

# **Trainer Manual (C)**

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### **PART 1 - INTRODUCTORY**

#### **1. Introductory**

1.1 Part (A)3 prohibits any Person in Great Britain from training horses to run under these Rules unless

1.1.1 he holds a trainer's licence or a trainer's permit granted by the Authority,

1.1.2 the horse is trained outside Great Britain and the trainer is duly qualified as a trainer in the country where the horse is trained, or

1.1.3 he is training a horse solely for the purpose of Hunters' Steeple Chases, the Grand Military Gold Cup or the Royal Artillery Gold Cup.

1.2 In relation to any horse trained in circumstances specified in Paragraph 1.1.3, the following Persons shall be treated for the purposes of Parts 3 to 6 as if they were the trainer of the horse

1.2.1 the Person or Persons who own the horse, and

1.2.2 if the owner is a Recognised Company, the Registered Agent of the company.

1.3 A Person is liable to Disciplinary Action if

1.3.1 he contravenes a requirement imposed on him by or under these Rules,

1.3.2 any provision of these Rules states that he is taken to have contravened any such requirement, or

1.3.3 any provision of these Rules states that he is liable to Disciplinary Action.

1.4 Disciplinary action may also be taken against a Person in any of the circumstances specified in Rules (A)63 to (A)70.

#### **2. Scheme**

2.1 Part 2 has effect in connection with licences and permits for trainers which may be granted by the Authority and sets out specific requirements that apply only to the holders of such licences or permits.

2.2 Parts 3 to 6 impose requirements on

2.2.1 holders of a trainer's licence or permit granted by the Authority;

2.2.2 Persons running horses in Great Britain who

2.2.2.1 train horses in a country outside Great Britain, and

2.2.2.2 are duly qualified as a trainer in that country; and

2.2.3 Persons treated as a trainer under Rule 1.2.

### **PART 2 - TRAINER'S LICENCES AND PERMITS FROM THE AUTHORITY**

#### **CHAPTER 1 - OBTAINING A LICENCE OR PERMIT**

##### ***Grant, refusal or withdrawal***

#### **3. Licences to train granted by the Authority**

3.1 A licence to train horses may be granted by the Authority subject to such restrictions or conditions as it considers appropriate.

3.2 A trainer's licence may be granted to allow a Person to train any horse for entry in

3.2.1 flat races,

3.2.2 steeple chases, hurdle races and National Hunt Flat Races, or

3.2.3 both.

## **4. Permits to train granted by the Authority**

4.1 A permit to train horses may be granted by the Authority subject to such restrictions or conditions as it considers appropriate.

4.2 A trainer's permit may be granted to allow a Person to train horses which

4.2.1 are the sole property of one or more of the categories of Persons listed in Paragraph 3, and

4.2.2 may be entered for or run in steeple chases, hurdle races or National Hunt Flat Races only.

4.3 The categories of Persons listed in this Paragraph are

4.3.1 the holder of the permit,

4.3.2 his spouse or civil partner,

4.3.3 his parents or grandparents,

4.3.4 his sons or daughters,

4.3.5 his grandchildren,

4.3.6 his brothers or sisters,

4.3.7 a Person who appears to the Authority to be co-habiting with the holder of the permit by reason of a personal relationship, and

4.3.8 the executors or administrators for any of the above.

4.4 For the purposes of Paragraph 4.2.1 the horse must be free of all leases or other joint arrangements apart from those between the Persons for whom the permit holder is entitled to train.

## **5. Initial application for licence or permit**

5.1 A Person who applies for a trainer's licence or a trainer's permit must use the Prescribed form.

5.2 Procedures for the consideration and determination of applications are set out in Schedule (A)9.

5.3 The initial application must be received at the Authority's office at least 2 months before the date on which the licence or permit will be required.

5.4 No licence or permit may be granted unless the applicant meets the criteria and other requirements as may be established by the Authority from time to time.

5.5 At any time after receiving an initial application under this Rule and before determining it, the Authority may require an applicant to

5.5.1 attain a National Vocational Qualification (NVQ) at Level 3 in Racehorse Care and Management,

5.5.2 satisfactorily complete the Authority's training course in 'Racehorse Management',

5.5.3 satisfactorily complete the Authority's training courses in 'Business Skills' and 'Staff Management', or

5.5.4 show that he has already completed a training course which is approved by the Authority or otherwise acceptable to it.

5.6 Nothing in Paragraph 5.5 restricts any other requirements that the Authority may impose.

## **6. Expiry and renewal of licence or permit**

6.1 A trainer's licence or permit expires at the end of the period stated on it.

6.2 The holder of a licence or permit may apply for it to be renewed using the Prescribed form.

6.3 Procedures for the consideration and determination of applications are set out in Schedule (A)9.

6.4 The renewal application must be received at the Authority's Office at least 1 month before the date on which the licence or permit will be required.

6.5 A licence or permit may be renewed subject to such restrictions or conditions as the Authority considers appropriate and the restrictions or conditions may differ from those previously imposed.

## **7. Circumstances in which licence or permit ceases to be valid**

7.1 A Person shall be taken to have contravened a requirement imposed on him by these Rules if he continues to train in Great Britain horses running under the Rules after his licence or permit has ceased to be valid.

7.2 A trainer's licence or permit shall immediately cease to be valid if

7.2.1 the licence or permit

- 7.2.1.1 expires and is not renewed,
- 7.2.1.2 is withdrawn by the Authority, or
- 7.2.1.3 is suspended by the Authority; or

7.2.2 the holder of the licence or permit

- 7.2.2.1 relinquishes it,
- 7.2.2.2 is declared to be a Disqualified Person, or
- 7.2.2.3 changes stables before he has notified the Authority of the change and obtained its written approval.

7.3 Paragraph 7.2.2.2 does not apply where

7.3.1 a trainer's disqualification was incurred under Rule (A)66 (person whose name appears on the Forfeit List), and

7.3.2 not more than 14 days have elapsed since the date of publication of the arrears in the Forfeit List.

## **8. Fees for grant and renewal of licence or permit**

8.1 An application under this Part for the grant or renewal of a trainer's licence or permit must be accompanied by the appropriate fee and any VAT payable.

8.2 The fees payable shall be such as the Authority may from time to time determine.

8.3 A sum of such amount as the Authority considers appropriate shall be taken from each fee it receives for a licence or permit and shall be allocated by the Authority to such racing charities as it considers appropriate.

### ***Temporary licences***

## **9. Temporary licences**

9.1 The Authority may grant a temporary licence

9.1.1 in the event of the death or injury of the holder of a trainer's licence, or

9.1.2 in such other circumstances as the Authority considers appropriate.

9.2 The Authority may at any time withdraw a temporary licence if it considers it appropriate to do so.

9.3 The holder of a temporary licence granted under Paragraph 9.1.1

9.3.1 must assume all the obligations and responsibilities of the deceased or injured trainer, and

9.3.2 may at any time apply to the Authority for a trainer's licence.

9.4 Where a trainer's licence (the original licence) is replaced by a temporary licence

9.4.1 the original licence shall

9.4.1.1 immediately cease to be valid, and

9.4.1.2 resume effect only on the withdrawal of the temporary licence or in accordance with any directions given by the Authority, and

9.4.2 the temporary licence shall continue to be valid until it is withdrawn under Paragraph 9.2 notwithstanding that the date for the renewal of the original licence is due.

## **CHAPTER 2 - LICENSED OR PERMITTED TRAINERS: FURTHER PROVISION**

### ***Licensed trainers and permitted trainers***

## **10. General requirements applying to licensed trainers and permitted trainers**

10.1 The Authority may

10.1.1 refuse to grant or renew a trainer's licence or permit, or

10.1.2 suspend or withdraw a licence or permit,

if the Authority considers that any of the conditions specified in Paragraph 10.2 are not met.

10.2 The conditions are that

10.2.1 the applicant or the holder of the licence or permit is a suitable Person,

10.2.2 any training establishment used by him is suitable and secure,

10.2.3 training may only be carried out at or from stables in connection with which the licence or permit is granted,

10.2.4 the terms and conditions on which Persons are engaged by him in the training of racehorses are fair and reasonable, and

10.2.5 the holder meets such other requirements as the Authority may from time to time determine.

10.3 For the purpose of determining whether these conditions are met, the Authority may, either on the initial application for a licence or permit or subsequently, inspect the applicant's establishment at such time and with such frequency as it considers appropriate.

10.4 For the purposes of Paragraph 10.2.4, the terms and conditions of service of employees shall be taken to be fair and reasonable if, taken as a whole, they are, or are no less favourable than, the Standard Terms and Conditions.

10.5 The Standard Terms and Conditions means the terms and conditions of service for stable employees which are

10.5.1 established by the National Joint Council for Stable Staff (set up by agreement between the National Trainers Federation and the National Association of Stable Staff), and

10.5.2 set out in Schedule 1.

10.6 Schedule 2 makes further provision as to the requirements applying to any Licensed Trainer or Permitted Trainer with regard to any Person employed by him.

## **11. Deleted**

## **12. Duty to check identity of a horse**

12.1 A Licensed Trainer or Permitted Trainer must check the identity of any horse which comes under his care or control from the markings shown in the horse's passport.

12.2 The identity check must be carried out when the trainer receives the passport or as soon as reasonably practicable afterwards.

## **13. Duty to keep medication records**

13.1 A record of any Treatment administered to a horse under the care or control of a Licensed Trainer or Permitted Trainer must be kept by the trainer for a period of not less than one year.

13.2 Each record must include at least the following information

13.2.1 date of commencement and prescribed duration of any Treatment,

13.2.2 name of the horse,

13.2.3 name of the Treatment used,

13.2.4 route and dosage per day of the Treatment,

13.2.5 name of the Person administering the Treatment,

13.2.6 name of the Person authorising or prescribing the Treatment.

13.3 The records must be made available for inspection

13.3.1 by any approved Person authorised to enter the trainer's premises under Part (A)5, and

13.3.2 in accordance with any directions given by the Authority when conducting an enquiry under that Part of that Manual into a possible contravention of these Rules.

13.4 **Treatment** means any medication or treatment containing a Prohibited Substance administered to a horse under the care of a Licensed Trainer or Permitted Trainer whether or not currently in training.

## **14. Authorising another trainer to act on a trainer's behalf**

14.1 A Licensed Trainer or Permitted Trainer who is unable to attend a race meeting at which he has a horse running, may authorise another trainer (his representative) who holds a licence or permit for the same type of race to enter the official racecourse stables and act on his behalf.

14.2 Authority under Paragraph 14.1 must

14.2.1 be in writing, and

14.2.2 state the name of the trainer's representative, the date of the race meeting, the name of the racecourse and the name of the horse.

14.3 A trainer's representative who fails to produce written authority at the official racecourse stables, together with the representative's own identity card, will not be permitted to enter the stables.

## **15. Information about employees**

15.1 A Licensed Trainer or Permitted Trainer must inform the Authority immediately of the termination, for any reason, of an Apprentice Jockey's agreement, or a Conditional Jockey's agreement, which was entered into with the trainer.

15.2 A Licensed Trainer or Permitted Trainer must correct and return the Stable Employees Register Return which the Racing Calendar Office sends to him annually.

15.3 This return must be corrected and returned by the date specified on it.

## **16. Information about horses under a trainer's care**

16.1 A Licensed Trainer or Permitted Trainer must inform The Racing Calendar Office

16.1.1 of the arrival at his yard of each new horse,

16.1.2 if he has more than one yard, of any change in location of a horse under his care or control,  
or

16.1.3 of any change in ownership of a horse under his care or control.

16.2 The information must be provided

16.2.1 no later than 3 days after the event specified in Paragraph 16.1.1, 16.1.2 or 16.1.3, or

16.2.2 if sooner, before any further race entry is made.

16.3 The trainer must also correct and return the Horses in Training Return which The Racing Calendar Office sends to him from time to time and this must be done

16.3.1 if the trainer has access to the Racing Administration Internet Site, in an approved form with immediate effect, or

16.3.2 otherwise, in writing on the Prescribed form by the date specified on the Return.

## **17. Information about gelding a horse**

17.1 A Licensed Trainer or Permitted Trainer must notify The Racing Calendar Office when a horse under his care and control has been gelded.

17.2 This must be notified no later than noon of the day which is 5 days before the horse next runs in a race in Great Britain.

## **18. Information about new horse arriving from outside Great Britain and Ireland**

18.1 This Rule applies where

18.1.1 Rule 16.1.1 requires a Licensed Trainer or Permitted Trainer to inform The Racing Calendar Office of the arrival of a new horse, and

18.1.2 the horse arrives from outside Great Britain or Ireland.

18.2 The trainer must obtain details of the horse's racecourse performances and send them to The Racing Calendar Office as soon as reasonably practicable.

18.3 If the horse was foaled outside Great Britain, Ireland or the Channel Islands the trainer must also complete a naming card and send it to The Racing Calendar Office.

18.4 If the trainer also received a passport for such a horse

18.4.1 he must also send that to The Racing Calendar Office after first identifying the horse in accordance with Rule 12,

18.4.2 it will be returned to the trainer after any amendments to markings have been carried out, but

18.4.3 the passport must still be produced on the racecourse in accordance with Rule (E)16 (identity check for horses trained outside GB and Ireland).

### **Licensed trainers, permitted trainers and private trainers**

## **19. Information about a horse running in a race outside Great Britain and Ireland**

19.1 This Rule applies to any Licensed Trainer, any Permitted Trainer or any Person who is treated as a trainer in accordance with Rule 1.2.

19.2 On each occasion when a horse trained in Great Britain has run in a race outside Great Britain and Ireland, the trainer must notify The Racing Calendar Office of the details of its racecourse performance.

19.3 This information must be notified

19.3.1 within 48 hours of the horse's return to Great Britain, or

19.3.2 if sooner, before the horse next runs in a race in Great Britain.

### ***Licensed trainers only***

## **20. Dealings between licensed trainers and owners**

20.1 Schedule 4 makes provision for and in connection with a Licensed Trainer's dealings with or on behalf of owners or intended owners or the horses under their care or control.

20.2 Part 1 of Schedule 4 deals with agreements to be entered into between Licensed Trainers and owners and their enforcement.

