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No. 20 of 1999

Fifth Session Fifth Parliament Republic of Trinidad
and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to provide for the establishment and operation
of the National Racing Commission and for matters
connected therewith.

THE NATIONAL RACING COMMISSION (NO. 2) BILL,
1999

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to establish the National Racing Commission as a body corporate *inter alia* to promote horse and dog races in Trinidad and Tobago and to administer the operation of the National Tote System to be established upon the expected enactment of the Gambling and Betting (Amendment) Bill, 1999.

Clause one would provide the short title and commencement of the Act for which this is the Bill.

Clause two would set out the definitions of certain terms used in the Bill.

Clause three would establish the National Racing Commission (hereinafter referred to as "the Commission") as a body corporate.

Clause four would provide for the constitution of the Board of Directors which will govern the affairs of the Commission.

Clause five would set out the functions of the Commission which are *inter alia*, to exercise the sole and exclusive rights to promote and hold race meetings, to carry on betting by way of tote, forecast, trifecta or other pool betting, starting price or any other betting and to administer and operate the National Tote System.

Clause six would confer on the Commission such powers as would enable it to perform its functions including the power to—

- (a) borrow sums required for meeting any of its obligations or discharging any of its functions, subject to the approval of the Minister with responsibility for Finance;
- (b) collect a tax of ten per cent on all bets made on local and foreign horse and dog races, such taxes to be remitted to the Board of Inland Revenue.

Clause seven would confer on the Minister, the authority to give the Commission directions of a special or general nature in the exercise of its powers and duties.

Clause eight would make provision with respect to the custody and use of the Commission's seal.

Clause nine would set out the sources of the funds and resources of the Commission.

Clause ten would provide that the Commission's funds shall be applied to meet the expenses of the Commission and profits of the Commission shall be paid to the Consolidated Fund.

Clauses eleven and twelve, in order to ensure the Commission's accountability, would impose on the Commission the obligation to keep accurate accounts and require that such accounts are audited by a qualified auditor authorised by the Auditor General for that purpose. The Commission is also obliged, by clause twelve, to submit an annual report and audited statement of records to the Minister which would be laid in Parliament.

Clause thirteen would exempt the Commission from the payment of all taxes, duties, fees, charges, assessments and imposts on the profits or assets which it acquires for its own use. The Commission would also be exempted from the payment of Value Added Tax in certain circumstances.

Clause fourteen would provide that the term of office of every member of the Board shall not exceed five years.

Clauses fifteen and sixteen would set out the procedure for the resignation and termination of appointment of Board members and the manner in which they vacate office and would provide that every appointment to and termination of office shall be published in the *Gazette*.

Clause seventeen would make provision for temporary appointments of Board members.

Clause eighteen would provide for the conduct of all meetings of the Board of Directors and state that five members shall constitute a quorum.

Clause nineteen would empower the Board to make rules to regulate the procedure for the conduct of its business.

Clause twenty would confer on the Board protection from liability for acts done or permitted in good faith.

Clause twenty-one would give the Board the authority to appoint staff at such remuneration and on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine.

Clause twenty-two would provide that the Minister may make Regulations for the purpose of giving effect to the Act for which this is the Bill.

BILL

An Act to provide for the establishment and operation of the National Racing Commission and for matters connected therewith.

[, 1999]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. (1) This Act may be cited as the National Racing Short title
and commencement
Commission Act, 1999.

(2) This Act comes into force on a date to be proclaimed by the President.

Interpretation

2. In this Act—

“Betting Levy Board” means the Betting Levy Board established by the Betting Levy Board Act;

No. 35 of 1989

“Board” means the Board of Directors of the National Racing Commission appointed under section 4;

“Commission” means the National Racing Commission established under section 3;

“Minister” means the Minister to whom responsibility for racing is assigned;

Chap. 11:19

“National Tote System” means the National Tote System established under section 40A(1) of the Gambling and Betting Act;

Chap. 21:50

“Racing Authority” means the Trinidad and Tobago Racing Authority established under section 3 of the Trinidad and Tobago Racing Authority Act.

Establishment and incorporation of Commission

3. There is hereby established a body corporate to be known as the National Racing Commission.

Constitution of Commission

4. (1) The Commission shall be governed by a Board of Directors consisting of nine members appointed by the Minister as follows:

- (a) three members of the Betting Levy Board;
- (b) three persons nominated by the organisation most representative of race-horse owners;
- (c) three persons, appearing to the Minister to have wide experience of and shown capacity in racing, financial or administrative matters, except that they

shall not be public officers or members or employees of the bodies referred to in paragraphs (a) or (b).

(2) The Minister shall appoint a Chairman from among the persons appointed under subsection (1)(c).

(3) A member of the Board shall be paid such remuneration and allowance as the President may determine.

(4) For the purposes of this section “public officer” has the meaning assigned to it by section 3 of the Constitution.

Chap. 1:01

5. The functions of the Commission shall be as follows: Functions of the Commission

- (a) to exercise the sole and exclusive rights to promote and hold race meetings;
- (b) to carry on betting by way of tote, forecast, trifecta or other pool betting, starting price or any other betting;
- (c) to administer and operate the National Tote System; and
- (d) with the approval of the Minister, to make Rules for the exercise of its functions under this section.

6. (1) The Commission has power to do such things as are necessary to enable it to perform its functions. General powers of the Commission

(2) Without limiting the generality of subsection (1), the powers of the Commission shall include the power to—

- (a) borrow sums required for meeting any of its obligations or discharging any of its functions, subject to the prior approval, in writing, of the Minister with responsibility for finance as to the amount, the sources of borrowing and the terms and conditions of the loan;

(b) collect a ten per cent tax on all bets made on local and foreign horse and dog racing and to remit such taxes to the Board of Inland Revenue.

