NEW ZEALAND RULES OF HARNESS RACING

Effective 1 November 2026

NEW ZEALAND
RULES OF HARNESS RACING

Reprinted 1 November 2026

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[Rule 104(3)]

THE RULES OF HARNESS RACING

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PART I - THE NEW ZEALAND RULES OF HARNESS RACING

PRELIMINARY

101 These Rules may be cited as the New Zealand Rules of Harness Racing and shall, unless otherwise specified, be effective as from the 1st day of June 1996.

102 (1) These Rules shall apply to all Races and Race Meetings and shall apply to and be binding on:-

1.8.03 |

(a) HRNZ, the Board and every member thereof and every Committee, and all Officers, Officials and Servants thereof;

(b) all clubs and every other Body having approved harness racing events on any of its programmes and the Stewards, Committee, and Officers, Officials and Servants of every such Club and Body;

(c) all licensed persons and all persons working in or about any harness racing stable or associated with the management, care, control or superintendence of harness racing horses and their training or riding or driving;

(d) all Owners and all persons entering or nominating any horses for any race whether such Owners, trainers or persons in charge be resident in New Zealand or otherwise;

(e) every person importing a foreign horse into New Zealand;

(f) all breeders of Standardbred horses and studmasters;

(g) every person applying for any Licence or Certificate under these Rules;

1.8.05 | (h) persons betting at any meeting;

(i) all persons applying for admission to or attending any Racecourse on which any Race Meeting is held;

(j) all Judicial Committees and Appeal Tribunals;

(k) all Kindred Bodies;

(l) all Owners and all companies applying to become or which have become approved companies or partners in approved partnerships under these Rules and the directors, secretary, shareholders and registered racing manager thereof; and all members of any Syndicate applying for or which has been granted registration under these Rules;

(m) every person who in any manner directly or indirectly by himself or by any other person, on his own behalf or on behalf of any other person, does or attempts to do any act or thing for the purpose of securing any right benefit or privilege which he or any such other person is not entitled to receive under these Rules, or to evade any disability or penalty of any kind which has been imposed on him or on any such other person or to which they may respectively become liable by or under these Rules;

(n) every person who aids, abets, counsels or procures a breach of these Rules, and such person shall be liable to the same penalty as is provided for the actual breach;

(o) every person who so acts as to bring himself within the purview of these Rules.

(2) These Rules shall apply to any horse:-

(a) as soon as it is taken in hand by any person for the purpose of being gaited or trained for harness racing;

(b) whether then taken in hand or not as aforesaid, as soon as it is entered for any race, or registered under these Rules;

(c) irrespective of the two preceding paragraphs, at all times when it is in the possession or ownership of a disqualified person, or (during the period of disqualification) while it is in the possession or ownership of any person to whom it was sold or otherwise disposed of after the commission of the offence in respect of which the disqualification of such disqualified person was imposed;

(d) generally when anything is required or otherwise provided to be done under these Rules or Regulations order or direction is made thereunder in respect of such horse.

1.8.03

(3) All persons and Bodies to whom these Rules apply shall at all times be deemed to have notice of these Rules and the Constitution and to have full knowledge thereof and of all notices and matters published in the Official Notifications and of their rights, duties, liabilities, and obligations, hereunder, and be bound by the decisions and acts of all tribunals and persons authorised by these Rules and Constitution to act and give decisions.

27.8.15

(4) All such Bodies and persons coming within the application of these Rules shall be deemed to have agreed to seek no remedy available to them at law in respect of anything done under these Rules, or omitted to be done, until they have exhausted all remedies provided by or under these Rules in respect of anything so done or omitted.

27.8.15
25.11.19

103 (1) These Rules or any of them may from time to time be amended or revoked by special resolution passed at any Special Meeting of HRNZ called for that purpose or at any Annual Meeting.

(2) Prior to any amendment or revocation of, or addition to, these Rules being considered at the Annual Meeting or a Special Meeting of HRNZ the proposed amendment, revocation or addition shall be notified to the Racing Integrity Board and the New Zealand Thoroughbred Racing. Prior to any such amendment, revocation or addition being voted upon the Chairman shall at such meeting report any recommendation made by either the Racing Integrity Board or the New Zealand Thoroughbred Racing.

1.8.05

(3) Any amendment to revocation of, or addition to any Rule pursuant to this Rule or Rule 103A, shall not affect the previous operation of any Rule so amended or revoked or anything duly done or suffered thereunder.

103A (1) Notwithstanding rule 103, these rules (except rule 103, 103A, and rules made under section 40 of the Racing Industry Act 2020) and the Schedules to the Rules (except the Third Schedule), may be amended, revoked or added to by the Board by a resolution passed by a majority of at least two-thirds of Board members present at the meeting at which the resolution is being voted upon.

20.10.21

1.8.05

(2) Prior to any amendment revocation or addition to the Rules being considered by the Board;

(a) The proposed amendment, revocation or addition shall be notified to:-

(i) every club that is entitled to representation at a meeting of HRNZ under its constitution;

(ii) every kindred body;

(iii) the Racing Integrity Board;

(iv) New Zealand Thoroughbred Racing;

(v) TAB NZ; and

27.8.15 (b) Published in the Official Notifications.

1.8.05 (3) Each Club and kindred body notified of a proposed amendment, revocation or addition, before the date provided, or such other date as the Board may appoint, may make written submissions to the Board as regards proposed amendments, revocation or additions and shall advise the Board if they wish to appear before the Board to make oral submissions.

(4) Any report, or recommendation from the Racing Integrity Board, New Zealand Thoroughbred Racing, TAB NZ or submission by a Club or kindred body shall be provided to the meeting of the Board at which the proposed amendment, revocation or addition is being considered.

(5) Any amendment revocation or addition to the Rules pursuant to this rule shall come into force on the date stated in the resolution, or where no date is stated on the 1st August following the passing of the resolution.

104 (1) These rules must be published on the HRNZ website.

(2) Every publication shall until the contrary is proved be recognised as authentic.

(3) Each publication may be prepared by way of consolidation of these Rules and for that purpose the Chief Executive may (subject to any direction of the Board):

20.10.21

(a) Re-number the rules, sub-rules and paragraphs of any rule so far as may be necessary by following any amendment to the rules.

(b) Correct any typographical error or slip that had occurred in amending the rules.

(4) The Chief Executive may (subject to any direction of the Board) correct any error which occurs in any consolidation or re-numbering of these rules.

(5) Every regulation, rule, order, agreement, deed, instrument, application, notice, or other document whatsoever in force at the commencement of these Rules, shall continue in force as if made pursuant to these Rules.

105 (1) In the Rules and in every programme, notice and proceedings thereunder, the words and phrases following shall, unless the context otherwise requires, severally have the meanings hereinafter stated, that is to say -

25.11.19 **A CLEAR DAY PRIOR TO RACING** means the twenty-four-hour period before 12.01 am on the day the horse is to race and includes the day of racing

25.11.19 **A DAY OF RACING** commences at 12.01 am on the day on which the horse is to race and concludes half an hour after the last race.

25.11.19 **ADVERTISE** means to publish, either in full or effect in the Official Notifications, and advertised and advertisement shall have a corresponding meaning:

27.8.15 **APPEALS TRIBUNAL** means Appeals Tribunals appointed by the Racing Integrity Board.

APPROVED COMPANY means a company incorporated in New Zealand which:-

(a) has been approved by the Board as a company which may be:-

(i) the sole owner or lessor or lessee of a horse registered under these Rules;

(ii) a party to a registered joint interest;

(iii) a partner in an approved partnership;

(iv) a member of a syndicate registered under the Rules;

(b) has been registered as an approved company by the Chief Executive and remains so registered.

ARREARS means any money payable by any person or body under these Rules or payable to HRNZ in connection with any of its activities or operations and which remains unpaid for more than twenty-eight days after becoming due for payment, and includes any money specifically declared by any of these Rules to be arrears.

ASSEMBLY AREA means the Birdcage, Parade Ring or other area where horses are assembled prior to entering the track for the purposes of a race.

1.11.26 **AUTHORISED PERSON** means a person in the Authorised Person Regulations.

1.8.05 **BETTING** shall have the same meaning as provided in section 5 of the Racing Industry Act 2020 and bet shall have a corresponding meaning.

BETTING LICENCE has the same meaning as provided in section 5 of the Racing Industry Act 2020.

1.8.05

BETTING RACE shall have the same meaning as provided in section 5 of the Racing Industry Act 2020.

31.7.10 **BOARD** means the Board of HRNZ for the time being elected under the Constitution.

BODY includes any Club, Racing Club, or any combination of persons or Clubs howsoever designated.

18.11.20 **BOOKMAKER** means a person involved in bookmaking as defined in the Gambling Act 2003.

BRANDED means marked by a person appointed by the Board for that purpose and in a manner approved either generally or specially by the Board and the words BRAND and BRANDING shall have a corresponding meaning.

1.8.02 **BREEDER** means the owner of the dam of the horse at the time it is foaled or, in the case of the foal begotten by embryo transfer the owner of the dam of the foal at the time of service. For the purpose of these Rules the breeder of the foal also becomes the owner of the foal when it is born.

CHAIRMAN AND VICE-CHAIRMAN means the Chairman and the Vice-Chairman of Harness Racing New Zealand Inc for the time being.

CHECKING IN means compliance by the driver with Rule 853 of these Rules.

CHECKING OUT means compliance with Rules 846 to 852 of these Rules.

31.7.10 **CHIEF EXECUTIVE** means Chief Executive of HRNZ or such other person authorised by him to act on his behalf.

CLERK OF THE COURSE means a person appointed by a Club conducting a race meeting, to assist the marshalling of horses prior to a race and to assist the Starter and/or Stewards whilst the horses are on the race track.

CLUB means a Club duly registered under these Rules and where used in Part VI to Part XII of these Rules includes any Racing Club or other Body on whose programme there is any harness racing event.

COMMITTEE when used in reference to the Committee of a Club, means the body of persons, by whatever name designated, charged with the general management of the affairs of the Club under its Rules.

1.8.03 **CONSTITUTION** means the Constitution of Harness Racing New Zealand Incorporated.

1.8.05 **DAY MEETING** means any race meeting at which the advertised starting time of the first betting race is not later than 2.00 pm.

DECISION includes finding, ruling, direction, order or determination.

DE-FACTO HUSBAND OR WIFE means a person living with another person as their apparent husband or wife for a period exceeding six months.

DEFENDANT includes:-

(a) a person against whom an information is filed;

(b) the owner, trainer or person in apparent control of a horse where an information is filed in respect of an alleged breach of these Rules by that horse or its driver which may result in the placing of that horse being affected.

DISCRETIONARY RACE means a race defined as such under the Handicapping System Regulations.

FOREIGN HORSE means any horse foaled out of New Zealand, and includes any horse foaled in and taken out of New Zealand before being registered under these Rules.

FOREIGN HORSE EXAMINER means any such person as may be appointed by the Chief Executive from time to time for the purpose of inspecting horses being imported to or exported from New Zealand.

FREE FOR ALL means a race for horses where all horses start off the same mark.

HALF HOPPLE means such hopple used on the forelegs of a horse only as may from time to time be approved by the Board.

HANDICAP means a race in which distance allowances are made and adjusted by the Handicapper for the purpose of equalising the horses' chances of winning; and includes also any such allowance.

HARNESS RACING includes both pacing and trotting events.

1.11.22 **HORSE** means a horse to which the rules apply and includes any horse registered or eligible for registration under the rules but does not include a horse whose registration has been refused, a horse that HRNZ has been notified is not to be registered, or a horse deregistered under the rules, unless application is made for re-registration.

1.8.03 **HRNZ** or Harness Racing New Zealand means Harness Racing New Zealand Incorporated.

INFORMANT means the person by whom an information is filed.

JOINT INTEREST means a joint interest within the meaning of Rule 424 of these Rules.

1.7.21 **ADJUDICATIVE COMMITTEE** means an Adjudicative Committee appointed by the Racing Integrity Board.

KINDRED BODIES means the New Zealand Standardbred Breeders Association, the New Zealand Harness Racing Trainers and Drivers Association and the New Zealand Trotting Owners Association.

25.11.19 **LABORATORY** means a laboratory approved by the Board.

LAPPED ON means when a horse has its nose in line with any part of the breaking horse's body when the nose of the breaking horse reaches the finishing line.

LICENSED PERSON means any person licensed, registered or holding a permit or approval under these Rules and **LICENCE** has a corresponding meaning.

1.11.26 **LICENSING COMMITTEE** means a committee of three or more persons appointed by the chief executive from the persons nominated by the Board to the licensing panel.

MARK means handicap mark.

MEETING means a race meeting.

MONTH means a calendar month.

MOVING START means a start in which the starter shall signal a start whilst all horses or a horse running a time trial is in motion at the starting post but is not started by means of a mobile barrier.

NEW ZEALAND SIRES' STAKES INCORPORATED means a committee or duly registered as an Incorporated Society for the specific purpose of promoting, administering and conducting on a non profit basis either directly or indirectly a series of harness races in New Zealand each season for standardbred horses to be known as the New Zealand Sires' Stakes Series and similarly such other harness races for standardbred horses of all ages and types as shall be deemed by the and approved by the Board to be desirable or necessary for the advancement and promotion of the objectives of the New Zealand Sires' Stakes in particular and/or harness racing in New Zealand in general.

1.8.05 **NIGHT MEETING** means any race meeting at which the advertised starting time of the first betting race is not earlier than 5.00 pm.

31.7.10 **NOTIFIABLE GEAR** means any gear, appliance or deice designated as Notifiable Approved Gear in the Approved Gear Regulations made by the Board.

27.8.15 **NOTIFIED** means given notice of, either in full or in effect and when used in relation to Official Notification means publication in the Official Notifications a notice setting out in full where required or in effect the matters required to be notified

27.8.15
25.11.19 **OFFICIAL NOTIFICATION** and **OFFICIAL NOTIFICATIONS** means the publication in the OFFICIAL NOTIFICATIONS on the Harness Racing New Zealand website, www.hrnz.co.nz

1.8.03 **OFFICIALS OF HRNZ** includes Stipendiary Stewards, Racing Investigator, Handicapper.

27.7.13 **OFFICIAL RACE CARD** means the race field published on the HRNZ website, www.hrnz.co.nz; as at the time of right of re-entry for that race day.

OFFICIAL RESULT SHEET means the form prescribed by the Board upon which is detailed such information as the Board may from time to time require concerning the result of any race.

OWNER includes:-

(a) the owner of a horse or part owner of a horse;

(b) any person having an interest in the horse required by the Rules to be registered as a joint interest or as a member of a syndicate;

(c) any person having an interest in a horse under the age of two years which if such horse were of that age would be required by these Rules to be so registered.

PAID OFFICIAL means any person who for the time being is employed by any Club or Racing Club or Body or Company consisting of a combination of Clubs at its meeting or in its operations or works, or by HRNZ or the Board and receives in respect of such employment any emolument, wages or salary but does not include any Medical Practitioner, Veterinary Surgeon, Barrister, Solicitor, or Auditor in respect of his engagement in a professional capacity or an independent contractor.

PARADE means an exhibition of harness racing where a horse or horses appear on a race track for the purposes of public viewing or in simulated race conditions.

PARTICIPANT means:
(a) a person licensed or registered with HRNZ; and
(b) includes (without limitation):
    (i) a trainer, driver, stablehand, or a person working at harness training premises;
    (ii) a breeder of standardbred horses;
    (iii) an owner (or part-owner), leasor (or part-leasor) of a standardbred horse, or leased with the intention of entering a race;
    (iv) any member of a syndicate;
    (v) a person who otherwise deals with animals used for harness racing;
    (vi) a member of a club; and
    (vii) any other person to whom these rules apply.

1.11.25

PENALTY includes disqualification, suspension, cancellation or withdrawal of licence or of registration, alteration of the placing of a horse, a fine, and an order for the payment of costs or expenses.

PERSON includes any body, body corporate, an approved company, partnership, an approved partnership (and every company which is a partner therein) and a syndicate and every racing manager, officer, shareholder and member thereof, except that no licence or permit under these Rules may be granted to an approved or other body corporate and that only a natural person may be appointed, registered or approved as racing manager of an approved company, partnership, syndicate or approved partnership.
PLACED HORSE means a horse placed in accordance with these Rules by the judge or any other person duly authorised to act as his substitute.

PRESCRIBED FORM means a Form prescribed by the Board.

PRESIDENT AND VICE-PRESIDENT means the Chairman and the Vice-Chairman of Harness Racing New Zealand for the time being.

PROCEEDING means any matter commenced by filing an information and includes the hearing of a breach of these Rules, but excluding any matter provided by these Rules to be within the jurisdiction of the Stipendiary Steward, Steward or Board.

PROHIBITED SUBSTANCE means:

(a) any substance set out in the Prohibited Substance and Practices Regulations;

25.11.19

(b) the metabolites, artefacts and isomers of a prohibited substances; and

(c) for any substance not set out in the Prohibited Substance and Practices Regulations any substance capable of affecting the speed, stamina, courage or conduct of a horse.

PUBLICLY NOTIFIED means notifying by advertisement in a newspaper or by written notice exhibited at the office of the Club or other body or, as the case may require, in a conspicuous place on the Racecourse.

RACE means a trotting or pacing race or competition whether licensed under the Racing Industry Act 2020 or not. RACING has a corresponding meaning.

RACECOURSE OR COURSE includes any race track and its enclosures, and any training ground over which any club has for the time being control or management and any land or premises used for race meetings.

RACE MEETING means any meeting at which horse racing takes place.

1.8.05 **RACING BETTING** shall have the same meaning as provided in section 5 of the Racing Industry Act 2020 and race betting shall have a corresponding meaning.

18.11.20 **RACING INDUSTRY ACT 2020** means the Racing Industry Act 2020 and any Act passed in substitution of that Act and in which case the provision of this Constitution or Rules will apply with necessary modification.

1.7.21 **RACING INTEGRITY BOARD** means the Racing Integrity Board established under the Racing Industry Act 2020.

RACING YEAR means the period beginning on the 1st day of August in any calendar year and ending on the 31st day of July in the next succeeding calendar year.

REGISTRAR deleted 09.10.18

REVOKED RULES means the Rules rescinded by the Special Resolution making these Rules.

SADDLECLOTH includes in addition to saddlecloth any disc or other device used in lieu for the purpose of exhibiting the horse's number, whether it is placed on the horse or attached to its gear or sulky.

1.11.26 **SAMPLE** means a sample or specimen of blood, urine, breath, hair, saliva, perspiration, tissue, or any other bodily fluid taken from a horse or participant.

SPECIAL PARTNERSHIP means a special partnership formed under Part II of the Partnership Act 1908.

27.8.15
1.11.24 **SPECIAL RESOLUTION** means a resolution passed by a majority of at least two-thirds of the votes cast and one-third of the members present and voting to vote in favour of the resolution, notice, and of which notice to the satisfaction of the chair of the meeting, to have been given to each member and published in the official notifications at least 20 working days before it is voted on.

SPOUSE means a legally married husband or wife, or a de-facto husband or wife.

STABLEHAND means a person employed by an owner or trainer of trotting or pacing horses in or about the management, care, control, breaking, gaiting, training or racing of such horses or in or about the management, care or attention of horses on a standardbred stud farm.

1.11.23

STAKE means:

a. any prize given including a cup, trophy, or other description of a prize that may be competed for (but not a trophy not won outright); and
b. any stake monies that may be competed for; but
c. for the purposes of the Handicapping System or statistical purposes means only stake money won.

1.8.01

STEWARDS means the persons appointed as such under the Rules of a Club, and where such rules do not provide for the appointment of Stewards, means the Committee or of the Club, and their delegated representatives.

1.8.21

STUD MANAGER means the person having in their care a stallion or mare registered, or required to be registered, under the Rules or the Breeding Regulations for the purpose of breeding standardbred horses.

SWEEPSTAKES means a race in which the stakes are to be made by the owners of the horses entered, to go to the winner or other horse or horses placed; any such race is still a sweepstake, although money or other prize is added, and although the word PLATE or CUP is used in the official or ordinary name or description of such race.

18.11.20

TAB NZ means TAB NZ established under the Racing Industry Act 2020 and any body that replaces TAB NZ under that Act or any Act that replaces the Racing Industry Act 2020.

1.8.03
20.10.21

TOTALISATOR CLUB means a Club for the time being holding a betting licence issued under section 68 of the Racing Industry Act 2020 and registered under these Rules but does not include a club that only conducts an equalisator race meeting.

1.8.05

TOTALISATOR RACING BETTING has the same meaning as provided in section 5 of the Racing Industry Act 2020.

TRAINER means a person holding for the time being a Public Trainer's licence or a Licence to Train issued under these Rules.

TRAINER'S LICENCE means a Public Trainer Licence or a Licence to Train.

1.11.24

TRAIN or TRAINING means preparing a horse for racing purposes but not gaiting a horse.

1.8.05
20.10.21

TRIAL means a trotting or pacing race, the programming of which is approved by the Board as a trial and **TRIALS** and **TRIALS MEETING** shall have a corresponding meaning.

TRIBUNAL means either the Adjudicative Committee or Appeals Tribunal.

1.11.24

TWILIGHT MEETING means any race meeting at which the advertised starting time of the first betting race is later than 2.00 pm but prior to 5.00 pm.

VALID in relation to any Licence issued under these Rules, means duly issued and for the time being in force.

WINNING in relation to a race includes being awarded first place (excepting dead-heating) walking over and receiving forfeit but not being awarded second or any lower place.

WINNINGS includes any stake actually credited to a winning horse (whether receivable by its owner or any other person) in connection with the running of any advertised race in any country.

WORDS importing the singular number include the plural number, and vice versa, and words importing the masculine gender include the feminine gender.

25.11.19
1.11.24

WORKING DAY means any day of the week other than—

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki and Waitangi Day;

(b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year; and

(c) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday.

1.8.05

WORKOUT means a trotting or pacing race held on a racecourse or course, the programming of which is not approved by HRNZ and **WORKOUTS** and **WORKOUTS MEETING** shall have a corresponding meaning.

(2) Any time provided in these Rules unless the context otherwise requires commences at one minute past midnight of the day of the event and concludes at 4.00 pm on the last day provided save that where the time period expires on a Saturday, Sunday or public holiday then the time shall be extended until 4.00 pm the next working day.

106 (1) A Race Meeting shall be deemed to commence at 7.30 am on the day on which the first race of the meeting is advertised to be run, and to conclude at midnight of the last day of the meeting.

(2) When the last day for doing anything in relation to any race at a meeting falls on a Sunday or public holiday it may be done on the following working day, unless the act to be done relates to a race to be run on the following working day, in which case it shall be done not later than the previous Saturday provided that the provisions of this sub-rule shall not apply to the right of re-entry conferred by Rules 604 and 605.

(3) Any question of the meaning or effect of these Rules shall be determined as follows:-

(a) if such question arises later than one hour prior to the first race on any day of racing, or in the course of proceedings before the Adjudicative Committee, by the Adjudicative Committee, subject to an appeal as provided in these Rules;

(b) if such question arises in the course of an appeal by the Appeals Tribunal;

(c) except as provided in paragraph (a) hereof if such question arises before any person or body during the exercise of any power, function or duty by it pursuant to these Rules by that person or body;

(d) in all other cases by the Chairman who may if he thinks fit obtain legal or other advice before making his decision.

27.8.15

(4) Notification by the purported authority of HRNZ or the Board in the Official Notifications shall be deemed to be notice throughout New Zealand to all persons concerned, of all matters and things so notified.

REGISTRATION OF CLUBS

107 (1) The clubs listed in Part 1 and Part 2 of the First Schedule are declared to be registered under these rules.

20.10.21

(2) The entities listed in Part 3 of the First Schedule are entities recognised as being affiliated to HRNZ or harness racing.

(3) The Chief Executive, subject to any direction by the Board, may update the clubs and entities listed in the First Schedule.

108 deleted 09.10.18

1.8.05 109 No Club other than a Totalisator Club shall hold a race meeting at which racing betting takes place.

110 Deleted 1.11.2023

111 (1) Where any Club commits a breach of these Rules the Judicial Committee may:-

(a) fine such Club a sum not exceeding $5,000.00; and/or

(b) suspend for such period as it fixes or cancel the registration of such Club.

27.8.15 (2) Every such suspension or cancellation shall forthwith be notified in the Official Notifications. In the case of suspension the Register shall be noted accordingly and in the case of cancellation the name of the Club shall be removed from the Register.

(3) On suspension or cancellation as aforesaid the Certificate of Registration shall forthwith be returned to the Chief Executive. In the case of suspension, the Certificate shall be noted accordingly and held by the Chief Executive until the period of suspension has expired and then returned to the Club. In the case of cancellation the Certificate shall be cancelled and retained by the Chief Executive.

27.8.15 (4) If on appeal any such suspension or cancellation imposed by the Judicial Committee is varied, set aside or cancelled, the result of the appeal shall be noted in the Register, endorsed on the Certificate of Registration and notified in the Official Notifications, and the Certificate as so endorsed shall be dealt with as provided in sub-rule (4) of this rule.

1.11.23 112 No Club shall, without the prior approval of the Board, expend any monies received by it except in payment of stakes, in improving the racecourse used by it and the amenities thereof, in the provision of training facilities, in the purchase of equipment, in administration charges, payments of any monies due by it to HRNZ under these Rules or in the interests of harness racing generally or for any patriotic or charitable purposes, or in payment of any debt contracted by it in respect of any of the foregoing purposes and of reasonable interest on any such debt.

KINDRED BODIES

113 deleted 09.10.18

MEETINGS OF HRNZ

114 (1) HRNZ shall exercise or perform any power, duty or function conferred or imposed on it by these Rules only by means of a resolution in that behalf of a duly convened meeting of HRNZ, and every such resolution, other than a special resolution, shall be duly made which is passed by a majority of the valid votes recorded in respect thereof.

27.8.15 (2) Every special resolution of HRNZ shall be notified in the Official Notifications and, except where otherwise specially provided in these Rules, shall take effect as from a date specified in such resolution or where no such date is specified, from the 1st day of August next after the making of the resolution.

UNDESIRABLE PERSONS

115 No person declared by the Board to be an undesirable person shall be employed by any Club or Body bound by these Rules and no person whose employment or engagement by

any Club or Body whether as a paid official or an independent contractor is for any reason declared by the Board to be undesirable as contrary to the interests of harness racing shall be so employed or engaged.

PAID OFFICIALS

116 No paid official of HRNZ or Veterinary Surgeon on whom is imposed by these Rules any function or duty in connection with the conduct or control of harness racing meetings shall bet or be interested in any wager or bet on any harness race in New Zealand.

PROVISION OF INFORMATION TO HRNZ

117 (1) In this rule, to furnish information includes to answer any question, supply any information, produce any document, and provide any explanation.

(2) The chief executive may require any participant to furnish any information within their knowledge or control touching on any matter being considered by HRNZ, the Board, any Board committee, or body appointed by the Board or HRNZ under the Racing Industry Act 2020, the Constitution, or these rules.

1.11.25

(3) No person shall be excused from answering any question, supplying any information, producing any document, or providing any explanation under sub-rule (2) on the grounds that to do so would or might incriminate or tend to incriminate that person in a breach of the rules.

(4) A self-incriminating statement made orally by a person (whether or not the statement is recorded in writing) in the course of answering any question or supplying any information under sub-rule (2), may only be used in evidence against that person in a proceeding relating to a breach of the rules where the person gives evidence inconsistent with the statement or in a proceeding relating to a serious racing offence under rule 1001(1)(i) or (k).

ONLINE APPLICATIONS

118 (1) The Board may approve an on-line form for any application, nomination, notice, notification, permit, or other document under these rules or regulations.

20.06.19

(2) An on-line form may be accessed and submitted to HRNZ through a “My HRNZ” login on the HRNZ website, www.hrnz.co.nz.

(3) The completion of an on-line form shall for the purpose of the Rules:

(a) be an application in writing; and

(b) be conclusively deemed to be completed and signed by the person named as the account holder of the “My HRNZ” login used to submit the on-line form.

20.06.19

(4) Where the rules provide for a fee for any application, nomination, notice, notification, permit, or other document under the rules the Board may prescribe how any applicable fees are paid when an on-line application is submitted.

PART II - STIPENDIARY STEWARDS, RACING INVESTIGATORS AND HANDICAPPERS

APPOINTMENT, FUNCTIONS AND DUTIES OF STIPENDIARY STEWARDS

201 The Board shall from time to time appoint a number of suitable persons to be Stipendiary Stewards, for the purpose of these Rules.

202 The Chairman or the Board may where necessary appoint any suitable person to be a Deputy Stipendiary Steward. Every such Deputy shall for all purposes of these Rules be deemed to be a Stipendiary Steward.

203 (1) No Stipendiary Steward shall be engaged or be interested either directly or indirectly in any business in connection with the ownership, sale, lease or management of any horse registered under or subject to these Rules for breeding and/or racing purposes.

(2) No Deputy Stipendiary Steward shall be engaged or be interested either directly or indirectly in any business in connection with the ownership, sale, lease or management of any harness racing horse racing at a meeting at which he or she officiates provided however that this shall not preclude a Deputy Stipendiary Steward from the ownership or sale of such horse for breeding purposes only or the progeny thereof.

(3) No Stipendiary Steward, or Deputy Stipendiary Steward at a meeting at which he or she officiates, shall bet or have any interest in any bet on any horse or combination of horses taking part in any harness racing race in New Zealand.

(4) The Board may direct that a horse owned by any person who, in the opinion of the Board, has an association with any Stipendiary Steward or Deputy Stipendiary Steward which makes it undesirable that a horse owned by that person should race at a meeting conducted under these Rules, shall be ineligible to be entered for or start in any race and if and for so long as such direction is in force such horse shall be ineligible to be entered for or to start in any race at such meeting.

204 All acts by any Stipendiary Steward shall, notwithstanding any subsequent discovery of some defect in his appointment or that he or she was not qualified for appointment, be as valid as if he had been duly appointed and was under no disability.

205 Every Stipendiary Steward shall at all times be admitted free to all racecourses and to every part thereof and in the performance of his or her duties shall have the right to enter into any building, room or place thereon.

206 Every Stipendiary Steward shall be entitled to attend all meetings, inquiries and investigations held or conducted by the Stewards during the course of a meeting but shall not be entitled to vote on any question to be decided by the Stewards.

207 Stipendiary Stewards shall have such powers and functions as provided by these Rules and such further powers as may be reasonably necessary to enable them to carry out their functions under these Rules and to give effect to and implement these Rules.

208 Every Stipendiary Steward shall ensure a report is provided to the Chief Executive:-

(a) advising the names of all horses examined, tested or from which samples are taken pursuant to these Rules;

(b) advising the result of every investigation, proceeding or hearing and the penalty (if any) imposed for a breach of these Rules;

(c) from time to time relating to:

(i) any improper conduct of persons licensed, registered or holding a permit under these Rules;

(ii) any matters which might influence the Board in granting or refusing or suspending or withdrawing any licence, permit or registration;

(d) within ten days after the conclusion of any race meeting attended by him or her, on such meeting particularly mentioning therein any irregularity or deficiency concerning the racecourse used for, or the racing at, or the conduct of, such meeting.

A Stipendiary Steward may also provide a copy of any report to the Board, or the Committee or Stewards of any Club.

209 deleted

210 (1) Except as may be otherwise expressly provided in these Rules a Stipendiary Steward shall have the power at any time to investigate the following matters arising at or in connection with a race meeting:-

(a) any matter which may result in the laying of an information;

(b) any matter in connection with the driving or running of any horse;

(c) any matter referred to a Stipendiary Steward by the Stewards, Committee of the Club, a Racing Investigator, Chief Executive, Board, Racing Integrity Board or an Adjudicative Committee or Appeals Tribunal;

(d) any question of qualification of persons or horses;

(e) any other matter which in his or her opinion requires investigation.

211 (1) During a race meeting a Stipendiary Steward shall, in addition to all other powers conferred on him by these Rules, have power:-

(a) to regulate and control the conduct of the Officials mentioned in the next succeeding paragraph and of all trainers, drivers and persons attending on horses;

(b) to request the Adjudicative Committee to order the removal of the Judge, Starter, or Clerk of the Course, for the duration of the meeting and to order the appointment of another person to act in the place of the person so removed;

(c) to appoint a deputy of or an assistant to any such official;

(d) in any circumstances in which he considers such action necessary, to order the removal of any driver and substitute another in his place;

(e) to request the Adjudicative Committee to determine any dispute concerning the exercise or proposed exercise by him of any of his powers, duties or functions under these Rules.

(f) to require any driver who has suffered an illness or injury to produce a medical clearance prior to resuming driving at any race meeting.

27.7.13 (g) to determine whether a race meeting or any part of it should be postponed, abandoned or cancelled.

(2) At any time a Stipendiary Steward shall, in addition to all other powers conferred on him by these Rules, have power to:-

(a) question any person and require any person to, supply any information within their knowledge or possession, or to make a written declaration (statutory or otherwise) or statement, respecting any matter connected with harness racing or otherwise being investigated by a Stipendiary Steward or Racing Investigator;

(b) call any person before a Stipendiary Steward, Racing Investigator, an Adjudicative Committee and/or Appeals Tribunal and examine such persons as they think fit or require any person to furnish any information within his knowledge touching any matter under consideration by a Stipendiary Steward, Racing Investigator, an Adjudicative Committee or Appeals Tribunal;

(c) exercise the powers and duties of Racing Investigators.

(3) Every Stipendiary Steward may give evidence and may call, examine, cross-examine and re-examine any witness at any hearing before the Adjudicative Committee, Appeals Tribunal, Board or a Steward.

211A (1) At any time during a race a Stipendiary Steward may stop the race when in the opinion of the Stipendiary Steward to allow the race to continue would place a driver, horses or other persons safety at risk.

23.7.11 (2) A race may be stopped by such means as provided in the Race Meeting and Safety Regulations made by the Board.

27.7.13 (3) After a race is stopped the Stipendiary Steward shall determine if the race should be re-run or abandoned.

212 (1) Stipendiary Stewards shall have power:-

(a) at any time before the driver of any horse is checked out for a race to require from the person in whose name such horse is entered, proof:-

(i) of his or her ownership or other interest entitling him entry of such horse for the race;

(ii) that such horse is not wholly or in part owned by a person whose ownership of such horse would make it ineligible to start in such race;

(iii) that such horse is not otherwise ineligible to start in such race;

(b) to exercise in respect of any horse entered for any race at the meeting the powers conferred by Rule 829 of these Rules;

(c) at any time to detain and/or take possession or allow any person specified by him or her to take possession for such period as he or such person considers necessary or desirable, any horse which has been entered for or started in a race and to examine that horse or order that it be examined by such person or persons as he or she directs and at such time and place as he or she specifies:-

(i) for the purpose of ascertaining whether that horse is the horse it is or was represented to be; or

(ii) for any other purpose he thinks fit.

(d) to require any horse to be produced for inspection, examination or observation by any person specified by him or her at a time and place also so specified;

(e) at any time to order and/or cause a horse to be removed from the Racecourse;

(f) to order the person who entered a horse for any race to declare the name of the owner and the names of all persons interested directly or indirectly in the horse or the horse's stake earnings and if such person fails to prove to the satisfaction of the Stipendiary Steward that the declaration is true in every particular the Stipendiary Steward may file an information requesting the Adjudicative Committee to declare the entry of such horse to be invalid, the money paid for such entry to be forfeited to the Club and the sweepstake (if any) to be forfeited for the race in which the horse is entered;

27.7.13 (g) at any time to require a driver or junior driver or the holder of a Driver's Licence to permit a sample to be obtained from him by or under the supervision of a registered medical practitioner or by an authorised person at such time and place as the Stipendiary Steward shall nominate.

(h) to determine any matter arising from the application of the Scratching Penalties Regulations.

213 (1) A Stipendiary Steward at any time may scratch from a race or declare ineligible to start in a race until a specific condition is met any horse on all or any of the following grounds:-

(a) that the horse is not in a fit condition or state to race or is unable to start without unreasonable delay;

(b) that the horse has a contagious or other disease;

(c) that the horse has had or may have had administered to it a prohibited substance;

(d) that the horse has had or may have had used on it or in relation to it any gear, appliance or device not previously approved by the Board, or such gear, device or appliance is available for use;

(e) that the horse's behaviour at the start, barrier or during the running of any race is or was unsatisfactory;

(f) that the horse is about to race with any ear twitch or lip twitch;

(g) that the horse is about to race with equipment which is faulty or unsafe if it cannot be immediately replaced by the trainer or driver;

(h) that the horse is not eligible to enter or start in a race;

1.11.25 23.7.11 (i) that the horse has suffered an episode of epistaxis, which is the appearance of an attack of nasal bleeding from one or both nostrils. The period the horse is ineligible to start shall be a period of 30 days following the first episode of epistaxis, 90 days following the second episode of epistaxis, and for life following the third episode of epistaxis. The period of ineligibility may be extended following a Stipendiary Steward receiving a report from a veterinary surgeon.

(j) if a horse was denied a fair start and such occurrence materially prejudiced the chances of that horse.

20.10.21

(k) If there are other reasonable circumstances which, in the opinion of a Stipendiary Steward, warrant that horse being scratched.

1.11.26 (1A) Notwithstanding the provisions of Rule 213(1)(c) a Stipendiary Steward shall scratch or declare ineligible to start in any race any horse which has on analysis of a pre-race blood sample taken from it a blood total carbon dioxide (TCO_2) level greater than such level as may be set from time to time by the Board.

1.11.24 (2) Where any horse is scratched from a race or declared to be ineligible to start in a race the Club concerned may refund to the owner all fees paid by the owner in respect of such horse in such race except when the terms or conditions of the race state the fees shall not be refunded.

(3) At any time after 10 minutes before the official start time appearing in the race book of the race no dispute as to the exercise or proposed exercise of Stipendiary Steward's power pursuant to sub-rule (1) hereof or Rule 211(1) hereof shall be referred to the Adjudicative Committee for determination.

(4) A Stipendiary Steward following such scratching or declaration may request the Adjudicative Committee to determine whether a driver engaged to drive such horse should be paid a losing driver's fee.

1.11.24 (5) A Stipendiary Steward shall not scratch a horse from a race that is placed first, second, third, or fourth, including after the determination of any protest, regardless of any rule to the contrary.

214 (1) After withdrawals close for a race meeting a Stipendiary Steward has the power, before and during the race meeting in relation to any horse that has been entered for a race at the meeting to order:

1.11.26
(a) that any person take and maintain control of a horse at any place, for such period, and under such conditions as the Stipendiary Steward may direct; and
(b) that any such horse be examined, have a sample or samples taken from it, or both.

(2) Any such sample ordered to be taken shall as far as practicable be taken in accordance with the Swabbing Instructions or other direction (if any) from the Board in force at the time of the order.

(3) Any such sample taken shall be sent to a laboratory for analysis of the sample which analysis shall include any further or subsequent analysis as agreed or directed by the Chief Executive.

(4) Failure to comply with these Rules or any such Swabbing Instructions or other direction shall not invalidate the analysis of any sample, or any proceeding related thereto, if in the opinion of the Adjudicative Committee there has been substantial compliance with the Rules and/or any such Swabbing Instructions or other direction.

215 (1) Except where pursuant to Rule 213(1) a horse is scratched from a race or declared ineligible to start in the race, where in relation to any horse an inspection, examination, observation, test or sample taken from the horse indicates that a prohibited substance may have been administered to it and while an investigation or proceeding relating thereto has commenced or is being conducted, subject to the provisions of Rule 213 hereof such horse may be permitted to start in races until the determination of the investigation and proceeding.

(2) Where the inspection, examination, observation, testing or sample taken from a horse indicates that a prohibited substance may have been administered a further blood or urine sample must be taken from the horse each time it races until the further blood or urine sample taken is free of any prohibited substance.

(3) The provisions of sub-rule (2) may be waived in respect of a horse which has or may have had bicarbonate or other alkaline substances administered to it.

216 (1) A Stipendiary Steward may at any time after a race meeting review the running of any horse at the race meeting in connection with its running:-

(a) in any previous race at the meeting;

(b) in any race held prior to the race meeting; or

(c) in any race held subsequent to the race meeting.

(2) A Stipendiary Steward may, if he thinks fit, order:-

(a) any driver selected by him to try a horse;

(b) the owner, trainer or other person having charge of a horse at a meeting to produce it for the purpose of such trial at such time and place as the Stipendiary Steward requests.

217 (1) If any horse is so injured on a racecourse during a Race Meeting that in the opinion of a Stipendiary Steward, the destruction of such horse is advisable to save it unnecessary suffering, a Stipendiary Steward, on the recommendation of the Veterinary Surgeon appointed by the Club or, if there is no Veterinary Surgeon appointed or present, of his own motion and without in either case being required to receive representations from or to obtain the consent of the owner or representative of the owner of such horse, may order such horse to be destroyed by such person as he considers suitable. For the purpose of this Rule the term "owner" shall be deemed to include any person who is registered as the holder of a Joint Interest in such horse. Harness Racing New Zealand, the Racing Integrity Board, a Stipendiary Steward, Club, the Stewards or any other officer or employee of the Club, a veterinary surgeon appointed by the Club, or any other person ordered or
permitted by the Stipendiary Steward to destroy such horse shall not be liable for any loss suffered by any person as a result of or in connection with the destruction of such horse or any such order or recommendation as is referred to in the first sentence of this sub-rule.

(2) A Stipendiary Steward may order that a post-mortem examination be carried out in respect of any horse which dies or is killed on a racecourse.

APPOINTMENTS, FUNCTIONS AND DUTIES OF RACING INVESTIGATORS

218 The Board shall from time to time appoint such number of suitable persons as it deems necessary to be Racing Investigators, for the purpose of these Rules.

219 The Chairman or the Board may where necessary appoint any suitable person to be a Deputy Racing Investigator. Every such Deputy shall for all purposes of these Rules be deemed to be a Racing Investigator.

220 (1) No Racing Investigator shall be engaged or be interested either directly or indirectly in any business in connection with the ownership, sale, lease or management of any horse registered under or subject to these Rules for breeding and/or racing purposes.

(2) No Deputy Racing Investigator shall be engaged or be interested either directly or indirectly in any business in connection with the ownership, sale, lease or management of any harness racing horse racing at a meeting at which he or she officiates provided

however that this shall not preclude a Deputy Racing Investigator from the ownership or sale of such horse for breeding purposes only or the progeny thereof.

(3) No Racing Investigator, or Deputy Racing Investigator at a meeting at which he or she officiates, shall bet or have any interest in any bet on any horse or combination of horses taking part in any harness racing race in New Zealand.

(4) The Board may direct that a horse owned by any person who in the opinion of the Board, has an association with a Racing Investigator or Deputy Racing Investigator which makes it undesirable that a horse owned by that person should race at a meeting conducted under these Rules shall be ineligible to be entered for or to start in any race and if and for so long as such direction is in force such horse shall be ineligible to be entered for or started in any race at such meeting.

221 All acts by any Racing Investigator shall, notwithstanding any subsequent discovery of some defect in his appointment or that he was not qualified for appointment, be as valid as if he or she had been duly appointed and was under no disability.

222 deleted

223 (1) Every Racing Investigator shall at all times be admitted free to all racecourse enclosures and to every part thereof and in the performance of his or her duties shall have the right to enter any building, room or place thereon.

(2) Every Racing Investigator shall be entitled to attend all meetings, inquiries and investigations held or conducted by the Stewards during the course of a meeting but shall not be entitled to vote on any question to be decided by the Stewards.

(3) Every Racing Investigator shall be entitled to enter upon the property of any licensed person and enter any building, room or place thereon used in connection with the training or breeding of horses when exercising their power under these Rules.

224 Racing Investigators shall have such powers and functions as provided by these Rules and such further powers as may be reasonably necessary to enable them to carry out their functions under these Rules and to give effect to and implement these Rules.

225 For the purpose of these Rules, where applicable, every Racing Investigator shall be deemed to be the duly authorised officer or agent of the Stewards at every race meeting at which he is officially present.

226 (1) All Racing Investigators have the duty and the power to:-

(a) exclude and/or remove from any racecourse any person excluded or prohibited from having admission or entry thereto under these Rules or by any Rules made by HRNZ under s 40 of the Racing Industry Act 2020;

(b) take such steps as may be reasonably practicable to prevent undesirable persons from having any connection with or influence on:-

(i) harness racing;

(ii) race meetings;

(iii) any licensed persons.

(c) investigate any matter which is at any time referred to him or her by the Stewards or Committee of a Club, the Chief Executive, the Board, Racing Integrity Board, an Adjudicative Committee, Appeals Tribunal or a Stipendiary Steward;

(d) subject to sub-rule (2) hereof, investigate any matter which in his opinion requires investigation.

