

**EXPLANATORY MEMORANDUM TO
HORSE RACING (CHARGES ON BOOKMAKERS) ORDER (NORTHERN
IRELAND) 2010**

2010 No. 51

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by Article 9(1) of the Horse Racing (Northern Ireland) Order 1990 and with the approval of the Department of Finance and Personnel, makes the above-named Order, which is subject to affirmative resolution.

2. Description

2.1 This Order increases the charges payable to the Horse Racing Fund, administered by the Department of Agriculture and Rural Development, by persons intending to apply for bookmaking office licences (off-course bookmakers).

2.2 The proceeds of the Horse Racing Fund are used to assist the two racecourses in Northern Ireland by providing payments towards the cost of prize money, race day running costs and works to ensure the safety of spectators or the proper conduct of racing.

2.3 The fee for on-course bookmakers remains at £99, and the fee for off-course bookmaking offices increases from £1,123 to £2,000. The increase has been agreed after consultation with the industry.

3. Matters of special interest to the Examiner of Statutory Rules

The intention is that this arrangement should remain in place for a five-year period and then return to the original conditions for further review.

4. Legislative Background

This Order increases the levy payable to the Horse Racing Fund. The Fund was established by the Horse Racing and Betting (Northern Ireland) Order 1976 to provide financial assistance to horse racing in Northern Ireland and is maintained under the Horse Racing (Northern Ireland) Order 1990.

5. Consultation

The Department has consulted with the industry, in accordance with the Horse Racing (Northern Ireland) Order 1990

6. Territorial Extent and Application

This instrument applies to Northern Ireland.

7. European Convention on Human Rights

The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

This Order will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

9. Regulatory Impact

A Regulatory Impact Assessment has been prepared for this instrument.

10. Financial Implications

The fee for a bookmaking office is being increased from £1,123 to £2,000 per annum, for a period of five years, with the agreement of the Northern Ireland Turf Guardians Association (NITGA), who represent bookmakers' shops. The fee for on-course bookmakers remains unchanged at £99 per annum.

11. Policy background

This increase has been arrived at and agreed upon by the North's two racecourses and NITGA, through direct negotiations. This Statutory Rule has been developed to give effect to the industry's agreed position.

12. Contact

Seamus Hughes at the Department of Agriculture and Rural Development, Tel: 028 9020836, or e-mail: Seamus.Hughes@dardni.gov.uk can answer any queries regarding the instrument.

Equality and Human Rights Screening Template

December 2007



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

DARD Equality and Human Rights Screening Template

DARD has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on DARD’s customers, service users, staff and visitors.

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to consider the likely impact on Section 75 equality groups.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision.



Click on the Word icon to download the Screening Guidance

Section A

Details about the policy / decision to be screened

Title of policy / decision to be screened:- The Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2010

Brief description of policy / decision to be screened:- The proposed Order would implement an above – inflationary rise to the amount paid by all bookmakers into the Horse Racing Fund (HRF). The HRF is designed to promote the maintenance and development of horse racing at the north of Ireland’s two racecourses, Downpatrick and Down Royal.

