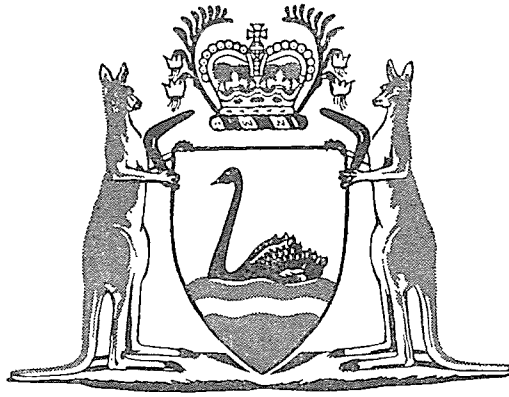


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TROTTING ASSOCIATION

RULES OF TROTTING

AS AT 6th DECEMBER, 1977

RULES OF TROTTING, 1977

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RULES OF TROTTING

PART I—DEFINITIONS.

1. In the interpretation of these Rules and of any programme of a trotting meeting held thereunder the following words in inverted commas shall, unless the context otherwise indicates or requires, have or include the several meanings set against them respectively, that is to say:

“Advertised” means published in the official calendar and/or as an official advertisement in a newspaper, television, radio or by poster or notice, officially issued by any Club.

“Advertised Race” means a race for which entries are invited by advertisement and includes a race held at a trotting meeting or sports meeting.

“Age of Horse” shall be calculated or reckoned on the basis that it becomes one year of age on the first day of August next following the date of its birth.

“All Clear” means the signal given by the Chief Steward of a meeting indicating that settlement of any bets or wagers on a race may proceed according to the judge’s placings made before All Clear is signalled.

“Appeal” means an appeal to the Controlling Body pursuant to Part XXXIV of these rules.

“Artificial Breeding” or “Artificial Insemination” means and includes all techniques of gathering and collecting semen from a stallion and its introduction into a mare.

“Arrears” means any moneys payable under these Rules by any person or body and any moneys due and owing to the Controlling Body or any Club or other body under any claim in any ways relating to the sport of trotting which moneys remain unpaid for twenty eight (28) days after payment thereof becomes due and includes any moneys specifically declared by these Rules to be arrears but shall not include any personal debts to any individual except as provided for in these Rules.

“Association” means the Western Australian Trotting Association.

“Birdcage” means the area, enclosure or place on a racecourse set aside for the accommodation of horses competing at a meeting.

“Body” means and includes any Club, Racing Club, Association, Society, or combination of persons or Clubs and where the context permits, includes the Controlling Body.

“Bookmaker” means a person registered and licensed as such by the Betting Control Board to whom a permit to act as such has been issued by the Controlling Body.

“Breeder” in respect of a foal includes in the case of a foal of a mare held under a duly registered lease the lessee of the dam at the time of foaling but in any other case means the owner of the mare at the time of foaling.

“By-laws” means the by-laws of the Association.

“Central Registrar of names” means the official appointed by Australian Trotting Council to approve, allot and record the names of all registered trotting horses in Australia.

“Certificate of Registration” means the Registration Assessment Certificate.

“Chairman” means the President of the Controlling Body and any person acting for the time being in the place of the President.

“Chairman of Stewards” means the person appointed by the Controlling Body to direct and control all Stewards and means and includes the Chief Steward employed by the Controlling Body.

“Check Clerk” means the person appointed by the Club conducting the meeting to examine the colours dress and whip of and to verify the drivers participating in races and to distribute saddle and head numbers to be carried by each starter.

- “Checked In” means that a horse and driver of that horse have proceeded to the designated “check in” point after the running of a race for the placing of horses by the All Clear Steward.
- “Checked Out” means that a driver has reported to the “Check Clerk” prior to the running of a race and has received all official equipment to be worn by or attached to the horse or driver.
- “Chief Executive Officer” or “General Manager” is the person appointed by and under the direction of a Controlling Body to administer the affairs and decisions of a Controlling Body as such, relate to policies associated with pacing administration.
- “Chief Steward” means the Chief Steward and in his absence means the person appointed by the Chairman of Stewards or his deputy to be in control of Stewards at a particular meeting.
- “Classic Race” is a race defined as such by a Controlling Body and means and includes any two year old, three year old or four year old non-handicap race or a race in which horses of the same age start off the same mark or the same classified mark.
- “Clearance” means a document issued in good faith by the Controlling Body of a State or Country certifying that a person or horse has been or is registered on the official records of that Controlling Body and that jurisdiction over the stated person or horse named therein has passed to another Controlling Body. The issue of a clearance means that the person or horse is held in good standing unless the contrary is stated therein.
- “Clerk of the Course” means the person appointed by the Club conducting the 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 racetrack.
- “Club” means a Club duly registered under these Rules or any other Body on whose programme there is any trotting trace.
- “Committee” means the Committee of the Controlling Body.
- “Committee of a Club” means the Committee of any Club or Body registered with a Controlling Body and means also the Body of persons by whatever name designated charged with the general management of the affairs of the Club or Body under its Rules or Constitution.
- “Company” means a company duly incorporated under the provisions of the Companies Act W.A. 1961 (as amended) or a company duly registered as a foreign company under that Act or any Act amending or replacing the Act.
- “Complaint” means a complaint made or lodged pursuant to these rules which alleges a breach of these rules.
- “Contingency” means and includes any sum to which a person (not being an owner lessee trainer or driver) is entitled to receive from any stake moneys earned by a horse and includes a percentage or proportion of stake money payable to such person out of the stake moneys earned by a horse.
- “Controlling Body” in respect of trotting in Western Australia means the Western Australian Trotting Association and in respect of trotting in any other State Territory or Country means the body or persons which by convention or recognition or an enactment of law is deemed to be in control of trotting in that State or Country and in particular in the State of New South Wales means the New South Wales Trotting Club, in the State of Victoria the Trotting Control Board of Victoria, in the State of South Australia means the South Australian Trotting Control Board, in Tasmania the Tasmanian Trotting Control Board, in Queensland the Queensland Trotting Board, and in New Zealand the New Zealand Trotting Conference.
- “Course” or “Racecourse” means and includes a race or trotting track or show-grounds and any training ground under the ownership or control of the Controlling Body or any Club and includes all the enclosures thereof and includes a paceway.
- “Disqualification” means the penalty of disqualification imposed under the rules.
- “Disqualified” refers to a person or horse upon whom the penalty of disqualification has been imposed under these rules.
- “Driver” means a person holding for the time being a licence or permit to drive issued under these rules.

- “Drug” shall be deemed to include all substances affecting the central or peripheral nervous system, the cardio-vascular system or respiration, alimentary/digestive, muscular/skeletal or uro/genital systems, all hormones, vitamins administered other than orally, analgesics, anti-inflammatory drugs, or coagulants and any substance including as an ingredient thereof any drug as hereinbefore defined in any quantity and any other substance used as an ingredient in formulating or preparing a drug hereinbefore defined for the purpose of rendering such drug in a form suitable for administration.
- “Entry” includes the nomination of a horse for a race.
- “Event” includes the race.
- “Final Determination” means a decision from which no appeal lies under these rules.
- “Firm” means a firm registered under the provisions of the Business Names Act, 1962 of the State of Western Australia.
- “Foreign Horse” means any horse which is not bred in Western Australia.
- “Front” and “Front Mark” means the handicap mark allocated to those horse to race the advertised distance for any race.
- “General Manager” means and refers to the General Manager or other the Chief Executive Officer of the Controlling Body.
- “Good Standing” means in relation to a person that he is eligible to be registered as an owner or to be licensed to train or drive or in the case of a horse that it is eligible to be trained and race as the context may allow.
- “Gymkhana” refers to “Sports Meeting”.
- “Handicap Race” means a race in which automatic and/or distance allowances are made and applied by the Handicapper and means and includes any adjustment.
- “Handicapper” means the person or persons for the time being appointed and designated by the Controlling Body to handicap.
- “Handicapping Regulations” means the Rules or Regulations approved by the Controlling Body to govern the handicapping of horses in the State.
- “Horse” shall unless inconsistent with the context mean any horse, mare, colt, filly, gelding, crypt orchid (double rig) or mon orchid (rig) trained for or raced in or intended to be raced in a race but shall in respect of Part XXXX of these rules only also mean any horse, mare, colt, filly or gelding registered or notified under these rules.
- “Inspector” or “Racecourse Inspector” means and refers to the Security Officer referred to in these rules.
- “Interest” in relation to the ownership of a horse includes every right or interest in respect of the ownership or lease of a horse and includes membership of a syndicate or company which owns or leases a horse and derivatives of the word “interest” shall in this context be construed accordingly.
- “Keeper of the Stud Book” means the person appointed by the Australian Trotting Council to keep records of sires, mares and foalings.
- “Lease” means a lease of a horse or which is liable to be registered under these rules.
- “Lessee” means the person to whom a horse is leased.
- “Lessor” means the owner of any horse which is leased.
- “Licence” is a document issued by the Controlling Body permitting the person or club named thereon to perform the activity or function stated thereon and shall be effective for the period therein.
- “Licensed Trotting Meeting” shall mean any meeting at which betting or wagering is lawful under the legislation applying in the State or Country concerned.
- “Licensee” means a person holding for the time being any licence issued under these rules.
- “List of Disqualifications” means any list of disqualifications of persons and horses published or compiled by or with the authority of the Controlling Body.
- “Lodal Regulation” means the rules or regulations prescribed by the Controlling Body for application solely within the State of Western Australia.

- “Manager” of a Controlling Body shall have the same meaning as “Chief Executive Officer”.
- “Match” refers to “Race”.
- “Meeting” means a trotting or race meeting.
- “Member” in the case of a company syndicate or partnership shall mean and include every person who has any interest of any kind in a company syndicate or partnership whether legal or equitable and whether by way of part ownership shareholding or as *cestui que* trust and shall include in the case of a company a director or person who is an officer of the company within the meaning of the Companies Act of Western Australia. All derivatives of the word “member” shall have a corresponding meaning.
- “News Media” means newspaper, and/or radio and/or television.
- “Month” means a calendar month.
- “Nomination” means in the case of a horse the entry of a horse for a race and in the case of a person means the nomination of a person for a position under these rules.
- “Nominator” means in the case of a horse that is not leased the owner and in the case of a horse that is leased the lessee and in relation to a company syndicate or partnership means the racing manager or the duly authorised agent of such owner lessee or racing manager.
- “Objection” means a verbal or written statement against the eligibility of a horse after “All Clear” has been signalled alleging a breach of these rules by reason of which the person lodging or making the objection claims that the placing in a race ought to be altered or amended.
- “Official Calendar” means the journal for the time being designated as such by the Controlling Body. Publication in the official calendar by the authority or a Controlling Body shall be deemed to be full notice throughout the State to every person concerned of all matters and things so notified.
- “Owner” in relation to a horse means the person who at law is entitled to the property in the horse and includes the person entitled to the reversion therein at the expiration of a lease and includes every person who has or is entitled to such an interest jointly with any other person or other proprietary interest and where the context so requires includes the agent or any owner acting on his behalf. “Own” and “Owned” have a corresponding meaning.
- “Paceway” includes “Course”.
- “Pacing” includes trotting except in the case of races for pacers only.
- “Paid Official” means any person who for the time being is employed by any Club at its meeting or in its operation of works or by the Controlling Body and receives in respect of such employment any emolument, wages or salary.
- “Partnership” means and refers to two or three persons who are the owners or lessees of a horse, but no partnership shall exist between persons in their capacity of owners and others in their capacity as lessees. For the purpose of this definition spouses who are joint owners or lessees shall be deemed one person.
- “Penalty” means and includes disqualification, warning off, suspension, cancellation or withdrawal of licence or of registration, alteration of the placing of a horse reduction in status of a trainer or a driver and a fine. The penalty set out in or at the foot of any rule shall indicate that any person guilty of a breach of that rule or any part of that rule whether by act or omission shall be liable to such a penalty and where that penalty is any penalty other than a fine such a person shall also be liable to a fine.
- “Performance” means a start in any race, division or advertised public exhibition of speed against time.
- “Permit to Train and/or Drive” means an authority issued by a Controlling Body authorising the person named therein to train or to drive in such races as are designated by the Controlling Body.
- “Person” shall mean and include a natural person a partnership a company a firm or a syndicate.

- “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 the form in that behalf required by these rules and if not so required then such form as the Controlling Body may from time to time prescribe or require.
- “Protest” means a verbal or written statement lodged with or made to all Stewards from the judge’s placings in a race before “ALL CLEAR” is signalled alleging a breach of these rules by virtue of which the person lodging or making the protest claims that the placings in a race should be altered or amended.
- “Publicly Announced” means and includes advertised or notified by advertisement or by written notice exhibited at the Office of the Controlling Body or Club or as the case may require in a conspicuous place on the racecourse or by broadcasting by course amplifiers.
- “Qualifying Division” means a race held solely for the purpose of determining which horses will be eligible to contest a subsequent race unless the conditions of the race specify to the contrary.
- “Race” means a trotting or pacing race and includes division match or sweepstake for trotting or pacing horses.
- “Racing Manager” in the case of a company or syndicate shall mean the Racing Manager appointed pursuant to these rules; in the case of a lease shall mean the person named in the lease as the racing manager and if no person as is so named then it shall mean the lessee who is first named.
- “Racing Meeting” means “Trotting Meeting” and any meeting at which any trotting or pacing race is held and which is advertised or notified in any printed or written notice exhibited in any public place or circulated by post or hand for the purpose of inducing persons to trot or pace horses or to attend thereat.
- “Racing Year” means the period beginning on the 1st August in any calendar year and ending on the 31st July next following.
- “Register” means a written record at the office of the Controlling Body or to be registered in accordance with these rules.
- “Registrar” means the official appointed by the Controlling Body to examine and process each application for registration as required by these Rules and shall include Deputy Registrars.
- “Registration Assessment Certificate” includes name certificate, assessment card or any other form or document issued by the Controlling Body to certify that the horse referred to therein is eligible to compete under these rules.
- “Rule and Rules” mean one or more of the whole of these rules.
- “Saddlecloth” includes any disc or other device used in lieu thereof in conjunction therewith for the purpose of exhibiting the horse’s number whether it be placed on the horse or the driver or attached to the gear or sulky.
- “Secretary” of a Controlling Body is the person appointed as such by the Controlling Body.
- “Security Officer” shall mean and refer to the Security Officer and/or the Inspector and/or the Racecourse Inspector appointed by or in the employ of the Association from time to time.
- “Show Trotting” means trotting events raced at agricultural, horticultural or industrial shows where prize money may be given but where no betting or wagering is permitted.
- “Sports Meeting” means a meeting of any kind whatsoever held by any club or body other than a Club registered under these Rules at which any trotting race is held and the trotting programme for which has been approved by the Controlling Body.
- “Stable Hand” means any person employed in or about the management, care, control, breaking, gaiting, training or racing of trotting horses but a person who is engaged in the training and driving of trotting horses.

- “Stake” means and includes prize given and money, cup, trophy or any other award whatsoever.
- “Stakeholder” means the Treasurer of the Club for the time being.
- “Starter” means the person appointed by a Club or Controlling Body as the starter of the races at a meeting and includes a duly appointed substitute.
- “State-Bred Horse” is a horse foaled in the State of Western Australia and which is registered by or notified to the Controlling Body within four months of foaling or before leaving the State or at any later time by express permission of the Controlling Body or which is deduced by the Controlling Body in special circumstances to be a State-bred horse.
- “Steward” or “Stewards” means and includes one of the persons appointed by the Controlling Body and includes a Stipendiary Steward or Stewards Supervisors appointed or approved by the Controlling Body to control trotting at sports meetings or agricultural shows and Patrol Stewards and Honorary Stewards.
- “Stud” means a person company or firm (which firm is registered under the provisions of the Business Names Act 1962 and amendments) which carries on the business of breeding standard bred horses.
- “Sweepstakes” means a race in which the whole or part of 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 shall remain a sweepstake although money or other be added and although the word “cup” be used in the official name or description of such race.
- “Suspended” means and refers to a person or horse on whom the penalty of suspension is at the relevant time imposed.
- “Suspension” means and refers to the penalty of suspension imposed pursuant to these Rules.
- “Syndicate” means a syndicate which is registered in accordance with these Rules and includes a company stud or a firm.
- “Territory” means the State of Western Australia.
- “Time Trial” means a performance by one horse against time as provided under these rules.
- “Totalisator Agency Board” or “T.A.B.” means the Totalisator Agency Board constituted under the provisions of the Totalisator Agency Board Act, 1960 as amended of the State of Western Australia
- “Trainer” means a person holding for the time being a licence or permit to train issued by the Controlling Body under these rules and unless inconsistent with the context includes a person who trains a horse of which he is the owner or a part owner.
- “Training Establishment” shall mean the place or places at which there are stabled all horses trained by or in the custody or control of a licensed trainer or applicant for a trainer’s licence and the term shall extend to and include all places at which such trainer or applicant shall store or keep all feed, additives, medicines, veterinary or other preparations used by him or which he has acquired for the purpose of feeding or administering to horses which he so trains or which are in his custody or control and shall also include the place or places at which he stores or keeps all harness gear and other equipment used by him in the training of horses.
- “Training Complex” means and refers to each training track and the facilities and lands appurtenant thereto which are used by trainers for the training of horses.
- “Trials” or “Gymkhanas” means races on approved courses under such rules and regulations as a Controlling Body may prescribe in respect of which betting is not permitted.
- “Trotting” includes pacing except in the case of races for trotters only.
- “Trotting Ground” means any land which is used for trotting races under these rules.
- “Trotting Meeting” means “Race Meeting”.

“Unregistered Meeting” means a meeting for which the approval required to be obtained by Section 2 of the Racing Restriction Act has not been obtained.

“Value of Race” means the amount actually payable as stakes including the value of all trophies and any other prize of monetary value.

“Winning” in relation to a race means being placed first and includes a dead-heat for first place, walking over and receiving a forfeit.

“Winnings” means and includes any stake money actually credited to any horse whether receivable by its owner or any other person in connection with the running of any advertised race in any country.

“Warned Off” means a decision by resolution by the Controlling Body absolutely prohibiting the person named therein from entering any course or place under its control or any training establishment. A person who is warned off suffers the same penalty as a person who is disqualified.

Words importing the singular number shall include the plural number and *vice versa* and words importing the masculine gender include the feminine and neuter genders.

PART II—APPLICATION OF RULES

2. Any person, Club or other Body who takes part in any matter coming within these Rules shall be deemed to have the knowledge that these Rules are in existence for the regulation and control of trotting and shall be deemed to have consented to be bound by them.

3. All persons and bodies to whom these Rules are deemed or declared to apply shall at all times be deemed to have notice thereof and in addition thereto every such person and body shall be deemed to have full knowledge of all notices and matters published in the Official Calendar 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 to act and give decisions.

4. All bodies and persons bound by these Rules shall be deemed to have agreed to seek no remedy whatsoever available to them at law or in equity in respect of anything done or omitted to be done by any person or body under these Rules or against the printers or publishers of, or persons selling, distributing or delivering the Official Calendar.

5. These Rules shall apply to all races and race meetings as defined by these Rules and shall also apply to and be binding on—

- (a) the Chairman, Committee and members, all officers, officials and servants of the Controlling Body including all Stewards;
- (b) every Club as defined by these Rules and the Stewards, Committee, members, officials, officers and servants of every such Club;
- (c) every Club and other body conducting trotting events on its programme or any one of its programmes and the Committee, members, officers, officials and servants of such Club or body;
- (d) every licensed and other persons working in or about a trotting stable or in connection with the management, care, control or superintendence of trotting horses or breeding stock and their training or driving;
- (e) every registered owner whether domiciled in Western Australia or otherwise;
- (f) every person who shall enter, nominate, accept or withdraw or start any horse for any race;
- (g) every person who shall import a foreign horse into Western Australia;
- (h) every person who shall apply for any licence, permit or certificate for the issue of which provision is made under these Rules;
- (i) every person who shall apply for any Totalisator ticket at any meeting, or bet with a registered bookmaker;
- (j) every person who shall apply for admission to or attend any course or any training complex;

- (k) every person who shall enter upon a racecourse on which there is or there is proposed to be conducted a race or a meeting or official trials;
- (l) 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.

6. These Rules shall apply to any horse—

- (a) as soon as it is taken in hand by any person for the purpose of being trained for trotting;
- (b) whether taken in hand or not as aforesaid, as soon as it is notified or registered under these Rules;
- (c) generally when anything is required or otherwise provided to be done under these Rules in respect of such horse.

7. These Rules shall apply to all trotting and pacing races held under the management, control or direction of the Controlling Body.

8. These Rules shall come into force on the publication thereof in the *Government Gazette* and all Rules of Trotting hitherto in force shall be annulled as from that date but such annulment shall not—

- (a) affect the previous operation of any Rule so annulled or anything duly done or suffered thereunder; or
- (b) affect any right, privilege, obligation or liability acquired, accrued, or incurred under any Rule so annulled; or
- (c) affect any penalty or disqualification incurred in respect of any offence committed against any Rule so annulled; or
- (d) affect any investigation or proceeding commenced prior to that date and any such investigation, or proceeding may be continued and a penalty may be imposed and enforced as these Rules had not been passed.

PART III—STEWARDS

9. Stewards shall be appointed by the Controlling Body and shall have the powers set out in these Rules.

10. The Stewards appointed to officiate at a trotting meeting shall have the full control of racing at such meeting and shall ensure that these Rules are observed and enforced in respect of all matters related to racing at such meeting. In furtherance of and not in limitation of the powers conferred or implied in these Rules the Stewards may in respect of the meeting to which they have been appointed—

- (a) regulate, control, inquire into and adjudicate upon the conduct of all the officials mentioned in the next succeeding paragraph and of all owners, trainers, driver and persons attending on horses, bookmakers and clerks, and other persons;
- (b) remove the Judge, Starter, Clerk of the Course, Check Clerk or any other official during and for the duration of the meeting and may appoint another person to act in the place of the person so removed and may also appoint a deputy of or assistant to any official;
- (c) remove any driver and to substitute another in his place;
- (d) at any time before the driver of any horse is checked out for a race to require proof that such horse is not wholly or in part owned by a person whose ownership of such horse would make it ineligible to start and to require the person in whose name such horse is entered to produce the Registration Assessment Certificate and such other proof of ownership or other interest in the horse as they may require and failing the production to their satisfaction of any such proof to withdraw the horse from the race;

- (e) order at any time an examination by such person or persons as they shall direct of any horse which has been entered for a race or which has run in any race:
 - (1) for the purpose of ascertaining whether such horse is the horse it is represented to be; or
 - (2) for the purpose of ascertaining whether a breach of these Rules has been committed, in which case all persons making such examination shall have the power and right to do all such things as they may deem necessary or advisable for the purpose of obtaining full information as to such alleged breach; or
 - (3) for any other purpose they may think fit; and to make a recommendation to the Committee of the Controlling Body as to the payment of the expenses of any such examination as they may deem just;
- (f) make or cause to be made any test in their opinion desirable to determine whether any drug or stimulant has been administered to any horse;
- (g) punish any official, owner, trainer, driver or other person subject to their control who in their opinion is guilty of any misconduct or breach of these Rules;
- (h) fine in a sum not exceeding \$1 000 or disqualify or suspend for any period any person guilty of improper or offensive behaviour towards any Steward, or member or official of the Controlling Body or any official or any member of the Committee of the Club acting in his official capacity;
- (i) punish any official, owner, trainer, driver or other person who is bound by these Rules and who is found by them to be guilty of any misconduct or breach of these Rules by—
 - (i) inflicting a fine not exceeding \$1 000; and/or
 - (ii) imposing a suspension or disqualification for life or for such period and subject to such conditions as they shall think fit; and/or
 - (iii) disqualifying for life or for such period and upon such terms as they shall think fit any horse in respect of which misconduct or breach may have taken place;
- (j) determine in such manner as they think fit any matter arising in connection with a meeting for which no provision is made by these Rules or to make a recommendation to the Controlling Body or to refer the matter to the Controlling Body for a decision;
- (k) consider and determine:
 - (i) all complaints, objections and protests and matters in relation thereto;
 - (ii) any matters in connection with the driving or running of any horse;
 - (iii) all matters submitted or referred to them by the Controlling Body;
 - (iv) all questions of the application or interpretation of these Rules insofar as the same is necessary for the purpose of the exercise of their functions;
 - (v) all questions of qualification of persons or horses;
 - (vi) any dispute relating to betting or wagering and for such purpose may delegate if they think fit all or any of their powers under this Rule to a betting supervisor PROVIDED THAT if either party to a dispute is dissatisfied with the decision given by a betting supervisor he may have such dispute referred to the Stewards for their determination;
- (l) declare ineligible to start again at any meeting or for such further specified or indeterminate period as they think fit any horse whose form at such meeting or whose behaviour at the barrier or during the running of a race is in their opinion unsatisfactory or likely to adversely affect any other competitor or competitors;
- (m) require a horse to trial in such manner as they consider appropriate;
- (n) consider and determine any such matter as aforesaid of their own motion;
- (o) in the event of an emergency stop a race for any reason deemed necessary by them and may declare such race void and/or order it to be re-run at a time which in their opinion is proper;
- (p) appoint a deputy or deputies;
- (q) record in writing or in such other manner as the Controlling Body shall think fit the evidence taken at any enquiry held under these Rules;
- (r) publish in any newspaper, or elsewhere the result of any enquiry conducted by them and any punishment imposed or any decision made by them in the exercise of their powers under these Rules;
- (s) use race photography to assist them in arriving at decisions made under this or any other Rule.

11. Any person who refuses or fails without good reason to attend any enquiry convened by the Stewards when required to do so or refuses to give evidence or giving false or misleading evidence or refusing to give any information required of him may be fined by the Stewards a sum not exceeding \$500 and/or disqualified or suspended for so long a period as they think fit or for life.

12. Stewards or supervisors appointed or approved by the Controlling Body to control trotting races at agricultural shows, gymkhanas or sports meetings shall have all the powers and duties of Stewards as are set out in these Rules.

13. The Controlling Body shall appoint such number of Stewards as it deems fit but not less than 3 in number who shall be the Stewards at all trotting meetings conducted within the Metropolitan Area.

14. Except where these Rules otherwise provide, the powers of the Stewards in respect of a race meeting shall commence at eight o'clock in the morning of the first day of the meeting and shall continue for one month after the meeting or such further time as the Controlling Body may before or after such period of one month allow, for all purposes relating to any matter connected with or arising out of that race meeting. A meeting shall be deemed to commence at eight o'clock in the morning of the day on which the first race is appointed to be run and to conclude at midnight on the day of the meeting.

15. (a) A majority of the Stewards appointed to officiate at any meeting shall form a quorum.

(b) The Controlling Body shall appoint one of the Stewards to be Chairman.

(c) In the case of Trotting Meetings in the Metropolitan Area the person who shall act as Chief Steward of the meeting shall be the Chairman of Stewards appointed by the Controlling Body which may appoint a Deputy Chairman of Stewards to act in the absence of the Chairman of Stewards.

(d) In the case of Trotting Meetings conducted outside the Metropolitan Area the Chief Steward of the meeting shall be appointed by the Controlling Body or by the Chairman of Stewards, provided however, that should no such appointment be made or the appointed Chief Steward of the meeting fail to arrive then the Stewards for the meeting shall select their Chief Steward of the meeting from amongst their number.

(e) The Chief Steward of a Meeting shall have a casting vote in addition to a deliberative vote.

16. The Chairman of Stewards or Chief Steward of a Meeting shall report all punishments inflicted, or suspensions or disqualification made to the Secretary of the Controlling Body or Chairman of Stewards within 48 hours of the conclusion of the meeting at which such punishment, suspension or disqualification was inflicted.

17. A majority of the Stewards present at any meeting of the Stewards shall have all the powers hereby given to the Stewards.

18. No Steward shall act or be present at the hearing of or the determination of any matter in which he is in any degree pecuniarily or otherwise interested or affected nor shall any Steward adjudicate upon any dispute protest or matter in which he is involved in a personal capacity.

19. The Stewards and/or the Security Officer may exclude and cause to be removed from all places under their control—

(a) all persons who are by virtue of these Rules not entitled to be present of any race-course;

(b) all persons and horses whose names for the time being appear on the list of disqualifications of the Controlling Body or in any other list mentioned in these Rules;

(c) all persons who have been declared by any Club or by the Controlling Body or any country with which the Controlling Body has or shall have a reciprocity agreement and any Club affiliated to or subject to the jurisdiction of any such Club or Controlling Body or by the Stewards of any such Clubs or Controlling Body to have been guilty of any corrupt or fraudulent practice so long as the sentence in respect of any such person remains in force;

(d) all persons whose presence the Stewards or the Security Officer or Betting Supervisor may deem undesirable;

(e) all persons warned off its courses by the Controlling Body or by any Club duly registered under these Rules or by the Western Australian Turf Club or Greyhound Racing Control Board.

20. Notwithstanding that any person be liable to be excluded or removed under the last preceding Rule may have paid to enter a racecourse or any enclosure therein, he shall not by reason of such payment be deemed to have acquired a licence by irrevocable or otherwise to go into or remain in such racecourse or enclosure and the Stewards, their officers or agents, and any Racecourse Inspector, may remove such person from such racecourse or enclosure without being liable to any action or damages in respect of any such removal.

21. All the powers conferred on the Stewards of a race meeting may (except during the currency of such meeting) be exercised by the Committee of the Body holding such meeting and the provisions in this part contained as to Stewards shall in such case apply *mutatis mutandis* to such members or committee.

