

# ÉIRE.

## AN BILLE UM BORD RASAIUCHTA AGUS RAS-CHURSAI, 1945.

### RACING BOARD AND RACECOURSES BILL, 1945.

*Mar do ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtas.*



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# ÉIRE.

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1945.

RACING BOARD AND RACECOURSES BILL, 1945.

## BILL

*entitled*

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AN ACT TO PROVIDE FOR THE IMPROVEMENT AND DEVELOPMENT OF HORSE BREEDING AND HORSE RACING AND FOR THE BETTER CONTROL OF RACECOURSES, AND FOR THIS AND OTHER PURPOSES TO ESTABLISH A BOARD TO BE CALLED THE RACING BOARD, TO DEFINE ITS POWERS AND DUTIES, TO MAKE PROVISION IN RELATION TO BOOKMAKERS ENGAGED IN COURSE BETTING AND TO IMPOSE  
25  
LEVIES ON BOOKMAKERS IN RESPECT OF COURSE BETS, TO DISSOLVE THE BOARD OF CONTROL FOR MECHANICAL BETTING IN IRELAND AND TO TRANSFER ITS PROPERTY AND LIABILITIES TO THE RACING BOARD, TO AUTHORISE THE IRISH TURF CLUB AND THE IRISH NATIONAL HUNT STEEPLECHASE COMMITTEE TO EXCLUDE PERSONS FROM RACECOURSES, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

25 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

### PART I.

#### PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Racing Board and Race- Short title.  
courses Act, 1945.

30 2.—In this Act—

#### Definitions.

the expression “ authorised officer of the Board ” means a per- authorised officer  
son appointed in writing by the Board to be an authorised officer of the Board.  
for the purposes of Part III of this Act;

35 the expression “ authorised racecourse ” means a racecourse at authorised  
which race meetings are held with the sanction of either or both racecourse.  
of the Governing Bodies;

the expression “ the Board ” means the Racing Board estab- Board.  
lished by this Act;

40 the expression “ course bet ” means a bet entered into by a course bet.  
licensed bookmaker, during a race meeting held on an authorised  
racecourse and at that authorised racecourse or in the precincts  
thereof, on a horse race forming an item at that race meeting;

the expression “ course-betting permit ” means a permit granted course-betting  
by the Board under section 24 of this Act; permit.

45 the expression “ the dissolved company ” means the company dissolved  
known as the Board of Control for Mechanical Betting in Ireland company.  
dissolved by this Act;

50 the expression “ the establishment date ” means the date establishment  
appointed to be the establishment date for the purposes of this date.  
Act by order of the Minister made under section 3 of this Act;



executive of  
an authorised  
racecourse.

the word " executive ", in relation to an authorised racecourse means the person who owns or exercises control over that racecourse;

Governing Body.

the expression " Governing Body " means any body being—

(a) the Irish Turf Club, or

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(b) the Irish National Hunt Steeplechase Committee;

levy.

the word " levy " means a levy payable under *section 27* of this Act;

licensed  
bookmaker.

the expression " licensed bookmaker " means a person who is for the time being the holder of a bookmaker's licence issued to him under the Betting Act, 1931 (No. 27 of 1931);

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Minister.

the expression " the Minister " means the Minister for Finance;

precincts of an  
authorised  
racecourse.

the word " precincts ", in relation to an authorised racecourse, means any place adjacent to that racecourse to which the public habitually resort for the purpose of watching racing;

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prescribed.

the word " prescribed " means prescribed by regulations made by the Board under this Act;

totalisator  
licence.

the expression " totalisator licence " means a licence granted under the Totalisator Act, 1929 (No. 22 of 1929);

transfer date.

the expression " the transfer date " means the date appointed to be the transfer date for the purposes of this Act by order of the Minister made under *section 3* of this Act.

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Establishment  
date and  
transfer date.

3.—(1) The Minister may by order appoint a day to be the establishment date for the purposes of this Act.

(2) The Minister may by order appoint a day to be the transfer date for the purposes of this Act.

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## PART II.

### THE RACING BOARD.

Establishment of  
the Board.

