STATUTORY INSTRUMENTS

1990 No. 1508 (N.I. 12)

The Horse Racing (Northern Ireland) Order 1990

- - - - - - *24th July 1990*

Introductory

Title and commencement

1. This Order may be cited as the Horse Racing (Northern Ireland) Order 1990 and shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] 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—

"the Company" means Downpatrick Race Club;

"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 continued under Article 3;

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

F1 1954 c. 33

Horse Racing Fund

Horse Racing Fund

3.—(1) There shall continue to be and to be 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 and the Company with the object of assisting the operation and development of horse racecourses in the vicinity of the Maze and at Downpatrick, 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 9(1).

(4) The Corporation and the Company 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 and the Company 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 the Corporation or, as the case may be, the Company has complied with the provisions of this Order, the Department may make such payments out of the Fund on such basis and in such proportion as the Department considers proper, being payments—

(a) to provide or supplement prize money;

(b) to provide or improve technical or other services, being services with respect to the operation of racing;

(c) for other purposes of the Corporation or the Company, being purposes to ensure the safety of spectators at race meetings or the proper conduct of racing.

(6) The Department may make the payments referred to in paragraph (5)(*a*) to the Irish Turf Club in respect of claims for prize money submitted to the Department by the Corporation and the Company.

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 and Personnel, 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 December 1991 and thereafter in respect of each year an account of receipts into and payments out of the Fund.

(2) Any account prepared under this Article shall, on or before 30th April 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 shall be supplied, either free of charge or on payment of such sum 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 works under Article 3(5)(*b*) or (*c*) proposed in any statement submitted to the Department by the Corporation or the Company under Article 3(4); or

(b) inspection of any such 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 24 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 o#ence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from duly carrying into e#ect 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 e#ect such survey, valuation, examination or inspection; and, if he fails to comply with the order, he shall be guilty of an o#ence and shall for every day during which the failure continues be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(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.

Returns or information to Department

7. The Corporation and the Company shall provide the Department with such returns or information relating to the state of their financial or other a#airs 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 a#ord such explanation thereof as that person or the Department may reasonably require.

Winding up of Fund

8. The Department, having regard to the sums standing to the credit of the Fund, may, with the approval of the Department of Finance and Personnel, by order subject to a#rmative 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.

Charges on bookmakers

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

(a) by every person, other than a person to whom sub#paragraph (*b*) applies, who intends to apply under Article 8 or Article 16 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985[F2] for the grant or renewal of a bookmaker's licence; and

(b) by every person who intends to apply under Article 12 or Article 18 of that Order of 1985 for the grant or renewal of a bookmaking o#ce licence or under Article 14 of that Order of 1985 to have the provisional grant of a bookmaking o#ce licence declared final in respect of each o#ce licence,