22. The decisions of the Stewards shall, subject to the right of appeal to the Controlling Body and the powers of the Controlling Body, be final in all cases.

PART IV—POWERS OF COMMITTEE OF THE CONTROLLING BODY

24. Subject to the provisions of the Act and the by-laws and to the provisions of the Racing Restriction Act 1917 (as amended) the Committee of the Controlling Body shall have the exclusive control and general supervision of trotting within the State.

25. If any question arises which is not or which is alleged not to be provided for by these Rules and which has not been determined by the Stewards under the power conferred upon them by these Rules it shall be determined by the Committee of the Controlling Body.

26. The Committee of the Controlling Body in furtherance and not in limitation of all powers conferred on it or implied by the Act and the by-laws made thereunder shall have power at its discretion—

- (a) to hear, decide and finally determine any appeal as provided for by these Rules;
- (b) to grant licences or permits to drivers, trainers and such persons as may apply for any licence or permit under these Rules and at any time to suspend or revoke any such licence or permit or to refuse to grant a licence or permit without assigning any reason for such refusal;
- (c) to enquire into and deal with any matter relating to trotting and to fine, suspend, disqualify or warn off any person for any breach or non-observance of these Rules;
- (d) to exercise all the powers given by Rule 10 to the Stewards in respect of the matters referred to therein;
- (e) to confirm or adopt and enforce any suspension or disqualification or other punishment imposed by the Committee or Stewards or any Racing or Trotting Club in the Commonwealth or of any recognised Racing or Trotting Club in any other country;
- (f) to adopt, remove or modify any disqualification, suspension or other punishment imposed within the State upon such terms and conditions as the Committee shall think fit;
- (g) to annul any disqualification or suspension imposed within the State and thereupon all disabilities incurred in consequence of such disqualification or suspension shall be removed as if such disqualification or suspension had never been imposed;
- (h) to enquire at any time into the running of any horse upon any course or courses within the State whether or not a report concerning the same has been made or decision arrived at by any Steward or Stewards or not;
- (i) to impose any fine not exceeding \$1 000 for any one offence;
- (j) to publish in any Racing Calendar, official organ or any newspaper or elsewhere any decision of the Committee or Stewards;
- (k) to become a member of or to affiliate with the Australian Trotting Council and Inter Dominion Trotting Council and/or any other National or International Body or organisation and to recognise any Association or Registered Clubs or trotting meetings and approve of their Rules, articles or constitution;
- (l) to adopt recommendations emanating from such sub-committees as it shall appoint and to pay such remuneration to such sub-committee as it may think reasonable. Provided that no remuneration shall be paid to any member of the Committee;

- (m) subject to the Betting Control Act 1954 (as amended) to make for the registration and licensing of bookmakers and bookmakers clerks and the regulation of betting procedures;
- (n) subject to the Act and the by-laws to delegate any of its powers hereunder to the Stewards or other persons employed by the Controlling Body or by any Club.

27. Subject to Section 10 of the Act the Committee may at any time in its absolute discretion warn off a person from all courses within the State or from those courses under its control and management or from any specified course or courses. Any person so warned off shall be subject to the same disabilities as attach to a disqualified person.

28. Any person so warned off shall not by reason of his having paid to enter such course be deemed to have acquired a licence irrevocable or otherwise to go into or remain in or upon such course, and any Steward, officer or agent of the Body controlling such course or the meeting being conducted thereon may remove such person without being liable for damages in respect of such removal or the manner of such removal.

PART V—REGULATIONS FOR RACE MEETINGS

29. Unless the Controlling Body otherwise determines there shall be kept at the Office of the Controlling Body, a Register of all Clubs and Bodies which desire to conduct Trotting meetings or any trotting race or races under and subject to these Rules.

30. Any Club formed for the promotion of licensed trotting meetings or desiring to conduct trotting races shall apply to be registered under these Rules and such application shall be in the form and signed by such persons as the Controlling Body may from time to time prescribe.

31. The Controlling Body may refuse or otherwise deal with an application for the registration or re-registration of any club or body as it sees fit and may cancel the registration and remove the name of any club or body from the abovementioned register without assigning any reason therefor. If the Controlling Body shall grant registration to a Club or Body so applying the Secretary of the Controlling Body shall forthwith issue a certificate of registration which shall remain in force until 31st day of July next after the date of such application and the club or body shall thereupon become a registered Club. Every application under this Rule shall be accompanied by such fee as the Controlling Body may from time to time prescribe.

32. It shall be a condition precedent to the granting of registration under Rule 31 that the application for registration shall be an incorporated body and that its application shall be accompanied by a certified copy of its Certificate of Incorporation and the balance sheet and income and expenditure account together with the Auditors Report which has been laid before the applicant Club with respect to the financial year completed immediately preceding in accordance with the constitution of the said Club or Body.

33. All meetings and races shall be run in accordance with these Rules.

34. Every official of every unregistered meeting and the owner, lessee, trainer and driver of every horse trotting at any such meeting shall thereby become liable to disqualification—

- (a) from holding any office in or being a member of any Club;
- (b) from entering, nominating, starting, training or driving any horse on the course or training ground of any Club.

35. Every horse racing at any unregistered meeting and every horse which is owned by any such official, owner, lessee, trainer or driver or in which it shall be proved to the satisfaction of the Controlling Body that any such official owner, lessee trainer or driver shall have any interest shall become liable to disqualification from being entered, nominated or started in any race and from being trained on the course or training ground of any Club.

36. Rules 33, 34 and 35 of this Part shall not apply to trotting races for registered horses at an Agricultural Show, Trials, Sports Meetings or Gymkhanas provided that prior to the holding of such trotting races the Show Society, Association or other body has—

- (a) applied and obtained from the Controlling Body a permit to conduct such races;
- (b) submitted to and had approved by the Controlling Body duplicate copies of its programme for such races;
- (c) complied in all respects with such terms and conditions as the Controlling Body may have stipulated.

37. If the Show Society, Association or other body does not have its entries handicapped by the Controlling Body's Handicapper it must supply the Controlling Body forthwith with a list of the horses that started with the respective handicap marks, together with the name and address of the persons who fixed such handicaps, and shall, if required by the Controlling Body, supply the names and addresses of the officiating Stewards.

38. At the conclusion of the Show Society, Association or other body's meeting there shall be furnished to the Controlling Body a statement in duplicate showing the value of each race held, the distance of such race, names, gross times, and handicaps of the placed horses, and the names of their drivers, and any other information that may be required by the Controlling Body.

39. The word "Derby" shall not be used in the name of a race except in connection with a race for three year old trotters or a race for three year old pacers.

40. In the Metropolitan area in each year there shall be one race to be known as the Western Australian Country Derby and one race to be known as the Western Australian Derby. Such races may be conducted in Qualifying Divisions.

41. The value of any prizes not being money shall be advertised.

42. Each Club shall within such time as the Controlling Body shall require, furnish the Controlling Body with a certificate by a competent civil engineer or surveyor who shall certify by statutory declaration the exact length of such Club's track measured one metre horizontally from that portion of the inside fence which projects furthest over the track. Such certificate shall be endorsed by the Secretary of the Club furnishing the same, and shall be placed on the records of the Controlling Body. The Controlling Body may waive the necessity for such certificate on such terms and conditions as it may deem fit.

43. No alteration shall be made in the date of any meeting except with the consent of the Controlling Body but this Rule shall not operate to prohibit the Stewards or Committee of the Club which intended to conduct the meeting from postponing any meeting provided that the approval of the Controlling Body is obtained to the holding of the meeting on the date to which the postponement is made.

44. In the event of the postponement of a race or meeting to another day, scratchings made after acceptance time for such race or meeting shall be void and the time for scratching shall be extended to the prescribed scratching time on the day on which the race meeting is to be held.

45. Applications by Clubs for the dates upon which they may hold race meetings must be lodged with the Controlling Body before such date as may be stipulated from time to time by the Controlling Body.

46. No Club shall cancel or abandon any race meeting without the consent of the Controlling Body.

47. A meeting which is not held within 14 days from the date set out in the programme approved by the Controlling Body shall be deemed to be cancelled unless the Controlling Body otherwise determines.

48. Where any race or meeting is cancelled or abandoned all entry and acceptance moneys shall be returned to the respective nominators and be received by them in full satisfaction and discharge of all obligations of the Club and the Committee thereof to such respective nominators.

49. Except as otherwise specially provided in these Rules, no deduction shall be made from the stakes advertised provided that nothing therein contained shall be deemed to prevent a Club or other body from deducting from such stakes any money due to the Club or other body or person in respect of the horse earning the stake or by the person entitled to receive such stake.

50. Forthwith after every race meeting the Secretary of the Club or body holding such meeting shall forward to the Secretary a form as required by the Controlling Body showing the starters and placed horses in each event, the correct distance of each race, the gross times of such placed horses and the nett times and handicaps of such placed horses, the names of the drivers and starting price of each horse.

51. Except as otherwise provided by these Rules a Club holding a meeting shall appoint all necessary officials including Judge, Starter, Clerk of the Course, Timekeeper and the Club or District Stewards for the proper conduct of the meeting.

52. Not less than fourteen days before the date of a meeting the Club shall notify the Controlling Body of the names of all officials appointed in accordance with the last preceding rule.

53. The Controlling Body may disallow the appointment of any official and thereupon the Club shall appoint another person to act in his stead.

54. No official of any race meeting shall employ any deputy or assistant unless thereunto expressly authorised by the Stewards or Committee.

55. Any person who is the Secretary of a Club or a Drivers Check Clerk, Starter, Judge, Steward, Timekeeper, Clerk of the Course, Lap Steward, Bookmakers' Supervisor or Bookmakers' Steward and any other official or the duly appointed deputy or assistant of any such person officiating at or in connection with a meeting shall not make any bet or be interested in any wager or bet on any race at such meeting, nor shall a person act in any capacity referred to in this Rule in respect of any race in the result of which he is pecuniarily or otherwise interested.

56. Unless with the permission of the Controlling Body no person whether he be paid or honorary shall at a meeting conducted by a Club hold the dual position of Handicapper and Judge.

57. Each Club shall at each race meeting held by it have in attendance at least two men trained in ambulance work provided with first aid appliances and shall also have in attendance a suitable conveyance to convey if necessary any person injured at such race meeting to the nearest public hospital.

58. No driver shall be permitted to drive in a subsequent event after having been involved in an accident on the track or during the running of a race until he has reported to the Course Casualty Room and has been certified fit by the Club's Medical Adviser or the First Aid Officer.

59. A club may, with the permission of the Controlling Body, film or video tape races at its meeting provided that—

- (i) the films are made available to the Stewards on request as soon as possible after the race concerned and at any time subsequent to the race; and
- (ii) no part of such film is viewed by any person except with the permission of the Stewards or the Controlling Body.

60. A Committee of the Club shall exclude from the stands, enclosures, saddling paddocks, drivers inspection rooms and other places under its control, every person who has been warned off under these Rules and every owner trainer driver and other person who has been warned off or disqualified in Australia so long as the penalty against such driver remains in force. It may in like manner exclude any person who has been disqualified by any recognised club or by the Stewards of any recognised meeting in any other country for any corrupt or fraudulent practice. It shall have power to remove from the course and to disqualify any other person who shall have been proved to its satisfaction to be guilty of corrupt and fraudulent practices by a Race or Greyhound Club or Body.

61. It shall be the duty of all clubs to investigate and report to the Controlling Body upon all matters which the Controlling Body shall have indicated as proper subjects for investigation.

PART VI—PROGRAMMES OF MEETINGS

62. No club shall publish or issue a programme for a race meeting nor shall any other body publish or issue a programme for a trotting event or race unless the programme for such meeting event or race as the case may be is first approved by the Controlling Body or Officer duly appointed by it in accordance with these Rules.

63. The Controlling Body shall not approve any programme of a race meeting unless such meeting is to be held by a Club duly registered under these Rules or a body holding a meeting mentioned in Rule 36.

64. (a) Any Club or Body desiring to issue a programme for a race meeting or for a trotting event or events shall forward to the Controlling Body two draft copies thereof or such other number as the Controlling Body may decide, not less than two months (or such shorter period as may from time to time be specified by the Controlling Body) before the date on which nominations are to close.

(b) Each such Club or Body shall forward to the Controlling Body such fee (if any) for each day's racing on such programme as the Controlling Body may from time to time determine.

(c) The Controlling Body may, on being satisfied that all the requirements of these Rules are complied with, approve or disapprove such programme or any official mentioned therein, and may require, as a condition precedent to its approval, the amendment of such programme and/or the appointment of some other official in the place of any official of whom it does not approve.

65. (a) Every programme shall—

- (i) state that the meeting or trotting event or events is held subject to these Rules;
- (ii) state the date on which the meeting is to begin and end, or, as the case may be, the date on which such trotting events are to be held;
- (iii) identify the Stewards, Treasurer, Judge, Starter, Check Clerk, Timekeepers, Handicapper and Secretary;
- (iv) state the amount of stakes and the nomination and/or acceptance fees for each trotting event;
- (v) state the place at which and the times at which nominations and/or acceptances close;
- (vi) state any special conditions required by the Controlling Body and not appearing in these Rules.

(b) That any accidental omission from any programme of any matters required by the Rules to be stated or any error therein shall not invalidate the same and any such omission may be remedied, or error corrected, with the permission of the Controlling Body, after such programme has been approved or published.

(c) That the supplying of any such omission or the correction of any error shall not be deemed an alteration of the programme.

66. The time adopted for the start of each race shall be published by the Club or body not later than the time when the result of the draw for barrier positions in such race is published.

67. The programmes of all race meetings and of every trotting event held by any Club or body shall when approved by the Controlling Body, be advertised by the Club or body concerned in full once at least in a newspaper circulating in the district where the meeting is to be conducted and such advertisement shall show that such programme has been duly approved by the Controlling Body. Save as is provided by these Rules, no alteration shall be made in any programme after it has been passed except with the approval of the Controlling Body; and such programme shall be faithfully adhered to by the Club or other body as the case may be.

68. In the case of an Agricultural Society or Association or body conducting a sports-meeting or gymkhana, it shall be necessary in addition to the other details required in the programme to state that no horse may enter for or compete in any of the races advertised in the programme if that horse would be ineligible from competing at a meeting conducted by a Controlling Body or Club by reason of the disqualification of itself its owner or trainer and also that no person then disqualified enter a horse trained by him for a race on that programme and that no person then disqualified or suspended under these Rules may drive in any race advertised in the programme.

PART VII—NOMINATION AND ACCEPTANCE

69. (a) No horse shall be eligible to compete in any race unless it has been duly nominated therefor in accordance with these Rules by a person entitled to enter it and no horse prohibited by these Rules from being entered for any race shall be nominated.

(b) All nominations shall be made on such form as the Controlling Body shall from time to time prescribe for the purpose. Such form is hereinafter called "the nomination form".

70. Yearlings shall not compete in any race whatsoever.

71. Two year olds shall not compete in any race at a licensed trotting meeting prior to the 1st day of September nor in any race over a distance exceeding two thousand (2 000) metres prior to the 1st day of April nor in any race exceeding two thousand four hundred (2 400) metres from the 1st day of April to the 31st day of July inclusive.

72. A horse must be nominated by the owner or his agent duly authorised in writing, or the trainer, before being eligible to run in any race. In the case of a registered lease the lessee shall be deemed to be the owner during the currency of the lease provided that the lessor of any trotting 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.

73. A nomination shall be in writing and in the proper name or names or where permitted the assumed name or names of the person or persons or syndicate entitled to nominate and on the prescribed form and shall be accompanied by the prescribed nomination fees (if any).

74. Entries and rights of entry shall not be voided by the death of the owner or nominator.

75. The nomination form shall contain the following particulars:—

- (i) At the time when a horse is first nominated for a race the person nominating the horse for the race pursuant to these Rules shall complete such nomination form containing such of the particulars mentioned in paragraph (iv) hereof as the Controlling Body may from time to time prescribe in respect of such first nomination.
- (ii) Upon each occasion after the first when a horse is nominated for a race the person nominating that horse shall complete such nomination form containing such of the particulars mentioned in paragraph (iv) hereof as the Controlling Body may from time to time prescribe in respect of such nomination.
- (iii) An owner trainer or other person in whose control or custody a horse is shall from time to time notify the Controlling Body on such form as it may from time to time prescribe containing such of the particulars mentioned in paragraph (iv) of this Rule as the Controlling Body may from time to time require.
- (iv) The particulars referred to in the preceding paragraphs (i), (ii) and (iii) are—
 - (a) the name of the horse;
 - (b) the owner of the horse;
 - (c) the name and address of the person, company, syndicate or stud on whose behalf the horse is entered or to be entered for a race;
 - (d) the age, sex and colour of the horse;
 - (e) the name of the sire and dam of the horse;
 - (f) the brand which the horse carries;
 - (g) the trainer of the horse;
 - (h) the name and address of the person authorised to nominate the horse for a race;
 - (i) the colours to be worn by the driver;
 - (j) the names and addresses of all persons having any interest in the horse which interest is by these Rules required to be registered with the Controlling Body;
 - (k) a list of performances of the horse including if required the last three performances of the horse in the State and when the horse has raced out of the State the performances of the horse out of the State;
 - (l) if the horse is to race hopped or unhopped and if hopped the registered length of the horse hoppers.
- (v) In the event of any of the matters referred to in the preceding paragraph (iv) being changed the owner trainer or other person having the right to nominate the horse shall notify the Controlling Body by completing such form as the Controlling Body shall from time to time prescribe for the purpose no later than twenty one (21) days after such change or no more than seventy two (72) hours prior to the occasion on which the horse is next to race.
- (vi) If the Controlling Body so approves a nomination or acceptance may be effected by telephone or telegram.

76. Each entry shall include the name of the probable licensed driver. The nomination of the probable driver under this Rule shall in no way relieve the owner trainer or nominator of a horse of his obligations under Rule 226(b).

77. Unless the Controlling Body otherwise approves, nominations or renominations for a trotting meeting shall close at least fourteen (14) clear days before the meeting.

78. The combined nomination and acceptance fees for each entrant in respect of any race shall not exceed Five dollars (\$5) per centum of the amount of stakes allotted to such race, unless a higher percentage is approved by the Controlling Body.

79. The Stewards or Controlling Body may prevent any horse from starting in a race unless there has been paid before checking out any sweepstake, entrance money, losing drive fee, insurance premium or other moneys payable in respect of the race and all arrears due to any person for such horse or due for the same or any other horse by any person having an interest in such horse or in whose name or under whose subscription it is entered.

80. If a horse entered for a race, wins another race before the race for which it is entered is conducted, the owners of such horse shall forthwith notify the handicapper or failing this the stewards, of such win, the place where it occurred and the time run by such horse, before the time for the release of the handicaps for the race in which it is entered. If the handicapper shall not receive such notice or be unaware of such win, at the time the handicaps are released, he shall on becoming aware of the win, re-handicap the horses so as to insure that the subject horse starts from its correct mark.

81. In the event of a horse which has been handicapped for a race winning another race, the owner or trainer of the horse or in their absence the person in charge of the horse shall as soon as possible notify the Stewards of such win. An owner or trainer or person in charge of a horse who fails so to notify the Stewards before the start of the race shall be guilty of an offence against these Rules.

82. If any horse starts on a handicap mark in advance of its properly allotted handicap mark it shall be disqualified from the race and/or declared a non-starter and the Stewards may fine the driver and/or suspend or disqualify him for such period as they think fit.

83. If any horse starts on a handicap mark in advance of or behind its properly allotted handicap mark it shall be disqualified for the race and the Stewards may fine and/or suspend the owner trainer and/or driver for such period as they think fit who upon enquiry they may find to have been responsible for the horse so starting from its incorrect mark.

84. Where a horse becomes ineligible to compete in any race by virtue of being re-assessed on a mark faster than the limit prescribed in the conditions of such race that horse may be transferred to another race at the same meeting at the discretion of the Committee of Stewards or Handicapper provided that no such transfer shall be made after the declarations of handicaps for the subject meeting.

85. The time, date and place for entries, acceptances declarations of forfeit and payments for every race shall be advertised and such entries, acceptances, declarations and payments shall close at the advertised hour unless otherwise directed or approved by the Controlling Body concerned.

86. No entry, acceptance, declaration or forfeit or payment shall be admitted or accepted after the advertised hours, except where an alteration of such time, date and place shall have been duly authorised by the Controlling Body or with the consent of the Controlling Body by resolution of the Committee of the Club notwithstanding that the advertised time for doing all or any of such things has passed. Any such alteration so made by the Committee of the Club concerned shall be advertised with all convenient speed. The nomination fee if any shall be paid by the specified time unless the entry is made by telegram or telephone in which case it shall be paid as soon as practicable after nomination.

87. Any owner who fails to withdraw his horse prior to the advertised time for acceptance shall be deemed to have accepted for his horse and shall be liable for the appropriate acceptance fee.

88. The Stewards of Committee of a Controlling Body or the Committee of a Club may without assigning any reason refuse any entry.

89. The Committee of a Club may reject any entry but if it does do so the Committee of the Club shall advise the person by whom the entry was made within two days of the date of receipt of the entry.

90. The owner of any horse in respect of which an entry has been rejected by the Committee of a Club may appeal against such decision to the Controlling Body.

91. After an entry has been admitted the Stewards may if they think it to be in the best interests of trotting, prohibit the horse so entered from starting in the race and in any such case at their discretion order a refund of any fees paid in respect of the entry, forfeits or acceptances of such horse.

92. The person entering a horse for any race may be called upon by the Stewards to declare the name of the owner or 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 Stewards that the declaration is true in every particular they may declare the entry or entries of such horse to be invalid, the money paid for such entry to be forfeited to such Club or Body and the sweepstake if any to be forfeited to the race or races in which the horse is entered.

93. Subject to Rule 331 no horse in which any person or the husband or wife or any person who has been disqualified under these Rules has any interest shall without the permission of the Controlling Body be entered to start for any race.

94. If there is any change of the trainer of a horse after it has been entered and prior to the race such change must be forthwith notified by the owner to the Body with which the entry is made.

95. Every trainer shall notify the Controlling Body that he has taken over the training of a registered horse or that he has relinquished the training of a registered horse within three days of such taking over or relinquishment provided that if the horse is nominated for a race or races then such notification must be effected immediately.

96. The Controlling Body may direct that an entry not be accepted or direct that any entry made by a designated person in respect of any horse owned by that person or in which he has any interest be refused and may reject any such entry already received or accepted.

97. When the Controlling Body so directs no Club shall accept an entry made by a designated person or in respect of any horse owned by that person or in which he has any interest and any entry made by that person or in respect of such horse already received or accepted by a Club shall be rejected and the person by whom the entry was made shall forthwith be advised by the Club of such rejection.

98. The Controlling Body may give permission for the entry of any horse to which the preceding Rules apply to be received or may waive the application of either of those Rules to a horse *bona fide* leased to some person other than the designated person. Provided always that in such case Rule 327 shall apply in the same manner as if the designated person were a disqualified person within the meaning of that Rule.

99. When in the opinion of the Body conducting a meeting insufficient nominations have been received for a race, the Controlling Body or with the approval of the Controlling Body the Club conducting the meeting may at any time prior to the advertised time for acceptance cancel the race and/or transfer the nominations therefor to any other race or combinations of races.

100. When a race has been cancelled and/or the nominations therefor transferred to any other race or combinations of races pursuant to the preceding Rule the Club conducting the meeting shall forthwith notify the nominator of each horse nominated for—

- (a) the race which has been cancelled;
- (b) the race nominations for which have been transferred to another race or combinations of races; or
- (c) the race to which such nominations have been transferred or with which any race has been combined.

101. At any time prior to the advertised time for acceptance the nominator of a horse nominated for a race referred to in the last two preceding Rules hereof may withdraw his nomination and in such case the nomination fee if any paid by him shall be refunded.

102. Full particulars in writing of every dealing or change of interest in respect of any horse entered for any race occurring after the entry and before the running of the race for which such horse is entered shall be forthwith furnished to the Secretary of the Club with which such entry was made.

103. If any horse be entered for or started in any race for which it was ineligible the owner nominator trainer and any person having an interest in such horse shall be deemed guilty of an offence against these Rules and may be dealt with accordingly.

104. No alteration or addition shall be made to any entry after the time fixed for closing of entries without the authority of the Committee of the Club or the Stewards as hereinafter provided

105. Any entry made contrary to these Rules shall be invalid and the fee or stake (if any) in respect of such entry forfeited unless the Committee of the Club or the Stewards be satisfied that the horse intended to be entered is sufficiently identified and that there is no reason to suspect fraud. If so satisfied they may permit or order any accidental or inadvertent error or omission to be corrected or supplied at any time before the start of the race in respect

of which such entry was made and may inflict a fine of not less than \$5 upon the person responsible for such error or omission. If any horse runs without the correction so approved or prescribed having been made the Controlling Body or the Stewards may fine or otherwise deal with any person or persons responsible for such errors.

106. Notwithstanding that a horse ineligible to run or prohibited from running in a race has run or been permitted to run in the race and irrespective of whether or not the horse has won or been placed in the race or any stake has been paid or awarded neither the Controlling Body nor the Club or Body conducting the meeting shall thereby incur or be under any liability of any kind whatsoever to any person.

107. Each and every entry for a race shall be and be deemed to be made subject to the provisions of the preceding Rule 106.

PART VIII—HEATS, DIVISIONS AND QUALIFYING DIVISIONS

108. Nominations for any race shall not be called for in heats but shall be called for in qualifying divisions which shall be penalised in accordance with the Handicapping Regulations.

109. The Committee of a Club or other body conducting a meeting may with the approval of a Controlling Body order and arrange for a race to be run in two or more divisions, and should the Committee of the Club or body decide to run a race in two divisions, the Club or body shall provide as prize money for the winner of each division an amount not less than 50 per cent at least of the stake officially advertised for such race.

110. When a race has been divided the acceptance fees shall be reduced by the Club or body by such amount as is approved by the Controlling Body and refunds shall be made by the Club or body to the appropriate persons.

PART IX—RE-NOMINATION OF HORSES

111. Nothing in these Rules shall be deemed to prevent the Controlling Body or any Club inserting in its programme a condition that horses entered at the meeting may be re-nominated for a higher class on the first or subsequent day or days of the Meeting, provided—

- (a) that such horses have put up at the meeting or any other meeting held between the date of nomination and the date of holding the meeting a performance making it ineligible to take the handicap it would have received; and
- (b) that in the case of re-nomination for the first day of the meeting that it be made at any time up to three hours immediately preceding the declaration of handicaps; and
- (c) that in the case of re-nomination for the second or subsequent day of the meeting, that it may be made at any time fixed by the Club or body holding the meeting, not exceeding half an hour after the finish of the last race.

PART X—STAKES AND FORFEITS

112. A person entering a horse for any race shall thereby become liable for all forfeits and fees payable for such horse in respect of such race.

113. (a) All clubs having on their programmes races, under the conditions of which forfeits are payable shall at least 21 days before the due date thereof, advertise and/or forward by post to all owners by whom such forfeits are payable notice of the amount and of the due date of such forfeit and the amount thereof.

(b) If any Club shall fail to comply with the requirements of sub-section (a) of this Rule it shall forfeit its right to claim any such forfeit from such person.

114. No Club shall be responsible to the winner of any race for the sweepstakes or forfeits therein unless the same were payable at the time of the closing of entries for such race, or the horse in respect of which the same were payable shall have been permitted to start in the race.

115. The Stewards may prevent any horse from starting in a race unless there has been paid before checking out—

- (a) all entrance and acceptance moneys, forfeits, sweepstakes and any other moneys 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 nomination it is entered. Provided that arrears due in respect of a race meeting at any other place than the place at which the race is run shall not be deemed to be arrears for the purpose of this paragraph unless previously notified in writing to the Club concerned.

116. All stakes shall be paid within 14 days after the conclusion of the meeting unless an enquiry affecting them shall be pending or the result of a report on a swab taken from any horse placed in the race in respect of which the stakes are payable shall not have been received.

PART XI—HANDICAPPING

117. In all handicap races the handicaps shall be allotted on the metric system.

118. The Handicapper shall unless otherwise provided for in the handicapping conditions for a particular race, handicap at intervals of 10 metres.

119. The Handicapper shall not for the purpose of framing a handicap alter the class set out in the programme.

120. In assessing and allotting a handicap, except in events to be run under special or discretionary handicapping conditions, the Handicapper shall in no case impose any higher penalty than the relevant maximum penalty set out in the Schedule of Handicapping prescribed by the Controlling Body or in any amendment thereof for the time being in force.

121. Where a horse has been entered for any race, the Handicapper shall allot to such horse a handicap in accordance with the gait at which such horse has been declared at the time of its nomination.

122. (a) If after the declaration of handicaps it is found that a horse has been wrongly handicapped or has incurred a penalty subsequently, the handicappers shall amend the handicap.

(b) If the handicappers are not available, their powers of amendment under paragraph (a) of this rule shall be exercised by the Steward in charge of the meeting concerned.

(c) Any handicapping amendment shall be announced publicly on the course.

(d) If in the opinion of the Stewards a rehandicap, notified after the betting has commenced, would have a material effect on betting, they may make such order as to the betting as they may think fit.

123. A Schedule of Handicapping shall be published by the Controlling Body from time to time.

124. (a) The Controlling Body shall have the power to appoint one or more persons to act as Handicapper or Handicappers for races on such terms with such powers (not inconsistent with these Rules) and subject to such conditions as the Controlling Body may prescribe.

(b) No person other than a Handicapper appointed in accordance with the preceding sub-rule shall act as the Handicapper of any race.

