

AGCO

Alcohol and Gaming
Commission of Ontario



Rules of Thoroughbred Racing 2016



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Horse Racing Licence Act, 2015

PART I

Interpretation

Definitions

1. In this Act,

“Board” means the board of the Alcohol and Gaming Commission of Ontario established under the Alcohol and *Gaming Regulation and Public Protection Act, 1996*; (“conseil”)

“Commission” means the Alcohol and Gaming Commission of Ontario established under the Alcohol and Gaming Regulation and Public Protection Act, 1996; (“Commission”)

“conveyance” means a vehicle, vessel or other thing used to transport horses or equipment used in the business of horse racing; (“moyen de transport”)

“licence” means a licence issued under this Act; (“licence”)

“licensee” means the holder of a licence; (“titulaire de licence”)

“Panel” means the Horse Racing Appeal Panel established under subsection 7 (1); (“Comité”)

“prescribed” means prescribed in the regulations; (“prescrit”)

“proceeds”, in relation to an offence under this Act, means,

- (a) personal property, other than money, derived in whole or in part, directly or indirectly, from the commission of the offence, and

- (b) money derived directly or indirectly from the commission of the offence; (“produit”)

“Registrar” means the Registrar of Alcohol, Gaming and Racing within the meaning of the Alcohol and Gaming Regulation and Public Protection Act, 1996; (“registrateur”)

“record” includes a book of account, bank book, voucher, invoice, receipt, contract, correspondence and any other document regardless of whether the record is on paper or is in electronic, photographic or other form; (“document”)

“regulations” means the regulations made under this Act; (“règlements”)

“rules of racing” means the rules for the conduct of horse racing made under section 5; (“règles sur les courses”)

“Tribunal” means the Licence Appeal Tribunal established under the Licence Appeal Tribunal Act, 1999 or whatever other tribunal is provided for in the regulations. (“Tribunal”)

PART II

Registrar, rules of racing and non-licensing appeals

Powers of Registrar, general

2. The Registrar has the power, subject to this Act and the regulations,

- (a) to govern, direct, control and regulate horse racing in Ontario in any or all of its forms; and
- (b) to govern, control and regulate the operation of race tracks and off-track betting facilities in

Ontario at which any form of horse racing is carried on or televised.

Examples

3. Without in any way restricting the generality of section 2, some examples of matters with respect to horse racing over which the Registrar may exercise power are,

- (a) all forms of licensing;
- (b) the appointment and discharge of race track officials and other persons whose duties relate to the actual running of horse races;
- (c) registration of matters that the Registrar considers appropriate;
- (d) the keeping of books and accounts;
- (e) the assessment of penalties for contravention of the rules of racing, and the enforcement of the penalties;
- (f) imposing conditions on licences that the Registrar considers expedient, and removing such conditions; and
- (g) examinations and standards.

Additional matters

4. The Registrar may also exercise power over any matter provided for in the regulations.

Rules of racing

5. (1) Subject to the regulations, the Commission, through the Registrar, shall make rules for the conduct of horse racing in any of its forms.

Same

- (2) The rules of racing may provide for any matter over which the Registrar may exercise power under this Act.

Adoption of other rules

- (3) The rules of racing may adopt by reference, in whole or in part, with the changes that the Registrar considers necessary, rules and procedures of racing associations or bodies, as amended from time to time, with respect to any matter except hearings held under Part III.

Accessible to public

- (4) The Registrar shall ensure that the rules of racing are made readily accessible to the public.

Conflict

- (5) In the case of any conflict or inconsistency between the rules of racing and this Act or the regulations, this Act or the regulations prevail to the extent of the conflict or inconsistency.

Not regulations

- (6) The rules of racing are not regulations for the purposes of Part III of the Legislation Act, 2006.

Delegation

6. The rules of racing may delegate to stewards, judges, veterinarians, race track officials, racing associations or bodies, racing association or racing body officials, licensing agents or officers, racing officials, inspectors, investigators or to any other persons any of the following powers that the Registrar considers expedient:

1. The power to collect fees or other charges for the issuance or renewal of licences and to provide for refunds of the fees and charges.
2. The power to enforce the carrying out of this Act, the regulations, the rules of racing and all

requirements of the Registrar made under this Act.

3. The power to fix, impose and collect penalties for a contravention of the rules of racing.
4. The power to impose conditions on licences, and to remove such conditions.

Horse Racing Appeal Panel

7. (1) The Horse Racing Appeal Panel is established under that name in English and Comité d'appel des courses de chevaux in French.

Members

- (2) The Board may appoint members to the Panel as part-time or full-time members for terms of up to three years or such other period that is prescribed.

Eligibility for appointment

- (3) A person is not eligible to be appointed to the Panel unless the person meets the prescribed requirements, but no person who is a member of the Board shall be appointed to the Panel.

Reappointment

- (4) A person appointed as a member of the Panel is eligible for reappointment if the person meets the eligibility requirements in subsection (3).

Remuneration and expenses

- (5) Panel members are to be paid such remuneration and expenses as the Board may determine.

Practice and procedure

- (6) The Panel may, subject to this Act and the Statutory Powers Procedure Act, determine its own practice and procedure.

Chair and vice-chair

- (7) The Board shall designate one of the members to be the chair and one of the members to be the vice-chair of the Panel.

Duties of chair

- (8) The chair shall have general supervision and direction over the conduct of the affairs of the Panel and shall arrange the sittings of the Panel and assign members to panels to conduct hearings as circumstances require.

Acting chair

- (9) If the chair is absent or otherwise unable to act or if the office is vacant, the vice-chair has all the powers and shall perform the duties of the chair.

Appeals to Panel

8. (1) If the rules of racing provide for an appeal to the Panel, a person who considers themselves aggrieved by a decision of a steward, judge, veterinarian, race track official, racing association official, licensing agent or officer or employee of the Commission may appeal the decision to the Panel and the hearing of the appeal shall be held in accordance with the Panel's rules of procedure.

Powers of panel

- (2) On hearing the appeal, or without a hearing if the circumstances referred to in section 4.1 of the Statutory Powers Procedure Act apply, the Panel may confirm or vary the decision being appealed or set it aside.

No consideration of constitutional validity

- (3) The Panel shall not inquire into or make a decision concerning the constitutional validity of a provision of an Act or a regulation.

Decision final

- (4) A decision of the Panel under subsection (2) is final and not subject to appeal.

PART III
Licensing

Licence to operate

9. No person shall operate a race track at which horse racing in any of its forms is carried on unless the person holds a licence.

Licences, other persons involved in racing

10. No person shall, with respect to horse racing in any of its forms, act as an owner, trainer, driver, jockey, apprentice jockey, groom, jockey's agent, jockey's valet, exercise rider, tradesperson, horsepersons' association, veterinarian or in any capacity provided for in the regulations unless the person holds a licence for that purpose.

Application for licence

11. An application for a licence or the renewal of a licence must be made to the Registrar in the form provided by the Registrar.

Inquiries

12. (1) The Registrar may make those inquiries and conduct those investigations into the character, financial history and competence of an applicant for a licence or the renewal of a licence that are necessary to determine whether the applicant meets the requirements of this Act, the regulations and the rules of racing.

Corporations, partnerships

- (2) If the applicant is a corporation or partnership, the Registrar may make the inquiries into or

conduct the investigations of the officers, directors or partners of the applicant.

Costs

- (3) The applicant shall pay the reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to the Registrar for the payment.

Collection of information

- (4) The Registrar may require information, including personal information, or material from any person who is the subject of the inquiries or investigations and may request information or material from any person who the Registrar has reason to believe can provide information or material relevant to the inquiries or investigations.

Disclosure of information

- (5) If the Registrar requires information or material from a person under subsection (4), the person shall disclose to the Registrar the information or material required, unless it is the subject of solicitor-client privilege.

Verification of information

- (6) The Registrar may require that any information provided under subsection (4) be verified by statutory declaration.

Disclosure by head of institution

- (7) Nothing in the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act prevents the head of an institution within the meaning of those Acts from disclosing to the Registrar the information

or material that the Registrar requires under subsection (4).

Examinations

13. The Registrar may require as a condition for the issuance of a licence, that an applicant for a licence or the renewal of a licence pass the examinations or attain the standards that the regulations or the rules of racing may provide for.

Refusal to issue licence or renewal

14. The Registrar shall refuse to issue a licence to an applicant or to renew the licence of an applicant if,

- (a) there are reasonable grounds to believe that, when acting as a licensee, the applicant will not act in accordance with the law, or with integrity, honesty, or in the public interest, having regard to the past conduct of the applicant; or
- (b) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act, the regulations, the rules of racing or the conditions of the licence.

Conditions of licence

15. (1) A licence is subject to those conditions to give effect to the purposes of this Act,

- (a) that the Registrar proposes and the applicant consents to;
- (b) that are imposed by virtue of sections 16 and 20; or
- (c) that are imposed under this Act or that are required to be imposed under the regulations.

Compliance with rules

(2) Every licence is subject to the condition that the licensee comply with every applicable requirement under the rules of racing.

Review

16. The Registrar may at any time review a licence and may,

- (a) attach to the licence any further conditions consented to by the licensee; or
- (b) issue a proposal under section 20 to attach to the licence any further conditions that the Registrar considers proper to give effect to the purposes of this Act.

Removal of conditions

17. (1) The Registrar may, on the application of a licensee, and if the Registrar considers it appropriate in the public interest, remove a condition to which the licensee had consented.

Same

- (2) The Tribunal may, on the application of a licensee, and if the Tribunal considers it appropriate in the public interest, remove a condition other than a condition to which the licensee had consented, unless the condition is required to be imposed under this Act or the regulations.

No transfers

18. A licence is not transferable.

Suspension or revocation of licence

19. The Registrar may propose to suspend or to revoke a licence for any reason that would disentitle the applicant to the issuance or the renewal of the licence.

