted incorrect   | 216 (1)   |
| Appointment of temporary General Trustee   | 1305      |
| Definition   | 104       |
| Permission of Chief Executive required before filing non-Race Day information  | 903(2)(d) |
| Right to delegate any power, duty, right or obligation   | 107       |
| Right to issue a substitute set of weights and/or ratings for a Handicap Race in certain circumstances with Chief Executive's permission | 216(2)    |
| Trustee of Apprentice Jockey's Fund  | 1311(1)   |

**CLASS A RIDER'S LICENCE**

|  |                     |
|--|---------------------|
| Definition   | 104                 |
| General rule prohibiting horse from racing if owned by a person holding a Grant of | 525(2)(c)(i)<br>334 |

**CLASS B RIDER'S LICENCE**

|   |              |
|---|--------------|
| Definition  | 104          |
| Grant of  | 336          |
| Horse prohibited from racing if owned by a person holding a | 525(2)(c)(i) |

**CLASS C RIDER'S LICENCE**

|   |              |
|---|--------------|
| Definition  | 104          |
| Grant of  | 338          |
| Horse prohibited from racing if owned by a person holding a | 525(2)(c)(i) |

**CLASS D RIDER'S LICENCE**

|  |                     |
|--|---------------------|
| Definition   | 104                 |
| General rule prohibiting horse from racing if owned by a person holding a Grant of | 525(2)(c)(i)<br>340 |

**CLASS E RIDER'S LICENCE**

|                                    |     |
|------------------------------------|-----|
| Definition                         | 104 |
| Grant of                           | 342 |
| Holder not to receive remuneration | 344 |

**CLASS A TRAINER'S LICENCE**

|            |     |
|------------|-----|
| Definition | 104 |
| Grant of   | 313 |

**CLASS B TRAINER'S LICENCE**

|   |     |
|---|-----|
| Definition  | 104 |
| Grant of  | 315 |
| Notification to NZTR of any horse ceased to be trained or under his supervision, or being spelled | 320 |

**CLASS A MISCELLANEOUS LICENCE**

|   |     |
|---|-----|
| Definition  | 104 |
| Grant of  | 362 |
| Requirement to wear a current identification card while attending to horse or fulfilling any duties | 304 |

**CLASS B MISCELLANEOUS LICENCE**

|   |     |
|---|-----|
| Ability to ride a horse at Racecourse, Training Facility or Trainer's Premises                      | 370 |
| Definition  | 104 |
| Grant of  | 369 |
| Requirement to wear a current identification card while attending to horse or fulfilling any duties | 304 |

**CLASS C MISCELLANEOUS LICENCE**

|  |           |
|--|-----------|
| Definition   | 104       |
| Engagement of Rider only permitted with Rider's consent, or the consent of Apprentice Jockey's employer where Rider is an Apprentice | 373       |
| Grant of   | 372       |
| Must not Lay a horse to be ridden by a Rider for whom he is agent  | 708(1)(c) |
| Notification of termination of representation  | 373(2)    |
| Prohibited from giving riding instructions of any nature to Rider  | 373(4)    |
| Restrictions on engagements and breaking engagements   | 373(1)    |

**CLERK OF THE COURSE**

|   |     |
|---|-----|
| Definition  | 104 |
| In charge of Riders and horses from Birdcage to start of the Race | 626 |

**CLERK OF THE SCALES**

|   |        |
|---|--------|
| All weighing to be done by  | 617    |
| Confirmation that last of horses appearing in Judge's Report has been weighed in                            | 703(b) |
| Declaration of amount of overweight   | 620(2) |
| Definition  | 104    |
| Informing Stipendiary Stewards about Rider exceeding weighing out weight by more than 1 kg when weighing in | 648(5) |
| No betting on Race Day when officiating   | 706    |
| Prohibition on horse owned by Clerk of Scales starting in certain Races                                     | 525(3) |
| Recording the time the last Rider required to be weighed in is weighed in                                   | 647(2) |
| Right to apply for a permit to race a horse notwithstanding Rule 525(3)                                     | 525(4) |

**CLUB**

|  |                |
|--|----------------|
| Circumstances in which an equalisator meeting may be operated by a                                       | 515(3)         |
| Compliance and exemption from compliance with prescription and requirements for certain classes of Races | 501(2) and (3) |
| Definition   | 104            |
| Licence to use names and colours   | 435            |
| Funding for stakes   | 502(2)         |

|  |                                    |
|--|------------------------------------|
| May employ an Apprentice   | 341(1)                             |
| May generally only conduct Race Meeting at which totalisator in operation                            | 515(2)                             |
| No liability for damages resulting from exercise of powers under Rules                               | 814, 1436                          |
| Notified of minimum stakes payable   | 502(1)                             |
| Payment made by NZTR on behalf of a Club   | 326(5) and (6), 505(2), 505(4)     |
| Programme of Races   | 508                                |
| Rules apply to and binding on  | 101                                |
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| Evidence admissible in   | 915(1)                             |
| <b>D</b>   |                                    |
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| List of  | 1103                               |
| Notice of appeal shall not operate as a stay of  | 1108                               |

|  |              |
|--|--------------|
| Notification of  | 412          |
| Payment or non-payment of riding fees where horse disqualified                                     | 357(2)       |
| Placings to be altered following disqualification  | 1102         |
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| To take effect immediately unless Tribunal specifies a later date                                  | 1101         |

## **E**

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|   |        |
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### **EQUALISATOR BETTING**

|  |           |
|--|-----------|
| Circumstances in which equalisator betting may be conducted at a race meeting                        | 515(3)    |
| Club responsible for control and conduct of an equalisator race meeting, including health and safety | 515(3)(a) |

## **F**

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|  |     |
|--|-----|
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| For purposes of determining what horses may be entered for | 528 |
| Rider must not wear spurs in a                             | 611 |
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## **G**

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|---|------|
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|  |     |
|--|-----|
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|   |        |
|---|--------|
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|                       |     |
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|---|--------|
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## J

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## N

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|--|------------------|
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|---------------------------------|-----|
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### **NZTR**

|  |           |
|--|-----------|
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## O

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|   |           |
|---|-----------|
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|  |        |
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|  |                        |
|--|------------------------|
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|  |                              |
|--|------------------------------|
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# 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;
  - (d) any other person working:
    - (i) in or about any racing stable, Trainer's Premises, Training Facility or Racecourse;
    - (ii) in connection with the care, control, transportation or management of a horse or horses; or
    - (iii) otherwise in connection with horses, races or racing; [Amended 1 September 2020]
  - (e) 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, and all Accountable Persons [Amended 1 September 2020];
  - (f) all persons seeking admission to or attending any Racecourse on which any Race Meeting is held;
  - (g) all Horse Breeders;
  - (h) 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;
  - (i) 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);
  - (j) every person who so acts as to bring himself within the purview of these Rules; and
  - (k) all Adjudicative Committees and Appeals Tribunals and Training Disputes Tribunals. [Amended 1 September 2020]
- (2) Except where stated to the contrary in these Rules or where the context requires otherwise, these Rules shall apply to any horse:
- (a) subject to paragraphs (b) and (c) below, from the earlier of:
    - (i) birth, where the horse is the produce of a thoroughbred stallion registered in the Stallions' Registration List or the New Zealand Stud Book and a thoroughbred mare registered in the New Zealand Stud Book or the Register of Non Stud Book Mares; or
    - (ii) in the case of a thoroughbred horse which is imported into New Zealand, from the date on which the horse arrives in New Zealand; anduntil the horse:
    - (i) has been de-registered from racing and breeding by NZTR under these Rules; or

- (ii) has been exported from New Zealand in accordance with these Rules; or
  - (iii) has not been registered for racing or breeding under these Rules and NZTR is satisfied in its absolute discretion that was never intended to be so registered; or
  - (iv) dies;
- (b) 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; and
- (d) generally, when anything is required or otherwise provided to be done under these Rules in respect of such horse. [Amended 1 September 2020]
- (3) Notwithstanding sub-Rule (2)(a) of this Rule, Part XIV of the Rules and such other Rules as are necessary to give effect to or enforce any rights, powers, duties or obligations conferred or imposed by or under any Rule in Part XIV, together with any Rule referring to a horse within the meaning of this Rule 101(3) and any consequential or general provisions of these Rules shall continue to apply to a horse until it is in the sole possession and custody of, and under the sole care, control, and supervision of, a person or persons who NZTR is satisfied in its absolute discretion have not been involved in the breeding, ownership, care, control or training of any horse to which these Rules apply by virtue of sub-Rule (2) of this Rule in the preceding 12 months. [Amended 1 September 2020]
- (4) 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.
- (5) In these Rules the words **property, premises, facility, horse float, plant, equipment** or similar mean property, premises, facility, horse float, plant, equipment or similar owned or possessed by a person to whom these Rules apply. [Amended 1 September 2020]

## 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 Part, a Schedule or an Appendix is a reference to a Part of or 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:

**Accountable Person** means the person appointed as or deemed to be the Accountable Person in respect of a horse in accordance with Part XIV. [Amended 1 September 2020]

**Adjudicative Committee** means an adjudicative committee appointed by the Racing Integrity Board.

**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. (Where a Trainer has advised NZTR in writing that an Assistant Trainer has been authorised to act on the Trainer's behalf with regard to entries, withdrawals, acceptances and the declaration of Riders, such Assistant Trainer will be regarded as that Trainer's Agent for those purposes.) (Amended 1 February 2024)

**Agreement of Apprenticeship** means an agreement of apprenticeship between an Apprentice and a Apprentice Training Facility 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. (amended 10 February 2023)

**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 Jockey** means a person who is a holder of a Class B rider's licence. (Amended 1 February 2024)

**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.

**Apprentice Training Facility** means a private training establishment, which is registered with, and accredited by, New Zealand Qualifications Authority which delivers qualifications recognised by the New Zealand Qualifications Framework for the purpose of qualifying Apprentices. (Added 10 February 2023)

**Appeals Tribunal** means an Appeals Tribunal appointed by the Racing Integrity Board.

**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 employed as such by the Racing Integrity Board. [Amended 15 August 2024]

**Assistant Trainer** means the holder of an Assistant Trainer's Licence. (Added 1 February 2024)

**Assistant Trainer's Licence** means a Licence issued under Rule 356. (Added 1 February 2024)

**Assistant Stipendiary Steward** means a person employed as such by the Racing Integrity Board. [Amended 15 August 2024]

**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 medical practitioner, nurse, or medical laboratory technologist registered or enrolled under the Health Practitioners Competence Assurance Act 2003; or
- (c) in the case of urine or breath Samples, a steward or investigator appointed by the Racing Integrity Board, or a person acting at their direction; 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 Eurofins New Zealand or the Racing Integrity Board or such other laboratory or organisation as approved by the Board. [Amended 1 July 2021]

**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 the NZTR 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 issued under Rule 334. It may also be referred to as a Jockey's Licence and the holder as a Jockey. (Amended 1 February 2024)

**Class B Rider's Licence** means a Licence issued under Rule 336. It may also be referred to as an Apprentice Jockey's Licence and the holder as an Apprentice Jockey. (Amended 1 February 2024)

**Class C Rider's Licence** means a Licence issued under Rule 338. It may also be referred to as a Probationer Licence and the holder as a Probationer. (Amended 1 February 2024)

**Class D Rider's Licence** means a Licence issued under Rule 340. It may also be referred to as a Jumps Jockey's Licence and the holder as a Jumps Jockey. (Amended 1 February 2024)

**Class E Rider's Licence** means a Licence issued under Rule 342. It may also be referred to as an Amateur Rider's Licence and the holder as an Amateur Rider. (Amended 1 February 2024)

**Class A Trainer's Licence** means a Licence issued under Rule 313. The holder may be referred to as a Class A Trainer. (Amended 1 February 2024)

**Class B Trainer's Licence** means a Licence issued under Rule 315. The holder may be referred to as a Class B Trainer. (Amended 1 February 2024)

**Class A Miscellaneous Licence** means a Licence issued under Rule 358. It may also be referred to as a Stablehand's Licence and the holder as a Stablehand. (Amended 1 February 2024)

**Class B Miscellaneous Licence** means a Licence issued under Rule 365. It may also be referred to as a Trackwork Rider (Fast) Licence and the holder as a Trackwork Rider (Fast). (Amended 1 February 2024)

**Class C Miscellaneous Licence** means a Licence issued under Rule 368. The holder It may also be referred to as a Rider's Agent Licence and the holder as a Rider's Agent. (Amended 1 February 2024)

**Clear Day** means a 24 hour period from 12:00 am to 11:59pm.

**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 steeples, 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.

**Gene Doping** means the non-therapeutic use of genes, genetic elements and/or cells for the purpose of affecting speed, stamina, courage or conduct of a horse. [Amended 1 September 2020]

**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.

**Genetic Manipulation** means the biological process of altering the genetic constitution of an organism by human manipulation. [Amended 1 August 2014]

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

**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 may ride. Riders who hold a Class A or Class B licence in addition to a Class D licence may only compete in these races if in the period from 1 January in the previous year they have had at least five rides in Steeplechase Races or Hurdle Races. [Amended 1 September 2020]

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

**Improvement Notice** means a written notice of any instruction, order or requirement to comply imposed upon a Licenceholder or Accountable Person by a Stipendiary Steward, Assistant Stipendiary Steward, Investigator or Assistant Investigator to remedy any matter relating to the welfare of a horse. [Amended 31 August 2023]

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

**Investigator** means a person employed as such by the Racing Integrity Board. [Amended 15 August 2024]

**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 Rider's 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.

**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 **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: (Amended 1 February 2024)

- (a) Class A, Class B, Class C, Class D or Class E Rider's Licence;
- (b) Class A Trainer's, Class B Trainer's or Pre-Trainer's Licence; or
- (c) Class A, Class B, Class C Miscellaneous, Assistant Trainer's, Stable Assistant's or Trackwork Rider (Slow) Licence; or
- (d) Visiting Trainer's, Visiting Rider's, or a Visiting Assistant's Licence.

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

**Licenceholder** means the holder of a Licence issued under these Rules. Such person may also be referred to as a Licenced Person. (Amended 1 February 2024)

**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 Pattern Committee** means the committee established under Rule 506(1) for the purpose of determining Group Races and Listed Races. (Amended 1 June 2013)

**New Zealand Stud Book** means the New Zealand Stud Book kept by NZTR. (Amended 1 September 2020)

**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 an Adjudicative Committee.

**Nominated Training Horse** means a horse which has been identified by a Trainer as being suitable to be ridden by a person preparing to make an application for a Trackwork Rider (Slow) Licence and which has been notified as such in accordance with any requirements prescribed by NZTR. (Added 1 February 2024)

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

**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.

**NZTR Website** means [www.nzracing.co.nz](http://www.nzracing.co.nz), [www.loveracing.nz](http://www.loveracing.nz), or such other domain name operated by NZTR from time to time. [Amended 1 September 2020]

**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 Calendar** means every publication, in whatever form, and every issue thereof, which is published by NZTR under the name of “the Official Calendar of Thoroughbred Racing”, which is deemed to be the “Official Calendar” of NZTR for the purpose of the Racing Industry Act 2020. [Amended 1 September 2020]

**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, including, for the avoidance of doubt, a Syndicate and any member of a Syndicate and “Ownership” and “Owned” have a corresponding meaning. [Amended 1 August 2023]

**Permitted Substance** means:

- (a) food or water; or
- (b) any substance, or class of substance or substances, declared to be a Permitted Substance by NZTR and appearing in a list of Permitted Substances issued by NZTR. [Amended 1 September 2020]

**Person** includes a corporation sole, a body corporate (e.g. a Club), and an incorporated body.

**Pre-Trainer** means the holder of a Pre-Trainer’s Licence. (Added 1 February 2024)

**Pre-Trainer’s Licence** means a Licence issued under Rule 317. (Added 1 February 2024)

**Prohibited Substance** means any substance as declared in the Prohibited Substance Regulations. [Amended 15 May 2015]

**Prohibited Substance Regulations** means the regulations made by NZTR containing prohibited substances. [Added 15 May 2015]

**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, and 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 Integrity Board** means the Racing Integrity Board established by the Racing Industry Act 2020.

**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.

**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 New Zealand Pattern Committee decisions. [Amended 1 June 2013]

**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 Trackwork Rider (Slow) Licence, or Trackwork Rider (Fast) 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. (Amended 1 February 2024)

**Rider's Agent** means the holder of a Rider's Agent's Licence issued under Rule 368 who by a contract or any other arrangement assists a Rider or the employer of an Apprentice in relation to the organisation and/or obtaining of riding engagements. (Added 1 February 2024)

**Rider's Agent's Licence** means a Licence issued under Rule 368. (Added 1 February 2024)

**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, a Class E Rider's Licence or a Visiting Rider's Licence. (Amended 1 February 2024)

**Rules** means these Rules of Racing, being the rules made by NZTR for the purposes of section 37 of the Racing Industry Act 2020, including any amendments to the Rules made under section 38 of the Racing Industry Act 2020 and any regulations, directions, policies, guidelines and practices made under Rule 106. [Amended 15 May 2015]

**Safety Sensitive Activity** means an activity associated with Races or racing which is of the type that is specified by NZTR in a published policy to be a safety sensitive activity. [Amended 1 August 2014]

**Sample** means a specimen of saliva, urine, perspiration, breath, blood, tissue, hide, hair, or any other excretion product or body fluid taken from a horse or person. [Amended 1 December 2013]

**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 an Adjudicative 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.

**Sexual harassment** means engaging in unwelcome conduct of a sexual nature in relation to a person, and includes, without limitation, conduct involving the internet, mobile phone or any other electronic mode of communication. [Amended 1 January 2019]

**Stable Assistant** means the holder of a Stable Assistant's Licence. (Added 1 February 2024)

**Stable Assistant's Licence** means a Licence issued under Rule 360. (Added 1 February 2024)

**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 obstacles, of a type specified in the Racing Policy, to be jumped by the horses competing in that Race.

**Stipendiary Steward** means a person employed as such by the Racing Integrity Board. For the purposes of these Rules, Stipendiary Steward includes a person employed by the Racing Integrity Board as a trainee Stipendiary Steward. [Amended 15 August 2024].

**Syndicate** means a combination of two or more persons registered with NZTR as a Syndicate under Rule 421. [added 1 August 2023]

**Syndicate Manager** means the person appointed by a Syndicate as the manager of the Syndicate in accordance with Rule 421 or any regulations made by NZTR under that Rule. [added 1 August 2023]

**TAB NZ** means TAB NZ as established under the Racing Industry Act 2020. [Amended 1 September 2020]

**TAB NZ Betting Rules** means TAB NZ's Betting Rules, as amended from time to time, issued by the TAB NZ pursuant to the Racing Industry Act 2020. [Amended 1 September 2020]

**Thoroughbred Welfare Compliance Notice** means a thoroughbred welfare compliance notice issued pursuant to Rule 1406. [Amended 1 September 2020]

**Thoroughbred Welfare Possession Order** means a temporary or permanent thoroughbred welfare possession order issued pursuant to Rule 1414. [Amended 1 September 2020]

**Totalisator** means a totalisator operated by TAB NZ under the Racing Industry Act 2020.

**Trackwork Rider (Slow)** means the holder of a Trackwork Rider (Slow) Licence. (Added 1 February 2024)

**Trackwork Rider (Slow) Licence** means a Licence issued under Rule 362. (Added 1 February 2024)

**Trackwork Rider (Fast)** means the holder of a Trackwork Rider (Fast) Licence. (Added 1 February 2024)

**Trackwork Rider (Fast) Licence** means a Licence issued under Rule 366. (Added 1 February 2024)

**Trainer** means the holder of a valid Class A or Class B, Trainer's Licence, or a Visiting Trainer's Licence. (Amended 1 February 2024)

**Trainer's Licence** means a Class A or Class B, Trainer's Licence or a Visiting Trainer's Licence. (Amended 1 February 2024)

**Trainer's Premises** means any place, or part of a place, at which horses that are in training are housed or trained or worked and: (Amended 1 February 2024)

- (a) which is owned, leased or occupied by a Trainer, Pre-Trainer or Visiting Trainer;
- (b) in respect of which a Trainer, Pre-Trainer or Visiting 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, Pre-Trainer or Visiting Trainer.

**Training Disputes Tribunal** or **TDT** has the meaning given to that term in Rule 1501. [Amended 1 September 2020]

**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 as provided for in the Licensing Policy.

**Trial** means a trial conducted in accordance with the regulations set out in the Third Appendix. (Added 1 February 2024)

**Tribunal** means an Adjudicative 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.

**Training Disputes Tribunal** or **TDT** has the meaning given to that term in Rule 1501. [Amended 1 September 2020]

**Visiting Assistant** means the holder of a Visiting Assistant's Licence. (Added 1 February 2024)

**Visiting Assistant's Licence** means a Licence issued under Rule 370. (Added 1 February 2024)

**Visiting Rider** means the holder of a Visiting Rider's Licence. (Added 1 February 2024)

**Visiting Rider's Licence** means a Licence issued under Rule 345. (Added 1 February 2024)

**Visiting Trainer** means the holder of a Visiting Trainer's Licence. (Added 1 February 2024)

**Visiting Trainer's Licence** means a Licence issued under Rule 319. (Added 1 February 2024)

**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 or Training Disputes 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. [Amended 1 September 2020]

#### **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 and form part of these Rules [Amended 15 May 2015].

#### **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.

#### **TRANSITIONAL PROVISIONS**

108 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 40 of the Racing Industry Act 2020,

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.

109 For the avoidance of doubt, a proceeding under these Rules which, on or before 30 June 2020, was before a Judicial Committee or Appeals Tribunal appointed by the Judicial Control Authority, continues before, and may be heard and determined by, an Adjudicative Committee or Appeals Tribunal (as appropriate) appointed by the Racing Integrity Board. [Added 1 July 2021]

## PART II

### STIPENDIARY STEWARDS, INVESTIGATORS AND HANDICAPPERS

#### FUNCTIONS AND DUTIES OF STIPENDIARY STEWARDS AND INVESTIGATORS

- 201 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: [Amended 15 August 2024]
- (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, 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; and
  - (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 Adjudicative 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 Adjudicative 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 and/or the Trainer, if the Trainer entered the horse in a Race, proof: [Amended 1 June 2013]:
    - (i) of the horse's ownership or other interest entitling that person to enter such horse for the Race [Amended 1 June 2013]
    - (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, and to have such a horse tested and/or have any Sample taken from it; [Amended 1 December 2013]
  - (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 Adjudicative 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 or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, to permit a Sample 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; [Amended 1 December 2013], [Amended 1 August 2014]
  - (g) to require a Rider to undergo a medical examination by a Registered Medical Practitioner or an Emergency Medical Officer or similarly qualified person if they consider on reasonable grounds that the Rider may be unfit to ride a Horse at a Racecourse, Training Facility or Trainer's Premises because of injury, illness or other disability; and [Amended 1 May 2015]
  - (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) without limiting Rule 1403, ensuring horse and Rider welfare; [Amended 1 September 2020]
    - (iv) ensuring any relevant Trainer's Licence conditions are being observed;
    - (v) ensuring only a Rider, or a holder of a Trackwork Rider (Fast) Licence or a Trackwork Rider (Slow) Licence, is riding a horse; or [Amended 1 February 2024]
- [Amended 1 December 2013]
- (vi) speaking to a person in connection with an inquiry or investigation.
- (i) at any time to require that a post-mortem be carried out on any horse which was in the care of any person to whom these Rules apply. [Amended 15 August 2024]

- 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 Adjudicative Committee for final determination provided:
- (a) TAB NZ 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 TAB NZ (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 that at the expense of the Owner: [Amended 1 December 2013]
- (a) 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) the horse be examined and/or tested and/or have any Sample taken there from. 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. [Amended 1 December 2013]
- (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 40 of the Racing Industry Act 2020; 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 re-handicap 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 (Amended 1 February 2024)

#### LICENCES

- 301 (1) NZTR may issue Licences in order to promote and develop thoroughbred racing by ensuring high standards of conduct and competence in the thoroughbred racing workforce.
- (2) The issue of a Licence is a privilege, and not a right. No person is entitled as of right at any time to the grant, retention, or renewal of a Licence.
- (3) When considering an application or issuing a Licence, NZTR may, at its absolute discretion:
- (a) exempt an applicant from any requirement for that Licence; and/or
  - (b) impose conditions on the Licence.
- (4) Any person applying for a Licence must:
- (a) use the form prescribed in the Licensing Policy issued under Rule 309(1) and pay the fee set out in the Licensing Policy; and
  - (b) provide such information, beyond that set out in the prescribed form, as NZTR may require.
- (5) When considering whether a person meets the criteria to hold a Licence, NZTR may have regard to mentoring or other arrangements which may support a person's compliance with a particular criterion.
- 302 (1) A Licence must not be issued to any person:
- (a) who is or has been an illegal bookmaker or an illegal bookmaker's clerk or agent; and/or
  - (b) who is excluded from entering a Racecourse under Rules made under section 40 of the Racing Industry Act 2020; and/or
  - (c) who is undergoing a period of disqualification imposed under these Rules or by Another Racing Authority; and/or
  - (d) whose name appears in the Arrears List or a list of arrears for Another Racing Authority; and/or
  - (e) is warned off under these Rules.
- (2) Any Licence issued to a person who subsequently comes within any of the provisions of Rule 302(1)(a) to (e) is automatically cancelled and may not be reissued while any of Rules 302(1)(a) to (e) apply to that person.
- 303 Every Licence is to contain, or be presumed conclusively to contain, a condition that the Licenceholder must, whenever required to do so by a Stipendiary Steward or Investigator in accordance with these Rules, permit a Sample of the Licenceholder's blood, breath, urine, saliva sweat, hair follicle, or other tissue or bodily fluid (or more than one thereof), to be obtained from the Licenceholder by, or under the supervision of, a Registered Medical Practitioner or an Authorised Person.
- 304 All Licenceholders 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, or be able to produce on demand, a current identification card issued by NZTR.

#### RENEWAL OF LICENCES.

- 305 Not later than the 1st day of July in each year, every Licenceholder who wishes to renew their Licence for the next Racing Year must forward to NZTR an application for the renewal of their Licence in the prescribed form and with payment of the applicable fee.
- 306 NZTR may not renew a Licence unless the Licenceholder has satisfied any applicable requirements in the Continuing Professional Development Policy (if any) published under Rule 309.

307 A Stipendiary Steward or Investigator is to consider any application for renewal referred to them by NZTR and forward to NZTR any recommendation or comments they may wish to make with respect to such application. The Stipendiary Steward, Investigator or NZTR may also require the applicant to supply such further information relevant to that application as the Stipendiary Steward, Investigator, or NZTR may request.

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

- 308 (1) NZTR may cancel, suspend, revoke, withdraw or impose conditions on a Licence if NZTR is satisfied, on reasonable grounds, that:
- (a) a Licenceholder has provided false or misleading information to NZTR in relation to any application for the issue or renewal of a Licence;
  - (b) a Licenceholder holds a Licence but does not meet the criteria set out in the Suitability, Licensing, Continuing Professional Development or Apprentice Policy published under Rule 309 for the grant or retention of that Licence;
  - (c) a Licenceholder has not complied with any conditions imposed on the Licence by NZTR or imposed under the Suitability, Licensing, Continuing Professional Development or Apprentice Policy, or otherwise under these Rules;
  - (d) a Licenceholder has breached any of Rules 1401 to 1405, fails to comply with any requirement made or prohibition imposed by a Thoroughbred Welfare Compliance Notice, or has had a Permanent Thoroughbred Possession Order made against them;
  - (e) a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, who when required by a Stipendiary Steward or Investigator to permit a Sample to be obtained from them 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
  - (f) 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 their Trainer's Premises; or
  - (g) the cancellation, suspension, or imposition of conditions on the Licence is otherwise in the best interests of Thoroughbred racing.
- (2) Before taking any action under Rule 308(1), NZTR must give the Licenceholder notice of the proposed action together with reasons and must consider any response provided by the Licenceholder within the timeframe imposed by NZTR.
- (3) A Licenceholder must, within seventy-two hours of bankruptcy or admission to the no assets procedure, notify NZTR of such event.
- (4) A Licenceholder may relinquish their Licence at any time by notice in writing to NZTR, and having received such notice NZTR will cancel the Licence, but:
- (a) these Rules continue to apply to the Licenceholder until NZTR cancels the Licence; and
  - (b) the Licenceholder continues to be accountable and liable under the Rules for any act or omission before the cancellation of the Licence, and the Rules continue to apply to the former Licenceholder for that purpose.
- (5) When a Licence is cancelled, the former Licenceholder must return to NZTR any identity card issued by it in relation to that Licence within 14 days.

## **SUITABILITY, LICENSING, CONTINUING PROFESSIONAL DEVELOPMENT AND APPRENTICE POLICIES**

309 NZTR may, from time to time, publish:

- (1) a Suitability Policy, setting out the matters which NZTR must consider when assessing whether a person is suitable to be granted, or to continue to hold, a Licence;
- (2) a Licensing Policy, setting out the criteria and other requirements which must be satisfied before a person can be granted a particular Licence; and in particular any qualifications, training requirements, skill and experience levels which must be met before a Licence can be issued;
- (3) a Continuing Professional Development Policy, setting out the continuing professional development and performance requirements which must be met before a Licence can be renewed; or
- (4) an Apprenticeship Policy, setting out the requirements for entry into Apprentice training and the obligations on Apprentices, their employers, and any other persons responsible for training Apprentices.

310 A Policy published under Rule 309 may include conditions that apply to Licences generally, which conditions are deemed to have been imposed on Licences issued under these Rules.

### **DISCLOSURE OF ALLEGED OFFENCE**

- 311 (1) Subject to sub-Rules 311(2) and (3), a Licenceholder must immediately notify NZTR, in writing, if they are charged with a criminal offence or a driving offence which may be punishable by a term of imprisonment and provide to NZTR full details of any such alleged offence.
- (2) If a suppression order has been issued by a Court in respect of the identity of the Licenceholder or any details of the alleged offence (including, without limitation, the name of the victim or victims of the alleged offence), the notice and information referred to in sub-Rule 311(1) is only to be provided by the Licenceholder to the Chief Executive of NZTR, who may only disclose that information, in confidence, to NZTR's General Counsel (or equivalent), the members of the NZTR Licensing Panel, and the members of the NZTR Racing and Integrity Committee for the purposes of assessing whether the Licenceholder is fit to continue holding a Licence.
- (3) The information disclosed by a Licenceholder to the Chief Executive of NZTR under sub-Rule 311(2) must not identify any witnesses, victims, or other persons connected with the alleged offending where that information is subject to the suppression order. The Licenceholder must, however, disclose if the victim or a victim (if there is more than one) is a Licenceholder or other industry participant.