20.3 Part 2 of Schedule 4 contains a code of conduct applying to Licensed Trainers in their dealings with owners.

20.4 Failure by a Licensed Trainer to observe a provision of the code of conduct in Part 2 of Schedule 4 does not itself amount to a contravention of a requirement imposed by or under these Rules but

20.4.1 such failure may be relevant in determining whether or not the trainer has complied with a requirement imposed by or under these Rules, and

20.4.2 may accordingly result in Disciplinary Action being taken against him.

## **PART 3 - GENERAL DUTIES OF TRAINERS**

### ***Introductory***

## **21. Application of Part 3**

21.1 Except where the context otherwise requires, this Part applies to

21.1.1 any Person who holds a licence or permit to train which is granted by the Authority,

21.1.2 any Person whose authorisation by a Recognised Racing Authority corresponds to such a licence or permit, and

21.1.3 any Person who is treated as a trainer in accordance with Rule 1.2.

21.2 Such Persons are referred to in this Part as Trainers.

### ***General***

## **22. Duties of care and skill**

22.1 A Trainer must conduct his business of training racehorses

22.1.1 with reasonable care and skill, and

22.1.2 with due regard to

- 22.1.2.1 the interests of owners and horses under his care or control,
- 22.1.2.2 the safety of his employees and agents, and
- 22.1.2.3 the provisions of any code of conduct which applies to Trainers and which is issued by the Authority under these Rules.
- 22.1.2.4 taking reasonable steps to avoid breaches of these Rules being committed (whether intentional or accidental) by himself or others.

22.2 A Trainer's duties under Paragraph 22.1 extend to any horse under his care or control whether or not the horse is currently in training.

## **23. Security of horses**

23. A Trainer

23.1 must maintain adequate security measures

- 23.1.1 in his yard,
- 23.1.2 in transit,
- 23.1.3 on the racecourse, and
- 23.1.4 in official racecourse stables;

23.2 must ensure that his employees are properly briefed in their duties of guarding his horses whilst in transit and at the racecourse; and

23.3 must not engage casual labour to assist him in attending to his horses on a racecourse.

## **24. Vaccination, passport and identity checks**

24.1 A Trainer must ensure that, when any horse under his care or control enters Racecourse Property

- 24.1.1 the horse's passport is available for inspection,
- 24.1.2 all vaccinations which these Rules require have been correctly administered to the horse and entered in its passport, and
- 24.1.3 all documents required for the purpose of carrying out checks as to the identity of the horse are available for inspection.

## **25. Ensuring protective equipment is worn**

25.1 Paragraph 25.2 applies in any case where

- 25.1.1 an Apprentice Jockey, Conditional Jockey, stable employee or other person is mounted on a horse which is on Racecourse Property, or
- 25.1.2 a Rider, stable employee or other Person is mounted on a horse in any other place where the horse is under the care or control of a Trainer acting in his capacity as such.

25.2 The Trainer of the horse must ensure that

- 25.2.1 each of the Persons referred to in Paragraph 25.1.1 or 25.1.2 wears a skull cap and a safety vest,
- 25.2.2 the skull cap and safety vest are of such design and fitted in such a way as to meet the requirements specified in Schedule (D)2, and
- 25.2.3 the skull cap and safety vest are in a serviceable condition.

For example, a skull cap that has been subjected to a severe impact, or has been worn by a rider suffering concussion, is not regarded as being in a serviceable condition.

25.3 The Trainer shall be regarded as having contravened a requirement imposed on him by these Rules in any case where a Person referred to in Paragraph 25.1.1 or 25.1.2 makes use of an unserviceable skull cap or safety vest.

25.4 The Trainer must

- 25.4.1 also ensure that any Person referred to in Paragraph 25.1.1 or 25.1.2 wears such other

protective clothing or protective headgear as the Authority may from time to time direct, and 25.4.2 from time to time carry out a risk assessment regarding the wearing of safety vests by Persons who are dismounted and engaged in other potentially hazardous stable tasks (such as lunging, long reigning, clipping etc).

25.5 Nothing in this Rule restricts the Trainer's general duties as to safety set out in Rule 22.

## **26. Restrictions on advertising on clothing or equipment**

26.1 A Trainer must

26.1.1 comply with any directions given by the Authority as to controls on sponsorship, and

26.1.2 ensure that any stable employee employed by him whose name is entered on the Register of Stable Employee Names complies with such controls.

### ***Equine welfare***

## **27. Duty to promote welfare of horses**

27. A Trainer must take all reasonable steps to ensure the safety and welfare of all horses under his care or control (whether or not they are currently in training).

## **28. Veterinary treatment and medication**

28.1 A Trainer must ensure that all treatments and medication administered to a horse under his care or control are given in the interests of its best health and welfare.

28.2 Accordingly

28.2.1 every treatment must be fully justifiable by the medical condition of the horse receiving the treatment,

28.2.2 horses that are not trainable as a result of injury or disease must be given appropriate veterinary treatment before training is resumed, and

28.2.3 the Trainer must obtain advice from the Veterinary Surgeon prescribing a treatment as to the appropriate level of training during the duration of the treatment.

28.3 Rule 33 contains further provision in respect of treatment which applies when a horse is on Racecourse Property.

28.4 Schedule (B)3 7.1 contains a restriction in respect of the giving to a horse of any substance on the day of a race.

## **29. Strict liability of trainer on horse's visit to equine swimming pool**

29.1 Where

29.1.1 a Trainer sends a horse to an equine swimming pool (whether or not the pool is approved by the Authority under Part (A)9, and

29.1.2 any requirement of these Rules is contravened in relation to the horse whilst it is visiting the pool,

the Trainer shall be taken to have contravened a requirement imposed on him by these Rules.

## **30. Duty to report communicable diseases**

30.1 Where a Trainer has been informed by a Veterinary Surgeon that any horse under his control is likely to be or is infected with

30.1.1 diseases covered by the Horserace Betting Levy Board Codes of Practice on Equine Diseases;

30.1.2 any notifiable disease that can affect horses as named in section 88 of the Animal Health Act 1981 and the Diseases subject to the infectious Diseases of Horses Order 1987;

30.1.3 diseases subject to the Specified Type Equine Exotic Diseases, or

30.1.4 any disease added to 30.1.1, 30.1.2 or 30.1.3 in the future listed under Schedule 9.

30.1.5 the Trainer must

- 30.1.5.1 observe any statutory requirements and also immediately make a report to the Authority's Office, and
- 30.1.5.2 not remove, or allow to be removed, any horse under his care or control

from the premises until directed otherwise by the Authority.

30.2 Before giving a direction under Paragraph 30.1.6, the Authority may obtain the advice of a Veterinary Officer, which is to be given in consultation with the Trainer's Veterinary Surgeon.

### **31. Prohibition on bringing horse affected with ringworm to a racecourse**

31.1 The Trainer must produce a certificate of non-contagiousness for any horse under his care or control which he brings onto Racecourse Property if it appears to be affected with any form of ringworm.

31.2 The certificate must be completed using the Prescribed form.

31.3 Any horse brought to the racecourse with any form of ringworm is liable to be withdrawn from any race by order of the Stewards.

31.4 Skin scrapings may be taken from any horse which appears to be affected with any form of ringworm and if the culture of these scrapings subsequently proves positive, Disciplinary Action may be taken.

### **32. Requirement to use official racecourse stables**

32.1 This Rule applies to any horse which

- 32.1.1 has been declared to run under Rule (F)89, and
- 32.1.2 has not been notified as a non-runner under that Part of that Manual.

32.2 Unless the Authority directs otherwise, the horse must be stabled in the official racecourse stables not less than 45 minutes before the advertised time of the race in which the horse is due to run.

32.3 The Stewards may decide not to take Disciplinary Action against a Trainer who fails to comply with Paragraph 32.2 if he satisfies them that the failure was due to circumstances which they consider to be acceptable.

32.4 Where a horse under the care or control of a Trainer is stabled in official racecourse stables on a day when it is not due to race, the Trainer is liable to Disciplinary Action if he or his representative

- 32.4.1 is requested to remove the horse from the stables, and
- 32.4.2 fails to do so by 10.00 a.m. on the day in question.

### **33. Restrictions applying in relation to a horse whilst on racecourse property**

33.1 This Rule applies where

- 33.1.1 a horse under the care or control of a trainer is on Racecourse Property for the purposes of running in a race, and
- 33.1.2 the Stable Security Officers have commenced their duties.

33.2 Until such time as the horse has either run in the race or has been withdrawn, the horse must not leave Racecourse Property except for the purposes of

- 33.2.1 moving between the official racecourse stables and the racecourse, or
- 33.2.2 proceeding to and from any gallops which are not on Racecourse Property.

33.3 Subject to Paragraph 33.6, no substance may be administered to a horse (by injection, orally or any other method) other than normal feed and water offered by mouth unless a Veterinary Officer grants a special dispensation.

33.4 Where a horse is injured or ill

- 33.4.1 treatment may only be given by the racecourse Veterinary Surgeon, but

33.4.2 a Veterinary Officer may authorise the admission of the Trainer's Veterinary Surgeon, if available, to advise and assist with the treatment.

33.5 Where a Trainer wishes his horse to receive Manipulative Therapy in the official racecourse stables

33.5.1 the Trainer must obtain prior approval from a Veterinary Officer,

33.5.2 a Veterinary Officer may authorise the admission of a Person who is not authorised to enter such premises provided he is satisfied, normally by a written confirmation from a Veterinary Surgeon who

33.5.2.1 has diagnosed the condition, and

33.5.2.2 decided that the horse should receive Manipulative Therapy

that the Person is allowed to provide Manipulative Therapy, and

33.5.3 a Person acting for the Authority at the race meeting may observe the giving of the therapy.

33.6 A general dispensation is granted to enable a Trainer or his employees to use a bulb syringe to administer water to a horse in small quantities, but the Authority may withdraw this dispensation generally or from specific Trainers or their employees.

33.7 In this Rule

**Manipulative Therapy** includes physiotherapy, osteopathy and chiropractic.

## **34. Post-race reports of matters materially affecting a horse's performance**

34.1 Subject to Rule 35, a Trainer (or his representative) must make a report of anything that he considers might have materially affected the performance in the race of any horse trained by him.

34.2 Examples of matters that must be reported under this Rule include

34.2.1 horse bled from nose;

34.2.2 horse finished distressed;

34.2.3 horse lost shoe;

34.2.4 horse finished lame;

34.2.5 filly/mare in season;

34.2.6 horse gurgled (for example, by choking, choking up or swallowing its tongue);

34.2.7 suspected viral or other ailments;

34.2.8 not suited by going.

34.3 The Trainer must report to the Stipendiary Steward any horse which does not start with a declared tongue strap or loses its tongue strap during the race.

34.4 A Trainer who is required to make a report under this Rule may delegate the task of making it to the Rider.

34.5 A report under this Rule must be made as soon as possible after a race to a Steward, a Stipendiary Steward or a Veterinary Officer on the racecourse.

34.6 But if

34.6.1 a matter comes to the Trainer's attention only after the horse leaves the racecourse, and

34.6.2 might have a bearing on the past or future running of a horse,

the report must be made as soon as possible to the Authority's Disciplinary Department, a Steward, a Stipendiary Steward or a Veterinary Officer.

34.7 Where a report is made under this Rule

34.7.1 the Stewards or the Authority may require a Veterinary Officer to carry out an examination of the horse, and

34.7.2 the Trainer or his representative will, if possible, be made aware before any details are published of the contents of any report concerning a horse's welfare which is submitted by the Veterinary Officer.

34.8 Any report under this Rule which is made on the day of racing will be considered by the Stewards, posted on racecourse notice boards and handed to the press and, if the report relates to a horse which was prominent in the betting market, the report may be announced over the public address system.

34.9 Any report under this Rule which is made after the horse leaves the racecourse will be distributed to the press and published.

## **35. Avoiding duplication of post-race reporting**

35.1 The duty to make a report under Rule 34.1 does not apply where the matter

35.1.1 is reported to the Stewards by the Rider under Rule (D)49 (post-race reports to Stewards), or  
35.1.2 is plainly obvious to the Stewards.

35.2 A Trainer must not instruct a Rider to ignore Rule (D)49 but, in any case where a Rider informs the Trainer that he intends to make a report

35.2.1 the Trainer may decide instead that he will make a report under Rule 34, and  
35.2.2 if he does so, he must inform the Rider accordingly.

35.3 A Trainer must make a report under Rule 34.1 where

35.3.1 a Rider informs him under Rule (D)48 (making a report of gurgling by horse during a race) that the horse was gurgling during the race, and  
35.3.2 the Trainer considers that the gurgling may have adversely affected the performance of the horse.

35.4 If a Trainer does not report the gurgling

35.4.1 the gurgling shall be regarded as having had no effect on the performance of the horse,  
35.4.2 the information will not be made public, and  
35.4.3 an explanation that the horse was gurgling will be accorded little weight if given at a Stewards' enquiry into the running and riding of the horse.

## **36. Other requirements relating to equine welfare**

36.1 In relation to any horse under his care or control, a Trainer must ensure that

36.1.1 if the horse is shod it is in accordance with the requirements of Paragraph 7 of Schedule (B)4,  
36.1.2 all reins are stitched to, or fastened by, a buckle to the bridle apart from where an alternative method of attaching reins to bridles is one which has the approval of the Authority, and  
36.1.3 all other equipment worn by the horse is in a serviceable condition and properly fitted.

36.2 When the declaration for a horse is verified in accordance with Rule (B)23 (verifying the declaration sheet), the Trainer or his representative must indicate whether he wishes the horse to be withdrawn

36.2.1 in the event that one of its plates is removed at the Start or is shed on the way to, or at, the Start, or  
36.2.2 in the event that the tongue strap cannot be fastened or is shed on the way to the start.

36.3 Any request under Paragraph 36.2 will be noted on the list of declared runners and given to the Starter.

36.4 A request under Paragraph 36.2.1 will, unless the race declaration sheet states otherwise, be taken as referring only to plates on the horse's forelegs.

