



20 October 2021

OFFICIAL NOTICE

AMENDMENTS TO THE NEW ZEALAND RULES OF HARNESS RACING AND HARNESS RACING NEW ZEALAND CONSTITUTION

Under the Racing Industry Act 2020 and the New Zealand Rules of Harness Racing, the following rules of New Zealand Harness Racing (the Rules) and Harness Racing New Zealand Incorporated Constitution (the Constitution) were amended at the Annual Meeting of Harness Racing New Zealand Incorporated held on 16 October 2021 by video conference and come into force as set out below.

The full amended Rules and Constitution are available on the HRNZ website.

AMENDMENTS WHICH COME INTO EFFECT ON 20 OCTOBER 2021

1. Rule 102(1)(j), 111(1), and 111(4)

(This amendment comes into force on 20 October 2021)

Clauses 102(1)(j), 111(1), and 111(4) are amended by substituting the words "Adjudicative Committee" for "Judicial Committee" wherever they appear.

2. Rule 103A

(This amendment comes into force on 20 October 2021)

Clause 103A is amended to state:

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

3. Rule 104(1) to (4)

(This amendment comes into force on 20 October 2021)

Rules 104(1) to (4) are amended to state:

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

- (2) Every publication shall until the contrary is proved be recognised as authentic.
- (3) Each publication may be prepared by way of consolidation of these Rules and for that purpose the Chief Executive may (subject to any direction of the Board):
 - (a) Re-number the rules, sub-rules and paragraphs of any rule so far as may be necessary by following any amendment to the rules.
 - (b) Correct any typographical error or slip that had occurred in amending the rules.
- (4) The Chief Executive may (subject to any direction of the Board) correct any error which occurs in any consolidation or re-numbering of these rules.

4. Rule 105 and clause 2.1 of the Constitution

(This amendment comes into force on 20 October 2021)

The definition of totalisator club in rule 105 and clause 2.1 of the Constitution is amended (with appropriate formatting) to state:

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

5. Rule 105

(This amendment comes into force on 20 October 2021)

- a. The definition of driver is deleted.

6. Rule 105 definition of trial and 1505(1)

(This amendment comes into force on 20 October 2021)

- a. The definition of Trial in rule 105, rule 857(3)(a)(ii) and 1505(1) is amended by substituting the words “the Board” for the word “HRNZ” wherever it appears whereby the rules state:

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

- b. Rule 1505(1) is amended to state:

(1) Notwithstanding anything contained in these Rules monies forming the Provident Fund are the property of HRNZ to be dealt with only as the Board may from time to time determine in accordance with these Rules.

7. Rule 107 and the First Schedule

(This amendment comes into force on 20 October 2021)

Rule 107 and the First Schedule are amended to state:

- 107 (1) The clubs listed in Part 1 and Part 2 of the First Schedule are declared to be registered under these rules.
- (2) The entities listed in Part 3 of the First Schedule are entities recognised as being affiliated to HRNZ or harness racing.
- (3) The Chief Executive, subject to any direction by the Board, may update the clubs and entities listed in the First Schedule.

FIRST SCHEDULE

PART 1 REGISTERED CLUBS HAVING BETTING LICENCES

Akaroa Trotting Club Incorporated
Amberley Trotting Club Incorporated
Ashburton Trotting Club Incorporated
Auckland Trotting Club Incorporated
Banks Peninsula Trotting Club Incorporated
Central Otago Trotting Club Incorporated
Cheviot Harness Racing Club Incorporated
Forbury Park Trotting Club Incorporated
Geraldine Trotting Club Incorporated
Gore Harness Racing Club Incorporated
Hawera Harness Racing Club Incorporated
Hororata Trotting Club Incorporated
Invercargill Harness Racing Club Incorporated
Kaikoura Trotting Club Incorporated
Kapiti Coast Harness Racing Club
Kurow Harness Racing Club Incorporated
Manawatu Harness Racing Club Incorporated
Marlborough Harness Racing Club Incorporated
Methven Trotting Club Incorporated
Nelson Harness Racing Club Incorporated
NZ Metropolitan Trotting Club Incorporated
Northern Southland Trotting Club Incorporated
Oamaru Harness Racing Club Incorporated
Rangiora Harness Racing Club Incorporated
Reefton Trotting Club Incorporated
Riverton Trotting Club Incorporated
Roxburgh Trotting Club Incorporated
Stratford Trotting Club Incorporated
Taranaki Racing Incorporated
Timaru Harness Racing Club Incorporated
Tuapeka Harness Racing Club Incorporated
Waikato Bay of Plenty Harness Incorporated
Waikouaiti Trotting Club Incorporated
Waimate Trotting Club Incorporated
Wairarapa Harness Racing Club Incorporated
Wairio Trotting Club Incorporated

