

CURRENT KEY BHB RESPONSIBILITIES

- a) Strategic Planning
Strategic Planning for Racing, with a particular focus on placing and maintaining the Industry on a secure financial footing.
- b) Licensing of Data
Licensing the use of the pre-race data on BHB's database, principally to the domestic and foreign betting industries and the media.
(NB: BHB has done this since inception but it only became really significant in 2002).
- c) Fixture List
Developing the policy for, and compiling the annual Fixture List.
- d) Race Programme
Overseeing and co-ordinating the National Race Programme.
- e) Administration of Racing
Making and policing the Orders of Racing and contracting out to Weatherbys significant elements of the day to day administration of Racing.
- f) Finance
Developing, securing the funds for and controlling Racing's administrative budget, comprising the monies needed by BHB (including in respect of the Weatherbys contract) and the Jockey Club, as the Regulatory Authority, for the cost-effective discharge of their respective functions.
- g) Marketing and Communications
Central Racing marketing initiatives, including racegoer, owner and bloodstock marketing, and the funding of a media centre.
- h) Staff Training
Developing a recruitment and training strategy for, principally, stable and stud staff and, through the British Racing Education and Standards Trust, providing training facilities for many sectors of the Racing Industry and education programmes for school leavers.
- i) Retraining of Racehorses
Through the charity, Retraining of Racehorses, providing retraining programmes for retired racehorses. (RoR was established in 2000).
- j) Public Affairs
Representing the interests of Racing to Parliament and Government, including the monitoring and promotion of legislative change.

- k) Representation on Statutory Boards
Nominating Racing's representatives on the Horserace Betting Levy Board and the Horserace Totalisator Board (which it is planned should be acquired by a Racing Trust, on which BHB will be represented).

- l) Prize Money
Funding Prize Money Incentive Schemes, Owners Premium Schemes and Regional Racing fixtures.

Registered Number: 2813358

THE COMPANIES ACTS 1985 AND 1989

**COMPANY LIMITED BY GUARANTEE
AND NOT HAVING A SHARE CAPITAL**

MEMORANDUM

and

ARTICLES OF ASSOCIATION

of

THE BRITISH HORSERACING BOARD LIMITED

(Extract)

ADDLESHAW GODDARD

COMPANY LIMITED BY GUARANTEE
AND NOT HAVING A SHARE CAPITAL

MEMORANDUM OF ASSOCIATION
OF
THE BRITISH HORSERACING BOARD LIMITED

1. The name of the Company is "The British Horseracing Board Limited".
2. The registered office of the Company will be situate in England.
3. (A) The object for which the Company is established is to be the governing authority for horseracing in Great Britain and in furtherance of this object the Company shall have the following further objects:
 - (1) **to undertake all such responsibilities and activities as may be necessary or convenient to maintain and improve the financial position of horseracing;**
 - (2) to be responsible for funding the administration of horseracing;
 - (3) to encourage the maintenance and improvement of standards of Regulatory Functions (as defined in Clause 4(iii) of this Memorandum);
 - (4) to meet the reasonable cost of Regulatory Functions and to give such assistance as may be necessary to enable The Jockey Club to carry out Regulatory Functions;
 - (5) to encourage and improve the breeding of bloodstock whether by the provision of races or otherwise;
 - (6) to establish the dates upon which Fixtures (as defined in clause 4(iii) of this Memorandum) may be held and the programme content of Fixtures;
 - (7) to consider and consult with others on all questions affecting horseracing and any aspects thereof and to advise and communicate views and recommendations to others and in particular to any statutory or other regulatory bodies having responsibility for matters affecting horseracing;
 - (8) to initiate and promote improvements in the law and in any local rules, regulations, ordinances or practice affecting directly or indirectly horse racing;

FUTURE KEY BHB RESPONSIBILITIES

- a) Strategic Planning
Strategic Planning for Racing.
- b) Fixture List
Developing the policy for, and compiling the annual Fixture List.
- c) Race Programme
Overseeing and co-ordinating the National Race Programme.
- d) Administration of Racing
Making and policing the Orders of Racing and contracting out to Weatherbys significant elements of the day to day administration of Racing.
- e) Finance
Developing, securing the funds for and controlling Racing's administrative budget, comprising the monies needed by BHB (including in respect of the Weatherbys contract) and the Jockey Club, as the Regulatory Authority, for the cost-effective discharge of their respective functions.
- f) Marketing and Communications
Central Racing marketing initiatives, including racegoer, owner and bloodstock marketing, and the funding of a media centre.
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Developing a recruitment and training strategy for, principally, stable and stud staff and, through the British Racing Education and Standards Trust, providing training facilities for many sectors of the Racing Industry and education programmes for school leavers.
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Through the charity, Retraining of Racehorses, providing retraining programmes for retired racehorses. (RoR was established in 2000).
- i) Public Affairs
Representing the interests of Racing to Parliament and Government, including the monitoring and promotion of legislative change.
- j) Representation on Statutory Boards
Nominating Racing's representatives on the Horserace Betting Levy Board and the Horserace Totalisator Board (which it is planned should be acquired by a Racing Trust, on which BHB will be represented).
- k) Owners' Premium Scheme
Funding Owners' Premium Scheme for British-bred horses.

HBLB RESPONSIBILITIES

It is currently planned that BHB will take over from HBLB responsibility for:

- a) Central Funding; Appearance Money; Integrity Payments; Grants for the Improvement of Breeds of Horses (currently Breeders' Prizes and support for Breed Societies); grants for Veterinary Science and Education, Industry Training and Point to Points; and Charitable Donations.
- b) the Horseracing Forensic Laboratory.
- c) the Capital Fund.

**INDUSTRY RESTRUCTURING
FORMATION AND MANAGEMENT OF BHE**

CONTRACTUAL TERM SHEETS

- 1. Shareholders' Agreement**
- 2. Memorandum and Articles of Association**
- 3. Fixture Allocation and Prize Money Contract**
- 4. Capital Fund Agreement**

The attached term sheets are for consultation purposes only. They contain broad principles and reflect the overall intentions and general working arrangements relating to the proposed modernisation of the British horse racing industry. The parties to the various agreements will only be bound in accordance with the terms and conditions of definitive agreements (once negotiated) to reflect these broad principles which will contain appropriate provisions, representations and warranties from all parties.

1. SHAREHOLDERS' AGREEMENT

1.1 Parties

1.1.1 The shareholders of BHE, being

- (A) Racecourse Owners holding 59 Racecourse shares
- (B) Industry holding 59 Industry shares (held in a trust established for the benefit of all non racecourse owner members of the industry, with members of the INP appointed as trustees)
- (C) BHB holding 1 BHB share

1.2 Shareholders

1.2.1 The licenced owner of each individual racecourse will be entitled to one share. The owner of any new licenced racecourse will be issued with a new racecourse share. The number of Industry shares will be simultaneously increased in parallel to ensure that there is no dilution. Identical provisions will apply to any reduction in the number of Racecourse shares as a result of a decrease in the number of licenced racecourses. Any new shareholder will become a party to the Shareholders' Agreement.

1.2.2 The BHB share will have certain limited rights in order specifically to ensure the performance of the Fixture Allocation and Prize Money Agreement and the Database Licence, in accordance with their terms. These rights will be established by the Articles of Association of BHE. The BHB share will not have voting rights attached to it in respect of the day to day management and business of BHE.

1.3 Management of BHE:

1.3.1 The agreement will provide for the ongoing structure of share ownership, board representation and management.

1.4 Principal Objectives of BHE

The principle objectives of BHE will be

- 1.4.1 to negotiate all new Bookmaker Contracts and replacement Bookmaker Contracts, in addition to other database contracts;
- 1.4.2 to exploit any other commercial rights associated with the Database pursuant to the Database Licence;
- 1.4.3 to collect the commercial revenues associated with the exploitation of the Database and the Bookmaker Contracts and to ensure that all payments are made in accordance with the Fixture Allocation and Prize Money Contract (after the payment of approved governance, regulatory and administrative expenses of BHB, the Jockey Club and BHE itself).

1.5 Governing Principles:

- 1.5.1 The Jockey Club (or its successor) will be acknowledged as the sole regulator of British horseracing sporting elements.
- 1.5.2 BHB will be acknowledged as the sole governing authority of British horseracing sporting elements.
- 1.5.3 BHE will exploit the commercial rights associated with the Database, in particular relating to the negotiation of the Bookmaking Contracts, vested in it for benefit of the British horse racing industry and the BHE shareholders.
- 1.5.4 The importance of and continuance of Weatherbys (or its successor) as the sole manager of the Database pursuant to the Management Contract will be acknowledged, in order to preserve the integrity of the Database for the benefit of the British horse racing industry.

1.6 Finances, Revenues and Budgets

- 1.6.1 The fundamental principles regarding budget and business plan approvals, revenue generation, funding requirements and distribution of surplus revenues reflecting the obligations contained in the Fixture Allocation and Prize Money Contract will be set out.
- 1.6.2 The process for approval of the BHE business strategy and the BHE budget, including obligation to maintain sufficient working capital and reserves for commercial prudence will be established.
- 1.6.3 There will be an annual regulatory budget (for the Jockey Club associated expenses, the "Regulatory Budget") which will be approved by a simple majority of the BHB Board. Upon approval, the Regulatory Budget will be presented to BHE for payment as a first "charge" on the gross data revenues generated by the commercial exploitation of the BHB Database.
- 1.6.4 There will be an annual governance budget (for governance costs, the "Governance Budget") which will require the approval of 70% of the BHB Board (including not less than two shareholder nominee directors of BHB), provided the budget does not exceed the forecast budget defined in The Modernisation of British Racing document. If it does exceed the forecast it shall require approval of a majority of the Board and at least three shareholder nominee directors of BHB. Thereafter, provided the BHB Governance Budget does not exceed the 2006 BHB Governance Budget, index-linked annually to the official price index, it shall be approved by a majority of the Board with no casting vote for the Chairman. If the BHB Governance Budget in any year subsequent to 2006 exceeds the 2006 BHB Governance Budget (index-linked annually to the official price index), it must be approved by a majority of the BHB Board including at least three shareholder nominee directors of BHB. Upon approval, the Governance Budget will be presented to BHE for payment as a first "charge" on the gross data revenues generated by the commercial exploitation of the BHB Database.
- 1.6.5 BHE will pay its own administrative costs and expenses.

1.6.6 All surplus revenue will be paid to the 59 racecourses in accordance with the terms of the Fixture Allocation and Prize Money Contract to ensure, inter alia, that prize money payments are also made to the race horse owners in accordance with its terms.

1.7 Board of Directors

1.7.1 The BHE Board will consist of fourteen Board members:

- (A) five voting directors nominated by the 59 Racecourse Owners (in consultation with the RCA, in order to achieve an equitable director nomination policy, giving fair representation amongst all racecourse owners) and
- (B) five voting directors nominated by the Industry Nominations Panel (such as to achieve an equitable director nomination policy, giving fair representation amongst all other industry parties) and
- (C) three independent voting directors (including an independent Chairman) appointed by the Racecourse nominated and the Industry nominated directors jointly and
- (D) one non-voting director nominated by BHB with Board meeting attendance rights only.

1.7.2 The quorum of the Board shall be five Board directors (which must include one independent, two Racecourse Owner nominee directors and two Industry Trust nominee directors).

1.7.3 Save in respect of 1.7.4 below, voting shall be by simple majority. The Chairman shall not have a casting vote.

1.7.4 In the event that either the five Industry nominee directors or the five Racecourse Owner nominee directors vote unanimously in favour of BHE giving notice to terminate the Fixture Allocation and Prize Money Contract, then notice shall be so given in accordance with the terms of the Fixture Allocation and Prize Money Contract.

1.8 Chairman and CEO

1.8.1 The extent of the Chairman and CEO's authority to act on behalf of BHE will be specified in the Articles of Association.

1.9 Structure of the Industry Nomination Panel

1.9.1 The members of the INP will be the trustees of the Industry Trust, responsible for nominating the five Industry Trust Board members of BHE taking specific responsibility for the appointment of five industry directors with expertise and credentials relevant to the functions exercisable by BHE.

1.9.2 The INP will be made up of six members: one NTF, three ROA, one JAGB and one ICHL respectively. An ROA appointee will chair the INP.

2. MEMORANDUM AND ARTICLES OF ASSOCIATION

2.1 Memorandum

2.1.1 The objects clause will reflect the principal objectives of BHE set out in the Shareholders Agreement.

2.2 Articles of Association

2.2.1 The Articles will set out the shareholder class rights and the composition, authority and powers of the board of directors.

2.3 Board Composition

2.3.1 The BHE Board will comprise fourteen directors

- (A) five voting directors nominated by the 59 Racecourse Owners (in consultation with the RCA, in order to achieve an equitable director nomination policy, giving fair representation amongst all racecourse owners)
- (B) five voting directors nominated by the Industry Nominations Panel (such as to achieve an equitable director nomination policy, giving fair representation amongst all other industry parties) and
- (C) three independent voting directors (including an independent Chairman) appointed by the Board and
- (D) one non-voting director nominated by BHB with Board meeting attendance rights only.

2.4 BHB share

2.4.1 *Capital* – Priority right to return of capital (nominal) on a winding-up but to no other distribution of assets

2.4.2 *Transferability* – No right to transfer except to successor or associated body

2.4.3 *Board representation* – Right to nominate and/or remove one non-voting director of BHE (see 2.3.1 (D) above)

2.4.4 *Voting* – Right to attend, but not to vote in, general meetings

2.4.5 *Class rights* – Specific rights to veto certain events during term of the Database Licence. Breach of class rights would be a trigger event which would have effect of permitting BHB (but not obliging BHB) to transfer control of BHE to BHB, in order to effect the intentions and enforce the terms of the various agreements relating to the modernisation of the British horse racing industry.

2.4.6 *Trigger events* will include (and may be developed in the definitive documentation, subject to negotiation)

- Any change to the balance of power and control, direct or indirect, of BHE, in order to preserve the commercial structure and balance of interests in BHE

agreed amongst the industry as being in the best interests of managing the British horse racing industry's long-term commercial future

- Termination of any of the Database Licence, the Weatherbys (or any successor's) Management Agreement or associated agreements as a result of material breach by BHE
- Any material breach of the Shareholders Agreement
- Any variation of the Fixture Allocation and Prize Money Contract which has as its effect reduction of the aggregate agreed prize money being made available to the race horse owners
- Any failure to agree and execute a new binding commitment in respect of the distribution of prize money within one year of notice being given to terminate the existing Fixture Allocation and Prize Money Contract in accordance with its terms
- Establishment of any other business or activity in BHE

2.5 **Industry and Racecourse shares**

2.5.1 *Separate classes of ordinary shares* – ranking pari passu in all respects with each other as regards income, return of capital and voting

2.5.2 *Board representation* – Each class to have separate right to nominate and/or remove five directors

2.5.3 *Transferability* – no transferability except, in respect of the Racecourse shares,

(A) if a Racecourse owner disposes of a majority interest in a licensed racecourse, the associated Racecourse Share must be transferred to and registered in the name of the new owner

(B) if any Racecourse loses its licence, the associated Racecourse share will be redeemed, repurchased, cancelled or deferred by BHE (and the number of Industry shares will be similarly adjusted)

3. FIXTURE ALLOCATION AND PRIZE MONEY CONTRACT

CONTRACT

1 Parties

1.1 BHB

1.2 BHE

2 Governing Principles

2.1 Acknowledges BHB's role as the sole governing authority of all British Racing run under the Orders and Rules of Racing.

2.2 Affirms BHB's decision that BHE should commercialise the content of BHB's database and to take over both its and the Levy Board's (when abolished) compliance, collection and audit responsibilities. BHE will distribute the resultant income in the manner agreed by the industry and specified in the proposed Shareholders Agreement, so as, among other things, to enable BHB effectively to exercise its governance functions in relation to British Racing.

2.3 Acknowledges that Racecourse Owners, Racehorse Owners, jockeys, trainers, breeders, BHB and many others are data providers.

2.4 Represents that BHB will undertake the matters specified in the Fixture Allocation and Prize Money Contract, pursuant to its governance responsibilities, thereby enhancing the underlying value of BHB's database, and any other rights which BHE will commercialise in future.

2.5 Requires that in commercialising BHB's database, BHE implement a licensing policy which, in principle, is open, non-discriminatory and non-exclusive and at a fair market price available to all who wish to use such data for their own operations.

2.6 Specifies the tasks that BHB pursuant to its governance functions is entrusting to BHE, for the term of the Fixture Allocation and Prize Money Contract.

2.7 Recites in outline the mechanism for the appointment of the Fixture Matrix Group, which will make recommendations pursuant to the Fixture Allocation Policy to be formulated by BHB, and the operating principles applicable to the Fixture Matrix Group.

2.8 BHB acknowledges that in the event of termination:

2.8.1 Racecourse Owners, Racehorse Owners, jockeys, trainers, breeders and BHB and many others will remain data providers;

2.8.2 Racecourse Owners in the aggregate will be entitled to not less than 1203 Racecourse Fixtures, on the basis that each Racecourse Owner will be entitled to its current number of such fixtures at the time of termination;

2.8.3 BHB will in the exercise of its governance functions put in place successor arrangements which will be consistent with paragraphs 2.8.1 and 2.8.2 and will otherwise reflect the objectives set out in these contractual arrangements.

3 Fixture Allocation

- 3.1 Order 1(i)(a) establishes that BHB's governance responsibilities include the formulation and approval of the Fixture Allocation Policy with the assistance of the Fixture Matrix Group, which will be a committee of the BHB Board.
- 3.2 Pursuant to its governance powers, BHB undertakes that:
- 3.2.1 it will appoint the members of the Fixture Matrix Group which will consist of 3 RCA representatives, 3 BHB representatives (being CEO of BHB and two BHB executives (one of which will be non-voting)), 1 HRA (which will be non-voting), 1 ROA and 1 NTF representative respectively;
- 3.2.2 it will determine, having regard to the interests of British Racing generally and the recommendations of the Fixture Matrix Group, a fixture matrix consisting of the total number of criteria fixture gaps divided, as deemed appropriate by the Fixture Matrix Group, between Flat and Jump Fixtures. The Fixture Matrix will incorporate "Racecourse Fixtures" (1203 in total), such fixtures to be allocated to the individual racecourse on the understanding that the relevant fixture may be moved, swapped, traded, sold and purchased exclusively amongst the racecourses themselves from 2006 onwards;
- 3.2.3 it will, having regard to the interests of British Racing generally and the recommendations of the Fixture Matrix Group, identify a substantial number of "BHB Fixtures" which BHB, through the Fixture Matrix Group, will be responsible for tendering to new entrants/new racetracks/existing racecourses, one third of which to be allocated each year on a cyclical basis from 2006. For the avoidance of doubt there will at no time be more than 1203 Racecourse Fixtures, and all additional fixtures above 1203 will be and at all times remain BHB Fixtures;
- 3.2.4 it will ensure that the Fixture Allocation Policy will facilitate racecourses to move BHB Fixtures into Racecourse Fixtures in accordance with the relevant Fixture Allocation Policy criteria;
- 3.2.5 it will appoint an independent organisation to ensure the integrity of the tender process for the allocation of the BHB Fixtures primarily by reference to the highest financial bidder subject to HRA Inspectorate approval;
- 3.2.6 it will have a discretion to act in accordance with the sporting values and the best interests of the sport to preserve and promote geographic and breeding diversity, horse welfare and safety;
- 3.2.7 it will:
- 3.2.7.1 apply any surplus revenues (i.e. over and above the meritocracy bands) received from racecourses arising from the tender process for the allocation of BHB Fixtures to the BHB Development Fund, and
- 3.2.7.2 use such Fund to encourage diversity within the sport by providing an incentive for racecourses to stage races needed for the horse population or breed.

4 Prize Money

- 4.1 As part of its governance responsibilities, BHB ensures that prize money is utilised within the sport to maintain meritocracy, competitive balance, integrity and solidarity. Accordingly, in commercialising BHB's database BHE will after payment of the approved Regulatory Budget, Governance Budget, operating expenses and working capital requirements of BHE:
- 4.1.1 in relation to Racecourse Fixtures, pay:
- (a) 75% of the surplus revenues which those Racecourse Fixtures generate in hypothecated income, via Weatherbys, to the Racehorse Owners as prize money;

- (b) the remaining balance of 25% of the surplus revenues which those Racecourse Fixtures generate in hypothecated income to the Racecourse Owners for application at their unfettered discretion;
 - (c) if a threshold of £80million Net Data Income from Racecourse Fixtures (index-linked annually to the official price index) is reached, income above that level will be split 50:50 between racecourses;
- 4.1.2 in relation to BHB Fixtures, after payment of any surplus arising from the tendering process to the BHB Development Fund, 100% of the remaining income from those BHB Fixtures will be hypothecated and paid to racecourses.
- 4.2 BHB will deal with any revenue stream issues, including the need for BHE to retain certain levels of working capital and reserves prior to the distribution of its surplus.
- 4.3 As part of its governance responsibilities BHB will ensure that Weatherbys administers the payment of 75% of the surplus revenue as prize money allocated to racecourses in line with the betting turnover generated by each racecourse over the previous two years for Racecourse Fixtures, subject to an adjustment to reflect actual rather than projected participation and actual rather than forecast income, by reference to off-course Bookmaker revenues.
- 4.4 BHB to put in place satisfactory arrangements ensuring that at least 3 significant independent bookmaker sources as well as at least one betting exchange provide the per course betting turnover data to BHB (the agreement may also anticipate the formation/appointment of an independent third party to compile and disseminate accurate betting turnover figures).

5 Miscellaneous

- 5.1 The terms of the Fixture Allocation and Prize Money Contract will apply where appropriate to and be for the benefit of the Racecourse Owners and Racehorse Owners and are intended to be enforceable by them.

4. CAPITAL FUND AGREEMENT

PARTIES

- (A) **BHB** subsidiary (limited company) ("**BHCF**") (*tax efficient vehicle subject to tax advice*)
- (B) **RACECOURSES** (*provision for "new" courses to be able to be added*)

PURPOSE

- 5 To set out how BHCF will administer the Capital Fund once passed down by the HBLB.
- 6 Make provision for applications to BHCF principally for loans to Racecourses for capital improvements but also on occasions, loans for other initiatives covered by the HBLB's statutory objectives.
- 7 Loans will carry interest only to the extent required to cover the administrative costs of the Fund and to maintain its real value.

STRUCTURE/MANAGEMENT OF LOANS

- 1 BHCF "board" to consist of 3 – 1 appointed by BHB, 1 appointed by RCA, and a Chairman appointed by BHB and RCA jointly. The board will require a quorum of 3 and operate on a majority basis.
- 2 BHCF "board" is to set the application and reporting procedure and monitoring arrangements for the application and period of all loans following the HBLB model and to set out a "standard" loan agreement.

PERIOD

- 3 The Fund will continue for as long as industry-wide agreements on the Modernisation of British Racing are in place. Agreements to last for the period of the database licence from BHB to BHBE. The continuation of these agreements will be covered, as appropriate, in successor agreements. Irrespective of whether such agreements are in place, the Fund will always be used for purposes consistent with the HBLB's statutory objectives.
 - 4 In the event of the cessation of industry-wide agreements on the Modernisation of British Racing, outstanding loans will be repaid in accordance with the terms of the original loan.
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THIS LICENCE is made on
BETWEEN:

2004

- (1) **THE BRITISH HORSERACING BOARD LIMITED**, a company registered in England and Wales with company number 2813358, whose registered office is at 42 Portman Square, London W1H 6EN (the "Licensor"); and
- (2) **British Horseracing Enterprises Limited**, [a company registered in England and Wales with company number ♦, whose registered office is at 42 Portman Square London W1H 6EN(the "Licensee").

WHEREAS

- (A) The Licensor and various other parties including without limitation licensed racecourses in Great Britain, owners of racehorses taking part in races held at such racecourses, jockeys riding such horses and trainers who train such horses, contribute certain of the Data to the Database referred to in the definition of "Database Right" below, and
- (B) The Licensor is the proprietor and beneficial owner of the Database Right (as defined below) and has agreed the terms set out below to licence the Database Right to the Licensee to enable the Licensee to enter into sub-licence agreements granting rights to exploit the Data to third parties and to receive all income arising from all such licenses for application all on the terms and conditions as set out below.

NOW IT IS AGREED as follows:

1. Definitions

- 1.1 In this Licence, unless the context otherwise requires:

"BHB Fixtures" means all fixtures other than Racecourse Fixtures.

"Data" means for horse races run in accordance with the Orders and Instructions of the Licensor and under the Rules of Racing and Instructions of the Jockey Club, all data relating to horses taking part in such races available for publication to the general public produced by or for the Licensor including, without limitation, the provisional entries and confirmation of entry, confirmed entries with weights, overnight declarations, riders' bookings and the official list of the declared riders, official handicap ratings, registered owners colours for all runners, lists of jockeys, trainers, permit holders, amateur riders, apprentices and conditional jockeys together with details of horses in training, entries, weights and acceptors for major races.

"Database Right" means any and all of the Licensor's rights under the Copyright and Rights in Databases Regulations 1997 in the database currently maintained for the Licensor by Weatherbys Group Limited that contains the Data.

"Fee" means the fee payable by the Licensee to the Licensor or as the Licensor shall direct as set out in Schedule 1 in consideration of the license granted hereunder.

"Net Data Income from BHB Fixtures" means the data income for a year derived from BHB Fixtures, after a proportionate deduction is made for regulatory and governance costs, such proportion being the amount which is derived from applying the percentage which data income from BHB Fixtures represents of data income from all fixtures to the total regulatory and governance costs for that year.

"Net Data Income from Racecourse Fixtures" means the data income for a year derived from Racecourse Fixtures, after a proportionate deduction is made for regulatory and governance costs, such proportion being the amount which is derived from applying the percentage which data income from Racecourse Fixtures

represents of data income from all fixtures to the total regulatory and governance costs for that year.

“Racecourse Fixtures” means all 2004 fixtures except those 70 fixtures designated by BHB as Regional Fixtures and those 68 fixtures designated by BHB as leasehold fixtures.

"Term" means the period of this Licence as set out in Clause 2.2.

- 1.2 References to Clauses, sub-clauses and Schedules are (unless specified otherwise) to that clause, sub-clauses or schedule of this Licence.
- 1.3 References to any statute or statutory provision include a reference to that statute or statutory provision as amended, extended, re-enacted, consolidated or replaced from time to time and shall include any order, regulation, instrument or other subordinate legislation made under that statute or statutory provision.

2. Condition Precedent and Licence

- 2.1 Notwithstanding the period of this licence set out in clause 2.2 below it is a condition precedent to this Licence coming into force that the Licensee has entered into the Prize Money Contract to be concluded between the Licensee and the Racecourses for the allocation in accordance with the terms of the said Prize Money Contract of certain income derived from the exploitation of the rights licensed hereunder to prize money payable to owners of winning and placed horses racing at race meetings conducted at such Racecourses a draft of which is contained at Schedule 4.
- 2.2 In consideration of the payment of the Fee by the Licensee to the Licensor or as the Licensor directs as set out in Schedule 1, subject to the terms hereof the Licensor hereby grants a [non-exclusive] world-wide licence of the Database Right to the Licensee for the period of 10 (ten) years from 1st January 2006 (subject always to Clause 7.1) to enable the Licensee during such period to undertake the obligations and benefit from the entitlements of any licence agreement(s) that the Licensee may enter into during such period granting rights to third parties to exploit the Data, including without limitation the right to receive all income arising from such licence agreements.
- 2.3 The Licensee agrees that in granting rights to third parties and entering into licence agreements permitting third parties to exploit the Data it shall follow in all material respects the pricing policy and general structure established by the Licensor prior to the date hereof (as evidenced by the Data Licensing and Pricing Policy attached at Schedule 2) unless otherwise agreed between the parties hereto and shall only enter into sub-licences or other agreements with third parties relating to the Data which either are for a period which expires prior to the expiry of the period of this Licence or are terminable without cause and without penalty prior to such expiry, and which in any event do not grant any rights to exploit the Data that continue after such expiry of the period of this Licence.
- 2.4 Notwithstanding Clause 2.2, the Licensor reserves all rights to take and continue all relevant actions (including, without limitation, court proceedings) for past infringements of the Database Right by third parties, and to retain any damages and other sums obtained as a result of such actions and to be entitled to all other remedies in respect of such infringements.
- 2.5 The Licensor shall promptly notify the Licensee of any infringement of the Database Right that comes to the Licensor's attention and will provide all reasonable assistance to the Licensee (at the Licensee's cost) in any actions that the Licensee may consider necessary to take against such potential or actual infringers.
- 2.6 The Licensee shall promptly notify the Licensor of any infringement of the Database Right that comes to the Licensee's attention and shall take all necessary steps including without limitation court proceedings in conjunction with the Licensor to

prevent such infringement continuing as the parties shall agree acting reasonably to protect the value of the Data and of the Database Right.