### **LICENCES FOR OVERSEAS PERSONS**

312 NZTR may grant a temporary Licence to any person licensed by Another Racing Authority and who is temporarily visiting New Zealand and who meets the criteria for the issuing of a Visiting Trainer's Licence, Visiting Rider's Licence or a Visiting Assistant's Licence, as set out in the Licensing Policy issued under Rule 309.

## **TRAINERS' LICENCES**

### *CLASS A TRAINER'S LICENCE*

313 A Class A Trainer's Licence may only be issued to a person who meets the requirements for the issue of a Class A Trainer's Licence, as set out in the Licensing Policy published under Rule 309.

314 A Class A Trainer may:

- (1) train, control and care for horses;
- (2) work or train horses at a Training Facility, provided that permission has first been obtained from the owner or operator of that Training Facility.
- (3) engage another Trainer to assist in the care, control or training of a horse;
- (4) care for a horse at a Race Meeting which is trained by another Trainer with that Trainer's consent, if a Stipendiary Steward has been notified not less than 1 hour before the start of the Race Meeting;
- (5) employ:
  - (a) Stable Assistants
  - (b) Stablehands;
  - (c) Trackwork Riders (Slow);
  - (d) Trackwork Riders (Fast);
  - (e) Jockeys;
  - (f) Probationers; and
  - (g) Apprentices (if authorised to do so by NZTR or under the Apprentice Policy published under Rule 309.)

### *CLASS B TRAINER'S LICENCE*

315 A Class B Trainer's Licence may only be issued to a person who meets the criteria for the issue of a Class B Trainer's Licence as set out in the Licensing Policy published under Rule 309.

316 A Class B Trainer may:

- (1) train, control and care for horses;
- (2) work or train horses at a Training Facility, provided that permission has first been obtained from the owner or operator of that Training Facility;
- (3) care for a horse at a Race Meeting which is trained by another Trainer with that Trainer's consent, if a Stipendiary Steward has been notified not less than 1 hour before the start of the Race Meeting;
- (4) employ:
  - (a) Stable Assistants;
  - (b) Stablehands;
  - (b) Trackwork Riders (Slow);
  - (c) Trackwork Riders (Fast); and
  - (d) Jockeys.

### *PRE-TRAINER'S LICENCE*

317 A Pre-Trainer's Licence may only be issued to a person who meets the criteria for the issue of a Pre-Trainer's Licence, as set out in the Licensing Policy published under Rule 309.

318 A Pre-Trainer may:

- (1) Pre-train, control and care for horses;

- (2) work or train horses at a Training Facility, provided that permission has first been obtained from the owner or operator of that Training Facility.
- (3) employ:
  - (a) Stable Assistants;
  - (b) Stablehands;
  - (c) Trackwork Riders (Slow);
  - (d) Trackwork Riders (Fast); and
  - (6) Jockeys.

*VISITING TRAINER'S LICENCE*

319 A Visiting Trainer's Licence may only be issued to a person who meets the criteria for the issue of a Visiting Trainer's Licence, as set out in a Licensing Policy published under Rule 309.

**PROVISIONS RELATING TO ALL TRAINERS AND PRE-TRAINERS**

*TRACEABILITY AND OTHER INFORMATION THAT MUST BE PROVIDED TO NZTR*

320 A Trainer or Pre-Trainer must:

- (1) within 72 hours of a horse coming into their care and control, notify NZTR in the prescribed form (if any), and ensure that the horse is correctly identified in that form or other means of notification;
- (2) within 72 hours of a horse ceasing to be in their care and control, notify NZTR in the prescribed form (if any) and ensure that the horse is correctly identified in that form or other means of notification;
- (3) within 72 hours of the death of any horse under their care and control, notify NZTR in the prescribed form (if any) of such death.

*TRAINER AND PRE-TRAINERS MUST NOT EMPLOY UNLICENSED PERSON TO CARE FOR HORSE*

321 A Trainer or Pre-Trainer must not employ or permit to work or assist in any capacity in connection with the care, control or training of any horse, a person who does not hold a Licence which authorises them to care for, control or train a horse (as applicable).

*TRAINERS AND PRE-TRAINERS MUST NOT ALLOW TRACKWORK RIDERS (SLOW) TO RIDE HORSES FASTER THAN HALF PACE*

322 A Trainer or Pre-Trainer must not instruct, encourage, or allow a Trackwork Rider (Slow) to ride a horse at a speed which is faster than half pace.

*NZTR MAY DIRECT A TRAINER NOT TO TRAIN, RACE OR TRIAL A HORSE*

323 NZTR may, on reasonable grounds, direct a Trainer to cease to train, race or Trial any horse specified by it in writing to the Trainer, in which case the Trainer must not train, race or Trial that horse until advised by NZTR that they may do so.

*STARTING HORSES IN A RACE*

324 Subject to the provisions of Rules 325, 326 and 327, a Trainer must not start a horse in a Race unless 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.

*ACTING ON BEHALF OF A TRAINER*

325 A Class 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.

326 A Licenceholder who is an employee of a Trainer may, under instruction from the Trainer, train any horse of his employer during the latter's absence for a period not exceeding one month (or such other period as may be approved in any particular case by NZTR) and they may on behalf of their employer

take charge of any such horse at, and for the purposes of, any Race Meeting at which their employer is not present.

- 327 Where neither the Trainer of a horse which is to run at a Race Meeting nor an Assistant Trainer of that Trainer attends that Race Meeting, the Trainer must authorise another Trainer or Licenceholder 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. [Amended 1 December 2013]

#### *MULTIPLE TRAINER'S PREMISES*

- 328 Notwithstanding anything to the contrary in any of these Rules NZTR may authorise a Trainer to house 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 they train at or from any of their authorised Trainer's Premises or Training Facilities shall for all the purposes of these Rules be deemed to be trained by the Trainer and no objection shall be taken to any such horse on the ground that while it was in training in one or more of the Trainer's authorised Trainer's Premises or Training Facilities, it was not under the Trainer's direct charge or care.

#### **TREATMENT LOGBOOK**

- 329 (1) This Rule applies to a horse:
- (a) as soon as it comes into the care and control of any person for the purpose of being trained for racing; or
  - (b) that is entered for any Race or Trial (including a jump-out or test for certification purposes) or registered under these Rules.
- (2) The Trainer of a horse to which this Rule applies and, where the horse is in another person's possession or custody, or under another person's care, control, or supervision, that other person, must record any treatment or medication administered to that horse while it is in the possession or custody, or under the care, control, or supervision, of the Trainer or that person (as applicable), by midnight on the day on which the treatment or medication was administered, and each record must include the following information:
- (a) the name of the horse; and
  - (b) the date and time of administration of the treatment or medication; and
  - (c) the name of the treatment or medication administered (brand name or active constituent); and
  - (d) the route of administration (including by injection, stomach tube, paste, topical application or inhalation); and
  - (e) the amount of medication given (if applicable); and
  - (f) the duration of a treatment (if applicable); and
  - (g) the name of the person or persons administering and/or authorising the administration of the treatment or medication.
- (3) For the purposes of this Rule:
- (a) **treatment** includes:
    - (i) shock wave therapy; and
    - (ii) acupuncture (including laser treatment); and
    - (iii) chiropractic treatment; and
    - (iv) the use of any electrical stimulation device (including transcutaneous electrical nerve stimulation (TENS)); and
    - (v) magnetic field therapy; and
    - (vi) ultrasound therapy (excluding diagnostic ultrasound); and

- (vii) any form of oxygen therapy, including hyperbaric oxygen therapy; and
  - (viii) any other process or article which is notified by NZTR to be a treatment, as published on the NZTR Website.
- (b) **medication** includes:
- (i) any Prohibited Substance; or
  - (ii) any substance expressed by the Prohibited Substance Regulations to be excluded from being a Prohibited Substance; or
  - (iii) any other thing, substance, which is notified by NZTR to be a medication, as published on the NZTR Website.

**PAYMENT OF TRAINER'S PERCENTAGES**

- 330 Subject to Rule 505A, NZTR, on behalf of a Club, shall pay to a Trainer a sum of money, being (as set out in Rule 503(2)) 10% of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to a horse for a particular Race while trained by that Trainer, (less any amount which NZTR, on behalf of a Club, is legally obliged to deduct therefrom for tax), within 45 days after the conclusion of that Race Meeting except that where the sum of money or any part thereof is in doubt by reason of an inquiry held or pending, payment of the sum payable or such part thereof as is in doubt is to be withheld until the inquiry and any appeals have been concluded. For the purposes of this Rule, an inquiry will 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 under 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, is to withhold payment of the sum in the same manner and for the same time as is provided by Rule 505A in respect of winnings.
- 331 In the event of a payment being made by NZTR, on behalf of a Club, to a Trainer who is not entitled to it, such Trainer must immediately return the amount of that payment in full to NZTR, on behalf of the Club. Any failure to do so is a Serious Racing Offence.
- 332 (1) NZTR, on behalf of, and in the name of, the Club, is to 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 must not issue any such tax invoice, credit note or debit note in respect of any amount payable to them under Rule 330 of these Rules as a result of a stake credited. NZTR, on behalf of a Club, is to be deemed to agree that a Trainer is not to issue any such tax invoice, credit note, or debit note to it in respect of any such amount.
- (2) if registered under the Goods and Services Tax Act 1985, a Trainer must:
- (a) within three days of becoming registered, notify NZTR of their registration and their Goods and Services Tax Registration Number; and
  - (b) notify NZTR within three days if they cease to be registered.
- 333 NZTR may deduct from any payment required to be made to a Trainer under Rule 330:
- (1) any penalty or fine imposed on the Trainer by a Judicial Committee; and
  - (2) any other amount payable by the Trainer under these Rules or to NZTR or a Club in connection with any of its activities or operations if, and to the extent, that any such amount is outstanding.



## **RIDERS' LICENCES**

### *CLASS A RIDER'S LICENCE (JOCKEY'S LICENCE)*

334 A Jockey's Licence may only be issued to a person who meets the requirements for the issue of a Jockey's Licence, as set out in the Licensing Policy published under Rule 309.

335 A Jockey may:

- (1) ride a horse in a Race, a Trial, or a jump-out (including a test for certification purposes); and
- (2) ride a horse at a Training Facility, Trainer's Premise, or Racecourse.

### *CLASS B RIDER'S LICENCE (APPRENTICE JOCKEY'S LICENCE)*

336 An Apprentice Jockey's Licence may only be issued to a person who meets the criteria for the issue of an Apprentice Jockey's Licence, as set out in the Licensing Policy issued under Rule 309.

337 An Apprentice Jockey may:

- (1) ride a horse in a Race, Trial or jump-out (including a test for certification purposes); and
- (2) ride a horse at a Training Facility or Trainer's Premise or Racecourse.

### *CLASS C RIDER'S LICENCE (PROBATIONER'S LICENCE)*

338 A Probationer's Licence may only be issued to a person who meets the requirements for the issue of a Probationer's Licence, as set out in the Licensing Policy published under Rule 309.

339 A Probationer may:

- (1) ride a horse at a Training Facility or Trainer's Premise; and
- (2) ride a horse in a Trial or jump-out while under observation for teaching and/or assessment purposes.

### *CLASS D RIDER'S LICENCE (JUMPS JOCKEY'S LICENCE)*

340 A Jumps Jockey's Licence may only be issued to a person who meets the requirements for the issue of a Jumps Jockey's Licence, as set out in the Licensing Policy published under Rule 309.

341 A Jumps Jockey may:

- (1) ride a horse in a Jumps Race, Highweight Race, Jumps Trial, Trial or a jump-out; and
- (2) ride a horse at a Training Facility or Trainer's Premise.

### *CLASS E RIDER'S LICENCE (AMATEUR JOCKEY'S LICENCE)*

342 An Amateur Jockey's Licence may only be issued to a person who meets the requirements for the issue of an Amateur Jockey's Licence, as set out in the Licensing Policy published under Rule 309.

343 An Amateur Jockey may:

- (1) ride a horse in an Amateur Race, Trial or jump-out (including a test for certification purposes); and
- (2) ride a horse at a Training Facility or Trainer's Premise.

344 An Amateur Rider must not ask for or receive any remuneration or reward for riding in a Race (other than a trophy given under the conditions of the Race to a Rider of a horse in that Race), and no person is to offer or give any such remuneration or reward to an Amateur Rider.

### *VISITING RIDER'S LICENCE*

345 A Visiting Rider's Licence may only be issued to a person who meets the criteria for the issue of a Visiting Rider's Licence, as set out in the Licensing Policy published under Rule 309.

### **PROVISIONS RELATING TO ALL RIDERS**

346 A Rider must not:

- (1) wilfully, or without reasonable cause, break a riding engagement; or
- (2) permit themselves to be engaged for more than one horse accepted or deemed to have been accepted for the same Race; or
- (3) fail to ride a horse at the weight at which it is handicapped to carry subject to the conditions of the Race; or
- (4) be represented by more than one Rider's Agent.

347 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 must not, without reasonable cause, break such engagement.

348 Any dispute with reference to the engagement or engagements of a Rider to ride at a particular Race Meeting or Race Meetings is to be determined by a Stipendiary Steward.

349 A Rider who is also a Trainer or an Assistant Trainer must not, in any Race or Trial in which any horse trained by him is running, ride a horse which is not trained by him.

350 A Rider shall not, in any Race or Trial in which a horse owned or leased by that Rider, or by that Rider and other persons, or by any Legal Ownership Entity in which the Rider has a beneficial interest in accordance with Rule 408(6)(b) (the Rider's Horse), is a starter, ride any horse other than the Rider's Horse.

351 Notwithstanding the above, a Rider must not ride any horse in a Race or Trial in which more than one horse owned or leased by that Rider, or by that Rider and other persons, or by any Legal Ownership Entity in which the Rider has a beneficial interest in accordance with Rule 408(6)(b)(i), is a starter.

352 Unless permitted to do so by a Stipendiary Steward, a Rider must not when mounted on a horse use, or hold in their hand, any mobile phone, radio, or other electronic device, apparatus, or instrument or equipment capable of receiving, transmitting or playing information.

### **PROVISIONS RELATING TO ENGAGING AN APPRENTICE JOCKEY**

353 An Apprentice Jockey may only be engaged to ride a horse at a Race Meeting with the prior permission of their employer or their employer's Rider's Agent.

354 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, must not:

- (1) 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
- (2) without reasonable cause, break an engagement for their Apprentice Jockey or Rider to ride a horse in a Race.

355 The provisions of Rules 346, 347 and 348 extend and apply to Apprentice Jockeys who have been engaged to ride a horse in a race under Rules 353 and 373 (1).

### **RIDER SKILLS REVIEW PANEL**

356 (1) NZTR may appoint one or more Rider Skills Review Panels, comprised of such persons as NZTR considers fit, to:

- (a) review a Jockey's or Apprentice Jockey's riding manner, practices and/or technique and provide remedial training or advice to that Jockey or Apprentice Jockey; and
- (b) assist with the mentoring of a Jockey or Apprentice Jockey; and

- (c) make recommendations to the Jockey or Apprentice Jockey about their riding manner, practices and/or technique and their further training or mentoring needs.
- (2) A Stipendiary Steward may direct a Jockey or Apprentice Jockey to meet with a Rider Skills Review Panel.
- (3) Following such meeting(s), the Rider Skills Review Panel may:
  - (a) make recommendations to the Jockey or Apprentice Jockey relating to the Jockey's riding manner, practices and/or technique, any further training and/or mentoring required, and whether it considers that the Jockey's or Apprentice Jockey's Licence should be modified or suspended by NZTR;
  - (b) seek feedback on the recommendations made in accordance with sub-Rule (3)(a) above from the Jockey or Apprentice Jockey; and
  - (c) form a view on any feedback provided by the Jockey or Apprentice Jockey.
- (4) The Rider Skills Review Panel is to provide a written report to NZTR on the matters set out in Rule 356 (3).
- (5) Following consideration of the written report referred to in Rule 356(4), NZTR may:
  - (a) direct the Jockey or Apprentice Jockey to continue to meet with the Rider Skills Review Panel or any other person for a specified period to address particular issues;
  - (b) take action under Rule 308; and/or
  - (c) impose such conditions as it see fit on the Jockey's or Apprentice Jockey's Licence.
- (6) On application from the Jockey or Apprentice Jockey, or the Rider Skills Review Panel, NZTR may:
  - (a) withdraw or modify its direction to the Jockey or Apprentice Jockey under Rule 356(5)(a); and/or
  - (b) remove any of the conditions imposed on the Jockey's or Apprentice Jockey's Licence under Rule 356(5)(c).
- (7) Any Jockey or Apprentice Jockey who fails to comply with this Rule 356, including failing to attend a Rider Skills Review Panel meeting, commits a breach of these Rules.

#### **PAYMENT OF RIDING FEES**

- 357 (1) The riding fees payable to Riders will be as determined and published from time to time 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 will not be payable provided however that if the Judicial Committee is satisfied the disqualification is due to inexperience or inadvertence, it may direct that the Rider be paid the applicable riding fee.
- (3) NZTR, on behalf of a Club, is to 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 must not issue any such tax invoice, credit note or debit note in respect of riding fees earned by them at a meeting. NZTR, on behalf of a Club, is deemed to have agreed that a Rider is not to issue any such tax invoice, credit note or debit note to it in respect of any such riding fees.
- 358 (1) Subject to Rules 357(2) and 505A, NZTR (on behalf of a Club) is to pay to a Rider the riding fees earned by that Rider (other than an Apprentice Jockey) at a Race Meeting, and, if applicable, a sum of money equal to 5% or 10% (as applicable in accordance with Rule 503(2)) of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to a horse for a particular Race where the Rider rode that horse in that Race, within 45 days after the conclusion of the Race Meeting except that where the amount of such fees or any part of them is in doubt by reason of an inquiry held or pending, payment of such amount of the fees as may be in doubt is to be withheld until the inquiry and any appeals have been concluded. For the purposes of this Rule, an inquiry is 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 under any authority in these Rules relating to the administration to a horse of any drug and in such event NZTR is to withhold

payment of fees in the same manner and for the same time as is provided by Rule 505A in respect of winnings.

- (2) Subject to Rules 357(2) and 505A, NZTR (on behalf of a Club) will, subject to Part XIII of these Rules, dispose of the riding fees earned by each such Apprentice Jockey, and, if applicable, a sum of money equal to 5% or 10% (as applicable in accordance with Rule 503(2)) of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to a horse for a particular Race where the Apprentice Jockey rode that horse in that Race, in the manner provided in the Agreement of Apprenticeship. Every such Agreement shall contain, and if it does not contain is to 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 is to 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 is to 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 riding fees otherwise than through NZTR, must forward the full amount of such payment to NZTR within seven days after receipt thereof by the employer or Apprentice Jockey.
- (4) NZTR may deduct from any payment required to be made to a Rider or Apprentice Jockey under this Rule 358:
  - (a) any penalty or fine imposed on the Rider or Apprentice Jockey by the Judicial Committee officiating at the Race Meeting in respect of which the payment is being made; and
  - (b) any other amount payable by the Rider or Apprentice Jockey under these Rules or to NZTR or a Club in connection with any of its activities or operations if, and to the extent, that any such amount is outstanding.
- (5) Every Rider, who is a person registered under the Goods and Services Tax Act 1985, must, within three days after becoming so registered, notify NZTR of such registration and of their Goods and Services Tax Act registration number.
- (6) Every Rider who, having been a person registered under the Goods and Services Tax Act 1985, ceases to be so registered must, within three days of ceasing to be so registered, notify NZTR of such cessation.

#### **RIDING INSTRUCTIONS**

- 360
- (1) A Rider must not, directly or indirectly, solicit or accept, or willingly or knowingly receive, riding instructions of any nature from any person in respect of a horse the Rider is engaged to ride in a Race other than the Trainer or Owner (or their duly authorised agent) of the horse.
  - (2) A person must not provide or offer to provide, directly or indirectly, riding instructions of any nature to a Rider in respect of a horse the Rider is engaged to ride in a Race unless that person is the Trainer or Owner (or their duly authorised agent) of the horse.
  - (3) A Rider must report to the Stipendiary Stewards and/or Investigators, as soon as practicable, if they receive riding instructions of any nature in respect of a horse the Rider is engaged to ride in a race from any person other than the Trainer or Owner (or their duly authorised agent) of the horse.
  - (4) For the purposes of this Rule 337, "riding instructions" include, without limitation, any riding or tactical race instructions or directions, irrespective of how those instructions or directions are given, but do not include a 'speed map' that solely provides information on the anticipated pace of a race and/or the anticipated positions on settling of the horses engaged in a race and no instructions or directions of any nature.

## **STABLE STAFF LICENCES**

### *ASSISTANT TRAINER'S LICENCE*

- 360 An Assistant Trainer's Licence may be issued to a person who meets the criteria for the issue of an Assistant Trainer's Licence, as set out in the Licensing Policy published under Rule 309.
- 361 An Assistant Trainer may, while employed by a Trainer:
- (1) perform any duties or responsibilities in relation to the care and control of horses;
  - (2) As provided for in Rule 326, train any horse of their employer during the latter's absence for a period not exceeding one month (or such other period as may be approved in any particular case by NZTR) and may on behalf of their employer take charge of any such horse at, and for the purposes of, any Race Meeting at which their employer is not present.
  - (3) nominate, withdraw or scratch horses, declare riders, notify the retirement or deaths of horses or submit stable returns, on behalf of the Trainer if NZTR has been notified in writing by the Trainer that the Assistant Trainer has been authorised to do so.
  - (4) act on behalf of that Trainer at a Race Meeting, if given the authority, in writing, to do so by the Trainer.

### *CLASS A MISCELLANEOUS LICENCE (STABLEHAND'S LICENCE)*

- 362 A Stablehand's Licence may be issued to a person who meets the criteria for the issue of a Stablehand's Licence, as set out in the Licensing Policy published under Rule 309.
- 363 A Stablehand may, while employed by a Trainer:
- (1) perform any duties or responsibilities in relation to the care and control of a horse under the direction of a Licenced Trainer; and
  - (2) assist a Trainer with the care and preparation of a horse at a Race Meeting.

### *STABLE ASSISTANT'S LICENCE*

- 364 A Stable Assistant's Licence may be issued to a person who meets the criteria for the issue of a Stable Assistant Licence, as set out in the Licensing Policy published under Rule 309.
- 365 A Stable Assistant may:
- (1) perform any duties or responsibilities in relation to the care and control of a horse under the direction of a Licenced Trainer; and
  - (2) assist a Trainer with the care and preparation of a horse at a Race Meeting.

### *TRACKWORK RIDER (SLOW) LICENCE*

- 366 A Trackwork Rider (Slow) Licence may be issued to a person who meets the criteria for the issue of a Trackwork Rider (Slow) Licence, as set out in the Licensing Policy published under Rule 309.
- 367 A Trackwork Rider (Slow) may ride horses at a Training Facility or Trainer's Premise provided that the speed of the horse does not exceed half pace.
- 368 A Trackwork Rider (Slow) may;
- (1) perform any duties or responsibilities in relation to the care, and control of a horse under the direction of a Licenced Trainer; and
  - (2) assist a Trainer with the care and preparation of a horse at a Race Meeting.

### *CLASS B MISCELLANEOUS LICENCE (TRACKWORK RIDER (FAST) LICENCE)*

- 369 A Trackwork Rider (Fast) Licence may be issued to a person who meets the criteria for the issue of a Trackwork Rider (Fast) Licence, as set out in the Licensing Policy published under Rule 309.
- 370 A Trackwork Rider (Fast) may ride a horse at a Training Facility or Trainer's Premise at any pace, including jump-outs.
- 371 A Trackwork Rider (Fast) may:

- (1) perform any duties or responsibilities in relation to the care, and control of horse under the direction of a Licenced Trainer; and
- (2) assist a Trainer with the care and preparation of a horse at a Race Meeting.

*CLASS C MISCELLANEOUS LICENCE (RIDER'S AGENT'S LICENCE)*

372 A Rider's Agent's Licence may be issued to a person who meets the criteria for the issue of a Rider's Agent's Licence, as set out in the Licensing Policy published under Rule 309.

373 A Rider's Agent:

- (1) may only engage, or assist in engaging, a Rider to ride a horse in a Race if they have first obtained written approval from NZTR to represent that Rider or, in the case of an Apprentice Jockey, that Apprentice Jockey's employer.
- (2) 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.
- (3) 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.
- (4) Deleted. [Deleted 15 August 2024]
- (5) A Rider's Agent may not act as an agent for a Rider who is contracted to a Trainer unless that Trainer gives their approval.

374 A person must not act in the capacity of a Rider's Agent unless the person has a valid Rider's Agent's Licence.

375 A Rider or the employer of an Apprentice must not authorise any person to be their or their Apprentice's Rider's Agent unless that person has been issued with a valid Rider's Agent's Licence

*VISITING ASSISTANT'S LICENCE*

376 A Visiting Assistant's Licence may only be issued to a person who meets the criteria for the issue of a Visiting Assistant's Licence, as set out in the Licensing Policy published under Rule 309.

**ABILITY TO RIDE**

377 Only a Rider, a holder of a Trackwork Rider (Slow) Licence, a holder of a Trackwork Rider (Fast) Licence, or a person whose competence to hold a Trackwork Rider (Slow) Licence is being assessed by a person contracted by NZTR to provide such assessments while the assessment is taking place, or a Trainer or a Pre-Trainer or such other person approved by a Stipendiary Steward, may ride a horse at any Racecourse, Training Facility or Trainer's Premises. A person who is being assessed for a Trackwork Rider (Slow) Licence may only ride a Nominated Training Horse.

## PART IV

### REGISTRATION OF HORSES FOR RACING AND BREEDING; AND OWNERS AND LESSEES

#### DETERMINATION OF AGE OF 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; or (Amended 15 August 2024)
  - (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; or (Amended 15 August 2024)
  - (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 (Amended 15 August 2024)
  - (d) which is recorded in a list of names designated from time to time by NZTR as names which cannot be used or repeated. (Amended 15 August 2024)
- (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 or letters, in which case the name with the relevant numeral or letters shall be the name of the Foreign Horse in New Zealand. [Amended 1 August 2023]

#### 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. A horse does not have to be registered and named in accordance with these Rules to be entered for or start in a jump-out but a barrier certificate may only be issued for a horse that has been registered and named. [Amended 1 August 2023]
- (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 or a Trial (or a jump-out or test for certification purposes) if it is registered and has been named in accordance with these Rules. [Amended 1 August 2023]
- 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; and
  - (ii) subject to paragraph (e) of this Rule, state the full name of every Owner of the horse and any other person who has a legal or beneficial interest in the horse; and [Amended 1 August 2023]
  - (iii) subject to paragraph (e) of this Rule, be signed by each person named as an Owner of the horse on the application form; and [Amended 1 August 2023]
  - (iv) nominate a Racing Manager for the horse; 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; and
  - (vi) if the Owner(s) wish to do so, nominate a replacement Accountable Person for the horse in accordance with Rule 1431(1). [Amended 1 September 2020]
- (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; and/or
  - (ii) the Owner(s) of the horse or any other person with a legal or beneficial interest in the horse; and/or
  - (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; and/or [Amended 1 August 2014]



- (v) the Accountable Person of the horse. [Amended 1 September 2020],  
to be disclosed to it as NZTR may require in its absolute discretion.
- (e) If a Syndicate is the, or an, Owner of a horse, the application for registration of the horse need only state the name of the Syndicate as the, or an, Owner and not each member of the Syndicate, and may be signed by the Syndicate Manager on behalf of the Syndicate and its members. [Amended 1 August 2023]

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) be eligible for entry, and have been accepted for inclusion: [Amended 1 September 2020]
  - (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 form of Genetic Manipulation or Gene Doping) at any stage of the horse's existence) may not be used to produce the horse. [Amended 1 August 2014]

Notwithstanding paragraphs (a) to (c) above, any horse which NZTR reasonably believes has been subjected to Gene Doping shall be ineligible for registration. [Amended 1 September 2020]

- 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 (vii) 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; or.
  - (d) an Accountable Person of a horse. [Amended 1 September 2020]
- (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 Official Calendar. NZTR shall also provide the Owner with a certificate of registration in respect of the horse. [Amended 1 September 2020]

- (6) A Rider may own or lease a horse which is in training or entered for a Race only if:
- (a) the Rider has attained the age of 18 years and is not the holder of 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 any 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 has a beneficial interest in that Legal Ownership Entity; 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 408(1)(b)(i) applies); and
  - (iii) the Rider declares such Ownership interest to NZTR within seven days of acquiring the interest so that the fact that such Rider has an Ownership interest is included in the race book for any Race for which the applicable horse is entered.

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; and
- (b) the branding, micro-chip or DNA-typing for the horse; and
- (c) the breeding of the horse; and
- (d) subject to paragraph (i) of this Rule, 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 [Amended 1 August 2023]
- (e) subject to paragraph (i) of this Rule, 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; and [Amended 1 August 2023]
- (f) whether the horse is registered to:
  - (i) race; or
  - (ii) breed; or
  - (iii) race and breed; and [Amended 1 December 2013]
- (g) the Racing Manager of the horse; and
- (h) the Accountable Person of the horse. [Amended 1 September 2020]
- (i) If a Syndicate is the, or an, Owner of a horse, the register need only state the name of the Syndicate as the, or an, Owner of the horse and not each member of the Syndicate. [Amended 1 August 2023]

**CANCELLATION OF REGISTRATION AND DE-REGISTRATION OF HORSES** [Amended 1 December 2013]

- 411 (1) The registration of a horse, or the registration of a lease in respect of a horse, may be cancelled (and where sub-Rule 411(1)(d) applies, may be de-registered in full or in part) by NZTR at any time in its absolute discretion if: [Amended 1 December 2013]
- (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; or
    - (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, Syndicate Manager or the Racing Manager of or Accountable Person, 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: [Amended 1 August 2023]
- (i) is a disqualified person in accordance with these Rules or the official rules of Another Racing Authority; or
  - (ii) is named for the time being in the Arrears List or in the Official Calendar in respect of any entry in such list, or in the list of arrears or other similar list of Another Racing Authority; or
  - (iii) who is or has been an illegal bookmaker or an illegal bookmaker's clerk or agent; or
  - (iv) is a person who is excluded from entering a Racecourse pursuant to Rules made under section 40 of the Racing Industry Act 2020; or
  - (v) commits a Serious Racing Offence; and/or
  - (vi) commits a breach of Rules 1401 to 1405, fails to comply with any requirement made or prohibition imposed pursuant to a Thoroughbred Welfare Compliance Notice or is issued a permanent Thoroughbred Welfare Possession Order; and/or [Amended 1 September 2020]
  - (vii) 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);
  - (viii) is warned off by NZTR under Rule 659 [Added 1 July 2021];
- (c) any information or evidence requested by NZTR under Rules 406(d), Rule 428 or 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:
- (i) racing; or
  - (ii) breeding; or
  - (iii) racing and breeding,
- in accordance with the Rules. [Amended 1 December 2013]
- (e) the horse is not, or is no longer, eligible for registration under Rule 407; and
- (f) such other grounds determined by NZTR in its absolute discretion; [Amended 1 September 2020]

- (2) On receipt of a validly completed form for de-registering a horse, NZTR may update the appropriate register(s) if the horse is only being de-registered for either racing or breeding purposes and shall keep a separate register of horses that have been de-registered for both racing and breeding purposes. [Amended 1 December 2013]
- (3) A person who wishes to re-register a horse for racing and/or breeding, shall apply in writing to NZTR to seek re-registration of that horse. NZTR shall determine in its absolute discretion and on such conditions (if any) as it thinks fit whether to grant re-registration. If NZTR exercises its discretion to re-register a horse in respect of racing and/or breeding, it will amend the appropriate register(s) accordingly. [Amended 1 December 2013]

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 or Accountable Person (as applicable), of a horse must notify NZTR in writing if and as soon as any of the events set out in Rules 411(1)(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. [Amended 1 September 2020]

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(1)(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, RACING MANAGERS AND ACCOUNTABLE PERSONS**

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; and
- (c) Accountable Persons. [Amended 1 September 2020]
- (d) Syndicate Managers. [Amended 1 August 2023]

#### **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 OF RETIREMENT OR DEATH OF HORSE** [Amended 1 May 2015]

- 417 (1) On the retirement of any registered horse from racing and/or breeding, the Owner or Racing Manager of the Horse (as the case may be) at the time of retirement shall, within one month of the date on which the horse was retired, notify NZTR of the retirement by completing the prescribed form and forwarding it to NZTR. [Added 1 May 2015]
- (2) NZTR may de-register a horse from racing and/or breeding (as the case may be) and update the appropriate register(s):
  - (a) on receipt of a notice of retirement of a horse under Rule 417(1); or

- (b) if NZTR believes on reasonable grounds that the horse has been retired from racing and/or breeding.