Wanganui Trotting Club Incorporated
Westport Trotting Club Incorporated
Winton Harness Racing Club Incorporated
Wyndham Harness Racing Club Incorporated

PART 2 REGISTERED CLUBS NOT HAVING BETTING LICENCES

Chertsey Trotting Club
Christchurch Trotting Club Incorporated
Hawea Picnic Racing Club
The Kumeu District Trotting Club Incorporated
Mount Hutt Trotting Club
Thames Harness Racing Club Incorporated
Waitaki Trotting Club

PART 3 AFFILIATED ENTITIES

Canterbury Country Harness Racing Incorporated
Southern Harness Racing Incorporated
New Zealand Sires Stakes Board Incorporated

8. Rule 213(1)

(This amendment comes into force on 20 October 2021)

Rule 213(1) is amended by inserting a new paragraph (k) that states:

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

9. Rule 229 and 232(1)

(This amendment comes into force on 20 October 2021)

- a. Clause 229(1) and (2) is amended by substituting the words "Chief Executive" for the word "Board" wherever they appear.
- b. Rule 232(1) is amended by substituting the words "Chief Executive" for the word "Chairman".

10. Rule 324

(This amendment comes into force on 20 October 2021)

Clause 324 is amended by inserting after sub-rule (1) a new sub-rule (1A) that states:

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

11. Rule 401 and 402(1)

(This amendment comes into force on 20 October 2021)

- a. Rule 401 is amended by inserting a new sub-rule (3) whereby rule 401 states:

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

b. Rule 402(1) is amended to state:

- (1) No horse under the age of two years shall compete in any race (except that nothing in this rule precludes a horse being entered and starting in a workout or trial after 1 October in the year before it becomes a two-year old under rule 401).

12. Rule 402(2)(a)

(This amendment comes into force on 20 October 2021)

Clause (a) of sub-rule (2) is deleted where it appears for the first time that states:

- (a) the distance of which exceeds 2400 metres, before the first day of January;

13. Rule 418(2)(b)

(This amendment comes into force on 20 October 2021)

Rule 418(2)(b) is amended to state:

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

14. Rule 505B

(This amendment comes into force on 20 October 2021)

Rule 505B is amended to state:

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

15. Rule 706, 711, and 874(3)

(This amendment comes into force on 20 October 2021)

Rules 706, 711, and 874(3) are deleted.

16. Rule 807 to 820

(This amendment comes into force on 20 October 2021)

Rules 807 to 820 are deleted and new rules 807 to 820B are inserted that state:

- 807 Every programme for a race meeting in which there are eight or more harness races at which betting takes place shall include at least two races for trotting horses on each day of the meeting unless the Board authorises otherwise in writing.
- 808 A club that holds betting races on four or more days in a racing year must include at least one race day programme a betting race in which only junior drivers can drive unless the Board authorises otherwise in writing.
- 809 The programme of any race meeting of a racing club or other body not registered under these rules shall not include more than four harness racing races on any day unless the Board otherwise authorises in writing.
- 810 All race distances, distance marking on the racecourse and the handicapping of horses shall be calculated by the metric system provided that the Board may approve races over a distance of one mile.
- 811 The principal race on the programme of any race meeting may be called a Cup only if a Cup or other trophy is to be given to the winner.
- 812 A programme of any race meeting must not include a start time of any race later than thirty minutes before sunset unless suitable track lights are installed to conduct night racing.
- 813 (1) Every programme shall state:-
- (a) The day or each day of the race meeting.
 - (b) The time at which the first race is to start.
 - (c) The amount of stakes and the acceptance fees for each race.
 - (d) A list of non-monetary prizes.
 - (e) The place and the times at which nominations, withdrawals and driver declarations close.
 - (f) The names of the Secretary and President or Chairman.
 - (g) Any special conditions made by the Club or other body conducting the meeting.
 - (h) That the programme is subject to the Programming Conditions - General Regulations.
 - (i) The payment of stakes shall be made under rule 801 to 806 of the Rules.
- (2) Any accidental omission or error from any programme of any matters required by this rule shall not invalidate the programme and such omission or error may be remedied after such programme has been

