

THE JAMAICA RACING COMMISSION ACT

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SCHEDULE

THE JAMAICA RACING COMMISSION ACT

Acts
3 of 1972,
4 of 1979,
14 of 1997,
28 of 2003
S. 2,
23 of 2016.

[29th December, 1972.]

Preliminary

1. This Act may be cited as the Jamaica Racing Commission Act. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“authorized person” means a person appointed by the Commission under section 24;

“Commission” means the Jamaica Racing Commission established under section 3;

“functions” includes powers and duties;

“horse” includes mare, gelding, colt and filly;

“racecourse” means any grounds in the Island including any buildings or structures thereon used or intended to be used for the purpose of a racecourse for racing with horses and other incidental activities, where betting transactions are conducted;

“Racing Rules” means the rules referred to in section 22.

PART I. *The Jamaica Racing Commission*

3.—(1) There shall be established a body to be called the Jamaica Racing Commission to regulate and control horse-racing and the operation of racecourses in the Island and to carry out such other functions as are assigned to it by or in pursuance of the provisions of this Act or any other enactment. Establishment and constitution of Commission.

(2) The Commission shall be a body corporate to

which the provisions of section 28 of the Interpretation Act shall apply.

Schedule.

(3) The provisions of the Schedule shall have effect as to the constitution and operation of the Commission and otherwise in relation thereto.

Functions of Commission.

4. Subject to the provisions of this or any other enactment the Commission shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions, and in particular, but without prejudice to the generality of the foregoing the Commission shall have power—

- (a) to grant such licences and permits as may be required by virtue of the provisions of this Act;
- (b) to recommend to the Minister the methods of utilizing sums under the Betting, Gaming and Lotteries Act for the assistance of breeders of horses and horse-racing generally; and
- (c) to introduce and implement or to assist in or undertake the implementation of any scheme for the development of the horse-racing industry.

Funds and resources of Commission.

5. The funds and resources of the Commission shall consist of—

- (a) sums placed at its disposition pursuant to the provisions of the Betting, Gaming and Lotteries Act for the improvement of breeds of horses and the improvement of horse-racing;
- (b) any fees collected in respect of the issue of licences and permits under this Act;
- (c) moneys collected as penalties under section 30;
- (d) all other sums or property which may in any manner become payable to or vested in the Commission in respect of any matter incidental to its functions under this Act or any other enactment.

6.—(1) The Commission may apply its funds for all or any of the following purposes— Applica-
tion of
funds.

- (a) the payment of expenses incurred by it in the exercise of its functions under this Act or any other enactment;
- (b) the making of payments, grants or loans for all or any of the following purposes—
 - (i) the increase of prize money in connection with horse-racing at racecourses;
 - (ii) the establishment and maintenance of a welfare and provident fund for the benefit of such categories of persons directly employed in horse-racing as the Commission may think fit;
 - (iii) any purpose approved by the Minister for the improvement of the breeding of horses for racing;
- (c) the setting up or the operation of any undertaking, or both, for the provision of horses, amenities and any other matters or things relating to horseracing.

(2) The Commission may attach to any grant or loan made or proposed to be made by it under this section such conditions as the Commission thinks fit.

7.—(1) Subject to the provisions of subsection (2) the Commission may borrow sums required by it for meeting any of its obligations or discharging any of its functions. Borrowing
powers.

(2) The power of the Commission to borrow shall be exercisable only with the approval of the Minister responsible for finance as to the amount, as to the source of borrowing and as to the terms on which the borrowing may be effected, and an approval given in any respect for the purpose of this section may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances
and
guarantee
of bor-
rowings.

8.—(1) The Minister may from time to time make advances to the Commission out of moneys provided by Parliament for the purpose.

(2) The Minister responsible for finance may, with the approval of the House of Representatives, guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and the payment of interest on any authorized borrowings of the Commission made otherwise than by way of advance under subsection (1).

(3) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or in the payment of interest guaranteed under this section, he shall direct the repayment, or, as the case may be, the payment, out of the Consolidated Fund of the amount in respect of which there has been such default.

Repayment
of, and
interest on,
advances
and sums
issued to
meet
guarantees.

9. The Commission shall make to the Accountant-General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of advances made to the Commission under section 8, and of any sums issued in fulfilment of any guarantee given thereunder, or payments of interest on any sum outstanding for the time being in respect of such advances and of any sums so issued at such rates as the Minister may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Reserves.