36.5 Other requirements relating to equine welfare that are contained in these Rules include

36.5.1 Part 4 makes provision about prohibited substances administered to a horse;  
36.5.2 Rule (A)91 sets out Authority's general power to prohibit equipment used for racing;  
36.5.3 in the Race Manual (B)

36.5.3.1 Rules (B)53 and (B)54 make provision about dangerous, careless or improper riding, including misuse of whip;

36.5.3.2 Rules (B)80 to (B)82 restricts the movement of injured horses and makes provision for humane destruction and post-mortem examination;

36.5.3.3 Schedule (B)3 contains provisions which, on welfare grounds, restrict the circumstances in which a horse may run in a race (see, in particular, Paragraphs 6

(tubed horses), 7 (feed and water), 10 (equine influenza injections), 11 (neurectomy), 14 (number of races in one day), 15 (blood transfusions) and 16 (pregnant horses));  
36.5.3.4 Schedule (B)4 contains provision about raceday equipment (see, in particular, Paragraphs 7 (shoes), 8 (nasal dilators)9 (lip chains) and 11(bits));

36.5.4 Part (D)5 imposes certain duties on Riders (see, in particular, Rules (D)37 (whips), (D)45.3 and (D)45.4 (requirement to pull up when horse lame or injured) and (D)48 (rider's reports as to gurgling by horse)); and

36.5.5 Rules (F)97.3 and (F)97.4 disapply financial penalties for non-runners on production of satisfactory veterinary certification or self-certification.

### ***Entry and declaration stages***

#### **37. Duties in determining horses to run for a race**

37.1 A Trainer must ensure that he does not declare a horse to run in any race for which it is not qualified under the conditions of the race or under any provision of these Rules.

37.2 A Trainer must ensure that the horse that runs in a race is the horse that was named at the time of entry.

#### **38. Additional duties when horse trained outside Great Britain**

38.1 This Rule applies to any horse trained outside Great Britain and, in this Rule Scratching means the withdrawal of a horse from a race under Rule (F)85 or (F)95; Scratching Deadline means the stage that may be specified in the conditions of any race which closes more than six days before running, at which time a further stake payment will be incurred unless a scratching has been made before the specified deadline date and time.

38.2 Where the horse is entered for a race in which there is a scratching deadline

38.2.1 the Trainer must, unless a scratching is made, send to The Racing Calendar Office full details of any racecourse performances by the horse outside Great Britain or Ireland, and

38.2.2 if a declaration to run in the race is subsequently made for the horse, the Trainer must send to The Racing Calendar Office details of any performance subsequent to the date of the scratching deadline.

38.3 Where the horse is entered for a race in which there is no scratching deadline

38.3.1 the trainer must send to The Racing Calendar Office full details of any racecourse performances by the horse outside Great Britain or Ireland, and

38.3.2 if a declaration to run in the race is subsequently made for the horse, the Trainer must send to The Racing Calendar Office details of any subsequent performances.

38.4 Information required by Paragraph 38.2 or 38.3 must be sent directly or through the Trainer's Recognised Racing Authority and

38.4.1 for the purposes of Paragraph 38.2.1, it must be received by 12 noon on the date of the scratching deadline,

38.4.2 for the purposes of Paragraph 38.3.1, it must be received by the time determined in accordance Rule (F)76 for the closing of entries, and

38.4.3 for the purposes of Paragraph 38.2.2 or 38.3.2, it must be received by the time determined in accordance with Rule (F)89 for making a declaration to run.

### ***At the racecourse***

#### **39. Access to official racecourse stables by trainer**

39.1 A Trainer must produce the appropriate identity document in order to enter any official racecourse stable.

39.2 Appropriate documents for the purpose of Paragraph 39.1 are

39.2.1 in the case of a Licensed Trainer or Permitted Trainer, the identity card issued to him by the

Authority on the grant of his licence or permit,  
39.2.2 in the case of any other Trainer, such document as the Authority may direct.

39.3 A Licensed Trainer or Permitted Trainer is liable to a financial penalty if he is unable to produce his identity card to enter official racecourse stables and he is, as a result, issued by a Stable Security Officer with an authorisation to enter.

39.4 A fee is payable for the replacement of a lost identity card and the amount of the appropriate fee is specified in Schedule (A)1.

39.5 Any Trainer who enters official racecourse stables must comply with any directions given to him by the Authority and must also ensure the compliance of any stable employee of his who enters the stables.

#### **40. Access to official racecourse stables by stable employees when on duty**

40.1 A Trainer may apply to the Authority for an identity card and validity pass in respect of any stable employee whose name is entered on the Register of Stable Employee Names.

40.2 The Trainer must keep the card and the pass in his possession at all times apart from when the stable employee is likely to be required to produce them in order to enter an official racecourse stable.

40.3 An identity card is valid until

- 40.3.1 the renewal date for the photograph (see the Prescribed form for details), or
- 40.3.2 the card is lost.

40.4 A validity pass expires

- 40.4.1 if issued in January or February of any year, at the end of February in the next year following;  
and
- 40.4.2 otherwise
  - 40.4.2.1 at the end of February immediately following the date of issue, and
  - 40.4.2.2 if the pass is renewed, at the end of February in each following year.

40.5 A Trainer is liable to pay a financial penalty if any of his stable employees

- 40.5.1 is unable to produce the identity card and validity pass to gain admission to official racecourse stables, and
- 40.5.2 is, as a result, issued by a Stable Security Officer with an authorisation to enter.

40.6 Authorisation under Paragraph 40.5.2 will not be issued to a stable employee unless the Stable Security Officer is satisfied that he is employed by the Trainer.

40.7 An application under this Rule for the issue of an identity card and validity pass, or for its renewal or replacement

- 40.7.1 must be made using the Prescribed form, and
- 40.7.2 must be signed by the trainer or his Authorised Agent.

40.8 A fee is payable for

- 40.8.1 the initial issue of the identity card and the validity pass,
- 40.8.2 any renewal of the card or the pass, and
- 40.8.3 any replacement of the card or the pass.

and the amount of the appropriate fee is specified in Schedule (A)1.

40.9 Where an application is made to the Authority, it may

- 40.9.1 grant the application,
- 40.9.2 grant it subject to conditions, or
- 40.9.3 refuse the application.

40.10 The Authority may cancel an identity card and validity pass in such circumstances as it considers appropriate.

## **41. Arrangements for access to official racecourse stables by hunters' steeple chase attendants**

41.1 In order to enter an official racecourse stable, any attendant of a declared runner in a Hunters' Steeple Chase which is trained privately by a Person without a licence or permit must

41.1.1 provide a suitable means of personal photo-identification for inspection by the Stable Security Officer, and

41.1.2 sign the relevant form produced by the Officer.

41.2 Not more than three attendants will be given access to official racecourse stables.

## **42. Overnight racecourse accommodation for stable employees and horses**

42.1 In respect of any proposal by a Trainer that

42.1.1 his stable employees should use overnight accommodation at the racecourse, or

42.1.2 any horse should use the official racecourse stables overnight,

the Trainer must reserve appropriate accommodation by submitting to the racecourse a written application (such as the Racecourse Association Ltd's Overnight Stabling and Accommodation Booking Form).

42.2 The application must be submitted by 1.00.p.m. on the day before racing.

42.3 No reservation may be made for a horse unless it is declared to run at the meeting or it is a traveller.

## **43. At the racecourse**

43.1 When a horse is being led on Racecourse Property

43.1.1 the horse must be fitted with a bridle or a headcollar fitted with a chifney in order to enable it to be properly led, and

43.1.2 stable employees may lead only one horse at any time.

43.2 Before the Rider weighs out, a Trainer must declare to the Clerk of the Scales any differences there may be from the racecard as respects

43.2.1 the weight his horse will carry, or

43.2.2 the colours to be worn by the Rider.

43.3 In relation to any horse trained by him, a Trainer must ensure that

43.3.1 the correct number cloth is carried and is clearly visible,

43.3.2 the horse carries at least the correct weight in accordance with the conditions of the race,

43.3.3 the horse leaves the paddock properly saddled,

43.3.4 the horse is properly saddled (which includes attachment of the weight cloth and allowing for girth adjustment to be made at the Start) when it leaves the Parade Ring or, in the case of an all weather track fixture, the place designated for mounting, and

43.3.5 all sheets or rugs are removed from the horse before going to the start of a race (including any worn by the horse whilst walking in a Parade).

43.4 In respect of any race where

43.4.1 the Authority has specified in the race conditions that an Approved Speed Sensing Device must be carried in the race, and

43.4.2 an Approved Speed Sensing Device is provided by the Racecourse Managing Executive,

the Trainer of each horse which starts in the race must ensure that the device is carried in the horse's number cloth.

43.5 Where a Rider hands a saddle to the Trainer or his representative after the Rider has weighed out

43.5.1 the Trainer must ensure that the saddle is not left unattended,

43.5.2 the Trainer may not remove any lead from the Rider's weight cloth unless the Rider presents himself to the Clerk of the Scales to be re-weighed, and

43.5.3 subject to Paragraph 43.5.4., the Trainer must not add to, remove from, or change any equipment with which the Rider has been weighed.

43.5.4 The Trainer may change the girth or surcingle if they do not fit.

43.6 A Trainer who assists in the loading of any horse into starting stalls must wear a skull cap.

43.7 Approved Speed Sensing Device means a speed sensing device that is approved by the Authority.

#### **44. Additional responsibilities for apprentice and conditional jockeys**

44.1 A Trainer must ensure the fit condition of any saddle used by an Apprentice Jockey or Conditional Jockey employed by him.

44.2 A Trainer or his representative must be present when an Apprentice Jockey or Conditional Jockey who is riding for him is weighed out for a race.

44.3 A Trainer must ensure that each Apprentice Jockey or Conditional Jockey riding for him

44.3.1 is aware that he must have his girths checked at the start,

44.3.2 is aware that he must report any concerns that he may have to the Starter or his Assistant, and

44.3.3 otherwise complies with all requirements as to equipment which are imposed by Rules (D)36 to (D)39.

44.4 A Trainer must ensure that each Apprentice Jockey riding for him in a flat race is aware that he must ensure that the blindfold has been removed from the horse before the start of the race.

44.5 Where an Apprentice Jockey or Conditional Jockey fails to comply with any provision of

44.5.1 Rule (D)36 (safety vests, skull caps and saddles), or

44.5.2 Rule (D)37 (whips used for racing),

the Trainer shall be taken to have contravened a requirement imposed on the Trainer by these Rules.

44.6 A Trainer must ensure that an Apprentice Jockey or Conditional Jockey employed by him

44.6.1 arrives at any meeting where he is declared to ride, and

44.6.2 acquaints himself with every course on the first occasion that he rides there and the stewards will not consider this requirement to have been met unless the Trainer has ensured that he has walked the course.

#### **45. Duty to secure the best possible placing**

45.1 A Trainer must give, or cause to be given, to the Rider of any horse trained by him such instructions as are necessary to ensure the horse runs on its merits.

45.2 Instructions must, among other things, cover the use of the whip when employing an Apprentice Jockey or Conditional Jockey.

45.3 A Trainer must not send any horse to race with a view to schooling or conditioning the horse.

45.4 A Trainer shall be liable to Disciplinary Action

45.4.1 in the event of any failure to comply with Paragraph 45.1, 45.2 or 45.3;

45.4.2 in the event that an instruction is given to the Rider which, if obeyed, could or would lead to a contravention of Rule (B)54 (careless or improper riding) with regard to misuse of the whip; or

45.4.3 in the event that the Rider is found to have intentionally failed to ensure that his horse is run on its merits, including any case where the Rider was found to have been schooling or conditioning the horse.

45.5 The Stewards or the Authority may decide not to take Disciplinary Action against a Trainer under Paragraph

45.4.3 where the Trainer satisfies the Authority

45.5.1 that the Rider was given appropriate instructions under Paragraphs 45.1, but

45.5.2 that he failed to comply with them.

#### **46. Authorised Trainer's Representative**

46.1 A Licensed Trainer or Permitted Trainer who is unable to attend a race meeting at which he has a horse

running, must authorise another person to represent him on the racecourse and instruct him so that he complies with Paragraph 46.2.

46.2 This person must

46.2.1 attend Stewards enquiries on the Trainer's behalf into any matter appertaining to the Trainer,

46.2.2 know the riding instructions that the Trainer gave to the Rider under Rule 45, and

46.2.3 be able to inform the Stewards whether the Rider has complied with such instructions.

46.3 Failure by a Trainer to inform his representative of the instructions given to the Rider will not preclude the Stewards from making a finding of a breach of Rule 45.1.

### ***Miscellaneous***

#### **47. Cases of suspected doping etc**

47.1 Subject to Paragraph 47.2, If a Trainer has reason to believe that a horse under his care or control has been 'got at' in any way, he must by telephone immediately inform the Authority's Integrity Services & Licensing Department.

47.2 Where, on arrival at a racecourse, a Trainer finds his horse is unable to run in a race and reasonably considers that it has been 'got at', he must immediately inform the Stable Security Officer.

47.3 Samples taken from the horse by the Veterinary Officer will be forwarded to the Official Analyst at HFL by the Integrity Services & Licensing Department and no fee will be charged where such sampling occurs before the race.

#### **48. Schooling horses for all types of start**

48.1 A Trainer must ensure that any horse trained by him is properly schooled for all types of start.

48.2 In relation to starting stalls, a horse shall be taken to be properly schooled only if

48.2.1 it has experience of being blindfolded before its first appearance on a racecourse,

48.2.2 it loads into the stalls without hesitation (if necessary, no more than two pushers should be required),

48.2.3 it is capable of standing in stalls with a horse either side for a minimum of two minutes, and

48.2.4 it is capable of standing alone in the stalls for two minutes.

48.3 On the first occasion when a horse trained in Great Britain is declared to run in a race where starting stalls are to be used

48.3.1 a Trainer who requires any special arrangements to be made at the start must either speak directly with the Starter or submit a signed request for those arrangements via his representative, and

48.3.2 a Trainer must inform the Starter before the race if he is running a horse with specific idiosyncrasies of behaviour and gait which might lead the Starter to consider withdrawing it from the race.

48.3.3 Deleted.

48.4 Deleted.

48.5 When a horse runs on a second or subsequent occasion any request for special arrangements or for a Person to be present at the start must be confirmed by the Stewards.

48.6 On the first occasion when a horse trained outside Great Britain is entered for a flat race in Great Britain, the Trainer must make arrangements with the Racing Authority of the country in which the horse is trained (or has been trained) with a view to obtaining the observations of the Racing Authority's Senior Starter as to the horse's behaviour at the start.

48.7 The information referred to in Paragraph 48.6 in respect of a race should be received at the Authority's Office (Disciplinary Department) before the time determined in accordance with Rule (F)89 for making a declaration to run in the race and, if it is not received before then

48.7.1 no special arrangements may be made at the start for the horse, and

48.7.2 if the horse proves difficult at the start and the Authority considers it appropriate to do so, the Authority may

- 48.7.2.1 refuse the horse entry to further races, and
- 48.7.2.2 refuse entry for other horses trained by the same Trainer.

