



Nick Henry
Clerk to the Committee for Agriculture,
Environment and Rural Affairs
Room 243
Parliament Buildings
Ballymiscaw
Belfast BT4 3XX

Assembly Section
Room 430, Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast BT4 3SB
Telephone: 028 9052 4252
E-mail: Michael.oliver@daera-ni.gov.uk

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Dear Nick

THE HORSE RACING (AMENDMENT) BILL – PROPOSED AMENDMENT TO ADD A TRANSITIONAL PROVISION

The aim of the Horse Racing (Amendment) Bill, which currently stands referred to the AERA Committee, is to allow for the reinstatement of payments from the Horse Racing Fund as soon as possible within the current Assembly mandate. With this in mind, the Department has identified an issue regarding timing of payments once the Bill is enacted, such that it will be necessary to bring forward an amendment to ensure payments can be reinstated as soon as possible after Royal Assent.

Detail

The Bill, as Introduced in the Assembly, will amend the Horse Racing (Northern Ireland) Order 1990¹ so that Article 3(4) of the 1990 Order reads:

“Each horse racecourse operator shall on or before 31st October each year submit to the Department a statement of the proposed budget and expenditure plans of the horse racecourse operator for the year commencing 1st January next following.”

Under the amendments made by the Bill, the ‘horse racecourse operators’ are defined as Downpatrick Race Club and Down Royal Park Racecourse Limited.

If the Bill is not commenced until after 31 October, the new operator at Down Royal will not

¹ A copy of the 1990 Order, as amended by the Bill, was provided to the Committee on 13 April 2021 as an aid to the Committee’s scrutiny - please see Annex B of my letter to Stella McArdle (Our Ref: SUB/0288/2021).

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be eligible to submit its “*statement of the proposed budget and expenditure plans*” (statement) before the Order is amended. It is therefore necessary to add a transitional provision to ensure payments from the Horse Racing Fund can be restored as soon as possible after enactment. This will ensure that the Bill meets its key aim of allowing for the reinstatement of payments from the Fund as soon as possible within the current mandate.

The Proposed Amendment

The proposed amendment will see an additional technical clause inserted in the Bill after clause 4. This clause will allow racecourse operators to submit their ‘statement’ two weeks after Royal Assent if they have not done so by 31 October 2021. This will be a transitional arrangement that will relate only to the ‘statement’ of the proposed budget and expenditure for the calendar year 2022. The 1990 Order will otherwise remain as drafted.

The proposed draft clause reads:

4A Transitional provision

- (1) *This section applies where a horse racecourse operator has not submitted a statement under Article 3(4) of the 1990 Order for the year beginning on 1 January 2022.*
- (2) *The horse racecourse operator must before the end of the period of two weeks beginning on the day after the day on which this Act receives Royal Assent submit to the Department of Agriculture, Environment and Rural Affairs a statement of the proposed budget and expenditure plans for the horse racecourse operator for the period beginning on the day after the last day for submission of the statement and ending on 31 December 2022.*
- (3) *References in the 1990 Order to a statement submitted under Article 3(4) of the 1990 Order include statements submitted under subsection (2).*
- (4) *In this section, “horse racecourse operator” has the meaning given by Article 2(2) of the 1990 Order.*

Officials will be happy to discuss this proposed amendment during the Committee’s formal scrutiny of the Bill, but can provide any further clarification needed before then as necessary.

I would be grateful if you could bring this to the attention of Members.

Yours sincerely



Michael Oliver
Departmental Assembly Liaison Officer

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