Registrar's proposed order

20. (1) If the Registrar refuses to issue or renew a licence, proposes to suspend or revoke a licence, or to add conditions to a licence to which the licensee has

not consented, the Registrar shall serve notice of a proposed order, together with written reasons, on the applicant or licensee.

Right to hearing

- (2) The notice of the proposed order shall inform the applicant or licensee that the person is entitled to a hearing before the Tribunal.

Request for hearing

- (3) To request a hearing, the applicant or licensee shall serve a written request on the Registrar and the Tribunal within 15 days after the Registrar serves the notice of the proposed order.

If no hearing

(4) The Registrar may make the proposed order, if the applicant or licensee does not request a hearing within the allowed time.

Hearing

(5) If the person requests a hearing, the Tribunal shall schedule and hold the hearing.

Order of Tribunal

(6) After holding a hearing, the Tribunal may by order,

- (a) confirm or set aside the proposed order;
- (b) direct the Registrar to take the action that the Tribunal considers the Registrar ought to take to give effect to the purposes of this Act.

Discretion of Tribunal

(7) In making an order, the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(8) The Tribunal may attach the conditions to its order or to the licence that it considers appropriate.

Immediate suspension

21. (1) The Registrar may by order suspend a licence without serving notice of a proposed order under section 20, if the Registrar considers it to be necessary in the public interest.

Service

- (2) The Registrar shall serve a copy of the order made together with written reasons for it on the licensee.

Time of effectiveness

- (3) An order to suspend a licence under subsection (1) takes effect immediately upon being served.

Right to hearing

- (4) Subsections 20 (2), (3) and (5) to (8) apply to the order in the same way as to a proposed order under that section.

Combined hearing

- (5) If the Registrar makes an order under this section with respect to a licensee before a hearing is held under section 20 with respect to a notice of a proposed order that the Registrar has served on the licensee, the Tribunal may hold only one hearing to deal with both the order made and the proposed order.

Cancellation of licence on request

22. The Registrar may cancel a licence upon the request in writing of the licensee and section 20 does not apply.

Further applications

23. (1) No person who is refused a licence or renewal of a licence or whose licence is revoked may apply to the Registrar for a licence until at least two years have passed since the refusal or revocation.

Suspended licences

(2) No person whose licence is suspended may apply to the Registrar for a licence during the suspension.

Rejection of further application

(3) Despite section 20, the Registrar may, without giving written reasons, reject an application made after the time period specified in subsection (1) if, in the Registrar's opinion, the application discloses no substantial new evidence or no material change in circumstances since the refusal, revocation or suspension took effect.

Not statutory power of decision

(4) The Statutory Powers Procedure Act does not apply to the exercise of the Registrar's power under subsection (3).

Change in address for service

24. Every licensee shall, not later than five days after the change, serve the Registrar with a written notice of any change in address for service.

Part IV

Enforcement

Inspectors

25. (1) The Registrar may designate persons employed by the Alcohol and Gaming Commission of Ontario as inspectors for the purpose of ensuring compliance with this Act, the regulations and the rules of racing.

Certificate of designation

- (2) A person designated under subsection (1) who is acting as an inspector under this Act shall, on request, produce his or her certificate of designation.

Inspections

26. (1) For the purposes of carrying out an inspection, an inspector may enter any place or conveyance used in the business of horse racing at any reasonable time, and for that purpose may stop and detain any conveyance.

Dwellings

- (2) The power to enter and inspect under this section shall not be exercised as a power to enter and inspect a place or conveyance or a part of a place or conveyance that is actually used as a dwelling.

Powers of inspector

- (3) An inspector conducting an inspection may,
- (a) examine records or anything else that is relevant to the inspection;
 - (b) demand the production of a record or any other thing that is relevant to the inspection;
 - (c) on issuing a written receipt for it, remove a record or any other thing that is relevant to the

- inspection for review, examination or testing;
- (d) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for copying;
 - (e) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
 - (f) take photographs or make any other kind of recording; and
 - (g) inquire into all financial transactions, records and other matters that are relevant to the inspection.

Written demand

- (4) A demand under this section that a record or any other thing be produced must be in writing and must include a statement of the nature of the record or thing required.

Obligation to produce and assist

- (5) If an inspector demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Records and things removed from place

- (6) A record or other thing that has been removed for review, examination, testing or copying,
 - (a) shall be made available on request to the person from whom it was removed and at a time and place that are convenient for the person and for the inspector; and

- (b) shall be returned to the person within a reasonable time, unless, in the case of a thing that has been subject to testing, the thing has been made unsuitable for return as a result of the testing.

Copy admissible in evidence

- (7) A copy of a record or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Seizure

- (8) An inspector conducting an inspection may seize anything the inspector discovers that the inspector reasonably believes not to be in compliance with this or any other Act, the regulations, or the rules for racing, and, subject to section 33, shall dispose of the thing seized in accordance with the direction of the Registrar, subject to anything provided for in the regulations.

Obstruction

- (9) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

Experts

- (10) An inspector is entitled to call upon such experts as are necessary to assist in an inspection.

Condition of licence

- (11) It is a condition of every licence that the licensee must facilitate inspections under this Act.

Investigators

27. (1) The Registrar may appoint any person to be an investigator for the purpose of determining whether there has been a contravention of this Act or the regulations.

Certificate of appointment

- (2) The Registrar shall issue a certificate of appointment to every investigator.

Police officers

- (3) Police officers are investigators by virtue of office but subsection (2) does not apply to them.

Proof of appointment

- (4) Every investigator who exercises powers under this Act shall, upon request, produce the certificate of appointment as an investigator or identification as a police officer, as the case may be.

Warrants

28. (1) Upon application made without notice by an investigator, a justice of the peace may issue a warrant, if satisfied on information under oath that there are reasonable grounds to believe that,

- (a) there has been or is likely to be a contravention of this Act or the regulations; and
(b) there is, in any place or conveyance anything relating to the contravention of this Act or the regulations.

Powers under warrant

- (2) Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator,
- (a) to enter or access the place or conveyance specified in the warrant and examine and seize anything described in the warrant;
 - (b) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form;
 - (c) to exercise any of the powers specified in subsection (10); and
 - (d) to use any investigative technique or procedure or do anything described in the warrant.

Entry of dwelling

- (3) Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place or conveyance, or part of a place or conveyance, actually used as a dwelling, unless,
- (a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and
 - (b) the justice of the peace authorizes the entry into the dwelling.

Conditions on warrant

- (4) A warrant obtained under subsection (1) shall contain the conditions that the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Execution of warrant

- (5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry

- (6) Unless renewed, a warrant under this section expires not later than 30 days after the date on which it is made.

Renewal of warrant

- (7) A warrant under this section may be renewed for any reason for which it may be issued.

Assistance

- (8) An investigator acting under the authority of a warrant issued under this section is authorized to call on police officers and experts to assist in the execution of the warrant and to use such force as is necessary in the execution of the warrant.

No obstruction

- (9) No person shall obstruct an investigator executing a warrant under this section or withhold from the investigator or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant.

Assistance

- (10) An investigator may, in the course of executing a warrant, require a person to produce the evidence or information described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce,

in any form, the evidence or information described in the warrant and the person shall produce the evidence or information or provide the assistance.

Return of seized items

- (11) Subject to section 33, an investigator who seizes anything under this section or section 29 may make a copy of it and shall return it within a reasonable time or shall dispose of it in accordance with the direction of the Registrar, subject to anything provided for in the regulations.

Admissibility

- (12) A copy of a document or record certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Seizure of things not specified

29. An investigator who is lawfully present in a place or conveyance pursuant to a warrant or otherwise in the execution of the investigator's duties may, without a warrant, seize anything in plain view that the investigator believes on reasonable grounds will afford evidence relating to a contravention of this Act or the regulations or the rules of racing.

Searches in exigent circumstances

30. (1) An investigator may exercise any of the powers described in subsection 28 (2) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant.

Dwellings

- (2) Subsection (1) does not apply to a building or conveyance or part of a building or conveyance that is actually being used as a dwelling.

Use of force

- (3) The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Applicability of s. 28

- (4) Subsections 28 (8), (9), (10), (11) and (12) apply with necessary modifications to a search under this section.

Application of Public Inquiries Act, 2009

31. Section 33 of the Public Inquiries Act, 2009 applies to an investigation by an investigator under this Act.

Possession of proceeds

32. No person shall knowingly possess the proceeds of an offence under this Act.

Order of restoration

33. (1) The Ontario Court of Justice may, upon the application of any person made within 30 days of a seizure authorized under this Act, order that the things seized be restored forthwith to the applicant if the court is satisfied that,

- (a) the applicant is entitled to possession of the things seized;
- (b) the things seized are not required as evidence in any proceeding;
- (c) continued detention of the things seized is not necessary to prevent the commission of an offence;

- (d) the best interests of the horse racing industry and of animal welfare do not require the continued detention of the things seized; and
- (e) it is unlikely that the things will be forfeited on conviction under subsection (4).

Same

- (2) If the court is satisfied that an applicant under subsection (1) is entitled to possession of the things seized but is not satisfied as to all of the matters mentioned in clauses (1) (b), (c) and (d), it shall order that the things seized be restored to the applicant,
 - (a) upon the expiration of three months from the date of the seizure, if no proceeding in respect of an offence has been commenced; or
 - (b) upon the final conclusion of such a proceeding.

Forfeiture

- (3) If no application has been made for the return of a thing seized under this section or an application has been made but upon the hearing of the application no order of restoration has been made, the thing seized is forfeited to the Crown.

Same

- (4) If a person is convicted of an offence under this Act, the court shall order that anything seized in connection with the offence be forfeited to the Crown, unless the court considers that the forfeiture would be unjust in the circumstances.

