



Northern Ireland  
Assembly

Committee for Agriculture, Environment and  
Rural Affairs

# OFFICIAL REPORT (Hansard)

Horse Racing (Amendment) Bill: Clause-by-  
clause Consideration

7 October 2021

# NORTHERN IRELAND ASSEMBLY

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**Members present for all or part of the proceedings:**

Mr Declan McAleer (Chairperson)  
Mr Philip McGuigan (Deputy Chairperson)  
Mrs Rosemary Barton  
Mr John Blair  
Mr Harry Harvey  
Mr William Irwin  
Mr Patsy McGlone

**Witnesses:**

Dr Samantha Stewart	Department of Agriculture, Environment and Rural Affairs
Mr John Terrington	Department of Agriculture, Environment and Rural Affairs

**The Chairperson (Mr McAleer):** I welcome officials from the Department's Bill team, who will be able to clarify any aspects of the Bill for members. We have, via StarLeaf, John Terrington, head of the Bill team, and Samantha Stewart, deputy principal and deputy head of the Bill team.

If members are OK to start, we will begin by considering clause 1, which proposes that the Horse Racing Order 1990 be amended by omitting named beneficiaries — Down Royal Park Racecourse and Downpatrick Race Club — and replacing them with a definition of "horse racecourse operator". That will enable the resumption of payments to both current operators at the racecourses in County Down.

Members will recall that the vast majority of respondents were supportive of the amendment, which will achieve the Bill's overarching aims. In the call for evidence, we received some feedback that may be useful when undertaking a strategic review of the operation of the horse racing fund to include other entities and consider them eligible to apply for fund payments. We also heard feedback that the fees charged to on-course and off-course bookmakers should be reviewed in order to ensure that they are fair and proportionate to the level of income generated by activities at Down Royal and Downpatrick. Members may wish to consider those measures by way of recommendation in the Bill report, further seeking to frame them by way of specific amendments to the legislation.

If members wish to make any comments on clause 1, they should indicate that through the WhatsApp group.

As no member wishes to comment on clause 1, we will move to clause 2. Clause 2 includes further definition of "horse racecourse operator", as introduced in clause 1, and changes the wording of the 1990 Order to be clear about giving the flexibility to operators to submit financial statements jointly or

independently. In our call for evidence, both of the current operators indicated that they intend to submit financial statements independently and do not want to submit statements jointly. Nothing in the Bill will prevent the racecourses from submitting independent statements.

As members do not have any questions on clause 2, we will move to clause 3.

Clause 3 makes minor amendments to the 1990 Order by omitting obsolete references, rules and by-laws of "the Corporation" that are no longer required.

As no member wishes to comment on clause 3, we will move to clause 4.

Clause 4 simply defines "the 1990 Order" as meaning the Horse Racing (Northern Ireland) Order 1990.

No members wishes to comment on clause 4.

Departmental colleagues have proposed an amendment to be inserted after clause 4, which has been brought forward, given the legislative timetable. Under the 1990 Order, operators have to submit financial statements for the upcoming calendar year by the end of October.

**Mr McGlone:** You may want to go through it all first. I have a question on that specific bit, but I am happy to wait until you have finished.

**The Chairperson (Mr McAleer):** We will go through the Bill clause by clause. If anybody wants to raise anything, just indicate. I am conscious that we have gone through the Bill before and given it a good bit of scrutiny. We have to go through each clause for the record, however.

Members, it is unlikely that the Bill will be passed before the end of the mandate, so a transitional amendment has been suggested to allow operators to submit financial statements two weeks after the Bill is given Royal Assent. That will apply for 2022 only.

If members have questions, please fire them in to me.

Clauses 5 and 6 are minor and inconsequential. If you have questions on them, let me know.

We will move on to the formal clause-by-clause scrutiny. I will ask members for their view on the Bill's clauses. If there is dissent on any of the clauses, we will go to a vote. Members should indicate that they are content by nodding or putting a thumbs up.

*Question, That the Committee is content with clause 1, put and agreed to.*

*Question, That the Committee is content with clause 2, put and agreed to.*

*Question, That the Committee is content with clause 3, put and agreed to.*

*Question, That the Committee is content with clause 4, put and agreed to.*

**The Chairperson (Mr McAleer):** Is the Committee content that the Department's proposed amendment be inserted after clause 4?