125. If any objection shall have been duly lodged affecting the first place in any race, both the horse against which such objection is made and the horse claiming to be entitled to such first place shall, until such objection has been finally determined, be liable to all penalties which would have attached to the winner of the race if no objection had been made and shall be handicapped accordingly.

126. (a) If any person, being an owner, trainer or driver, or acting for or on behalf of an owner, trainer or driver, shall improperly approach any Handicapper relative to the handicapping of any horse, or other duties of such Handicapper, the Controlling Body or Stewards may fine him any sum not exceeding \$500 or disqualify him for any period.

(b) Notwithstanding the provisions of paragraph (a) hereof any owner or trainer may apply in writing to the Committee or Stewards of any Club or body for an explanation of the handicapping of any horse owned or trained by him.

127. No Handicapper shall—

- (a) engage directly or indirectly in any business connected with the sale, lease, breeding or management of trotting horses;
- (b) directly or indirectly be interested in the ownership of any trotting horse;
- (c) bet or be interested in any wager or bet on any trotting race.

128. The Handicapper may re-handicap for any subsequent race any horse which has been previously handicapped for such race but wins a race after the issue of such handicaps.

129. Any person committing a breach of any of the Rules in this Part contained shall be guilty of an offence against these Rules and may be dealt with accordingly.

PART XII—LICENSING

130. (a) The Committee of the Controlling Body shall have power to issue—

- (i) a trainers licence;
- (ii) a drivers licence authorising the holder to drive horses in races in the metropolitan area (hereinafter called a “metropolitan area drivers licence”);
- (iii) a drivers licence authorising the holder to drive horses in races outside the metropolitan area (such licence being hereinafter called a “country drivers licence”);
- (iv) a permit to drive horses in races conducted at shows and gymkhanas and may renew the term of any such licence or permit;
- (v) an owner trainers permit.

(b) A licence or permit issued under this Rule shall be valid for the season in respect of which it is issued only.

(c) A trainers licence may be issued to any male or female person who has attained the age of eighteen (18) years and who has satisfied the Controlling Body he or she is in all respects a fit and proper person to hold a trainers licence.

(d) A person shall not for or on behalf of any person other than himself or his wife train a horse for a race unless he is the holder of a current trainers licence issued under these Rules.

(e) The holder of a trainers licence shall be eligible to train a horse for any race conducted in Western Australia under these Rules.

(f) The holder of an owner trainers permit shall authorise the holder to train a horse on behalf of himself and/or his wife but on behalf of no other person.

(g) A horse trained by a person who holds neither a trainers licence or owner trainers permit shall not be eligible to be entered for a race.

(h) The holder of a drivers licence authorising the holder to drive horses in the metropolitan area shall be eligible to drive in any race in the State.

(i) The holder of a country drivers licence shall be eligible to drive in any race conducted outside the metropolitan area of Perth and Fremantle.

(j) The holder of a permit to drive shall be eligible to drive in any race conducted at a show trial or gymkhana conducted in the State under these Rules.

(k) No person shall drive a horse in any race conducted under these Rules at a trotting meeting or at a show or gymkhana unless he is the holder of a licence or permit which authorises him to do so.

(l) A metropolitan area drivers licence or permit to drive may be issued to any person who has attained the age of seventeen (17) years and a country drivers licence or permit to drive may be issued to any person who has attained the age of sixteen (16) years subject to such person in each case having satisfied the Controlling Body that he is in all respects a suitable person to hold such licence or permit.

(m) A licence under this Rule shall not be granted to a bookmaker or to a person who holds a licence or permit authorising him to be employed as a clerk by a bookmaker who is authorised to field at trotting meetings.

(n) A person who becomes a member of the Controlling Body after the coming into operation of these Rules shall not be eligible to obtain a trainers licence.

(o) A person desiring to apply for any of the aforesaid licences or permits or for the renewal of such licence, shall do so in the form prescribed by the Controlling Body and shall forward with the application such fee or fees and such other information as the Controlling Body may from time to time prescribe.

(p) Every applicant for a trainers licence or owner trainers permit or the renewal thereof shall furnish with his application a list of all trotting horses then being trained by him. Every licensed trainer shall notify the Controlling Body immediately—

(i) he ceases to train a horse or a horse is transferred from his training establishment to the care of another trainer; and

(ii) any horse is placed in his care to be trained.

(q) Any person applying for a driving licence, or for the renewal of a driving licence, shall lodge with his application a certificate of fitness from a qualified medical practitioner in such form as the Controlling Body may from time to time require. The Controlling Body may at any time withhold the issue of or withdraw a licence or permit until the applicant or licensee shall have satisfied a medical practitioner nominated by the Controlling Body that such applicant or Licensee is physically fit to drive.

(r) The Controlling Body shall not renew the licence or permit of a driver who has attained the age of 65 years.

(s) Every application for a licence or permit under these Rules shall be dealt with as and when the Committee thinks fit. The Committee may refuse any application or may grant an application subject to such conditions as it in its discretion may impose. Any conditions so imposed shall bind the holder of the licence until they are modified varied or rescinded.

(t) The Committee may without assigning any reason refuse to grant an application for any licence or permit or to renew the same and may suspend or cancel any licence or permit without being liable in any way for damages or otherwise by reason or on account of such refusal, suspension or cancellation.

(u) A female shall not ride or drive in any race at a trotting meeting unless authorised so to do by the conditions of such race which have been approved by the Controlling Body nor ride or drive in any race conducted by a Club unless the conditions of such race provide for female riders or drivers only.

(v) Any person who commits a breach of any sub-rule or rule contained in this part shall be deemed to have committed an offence against these Rules and shall be liable to be dealt with accordingly.

Obligations of applicant for Trainers licences and owner trainers permits and of holder of trainers licence and owner trainer permits

130A. (i) Every applicant for a trainer's licence or for an owner-trainers permit shall on each occasion upon which he makes application for such licence or permit furnish with such application written notice of the full residential address of his training establishment or training establishments.

(ii) Every licensed trainer and every holder of an owner trainer's permit shall upon any change taking place in the address of his training establishment or upon his acquiring or obtaining control of a training establishment in addition to any trainers establishment particulars of which shall have been notified to the Committee of the Controlling Body furnish to the Committee in writing within seven (7) days of the date of such change or acquisition or of the address of the place to which his training establishment has been moved or of the training establishment which he has so acquired or of which he has taken control.

(iii) A licensed trainer or the holder of an owner trainer's permit shall not whilst a horse is being prepared or trained for racing stable such horse in any place other than his training establishment unless he shall have first received the permission of the Controlling Body or of the Stewards so to do.

(iv) The Stewards, Security Officer or any deputy or other person appointed by the Committee or by the Stewards for such purpose shall have power at any time to enter upon any training establishment and to view or inspect the same and to remove therefrom such containers, feed, additives, medical, veterinary and other preparations and substances, gear and equipment as he or they may desire.

(v) Any person exercising any of the powers contained in the preceding paragraphs of this clause shall not be liable to give to the trainer whose training establishment such premises are or to any other person in control or apparently in control of the training establishment any reason for his entering upon such training establishment or for viewing or inspecting the same or for removing or taking into his custody any of the goods, articles or chattels mentioned in the preceding paragraph hereof.

(vi) A trainer onto whose training establishment entry is sought by any of the persons mentioned in paragraph (b) hereof shall do all such acts and things as are necessary to permit such person to enter, remain upon and depart peaceably from such training establishment and shall not assault hinder molest or obstruct such person in the execution of his powers under this Rule in any manner.

(vii) No action shall lie at law against the Association, the Committee or any of the persons mentioned in sub-paragraph (iv) in respect of any act or thing done by such person in the exercise or purported exercise of any of the powers or authorities in the said paragraph (iv).

Inspection of drivers and Checking Out

131. There shall be a drivers check clerk who shall inspect and approve all drivers before they take part in any race.

132. All persons nominated to drive horses in pursuant of Rule 76 shall report to the drivers check clerk not less than 20 minutes before the time fixed for the start of the relevant race. Provided that the time for reporting may be extended by the Stewards if, for any reason, the advertised starting time of the race is extended.

133. The Stewards may withdraw from a race any horse whose nominated driver has not reported in accordance with Rule 132.

134. Each driver who drives a horse in a race shall be entitled to such fee as shall be fixed by the controlling Body from time to time.

135. When each driver reports in accordance with Rule 132 the drivers check clerk shall be charged with the duty of inspecting such driver to ensure that he is—

- (a) the holder of a current driving licence appropriate to the race concerned;
- (b) the driver who has been nominated in accordance with Rule 76;
- (c) the trainer, owner or part owner of the horse he is to drive, or, in the event of his not being the trainer, owner or part owner, is paid the minimum driving fee;
- (d) fit to drive;
- (e) properly, tidily and cleanly attired in the racing colours shown in the programme;
- (f) in possession of a properly fitting regulation driver's helmet;
- (g) in possession of a whip that complies with these Rules.

136. In the event of any driver not complying with any of the requirements of the foregoing Rule, the drivers check clerk shall immediately report the matter to the Stewards.

137. Upon being satisfied that a driver complies in all respects with the requirements contained in Rule 135 the drivers check clerk shall thereupon issue him with his saddlecloth number, head number and any other official equipment to be carried.

138. All drivers and other persons concerned with the inspection and approval of drivers before a race shall comply with the requests and instructions of the drivers check clerk, and no unauthorised person shall enter the area reserved for the inspection of drivers.

139. All drivers shall be dressed in the approved type of helmet, jacket of approved materials, trousers of suitable white material and black boots or shoes. Any driver who presents himself for a race in untidy or unclean attire shall be deemed guilty of an offence under these Rules and liable to be penalised.

140. A driver shall appear in the race for which he was approved in the same clothing in the same condition and with the same equipment as existed at the time he was approved by the driver check clerk.

141. If no satisfactory reason is given for a horse not starting in a race after a driver for it has been approved by the drivers check clerk, an offence shall have been committed by the driver.

142. If after a driver has been inspected and approved such driver be prevented by accident, or illness from driving the horse for which he was approved, or if in the opinion of the Stewards such driver is otherwise unfit to drive in the race, the Stewards may approve a substitute driver or may order the withdrawal of the horse from the race.

Fees Payable to Trainers and Drivers

143. (a) In respect of each race in the Metropolitan area each driver who is nominated in accordance with Rule 76 shall be entitled to such fee as shall be fixed by the Controlling Body from time to time.

(b) In the case of each horse in a race conducted in the Metropolitan area which is placed first second and third there shall be payable—

- (i) to the driver of that horse a further sum equal to five per centum (5%) of the stake won by that horse;
- (ii) to the trainer of that horse a sum equal to five per centum (5%) of the stake won by that horse.

(c) The trainer or driver of any horse which competes or is placed in a race outside the Metropolitan area shall not be entitled as of right to any fee or proportion of the stake won by that horse.

144. For the purpose of the preceding Rule "prize money" shall not include the value of trophies moneys subscribed by the owners of matched acknowledgements for exhibitions against time and similar rewards.

All Clear

145. Following each race, the Chairman of Stewards, or a steward specifically appointed by him for the purpose shall inspect the placed horses and their drivers. The steward charged with these duties shall be known as the "All Clear Steward".

146. When a race has been run, every horse shall remain on the track at an appointed place until the horses placed by the Judge have proceeded for inspection by the All-Clear Steward.

147. Upon the Judge notifying his placings in pursuance of Rule 281, the drivers of the horses so placed, shall, in the order in which they were placed, drive to and report to the All-Clear Steward.

148. When a race has been run the All-Clear Steward shall take up a prescribed position on or near the track and shall there receive and inspect the horses and the drivers of the horses that have been placed by the judge in accordance with Rule 281.

149. After completing his inspection of the placed horses and their drivers and there being no protest, the All-Clear Steward shall forthwith declare All-Clear and direct that a notification to that effect be announced and/or exhibited in the manner prescribed by the Club conducting the meeting.

150. In the event of there being a protest lodged before the All-Clear Steward concludes his inspection of the place-getters, the All-Clear Steward shall declare "Protest entered", and shall thereupon direct that a notification to that effect be announced and/or exhibited and refer the matter to the stewards for adjudication and determination.

151. After a race if for any reason a driver does not report or is unable to report to the All-Clear Steward, such steward may in his discretion dispense with the attendance of such driver and may declare All-Clear in the absence of such driver.

152. The driver of a placed horse who without good and sufficient reason does not report to the All-Clear Steward in accordance with the requirements of Rule 147 shall be deemed guilty of an offence against these Rules and, in addition to any penalty that may be imposed upon such driver, his horse may be disqualified from the race, either before or after All-Clear has been declared.

General

153. Immediately upon leaving the track after a race, the driver of each horse that has contested the race shall return to the drivers check clerk the saddlecloth numbers, head numbers or any other official equipment with which he has been issued.

154. No person except a driver actually engaged in the race or a Steward or other official of the Club or a person holding an authority in that behalf shall enter or remain on the racing track for any purpose whatever at any time during the course of a race meeting. But in the event of a horse being fractious the starter may direct any official to render the driver assistance.

155. If a person commits a breach of Rule 154 and such person is an owner, nominator, or a trainer, or any other person holding a licence or permit from the Controlling Body (whether such owner, nominator, trainer or licensed person is or is not interested in any horse competing in the race) such person shall be deemed to be guilty of an offence against these Rules and may be dealt with accordingly.

PART XIII—STARTING

156. The Starter and any substitute or assistant starter shall be appointed by the body conducting the meeting or the committee thereof but such appointment shall be subject to the approval of the Controlling Body.

157. The Secretary or deputy of such Secretary of the body conducting the meeting shall, at least thirty minutes before the official time for the start of the race, supply to the Starter a written list signed by him, of the horses qualified to start in such race, setting out the actual handicap of each.

158. Every horse shall be on the track at least seven minutes before the time appointed for starting, and on the whistle being blown by the Starter, shall immediately be taken to its allotted mark. When once a horse is checked out and is on the track it shall be deemed to be under the Starter's orders and the driver shall obey the same.

159. A horse shall be deemed to be a starter and in the Starter's hands when the whistle is blown calling the horses to their marks; provided that the Stewards shall have power to order the withdrawal of a horse from any race either before or after it has come under the Starter's orders if in the opinion of the Steward such horse is unfit or unable to run by reason of injury or otherwise.

160. In the event of the Stewards ordering or permitting a horse to be withdrawn from a race after the time for scratching, they may declare off all bets made on the racecourse on such race on the day it is being run or they may make such order as to the settlement of such bets made prior to the withdrawal as stipulated by the Rules of Betting for the time being in force.

161. No horse under the Starter's orders shall leave the track nor shall any driver dismount except with the permission of the Starter. Should a breach of this Rule be committed the driver shall be liable to a fine not exceeding \$50.

162. (a) The horses shall be drawn up before the start, as far as is practicable, according to their handicaps, and horses on the same mark shall be drawn up in such order as previously determined by lot. It shall be a condition of entry that the barrier positions of horses shall be drawn for, and if the numbers exceed the capacity of the track or the barrier, the outside draws will be placed as near as practicable behind the front line; provided always that the Stewards may before the draw for barrier positions, place any horse in such a barrier position as in their opinion would be conducive to a fair start for a race, but not in such a way as to alter the handicap mark of such horse.

(b) Irrespective of the capacity of the track for standing starts, the Chief Steward shall determine at each track and at each distance the number of horses that will start abreast behind a moving barrier.

163. (a) If a horse is withdrawn from a race before the appointed time as defined in Rule 230 the remaining starters on the same handicap mark shall take their relative positions as if the horse so withdrawn had not been included in the draw for barrier positions and if, where there are two lines on the handicap mark, a horse on the front line is so withdrawn the horse on the inside of the second line shall take its position on the outside of the front line.

(b) Notwithstanding the provisions of part (a) of this Rule, if a horse is withdrawn from a race before the start of the preceding race or where the relevant race be the first race of the meeting, thirty minutes before the time set down for the start of such race, the remaining starters on the same handicap mark shall take their relative positions as if the horse so withdrawn had not been included in the draw for barrier positions, and if, where there are two lines on the handicap mark, a horse on the front line is so withdrawn the horse on the inside of the second line shall take its position on the outside of the front line.

164. If a horse is withdrawn from a race after the appointed time as defined in Rule 230 the remaining starters on the same handicap mark shall take their relative positions, and where there are two lines on the handicap mark in the same line as if such horse had not been withdrawn.

165. If a horse is re-handicapped for a race after the draw for barrier positions has been made, such horse shall take a position on the outside of the horses placed on the same handicap mark and if there are two lines on that mark on the outside of the second line on that mark, but inside of horses excluded from the draw.

166. Notwithstanding the provisions of the preceding rules contained in this part, the Starter may place a horse which is misbehaving and which in his opinion is likely by such misbehaviour to prevent a fair start, in any position he thinks proper but so as not to alter the handicap mark of such horse, and the remaining starters on the same handicap mark shall take their relative positions and where there are two lines on the handicap mark in the same line as if such horses had not been moved.

167. If any horse by misbehaviour or for any other reason is in the opinion of the Starter liable to cause a delay at the start, the Starter shall warn the driver of such horse and shall not further delay the start.

168. (a) Subject to the provisions of sub rule-(b) and (c) of this Rule, all races shall be run from standing starts.

(b) Match races and exhibitions of speed against time may be run from either standing or moving starts.

(c) Moving starts shall be used only on such tracks and for such events as approved by the Chairman of Stewards or by the Controlling Body.

169. All races conducted under these Rules shall be started by means of a starting barrier or barriers of a type approved by and installed to the satisfaction of the Stewards unless the Controlling Body shall otherwise specifically permit.

170. The Starter's decision shall be final and conclusive upon any question that may arise as to whether horses have been started for a race.

171. The Starter shall give all such orders and take all such measures as he may consider necessary for securing a fair start, and in particular, but without limiting the generality of the foregoing, the Starter—

- (a) may fine any driver disobeying his orders or attempting to take an unfair advantage in a start in a sum not exceeding \$50; and/or
- (b) may, if he is unable to compel obedience to his orders by any driver, delay the start and report the matter to the stewards;

- (c) shall report to the stewards any driver who starts before the signal is given or who starts off the wrong mark;
- (d) may, if he considers that a start in a race is unsatisfactory, declare a false start and re-start the race.

172. The Starter, immediately before starting the race, shall indicate to the drivers that the race is to be started forthwith, by issuing the command "stand them up drivers".

173. In the event of a report under sub-rule 171 (b) the Stewards, in addition and without prejudice to their discretionary power to remove any driver or any other powers conferred on them by these Rules, may prevent the driver from taking part in the race or may permit or order another driver to be put up or may disqualify the horse for the race or may deem the driver guilty of an offence fine him a sum not exceeding \$100.

174. In the case of a report under sub-rule 171 (b) the Stewards may disqualify the horse from the race and the driver shall be deemed guilty of an offence under these Rules and may be dealt with accordingly.

175. If a race be trotted by all the horses at wrong handicaps or over a wrong distance, or wrong course, or if the Judge or his substitute or a Steward be not in the Judge's Box at the time the placed horses pass the winning post, or in the event of all the placed horses being disqualified, the race shall be void if the matter is brought to the notice of the Stewards before "All Clear" is signalled, and may be trotted again and all bets may be declared off.

176. In the event of the re-run of a race the owner of any horse may exercise his right to scratch his horse without penalty.

177. Any driver who after entering upon the race track, speaks, communicates or signals to any person other than an authorised official shall be guilty of an offence and liable to a fine not exceeding \$100 and may in addition be suspended or disqualified for such period as to the Stewards seems proper.

178. If any driver shall intimate to the Starter that he considers that he is being placed by the Starter on the wrong mark, the Starter shall not start the race until he shall have reported the matter to the Stewards and received their decision with regard thereto, which decision shall be final and, notwithstanding anything otherwise in these Rules contained, shall not be subject to appeal.

179. A driver who permits his horse to start in advance of its proper mark, or before the signal to start has been given or attempt to take an unfair advantage in the start shall be guilty of an offence and liable to a fine of not more than \$100 and to disqualification or suspension as the Stewards may think fit.

180. The Starter shall forthwith notify any breach of the preceding Rule 179 to the Stewards, who, upon being satisfied thereof, may place the horse driven by such offending driver behind the placed horses.

181. (a) An owner or trainer of a horse entered in a race who, at the time that the driver is required to be nominated in accordance with Rule 76 is aware that the horse is not in a fit state or condition to race, shall withdraw the horse from the race in the manner provided by these Rules.

(b) Where any horse brought to compete at a meeting shows any signs of lameness, unfitness or any other condition which could adversely affect its performance, the owner or trainer shall report accordingly to the Stewards at least an hour before the time set for the start of the race in which the horse is engaged and such horse shall not start in the race except with the approval or by the direction of the Stewards.

(c) Any person failing or refusing to comply with the provisions of sub-rules (a) and (b) of this Rule shall be deemed to be guilty of an offence against these Rules and may be dealt with accordingly.

182. (a) If in their opinion any horse is not in a fit state or condition to race, the Stewards may at any time prior to the actual start declare such horse ineligible for the race and may make such order as to settlement of bets stipulated by the Rules of Betting.

(b) The Stewards shall declare off all bets made on a horse which has been withdrawn from a race by their order or permission after the time of scratching has elapsed or has in their opinion been prevented from starting by any mechanical failure of any starting apparatus and shall make such declaration or decision affecting betting as is prescribed by these Rules.

183. If the Starter named in a Club's approved programme is for any reason unable or refuses to perform his duties at the meeting, the Stewards may authorise any fit person to act as Starter at such meeting.

184. No Starter, substitute starter or starter's assistant shall officiate on any race at which there is competing any horse in the ownership of which he is directly or indirectly interested.

Mobile Start Rules

185. Any Club proposing to use the Mobile Barrier for any race, shall make application to the Controlling Body for approval of the use of a Mobile Barrier on its track.

186. The Mobile Barrier shall only be used on such tracks and for such events as shall be approved by the Controlling Body or the Chairman of Stewards.

187. No race shall be started from a Mobile Barrier, unless such barrier and its vehicle has been examined and approved by the Chairman of Stewards of the Controlling Body.

188. The Chairman of Stewards, after examining the barrier and its vehicle, shall enter the details of the approval of such barrier and vehicle in a Register of Mobile Barriers.

189. In general, the Mobile Barrier shall conform to the following minimum standards—

- (a) be capable of drawing away from a field travelling at a speed of at least 50 Kilometres per hour;
- (b) shall have approved numbered discs across the extended arms to denote the barrier position of the horses drawn on the front line;
- (c) be kept in roadworthy condition;
- (d) such other conditions as the Controlling Body may prescribe from time to time.

190. The capacity and limitations of a Mobile Barrier shall be calculated—

- (a) to provide within the extremities of the extended arms at least 1·67 metres for each horse to be started from the front row;
- (b) to provide a clearance of at least 1·67 metres between each end of the extended arms and the inside and outside running rails.

191. The Mobile Barrier shall not be permitted to be used on any track with a width of less than 10·67 metres.

192. No persons shall be allowed to ride on the starting gate except the starter and his driver or operator and a patrol Steward, unless permission has been granted to such person by the Controlling Body.

193. Use of a mechanical loudspeaker for any purpose, other than to give instructions to drivers, is prohibited. The volume of such mechanical loudspeaker shall be no higher than is necessary to carry the voice of the starter to the drivers.

194. The Controlling Body or the Chairman of Stewards may vary the requirements of Rules 189 to 193 (each inclusive) where the circumstances so require.

195. Irrespective of the capacity of the track for standing starts, the Chairman of Stewards shall determine at each track and each distance, the number of horses that will start abreast behind a Mobile Barrier.

196. The number of horses started from the second row shall be no greater than the number started from the front row; provided that if 5 horses be started from the front row, a maximum of 5 horses shall be started from the second row.

197. The Controlling Body or the Chairman of Stewards shall prescribe the points on the track between which the horses shall be marshalled into barrier order and the point at which the mobile barrier commences the lead up to the start of the race.

198. The Controlling Body or the Chairman of Stewards shall approve the starting points of all mobile start races. Such starting points shall be clearly marked on the inside rail and may be supplemented by other more prominent markers on the inside or outside rails.

199. The Starter shall have control of the horses from the time the order is given to marshal the horses, until the Starter gives the word “go”.

200. The Starter shall give the word “go” at the starting point, which start shall be signified by the showing of a coloured light on the starting gate.

201. Horses placed in the second row shall maintain their allotted positions at all times until the Starter has given the word “go”.

202. During the run-up of a moving start, horses shall not, except in an emergency, be permitted by their drivers to deviate from their barrier positions. Provided that the Starter may, during the run-up, give such directions or orders, and adopt such measures as he may consider necessary for ensuring a fair start and may, if he is unable to compel obedience to his orders by any driver, delay the start and report the matter to the Stewards.

203. When a speed has been reached in the course of a start, there shall be no decrease in that speed, except in the case of a recall.

204. The Starter shall endeavour to get all horses away in position and on gait, but no recall shall be had by reason of a horse breaking, except as provided in paragraph (b) of Rule 206.

205. All horses drawn up behind a moving barrier shall be deemed to be starters in the race, irrespective of their positions or their gait at the start. Provided that the starter may declare as a non-starter any horse that has refused to come within a reasonable distance of the barrier.

206. The Starter may defer the start if at the designated starting point—

- (a) a horse has fallen;
- (b) the chances of any runner have been or are being materially affected by interference;
- (c) a horse has broken equipment;
- (d) any horse is not fully behind the arms of the barrier or if a horse moves ahead of the barrier;
- (e) any horse is likely to gain an unfair advantage; or
- (f) any horse has by reason of its position at the start been denied a winning opportunity, provided that a start will not be deferred merely by reason of the fact that a horse is in a break or because a horse is back from its barrier position at the time of starting.

207. If, in the opinion of the Starter, a horse, through waywardness in the score-up, necessitates a recall, he may place the offending horse in any position which he considers appropriate to ensure a fair start at the next attempt. A recurrence of the offence by the same horse may result in the horse being withdrawn by the Stewards.

208. In the case of a recall, a light plainly visible to the drivers shall be flashed and a recall sounded, whereupon the starting gate shall proceed in the path of the horses but be gradually reduced in speed.

209. There shall be no recall after the word “go” has been given and any horse, regardless of its position or any accident, shall be deemed to be a starter from the time it enters into the Starter’s control, except as provided by Rule 207.

210. Subject to Rule 196 if any horse is scratched on the day of the race all other horses participating in the race shall retain their allotted line from line to barrier.

211. In the event of adverse track or climatic conditions, mechanical fault or any other circumstances that could militate against a mobile barrier being operated safely or efficiently, the Stewards may—

- (a) direct that a race intended to be started with a mobile barrier shall be started by any other approved starting method. Provided that such race shall be started as near to the proposed start of the race as the alternative method of starting will permit and provided also that the horses shall occupy the same barrier positions and rows from which they would have been started had the mobile barrier been used; and
- (b) alter the barrier positions of horses which would normally be excluded from the barrier draw; and
- (c) withdraw any horse which is subject to a ban from a standing start.

212. It shall be an offence for a driver in a mobile barrier start to—

- (a) delay the start;
- (b) disobey the Starter’s instructions;
- (c) move ahead of the inside or outside wing of the starting gate;
- (d) approach the barrier out of position;
- (e) cross over before reaching the starting point;
- (f) interfere with another driver during the start;
- (g) fail to come up into position.

A person who commits any of these offences shall be liable to a penalty for a breach of these Rules.

PART XIV—CONDUCT OF RACES

213. (a) Every horse which competes in a race shall be raced on its merits.

(b) The driver of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is raced to the best advantage and given full opportunity to win or to obtain the best possible place in the field.

(c) Any person who in the opinion of the Stewards has breached, or was a party to the breach of this Rule or any portion of this Rule shall be deemed guilty of an offence and liable to be dealt with accordingly and, in addition, the horse concerned may be disqualified.

214. Every driver shall drive his horse out to the end of the race if he has any reasonable chance of finishing in the first five (5) places.

215. A driver who does not permit a horse to race on its merits or who so drives his horse that he prevents it from racing to its best advantage or from having the best opportunity to win or to obtain the best possible place in the field shall be guilty of an offence and liable to be dealt with accordingly.

216. Any person whether owner, lessee, trainer or otherwise who counsels procures aids or abets a driver in the commission of a breach of the preceding rule or who otherwise is a party to such breach shall be guilty of an offence and liable to be dealt with accordingly.

217. Any driver who looks around unduly during a race shall be guilty of an offence against these Rules and shall be liable to be fined by the Stewards not more than \$20 in the case of a first offence and in the case of a second or subsequent offence he shall be liable to a fine not exceeding \$200 and to suspension for such period as the Stewards think fit.

218. If any horse shall win a race as the result of collusion or other fraudulent conduct on the part of the driver, owner or trainer of such horse, and the driver, owner or trainer of any other horse in such race, the stewards may declare the race to be void, and/or disqualify such horses and the owners, trainers and/or drivers thereof.

219. (a) If during a race any collision, mishap or happening of any kind occurs which in the opinion of the Stewards could or may have affected the performance of a horse or the true running of the race the driver of the horse concerned shall unless prevented by injury from so doing report the same to the Stewards immediately after leaving the race track at the conclusion of the race. Any driver failing to comply with this Rule shall be deemed guilty of an offence against the Rules and may be dealt with accordingly. If at any time within seven days of the running of any race the trainer, or any other person being in charge of a horse, or the driver, notices or has knowledge of anything whatsoever which might have affected the horse's performance in such race such trainer driver or other person shall report the same immediately to the Steward in charge of the meeting or to the Chief Steward.