NZTR shall give written notice of the de-registration of a horse pursuant to paragraph (b) of this sub-Rule to the Owner(s) and lessee(s) (if any), together with the reason for such de-registration. Rule 411(3) shall apply to a horse that has been de-registered under this Rule 417.  
[Amended 1 September 2020]

- (3) On the death of any horse which has not already been retired under this Rule 417, the Owner or Racing Manager of the Horse (as the case may be) at the time of death shall, within one month of the date on which the horse died, notify NZTR of the death of the horse by completing the prescribed form and forwarding it to NZTR. [Amended 1 December 2013], [Amended 1 September 2020]
- (4) Notwithstanding sub-Rules 417(1) to (3) above, where the death of a horse occurs within 72 hours, and as a direct result, of an injury, illness, disability or other health issue sustained while running in a Race, Trial or jump out or while being trained for racing, the Owner or Racing Manager of the Horse (as the case may be) shall, within 72 hours of the death, ensure that:
  - (a) notification of the death of the horse is given to NZTR as required pursuant to this Rule 417; and
  - (b) a veterinary certificate containing details of the injury, illness, disability or other health issue is provided to NZTR together with the notification referred to in paragraph (a) above (provided that no such certificate is required to accompany the notification where the death occurred at a Race Meeting and the Veterinarian appointed for that Race Meeting has separately provided a veterinary certificate to NZTR). [Amended 1 September 2020]

#### **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; and
- (ii) the date on which each such Race was run and the place it was run at; and
- (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.

**SYNDICATES** [Added 1 August 2023]

- 421 (1) Any person who wishes to register a Syndicate must apply to NZTR on the prescribed form and must provide all information regarding the Syndicate and its members as may be required by NZTR.
- (2) Every Syndicate must appoint a natural person who has attained the age of 18 years, and been approved by NZTR, as its Syndicate Manager. Each Syndicate Manager is authorised by the Syndicate members to act for and on behalf of the Syndicate to the extent permitted by the Rules and any agreement governing the Syndicate.
- (3) Every Syndicate member is bound by the Rules and any agreement governing the Syndicate irrespective of the nature or extent of that member's interest in the Syndicate.
- (4) The name of a Syndicate must be approved by NZTR before it can be registered or used.
- (5) The registration of a Syndicate may be cancelled by NZTR if:
- (a) the Syndicate Manager or a member of the Syndicate is a person of the type referred to in any of Rules 411(1)(b)(i) to (vi); or
  - (b) a person has become a member of the Syndicate without NZTR having been notified; or
  - (c) any information or evidence requested by NZTR in respect of the membership, or any of the members, of the Syndicate has not been provided by the time fixed by it; or
  - (d) any information provided to NZTR in respect of the Syndicate, or its members, is found to be inaccurate, deficient or false.
- (6) A Syndicate Manager:
- (a) must, when exercising powers or performing duties in that capacity, act in good faith and in what they believe to be the best interests of the Syndicate; and
  - (b) may be appointed as the Racing Manager of horses owned or leased by the Syndicate in accordance with Rule 406(a)(iv); and
  - (c) must keep proper and accurate records of the affairs and activities of the Syndicate and of all income, costs and expenses, assets and liabilities of the Syndicate, and provide copies of the same to the members of the Syndicate on request; and
  - (d) may, when the relevant Syndicate is the Owner or lessee of a horse and the Rules require an Owner to give a notice or take some other action in connection with the horse, give that notice or take that action for and on behalf of the Syndicate as Owner; and
  - (e) may not sub-contract or delegate the performance or exercise any of their duties, powers or obligations as Syndicate Manager without notifying the Syndicate members and will remain liable for the proper performance or exercise of any such duty, power or obligation; and
  - (f) must use Syndicate funds only for purposes related to the affairs or activities of the Syndicate or as otherwise authorised by the Rules or the agreement (if any) governing the Syndicate.
- (7) NZTR may make, amend or revoke regulations in respect of the registration, conduct and oversight of Syndicates including, without limitation, in respect of:
- (a) the process, and supporting information or evidence required, for registering a Syndicate; and
  - (b) the functions and powers of, and the process for appointing and changing, a Syndicate Manager; and

- (c) the information or evidence NZTR may request in respect of:
  - (i) the operation, management or conduct; or
  - (ii) the membership, or any of the members, of the Syndicate; and
- (d) information in relation to any horse owned or leased by the Syndicate; and
- (e) changes in the membership of a Syndicate or in the percentage interest that each member of a Syndicate has in the Syndicate, and the notification requirements for the same; and
- (f) the termination of a Syndicate,

which regulations are to apply to Syndicates in place of the Rules, if any, referred to in any such regulations.

- (8) NZTR accepts no responsibility for, or for any issues or disputes that may arise in respect of, the management or operation of a Syndicate. If a member of a Syndicate feels aggrieved by, or is dissatisfied with, the management or operation of a Syndicate, they must endeavour to resolve the matter privately or take such legal steps as their legal advisors may advise in respect of the matter.

## 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) subject to the proviso to this Rule, state the full name of: [Amended 1 August 2023]
    - (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) subject to the proviso to this Rule, be signed by each person named as an Owner or lessee of the horse on the application form; [Amended 1 August 2023]
  - (d) nominate a Racing Manager for the horse; and [Amended 1 January 2016]
  - (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.
  - (f) if the lessee(s) wish to do so, nominate a replacement Accountable Person for the horse in accordance with Rule 1431(2). [Amended 1 September 2020]

Provided that, if a Syndicate is the, or an, Owner or lessee of the horse, the application for registration of the lease need only state the name of the Syndicate as the, or an, Owner or lessee (as the case may be) and not each member of the Syndicate and may be signed by the Syndicate Manager on behalf of the Syndicate and its members. [Added 1 August 2023]

- (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 lessee(s) for the horse (if one is required under these Rules); and
  - (e) the Accountable Person of the lessee(s) for the horse, [Amended 1 September 2020]  
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 (viii) 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; or
  - (d) an Accountable Person of a horse for the lessees of the relevant horse. [Amended 1 September 2020]
  - (e) the Syndicate Manager of a Syndicate that is the, or a, lessee, of a horse. [Amended 1 August 2023]
- (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.
- (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 and approved by NZTR 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. [Amended 1 September 2020]

#### **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 fifteen working days of any such change taking place, and in any event, before the horse is started in any Race, provided that where any such change takes place: [Amended 1 September 2020]
- (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.
- (1A) NZTR may, in its absolute discretion, accept a notice required under Rule 423(1) outside of the timeframes specified in that Rule on such conditions as NZTR thinks fit, which may include a late fee or charge. [Amended 1 September 2020]



- (2) The notice of a change in the Ownership of a horse or in the lessees of a horse must be submitted by the new Owner(s), new lessee(s) or new 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: [Amended 1 May 2015]
- (a) be accompanied by payment of the applicable fee set by NZTR, from time to time;
  - (b) subject to the proviso to this Rule 423(2), state the full name(s) of: [Amended 1 August 2023]
    - (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) subject to the proviso to this Rule 423(2), be signed by:
    - (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) the Racing Manager,

or by a person who has been authorised to sign the notice on behalf of any such person; and [Amended 1 May 2015]
  - (d) if applicable, specify whether the new Owner/lessee is now registered under the Goods and Services Tax Act 1985, and if so, specify its Good and Services Tax registration number.
  - (e) Provided that, if a Syndicate is the, or an, Owner or lessee of a horse, the notice of a change in the Ownership or lessees of a horse under sub-Rule (2) of this Rule, need only state the name of the Syndicate and not each member of the Syndicate, and may be signed by the Syndicate Manager on behalf of the Syndicate and its members. [Amended 1 August 2023]
- (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 NTZR.

- (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.
- (9) If a horse in respect of which a lease has been registered is sold subject to the terms of that registered lease, the registered lease will remain in full force and effect notwithstanding the sale and the registration of a notice of change in the Ownership of the horse, and the new Owner of the horse shall be bound by the terms of the registered lease, unless the new Owner and the lessee(s) of the horse notify NZTR otherwise in writing. [Added 1 May 2015]
- (10) If there is:
  - (a) a change in the composition of the membership of a Syndicate that is the, or an, Owner or lessee of a horse; or
  - (b) a change in the percentage interest that any member of any such Syndicate has in the Syndicate,

then sub-Rule 2 of this Rule 423 will not apply and notice of that change must be given by the Syndicate Manager of that Syndicate on the form, if any, prescribed by NZTR and may be signed by the Syndicate Manager on behalf of the members of the Syndicate. [Added 1 August 2023]

#### **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.
- (3) If a Syndicate is registered as:
  - (a) the Owner or lessee of a horse, the horse will race in the name of the Syndicate and not in the names of the members of that Syndicate; or [added 1 August 2023]
  - (b) as an Owner or a lessee of a horse, the names in which the horse races will include the name of the Syndicate and not the names of the members of that Syndicate. [Added 1 August 2023]

#### **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 (vii) apply.
- (3) A horse may only be entered for, and start in, a Race or Trial if the horse has a Racing Manager nominated that has been notified to, and approved by, NZTR in accordance with these Rules at the time that the horse is entered for, and starts in, the Race or Trial. [Amended 1 January 2016]

## 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:
    - (i) 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
    - (ii) 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;
- (e) shall have the responsibilities, authorisations, rights and powers set out in Rule 1508(1); and.
- (f) shall comply with any obligations imposed on it pursuant to Rule 1508(2). [Amended 1 September 2020]

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 (vii) 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 or Accountable Person of a horse must provide to NZTR such information in respect of: [Amended 1 September 2020]

- (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 FINANCIAL MARKETS CONDUCT 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 Financial Markets Conduct Act 2013.

#### **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 Financial Markets Authority'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 Adjudicative 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) An Adjudicative 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 Bloodstock Company or Bloodstock 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, Manager, Bloodstock Company, person with Authorised Syndicator Status, Amateur Authorised Syndicator, Bloodstock Syndicate and Participant (as such terms are defined in such Code of Practice) and any other investor in a Bloodstock 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 Bloodstock Company or Bloodstock Syndicate 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. [Amended 1 September 2020]

## 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 horse 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.

**LICENCE TO USE NAME AND COLOURS** [Added 1 September 2020]

435 The Owner(s) of each registered horse are deemed to have granted:

- (a) to NZTR;
- (b) to TAB NZ; and
- (c) to each Club,

a non-exclusive, non-transferable, royalty-free licence to use the name and racing colours of the horse for the purpose of marketing, promoting and advertising Race Meetings, Races, betting on Races, and racing generally.

## 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, and for each Race the total stakes payable by NZTR (on behalf of the relevant Club) in respect of each horse that has finished in a stake-bearing position in that Race shall be allocated to the then Owner(s) or lessee(s) (as the case may be) or its Racing Manager on their behalf, the Trainer and the Rider, as follows:

[Amended 1 June 2013]

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

- (3) In respect of a non-returnable prize NZTR shall pay, on behalf of a Club, the goods and services tax (if applicable) on the value of such prize to the applicable prize winner. [Amended 1 June 2013]<sup>4</sup>

In respect of a returnable prize neither the Club nor NZTR, on the Club's behalf or otherwise, shall pay goods and services tax.

- (5) Notwithstanding anything to the contrary expressed or implied elsewhere in these Rules, a sum of money credited to a horse in respect of a particular Race shall not be deemed to be stakes unless such sum is so credited solely on account of such horse having been placed by the Judge (or, in the case of an inquiry resulting in a change of placings, by the Adjudicative Committee) in a stake bearing place in that Race. A sum which is intended to be credited to a horse in a particular Race 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. [Amended 1 June 2013]
- 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 Rule 505A and Part XV, NZTR, on behalf of a Club, shall pay to the Owners or lessees of a horse, or its Racing Manager on the Owners' or Lessees' behalf, a sum of money, being 80% or 85% (as applicable, in accordance with Rule 503(2)) of the gross stakes (exclusive of trophies, prizes and the value of any awards or rights) credited to that horse for a particular Race while owned by such Owners or lessees (as the case may be), less any amount which NZTR, on behalf of a Club, is legally obliged to deduct therefrom for tax, within 45 days after the conclusion of that Race Meeting except that where the sum of money or any part thereof is in doubt by reason of an inquiry held or pending, payment of the sum payable or such part thereof as is in doubt shall be withheld until the inquiry and any appeals have been concluded. For the purposes of this Rule an inquiry shall be deemed to be held or to be pending when any test in relation to a horse placed by the Judge in a stake-bearing place is made pursuant to any other authority in these Rules relating to the administration to a horse of any drug and in such event NZTR, on behalf of the Club, shall withhold payment of the sum in the same manner and for the same time as is provided by Rule 505A in respect of winnings. [Amended 1 June 2013]
- (3) A Club shall be responsible for the delivery, within the time set out in sub-Rule (2) above, of any prize not in money owing to the Owner(s) or lessee(s) (as the case may be) and the payment of any applicable goods and services tax. [Amended 1 June 2013]
- 505A Notwithstanding any other Rule (including Rules 320, 358 and 505), where, in relation to a horse placed by the Judge in a stake-bearing position for which the amount of the total stakes payable for that Race, or the total stake payable for that stake-bearing position, is \$25,000 or greater, any test, examination or Sample is taken or made pursuant to any power in these Rules relating to the administration of a Prohibited Substance to a horse, winnings, stakes or prizes or applicable goods and services tax shall not be paid or delivered to any potential recipient (including but not limited to the relevant Trainer, Owner(s) or lessee(s) (as the case may be) and Rider) in respect of that horse: [Amended 1 June 2013]
- (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, but subject to Part XV) 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.

**NEW ZEALAND PATTERN** [Amended 1 June 2013]

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

- (1) From time to time a New Zealand Pattern Committee shall be appointed, comprising eight members as follows:
  - (a) a Chairman who shall be appointed by NZTR, after consultation with the President of the New Zealand Thoroughbred Breeders' Association;
  - (b) three representatives of NZTR who shall be appointed by NZTR;
  - (c) three representatives of the New Zealand Thoroughbred Breeders' Association who shall be appointed by its Council;
  - (d) a representative of the thoroughbred auction companies operating in New Zealand who has experience in cataloguing and pedigree compilation and who shall be appointed by the New Zealand Thoroughbred Breeders' Association Council.
- (2) The appointment of the relevant members shall take place in December of each year, and shall take effect from 1 January to 31 December of the following year, except in the event of the death or resignation of a member of the New Zealand Pattern Committee or of a vacancy occurring in the membership of the New Zealand Pattern Committee, in which event the body or bodies which appointed the member who held the now vacant position shall appoint another person to fill that position.
- (3) A member of the New Zealand Pattern Committee may be appointed for a further term as a member.
- (4) The New Zealand Pattern Committee shall meet at such time and place as is determined by the Chairman and is notified to the members in writing at least ten days prior to the date of the meeting, provided that less than ten days' notice may be given if five or more members of the New Zealand Pattern Committee agree to such a lesser period of notice.
- (5) If:
  - (a) the Chairman is not present at a meeting of the New Zealand Pattern Committee, the members present shall elect one of their number to be Chairman of that meeting;
  - (b) any member is absent without leave of the New Zealand Pattern Committee for more than two successive meetings of the New Zealand Pattern Committee then that person's seat shall be vacated, but in the case of any member who has been granted leave of absence for a period of not less than three months the body or bodies which elected or appointed him may appoint a substitute to act in his stead during his absence.
- (6) At a meeting of the New Zealand Pattern Committee:
  - (a) the New Zealand Pattern Committee may regulate the conduct of business at its meetings in such a manner as it thinks fit and shall determine its own procedure;
  - (b) the presence of five members shall constitute a quorum;
  - (c) each member shall have one vote and in the case of an equality of votes the Chairman shall also have a casting vote on any question put to the vote at any such meeting.
- (7) The functions of the New Zealand Pattern Committee shall be to:
  - (a) produce no later than 31 August in each calendar year a list ranking the pre-eminent Races in New Zealand, in five categories of Races, namely Group I, Group II, Group III,

Listed Stakes and Listed Jumps, in terms of the quality of horses contesting those Races having regard to:

- (i) age, sex and aptitudes;
- (ii) the then current version of the International Cataloguing Standards and ensuring that the list meets the specifications of the International Cataloguing Standards in order to enable its inclusion in Part 1 of the International Cataloguing Standards Handbook,

- (b) supply the list produced by the New Zealand Pattern Committee to NZTR who shall be responsible for its publication and circulation.

NZTR shall reimburse the New Zealand Pattern Committee for the reasonable costs and expenses incurred in carrying out such functions.

- (8)
  - (a) Subject to paragraph (c), before downgrading or delisting a Race from its ranking the New Zealand Pattern Committee shall give written notice to the Club concerned of its intention to do so and no Race shall be downgraded or delisted until there has been two, consecutive, annual runnings of that Race after the giving of such notice.
  - (b) Any Club that has been put on notice pursuant to paragraph (a) herein in respect of a particular Race is to be advised annually by the New Zealand Pattern Committee of its assessment of that Race in terms of the criteria set out in sub-Rule (7)(a) of this Rule until such time as either the notice is withdrawn, or the Race is downgraded or delisted.
  - (c) Notwithstanding the foregoing, the New Zealand Pattern Committee may at any time, without giving written notice to a Club, downgrade or delist a Race where the Club has made significant changes to the Race in terms of one or more of the following:
    - (i) the distance of the Race;
    - (ii) the date of the Race;
    - (iii) the stake money;
    - (iv) the conditions of the Race.
- (9)
  - (a) The list of Races referred to in sub-Rule (7)(a) will be compiled by the New Zealand Pattern Committee in accordance with the Ground Rules of the Asian Pattern Committee and together with any other decisions, exclusions, exemptions or agreements made by that committee. (Amended 25 July 2022)
  - (b) The New Zealand Pattern Committee may, in its discretion, when compiling the list of Races referred to in sub-Rule (7)(a), ensure that the number of Races in that list is appropriate for the New Zealand Pattern, taking into account generally accepted international expectations, by downgrading or delisting a Race even though the Race has met the race rating parameters and guidelines contained in the Asian Pattern Committee Ground Rules. If the New Zealand Pattern Committee proposes downgrading or delisting a Race under this sub-Rule, it must first consult with the relevant Club. (Amended 25 July 2022)
- (10) From time to time a Review Panel shall be established, comprising the:
  - (a) Chairman of the New Zealand Pattern Committee (being the Chairman who was the Chairman of the New Zealand Pattern Committee at the time the decision relating to the New Zealand Pattern List produced by the New Zealand Pattern Committee was made, notwithstanding that his term of office as Chairman of the New Zealand Pattern Committee may have expired at the time the decision is being reviewed);
  - (b) the President of the New Zealand Thoroughbred Breeders' Association or his nominee; and
  - (c) the Chairman of the Board of NZTR or his nominee;
- (11) Subject to sub-Rule (12)(a), application may be made to the Review Panel for a review of the New Zealand Pattern 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 New Zealand Pattern Committee's List.

- (12) In considering any such application for review, the Review Panel shall have regard to the following:
- (a) whether the New Zealand Pattern Committee has adequately carried out its functions as defined in sub-Rule (7);
  - (b) whether adequate notice has been given to the Club concerned in terms of sub-Rule (8)(a) prior to the downgrading or delisting of any particular Race or Races;
  - (c) whether the changes relied upon by the New Zealand Pattern Committee for downgrading or delisting a Race pursuant to sub-Rule (8)(c) justify such actions;
  - (d) whether new information or changed circumstances have arisen since the New Zealand Pattern Committee made its determination in respect of any particular Race or Races.
- (13) The Review Panel may:
- (a) confirm the List produced by the New Zealand Pattern Committee, in which event the decision of the Review Panel shall be final; or
  - (b) set aside the List and prescribe the terms for referring it back to the New Zealand Pattern Committee for re-consideration.
- (14) 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 TAB NZ, 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 Official Calendar and such advertisement shall state: [Amended 1 September 2020]
- (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 TAB NZ 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 TAB NZ in accordance with the Racing Industry Act 2020 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 TAB NZ 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 Trainer or Owner or lessee of a horse or his Agent acting on his behalf, including a Racing Manager, shall enter a horse for, or withdraw or scratch it from, a Race or declare the Rider of such horse for that Race. [Amended 1 June 2013]
- (2) The lessor of a horse leased for racing purposes may, during the currency of such lease, enter such horse for a Race to be run after the expiration of such lease.

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

- 519 An entry for a Race shall be made in writing, or by telephone, or other means approved by NZTR, by stating the registered name of the horse to be entered in that Race, provided that where it is made by telephone NZTR may require the Trainer or Owner or lessee or the Agent of the Trainer or Owner or lessee to confirm its entry for that Race in writing, within a period specified by NZTR, in which case such Trainer or Owner or lessee, or the Agent of such Trainer or Owner or lessee, must ensure that such confirmation is received by NZTR within that specified period, accompanied by the appropriate fee or other payment. [Amended 1 June 2013]
- 520 (1) An Owner or lessee or a Trainer, or the Trainer's or Owner's or lessee's Agent who enters or attempts to enter a horse for a Race shall, if required to do so by a Stipendiary Steward or Investigator, a Investigative Committee, 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. [Amended 1 June 2013]
- (2) If such horse is not produced at the time and place specified the body or persons requiring production of such horse may take possession of the horse, and the person entering or attempting to enter the horse as aforesaid and the Trainer or Owner or lessee of the horse shall be deemed to have authorised such taking of possession. [Amended 1 June 2013]
- (3) A person who or Tribunal which:
- (a) requires the production of a horse pursuant to this Rule;
  - (b) takes or authorises or directs the taking of possession of a horse pursuant to this Rule; or
  - (c) inspects, examines or observes a horse pursuant to this Rule,
- shall not be liable in damages to the Owner or lessee or Trainer or Rider of such horse or to any other person subject to these Rules at the time when the alleged cause of action arose by reason of the exercise of the powers hereby conferred.
- (4) A person who wilfully breaches this Rule commits a Serious Racing Offence.
- 521 Entries shall not become void on the death of an Owner or lessee or if the Trainer entered the horse, a Trainer. [Amended 1 June 2013]
- 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 (1) 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.
- (2) Subject to the provisions of Rules 325, 326 and 327, 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 is to be regarded as training for the purposes of this Rule.
- (3) A horse which has received an injection of any substance into any joint for any purpose is not eligible to run in a race for a period of 8 days from the date of administration. [Added 1 July 2021]

- 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 408(6), 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 Official Calendar in respect of any entry in such list, or in the list of arrears of Another Racing Authority; [Amended 1 September 2020]
    - (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 40 of the Racing Industry Act 2020; and/or
    - (vii) a person who has been warned off under Rule 659 [Added 1 July 2021].
  - (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; or
  - (i) a horse that is not, or is no longer, eligible for registration under Rule 407. [Amended 1 September 2020]
- (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)(i),(ii) or (iv-vii) 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 Adjudicative 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 Adjudicative 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 Adjudicative 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.
- (7) (a) Notwithstanding any other Rule, if a horse in which a person of the type referred to in Rule 525(2) (c) has an interest (in this sub-Rule, the Affected Person) is entered for or starts in a Race, 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 Investigator may apply to NZTR or the Adjudicative Committee for an exemption from the operation of this Rule 525 and/or Rule 1104 in respect of each Race in which the horse started while the Affected Person had an interest in it.
- (b) NZTR or the Adjudicative Committee (as the case may be) may grant an exemption under paragraph (a) of this sub-Rule on such terms and conditions as it considers appropriate in its discretion (including, without limitation, requiring the Affected Person to repay to NZTR any amounts paid to him, or to the horse's Racing Manager on his behalf, on account of stakes credited to the horse for any of the Races in respect of which the exemption is granted).
- (c) In considering whether to grant an exemption under paragraph (a) of this sub-Rule, NZTR [or the Adjudicative Committee (as the case may be)] shall take into account:
- (i) the nature and size of the Affected Person's interest in the horse;
  - (ii) whether any of the Owners or Lessees other than the Affected Person knew, or ought reasonably to have known, that the Affected Person was a person of the type referred to in Rule 525(2)(c);
  - (iii) the reasons why the Affected Person is a person of the type referred to in Rule 525(2)(c); and
  - (iv) if the horse has a Racing Manager, whether the Racing Manager had procedures in place to ensure to the extent reasonably possible that persons of the type referred to in Rule 525(2)(c) did not acquire an interest in the horse; and
- such other matters as it considers relevant.
- (d) If an exemption is granted in respect of a horse under this sub-Rule, the horse shall be deemed to have been validly entered for, and to have validly started in, each race in respect of which the exemption is granted and shall not be liable to disqualification from any such race on the grounds that the Affected Person had an interest in the horse.

[Amended 1 September 2020]

526 A person shall not enter, or cause to be entered, a horse in a Race where one of the purposes of entering the horse is to affect the weight to be allocated to any other horse entered in such Race.

[Amended 1 August 2014]

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 Trainer, Rider and Owner or lessee (as the case may be) of the horse previously placed second in the Race shall (together with the money previously credited to that horse) for the purpose of calculating winnings be deemed to have been credited to that horse at midnight on the date of publication of such direction in the Official Calendar.. [Amended 1 June 2013] [Amended 1 September 2020]

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

- 529 (1) Whenever a horse is or is deemed to be accepted for its first Hurdle Race or Steeplechase Race, such 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 such type of Race [Amended 1 September 2020]
- (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 the Trainer or Owner or lessee (as the case may be) or his Agent or Racing Manager not later than the Withdrawal Deadline. The acceptance fee for that Race shall be payable in respect of a horse unless it is withdrawn in accordance with this Rule. Where instructions for withdrawal of a horse from a Race Meeting that are received by NZTR do not specify a particular Race at that Race Meeting, such instructions shall be deemed to apply to all Races for which the horse has been entered at that Race Meeting. [Amended 1 June 2013]



533 No Trainer or Assistant Trainer may, 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 the Trainer is or has been training if such horse has been removed, or the Trainer or Stable Foreman has received notice of intention to remove such horse, from the Trainer's custody. [Amended 1 February 1024]

### SCRATCHING HORSES

- 534 (1) At any time from the Withdrawal Deadline to the scratching deadline (as specified for the relevant Race Meeting in accordance with Rule 510(d)(v) or as amended by NZTR from time to time) on the relevant Race day, a person intending to scratch a horse from a Race (after it has been accepted or is deemed to have been accepted) shall give notice to that effect to NZTR and where such notice for scratching a horse refers to a Race Meeting but does not specify a particular Race at that Race Meeting, such notice shall be deemed to apply to all Races for which the horse has been accepted or deemed to have been accepted at that Race Meeting.
- (2) (a) If, after the scratching deadline (as specified for the relevant Race Meeting in accordance with Rule 510(d)(v) or as amended by NZTR from time to time) on the relevant Race day, a Trainer or an Owner or lessee (as the case may be) or his Agent or its Racing Manager wishes to scratch a horse from a Race he must (whether by production of a veterinary certificate acceptable to the Stipendiary Steward or otherwise) attempt to satisfy the Stipendiary Steward that there are circumstances which warrant the horse being scratched and that he is therefore entitled to scratch it after that time. If the Stipendiary Steward is so satisfied, the Stipendiary Steward may authorise the Trainer or Owner or lessee (as the case may be) or his Agent or its Racing Manager to scratch the horse. [Amended 1 June 2013]
- (b) If the Stipendiary Steward is not so satisfied, he shall complete an information and file it with the Adjudicative Committee and the Adjudicative Committee shall then determine whether there are such circumstances and whether the Trainer or Owner or lessee (as the case may be) or his Agent or its Racing Manager is authorised to scratch the horse after that time. [Amended 1 June 2013], [Amended 1 September 2020]
- (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 Adjudicative 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, warrant that horse being scratched.
- (4) If the Trainer or Owner or lessee (as the case may be) or his Agent or the Racing Manager of a horse which is scratched pursuant to Rule 534(3) wishes to appeal against that decision, he shall inform the Stipendiary Stewards of that wish and a Stipendiary Steward shall file an information with the Adjudicative Committee who shall consider the matter de novo. [Amended 1 June 2013]
- (5) Scratchings shall be final and a horse which has been scratched by the Trainer or Owner or lessee (as the case may be) or his Agent or its Racing Manager shall not be reinstated for a Race, unless following an application from the Trainer or Owner or lessee (as the case may be) or his Agent or its Racing Manager NZTR, in its sole discretion, directs that a horse which has been so scratched be reinstated. [Amended 1 June 2013]

### 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 Trainer or Owner or lessee (as the case may be) or the Agent of the Trainer or Owner or lessee (as the case may be) for a horse accepted or deemed to have been accepted for a Race shall: [Amended 1 June 2013]
- (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 139 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 9 or fewer winners – 4 kg;

- (f) if the Apprentice Jockey has ridden at least 10 winners but no more than 39 winners – 3 kg;
- (g) if the Apprentice Jockey has ridden at least 40 winners but no more than 79 winners – 2 kg; or
- (h) if the Apprentice Jockey has ridden at least 80 winners but no more than 139 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 that is not a Prestige or Feature 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 jumping winners ridden by the Rider and computed as follows:
  - (a) if the Rider has ridden 5 or fewer winners – 3 kg;
  - (b) if the Rider has ridden at least 6 but not more than 10 winners – 2 kg; or
  - (c) if the Rider has ridden at least 11 winners but no more than 15 winners - 1 kg. [Amended 9 July 2018]
- (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 5 or fewer winners - 3 kg;
  - (b) if the Rider has ridden at least 6 but not more than 10 winners - 2 kg; or
  - (c) if the Rider has ridden at least 11 winners but no more than 15 winners - 1 kg. [Amended 9 July 2018]
- (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) That notwithstanding Rules 542(1) (2) and (3) a rider may claim during a race meeting the same allowance to which he was entitled at 12:01 am on the day when declaration of riders for that race meeting officially closed. [Amended 7 May 2018]

#### **INELIGIBILITY FOR GROUP RACES AND LISTED RACES**

543 A Rider who:

- (a) holds a Class B Rider’s Licence; and
- (b) pursuant to Rule 542, is eligible to claim for particular Flat Races the maximum allowance (being 4 kg) for an Apprentice,

shall not be eligible to ride in a Group Race or a Listed Race unless the Rider is permitted to ride in such a Race by the Chief Stipendiary Steward or his nominee.