(2) Every Racing Investigator may and shall have the power to:-

(a) at any time including during a race meeting, exercise the powers and duties of a Stipendiary Steward;

(b) question any person and require any person to supply any information within their knowledge or possession, or make a written declaration (statutory or otherwise) or statement, respecting any matter connected with harness racing or otherwise being investigated by him or her;

(c) to call any person before a Stipendiary Steward, Racing Investigator, an Adjudicative Committee and/or an Appeals Tribunal and examine such persons as they think fit or require any person to furnish any information within his knowledge touching any matter under consideration by a Stipendiary Steward, Racing Investigator, an Adjudicative Committee or an Appeals Tribunal;

27.7.13 | (d) to require a driver or junior driver or the holder of a Driver's Licence to permit a sample to be obtained from him by or under the supervision of a registered medical practitioner or by an authorised person at such time and place as the Racing Investigator shall nominate.

(3) Every Racing Investigator may give evidence and may call, examine, cross-examine and re-examine any witness at any hearing before the Adjudicative Committee, Appeals Tribunal, Board or a Steward.

227 A Racing Investigator may:-

(a) request any Stewards or Committee of any Club to exercise any power of a Racing Investigator pursuant to Rule 226(1)(a) hereof;

(b) require the Stewards or Committee of any Club to investigate any matter reported by him to them, and the Stewards or Committee shall thereupon investigate such matter.

228 (1) Every Racing Investigator shall ensure a report is provided to Chief Executive:-

(a) advising the result of every investigation, proceeding or hearing, and the penalty (if any) imposed for a breach of these Rules;

(b) from time to time relating to:-

(i) any improper conduct of persons licensed, registered or holding a permit under these Rules;

(ii) any matter which might influence the Board in granting or refusing or suspending or withdrawing, any licence, permit or registration.

(a) within ten days of the conclusion of any race meeting attended by him or her, on any irregularity or deficiency concerning the racecourse used for, for the racing at, or the conduct of, such meeting.

228A The Chief Executive of the Racing Integrity Board, a Stipendiary Steward, Racing Investigator or Chief Executive may publicly announce or report to a representative of the news media the progress or outcome of any investigation or inquiry, or steps taken pursuant to the Rules.

228B Every person to whom these Rules applies agrees not to take any action or proceedings seeking damages against a Stipendiary Steward, Racing Investigator, Club, Harness Racing New Zealand, Racing Integrity Board (or any person authorised by any of them to act under these Rules nor any employee or agent of any of them) when the alleged cause of action arose by reason or as a consequence of the exercise of a power or powers conferred hereby or by any other Rule or Regulation.

228C A Stipendiary Steward, Racing Investigator, Club, Harness Racing New Zealand, Racing Integrity Board (or any person authorised by any of them to act under these Rules nor any employee or agent of any of them) shall not be liable in damages to the owner or trainer of such horse or to any other person subject to these Rules at the time when the alleged cause of action arose by reason of the exercise of the powers conferred by these Rules or any Regulation.

HANDICAPPERS

229 (1) The Chief Executive shall from time to time appoint a number of suitable persons as it deems necessary to be Handicappers.

(2) Every Handicapper shall:-

(a) be appointed subject to such terms and conditions as the Chief Executive imposes;

(b) be paid such salary or other remuneration as the Chief Executive from time to time determines;

(c) be under the supervision and control of the Chief Executive and obey all reasonable orders and instructions from time to time given to him by the Chief Executive.

230 (1) No Handicapper or his spouse shall be engaged or be interested either directly or indirectly in any business in connection with the ownership, sale, lease or management of any horse registered under or subject to these Rules for breeding and/or racing purposes.

(2) No Handicapper shall bet or have any interest in any bet on any horse or combination of horses taking part in any harness racing race in New Zealand.

(3) The Board may direct that a horse owned by any person, who in the opinion of the Board, has an association with the Handicapper which makes it undesirable that a horse owned by that person should race at a meeting conducted under these Rules, shall be ineligible to enter for or to start in any race and if and for so long as such direction is in force such horse shall be ineligible to be entered for or started in any race at such meeting.

231 (1) The duties of the Handicappers shall be to frame the handicaps for all races run under these Rules and to assess marks for individual horses in accordance with the system of handicapping for the time being in force, having regard in the case of any particular race to the special conditions (if any) approved for that race by the Board in passing the programme of the meeting.

(2) No person other than a Handicapper appointed as aforesaid or a duly appointed substitute Handicapper shall frame the handicap of any race run under these Rules

(3) If at any time the Handicapper becomes aware that any horse is ineligible for a race under his consideration he shall so declare it in the official handicaps.

232 (1) If no official Handicapper is available to handicap for any race or races, the Chief Executive may appoint some suitable person to be a substitute Handicapper who, for such race or races only, shall for all purposes be deemed to be an official Handicapper.

(2) No such substitute Handicapper shall frame the handicap for any race for which there is entered any horse in the ownership of which he is directly or indirectly interested, or bet or be interested in any wager or bet on any race for which he frames the handicap.

233 (1) No person shall approach any Handicapper for any other purpose than to ascertain the mark on which any horse owned or trained by him is assessed, or in any way attempt to influence the Handicapper in the matter of the Handicapping of any horse, but any owner or trainer may apply in writing to the Chief Executive for an explanation of the handicapping of any horse owned or trained by him.

PART III - LICENSED PERSONS

GENERAL AS TO LICENSED PERSONS

301 The Board is hereby charged with the duties of:-

(a) receiving, considering and granting or refusing all applications for :-

(i) Starters' and Judges' Licences;

(ii) Public Trainers' Licences;

(iii) Licences to Train;

(iv) Drivers' Licences;

27.7.13 Effective 1.8.2014

(v) Assistant Trainers Licences;

(vi) Stablehand's Licences.

(b) controlling and supervising the conduct of all licensed and other persons coming within its jurisdiction;

(c) prohibiting undesirable persons being employed in or about any stable or otherwise in connection with the training of horses;

(d) doing all other things which it is required or empowered to do by these Rules in relation to licensed persons;

301A The Board may from time to time make regulations relating to:

(a) The form of, consideration of, granting, or refusing to grant an application for a licence.

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(b) The imposing, amending, or deleting any conditions or restrictions on a licence.

(c) The cancellation, withdrawal, or suspension of a licence.

(d) The obligations of a holder of a licence.

302 (1) No Licence under this Part of these Rules shall at any time be issued to any person who:

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(aa) is not considered fit, proper, and of suitable character;

(a) is or has been a bookmaker or a bookmaker's clerk or agent unless the Board specially exempts such person from the operations of this paragraph of this Rule;

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(b) is a person prohibited from admission to Racecourses pursuant to Rules made by Clubs under section 40 of the Racing Industry Act 2020;

(c) is a person undergoing a period of disqualification imposed under these Rules or the former Rules of Harness Racing or by any recognised Harness Racing Club, Racing Club, Authority or Body in New Zealand or in any other country;

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(d) is a person whose name is notified in the Official Notifications in respect of any entry in the Unpaid Forfeit List or in the Official Calendar of New Zealand Thoroughbred Racing in respect of any entry in the Unpaid Forfeit List;

(e) is a person who at any time has been disqualified for a serious racing offence or corrupt or fraudulent practice under the former Rules of Harness Racing unless such

disqualification has been reversed on appeal or the Board specially exempts such person from the operation of this Rule.

1.8.98 (2) Any licence issued to a person who becomes subject to a disability referred to in sub-rule (1) hereof shall be automatically revoked except in the disability referred to in paragraph (d) thereof in which case such revocation of the licence shall not take effect until the expiration of seven days after entry in the list.

303 (1) No person who is disqualified or ineligible to apply for a licence shall apply for that licence.

1.11.23 (2) No person or body to whom these rules apply shall:

(a) misconduct themselves; or

(b) fail to comply with any request, direction, or instruction of any Stipendiary Steward, Racing Investigator, Starter, race-day veterinarian, or paid official.

304 No person who holds a licence pursuant to these Rules shall disclose information to members of the public relating to the past performance or future prospects of a horse in any race to any person where the person holding the licence either directly or indirectly receive payment for that information.

305 Every person who holds a permit or licence under these Rules and every owner, driver, trainer or person in control of a horse shall:-

(a) report to the Stipendiary Steward in writing as soon as practicable and in any event no later than one hour before the advertised starting time of a race, any condition which may affect the running of a horse in a race;

(b) report to the Stipendiary Steward as soon as practicable anything which might have affected the running of a horse in a race;

1.8.96 (c) report to the Stipendiary Steward as soon as practicable anything which might have any bearing in the past or the future running of the horse which came to their notice after leaving the course.

25.11.19 (d) report in writing to HRNZ as soon as practicable any surgery or procedure performed on a horse listed in the Notifiable Surgeries and Procedures Regulations made by the Board.

306 A trainer of a horse entered to start in a race who is not present at the race meeting with the horse must notify the Secretary of the Club conducting the race-meeting, or in the Secretary's absence the Stipendiary Steward, at least one hour prior to the first race of that meeting the licensed person who shall be in control of the horse and present at the race-meeting. Nothing in this rule shall affect any other rule so far as it relates to a person in apparent control of a horse.

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307 Every Owner and Trainer shall promptly notify the Chief Executive the name of any horse upon whom a neurectomy has been performed.

STARTERS' AND JUDGES' LICENCES

308 (1) Subject to the provisions of sub-rule (3A) hereof no person shall, save as provided in Rule 309 hereof, be employed by any Club or body to perform the duties of Starter or Judge

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under these Rules unless he is the holder of a Starter's Licence or a Judge's Licence as the case may be.

1.8.02 (2) Every application for either such licences aforesaid shall be in the prescribed form and shall be forwarded to the Chief Executive, together with such fee as the Board from time to time prescribes.

(3) Deleted 9 August 2014

(3A) Deleted 9 August 2014

(4) Every Starter's and Judge's Licence shall continue in force until the end of the racing year in which it is issued.

(5) The succeeding provisions of this Part of these Rules with regard to Renewals of Licences shall in their application to Renewals of Starters' and Judges' Licences, be subject to such modifications as the Board from time to time directs.

309 If the Starter or Judge named in an approved programme of any Club or Body is for any reason unable or refuses to perform his duties at the meeting, the Stipendiary Steward may, prior to or during the meeting, if no other licensed Starter or Judge is available, appoint any suitable person to be a Substitute Starter or Substitute Judge for such meeting or the remainder thereof as the case may require but nothing in this Rule shall derogate from the powers of the Stipendiary Steward under Rule 211(1)(b).

310 (1) No person acting as a Starter or Starter's Assistant or Judge or Judge's Assistant or duly appointed substitute therefore either as a Paid Official or in an honorary capacity shall:-

(a) officiate at any race meeting at which there is competing any horse in the ownership of which he is directly or indirectly interested unless he has the prior consent of the Stipendiary Steward; or

(b) bet or be interested in any wager or bet on any race at any race meeting where he is officiating.

TRAINERS' AND DRIVERS' LICENCES

Special as to Trainers' Licences

311 (1) A Public Trainer's Licence under these Rules shall not be granted to any person who, though not disqualified under Rule 302 hereof:-

(a) is under the age of 18 years; or

(b) is a paid official of a Club or a Racing Club on whose programme there is any harness racing event; Provided however that the Board in exceptional circumstances and with the approval of the employer may permit any person employed by a Club to hold a trainers licence; Provided further that the operation of such licence shall in no way interfere with that person's official duties.

(2) No person not otherwise disqualified or ineligible shall be granted a Public Trainer's Licence unless:-

(a) he has previously held such a licence; or

(b) he has been employed for at least two years in a licensed trainer's stable or otherwise satisfies the Board as to his fitness to train and properly gear a horse for a race; or

(c) he holds or has held a Public Trainer's Licence from any recognised Racing or Harness Racing authority and satisfies the Board as to his fitness to train and properly gear a horse for a race.

(3) A Public Trainer's Licence or a Licence To Train shall not be granted to any person who does not satisfy the Board by the production of acceptable written evidence that he is financially sound and of good character.

(4) No trainer shall carry on business in partnership with any other trainer unless on written application to the Board approval has been given by the Board for such trainers to carry on business in partnership.

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(5) Every trainer who applies and who carries on business in partnership shall comply with and be bound by the Training Partnership Regulations approved by the Board from time to time.

312 (1) A Licence to Train licence shall not be granted to any person who, though not disqualified under Rule 302 hereof:-

(a) is under the age of 18 years.

(2) No person not otherwise disqualified or ineligible shall be granted a Licence to Train licence unless:-

(a) he has previously held such a licence; or

(b) he satisfies the Board as to his fitness and ability to train and properly gear a horse for a race.

Special as to Drivers' Licences

313 (1) A Driver's Licence shall not be granted to any person who, though not disqualified under Rule 302 hereof:-

(a) is under the age of 16 years; or

(b) is a paid official.

(2) Any person applying for a licence who is required to do so by the Board shall undergo a full medical examination conducted by a registered Medical Practitioner of the Board's choice. Such medical examination shall include testing of the applicant's eye sight and the applicant shall consent to the Board receiving full details of the result of that examination before it reaches a decision on the granting or refusing of the licence applied for. Such medical examination may be required to be completed annually by the applicant as the Board may in its discretion determine. The Board may grant the licence applied for or it may, in its discretion without any reason therefore refuse to grant the same.

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(3) No person not otherwise disqualified or ineligible shall be granted a Driver's Licence unless:-

(a) he has previously held such a licence; or

(b) he has previously held a Trainer's Licence or a Driver's Licence from any recognised Racing or Harness Racing authority, and he satisfies the Board as to his ability to drive a horse in a race; or

(c) not having previously held such a licence as aforesaid he satisfies the Board as to his ability to drive a horse in a race.

(4) The Board may from time to time impose, amend or delete classifications, conditions or restrictions upon driver's licences relating to the races and/or race meetings that they may compete in.

(5) No Driver's Licence shall be issued to any person unless the Chief Executive has previously received from that person his written consent to a sample being obtained from him by or under the supervision of a registered medical practitioner or by an authorised person if and whenever that person is required by a Stipendiary Steward or Racing Investigator to permit such a sample to be so obtained and such consent has not thereafter been withdrawn.

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(6) Every driver shall permit a sample to be obtained from him by or under the supervision of a registered medical practitioner or by an authorised person at the time or place nominated by a Stipendiary Steward or Racing Investigator.

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Applications for and Granting of Trainers' and Drivers' Licences

314 (1) Every person desiring to obtain any Trainer's or Driver's Licence shall make application in that behalf in the prescribed form.

(2) Such application shall be forwarded to the Chief Executive with such particulars in addition to those contained in the prescribed form as the Board may require, and shall be accompanied by the licence fee and contributions prescribed by the next two succeeding sub-rules and in the case of an applicant for a Driver's Licence if the Board so requires by a medical certificate satisfactory to the Board of fitness to drive.

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(3) The fee which shall be paid in respect of every application for a licence shall from time to time be determined by the Board.

(4) The contributions to the Sulky Fund which shall accompany every application for a licence shall be at such amount as the Board shall from time to time prescribe in respect of an application for a Trainer's Licence and/or a Driver's Licence.

(5) The Board shall pay into the Provident Fund such proportion of the amounts received by it as Licence Fees under this Rule as may from time to time be decided on under Rule 1510 hereof.

(6) Any person being the holder of a Trainers Licence or a Metropolitan Driver's Licence, or the equivalent thereof issued by an official Australian Harness Racing organisation shall, upon establishing to the satisfaction of a Stipendiary Steward that he is the holder of such licence and that the licence is current and valid, be entitled to train or drive a horse in New Zealand for a period not exceeding 6 weeks and for the purpose of these Rules he shall be deemed to be the holder of a Public Trainers Licence, Licence to Train or Driver's Licence as the case may be. A person being the holder of a driver's licence other than a metropolitan driver's licence or equivalent thereof issued by an official Australian Harness Racing organisation shall, upon establishing to the satisfaction of a Stipendiary Steward that he is the holder of such a licence and that the licence is current and valid be entitled only to drive at trial meetings. Provided that nothing in this Rule shall preclude such person from applying for a driver's licence pursuant to these Rules.

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(7) Every licence issued to a driver shall contain, or if it does not contain shall be conclusively presumed to contain, a condition that the person to whom the licence is issued shall, whenever he is required to do so by a Stipendiary Steward or Racing Investigator, permit a sample to be obtained from him by, or under the supervision of, a registered medical practitioner or by an authorised person (at such time as shall have been nominated by the Stipendiary Steward or Racing Investigator).

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(8) Every person who applies for a Driver's Licence shall be deemed to accept all the conditions or restrictions imposed by or under these Rules and (without prejudice to the generality of this sub-rule) to be debarred from questioning or disobeying or taking any legal action against the Stipendiary Steward or Racing Investigator or against a Club, or any person who was at any material time a member thereof, arising out of or in connection with or as a consequence of a sample having been obtained from him by or under the supervision of a registered medical practitioner or by an authorised person pursuant to a requirement of a Stipendiary Steward or Racing Investigator.

27.7.13

315 The Board shall:-

(1) for the purposes of this Rule create Advisory Licensing Committees in such areas as it deems fit.

(2) upon the receipt of any application for a new Licence forward a copy of the application to the Advisory Licensing Committee in the area in which the applicant resides and the Advisory Licensing Committee shall thereupon report to the Board upon the suitability of the applicant to hold the Licence applied for.

(3) in the case of an application for a new Licence upon receipt of the report from the Advisory Licensing Committee, or in the case of any other application for a Licence received by it upon receipt of such application consider the application and where the applicant is eligible under these Rules to hold the Licence applied for may:-

(a) grant the same subject to such conditions or restrictions if any as it thinks fit to impose; or

(b) in the case of an applicant for a Driver's Licence require him to produce a satisfactory medical certificate of fitness to drive; or

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(c) in its discretion without assigning any reason therefore refuse to grant the same, and shall refuse to grant the same while any monies are owing by the applicant to HRNZ in respect of any of its operations.

316 (1) Every Licence granted as aforesaid shall be issued by the Chief Executive to the person entitled thereto, in the prescribed form and the conditions or restrictions set out in such form and any other conditions or restrictions, subject to which such Licence may have been granted, shall be observed and have force and effect as if they were embodied in these Rules.

(2) The Chief Executive shall keep a register containing a list of all Licences issued under this Part of these Rules and shall duly enter in such register particulars of all Licences which become void or are cancelled or suspended or withdrawn and such list shall be open to inspection by any person.

317 (1) While any Public Trainer's Licence remains in force the holder thereof shall be entitled to train any horse for monetary reward, subject to the conditions and restrictions thereof.

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(2) While a Licence to Train remains in force the holder thereof shall be entitled, subject to the conditions and restrictions imposed by the Board, to:-

(a) train any horse which is owned or leased solely by the holder;

(b) train for monetary reward any horse:-
(i) owned or leased in conjunction with or solely by close relatives; or

(ii) owned by his employer or an employee in his stable.

(c) train up to four other horses at any one time.

(3) For the purposes of this rule, close relative shall mean a person's spouse, father, father-in- law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in- law, sister, sister-in-law, and grandparent.

318 (1) Every new application for Trainer's or Driver's Licence under this part of these Rules shall -

(a) in the case of a Driver's Licence come into force upon the date upon which it is granted; and

(b) in the case of a Trainer's Licence when granted may at the discretion of the Board be deemed to have come into force on the day upon which the application referred to in Rule 314 hereof was received by the Chief Executive.

(2) Unless granted for a period expiring at an earlier date, and if not sooner voided, cancelled or withdrawn, every such licence shall continue in force until the 31st day of July next following the issue thereof and subject to Rule 323 hereof shall then expire.

(2) A trainer's licence shall be for a property or properties occupied by the licensee and included in the application and should a change of property occur, the trainer shall notify the Chief Executive of such change within 14 days and an application for an amendment to the licence shall be required without fee.

318A Deleted 25.11.19

STABLEHAND'S LICENCES

319 (1) Any person in the employment of any Owner or Trainer as a Stablehand shall in the prescribed form lodge with the Chief Executive within one month after the commencement of such employment an application for a Licence authorising him to be so employed, and shall forward with such application the fee, if any, for the time being payable under Rule 1509 hereof.

(2) The Board may grant such Licence upon such conditions as it may see fit to impose, or may, in its discretion without assigning any reason therefore, refuse the same.

(3) Upon the granting of such Licence and during the currency thereof such Stablehand shall be deemed for all purposes of these Rules to be registered.

(4) The succeeding provisions of this Part of these Rules relating to Renewals of Licences shall in their application to Renewals of Stablehand's Licences be subject to such modifications as the Board from time to time directs.

(5) The foregoing provisions of this Rule shall apply to all persons 15 years of age or over whether employed in a full or part time capacity.

320 No Owner or Trainer shall employ in or about his stable any paid Stablehand for a period of more than one month unless such Stablehand is registered in accordance with Rule 319(1) hereof or has made application for such registration.

RENEWAL OF LICENCES

321 (1) No later than the 30th day of June each year every holder of a licence then in force under this Part of these Rules who desires to obtain a renewal thereof for the next succeeding

year shall make application to the Chief Executive for a new licence on the appropriate renewal licence form.

(2) Every applicant for the renewal of any such licence whose application reaches the Chief Executive later than 30 June shall pay a penalty fee to be determined by the Board.

322 (1) In dealing with any application for renewal the Board shall have the same power as it has with respect to applications for new Licences.

(2) Every Licence issued in renewal shall be in the same form as the existing Licence, and the foregoing provisions of this Part of these Rules, with respect to conditions and notification and effect and duration of existing Licence shall apply thereto, save that in no case shall any such Licence in renewal take effect from any earlier date than the day following the expiration of the existing Licence.

323 In every case where an application for renewal of a Licence having been lodged is not determined on or before the 31st day of July, the Licence shall remain in force until the application for renewal is determined provided that the application has been accompanied by the full fee payable for the renewal. Where an application for a renewal is not lodged before the 31st July, the Board may, upon payment by the applicant of a Penalty Fee, to be determined by the Board together with the full renewal fee, antedate such Licence to the 1st August and in any such case the Licence previously issued to the applicant shall be deemed to remain in force until the application for renewal is granted.

VOIDING, CANCELLATION AND WITHDRAWAL OF LICENCES

324 (1) The Board may, in its discretion, at any time cancel, withdraw, suspend, or impose, amend or delete any conditions or restrictions upon any licence for such period during the currency thereof as it thinks fit, giving seven days notice of its intention to do so.

20.10.21 (1A) Where the Board has or is to give notice under sub-rule (1) the Chief Executive, or his or her nominee, may (subject to any direction given by the Board) suspend a person's licence pending the Board's decision.

(2) On being notified of the cancellation, withdrawal, or suspension of his Licence the holder thereof shall forthwith return the same to the Chief Executive who:-

(a) in case of cancellation or withdrawal, shall note the Licence and the appropriate register, if any, and retain the same; or

(b) in case of suspension, shall note the Licence and the appropriate register, if any, and hold the same until the period of suspension has expired and then return it to the holder.

(3) Every person shall, on demand by the Chief Executive, return his Licence for the purpose of sub-rule (2) hereof within fourteen days after the date of such demand and shall be ineligible to obtain another licence or certificate until such first mentioned licence is returned.

REGULATIONS

325 The Board may from time to time make such Regulations not inconsistent with these Rules as it deems necessary or desirable for the purpose of the more effectual carrying out of the provisions of this Part of these Rules and, in particular, Regulations relating to the description, nature and classification of Licences, the applications and qualifications therefore, the renewal thereof, and the general operation, control and regulation thereof and the control of licensed persons.

DELEGATION

326 (1) The Board may in writing, either generally or specifically, delegate any of its functions and powers under this Part III of the rules to the licensing committee except the power to set fees.

(2) When a delegation is made to the licensing committee it may perform or exercise the delegated functions or powers in the same manner and with the same effect as if they had been conferred directly, and not by delegation.

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(3) Sub-rule (2) is subject to any general or special directions given or conditions imposed by the Board.

(4) A licencing committee purporting to act under a delegation is presumed, in the absence of proof to the contrary, to be acting in accordance with the terms of the delegation.

(5) A delegation:
(a) may not include a power to further delegate any function or power;
(b) is revocable at will in writing;
(c) continues in force according to its terms until it is revoked, despite any change in the membership of the Board or of any committee; and
(d) does not prevent the performance or exercise of any function or power by the Board.

PART IV - HORSES, OWNERS AND COLOURS, TRAINERS AND DRIVERS

GENERAL AS TO HORSES

401 (1) The age of every horse foaled on or after 1 January and before 1 August in a calendar year shall become a one-year old on 1 January in the next calendar year in which it is foaled.

20.10.21 (2) The age of every horse foaled on or after 1 August in a calendar year and before 1 January in the next shall become a one-year-old on 1 January in the next but one calendar year in which it is foaled.

(3) After a horse has become a one-year-old it shall age one year on the 1st January in each year thereafter.

1.11.24 402 A horse is not eligible to enter or start in a workout, trial, or race unless it is eligible or qualified under the Qualifying Regulations made by the Board

403 (1) The horses mentioned in sub-rule (2) of this Rule are hereby:-

(a) prohibited from being trained upon any racecourse or training track owned or occupied by, or in any way under the jurisdiction of any Club;

(b) declared to be ineligible to be entered for or to start in any race.

(2) The horses that shall be subject to the disabilities of contained in sub-rule (1) of this Rule are the following:-

(a) any horse affected by any unregistered Joint Interest: Provided that nothing in this paragraph shall prevent a horse under the age of two years from being entered in any race before registration of a Joint Interest affecting it;

(b) any disqualified horse during the period of its disqualification;

1.8.02 (c) any horse owned by, or owned by an approved company of which any director, secretary, or registered racing manager is:-

(i) a person undergoing a period of disqualification imposed under these Rules or the former Rules of Harness Racing or the Rules of Racing or the Rules of the New Zealand Greyhound Racing Association Incorporated, or by any recognised Harness Racing Club, Racing Club, Authority or Body in any other country;

(ii) a trainer whose licence, permit or registration is suspended;

27.8.15 (iii) a person whose name appears for the time being in the Unpaid Forfeit List or in the Official Notifications in respect of an entry in such or in the Unpaid Forfeit List of New Zealand Thoroughbred Racing;

(iv) a person whose last Public Trainer's Licence, Licence to Train or Driver's Licence was cancelled;

(v) a person who is, or has at any time been convicted of carrying on the business or occupation of a bookmaker or bookmaker's agent or clerk;

1.8.03 (vi) a person prohibited from entering upon a Racecourse by Rules made by Harness Racing New Zealand under s 40 of the Racing Industry Act 2020 and duly approved and gazetted;

(vii) any person who for the time being is a Stipendiary Steward, Racing Investigator or Handicapper employed by Harness Racing New Zealand and in respect of a race meeting held by a Club a person engaged by that club as a Swabbing Veterinarian or his assistant. Provided that where an appointment is for a particular race meeting only, the restriction shall only apply to that race meeting and paragraph (a) of sub-rule (1) shall not apply;

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(d) any horse blind in an eye unless it has trialled to the satisfaction of the Stipendiary Steward and a certificate to this effect has been issued;

(e) any horse the registration of which has been refused or cancelled under Rule 407 hereof;

(f) any horse on one or more of the legs of which the operation of neurectomy has been performed;

(g) any horse owned or trained by a Trainer during a period of disqualification or suspension of that person's Licence;

(h) any horse which has not been in the hand of, direct charge of and care of a licensed trainer for at least four weeks prior to the date for fixing of withdrawals in the race;

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(i) any horse which has been transferred by an owner, trainer, or an approved company of which any Director, Secretary, or Registered Racing Manager, who is disqualified or liable to a period of disqualification in proceedings commenced under these rules unless such transfer has been approved by the Chief Executive or the Board.

(j) any horse transferred, by a trainer who is to be disqualified or is disqualified, to another trainer who occupies, uses or intends to use the same property as such disqualified trainer;

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(k) any horse which has had extracorporeal shock wave therapy or treatment, or similar procedure within 7 days of the start of the race.

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(l) any horse upon which a tracheotomy operation has been carried out.

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(m) any mare or filly after day 120 of its pregnancy. A trainer shall notify Stipendiary Stewards in writing as soon as practical:
(i) the pregnancy of any mare or filly in his charge; and
(ii) the date of last service of such mare or filly.

(n) any horse under the age of four years that has had administered to it bisphosphonate.

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(o) any horse that has administered to it bisphosphonate in the period 30 clear days prior to racing.

(p) any horse that has any substance directly or indirectly injected to a joint in the period eight clear days prior to racing.

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(2A) A horse which has been subject to an intra-articular administration of a corticosteroid preparation, whether administered alone or in combination with other treatments, within the preceding 8 clear days is ineligible to start in any race.

(3) No person shall enter for or start in a race, any horse to which this Rule applies.

(4) In addition to any penalty which may be imposed pursuant to Rule 1003 hereof, every horse which is entered for or started in any race in breach of this Rule shall be scratched or disqualified for that race unless an exemption is granted pursuant to sub-rule (5) hereof.

(5) (a) Any person who is affected by the provisions of this Rule may be exempted from the application of this Rule by the Board upon application being made to the Board for a permit to race a horse notwithstanding such provisions and the Board may if satisfied the circumstances so warrant, grant a permit accordingly;

(b) Any such permit shall be in writing and be expressed to be effective only during the pleasure of the Chairman and may be cancelled at any time by the Chairman;

(c) For as long as the permit is effective the horse or horses of the person to whom it was granted shall not be subject to disqualification on the grounds set out in paragraph (c) of sub-rule (2) and in sub-rule (3) of this Rule nor prohibited from being trained on a racecourse or training track owned or occupied by or under the jurisdiction of a Club;

(d) Any decision by the Board to grant, or of the Chairman to cancel, a permit is declared to be final.

(e) The Board following an application made pursuant to this sub-rule may order all or any of the costs and/or expenses of and incidental to such application be paid by such person as it thinks fit and may fix such amount by way of costs and expenses. Such amount if unpaid for more than twenty-eight days shall be deemed arrears and may be placed on the Unpaid Forfeit List by the Board.

1.8.99

(6) If any horse has been entered for or started in a race while affected by any unregistered joint interest, or transferred by a person who is disqualified or liable to a period of disqualification without approval contrary to paragraph (i) of sub-rule (2) of this Rule, the owner or any of the owners may apply to the Board or Adjudicative Committee for exemption from the operation of this Rule in respect of such races as such horse has previously been entered for or started in. The Board or Adjudicative Committee may, if satisfied that there are special circumstances which so warrant, grant exemption accordingly in which event the horse shall be deemed to have been validly entered for and started in all those races to which the exemption applies and shall not be liable to disqualification there from on the grounds of such ownership.

1.8.02

REGISTRATION AND NAMING OF HORSES

Horse Register

404 (1) Harness Racing New Zealand shall maintain a register of horses registered under the Rules.

(2) The register of horses shall record:

(a) the name of the horse, its sire, its dam, and foaling date;

(b) the name of its owner(s) and breeder(s);

(c) its gender, colour, white markings, and freeze brand symbol or microchip identification; and

(d) such other information as the Board directs.

09.01.20

Registration of Horses

405 (1) Every horse registered at 20 December 2019 is deemed to be registered under these Rules.

(2) A horse that is seven years of age or older may not be registered without the approval of the Board.

(3) An owner of a horse may apply for a horse to be registered under the Horse Registration and Naming Regulations made by the Board.

(4) A horse that is not eligible to be registered under the Rules, the Horse Registration and Naming Regulations, or the Breeding Regulations may not be registered.

Cancellation of Registration

406 (1) The Board may cancel the registration of a horse.

(2) Where the registration of a horse has been cancelled the Board may reinstate the registration of a horse if satisfied that the reason for the cancellation no longer exists.

(3) Notification of cancellation of registration and reinstatement of registration shall be published in the Official Notifications.

Transfer of an unregistered horse

407 A horse may not be transferred by way of sale, lease, or otherwise until it is registered.

Nomination, Entry and Starting

408 (1) A horse is not eligible to be nominated for, or to start in, a race before it is registered and named in accordance with the Horse Registration and Naming Regulations.

(2) If the nomination is for a race in which only two or three-year-olds are eligible, and the nominations are taken before such horses reach the age of two years the date on nomination shall be the date of final payment or acceptance.

(3) If the Board becomes aware of any defect relating to the registration or other documentation of a horse it may direct the horse not be permitted to start in any race until such defect is rectified to the satisfaction of the Board.

(4) If the Board becomes aware of a dispute between the partners, part owners, or members of a syndicate of a horse, it may direct the horse not be permitted to start in any race until the dispute has been resolved by all parties to the dispute and they have informed the Board.

(5) HRNZ shall not be liable for any loss which may arise from any decision under sub-rule (3) and (4).

(6) A horse whose registration is retired under the Horse Registration and Naming Regulations is not eligible to be nominated for, or to start in a race.

Notification of Gelding or Death of a Horse

409 (1) The owner of a horse which is gelded shall notify the Chief Executive within five working days of the date of gelding.

(2) On the death of any registered horse the owner at the time of death shall notify the Chief Executive to that effect within five working days of the date of death, and if directed by the Chief Executive shall furnish such corroborative evidence as the Board requires.

09.01.20

(3) The Chief Executive must ensure where a horse is gelded or dies it is recorded in the horse register.

Inspection Before First Race

410 (1) A horse must be presented before its first race to a Stipendiary Steward for inspection either:

(a) in the assembly area or place approved by the Stipendiary Steward no later than one hour before the advertised start time of the first race of the trials or race meeting at which it is intended to start the horse; or

(b) at any other place and time approved by a Stipendiary Steward prior to its first start.

(2) The Stipendiary Steward shall inspect the horse to ensure the horse is the horse described in horse register.

(3) If the Stipendiary Steward is satisfied the horse is the horse described in the horse register, the Stipendiary Steward shall notify HRNZ by such method approved by the Chief Executive.

(4) If no record is made under sub-rule (3) the horse is ineligible to start in a race.

Registered Name and Starting the Correct Horse

411 (1) A person shall not use as the name of a horse any name other than its registered name.

(2) Where a horse has, or is deemed to have, been accepted for a race no horse other than the accepted horse shall be brought to the racecourse for the purpose of the race.

(3) A person shall not start, or permit to be started, in a race a horse under a name other than its registered name.

(4) A person shall not start a horse in a race in the place of, or in substitution for, the horse entered for a race.

(5) A breach of this Rule is declared to be a serious racing offence

FOREIGN HORSES

412 (1) Any person importing a foreign horse into New Zealand shall at least three days before its arrival notify the Chief Executive of the expected date and port of arrival.

25.8.07

(2) The Chief Executive shall thereupon direct the Board's Foreign Horse Examiner nearest to the port of arrival, to have such horse examined on arrival and to secure and furnish to the Chief Executive a full description of such horse including particulars of its age, colour, sex, brands and distinguishing marks, and, also, if so directed to secure photographs of such horse taken from each side.

(3) The importer or his agent shall produce such horse for examination at such time and place as the Foreign Horse Examiner or any person appointed by him to make such examination directs.

(4) The cost of taking any such photographs as aforesaid shall be borne by the importer who shall pay to the Board such fee as it demands in respect of such examination.

413 (1) No horse imported into New Zealand shall be registered under these Rules unless application for such registration is made to the Chief Executive within one month after the date of its arrival in New Zealand and until there is furnished in connection with such horse:-

(a) a Certificate by the controlling body in the country or state from which the horse is imported stating:-

(i) the name (if any), age, sex, colour, pedigree, brands and distinguishing marks and performances of the horse;

(ii) that the horse is not disqualified from running in that country or state;

(b) a Statutory declaration by the owner thereof that it is not disqualified from racing in any other country or state therein than that from which it is imported, if at any time it has been in any such other country or state;

(c) such other particulars or information as the Board may require;

(d) notwithstanding anything to the contrary in this rule, the Board shall, in its discretion, have the power to extend the time of notification to the Chief Executive of a foreign horse's arrival in New Zealand, but in exercising such power, may impose upon the owner a penalty fee that the Board shall from time to time determine.

(2) The provisions of Rule 405(3) hereof shall apply with respect to applications for registration of foreign horses and Rule 407 hereof shall apply to every such horse so registered.

(3) Notwithstanding the provisions in these Rules regarding the registration of foreign horses every horse in respect of which notice is given to Harness Racing New Zealand that it has arrived in New Zealand for the purpose of racing only shall without further application be deemed to be registered under these Rules. Provided however that if any such horse

remains in New Zealand for a longer period than two months such registration shall thereupon lapse but such period may in special circumstances be extended by the Board.

414 Notwithstanding anything to the contrary in these Rules a foreign horse may be entered for any race prior to its being registered in New Zealand but shall not be eligible to start until it is so registered.

HORSES LEAVING AND RETURNING TO NEW ZEALAND

415 Deleted 1.8.2000

416 (1) On application in the prescribed form to the Chief Executive accompanied by a fee that the Board shall from time to time determine there may be obtained in respect of any horse registered under these Rules, which is about to leave New Zealand, a Certificate of Pedigree of such horse together with a Certificate of Identity of the horse entered thereon.

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(2) Before issuing any such Certificate the Chief Executive may require such proof of the identity of such horse and such particulars relating thereto as he thinks fit.

417 No registered horse returning to New Zealand after being exported therefrom shall be eligible to start in any race until the owner thereof or his authorised agent has complied with the provisions of Rule 412 or where applicable Rule 413 hereof in all respects as if such horse were a foreign horse being imported to New Zealand.

CHANGE OF OWNERSHIP

418 (1) Notice of any change in the ownership of a registered horse shall be given in the prescribed form by the transferor and the transferee to the Chief Executive within 14 days after such change is effected and before the horse starts in any race; and where the change of ownership occurs by way of the sale of a horse which at the time of such sale is subject to a contingency, notice of such change shall forthwith be given by the seller to any person entitled to claim any benefit under such contingency. Under no circumstances will HRNZ accept responsibility for failing to ensure that any transfer is subject to a contingency:

Provided that where any such change takes place during the currency of any race meeting or within the period of 72 hours immediately preceding the commencement of such race meeting, such notice may be given to the Secretary of the Club conducting such meeting for transmission to the Chief Executive and where so given shall operate as a notice to the Chief Executive.

(2) With respect to the notice of change of ownership required by sub-rule (1) of this rule the following provisions shall apply:-

(a) unless the Board otherwise decides, all notices of change of ownership shall be signed by the vendor and the purchaser and accompanied by the written consent of any other person having or to have an interest in the horse;

(b) every notice of change of ownership or interest shall be signed by the registered owner(s) except in the case of the death, incapacity, absence from New Zealand, or where the registered owner has appointed a person as their agent in writing in which case the Board on being satisfied the person signing the transfer is authorised to do so the transfer may be signed by a trustee or duly authorised agent subject to such conditions as the Board may require.

20.10.21

(c) if any person whose signature is required by this Rule refuses or fails to sign the notice of change, the notice signed by the other or others whose signature is required

may be accepted as sufficient, if accompanied by such evidence as the Board may require that the change of ownership has in fact been effected.

(3) Every change of ownership shall be noted against the registration of any registered horse, unless pursuant to Rule 420 hereof the Board refuses to accept the transaction. Notice of acceptance or refusal shall be given to the owner.

(4) The transferee of any such horse shall forward with the notice of change of ownership a fee to be fixed by the Board from time to time, which, if the notice is given in accordance with the proviso to sub-rule (1) of this Rule, shall be forwarded by the person receiving the same to the Chief Executive. The Board may fix different fees where the horse is being disposed of for any purpose other than racing or breeding, may provide for no fee in appropriate cases and a late fee where the notice of change of ownership is not received within 14 days. In every case where no fee applies notice of change of ownership (Registration Certificate) shall be forwarded to and retained by HRNZ.

28.7.12

(5) Every person shall notify any such change as aforesaid within the time limited in that behalf, and every person who being required by this Rule to sign a notice of change of ownership, shall sign such notice.

419 On the transfer of any horse being registered, such horse having a Joint Interest already registered against it, such transfer shall be deemed to be subject to the Joint Interest so registered, unless the parties to such registered Joint Interest consent to the transfer and notify the Board of the termination of the Joint Interest previously registered.

420 The Board may in its discretion refuse to accept any notice of change of ownership and shall not be bound to give any reason for such refusal.

421 In the absence of any agreement to the contrary a horse leased or sold shall be deemed to be leased or sold with its engagements.

422 (1) On the sale or lease of a horse the Seller's or Lessor's liability (in case of default by the Purchaser or Lessee) for payment of the sweepstakes forfeits and any other payments due (or thereafter to become due) in respect of the entry of the horse for any race shall not cease unless the Seller and the Purchaser, or the Lessor and the Lessee, as the case may be, join in a written transfer of the horse's engagements and such transfer is approved by the Committee of the Club concerned.

(2) If the Committee of such Club refuses to approve any such transfer of engagements the Seller or Lessor may strike the horse out of all or any of its engagements with the Club on payment of all monies then due to such Club in respect of such horse.

(3) In any case where the Committee of the Club approves any such transfer of engagements, it may, if it thinks fit, impose a condition of such approval that the Purchaser or Lessee shall within fourteen days after being required in writing so to do, deposit with the Secretary of the Club the full amount of all sweepstakes, forfeits and other payments (if any) then due or which may become due to the Club after the date of sale or lease, in respect of the then existing engagements of the horse.

(4) If any Purchaser or Lessee makes a deposit in accordance with the provisions of sub-rule (3) of this Rule the engagements of such horse shall be placed in the name of such Purchaser or Lessee, and the deposit of such amount shall operate to relieve the Seller or Lessor from any further liability for the engagements in respect of which such deposit has been made.

(5) If before any transfer of engagements is lodged with the Secretary of the Club for approval, any party to such transfer is charged with any breach of these Rules which may

entail his disqualification such transfer shall not be approved until the proceedings have been finally disposed of.

423 Where the Seller or Lessor of any horse sold or leased with its engagements is compelled, through the default of the Purchaser or Lessee of such horse, to pay any sweepstakes, forfeits or other monies in respect of any engagement of the horse, the Board may at the request of the Seller or Lessor, place the name of such Purchaser or Lessee and the name of the horse on the Unpaid Forfeit List in respect of the amount so paid.

JOINT INTERESTS

424 (1) For the purpose of these Rules a JOINT INTEREST in respect of a horse is constituted by:-

(a) every partnership or any other arrangement in or in the running or stake earnings of a registered horse. In every partnership or any other arrangement in or in the running or stake earnings of a horse the proportion of interest between the parties must be declared on the original application for the registration of the horse and with every transaction involving the transfer of any share of that horse;

(b) every lease of or instrument by way of security or other security or pledge given over any such horse or any interest therein;

(c) the sale or other disposal of any horse or of any interest therein subject to a contingency whereby any person is entitled to any share in the future earnings of such horse;

(d) any further sale or lease of a horse while any such contingency in respect of the first sale remains in force after such sale or lease, in which case the Joint Interest shall be between all persons having any interest in the horse or in its running or stake earnings subsequent to such further sale or lease. Where such further sale or lease results in a horse leaving New Zealand the Board shall before issuing a Certificate of Clearance require to be satisfied that any contingencies registered under these Rules existing in respect of such horse have been discharged;

(e) every agreement between the owner and his trainer whereby the trainer is to receive a percentage of the horse's earnings exceeding ten per centum thereof.

(2) (a) every registration of a Joint Interest created by a lease must be evidenced by a written instrument and a copy thereof filed with the application for registration. Such written instrument may be in a form provided by HRNZ or in such other form as the Board approves;

(b) where two or more persons have a Joint Interest in a stallion or a mare for breeding purposes or where any person acquires an interest in or has possession of a stallion or a mare for that purpose such arrangement shall be registered with and the fee prescribed by the Board paid to the Chief Executive.

(3) (a) a party to the creation of a Joint Interest shall within 14 days of its creation and before such horse starts in any race register such joint interest in the prescribed form with the Chief Executive. The party obliged to effect registration shall be named in the document creating the Joint Interest and if not named shall be the first person named therein;

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(b) the parties to any joint ownership of a horse (unless members of a Syndicate or Special Partnership registered under these Rules) shall be limited to ten in number, provided that where a horse is leased the lessor or lessors shall not be deemed to be included

as one of the parties. The first named party shall be deemed to be the nominated representative of the Joint Interest.

425 (1) Save as provided in Rule 403(2)(a) hereof every Joint Interest affecting any horse shall be registered before any such horse is entered for or starts in any race.

(2) No Joint Interest may be registered in respect of a disqualified horse during the period of its disqualification, or in any case where any of the parties thereto is a person whose interest in any horse would, under these Rules, operate to prohibit such horse from being entered for or started in any race.