(b) Any driver who is summoned by the Stewards so to do shall attend any enquiry conducted by the Stewards or by the Controlling Body.

A driver who commits a breach of either paragraphs (a) or (b) of this rule shall be guilty of an offence against these rules and shall be liable to be dealt with accordingly.

220. If in the opinion of the Stewards or a Veterinary Surgeon a horse is so injured that to avoid unnecessary suffering it ought to be destroyed the Stewards or the Veterinary Surgeon may order that horse to be destroyed provided that no such order shall be made or given without consulting with the owner or driver or other person in whose control such horse is at that meeting.

221. The Stewards shall disqualify from the race and/or such period after a race as they think fit, any horse which is subjected during any race to any ear-twitch or lip-twitch.

222. The Stewards may disqualify from the race and/or such period as they shall think fit any horse which is subjected during any race to any appliance or device which has not previously been approved by them.

223. No person shall apply an ear-twitch or a lip-twitch to a horse nor use on that horse any appliance device or gear which has not perviously been approved by the Stewards. Any person who breaches this rule or is a party to the breach of this rule shall be guilty of an offence and liable to be dealt with accordingly.

**PART XV—EXONERATION OF CONTROLLING BODY AND OTHER PERSONS
FROM LIABILITY FOR CERTAIN ACTS**

224. No person corporation partnership or syndicate shall be entitled to bring any action at law or in equity in respect of any loss or damage which he it or they shall have suffered or shall allege to have suffered by reason of any act or thing done or alleged to have been done or omitted to be done by the Controlling Body or by any Club Steward Officer Veterinarian or other official employee or person engaged by the Controlling Body or a Club and whether such act or thing shall be alleged to have been done or omitted to be done pursuant to these Rules or to or in accordance with or in pursuance of any authority or right herein contained or otherwise and whether such act or thing is so done in accordance with these Rules or not.

225. No owner lessor lessee corporation syndicate partnership trainer driver investor on or with the totalisator or with a bookmaker or other person who is licensed under these Rules or to whom these Rules apply shall be entitled to or have the right to bring any action suit or proceeding at law or in equity for or in respect of any act or thing done or purported to be done by the Controlling Body or by any Club Steward Officer Veterinarian or other official employed or engaged by the Controlling Body or any Club in the doing or carrying out or in the purported doing or carrying out of any act deed or thing which shall be so done or carried out or purported to be so done or carried out pursuant to or in accordance with these Rules or to authority or right by these Rules given or otherwise howsoever in relation to the affairs of the sport of trotting.

**PART XVI—OBLIGATIONS OF TRAINERS AND DRIVERS AND OTHER
LICENSED PERSONS IN RESPECT OF HORSES ACCEPTING FOR
AND COMPETING AT MEETINGS**

Withdrawal of Horses

Conduct of Drivers Generally

226. (a) (i) Any authorised person intending to withdraw a horse from a race shall give notice in writing to that effect to the Secretary of the Body conducting the meeting or the Driver's Check Clerk or other duly appointed person by the appointed time as defined in Rule 230.
- (ii) The Controlling Body or the Chief Stipendiary Steward with the permission of the Controlling Body may cancel the scratching of any horse from a race if such scratching has been made without authority, by error of any person, or for any other reason in the discretion of the Controlling Body.

(b) Every person having a horse engaged for a race shall by the appointed time as defined in Rule 230 notify the name of the driver of the horse to the Secretary of the Body conducting the meeting or the Driver's Check Clerk or other duly appointed person.

(c) If a driver notified or deemed to be notified in accordance with this Rule is subsequently found to be not available to drive the horse for which he was notified or deemed to be notified then the person who made the notification may be deemed to be guilty of an offence under these Rules and may be dealt with accordingly.

(d) Any driver who is unable, for medical reasons, to drive in a race shall not resume race driving until authorised by a Stipendiary Steward. Before granting such authority, the Steward shall require the driver to produce such medical evidence as to his fitness as the Steward considers appropriate.

(e) Notwithstanding the provisions of paragraph (b) hereof the nominator trainer or owner of the horse or other authorised person shall notify the Secretary of the Controlling Body of the name of the driver of the horse by not later than 9.30 a.m. of the day of the race if the meeting at which the horse is to compete is one on which the Totalisator Agency Board is to conduct betting.

227. At a licensed Trotting Meeting when a horse is withdrawn after the declaration of acceptance or (where no provision exists for acceptances after the declaration of handicaps) the Stewards may require the owner or trainer to satisfy them that there was a good and sufficient reason for such withdrawal. An owner or trainer who cannot satisfy the Stewards that there is a good and sufficient reason for the withdrawal of such horse shall be guilty of an offence against these Rules and shall be liable to a fine not exceeding \$200 and in addition the Stewards debar the horse from competing at any meeting or meetings conducted under these Rules for such period as they see fit or until such conditions as they may see fit to impose are satisfied.

228. The owner or trainer of a horse which is not on the course by the appointed time as defined in Rule 230, shall notify the Stewards that such horse is not on the ground. The owner and driver of such a horse who fail to so notify the Stewards shall be guilty of an offence against these Rules and liable to be dealt with accordingly.

229. A horse not on the course by the appointed time as defined in Rule 230 may be struck out of or scratched from its engagements by the Stewards.

230. For the purpose of these Rules in relation to a horse entered in a race the appointed time for that race means—

- (a) in respect of a meeting conducted in the Metropolitan Area of any Capital City—at least forty minutes or such longer period as the Controlling Body may determine before the time fixed for the start of the race; and
- (b) in respect of any other meeting, at least thirty minutes or such other period as the Controlling Body may determine before the time fixed for the start of the race.

231. (a) The trainer of a horse shall at all times be responsible for the condition preparation and supervision of all horses trained by him.

(b) When any horse intending to compete at a licensed trotting meeting shows any signs of lameness or any other condition which might adversely affect its performance, the trainer or other person having charge of such horse shall report as soon as practicable, to the Chief Steward in charge of the meeting, or if he be unavailable, to the Chief Steward full details of the horse's lameness or toher condition. That any horse that is scratched from a race because of lameness or any other condition which might adversely affect its performance shall not start at a trotting meeting for a period of at least seven days without permission of the Stipendiary Stewards.

(c) A trainer or other person having charge of a horse shall not leave a horse unattended in the birdcage until after it has completed all its engagements at a meeting.

(d) A trainer and other person for the time being in charge of the horse who commits a breach of any of the preceding Rules (a) (b) or (c) shall be liable to be dealt with accordingly.

232. Except with the permission of the Stewards, the following provisions shall apply in relation to owners and trainers who have more than one horse engaged in a race and who desire to drive in that race. The trainer shall—

Firstly: drive the horse he owns and trains.

Secondly: drive the horse which he owns but which is trained by some other person.

Thirdly: drive the horse trained by him but not owned or leased by him.

Fourthly: drive the horse approved by the Stewards.

For the purpose of this Rule "part owner" and "lessee" shall be included in the meaning of the word "owners" and the word "owns" shall be deemed to include "leases" and the word "trainer" shall include a driver who in the absence of a trainer shall be temporarily in charge of a horse.

233. An application for the permission required under Rules 232 and 235 shall not be entertained unless it is made—

- (i) in the case of a meeting on which the Totalisator Agency Board is to operate Twenty four (24) hours before the first race at that meeting;
- (ii) in any other case one hour before the first race of the meeting.

In determining the application the Stewards shall have due regard to the public interest and to the interest of the owner and trainer of the horses concerned in such application.

234. If any person shall commit a breach of the last preceding Rule, his horse and the horse driven by him shall be liable to disqualification from the race and he and such person fined such amount not exceeding \$100 as the Stewards or Controlling Body shall think fit.

235. (a) Except with the permission of the Stewards which shall be granted only on good and substantial grounds, a horse which competes in more than one race at a meeting shall be driven by the same driver in each such race.

(b) If any such permission be granted the same shall immediately be publicly announced by the Club concerned.

(c) If any breach of subsection (a) of this Rule shall be committed the owner and/or trainer of the horse concerned shall be guilty of an offence against these Rules and shall be liable to a fine of not less than \$10 and the horse concerned may be disqualified from the race.

236. Except when being paraded by the Clerk of the Course every driver when entering the race track to compete in a race must drive his horse in its preliminary in an anti-clockwise direction.

237. All drivers shall immediately obey and comply with the instructions and directions of the Clerk of the Course.

238. (a) Any person or Club failing or refusing to comply with the provisions of any of the Rules in this Part contained; and

(b) Any driver who shall be guilty of an act of misconduct or who shall disobey the order of the Stewards or an official of a Club acting in his official capacity or those officials whom they or it may appoint or who shall refuse to pay any fine which may be imposed on him shall be deemed guilty of an offence against these Rules and shall be liable to be dealt with accordingly. The offence committed under this Rule shall be deemed to be in addition to any other offence under these Rules.

PART XVII—GEAR AND EQUIPMENT

239. The Chairman of Stewards shall keep a list of gear and equipment in general use which gear shall for the purpose of these Rules be deemed orthodox gear. All other gear for the purpose of these Rules shall be deemed unorthodox gear.

240. No person shall use any unorthodox gear, without first obtaining the approval of the Chief Steward.

241. Any trainer or driver using or permitting the use of any unorthodox gear shall be deemed guilty of an offence against these Rules and shall be liable to be dealt with accordingly.

242. (i) All gear used in the race shall be of good quality and in good order and condition.

(ii) If in the opinion of the Stewards, a horse is sent out to race with gear which is insecure, the person or persons attaching or responsible for attaching the gear, whether they are aware of the same being insecure or not, shall be deemed to be guilty of an offence against these Rules and may be dealt with accordingly.

(iii) If during a race, any gear be broken, lost, damaged or tampered with or there be any interference with any gear, the driver of the horse concerned shall report the same to the Stewards immediately after leaving the race track at the conclusion of the race. Any driver failing to comply with this Rule shall be deemed guilty of an offence against these Rules and may be dealt with accordingly.

243. (a) In the first entry of a hopped horse for a Trotting Meeting the nominator or trainer making the entry shall state on the nomination form the length of the hobbles to be used and such length shall thereupon become the registered length of hobbles for that horse. Provided that this Rule shall not apply to horses less than three years of age which have not won a race.

(b) At meetings where betting is lawful—

(i) a horse having competed in hobbles shall not thereafter compete unhopped within a period of six months, unless ordered or permitted by the Stewards;

(ii) a horse which has competed without hobbles shall not for a period of six months thereafter compete with hobbles unless the Stewards otherwise order or permit.

(c) At agricultural shows and Sports Meetings where betting is not lawful—

(i) a horse which has competed in hobbles at a meeting shall not compete without hobbles at a later race at the same meeting unless the Stewards otherwise order or permit;

(ii) a horse which has competed without hobbles at a meeting shall not compete with hobbles in a later race at the same meeting unless the Stewards otherwise order or permit.

244. (a) Except with the express permission of the Stewards obtained not less than sixty minutes before the time announced for the start of the race in which the horse is entered—

- (i) a horse which has raced with hobbles, shoes, overcheck or other gear shall not subsequently race without hobbles, shoes, overcheck or such other gear as the case may be;
- (ii) a horse which has raced without hobbles, shoes, overcheck or other gear shall not subsequently race with hobbles, shoes, overcheck or such other gear as the case may be.

Provided that the Stewards may in exceptional circumstances grant such permission at any time prior to the start of the race.

(b) Any such permission shall be publicly announced on the course as early as practicable. Paragraphs (a) and (b) of Rule 243 shall not apply to any horses—

- (i) which shall have competed in any unhopped trotters race and is to start in any subsequent race open to both trotters and pacers; or
- (ii) which shall have previously competed with hobbles and is to start in any subsequent unhopped trotters race.

(c) A horse which has a registered length of hobbles shall not race in hobbles of a different length, and if permission be granted under this rule for an alteration to the length of a horse's hobbles the altered length shall become the registered length of hobbles for such horse.

245. (a) Any horse leaving the Saddling Enclosure in hobbles must race in same unless the Stewards otherwise permit.

(b) Any horse leaving the Saddling Enclosure unhopped must race unhopped unless the Stewards otherwise permit.

246. A driver shall only use a whip of the kind and size permitted by the controlling Body from time to time.

247. Unless the Controlling Body shall otherwise determine every sulky attached to a horse raced in harness shall be a conventional 2 shafted sulky which shall have no greater width than 127 cm. and shall have—

- (a) pneumatic tyres of good quality of no greater width than 2½ cm. attached to metal rims; and
- (b) affixed to the wheels safety wheel discs of an approved type; and
- (c) when directed by the Stewards mudguards of a type approved by them.

248. The traces shall not be wound round the shaft of the sulky more than once.

249. Every driver shall throughout the race drive with both feet in the rests of the sulky provided for that purpose. Any driver committing a breach of this Rule shall be guilty of an offence and liable to a fine in a sum not exceeding \$50 or may be suspended or disqualified.

PART XVIII—COLOURS AND SAFETY HELMETS

250. (a) No person shall at any licensed trotting meeting run a horse in any race unless the driver thereof appears in colours duly registered in accordance with these Rules in the name of the owner or owners or the trainer of such horse.

(b) Colours shall be registered in the first instance and shall be renewed annually thereafter. The fee payable on registration and on renewal shall be such as is fixed by the Controlling Body from time to time.

(c) No two horses in a race shall be run in the same colours. Where two or more horses the property of the same owner or trained by the same trainer start in the same race some distinguishing colour or mark approved by the Stewards shall be worn by the respective drivers, and particulars thereof shall be publicly notified or the Stewards may order one of the horses to race in the Club's colours.

(d) Drivers must in all cases wear a protective skull cap approved by the Committee or Stewards.

(e) Colours to be worn by the driver must be named at the time of entry and drivers must appear in correct colours as named in the entry form.

PART XIX—PHYSICAL DEFECTS OF A HORSE

251. The Controlling Body or the Chairman of Stewards or the Stewards may ban from racing for any period or for life a horse if in its or their opinion the horse has such a dangerous physical defect, habit or vice as to endanger other horses and their drivers or if it has so conducted itself as to endanger other horses and their drivers.

252. Any ban imposed under the preceding rule shall only be lifted or removed by the Controlling Body or by the Chief Steward with the consent of the Controlling Body.

253. Upon notification that any horse has suffered a bleeding attack the Stewards shall—

- (a) in the case of the first bleeding attack ban the horse from being nominated for any race for a period of three months;
- (b) in the case of the second bleeding attack ban the horse from being nominated for any race for a period of six months;
- (c) in the case of a third bleeding attack ban the horse from being nominated for life.

Before a horse resumes racing after a bleeding attack the owner of such horse shall make application to the Stewards for the horse to resume racing and then only if such horse had not had a further bleeding attack since the bleeding attack in respect of which ban was imposed.

254. A horse on which a neurectomy operation has been performed shall not be raced unless the permission of the Chairman of Stewards to do so has been first obtained. An application to race such horse shall be in writing and shall be accompanied by a Veterinary Certificate certifying that the operation had been successfully carried out and that the Veterinary Surgeon had correctly identified the horse before the operation. The Chairman of Stewards—

- (a) may reject or defer or grant such application on such conditions as he may impose;
- (b) may require that horse to trial to the satisfaction of the Stewards before such permission is granted;
- (c) shall make a notation to the effect that the horse has undergone a neurectomy operation on the records of the Controlling Body and on the Registration Certificate of the horse concerned.

Any owner and/or trainer permitting a horse that has undergone a neurectomy operation to race without first obtaining the permission of the Chairman of Stewards shall be guilty of an offence against these Rules and shall be liable to be dealt with accordingly.

255. Where a horse is blind in an eye the owner thereof shall not race the horse without first obtaining the permission of the Chairman of Stewards to race the said horse. The Chairman of Stewards may reject or defer or grant such application on such conditions as he shall determine and may require such horse to undergo such tests and trials to satisfy himself that the horse's blindness will not detrimentally affect the horse's racing performance or endanger other horses and drivers.

PART XX—INTERFERENCE

256. A horse may be disqualified from the race or placed behind any other competitor in the race if such horse or another horse of which the same person is an owner or lessee (but not the lessor) interferes with such other horse by—

- (a) crossing any other horse in the race without being clear of any such horse in front of which he has crossed at the time of crossing; or
- (b) jostling or by itself or its driver in any way interferes either wilfully or accidentally with any other horse in the race unless it be shown to the satisfaction of the Stewards that such jostling or interference was caused by some other horse or driver or that the horse or driver alleged to have been jostled or interfered with was itself at fault;
- (c) forcing a passage where there is not sufficient room;
- (d) forcing another horse out of his ground;
- (e) trotting or pacing the wrong side of a post and not turning back and trotting or pacing the course from such post;

and by so doing in the opinion of the Stewards affects the result of the race or the placing of the horse.

257. Any driver who, in the opinion of the Stewards, caused or contributed to any crossing, jostling or interference by foul, careless or incompetent driving shall be deemed guilty of an offence against these Rules and may be dealt with accordingly. For the purpose of this and the preceding Rule, "crossing" shall occur when a driver, whilst changing the position of his horse, compels another runner to shorten his stride or compels the driver of such other runner to pull his horse out of its stride or to take any other measure to avoid the horse or driver whose position is being so changed.

258. If a horse by waywardness, untrue or erratic running or behaviour is causing or is likely to cross, jostle, interfere with, impede or hinder another horse, the driver of such horse shall immediately cease urging his horse and/or immediately take the full action necessary to control his horse. Failure to observe the provisions of this rule shall stop or debar a driver from claiming that the breach of the rules was attributable to the waywardness, untrue running or erratic behaviour of the horse driven by him.

259. No driver shall at the start or during any race or the run-up of a standing or mobile start—

- (a) use his whip excessively or hold or use his whip in such a way that it baulks, inconveniences, interferes with, impedes or strikes another runner or driver;
- (b) permit his whip to project outside the sulky or to be drawn further back than the sulky seat;
- (c) shout loudly, make any improper noise or do or attempt to do any matter or thing which interferes or is designed to interfere with the progress of any other horse;
- (d) abruptly reduce or check the speed of his horse in such manner as may cause interference or jostling in the race or to cause another horse to baulk;
- (e) do anything to interfere with or prevent another horse passing on the inside of him or pass or move or attempt to pass or move where there is sufficient room for such horse to do so without interference to others;
- (f) when leading set an excessively slow pace or a pace so slow that other runners in the field are unreasonably cramped for racing room;
- (g) improperly impede or hinder any other runner.

260. Upon entering the home stretch and at any time in the home stretch, the driver of any horse that has a clear and uninterrupted run to the post shall not change course. If a driver does so change course in these circumstances, and, in so doing, prejudices the chances of any other runner or runners, his horse shall be liable to be placed in any lower position or disqualified.

261. No driver shall during any race drive his horse with the object of impeding or hindering another horse or of assisting some other horse.

262. A driver shall trail with his horse's head behind the seat of the sulky being trailed. A driver who without reasonable excuse continues to occupy a trailing position other than that required by this rule shall be deemed guilty of improperly impeding or hindering another runner.

263. A driver who shall commit a breach of any Rule in this Part shall be guilty of an offence and he shall be liable to the following penalties—

- (a) a fine of such not more than \$200; and/or
- (b) disqualification for that race or for such period as the Stewards may think appropriate;
- (c) suspension for such period as the Stewards may think fit or withdraw or terminate any licence held by him or the terms or the operation of such licence.

264. The Stewards may in respect of any horse driven by a driver who is liable to be dealt with under the preceding rule place the horse behind any horse whose chance has been affected by such breach or may disqualify that horse from the race.

265. An owner and/or trainer who is a party to a breach of any rule contained in this part shall be deemed guilty of an offence against these rules and liable to be dealt with accordingly.

PART XXI—HORSES BREAKING

266. When any horse breaks from his gait the driver shall immediately use his best endeavours to pull him to the gait at which he has to race, and if in the opinion of the Stewards any driver shall fail to comply with this requirement the horse he is driving, if it is placed, may be disqualified for the race and the driver shall be guilty of an offence and liable to a fine in a sum not exceeding \$100 or suspension or disqualification for any term.

267. If any horse makes a break or repeated breaks during a race and the Stewards decide in their opinion the driver whether deliberately negligently carelessly or otherwise allowed his horse to gain or lose ground or interfere with another horse and/or that the horse by breaking its gait thereby gained an advantage to the detriment of any other horse or horses, then the Stewards may in their discretion—

- (a) place such offending horse in any lower finishing position; or
- (b) disqualify such offending horse from the race;
- (c) fine the driver an amount not exceeding \$500 and/or suspend or disqualify him for such period as they think fit;
- (d) make such order or ruling in respect of the horse or the future racing of the horse as they consider appropriate.

PART XXII—WALKOVER

269. When only one horse is checked out for a race it must trot or pace over the prescribed distance of such race unless the Stewards specially exempt it from so doing.

270. Where only one horse is checked out in a race in which a sum of money is given (whether added to a sweepstake or not) only one-half of the amount which by the conditions of the race was payable to the winner shall be paid.

271. If two or more horses are checked out but no horse is placed in second or any lower place, the money or prize provided by the conditions of the race for the second or lower placed horse shall be retained by the Club or body conducting the meeting.

PART XXIII—FAILURE OF LIGHTING/RACING ACCIDENTS

272. (a) If during any race held under artificial lighting there should be a total failure of track lighting, all horses competing in the race shall be pulled up by their respective drivers and the race discontinued and all bets or betting thereon shall be declared off and all stakes or investments invested by bettors shall be returned to those bettors.

(b) In the event of partial failure of the track lighting during the progress of a race the Stewards in pursuance of the powers vested in them by Rule 10 (n) may—

- (i) make or give such orders or directions as they consider proper and appropriate in the circumstances;
- (ii) rule that the result of a race shall stand or declare the race off;
- (iii) make such ruling in respect of the result of the race or the betting thereon or in respect of any other matter concerning the race including a ruling that the race be re-run and appointing the day and time therefor as they shall in all the circumstances consider appropriate.

(c) For the purpose of this Rule 272 the Stewards shall determine whether any failure of the track lighting shall have been total or partial.

273. A driver who is unseated during a race—

- (a) shall not interfere with or stop or attempt to interfere with or stop any bolting horse on the race track when such horse is without a driver;
- (b) shall leave the race track as quickly as practicable and at once report for examination to the Medical Officer or ambulance attendant.

Any driver who fails to observe or commits a breach of this Rule or any part thereof shall be guilty of an offence and shall be liable to a fine not exceeding \$100 and to the penalty of disqualification or suspension for a term not exceeding two (2) calendar months.

PART XXIV—DEAD HEATS

274. In the case of a dead heat for any place by two or more horses, the owners of such horses shall divide equally the total of the stakes which they would have received if there had not been a dead heat.

275. If in the case of a dead heat, the owners of the horses running such dead heat cannot agree which of them is to have a trophy cup or other individual prize, the matter may be determined by lot by the Stewards who may also determine what monetary adjustment shall be made between the respective owners.

276. In the case of a dead heat for first place, neither horse so dead heating shall incur a handicap penalty nor be re-handicapped because of such dead heat.

277. 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.

PART XXV—JUDGING OF RACES

278. The Judge and any substitute Judge shall be appointed by the body conducting the meeting or the Committee thereof for such period and upon such terms and at such fees as may be thought fit such appointment shall be subject to the approval of the Controlling Body.

279. All races shall be judged by the duly appointed Judge or his duly authorised substitute and a camera may be used to make a photograph or photographs of the horses at the finish to assist the Judge in determining their positions as indicated by their noses.

280. The decision of the Judge determining the order in which horses have passed the winning post shall be final.

281. The Judge shall place all horses in a race according to the order in which they have passed the winning post up to and including the fifth horse.

282. If the Judge named in a registered Trotting Club's approved programme is for any reason unable or refuses to perform his duties at the meeting, the Stewards may authorise another person to act as Judge at the meeting.

283. The Judge may at any time, either before or after "All Clear" is notified, correct any mistake made by him or by any person acting or with him. No such correction made after All Clear is notified shall have any effect on any betting transactions which shall be settled in accordance with the provisions of Rule 310.

284. No Judge, substitute or Judge's Assistant shall officiate on any race in which a horse is competing in the ownership of which he is directly or indirectly interested.

PART XXVI—RECORDS OF TIME

285. Every Club shall keep a Register of Times in which shall be recorded the official times trotted at its meeting.

286. Each Club shall by its committee, and failing action by its Committee, then by the Stewards, appoint competent timekeepers for each of its meetings.

287. A Timekeeper appointed pursuant to the preceding rule shall—

- (a) take the time of the first, second, third and fourth horses past the post in each race, and, if by the conditions of the race, more than three prizes are to be awarded, the Timekeepers shall take the time of one more horse than there are prizes;
- (b) immediately after the finish of each race enter the time taken by each horse whose time was taken in the Club's Register of Times and sign such entry. The time so entered shall be the official time and shall immediately after being so entered be publicly announced.

288. (a) No time taken by any person other than the official Timekeepers shall be recorded in the Club's Register of Times or publicly announced;

(b) Nothing contained in subsection (a) of this Rule shall prevent the Stewards or the Controlling Body from admitting, in any case where fraudulent suppression or misrepresentation on the part of the official Timekeepers is alleged, the evidence of any other person as to times;

(c) Save as is provided by sub-section (b) of this Rule no entry in the Club's Register of Times and no public announcement of times shall be amended or altered save by order of the Stewards or the Controlling Body.

289. Before a race performance can be recorded as an Australian record—

(a) there shall be at least two (2) timekeepers;

(b) the track must be properly surveyed as to distance;

(c) an application shall be made to the Australian Trotting Council for recognition of the performance;

(d) the Australian Trotting Council shall ratify such performance.

Performances Against Time

290. Performances against time must be made at a trotting meeting, conducted by regularly appointed officials, which meeting is authorised by the Controlling Body and advertised in the daily or weekly newspaper published in the vicinity and giving notice that a performance against time is to be run. Notice of its intention to conduct a performance against time must also be given by the Club to the Controlling Body.

291. A record can only be made in a race or performance against time the horse to pace or trot according to rule. The race or performance against the time shall be started by an officially appointed Starter, the time shall be taken by three timekeepers and the race or performance against time shall be supervised by the Stipendiary Stewards or Judge officially appointed by the Controlling Body.

The record of the race or performance against time must be signed by the Starter, the timekeepers and the Stipendiary Steward or Judge and forwarded to the Controlling Body who, in turn, will forward it to the Australian Trotting Council for inclusion in the official list.

In every official race, or performance against time, the time shall be taken by three timekeepers and placed in the record in minutes, seconds, tenths and hundredths of a second.

292. In order that performances thereon may be recognised as official every Club not having done so therefore, shall cause to be filed with the Controlling Body, the certificate of a licensed civil engineer or licensed surveyor that he has, subsequently to 1st August 1960, measured the said track from post to post, one metre out from the running rail thereof and certifying in metres the result of such measurement. Each track shall be remeasured and re-certified in the event of any changes being made in the position of the running rail.

293. In performances against time a horse must start to equal or beat a specified time and a losing performance shall not be recorded.

294. When a horse performs against time, it shall be proper to allow any other horse or horses to accompany him as pacemakers in the performance but not to precede him or be harnessed or attached to him in any way. No other type of assistance shall be allowed.

295. In a performance against time, if a horse goes to a break it shall be disqualified from that performance.

296. In any performance against time if the driver shall use the whip in a brutal or indiscriminate or unorthodox way he shall be deemed guilty of an offence against these Rules.

297. No performance against time shall be recorded in the official record unless the horse shall be swabbed after the time trial and the swab found negative.

PART XXVII—PROTESTS AND OBJECTIONS

Objection—Before Race

298. Any licensed person, registered owner or his authorised agent, or official who questions the eligibility of a horse to start in a race may lodge an objection.

299. (a) Any objection made under this Part shall be made to the Stewards supervising the meeting or to the secretary of the Club conducting the meeting.

(b) If the objection be made to the Secretary of the Club conducting the meeting, such Secretary shall, as soon as possible, bring such objection to the notice of the Stewards supervising the meeting.

(c) Any objection made under this Part shall be made at least four hours prior to the meeting provided that, in circumstances which the stewards may consider exceptional they may entertain an objection at any time prior to the race.

300. A person who in the opinion of the Stewards, was in possession of information that might prove a horse's ineligibility for a race but failed to lodge an objection within the prescribed time, shall be guilty of conduct against the interests of the sport of trotting.

301. The Stewards shall inquire into any objection made under this Part and shall, if satisfied that a horse is ineligible, direct the horse's withdrawal from the race.

Protest—After Race and Before “All Clear”

302. When any Steward or starter appointed for the control of a meeting, or the owner or nominator of a horse that has competed in a race, or the authorised agent of such owner or nominator, or the trainer or driver of the horse, considers for any reason that a horse which has been placed in one of the first five places is not entitled to be placed in the race in accordance with the Judge's decision, he may lodge a protest with all the clear Steward.

303. (a) A protest lodged under the preceding Rule shall relate only to interference caused after the start of a race by reason of crossing jostling or interference otherwise caused in running.

(b) A protest shall be made before the All Clear Steward declares all clear.

(c) A protest shall be made in the first instance verbally to the All Clear Steward.

304. (a) The Stewards shall, upon being notified of the protest, immediately conduct a formal inquiry and shall give a decision which in their opinion, reflects a fair result of the race or if in their opinion the interference complained of affected the result of the race.

(b) In deciding a protest, the Stewards may disqualify any horse from the race or may place such horse in any lower placing.

(c) A horse which or the driver of which has not been guilty of interference against the horse on whose behalf the protest is lodged shall not as the result of the upholding or allowing of a protest be placed in a lower position.