48.8 Schedule 5 sets out procedures applying to stalls tests, including provision for a certificate of a satisfactory test, sampling on presentation for test in certain circumstances, financial penalties, other Disciplinary Action and Pre-Race Assessments.

## **49. Other requirements applying to trainers**

49.1 A Trainer must, in particular, make himself familiar with and comply with all other requirements of these Rules that apply to him directly.

49.2 For example (in addition to those mentioned in Rule 36.5)

49.2.1 Part (A)4 imposes duties and prohibitions that apply to all Persons subject to these Rules;

49.2.2 in the Race Manual (B)

49.2.2.1 Part (B)2 makes provision as to a horse's qualification for entry and running in a race, declarations by the Trainer in preparation for a race, weighing out procedures, late changes of Rider and procedures after weighing out;

49.2.2.2 Part (B)3 makes provision about the start of a race;

49.2.2.3 Part (B)4 makes provision about the race; and

49.2.2.4 Part (B)8 imposes a general duty to comply with instructions given by Stewards at a race meeting;

49.2.3 in Part (E)2

49.2.3.1 Chapter (E)3 contains requirements as to the identity and vaccination of horses, and

49.2.3.2 Chapter (E)4 sets out procedures for racing outside Great Britain.

49.3 A Trainer must fully co-operate with, and ensure that his employees co-operate with, any enquiries carried out by the Authority or the Stewards.

49.4 This Rule is without prejudice to the general provisions as to compliance with, and deemed knowledge of, these Rules, as specified in Rule (A)2 (persons subject to the Rules).

## **PART 4 - PROHIBITED SUBSTANCES**

### ***Introductory***

## **50. Strict liability of trainers**

50.1 The requirements of this Part apply to

50.1.1 any Person who holds a licence or permit to train which is granted by the Authority,

50.1.2 any Person whose authorisation by a Recognised Racing Authority corresponds to such a licence or permit, and

50.1.3 any Person who is treated as a trainer in accordance with Rule 1.2.

50.2 Such Persons are referred to in this Part as Trainers.

50.3 Each Trainer is strictly liable for ensuring that Prohibited Substances are not administered to their horses by any Person.

50.4 On each occasion that a Sample taken from a horse in a Trainer's care and control tests positive for a Prohibited Substance

50.4.1 the Trainer shall be taken to have contravened a requirement imposed on him by these Rules, and

50.4.2 a mandatory financial penalty shall be imposed on the Trainer.

50.5 The Authority may waive such a penalty in the circumstances specified in this Part.

50.6 For the purposes of this Part, it is irrelevant whether the Person who administers a Prohibited Substance is in any way connected with the Trainer.

## **51. Interpretation of Part 4**

51. In this Part

Analysis, in relation to a sample from a horse, means any analysis carried out on the Sample, including an analysis undertaken on a stored sample and a counter analysis carried out under this Part;

Certificate of Analysis, in relation to a Sample from a horse, means a written statement of the result of an Analysis of the Sample which is issued by HFL or by any laboratory which is for the time being approved by the Authority for the testing of Samples;

HFL means the horserace forensic laboratory known as HFL Sport Science (the present address is Newmarket Road, Fordham, Cambridgeshire, CB7 5WW);

Prohibited Substance

51.1 means a substance which

51.1.1 originates externally to a horse, whether or not it is endogenous to it, and

51.1.2 is listed in any of the categories specified in Paragraph 1, 2, 3 or 4 of Schedule 6, and

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

Sample, in relation to a horse examined under these Rules

51.3 means a quantity of any body fluid, tissue, excreta, hair or skin scrapings, or any items in contact with any part of the horse, which are taken at the discretion of the Person conducting the examination (and which may involve the removal of implants), and

51.4 includes samples which have been stored after having previously been reported as negative.

## **52. Testing positive for a prohibited substance**

52.1 For the purposes of this Part, any reference to a Sample testing positive for a Prohibited Substance is to where a Certificate of Analysis for the Sample reports

52.1.1 in the case of a Prohibited Substance for which a threshold level is specified (see Paragraph 2 of Schedule 6), that the concentration of the substance present in the Sample is at, or in excess of, the concentration specified in that Paragraph;

52.1.2 otherwise, that the Prohibited Substance is present in the Sample.

52.2 The result of an Analysis shall be invalidated if the Trainer of the horse satisfies the Authority that

52.2.1 there has been a material departure from the procedures set out in this Part relating to the taking and Analysis of Samples, or

52.2.2 the opinion expressed as to the nature of the substance is wrong.

### ***Consequences of positive test***

## **53. Positive test of sample taken at a racecourse**

53.1 Paragraph 53.2 applies where, on an examination that is carried out by order of the Stewards under Part (B)1, Samples are taken from any horse which has been declared to run under Rule (F)89 or is otherwise at a racecourse.

53.2 If a Sample tests positive for any Prohibited Substance, the Authority

53.2.1 will impose a financial penalty on the Trainer,

53.2.2 may withdraw or suspend the Trainer's licence, and

53.2.3 if the substance was not recorded in the medication records required by Rule 13, may impose an additional financial penalty on the Trainer.

53.3 The Authority may decide not to take Disciplinary Action against a Trainer under Paragraph 53.2 only if the Trainer satisfies the Authority that

53.3.1 the Prohibited Substance was not administered intentionally by the Trainer or by any other Person (whether or not connected with the Trainer in any way), and

53.3.2 the Trainer had taken all reasonable precautions to avoid contravening this Rule.

53.4 Any Disciplinary Action taken against a Trainer under Paragraph 53.2 is

53.4.1 additional to any disqualification or suspension of the horse that may be ordered under Chapter 3 of Part (A)6, and

53.4.2 without prejudice to any other Disciplinary Action that may be taken against any Person for contravention of Rule (A)27 (general prohibition on administering a prohibited substance to a horse).

## **54. Positive test of sample taken on presentation for stalls test**

54.1 Paragraph 54.2 applies where Samples are taken from a horse which is presented at a racecourse for a starting stalls test.

54.2 If a Sample for a horse tests positive for a Prohibited Substance that is listed in Paragraph 4 of Schedule 6, the Authority will impose a financial penalty on the Trainer of the horse.

54.3 The Authority may decide not to take Disciplinary Action against a Trainer under Paragraph 54.2 only if the Trainer satisfies the Authority that

54.3.1 the Prohibited Substance was not administered intentionally by the Trainer or by any other Person (whether or not connected with the Trainer in any way), and

54.3.2 the Trainer had taken all reasonable precautions to avoid contravening this Rule.

54.4 Any Disciplinary Action taken against a Trainer under Paragraph 54.2 is

54.4.1 additional to any disqualification or suspension of the horse that may be ordered under Chapter 3 of Part (A)6, and

54.4.2 without prejudice to any other Disciplinary Action that may be taken against any Person for contravention of Rule (A)27 (general prohibition on administering a prohibited substance to a horse).

54.5 Any order suspending a horse under Chapter 3 of Part (A)6 may be made subject to the condition that the suspension is to continue until the horse has undergone a satisfactory starting stalls test.

54.6 Where a condition is imposed under Paragraph 54.5, the starting stalls test must not be carried out until at least 28 days after the date stated on the Certificate of Analysis for the Sample that tested positive.

## **55. Positive test of sample taken at training premises**

55.1 Paragraphs 55.2 and 55.3 apply where, on an examination by an approved Person who is authorised to enter the Trainer's premises under Part (A)5, Samples are taken from a horse under the care or control of a Trainer.

55.2 Where a Sample tests positive for any Prohibited Substance that is listed in Paragraph 3 of Schedule 6, the Authority

55.2.1 will impose a financial penalty on the Trainer, and

55.2.2 may withdraw or suspend the Trainer's licence.

55.3 Where a Sample tests positive for any Prohibited Substance that, in the opinion of the Veterinary Officer, is the result of a treatment which was not recorded in the medication records required by Rule 13, the Authority may impose a financial penalty on the Trainer.

55.4 The Authority may decide not to take any Disciplinary Action against a Trainer under Paragraph 55.2 or 55.3 only if the Trainer satisfies the Authority

55.4.1 in relation to Paragraph 55.2, that

55.4.1.1 the substance was administered whilst the horse was not under the Trainer's care or control, and

55.4.1.2 he had no reason to believe that the Sample from the horse might test positive;

55.4.2 in relation to Paragraph 55.3, the Trainer had no reason to believe that the Sample from the horse might test positive.

55.5 Any Disciplinary Action against a Trainer under Paragraph 55.2 or 55.3 is

55.5.1 additional to any suspension of the horse that may be ordered under Chapter 3 of Part (A)6, and

55.5.2 without prejudice to any other Disciplinary Action that may be taken against any Person for contravention of Rule (A)27 (general prohibition on administering a prohibited substance to a horse).

### ***The sampling procedures***

## **56. Sampling at racecourse**

56.1 This Rule applies where, in the course of examination by order of the Stewards under Part (B)1, Samples are to be taken from any horse which has been declared to run under Rule (F)89 or is otherwise at a racecourse.

56.2 The sampling must in all cases be carried out at the sampling unit at the racecourse.

56.3 The Analysis will be undertaken at such times and in such manner as the Authority may from time to time instruct.

56.4 The Stewards may

56.4.1 direct that the sampling is to include the taking and storage of Samples for subsequent Analysis, and

56.4.2 require that the horse be kept in the official racecourse stables for more extensive examination for any period ending up to 24 hours after the time of the race which the horse ran or was entered to run.

56.5 For the purposes of sampling under this Rule, the Trainer of the horse must ensure that

56.5.1 the horse's passport, or

56.5.2 if it does not have one, an equivalent document certifying the horse's identity,

is available for inspection at the time of the examination.

56.6 Where a horse is ordered to be detained in official racecourse stables under Paragraph 56.4.2, the Trainer may, by application to the Authority to be made through the Clerk of the Course of the meeting, claim for any additional expense incurred.

## **57. Procedure for racecourse sampling**

57.1 The procedures for the handling of any Sample taken under Rule 56 are specified in this Rule.

57.2 The Trainer may witness the procedure, either in person or by a representative qualified to enter the official racecourse stables.

57.3 The Trainer or his representative will be expected to observe

57.3.1 the division and transfer of the Sample into the forensic bottles, and

57.3.2 the sealing and labelling, with the appropriate coded label, of the forensic bottles.

57.4 After witnessing these procedures the Trainer or his representative will be expected to sign the coded labels on the forensic bottles and also to sign a declaration to the effect that he has witnessed the procedures and that he was satisfied that they have been complied with.

57.5 If a Trainer or his representative chooses not to witness the sampling procedure he must sign a declaration

before the Sample is taken in which he agrees that the integrity of the sampling procedure will not be questioned at a later date.

57.6 Where the sampling procedure is not observed for any reason (including in circumstances specified in Paragraph 57.5) and an unsuccessful challenge is made to the integrity of the procedure, the Authority may order the Trainer to pay some or all of the costs of the challenge incurred by the Authority.

## **58. Procedure for counter analysis of positive sample**

58.1 Subject to Paragraph 58.2, where a Sample (the 'A sample') tests positive for any Prohibited Substance, a counter analysis will be carried out as provided for in Schedule 7 on the second Sample (the 'B sample') from the horse taken on the same occasion.

58.2 The Trainer or owner may accept the result of the Analysis of the 'A sample' and if either of these satisfy the requirements set out in Schedule 10, the 'B sample' will not be analysed.

58.3 If the circumstances of the positive test are such that a financial penalty would be imposed under Rule 54 or 55.3

58.3.1 Paragraph 58.1 does not apply, but

58.3.2 the Trainer may request that a counter analysis of the 'B sample' be carried out.

58.4 The procedures for the handling of Samples for counter analysis are specified in Schedule 7.

## **59. Powers to carry out further enquiries following a positive test**

59.1 This Rule applies where any Sample from a horse tests positive for a Prohibited Substance.

59.2 Where the Prohibited Substance originated externally to the horse and is also endogenous to it

59.2.1 the Authority may direct that the horse be further examined by a Person appointed by the Authority in order to establish whether the quantity of the substance found is produced naturally by the horse, and

59.2.2 if the Authority does not direct such further examination, the owner or Trainer of the horse may request it.

59.3 In exercise of its powers under Part (A)5, the Authority may decide to enquire further into the matter by authorising the removal of samples of any food or other substances found at the Trainer's yard and, in such a case

59.3.1 the Trainer must, on request, provide samples of the substances requested, and

59.3.2 the Authority may retain the samples until the conclusion of the enquiry process and may subject them to such testing as it considers appropriate.

59.4 The Trainer

59.4.1 may appoint an analyst to witness any Analysis of Samples obtained under Paragraph 59.2 or 59.3 which is carried out by staff at HFL, or

59.4.2 on the release to the Trainer of Samples obtained under Paragraph 59.3, may arrange for testing to be carried out at a laboratory nominated by him.

59.5 Unless the Authority directs otherwise, the costs of any Analysis referred to in Paragraph 59.2.1 will be divided equally between the Authority and the Trainer.

59.6 For the purposes of Paragraph 59.4.2

59.6.1 the Trainer must make a written request to the Authority's Disciplinary Department for the Samples to be released,

59.6.2 any laboratory nominated by the Trainer must be accredited to ISO25 standards for its relevant analytical chemistry procedures, and

59.6.3 if the Authority appoints an analyst to review the laboratory's processes, the analyst must be given the option of witnessing the Analysis of the Samples.

## **60. Evidential provisions applying to a positive test**

60.1 Facts related to the reporting of positive Samples may be established by any reliable means, including

admissions.

60.2 The HFL and any laboratory approved for counter analysis shall be presumed to have conducted Sample Analysis and custodial procedures in accordance with the Accreditation Requirements and Operating Criteria for Horseracing Laboratories (ILAC -G7:1996) or its then current equivalent.

60.3 The Trainer may rebut this presumption by establishing that there was a departure from the applicable requirements.

60.4 If the Trainer rebuts this presumption, the Authority has the burden of establishing that the departure from the requirements did not cause the finding of a Prohibited Substance.

60.5 If the Authority discharges that burden, the departure from the requirements shall not invalidate the Certificate of Analysis.