(3) Subject to sub-rule (5) of this Rule and Rule 426 hereof no Joint Interest shall be deemed to be registered until full particulars thereof in the prescribed form, signed by the parties thereto or their authorised agents and verified, if the Board so requires, by statutory declaration are sent to the Chief Executive.

(4) The person nominated in such form as the person with whom the power of entry withdrawal and declaration of forfeit rests shall for such purpose be deemed to be the owner of such horse.

(5) Notwithstanding the previous provisions of this Rule other than sub-rule (2), the deposit of the particulars required by sub-rule (3) hereof with the Chief Executive or the Secretary of any Club, together with a fee to be fixed by the Board from time to time, shall, until the Board refuses to register such Joint Interest have all the effects of registration. The Secretary of any Club receiving such particulars and fee shall forthwith forward the same to the Chief Executive.

426 Subject to the provisions of sub-rule (5) of Rule 425 hereof no Joint Interest shall be registered without the sanction of the Board, which may at any time cancel such registration without assigning any reason.

1.8.97

427 Every registration of a Joint Interest constituted pursuant to Rule 424(1)(b) hereof shall expire on the 31st day of July subsequent to the registration thereof, unless some other date has been agreed upon by the parties and registered with HRNZ.

428 (1) Upon the determination or expiry other than by affluxion of time of any Joint Interest (a change in the personnel of the parties shall be deemed to be a determination for the purposes of this Rule), or upon the payment of any joint interest or contingency, notice thereof in writing signed by the parties thereto or their authorised agents shall be sent to the Chief Executive.

(2) Every Joint Interest, notice of determination of which is required to be given as aforesaid, shall for the purpose of these Rules be deemed to continue in existence until such notice is received by the Chief Executive.

429 (1) When a registered Joint Interest provides for the payment of a sum of money out of any stakes earned by a horse and such horse earns any stake monies, the person entitled to the payment may serve notice on the Club liable to pay such stakes, of the claim or HRNZ.

(2) The Club shall forward a copy of any notice received to HRNZ.

1.11.23

(3) HRNZ on behalf of the Club shall retain the amount of the stake claimed and:

(a) with the consent of all parties, pay the same to the claimant; or

(b) if this consent cannot be obtained, then HRNZ shall retain the amount until a final judgement of a Court of Law is obtained declaring who is entitled to such amount, and such amount, less any legal costs incurred by the Club or HRNZ shall thereupon be paid in accordance with such judgement.

430 Notwithstanding any disqualification or ineligibility of a horse registered under a Joint Interest, where as a result of such disqualification or ineligibility the name of one or more of the parties to the Joint Interest has been placed on the Unpaid Forfeit List, the Board in its discretion, may on application consent to the horse continuing to race, provided that any stake earned by the horse is impounded by the Club pending a further order of the Board.

SYNDICATES

431 (1) A horse may be registered in the name of a Syndicate.

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(2) For the purposes of these Rules, any combination of two to ten persons may form a syndicate, and any combination more than ten and not more than fifty persons owning or leasing a horse shall be deemed to be a Syndicate but no disqualified person shall be a member of a Syndicate. The Board may at its discretion grant an exemption to the maximum number of Syndicate Members allowable.

(3) No horse shall be registered in the name of a Syndicate and no lease of a horse to a Syndicate shall be effective unless such Syndicate has been registered with HRNZ.

(4) A Syndicate may own or lease more than one horse and may own or lease any horse in combination with another Syndicate or other Syndicates or an approved company or approved companies or any combination of entities referred to herein.

432 (1) Application to register a Syndicate shall be effected by lodging with the Chief Executive a written application signed personally by every member of the Syndicate containing or accompanied by:-

(a) the proposed name of the Syndicate;

(b) the full names and addresses and occupation of all members of the Syndicate;

(c) the appointment of not more than four members of the Syndicate to act as authorised representatives of whom the first named member shall be deemed to be the Racing Manager who shall have the sole power of entry and withdrawal of the horse and the receipt by whom of any prize money or trophy shall be deemed to be a complete acquittance hereof to the club liable for the same;

(d) the registered address of the Syndicate;

(e) such fee as may from time to time be fixed by the Board;

(f) a completed Syndicate agreement setting out the rights and obligations of members of the Syndicate and details of each member's interest therein.

(2) The Board may refuse to accept any application for registration of a Syndicate for any reason which it, in its sole discretion, may consider sufficient or may accept such application upon such terms and conditions as it deems fit.

(3) No Syndicate name shall be registered or used which has not been approved by the Board.

(4) No Syndicate shall be registered or continue to be registered where any member thereof is a company or other corporate entity except in the case of:-

(a) a company or other corporate entity acting as the executor or administrator of a deceased member or as the statutory committee or manager of a member;

(b) a company approved under Rules 439-448;

(c) a special partnership approved under Rule 449.

433 (1) The authorised representatives of a Syndicate shall be deemed to be authorised to act for and represent the Syndicate and to be responsible for the obedience of all Rules and Regulations of HRNZ for and on behalf of the Syndicate.

1.8.98 (2) The manager shall at all times be a full member of the Syndicate holding at least one share in his own right unless the Board on written application approves otherwise.

434 Every change in the member ship of a Syndicate (including death of a member) and every change in its authorised representatives or its registered address shall be notified in writing to the Chief Executive within fourteen days of the change.

435 (1) Any member of a Syndicate may at any time make application in writing to the Board to cancel such registration and if the Board is of the opinion that in all respects it is reasonable and proper to do so the Board may cancel such registration and in doing so may impose such conditions as it thinks fit prior to such cancellation.

(2) In the event of the termination of a Syndicate, notice thereof shall forthwith be given in writing to the Chief Executive by all members.

(3) The Board may at any time and without assigning any reason cancel the registration of any Syndicate.

(4) The registration of each Syndicate shall expire on 31 July following its registration and each 31 July thereafter and application for the renewal of such registration shall be made in the month of July in each year on the form prescribed by the Board and shall be accompanied by such fee as may from time to time be fixed by the Board. Where registration of a Syndicate is not renewed, it shall be deemed cancelled.

436 The Board shall not have any responsibility for the due observance by the persons concerned of the constitution or Rules by any Syndicate.

437 (1) No horse owned or leased by a Syndicate shall be entered or started in any race while any horse owned or leased by such Syndicate is under disqualification or if and while any of the members thereof is a person under disqualification.

(2) A Syndicate shall notify the Chief Executive in writing that any member thereof is a disqualified person and upon such notification such member shall be deemed to be no longer a member of the Syndicate.

438 The provisions of Rule 431(4) shall not apply to Syndicates formed or operated only for the purpose of acquiring a stallion or mare for breeding purposes.

REGISTRATION OF APPROVED COMPANIES

439 (1) Every company desiring to have an interest in a horse/s required to be registered under these Rules shall make application to the Board for registration as an approved company

unless such company was at 31 July 1984 an approved company. Provided that any company having an interest in a horse registered with HRNZ prior to 1 August 1984 shall be accepted for registration as an approved company providing its Racing Manager (if any) and all of its Directors and Secretary are not prohibited or disqualified persons under the Rules.

(2) The Board shall have complete discretion whether or not to approve and direct the registration of a Company as an APPROVED COMPANY and to impose such conditions as it thinks fit at the time of registration or subsequent thereto.

1.8.00 (3) Every such application shall be accompanied by a fee as prescribed by the Board and copy of the Constitution and Certificate of Incorporation of the Company.

(4) The registration of an approved company shall expire on 31 July following its registration and each 31 July thereafter and application for renewal shall be made in the month of July each year on a form prescribed by the Board and shall be accompanied by such fee as may from time to time be fixed by the Board. Where registration of an Approved Company is not renewed it shall be deemed to be cancelled.

(5) The Board's decision on an application to approve a company pursuant to this Rule is declared to be final.

RIGHTS OF APPROVED COMPANY

440 An approved Company may, subject to these Rules be:-

(a) the sole owner or lessee of a horse;

(b) a party to any registered joint interest;

(c) a member of a syndicate registered under the Rules.

THE RACING MANAGER

441 (1) A registered racing manager means a person whom an approved company, in writing and under its seal, has appointed as its racing manager and whose appointment has been approved by the Board and registered by the Chief Executive in a register to be kept by him for that purpose.

(2) Any approved company wishing to apply for approval and registration of the appointment of a racing manager may do so on payment of the fee prescribed by the Board.

(3) An approved company shall be entitled to exercise the powers of an owner in connection with the entering of or starting of any horse only through its registered racing manager except that it may delegate this power to the trainer for the time being.

(4) No approved company may have more than one registered racing manager at any particular time.

(5) Subject to sub-rule (6) of this Rule the Board shall have complete discretion whether or not to approve under these Rules of the appointment of a racing manager but it shall not approve of the appointment of any person as racing manager who is:

(a) a bankrupt; and/or

1.8.02 (b) a person referred to in any of sub-paragraphs (i) to (vi) of paragraph (c) of sub-rule (2) of Rule 403 unless such person has in his or her own right been granted a permit to race a horse or horses notwithstanding the provisions of Rule 403.

(6) Notwithstanding sub-rule (5) hereof the Board shall not, unless it considers that there are special circumstances which warrant it so doing, approve of the appointment as racing manager of any person who was, at what the Board considers any relevant time, previously the racing manager or a director or the secretary of or a shareholder in a company which in the opinion of the Board failed satisfactorily to pay those of its just debts which were incurred in connection with racing (whether or not it was wound up for inability to pay the same).

(7) If a registered racing manager dies or if an approved company, in writing and under its seal, withdraws its appointment of a registered racing manager and notifies such withdrawal to the Chief Executive, the Board shall also withdraw its approval of that person's appointment as racing manager for that approved company and it may then consider whether to approve of any new appointment made by the approved company.

(8) The Board may in its sole discretion at any time and without necessarily assigning any reason therefore withdraw its approval of the appointment of any racing manager (whether or not the same has by then been registered) and direct (if the same has by then been published in the Official Notifications) that such withdrawal be published in the Official Notifications. No racing manager in respect of whose appointment the Board withdraws its approval shall thereafter be approved as racing manager of any approved company unless the Board, in its sole discretion, considers that there are special circumstances which justify that being done notwithstanding the earlier withdrawal.

27.8.15

(9) Any decision by the Board refusing to approve of the appointment of a racing manager or withdrawing any approval of such racing manager earlier given by it shall be final and conclusive and subject to no appeal.

(10) All approved appointments as Racing Manager shall be published in the Official Notifications.

27.8.15

DUTIES OF RACING MANAGER

442 (1) Every registered racing manager shall take all reasonable steps to ensure that the approved company which appointed him:-

(a) meets in full those of its just debts which were incurred in connection with racing;

(b) complies with any conditions imposed by the Board when granting approval to that company;

(c) carries out every obligation imposed upon owners by these Rules;

(d) is represented:-

(i) by him (or where applicable its other racing manager) or failing him some other responsible person (not being counsel) at any proceeding in respect of any matter which arises on race day;

(ii) by him (or where applicable its other racing manager) or failing him counsel or some other responsible person at any other proceeding.

(e) (subject to any right of appeal which it may have under these Rules) complies with any decisions which relate to or affect it and which are made in accordance with these Rules.

(2) It shall also be the responsibility of the registered racing manager of every approved company to take all proper precautions to attempt to prevent any horse owned by the company being entered for or started in any race after any person or the spouse of any person, referred to in any of sub-paragraphs (i) to (vi) of paragraph (c) of sub-rule (2) of Rule 403 becomes a Director or Secretary of the company (unless such person or spouse

has in his or her own right been granted a permit by the Board or the Adjudicative Committee to race a horse notwithstanding the provisions of Rule 403).

POWERS OF BOARD

443 (1) Subject to sub-rules (2), (3) and (4) of this rule, the Board may subject to such conditions as it thinks fit give to any company incorporated in New Zealand approval, permitting:-

(a) such company to enter and run a horse of which it is the sole owner and which is named or otherwise identified in such approval; and/or

(b) such company to register a joint interest where it would have an interest in the running or stake earnings of a horse.

(2) The Board shall not give such approval to any company which includes among its directors, secretary or racing manager:

(a) a person disqualified under the Rules of Harness Racing or under Rules made by any club under section 40 of the Racing Industry Act 2020 (unless such person has in his or her own right been granted by the Board a permit to race a horse or horses notwithstanding the provisions of Rule 403);

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(b) a Bankrupt;

(c) a person holding a share or shares upon trust or as agent or nominee for any person included in paragraph (a) hereof.

(3) The Board shall not, in the absence of special circumstances, give any such approval to any company which includes among its directors, secretary or racing manager:-

(a) any person who was previously a director, secretary or racing manager of any company from which the Board withdrew an approval earlier given by it under this Rule;

(b) any person who was, at what the Board considers any relevant time, previously a director, secretary or racing manager of a company which in the opinion of the Board failed satisfactorily to pay those of its just debts which were incurred in connection with racing (whether or not it was wound up for inability to pay the same).

(4) The Board shall not give any such approval to any company which does not supply to it a list (certified as being complete) of the full names and addresses of all of its directors, secretary and racing manager and any other information or documents which it requires to be supplied by the company to it.

(5) Without in any way limiting the power of the Board to impose such conditions as it thinks fit when giving approval it is hereby declared that the Board may impose such conditions as it thinks fit relating to the provision of guarantees or other securities by the company's directors or racing manager.

(6) The Board may at any time require an approved company or a company seeking registration as an approved company to supply to it a list of its shareholders, provided that in the case of a public company it will suffice if a list of shareholders holding 10% or more of the capital in such public company is supplied with details of that holding.

(7) The Board may in its discretion at any time withdraw any approval previously granted under sub-rule (1) hereof and in such event the company to which such approval was previously granted shall at once cease to be an approved company under these Rules. The withdrawal shall be notified in the Official Notifications.

27.8.15

DUTIES OF SECRETARY OF APPROVED COMPANY

444 (1) The Secretary of every approved company which is a company within the meaning of the Companies Act 1993 shall within seven days of becoming aware of any change in the shareholding of such company whereby a shareholder becomes the holder of 10% or more of the shares in that company, notify such change to the Chief Executive who shall report it to the Board.

(2) If any shareholder in an approved company or in a company seeking to become an approved company is itself a company the Board may at any time require the approved company or company seeking to become an approved company to supply it with such information as it thinks fit in respect of the company which is a shareholder.

(3) Not later than the 31st day of July in each year the Secretary of every approved company shall supply to the Chief Executive a certificate that none of the Directors, Secretary or registered Racing Manager of the approved company is a prohibited person.

HORSES OWNED BY NON APPROVED COMPANY

445 No horse in the ownership of which any company other than an approved company has an interest, shall be eligible to be entered for or to start in any race.

OFFENCES

446 (1) (a) No company shall supply false information in connection with an application for any kind of approval or renewal under these Rules;

(b) An approved company or a company which is an approved company in an approved partnership shall comply with any conditions imposed by the Board when granting an approval or renewal under these Rules;

(c) No company other than an approved company shall enter or start a horse or be a party to an unregistered joint interest;

(d) No person other than the registered racing manager shall exercise the powers of an owner imposed upon an approved company or enter a horse owned by an approved company for any race.

(2) Every registered racing manager commits a breach of the Rules who fails to comply with any responsibility or obligation imposed upon him by these Rules.

NOTICES TO APPROVED COMPANY

447 Any notices or advice required by these Rules to be sent or given to an approved company may be addressed to the company at the address of its registered racing manager as agent for the approved company.

REGULATIONS

448 The Board may at any time make, amend or revoke such regulations (not inconsistent with these Rules) as it thinks fit in respect of companies which are, or seek to be APPROVED COMPANIES and shall prescribe all forms it considers necessary to give full effect to this rule.

SPECIAL PARTNERSHIPS

449 (1) Special partnerships may, subject to the conditions set out in these Rules, own and/or breed horses, enter them for and start them in races:-

(a) a special partnership may own and race horses only if it has been approved by the Board as an APPROVED SPECIAL PARTNERSHIP for the purposes of these Rules;

(b) for the purposes hereof, shareholders in an approved company or a company which is a partner in an approved special partnership shall not, solely by virtue of their shareholding, be deemed to have an interest in a horse;

(c) an application by a special partnership for approval as an approved special partnership under these Rules shall be made on the prescribed form, forwarded to the Chief Executive and accompanied by:-

(i) the fee prescribed by the Board;

(ii) the names and addresses of all the partners;

(iii) the names and addresses of the shareholders in any company which is either a general or special partner in the special partnership;

(iv) a copy of the partnership deed;

(v) a certified copy of the certificate of registration;

(vi) an application in writing for approval and registration of the Racing Manager named therein;

(vii) a certification that neither the Racing Manager, nor any of the general or special partners is a prohibited person.

(d) Rules 439 to 448 inclusive shall, with the necessary modifications, apply in respect of approved special partnerships as though the reference in such Rules was to an approved special partnership instead of an approved company;

(e) all documents or notices required to be sent to or given by an approved special partnership shall be sent to or given by the racing manager;

(f) all payments required to be made to or by such a partnership shall be made to or by the racing manager;

(g) for the purposes of these Rules the racing manager of such a partnership shall be conclusively presumed to have the sole authority to act on behalf of the partnership and all clubs and HRNZ shall be entitled (notwithstanding anything to the contrary elsewhere in these Rules) to accept his acts and signature as being those of all the partners in the partnership and to deal with him as duly appointed agent of the partnership;

(h) it shall be the responsibility of every racing manager of such a partnership to take all reasonable steps to ensure that no prohibited person is or becomes a partner in that partnership and that the partnership and the partners therein comply with all the Rules of Harness Racing applicable to it and them;

(i) such a partnership may revoke the appointment of a racing manager and appoint a new racing manager but the revocation and new appointment must be in writing and signed by at least 80 per cent of the partners (unless the Board in any case otherwise directs) and shall not take effect until it has been lodged with and accepted by the Chief Executive;

(j) any change in the partners and any dissolution of a special partnership shall in accordance with these Rules be notified to the Chief Executive by the racing manager.

(2) The following provisions shall apply in respect of horses being raced by a special partnership:-

(a) only an approved partnership shall race its horses under the legal title of the special partnership;

(b) every special partnership which uses a name other than a name approved by or under these Rules commits a breach of this rule.

(3) The Board may at any time make, amend or revoke such regulations (not inconsistent with these Rules) as it thinks fit in respect of or in connection with special partnerships or the ownership or racing of horses thereby.

(4) Nothing in this Rule shall affect the application of these Rules or any of them to any or all persons, special partnerships and companies who have an interest in a horse by virtue of being partners in a partnership or syndicate.

FINANCIAL MARKETS CONDUCT ACT REQUIREMENTS

18.8.16

450 Every company, syndicate, person who or which seeks under these Rules approval of any kind or registration of a Joint Interest, or combination of persons who together own or lease a horse to comply with all applicable requirements of the Financial Markets Conduct Act 2013.

PUBLIC SYNDICATIONS

18.8.16

451 (1) The Board may, if it thinks fit:

(a) maintain and administer a system for the syndication of standardbred bloodstock in New Zealand;
(b) include in a Code of Practice that system and all other provisions which it considers necessary or desirable for or in relation to the establishment and maintenance of an effective such system;
(c) incorporate in such Code of Practice all the requirements which are to be met by any person, company or other entity which seeks to or does in any way syndicate standardbred bloodstock in New Zealand;
(d) seek the Financial Markets Authority's approval of the provisions of such Code of Practice;
(e) amend from time to time, or revoke, such Code of Practice; and
(f) cause such Code of Practice to be set forth as an Appendix to these Rules.

(2) Every Code of Practice which is set forth as an Appendix to these Rules shall have full force and effect as part thereof.

(3) Any person who or company or other entity which fails to comply with a provision of any such Code of Practice commits a breach of these Rules and shall be liable to be :

(a) disqualified, or suspended from holding or obtaining a licence, for such period (including for life) as the Adjudicative Committee thinks fit;
(b) in addition to or in lieu of being disqualified or suspended, a fine of a sum not exceeding $50,000.
(c) an order to pay a sum towards the costs and expenses of and incidental to the investigation of, and any inquiry into, the breach (including costs incurred in carrying out an audit of the accounts, financial, or other records of a syndicate).

27.8.15

Such penalties are in addition to any powers which may be exercised pursuant to the provisions of any such Code of Practice.

(4) Where there is reason to suspect that a Syndicate has not or may have not complied with any applicable provisions of the Code of Practice the Board may direct that any horse owned or raced by a Syndicate (as defined in such Code of Practice), be prohibited from being entered for or starting in a race either indefinitely or until such conditions specified by the Board are satisfied.

(5) Every person who, or company or other entity which, enters or starts a horse prohibited from entry or starting under sub-rule (4) commits a breach of the rules and is liable to the penalties set out in sub-Rule (3) of this Rule.

(6) Every Syndicate Promoter, Bloodstock Company, Authorised Syndicator, and Syndicate which, and person (as defined in such Code of Practice) or investor in a Syndicate or Bloodstock Company who, applies to or participates in the syndication of standardbred bloodstock in New Zealand is deemed to agree that in consideration of HRNZ establishing a system for the syndication of standardbred bloodstock, including any Code Of Practice that:

(a) he, she, or it shall not have a right to and will not make any claim or commence any legal proceedings against HRNZ, the Board, any officer, employee or agent of HRNZ, on account of or in connection with loss or expense incurred as a result of any act or omission (including any negligence) in any way directly or indirectly connected with the approval or authorisation of a Syndicator or with the syndication of standardbred bloodstock in New Zealand; and

27.8.15 (b) the provisions of this Rule may be pleaded against him, her, or it as a complete bar to any such proceedings.

COLOURS

452 (1) For the purpose of these Rules "colours" shall mean the jacket worn by a licensed driver in a race and which shall be made of such material as may be approved by the Board.

(2) A horse shall race in the registered colours of, an owner, the joint owners or syndicate, or the trainer of the horse unless a Stipendiary Steward, where special circumstances exist and on payment if directed of such fee as the Board shall from time to time determine, permit a driver to wear colours other than those registered in the name of his or her horse's owner or trainer.

Provided that the Board may grant approval for drivers competing in New Zealand or International drivers' championship races or in such other special events as it may from time to time approve, to wear colours other than those registered in the name of his or her horse's owner or trainer.

28.7.12 (3) Where two or more horses, the property of the same owner, or trained by the same trainer, start in the same race, the trainer shall ensure distinguishing coloured or marked cap, caps or colours, shall be worn by their respective driver.

(4) Every driver shall wear his or her colours prior to entering the assembly area.

(5) No driver shall remove his or her colours prior to leaving the assembly area.

(6) Every driver shall return colours to the owner or trainer of a horse driven by him or her in a race immediately after being checked in.

(7) Persons may apply to register, and triennially apply to renew registration of colours under the Colours Regulations made by the Board.

(8) Colours shall be made of a fabric approved by the Board in the Colours Regulations and must be kept clean and in sound and proper condition unless a Stipendiary Steward, on account of weather conditions, permits the use of colours of rubber or other waterproof material.

453 No driver shall wear any clothing, footwear or safety helmet which has any advertising, writing or logos imprinted thereon or affixed thereto which has not been approved by the Board.

PART V - TRAINERS AND DRIVERS

GENERAL

501 Except as otherwise expressly provided in these Rules, no person:-

(a) other than a person who is the holder of a Trainer's Licence shall train any horse for any race;

(b) other than a person holding a Driver's Licence shall drive any horse in any race, exhibition or trial against time at any race meeting.

Provided that nothing in this sub-rule shall apply to any harness race held by a body other than a Registered Club in respect of which the Board grants exemption from this rule.

Provided further that no such exemption shall operate to authorise the training or driving of any horse for or at such exempted meeting by any person who would be disqualified under Rule 302 hereof from obtaining any Trainer's or Driver's licence.

TRAINERS

502 (1) A trainer shall notify HRNZ that they are the trainer of a horse within 72 hours after that horse has come into their care or control by notification to HRNZ, either electronically or sending a Trainer Notification Form. The notification shall include:

(a) the horse's name;
(b) its breeding;
(c) its age, colour, and sex;
1.12.25 (d) the owner's names;
(e) the trainer's name and address;
(f) whether horse is to race in owner's or trainer's colours; and
(g) the horse's freeze brand and microchip number (if applicable).

(1A) If HRNZ has not been notified, either electronically or by sending a Trainer Notification Form within the required 72 hour period, the horse may be declared ineligible to start in a race.

09.10.18 (1B) The Chief Executive may refuse to accept a Trainer Notification.

(2) Where any trainer is owed debts totalling $500 or greater in the course of having care or control of any horse for whatever purpose by any owner and where the said debt remains unpaid, such trainer may notify the Chief Executive in writing to that effect. Such notification from any trainer to whom arrears are due must include the name of the person, syndicate or company by whom such monies are owing, together with full particulars thereof, including the period for which the amounts due have been owing and when demand for payment was last made.

The Board upon being satisfied of the accuracy of such particulars and that there has been no undue delay in claiming the same may in its discretion declare that the amount unpaid be arrears within the meaning of these Rules. The Board shall charge a fee of 10% with a minimum fee of $100 on settlement of any account which has been referred to Harness Racing New Zealand for collection under this Rule whether settlement has been direct or through Harness Racing New Zealand.

1.8.01

1.8.99 502A (1) The trainer of a horse entered in a race shall ensure the correct horse is brought to the racecourse to start in that race.
25.8.07

25.8.07 (2) The trainer and person in control of the horse at the race meeting shall ensure the correct horse is presented to start in the race in which it is entered.

DRIVERS

503 (1) The owner or trainer of a horse in a race shall not drive any other horse in the race except with the permission of the Stipendiary Steward.

(2) A person who owns or trains more than one horse starting in a race and who desires to drive in that race must observe the order of priority set out in this sub-rule.
First : The person shall drive the horse the person owns and trains.
Second : The person shall drive the horse which the person owns but which is trained by someone else.
28.7.12
Third : The person shall drive the horse trained but not owned by the person.

(3) The order of priority set out in sub-rule (2) may be varied by the Stipendiary Steward.

(4) Application to the Stipendiary Steward to vary the order of priority must be made in such manner as the Stipendiary Steward determines.

(5) In this Rule "person" means in relation to horses starting in a race, an owner, trainer, part owner and lessee and a "trainer" includes a driver temporarily in charge of a horse in a trainer's absence.

504 Deleted 28.7.2012

1.8.05
25.11.19
505 (1) A driver may not bet, or have another person bet on their behalf, on any horse or combination of horses, in a race in which he or she is driving. ;
(2) A breach of this sub-rule (1) is declared to be a serious racing offence;
(3) After placing a bet on a horse or combination of horses in a race, a driver may not accept a drive in that race without the approval of a Stipendiary Steward.
09.10.18
(4) For the purpose of this rule a bet placed on a driver's betting account shall be a bet of the driver regardless of who placed the bet.

505A (1) A driver may not bet or have another person bet on their behalf on a Drivers Challenge or Series in which they are a participant.
(2) A driver must also not receive any money, present, share, bet or other benefit in any way connected with the betting by another person on a Drivers Challenge or Series in which they are a participant.

20.10.21
505B A driver who is dressed in his or her driving gear may not place a bet at a racecourse or approach a betting window.

505C (1) Any person who:
(a) Is a licensed person and/or an owner or lessee (as the case may be) must not lay any horse under their ownership, management, care, control, supervision or superintendence, including (without limitation) any horse he or she trains or drives.
(b) Is employed by a trainer in connection with the training or care of racehorses must not lay a horse under the control of that trainer for whom he or she is or was employed, whilst so employed and for a period of 21 days after ceasing to be so; or
01.04.14
28.7.12
(c) Is a driver's agent must not lay a horse to be driven by a driver for whom he or she is agent.

(2) In circumstances where a person may not lay a horse under sub-rule (1), a person must not:
(a) Have a horse laid on his or her behalf; or
(b) Receive any money, present, share, bet or other benefit in any way connected with the laying of the horse by another person.

(3) In this Rule "laying" means the placing of a bet, whether directly or indirectly, on a horse to lose a race, "lay" and "laid" each have a corresponding meaning.

505D A driver shall upon request by a Stipendiary Steward, or Racing Investigator, supply written or electronic records of all bets made through that driver's accounts, including written or electronic records of that driver's mobile phone records.

506 Deleted 28.7.2012.

507 (1) No driver shall break an engagement to drive a horse.

(2) Any dispute with reference to the engagement of a driver to drive at any particular meeting shall be determined by an Adjudicative Committee.

(3) In any case where the Adjudicative Committee is satisfied that either party has, without sufficient grounds, broken an engagement, it may:-

(a) impose a fine not exceeding $1,000.00; and/or

28.7.12

(b) where the offender is the driver who is alleged to have accepted engagements to drive two or more horses in the same race, direct which horse he or she is to drive in the race; and/or

(c) where the offender is the other party direct him or her to pay to the driver the amount of a losing fee for each race in respect of which the engagement was broken and in which any horse concerned actually started.

1.8.03

507A (1) Every driver engaged to drive a horse in a race shall report his or her attendance at the racecourse to the trainer or person left in charge of the horse at least 30 minutes before their first drive for the meeting.

(2) If a driver fails to report as required by sub-rule (1) the trainer shall immediately notify the Stewards.

1.11.23

507B A driver shall remain on the racecourse for a period of 25 minutes after each race in which he or she has driven unless permission has been otherwise given by a Stipendiary Steward.

508 (1) A driver's fee shall be paid by the Club in an amount determined by the Board in the Driving Fees Regulations.

(2) All drivers shall be paid a driving fee regardless of any interest in the horse involved, unless prior notification of an alternative arrangement is given to the Club.

28.7.12

509 Deleted 28.7.2012

510 Deleted 1.11.2023

28.7.12 511 Deleted 1.11.2023

512 (1) Every driver commits a breach of these Rules who, having been required under the Rules by a Stipendiary Steward or Racing Investigator or Adjudicative Committee to supply a sample which is found upon analysis to contain any controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance or diuretic and/or its metabolites, artefacts or isomers.

27.7.13

(2) Every driver commits a breach of these Rules who, having been required under the Rules by a Stipendiary Steward or Racing Investigator or Adjudicative Committee to supply a

27.7.13

sample at a time and place nominated by the Stipendiary Steward or Racing Investigator or Adjudicative Committee refuses or fails:

(a) to comply with such a request; or

(b) to provide an adequate or appropriate sample for testing.

513 (1) A Stipendiary Steward or Racing Investigator may require a driver at any time to supply a sample of his or her breath to determine the breath alcohol level by a device approved under the Land Transport Act 1998, associated legislative instruments, or the Board.

(2) A driver must comply with directions given by the Stipendiary Steward or Racing Investigator until the alcohol breath test is completed or there is a failed result.

(3) Where a driver is required to supply a sample of breath within 1 hour prior to the start of a race in which he or she is engaged to drive and either:

(a) the breath testing device records a level greater than 100 micrograms of alcohol per litre of breath (0.02%);

9.8.14 (b) the driver fails or refuses to complete the test as directed by the Stipendiary Steward or Racing Investigator; or

(c) the result is a failed result for any reason-

the driver must be stood down from all remaining driving engagements at the meeting.

(4) A driver commits a breach of these rules who presents himself or herself within 1 hour prior to the start of the race in which he or she is engaged to drive or who drives in a race commits a breach of these rules if he or she:

(a) fails to comply with directions given by a Stipendiary Steward or Racing Investigator under this rule;

(b) fails or refuses to complete the alcohol breath test; or

(c) has a breath alcohol level greater than 100 micrograms of alcohol per litre of breath (0.02%).

514 (1) If a driver refuses or fails to supply a sample when required by a Stipendiary Steward or Racing Investigator or an Adjudicative Committee then that driver's licence shall
27.7.13 be automatically suspended until the Adjudicative Committee issues a final decision in relation to any information filed against that driver in relation to that sample or samples.

(2) If a driver has supplied a sample in accordance with Rule 512 (1), and such sample
27.7.13 or samples is or are found upon analysis to contain any controlled drug as defined in the Misuse of Drugs Act 1975 or other illicit substance, then:

(a) that driver shall be notified in writing of the finding of that analysis as soon as reasonably practicable; and

(b) that driver's licence shall be automatically suspended from the time of receiving that written notice until the Adjudicative Committee issues a substantive decision in relation to any information filed against that driver in relation to that sample or samples.

514(2A) A driver whose licence is suspended under Sub-Rule (1) or (2) of this Rule may not
27.7.13 drive at any race meeting, trial or work out until a further sample is found upon

analysis to be free of both controlled drug as defined in the Misuse of Drugs Act 1975, and illicit substances.

(3) If no information against that driver is filed within 21 days of the written notice referred to in Rule 514(2)(a) being served on that driver, then the suspension of that driver's licence shall expire.

(4) If, in the opinion of the Chief Executive, the hearing of an information against that driver in relation to a sample or samples or a refusal or failure to supply a sample or samples is not held in a timely way as a result of delays or omissions on the part of the informant, then the Chief Executive may reinstate that driver's licence or certificate on such terms and conditions as the Chief Executive sees fit.

(5) The above provisions shall take effect notwithstanding anything to the contrary in the provisions of Rule 324.

PART VI - RACES AND RACE MEETINGS

SAFETY NUMBER IN RACES

1.8.05

601 The starters in any race at any meeting at which the racing betting takes place shall be limited to a safety number for each mark and a safety number for the race.

602 (1) For the purpose of better enabling the Board to fix the safety numbers as hereinafter provided each totalisator club shall furnish the Board with a plan, prepared and certified as correct by a registered civil engineer or surveyor, showing the exact length of such Club's track, measured one metre horizontally from that portion of the inside rail which projects furthest over the track and the width or varying widths of the track between the inside rail and the outside edge of the actual track throughout the entire length thereof, particularly noting the width at each mark at each starting point.

Provided that where two or more Clubs use any one racecourse it shall be sufficient compliance with the requirements of this sub-rule if such Certificate is furnished by the Club owning or in general control of such course.

(2) A fresh plan as aforesaid shall be furnished after each alteration of the track which increases or diminishes the length or any width thereof.

(3) Every such plan shall be endorsed by the Secretary of the Club furnishing the same and shall become a permanent record of HRNZ.

603 (1) The Board, after considering any such plan or fresh plan lodged under Rule 602 hereof and any report on the course to which it relates made by a Stipendiary Steward, shall determine both the number of horses that may be allowed to start on each mark in any race at each distance on such course and the total number of horses that may be allowed to start in any such race. The determination of the Board is declared to be final.

(2) The number, for the time being, so determined in respect of any mark shall be the safety number for that mark and the total number, for the time being, so determined in respect of any race shall be the safety number for that race.

604 (1) In every case where in any race the acceptors or probable starters on any one mark exceed the safety number for that mark or where such acceptors or probable starters exceed the safety number for the race the Committee controlling the meeting shall eliminate from the race or select as emergencies such number of horses as may be necessary by selection in accordance with Regulations made by the Board, or if no such Regulations apply, in such manner as it decides so that neither the safety number for any mark nor the safety number for the race shall be exceeded.

(2) Except in special circumstances which must be approved by the Board, no club may make it a condition of a race that the number of horses to start shall be less than the safety number for the course as fixed by the Board under Rule 603 or less than the number so fixed by the Board for a particular mark.

BALLOTING OUT

605 (1) Where pursuant to sub-rule (1) of Rule 604 hereof the Committee controlling the meeting decides to reduce the number of horses that may start in any race the following provisions shall apply:-

(a) after closing time for withdrawals and upon the same day a list shall be compiled placing the horses in the same order in which the Handicapper has declared the handicaps;

(b) where the number of acceptors on any mark or marks exceeds the safety number for such mark or marks, but the safety number for the race is not exceeded, the Committee shall select the horses to be eliminated or to be emergencies with a right of re-entry on that mark and the horses eliminated shall be deemed to have been withdrawn from the race;

(c) where the safety number for the race is exceeded notwithstanding that the safety number for any mark is not exceeded, the Committee shall select the horses to be eliminated or selected as emergencies with a right of re-entry and the horses eliminated shall be deemed to be withdrawn from the race;

(d) having regard to paragraphs (a) to (c) above, the General Conditions for all programmes shall provide the right of re-entry for horses selected as emergencies up to 5.00 p.m. on the day prior to the day on which the horse is to race in the case of a day meeting and 7.30 a.m. on the day on which the horse is to race in the case of a twilight or night meeting. A variation of these times may be permitted by the Chairman of HRNZ provided this is sought at the time of programme approval and advertised in the Official Notifications;

27.8.15

(e) the selections made by a Committee under this Rule shall be in accordance with Regulations made by the Board or if no such Regulations apply, as the Committee decides.

(2) No nomination or acceptance fees shall be payable for any horse in respect of any race from which it has been eliminated pursuant to Rule 604 and if paid shall be refunded.

(3) No irregularity of any procedure prescribed by these Rules in eliminations or selection of emergencies shall operate to void such race unless it is proved that such irregularity was due to fraud or gross impropriety.

MISCELLANEOUS

606 (1) Any race may be run in heats if the conditions of the race so provide.

(2) The number of heats, the time between heats and the number of horses to start in the final heat shall be stated in the conditions of the race.

607 (1) In any one racing year the name DERBY shall be used only once for a race for each gait in the North Island and once in the South Island.

(2) Until the Board otherwise decides:-

(a) the Auckland Trotting Club and no other Club in the North Island may use the name DERBY in the title of the race run by it and known as the Northern Derby; and

28.7.12

(b) the New Zealand Metropolitan Trotting Club and no other Club in the South Island may use the name DERBY in the title of the race run by it and known as the New Zealand Derby.

Provided that either Club may add the name of the sponsor to the race concerned.

608 (1) Any Club may, with the previous consent of the Board, arrange with another Club (in this Rule termed the adopting Club) to take over, conduct and run at a meeting to be held by it any harness racing event on the advertised programme of such first mentioned Club.

(2) Neither Club shall become liable for any loss or damage arising out of such arrangement to any person by reason of any change of course, date, or other thing incidental thereto, including any liability for refund of any entry, forfeit or other fee paid or payable in respect of such event.

(3) The adopting Club shall conduct such harness racing event in all respects as if it had, itself, received entries therefore as for a race to be run at its own meeting, and all the rights, powers and privileges in respect of the management, control and running of such event shall vest in the adopting Club with full authority to recover any entry, forfeit and other fees (other than those actually paid prior to its adoption) in accordance with these Rules.

1.8.03 609 No Club registered under these Rules shall hold a race meeting except on a racecourse duly approved by the Board.

PART VII - GENERAL AS TO RACE MEETINGS AND THEIR CONTROL

GENERAL

701 (1) Save as provided in Rule 702 hereof no body or persons other than a Club duly registered under these Rules shall hold a race meeting.

(2) Every official of every unregistered meeting and the owner, trainer and driver of every horse competing at such meeting shall thereby be disqualified during the pleasure of the Adjudicative Committee from:-

(a) holding any office in any Club;

(b) entering, nominating, starting, training, or driving any harness racing horse on the course or any training ground of any Club or Racing Club.

(3) Every horse competing at any unregistered meeting and every horse owned within the meaning of these Rules by any such person as aforesaid and every horse thereafter becoming so owned by him while he remains so disqualified shall, while such disqualification continues, be disqualified from being entered, nominated or started for any race and prohibited from being trained on the course or training ground of any Club or Racing Club.

(4) The Board shall, as soon as conveniently may be after the holding of any unregistered meeting comes to its knowledge, take all necessary steps to ascertain the names of all persons and horses disqualified pursuant to this Rule and notify the same in accordance with the provisions of Part XIII of these Rules.

702 (1) Nothing in Rule 701 hereof shall apply to:-

(a) any race meeting duly held under the New Zealand Rules of Racing;

(b) any trial meeting conducted by a Body approved by the Board;

(c) any meeting conducted by an approved sports body or Gymkhana Club on an approved racecourse in conjunction with or under the control or supervision of a registered Non-Totalisator Club.

Provided that the programme for the harness racing events conducted under (a), (b) and (c) hereof have been approved by the Board;

(2) Events in which harness racing horses are engaged at Agricultural and Pastoral Association Meetings or at gymkhanas, picnic meetings or other functions not held on an approved racecourse shall be deemed to be exhibitions of harness racing only and shall not be subject to these Rules.

1.8.05 703 Where a Club holds for the purposes of any betting licence a meeting covering separate race days or nights such days or nights shall for the purpose of these Rules be deemed to be one meeting.

1.8.03 1.8.05 704 No Club shall hold a meeting at which the race betting operates unless licensed to do so by TAB NZ.

27.2.09

705 A Club, Kindred Body or person conducting a race meeting, trials meeting or workouts meeting shall ensure adequate first aid assistance is available which shall not be less than that provided by the Race Meeting First Aid and Safety Regulations made by the Board.

20.10.21

706 Deleted.

CONTROL OF RACE MEETINGS AND TRIALS

707 (1) Until one hour prior to the advertised starting time of the first race of any day of a race meeting the Stipendiary Steward shall have the control of that meeting and be charged at all times with the duty of ensuring that the provisions of these Rules are applied and enforced in respect of each day of that meeting.

(2) Subject to any provision of these Rules to the contrary any dispute as to the exercise or proposed exercise of the power, duties or functions of a Stipendiary Steward pursuant to sub-rule (1) hereof may be referred to the race day Adjudicative Committee for determination.

(3) From one hour prior to the advertised starting time of the first race of any day of a race meeting until after the conclusion of the last proceeding which it commences to deal with on that day, or thirty minutes after the last race run on that day (whichever is the later), the Adjudicative Committee appointed for that day shall:-

(a) hear all matters of a judicial nature which arise during and in relation to that day of racing and are submitted to it;

(b) determine any question as to whether that day of racing or any part thereof should be postponed, abandoned or cancelled;

(c) exercise the powers, duties and functions conferred or imposed on Adjudicative Committees by these Rules.

708 (1) Subject to Rule 707 and the provisions of these Rules relating to Stipendiary Stewards and the Adjudicative Committee, but without prejudice to their general powers of control, the Stewards shall have power:-

(a) to make all such arrangements for the conduct of the race meeting as they think fit;

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(b) to postpone, abandon or cancel a race meeting at any time prior to the start of the meeting;

(c) Rule deleted 1.8.05

(b) of their initiative, or at the request of the Board or the Stipendiary Stewards, to hold an inquiry into any matter;

(e) to determine, in such manner as they think fit, any matter arising in connection with the meeting for which no provision is made in these Rules and which has not already been determined by the Adjudicative Committee for that meeting.

(2) No Steward shall act in the determination of any matter in which he is in any manner interested.

(3) The Stewards may appoint a deputy of any Steward and every such deputy shall, while so acting, be deemed to be a Steward.

1.8.03 709 (1) The following persons (in addition to those who may be excluded and removed under any other of these Rules, or under Rules made under section 40 of the Racing Industry Act 2020) and horses shall be excluded from all places under the control of the Stewards:-

27.8.15 (a) all persons and horses whose names appear for the time being in the List of Disqualifications in the Official Notifications of New Zealand Harness Racing or Thoroughbred Racing;

(b) all persons whose names appear for the time being in the Unpaid Forfeit List of the New Zealand Thoroughbred Racing, Harness Racing New Zealand or New Zealand Greyhound Racing Association Incorporated;

(c) all persons who have been declared by any recognised Harness Racing Club in any country other than New Zealand, or by the Stewards of any recognised Race Meeting held by any such Club, to have been guilty of any corrupt or fraudulent practice or serious racing offence in connection with harness racing so long as the penalty against such person remains in force;

(d) all persons whose presence may be deemed undesirable;

(e) all persons warned off its course by any Club, or by any Racing Club duly registered under the New Zealand Rules of Racing;

(f) all persons whose names appear on the Unpaid Forfeit List of any racing or harness racing authority in any country other than New Zealand or are under disqualification there.

(2) Notwithstanding that any person liable to be excluded or removed under this rule, or under any other authority, may have paid to enter the Club's Racecourse, or any enclosure therein, he shall not, by reason of such payment, be deemed to have acquired an irrevocable licence to go into or remain in such Racecourse or enclosure, and the Stewards, their officer or agent, including any Racing Investigator or Deputy Racing Investigator, may remove such person from such Racecourse or enclosure.

710 The powers of the Stewards shall continue after the meeting for the purpose of determining all matters arising during the meeting which by these Rules require determination by the Stewards.

20.10.21 711 Deleted.

MARSHALLING AND PATROL STEWARDS

712 Deleted 28.7.2012

713 Deleted 28.7.2012

TRIAL MEETINGS AND WORKOUTS

714 (1) These Rules so far as they are applicable shall apply to all trials meeting and workouts.

