

THE JAMAICA RACING COMMISSION ACT

The Jamaica Racing Commission Regulations, 2016

In exercise of the power conferred upon the Jamaica Racing Commission by section 29 of the Jamaica Racing Commission Act, and of every other power hereunto enabling, the following Regulations are made, with the approval of the Minister:-

Preliminary

- Citation.** 1. These Regulations may be cited as the Jamaica Racing Commission Regulations, 2016.

Licences

- Application for licence to operate racecourse and transfer of licence.** 2. – (1) A person who wishes to obtain or transfer a licence to operate a racecourse shall apply to the Minister in the form set out as Form No.1 in the First Schedule.

Form No.1.

First Schedule.

- (2) An application under paragraph (1) shall include –

- (a) the name, business occupation and post office address of the applicant; and
- (b) where the applicant is a body corporate, the name, business occupation and post office address of every director, the secretary and every member of the committee of management of the body corporate.

- (3) The applicant shall submit with the application the following –

Second Schedule.

- (a) the appropriate fee prescribed in the Second Schedule;
- (b) a banker's reference or such other suitable reference, as may be acceptable to the Minister –

- (i) where the applicant is a person other than a body corporate, as to the financial stability of the applicant; or
- (ii) where the applicant is a body corporate, as to the financial stability of –
 - (A) every director or member of the committee of management of the body corporate;
 - (B) the secretary of the body corporate;
 - (C) every shareholder of the body corporate who is the owner of five *per centum* or more of the issued shares in the body corporate;
- (c) where the applicant is an individual, a character reference for the applicant or, where the applicant is a body corporate a character reference for –
 - (i) every director or member of the committee of management;
 - (ii) the secretary;
 - (iii) every shareholder of the body corporate who is the owner of five *per centum* or more of the issued shares in the body corporate;
- (d) where the applicant is a body corporate, a copy of the rules, by-laws, Articles of Incorporation, certificate of incorporation or of registration of the body corporate, and a statement of accounts and a report, both certified by a person who is qualified for appointment as auditor of a company which is not

a private company or of a private company which is obliged to file accounts, showing –

- (i) the authorized capital, the issued capital and the paid up capital of the body corporate;
 - (ii) the list of the names, business occupations and post office addresses of every shareholder of the body corporate who is the owner of five *per centum* or more of the issued shares of the body corporate;
 - (iii) the number of shareholders who own less than five *per centum* of the issued shares of the body corporate;
- (e) where the applicant is a subsidiary (as is defined in the *Companies Act*) of another company (hereinafter called “the parent company”), a statement giving complete details of the interest of the parent company in the applicant and all matters and things relating to the parent company which would have been required by paragraph (3) of these Regulations if the parent company had been the applicant, except the appropriate fee prescribed in the Second Schedule;
- (f) the name and address of the auditor of the applicant;
- (g) the name and address of the attorneys-at-law of the applicant;
- (h) the names and addresses of every bank or other financial institution with which the applicant has done banking business over the period of two years prior to the date of the application;
- (i) the names and addresses of all lenders, mortgagees, debenture holders and any other person who have agreed to provide, or

**Second
Schedule.**

who it is proposed will provide, the loan financing to the applicant, with full particulars of the amount and terms of every loan;

- (j) details of the estimated cost of the racing plant to be constructed;
- (k) a plan of the proposed racecourse drawn to scale or, where the plant is in existence at the date of application –
 - (A) a detailed plan of the racecourse;
 - (B) details of the proposed programme for the refurbishment, renovation and upgrading of the existing facilities at the plant over the period for which the licence is applied for;
- (l) a general description of the plant, including its acreage;
- (m) details of the plan for the financing of the racecourse or proposed racecourse for a period of three years after the grant of the licence; and
- (n) subject to subparagraph (4), a Public Health Certificate in respect of the cleaning, disinfection and maintenance of the racecourse.

(4) The Commission may, in its absolute discretion, waive the requirement under subparagraph (3) (n) in respect of first time applicants.

Terms and conditions for grant of or transfer of licence.