## 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:
- (a) 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;
  - (b) determine any question as to whether that day of racing or any part thereof should be postponed, abandoned or cancelled; [Added 1 May 2015]
- (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 TAB NZ in the course of their duties; or
  - (c) enter the race track during the running of a race without the permission of a Stipendiary Steward. [Added 1 June 2013]
- 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 40 of the Racing Industry Act 2020) 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 by NZTR, or off racecourses or racing facilities by Another Racing Authority shall be excluded from every Racecourse when any matter connected with racing is in progress. [Amended 1 May 2015]
- (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 (1) A person must use sound and suitable gear on a horse.

- (2) Every horse must be properly bridled and saddled while being ridden, and every saddle used in official Trials, jump-outs, tests, or trackwork must, subject to sub-rule (3), be equipped with safety irons of a design approved by NZTR. [Added 1 July 2021]
  - (3) If a rider wears race boots in official Trials, jump-outs or exhibition gallops, the saddle must be equipped with race irons. [Added 1 July 2021]
  - (4) While being led outside of a stable premise, every horse must have a bit in its mouth, and that bit must be attached to a lead or stallion chain. [Added 1 July 2021]
  - (5) Every person leading or attending a horse must wear fully enclosed and substantial footwear of a standard approved by NZTR. [Added 1 July 2021]
- 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) *[Deleted 1 April 2019]*
  - (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. [Amended 15 August 2024]
- 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 Rules 609 and 616(2), only an item or items of approved gear or Notifiable Gear may be used on a horse in a Race, a Trial, jump-out or in trackwork, provided that the Stipendiary Stewards may approve other gear for a particular horse to be used in trackwork.
- (2) A Trainer shall not start or attempt to start a horse in a Race in an item or items of Notifiable Gear unless permission has been obtained from a Stipendiary Steward before the horse is accepted or is deemed to be accepted for that Race.
- (3) A trainer shall not start or attempt to start a horse in a Race unless that horse has a numbered saddle cloth supplied by the Club which may contain a device to permit the capturing of data on that horse's performance during the Race. Any such data may be used by NZTR for such purposes as it sees fit. [Amended 1 August 2014]
- (4) When permission has been obtained in accordance with sub-Rule (2) of this Rule 616 for the use of an item or items of Notifiable Gear on a horse, such item or items of Notifiable Gear will continue to be used without variation on the horse concerned in consecutive subsequent Races unless permission has been obtained from a Stipendiary Steward before the horse is accepted or is deemed to be accepted for a subsequent Race, or the Trainer is otherwise approved or instructed by a Stipendiary Steward to change or adjust the Notifiable Gear that is to be used for that horse.

- (5) A horse which starts, or attempts to start, in a Jumping Race shall be subject to the requirements of sub-Rules (1), (2) and (3) of this Rule 616 together with requirements of Rule 529.
- (6) Subject to sub-Rule (3), any permission a Trainer obtains from a Stipendiary Steward under this Rule 616 to start or attempt to start a horse in particular items of Notifiable Gear:
  - (a) for a Flat Race shall only apply to Flat Races;
  - (b) for a Jumping Race shall only apply to Jumping Races.

For the avoidance of doubt, the Trainer has no obligation to seek a Stipendiary Steward's approval to start or attempt to start a horse in a subsequent Flat Race with the same item or items of Notifiable Gear as it started in for the last Flat Race it ran, irrespective of whether it started in a Jumping Race in other approved items of Notifiable Gear between such Flat Races. The same applies in respect of in consecutive subsequent Jumping Races.

## **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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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.
- (8) If any horse starts from an incorrect stall position, the Adjudicative Committee shall have the discretion to confirm the Official Result of Placings, declare the race to be void or declare any horse in the Race to be a non-starter. [Added 1 May 2015]
- 632 (1) If, in the opinion of the Adjudicative Committee, a horse which does not finish in the first four 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 Adjudicative Committee may declare such horse to be a non-starter. [Amended 1 September 2020]
- (2) If, in the opinion of the Adjudicative Committee, any horse gained an unfair advantage by its barrier stall malfunctioning and opening, or being forced, by such horse, open prior to the starter effecting a start, such horse may be declared a non-starter. [Added 15 April 2016]

#### **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 Adjudicative 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 Adjudicative 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, which he pulls up for any reason, must wait in the area where he pulled up until all contenders in the race have passed by and, if the race is a steeplechase or hurdle race, he must refrain from jumping any further steeples or hurdles; [Added 1 June 2013]
  - (d) being the Rider of a horse in a Race, must ride his horse out to the end of the Race if there is a reasonable chance of it running into a position for which there is prize money to be awarded or a dividend to be declared;
  - (e) being the Rider of a horse in a Race must not rely on the chance of a protest, objection, information or proceeding;
  - (f) shall not ride a horse in a Race without holding a current Rider's Licence; and
  - (g) being the Rider of a horse, must appear in the racing colours registered in connection with that horse, and wear the requisite riding gear of the type and nature set out in the approved gear list determined and published by NZTR in accordance with Rule 609.
- (2) Where a person acts in contravention of sub-Rule (1) above, the Adjudicative 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 Adjudicative 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) Whip Rules: (Amended 1 September 2021)
- (a) A Rider may only carry in a Flat Race or Jumping Race, a Trial (including jump-outs and/or tests for certification purposes), or trackwork one padded whip of a design and specification approved by NZTR ("approved whip") which is in a satisfactory condition and has not been modified in any way.
  - (b) A person must not have in his or her possession:
    - (i) a whip which is not an approved whip; or
    - (ii) an approved whip which has been modified in any way.
  - (c) The Stewards may confiscate any whip which:

- (i) is not an approved whip; or
  - (ii) is an approved whip which, in their opinion, is not in a satisfactory condition or has been modified in any way.
- (d) If an Apprentice Jockey breaches subrule 638(3)(b) or (c), the Apprentice Jockey's employer and/or other person in charge of the Apprentice Jockey at the time of the breach may also be penalised unless that person satisfies the Stewards that he or she took all proper care to ensure the Apprentice Jockey complied with this rule.
- (e) In a Flat Race or Jumping Race, a Trial (including jump-outs and/or tests for certification purposes), a Rider must not use his or her whip in an excessive, unnecessary or improper manner.
- (f) Without limiting the generality of subrule 638(3)(e), in a Flat Race or Jumping Race, a Trial (including jump-outs and/or tests for certification purposes) a Rider must not use his or her whip:
- (i) forward of the Rider's horse's shoulder or in the vicinity of its head; or
  - (ii) using an action that raises the Rider's arm above shoulder height; or
  - (iii) when the Rider's horse is out of contention; or
  - (iv) when the Rider's horse is showing no response; or
  - (v) after passing the winning post; or
  - (vi) in a manner that causes injury to the Rider's horse; or
  - (vii) when the Rider's horse is clearly winning; or
  - (viii) when the Rider's horse has no reasonable prospect of improving or losing its position; or
  - (ix) in a manner where the seam of the flap is the point of contact with the horse, unless the Rider satisfies the Stewards that that was neither deliberate nor reckless.
- (g) Subject to the other requirements this Rule 638(3), in a Flat Race or Trial (including jump-outs and/or tests for certification purposes), a Rider must not:
- (i) except as provided for in (iii) (A) and (iii) (B) of this sub-Rule, strike a horse with a whip more than 5 times prior to the 100-metre mark (other than in a slapping motion down the shoulder with the whip hand remaining on the reins); or (Amended 26 June 2023)
  - (ii) strike a horse with a whip in consecutive strides at any stage of the race.
  - (iii) it shall not be a contravention of (i) of this sub-Rule if:
    - (A) a Rider strikes a horse six times prior to the 100-metre mark, provided that the Rider does not strike the horse more than four times after the 100-metre mark, or (Amended 26 June 2023)
    - (B) a Rider strikes a horse seven times prior to the 100-metre mark, provided that the Rider does not strike the horse more than 3 times after the 100-metre mark. (Amended 26 June 2023)
- (h) Subject to the other requirements this Rule 638(3), in a Jumping Race or Trial (including jump-outs and/or tests for certification purposes), a Rider must not:
- (i) strike a horse with a whip more than 10 times prior to the 100-metre mark (other than in a slapping motion down the shoulder with the whip hand remaining on the reins); or
  - (ii) strike a horse with a whip in consecutive strides at any stage of the race.
- (i) In races for Amateur Riders only, the whip may not be used in the drawn position. It may only be used in a slapping motion down the shoulder with the whip hand remaining on the reins.

- (j) A trainer, owner or their authorised agent must not give instructions or offer inducements to a Rider regarding the use of the whip which, if carried out, might result in a breach of this Rule 638 [Rule 802(1) applies].
- (4) A Rider shall not unreasonably slow, reduce or check the speed of his or her horse to a degree that interferes, either directly or indirectly, with any other horse in the race. [Amended 1 August 2017]
- (5) A Rider in a Jumping Race or Trial must retire his or her horse from a Race or Trial immediately if:
  - (a) the horse has fallen (whether at a jump or in running); or
  - (b) the horse is not in contention and/or is fatigued; or
  - (c) the horse is distressed; or
  - (d) in the circumstances, the Rider continuing riding the horse in the Race would cause an increased risk of a fall for the horse and/or the Rider, or for other horses and/or other Riders.

For the purposes of sub-rule (d), the following factors may, without limitation, be considered:

- (i) whether the rider has lost an iron or irons;
- (ii) whether the saddle has slipped on the horse;
- (iii) whether the horse has sustained an injury during the race or official Trial. [Added 1 July 2021]

## **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 a horse and/or Rider falls or gets away from its Rider after a race has started, that horse shall take no further part in the race. [Amended 1 September 2020];
  - (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 Adjudicative 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 Adjudicative Committee who may direct the Race to be run again as soon as practicable.
- (2) The decision of the Adjudicative 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 0.5kg or more in excess of that at which he weighed out: [Amended 1 May 2015]

- (a) that Rider; and
  - (b) any other person who a Tribunal conducting an inquiry finds was at fault, 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 Adjudicative 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** [Amended 1 August 2017]

- 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 where the occurrence takes place, condition is present, surgery is performed, or treatment is administered that may affect or impact on the horse's performance in the Race:
    - (i) by acceptance time, where the occurrence takes place, the condition is present, surgery is performed, or the treatment is administered before acceptance time; or
    - (ii) as soon as practicable, where the occurrence takes place, the condition is present, surgery is performed, or the treatment is administered after acceptance time.
- (2) The rider of a horse must report any pre-race occurrence or incident involving or affecting the horse occurring after the order to mount which may impact the running or performance of the horse in the race. The report by the rider must be made to the Stewards or, in the absence of the Stewards, to the race starter, prior to the start of the race.
- (3) 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.
- (4) Any loss or breakage of gear during a race, or any unusual happening in connection therewith, shall be reported by the owner and/or trainer and/or rider to the Stewards immediately after the race.
- (5) 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, the trainer must report the condition or injury to the Stewards as soon as practicable and no later than acceptance time for its next race engagement.



- (6) Where a horse could potentially hold future engagements to race or Trial, the Trainer and/or Owner or lessee (as the case may be) or any other person in charge of the horse shall, as soon as practicable, report to the Stipendiary Stewards any surgeries undergone by, or significant treatments administered to, the horse not previously notified. The kinds of surgeries and significant treatments covered by this rule are those prescribed by NZTR and published from time to time, and include mandatory reporting of:
- a) Any surgery aimed at correcting a condition that may have adversely impacted a horse's prior performances e.g. upper respiratory tract surgery or surgery to correct lameness, limb inflammation/pain or gait dysfunction.
  - b) A horse is required to have a long period of rest to heal an injury sustained in a race or during training, e.g. tendon/ligament strain.
  - c) Lameness or musculoskeletal inflammation/pain.
  - d) Injury to any part of the body which could potentially adversely impact on the horse's performance or constitute a welfare or public perception issue on race day or have resulted in an interrupted preparation.
  - e) Any condition or occurrence that has resulted in a horse missing consecutive days of normal exercise, or that has sufficiently interrupted and thus adversely impacted a horse's preparation for its next race. [Amended 1 September 2020]
- 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 ridden in exercise for a period of two months from the date of the attack [Amended 1 July 2021];
  - (b) start in any Race or Trial 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 and/or a Veterinarian.
- (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 pregnant filly or mare shall not Race or participate in any Trials (including jump-outs or tests for certification purposes), or trackwork more than 120 days after its last date of service. [Amended 1 August 2014]
- (2) A Trainer who has completed a form under Rule 326(1) in respect of a filly or mare which is being served by a stallion in breeding season must notify a Stipendiary Steward as follows: [Amended 1 August 2014]
- (a) of the first date of service, such notice to be given within seven days of that service;
  - (b) the outcome of a 42-day pregnancy test, within seven days of the results of that test, such notification to the Stipendiary Steward to include:
    - (i) the outcome of the test;
    - (ii) if the test is positive, the last date of service of that filly or mare;
  - (c) if a pregnant filly or mare subsequently slips or is otherwise found not to be pregnant the Trainer must advise a Stipendiary Steward before the horse may participate in any Race or Trial (including a jump out or test for certification procedures).

- (3) For the purpose of sub-Rule (2), slip shall have the meaning given to the term "slipped" in Regulation 1(2) of the New Zealand Stud Book and Register of Non Stud Book Mares Regulations.  
[Amended 1 August 2014]
- 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 euthanised 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 euthanasia 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 euthanise such horse shall have no liability for any loss suffered by any person as a result of or in connection with the euthanasia 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, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises shall thereby be deemed to have consented to a Sample 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. [Amended 1 December 2013] [Amended 1 August 2014]
- (2) A Stipendiary Steward or Investigator may require a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, to supply a Sample at a time and such place nominated by the Stipendiary Steward or Investigator. If so, such Rider, or any other Licenceholder must comply with such a requirement. Any Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, 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 Adjudicative Committee, such person's Licence should be reviewed (including having conditions imposed on it), cancelled, withdrawn or suspended under Rule 308(1) of these Rules. [Amended 1 December 2013] [Amended 1 August 2014]
- (3) A Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, who, having been required by a Stipendiary Steward or Investigator to supply a Sample in accordance with this Rule must not have a 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. [Amended 1 December 2013], [Amended 1 August 2014]
- (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.
- (5) Subject to Rule 656(4), any Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises must not have a breath alcohol level greater than:

- (a) 150 micrograms of alcohol per litre of breath, if that person is younger than 20 years of age;
  - (b) 400 micrograms of alcohol per litre of breath, if that person is 20 years of age or older. [Amended 1 August 2014]
- 657 (1) If a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, has supplied a Sample 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: [Amended 1 December 2013], [Amended 1 August 2014]
- (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 Adjudicative 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, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, is filed within 21 days of the written notice referred to in Rule 657(1)(a) being served on that person; and [Amended 1 August 2014]
  - (b) that Rider, or such other Licenceholder, (as applicable) has subsequently provided a further sample (being the same type or Sample as the first sample provided) 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, [Amended 1 December 2013], [Amended 1 August 2014]
- then that person's Licence may be reinstated.
- (3) If, in the opinion of NZTR, the hearing of an information against a Rider, or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, 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. [Amended 1 August 2014]
- (4) The above provisions shall take effect notwithstanding anything to the contrary in the provisions of Rule 308.

## TRIALS GENERALLY

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

### WARNING OFF [Added 1 May 2015]

659 NZTR may, on reasonable grounds, warn a person off. A person warned off by NZTR:

- (a) may not enter any Racecourse, Training Facility, Trainers Premise, or other area connected with the conduct or racing and/or the care of thoroughbred horses;
- (b) is not eligible to hold any category of licence issued under the Rules;
- (c) may not be registered as an Owner or a Lessee of a horse to which these Rules apply;
- (d) is not eligible to be an Authorised Syndicator, a racing manager, or an Accountable Person; and
- (e) for the avoidance of doubt, must in all other respects be excluded wherever possible from any participation in or association with thoroughbred racing and the care of thoroughbred horses.

A person who fails to comply with this section, or who knowingly abets a breach of this section by another person, commits a Serious Racing Offence and shall, in addition to any other penalty that may be imposed, be disqualified for life. [Added 1 July 2021]

## 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 Adjudicative Committee shall direct the Stipendiary Steward to counter-sign the Judge's Report, as amended (if necessary) in accordance with the Adjudicative 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 Adjudicative Committee to constitute a Serious Racing Offence.

**BETTING BY RIDERS** [Amended 3 March 2015]

- 707 (1) Subject to sub-Rule (2) below:
- (a) a Rider must not bet or have any interest in a bet, or facilitate a bet, on any Race, or any contingency which includes or relates to any Race, that is governed by these Rules. For the purpose of this Rule, the reference to bet includes Laying any horse; but
  - (b) a Rider may bet other than on a Race that is governed by these Rules provided the Rider places the bet through his or her betting account with an Authorised Wagering Operator using his or her mobile phone or any other electronic communication device of the Rider (including a smartphone, laptop, personal computer, tablet, pager or similar device).
- (2) An Amateur Jockey may bet or have any interest in a bet, or facilitate a bet, on any Race, or any contingency which includes or relates to any Race other than any such Race in which he or she is riding. For the purpose of this Rule, the reference to bet includes Laying any horse.
- (3) A Rider shall upon request by a Stipendiary Steward or Investigator, supply:
- (a) written or electronic records of all bets made through that Rider's betting accounts, including written or electronic records of that Rider's mobile phone and other electronic communication devices; and
  - (b) copies of the Rider's bank statements and such other financial records or information as the Stipendiary Steward or Investigator may reasonably request:
    - (i) if the Stipendiary Steward or Investigator suspects, acting reasonably, that the Rider may have breached Rule 707(1); or
    - (ii) in order to ensure that the Rider has complied with Rule 707(1).
- (4) For the purpose of Rule 801(t), any breach of this Rule 707 is deemed to be a Serious Racing Offence.

**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.

**BETTING AND LAYING BY RIDERS' AGENTS** [Amended 1 August 2017]

- 710 (1) A Rider's Agent must not Lay a horse or have any interest in the Laying of a horse, or facilitate the Laying of a horse in any Race in respect of which the Rider's Agent has a contract or arrangement to represent any Rider that is riding in that Race (including the horse that is being ridden by the Rider), regardless of whether the Rider's Agent has been involved in the engagement of any such Rider(s) in the particular Race;
- (2) A Rider's Agent may:
- (a) bet (including Laying) at any time on any race or any contingency which includes or relates to any race in New Zealand or elsewhere (not being a Race that is governed by these Rules); and
  - (b) bet (including Laying) on any Race, or any contingency in relation to any Race, in respect of which the Rider's Agent does not have a contract or arrangement to represent any Rider in that Race, provided he or she places the bet through his or her betting account with an Authorised Wagering Operator using his or her mobile phone or any of his or her other electronic communication devices (including a smartphone, laptop, personal computer, tablet, pager, or other similar device).
- (3) A Rider's Agent shall upon request by a Stipendiary Steward or Investigator, supply written, or electronic, records of all bets (including Lays) made through that Rider's Agent's betting accounts, including written or electronic records of that Rider's Agent's mobile phone and other electronic communication devices.
- (4) For the purpose of Rule 801(t), any breach of this Rule 710 is deemed to be a Serious Racing Offence.

## PART VIII

### MISCONDUCT, SERIOUS RACING OFFENCES, BREACHES AND GENERAL PROVISIONS

#### MISCONDUCT

800 A Licensed Person, Owner, lessee, Racing Manager, Official or other person bound by these Rules must not misconduct themselves in any matter relating to the conduct of Races or racing. [Amended 1 February 2024]

#### 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, Assistant Trainer, Rider, or other person having charge of or access to a horse; [Amended 1 February 2024]
  - (b) having official duties in relation to a Race, or being the Owner or lessee (as the case may be), Trainer, Assistant 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; [Amended 1 February 2024]
  - (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) (i) 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 to a horse for the purpose of affecting the speed, stamina, courage or conduct, a Prohibited Substance as defined in Part A of the Prohibited Substance Regulations; [Amended 15 May 2015]
- (ii) acquires, administers, causes or permits to be administered or who attempts to acquire, administer or to cause to be administered or who permits a person to acquire, administer or cause to be administered to a horse a Prohibited Substance as defined in Part B of the Prohibited Substance Regulations; [Amended 15 May 2015]
- (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 or has any such device, equipment, appliance or apparatus in their possession;
- (p) inflicts undue suffering on a horse by any means or has in their possession any gear, equipment, appliance, device or apparatus (other than as approved, from time to time, by NZTR) that is capable of being used to inflict undue suffering on a horse;
- (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 Adjudicative 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;
  - (ad) engages in the sexual harassment of a person employed, engaged, or otherwise participating in the racing industry; or [Amended 1 January 2018]
  - (ae) subjects a horse to, causes or permits a horse to be subjected to, or who attempts to subject or cause a horse to be subjected to, or who permits a person to subject a horse to, Gene Doping. [Amended 1 September 2020]
- (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 Adjudicative 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 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 for which 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 Adjudicative 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 riding in Races for a period not exceeding 12 months, and/or  
[Amended 3 October 2023]
  - (iii) be suspended from holding or obtaining a Licence for a period not exceeding 12 months; and/or [Amended 1 August 2014]
  - (iv) 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) Subject to Rule 803(2)(b), where any Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises commits or is deemed to have committed a breach of these Rules related to drugs or alcohol and a penalty is not provided elsewhere in these Rules for that breach, that Licenceholder committing the breach may:

- (a) be disqualified for a period not exceeding 5 years; and/or
- (b) be suspended from holding or obtaining a Licence for a period not exceeding 12 months; and/or

- (c) be fined a sum not exceeding \$50,000,  
provided that if the Licenceholder committing an alcohol related breach is a Trainer and it is that Trainer's first offence under these Rules in relation to drugs or alcohol from the date Rule 803(3) came into effect, then that Trainer may be fined a sum not exceeding \$50,000 but shall not be suspended or disqualified for committing that first breach. [Amended 1 August 2014]
- (4) 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.
- (5) The Adjudicative 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.
- (6) For the avoidance of doubt, a breach relating to the Prohibited Substance Regulations shall be dealt with under Rule 801 and/or Rule 804 and not this Rule 803. [Added 15 May 2015]

#### **PROHIBITED SUBSTANCE OFFENCES**

- 804 (1) (i) 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 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 irrespective of the circumstances in which the Prohibited Substance was administered or came to be present in, or on, the horse. [Amended 15 May 2015], [Amended 1 August 2023]
- (ii) When the Trainer of the horse has been advised of the analysis which indicates that a prohibited substance may have been administered to, or ingested by, the horse and the Owner, Trainer, or their authorised representative does not request that the reserve sample be analysed at an approved laboratory by 4.00 pm on the third working day after being so advised, an Adjudicative Committee must disqualify the horse and amend the placings, and the stakes will be paid in accordance with that decision.
- (iii) Where the owner, trainer, or their authorised representative does request the reserve sample be analysed at an approved laboratory by 4.00 pm on the third working day after being advised of the analysis and the analysis of the reserve sample indicates that a prohibited substance may have been administered to, or ingested by, the horse, an Adjudicative Committee must disqualify the horse and amend the placings, and the stakes will be paid in accordance with that decision.
- (iv) The owner or trainer of the horse subject to a positive result may notify the Chief Executive of the Racing Integrity Board, in writing, that they intend to challenge the analysis and the basis for that challenge. The notification must be within five working days of being advised of the results of the analysis, or the result of the reserve sample (if applicable). The Adjudicative Committee shall then determine whether the horse is to be disqualified after hearing from the parties.
- (v) Disqualification and changes of placings under this rule will take effect from the immediate Monday following the decision of the Adjudication Committee, or such other time as the Adjudicative Committee determines.
- (vi) A disqualification under sub-Rules (ii) and (iii) may not occur until after the five working day period in sub-rule (iv).
- (2) When a horse which has been brought to a Racecourse or similar racing facility, or a Training Facility, for the purpose of:
- (a) engaging in a Race or trial to which the Third Appendix hereto applies; or
  - (b) obtaining a barrier or other certificate or a clearance to race (as the case may be),

is found by a Tribunal conducting an inquiry to have had administered to it or have had present in its metabolism a Prohibited Substance, as defined in Part A of Prohibited Substance Regulations,

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. (Amended 1 February 2024)

- (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, or a Training Facility, for the purpose of engaging in any Race or trial to which the Third Appendix hereto applies, or obtaining a barrier or other certificate or a clearance to race, 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, or obtain a barrier or other certificate or clearance, discloses a level of article, substance or liquid equal to or greater than any such level which is specifically contained in the Prohibited Substance Regulations. (Amended 1 February 2024)
- (4) A person shall not have in his or her possession on a Racecourse or similar racing facility, where a Race Meeting is being conducted or Trials to which the Third Appendix hereto applies, 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) Notwithstanding (and without limiting) any other provision of this Rule, no person, other than a Veterinarian who is an official, shall administer or cause to be administered, in any manner whatsoever, any substance other than a Permitted Substance to a horse entered in a Race, a Trial to which the Third Appendix applies or a jump out, at any time during:
- (a) the one Clear Day, being the twenty-four hour period before 12.01 am on the day the horse is to race; or
  - (b) the day of that Race, Trial or jump out (which, for the avoidance of doubt, commences at 12:01 am on the day the Race, Trial or jump out takes place) and prior to the start of such Race, Trial or jump out,

unless the substance was administered with the written consent of a Stipendiary Steward or Investigator and the Stipendiary Steward or Investigator was satisfied on reasonable grounds that the substance was being administered, and was necessary, solely for horse welfare reasons.  
[Amended 7 September 2020]

- (5A) A person must not:
- (a) inject any substance directly or indirectly into a horse's joint contrary to the recommendations made in the NZ Equine Veterinary Association (NZEVA) Prohibited Substance Recommended Withdrawal Times as adopted by the NZEVA from time to time, nor at any time during the period 8 Clear Days prior to the horse starting in a Race (unless the horse is withdrawn from the Race before it starts); or
  - (b) withdraw blood from a horse for any purpose or administer or reintroduce into a horse's blood or cardiovascular system any quantity of autologous, allogenic (homologous) or heterologous blood, or blood products of any origin other than for:
    - i diagnostic/laboratory testing procedures; or
    - ii use by a veterinary surgeon in any procedure/s performed for lifesaving purposes; or
    - iii in the use of veterinary regenerative therapies for the treatment of musculoskeletal injury or disease.

A blood sample may only be taken for diagnostic/laboratory testing purposes within 1 Clear Day before a Race with the approval of a Stipendiary Steward. [Amended 15 August 2024]

- (6) A Trainer of a horse commits a breach of these Rules if the Adjudicative Committee conducting an inquiry finds that a horse under his or her care:
- (a) has had administered to it or has had present in its metabolism a Prohibited Substance as defined in Part B of Prohibited Substance Regulations. [Amended 15 May 2015]

- (b) is connected to a breach of Rule 804(5A). [Amended 15 August 2024]
- (7) A person who commits a breach of sub-Rule (2) or (3) or (4) or (5) or (5A) or (6) 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.
- (8) Any horse connected with a breach of sub-Rule (2) or (3) or (4) or (5) or (5A) or (6) 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.
- (a) If a Stipendiary Steward is satisfied following the outcome or analysis of the exercise of any powers in Rules 208(c) that a horse has had administered to it or has had present in its metabolism a Prohibited Substance, as defined in Part B of Prohibited Substance Regulations, then the Stipendiary Steward may declare the horse ineligible to start in any Race or Trial to which the Third Appendix hereto applies for a reasonable period (taking in account the nature of the Prohibited Substance administered or which is or was present), such period to be determined by the Stipendiary Steward following consultation with a Veterinarian; and [Amended 15 May 2015]
  - (b) Any horse connected with a breach of sub-Rule (6) in relation to clause 8 of Part B of the Prohibited Substance Regulations may not be trained (and is ineligible to start in any Race or Trial to which the Third Appendix applies) for a period of 12 months from the date the relevant Adjudicative Committee delivers its written decision (except that if the horse is less than two years old at the time the written decision is delivered then the 12 month period shall commence on the day that horse turns two years old). [Added 15 May 2015]
  - (c) Without limitation to any other penalty which may be imposed, any horse connected with a breach of sub-Rule (5A)(b)(ii) must not be trained and is ineligible to start in any Race or Trial, for a period of 12 months from the date of the breach. [Amended 15 August 2024]
- (9) If an Owner or lessee (as the case may be) or his Agent or the Racing Manager or the Trainer of a horse, which is declared ineligible to start in any Race or Trial to which the Third Appendix applied Race pursuant to Rule 804(9), wishes to appeal against that decision (including the decision to declare the horse ineligible and/or the period of ineligibility), he shall inform the Stipendiary Stewards of the wish and a Stipendiary Steward shall file an information with the Adjudicative Committee who shall consider the matter de novo.
- (10) 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 (10) 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.
- (11) (a) This Rule 804(11) only applies to horses that are aged less than 4 years at the time of the relevant administration or attempted administration. [Added 1 August 2023]
- (b) A person must not administer, cause to be administered, attempt to administer or be party to an administration of any bisphosphonate to a horse aged less than 4 years.
  - (c) A horse which has been subjected to an administration of any bisphosphonate in breach of this Rule:
    - (i) is ineligible to participate in any race, a Trial to which the Third Index hereto applies, jump-out or trackwork for a minimum of 12 months from the date of administration: and
    - (ii) is not in any event permitted to race again until 1 August of the year in which the horse turns 4.
  - (d) If a horse to which this Rule applies is subjected to an administration of any bisphosphonate the Trainer, Racing Manager or Owner of the horse must, as soon as is practicable after such administration, notify the Stewards.
  - (e) A person must not:
    - (i) enter or run a horse to run in a race, a Trial to which the Third Appendix hereto applies or a jump-out or otherwise exercise a horse in trackwork in contravention of sub-Rule (c); or
    - (ii) fail to notify the Stewards as required by sub-Rule (d)
  - (f) It is a defence to a charge alleging a breach of sub-Rule (e) that the person was not aware, and should not reasonably have been aware, that the horse had been subjected to an administration of any bisphosphonate.
  - (g) For the purposes of this Rule, a bisphosphonate includes but is not limited to tiludronic acid (disodium tiludronate) or clondronic acid (clondronate disodium tetrahydrate) and any other bisphosphonate, whether registered for veterinary use in New Zealand or not.
- (12) (a) This Rule applies to horses that are aged 4 years or older at the time of the relevant administration or attempted administration. [Added 1 August 2023]
- (b) A horse that has been subjected to an administration of any bisphosphonates in breach of this Rule is ineligible to participate in any Race, Trial to which the Third Index hereto applies or jump-out at any time during the 30 consecutive Clear Days following midnight on the day of administration.
  - (c) Where a horse has been nominated and/or entered for a Race, Trial to which the Third Index hereto applies or jump-out, a person must not administer, cause to be administered, attempt to administer or be party to an administration or attempted administration of any bisphosphonate to the horse at any time within 30 consecutive Clear Days of the Race, trial to which the Third Index hereto applies or jump-out.
  - (d) A Trainer must not enter or run a horse to which this Rule applies, in any race, Trial to which the Third Index hereto applies or jump-out where the horse has been subjected to an administration of any bisphosphonate during the 30 consecutive Clear Days prior to the day of the race, Trial to which the Third Index hereto applies or jump-out.
  - (e) Where:
    - (i) a horse has been subjected to an administration of any bisphosphonate at any time during the 30 consecutive Clear Days prior to the day of the Race, Trial to which the Third Index hereto applies or jump-out; or
    - (ii) the Stewards reasonably suspect that there has been such an administration (as referred to in sub-Rule 12(e)(ii)),
 the Stewards may order the scratching of the horse from the relevant Race, Trial to which the Third Index hereto applies or jump-out.