- 2.7 The parties each agree that they will, at their own expense, each undertake all actions, and execute all documents deeds and generally perform otherwise as may be required at any time to give effect to the Licence granted hereunder.

3. Warranties

The Licensor warrants to the Licensee that it owns the Database Right and has full right, power and authority to enter into and perform its obligations under this Licence.

The Licensee warrants to the Licensor that it has full right, power and authority to enter into and perform its obligations under this Licence.

4. Licensee's Undertakings

The Licensee undertakes that it shall:

- 4.1 use all reasonable endeavours to exploit the Database Right licensed hereunder to the fullest extent possible in order to maximise the income that may be generated through sub-licences of the Database Right issued to bookmakers and other third parties by the Licensee and to use all reasonable endeavours to ensure prompt payment to the Licensee of all amounts due to it under such sub-licences;
- 4.2 at all times, maintain the good name and reputation of the Licensor, any participant in any licensed horseracing fixture taking place in Great Britain and the sport of horseracing generally;
- 4.3 not reformat, edit or alter the Data, or grant any rights to a third party to reformat, edit or alter the Data, in such a way as would be to the detriment of the good name and reputation of the Licensor or the integrity of the sport of horseracing generally and/or to the detriment of any participant in any licensed horseracing fixture taking place in Great Britain;
- 4.4 during the period of this Licence not enter into any agreement to provide the Data to any person wishing to supply the data onward to third parties where that person does not agree to supply the Data only to persons having at all times an appropriate subsisting rights licence from the Licensor or Licensee to use the Data (unless such person is excluded from the requirement to have such a licence as may be agreed between the Licensor and Licensee from time to time); and
- 4.5 not by itself or through any third party compile any database comprising the Data for use by the Licensee outside the terms of this Licence and/or for supply to third parties.

5. Governing Law and Jurisdiction

- 5.1 The validity, construction and performance of this Agreement shall be governed by the laws of England and Wales.
- 5.2 All disputes between the parties relating to the validity, construction or performance of any provision of this Agreement, resulting in any suit, action or proceeding at the instance of either party shall be subject to the non-exclusive jurisdiction of the English Courts.

6. Notices

- 6.1 Any notice required to be served under this Licence shall be in writing and shall be deemed duly served:
- (a) if left at or sent by first class post or facsimile transmission (confirmed in writing sent by post) to the address of the parties stated in this Licence; and

- (b) if delivered by hand, at the time of delivery, if sent by first class post on the second working day after posting, and if by facsimile transmission at the time of transmission.

7. Termination

- 7.1 Notwithstanding the definition of the Term, the Licensee may give no less than 12 (twelve) months' written notice to expire on 31st December 2010 to terminate this Licence with effect from 31st December 2010 provided that at least one of the Shareholder Groupshas unanimously resolved to effect such termination. The Licensee agrees that no sub-licence agreements of the rights licensed hereunder may be entered into for a period which exceeds the Term and agrees that all sub-licence agreements of the rights licensed hereunder will contain provisions for the automatic assignment of such sub-licences without restriction to the Licensor with effect from such date if the right of termination in this Clause 7.1 is exercised for the remainder of the term under such sub-licence agreements. If the right of termination under this Clause 7.1 is exercised, the Licensee hereby agrees to assign all rights under any sub-licences subject to performance of the obligations undertaken by the Licensee therein to the Licensor with effect from such date, and to give notice of the same to the sub-licensee under such sub-licences.
- 7.2 Either party shall be entitled on giving written notice to the other party to terminate this Licence with immediate effect in the event that such other party is in breach of the terms hereof and (if capable of cure) has not cured such breach within 14 days of receiving written notice from the party not in breach stipulating such breach in reasonable detail and requiring such breach to be cured.
- 7.3 Notwithstanding the remainder of this Licence, the Licensor shall be entitled to give notice to the Licensee to terminate this Licence immediately if at any time a change of control of the Licensee occurs whereby a third party not vested at the date hereof with the ability itself to direct the affairs or business of the Licensee acquires the right to direct the affairs or business of the Licensee, whether by virtue of contract, direct or indirect ownership of shares, or otherwise.
- 7.4 Notwithstanding anything else contained herein this Licence terminates automatically if the Licensee:
 - (a) enters into liquidation (other than a voluntary liquidation for the purpose of a bona fide scheme of solvent amalgamation or reconstruction) or has a provisional liquidator appointed in respect of it; or
 - (b) makes any voluntary arrangement with its creditors (within the meaning of the Insolvency Act 1986); or
 - (c) has a receiver, manager, administrative receiver, administrator or other encumbrancer appointed over all or a significant part of its assets or takes or suffers any similar action in consequence of debt; or
 - (d) becomes unable to pay its debts as and when they fall due.
- 7.5 Termination of this Licence for whatever reason shall not affect the accrued rights of the parties arising in any way out of this Licence as at the date of termination and in particular but without limitation the right to recover damages against the other and all provisions which are expressed to survive this Licence including but not limited to Clauses 13.5, 14, 17, 21 and 22 shall remain in full force and effect.
- 7.6 Upon the expiry or termination of this Licence for whatever reason, all rights licensed hereunder shall automatically revert to the Licensor and the Licensee shall not thereafter exploit the Data in any way whatsoever. This provision shall survive the expiry or termination of this Licence for whatever reason.

8. Entire Agreement

This Licence contains the parties' entire agreement in relation to its subject matter and replaces and supersedes any previous oral or written arrangements, understandings, representations or agreements between the parties. No addition to or modification of any provision of this Licence shall be binding upon the parties unless made in writing signed by a duly authorised representative of each of the parties.

9. Force Majeure

Neither party shall be liable to the other for any delay or non-performance of its obligations under this Licence arising from act of God, governmental act, war, fire, flood, explosion or civil commotion but then only if the party concerned could not reasonably have been expected to anticipate and take action to prevent the effect on this Licence of the event concerned. Subject to the affected party promptly notifying the other party in writing of the cause and the likely duration of the cause, the performance of the affected party's obligations, to the extent affected by the cause, shall be suspended during the period that the cause persists provided that if performance is not resumed within 30 days after that notice the other party may by notice in writing terminate this Licence.

10. No Assignment

The Licensee shall not assign the licence granted under Clause 2 or any part of it to any third party.

SIGNED by the parties or their duly authorised representatives the day and year listed at the head of this Agreement.

SIGNED by)
for and on behalf of)
THE BRITISH HORSERACING)
BOARD LIMITED)

SIGNED by)
for and on behalf of)
BRITISH)
HORSERACING ENTERPRISES LIMITED)

SCHEDULE 1

(the Fee)

The Fee shall be all sums which are generated and received by the Licensee from the exploitation of the rights licensed hereunder which shall be applied in the following descending order.

- (A) First, an amount shall be paid to the Licensor to cover the Licensor's expected costs in performing its regulatory functions as the governing authority for horseracing in Great Britain. Such costs shall be in accordance with budgets for the same, the first of which for the calendar year 2006 is attached at Schedule 3. Budgets for such costs for subsequent years will be provided by the Licensor to the Licensee at least 60 days prior to the start of the respective period and can only be increased by an amount equal to the RPI increase during the preceding calendar year unless a higher increase is approved by a majority of the board of directors of the Licensor.*
- (B) Second, an amount shall be paid to the Licensor to cover the Licensor's expected costs in performing its governance functions as the governing authority for horseracing in Great Britain. Such costs shall be in accordance with budgets for the same, the first of which for the calendar year 2006 is attached at Schedule 3. Budgets for such costs for subsequent years will be provided by the Licensor to the Licensee at least 60 days prior to the start of the respective period and can only be increased by an amount equal to the RPI increase during the preceding calendar year unless a higher increase is approved by at least three of the members of the Licensor*
- (C) Third, a reasonable amount may be retained by the Licensee to cover the Licensee's reasonable working capital requirements and its administration and operating costs incurred solely in administering the rights licensed hereunder, including without limitation all reasonable audit and collection costs, in accordance with a budget for the same.*
- (D) Fourth, in paying 10% of Net Data Income from Racecourse Fixtures to an Incentive Fund to be administered by BHB. In the first round of applications to participate in the Incentive Fund, racecourses will be required to contribute £2 for every £1 accessed from the Incentive Fund. If there is an excess in the Incentive Fund after the first round, racecourses will be invited to participate in a second round of applications on the basis that they contribute £3 for every £1 accessed from the Incentive Fund. If there is an excess in the Incentive Fund after the second and subsequent rounds, racecourses will be invited to participate on the basis that they contribute £4 for every £1 accessed from the Incentive Fund. If there is an excess of demand in any round, applications will be reduced on a pro-rata basis.*

Thereafter, Fees will be distributed to racecourses according to Schedule 5.

SCHEDULE 2

[Data Licensing and Pricing Policy]

SCHEDULE 3

[BHB Governance & Regulatory Budgets]

SCHEDULE 4

[Prize Money Contract - Draft]

SCHEDULE 5

[Hypothecation of Fees]

(Note: the above Schedules are not included within these Appendices as they will be produced at a later date).

APPENDIX VI

BHE – METHOD OF APPOINTMENT TO BHE BOARD OF RACECOURSES’ 5 REPRESENTATIVES

1. Appointment of Racecourse Voting Directors
 - 1.1 Any group of 6 or more racecourses and a minimum of 12.5% of bookmaker betting turnover in aggregate, owned by the same person or body shall be entitled to appoint one Voting Director to the BHE Board. At this date, Racecourse Holdings Trust Limited, Arena Leisure plc and Chepstow Racecourse plc are each entitled to make such an appointment. The right to appoint a Voting Director shall be lost automatically by any person or body if that person or body ceases to own 6 or more racecourses or represent less than 12.5% of bookmaker betting turnover in aggregate.
 - 1.2 The Large Independent Racecourses shall be entitled as a group to appoint one Voting Director to the BHE Board and as at this date Ascot, Doncaster, Goodwood, Newbury and York, are collectively entitled to make such an appointment. The right to appoint a Voting Director shall be lost automatically if three or more of the racecourse members comprising the Large Independent Racecourses cease to be “independent”. (For the purposes of clause 2 “independent” is defined as not being owned by another racecourse group or racecourse
 - 1.3 The Independent Racecourses who are not entitled to appoint a Voting Director pursuant to Clauses 1.1 and 1.2 shall as a group be entitled to appoint such number of Voting Director(s) to the BHE Board as when added to the number of Voting Directors appointed under Clause 1.1 and 1.2 equals 5.

FIXTURE TRANSFER ARRANGEMENTS
(Details approved by BHB on May 12th, 1998)

1 Introduction

- 1.1 Each year racecourses already agree amongst themselves to propose exchanges of some fixtures for reason of mutual advantage. In normal circumstances when these exchanges are proposed to FAG they are usually ratified by BHB. Very occasionally some consideration will have passed as part of the transfer arrangement but this is thought to be unusual and irrelevant to the acceptability or otherwise of the proposed transfer. It is very unusual to find that a transfer is proposed for inherently different grades of fixture from the standpoint of racecourse profitability (i.e. one midweek afternoon to another is the norm but swapping such a fixture for a Sunday or evening is not).
- 1.2 The fixture list has now been reorganised to the point that there is very little room for further progress on a voluntary basis given an unchanged fixture total unless a more formal framework for fixture transfers is provided. However, there are numerous examples of fixtures at larger racecourses with heavy marginal costs of opening which could be much more productive in other slots presently occupied by smaller racecourses, where such costs are far less and the additional crowds attracted are relatively small. Some further change is almost certainly desirable to improve the off-course betting market, increase TV coverage and help attendances.
- 1.3 Accordingly a voluntary scheme which facilitates the exchange or purchase of fixtures, within limitations specified by BHB in order to ensure that the overall balance of the list is not undermined, must be in Racing's interest as well as those of racecourses. The details of such a scheme have been under discussion since the Board was formed but the matter is now of increased urgency as the fixture list has settled down after reacting to evening and Sunday opening and inflexibility is already becoming apparent. Flexibility is essential if the Board is to respond to opportunities provided by TV coverage.
- 1.4 In addition there is an acknowledged need for the Board to have a more comprehensive policy with regard to applications for new racecourses. As such a policy will encourage would-be investors to acquire existing fixtures, such an arrangement is likely to be closely connected to the fixture transfer issue and the need for a formal policy is obvious.

2 The Fixture List

- 2.1 Nothing in these arrangements is intended to alter the present position in relation to the preparation of the annual fixture list by BHB. The current position is as follows:
- i) The Board issues fixtures and has the right to withdraw them in exceptional circumstances should it deem it to be necessary in the interests of Racing as a whole. Any such withdrawal should be effected in an equitable manner in accordance with the policy of the Board. In the past this has only happened

when the overall size of the list has had to be reduced because of the dearth of horses. (No other eventuality requiring the withdrawal of fixtures is at present anticipated.)

- ii) If the Board, at its absolute discretion, is minded to issue additional fixtures currently it offers them openly to all those racecourse able to meet the particular purpose justifying extra meetings and awarded on a basis which it considers to be in the best interests of Racing as a whole. The only currently anticipated exception to this arrangement will be for possible new racecourses the policy for which is currently under review.
- iii) Subject always to BHB's over-riding powers, no racecourse able to meet the standards set by the Jockey Club and which can stage adequate programmes at the minimum values set by the Board is currently granted fewer fixtures in any year than in the one before, unless it has voluntarily relinquished a fixture slot or exigencies of the calendar lead to a reduction for a single year. Sunday fixtures fall outside this arrangement for the time being and are issued on an annual basis only at the discretion of the Board.
- iv) The Board may refuse permission for a meeting to be held in its former position in the list although its current approach is to attempt to find an alternative slot which is in the same broad category (evening, weekday afternoon, Saturday afternoon or Bank Holiday). However, it accepts that any vacated slot would not be offered to other racecourses. The Board also accepts that, as with all its acts, its decisions in this area in particular must be taken in the general interest of Racing and that in reaching any decision it must consider the length of time a meeting has been held on or about that date on the racecourse in question and the fixture's general standing and importance to the racecourse.
- v) The arrangements outlined above are based on the premise that the racecourse will be able to race for the following year.

3 Competition between adjacent racecourses

3.1 The general rule at present is that meetings shall not be programmed which clash if the racecourses lie within 50 miles of each other as measured by the reference work and calculation base for the time being in use by BHB to determine such matters. It is not possible to interpret this rule strictly in relation to meetings staged by AWT racecourses in the blanket period when the difference in codes will be taken into account. In addition, clashes which already exist in the 1998 list are exceptions to this rule and evening meetings are held not to be clashes with fixtures that afternoon. A further exception is set out in paragraph 5 below of this paper in the case of a series of dates where it is agreed by the unanimous vote of the FAG that the programme is in particular need of being strengthened.

4 Types of fixture transfer arrangement

4.1 Transfers shall fall into 2 categories as follows:

- i) Those sought by the FAG and approved by BHB on the premise that the cards on offer are collectively inadequate to the day in question. For the time being this will only apply to Saturday afternoons but may extend to Sundays when and if such fixtures cease to be issued on an annual basis.

- ii) Those where the 2 racecourses have decided they wish to propose an exchange of a specified meeting(s) or where one racecourse seeks to relinquish a fixture(s) in favour of the other.

4.2 All proposed transfers between 2 racecourses are ultimately subject to BHB approval through the fixture compilation process.

4.3 Arrangements can be proposed by racecourses for transfer with or without a compensating fixture on a permanent or temporary annual basis. However, the FAG will only be prepared to recommend temporary transfers to BHB on an annual basis and not for a specified number of years.

4.4 A fixture slot which is permanently exchanged with BHB approval or acquired for other consideration, similarly with BHB approval, shall be treated by BHB when preparing the annual fixture list in the same way as any other meeting analogous to it in the Calendar.

4.5 A racecourse which is acquired or one which already belongs to a group shall follow the same process of obtaining approval for the transfer of slots elsewhere as apply in other cases.

5 Transfer sought by FAG

5.1 A list of Saturday afternoons considered by FAG in accordance with a set of agreed criteria to be under strength is shown at Annex 1. It can be extended by the unanimous agreement of the FAG, which is most likely to wish to extend the list due to TV considerations. With regard to these days the 50 miles rule (see 3 above) may ultimately be suspended and FAG then entitled to seek proposals to strengthen the fixture list without regard to it, using its normal processes. However, before waiving the rule an opportunity should be afforded to the present occupants to strengthen their own programmes to the extent needed to make the waiver unnecessary. Accordingly no change will occur in 1999 if adequate improvements are promised for that year.

5.2 If as a result a fixture is introduced which is within 50 miles of any other meeting that afternoon, the racecourse staging such a meeting may require the exchange of the relevant fixture slots with the incomer and be entitled to payment precisely in accord with the formula set out in Annex 2.

5.3 Should that racecourse choose not to exercise its option under 5.2 then the right shall pass to other racecourses that day in ascending order of cost to the incomer under the formula.

5.4 In the final analysis in these circumstances no racecourse will be forced to move its fixture and the possibility of the number of criteria gaps increasing would ultimately exist.

6 Transfers proposed by racecourses

6.1 When racecourses wish to propose a purchase or exchange of slots they may apply to BHB for the result of applying the formula in Annex 2 to the proposal. Thereafter they may agree to propose the transaction on a permanent basis at that

or such different figures as they consider appropriate and apply to have the change sanctioned by the BHB as part of the annual fixtures process.

- 6.2 The RPD will not prepare calculations for the temporary transfer of meetings on an annual basis but any transfers that are agreed between racecourses will require the sanction of the FAG in the normal way before they can take place.
- 6.3 The FAG will publish guidelines annually which will give a general indication of the type of movement which is likely to be acceptable on the basis that it will not undermine the fixture list. Whilst some movement of stronger cards towards the slots in which they can most benefit Racing is clearly desirable, a strict limit on how many such changes are appropriate will be necessary. Too many movements out of weekday afternoons or periods in the year when crowds are smaller would endanger either off course arrangements, provision of quality meetings for the horse population, or both.

7 Racecourse ceasing to trade

- 7.1 In the event that a racecourse ceases to trade all its fixtures revert to the Board and are extinguished subject to 7.2 and 7.3 below. For the avoidance of doubt a change of ownership would be irrelevant providing that the purchaser was able to satisfy the requirement of the Jockey Club as an appropriate entity to continue racing on the site and wished so to continue.
- 7.2 If a decision to cease racing at any site is to follow the purchase of a racecourse by another, or closure by a group of one of its racecourse, application may be made to FAG prior to the event proposing the transfer of such fixtures as can be utilised at a new site for that racecourse or elsewhere. Any which are not required or which, using normal arrangements, cannot be transferred elsewhere, within or outside the group, would also revert to the Board.
- 7.3 Prior to the formal decision to close, an individual racecourse in similar circumstances may apply for proposed transfers, which will be assessed by FAG and if necessary by BHB on their merits in the normal way, ignoring the fact that it is implicit in a request to transfer all fixtures that the racecourse will cease to be a racecourse.
- 7.4 Although figures will be prepared on request under the formula in such circumstances, it is assumed that offers are likely to be at a considerably lower level if all a racecourse's fixtures are going to become available generally under 7.3 as the fact will be well known to racecourses generally.

8 Right of appeal

- 8.1 Any decision of the FAG in connection with the special arrangements identified in this paper may be appealed by an aggrieved racecourse to a specially constituted panel which will include the Chairmen of the BHB, Industry Committee and RCA before it is put to the BHB for final ratification. All other fixture matters will be referred to the Board as in the past if an appeal is lodged.

Saturdays where the 50 miles rule will be suspended from 1999 onwards if the pattern of meetings is not strengthened adequately during the work of the FAG this year

1998 Dates

21 st February	Newcastle, Chepstow, Warwick, Windsor (Lingfield)
9 th May	LINGFIELD, BEVERLEY, Hexham, Worcester
30 th May	NEWMARKET, LINGFIELD, CATTERICK, Stratford
20 th June	ASCOT, AYR, REDCAR, Newton Abbot
15 th August	NEWBURY, RIPON, Bangor, Stratford
3 rd October	NEWMARKET, CATTERICK, Uttoxeter, Chepstow

Consideration will be given in 1999 to adding 22nd August to the list unless the Sandown card can be strengthened and both 31st October and 7th November should have a second Flat fixture.

It should be noted that the definition of an under strength Saturday does not refer specifically to the principal meeting but to the overall strength of what is on offer. When reviewing a day in this context it would be normal for there to be 2 meetings broadly suitable for terrestrial television and thus it may well be the second strongest meeting that is the cause of a day being classified as under strength. FAG will review the list at the end of the fixture process.

Formula for the evaluation of fixtures and transfers

1. The formula is keyed solely to the value being given up by the ceding racecourse.
2. The standard arrangement will be for payment for 5 years and any outstanding payments will be cancelled or suspended should the fixture be withdrawn by the Board for whatever reason subsequent to the transfer by the FAG.
3. Payment annually for the 5 year period shall be a multiplier of the attendance, on a 3 year average, of the ceding meeting, subject to any deduction indicated by (i) to (iii) below. The appropriate figure for the multiplier is thought for the time being to be £15 but will prove to be whatever leads to the voluntary fixture transfers which will benefit Racing. The figure resultant should be reduced by:
 - i) any difference between the current Levy Board payments for fixture incentives between the fixture ceded and any taken in substitution. In the case of a relinquished fixture no deduction would arise.
 - ii) variations in BDR due to application of differential funding
 - iii) probable attendance at the substitute fixture if one is accepted in exchange, also multiplied by £15.

THE FIXTURE ALLOCATION PROCESS

To be introduced for Fixture List commencing 1st January 2006

Initial set-up tasks

1. Set up the Fixture Matrix Group
 - 1.1 The BHB will set up a new committee entitled the Fixture Matrix Group which will comprise 3 BHB Nominees, 3 RCA nominees, 1 ROA nominee, 1 NTF nominee and 1 Horseracing Regulatory Authority (HRA) nominee. There will be 7 voting members, with 1 of the BHB nominees and the HRA nominee being non-voting members.
 - 1.2 The BHB nominees will be the Chief Executive, who will chair the Group, the Racing Director and the Recruitment & Training Director, who will be a non-voting member with responsibility for ensuring that the industry staffing issue is properly considered before any final decision on the size of the Fixture List is taken.
 - 1.3 The RCA nominees will be appointed by the RCA Board.
 - 1.4 The HRA nominee will be a non-voting member appointed by the HRA Board with responsibility for advising on integrity, turf and regulatory staffing issues.
2. A secure website will be developed for facilitating the Fixture Allocation Process.
3. It is proposed that a joint BHB/ABB Committee will be set up to determine, for any fixture slots with surplus fixtures, which fixtures will receive funding for pictures. The Terms of Reference and composition will be discussed with the ABB.

1st September – 31st October (i.e. 15-16 months before the Fixture List commences)

4. The Fixture Matrix Group establishes a Flat Matrix (including Regional and All-Weather Racing) and a Jump Fixture Matrix.
 - 4.1 The matrices will establish an appropriate number of Flat and Jump fixtures on a week-by-week basis throughout the year, based on the needs of the horse population. It is anticipated that, initially, the matrices will, in total, include circa 1,500 fixtures, filling all 1,458 criteria slots with the balance situated in non-criteria slots (i.e. Bank Holidays etc.).
 - 4.2 Based on the Fixture Matrices, in certain weeks the number of existing Flat and Jump fixtures may exceed the number of criteria slots for that code. The particular days of the week affected will be identified as days when fixtures from the other code can move into that slot as part of the 10% moves (see 7.1-7.13 below).
 - 4.3 Flat race programmes are to include Narrow-Band Handicaps and the restriction of field sizes to 14 (12 in June, July and August) runners. The field size restriction will exclude Pattern & Listed Races, Sales Races and Heritage Handicaps.
 - 4.4 A field size restriction of 14 (12 in August, September and October) will also be introduced for Jump Racing. The field size restriction will exclude Pattern & Listed races.
 - 4.5 For Flat and Jump Racing, racecourses will be able to apply to the BHB to relax the field size restriction for a particular race falling outside the categories already excluded.

1st – 30th November (i.e. 14 months before the Fixture List commences)

5. Production of the Framework Document

- 5.1 The BHB will consult with racecourses to facilitate the roll forward of the previous year's Fixture List adjusted for calendar movements before releasing Framework Document.
- 5.2 Release of the Framework Document on 1st December.

1st December – 31st January (i.e. 12-13 months before the Fixture List commences)

6. Racecourse Fixtures: "Friendly" Swaps and Trades

- 6.1 Racecourse Fixtures are effectively Class A Fixtures with no bidding required, race programmes determined by the racecourse, greater security of tenure and generally superior positioning in the Fixture List. Racecourse Fixtures acknowledge racecourses' right to race collectively in 1,203 slots.
- 6.2 A racecourse can swap or trade a Racecourse Fixture with other racecourses.
- 6.3 Racecourses are allowed to swap or trade as many fixtures as they wish, although all such moves will require the approval of The HRA Inspectorate. BHB approval will also be required if a swap or trade involves a Pattern or Listed Race.
- 6.4 Awareness of another Racecourse "moving in" after 3 years (see 7.1 – 7.13 below) will encourage racecourses to swap or trade more readily in the intervening period.
- 6.5 The BHB will release the 1st Draft of the Fixture List on 31st January including details of all "Friendly" Swaps and Trades of Racecourse Fixtures. All BHB Fixtures will be included within the 1st Draft of Fixture List, identifying those that are available for lease. For BHB fixtures in mid-lease, the lease's end date will be indicated.

1st February – 31st March

7. Movement of Racecourse Fixtures into other Racecourse Fixtures

- 7.1 In 2005 for the 2006 Fixture List and every 3 years thereafter, Racecourses can move 10% of their existing Racecourse Fixture Slots into other Racecourse Fixture Slots subject to the approval of the The HRA Inspectorate. BHB approval will also be required if the move involves a Pattern or Listed Race.
- 7.2 10% is calculated to the nearest whole figure based on the number of programmed Racecourse Fixtures in the previous year (eg 2005 for the 2006 Fixture List). For example, 1.5 shall be rounded up to 2.
- 7.3 Each racecourse is treated as a separate entity. Racecourses are not permitted to transfer or sell moves to another racecourse within the same group. Furthermore, racecourses must operate a new slot for 3 full years before they can swap it within their group or with another racecourse.
- 7.4 When a racecourse makes one of their 10% Racecourse Fixture slots movements, they can only move within the relevant Fixture Matrix. (i.e. Flat can only swap with Flat, and Jump can only swap with Jump, except in the circumstances outlined in 4.2 above)

- 7.5 Racecourses will make their movements in descending order, which will be determined by each racecourse's average prize money net of owners' contributions per Racecourse Fixture from the previous year.
- 7.6 Racecourse Fixture movements will be made on a secure website. The first round of moves will take place over two weeks (approximately 1st–15th February), with each racecourse allotted a period of one-hour to enter their permitted Racecourse Fixture moves onto the website.
- 7.7 Once all racecourses have completed their moves, the proposed Joint BHB/ABB Committee will consider those slots with surplus fixtures and decide which of the Racecourse Fixtures in those slots will be of non-criteria status. The Committee will operate a process based around the BHB and ABB representatives each making a priority list of their choices and applying them alternately.
- 7.8 An Appeals Board is to be set up to deal with disputes regarding HRA Inspectorate decisions and those decisions made by the BHB Representatives on the Joint Committee.
- 7.9 A second round of racecourse moves will then be completed during which a racecourse with any fixture surplus to criteria, resulting from a decision made by the Joint Committee, will be permitted to move that fixture into a vacant Racecourse Fixture Slot. These moves will be made in the same order as previously. However, the racecourse can choose to remain in the surplus slot if it wishes.
- 7.10 For any date with surplus fixtures, the Joint Committee will decide which of the Racecourse Fixtures on that day would be of non-criteria status.
- 7.11 If a racecourse, in the opinion of The HRA Inspectorate, does not have a suitable alternative Racecourse Fixture into which it can move, BHB, at its discretion, may agree to swap a BHB Fixture with a Racecourse Fixture in order to accommodate that racecourse.
- 7.12 Flat turf fixtures will be able to be moved outside of the current Flat Turf season subject to Inspectorate approval by The HRA.
- 7.13 The BHB release the 2nd Draft of the Fixture List on 1st April.

