

## **PART 10 - SUPPLEMENTARY**

### ***Giving notices etc***

#### **105. The giving of notices, directions and other documents**

105.1 This Rule applies where provision made (in whatever terms) by or under these Rules authorises or requires a notice, direction or any other document (including a copy of a document) to be given or sent to a Person.

105.2 For the purposes of this Rule, the proper address of a Person is

105.2.1 in the case of a body corporate, the address of the registered or principal office of the body,

105.2.2 in the case of a partnership, or any other unincorporated body, the address of the principal office of the partnership or body, and

105.2.3 in any other case, the last known address of the Person in question.

105.3 This Rule has effect subject to Rule 106 (notices, directions and documents in electronic form).

#### **106. The giving of notices, directions and other documents in electronic form**

106.1 This Rule applies where

106.1.1 any provision of these Rules authorises the giving or sending of a notice, direction or other document by its delivery to a particular person (the recipient), and

106.1.2 the notice, direction or other document is transmitted to the recipient

106.1.2.1 by means of an electronic communications network, or

106.1.2.2 by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

106.2 The transmission has effect for the purposes of these Rules as a delivery of the notice, direction or other document to the recipient, but only if the requirements imposed by or under this Rule are complied with.

106.3 Where the Person making the transmission is the Authority, it may (subject to Paragraph 106.6) determine

106.3.1 the manner in which the transmission is made, and

106.3.2 the form in which the notice, direction or other document is transmitted.

106.4 Where the recipient is the Authority

106.4.1 in the case of an application for the grant of any licence or permit in accordance with these Rules, the Authority must, within 7 days of the electronic transmission, receive at the Authority's Office (or at The Racing Calendar Office, as appropriate) the original of all documents required to make the application, and

106.4.2 in any other case, the Authority must receive the original of such documents as it may specify within such period as it may specify.

106.5 If any requirement of Paragraph 106.4 is not complied with, the Authority may withdraw any licence or permit and cancel any registration or other step taken by it in reliance on the information contained in the electronic transmission.

106.6 Where the recipient is a Person other than the Authority, the recipient must have indicated to the Person making the transmission the recipient's willingness to receive notices, directions or other documents transmitted in the form and manner used.

106.7 An indication to a Person for the purposes of Paragraph 106.6

106.7.1 must be given to the Person in such manner as he may require,

106.7.2 may be a general indication or one that is limited to notices or documents of a particular description,

106.7.3 must state the address to be used,

106.7.4 must be accompanied by such other information as the person requires for the making of the transmission, and

106.7.5 may be modified or withdrawn at any time by a notice given to the person in such manner as he may require.

106.8 In this Rule electronic communications network has the same meaning as in the Communications Act 2003 (c. 21).

## **107. Deemed service of notices, directions and other documents**

107.1 A notice, direction or other document which is given or sent in accordance with these Rules shall, subject to Paragraph 107.2, be deemed to be received on the day shown in the table below

107.2 Unless the context otherwise requires, if a document is received by the Authority

107.2.1 after 5.00 pm, on a business day, or

107.2.2 at any time on a Saturday, Sunday, Bank Holiday, Good Friday or Christmas Day

it will be treated as being received on the next business day.

| <b>Method of Service</b>                                  | <b>Deemed Day of Service</b>   |
|---|--|
| First class post (or other service for next-day delivery) | The 2nd day after it was posted  |
| Delivering the document to a permitted address            | The day after it was delivered to that address   |
| Fax/Email   | If transmitted on a business day, before 4 p.m., on that day; otherwise, on the business day after the day on which it was transmitted |
| Other electronic means                                    | The 2nd day after the day on which it is transmitted   |

## **108. Computation of time**

108. Except where these Rules provide otherwise, when the specified period for doing any act at the Authority's Office ends on a day on which the office is closed, that act will be done in time if done by 5.00pm on the next day on which the Authority's Office is open.

### ***Procedure for the making of Rules etc***

## **109. Publication of Rules, regulations or guidance**

109.1 This Rule applies where the Authority proposes to

109.1.1 add new Rules or regulations,

109.1.2 modify, delete or suspend any existing Rules or regulations, or

109.1.3 give any new guidance.

109.2 Before the date on which the proposed change takes effect, the Authority must publish notice of it in The Racing Calendar.

109.3 Paragraph 109.2 does not require publication of prior notice where

109.3.1 the change in question is made in a case of emergency or expediency,

109.3.2 it is a modification, deletion or suspension of an existing Rule or regulation, and

109.3.3 the Authority subsequently reports the fact that it was made without prior notice.