- (f) For the purposes of this Rule, a bisphosphonate includes but is not limited to tiludronic acid (disodium tiludronate) or clondronic acid (clondronate disodium tetrahydrate) and any other bisphosphonate, whether registered for veterinary use in New Zealand or not
- (13) For the purposes of this Part VIII and Part IX of these Rules, "administer" means (unless the context requires otherwise) to give, introduce or apply by any means whatsoever including, without limitation, orally, by passive feeding, gastric or nasal gastric tubing, aerosolising or topical application or by intravenous or other injection and also includes the extraction of blood or any other bodily fluid, tissue or other substance, and "administered" and "administration" each have a corresponding meaning. [Amended 1 September 2020] [Amended 1 August 2023]

## 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, Accountable Person or person in charge of the horse unless, before the hearing commenced, he gave written notice to for the Adjudicative 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, Accountable Person 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 Adjudicative 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 if and to the extent that any such fine or costs have not been paid by deduction pursuant to Rules 333 and 358(4). [Amended 15 April 2016]
- 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.
- 812 The Adjudicative Committee may: [Amended 1 August 2014]
- (a) in addition to or in substitution of any penalty imposed under Rules 801, 803 and/or 804, require the person committing the breach to complete a counselling or rehabilitation course of the type specified by the Adjudicative Committee; and/or

- (b) stay, in whole or in part, and for such period and upon such terms and conditions as it thinks fit, the operation of any penalty imposed for a breach of the Rules, provided that, in the event of any failure to comply with any of the terms and conditions of the stay, the Adjudicative Committee may order that the penalty or the remaining part of the penalty take effect.

**SAMPLES** [Added 1 September 2020]

- 813 Each Sample taken from a horse or person pursuant to the Rules is the property of NZTR with effect from the time at which such Sample is taken from the horse or person.

**LIABILITY** [Added 1 September 2020]

- 814 None of NZTR, a Club, a Stipendiary Steward, an Investigator, a Tribunal, a Training Disputes Tribunal, 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 any loss suffered by any person as a result of or in connection with the exercise of the powers conferred (or bona fide believed to have been conferred) by these Rules.



## PART IX

### ADJUDICATIVE COMMITTEES

#### FUNCTIONS AND DUTIES OF ADJUDICATIVE COMMITTEE

- 901 (1) A member of the Adjudicative 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 Adjudicative 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 Adjudicative Committee may, subject to the provisions of these Rules, determine the procedure and conduct of any hearing as it thinks fit.
- (4) The Racing Integrity Board shall appoint one of the members of an Adjudicative Committee to act as the Chairman of that Adjudicative Committee. In any case where the appointed Chairman of the Adjudicative Committee is unable or unwilling to act in relation to a particular matter the Adjudicative Committee shall appoint another of its members to act as Chairman in relation to that matter.
- (5) Subject to the preceding sub-Rules of this Rule all appointed members of an Adjudicative 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 Adjudicative 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 an Adjudicative Committee shall be: [Amended 1 May 2015]
- (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) declare a Race null and void and if it thinks expedient order that such Race be run again; and
- (iii) exercise the powers, duties and functions conferred or imposed on Adjudicative Committees by these Rules and the Racing Industry Act 2020;
- (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 Adjudicative Committee, and in the event of such order being made neither the Adjudicative 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 Adjudicative Committee did not necessarily officiate; and
  - (g) to require a Rider or any other Licenceholder who has carried out, is carrying out, or is likely to carry out, a Safety Sensitive Activity at a Racecourse, Training Facility or Trainer's Premises, to permit a Sample 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. [Amended 1 December 2013] [Amended 1 August 2014]
- (3) An Adjudicative 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 Adjudicative 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) the Adjudicative Committee, where the information is filed during a Race Meeting; or  
[Amended 1 September 2020]
  - (b) with a person appointed by the Racing Integrity Board 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; or
  - (iii) a person with the leave of the Adjudicative Committee.
- (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) an Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative Committee, be withdrawn by the informant before determination of the information by the Adjudicative 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 Adjudicative 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.
- (3) Nothing in this Rule or any other Rule shall permit any person to file an information against a horse that would have the effect of delaying the declaration of the Official Result of Placings for a Race under Rule 703 on the grounds that a Rider has, or may have, breached Rule 638(3).  
[Amended 1 September 2020]

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 Adjudicative 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 Trainer, Rider and its Owner or lessee (as the case may be) or the Racing Manager on the Owner or lessee's behalf and any goods and services tax paid by NZTR on behalf of the Club to the Trainer, Rider and the Owner or lessee (as the case may be) or the Racing Manager in respect of such stake or other prize be paid by the Trainer, Rider and the Owner or lessee (as the case may be) or the Racing Manager to NZTR to be held and disposed of as NZTR shall direct; and/or [Amended 1 June 2013]
- (b) that such prize so handed over or the money equivalent to the value thereof at the time of such handing over be returned or paid to the Club or NZTR on its behalf, as the case may be;

and in the event of the Trainer, Rider, or the Owner or lessee, as the case may be, (or its Racing Manager on its behalf) failing to carry out any such direction as aforesaid he shall, in addition to any other penalty which may be imposed, be deemed to be in Arrears and his name shall be placed in the Arrears List. [Amended 1 June 2013]

(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 Adjudicative Committee of the date, time and place of hearing. [Amended 1 September 2020]
- (2) Where the hearing of an information is to take place during a Race Meeting, and the decision of the Adjudicative 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 INFORMATIONS**

- 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 Adjudicative Committee appointed to officiate on that day by the Racing Integrity Board, except where the hearing of the information is adjourned, in which case the hearing and the determination shall be by either that Adjudicative Committee or such other Adjudicative Committee as is appointed by the Racing Integrity Board.
- (2) All informations filed other than during a day of racing shall be determined by a Adjudicative Committee appointed by the Racing Integrity Board.

#### **APPEARANCE**

- 913 (1) If, at the hearing of an information, the defendant does not appear and the Adjudicative 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 Adjudicative 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 Adjudicative Committee that he does so and in such event the Adjudicative 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 Adjudicative Committee shall conduct the hearing as it thinks fit;
  - (b) the Adjudicative 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 Adjudicative Committee be committed to writing;
  - (d) if a defendant admits a breach of these Rules, the Adjudicative 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 Adjudicative Committee thinks fit provided that if the hearing commences during any day of a Race Meeting and the Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative Committee has given its decision in respect of the information, request the Adjudicative Committee to permit him to amend the information in a respect or respects to be stipulated by him and the Adjudicative 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 Adjudicative 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 Adjudicative Committee shall have the power to accept the evidence already given as applying to the amended information but the person charged may request the Adjudicative 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 Adjudicative 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 Adjudicative 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 Chairman or another member of the Adjudicative 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 an Adjudicative Committee or to produce to the Adjudicative 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 Adjudicative 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 Adjudicative Committee or the Adjudicative 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 Adjudicative 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 an Adjudicative 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 an Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative 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 Adjudicative Committee. Such person shall unless exempted by the Adjudicative Committee prior to filing an information lodge with the Adjudicative Committee a filing fee the amount of which shall be set from time to time by NZTR, provided that the Adjudicative 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 Adjudicative Committee, or the Chairman thereof, directs.

- (3) In dealing with any such information the Adjudicative 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 Adjudicative 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 Adjudicative 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 ADJUDICATIVE COMMITTEE**

- 920 (1) The Adjudicative 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 Adjudicative Committee may impose any penalty provided by these Rules. In imposing a penalty provided in these Rules the Adjudicative 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 Adjudicative 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 Adjudicative Committee;
  - (c) NZTR and/or any employee or officer thereof; and/or
  - (d) the Racing Integrity Board and the Adjudicative 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 Adjudicative 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 Adjudicative Committee shall:
- (a) be committed to writing and signed by the Chairman;
  - (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 Racing Integrity Board on its website, unless the Chairman of the Adjudicative Committee otherwise directs.
- (5) The Adjudicative Committee may, if it thinks fit, reserve its decision and in that case may give it at any adjourned or subsequent sitting of the Adjudicative Committee or may draw up its decision in writing and have it signed by the Chairman. 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 Chairman directs or, failing any such direction, as he thinks fit.



- (7) When a Adjudicative 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 Adjudicative Committee amends the placing of any horse in a stake-bearing place, the Adjudicative 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 918 lodged a filing fee the Adjudicative Committee may order that such fee be returned or refunded to such person. Where the Adjudicative 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 Adjudicative 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 an Adjudicative 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 Adjudicative 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 Adjudicative Committee, not entitled thereto.

#### **POWER TO AMEND DEFECTIVE DECISIONS**

- 922 (1) If, after a breach of these Rules has been found proved, the Adjudicative Committee imposes a penalty or makes an order that it was not within the jurisdiction of the Adjudicative 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 Adjudicative 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 Adjudicative Committee or that the Adjudicative 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, an Adjudicative Committee may rehear any proceeding already determined by an Adjudicative Committee if:

- (a) an Adjudicative 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 Chairman of an Adjudicative Committee a written application for a rehearing; and
  - (c) that Adjudicative 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 Adjudicative Committee for a rehearing of any proceeding must file a written application setting out the grounds on which a rehearing is sought with the Chairman of the Adjudicative 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 an Adjudicative Committee shall determine whether to rehear the proceeding. An Adjudicative 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 an Adjudicative 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 Adjudicative Committee, unless the Chairman of the Racing Integrity Board directs otherwise.
- (2) The Adjudicative 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 Adjudicative 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 Adjudicative Committee so orders.

#### **MINOR INFRINGEMENT SYSTEM**

- 926 (1) An Adjudicative Committee may impose a penalty on a Licensed Person who:
- (a) admits in writing he has committed a breach of one or more of the Rules set out in the Fourth Appendix; and
  - (b) accepts in writing the penalty imposed, being a fine in the amount specified for the relevant Rule in the Fourth Appendix,  
  
without the requirement for an information to be filed or for proceedings to be heard and a decision to be made by the Adjudicative Committee, provided that such breach is only the first or second breach of that Rule committed by that Licensed Person in the period of 120 days immediately preceding and including the date the breach is committed. Such Licensed Person shall be deemed to have committed a breach of that Rule and such breach shall be treated upon the approving and signing of the notice by the Chair of the Adjudicative Committee at that Race Meeting, as if an Adjudicative Committee had considered an information and made a decision to that effect, except that there shall be no right to appeal the imposition of the fine to the Appeals Tribunal.
- (2) Where a Stipendiary Steward or Investigator considers that a Licensed Person's first or second breach of one or more of the Rules set out in the Fourth Appendix is of such significance that a more substantial penalty than the amount of the fine specified for the relevant Rule in the Fourth Appendix is warranted for that breach, then despite sub- Rule (1) above, the Stipendiary Steward or Investigator may proceed by filing an information with the Adjudicative Committee in respect of that breach in the normal manner contemplated in Rule 903.
- (3) Where the Licensed Person:
- (a) admits in writing that he has committed a breach of the particular Rule but does not accept the penalty imposed;
  - (b) does not admit that he has committed a breach of the particular Rule; or
  - (c) who is alleged to have committed a breach has already committed two or more breaches of that Rule in the period of 120 days immediately preceding and including the date the breach is committed, then the Stipendiary Steward or Investigator shall proceed by filing an information with the Adjudicative Committee in respect of that breach in the normal manner contemplated in Rule 903.
- (4) The penalty imposed by an Adjudicative Committee in accordance with sub-Rule (1) above shall be a fine of the amount(s) specified for the first or second offence of the applicable Rule(s) in the Fourth Appendix. [Amended 1 September 2020]

## PART X

### APPEALS TRIBUNAL AND APPEALS

#### APPEALS

- 1001 (1) An appeal may lie against any decision of the Adjudicative Committee except:
- (a) any decision made by an Adjudicative 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 Adjudicative Committee to which Rule 642 of these Rules apply; or
  - (c) any decision of the Adjudicative 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 an Adjudicative 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 Adjudicative Committee, the Adjudicative 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 Adjudicative Committee.
  - (b) The appeal may be against:
    - (i) the findings of the Adjudicative 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 Adjudicative 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 an Adjudicative 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 Adjudicative 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 Chairman.

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

- 1003 (1) Where an appeal is against a decision of the Adjudicative Committee, the Appeals Tribunal shall as soon as possible send a copy of the notice of appeal to every respondent, NZTR and the Adjudicative Committee and any other person to whom the Chairman of the Appeals Tribunal directs a copy to be sent.
- (2) The Adjudicative 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 Adjudicative Committee at the hearing;
  - (e) a copy or transcript of the decision of the Adjudicative 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 Chairman 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 Chairman 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 Adjudicative 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 Chairman 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 Chairman of the Appeals Tribunal, NZTR and/or any employee or officer thereof, the Racing Integrity Board 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 Chairman.
  - (5) A decision of the Appeals Tribunal (whether reserved or not) shall be committed to writing and signed by the Chairman.
  - (6) The Appeals Tribunal shall give notice of the written decision to the parties to the appeal, any other body or person whom the Chairman of the Appeals Tribunal had directed was to be given notice of the hearing of the appeal, any other person or body whom the Chairman had directed was permitted to be heard at the hearing of the appeal, NZTR and the Racing Integrity Board.
  - (7) A decision of an Appeals Tribunal shall be notified in the Official Calendar.
- 1008 If a decision of an Adjudicative Committee is held by an Appeals Tribunal to be invalid or void on the ground that one or more of the Adjudicative 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 Adjudicative 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 Adjudicative 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 Chairman 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 Adjudicative Committee or any member of it to answer concerning the proceeding; or
- (c) fails to produce any such paper, document, record or thing; and/or
- (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 3 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 Chairman 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 Chairman to be served, NZTR or any Official or employee thereof, the Racing Integrity Board 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 subject to Rule 525(7), 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;  
[Amended 1 September 2020]
  - (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; and/or
  - (d) have an interest in any horse as Owner or lessee or act as Racing Manager of a horse.  
[Amended 1 September 2020]
- (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:

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

1105A (1) Notwithstanding anything else in these Rules, a person who is subject to any prohibition or disability under these Rules solely because they have been suspended or disqualified by Another Racing Authority, may apply to NZTR for the non-recognition of that penalty.

- (2) On receiving such an application, NZTR shall seek comment from the relevant Racing Authority before making a decision.
- (3) If NZTR is satisfied, in its absolute discretion, that the disqualification or suspension by Another Racing Authority was not procedurally fair, it may declare that the disqualification or suspension will not be reciprocated in New Zealand. To avoid doubt, NZTR may not make such a declaration for any reason other than that the disqualification or suspension was not procedurally fair.
- (4) Notwithstanding anything else in these Rules, if such a declaration is made, the applicant must be treated, for the purposes of these Rules, as though they had not been disqualified or suspended by Another Racing Authority. *[Inserted 1 April 2019]*

## SUSPENSIONS

1106 (1) A person who has been suspended from holding or obtaining a Licence shall not, irrespective of whether such suspension has been duly notified in accordance with any of the preceding Rules in this Part XI, during the period of the suspension: *[Amended 3 October 2023]*

- (a) undertake any work, perform any function, or enter any area on a Racecourse on a Race day, for which the Licence is required, without the prior written consent of NZTR; and/or *[Amended 3 October 2023]*
- (b) be employed or work or assist in any capacity in connection with the care, control, training or riding of a horse. However, 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 Stipendiary Stewards 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. *[Amended 3 October 2023]*

(2) Each suspension of a Rider from riding in Races, which is imposed under these Rules by an Adjudicative 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 ten 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 ten day period after that Race day, then from the earlier of:
  - (i) the completion of such engagements within that ten day period; or
  - (ii) the completion of that ten day period.

provided that, if any race for which the Rider has an engagement within the ten day period is postponed for any reason, the Rider may fulfil that engagement on the day to which the engagement is postponed and may take engagements for any other races on that day. The dates of the suspension imposed by the Adjudicative Committee will not

be affected, irrespective of whether the Rider fulfils a postponed engagement, or not.  
*[Amended 3 October 2023]*

- (3) Each suspension of a Rider from riding in Races, which is imposed under these Rules by an Adjudicative 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 ten 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 ten day period after that day, then from the earlier of:
    - (i) the completion of such engagements within that ten day period; or
    - (ii) the completion of that ten day period.

provided that, if any race for which the Rider has an engagement within the ten day period is postponed for any reason, the Rider may fulfil that engagement on the day to which the engagement is postponed and may take engagements for any other races on that day. The dates of the suspension imposed by the Adjudicative Committee will not be affected, irrespective of whether the Rider fulfils a postponed engagement, or not.  
*[Amended 3 October 2023]*

- (4) Each suspension of a person, from holding or obtaining a Licence shall, unless the Tribunal imposing the suspension otherwise directs, take effect immediately. *[Amended 3 October 2023]*
- (5) A Rider who has been suspended from riding in Races shall not enter the jockey's room or weighing room on any Racecourse on any Race day. However, 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, with the prior consent of the Stipendiary Stewards 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, enter the weighing room on the relevant Racecourse on any day of such Race Meeting. *[Amended 3 October 2023]*

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 Chairman 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) shall 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 Chairman 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.

## PART XIV

### HORSE WELFARE

[Added 1 September 2020]

#### WELFARE RESPONSIBILITIES

1401 Rules 1402 and 1403 apply, in respect of a horse, to:

- (a) the Accountable Person of that horse at the applicable time; and
- (b) each of the Owner(s), lessee(s), Racing Manager, Trainer and any Licenceholder (as applicable) of that horse at the applicable time, to the extent that that horse is in that person's possession or custody, or under that person's care, control, or supervision. [Amended 1 February 2024]

1402 (1) Each person to whom this Rule applies in respect of a horse must take all reasonable steps to ensure that the physical, health, and behavioural needs of the horse are met in a manner that is in accordance with both:

- (a) good practice; and
  - (b) scientific knowledge.
- (2) Without limiting sub-Rule (1) of this Rule, each person to whom this Rule applies in respect of a horse must ensure that the horse receives, as soon as is reasonably practicable, husbandry or treatment that alleviates any deficiencies in nutrition or provisions or unreasonable or unnecessary pain or distress being suffered by the horse.
- (3) Each person to whom this Rule applies in respect of a horse must ensure that the horse is not euthanised in a manner that causes the horse unreasonable or unnecessary pain or distress.
- (4) No person to whom this Rule applies in respect of a horse may:
- (a) keep the horse alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress; or
  - (b) sell, transfer, lease or otherwise dispose of, attempt to sell, transfer, lease or otherwise dispose of, or offer for sale, transfer, lease or other disposal, otherwise than for the express purpose of being killed, the horse when it is suffering unreasonable or unnecessary pain or distress.
- (5) No person to whom this Rule applies in respect of a horse may desert the horse in circumstances in which no provision is made to meet its physical, health, and behavioural needs.
- (6) (a) Except to the extent permitted under Animal Welfare Regulations (Ministry for Primary Industries), no person to whom this Rule applies in respect of a horse may perform any surgical procedure on the horse unless that person is:
- (i) a veterinarian; or
  - (ii) a person who is acting under the direct supervision of a veterinarian and who is a student undergoing his or her training to become a veterinarian.
- (b) No person to whom this Rule applies in respect of a horse may, in performing on the horse a surgical procedure, perform that surgical procedure in such a manner that the horse suffers unreasonable or unnecessary pain or distress.
- (7) (a) Each person to whom this Rule applies in respect of a horse must, where the horse is being transported in or on a vehicle, aircraft, or ship, ensure:
- (i) that the welfare of the horse is properly attended to; and
  - (ii) that, in particular, the horse:
    - (A) is provided with reasonably comfortable and secure accommodation; and
    - (B) is supplied with proper and sufficient food and water.



- (b) No person to whom this Rule applies in respect of a horse may confine or transport the horse, or permit the horse to be confined or transported, in a manner or position that causes the animal unreasonable or unnecessary pain or distress.
  - (c) No person to whom this Rule applies in respect of a horse may permit the horse:
    - (i) to be driven or led on a road; or
    - (ii) to be ridden; or
    - (iii) to be transported in or on a vehicle, an aircraft, or a ship,
 

while the condition or health of the horse is such as to render it unfit to be so driven, led, ridden, or transported.
- (8) For the purpose of Rule 801(t), any breach of this Rule 1402 is deemed to be a Serious Racing Offence.
- (9) Notwithstanding Rule 808, in a proceeding in respect of an alleged breach of Rule 1402, it shall not be necessary for the informant to prove that the person charged intended to commit the breach.
- (10) In a proceeding in respect of an alleged breach of Rule 1402, evidence that the minimum standard established by the Welfare Guidelines was not complied with is *prima facie* evidence that the person charged with the breach failed to comply with, or contravened, Rule 1402.
- (11) It is a defence in any proceeding in respect of an alleged breach of Rule 1402 if the defendant proves:
- (a) that, in relation to the horse to which the proceeding relates, the defendant took all reasonable steps to comply with, or not to commit a breach of, Rule 1402; or
  - (b) that the act or omission constituting the breach took place in an emergency, and was necessary for the preservation, protection, or maintenance of human life; or
  - (c) the minimum standards established by the NZTR Thoroughbred Welfare Guidelines were in all respects met or exceeded.
- 1403 (1) Stipendiary Stewards and Investigators, in addition to all other powers conferred on them by these Rules, have the power to enter and inspect any property or premises at which a horse is located and inspect any facility, plant, equipment or means of horse transport at reasonable times for the purposes of investigating whether there has been a breach of any Rule in, or otherwise for ensuring horse welfare in accordance with the requirements of, this Part XIV of these Rules.
- (2) Each person to whom this Rule applies in respect of a horse shall, when required to do so by a Stipendiary Steward or Investigator, permit that Stipendiary Steward or Investigator (or procure that such Stipendiary Steward or Investigator is permitted) to have reasonable access to any property, premises, facility, plant, equipment or means of horse transport referred to in sub-Rule (1) for the purposes of that sub-Rule.
- 1404 The Accountable Person of a horse must, upon the sale, transfer, lease, euthanasia or other disposal of that horse, ensure that that sale, transfer, lease, euthanasia or other disposal comply with the applicable requirements set out in the NZTR Thoroughbred Welfare Guidelines.
- 1405 (1) If a horse moves, or is intended to move, for a period of 120 days or more:
- (a) in the case of a horse in respect of which NZTR has received notification from a Trainer or Pre-Trainer under Rule 320, from the Trainer's Premises; and
  - (b) in the case of each other horse, from the last known location of the horse recorded in NZTR's records,
- the Accountable Person of the horse must notify NZTR of the new address.
- (2) The Accountable Person of a horse must ensure that any registrations, returns and filings required in respect of the horse under these Rules are lodged by the required time.

## THOROUGHBRED WELFARE COMPLIANCE NOTICES

- 1406 NZTR may issue a Thoroughbred Welfare Compliance Notice to a person to whom the Rules apply in accordance with Rules 1406 to 1411.
- 1407 NZTR may issue a Thoroughbred Welfare Compliance Notice on the joint direction of the Chief Executive Officer of NZTR and the chief executive officer (however described) of the Racing Integrity Board, which direction must be accompanied by a recommendation from an Investigator and a Veterinarian, that such a Notice be issued on the grounds that in their opinion there are reasonable grounds for believing that the person in respect of whom the Notice is sought has been acting in contravention of Rules 1401 to 1405 or is likely to do so.
- 1408 A Thoroughbred Welfare Compliance Notice may:
- (a) require the person to, or to procure another person to, cease acting in a manner that NZTR has reasonable cause to suspect contravenes or is likely to contravene, or to do some act or other thing that NZTR reasonably believes is necessary to ensure that the person complies with, Part XIV of the Rules; or
  - (b) prohibit the person from acting in a manner or permitting some other person to act in a manner that NZTR has good cause to suspect contravenes or is likely to contravene Part XIV of the Rules.
- 1409 A Thoroughbred Welfare Compliance Notice must state:
- (a) the name of the person to whom it is issued;
  - (b) the reasons why NZTR issued it;
  - (c) the requirement or prohibition in Rule 1408 imposed by NZTR;
  - (d) one of the following:
    - (i) for a requirement, the period, if any, within which the requirement must be achieved, which must start on the day on which the Notice is served and end after a time that is reasonable for the achievement of the requirement; or
    - (ii) for a prohibition, the time and date, if any, from which the prohibition is to take effect and, if necessary, end;
  - (e) the conditions, if any, imposed by NZTR;
  - (f) the consequences of not complying with the Notice; and
  - (g) the right to request a reconsideration of the issue of the Notice in Rule 1412.
- 1410 NZTR must ensure that the Thoroughbred Welfare Compliance Notice is served on the person to whom it is issued within seven days of issue, with a copy sent to every other person that is, to NZTR's knowledge, directly affected by the Notice (including, but not limited to, any Accountable Person, Racing Manager, Owner(s), Lessee(s) Pre-Trainer and Trainer of any horse in the care or control or under the supervision of the person to whom the Notice was issued, as recorded in NZTR's records).  
[Amended 1 February 2024]
- 1411 The person to whom a Thoroughbred Welfare Compliance Notice is issued must:
- (a) comply with the Notice within the period stated in the Notice, if any; and
  - (b) unless the Notice directs otherwise, pay all the costs and expenses of complying with the Notice.
- 1412 (1) If NZTR receives a written application from:
- (a) the person to whom a Thoroughbred Welfare Compliance Notice was issued; or
  - (b) any other person with a direct interest in any horse,  
to withdraw, cancel or amend the terms of the Notice, NZTR:
  - (c) must consider the application as soon as is reasonably practicable and in any event within 10 days after the date on which the application is received, having regard to:
    - (i) the purpose for which the Notice was issued;

- (ii) the effect of the withdrawal, cancellation or amendment on the welfare of any relevant horse or horses; and
  - (iii) any other matters it thinks fit;
  - (d) may confirm, amend, withdraw or cancel the Notice in its absolute discretion; and
  - (e) must give the person to whom the Notice was issued and every other person to which a copy of the Notice was sent under Rule 1410 written Notice of its decision.
- (2) NZTR:
- (a) may withdraw, cancel or amend a Thoroughbred Welfare Compliance Notice if it considers in its absolute discretion that the Notice is no longer required or is no longer required on the terms on which it was initially issued or was not required; and
  - (b) must give the person to whom the Notice was issued and every other person to which a copy of the Notice was sent under Rule 1410 written notice of such withdrawal, cancellation or amendment.
- (3) An application under sub-Rule (1) of this Rule does not operate as a stay of the relevant Thoroughbred Welfare Compliance Notice.

1413 For the purpose of Rule 801(t), a failure to comply with any requirement made or prohibition imposed pursuant to a Thoroughbred Welfare Compliance Notice without reasonable excuse is deemed to be a Serious Racing Offence.

#### **THOROUGHBRED WELFARE POSSESSION ORDERS**

1414 NZTR may issue a temporary or permanent Thoroughbred Welfare Possession Order in respect of a horse or horses to a person to whom the Rules apply in accordance with Rules 1414 to 1429.

1415 NZTR may issue a temporary Thoroughbred Welfare Possession Order on the joint direction of the Chief Executive Officer and the Chief Executive Officer (however described) of the Racing Integrity Board, which direction must be accompanied by a recommendation from an Investigator and a Veterinarian that such an Order be issued on the grounds that in their opinion:

- (a) the person has failed to comply with any requirement made or prohibition imposed under a Thoroughbred Welfare Compliance Notice issued under Rule 1407; or
- (b) there are reasonable grounds for believing that the person in respect of whom the Order is sought, has been acting in contravention of Rules 1401 to 1405 or is likely to do so,

and in each case NZTR believes in its discretion that the issue of the Thoroughbred Welfare Compliance Notice is reasonably necessary or desirable in order to address the situation.

1416 NZTR may, under the authority and pursuant to the terms of a temporary Thoroughbred Welfare Possession Order:

- (a) enter onto any property or premises and seize the horse or horses to which the Order applies in the possession or custody, or under the care, control, or supervision of, the person to whom the Order was issued;
- (b) convey any such horse or horses to another property, and maintain possession of the horse(s) or place the horse(s) with another person; and
- (c) take any other steps that NZTR considers reasonably necessary or desirable to prevent or mitigate any suffering of any horse.

1417 A temporary Thoroughbred Welfare Possession Order must state:

- (a) the name of the person to whom it is issued;
- (b) the reasons why NZTR issued it;
- (c) the consequences of the Order; and
- (d) the rights of the person to whom it was issued to seek a hearing under Rule 1422.