10. The Commission shall establish and maintain such reserves as it considers necessary and as the Minister may from time to time approve.

Accounts
and audit.

11.—(1) The Commission shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to

the Minister, being a form which shall conform with the best commercial standards.

(2) The accounts and records shall be kept in such a manner as to secure the provision of separate information as respects each of the main activities of the Commission.

(3) The accounts of the Commission shall be audited by an auditor or auditors appointed annually by the Commission and approved by the Minister.

(4) So soon as the accounts of the Commission have been audited, the Commission shall send the statement of its accounts referred to in subsection (1) to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Commission.

(5) The auditor's fees and expenses of the audit shall be paid by the Commission.

(6) The Auditor-General shall be entitled, on the direction of the Minister, at all times to examine the accounts and other records in relation to the business of the Commission.

12.—(1) The Commission shall, within four months after the end of each financial year, or within such longer period as the Minister may in special circumstances approve, cause to be made and transmit to the Minister a report dealing generally with the activities of the Commission during the preceding financial year.

Annual
report.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon or on the accounts to be laid on the Table of the House of Representatives and of the Senate.

(3) Copies of the Commission's report together with the annual statement of accounts and the auditor's report on that statement or on the accounts of the Commission

shall be published in such manner as the Minister may direct and shall be made available to the public by the Commission at a reasonable price.

13. *[Deleted by Act 28 of 2003, S. 2.]*

Power of
Minister to
give direc-
tions to Com-
mission.

14.—(1) The Minister may after consultation with the chairman of the Commission, give to the Commission such directions of a general character as to the policy to be followed by the Commission in the discharge of its functions as appears to the Minister to be necessary in the public interest.

(2) The Commission shall furnish the Minister such information as he may require with respect to the property and activities of the Commission, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

PART II. *Staff*

Appoint-
ment of
manager,
secretary and
other
servants or
agents.

15.—(1) The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a manager, a secretary and such other officers, servants and agents as it thinks necessary for the proper performance of its functions:

14:1997
S. 2 (a).

Provided that no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister.

14 1997
S. 2 (b).

(1A) In subsection (1) the prescribed rate means a rate of four hundred thousand dollars per annum or such higher rate as the Minister may, by order, prescribe

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office with the Commission and any public officer so appointed shall, in relation to pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

16. The Commission shall have power, with the approval of the Minister, to make regulations establishing schemes for pensions, gratuities and other retiring benefits in respect of the employees of the Commission and such regulations may include provisions for the grant of benefits to the dependants or the legal personal representatives of such employees.

Pension
scheme.

PART III. *Racecourses and Race-meetings*

17.—(1) After the 29th December, 1972, it shall not be lawful for any person to operate a racecourse without obtaining a licence from the Minister authorizing him so to do.

Unlicensed
persons not
to operate
racecourse.

(2) Any person who contravenes the provisions of subsection (1) shall be liable on summary conviction before a Resident Magistrate to imprisonment for a term not exceeding twelve months, or to a fine for each day during which the contravention continues not exceeding ten thousand dollars for each such day and in default of the payment of any such fine to imprisonment for a term not exceeding three months, or to both penalties, that is to say, imprisonment for a term not exceeding twelve months and a fine not exceeding ten thousand dollars for each day during which the contravention continues.

(3) Where a company is guilty of a contravention of subsection (1) every director, manager, agent or officer of the company who is knowingly a party to the contravention shall be liable to the penalties prescribed by subsection (2).

Application
for licence.

18.—(1) A person requiring a licence under this Part shall make application in writing to the Minister in the prescribed form and manner giving in such application the information which may be required by regulations made under this Act.

(2) The Minister shall transmit such application to the Commission for its recommendations before granting a licence:

Provided that the Minister may where he considers it expedient so to do grant a provisional licence for such period, not exceeding six months, and subject to such terms and conditions as he thinks fit.

(3) When the Commission receives an application which has been transmitted to it by the Minister, in order to satisfy itself that the application is in order, the Commission may make such investigations as it considers necessary in connection with the application.

(4) If the Commission is satisfied that the application is in order, it shall—

(a) direct an authorized person to visit and inspect the racecourse in respect of which the application is being made; and

(b) inform the applicant of such direction.

(5) Where directed under paragraph (a) of subsection (4) an authorized person may, for the purpose of carrying out an inspection under this section—

(a) enter upon and examine the racecourse in respect of which the application is made;

(b) put to any person on the racecourse any question relating to the application for a licence to operate the racecourse if he reasonably believes that any information can be so obtained which will assist the Commission in arriving at a decision as to whether or not the application should be recommended; and

he shall produce his certificate of appointment to any person on the racecourse reasonably requiring him to do so.