109.4 The report required by Paragraph 109.3.3 must be published in the next issue of The Racing Calendar.

### ***Interpretation***

## **110. Meaning of rider**

110. Unless the context otherwise requires, any reference in this Manual to rider (without more) is to

110.1 a Jockey,

110.2 a Person who holds an amateur rider's permit granted by the Authority, or

110.3 an Overseas Rider,

who is not suspended from riding by the Authority or by a Recognised Racing Authority.

## 111. References to Jockeys

111.1 In this Manual, unless the context otherwise requires, Jockey

111.1.1 means a Person who holds a jockey's licence granted by the Authority, and

111.1.2 includes an Apprentice Jockey or a Conditional Jockey.

111.2 For these purposes

**Apprentice Jockey** means a Person who holds an apprentice jockey's licence granted by the Authority (see Rule 15.3);

**Conditional Jockey** means a Person who holds a conditional jockey's licence granted by the Authority (see Rule 15.3).

## 112. References to other types of rider

112.1 In this Manual, unless the context otherwise requires, Overseas Rider

112.1.1 means a Person who is authorised by a Recognised Racing Authority to ride under the rules of that Racing Authority (whether by grant of a licence, permit or otherwise), but

112.1.2 does not include a Person who also holds a jockey's licence or an amateur rider's permit granted by the Authority.

112.2 In Parts 4 to 7, unless the context otherwise requires

**Amateur Rider** means

112.2.1 a Person who holds an amateur rider's permit granted by the Authority, or

112.2.2 an Overseas Rider whose authorisation by a Recognised Racing Authority corresponds to such a permit and who rides in a race under these Rules;

**Professional Rider** means

112.2.3 a Jockey, or

112.2.4 an Overseas Rider whose authorisation by a Recognised Racing Authority corresponds to a jockey's licence granted by the Authority and who rides in a race under these Rules.

## 113. Other definitions

113.1 Definitions of

113.1.1 terms used in only one Rule are set out in that Rule, and

113.1.2 terms used in more than one Part are set out in Rules 110 to 112 and in the following provisions of this Rule.

113.2 In this Manual, unless the context otherwise requires

**Appeal Board** means a board convened under Part 7 to hear appeals from decisions made by the Authority;

**Appeal Board Chairman** means a member of the Chairman's Panel of the Appeal Board selected to chair an Appeal Board under Paragraph 4 of Schedule 7;

**Appeal Board Pool** means the pool of Persons appointed by the Judicial Panel Chairman in accordance with the Terms of Reference for the Appeal Board who are eligible to sit on an Appeal Board;

**Arrears** means all sums due to be paid in accordance with these Rules (including any unpaid stake) together with any costs assessed by the Court;

**Assistant Valet** means a Person who holds a permit to act as an assistant to a master valet which was granted by the Authority under Part (D)7;

**Authorised Agent**

113.2.1 in the case of a Recognised Company, means the registered agent of the company under Rule (E)41 (Recognised Company to act through registered agent), and

113.2.2 otherwise, means any person authorised by the Authority to act as agent or sub-agent for another person in exercise of the Authority's powers under Rule 94;

**the Authority** means the British Horseracing Authority;

**the Authority's Office** means the office for the time being appointed by the Authority as the office of the British Horseracing Authority (the present address is 75 High Holborn, London, WC1V 6LS);

**Business Partner and Recognised Business Partnership** have the meaning given in Rule (E)48;

**Chairman's Panel** means the panel of Persons appointed by the Judicial Panel Chairman in accordance with the Terms of Reference for the Appeal Board who are eligible to chair an Appeal Board;

**Clear Day** means, in determining the number of days:

113.2.2A The day on which the period begins; and

113.2.2B If the end of the period is defined by reference to an event, the day on which that event occurs

are excluded.

**Clear Working Day** means, in determining the number of days:

113.2.2C The day on which the period begins; and

113.2.2D If the end of the period is defined by reference to an event, the day on which that event occurs; and

113.2.2E Saturday, Sunday, Bank Holiday, or day on which the Authority's office is not open for non-automated commercial business

are excluded.

