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(EXTRAORDINARY)

OF GUYANA

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THE OFFICIAL GAZETTE 18TH DECEMBER, 2024
LEGAL SUPPLEMENT — C

BILL No. 23 of 2024

Wednesday 18th December, 2024

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

18th December, 2024.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 23 of 2024

GUYANA HORSE RACING AUTHORITY BILL 2024

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A BILL
Intituled

AN ACT to provide for the regulation of the horse racing industry; to establish a Horse Racing Authority, and for connected matters.

A.D.2024 Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the Guyana Horse Racing Authority Act 2024.

Interpretation.

2. In this Act-

"Authority" means the Guyana Horse Racing Authority established under section 3;

"Court" means the High Court;

"Minister" means the Minister with responsibility for sports;

"racecourse" means any ground in Guyana including any buildings or structures thereon used or intended to be used for the purpose of a racecourse for racing with horses; and

"racing" means horse racing.

PART II
THE AUTHORITY

Establishment of the Guyana Horse Racing Authority.

3. There is established the Guyana Horse Racing Authority which shall be a body corporate administered by a Governing Board constituted under section 4.

Constitution of the Governing Board.

4. (1) There is constituted a Governing Board of the Authority which shall have the power to do, or provide for, any act or thing in relation to the Authority which it considers necessary or expedient.

(2) The Board shall comprise of such number of members appointed by the Minister, being not less than five nor more than seven members and shall be selected from among the following persons who have experience in law, finance, business or in the field of horse racing, or any other suitable expertise.

(3) The Chairperson shall be appointed by the Minister.

(4) The members of the Board shall elect a Vice-Chairperson from among themselves.

(5) The Chief Executive Officer of the Authority shall be an *ex officio* member of the Board and shall not have a casting vote.

(6) A person shall not be nominated or appointed as a member of the Board if that person is-

(a) an undischarged bankrupt; and

(b) convicted of an offence involving fraud or dishonesty.

(7) A member of the Board shall hold office for a term of three years and shall be eligible for reappointment for a further term as may be determined by the Minister.

(8) The appointment, reappointment, termination or removal of a member of the Board shall be published in the *Gazette*.

(9) The Minister shall determine the terms and conditions, including the remuneration and allowances, if any, of the appointment of members of the Board.

Functions of the Authority.

5. The Authority shall be responsible for the regulation and control of the horse racing industry, and in furtherance of its responsibility shall-

(a) make all such rules as are necessary;

(b) issue such licences as may be necessary;

(c) hear all disputes arising out of the rules of racing;

(d) introduce, implement, assist in or undertake the implementation of any scheme for the development of the horse racing industry; and

(e) administer and enforce regulations and rules made under this Act.

Vacancy.

6. (1) The office of a member of the Board becomes vacant if that member-

(a) dies;

(b) resigns by written notice to the Minister;

(c) ceases to be employed by, or represent the Ministry or organisation which nominated that member;

(d) is removed by the Minister where the member-

(i) is unable to function because of physical or mental illness;

(ii) is absent from three consecutive meetings of the Authority without reasonable excuse;

(iii)is convicted of an offence under this Act or any other law which the Minister reasonably believes makes the member unfit to serve as a member;

(e) acts contrary to the provisions of this Act; or

(f) is removed by the Minister for any other just cause.

(2) Where the appointment of a member of the Board is not renewed, that member shall, on the expiration of the period for which the member was appointed, continue to hold office of a member until another person is appointed to succeed that member:

Provided that a member of the Board shall not hold office for more than six months after the expiration of that member's tenure.

(3) Where the office of a member of the Board becomes vacant during that member's tenure, the Minister shall request the respective Ministry or the organisation from which the vacancy exists to nominate another person to hold that office for the remainder of the period for which the previous member was appointed.

(4) Where there is no Board by reason of the expiration of the appointment of all the members of the Board, the Minister shall perform the functions of the Board until the Board is reconstituted:

Provided that the Minister shall appoint a new Board within six months of the expiration of the appointment of the members of the Board.

Appointment of Chief Executive Officer and other employees of the Authority.

7.(1) The Board, shall, with the approval of the Minister, appoint a Chief Executive Officer and employ such other persons, including authorised officers, as are necessary for the purpose of carrying out the functions of the Authority on such terms and conditions, including remuneration, allowances, and superannuation benefits.