approved or published.

- 814 Every race-book in respect of a meeting shall state:-
- (a) The official start time of each race.
 - (b) The names of the Stewards, Treasurer, Judge, Starter, Timekeepers, Handicappers and Secretary.
- 815 (1) Entrance and acceptance fees shall only be eligible to be charged on Group and Listed races.
- (2) A programme may not provide for combined entrance and acceptance fees in respect of each horse in any race that exceeds two (2) per cent of the amount of the stakes for the race (excluding of the value of any trophy attached to the stake) unless the race has been approved by the Board as being one for which sustaining payments are required.
- (3) The Board shall annually by regulation classify those races which qualify according to their importance as Group or Listed races.

APPROVAL AND ADVERTISING OF PROGRAMMES

- 816 (1) Before a programme is advertised or published, and before any entries are received for a race meeting or harness racing events thereat, the programme must be approved by the Board.
- (2) No club or other body shall conduct a match, an exhibition of harness racing or a trial against time by a harness racing horse unless permission to do so in writing shall first have been obtained from HRNZ.
- (3) Sub-rules (1) and (2) do not apply to exhibitions of harness racing referred to in sub-rule (2) of rule 702.
- 817 A club or other body concerned must forward a copy of each programme and such fee as the Board from time to time prescribes for each day's racing on such programme to the Board for approval.
- 818 (1) The Board may approve the programme if satisfied:-
- (a) that all the provisions of these Rules relating to programmes and races have been complied with;
 - (b) the races programmed include any specific races to be raced at the race meeting;
 - (c) the programmed races do not undermine the racing calendar prepared by the Board; and
 - (d) the club that in the immediately preceding year has complied with the requirements of the funding agreement between HRNZ and the Club.
- 819 (1) Before approving any programme the Board may require such further information as it thinks fit, the amendment of the programme, or the appointment of some other official in the place of any official disapproved of by it.

(2) In approving a programme, the Board may impose such conditions as it thinks fit.

(3) It shall be a condition of the approval of any programme that the club or other body holding a race meeting shall place conspicuously at every entrance to the racecourse on a notice, namely

Every person applying for or obtaining admission to this racecourse during this meeting shall be deemed to accept the conditions and restrictions imposed on him by these New Zealand Rules of Harness Racing and to agree that he will not seek any remedy available to him at law in respect of anything done under those Rules until he has exhausted all remedies provided by or under these Rules in respect of anything so done.

(4) For an Inter-Dominion or International Championship Meeting, or other extraordinary meeting the Board may approve such programme notwithstanding that the conditions thereof may be in contravention of these rules.

(5) The Board may refuse to approve any programme submitted to it for approval under this rule.

820 No approved programme or any of the conditions thereof, may be altered by the Club or other body, or any official thereof, without the approval of the Board except where rule 813(2) applies.

820A The following approved programmes must be advertised published at least once in full in the Official Notifications unless the Board approves otherwise:

(a) The approved programme of every race meeting at which betting takes place.

(b) The approved programme of a non-Totalisator Club or Owners' and Breeders' Association that includes a penalty-bearing race under the Handicapping System or carries a stake of \$1,000.00 or more.

820B (1) Notwithstanding any other rule to the contrary the Board may prepare a racing calendar (after consultation with totalisator clubs) for specific races to be raced at a particular race meeting, area, or time in the racing year.