1.8.05 (2) A Stipendiary Steward or Racing Investigator may exercise any power or duty of a Stipendiary Steward or Racing Investigator in respect of any matter arising at or in connection with a workout.

PART VIII - STAKES, PROGRAMMES, ENTRIES AND WITHDRAWALS, HANDICAPPING, STARTING, AND THE RACE

STAKES

801 (1) Each Club shall discharge its liability for stakes.

(2) A club must within five working days forward to HRNZ:

(a) Any funds received for the payment of stakes.

(b) Any funds the club allocates for the payment of stakes.

(3) HRNZ must hold stake monies on behalf of Club's in a separate account.

1.11.23 (2) Any stake money in respect of which there is an obligation under these Rules on the Club to retain or hold, shall be retained or held by HRNZ on behalf of the Club

(3) Proceedings for the return of a stake under rule 1115(4) may be commenced by HRNZ on behalf of the Club

(4) The Board may make regulations known as the Centralised Stakes Payment Scheme Regulations that shall apply to the payment of stake monies by HRNZ on behalf of Clubs.

(5) Any notice, information, or direction under these Rules or the Centralised Stakes Payment Regulations required to be provided or supplied to the Club, shall also be provided or supplied to HRNZ.

802 Rule Deleted 1.8.99 / Deleted 1.11.23

803 (1) HRNZ may deduct from any stake monies:

1.11.23 (a) any monies owing to the Club or HRNZ by the person entitled to receive the stake; and

(b) any other deduction that may be made under the Rules or by law.

804 (1) The owner (or, where appropriate, the racing manager of the owner), the trainer, and driver of every horse which is entered in a race must before the horse starts notify HRNZ or the Club in writing:

(a) whether they are registered under the Goods and Services Tax Act 1985 and carrying on a taxable activity within the meaning of that Act;

1.11.23 (b) if they are so, their Goods and Services Tax (GST) registration number;

(c) if they are no longer registered for GST; and

(d) any other change in GST registration status

(2) Where the person notifies the Club under sub-rule (1) the Club must forward the notice to HRNZ.

(3) Sub-rule (1) does not apply if the owner, trainer or driver has previously notified HRNZ or the Club they are registered for GST and their GST registration number.

805 (1) HRNZ, on behalf of the Club, shall pay all stakes monies (and any Goods and Services Tax applicable) to the owner, trainer, or driver under the Centralised Stakes Payment Scheme Regulations unless:

(a) unless a proceeding or an appeal affecting them is being held or is pending;

(b) any examination, inspection, observation or sample in relation to any horse placed by the Judge is made or taken under these Rules relating to the administration to a horse of a prohibited substance;

(c) the stake monies or part thereof is required to deducted or withheld under the Rules.

(2) At the time the monetary stake is payable under these rules the Club shall be responsible for the delivery of any trophy or other prize not in money (and the payment of any applicable Goods and Services Tax.

1.11.23

(3) Where sub-rule (1)(b) applies no stakes or prizes shall be paid or delivered in respect of any such horse until:

(a) the result of such examination, inspection, observation has been notified by the Chief Executive (or his or her nominee); or

(b) if as the result of such test an information is to be filed until such time as the proceeding and any appeals have been determined.

(4) Where on the determination of any investigation, proceeding or appeal a horse is disqualified from its original placing any stake shall be paid and delivered in accordance with the amended placings.

806 Deleted 1.11.2023

PROGRAMMES

CONTENTS OF PROGRAMMES

807 Every programme for a race meeting in which there are eight or more harness races at which betting takes place shall include at least two races for trotting horses on each day of the meeting unless the Board authorises otherwise in writing.

808 A club that holds betting races on four or more days in a racing year must include at least one race day programme a betting race in which only junior drivers can drive unless the Board authorises otherwise in writing.

809 The programme of any race meeting of a racing club or other body not registered under these rules shall not include more than four harness racing races on any day unless the Board otherwise authorises in writing.

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810 All race distances, distance marking on the racecourse and the handicapping of horses shall be calculated by the metric system provided that the Board may approve races over a distance of one mile.

811 The principal race on the programme of any race meeting may be called a Cup only if a Cup or other trophy is to be given to the winner.

812 A programme of any race meeting must not include a start time of any race later than thirty minutes before sunset unless suitable track lights are installed to conduct night racing.

813 (1) Every programme shall state:-

(a) The day or each day of the race meeting.
(b) The time at which the first race is to start.
(c) The amount of stakes and the acceptance fees for each race.
(d) A list of non-monetary prizes.
(e) The place and the times at which nominations, withdrawals and driver declarations close.
(f) The names of the Secretary and President or Chairman.
(g) Any special conditions made by the Club or other body conducting the meeting.
(h) That the programme is subject to the Programming Conditions - General Regulations.
(i) The payment of stakes shall be made under rule 801 to 806 of the Rules.

(2) Any accidental omission or error from any programme of any matters required by this rule shall not invalidate the programme and such omission or error may be remedied after such programme has been approved or published.

814 Every race-book in respect of a meeting shall state:-

(a) The official start time of each race.
(b) The names of the Stewards, Treasurer, Judge, Starter, Timekeepers, Handicappers and Secretary.

815 (1) Entrance and acceptance fees shall only be eligible to be charged on Group and Listed races.

(2) A programme may not provide for combined entrance and acceptance fees in respect of each horse in any race that exceeds two (2) per cent of the amount of the stakes for the race (excluding of the value of any trophy attached to the stake) unless the race has been approved by the Board as being one for which sustaining payments are required.

(3) The Board shall annually by regulation classify those races which qualify according to their importance as Group or Listed races.

20.10.21 **APPROVAL AND ADVERTISING OF PROGRAMMES**

816 (1) Before a programme is advertised or published, and before any entries are received for a race meeting or harness racing events thereat, the programme must be approved by the Board.

(2) No club or other body shall conduct a match, an exhibition of harness racing or a trial against time by a harness racing horse unless permission to do so in writing shall first have been obtained from HRNZ.

(3) Sub-rules (1) and (2) do not apply to exhibitions of harness racing referred to in sub-rule (2) of rule 702.

817 A club or other body concerned must forward a copy of each programme and such fee as the Board from time to time prescribes for each day's racing on such programme to the Board for approval.

818 (1) The Board may approve the programme if satisfied:-

(a) that all the provisions of these Rules relating to programmes and races have been complied with;
(b) the races programmed include any specific races to be raced at the race meeting;
(c) the programmed races do not undermine the racing calendar prepared by the Board; and
(d) the club that in the immediately preceding year has complied with the requirements of the funding agreement between HRNZ and the Club.

819 (1) Before approving any programme the Board may require such further information as it thinks

fit, the amendment of the programme, or the appointment of some other official in the place of any official disapproved of by it.

(2) In approving a programme, the Board may impose such conditions as it thinks fit.

(3) It shall be a condition of the approval of any programme that the club or other body holding a race meeting shall place conspicuously at every entrance to the racecourse on a notice, namely

> Every person applying for or obtaining admission to this racecourse during this meeting shall be deemed to accept the conditions and restrictions imposed on him by these New Zealand Rules of Harness Racing and to agree that he will not seek any remedy available to him at law in respect of anything done under those Rules until he has exhausted all remedies provided by or under these Rules in respect of anything so done.

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(4) For an Inter-Dominion or International Championship Meeting, or other extraordinary meeting the Board may approve such programme notwithstanding that the conditions thereof may be in contravention of these rules.

(5) The Board may refuse to approve any programme submitted to it for approval under this rule.

820 No approved programme or any of the conditions thereof, may be altered by the Club or other body, or any official thereof, without the approval of the Board except where rule 813(2) applies.

820A The following approved programmes must be advertised published at least once in full in the Official Notifications unless the Board approves otherwise:

(a) The approved programme of every race meeting at which betting takes place.

(b) The approved programme of a non-Totalisator Club or Owners' and Breeders' Association that includes a penalty-bearing race under the Handicapping System or carries a stake of $1,000.00 or more.

820B (1) Notwithstanding any other rule to the contrary the Board may prepare a racing calendar (after consultation with totalisator clubs) for specific races to be raced at a particular race meeting, area, or time in the racing year.

(2) To promote the racing calendar the Board may prevent a club holding a particular race if it considers it may undermine the objectives of the racing calendar.

(3) All clubs must comply with the racing calendar

ENTRIES, ACCEPTANCES AND INCIDENTAL MATTERS

821 (1) No horse shall be eligible to run in any race unless it has been duly entered therefore in accordance with these Rules by the person entitled to enter it, and no horse prohibited by these Rules from being entered for any race shall be entered.

(2) If any person enters for any race any horse not eligible for such race the Committee of the Club conducting the meeting may refund to the Owner all fees paid by him in respect of the nomination or acceptance of such horse.

822 (1) Notwithstanding that a horse may be qualified, in accordance with these Rules no Club shall be obliged to accept the entry of such horse for any race.

(2) Notwithstanding that the entry of any horse has been accepted for any race the Adjudicative Committee may prohibit the horse so entered from starting in the race, and in such case they may refund to the owner any monies paid in respect of the entry, forfeits or withdrawal of such horse.

(3) Notwithstanding that a horse may have been duly entered and accepted or deemed to have been accepted for a race in accordance with these Rules, such horse shall not be eligible to start in such race if:-

(a) its name does not appear in the Official Race Card relating to such race; or

(b) although a name has been given to it in the Official Race Card relating to such race, such name does not in the opinion of the Adjudicative Committee sufficiently identify the horse.

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(4) In any circumstances where paragraph (b) of sub-rule (3) hereof applies the Adjudicative Committee must notify the Owner, his agent or person in control of the horse of its decision before racing betting opens for the race concerned and, in the absence of such notification, the horse shall be deemed to be sufficiently identified and qualified to start.

(5) Where a horse is ineligible to start as aforesaid, the Owner shall be entitled to recover from the Club only the entrance and acceptance fees paid for the race concerned provided however that if, in the opinion of the Adjudicative Committee, the omission of the name from the Official Race Card or the insufficiency of identification was caused or contributed to by an act or omission of the Owner or his agent, the Adjudicative Committee may direct that part or none of such fees be repaid.

823 (1) Save as otherwise provided in Rule 501 hereof or any other provision of these Rules no horse shall be eligible to run in any race unless it has been in the hands or direct charge and care of a licensed trainer for at least four weeks immediately prior to the date fixed for the closing of withdrawals for such race.

(2) Where a horse is so in the hands of a licensed trainer who absents himself from his training establishment for a period exceeding six weeks, such horse shall, for the purpose of this rule, be deemed not to be in the hands of the licensed trainer during such part of his absence as exceeds six weeks.

(3) A trainer may:-

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(a) without notice leave a horse with another licensed trainer for a period up to that specified in the Horse Movement Regulations made by the Board;

(b) leave a horse with another licensed trainer for a period of more than that specified in the Horse Movement Regulations but no more than 12 consecutive weeks provided prior notice is given to Harness Racing New Zealand of the name of the trainer in whose hands the horse has been left in the form prescribed by the Horse Movement Regulations made by the Board.

824 (1) No person other than the owner of a horse, or his duly authorised agent acting on his behalf, shall enter a horse for any race.

(2) In the case of a horse subject to a registered Joint Interest, the owner, for the purposes of this Rule, shall be the person mentioned in the registration of such Joint Interest as the person with whom the power of entry, withdrawal and declaration of forfeits rest.

Provided that no such person shall be entitled to enter a horse unless his interest in the running of such horse under the Joint Interest is at least equal to that of any other party to the Joint Interest.

(3) The lessor of any horse leased for racing purposes may, during the currency of such lease, enter such horse for any race to be run after the expiration of such lease.

825 The time and place for entries, withdrawals, declarations of forfeits and payments for every race shall be advertised, and they shall close at the advertised hour, and no entry, withdrawal or declaration of forfeit or payment shall be admitted on any ground after the advertised time except:-

(a) when an alteration of such time or place was duly authorised by resolution of the Committee, publicly notified prior to the originally advertised time; or

(b) as provided in Rule 826 or Rule 828 hereof.

826 (1) Unless expressly excluded therefrom there shall be implied in every programme issued by a Club the following provisions:

A horse which has been entered for a race on any day of a Club's meeting or a meeting of any other Club and which, as a result of being placed in a race during the period between the time of entering and the declaration of handicaps for the races on such a day, has incurred a handicapping penalty in respect thereof, will be transferred by the Club's Handicapper to a race or races on that or any subsequent race day on which it has been entered for a race and for which, by virtue of the handicapping penalty incurred, it becomes eligible provided however that where a nomination of a horse has been correctly made prior to the time of closing of entries for any race and following such nomination being made such horse has prior to the closing of entries received a handicapping penalty, the handicapper shall transfer such horse to its correct class in accordance with the provision of this Rule.

(2) An owner, or a person on behalf of the owner, may request in writing:-

(a) that a horse should not be transferred pursuant to the above Rule;

(b) to nominate the race or races to which his horse is to be transferred;

(c) transfer his horse to a race or races of a faster class although the handicapping penalty incurred has not placed the horse within the correct time limits of such a race.

Such a request must be lodged with the Secretary or Handicapper of the Club which conducted the meeting where the handicapping penalty was incurred within 30 minutes after the first horse has passed the winning post in the last race of the last day of the said meeting.

(3) Any horse transferred as aforesaid shall, if eligible, be entitled to compete as the owner shall elect in either the class for which it was originally entered or the class to which it has been transferred or both such classes.

827 (1) Entries or withdrawals for any race shall be made:-

(a) in writing in such format as approved by the Board; or

(b) by facsimile; or

(c) by telephone.

and in each case the name of the person entering must be recorded on the entry or by the Club.

(2) Declarations of forfeits and payments required in such case for any race shall be made in writing in the name of the person entitled to enter the horse and signed by him or his authorised agent.

(3) Any entry or withdrawal made pursuant to sub-rule (1) of this Rule shall be binding.

(4) No entry shall be made and no horse shall be raced in the name of a body corporate other than an approved company in accordance with Rules 439-448 or an approved special partnership in accordance with Rule 449.

(5) Unless otherwise stated in the race programme the acceptance fee for any event must be paid not less than one hour before the official start time of the event, unless other satisfactory credit arrangements have been made with the Club.

(6) Where the entry of a horse has been received from a trainer who has taken over the training of such horse within 48 hours of the closing time of entries for any meeting the trainer shall notify the Club and HRNZ that he has taken over the training of such horse.

828 (1) In any case where any entry, declaration of forfeit or withdrawal:-

(a) is sent in writing by post and is shown to have been posted at least sixty hours before the closing time of entries, declaration of forfeits or withdrawals, as the case may be, but is not received until after such closing time; or

(b) is made by facsimile which is shown to have been sent at the office of origin but not received until after such closing time;

the Committee or Stewards may admit the same, subject, in the case of such writing sent by post, to proof to their satisfaction that it should in the ordinary course of post have been received in time.

(2) Every such case shall be reported by the Club to the Board.

(3) Notwithstanding any of the provisions of these Rules in relation to the entry of a horse winning a race at any race meeting following the closing time for entries for that meeting or another club's meeting such horse may subsequently be nominated for any race at such meeting. The nomination of a horse so eligible must be lodged by the time fixed for withdrawals.

829 (1) Any person who enters or attempts to enter a horse for any race shall, whenever required so to do by the Stipendiary Steward, Racing Investigator, Adjudicative Committee, Board or the Committee or Stewards of the Club concerned, or its or their authorised agent, produce such horse for inspection, examination or observation by any person specified by him or them at a time and place also so specified and allow any such body or persons or authorised agent to take possession of such horse for any of such purposes for such period as it or they deem necessary.

(2) If such horse is not produced at the time and place specified the body or person or authorised agent requiring production of such horse may take possession of the horse and the person entering or attempting to enter the horse as aforesaid and the owner of the horse shall be deemed to have authorised such taking of possession.

(3) No person who or body which:-

(a) requires the production of any horse pursuant to this rule; or

(b) takes or authorises or directs the taking of possession of any horse pursuant to this rule; or

(c) inspects, examines or observes any horse pursuant to this rule;

shall be liable in damages to owner or trainer or driver of such horse or to any other person subject to these Rules at the time when the alleged cause of action arose by reason of the exercise of the powers hereby conferred.

(4) No person shall wilfully refuse to produce or allow the taking or possession of a horse when required to do so pursuant to this rule. A breach of this Rule is declared to be a serious racing offence.

830 Any change of ownership or trainer of a horse between the time of its being entered for and the start of any race shall forthwith be notified to the Secretary of the Club with which the entry is made by all the parties in the case of a change of ownership, and by the owner in the case of a change of trainers.

Provided that where any such change takes place during the currency of any race meeting, or within the period of 72 hours immediately preceding the commencement of such race meeting, such notice must be given to a Stipendiary Steward for transmission to the Secretary and where so given shall operate as notice to the Secretary.

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831 (1) No person being the owner of or having any interest in a horse entered in any race shall bet on any horse in that race with a bookmaker not authorised by TAB NZ.

(2) A breach of sub-rule (1) hereof is declared to be a serious racing offence.

(3) By the entering of a horse for any race every person having or subsequently acquiring an interest in such horse and every approved company (and every director, secretary, registered racing manager and shareholder thereof) which owns any such horse shall be deemed thereby to undertake not to make any wager either directly or indirectly with a Bookmaker (other than a bookmaker authorised by law to act as such) in connection with such horse or any other horse in the race for which such horse is entered. Each entry shall contain, or if it does not contain shall be conclusively assumed to contain such an undertaking. A breach of this Rule is declared to be a serious racing offence.

(4) By entering or endeavouring to enter a horse for any race, every person having or subsequently acquiring any interest in and every approved company (and every director, Secretary, registered racing manager and shareholder thereof) which owns such horse shall be deemed to accept all the conditions and restrictions imposed or implied by these Rules and to be debarred from questioning the action or conduct of the Club or of any Official of the Club or of an Adjudicative Committee in respect of such horse, or of any person connected with such horse, otherwise than in accordance with these Rules.

832 Entries and rights of entry shall not become void on the death of an owner.

833 (1) All registered Clubs and (in respect of harness racing events in their programmes) Racing Clubs shall provide that each and every horse nominated shall be deemed to be an acceptor unless instructions to withdraw it from the race or races specified in such instructions are received from or on behalf of the nominator not later than the time fixed and publicly advertised as the closing time for withdrawals, and an acceptance fee shall be payable in respect of every horse not so withdrawn. Where the instructions received do not specify a race or races they shall be deemed to apply to all events for which the horse has been entered with that Club.

(2) No horse so withdrawn from any race shall be eligible to start in such race.

(3) No trainer shall without the prior consent of the owner or in the case of an approved company the racing manager withdraw a horse he is or has been training if such horse has been removed or he has received notice of an intention to remove such horse from his custody.

834 (1) Any person intending to scratch a horse from a race after it has been deemed to have accepted therefore, shall give notice to the Secretary of the Club to that effect before the official scratching time which shall also be the official right of re-entry time for any race meeting.

(2) (a) After the official right of re-entry time no person shall scratch a horse from a race unless there are sufficient circumstances which warrant the horse being scratched full details of which shall be given to the Stipendiary Steward in writing;

(b) A material change in the condition of the track, occurring after that time, may be deemed to constitute such circumstances.

(3) No horse shall be considered as struck out of its engagements unless such notice has been given by the Owner or his authorised agent, or unless its withdrawal, scratching or ineligibility to start or race is ordered and/or authorised by the Stipendiary Stewards, Handicapper or Adjudicative Committee. Where such notice does not specify any race or races it shall be deemed to apply to all races to be conducted by that Club for which the horse has been entered or accepted.

(4) Subject to the provisions of sub-rule (5) of this rule, scratchings duly made under this rule shall be final and no horse so scratched from any race shall be reinstated therein.

(5) On application from the owner or his authorised agent, the Stipendiary Steward or Adjudicative Committee in his or its discretion, may direct that a horse which has been purported to have been scratched by the owner or authorised agent, be reinstated.

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(6) Where a horse has been entered for more than one meeting at which racing betting is to take place on the same day, it shall be withdrawn or scratched as the case may be for all but one meeting at least 24 hours before 11 am on the day of the meetings.

Provided however that where acceptances for any such race meeting are or are deemed to be taken on the preceding day or where only a Sunday or public holiday intervenes between the day on which acceptances are or are deemed to be taken and race day, such horse shall be scratched from its engagements at all such race meetings except one not later than two hours after the closing time for withdrawals.

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(7) Notwithstanding anything to the contrary in the preceding provisions to this rule or elsewhere in these rules, where, in relation to a horse which has been accepted for a race and which in fact has not been scratched from that race, the Secretary or other official or servant of the Club concerned has notified TAB NZ that the horse has been scratched from that race and TAB NZ has acted on that notification, such horse shall be deemed to be scratched from that race and may not be reinstated without the prior permission of the Chair of the Stewards or his or her appointed deputy.

(8) In any race which includes horses selected as emergencies with right of re-entry as provided under rule 605(1)(d) should a horse already in the field be scratched following the re-entry scratching times laid down under that Rule, it shall be necessary for the owner or his authorised agent to produce to the Stipendiary Stewards a Veterinary Certificate or otherwise sufficient reason in writing for such late scratching.

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(9) Where a horse has been accepted for more than one race at the same meeting on the same day, it must be scratched from all subsequent races for which it has been accepted for on that day unless the conditions for the race permit.

(10) Notwithstanding anything to the contrary contained in any previous sub-rule of this Rule the Chairman may in his discretion permit any Club to fix any time for the scratching of any horse in any particular race.

(11) Where a horse already appearing in an official race card for a race has by virtue of incurring a handicapping penalty become ineligible for that race the Secretary of the Club if advised either by the owner or the Official Handicapper for the race meeting shall thereupon scratch the horse from the race. Such penalty shall include any stake monies earned for the purpose of determining eligibility in any race where the conditions of entry include stake monies earned by the horse in any specified number of starts.

834A (1) The Board may from time to time make regulations known as Scratching Penalties Regulations which may include penalties which shall apply to any horse scratched from a race.

(2) Any Club which is to conduct a race meeting may at its discretion elect that the Scratching Penalties Regulations shall apply to that race meeting, and where the said Regulation is to apply, the Club shall notify the Chief Executive at least 4 weeks before the first day of that meeting.

(3) Where notification to the Chief Executive is given pursuant to sub-rule (2) hereof, the provisions of the Scratching Penalties Regulations shall apply (notwithstanding any other Rule) unless the Chairman on written application directs otherwise. Any decision of the Chairman pursuant to this sub-rule is declared to be final.

(4) The fact that a penalty has been incurred shall not be taken into account by an Adjudicative Committee when imposing any penalty for a breach of these Rules.

835 Any trivial error or violation of these Rules in relation to the entry of horses may be corrected or remedied with the permission of the Committee of the Club or the Adjudicative Committee.

836 Any person entering a horse for a race shall become liable for all forfeits, and, save pursuant to Rules 422 and 837 hereof shall continue to be liable therefore.

837 (1) All Clubs having on their programmes races by the conditions of which forfeits are payable, shall at least 21 days before the due date thereof, forward by pre-paid post or registered post or facsimile to all owners by whom such forfeits are payable notice of the amount and of the due date of any such forfeit.

(2) Any Club failing to comply with the foregoing requirements of this Rule shall thereby lose its right to claim any forfeit from any person to whom such notice has not been sent.

(3) This Rule does not apply to sustaining payments made for entry in races established by the New Zealand Sires Stakes Incorporated.

838 The Stipendiary Stewards may prevent any horse from starting in any race unless there has been paid before checking out:-

(a) any entrance money, or forfeits or sweepstakes, or sustaining payments or any other monies payable for that horse in respect of such race; and

(b) all arrears due by any person for such horse, or due for any other horse, by any person having any interest in such first-mentioned horse, or in whose name or under whose subscription it is entered provided that arrears due in respect of a Race Meeting held by any other Club shall not be deemed to be arrears for the purpose of this paragraph, unless either notified in the Official Notifications or notified in writing to the Club before 10 o'clock in the evening of the day immediately preceding that on which the race is to be run.

27.8.15

839 If any person tenders to the Club or Harness Racing New Zealand a cheque in payment of any monies due to that Club or Harness Racing New Zealand in respect of any horse or any amount payable to Harness Racing New Zealand, which is subsequently dishonoured, the amount of such cheque shall be deemed to be arrears and Part XIV of these Rules shall apply.

HANDICAPPING

840 (1) In all handicap races handicaps shall be allotted by a Handicapper in accordance with the system of handicapping for the time being in force under these Rules. The decision of the Handicapper as to the correctness of any handicap and his decision as to the interpretation of any handicapping condition in a club's programme will be subject to appeal to the Board whose decision shall be final.

(2) The Board may from time to time prescribe a system under which handicaps shall be imposed by metres on the basis of 10 metres being equal to one second of time and in such system the Board shall:-

(a) set forth tables defining horses handicap marks applying to horses handicapped behind the front line in respect of both pacers and trotters separately;

(b) prescribe the manner in which a horse shall be handicapped in accordance with such tables when it is entered in a race for the first time;

(c) prescribe penalties to be governed by the time limits of races and defining the manner in and the extent to which such penalties shall be imposed on horses either generally or with respect to particular races or classes of races;

(d) provide for the assessment from time to time of every horse to a handicap mark which shall be the basis for the handicapping of such horse and the conditions on which such assessed mark may be altered;

(e) provide for such other matters as may be necessary for the proper working of such system.

(3) The Board may from time to time amend any system prescribed by it under sub-rule (2) of this Rule and it may at any time revoke any such system and substitute another system.

27.8.15 (4) Every system so prescribed shall be notified in the Official Notifications and published in booklet form or such other form as the Board from time to time decides to the end that it shall be readily available for the information of all Clubs and all persons concerned. Every publication containing the said system which purports to be issued by the Board shall be deemed correctly to set forth the said system.

27.8.15 (5) The Board shall from time to time notify in the Official Notifications and in such other manner as it deems necessary the assessment of horses to their respective marks and every alteration of any such assessment.

841 The system of handicapping in force under the revoked Rules immediately before the coming into force of these Rules shall continue in force as a system prescribed by the Board under these Rules and may from time to time be amended or may be revoked and a new system substituted therefore under Rule 840 of these Rules.

842 If at any time a Handicapper declares a handicap which is not in accordance with the system of handicapping for the time being in force, or is otherwise erroneous, he shall on becoming aware of it correct such error.

843 (1) When an information which may affect any placing of any horse in any race is duly filed, the horse against which a breach of these Rules is alleged and the horse claiming to be entitled to the placing shall, until such information is finally determined, be liable to all the handicapping penalties which would have attached to the placings of the race if no information had been filed, and shall be handicapped accordingly. Such penalty shall include any stake monies earned for the purpose of determining eligibility in any race where the conditions of entry include stake monies earned by the horse in any specified number of starts.

(2) In the case of the horse which on the final determination of such information is held not to be entitled to the placing in the race its handicap for any race for which it is then handicapped shall be adjusted by the cancellation of such penalty.

GENERAL AS TO CHECKING

844 All checking out of drivers shall be done by the Stipendiary Stewards or their duly appointed substitute.

845 (1) The Stipendiary Steward may refuse to check out for any race:-

(a) any driver who refuses to produce his licence and any driver who, being unable for any reason to produce such licence, does not establish to the satisfaction of the Stipendiary Steward the fact of his being the holder of such a licence.

(b) the driver of any horse which is ineligible to race, disqualified, scratched, or otherwise prohibited from starting in a race by virtue of any of the provisions of these Rules.

(c) if so directed by the Stewards the driver of any horse in respect of which any payments for such race are due and unpaid, or the owner of which has failed to pay any arrears non payment of which under Rule 838 hereof may prevent such horse from starting in such race.

(d) deleted 27.7.2013.

(e) any driver who, in the opinion of the Stipendiary Stewards, is for any reason unfit to drive in the race.

(f) any driver who may not be checked out.

27.7.13 (g) any driver prohibited under Rule 503 from driving the horse for which he desires to be checked out.

(h) any driver not properly attired as required by Rule 848 hereof.

CHECKING OUT

1.8.96
1.8.02
1.8.03
1.8.05
9.8.08
1.11.24

846 (1) No driver shall be checked out to drive in any Group race, Listed race or a race at a Premier meeting (other than a non-betting race) unless he has been awarded first place in 15 official races.

(2) Rule deleted 1.8.02

(3) No driver shall misrepresent his winning drives in order to falsely qualify to drive at a premier meeting in Group 1 or Group 2 events as classified under Rule 818.

Where a driver commits a breach of this Rule the placings of any horse in the race shall not be changed.

1.8.97

(4) In addition to any other penalty which may be imposed for a breach of this Rule by the Adjudicative Committee a Stipendiary Steward may scratch a horse in respect of which the breach was committed, if the breach is detected before the race.

1.8.01
9.8.08

847 (1) No driver shall check out or attempt to check out unless he wears safety gear which complies with the requirements of the Safety Gear Regulations made by the Board.

(2) A Stipendiary Steward may confiscate or order the satisfactory repair of any safety vest or safety helmet that does not comply with the requirements of the Safety Gear Regulations made by the Board.

28.7.12

(3) A driver shall while seated in the sulky at a race meeting wear his safety helmet with the chin strap securely fastened.

848 Every driver shall be properly attired namely wear:-

1.8.05

(a) correct colours in accordance with these Rules; and

(b) trousers of durable white material and white stock or skivvy and black boots or shoes and the Stipendiary Steward may not check out any driver unless he is so properly attired or his general appearance is to their satisfaction.

Notwithstanding the foregoing provisions the Board may approve of the use of a jump suit or track suit with white trousers with or without a coloured seam and a jacket of approved colours.

849 (1) A person appointed by the Club shall issue the proper numbered saddlecloth for each horse in the race, and such saddlecloth shall in the race be carried, properly exhibited, and on checking in after the race be returned by the driver, trainer or his authorised representative to a person appointed by the Club in good order and condition.

27.7.13

(2) The trainer, driver or person in control of each horse in the race shall ensure that the proper numbered saddlecloth is attached prior to the horse parading in the assembly area.

850 The number of each horse, the name of its driver and the post position drawn by it shall be exhibited at such place or places on the racecourse as the Stewards direct.

851 (1) When a driver has been checked out for any horse, but before the time fixed for the start, is prevented by accident or illness, or, in the opinion of the Stipendiary Steward, is otherwise unfit to drive in the race, or is disqualified, suspended or otherwise prohibited by these Rules from driving in the race, he may be replaced by another driver, provided no unreasonable delay is likely to ensue. Every such change shall be publicly notified by a loudspeaker.

(2) If, after a driver has been checked out for any horse, the horse is prevented by accident, illness, injury or other mishap from starting in the race, a fee as for a losing drive shall be paid to the driver.

(3) Any other question as to whether or not the fee as for a losing drive shall be paid to the driver so replaced shall be determined by the Adjudicative Committee whose decision is declared to be final.

852 (1) No driver, after he has been checked out, shall save with the express permission of the Stipendiary Steward, drive, in the race or in the preliminary, any horse other than the horse for which he has been checked out.

(2) No person shall, save with the express permission of the Stipendiary Stewards, drive in the preliminary any horse which he is not to drive in the race.

CHECKING IN

853 (1) When a race has been run, the driver of every horse shall, immediately after pulling up, return to an area designated by the Stipendiary Steward or Marshalling Steward and (but not before) shall dismount.

1.8.01

(2) Notwithstanding anything contained in sub-rule (1) of this rule, a driver may dismount if for any acceptable reason it is undesirable that his horse should be driven as directed in that sub-rule or he himself is incapacitated from so driving.

STARTING

854 No horse may be entered for its first start for a standing or mobile start at any meeting at which racing betting takes place until that horse has behaved prior to the start, started satisfactorily, and gone away for the first 200 metres, from the nominated start type in the presence of a Stipendiary Steward, or person approved by the Racing Integrity Board in their absence.

855 (1) Only a starter licensed under rule 308, or a substitute starter under rule 211(1)(b) or rule 309, may start a race at a meeting.

(2) The Committee or a Stipendiary Steward, or the Starter with the consent of the Committee or a Stipendiary Steward, may appoint one or more Assistants to act under the personal direction of the Starter.

(3) Every Starter and Assistant shall perform such duties and functions as are provided by these rules and the Starting Regulations made by the Board.

856 (1) Only the following persons are permitted to be at the start of the race:

29.11.21

(a) Stipendiary Stewards.
(b) The Starter and the Starter's Assistants.
(c) The race-day veterinarian.
(d) The Clerk of the Course.
(e) The farrier.
(f) Any other person with the express permission of the Stipendiary Stewards.

857 (1) The start for all races may be either:

(a) a standing start;
(b) a mobile start;
(c) a moving start; or
(d) a flying start in matches and exhibitions of speed against time upon such terms and conditions as the Board may decide.

(2) All races shall be started by means of a starting device approved by the Board.

858 (1) A driver must not:-

(a) Delay the start.
(b) Fail to obey the Starter's or Assistant Starter's instructions.
(c) Rush ahead of the inside or outside of the gate.
(d) Come to the start out of position.
(e) Cross over before reaching the starting point.
(f) Interfere with another horse.

(g) Interfere with another driver.
(h) Fail to come up into position.
(i) Fail to maintain his or her position.
29.11.21 (j) Rush ahead of the inside horse in the case of a moving start.
(k) Come to the start out of position in a moving start.
(l) Trust to chance that a false start will be declared.
(m) Fail to come up to the mobile barrier by the time the candy pole or other nominated marker is reached.
1.11.24 (n) After entering the racetrack prior to the start of the race a driver must not speak to another driver until they have passed the finishing line except for safety reasons or in an emergency.
1.11.26 (o) Signal to the Starter unless there was interference prior to or at the start or the horse has broken equipment or an emergency has occurred.

859 (1) No driver shall permit a horse to start and no horse shall start on a mark in advance of its proper mark.

(2) No driver shall permit a horse to start and no horse shall start other than from its correct barrier
29.11.21 position or in advance of its correct barrier position (either at a standing, mobile, or moving start), unless directed by the Starter.

1.11.25 (3) In addition to any other penalty that may be imposed under these rules, a horse shall be disqualified and deemed to be scratched from a race if it:

(a) Starts in advance of its mark.
(b) Starts from an incorrect barrier position and gains an advantage.

860 The Board may make the Starting Regulations which may include how the starting position of horses are determined, the procedure for starting the race, and such other matters relating to the start of a race the Board considers appropriate.

861 Every Starter, Assistant Starter, driver, trainer, and person in charge of the horse must comply with the Starting Regulations so far as they are applicable to him or her.

862 Deleted.

THE RACE

GENERAL

1.8.97 863 No owner, trainer or driver shall start or attempt to start in any race a horse in indifferent health or unsound or unfit condition to compete in such race.

864 (1) No horse shall race in, or race with, any gear or with any appliance or device other than that from time to time approved by the Board.

1.8.98 (2) Every driver, owner, trainer and assistant thereof of a horse shall with regard to that horse ensure that:-

(a) it races only in gear, appliances or devices previously approved by the Board;

1.8.98 9.8.08 (b) any gear, appliance or device used or to be used in a race is of good quality and in good order and condition;

27.2.09 (c) any sulky used or to be used in a race complies with the Sulky Specification Regulations made by the Board;

(d) all gear is correctly applied and/or affixed so as not to malfunction or come adrift;

1.8.98 (e) that all steps are taken to activate gear, appliances or devices which requires activation.

(3) A driver shall, if any of his horse's gear is broken, lost, damaged, not activated, tampered with or has malfunctioned during a race, on returning to the assembly area, report the matter to a Stipendiary Steward, forthwith.

1.11.25 865 (1) The trainer or person in control of a horse shall notify any notifiable gear, devices, or appliances a horse may race in or with in a betting race. This notification must be
31.7.10 completed in accordance with the timeframes and procedures outlined in the Approved
1.11.24 Gear Regulations.

(2) Every horse entered in a betting race shall be presented in the assembly area prior to the
1.11.24 race in the same notifiable gear as that notified under sub-rule(1).

(3) The provisions of sub-rule (1) and (2) hereof shall not apply where in such circumstances a Stipendiary Steward directs otherwise.

866 No driver shall use in a race:
(a) a metal lined whip;
31.7.10 (b) the ends of the reins as a whip;
(c) a whip not approved by the Stipendiary Stewards.

867 Every driver shall drive throughout the race with both feet in the rests of the sulky provided for that purpose.

RUNNING OF THE RACE

868 (1) No person including a driver, shall run a horse, or cause or permit a horse to be run other
1.8.97 than on its merits.

(2) Every driver shall take all reasonable and permissible measures at all times during the
1.8.97 race to ensure that his horse is given full opportunity to win the race or to obtain the best possible position and/or finishing place.

25.11.19 (3) Every driver shall drive his or her horse out to the end of the race if he or she has any reasonable chance of running first, second, third, fourth, or fifth.

(4) No driver shall trust to the chance of an information or proceeding.

869 (1) No driver shall look around unduly during a race.

31.8.17 (2) No driver shall during any race use a whip in a manner in contravention of the Whip and
1.11.22 Rein Regulations made by the Board.

(3) No driver in any race shall drive:-

(a) incompetently;

(b) carelessly;

(c) recklessly;

(d) dangerously;

(e) in a foul manner;

1.8.97 (f) improperly;

(g) in any manner capable of diminishing the chances of his horse winning.

(4) No driver shall during any race do anything which interferes or is likely to interfere with his own horse and/or any other horse or its progress.

1.8.97
9.8.08

(4A) No horse shall during any race do anything which interferes or is likely to interfere with any other horse or its progress.

1.8.98 (5) A driver shall trail with his horse's head behind the seat of the sulky being trailed.

(6) Subject to sub-rule (4) hereof:-

(a) drivers are permitted to move ground inwards or outwards at any stage of the race to improve their racing position;

25.11.19 (b) a horse during any race shall not be forced to race wider on the track;

(c) a horse during a race shall not move ground outwards once the nose of the wider runner coming forward is in line with or past its sulky wheel and until the wider runner going forward is fully past.

(7) Sub-rule (6)(b) and (c) of this Rule shall apply until 1000 metres from the finish of the race. From this point all drivers shall be expected to make moves, with safety, to ensure the horse obtains the best possible place in the field.

(7A) Every driver who moves inwards shall ensure:

(a) that contact is not made with any track marker

(b) that any part of the sulky does not protrude inside the marker line

(c) that the movement does not cause any other driver, horse or sulky to contact any track marker or protrude inside the marker line.

It shall be a defence to a breach of this sub-rule if the driver establishes that the breach was attributable to the behaviour of his own horse or any other horse or driver in the race.

1.8.97

1.8.05
23.7.11
6.10.11
27.8.15
1.11.22 (7B) Where any horse or its sulky wheel moves inside the track marker line and gains an advantage the horse shall be disqualified from that race or relegated to behind any horse in respect of which an advantage may have been gained except where it is established that the breach was caused by interference by another horse or driver.

(8) Deleted 9 August 2014

25.8.07 (9) For the purpose of sub-rules (2), (3) and (4), the "race" shall include the preliminaries, the starts, and time period after the finish whilst the horse remains on the race track.

869A (1) For the purpose of this rule:

(a) "placed horse" means a horse placed by the Judge 1st, 2nd, 3rd, 4th or 5th;

(b) "interference" means any conduct referred to in rule 869 which interferes or is likely to interfere with the progress of any horse in a race.

(2) When a placed horse or its driver causes interference to another placed horse and the Adjudicative Committee is satisfied that the horse interfered with would have finished ahead of the horse that, or whose driver, caused the interference the Adjudicative Committee must, in addition to any other penalty that may be imposed, place the horse that, or whose driver, caused the interference immediately after the horse interfered with.

9.8.14

(3) If the Adjudicative Committee is satisfied the interference was as a deliberate or reckless act or omission on the part of the driver who, or whose horse, caused interference the

Adjudicative Committee, in addition to any other penalty that may be imposed, shall place the horse who, or whose driver, caused the interference immediately after the horse interfered with irrespective of where the interfered horse finishes.

27.8.15

(4) If the Adjudicative Committee is satisfied, as a result of interference, the horse interfered with was denied a higher stake bearing place it may order that the stake monies, or a portion of the stake monies, payable in respect of the horse that, or whose driver, caused the interference be paid to the owners of the horse interfered with.

(5) An information applying for a ruling under sub-rule (4) must be filed by the owner, or the owners' authorised agent, of the horse interfered with no later than 30 minutes after the last race on the day of racing.

870 (1) When any horse breaks from its gait in any race its driver shall immediately take all reasonable steps to return it to its proper gait and where clearance exists immediately take such horse clear of the field.

(2) The following shall be a breach of sub-rule (1) hereof:

(a) failure to take the horse clear of the field;
(b) failure to take all reasonable steps to return the horse to its proper gait;
(c) failure to lose ground by the break.

(3) Any horse which breaks from its gait shall promptly regain its proper gait.

(4) Any horse which breaks from its gait in any race and:

(a) which fails to promptly regain its proper gait; and/or
(b) which is not taken clear of the field; and/or
(c) in respect of which all reasonable steps are not taken to return it to its proper gait; and/or
(d) which fails to lose ground by the break;

may (in addition to any penalty that may be imposed pursuant to Rule 1003 hereof) subject to the provisions of the Breaking Horse Regulations made by the Board, be placed by the Stipendiary Steward immediately after any other horse in respect of which any advantage may have been gained.

(5) Notwithstanding the provisions of sub-rule (4) hereof any horse which is not in the correct gait when its nose reaches the finishing line and which is lapped on by any other horse or horses in the correct gait shall be placed by the Stipendiary Steward behind such horse or horses provided that where such first mentioned horse is not in its correct gait as a result of interference to such horse or its driver, then subject to rule 869A such relegation of the horse shall be at the discretion of the Stipendiary Steward.

01.12.22

870A (1) The licenced person in charge of a horse that finished in a stake-bearing place that may be relegated or disqualified under rule 870 may elect to have the matter determined by the Adjudicative Committee rather than by a Stipendiary Steward. The election must be notified to the Stipendiary Steward at the time the licensed person is first advised the horse may be relegated or disqualified under rule 870.

871 No horse shall be assisted to fill a stake bearing place by the co-operation of any other horse or driver after breaking gear during the running of the race.

872 If an accident or interference occurs during the running of the race every driver concerned therein or directly affected thereby shall, unless incapacitated, immediately after the race report the matter to the Stipendiary Stewards who shall thereupon, if they think it necessary, conduct an investigation into the cause of the accident or interference and take such further action permitted by these Rules.

872A Where a horse is involved in an accident or pulls up or is pulled up due to injury or potential injury while on the racetrack (either before the start, during the race, or after the finish) the horse must only be moved by the horse ambulance (if available) unless permission is given for the horse to be walked off the track by the race day veterinarian or in his or her absence a Stipendiary Steward.

20.10.21

JUDGING OF THE RACE

873 (1) The Judge, being a person duly licensed as such under Rule 308, or a substitute judge under Rule 309 hereof, and no other person shall judge every race at a meeting provided that every club shall appoint a suitable person to act as assistant to the judge and such person shall have all the powers of a judge in a race only in the event of the licensed judge becoming incapacitated during the course of the race.

(2) The judge shall place all horses in a race according to the order in which their noses have reached the winning post.

(3) No horse shall be adjudged a place getter in a race unless the driver is occupying the sulky at the time the horse reaches the winning post.

874 (1) The Judge may correct any mistake prior to payment authorisation.

(2) In every race upon a course on which PHOTO FINISH apparatus is being operated, the judge shall, forthwith after the last of the placed horses has passed the winning post, call for and inspect the photograph or photographs of the finish of such race with a view to arriving at or checking his decision.

20.10.21 (3) Deleted.

875 (1) If the Judge or his substitute or assistant or a Steward is not in the Judge's box when the placed horses pass the winning post or all the placed horses are disqualified, the race shall be declared void by the Adjudicative Committee who may direct the race be run again as soon as practicable.

(2) The decision of the Adjudicative Committee on any of the matters mentioned in sub-rule (1) of this Rule is declared to be final.

DEAD-HEATS

876 (1) If a dead-heat is run in any race by two or more horses, the owners of such horses shall divide equally all the monies or other prizes which any of them would have received if there had not been a dead-heat.

(2) If such owners cannot agree as to which of them shall take a cup or other prize which cannot be divided, the question shall be determined by lot by the Stewards who, in such cases, shall decide what sum of money shall be paid to the other owner or owners by the owner who takes such cup or other indivisible prize.

1.8.00

877 (1) In the case of horses dead-heating for first place such horses shall irrespective of any special handicapping conditions and for the purpose of the handicapping system be subsequently deemed not to have won a race and shall be regarded as non winners for the purpose of the handicapping system.