(6) Upon the completion of the inspection as aforesaid the authorized person shall make his report thereon in writing to the Commission, which shall, as soon as practicable thereafter, forward its recommendation to the Minister.

19.—(1) The Minister may in respect of any application under section 18, if satisfied that it is desirable so to do, as soon as practicable after receipt of the recommendations of the Commission, grant or refuse to grant the licence to the applicant to operate the racecourse and shall notify the applicant in writing accordingly. Grant of licence for racecourse.

(2) A licence granted by the Minister under subsection (1)— 23/2016 S. 2.

(a) may specify that the licence is granted exclusively in respect of any parish in Jamaica as specified in the licence; and

(b) shall be for such period and subject to such terms and conditions as may be specified in the licence.

(3) In this section, for the avoidance of doubt, “exclusively” means a licence will not be issued to any other entity in respect of any parish specified, and for the time specified, in the licence. 23/2016 S. 2.

20.—(1) Before the Minister grants or refuses a request for the transfer of a licence granted under this Part, an application by the person requesting the transfer shall be made in writing to the Commission in the prescribed form and manner giving such information as may be required by regulations made under this Act. Transfer of licence.

(2) The Commission shall conduct such inquiries in respect of any such application as it thinks fit and shall transmit such application with its recommendations to the Minister who may, if satisfied that it is desirable so to do, as soon as practicable after receipt thereof, grant or refuse to grant such application.

(3) Where an application for transfer of a licence is granted, the Minister shall endorse upon the licence an order to this effect.

Suspension
and revoca-
tion of
licence.

21. The Minister may suspend or revoke a licence granted under this Part, upon the recommendation of the Commission made pursuant to an investigation held under section 25.

Race-meetings
and
Racing
Rules.

22.—(1) The fixing of the days on which meetings for horse-racing at racecourses may be held shall be subject to the approval of the Commission; and the rules relating to horse-racing at racecourses (in this Act referred to as “the Racing Rules”) and any variations of such rules shall be prescribed by the Commission.

(2) The Racing Rules may contain provisions relating to—

- (a) the programmes for meetings;
- (b) the conditions on which entries to the various races may be accepted;
- (c) the method of receiving entrance fees;
- (d) the paying of prize money; and
- (e) all such other matters, whether similar to the foregoing or not, relating to horses that are bred for racing and matters relating to racing, breeding, training and grooming as the Commission may from time to time require.

(3) It shall be lawful for the Commission or its employees or agents to exercise such functions as may be prescribed by the Racing Rules.

Occupation
permits
required.

23.—(1) After the 29th December, 1972, no person shall be, or employ another, or be employed as, a trainer, jockey, apprentice, stable employee or otherwise in connection with any horse being trained for horse-racing unless that person is the holder of a permit from the Commission for such purpose.

(2) Every application for a permit under subsection (1) shall be in such form and furnish such information as may be prescribed.

(3) The Commission may—

- (a) upon an application under subsection (2) grant a permit under this section for such period and subject to such restrictions as it may think fit or may in its discretion refuse to grant such permit;
- (b) at any time suspend or revoke a permit granted under this section and shall forthwith notify the person concerned by post of the suspension or revocation (as the case may be) of his permit specifying the date on which such suspension or revocation shall have effect.

(4) Any person who contravenes the provisions of subsection (1) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four hundred dollars and in default of payment to imprisonment for a term not exceeding four months; and where a company is guilty of a contravention of subsection (1) every director, manager, agent or officer of the company who is knowingly a party to the contravention shall be liable to the penalties aforesaid.

PART IV. *General*

24.—(1) The Commission may appoint such persons as it thinks fit (including persons who are members of the Commission) for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of this Act and the regulations and the Racing Rules made thereunder, and any such person is in this Act referred to as an “authorized person”.

Appoint-
ment of
authorized
persons.

(2) The Commission shall furnish every authorized person with a certificate of appointment.

(3) An authorized person may (subject to the production by him if so required of his certificate of appointment as such) at all reasonable times enter any premises

which are used or which he has reasonable cause to believe are used—

- (a) for the operations of a racecourse;
- (b) for controlling the operations of a racecourse;
- (c) for keeping horses in training for racing; or
- (d) for the breeding of horses for racing,

and may examine the entries required to be made in the records kept in connection therewith and copy the whole or any material part of such records.

