

These notes refer to the Horse Racing (Amendment) Act (Northern Ireland) 2022 (c.2) which received Royal Assent on 2 February 2022

Horse Racing (Amendment) Act (Northern Ireland) 2022

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Horse Racing (Amendment) Act (Northern Ireland) 2022 which received Royal Assent on 2 February 2022. They have been prepared by the Department of Agriculture, Environment and Rural Affairs in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or Schedule does not seem to require any explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Horse Racing (Northern Ireland) Order 1990 (the 1990 Order) is the legal basis for the Horse Racing Fund (HRF/the Fund) in Northern Ireland. The Fund is made up from a levy collected from licensed bookmakers in Northern Ireland and was set up in order to provide financial support to horseracing at Northern Ireland's two racecourses at Downpatrick and the Maze, also known as, Down Royal.
4. A charge on bookmakers to support racecourses dates back to 1961. It was first introduced in Great Britain to offset the decline in race day revenue (gate receipts), following the introduction of legislation which meant that people wishing to place a bet on a horse race no longer needed to attend the racecourse. The charge was paid by bookmakers to support the racecourses as there is a direct link between the two, with some of the bookmakers' income deriving directly from betting on horseracing.
5. Prior to 1976, both racecourses in Northern Ireland received a small amount of government assistance. After 1976, horseracing at Down Royal was considered to have the most potential for development, and funding was provided via the Horse Racing and Betting (Northern Ireland) Order 1976. The Fund was administered by the then Department of Agriculture and was financed by annual contributions from Northern Ireland licensed bookmakers. It provided financial assistance towards prize money for races and the costs of technical and

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personnel services required on race days, as well as assistance towards the cost of improvements to the race track and facilities for participants and spectators.

6. The 1990 Order extended the scope of the HRF to include both of Northern Ireland's racecourses, and narrowed the range of assistance it could provide to prize money for races, the costs of technical and personnel services required on race days and purposes to ensure the safety of spectators at race meetings or the proper conduct of racing. Under this legislation, licensed bookmakers in Northern Ireland pay an annual levy, which the Department is required to disburse to the two beneficiaries named in the legislation – Downpatrick Race club “the Company” and the Governor and Freeman of the Corporation of Horse Breeders, “the Corporation” – as the operators of horse racecourses “in the vicinity of the Maze and at Downpatrick, in the County of Down”.
7. As a result of a change of management, the Corporation is no longer the operator at the Maze. As a result, payments from the Fund to Down Royal racecourse were suspended in 2019. Furthermore, payments to Downpatrick were also suspended at that time in order to avoid unfair competition between the two racecourses.
8. Therefore this Act allows for the reinstatement of payments from the Fund, in support of the two racecourses at the Maze and Downpatrick.

OVERVIEW

9. The Act has 7 sections, which primarily amend the Horse Racing (Northern Ireland) Order 1990 to change the defined beneficiaries of the Fund.

COMMENTARY ON SECTIONS

Amendment of the Horse Racing (Northern Ireland) Order 1990

Section 1 – Horse racecourse operators

This section amends Article 2 of the 1990 Order, by omitting definitions of “the Company” and “the Corporation”. The section inserts a definition “horse racecourse operator”, which includes Downpatrick Race Club and Down Royal Park Racecourse Limited. These are the current operators of the racecourses at Down Royal and Downpatrick. Section 1 also amends Article 2 to provide that the definition of “horse racecourse operator” can be amended by regulations, but only with the approval by resolution of the Assembly.

Section 2 – Horse Racing Fund

This section amends Article 3 of the 1990 Order to take account of the amendment made by section 1, which inserted the definition of a horse racecourse operator to ensure that Fund will be used for assisting the operation and development of horse racecourses in the vicinity of the Maze and Downpatrick, in the County of Down. The effect of the amendments contained in this section is to require the horse racecourse operators to submit a statement

of their proposed budget and expenditure plans for the following year to the Department on or before 31st October of each year. A new paragraph (4A) is inserted which allows each racecourse operator to submit their statement either on its own or together with any other horse racecourse operator. Finally, this section omits paragraph (6), which concerns an organisation that no longer exists.

Section 3 – Minor and consequential amendments

This section amends Article 2(2) of the 1990 Order (Interpretation), to omit the definition of ‘modify’ as the term is only used in Article 11 of the Order, which is omitted by the Act. This section also makes amendments to the 1990 Order to replace references to “the Corporation” and “the Company” with appropriate references to a “horse racecourse operator”. Finally, this section omits Article 11 of and paragraphs 5 and 6 of Schedule 1 to the 1990 Order, which concerned rules and bye-laws of the Corporation and are no longer required.

Section 5 – Transitional and supplementary provision

This section requires the operators at Down Royal to submit a statement of expenditure for 2021. This section also requires horse racecourse operators to submit a statement containing (a) expenditure for the period beginning 1 January 2022 and ending on the day the horse racecourse operator submits the statement, and (b) the budget and expenditure plans for the period beginning the day after the statement is submitted and ending on 31 December 2022, if they have not submitted a statement under Article 3(4) of the 1990 Order for 2022. Each of these statements must be submitted in the two weeks following Royal Assent. Finally, this section makes a series of consequential modifications to the 1990 Order, including modifications providing that the deadline for horse racecourse operators and the Department to prepare audited accounts relating to the year ending December 2021 shall be June 2022.

DATA PROTECTION IMPACT ASSESSMENT/DATA PROTECTION BY DESIGN

10. None required.

RURAL NEEDS IMPACT ASSESSMENT

11. A Rural Needs Impact Assessment concluded that the Act would have no negative rural impacts.

HANSARD REPORTS

12. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly and the date Royal Assent was received.

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<i>STAGE</i>	<i>DATE</i>
First Stage	13 April 2021
http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/04/13&docID=332317#3383852	
Horse Racing (Amendment) Bill: AERA Committee Briefing - Department of Agriculture, Environment and Rural Affairs	22 April 2021
http://data.niassembly.gov.uk/HansardXml/committee-26060.pdf	
Second Stage	26 April 2021
http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/04/13&docID=332317#3383852	
Horse Racing (Amendment) Bill: Northern Ireland Assembly Research and Information Service	11 June 2021
http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2021/aira/4521.pdf	
Horse Racing (Amendment) Bill: AERA Committee Briefing - Department of Agriculture, Environment and Rural Affairs	16 September 2021
http://data.niassembly.gov.uk/HansardXml/committee-28278.pdf	
Horse Racing (Amendment) Bill: AERA Committee Briefing - Down Royal Racecourse	23 September 2021
http://data.niassembly.gov.uk/HansardXml/committee-28283.pdf	

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<i>STAGE</i>	<i>DATE</i>
Horse Racing (Amendment) Bill: AERA Committee Briefing - Downpatrick Racecourse	23 September 2021
http://data.niassembly.gov.uk/HansardXml/committee-28285.pdf	
Horse Racing (Amendment) Bill: Clause-by-clause Consideration	7 October 2021
http://data.niassembly.gov.uk/HansardXml/committee-28791.pdf	
Committee Stage Report	14 October 2021
http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/04/13&docID=332317#3383852	
Consideration Stage	16 November 2021
http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/11/16&docID=356899#3743528	
Further Consideration Stage	29 November 2021
http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/11/29&docID=359050#3766825	
Final Stage	7 December 2021
http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2021/12/07&docID=359907#3785166	
Royal Assent	2 February 2022