
STATUTORY INSTRUMENTS

1976 No. 1157 (N.I. 17)

NORTHERN IRELAND

The Horse Racing and Betting (Northern Ireland) Order 1976

Laid before Parliament in Draft

Made 23rd July 1976

Coming into Operation 6th August 1976

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At the Court of Saint James, the 23rd day of July 1976

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953 (a), was pleased, by Letters Patent dated the 29th day of June 1976, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (b), and of all other powers enabling Her Majesty in that behalf, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Horse Racing and Betting (Northern Ireland) Order 1976 and shall come into operation on the fourteenth day after the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“Act of 1957” means the Betting and Lotteries Act (Northern Ireland) 1957 (d);

“bookmaker”, “bookmaker's licence”, “bookmaking office licence” and “licensed bookmaker” have the same meanings respectively as for the purposes of the Act of 1957;

“the Corporation” means the Governor and Freemen of the Corporation of Horse Breeders, in the County of Down;

“the Department” means the Department of Agriculture;

“the Fund” means the Horse Racing Fund established under Article 3;

“licence year” means the period of twelve months ending on 30th September in any year;

“modify” means making additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions.

(a) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2). (b) 1974 c. 28.
(c) 1954 c. 33 (N.I.). (d) 1957 c. 19 N.I.).

PART II

HORSE RACING

Horse Racing Fund

3.—(1) There shall be established and maintained a fund to be called the Horse Racing Fund which shall be under the control and management of the Department and shall be used for the financing of the Corporation with the object of assisting the maintenance and development of a horse racecourse in the vicinity of the Maze, in the County of Down.

(2) Any expenses incurred by the Department in administering the Fund shall be paid out of the Fund.

(3) There shall be credited to and paid into the Fund all money received by the Department under Article 11 (1) and (4).

(4) The Corporation shall on or before 31st October in each year submit to the Department a statement of the proposed budget and expenditure plans of the Corporation for the year commencing on 1st January next following.

(5) Where, after consideration of the statement submitted to it under paragraph (4) and after consultations with such persons as the Department may think fit, the Department is satisfied that—

(a) a payment out of the Fund should be made to the Corporation, and

(b) the Corporation have complied with the provisions of this Order,

the Department may make such of the payments mentioned in paragraph (6) as it considers proper.

(6) The payments referred to in paragraph (5) are payments out of the Fund to the Corporation—

(a) to improve facilities for trainers, jockeys and spectators and for horses;

(b) to improve the race track under the management of the Corporation;

(c) to provide or improve technical services, facilities or equipment;

(d) to provide and improve totalisator facilities in pursuance of a licence under Part II of the Act of 1957;

(e) to provide or increase prize money;

(f) to service loans for the purposes such as are mentioned in sub-paragraphs (a) to (d) and (g);

(g) for such other purposes of the Corporation as the Department considers proper.

Investment of surplus funds

4.—(1) The Department may invest any part of the Fund which is not for the time being required for any other purpose in any manner which the Department, with the consent of the Department of Finance, thinks proper and may sell and convert into money all or any investments made under this Article.

(2) All dividends and interest received on investments made under this Article shall be paid into the Fund.

Accounts of Fund

5.—(1) The Department shall prepare for the period up to 31st March 1977 and thereafter in respect of each financial year an account of receipts into and payments out of the Fund.

(2) Any account prepared under this Article shall, on or before 31st July next following the expiration of the relevant year, be transmitted to the Comptroller and Auditor-General who shall examine and certify the accounts.

(3) A copy of the account certified by the Comptroller and Auditor-General under this Article shall be supplied, either free of charge or on payment of such sum not exceeding £0.50 as may be fixed by the Department, to any person who applies to the Department for it.

Power to enter land

6.—(1) A person authorised in writing by the Department (in this Article referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land for the purpose of—

- (a) survey, valuation or examination with respect to capital improvement works proposed in any statement submitted to the Department by the Corporation under Article 3 (4); or
- (b) inspection of any such capital improvement works.

(2) A power of entry under paragraph (1) shall not be exercisable in relation to any land except—

- (a) with consent given by the occupier or owner of the land; or
- (b) after at least twenty-four hours’ notice of the intended entry has been served on the occupier or owner of the land.