Investiga-
tions.

25. The Commission may, where it considers it expedient so to do, hold or cause to be held an investigation—

- (a) to determine whether any licence granted under Part III should be suspended or revoked;
- (b) in respect of the breach of any of the regulations or of the Racing Rules made under this Act or of any terms or conditions of any licence or provisional licence; or
- (c) as respects any matter related to or connected with its functions so as to determine whether any of such functions should be exercised,

and with respect to any such investigation the following provisions shall have effect—

- (i) the person or persons holding the investigation (hereinafter in this section referred to as “the tribunal”) shall do so in such manner and under such conditions as the tribunal may think most effectual for ascertaining the facts of the matter under investigation;
- (ii) the tribunal shall have for the purpose of the investigation all the powers of a Resident Magistrate to summon witnesses, call for the production of books and documents and to

examine witnesses and the parties concerned on oath;

- (iii) any person summoned to attend or to produce books or documents under this section, and refusing or neglecting so to do or refusing to answer any question put to him by or with the concurrence of the tribunal shall be guilty of an offence against this Act and be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars and in default of payment to imprisonment for a term not exceeding three months :

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him at such an investigation be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice;

- (iv) any witness attending at the request of or upon summons by the tribunal shall, subject to any order made by the tribunal be entitled to like allowances for expenses as if summoned to attend a Resident Magistrate's Court.

26.—(1) The Commission may by instrument in writing and subject to such conditions as may be specified in the instrument delegate to any person any of the functions exercisable by the Commission by virtue of the provisions of this Act or any other enactment.

Power of
Commission
to delegate
functions.

(2) A delegation under this section shall be revocable by the Commission, and no delegation shall prevent the exercise by the Commission of any of its functions.

(3) Any person to whom a delegation is made under this section shall furnish to the Commission from time to time such information as the Commission may require with respect to the exercise of any of the functions delegated under this section:

Provided that nothing in this section shall authorize the Commission to depute any person to hear any appeal or to make regulations or Racing Rules under the powers in that behalf conferred upon it by any enactment.

Appeal to
Commission.

27.—(1) There shall be an appeal to the Commission against a decision given by a person acting in pursuance of any function delegated under section 26.

(2) Any person who is aggrieved by a decision given by a person referred to in subsection (1) may appeal to the Commission against such decision within such time and in such manner as may be prescribed.

(3) The Commission may, at the hearing of an appeal against a decision in respect of which the appeal is brought—

- (a) dismiss the appeal and confirm the decision; or
- (b) allow the appeal and set aside the decision; or
- (c) set aside the decision and substitute therefor such other decision as the Commission may think proper;
- (d) allow the appeal and direct that the proceedings in respect of which the decision (the subject of the appeal) was made, be reconducted either by the person who made that decision or such other person as the Commission may decide.

Decisions of
Commission
final.

28. All decisions of the Commission given in respect of any matter which falls within its functions shall be final.

Regula-
tions.
4/1979
S. 2.

29.—(1) The Commission may, with the approval of the Minister, make regulations generally for the proper carrying out of the provisions and purposes of this Act.

(2) In particular and without prejudice to the generality of subsection (1) regulations under this section may be made—

- (a) relating to the security of persons, horses and vehicles within a racecourse;
- (b) relating to security arrangements within a racecourse;
- (c) prohibiting any form of act or conduct within a racecourse, which may cause obstruction, injury or damage to any person, horse or property;
- (d) determining or prohibiting the presence or movement of any person, animal or vehicle within a racecourse, or any part thereof, or otherwise regulating the use of any such animal or vehicle;
- (e) prescribing conditions and fixing charges to be paid for the use of a racecourse and the facilities provided therein;
- (f) providing for the disposal of unclaimed property in the custody of the Commission or of the licensee of a racecourse;
- (g) prescribing fees to be paid in respect of any application for the grant or transfer of a licence or a permit to be granted or transferred under this Act or charges in respect of any other matter;
- (h) prescribing any other matter required or permitted by this Act to be prescribed.

30.—(1) The Commission shall have power to impose penalties for any breach which has been found to be committed, pursuant to investigations under section 25, so, however, that the penalty in respect of any such breach shall not exceed two hundred and fifty thousand dollars.

Power of
Commission
to impose
penalties.

14/1997
S. 3.

(2) Any such penalty shall—

- (a) be paid into the funds of the Commission;

- (b) be recoverable by the Commission as a debt in a Resident Magistrate's Court.