4.—(1) There shall, by virtue of this section, be established on the establishment date a board to be styled and known as the Racing Board to fulfil the functions assigned to it by this Act.

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(2) The Board shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to hold land.

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Constitution of  
the Board.

5.—(1) The Board shall consist of eleven members.

(2) Each person appointed a member of the Board shall be a person who, in the opinion of the Minister, is representative of, or has functions in relation to, or is otherwise connected with, racing (including practical experience in the management of racecourses) or the ownership or breeding of bloodstock, or bookmaking, or other like pursuits.

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Provisions in  
relation to  
appointment,  
terms of office,  
etc., of members  
of the Board.

6.—(1) In this section the word " Governor " means a person who is a member of one or other of the Governing Bodies.

(2) The Minister shall, before the establishment date, appoint eleven persons (of whom six shall be Governors) to be members ;

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of the Board and the term of office of every person so appointed shall commence on the establishment date, and if any such person dies before the establishment date he shall, for the purposes of subsection (5) of this section, be deemed to have died on the establishment date.

(3) The Minister shall, in each fifth successive year following the year in which the establishment date falls, appoint eleven persons (of whom six shall be Governors) to be members of the Board and the term of office of every person so appointed shall commence on the day next following the date of his appointment.

(4) Every member of the Board appointed under subsection (2) or subsection (3) of this section shall unless he sooner dies, or resigns, hold office until the expiration of the day on which the Minister next appoints, in pursuance of subsection (3) of this section, eleven persons to be members of the Board.

(5) Whenever a member of the Board dies or resigns, the Minister shall, as soon as conveniently may be, appoint another person (who shall, in case the person so dying or resigning was at the date of his appointment a Governor, be a Governor) to be a member of the Board, and the person so appointed shall, unless he sooner dies or resigns, hold office until the expiration of the day on which the Minister next appoints, in pursuance of subsection (3) of this section, eleven persons to be members of the Board.

(6) A member of the Board whose term of office expires by effluxion of time shall be eligible for reappointment.

(7) A member of the Board may at any time resign his office by letter addressed to the Minister and such resignation shall take effect as on and from the date of the receipt of such letter by the Minister.

(8) Where a member of the Board, who at the date of his appointment was a Governor, ceases to be a Governor, he shall, for the purposes of this section, be deemed to have resigned his office as a member of the Board with effect as on and from the date of such cesser or, if he was appointed under subsection (2) of this section and such cesser occurs before the establishment date, the establishment date.

(9) The Minister shall consult the Minister for Agriculture before exercising the powers conferred on him by this section.

(10) The Board may, if it thinks fit, reimburse members for any actual out-of-pocket expenses incurred by them in connection with the business of the Board.

7.—(1) The Board shall hold its first meeting on, or as soon as conveniently may be after, the establishment date. Meetings of the Board.

(2) The Board shall, in every year commencing after the holding of the first meeting, hold a meeting (in this Act referred to as the annual meeting) on such date as the Board may appoint.

(3) Subject to the provisions of this section, the Board shall hold such and so many meetings as may be necessary for the due execution of its duties.

8.—(1) The Board shall, at its first meeting and also at every annual meeting, elect one of its members to be chairman of the Board. Chairman of the Board.



(2) Every person elected to be chairman of the Board shall, unless he sooner dies, resigns or becomes disqualified, hold office as chairman until the next annual meeting of the Board following his said election, but shall be eligible for re-election.

(3) Whenever the office of chairman becomes vacant through the death, resignation or disqualification of the chairman, the Board shall, at the next meeting after such vacancy, elect one of its members to be chairman, and the member so elected shall, unless he sooner dies, resigns or becomes disqualified, hold office as chairman until the next annual meeting of the Board.

(4) The chairman of the Board may at any time resign his office as chairman by letter addressed to the Board and every such resignation shall take effect at the commencement of the meeting of the Board held next after the receipt of such letter by the Board.

(5) Whenever the chairman of the Board ceases during his term of office as chairman to be a member of the Board he shall be disqualified from being and shall forthwith cease to be such chairman.

(6) Whenever at the election of chairman of the Board, there is an equality of votes for two or more persons, one of those persons shall be elected by lot.