1st – 30th April

8. Movement of BHB National Fixtures into Racecourse Fixtures

- 8.1 Existing Racecourses which have two or more BHB National Fixtures will be able to attempt to move the greater of one or 20% of their BHB National Fixtures in Year 4 (2009) and every 3 years thereafter into Racecourse Fixtures. New Racecourses may attempt to move the greater of four or 25% of their BHB National Fixtures into Racecourse Fixtures on the first three occasions they are involved in this process. Thereafter they will be treated as an existing racecourse.
- 8.2 The number of fixtures a racecourse will be able to move will be calculated to the nearest whole number of programmed BHB National Fixtures in the year in which the movements are being made (eg 2008 for the 2009 Fixture List).
- 8.3 Using the secure website, racecourses will make their movements in descending order, which will be determined by each racecourse's average prize money net of owners' contributions per Racecourse Fixture from the previous year.
- 8.4 If the racecourse's attempt to move is unsuccessful and the BHB National Fixture they attempted to move is at the end of the lease, the

racecourse may bid for a new lease as part of the bidding system. However, if the BHB National Fixture is in mid-lease, the racecourse will continue to stage the fixture until the end of the lease.

- 8.5 As a result of the Joint Committee's decision, if the racecourse's attempt to move is successful, the racecourse which it has relegated must move out of that Racecourse Fixture Slot.
- 8.6 The relegated racecourse has one move to win another Racecourse Fixture slot. If it fails, it must move to an available BHB National Fixture slot for which it can match-bid.
- 8.7 All moves will require the approval of The HRA Inspectorate
- 8.8 On 1st May, The BHB releases an amended 2nd draft of the Fixture List, including all Racecourse Fixtures.

1st – 15th May

9. BHB National Fixtures: The Bidding System

- 9.1 BHB National Fixtures are effectively Class B Fixtures, in generally inferior slots, with BHB determination on the fixture composition and race programme after full consultation with racecourses.
- 9.2 There are currently 68 BHB National Fixtures (36 Flat, 32 Jump) and it is anticipated they will increase to approximately 150.
- 9.3 A competitive prize money bidding system will be introduced to secure the lease of BHB National Fixtures.
- 9.4 On 1st May, before the bidding process begins, the number of races and class for each BHB National Fixture will be released to racecourses.
- 9.5 In 2005 for 2006 Fixture List, BHB National Fixtures will be divided between one, two and three-year leases. Thereafter, all National Fixtures will be offered on three-year leases. This will ensure that a number of BHB National Fixtures are made available to racecourses every year.
- 9.6 A racecourse will need to secure HRA Inspectorate approval before operating a BHB fixture.
- 9.7 The closed bidding process for BHB National meetings will take place on a secure website, with a number of bidding sessions, each lasting 24 hours. Each session will involve offering all available BHB National meetings falling on a particular day of the week, with bidding for each day in descending order of average betting turnover. For example, all National meetings staged on a Saturday will form the first session. If any National meeting fails to attract a bid, it will be reoffered as part of the next available bidding session.
- 9.8 Racecourses will bid the amount of prize money they are willing to put up for each fixture. The fixture will be awarded to the highest bidder and the money bid will be put into prize money.
- 9.9 If a successful bidder has bid more than the total of the upper level for the meritocracy band for the races contained in each fixture, the surplus will be paid to the Development Fund, a fund which will be used by the BHB to incentivise racecourses to put on certain races needed for the horse population or breed.
- 9.10 Racecourses will be charged a forfeit fee of 100% of the annual bid if they are successful in bidding for a National Fixture and then do not take it up. Any such fixture will then be re-offered to all other racecourses at the earliest opportunity, with the racecourse offering the highest bid securing the fixture, subject to HRA approval.

- 9.11 As part of a New Racecourse Application, it may be appropriate to require the New Racecourse to lodge a performance bond with the BHB, the purpose of which would be to cover any additional expense in the event that it is not ready to stage the fixtures secured. In the event that a performance bond has been lodged and a New Racecourse is unable to stage a fixture, the New Racecourse will not also be charged a forfeit fee.
- 9.12 Upon the granting of its licence by The HRA, New Racecourses will bid for BHB National Fixtures as part of this bidding system. A racecourse will qualify for the definition of a “New Racecourse” only if it has never operated any fixtures.
- 9.13 New Racecourses will be given priority in the bidding system: For a period of nine years, New Racecourses will have the right to acquire and maintain up to 16 BHB National Fixtures including any fixtures which have moved into Racecourse Fixtures. If their bids are not successful in securing this number of BHB National Fixtures, they may match bid to acquire this number.
- 9.14 After 9 years, a New Racecourse will be treated as an existing racecourse and be subject to the same regulations regarding bidding and moving as existing racecourses.
- 9.15 As part of the process relating to the movement of BHB National Fixtures into Racecourse Fixtures, the relegated racecourse that fails to find an alternative Racecourse Fixture will be able to bid for a BHB National Fixture and match bid to acquire it for 3 years before having to enter an open bidding system.
- 9.16 In the event that The HRA Inspectorate does not give its approval to a racecourse holding for a particular fixture, the racecourse may appeal to The Appeals Board.
- 9.17 3rd draft of Fixture List issued to all Racecourses including all Racecourse Fixtures and BHB National Fixtures on 15th May.

16th – 31st May

10. BHB Regional Fixtures: The Bidding System

- 10.1 BHB Regional Fixtures are effectively Class C Fixtures, in the most inferior slots, with BHB determination on the race programme and prize money offered.
- 10.2 It is anticipated that there will be approximately 150 Regional Fixtures.
- 10.3 All new and existing racecourses will be entitled to bid for each fixture equally.
- 10.4 A racecourse will need to secure HRA Inspectorate approval before operating any such fixture. In the event that The HRA Inspectorate does not give its approval, the racecourse may appeal to The Appeals Board.
- 10.5 In 2005 for the 2006 Fixture List, Regional Fixtures will be divided between one, two and three year leases. Thereafter, all Regional Fixtures will be offered with three-year leases.
- 10.6 The closed bidding process for Regional Fixtures will take place on a secure website, with a number of bidding sessions, over 24 hours. As with BHB National Fixtures, each session will involve offering all available Regional meetings falling on a particular day, with bidding for the best day first in descending order of average betting turnover.

If any Regional meeting fails to attract a bid, it will be reoffered as part of the next available bidding session.

- 10.7 The number of races, prize money and outline race programme will be determined by BHB and the prize money will be identified before the bidding process begins. The fixture will be awarded to the highest bidder. If a successful bidder has bid more than the required level of prize money, the surplus will be paid to the Development Fund, a fund which will be used by the BHB to incentivise racecourses to put on certain races needed for the horse population or breed.
- 10.8 Racecourses will be charged a forfeit fee of 100% of the annual bid if they are successful in bidding for a Regional Fixture and then do not take it up. Any such fixture will be re-offered to all other racecourses at the earliest opportunity, with the racecourse offering the highest bid securing the fixture, subject to HRA approval.
- 10.9 BHB will determine the race programme of each Regional Fixture nearer to the date of the meeting after full consultation with the racecourse.

1st June

11. Release 4th draft of Fixture List
 - 11.1 Fixture List including all Racecourse, BHB National and BHB Regional Fixtures released.
 - 11.2 Racecourses to confirm accuracy of Fixture List.
 - 11.3 BHB Board to approve the Fixture List at its June Board Meeting.

1st July

12. Final Fixture List release

FIXTURE ALLOCATION PROCESS TIMETABLE

1 st Sept – 31 st Oct	Fixture Matrix Group establishes a Flat and Jump Fixture Matrix
1 st – 30 th November	The BHB consults with racecourses over calendar movements to facilitate the roll forward of the previous year’s Fixture List
1 st December	Release of the Framework Document
1 st Dec – 31 st Jan	Racecourse fixtures: “Friendly” Swaps and Trades
31 st January	The BHB release the 1 st Draft of Fixture List
1 st Feb – 31 st Mar	Racecourses complete their 10% movement of Racecourse Fixtures into other Racecourse Fixtures. Joint BHB/ABB Committee consider those slots with surplus fixtures. Fixtures deemed “surplus” by the Joint Committee permitted to move into any vacant Racecourse Fixture slot.
1 st April	The BHB release 2 nd Draft of Fixture List
1 st – 30 th Apr	Every three years, racecourses provided with the opportunity to attempt to move a percentage of their BHB National Fixtures into Racecourse Fixtures.
1 st May	In years when racecourses attempt to move a percentage of BHB National Fixtures into Racecourse Fixtures, the BHB will release an amended 2 nd Draft of the Fixture List, including all Racecourse Fixture Moves.
1 st May	Programmes for all BHB National Fixtures issued to racecourses
1 st – 15 th May	Closed bidding process for BHB National Fixtures involving a number of bidding sessions, with Fixtures offered by day-of-the-week
15 th May	Release 3 rd Draft of Fixture List including all BHB National Fixtures
15 th – 31 st May	Closed bidding process for BHB Regional Fixtures involving a number of bidding sessions, with Fixtures offered by day-of-the-week
1 st June	Release 4 th Draft of Fixture List
June	The BHB Board approve Fixture List
1 st July	Final Fixture List released.

The Treatment of New Racecourses

- A racecourse will qualify for the definition of a “New Racecourse” only if it has never operated any fixtures. A racecourse putting in a new surface or a new code will not be classified as a “New Racecourse.”
- Upon the granting of its licence by the HRA, for a period of nine years, New Racecourses will have the right to acquire and maintain up to 16 BHB National Fixtures, including any fixtures which have successfully moved into Racecourse Fixtures. It will acquire them as follows:
 - By winning the bid over all other courses
 - By matching any other bid for a fixture for which it also bid, up to a total of 16 fixtures (excluding Regional Fixtures).
- In its first year, if the New Racecourse chooses to run less than 16 BHB National Fixtures, it may carry-over the ability to match bid for BHB National Fixtures to its second or third year. For example, if, in its first year, the New Racecourse only bids for 12 National Fixtures, in Year 2 or 3, it can acquire 4 further fixtures by matching any other bid for 4 fixtures.
- After 9 years, a New Racecourse will be treated as an existing racecourse and be subject to the same regulations regarding bidding and moving as existing racecourses.
- New Racecourses may attempt to move the greater of four or 25% of their BHB National Fixtures into Racecourse Fixtures on the first three occasions they are involved in this process. Thereafter they will be treated as an existing racecourse.
- From its first year onwards, a New Racecourse can bid alongside and equally with existing racecourses for BHB Regional Fixtures.

How a racecourse can improve its fixture list

The Fixture Allocation Process allows an enterprising racecourse to improve its fixture list in several ways:

- (i) By moving 10% of its Racecourse Fixtures in Year 1 and every three years thereafter to other Racecourse Fixture slots.
 - o A racecourse will identify the Racecourse Fixture slots it wishes to attempt to move into.
 - o Once all racecourses have completed their moves, if on a particular day the number of Racecourse Fixtures exceeds the number of criteria fixtures, it is proposed that, a Joint BHB/ABB Committee will determine which fixtures will receive funding for their pictures.
 - o If the racecourse is not selected by the Joint Committee for funding, it will be permitted to move into a vacant Racecourse Fixture Slot. Alternatively, the racecourse may choose to remain in its desired position as non-criteria fixture.

Note:

- i. 10% is calculated to the nearest whole figure based on the number of programmed Racecourse fixtures in the previous year (eg 2005 for the 2006 Fixture List). For example, 1.5 shall be rounded up to 2.
- ii. Each racecourse is treated as a separate entity. Racecourses are not permitted to transfer or sell moves to another racecourse within the same group. Furthermore, racecourses must operate a new slot for 3 full years before they can swap it within their group or with another racecourse.
- iii. A racecourse can only move fixtures within the relevant Fixture Matrix. Flat can only swap with Flat, and Jumps can only swap with Jumps (other than in exceptional circumstances).
- iv. Racecourses will make their movements in descending order, which will be determined by each racecourse's average prize money net of owners' contributions per Racecourse Fixture from the previous year.
- v. Racecourse Fixture movements will be made on a secure website. The first round of moves will take place over two weeks (approximately 1st–15th February), with each racecourse allotted a period of one-hour to enter their permitted Racecourse Fixture moves onto the website.
- vi. If a racecourse, in the opinion of the HRA Inspectorate, does not have a suitable alternative Racecourse Fixture into which it can move, BHB, at its discretion, may agree to swap a BHB Fixture with a Racecourse Fixture in order to accommodate that racecourse.
- vii. Flat turf fixtures will be able to be moved outside of the current Flat Turf season. However, all moves are subject to Inspectorate approval by The HRA, and BHB approval if they involve a Pattern or Listed Race.

- (ii) By moving a percentage of its BHB National Fixtures every three years into Racecourse Fixtures
- In 2008 for the 2009 Fixture List, and every three years thereafter, existing racecourses with two or more BHB National Fixtures may attempt to move the greater of one or 20% of their BHB National Fixtures leased by each racecourse at that time into Racecourse Fixtures.
 - As a result of the Joint Committee's decision, if the racecourse's attempt to move is successful, the losing racecourse has one chance to move to another slot occupied by a Racecourse Fixture.
 - If the racecourse's attempt to move is unsuccessful and the BHB National Fixture they attempted to move is at the end of the lease, the racecourse may bid for a new lease as part of the bidding system. However, if the BHB National Fixture is in mid-lease, the racecourse will continue to stage the fixture until the end of the lease.
 - Each racecourse that has lost a Racecourse Fixture is allowed one move to another Racecourse Fixture slot with criteria status but, if its move fails, it must move to a BHB Fixture where, by match bidding, it can secure a 3 year lease before having to compete equally with all other racecourses for that fixture.

Note:

- (i) 20% is calculated to the nearest whole figure based on the number of programmed BHB National Fixtures leased by each racecourse at that time. For example, a racecourse with 3 BHB National Fixtures will have the opportunity move into 1 Racecourse Fixture.
- (ii) All moves will require the approval of The HRA Inspectorate before operating the fixture in question.

- (iii) By Bidding for BHB National and/or Regional Fixtures
- All racecourses, subject to code, can bid for both BHB National and Regional Fixtures.
 - In 2006, leases will be split between 1, 2 and 3-year leases. Thereafter leases will be for 3 years.
 - Racecourses will submit sealed bids with the highest bidder being awarded the meeting, subject to approval from The HRA Inspectorate.
 - For National Fixtures:
 - i. Racecourses will be informed of the programme for each fixture by class and number of races.
 - ii. Racecourses bid the amount of prize money they are willing to put up for each fixture.
 - iii. The money bid will be put into prize money along with owners' entry fees.
 - iv. If a successful bidder has bid more than the total of the upper level of each meritocracy band for the races contained in each fixture, the surplus will be paid to the Development Fund. This will be used by the BHB to incentivise racecourses to put on races needed for the horse population or breed.

- For Regional Fixtures:
 - i. The number of races, prize money and outline race programme will be provided by the BHB, and the prize money will be identified before the bidding process begins.
 - ii. If a successful bidder has bid more than the required level of prize money, the surplus will be paid to the Development Fund, a fund which will be used by BHB to incentivise racecourses to put on certain races needed for the horse population or breed.

- (iv) By Swapping, Trading or Purchasing Fixtures at any time
 - Racecourses are allowed to swap or trade as many fixtures as they wish, although all such swaps or trades will require the approval of The HRA Inspectorate, and BHB approval if they include a Pattern or Listed Race.

ORDER OF RACECOURSE MOVES
(Based on 2003 average prize money net of owners' contributions)

<u>FLAT</u>		<u>JUMP</u>	
Ascot	295,642	Aintree	299,655
Epsom	206,802	Cheltenham	241,472
York	199,600	Ascot	139,856
Newmarket	149,695	Kempton	123,636
Goodwood	145,219	Sandown	107,608
Sandown	132,260	Newbury	104,057
Newbury	116,669	Haydock	92,132
Doncaster	115,722	Ayr	64,482
Chester	113,816	Warwick	63,444
Haydock	92,717	Doncaster	59,478
Pontefract	66,371	Chepstow	59,235
Kempton	65,026	Wincanton	59,038
Salisbury	63,387	Lingfield	58,950
Ripon	60,077	Wetherby	57,618
Ayr	58,571	Kelso	56,135
Hamilton	55,779	Perth	55,764
Thirsk	51,964	Uttoxeter	51,462
Newcastle	50,827	Stratford	50,656
Musselburgh	48,825	Musselburgh	46,522
Beverley	48,413	Market Rasen	46,124
Leicester	48,252	Exeter	45,844
Windsor	47,781	Newcastle	45,716
Lingfield	45,984	Ludlow	44,579
Redcar	41,581	Carlisle	43,242
Chepstow	40,813	Bangor-On-Dee	41,443
Yarmouth	40,686	Newton Abbot	41,101
Nottingham	39,816	Leicester	40,891
Warwick	39,283	Plumpton	38,421
Carlisle	38,105	Huntingdon	38,162
Bath	35,993	Taunton	35,534
Brighton	34,464	Fontwell	35,334
Southwell	31,922	Cartmel	35,208
Catterick	31,791	Catterick	34,456
Folkestone	31,668	Fakenham	34,093
Wolverhampton	29,498	Worcester	33,468
		Southwell	33,071
		Hereford	30,728
		Sedgefield	29,046
		Folkestone	28,472
		Hexham	26,669
		Towcester	25,672

Minor adjustment will be made to these figures

FLAT AND JUMP MATRICES FORMULAE

EXPANSION OF THE FIXTURE LIST IN 2006

1. INTRODUCTION

1.1 The Proposal

1.1.1 The chart illustrates the composition of the Fixture List in 2003 and 2004, and a proposal for the 2006 Fixture List. The 2005 Fixture List is currently being finalised but will resemble the 2004 version with the addition of 10 Regional Flat meetings.

Programmed Fixtures by Code 2003-2006

<u>Year</u>	<u>Flat</u>	<u>Jumping</u>	<u>Total</u>
2003	726	544	1270
2004	804	537	1341
2006	963	537	1500

1.1.2 The existing BAGS criteria support 1,458 fixtures annually. A Fixture Matrix for 2006 has been produced which identifies how Flat and Jump fixtures will be allocated throughout the year to fill all 1,458 slots. The Fixture Matrix, and an explanation for its composition, can be found at Annex 1.

1.1.3 In 2004, there are 32 fixtures in non-criteria slots, e.g. Bank Holidays, Saturday evening floodlit fixtures. The majority of these are expected to continue in future years. In addition, as part of the Fixture Allocation Process, racecourses may choose to stage Racecourse Fixtures in non-criteria slots. Any criteria gaps resulting from such decisions may be filled by BHB Fixtures, thereby increasing the Fixture List to approximately 1,500.

1.1.4 The expansion of the Flat Fixture List, as indicated in the chart above, will be facilitated from 4 main sources :

- Offering opportunities to race to horses currently being eliminated from races.
- Imposing field size restrictions in most races, thereby spreading the horse population more widely.
- A continuation of the current trend of an increase in the number of Flat and Dual-Purpose Horses-In-Training.
- An increase in the average runs per horse per year.

1.1.5 There have been a considerable number of changes implemented in Jumping recently to encourage an increase in the number of Jump Horses-in-Training and to improve the competitiveness of Jump Racing. These measures will be complemented by additional measures proposed. Once further progress has been made in achieving more competitive Jump Racing, additional BHB Jump Fixtures will be created.

2. EXPANSION OF THE FLAT

2.1 Summary

- 2.1.1 It is proposed that in 2006 the Flat Fixture List will be expanded to 963 fixtures from 726 in 2003.
- 2.1.2 There are 4 main sources of the additional runners required to facilitate these fixtures, which are summarised in the chart:

Source of runners to expand Flat Fixture List from 726 to 963

<u>Source</u>	<u>Fixtures</u>
Opening Fixture List (2003)	726
Fixtures for previously eliminated horses	65
Fixtures from restriction of field sizes	53
Fixtures for growth in Flat/Dual Purpose H-in-T	49
Fixtures from increase in runs per Flat/Dual Purpose Horse	63
Transfer from Jump to Flat (in 2004)	7
 TOTAL	 963

- 2.1.3 It has been assumed that the average Flat field size will be 10.5 following the introduction of the expanded Flat Fixture List and the introduction of Narrow Band Handicaps.

2.2 Providing opportunities for previously eliminated horses

- 2.2.1 In 2003 Flat eliminations totalled 11,309.
- 2.2.2 A model has been produced which estimates of the 11,309 eliminations, how many realistically are potential runners. It does this by analysing each individual horse eliminated at any stage during the year and ignoring:
- Any elimination within 7 days of a previous elimination
 - Any elimination within 7 days of a race
- 2.2.3 By excluding eliminated horses that fall into any of the three categories above, 4,471 eliminations remain.
- 2.2.4 This number of eliminated horses will facilitate 65 additional Flat fixtures compared with the 2003 Fixture List. See Annex 2 for details.

2.3 Impact of restricting field sizes

- 2.3.1 To facilitate an expanded Fixture List, it is proposed that a field size restriction of 14 will be applied to all Flat races, excluding Pattern and Listed races, Heritage Handicaps and Sales Races. In June, July and August, when average field sizes are historically at their lowest, the

restriction will be extended to 12 runners and 7-race cards to facilitate the additional fixtures.

2.3.2 Based on the 2003 Fixture List, the restriction in field sizes will result in 3,681 horses that would previously have had an opportunity to race, being eliminated. See Annex 3 for details.

2.3.3 As a result of the field size restrictions, an additional 53 fixtures will be facilitated. See Annex 2 for details.

2.4 The Number of Horses-In-Training

2.4.1 The Flat horse population, including Dual Purpose horses, has risen consistently throughout recent years. The chart illustrates the increase since 1998.

Flat & Dual Purpose Horses In Training 1998-2003

<u>Year</u>	<u>Flat</u>	<u>Dual Purpose</u>	<u>Total</u>
1998	6566	1823	8389
1999	6922	1483	8405
2000	7223	1186	8409
2001	7545	1318	8863
2002	7475	1248	8723
2003	7683	1333	9016

*Note. The data has been calculated based on the average number of horses-in-training at the mid-point of each month throughout the year.

2.4.2 As indicated by the chart, the number of Horses-in-Training on the Flat, including Dual Purpose, increased by 3.7% between 2000 and 2002, and by 3.3% between 2002 and 2003. (Note: The data for 2001 was inflated by the Foot and Mouth outbreak.)

2.4.3 During the first three months of 2004, this rate of increase has accelerated, with the number of Horses-in-Training on the Flat, including Dual Purpose, increasing by 8% compared with the same period in 2003.

Horses In Training January-March 2003-2004

<u>Year</u>	<u>Flat</u>	<u>Dual Purpose</u>	<u>Total</u>
2003	7598	1338	8936
2004	8150	1503	9653

*Note. The data has been calculated based on the average number of horses-in-training at the mid-point of each month throughout the quarter.

2.4.4 Based on this evidence, it is reasonable to assume that the number of Horses-In-Training on the Flat, including Dual Purpose horses, will continue to increase in the short term. For the purpose of forecasting the demand for Flat Fixtures in 2006, it has been assumed that the number of Horses-in-Training on the Flat, including Dual Purpose horses, will grow by 3% per annum up through to 2006.

2.4.5 Given the Flat Fixture List comprises 804 fixtures in 2004, the assumed growth rate suggests the increased population will facilitate 49 extra fixtures in 2006. See Annex 2 for details.

2.5 The number of runs per horse

2.5.1 The total number of runs per horse is another significant statistic in identifying the optimum Fixture List. The chart below shows the total number of runs per Flat Horse-in-Training:

Total Runs and Average Runs per Flat Horse 1998 - 2003

<u>Year</u>	<u>Total Runs</u>	<u>Av. Runs</u>
1998	45739	6.04
1999	48117	6.28
2000	48934	6.26
2001	53140	6.48
2002	52998	6.54
2003	52920	6.34

Note. The data has been calculated assuming Dual Purpose horses run an equal number of races on the Flat and over Jumps

2.5.2 The average number of runs in 2003 fell from the previous year, reversing the recent trend, as a result of the unusually long spell of dry weather from late spring into the autumn. However, despite this, the average remained higher than before 2001.

2.5.3 It is expected that the recent trend of increasing average runs per horse will continue and even accelerate as a result of increased Regional Racing offering opportunities for the poorer horses to run more often. In addition, the likelihood of additional All-Weather fixtures will encourage horses to stay in training for longer periods during the year and therefore run more frequently, including during the summer when historically field sizes decline as a result of turf conditions.

2.5.4 Based on the average annual increase in average runs per year between 1998 and 2002, it is forecasted that by 2006 an additional 63 fixtures will be facilitated. See Annex 2 for details.

3 CONSOLIDATION OF JUMP RACING

3.1 Summary

3.1.1 In recent years, Jumping has suffered from a falling number of Horses-in-Training, which has impacted field sizes and competitiveness.

3.1.2 Measures recently introduced have reversed this trend and, with further measures proposed, there is a confident expectation that field sizes and competitiveness will continue to improve (see 3.3.1 below).

- 3.1.3 Such measures must be given time to take effect and therefore it is not considered an appropriate moment to expand the Jump Fixture List. However, once further progress has been achieved, it is anticipated that there will be an expansion of the Jump Fixture List by creating additional BHB Jump Fixtures.

3.2 Maintenance of current number of Jump Fixtures

- 3.2.1 Jumping remains an integral part of British racing and is extremely popular with spectators and punters. However, the advent of All-Weather racing in the winter has drawn horses away from Jumping, putting pressure on field sizes and competitiveness.

- 3.2.2 The chart below illustrates the decline in numbers in recent years:

<u>Horses In Training 1998-2003</u>			
<u>Year</u>	<u>Jump</u>	<u>Dual Purpose</u>	<u>Total</u>
1998	4292	1823	6115
1999	4531	1483	6014
2000	4533	1186	5719
2001	4647	1318	5965
2002	4456	1248	5704
2003	4251	1333	5584

*Note. The data has been calculated based on the average number of horses-in-training at the mid-point of each month throughout the year. The statistics for 2001 are inflated because of the Foot and Mouth outbreak which resulted in Point-to-Point horses being transferred into training yards because of the ban on Points-to-Points.

- 3.2.3 As outlined in 3.3.1 below, a number of measures have already been introduced to strengthen Jump Racing.
- 3.2.4 Indications are that these measures are proving effective. The chart below illustrates a 4% increase in Jump and Dual Purpose Horses-in-Training between January – March 2004 compared with 2003.

<u>Horses In Training January-March 2003-2004</u>			
<u>Year</u>	<u>Jump</u>	<u>Dual Purpose</u>	<u>Total</u>
2003	5008	1338	6346
2004	5097	1503	6600

*Note. The data has been calculated based on the average number of horses-in-training at the mid-point of each month throughout the quarter.

- 3.2.5 Consequently this increased number of Jump Horses-in-Training has had a favourable impact on field sizes and, therefore, competitiveness. The average field sizes between January and March since 2002 are illustrated in the chart below:

Average Field Sizes January – March 2002 – 2004

<u>Year</u>	<u>Hurdle</u>	<u>Chase</u>
2002	12.1	8.5
2003	12.0	8.2
2004	13.1	9.0

3.2.6 It is proposed that, before considering an expansion of the Fixture List, the recently introduced and proposed measures are given time to further improve competitiveness within Jump Racing. Once this has been achieved, consideration can then be given to expanding the Jump Fixture List by creating additional BHB Jump Fixtures.

3.3 Improvement in the competitiveness of Jump Racing

3.3.1 There have been a considerable number of changes implemented in Jumping recently which have had a favourable impact on the competitiveness of Jump Racing. These include:

- Introduction of Junior National Hunt Flat races
- Introduction of Beginners' Steeplechases
- The Race-Planning Incentive Scheme targeting Introductory Hurdle races, high-value Mares' races and two-mile Handicap Hurdles
- A complete revision of the Weight-For-Age scale for both Chases and Hurdles
- The abolition of automatic top weights
- Introduction of Listed races, particularly for Mares.
- 50% Owners' Premiums for British Bred Mares who go Jumping.

3.3.2 As part of the ongoing Jump Racing Review, additional measures are about to be introduced. These include:

- Restructuring and redefining of the Novice Chase programme
- Refining the Jump Pattern
- Reducing the number of Class B races

3.3.3 In addition to the specific measures outlined above, competitiveness will also increase as a result of the introduction of similar measures proposed for Flat Racing, such as restricting field sizes.

3.3.4 Eliminations from all Jump races in 2003 totalled 1,346.

3.3.5 Using the same model outlined in 2.2.2, by excluding eliminated horses that fall into any of the two stated categories, 777 eliminations remain. These can be broken down between 80 Chasers and 697 Hurdlers/National Hunt Flat horses based on the ratio of total eliminations during 2003. As a consequence of the recently implemented and proposed measures, suitable opportunities will be available in order that these previously eliminated horses will become runners.