(2) Any horse running a dead-heat shall be deemed to be a winner of the amount actually received in money or value of other prize by its owner, and no more.

WALK-OVER AND UNFILLED PLACES

878 (1) Where only one horse checks out for a race it must walk-over, unless the Stipendiary Stewards exempt it from doing so.

(2) deleted 27.7.2013.

(3) If two or more horses are checked out, but no horse is placed in second or in any lower place, the money or prize provided by the conditions of the race for the second and lower placed horse shall be retained by the Club.

RECORDS OF TIMES

15.8.09

879 (1) The Committee or, failing the Committee, the Stewards of each Club, shall appoint a sufficient number of competent persons to be Official Timekeepers for each of its meetings or provide suitably approved electronic timing. Provided that no time in a trial against time shall be recognised unless taken by at least three Official Timekeepers unless an approved electronic timing device is installed.

(2) The Official Timekeepers shall:-

(a) take the time as its nose reaches the winning post of each of the horses finishing first, second, third and fourth in each race;

(b) immediately after the finish of each race enter the time taken for the winner on the Official Result Sheet for the race and sign each entry.

(3) The times so entered shall be the official times and shall, immediately after being so entered, be publicly notified.

(4) No times other than those taken by the Official Timekeepers shall be entered on the Official Result Sheet or publicly notified.

(5) The Official Timekeepers shall immediately after the finish of each race declare in accordance with instructions of the Board the rate of speed of the winning horse and such rate shall thereupon be publicly notified.

15.8.09

(6) Notwithstanding the provisions of this Rule at racecourses where an approved electronic timing device is installed and operated the time of the winning horse as recorded thereby shall be accepted as the official time.

Where electronic timing is used the person operating the electronic timing will be deemed the Official Timekeeper.

880 Rule deleted August 2006

PAYMENT OF STAKES

1.11.23

881 (1) HRNZ, on behalf of a Club, shall hold the stakes in respect of each race for a period of 7 days or pending the result of the analysis of any sample pursuant to Rule 214(3) hereof whichever is the later.

(2) After a period referred to in sub-rule (1) and such further period provided in the Centralised Stakes Payment Scheme Regulations the HRNZ, shall pay or deliver the stake in accordance with the placings of the horse in the race as set out in the authority for payment of dividends unless:-

(a) the Chief Executive (or his or her nominee) deducts or withholds payment of the stake or any part thereof under the Rules;

(b) proceedings have been commenced before an Adjudicative Committee which may affect to whom the stake or any part thereof is paid; or

(c) the time for filing an appeal has not expired, or the hearing of an appeal the determination of which may affect to whom the stake or any part thereof is paid, has not been concluded.

(3) Where delivery or payment of the stake has been withheld pursuant to paragraph (a), (b) and (c) of sub-rule (2) hereof the stake shall be paid when directed by the Chief Executive (or his or her nominee) or in accordance with the Tribunals decision whichever the case may be.

MONTÉ RACING

882 The Board may approve in any programme the running of a monté race.

9.8.14

883 These rules shall apply with all necessary modification to monté racing.

884 Monté racing shall be conducted in accordance with the Monte Racing Regulations made by the Board and these rules as modified under rule 883.

PART IX - BETTING

GENERAL

901 (1) Where a club conducts betting as an agent of TAB NZ no person having any duties in connection with or employed in or about the betting shall disclose information relating to investments to a person of any other person.

(2) Sub-rule 1 does not apply to:

(a) betting information requested by and disclosed to a Stipendiary Steward or Racing Investigator;

(b) information being disclosed to TAB NZ; or

(c) information being disclosed required to be disclosed by law.

902 Every holder of a dividend winning ticket shall satisfy themself that they have received their proper dividend before leaving the counter at which the pay-out is made and no claim made subsequently shall be recognised without the express direction of the Stewards.

903 (1) Every person betting must comply with the TAB NZ Betting Rules.

(2) No person shall fraudulently claim payment of any dividend.

(3) A breach of sub-rule (1) or (2) is declared to be a serious racing offence.

PAYMENT OF DIVIDENDS

904 (1) The Stipendiary Steward shall give authority to TAB NZ for the payment of dividends.

(2) The authority for payment of dividends shall not be given before three minutes after the Judge's decision as to placings under rule 873(2) and 874.

(3) After the three-minute period the Stipendiary Steward shall not give such authority if:

(a) an information has been filed which may result in an alteration of the placing of one or more of the horses in a dividend-bearing place;

(b) notice of an intention to file an information has been given to the Adjudicative Committee by a person permitted to file an information, which may result in an alteration of the placing of one or more of the horses in a dividend-bearing place; or

(c) notice of an intention to file an information has been given under paragraph (b) and within six minutes after the Judge's decision an information has been filed which may result in an alteration of the placing of one or more of the horses in a dividend-bearing place.

(4) The time period referred to in sub-rules (2) and (3) may be extended by the Stipendiary Steward if it is satisfied:

(a) that an information could not have been filed within that time; and

(b) that authority for the payment of dividends has not already been given.

(5) Where an information is filed within the time periods in either sub-rule (3) or (4) authority for the payment of dividends shall not be given until the proceeding is determined.

(6) Before the proceeding is determined the Stipendiary Steward may give authority for the payment of dividends on any placed horse, or combination of placed horses, not affected by the information or proceeding.

(7) On the determination of any proceeding the Stipendiary Steward shall give such authority in accordance with the Adjudicative Committee's decision.

(8) The disqualification of any horse or placing of a horse after another horse that occurs after authority for the payment of dividends has been given shall not affect or result in any alteration of the payment of dividends.

(9) The Stipendiary Steward may correct any error in an authority for payment of dividends at any time prior to the commencement of payment of dividends by TAB NZ.

(10) Every authority for the payment of dividends, decision to give authority for the payment of dividends, decision to or not to extend time, or decision to correct any authority for the payment of dividends under sub-rule is declared to be final.

(11) In this rule Stipendiary Steward means the Stipendiary Steward designated as the Chair Stipendiary Steward or the Stipendiary Steward the Chair Stipendiary Steward authorises to give the authority for the payment of dividends.

PART X - SERIOUS RACING OFFENCES, BREACHES OF THE RULES AND GENERAL PROVISIONS

SERIOUS RACING OFFENCES

1001 (1) Every person commits a serious racing offence within the meaning of these Rules, who, in New Zealand or in any other country:-

(a) corruptly gives or offers, directly or indirectly, any money, present, share in a bet, or other benefit, to any person having official duties in relation to a race, or to any Owner, Trainer, Driver or other person having charge of or access to any horse; or

(b) having official duties in relation to a race, or being the Owner, Trainer, Driver or other person having charge of or access to any horse corruptly accepts, or offers to accept any money, present, share in a bet, or other benefit; or

(c) wilfully enters for or starts in, or causes or procures to be entered for or started in any race, a horse which he knows or believes or has reason to believe to be disqualified, or not to be qualified to be entered for or to start in such race; or wilfully enters a horse for a race unless entitled under these Rules or the conditions of the race to do so; or

(d) fraudulently enters a horse for a race or disguises or alters the appearance of a horse with intent to conceal its identity or to hold it out to be another horse or is in any way interested in or knowingly connected with any such entry or disguise or alteration; or

(e) tampers with any horse or with any person employed in a harness racing, racing or training stable, or obtains surreptitiously information respecting a trial, or respecting any horse in training from any person employed in a harness racing, racing or training stable or in the service of the Owner or Trainer of the horse; or

(f) being a person employed in harness racing, racing or training stable or in the service of an Owner or Trainer of a horse surreptitiously discloses information respecting a trial involving a horse in that stable or respecting any horse in that stable or owned by such Owner or trained by such Trainer, or accepts any bribe; or

(g) lays or accepts a wager illegal in the country in which the same is made; or

1.8.05 | (h) having bet, repudiates such bet; or

(i) refuses to supply any information or make a written Declaration (Statutory or otherwise) or statement respecting any matter connected with harness racing or any horse registered with HRNZ or the ownership thereof which the Adjudicative Committee, Appeals Tribunal, the Board, a Stipendiary Steward or a Racing Investigator require him to supply or make; or

(j) hinders or obstructs any Adjudicative Committee or Appeals Tribunal, or any Stipendiary Steward or Racing Investigator engaged or determining in an investigation, inquiry, information or proceeding in connection with harness racing or otherwise under these Rules; or

(k) wilfully supplies any false or misleading information, or makes any false or misleading declaration or statement, respecting any matter connected with racing or otherwise under these Rules to an Adjudicative Committee, an Appeals Tribunal, the Chairman, the Board the Stewards or Committee of a Club, a Stipendiary Steward, a Racing Investigator or any other Body, tribunal or person; or wilfully makes a false or misleading statement in support of an application for any payment out of any trust fund; or in, or in connection with, any application for registration of a horse wilfully gives or causes to be given, or is knowingly a party to the giving of, any false or misleading information or particulars; or

(l) without the consent of the Board pursuant to these Rules knowingly employs or keeps in his employment any person whose name for the time being appears in the List of Disqualifications provided that a disqualified person shall not be debarred from obtaining employment unconnected with the training or racing of horses; or

(m) wilfully fails to register any financial arrangement, interest, partnership, sale, lease, or other dealing by these Rules required to be registered; or

(n) wilfully fails to perform any act ordered by the Stipendiary Stewards, Stewards, Committee of the Club, Board, HRNZ, the Adjudicative Committee or Appeals Tribunal to be performed by him; or

(o) drives in any race knowing or believing or having reason to believe that he is not qualified and eligible under these Rules so to do; or

1.8.05 | (p) commits any dishonest or fraudulent act connected with harness racing or betting; or

(q) deleted 25.11.19

(qa) deleted 25.11.19

(r) (i) at any time uses or permits or causes to be used or attempts to use or to cause to be used on or in relation to any horse any electrical, mechanical or galvanic device, equipment, appliance or apparatus which may affect either at the time of use or attempted use or subsequently the speed, stamina, courage or conduct of such horse; or

09.10.18 | (ii) at any time has in their possession any gear, equipment or device that has been modified in a manner which may cause pain, injury or distress to a horse; or

(iii) inflicts undue suffering by any other means.

(s) knowing that any of the directors, secretary or registered racing manager of an approved company is a prohibited person enters a horse for or starts it in a race in the name or on behalf of the company or an approved partnership in which that company is a partner or a Syndicate of which that company is a member or partner; or

(t) wilfully supplies to the Keeper of the Stud Book or the compiler of the Register of Non Stud Book Mares or any other employee of HRNZ any false information:-

(i) connected directly or indirectly with the breeding or attempted breeding of a horse or horses; or

(ii) in circumstances where accurate information was required for the proper compilation of the New Zealand Stud Book or register of Non Stud Book Mares; or

(iii) in or on any form, document or paper addressed to or otherwise intended by the person or persons signing, writing upon or forwarding such form, document or paper to be received or acted upon by the Keeper of the Stud Book or Compiler of the Register of Non Stud Book Mares; or

(iv) in or on any form prescribed pursuant to any of these Rules or any of the New Zealand Stud Book Regulations or any of the regulations relating to the Register of Non Stud Book Mares; or

(u) being a trainer, driver or stablehand without due notice absconds from the service of his employer or being a driver refuses his services without just causes to any owner by whom he is retained; or

(v) either by himself or in conjunction with any person:

(i) does or permits or suffers to be done any act which an Adjudicative Committee deems fraudulent, corrupt or detrimental to the interests of harness racing; or

(ii) at any time writes or causes to be written, publishes or causes to be published, or utters or causes to be uttered, any insulting or abusive words with reference to a Judicial Committee, Adjudicative Committee, Appeals Tribunal, an official of HRNZ, the Chairman, the Vice-Chairman, the Board, a paid official, or any person engaged by a Club or by HRNZ in a professional capacity and/or as an independent contractor; or

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(x) commits a breach of any Rule declared to be a serious racing offence in these Rules; or

(y) does or omits any act for the purpose of aiding any person to commit a serious racing offence; or

(z) abets any person in the commission of a serious racing offence; or

(za) counsels, procures or incites any person to commit a serious racing offence; or

(zb) conceals the commission of a serious racing offence; or

(zc) attempts to commit a serious racing offence; or

(zd) being a licensed person or registered owner aids, assists, or associates with any prohibited person or disqualified person for the purpose of not complying with or contrary to:

(i) Any restrictions on disqualified persons under rule 1303(1) or 1303(2) unless an exemption has been granted to the restriction.

(ii) Any condition of any exemption under rule 1303(5) or 1303(7).

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(ze) either by himself or in conjunction with others or as a member of a Society, Union or Association, publishes, communicates or sends to or causes to be published, communicated or sent to any Tribunal or to any member or officer thereof any statement, comment, or expression of opinion upon any question which is to be judicially decided by such Tribunal with intent corruptly to influence or affect the decision thereof; or

(zf) wilfully obliterates or removes or alters or tampers or interferes with any entry, note or writing made by any registered medical practitioner in any medical report supplied to the Chief Executive; or

(zg) after being summoned to attend to give evidence before an Adjudicative Committee or Appeals Tribunal or to produce to an Adjudicative Committee or an Appeals Tribunal any paper, document, record or thing, without sufficient cause:-

(i) fails to attend in accordance with the summons; or

(ii) refuses to be sworn or to give evidence or, refuses to answer any questions that the person is lawfully required by the Adjudicative Committee or any member of it to answer concerning the proceeding; or

(iii) fails to produce any such paper, document, record or thing; or

(zh) agrees with any other person to affect the outcome of a race by any means in contravention of these Rules; or

(2) Every person who commits a serious racing offence shall be liable to the following penalties:

23.7.11 (a) a fine not exceeding $30,000; and/or

(b) suspension from holding or obtaining a licence, for any specific period or for life; and/or

1.8.97 (c) disqualification for a specific period or for life.

1.8.97 (3) The Adjudicative Committee may in addition to or substitution of any penalty imposed under sub-rule (2) hereof disqualify from any race and/or for any specific period or for life any horse connected with the serious racing offence.

1001A (1) The Board may make Code of Conduct Regulations the purpose of which is to strike a balance between HRNZ needs, the need to protect its interests, manage its professional obligations to other members, stakeholders, staff, and participants rights.

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(2) A person who fails to comply with the Code of Conduct Regulations commits a breach of the rules.

(3) Sub-rule (2) does not limit the application of rule 1001(1)(v) or (ze).

1001B (1) In this rule:

offensive communication includes:

(a) any comment, statement, written material (including in electronic form or social media message), image, or media file on any medium available to the general public or a section of the general public (including electronic or social media forums, whether available to the general public or only to members of the forum), that could reasonably be considered:

(i) harassing, offensive, abusive, or insulting to a recipient; or

(ii) harmful to the reputation of harness racing in New Zealand.

(b) Any comment, statement, written material (including in electronic form or social media message), image, or media file that could reasonably be considered harassing, offensive, abusive, or insulting:

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(i) sent to, given to, or left for a recipient; or

(ii) sent, given, or left where it is likely it will be found by, given to, or brought to the attention of a recipient.

(c) To avoid doubt a communication is not considered an offensive communication if:

(i) sub-rule (1)(a) or (b) do not apply and it was intended to be private; or

(ii) it was made in good faith and without intent to harass, offend, abuse, or insult a recipient.

recipient means:

(a) Any participant.

(b) HRNZ, any HRNZ Board member, or any person employed or engaged by HRNZ.

(c) A club, any committee or Board member of any club, or any person employed or engaged by a club.

(d) The Racing Integrity Board, or any person employed or engaged by the Racing Integrity Board.

(e) TAB NZ or any person employed or engaged by TAB NZ.

1.11.25 (2) A person commits a breach of the rules who makes, publishes, or engages in an offensive communication.

(3) An offensive communication may arise from a single act or a pattern of behaviour directed against a recipient on at least two separate occasions within a period of 12 months.

(4) To avoid any doubt the acts required for the purposes of sub-rule (3) may be the same type of act on each separate occasion, or different types of acts.

(5) A breach of sub-rule (2) is declared to be a serious racing offence.

(6) In any proceeding for a breach of sub-rule (2) a person's name, part name, or their pseudonym shall be sufficient evidence of that person's identity provided that this sub-rule does not prevent that person establishing that the name, part name, or pseudonym is a different person.

BREACHES OF RULES

1002 (1) Every person commits a breach of these Rules who:-

(a) does any act, or is responsible for any omission, which is declared or deemed by any of these Rules to be a breach of these Rules or of any of them or of any sub-rule or any of them;

(b) acts in contravention of or fails to comply with any provision of these Rules or any Regulations made thereunder, or any notice, direction, instruction, restriction, requirement or condition given, made or imposed under these Rules;

(c) commits a serious racing offence;

(d) is an accessory after the fact to a breach of these Rules;

(e) conspires with any person to commit a breach of these Rules;

(f) attempts to commit or does or omits to do an act in an attempt to commit a breach of these Rules;

(g) does or omits to do an act for the purpose of aiding any person or horse to commit a breach of these Rules;

(h) abets any person in the commission of a breach of these Rules;

(i) incites, counsels, or procures any person to commit a breach of these Rules.

(2) Every horse commits a breach of these Rules which contravenes or does not comply with any provision of these Rules or any Regulations made thereunder.

(3) Every person who, having an intent to commit a breach of these Rules, does or omits to do an act for the purpose of accomplishing his object, is guilty of an attempt to commit a breach of these Rules intended, whether in the circumstances it was possible to commit the breach of these Rules or not.

(4) Every person is an accessory after the fact to a breach of these Rules who, knowing any person to have been a party to or have committed a breach of these Rules receives, comforts, or assists that person or tampers with or actively suppresses any evidence against him, in order to enable him to avoid prosecution under these Rules.

GENERAL PENALTIES

1.8.03 1003 (1) A person who commits a breach of any Rule shall (subject to the provisions of Rule 111(1), 113(5), 451(3), 507(3), 1001 or 1004 hereof) shall be liable to the following penalties:

1.8.97 23.7.11 (a) a fine not exceeding $10,000.00; and/or

(b) suspension from holding or obtaining a licence for a period not exceeding 12 months; and/or

(c) disqualification for a period not exceeding 12 months.

In addition to or in substitution of any penalty imposed pursuant to sub-rule (1) hereof, any horse connected with the breach of the Rule may be scratched or disqualified from any race and/or disqualified for a period not exceeding 12 months.

(2) Every horse which commits a breach of any Rule shall be liable to the following penalties:-

(a) to be disqualified or scratched from any race; and/or

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(b) to be disqualified for a period not exceeding 12 months.
In addition to or substitution of any penalty imposed pursuant to sub-rule (2) hereof, the driver, owner and/or the person in charge of the horse shall be liable to:

23.7.11 (i) a fine not exceeding $10,000.00; and/or

(ii) suspension from holding or obtaining a licence for a period not exceeding 12 months; and/or

(iii) disqualification for a period not exceeding 12 months.

1.11.24 (3) A horse that is placed first, second, third, or fourth, including after the determination of any protest, shall not be scratched from a race regardless of any rule to the contrary.

Definitions

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1004 (1) For the purpose of rules 1004A to 1004O:

to administer includes:
(a) to cause to be administered to, or ingested by, a horse;
(b) to permit to be administered to, or ingested by, a horse;
(c) to attempt to administer to, or be ingested by, a horse; and
(d) to attempt to cause or permit to be administered to, or ingested by, a horse.

(2) The Prohibited Substance and Practices Regulations made by the Board may include:
(a) a list of substances or categories of substances as prohibited substances;
(b) in the list, levels for substances below which the substance is exempted as a prohibited substance;
(c) prohibited substances as out of competition substances;

(d) a list of substances and practices to which rule 1004C shall not apply;
(e) a list of approved laboratories; and
(f) a list of prohibited practices.

Prohibited Substance Rule

1004A (1) For the purpose of this rule, a horse is presented for a race during the period commencing at 8.00 am on the day of the race for which the horse is nominated and ending at the time it leaves the racecourse after the running of that race.

(2) A horse shall be presented for a race free of prohibited substances.

(3) A horse shall be presented for a race with a total carbon dioxide (TCO_2) level at or below the level of 36.0 millimoles per litre in plasma.

(4) When a horse is presented to race in contravention of sub-rule (2) or (3) the trainer of the horse commits a breach of these Rules.

(5) When a person is left in charge of a horse and the horse is presented to race in contravention of sub-rule (2) or (3) the trainer of the horse and the person left in charge both commit a breach of these Rules.

(6) A breach of sub-rule (2), (3), (4), or (5) is committed regardless of the circumstances in which the TCO_2 level or prohibited substance came to be present in or on the horse.

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Prohibited Items Rule

1004B (1) No person shall have in their possession either at a race meeting or in any motor vehicle, trailer, or float being used for the purpose of travelling to a race meeting, unless they have first obtained the permission of a Stipendiary Steward or Racing Investigator:
(a) a prohibited substance;
(b) gastric tube or nasal gastric tube;
(c) hypodermic needle, or oral syringe;
(d) ventilator, nebulizer, atomiser, or face mask.

One Clear Day Rule

1004C (1) No person shall administer to a horse entered in a race in the period one clear day before racing (except under the direction or supervision of a club veterinarian, Racing Investigator, or Stipendiary Steward) any substance by:
(a) gastric tube or nasal gastric tube;
(b) injection, hypodermic needle, or oral syringe;
(c) aerosol, ventilator, nebulizer, atomiser, or face mask;
(d) topical treatment to the skin or tissues that contains or claims to contain medication, or has or claims to have a therapeutic effect, including analgesia or anti-inflammatory actions; or
(e) by any similar method.

(2) A breach of sub-rule (1) is committed regardless of the nature of the substance administered.

(3) A person shall not provide to a horse on the day of racing before it has left the racecourse after racing, or one clear day prior to racing, any feed that had added to it a substance containing bicarbonate or other alkalising agent, cobalt, or a prohibited substance in addition to that included in a commercial feed or produce by a feed merchant.

(4) When an administration under sub-rule (2) occurs or a substance is added to a horses feed, both the person who administers or adds the substance and the trainer of the horse commit a breach of the rules

Sanctions

1004D (1) A person who commits a breach of a rule in rules 1004A, 1004B, or 1004C shall be liable to:
(a) a fine not exceeding $20,000.00; and
(b) be disqualified or suspended from holding or obtaining a licence for any specific period not exceeding five years.

(2) Any horse connected with a breach of the rule must be disqualified from the race and may in addition be disqualified for a period not exceeding five years.

Disqualification From Race

1004E (1) Any horse taken to a racecourse for the purpose of engaging in a race which is found to have administered to it or ingested by it a prohibited substance or an out of competition prohibited substance must be disqualified from that race.

25.11.19 (2) The mandatory disqualification under sub-rule (1) applies regardless of the circumstances in which the substance came to be present in or on the horse.

(3) When the owner and trainer of the horse has been advised of the analysis which indicates that a prohibited substance may have been administered to, or ingested by, the horse and the owner, trainer, or their authorised representative does not request, under the Swabbing Instructions, that the reserve sample be analysed at an approved laboratory by 4.00 pm on the third working day after being so advised, an Adjudicative Committee must disqualify the horse, amend the placings and the stakes shall be paid in accordance with that decision.

(4) Where the owner, trainer, or their authorised representative does request the reserve sample be analysed at an approved laboratory by 4.00 pm on the third working day after being advised of the analysis and the analysis of the reserve sample indicates that a prohibited substance may have been administered to, or ingested by, the horse, an Adjudicative Committee must disqualify the horse, amend the placings and the stakes shall be paid in accordance with that decision.

(5) The owner or trainer of the horse subject to a positive result may notify in writing the General Manager of the Racing Integrity Board that they intend to challenge the analysis and the basis for that challenge. The notification must be within 10 working days of being advised of the results of the analysis, or the result of the reserve sample (if applicable). The Adjudicative Committee shall then determine whether the horse is to be disqualified after hearing from the parties.

(6) Disqualification and changes of placings under this rule, will take effect from the immediate Monday following the judicial decision or such other time as the Adjudicative Committee determines.

(7) A disqualification under sub-rules (3) and (4) may not occur until after the 10 working day period in sub-rule (5).

Anabolic Androgenic Steroids

1004F (1) Where an investigation, or the inspection, examination, observation, testing, or sample taken from a horse, indicates that a prohibited substance referred to in clause 6.5 of the Prohibited Substance Regulations (anabolic androgenic steroids) or its metabolites, artefacts, isomers or analogues may have been administered to, or ingested by, the horse, that horse:

(a) shall be ineligible to be entered for, or start in, a race for a period of 12 months, from the date of inspection, examination, observation, testing, or on which the sample was taken; and
(b) must be disqualified from any race in which it starts during the 12 month period referred to in paragraph (a).

(2) Rule 1004E shall apply with any necessary modification to any disqualification under sub-rule (1)(b).

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Injection to Joints

1004G (1) A horse must not have any substance directly or indirectly injected to a joint in the period eight clear days prior to racing.

(2) A trainer and the person in charge of the horse at the time of the injection commits a breach of the rules when a horse races and has had a substance directly or indirectly injected to a joint in the period eight clear days prior to racing.

(3) A person who commits a breach of this rule shall be liable to the sanctions in rule 1004D.

(4) A horse that races having had any substance directly or indirectly injected to a joint in the period eight clear days prior to racing must be disqualified from the race and rule 1004E shall apply with any necessary modification.

Bisphosphonates

1004H (1) In these rules bisphosphonate means a bisphosphonate other than a radiolabelled bisphosphonate which is approved for use in diagnostic nuclear imaging in a horse and was administered for the purpose of diagnostic imaging only.

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(2) A horse under the age of four years must not be administered any bisphosphonate.

(3) A horse must not be administered bisphosphonate (including radiolabelled bisphosphonate) in the period 30 clear days prior to racing.

(4) A trainer and the person in charge of the horse at the time of the administration prohibited by sub-rule (2) or (3) commits a serious racing offence.

(5) A horse that races having had administered to it bisphosphonate in contravention of sub-rule (2) or (3) must be disqualified from the race and rule 1004E shall apply with any necessary modification.

Administration Prohibited Substances

1004I (1) A person commits a breach of the rules who administers a prohibited substance to a horse which is taken, or is to be taken, to a racecourse for the purpose of engaging in a race.

(2) A breach of sub-rule (1) is declared to be a serious racing offence.

Out of Competition Prohibited Substances

1004J (1) When any sample taken has detected in it, or any test or examination establishes the horse has had administered to it, any prohibited substance specified in Prohibited Substance and Practices Regulations as an "Out of Competition Prohibited Substance", the trainer and any other person in apparent control of the horse commits a breach of the Rules.

(2) A breach of sub-rule (1) is committed regardless of the circumstances in which the substance came to be present in or on the horse.

(3) A breach of sub-rule (1) is declared to be a serious racing offence.

Manipulation of Blood and Blood Components

1004K (1) A person shall not directly or indirectly:
- (a) withdraw blood from any horse for the purpose of manipulating the blood; or
- (b) administer to, reinfuse or reintroduce into a horse any homologous, allogenic (heterologous), or autologous blood, blood products, or blood cells of any origin.

(2) Sub-rule (1) is not contravened when the act is undertaken by a veterinarian:
- (a) for life-saving purposes;
- (b) for veterinary regenerative therapies for the treatment of musculoskeletal injury or disease; or
- (c) for veterinary treatment of respiratory bleeding by nebulizer or similar device.

(3) If sub-rule (1) is contravened, in addition to the person who breaches the rule, both the trainer and person in charge of the horse commits a breach of the rules.

(4) A breach of sub-rules (1) and (3) are declared to be a serious racing offence.

(5) Where sub-rule (1) is contravened or a permitted act is undertaken by a veterinarian under sub-rule (2) the horse is:
- (a) ineligible to be entered or start in a race for a period of eight clear days from the date of the act or such longer period as an Adjudicative Committee may decide; and
- (b) must be disqualified from any race in which it started during the eight-day period or longer period referred to in paragraph (a).

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(6) Rule 1004E shall apply with any necessary modification to any disqualification under sub-rule (5)(b).

(7) No trainer shall be in possession of any homologous, allogenic (heterologous), or autologous blood, blood products, or blood cells of any origin that may be administered to, reinfused or reintroduced into a horse.

(8) Any homologous, allogenic (heterologous), or autologous blood, blood products, or blood cells of any origin that may be administered to, reinfused or reintroduced into a horse may not be stored at any property at which horses are trained.

25.11.19 (9) A breach of sub-rule (7) or (8) is declared to be a serious racing offence.

1004KA (1) A person shall not directly or indirectly withdraw blood from a horse for any purpose other than for:
(a) diagnostic, laboratory, or veterinary testing procedures; or
(b) as permitted under rule 1004K(2).

1.11.24 (2) A person who commits a breach of this rule shall be liable to:
(a) a fine not exceeding $20,000; and
(b) be disqualified or suspended from holding or obtaining a licence for any specific period not exceeding five years.

(3) A horse connected with a breach of this rule must be disqualified from the race and be disqualified for a period of one year.

General

1004L (1) In a proceeding for a breach of the rules relating to prohibited substances or out of competition prohibited substance it shall be presumed until the contrary is established the contents of any bottle or container contain at least those ingredients specified on the manufacturers label on the container.

1004M (1) A Stipendiary Steward or Racing Investigator at any time may:

(a) Direct a person take and maintain possession of any horse at any and under such conditions as he or she specifies;
(b) Have a horse examined or tested;
(c) Have a sample taken or collected from the horse, including a sample of its blood or urine.

(2) A Stipendiary Steward or Racing Investigator may use the services of a Veterinarian or other appropriately qualified person for the purpose of examining, testing, or taking samples from a horse.

(3) A sample taken from a horse shall be the property of HRNZ.

(4) A sample shall be taken, as far as practicable, in accordance with the Swabbing Instructions or other direction, if any, from the Board.

(5) A sample taken shall be sent to a laboratory for analysis and the analysis shall include any further or subsequent analysis as agreed or directed by the Chief Executive.

(6) The Chief Executive may delegate his power under sub-rule (5) to the Chief Executive of the Racing Integrity Board.

(7) Failure to comply with these rules, the Swabbing Instructions, or other direction shall not invalidate the analysis of any sample, or any related proceeding.

1004N (1) An owner, trainer, and person in apparent control of the horse must comply with any direction given by a Stipendiary Steward or Racing Investigator relating to any examination, test, or taking of samples.

(2) A person must not interfere with, or prevent, or endeavour to interfere with or prevent the carrying out of any test or examination.

(3) A breach of sub-rule (1) and (2) is declared to be a serious racing offence.

1004O (1) A laboratory may issue a certificate which may include:

(a) the sample, substance, preparation, mixture, or article to which the certificate relates;
(b) the date on which the sample, substance, preparation, mixture, or article was received by the laboratory from a Stipendiary Steward or Racing Investigator;
(c) upon analysis that sample, substance, preparation, mixture, or article was found to be or contain a prohibited substance or an out of competition substance.

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(2) A certificate shall, until the contrary is proved, be sufficient evidence of the:

(a) qualifications and authority of the person by whom the analysis was carried out;
(b) authority of the person who signed the certificate to sign that certificate; and
(c) facts stated in the certificate.

(3) A certificate shall be admissible in evidence if:

(a) at least 10 working days before the hearing at which the certificate is tendered, a copy of that certificate is served, upon the defendant in those proceedings; and
(b) the defendant does not at least 5 clear days before the hearing give notice in writing to the Chief Executive of the Racing Integrity Board requiring the person who made the analysis to be called as a witness at the hearing.

GENERAL PROVISIONS

1005 Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the Rules, may be proved by the defendant, but need not be negatived in the information, and, whether or not it is so negatived, no proof in relation to the matter shall be required on the part of the informant.

1006 At any hearing under these Rules no person shall without the leave of the Adjudicative Committee or Appeals Tribunal adduce evidence that he was not the owner, trainer, driver or person in charge or in control or apparent control of the horse, unless before the

09.10.18

hearing commenced he gave written notice to the Adjudicative Committee and the informant of his intention to raise such a defence and the details of the person who he states is or was at the material time (as the case may be) the owner, trainer, driver or person in charge of the horse. Where a hearing is to take place other than during a race meeting the defendant shall give such notice within two days after and exclusive of the date of service of the information.

1007 In any proceeding where it is alleged that a person has acted without the required Licence, permit or certificate, he shall be deemed to have been at the material time unlicensed unless he produces his Licence, permit or certificate or otherwise proves to the satisfaction of an Adjudicative Committee that he is duly Licensed under these Rules.

1008 In the absence of any express provision to the contrary in any proceeding for a breach of these Rules:-

1.8.98

(a) it shall not be necessary for the informant to prove that the defendant or any person intended to commit that or any breach of the Rule; and

1.8.98 (b) any breach of a Rule shall be considered as an offence of strict liability.

25.8.07 1008A Where in any proceeding, any matter is required to be proved by an informant or defendant, the standard of proof shall be the balance of probabilities.

1009 In any proceeding it shall not be necessary, and no person shall be called upon, to prove:-

(a) that a person is a Stipendiary Steward, Racing Investigator; or

(b) that the information was laid by a Stipendiary Steward or Racing Investigator.

1010 Every person who or Club or other body or entity which is fined or ordered to pay costs under these Rules shall pay that fine or costs to the Chief Executive within 28 days of the fine or costs being imposed or, in the case of an appeal, within 28 days of a decision of the Appeal Tribunal.

1011 (1) All bodies and persons affected by the decision of the Adjudicative Committee and/or Appeals Tribunal shall forthwith do all that it is necessary for them to do for the purpose of giving full effect to such decision.

PART XI - ADJUDICATIVE COMMITTEE
(Part XI as amended came into effect from 27 August 2015)

INTERPRETATION

1101 In this Part of the Rules and the Rules of Practice and Procedure for the Adjudicative Committee and Appeals Tribunal, unless the context otherwise requires,—

informant means the person filing an information;

information means an information in the form prescribed by the Racing Integrity Board;

20.10.21 **Adjudicative Committee**
means an Adjudicative Committee appointed under the Racing Industry Act 2020

minor infringement breach means a breach of the rules set out in the Minor Infringement Regulations;

1.11.23 **Minor Infringement Regulations** means the Minor Infringement Regulations made by the Board

race day Adjudicative Committee means an Adjudicative Committee that is appointed to officiate at a race meeting for which a betting licence has been granted**;**

09.10.18 **Registrar** means the person appointed by the Racing Integrity Board to be the Registrar of the Adjudicative Committee, not being a race day Adjudicative Committee;

respondent means, where the information:
(a) is a protest: the driver of the horse against which the protest is made;
(b) alleges a breach of the rules: the person who the information alleges breached the rule; and
(c) seeks a ruling: the person in respect of whom the ruling is sought and any other person the Adjudicative Committee directs should be served with the information.

sanction means any sanction provided in the rules for a breach of that rule

FUNCTIONS AND DUTIES OF ADJUDICATIVE COMMITTEE

General

1102 (1) An Adjudicative Committee has the function to hear, adjudicate on, and determine any matter which is brought before it, unless these rules provide that function or decision rests with any other person or body.

1103 (1) During any period that an Adjudicative Committee is unable to be present or act at a race meeting, a Stipendiary Steward approved by the Chairperson of the Racing Integrity Board, or in his or her absence a member of the Racing Integrity Board, may exercise the powers and functions of a race day Adjudicative Committee.
(2) At a trials meeting or workout a Stipendiary Steward or Racing Investigator may exercise the functions of a race day Adjudicative Committee and the rules relating to Adjudicative Committees shall apply with necessary modification.
(3) Sub-rule (2) does not prevent a Stipendiary Steward or Racing Investigator filing an information with the Racing Integrity Board in relation to any matter that arose at a trials meeting or workout.

Race Day Adjudicative Committee

1104 (1) Except as provided in rule 1102(1) a race day Adjudicative Committee shall from one hour prior to the advertised starting time of the first race until thirty minutes after the last race hear, adjudicate on, and determine any matter brought before it which arise during and relate to that day of racing including:

(a) any protest;
(b) any information relating to a breach of the rules;
(c) the qualification of persons or horses;
(d) whether any horse should be scratched for any race and to direct that any horse be so scratched;
(e) the removal of any driver or the substitution of another;
(f) declaring a race null and void and if so whether the race should be run again;
(g) determining the liability of persons for any payment under these Rules;
(h) declaring the entry of any horse to be invalid and whether any entry fees or sweepstake should be forfeited to the Club;
(i) determining whether the Judge, Starter, Clerk of the Course or any other Official should be removed for the whole or part of a race meeting and if any person should be appointed in their place;
(j) ordering that any horse be swabbed, examined, or tested or that a sample or samples be taken from it, as part of any investigation being carried out or hearing being conducted by an Adjudicative Committee;
(k) all matters submitted to it by a Stipendiary Steward or Racing Investigator;
(l) any dispute concerning the exercise or proposed exercise by the Stewards, a Stipendiary Steward or Racing Investigator of any of their or his powers, duties or functions under these Rules;
(m) questions of application or interpretation of these Rules which arise in the course of any proceeding before it; and
(n) to exercise any other powers, duties and functions conferred or imposed on Adjudicative Committees by these Rules, the Racing Act 2003, or the Racing Industry Act 2020.

18.11.20

(2) In sub-rule (1) the time 30 minutes after the last race shall commence after the Judge has advised the finishing placings and may be extended by the Adjudicative Committee where it consider it appropriate to do so.

Commencement of Proceedings

09.10.18

1105 Unless provided otherwise in these Rules, all proceedings shall be commenced by filing an information with:

(a) the race day Adjudicative Committee where the information is filed during a race meeting; or
(b) the Racing Integrity Board at any other time.

1106 (1) An information may:

(a) protest against the placings of one or more horses;
(b) allege one or more breach of these Rules;
(c) request a ruling.

(2) A Stipendiary Steward may file an information in respect of a race on the grounds that:

(a) any of the horses started off wrong handicaps;
(b) the race was run over the wrong distance; or
(c) the race was started before the appointed time.

1.11.25

On determining the proceeding under this sub-rule the Adjudicative Committee may declare the race to be void and may direct that it be run again. Any decision of the Adjudicative Committee under this sub-rule is declared to be final.

Protests

1107 (1) An information protesting against the placing of any horse in a race may be filed before the authority for the payment of dividends for that race is given under rule 904 by:

(a) a Stipendiary Steward or Racing Investigator; or

(b) the owner, trainer, person in charge of a horse, or a driver of a horse in a race, against another horse or driver in that race, or any other person with the permission of the Adjudicative Committee, on the grounds there has been a breach of:

29.11.21 (i) rule 859 which relates to a horse starting on incorrect mark or barrier position;

(ii) rule 869(4) or (4A) which relates to causing interference;

(iii) rule 869(5) which relates to the line of a trailing horse;

(iv) rule 869(6) which relates to moving inwards and outwards;

31.8.17 (v) rule 869A which relates to interference

(vi) rule 870 which relates to a horse breaking from its gait; or

(vii) rule 871 which relates to assisting a horse to finish in a stake bearing place.

Breaches of the rules

1108 (1) During a race meeting an information which alleges a breach of the rules may only be filed by a Stipendiary Steward or Racing Investigator.

1.7.21 (2) Other than during a race meeting, an information which alleges a breach of the rules may only be filed by a Stipendiary Steward or Racing Investigator following permission to do so having been obtained from the Racing Integrity Board's Chief Executive or Chairperson or in the Chief Executive's or Chairpersons' absence his or her nominee.

(3) An information alleging a serious racing offence, or a breach of the prohibited substance rules, must be filed within five years after the facts alleged in the information were brought to the knowledge of a Stipendiary Steward or Racing Investigator.

(4) An information which does not allege a serious racing offence, or a breach of the prohibited substance rules, must be filed within 12 months after the facts alleged in the information were brought to the knowledge of a Stipendiary Steward or Racing Investigator.

Rulings

1109 (1) An information requesting a ruling during a race meeting may be filed by:

(a) a Stipendiary Steward or Racing Investigator; or

(b) any other any person with the permission of the Adjudicative Committee.

09.10.18 (2) A person filing the information under sub-rule (1)(b) of this rule shall, pay a filing fee of $100.00 except where the Adjudicative Committee directs otherwise. The Adjudicative Committee may accept in lieu of such fee a written undertaking by the person to pay the filing fee within seven days.

(3) Other than during a race meeting, an information requesting a ruling may only be filed by a Stipendiary Steward or Racing Investigator.

(4) Any information requesting a ruling to declare a race void must be filed before the authority for the payment of dividends for that race is given under rule 904.

1109A Where an information is filed after the authority for payment of dividends is given under rule 904, or an information is filed under rule 1108, an Adjudicative Committee may disqualify the horse from a race however the proceeding shall not have any effect on the payment of dividends.

Minor Infringements Procedure

1.11.23 1110 (1) A person who commits a breach of the rules set out in the Minor Infringement

Regulations, may in writing:

(a) admit the breach; and

1.11.23 (b) accept the sanction for the breach specified in the Minor Infringement Regulations.

(2) Where the person admits the breach, a member of the Adjudicative Committee shall sign the notice without the requirement for an information being filed and the breach is deemed to be proven.

(3) Where the person accepts the sanction and the breach is the first or second breach of that rule in the preceding 120 days the penalty imposed by will be the sanction for that breach prescribed in Minor Infringement Regulations.

(4) The Adjudicative Committee shall determine the sanction for the breach if:

(a) it is the person's third or subsequent breach of that rule within 120 days;

(b) the person does not accept the sanction for the breach specified in the Minor Infringement Regulations; or

(c) a Stipendiary Steward or Racing Investigator considers the circumstances of the breach are such that a different sanction than specified in the Minor Infringement Regulations is warranted.

(5) Any determination under sub-rule (2) or (3) is declared to be final.

(6) Where the person does not admit the breach the Minor Infringement Notice shall

1.11.23 be the information for the purpose of rule 1105 and an Adjudicative Committee shall determine whether the breach has been committed and may impose any sanction provided in the Rules.

Adjudicative Committee Procedure

1111 (1) An Adjudicative Committee in exercising its functions shall comply with the Rules of Practice and Procedure set out Schedule 5 of these Rules.

(2) An Adjudicative Committee shall have, in addition the powers which are conferred on it by any of these Rules and in Schedule 5, all such powers as are necessary to enable it to discharge its functions.

Decisions of an Adjudicative Committee

1112 (1) Subject to any right of appeal under these Rules, the decision of the Adjudicative Committee shall be binding on all bodies and persons.

(2) Every body which, or person who, is affected by a decision shall without delay do all that it is necessary to give effect to such decision.

(3) It shall be the duty of all bodies or persons subject to these Rules to investigate and report to the Chairman upon all matters which an Adjudicative Committee indicates in its decision are proper subjects for investigation by any such body or person.

1113 (1) When an Adjudicative Committee disqualifies, relegates, or promotes a horse the placings of the remaining horses shall be amended in accordance with the decision.

(2) Where no previous authority for the payment of dividends has been given under rule 904 and the Adjudicative Committee amends the placing of any horse, it shall give authority for the payment of dividends in accordance with its decision.

(3) If any stake has not been paid before the decision of the Adjudicative Committee the stake shall be paid in accordance with the decision.

(4) Any stake already paid or handed over in respect of a disqualified horse shall be repaid to the Club immediately.

(5) Any person who fails to immediately repay or return the stake shall be placed on the Unpaid Forfeit List for the amount unpaid and the value of any prize not returned.

(6) A Club is not be responsible for the payment or the handing over of any stake to the person ultimately found to be entitled to it unless it receives the stake from the person to whom it was paid or handed over.

(7) A Club may take proceedings in any Court of competent jurisdiction for the recovery of a stake which has been paid or handed over to any person who, as a result of a decision of the Adjudicative Committee was not entitled to it.

1114 No information, penalty, decision or order or other document and no process or proceeding shall be quashed, set aside, or held invalid by an Adjudicative Committee or Appeals Tribunal by reason only of any defect, irregularity, omission, or want of form unless the Adjudicative Committee or Appeals Tribunal is satisfied there has been a miscarriage of justice.