(2) To promote the racing calendar the Board may prevent a club holding a particular race if it considers it may undermine the objectives of the racing calendar.

(3) All clubs must comply with the racing calendar.

17. Rule 834(7)

(This amendment comes into force on 20 October 2021)

Rule 834(7) is amended to state:

Notwithstanding anything to the contrary in the preceding provisions to this rule or elsewhere in these rules, where, in relation to a horse which has been accepted for a race and which in fact has not been scratched from that race, the Secretary or other official or servant of the Club concerned has notified TAB NZ that the horse has been scratched from that race and TAB NZ has acted on that notification, such horse shall be deemed to be scratched from that race and may not be reinstated without the prior permission of the Chair of the Stewards or his or her appointed deputy.

18. Rule 872A

(This amendment comes into force on 20 October 2021)

After rule 872 a new rule 872A is inserted that states:

872A Where a horse is involved in an accident or pulls up or is pulled up due to injury or potential injury while on the racetrack (either before the start, during the race, or after the finish) the horse must only be moved by the horse ambulance (if available) unless permission is given for the horse to be walked off the track by the race day veterinarian or in his or her absence a Stipendiary Steward.

19. Rule 1101, 1202(1)(c), 1202(4), clause 3.1 of the Fifth Schedule of the Rules, and the definition of paid official in clause 2.1 of the Constitution

(This amendment comes into force on 20 October 2021)

The definition of Adjudicative Committee in rule 1101 is amended to state:

Adjudicative Committee means an Adjudicative Committee appointed under the Racing Industry Act 2020

Rule 1202(1)(c) is amended to state:

(c) any decision made by an Adjudicative Committee to which clause 3(1) of the Schedule 2 to the Racing Industry Act 2020 applies (which relates to any decision made by an Adjudicative Committee on the day of the race in respect of placings in that race or stakes payable for those placings);

Rule 1202(4) is deleted.

The definition of Appeals Tribunal on clause 3.1 of the Fifth Schedule is amended to state:

Appeals Tribunal means an Appeals Tribunal appointed under the Racing Industry Act 2020

Clause 2.1 of the Constitution, clause c of the definition of paid official is amended to state:

c the Racing Integrity Board-

20. Clause 25.1(c) of the Fifth Schedule and new Clause 28A

(This amendment comes into force on 20 October 2021)

Clause 25.1(c) of the Fifth Schedule is deleted and after clause 28 a new clause 28A is inserted that states:

28A Sanctions

- 28A.1 If a respondent admits a breach of the Rules, or an Adjudicative Committee determines a respondent has committed a breach, the Adjudicative Committee must impose a sanction or penalty required by the Rules to be imposed and may impose any other sanction or penalty provided in the Rules.
- 28A.2 An Adjudicative Committee may defer any decision on sanction or penalty, or any part thereof (other than a mandatory sanction or penalty) for any reason including that:
- (a) The person is undergoing, or is to undergo, medical assessment or treatment.
 - (b) The person is undergoing, or is to undergo, training, counselling, treatment or any other rehabilitative measure.
 - (c) Any other reason the Committee considers relevant.
- 28A.3 The Adjudicative Committee when making an order under clause 28A.2 may impose any condition(s) including giving a direction that:
- (a) The person undergoes medical treatment.
 - (b) The person undergoes training, counselling, or any other rehabilitative measure.
 - (c) The person provides any information or consents to the provision of any information the Tribunal considers relevant.
 - (d) The person consents to not carry out any licensed activity pending the decision on sanction or penalty.
 - (e) The person attends to any other matter or comply with any other condition(s) the Tribunal considers relevant.
- 28A.4 When imposing a penalty or sanction under these rules, the Adjudicative Committee may, in addition to other factors prescribed by these rules, consider the extent (or otherwise) with compliance with any condition(s) or direction(s), or the outcome of any medical treatment, counselling, training, or other rehabilitative measure.