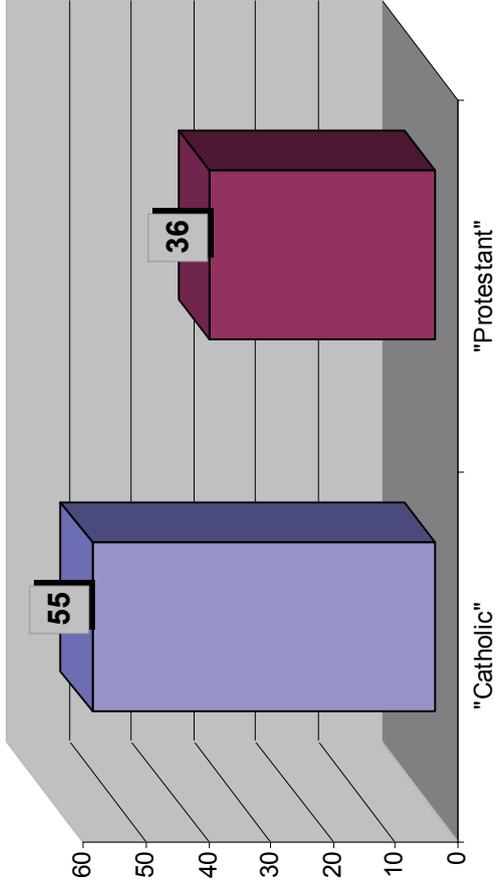
Aims and objectives of the policy / decision to be screened:- The above Order seeks to implement a flat rate of bookmaker levy on all bookmakers in N. Ireland. This reflects the preferred option identified by the consultants KPMG in their Economic Appraisal of future funding arrangements for the HRF, in order to best meet the needs of the sector as a whole. The Economic Appraisal was delivered to DARD on a confidential basis, and cannot be disclosed without KPMG’s written consent. However, the consultation documents set out DARD’s proposals for the levy rate, which incorporate KPMG’s advice.

On whom will the policy / decision impact:- Primarily the Order will impact on all bookmakers across the province, and on the two racecourses which will benefit from the increased investment. It is generally recognised that the bookmaking industry in the north of Ireland has more representation from the Catholic/Nationalist community background, when compared with those of a Protestant/Unionist community background.

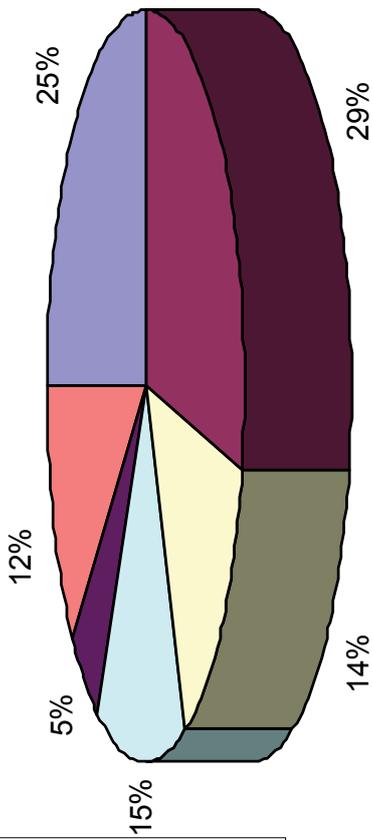
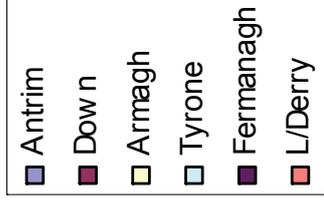
Indirectly, though, it is expected that the wider equine and tourism industries as a whole will stand to benefit from the increase in funding to the racecourses. The associated equine industries (such as breeding, training and livery) are anecdotally recognised to be diverse and fairly representative of both community backgrounds.

Off-Course Bookmakers by County

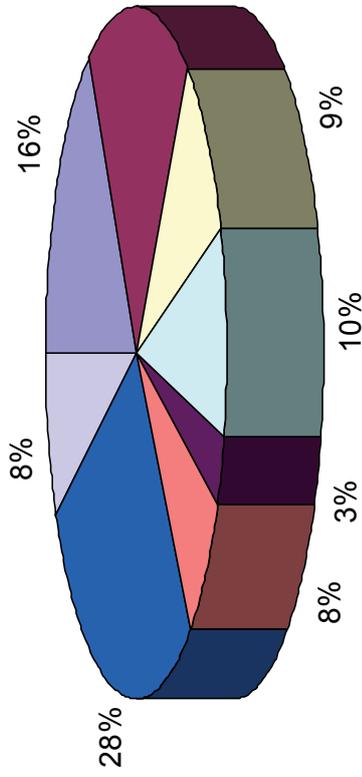
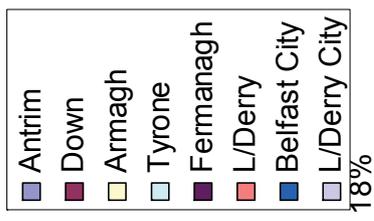
Bookmakers in Belfast by Community Background