## **61. Further enquiry following a negative test**

61.1 Paragraph 61.2 applies where a Sample from a horse is declared by the analyst to be negative for a Prohibited Substance.

61.2 The Trainer of the horse must co-operate with

61.2.1 any enquiry by the Authority about substances (including normal nutrients) which are administered to a horse in the stable from which the tested horse has come, and

61.2.2 any other enquiry into the matter which is made by the Authority in exercise of its powers under Part (A)5.

## **62. Storage of negative samples**

62.1 The Authority may, in such circumstances and subject to such procedures as it may specify, instruct a laboratory to

62.1.1 reseal and store Samples from any horse, and

62.1.2 subject stored Samples to testing.

62.2 Instructions given to a laboratory under this Rule may relate to all Samples or to particular Samples or descriptions of Samples.

62.3 The resealing procedures for a Sample shall be deemed to have been properly and satisfactorily carried out unless the contrary is proved to the satisfaction of the Authority.

62.4 In the event that a stored Sample subsequently tests positive for a Prohibited Substance, the Authority

62.4.1 will disqualify the horse in exercise of its powers under Chapter 3 of Part (A)6, and

62.4.2 may also take Disciplinary Action against any Person if, at the time when the Sample was taken, the Authority could have taken action against that Person under these Rules if the sample had tested positive within 28 days of the examination of the horse.

## **63. No money to be credited before sample analysis completed**

63.1 This Rule applies where any Sample is taken from a horse in circumstances described in this Part.

63.2 By virtue of Rule (F)130.1 and this Paragraph, any money to which a Person would otherwise be entitled in respect of a horse from which a Sample has been taken does not become payable until the outcome of the Analysis of the Sample is known.

63.3 Where any such money is credited to a Person in error, the recipient must return it immediately once the error becomes known.

## **PART 5 - MISCELLANEOUS**

### **64. Restrictions on laying a horse to lose**

64.1 A trainer must not

64.1.1 lay with a Betting Organisation any horse under his care or control to lose a race,

64.1.2 instruct another Person to do so, or

64.1.3 receive the whole or any part of any proceeds of such a lay.

64.2 A Person whose name is or has been entered on the Register of Stable Employee Names must not

- 64.2.1 lay with a Betting Organisation any horse under the care or control of the trainer for whom he is employed to lose a race,
- 64.2.2 instruct another Person to do so on his behalf, or
- 64.2.3 receive the whole or any part of any proceeds of such a lay.

64.3 Paragraph 64.2 applies for the whole of the period of employment and for the period of 21 days afterwards.  
64.4 Any reference to a Person laying a horse to lose includes any single instance of doing so, whether or not the single instance was, or was intended to be, one of a series of betting arrangements.  
64.5 Nothing in this Rule prevents the laying of any horse owned by a Betting Organisation in the ordinary course of that Betting Organisation's business.

## **65. Trainer who also holds a rider's licence: restrictions on riding**

65.1 Any Trainer who also

- 65.1.1 holds a jockey's licence or amateur rider's permit granted by the Authority, or
- 65.1.2 is authorised to ride by a Recognised Racing Authority,

must not ride in any race in which another horse trained by him is also running or in which he is riding for another Trainer.

65.2 Paragraph 65.1 does not apply to a Permitted Trainer in relation to any race which is a Hunters' Steeple Chase, the Grand Military Gold Cup or the Royal Artillery Gold Cup.

## **66. Procedure for assessing poor jumpers**

66. Schedule 8 makes provision in relation to suspending and assessing horses on grounds of unacceptable jumping in, or non-completion of, steeple chases and hurdles races.

### **66A. Payment for non-training services**

**66A.1 Nothing in these Rules shall prohibit a Trainer from accepting or agreeing to accept consideration for**

- 66A.1.1 the advertising or promotion of goods and/or services, or
- 66A.1.2 the provision of views or information for general publication.

66A.2 If a Trainer enters into an arrangement with a Betting Organisation in connection with the advertising or promotion of goods and/or services, or the provision of views or information for general publication, he must notify the Authority of

- 66A.2.1 the identity of the Betting Organisation,
- 66A.2.2 the start date and end date of the arrangement,
- 66A.2.3 a summary of the services provided by the Trainer under such arrangement, and
- 66A.2.4 all benefits received by the Trainer under such arrangement.

as soon as reasonably practicable.

66A.3 A Trainer must notify the Authority of any amendment to, or the early termination of, an arrangement with a Betting Organisation in connection with the advertising or promotion of goods and/or services, or the provision of views or information for general publication as soon as reasonably practicable.

## **PART 6 - SUPPLEMENTARY**

### **67. Notices, directions and other documents**

67. Except where these Rules provide otherwise, Rules (A)105 (the giving of notices etc), (A)106 (the giving of notices etc in electronic form) and (A)107 (deemed service of documents) have effect in relation to any notices, directions or documents which are authorised or required to be given or sent under the provisions.

### **68. Computation of time**

68. Unless the context otherwise requires, 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 5.00 pm on the next day on

which the Authority's Office is open.

## **69. Arrangement of Rules into Manuals**

69.1 These Rules are made up of the following Manuals

The General Manual (A)

The Race Manual (B)

The Trainer Manual (C)

The Rider Manual (D)

The Horse and Owner Manual (E)

The Race Administration Manual (F)

69.2 Each Manual is of equal standing and the fact that these Rules are divided into Manuals does not affect the weight of any requirements specified in each Manual.

## **70. Meaning of licensed trainer, permitted trainer and trainer**

70.1 In this Manual, unless the context otherwise requires

Licensed Trainer means a Person who holds a trainer's licence granted by the Authority under Part 2;

Permitted Trainer means a Person who holds a trainer's permit granted by the Authority under Part 2.

70.2 In Parts 3 to 5, Trainer (without more)

70.2.1 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

70.2.2 includes any Person who is treated as a trainer in accordance with Rule 1.2.

## **71. Meaning of rider**

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

71.1 a Jockey,

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

71.3 an Overseas Rider,

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

## **72. References to jockeys**

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

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

72.1.2 includes an Apprentice Jockey or a Conditional Jockey.

72.2 For these purposes

**Apprentice Jockey** means a Person who holds an apprentice jockey's licence granted by the Authority (see Rule (D)3.4);

**Conditional Jockey** means a Person who holds a conditional jockey's licence granted by the Authority (see Rule (D)3.4).

## **73. References to other types of rider**

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

73.1.1 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

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

73.2 In this Manual, unless the context otherwise requires

**Amateur Rider** means

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

73.2.2 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

73.2.3 a Jockey, or

73.2.4 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.

## 74. Definitions

### 74.1 Definitions of

74.1.1 terms used in only one Rule are set out in that Rule,

74.1.2 terms used in only Part 4 of the Manual are set out at the beginning of that Part, and

74.1.3 terms used in more than one Part of the Manual are set out in Rules 70 to 73 and in the following provisions of this Rule.

74.2 In this Manual, unless the context otherwise requires

**Authorised Agent** means

74.2.1 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

74.2.2 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 (A)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);

**Betting Organisation** means

74.2.3 any bookmaker,

74.2.4 the Tote,

74.2.5 any company offering spread betting on horseracing or person-to-person betting exchanges on horseracing, and

74.2.6 the employees of any such organisation;

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

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

74.2.7 these Rules,

74.2.8 any Rules of Racing previously in force,

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

74.2.10 the Authority's Regulations for Arabian Horse Racing;

**Forfeit List** means the list of arrears maintained by the Authority under Rule (A)87;

**HFL** has the meaning given in Rule 51

**Hunters' Steeple Chase** means a weight-for-age steeple chase which is confined to amateur riders and to horses certified by a Master of Hounds to have been hunted;

**National Hunt Flat Race** means a 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 will be eligible to start in a national hunt flat race);

**Person** includes a body corporate;

**Prescribed** means prescribed by the Authority;

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

**Racecourse Property** means any property owned, used or controlled by the racecourse managing executive;

**Racing Administration Internet Site** means the internet based administration service provided by the Authority, which can be accessed at [www.racingadmin.co.uk](http://www.racingadmin.co.uk);

**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);

**Recognised Company** means a company (other than a stud 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 (A)93;

**Register of Stable Employee Names** means the register of the names of employees of a trainer, which is maintained by the Authority under Part (A)3 (licences, permits and registration);

**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 69);

**Stable Security Officer** means a security officer for a race meeting who acts on behalf of the Authority;

**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.

74.3 Words importing the masculine gender include the feminine.

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

## **SCHEDULES**

### **Schedule 1 - Terms and conditions of service for stable employees**

MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL TRAINERS FEDERATION & THE NATIONAL ASSOCIATION OF STABLE STAFF

#### PREAMBLE

1. The Agreement provides for a Racing Industry Minimum Rates of Pay Structure and certain standard conditions of employment for stable staff employed by trainers in the racing industry. **The Agreement is effective 1st December 2011 until 30th September 2012.**

#### RACING INDUSTRY MINIMUM RATES

2.1 The Grade A Racing Industry Minimum Rate for 40 hours for stable staff will be **£276.98** subject to the following conditions:-

2.2 staff have completed seven years continuous service in racing; or

2.3 staff have completed five years continuous service in racing and achieved NVQ Level 3 or **Level 3 Diploma in Work Based Racehorse Care and Management.**

3. The Grade B/C Racing Industry Minimum Rate for 40 hours for stable staff aged **21** or over will be **£243.20**

4. The Grade B/C Racing Industry Minimum Rate for 40 hours for stable staff aged **18 - 20** will be **£199.20**

5.1 The Grade D Racing Industry Minimum Rate for 40 hours for stable staff aged 16 and 17 will be:

5.2 for Grade D employees with no qualifications or NVQ1 or **Level 1 Diploma in Work Based Horse Care or Work Based Racehorse Care and Riding £147.20**

5.3 for Grade D employees with NVQ2 or **Level 2 Diploma in Work Based Racehorse Care and Management £175.99**

#### HOURS OF WORK

6. The normal working week shall be 40 working hours (excluding meal breaks) starting on Monday morning and ending 12.45pm on Saturday, i.e., working 40 hours over a five and one half days period. (There is no set pattern on how a yard should work these hours, and provided that the 40 hours is spread over a five and one half day period the operation of these hours shall be accepted in contract form).

7. Having regard to the nature and requirements of the industry, stable staff shall work during weekends, subject to their right to one weekend in two free from duties on a rota basis and in the case of young workers (defined as those that have attained the age of 15 but not the age of 18) subject to the provisions of the Working Time Regulation 1998 as amended by the Working Time (Amendment) Regulations 2002. Variations of this arrangement can be made providing it is agreed domestically.

8. The Working Time Regulations 1998 sets out that an adult worker's maximum weekly working time should not exceed an average of 48 hours for each seven days applied over a 17 week reference period. The NTF and

NASS reached a collective agreement that the 17 week reference period be replaced with a 52 week reference period, i.e. that the employee's total annual hours (including overtime and time worked away from the yard) should not exceed an average of 48 hours per week.

Individual employees whose working time is likely to exceed an average of 48 hours over 52 weeks can be excluded from the weekly limit provided they sign an opt out agreement.

#### OVERTIME (IN THE YARD)

9. Overtime for time worked in the yard will be paid at the rate of time and one half for each hour worked outside of the normal finishing times Monday to Friday inclusive, and for each hour worked after normal finishing time on Saturday. Overtime shall be paid at the rate of double time on Sunday (outside of the 3 hours allowed for within the Consolidated Wage).

#### CONSOLIDATED WAGE

10. Overtime worked on rota weekends on will be averaged so that stable staff receive the same wage each week whether working or not. This shall be called the Consolidated Wage.

11.1 Where it is the custom and practice to work 5 hours overtime (this may vary but is calculated as 2 hours Saturday evening and 3 hours Sunday) on one weekend in two, stable staff will be paid a consolidated wage as follows:

Grade A, **£308.37**

Grade B/C, 21+ years, **£270.56**

Grade B/C, 18-20 years, **£221.61**

Grade D, 16-17 years NVQ 2/Level 2 Diploma, See 11b

Grade D, 16-17 years NVQ 1/Level 1 Diploma/No Qualifications, See 11b

11.2 Working Time legislation limits the maximum working week for 16 and 17 year old workers to 8 hours a day and 40 hours a week, although there are certain permitted exceptions whereby the limit may be exceeded. Further guidance on the legislation and the exceptions are available for NTF members from the NTF office.

12. Stable Staff who have been absent part of the week through sickness will not be required to work 40 hours before receiving overtime.

#### PAYMENT FOR TIME WORKED AWAY FROM THE YARD

13. The Government National Minimum Wage legislation states "time when a worker is travelling on the business of his employer in connection with duties carried out by the worker in the course of work time shall be treated as being work time whether or not the travelling takes place during his working hours".

14. Stable staff are to be paid for time worked away from the yard outside of normal hours. Time worked away from the yard in excess of the normal daily working hours should be paid at £6.50 per hour Time worked away from the yard within the normal daily working hours is paid at the normal rate of pay.

These payments are liable for tax and National Insurance deductions and should be put through the payroll.

15. Stable staff will receive a £15.00 overnight allowance. (Note this payment is tax free).

16. Stable staff returning from racing after midnight shall not be required to start work until 9.30 am; if staff are asked to start before 9.30am it is agreed that they will be paid at the rate of time and one half for each hour worked before that time. **Where an employee returning from racing after midnight elects not to start work before 9.30 am, paid time will begin from when the employee begins to work not the normal start time and any adjustment to pay for unworked time before 9.30am must be made at the employee's normal hourly rate, not the £6.50 per hour rate for time worked away from the yard or at time and a half.**

17.1 Stable staff, who are off-rota, travelling on Sunday to race on a weekday shall be entitled to receive a day in lieu.

17.2 Stable staff, who are off-rota, who go racing to a Saturday evening race fixture shall be entitled to receive a paid weekday evening off in lieu, the weekday evening to be mutually agreed between the parties.

18. A daily subsistence allowance is to be paid to staff going racing Monday through to Saturday. This is tax free and may be paid in cash in advance to enable staff to buy refreshments. The rate of the daily subsistence allowance is based on the number of hours away from the yard outside of normal working hours:

18.1 Up to 6 hours: Daily Subsistence Allowance £7.00

18.2 6 hours or over but less than 8 hours: Daily Subsistence Allowance £9.00

18.3 8 hours or over: Daily Subsistence Allowance £12.00.