3. – (1) It shall be a condition of the grant or transfer of a licence to operate a racecourse that the holder of the licence, during the period of the licence –

- (a) shall be bound by and comply with the provisions of the Act, these Regulations, the Racing Rules and any other regulations

made under the Act;

- (b) shall permit the following persons to enter every part of the racecourse at all reasonable times, namely -

- (i) every member of the Commission;
 - (ii) every person to whom any function of the Commission has been delegated under the Act;
 - (iii) every authorized person under the Act; and
 - (iv) every employee or agent of the Commission so authorized in writing by the Commission;
- (c) shall comply with the plan for the construction, refurbishment, renovation or upgrading of the facilities at the racecourse as approved by the Commission, and submit for the approval of the Commission any change in the plan;
- (d) shall submit to the Commission -
- (i) a complete record of all transfers of shares;
 - (ii) a record of amounts paid to the holder of the licence for the issue of shares and other capital contributions and the dates of payment of the amounts;
 - (iii) a record of dividends declared or paid, and distributions declared or made, by the holder of the licence to every shareholder;
 - (iv) any changes in the names and addresses of the holders' auditors, attorneys-at-law and bankers;
 - (v) copies of all management, service, supply, purchase, lease, rental, franchise or agency

- contracts and all information relating to the terms of the contracts and contracting parties that shall be required by the Commission;
- (vi) copies of the minutes of every general meeting held by the holder of the licence;
- (vii) for prior approval by the Commission, copies of all transfer or series of contemporaneous transfers of five *per centum* or more of shares in the holder of the licence, and full details of any proposed transfer and any information relating to the proposed transfer which may be required by the Commission;
- (e) shall furnish to the Commission within ninety days after the close of its financial year, eight copies of the annual report of the licensee which sets out the audited statement of accounts, including a balance sheet and profit and loss statement;
- (f) shall not be a disqualified person under the Racing Rules or, where the holder of the licence is a body corporate, none of the following persons shall be a disqualified person under the Racing Rules, namely –
- (i) any director or member of its committee of management;
- (ii) its secretary; or
- (iii) any shareholder who is the owner of five *per centum* or more of the issued shares in the body corporate;
- (g) shall not be a person whose financial responsibility, experience

and general character are such that the participation of the person in horse racing will, in the opinion of the Commission, be inconsistent with the public interest or with the best interest of racing generally or not be in conformity with the Act;

- (h) where the holder is a body corporate, none of the following persons shall be a person whose financial responsibility, experience and general character are such that the participation of the person in horse racing will, in the opinion of the Commission, be inconsistent with the public interest or not be in the best interests of racing generally or not be in conformity with the Act, namely –

(i) any director or member of its committee of management;

(ii) its secretary; or

(iii) any shareholder who is the owner of five *per centum* or more of the issued shares in the body corporate;

- (i) shall submit to the Commission for approval, on or before the last day of February in every year during which the licence is in force, the schedule of races to be run and their respective purses, and the manner in which the holder of the licence proposes during the next financial year to fund these purses;
- (j) pursuant to paragraph (i), shall, subject to the approval of the Commission, maintain a special account (hereinafter called “the purse money account”) in a bank designated by the holder of the licence (hereinafter called “the designated bank”) for the sole purpose of the lodgment of all purses;

- (k) shall lodge in the purse money account all purse monies for every race day within five working days after the running of the last race for the race day;
- (l) shall authorize the designated bank to make available to the Commission, on demand by the Commission, full particulars of the purse money account and all transactions carried on in relation to the purse money account;
- (m) shall permit the Commission, its delegates and authorized persons to inspect the racecourse and all the facilities at the racecourse, at all reasonable times, to determine the comfort and safety of –
 - (i) the public;
 - (ii) the horses stabled, exercising or entered to race at the racecourse; and
 - (iii) persons whose business requires their attendance at the racecourse;
- (n) upon an inspection of the racecourse under paragraph (m), shall comply with all lawful directions to remedy any defects and deficiencies identified by the Commission, its delegates or authorized persons, within the time period specified by the Commission;
- (o) shall provide a receiving barn until one hour after the last race on every race day, with adequate stable room, facilities and equipment, and meet all costs associated therewith for the taking of the specimens of blood and urine from horses for the purpose of analysis;
- (p) shall provide facilities for the administration of race day

medication as are required by the Commission;

- (q) shall provide a suitable area with adequate facilities, until one hour after the last race on every race day, for the taking of specimens of blood and urine from licensed personnel for the purpose of analysis;
- (r) shall install and maintain adequate photo finish facilities at the finishing line at the racecourse to photograph automatically the finish of races, and furnish promptly to the stewards of the meeting and the Commission during the meeting, a print of any photo finish, if so requested;
- (s) at all times during races, shall furnish and maintain, or cause or permit to be furnished and maintained, at the direction of the Commission, at the racecourse, the necessary cameras and equipment to produce video recordings of consistently high quality of every race, from start to finish, and make available to the Commission all video recordings for use as it sees fit;
- (t) shall hold and maintain in force at all times a pool betting licence under the *Betting, Gaming & Lotteries Act*;
- (u) shall furnish and maintain at the racecourse, at least one human ambulance and at least one horse ambulance from the beginning of every race day, which are equipped and ready for immediate use, and placed in such a location so that no time is lost in answering calls or responding to emergencies;
- (v) shall provide and maintain at its racecourse, a first aid post equipped with the first aid appliances and materials as are necessary, and provide the services of competent registered medical practitioners and registered nurses at the first aid post