PART XII - APPEALS TRIBUNAL AND APPEALS
(Part XII as amended came into effect from 27 August 2015)

INTERPRETATION

1201 In this Part of the Rules and the Rules of Practice and Procedure for the Adjudicative Committee and Appeals Tribunal, unless the context otherwise requires,—

Appeals Tribunal means an Appeals Tribunal appointed under the Racing Industry Act 2020;

Appellant means the person filing the notice of appeal;

Notice of appeal means a notice of appeal in the form prescribed by the Racing Integrity Board;

Registrar means the executive officer of the Racing Integrity Board or such person appointed by the Racing Integrity Board to be the Registrar of the Appeals Tribunal

APPEALS

1202 (1) A person may not appeal against:-
- (a) any decision declared or deemed to be final in these Rules;
- (b) any decision to file or not to file or withdraw an information;
- (c) any decision made by an Adjudicative Committee to which clause 3(1) of the Schedule 2 to the Racing Industry Act 2020 applies (which relates to any decision made by an Adjudicative Committee on the day of the race in respect of placings in that race or stakes payable for those placings); 20.10.21
- (d) any decision of a Stipendiary Steward, Racing Investigator, Stewards or Committee of a Club not imposing on any person a disqualification, suspension or fine;
- (e) any decision of the Adjudicative Committee in respect of any matter in connection with the start or running of the race over a wrong distance;
- (f) any decision of the Starter;
- (g) any decision of the Board or Chairman pursuant to any Rule in Part I to VIII hereof.

(2) Except where sub-rule (1) applies:
- (a) the informant or respondent in the proceedings before the Adjudicative Committee may appeal the decision of an Adjudicative Committee to the Appeals Tribunal;
- (b) any party to a decision, not being a decision of the Adjudicative Committee, may appeal that decision to the Appeals Tribunal.

(3) An appeal may be against the findings of the Adjudicative Committee or decision maker, the sanction imposed, or any other order made.

(4) Deleted. 20.10.21

NOTICE OF APPEAL

1203 (1) An appeal is commenced by filing a notice of appeal.

(2) A notice of appeal against a decision of an Adjudicative Committee may not be filed until after the proceedings have concluded and the Adjudicative Committee has delivered its decision including any decision on sanctions and any other order it may make.

(3) A notice of appeal against a decision of a race day Adjudicative Committee, whether or not the proceeding was concluded on the day of racing, must be filed not later than 5.00 pm on the third working day after the written decision of the Adjudicative Committee is delivered.

(4) Except where sub-rule (3) applies a notice of appeal must be filed not later than 5.00 pm on the tenth working day after the written decision of the Adjudicative Committee is delivered or, in any other case, after the decision is delivered.

(5) The Appeals Tribunal may extend the time for filing a notice of appeal if it is satisfied it is in the interests of justice or in the interests of integrity of racing.

Appeal does operate as a stay

1204 (1) The filing of a notice of appeal shall not operate as a stay of the decision appealed against or of any disqualification or suspension imposed unless, on a written application, the Appeals Tribunal or its Chairperson orders a stay of the decision, disqualification or suspension.

(2) The Appeals Tribunal may at any time reconsider any order staying, or refusing to stay, a decision, disqualification, or suspension.

(3) Where any disqualification or suspension is stayed pending determination of an appeal and the appeal is subsequently dismissed or abandoned, the Appeals Tribunal shall:

(a) impose a term of disqualification or suspension commensurate with that originally imposed or so much of it as has not been served; and

(b) if in the opinion of the Appeals Tribunal the appeal is frivolous or was lodged for the purpose of delaying the commencement of a term of suspension or disqualification, the Appeals Tribunal may increase the term of suspension or disqualification or impose a fine not exceeding $5,000 in addition to the suspension or disqualification.

1205 Deleted 1.11.24

Appeals Tribunal Procedure

1206 (1) An Appeals Tribunal in exercising its functions shall comply with the Rules of Practice and Procedure set out Schedule 5 of these Rules.

(2) An Appeals Tribunal shall have, in addition to the powers which are conferred on it by any of these Rules and in Schedule 5, all such powers as are necessary to enable it to discharge its functions.

Decisions of Appeals Tribunal

1207 (1) A decision of the Appeals Tribunal shall be binding on all bodies and persons.

(2) Every body which, or person who, is affected by a decision shall without delay do all that it is necessary to give effect to such decision.

(3) When a decision of the Appeals Tribunal amends the placing of any horse, rule 1113 shall apply with any necessary modification.

PART XIII - DISQUALIFICATIONS AND SUSPENSIONS

DISQUALIFICATIONS

1301 (1) Every disqualification shall take effect immediately, unless the tribunal imposing it defers its commencement.

(2) Every disqualification the commencement of which is deferred by the tribunal imposing it shall take effect from the time when that tribunal directs it is to commence.

1302 (1) The Chief Executive shall enter in the List of Disqualifications to be kept by him, particulars of every disqualification (including the name of person or horse disqualified and the period of disqualification) notified to him and shall during the term of every disqualification regularly publish same in the Official Notifications.

27.8.15

(2) Where the disqualification is of a person, the Chief Executive shall also enter in the List of Disqualifications and regularly notify in the Official Notifications during the term of disqualification of such person the names of:

27.8.15

(a) all horses of which such person was the owner on the date of his disqualification and all horses in which such person had any interest on that date; and

(b) all horses in which such person subsequently acquired any interest during the term of his disqualification or which at any time during that term are under his management, care, control, or superintendence, and all horses which would be so entered and notified if they were known as aforesaid shall for all purposes of these Rules be deemed to be so entered and notified, and every such entry and notification, whether actually made or deemed to be made, shall operate as disqualification of the horses affected for the term of such person's disqualification.

1.8.97

(3) All disqualifications for the time being notified in the Official Notifications shall have effect throughout New Zealand.

27.8.15

1303 (1) A disqualified person during a period of disqualification must not:

27.7.13
20.10.21

(a) As principal or agent enter or run a horse in any race, either in their own name or in the name of any other person.

(b) Train any horse, assist or be involved in any capacity in the training of any horse.

(c) Assist or be involved in any capacity in the gaiting of any horse after 1 October in the year before it becomes a two-year-old.

(d) Drive any horse in a race or in any exhibition, workout, trial, race meeting, or harness race event.

1.11.24

(e) Assist or be involved in any capacity with the preparation or presentation of a horse to race at a race meeting, picnic meeting, trial, workout, or gymkhana.

1.11.26

(f) Be engaged by a trainer to work as a stablehand or to work as a stablehand for any period of time.

(2) A disqualified person during the period of disqualification must not without the written consent of the licensing committee:

(a) Assist or be involved in any capacity in the gaiting of any horse after 1 October in the year before it becomes a two-year-old.

(b) Enter or remain on a racecourse or any other place under the control of a club when being used for trials, workouts, or race meetings.

(c) Transfer the ownership of any horse either to or from themselves.

(d) Enter upon the stable area or area used for training of any property of a licensed person.

(3) A disqualified person may apply for the restrictions in sub-rule (1) and (2) to be removed (an exemption) provided that an application for an exemption under sub-rule (1) cannot be made before the disqualified person has completed:

(a) half their disqualification where the disqualification is for a finite period; and

(b) five years disqualification where the disqualification is for life: or

(c) where special circumstances exist such other period as the licensing committee may permit.

(4) An application for an exemption shall be determined by a licensing committee established by the Board.

(5) The licensing committee may grant an exemption on conditions and may review any exemption and any conditions from time to time.

1.11.24

1.11.26

(6) The licensing committee in considering whether an exemption should be granted to a restriction must, to the extent applicable, have regard to:

(a) The period for which exemption should be granted.

(b) The period of disqualification that has been completed.

(c) The disqualified person's behaviour during disqualification.

(d) Rehabilitative steps taken by the disqualified person.

(e) The effect of any conditions that may be imposed.

(f) Any risk to harness racing participants.

(7) The licensing committee may review any exemption, and any conditions imposed from time to time. For the avoidance of doubt the licensing committee may amend, vary, or cancel any exemption, any condition, or both.

(8) A subsequent application to cancel a disqualification cannot be made by a disqualified person for a period of 12 months from the date the preceding application was determined.

(9) A person whose exemption is granted on conditions may apply in writing to have the conditions amended provided that an application may not be made for a period of 12 months from the conditions being imposed or a preceding application was determined.

(10) Nothing in sub-rule (8) or sub-rule (9) prevents the licensing committee reviewing an exemption or conditions before a period of 12 months.

(11) The licensing committee or its Chairperson may direct that any application under this rule and any review of an exemption be served on any body or person and every body or person served shall be entitled to appear and be heard on the hearing of the application.

(12) On hearing an application under this rule the licensing committee may order that all or any of the reasonable costs and expenses of:

(a) any party to the hearing;

(b) any person served with the application or appearing at the hearing-

be paid by such person or body as it thinks fit.

(13) If a costs order made under sub-rule (12) is unpaid within 28 days after the date on which that amount was ordered to be paid, it shall be deemed to be Arrears and may be placed on the Unpaid Forfeit List.

(14) A person who, subject to any exemption, commits a breach of sub-rule (1), sub-rule (2), or any condition imposed by the licensing committee shall, in addition to any other penalty which may be imposed pursuant to rule 1003, be disqualified for a period of not less than six months. For every second or subsequent breach of sub-rule (1), sub-rule (2), or a condition imposed by the licensing committee they shall, in addition to any other such penalty, be disqualified for a period of not less than 12 months to commence at the expiry of the previous disqualification.

1.11.24

1.11.26

(15) Where a person was disqualified before this rule came into force they may apply under the rules in force at the time of their disqualification for any exemption or cancellation of their disqualification or for an exemption under this rule.

SUSPENSIONS

1304 (1) Every suspension of a driver or a driver's licence imposed by an Adjudicative Committee during any day of a race meeting shall take effect as follows:

(a) on the completion of the driver's driving engagements on the day the suspension is imposed if at that time the driver has no engagements to drive a horse in a betting race during the next ten days; or

23.10.23

(b) if on the day the suspension is imposed the driver has engagements to drive a horse in a betting race during the next ten days then from the earlier of:

(i) the completion of such engagements within that ten-day period; or
(ii) the completion of that ten-day period.

(2) Every suspension of a driver or a driver's licence which is imposed by an Adjudicative Committee otherwise than during any day of a race meeting or by an Appeals Tribunal shall take effect immediately subject to the same proviso as is referred to in sub-rule (1) of this Rule.

(3) Every suspension of a Trainer or a Trainer's licence shall, unless the Tribunal imposing the suspension otherwise directs, take effect immediately.

(4) Every suspension of any other licence or person which is imposed under these Rules shall, unless the Tribunal imposing the suspension otherwise directs, take effect immediately.

GENERAL PROVISIONS

1305 The filing of a notice of appeal shall not operate as a stay of the decision or of any disqualification or suspension imposed or appealed against unless, on a written application made to it, the Appeals Tribunal or its Chairman otherwise directs.

1306 (1) Any person owning or having any interest in any horse which pursuant to Rule 1303 hereof has become subject to any prohibitions specified thereunder may apply to the Adjudicative Committee for the removal of such prohibitions in respect of such horse.

(2) The Adjudicative Committee upon hearing such application may:

(a) confirm either wholly or in part, the prohibitions which are the subject of the application; or

(b) wholly or in part remove such prohibitions; or

(c) grant such other relief in respect of the horse, or make such other order, as it thinks fit.

1307 (1) Notwithstanding anything to the contrary in these Rules if any disqualified horse is, before the commencement of its disqualification, entered for a race to be run after the expiry thereof, any payments made during the period of its disqualification in respect of such entry shall be valid.

EFFECT OF DISQUALIFICATION AND SUSPENSION

Disqualification from a race

1308 (1) Where a horse is disqualified from a race its handicap shall be adjusted by deducting the penalty incurred for the race in which it was disqualified.

(2) No horse shall be eligible to start in any race after its disqualification when as the result of the reverting of its handicap it would no longer be eligible to enter that race.

1308A(1) Where a horse is disqualified from a race any stake money available to all other starters shall be paid in respect of such horse.

9.8.14

(2) Sub-rule (1) does not apply when the horse is disqualified in connection with a breach of these rules relating to prohibited substances.

Disqualification of a horse

1309 Every disqualified horse shall, during the period of its disqualification, be ineligible from being entered for or started in a race and shall not be taken onto any place controlled by a club for any purpose.

Disqualification of a person

1310 Upon the period of disqualification taking effect and pending entry of the particulars of disqualification in the List of Disqualifications the provisions of Rule 1303 hereof shall apply to a person disqualified and every horse affected thereby.

1.8.97

Suspension

1311 (1) Any person who is suspended from holding or obtaining a licence shall, during the period of suspension, be prohibited from doing any act or thing which he would otherwise be authorised to do regardless of whether he is the holder of any other licence, permit or authority under these Rules which authorises or permits the driving of such act or thing.

(2) Notwithstanding sub-rule (1) hereof, a person who has been suspended from holding or obtaining a trainer's licence shall not during the period of suspension train any horse, assist or be involved in any capacity in the training of any horse, assist or be involved in

any capacity in the breaking or gaiting of any horse, or without the written consent of the Board assist or be involved in any capacity with the preparation or presentation of a horse to race at a race meeting, picnic meeting, trial, workout or gymkhana.

25.8.07 (3) Notwithstanding sub-rule (1) hereof a person who has been suspended from holding or obtaining a driver's licence shall not during the period of suspension drive any horse at a race meeting, but shall be permitted to drive at trials and work outs.

1.8.05 (a) Deleted 1.11.24.

1312 (1) In this Rule "recognised racing authority" includes:

(a) New Zealand Thoroughbred Racing;

(b) New Zealand Greyhound Racing Association;

27.7.13 (c) Harness Racing Australia and its state controlling bodies;

(d) Any harness racing authority which is a member of the International Trotting Association;

(e) Any racing authority of the International Federation of Horse Racing Authorities; and

(f) Any racing authority recognised by the Board.

(2) Rule 1303 shall apply to any person who is disqualified by a recognised racing authority;

(3) Rule 1309(2) shall apply to any horse disqualified by a recognised racing authority;

(4) Rule 1311 shall apply to any person whose licence is suspended by a recognised racing authority.

PART XIV - THE UNPAID FORFEIT LIST

1401 A list, to be known as THE UNPAID FORFEIT LIST (hereinafter in this Part referred to as THE LIST) shall be kept at the office of the Chief Executive and shall, subject to Rule 1403(2) be regularly notified in the Official Notifications. 27.8.15

1402 (1) When arrears are payable by any person or body [including any body corporate, an approved company, partnership, an approved partnership (and every company which is a partner therein), or any syndicate], the Board may direct the name of such person or body shall be entered and placed on the List and the provisions of this part of the Rules shall apply to such persons or body named.

(2) Where arrears are payable by any body the Board may direct that the name of all or any partner, racing manager, officer, director and member thereof shall also be entered and placed on the List and the provisions of this part of the Rules shall apply to all such persons named.

(3) Every entry in the List shall state the name of the person or body by whom the arrears are payable and the amount of such arrears.

1403 (1) Any person or body to whom arrears are due may notify such arrears to the Chief Executive giving the name of the person or body by whom such arrears are due, together with the full particulars thereof including the period for which the amounts due have been owing and when demand for payment was last made.

(2) The Board, upon being satisfied of the accuracy of such particulars, shall direct the Chief Executive to make an entry in the List pursuant to Rule 1402 hereof.

Provided that no such entry shall be notified in the Official Notifications unless and until the person or body requesting the same undertakes to hold harmless and keep indemnified the Board and any person acting under its direction (including all persons concerned in the printing and publishing of the Official Notifications), from all damages and consequences which it, or any person acting under its direction, may sustain by reason of such notification, and until such security (by approved bond or otherwise) as the Board may require is given in respect of such undertaking. 1.8.98 27.8.15

1404 (1) So long as the name of any person appears in the List or in the Unpaid Forfeit List of New Zealand Thoroughbred Racing or in the Official Forfeit List published by any recognised Harness Racing Club, Racing Club, Authority or Body in New Zealand or any other country:-

(a) no horse shall be entered for any race by him either as owner or agent; and

(b) no horse which has been entered in any race by him or in his name shall be eligible for such race unless a transfer of the horse has been approved by a Stipendiary Steward or Committee of the Club or body; and

(c) no horse in which he has any registrable interest or which is proved to the satisfaction of the Stipendiary Steward to be under his care, training, management, control or superintendence shall be eligible to be entered for or to start in any race; and

(d) such person shall not enter or go upon any racecourse, and on being found on any racecourse shall be removed therefrom by any Racing Investigator, officer or agent of the Club or Body in control of such racecourse; and

(e) the Board may, at its discretion, refuse to register a change of ownership for any horse in which that person has a registrable interest, until any arrears owing under these Rules have been paid.

(2) No such disability or prohibition as aforesaid shall attach to or take effect until the expiration of seven days after entry in the list.

1405 (1) Where any person is prevented by virtue of Rule 1404 hereof from entering for or starting in any race any horse in respect of arrears for which he is not himself personally liable, he may pay the arrears to the Chief Executive whereupon the person's name shall be removed from the List and the horse shall be eligible to be entered for and to start in any race if he is otherwise qualified.

(2) If any person paying any arrears in accordance with sub-rule (1) of this Rule so requests, the name of the person who was liable to make such payment shall with the consent of the Chairman or Board be retained or entered on the List in respect of the amount or any part thereof as the Chairman or Board so directs.

(3) Notwithstanding anything to the contrary in these Rules, if any person in bona fide ignorance of the fact that their name is on the List enters a horse for any race such entry shall be valid if such person, on becoming aware that their name is on the List, and before the race, pays and discharges all arrears in respect of which the entry in the List was made.

1406 (1) An entry on the List shall be removed from the List upon:

(a) receipt of payment of the full amount of arrears to the Chief Executive; or

(b) receipt by the Chief Executive of satisfactory evidence that the arrears have been paid in full to the person or body to whom the arrears were due; or

(c) receipt by the Chief Executive of satisfactory evidence that an agreement has been entered into as to the payment of arrears and that the person or body to whom the arrears are due consents to that entry being removed from the List. When any such agreement is entered into and any term thereof is not strictly adhered to, the person or body to whom the arrears are due may request that the name be re-entered on the List and upon such request being made and the Chief Executive shall if satisfied that the term has not been adhered to re-enter that name on the List.

1.8.98

1407 (1) The Chief Executive shall forthwith remit to the person or body entitled thereto the amount of any arrears paid to him.

(2) Any arrears may be removed from the List by the Chairman where the same have been on the List for six years or more, and the Board may, at any time, remove any arrears from the List with the consent or at the request of any person or body to whom they are due.

(3) Where any entry is removed from the List such entry shall for all purposes be deemed to have been so withdrawn at the time of removal from the List, and a letter, telegram or facsimile from the Chief Executive as to the time of removal shall be conclusive evidence hereof.

1408 Save as provided in these Rules, no entry shall be removed from the List.

27.8.15

1.8.98

1409 No arrears shall be deemed to be discharged by reason solely of the fact that such an entry has not been entered on the List or notified in the Official Notifications, or that such entry has been removed from the List or notification thereof has been withdrawn from the Official Notifications.

1410 Any decision of the Board, Chairman or Chief Executive pursuant to this Part of the Rules is declared to be final.

PART XV - THE PROVIDENT FUND AND OTHER FUNDS

THE PROVIDENT FUND

1501 (1) There is hereby established a fund to be known as the Provident Fund which shall consist of:-

(a) all monies which on the coming into force of these Rules form the Provident Fund established by the Revoked Rules;

(b) all monies received by the Board pursuant to the Rules contained in this Part of these Rules;

(c) all other monies contributed for the benefit of the Provident Fund from any source whatever;

(d) all interest earned by investments of monies belonging to the Provident Fund.

1502 (1) There shall be appointed by the Board three Trustees who shall be called the Provident Fund Trustees.

(2) The persons in office as Provident Fund Trustees under the Revoked Rules immediately before the commencement of these Rules, shall be deemed to have been appointed Trustees under this Rule.

(3) There shall be paid to the Provident Fund Trustees all monies belonging to the Provident Fund to hold, invest and apply the same in accordance with these Rules.

1503 (1) Any Provident Fund Trustee may resign his office by writing addressed to the President and he may at any time be removed from office by the Board and his office shall also become vacant if at any time he dies or if at any time he is absent from New Zealand for a period of six consecutive months without leave of the Board.

(2) Every such vacancy shall be filled by the Board as soon as conveniently may be, but the remaining Trustees may appoint a fit person to be a Trustee until such vacancy is filled by the Board and until the Board fills such vacancy every such appointment shall have effect as if it has been made by the Board.

1504 (1) It shall be the duty of the Provident Fund Trustees:-

(a) to receive all monies payable to the Provident Fund and to cause the same to be paid forthwith after the receipt thereof into an account to be called the Harness Racing New Zealand Provident Fund Account at such bank as the Trustees from time to time determine, such account to be operated on in such manner as the Trustees may from time to time determine;

(b) to invest to the best advantage in lawful trustee securities or a loan whether a trustee security or not to the Harness Racing New Zealand General Account on the terms and subject to the conditions as the Trustees at the time being think fit all monies not for the time being required for application in accordance with these Rules;

(c) to cause to be kept by the Chief Executive full and proper accounts of all monies forming part of the Provident Fund and to submit to the Board accounts showing all receipts, expenditure and investments of the Provident Fund during the preceding year and a Balance Sheet, both duly audited by an auditor appointed by HRNZ;

(d) generally to exercise and perform the powers and duties conferred upon them by this Part of these Rules.

(2) The Provident Fund Trustees shall carry into effect all directions and instructions given to them by the Board which do not conflict with the provisions of this Part of these Rules.

20.10.21

1505 (1) Notwithstanding anything contained in these Rules monies forming the Provident Fund are the property of HRNZ to be dealt with only as the Board may from time to time determine in accordance with these Rules.

(2) It is hereby further expressly declared that nothing in these Rules shall be deemed:-

(a) to confer on any owner, trainer, driver, stablehand, or any other person any claim on the Provident 'Fund or any right to any monies forming part thereof; or

(b) to create an insurance fund for horse owners or any other person or to confer on any person any right of indemnity or any other right whatever, and that, notwithstanding any authority herein contained authorising payments to owners, the object of establishing and maintaining the Provident Fund is not to insure owners against liability for accidents but to create a fund out of which such licensed trainers, drivers and stablehands as suffer injury from or as the result of accident may, in the discretion of the Board be relieved to such extent and in such manner and on such terms as the Board may think fit.

1506 (1) Subject only to the provisions contained in Rule 1505 and in sub-rule (2) of this Rule, the monies of the Provident Fund shall be applied by the Board in its discretion for or towards any of the following purposes, namely:-

(a) the expenses of and incidental to the management and control of the Fund;

(b) relieving licensed trainers, licensed drivers or stablehands, who are disabled by illness or as a result of accident or who are in destitute circumstances or in relieving any relative of any such trainer, driver or stablehand, or any relative or any trainer or driver or stablehand, who has died;

(c) providing surgical aid, ambulances and appliances for use at race meetings;

(d) assisting, either in whole or in part, owners of horses in meeting their liability for accidents occurring in New Zealand causing death or injury to trainers, drivers or stablehands duly licensed by the Board under these Rules.

(2) No owner shall be in anyway assisted out of the monies of the Provident Fund:-

(a) unless there has been paid for each registered horse of such owner the fee prescribed by these Rules as payable to the Provident Fund in respect of each such horse;

(b) unless there has been observed in respect of any stablehand in respect of whom such claim is made the provisions of Rule 1508(a) and (b) hereof;

(c) if the accident in respect of which assistance is sought occurred directly or indirectly by reason of the misconduct, default or neglect of such owner or was caused by an unregistered horse or a horse not in training;

(d) by way of relief to any trainer or driver or stablehand licensed by the Board or other person, except in respect of an accident or disability incurred in the course of his employment in riding, driving or attending horses in training;

(e) by way of relief to any person in respect of accidents happening, or disabilities incurred, by any person who is beyond New Zealand or who is in the course of embarkation in any vessel or aircraft in which such person is about to proceed on a voyage beyond New Zealand, or while he is on such vessel or aircraft.

1507 (1) At the time of application for the registration of a horse under Rule 405(3) hereof there shall, subject to Rule 1510 hereof, be paid in respect of such horse, to the Chief Executive by way of contribution to the Provident Fund, a fee of $2.

(2) Upon the payment of the fee specified in sub-rule (1) of this Rule no further levy or fee for the Provident Fund shall be payable in respect of such horse unless HRNZ otherwise orders.

1508 No stablehand shall receive any benefit from the Provident Fund unless in the racing year in respect of which the claim is made:-

(a) he has been duly licensed; and

(b) the fee (if any) for the time being required by Rule 1509 hereof has been paid.

1509 (1) Every licensed stablehand or some other person on his behalf shall subject to Rule 1510 hereof, pay to the Fund in each racing year a fee of $1.00.

(2) Such fee shall be due and payable on the 1st day of August in each year.

1510 The Board may, from time to time:-

(a) vary, but not so as to increase, the amount of any fee payable under Rule 1507 or Rule 1509 hereof;

(b) fix the proportion, if any, of Licence fees received by it under Rule 311(3) hereof which shall be paid into the Provident Fund;

(c) suspend for such period as it thinks fit the payment of all or any of the fees mentioned in paragraph (a) or the payment into the Provident Fund of any proportion of licence fees fixed by it under paragraph (b) of this Rule.

1511 (1) The Board may from time to time, by resolution passed at any meeting, make such regulations (not inconsistent with these Rules) as it thinks fit for the purpose of effectually carrying out the provisions of this Part of these Rules.

(2) Any such regulations may, in like manner, be amended or revoked.

THE SULKY FUND

1512 (1) There is hereby established a fund to be known as the Sulky Fund which shall consist of such contributions made by applicants for Trainer's and Driver's Licences pursuant to Rule 314(4).

9.8.08

(2) The Board may from time to time make, vary or revoke Regulations known as the "Sulky Fund Regulations" as it thinks fit for the administration of the Sulky Fund.

(3) The monies of the Sulky Fund shall be applied by the Board at its discretion, subject to the provisions of the Sulky Fund Regulations, by way of compensation for damage to or destruction of sulkies at:

(a) any race meeting held by any Club or Racing Club;
(b) any race, trials or workouts meeting, held or conducted by any Club, kindred body or branch of a kindred body;
9.8.08
(c) any training course for amateur drivers, cadets, promotional or educational purposes, conducted or approved by HRNZ.

JUNIOR DRIVERS SAVING SCHEME

1513 (1) The Junior Drivers Saving Scheme may be established under this rule.

09.10.18

(2) The Junior Drivers Saving Scheme shall be conducted in accordance with Junior Drivers Saving Scheme Regulations made by the Board.

PART XVI - THE NEW ZEALAND HARNESS RACING STUD BOOK AND BREEDING (EFFECTIVE FROM 1 AUGUST 2021)

INTERPRETATIONS

1601 In these rules and any regulations made under these rules, unless the context otherwise requires:

artificial breeding means all non-natural service activities and associated techniques undertaken with the objective of creating a foetus to be taken from its embryonic state to a live foal and includes:

a. artificial insemination;
b. embryo transfer;
c. the harvesting of eggs from a mare for storage and use at a later date;
d. in vitro fertilization;
e. any process by which an egg is fertilised outside the body of the mare and:
   (i) the fertilised egg is then implanted in the same or another mare's uterus; or
   (ii) the fertilised egg or eggs are stored;
f. the harvesting and storage of an embryo or embryos;
g. the collection and storage of semen for use at a later date; and
h. the placement of an embryo in a mare, whenever harvested.

artificial insemination means insemination of a mare with fresh, chilled, or frozen semen with the objective that the mare carries the foetus to full term.

breeding technician means a person holding a Breeding Technician Certificate issued under the Breeding Regulations.

Chief Executive means Chief Executive of HRNZ or other person authorised to act on the Chief Executive's behalf.

embryo transfer means insemination of a mare with fresh semen, chilled semen, or frozen semen with the objective that the resulting embryo is collected and then placed in a surrogate mare which carries, or it is intended to carry, the foetus to full term.

mare includes a filly.

season means the period from 1 August in a year to 31 July in the following year.

stud book means the genealogical record of a horse recorded by HRNZ at the time of registration.

veterinarian means a veterinary surgeon registered with the Veterinary Council of New Zealand holding a current certificate to practice.

STUD BOOK

1602 (1) The Board has the responsibility for the control, compilation, and publication of the New Zealand Harness Racing Stud Book (the Stud Book).

(2) The Stud Book may be compiled and maintained in such form as the Board directs.

1603 (1) A horse qualifies as a standardbred if:

(a) The horse is a registered standardbred with HRNZ, the United States Trotting Association, Standardbred Canada, the Australian Stud Book, the Stud Books of Norway, Finland, Sweden, France, Italy, Belgium, Denmark, Holland, Germany, Argentina, Malta, Switzerland, Ireland or the United Kingdom or the Stud Books of other countries if the Board is satisfied their records and/or qualifications meet the standards of the Stud Book.

(b) It is the progeny of a stallion and a mare that qualifies as a standardbred under sub-rule (1)(a) and is eligible under these rules (including any regulations made under these rules) to be registered as a standardbred or to the Stud Book.

(c) It is the progeny of a stallion and a mare both of which are included or were eligible under the rules existing at the time of foaling or are eligible under these rules to be admitted to the Stud Book.

1604 (1) A horse is eligible to be admitted to in the Stud Book only if it:

(a) is registered under these rules;

(b) qualifies as a standardbred under rule 1603; or

(c) is approved for admission by the Board.

1605 An extended pedigree of each standardbred stallion or mare imported into New Zealand shall be entered in the Stud Book after the registration of the stallion or mare under the Rules. The owner of the stallion or mare must, at the time of registration, pay to HRNZ the entry fee set from time to time by the Board.

STALLIONS

1606 The Chief Executive shall maintain a Sires Registration List in which shall be recorded the name of any standardbred stallion whose registration is approved for stud duties.

REGISTRATION OF STALLIONS FOR STUD DUTIES

1607 (1) A stud manager must apply to the Chief Executive to register a stallion prior to the commencement of stud duties in a stallion's first season at stud and no later than 1 October in each following season.

(2) The Breeding Regulations made by the Board may make provision for application to register a stallion for stud duties, conditions on granting any application, for cancellation of registration, and any other matter considered appropriate for such applications.

PERSONS WHO MAY UNDERTAKE ARTIFICIAL BREEDING

1608 (1) A veterinarian may practice all forms of artificial breeding.

(2) A breeding technician may practice artificial insemination if granted a Breeding Technician Certificate under the Breeding Regulations.

TRANSPORTATION OF SEMEN FROM A STALLION RESIDENT IN NEW ZEALAND

1609 (1) An owner or stud manager may apply to the Chief Executive for a Semen Transport Service Certificate to use fresh, chilled, or frozen semen transported from the premise at which it is collected for use in artificial breeding.

(2) The Breeding Regulations made by the Board may make provision for a Semen Transport Service Certificate application, conditions on granting any application, for cancellation of an approval, and any other matter considered appropriate for such applications.

TRANSPORTATION OF SEMEN FROM A STALLION NOT RESIDENT IN NEW ZEALAND

1610 (1) An owner or stud manager may apply to the Chief Executive for a Semen Transport Service Certificate to use fresh, chilled, or frozen semen transported from the premise at which it is collected for use in artificial breeding.

(2) The Breeding Regulations made by the Board may make provision for a Semen Transport Service Certificate application, conditions on granting any application, for cancellation an approval, and any other matter considered appropriate for such applications.

ELIGIBILITY FOR REGISTRATION AND ADMISSION TO THE STUD BOOK

1611 (1) Only one horse bred from a mare in a season may be registered under the Rules and admitted to the Stud Book regardless of the age of the horse at the time of registration.

(2) Sub-rule (1) does not apply where as a result of natural or non-artificial breeding a mare produces twins in which case both foals may be registered.

(3) Where more than one horse is born by any method from a mare in a season sub-rules (4) to (7) shall apply.

(4) When a mare gives birth to its foal in a season, that foal shall be the only foal registered for that season.

(5) When a mare does not give birth to its own foal in a season, one foal of the same dam born in that season may be registered.

(6) When a mare does not give birth to its own foal in a season, and two or more foals of the same dam born in that season none of the foals may be registered.

(7) Where any horse is registered in contravention of these rules the Chief Executive shall cancel the registration of the horse.

(8) A foal which has been conceived by artificial breeding by means other than embryo transfer, shall be the recognised progeny of the mare and donor stallion and shall be eligible for inclusion in the Stud Book provided that the requirements of these rules and Breeding Regulations relating to artificial breeding are strictly complied with.

(9) The receipt by the Chief Executive of a completed and signed Foaling Return shall, in the case of a living foal eligible for registration and admission to the Stud Book shall, subject to any rule or regulation to the contrary, be sufficient authority for the registration and admission to the Stud Book of the foal.

EMBRYO OR OOCYTE TRANSFER

1612 (1) If an oocyte or embryo of a mare (the genetic dam) is transferred to a surrogate mare (the first surrogate mare), an embryo or oocyte of the same genetic dam may not be transferred to another surrogate mare at any time the first surrogate mare is carrying the oocyte, embryo, or foetus of the genetic dam.

(2) A horse foaled by a mare that is not its genetic dam but transferred to her by embryo or oocyte transfer shall be eligible for registration under these rules and admitted to the Stud Book if the Breeding Regulations and the Rules are complied with.

(3) A foal begotten by embryo or oocyte transfer shall have recorded on its registration and in all official records the notation “E.T.” after its name to indicate that it has been bred using embryo transfer techniques.

(4) A foal begotten by in vitro fertilisation shall have recorded on its registration and all official records the notation “IVF” after its name to indicate that it has been bred by injecting semen into an oocyte external to the mare.

CLONES

1613 A horse produced by a cloning process, including any progeny of a clone or a gene editing or manipulation process, is not eligible to be registered under the Rules or to be admitted to the

Stud Book.

SEXING OF SEMEN AND EMBRYOS

1614 A horse produced which involves a process that pre-determines, or attempts to pre-determine, the sex of the resulting foal before the foetus is at nine weeks gestation, including the sexing of semen or embryos, is not eligible to be registered under the Rules or to be admitted to the Stud Book.

IMPORTED EMBRYOS

1615 A horse produced involving an embryo imported into New Zealand is not eligible to be registered under the Rules or to be admitted to the Stud Book.

FROZEN EMBRYO, FROZEN OOCYTES, AND OOCYTES FROM A DECEASED MARE

1616 (1) A horse produced using:
(a) a frozen embryo;
(b) frozen oocytes; or
(c) oocytes
from a deceased mare after its death shall not be eligible to be registered under the Rules or to be admitted to the Stud Book.

(2) Sub-rule (1) does not apply to any frozen embryo registered with HRNZ at 1 August 2021 providing the foal is born by 28 February 2024.

NON-APPROVED ARTIFICIAL BREEDING

1617 A horse that results from artificial breeding without approval under the Breeding Regulations is eligible to be registered under the Rules and to be admitted into the Stud Book at the discretion of the Chief Executive unless rules 1611, 1612, 1613, 1614, 1615, or 1616 apply.

OUTSTANDING SERVICE CERTIFICATES

1618 If any person fails to comply with the requirements relating to Service Certificates under the Breeding Regulations the Chief Executive may refuse to register the progeny of the mare under the Rules until those requirements are complied with.

OUTSTANDING SERVICE FEE AND CHARGES

1619 (1) An owner of a stallion, who has complied with the requirements relating to certificates of service under the Breeding Regulations in respect of any mare, may notify the Chief Executive in writing if the owner of the mare has not paid the service fee and other charges due in respect of the mare.

(2) The Chief Executive may refuse to register the progeny of the mare under the Rules until the amount of such service fee and other charges is paid to HRNZ on behalf of the owner of the stallion.

(3) The Board shall charge a fee of 10% with a minimum fee of $100 in settlement of any fee or charges that has been notified to the Chief Executive pursuant to this Rule whether settlement has been direct or through HRNZ.

(4) If an owner of a mare is in default in respect of the payment of the service fee or other charges, the amount unpaid may be declared arrears within the meaning of these rules.

OWNER OF FOAL

1620 (1) A horse produced as a result of an artificial breeding shall be the property of the owner of the donor mare at the date of foaling unless sub-rule (2) applies.

(2) The ownership determination in sub-rule (1) may be contracted out if there is an arrangement in writing and signed by the relevant parties, recorded in a form prescribed by the Chief Executive, and lodged with HRNZ.

DISQUALIFIED PERSON OFFERING A STALLION

1621 A person who is a disqualified person within the meaning of the Rules of Harness Racing, Racing or Greyhound Racing shall not offer any stallion for stud purposes.

BOOKS, RECORDS, AND INSPECTION

1622 (1) The Chief Executive shall have the right to inspect all books and records kept by the owner and stud manager of a stallion or mare in relation to the stallion or mare. On receiving a written request from the Chief Executive such owner and stud manager must forward such books and records to the Chief Executive.

(2) The Chief Executive may require the owner, stud manager, or person having charge, care or control of any horse to produce for inspection any such horse and may inspect such horse.

(3) The owner, stud manager, or person having charge, care, or control, of any horse shall produce the horse for inspection when required.

REFUSAL OR CANCELLATION OF REGISTRATION AND ADMISSION TO THE STUD BOOK

1623 Where any person fails to comply with the provisions of this part of the rules or the Breeding Regulations the Chief Executive may, in addition to any penalty imposed by the Judicial Committee, refuse registration of the foal and its admission to the Stud Book, or cancel such registration or admission.

REVIEW OF DECISION OF THE CHIEF EXECUTIVE

1624 (1) A decision by the Chief Executive, or person authorised to act on the Chief Executive's behalf, under this part of the Rules or the Breeding Regulations is declared to be final and not subject to appeal.

(2) A person dissatisfied with a decision of the Chief Executive, or person authorised to act on the Chief Executive's behalf, may apply to the Board to review the decision.

BREEDING REGULATIONS

1625 (1) The Breeding Regulations made by the Board in addition to the matters already provided for, may make provision for:

(a) Setting of fees by the Board for an application under these rules or the Breeding Regulations.

(b) To genetically identify by DNA typing whether in the blood type or other means the DNA typing of stallion, mares, and foals.

(c) Certificates of Service and Foaling Returns.

(d) When frozen semen may be used after a stallion has died.

(e) Requirements which must be complied with in respect to artificial breeding, including the procedures by which such process are to be undertaken.

(f) Such other matters as the Board thinks fit with respect to horses' eligibility for registration under these Rules.

PART XVII – HORSE CARE
(EFFECTIVE FROM 1 OCTOBER 2022)

Definitions

1701 For the purpose of this Part of the rules the following words and phrases shall, unless the context otherwise requires, have the following meanings:

Accountable Person means all of the following:-

(a) The owner of the horse except where:

(i) there are two or more owners and they have nominated the accountable person at the time of registration or transfer of ownership in which case the accountable person is the nominated accountable person, or

(ii) if a horse is owned by a syndicate or approved company the accountable person is the Racing Manager of the syndicate or approved company; and

(iii) where the horse is held on trust the accountable person are the trustees of the trust.

(b) Where the horse is in training or on a trainer's premises the trainer.

(c) Where the horse is in the care of a licensed person the licensed person.

(d) In the case of a foal not registered the owner, or racing manager (as applicable) of the mare of the foal.

Chief Executive means the Chief Executive of Harness Racing New Zealand or his or her delegate.

Chief Executive of the RIB means the Chief Executive of the Racing Integrity Board or his or her delegate.

Horse Care Regulations mean the Horse Care Regulations made by the Board.

Duties of Accountable Person

1702 The Accountable Person must take all reasonable steps to ensure that the physical, health, and behavioural, needs of the horse and its care are met in a manner that is in accordance with:

(a) good practice;

(b) scientific knowledge;

(c) the Horse Care Regulations; and

(d) the Animal Welfare Act 1999, the Code of Welfare: Horses and Donkeys, and the Animal Welfare (Care and Procedure) Regulations 2018.

1703 (1) If a horse moves, or is intended to be moved, for a period of 30 days or more, the Accountable Person in direct control of the horse must notify HRNZ of the new address at which the horse will be domiciled.

(2) If a trainer ceases to train a horse, he or she shall notify HRNZ within two working days and where the horse is to be domiciled.

(3) Within two working days of a horse coming into the hands of a licensed trainer or being moved to his or her property the trainer shall notify HRNZ.

Powers of Stipendiary Stewards and Racing Investigators

1704 (1) Stipendiary Stewards and Racing Investigators have, in addition to all other powers conferred on them by these rules, the power to enter and inspect any property or premises of a participant at which a horse is located and inspect any horse, facility, plant, equipment, or means of horse transport for the purpose of investigating whether there has been a breach of any rule in this part of the Rules or the Horse Care Regulations.

(2) A participant must permit a Stipendiary Steward, Racing Investigator, and a veterinarian to have reasonable access to any property, racing premises, horse, facility, plant, equipment, or means of horse transport for the purposes of sub-rule (1).

Horse Care Compliance Notices

1705 A Horse Care Compliance Notice is either an Improvement Notice or a Possession Notice.

1706 (1) An Improvement Notice may be issued under the Horse Care Regulations if there are reasonable grounds to believe the accountable person:

(a) has contravened rule 1702 and will continue to do so; or

(b) is likely to contravene rule 1702.

(2) An Improvement Notice may:

(a) Require the person to, or to get another person to, cease acting in a manner that the Racing Investigator or Stipendiary Steward has reasonable cause to believe contravenes or is likely to contravene rule 1702.

1.11.23

(b) Require the person to, or to get another person to do some act or other thing that the Racing Investigator or Stipendiary Steward reasonably believes is necessary to ensure that the person complies with rule 1702.

(c) Prohibit the person from acting in a manner or prohibit some other person to act in a manner that the Racing Investigator or Stipendiary Steward has reasonable cause to believe contravenes or is likely to contravene rule 1702.

1707 A Possession Notice may be issued under the Horse Care Regulations if a Stipendiary Steward or Racing Investigator is satisfied the welfare of the horse requires the horse to be removed from the property.

1708 Deleted

Horse Care Regulations

1709 The Horse Care Regulations made by the Board may include (without limitation):

(a) Horse care principles that participants must comply with.

(a) Duties and responsibilities of the Accountable Person.

(b) Information that must be included in a Horse Care Compliance Notice.

(c) On whom a Horse Care Compliance Notice must be served.

(d) The procedure for a person issued with a Horse Care Compliance Notice, or who has a direct interest in the horse, to have the Notice withdrawn, cancelled, or amended.

(d) Any other matter relating to a Horse Care Compliance Notice the Board considers appropriate.

(e) A participant's liability for costs associated with a possession notice.

1.11.23

(f) Any other matter relating to an improvement notice, a possession notice, or horse care the Board considers appropriate.

Breaches of the Rules

1710 The Board may include a breach of the regulations in the Minor Offence Regulations.

1711 A breach of the rules or regulations that results in a horse suffering unreasonable or unnecessary pain, distress, or injury is declared to be a serious racing offence.

General Provisions

1712 Nothing in this Part of the rules requires a person to keep a horse alive when it is suffering unreasonable or unnecessary pain or distress.

1713 Nothing in this Part of the rules limits or supersedes any other obligations imposed at law, including (but not limited to) under the Animal Welfare Act 1999 or any successor or related legislation.

1714 HRNZ, nor a Club, a Stipendiary Steward, an Racing Investigator, a Tribunal, or any person authorised by any of them to act under these rules, nor any employee nor agent of any of them, shall be liable for damages to the owner or lessee (as the case may be), trainer, racing manager, or accountable person of a horse or to any other person subject to these rules at any time when the alleged cause of action arose by reason of the exercise of the powers conferred (or bona fide believed to have been conferred) by this Part of the rules.

1715 For the avoidance of doubt, any person who is subject to any duty, obligation, or prohibition in these rules in relation to a horse is not released from that obligation merely because they are not the Accountable Person for that horse.

1716 Any decision made by the Chief Executive and the Chief Executive of the RIB is declared to be final and not the subject of appeal.

1717 Any decision made by the Chief Executive, not subject to review by the Board is declared to be final and not subject to appeal.

1718 Any decision made by the Board on review of a decision made by the Chief Executive is declared to be final and not subject to appeal.