(3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from carrying out anything which the authorised person is duly authorised to do or obstructs the authorised person in carrying out any such thing, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from duly carrying into effect any survey, valuation, examination or inspection of such land or obstructs the authorised person in doing any such survey, valuation, examination or inspection, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land all things requisite for carrying into effect such survey, valuation, examination or inspection; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues be liable on summary conviction to a fine not exceeding £20.

(5) Where under this Article an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the Department shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right or failing to perform any duty under this Article.

(6) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.

Winding up of Fund

7. The Department, having regard to the sums standing to the credit of the Fund, may, with the approval of the Department of Finance, by order subject to affirmative resolution provide for the winding up of the Fund and there shall be made such payments as may be specified for that purpose by any such order.

Accounts etc. of the Corporation

8.—(1) The Corporation shall—

- (a) keep proper accounts and other records in relation to the accounts; and
- (b) prepare for the period up to 31st December 1976 and thereafter in respect of each year, an annual statement of accounts in such form and containing such particulars as the Department may direct.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Corporation with the approval of the Department, and no person shall be qualified to be so appointed unless he is a member of a body of accountants for the time being recognised by the Department of Commerce for the purposes of section 155 (1) (a) of the Companies Act (Northern Ireland) 1960 (a).

(3) Any account prepared under paragraph (1) shall on or before 30th April next following the expiration of the relevant year be submitted to the Department together with a copy of the report made by the auditor on the accounts, and a copy of the account certified by the auditor appointed under paragraph (2) shall be supplied, either free of charge or on payment of such sum not exceeding £0.50 as may be fixed by the Department, to any person who makes application therefor to the Department.

(4) The Corporation shall provide the Department with such returns or information relating to the state of its financial or other affairs as the Department may require and for that purpose shall permit any person authorised by the Department in that behalf to inspect and make copies of its accounts, books, documents and papers, and shall afford such explanation thereof as that person or the Department may reasonably require.

Committee of Freemen of the Corporation

9.—(1) The Committee of Freemen of the Corporation shall consist of sixteen members of whom—

- (a) twelve shall be elected by the members of the Corporation;
- (b) two shall be appointed by the Department from at least four persons nominated by such organisation or organisations as appear to the Department substantially to represent the interests of off-course book-makers;
- (c) two shall be appointed by the Department from at least four persons nominated by such organisation or organisations as appear to the Department substantially to represent the interests of on-course book-makers.

(2) Subject to paragraph (3), the term of office of the members such as are mentioned in paragraph (1) (b) and (c) shall be four years or such lesser period as the Department may determine.

(a) 1960 c. 22 (N.I.).

(3) On the first appointment by the Department of members of that Committee such as are mentioned in paragraph (1) (b) and (c) the term of office of such of those members as the Department may designate for the purpose of this paragraph shall be two years.

(4) Where the place of a member of that Committee becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled—

(a) if the member was elected under paragraph (1) (a), by co-optation by the elected members;

(b) if the member was appointed by the Department under paragraph (1) (b) or (c), by appointment by the Department;

and any person so co-opted or appointed shall hold office for the remainder of the term of office of the former member.

(5) Subject to rule 13 of the rules and bye-laws of the Corporation, a person shall on ceasing to be a member of that Committee be eligible for re-election or re-appointment.

(6) In consequence of paragraphs (1) and (4), rules 13 and 14 of the rules and bye-laws of the Corporation shall have effect subject to the amendments set out in Schedule 1.

(7) In this Article—

“off-course bookmaker” means a bookmaker who carries on the business of bookmaking in premises for which he holds a bookmaking office licence;

“on-course bookmaker” means a bookmaker who carries on the business of bookmaking at a horse or dog racecourse meeting or at a recognised point to point or coursing meeting.

Rules and bye-laws of the Corporation

10.—(1) The Committee of Freemen of the Corporation may not modify rules 13 and 14 of the rules and bye-laws of the Corporation and may not modify any of the other rules and bye-laws of the Corporation without the approval of the Department.

(2) The Department may, by order made subject to negative resolution, modify rules 13 and 14 of the rules and bye-laws of the Corporation.

