

Mr Nick Henry
Assembly Clerk
Committee of Agriculture Environment and Rural Affairs

20 September 2021

Dear Nick

Horseracing (Amendment) Bill

Witness name:- Peter Stewart, Downpatrick Race Club Chairman

Mr Peter Stewart is a Director of Downpatrick Racecourse and has been for more than 25 years. He has held the position of Chairman since 2010. He is involved in the administration of horse racing throughout Ireland.

Correspondence from the Committee for Agriculture, Environment and Rural Affairs dated 23/08/21 requested that Downpatrick Race Club provide views on policy, implications and objectives of the bill.

A written briefing paper was requested on four discrete issues.

The views of Downpatrick Race Club are set out below. The responses are limited in light of the sub judice concerns raised with the Assembly Clerk.

1. Amend the named operator of Down Royal Racecourse in the Horse Racing (Northern Ireland) Order 1990

Downpatrick Race Club supports the amendment of the Horse Racing (Northern Ireland) Order 1990. It is understood that the main aim of the bill is to allow for the resumption of payments to both current operators of racecourses at Downpatrick and Down Royal going forward. It is accepted that the current operator of Down Royal does not qualify under the 1990 Order and to make payment to them going forward this is required.

2. Facilitate Fund payments to both Down Royal and Downpatrick Racecourses

From 1st January 2019 no payments have been made from the Horse Racing Fund to Downpatrick Race Club despite the club lodging legitimate claims of over £500,000 for the period 2019 to 2021.

Samantha Stewart, of the Department of Agriculture, Environment & Rural Affairs Bill Team-Horse Racing Order Amendment, confirmed to Mr Gerry Donnelly, director of Downpatrick Race Club, by email on the 23.6.20 that DAERA's position was:-

"It is not possible to make retrospective amendments to the 1990 Order. The scheme is operated on a year-by-year basis and Down Royal will only be able to make an eligible claim to the Fund from the year the amendment to the 1990 Order comes into operation.

Currently no payments can be made from the Fund until the State Aid application is complete.

Therefore, the Department will assess all the eligible claims that it holds whenever the State Aid application is complete and make appropriate payments in accordance with the provisions of Article 3 of the Order.

Hope that helps, anything else please let us know Kind

regards

Samantha"

As a result of Brexit intervening a State Aid Application is no longer considered necessary nevertheless the Department has not assessed the legitimate claims it holds.

Downpatrick Race Club commenced Judicial Review Proceedings in respect of DAERA's decision not to comply with the 1990 Order in assessing the claims and making payments to the Club from the fund. Those proceedings are ongoing.

Downpatrick Race Club is very concerned that the proposed amendments in the Bill are silent on the issue of its outstanding legitimate claims. It believes that the 1990 Order is good law and that the outstanding legitimate claims made thereunder should be assessed by DAERA without further delay.

3. Provide a legal framework to bring about future amendments to named beneficiaries more easily

Downpatrick Race Club does not object to this objective.

4. Make other minor changes to the wording of the 1990 Order

Downpatrick Race Club does not object to this objective but reserves the right to comment further if there are additional proposed amendments. Please provide in advance of the 23rd of September 2021 the most current version of the Horse Racing Amendment Bill together with any further proposed amendments to same.

Yours Sincerely

Peter Stewart

Chairman

Downpatrick Race Club