Policy directions
from Minister

7. (1) The Minister may from time to time give the Commission directions of a special or general nature in the exercise of the powers conferred and the duties imposed on the Commission under this Act.

(2) The Commission shall comply with the directions of the Minister given in accordance with subsection (1).

Custody and use of
seal

8. (1) The Commission shall have a seal which shall be kept in the custody of the Chairman or any member of its staff authorised in that behalf.

(2) The seal shall be attested by the signature of the Chairman and such other member as the Board may authorise.

Funds and resources

9. The funds and resources of the Commission shall consist of—

(a) such funds as may be appropriated by Parliament for the purposes of this Act;

(b) such sums borrowed by the Board in accordance with section 10(a); and

(c) such other sums or property as may become payable to or vested in the Commission in respect of any matter incidental to its functions.

Application of funds

10. (1) The Commission shall apply its funds for—

(a) the payment of expenses incurred in the exercise of its functions under this Act;

(b) the remuneration of its members;

- (c) the making of grants or loans for the increase in prize money in connection with racing;
- (d) any other expenditure properly chargeable to revenue account.

(2) All profits of the Commission shall be paid into the Consolidated Fund.

11. (1) The Commission shall keep accurate and Auditing of accounts proper accounts and records of all transactions in accordance with the internationally and locally recognized accounting standards, principles and practices and shall ensure that all payments out of the funds of the Commission are properly authorised and correctly made and that adequate control is maintained over the incurring of expenditure.

(2) The accounts of the Commission shall be audited annually by the Auditor General or by a qualified auditor authorised by the Auditor General in writing for that purpose.

12. (1) The Commission shall, within three months Financial year and annual report after the end of each financial year, submit to the Minister in respect of the preceding financial year—

- (a) a copy of the audited statement of accounts;
and
- (b) an annual report.

(2) The Minister shall cause a copy of the annual report and audited statement to be laid in Parliament within twenty-eight days of his receipt of the report and if Parliament is not then in session, within twenty-eight days of the commencement of its next session.

(3) The first annual report in respect of the activities of the Commission shall be in respect of the period commencing with the incorporation of the Commission and ending 30th September, 2000.

Exemption from taxes, duties, etc.

13. (1) The Commission is exempt from all taxes, duties, fees, charges, assessments, levies and impost on its profit or on assets which it acquires for its own use.

(2) Where—

(a) goods are imported by the Commission;

(b) the commercial sale to the Commission of goods or services which in the opinion of the Board of Inland Revenue are required for the purposes of the Commission,

the goods and services shall be exempt from Value Added Tax.

Duration of office

14. A member shall hold office for such term not exceeding five years as may be specified in his instrument of appointment and shall be eligible for reappointment.

Resignation and termination of appointment

15. (1) The Chairman may resign his office by instrument in writing addressed to the Minister.

(2) A member, other than the Chairman, may resign from office by instrument in writing addressed to the Chairman who shall forward it to the Board.

(3) The Minister may terminate the appointment of a member of the Board where the member—

(a) becomes of unsound mind or is incapable of carrying out his duties;

(b) becomes bankrupt or compounds with his creditors;

(c) is convicted of any offence which brings his office into disrepute;

- (d) is guilty of misconduct in relation to his duties;
- (e) is absent, except on leave granted by the Board, from meetings held during two consecutive months or during any three months in any period of twelve months; or
- (f) fails to carry out any of the duties or functions conferred or imposed on him under this Act.

16. The appointment of any person as a member of the Board and the termination of office of any person as a member whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

Notification of
appointment and
termination of office

17. Where a member of the Board is unable to act by reason of illness or other cause, the Minister may appoint a person to act in his stead for that occasion or until the termination of the disability.

Temporary
appointment

18. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and meetings shall be held at least once a month, at such place and time as the Board may determine.

Meetings

(2) The Chairman shall preside at all meetings of the Board and in his absence, the members present shall elect another person appointed under section 4(1)(c) to preside in his place.

(3) Minutes of each meeting shall be kept in the proper form by the Secretary and shall be confirmed at a subsequent meeting of the Commission.

(4) Certified copies of the Minutes referred to in subsection (3), when confirmed pursuant to that subsection shall be forwarded to the Minister.

(5) The Chairman may at any time in his discretion or at the request of at least two other members, call a special meeting of the Board.

(6) The validity of the proceedings of the Board shall not be affected by any vacancy in its membership or by any defect in the appointment of a member or by the presence or participation of any person not entitled to participate.

(7) Five members, at least one of whom shall be a person appointed under section 4(1)(c), shall constitute a quorum.

Power to regulate procedure

19. The Board may by way of Rules or Resolutions regulate its own procedure for the conduct of its business.

Personal liability of members

20. (1) No personal liability shall attach to any member for—

(a) any act or omission of the Board; or

(b) anything done or permitted in good faith in the course of the operations of the Board under this Act.

(2) Any sums of money, damage or costs recovered against the Commission or any member for anything done, omitted or permitted in good faith in the course of the operations of the Commission under this Act shall be paid out of the funds of the Commission.

Staff

21. The Board may appoint at such remuneration and on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine, such staff as it considers necessary for the efficient performance of the functions of the Commission.

22. The Minister may make Regulations for the ^{Regulations} purpose of giving effect to the provisions of this Act.

Passed in the House of Representatives this
day of _____, 1999.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____,
1999.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 20 of 1999

FIFTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

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Received and read the

First time.....

Second time.....

Third time.....