## PENSIONS

19. The employer is required to contribute towards a pension scheme in respect of each full time paid employee who is 18 years of age or over and is under 65 on the annual renewal date of the scheme. The total yearly contribution is £440.00 p.a. This sum will be paid in quarterly payments of **£110.00** payable for employees in employment on four dates throughout the year; namely; 1 March, 1 June, 1 September and 1 December. Arrangements are available for any employee to set up a personal Stakeholder pension and this can be used for the purpose of contracting-out of the State Earnings Related Pension Scheme (SERPS). For any employee qualifying for an employer's contribution for the first time after 1 June 2001, a 9 month waiting period will apply.

## SUNDAY RACING PAYMENT

20. The deployment of stable staff to cover designated Sunday racing fixtures and work in the yard will be determined by the trainer in consultation with the stable staff. However, where off-rota staff are asked to go racing or to cover work in the yard, it will be on a voluntary basis.

21. The payment for time worked away from the yard over and above the consolidated rate shall be paid at the rate specified in paragraph 14 above.

22. It is recognised that racing on a Sunday involves some disruption of free time. To compensate for this, all stable staff who go racing on a Sunday fixture in the Great Britain will receive a Sunday Racing Payment (SRP) of £30.00. (Note £12 of this allowance can be paid tax free.)

23. Stable staff required to come in on their off-rota day to cover work in the yard will be paid double time over and above the consolidated wage.

24. Stable staff who travel on a week day or Saturday in order to race on a Sunday in the Great Britain will receive the appropriate payment for time spent away from the yard (as detailed in paragraphs 13-17) plus a Sunday Racing Payment (as detailed in paragraph 22).

25. It is accepted that stable staff should not be expected to work extended periods without time off. Therefore, when stable staff volunteer to go racing on an off-rota Sunday or are racing abroad on an off-rota Sunday, an alternative day off with pay at the relevant rate will be provided. The arrangement of this day off will be at the discretion of the trainer in consultation with the stable staff so that the day is taken within a rolling reference period of twelve months.

## RACING ABROAD

26. Stable staff who race abroad will receive the appropriate hourly payment for time worked away from the yard in excess of their normal daily working hours at the rate specified in paragraph 14. These payments are liable for tax and National Insurance deductions and should be put through the payroll.

27. In addition, stable staff will also receive a Racing Abroad Payment of £27.00 per day up to a maximum stay of seven days. After seven days, this is to be a domestic matter. (Note £21.00 of this allowance can be paid tax free.)

28. The HMRC does not set a tax-free amount for payment to staff who go abroad with their horses because expenses can vary significantly according to the country visited. However, it is agreed that, provided staff are asked to make some sort of basic written claim stating the amounts they have spent, those amounts can be paid tax free by the employer if the employer considers them to be reasonable. Receipts should support the larger amounts.

## HOLIDAYS

29. Due to the impact of The Working Time Regulations 1998 as amended the following conditions will apply:

30. The holiday year will be either 1 January to 31 December or 1 July to 30 June. The trainer will determine which is the most appropriate for the yard. Each year will stand on its own.

31. Stable staff are entitled to 30 days paid holiday per annum which is inclusive of 8 public holidays. For stable staff who work part time this will be calculated on a pro-rata basis. Where staff are expected to work on any day which is a public holiday an alternative day will be taken to be mutually agreed or if an alternative day is not taken an additional day's pay will be paid up to a maximum of two days (pro-rated for part-timers and in respect of incomplete holiday years in the first year of employment).

32.1 Once an employee has served a continuous period of twelve months with the current employer, he/she will be entitled to an additional two days holiday commencing in the next holiday year, **giving a yearly entitlement of 32 days.**

32.2 Once an employee has served a continuous period of five years with the current employer, he/she will be

entitled to an additional two days holiday commencing in the next holiday year, **giving a yearly entitlement of 34 days.**

33. Holidays will be taken at times to be mutually agreed and will have regard to what is practical in the local circumstances.

34. Employees who have been given notice, or who have given notice, can be required to take their holiday entitlement during the period of notice and this will be effective even where the employer is unable to give the employee statutory notice of the requirement to take holiday. In the case where stable staff have holiday entitlement which exceeds the period of notice, they will be paid for the balance of their entitlement.

35. On termination of employment, stable staff should be paid for any holiday accrued in the current holiday year to the date of termination and not taken. Any part of the annual holiday entitlement that has already been taken at the point of termination of service shall be deducted when calculating the holiday pay entitlement as referred to in paragraphs 31.

36.1 For the purposes of paragraph 35: where the employee is entitled to 30 days holiday per annum this entitlement accrues at 2.5 days per completed month pro rata from the date of starting to the end of the holiday year and pro rata for part month worked. The daily rate of accrual is 0.082 so for a part month worked, the number of days in that month should be multiplied by 0.082 to calculate the holiday entitlement, i.e. employee leaving on 15th of the month,  $0.082 \times 15$ , 1.23 days holiday accrued for that part month.

36.2 where the employee is entitled to 32 days holiday per annum this entitlement accrues at 2.66 days per month pro rata from the date of starting to the end of the holiday year and pro-rata for part month worked. The daily rate of accrual is **0.0876** so for a part month worked, the number of days in that month should be multiplied by **0.0876** to calculate the holiday entitlement, i.e. employee leaving on 15th of the month,  $0.0876 \times 15$ , 1.3 days holiday accrued for that part month

36.3 where the employee is entitled to 34 days holiday per annum this entitlement accrues at 2.83 days per month pro rata from the date of starting to the end of the holiday year and pro-rata for part month worked. The daily rate of accrual is 0.093 so for a part month worked, the number of days in that month should be multiplied by 0.093 to calculate the holiday entitlement, i.e. employee leaving on 15th of the month,  $0.093 \times 15$  days, 1.39 days holiday accrued for that part month.

37. Annual holiday pay will be calculated on the consolidated wage.

38. Under legislation part-timers cannot be discriminated against, therefore part-timers holiday entitlement will be the same as full time workers on a pro rata basis and paid at their usual rate (part-timers are described as persons who work less than 40 hours per week).

**Part-time workers holiday entitlement increases in line with length of service as for full-time workers.**

#### BEREAVEMENT LEAVE

39. The purpose of bereavement leave is to ensure that stable staff who suffer bereavement in their family are able to attend the funeral and deal with family and legal matters without the additional hardship of losing money. Stable staff shall be granted up to a maximum of three working days absence payable at the relevant consolidated wage in the event of the death of a spouse, son, daughter, brother, sister or parent or other relations for whom they have a responsibility at the discretion of the employer.

40. In the event that three days is insufficient or that a serious family event has occurred which has not resulted in bereavement, the employer may at their discretion negotiate a period of unpaid leave to enable the outstanding personal matters to be dealt with.

#### ABSENCE DURING SICKNESS OR ACCIDENT

41. Stable staff who are off work as a result of sickness or accident (except where an accident outside of work has been caused in the employer's reasonable opinion by the employee being involved in fighting, drunken behaviour or abuse of drugs) and who have been with the current employer at the commencement of the sickness absence for six months or more will receive from their employer their usual weekly wage (to include statutory sick pay if eligible) for a period of one month in any one year, such sick pay payable in the case of sickness absence from the fourth day of absence\* and in the case of absence due to injury at work from the first day of absence.

Stable staff with less than six months service will receive SSP only, if eligible.

The six month qualification period shall not apply to an employee sustaining an accident at work.

\*The three waiting days for sickness absence will not apply to a second period of illness linked to the first

absence where such periods of absence would be linked for SSP purposes.

#### RACING INDUSTRY ACCIDENT BENEFIT SCHEME (RIABS)

42. Stable staff who are off work as a result of accidental injury arising out of and whilst carrying out duties for a licensed trainer including bone fide journeys between normal place of residence and place of work shall receive from their employer their usual weekly wage pro rata for a period of one month's injury absence in any one year including the first three days of absence. A claim for benefit should be made as soon as possible to the Racing Industry Accident Benefit Scheme (RIABS) within three months of the accident. The scheme does not cover race riding accidents or accidents which occur whilst on or travelling to and from a racecourse when engaged to ride (in this instance refer to the Professional Riders Insurance Scheme (PRIS) tel : 01635 869700) (email irene@pris.org.uk).

43. Paid full or part-time stable staff of licensed and permitted trainers who are aged between 16 and 65 years and registered with the British Horseracing Authority will have deducted £1.85 from their net wage per week of employment as a contribution to RIABS. For trainees at the BRS or NRC who were pre-employed by a trainer, the trainer will pay both the trainer's and employee's RIABS premium whilst the employee is attending the BRS or NRC.

44. Injury Benefit is payable for a period of up to 104 weeks from the established date of the accident, if the accident has been declared by the claimant's employer. The amount of benefit (subject to an overall maximum of £300 per week) is the difference between the claimant's pre-accident net wage and all statutory benefits receivable by the claimant as a result of the accident. **RIABS claim forms must be submitted within three months of the date of the accident giving rise to the claim.**

45. In the event of death, partial disability or being permanently and totally disabled (from working in a stable or any other occupation), the benefits as set out in the RIABS Scale of Benefits will be paid up to £103,000. The cover is extended to include dental expenses to a limit of **£5,000.00** arising out of accidental injury to sound, natural teeth as a direct consequence of duties involving horses.

#### HORSE/LAD RATIO

46. Because of the changing circumstances in the way racing stables are run, it has not been possible to agree on a mandatory horse/lad/**lass** ratio. This Agreement recommends a ratio of one member of staff to three horses.

47. The NTF and NASS, acting together, in the National Joint Council (NJC), will investigate any evidence of abuse and, where necessary, submit it to the BHA Disciplinary Panel under the relevant Rules of Racing.

48. Trainers are recommended to assist stable staff in the purchase of working clothes such as jodhpurs and jodhpur boots if requested to do so and to arrange repayment in weekly instalments, **such repayment to be recorded in writing and signed by the employee. Skull caps and safety vests are personal protected equipment and should be provided free of charge by the employer. These items remain the property of the employer.**

#### PROCEDURE IN THE CASE OF DISPUTES

49. The procedures to be adopted for the resolution of disputes at yard level and disciplinary and appeal procedures are set out in the Memorandum of Agreement between the NTF and NASS on the Resolution of Disputes and the Agreement between the NTF and NASS on Discipline and Appeal Procedures.

#### GENERAL

50. Where stable staff are already in receipt of a wage or pension in excess of the relevant minimum rates established by this Agreement, it is a matter for the trainer's discretion whether to maintain existing differentials. Where better conditions exist and stable staff are in receipt of higher wages and/or conditions, then these particular stable staff will not have their wages and/or conditions reduced to the minimum rates which are shown above.

#### OPERATION

51. **This Agreement is to operate from 1st December 2011 until 30th September 2012.**

52. Disputes on the interpretation of this Agreement will be determined in the NJC.

## **Schedule 2 - General duties as to stable employees**

### ***Employment and registration of persons working in stables***

1.1 Before a Licensed Trainer or Permitted Trainer employs a Person with previous employment in another training stable, he must

1.1.1 refer to the last Trainer to employ him, and

1.1.2 receive a reply from that Trainer.

1.2 Where a Trainer decides to employ a Person in his stable, he must make an application to the Racing Calendar Office for that Person's name to be entered on the Register of Stable Employee Names.

1.3 An application under Paragraph 1.2 must

1.3.1 be made using the Prescribed form (SER1),

1.3.2 be signed by the stable employee and the Trainer (or his Authorised Agent), and

1.3.3 be sent within 24 hours of the start of employment.

1.4 The Trainer must either include the stable employee's permanent UK National Insurance number when he completes the Prescribed form (SER1) or must notify the Racing Calendar Office of the number as soon as it has been received from the employee.

1.5 Where a stable employee's employment has ended, the Trainer (or his Authorised Agent) must, using the Prescribed form (SER3), notify the Racing Calendar Office

1.5.1 immediately if the stable employee is an Apprentice Jockey or a Conditional Jockey, and

1.5.2 otherwise, before the end of the period of seven days starting with day after that on which the employment ended,

and return any identity card and validity pass issued under Rule 40 in respect of the employee.

1.6 This Rule applies to the part-time employment of schoolchildren as it applies to any other Person.

Note: The approval of the Local Education Authority is required for the employment of schoolchildren.

#### ***Stable employee training***

2.1 A Licensed Trainer or Permitted Trainer must ensure that all stable employees under 19 years of age join the industry's Stable Staff Training programme as trainees and attend a course at

2.1.1 the British Racing School,

2.1.2 the Northern Racing College, or

2.1.3 any other Training Provider for the time being approved by the British Horseracing Education and Standards Trust to offer National Vocational Qualifications in Racehorse Care (Level 2).

2.2 If it considers it appropriate to do so in exceptional circumstances, the Authority may waive this requirement.

#### ***Accident insurance contributions***

3.1 In respect of each eligible stable employee, a Trainer must

3.1.1 make an annual contribution towards the Racing Industry Accident Benefit Scheme (the Scheme), and

3.1.2 make an additional contribution every three months directly in respect of sums deductible from the net wages of each eligible employee in accordance with the terms and conditions of service set out in the Standard Terms and Conditions (see Schedule 1).

3.2 A trainer who is not a member of the National Trainers Federation must also make an annual payment to the National Trainers Federation for the administration of the Scheme.

3.3 In this Paragraph Eligible Stable Employee means an eligible person as defined for the purposes of the Scheme.

#### ***Pension contributions***

4.1 In respect of each employee who is eligible under Paragraph 5 of this Schedule

4.1.1 each Licensed Trainer must make a contribution to

4.1.1.1 the National Trainers Federation Stakeholder Pension Plan (The Plan), or

4.1.1.2 another pension plan or arrangement established by either the Trainer or the employee, and

4.1.2 any Permitted Trainer who enters The Plan must make a contribution to the Plan.

4.2 A Trainer who is not a member of the National Trainers Federation must also make an annual payment to the Federation for the administration of The Plan.

4.3 The rate of contribution due under

4.3.1 Paragraph 4.1 is not less than the rate from time to time established by the National Trainers Federation; and

4.3.2 Paragraph 4.2 is such amount as may be determined by the Authority.

5.1 For the purposes of Paragraph 4, an employee is eligible if

5.1.1 he is 18 years or over,

5.1.2 he is under 65 years,

5.1.3 he is registered and working as a full time paid stable employee at the quarterly renewal date of the scheme,

5.1.4 subject to Paragraph 5.2, he has worked for the Trainer as a full-time paid stable employee for a continuous period of nine months or more (whether in the current period of employment or in a previous period), and

5.1.5 he has a valid permanent UK National Insurance number recorded on the Register of Stable Employee Names (see also Paragraph 5.3).

