

**Central Service and Contingency Planning  
Group**  
Central Management Branch



Department of  
**Agriculture, Environment  
and Rural Affairs**  
[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Your reference: N/A  
Our reference: SUB/0370/2021

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26 April 2021

Dear Stella

### **THE HORSE RACING (AMENDMENT) BILL**

The Horse Racing (Amendment) Bill passed its Second Stage on 26 April and now moves to its formal Committee Stage. In order to assist the Committee's scrutiny, please find a Delegated Powers Memorandum for the Bill, which sets out the provisions of the Bill that confer powers to make delegated legislation. The Memorandum (attached as an Annex) explains why any powers have been taken and explains the nature of, and the reason for, the Assembly procedure selected.

In the case of the Horse Racing (Amendment) Bill, there is only one delegated power, that of amending the definition of "horse racecourse operator" by regulations. The procedure (draft affirmative) is considered appropriate as it gives the Assembly adequate opportunity to consider any proposed amendments, as the delegated power amends primary legislation.

Yours sincerely

**Michael Oliver**  
**Departmental Assembly Liaison Officer**

Annex: Delegated Powers Memorandum for the Horse Racing (Amendment) Bill.

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This Memorandum refers to the Horse Racing (Amendment) Bill as introduced in the Northern Ireland Assembly on 13 April 2021 (Bill 20/17-22)

## **HORSE RACING (AMENDMENT) BILL**

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### **Delegated Powers Memorandum**

#### **DELEGATED POWERS MEMORANDUM PURPOSE**

- 1 This memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs for the Committee for Agriculture, Environment and Rural Affairs to assist with its scrutiny of the Horse Racing (Amendment) Bill. The Bill was introduced to the Assembly on 13 April 2021. The memorandum describes the purpose of the subordinate legislation provision in the Bill and outlines the reason for seeking the proposed power. This memorandum should be read in conjunction with the Explanatory and Financial Memorandum for the Bill.
- 2 The contents of this memorandum are entirely the responsibility of the Department of Agriculture, Environment and Rural Affairs, and have not been endorsed by the Northern Ireland Assembly.

#### **OUTLINE OF BILL PROVISIONS**

- 3 The main purpose of the Horse Racing (Amendment) Bill is to amend the Horse Racing (Northern Ireland) Order 1990 (the 1990 Order) to change the named beneficiaries of the Horse Racing Fund following a change in management at Down Royal.
- 4 The Bill contains 6 Clauses.
- 5 More detailed information about the Horse Racing (Amendment) Bill is provided in the Explanatory and Financial Memorandum, which is published separately.

#### **DELEGATED POWERS**

- 6 The Bill confers a power on the Department, which is set out below.

## **DELEGATED POWERS**

**Clause:** **Clause 1 (Horse racecourse operators).**

**Power conferred on:** **The Department.**

**Power exercisable by:** **Regulations.**

**Assembly procedure:** **Draft Affirmative.**

### Provision

This clause amends Article 2 of the 1990 Order, by omitting definitions of “the Company” and “the Corporation”. The clause inserts a definition “horse racecourse operator” as Downpatrick Race Club and Down Royal Park Racecourse Limited. These are the current operators of the racecourses at Down Royal and Downpatrick. Clause 1 also provides that the Department can amend the definition of “horse racecourse operator” by regulations, with the approval by resolution of the Assembly.

### Reason for taking power

The power to amend primary legislation is necessary to future proof the 1990 Order should either of the racecourses have a change in operator again. This narrow change will allow this to happen quickly without the need for primary legislation.

### Choice of procedure

A regulation made under this provision of the Bill will be subject to the draft affirmative procedure. The procedure is considered appropriate as it gives the Assembly adequate opportunity to consider any proposed amendments, particularly since the delegated power amends primary legislation.