during the period commencing one hour before the scheduled post time of the first race, on every day of racing at the racecourse, until one hour after the last race on the day of racing, and also provide the services of one competent registered medical practitioner at a medical clinic located on the racecourse during all periods that its racecourse may be open for exercising horses;

- (w) shall provide written documentation of protocols for the care of horse handlers, including jockeys, grooms, veterinarians and exercise riders, when accidents occur on the racetrack;
- (x) shall provide documented protocols and procedures for the transportation of horse handlers, including jockeys, grooms, veterinarians and exercise riders, to the nearest trauma centre or hospital emergency room, and provide for and defray the costs of admission to the trauma centre or hospital emergency room;
- (y) shall provide the following –
 - (i) medical arrangements or facilities, including a well maintained equine clinic furnished with appliances, equipment and material that allow for the performance of surgery and post mortems in addition to a cold room, recovery room and surgery room;
 - (ii) a full time veterinarian registered under the *Veterinary Act* to provide veterinary services, including at exercise and on race day;
 - (iii) an emergency veterinary service between the

hours of 6 p.m. and 6 a.m.;

- (z) shall make sanitary arrangements such as baths, showers and toilets, which shall be conveniently located in every stable, for the use of licensed personnel, as may be reasonably required by the Commission;
- (za) shall provide and maintain in a sanitary condition on every day on which the public is admitted for betting purposes, adequate toilets and facilities for offering food and drinking water for its patrons and persons having business at the racecourse, as may be reasonably required by the Commission;
- (zb) shall provide proper and well located receptacles for separately receiving stable manure and other refuse; and the receptacles shall be emptied and their contents removed from the premises daily;
- (zc) shall provide an incinerator or other system of disposal, approved by the Commission, for the disposal of carcasses and other medical waste;
- (zd) shall submit to the Commission an annual Public Health Certificate in respect of the racecourse;
- (ze) shall provide and maintain a set of sixteen adequate starting stalls on every race day promoted by it and one unit of adequate starting stalls on every day on which it permits the exercising of horses on its racing strip, and have in attendance, whenever the starting stalls are in use, skilled and qualified persons to keep the starting stalls in good working order, and also provide for periodic inspections of the starting stalls, as may be reasonably required by the Commission;

- (zf) shall ensure that appropriate arrangements are in place at all times to keep unauthorized persons off the racing strip and out of the winner's enclosure and take reasonable steps to eject from the racecourse, any unauthorized person entering on the racing strip, into the winner's enclosure, into sterile areas or in the stable area;
- (zg) shall carry out, on at least a monthly basis, tests of the depth of the racetrack surfaces at predetermined distances at different points at the racetrack and keep a record of the tests carried out;
- (zh) shall provide adequate security for licensed personnel, including manned security posts and mobile patrols of the racecourse and all facilities at the racecourse;
- (zi) by the 31st day of January of each year, provide documentation of the plan of the security programme for the racetrack, and a security assessment for the previous year that includes –
 - (i) a physical review of the perimeter of the entire compound on which the racecourse is located;
 - (ii) backstretch accessibility review;
 - (iii) license authentication review, including a Forfeit List and a Warned-off List;
 - (iv) a review of security protocol during exercise period and on race days;
 - (v) review of general security practices; and
 - (vi) proposals for implementation in the ensuing year;
- (zj) shall provide proper accommodation at the racecourse for the

stewards, judges, handicappers, time keepers and race commentators in locations that, subject to the approval of the Commission, allow an uninterrupted view of the entire racing strip;

(zk) shall provide –

(i) suitable accommodation at the racecourse for members of the Commission in locations that, subject to the approval of the Commission, allow an uninterrupted view of the entire racing strip; and

(ii) a monitor in the compartment enabling the members of the Commission to view and replay the video recording of every race;

(zm) shall provide for the post time of the first race on every day of racing at a time not earlier than 11:00 a.m. and not later than 3:00 p.m., subject to the approval of the Betting, Gaming and Lotteries Commission;

(zn) shall obtain the approval of the Commission for the holding of race meetings on the racecourse, and pay the prescribed fees to the Commission for every day's racing;

(zo) shall not, without the prior approval of the Commission, conduct live television broadcasts which are transmitted to the racecourse, which is the subject of a licence under these Regulations or premises approved under section 24 of the *Betting, Gaming & Lotteries Act*, during the hours when the holder of a licence is conducting horse races on the racecourse which the holder has a licence to operate; and

(zp) comply with any other conditions imposed by the Minister and attached to the licence.