(d) If practicable, the owner, trainer, driver of each horse whose placing is liable to be affected by a protest may be present at the inquiry, and shall be entitled to give evidence and to examine and cross-examine other witnesses.

(e) If in a race there be another runner that is raced or trained by the same interests, either wholly or partly, as the horse protested against, and if during the race such other runner or its driver accidentally or wilfully caused any crossing, jostling, interference or other impediment to the protesting horse, the Stewards may attribute such crossing, jostling, interference or other impediment to the horse protested against.

305. If a protest is upheld, stakes and bets shall be paid in accordance with the Steward's decision but no person shall have any right to payment of any bet or wager by virtue of the result of any appeal from the Steward's decision.

Objection—After “All Clear”

306. (a) Any licensed person, registered owner or his authorised agent, or official may, after “all clear” has been declared, lodge with the Stewards an objection against the Judge's placings in a race Provided that no such objection shall have any bearing on the settlement of any bets or wages on the race.

(b) Objections under this Rule shall be made within seven days of the day on which the race was held save that, when the objection implies malpractice it may be lodged at any time after “all clear” has been declared.

307. When an objection in accordance with the preceding Rule 306 is made or if an appeal is lodged against the decision by the Stewards on a protest or an objection, any prize money that might be affected by such objection or appeal shall not be paid until such objection is finally determined. If a Club pays out prize money prior to being notified of the objection or appeal, it shall not be responsible for the payment thereof to the person found to be entitled to it unless it is able to recover the prize money. The name of any person failing to repay moneys in these circumstances shall be placed on the Unpaid Forfeit List.

308. (a) Subject to the proviso to the preceding Rule 307 if the winner of a race be disqualified for the race subsequent to all clear being declared, the first prize money for the race shall be divided equally, one half thereof shall revert to the Club conducting the race and one half shall be paid to the owner of the horse that is subsequently awarded the race.

(b) When the winner of a race is disqualified for a race in accordance with sub-section (a) of this rule, neither it nor the horse that is subsequently awarded first place shall be liable to any handicapping penalty or reclassification or re-assessment in respect of the subject race.

309. Any person who lodges a frivolous protest or objection shall be guilty of an offence and liable to a fine not exceeding \$200.

310. Notwithstanding any provisions set out in this part or in these rules, bets, wagers and totalisator dividends shall be settled on the basis of the placings existing at the time all clear is declared by the Stewards having the conduct of the meeting.

PART XXVIII—COMPLAINTS

311. (a) Any Steward or other official of a body holding a race meeting in his official capacity may lodge with the Secretary of the Body a complaint against any person that such person has committed a breach of these Rules.

(b) If such complaint shall not be in writing, the Secretary of the body, except in the case of a complaint by a Steward, shall cause the same to be committed to writing and signed by the person lodging the same before the commencement of any inquiry held in consequence thereof.

312. Any complaint duly lodged shall, for the purpose of this Part be deemed to be a duly lodged complaint against all persons concerned in the breach of these Rules in respect of which such objection is made.

313. (a) No complaint against any person relating to his conduct during a race shall be brought later than five minutes after the Judge shall have given his final decision unless the Stewards shall be satisfied that owing to special circumstances, the complaint could not have been lodged within that time.

(b) No complaint against any person on any ground relating to his conduct at a race meeting and not being a complaint within the operation of sub-section (a) of this Rule shall be lodged later than seven days after the conclusion of such race meeting unless such complaint shall allege fraud in which case such complaint may be lodged at any time within six (6) months of the meeting.

314. (a) Any complaint duly lodged shall be heard by the Stewards at such time and place as they shall think fit.

(b) No complaint duly lodged shall be withdrawn except by leave of the Stewards.

315. (a) The Stewards shall as soon as possible consider all complaints duly lodged.

(b) The person against whom a complaint is laid shall be given due notice of the nature of the complaint and of the hearing, provided that if any complaint in connection with a horse be made during a meeting against its owner who is not present thereat, it shall be sufficient compliance with this Rule if such notification is given to the person having at such meeting the control of such horse and such person shall have all rights in connection with such hearing as are by these Rules conferred on persons against whom complaints shall be brought.

(c) The procedure laid down in Part XXVII in relation to objections shall, *mutatis mutandis*, apply in respect of complaints.

(d) If any person is reprimanded and censured, fined, suspended, disqualified or otherwise punished by the Stewards they shall, as soon as possible thereafter, forward to the Controlling Body full particulars thereof and of the grounds for such censure or punishment.

316. If on the hearing of a complaint lodged under Rule 311 in respect of any alleged breach under Rules 298–308 the Stewards or a majority of them shall have witnessed such breach or alleged breach, they may determine the matter on their own knowledge and on the basis of their own observation and in any such case it shall not be necessary, notwithstanding any provision of these Rules to the contrary, to receive any evidence, other than the evidence of the person against whom the complaint is and any witnesses called by him should be recorded so that it is clear that the person charged has the right to answer the complaint.

PART XXIX—INQUIRIES

317. (a) In addition to the powers conferred by these Rules the Controlling Body or the Chairman of Stewards or any Steward or Stewards or any other person or persons appointed by the Controlling Body or the Chairman of Stewards, shall have power at any time to hold an inquiry or investigation into and adjudicate or report upon any matter that the Controlling Body or Chairman of Stewards considers it advisable to investigate.

(b) The Chairman of Stewards or his nominee shall have the conduct and control of any such enquiry or investigation.

(c) The evidence at any such inquiry of investigation or any adjournment thereof shall be committed to writing or recorded in such other manner as the Controlling Body shall think fit.

(d) The evidence taken upon any inquiry and the decision of the Stewards, both certified by the Chairman of Stewards or in his absence the Steward in charge of the inquiry as correct, shall forthwith, upon the giving of such decision, be forwarded to the Controlling Body.

318. (a) The Stewards may review and consider the running of any horse competing at any Meeting or Meetings. If the Stewards are satisfied that the performance or performances of such horse is or are inconsistent and/or unsatisfactory they may declare it ineligible to start at licensed trotting Meetings for such time as they think fit; and/or suspend the owner and/or the licence or licences of the driver and/or trainer of such horse or disqualify such horse and/or its owner, trainer and/or driver.

(b) The powers conferred upon Stewards under this rule may be exercised by the Chairman of Stewards upon information supplied to him by the Steward or Stewards who officiated at either or both of the race Meetings referred to and it shall not be necessary that the Chairman of Stewards shall have officiated at either or any of such race meetings.

319. Upon the Stewards, under the power vested in them by the last preceding Rule, recommending that a horse be not permitted to start for any specified period, the horse concerned shall not thereafter be started in any race unless and until the recommendation has been rejected by the Controlling Body or the period mentioned in the recommendation has expired or is terminated by such Controlling Body.

320. The Stewards may at any time order any driver selected by them to trial any horse trotting at any meeting.

321. Any driver refusing to comply with any order of the Stewards given under the last preceding Rule, and any person after being notified of such intended trial by any Steward or Official of the Club refusing to allow such trial or in any way interfering with the conduct of such trial or interfering with or altering the gear or hobbles of such horse without the consent of the Stewards shall be liable to be disqualified or suspended for such period as the Stewards think fit and/or to a fine of not more than \$200.

322. Pending the decision of the Stewards on any inquiry or in connection with any protest, objection or complaint, the Controlling Body or Stewards may direct that the horse shall not be allowed to compete in or be nominated for any race and/or that the driver shall not be allowed to drive or otherwise take part in any race and/or that no horse of the owner shall be allowed to compete in or be nominated for any race or for such period as they think proper.

323. (a) For the purpose of ensuring compliance with these Rules or of ascertaining whether there has been any breach thereof, the Stewards or any person authorised for the purpose by the Controlling Body shall be entitled at any time or place to take and during such period or periods as the Stewards or such other person shall think fit to keep possession of any horse, gear, equipment or thing and to test and examine the same.

(b) A person who refuses or fails to deliver up any horse, gear, equipment or thing in his possession when required by the Stewards or a person authorised for the purpose by the Controlling Body to do so, shall be guilty of an offence against these Rules.

(c) Neither the Controlling Body nor any person acting in accordance with Sub-rule (a) of this Rule shall be liable for any loss, damage or injury of any kind whatsoever arising out of or occurring during the taking or keeping of possession of any horse, gear, equipment or thing pursuant to Sub-rule (a) of this Rule.

PART XXX—DISQUALIFICATIONS AND SUSPENSIONS

324. (a) A person in respect of whom the penalty of disqualification is imposed shall not during the period of such disqualification be permitted to enter upon any course under the control of the Controlling Body or any other Club within the State or any training complex nor upon the training establishment of any licenced person and in addition thereto—

- (i) no horse owned by that person or in which that person has any interest of any kind may be brought upon any course under the control of such Controlling Body or other Club for any purpose other than for sale; and
- (ii) no horse trained by or in the custody or control or such person shall be entitled to be brought onto any course for any purpose other than for sale.

(b) The imposition of the penalty of disqualification in respect of a horse has the following effect—

- (i) where such penalty is imposed only in respect of a race that such horse shall be deemed not to have gained any placing or earned any stake which it might have gained or earned; and
- (ii) where such penalty is imposed for a period such horse shall not during such period be permitted to be brought upon any ground under the control of the Controlling Body or any Club for any purpose whatsoever except sale.

325. The imposition of the penalty of suspension has the following effects:—

- (a) in the case of the suspension of a person's licence to drive that such person may not during the period of such suspension drive in a race provided that by virtue of such suspension such person shall not be prohibited from driving in the course of training or from driving at trials;
- (b) in the case of the suspension of the person's licence to train that no horse trained by that person or in the control of custody of that person shall be permitted to compete in a race during the period of such suspension, provided that by virtue of such suspension such person shall not be prohibited from bringing horses trained by him on to courses under the control of the Controlling Body or any other Club nor from competing with such horses in trials nor from entering horses trained by him for races to be conducted after the term of such suspension expires;
- (c) in the case of the suspension of any other right privilege or licence that the persons right to exercise such privilege or licence shall be in abeyance for the period of such suspension.

326. A list of persons and horses on whom penalties of disqualification and suspension have been imposed shall be kept at the office of the Controlling Body.

327. Every disqualification or suspension imposed under these Rules shall take effect immediately such disqualification is imposed and shall remain until it is removed by the Controlling Body. Provided that, a disqualified person who appeals against a penalty of disqualification may, on application to and at the discretion of the Controlling Body be permitted to continue the training of horses during the period between the time of his disqualification and the determination of his appeal. A horse so trained, however, shall not be eligible to be entered for or start in any race.

328. Save in the case of disqualification from a particular race or races only or suspension or reduction in grade for not more than one day, every disqualification imposed on any person or horse or suspension on any licensed person or permit holder shall be notified with full particulars to the Controlling Body forthwith and the Controlling Body shall notify every Club or Body racing under its jurisdiction within 14 days after the date of the imposition of such penalty.

329. If the Lessor of a horse is disqualified, neither the Lessor nor, unless the Controlling Body otherwise determines, the husband or wife of such Lessor, shall receive or be paid or entitled to recover from any Club the Lessee or other person the stake or any part thereof won by such horse during the period of such disqualification; and such stake shall be reduced by the amount to which such Lessor would have been entitled by virtue of any agreement (whether written or verbal) between the Lessor and the Lessee of the horse.

330. Subject to Rule 331, no person who is disqualified or the wife or husband of any such person shall enter, nominate, train, drive or race any horse during the period of such disqualification, unless otherwise determined by the Controlling Body. Any person contravening the provisions of this Rule shall be deemed to be guilty of an offence against these Rules and may be dealt with accordingly.

331. Notwithstanding anything to the contrary in these Rules contained, any disqualified person may—

- (a) with the consent in writing of the Controlling Body first had and obtained, nominate any horse under the age of two years for any non-handicap race for two or three or four year old horses to be run subsequent to the date of expiry of his disqualification; and
- (b) if he shall duly lodge an appeal in accordance with these rules in the State in which such penalty is imposed during the period which shall elapse from the imposition of such disqualification until such appeal shall have been finally determined, enter for any race any horse which, were it not for such disqualification he would be entitled so to enter; provided that no horse shall be permitted to compete in a race which is conducted prior to the expiration of such person's term of disqualification and all fees paid by such person in respect of such entry shall be refunded;
- (c) during the period of his disqualification make any payments in respect of the entry of a horse before the commencement of his disqualification for a race to be run after the expiry thereof.

332. No disqualified horse shall be eligible to start in any race during the period of its disqualification.

333. Notwithstanding the provisions of the preceding Rule, if an appeal in accordance with the Rules of Trotting in the State in which such disqualification was imposed shall be duly lodged against the decision imposing disqualification on any horse, such horse may, during the period which shall elapse from the imposition of such disqualification until such appeal shall have been finally determined, be entered for any race for which, were it not for such disqualification it would be eligible to be entered provided that if such appeal shall be unsuccessful then such entry shall be void and all fees paid in respect thereof shall be refunded to the person paying the same.

334. A horse may during the period of its disqualification be entered for a race to be conducted after the term of its disqualification has expired.

335. Notwithstanding any contrary provision contained in these Rules, if any horse shall before the commencement of its disqualification be 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.

336. The Secretary shall enter in a list of disqualifications to be kept by him particulars of every disqualification notified to him and of every disqualification imposed or adopted by the Controlling Body and may notify the same in any Official Calendar or Organ.

337. No entry shall be made in or removed from such lists unless by direction of the Controlling Body or the Chairman.

338. Except as provided by Rules 333 and 334 no person whose name appears for the time being in the list of disqualifications or in the list of disqualifications published or adopted by the recognised trotting or racing authorities of any country shall, whether as principal or agent, enter or run any horse in any race either in his own name or in that of any other person or train or drive any horse or be employed in any training establishment or in any capacity in connection with the training or driving of horses and every entry theretofore made by him or of any horse in which he has an interest in a race to be run thereafter shall be void as from the date of disqualification unless otherwise determined by the Controlling Body.

339. Any person whose name appears on any list mentioned in the preceding Rule 338 shall be deemed to be disqualified.

340. Except as provided by Rules 333 and 334 no horse owned by any disqualified person or which after his name has appeared in any list mentioned in Rule 338 shall be proved to the satisfaction of the Controlling Body to have been placed or permitted to continue wholly or in part under his care training management or superintendence or on his property shall be eligible to be entered or to compete in any race.

341. (a) No disqualified person shall enter or go upon any racecourse or other place under the control of any Club or Body and upon being found on any racecourse may be removed therefrom by any Supervisor, Racecourse Inspector or official, servant or agent of the Club or Body in control of such racecourse, and any disqualified person contravening this Rule shall be guilty of an offence and may be further dealt with by the Controlling Body.

(b) Unless the Controlling Body otherwise permits a disqualified person shall not be permitted to attend any race meetings pending the outcome of an appeal against the disqualification.

342. No disqualified horse shall remain under the training, care management or supervision or upon the property of any owner or licensed trainer or the holder of a permit to train or upon a training establishment for a longer term than fourteen days after the date of the disqualification except with the express approval of the Controlling Body unless an appeal has been lodged.

In the event of breach of this Rule the Controlling Body may disqualify for such term as it thinks fit all other registered horses remaining under the training, care management or supervision or on the property of such owner licensed trainer or a permit to train.

343. The Controlling Body may permit the owner of a disqualified horse who is not himself disqualified to retain such disqualified horse in his own stable.

344. Where the Lessee of a horse is disqualified, the lease shall become void at the expiration of Fourteen (14) days from the date upon which any appeal against the imposition of such penalty is imposed or from the time limited by the lodging of an appeal if not appeal is lodged or in the case where penalty of disqualification is imposed by the Controlling Body or substituted by it for any other penalty within fourteen (14) days from the date of such imposition or substitution.

345. Unless otherwise expressly decided by the Controlling Body upon such terms and conditions as it may think fit every horse held under lease from a disqualified person (whether such person be disqualified before or after granting of the lease) shall except as provided in Rules 347 and 348 be ineligible to race and the lease shall become void.

346. No disqualified person shall be employed by a Controlling Body or any club in any capacity whatsoever.

347. Unless the Controlling Body shall otherwise determine, no horse or horses owned by a disqualified person shall be transferred or leased to any other person unless such horse or horses have been previously sold by public auction within 28 days or such other extended period as the Controlling Body may permit after the date when such disqualification imposed or in the case of an appeal within 28 days after the determination of an appeal or such other extended period as the Controlling Body may permit and due notice has been given of such sale in a daily newspaper circulating in Perth to the satisfaction of the Controlling Body. If the sale of such horse or horses is to take place outside Western Australia such sale shall not be deemed to comply with this Rule unless notice of the sale is given to the Controlling Body at least 14 days before the sale and such sale is advertised in that territory to the satisfaction of the Body controlling trotting in that territory. Provided that the Controlling Body may without assigning any reason to register the transfer of any horse sold by a disqualified person, notwithstanding that the above conditions have been complied with.

348. Notwithstanding the provisions of Rule 347 where a horse is owned by more than one person or by a syndicate and a part owner or member of the syndicate is disqualified the Committee may approve the transfer of the disqualified part-owner or member's share or interest in any horse or the transfer of the horse in accordance with a proposal submitted by the other part-owner or part-owners or members being reasonably satisfied that the proposed transfer is *bona fide*.

349. Any person concerned in any misrepresentation which results in a disqualified person having or retaining any direct or indirect interest in a horse that is entered for a race or runs in a race shall commit an offence and shall be subject to the penalties prescribed in Part XXXIII of these Rules.

350. Any owner, trainer, driver, licensee, permit holder, or other person to whom these Rules apply who shall whether at a race meeting or otherwise be guilty of any breach of the Rules of Trotting, misconduct, or misbehaviour or conduct calculated to injure the Controlling Body or any Club or the sport of trotting, or of any breach of these Rules, shall be guilty of an offence against these Rules and in addition to or in substitution for any other penalty by these Rules in such case provided, be suspended or disqualified from training and/or driving on all or any racecourses or training grounds of Clubs or other training tracks where there are for the time being any registered horses for such period as the Stewards or the Controlling Body shall think fit.

351 (i) A disqualified person may during the period of his disqualification engage in breeding activities.

(ii) A disqualified person shall during his disqualification be entitled to register a horse.

(iii) The disqualification of a person shall not relieve him of any obligation which he may have to lodge with the Controlling Body any document concerning the mating, breeding, gelding or death of a horse or otherwise in relation to these Rules.

(iv) Rule 347 shall apply to the sale by a disqualified person of a horse registered after the imposition of the penalty of disqualification save that the period of twenty-eight (28) days therein referred to or such greater period as the Committee of the Controlling Body shall permit shall begin to run from the date upon which the owner of the horse is notified of its registration.

352. A person who is warned off shall for all purposes of these Rules be deemed disqualified and all penalties and disabilities which apply to or relate to a disqualified person shall apply to a person who is so warned off.

PART XXXI—OFFENCES

353. No person—

- (a) shall corruptly give or offer directly or indirectly any money, present, share or interest in a bet or any 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 with intent to influence corruptly or improperly the outcome of a race or the performance of a 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, shall corruptly accept or offer to accept any money, present, share in a bet or other benefit; or
- (c) shall wilfully enter or start or cause or procure to be entered or started for 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 or to start for such race or wilfully enter a horse for a race unless entitled under these Rules or under the conditions of a programme duly approved under these Rules so to do; or
- (d) shall improperly corrupt or interfere with any person employed or engaged in a training establishment or obtain surreptitiously information respecting a trial, or respecting any horse in training, from any person employed in a training establishment or in the service of the owner or trainer of the horse; or
- (e) being a person employed or engaged in or about a training establishment or in the service of an owner or trainer shall divulge surreptitiously and/or improperly any information concerning any horse in such training establishment or owned by such owner or trained by such trainer or accept any bribe; or
- (f)
 - (i) shall lay or accept a wager where such is contrary to the law of the State; or
 - (ii) shall communicate in any way, whether directly or indirectly, with any person off-course who to his knowledge is likely to be involved in or connected with illegal betting; or
- (g) having invested with a bookmaker shall repudiate such investment; or
- (h) shall refuse to supply any information, give any evidence or make a written declaration, statutory or otherwise, respecting any matter connected with trotting or any horse registered with the Controlling Body or the ownership thereof which the Stewards, Racecourse Inspector or Supervisors, Stipendiary Steward, or Controlling Body shall require him to supply or make; or
- (i) shall wilfully supply any false information or make any false declaration respecting any matter connected with trotting to any body or person mentioned in the preceding subsection (h) of this Rule; or
- (j) shall without the consent of the Controlling Body knowingly employ or continue to employ in connection with the care, training or racing of horses or on any training establishment any person who is then disqualified; or
- (k) shall wilfully fail to register any interest, partnership, sale lease or other dealing by these Rules required to be registered; or
- (l) shall wilfully fail to perform any act lawfully ordered by the Stewards Committee of the body holding the meeting or Controlling Body; or
- (m) shall wilfully drive in any race unless qualified and eligible under these Rules so to do; or

- (n) (i) either by himself or any other person do or permit or suffer any act or thing to be done during the progress of any race or prior or subsequent thereto in connection therewith, which the Stewards or Controlling Body shall consider to be fraudulent, corrupt, foul or improper, or by which other persons may suffer or be penalised; or
 - (ii) does not drive a horse on its merits; or
 - (iii) drives a horse in such a way as to prevent it from racing to its best advantage or from having the best opportunity to win or to obtain the best place possible in the field; or
 - (iv) drive in any race in a manner which in the opinion of the Stewards is careless and/or incompetent; or
- (o) shall at any time write or cause to be written, publish or cause to be published, utter or cause to be uttered any improper, insulting or abusive language with reference to the Controlling Body or any members or officials of such Body, any Stewards, Racecourse Inspectors or Supervisors, Committee, Officials, officers or members of any Club or body or to the handicapping, starting racing or anything connected therewith; or
- (p) being a trainer, driver, stablehand shall without due notice abscond from the service of his employer or being a driver refuse his services, without just cause, to any owner by whom he is retained; or
- (q) shall—
 - (i) during any race use any electrical or mechanical appliance other than a whip of an approved kind; or
 - (ii) by the use of harness, gear or other equipment or by any other means inflict undue suffering on any horse; or
 - (iii) use his whip excessively or in an unconventional manner such as prodding or jabbing; or
 - (iv) alter any gear of a horse in such a manner as to constitute an improper or unfair advantage or disadvantage to such horse or prevent the horse from racing on its merits in any race; or
- (r) shall make a fraudulent entry of any horse or disguise a horse with intent to conceal its identity or be in any way a party to such transaction; or
- (s) shall in connection with trotting do any other matter or thing which in the reasonable opinion of the Controlling Body or Stewards is fraudulent corrupt or detrimental to the interest of the sport of trotting; or
- (t) shall either by himself or in conjunction with others or as members of a society, union or association, publish, communicate or sent to or cause to be published, communicated or sent to the Stewards or the Controlling Body or to any member or officer of any such body any statement, comment or expression of opinion upon any question which is yet to be decided by any such body with intent improperly to influence or affect the decision in respect thereof;
- (u) shall—
 - (a) fail to comply with any request or direction by the Controlling Body or any of its Stewards or the Stewards of any race meeting; or
 - (b) commit a breach of any provision of these Rules; or
- (v) shall wilfully do or omit to do any act which results in the inconsistent running of any horse; or
- (w) shall force a passage in any race where there is not sufficient room; or
- (x) shall make any horse cover more ground than necessary by carrying him out; or
- (y) shall converse with any driver after such driver has been checked out for a race and before the running of such race; or
- (z) shall act in a manner discreditable or injurious to trotting or to those interested in trotting affairs; or
- (aa) shall except as provided in these Rules, communicate or approach either directly or indirectly any member of the Controlling Body, or the Committee concerning any matter which is or may be the subject of an appeal to the Controlling Body Provided That if it be found that any such communication or approach shall have been made a person shall not be guilty of this offence if he satisfies the Controlling Body that such communication or approach was made without his consent or connivance; or

- (ab) shall threaten or join with others in threatening or coercing with any other person or persons to—
 - (i) refrain from nominating and/or starting a horse in any race; or
 - (ii) induce the withdrawal of a horse from any race; or
- (ac) being an owner lessee trainer or driver of a horse shall fail to exercise all due and proper care in the conduct management training or driving of a horse who has committed an offence or who is party to the committing of an offence against these Rules shall do any act or thing to conceal the commission by himself or by any other person of such offence; or
- (ad) shall upon being questioned by the Stewards or by the Controlling Body or the Committee in relation to any act matter or thing give to the Stewards or to the Controlling Body or to the Committee any false or misleading evidence or withhold from the Stewards or from the Controlling Body any information which might reasonably be believed to assist the Stewards or the Controlling Body or the Committee in determining whether an offence against these Rules has been committed or who has been guilty of such an offence; or
- (ae) shall—
 - (i) aid or abet any person in the commission of any of the aforesaid offences; or
 - (ii) counsel, procure or incite any person to commit a corrupt practice; or
- (af) shall fail to produce to the Stewards on demand his licence to drive; or
- (ag) shall indulge in any contemptuous, improper or unseemly conduct, behaviour or language when attending any inquiry, appeal, interview or any other proceeding conducted by the Controlling Body or on any racecourse, the Committee of a registered club or association of registered clubs, the stewards or any other trotting official;
- (ah) shall not enter for or start in a race any horse which is ineligible to start in that race by reason of the operation of any of these Rules.

354. (a) A person connected with the training of a horse shall not disclose to any person not connected with the ownership, training or driving of a horse information concerning such horse's race prospects, except with the express permission of the owner Provided That any such person shall not in any circumstances communicate directly, or indirectly, any information concerning such horse to any bookmaker.

(b) A trainer or driver of a horse shall not wager on a race in which there is to compete a horse trained or driven by him unless on the horse which he trains or is to drive.

355. Any person being the purchaser or recipient of a ticket sold or issued by a club and which carries any privilege or entitles the holder to enter a particular Course or a specific Section, Stand, Reservation or Enclosure contained within the boundaries of such Course shall not sell or transfer such ticket to any other person without the express permission of the Committee of the Club. Where it is established to the satisfaction of the Committee of the Club or Stewards that a breach of this rule has occurred the offender shall be guilty of an offence and may be fined or disqualified by the Committee of the Club or Stewards and/or removed from the Course.

356. Any person who commits a breach of any of the provisions of Rules 353 to 355 shall be deemed to have committed an offence against these Rules and may be dealt with accordingly.

357. Every person who having an intent to commit a breach of any of these Rules does or attempts to do or omits any act for the purpose of accomplishing his object shall be deemed to have committed an offence against these Rules.

358. Any owner, trainer or driver who shall have been guilty of any malpractice or misconduct not herein provided for or of any culpable negligence in any way relating to the running of the horse, shall be guilty of an offence.

PART XXXII—ADMINISTRATION AND DETECTION OF DRUGS

359. The Controlling Body and/or the Stewards may make or cause to be made such test or tests as they shall deem necessary in order to determine whether any drug has been administered to any horse which has been entered for or run in any race and for this purpose may take possession of and detain any such horse for such period and under such conditions as they may think proper without being liable for any damages in consequence of the exercise of such powers. Any owner, trainer or driver or other person who prevents or attempts to prevent or in any way interferes with the exercise by the Controlling Body or the Stewards of its powers mentioned in this Rule shall be guilty of an offence and shall be liable to be punished accordingly.

360. The Controlling Body, the Stewards, or a person authorised by the Controlling Body to do so may request or instruct a duly qualified Veterinary Surgeon or his deputy—

- (a) to carry out any test or examination of any horse; and/or
- (b) to take from any horse, swabs, blood, urine and/or other samples.

A request, instruction or authority to do any of the things mentioned in this Rule shall be deemed to authorise the person so requested to use such instruments and things as the person so requested may consider appropriate for such purpose.

If no duly qualified Veterinary Surgeon or his deputy be present at the time such request is made, the Stewards may themselves carry out such tests and examinations as they deem necessary but may not take a blood sample.

361. Any person authorising, making or assisting in the making of any test in pursuance of these Rules shall not be liable for any loss, damage or injury arising out of or occurring during the making of any test or examination.

362. (a) An owner, trainer or other person having charge of a horse, shall not permit to start in a race any horse to whom a drug has been administered within seven (7) days preceding the race, whether such drug affects the performance of conduct or such horse or not.

Provided that the permitting of such horse to so start in a race shall not constitute an offence where—

- (i) the drug in question has been administered to such horse for the purpose of treating it for any condition affecting it; and
- (ii) upon completion of the treatment a full description of the condition or abnormality for which the horse was treated and of any and all treatment given including the nature and quantity of any drug administered, the method of administration and the date or dates on which the treatment was given and the drug administered have been submitted in writing to the Chairman of Stewards at the Office of the Controlling Body by the trainer or other person having charge of the horse by not later than 9.30 a.m. on the day preceding the day of the meeting at which the horse is next to start; and
- (iii) the Chairman of Stewards has before the race informed the Steward in charge of the race in question and/or the person who submitted such description that he has received such description and authorises the horse to start in the race; and
- (iv) no drug has been administered to such horse after the submission to the Chairman of Stewards of the description referred to in subparagraph (ii) hereof.

363. When a horse which has been brought to any racecourse for the purpose of engaging in any race is found by the Steward to have had administered to it any drug and the Chairman of Stewards has not received in writing on the prescribed form a full description of the administration of the drug as mentioned in Rule 362 the trainer shall be deemed to have committed an offence against these Rules.