- 3.3.6 The average field sizes per month are illustrated in Annex 1. These illustrate that field sizes are at their lowest between August and October (Hurdles) and between August and November (Chases). Consequently the field size restriction proposed for Jump Racing, which will be introduced to ensure a better distribution of horses across races, will be set at 14 throughout the year except for those months indicated above, when it will be set at 12. It will be applied to all Jump races, excluding Pattern and Listed races.
- 3.3.7 Based on the 2003 Fixture List, the restriction in field sizes will result in an additional 1,068 lost opportunities to race (920 Hurdlers/National Hunt Flat races and 148 Chases). See Annex 3 for details.
- 3.3.8 In sum, by programming opportunities for eliminated horses and by imposing a field size restriction, an additional 228 Chasers and 1,617 Hurdlers are potentially available for increasing Jump field sizes and competitiveness. See Annex 4 for details.
- 3.3.9 Based on the number of runners and Jump races staged in 2003, these horses, if found alternative opportunities to race, would increase Jump fields as indicated in the chart below:

Potential Increase in Jump Field Sizes from proposed measures

<u>Type</u>	<u>Races</u>	<u>Runners</u>	<u>Average</u>	<u>Extra</u>	<u>Revised Average</u>
Chase	1377	10294	7.5	228	7.65
Hurdle/NHF	1890	19849	10.5	1617	11.4

- 3.3.10 The projected averages will obviously benefit further if the number of Jump Horses-in-Training continues to increase, as witnessed in the first quarter of 2004, and as a result of the measures outlined in 3.3.1 and 3.3.2.

4 SUMMARY

4.1 Achievement of a Fixture List of 1,500

- 4.1.1 The expansion of the Fixture List to 1,500 will be achieved by increasing the number of Flat Fixtures from 804 to 963.
- 4.1.2 This expansion of the Flat Fixture List will be facilitated by 4 main sources :
- Offering opportunities to race to horses currently being eliminated from races.
 - Imposing field size restrictions in most races, thereby spreading the horse population more widely.
 - A continuation of the current trend of an increase in the number of Flat and Dual-Purpose Horses-In-Training.
 - An increase in the average runs per horse per year.
- 4.1.3 As a combination of factors they will create a sufficient pool of horses to facilitate the expanded Flat Fixture List.

4.2 Improvement in Jump field sizes and competitiveness

- 4.2.1 Recently introduced measures to Jump Racing have already had a favourable impact on field sizes and competitiveness of Jump Racing.
- 4.2.2 Additional measures proposed will contribute to further improving these areas.
- 4.2.3 Before expanding the Jump Fixture List, these measures should be given time to take effect.
- 4.2.4 Once sufficient progress has been made, additional BHB Jump Fixtures will be created to meet the additional demand.

2006 FIXTURE MATRIX

1. The existing BAGS criteria support 1,458 fixtures annually, assuming no racing is programmed for Good Friday or Christmas Day. The existing BAGS criteria are as follows:
 - i. Afternoon:

Sunday – Friday:	3 Fixtures
Saturday:	4 Fixtures
Bank Holidays:	4 Fixtures
 - ii. Evenings (1st April – 31st August):

Monday – Saturday:	2 Fixtures
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 - iii. Matinee/Twilight:

Saturday:	1 Fixture
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2. The 2004 Fixture List contains 1,341 fixtures. Of these, 804 are Flat Fixtures and 537 Jump Fixtures. 32 fixtures (14 Flat + 18 Jump) are Racecourse Fixtures in non-criteria slots. Consequently there are 149 criteria gaps (1,458-1,341+32).
3. The proposed Fixture Matrix identifies the split of the 1,458 fixtures in criteria slots between Flat and Jump on a week-by-week basis.
4. Assuming all criteria slots are filled, some existing fixtures in non-criteria slots continue and other racecourses choose to stage Racecourse Fixtures in non-criteria slots, leaving vacancies for additional BHB Flat Fixtures, it will be possible to increase the Fixture List to approximately 1,500.
5. The starting point for the Fixture Matrix is that during the Jump Core Period (ie. Outside the Flat Turf season), 2 Jump and 1 Flat Fixture will be programmed daily, except on Saturdays when there will be 3 Jump and 1 Flat Fixture plus 1 Matinee/Twilight Flat meeting.
6. Additional guidelines for the composition of the Fixture Matrix derive from average field sizes, illustrated in the following chart:

Average field size per month by code

	Flat	Hurdle	Chase
January	11.3	12.5	8.6
February	10.6	12.6	8.7
March	11.6	12.2	8.5
April	12.1	10.9	8.9
May	12.2	11.1	8.9
June	10.9	10.8	8.5
July	10.2	10.2	8.4
August	10.2	8.6	6.4
September	11.5	9.5	6.7
October	13.1	8.1	5.9
November	13.2	10.4	6.5
December	12.0	11.7	7.4

Based on January 2002-March 2004.

7. Problems surrounding Jump field sizes are particularly acute between June and November. Consequently the following guidelines have been adopted for the compilation of the matrix:
 - i. A minimum of 12 Jump Fixtures in any full weeks in April and May (e.g. excluding week commencing 30th May)
 - ii. A maximum of 6 Jump Fixtures in any week in June
 - iii. A maximum of 5 Jump Fixtures in any week in July and August
 - iv. A maximum of 4 Jump Fixtures in any week in September
 - v. No Jump Fixtures in the final week of September
 - vi. A maximum of 6 Jump Fixtures in the first two weeks in October
 - vii. A maximum of 10 Jump Fixtures in the 3rd week of October
 - viii. A maximum of 11 Jump Fixtures in the penultimate week of October
 - ix. A maximum of 12 Jump Fixtures in the final week of October
8. Other assumptions in the production of the Fixture Matrix are:
 - i. Matinee/Twilight Fixtures will be Flat Fixtures.
 - ii. Mixed meetings are included within Flat Fixtures.

EXPANSION OF FLAT FIXTURE LIST

1. Providing Opportunities for horses currently being eliminated

Average Flat races per fixture: 6.6 (2003)

Average Flat field size: 11.1 (2003)

It is assumed that the average field size will fall to 10.5 with the introduction of Narrow Band Handicaps.

Based on the 4,471 eliminations identified by the model, this will facilitate 65 additional fixtures:

$$(4,471 / 10.5) / 6.6 = 65$$

2. Impact of restricting field sizes

Additional eliminations resulting from field size restrictions (see Appendix III): 3,681

Based on the assumptions above, these additional eliminations will facilitate 53 additional fixtures:

$$(3,681 / 10.5) / 6.6 = 53$$

3. Number of Horses-in-Training

Anticipate an annual growth rate of 3% in Horses-in-Training

Based on the 2004 Fixture List of 804 Flat Fixtures, 3% growth in both 2005 and 2006, would facilitate an additional 49 fixtures:

$$\text{In 2005: } 804 + 3\% = 828$$

$$\text{In 2006: } 828 + 3\% = 853$$

$$853 - 804 = 49 \text{ additional fixtures.}$$

4. Number of runs per horse

Between 1998 and 2002, the average runs per horse increases by, on average, 0.13 runs per year

By 2006, based on the current trend, the number of runs per horse will increase to 6.73:

$$2003: 6.34$$

$$2004: 6.34 + 0.13 = 6.47$$

$$2005: 6.47 + 0.13 = 6.6$$

$$2006: 6.6 + 0.13 = 6.73$$

Furthermore, for the reasons outlined in 2.5.3, it is reasonable to assume a slight acceleration in this rate of growth (to 6.8).

Assuming an increase of 3% in Horses-in-Training per annum, by 2006 there will be 9,852 Flat or Dual Purpose Horses-In-Training.

	<u>Flat</u>	<u>Dual Purpose</u>	<u>Total</u>
2003 (Actual)	7683	1333	9016
2004	7913	1373	9286
2005	8151	1414	9565
2006	8395	1457	9852

Therefore, assuming $\frac{3}{4}$ of the extra runs by Dual Purpose horses are on the Flat, 63 extra Flat Fixtures will be facilitated:

$$((8395(6.8-6.34)/10.5)/6.6) + (\frac{3}{4} (1457(6.8-6.34)/10.5/6.6))$$

IMPACT OF RESTRICTING FIELD SIZES

The following analysis only considers races affected by the field size restriction:

FLAT

Assuming a restriction of 14 (12 June-August)

Month	Number of races affected	Current eliminations	Eliminations created by field size restrictions	Total eliminations
All excluding June-August	809	6603	1857	8460
June	204	909	725	1634
July	200	454	640	1094
August	153	473	459	932
TOTAL	1366	8439	3681	12120

JUMP

Chase (Assuming a restriction of 14 (12 August - November))

Month	Number of races affected	Current eliminations	Eliminations created by field size restrictions	Total eliminations
All excluding August – Nov.	51	87	135	222
August	-	-	-	-
September	1	-	1	1
October	2	-	3	3
November	3	-	9	9
TOTAL	57	87	148	235

Hurdles/National Hunt Flat (Assuming a restriction of 14 (12 August - October))

Month	Number of races affected	Current eliminations	Eliminations created by field size restrictions	Total eliminations
All excluding August – Oct	347	960	831	1791
August	7	4	19	23
September	10	-	29	29
October	11	10	41	51
TOTAL	375	974	920	1894

CONSOLIDATION OF JUMP RACING

1. Providing Opportunities for horses currently being eliminated

777 Jump eliminations within the parameters of the model outlined in 2.2.2

2003 breakdown: 10.25% Chases & 89.75% Hurdles (including NH Flat)

Therefore additional potential runners for Jump Racing:

Chases: $777 \times 10.25\% = 80$

Hurdles: $777 \times 89.75\% = 697$

2. Impact of restricting field sizes

Additional eliminations resulting from field size restrictions (see Appendix III): 1,068 consisting of 148 Chases and 920 Hurdles & NH Flat.

3. Additional runners potentially available from 1. and 2. above:

Chases: $80 + 148 = 228$

Hurdles: $697 + 920 = 1617$

FIXTURE MATRIX

FIXTURE MATRIX - DRAFT 1												
	2006 MATRIX Flat	2006 MATRIX Jump	2004 Current Flat	2004 Non-criteria Flat	2004 Criteria Flat	Proposed Flat	Change month	2004 Current Jump	2004 Non-criteria Jump	2004 Criteria Jump	Proposed Jump	Change month
01-Jan	8	16	13		13	-5		13		13	3	
08-Jan	8	15	9		9	-1		11	1	10	5	
15-Jan	8	15	6		6	2		13		13	2	
22-Jan	8	15	6		6	2		13		13	2	
29-Jan	8	15	7		7	1	-1	13	1	12	3	15
05-Feb	8	15	8		8	0		13		13	2	
12-Feb	8	15	10	1	9	-1		12		12	3	
19-Feb	8	15	9		9	-1		12		12	3	
26-Feb	8	15	7		7	1	-1	15	1	14	1	9
05-Mar	8	15	3		3	5		19		19	-4	
12-Mar	8	15	6		6	2		15		15	0	
19-Mar	8	12	7		7	1		11		11	1	
26-Mar	16	10	14		14	2		13		9	1	
02-Apr	23	12	14	1	13	10	10	8	4	8	4	-2
09-Apr	23	12	14		14	9		12		12	0	
16-Apr	23	12	21		21	2		11		11	1	
23-Apr	23	12	21		21	2		12		12	0	
30-Apr	22	12	23		23	-1	22	11	1	10	2	7
07-May	20	15	19		19	1		15		15	0	
14-May	23	12	22		22	1		12		12	0	
21-May	23	12	23		23	0		11		11	1	
28-May	28	6	26		26	2	4	7	1	6	0	1
04-Jun	29	6	23		23	6		9		9	-3	
11-Jun	30	5	27		27	3		5		5	0	
18-Jun	31	4	28		28	3		4		4	0	
25-Jun	30	5	26		26	4	16	5		5	0	-3
02-Jul	32	3	29		29	3		3		3	0	
09-Jul	30	5	25	1	24	6		6		6	-1	
16-Jul	30	5	24		24	6		5		5	0	
23-Jul	31	4	26		26	5	25	4		4	0	
30-Jul	31	4	26		26	5		4		4	0	-1
06-Aug	33	2	28		28	5		2		2	0	
13-Aug	30	5	25		25	5		5		5	0	
20-Aug	30	5	20		20	10		8		8	-3	
27-Aug	27	3	22	1	21	6	26	5	2	3	0	-3
03-Sep	19	4	19	1	18	1		5		5	-1	
10-Sep	21	2	21		21	0		2		2	0	
17-Sep	19	4	17	1	16	3		7		7	-3	
24-Sep	23	0	17		17	6	10	6		6	-6	-10
01-Oct	17	6	12	1	11	6		12		12	-6	
08-Oct	17	6	16		16	1		7		7	-1	
15-Oct	13	10	13		13	0		10		10	0	
22-Oct	12	11	11		11	1		12		12	-1	
29-Oct	11	12	9	1	8	3	11	16	1	15	-3	-11
05-Nov	8	15	7	1	6	2		16		16	-1	
12-Nov	8	15	6	1	5	3		17		17	-2	
19-Nov	8	15	6	1	5	3		17		17	-2	
26-Nov	8	15	6	1	5	3	11	17		17	-2	-7
03-Dec	8	15	6	1	5	3		17	1	16	-1	
10-Dec	8	15	9	1	8	0		13		13	2	
17-Dec	8	15	7		7	1		7	1	6	9	
24-Dec	7	15	4		4	3		17	4	13	2	
31-Dec	2	3	1		1	1	8	2		2	1	13
TOTAL	931	527	804	14	790	141	141	537	18	519	8	8

**BREAKDOWN OF 1,203 RACECOURSE FIXTURES
BETWEEN COURSES AND CODES - 2004**

	Flat	Jump
Aintree	0	6
Ascot	17	8
Ayr	14	11
Bangor	0	13
Bath	15	0
Beverley	18	0
Brighton	21	0
Carlisle	9	11
Cartmel	0	5
Catterick	18	9
Cheltenham	0	15
Chepstow	11	13
Chester	11	0
Doncaster	20	7
Epsom	11	0
Exeter	0	15
Fakenham	0	7
Folkestone	10	10
Fontwell	0	17
Goodwood	20	0
Hamilton	17	0
Haydock	20	10
Hereford	0	15
Hexham	0	14
Huntingdon	0	17
Kelso	0	13
Kempton	16	10
Leicester	18	11
Lingfield	64	4
Ludlow	0	14
Market Rasen	0	18
Musselburgh	13	8
Newbury	17	11
Newcastle	18	11
Newmarket	36	0
Newton Abbot	0	18
Nottingham	19	0
Perth	0	11
Plumpton	0	16
Pontefract	16	0
Redcar	18	0
Ripon	14	0
Salisbury	14	0
Sandown	17	9
Sedgefield	0	19

Southwell	40	7
Stratford	0	14
Taunton	0	12
Thirsk	13	0
Towcester	0	17
Uttoxeter	0	21
Warwick	12	12
Wetherby	0	15
Wincanton	0	14
Windsor	25	0
Wolverhampton	63	0
Worcester	0	17
Yarmouth	18	0
York	15	0
TOTAL	698	505

BHB LEASEHOLD FIXTURES 2004**A. BY MONTH**

<u>Month</u>	<u>National Flat</u>	<u>National Jump</u>	<u>Regional</u>
Jan	0	9	8
Feb	0	2	10
Mar	1	3	9
Apr	3	3	13
May	3	3	10
June	3	1	0
July	0	2	0
Aug	6	0	0
Sept	10	1	4
Oct	6	2	6
Nov	2	3	3
Dec	2	3	7
Total	36	32	70

B. BY COURSE

<u>Course</u>	<u>National Flat</u>	<u>National Jump</u>	<u>Regional</u>	<u>Total</u>
Aintree		1		1
Ascot	1	1		2
Ayr	1		2	3
Bangor		1		1
Bath	4			4
Beverley	1		1	2
Brighton			2	2
Carlisle	1		1	2
Cartmel		1		1
Catterick	1			1
Chepstow	2		1	3
Chester	1			1
Doncaster		2		2
Exeter		1		1
Fakenham		2		2
Folkestone	1		1	2
Fontwell		2		2
Goodwood	1			1
Hamilton	1			1
Haydock	1			1
Hereford		1		1
Hexham		2		2
Huntingdon		1		1
Kelso		1		1
Kempton	1	1	2	4
Leicester	1			1

Lingfield	5		19	24
Ludlow		2		2
Market Rasen		1		1
Musselburgh	3			3
Newcastle	2	1		3
Newton Abbot		1		1
Nottingham	1		1	2
Perth		2		2
Ripon	1			1
Salisbury	1			1
Southwell		1	19	20
Stratford		1		1
Taunton		1		1
Thirsk	2			2
Towcester	1			1
Warwick			2	2
Wetherby		3		3
Wincanton		1		1
Wolverhampton	1		18	19
Yarmouth	1		1	2
Total	36	32	70	138

RACECOURSE BIDDING ORDER 2004
(Based on 2003 average prize money net of owners' contributions)

<u>FLAT</u>		<u>JUMP</u>	
Ascot	295,642	Aintree	299,655
Epsom	206,802	Cheltenham	241,472
York	199,600	Ascot	139,856
Newmarket	149,695	Kempton	123,636
Goodwood	145,219	Sandown	107,608
Sandown	132,260	Newbury	104,057
Newbury	116,669	Haydock	92,132
Doncaster	115,722	Ayr	64,482
Chester	113,816	Warwick	63,444
Haydock	92,717	Doncaster	59,478
Pontefract	66,371	Chepstow	59,235
Kempton	65,026	Wincanton	59,038
Salisbury	63,387	Lingfield	58,950
Ripon	60,077	Wetherby	57,618
Ayr	58,571	Kelso	56,135
Hamilton	55,779	Perth	55,764
Thirsk	51,964	Uttoxeter	51,462
Newcastle	50,827	Stratford	50,656
Musselburgh	48,825	Musselburgh	46,522
Beverley	48,413	Market Rasen	46,124
Leicester	48,252	Exeter	45,844
Windsor	47,781	Newcastle	45,716
Lingfield	45,984	Ludlow	44,579
Redcar	41,581	Carlisle	43,242
Chepstow	40,813	Bangor-On-Dee	41,443
Yarmouth	40,686	Newton Abbot	41,101
Nottingham	39,816	Leicester	40,891
Warwick	39,283	Plumpton	38,421
Carlisle	38,105	Huntingdon	38,162
Bath	35,993	Taunton	35,534
Brighton	34,464	Fontwell	35,334
Southwell	31,922	Cartmel	35,208
Catterick	31,791	Catterick	34,456
Folkestone	31,668	Fakenham	34,093
Wolverhampton	29,498	Worcester	33,468
		Southwell	33,071
		Hereford	30,728
		Sedgefield	29,046
		Folkestone	28,472
		Hexham	26,669
		Towcester	25,672

Minor adjustment will be made to these figures

**IN THE MATTER OF THE RULE 14 NOTICE ISSUED BY THE
OFFICE OF FAIR TRADING**

**IN RELATION TO THE NOTIFICATION BY THE BRITISH
HORSERACING BOARD AND THE JOCKEY CLUB OF THE
ORDERS AND RULES OF RACING
AND OTHER GOVERNANCE AGREEMENTS**

DATA

1. We refer further to your request made during the meeting with BHB on 19 January 2004, that a short paper be produced on the need for central selling of data.
2. It can be seen from the nature of the OFT's case and from BHB's response as regards race entries and declarations that:
 - a. The OFT has at no time objected to BHB commercialising its database, which is contributed to racecourses, owners, trainers, BHB handicappers, jockeys and many others. Its objection has only been to Orders which could affect the communication of data by owners and trainers. The Orders are essential to integrity and meritocracy which lie at the heart of British Racing. Moreover, the importance to British Racing of generating revenue from this source has never been disputed. BHB has explained in its defence why British Racing would not be able satisfactorily to commercialise the data without the Orders and Rules in question. In short, the argument is that compilation of data by individual racecourses or racecourse groups (or indeed any other economic agents) and its

sale to bookmakers would not achieve a sufficient level of funding to cover both the costs of physically collecting and supplying the data and a sum equivalent to the “betting externality”;

- b. We have in our evidence laid stress on the positive externality that British Racing confers on bookmakers and off-course punters. Failure to internalise this externality fully would lead to a sub-optimal number of races (or quality of races) being provided from an economic welfare perspective, to the detriment of all of the consumers of British Racing. The betting externality is a feature of horseracing throughout the world, and it is internalised in different ways (see presentation by Greg Nichols at the Oral Hearing). The two most common solutions have been the vertical integration of racing and bookmaking, and taxes on betting. Both require substantial Government intervention, and introduce other distortions in the market. For example, vertical integration of bookmakers and racecourses distorts competition between bookmakers, and reduces customer choice. In contrast, bookmaker payment for data is the most pro-competitive and least distorting method of internalising the betting externality. It provides the ‘commercial mechanism’ required by the Government as a prerequisite for the abolition of the Levy, and it provides it in the least distortionary way.;

- c. The adverse consequences of individual selling (by racecourses or individual racecourse groups) for the consumers of British Racing were described by Prof. Lyons at the Oral Hearing (slides 29-36):
 - i. We do not expect bookmakers to negotiate independently, but if they did, this would result in the foreclosure of smaller bookmakers to the detriment of punters. Large bookmakers would have no incentive to share their races with rivals (who would only compete for punters and so keep margins low). Furthermore, there is insufficient racing capacity to maintain more than one comprehensive programme (across days and times), so off-course punters would be unable to satisfy their

wants at one location (unless a monopoly bookmaker were to emerge);

- ii. Collective negotiation by bookmakers would naturally include fixtures as well as payment for the right to use race entries and declarations data, because the value of races depends *inter alia* on their timing. If individual racecourses (or individual racecourse groups) were negotiating with collective bookmakers, it would not be feasible for British Racing to plan fixtures. Bookmakers would effectively be left to organise the sport to the detriment of its wider interests;
 - iii. The collective power of bookmakers would inevitably be used strategically to play one racecourse (or group) off against another, such that the funding of British Racing would evaporate. Bookmakers would only have to pay for data collection, and would contribute nothing (or a much reduced sum) for the positive externality. The loss of funding would result in failure to correct the externality, and undermine investment and the quality of the sport to the detriment of all participants and consumer interests;
 - iv. BHB, or its commercial successor BHE, once it is established, is the appropriate negotiator with bookmakers because it balances all interests in racing, encourages appropriate investment in the sport, and ensures appropriate incentives for meritocracy and integrity;
- d. The OFT has not objected to BHB's ownership of the database itself, which has been established by the Courts. Nevertheless, an additional reason for central selling is the enormous transaction costs that would result if all the individual interests in British Racing were to act individually. As explained in the BHB and the Jockey Club Joint Written Submission (Chapter 10) the ability to achieve an appropriate price for an externality depends amongst other factors

upon clarity of property rights. Central selling provides a way for British Racing to achieve this clarity;

- e. The OFT has at no time objected to BHB, as the central cooperative governing body, selling such data for the benefit of British Racing in general. That is the model with which BHB intends to proceed (namely the continued ownership of the database by BHB, and its license to “BHB Enterprises” to commercialise the data, thereby separating governance from commercialisation);
 - f. Nothing in BHB’s commercialisation of race entries and declarations amounts to collective selling, for the reasons given in BHB’s submissions in the *Attheraces* proceedings. Even if it did so, there would be nothing anti-competitive about collective selling in this context of the governance and commercialisation of a sport (not least because it leads to an improvement in consumer welfare, and is the least distortive method of internalising the betting externality). BHB also refers the OFT to its submissions in the *Attheraces* proceedings;
3. In this context we think it is also important to point out the narrow difference between the OFT’s position and BHB on the data issue. Specifically:
- a. The OFT in its Rule 14 Notice has attacked the Orders and Rules relating to race entries and declarations (which it described, incorrectly, as “British Race and Runners Data”). The attack was upon the Orders and Rules that require owners and trainers to notify prospective runners to the Racing Calendar Office, which the OFT say prevent racecourses from being able to gather data to compete in the supply of race and runners data to bookmakers (see the BHB and Jockey Club Joint Written Submission para 1027);
 - b. The OFT accepts that such Orders and Rules may make some limited contribution to improving the data product, but contends that

the disadvantages outweigh the advantages, and are not indispensable to the existence of a central database. The OFT gave no consideration to the effect that a centralised and trustworthy database would have to the commercialisation of racing and the consequent benefits for British Racing as a whole (paras 1028-29);

- c. BHB in its defence has stated as follows:
- i. The OFT has given no consideration to the relevant context, namely the governance of a sport (Chapter 8);
 - ii. The OFT has failed to consider British Racing in general and in particular the importance of its adequate financing (in particular in the light of the demise of the Levy Board), and the development of British Racing and the importance of the commercialisation of data and the maximisation of revenue for the benefit of British Racing (Chapter 9);
 - iii. The OFT has failed to consider the effect of externalities and other market failures (Chapter 10) and international comparisons (Chapter 11);
 - iv. The OFT has failed to apply competition law correctly or indeed at all in relation to the governance of sport generally and British Racing (Chapter 12), in particular in relation to cooperative efforts in sport (e.g. as considered in *Premier League* and *UEFA*) and the rules of reason (e.g. in *Gottrup-Klim*, *Wouters*, and in US antitrust law);
- d. BHB and the JC also emphasised the defects in the OFT's approach to market definition in relation to fact, law and economics (Chapter 13), and more generally the OFT's failure to take into

account evidence which supports BHB on this issue (see supplementary submissions on procedural issues, and in particular the following documents in the OFT Further Disclosure File: 43, 49, 54, 70, 80 and 108);

- e. With particular reference to data, it should be noted that:
 - i. The OFT's objection was to the system for owners and trainers to provide race and runners data; and
 - ii. The OFT has taken no objection to the centralised selling of data by BHB for the benefit of British Racing generally.

- f. BHB has contended (in Volume F) that:
 - i. The Orders and Rules in question were not restrictions of competition because there was no restriction upon supplying the same information to third parties (para 6008);
 - ii. The models advocated by the OFT were unworkable (6009-6011);
 - iii. The OFT had not understood how the Orders and Rules in question operated (6013) nor the importance of a centralised system of compiling and verifying the lists (6014);
 - iv. The alternative system would not guarantee sufficient funding for the benefit of British Racing (6015) and would prejudice integrity and economies of scale (6016).

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Dated 24 March 2004

BRITISH HORSERACING BOARD

CENTRAL SELLING OF “BRITISH RACE AND RUNNERS” DATA

5. INTRODUCTION

- 5.1 In its Rule 14 Notice, the OFT has indicated that certain Orders and Rules (referred to herein as the “Data Orders”) may prevent, restrict or distort competition in the supply of “British Race and Runners Data”. It has suggested that the Data Orders could be amended or abolished to allow individual Racecourses to supply Data direct to bookmakers.
- 5.2 The BHB fundamentally disagrees. To the extent that there is any market for “British Race and Runners Data”, the Data Orders either do not appreciably restrict competition on that market or they restrict competition in that market only to the degree absolutely essential for the proper administration of the sport of racing and only to the degree which is necessary and beneficial to the sport (and ultimately consumers).
- 5.3 This paper sets out some of the principal reasons for the BHB’s firm conviction that only a centrally administered system of Data collection and maintenance can bring the benefits that the BHB and OFT both want for consumers. It also explains why the “free for all” alternative, whereby individual Racecourses collect their own Data, would be catastrophic for the sport in the short, medium and long term.
- 5.4 As this paper is facilitative only it should be read in conjunction with the BHB’s full response to the OFT’s Rule 14 Notice.

6. RACECOURSES MARKETING THEIR “OWN” DATA

- 6.1 The OFT’s principal suggestion is that individual Racecourses could be allowed to individually market whatever Data they can collect on their own. This suggestion is both unworkable and in any case would not deliver the benefits to competition or the consumer benefits which the OFT is pursuing. This is so for a number of reasons.
- 6.2 First, the starting assumption underlying the OFT’s approach is incorrect. The OFT assumes that the Data produced in relation to racing is a commodity (like a media right) which can be fragmented and sold in separate packages by a number of undertakings. However, the nature of Data is such that it is cumulative and constant and has no real value unless it can be presented as a single, entirely reliable and up-to-date whole. A media right may be sold separately because it is ephemeral and does not depend for its value on its inter-relationship with other media rights. However, a segment of Data is valuable only because of its comparability with other Data and its place within the entire Database.
- 6.3 Second, in the absence of dependable Data, which is crucial to the integrity of the sport, the turnover generated by the betting industry could not be maintained, meaning that the monies available for re-investment into the sport could not be

maintained. This in turn would be damaging for racing, for the race-going public, for consumers and for the economy as a whole.