(2) The Chief Executive Officer shall be appointed for a term of three years and shall be eligible for reappointment for a further period to be determined by the Board with the approval of the Minister.

(3) The Chief Executive Officer shall be responsible for the day-to-day management of the Authority and shall perform the duties and functions as may be directed and assigned by the Board.

Proceedings of the Board.

8. (1) The Board shall meet at least once a month for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Chairperson may determine.

(2) The Chairperson may call a meeting of the Board on giving notice of not less than seven days to the members of the Board, in writing, except that if the urgency of any matter does not permit the giving of that notice, a special meeting may be called on giving a shorter period of notice.

(3) At any meeting of the Board, a quorum is constituted where at least a majority of appointed persons are present including the Chairperson.

(4) The Chairperson shall preside over every meeting of the Board and in the absence of the Chairperson, the Vice-Chairperson shall preside.

(5) A decision of the Board on any question shall be determined by a majority of the votes of the members of the Board present and voting at the meeting

and, in the event of an equality of votes, the Chairperson at the meeting shall have a casting vote.

(6) The Board may invite any person whose presence is desirable, in the opinion of the Board, to attend and to participate in a meeting of the Board, but that person shall not have the right to vote.

(7) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board.

Sub-committee and delegation of functions.

9. (1) The Board may delegate to any member or committee of the Board the power and authority to carry out any of the functions of the Authority as the Board may determine.

(2) The Board may constitute any number of committees that it considers necessary for the effective carrying out of the functions of the Authority.

(3) The Board may appoint the members of a committee from among its members or from among persons who are qualified for appointment to the committee by reason of their experience, professional capacity and requisite qualification relating to the work of the Authority:

Provided that a committee shall include at least one member of the Board.

(4) A person appointed as a member of a committee, who is not a member of the Board, shall hold office for a period as may be determined by the Board and may be paid a stipend as may be approved by the Minister.

(5) Subject to any specific or general direction of the Board, a committee may regulate its own procedure.

Disclosure of interest.

10. (1) A person who is present at a meeting of the Board or a committee of the Board for the purpose of determining any matter in which that person or an associate or a relative of that person has a direct or indirect interest, shall disclose that interest, as soon as practicable, after the commencement of the meeting and shall not take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for a term of one year.

Funds and resources of the Authority.

11. The funds and resources of the Authority shall consist of-

(a) funds appropriated by Parliament;

(b) any fees collected in respect of the issue of licences under this Act; and

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

Application of funds.

12. The Authority shall apply its funds to—

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

(b) the remuneration of its members; and

(c) any other expenditure determined by the Authority subject to the general directions of the Minister.

Budget of the Authority.

13. (1) The Authority shall determine its own annual budget for submission to the Minister for approval and thereafter for submission to the Minister responsible for finance for inclusion in the annual budget presented to the National Assembly.

(2) The Authority is hereby authorised, under the general supervision and control of the Minister, to retain such fees and costs collected by it in the discharge of its functions as are necessary to fund the budget for the Authority, and the remainder of such fees and costs collected shall be paid into the Consolidated Fund.

Accounts and audit.

14. (1) The Authority shall keep proper accounts and other records in respect of its operations and the accounts shall be audited annually by the Auditor General.

(2) All books of accounts kept by the Authority shall be subject to examination and audit at any time by the Auditor General.

(3) The members, officers and employees of the Authority shall grant to the Auditor General access to all books, documents, cash and securities of the Authority and shall give him on request all such information as may be within their knowledge in relation to the operation of the Authority.

Financial year and annual report.

15. (1) The financial year shall end on the thirty-first day of December.

(2) The Authority shall not later than three months after the end of each financial year submit a report to the Minister containing-

(a) an account of its transactions throughout the preceding financial year in such detail as the Minister may direct; and

(b) a statement of the accounts of the Authority audited in accordance with section 14.

(3) A copy of the report together with a copy of the Auditor General's report shall be audited annually by the Auditor General.

PART III

LICENSING

Requirement to be licensed.

16. (1) A person shall not operate a racecourse in Guyana unless that person holds a valid licence issued under this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for a term of one year.