(2) For the purposes of this regulation, “live television broadcasts” means television broadcasts of horse races conducted overseas on a racecourse other than the one in respect of which the holder has been granted a licence which are transmitted simultaneously with the running of those horse races.

**Form of
licence.
First
Schedule.
Form No. 2.**

4. A licence to operate a racecourse shall be in the form set out as Form No. 2 in the First Schedule.

**Fees.
Second
Schedule.**

5. The fees specified in the Second Schedule shall be paid in respect of an application for the grant or transfer of a licence or for any other matter.

**Grounds for
suspension,
revocation or
variation of
terms of
licence.**

6. Where –
- (a) information given to the Commission by or on behalf of the holder of a licence to operate a racecourse is discovered subsequent to the grant of the licence to be false and such information was, in the opinion of the Commission material;
or
 - (b) there is a material change in the circumstances relating to the holder of a licence to operate a racecourse or to the information supplied by the holder of the licence and relied upon by the Commission in the granting of the licence; or
 - (c) there is a breach of any of the conditions of the licence to operate a racecourse, including the provisions of these Regulations,

the Minister may suspend or revoke the licence or vary the terms of

the licence and the holder of the licence shall be liable to such other penalty as shall be deemed fit by the Commission.

Offences

Offence of assaulting, molesting, obstructing etc., a member of the Commission or any delegate, etc.

7. A person who –
- (a) assaults, molests, obstructs, hinders, resists or aids or incites any other person to assault, molest, obstruct, hinder or resist any member of the Commission or any delegate, authorized person or servant of the Commission in the exercise of any of the powers conferred upon them by the Act; or
 - (b) uses any abusive or calumnious language against any member of the Commission or any delegate, authorized person or servant of the Commission in the exercise of any of the powers conferred upon them by the Act,
- commits an offence and shall be liable on summary conviction before a Judge of the Parish Court to a fine not exceeding two hundred and fifty thousand dollars and, in default of payment of the fine, to imprisonment for a term not exceeding twelve months.

Warning-off racecourse.

8. A person who –
- (a) deliberately misleads the Commission at any enquiry;
 - (b) is convicted of an offence under regulation 7; or
 - (c) makes any false statement in any application for the grant of a licence to operate a racecourse,
- shall be warned-off all racecourses or any other place under the control of the Commission in accordance with the authority given under the Act.

General

Revocation of Jamaica Racing

9. The Jamaica Racing Commission Regulations, 1993, is revoked.

FIRST SCHEDULE

(Regulation 2)

Form No. 1

THE JAMAICA RACING COMMISSION ACT

The Jamaica Racing Commission Regulations, 2016

(Regulation 2)

*Application for (Grant) (Transfer)
of a Licence to Operate a Racecourse*

To the Minister:

1. I, A. B. (duly authorized in that behalf by (insert name of body corporate) hereby apply (for and on behalf of the body corporate) for a licence to operate the (name of racecourse) and declare as follows:
 - a. That I was born on
 - b. That my office (principal office) is at
.....
 - c. That my principal place of residence is at
.....
 - d. That during the five years preceding the date of this application, I have been resident as follows –

(insert residential address and dates in every case)
 - e. That the applicant body corporate is incorporated under the laws of Jamaica and has its registered office at
.....
(insert address of registered office)
 - f. That ☐ I have not ☐ the applicant body corporate has not during the twelve months immediately preceding the date of this application been refused the grant of a licence to operate a racecourse, save as follows *(insert details of refusal)*
.....
 - g. That ☐ I have not ☐ the applicant body corporate has not been the holder of a licence to operate a racecourse which has been

suspended or revoked.