(3) That Committee shall prepare, and cause to be printed, the rules and bye-laws of the Corporation, as amended by this Order, and a copy thereof, certified by the Governor of the Corporation to be true, shall be deposited in the offices of the Department within one month of the coming into operation of this Order.

PART III

BETTING

Charges on bookmakers

11.—(1) There shall be paid to the Department for the benefit of the Fund—

(a) by every individual, other than an individual to whom sub-paragraph (b) applies, who intends to apply under section 4 of the Act of 1957 for the issue of a bookmaker’s licence, a charge of £5; and

(b) by every individual who intends to apply under section 8 of the Act of 1957 for the issue of a bookmaking office licence, a charge of £75 in respect of each office licence.

(2) The Department may, by order made subject to affirmative resolution substitute for the charges specified in paragraph (1) (a) and (b) such other charges as the Department, with the approval of the Department of Finance and after consultation with such organisations as appear to the Department to substantially represent the interests of bookmakers, may determine.

(3) The Department shall issue a receipt to every individual who pays the charge specified in paragraph (1) (a) or (b).

(4) There shall be paid to the Department by every licensed bookmaker who holds a bookmaking office licence for all or part of the licence year ending on 30th September 1976 a charge of £25.

(5) If any licensed bookmaker to whom paragraph (4) applies fails to pay the charge specified in that paragraph he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(6) Sections 4 (1), 5 (3) and 8 (1) of the Act of 1957 shall have effect subject to the amendments set out in Schedule 1.

Bookmakers' licences

12.—(1) A bookmaker's licence shall expire at the end of 30th September next after the date on which it is expressed to take effect.

(2) Subject to paragraph (3), the excise duty which shall be charged, levied and paid to the Department of Finance on a bookmaker's licence issued in respect of any licence year commencing on or after the coming into operation of this Order shall be £1.

(3) Where a bookmaker's licence is issued—

(a) in respect of the licence year ending on 30th September 1977 to an individual who has not held a similar licence for the period of nine months ending on 30th September 1976; or

(b) in respect of any subsequent licence year to an individual who has not held a similar licence within the twelve months immediately preceding the date of issue;

there shall be charged, levied and paid to the Department of Finance an excise duty of £100 instead of the duty specified in paragraph (2).

(4) Section 4 (3) and (5) of the Act of 1957 shall have effect subject to the amendments set out in Schedule 1.

Bookmaking office licences

13.—(1) The excise duty which shall be charged, levied and paid to the Department of Finance on a bookmaking office licence issued in respect of any licence year commencing on or after the coming into operation of this Order shall be £1.

(2) Section 8 (4) of the Act of 1957 shall have effect subject to the amendments set out in Schedule 1.

PART IV

SUPPLEMENTAL

Repeals

14. The enactments set out in Schedule 2 are hereby repealed to the extent specified in column 3 thereof.

N. E. Leigh

SCHEDULES

Articles 9 (6), 11 (6),
12 (4), 13 (2).

SCHEDULE 1

AMENDMENTS

The Betting and Lotteries Act (Northern Ireland) 1957 (c. 19)

1. In section 4 (1) of the Act—
 - (a) after “to whom” insert “(a)”;
 - (b) after “granted” insert—

“; and

(b) who, except in the case of an individual who intends to apply under section 8 for the issue of a bookmaking office licence, has paid, in relation to his application under this section, the charge mentioned in Article 11 (1) (a) of the Horse Racing and Betting (Northern Ireland) Order 1976,”;

(c) for “such certificate” substitute “the certificate of character”;

(d) at the end add “and, if the case so requires, the receipt issued by the Department of Agriculture under Article 11 (3) of the said Order of 1976”.
2. In section 4 (3) of the Act for the words from “expiration” onwards substitute “end of 30th September next after the date on which it is expressed to take effect”.
3. In section 4 (5) of the Act—
 - (a) at the beginning insert “Subject to subsection (6),”;
 - (b) for “five pounds” substitute “one pound”;
 - (c) at the end add the following subsections:—

“(6) Where a bookmaker’s licence is issued under this Part—

(a) in respect of the licence year ending on 30th September 1977 to an individual who has not held a similar licence for the period of nine months ending on 30th September 1976; or

(b) in respect of any subsequent licence year to an individual who has not held a similar licence within the twelve months immediately preceding the date of issue;

there shall be charged, levied and paid to the Department of Finance an excise duty of one hundred pounds instead of the duty specified in subsection (5).