21. Rule 1303(1)

(This amendment comes into force on 20 October 2021)

Rules 1303(1) are amended to state:

- (1) A person who is disqualified may not during the period of disqualification:
 - (a) Whether as principal or agent enter or run a horse in any race, either in his or her own name or in that of any other person.
 - (b) Train any horse, assist or be involved in any capacity in the training of any horse.
 - (c) Assist or be involved in any capacity in the breaking or gaiting of any horse, without the written consent of the Board.
 - (d) Assist or be involved in any capacity with the preparation or presentation of a horse to race at a race meeting, picnic meeting, trial, workout, or gymkhana.
 - (e) Drive any horse in a race or in any exhibition, workout, trial, race meeting, or harness race event.
 - (f) Without the written consent of the Board enter or remain on a racecourse or any other place under the control of a club when being used for trials, workouts or race meetings.
 - (g) Without the written consent of the Board transfer the ownership of any horse either to or from himself or herself.
 - (h) Be engaged by a trainer to work as a stable hand or to work as a stable hand for any period of time.
 - (i) Without the written consent of the Board enter upon the stable area or area used for training of any property of a licensed person.

AMENDMENTS WHICH COME INTO EFFECT ON 29 NOVEMBER 2021

22. Rules 854A to 862 and rule 1107(1)(b)(i)

(This amendment comes into force on 29 November 2021)

- a. Rule 1107(1)(b)(i) is amended by deleting the words “rule 862” and inserting the words “rule 859”.
- b. The heading “General” is deleted before rules 854A and rules 854A to 862 are deleted and the following rules are inserted:
 - 854 No horse may be entered for its first start for a standing or mobile start at any meeting at which racing betting takes place until that horse has behaved prior to the start, started satisfactorily, and gone away for the first 200 metres, from the nominated start type in the presence of a Stipendiary Steward, or person approved by the Racing Integrity Board in their absence.

855 (1) Only a starter licensed under rule 308, or a substitute starter under rule 211(1)(b) or rule 309, may start a race at a meeting.

(2) The Committee or a Stipendiary Steward, or the Starter with the consent of the Committee or a Stipendiary Steward, may appoint one or more Assistants to act under the personal direction of the Starter.

(3) Every Starter and Assistant shall perform such duties and functions as are provided by these rules and the Starting Regulations made by the Board.

856 (1) Only the following persons are permitted to be at the start of the race:

- (a) Stipendiary Stewards.
- (b) The Starter and the Starter's Assistants.
- (c) The race-day veterinarian.
- (d) The Clerk of the Course.
- (e) The farrier
- (f) Any other person with the express permission of the Stipendiary Stewards.

857 (1) The start for all races may be either:

- (a) a standing start;
- (b) a mobile start;
- (c) a moving start; or
- (d) a flying start in matches and exhibitions of speed against time upon such terms and conditions as the Board may decide.

(2) All races shall be started by means of a starting device approved by the Board.

858 (1) A driver must not:-

- (a) Delay the start.
- (b) Fail to obey the Starter's or Assistant Starter's instructions.
- (c) Rush ahead of the inside or outside of the gate.
- (d) Come to the start out of position.
- (e) Cross over before reaching the starting point.
- (f) Interfere with another horse.
- (g) Interfere with another driver.
- (h) Fail to come up into position.
- (i) Fail to maintain his or her position.
- (j) Rush ahead of the inside horse in the case of a moving start.
- (k) Come to the start out of position in a moving start.
- (l) Trust to chance that a false start will be declared.
- (m) Fail to come up to the mobile barrier by the time the candy pole or other nominated marker is reached.

859 (1) No driver shall permit a horse to start and no horse shall start on a mark in advance of its proper mark.

(2) No driver shall permit a horse to start and no horse shall start other than from its correct barrier position or in advance of its correct barrier position

(either at a standing, mobile, or moving start), unless directed by the Starter.

- (3) When a horse starts in advance of its mark or correct barrier position, in addition to any other penalty that may be imposed, the horse shall be disqualified and deemed to be scratched from the race.

860 The Board may make the Starting Regulations which may include how the starting position of horses are determined, the procedure for starting the race, and such other matters relating to the start of a race the Board considers appropriate.