364. Where a swab, blood urine or other sample taken from a horse is shown to contain a drug or drugs and the Stewards have not given permission for the administration of a drug or drugs—

- (a) the trainer or other person in whose custody or under whose control the horse was at the time shall be deemed guilty of an offence and liable to disqualification for life or any lesser period and/or to a fine in an amount not exceeding \$2 000.
- (b) the horse from whom such swab or sample is taken shall be deemed disqualified from the race or races in which it competed on the day upon which the swab was taken.

364A. The—

- (i) owner trainer or other person referred to in Rule 362; and
- (ii) trainer or other person referred to in Rule 364;

shall not be guilty of an offence if he shall satisfy the Stewards that he took all reasonable and proper precautions to prevent the administration of a drug to the horse therein referred to.

365. For the purpose of these Rules—

- (i) “administer” shall mean cause to give by mouth or rectally or by any other means, inject, or apply or otherwise introduce into the body of a horse and “administration” shall have a corresponding meaning;
- (ii) a sample shall be deemed to contain a drug if upon an analysis—
 - (a) a metabolite shall be found present in the sample;
 - (b) an artifact shall form or be found in the course of such analysis.

365A. (a) When upon analysis a drug is found to have been administered to a horse which has started in a race the Stewards shall upon receipt of the analysts report forthwith give to the owner and to the trainer of such horse a notice informing them—

- (i) that a drug or drugs has been found upon such analysis;
- (ii) that an enquiry into the circumstances surrounding the administration of the drug or drugs will be held on a date which shall be specified in such notice or to be advised; and
- (iii) that pending the enquiry the horse shall not be allowed to compete in any race unless the Controlling Body on the recommendation of the Stewards determines otherwise.

(b) The Controlling Body of the State in which the horse has raced shall notify the Controlling Body in each other State or Territory of the Commonwealth of the analyst's finding therein.

(c) This Rule shall not apply where the Stewards are satisfied that permitting the horse to start in the race did not constitute an offence by reason of the operation of the proviso to sub-paragraph (a) (i) of Rule 362.

PART XXXIII—PUNISHMENT FOR OFFENCES

366. If in the opinion of the Controlling Body any Club has committed any breach of these Rules or been guilty of an act or omission discreditable or injurious to those interested in the sport of trotting or the affairs thereof, such Club shall be deemed guilty of an offence and shall be liable to be fined by the Controlling Body an amount not exceeding One Thousand Dollars (\$1 000) and in addition thereto the Controlling Body may if it sees fit withdraw the Certificate of Registration of that Club.

367. (a) Any person who, in the opinion of the Controlling Body or Stewards, has committed any offence against these Rules or has failed or refused to observe any of the provisions thereof, shall be guilty of an offence.

(b) Any person who is guilty of any misconduct or malpractice connected in any way with the ownership leasing training racing or driving of a horse or who is negligent in respect of any of the matters aforesaid shall be guilty of an offence against these Rules.

368. (a) Every person who is found by the Controlling Body or by the Stewards to have committed an offence against these Rules; and

(b) Every person who shall by reason of the operation of any Rule or Rules herein contained be deemed to be guilty of any offence; and

(c) Every person who is in the opinion of the Controlling Body or the Stewards guilty of an offence;

shall where no specific penalty is provided be liable to such one or more of the following penalties as the Controlling Body or Stewards sees fit to impose—

- (i) a fine not exceeding \$1 000;
- (ii) disqualification for life or for any lesser period;
- (iii) suspension of one or more licences issued to him for life or for any lesser period;
- (iv) warning off for life or for any lesser period.

369. (a) Any of the penalties mentioned in Rule 368 may be imposed by the Controlling Body or by the Committee of the Controlling Body or by the Stewards and may be substituted by the Controlling Body or by the Committee for any penalty imposed by the Stewards whether or not an appeal is brought against the decision of the Stewards in respect of which such penalty was imposed.

(b) The Controlling Body may at any time whether or not an appeal has been brought before it, either increase reduce or vary any penalty imposed at any time by the Stewards or may substitute one penalty for another or may cancel or remit the balance of any existing penalty.

(c) The Controlling Body may at any time review a penalty imposed confirmed or adopted by it, and may vary, increase or reduce such penalty as it deems fit.

370. In the interpretation of the Rules under this part the word "Stewards" shall be deemed to include not less than two of the Controlling Body's Stewards and also one Steward when that Steward is acting under Rule 317.

PART XXXIV—APPEALS

371. Subject to the provisions of Rule 385 any person, or Club, or Stipendiary Steward (hereinafter referred to as “the appellant”) aggrieved by any decision of Stipendiary Stewards, a Club or an official of a Club, may appeal from such decision to the Controlling Body, or, where otherwise enacted by law or Local Regulations of the Controlling Body, to the Body designated. Any such appeal shall be heard and determined by the Controlling Body.

372. The appellant shall, within 7 days after the decision has been delivered, lodge with the Secretary of the Controlling Body a notice in writing of intention to appeal, together with such deposit as the Controlling Body shall from time to time prescribe.

373. Forthwith, on receipt by him of the notice of intention to appeal, the Secretary of the Controlling Body shall—

- (a) if the placing of any horse may be affected by the result of the appeal, send to the owner of such horse (other than the appellant), and to the Club or Body affected, notice in writing of such intention to appeal; and
- (b) furnish to the members of the Controlling Body, the appellant, and the persons whose decision is appealed from, a transcript of the evidence taken at the original hearing.

374. Within 7 days of the receipt of such transcript of evidence the appellant shall lodge with the Secretary of the Controlling Body a notice in writing of the grounds of appeal and, except by leave of the Controlling Body the appeal shall be limited to the grounds set out in the notice.

375. Forthwith upon receipt of the grounds of appeal, the Secretary of the Controlling Body shall forward notice thereof to the members of the Controlling Body. The date, time and place for the hearing of the appeal shall be fixed by the Chairman and not less than 7 days written notice thereof shall be given by the Secretary to the appellant and to such other persons and Bodies as the Chairman may direct.

376. The Controlling Body shall hear the appeal as soon as practicable within 28 days of the lodging of the grounds of appeal.

377. No appeal duly lodged, shall be withdrawn without the leave of the Controlling Body. In granting leave to withdraw an appeal, the Controlling Body may impose such conditions as to costs or otherwise, as it thinks fit.

378. The Controlling Body may enlarge or abridge the times fixed or appointed by the Rules contained in this part in such cases as it sees fit.

379. The Controlling Body, may, subject to the express provisions of these Rules, conduct the hearing of the appeal in such manner as it thinks proper.

380. The Controlling Body may call upon any person to appear before it to give evidence in such manner as it directs, and to produce such papers and documents and furnish such information as may, in its opinion, be requisite for the purpose of hearing and determining the appeal.

381. No person who participated in or had an interest in a race whether as owner, trainer, or driver, may sit as a member of the Controlling Body on an appeal arising out of the running of such race or out of any matter or thing which occurred during such race or out of a swab taken from a horse which competed in that race.

382. Except where the Controlling Body otherwise determines, the appeal shall be heard and determined upon the evidence at the original hearing, save that the Controlling Body may admit fresh evidence which may be given *viva voce* or by statutory declaration or in such other manner as the Controlling Body may determine.

383. Upon the hearing of the appeal, the Controlling Body may—

- (a) adjourn the appeal from time to time and from place to place;
- (b) uphold, reverse, or vary the decision appealed against;
- (c) set aside, vary, decrease or increase any penalty imposed;
- (d) order the payment refund of any stakes paid;
- (e) order that the whole or any part of the appeal deposit shall be forfeited;
- (f) refer the matter for re-hearing to the Stipendiary Stewards, or person or Body whose decision is appealed against;
- (g) make such other order as it may think proper.

384. Forthwith upon the determination of the appeal, the Secretary of the Controlling Body, shall notify all Bodies and persons directly affected thereby of the result of such appeal.

385. Notwithstanding any provisions in these Rules to the contrary contained, no appeal shall lie from any decision given—

- (a) on any betting dispute by a Stipendiary Steward or Stewards or by a Betting Supervisor and endorsed by the Stipendiary Stewards; or
- (b) in respect of which there is imposed on any person or Body a penalty of a fine not exceeding One Hundred Dollars (\$100);
- (c) by the Stewards in respect of a protest lodged pursuant to Rule 302 of these Rules.

386. The decision of the Controlling Body shall be final and conclusive except as provided in Rule 392 and shall bind all clubs, bodies and persons.

387. Every Club, Body or person affected by such decision shall forthwith do and perform every act, matter and thing which by the decision may be ordered to give effect to the decision within the time required under these Rules, after having been required in writing by the Controlling Body shall be guilty of an offence against these Rules and liable to be dealt with accordingly.

388. Any person or Body other than the appellant directly affected by the hearing and determination of the appeal shall—

- (a) be given reasonable notice of the time and place of the hearing;
- (b) be entitled to be present at the hearing;
- (c) be entitled to be heard, and, where the Controlling Body thinks proper, call evidence in support of his interest.

389. The Controlling Body may order that all or any of the costs and expenses of the Controlling Body, or any party to the appeal, shall be paid by such person or Body as it thinks fit, and may fix an amount by way of such costs and expenses, and such amount, if unpaid, shall be deemed to be arrears and may be placed on the Unpaid Forfeit list by the Controlling Body.

390. Any person who is bound by these Rules who refuses without good reason, the onus of proving which shall be upon such person, to attend any such proceedings when required to do so, or refusing to give evidence or giving false or misleading evidence, may be adjudged by the Controlling Body to be guilty of an offence against these Rules, and may be dealt with accordingly.

391. Any notice required by these Rules to be served upon any person shall be deemed to have been duly served if it be delivered to him personally, or, if he cannot be found, by leaving it with some person for him at his last known place of abode, or if it be forwarded by registered letter addressed to him at his usual last known place of abode or business.

392. The appellant may apply to the Controlling Body for a rehearing of the appeal on the ground that fresh evidence is available. The said application shall be in writing and shall include particulars of the fresh evidence together with such deposit as the Controlling Body shall from time to time prescribe.

393. The granting of an application for a re-hearing of the appeal shall be in the absolute discretion of the Controlling Body.

394. The Controlling Body shall re-hear the appeal as soon as practicable after the granting of the said application.

395. The Controlling Body may, subject to the express provisions of these Rules, conduct their hearing of the appeal in such manner as it thinks proper.

396. Upon the hearing of the appeal, the Controlling Body may exercise any of the powers contained in Rule 383.

397. An appellant shall be entitled to be represented at the hearing of an appeal, and at the re-hearing of an appeal, by a Barrister, Solicitor or agent. Notice of such representation shall be given by the appellant to the Secretary of the Controlling Body, not less than 7 days prior to the hearing or re-hearing. The controlling Body may retain a Barrister, Solicitor or agent, to assist it at the hearing or re-hearing.

398. Notwithstanding anything contained in these Rules, no deposit fees or costs shall be payable on any appeal or re-hearing of an appeal by a Stipendiary Steward in the employ of the Controlling Body.

PART XXXV—RE-HEARINGS

399. If after the Stewards have given their decision on any matter new evidence touching such matter is produced to them within 14 days after having given such decision, they may re-hear the matter.

400. The Stewards, if intending to conduct any such re-hearing, shall, a reasonable time before the date fixed for such re-hearing, notify the Controlling Body and any other person directly affected of the time and place of such re-hearing.

401. The Controlling Body may order or direct the Stewards to re-hear or reconsider any matter determined by them and in such event such Stewards shall as soon as practicable after such order or direction has been notified by the Secretary of the Controlling Body re-hear the matter.

402. On any such re-hearing, notwithstanding that the matter may have originally been decided under the provisions of Rule 316 the provisions of Rule 315 shall, *mutatis mutandis*, apply; provided that if any person whose evidence is desired resides away or is absent from the place where such re-hearing shall be heard then their evidence may be taken in such manner as the Stewards conducting the re-hearing shall, with the approval of the Controlling Body arrange.

403. Upon any re-hearing, the Stewards may confirm, reverse or vary the decision originally given and may confirm increase, reduce, modify or lift any penalty first imposed and substitute any penalty in its place or may determine that no penalty shall be imposed.

404. If, before any re-hearing held under the provisions of this part any appeal shall have been lodged, such appeal shall, upon the determination of such re-hearing be deemed to be vacated.

405. A person shall have the same rights of appeal in respect of the decision given upon any re-hearing as he had in respect of the decision given upon the first hearing.

406. On any application to the Controlling Body for a re-hearing being granted it may after the hearing thereof in addition to any other penalties ordered by it direct the person, Club or other body which applied for the re-hearing to pay such costs of the re-hearing as it may deem reasonable.

PART XXXVI—UNPAID FORFEIT LIST

407. A list to be known as the "Unpaid Forfeit List" (in this part referred to as "the list") shall be kept by the Secretary of the Controlling Body at its office.

408. There shall be placed on the list all arrears that have been duly notified to the Secretary of the Controlling Body for that purpose.

409. Every entry in the list shall state the name of the persons by whom and the name of the horse (if any) in respect of which and the body or person to whom the arrears are due and the amount and details of such arrears.

410. If any arrears shall be owing to any person or body such person or body may notify to the Secretary of the Controlling Body the name of the person or body by whom such arrears are due, together with full particulars thereof, including the period for which the amount have been owing and when demand for payment was last made.

411. The Controlling Body upon being satisfied of the accuracy of such particulars and upon the giving of such security as the Controlling Body may require by the person or body giving such notification shall cause the Secretary forthwith to make an entry in the list of such arrears.

412. Any person or body giving such notification to the Secretary shall hold harmless and keep indemnified the Controlling Body and any person acting under its direction from all damages and consequences which it or any such person acting under its direction may sustain pursuant to such notification.

413. A person whose name has been placed on the list must pay the amount of arrears direct to the Secretary before his name is removed from the list. The date of the receipt of payment of arrears to the Secretary, his deputy or assistant at its office shall be deemed to be the date of removal from the list.

414. Upon receipt by the Secretary, his deputy or assistant of the full amount of any arrears, or on receipt by him of satisfactory evidence that the same has been paid to the person or body entitled thereto, he shall forthwith remove the particulars of such arrears from the list.

415. Upon any arrears being paid to the Secretary he shall forthwith remit the same to the person or body entitled thereto.

416. Particulars of arrears shall not be removed from the list except—

- (a) by the Chairman of Stewards in any case where such name has appeared continuously in the list for at least six years; or
- (b) by the Controlling Body.

417. No arrears shall be deemed to be discharged by reason solely of the fact that the notification of the same has been removed from the list.

418. So long as the name of any person appears in the list or in the official unpaid forfeit list published or compiled by the recognised racing or trotting authority of any other State or Country—

- (a) no horse shall be entered for any race by him or his wife either as owner or agent; and
- (b) no horse which has been entered in any race by him or his wife or in his name shall be eligible for such race unless a transfer of the horse has been specially approved by the Controlling Board; and
- (c) no horse in which he has any registrable interest or which is proved to the satisfaction of the Controlling Body or the Stewards to be under his or his wife's training, management, control or superintendence or on his or her property, shall be eligible to be entered for or start in any race; and
- (d) that person shall be excluded from all grounds under the control of the Controlling Body.

419. So long as the name of any horse appears in any list mentioned in the last preceding rule it shall not be eligible to be entered for or to start in any race.

420. Any person who enters for or starts in any race any horse ineligible pursuant to the Rules in this Part to be so entered and/or started, shall be guilty of an offence and shall be liable to be dealt with accordingly.

421. Any person prevented by the last preceding Rule from entering for or starting in any race any horse through the non-payment of arrears for which he is not himself personally liable may pay the arrears to the Controlling Body whereupon the horse's name shall be removed from the list and the horse shall be eligible to be entered for and to start in any race, provided that no other arrears in respect of such horse are in the meantime inserted in the list and he is otherwise qualified.

422. If a person who pays any arrears in accordance with the last preceding Rule so requests, the name of the person who was liable to make such payment shall, with the consent of the Controlling Body, be written in the list in respect of the amount so paid as arrears due to the person so paying.

423. Notwithstanding any provisions to the contrary in these Rules contained, if any person shall in ignorance of the fact that the name of a horse is in the list enter that horse for any race, such entry shall be valid if such person shall, on becoming aware that such horse is in the list, and before the race, pay and discharge all arrears in respect of which the entry in the list has been made.

424. If a person or body tenders to a Club or Body a cheque or other negotiable instrument in respect of a race, which is subsequently dishonoured the Stewards, after making due enquiry into the circumstances may disqualify the horse in respect of which such cheque or other negotiable instrument was tendered from the race and/or for such period as they shall determine and may place the name of that person on the list.

PART XXXVII—NOTICES

425. Any notice required to be given under these Rules may be served upon any person if the same be delivered to him personally or left at his usual place of abode with some resident thereof appearing to be above the age of eighteen years, or forwarded to him by registered letter or certified mail and addressed to him at his usual or last known place of abode or business. After any such notice has been so given or served the Controlling Body or Stewards, as the case may be, may proceed to deal with the matter in his absence.

PART XXXVIII—COMPUTATION OF TIME

426. Wherever in these Rules any time is provided within which any act, matter or thing is to be done or performed, the Controlling Body may, in its discretion, and without assigning any reason therefor, enlarge or abate such time and in doing so may impose a penalty.

427. In any particular case in which any particular number of days not expressed to be clear days is prescribed by these Rules, the same shall be reckoned as exclusive of the first day and inclusive of the last day.

428. When the last day for doing any matter or thing under these Rules falls on a Saturday or Sunday it may be done on the following Monday (except when the following Monday is a public holiday when it may be done on the following Tuesday) unless the act to be done relates to a race to be conducted on the Monday in which case it shall be done not later than the previous Saturday.

429. When such last day falls on Christmas Day or Good Friday the act required to be done shall be performed on the previous day unless that day is a Sunday when it shall be done on the previous Saturday.

430. Without affecting the provisions of Rule 429 where the time for doing any act expires on a Sunday or other day on which the offices of the Controlling Body are closed, and by reason thereof such act cannot be done on that day, such act shall so far as regards the time for the doing of same be held to be done properly if done on the day on which the offices are next opened.

PART XXXIX—PRODUCE RACES

431. A Produce Race is one for the progeny of named sires and/or dams.

432. The entry for such race of any progeny shall be made on a form provided for that purpose by the Club or body conducting such race by entering its dam and naming its sire.

433. If any progeny which has been duly entered for such race is dropped before the 1st August, or such progeny be dead when dropped or if there be no progeny the entry of such mare is void and the entrance money (if any) shall be returned. This Rule shall apply to all programmes now or at any future time issued and shall be deemed to form part thereof.

434. The owner or lessee of a sire or dam may nominate such sire or dam for a Produce Race for which it is eligible for nomination according to the conditions of the race.

435. The owner or lessee of the progeny of a sire or a dam may nominate the sire or dam for a Produce Race for which it is eligible for nomination according to the conditions of the race.

(i) Subject to this Rule that part of the prize money which is specified in the conditions of the Produce Race as payable to the nominator of the sire or dam shall be paid to the person who at the time of nomination is the lessee or owner of the sire or dam or of the progeny of the sire or dam in the following order of priority:—

- The Lessee of the sire or dam.
- The owner of the sire or dam.
- The Lessee of the progeny of the sire or dam.
- The owner of the unleased progeny of the sire or dam.
- The owner of the leased progeny of the sire or dam.

(ii) No lessee or owner shall be entitled to share in that part of the prize money payable to the nominator of the sire or dam unless he has duly nominated such sire or dam.

(iii) Except as specified in sub-rules (iv) and (v) of this Rule, the order of priority mentioned in sub-rule (i) of this Rule shall not be affected by the order in which nominations for a sire or dam are duly lodged.

(iv) When owing to the sale or grant or termination of a lease of a sire or dam or the progeny thereof two or more persons being at the time of nomination the lessee of or the owner of the unleased sire or dam or progeny thereof duly nominate such sire or dam such lessee or owner whose nomination is first received shall take priority over all other such lessees or owners.

(v) When the lessee of progeny or the owner of unleased progeny of a sire or dam and the lessee of other progeny of the owner of unleased other progeny of the same sire or dam duly nominate such sire or dam, such lessee or owner whose nomination is first received shall take priority over all other such lessees or owners.

PART XXXX—REGISTRATION OF SIRES AND STUD FARMS—NOTIFICATION OF FOALS—ARTIFICIAL INSEMINATION

436. (a) There shall be kept at the office of the Controlling Body a Register of Sires (in this Part called “the Register”) and application may be made by the owner for the entry therein in the name of any trotting or pacing stallion used, or proposed to be used, for stud purposes. Where the name of any stallion is entered in the Register the owner thereof shall keep a written record of all mares served by such stallion, and shall not later than 28th February in each year, furnish to the Controlling Body the registered name of every mare served by the stallion in the stud season immediately preceding and the name and address of the owner of each such mare and such particulars shall be recorded at the office of the Club. A sire registered in the Register is hereinafter referred to as a registered sire. As from 1st August, 1960 a stallion shall not be eligible for entry in the Register unless his name appears in the Australian Trotting Stud Book.

(b) The application for the entry of a stallion in the Register shall be in such form and be accompanied by such fee as the Controlling Body shall from time to time prescribe.

(c) The owner of every brood mare to be served shall obtain from the Controlling Body a brood mare breeding card for that mare.

(d) The owner of a mare that is to be served by a registered sire shall, before such service is to take place, supply to the studmaster in charge of such registered sire the brood mare breeding card of the mare to be served.

(e) A studmaster shall not permit a mare to be served unless he is in possession of the mare’s brood mare breeding card.

(f) The studmaster having the charge of a registered sire shall, in respect of each service by such sire, ensure by reference to the brood mare breeding card that the mare to be served is beyond doubt the mare which it is represented to be.

(g) The studmaster having the charge of a registered sire shall in respect of each mare served by a registered sire complete and deliver to the owner of that mare the brood mare breeding card in respect of that mare and the triplicate copy of the certificate of service form and the foaling certificate.

(h) The studmaster having the charge of a registered sire shall no later than the 28th day of February immediately following the end of a stud season deliver to the Controlling Body the original Certificate of Service in respect of all mares served by that sire during the immediately preceding stud season.

(i) The owner of every brood mare shall no later than the 28th day in the month of February following the end of a stud season complete and deliver to the secretary of the Controlling Body the Certificate of Service in respect of that mare and the Foaling Notification form in respect of that mare.

(j) The fees payable by the owner of a brood mare in respect of the registration of a service to a brood mare shall be as follows:—

(i) If such service is notified no later than the 28th day of February following the end of the stud season in which that mare is served—such fee as the Controlling Body shall from time to time fix.

(ii) If such service is so notified later than the aforesaid 28th day of February referred to in the preceding paragraph (i) such fee being greater than that fixed for the purpose of paragraph (i) as the Controlling Body shall from time to time fix.

(k) Unless the Controlling Body by its Committee otherwise determines a service or the resultant progeny shall not be registered if the service is notified more than two (2) years after the 28th day of February following the end of the stud season in which such service occurs.

(l) All progeny shall be branded with such identifying code brand as the Controlling Body shall from time to time require before such progeny is weaned from the mare and the owner of such progeny shall furnish the Controlling Body with a detailed description of such progeny and the identifying code brand with which such progeny is so branded.

(m) The owner or any person having charge of any standard-bred stock, shall, when required to do so by a person who renders to him an authority duly signed by the Secretary of the Controlling Body forthwith—

(1) permit and assist such person to inspect any standard bred stock on his property or under his control;

(2) permit such person to inspect and if necessary retain all written records relating to such standard bred stock;

- (3) No person shall obstruct, delay or mislead a person authorised by the preceding sub-rules (1) and (2) of this rule in the doing of any of the acts or things therein mentioned and any person who does so shall be guilty of an offence under these Rules, and in addition to any other penalty that may be imposed under these Rules, any standardbred stock under his control or in which he has any interest whatsoever may be disqualified from being registered or in any other way being recognised under these Rules.

(n) Except as provided in sub-rule (p) of this Rule no horse foaled in Western Australia shall be eligible to race unless the name of the sire thereof appears in the Register, and the requirements of the foregoing rules have been observed. Provided that where a service occurs without the knowledge or premeditation of the owners of the stallion and mare concerned, application may be made at any time before the mare foals, but not after, for the registration of such service as though the sire appeared in the Register, and the Committee of the Controlling Body may refuse, without assigning any reason, or grant such application upon such conditions and subject to the payment of such fee as it may determine.

(o) In the event of the death of any sire, mare or progeny in connection with which any notification has been made to the Controlling Body, under the provisions of the foregoing rules, the Studmaster shall notify the Controlling Body within 28 days of such death.

(p) Notwithstanding the provisions of the foregoing rules the Controlling Body may grant at any time an application for the entry of a stallion in the Register and accept notices of services and foalings and all other notifications or information required by such Rules as though lodged in accordance therewith but may require—

- (1) any information to be in the form of a Statutory Declaration;
 - (2) the observance of such conditions as it may impose; and
 - (3) payment of such fees or additional fees as it may prescribe.
- (q) (1) Any person who fails or refuses to comply with the rules relating to the registration of sires, services and foalings shall be deemed guilty of an offence and may be dealt with accordingly.
- (2) The Controlling Body may without assigning any reason refuse any application for the entry of a stallion in the Register or decline to accept or recognise any notification of service or foaling or impose such conditions in relation thereto as it may think fit.

PART XXXXI—ARTIFICIAL BREEDING

437. The words “artificial breeding” as used hereafter shall mean and include the term “artificial insemination” and shall include all techniques of fathering and collecting semen from the stallion and its introduction into the mare.

438. The owner of any stallion in respect of which it is proposed to practice artificial breeding shall make application which he proposes to do so to the Committee of the Controlling Body for permission to practice artificial insemination before commencing to do so.

439. The application shall be in such form as the Controlling Body may from time to time determine and shall be signed by the owner of the stallion or his authorised agent.

440. The application to practice artificial insemination shall be accompanied by an undertaking signed by the person proposing to perform artificial insemination that he or she agrees to be bound by and conform with and to strictly adhere to all the rules of the Controlling Body relating to artificial insemination.

441. Before the application is considered by the Committee of the Controlling Body the premises and the surrounds of the Stud or property where it is proposed to practice artificial breeding shall be inspected by an authorised officer of the Controlling Body.

442. Every application to practice artificial insemination shall be dealt with by the Committee of the Controlling Body which shall decide each application on its merits and the Committee may refuse to grant permission without assigning any reason, or defer, or grant permission on such conditions or limitations it believes the circumstances require.

443. Authority to practice artificial breeding shall be conveyed in writing to the owner of the stallion by the Controlling Body and shall be in such form as the Controlling Body shall prescribe.

444. The licence or other form of authority shall state the conditions as set out herein and any other conditions and/or limitations imposed by the Controlling Body and must be produced when requested by either the owner of a brood mare or an official of the Controlling Body, or any other person having reasonable grounds for making such request.

445. It shall be an offence for an owner of any stallion or mare to permit artificial breeding prior to the owner receiving written authority from the Controlling Body.

446. Without in any way limiting the right of the Committee of the Controlling Body to impose additional conditions or limitations the permission to practise artificial breeding shall provide that—

- (a) where necessary, the approval of the appropriate State Government Department must be obtained;
- (b) artificial breeding shall be carried out on the property or premises where the semen is collected. It shall be an offence to transport semen off the property where it is produced;
- (c) semen must be used immediately upon its collection. Any person who stores, freezes, treats or preserves semen shall be guilty of an offence under these rules;
- (d) the number of mares that may be served by any one stallion either naturally or artificially in any one season shall be limited to a total of 100 mares or such other number as the Controlling Body may from time to time determine;
- (e) the owner of the stallion shall keep accurate records of all mares served either naturally or artificially and shall produce such records for inspection when required by the Controlling Body or by its properly authorised officer.

447. The owner of any stallion used for artificial breeding shall observe the Rules of Trotting dealing with the notification to the Controlling Body of all mares served by a registered stallion and such notification certificates or lists shall include the names of all mares served either naturally or artificially including the names of any mares deemed not to be in foal.

448. The notification list of mares served by a stallion used in artificial breeding shall be accompanied by a certificate from the person or persons performing the technique of artificial breeding certifying that he or she wholly performed the technique of artificial insemination and stating the names of the mares that have been artificially inseminated and the respective dates upon which they were so inseminated.

449. Any horses begotten by artificial breeding in or outside Australia shall be eligible for registration in any State of Australia and for subsequent inclusion in the Australian Trotting Stud Book and may be entered for any race for which it would normally be eligible in the same manner as a foal begotten by natural breeding provided that all rules concerning artificial breeding in the State or Country where the artificial breeding is performed have been strictly observed.

450. The published records or details of any horse begotten by artificial breeding shall not be made distinctive by a mark or sign or by any method to show that it was begotten by artificial breeding.

451. Where a Controlling Body has given approval to an owner for his stallion to be used in artificial breeding the owner shall include in any advertisement or contract the statement that the stallion has been registered for artificial breeding and that service may be carried out by this method if appropriate at the time of service unless otherwise arranged.

452. If the Committee of the Controlling Body believes any part of the rules concerning artificial breeding or any related part of these rules have been infringed then the Committee may in its absolute discretion refuse to grant registration of all or any of the progeny obtained from mares served either naturally or artificially on the property of the owner or studmaster concerned.

453. Notwithstanding the provisions of the preceding rules, the Committee of the Controlling Body may, in addition to any power which it may have under any other rule, inflict a fine of any amount, and/or suspend or disqualify for any period and person or persons deemed guilty of any infringement or offence against these rules.

454. The owner of any mare served by a stallion which appears in the Register of Sires must notify the Secretary of the Controlling Body the result of such service and comply with Rule 436 (a).