Procedure at  
meetings of the  
Board.

9.—(1) At a meeting of the Board—

(a) the chairman of the Board shall, if present, be chairman of the meeting;

(b) if and so long as the chairman of the Board is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting.

(2) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, save where the question is the election of the chairman of the Board.

(3) The Board may act notwithstanding one or more vacancies amongst its members.

(4) The quorum for the first meeting of the Board shall be seven, and the quorum for each subsequent meeting of the Board shall be such number (not less than five) as the Board may from time to time fix or, if no quorum is for the time being so fixed, five.

(5) Subject to the provisions of this Act, the Board shall regulate, by standing orders or otherwise, the procedure and business of the Board.

Committees of  
the Board.

10.—(1) The Board may from time to time appoint such and so many committees as it thinks proper.

(2) The Board may delegate to a committee of the Board any of its functions, powers and duties which, in its opinion, can be better or more conveniently exercised or performed by a committee, and may regulate the procedure of any such committee.

(3) A committee of the Board shall consist of such number of members as the Board thinks proper and may, at the discretion of the Board, consist exclusively of persons who are members of the Board or partly of persons who are members of the Board and partly of persons who are officers of the Board.

(4) The acts of a committee of the Board shall be subject to confirmation by the Board save where the Board dispenses with the necessity for such confirmation.

Seal of the  
Board.

11.—(1) The Board shall as soon as may be after its establishment provide itself with a seal.

(2) The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised by the Board to act in that behalf and the signature



of an officer of the Board authorised by the Board to act in that behalf.

12.—(1) Subject to subsection (2) of this section, the Board may appoint such and so many officers and servants as it shall from time to time think proper. Officers and servants of the Board.

(2) During the period of five years commencing on the establishment date, the appointment of any person to the post of chief officer of the Board shall be subject to the sanction of the Minister.

10 (3) There shall be paid by the Board to its officers and servants such remuneration and allowances as the Board shall determine.

13.—(1) For the purpose of providing offices and premises necessary for the due performance of its functions, the Board may— Offices of the Board.

- 15 (a) purchase or take on lease any land,  
(b) build, equip and maintain offices and premises.

(2) The Board may sell or lease any offices or premises held by it which are no longer required for the due performance of its functions.

20 14.—(1) The Board may, with the consent of the Governing Bodies, and after giving notice to the executive of any existing authorised racecourse which in the opinion of the Board may be affected, establish, equip and maintain racecourses, and for this purpose may acquire by agreement or lease any land (including any racecourse). Power of the Board to establish racecourses.

25 (2) The Board may, with the consent of the Governing Bodies, organise and hold race meetings at any racecourse maintained by it under this section.

30 (3) The Board may, with the consent of the Governing Bodies, lease any racecourse established under this section.

(4) The Board may sell or lease any land acquired by it under this section which is no longer required for the purposes for which it was acquired.

15.—The Board may apply for and hold a totalisator licence. Capacity of the Board to hold a totalisator licence.

35 16.—(1) The Board may apply its funds for all or any of the following purposes, that is to say— Application of funds of the Board.

(a) the payment of expenses incurred by it in the exercise and performance of its powers and duties under this Act,

40 (b) the payment of any moneys in accordance with the terms of any totalisator licence held by it.

(c) the making of payments, grants or loans for all or any one or more of the following purposes—

45 (i) the increase of stake-money and prizes at horse races held at authorised racecourses;

(ii) the reduction of entrance fees and similar charges in respect of such horse races,

(iii) the carriage of horses competing at such race meetings,

50 (iv) the reduction of the charges to the public for admission to authorised racecourses,

(v) the improvement of authorised racecourses and the amenities thereof,

55 (vi) any other purpose, approved by the Minister, conducive to the improvement of horse-racing,

(vii) any purposes, approved by the Minister, conducive to the improvement of the breeding of horses or to the development of the export trade in horses.

60 (2) The Board may attach to any grant or loan made or proposed to be made by it under this section such conditions as the Board thinks proper.



Power of Board  
to borrow.