861 Every Starter, Assistant Starter, driver, trainer, and person in charge of the horse must comply with the Starting Regulations so far as they are applicable to him or her.

AMENDMENTS WHICH COME INTO EFFECT ON A DATE TO BE APPROVED BY THE BOARD

23. Rule 1001A(1) and (2)

(This amendment comes into force on a date to be approved by the Board)

Rules 1001A(1) and (2) are amended to state:

- (1) The Board may make Code of Conduct Regulations the purpose of which is to strike a balance between HRNZ needs, the need to protect its interests, manage its professional obligations to other members, stakeholders, staff, and participants rights.
- (2) A person who fails to comply with the Code of Conduct Regulations commits a breach of the rules.

24. Horse Care

(This amendment comes into force on a date to be approved by the Board)

The rules are amended by inserting a new Part XVII that states:

PART XVII HORSE CARE

Definitions

1701 For the purpose of this Part of the rules the following words and phrases shall, unless the context otherwise requires, have the following meanings:

Accountable Person means all of the following:-

(a) The owner of the horse except where:

- (i) there are two or more owners and they have nominated the accountable person at the time of registration or transfer of ownership in which case the accountable person is the nominated accountable person, or

- (ii) if a horse is owned by a syndicate or approved company the accountable person is the Racing Manager of the syndicate or approved company; and
 - (iii) where the horse is held on trust the accountable person are the trustees of the trust.
- (b) Where the horse is in training or on a trainer's premises the trainer.
 - (c) Where the horse is in the care of a licensed person the licensed person.
 - (d) In the case of a foal not registered the owner, or racing manager (as applicable) of the mare of the foal.

Chief Executive means the Chief Executive of Harness Racing New Zealand or his or her delegate.

Chief Executive of the RIB means the Chief Executive of the Racing Integrity Board or his or her delegate.

Horse Care Regulations mean the Horse Care Regulations made by the Board.

participant means:

- (a) a licensed person; and
- (b) includes (without limitation)—
 - (i) A trainer, driver, stablehand, or a person working at a harness training premises.
 - (ii) A breeder of horse(s).
 - (iii) An owner of a horse.
 - (iv) A person who otherwise deals with animals used for harness racing.
 - (v) A member of a Club.
 - (vi) Any other person to whom Rules apply.

Duties of Accountable Person

- 1702 The Accountable Person must take all reasonable steps to ensure that the physical, health, and behavioural, needs of the horse and its care are met in a manner that is in accordance with:
- (a) good practice;
 - (b) scientific knowledge;
 - (c) the Horse Care Regulations; and
 - (d) the Animal Welfare Act 1999, the Code of Welfare: Horses and Donkeys, and the Animal Welfare (Care and Procedure) Regulations 2018.
- 1703 (1) If a horse moves, or is intended to be moved, for a period of 30 days or more, the Accountable Person in direct control of the horse must notify HRNZ of the new address at which the horse will be

domiciled.

- (2) If a trainer ceases to train a horse, he or she shall notify HRNZ within two working days and where the horse is to be domiciled.
- (3) Within two working days of a horse coming into the hands of a licensed trainer or being moved to his or her property the trainer shall notify HRNZ.

Powers of Stipendiary Stewards and Racing Investigators

- 1704 (1) Stipendiary Stewards and Racing Investigators have, in addition to all other powers conferred on them by these rules, the power to enter and inspect any property or premises of a participant at which a horse is located and inspect any horse, facility, plant, equipment, or means of horse transport for the purpose of investigating whether there has been a breach of any rule in this part of the Rules or the Horse Care Regulations.
- (2) A participant must permit a Stipendiary Steward, Racing Investigator, and a veterinarian to have reasonable access to any property, racing premises, horse, facility, plant, equipment, or means of horse transport for the purposes of sub-rule (1).