**Deputy Judicial Panel Chairman** means the Person appointed by the Judicial Panel Chairman as his deputy in accordance with the Terms of Reference for the Appeal Board;

**Disciplinary Action** means any action taken by the Authority under Part 6 or by the Stewards under Part (B)1;

**Disciplinary and Licensing Panel Pool** means the pool of Persons appointed by the Judicial Panel Chairman in accordance with the Terms of Reference for the Disciplinary Panel and the Terms of Reference for the Licensing Committee who are eligible to sit on a Disciplinary Panel and/or a Licensing Committee;

**Disciplinary Panel** means a disciplinary panel convened for the purpose of carrying out an enquiry under Part 5;

**Disciplinary Panel Chairman** means a member of the Disciplinary and Licensing Panel pool selected to chair a Disciplinary Panel under Paragraph 3.1 of Schedule 6;

**Disciplinary Penalty** means any penalty imposed by the Authority under Rules 54 to 62 on a person for being in contravention of a Rule;

**Disqualified Person** means a person who is for the time being a Disqualified Person pursuant to

113.2.3 these Rules,

113.2.4 any Rules of Racing previously in force,

113.2.5 the Authority's Regulations for Point-to-Point Steeple Chases, or

113.2.6 the Authority's Regulations for Arabian Horse Racing;

**the Forfeit List** means the list maintained by the Authority under Rule 87;

**General Instructions** means instructions relating to one or more racecourses which are issued to racecourse managing executives by the Authority;

**Judicial Panel Chairman** means the independent head of the Authority's judicial system who oversees and is responsible for the Disciplinary Panel, Licensing Committee and Appeal Board;

**Judicial Panel Secretary** means the Person appointed to provide administrative support to the Judicial Panel Chairman, the Disciplinary and Licensing Panel Pool and the Appeal Board Pool;

**Master Valet** means a Person who holds a licence to act as a master valet which is granted by the Authority under Part (D)7.

**National Hunt Flat Race** means a flat race for horses which at starting have not run under any recognised Rules of Racing except in national hunt flat races held under these Rules or in Irish national hunt flat races or in French AQPS races (and, by virtue of race conditions, no horse aged more than 7 years old will be eligible to start in a

national hunt flat race.);

**Owner** means the owner pursuant to Rule (E)96; or, where the Horse is not trained in Great Britain, the Person who is duly registered in the register of Owners or is otherwise registered in the country in which the Horse is trained as being a Horse's owner;

**Partner** means an individual or entity whose name is registered in the register of Owners in accordance with Rule (E)67;

**Partnership** means an arrangement through which a Horse is registered in accordance with Rule (E)67;

**Person** includes a body corporate;

**Prescribed** means prescribed by the Authority;

**Prohibited Substance**

113.2.7 means a substance which

113.2.7.1 originates externally to the horse, whether or not it is endogenous to it, and

113.2.7.2 is listed in any of the categories specified in Paragraph 1, 2, 3 or 4 of Schedule 3, and

113.2.8 includes the metabolites of the substance and the isomers of the substance and the metabolites;

**Racecourse Managing Executive** means the person who holds a racecourse licence granted by the Authority under Part (F)2;

**Racing Administration Internet Site** means the internet based administration service provided by the Authority;

**The Racing Calendar** means the work published under that name, including on the Racing Administration Internet Site, and includes any references on that site to the 'Racing Bulletin' which is authorised by the Authority;

**The Racing Calendar Office** means the office for the time being appointed by the Authority as The Racing Calendar Office (the present Racing Calendar Office is at Weatherbys, Sanders Road, Wellingborough, Northamptonshire, NN8 4BX);

**Racing Club** means an arrangement through which a horse is registered in accordance with Rule (E)73F;

**Recognised Company** means a company which is for the time being registered in the register of Owners under Rules (E)39 to (E)46;

**Recognised Racing Authority** means a racing authority of a country which is for the time being recognised by the Authority under Rule 93;

**Registered Agent**, in relation to a recognised company, means an agent for the company who is for the time being registered under Rule (E)41;

**these Rules** means all the Rules of racing, including provisions which are contained in any other Manual (see Rule 3);

**Sole Owner** means an individual whose name is registered in the register of Owners in accordance with Rule (E)30A;

**Syndicate** means an arrangement through which a horse is registered in accordance with Rule (E)73A;

**Trainer**, in Parts 4 to 7

113.2.9 means any person who holds a licence or permit to train which is granted by the Authority or whose authorisation by a Recognised Racing Authority corresponds to such a licence or permit; and

113.2.10 includes any person who is treated as a trainer in accordance with Rule (C)1.1.3 (horse trained solely for hunters' steeple chases, the Grand Military Gold Cup or the Royal Artillery Gold Cup);

**VAT** means value added tax for the time being in force;

**Veterinary Officer** means a registered veterinary surgeon engaged by the Authority;

**Veterinary Surgeon** means any qualified veterinary practitioner appropriately registered to practice.

113.3 Any reference to a sample from a horse testing positive for any substance is to be construed in accordance with Rule (C)52.

113.4 Words importing the masculine gender include the feminine.

113.5 The singular includes the plural (and vice versa).