- h. That ☐ I have not ☐ the applicant body corporate has not ☐ no director or member of the committee of management or corporate secretary or ☐ any shareholder who is the owner of five *per centum* or more of the issued shares of the body corporate is a person who has been convicted of any criminal offence other than a breach of the *Road Traffic Act* under any jurisdiction.
 - i. That ☐ I have not ☐ the applicant body corporate has not ☐ no director or member of the committee of management or no corporate secretary has ☐ no shareholder who is the owner of five *per centum* or more of the issued shares of the applicant body corporate is a person who has had a provisional or final order of bankruptcy made against ☐ me ☐ it ☐ them or an order for compulsory winding up made against any body corporate of which ☐ I ☐ they have been a director or a member of the committee of management or corporate secretary or a shareholder who is the owner of five *per centum* or more of the issued shares of the body corporate.
2. I enclose the following –
- (a) a statement showing the business occupations and post office addresses of the applicant (including those persons who are directors or members of the committee of management and the secretary of the applicant and the names, business occupations and post office addresses of every shareholder of the applicant who is the owner of five per centum or more of the issued shares of the applicant);
 - (b) the fee of \$.....;
 - (c) a banker's reference or such other suitable reference as may be acceptable to the Minister;
 - (d) character references;
 - (e) (*where the applicant is a body corporate*) - a copy of the rules, by-laws, Articles of Incorporation (as the case may be), Articles of Association (as the case may be) of the body corporate and a copy of the certificate of incorporation or of registration, together with a statement showing the authorized capital, the issued capital, the paid up capital, and a list of the names, business occupations and post office addresses of every shareholder of the body corporate and who is the owner of five *per centum* or more of the issued shares of the body corporate and the number of shareholders who own less than five *per*

centum of the issued shares. (Note - such statement and list shall be certified by a person who is qualified for appointment as auditor of a company which is not a private company or of a private company which is obliged to file accounts);

- (f) *(where the applicant is a subsidiary of another company (as is defined in the Companies Act) - a statement giving complete details of the interest of the parent company in the applicant and all matters and things relating to the parent company which would have been required by regulation 2 (3) of the Regulations*
- (g) a copy of the rules, by-laws, Articles of Incorporation of the body corporate and a copy of any other such document regarding the registration of the body corporate
- (h) the names and addresses of the auditors of the applicant;
- (i) the names and addresses of the attorneys-at-law of the applicant;
- (j) the names and addresses of all banks with whom the applicant has done banking business over the period of two years prior to the date of the application;
- (k) a statement showing the names and addresses of all lenders, mortgagees, debenture holders and others who have agreed to provide or who it is proposed will provide the loan financing to the applicant, with full particulars of amount and terms of every loan. *(This requirement is applicable only where the applicant is a subsidiary of another company (as is defined in the Companies Act)).*
- (l) a plan of the racecourse or proposed racecourse drawn to scale.
- (m) a statement giving details of the estimated cost of the racing plant to be constructed including the facilities. Where the plant is in existence at the date of application, a detailed plan of the racecourse, and the details of the programme over the period for which the licence is applied for, of refurbishment, renovation and upgrading of the existing facilities at the plant and the general description of such plant, including its acreage;
- (n) a statement of the plan of financing of the racecourse or proposed racecourse for the period of three years following the grant of the licence;
- (o) the duration of the licence.

3. I solemnly and sincerely declare that I shall facilitate the Jamaica Racing Commission and its authorized persons in the carrying out of any investigations under section 18 of the Act.

AND I MAKE THIS solemn declaration conscientiously believing the same to be true and by virtue of the Voluntary Declarations Act.

TAKEN AND ACKNOWLEDGED by)

Name of Declarant)

at Address of *Declarant*)

in the Parish of)

this day of , 201)

Name of Declarant

before me -

JUSTICE OF THE PEACE

for the Parish of

FORM NO. 2

(Regulation 4)

THE JAMAICA RACING COMMISSION ACT

The Jamaica Racing Commission Regulations, 2016

(Regulation 4)

Licence to Operate a Racecourse

No.

This is to certify that

.....

of

in the parish

.....

is hereby authorized to operate the racecourse known as (name of
racecourse) situate at

.....

in the parish of

This licence shall be in force from the day of , 20 ,
and subject to the provisions of the Act, and Regulations (and the
terms and conditions attached), shall cease to be in force on the day
of , 20

Dated the day of , 20

**Minister of Finance and the
Public Service**

SECOND SCHEDULE

(Regulation 5)

Fees

Annual Fee for licence
to operate a racecourse 0.75% of Previous Year's Gross
Profit or \$1,600,000.00,
whichever is greater.

Fee on application to
operate a racecourse 30% of Licence Fee

Fee on grant of licence
to operate a racecourse 70% of Licence Fee

Fee for transfer of licence
to operate a racecourse 0.75% of Previous Year's Gross
Profit or \$1,600,000.00,
whichever is greater

Dated the 23rd day of December, 2016.


Chairman
Jamaica Racing Commission

Approved:



Minister of Finance and the Public Service