5.2 The nine month qualification imposed by Paragraph 5.1.4 does not apply in relation to

5.2.1 any employee born on or before the 1st December 1980 who was registered and working as a full time paid stable employee on 31st May 2001, or

5.2.2 any employee who before 1st June 2001 qualified for a pension contribution to be paid under provisions as to the regulation of racing then in force.

5.3 As regards the application of Paragraph 5.1.5 in respect of any quarterly renewal date that falls on or after 1st September 2007, if an employee's National Insurance number

5.3.1 is not recorded on the Register of Stable Employee Names on that date, but

5.3.2 is subsequently registered during his employment with the same Trainer,

any previous contributions from the Trainer which would otherwise have been due shall fall due on the next quarterly renewal date.

### **Schedule 3 - Deleted**

### **Schedule 4 - Trainers and owners**

PART 1

#### **Trainer-owner agreements**

##### ***Requirement for agreement***

1. This Schedule applies to any Licensed Trainer.

2.1 Where a Licensed Trainer is to train a horse owned by any Person, he and the owner must enter into a training agreement in respect of the horse before it runs in any race run under these Rules.

2.2 The Authority may determine not to take Disciplinary Action against any Licensed Trainer who fails to comply with Paragraph 2.1 of this Schedule if he can satisfy the Authority that there was an acceptable reason for the failure.

##### ***Form of agreement***

3. A training agreement must be signed and must set out the terms agreed between the parties in respect of at least the following

3.1 the basic training fee (expressed as an amount payable by week or by calendar month);

3.2 all other regular expenses (such as gallop fees, shoeing costs and the like);

3.3 the extent of the Licensed Trainer's authority to incur any additional charges or expenses for the

- account of the owner (such as veterinary fees);
- 3.4 provision for variation to be made as to any of the matters specified in Paragraphs 3.1 to 3.3 and for proper notification of variation;
- 3.5 the time and method of payment by the owner;
- 3.6 any provision for a Trainer's lien;
- 3.7 any matter as to training agreements which is required by a code of conduct issued under Rule 11; and
- 3.8 such other matters as the Authority may from time to time direct.

#### ***Duration of agreement***

4. A training agreement shall lapse if

- 4.1 the owner does not have a horse in training with the Licensed Trainer for a continuous period of 24 months,
- 4.2 the Trainer has ceased to hold a licence granted by the Authority, or
- 4.3 either party to the agreement gives the other written notice of termination.

#### ***Report by licensed trainer of non-payment of fees etc***

5.1 Payment period, in relation to any account due, means the period of three months beginning with the date on which the account was sent.

5.2 Where, before the end of the payment period, a Licensed Trainer does not receive from the owner full settlement of any account due under a training agreement entered into in accordance with this Schedule, the Licensed Trainer may report the matter to the Authority.

5.3 A report of non-payment under Paragraph 5.2 must

- 5.3.1 be in writing and signed by the Licensed Trainer,
- 5.3.2 give details of
  - 5.3.2.1 the owner's name and address,
  - 5.3.2.2 the nature and the amount of the debt, and
  - 5.3.2.3 the date upon which the account was sent;

5.3.3 be accompanied by a copy of the unpaid account; and

5.3.4 be sent no later than 15 months after the end of the payment period for that account.

5.4 A Licensed Trainer who submits an unjustified or frivolous report shall be taken to have contravened a requirement imposed on him by these Rules.

#### ***Consequences of non-payment***

6. Schedule (E)4 makes provision for the Authority to notify an owner that a report has been made under Paragraph 5 and, if it does so, the owner is under a duty to make any payment due in accordance with the procedures set out in that Paragraph.

### **PART 2**

#### **Trainers' code of conduct in dealings with owners**

7.1 The Authority has issued the following Code of Conduct for Licensed Trainers.

7.2 The Code is intended to set out some of the minimum standards the Authority expects to prevail in these areas and to help avoid misunderstanding and resulting dissatisfaction.

7.3 In particular, dissatisfaction can arise from commissions or other financial interests or benefits which may arise in consequence of the purchase or sale of horses. By setting out these minimum standards the Code of Conduct will also serve to safeguard the interests of Licensed Trainers.

#### ***The Code of Conduct***

8.1 When a Licensed Trainer acting as vendor or part-vendor sells any horse to an owner or intended owner, he must disclose by means of an invoice the full percentage of his ownership in that horse and thereby the financial benefit derived by him from that transaction.

8.2 When a Licensed Trainer acts as an agent or adviser for one of his existing owners or intended owners

concerning the purchase or sale of a horse he must, whenever possible, give prior notice to the intended owner if he is aware that he will benefit financially from any third party from such a transaction. Should the transaction take place, he is required to quantify any financial benefit that in fact arises.

8.3 When a Licensed Trainer acts in any capacity as described in Paragraph 8.1 or 8.2 of this Code he must not also act simultaneously for the vendor or purchaser as the case may be in any capacity related to such transaction without disclosing that fact beforehand to the owner or intended owner.

8.4 The Licensed Trainer must regularly report on the general well being of the horse and promptly inform the owner of any injury to the horse which is likely to require a prolonged period of box rest. The Licensed Trainer must immediately notify the owner if one of his horses ceases to be under the direct charge of the trainer to the degree it is the subject of a separate livery charge by a third party.

8.5 When a horse is entered in a selling or claiming race the owner must be notified of that fact before the time of declaration to run. A Licensed Trainer must also inform and consult with the owner whenever he is responsible for the owner's horse being offered for sale at public auction. In both cases exceptions to this disclosure are acceptable where the Licensed Trainer has rightfully exercised an express lien or where the owner has waived the requirement of notification either by means of a training agreement or otherwise in writing.

8.6 For the avoidance of doubt, this Code does not prevent Licensed Trainers from retaining benefits derived from purchases or sales but they are required to inform owners of the true position as stipulated above.

Note:

A. In all cases it is the responsibility of the owner on complaint of failure to comply with this Code of Conduct to provide to the Authority the evidence which the Authority considers is necessary to support an allegation of a breach of the Code.

B. A training agreement shall not waive the requirements of this Code other than as referred to in Paragraph 8.5. Any other waiver or purported waiver will be treated as invalid for the purpose of determining whether a breach of this Code has taken place unless it relates to Paragraph 8.5.

C. Licensed Trainers are strongly advised to ensure that when Paragraph 8.2 applies the disclosure of any financial benefit that has arisen is evidenced in writing.

D. In the case of the various forms of multiple-ownerships registered under these Rules, the duty to disclose or notify under this Code to an owner or intended owner will be fulfilled if

- one party in the multiple-ownership is duly informed or notified by the Licensed Trainer, and
- that party is either an owner in the multiple-ownership as defined in the Horse and Owner Manual (E) or has been appointed in writing as an owner's representative of the multiple-ownership.

## **Schedule 5 - Stalls tests**

### ***Stalls test certificates***

1.1 A stalls test certificate will be issued when the horse is passed satisfactorily through the stalls at any meeting where stalls are in use.

1.2 A Trainer wishing to have a horse tested at a meeting must advise the Clerk of the Course by noon on the day before that on which the horse is to be tested.

1.3 Stalls tests will be conducted 30 minutes before the first race at the meeting and will take place at the stalls position for the start of that race.

1.4 Where a Trainer or his representative presents a horse to be tested, he must

1.4.1 report to the Starter at the Weighing Room 15 minutes before the stalls test is conducted,

1.4.2 present the horse's passport to the Starter for inspection before the horse is put into the stalls, and

1.4.3 ensure that either he or a responsible member of his staff is present (in addition to the Person riding the horse) when the horse is passed through the stalls.

1.5 A horse will not be passed if it is only in the care of one or more inexperienced stable employees.

1.6 A horse shall be regarded as having passed satisfactorily through stalls only if

1.6.1 it is capable of being led in by one handler, with assistance from no more than two handlers at the rear, or

1.6.2 for a horse which is seeking to be certified as suitable to be loaded with the front gate open or reversed into the stalls, loads to the satisfaction of the starter,

and in either set of circumstances

1.6.3 it remains in the stall for a minimum of one minute without becoming unruly.

1.7 At the discretion of the Starter a horse may be blindfolded while the test is carried out.

**Sampling of horses taking starting stalls tests**

2.1 This Schedule applies where a horse is presented for a starting stalls test

2.1.1 following a Starter's report under Rule (B)41.2;

2.1.2 under Paragraph 4 (Debutant Tests); or

2.1.3 under Paragraph 5 (Pre-Race Assessments).

2.2 The Trainer, or his representative, must take the horse to the Sampling Unit immediately after the stalls test.

2.3 On arrival the Veterinary Officer will identify the horse and inform the Trainer, or his representative, if the horse is to be sampled.

2.4 A stalls test certificate will not be issued in any case where:

2.4.1 the horse cannot be identified from its passport;

2.4.2 a Sample is required from the horse but has not been obtained satisfactorily by a Veterinary Officer; or

2.4.3 the horse is brought to the racecourse for a Pre-Race Assessment.

2.5 If a Sample is required from the horse but has not been obtained, the horse may not be re-submitted for a further stalls test until such time as the Authority may direct.

**Penalties for failing starting stalls tests**

3.1 This Schedule applies where

3.1.1 in order to comply with Rule (B)44 (effect of Starter's report), a horse which is the subject of a Starter's report takes a stalls test, and

3.1.2 the horse fails one or more stalls tests in any 12 month period.

3.2 The Authority will impose a financial penalty on the Trainer of the horse in accordance with Paragraphs 3.3 and 3.4.

3.3 If the horse fails a stalls test following its first Starter's report

3.3.1 a financial penalty of £650 will be imposed if the test takes place within 7 days of the Starter's report;

3.3.2 a financial penalty of £290 will be imposed if the test takes place at any time between 8 and 14 days (inclusive) of the report;

3.3.3 no financial penalty will be imposed if the test takes place 15 days or more from the report.

3.4 If the horse fails a stalls test following its second Starter's report

3.4.1 a financial penalty of £1,300 will be imposed if the test takes place within 14 days of the second Starter's report;

3.4.2 a financial penalty of £290 will be imposed if test takes place at any time between 15 days and 28 days (inclusive) of the second report;

3.4.3 no financial penalty will be imposed if test takes place 29 days or more from the second report.

3.5 Subject to Paragraph 3.8, the third time the horse is reported by the Starter, the horse will be prevented from having a stalls test for 6 months.

3.6 The horse may not be re-submitted for a further stalls test within 14 days of any failure.

3.7 Subject to Paragraph 3.8, if a horse fails two consecutive stalls tests it will be prevented from having a further stalls test for 6 months.

3.8 If a horse which is prevented from having a stalls test for 6 months runs outside Great Britain in the interim on two occasions without causing problems at the start, the Trainer may submit an application to the Authority requesting that the remainder of the 6 month restriction be lifted.

**Additional disciplinary action**

#### 4.1 In this Paragraph

Defined Percentage means the percentage referred to in Paragraph 4.3 or 4.4;

Notified Period is the period that

4.1.1 starts on the date specified in a written notice given to a Trainer by the Authority under this Paragraph, and

4.1.2 ends on the next following 31 December.

Debutante Test is the stalls test referred to in Paragraph 4.4.

4.2 Subject to a discretionary review carried out by the Authority at the end of any notified period, the restrictions in Paragraphs 4.3 and 4.4 apply where, in any notified period, either or both of the following conditions are met in connection with all horses under the care of a Trainer

4.2.1 a defined percentage (or more) of the horses are withdrawn by the Starter or are the subject of a Starter's report under Part (B)3 (reports to the Stewards);

4.2.2 a defined percentage (or more) of the horses are the subject of a warning (criteria failure) under Rule (B)43 (power to issue warnings to trainers).

4.3 Where the defined percentage of the trainer's horses is 10% or more, the Trainer will not be permitted to present any horse under his care or control for a stalls test for at least 14 days after it has been referred for the test.

4.4 Where the defined percentage of the trainer's horses is 15% or more, the Trainer will not be permitted to run in a flat race any horse which has not previously run in a flat race run under these Rules or the Rules of another Recognised Racing Authority until the horse has successfully passed a stalls test.

#### ***Pre-Race Assessments***

##### 5.1 In this paragraph

Pre-Race Assessment means an assessment by a Starter on an unraced horse through stalls on a raceday

5.2 An unraced horse may be presented by a Trainer on a raceday to the Starter for a Pre-Race Assessment.

5.3 A Trainer wishing to have a Pre-Race Assessment for a horse must follow the same procedure for a stalls test set out in Paragraphs 1.2, 1.3 and 1.4.

5.4 An unraced horse may not run in a race from stalls on the day on which the Pre-Race Assessment takes place.

5.5 On the first occasion that a horse races following a Pre-Race Assessment, the Trainer may request a late load without incurring a criteria failure (see Schedule (B)5 Paragraph 4.5).

#### **Schedule 6 - Categories of prohibited substances**

1. Categories of prohibited substances listed in Paragraph 1 of this Schedule are

1.1 any substance capable at any time causing an action or effect, or both an action and effect, within one or more of the following mammalian body systems

the nervous system

the cardiovascular system

the respiratory system

the digestive system

the urinary system

the reproductive system

the musculoskeletal system

the blood system

the immune system except for licensed vaccines against infectious agents

the endocrine system;

1.2 endocrine secretions and their synthetic counterparts;

1.3 masking agents.

1.4 The following are examples of such prohibited substances

Anti-pyretics, analgesics and anti-inflammatory substances

Cytotoxic substances  
Antihistamines  
Diuretics  
Local anaesthetics  
Muscle relaxants  
Respiratory stimulants  
Sex hormones, anabolic agents and corticosteroids  
Substances affecting blood coagulation.

2. Categories of prohibited substances listed in Paragraph 2 are as follows.

2.1 The concentration specified in relation to each substance is the minimum concentration that, in accordance with Rule (C)52.1.1, must be present before a sample of the kind specified is regarded as testing positive for the substance.