PART XXXXII—NAMING AND REGISTRATION OF HORSES

455. No horse shall be eligible to be nominated for or to start in any race until it is named and registered in accordance with these Rules.

456. No un-named horse shall be handicapped for nor allowed to start in any race, nor shall the owner, trainer or driver of an un-named horse enter, trial or test any un-named horse in an exhibition, performance, trial or test either in public or cause another person or persons to believe that such un-named horse has a registered name.

457. A named foreign horse may be nominated for a race pending completion of its registration in Western Australia.

458. For races in which only two and three year old horses are eligible and where nominations for such races are taken before such horses reach the age of two years the final payment or acceptance payable in respect of such race shall be deemed to be the nomination.

459. Every person desiring to name and/or register a horse shall make written application on a form approved by the Controlling Body to the Secretary of the Controlling Body and shall be accompanied by such other information as the Controlling Body may from time to time require.

460. Every application for a name and/or registration shall be accompanied by such fee as the Controlling Body may from time to time decide and such application shall contain the following information:—

- (a) in the case of a foreign horse the name under which it is known;
 - (b) in the case of an un-named horse and has not been previously named or registered under another name, 6 proposed names for the horse;
 - (c) the age of the horse and where known the actual date on which it was foaled;
 - (d) the gait of the horse;
 - (e) the colour, sex and distinguishing marks and brands of the horse;
 - (f) the names of the sire and dam of the horse;
 - (g) the name and address of the breeder of the horse;
 - (h) the name and address of the owner and all other persons (if any) having any interest in the horse;
 - (i) such other particulars as the Controlling Body may from time to time require;
- and shall be signed by all owners (not being lessees) of the horse.

461. A Controlling Body may, without assigning any reason, refuse any application for naming and/or registration of a horse and may at any time cancel the registration of any horse.

462. Upon receipt of an application for name and/or registration together with the prescribed fees and upon the Secretary or Registrar being satisfied that all provisions of the Rules of Trotting have been observed, the Controlling Body will then forward the list of names or the name under which the horse is known together with such other particulars as may be required to the Central Registrar of Names for the allocation of a name or for the verification of a name.

463. The Central Registrar of Names shall allocate a name in accordance with the Regulations approved by the Australian Trotting Council.

464. On receipt of the name allotted by the Central Registrar of Names the Controlling Body may then register the horse under the name approved and advise the owner of the horse in writing of the name allotted to that horse.

465. The Controlling Body will keep a Register of horses and all horses named and/or registered will be entered therein.

466. When a name has been allotted for any horse in accordance with these Rules such horse shall not be entered for or start in any race, exhibition, trial at any race meeting, gymkhana show, society meeting or other public meeting under any other name, nor shall the owner, trainer or driver cause other persons to believe that the horse is known under another name other than the name under which it is registered.

467. The name under which a horse has been registered or raced at any meeting in any State of Australia or in any other Country shall not be changed or abandoned except with the approval of the Central Registrar. If the name of any horse is changed the old name (in parenthesis) as well as the new name shall be given and shown on every entry and programme for twelve months or until such horse has competed under its new name at least 6 times, whichever shall be the longer period.

468. Before a horse shall start in its first race in the Metropolitan area after such horse has been named or registered it shall be produced to a Steward or some other person authorised by the Controlling Body for inspection at an appointed place at least one hour previous to the time set down for the start of the first race at the meeting at which it is proposed to start such horse. The Steward or person authorised shall thereupon examine such horse and satisfy himself that the horse is the horse that it is represented to be.

469. No horse shall be eligible to start in a race unless the Steward or authorised person is satisfied that the horse produced to him is the horse that it is represented to be.

470. If the Steward or authorised person does not believe that the horse produced to him is the horse that it is represented to be then he shall prohibit the horse from racing and thereupon the horse shall not be eligible to start in any race and the owner and/or persons in charge of the horse shall be deemed guilty of an offence against these rules and may be dealt with accordingly.

471. If the Steward or authorised person is satisfied that the horse produced to him is the horse that it is represented to be and that the description contained in the Certificate is correct and complete then he shall permit the horse to start.

472. No Australian bred horse shall be eligible for registration under these Rules unless the sire and dam are registered under these Rules. No horse foaled outside Australia shall be eligible for registration in Australia unless such horse is also eligible for registration in its country where it is foaled.

473. A horse which has attained the age of seven years shall be registered for racing purposes registered in another State or Country or in the case of a State bred horse if the controlling Body is satisfied that it ought to be registered.

474. No horse shall be eligible for registration unless it bears a discernible identifying brand consistent with the Brands Act and these Rules. No alteration shall be permitted to the brand of any horse. If a brand is indistinct or illegible the Controlling Body may order that a fresh brand be applied in a suitable position under the supervision of an official appointed by the Controlling Body.

475. Except in the case of foals under the age of 12 months every horse offered for sale privately or by public auction shall bear an identifying brand.

476. The owner of a notified foal or a named or registered trotting horse shall forthwith on the death of such horse notify the Registrar of the Controlling Body in writing to that effect.

477. Any owner having an entire gelded shall within one month thereafter notify the Registrar of the Controlling Body of the date of the gelding and the name of the person who performed the operation.

478. Unless otherwise approved by the Controlling Body a horse which is owned wholly or in part by a person under the age of eighteen years or in which a person under that age has an interest directly or indirectly shall not be eligible to be registered, nominated or to compete in any race conducted under these Rules.

479. In respect of that part of the Rules governing the naming and registration of horses, any owner, trainer, driver, or any other person who in the opinion of the Stewards or the Controlling Body has committed or has attempted to commit a breach or violation of these Rules or any person who in any application notification or information commits or attempts to commit a breach of the rules in this part contained or who wilfully or negligently gives or causes to be given or is a party to the giving of false or misleading information or particulars shall be deemed guilty of a corrupt practice and shall be liable to be penalised under these Rules.

PART XXXXIII—OWNERSHIP OF HORSES

(a) General

480. The Register of Horses kept by the Controlling Body shall incorporate a register of all owners and a description of each type of ownership interest of each horse listed therein.

481. Details of the ownership, change of ownership, leases, contingencies, joint interests, and every transfer of an interest whatsoever shall be recorded against the registration of each horse.

482. No change of ownership or registration of any interest whatsoever shall be recorded against the registration of any horse nor shall it have any effect unless such change is authorised by the Committee of the Controlling Body or by an officer authorised by the Controlling Body to do so.

483. No change of ownership or registration of any interest whatsoever shall be recorded in the Register of Horses until all the requirements of these Rules have been duly observed.

484. The Controlling Body may, without assigning any reason therefor, refuse to recognise any transaction or dealing with a registered trotting horse or notified foal, and shall not in any way whatever be responsible or liable in damages or otherwise for such refusal.

485. If a horse is to be recorded in the name of or transferred to a person normally residing in another State or Country the Controlling Body shall not register such horse or transfer until it has made enquiries of the Controlling Body in the State or Country in which such person usually resides in respect of the good standing or otherwise of that person in that State or Country.

486. A standard bred horse may be owned or leased by a person or persons company partnership or syndicate or by any combination thereof.

487. Before any person or persons, company partnership or syndicate shall be recorded as an owner or lessee there shall be lodged with the Controlling Body an undertaking and agreement by it or them to abide by the Rules of Trotting from time to time in force and a declaration that no other person has any interest whatsoever in the said horse and an agreement to notify the Controlling Body of any change in respect of any matter referred to therein

488. Unless the Controlling Body approves no horse shall be owned by or leased or transferred to a person under the age of 18 years.

(b) Assumed Names

489. No person or persons shall—

- (a) use an assumed name until such has first been approved by the Controlling Body; or
- (b) continue to use an assumed name after the Controlling Body has withdrawn its permission thereto.

The Controlling Body may grant or refuse permission for the use of the assumed name or may grant permission upon such terms and conditions as it may deem fit and may withdraw such permission without assigning any reason therefor.

In no case shall a person use or continue to use as an assumed name a name which is similar to or which is likely to be confused with the proper name of any other person who is the owner or the Lessee of a horse registered with the Controlling Body or who is a licensed trainer or driver.

490. A person desiring to use an assumed name shall seek approval thereto in such manner as the Controlling Body shall from time to time prescribe and shall tender with such application such fee as the Controlling Body may from time to time prescribe. A person who uses an assumed name or any name other than his own without the permission of the Controlling Body as aforesaid or who continues to use an assumed name after permission to use such assumed name shall have been withdrawn shall be deemed to be guilty of an offence against these Rules and shall be liable to be dealt with accordingly.

491. Subject to the Rules contained in this sub-part, an assumed name may—

- (a) be used by any number of three or less persons. For the purpose of this Rule a husband and wife shall be deemed to be one person;
- (b) only be used by an owner or owners or by a Lessee or Lessees of a horse.

492. If the Controlling Body grants to the owner or Lessee of a horse permission to use an assumed name, such owner or Lessee shall use such assumed name only for all purposes of these Rules and a reference in these Rules to the name of an owner shall include an assumed name.

493. The Controlling Body shall as soon as practicable after the withdrawal of its permission to use an assumed name give written notice to that effect to the person or persons theretofore entitled to use such assumed name.

(c) Syndicates and Companies and Nomination and Racing of Horses by Partnerships, Syndicates and Companies

494. Where the owner of a horse is a company or a syndicate that horse shall not be registered nominated or raced by that company or syndicate unless such company or syndicate is registered in accordance with these Rules.

495. Every application for registration of a company or syndicate shall contain—
- (a) the name by which it is proposed the company or syndicate shall be known;
 - (b) the full name residential address and occupation of each member of the syndicate or shareholder;
 - (c) the racing manager's name;
 - (d) the names of not more than four persons who are to be representatives of the company or syndicate;
- and in the case of a company—
- (i) A certified copy of the Certificate of Incorporation of the Company, and
 - (ii) A copy of its Memorandum and Articles of Association certified by its Secretary as a true copy thereof, and
 - (iii) Where the Controlling Body shall so require the name, addresses and occupations of all natural persons who are members of a company which is itself a member of the company seeking registration and/or on whose behalf a share or interest in the company or syndicate is held.
- Provided that where a member of a syndicate is a company (in this paragraph called "the member company") which is not registered under these rules then if called upon by the Controlling Body so to do the member company shall provide the Controlling Body with such documents and information as it (the member company) would be required to provide if it were an applicant for registration.
496. (a) For the purpose of these Rules—
- (i) a combination of more than one person and not more than three persons shall be termed a partnership;
 - (ii) a combination of more than three persons and not more than twenty persons shall be termed a syndicate.
- (b) For the purpose of calculating the number of persons in any combination of persons for the purpose of the application of the Rules in this part contained—
- (i) a husband and wife shall be counted as one person only;
 - (ii) only the persons having a like interest in a horse shall be counted to the intent that in the case of a leased horse for the purpose of determining who are the lessees, a person who is an owner and not also a lessee shall not be counted.
497. A horse shall not be registered in the names of more than three persons nor shall a lease to more than three persons be registered. Where a horse is owned by or leased to more than three persons they shall be required to register a syndicate.
498. A syndicate may own any number of horses at any one time and may be a co-owner of a horse with another person or persons company or syndicate.
499. Each application for registration of a company or syndicate shall be accompanied by the registration fee of \$25 or such other amount as may be prescribed from time to time by the Controlling Body.
500. The Controlling Body may on being satisfied that a syndicate is duly registered in another State or Territory of the Commonwealth, grant to that Syndicate registration (to be known as temporary registration) for a period not exceeding three (3) months and may renew temporary registration on such terms as it thinks proper.
501. The Controlling Body shall keep and maintain a register of syndicates and companies registered under these Rules in which shall be entered the name of the company or syndicate and its address or registered office and in the case of a syndicate the name address and occupation of each member of the syndicate. The register shall be kept at the office of the Controlling Body and shall be open for inspection by members of the public between the hours of 10.00 a.m. and 12 noon Monday to Friday of each week (public holidays excepted).
502. The Controlling Body may refuse to accept the application for registration of any company or syndicate or to renew the registration of a company or syndicate or may suspend or cancel the registration of any company or syndicate without giving any reason for its so doing and may accept any such application upon and subject to such terms and conditions as it thinks fit.
503. If the Controlling Body accepts an application for registration of a company or syndicate subject to the company or syndicate satisfying a condition and limits the time in which such condition is to be so satisfied then if the time so limited expires without such condition being so satisfied, the Controlling Body may prohibit any horse nominated by the company or syndicate from taking part in a race until such condition is so satisfied.

504. A company or syndicate shall be registered for such period as the Controlling Body may from time to time determine and shall if the Committee of the Controlling Body so determines be required to renew its or their negotiation annually.

505. Upon the registration of a company or syndicate the Controlling Body shall issue a certificate showing—

- (a) the name of the company or syndicate;
- (b) in the case of the company its registered office;
- (c) the name and address of the Racing Manager;
- (d) the date of registration;
- (e) such other information as the Controlling Body may from time to time determine.

506. (a) Where the owner or lessee of a horse is a company a syndicate or a partnership, such owner or lessee shall nominate in writing one of its members, being a natural person as its Racing Manager and shall lodge such nomination with the Controlling Body. If in the case of a partnership no such nomination has been made the person whose name appears first on the certificate of registration or (in the case of partners who are lessees on the lease) shall be deemed the Racing Manager.

(b) A company, syndicate or partnership shall have only one Racing Manager at any one time.

(c) A Racing Manager appointed hereunder shall be virtue of such appointment be deemed to have full power and authority to register, nominate and race the horse or horses for the time being the property of the company, syndicate or partnership, and to employ and terminate the employment of trainers and drivers and to do or undertake all such acts and things as an owner or a horse is obliged or authorised to do by these Rules and (to the extent that an owner is by these Rules empowered so to do) to appoint an agent for the doing or undertaking of any of the acts and things which may be done or undertaken by an agent on behalf of an owner.

(d) Where a Racing Manager desires to retire or resign or be relieved of his position as Racing Manager of a company, syndicate or partnership and the other members of the company, syndicate or partnership will not consent thereto he may give notice to the Controlling Body in writing of his desire and he shall forthwith upon the lodging of such notice with or the receipt of such notice by the Controlling Body be deemed to have retired as Racing Manager as aforesaid.

(e) Where a Racing Manager retires in accordance with the preceding sub-rule the Controlling Body shall forthwith notify in the case of the Company, the company and in the case of a partnership or syndicate the members thereof. Within fourteen days of such notification the company syndicate or partnership shall appoint, in writing, another Racing Manager, and lodge with the Controlling Body notice thereof. Such appointment shall in the case of a company be made under its Common Seal and in the case of a syndicate or partnership by all its members. Where no such notice is lodged within the aforesaid period of twenty eight (28) days the Controlling Body may in its absolute discretion for such period thereof as it sees fit refuse to permit any horse owned by the company syndicate or partnership to compete in any race.

(f) Where a Racing Manager appoints an agent he shall give written notice thereof to the Controlling Body.

507. The Articles of Association of a company or the constitution or rules of a syndicate or the provisions of the partnership agreement and the rights and liabilities of a member of a company or syndicate shall be the entire responsibility of such members and neither the controlling Body nor any Club shall be in any way obliged to ensure that the provisions of such Articles, constitution, rule or agreement or any part thereof are observed or performed. And the Controlling Body and every such Club shall be entitled to accept any nomination engagement or appointment made and every other act matter or thing done and every deed or document executed or signed by the Racing Manager for the time being of the company, syndicate or partnership as being the act of the company, syndicate or partnership and as being done with the authority and consent of all members thereof and for the purposes of these Rules the Racing Manager shall be deemed at all times to be acting with the full authority and consent of all members of the company, syndicate or partnership.

508. Unless the Controlling Body otherwise determines a syndicate or Company shall not be entitled to nominate or to race any horse whilst a member of a syndicate or company is under disqualification or is warned off or is otherwise prohibited from nominating or racing a horse under these Rules.

509. Rule 347 shall apply *mutatis mutandis* to each and every horse owned by a company or syndicate a member of which is disqualified or warned off provided that the Controlling Body may approve the sale or assignment by a disqualified member of a syndicate or by the spouse of that person of his or her share or interest in the company or syndicate whether by public auction or private treaty to any other person (including another member or members of the syndicate) or a relative by blood of the disqualified person or spouse if it is satisfied on reasonable grounds that the proposed sale or assignment is made *bona fide*.

509A. Subject to Rules 508 and 509 where a member of a syndicate is disqualified the syndicate—

- (i) may not race a horse;
- (ii) may engage in breeding activities and may register any horse bred by it;
- (iii) may with the approval of the Committee of the Controlling Body sell any horse bred by it or of which it is the owner on such terms as the Committee may approve.

510. Any member of a company, syndicate or partnership may at any time make application in writing to the Committee of the Controlling Body to cancel the registration of that company, syndicate or partnership and if the Controlling Body is satisfied—

- (a) that written notice of such application has been given by the applicant to all other members at their last known place of abode;
- (b) that such notice has called upon such other members if they object to such application to do so to the Controlling Body in writing within twenty-one (21) days of the date of such notice;
- (c) that within one month of such notice having been so given no member has given notice in writing to the Controlling Body that he objects; and
- (d) that in all respects it is reasonable and proper that the registration be cancelled; the Controlling Body may cancel such registration.

511. Any notice or communication to be given or made to any company or syndicate by the Controlling Body shall be deemed to have been duly given or made if given orally to the Racing Manager or if in writing and left at or sent by pre-paid post to the registered address or the syndicate.

512. Where a company resolves to go into liquidation or an order is made for the winding up of a company or where the members resolve to dissolve or terminate a syndicate, notice thereof shall forthwith be given in writing by the Racing Manager to the Controlling Body. Provided that no such notice need be given by the members in the case of a syndicate which terminates by the effluxion of time on a date specified in the application for registration.

513. Every change in the membership of a company or syndicate (including death of a member or shareholder) and in the case of a company every change in its directors, officers or shareholders, and every change in the Racing Manager of a company or syndicate or in the registered office of a company or the registered address of a syndicate shall be notified in writing to the Controlling Body within fourteen days of such change. The registration of a syndicate shall continue in force notwithstanding any such change as aforesaid provided that notification thereof shall be, or shall have been, duly given pursuant to this Rule.

514. Every company, syndicate or person committing a breach of any Rule contained in this part or failing to comply with any of the requirements thereof shall be guilty of an offence under these Rules and may be dealt with accordingly.

515. Every member of a company or syndicate shall in all respects and for all purposes be bound by these Rules, irrespective of the nature or extent of the interest or rights of such person in the company or syndicate and irrespective of the provisions of any Articles, rules or constitution governing the Company or syndicate or any agreement or stipulation as between the members of the company or syndicate.

516. The payment by the Controlling Body or any Club to the Racing Manager of any company syndicate or partnership (or to such Racing Manager's duly appointed agent) of any stake prize or prize money or the delivery to such Racing Manager or agent of any trophy to which such company, syndicate or partnership is entitled shall be a full and sufficient discharge to the Controlling Body or Club for such payment or deliver.

(d) Leases

517. The lessee of any horse shall within fourteen days of taking or acquiring such lease or prior to acceptance for a race with the said horse whichever is the shorter period of time, lodge with the Secretary of the Controlling Body for registration the lease or other document under which he claims to be entitled to the possession or control of such horse and shall pay to the Controlling Body such registration fee (if any) as may be prescribed.

518. Upon being satisfied that all the provisions of these Rules relating to the registration of leases have been complied with, the Controlling Body may at its discretion register such lease.

519. In the event of there being more than one lessee, the lease agreement shall include the name of the lessee who is to be the Racing Manager of such horse. If no lessee is named racing manager the lessee named first shall be deemed the Racing Manager.

520. Without assigning any reason and without being in any way whatever liable at law or in equity or in damages or otherwise for so doing the Controlling Body may—

- (a) refuse to register any lease;
- (b) defer the registration of any lease for such time as the Controlling Body thinks fit;
- (c) impose such conditions or require such amendments to the lease as the Controlling Body thinks fit before registration thereof;
- (d) at any time cancel the registration of any lease.

521. On cancellation of registration of a lease by the Controlling Body, notice of cancellation shall forthwith be served on the lessor and lessee.

522. In the event of a registered lease being surrendered or determined prior to the full term thereof or being extended beyond the original term thereof the lessor and lessee shall within seven days of such surrender determination or extension notify the Secretary (in writing) of the Controlling Body thereof.

523. If any lessee shall before registration of the lease or after service of notice of cancellation or registration of the lease enter a trotting horse leased for racing purposes for any race the Controlling Body may declare such entry to be invalid and thereupon the fees (if any) paid in respect of such entry shall be forfeited.

524. No lease of any horse whether for the purpose of racing or breeding shall have any effect for the purpose of these Rules—

- (a) before the registration thereof; or
- (b) after cancellation of the registration thereof.

525. Upon any dispute as to the ownership of a horse the Committee shall be entitled to accept such evidence as it sees fit to the ownership of any horse or as to the existence or non-existence of any lease of a horse and shall be entitled to act on any such evidence as it deems proper without being in any way whatever responsible or liable in damages for any action which it sees fit to take.

526. For the purpose of calculating the sum payable by a Lessee under the terms of a lease, the stakes won by the horse shall be deemed to include the value of any trophy won and any such trophy shall be deemed to be valued in the amount advertised as the value thereof in the official programme for the race.

527. A lease which is required to be registered under these Rules shall—

- (a) not be for a period in excess of three (3) years;
- (b) not contain an option or options which enable the Lessee to extend the lease for a period which inclusive of the original term and all options exceed five (5) years;
- (c) not be for the life of the horse;
- (d) stipulating an address to which the Lessee may in compliance with the Lessee's covenant to pay rent or other money (if any deliver or post all moneys payable in respect of rent or otherwise under the lease provided that a Lessor may reserve to himself the right to notify the Lessee by registered or certified mail of an address in lieu of that first stipulated in the lease for payment of rent or such other moneys.

527A. Where the Lessor alleges having notified the Lessee of an alternative address for the payment of rent or other moneys as aforesaid the onus of proving such shall be on the Lessor.

527B. Where by virtue of the terms of a lease of a horse moneys are payable to the owner or Lessor of the horse whether on account of rent or otherwise then—

- (i) payment made in cash or by a cheque drawn by the Lessee or if there is more than one Lessee by one or more of them on a blank shall unless such cheque is dishonoured be deemed payment in compliance with the terms of the lease; and
- (ii) proof by the Lessee of delivery or posting of such cheque to the address of the Lessor stipulated in the lease for the payment of rent or other moneys referred to in the preceding Rules 527 and 527A shall be deemed conclusive evidence of such delivery or posting as aforesaid.

(e) Transfer of Interest in Horses

528. Notice of any change in the ownership of a registered horse or notified foal shall be given in the form prescribed for the time being by the Transferor and Transferee to the Secretary of the Controlling Body within fourteen days after such change is effected but in any event before the horse starts in a race after the date of such change; 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 a benefit under such contingency. The Transferee shall pay to the Controlling Body the transfer fee which shall be in such amount as the Controlling Body may from time to time prescribe.

529. With respect to the notice of change of ownership required by these Rules the following provisions shall apply—

- (a) where the change of ownership is consequent on any contract, the notice of change shall be signed by all the parties to such contract;
- (b) except only in the case of the death or incapacity or absence from Western Australia of the person whose name is entered on the register as owner of the horse or as having an interest therein as the case may be, every notice of change of ownership or interest shall be signed by the registered owner;
- (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 by the Controlling Body if it otherwise is satisfied on reasonable grounds by such evidence as it may require that such change has in fact occurred.

530. Where any such change of ownership 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 in writing to the Chairman of Stewards conducting such meeting for transmission to the Secretary of the Controlling Body and shall where practicable be notified over all course amplifiers at such meeting.

531. The Controlling Body shall note every change of ownership against the registration of any registered horse or notified foal.

532. For the purpose of completion of the form of transfer referred to in Rule 528 and for the purpose of the records of the Controlling Body the date of acquisition of ownership of any horse shall be the date provided in the contract therefor or if there is none the date upon which the contract to acquire the horse is entered into.

533. Where the change of ownership of a horse involves its transfer to more than one person, the notice of change of ownership shall include the name of the part-owner who is to be the Racing Manager thereof.

534. Every person who fails or refuses to comply with the Rules in this part contained shall be deemed to be guilty of an offence against these Rules and shall be liable to be dealt with accordingly.

535. Where a change of ownership of a horse takes place during the currency of a lease and the Transferee fails to pay the fee for the registration of the transfer such failure shall not affect the eligibility of the horse to be nominated for or start in a race whilst the lease is current or the rights of the Lessee in respect of that horse.

536. In the absence of any agreement to the contrary lodged with the Controlling Body, a horse which is leased or sold or which on the surrender determination or cancellation of a registered lease reverts to its owner, shall be deemed to revert to its owner with its engagements.

537. On the sale or lease of a horse the seller 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 until 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 Controlling Body.

538. (a) If the Controlling Body refuses to approve any such transfer of engagements, the seller or Lessor may strike the horse out of all or any of its engagements on payment of all moneys then due to the Controlling Body or any Club in respect of such horse unless the purchaser or Lessee shall within fourteen days after being required in writing to do so, deposit with the Secretary the full amount of all sweepstakes, forfeits and other payments which may become due to the Controlling Body or Club after the date of sale or lease in respect of the then existing engagements of the horse.

(b) If any purchaser or Lessee shall make a deposit in accordance with the provisions of sub-rule (a) of this Rule, the engagements of such horse shall be placed in the name of such purchaser or Lessee.

(c) If before any transfer of a horse or its engagements is lodged with the Secretary of the Controlling Body for approval any party to such transfer is charged with an offence which may entail his disqualification (except disqualification for a particular race) such transfer shall not be approved until the charge has been finally disposed of.

539. 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 moneys in respect of any engagement of the horse, the Controlling Body 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.

540. Rules 535, 538 and 539 shall apply to the surrender, determination or cancellation of the registration of a registered lease in the same manner as if the horse which reverts to its owner thereon were sold and for the purposes thereof the Lessee shall be deemed to be the seller and the Lessor shall be deemed to be the purchaser of that horse.

541. The Controlling Body may, without assigning any reason, refuse to recognise any transaction of dealing with a registered trotting horse, without being in any way whatever responsible or liable in damages or otherwise for such refusal.

PART XXXIV—THE TOTALISATOR

General

542. The Rules in this part shall apply to all Totalisators.

(1) Unless inconsistent with the context the following words shall have the following meanings:—

“Authority” means Authority for the time being or from time to time operating or having the control and conduct of the Totalisators or of the particular Totalisator to which any one or more of the Rules hereinafter containing relates.

“Dividend” means the dividend calculated as hereinafter provided in relation to a unit of investment of fifty cents (\$0.50).

“Investments” and “Tickets Taken” in relation to the Totalisator (including but not limited to the Win Totalisator) means the total sum actually invested on the Totalisator on the course including off the course investments made on the course by the Totalisator Agency Board actually made on the course and the total number of tickets actually taken on the course by reason of such off the course investments.

“Non-starter” means a horse that is an acceptor for a race and is withdrawn prior to the start of the race or declared to be a non-starter for the race by the Stewards.

“Pool” means the total amount invested on the particular Totalisator less any amount refundable to investors under these Rules and after commission calculated at the rate and in the manner fixed from time to time in respect of that particular totalisator has been deducted.

“Place” in relation to a race refers to the placing of a horse in a race after the All Clear shall have been given.

“Starter” means a horse that is an acceptor for a race and which is not withdrawn prior to the start of the race or declared not to be a starter for the race by the Stewards.

“Ticket” means a unit of investment of fifty cents (\$0.50).

(2) No horse shall be barred on the Totalisator.

(3) The number of each horse on the Totalisator shall be or correspond with its number in the Official Programme.

(4) Investments on a horse or a combination of two or more horses shall be made by reference to its or their official number or numbers for the race as published in the official programme.

- (5) There shall be no limit to the amount which an investor may invest on any one horse on the Totalisator.
- (6) Every purchaser of a ticket must satisfy himself that he has received the ticket applied for.
- (7) Every holder of a ticket shall be responsible to ensure that he receives the proper dividend before leaving the pay-out window. No claim by a ticket holder that he was under-paid in respect of a ticket presented by him for payment shall be entertained or recognised.
- (8) Every purchaser of a ticket and every holder of a ticket shall be deemed to be aware of these Rules and to have agreed to be bound thereby.
- (9) Every investor on the Totalisator shall when applying for a ticket be deemed to have irrevocably constituted the employees of the Authority and each and every one of them his agents and agent, to invest any money paid by him in advance at the price of such ticket, on the horse indicated in such ticket and for the race named in such ticket subject to these Rules and as soon as the money so paid shall have been so invested, and the ticket issued to the purchaser, he shall have no rights other than those conferred by these Rules on the holder of a ticket issued under these Rules.
- (10) Except as provided in the next succeeding Sub-Rule no investments shall be permitted or accepted on a race after the Totalisator shall have been closed on that race.
- (11) In the event of the Stewards ordering that a race be re-run they may at their discretion order that all investments on the first attempt stand and that the Totalisator be re-opened for further investments or that the Totalisator remain closed and that all investments stand or that all investments on the first attempt be refunded in full and that the Totalisator be re-opened for the second attempt.
- (12) In the event that a horse does not reach the starter's hands or is withdrawn after reaching the starter's hands or is declared to be a non-starter, the Stewards may at their discretion order that all investments on such horse or on any combination of horses of which that horse is one shall be refunded (either in full or after deducting commission) and may at the same time make such order as they consider appropriate as to the number of dividends to be declared on that race by the Totalisator or Totalisators operating thereon.
- (13) No fractional part of five cents (\$0.05) shall be paid by way of a dividend.
- (14) The horses shall be deemed placed in order in which they are placed by the Judge unless a protest shall be lodged. In the event of a protest the decision of the Stewards in respect thereof shall for all purposes connected with the Totalisator be final.
- (15) Unless otherwise ordered by the Stewards no dividend shall be paid in respect of a race until after "all clear" or correct weight shall have been given or made on that race.
- (16) Immediately after the declaration of a dividend the amount of such dividend shall be posted in a conspicuous place on the course.
- (17) No dividend will be paid except upon presentation of the ticket. No payment will be made on a defaced or damaged ticket unless certified to by the Manager of the Authority or in the event of Such Manager not being present at the meeting at which the ticket is taken then the Chief Steward or Steward in charge of such meeting.
- (18) All disputes relating to the Totalisator shall be determined by the Manager of the Authority or in the event of such Manager not being present at the meeting at which the ticket is taken then the Chief Steward or Steward in charge of such meeting.
- (19) All decision made by the Manager or the Authority or by the Chief Stewards or Steward under the preceding Sub-Rules 17 and 18 shall be final and binding.
- (20) In the event of there being no winning ticket on a horse or on a combination of horses on a Totalisator on which investments may have from time to time been made then at the discretion of the Committee of the Controlling Body or of the Club conducting the meeting (as the case may be) the pool may be carried forward and added to the pool for the same Totalisator to be conducted on a race at the same or at a subsequent meeting to be conducted by the Controlling Body or by that Club or by another Club or may at such discretion as aforesaid be divided into such proportions as the Controlling Body or Club may determine such portions to be added to the pools of the same Totalisator conducted on such number of races into which it shall be so divided either at the same meeting or at a subsequent meeting or meetings.