(7) In subsection (6) “licence year” has the meaning assigned to it by Article 2 (2) of the Horse Racing and Betting (Northern Ireland) Order 1976.”.
4. In section 5 (3) of the Act at the end add “and shall be liable on summary conviction for a first offence to a fine of not less than one hundred pounds nor more than five hundred pounds and for a second or subsequent offence to such fine and to imprisonment for a term not exceeding three months”.
5. In section 8 (1) of the Act—
 - (a) after “to whom” insert “(a)”;
 - (b) after “premises” insert—

“; and

(b) who has paid, in relation to his application under this section, the charge mentioned in Article 11 (1) (b) of the Horse Racing and Betting (Northern Ireland) Order 1976,”;

(c) for “such certificate” substitute “the certificate of suitability”;

(d) at the end add “and the receipt issued by the Department of Agriculture under Article 11 (3) of the said Order of 1976”.
6. In section 8 (4) of the Act for “fifty pounds” substitute “one pound”.

Rules and bye-laws of the Corporation

7. In rule 13 of the rules and bye-laws of the Corporation for the words from “twelve members” to “Committee” in the fourth place where it occurs there shall be substituted the words “sixteen members of whom—

- (a) twelve shall be elected by the members of the Corporation;
- (b) two shall be appointed by the Department of Agriculture from at least four persons nominated by such organisation or organisations as appear to that Department substantially to represent the interests of off-course bookmakers;
- (c) two shall be appointed by the Department of Agriculture from at least four persons nominated by such organisation or organisations as appear to that Department substantially to represent the interests of on-course bookmakers.

Five Members of the Committee, of whom two shall be members appointed by the Department of Agriculture under paragraphs (b) and (c) of this rule, shall form a quorum, and no act of a quorum shall be set aside by a meeting of less than nine members. The three longest serving of the twelve members of the Committee elected by the members of the Corporation,”.

8. In rule 14 of the rules and bye-laws of the Corporation for the words from the beginning to “these rules and bye-laws” there shall be substituted the words—

“Where the place of a member of the Committee becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled—

- (a) if the member was elected under paragraph (a) of rule 13, by co-optation by the elected members;
- (b) if the member was appointed by the Department of Agriculture under paragraph (b) or (c) of that rule, by appointment by that Department;

and any person so co-opted or appointed shall hold office for the remainder of the term of office of the former member, and the Committee shall meet as and where required, and shall have power, subject to Article 10 of the Horse Racing and Betting (Northern Ireland) Order 1976 and to confirmation at a General or Charter meeting, to modify these rules and bye-laws (other than this rule and rule 13)”.

SCHEDULE 2

Article 14.

REPEALS

Chapter	Short Title	Extent of Repeal
1957 c. 19.	The Betting and Lotteries Act (Northern Ireland) 1957.	In section 21 (1) and (2) the words “after consultation with the Ministry of Home Affairs”. In section 22 (1) the words “at the request of the Ministry of Home Affairs”.
1966 c. 21.	The Finance Act (Northern Ireland) 1966.	Section 12.
1969 c. 18.	The Finance Act (Northern Ireland) 1969.	In section 14, subsections (3) and (4) and in subsection (6) the definitions of “licence year” and “net annual value”. In Schedule 4, paragraphs 4, 5 and 6.
1970 c. 21.	The Finance Act (Northern Ireland) 1970.	Section 16.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes a Horse Racing Fund to assist and encourage horse racing in Northern Ireland; reduces excise duties in respect of bookmaker's and bookmaking office licences and makes provision with respect to the Committee of Freeman and accounts of the Governor and Freeman of the Corporation of Horse Breeders, in the County of Down.

STATUTORY INSTRUMENTS

1976 No. 1157 (N.I. 17)

NORTHERN IRELAND

The Horse Racing and Betting (Northern Ireland) Order 1976

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