Offences.**31. Every person who—**

- (a) obtains a licence or permit or the renewal of a permit or the transfer of a licence under this Act by wilful misrepresentation; or
- (b) in relation to any application for a licence or permit or the renewal or the transfer of a licence wilfully or recklessly gives any false or misleading information or makes a false or misleading statement; or
- (c) refuses to permit any authorized person to enter or inspect any racecourse or any premises used for the purpose of keeping racehorses in training or breeding horses for racing, or to examine the entries required to be made in the records kept in connection with the operation of a racecourse or for such purpose as aforesaid, as the case may be, or obstructs him in the execution of his duty under this Act,

shall be guilty of an offence and be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding twelve months.

14/1997
S. 3.

SCHEDULE

(Section 3)

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| <p>1. The Commission shall consist of such number of members, not being less than three nor more than seven members as the Minister may from time to time determine.</p> | <p>Constitution of Commission.</p> |
| <p>2. The members of the Commission shall be appointed by the Minister by instrument in writing and subject to the provisions of this Schedule, shall hold office for such period, not being less than two years nor more than five years, as the Minister may direct in such instrument.</p> | <p>Appointment of members.</p> |
| <p>3. Every member of the Commission shall be eligible for reappointment.</p> | <p>Reappointment.</p> |
| <p>4. The Minister shall appoint one of the members of the Commission to be the chairman thereof.</p> | <p>Chairman.</p> |
| <p>5. If the chairman or any other member of the Commission is absent or unable to act, the Minister may appoint any person to act in the place of such chairman or other member.</p> | <p>Acting appointments.</p> |
| <p>6. (1) Any member of the Commission, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, that member shall cease to be a member of the Commission.</p> | <p>Resignation.</p> |
| <p>(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.</p> | |
| <p>7. The Minister may, on the application of any member, grant leave of absence to such member.</p> | <p>Leave.</p> |
| <p>8. The Minister may at any time revoke the appointment of any member of the Commission if he thinks it expedient so to do.</p> | <p>Revocation of appointments.</p> |
| <p>9. The names of all members of the Commission as first constituted and every change in the membership thereof shall be published in the Gazette.</p> | <p>Gazetting of appointment.</p> |
| <p>10. (1) No member of the Commission shall be personally liable for any act or default of the Commission done or omitted to be done in good faith in the course of the operation of the Commission.</p> | <p>Protection of members of the Commission.</p> |
| <p>(2) Where any person is exempt from liability by reason only of the provisions of this paragraph the Commission shall be liable to the extent that it would be if that person was an employee or agent of the Commission.</p> | |
| <p>11. There shall be paid from the funds of the Commission to the chairman and other members of the Commission such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.</p> | <p>Remuneration of members.</p> |

Office of chairman or member not public office.

12. The office of chairman or member of the Commission shall not be a public office for the purpose of Chapter V of the Constitution of Jamaica.

Seal, and execution of documents.

13. (1) The seal of the Commission shall be kept in the custody of the chairman or of any officer of the Commission authorized by the Commission in that behalf, and shall be affixed to instruments pursuant to a resolution of the Commission, in the presence of the chairman or any other member of the Commission authorized to act in that behalf, and the secretary thereof.

(2) The seal of the Commission shall be authenticated by the signatures of the chairman or any other member of the Commission authorized to act in that behalf, and the secretary or some other officer authorized by the Commission to act instead of the secretary.

(3) All documents other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the chairman or any other member or officer of the Commission authorized to act in that behalf.

Procedure and meetings.

14. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Commission may determine.

(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Commission.

(3) The chairman shall preside at meetings of the Commission, and if the chairman is absent from a meeting the members of the Commission present shall elect one of their number to preside at the meeting.

(4) The quorum of the Commission shall be such number as the Minister shall from time to time determine, not being less than one-half the total number of members of the Commission.

(5) The decisions of the Commission shall be by a majority of votes, and in addition to an original vote the chairman or other member presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes of each meeting of the Commission shall be kept in proper form and shall be confirmed as soon as practicable at a subsequent meeting.

(7) The validity of the proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Commission may regulate its own proceedings.

15. A member of the Commission who is directly or indirectly interested in any matter which is being dealt with by the Commission— Disclosure of interest.

- (a) shall disclose the nature of his interest at a meeting of the Commission; and
- (b) shall not take part in any deliberation or decision of the Commission with respect to that matter.