Horse Care Compliance Notices

- 1705 The Chief Executive may issue a Horse Care Compliance Notice to an accountable person.
- 1706 A Horse Care Compliance Notice may be issued on the joint direction of the Chief Executive of HRNZ and the Chief Executive of the RIB if there are reasonable grounds to believe the accountable person has been acting in contravention of rule 1702 or is likely to do so.
- 1707 A Horse Care Compliance Notice may:
- (a) Require the person to, or to get another person to, cease acting in a manner that HRNZ has reasonable cause to believe contravenes or is likely to contravene rule 1702.
 - (b) Require the person to, or to get another person to do some act or other thing that HRNZ reasonably believes is necessary to ensure that the person complies with rule 1702.
 - (c) Prohibit the person from acting in a manner or prohibit some other person to act in a manner that HRNZ has good cause to suspect contravenes or is likely to contravene rule 1702.
- 1708 The Horse Care Regulations may direct:
- (a) The information that must be included in a Horse Care Compliance Notice.
 - (b) On whom a Horse Care Compliance Notice must be served.

- (c) The procedure for a person issued with a Horse Care Compliance Notice, or who has a direct interest in the horse, to have the Notice withdrawn, cancelled, or amended.
 - (d) Any other matter relating to a Horse Care Compliance Notice the Board considers appropriate.
- 1709 A failure to comply with a Horse Care Compliance Notice is declared to be a Serious Racing Offence.

Horse Care Possession Orders

- 1710 The Chief Executive may issue a Temporary or Permanent Horse Care Possession Order in respect of a horse or horses to an accountable person.
- 1711 The Chief Executive may issue a Temporary Horse Care Possession Order on the joint direction of the Chief Executive and the Chief Executive of the RIB, which direction must be accompanied by a recommendation from an Investigator and a Veterinarian that such an Order be issued on the grounds that in their opinion:
- (a) the person has failed to comply with any requirement made or prohibition imposed under a Horse Care Compliance Notice; or
 - (b) there are reasonable grounds to believe that the person in respect of whom the Order is sought, has been acting in contravention of rule 1702 or is likely to do so, and the Chief Executives believe that the issue of the Temporary Horse Care Possession Order is reasonably necessary or desirable in order to address the situation.
- 1712 The Chief Executive may, under a Temporary Horse Care Possession Order:
- (a) enter onto any property or premises of a participant and seize the horse(s) to which the Order applies that is in the possession or custody, or under the care, control, or supervision, of the person to whom the Order was issued;
 - (b) move a horse(s) to another property, and maintain possession of the horse(s) or place the horse(s) with another person; and
 - (c) take any other steps that the Chief Executive considers reasonably necessary or desirable to prevent or mitigate any suffering of any horse.
- 1713 (1) A person who is served with a Temporary Horse Care Possession Order, or who has a direct interest in the horse, may within 20 working days after the notice was sent, notify the Chief Executive in writing that they apply to have the Order withdrawn, cancelled, or amended.

- (2) Where no notification is received under sub-rule (1) the Temporary Horse Care Possession Order shall become a Permanent Horse Care Possession Order.
- (3) Where notification is received under sub-rule (1) the Chief Executive shall within one week advise a date to consider the application.
- (4) On the hearing of an application the Chief Executive may:
 - (a) withdraw, cancel, or amend the Temporary Horse Care Possession Order including on conditions; or
 - (b) make a Permanent Horse Care Possession Order if satisfied such an order is required on horse care grounds.

1714 On the withdrawal or cancellation of a Temporary Horse Care Possession Order, the Chief Executive will return the horse to its owner(s) subject to the terms or conditions (if any) of such withdrawal or cancellation.

1715 Upon the issue of a Permanent Horse Care Possession Order the Chief Executive may:

- (a) sell the horse (and for such purpose, where the Chief Executive is aware that the horse is subject to a security interest, the Chief Executive may permit the holder of the security interest to run the sale process);
- (b) find a home for the horse; or
- (c) euthanise or otherwise dispose of the horse in such manner as the Chief Executive sees fit,

and each person with legal or beneficial ownership of the horse is deemed to have consented to such action and (where applicable) to have irrevocably appointed the Chief Executive as its agent for the purposes of carrying out such action.