FIRST SCHEDULE

PART 1 REGISTERED CLUBS HAVING BETTING LICENCES

Akaroa Trotting Club Incorporated
Amberley Trotting Club Incorporated
Ashburton Trotting Club Incorporated
Auckland Trotting Club Incorporated
Banks Peninsula Trotting Club Incorporated
Central Otago Trotting Club Incorporated
Cheviot Harness Racing Club Incorporated
Forbury Park Trotting Club Incorporated
Geraldine Trotting Club Incorporated
Gore Harness Racing Club Incorporated
Hawera Harness Racing Club Incorporated
Hororata Trotting Club Incorporated
Invercargill Harness Racing Club Incorporated
Kaikoura Trotting Club Incorporated
Kapiti Coast Harness Racing Club
Kurow Harness Racing Club Incorporated
Manawatu Harness Racing Club Incorporated
Marlborough Harness Racing Club Incorporated
Methven Trotting Club Incorporated
Nelson Harness Racing Club Incorporated
NZ Metropolitan Trotting Club Incorporated
Northern Southland Trotting Club Incorporated
Oamaru Harness Racing Club Incorporated
Rangiora Harness Racing Club Incorporated
Reefton Trotting Club Incorporated
Riverton Trotting Club Incorporated
Roxburgh Trotting Club Incorporated
Timaru Harness Racing Club Incorporated
Tuapeka Harness Racing Club Incorporated
Waikato Bay of Plenty Harness Incorporated
Waikouaiti Trotting Club Incorporated
Waimate Trotting Club Incorporated
Wairarapa Harness Racing Club Incorporated
Wairio Trotting Club Incorporated
Westport Trotting Club Incorporated
Winton Harness Racing Club Incorporated
Wyndham Harness Racing Club Incorporated

PART 2 REGISTERED CLUBS NOT HAVING BETTING LICENCES

Chertsey Trotting Club Incorporated
Christchurch Trotting Club Incorporated
Hawea Picnic Racing Club
The Kumeu District Trotting Club Incorporated
Mount Hutt Trotting Club
Stratford Trotting Club Incorporated
Taranaki Trotting Club Incorporated *(Dissolved 22 May 2014)*
Thames Harness Racing Club Incorporated
Waitaki Trotting Club
Wanganui Trotting Club Incorporated

PART 3 AFFILIATED ENTITIES

Canterbury Country Harness Racing Club Incorporated *(Dissolved 7 February 2023)*
Seddon Harness Racing Group Incorporated
Southern Harness Racing Incorporated
New Zealand Sires Stakes Board Incorporated

SECOND SCHEDULE

REGULATIONS

1. The Regulations, Approvals and Directions set out below may be cited as the Regulations of Harness Racing New Zealand.

2. In these Regulations unless the context otherwise requires the words, phrases and expressions used shall have the same meanings as defined in the Rules of Harness Racing.

Advertising and Logos on Driving Apparel
Approved Gear
Breaking Horses
Breeding Regulations
Centralised Stakes Payment Scheme Regulations
Claiming Races
Code of Conduct Regulations
Colours
Communication on Race Days
Conduct of Meetings, Programming, Handicapping and Ratings Regulation
Crash Teams and Vehicle
Drivers Fees
Shifting Ground (formerly Easing Down)
Equalisator Meetings
Field Selection
Drivers' Licences
Horse Care Regulations
Horse Movement
Horse Registration and Naming
Inspection of Horses
Inter-Dominion Championships
Junior Drivers Saving Scheme
Last Lap - Warning Devices
Minor Infringements
Monté Racing
Mudguards
Notifiable Surgeries and Procedures
Notification of Drivers
Ownership of Horses by Minors
Passing Lanes, False Rails and Home Straight Regulations
Prohibited Substance and Practices Regulations
Qualifying Regulations
Race Meeting First Aid and Safety
Race Starting Procedures
Race Titles Utilising the Prefix NZ or New Zealand
Rules
Safety Gear
Safety Numbers for Approved Tracks
Scratching Penalties
Shoeing Horses at the Start
Stallion Registration
Stallion Registration – EVA Requirements
Standing Down of Breaking Horses
Starting Regulations
Sulky Fund
Sulky Specification
Swabbing Instructions / Directions for Taking Pre-Race Blood Samples
Sweepstakes
Syndication
Time Records

Time Trials
Timing of Mobile Starts
Track Conditions
Track Markers
Trainer Partnerships
Trials Meetings / Workouts Regulations
Trust Ownership
Unqualified Two Year Olds
Veterinary Surgeons
Warming Up of Horses
Whip and Rein Regulations

Resolution passed at Annual Conference 2.7.96

HRNZ resolves that:

1. The Rules are amended by inserting a Second Schedule into the Rules of Harness Racing as set out above.

2. Those Regulations set out in the Second Schedule are approved as Regulations duly made.

3. The power of the Board to amend, revoke or make Regulations is as provided in the Rules of Harness Racing and upon revocation of any Regulation or any new Regulation being made the Board is empowered to amend the Second Schedule accordingly.

THIRD SCHEDULE

VOTING

1. In this schedule:

1.11.26 **betting licence** means a betting licence issued to a club under s 68 of the Racing Industry Act 2020 as at 1 August in the relevant racing year and includes a betting licence issued for a dual code meeting.

dual code meeting means a race meeting at which harness racing races are conducted together with galloping races or greyhound races.

racing year means the period of one year from 1 August to 31 July.

club means a club listed in the First Schedule of the Constitution of Harness Racing New Zealand Incorporated as a registered club having a betting licence.

2. A club, entitled to vote, shall have during the racing year in which the vote on any matter is to take place:

one vote for each of the first three betting licences issued to that club in the preceding racing year; and

after the first three such betting licences issued in the preceding racing year, and one vote for each of the next three betting licences issued up to a maximum of 16 votes as provided in the table set out below.

3. A club, entitled to vote, that had not been issued a betting licence in the preceding racing year in which the vote on any matter is to take place shall have one vote.

4. A kindred body, entitled to vote, shall have three votes.

5. Where two or more clubs combine, the combined club votes shall be calculated by merging betting licences issued to the individual clubs to the combined club.

Table

Number of betting licences	Number of votes	Number of betting licences	Number of votes
1	1	22	10
2	2	23	10
3	3	24	10
4	4	25	11
5	4	26	11
6	4	27	11
7	5	28	12
8	5	29	12
9	5	30	12
10	6	31	13
11	6	32	13
12	6	33	13
13	7	34	14
14	7	35	14
15	7	36	14
16	8	37	15
17	8	38	15
18	8	39	15
19	9	40	16
20	9	41	16
21	9	42	16

FOURTH SCHEDULE

Deleted 1.11.23

FIFTH SCHEDULE

Rules of Practice and Procedure for the Adjudicative Committee and Appeals Tribunal
(This Fifth Schedule came into effect on 27 August 2015)

Part 1: General provisions

1 Application

1.1 The rules in this Schedule apply to any proceeding before an Adjudicative Committee or Appeals Tribunal under the New Zealand Rules of Harness Racing (the Rules).

2 Structure of this Schedule

2.1 This Schedule has four Parts:
(a) Part 1: General provisions;
(b) Part 2: Adjudicative Committee;
(c) Part 3: Appeals Tribunal; and
(d) Part 4: Miscellaneous.

3 Interpretation

3.1 In these Rules unless the context otherwise requires,—

Adjudicative Committee means an Adjudicative Committee appointed under the Racing Industry Act 2020

20.10.21

Appeals Tribunal means an Appeals Tribunal appointed under the Racing Industry Act 2020

appellant means the person filing the notice of appeal;

Registrar deleted 09.10.18

informant means the person filing an information;

information means an information in the form prescribed by the Racing Integrity Board;

minor infringement breach means a breach of the rules set out in the Minor Infringement Regulations.

Minor Infringement Regulations means the Minor Infringement Regulations made by the Board and set out in Schedule 4 of these Rules;

notice of appeal means a notice of appeal in the form prescribed by the Racing Integrity Board;

race day Adjudicative Committee means an Adjudicative Committee that is appointed to officiate at a race meeting for which a betting licence has been granted;

Registrar means:

09.10.18
01.07.21

(a) In the context of an Adjudicative Committee the person appointed by the Racing Integrity Board to be the Registrar of the Adjudicative Committee, not being a race day Adjudicative Committee;
(b) In the context of an Appeals Tribunal such person or persons appointed by the Racing Integrity Board to be the Registrar of the Appeals Tribunal

Respondent means, where the information:
(a) is a protest: the driver of the horse against which the protest is made;
(b) alleges a breach of the rules: the person who the information alleges breached the rule; and

(c) seeks a ruling: the person in respect of whom the ruling is sought and any other person the Adjudicative Committee directs should be served with the information.

sanction means any sanction or penalty provided in the Rules for a breach of that rule.

4 Objective

4.1 The objective of these Rules, as they apply to any proceeding before an Adjudicative Committee or Appeals Tribunal, is to promote the just, fair, speedy, and inexpensive determination of the proceeding.

4.2 Dealing with a proceeding justly and fairly includes:
(a) dealing with the proceeding in ways proportionate to the complexity of the issues and to the time available to hear and determine the proceeding;
(b) seeking informality and flexibility in proceedings;
(c) using the Adjudicative Committee's and Appeals Tribunal's specialist expertise effectively; and
(d) avoiding delay as far as compatible with the proper consideration of the issues.

5 Purpose of proceedings

5.1 The purpose of proceedings before an Adjudicative Committee or Appeals Tribunal include:
(a) to ensure that racing is conducted in accordance with the code rules;
(b) to uphold and maintain the high standards expected of those participating in the sport of racing and the racing industry;
(c) to uphold and maintain the integrity of the sport of racing and the racing industry; and
(d) to protect the participants in the sport of racing, the racing industry, and the public.

6 Power to regulate procedure

6.1 Subject to the Rules, an Adjudicative Committee and Appeals Tribunal may regulate their procedure and conduct any hearing in any manner they consider fit.

6.2 Where any matter is not otherwise provided for in the Rules, an Adjudicative Committee and Appeals Tribunal shall have the jurisdiction to make such orders or give such directions as they consider to be consistent with the rules, the objectives set out at clause 4 and the purpose of proceedings set out in clause 5.

7 Natural justice

7.1 The Adjudicative Committee and Appeals Tribunal must exercise and perform their duties, powers, and functions in a manner consistent with the principles of natural justice to the extent they are applicable.

Part 2: Adjudicative Committees

8 Jurisdiction of Adjudicative Committee

8.1 An Adjudicative Committee shall have jurisdiction to inquire into, hear, and determine all proceedings commenced pursuant to the Rules which are not expressly stated to be within the jurisdiction of any other person or body.

9 Adjudicative Committees

9.1 An Adjudicative Committee may comprise of one or more members.

9.2 The Chairperson of the Racing Integrity Board, or in his or her absence a member of the Racing Integrity Board, may appoint a member of an Adjudicative Committee to act as the Chairperson of that Adjudicative Committee.

9.3 One member shall constitute a quorum of the Adjudicative Committee.

9.4 Subject to clause 9.3 all appointed members of an Adjudicative Committee shall, if practicable, determine any matter, information or proceeding submitted for the determination of that Committee.

10 Duties of Adjudicative Committee members

10.1 When exercising powers or performing duties under the Rules, an Adjudicative Committee member must act:
(a) in good faith;
(b) with reasonable care, diligence, and skill; and
(c) with honesty and integrity.

Commencement and management of proceedings

11 Commencement of proceedings and filing of documents

11.1 Unless provided otherwise in the Rules, all proceedings shall be commenced by filing an information either:
09.10.18 (a) with the race day Adjudicative Committee where the information is filed during a race meeting in relation to a matter which arose during that meeting; or
(b) in any other case with the Registrar of Adjudicative Committees appointed by the Racing Integrity Board in any other case.

11.2 An information or any document for a hearing held other than on a race day may be filed by delivering or sending it to the Registrar of Adjudicative Committees:
01.07.21 (a) at Private Bag 17902, Greenlane, Auckland.
(b) by email to adjudication@racingintegrityboard.org.nz

11.3 Where the address, post office box, or email address changes for the Registrar of Adjudicative Committees changes the Chief Executive of the code shall change the details set out in clause 11.2(a) to (d).

12 Timing of determination of an information

12.1 Where an information relates to a protest against the placings of any horse and the Adjudicative Committee's determination may affect payment of dividends, the hearing:
(a) should, if practicable, be concluded before the start of the next race; and
(b) may not be adjourned to any later date.

12.2 Except when clause 12.1 applies an information filed during a race meeting shall be heard and determined by the Adjudicative Committee appointed to officiate on that day, apart from when the hearing of the information is adjourned.

12.3 Where the hearing of an information is adjourned in accordance with clause 12.2 the hearing and the determination shall be by either that Adjudicative Committee or such other Adjudicative Committee as appointed by the Racing Integrity Board.

12.4 An information filed other than on a race day shall be determined by an Adjudicative Committee appointed by the Racing Integrity Board.

13 Notice of hearing

13.1 Where:
(a) the hearing of an information is to take place during a race meeting;
(b) the decision of the Adjudicative Committee may affect the placings of a horse;
(c) the respondent is not present-

the respondent shall be deemed to have notice of the hearing when the information or notice of the hearing is given to the person in apparent control of a horse named in the information or is announced over the public address system at the racecourse.

13.2 Except when clause 13.1 applies, the person named in the information as a respondent shall be served with a copy of the information and be advised of the date, time, and place of hearing.

14 Adding parties

14.1 A person who has an interest in the subject matter of the proceeding may be added to the proceeding at the discretion of the Adjudicative Committee or its Chairperson either as a party or in some other capacity.

15 Preliminary matters and pre-hearing conferences

15.1 The Adjudicative Committee or its Chairperson may hear and determine any preliminary matters.

15.2 The Adjudicative Committee or its Chairperson may hold a pre-hearing conference or conferences prior to the substantive hearing of any proceeding.

15.3 Matters which may be considered at a pre-hearing conference include:
(a) adding parties;
(b) identification of issues;
(c) disclosure;
(d) timetabling of any steps required in the proceeding;
(e) special needs at the hearing;
(f) time required for the hearing;
(g) venue; and
(h) any other matters raised by the parties or by the Adjudicative Committee of its own motion.

15.4 A pre-hearing conference may be held by telephone or any other mode.

15.5 The Adjudicative Committee or its Chairperson hearing and determining any matters under this clause need not be the same Adjudicative Committee or Chairperson who hears and determines the proceedings.

15.6 The Adjudicative Committee or its Chairperson may direct the parties to file memoranda at any time prior to the pre-hearing conference.

Evidence

16 Summonsing of witnesses

16.1 The Adjudicative Committee may, of its own motion or on the application of a party to any proceedings before it, require (including by way of summons signed by the Chairperson or other member) any person to appear before it, to answer any question put to that person, and to produce to it any papers, documents, records or things referred to in the summons.

16.2 A person who is required to appear or is summonsed to attend to give evidence before an Adjudicative Committee or to produce to the Adjudicative Committee any papers, documents, records or things:
(a) shall attend in accordance with the requirement or summons;
(b) shall not refuse to be sworn or to give evidence or refuse to answer any question that the person is lawfully required by the Adjudicative Committee or any member of it to answer concerning the proceeding; and
(c) shall produce any such paper, document, record or thing.

16.3 A breach of clause 16.2 without sufficient cause is declared to be a Serious Racing Offence.

17 Evidence

17.1 The Adjudicative Committee may receive as evidence any statement, document, information, or material that would be inadmissible in a court of law if it is satisfied the evidence would assist it to deal justly, speedily, and inexpensively with the matters before it.

17.2 The Adjudicative Committee may permit a person appearing as a witness before it to give evidence by tendering his or her written witness statement.

17.3 The Adjudicative Committee may require that any written witness statement contain a declaration by the witness that the statement is true and that the witness made it with the knowledge that it is to be used in proceedings before an Adjudicative Committee.

17.4 The Adjudicative Committee may require evidence to be given on oath, and, for that purpose, any member of the Adjudicative Committee or Registrar may administer an oath.

17.5 The Adjudicative Committee may receive evidence given by audio-visual communication, or by any other mode of communication if it thinks fit.

18 Evidence of persons about to leave New Zealand or otherwise unavailable

18.1 Upon application by a party or of its own motion, the Adjudicative Committee or it Chairperson may make an order for the taking of the evidence of any person if:
(a) the person intends to depart from New Zealand before the hearing or may otherwise be unavailable to give evidence at the hearing; and
(b) it is desirable or expedient that such evidence should be so taken.

18.2 The evidence shall be taken before the Adjudicative Committee, or one of its members, and recorded in such manner as directed.

18.3 Evidence taken in accordance with this clause may be tendered at the hearing as if it were given in the course thereof.

18.4 Nothing in clauses 18.1 to 18.3 limits the power of the Adjudicative Committee to receive any evidence it thinks fit in accordance with clause 17.1.

19 Independent experts and counsel

19.1 The Adjudicative Committee or it Chairperson may appoint a person who is independent of the parties with expertise in the subject matter of the dispute to:
(a) give evidence in the proceeding; or
(b) assist and advise the Adjudicative Committee.

19.2 An appointed independent expert shall be entitled to be present at the hearing and have such powers and duties as are specified in the order of appointment.

19.3 An appointed independent expert shall not be present during any deliberation of the Adjudicative Committee.

19.4 The Adjudicative Committee or it Chairperson may appoint counsel to assist it in any proceeding.

19.5 Appointed counsel may be present at the hearing and at other times advise the Adjudicative Committee on matters of law, procedure, or evidence in that proceeding or matter at any time.

19.6 Appointed counsel shall not be present during any deliberations of the Adjudicative Committee.

19.7 The Adjudicative Committee shall be responsible for any fees and expenses incurred by a person appointed under this clause unless it otherwise directs.

The Hearing and Decisions

20 Hearing may be in private

20.1 All hearings are open to the public unless an order is made under clause 20.2.

20.2 Upon application by a party or of its own motion, the Adjudicative Committee may order that a hearing, or any part of a hearing, be held in private.

21 Determination on the papers

21.1 Where the Adjudicative Committee is satisfied it is appropriate, any matter or proceeding may be determined solely on the basis of the documents and evidence filed by the parties, without the need for an oral hearing.

22 Right to attend hearing

22.1 The parties shall be entitled to be present at the hearing of any proceeding unless:
(a) clause 21.1 applies;
(b) party so unreasonably interrupts the hearing as to render its continuance in that person's presence impractical;
(c) a party absents himself or herself without the leave of the Adjudicative Committee; or
(d) the Adjudicative Committee believes there is good reason to continue to proceed in that person's absence.

22.2 In any of the cases referred to in clause 22.1 the Adjudicative Committee may proceed in the absence of the person.

22.3 The Adjudicative Committee may permit a party to be absent from the hearing during the whole or any part of the hearing on such terms as it thinks fit.

23 Representation

23.1 At a hearing before an Adjudicative Committee in respect of a matter which arises on a race day and which is heard on that day a person may not be represented by counsel and:
(a) a Stipendiary Steward or Racing Investigator may appear in person or another employee of the Racing Integrity Board may appear on their behalf; and
(b) any other person may not be represented by a lay advocate, or another person except as provided by clause 23.2.

23.2 When an information has been filed against a Junior Driver as defined in the HRNZ Regulations or a minor, or a horse driven by a Junior Driver or a minor, such driver or minor is entitled to have his or her employer, parent or guardian or such other person as the Adjudicative Committee may approve or nominate, present for the purpose of assisting and safeguarding his or her interests.

23.3 If a race day Adjudicative Committee is conducting a hearing at a Racecourse in the course of a race day and a respondent is absent from the racecourse, the Adjudicative Committee may permit a person to appear as the respondents duly authorised representative.

23.4 At a hearing before an Adjudicative Committee which is held other than on the race day on which the matter arose:

(a) a Stipendiary Steward or Racing Investigator may:
  (i) appear in person;
  (ii) have another employee of the Racing Integrity Board appear on their behalf;
  (iii) be represented by counsel; or
  (iv) be represented by a lay advocate approved by the Adjudicative Committee or the Racing Integrity Board;
(b) any other person may:
  (i) appear in person;
  (ii) be represented by counsel; or
  (iii) be represented by a lay advocate approved by the Adjudicative Committee or the Racing Integrity Board.

24 No appearance at hearing

24.1 At the hearing of an information if the respondent does not appear and the Adjudicative Committee is satisfied notice of the hearing was given in accordance with clause 13 the hearing may proceed in the absence of the respondent.

24.2 Where clause 24.1 applies:
  (a) evidence of a fact or opinion which could have been given orally may be given by way of written statement or affidavit; and
  (b) the Adjudicative Committee shall have the same power to deal with the respondent as if the respondent had appeared before it.

20.06.19

24.3 A respondent who fails to appear at the hearing without reasonable excuse commits a breach of the Rules.

24.4 Where on the hearing of an information only the respondent appears or neither the informant nor the respondent appears, the Adjudicative Committee may dismiss the information or adjourn the hearing to such time and place and on such conditions as it thinks fit.

25 Appearance at hearing

25.1 Where at the hearing of an information both the informant and the respondent appear:
  (a) the Adjudicative Committee shall conduct the hearing as it thinks fit;
  (b) at the direction of the Adjudicative Committee the hearing may be recorded and evidence given may be committed to writing;
  (c) deleted.
  (d) evidence of a fact or opinion which may be given orally may also be given by way of written statement or an affidavit or in such other manner as the Adjudicative Committee permits.

20.10.21

26 Adjournments

26.1 Except when clause 12 applies, a hearing may be adjourned to such time and place, and upon such conditions, as the Adjudicative Committee thinks fit.

26.2 Where the proceeding involves consideration of a breach of rule 1001(c), 1001(d), 1001(q), 1001(qa), 1001(r), 1001(v), 1001(zh), or 1004 the Adjudicative Committee shall, if not already given, give authority for payment of the dividend as it considers appropriate before adjourning the proceeding. A decision of the Adjudicative Committee pursuant to this sub-clause is final.

27 Amendments to information's

27.1 An information may be amended by the Adjudicative Committee at any time before the Adjudicative Committee has given its decision.

27.2 Without limiting the generality of the powers conferred by clause 27.1, an information may be amended by substituting one alleged breach of the Rules for another or others.

27.3 If an information is amended:

(a) the respondent shall be asked whether the subject matter of the amended information is admitted;

(b) the hearing shall thereafter proceed as if the information had been filed as amended; and

(c) the Adjudicative Committee may:

(i) accept the evidence already given as applying to the amended information;

(ii) direct any witness who has already given evidence to be recalled to enable or the Adjudicative Committee or the parties to further question the witness; and

(iii) if it considers that a party would be disadvantaged by reason of any amendment adjourn the hearing of the information.

28 Withdrawal of an information

28.1 Any information or any breach of the Rules alleged therein may, with the permission of the Adjudicative Committee, be withdrawn by the informant before a sanction or penalty is imposed.

28.2 The withdrawal of an information or the dismissal of an information under clause 24.5 shall not operate as a bar to any other proceedings relating to the same matter.

28A Sanctions

28A.1 If a respondent admits a breach of the Rules, or an Adjudicative Committee determines a respondent has committed a breach, the Adjudicative Committee must impose a sanction or penalty required by the Rules to be imposed and may impose any other sanction or penalty provided in the Rules.

28A.2 An Adjudicative Committee may defer any decision on sanction or penalty, or any part thereof (other than a mandatory sanction or penalty) for any reason including that:

(a) The person is undergoing, or is to undergo, medical assessment or treatment.

(b) The person is undergoing, or is to undergo, training, counselling, treatment or any other rehabilitative measure.

(c) Any other reason the Committee considers relevant.

20.10.21

28A.3 The Adjudicative Committee when making an order under clause 28A.2 may impose any condition(s) including giving a direction that:

(a) The person undergoes medical treatment.

(b) The person undergoes training, counselling, or any other rehabilitative measure.

(c) The person provides any information or consents to the provision of any information the Tribunal considers relevant.

(d) The person consents to not carry out any licensed activity pending the decision on sanction or penalty.

(e) The person attends to any other matter or comply with any other condition(s) the Tribunal considers relevant.

28A.4 When imposing a penalty or sanction under these rules, the Adjudicative Committee may, in addition to other factors prescribed by these rules, consider the extent (or otherwise) with compliance with any condition(s) or direction(s), or the outcome of any medical treatment, counselling, training, or other rehabilitative measure.

29 Costs

29.1 An Adjudicative Committee, at the time of or after its decision, or following the withdrawal of an information may order any person or body as it thinks fit to pay all or any of the reasonable costs and expenses of:
(a) any party to the hearing;
(b) any person granted permission to be heard at the hearing by direction of the Chairperson of the Adjudicative Committee;
(c) HRNZ including any of their employees, officials or officers;
(d) deleted
(e) the Racing Integrity Board; and
(f) the Adjudicative Committee.

29.2 If a costs order made under clause 29.1 is unpaid within 28 days after and exclusive of the date on which that amount was ordered to be paid, it shall be deemed to be Arrears and the person against whom the order was made may be placed on the Unpaid Forfeit List.

30 Decisions

30.1 An Adjudicative Committee must either:
(a) deliver an oral decision with reasons which is later committed to writing;
(b) deliver an oral decision, with reasons to be given in writing at a later date; or
(c) except where clause 12 or 26.2 applies, reserve its decision and deliver its written decision to the parties or give its decision at any adjourned or subsequent sitting of the Adjudicative Committee.

30.2 Decisions of the Adjudicative Committee shall, unless the rules permit otherwise:
(a) be notified to the parties to the appeal, HRNZ, and the Racing Integrity Board;
(b) be published by the Racing Integrity Board on its website, unless the Adjudicative Committee or its Chairperson otherwise directs.

30.3 A written decision is delivered to the parties the day after the written decision is handed to or sent to the parties.

31 Standard of proof

31.1 The standard of proof in proceedings before an Adjudicative Committee shall be the balance of probabilities.

Part 3: Appeals Tribunal

General

32 Appeals Tribunal

32.1 An Appeals Tribunal may comprise of two or more members.

32.2 The Chairperson of the Racing Integrity Board, or in his or her absence a member of the Racing Integrity Board, may appoint a member of an Appeals Tribunal to act as the chairperson of that Appeals Tribunal.

33 Duties of Appeals Tribunal members

33.1 When exercising powers or performing duties under the Rules, an Appeals Tribunal member must act:
(a) in good faith;
(b) with reasonable care, diligence, and skill; and
(c) with honesty and integrity.

34 Quorum

34.1 All appointed members of an Appeals Tribunal shall, if practicable, determine any appeal or matter submitted for the determination of that Tribunal.

34.2 Any two members shall constitute a quorum of an Appeals Tribunal.

Commencement and management of appeals

35 Notice of appeal

35.1 Appeals are commenced by notice of appeal.

35.2 The notice of appeal shall be signed by the appellant or his or her agent.

35.3 The notice of appeal must include:
(a) the name and address of the appellant;
(b) the grounds of appeal on which the appellant intends to rely; and
(c) the name and address of the appellant's representative, if any, and whether the Appeals Tribunal should send notices concerning the appeal to the representative instead of to the appellant.

35.4 The notice of appeal must be accompanied by a copy of the decision appealed against which the appeal is made and any filing fee.

35.5 A notice of appeal against a decision of an Adjudicative Committee may not be filed until after the proceedings have concluded and the Adjudicative Committee has delivered its decision including any decision on sanctions, penalties, or any other order it may make.

35.6 A notice of appeal against a decision of a race day Adjudicative Committee, whether or not the proceeding was concluded on the day of racing, must be filed not later than 5.00 pm on the third working day after the written decision of the Adjudicative Committee is delivered.

35.7 Except where clause 34.6 applies a notice of appeal must be filed:
(a) no later than 5:00 pm on the tenth working day after the written decision of the Adjudicative Committee is delivered; or
(b) in any other case no later than 5:00 pm on the tenth working day after the decision is delivered.

35.8 The Appeals Tribunal may extend the time for filing a Notice of Appeal if it is satisfied it is in the interests of justice or in the interests of integrity of racing for the appeal be heard.

35.9 Except by special leave of the Appeals Tribunal on such terms and conditions as it thinks fit, an appellant shall not argue or be permitted to argue any ground of appeal not set out in the notice of appeal.

36 Filing fees

36.1 Any person or body filing notice of appeal must also pay a filing fee of $250.00

37 Transmission of notice of appeal to Adjudicative Committee

37.1 Where an appeal is against a decision of the Adjudicative Committee, the Appeals Tribunal shall send a copy of the notice of appeal as soon as practicable to:
(a) the Adjudicative Committee;
(b) every respondent and HRNZ; and
(c) any other person the Appeals Tribunal or its Chairperson directs a copy to be sent.

37.2 The Registrar of the Adjudicative Committee or the person directed by the Racing Integrity Board shall send to the Registrar of the Appeals Tribunal, where available:
(a) the information;
(b) any articles, documents, films or other items which were produced to the Adjudicative Committee at the hearing;
(c) a copy or transcript of the decision of the Adjudicative Committee; and
(d) any other documents, exhibits or items relating to the hearing which remain in its custody.

37.3 Where the appeal is against a decision other than a decision of the Adjudicative Committee, the Registrar of the Appeals Tribunal shall send a copy of the notice of appeal to:
(a) the person or bodies whose decision is the subject of appeal;
(b) the person or body nominated as the respondent;
(c) the Chief Executive of the code in which the decision was made; and
(d) any other person the Appeals Tribunal, or its Chairperson, directs a copy to be sent;

37.4 Where the appeal is against a decision other than a decision of the Adjudicative Committee:
(a) The person or body whose decision is the subject of appeal shall send to the Registrar of the Appeals Tribunal, where available:
(i) a copy of any application, documents, submissions, statements, reports, evidence, articles or other items lodged with him or it relating to the matter in respect of which the decision appealed from was given;
(ii) any exhibits; and
(iii) a copy or transcript of the decision appealed from.
(b) The person who made the decision shall, if the Appeals Tribunal so directs, and may if they decide, lodge with the Registrar of the Appeals Tribunal a report setting out:
(i) any considerations which are not set out in the decision; and
(ii) any other relevant matters to the decision or the general administration of the rules of racing to which the decision maker considers ought to be drawn to the attention of the Appeals Tribunal.
(c) Where a report is lodged under clause 37(4)(b) the Appeals Tribunal may direct that a further report be lodged by the decision maker.
(d) A copy of every report shall be supplied to every party to the appeal and any such party shall be entitled to be heard and to adduce evidence on any matter referred to in the report.

38 Setting down appeal for hearing

38.1 After the Appeals Tribunal has received the documents referred to in clause 37.2 or 37.4, the Appeals Tribunal, or its Chairperson, shall determine a date and place for the hearing of the appeal.

38.2 The Appeals Tribunal, or its registrar, shall notify the date, time and venue appointed for the hearing to:
(a) the parties to the appeal;
(b) any other person who or body which was sent a copy of the notice of appeal; and
(c) any other body or person whom Appeals Tribunal or its Chairperson directs.

39 Adding parties

39.1 A person who has an interest in the subject matter of the appeal may be added to the appeal either as a party or in some other capacity at the discretion of the Appeals Tribunal or its Chairperson.

40 Preliminary matters and pre-hearing conferences

40.1 The Appeals Tribunal or its Chairperson may hear and determine any preliminary matters.

40.2 The Appeals Tribunal or its Chairperson may hold a pre-hearing conference or conferences prior to the substantive hearing of any proceeding.

40.3 Matters which may be considered at a pre-hearing conference include:
(a) adding parties;
(b) identification of issues;
(c) timetabling for any steps required in the proceeding;
(d) special needs at the hearing;
(e) time required for the hearing;
(f) venue; and
(g) any other matters raised by the parties, the Appeals Tribunal, or its Chairperson.

40.4 A pre-hearing conference may be held by telephone or any other mode.

40.5 The Appeals Tribunal or its Chairperson hearing and determining any matters under this clause need not be the same Chairperson who hears and determines the appeal.

40.6 The Appeals Tribunal or its Chairperson may direct the parties to file memoranda at any time prior to the pre-hearing conference as it, him, or her thinks fit.

Evidence

41 Summonsing of witnesses

41.1 The Appeals Tribunal, of its own motion or on the application of any party to any appeal, shall have the power to require (by way of summons signed by the Chairperson or other member thereof) any person to appear before it to answer any question put to that person and to produce to it any papers, documents, records or things referred to in such direction or summons.

41.2 A person who after being required or summonsed to attend to give evidence before an Appeals Tribunal or to produce to the Appeals Tribunal any papers, documents, records or things:
(a) shall attend in accordance with the direction or summons;
(b) shall not refuse to be sworn or to give evidence or refuse to answer any questions that the person is lawfully required by the Appeals Tribunal or any member of it to answer concerning the proceeding; and
(c) shall produce any such paper, document, record or thing.
A breach of this clause without sufficient cause is declared to be a Serious Racing Offence.

42 Evidence

42.1 The Appeals Tribunal will reach its determination based on the evidence adduced at the hearing conducted by the persons or body whose decision is appealed against unless an order is made under clause 42.2.

42.2 The Appeals Tribunal may make an order to rehear evidence or to receive such further evidence, if any, as it thinks fit.

42.3 Clause 17.1 to 17.5 and 18.1 to 18.4 of this Schedule, which relates to evidence before an Adjudicative Committee, shall apply with necessary modification to hearings before an Appeals Tribunal.

43 Independent experts and counsel

43.1 Clause 19.1 to 19.7 of this Schedule, which relates to the appointment of independent experts and counsel before an Adjudicative Committee, shall apply with necessary modification to hearings before an Appeals Tribunal.

The Hearing and Decisions

44 Appeal is by way of rehearing

44.1 All appeals are by way of rehearing except to the extent that the Appeals Tribunal otherwise directs.

45 Hearing may be in private

45.1 All hearings are open to the public unless an order is made under clause 45.2.

45.2 The Appeals Tribunal may order that a hearing, or any part of a hearing, be held in private.

46 Determination on the papers

46.1 Where an Appeals Tribunal is satisfied it is appropriate, any appeal may be determined solely on the basis of the documents and evidence filed by the parties, without the need for an oral hearing

47 Right to attend hearing

47.1 Any party shall be entitled to be present at the appeal hearing unless:
(a) clause 46.1 applies;
(b) a party so unreasonably interrupts the hearing as to render its continuance in that person's presence impractical;
(c) a party absents him or herself without the leave of the Appeals Tribunal; or
(d) the Appeals Tribunal believes there is good reason to continue to proceed in that person's absence.

47.2 In any of the cases referred to in clause 47.1, the Appeals Tribunal may proceed in the absence of the person.

47.3 The Appeals Tribunal may permit the appellant or respondent to be out of the hearing during the whole or any part of the hearing on such terms as it thinks fit.

48 Representation

48.1 At the hearing of the appeal each party and any other person or body permitted by the Appeals Tribunal or the Chairperson of the Appeals Tribunal to be heard at the hearing shall be entitled to have representation by counsel, or a lay advocate approved by the Appeals Tribunal or the Racing Integrity Board.

49 No appearance at hearing

49.1 If the appellant fails to appear at the time fixed for hearing of the appeal, and the Appeals Tribunal is satisfied the appellant is aware of the date of hearing, the Appeals Tribunal may:
(a) dismiss the appeal;
(b) proceed with the hearing; or
(c) adjourn the hearing to such time and place and on such conditions (if any) as it thinks fit.

49.2 If the respondent fails to appear at the time fixed for hearing of the appeal, and the Appeals Tribunal is satisfied the respondent is aware of the date of hearing, the Appeals Tribunal may:
(a) proceed with the hearing; or
(b) adjourn the hearing to such time and place and on such conditions (if any) as it thinks fit.

49.3 If the both the appellant and respondent fails to appear at the time fixed for hearing of the appeal, and the Appeals Tribunal is satisfied they are aware of the date of hearing, the Appeals Tribunal may:
(a) dismiss the appeal; or
(b) adjourn the hearing to such time and place and on such conditions (if any) as it thinks fit

50 Adjournment of hearing

50.1 The Appeals Tribunal may adjourn the hearing from time to time on such terms and conditions as it thinks fit.

51 Withdrawal of appeal

51.1 An appellant may withdraw the appeal with leave of the Appeals Tribunal.

52 Costs on appeal

52.1 An Appeals Tribunal, at the time of or after its decision, or following the withdrawal of an appeal may order any person or body as it thinks fit to pay all or any of the reasonable costs and expenses of:
(a) any party to the appeal;
(b) any person granted permission to be heard at the appeal hearing by direction of the Chairperson of the Appeals Tribunal;
(c) HRNZ including any of their employees, officials or officers;
(d) deleted;
(e) the Racing Integrity Board; and
(f) the Appeals Tribunal.

52.2 If a costs order made under clause 52.1 is unpaid within 28 days after and exclusive of the date on which that amount was ordered to be paid, it shall be deemed to be Arrears and the person against whom the order was made may be placed on the Unpaid Forfeit List.

53 Decisions

53.1 All decisions of the Appeal Tribunal shall be:
(a) committed to writing;
(b) notified to the parties to the appeal, HRNZ, the Racing Integrity Board and the Executive Officer of the Racing Integrity Board;
(c) published by the Racing Integrity Board on its website, unless the Appeals Tribunal otherwise directs.

53.2 The following notification may be made of a decision by the Appeals Tribunal may be notified in the Official Notifications.

53.3 Nothing in clause 53.1 prevents the Appeals Tribunal from delivering an oral decision, with written reasons given at a later date.

53.4 An Appeals Tribunal may reserve its decision and in that case may release its decision by delivering it to the parties or give its decision at any adjourned or subsequent sitting of the Appeals Tribunal.

Part 4: Miscellaneous

54 Applicable law

54.1 The Adjudicative Committee and Appeals Tribunal shall hear and determine all proceedings according to the laws of New Zealand.

55 Disqualification

55.1 A member of the Adjudicative Committee or Appeals Tribunal shall not sit as a member thereof in the determination of any matter, information or proceeding in which the member is in any manner interested.

56 Correction of accidental slip or omission

56.1 If any decision of the Adjudicative Committee or Appeals Tribunal contains a clerical mistake or an error arising from any accidental slip or omission, the decision may be corrected by the Adjudicative Committee or Appeals Tribunal as the case may be.

56.2 The correction may be made by the Adjudicative Committee or Appeals Tribunal, as the case may be, on its own motion or as a result of an application made for that purpose.

56.3 An Adjudicative Committee or Appeals Tribunal may recall and amend any decision when due to unforeseen circumstances, it is necessary to do so to give effect to its decision.

57 Forms

57.1 The Racing Integrity Board may prescribe or approve forms for any purpose in any proceeding.

58 Time rules

58.1 Where the Rules fix a day within a time period for doing any act or taking any step in a proceeding, unless otherwise provided such act or step shall be taken by 5.00pm (New Zealand time) on that day, unless directed otherwise by the Adjudicative Committee or Appeals Tribunal, as the case may be.

58.2 The Adjudicative Committee or Appeals Tribunal in its discretion may extend or abridge the time period for doing any act or taking any proceeding or any step in the proceeding on such terms (if any) as it thinks just.

58.3 This discretion may be exercised even if the application for an extension is made after the expiration of the time appointed or fixed.

58.4 The power to extend or abridge time limits shall not be exercised in a manner inconsistent with the Rules.

59 Service of documents

59.1 Any information or other document which is required to be served on a person may be served in any of the following ways:

(a) by being delivered to the person personally or being brought to the person's notice if the person refuses to accept it;

(b) by being left for the person at the person's place of residence with a person appearing to reside there and appearing to be of or over the age of 14 years;

(c) by being sent to the person by letter addressed to the person's last known or usual place of residence or at the person's place of business;

(d) by being left at a document exchange;

(e) by being sent to the person by facsimile at the person's known facsimile number or the facsimile number at the person's place of business;

(f) by being sent to the person by email at the person's known email address;

(g) by being served on the person's training partner by any of the above methods, if the person is part of a Training Partnership; or

(h) by compliance with clause 13.1.

59.2 Unless the contrary is proved, service shall be deemed to have been effected on a person:

(a) in the case of personal delivery to the person or a person of the type set out in clauses 59.1(a), 59.1(b), or 59.1(g), when received by that person;

(b) where clause 59.1(c) applies, the earlier of the third working day after the day on which it was posted to the addressee's last known address in New Zealand or the day on which it was received;

(c) where clause 59.1(d) applies, the earlier of the second working after the day on which it was left or the day on which it was received;

(d) where clause 59.1(e) applies, when sent to the addressee's facsimile number; and

(e) where clause 59.1(f) applies, the document must:

(i) be treated as dispatched at the time the electronic communication first enters an information system outside the control of its originator; and

(ii) be treated as received,—

(A) in the case of a party who has designated an information system for the purpose of receiving electronic communications, at the time the electronic communication enters that information system; or

(B) in any other case, at the time the electronic communication comes to the attention of the party or person being served, or the solicitor or other agent of that party or person.

(iii) When a document is transmitted electronically on a day that is not a working day, or after 5.00 pm on a working day, it must be treated as served on the first subsequent working day.

(iv) When a document is served electronically under this clause, the party or person served must, on receiving the document, immediately give to the person who served the document, or that person's solicitor or agent, an acknowledgement in writing or electronically—

(A) that the document has been received; and

(B) of the date and time of receipt.

(v) In this clause, information system means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

60 Commencement

60.1 This Schedule and the consequential amendments to the Rules and apply to all proceedings after the provisions come into force irrespective of when those proceedings commenced.

RACING ACT 2003
Rules Controlling or Prohibiting Admission to Racecourses

Pursuant to section 34 of the Racing Act 2003, notice is hereby given of the approval of the following rules.

Rules

1. **Title** – These rules may be cited as the Racecourse Admission Rules 2003.

2. **Commencement** – These rules come into force on the day after the day of their publication in the *Gazette*.

3. **Interpretation** – In these rules:
   (a) **racecourse**, **racing rules**, **racing code**, and **racing betting** each has the same meaning ascribed to it in section 5 of the Racing Act 2003;
   (b) **bookmaker** has the same meaning ascribed to it in section 4 of the Gambling Act 2003;
   (c) **Exemptions Committee** means a committee comprising of the Chief Executive of each racing code and a Chairman appointed by the racing codes;
   (d) References to any Act include references to any subsequent Act consolidating or in substitution of it.

4. **Prohibited persons** – For the purpose of maintaining public confidence in the conduct of racing and the integrity of racing betting:
   (a) Persons (other than eligible individuals under the Criminal Records (Clean Slate Act) 2004 and those persons to which 4(b) applies) of the classes described in Schedule 1 are excluded absolutely from entering any racecourse to which section 34 of the Racing Act 2003 applies;
   (b) Persons (other than eligible individuals under the Criminal Records (Clean Slate Act) 2004 and those persons to which 2(b) applies) of the classes described in Schedule 2 are excluded for a period of 2 years from the date of conviction from entering any racecourse to which section 34 of the Racing Act 2003 applies.

5. **Exemptions** –
   (a) Any person excluded under rule 4 hereof from entering a racecourse may apply in writing to the Exemptions Committee to be exempted wholly or in part from that prohibition.
   (b) The Exemptions Committee may grant an exemption in whole or in part if it is satisfied that there are reasonable grounds to do so and that doing so will not compromise the maintenance of public confidence in the conduct of racing and the integrity of racing betting.

Schedule 1

Classes of person excluded absolutely from entering any racecourse under rule 4(a) –

Racing Disqualifications

(a) Disqualified persons under the racing rules made by racing codes;

(b) Persons who are disqualified or prohibited by racing authorities in any country outside New Zealand having reciprocal agreements with one or more of the racing codes;

Bookmaking, Betting and Racing

(c) Bookmakers and persons acting as bookmakers agents but not persons lawfully acting as bookmakers or bookmakers agents in any country outside New Zealand;

(d) Persons convicted (whether before or after the commencement of these rules) of any offence or infringement offence under the Gambling Act 2003, the Gaming Act 1908 or under Part II of the Gaming and Lotteries Act 1977;

(e) Persons convicted (whether before or after the commencement of these rules) of any offence under the Racing Act 2003 or the Racing Act 1971;

Offences

(f) Persons convicted (whether before or after the commencement of these rules) of the following offences:
  (i) endangering safety under sections 12 or 13 of the Summary Offences Act 1981;
  (ii) possession of weapons, firearms or imitation firearms in a public place;
  (iii) any offence under the Gaming and Lotteries Act 1977 (other than Part II which relates to Bookmakers and Betting);

Crimes

(g) Persons convicted (whether before or after the commencement of these rules) of any of the following crimes or offences or of being a party to any such crime or offence, or of conspiring or attempting to commit any such crime or offence:
  (i) crimes or offences involving dishonesty, fraud, forgery, bribery, corruption or deceit;
  (ii) violent crimes and offences, sexual crimes and crimes involving indecency;
  (iii) burglary, receiving, robbery or conversion;
  (iv) offences involving importing, manufacture, cultivation or dealing in a controlled drug (as defined in the Misuse of Drugs Act 1975);
  (v) participation in an organised criminal group under section 98A of the Crimes Act 1961;

Overseas Convictions

(h) Persons convicted (whether before or after the commencement of these rules) in countries outside New Zealand of offences or crimes corresponding to those mentioned in paragraphs (d), (e), (f) and (g) of these rules;

Schedule 2

Classes of person excluded from entering any racecourse for the period referred to in Rule 4(b) –

(a) Persons convicted (whether before or after the commencement of these rules) of assault except those persons whose sentence or cumulative sentence (in the case of multiple convictions) in any such case is a fine of less than $1000 or community work of less than 100 hours and those persons on whom no sentence was imposed;

(b) Persons belonging to any one or more of the classes referred to in paragraphs (f) and (g) of Schedule 1 on whom no sentence was imposed or whose sentence:
  (i) did not include a custodial sentence (as defined in section 4 of the Criminal Records (Clean Slate) Act 2004); and

  (ii) did not include a fine of $1,000 or more or a term of community work of 100 hours or more or supervision.

