

**Note:** The words to be struck out are struck through, ie ~~Board~~, and the words to be introduced are underlined and in italics, ie ***Board***.

### Clubs being persons under the Rules

#### Rule 104

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person includes a corporation sole, a body corporate (e.g. a Club), and an unincorporated body.

#### Rule 803

803 (1) A person who, or body or other entity (~~not being a Club~~) which, commits or is deemed to have committed a breach of these Rules or any of them for which a penalty is not provided elsewhere in these Rules shall be liable to:

- (a) be disqualified for a period not exceeding 12 months; and/or
- (b) be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or
- (c) a fine not exceeding \$20,000.

Where a Rule or any part of a Rule provides that a horse may be disqualified if a person commits a breach in respect of such Rule or any such part the liability to disqualification of the horse shall not be regarded as a penalty for the person~~s~~ or body~~s~~ or other entity~~s~~ breach of the Rule or of the part.

### **Proposed Rule Amendments for Out of Competition Testing**

208 Stipendiary Stewards and Investigators have the power:

- (a) to require from the person in whose name such horse is entered, proof:
  - (i) of his ownership or other interest entitling him to enter such horse for the Race;
  - (ii) that such horse is not wholly or in part owned by a person whose ownership of such horse would make it ineligible to start in such Race; and
  - (iii) that such horse is not otherwise ineligible to start in such Race;
- (b) at any time to detain and/or take possession or allow any person specified by them to take possession for such period as they or such person considers necessary or desirable, any horse which has been entered for or started in a Race and to examine that horse or order that it be examined by such person or persons as they direct and at such time and place as they specify:
  - (i) for the purpose of ascertaining whether that horse is the horse it is or was represented to be; and
  - (ii) for any other purpose as they think fit;
- (c) to require any horse to be produced for inspection, examination or observation by any person specified by them at a time and place also so specified, and to have such a horse tested and/or have any sample taken from it (including, without limitation, a sample of its hair, urine and/or blood):

...

310 A Training Partnership shall be deemed to be jointly and severally liable for any breach of the following rules regardless of whether all Trainers in that partnership were involved in the breach:

- (a) 306, 308, 322, 325, 326(1), 326(3), 327, 330(6);
- (b) 523, 524, 526, 527, 529, 533;
- (c) 633, 634, 635, 636(1)(a), 650, 651(2), 652(1), 651(4), 652(2), 653, 654; and/or
- (d) 804(2), 804(3) and 804(6).

### **SERIOUS RACING OFFENCES**

801 (1) A person commits a Serious Racing Offence within the meaning of these Rules who:

...

- (n) administers, causes or permits to be administered or who attempts to administer or to cause to be administered or who permits a person to administer or cause to be administered to a horse;
- (i) for the purpose of affecting the speed, stamina, courage or conduct of a horse in a Race, a Prohibited Substance of the type set out in paragraphs 1 to 4 of the Fourth Appendix to these Rules;

- (ii) **a Prohibited Substance of the type set out in paragraph 6 of the Fourth Appendix to these Rules;**