Application for a racecourse licence.
First Schedule
Second Schedule

17. (1) An application for a licence to operate a racecourse shall be made in the form set out in the First Schedule accompanied by the fee set out in the Second Schedule.

(2) When the Board receives an application, the Board may make such investigations as it considers necessary in connection with the application.

(3) An investigation shall be carried out by directing an authorised person to visit and inspect the racecourse in respect of which the application is being made

(4) The authorised person shall-

(a) enter upon and examine the racecourse in respect of which the application is made;

(b) put to any person on the racecourse any question relating to the application for a licence to operate the racecourse if the authorised person reasonably believes that any information can be so obtained which will assist the Board in arriving at a decision as to whether the application should be recommended.

Grant of licence.

18. (1) The Board may in respect of any application under section 17, if satisfied that it is desirable so to do, as soon as practicable after receipt of the approval of the Minister, grant or refuse to grant the licence to the applicant to operate the racecourse and shall notify the applicant in writing accordingly.

(2) Every such licence granted by the Board shall be for such period and be subject to such terms and conditions as may be specified therein.

Occupational licence.

19. (1) No person shall be, or employ another, or be employed as, a trainer, jockey, apprentice jockey, stable employee or otherwise in connection with any horse being trained for horse racing unless that person is the holder of a licence from the Authority for such purpose.

(2) Every application for an occupational licence under subsection (1) shall be made in the form set out in the First Schedule accompanied by the fee set out in the Second Schedule.

First Schedule
Second Schedule

(3) The Board may-

(a) upon receipt of an application under subsection (2), grant a licence for such period and subject to such restrictions as it thinks fit or may in its discretion refuse to grant such licence;

(b) at any time suspend or revoke a licence granted under this section and shall forthwith notify the person concerned in writing of the suspension or revocation as the case may be of his licence specifying the date on which such suspension or revocation shall have effect.

(4) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for a term of six months.

Renewal of a licence.

20. The Board may, where a licence issued under this Act has expired, renew the licence in the manner and form as may be prescribed from time to time.

Review of decisions.

21. Any person aggrieved with any decision of the Board may apply to the Court for review of that decision.

Suspension and revocation of licence.

22. The Board may suspend or revoke a licence granted under this Part, pursuant to Part IV.

PART IV

DISCIPLINE

Disciplinary Committee.

23. (1) For the purpose of this Act, the Horse Racing Disciplinary Committee is established.

(2) The Disciplinary Committee shall be comprised of three members of the Board.

(3) The Disciplinary Committee shall elect a Chairperson and a Deputy Chairperson.

Proceedings of the Disciplinary Committee.

24. (1) The Disciplinary Committee shall meet at any time as may be necessary for the transaction of business, and any Committee meeting shall be held at any place and time and on any day as it thinks fit.

(2) The Chairperson of the Disciplinary Committee, or in the Chairperson's absence the Deputy Chairperson, shall preside at meetings of the Disciplinary Committee.

(3) Any decision of the Disciplinary Committee shall be a nullity where the Chairperson, or the Deputy Chairperson, is absent from the meeting of the Disciplinary Committee.

(4) At any meeting of the Disciplinary Committee, a quorum is constituted where three members are present, and decisions shall be by a majority of the members present.

(5) Notwithstanding any vacancy among the members, every decision of the Disciplinary Committee shall be valid.

Complaints.

25. (1) A representation, complaint or allegation in respect of any matter may be made in writing by any person to the Board.

(2) When the Board determines on its own motion or on receipt of a representation, allegation or complaint that an investigation into the professional conduct of a person should be conducted, the Board shall, refer the matter to the Disciplinary Committee.

Rules of procedure.

26. (1) Subject to the provisions of this Act, the Disciplinary Committee may make rules to regulate its procedure.

(2) For the purpose of investigating any complaints made under this Act, the Disciplinary Committee shall have the powers of the High Court to summon witnesses, and to call for the production of relevant documentary evidence in hard and electronic form and examine witnesses and parties concerned on oath.

Report of the Disciplinary Committee.

27. Upon completion of its investigation, the Disciplinary Committee shall submit a written report to the Board within a reasonable time after the investigation has completed and may recommend the manner in which the complaint shall be dealt with.