- 1418 (1) NZTR must ensure that a temporary Thoroughbred Welfare Possession Order is served on the person to whom it is issued within seven days of the issue of the Order
- (2) A copy of the Order is to be sent to every other person that is, to NZTR's knowledge, directly affected by the Notice (including, but not limited to, any Accountable Person, Racing Manager, Owner(s), Lessee(s) Trainer and Pre-Trainer of the relevant horse(s) recorded in NZTR's records), and any person who to NZTR's knowledge holds a security interest in the horse. [Amended 1 February 2024]
- 1419 Without limiting the right to be heard under Rule 1422, where a temporary or permanent Thoroughbred Welfare Possession Order is made against a person, and that Order is served on that person, that person must not hinder or obstruct any action taken pursuant to the Order.
- 1420 (1) As soon as reasonably practicable and in any event within 10 days of the issue of a temporary Thoroughbred Welfare Possession Order, NZTR must ensure that the person to whom the Order was issued is served with notification (a **Proposal Notification**) as to:
- (a) whether NZTR proposes to:
- (i) issue a permanent Thoroughbred Welfare Possession Order in substitution for the temporary Thoroughbred Welfare Possession Order; or
- (ii) amend, withdraw or cancel the temporary Thoroughbred Welfare Possession Order; and
- (b) whether such issue, amendment, withdrawal or cancellation is to be carried out subject to any terms or conditions.
- (2) Any such Proposal Notification must state the rights of the person to whom the Order was issued to seek a hearing under Rule 1422.
- (3) Such Proposal Notification may (but is not required to) accompany the temporary Thoroughbred Welfare Possession Order served under Rule 1418.
- (4) A copy of the Proposal Notification is to be sent to any other person to whom a copy of the Order was sent under Rule 1418.
- 1421 If NZTR gives a Proposal Notification, any of:
- (a) the person to whom a temporary Thoroughbred Welfare Possession Order is issued in respect of a horse; and
- (b) any other person directly affected by the Order.
- may notify NZTR in writing (a **Hearing Notification**) by the date that is 28 days after the date the Proposal Notification was served on the person to whom the Order was issued (the **Hearing Notification Date**) that he wishes to be heard on the proposed actions set out in the Proposal Notification.
- 1422 NZTR must, as soon as is reasonably practicable and in any event within one week, hear any person who gives a Hearing Notification by the Hearing Notification Date under Rule 1421 as to the proposed actions set out in the Proposal Notification.
- 1423 If NZTR receives a Hearing Notification by the Hearing Notification Date, the temporary Thoroughbred Welfare Possession Order continues in force until NZTR hears the relevant person(s) and may be enforced in all respects as if no such hearing were pending.
- 1424 NZTR may:
- (a) if a Hearing Notification is received by the Hearing Notification Date, following the hearing referred to in Rule 1422; or
- (b) if no Hearing Notification is received by the Hearing Notification Date, following the Hearing Notification Date,
- if it thinks fit:
- (c) issue a permanent Thoroughbred Welfare Possession Order in substitution for the temporary Thoroughbred Welfare Possession Order, subject to such terms or conditions (if any) as it sees fit; or

- (d) amend, withdraw or cancel the temporary Thoroughbred Welfare Possession Order, subject to such terms or conditions (if any) as it sees fit (including, but not limited to, the payment of any expenses described in Rule 1428 below and/or the issue of a Thoroughbred Welfare Compliance Notice to any person).

For the avoidance of doubt NZTR may withdraw or cancel a temporary Thoroughbred Welfare Possession Order at any time.

1425 Upon the issue of a permanent Thoroughbred Welfare Possession Order in respect of a horse, NZTR may, as it sees fit:

- (a) sell the horse (and for such purpose, where NZTR is aware that the horse is subject to a security interest, NZTR may permit the holder of the security interest to run the sale process);
- (b) find a home for the horse; or
- (c) euthanise or otherwise dispose of the horse in such manner as NZTR sees fit,

and each person with legal and/or beneficial ownership of the horse is deemed to have consented to such action and (where applicable) to have irrevocably appointed NZTR as its agent for the purposes of carrying out such action.

1426 Where an animal is sold under Rule 1425(a), NZTR must pay the proceeds of sale (if any) (after deducting (in order) the reasonable costs of sale, any sums required to be paid to the holder of a security interest or any other person under a condition of the permanent Thoroughbred Welfare Possession Order, and any expenses described in Rule 1428 below) to the Owner(s) of the horse or such other person as NZTR directs.

1427 Upon the discharge of a temporary Thoroughbred Welfare Possession Order, NZTR will return the horse to its Owner(s) subject to the terms or conditions (if any) of such discharge.

1428 Any expenses reasonably incurred by NZTR as a result of the exercise of any of the powers conferred by these Rules 1414 to 1429, including any costs incurred by NZTR in caring for the horse, providing veterinary treatment to the horse or euthanising the horse, are recoverable from the Owner(s) of the horse or such other person as NZTR directs.

#### **ACCOUNTABLE PERSON**

1429 (1) Each horse shall have an Accountable Person.

(2) The Accountable Person in respect of a horse shall be:

(a) in respect of a horse registered under these Rules:

- (i) where a Racing Manager of the horse is recorded in the register kept by NZTR in respect of the horse under Rule 410, such Racing Manager; or
- (ii) if there is no such Racing Manager, the Owner or, if the horse is leased, the lessee of the horse in the register kept by NZTR under Rule 410, subject to sub-Rule (3) below.

(b) in respect of a horse that has not been registered under these Rules, the Owner or if the horse is leased, the lessee of the horse recorded in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable), or (if there is no such record) the Owner or if the dam is leased, the lessee of the dam of the horse in the New Zealand Stud Book or the Register of Non Stud Book Mares (as applicable), in each case subject to sub-Rule (3) below; and

(c) in respect of a horse that has been de-registered from racing and breeding under these Rules, the Owner or, if the horse is leased, the lessee of the horse recorded in the register kept by NZTR in respect of the horse under Rule 410 as at the date of de-registration, subject to sub-Rule (3) below.

(3) For the purposes of sub-Rules (2)(a)(ii), (b) and (c) above:

(a) where there is more than one Owner or lessee (as applicable), the Accountable Person shall be the natural person recorded as the Owner or lessee (as applicable) in the relevant

records with the largest ownership share, and if there are two such Owners or lessees, the person whose surname appears first in alphabetical order; and

- (b) where the Owner or lessee is a syndicate, the Accountable Person shall be the natural person with the largest ownership share and if there are two such Owners or lessees, the person whose surname appears first in alphabetical order within that syndicate. If the Owner or lessee is more than one syndicate, the Accountable Person shall be the natural person with the largest ownership share and if there are two such Owners or lessees, the person whose surname appears first in alphabetical order within NZTR's records in respect of the first-named syndicate.

1430 An Accountable Person must be a natural person who has attained the age of 18 years.

1431 (1) The Owner(s) or lessee(s) (as the case may be) of a horse may remove the Accountable Person for the horse and nominate a replacement Accountable Person at any time. Any such removal and new nomination must:

- (a) be in writing;
- (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
- (c) be signed by the replacement Accountable Person or by a person who has been authorised to sign the notice on his behalf,

and shall not take effect until it has been notified to, and the appointment of the replacement Accountable Person has been approved by, NZTR.

- (2) If a lessee of a horse elects to nominate an Accountable Person in accordance with sub-Rule (1), then the Accountable Person nominated by such lessee and approved by NZTR is the Accountable Person of that horse in place of any Accountable Person nominated by the Owner(s) of the horse.
- (3) Upon the sale, transfer or other disposal, or lease, of a horse, any such appointment of a replacement Accountable Person shall automatically terminate, and the Accountable Person shall be determined in accordance with Rule 1429(2) above.
- (4) NZTR may in its absolute discretion, at any time and without assigning any reason, remove the Accountable Person of a horse and either require another Accountable Person to be nominated for that horse or require that the Accountable Person be determined in accordance with Rule 1429(2) above, including if the Accountable Person is or becomes a person to whom any of sub-Rules 411(b)(i) to (vii) apply.

#### **WELFARE GUIDELINES**

1432 NZTR shall publish, from time to time, Welfare Guidelines which shall include:

- (a) minimum standards for compliance with Rule 1401;
- (b) requirements in respect of surgical procedures for the purposes of Rule 1402(6);
- (c) requirements for the sale, transfer or other disposal of a horse for the purposes of Rule 1404, including, but not limited to, requirements relating to the person to whom the horse is sold, transferred or disposed and the intended future activity of the horse;
- (d) requirements for euthanasia of a horse for the purposes of Rule 1404; and
- (e) such other matters relating to horse welfare as NZTR sees fit.

#### **GENERAL PROVISIONS**

1433 For the avoidance of doubt:

- (a) Thoroughbred Welfare Compliance Notices and temporary and permanent Thoroughbred Welfare Possession Orders may be issued at any time notwithstanding any related filing of an information or bringing of proceedings before a Tribunal; and
- (b) informations may be filed and proceedings may be brought before a Tribunal at any time in respect of any alleged breach of the Welfare Guidelines irrespective of whether or not a

Thoroughbred Welfare Compliance Notice or temporary or permanent Thoroughbred Welfare Possession Order has been issued.

- 1434 Nothing in this Part XIV of the Rules requires a person to keep a horse alive when it is suffering unreasonable or unnecessary pain or distress.
- 1435 Nothing in this Part XIV of the Rules limits or supersedes any other obligations imposed at law, including (but not limited to) under the Animal Welfare Act 1999 or any successor or related legislation.
- 1436 None of NZTR, a Club, a Stipendiary Steward, an Investigator, a Tribunal, a Training Disputes Tribunal, 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), Trainer, Pre-Trainer, Racing Manager or Accountable Person of a 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 (or bona fide believed to have been conferred) by this Part XIV of the Rules.
- 1437 For the avoidance of doubt, any person who is subject to any duty, obligation, or prohibition in these Rules in relation to a horse is not released from that obligation merely because they are not the Accountable Person for that horse.

## PART XV

### STANDARD AGREEMENTS AND TRAINER AND OWNER DISPUTES

[Added 1 September 2020]

#### EFFECTIVE DATE

1500 The Rules contained in Part XV come into force on 1 November 2020.

#### DEFINITIONS

1501 In this Part XV, unless the context requires otherwise:

**Co-owner** in relation to a horse means a person who owns the horse together with at least one other person and is registered or is intended to be registered with NZTR as an Owner.

**Direct Payment Disbursements** means costs or expenses in relation to the training and/or care of a horse which are to be directly invoiced to an Owner of a horse by service providers other than the Trainer (including veterinary fees, breaking in fees, agistment fees and transport costs).

**Dispute Notice** means the form of that name referred to in these Rules.

**Due Date**, in respect of an invoice, means the last day of the month in which the invoice is issued.

**Enforcement Action Application** or **EAA** means the NZTR form of that name referred to in these Rules which a Trainer is entitled to submit to NZTR in accordance with Rule 1513 once the Presumption of a Training Debt arises.

**Exempt Owner** means an Owner who is not required to comply with the NZTR Training Agreement, being an Owner:

- (a) who himself trains a horse pursuant to a trainer's licence and does not also train the horse for any other Owner; or
- (b) who employs (as an employee pursuant to a written contract of employment), or otherwise engages (pursuant to a written contract for services), a Trainer to train a horse or horses exclusively for that Owner so that the Trainer does not train any horses for anyone else.

**Exempt Trainer** means a Trainer who is not required to comply with the NZTR Training Agreement, being a Trainer:

- (a) with a trainer's licence who does not also train the horse for any other Owner; or
- (b) who is contracted in writing to provide services in respect of the care, control or training of horses exclusively to an Exempt Owner.

**External Proceedings** means legal proceedings in a court or tribunal (not including a TDT) outside the Rules.

**Filing Fee** means the fee set and charged by NZTR (published on the NZTR Website) to cover the administrative costs of the Training Disputes Tribunal (TDT) process.

**Fees Notice** means the written fee disclosure notice a Trainer must provide to an Owner of a horse pursuant to Rule 1510.

**Freeze** means, in relation to Stakes to which the Owner would otherwise be entitled, a direction by NZTR that those Stakes be withheld for a period of time that is fixed by NZTR.

**Lessor** means, in relation to a horse that is leased to a Lessee, an Owner of the horse.

**Lessee** means, in relation to a horse, a person who leases the horse from a Lessor and is registered or is intended to be registered with NZTR as a lessee.

**Notice of Election of Hearing** means the NZTR form of that name referred to in these Rules, which NZTR makes available for the purpose of parties electing to take a dispute in relation to Training Fees and/or Training Disbursements to a TDT.

**NZTR Co-owner Agreement** means the agreement of that name, as amended by NZTR from time to time, which is published on the NZTR Website.



**NZTR Lease Agreement** means the agreement of that name, as amended by NZTR from time to time, which is published on the NZTR Website.

**NZTR Training Agreement** means the agreement of that name, as amended by NZTR from time to time, which is published on the NZTR Website.

**Part XV Commencement Date** means [*date*].

**Presumption of a Training Debt** means the presumption that Training Fees and/or Training Disbursements are due and payable from an Owner to a Trainer which arises in the circumstances identified in Rule 1511(4).

**Special Circumstance** means, for the purpose of Part XV of the Rules, a circumstance which is out of the ordinary.

**Stakes to which an Owner would otherwise be entitled** means, for the purpose of Part XV of the Rules, any stakes, winnings or prizes which, but for Part XV of the Rules, an Owner would be entitled to receive from NZTR on behalf of a Club in relation to the placing or performance in a race of a horse or horses owned or part-owned by the Owner which is trained by the Trainer. Such Stakes may therefore include stakes earned through the results of a horse(s) other than the horse(s) that received the relevant Training Services the subject of action under Part XV of the Rules.

**Training Disbursements** means the amounts paid or payable by a Trainer to third parties in relation to the provision of Training Services which are not included in the Training Fees and for which a Trainer invoices an Owner.

**Training Disputes Tribunal** or **TDT** is the decision-making body set up by NZTR to determine disputes in relation to Training Fees and/or Training Disbursements, as provided for in Part XV of the Rules.

**Training Disputes Trust Account** is the trust account held and operated by NZTR for the purposes of Part XV of the Rules.

**Training Fees** means the amounts charged by a Trainer to an Owner in relation to the provision of Training Services, which includes the main daily training fee plus any additional daily charges for other items such as track fees and administration fees, together with all other costs charged by a Trainer to train and/or care for a horse which are not charged as Training Disbursements.

**Training Services** means services provided by a Trainer (or qualified and authorised employees or persons engaged or approved by a Trainer) in relation to the care, control or training of a horse.

## APPLICATION

- (i) All Rules in this Part XV apply equally to a lessee of a horse as an Owner, unless a particular provision of the Rules, the Training Agreement or the C-Owner Agreement expressly states that it only relates to a person with an Ownership interest (rather than a lease) in a horse.
- (ii) Any company or other business structure through which a trainer provides training services, including the billing of training services, is bound by these Part XV Rules and must comply with them to the intent that the requirement of the Part XV Rules cannot be avoided on account of a Trainer providing services through a corporate entity or other business structure which is not licensed or registered with NZTR.
- (iii) All Rules in this Part XV apply equally to a Training Partnership licensed pursuant to the Rules as it does to individually licensed Trainers.

## NZTR TRAINING AGREEMENT, NZTR CO-OWNER AGREEMENT AND NZTR LEASE AGREEMENT

- 1502 (1) The NZTR Training Agreement is deemed to apply between the Trainer and Owner of each horse (except Exempt Trainers and Exempt Owners), and such parties must comply with the agreement, subject to sub-Rule 1502(2).
- (2) If a Trainer and an Owner of a horse:
- (a) are, as at the Part XV Commencement Date, party to a separate written agreement in relation to Training Services in respect of the horse, they can in writing agree that the other agreement continues to operate after the Part XV Commencement Date in accordance with its terms in place of the NZTR Training Agreement, provided they

provide a copy of such other agreement to NZTR within 30 days of the Part XV Commencement Date; or

- (b) after the Part XV Commencement Date:
  - (i) enter into a separate written agreement in relation to Training Services in respect of the horse; or
  - (ii) agree in writing to exclude, vary or limit by agreement specific terms of the NZTR Training Agreement,

they can in writing agree that the other agreement operates in accordance with its terms in place of the NZTR Training Agreement, provided they provide a copy of such other agreement to NZTR within 30 days of entry into such other agreement.

- (3) This Rule 1502 applies equally to a Training Partnership as it does to individual Trainers.

1503 (1) The NZTR Co-owner Agreement is deemed to apply as between the Co-owners of each horse (except for Co-owners who are members of a Bloodstock Syndicate or shareholders in a Bloodstock Company (as those terms are defined in the Bloodstock Syndication Code of Practice set out in the Second Appendix to these Rules) that owns or has an ownership interest in a horse, in which case the relevant syndicate or partnership agreement will apply as between such Co-owners in place of the NZTR Training Agreement), and such Co-owners must comply with the terms of such agreement, subject to Rule 1503(2).

- (2) If one or more of the Co-owners of a horse:

- (a) is, as at the Part XV Commencement Date, party to a separate written agreement with other Co-owners in respect of the ownership of the horse, the Co-owners can agree in writing that the other agreement continues to operate after the Part XV Commencement Date in accordance with its terms in place of the NZTR Co-owner Agreement, provided they provide a copy of such other agreement to NZTR within 30 days of the Part XV Commencement Date; or
- (b) after the Part XV Commencement Date:
  - (i) enter into a separate written agreement with other Co-owners in respect of the ownership of the horse; or
  - (ii) agree in writing to exclude, vary or limit by agreement specific terms of the NZTR Co-owner Agreement,

they can in writing agree that the other agreement operates in accordance with its terms in place of the NZTR Co-owner Agreement, provided they provide a copy of such other agreement to NZTR within 30 days of entry into such other agreement.

1504 (1) The NZTR Lease Agreement is deemed to apply as between the Lessor and Lessee of each horse, and such parties must comply with such agreement, subject to Rule 1504(2).

- (2) If the Lessor and Lessee of a horse:

- (a) are, as at the Part XV Commencement Date, party to a separate written agreement in relation to the lease of the horse, they can in writing agree that the other agreement continues to operate after the Part XV Commencement Date in accordance with its terms in place of the NZTR Lease Agreement, provided they provide a copy of such other agreement to NZTR within 30 days of the Part XV Commencement Date; or
- (b) after the Part XV Commencement Date:
  - (i) enter into a separate written agreement in relation to the lease of the horse; or
  - (ii) agree in writing to exclude, vary or limit by agreement specific terms of the NZTR Lease Agreement,

they can in writing agree that the other agreement operates in accordance with its terms in place of the NZTR Lease Agreement, provided they provide a copy of such other agreement to NZTR within 30 days of entry into such other agreement.

- 1505 If NZTR does not receive a copy of an agreement referred to in Rules 1502 to 1504 within the time period stated in such Rules, NZTR may in its sole discretion, in exercising its powers under these Rules, disregard any such agreement.
- 1506 Part XV of these Rules, the NZTR Co-owner Agreement and the NZTR Training Agreement apply equally to a Lessee as an Owner, unless the context requires otherwise or unless a particular provision of Part XV of these Rules, the NZTR Co-owner Agreement and/or the NZTR Training Agreement expressly states that it only relates to a person with an ownership interest (rather than a lease interest) in a horse.
- 1507 Any company or other business structure through which a Trainer provides Training Services (including the billing of Training Services) is bound by Part XV of these Rules and must comply with them (to the intent that the requirements of the Part XV of these Rules cannot be avoided on account of a Trainer providing Training Services through a corporate entity or other business structure which is not licensed or registered by NZTR).

#### **GENERAL PROVISIONS**

- 1508 (1) Where a Racing Manager has been appointed by the Owner(s) or Lessee(s) of a horse pursuant to the Rules, then, for the purposes of Part XV of these Rules:
- (a) the Racing Manager is responsible for representing the Owner(s) or Lessee(s) (as applicable);
  - (b) the Racing Manager will be the expressly authorised representative of the relevant Owner(s) or Lessee(s) (as applicable); and
  - (c) all actions and decisions made by the Racing Manager will be taken to be made on behalf of all of the relevant Owner(s) or Lessee(s) (as applicable) and will be binding on them.
- (2) A Racing Manager in respect of a horse shall comply with any obligations imposed on it pursuant to the NZTR Co-owner Agreement in respect of the horse (including as amended, whether in accordance with Rule 1503(2) or otherwise) or any other separate agreement made in respect of the ownership or lease of the horse (whether made in accordance with Rule 1503(2) or otherwise), as applicable.
- 1509 If a dispute between a Trainer and an Owner arises under Part XV of the Rules:
- (a) neither party may commence External Proceedings in respect of the matters the subject of the dispute, save as to proceedings seeking urgent interlocutory relief, until all of the procedures set out in Part XV of the Rules through which Training Fees and/or Training Disbursements can be recovered, or disputes in relation to them can be resolved or determined, have been followed; and
  - (b) if a party commences External Proceedings in respect of the matters the subject of the dispute, this Rule may be relied upon or pleaded by the other party as a bar to any such proceedings.

#### **ISSUE OF FEES NOTICE**

- 1510 (1) As from the Part XV Commencement Date:
- (a) any Trainer who currently trains a horse for an Owner must issue a Fees Notice to the Racing Manager within 28 days of the Part XV Commencement Date;
  - (b) any Trainer who is engaged as a Trainer of a horse on or after the Part XV Commencement Date must issue a Fees Notice to the Racing Manager:
    - (i) if the Trainer is engaged in the period from the Part XV Commencement Date up to and including 28 days after the Part XV Commencement Date, within 35 days of the Part XV Commencement Date; or
    - (ii) if the Trainer is engaged more than 28 days after the Part XV Commencement Date, within 7 days of the date on which the Trainer is engaged;
  - (c) the Racing Manager of a horse must provide a copy of the Fees Notice to each Owner of that horse within 5 days of being issued the Fees Notice by the Trainer; and

- (d) if the Racing Manager of a horse does not object to the Fees Notice issued by the Trainer within 14 days of being issued the Fees Notice, the basis for providing Training Services set out in that notice is deemed to have been accepted by the Owner(s).
- (2) The Fees Notice must set out:
- (a) the Training Fees itemised by category of service or item provided;
  - (b) the anticipated Training Disbursements by name of service and anticipated provider (if known);
  - (c) the anticipated Direct Payment Disbursements by name of service and anticipated provider (if known);
  - (d) any additional fees the Trainer proposes to charge the Owner, including bonuses for winning races, or commissions on the sale of a horse; and
  - (e) whether a Trainer proposes to charge interest on any unpaid Training Fees and/or Training Disbursements. The Trainer is entitled to do so from the day after an amount falls due and payable, at an interest rate not more than the rate prescribed from time to time for post-judgment interest in the High Court of New Zealand.

#### **PRESUMPTION OF A TRAINING DEBT**

- 1511 (1) As a condition precedent to a Trainer being able to rely on the Presumption of a Training Debt, the Trainer must provide an invoice (or invoices) for Training Fees and/or Training Disbursements to the Owner of the relevant horse by the 15th day of the calendar month following a month or past month in which Training Services were provided by the Trainer in respect of the horse.
- (2) A Trainer who fails to issue an invoice by the end of the 15th day of a month following a month or past month in which Training Services were provided must wait until the subsequent month to seek to rely on the Presumption of a Training Debt, and can only do so if an invoice for such Training Services has been provided to the Owner by the end of the 15th day of that subsequent month.
- (3) If an invoice is issued in accordance with sub-Rule (1), the Owner may formally dispute the invoice (or part of it) by serving on the Trainer a Dispute Notice which complies with the requirements of Rule 1512(1). A copy of the Dispute Notice must also be provided to NZTR.
- (4) If a Trainer issues an invoice in accordance with sub-Rule (1) and the invoice is not fully paid by its Due Date, then unless a Dispute Notice is provided by the Owner to the Trainer by that Due Date, the invoice is deemed to be due and payable to the Trainer on that Due Date. That is known as the **Presumption of a Training Debt** against the Owner.
- (5) If a Dispute Notice is provided by an Owner to a Trainer by the Due Date of the relevant invoice, the Presumption of a Training Debt does not arise. In that instance, unless the dispute is settled by consent, the Trainer and Owner each may apply in accordance with Rule 1512] to have the dispute heard and determined by the TDT.

#### **DISPUTE NOTICE**

- 1512 (1) A Dispute Notice:
- (a) must be in a form prescribed by NZTR from time to time, and must contain the information required by that form;
  - (b) must clearly identify the invoice(s) (or part(s) of the invoice(s)) disputed by the Owner, the amount in dispute, and the grounds for the dispute;
  - (c) must be provided by an Owner to a Trainer with any supporting documentation (to be enclosed with the Dispute Notice) the Owner intends to rely on in relation to the dispute;
  - (d) must be served on the Trainer, with a copy to be provided by the Owner to NZTR:
    - (i) subject to sub-Rules (1)(e) and (2), within 6 months of the date of the relevant invoice; and

- (ii) by the Due Date of the relevant invoice if the Owner wishes to prevent the Presumption of a Training Debt arising; and
  - (e) must not be served on the Trainer after an Enforcement Action Application (EAA) is filed with NZTR by the Trainer under Rule 1513(1), and any purported service of a Dispute Notice after that time will not be valid.
- (2) If a Dispute Notice challenges part, but not the whole of an invoice issued by a Trainer to an Owner, the Owner must pay to the Trainer the part not in dispute by the relevant Due Date in accordance with Rule 1511(1). Failing that, the part not in dispute is deemed due and payable to the Trainer at the relevant Due Date.
  - (3) Once a Dispute Notice is served by an Owner on a Trainer in accordance with sub-Rule (1), each has the right to elect to have the dispute determined by a TDT by filing a Notice of Election of Hearing with NZTR within 14 days of the Dispute Notice being served, with a copy also required to be served on the other party to the dispute.

#### **CONSEQUENCES FOR A TRAINER AND OWNER IF THE PRESUMPTION OF A TRAINING DEBT ARISES**

- 1513 (1) Once the Presumption of a Training Debt arises, the relevant Trainer may file an EAA with NZTR (with a copy to be served on the Owner(s)) seeking that one or more of the following consequences apply in respect of the Owner(s):
  - (a) if the defaulting Owner(s) owns 50% or more of the relevant horse, and the horse is transferred to another trainer without NZTR's consent, that NZTR determine that the horse may not be entered for any Race;
  - (b) that NZTR will not register any transfer of the Owner's share or ownership interest in the horse; and
  - (c) that NZTR will, other than in a Special Circumstance determined in its discretion, Freeze the payment of Stakes to which the Owner would otherwise be entitled, and direct payment of those Stakes to the Trainer.
- (2) Once an EAA is filed with NZTR by a Trainer under sub-Rule (1), the relevant Owner is not permitted to serve a Dispute Notice on the Trainer in respect of the relevant Training Fees and/or Training Disbursements and any purported service of a Dispute Notice after that time will not be valid.
- (3) Once an EAA is filed with NZTR by a Trainer under sub-Rule (1), unless NZTR considers that a Special Circumstance warrants another course, each of the consequences stated in sub-Rules (1)(a) to (1)(c) which were applied for by the Trainer will apply until:
  - (a) the relevant Training Fees and/or Training Disbursements which are due and payable are paid to the Trainer;
  - (b) the Trainer notifies NZTR that the Trainer has come to a settlement with the Owner in relation to the payment of the disputed amount; or
  - (c) the Owner notifies NZTR that the Owner has come to a settlement with the Trainer in relation to the payment of the disputed amount and provides sufficient evidence (as determined by NZTR in its sole discretion) of such settlement.
- (4) A Trainer must notify NZTR in writing within 24 hours of becoming aware of having received payment from an Owner of any Training Fees and/or Training Disbursements referred to in an EAA, and/or of reaching a settlement with the Owner regarding the payment of the Training Fees and/or Training Disbursements the subject of an EAA.

#### **TRAINER'S FURTHER RIGHTS OF OBJECTION**

- 1514 (1) If, despite the Presumption of a Training Debt not having arisen, a Trainer contends that Training Fees and/or Training Disbursements are due and payable to the Trainer in respect of a horse, the Trainer may object by written notice provided to NZTR to the transfer of an ownership interest in the horse from one Owner to another Owner or to a third party. A copy of that written objection must also be served on the relevant Owner.

- (2) If a Trainer lodges an objection with NZTR pursuant to sub-Rule (1):
  - (a) the following consequences apply:
    - (i) NZTR will notify the relevant Owner of the objection;
    - (ii) (if so determined by NZTR at its discretion) if the Owner owns 50% or more of the horse, and the horse is transferred to another trainer without NZTR's consent, the horse may not be entered for any Race; and
    - (iii) NZTR will not register any transfer of the Owner's ownership interest in the horse;
  - (b) the consequences stated in sub-Rules (2)(a)(ii) and (2)(a)(iii) will cease after 5 business days unless the Trainer provides NZTR with copies of the invoice(s) owed to the Trainer (clearly identifying the parts of them alleged to be due and payable to the Trainer) within that 5 business day period (which period is not to be extended in any circumstance);
  - (c) upon receipt of that information, NZTR will notify the relevant Owner who may then either:
    - (i) pay the amount of the invoice(s) in full to NZTR (in which case NZTR will pay those funds to the Trainer and NZTR will process the relevant transfer request); or
    - (ii) serve a Dispute Notice on the Trainer (with a copy also required to be provided to NZTR). Once that is done, either party may elect to have the matter determined by the TDT by filing a Notice of Election of Hearing with NZTR within 14 days of the date of issue of the Dispute Notice (with a copy also required to be served on the other party). However, a Notice of Election of Hearing will only be valid and accepted by NZTR if the Dispute Notice relating to the dispute was served within 6 months of the date of the invoice being disputed.
- (3) If an Owner serves a Dispute Notice under sub-Rule (2)(c)(ii), and the Owner still wishes for the relevant transfer to proceed without delay, the Owner can pay the amount of the disputed invoice(s) into the Training Disputes Trust Account pending determination of the dispute, at which point NZTR will process the relevant transfer.