*Members indicated assent.*

*Question, That the Committee is content with clause 5, put and agreed to.*

*Question, That the Committee is content with clause 6, put and agreed to.*

**The Chairperson (Mr McAleer):** Finally, I will put the question that the Committee agrees that the Horse Racing (Amendment) Bill —.

**Mr McGlone:** Can I seek some clarity, please?

**The Chairperson (Mr McAleer):** Yes, absolutely.

**Mr McGlone:** Before we move to that, clearly this is not my patch, but there were issues raised by Down Royal and Downpatrick racecourses when they presented to the Committee. First, will that amendment resolve the payment issue to them in its entirety? Secondly, because of the absence of the appropriate legislation, it seemed that they had been due some moneys. Will that money be paid retrospectively to them as a consequence of the amendment, or is the Department doing something else in parallel with that?

**The Chairperson (Mr McAleer):** Will John or Samantha pick up on that, please?

**Mr John Terrington (Department of Agriculture, Environment and Rural Affairs):** Yes. Thank you for the question. The specific amendment to the Bill that the Minister proposes to table at the next stage deals only with 2022 and is to make sure that the Bill coming in does not delay the ability for both racecourses to access the fund immediately on enactment. The claims that Downpatrick in particular has put to the Department over the last couple of years are not dealt with insofar as that is not the aim of this particular transition provision.

On whether there is scope to backdate, for want of a better term, the provisions to allow Downpatrick and Down Royal to access the fund for legitimate spend otherwise made in the previous year is not dealt with by the Bill, but if the Committee is minded, I am sure that we might be able to look at that. At this point, I am not entirely sure what can or cannot be done in the drafting, but if that is something that the Committee would like us to look at, I am sure we could. It is something that we would discuss in parallel with the key stakeholders.

As things stand, the amendment relates only to statements that would come in this year for the following year.

**Mr McGlone:** It would be very helpful if it could be looked into. There seems to have been a reasonable just cause based solely on the fact that we were told that they missed out on funding that they would otherwise receive. "Compensation" is the wrong word to use, but if there were some mechanism or method of achieving that or reinstating that payment that should have been due to them that otherwise was not made to them, in the interests of fairness, every effort should be made to do that.

**Mr Terrington:** I am sorry for cutting across the response to that, but, by way of a bit of background, as we explained at the very outset of this exercise, Down Royal was unnamed, therefore, we could not do anything about that. In our assessment of the subsidy control rules that are in place, we could not pay Downpatrick Racecourse without being able to pay the other. I guess the question is whether it is possible, once that position has been regularised by the Bill and the current operators of Down Royal are named, to have scope to enable them to access the money in retrospect. That is the background to why we are where we are, —

**Mr McGlone:** I understand.

**Mr Terrington:** — what we would need to do if that is possible legally, and, of course, whether the Minister would be content to do that.

**The Chairperson (Mr McAleer):** Will you commit to looking at the possibility of doing that, John?

**Mr Terrington:** We certainly can.

**Mr McGlone:** OK. Thanks, Chair.

**The Chairperson (Mr McAleer):** Will you report back to us on that, John.

**Mr Terrington:** Yes, will do. It would be useful to try to do that before the Committee finalises its report. We will work towards that. If it is deemed possible to do that and the Minister is content — we are at the behest of legislative counsel on drafting it — it would need to be done before Consideration Stage, but whether it is all in place before the Committee reports and there is a chance for you to come back and revisit it on a separate occasion, time will tell. As I say, we will certainly look into it and see whether it is possible and feasible, see what it would entail and seek the Minister's view on whether he is content to take it forward.

**The Chairperson (Mr McAleer):** OK, John. We will look forward to that.

I want to thank members for their time and consideration, and John and Samantha, for their help and advice.

**Mr Terrington:** I just want to say, Mr Chairman, that I am protecting Samantha as best I can, for she has lost her voice this morning. It is not that she was unwilling to speak; she would have tried if necessary.

**The Chairperson (Mr McAleer):** You are doing a good enough job of advocating on her behalf, John, so thank you very much.

**Mr Terrington:** Thank you.

**The Chairperson (Mr McAleer):** Thank you. We will see you again, John and Samantha. The Clerk will produce a draft report for the Committee's consideration in due course.