Statistics with Belfast and L/Derry Cities Subtracted



Distribution of off-course Bookmakers in north of Ireland



Section B

1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes	No	Don't know
Religious belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

The proposals affect those businesses and individuals who are involved in either on, or off – course bookmaking, and the two horse racecourses in the north of Ireland. It is anticipated that this flat-rate levy increase will have a greater effect on small bookmakers, rather than on the larger bookmaking chains. There is evidence of lower participation in the sector from those of Protestant/Unionist community background. However, within the bookmaking industry, previous increases to the levy have not shown any differences in participation or uptake from individuals of one community background or another. The bookmaking industry as a whole is opposed to significant increases to the levy. Previous consultations were carried out in September 2006 and February 2000, prior to the introduction of an increase in levy fees, and these consultations did not flag up any equality issues at that time.

We intend to consult widely again on our current proposals and give all an opportunity to comment. Your views in relation to the possible equality considerations related to this proposal would be very welcome.

No evidence held? Outline how you will obtain it:

2. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

In February 2005 external consultants BDO Stoy-Hayward were commissioned by the equine industry to identify any strategic issues facing the equine sector and its sub-sectors, including horse racing ^[1]. No Section 75 categories were identified in their assessment of the industry's needs, issues and priorities, although the consultants were not specifically asked to investigate Section 75 issues. The consultants did identify issues in terms of equity of funding between the north of Ireland and other regions, these are discussed in the Regulatory Impact Assessment.

It is generally accepted that the bookmaking industry in the north of Ireland has a higher Nationalist/Catholic community background. However, it is not known if bookmakers from a Protestant/Unionist community background have different needs or issues about contributions to the Levy, and we would welcome your views on this. Previous consultation responses on the levy have led DARD to conclude that all bookmakers regardless of their religion/community background are opposed to any significant increase to the levy.

[1] – see: <http://www.dardni.gov.uk/pubs-dard-rural-development-research-equine>

No evidence held? Outline how you will obtain it:

Responses on this issue are welcomed at consultation, especially regarding

opinions from those bookmakers of a Protestant background.

3. Consultation is an integral part of policy development and policy screening. Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

Previous consultation responses on the levy have led DARD to conclude that all bookmakers regardless of their religion/community background are opposed to any significant increase to the levy.

It is generally accepted that the booking industry in the north of Ireland has a higher Nationalist/Catholic community background. However, it is not known if bookmakers from a Protestant/Unionist community background have different needs or issues about contributions to the Levy, and we would welcome your views on this.

No evidence held? Outline how you will obtain it:

Responses on this issue are welcomed at consultation, especially regarding opinions from those bookmakers of a Protestant background.

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

	Yes	No	Don't know
Religious belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Political opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Racial group	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marital status	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Evidence held? Outline all supporting evidence:

Although it is acknowledged that there are likely to be more bookmakers of Catholic/Nationalist than Protestant/Unionist community backgrounds, previous consultation exercises in September 2006 and February 2000 have led DARD to conclude that all bookmakers regardless of their religion/ community background are opposed to any significant increase to the levy.

No opportunities to increase good relations were identified during the screening process, but equality of opportunity is evident in the sector, in that bookmakers frequently open shops that are located in areas of opposing community background to their own. Often larger bookmaking firms, of both community backgrounds, will own many shops in both communities.

No evidence held? Outline how you will obtain it:

DARD would welcome any comments on whether this policy can be amended to better promote equality of opportunity or good relations between those from different community backgrounds.

Section C

DARD also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act. Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DARD to better promote positive attitudes towards disabled people?