#### PROHIBITED SUBSTANCE OFFENCES

- 804 (1) A horse which has been brought to a Racecourse or similar racing facility and which is found by a Tribunal conducting an inquiry to have had administered to it or have had present in its metabolism a Prohibited Substance **of the type set out in any part of the Fourth Appendix to these Rules**, ~~capable of affecting its speed, stamina, courage or conduct~~, shall be, in addition to any other penalty which may be imposed, disqualified for any Race or trial to which the Third Appendix hereto applies in which it has started on that day.
- (2) When a horse which has been brought to a Racecourse or similar racing facility for the purpose of engaging in a Race or trial to which the Third Appendix hereto applies is found by a Tribunal conducting an inquiry to have had administered to it or have had present in its metabolism a Prohibited Substance **of the type set out in paragraphs 1 to 4 of the Fourth Appendix to these Rules**, ~~capable of affecting its speed, stamina, courage or conduct~~, the Trainer and any other person who in the opinion of such Tribunal conducting such inquiry was in charge of such horse at any relevant time commits a breach of these Rules unless he satisfies the Tribunal that he had taken all proper precautions to prevent the administration or presence of such Prohibited Substance.
- (3) The Trainer and any other person who in the opinion of a Tribunal conducting an inquiry was in charge of a horse, which was or was to be brought to a Racecourse or similar racing facility for the purpose of engaging in any Race or trial to which the Third Appendix hereto applies, commits a breach of these Rules if such Tribunal conducting an inquiry finds that the result of analysis of any test or sample taken from the horse after the scratching deadline (as specified for the relevant Race Meeting in accordance with Rule 510(d)(v) or as amended by NZTR from time to time) on the day on which the horse was to Race or trial discloses a level of article, substance or liquid equal to or greater than such level as is set by NZTR and published in the Thoroughbred Racing Monthly from time to time.
- (4) A person shall not have in his or her possession on a Racecourse **or similar racing facility**, where a Race Meeting is being conducted **or trials to which the Third Appendix hereto applies**, ~~or similar racing facility~~ a Prohibited Substance, syringe, needle, device or other instrument which could be used to administer a Prohibited Substance to a horse unless that person shall have first obtained the permission of the Stipendiary Steward or Investigator to be in possession or satisfies them that such possession is for his lawful use.
- (5) A person, except for a Veterinarian who is an official, shall not, during a day of racing, administer by injection, nasal gastric tube, gastric tube, ventilator or nebulizer to a horse entered in a Race, **or trial to which the Third Appendix hereto applies**, on that day of racing any substance whatsoever, unless such administration occurred after the horse has raced or under the direction of a Stipendiary Steward or Investigator. For the purposes of this sub-Rule the day of racing is deemed to commence at 12.01 am and to conclude after the last Race.
- (6) **A Trainer of a horse commits a breach of these Rules if the Tribunal conducting an inquiry finds that the horse has had administered to it or has had present in its metabolism a Prohibited Substance of the type set out in paragraph 6 of the Fourth Appendix to these Rules.**
- (7) A person who commits a breach of sub-Rule (2) or (3) or (4) or (5) **or (6)** of this Rule shall be liable to:
- (a) be disqualified for a period not exceeding five years; and/or
- (b) be suspended from holding or obtaining a Licence for a period not exceeding 12 months. If a Licence is renewed during a term of suspension, then the suspension shall continue to apply to the renewed Licence; and/or
- (c) a fine not exceeding \$25,000.
- ~~(8)~~ Any horse connected with a breach of sub-Rule (2) or (3) or (4) or (5) **or (6)** of this Rule shall be, in addition to any other penalty which may be imposed, disqualified from any Race or trial to which the Third Appendix hereto applies and/or be liable to a period of disqualification not exceeding five years.
- (9) If a Stipendiary Steward is satisfied following the outcome or analysis of the exercise of any powers in Rule 208(c) that a horse has had administered to it or has had present in its metabolism a Prohibited Substance of the type set out in paragraph 6 of the Fourth Appendix to these Rules, then the Stipendiary Steward may declare the horse ineligible to start in any Race or trial to which the Third Appendix hereto applies for a reasonable period (taking into account the nature of the Prohibited Substance administered or which is or was present), such period to be determined by the Stipendiary Steward following consultation with a Veterinarian.**
- (10) If the Owner or lessee (as the case may be) or his Agent or the Racing Manager or the Trainer of a horse, which is declared ineligible to start in any Race or trial to which the Third Appendix applies Race pursuant to Rule 804(9), wishes to appeal against that decision (including the decision to declare the horse ineligible and/or the period of ineligibility), he shall inform the Stipendiary Stewards of that wish and a Stipendiary Steward shall file an information with the Judicial Committee who shall consider the matter de novo.**
- (11)** If, in a proceeding in which any breach of this Rule or of Rule 801(1)(n) is alleged, it is proved that:
- (a) a horse has had administered to it an article, substance or liquid; or
- (b) before being administered to the horse the article, substance or liquid was contained in a bottle or other container

it shall be presumed until the contrary is shown that the article, substance or liquid contained, at the time of administration, as a minimum those ingredients specified in any label which it is proved:

- (i) was at the time of administration on the bottle or other container; or
- (ii) was at the time of sale usually on the bottle or other container in which that article, substance or liquid was customarily sold.

Nothing in this sub-Rule (~~118~~) shall prevent a party to a proceeding calling evidence concerning:

- (c) whether an article, substance, liquid or Prohibited Substance was administered to a horse;
- (d) the ingredients of an article, substance, liquid or Prohibited Substance so administered; and/or
- (e) ingredients additional to or different from those so specified as having been contained in an article, substance, liquid or Prohibited Substance so administered.