#### **TDT PROCESS**

- 1515 (1) If an Owner has served a Dispute Notice on a Trainer in accordance with Rule 1512(1), either of them may, within 14 days of the service of the Dispute Notice, elect to have the dispute determined by a TDT by paying the Filing Fee to NZTR and at the same time filing a Notice of Election of Hearing with NZTR and serving it on the other party to the dispute.
- (2) A Notice of Election of Hearing will only be valid and accepted by NZTR if the Dispute Notice related to the dispute was served within 6 months of the date of the invoice the subject of the dispute and before any EAA was filed by the Trainer.
- (3) When a valid Notice of Election of Hearing is received by NZTR from an Owner or a Trainer, then the consequences set out in Rule 1514(2)(a)(ii) and 1514(2)(a)(iii) will apply unless the amount disputed in the Notice of Election of Hearing has been paid by the Owner into the Training Disputes Trust Account pending resolution of the relevant dispute.
- (4) The TDT may make such directions in relation to the preparation of the dispute for hearing as it sees fit, except that a hearing on the papers can only take place if all parties agree.
- (5) In relation to an oral hearing before the TDT:
  - (a) there is no automatic right to legal representation before the TDT; and
  - (b) the TDT may grant leave to the Trainer and/or Owner to be legally represented if in the opinion of the TDT that is warranted having regard to one or more of the following matters:
    - (i) the complexity of the issues arising under the dispute;
    - (ii) the amount disputed;
    - (iii) whether or not the case is of general importance to the racing industry;

- (iv) the interests of justice in the circumstances of the case.
- (6) In respect of a hearing before the TDT:
- (a) the TDT:
    - (i) must, other than in exceptional circumstances, make all reasonable efforts to determine the dispute within 10 days of the hearing of that dispute; and
    - (ii) is only required to provide written reasons of its decision if at least one party to the dispute requests it does so;
  - (b) the decision of the TDT will be binding on all parties as a decision under these Rules;
  - (c) the TDT may determine whether Training Fees and/or Training Disbursements must be paid and in what amount, including in relation to any amounts paid into the Training Disputes Trust Account;
  - (d) if a party intends to challenge the decision of the TDT by way of External Proceedings, it must provide written notice of that intention to the other party and NZTR within 7 days of the TDT's decision. If that is done, then from that point NZTR must not take any action in relation to the disputed Training Fees and/or Training Disbursements until, subject to sub-Rule (6)(e), the outcome of the External Proceedings is known;
  - (e) if notice of an intention to commence External Proceedings is provided in accordance with sub-Rule (6)(d), but the notifying party has not provided NZTR with evidence of the commencement of External Proceedings within 28 days of the TDT's decision then:
    - (i) if the TDT has ordered that an amount be paid to the Trainer in respect of Training Fees and/or Training Disbursements, the Owner must pay the Trainer the amount determined by the TDT within 2 days of that date (that is, within 30 days of the TDT's decision); and
    - (ii) if NZTR receives evidence of the commencement of External Proceedings more than 28 days after the TDT's decision, then from that point NZTR must not take any action in relation to the disputed Training Fees and/or Training Disbursements until the outcome of the External Proceedings is known;
  - (f) if notice of an intention to commence External Proceedings is not provided in accordance with sub-Rule (6)(d), and the TDT has ordered that an amount be paid to a Trainer in respect of Training Fees and/or Training Disbursements, the Owner must pay the Trainer the amount determined by the TDT in full within 7 days of the TDT's decision;
  - (g) the TDT has the discretion to order which party or parties shall bear the cost of the relevant Filing Fee in respect of that application and in what proportion; and
  - (h) other than as provided in sub-Rule (6)(g), the parties to a dispute before the TDT must bear their own costs (including any legal costs) in connection with that dispute, except that the TDT retains a discretion to order that a party (**first party**) pay some or all of the costs of the other party if the TDT is satisfied that:
    - (i) the first party commenced or responded to the TDT proceedings vexatiously; or
    - (ii) the first party's commencement of, or response to, the TDT proceedings had no reasonable prospect of success.
- (7) A TDT has jurisdiction to determine all issues or questions relevant to the determination of a dispute between a Trainer and an Owner (or Owners) in relation to the payment of Training Fees and/or Training Disbursements. A TDT does not have jurisdiction to determine disputes between Co-owners or between a Lessor and a Lessee.

#### **FACILITATING PAYMENT AFTER A DECISION OF A TDT**

- 1516 (1) If a TDT makes an award in favour of a Trainer then, subject to Rules 1515(6)(d) and 1516 (2), the following consequences apply to the defaulting Owner:

- (a) (if so determined by NZTR at its discretion) if the Owner owns 50% or more of the relevant horse, and the horse is transferred to another trainer without NZTR's consent, the horse may not be entered for any Race;
  - (b) NZTR will not register any transfer of the relevant Owner's interest in the horse; and
  - (c) NZTR must, other than in a Special Circumstance as determined in its discretion, Freeze the payment of any Stakes to which the Owner would otherwise be entitled.
- (2) The consequences in sub-Rule (1)(a) will apply until the Training Fees and/or Training Disbursements the subject of the TDT's award and where applicable the relevant Filing Fee together with any costs awarded by the TDT are paid in full by the Owner to the Trainer.
- (3) If 14 days have passed after a decision of a TDT and the Trainer has not been paid by the Owner as required by the decision of the TDT and informs NZTR of that, in addition to the consequences stated in sub-Rule (2):
- (a) NZTR will notify the Owner and the Trainer of that, after which NZTR must, other than in a Special Circumstance as determined in its discretion, pay to the Trainer any Stakes to which the Owner would otherwise be entitled in payment of any Training Fees and/or Training Disbursements owed to the Trainer;
  - (b) if NZTR is not in possession of Stakes to which the Owner would otherwise be entitled in an amount that is sufficient to satisfy (in whole or in part) the payment of any Training Fees and/or Training Disbursements owed to the Trainer, NZTR will notify the Owner and the Trainer of that;
  - (c) NZTR will retain its powers under the Rules to take action against the defaulting Owner (including to refuse to accept a nomination for a horse to race);
  - (d) the Trainer will retain the Trainer's rights under the NZTR Training Agreement and at general law; and
  - (e) the unpaid amount shall be deemed to be Arrears and may be placed in the Arrears List.
- (5) If NZTR directs Stakes to which an Owner would otherwise be entitled be paid to a Trainer pursuant to sub-Rule (3)(a), but the disputed amount has already been paid or settled as between Trainer and Owner by the time that payment is made to the Trainer, the Trainer must refund to the Owner the amount paid to the Trainer by NZTR within 7 days.
- (6) A Trainer must inform NZTR within 24 hours of becoming aware of having received payment from an Owner of any Training Fees and/or Training Disbursements ordered by a TDT to be paid to the Trainer.

## **NZTR'S POWERS**

1517 NZTR has power:

- (a) to appoint a person or persons, who must have relevant experience in dealing with commercial disputes, as a TDT member for the purpose of determining disputes in relation to Training Fees and/or Training Disbursements, and which, to avoid doubt, may include members of an Adjudicative Committee appointed by the Racing Integrity Board.
- (b) to make and enforce policies or procedures in respect of the role, powers and functions of the TDT, and any member of it; and
- (c) to take whatever action it thinks fit (including to refuse to accept the nomination of a horse to race, or take any disciplinary action permitted by the Rules) against a person who contravenes any provision of Part XV of these Rules or any regulations, policies or guidelines made by or pursuant to a direction of NZTR in relation to them.



# SCHEDULES

## FIRST SCHEDULE

### CLUBS

Clubs which may hold Totalisator race meetings

| NORTHERN REGION   | CENTRAL REGION   | SOUTHERN REGION  |
|---|--|--|
| 1. AUCKLAND RC<br>2. AVONDALE JC<br>3. COUNTIES RC<br>4. DARGAVILLE RC<br>5. PAKURANGA HUNT<br>6. WHANGAREI RC<br>7. CAMBRIDGE JC<br>8. PAEROA RC<br>9. TAUMARUNUI RC<br>10. WAIKATO RC<br>11. WAIPA RC<br>12. WHAKATANE RC<br>13. RACING MATAMATA<br>14. RACING ROTORUA<br>15. RACING TAUPO<br>16. RACING TAURANGA<br>17. RACING TE AROHA<br>18. ROTORUA-BOP HUNT<br>19. SOUTH WAIKATO RC<br>20. THAMES JC | 1. EGMONT RC<br>2. STRATFORD RC<br>3. TARANAKI TR<br>4. WANGANUI JC<br>5. WAVERLEY RC<br>6. FEILDING JC<br>7. FOXTON RC<br>8. LEVIN RC<br>9. MANAWATU RC<br>10. MARTON JC<br>11. OTAKI-MAORI RC<br>12. RANGITIKEI RC<br>13. WELLINGTON RC<br>14. HAWKE'S BAY RI<br>15. MASTERTON RC<br>16. POVERTY BAY TC<br>17. WAIPUKURAU JC<br>18. WAIRARAPA RC<br>19. WAIROA RC<br>20. WOODVILLE-PAHIATUA RC | 1. AMBERLEY RC<br>2. ASHBURTON RC<br>3. BANKS PENINSULA RC<br>4. CANTERBURY JOCKEY CLUB<br>5. GREYMOOUTH JOCKEY CLUB<br>6. HORORATA RC<br>7. KUMARA RC<br>8. MARLBOROUGH RC<br>9. NORTH CANTERBURY RC<br>10. REEFTON JC<br>11. SOUTH CANTERBURY RC<br>12. WAIMATE RC<br>13. WESTLAND RC<br>14. BEAUMONT RC<br>15. CENTRAL OTAGO RC<br>16. GORE RC<br>17. KUROW JC<br>18. OAMARU JC<br>19. OTAGO RC<br>20. RIVERTON RC<br>21. SOUTHLAND RC<br>22. TAPANUI RC<br>23. WAIKOUAITI RC<br>24. WAIRIO JC<br>25. WINTON JC<br>26. WYNDHAM RC |

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

| <b>NORTHERN REGION</b>  | <b>CENTRAL REGION</b>  | <b>SOUTHERN REGION</b>   |
|---|--|--|
| <ol style="list-style-type: none"><li>1. ALEXANDRA RACING CLUB</li><li>2. ONETANGI BEACH RACES</li><li>3. WAITEMATA HUNT CLUB</li></ol> | <ol style="list-style-type: none"><li>1. CASTLEPOINT RACING CLUB</li><li>2. DANNEVIRKE HUNT INC</li><li>3. TARANAKI HUNT CLUB</li><li>4. TOLAGA BAY BEACH PICNIC RACING CLUB</li></ol> | <ol style="list-style-type: none"><li>1. LAKESIDE FOOTBALL CLUB</li><li>2. RICcarton TURF CLUB</li></ol> |

## **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 40 of the Racing Industry Act 2020

**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 Industry Act 2020;
- (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.

**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 40 of the Racing Industry Act 2020 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 40 of the Racing Industry Act 2020 applies.

**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 Industry Act 2020, or 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

#### DEFINITIONS

- 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.

**Adjudicative Committee** means an Adjudicative Committee appointed by the Racing Integrity Board established pursuant to the Racing Industry Act 2020.

**lessee** includes in addition to a sole lessee the joint lessees of a horse.

**mare return** means the return required by Regulation 4(1) hereof.

**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 **racing 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**.

#### ELEGIBILITY FOR STUD BOOK

- 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 are 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 or Gene Doping ) may not be used to produce the horse.

#### **ELEGIBILITY FOR REGISTER OF NON-STUD BOOK MARES**

- (2) The following horses and no others shall be eligible for entry in the 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 or Gene Doping) may not be used to produce the horse.

#### **GENE DOPING**

- (3) Notwithstanding sub-Rules (1) and (2) above, any horse which NZTR reasonably believes has been subjected to Gene Doping shall be ineligible for entry in the New Zealand Stud Book and the Register of Non Stud Book Mares and, if previously entered therein, shall be removed therefrom. [Amended 1 September 2020]

### INELEGIBILITY FOR REGISTRATION

- 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.

### REQUIREMENTS FOR MARE OWNERS

- 4 (1) 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) must submit to NZTR a form (referred to herein as a **mare 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 in respect of each year not later than the date twelve months following the last date of service for that year or, if the mare was not served in that year, the 28th February in each year. The relevant fee specified by NZTR is payable in respect of each year's mare 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 mare 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. [Amended 1 September 2020]
- (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:
- (a) the name and, if unnamed, the age, colour and pedigree of the mare;
  - (b) the date and place of foaling;
  - (c) the location of the foal;
  - (d) the sex of the foal;
  - (e) the colour of the foal;
  - (f) whether the foal was born alive;
  - (g) the name of the foal's sire; and
  - (h) the owner and/or lessee of the foal (if different from the owner and/or lessee of the mare,
- and shall notify such particulars to NZTR within 30 days of the birth of the foal. [Amended 1 September 2020]
- (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 required time in any Racing Year shall be liable for the relevant late entry fee specified by NZTR in respect of that return. [Amended 1 September 2020]



- (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 mare 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 mare 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 shall be payable provided however that if, contrary to what is recorded on the mare 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 mare 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.

#### **MARE GENETIC TESTING**

- 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 InfogeneNZ, 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.

#### **PARENTAGE TESTING**

- 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 InfogeneNZ, Massey University, Palmerston North.
- (2) No sample shall be taken from any such foal until it has:
- (a) been branded and 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.

#### **FEES**

- 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.

#### **ELEGIBILITY OF A FOAL TO BE REGISTERED IN THE STUD BOOK**

- 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.

#### **REQUIREMENTS FOR THE REGISTRATION OF A FOAL IN THE STUD BOOK**

- 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.

#### **FEES**

- 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.

#### **CHANGE OF OWNERSHIP**

- 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 (including notifying the horse's location) 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. [Amended 1 September 2020]
- (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 (including notifying the horse's location). [Amended 1 September 2020]
- (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.

## CERTIFICATES OF SERVICE

- 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.

## **ACCEPTANCE OF DOCUMENTATION, INFORMATION OR OTHER REGISTRATION REQUIREMENT.**

- 12 (1) NZTR may reject at any time any mare 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 mare 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 mare 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.

## **TESTING OF STALLIONS**

- 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, if directed by NZTR, 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 arteritis;
- (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 arteritis;
- (c) 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 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 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
  - (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, if directed by NZTR, 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, if directed by NZTR:
- (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.

#### **RETENTION OF INFORMATION**

- 14 Any person who in or on any form, document, receipt or other paper of any kind makes any entry or writing of any kind for the purpose of meeting or enabling him or someone else to 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.

#### **BREACHES OF THESE REGULATIONS**

- 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 an Adjudicative Committee.
- (4) NZTR may exercise its powers under these Regulations notwithstanding that an Adjudicative 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.

#### **PROMOTION OF MARES TO VEHICLE MARE STATUS.**

- 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 [Amended 1 January 2016]

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

#### 1 DEFINITIONS AND INTERPRETATION

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

**“Advertisement”** means any form of communication made to the public or a section of the public for the purpose of promoting an Offer or intended Offer of Shares.

**“Applicant”** means a person who applies for a Share.

**“Associated Person”** has the meaning set out in section 12 of the Financial Markets Conduct Act 2013.

**“Authorised Syndicator Status”** means that a person has been authorised under this Code of Practice to offer Shares to the public or that a Bloodstock Company has been authorised under this Code of Practice to offer and issue its Shares to the public.

**“Balance Date”** has the meaning set out in Sections 40 to 43 of the Financial Reporting Act 2013.

**“Bloodstock”** means thoroughbred bloodstock or interests in thoroughbred bloodstock.

**“Bloodstock Company”** means a company which has been granted Authorised Syndicator Status under this Code of Practice.

**“Bloodstock Reporting Entity”** means each Bloodstock Company and Bloodstock Syndicate (other than a Bloodstock Syndicate which meets the criteria set out in clause 6.4).

**“Bloodstock Syndicate”** means a partnership, limited partnership, joint venture, co-ownership arrangement or other body of persons formed or to be formed for the purposes of owning, racing or breeding bloodstock.

**“Board”** means the board for the time being of New Zealand Thoroughbred Racing Inc.

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

**“Code of Practice”** means this Code of Practice.

**“Compliance Agreement”** means a written agreement in the prescribed form under which a Promoter agrees with the Board to comply with and be bound by the provisions of this Code of Practice.

**“Disclosure Statement”** means a written statement that meets the criteria set out at clause 4.2 of this Code of Practice and includes any replacement of or addendum to any such written statement required under clause 4.3.

**“Financial Statements”** has the meaning set out in section 6 of the Financial Reporting Act 2013, provided that, if there is no applicable financial reporting standard or no applicable non-GAAP standard, then it means statements that meet financial reporting requirements prescribed by the Board.

**“Generally Accepted Accounting Practice” (“GAAP”)** means the accounting principles and practices which are generally accepted in New Zealand and comply with the laws of New Zealand.

**“Governing Document”** means in relation to a Bloodstock Syndicate, a syndicate agreement, a partnership agreement, a co-ownership or joint venture agreement, a limited partnership agreement or other document governing the relationship between and the interests of the Participants, Promoter and Manager.

**“Issue”** means the issue or transfer of Shares pursuant to an Offer.

**“Manager”** means in relation to a Bloodstock Syndicate the person controlling the management and administration of the affairs of the Bloodstock Syndicate and includes the Promoter.

**“Offer”** means an offer of Shares in a Bloodstock Syndicate or Bloodstock Company to the public under this Code of Practice.

**“Participant”** means the owner of a Share in a Bloodstock Syndicate.



**“Promoter”** means a person with Authorised Syndicator Status who offers Shares to the public under this Code of practice and includes a Bloodstock Company which Offers and Issues its Shares to the public pursuant to this Code of Practice.

**“Qualified Auditor”** has the meaning set out in section 36 Financial Reporting Act 2013.

**“Share”** means in relation to a Bloodstock Syndicate an interest in the Bloodstock Syndicate and in relation to Bloodstock Company means a share in the company.

**“Shareholder”** means the owner of a Share in Bloodstock Company.

**“Supervisory Panel”** means a supervisory panel established under clause 11.1 of this Code of Practice.

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

**“Working day”** has the meaning set out in section 29 of the Interpretation Act 1999.

## 1.2 Interpretation

In the interpretation of this Code of Practice, unless the context otherwise requires:

- (a) All schedules form part of this Code of Practice.
- (b) Any reference to a document includes a reference to any original, a facsimile copy, a photocopy, a PDF or email image copy of the document.
- (c) Any reference to a person includes a reference to a corporation sole, a body corporate, and an unincorporated body;
- (d) Any reference to a statute or regulation includes a replacement or modification of that statute or regulation;
- (e) Anything required to be done by this Code of Practice by a Bloodstock Reporting Entity must be done by the Manager (in the case of a Bloodstock Syndicate) or the directors (in the case of a Bloodstock Company).
- (f) Anything required by this Code of Practice to be done on a day which is not a Working Day must be done, and will be valid if done, on the next succeeding working day;
- (g) Clause headings will be disregarded.
- (h) Words importing the singular shall include the plural and vice versa.
- (i) Words importing one gender shall include the other genders.

## 2 APPROVAL OF PROMOTERS

2.1 Persons wishing to obtain Authorised Syndicator Status must apply to the Board through the Chief Executive in the prescribed form. If Shares in a company are to be offered to the public under this Code of Practice, both the company and the person (if any) offering the Shares must have Authorised Syndicator Status. Each application must be accompanied by payment of the prescribed fee and a completed Compliance Agreement signed by the applicant and must otherwise meet the following requirements:

- (a) If the applicant is an individual, all trading names under which the applicant has offered Shares in Bloodstock Syndicates or Bloodstock Companies to the public must be set out in the application.
- (b) If the applicant is a company, it must at the time of application submit a copy of its constitution, which must include the provisions required by clause 22.2 of this Code of Practice.

2.2 The Chief Executive will issue a Certificate of Authorised Syndicator Status if the application is approved by the Board.

2.3 Authorised Syndicator Status authorises the person to whom this status has been granted to offer Shares to the public under this Code of Practice. 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 of the person is disqualified under the Rules of Racing.
- (b) The person or any Associated Person of the 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, is not aged twenty years or over.
  - (e) The person or any Associated Person of the 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.
  - (g) If the applicant is a company, the Board is not satisfied in its opinion that the company's principal activity is, or will be, the ownership, management, breeding or racing of Bloodstock.
- 2.4 A Person whose application is declined may appeal to the Supervisory Panel. (See clause 11)
- 2.5 A person with Authorised Syndicator Status must notify the Board through the Chief Executive of any trading names under which that person intends to offer Shares to the public.

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

- 3.1 Persons who have Authorised Syndicator Status must include in every Advertisement issued or distributed by them in printed form or on or through a website the following statement:

*"[insert the name of the relevant Promoter/Bloodstock Company] is a person with Authorised Syndicator Status under a Code of Practice administered by New Zealand Thoroughbred Racing Inc for regulating thoroughbred syndications. Details of the Offer are contained in the Disclosure Statement relating to the Offer."*

The statement must then say where or how the Disclosure Statement may be obtained.

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

- 3.2 Each Disclosure Statement must include the following statement:

*"[insert the name of the relevant Promoter/Bloodstock Company]" is a person with Authorised Syndicator Status under a Code of Practice administered by New Zealand Thoroughbred Racing Inc. New Zealand Thoroughbred Racing Inc. does not endorse nor does it guarantee the success or otherwise of the offer made under this Disclosure Statement and accepts no responsibility whatsoever for any statements or representations made in this Disclosure Statement or for any loss or liability arising from participation in the offer.*

### **4 ISSUE OF SHARES AND DISCLOSURE STATEMENTS**

- 4.1 No Share may be Issued to an Applicant and no money received from an Applicant is to be disbursed in payment of costs of the Bloodstock Syndicate or the Bloodstock Company until the following conditions have been satisfied:

- (a) The Promoter delivers to the Chief Executive a Disclosure Statement in the form set out in the Schedule hereto and that otherwise contains the information prescribed under this Code of Practice. The Disclosure Statement must be fully and correctly completed for each Offer; and
- (b) The Board does not give the Promoter a requisition notice to replace, amend or correct any matter contained or attached to the Disclosure statement within 14 working days from the date of delivery to the Chief Executive; and
- (c) The Promoter has obtained from all Applicants to whom a Share is to be Issued a signed acknowledgment of receipt and understanding of the Disclosure Statement, and of any addendum to the Disclosure Statement if one was required (refer clause 4.3).
- (d) The minimum level of subscription (if any) set out in the Disclosure Statement has been received unless the Disclosure Statement states that the Offer is underwritten by the Promoter (i.e. the Promoter has agreed to take up all Shares in respect of which no applications are received).
- (e) If a signed acknowledgement of receipt and understanding of the Disclosure Statement, (and any addendum to it) has not been received from an Applicant all monies received from that Applicant must have been refunded to that Applicant.

- 4.2 A Disclosure Statement is required to meet the following criteria:

- (a) It must contain all of the information and statements required by this Code of Practice including all of the applicable information required by the form of disclosure statement set out in the Schedule; and
- (b) It must refer to all required valuation reports and veterinary certificates (copies of which must be provided to the Board) and it must say how copies of those reports and certificates may be obtained by Applicants; and
- (c) If the [Promoter] is seeking to raise funds under the Offer for the purchase, in the future, of Bloodstock for racing and/or breeding purposes, the Disclosure Statement must state that valuation reports and veterinary certificates will be obtained in respect of such Bloodstock at the time it is purchased (which reports and certificates must meet the requirements of clauses 10.1 and 10.3, respectively) and state how copies of those reports and certificates may be obtained by each Participant or Shareholder (as the case may be); and
- (d) In the case of a Bloodstock Syndicate, a copy of the Governing Document (such as a Partnership or Syndicate Agreement) must accompany the Disclosure Statement when it is sent to potential Applicants, unless it has previously been provided to the potential Applicant; and
- (e) In the case of a Bloodstock Company, it must say where or how a copy of the constitution may be obtained; and
- (f) It must disclose the nature of:
  - (i) all commissions, fees or rebates and other benefits (e.g. insurance commissions or commissions on the sale or purchase of Bloodstock) that have been or may be received in the future by the Promoter or the Manager, or an Associated Person of the Promoter or Manager, specifically in relation to the relevant Bloodstock Syndicate or Bloodstock Company or any of its Bloodstock; and
  - (ii) any pecuniary or material interest the Promoter or the Manager, or any Associated Person of the Promoter or Manager, has or had in any of the Bloodstock acquired or to be acquired by the relevant Bloodstock Syndicate or Bloodstock Company.
- (g) It must be signed by the Promoter and where the Promoter is a corporate entity by at least one of its directors.

4.3 Each Disclosure Statement must be approved by the Board, which must not grant its approval unless it is satisfied that:

- (a) The Disclosure Statement contains all of the information and statements required under this Code of Practice (including all of the applicable information required by the form of disclosure statement set out in the Schedule); and
- (b) There is no reason to suspect that any of the information provided in or accompanying the Disclosure Statement is incorrect; and
- (c) The Promoter's performance in prior syndications or Offers has been satisfactory; and
- (d) The fees, charges, commissions, margins over valuation are reasonable and not such that they may bring the industry into disrepute; and
- (e) The status of the Promoter has not materially changed in terms of the criteria for the approval of Authorised Syndicator Status since the Promoter was granted Authorised Syndicator Status or the last syndication or Offer by the Promoter.

4.4 If a Disclosure Statement is not approved by the Board, it may be replaced and resubmitted to the Chief Executive or if approved by the Board an addendum to the Disclosure Statement may be utilised to rectify any requisition of the Board made pursuant to clause 4.1 (b) of this Code of Practice.

## **5 ADVERTISING**

5.1 Advertisements must not be misleading or factually incorrect or be likely to bring the thoroughbred industry into disrepute and must otherwise comply with the requirements of the "fair dealing" provisions in Part 2 of the Financial Markets Conduct Act 2013 (which prohibit misleading or deceptive conduct, the making of false or misleading representations and the making of unsubstantiated representations) as if Shares were "financial products" within the meaning of that Act.

- 5.2 A Promoter must notify the Chief Executive of the proposed advertising of an Offer and the intended publications in which Advertisements for the Offer will appear.
- 5.3 Each Advertisement must comply with clause 3.1 and state clearly that applications for Shares can only be made after an Applicant has received and signed a Disclosure Statement. In addition, each Advertisement must state the name of the Promoter.
- 5.4 A Promoter may submit an Advertisement to the Board through the Chief Executive for review prior to its publication, broadcast or distribution.
- 5.5 If an Advertisement is considered or observed by the Board to not comply with this Code of Practice the Board may require the Advertisement to be amended or, if already published or distributed, to be withdrawn from publication or distribution and require the Promoter to notify all Applicants under the Offer of the matters in respect of which the published Advertisement was non-compliant and such other information which the Board considers is required to remedy the deficiency.
- 5.6 The notice referred in clause 5.5 must be approved by the Board and no Shares may be Issued under the Offer until the notice has been provided to all Applicants.

## **6 BANK ACCOUNT / FINANCIAL DEALINGS**

- 6.1 The directors must establish a separate bank account for a Bloodstock Company. All moneys received by the Bloodstock Company must immediately be deposited into that bank account by the Promoter.
- 6.2 Subject to Clause 6.4, a Promoter must establish a separate bank account or trust bank account for each Bloodstock Syndicate. All moneys received by the Promoter in respect of a Bloodstock Syndicate must immediately be deposited into that bank account by the Promoter.
- 6.3 All monies received from an Applicant are to be held in trust pending the Issue of Shares to that Applicant or the refund of those monies to that Applicant under clause 4.1 (e) or 7.2.
- 6.4 A Promoter is not required to comply with Clause 6.2 so long as the Bloodstock Syndicate meets the following criteria:
- (a) The Participants are each holders of an interest in Bloodstock, whether as an owner or as a lessee; and
  - (b) The Bloodstock Syndicate is a joint venture or co-ownership arrangement and not a partnership, a limited partnership or an unincorporated body of persons which at law has a financial reporting obligation (as a body); and
  - (c) The Participants are each invoiced by the Promoter or the vendor for the initial cost of their respective interest in the Bloodstock and the Participants are each periodically invoiced by the Promoter or the relevant suppliers or service providers for their respective proportion of the on-going costs and expenses incurred in relation to the Bloodstock, and the Participant is required to pay those costs and expenses in accordance with each such invoice; and
  - (d) The Promoter and any Associated Person of the Promoter must, on written request of either a Participant or the Chief Executive, provide supporting invoices or other evidence for costs invoiced in accordance with 6.4(c); and
  - (e) Unless the Governing Document provides otherwise, stake winnings, prize money or bonus payments received in excess of current invoicing period costs less any arrears owing are disbursed to individual Participants rather than retained to meet future costs; and
  - (f) The Offer is fully underwritten by the Promoter.
- 6.5 All financial transactions by or on behalf of a Bloodstock Syndicate or a Bloodstock Company must be made through a bank account.

## **7 TIME LIMIT FOR ISSUE OF SHARES**

- 7.1 Shares must be Issued under an Offer within eight months of the date of the Disclosure Statement or any replacement Disclosure Statement for the Offer.
- 7.2 A Promoter who fails to Issue Shares within the period specified in clause 7.1, (for example if the Offer is not underwritten by the Promoter and the minimum level of subscription is not raised or for some other reason) must immediately refund all money received from Applicants in full.

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

- 8.1 If in the opinion of the Board any of the grounds set out in clause 2.3 arises or applies in respect of a Promoter (a **Relevant Event**) or a Promoter is in breach of or in default under the Code of Practice, it may:
- (a) require the Promoter to remedy the circumstances giving rise to the Relevant Event, or the breach or default, (if the circumstances, or the breach or default, are capable of remedy) within 7 days and if those circumstances, or the breach or default, are not remedied within that time, suspend or cancel the Authorised Syndicator Status of the Promoter; or
  - (b) immediately suspend or cancel the Authorised Syndicator Status of the Promoter; or
  - (c) exercise all or any of the following powers in relation to any Bloodstock Company, Bloodstock Syndicate or Offer:
    - (i) suspend or order the cessation of any Offer;
    - (ii) immediately suspend or order the withdrawal of any Advertisement relating to an Offer;
    - (iii) remove, or require the Promoter to remove, a Manager or the Directors of a Bloodstock Company and if necessary either require the Promoter to appoint a new Manager or Directors or itself appoint a new Manager or new Directors;
    - (iv) order the Promoter to make refunds to Applicants or Participants or Shareholders;
    - (v) require an audit (at the expense of the Promoter) by a Qualified Auditor of the financial accounts of the Promoter or of a Bloodstock Syndicate or Bloodstock Company ;
    - (vi) appoint a suitably qualified and/or experienced person (at the expense of the Promoter) to investigate the affairs of the Promoter or of a Bloodstock Syndicate or Bloodstock Company.
- 8.2 The Board may suspend or cancel the Authorised Syndicator Status of a Promoter if no Disclosure Statements for that Promoter have been approved by the Board within the previous 36 months. In that case suspension or cancellation takes effect 28 days after written advice of this intention from the Board to the Promoter, and if no valid objection is delivered to the Board by the Promoter within that period. The Promoter may request the reinstatement of their Authorised Syndicator Status without fees or charges. The Board may in its discretion treat the application for reinstatement as a new approval under clause 2.1.

## **9 REGISTER OF BLOODSTOCK VALUERS**

- 9.1 New Zealand Thoroughbred Racing Inc. 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 approved by the Board in its discretion.
- 9.2 The Board is entitled to reject any nomination or application under clause 9.1 if it is not satisfied that:
- (a) The Valuer is of good standing and/or character; or
  - (b) The Valuer is sufficiently experienced in equine practice; or
  - (c) The Valuer is sufficiently competent in the field in respect of which he or she is certifying - i.e. 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; or
  - (c) The Valuer has charged or is charging excessive fees.