Relief against forfeiture

- (5) Any person with an interest in a thing forfeited under this section may apply to the Superior

Court of Justice for relief against the forfeiture and the court may make an order providing for any relief that it considers just, including, but not limited to, one or more of the following orders:

1. An order directing that the thing or any part of the thing be returned to the applicant.
2. An order directing that any interest in the thing be vested in the applicant.

Same

- (6) The court shall not order any relief under subsection (5) unless the court is satisfied that the applicant did not, directly or indirectly, participate in, or benefit from, any offence in connection with which the thing was seized.

Arrest without warrant

34. If an investigator who is a police officer finds a person apparently in contravention of this Act or apparently in contravention of a prescribed provision of the regulations and the person refuses to give his or her name and address or there are reasonable grounds to believe that the name or address given is false, the investigator may arrest the person without warrant.

Testimony in civil proceeding

35. No person engaged in the administration of this Act shall be required to give testimony in any civil proceeding with regard to information obtained by the person in the course of the person's duties except in a proceeding under this Act.

Immunity

36. (1) No action or other proceeding for damages may be instituted against any person engaged in the administration of this Act for any act done in good

faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown liability

- (2) Despite subsections 5 (2) and (4) of the Proceedings Against the Crown Act, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Information

37. (1) The Commission and any other agencies responsible for regulating horse racing and transfer payments to racetracks may disclose information to the Registrar for the purpose of conducting research and analysis, including statistical analysis, of the horse racing industry or such other purposes as may be prescribed.

Collection and use

- (2) The Registrar may collect and use information, including personal information, from the Commission, other agencies, ministries and other sources for the purpose of conducting research and analysis, including statistical analysis, of the horse racing industry or such other purposes related to the administration and regulation of the horse racing industry as may be prescribed.

Personal information

- (3) The Registrar shall not collect or use personal information under this section if other information will serve the purpose of the collection or use.

Same

- (4) The Registrar shall not collect or use more personal information under this section than is reasonably necessary to meet the purpose of the collection or use.

Delegation

- (5) The Registrar may delegate the collection and use powers set out in this section to a Deputy Minister of a Ministry or a public servant employed under Part III of the Public Service of Ontario Act, 2006.

No cruelty to race horses

38. (1) No person shall commit an act of cruelty or neglect to a race horse in any place.

“Race horse”

- (2) In this section,
“race horse” means a horse that has participated in racing within the past 60 days or is within 60 days of participating in racing.

Generally accepted practices

- (3) This section does not apply to generally accepted practices of agricultural animal care, management or husbandry.

Improper interference

39. No person shall benefit financially or otherwise from any activity that wrongfully affects or attempts to affect the outcome of a horse race or other officially timed horse racing event.

Adverse impact on integrity

40. No person shall engage in any activity that adversely impacts upon the integrity of horse racing.

Offences

41. (1) A person is guilty of an offence if the person,
- (a) knowingly furnishes false information in any application under this Act;
 - (b) knowingly fails to comply with a Registrar's order under this Act; or
 - (c) contravenes any provision of this Act or the regulations.

Directors, officers

- (2) It is an offence for any director or officer of a corporation to cause, authorize, permit, or participate or acquiesce in the commission by the corporation of an offence mentioned in subsection (1).

Penalty, non-corporations

- (3) Every individual convicted of an offence under this Act is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Penalty, corporations

- (4) Every corporation convicted of an offence under this Act is liable to a fine of not more than \$500,000.

Limitation

- (5) No proceeding under this section shall be commenced more than five years after the time when the subject matter of the proceeding arose.

PART V

General

Regulations

42. (1) The Lieutenant Governor in Council may make regulations for implementing the purposes, provisions and intent of this Act.

Same

(2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) governing anything that this Act describes as being prescribed, provided for or required in the regulations;
- (b) governing horse racing, race tracks and off-track betting;
- (c) respecting the powers of the Registrar;
- (d) governing the contents and enforcement of the rules of racing;
- (e) governing licensing under this Act;
- (f) governing the service of documents for the purposes of this Act;
- (g) providing for exemptions from this Act or any provision of this Act subject to the conditions, if any, provided for in the regulations;
- (h) governing transitional matters arising from the repeal of the Racing Commission Act, 2000.

Transition, corporate matters

43. The following occurs when section 2 comes into force:

1. The Ontario Racing Commission is dissolved.
2. All rights, property and assets that belonged to the Ontario Racing Commission immediately before this section came into

force become the rights, property and assets of the Commission.

3. All debts, liabilities and obligations of the Ontario Racing Commission immediately before this section came into force become the debts, liabilities and obligations of the Commission.

Transition, licensing matters and rules of racing

44. The following occurs when section 9 comes into force:

1. Licences and registrations issued under the Racing Commission Act, 2000 are continued as licences and registrations respectively issued under this Act.
2. The rules for racing and any orders and delegations made by the Ontario Racing Commission under the Racing Commission Act, 2000 are continued as the rules of racing and as orders and delegations respectively made by the Registrar under this Act until they are amended, repealed or replaced by the Registrar.
3. The by-laws made by the Ontario Racing Commission under the Racing Commission Act, 2000 are continued as by-laws of the Alcohol and Gaming Commission of Ontario with respect to this Act until they are amended, repealed or replaced by that Commission.

45.-47. Omitted (amends, repeals or revokes other legislation).

48. Omitted (provides for coming into force of provisions of this Act).

49. Omitted (enacts short title of this Act).

Chapter 1

PRELIMINARY

1.01.01.1 The following rules have been enacted and declared to be the official rules of the Alcohol and Gaming Commission of Ontario (hereinafter referred to as the Commission) and these rules shall apply to all Thoroughbred racetracks and participants under the Commission jurisdiction

1.01.01.2 For the purposes of Quarter Horse racing the Rules of Thoroughbred Racing shall apply with the exception that they shall be superseded by the Quarter Horse appendage if a conflict arises.

1.01.2 Thoroughbred racing shall be conducted in accordance with the Rules, Registrar's directives, conditions of licences granted by the Registrar, track rules approved by the Registrar, and any other applicable laws and regulations. In cases of conflict, the Rules of Thoroughbred Racing including the Quarter Horse appendage shall supersede the conditions of a horse race and the regulations of the Association.

1.01.3 All rulings of Racing Boards and Commissions will be honoured by the Commission as taking effect in Ontario, and all Associations and their officials and employees shall honour such rulings and rulings of other racing jurisdictions in Canada. Notwithstanding this rule, no person will be denied an appeal to the Horse Racing Appeal Panel (the HRAP) if such person applies therefor.

1.02.1 Newly adopted rules and all changes become effective on the date of publication.

1.02.2 The Daily Racing Form shall be the official periodical for announcements and publications of the Commission.

1.02.3 Any ruling of the Registrar, the Stewards or other racing officials may be published in the Daily Racing Form as soon as the person or persons affected by such ruling have been notified either directly or by mail.

1.03 Every person required by the Commission to be licensed shall abide by the Rules and accept the decisions of the Stewards on all matters to which their authority extends, subject to the right of appeal to the HRAP.

1.04 Commission employees and all racing officials shall not use or consume prohibited drugs or alcoholic beverages while on duty.

1.05 Ignorance of the Rules will not be accepted as an excuse for their violation.

1.06 Directives of the Registrar shall have all the force and effect of the Rules. The Registrar adopts all Directives approved by the Ontario Racing Commission prior to April 1, 2016 with necessary modification.

1.07 All definitions in these rules shall apply as well to Registrar's Directives.

1.08 When the final day for implementing any activity covered under the Rules falls on a Sunday, and when no racing is being conducted on that day, the activity may be carried out the following Monday. However, if a race to which such activity relates is scheduled for that Monday, the activity may be performed on the previous Saturday.

1.09 Only track rules and regulations certified as acceptable by the Registrar will be accepted as valid and be acted upon by Commission employees.

Chapter 2

DEFINITIONS

Age of a horse foaled in the northern hemisphere shall be reckoned from the first day of January of the year of foaling.

Allotted Stabling Area shall be the stalls, feed rooms, offices allotted to a trainer and the shedrow immediately in front of said areas, plus the immediate most direct access to these areas.

Arrears are all monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these Rules.

Association means a person, association or corporate body, licensed by the Commission to conduct a race meeting.

Authorized Agent is a person licensed by the Commission and appointed by a written instrument, signed by the owner in whose behalf the agent will act.

BAC means Blood Alcohol Content. It is the grams of alcohol in 100 millilitres of blood when referenced as .02 to .039 BAC and the equivalent of 20 to 39 milligrams of alcohol in 100 millilitres of blood.

Board means the board of the Commission established under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*.

Breeder is the owner of the horse's dam at the time of foaling.

Canadian-bred horse is one that is registered as such by the Canadian Thoroughbred Horse Society.

Careless Riding means every jockey/apprentice who rides a horse on a race track without due care and attention or without reasonable consideration for other jockeys, apprentice jockeys and/or horses and shall constitute a violation of these Rules.

Chief Test Inspector means the official approved pursuant to Part V of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada), and who is directly responsible to the Canadian Pari-Mutuel Agency and to the Stewards for taking official urine and blood samples from the horses and for handling and shipping such samples.

Claiming race is a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the Rules.

Clear Days shall be construed so as to exclude the day of the last race or the day of the last workout and the day of the race, or; the day of the claim and the day of the sale or transfer, or the day of the race outside of Ontario.

Commission means the Alcohol and Gaming Commission of Ontario (AGCO).

A Commission means a Racing Commission recognized by the Commission.

Commission Representative means an employee(s) or agent of the Commission delegated the duties as required by the Registrar.

Commission Veterinarian means a person employed by the Commission and licensed in good standing with the College of Veterinarians of Ontario.

Conditional licence means any Commission licence which has conditions limiting the normal rights of that licence holder.