- 6.4 Third, the OFT's contention that individual Racecourses have the means to create Data which is equally dependable to that presently generated by the BHB is incorrect because individual Racecourses could not compel the production of accurate information. The OFT suggests that individual Racecourses could encourage owners to notify them of prospective runners by use of sanctions. However, individual Racecourses could not assume the regulatory functions which have been entrusted to the BHB by racing as a whole. In particular, they could not (nor should they be entitled to) exclude horses from the sport (or sections of it) because owners are unwilling or unable to provide information in a manner which is convenient for individual Racecourses to sell. Such a system would cause a hopeless confusion between commercial and regulatory functions and create administrative burdens which racing should not be expected to bear.
- 6.5 Fourth, even if there were an incentive (rather than a sanction) offered by individual Racecourses to owners to provide the information necessary to create Data, no system presently exists under which such Data could be verified. This includes the ability even to verify whether a horse is entitled to run, whether the jockey is appropriately licensed, whether the appropriate safety and veterinary checks have been carried out, the identity of the trainer, owner, jockey, horse, racing colours, current handicap ratings, allocation of weights, elimination process, identity of foreign registered horses, etc. Even more importantly, no system presently exists whereby individual Racecourses could verify the "form". Verification is crucial because if all parties within racing could be persuaded to preserve the integrity of Data purely on the basis of the common good, there would be little need for sporting regulation at all.
- 6.6 Fifth, in the absence of agreement within Racing on the ownership of the Database, individual Racecourses may not be able to access the pre-existing bank of Data and may have to begin their own individual Databases from scratch, with all of the immense cost and time that this would involve. The OFT appears to have entirely underestimated what the Data actually consists of (and therefore its views on the ease with which others could collect it are misinformed). Data does not only consist of simple race entry information. Crucially, Data also includes every one of each horses form on the basis of which the bookmaking industry exists and thrives. At present, 250,000 horse names are currently registered on the Database as well as the names of 600 jockeys and 6000 stable staff. 230,000 entries are received each year. 106,000 declarations to run are received and 165,000 related declarations of jockeys at all 1,270 fixtures are spread over the calendar year.
- 6.7 Sixth, the OFT has assumed that Weatherbys could act as agents for individual Racecourses to assist them in building their own individual databases. Although Weatherbys may have the necessary skills, without access to the underlying Data these skills may be of limited use. Such access could only occur after the competing claims to the underlying Data are resolved.
- 6.8 Seventh, any new Data that Racecourses did manage to collect on an individual basis that had to be kept separate from all other Data for individual sale, could not readily, and on a continuous basis, be accumulated to any other Data (which is necessary if one accepts the advantages of single stable Database). This is true both for practical reasons (because the Data might not be collected in compatible

formats) but also for economic reasons. If individual Racecourses were each to have the ability to sell Data, they could not pool that Data with any other Data until they had fully exploited the economic opportunity that it represents. By pooling and collectively selling the Data through a centralised body, these problems are entirely avoided.

7. CENTRAL SELLING– THE BENEFITS

- 7.1 Against the negative consequences of any attempt to create a series of parallel Databases must be weighed the certain and quantifiable benefits of the BHE centrally administering a Database, as proposed by the BHB.
- 7.2 First, with the agreement of the Data holders, the BHE will be able to collect and resell the Data and BHB has proposed a mechanism to redistribute the monies generated back into the lower levels of the sport, into the smaller Racecourses, training, prize money and the amelioration of racing generally.
- 7.3 Second, as a body containing representation from the various branches of the sport, the BHE will be uniquely placed to reconcile and balance the interests of the various parties that contribute to the generation of Data and to equitably and properly re-distributing the income received. Apart from Racecourses, it is also conceivable that owners, jockeys, trainers, and even sponsors could argue that they have ownership “rights” in the fixtures in which they participate. There is a clear and strong sporting and regulatory reason to keep these various competing interests operating together so that the sport in general may benefit.
- 7.4 Third, by having a single central entity bolstered by the necessary regulatory powers to enforce credible Data collection it is possible to have a Database which is as free of error as possible. No party in this case has challenged the absolute imperative of Database integrity. At present Data is provided to the BHB because of the regulatory requirement to do so. If participants in racing were instead given the *option* of submitting Data to an individual Racecourse, coupled with a financial incentive to do so then race entrants might submit Data only to the extent that it is profitable or expedient for them to do so. It is better for all concerned that the Database be centrally administered and maintained with the assistance of regulatory powers as necessary.
- 7.5 Fourth, by allowing the Database to be presented to bookmakers by a single integrated and credible source, bookmakers have the advantage of a single “one stop shop” without needing to engage in significant transaction, transformation or after-purchase costs to present an excellent product to the public in a timely and trustworthy manner.
- 7.6 Fifth, the BHB has to date not sought to enter into any exclusive vertical arrangements with any bookmaking entity. Rather, it only grants non-exclusive and non-discriminatory use of the Database, meaning that competition within the bookmaking sector is thriving, which benefits consumers. The BHE would maintain this policy, which is more beneficial to racing than several individual Racecourses each making long-term exclusive arrangements with bookmakers.
- 7.7 Sixth, central selling does not prevent competition between Racecourses. In fact, a great variety of means are open to Racecourses to compete with each other. For example, Racecourses openly and actively compete with each other for sponsorship and on the levels of attendance, picture money, entrance fees,

concessions and on-course bookmaking fee. Furthermore, in accordance with the plans presented to the OFT, the BHB plans to introduce greater competition between Racecourses by facilitating a greater degree of competition for the fixtures on the racing calendar.

8. CONCLUSION

- 8.1 The BHB does not believe that Data can be regarded as a commodity that can be divided and sold in the manner proposed by the OFT. Only by combining Data can integrity and the value of the Data be preserved.
- 8.2 If one accepts that the Data must be combined the only remaining questions are who will combine it and who will sell. By commercialising the Data through the BHE as proposed, the BHB's sporting mandate to benefit racing (and ultimately the consumer) can be fulfilled, the competing claims to ownership of the Data can be reconciled, income can be generated and re-distributed to all levels of the sport and competition between Racecourses will not be impeded.
- 8.3 If the OFT's individual selling model is imposed (against the wishes of the majority of the racing industry), the necessary redistribution of funds within Racing may be endangered (or cease altogether) which would have grave effects upon the sport of horseracing and Britain's position amongst the leading racing venues in the world would be endangered.
- 8.4 The BHB therefore urges the OFT to consider carefully the positive benefits to consumers and to competition of the BHE operating a single stable Database.

Herbert Smith

25 March 2004

GROSS DATA INCOME 2003 AND 2006

Gross Data Income	2003 (1)	2003 (2)	2006 (1)	2006 (2)	2006 (3)
	£000	£000	£000	£000	£000
British Bookmaker Data	86,929	89,500	95,800	16,700	112,500
Tote	7,503	7,725	8,153	1,421	9,574
Other Data Income and Interest	<u>12,846</u>	<u>13,086</u>	<u>14,284</u>	<u>2,315</u>	<u>16,599</u>
Gross Data Income	<u>107,278</u>	<u>110,311</u>	<u>118,237</u>	<u>20,436</u>	<u>138,673</u>

Notes:

2003 (1) represents the gross data income generated from 1,203 Racecourse fixtures in 2003.

2003 (2) represents the gross data income generated from 1271 total fixtures in 2003. All amounts relate to the 2003 Calendar year with the exception of British Bookmaker income and Tote which combines 25% of the 41st Levy Scheme (2002-03) and 75% of the 42nd Levy Scheme (2003-04) less £2 million for Regional Racing in the first quarter of 2004.

2006 (1) represents the expected gross data income generated from 1,203 Racecourse fixtures in 2006 based on the 42nd Levy income (2003-04).

2006 (2) represents the expected gross data income generated from 297 BHB fixtures in 2006

2006 (3) is based upon 1,500 fixtures and is the total of 2006 (1) and 2006 (2)

APPENDIX XV

REGULATORY COSTS

	2003	2006
Regulation	£'000	£'000
Total Fieldforce Cost (JC Fieldforce and BHB Handicappers)	7,542	10,000
JC Portman Square costs	2,846	3,300
HBLB transferred costs - those which would continue under a central body		
- HFL	2,986	3,441
- Racetech (2006 - Camera Patrol and Photofinish only)	7,101	5,895
Total Regulatory costs	20,475	22,636

Notes:

2003 costs are based upon a Fixture List of 1,271 fixtures.

2006 costs are based upon a Fixture List of 1,500 fixtures.

APPENDIX XVI**GOVERNANCE COSTS**

	2003	2006
	£'000	£'000
Governance costs (net)		
BHB Head Office costs:		
Staff and operational costs, Directors' fees and expenses	2,910	3,066
Legal and professional costs	3,419	1,566
Publications costs	(111)	(42)
EFU and Grants	114	216
Other including Property costs and central overheads	374	847
BHB Head office costs – total	6,706	6,003
Promotional and Development costs including Marketing, Owners' Premium Scheme, BHB Incentive Scheme/Development Fund and related costs	6,551	12,995
Weatherbys Contract costs	4,810	5,100
HBLB Transferred costs	14,241	7,682
Total Gross Governance costs - BHB	32,308	31,780
Less industry income	(9,414)	(9,714)
Total Net Governance Costs	22,894	22,066

Notes:

2003 costs are based upon a Fixture List of 1,271 fixtures.

2006 costs are based upon a Fixture List of 1,500 fixtures.

The above analysis does not include a recharge of any 'shared' costs from BHB to BHE.

APPENDIX XVII

BHE OPERATING COSTS

	2003	2006
	£'000	£'000
BHE administrative costs	1,682	1,422
BHE Project costs	193	50
HBLB Transferred costs – Admin/people costs	3,313	1,566
Total BHE Operating Costs	£5,188	£3,038

Notes:

2003 costs are based upon a Fixture List of 1,271 fixtures.

2006 costs are based upon a Fixture List of 1,500 fixtures.

The above analysis does not include a recharge of any 'shared' costs from BHB to BHE.

APPENDIX XVIII

NET DATA INCOME

Gross Data Income	2003(1)	2003 (2)	2006(1)	2006(2)	2006 (3)
British Bookmaker Data	86,929	89,500	95,800	16,700	112,500
Tote	7,503	7,725	8,153	1,421	9,574
Other Data income and interest	12,146	13,086	14,284	2,315	16,599
Total Gross Income	<u>107,278</u>	<u>110,311</u>	<u>118,237</u>	<u>20,436</u>	<u>138,673</u>
Top Sliced Costs					
Regulatory Costs	(19,911)	(20,474)	(19,301)	(3,335)	(22,636)
Governance Costs (Net)	(22,265)	(22,895)	(18,815)	(3,251)	(22,066)
BHE Operating Costs	(5,045)	(5,188)	(2,591)	(447)	(3,038)
VAT payment to Bookmakers	-	-	(4,264)	(736)	(5,000)
Total Top Sliced Costs	<u>(47,221)</u>	<u>(48,557)</u>	<u>(44,971)</u>	<u>(7,769)</u>	<u>(52,740)</u>
Net Data Income	60,057	61,754	73,266	12,667	85,933

Notes:

2003 (1) represents the net data income generated from 1203 Racecourse fixtures in 2003

2003 (2) represents the net data income generated from 1,271 total fixtures in 2003. All amounts relate to the 2003 Calendar year with the exception of British Bookmaker data and Tote which combined 25% of the 41st Levy Scheme (2002-03) with 75% of the 42nd Levy Scheme (2003-2004) less £2 million for Regional Racing in the first quarter of 2004.

2006 (1) represents the expected net data income generated from 1,203 Racecourse fixtures in 2006 based on the 42nd Levy income (2003-04).

2006 (2) represents the expected net data income generated from 297 BHB fixtures in 2006.

2006 (3) is based upon 1,500 fixtures and is the total of 2006 (1) and 2006 (2).

Top sliced costs of £52.74m in 2006 (and £48.58m in 2003) have been allocated to the 1,203 Racecourse fixtures and the 297 BHB fixtures in line with the income generated by those fixtures.

2006 PRIZE MONEY SCENARIOS

	<u>2006</u> <u>A</u> £m	<u>2006</u> <u>B</u> £m	<u>2006</u> <u>C</u> £m	<u>2006</u> <u>D</u> £m	<u>2006</u> <u>E</u> £m
Prize Money Contract (75%)	49.5	49.5	49.5	49.5	49.5
Incentive Fund	7.3	7.3	7.3	7.3	7.3
Development Fund	3.0	3.0	3.0	3.0	3.0
Bidding Surplus	2.0	2.0	2.0	2.0	2.0
Owners' Premiums	6.2	6.2	6.2	6.2	6.2
Owners' Entry Fees	<u>13.0</u>	<u>13.0</u>	<u>13.0</u>	<u>13.0</u>	<u>13.0</u>
SUBTOTAL	81.0	81.0	81.0	81.0	81.0
Bids for BHB Fixtures (75%)	<u>9.5</u>	<u>9.5</u>	<u>9.5</u>	<u>9.5</u>	<u>9.5</u>
	90.5	90.5	90.5	90.5	90.5
Racecourse Contribution	<u>37.0</u>	<u>33.6</u>	<u>30.2</u>	<u>26.9</u>	<u>23.5</u>
TOTAL	<u>£127.5m</u>	<u>£124.1m</u>	<u>£120.7m</u>	<u>£117.4m</u>	<u>£114.0m</u>

Note

1. 'A' assumes 10% increase over 2003 racecourse contribution
2. 'B' assumes same racecourse contribution as 2003
3. 'C' assumes 90% of 2003 racecourse contribution
4. 'D' assumes 80% of 2003 racecourse contribution
5. 'E' assumes 70% of 2003 racecourse contribution
6. Bids for BHB Fixtures assumes racecourses will bid 75% of the data income they will receive for their BHB Fixtures

ORDERS AND RULES OF RACING

(INCLUDING INSTRUCTIONS AND GENERAL INSTRUCTIONS)

SUMMARY

1. DISPENSABLE (ANNEX A)

1.1 Content Regulations

- Order 90 (vi) – *requires approval for all races run as Guaranteed Sweepstakes*
- Order 91 (iv) (a) – *limits number of Sellers per meeting (Flat)*
- Order 91 (iv) (b) – *limits number of Claimers per meeting (Flat)*
- Order 91 (iv) (d) 1 – *ensures a minimum of 6 races per meeting including two liable to divide (Flat)*
- Order 91 (iv) (d) 2 – *if 7 races programmed, only one race will divide (Flat)*
- Order 91 (iv) (d) 4 – *ensures no divided races at evening meetings (Flat)*
- Order 91 (iv) (d) 5 – *allows for only particular types of races to divide (Flat)*
- Order 91 (iv) (g) – *single sex Amateur Rider races can only be included in 7 race programmes (Flat)*
- Order 91 (v) – *limits the number of Handicaps (Flat)*
- Order 92 (v) (b) – *limits number of Sellers per meeting (Jump)*
- Order 92 (v) (d) 2 – *if 6 races programmed, a maximum of one race will divide (Jump)*
- Order 92 (v) (d) 3 – *if 7 races programmed, no races will divide (Jump)*
- Order 92 (v) (d) 4 – *ensures a maximum of 7 races per meeting (Jump)*
- Order 92 (v) (d) 5 – *ensures no divided races at evening meetings (Jump)*
- Order 92 (v) (d) 6 – *allows for only particular types of races to divide (Jump)*
- Order 92 (vi) – *limits the number of Handicaps (Jump)*
- Order 93 – *applies Order 91 and 92 to Mixed Meetings*
- Instruction B1 – *lists races permitted to divide*
- BHBGI 2.4: 12 – *confirms definition of mandatory Novice and Maiden races*

1.2 Pricing Orders

Prize Level Orders

- Order 97 (ix) – *clarifies VAT status and premiums relating to Claiming Price*
- BHBGI 2.3: 1 – *applies Minimum Values to Criteria Fixtures*
- BHBGI 2.3: 3 – *applies Minimum Values to certain races at Non Criteria Fixtures (Flat)*
- BHBGI 2.3: 4 – *applies Minimum Values to certain races at Non Criteria Fixtures (Jump)*
- BHBGI 2.7: 3 – *for Sales Races, places minima on prize money*
- BHBGI 2.7: 4 – *for Sales Races, places minima on Racecourse/Sponsor contribution to prize money*
- BHBGI 2.11: 5 – *excludes breeder's prize from prize money*

Category Prize Orders

- Order 91 (i) – *ensures a minimum distribution of Money Added to Stakes is to staying races (Flat)*
- Order 91 (iv) (f) - *places restrictions on private sweepstakes and matches (Flat)*
- Order 92 (i) – *ensures a minimum distribution of Money Added to Stakes is to Chases*

Prize Distribution Orders

- Order 90 (iv) (a) – *relates specific races to relevant prize money distributions in Order 194*
- Order 90 (iv) (b) – *relates specific races to relevant prize money distributions in Order 194*
- Order 90 (iv) (c) - *relates specific races to relevant prize money distributions in Order 194*
- Order 96 (x) – *clarifies treatment of any surplus over selling price*
- BHBGI 2.3: 6 – *lists races which will provide for sixth prizes (Flat)*

Pattern Order

- BHBGI 2.4: 3 – *requires approval for new races with prize money equivalent or exceeding Pattern Races values*
- BHBGI 2.4: 4 - *ensures any new high value races do not clash with existing similar races*

Stake Orders

- BHBGI 2.2: 3 – *specifically limits entry fees for Early Closing races (Flat)*
- BHBGI 2.2: 4 – *specifically limits entry fees for Apprentice races*
- BHBGI 2.7: 5 – *limits entry fees for Sales Races*

1.3 Others

- The 50 Mile “Rule” – *restricts racecourses from staging racing at the same time as a nearby racecourse*

2. AMENDED (ANNEX B)

2.1 Fixture Policy

- Order 1 (i) (a) - *provides the basis for BHB’s determination of the Fixture List*

2.2 Content Regulations

- Order 91 (iv) (c), (d) 3, (e) 1 and 2 – *ensures a sufficient number of staying races (Flat) and specific Development Races; clarifies regulations relating to Divided Races (Flat)*
- Order 91 (iv) (d) 3 – *clarifies regulations relating to Divided Races (Flat)*
- Order 91 (iv) (e) 1 – *ensures a sufficient number of Maiden races for 3 year olds*
- Order 91 (iv) (e) 2 – *Ensures a sufficient number of Maiden races for 2 year olds*
- Order 91 (iv) (f) (additional provision) – *ensures sufficient total number of Maiden or Novice Races (Flat)*
- Order 92 (iv) (c) – *prevents Category A Amateurs from riding in N H Flat races*
- Order 92 (v) (a) – *ensures a minimum number of Chases per Jump Fixture*
- Order 92 (v) (d) 1 – *clarifies the minimum and maximum number of races per fixture and regulations regarding dividing races (Jump)*
- Order 93A – *requires BHB approval for Match/Private Sweepstakes/Novelty races*
- Rule 93B – *requires JC approval for Match/Private Sweepstakes/Novelty races*

- Appendix L – *outlines the system for the Classification of Races and Meritocracy Bands*
- BHBGI 2.4: 5, 7, 9, 10 – *ensures sufficient races for Apprentice Jockeys*
- BHBGI 2.4: 7 – *ensures sufficient races for Conditional Jockeys*
- BHBGI 2.4: 9 – *ensures sufficient Novice Chases programmed*
- BHBGI 2.4:10 – *ensures sufficient Novice Hurdles programmed*
- BHBGI 2.4: 14 (additional provision) - *ensures sufficient NH Flat Races programmed*
- BHBGI 2.10: 1 – *ensures races are divided or eliminated to the Maximum Field Size, or Safety Factor if a lower number*
- BHBGI 2.10: 3 – *ensures divided races are staged at a appropriate time*

2.3 Pricing Orders

Prize Level Orders

- Order 90 (iii) (b) – *relates to Meritocracy Bands and racecourse contributions to prize money*
- Order 96 (i) (a) – *clarifies minimum selling prices in Selling Races of a specific value*
- Order 96 (i) (b) – *clarifies minimum selling prices in Selling Races of a specific value*
- Order 96 (i) (c) – *clarifies minimum selling prices in Selling Races of a specific value*
- Order 97 (i) (a) – *confirms minimum claiming price in Claiming Races*
- Order 97 (i) (b) – *confirms minimum claiming price in Selling Races*
- Order 97 (i) (c) – *confirms minimum claiming price in Claiming Races at Regional Fixtures*
- Order 97 (i) (d) – *confirms minimum claiming price in Selling Races at Regional Fixtures*

Prize Distribution Orders

- Order 194 (i) – *provides the distribution of prize money in Amateur Races*
- Order 194 (ii) – *provides the distribution of prize money in Pattern Races, Flat Races with six prizes*
- Order 194 (iii) – *provides the distribution of prize money in other Flat Races*
- Order 194 (iv) – *provides the distribution of prize money in other Jump Races*
- Order 194 (v) – *clarifies details regarding the payment of prize money to foreign trained horses*

Stake Orders

- BHBGI 2.2: 1 – *sets maximum entry fees for standard Flat Races*
- BHBGI 2.2: 2 – *sets maximum entry fees for Flat Pattern Races*
- BHBGI 2.2: 6 – *sets maximum entry fees for Jump Races*

2.4 Data Orders in conjunction with the Other Entry Orders

- Order 1(xiii) – *provides authority to refuse a declaration*

2.5 Others

- Order 124 (ii) (c) – *allows racecourses to cancel races if insufficient number of runners*
- Order 125 (i) – *imposes field size restrictions*
- The BHB's Guidelines for the Development of New Racecourses – *assists New Racecourses in joining the Fixture Allocation Process.*

3. INDISPENSABLE (ANNEX C)

3.1 Content Regulations

- Order 1 (x) – *determines policy for division of races or elimination of entries*
- Order 91 (viii) – *ensures all races classified in accordance with classification system (Flat)*
- Order 92 (viii) – *ensures all races classified in accordance with classification system (Jump)*
- Instruction J6 – *clarifies treatment where owner or trainer has more than one horse in a race to be divided*
- BHBGI 2.8: 3 – *co-ordinates race times*
- BHBGI 2.8: 4 – *facilitates a change in race times when a separate meeting is abandoned at short notice*
- JCGI 3.2: 22 – *going reports*

3.2 Pricing Orders

Prize Level Orders

- Order 232 – *confirms the division of Appearance Money between Trainer, Rider and Stable Staff*
- Instruction J11 – *details of the Appearance Money Scheme*

Prize Distribution Orders

- Order 191 (i) – *confirms the distribution of prize money in Sweepstakes in conjunction with Order 194.*
- Order 191 (ii) – *confirms the distribution of prize money in Guaranteed Sweepstakes in conjunction with Order 194*
- Order 191 (iii) – *confirms the distribution of prize money in Total Prize Fund races in conjunction with Order 194*

Stake Orders

- Order 132 – *provides ability to require payment of stakes in advance*

3.3 Data Orders

- Order 111 (i) – *confirms deadline for entry and acceptance for early closing races*
- Order 111 (ii) – *confirms deadline for entry and acceptance for non-early closing races*
- Order 113 (ix) – *ensures sufficient advance notice for any overseas entries for Rating Related Races (Flat)*
- Order 113 (x) – *ensures sufficient advance notice for any overseas entries for Rating Related Races (Flat)*
- Order 113 (xi) – *ensures sufficient advance notice for any overseas entries for Rating Related Races (Jump)*
- Rules 115 (i) (a) – *correction of errors relating to the Owner of a horse after the entry stage*
- Rule 115 (i) (c) – *correction of errors relating to omission of foreign performances*
- Order 116 (i) – *change of ownership for horses with existing engagements*
- Order 122 (i) – *confirms deadline for declarations of forfeit*
- Order 123 (ii) – *clarifies process for scratching*
- Order 123 (iv) – *scratching upon death of horse*

- Orders 124 (i) – *confirmation of entry for early closing races*
- Order 124 (ii) (a): first indent – *confirms deadline for declaration to run*
- Order 124 (ii) (b) – *facilitates extension of declaration time for races with very low number of declarations*

Data Orders in conjunction with the Other Entry Orders

- Rule 1A (xviii) – *gives JC power to refuse entry/allow horse to run*
- Order 90 (i) – *ensures final race conditions are published in Racing Calendar*
- Rule 181 – *outlines circumstances where a horse is not qualified to be entered/start a race*
- Rule 182 (i) (ii) – *a horse is not qualified to start a race if it was not entered before deadline*
- Rule 182 (ii) – *a horse is not qualified to start a race if it was not declared before deadline*
- Rule 183 – *provides ability to disqualify a horse not qualified to enter/run*

Data Orders in conjunction with the Racecourse Refusal Rules

- Rule 80 (ii) (a) – *ensures racecourses comply with Orders & Rules*
- Rule 220 (iii) – *damage to reputation of horseracing*
- Rule 220 (vii) – *misleading/failing to comply with the Stewards or Directors*
- Rule 221 B (ii) – *requires compliance with Instructions of Stewards*

ORDERS AND RULES OF RACING

(INCLUDING INSTRUCTIONS AND GENERAL INSTRUCTIONS)

DISPENSABLE

(Page reference numbers for Orders, Rules and Instructions refer to the BHB / Jockey Club Orders and Rules of Racing 2003, unless otherwise indicated)

<p><u>CONTENT REGULATIONS</u></p>
<p><u>Order 90 (vi)</u></p> <ul style="list-style-type: none">• ‘Except with the permission of the Directors, no race may be a Guaranteed Sweepstakes except those races designed to benefit registered charities by permission of the Stewards of the Jockey Club’ (pg 183)
<p><u>Order 91 (iv) (a) (b)</u></p> <ul style="list-style-type: none">• ‘(a) There shall not be more than one race per day with selling conditions at any race meeting.’ (pg 184)• (b) There shall not be more than one claiming race per day at any race meeting unless no selling race is included when there may be two claiming races.’ (pg 184)
<p><u>Order 91 (iv) (d) 1,2,4,5</u></p> <ul style="list-style-type: none">• 1. Except with the permission of the Directors or under the provisions contained in (g) below of Sub-Order 91 (v) programmes of races to be run on turf shall consist of at least 6 races including, unless the Money added to stakes exceeds £80,000 for that day, a minimum of 2 of those races potentially liable to division under Order 125.’• 2. If the Directors have given permission for a programme of 7 races at least two races which are potentially liable to division must still be programmed but only one shall be permitted to divide at the time for declaration to run under Order 124 (ii).’ (pg 184)• 3. Except with the permission of the Directors, no race will be permitted to divide at an evening meeting.• 4. Except with the permission of the Directors, no Flat race other than those laid down in Instruction B1 will be permitted to divide.’ (pgs 184-185)
<p><u>Order 91 (iv) (g)</u></p> <ul style="list-style-type: none">• ‘Except with the permission of the Directors an Amateur Riders’ race confined to riders of a single sex may only be included in a seven race programme’ (pg 186)
<p><u>Order 91 (v)</u></p> <ul style="list-style-type: none">• ‘There shall not be more than four handicaps, including nursery handicaps, in any day’s programme and if four handicaps are to be run one of them must be either an apprentice race or a seventh race and if neither is included in the programme there shall not be more than three handicaps’. (pg 186)

Order 92 (v) (b)

- ‘Not more than one selling race per day may be included in the programme.’ (pg 190)

Order 92 (v) (d) 2,3,4,5,6

- ‘2. Except with the permission of the Directors, where 6 races have been Programmed only one race potentially liable to division shall be permitted to divide at the time for declaration to run under Order 124 (ii).

‘3. Except with the permission of the Directors, where 7 races have been Programmed no race potentially liable to division shall be permitted to divide, at the time for declaration to run under Order 124 (ii).

‘4. Except with the permission of the Directors, a maximum of 7 races shall be Run on any one day at any meeting. If the number of races potentially liable to division could produce more than 7 races the Directors will nominate an order of precedence for division after those races have closed. Where at the time for declaration under Order 124 (ii) the number of horses declared to run in such races exceeds the Safety Factor and is 18 or more the races will be divided in the order nominated provided that the maximum of 7 races is not exceeded; the remaining races being subject to elimination under Order 125.

‘5. Except with the permission of the Directors, no race will be permitted to divide at an evening meeting.