- (21) Neither the Association nor its Committee or members nor any Steward or servant or agent of the Association nor the Authority shall be liable in any way in respect of an error or alleged error in the completion or issue of any ticket taken on the Totalisator.
- (22) Neither the Authority nor the Association shall be obliged to admit for the purpose of a dividend or for a refund or for any other purpose any ticket which is damaged defaced incomplete or altered or on which the writing is illegible.
- (23) An investor shall not be entitled as against the Controlling Body or the Club conducting the meeting or the Stewards or the Authority to any refund payment or compensation on account of the disqualification of any horse whether the grounds for such disqualification arose before during or after the running of the race or for or on account of any other act matter or thing done by them or any of them in relation to the running or abandonment of a race or the withdrawal of any horse or of any decision or ruling made or given in respect of the conduct of the Totalisator or any investment thereon or the declaration or payment of a dividend or dividends or the exercise of a discretion or otherwise howsoever in relation to the Rules or the conduct of the Totalisator and whether the matter in relation to which the act or thing is done or the decision or ruling is given or made or the discretion is exercised is dealt with by these Rules or not.
- (24) All disputes which shall arise whether during or after a meeting and whether in relation to the conduct of the Totalisator or the computation of dividends or as to the division of money amongst investors or as to the return of moneys or otherwise arising out of the conduct of the Totalisator and not wholly provided for here in shall be determined by the Stewards of the Controlling Body whose decision shall be final and binding and shall not be subject to review or appeal or be questioned in any Court.
- (25) Any act or thing done and every decision and ruling made or given by the Authority or by the Stewards of the Controlling Body respectively pursuant to these Rules or otherwise in relation to the Totalisator shall be final and conclusive and shall not be questioned or the subject of any suit or proceeding in any Court of Law.
- (26) Where the Totalisator is conducted at a meeting other than by the Controlling Body these Rules in respect of the Totalisator shall be read and construed as if the words "club" appeared in lieu of the words "Controlling Body" and the words "Committee of the Club" appeared in lieu of the words "Committee of the Controlling Body".

Win Totalisator

543. This Rule and Rule 542 (to the extent only that Rule 542 is not inconsistent with this Rule 543) shall apply to the Win Totalisator.

The dividend to be declared on the Win Totalisator shall be determined as follows—

- (a) In the case of there being one winning horse by dividing the pool by the number of tickets taken on the winning horse.
- (b) In the case of there being a dead heat for first so that there is more than one winning horse a win dividend shall be declared in respect of each horse which so dead heats. The pool shall be divided into such number of sub-pools as there are horses which dead-heat for first and one such sub-pool shall be allocated to each horse which so dead-heats and the dividend payable on each such horse shall be ascertained by dividing the sub-pool allocated to that horse by the number of tickets taken for a win on that horse.

Place Totalisator

544. This Rule 544 (and Rule 542 to the extent only that it is not inconsistent with this Rule 542) shall apply to the Place Totalisator.

- 1. (a) Subject to sub-rule 2 and sub-rule 3 the pool shall be divided into three equal parts and one such part shall be allocated to each of the horses placed first, second and third respectively.
- (b) Dividends shall be calculated declared and paid by dividing each part by the respective number of tickets taken on the horse to which such part has been allocated.
- 2. (1) (a) If three (3) or more horses dead-heat for first the pool shall be divided into as many parts as there are horses in the dead-heat and one part allocated to each such horse;

- (b) If two horses dead-heat for first then two-thirds (2/3) of the pool shall be allocated equally between such horses and the remaining one third (1/3) of the pool shall be allocated to the horse or horses placed third;
 - (c) If two or more horses dead-heat for second the portion of the pool remaining after the allocation of the one third part thereof to be allocated to the horse placed first shall be divided into as many parts as there are horses which so dead-heat for second and one such part shall be allocated to each horse; and
 - (d) If two or more horses dead-heat for third then the portion of the pool remaining after the allocation of the one third part of the pool to each of the horses placed first and second shall be divided into as many parts as there are horses in the dead-heat and one part allocated to each horse; and
- (2) Dividends shall be calculated, declared and paid by dividing each sub-pool by the respective number of tickets taken on the horse to which such part has been allocated.
3. Where the number of starters is less than eight (8) the pool shall be divided into two equal parts and one such part allocated to each of the horses placed first and second respectively and dividends shall be calculated declared and paid in accordance with sub-rule 1(b) of this Rule.
- Provided that where three or more horses dead-heat for first or two or more horses dead-heat for second the provision of sub-rule 2(1) (a) or 2(1) (c) (as the case may be) and sub-rule 2(2) shall apply.
4. The Place Totalisator shall not be opened unless there are at least five prospective starters. If the Place Totalisator is opened and the number of horses is reduced to less than five by the withdrawal of a horse or horses the Controlling Body or the Stewards may close the Place Totalisator and refund all investments or declare place dividends on the horses placed first and second or make such other ruling in relation thereto as to it or them seems appropriate.
5. Subject to sub-rule 7 if the sub-pool allocated to a horse (or the respective parts allocated to two horses) is less than the amount (or respective amounts) invested on such horse or horses the Controlling Body (if it does not make up the dividend under sub-rule 6) may declare a dividend of one dollar (\$1) out of the pool in respect of each such horse or horses and divide the remainder of the pool into two equal parts and allocate one part to each of the other two placed horses or allocate the remainder of the pool to the other placed horse as the case may require.
6. Subject to sub-rule 7 where a dividend is calculated at less than—
- (a) one dollar (\$1); or
 - (b) more than one dollar (\$1) but less than one dollar and ten cents (\$1.10);
- the Controlling Body may at its sole discretion provide out of the commission an amount sufficient to declare and pay a dividend of one dollar (\$1) or one dollar and ten cents (\$1.10) as the case may be.
7. Sub-rule 5 and 6 shall not apply to the calculation of a dividend on a horse where as the result of a dead-heat less than one-third (or where Rule 3 applies less than one half) of the pool is allocated to that horse.

Quinella Totalisator

545. This Rule 545 and Rule 542 (to the extent only that it is not inconsistent with this Rule 545) shall apply to the Quinella Totalisator.

1. The investor on the Quinella Totalisator is required to nominate the horses placed first and second irrespective of the order in which they are so placed.
2. A winning combination shall be—
 - (i) in the event of a dead-heat between two horses for first place or there being no dead-heat for either first place or second place a ticket which nominates the two horses which so dead-heat or the horses which finish first and second (as the case may be);
 - (ii) in the event of there being a dead-heat for first place between more than two horses each combination of any two of the horses which so dead-heat;
 - (iii) in the event of there being a dead-heat for second between two or more horses each combination of the horse placed first and each one of the horses which dead-heats for second.

3. The dividend on the Quinella Totalisator shall be determined as follows:—
 - (i) In the event of there being one only winning combination by dividing the pool between the number of tickets taken on the winning combination.
 - (ii) In the event of there being more than one winning combination the pool shall be divided into such number of sub-pools as there are winning combinations on which at least one ticket is taken and one such sub-pool shall be allocated to each such winning combination on which at least one ticket is taken. The dividend for each such winning combination in respect of which at least one ticket is taken shall then be ascertained by dividing the sub-pool allocated to that combination by the number of tickets taken on that winning combination.

Tierce Totalisator

546. This Rule 546 and Rule 542 (to the extent only that it is not inconsistent with this Rule 546) shall apply to the Tierce Totalisator.

1. The Association may conduct a Tierce Totalisator on such races at such meetings as it shall determine.
2. The investor on the Tierce Totalisator is required to nominate three horses to fill the first second and third places irrespective of the order in which those horses are placed.
3. A winning combination shall be—
 - (a) in the event of there being no dead-heat any combination which consists of the horses placed first second, and third irrespective of the order in which those horses are placed;
 - (b) if there shall be a dead-heat then—
 - (i) in the event of there being a dead-heat for first place between more than three horses every combination of three of the horses which so dead-heat;
 - (ii) in the event of there being a dead-heat for second place between two horses the combination of the horse placed first and the two horses which dead-heat for second;
 - (iii) in the event of there being a dead-heat for second between more than two horses each combination of the horse placed first and any two of the horses which so dead-heat for second place;
 - (iv) in the event of there being no dead-heat for first place and a dead-heat for third each combination of the horses placed first and second and one of the horses placed third;
 - (v) in the event of there being a dead-heat for first place between two horses and a dead-heat for third place between two or more horses, each combination consisting of the two horses which dead-heat for first with each one of the horses which dead-heats for third place.
4. (a) If there is no dead-heat for any of the first three placings the dividend to be declared and paid on each winning ticket shall be calculated by dividing the pool by the number of tickets taken on the winning combination.
- (b) In the event of there being more than one winning combination the pool shall be divided equally into such number of sub-pools as there are winning combinations upon which one or more tickets are taken and one such sub-pool shall be allocated to each such winning combination and the dividend payable on each winning combination shall be ascertained by dividing the sub-pool so allocated to that winning combination by the number of tickets taken on that winning combination.
5. In declaring dividends no fractional part of five cents (\$0.05) shall be declared.
6. If—
 - (i) there shall be one winning combination and no ticket is taken on that winning combination; or

- (ii) there is more than one winning combination and no ticket is taken on any of the winning combinations;

the pool shall at the discretion of the Committee of the Controlling Body either be carried forward and added to the Tierce Totalisator pool of a race upon which a Tierce Totalisator is to be conducted at that meeting or at a later meeting or at such discretion as aforesaid shall be divided into such number of parts as the Committee of the Controlling Body shall determine and each such part shall be carried forward and added to the pool of the Tierce Totalisator in respect of a race upon which the Tierce Totalisator is to be conducted by the Controlling Body as the Committee shall determine either at that meeting or at some later meeting to be conducted by the Controlling Body.

Doubles Totalisator

547. This Rule 547 and Rule 542 (to the extent only that it is not inconsistent with this Rule 547) shall apply to the Doubles Totalisator.

1. The Controlling Body may conduct a Doubles Totalisator on such combination of two races which are to be run at the same meeting or at different meetings as it may determine.
2. In these Sub-rules the combination of the two races on which the Doubles Totalisator is conducted is referred to as "the Double" and each of the races on which the Double is conducted is referred to as a race.
3. The investor on the Doubles Totalisator shall nominate a horse to fill first place in each of the two races or which the Double is to be conducted.
4. A winning combination shall be—
 - (a) in the event of there being no dead-heat for first in either race the combination of the horses placed first in each of the two races;
 - (b) in the event of there being a dead-heat for first in one or both of the two races of the Double each combination consisting of a horse which is placed first or which dead-heats for first place in one race of the Double with each of the horse or horses which is placed first or which dead-heats for first place in the other race of the Double.
5. A ticket which nominates for the first race and/or for the second race on which the Double is to be conducted a horse which is declared to be a non-starter shall not by reason of one or both horses so nominated being declared a non-starter be entitled to a refund but such ticket shall be deemed to have nominated such horse as shall be nominated by the Stewards as the substitute horse for the race or races in which the horse or horses nominated on the ticket is declared a non-starter. Unless the Stewards otherwise determine the substitute horse for the race for which the substitute is to be nominated shall be the horse (not being a non-starter) on which most tickets are taken on the Win Totalisator for the race for which the substitute is to be nominated or if there are an equal number of tickets taken on the Win Totalisator on two or more horses then the substitute horse shall be that with the lower or lowest number in the Official Programme for the race. And Sub-rule 12 of Rule 542 shall not apply to the Doubles Totalisator.

Where practicable the name of the substitute horse shall be announced before the running of the race for which it is the substitute.
6.
 - (a) If only one horse is placed first in each of the two races upon which the Double is conducted the dividend to be declared and paid on each winning ticket shall be calculated by dividing the pool by the number of tickets which correctly nominates the winning combination.
 - (b) In the event of there being more than one winning combination then subject to the provisions of paragraph (c) of this Sub-rule the pool shall be divided equally into such number of sub-pools as there are winning combinations and one such sub-pool shall be allocated to each such winning combination shall be ascertained by dividing the sub-pool so allocated to that winning combination by the number of tickets taken on that winning combination.
 - (c) In the event of no ticket being issued on any one of the winning combination then before calculating the dividends payable on the other winning combinations the sum allocated to the sub-pool for the winning combinations on which no tickets have been issued shall be divided equally between all of the sub-pools allocated to winning combinations on which tickets have been so issued.

7. (a) In the event of the abandonment of either the first race or of both races upon which the Double is proposed to be conducted all investments on the Double shall be refunded in full to investors upon presentation of the ticket.
- (b) In the event of the abandonment of the second race of the Double after the first race shall have been run then a dividend shall be determined and declared in respect of the Double by dividing the pool by the number of tickets which correctly nominate the horse which is placed first in the first race of the Double PROVIDED THAT in the event of a dead-heat for the first place between more horses than one in such number of sub-pools as there shall be horses which so dead-heat and which are nominated to win the first race and one such sub-pool shall be allocated to each horse which so dead-heats and which is so nominated and the dividend on each such horse shall be determined by dividing the sub-pool allocated to that horse by the number of tickets which nominates it as the winner of such first race.
8. If—
 - (a) there shall be one winning combination and no ticket is taken on that winning combination; or
 - (b) there is more than one winning combination and no ticket is taken on any of the winning combinations;
 the pool shall at the discretion of the Committee of the Controlling Body either be carried forward and added to the pool in respect of any other Double which the Controlling Body may conduct under this Rule or at such discretion as aforesaid may be divided into such proportions as the Committee of the Controlling Body shall determine and one such portion thereof shall be carried forward and added to the pool of the Doubles Totalisator in respect of such Doubles as may be conducted under this Rule as the aforesaid Committee shall determine.
9. The Controlling Body may permit investments on any Double conducted under this Rule by investors both on the course and off the course.
10. In the event of there being any inconsistency between the provisions of this Rule 547 and the provisions of Rule 542 the provision of this Rule 547 shall prevail.

Double Forecast Quinella

548. This Rule 548 and Rule 542 (to the extent only that is not inconsistent with this Rule 548) shall apply to the Double Forecast Quinella Totalisator.

1. The Double Forecast Quinella Totalisator shall be conducted on such two races as shall be designated by the Controlling Body. The two races on which the Double Forecast Quinella is conducted are hereinafter referred to as "the first race" and "the second race" respectively.
2. The Controlling Body or the Stewards may at any time after a race has been designated as the first race or the second race and whether the Totalisator has been opened or not, cancel such designation and substitute another race or races as the first race or the second race and may also without ascribing any reason therefor close the Double Forecast Quinella Totalisator and order that all investments made thereon be refunded with or without deduction of the commission.
3. Investors on the Double Forecast Quinella shall be required to nominate the horses placed first and second in the first race and the horses placed first or and second in the second race in the order in which they are placed in each of the two races.
4. All investments shall be made prior to the start of the first race. Each ticket which correctly nominates the horses placed first and second in the order in which they are placed may be exchanged for a ticket on the second race.
5. If in the first race—
 - (a) two or more horses dead-heat for first place each ticket on which is nominated the two horses that so dead-heat or two of the horses that dead-heat, irrespective of the order in which the horses are so nominated shall be deemed to have selected the horses placed first and second in the order in which they are placed;
 - (b) two or more horses dead-heat for second place, each ticket on which is correctly nominated the horse that is placed first and one of the horses that dead-heat for second place shall be deemed to have selected the horses placed first and second in the correct order in which they are placed.

6. Subject to Sub-rule 7—
 - (a) each ticket on the second race which correctly nominates the horses which are placed first and second in the correct order in which they are so placed shall be declared a winning ticket;
 - (b) the dividend payable shall be ascertained by dividing the pool by the number of winning tickets.
7. (a) If in the second race two or more horses dead-heat for first place or two or more horses dead-heat for second place then the pool shall be divided into sub-pools by dividing the pools by such number of parts as there are winning combinations.
 - (b) The number of winning combinations shall be ascertained as follows:—
 - (i) where in the second race two or more horses dead-heat for first, each combination of one of the horses that so dead-heat with another of the horses that so dead-heat shall be a winning combination so that if two horses so dead-heat shall be two winning combinations and if three horses so dead-heat there shall be six winning combinations.
 - (ii) If two or more horses dead-heat for second each combination nominating in first place the horse that is placed first and nominating in second place one of the horses that is placed second shall be deemed a winning combination.
 - (c) The dividend payable on each such winning combination shall be ascertained by dividing the amount in each sub-pool by the number of tickets on that winning combination.
 - (d) If there are no tickets on a winning combination the amount allocated to the sub-pool set aside for that combination shall before a dividend is declared be divided equally amongst the sub-pool or sub-pools on which a ticket is taken.
8. A ticket on which are correctly nominated the first and second horses in the first race and which is not exchanged for a ticket on the second race shall be deemed not to be a winning ticket and the holder thereof shall not be entitled to a refund.
9. If there are no winning tickets on a Double Forecast Quinella then at the discretion of the Controlling Body the pool may be added to the pool for the Double Forecast Quinella to be conducted at the next meeting of the Controlling Body or Club which conducted the meeting or be added to the pool for the Double Forecast Quinella to be conducted at a meeting of another Club.
10. If any ticket on the first or second race is taken on a horse which does not reach the starter's hands or which is withdrawn from such race after reaching the starter's hands then the holder of that ticket shall be entitled to a refund of the amount invested on such ticket unless the Stewards or the Committee of the Controlling Body or of the Club which has the conduct of that meeting otherwise determines.

Trifecta Totalisator

549. This Rule 549 and Rule 542 (to the extent only that it is not inconsistent with this Rule 549) shall apply to the Trifecta Totalisator.

1. The investor on the Trifecta conducted on the Totalisator shall nominate three horses to fill first, second and third places in the correct order in which he forecasts that they will be placed. A horse shall be nominated by reference to its official number for the race.
2. A winning combination shall be—
 - (a) in the event of there being no dead-heat for first second or third place the combination of the horses placed first, second and third in the correct order in which they are placed;
 - (b) in the event of there being a dead-heat for first place, second place or third place a combination which is deemed to be a winning combination under the provisions of this Rule.
3. In the event of a dead-heat for first place, second place or third place the following rules shall apply to determine what is a winning combination. A winning combination shall consist of—
 - (a) in the event of there being a dead-heat between two horses for first place each combination nominating the horses which so dead-heat in first and second place and the horse placed third in third place shall be deemed a winning combination;

- (b) In the event of there being a dead-heat between three horses for first place each combination nominating the three horses which so dead-heat for first in first, second and third places shall be deemed a winning combination;
 - (c) In the event of there being a dead-heat for first between more than three horses each combination consisting of any three of the horses which so dead-heat (irrespective of the order in which these horses are so nominated) shall be deemed a winning combination;
 - (d) in the event of there being a dead-heat between two horses for second place each combination which nominates the horse placed first in first place and which nominates for the second and third places the horses which dead-heat for second place (irrespective of the order in which it nominates those two horses) shall be deemed a winning combination;
 - (e) in the event of there being a dead-heat between more than two horses for second place then each combination which nominates—
 - (i) the horse placed first in first place, and
 - (ii) two of the horses which dead-heat for second in second and third place (irrespective of the order in which those two horses are nominated)
 shall be deemed a winning combination;
 - (f) in the event of there being a dead-heat for third place then irrespective of the number of horses which so dead-heat for third place a combination which nominates—
 - (i) the horse placed first in first place;
 - (ii) the horse placed second in second place, and;
 - (iii) one of the horses which so dead-heats for third place;
 shall be deemed a winning combination.
4. A ticket which nominates for any place a horse which is declared to be a non-starter shall be void and the investor who holds that ticket shall on production of the same be entitled to a refund of the amount invested on that ticket.
5. (a) If there is no dead-heat for any of the first three placings the dividend to be declared and paid on each winning ticket shall be calculated by dividing the pool by the number of tickets taken on the winning combination.
- (b) In the event of there being more than one winning combination the pool shall be divided equally into such number of sub-pools as there are winning combinations and one such sub-pool shall be allocated to each such winning combination and the dividend payable on each winning combination shall be ascertained by dividing the sub-pool so allocated to that winning combination by the number of tickets taken on that winning combination.
6. In declaring dividends no fractional part of five cents (\$0.05c) shall be declared.
7. If—
- (i) there shall be one winning combination and no ticket is taken on that winning combination; or
 - (ii) there is more than one winning combination and no ticket is taken on any of the winning combinations,

the pool shall at the discretion of the Committee of the Association either be carried forward and added to the Trifecta Totalisator pool of a race upon which a Trifecta Totalisator is to be conducted at that meeting or to the Trifecta Totalisator pool of a race upon which the Trifecta Totalisator is to be conducted at a later meeting or at such discretion as aforesaid shall be divided into such number of parts as the Committee of the Association shall in its sole discretion determine and each such part shall be carried forward and added to the pool of the Trifecta Totalisator in respect of such race upon which the Trifecta Totalisator is to be conducted by the Association as the Committee shall determine either at that meeting or at some later meeting to be conducted by the Association.

Jackpot Totalisator

550. This Rule 550 and Rule 542 (to the extent that it is not inconsistent with this Rule 550) shall apply to the Jackpot Totalisator:

1. In this Rule 550—"Pool" shall mean the sum remaining after there shall have been deducted from the amount invested on the Totalisator all sums refundable to investors under these Rules and a commission of fifteen per centum (15%) of the sum so remaining after the deduction of the amounts so refundable.

2. The Controlling Body may conduct a Jackpot Totalisator on such number of races to be conducted at the same meeting as it may from time to time determine.
3. In these Sub-rules of Rule 550 the combination of the five races on which the Jackpot Totalisator is conducted is referred to as "the Jackpot" and each race on which the Jackpot is conducted is referred to as a race.
4. The investor on the Jackpot Totalisator shall be required to nominate the horse to fill first place in each of the five races on which the Jackpot is to be conducted.
5. The Totalisator will close for acceptance of bets immediately prior to the scheduled starting time of the first race of the Jackpot or such earlier time as the Controlling Body may decide. Unless the Stewards otherwise determine no investments be accepted or permitted after the Totalisator has once been closed.
6. Only tickets on the official printed form provided for the purpose will be accepted.
7. Each investor shall on lodging his ticket with the Totalisator satisfy himself that he has received the duplicate of the ticket lodged and ensure that his ticket is properly stamped before leaving the counter where the ticket is to be issued or stamped.
8. The Totalisator shall not be obliged to recognise or admit for dividend a ticket which is not stamped as provided in the preceding Rule.
9. A ticket which nominates for any race or races on which the Jackpot is to be conducted a non-starter shall not be entitled to a refund but such ticket shall in respect of a race or each race for which it nominates a non-starter be deemed to have nominated for such race or races such horse as shall be nominated by the Stewards as the substitute horse or horses for such race or races. Unless the Stewards otherwise determine the substitute horse shall be the horse on which most tickets are taken on the Win Totalisator for that race or if there are an equal number of tickets taken on the win Totalisator on two or more horses then the substitute horse shall be that with the lower or lowest number in the Official Programme for the race. And Sub-rule 12 of Rule 542 shall not apply to the Jackpot Totalisator.
Where practicable the name of the substitute horse shall be declared and publicly announced prior to the running of the race for which it is the substitute.
10. In the event of one race being abandoned or cancelled or declared off for any reason whatsoever every horse selected in such race shall for the purpose of the Jackpot be treated as a winner.
11. If more than one race on which the Jackpot is conducted is abandoned cancelled, or declared off the controlling Body may at its uncontrolled discretion—
 - (a) deem all horses nominated for the races so abandoned, cancelled or declared off as winners and declare a dividend in respect of all tickets correctly nominating the first horse of all races actually run; or
 - (b) declare that the Jackpot shall be deemed not operative and order that all investments made on the Totalisator for that meeting be refunded.
12. Subject to Sub-rules 10 and 11 a winning ticket shall be a ticket on which is nominated the winner of all five races of the Jackpot.
13. In the event of a dead-heat for the first place each of the horses which so dead-heat shall be deemed the winner of that race.
14. The portion of the ticket (whether original or duplicate) retained by the Totalisator shall be the sole evidence of the combinations on which an investment is made.
15. An investor holding a winning ticket may produce and deliver up such ticket to the Officers of the Authority conducting the Totalisator on the racecourse during the meeting at which a Jackpot is conducted or to the office of the Authority at Gloucester Park during hours of business.
16. Every holder of a winning ticket who shall deliver up a winning ticket for the purpose of obtaining a receipt shall before leaving the counter obtain from the Totalisator a receipt for the ticket so delivered and satisfy himself that he has received such receipt therefore as no subsequent claim will be recognised and no dividend will be paid out on any document other than a winning ticket or an official receipt.
17. If no ticket is taken correctly nominating the winning combination the amount available for distribution (hereinafter termed the "carry-over"), will be carried forward and added to the pool for the Jackpot Totalisator at the next meeting at which a Jackpot Totalisator is to be conducted.

18. The winning dividend shall be declared by dividing the pool by the number of winning tickets taken on the winning combination.
19. The dividend payable in respect of a winning ticket will be paid on production of a winning ticket or an official receipt for a winning ticket at the time and place or places from time to time nominated by the Committee. Every holder of a winning ticket or official receipt must ensure that he has his proper dividend before leaving the counter as no subsequent claims will be recognised.
20. All dividends shall be payable to the person presenting a winning ticket or an official receipt for a winning ticket. Neither the Association nor the Authority shall be obliged to be satisfied that such person is the lawful owner of the ticket or that any other person entitled to such winning ticket or receipt for a winning ticket or to any interest therein.
21. The decision of the Authority in regard to any question arising as to validity ownership or legibility of any ticket shall be final.
22. The Controlling Body may from time to time and at its discretion as it sees fit set aside out of a carry over a sum or sums for the purpose of declaring by way of a dividend to be known as a consolation dividend and may then or at any other time fix the conditions and circumstances in which such consolation dividend shall be payable. For the purpose of this Rule 550 the term "carry-over" shall include all amounts carried over from prior meetings to the pool for the meeting to which such amounts have been carried over. Particulars of the consolation dividend and such conditions and circumstances as aforesaid shall be published in the official Programme for the day of which the consolation dividend is to be payable.
23. The Committee may from time to time add to amend or vary any of the Rules in relation to the Jackpot Totalisator.
24. Every investor on the Jackpot Totalisator shall by reason of his taking a ticket on the Jackpot Totalisator be deemed to be aware of these Rules and shall be bound thereby.

PART XXXXV.—BOOKMAKERS AND BOOKMAKERS CLERKS.

551. A bookmaker shall not be entitled to field at any meeting under the control of the Controlling Body or of a Club unless he shall be the holder of a current license or permit issued by the Controlling Body.

552. A bookmaker shall not employ or engage any person as a clerk unless that person is the holder of a current license or permit.

553. No person shall be in the employ of a bookmaker as a clerk or otherwise unless he is the holder of a current bookmakers clerks license or permit issued by the Controlling Body.

554. Any bookmaker or other person who commits a breach of any Rule in this part contained shall be guilty of an offence against these Rules and shall be liable to be dealt with accordingly.

555. The regulations (hereinafter called "the regulations") from time to time in force under the Betting Control Act 1954 (as amended) shall apply to every bet made with a bookmaker (hereinafter referred to as a "licensed bookmaker") and to every dispute in relation thereto licensed by the Controlling Body.

556. If a dispute shall arise in relation to a bet made with a licensed bookmaker then the same shall be determined by the Stewards who shall in determining such dispute apply the provisions of the regulations so far as they may be made applicable and in the event of there being no regulation or rule applicable or appropriate to the matter in dispute or in issue then the Stewards shall determine the same on such basis as to them seems just and proper.

557. In the event of a horse being withdrawn from a race at any time or in the event of there occurring any other matter or thing which in the opinion of the Stewards affects bets made with bookmakers then the Stewards shall make such ruling in relation to such bets as is required by or as is consistent with the regulations and in the event that any such matter or thing shall not be dealt with by the regulations then the Stewards shall make such ruling order or determination in relation thereto as shall in their opinion be fair reasonable and proper in all the circumstances.