17.—The Board may borrow such sums as it may require for the purpose of its powers and its duties, but the total amount due at any time in respect of such loans shall not, without the consent of the Minister, exceed twenty thousand pounds.

Investment of  
funds of the  
Board.

18.—The Board may invest moneys in its hands from time to time in any manner in which moneys of the Post Office Savings Bank are authorised by law to be invested. 5

Accounts and  
reports of the  
Board.

19.—(1) The Board shall keep proper and usual accounts of all moneys received or expended by it.

(2) The Board shall, within ninety days after the end of each accounting period or such longer time as the Minister shall in any particular case allow, furnish to the Minister— 10

(a) the accounts of the Board for that accounting period, which accounts shall be in such form (if any) as the Minister may direct and shall be audited by a duly qualified auditor appointed by the Board, and 15

(b) a report of its proceedings during that accounting period.

(3) The Minister shall lay copies of the accounts and report of the Board for an accounting period before each House of the Oireachtas as soon as may be after they have been received by him. 20

(4) The Board shall furnish to the Minister such information with regard to the exercise of its powers and duties as the Minister may from time to time require. 25

Evidence of  
regulations and  
of consent of  
Minister to  
regulations.

20.—In all legal proceedings—

(a) the production of a document purporting to be a copy of any regulation made by the Board under this Act and to be certified to be a true copy by the chairman of the Board or the chief officer of the Board shall be sufficient evidence of the regulation and no proof shall be required of the handwriting or official position of the person certifying the document; 30

(b) the production of a document purporting to be signed by an officer of the Minister and certifying that any specified regulation made by the Board under this Act was made with the consent of the Minister shall be sufficient evidence that the regulation was made with the consent of the Minister and no proof shall be required of the handwriting or official position of the person signing the document. 35 40

### PART III.

#### PROVISIONS APPLICABLE TO BOOKMAKERS.

##### CHAPTER I.

###### *Preliminary and General.*

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Commencement  
of Chapters II  
and III of  
Part III.

21.—The provisions contained in Chapters II and III of this Part of this Act shall come into operation on such day as may be fixed for that purpose by order of the Minister, either generally or with reference to any particular provision, and different days may be fixed for different provisions of the said Chapters. 50

Prosecution of  
offences under  
Part III.

22.—An offence under any section contained in this Part of this Act may be prosecuted by the Board.



## CHAPTER II.

*Restrictions on bookmakers carrying on business at authorised race-courses or in the precincts thereof, and charges for admission of bookmakers to authorised racecourses.*

- 5   **23.**—(1) It shall not be lawful for any person to carry on the business of a bookmaker at any authorised racecourse or in the precincts thereof, unless such person is the holder of a course-betting permit.

Prohibition of course betting by bookmakers not holding permits from the Board.

- (2) If any person acts in contravention of this section, that  
10 person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

- (3) Where a person who is not the holder of a course-betting permit is found carrying on the business of a bookmaker at any  
15 authorised racecourse, any person acting under the direction of the Board or the executive of that authorised racecourse may remove such first-mentioned person therefrom and for this purpose may use such force as may be reasonably necessary.

- 24.**—(1) The Board may, if in its absolute discretion it so thinks  
20 fit, grant to any licensed bookmaker a permit authorising him to carry on the business of a bookmaker at authorised racecourses or in the precincts thereof.

Course-betting permits.

- (2) The Board, in its absolute discretion, may, at any time,  
25 suspend for such time as it thinks fit or revoke a course-betting permit.

- (3) Whenever the Board, in the exercise of its powers under this section, refuses to grant a course-betting permit to a licensed bookmaker or suspends or revokes a course-betting permit held by a licensed bookmaker, the following provisions shall have  
30 effect—

- (a) the Board shall inform the licensed bookmaker in writing of such refusal, suspension or revocation,  
(b) the licensed bookmaker may, within seven days after being so informed, request the Board to afford him an  
35 opportunity of making to the Board, in relation to such refusal, suspension or revocation, representations, oral or written, and the Board shall grant any such request.

- (4) Where a person to whom a course-betting permit is granted  
40 ceases to be a licensed bookmaker, the course-betting permit shall, for the purposes of this Act, be deemed, by virtue of this subsection, to have been revoked upon such cesser.