Day (also known as a calendar day) is a 24-hour period beginning at 12:01 a.m. and ending at 12:00 p.m. midnight.

Designated Licensee means all Designated Racing Officials and individuals who hold a safety-sensitive position.

Designated Racing Officials means all employees and other individuals who have responsibility for decision making and the safe operations of all events at Commission licensed facilities. The following positions are included:

Thoroughbred - stewards, paddock judge, clerk of the scales, assistant clerk of the scales, placing judge, horse ambulance driver and course marshall;

Quarter Horse - stewards, paddock judge, clerk of the scales, horse ambulance driver and course marshall.

Drug means any substance, including alcohol, illegal drugs or medications, the use of which has the potential to adversely affect the way a person thinks, feels or acts. Drugs of concern are those that inhibit a person's ability to perform his or her job safely and productively, including the following:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl.

Beverage Alcohol refers to beer, wine and distilled spirits.

Illegal Drug means any drug or substance which is not legally obtainable and whose use, sale, possession, purchase or transfer is restricted or prohibited by law.

Medication means a drug obtained legally, either over-the-counter or through a prescription.

Entry is

- (a) an application by an owner, trainer or authorized agent for a specific horse to run in a specific race;
- or

(b) two or more horses in the same race, which have common ties in ownership or lease.

Entry Date means the date on which a horse is entered for the first time. To qualify for this date, a horse must have been excluded from a race which appears on the overnight or it must have been entered in a race which failed to fill through insufficient entries, or was not used by the Association. In order to maintain an entry date, papers must be on file with the Association.

Equipment includes, when applied to a horse, whips, blinkers, tongue straps, and plates.

Feature racing shall be defined in the same manner as set forth in the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada).

Fit for Work means being able to safely and effectively perform assigned duties without any limitations due to the use or after-effects of alcohol, illegal drugs, medications or other substances that can impact performance.

Gender; words of the masculine gender include the feminine and the neuter.

Handicap is a race in which the weights to be carried by the horses are assigned by the Racing Secretary or Handicapper for the purpose of equalizing the chances of winning for all horses entered or nominated.

Highweight handicap is one in which the top weight shall not be less than 140 pounds.

Horse is any thoroughbred equine (including and designated as a mare, filly, stallion, colt, ridgling or gelding) registered for racing; or specifically an entire male 5 years of age or older.

Horse Improvement Program means a suite of multi-breed Ontario racing and breeding incentive programs

(including the Ontario Sires Stakes and the Mare Residency Program).

HBPA means the Horsemen's Benevolent and Protective Association.

Horse Racing Appeal Panel (the HRAP) means the Panel established under the *Horse Racing Licence Act, 2015*.

Immediate Family means the son, daughter, son-in-law, daughter-in-law, father, mother, grandchild, grandparent, adopted son, adopted daughter, step son, step daughter, or person to whom the affected licensee stands in loco parentis.

Lessee is a person to whom the racing qualities of a horse are leased, in whole or in part.

Lessor is a person from whom the racing qualities of a horse are leased, in whole or in part.

Maiden is a horse that has never won an official or recognized race as defined in breed registry rules.

Medical Review Officer means a licensed physician responsible for receiving laboratory results generated by an agency's drug testing program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.

Meeting is the specified period and dates each year during which an Association is authorized to conduct racing by approval of the Registrar.

Minister means the Minister responsible for the administration of Part 1 of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*.

Minor means a person who has not yet attained the age of eighteen (18) years.

Month means a calendar month.

Multiple Ownership shall mean ownership of one or more horses by more than one individual.

Nominator is a person or entity in whose name a horse is nominated for a race or series of races.

Official Chemist means a person approved as the Official Chemist pursuant to the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada).

Official Sample means a sample of blood, saliva, urine or other bodily substance that has, in accordance with the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada), been obtained from a horse.

Official Veterinarian means a person employed by the Association and licensed in good standing with the College of Veterinarians of Ontario.

Officials, Racing Officials The following categories shall be considered Officials, or Racing Officials:

1. Stewards
2. Placing Judges
3. Horse Identifier
4. Clerk of the Scales
5. Assistant Clerk of the Scales
6. Starter
7. Assistant Starters
8. Starting Gate Groundsperson
9. Jockeys' Room Custodian
10. Clockers
11. Racing Secretary
12. Assistant Racing Secretary
13. Commission Veterinarian or Official Veterinarian
14. Paddock Judges
15. Course Marshall (Outrider(s))

16. Medical Doctors on Staff

17. Horseperson's Bookkeeper

18. Assistant Horseperson's Bookkeeper

19. Paddock Security Officers

Ontario Sire means a stallion registered with the Horse Improvement Program Registry for the Northern Hemisphere breeding season.

Ontario Sired means a horse whose sire was an Ontario Sire in the horse's conception year.

Ontario Bred means a horse foaled in the Province of Ontario out of an Ontario Resident Mare.

Ontario Resident Mare means a mare, registered with the Horse Improvement Program Registry, foaling out in Ontario that has met all residency eligibility requirements for the birth year.

Overnight Handicap is an overnight race in which the weights to be carried by the horses are assigned by the handicapper.

Overnight Race means a race for which entries close for the first race of the day on which the race is to be run at the time set by the race secretary, and for which no liability is incurred by the owner for entrance money.

Owner is a person who holds any title, right or interest, in whole or in part, in a horse.

Partnership for the purposes of racing a partnership shall be a single entity.

Post position is the position assigned to the horse for the start of the race drawn in accordance with Rule 6.17.

Post time is the scheduled time set by the official clock on the tote board for horses to arrive at the starting gate for a race.

Public stable trainer is a person who trains for anyone other than oneself or one's spouse.

Publication means a Registrar's Directive, Ruling and any other publication which may from time to time be so designated by the Registrar.

Race is a contest between horses at a licensed meeting.

Racetrack or track shall be deemed to mean and include all parts of the plant or premises of an Association.

Registrar has the same meaning as under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*.

Rules means the Rules of Thoroughbred Racing herein prescribed and any amendments thereto, and relate only to thoroughbred racing at all Ontario race tracks under the jurisdiction of the Commission.

Running Date means the date which corresponds to the day of a horse's most recent race. Once establishing either a Running Date or an Entry Date in Ontario, all subsequent starts in Ontario will establish new Running Dates.

Safety Rein means a rein that is constructed to prevent failure due to breakage of the line, or breakage or inadvertent loss of the primary connection to the bit.

Safety Sensitive Position means a position in which individuals have a key and direct role in the handling of horse such that performance impacted by alcohol or other drug use could result in:

- (1) An incident affecting the health or safety of employees, licensees, patrons, horses, or the public, or
- (2) An inadequate response or failure to respond to an emergency or operational situation.

This category includes any and all individuals required to temporarily relieve in a safety-sensitive position.

Scratch Time is the deadline set by the Association for withdrawal of entries from a scheduled performance.

Scratching is the act of withdrawing an entered horse from a race after closing of entries.

Sex means mare, filly, spayed mare or filly, colt, stallion, ridgling, or gelding.

Singular, Plural; words in the singular number include the plural, and in the plural number includes the singular.

Spouse means either of two persons, who:

- (i) are married to each other, or
- (ii) not being married to each other, are cohabiting in a relationship of some permanence, but does not include persons who are living separate and apart from each other pursuant to a decree, order or judgement of a court of competent jurisdiction, or pursuant to a written agreement.

Stable area means those places within the property of a racing Association comprising the stables, track kitchen, racing offices, training areas, saddling areas including paddock and walking ring, and the winner's enclosure.

Steward is a duly appointed racing official with powers and duties specified by statute or rules.

Subscription means the act of nominating for a stakes race.

Substance Abuse Professional (SAP) means an individual with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug

related disorders; the SAP will assess if the individual has a problem, make recommendations regarding education and treatment, and recommend a return-to-duty monitoring program including unannounced testing.

Suspension shall mean prohibition from participating in any manner in racing during the period of that suspension in Thoroughbred, Standardbred, and Quarter Horse racing.

Sweepstakes or Stakes shall be defined as any race in which nominations close more than 72 hours in advance of its running and for which subscribers contribute money towards its purse; or a race for which horses are invited by an Association to run for a guaranteed purse of \$50,000 or more, without payment of stakes fees.

Track see **Racetrack**.

Unauthorized Person is any person, including approved stable area guests or licensee who has not secured permission from a trainer or his representative for permission to enter their allotted stable area. Excluded are Woodbine Entertainment Group, Nordic Gaming and Commission employees, Commission Members and Horsemen's Benevolent and Protective Association appointed representatives.

Urine Inspector means a person employed by the Canadian Pari-Mutuel Agency to perform duties set out in Part V of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada).

Walkover is a race in which only one horse starts and completes the course.

Weight for age is a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

Ontario Thoroughbred Lasix Program (hereinafter called “Lasix Program” in these Rules) consists of a controlled medication program whereby Furosemide (Lasix) shall be administered to horses certified to receive same while in competition in pari-mutuel races within the Rules established by the Commission and in accordance with the provisions of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada).

Chapter 3

RACING ASSOCIATIONS AND ASSOCIATION OFFICIALS

3.01 An Association shall not:

- (i) Operate a racetrack at which racing is conducted without applying for a licence, race dates and the post time for the first race of each program of racing on each race date and having them approved by the Registrar,
- (ii) Change its race dates or the post time for the first race on any race date by more than 30 minutes, without having such change approved by the Registrar,
- (iii) Operate a racetrack without payment of the monthly fee for regulatory funding,
- (iv) Cancel training track facilities unless weather or exceptional conditions apply once the training track opens for training until closing of the racing season.

3.02 The Registrar has power, as he or she may think proper, to make and, if necessary, to vary all arrangements for the conduct of a meeting.