Explain your assessment in full

Any increase to the fund will go towards meeting already pre-existing needs in security, technical and infrastructural investment. Investment in the infrastructure at both racecourses will directly benefit all racegoers, including those attendees with disabilities.

6. Does this proposed policy / decision provide an opportunity for DARD to actively increase the participation by disabled people in public life?

Explain your assessment in full

Whilst it is expected that this policy could increase ease of access and better facilities at both racecourses, if extra funding was made available, the scope of this project is unlikely to help increase the participation by disabled people in public life in a wider sense.

Consideration of Human Rights

7. Indicate below (by placing an X in the appropriate box) any *adverse impacts* of the policy / decision in relation to the Human Rights Articles as set out in the European Convention of Human Rights.

Right to Life	Article 2	<input type="checkbox"/>
Prohibition of torture, inhuman or degrading treatment	Article 3	<input type="checkbox"/>
Prohibition of slavery and forced labour	Article 4	<input type="checkbox"/>
Right to liberty and security	Article 5	<input type="checkbox"/>
Right to a fair and public trial	Article 6	<input type="checkbox"/>
Right to no punishment without law	Article 7	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	Article 8	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	Article 9	<input type="checkbox"/>
Right to freedom of expression	Article 10	<input type="checkbox"/>
Right to freedom of assembly and association	Article 11	<input type="checkbox"/>
Right to marry and to found a family	Article 12	<input type="checkbox"/>
The prohibition of discrimination	Article 14	<input type="checkbox"/>
Protection of property	Protocol 1 Article 1	<input type="checkbox"/>
Right to education	Protocol 1 Article 2	<input type="checkbox"/>
Right to free and secret elections	Protocol 1 Article 3	<input type="checkbox"/>

8. Please explain any adverse impacts on human rights that you have identified

9. Please indicate any ways which you consider the policy positively promotes human rights

Section D

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened –

The Horse Racing (Charges on Bookmakers) Order (Northern Ireland) 2010

I can confirm that the proposed policy / decision has been screened for –

- equality of opportunity and good relations
- disabilities duties; and
- human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

- *Screened Out – No EQIA necessary
- *Screened In – Necessary to conduct a full EQIA

*(please check appropriate box above)

Screening assessment completed by (Staff Officer level) -

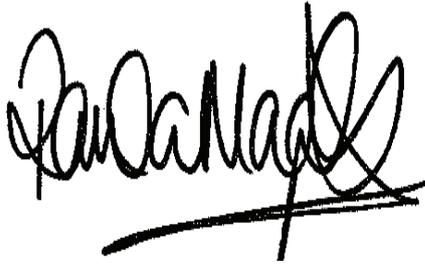
Name: Paula Magill

Grade: SO

Date: 20/5/08

Branch: Farm Policy

Signature: please insert a scanned image of your signature below

A handwritten signature in black ink, appearing to read 'Paula Magill', with a long horizontal stroke underneath.

Screening decision approved by (must be G7 or above) -

Name: Peter Toner

Grade: 7

Date: 20/5/08

Branch: Farm Policy

Signature: please insert a scanned image of your signature below

A handwritten signature in black ink, appearing to read 'Peter Toner', with a long horizontal stroke underneath.

Please save the completed screening form within TRIM



Strategic Management DARD - Equality Promotion & Implementation - Equality Schemes - Equality Screening of Departmental Policies.tr5

and also forward the TRIM reference for the signed electronic copy to Equality Branch at equalitybranch@dardni.gov.uk

For more information about screening, contact –

DARD Equality Branch
Room 509
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB

Telephone 028 9052 4435
Textphone 028 9052 4420

Or check out our intranet site

http://dardintranet/coord_intranet/EqualityBranch/index.shtml



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AN ROINN

**Talmhaíochta agus
Forbartha Tuaithe**

MÀNNYSTRIE O

**Fairms an
Kintra Fordèrin**