1716 Where an animal is sold under rule 1715 the Chief Executive must pay the proceeds of sale (if any) (after deducting (in order) the reasonable costs of sale, any sums required to be paid to the holder of a security interest or any other person under a condition of the Permanent Horse Care Possession Order, and any expenses described in rule 1717 below) to the owner(s) of the horse or such other person as the Chief Executive directs.

1717 Any person who fails to comply with a Temporary or Permanent Horse Possession Order or obstruct the Chief Executive or his or her delegate acting under an order commits a breach of the rules and the breach is declared to be a Serious Racing Offence.

1718 Any expenses reasonably incurred by the Chief Executive as a result of the exercise of any of the powers conferred by these rules, including any costs incurred by the Chief Executive in caring for the horse, providing veterinary treatment to the horse, or euthanising the horse are

recoverable from the owner(s) of the horse or such other person as the Chief Executive directs. Such costs shall be declared to be arrears under these rules.

- 1719 The Horse Care Regulations may direct:
- (a) The information that must be included in a Temporary or Permanent Horse Possession Order.
 - (b) On whom a Temporary or Permanent Horse Possession Order must be served.
 - (c) The procedure for a person issued with a Temporary Horse Possession Order, or who has a direct interest in the horse, to have the Order withdrawn, cancelled, or amended.
 - (d) Any other matter relating to a Temporary or Permanent Horse Possession Order the Board considers appropriate.

General Provisions

- 1720 A breach of the Horse Care Regulations is declared to be a Serious Racing Offence except where the expressed otherwise.
- 1721 An application to withdraw, cancel or amend a Horse Care Compliance Notice or a Temporary Horse Care Possession Order shall not operate as a stay of such Notice or Order.
- 1722 For the avoidance of doubt:
- (a) Horse Care Compliance Notices and Temporary and Permanent Horse Care Possession Orders may be issued at any time notwithstanding any related filing of an information or bringing of proceedings before a Tribunal; and
 - (b) Information's may be filed and proceedings may be brought before a Tribunal at any time in respect of any alleged breach of the Horse Care Regulations irrespective of whether or not a Horse Care Compliance Notice or Temporary or Permanent Horse Possession Order has been issued.
- 1723 Nothing in this Part of the rules requires a person to keep a horse alive when it is suffering unreasonable or unnecessary pain or distress.
- 1724 Nothing in this Part of the rules limits or supersedes any other obligations imposed at law, including (but not limited to) under the Animal Welfare Act 1999 or any successor or related legislation.
- 1725 HRNZ, nor a Club, a Stipendiary Steward, an Racing Investigator, a Tribunal, or any person authorised by any of them to act under these rules, nor any employee nor agent of any of them, shall be liable for damages to the owner or lessee (as the case may be), trainer, racing manager, or accountable person of a horse or to any other person subject to these rules at any time when the alleged cause of action arose by

reason of the exercise of the powers conferred (or bona fide believed to have been conferred) by this Part of the rules.

- 1726 For the avoidance of doubt, any person who is subject to any duty, obligation, or prohibition in these rules in relation to a horse is not released from that obligation merely because they are not the Accountable Person for that horse.
- 1727 Any decision made by the Chief Executive and the Chief Executive of the RIB is declared to be final and not the subject of appeal.
- 1728 Any decision made by the Chief Executive, not subject to review by the Board is declared to be final and not subject to appeal.
- 1729 Any decision made by the Board on review of a decision made by the Chief Executive is declared to be final and not subject to appeal.

AMENDMENTS WHICH COME INTO EFFECT ON 1 JULY 2022

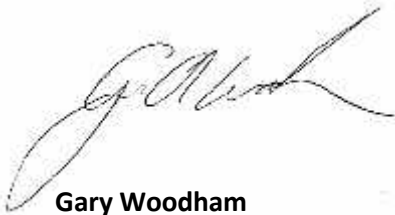
25. Clause 2.1 of the Constitution

(This amendment comes into force on 1 July 2022)

Clause 2.1 of the Constitution is amended insert a definition of a small racing club that states:

small racing club shall have the same meaning as provided in the Racing Industry Act 2020

Dated this 20th day of October 2021.



Gary Woodham
Chief Executive