3.02.01 A decision of the Registrar regarding approval or non-approval of race dates is not appealable to the HRAP.

3.03.1 The Commission and its designated representatives in the performance of their duties, shall, subject to the *Horse Racing Licence Act, 2015*, have the right of full and complete entry to all parts of the grounds and buildings of any Association, whether or not racing is being conducted by the Association at the time.

3.03.2 As a condition to its Race Track Operator's Licence, an Association shall provide:

- (i) A Stewards' stand to be located and constructed so as to afford the Stewards with an unobstructed view of the entire racing strip and having adequate facilities acceptable to the Registrar for carrying out of their duties,
- (ii) Adequate security measures to ensure that unauthorized persons do not gain entrance to the Stewards' room in the Stewards' stand unless invited by the Stewards,
- (iii) Offices within the grounds of each race track for the use and at the disposal of the Commission's designated representatives for the purposes of licensing and for the Stewards to carry out their pre and post race duties. These facilities are to be acceptable to the Registrar and will be subject to inspection at any reasonable time.

3.04.1 The video tapes of any day's races will be screened at the race track where racing is being conducted at a time and place arranged by the Stewards on the next day when racing occurs at that track.

3.04.2 All Commission licensees, members of the Press and members of the public may attend these screenings.

3.04.3 Only one public screening of any race shall be required to be made for Commission licensees, members of the Media or public. However, if the Horsemen's Benevolent and Protective Association requests a special showing of the video tape of any race, such video tape will be screened for them at or about the time of the public screening of the video tapes of the previous day's racing.

3.04.4 Deleted

3.04.5 Associations or their delegate shall keep on file, race patrol film or video of each race for reference or reproduction upon request of the Commission for one year after the last racing day of the previous year.

3.04.6 Video tapes of the Video Patrol shall not be shown, given or sold to anyone without permission of the Registrar. Further clearance must be obtained from the Canadian Pari-Mutuel Agency before any video tapes of the Video Patrol are given or sold to anyone.

3.05 Deleted

3.06 At the close of each meeting, each racing Association shall report to the Registrar the handle, paid attendance, total purses paid, provincial government revenue from wagering and Association revenue from wagering for each meeting.

3.07 Races shall be run by the Associations no longer than 30 minutes apart on week-days and no longer than 35 minutes apart on Saturdays, Sundays and holidays but in the event of emergency or special occasions, such times may be extended by the Stewards.

3.08 Racing shall be conducted only between the hours of 12 o'clock noon and 12 o'clock midnight Eastern Standard Time, unless otherwise specifically authorized by the Registrar.

3.09 When a racing association is conducting racing, it shall reserve sufficient accommodation in its receiving barn for horses that are stabled elsewhere and the trainers of horses racing each day shall have their horses in the receiving barn two hours prior to post time for the first race of the race program in which it races.

3.10 When any horse which is not stabled on the Association grounds where racing is being conducted arrives on a track to race, the trainer or their attendant shall so inform the receiving barn attendant at least 2 hours prior to post time for the first race of the race program in which it races, and the receiving barn attendant shall inform the appropriate officials, including Commission Veterinarian or Official Veterinarian.

3.11 Before entering upon their duties, all Racing Officials of an Association shall be approved in writing by the Registrar.

3.12 All Racing Officials and employees of the Commission, or Associations, shall promptly report to Stewards all observed violations of the Rules.

3.13 No one shall enter the stabling area of an Association race track where horses are stabled unless he or she is a member, official, employee or licensee of the Commission, an employee of an Association or a person whom the Registrar or the Association has issued with documentary credentials attesting to his or her right to enter such stabling area. However, owners, trainers, authorized Racing Officials, Commission staff, jockeys, veterinarians and any licensee approved by the Stewards with proper documentary credentials may sign in guests, unless such guests are unacceptable to the Registrar or the Association.

3.14 No Association shall allow a person under 18 years of age to purchase or cash a ticket. For the purposes of this rule, a "ticket" is defined as a receipt or voucher that is issued by an Association for one or more bets on a race or races. The Association shall ensure that signs are clearly posted in all areas where tickets are purchased or cashed or on any Association wagering application forms, advising the public of the age restriction.

3.15 If track or weather conditions are questionable for racing of horses, a meeting shall be convened among the Stewards, management, a representative of the Horsemen's Benevolent and Protective Association (HBPA) and jockeys. If required, the Stewards shall conduct a secret ballot vote of the jockeys programmed to ride that day who are present, to determine if racing should be canceled. If the vote of the jockeys determines that more than 50% vote against racing, the card will be canceled. Notwithstanding the vote, the jockeys who cancel their mount will not be subject to any penalties. The foregoing does not prevent race track management from canceling the races due to track or weather conditions without consultation with the Stewards, HBPA or the jockeys.

3.16.01 Associations shall hold all monies from any source for purposes of purses in trust in one or more accounts designated as purse accounts for disbursement as set out in 3.16.04.

3.16.02 Associations shall deposit all monies received for purposes of purses into the purse account(s) which include:

(a) Deleted,

- (b)** from nomination, sustaining, starting or similar fees for added money events within 5 days of receipt,
- (c)** from pari-mutuel wagers (including the share of commissions on live, inter-track, export, simulcast and any other forms of betting authorized by permit by Canadian Pari-Mutuel Agency) within 10 business days of receipt or settlement,
- (d)** from any other source, including reimbursement of a purse that is required to be repaid, within 10 business days of receipt or settlement.

3.16.03 An Association may, where authorized in writing by the Registrar, deposit the monies received from the fees for added money events or from pari-mutuel wagers into another account designated for that purpose and hold the monies in that account subject to any terms imposed by the Registrar.

3.16.04 Any interest earned on the monies received from any source for purposes of purses less reasonable banking charges incurred and paid for with respect to the purse account(s) shall be deemed to be monies received for purposes of purses.

3.16.05 An Association shall disburse the monies from the purse account(s) only as follows:

- (a)** to pay purses in accordance with the Rules, or
- (b)** Deleted,
- (c)** to reimburse owners for races that are cancelled or races that are declared 'no contest' by the Registrar or his or her delegate, or
- (d)** for other purposes which are approved by the Registrar that are for the benefit of racing or will provide benefits to all or a sizeable proportion of horsepeople.

The Association, in a manner satisfactory to the Registrar, shall at the time of disbursement disclose or cause to be disclosed to owners, trainers and others who receive purse money, the purposes under (d) above and the amount of any monies disbursed for such purposes.

3.16.06 The costs for the management and administration of the purse account(s) or such other account as the Registrar may permit in writing shall not be paid from monies that have been received for purposes of purses.

3.16.07 An Association shall manage and administer the purse account(s) or such other account as the Registrar may authorize in writing. The Association shall maintain the books and records related to the purse account(s) or such other account as the Registrar may authorize in accordance with generally accepted accounting principles or such other standards as may be approved by the Registrar for use by the Association.

3.16.08 An Association may retain the services of or delegate responsibilities that are permitted to be delegated under this Rule to a licensed Purse Account Manager provided that:

- (a) there is a written agreement between the Association and the Purse Account Manager that has been filed with the Commission;
- (b) any payments for the performance of services under this agreement are paid directly by the Association from monies other than purse monies;
- (c) the Purse Account Manager's functions and activities are limited to clerical services related to the distribution of the purse monies;

- (d) the Purse Account Manager shall be the agent of the Association in performing any services; and
- (e) the Association remains responsible for the payment of all purses.

3.16.09 The Association shall ensure that any person who is entitled to a purse or other payment from the monies that are intended for purposes of purses shall receive the purse or other payment. Where the person who is entitled to such purse or other payment cannot be located within one year of the end of the meeting, the Association may, with the permission of the Registrar, consider the monies as monies received for purposes of purses in the subsequent meeting.

3.16.10 The Association shall provide statements to any association of horsepeople or person with whom it has agreement for purposes of live racing or for purposes of the regulations under the *Criminal Code* (Canada) with respect to the issuance of a pari-mutuel betting permit setting out the monies received for purposes of purses, the source of those monies and the disbursements made of those monies and for what purposes. The statements shall be provided by the end of the month following.

3.16.11 Any responsibility regarding an approved disbursement of monies from the purse account(s) made by the Association ceases once the monies have been disbursed in accordance with Rule 3.16.04.

3.16.12 Within 60 days of the end of its fiscal year, the Association shall make available to the Registrar for examination, the annual statements of the purse account(s), and such other account that has been authorized by the Registrar. When completed, a copy of the report will be made available to the association of horsepeople. The cost of the examination and

related expenses will be the responsibility of the Association.

3.16.13 Any Association, Purse Account Manager or person who contravenes the Rules with respect to purses may be subject to a monetary penalty and/or suspended by the Registrar.

3.17 An Association shall not make a condition of entry requiring a licensee to consent to Association personnel or their agent(s) entering the licensee's property, including public training centres that the licensee occupies, for the purposes of

- (a) conducting search and seizure; or
- (b) collecting biological samples from horses.

Chapter 4

LICENSING

4.01.01 The Commission Agent shall issue licences to Racing Officials, pari-mutuel employees, stable employees and every person who practices his/her profession, trade or calling, on a racetrack provided such licences have been approved by the Registrar.

4.01.02 To be valid, each licence must bear a signature of the holder. The Commission shall provide and pay for an accurate photograph of the licensee when such licensee is available for photographing.

4.01.03 Deleted.

4.01.04 Every licence issued to any licensee by the Commission is issued on the condition that the licensee, their employees, and agents who may be concerned with racing, shall accept, observe and enforce the Rules.

