

ACT 201

HORSE-RACING COMMISSION ACT, 1963

ARRANGEMENT OF SECTIONS

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ACT 201

HORSE-RACING COMMISSION ACT, 1963¹

AN ACT to provide for the establishment of a Commission to exercise a general surveillance over horse-racing, including the investigation of reports alleging corrupt practices in or in connection with the conduct of horse-racing and to provide for related matters.

1. Establishment of the Horse-racing Commission

(1) There shall be established a Commission which shall be known as the Horse-racing Commission to perform the functions conferred on the Commission by this Act.

(2) The Commission is a body corporate and shall have perpetual succession and a common seal and may sue or be sued in its corporate name.

2. Governing body of the Commission

(1) The governing body of the Commission is a Board of three members.

1. The Act was assented to on 27th November, 1963 and notified in the *Gazette* on 28th February, 1964.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution, and the President shall nominate one of the members as the chairman.

(3) A person shall not be appointed a member of the Board unless that person has experience of the business and activities of horse-racing or is capable of giving substantial practical assistance in the work of the Commission.

3. Terms of appointment

A member shall hold office on the terms determined by the President.

4. Resignation of member

(1) A member may resign from office by a letter addressed to the President.

(2) The resignation of a member shall have effect from the date of receipt by the President of the letter of resignation.

5. Termination of membership

(1) The President may, by a notification in writing addressed to a member, terminate the appointment of the member for reasons which the President considers sufficient.

(2) The termination of the appointment of a member under subsection (1) shall have effect from the date on which the member receives the notification of the termination or a later date specified in the notification.

6. Casual vacancies

Casual vacancies in the membership of the Board may be filled by appointment by the President.

7. Procedure

The Board may regulate its own procedure.

8. Staff of the Commission

The President may, in accordance with article 195 of the Constitution, appoint officers and servants, subject to the prescribed conditions of service, for carrying out the work of the Commission.

9. General surveillance of horse-racing

(1) The Commission shall exercise a general surveillance over horse-racing and the conduct of horse-racing and matters related to horse-racing.

(2) In the exercise of the surveillance, the Commission shall not interfere with the business or activities of

- (a) a turf club the business and activities of which were formerly taken over by the Horse-racing Board of Control, or
- (b) any other organisation concerned mainly with the conduct of horse-racing, any of which shall control its own affairs as an independent body.

(3) The Commission may make a request in writing addressed to a turf club or any other organisation referred to in subsection (2) to furnish the Commission with a report on a matter relating to the performance of its functions under this Act on which the Commission desires to be informed.

10. Advice by the Commission

On the receipt by the Commission of a request in writing from a turf club or any other organisation for advice on a matter relating to its business and activities, the Board may tender or decline to tender its advice on the matter which is the subject of the request.

11. Investigation of allegations of malpractice

(1) The Commission, on receipt of a report or statement, whether written or oral, alleging malpractice in connection with horse-racing, including the laying of bets on race horses, may investigate, or cause an investigation to be made, into the truth of the allegation.

(2) The Commission shall inform the President of the result of the investigation.

12. Obstruction of work of the Commission

(1) A person who obstructs the Commission or a member or an officer or a servant of the Commission in the performance of the functions of the Commission commits an offence and is liable on conviction by a District Court to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) Where the offence is committed by a body of persons,

- (a) in the case of a body corporate, every director and officer of the body corporate shall be deemed to have committed that offence, and
- (b) in the case of a firm, every partner of that firm shall be deemed to have committed that offence.

(3) A person shall not be convicted of an offence under subsection (2) if it is proved that the offence was committed without the knowledge of, or that due diligence was exercised by, that person to prevent the commission of the offence.

13. Regulations

The Minister may, by legislative instrument, make Regulations prescribing

- (a) with the consent of the Minister responsible for Finance, and subject to article 195 of the Constitution, the conditions of service of, and the amount of the salaries, wages, fees and any other allowances to be paid to officers and servants of the Commission, and
- (b) any other matter or thing which the Minister considers necessary or appropriate for carrying out the purposes of this Act.

14. Interpretation

In this Act, unless the context otherwise requires,

“Board” means the governing body of the Commission;

“Commission” means the Horse-racing Commission established by section 1;

“horse” includes a pony and **“horse-racing”** shall be construed accordingly;

“member” means a member of the governing body;

“Minister” means the Minister responsible for Finance;

“prescribed” means prescribed by the Regulations;

“Regulations” means the Regulations made by the Minister under section 13.