- 25.**—(1) Any authorised officer of the Board may demand of any person, whom he observes to be engaged in or carrying on  
45 the business of a bookmaker at any authorised racecourse or in the precincts thereof, the production of his course-betting permit, and if that person refuses or fails to produce such permit or produces such permit, but refuses or fails to permit such authorised officer to read it he shall be guilty of an offence  
50 under this section.

Production of course-betting permits on demand.

- (2) Whenever any person of whom the production of his course-betting permit is lawfully demanded under this section refuses or fails to produce such permit or produces such permit, but fails or refuses to permit the authorised officer of the Board  
55 making the demand to read and examine such permit, such authorised officer may demand of such person his name and address and if such person refuses to give his name or fails or refuses to give his address or gives a name or address which is false or misleading, he shall be guilty of an offence under this  
60 section.

- (3) Any person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

- (4) A person who, when the production of his course-betting



permit is lawfully demanded of him under this section, does not produce such permit because he is not the holder of a course-betting permit shall be deemed to fail to produce his course-betting permit within the meaning of this section.

Charge for admission of bookmakers to authorised racecourses.

26.—(1) The Board may make regulations fixing the charges to be made by executives of authorised racecourses to any licensed bookmaker or his assistants accompanying him for admission to authorised racecourses and different charges may be fixed in respect of different authorised racecourses and in respect of different parts of the same authorised racecourse.

(2) In making regulations under this section in relation to any authorised racecourse, the Board shall not—

(a) fix, for the admission of a licensed bookmaker to any part of that racecourse, a charge exceeding five times the charge then made to a member of the public for admission to that part, or

(b) fix, for the admission of an assistant accompanying a licensed bookmaker to any part of that racecourse, a charge exceeding the charge then made to a member of the public for admission to that part.

(3) Where regulations under this section applicable to any authorised racecourse are in force—

(a) the charge to be made to any licensed bookmaker for admission to any part of that racecourse shall not, except with the consent of the licensed bookmaker, exceed that fixed by those regulations for the admission of a licensed bookmaker to that part, and

(b) the charge to be made to any assistant accompanying a licensed bookmaker for admission to any part of that racecourse shall not, except with the consent of the licensed bookmaker, exceed that fixed by those regulations for the admission of an assistant accompanying a licensed bookmaker to that part.

(4) Subsection (6) of section 3 of the Totalisator Act, 1929 (No. 22 of 1929), is hereby amended by the deletion of all words from the words “and the charge to any such licensed bookmaker” to the end of the said subsection.

### CHAPTER III.

#### *Levies on Bookmakers in Respect of Course Bets.*

Levies payable by licensed bookmakers on course bets.

27.—(1) Every person who, as a licensed bookmaker, enters into a course bet on or after the commencement of this section shall pay to the Board a levy calculated at the rate of the prescribed percentage for the time being of the amount of such course bet.

(2) For the purposes of this section the amount of a course bet shall be taken to be the sum which, by the terms of the bet, the bookmaker by whom it is entered into, will be entitled to receive, retain or take credit for if the event the subject of the bet is determined in his favour.

(3) Whenever it is proved to the satisfaction of the Board that a course bet in respect of which a levy is payable has become void for any reason other than the mutual consent of the parties thereto or that the amount of the course bet in respect of which a levy is payable has not been and is not likely to be collected by the bookmaker, the Board may, subject to such conditions as it thinks fit to impose either (as the case may require) repay the levy paid or remit the levy chargeable in respect of such course bet.

(4) Every person who fails or neglects to pay any sum payable by him in respect of a levy shall (without prejudice to proceedings under subsection (5) of this section) be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.



(5) Every levy payable by any person shall (without prejudice to proceedings under subsection (4) of this section) be recoverable from that person by the Board as a simple contract debt in any court of competent jurisdiction.

- 6 (6) The Board may, with the consent of the Minister, make regulations in relation to the percentage (which shall not exceed five per cent.) referred to in this section as prescribed.