#### FOURTH APPENDIX

##### PROHIBITED SUBSTANCES FOR PURPOSES OF RULE 104(1)

##### OF THE NEW ZEALAND RULES OF RACING

The following substances are declared as ~~Prohibited~~ ~~Substances~~ for the purposes of a horse racing on Race day or at a trial to which the Third Appendix hereto applies:

1 Substances capable at any time of acting directly or indirectly on 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
- the endocrine system

2 Substances falling within the following categories ~~of categories:~~

- acidifying agents
- adrenergic blocking agents
- adrenergic stimulants
- alkalinising agents
- anabolic agents
- analgesics
- antiangina agents
- antiarrhythmic agents
- anticholinergic agents
- anticoagulants
- antidepressants
- antihistamines
- antihypertensives
- anti-inflammatory agents
- blood coagulants
- bronchodilators
- bronchospasm relaxants

- buffering agents
- central nervous system stimulants
- cholinergic agents
- corticosteroids
- depressants
- diuretics
- endocrine secretions and their synthetic counterparts
- general anaesthetics
- haematopoietic agents
- hormones (including trophic hormones) and their synthetic counterparts
- hypnotics
- local anaesthetics
- masking agents
- muscle relaxants
- narcotic analgesics
- neuromuscular agents
- plasma volume expanders
- respiratory stimulants
- sedatives
- tranquillisers
- vasodilators

3 Metabolites, artifacts and isomers of the ~~prohibited substances~~ substances prescribed in paragraph 1 and 2 hereof.

4 The following ~~prohibited substances~~ substances when present at or below the concentrations respectively set out are excepted from the provisions of paragraphs 1, 2 and 3 hereof:

- (a) alkalinising agents, when evidenced by total carbon dioxide (TCO<sub>2</sub>) at a concentration of 36.0 millimoles per litre in plasma;
- (b) arsenic at a mass concentration of 0.30 milligrams per litre in urine.
- (c) Dimethyl sulphoxide at a mass concentration of 15 milligrams per litre in urine or 1.0 milligrams per litre in plasma;
- (d) in male horses other than geldings, 5 $\alpha$ -estrane-3 $\beta$ , 17 $\alpha$ -diol in urine (including both the free substance and that liberated from its conjugates) at a mass concentration equal to or less than that of 5(10) estrene-3 $\beta$ , 17 $\alpha$ -diol in urine (including both the free substance and that liberated from its conjugates);
- (e) Salicylic acid at a mass concentration of 750 milligrams per litre in urine or 6.5 milligrams per litre in plasma;
- (f) Hydrocortisone at a mass concentration of 1.00 milligrams per litre in urine;
- (g) Testosterone (including both free testosterone and testosterone liberated from its conjugates):
  - (i) in geldings: at a mass concentration of 20 micrograms per litre in urine;
  - (ii) in fillies and mares: at a mass concentration of 55 micrograms per litre in urine;
- (h) 3-Methoxytyramine (including both free 3-methoxytyramine and 3-methoxytyramine liberated from its conjugates) at a mass concentration of 4.0 milligrams per litre in urine;
- (i) Boldenone . 15 microgram free and conjugated boldenone per litre in urine from male horses (other than geldings);
- (j) Theobromine . 2 milligrams theobromine per litre in urine.

5 The following substances are excepted from the provisions of paragraphs 1, 2 and 3 hereof:

- antimicrobials (antibiotics) and other antiinfective agents with the exception of procaine penicillin
- altrenogest (~~regumate~~)
- ambroxol
- antiparasitics . (except piperazine group)

- bromhexine
- bufotenine
- chondroitin sulphate
- dembexine
- glucosamine
- hordenine
- hyaluronic acid
- licensed vaccines against infectious agents
- omeprazole
- pentosan polysulphate
- polysulphated glycosaminoglycans

**6. The following substances are declared as Prohibited Substances for the purposes of these Rules for any day, including a day on which a horse is racing in a Race or trial or a day on which a horse is not racing:**