## 10 VALUATIONS AND VETERINARY REPORTS

- 10.1 Subject to clauses 10.2 and 10.4, for each Disclosure Statement the Board must be provided with two valuation reports in the prescribed form from Bloodstock Valuers who are, at the date of their respective reports, entered in the Register of Bloodstock Valuers established under this Code of Practice and are not an Associated Person of the Promoter.
- 10.2 Valuation reports are not required to be provided to the Board in respect of Bloodstock:
- (a) that are or are to be leased by the Bloodstock Syndicate or Bloodstock Company, whether or not there is a right of purchase (clause 22.5 refers), or
  - (b) if:
    - (i) the Bloodstock was purchased at a public auction; and
    - (ii) the Disclosure Statement in respect to the Bloodstock was delivered to the Board and approved by it under clause 4.1 within six months of the Bloodstock being purchased at the auction; and
    - (iii) the value of the Bloodstock shown in the Disclosure Statement is the same as the purchase price at the auction; and
    - (iv) any matter or any information that has, or may have, materially affected the value of the Bloodstock since its purchase at the auction, is fully and fairly disclosed in the Disclosure Statement. (Amended 10 February 2023)
- 10.3 Subject to clause 10.4, for each Disclosure Statement the Board must be provided with a veterinary report from a veterinary surgeon who meets the following criteria:
- (a) The veterinary surgeon must hold a current annual practising certificate issued by the Veterinary Council of New Zealand; and
  - (b) The veterinary surgeon must be experienced in equine practice; and
  - (c) The veterinary surgeon must spend the majority of his or her professional time in equine practice; and
  - (d) The veterinary surgeon must be competent in the field in respect of which he or she is certifying - i.e. racing or breeding.
- 10.4 In the case of an Offer that is seeking to raise funds for the purchase, in the future, of Bloodstock for racing and/or breeding purposes, the relevant Bloodstock Syndicate or Bloodstock Company must, whenever any Bloodstock is purchased by it, obtain as soon as is practicable after such Bloodstock has been purchased, valuation reports and veterinary certificates in respect of that Bloodstock, which reports and certificates must meet the requirements of clauses 10.1 and 10.3, respectively. If, however, the Bloodstock was purchased at a public auction, valuation certificates are not required provided a notice of change of ownership for the Bloodstock in favour of the Bloodstock Syndicate or Bloodstock Company is given to NZTR in accordance with the Rules of Racing, and accepted by NZTR for registration, within 30 days of the date of purchase at the auction. (Amended 10 February 2023)
- 10.5 Each Disclosure Statement must say where or how copies of the valuation reports (if any) and the veterinary reports may be obtained.
- 10.6 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, the Promoter must use bloodstock valuers and veterinary surgeons that 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, the Promoter must use reputable bloodstock valuers and veterinary surgeons that 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 an Offer or the Issue of Shares under it 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 admitted as a barrister and solicitor who will act as Chairman.
- 11.2 The duties of the Supervisory Panel are as follows:
- (a) To call periodic meetings of representatives of New Zealand Thoroughbred Racing Inc., 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 New Zealand Thoroughbred Racing Inc. to take appropriate action where it deems it necessary.
  - (c) To report to the Financial Markets Conduct Authority 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 FINANCIAL REPORTING**

### **12.1 Financial statements must be prepared**

Every Bloodstock Reporting Entity must ensure that, within 4 months after Balance Date, Financial Statements that comply with Generally Accepted Accounting Practice are completed in relation to that Balance Date and the Financial Statements are dated and signed on behalf of the Bloodstock Reporting Entity.

### **12.2 Audit requirements**

- (a) Subject to clause 12.2 (b), the Financial Statements of a Bloodstock Reporting Entity are not required to be audited unless it is a Bloodstock Syndicate with more than 50 Participants and more than \$2 million in capital, or a Bloodstock Company with more than 50 Shareholders and more than \$2 million in capital, as at its most recent Balance Date, in which case the Financial Statements at that Balance Date must be audited by a Qualified Auditor.

- (b) The Financial Statements of a Bloodstock Reporting Entity must also be audited by a Qualified Auditor if required by:
  - (i) the Board; or
  - (ii) the Governing Document or Constitution; or
  - (iii) a statutory audit requirement; or
  - (iv) a resolution passed or signed by Participants/Shareholders who together hold at least 50% of the Shares in the relevant Bloodstock Reporting Entity; or
  - (v) a Participant or Shareholder of the relevant Bloodstock Reporting Entity who has requested that its Financial Statements be audited at his or her own cost.
- (c) A Bloodstock Reporting Entity must provide access to the accounting records in order for any such the audit to be conducted.

### **12.3 Delivery of Financial Statements**

Every Bloodstock Reporting Entity must ensure that, within 5 months after the Balance Date, copies of the Financial Statements that are required to be prepared under this clause 12, together with a copy of the auditor's report (if any) on those Financial Statements, are sent to the Participants or Shareholders as the case may be and, if requested by the Chief Executive, are delivered to the Board.

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

- 13.1 Once the conditions in clause 4.1 have been satisfied a Promoter must notify the Chief Executive of the names and addresses of the Participants or Shareholders, as the case may be, within 30 days of the Issue of Shares to them under an Offer. A copy of the page of the Disclosure Statement signed by each Participant or shareholder must be provided to the Chief Executive with that notification if it has not already been provided.
- 13.2 Changes of the Participants or Shareholders in a Bloodstock Syndicate or Bloodstock Company and their addresses must be notified to the Chief Executive within 30 days of any change occurring.

## **14 FAIR DEALING**

All Persons whether they be a Promoter, Manager or an Associated Person of a Promoter or Manager must comply with the "fair dealing" provisions in Part 2 of the Financial Markets Conduct Act 2013 as if Shares were "financial products" within the meaning of the Act. In broad terms, Part 2 of the Financial Markets Conduct Act 2013 prohibits misleading or deceptive conduct, the making of false or misleading representations and the making of unsubstantiated representations.

## **15 FEES**

- 15.1 A Promoter must pay the fees prescribed from time to time by the Board for the processing of an application for Authorised Syndicator Status and for the review of a Disclosure Statement.
- 15.2 All fees must be paid at the time application for Authorised Syndicator Status is made or when a Disclosure Statement is lodged for review.
- 15.3 Until fees are paid, an application for Authorised Syndicator Status will not be referred to the Board for consideration.
- 15.4 New Zealand Thoroughbred Racing Inc. is entitled to charge a Promoter interest, calculated 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 Every Promoter must ensure that complete and proper records are kept of the affairs and activities of each Bloodstock Syndicate or Bloodstock Company whose Shares were offered to the public under this Code of Practice including (but not limited to) any specific records that are required by this Code of Practice.
- 16.2 Every Promoter must on request make available to the Chief Executive all records and other information held by it or any Manager in relation to any Bloodstock Syndicate or Bloodstock Company if its Shares were offered to the public under this Code of Practice.



### 16.3 Accounting records

- (a) Every Bloodstock Reporting Entity must ensure that there are kept at all times accounting records that record the transactions of the Bloodstock Reporting Entity that will enable the preparation and audit, if required, of its Financial Statements.
- (b) The accounting records required to be kept by this clause 16.3 must be kept:
  - (i) at a place that will conveniently enable the preparation, audit (if required) and inspection of the accounting records in accordance with this Code of Practice; and
  - (ii) in written form and in English or in a form or manner in which they are easily accessible and convertible into written form in English.
- (c) Accounting records kept under this clause, or copies of them, must be retained by the Bloodstock Reporting Entity for a period of at least 7 years after the later of—
  - (i) the date the records are made; and
  - (ii) the date of completion of the transaction to which the records relate; and
  - (iii) the date required by, or that may be required by, the Tax Administration Act 1994, if applicable.
- (d) Every Bloodstock Reporting Entity must make its accounting records available at all reasonable times for inspection without charge, by:
  - (i) The Chief Executive; and
  - (ii) Any other persons authorised or permitted by Statute or by this Code of Practice to inspect the accounting records.
- (e) Every Promoter to which clause 6.4 applies shall keep the supporting invoices or other evidence for costs invoiced in accordance with clause 6.4(c) at a place, in a form and for the period that accounting records are required to be kept under this clause 16.3.

## 17 COSTS

New Zealand Thoroughbred Racing Inc. must be reimbursed by Promoters in respect of all reasonable costs and expenses incurred by it in the proper exercise of the powers set out in clause 8 of this Code of Practice.

## 18 MANAGEMENT

- 18.1 The Promoter or Manager of a Bloodstock Syndicate or the directors of a Bloodstock Company may, if authorised by the Bloodstock Syndicate or the Bloodstock Company, (as the case may be), delegate all or any of the management obligations relating to the Bloodstock Syndicate or Bloodstock Company. Notwithstanding any such delegation the Promoter or Manager or the directors (as the case may be) remain responsible for the performance of their management obligations in respect of the relevant Bloodstock Company or Bloodstock Syndicate.
- 18.2 The Manager of a Bloodstock Syndicate/the Directors of a Bloodstock Company must keep Participants/ Shareholders fully informed of the activities of the Bloodstock Syndicate/ Bloodstock Company, as the case may be. At no more than six monthly intervals, each Participant/ Shareholder must be provided with a written report of the activities of the Bloodstock Syndicate/Bloodstock Company however where the Bloodstock Syndicate/ Bloodstock Company has Bloodstock racing or to be raced such reports are to be issued at no more than three monthly intervals.
- 18.3 The Bloodstock of a Bloodstock Syndicate or Bloodstock Company must be managed and cared for in accordance with good industry practice.
- 18.4 The Board may remove a Manager or Promoter of a Bloodstock Syndicate or any of the Directors of a Bloodstock Company on any of the following grounds and appoint another person(s) in his/her/its/their place:
  - (a) if any of the grounds set out in clause 2.3 applies or arises in respect of the Manager or Director; or
  - (b) if the Manager or Director has been convicted of a criminal offence or in its opinion defrauded or attempted to defraud any person; or

- (c) if the Manager or Director is or becomes disqualified under the Rules of Racing or the New Zealand Rules of Harness Racing; or
  - (d) if in its opinion the Manager or Director acts or has acted in a manner which is or was contrary to the best interests of Participants or Shareholders, or is or was likely to bring the thoroughbred industry into disrepute; or
  - (e) if in its opinion the Promoter or Manager or Director fails or has failed to comply with the standards set out in clauses 12 and 16 relating to reporting, auditing or keeping of accounts and records.
- 18.5 Complaints concerning a Bloodstock Syndicate or a Bloodstock Company, may be made to the relevant Bloodstock Syndicate or Bloodstock Company, in the first instance, and if the complaint has not been resolved to the satisfaction of the complainant he or she must be advised by the Promoter or Manager or Directors as the case may be, that the complaint may be referred to the Chief Executive.

## **19 CONFLICT OF INTEREST**

- 19.1 A Valuer or a foreign bloodstock valuer may not issue a Valuation Report for inclusion with a Disclosure Statement where the Valuer is or has been an Associated Person of the Promoter for that Offer or has or has had a pecuniary interest in any of the Bloodstock acquired or to be acquired by the relevant Bloodstock 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 is or has been an Associated Person of the Promoter for that Offer or has or has had a pecuniary interest in any of the Bloodstock acquired or to be acquired by the relevant Bloodstock Syndicate or Bloodstock Company.
- 19.3 Every Promoter and Manager, and each of the Directors of a Bloodstock Company must not enter into arrangements that are likely to lead to a conflict between his or her personal interests and the interests of Participants or Shareholders (as the case may be), and if not previously disclosed in the Disclosure Statement, must disclose in writing to Participants or Shareholders (as the case may be) the nature of all the benefits and/or pecuniary/material interests of the type referred to in clauses 4.2 (f) (i) and (ii) that are received or arise after the date of the Disclosure Statement.

## **20 CONFIRMATION**

Within 30 days of Issuing Shares under an Offer, a Promoter must send to each Participant or Shareholder written advice of the number of Shares held by or the percentage shareholding of the Participant or Shareholder as the case may be.

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

This Code of Practice may, with the consent of the Financial Markets Authority, be amended from time to time by resolution of the Board.

## **22 SYNDICATE AGREEMENTS OR CONSTITUTION**

- 22.1 Each Governing Document under which a Bloodstock Syndicate is constituted must contain a provision to the effect that the Board is entitled to remove the Manager of the Bloodstock Syndicate upon any of the grounds listed in clause 18.4 and appoint another person to act as Manager of the Bloodstock Syndicate in his/her/its place. Such provision must state that its intent is to create a benefit to New Zealand Thoroughbred Racing Inc. and the Board and is to be enforceable by either or both of them in terms of Part 2, Subpart 1 of the Contract and Commercial Law Act 2017. [Amended 1 September 2020]
- 22.2 The constitution of Bloodstock Company must contain a provision to the effect that the Board is entitled to remove the Directors or any one of them upon any of the grounds listed in clause 18.4 and to appoint another person or persons to act in their place. Such provision must state that its intent is to create a benefit to Thoroughbred Racing Inc. and the Board and is to be enforceable by either or both of them in terms of Part 2, Subpart 1 of the Contract and Commercial Law Act 2017. [Amended 1 September 2020]
- 22.3 Each Governing Document must contain a provision to the effect that there must be no amendment to the Governing Document which detracts from a Participant's rights under it or which may cause a

Participant to incur costs or bear liabilities which could not have been reasonably anticipated from the Disclosure Statement, without the unanimous consent of all Participants.

22.4 Each Governing Document must contain a disputes resolution process.

22.5 If Bloodstock are leased to a Bloodstock Syndicate or a Bloodstock Company with a right of purchase, the Governing Document or constitution (in the case of a Bloodstock Company) must contain a provision to the effect that two valuation reports must accompany any recommendation to Participants or Shareholders, as the case may be, to exercise any such right of purchase. The exercise of a right of purchase must be authorised in the manner prescribed by the Governing Document or constitution (in the case of a Bloodstock Company).

**SCHEDULE**  
**DISCLOSURE STATEMENT [Amended 1 January 2016]**

\_\_\_\_\_ [Bloodstock Syndicate or Bloodstock Company  
Name]

**1. Directory**

Name of Promoter: \_\_\_\_\_

Address of Promoter: \_\_\_\_\_

Manager or Directors: \_\_\_\_\_

Bankers: \_\_\_\_\_

Accountants (if applicable): \_\_\_\_\_

Auditors (if applicable): \_\_\_\_\_

Solicitors/Legal Advisors (if applicable): \_\_\_\_\_

**2. Business Plan (if applicable) or Objects**

*Make reference to estimated dates by when the bloodstock will commence training and racing or in the case of breeding when breeding activity will commence.*

*Does not need to be lengthy, but as a guide, should address:*

- *The number of horses in the syndicate*
- *The reason the syndicate has been put together*
- *Where the horses will begin their racing career?*
- *The potential for the horse(s) to race overseas (e.g in Australia or Asia)*
- *Which trainer(s) will be engaged to train the horse(s)?*
- *Is the horse(s) likely to be a sprinting or staying prospect(s)?*

**3. Bloodstock**

(a) Name \_\_\_\_\_

(b) Breeding (Sire/Dam) \_\_\_\_\_ / \_\_\_\_\_

(c) Sex \_\_\_\_\_

(d) Foaling Year \_\_\_\_\_

(e) Microchip number \_\_\_\_\_

(f) Brand Marks Left \_\_\_\_\_ Right \_\_\_\_\_

NB: If more than one horse in the Syndicate/Company, the required details of bloodstock may be attached in an appendix.

In relation to a "Greenfields Offer" (that is, where Bloodstock have not yet been purchased), set out the brief for purchase, referring to sex, type, age, and all other applicable criteria.

In relation to Leased bloodstock include the following additional information:

Leased Bloodstock

- (g) Lessor \_\_\_\_\_
- (h) Term of Lease \_\_\_\_\_
- (i) Right of Purchase (ROP) YES / NO
- (j) If ROP the Exercise Price NZ\$\_\_\_\_\_.00 (including GST)
- (k) Other material terms and conditions

In the case of Bloodstock acquired by Participants by way of financial lease or other credit arrangement all key information will be disclosed to you under the Credit Contracts and Consumer Finance Act 2003 which gives rise to certain rights of cancellation.

[Delete if not applicable]

**4. Upfront Costs and Expenses (All costs are inclusive of GST)**

- (a) Purchase of Bloodstock
  - (i) Purchase Date [DD/MM/YYYY] \_\_\_\_/\_\_\_\_/\_\_\_\_
  - (ii) Private/Public Auction \_\_\_\_\_  
(Guidance: Lots passed in at public auction and subsequently bought, even while still at the auction premises, are considered to be a private transaction)
  - (iii) Cost NZ\$\_\_\_\_\_.00 (including GST)

In relation to a "Greenfields Offer" (that is, where Bloodstock has not yet been purchased), set out the proposed avenues of purchase and the budget.

(b) Breakdown of other initial Costs

- Buyer Agent Fee
- Commissions etc
- Marketing and Promotion
- Valuations
- Vet Reports
- Transport
- Working Capital
- Other (specify)

- (c) Number of shares \_\_\_\_\_
- (d) Cost per share \$\_\_\_\_\_.00

**5. On-going Costs and Expenses (All costs are inclusive of GST)**

(a) Management Fees, Commissions etc., Breaking, Pre-Training, Training, Nominations and Acceptances, Covers, Vet Care, Farrier;

(b) Financial Lease/ Credit Arrangements

(i) Instalments \_\_\_\_\_

(ii) Residual Payment \_\_\_\_\_

(c) Liability of participant/shareholder to contribute further sums to or on behalf of the Bloodstock Syndicate or Bloodstock Company.

(d) Regular monthly payments (if applicable)

(i) \$\_\_\_\_\_.00 Amount

(ii) \_\_\_\_\_ Due date

(iii) \_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_ Bank account which payments are to be made into.

(e) Invoicing

*Include the basis on which the participant will be invoiced for their share*

*Note: On written request, supporting invoices or other evidence for costs invoiced will be provided by the Promoter or any person associated with this syndicate.*

**6. Minimum Amount**

In the opinion of the Promoter, the amount set out below must be raised under this offer to make the Bloodstock Syndicate or Bloodstock Company commercially viable:

\$\_\_\_\_\_.00 (insert amount)

Or if applicable, state that the offer is underwritten and by whom.

*Note: Subscriptions are held in trust. This means that pending allotment; no subscriptions will be disbursed from the syndicate bank account.*

**7. Insurance Information**

(a) Insurer

(b) Term

(c) Value

(d) Type of policy (death / infertility / other)

**8. Two Valuation Reports** (not required if the horse is to be leased by the syndicate)

(a) Name / Date / Value

(b) Name / Date / Value

The valuation reports are not attached. A copy of the valuation reports may be obtained (*explain means by which these may be requested from syndicator e.g. insert email link*).... or by requesting copies from NZ Thoroughbred Racing ([syndication@nzhorse.com](mailto:syndication@nzhorse.com)).

[If a "Greenfields Offer" insert that "copies of the valuation report(s) will be available after purchase of the Bloodstock"].

**9. Veterinary Report(s)**

Name / Date

The veterinary report(s) is not attached. Copies of the veterinary report(s) may be obtained (*explain means by which these may be requested from syndicator e.g. insert email link*) or by requesting a copy from NZ Thoroughbred Racing ([syndication@nzhorse.com](mailto:syndication@nzhorse.com)).

[If a "Greenfields Offer" insert that "copies of the veterinary report(s) will be available after purchase of the Bloodstock"].

## 10. Material interests and Commissions

- (a) Disclosures of any material or pecuniary interests  
[Note: Any material or pecuniary interest that the Promoter or Manager or a person associated with the Promoter or Manager has in this Bloodstock Syndicate / Bloodstock Company or its Bloodstock must be disclosed in this Disclosure Statement. If any bloodstock offered have been sold by the Promoter, or by Associated Persons of the Promoter, within 12 months prior to the Offer, the purchaser, price paid and date of each transaction within that period shall be shown.]  
(set out details or state if not applicable)
- (b) Confirmation of Disclosure of Commissions etc.  
The nature of all commissions, fees or rebates and other benefits that have been or may be received in the future by the Promoter or the Manager (or an Associated Person of the Promoter or Manager), specifically in relation to the Bloodstock Syndicate / Bloodstock Company or any of its Bloodstock have been disclosed in sections 4 and 5 of the Disclosure Statement. Any such commissions, fees, rebates or other benefits that may be received in the future will be disclosed to the Participants / Shareholders in writing at the material time.

## 11. Standard Industry Risks

*[Delete Racing or the Breeding risk categories if irrelevant]*

- (a) Racing
- (i) Not all yearlings/prospective racehorses proceed to become racehorses.
  - (ii) There is a significant possibility that any racehorse could injure itself and thereby need a long recuperation period or be unable to race again.
  - (iii) Racehorses are unlikely to have any significant value at the end of their racing career with the exception of well-bred and/or highly performed horses, suitable to become breeding stock.
- (b) Breeding
- (i) The Bloodstock Syndicate's/ Bloodstock Company's primary source of income will be the sale of progeny. The price of progeny is normally determined at auction and the interest expressed in particular stock is dictated by factors such as conformation and the racetrack success of related progeny.
  - (ii) It would be unusual for a broodmare to produce a foal every year of its breeding life.
  - (iii) The commercial value of a stallion may be reduced significantly if the progeny of the stallion fail to perform to expectations on the racetrack.
- (c) Special Risks or factors attaching to this Offer.  
If no special risks or factors are stated an Applicant may assume that the Promoter claims there are none.

## 12. Governing

## Documents

(e.g. Syndicate / Partnership Agreement or Company Constitution)

*[With the exception of a company constitution the governing document must be attached to the Disclosure Statement unless it has been previously provided to the Applicant]*

*[If applicable, state how a copy of a Company Constitution can be obtained, for example provide web link].*

*[INSERT a short commentary in relation to the Governing Document and highlight any unusual terms]*

A Governing Document must address the following matters:

- The nature, object and term of the "entity" to be established.
- Powers given by the Participant/Shareholder to the Promoter/ Manager or Directors e.g. power to sign various NZTR forms and the extent of management authority with specific reference to acquisition and disposal of bloodstock and other assets.
- Procedure required for removing the Manager or Directors.
- Procedure in the case of a Participant/Shareholder in default.
- Basis upon which profits and losses will be allocated.

- *All requirements of section 22 of the Code of Practice, i.e. the Boards powers of removal, restriction on amendment, a disputes resolution process and the particular provision in the case of leased bloodstock if there is a ROP.*

*When preparing a Governing Document the following matters should be considered:*

- *How will prizes and trophies be shared?*
- *How will the horse(s) be named?*
- *What colours will the horse(s) race in?*
- *Will the horse(s) race overseas?*
- *Recognition of any agreed trainers % share if the horse is sold*
- *What happens when the horse(s) is retired?*
- *Can the participant sell their share, and if so what is the process?*



**(INSERT HEADER WITH THE NAME OF BLOODSTOCK SYNDICATE / COMPANY AND DATE OF DISCLOSURE STATEMENT)**

**The following two sections ‘Promoter Declaration’ and ‘Applicant Acknowledgement of Receipt, Understanding and Agreement’ must be provided by the Promoter to New Zealand Thoroughbred Racing along with the relevant Ownership Registration forms.**

**13. Promoter Declaration**

“[insert the name of the relevant Promoter/Bloodstock Company]” is a person with Authorised Syndicator Status under a Code of Practice administered by New Zealand Thoroughbred Racing Inc. New Zealand Thoroughbred Racing Inc. does not endorse nor does it guarantee the success or otherwise of the offer made under this Disclosure Statement and accepts no responsibility whatsoever for any statements or representations made in this Disclosure Statement or for any loss or liability arising from participation in the offer.

The Syndicate Promoter, and any Manager appointed by the Syndicate Promoter as stated above, agrees to observe and comply with this Disclosure Statement and any associated Governing Documents.

Promoter: \_\_\_\_\_ *[Director if a Bloodstock company]*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Manager: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This Disclosure Statement and all related documentation may be inspected at the premises of New Zealand Thoroughbred Racing (106-110 Jackson Street, Petone) or a copy may be requested by writing to PO Box 38 386, Wellington Mail Centre or by emailing [syndication@nzracing.co.nz](mailto:syndication@nzracing.co.nz).

**14. Applicant Acknowledgement of Receipt, Understanding and Agreement**

I, the undersigned Applicant, agree to become a [Participant/Shareholder] of [INSERT syndicate/company name] and, subject to the acceptance of my application, I:

- a. Acknowledge receipt of the Disclosure Statement dated [INSERT date] [together with the accompanying Syndicate Agreement/Partnership Agreement (“the Agreement”)]; and
- b. Confirm that the Disclosure Statement and the Agreement have been read and understood by me; and
- c. Agree to be bound by the terms set out in the Disclosure Statement and the Agreement; and
- d. Grant the powers and authorities given to the Manager and the Promoter under the Disclosure Statement and the Agreement; and
- e. Declare that I am not, by the provisions of the Rules of Thoroughbred Racing, prohibited from owning a racehorse and that I am not otherwise prohibited from admission to a racecourse.

I wish to apply for \_\_\_\_\_ % share in the [INSERT Syndicate/Company Name] and agree to pay the sum of \$\_\_\_\_\_ as the GST inclusive purchase price of that share.

**APPLICANT**

Full Name: \_\_\_\_\_

Date and Place of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Post Code \_\_\_\_\_

Email: \_\_\_\_\_

Phone Numbers: Home \_\_\_\_\_

Work \_\_\_\_\_

Mobile \_\_\_\_\_

Applicants Bank Account Number: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Signature: \_\_\_\_\_

Date of Application: \_\_\_\_\_

**WITNESS**

Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Place of residence: \_\_\_\_\_

## THIRD APPENDIX

### REGULATIONS FOR TRIALS

#### BREACH

- 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.

#### DEFINITIONS

- 2 (a) These Regulations shall apply to any duly authorised Trials conducted by a Club.  
(b) **Adjudicative Committee** means a Adjudicative Committee appointed by the Racing Integrity Board whose powers and procedures to act pursuant to these regulations shall be in accordance with Part IX of the New Zealand Rules of Racing.

#### CONTROL

- 3 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 Racing Integrity Board; 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.

#### ENTRY

- 4 (a) A horse may only be entered for, and start in, a Trial if it is registered and has been named in accordance with these Rules.  
(b) A horse may only be entered and started by the Trainer who has the horse under their direct charge or control, or an Assistant Trainer employed by such Trainer. 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. [Amended 1 February 2024]  
(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.

#### NUMBER OF STARTERS

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

## **WEIGHTS**

- 6 All Trials will be run under catchweight conditions.

## **OTHER CONDITIONS**

- 7
- (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 or their Assistant Trainers must declare a rider prior to the horse leaving the birdcage.  
[Amended 1 February 2024]
  - (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.

## **RIDERS**

- 8 (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.

## **SERVICES**

- 9 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.

## **DATES FOR TRIAL MEETINGS**

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

## FOURTH APPENDIX

### MINOR INFRINGEMENT SYSTEM PENALTY TABLE

(With effect from 10 February 2023)

| MINOR INFRINGEMENT SCHEDULE |   |                                 |             |
|-----------------------------|---|---------------------------------|-------------|
| Rule Number                 | Rule Description  | Penalty - Fine                  |             |
|                             |   | 1st Offence                     | 2nd Offence |
| 5308                        | Non-licensed persons  | \$100                           | \$200       |
| 327                         | Failure to notify person in charge of horse when not present at meeting   | \$100                           | \$200       |
| 320                         | Trainer failing to notify horse movement  | \$50                            | \$100       |
| 353                         | Apprentice engaged to ride without permission   | \$50                            | \$100       |
| 346(1)                      | Breaking riding engagement  | \$200                           | \$300       |
| 346(2)                      | Double riding engagement  | \$200                           | \$300       |
| 346(3)                      | Fails to make contracted weight   | \$100                           | \$200       |
| 346(4)                      | More than one rider agent   | \$100                           | \$300       |
| 347                         | Trainer/Owner etc breaking riding engagement  | \$200                           | \$300       |
| 354(1) & (2)                | Rider's agent or Employer breaking apprentice's riding engagement or double-booked rider  | \$200                           | \$300       |
| 352                         | Handheld device while mounted on horse  | \$100                           | \$200       |
| 423(1)                      | Failure to notify change of ownership   | \$250                           | \$300       |
| 433(2)                      | Wrong colours being worn  | \$50                            | \$100       |
| 537(a)                      | Late rider declaration  | \$50                            | \$100       |
| 605(1)                      | Late arrival on course  | \$100                           | \$200       |
| 605(2)                      | Apprentice failing to notify representative   | \$100                           | \$200       |
| 606                         | Leaving jockey's room without permission  | \$100                           | \$200       |
| 607                         | Suspended rider entering jockey's room  | \$100                           | \$200       |
| 610(2)                      | Failure to wear approved body protector and/or skull cap  | \$500                           | \$750       |
| 610(4)                      | Having or wearing a modified body protector or skull cap  | \$500                           | \$750       |
| 612(1), (2) & (3)           | Non-compliant, unsuitable, or unsound gear  | \$150                           | \$300       |
| 612(4)                      | Horse must have bit in mouth  | \$100                           | \$200       |
| 612(5)                      | Approved footwear while leading a horse   | \$100                           | \$200       |
| 613                         | Unsatisfactory racing plates/bandages   | \$150                           | \$300       |
| 614(2)                      | Neglect in saddling – other:<br>a) presenting horse with incorrect saddlecloth<br>b) affixing gear incorrectly<br>c) omitting towel | a) \$50<br>b) \$100<br>c) \$150 |             |
| 616 (2) & (4)               | Notifiable gear   | \$50                            | \$100       |
| 615                         | Failure to report loss or breakage of gear  | \$100                           | \$200       |

|            |  |          |       |
|------------|--|----------|-------|
| 619(b)     | Incorrect gear while weighing out  | \$100    | \$200 |
| 621        | Failure to present medical certificate   | \$200    | \$300 |
| 625 (1)    | Late into birdcage   | \$50     | \$100 |
| 626(1)     | Horse to be ridden in front of stand on leaving birdcage   | \$50     | \$100 |
| 636(1)(g)  | Rider using unapproved gear or colours   | \$300    | \$400 |
| 638(2)     | Celebratory gesture  | \$300    | \$500 |
| 640(3)     | Jumping a fence prior to start of Jumping race   | \$200    | \$300 |
| 647(1)     | Failure to weigh in in non -stake bearing place  | \$300    | \$500 |
| 648(5)     | Weigh in overweight<br>Note: This Rule may require the Adjudicative Committee to make a finding – as the Rule provides that <i>any other person who a Tribunal conducting an inquiry find at fault, commits a breach of these Rules.</i> | \$200    | \$300 |
| 649(1)(b)  | Touches a person/thing prior to weighing in  | \$100    | \$200 |
| 650(1)-(6) | Failure to report to the Stewards any of the specified circumstances   | \$300    | \$500 |
| 649(3)     | Weigh in light in a non - stake bearing place  | \$300.00 | \$500 |
| 1405       | Failure of accountable person to notify horse movement   | \$100    | \$200 |