28.—(1) The Board may, with the consent of the Minister make regulations for securing the payment of levies and generally for carrying the provisions of this Chapter in relation to levies into effect and in particular for—

Regulations for payment of levies on course bets.

(a) requiring bookmakers who are liable to pay levies—

15 (i) to enter, in the prescribed manner and at the prescribed time, particulars of all course bets in the prescribed records,

(ii) to retain such records for the prescribed time.

(iii) to send, on the request of the Board, such records to the Board for their inspection,

20 (iv) to furnish copies of such records to the Board at such time or times as may be prescribed;

(b) the supply, use and supervision of levy paid betting sheets and the making of refunds in respect of unused or partly used such sheets,

25 (c) entering into arrangements by the Board with and taking security from bookmakers desiring to pay levies on the basis of returns furnished by them.

30 (d) the granting to bookmakers by the Board of remissions or refunds (as the case may require) of a levy in cases in which the whole or any part of the contingent liability of a bookmaker in respect of a course bet made, laid or otherwise entered into by him is shown to the satisfaction of the Board to have been transferred to another bookmaker by means of a fresh bet, made, laid or otherwise entered into by the first-mentioned bookmaker with the second-mentioned bookmaker.

(3) If any person—

(a) contravenes or fails to comply with a regulation under this section, or

40 (b) makes, in any record kept in pursuance of any regulation under this section, any false entry with regard to a course bet,

that person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

45 29.—(1) An authorised officer of the Board may (subject to the production by him if so required of his authority in writing as such authorised officer) at any time enter any premises in which the business of bookmaking is carried on and there search for, inspect and take copies of or extracts from any documents there found relating or believed by such authorised officer to relate to course bets entered into by the person engaged in the said business and may require any person found in such premises to produce all documents in such premises relating to such course bets.

Inspection of documents in bookmakers' premises.

55 (2) Every person who resists, obstructs or impedes an authorised officer of the Board in the exercise of any power conferred on him by this section or refuses without lawful or sufficient excuse to produce any document which he is required by an authorised officer of the Board under this section to produce shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Inspection of documents in bookmakers' premises.



Inspection of books, etc., of bookmakers on authorised racecourses.

30.—(1) Where an authorised officer of the Board observes that a person is engaged in or carrying on the business of bookmaker on any authorised racecourse or in the precincts thereof, he may (subject to the production by him if so required of his appointment as such authorised officer) require that person to produce to him forthwith, and permit him to inspect and take copies of, or extracts from, any document then in that person's possession and used for the purpose of such business.

(2) Every person who fails or refuses to do anything which he is required under subsection (1) of this section by an authorised officer of the Board to do shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

#### PART IV.

#### DISSOLUTION OF THE BOARD OF CONTROL FOR MECHANICAL BETTING IN IRELAND AND TRANSFER OF ITS ASSETS AND LIABILITIES TO THE RACING BOARD.

Dissolution of the dissolved company.

31.—(1) On the transfer date the dissolved company shall, subject to the provisions set out in the Schedule to this Act, be, by virtue of this section, dissolved.

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(2) The provisions set out in the Schedule to this Act shall apply in respect of the dissolved company.

Transfer of property of the dissolved company to the Board.

32.—(1) Subject to the provisions of this section, all property, whether real or personal (including choses-in-action) which immediately before the transfer date was vested in, or belonged to, or was held in trust for, the dissolved company and all rights, powers and privileges relating to or connected with any such property shall, on the transfer date and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation, or company, become and be vested in or the property of or held in trust for (as the case may require) the Board for all the estate, term or interest for which the same immediately before the transfer date was vested in or belonged to or was held in trust for the dissolved company.

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(2) All property transferred by this section which, immediately before the transfer date, was standing in the books of any bank or was registered in the books of any bank, corporation, or company shall, upon the request of the Board made on or at any time after the transfer date, be transferred in such books by such bank, corporation, or company into the name of the Board.

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(3) On and after the transfer date, every chose-in-action transferred by this section to the Board may be sued upon, recovered, or enforced by the Board in its own name and it shall not be necessary for the Board to give notice to the person bound by such chose-in-action of the transfer effected by this section.

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Transfer of totalisator licences.