- **any substance for which there is no veterinary therapeutic purpose**
- **anileridine**
- **etorphins**
- **dipipanone**
- **endorphins**
- **human erythropoietin and darbepoetin alfa**
- **human insulin, bovine insulin and porcine/canine insulin**
- **diacetylmorphine (heroin), cocaine, cannabinoids and lysergic acid diethylamide (LSD)**
- **amphetamines, including amphetamine, methylamphetamine, methylenedioxyamphetamine, and methylenedioxymethamphetamine**

**Notifiable Gear**

**616 (1) Subject to Rules 609 and 616(2), only an item or items of approved gear or Notifiable Gear may be used on a horse in a Race, a trial, jump-out or in trackwork, provided that the Stipendiary Stewards may approve other gear for a particular horse to be used in trackwork.**

**(2) A Trainer shall not start or attempt to start a horse in a Race in an item or items of Notifiable Gear unless permission has been obtained from a Stipendiary Steward before the horse is accepted or is deemed to be accepted for that Race.**

**(3) When permission has been obtained in accordance with sub-Rule (2) of this Rule 616 for the use of an item or items of Notifiable Gear on a horse, such item or items of Notifiable Gear will continue to be used without variation on the horse concerned in consecutive subsequent Races unless permission has been obtained from a Stipendiary Steward before the horse is accepted or is deemed to be accepted for a subsequent Race, or the Trainer is otherwise approved or instructed by a Stipendiary Steward to change or adjust the Notifiable Gear that is to be used for that horse.**

**(4) A horse which starts, or attempts to start, in a Jumping Race shall be subject to the requirements of sub-Rules (1), (2) and (3) of this Rule 616 together with requirements of Rule 529.**

**(5) Subject to sub-Rule (3), any permission a Trainer obtains from a Stipendiary Steward under this Rule 616 to start or attempt to start a horse in particular items of Notifiable Gear:**

**(a) for a Flat Race shall only apply to Flat Races;**

**(b) for a Jumping Race shall only apply to Jumping Races.**

**For the avoidance of doubt, the Trainer has no obligation to seek a Stipendiary Steward's approval to start or attempt to start a horse in a subsequent Flat Race with the same item or items of Notifiable Gear as it started in for the last Flat Race it ran, irrespective of whether it started in a Jumping Race in other approved items of Notifiable Gear between such Flat Races. The same applies in respect of in consecutive subsequent Jumping Races.**

**Graded Stakes Committee**

506 The provisions of this Rule 506 govern the appointment, operation, rights and powers of the Graded Stakes Committee and

Review Panel.

- (1) From time to time a Graded Stakes Committee shall be appointed, comprising eight members as follows:
  - (a) a Chairman who shall be appointed by NZTR ~~in August each year~~, after consultation with the President of the New Zealand Thoroughbred Breeders Association;
  - (b) three representatives of NZTR who shall be appointed by NZTR ~~in August of each year~~;
  - (c) three representatives of the New Zealand Thoroughbred Breeders Association who shall be appointed by its Council ~~in August of each year~~;
  - (d) a representative of the **thoroughbred auction companies operating in New Zealand** ~~Bloodstock Agents Federation (NZ) Inc operating in New Zealand~~ **who has experience in cataloguing and pedigree compilation and** who shall be appointed by the New Zealand Thoroughbred Breeders Association Council ~~in August of each year~~.
- (2) The appointment of the relevant members shall take place in ~~August~~ **December** of each year, and shall take effect from 1 ~~September of that year~~ **January** to 31 ~~August~~ **December** of the following year, except in the event of the death or resignation of a member of the Graded Stakes Committee or of a vacancy occurring in the membership of the Graded Stakes Committee, in which event the body or bodies which appointed the member who held the now vacant position shall appoint another person to fill that position.
- (3) A member of the Graded Stakes Committee may be appointed for a further term as a member.
- (4) The Graded Stakes Committee shall meet at such time and place as is determined by the Chairman and is notified to the members in writing at least ten days prior to the date of the meeting, provided that less than ten days notice may be given if five or more members of the Graded Stakes Committee agree to such a lesser period of notice.
- (5) If:
  - (a) the Chairman is not present at a meeting of the Graded Stakes Committee, the members present shall elect one of their number to be Chairman of that meeting;
  - (b) any member is absent without leave of the Graded Stakes Committee for more than two successive meetings of the Graded Stakes Committee then that person's seat shall be vacated, but in the case of any member who has been granted leave of absence for a period of not less than three months the body or bodies which elected or appointed him may appoint a substitute to act in his stead during his absence.
- (6) At a meeting of the Graded Stakes Committee:
  - (a) the Graded Stakes Committee may regulate the conduct of business at its meetings in such a manner as it thinks fit and shall determine its own procedure;
  - (b) the presence of five members shall constitute a quorum;
  - (c) each member shall have one vote and in the case of an equality of votes the Chairman shall also have a casting vote on any question put to the vote at any such meeting.
- (7) The functions of the Graded Stakes Committee shall be to:
  - (a) produce no later than 31 August in each calendar year a list ranking the pre-eminent Races in New Zealand, in five categories of Races, namely Group I, Group II, Group III, Listed Stakes and Listed Jumps, in terms of the quality of horses contesting those Races having regard to:
    - (i) age, sex and aptitudes;
    - (ii) the then current version of the International Cataloguing Standards and ensuring that the list meets the specifications of the International Cataloguing Standards in order to enable its inclusion in Part 1 of the International Cataloguing Standards Handbook,
  - (b) supply the list produced by the Graded Stakes Committee to NZTR who shall be responsible for its publication and circulation.