Suspension or revocation of licence to be published.

28. (1) Where the Board has decided to suspend or revoke a licence, the suspension or revocation shall be published in the *Gazette*.

(2) Pursuant to subsection (1), a licence shall cease to be valid for the period of such suspension.

(3) Where a licence has been revoked, the former holder of the licence may apply for re-registration after a period of two years from the date of revocation.

Consideration of the report of the Disciplinary Committee by Court.

29. Where an appeal lies against any decision by the Board, the report of the Disciplinary Committee shall be presented to the Court upon request in writing.

PART V

GENERAL

Power to make regulations.

30. The Minister may make regulations providing for any of the following –

(a) relating to the security of persons, horses and vehicles within a racecourse;

(b) relating to security arrangements within a racecourse;

(c) prohibiting any form of act or conduct within a racecourse, which may cause obstruction, injury or damage to any person, horse or property;

(d) determining or prohibiting the presence or movement of any person, animal or vehicle within a racecourse, or any part thereof, or otherwise regulating the use of any such animal or vehicle;

(e) prescribing conditions and fixing charges to be paid for the use of a racecourse and the facilities provided therein;

(f) providing for the disposal of unclaimed property in the custody of the Authority or of the license of a racecourse;

(g) prescribing fees to be paid in respect of any application for the grant or transfer of a licence to be granted or transferred under this Act or charges in respect of any other matter;

(h) prescribing any other matter required or permitted by this Act to be prescribed;

(i) the setting of minimum standards of competence for trainers and jockeys; and

(j) generally, for giving effect to the provisions of this Act.

Racing rules.

31. The Minister may make rules relating to the conduct of racing and such rules may provide for-

(a) the content and publication of programmes for meetings;

(b) the conditions on which entries to the various races may be accepted;

(c) the method of receiving entrance fees;

(d) the payment of prize money;

(e) the classification and handicapping of horses;

(f) all such other matters, whether similar to the foregoing or not, relating to horses that are bred for racing and matters relating to racing, breeding, training and grooming as the Authority may from time to time require; and

(g) for the imposition of fines and other penalties for any breach thereof.

Offences.

32. Every person who-

(a) obtains a licence or the renewal of a licence under this Act by wilful misrepresentation;

(b) in relation to any application for a licence or the renewal or the transfer of a licence, wilfully or recklessly gives any false or misleading information or makes a false or misleading statement; or

(c) refuses to permit any authorised person to enter or inspect any racecourse or any premises used for the purpose of keeping racehorses in training or breeding horses for racing, or to examine the entries required to be made in the records kept in connection with the operation of a racecourse or for such purpose as aforesaid, as the case may be, or obstructs him in the execution of his duty under this Act,

commits an offence and is liable on summary conviction to a fine of three million dollars and to imprisonment for a term of one year.

Amendment of Schedules.

33. The Minister may, by order, amend the Schedules to the Act.

FIRST SCHEDULE sec. 17, 19

APPLICATION FOR RACECOURSE LICENCE AND APPLICATION FOR OCCUPATIONAL LICENCE

- Applications must include a non-refundable application fee of $5000 or $10, 000.
- Applications must include copies of two forms of picture identification.
- Applications must be completed in full; **signature is required in Section 3.**

Surname:	**First name:**	**Middle name(s):**
Licence type: RACECOURSE LICENCE ☐ **OCCUPATIONAL LICENCE** ☐	**Racetrack name:**	
Previous licence type:	**Previous racetrack name:**	**Year of previous licence:**
Address: (current address)	City / Region	
Home phone number:	**Cellphone number:**	**Email:**
Emergency Contact (Name)	**Cellphone number**	**Relationship:**
Date of birth: (YYYY-MM-DD)	**Gender:** ☐ M ☐ F	**Country of birth:**
Married **Yes** ☐ **No** ☐	**Spouse's full name:** (surname, first name, middle names)	Contact Number:

Application for Horse Racing Licence and Registration

SECTION 2 – TRAINED OR OWNED HORSES

Number of Trained or owned horses: **Name of horse:**	**Name of owner / partnership / stable / company:**

SECTION 3 – DISCLOSURE

Full disclosure of all incidents and offences is required. Failure to fully disclose all incidents and offences is deemed sufficient grounds to deny your application.