2.2 The substances are

Arsenic - 0.3 microgram total arsenic per millilitre in urine  
Available Carbon Dioxide - 36 millimoles per litre in plasma  
Boldenone - 0.015 microgram free and conjugated Boldenone per millilitre in urine from male horses (other than geldings)  
Dimethyl Sulfoxide - 15 micrograms per millilitre in urine or 1 microgram per millilitre in plasma  
Estranediol in male horses (other than geldings) - the mass of free and conjugated 5 $\alpha$ -estrane-3 $\beta$ , 17 $\alpha$ -diol to the mass of free and conjugated 5(10)-estrane-3 $\beta$ , 17 $\alpha$ -diol in urine from male horses (other than geldings) at a ratio of 1  
Hydrocortisone - 1 microgram per millilitre in urine  
Methoxytyramine - 4 micrograms free and conjugated 3-methoxytyramine per millilitre in urine  
Salicylic Acid - 750 micrograms per millilitre in urine or 6.5 micrograms per millilitre in plasma  
Testosterone - 0.02 microgram free and conjugated testosterone per millilitre in urine from geldings, or 0.055 microgram free and conjugated testosterone per millilitre in urine from fillies and mares (unless in foal)  
Theobromine - 2 micrograms per millilitre in urine  
Theobromine - 0.3 micrograms per millilitre in plasma.

2.3 The conjugated substance is the substance that can be liberated from conjugates.

3. The categories of prohibited substance listed in Paragraph 3 are any substance which, in the opinion of the Veterinary Officer, is

3.1 an anabolic steroid,  
3.2 a peptide hormone or analogue, or  
3.3 a  $\beta$ 2 adrenoceptor stimulants (except when prescribed by a Veterinary Surgeon).

4. The categories of prohibited substance listed in Paragraph 4 are any substance which, in the opinion of the Veterinary Officer, is

4.1 a sedative,  
4.2 a tranquiliser,  
4.3 an hypnotic, or  
4.4 an anxiolytic.

## **Schedule 7 - Procedure for counter analysis of samples**

1.1 The procedures in this Schedule apply to the handling of any Sample which is subjected to counter analysis in

accordance with Rule 58.

## 1.2 In this Schedule

1.2.1 references to the Responsible Person are to a member of the Authority's Compliance Department; and

1.2.2 references to the CAAC are to the Counter Analysis Advisory Committee.

2. The CAAC will oversee the counter analysis of Samples reported by HFL.

### 3.1 The Responsible Person

3.1.1 will immediately notify the Trainer, and

3.1.2 once the Trainer has been notified, will then inform the Person in whose name the horse ran,

but where the Sample subjected to counter analysis results from an examination carried out by an approved Person appointed under Part (A)5, the Responsible Person will notify only the Trainer.

4. The Responsible Person will, as soon as practicable, supply the CAAC with a Certificate of Analysis on the reported 'A sample' together with supporting analytical data.

5. The Responsible Person will formally request the Laboratoire Des Courses Hippiques - France (LCH) to conduct and complete the counter analysis on the 'B sample' no later than 10 days from receipt of the Sample.

6. If LCH are unable to carry out the counter analysis the Responsible Person will make a similar approach to Deutsche Sporthochschule Koln Institut fur Biochemie - Germany (DSKIB).

7. If both LCH and DSKIB are unable to carry out the counter analysis, it will be carried out by HFL under the same terms.

8. It will also be carried out by HFL if CAAC direct.

9.1 The counter analysis will be confined to confirming that the 'B sample' contains

9.1.1 the substance reported by HFL in the Certificate of Analysis relating to the 'A sample', and

9.1.2 if the Prohibited Substance is listed in Paragraph 2 of Schedule 6, a concentration of the substance that exceeds the concentration specified for that substance.

10.1 The 'B sample' will be despatched by HFL to the selected laboratory under a secure chain of custody.

10.2 It shall remain the property of the Authority.

10.3 Any remaining residue after counter analysis has been conducted should be retained by the laboratory conducting the counter analysis until otherwise instructed by the Authority.

11.1 A scientific witness from an approved list agreed with the Horsemen's Group may be nominated and must make himself available within the time frame to attend the counter analysis of the 'B sample' by

11.1.1 in the case of a Sample resulting from examination carried out by an approved Person appointed under Part (A)5 that is subjected to counter analysis, the Trainer;

11.1.2 otherwise, the Trainer and/or owner.

11.2 The attendance of any scientific witness is at the expense of the Person nominating him.

12. If the Authority has ordered the Analysis of the 'B sample' it will nominate a scientific witness from the approved list referred to in Paragraph 11.

13. The laboratory conducting the counter analysis will be requested to supply the CAAC with a Certificate of Analysis together with supporting analytical data.

14. Where the Certificate of Analysis from the laboratory conducting the counter analysis confirms the presence of the Prohibited Substance revealed by the Analysis of the 'A sample' (or its presence at or in excess of the concentration specified in Paragraph 2 of Schedule 6), the CAAC will inform the Authority in writing.

15. The CAAC's report to the Authority, the Certificate of Analysis from HFL and, if required, the Certificate of Analysis from the laboratory that conducted the counter analysis together with the supporting analytical data from both laboratories will be made available to the Trainer or owner concerned.

16. Where the counter analysis does not confirm the findings reported by HFL, the Authority will be informed in writing and the Sample will be declared "negative" and no disciplinary action will be taken.

17. In all cases where there is a discrepancy in the findings, the CAAC will attempt to establish the reasons for the discrepancy and inform the Authority accordingly.

18. Where there are reasonable grounds to believe that

18.1.1 the integrity of the 'B sample' may have been deliberately violated, or

18.1.2 if other evidence of a non-forensic nature is available

the Authority may proceed on the basis of the Analysis of the 'A sample' alone.

19. The above procedure shall not apply to Samples reported under the provision of Rule 54 or 55.3 save upon the written request of the Trainer who shall reimburse the Authority with the costs incurred in the counter analysis process.

## **Schedule 8 - Procedure for assessing poor jumpers**

### ***General***

1. Any horse whose performance falls within the criteria set out in Paragraph 3 of this Schedule may be suspended from running in

1.1 steeple chases, or

1.2 steeple chases and hurdle races.

2.1 Suspension will last until two clear days after the horse satisfactorily passes an assessment of its jumping ability under this Schedule (see Paragraph 5).

2.2 No horse will be eligible for an assessment of its jumping ability under this Schedule until fourteen clear days after it last ran in the race which triggered the need for assessment.

### ***Grounds for suspension***

3. The Authority may suspend a horse from running in specified races, or races of a specified description, if it is satisfied that either of the following grounds is established.

#### ***GROUND 1***

Unacceptable Jumping: the Authority considers that the horse's jumping is unacceptable.

An example of jumping which the Authority is likely to consider unacceptable is when a horse falls or unseats its Rider at an obstacle in three consecutive steeple chases or hurdle races (including any combination).

#### ***GROUND 2***

Non-Completions: a horse fails to complete the course in five consecutive steeple chases or hurdle races (including any combination).

A 'non-completion' means any form of failure to complete the course.

If all non-completions have occurred in steeple chases, the horse will be entitled to run in races other than steeple chases.

### ***Mitigating circumstances and application***

4.1 In any case where the Authority proposes to suspend a horse, its Disciplinary Department will

4.1.1 notify the Trainer, and

4.1.2 subject to Paragraph 8, invite him to explain any mitigating circumstances there may be for the Authority not to suspend the horse.

4.2 Any explanation by the Trainer must be in writing and submitted to the Authority within 48 hours of the date of the notification under Paragraph 4.1.1.

4.3 After taking account of any explanation, the Authority must notify the Trainer in writing of its decision and, if the Authority decides to suspend the horse, the notification will specify

4.3.1 the time when the suspension is to commence, and

4.3.2 the descriptions of races to which it is to apply.

4.4 The suspension will continue until two clear days have elapsed after the horse satisfactorily passes an assessment in accordance with Paragraph 5.

#### ***Assessment procedure***

5.1 When a horse is required to have its jumping assessed before it can race, the assessment

5.1.1 will be conducted by two assessors approved by the Authority, and

5.1.2 will take place at the Trainer's premises or at the place where the Trainer normally schools his horses.

5.2 The horse's passport must be presented to the assessors before the test and the Trainer must ensure that a suitable rider is available to partner the horse.

5.3 Subject to Paragraph 5.5, the assessment may take place over either

5.3.1 a minimum of two suitable schooling fences (including an open ditch), but

5.3.2 if available, three suitable schooling fences (including an open ditch).

5.4 The horse must jump the obstacles at least twice at 'near racing pace' and undertake such further jumps as the assessors may require.

5.5 Where a horse has been referred for assessment as a result of poor jumping in hurdle races only

5.5.1 the assessment must take place over a minimum of three hurdles jumped at least twice at 'near racing pace', and

5.5.2 the horse must undertake such further jumps as the assessors may require.

5.6 After the test the Trainer or his representative will be informed whether or not the horse has satisfactorily passed the assessment.

5.7 The fee payable in respect of each assessment

5.7.1 is specified in Schedule (A)1, and

5.7.2 must be paid by the owner of the horse at the time the test is conducted.

5.8 The Trainer must notify the owner of this charge.

#### ***Failing an assessment***

6.1 Where a horse fails an assessment, it may not be submitted for re-assessment before the end of the period of 4 weeks starting with the day after the date of the failure.

6.2 If a horse fails two consecutive assessments without the suspension being lifted, a report will be made to the Authority and no further assessment may be made until the Authority has considered the report.

#### ***Further assessments***

7.1 This Paragraph applies where, on the first run of a horse in a steeple chase or hurdle race following an assessment

7.1.1 the horse falls at an obstacle, or

7.1.2 the Authority considers that its jumping is unacceptable.

7.2 The Authority's Disciplinary Department will notify the Trainer

7.2.1 that it proposes to subject the horse to a suspension from running for a minimum period of 6 weeks followed by further assessment, and

7.2.2 that such assessment will not be made before the end of the period of 4 weeks starting with the day after the race in question.

7.3 Paragraphs 4.1.2, 4.2 and 4.3 shall apply where a notification is given under this Paragraph as it applies to a notification given under Paragraph 4.1.1.

7.4 Any suspension under this Paragraph will continue until two clear days have elapsed after the horse satisfactorily passes an assessment in accordance with Paragraph 5.

8.1 If a horse is required to undergo an assessment of its jumping on three occasions, the horse shall be suspended from running with immediate effect in

8.1.1 steeple chases, or

8.1.2 steeple chases and hurdle races,

and a report will be made to the Authority.

8.2 No further assessment may be made in such cases until the Authority has considered that report.

## **Schedule 9 - Communicable Diseases**

Communicable Diseases List of diseases covered by statute of Code of Practice (Rules 30.1.1, 30.1.2 and 30.1.3)

African Horse Sickness (30.1.2)

Alpha and Flaviviruses (not louping ill) (30.1.3)

Anthrax (30.1.3)

Borna Disease (30.1.3)

Contagious Equine Metritis (30.1.1, 30.1.2 and 30.1.3)

Dourine (30.1.2 and 30.1.3)

Eastern Equine Encephalitis (30.1.3)

Epizootic Lymphangitis (30.1.2 and 30.1.3)

Equine Herpesvirus I – paralytic form (30.1.1)

Equine Viral Arteritis (30.1.1 and 30.1.2)

Equine Viral Encephalomyelitis (30.1.2 and 30.1.3)

Equine Infectious Anaemia (30.1.1, 30.1.2 and 30.1.3)

Glanders (30.1.2 and 30.1.3) and Farcy (30.1.2)

Hendra Disease (30.1.3)

Japanese Equine Encephalitis (30.1.3)

Venerally transmitted bacterial diseases caused by *Klebsiella pneumoniae* (30.1.1)

Venerally transmitted bacterial diseases caused by *Pseudomonas aeruginosa* (30.1.1)

Rabies (30.1.2)

Strangles (30.1.1)

Warble fly (30.1.2)

Venezuelan Equine Encephalitis (30.1.3)

West Nile Virus (30.1.2 and 30.1.3)

Western Equine Encephalitis (30.1.3)

## **Schedule 10 - Report of a Prohibited Substance**

1.1 Where an 'A sample' is reported by HFL as containing a prohibited substance, unless the Sample has been reported under the provisions of Rule (C)54 or 55.3, the following procedure should be adopted

1.1.1 an Investigating Officer from the Integrity Services and Licensing Department will contact the Trainer and arrange an interview, and

1.1.2 subsequently the Compliance Department shall inform the person in whose name the horse ran (the owner) by letter of the positive finding.

2. Trainers or owners have a right to have the 'B sample' analysed at the cost of the Authority, save as set out in Paragraph 9, unless they accept the result of the 'A sample'.

3. The Trainer or owner may accept the Analysis of the 'A sample' by informing the Authority within 3 working days (72 hours) that either does not wish the 'B sample' to be analysed.

- 3.1 The acceptance may be communicated by electronic transmission, but must be followed up as soon as practical with a signed hard copy addressed to the Compliance Department.
4. Acceptance by one shall be deemed acceptance by both, unless the Trainer or owner disclaims the acceptance within the 72 hours.
5. If there is no acceptance, or the Trainer or owner disclaims the acceptance, the 'B sample' will be analysed in accordance with Schedule 7.
- 6.1 The Authority reserves the right to
- 6.1.1 have the 'B sample' analysed promptly, regardless of the provisions in this Schedule and Schedule 7, and
- 6.1.2 have the 'B sample' analysed in accordance with Schedule 7 regardless of any acceptance of the 'A sample' result by the Trainer or owner.
7. The Authority will deal directly with the Trainer throughout the sampling process.
8. The Trainer should consult with the owner regarding the counter analysis of the 'B sample'.
9. The Disciplinary Panel under Rule (A)46, may order that a contribution to costs is made if it is satisfied that the result of the 'A sample' should have been accepted having regard to the knowledge of and information available to the Trainer and/or owner concerned at the time.
10. After the Investigating Officer has completed his investigation he will submit his report to the Compliance Department and a Disciplinary enquiry will be held in due course.
11. The procedure for the counter analysis of reported Samples is set out in Schedule 7.

## **Index of defined expressions**

1. This index provides a guide to words or expressions which are defined generally and so liable to be met in provisions which do not themselves contain the definition.
2. Where a term is used only in one Rule (or in a series of closely connected Rules), the definition will be set out in that Rule. Always check the Rule itself before looking at this index.
3. Where a term is used in more than one place, it will start with a capital letter. The second column of this index tells you where you can find the substantive definition.
4. This index is not part of these Rules.

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