‘6. Except with the permission of the Directors, no Hurdle race, Steeple Chase or National Hunt Flat Race other than those laid down in Instruction B1 will be permitted to divide.’ (pg 191)

Order 92 (vi)

- ‘Subject to the discretion of the Directors, there shall not be more than four handicaps in any day’s programme. No handicaps shall be permitted that are confined to horses which are maidens or which have not won a Steeple Chase and/or a hurdle race at the time of entry.’ (pgs 192-193)

Order 93

- ‘At Meetings on All Weather Tracks and at other Meetings where both Flat races and Steeple Chases, Hurdle races or National Hunt Flat races are advertised to be run, the regulations for Programmes contained in Orders 91 and 92 apply as far as possible, but the complete programme shall be subject to approval by the Directors. Except with the permission of the Directors, a maximum of 8 races shall be run on any one day at any such meeting. (See Order 91 (iv) (d) clause 3 for applicable provisions).’ (pg 192)

Instruction B1

RACES PERMITTED TO DIVIDE

‘The British Horseracing Board have decided that the following races will be

permitted to divide:

- (a) Open Maiden, Rating Related Maiden, Maiden Median Auction, Maiden Auction, Novice Auction, Novice Median Auction and Novice Flat races with Money Added to Stakes of £12,000 or less;
- (b) Weight-for-age Hurdle races in which the Money Added to Stakes is £7,000 or less, other than Classified Stakes, Selling or Claiming races;
- (c) Weight-for-age Steeple races in which the Money Added to Stakes is £8,000 or less, other than Classified Stakes, Selling or Claiming races or Hunters' Steeple Chases;
- (d) National Hunt Flat Races of £5,000 or less;
- (e) Any Flat race with Money Added to Stakes of £10,000 or less run at an All Weather Track outside the period when Flat racing on turf takes place.'

(pg 375)

BHBGI 2.4: 12

- 'Selling, Claiming and Handicap Novice Hurdle races may NOT be counted as one of the mandatory Novice or Maiden races.'

PRIZE LEVEL ORDERS

Order 97 (ix)

- '(ix) The Advertised Claiming Price will be subject to VAT, where applicable, together with a 10% premium (plus VAT) split equally between the Owner and the buyer levied on the Advertised Claiming Price except that in the case of a horse claimed in the name of the Owner VAT will only be payable on the 10% premium.' (pg 203)

BHBGI 2.3: 1, 3, 4

'Criteria Fixtures

1. All races run at Criteria Fixtures shall have advertised values not less than the Minimum Values determined from time to time by the BHB.'

'Non Criteria Fixtures

3. Flat races classified A to D run at Non Criteria fixtures shall have the same Minimum Values as those set by the BHB for races run at Criteria fixtures. Flat races run at these fixtures in Classes E to G shall not be governed by any such arrangements for fixing Minimum Values but shall have their advertised values approved by the BHB Programmes Controller.
4. Steeple Chases, Hurdle race and National Hunt Flat races classified A to C run at Non Criteria fixtures shall have the same Minimum Values as those set by the BHB for races run at criteria fixtures. Such races run at these fixtures in Classes D to H shall not be governed by any such arrangements for fixing Minimum Values but shall have their

advertised values approved by the BHB Programmes Controller.

Note: Criteria and Non-Criteria Fixtures are fixtures which have been so designated within the criteria promulgated by the Horserace Betting Levy Board.’

BHBGI 2.7: 3, 4

- ‘Races Restricted to Horses Sold at Specific Auctions’
 3. The race must have a Total Prize Fund or Guaranteed Minimum Value of at least £30,000.
 4. The Racecourse/Sponsor must contribute a minimum of 10% towards the Guaranteed Minimum Value, or £10,000 whichever is the greater. (Note: The BHB recommend that the Racecourse/Sponsor should make all reasonable effort to achieve an input of 20% of the Guaranteed Minimum Value).’

BHBGI 2.11: 5

- ‘Breeders’ Prizes
 4. A sponsor may provide a breeder’s prize for the breeder of the winner of His sponsored race but it is not to exceed 25% of the Money Added to Stakes and is to be in addition to, and not included in, the prize money’

CATEGORY PRIZE ORDERS

Order 91 (i), (iv) (f)

- ‘Distribution of Money Added to Stakes
 - (i) One-half at least of the Money Added to stakes shall be apportioned to races of a mile or over for three years old or upwards, and of the sum so apportioned not less than a half shall be for races of a mile and a quarter or upwards but where more than one meeting is held at the same place during the current racing season, the apportionment may be calculated over each meeting or over all the meetings.’ (pg 183)

‘(iv)(f)Matches and Private Sweepstakes may be sanctioned by the Directors, independent of the above regulations. No prize can be added to private sweepstakes or matches.’ (pg 186)

Order 92 (i)

- ‘Distribution of Money Added to Stakes
 - (i) 55% at least of the Money added to Stakes shall be apportioned to Steeple Chases, but where more than one meeting is held at the same place during the current year, the apportionment may be calculated over each meeting, or all the meetings’. (pg 188-189)

PRIZE DISTRIBUTION ORDERS

Order 90 (iv) (a), (b) and (c)

- ‘General Regulations for Programmes
 - (iv)(a) In Flat races with six prizes and Steeple Chase and Hurdle and National Hunt Flat race Grade 1 Pattern races and other Steeple Chases with Money Added to Stakes of £15,000 or more and other Hurdle race with Money Added to Stakes of £10,000 or more with six prizes the whole stakes shall be

divided as set out in Sub-Orders (ii) (c) or (d) of Order 194. Prizes given specifically to the trainer, rider, breeder or stable in the conditions of the race shall not be included in the calculation.

- (b) In other races in which the Money Added to Stakes is £5,000 or more, all Novice or Maiden Steeple Chases, or in other races in which by permission of the Directors a fourth prize is given, the whole stakes shall be divided as set out in either Sub-Order (i) (a), (ii) (a), (ii) (b), (iii) (a) or (iv) (a) of Order 194. Prizes given specifically to the trainer, rider, breeder or stable in the conditions of the race shall not be included in the calculation.
- (c) In all other races the whole stakes shall be divided as set out in either Sub-Order (i) (b), (iii) (b) or (iv) (b) of Order 194. Prizes given specifically to the trainer, rider, breeder or stable in the conditions of the race shall not be included in the calculation.’ (pg 182)

(Last sentence of (a), (b) and (c) to be transferred to Order 194)

Order 96 (x)

- ‘Selling and Claiming Races
Any surplus over the selling price shall be divided equally between the Racecourse and the Owner and in the case of a dead-heat any surplus in either case shall be divided equally between the Racecourse and respective Owners’. (pg 201)

BHBGI 2.3: 6

- ‘Sixth Prizes
5. The following types of Flat races shall provide for sixth prizes
In accordance with Order 194 (ii) (c):

Rated Stakes	Classes A and B
Conditions Stakes	Classes B and C

All other Flat races in Classes A to C with Money Added to Stakes of £15,000 or more may provide for sixth prizes at the option of the Managing Executive in accordance with Order 194.’

PATTERN ORDER

BHBGI 2.4: 3, 4

- ‘Avoidance of Clashes
3. The prior approval of the Race Planning Committee is to be obtained before any new race is programmed which is likely to have a Total Prize Fund equal to or in excess of the minimum value required for a Pattern race relevant to that type of race. Applications for such races must be submitted to the Race Planning Committee at least six months in advance of the proposed running of the race, to allow sufficient time for the application to be referred to the Flat or National Hunt Pattern Panel if deemed necessary by the Race Planning Committee, unless otherwise directed by the Board in exceptional circumstances.

4. To avoid undesirable clashing of similar races the prior approval of the BHB Programmes Controller is to be obtained before any of the following are programmed:

Flat Races

- a) A new weight-for-age race with £20,000 or more Money Added to Stakes;
- b) An existing weight-for-age race raised to “25,000 or more Money Added to Stakes;
- c) A new Handicap with £25,000 or more Money Added to Stakes;
- d) An existing Handicap raised to £30,000 or more Money Added to Stakes;

Jump Races

- e) A new weight-for-age race with £20,000 or more Money Added to Stakes;
- f) An existing weight-for-age race raised to £25,000 or more Money Added to stakes;
- g) A new Handicap with £20,000 or more Money Added to Stakes;
- h) An existing Handicap raised to £25,000 or more Money Added to Stakes.’

STAKE ORDERS

BHBGI 2.2 : 3,4

- ‘Stakes – Flat Races
 - 3. The stakes for Early Closing races, other than Pattern races, are to be in the range of 0.2% and 0.75% of the Money Added to Stakes.
 - 4. The stakes for races confined to Apprentice Jockeys are to be in the range of 0.2% and 0.5% of the Money Added to Stakes unless exception from this provision has been authorised by the BHB Programmes Controller.’

OTHER

50 Mile ‘Rule’

- To be deleted.

ORDERS AND RULES OF RACING

(INCLUDING INSTRUCTIONS AND GENERAL INSTRUCTIONS)

AMENDED WORDING

(Page reference numbers for Orders, Rules and Instructions refer to the BHB / Jockey Club Orders and Rules of Racing 2003, unless otherwise indicated)

FIXTURE POLICY

Order 1 (i) (a)

Current Wording:

'Powers of the Directors

To fix the dates on which all meetings shall be held, to cancel such fixtures, to make any alteration in the date of such Meeting and to supervise and make such alterations as they may think advisable in the programme of, or the conditions of any race at, any Meeting'. (pg 96)

Amended Wording:

1(i)(a) : To formulate Fixture Policy and approve, in line with the Fixture Allocation Policy published on, the dates on which all Race Meetings shall be held and, in exceptional circumstances, to cancel such fixtures and to make any alteration in the date of any such Race Meeting.

1(i)(c) : To make such alterations as they may think advisable in the programme of, or the conditions of any race at any Race meeting, subject to the consent of the Managing Executive which shall not be unreasonably withheld.

Reason For Change and Retention:

The Governing Authority has a responsibility to ensure a balanced and principled fixture list taking account of all relevant factors including the size of the horse population. In conjunction with the racecourse, it must be able to react to changed circumstances, e.g. Foot and Mouth Disease, security threats and royal deaths.

CONTENT REGULATIONS

Order 91 (iv) (c)

Current Wording:

'Except with the permission of the Directors there shall be in each day's programme two races of a mile or upwards of the minimum aggregate distance of two miles and a half. These races must differ at least one furlong in the distance. Neither of these shall be open to two years old, and one of them shall be neither a handicap nor a race with selling conditions.' (pg 184)

Amended Wording:

'Except with the permission of the Directors there shall be in each day's programme two races of a mile or upwards of the minimum aggregate distance of two miles and a half.'

Reason For Change and Retention:

To ensure the diversity and shape of the breed, the provision of race opportunities for horses bred to require longer distances and to provide a varied product for the participants and consumer. However, within the given parameters, racecourses should be provided with greater flexibility in programming such races.

Order 91 (iv) (d) 3

Current Wording:

‘(d) 3. Except with the permission of the Directors, a maximum of 8 races shall be run on any one day at any meeting. If the number of races potentially liable to division could produce more than 8 races the Directors will nominate an order of precedence for division after those races have closed. Where at the time fixed for declaration under Order 124 (ii) the number of horses declared to run in such races exceeds the Safety Factor and is 18 or more the races will be divided in the order nominated provided that the maximum of 8 races is not exceeded; the remaining races being subject to elimination under Order 125. (pg184-185)

Amended Wording:

‘Except with the agreement of the Directors, and of the Managing Executive which shall not be unreasonably withheld, a minimum of 6 and a maximum of 8 races shall be run on any one day at any meeting, except in June, July and August when a maximum of 7 races shall be run on any one day at any meeting. This will also apply to cards where both Flat races and Steeple Chases, Hurdle races or National Hunt Flat races are advertised to be run.

Where a Managing Executive wishes to divide races, it will nominate an order of preference for division after those races have closed. Where at the time for declaration under Order 124(ii) the number of horses declared to run in any race exceeds the maximum field size limit and is 18 or more, those races will be divided in the order nominated provided that the maximum of 8 races (7 in June, July and August) is not exceeded; the remaining races being subject to elimination under Order 125.’

Reason for Change and Retention: Restrictions on the number of races that can be run must be put in place in order to ensure that the industry’s income is maximised and that there are sufficient field sizes for the number of fixtures being run. However, subject to these restrictions, it should be at a Racecourse’s discretion whether to divide races on its card, and to determine which races are to be divided.

Order 91 (iv) (e)

Current wording:

‘Except with the permission of the Directors, unless the Money Added to Stakes for that particular day exceeds £80,000, the daily programme of races to be run on turf shall:-

1. from the commencement of the season up to the end of the week before the Epsom Summer Meeting, include at least one Open Maiden Race, Median Auction Race or Rating Related Maiden Race open to three year olds and
2. from the beginning of the week following the Doncaster St Leger Meeting until the end of the season include a race of between six to eight furlongs restricted to maiden two years old and subject to no conditions save only that the race may be a Maiden Auction Race, a Maiden Median Auction Race,

Novice Auction Race, Novice Flat Race or a Novice Median Auction Race, be restricted to colts and/or fillies or be restricted to horses sired by a stallion whose name is included in the Consolidated Final List of stallions issued by the European Breeders Fund, or which are legible under the terms of the Breeders Cup, together with a further race which is potentially divisible under the requirements of Order 125.’ (pg 185)

Amended Wording:

‘Except with the agreement of the Directors, and of the Managing Executive which shall not be unreasonably withheld, the daily programme of races to be run shall:-

1. from the commencement of the season up to the end of the week before the Epsom Summer Meeting, include at least one Maiden Race open to three year olds and
2. from the beginning of the week following the Doncaster St Leger Meeting until the end of the season include a race of between six to eight furlongs restricted to maiden or novice two years old.

Reason for Change and Retention: In addition to the explanation for the need of maiden and novice races outlined in 91 (iv) (f) below, specific types of such development races are required to fulfil the needs of the horse population at particular times of the season. Also it would be unfair to allow some racecourses to piggyback other racecourses’ willingness to run these specific races and an Order is required which ensures each racecourse bears its share of the responsibility for staging these races. The amended wording simplifies this requirement.

Additional Provision : Order 91(iv)(f)

‘Except with the agreement of the Directors, and of the Managing Executive which shall not be unreasonably withheld, the daily programme of races to be run shall include at least 3 Maiden or Novice races for every two days Flat racing including Mixed days, staged by the Racecourse.’

Reason for the Additional Provision: Handicaps, by definition, cannot exist without Maiden or Novice Races in which horses can qualify for handicaps. It is therefore necessary to ensure that sufficient qualifying races are programmed to enable handicaps to be run.

It would be unfair to allow some racecourses to piggyback other racecourses’ willingness to run Maiden and Novice Races and therefore an Order which ensures each racecourse bears its share of the responsibility for creating sufficient races in which horses can qualify for handicaps is necessary.

The Order is also required so that sufficient development race opportunities for inexperienced horses are run.

Order 92 (iv) (c)

Current Wording:

‘The Riders shall be conditional jockeys, jockeys riding under the provisions of Rule 61 who are under twenty six years of age and who within the past six months have been eligible to claim an allowance under the provisions of Rule 109 (ii) (a), Amateur Riders holding ‘Category B’ permits to ride or Amateur Riders riding under the provisions of Rule 61 except that where the National Hunt Flat is deemed to be ‘Open’ the Riders shall also include jockeys licensed under Rule 60 (ii) or those riding under the provisions of Rule 61;’ (pg 190)

Amended Wording :

“Category A” Amateur Riders are not eligible to ride nor are Amateur Riders riding under the provisions of Rule 61 whose permits do not entitle them to ride in such races;”

Reason for Change and Retention: National Hunt Flat races provide educational opportunities for young, inexperienced horses. In the interests of horse and rider safety, jockeys participating in such races are required to have an agreed level of race riding experience. Category A Amateur Rider Permits are issued to Riders with limited race riding experience and, consequently, any Riders holding such a Permit should not be permitted to ride in such races. The amended wording simplifies this eligibility rule.

Order 92 (v) (a)

Current Wording:

‘Except with the permission of the Directors there shall be in each day’s programme at least two Steeple Chases, and from October 1st until the end of the Season one of these must be of three miles or upwards. Prior to that date each meeting with a duration of more than one day must include one Steeple Chase of that distance in the programme for the meeting’. (pg 190)

Amended Wording:

‘Except with the permission of the Directors there shall be in each day’s programme at least one Steeple Chase’.

Reason for Change and Retention:

To ensure that sufficient race opportunities are available for Steeple Chasers, which are popular with spectators and punters, and add to the variety of the sport for both participants and consumers. However, the required number of such races has been reduced to reflect the recent trend in smaller field sizes.

Additionally, it would be unfair to allow some racecourses to piggyback other racecourses’ willingness to stage Steeple Chases and therefore an Order is necessary which ensures each racecourse bears its share of the responsibility for such races.

Order 92 (v)(d)1

Current Wording:

‘Except with the permission of the Directors, programmes of races shall consist of at least 6 and no more than 7 races’.

Amended Wording:

‘Except with the agreement of the Directors, and of the Managing Executive which shall not be unreasonably withheld, a minimum of 6 and a maximum of 8 races shall be run on any one day at any meeting, except in August, September and October when a maximum of 7 races shall be run on any one day at any meeting. Where a Managing Executive wishes to divide races, it will nominate an order of preference for division after those races have closed. Where at the time for declaration under Order 124(ii) the number of horses declared to run in any race exceeds the maximum field size limit and is 18 or more, those races will be divided in the order nominated provided that the maximum of 8 races (7 in August, September and October) is not exceeded; the remaining races being subject to elimination under Order 125.’”

Reason for Change and Retention: Jumping must be allowed to compete on a

level playing field with Flat. The reasons for retention mirror the reasons given for the Flat. See Order 91 (iv) (d) 3.

Order 93 A

Current Wording:

‘When a Match, Private Sweepstakes or Novelty race is included in the Programme of any meeting the conditions of the race shall be subject to the approval of the Directors. The conditions and arrangements for Novelty races must be published in the Racing Calendar’. (pg 192)

Amended Wording:

‘When a Match, Private Sweepstakes or Novelty race run under the Orders and Rules of Racing is included in the Programme of any meeting, the conditions of the race shall be subject to the approval of the Directors, which approval will not be unreasonably withheld. The conditions and arrangements for Novelty races must be published in the Racing Calendar.’ (pg. 192)

Reason for Change and Retention: To ensure the integrity, meritocracy and competitiveness of all races run under the Orders and Rules of Racing. The Order has been amended to cover only those races run under the Orders and Rules of Racing.

Rule 93 B

Current Wording :

When a Match, Private Sweepstakes or Novelty race is included in the programme of any meeting the special arrangements pertaining thereto shall be subject to the approval of the Stewards of the Jockey Club.

Amended Wording:

When a Match, Private Sweepstakes or Novelty race run under the Orders and Rules of Racing is included in the programme of any meeting the special arrangements pertaining thereto shall be subject to the approval of the Stewards of the Jockey Club, which approval will not be unreasonably withheld.

Reason for Change and Retention: In the interests of safety and horse welfare, the Jockey Club may wish to issue certain conditions to apply to such races, eg the qualification of riders. The Rule has been amended to cover only those races run under the Orders and Rules of Racing.

Appendix L

Current Wording:

‘CLASSIFICATION OF RACES

Flat Races

(See Order 91 (viii))

All Flat races run in Great Britain shall be classified as set out at (a) and (b) below:

- (a) Races classified without regard to monetary value with effect from January 1st, 2003:
- (b) Races classified in accordance with Money Added to Stakes values with effect from January 1st, 2003:

Steeple Chases, Hurdle Races and National Hunt Flat Races

With effect from January 1st, 2003, all Steeple Chase, Hurdle races and National Hunt Flat Races run in Great Britain shall be classified as set out below:

Steeple Chases, Hurdle Races and National Hunt Flat races run in the period from January 1st, 1995 to December 31st 2002 and all such races run outside Great Britain from January 1st 2000 to December 31st 2002 were classified according to different values as previously published in the Racing Calendar and the Orders and Rules of Racing.

Steeple Chases, Hurdle races and National Hunt Flat races run outside Great Britain from January 1st, 2003 shall be classified in accordance with the following table:

(Details of race classifications not shown)
(pgs 331-337)

Amended wording:

(Note: Flat Meritocracy Bands are subject to amendment. Jump Meritocracy Bands yet to be formulated.)

All Flat races run in Great Britain shall be classified as set out at (a) and (b) below:

- (a) Races classified without regard to monetary value with effect from September 1st, 2004:

Pattern Races	Group 1 Races, which will run at advertised values of not less than £200,000 (3-year-olds and above) or £165,000 (2-year-
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	olds) Group 2 Races, which will run at advertised values of not less than £100,000 (3-year-olds and above) or £70,000 (2-year-olds) Group 3 Races, which will run at advertised values of not less than £50,000 (3-year-olds and above) and £40,000 (2-year-olds)
Listed Races	Listed Races, which will run at advertised values of not less than £30,000 (3-year-olds and above) or £25,000 (2-year-olds)
Class 1	Heritage Handicaps, which will run at advertised values of not less than £50,000 Narrow Band Handicaps 96-110, which will run at advertised values of not less than £20,000 (3-year-olds and above)
Class 2	Narrow Band Handicaps 86-100, which will run at advertised values of not less than £20,000 (3-year-olds and above) Narrow Band Handicaps 71-85, which will run at advertised values of not less than £10,000 and not more than £19,999 (3-year-olds and above)
Class 3	Narrow Band Handicaps 56-70, which will run at advertised values of not less than £5,000 and not more than £9,999 (3-year-olds and above)
Class 4	Narrow Band Handicaps 46-55, which will run at advertised values of not less than £3,500 and not more than £4,999 (3-year-olds and above)

(b) Races classified in accordance with the advertised value with effect from September 1st, 2004:

Class 1	Races other than included in (a) of £20,000 or more (two year old races, including Nursery Handicaps, of £15,000 or more)
Class 2	Races other than included in (a) of £10,000 to £19,999 (two year old races, including Nursery Handicaps, of £8,000 to £14,999)
Class 3	Races other than included in (a) of £5,000 to £9,999 (two year old races, including Nursery Handicaps, of £5,000 to £7,999)
Class 4	Races other than included in (a) of £3,500 to £4,999 (two year old races, including Nursery Handicaps, of £3,500 to £4,999)

Flat races run in the period from March 1st, 1991 to August 31st, 2004 and all Flat races run outside Great Britain to August 31st, 2004 were classified as previously published in the Racing Calendar and the Orders and Rules of Racing.

Flat races run outside Great Britain from September 1st, 2004 shall be classified in accordance with the following table:

Pattern and Listed races (as designated by Rule 103) Handicaps (by penalty value)	Category A
£20,000 or more	Category B
£12,000 to £19,999	Category C
£6,250 to £11,999	Category D
£3,750 to £6,249	Category E
Below £3,750	Category F

Other races (by penalty values)	
£15,000 or more	Category B
£10,000 to £14,999	Category C
£6,250 to £9,999	Category D
£3,750 to £6,249	Category E
Below £3,750	Category F

Reason for Change and Retention:

Appendix L has been amended to reflect the new Classification System (Flat) and the introduction of Meritocracy Bands (Flat and Jump). This is required to:

- (i) sustain the integrity of the sport
- (ii) establish a meritocratic system where ability is rewarded commensurately
- (iii) maintain a clear sporting structure
- (iv) to provide competitive racing

BHBGI 2.4: 5

Current Wording:

‘Apprentice Races

- 5. Except with the permission of the BHB Programmes Controller, upon all Racecourses having four or more day’s Flat racing during the year there shall be at least one race confined to Apprentice Jockeys for every four days Flat racing except that on All Weather Tracks there shall be at least one race confined to Apprentice Jockeys for every three days’ racing.’

Amended Wording:

‘Apprentice Races

- 5. Except with the agreement of the BHB Racing Director, all Racecourses shall have at least one race confined to Apprentice Jockeys for every four days’ Flat racing.’

Reason for Change and Retention: To provide sufficient opportunities for inexperienced Flat jockeys to gain race riding experience and to ensure that the number of Flat jockeys entering the profession is maintained.

It would be unfair to allow some racecourses to piggyback other racecourses’ willingness to stage races for inexperienced jockeys and therefore an Order is necessary which ensures each racecourse bears its share of the responsibility for such races.

The original wording has been simplified with the distinction between Turf and All-Weather racing no longer deemed necessary.

BHBGI 2.4: 7

Current Wording:

‘Conditional Jockeys’ Races

- 7. Except with the permission of the BHB Programmes Controller, upon all Racecourses having four or more days’ jump racing, excluding mixed days, during the year there shall be at least one Hurdle race or Steeple Chase confined to Conditional Jockeys for every three days’ jump racing, excluding mixed days.’

Maiden weight-for-age Hurdle races, excluding Selling, Claiming and Novice Handicap Hurdles’.

Reason for Change and Retention: To ensure that there are sufficient races in which Hurlers can become qualified for handicaps and to provide inexperienced Hurlers with development race opportunities which facilitate progression through the system. The amended wording simplifies the requirement and reflects the need for more of these races based on the current horse population.

Additional Provision : BHBGI 2.4: 14

National Hunt Flat Races

14. Except with the permission of the BHB Racing Director, all Racecourses shall have at least one National Hunt Flat race for every three days’ Jump racing, excluding Mixed days.’

Reason for the Additional Provision: To provide sufficient development race opportunities for future Jump horses to gain experience of racing in NH Flat races which are considered by many an ideal vehicle for introducing such horses to races.

In addition, it would be unfair to allow some racecourses to piggyback other racecourses’ willingness to stage such races for inexperienced horses and therefore a General Instruction is necessary to ensure each racecourse bears its share of the responsibility for such races.

BHBGI 2.10: 1

Current Wording:

'Division of Races or Elimination of Runners

1. Unless advised otherwise the Racing Calendar Office will divide or eliminate to the Safety Factor published in the race conditions in the Racing Calendar'.

Amended Wording:

'Division of Races or Elimination of Runners

1. Unless advised otherwise the Racing Calendar Office will divide or eliminate to the lesser of the Maximum Field Size or the Safety Factor published in the race conditions in the Racing Calendar.'

Reason for Change and Retention: To reflect the introduction of the Maximum Field Size in order to ensure sufficient field sizes across the expanded Fixture List and confirm that the process will continue to be undertaken by the Racing Calendar Office.

BHBGI 2.10: 3

Current Wording:

Provisional Times

- '3. When races are divided the extra division(s) are to be run later than the original race or as the first race(s) on the programme. In exceptional circumstances, and after discussion with the Managing Executive concerned, the Racing Department will set an appropriate time for the extra division(s) in order to prevent an unacceptable gap or clash with race times at other meetings.

Note: A Trainer who is affected by elimination or by a race being run earlier than the advertised time will be advised by the Racing Calendar Office immediately the division or elimination has been completed.'

Amended Wording:

- '3. In exceptional circumstances, and after discussion with the Managing Executive concerned, the Racing Department will set an appropriate time for the extra division(s) in order to prevent an unacceptable gap or clash with race times at other meetings'.

Reason for Change and Retention: To ensure race times are co-ordinated to recognise consumer interest. The amended wording reflects that, other than in exceptional circumstances, racecourses may stage a divided race at whatever time or in whatever order they choose within a particular fixture.

PRIZE LEVEL ORDERS

Order 90 (iii) (b)

Current Wording:

'The minimum Money Added to Stakes in all races shall not be less than that laid down from time to time by the Directors;' (pg 182)

Amended Wording:

"Conditions or races shall provide that the advertised value of all races shall be within the appropriate meritocracy band as determined from time to time by the Directors."

Reason for Change and Retention:

The Order has been amended to reflect the replacement of Minimum Values with Meritocracy bands, which facilitate the meritocratic system where ability is rewarded commensurately. Such a system sustains the integrity of the sport, maintains a clear sporting structure and ensures competitive racing. The amended wording also reflects the fact that many races will now be advertised with Total Prize Funds rather than Money Added to Stakes.

Order 96 (i) (a), (b), (c)

Current Wording:

- ‘(i) (a) In selling races with Money Added to Stakes of up to and including £3,000 the selling price shall be £3,000.
- (b) In Selling Races run at a Regional Fixture with money added to Stakes of up to and including £2,000 the selling price shall be £2,000 and in Selling Races with Money Added to Stakes of more than £2,000 the selling price shall be at least £2,000
- (c) In selling races with Money Added to Stakes of more than £3,000 the selling price shall be at least £3,000.’
- (pg 199)

Amended Wording:

- ‘(i) (a) In Selling races with Money Added to Stakes or Total Prize Funds of up to and including £4,000, the selling price shall not be less than the advertised prize money, and not less than £2,000.
- (b) In selling races with Money Added to Stakes or Total Prize Funds of greater than £4,000, the selling price shall be not less than £4,000.’

Reason for Change and Retention: The simplified wording continues to ensure that a minimum selling price is set on grounds of horse welfare. To facilitate a meritocratic system, the minimum selling price should take into account the standard of the selling race, as measured by the advertised prize money.