33.—On the transfer date every totalisator licence which was immediately before the appointed day held by the dissolved company shall, by virtue of this section, be transferred to the Board and shall, on and after the establishment date, have effect as if the name of the Board were substituted therein for that of the dissolved company.

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34.—Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the transfer date is owing and unpaid or has been incurred and is undischarged by the dissolved company shall, on the transfer date, become and be the debt or liability of the Board and shall be paid or discharged by and may be recovered from or enforced against the Board accordingly.

Transfer of liabilities of the dissolved company.

35.—Every bond, guarantee, or other security of a continuing nature made or given by the dissolved company to any person, or by any person to such dissolved company, and in force immediately before the transfer date, and every contract or agreement in writing made between the dissolved company and another person and not fully executed and completed before the transfer date shall, notwithstanding the dissolution of the dissolved company, continue in force on and after the transfer date, but shall be construed and have effect as if the name of the Board were substituted therein for the name of the dissolved company, and such security, contract, or agreement shall be enforceable by or against the Board accordingly.

Preservation of continuing contracts of the dissolved company.

36.—In every action, suit or proceedings which is pending on the transfer date in any court or tribunal and to which the dissolved company is a party, the Board shall on the transfer date become and be a party in the place of the dissolved company and such proceedings shall be continued between the Board and the other parties thereto accordingly and no such proceedings shall abate or be discontinued or prejudicially affected by reason of the dissolution of the dissolved company.

Continuance of pending legal proceedings.

37.—Every contract of service express or implied which was entered into before the 1st day of January, 1945, and is in force immediately before the transfer date between the dissolved company and any person being a salaried officer or employee of the dissolved company shall continue in force on and after the transfer date, but shall be construed and have effect as if the Board were substituted therein for the dissolved company, and every such contract shall be enforceable by or against the Board accordingly.

Preservation of contracts of service.

38.—(1) Section 12 of the Finance Act, 1895, shall not operate so as to require the Board to deliver to the Revenue Commissioners a copy of this Act or to pay any stamp duty under that section on any copy of this Act.

Exemption from stamp duties.

(2) Stamp duty shall not be chargeable on any transfer, conveyance or other instrument executed for the purpose of supplementing or giving effect to the vesting of the assets of the dissolved company in the Board.

## PART V.

### MISCELLANEOUS PROVISIONS.

39.—(1) A Governing Body may by order (in this section referred to as an exclusion order) prohibit a person from being (at the election of that Governing Body) either on any of the racecourses, at which are held races the holding of which requires the sanction of that Governing Body, or on such of those racecourses as that Governing Body think fit and specify in the order.

Exclusion of certain persons from racecourses.



(2) A Governing Body may revoke any exclusion order made by them.

(3) Where a Governing Body make an exclusion order they shall cause notice of the making of the order to be sent by registered post to the person to whom the order applies and to the executive of each racecourse to which the order relates. 5

(4) Where an exclusion order is made and any person to whom the order applies is found on any racecourse to which the order applies, any person acting under the direction of the executive of that racecourse may remove such first-mentioned person therefrom and for this purpose may use such force as may be reasonably necessary. 10

Regulations in relation to executives of authorised racecourses.

40.—(1) The Board, after consultation with the Governing Bodies, may by regulations provide for regulating the manner in which authorised racecourses are to be managed and controlled by the executives thereof. 15

(2) The Board may by regulations provide—

(a) for requiring executives of authorised racecourses to keep such books, accounts, and records as may be prescribed,

(b) for requiring executives of authorised racecourses to furnish to the Board such returns and information as may be prescribed, 20

(c) for the production of books, accounts, and records relating to authorised racecourses by the executives thereof,

(d) for the inspection of and taking extracts from books, accounts and records kept by executives of authorised racecourses. 25

(3) Regulations under this section may be so made as to apply either to the executives of authorised racecourses generally or to the executive of any particular authorised racecourse or racecourses, and different regulations may be made in relation to the executives of different authorised racecourses. 30

(4) If the Board is of opinion that the executive of an authorised racecourse to which any regulation made under this section is applicable has contravened (by act or omission) that regulation, the Board may report such contravention to the appropriate Governing Body, and thereupon the said Governing Body shall in respect of the executive of such authorised racecourse take such disciplinary action and impose such disabilities and penalties as they consider proper under the Rules of Racing in Ireland and the Irish National Hunt Steeplechase Rules. 35 40

## SCHEDULE.

### TRANSITORY PROVISIONS IN RELATION TO THE DISSOLVED COMPANY.

Continuance of dissolved company for certain purposes.