1. Have you in the last 10 years, in any jurisdiction, been:	**Arrested**	☐ Yes ☐ No
	Charged with any criminal offence, whether found guilty or not	☐ Yes ☐ No
	Convicted of any criminal offence, regardless of the sentence	☐ Yes ☐ No
	Investigated by police	☐ Yes ☐ No

Cases: (complete this section if you answered YES to any of the above – provide details as indicated below – list all cases without exception including those in which you were not charged or convicted – attach a separate sheet if more space is required)

Date of Arrest / Detention: (YYYY-MM-DD)	**Age:**	**Charge / Claim:**	**Location:**	**Disposition:**	**Arresting Agency:**

2. Have you, in any racing jurisdiction, been denied any licence or had any licence revoked?	☐ Yes ☐ No
3. Have you, in any racing jurisdiction, had any fines or suspensions?	☐ Yes ☐ No
4. Have you ever had a judgment against you in a civil action?	☐ Yes ☐ No
5. Have you declared bankruptcy or received assistance from a regulatory body or a court because of an outstanding debt?	☐ Yes ☐ No

If you answered YES to any of questions 2-5 above, provide details below: (attach a separate sheet if more space is required)

NOTE: Applicants must provide their signature in the space provided below to indicate they understand and agree to the following.

I hereby authorise the Horse Racing Authority to investigate my suitability for Licensing in the Horse Racing Industry pursuant to the Horse Racing Authority Act.

Certification (signature required below)

I certify that all of the information provided by me in this application for a Racecourse Licence or an Occupational Licence is true to the best of my knowledge and belief.

I understand that any false or inaccurate statements made in this application for a Racecourse Licence or an Occupational Licence, or failure to disclose may be deemed sufficient cause for rejection of my application by the Horse Racing Authority.

I certify that I have read and understand the conditions of registration included with this application.

Signature of applicant:	**Name:** (print your full name)	(YYYY-MM-DD)
X		

SECOND SCHEDULE **sec. 17, 19**

FEES

NATURE	FEE
Application to operate a racecourse	$10,000
Application for Occupational Licence	$ 5000

EXPLANATORY MEMORANDUM

The Guyana Horse Racing Authority Bill 2024 seeks to create a regulatory framework for the horse racing industry in Guyana.

PART I of the Bill sets out the short title and the definition of key terms found in the Bill.

PART II of the Bill establishes the Horse Racing Authority which, will be governed by a governing Board. Clause 4 of the Bill sets out the constitution of the governing board and includes the functions of the Authority. The Authority is responsible for the issuance of licenses and for administering and enforcing regulations and rules made under this Act, among other things. This Part also sets out the financial responsibilities of the Authority. The Authority is required to keep proper accounts and records relating to its operations. Additionally, all accounts are required to be audited annually.

PART III of the Bill sets out the licensing procedure. It shall be mandatory for persons seeking to operate a racecourse to be licensed. A jockey, stable employee, and a trainer are also required to have an occupational licence. This Part allows applications for a racecourse licence and occupational licence to be made to the Board in the form set out in the First Schedule to the Bill. Persons seeking to be licenced are required to make an application in writing to the Authority and the Authority shall forward the application to the Board to deliberate on the application. This Part also provides that where the Board refuses to grant an application, the applicant may apply to the Minister for review of that decision.

PART IV establishes a disciplinary committee and sets out its composition and procedure. This Part allows any person to make a complaint to the Board. Also, this Part provides that where a complaint is made the committee shall investigate and submit a written report to the Authority. Additionally, this Part allows the Board to suspend or revoke a licence. All suspension and revocation are required to be published in the *Gazette,* and a person may apply for re-registration after revocation two years from the date of revocation.

PART V of the Bill sets out the Minister's power to make regulations and rules. It gives the Minister the power to make regulations for the purpose of giving effect to the provisions of the Act. Additionally, this Part creates offences and penalties, including obtaining a licence or the renewal of a licence by wilful misrepresentation, making a false or misleading statement, and denying access to an authorised person to enter or inspect a racecourse.

Hon. Charles S. Ramson
Minister of Culture, Youth and Sport