Order 97 (i) (a)(b)(c)(d)

Current Wording:

- ‘(i) (a) The Advertised Claiming Price in all Claiming Races other than Regional Fixtures is to be minimum of £5,000.
- (b) The Advertised Claiming Price in Selling races run at a meeting other than a Regional Fixture will be twice the advertised selling price of the winner. Where twice the advertised selling price the winner is an amount less than £5,000, the Advertised Claiming Price will be £5,000.’
- (c) The Advertised Claiming Price in all Claiming Races run at a Regional Fixture is to be a minimum of £2,000 and a maximum of £5,000. *(added for 2004)*
- (d) The Advertised Claiming Price in Selling Races run at a Regional Fixture shall be twice the advertised selling price of the winner. Where twice the advertised selling price of the winner is an amount less than £4,000, the Advertised Claiming Price shall be £4,000. *(added for 2004)*
- (pg 201)

Amended Wording:

- ‘(i) (a) The Maximum Advertised Claiming Price in all Claiming Races other than those run at Regional Fixtures shall not be less than the advertised prize money. The Minimum Advertised Claiming Price shall not be less than £2,000.
- (b) The Advertised Claiming Price in all Selling races run at a meeting other than a

Regional Fixture will be not less than the advertised selling price of the winner.’

- (c) (As above)
- (d) The Advertised Claiming Price in Selling Races run at a Regional Fixture is to be not less than the selling price and not more than £5,000.

Reason for Change and Retention: The wording has been amended because it is illogical for a beaten horse to be claimed for twice the price that the winner can be sold for. It continues to ensure Sellers in National Racing, with National prize money levels, are not contested by Regional Racing calibre horses, thus undermining the meritocratic system advocated by the Racing Review. A minimum claiming price is required on grounds of horse welfare.

PRIZE DISTRIBUTION ORDERS

Order 194 (i), (ii), (iii), (iv), (v)

Current Wording:

‘Prize Money shall be paid over by the Stakeholder as follows:

- (i) (a) In all Amateur Riders’ races with fourth prizes:
(b) In all Amateur Riders’ races without fourth prizes:
(c) *In all Amateur Riders’ races with six prizes (added in April 2004) :*
- (ii) (a) In all Flat Pattern Races with four prizes:
- (iii) (b) In all Steeple Chase and Hurdle and National Hunt Flat race Pattern Races with four prizes:
(c) In all Flat races with six prizes:
(d) In all Steeple Chase and Hurdle and National Hunt Flat Race Grade 1 Pattern races and other Steeple Chases with Money Added to Stakes of £15,000 or more and other Hurdle Races with Money Added to stakes of £10,000 or more with six prizes:
- (iv) In other Flat Races
(a) with fourth prizes:
(b) without fourth prizes:
- (v) In other Steeple Chases, Hurdle races and National Hunt Flat races
(a) with fourth prizes:
(b) without fourth prizes:
- (vi) Where under this Order a payment is due to a trainer or stable and the horse has been trained outside Great Britain or privately under Rule 50 the payment shall be made to the owner of the horse except in the case of horses trained in France or Ireland. For horses trained in France the payment due to a trainer shall be paid to that trainer and the payment due to the stable shall be paid to the owner. For horses trained in Ireland the payment due to a trainer shall be paid to that trainer and the payment due to the stable shall be paid to that stable.’

(pgs 275-281)

(Details of percentages in each category not shown).

Amended Wording:

(Order 194 will be amended to provide that racecourses will have the discretion to decide how many prizes will be paid in each race, but will continue to stipulate the distribution to connections etc. in respect of the chosen number of places.)

Reason for Change and Retention:

To ensure that common relative incentives exist across races to achieve and reinforce integrity in British Racing by preventing the opportunity for racecourses to incentivise trainers to enter in their races thereby disadvantaging other recipients of prize money, whilst providing racecourses with the flexibility to select the number of places down to which they will offer prize money.

STAKE ORDERS

BHBGI 2.2: 1, 2, 6

Current Wording:

‘Stakes – Flat Races

1. The stakes for all flat races, other than Pattern races, Early Closing races and Apprentice races, are to be in the range of 0.2% and 0.5% of the Money Added to Stakes. However, in special circumstances the Managing Executive may apply to the BHB for dispensation to advertise stakes below 0.2% of the Money Added to Stakes.

2. The stakes for all Pattern races are to be in the following ranges:

Group 1 – 0.5-1.5% of the Money Added to Stakes;

Group 2 – 0.5-1.25% of the Money Added to Stakes;

Group 3 – 0.5-1% of the Money Added to Stakes.

‘Stakes – Steeple Chases, Hurdle Races and National Hunt Flat Races

6. The stakes for all Steeple Chases and Hurdle races, National Hunt Flat Races other than Pattern races and Early Closing races, are to be in the range of 0.2% and 0.5% of the Money Added to Stakes.

However, in special circumstances Managing Executives may apply to the BHB for dispensation to advertise stakes below 0.2% of the Money Added to Stakes.’

Amended Wording:

‘Stakes – Flat Races

1. The stakes for all Flat races, other than Pattern races are to be not more than 0.5% of the Total Prize Fund or of the Money Added to Stakes.

2. The stakes for all Pattern races are to be not more than:

Group 1 – 1% of the Total Prize Fund;

Group 2 – 0.75% of the Total Prize Fund;

Group 3 – 0.5% of the Total Prize Fund.

‘Stakes – Steeple Chases, Hurdle Races and National Hunt Flat Races

6. The stakes for all Steeple Chases and Hurdle races and National Hunt Flat Races are to be not more than 0.5% of the Total Prize Fund or of the Money Added to Stakes.

Reason for Change and Retention: There is no need for minimum entry fees but, with the encouragement to racecourses to move to Total Prize Funds, the increased difficulty of identifying the contribution made by owners to the prize money for each race plus the fact that entries are rarely made by the person responsible for paying them requires BHB to protect the interests of those paying entry fees.

OTHER ENTRY ORDERS

Order 1 (xiii)

Current Wording:

Power of the Directors

‘(xiii) To accept or to refuse to accept confirmations, declarations or withdrawals to run in any race’.

(pg 97)

Amended Wording:

Power of the Directors

‘(xiii) To accept or to refuse to accept confirmations or declarations to run in any race, which refusal to accept shall not be unreasonably exercised’.

Reason for Change and Retention : In very exceptional circumstances, in the interests of integrity and/or safety (e.g. where owners have defaulted on payments or a horse is not considered suitable for participation in a race such as The Grand National), a confirmation or declaration may be refused. However, the ability to refuse a withdrawal is no longer deemed necessary.

OTHERS

Additional Provision : Order 124(ii)(c)

A race (other than a Pattern race, Listed race, a race which closes more than six days before running, the final of a Race Series or any race which is a recipient of monies from the BHB Development Fund) may be cancelled by the Managing Executive within 15 minutes of the extended declaration time as detailed in Part (b) of this order, if fewer than 4 horses are declared, subject to the agreement of the Directors which shall not be unreasonably withheld.

Reason for the Additional Provision: Racecourses should have the facility to cancel certain races if they fail to attract sufficient runners to make them an interesting spectacle.

Order 125 (i)

Current Wording:

If upon expiry of the time fixed for declaration under Order 124 (ii) the number of horses in a race exceeds the Safety Factor the race shall be divided, or the remaining declarations reduced to the numbers permitted by the Safety Factor, or if at the said time the number of horses in a race exceeds the Safety Factor but is less than 18, declarations will be reduced to the number permitted by the Safety Factor. Where declarations are to be reduced by elimination or ballot, it shall be in accordance with the procedure laid down in Instruction J3, or as the Directors may from time to time instruct. (pg. 230)

Amended Wording:

If upon expiry of the time fixed for declaration under Order 124 (ii), the number of horses in a race exceeds 14 (12 in June, July and August for Flat races, 12 in August to October for Hurdle races and National Hunt Flat races and 12 in August to November for Steeple Chase races) the declarations shall be reduced by elimination or ballot to that number, in accordance with the procedure laid down in Instruction J3, or as the Directors may from time to time instruct. However, where the Safety Factor for any race is below such a number the declarations shall be reduced by the same

procedures to the Safety Factor. These provisions do not apply to Pattern and Listed races, Heritage Handicaps and races restricted to horses sold at specific auctions. In such races, if upon expiry of the time fixed for declaration under Order 124 (ii), the number of horses in a race exceeds the Safety Factor, the declarations shall be reduced by eliminations or ballot to the Safety Factor in accordance with the procedure laid down in Instruction J3, or as the Directors may from time to time instruct.

In exceptional circumstances, with the agreement of the Directors, and of the Managing Executive which will not be unreasonably withheld, the maximum field size restriction (excluding the Safety Factor) will be removed.

Reason for Change and Retention: Field size restrictions are required to facilitate an expanded Flat Fixture List. Furthermore, to create additional fixtures between June and August when, historically, average field sizes are lower than at other times during the year, a further restriction is required. In Jump Racing, field size restrictions are required to promote more competitive racing by ensuring a wider spread of the available horses. To have any impact during the period when field sizes are significantly lower than average, a further restriction is required. To protect the safety of participants, Safety Factors will continue to determine maximum field sizes where they are lower than the field size restriction. With the agreement of all parties, field size restrictions may be relaxed at those times when there are insufficient races to fulfil the demand from available horses.

Guidelines for the Development of New Racecourses

See Annex B(i)

THE BRITISH HORSERACING BOARD GUIDELINES FOR THE DEVELOPMENT
OF NEW RACECOURSES

“Issued on 30th September 2004”

GUIDELINES FOR THE DEVELOPMENT OF NEW RACECOURSES

Definitions

For the purpose of these Guidelines:

- (i) **New Racecourses** refers to both new sites and new or additional racetracks within existing sites;
- (ii) **Racecourse Applications** refers to applications for fixtures by New Racecourses.

GUIDELINES

The purpose of the British Horseracing Board's (BHB) Guidelines for the Development of New Racecourses is to define the parameters BHB will apply to the evaluation of applications for the allocation of fixtures made by New Racecourses wishing to participate in the fixture allocation process for 2006.

In addition to applicants complying with BHB Guidelines for the Development of New Racecourses, they must also liaise with the Jockey Club (JC) and Horserace Betting Levy Board in relation to issues within the jurisdiction of those bodies. BHB will assist applicants in liaising with the JC and HBLB.

BHB is compelled to advise applicants that the on-going investigation into British Racing by the Office of Fair Trading (OFT) may materially impact on the evaluation of its application. BHB recommends that queries concerning the OFT investigation should be referred to the applicants' legal advisors.

These Guidelines apply to any Racecourse Application made to BHB by 5pm on Monday, 15th November, 2004, specifically relating to the appraisal of the 2005 Racecourse Application process and superseding any previously issued guidelines.

In order for a Racecourse Application to be approved, applicants must satisfy the following requirements:

1. The Racecourse Application must conform to standards laid down in the Jockey Club's Racecourse Manual.
2. The applicant's bank must provide to BHB a Performance Bond in the form attached at Schedule 1. The purpose of a Performance Bond is to guarantee payment for any adverse loss to British Racing: indirect or direct financial loss and damage suffered by British Racing and any costs and expenses incurred by BHB arising out of the failure by the applicant to complete an approved racecourse project no later than 2 calendar months prior to the date of the first fixture to be staged by the applicant at the New Racecourse. The amount to

be guaranteed under the Performance Bond will be calculated in accordance with the formula set out in (still working out the details).

3. The applicant must be regarded as a fit and proper person (entity) to operate a racecourse in accordance with the Orders and Rules of Racing.

ASSISTANCE

BHB undertakes to give the following assistance to applicants, if required:

1. Market research information relating to what racegoers and racehorse owners want from a day's racing, and information about the needs of the betting industry and the media;
2. Information on the size and composition of the current horse population;
3. Help with estimating capital requirements and advice on the robustness of business plans.

EVALUATION PROCESS

1. Each Racecourse Application will be considered in the first instance by the BHB's New Racecourses Committee (NRC). Its recommendations will be made to the BHB Board, which will make a final decision.
2. The BHB Board will decide on or before the date set for the Board to meet in April 2005 on whether the Racecourse Application has been successful. A successful applicant will be eligible to participate in the fixture allocation process for 2006.
3. Failure to complete an approved project in time to commence racing on a date assigned by BHB will cause the Racecourse Application to lapse.
4. Each Racecourse Application must be accompanied by a registration fee of £10,000 plus VAT.

Procedure following an adverse Recommendation by the New Racecourse Committee

If the NRC is proposing to make to the Board an adverse recommendation on a Racecourse Application, the NRC is to provide a summary to the applicant outlining reasons for proposing to submit an adverse recommendation to the BHB Board.

The applicant will then be entitled to make a written submission to the Board on the reasons provided by the NRC for proposing an adverse recommendation. The Board will then evaluate the written submission, simultaneous to consideration of the NRC recommendation.

07.05.04

EXTRACTS FROM THE JOCKEY CLUB RACECOURSE MANUAL

1.1 INTRODUCTION

The key dimensions and starts for any new racecourse or racetrack are set out below. The shape of the proposed site may affect the track layout which must incorporate the minimum essential dimensions. On Turf tracks, experience has shown that the minimum width should be treated as just that, in that the greater the width of track available, the greater the flexibility that will be available to provide fresh ground (and consequently, the safest going conditions). The damage inflicted by horses upon the turf during a race fixture should not be underestimated. The race distances which are specified below for each category of racecourse should be seen as the ideal, and some flexibility may be available subject to agreement with the BHB Racing Department.

Within each section, all points have been categorized as either **MANDATORY** or **HIGHLY DESIRABLE**.

1.2 ALL WEATHER (AWT) COURSES

1.2.1 All Weather Flat Racing – Course Layout

An AWT Course:

MANDATORY:

- must, for safety and horse welfare reasons, have a minimum bend radius of 147.6 yards (135 metres).

HIGHLY DESIRABLE:

- should have a course width of at least 21.9 yards (20 metres) catering for the maximum number of runners permitted i.e. "the Safety Figure". The Safety Figure will usually be 16-18, although this may vary depending upon the start position involved (see 1.4 - Safety Figures). Some flexibility may be possible depending on the Safety Figure intended. Furthermore, in certain circumstances on AWT tracks, a 20% reduction in the width of the course on the bends may be permitted.
- should ideally have a minimum circuit length of 1 mile 2 furlongs (2012 metres).
- should ideally have a straight allowing 5 furlongs (1006 metres) and 6 furlongs (1207 metres) races.

1.2.2 AWT Flat Racing - Course Distances

MANDATORY:

The means by which all courses are measured, and start positions marked, must be agreed with the Jockey Club Inspectorate. Distances should be measured 2 yards (1.8 metres) from the permanent inside running rail.

HIGHLY DESIRABLE:

The key distances for Flat races, and those which racecourses should look to include are:

*5 furlongs (preferably straight, 1006m)

6 furlongs (preferably straight, 1207m)

7 furlongs (1408m)

1 mile (1609 m)

1 mile 2 furlongs (2012m)

1 mile 4 furlongs (2414m)

1 mile 6 furlongs (2816m)

2 miles (3218m)

* Minimum distances allowed under Rule 91(ii)(b)

1.3 TURF COURSES

1.3.1 Turf Flat Racing - Course Layout

HIGHLY DESIRABLE:

A Turf Flat Course:

- should, for safety and horse welfare reasons, have a minimum bend radius of 147.6 yards (135 metres). Unlike AWT tracks, the migration towards the inner rail of the sand-based artificial surface (through gravity, hoof impact and maintenance practices) is not a problem on turf tracks, so minor additional banking (see 1.5) to compensate for a bend radius of under 135 metres may be feasible. However, excessive banking is detrimental to both safety and horse welfare, and would result in an uneven track surface at the intersections between the bend and any start from a “chute” which is linked to the bend.
- should have a course width of at least 25 yards (22.9 metres). Some flexibility may be possible depending on the Safety Figure intended (see 1.4 – Safety Figures) and the number/timing of anticipated fixtures allocated to the course. To facilitate dolling out/in (i.e. movement of running rail to provide fresh ground) for safety and horse welfare reasons, no reduction of the width of the course on the bends is permitted.
- should ideally have a minimum circuit length of 1 mile 2 furlongs (2012 metres).
- should ideally have a straight allowing 5 furlongs (1006 metres) and 6 furlongs (1207 metres) races. The running of 6 furlongs races on a round course (instead of a straight) will be dependent on the radius of the bend and the distance from the start position to the bend.

1.3.2 Turf Flat Racing - Course Distances

MANDATORY:

(See Section 1.2.2 above for the means by which courses and start positions are measured).

HIGHLY DESIRABLE:

The key distances for Flat races, and those which racecourses should look to include are:

* 5 furlongs (straight, 1006m)

6 furlongs (straight +, 1207m)

7 furlongs (1408m)

1 mile (1609m)

1 mile 2 furlongs (2012m)

1 mile 4 furlongs (2414m)

1 mile 6 furlongs (2816m)

2 miles (3218m)

* minimum distance allowed under Rule 91(ii)(b)

+ 6 furlongs "round" may be acceptable depending on radius of bend and start position.

1.3.3 Turf Hurdle Racing - Course Layout

HIGHLY DESIRABLE:

A Turf Hurdle course:

- should, for safety and horse welfare reasons, have a minimum bend radius of 147.6 yards (135 metres).
- should have a course width of at least 30 yards (27.5 metres). This width reflects the increased flexibility required to meet turf management demands for a sport that is, for the most part, run on softer ground during the winter months. Grass does not grow during this time. Furthermore, the difference in width between turf Jump and Flat tracks affects the fact that the former need at least an extra 5 metres in width to allow for a hurdle/fence to be bypassed in the event of a prone horse/rider. Some track width flexibility may be possible depending on the Safety Figure intended (see 1.4 – Safety Figures) and the number/timing of anticipated fixtures allocated to the course. To facilitate dolling out/in (i.e. movement of running rail to provide fresh ground) for safety and horse welfare reasons, no reduction of the width of the course on the bends is permitted.
- should ideally have a minimum circuit length of 1 mile 2 furlongs (2012 metres).

1.3.4 Turf Hurdle Racing - Course Distances

MANDATORY:

(See Section 1.2.2 above for the means by which courses and start positions are measured).

There must be at least 8 flights of hurdles jumped in races of 2 miles, with an additional flight jumped in each succeeding quarter mile (Jockey Club General Instruction 3.6 para 1). This is the fundamental definition of a Hurdle race.

HIGHLY DESIRABLE:

The key distances for Hurdle races, and those which racecourses should look to include are:

*2 miles (3218m)

2 miles 2 furlongs (3621m)

2 miles 4 furlongs (4023m)

2 miles 6 furlongs (4425m)

3 miles (4828m)

* minimum distance allowed under Rule 92(ii)(b)

1.3.5 Turf Steeplechase Racing - Course Layout

For safety and horse welfare reasons, normal practice is for the Steeplechase course to be on the inside of the Hurdle course. This is due to the nature of the horses, the likely longer distances (and therefore lower speed of horses running) and to the fact that Steeplechases ordinarily attract fewer runners than Hurdle races.

Assuming the Hurdle course specification adopted is as per 1.3.3 and 1.3.4 above, it follows that the Steeplechase course:

MANDATORY:

- would, for safety and horse welfare reasons, have a minimum bend radius of 125.8 yards (115 metres).

HIGHLY DESIRABLE:

- should have a course width of at least 21.9 yards minimum (20 metres). Some flexibility may be possible depending on the Safety Figure intended (see 1.4 – Safety Figures) and the number/timing of anticipated fixtures allocated to the course. To facilitate drolling out/in (i.e. movement of running rail to provide fresh ground) for safety and horse welfare reasons, no reduction of the width of the course on the bends is permitted.
- should ideally have a circuit length of 1 mile 1 furlong and 82 yards (1885.5 metres).

1.3.6 Turf Steeplechase Racing - Course Distances**MANDATORY:**

(See Section 1.2.2 above for the means by which courses and start positions are measured).

There must be at least 12 fences in races of 2 miles, with at least 6 fences in each succeeding mile. There is to be one open ditch for each mile. A water jump may be included (Jockey Club General Instruction 3.5 para 1). This is the fundamental definition of a Steeplechase.

HIGHLY DESIRABLE:

The key distances for Steeplechase races, and those which racecourses should look to include are:

* 2 miles (3218m)

2 miles 2 furlongs (3621m)

2 miles 4 furlongs (4023m)

3 miles (4828m)

3 miles 2 furlongs (5230m)

* minimum distances allowed under Rule 92(ii)(b)

1.3.7 Dimensions Summary

Developers may propose an overall course layout which combines any permutation of the above racing codes. However, the layout should comply with the minimum dimensions specified above.

In the case of a Turf racecourse catering for Flat racing, Steeplechasing and Hurdling, when the latter two courses are built to meet specifications laid down in 1.3.3 and 1.3.5, it follows that the Flat track would be sited as the outermost course for safety and horse welfare issues. This is because Flat races are run at greater speeds than Jump races. Consequently, the Flat track:

- would have bend radii of 169.5 yards (155 metres).
- would ordinarily consist of a circuit of 1 mile 2 furlongs and 136 yards.

The overall width of racing surface required to cater for all three courses will be 76.9 yards (70.4 metres).

1.4 SAFETY FIGURES (For Information)

The Safety Figure is the maximum number of runners allowed, for safety and horse welfare reasons, to start at each race distance on a given course.

The figure is dependent upon race code (i.e. Flat, Hurdle or Steeplechase) and is set and constantly monitored by the Jockey Club Inspectors of Courses in discussion with and the agreement of Clerks of the Course, and Safety Officers of the Jockeys' Association of Great Britain (JAGB). In addition, the JAGB and National Trainers Federation formally endorse existing Safety Figures at all courses on an annual basis.

There is also flexibility to reduce safety figures temporarily at any racecourse where track modifications (i.e. running rail movements) are made as necessary to provide optimum turf conditions.

1.5 BANKING OF BENDS

MANDATORY:

The banking or camber of bends must be in line with section 1.4 of the existing Racecourse Manual, which includes an industry developed model to relate bend radius to degree of banking needed to optimise safety and welfare for horse and rider when traveling around a bend at various speeds.

1.6 DISTANCES FROM STARTS TO BENDS

HIGHLY DESIRABLE:

The minimum distance from a start to a bend should be at least 1 furlong (201 metres). However, there may be some flexibility with this distance, dependent on

Safety Figures and bend radii (i.e. a lower Safety Figure and/or greater bend radius can result in a lesser distance between start and bend being acceptable).

1.7 DISTANCES FROM FINISH TO BENDS

MANDATORY:

For safety and horse welfare purposes, the finish must be on the straight and not on a bend. Assuming the bend after the winning post is of a radius of 135 metres or more, there is likely to be no need to provide a further length of straight from the winning post to the start of the bend.

1.8 RACING SURFACES

Turf

HIGHLY DESIRABLE:

There is no specified ideal turf racing surface, since the growth of turf is dependent on soil type. The best turf is that which has a good, strong root structure. There are many different seed mixtures that can be used depending on the soil type, drainage etc. Advice should be obtained from a turf consultant. Most turf seed mixes are predominantly rye grass, with varying amounts of fescue and bent.

All Weather Track (AWT)

MANDATORY:

Any surface being used on an All Weather Track must, for safety and horse welfare reasons, receive Jockey Club approval. The approval protocol is industry agreed and is carried out in conjunction with Jockeys and Trainers, with additional advice from medical/veterinary sources. There is currently a variety of AWT surfaces that carry such approval. The surfaces must be laid down and maintained as per the suppliers instructions.

1.9 CROSSINGS

MANDATORY:

Although some racecourses presently have course crossings, veterinary and participant feedback is such that these are unlikely to be acceptable on a brand new racecourse/racetrack. Horses traveling at speed may stumble or attempt to “fly-leap” crossings. Also, the risk that the public might try to use a crossing whilst a race is in progress, despite policing, cannot be totally discounted.

1.10 WATERING SYSTEMS

MANDATORY:

Racecourses must have a watering system appropriate to the type of racecourse and water supply available. In exceptional circumstances (e.g. All Weather Tracks that requires no water provision, or Turf racecourses racing purely during the winter months) this may not be necessary. However, in ordinary circumstances a watering system is essential for turf management. This prevents grass from dying and avoids firm ground, where the risk of equine injury is higher. Any watering system should be capable of both achieving consistent going and watering the

whole course (12mm) within 24 hours (as per Jockey Club General Instruction 3.2).

To determine the water requirements and therefore the volume of water required, it is essential to relate the water needs to the area in question. For example, a mile of track with an average watered width of 27m gives an area to be watered of approximately 4.5 hectares.

Watering Quantities (For Information)

During the whole summer, it may be necessary to apply as much as 2.5cm depth of water across the whole track in each week in which there is no rainfall. 2.5cm of water over 1 hectare of ground = 254,500 litres; allowing for 10% evaporation losses this will be 279,900 litres. Four weeks of drought = 5.04 million litres of water. However, this requirement will be partially met by natural rainfall. The average requirement for a racecourse where meetings are run during the whole of the summer is 20cm of water, 10.1 million litres. See Jockey Club General Instruction 3.2 for further information.

1.11 DRAINAGE

HIGHLY DESIRABLE:

A drainage system is a requirement to ensure that suitable racing conditions are provided as per Jockey Club General Instruction 3.2 para 2.

Site Investigation Prior to drainage work

For safety reasons, it is essential that a full site investigation be undertaken to determine the problems, site levels, suitability of outlets and other relevant factors to ensure the correct design is selected. It is recommended that advice is taken from a turf consultant. As required by Jockey Club General Instruction 3.2, clearance from the Jockey Club's Racecourse Department is required before carrying out any track related drainage work.

1.12 RUNNING RAIL

MANDATORY:

Running rails must be of a variety currently approved by the Jockey Club (in line with industry agreed testing protocol) and be erected to define the entire racing surface. In addition, for safety reasons, all running rail must be erected at least 2 metres in front of any solid fencing or crowd barrier.

Access rails must be colour-marked to minimise the incident response times of service vehicles (e.g. ambulances).

1.13 EMERGENCY SERVICE ROADS

MANDATORY:

A service road must be provided which gives access to all parts of the racetrack. For safety reasons, the service road has to be suitable for all types of vehicle and made of tarmac. This ensures that all essential services such as doctors, ambulances, vets, horse ambulances and recovery vehicles can get to all parts of the course. Passing places must be included for emergencies. Provision must

also be made for moving starting stalls efficiently on to and off the course at each Flat start.

1.14 CANTER DOWNS

MANDATORY:

For turf management reasons, it is mandatory for any new Jump courses to provide a dedicated canter down. It is recommended that canter downs be at least 3 metres wide and be railed on both sides by an approved running rail. For safety reasons, any crowd barrier or fencing must be at least 2 metres behind the running rail. Canter downs can consist of turf or of any artificial surface approved by the Jockey Club. See Jockey Club General Instruction 3.4 for further information.

1.15 FLOODLIGHTING

MANDATORY (IF APPLICABLE):

All racecourse floodlighting systems must be installed, operated and maintained as laid down in the manufacturer's operating instructions. They must also be wired in accordance with the Institution of Electrical Engineers Wiring Regulations by an organisation approved by the National Inspection for Electrical Installation Contracting.

Light Level/Camera Picture Quality

For safety and horse welfare reasons, the vertical lighting illuminance of the floodlights must reach a minimum of 700 Lux. However, the recommended level of vertical illuminance also depends on the sensitivity of the cameras being used to relay television pictures. To ensure that acceptable colour camera patrol pictures are obtained, racecourses should liaise closely with the Jockey Club's Racecourse Department and RaceTech.

Columns

For integrity reasons, the location of columns used to mount lamps must take account of sight lines from all Stewards' Boxes. The positioning of the columns must also be such that it produces an illuminated side-on view from the grandstand, as silhouetting of the horses is unacceptable. For safety and horse welfare reasons, columns must be at least 2 metres from the running rail and, if less than 4m, must also be padded.

Emergency Backup Power Supply

For integrity, as well as for safety reasons, there must be a suitable, separate and continuously running emergency power supply available for immediate use in the event of an electrical failure. This secondary source of power supply must continuously supply at least 10% of the track illumination level, and supply power to Officials' rooms and broadcast facilities. Where the secondary power source is not provided by a generator, but via the Electricity Board's mains, it must be from a different part of the Board's supply network to that of the primary source.

1.16 OBSTACLES

MANDATORY:

Wings

These must be provided at all obstacles. They must be put in place and constructed to the dimensions specified in Jockey Club General Instruction 3.6.

Lay-by

For safety and horse welfare reasons, these must be installed on Hurdle and Steeplechase courses to prevent a situation where horses, jumping the fence at an angle, might otherwise jump into the running rail on the far side by the fence. Each Lay-by must be approximately 30m in length and 4m in width with a 6m slant from the fence wing to the running rail. See also 1.3.4 and 1.3.6 for number of obstacles required.

ORDERS AND RULES OF RACING

(INCLUDING INSTRUCTIONS AND GENERAL INSTRUCTIONS)

INDISPENSABLE WITH UNCHANGED WORDING

(Page reference numbers for Orders, Rules and Instructions refer to the BHB / Jockey Club Orders and Rules of Racing 2003, unless otherwise indicated)

CONTENT REGULATIONS

Order 1 (x)

Current Wording:

‘To determine the policy in respect of the division of races or elimination of entries under the provision of Order 125.’ (pg 97)

Reason for Retention: The basis on which races are divided and entries are eliminated should be standardised in the interests of all participants, although the decision to divide should be at the discretion of the Managing Executive.