1. For the purposes of this Schedule but not further or otherwise, the dissolved company shall be deemed to continue in existence on and after the transfer date. 45

Transfer of stocks, shares and securities.

2. The dissolved company shall, at the request of the Board, execute all such instruments and do all such acts as may be necessary to enable the Board to have transferred into its name any stocks, shares or securities held by the dissolved company 50



immediately before the transfer date, and for this purpose the persons who are immediately before the transfer date the directors of the dissolved company shall be deemed to continue in office.

5 3. (1) In this paragraph the expression "the appointed date" means—

Provisions in relation to income tax chargeable on the dissolved company.

(a) in case the transfer date falls on the 5th day of April, the transfer date;

10 (b) in any other case, the 5th day of April next following the transfer date.

15 (2) The dissolved company shall, on and after the transfer date, continue to be liable under the Income Tax Acts to prepare and deliver any statement, return or particulars required for the purposes of those Acts for any year of assessment ending on or before the appointed date.

20 (3) Assessments to income tax for any year of assessment ending on or before the appointed date may be made on the dissolved company on or after the transfer date, and income tax in respect of any such assessment so made, which shall have become final and conclusive, shall, when it becomes due and payable, be deemed to have become due and payable before the transfer date.

25 (4) For the purposes of *subparagraphs* (2) and (3) of this paragraph, the chief officer of the Board or other officer performing the duties of chief officer of the Board shall be deemed to be secretary of the dissolved company or other officer performing the duties of secretary of the dissolved company.



Éire.

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AN BILLE UM BORD RASAIÓCHTA AGUS  
RAS-CHURSAI, 1945.

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BILLE

*dá ngairmtear*

Acht do dhéanamh socruithe chun síolrú capall agus rásaíocht chapall d'fheabhsú agus d'fhorbairt agus chun stiúrá níos fearr do dhéanamh ar rás-chúrsaí, agus chun na críche seo agus críoch eile do bhunú búird dá ngairmfear an Bord Rásaíochta, do léiriú a chumhacht agus a dhualgas, do dhéanamh socruithe i dtaobh geall-ghlacadóirí a dhéanann gealltóireacht chúrsa agus d'fhorchur dleacht ar gheall-ghlacadóirí i leith geall cúrsa, do seur Bhord Urlámhais na Gealltóireachta Meicniúla in Éirinn agus d'aistriú a maoine agus a bhfiachas chun an Bhúird Rásaíochta, dá údarú don *Irish Turf Club* agus don *Irish National Hunt Steeplechase Committee* daoine do dhúnadh amach ó rás-chúrsaí, agus do dhéanamh socruithe i dtaobh nithe áirithe eile bhaineas leis na nithe réamhráite.

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*Rite ag dhá Thigh an Oireachtais,  
27ú Abrán, 1945.*

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[*Raol Glan.*]

Éire.

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RACING BOARD AND RACECOURSES  
BILL, 1945.

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BILL

*entitled*

An Act to provide for the improvement and development of horse breeding and horse racing and for the better control of racecourses, and for this and other purposes to establish a board to be called the Racing Board, to define its powers and duties, to make provision in relation to bookmakers engaged in course betting and to impose levies on bookmakers in respect of course bets, to dissolve the Board of Control for Mechanical Betting in Ireland and to transfer its property and liabilities to the Racing Board, to authorise the Irish Turf Club and the Irish National Hunt Steeplechase Committee to exclude persons from racecourses, and to provide for certain other matters connected with the matters aforesaid.

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*Passed by both Houses of the Oireachtas  
27th April, 1945.*

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DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly from the Government Publications Sale Office, 3-4, College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*Sixpence Net.*]