4.01.05.1 Deleted TB Directive 1–2001

4.01.05.2 The Registrar may suspend the licence of any licensee who has accumulated unpaid obligations

relating to racing, become bankrupt, or otherwise displayed financial irresponsibility reflecting on the sport. No such action shall be taken unless and until the Registrar is presented with a judgement or judgements from a court or courts having competent jurisdiction over the matter, and the Registrar is satisfied that the participant is indebted and has been adjudged a debtor in a matter relating to Thoroughbred racing in any of its forms. In the case of a licensee who has become bankrupt, the Registrar may licence such participant to work for wages for another licensed participant. However, the bankrupt licensee may not carry on his or her trade or calling as an independent business or operate as a public stable without the permission of the trustee in bankruptcy and the Registrar.

4.01.06 Unless an owner has a horse's registration papers on file with the Association, their licence shall be invalid and he/she shall on demand forfeit their licence to the Stewards and he/she shall not apply for another owner's licence or for the return of the forfeited owner's licence until he/she has a horse registered with the Association.

4.01.07 Upon any occupational licensee leaving the employment of an owner or trainer, it shall be the responsibility of that licensee to notify the Commission Agent accordingly. It shall also be the responsibility of the employer, be it owner or trainer, to notify the Commission Agent of this information.

4.01.08 Deleted (Thoroughbred Directive 4-2001)

4.01.08.1 Each licensee

(a) shall have in his or her possession a valid licence issued to the licensee whenever the licensee is:

- (i) in the stable area of the Association, or
 - (ii) acting in a capacity for which a licence is required; and
- (b)** shall produce his or her licence upon request by an authorized representative of the Association, a Racing Official or a representative of the Commission.

4.01.08.2 The Association shall ensure that no individual enters or is permitted to enter the stable area of the Association unless that individual:

- (a)** has in his or her possession a valid licence issued to that individual; or
- (b)** is a guest of a licensee who has in his or her possession a valid licence issued to that licensee and the guest is signed-in by that licensee and the Association has issued to the guest a “guest pass” approved of by the Stewards which the guest is obliged to have in his or her possession while in the stable area of the Association and to produce to an authorized representative of the Association, a Racing Official or a representative of the Commission.

Any Association that fails to comply with this rule, after notice from the Registrar, shall be subject to a monetary penalty.

4.01.08.3 Any person who fails or refuses to produce upon request by an authorized representative of the Association, a Racing Official or a representative of the Commission his or her valid licence or a guest pass issued to him or her pursuant to Rule 4.01.08.2 shall be subject to a monetary penalty and/or suspension by the Stewards in the case of a licensee or to removal from the premises by the Association in the case of a guest.

4.02 The licence fees, paid to the Commission by people involved in racing, are established by the Board and approved by the Minister. An applicant for a licence will not be considered a renewal if their licence has been in a state of lapse for five racing seasons prior to the season of application. A partnership which races under a stable name must fill out the partnership form but is not required to pay the partnership fee.

4.03 The monthly fee for regulatory funding, which is paid to the Commission by an Association, shall be set forth each fiscal year in the Registrar's General Directive relating to Regulatory Funding.

4.04.1 Persons under 16 years of age, with the approval of the Stewards and upon written consent of the parents or guardian, may be licensed by the Commission.

4.04.2 Notwithstanding Rule 4.04.1, no person under 18 years of age will be licensed by the Commission as an apprentice jockey, or jockey, save and except those apprentice jockeys and jockeys, under 18 years of age, who have previously been licensed by another Commission.

4.05 No person shall exercise horses until he/she has been granted a current licence valid for exercising horses.

4.06.01 Deleted

4.06.02 Before being granted a jockey's or apprentice jockey's licence, each applicant shall present to the Stewards or the Registrar, the report/s of the following:

- (a) a complete physical examination by a physician acceptable to the Registrar;
- (b) once every two years, an eye examination by an

ophthamologist or an acceptable optometrist.

The expense of these examinations shall be borne by the applicant. The Stewards at their discretion may grant temporary licensing without the completion of part (a) or (b) for a specific limited period.

4.07 The Stewards shall notify the Registrar of all jockey agents they have recommended for licences and shall keep the Registrar notified of all changes in the representation of jockeys or apprentice jockeys by an agent.

4.08.01 Deleted (Thoroughbred Directive 1-2007)

4.08.02 The Registrar will recognize for a non-resident, who is participating in racing in Ontario, valid licences from recognized racing jurisdictions or the National Racing Compact. In order to be recognized the licensee must be in good standing in all jurisdictions and file or have filed on his or her behalf an Commission reciprocal licensing form or other form approved by the Registrar, outlining name, address and licensing particulars prior to racing. For the purpose of this rule, a non-resident of Ontario shall have the definition attributed to a non-resident of Canada in the Income Tax Act (Canada). Non-residents of Ontario who have filed or have had filed on their behalf a reciprocal licensing form shall be deemed to be licensees of the Commission and subject to the Commission Rules and Registrar's directives. A validation sticker will be affixed upon request to licences when required for the purposes of allowing the recognized licensee access to those areas of the racing association where the licensee is obligated to perform his or her duties.

4.09 The Registrar or the Stewards may at any time order a thorough physical examination of any jockey's valet by a physician appointed by the Registrar.

4.10 The requirements of Rule 4.06.02 may be waived by the Stewards in the case of a jockey or apprentice jockey who on arrival in Ontario proposes to ride in Ontario for less than seven racing days and such jockey shall so certify to the Stewards before he/she is granted a licence.

4.11 The Registrar may demand the surrender of any occupational licence.

4.12 Deleted

4.13 In order to be licensed as a veterinarian's student assistant, the applicant must fulfil the following conditions:

- (a)** he or she shall have been enrolled and have completed at least one year at a veterinary college recognized by the Ontario Veterinary Association;
- (b)** he or she shall be in the employment of a veterinarian licensed by the Commission;
- (c)** he or she shall agree to and obey the regulations of the Ontario Veterinary Association in regard to student assistants.

4.14 A licensee must serve the Registrar with a written notice of any change in permanent address not later than five (5) days after the change.

4.15 A person shall not participate in the affairs of an Association as Corporate Director, General Manager, Officer, Agent, or Employee of such Association without first receiving a licence from the Commission, nor shall any person participate in racing as an Official, Owner, Trainer, Jockey, Apprentice Jockey, Jockey's Agent, Jockey's Valet, Trainer, Groom,

Authorized Agent, Tradesperson, or Veterinarian, or stable employee, nor shall anyone practice their profession, trade, occupation, calling including pari-mutuel employees unless such persons have applied for and have been issued a current Commission licence classified in the appropriate category. An Association may admit to its grounds the holder of the licence to enable the licensee to have access to the area where the licensee is obliged to perform their duties. A licence will not be required for the employee of a company, partnership, or person with whom the Association has an agreement to supply goods or services on a frequent basis if permission to be exempt from licensing has been received from the Registrar.

4.15.01 Where an Association has entered into an agreement with a horsepeople's organization, representing participants racing at that facility, that horsepeople's organization must be licensed by the Commission.

4.15.02 Each Association shall ensure that it has an agreement with either of the following for the purposes of Section 3(1)(c)(iii) of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada):

- (a) a horsepeople's organization licensed pursuant to Rule 4.15.01; or
- (b) individuals licensed in good standing by the Commission and racing at that Association.

Failure to comply with this rule may result in a monetary penalty or suspension.

4.16 Deleted

4.17 A licence becomes invalid if the licensee ceases to be employed or to act in the capacity named in the

licence and that licence shall be surrendered to and retained by the Registrar.

4.18 The Stewards, Starter, Placing Judges and the Timer are required to submit an eye examination once every two years for visual acuity and colour blindness, with the naked eye and/or corrective lenses, if required.

4.19 Any person accompanying a horse to the test barn must have a valid Commission licence on their person for identification. The designated representative of the horse being tested, must present their licence to the test inspector when signing the sample identification card.

Chapter 5

COLOURS

5.01.01 All racing colours worn in races shall be registered annually, or for life, with the Commission at the current set fee.

5.01.02 The front and back of each jacket registered with the Commission must be identical in every particular in colour and pattern.

5.02 No horse shall race in any colours except those registered for its ownership, stable name, or any one of the partners.

5.03 A jockey shall wear the colours of the owner of the horse he/she is riding (except by special permission of the Stewards) and any change of colours shall be announced to the public.

5.04 Any disputes between claimants to the right of particular racing colours shall be decided by the Registrar.

5.05 The purchaser of lifetime colours shall have the right to use these colours throughout their lifetime and may be used by their estate as long as the horses run

in the name of that estate. For a period of five years after the estate ceases to use the colours, they cannot be used without the approval of the estate. If lifetime colours are not renewed for a period of ten years, these colours will be eligible for approval for another owner only after all attempts to contact the previous owner have been exhausted.

Chapter 6

ENTRIES AND SUBSCRIPTIONS

6.01 No horse shall be permitted to enter or start unless:

- (a)** it is duly registered with and approved by the registry office of The Jockey Club (Kentucky) and its registration certificate is filed with the Association by the time required for identification purposes, or qualifies under Rule 6.44.02. In the case of a horse which has previously run at a track in Ontario, the horse may be allowed to compete with the permission of the Stewards on a facsimile or photocopy of the foal certificate. The purse, if any shall be held until the original foal certificate has been filed with the Association at the discretion of the Stewards;
- (b)** Deleted
- (c)** it is owned by a licensed owner and is in the care of and saddled by a licensed trainer or their licensed assistant; and
- (d)** at the time of entry, the horse must be eligible to the conditions of the race as specified by the Racing Secretary and must remain eligible until the race, with the exception of Rule 6.30; and
- (e)** the Stewards may waive any of the above

conditions of this rule under exceptional circumstances.

6.02 Any horse that has raced in Ontario and is sold shall not be eligible to be entered for any racing in Ontario after such sale until, either a bill of sale for a change of ownership has been approved by the Stewards or a properly executed transfer has been made on the foal certificate. (Bill of Sale Forms may be obtained from the HBPA or the Commission Offices at the racetrack). All bills of sale must include a statement of the terms of sale including any encumbrances, contingencies, conditions or any restriction to a clear title. The Stewards may waive this rule under exceptional circumstances.