Order 91 (viii)

Current Wording:

‘All Flat races run in Great Britain shall be classified in accordance with the criteria set out in Appendix L to these Orders and Rules’. (pg 188)

Reason for Retention: To sustain the integrity of the sport, establish a meritocratic system where ability is rewarded commensurately, to maintain a clear sporting structure and to provide competitive racing.

Order 92 (viii)

Current Wording:

‘All Steeple Chases, Hurdle Races and National Hunt Flat Races shall be classified in accordance with the criteria set out in Appendix L to these Orders and Rules’. (pg 192)

Reason for Retention: To sustain the integrity of the sport, establish a meritocratic system where ability is rewarded commensurately, to maintain a clear sporting structure and to provide competitive racing.

Instruction J6

Current Wording:

'RACE DIVISION CRITERIA

The Directors instruct that the following criteria for the division of races will apply as stated below:

Weight-for-age Races

Division criteria will operate in the following order:

- (i) Where an owner (see below) has more than one horse in a race that is to be divided such horses will, wherever possible, be split between the two divisions.
- (ii) Where a trainer has more than one horse in a race that is to be divided such horses will, wherever possible, be split between the two divisions.
- (iii) Horses that have won a race on or subsequent to January 1st of the previous year will, wherever possible, be split between the two divisions.

Handicap Races

Horses will be assigned to each race division in weight order whilst ensuring that, wherever possible, those under the same ownership are allocated to different divisions and, secondly, any horses from the same trainer's yard will, wherever possible, be allocated to different divisions.

N.B.

1. There will not be any criteria to ensure that winners are assigned equally between divisions of Handicap races.
- 2.
3. For the purposes of this Instruction the definition of Owner shall apply except that where joint owners have more than one horse in a race only horses which are owned by the first named joint owner will, wherever possible, be split between the two divisions. In the case of horses owned by a Joint Ownership or a Racing Partnership which run in a Joint Ownership or Partnership name such horses running in the same name will also, wherever possible, be split between the two divisions.'

(pgs 443-444)

Reason for Retention: To standardise the rules in the interests of all participants and to sustain the integrity of the sport.

BHBGI 2.8: 3, 4

Race Times

Current Wording:

'3. Wherever possible, one of the following should be complied with:

- a) An afternoon/evening with two meetings should be programmed to have 15 minute intervals between their respective advertised race times;
- b) An afternoon/evening with three meetings should be programmed to have 10 minute intervals between their respective advertised race times.

In exceptional circumstance, and after discussion with the Managing Executive concerned, the Racing Department will set appropriate advertised race times in order

to prevent a serious clash of 5 minutes or less between two or more meetings, doing everything possible to avoid moving the first race time earlier.”

Reason for Retention: To ensure race times are co-ordinated and balanced to recognise the interest of British Racing's consumers.

Alteration of Advertised Race Times

Current Wording:

‘4. When a race meeting is abandoned or postponed at short notice it may be desirable for the advertised race times at another meeting(s) taking place on the same day to be altered to produce the best possible pattern of racing and restore regular intervals between races. In such circumstances the Racing Department will contact the nominated representative of the Managing Executive concerned and request that the advertised race times are altered suitably.’

Reason for Retention: To ensure, in the event of an abandonment, race times are co-ordinated and balanced to recognise the interests of British Racing's consumers.

JCGI 3.2: 24

(Rule 14 Notice identified JCGI 3.2 : 22. Subsequently corrected)

Current Wording:

Inspection and Abandonment Protocol

“When racing is in doubt at any time because any part of the course is unfit for racing an inspection must be held. The Clerk of the Course must make immediate contact with the relevant Chairman of the Panel and arrange for his attendance at the inspection. If he is unable to attend the inspection, the Clerk of the Course should contact another Chairman on the Panel or in the event that another Chairman is not available one of the Stewards appointed to act at the meeting in question to carry out an inspection. The Racing Calendar Office must be notified without delay once the decision has been taken to inspect. (Note. The Clerk of the Course and the Annual Chairman may draw up an inspection roster for Panel Chairmen in advance).

A decision to abandon a meeting at any time before noon two days prior to that on which it is due to take place can only be taken by the Jockey Club. In such circumstances the Inspector of Courses must be contacted beforehand and informed that an inspection is due to be held. If, following the inspection, the Steward and the Managing Executive wishes to abandon the meeting the Clerk of the Course must contact the Racecourse Department forthwith seeking approval for the abandonment. The Racing Calendar Office must be notified of the outcome of any inspection as a matter of priority.

When the inspecting Steward decides that a meeting is likely to go ahead as scheduled, even though the course is unraceable at the time of the inspection, the Clerk of the Course must ensure, when informing any person or body or answering enquiries into the likelihood of racing, that the situation is made absolutely clear. In these circumstances a further inspection must be held in order to be satisfied that the course is raceable. (Also refer to Stewards' operating procedures where persons as listed should be invited to attend an inspection if present).

Reason for Retention: To ensure that the health and safety of both riders and horses is not compromised and to prevent damage to the integrity and reputation of Racing under Rules.

PRIZE LEVEL ORDERS

Order 232

Current Wording:

'Appearance Money

Payments will be made to Owners when their horses have Started in races qualifying for Appearance Money under the Appearance Money Scheme as laid down in Instruction J11. The Owner will then pay from these payments the following amounts:-

8% to the Trainer

6% to the Rider

6% to the stable from which the horse was trained.

Where the Rider is an Amateur Rider no deduction for the Rider will apply. Where a horse is trained outside Great Britain or privately under Rule 50 no deduction for the Trainer or stable will apply.'

(pg 298)

Reason for Retention:

Payments to Trainer, Rider and Stable Staff must be standardised and clearly set out for the benefit of all concerned.

(Note: SEE NOTE TO INSTRUCTION J11)

Instruction J11

Current Wording (as amended in March 2004) :

J11 APPEARANCE MONEY SCHEME - ORDER 232

An Appearance Money Scheme subject to the criteria laid down below shall apply for the period from April 1st 2004 until March 31st 2005 (both dates inclusive).

Criteria

A) Subject to Sections D and E below a horse which has Started in the following races run on any day qualifies for a payment plus V.A.T. where applicable as set out below:-

1. Flat Classified Stakes with limits of 0-75 or higher during June, July and August only - £500 per race unless the horse has a Handicap Rating of 45 or lower as published on the BHB/Weatherbys Racing Administration Internet Site prior to closing or, in those races which close more than six days before running, as published on the BHB/Weatherbys Racing Administration Internet Site prior to the confirmation of entry stage;

2. Flat Conditions Stakes (Class B and C) - £250 per race except during June, July and August only - £500 per race

unless the horse has a Handicap Rating of 45 or lower as detailed above;

(Note: Flat Conditions Stakes races may be excluded from the Appearance Money Scheme in the race conditions at the discretion of the Directors).

3. Class A, B or C Novice Weight-for-Age Steeple Chases - £400 per race

unless the horse has a Handicap Rating of 109 or lower in the case of a Class A race or 74 or lower in the case of a Class B or C race as published on the BHB/Weatherbys Racing Administration Internet Site prior to closing or, in those races which close more than six days before running, as published on the BHB/Weatherbys Racing

Administration Internet Site prior to the confirmation of entry stage;

4. Class A, B or C Novice Weight-for-Age Hurdle races and Class A, B, C, D and E Hurdle races restricted to 3 years old only from July 1st to December 31st or Class A, B, C, D or E Hurdle races restricted to 4 years old only from January 1st to June 30th - £250 per race unless the horse has a Handicap Rating of 109 or lower in the case of a Class A race or 74 or lower in the case of a Class B, C, D or E race as published on the BHB/Weatherbys Racing Administration Internet Site prior to closing or, in those races which close more than six days before running as published on the BHB/Weatherbys

Racing Administration Internet Site prior to the confirmation of entry stage.

B) Subject to Sections D and E below, a horse which has Started in any other race not in Section A run on a Sunday qualifies for a payment of £250 plus V.A.T. where applicable

unless the horse has a Handicap Rating of 45 or lower in the case of a Flat race, or 74 or lower in the case of a Steeple Chase or Hurdle race, or has a Handicap Rating relevant to the race in question of 124 or lower in the case of any Class A Steeple Chase or Hurdle race not listed in Section A above, as published on the BHB/Weatherbys Racing Administration Internet Site prior to closing or, in those races which close more than six days before running as published on the BHB/Weatherbys Racing Administration Internet Site prior to the confirmation of entry stage. In addition, in the case of any Steeple Chase or Hurdle race, a horse must be rated within 40lbs of the top of the rating band in the published race conditions in order to qualify for Appearance Money under this provision.

(Note: For the avoidance of doubt a horse which starts in a National Hunt Flat Race run on a Sunday qualifies for payment as the above proviso does not apply to such races).

C) Subject to Sections D and E below, any mare which has started in any Steeple Chase not provided for in Section A or B above qualifies for a payment of £250 plus V.A.T. where applicable unless the mare has a Handicap rating of 74 or lower in the case of a Steeple Chase classed as B-H in Appendix L or a Handicap rating of 124 or lower in the case of a Steeple Chase classed as Class A in Appendix L as published on the BHB/Weatherbys Racing Administration Internet Site prior to closing or, in those races which close more than six days before running as published on the BHB/Weatherbys Racing Administration Internet Site prior to the confirmation of entry stage. In addition, a mare must be rated within 40lbs of the top of the rating band in the published race conditions in order to qualify for Appearance Money under this provision.

D) Subject to Section E, where a horse, in the case of a Flat race, is not eligible for a Handicap Rating up to and including the Saturday prior to closing or, in those races which close more than six days before running up to and including the Saturday prior to the confirmation of entry stage,

or, in the case of a Steeple Chase or Hurdle race, has run less than three times in Steeple Chases or Hurdle races collectively run under the Rules of a Recognised Turf Authority up to and including the Saturday prior to closing or, in those races which close more than six days before running, up to and including the Saturday prior to the confirmation of entry stage, it shall qualify for a payment as applicable when it has Started in the races listed in Sections A, B and C above unless the race has been excluded or exempted

from the Scheme by the Directors.

For the avoidance of doubt, any horse qualifying for payment by virtue of Sections A, B, C or this Section is only entitled to one payment on any particular day and if qualifying for payment by virtue of Section A the higher payment specified in that Section, if applicable, shall be made.

E) Any race with a Total Prize Fund in excess of £30,000 may be exempted from the provisions of this Scheme at the discretion of the Directors. In addition, any race run at a Regional Fixture is exempted from the provisions of this Scheme.

Payment

The payment will be made to the Owner of the horse at the time it qualifies for appearance money in accordance with Order 232.

The Directors at their absolute discretion may also, upon receipt of a written application within 7 days of the relevant race, authorise the said payment of appearance money to the Owner when the horse does not start in the race provided that:-

- (a) the horse travelled to the racecourse
- (b) the penalty laid down in Rule 144(i) was waived.

Reason for Retention: This is an Appearance Money Scheme operated by BHB from central funds and is an important aspect of solidarity within the sport. It does not force racecourses to put up appearance money and where racecourses do put up their own appearance money, it is for them to decide where they wish to place it, providing that British Racing is not thereby brought into disrepute.

This Order also:

- (a) ensures competitive balance;**
- (b) improves field sizes which supports each-way betting;**
- (c) increases field sizes, particularly for Sunday programmes; and**
- (d) underpins the VAT Scheme for Owners.**

(NOTE: THIS ORDER WILL ONLY BE RETAINED WHILE THERE IS A CENTRALLY FUNDED APPEARANCE MONEY SCHEME)

PRIZE DISTRIBUTION ORDERS

Order 191 (i), (ii), (iii)

Current Wording:

- (i) In Sweepstakes the Owners' Prize Money Pool, any Money Added to Stakes, plus if a Guaranteed Minimum Value has been advertised, any further sums to bring the total amount up to the Guaranteed Minimum Value, shall be distributed in accordance with the conditions of the race subject to the provisions of Orders 134 and 194.
- (ii) In Guaranteed Sweepstakes the Owners Prize Money Pool plus Money Added to Stakes if any shall be distributed in accordance with the conditions of the race subject to the provisions of Orders 134 and 194.

(iii) In a Total Prize Fund race the Owners Prize Money Pool plus Money Added to Stakes shall be distributed in accordance with the conditions of the race subject to the provisions of Orders 134 and 194.
(pg. 275)

Reason for Retention: The Order is required to provide clarification of, in different race types, which of the constituent parts of prize money will be distributed under Orders 134 and 194, and to ensure consistency.

STAKE ORDERS

Order 132

Current Wording:

Liability for Stakes

‘The Directors at their discretion and in such manner as they shall determine may require the nominator as well as any Owner of a horse in a race to provide sufficient funds in advance for the initial Stake and/or for any additional sums laid down in the conditions of the race’.

(pg 235)

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Reason For Retention:

- (a) necessary for the integrity of the Stake process;**
- (b) crucial to ensuring that the advertised prize money pool is paid out in full;**
- (c) ensures proper standards of probity and prudent financial management.**

This Order is normally only used in respect of horses entered from overseas.

BHBGI 2.7: 5

Current Wording:

‘Races Restricted to Horses Sold at Specific Auctions

The entry stake shall total no more than 1% of the Guaranteed Minimum Value.’

Reason for Retention:

Such races do require separate treatment from other non-Pattern Flat races if racecourses are to continue to stage them.

DATA ORDERS

Order 111 (i) (ii)

Current Wording:

Entries and Acceptances

‘(i) Every entry and every acceptance for races closing more than six days before running shall be fixed to close at 12 noon on Wednesdays only with the exception of supplementary entries which shall close at 12 noon on the day laid down in the conditions of the race for entries to be confirmed or as the Directors shall decided except as provided for in Sub-Order (iii) of this Order. Such entry or acceptance must be made to the Racing Calendar Office and is subject to withdrawal or alteration up to the time of closing.’ (pg 219)

(ii) Every entry for other races shall be fixed to close at 12 noon either six days or five days before the race is run or as the Directors shall decide except as provided for in Sub-Orders (ii) and (v) of this Order. Such entry must be made to the Racing

Calendar Office and is subject to withdrawal or alteration up to the time of closing.
(pg 220)

Reason for Retention:

- (a) necessary for simplicity, standardisation and effective administration;**
- (b) crucial for the central selling of the contents of BHB's database;**
- (c) ensures the integrity of the data.**

Order 113 (ix) (x) (xi)

Current Wording:

Form of Entry or Nomination

'(ix) Subject to the discretion of the Directors, the first entry made for a horse which has entered training in Great Britain for a Flat Race Handicap or any Rating Related Flat Race, which has run at least three times outside Great Britain and Ireland each run under the rules of racing of the same Recognised Turf Authority (see Orders 91 (vii) and 94 (i)) will be invalid unless the Racing Calendar Office has been notified 10 days in advance of the said entry by the Trainer in writing of the intention to make such entry. Except that the requirements of this Sub-Order shall not apply to such races stipulated above which close more than six days before running.

(x) Subject to the discretion of the Directors, an entry made for a horse which is qualified to run in a Flat Race Handicap or any Rating Related Flat Race but which has been in training outside Great Britain or Ireland subsequent to obtaining such qualification will be invalid unless the Racing Calendar Office has been notified 10 days in advance of the said entry by the Trainer in writing of the intention to make such entry. Except that the requirements of this Sub-order shall not apply to such races stipulated above which close more than six days before running.

(xi) Subject to the discretion of the Directors, an entry made for a horse which is otherwise qualified to run in a Handicap or Classified Steeple Chase or Hurdle race under the provisions of Sub-Orders 95 (iii) (b) and (c) will be invalid unless the Racing Calendar Office has been notified 10 days in advance of the said entry by the Trainer in writing of the intention to make such entry.'

(pgs 223-224)

Reason for Retention: Necessary for simplicity, standardisation and effective administration. Also crucial for the central selling of the content of BHB's database. In addition, crucial for integrity of the sport and integrity of the data.

Rules 115 (i) (a), (c)

Current Wording:

Form of Entry or Nomination

'(i) In cases hereinafter mentioned any accidental error, or violation of Orders or Rules affecting entries may be corrected on payment of a fine of not less than £85 (2004 - £90) provided always that the Stewards are satisfied that there has been no fraud.

- (a) Incorrect description of the Owner of the horse according to the Orders and Rules of entry. Correction must be made to the Racing Calendar Office by the time fixed for the declaration of runners under Order 124 (ii). Such declaration to run

by the Owner or duly Authorised Agent is deemed to be a correction of entry under this Rule. Any notification of correction must be made to the Clerk of the Scales before the rider weighs out for the race concerned.

(c) Omission to give details of performances abroad when the horse has entered training in Great Britain. Correction must be made to the Racing Calendar Office and the details lodged by the time fixed for declaration of runners under Order 124 (ii).'

(pgs 224-225)

Reason for Retention:

(a) necessary for simplicity, standardisation and effective administration;

(b) crucial for the central selling of BHB's database;

(c) crucial for integrity of the sport and integrity of the data.

Order 116 (i)

Current Wording:

Transfer of Engagements

'(i) In cases of changes of ownership the engagements can only transferred to a registered Owner and in all such cases the written acknowledgement of both parties, or their Authorised Agents, that the horse was transferred with engagements, together with details of the engagements transferred, must be lodged at the Racing Calendar Office or with the Clerk of the Scales for transmission to the Racing Calendar Office before the horse starts for such engagements. If certain engagements only are specified, those only are sold with the horse. For the purpose of this Order a facsimile message shall be deemed to be in writing. A fee in accordance with the schedule in Appendix M is payable by the transferee for each transfer of engagements lodged.

Note: A transfer of engagements is unnecessary if the Nominator does not change.'
(pgs 225-226)

Reason for Retention:

(a) necessary for simplicity, standardisation and effective administration;

(b) crucial for the central selling of the content of BHB's database.

(c) crucial for integrity of the sport and integrity of the data.

Order 122 (i)

Current Wording:

Declarations and Scratchings

'(i) Declarations of forfeit under Order 121 shall be made to the Racing Calendar Office by 12 noon on the Tuesday fixed in the conditions of the race. Such declarations shall be subject to withdrawal up to the time for declaration of forfeit.'

(pg 227)

Reason for Retention:

(a) necessary for simplicity, standardisation and effective administration;

(b) crucial for the central selling of the content of BHB's database.

(c) crucial for integrity of the sport and integrity of the data.

Order 123 (ii), (iv)

Current Wording:

Declarations and Scratchings

‘(ii) A scratching shall be made in writing to the Racing Calendar Office by the owner of the engagement or his authorised agent or, in the case of horse trained outside Great Britain, by the trainer, subject to the Rules relating to sales with engagements. For the purpose of this Order a telegram or facsimile message shall be deemed to be in writing.’

‘(iv) The notification of the death of a horse to the Racing Calendar Office shall withdraw the horse from all engagements in races’.

(pg 228)

Reason for Retention: Necessary for simplicity, standardisation and effective administration. Also crucial for the central selling of the content of BHB’s database. In addition, crucial for integrity of the sport and integrity of the data.

Order 124 (i)

Current Wording:

Declarations and Scratchings

‘(i) In races which close more than six days before running no horse may run unless a confirmation of entry or supplementary entry has been made to the Racing Calendar Office by noon on the day advertised in the programme of the meeting as required under Order 120 (ii). Such confirmation shall be subject to withdrawal up to the time fixed for confirmation’.(pg 228)

Reason for Retention:

(a) necessary for simplicity, standardisation and effective administration;

(b) crucial for the central selling of the content of BHB’s database;

(c) crucial for integrity of the sport and integrity of the data.

Order 124 (ii) (a) (b)

Current Wording:

Declarations and Scratchings

‘(ii) (a) Subject to Part (b) of this Order and unless, in exceptional circumstances, the Directors otherwise decide, no horse may run in any race unless both

- a declaration to run (which shall be subject to withdrawal up to the time fixed for declaration) has been made to the Racing Calendar Office by 10.00 am from April 1st until October 31st, and 10.15 am from November 1st until March 31st, both dates inclusive, on the day before the day on which the race is advertised to be run (*added for 2004 - or, in the case of Flat Pattern Races, Heritage Handicaps, Grade 1 Steeple Chases and Hurdle Races (not including any such Novice races or National Hunt Flat races), Grade 3 Steeple Chase and Hurdle Race Handicaps and any race run on a Sunday, two days before the day on which the race is advertised to be run*) or as the Directors shall decide and
- acceptance by the Directors of such declaration has occurred . (N.B. See Instruction D8 for accepting and omissions to accept declarations to run).

‘(ii) (b) Where the Racing Calendar Office has received three or less declarations to run in any race to be run on a Monday or Friday (inclusive), or, four or less declarations to run in any race to be run on a Saturday or Sunday by the time(s) laid down in Part (a) above, the said time(s) for such a declaration to be made shall be extended up to 10.30 am from April 1st until October 31st, both dates inclusive, and 10.45 am from November 1st until March 31st both dates inclusive, on the same day or such earlier or later time as the Directors shall decide. No declaration to run or otherwise shall be subject to withdrawal once made during this extended time period.

(N.B. See Instruction D4 for restrictions and operating procedure).’

(pgs 228-229)

Reason for Retention:

(a) necessary for simplicity, standardisation and effective administration;

(b) crucial for the central selling of the content of BHB’s database;

(c) crucial for integrity of the sport and integrity of the data.

OTHER ENTRY ORDERS

Rule 1 A (xviii)

Current Wording:

Power of the Stewards of the Jockey Club

‘A (xviii) To accept or to refuse to accept entries, and in the case of expediency to refuse to allow a horse duly entered to run in any race, in which event the Stewards of the Jockey Club may, at their discretion direct that the Stake(s) be remitted to the owner.’

(pg 102)

Reason for Retention: Essential in order to protect the integrity of the sport, the welfare of horses and to reciprocate penalties imposed by overseas Racing Authorities.

Order 90 (i)

Current Wording:

‘General Regulations for Programmes

(i) The conditions of every race must be published in the Racing Calendar before closing and no alterations can be made in the conditions of any race after such publication, except as provided in Sub-Order (v) of this Order. This Order shall not preclude the addition of more money to a race at any time before the start of a race subject to the approval of the Directors.

The advertisement before closing must state:-

- the dates on which the meeting is to be held;
- if it is to be held on an All Weather Track;
- the dates for closing the races;
- if there is a declaration of forfeit, when the weights for the handicaps will be published;
- the time from which penalties for winning will be incurred; and,
- the dates for confirmation of entries and declarations to run under Order 120.

It must also state the names of four or more persons such as Stewards and the names of the Clerk of the Course, Clerk of the Scales, Judge, Starter, Stewards’

Secretaries and Veterinary Officer. If a parade is intended for any race it must be included in the advertisement.'

(pg 181)

Reason for Retention: To provide clarification to those entering horses in races regarding the conditions of the particular race, and to ensure that, having entered a horse, the conditions are not then changed except as provided.

Rule 181

Current Wording:

Disqualification of Horses

'A horse is not qualified to be entered or start for any race:

- (i) If it has run at any unrecognised meeting, other than one which has been granted an exemption under Rule 204 (ii).
- (ii) If and so long as it is in the ownership or part-ownership of a disqualified person or so long as any disqualified person has any interest in such horse's winnings in such race.
- (iii) If and so long as it is in the stable of, or under the care and management of a disqualified person but when such person, other than the owner or part-owner, incurs disqualification under Rule 137 the horse shall be qualified to be entered or run until 14 days have elapsed from the date of publication in the Forfeit List.
- (iv) – Having been foaled in Great Britain, Ireland or the Channel Islands on and

after 1st January 1999, or,
– having been foaled outside Great Britain, Ireland of the Channel Islands on and after 1st January 1999 and which is trained in Great Britain or is imported into Great Britain for any period in excess of one month unless it has been implanted by a Veterinary Surgeon with an identifying Microchip.
- (v) In any case in which it is by the Orders and these Rules or by the conditions of the race not qualified.
- (vi) If it has been declared disqualified or suspended by the Stewards of the Jockey Club or by any Recognised Turf Authority, except that entries may be accepted for such horses during the period of disqualification or suspension for races due to be run outside such period. Where a horse has been suspended by a Recognised Turf Authority such suspension is effective unless the Stewards of the Jockey Club declare that the suspension shall not have effect under these Rules. An application to the Stewards of the Jockey Club for such a declaration may be made by the Owner or Trainer of the horse provided all procedures for appeal available under the Rules of the Recognised Turf Authority have been exhausted. The application must be made in writing to the Jockey Club Office within 48 hours of the final dismissal of appeal under the Rules of the Recognised Turf Authority, or, (if there is no procedure for appeal) within 48 hours of the order of suspension. An application received after this time will only be considered if the Stewards of the Jockey Club are satisfied that it has been made at the earliest opportunity and that it was not possible for it to have been made within the time limit.

- (vii) If, except in the case of a horse trained outside Great Britain coming to Great Britain for the purpose of a particular race, it is the property of either an owner whose name is not duly registered under Rule 40, or a Club which is not duly registered under Rule 41, or a Company which is not duly registered under Rule 43 or Rule 44, or a Business Partnership which is not duly registered under Rule 47A or a Racing Partnership which is not duly registered under Rule 47C provided that if it is trained outside Great Britain such Club, Company, Business or Racing Partnership is registered by the Turf Authority of the country in which the horse is trained.
 - (viii) Deleted
 - (ix) If it is the property of a Recognised Company and that Company has no registered agent.
 - (x) Unless it and its sire and dam are each the produce of a natural service or covering, and unless a natural gestation took place and delivery was from the body of the mare in which the horse was conceived.
 - (xi) Unless when its name has been changed it is in accordance with Sub-Order 31 (xii).”
- (pgs 269-271)

Reason for Retention: Essential to integrity and horse welfare as this Rule prevents horses from being entered or starting in races in a variety of circumstances which are unacceptable.

Rule 182 (i), (ii)

Current Wording:

Disqualification of Horses

‘A horse is not qualified to start for a race:

- (i) Unless it is duly entered for the same and, in any race which closed more than six days before running, its entry has been confirmed under Order 124 (i).
- (ii) Unless it has been declared a runner under Order 124 (ii).’

(pg 271)

Reason for Retention: Essential for integrity, it underpins the data Orders by in effect requiring every horse to be properly entered and declared to run.

Rule 183

Current Wording:

Disqualification of Horses

‘If a horse which is not qualified according to Rule 180, 181, 182 or 186 be entered or run for any race, he shall on objection under Rule 170 (v) be disqualified by the Stewards of the Jockey Club.’

(pg 183)

Reason for Retention: Essential to protect the interests of other participants and the betting public. It provides the final back-stop regarding non-qualification by enabling disqualification of non-qualified horses.

RACECOURSE REFUSAL RULES

Rule 80 (ii) (a)

Current Wording:

Licences and Fixtures

‘(ii) A Managing Executive shall:

- (a) Comply with the requirements of these Rules, Orders, Instructions and General Instructions as notified to them directly or through the Racing Calendar unless and to the extent that they may have been waived in writing by the Stewards of the Jockey Club or the Directors as the case may be;’

(pg 178)

Reason for Retention: Necessary in order to ensure that racecourses comply with the “rules” of the sport, and essential to ensure the safety of jockeys and to maintain the confidence of racegoers and punters.

Rule 220 (iii), (vii)

Current Wording:

Miscellaneous – General

‘(iii) No person shall act in a manner which in the opinion of the Stewards of the Jockey Club is prejudicial to the integrity, proper conduct or good reputation of horseracing in Great Britain whether or not such conduct shall constitute a breach of any of the foregoing Orders or Rules of Racing.’

(pg 292)

‘(vii) It shall be an offence by any person in relation to the administration or control or racing to:

- (a) breach any declaration or undertaking given to the Stewards of the Jockey Club or the Directors, or
- (b) provide any inaccurate information, or
- (c) omit any relevant information to the Stewards of the Jockey Club or the Directors when requested for it, or
- (d) fail to comply with a requirement of the Stewards of the Jockey Club or Directors

unless in exceptional circumstances the person concerned is able to satisfy the Stewards of the Jockey Club or the Directors that he had a satisfactory reason for doing so.’

(pg 293)

Reason for Retention: Protects the image and integrity of the sport and mirrors similar Rules by other sporting bodies.

Rule 221 B (ii)

Current Wording:

Instructions

‘(ii) Every person shall comply with the instructions of the Stewards of a Meeting.’

(pg 294)

Reason for Retention: Important for safety and integrity, as it bolsters the general powers of Stewards of meetings in implementing the Rules.