These Rules have been approved by the Minister for Racing, Winston Peters, on 12 May 2006.
Dated at Christchurch this 18th day of May 2006.
EDWARD RENNELL, Chief Executive, Harness Racing New Zealand Incorporated.

APPENDIX

BLOODSTOCK SYNDICATION CODE OF PRACTICE

(Made by the Board pursuant to Rule 431 and 432 of the New Zealand Rules of Harness Racing)

1 DEFINITIONS AND INTERPRETATION

1.1 In this Code of Practice the following words and expressions shall have the following meanings:

"**Advertisement**" means any form of communication made to the public or a section of the public for the purpose of promoting an Offer or intended Offer of Shares.

"Applicant" means a person who applies for a Share.

"**Associated Person**" has the meaning set out in Section 12 of the Financial Markets Conduct Act 2013.

"**Authorised Syndicator Status**" means that a person has been authorised under this Code of Practice to offer Shares to the public, or that a Bloodstock Company has been authorised under this Code of Practice to offer its Shares to the public.

"Balance Date" has the meaning set out in Sections 40 to 43 of the Financial Reporting Act 2013.

"**Bloodstock**" means standardbred bloodstock or interests in standardbred bloodstock.

"**Bloodstock Company**" means a company which has been granted Authorised Syndicator Status under this Code of Practice.

"Bloodstock Reporting Entity" means each Bloodstock Company and Bloodstock Syndicate (other than a Bloodstock Syndicate which meets the criteria set out in Clause 6.4).

"**Bloodstock Syndicate**" means a partnership, limited partnership, joint venture, co-ownership arrangement or other body of persons formed or to be formed for the purposes of owning, racing or breeding bloodstock.

"**Board**" means the Board of Harness Racing New Zealand Inc.

"**Chief Executive**" means the Chief Executive of Harness Racing New Zealand Inc.

"**Code of Practice**" means this Code of Practice.

"**Compliance Agreement**" means a written agreement in the prescribed form under which a Promoter agrees with the Board to comply with and be bound by the provisions of this Code of Practice.

"**Disclosure Statement"** means a written statement that meets the criteria set out at Clause 4.2 of this Code of Practice, and includes any replacement of or addendum to any such written statement required under Clause 4.3.

"Financial Statements" has the meaning set out in Section 6 of the Financial Reporting Act 2013, provided that, if there is no applicable financial reporting standard or no applicable non-GAAP standard, then it means statements that meet financial reporting standards prescribed by the Board.

"Generally Accepted Accounting Practice" ("GAAP") means the accounting principles and practices which are generally accepted in New Zealand and comply with the laws of New Zealand.

"**Governing Document"** means in relation to a Bloodstock Syndicate, a syndicate agreement, a partnership agreement, a co-ownership or joint venture agreement, a limited partnership agreement or other document governing the relationship between and the interests of Participants, Promoter and Manager.

"Issue" means the issue or transfer of Shares pursuant to an Offer.

"Manager" means in relation to a Bloodstock Syndicate the person controlling the management and administration of the affairs of the Bloodstock Syndicate and includes the Promoter.

"Offer" means an offer of Shares in a Bloodstock Syndicate or Bloodstock Company to the public under this Code of Practice.

"Participant" means the owner of a Share in a Bloodstock Syndicate.

"**Promoter**" means a person with Authorised Syndicator Status who offers Shares to the public under this Code of Practice and includes a Bloodstock Company which Offers and Issues its Shares to the public pursuant to this Code of Practice.

"Qualified Auditor" has the meaning set out in Section 36 Financial Reporting Act 2013

"Share" means in relation to a Bloodstock Syndicate an interest in the Bloodstock Syndicate and in relation to a Bloodstock Company means a share in the company**.**

"Shareholder" means the owner of a Share in a Bloodstock Company.

"Supervisory Panel" means a Supervisory Panel established under clause 11.1 of this Code of Practice.

"**Valuer**" or "**Bloodstock Valuer**" means a bloodstock valuer who has been entered on the Register of Bloodstock Valuers, maintained by Harness Racing New Zealand Inc., in accordance with Clause 9 of this Code of Practice.

"Working day" has the meaning set out in Section 29 of the Interpretation Act 1999.

1.2 **Interpretation**

In the interpretation of this Code of Practice, unless the context otherwise requires:

(a) All schedules form part of this Code of Practice

(b) Any reference to a document includes a reference to any original, a facsimile copy, a photocopy, a PDF or email image copy of the document

(c) Any reference to a person includes a reference to a corporation sole, a body corporate, and an unincorporated body

(d) Any reference to a statute or regulation includes a replacement or modification of that statute or regulation

(e) Anything required to be done by this Code of Practice by a Bloodstock Reporting Entity must be done by the Manager (in the case of a Bloodstock Syndicate) or the directors (in the case of a Bloodstock Company)

(f) Anything required by this Code of Practice to be done on a day which is not a Working Day must be done, and will be valid if done, on the next succeeding working day

(g) Clause headings will be disregarded

(h) Words importing the singular shall include the plural and vice versa

(i) Words importing one gender shall include the other genders

2 APPROVAL OF PROMOTERS

2.1 Persons wishing to obtain Authorised Syndicator Status must apply to the Board through the Chief Executive in the prescribed form. If Shares in a company are to be offered to the public under this Code of Practice, both the company and the person (if any) offering the Shares must have Authorised Syndicator Status. Each application must be accompanied by payment of the prescribed fee and a completed Compliance Agreement signed by the applicant and must otherwise meet the following requirements.

(a) If the applicant is an individual, all trading names under which the applicant has offered Shares in Bloodstock Syndicates or Bloodstock Companies to the Public must be set out in the application

(b) If the applicant is a Company it must at the time of application submit a copy of its constitution, which must include the provisions required by Clause 22.2 of this Code of Practice

2.2 The Chief Executive will issue a Certificate of Authorised Syndicator Status if the application is approved by the Board.

2.3 Authorised Syndicator Status authorises the person to whom this status has been granted to offer Shares to the public under this Code of Practice. The Board will be entitled to refuse to grant Authorised Syndicator Status upon any of the following grounds:

(a) The person or any associated person of the person is disqualified under the Rules of Harness Racing

(b) The person or any associated person of the person has been convicted of any criminal or fraudulent act, omission or conduct

(c) The person is unable to demonstrate to the satisfaction of the Board that he/she/it has the ability to meet the Board's management and client servicing requirements

(d) The person, if an individual, is not twenty years or over

(e) The person or any associated person of the person has, in the sole opinion of the Board, an unsatisfactory record in either bloodstock syndication or trading

(f) The Board is not satisfied by the production of written evidence acceptable to it that the person is financially sound and of good character

(g) If the application is a company, the Board is not satisfied in its opinion that the company's principal activity is, or will be, the ownership, management, breeding or racing of Bloodstock

2.4 A person whose application is declined may appeal to the Supervisory Panel (See Clause 11).

2.5 A person with Authorised Syndicator Status must notify the Board through the Chief Executive of any trading names under which that person intends to offer Shares to the public.

3 DISCLOSURE OF AUTHORISED SYNDICATOR STATUS ON PROMOTIONAL AND ADVERTISING MATERIAL

3.1 Persons who have Authorised Syndicator Status must include in every Advertisement issued or distributed by them in printed form or on or through a website the following statement:

"[*Insert name of Promoter/Bloodstock Company] ...* is an Authorised Syndicator under the Code of Practice administered by Harness Racing New Zealand Inc. regulating standardbred syndication. Details of the Offer are contained in the disclosure statement relating to the Offer."

The statement must then say where or how the Disclosure Statement may be obtained.

In the case of broadcast and digital Advertisements Promoters are required to consult with the Chief Executive on the form and placement of this statement in Advertisements of this nature.

3.2 Each Disclosure Statement must include the following statement:

"[*Insert the name of the relevant Promoter/Bloodstock Company]* … is an Authorised Syndicator under a Code of Practice established and administered by Harness Racing New Zealand Inc. Harness Racing New Zealand Inc. does not endorse nor does it guarantee the success or otherwise of the Offer made under this Disclosure Statement and accepts no responsibility whatsoever for any statements or representations made in this Disclosure Statement or for any loss or liability arising from participation in the Offer."

4 ISSUE OR SHARES AND DISCLOSURE STATEMENTS

4.1 No Share may be issued to an Applicant and no money received from an Applicant is to be disbursed in payment of costs of the Bloodstock Syndicate or the Bloodstock Company until the following conditions have been satisfied:

(a) The Promoter delivers to the Chief Executive a Disclosure Statement in the form set out in the Schedule hereto and that otherwise contains the information prescribed under this Code of Practice. The Disclosure Statement must be fully and correctly completed for each Offer; and

(b) The Board does not give the Promoter a requisition notice to replace, amend or correct any matter contained or attached to the Disclosure statement within 14 working days from the date of delivery to the Chief Executive; and

(c) The Promoter has obtained from all Applicants to whom a Share is to be issued a signed acknowledgment of receipt and understanding of the Disclosure Statement, and of any addendum to the Disclosure Statement if one was required (refer clause 4.3)

(d) The minimum level of subscription (if any) set out in the Disclosure Statement has been received unless the Disclosure Statement states that the Offer is underwritten by the Promoter (i.e. the Promoter has agreed to take up all Shares in respect of which no applications are received)

(e) If a signed acknowledgement of receipt and understanding of the Disclosure Statement, (and any addendum to it) has not been received from an Applicant all monies received from that Applicant must be refunded to that Applicant

4.2 A Disclosure Statement is required to meet the following criteria:

(a) The Disclosure Statement must contain all of the information and statements required by this Code of Practice including the applicable information required by the form of disclosure statement set out in the Schedule; and

(b) It must refer to all required valuation reports and veterinary certificates (copies of which must be provided to the Board) and it must say how copies of those reports and certificates may be obtained by the Applicants; and

(c) If the Promoter is seeking to raise funds under the Offer for the purchase, in the future, of Bloodstock for racing and/or breeding purposes, the Disclosure Statement must state that valuation reports and veterinary certificates will be obtained in respect of such Bloodstock at the time it is purchased (which reports and certificates must meet the requirements of clauses 10.1 and 10.3, respectively) and state how copies of those reports and certificates may be obtained by each Participant or Shareholder (as the case may be); and

(d) In the case of a Bloodstock Syndicate a copy of the Governing Document (such as a Partnership or Syndicate Agreement) must accompany the Disclosure Statement when it is sent to potential Applicants, unless it has previously been provided to the potential Applicant; and

(e) In the case of a Bloodstock Company the Disclosure Statement must say where or how a copy of the Constitution may be obtained; and

(f) It must disclose the nature of:

(i) all commissions, fees or rebates and other benefits (e.g. insurance commissions or commissions on the sale or purchase of Bloodstock) that have been or may be received in the future by the Promoter or the Manager, or an Associated Person of the Promoter or Manager, specifically in relation to the relevant Bloodstock Syndicate or Bloodstock Company or any of its Bloodstock; and

(ii) all pecuniary or material interest the Promoter or the Manager, or any Associated Person of the Promoter or Manager, has or had in any of the Bloodstock acquired or to be acquired by the relevant Bloodstock Syndicate or Bloodstock Company

(g) It must be signed by the Promoter and where the Promoter is a corporate entity by at least one of its directors

4.3 Each Disclosure Statement must be approved by the Board, which must not grant approval unless it is satisfied:

(a) The Disclosure Statement contains all of the information and statements required under this Code of Practice (including all of the applicable information required by the form of disclosure statement set out in the Schedule); and

(b) There is no reason to suspect that any of the information provided in or accompanying the Disclosure Statement is incorrect; and

(c) The Promoter's performance in prior syndications or Offers has been satisfactory; and

(d) The fees, charges, commissions, margins over valuation are reasonable and not such that they may bring the industry into disrepute; and

(e) That the status of the Promoter has not materially changed in terms of the criteria for the approval of Authorised Syndicator Status since the Promoter was granted Authorised Syndicator Status or the last syndication or Offer by the Promoter

4.4 If a Disclosure Statement is not approved by the Board, it may be replaced and resubmitted to the Chief Executive or if approved by the Board an addendum to the Disclosure Statement may be utilised to rectify any requisition of the Board made pursuant to Clause 4.1 (b) of this Code of Practice.

5 ADVERTISING

5.1 Advertisements must not be misleading or factually incorrect or be likely to bring the standardbred industry into disrepute and must otherwise comply with the requirements of the "fair dealing" provisions in Part 2 of the Financial Markets Conduct Act 2013 (which prohibit misleading or deceptive conduct, the making of false or misleading representations and the making of unsubstantiated representations) as if Shares were "financial products" within the meaning of that Act.

5.2 A Promoter must notify the Chief Executive of the proposed advertising of an Offer and the intended publications in which Advertisements for the Offer will appear.

5.3 Each Advertisement must comply with Clause 3.1 and state clearly that applications for Shares can only be made after an Applicant has received and signed a Disclosure Statement. In addition, each Advertisement must state the name of the Promoter.

5.4 A Promoter may submit an Advertisement to the Board through the Chief Executive for review, prior to its publication, broadcast or distribution.

5.5 If an Advertisement is considered or observed by the Board to not comply with this Code of Practice the Board may require the Advertisement to be amended or, if already published or distributed, to be withdrawn from publication or distribution and require the Promoter to notify all Applicants under the Offer of the matters in respect of which the published Advertisement was non-compliant and such other information which the Board considers is required to remedy the deficiency.

5.6 The notice referred to in Clause 5.5 must be approved by the Board and no Shares may be issued under the Offer until the notice has been provided to all Applicants.

6 BANK ACCOUNT/FINANCIAL DEALINGS

6.1 The Directors must establish a separate bank account for each Bloodstock Company. All moneys received by the Bloodstock Company must immediately be deposited into that bank account by the Promoter.

6.2 Subject to Clause 6.4, a Promoter must establish a separate bank account or trust bank account for each Bloodstock Syndicate. All moneys received by the Promoter in respect of a Bloodstock Syndicate must immediately be deposited into that bank account by the Promoter.

6.3 All monies received from an Applicant are to be held in trust pending the issue of Shares to that Applicant or the refund of those monies to that Applicant under Clause 4.1 (e) or 7.2.

6.4 A Promoter is not required to comply with Clause 6.2 so long as the Bloodstock Syndicate meets the following criteria:

(a) The Participants are each holders of an interest in Bloodstock, whether as an owner or as a lessee; and

(b) The Bloodstock Syndicate is a joint venture or co-ownership arrangement and not a partnership, a limited partnership or an unincorporated body of persons which at law has a financial reporting obligation (as a body); and

(c) The Participants are each invoiced by the Promoter for the initial cost of their respective interest in the Bloodstock and the Participants are each periodically invoiced by the Promoter or the relevant suppliers or service providers for their respective proportion of the on-going costs and expenses incurred in relation to the Bloodstock, and the Participant is required to pay those costs and expenses in accordance with each such invoice; and

(d) The Promoter and any Associated Person of the Promoter must, on written request of either a Participant or the Chief Executive, provide supporting invoices or other evidence for costs invoiced in accordance with 6.4(c); and

(e) Unless the Governing Document provides otherwise, stake winnings, prize money or bonus payments received in excess of current invoicing period costs less any arrears owing are disbursed to individual Participants rather than retained to meet future costs; and

(f) The Offer is fully underwritten by the Promoter

6.5 All financial transactions by or on behalf of a Bloodstock Syndicate or a Bloodstock Company must be made through a bank account.

7 TIME LIMIT FOR ISSUE OF SHARES

7.1 Shares must be issued under an Offer within eight months of the date of the Disclosure Document or any replacement Disclosure Statement for the Offer.

7.2 A Promoter who fails to issue Shares within the period specified in Clause 7.1 (for example if the Offer is not underwritten by the Promoter and the minimum level of subscription is not raised or for some other reason) must refund all money received from the Applicants in full.

8 POWERS OF SUSPENSION OR CANCELLATION OF AUTHORISED SYNDICATOR STATUS AND POWERS OF ENFORCEMENT

8.1 If in the opinion of the Board and of the grounds set out in Clause 2.3 arises or applies in respect of a Promoter ("a Relevant Event") or a Promoter is in breach of or in default under the Code of Practice it may:

(a) Require the Promoter to remedy the circumstances giving rise to the Relevant Event, or the breach or default, (if the circumstances, or the breach or default, are capable of remedy) within 7 days and if those circumstances, or the breach or default are not remedied within that time suspend or cancel the Authorised Syndicator Status of the Promoter; or

(b) Immediately suspend or cancel the Authorised Syndicator Status of the Promoter; or

(c) Exercise all or any of the following powers in relation to any Bloodstock Company, Bloodstock Syndicate or Offer:

(i) suspend or order the cessation of any Offer

(ii) immediately suspend or order the withdrawal of any Advertisement relating to an Offer

(iii) remove, or require the Promoter to remove, a Manager or the Directors of a Bloodstock Company and if necessary either require the Promoter to appoint a new Manager or Directors or itself appoint a new Manager or new Directors

(iv) order the Promoter to make refunds to Applicants or Participants or Shareholders

(v) require an audit (at the expense of the Promoter) by a Qualified Auditor of the financial accounts of the Promoter or of a Bloodstock Syndicate or Bloodstock Company

(vi) appoint a suitable qualified and/or experienced person (at the expense of the Promoter) to investigate the affairs of the Promoter or of a Bloodstock Syndicate or Bloodstock Company

8.2 The Board may suspend or cancel the Authorised Syndicator Status of a Promoter if no Disclosure Statements for that Promoter have been approved by the Board within the previous 36 months. In that case suspension or cancellation takes effect 28 days after written advice of this intention from the Board to the Promoter, and if no valid objection is delivered to the Board by the Promoter within that period. The Promoter may request the reinstatement of their Authorised Syndicator status without fees or charges. The Board may in its discretion treat the application for reinstatement as a new approval under clause 2.1.

9 REGISTER OF BLOODSTOCK VALUERS

9.1 Harness Racing New Zealand Inc. will maintain a Register of Bloodstock Valuers. Bloodstock Valuers may be entered on the Register either upon the nomination of the Bloodstock Agents' Federation NZ Inc. or following receipt of an application from a Bloodstock Valuer which is approved by the Board in its discretion.

9.2 The Board is entitled to reject any nomination or application under Clause 9.1 if it is not satisfied that:

(a) The Valuer is of good standing and/or character; or

(b) The Valuer is sufficiently experienced in equine practice; or

(c) The Valuer is sufficiently competent in the field in respect of which he or she is certifying - i.e., racing or breeding

9.3 The Board is entitled to remove a Bloodstock Valuer from the Register if in its opinion:

(a) The Valuer is insufficiently competent in the field in which he/she is certifying under this Code of Practice

(b) The Valuer has acted in an improper or unprofessional manner whether in respect of valuations under this Code of Practice or otherwise in his/her business or has breached any of the provisions of this Code of Practice; or

(c) The Valuer has charged or is charging excessive fees

10 VALUATIONS AND VETERINARY REPORTS

10.1 Subject to Clause 10.2 and 10.4 for each Disclosure Statement the Board must be provided with two valuation reports in the prescribed form from Bloodstock Valuers who are, at the date of their respective reports , entered in the Register of Bloodstock Valuers established under this Code of Practice and are not an Associated Person of the Promoter.

10.2 Valuation reports are not required to be provided to the Board in respect of Bloodstock that are or are to be leased by the Bloodstock Syndicate or Bloodstock Company, whether or not there is a right of purchase (Clause 23.5 refers).

10.3 Subject to Clause 10.4 for each Disclosure Statement the Board must be provided with a veterinary report from a Veterinary Surgeon who meets the following criteria:

(a) The veterinary surgeon must hold a current annual practising certificate issued by the Veterinary Council of New Zealand; and

(b) The veterinary surgeon must be experienced in equine practice; and

(c) The veterinary surgeon must spend the majority of his or her professional time in equine practice

(d) The veterinary surgeon must be competent in the field in respect of which he or she is certifying - i.e., racing or breeding

10.4 In the case of an Offer that is seeking to raise funds for the purchase, in the future, of Bloodstock for racing and/or breeding purposes, the relevant Bloodstock Company must, whenever any Bloodstock is purchased by it, obtain as soon as is practicable after such Bloodstock has been purchased, valuation reports and veterinary certificates in respect of that Bloodstock, which reports and certificates must meet the requirements of clauses 10.1 and 10.3, respectively.

10.5 Each Disclosure Statement must say where or how copies of the valuation reports (if any) and the veterinary reports may be obtained.

10.6 Where Bloodstock is purchased from countries outside New Zealand the following criteria apply in respect of valuation and veterinary reports:

(a) In the case of Bloodstock purchased in Australia the Promoter must use either Bloodstock Valuers and veterinary surgeons that have been approved under the New South Wales or equivalent system of syndication or New Zealand Bloodstock Valuers and veterinary surgeons

(b) In the case of Bloodstock purchased from any other country, the Promoter must use reputable Bloodstock Valuers and veterinary surgeons that are recognised as such by the principal harness racing authority in that country or the state in which the Bloodstock is located. The Board may suspend an Offer or the Issue of Shares under it, if it believes that either the Bloodstock Valuers or the veterinary surgeons used are not competent in the area in which they are certifying

11 SUPERVISORY PANEL

11.1 A Supervisory Panel consisting of three persons will be appointed and established by the Board. At least one member of the Panel will be admitted as a barrister and solicitor who will act as Chairman.

11.2 The duties of the Supervisory Panel are as follows:

(a) To call periodic meetings of representatives of Harness Racing New Zealand Inc., Promoters, Bloodstock Agents' Federation NZ Inc. and other interested parties to review the operation of the Code of Practice and to consult with any other interested parties

(b) To act on recommendations from such meetings and to request Harness Racing New Zealand Inc. to take appropriate action where it deems it necessary

(c) To report to the Financial Markets Authority on the operation of the Code of Practice, known breaches and remedial action taken after the first 12 months and thereafter every year, or at any other time which the Supervisory Panel considers appropriate

(d) To act as an Appeal Authority pursuant to Clause 11.3 below

11.3 The role of the Supervisory Panel as an Appeal Authority shall be:

(a) To hear and determine appeals from persons who have been declined Authorised Syndicator Status by the Board
(b) To hear and determine any complaint levied against the Board in relation to the operation of the Code of Practice
(c) To hear and determine complaints concerning excessive fees charged by Bloodstock Valuers and/or Veterinarians in respect of certificates issued under this Code of Practice
(d) To hear and determine appeals from persons who have been refused entry on or removed from the Register of Bloodstock Valuers

11.4 The following provisions shall govern appeals to be heard and determined by the Supervisory Panel:
(a) All appeals to the Supervisory Panel must be lodged within 30 days of the date of the decision which is being appealed against
(b) The Supervisory Panel may remit the matter in question to a re-hearing by the Board or, upon hearing evidence and if necessary any additional evidence, make such order as the Supervisory Panel thinks ought to have been made by the Board, or such other order as in its opinion may be necessary to ensure the determination on its merits of the real question at issue
(c) The Supervisory Panel may in its discretion allow any party to be represented by Counsel on the hearing of any appeal and it may have Counsel present to assist the Supervisory Panel. In all other respects, the Supervisory Panel may establish its own procedures
(d) It may make such order in respect of the costs and expenses of and incidental to any hearing and determination by it as it thinks fit provided however that it may not make any order that the Board pays any costs or expenses

11.5 Any decision of the Supervisory Panel shall be final and conclusive as to the matter before it for hearing and determination.

12 FINANCIAL REPORTING

12.1 **Financial Statements must be prepared**
Every Bloodstock Reporting Entity must ensure that, within 4 months after Balance Date, Financial Statements that comply with Generally Accepted Accounting Practice are completed in relation to that Balance Date and the Financial Statements are dated and signed on behalf of the Bloodstock Reporting Entity:
(a) Within four months of each Balance Date, each Participant/Shareholder must be provided with audited financial reports for the Bloodstock Syndicate or Bloodstock Company; and
(b) At no more than six monthly intervals, each Participant/Shareholder must be provided with a written report of the affairs of the Bloodstock Syndicate/ Bloodstock Company however where a Bloodstock Syndicate/ Bloodstock Company has Bloodstock racing or to be raced such reports shall be issued at no more than three monthly intervals

12.2 **Financial Statements and Audit Requirements**:
(a) Annual Financial statements must at least meet the minimum financial reporting requirements prescribed by the Board and comprise at least a profit and loss statement and balance sheet prepared in accordance with generally accepted accounting practice; and
(b) the annual financial statements must otherwise comply with all statutory financial reporting requirements such as those contained in Part 7 of the Financial Markets Conduct Act 2013
(c) the annual Financial Accounts must be audited by a Qualified Auditor per the statutory financial reporting requirements such as those contained in Part 7, Clauses 461(g) to 461 (e) of the Financial Markets Conduct Act 2013

12.3 **Delivery of Financial Statements**
Every Bloodstock Reporting Entity must ensure that, within 5 months after the Balance Date, copies of the Financial Statements that are required to be prepared under this Clause 12, together with a copy of the auditor's report on those Financial Statements, are sent to the Participants or Shareholders as the case may be and to the Chief Executive.

12.4 Upon request, a Participant or Shareholder of the relevant Bloodstock Reporting Entity may request an additional audit of the Financial Statements at his or her own cost. The Manager of a Bloodstock Syndicate or the Directors of a Bloodstock Company, as the case may be, must provide access to the records in order for any such the audit to be conducted.

13 NOTIFICATION OF MEMBERS OF SYNDICATE

13.1 Once the conditions in Clause 4.1 have been satisfied a Promoter must notify the Chief Executive of the names and addresses of the Participants or Shareholders, as the case may be, within 30 days of the Issue of Shares under an Offer. A copy of the page of the Disclosure Statement signed by each Participant or Shareholder must be provided to the Chief Executive with that notification if it has not already been provided.

13.2 Changes of the Participants or Shareholders in a Bloodstock Syndicate or Bloodstock Company and their addresses must be notified to the Chief Executive within 30 days of any change occurring.

14 FAIR DEALING

All Persons whether they be a Promoter, Manager or an Associated Person of a Promoter or Manager must comply with the "fair dealing" provisions of Part 2 of the Financial Markets Conduct Act 2013 as if Shares were "financial products" within the meaning of the Act. In broad terms, Part 2 of the Financial Markets Conduct Act 2013 prohibits misleading or deceptive conduct, the making of false or misleading representations and the making of unsubstantiated representations.

15 FEES

15.1 A Promoter must pay the fees prescribed from time to time by the Board for the processing of an application for Authorised Syndicator Status and for the review of a Disclosure Statement.

15.2 All fees must be paid at the time application for Authorised Syndicator Status or when a Disclosure Statement is lodged for review.

15.3 Until fees are paid, an application for Authorised Syndicator Status shall not be referred to the Board for consideration.

15.4 Harness Racing New Zealand Inc. shall be entitled to charge a Promoter interest calculated on a daily basis on overdue fees at the rate of 5% above the base lending rate of the Westpac Banking Corporation as at the commencement of each 30-day period fees are overdue.

16 RECORDS

16.1 Every Promoter must ensure that complete and proper records are kept of the affairs and activities of each Bloodstock Syndicate or Bloodstock Company whose Shares are offered to the public under this Code of Practice including (but not limited to) any specific records that are required by this Code of Practice.

16.2 Every Promoter must on request make available to the Chief Executive all records and other information held by it or any Manager in relation to any Bloodstock Syndicate or Bloodstock Company.

16.3 **Accounting Records**

(a) Every Bloodstock Reporting Entity must ensure that there are kept at all times accounting records that record the transactions of the Bloodstock Reporting Entity that will enable the preparation and audit of its Financial Statements.

(b) The accounting records required to be kept by this clause 16.3 must be kept:

(i) at a place that will conveniently enable the preparation, audit and inspection of the accounting records in accordance with this Code of Practice; and

(ii) in written form and in English or in a form or manner in which they are easily accessible and convertible into written form in English

(c) Accounting records kept under this clause, or copies of them, must be retained by the Bloodstock Reporting Entity for a period of at least 7 years after the later of:
  (i) the date the records are made; and
  (ii) the date of completion of the transaction to which the records relate; and
  (iii) the date required by, or that may be required by, the Tax Administration Act 1994, if applicable

(d) Every Bloodstock Reporting Entity must make its accounting records available at all reasonable times for inspection without charge, by:
  (i) The Chief Executive; and
  (ii) Any other persons authorised or permitted by Statute or by this Code of Practice to inspect the accounting records

(e) Every Promoter to which clause 6.4 applies shall keep the supporting invoices or other evidence for costs invoiced in accordance with Clause 6.4(c) at a place, in a form and for the period that accounting records are required to be kept under this Clause 16.3.

17 COSTS

Harness Racing New Zealand Inc. must be reimbursed by Promoters in respect of all reasonable costs and expenses incurred by it in the proper exercise of the powers set out in Clause 8 of this Code of Practice.

18 MANAGEMENT

18.1 The Promoter or Manager of a Bloodstock Syndicate or the Directors of a Bloodstock Company may, if authorised by the Bloodstock Syndicate or the Bloodstock Company, (as the case may be), delegate all or any of the management obligations relating to the Bloodstock Syndicate or Bloodstock Company. Notwithstanding any such delegation the Promoter or Manager or the Directors (as the case may be), shall remain responsible for the performance of their management obligations in respect of the relevant Bloodstock Syndicate or Bloodstock Company.

18.2 The Manager of a Bloodstock Syndicate/the Directors of a Bloodstock Company must keep Participants/Shareholders fully informed of the activities of the Bloodstock Syndicate/ Bloodstock Company, as the case may be. At no more than six monthly intervals, each Participant/Shareholder must be provided with a written report of the activities of the Bloodstock Syndicate/Bloodstock Company however where the Bloodstock Syndicate/Bloodstock Company has Bloodstock racing or to be raced such reports are to be issued at no more than three monthly intervals.

18.3 The Bloodstock of a Bloodstock Syndicate or Bloodstock Company must be managed and cared for in accordance with good industry practice.

18.4 The Board may remove a Manager or Promoter of a Bloodstock Syndicate or any of the Directors of a Bloodstock Company on any of the following grounds and appoint another person(s) in his/her/its/their place:
  (a) If any of the grounds set out in Clause 2.3 applies or arises in respect of the Manager or Director; or
  (b) If the Manager or Director has been convicted of a criminal offence or in its opinion defrauded or attempted to defraud any person; or
  (c) If the Manager or Director is or becomes disqualified under the Rules of Racing or the Rules of Harness Racing; or
  (d) If in its opinion the Manager or Director acts or has acted in an manner which is or was contrary to the best interests of the Participants or Shareholders, or is or was likely to bring the standardbred industry into disrepute; or
  (e) If in its opinion the Promoter or Manager or Director fails or has failed to comply with the standards set out in Clauses 12 and 16 relating to reporting, auditing or keeping of accounts and records

18.5 Complaints concerning a Bloodstock Syndicate or a Bloodstock Company, may be made to the relevant Bloodstock Syndicate or Bloodstock Company, in the first instance, and if the complaint has not been resolved to the satisfaction of the complainant he or she must be advised by the Promoter or Manager or Directors as the case may be, that the complaint may be referred to the Chief Executive.

19 CONFLICT OF INTEREST

19.1 A Valuer or a foreign bloodstock valuer may not issue a Valuation Report for inclusion with a Disclosure Statement where the Valuer is or has been an Association Person or the Promoter for that Offer and has or has had a pecuniary interest in any of the Bloodstock acquired or to be acquired by the relevant Bloodstock Syndicate or Bloodstock Company.

19.2 A veterinary surgeon may not issue a Veterinary Report for inclusion with a Disclosure Statement where the veterinary surgeon is or has been an Associated Person of the Promoter for that Offer and has or has had a pecuniary interest in any of the Bloodstock acquired or to be acquired by the relevant Bloodstock Syndicate or Bloodstock Company.

19.3 Every Promoter and Manager, and each of the Directors of a Bloodstock Company must not enter into arrangements that are likely to lead to a conflict between his or her personal interests and the interests of Participants or Shareholders (as the case may be), and if not previously disclosed in the Disclosure Statement, must disclose in writing to Participants or Shareholders (as the case may be) the nature of all the benefits and/or pecuniary/material interests of the type referred to in Clauses 4.2 (f) (i) & (ii) that are received or arise after the date of the Disclosure Statement.

20 CONFIRMATION

Within 30 days of issuing Shares under an Offer a Promoter must send to each Participant or Shareholder written advice of the number of Shares held by or the percentage shareholding of the Participant or Shareholder as the case may be.

21 AMENDMENT OF CODE OF PRACTICE

This Code of Practice may, with the consent of the Financial Markets Authority be amended from time to time by resolution of the Board.

22 SYNDICATE AGREEMENTS OR CONSTITUTION

22.1 Each Governing Document under which a Bloodstock Syndicate is constituted must contain a provision to the effect that the Board is entitled to remove the Manager of the Bloodstock Syndicate upon any of the grounds listed in Clause 18.4 and to appoint another person to act as Manager of the Bloodstock Syndicate in his/her/its place. Such provision must state that its intent is to create a benefit to Harness Racing New Zealand Inc. and the Board and is to be enforceable by either or both of them in terms of the Contracts (Privity) Act 1982.

22.2 The Constitution of a Bloodstock Company must contain a provision to the effect that the Board shall be entitled to remove the Directors or any one of them upon any of the grounds listed in Clause 18.4 and to appoint another person or persons to act in their place. Such provision must state that its intent is to create a benefit to Harness Racing New Zealand Inc. and the Board and to be enforceable by either or both thereof in terms of the Contracts (Privity) Act 1982.

22.3 Each Governing Document must contain a provision to the effect that there must be no amendment to the Governing Document which detracts from a Participant's rights under it or which may cause a Participant to incur costs or bear liabilities which could not have been reasonably anticipated from the Disclosure Statement without the unanimous consent of all Participants.

22.4 Each Governing Document must contain a dispute resolution process.

22.5 If Bloodstock are leased to a Bloodstock Syndicate or a Bloodstock Company with a right of purchase, the Governing Document or constitution (in the case of a Bloodstock Company) must contain a provision to the effect that two valuation reports must

accompany any recommendation to Participants or Shareholders, as the case may be, to exercise any such right of purchase. The exercise of a right of purchase must be authorised in the manner prescribed by the Governing Document or constitution (in the case of a Bloodstock Company).

DISCLOSURE STATEMENT

_____

[Insert Syndicate or Company Name]

1. Directory

Name of Promoter: _____

Address of Promoter: _____

Manager or Directors: _____

Bankers: _____

Accountants (if applicable): _____

Auditors _____

Solicitors/Legal Advisors (if applicable): _____

2. Business Plan (if applicable) or Objects

Make reference to estimated dates by when the Bloodstock will commence training and racing or in the case of breeding when breeding activity will commence.

Does not need to be lengthy, but as a guide, should address:

- The number of horses in the syndicate

- The reason the syndicate has been put together

- Where the horses will begin their racing career?

- The potential for the horse(s) to race overseas (e.g. in Australia)

- Which trainer(s) will be engaged to train the horse(s)?

3. Bloodstock

(a) Name _____

(b) Breeding (Sire/Dam) _____/_____

(c) Sex _____

(d) Foaling Year _____

(e) Brand Marks _____

NB: If more than one horse in the Syndicate/Company, the required details of Bloodstock may be attached in an appendix.

In relation to Leased Bloodstock include the following additional information:

Leased Bloodstock

(f) Lessor _____

(g) Term of Lease _____

(h) Right of Purchase (ROP) YES / NO

(i) If ROP the Exercise Price NZ$_____.00 *(including GST)*

(j) Other material terms and conditions

In the case of Bloodstock acquired by Participants by way of financial lease or other credit arrangement all key information will be disclosed to you under the Credit Contracts and Consumer Finance Act 2003 which gives rise to certain rights of cancellation.

[Delete if not applicable]

4. Upfront Costs and Expenses (All costs are inclusive of GST)

(a) Purchase of Bloodstock

(i) Purchase Date ___/___/_____

(ii) Private/Public Auction _____

(Guidance: Lots passed in at public auction and subsequently bought, even while still at the auction premises, are considered to be a private transaction)

(iii) Cost NZ$_____.00 *(including GST)*

(b) Breakdown of other initial Costs

Buyer Agent Fee

Commissions etc

Marketing and Promotion

Valuations

Vet Reports

Transport

Working Capital

Other (specify)

(c) Number of shares _____

(d) Cost per share $_____.00

5. On-going Costs and Expenses (All costs are inclusive of GST)

(a) Management Fees, Commissions etc., Breaking, Pre-Training, Training, Nominations and Acceptances, Covers, Vet Care, Farrier;

(b) Financial Lease/ Credit Arrangements

i. Instalments _____

ii. Residual Payment _____

(c) Liability of participant/shareholder to contribute further sums to or on behalf of the Bloodstock Syndicate or Bloodstock Company.

(d) Regular monthly payments (if applicable)

(i) $_____.00 Amount

(ii) _____ Due date

(iii) __-___-_____-__ Bank account which payments are to be made into.

(e) Invoicing

Include the basis on which the participant will be invoiced for their share

Note: On written request, supporting invoices or other evidence for costs invoiced will be provided by the Promoter or any person associated with this syndicate.

6. Minimum Amount

In the opinion of the Promoter, the amount set out below must be raised under this offer to make the Bloodstock Syndicate or Bloodstock Company commercially viable:

$_____.00 *(insert amount)*

Or if applicable, state that the offer is underwritten and by whom.

Note: Subscriptions are held in trust. This means that pending allotment; no subscriptions will be disbursed from the syndicate bank account.

7. Insurance Information

a. Insurer
b. Term
c. Value
d. Type of policy (death / infertility / other)

8. Two Valuation Reports (not required if the horse is to be leased by the syndicate)

a. Name / Date / Value
b. Name / Date / Value

The valuation reports are not attached. A copy of the valuation reports may be obtained..... *(explain means by which these may be requested from syndicator e.g. insert email link)*.... or by requesting copies from Harness Racing New Zealand Inc (admin@hrnz.co.nz].

9. Veterinary Report(s)

Name / Date

The veterinary report(s) is not attached. Copies of the veterinary report(s) may be obtained ..... *(explain means by which these may be requested from syndicator e.g. insert email link)*.... or by requesting a copy from Harness Racing New Zealand Inc (admin@hrnz.co.nz].

10. Material interests and Commissions

(a) Disclosures of any material or pecuniary interests

[Note: Any material or pecuniary interest that the Promoter or Manager or a person associated with the Promoter or Manager has in this Bloodstock Syndicate / Bloodstock Company or its Bloodstock must be disclosed in this Disclosure Statement. If any Bloodstock offered have been sold by the Promoter, or by Associated Persons of the Promoter, within 12 months prior to the Offer, the purchaser, price paid and date of each transaction within that period shall be shown.]

(set out details or state if not applicable)

(b) Confirmation of Disclosure of Commissions etc.

The nature of all commissions, fees or rebates and other benefits that have been or may be received in the future by the Promoter or the Manager (or an Associated Person of the Promoter or Manager), specifically in relation to the Bloodstock Syndicate / Bloodstock

Company or any of its Bloodstock have been disclosed in Sections 4 and 5 of the Disclosure Statement. Any such commissions, fees, rebates or other benefits that may be received in the future will be disclosed to the Participants / Shareholders in writing at the material time.

11. Standard Industry Risks

[Delete Racing or the Breeding risk categories if irrelevant]

(a) Racing

(i) Not all yearlings/prospective racehorses proceed to become racehorses.

(ii) There is a significant possibility that any racehorse could injure itself and thereby need a long recuperation period or be unable to race again.

(iii) Racehorses are unlikely to have any significant value at the end of their racing career with the exception of well-bred and/or highly performed horses, suitable to become breeding stock.

(b) Breeding

(i) The Syndicate's/Company's primary source of income will be the sale of progeny. The price of progeny is normally determined at auction and the interest expressed in particular stock is dictated by factors such as conformation and the racetrack success of related progeny.

(ii) It would be unusual for a broodmare to produce a foal every year of its breeding life.

(iii) The commercial value of a stallion may be reduced significantly if the progeny of the stallion fail to perform to expectations on the racetrack.

(c) Special Risks or factors attaching to this Offer.

If no special risks or factors are stated an Applicant may assume that the Promoter claims there are none.

12. Governing Documents

(e.g. Syndicate / Partnership Agreement or Company Constitution)

[With the exception of a company constitution the governing document must be attached to the Disclosure Statement unless it has been previously provided to the Applicant]

[If applicable, state how a copy of a Company Constitution can be obtained, for example provide web link].

[INSERT a short commentary in relation to the Governing Document and highlight any unusual terms]

A Governing Document must address the following matters:

- *The nature, object and term of the "entity" to be established.*
- *Powers given by the Participant/Shareholder to the Promoter/ Manager or Directors e.g. power to sign various HRNZ forms and the extent of management authority with specific reference to acquisition and disposal of Bloodstock and other assets.*
- *Procedure required for removing the Manager or Directors.*
- *Procedure in the case of a Participant/Shareholder in default.*
- *Basis upon which profits and losses will be allocated.*

- *All requirements of Section 22 of the Code of Practice, i.e. the Boards powers of removal, restriction on amendment, a disputes resolution process and the particular provision in the case of leased Bloodstock if there is a Right Of Purchase (ROP).*

When preparing a Governing Document the following matters should be considered:

- *How will prizes and trophies be shared?*
- *How will the horse(s) be named?*
- *What colours will the horse(s) race in?*
- *Will the horse(s) race overseas?*
- *Recognition of any agreed trainers % share if the horse is sold*
- *What happens when the horse(s) is retired?*
- *Can the participant sell their share, and if so what is the process?*

(INSERT HEADER WITH THE NAME OF BLOODSTOCK SYNDICATE / COMPANY AND DATE OF DISCLOSURE STATEMENT)

The following two sections 'Promoter Declaration' and 'Applicant Acknowledgement of Receipt, Understanding and Agreement' must be provided by the Promoter to Harness Racing New Zealand Inc. along with the relevant Ownership Registration forms.

13. Promoter Declaration

"[insert the name of the relevant Promoter/Bloodstock Company"] is an Authorised Syndicator under a Code of Practice administered by Harness Racing New Zealand Inc. Harness Racing New Zealand Inc. does not endorse nor does it guarantee the success or otherwise of the offer made under this Disclosure Statement and accepts no responsibility whatsoever for any statements or representations made in this Disclosure Statement or for any loss or liability arising from participation in the offer.

The Syndicate Promoter, and any Manager appointed by the Syndicate Promoter as stated above, agrees to observe and comply with this Disclosure Statement and any associated Governing Documents.

Promoter: _____ *[Director if a Bloodstock company]*
Signature: _____ Date:
Manager: _____
Signature: _____ Date:

This Disclosure Statement and all related documentation may be inspected at the premises of Harness Racing New Zealand Inc (135 Lincoln Road, Christchurch) or a copy may be requested by writing to PO Box 459, Christchurch Mail Centre or by emailing admin@hrnz.co.nz

14. Applicant Acknowledgement of Receipt, Understanding and Agreement

I, the undersigned Applicant, agree to become a [Participant/Shareholder] of [*INSERT*

s*yndicate/company name*] and, subject to the acceptance of my application, I:

a. Acknowledge receipt of the Disclosure Statement dated [INSERT date] [together with the accompanying Syndicate Agreement/Partnership Agreement ("the Agreement")]; and
b. Confirm that the Disclosure Statement and the Agreement have been read and understood by me; and
c. Agree to be bound by the terms set out in the Disclosure Statement and the Agreement; and
d. Grant the powers and authorities given to the Manager and the Promoter under the Disclosure Statement and the Agreement; and
e. Declare that I am not, by the provisions of the Rules of Harness Racing or the Rules of Racing, prohibited from owning a racehorse and that I am not otherwise prohibited from admission to a racecourse.

I wish to apply for _____ % share in the [*INSERT Syndicate/Company Name*] and agree to pay the
Sum of $_____ as the GST inclusive purchase price of that share.

APPLICANT

Full Name: _____

Date and Place of Birth: _____

Address: _____

Post Code _____

Email: _____

Phone Numbers: Home _____

Work _____

Mobile _____

Applicants Bank Account Number: __-___-_____-__

Signature: _____

Date of Application: _____

Witness

Full Name: _____

Signature: _____

Place of residence: _____