6.03 If a horse's name is changed, its new name shall be registered with The Jockey Club (Kentucky) and its old, as well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races.

6.04 When entered for the first time at a meeting, a horse shall be identified by stating its name, colour, sex and age, and the name of its sire or sires and dam as registered. This description of the horse shall be repeated at each entry until the horse's name and description has been published in the Association's program or daily racing form. In every race thereafter sufficient description shall be deemed to have been provided if the name, colour, sex and age of the horse is furnished.

6.05 The distance of the race or the track, whether dirt or turf, may be changed by the Association.

6.06 No horse owned by a partnership shall be

permitted to enter or to start until the rules for the registration of partnerships have been complied with (see Chapter 32).

6.07 The nominator is liable for the entry fees or nomination fees, and a mistake in the entry of a horse when eligible does not release the subscriber or transferee from liability for entry fees or nomination fees for stakes.

6.08 Entry fees will not be refunded on the death of a horse, nor its failure to start.

6.08.01 Horses on the also eligible list wishing to scratch from a race card that allows horses to draw into the body on a race day, may be excused by the Stewards, if at such time there is no guarantee to advance into the race. If scratched under these conditions, the horse would retain its entry and run date.

6.09.01 The personal representative of a deceased owner shall be deemed to hold an owner's licence in respect of horses belonging to the estate of the deceased until the Registrar declares that such deemed licence is no longer in effect.

6.09.02 In the event of the death of a licensed owner, the authority of any Authorized Agent for the deceased shall become void until further notification in writing by the executors or the administrators of the licensee's estate; that the Authorized Agent is entitled to act for that estate under whatever clauses they so indicate.

6.10.01 Entries and scratches shall be made in writing and signed by the trainer who at the time of entry has been charged with the care and custody of the horse in question or by the owner of the horse, or by the owner's licensed Authorized Agent. Each

Association shall provide forms on which entries and scratches are to be made.

6.10.02 For all races, the racing secretary or designated personnel are the only persons authorized to received entries and scratches.

6.10.03 Notwithstanding Rule 6.10.01 entries may be submitted by telephone, or facsimile, and the Association may insist on confirmation in writing and postmarked and may refuse an entry if the confirmation is not forthcoming.

6.10.04 Entries shall be made in the name of the owner listed on the foal certificate. In the case of a leased horse, entries shall be made in the name of the lessee when a copy of the lease is attached to the foal certificate.

6.11.01.1 A horse shall not be eligible to be entered to, or start in any race, if owned or controlled in whole or in part, by a suspended, disqualified, unlicensed or ineligible person.

6.11.01.2 If a suspended, disqualified, unlicensed or ineligible person purports to transfer his or her interest in a horse during such period of ineligibility, the Stewards may inquire into any such transfer in order to ensure that the racing of the horse in question is not under the control or influence of the transferor.

6.11.01.3 During such an enquiry the Stewards may require the submission of documentary evidence to establish that the transfer is a bona fide transaction. Such documentary evidence may consist of, but may not necessarily be limited to, a statutory declaration relating the following facts:

(1) That the transferee maintains separate books and records relating to the racing of his or her horses and all money earned from racing or used for

the payment of debts relating to racing is neither deposited to a joint account nor paid from a joint account of the transferor;

- (2) That the transferee is responsible for his or her own obligations and liabilities incurred in the course of his or her racing business and such obligations are paid from the transferee's separate and independent account;
- (3) That the transferee contracts independently of the other with any tradespeople and with any other entity with the Association at which he or she is racing;
- (4) That the transferee maintains a wholly and independent financial interest from the transferor;
- (5) That the transferee conducts his or her business relating to the racing of Thoroughbred horses in a manner wholly independent of the transferor and neither the transferee nor the transferor influences the other in any matter whatsoever with respect to the racing of Thoroughbred horses.

6.11.01.4 In the event a nomination or entry is made by or for an ineligible person or horse, the owner of the horse shall be held liable for any nomination, sustaining or starting fees thus contracted and the horse shall not be eligible to compete.

6.11.02 Any entry received from an unlicensed person or a person whose licence is under suspension or of an ineligible horse, shall be void and any money paid for such entry shall not be refunded and shall be added to the purse.

6.11.03 No horse shall be allowed to enter or start in any race if the owner does not maintain a credit balance in his or her horseperson's account satisfactory to the Association.

6.11.04 No person shall wilfully enter, or cause to be entered, or start a horse which he/she knows or believes to be ineligible or disqualified.

6.12 In the case of sweepstakes, the closing of nominations, entries, interim payments and declarations shall be in accordance with the conditions published by the Association sponsoring the event.

6.13.01.1 Except in stakes races and races which are conditioned for horses eligible for a specified stakes, not more than two horses of the same ownership or interest shall be entered in a race and both may start.

6.13.01.2 No owner or trainer shall directly or indirectly enter more than two horses in an Overnight Race. With the exception of stakes races, no two horses shall start if they have common ownership to the exclusion of a single entry.

6.13.01.3 Notwithstanding rule 6.13.01.1 and 6.13.01.2, any portion of any race which splits shall be considered for the purposes of these Rules to be an individual race.

6.14.01 Horses trained by a public-stable trainer shall not be coupled with horses trained by another public-stable trainer unless the horses in question are owned in whole or in part by the same owners, or the Stewards order them coupled in accordance with the provisions of rule 6.36.

(a) In all stake and handicap races starters shall be considered a separate betting interest irrespective of common ownership or trainer. Notwithstanding the above, with the exception of wagering, common owned or trained horses in all stake and handicap races must comply with rules that apply to the coupling of common owned and trained horses in Overnight Races.

6.14.02 All horses owned wholly or in part by the same person, or his or her spouse, or trained by the same trainer, may be coupled and run as an entry.

6.14.03 Notwithstanding Rule 6.14.02 where two or more horses are coupled as an entry only for the reason that the horses are trained by the same trainer, the racing Association may with the consent of the Stewards run those horses as separate interests if

- (a) the race in which the horses are entered is a sweepstake; and
- (b) the nomination closing date for the race was at least six days prior to the race.
- (c) Horses of different ownership, and trained by the same trainer, when entered in any Overnight Race, will run as separate betting interests once the race has been declared filled. Declared filled is defined as 5 separate betting interests. The Association reserves the right to require six or more betting interests in any Overnight Race from a minimum of five trainers.

6.14.04 If Rule 6.14.02 applies to an owner, the horse may race as a separate betting interest, with the approval of the Stewards, if the owner is not required to be licensed under the Rules.

6.15 The number of starters in any race shall be limited by the width of the track at the starting post, the maximum number to be determined by the Stewards.

6.16 When entries exceed the permitted number of starters, the number of starters shall be reduced to the maximum permitted number of starters by lot, starters shall be reduced to the maximum number of starters by applying normal racing preferences, and if equal, by lot, or also by lot by division of the race, at the option

of the Association. Overnight handicaps, sweepstakes, and starter handicaps that overfill and handicap races which split are exempted from this rule.

6.17 Each day after the entries have been closed, it shall be the duty of the racing secretary to designate persons from owners or trainers present in the entry office to draw the entry sheets and over-see the drawing of the post position numbers. In every case, the entry shall be drawn from its approved receptacle before the number ball is released from the number box. All horses listed on the overnight as “also eligible” will have a draw to determine the outside post positions in the same manner as the permitted number of starters at the time of the original draw.

6.18.01 In all stakes and handicaps which are run in more than one division, any entries consisting of two horses will first be divided into separate divisions. Any entries involving three or more horses shall be divided between or among the divisions, however when the number of horses constituting a single entry exceeds the number of divisions, the entry shall be divided to the extent possible among the divisions and the remaining horse or horses in the entry shall then be drawn with the remainder of the horses entered.

6.18.02 In all Overnight Races that are run in more than one division the method of drawing such races shall be governed by the Association rule which has been approved by the Registrar.

6.19.01 The Association shall have the right to withdraw or change any race prior to the drawing of entries.

6.19.02 If a race is declared off because of insufficient entries, the Association may split any race prior to the drawing of entries.

6.20 The racing secretary shall keep a list of all horses with valid dates. This information shall determine preference at the time of the draw using the following system:

- (a)** Preference dates will not supersede conditions of races;
- (b)** Entry and run dates are valid for the entire season;
- (c)** Preference is in order of dates with the oldest date having first preference. In cases where entry and run dates are the same, entry dates will have preference. Both same and different owner entries will not be preferred over the Preference Date System. Claims, transfers or sales have no effect on Preference Dates;
- (d)** Entry dates are valid and generic, until a turf, dirt or Ontario Sired dates are established. (Run dates will be separated between turf, dirt and Ontario Sired, with one not affecting the other);
- (e)** Any horse which has its foal certificate on file prior to the first day of entries will receive an entry date corresponding to the date of the first draw. Any foal certificate filed after this date will receive an entry date corresponding to the date the certificate is turned into the Race Office;
- (f)** All trainers must claim Preference Dates and Preference Status at time of entry;
- (g)** Horses entering which have no date established but not getting into a race will receive an entry date corresponding to the actual date on which the entry was taken;
- (h)** Horses which have established dates at the current meeting will lose that preference date should their papers be withdrawn from the Race Office or the horse races elsewhere;

- (i)** Horses which race will receive a run date (either turf or dirt depending on the surface of the race);
- (j)** Horse with dates established, which re-enter but do not draw into a race will maintain the date previously established;
- (k)** Horses, which scratch, may lose their date for the surface on which the race is actually run;
- (l)** The Stewards, at their discretion, when presented with an extenuating circumstance, may allow a horse to be scratched from a race without losing its entry or running date (e.g. no jockey available to ride horse, distance or gender changes);
- (m)** Any horse that leaves the paddock with riders up, and is subsequently scratched prior to the race, will maintain its original entry or run date under all conditions (i.e. Horse running off, veterinarian scratch at the gate, if a horse is determined a non-starter by malfunction of the gate, etc.);
- (n)** Any horse that competes in a race and subsequently gets placed on any list (Steward, Starter or veterinary) will maintain its run date;
- (o)** In any case of discrepancy, the Steward's ruling is final.