NZTR shall reimburse the Graded Stakes Committee for the reasonable costs and expenses incurred in carrying out such functions.
- (8)
  - (a) Subject to paragraph (c), before downgrading or delisting a Race from its ranking the Graded Stakes Committee shall give written notice to the Club concerned of its intention to do so and no Race shall be downgraded or delisted until there has been two consecutive annual runnings of that Race after the giving of such notice.
  - (b) Any Club that has been put on notice pursuant to paragraph (a) herein in respect of a particular Race is to be advised annually by the Graded Stakes Committee of its assessment of that Race in terms of the criteria set out in sub-Rule (7)(a) of this Rule until such time as either the notice is withdrawn or the Race is downgraded or delisted.
  - (c) Notwithstanding the foregoing, the Graded Stakes Committee may at any time, without giving written notice to a

Club, downgrade or delist a Race where the Club has made significant changes to the Race in terms of one or more of the following:

- (i) the distance of the Race;
- (ii) the date of the Race;
- (iii) the stake money;
- (iv) the conditions of the Race.

(9) From time to time a Review Panel shall be established, comprising the:

- (a) Chairman of the Graded Stakes Committee (being the Chairman who was the Chairman of the Graded Stakes Committee at the time the decision relating to the Graded Stakes List produced by the Graded Stakes Committee was made, notwithstanding that his term of office as Chairman of the Graded Stakes Committee may have expired at the time the decision is being reviewed);
- (b) the President of the New Zealand Thoroughbred Breeders Association or his nominee; and
- (c) the Chairman of the Board of NZTR or his nominee;

(10) Subject to sub-Rule (12)(a), application may be made to the Review Panel for a review of the Graded Stakes Committee's List by any one or more of the following bodies:

- (a) NZTR;
- (b) a Club;
- (c) the New Zealand Thoroughbred Breeders Association;
- (d) any branch of the New Zealand Thoroughbred Breeders Association;
- (e) the Bloodstock Agents Federation (NZ) Inc,

provided that request for a review is lodged in writing with NZTR within 28 days of the date of the first publication of the Graded Stakes Committee's List.

(11) In considering any such application for review, the Review Panel shall have regard to the following:

- (a) whether the Graded Stakes Committee has adequately carried out its functions as defined in sub-Rule (7);
- (b) whether adequate notice has been given to the Club concerned in terms of sub-Rule (8)(a) prior to the downgrading or delisting of any particular Race or Races;
- (c) whether the changes relied upon by the Graded Stakes Committee for downgrading or delisting a Race pursuant to Rule (8)(c) justify such actions;
- (d) whether new information or changed circumstances have arisen since the Graded Stakes Committee made its determination in respect of any particular Race or Races.

(12) The Review Panel may:

- (a) confirm the List produced by the Graded Stakes Committee, in which event the decision of the Review Panel shall be final; or
- (b) set aside the List and prescribe the terms for referring it back to the Graded Stakes Committee for re-consideration.

(13) A Club shall only advertise a Race to be run at its Race Meeting in a particular Racing Year as being a Group Race or a Listed Race if that Race appears on the list published by NZTR in accordance with sub-Rule (7)(b) above for that Racing Year.