6.21 The scratch of a horse out of an engagement is irrevocable. However, an exception may be made for any horse that is scratched as a result of an error by any Association or Commission Official:

- (a)** After securing the Stewards' permission, such horse may be returned to the race in the horse's original position until the time the mutuels open for the race;
- (b)** If the horse scratched in error cannot be placed back in the mutuel system, the Stewards may grant permission for the horse to race for the purse

only. The Stewards will ensure the race announcer advises the public that the horse is racing for purse only.

6.22 Any horse that is in the entries may be re-entered only after it has been officially scratched or the race in question has been run, except in the situation when entries are taken more than 72 hours in advance, when permission has been granted by the Stewards for a horse to be re-entered. Entry in a combination of stakes races shall be excluded from this rule.

6.23 A claim or error of preference date may, if valid, be corrected by the Stewards up until scratch time (where applicable) or before the mutuels open for the race in question.

6.24 No person shall make or receive the transfer of a horse for the purpose of avoiding disqualification.

6.25 A licensed person is entitled to enter a horse in which he/she owns a majority share or an interest equivalent to that of the largest shareholder/s.

6.26 A horse shall not be entered in more than one Overnight Race in any one day. However, when a horse has been officially declared ineligible and scratched by the Stewards it may be re-entered in another race on the same program until the entries close.

6.27 Deleted

6.28 A licensee shall be responsible for the eligibility of horses entered by him/her.

6.29 A horse shall not be eligible to start in any race unless it has been, and continues to be, properly entered therein. A horse which is improperly entered shall not be entitled to any part of the purse, but once the "Official" sign is posted, this rule shall in no way affect the wagering on the race.

6.30.01 A horse, other than a first time starter, shall not be eligible to race unless it has started in a race or completed a timed workout at a minimum distance of three-eighths (3/8) mile. A horse racing less than 4 furlongs will require a quarter mile (1/4) workout. These workouts must be satisfactory to the Stewards and within thirty (30) clear days of the day of the race for which it is entered. The Stewards shall determine the qualifying times for all distances, surfaces and conditions. The rule may be waived for stake races at the discretion of the Stewards.

6.30.02 A timed workout must be published in the official program for any horse which shows no race or timed workout within the last thirty (30) days in the racing form. This rule may be waived for Stakes races at the discretion of the Stewards.

6.30.03 The following maximum workout times apply in Ontario:

2 Furlongs.....	26.0
3 Furlongs.....	40.4
4 Furlongs.....	52.3
5 Furlongs.....	1:05.0
6 Furlongs.....	1:19.0
7 Furlongs.....	1:32.0
1 Mile.....	1:47.0

6.31 The nominations and entries of any person, or transfer of any nomination or entry, may be refused by the Race Secretary without either notice or reason being given.

6.32 The official order of finish shall reflect the Stewards' decision in all cases until all procedures and remedies are exhausted. The eligibility of horses to conditions of races will be in accordance with the Stewards' decision as shown on the official order

of finish and will not be subsequently affected by the outcome of the appeal process. Whatever the final outcome of the appeal, the horse cannot be retroactively declared ineligible to races contested prior to the appeal decision by virtue of the appeal process.

6.33 Any horse that refuses to break in two races within any twelve month period shall be denied entry during the balance of the season of its second refusal. This horse will be ineligible to enter after that racing season without permission from the Stewards.

6.34 Delete

6.35 All first life-time starters must have at least two (2) published workouts at a minimum distance of 3/8 mile in the current year and at least one (1) of these workouts must be from the starting gate within 45 clear days of the day of entry. Where the proposed race is at a distance of 4 furlongs or less the required established workouts may be at a minimum distance of two (2) furlongs.

6.36 Any horses running in the same race for owners or trainers who have a direct or indirect association in the racing of thoroughbreds, which in the opinion of the Stewards could be construed as a conflict of interest, shall be coupled as an entry.

6.37 Purses earned outside of North America will be calculated in U.S. dollars, based on the current rate of exchange at the time of entry for a race. Winnings in U.S. dollars will be deemed to be at par with Canadian funds.

6.38 Every entry submitted is subject to eligibility checks by the racing department. Any entry failing the eligibility check may be removed before the draw takes place.

6.39 The drawing of post positions shall be final, except when there is conclusive evidence that a horse was properly entered but omitted from any category due to error or negligence by an official or employee of the Association. When such information is made known and verified or if the draw has been mechanically incorrect the following procedures shall be followed:

- (a)** If this information is made known and verified before the draw for that racing card is completed the race shall be redrawn;
- (b)** If the information is made known after the Racing Secretary or Assistant Racing Secretary has declared the draw of that racing card complete and the horse omitted by error was entered to an overnight event, it may be added to the race and given the outside post position, providing its addition does not exceed the maximum number of starters allowed in a single field. Otherwise, such horse shall be placed on the also eligible list. If the also eligible list is full, the horse shall be placed on the preferred list for future entry. If the horse omitted by error was entered to a stake, futurity, early closing event or late closing event, it shall be added to the race and given the outside post position. In such case, if its addition exceeds the maximum number of starters allowed in a single field the event shall be divided. In this event, the starters in each division and their post positions will be redrawn by lot or by the specific method used for this classification of race;
- (c)** If an Association locates a lost entry and there is no opportunity to re-draw the race, and the number

of starters does not exceed the maximum number that may participate for the distance under the Rules, then the horse races for purse only.

6.40 When any authorized licensee claims the incorrect weight at the time of entry, such weight may be corrected until scratch time for the racing card for which the entry was made, with the exception that no change may be made if it necessitates a rider change. The Stewards may take action against a licensee should this rule be invoked more than once during a racing season. For tracks without a scratch time, the correction must be requested before the program has gone to press or at the discretion of the Stewards.

6.41 Any horse wearing #3 shoes must be declared at the time of entry and this information will be carried on the program. Any changes subsequent to the time of entry must be approved by the Stewards.

6.42 An owner/trainer wishing to race a horse upon the grounds of an Association in accordance with the regulations set forth by the Canadian Pari-Mutuel Agency for the use of penicillin G procaine must so declare on the applicable form which fulfills the requirements of the Canadian Pari-Mutuel Agency. This form must be signed by the trainer and deposited in a locked box in a place designated by the Registrar no later than one half (1/2) hour before the post time of the race in which the horse is entered.

6.42.01 A penicillin G procaine list will be posted in the race office stating the horse's last administration date. Any horse being re-entered with twenty-one (21) days of the last administration must re-submit a penicillin G procaine form. Failing to comply could result in a positive test.

6.43 Deleted

6.44.01 Except as provided by Rule 6.44.02 no horse shall be permitted to enter unless it has been tattooed and fully identified.

6.44.02 Notwithstanding the provisions of rule 6.01(a) and 6.44.01 a horse from outside Ontario, upon application to the Stewards and upon their being satisfied that the horse is fully and properly identified may start in Ontario without having been tattooed or registered with and approval by the registry office of The Jockey Club (Kentucky). Horses racing on documentation that is not papers issued by The Jockey Club will not be allowed to enter or start in a claiming race.

Chapter 7**DECLARATIONS AND SCRATCHES**

7.01 No horse shall be considered scratched or declared out of an engagement until the owner or their trainer or their authorized agent has given due notice in writing, by facsimile or by telephone (which is recorded electronically by the race office) to the racing secretary before the time stipulated by the regulations of the Association. The scratching of part of an entry will be permitted until one hour before post time for the first race of the racing program in which the race is contained, except in races with an "Also Eligible List" it shall be permitted only until the published scratch time, where applicable, of the race concerned (except Rule 7.02.01).

7.02.01 A scratch from a stakes race shall be made no less than 45 minutes before post time of the race.

7.02.02 Any horse entered in two stake races on the

same race program must be declared from one of the stake races no later than one hour prior to the opening of pari-mutuel wagering.

7.03 An entry of a horse in a sweepstakes is a subscription to the sweepstakes. A nomination of a horse to a sweepstakes may be altered or withdrawn at any time prior to the closing time for such nominations.

7.04 The Stewards shall have the authority to order a horse scratched if they shall determine that any occurrence before the running of such race calls for such action by them.

7.05 Deleted

7.06 Deleted

7.07 Where a horse, entered to race, is scratched by the Stewards, as a result of the horse having received any:

- (i) medication,
- (ii) medical treatment, or
- (iii) medical procedure,

the Stewards may impose a monetary penalty upon the trainer of the horse unless the trainer satisfies the Stewards that the medication, medical procedure or treatment was in the best interests of the health of the horse.

Chapter 8

WEIGHTS

See also Chapter 30

- Weights for Apprentice Jockeys

8.01 Deleted (TB Directive 1–2001)

8.02 The owner, trainer or authorized agent shall claim all weight allowances at the time of entry and the claimant shall be held responsible should a horse be started carrying an incorrect weight. If as a result of carrying too little weight a horse is disqualified, the owner, trainer or authorized agent claiming such weight shall be held responsible.

8.03 Subject to Rules 8.05.01 and 8.05.02, if a horse fails to carry at least his correct weight over the entire distance of the race, such horse shall be disqualified.

8.04.01 A jockey shall declare his/her overweight to the clerk of the scales at a time fixed by the clerk of the scales, and the clerk shall have the overweight posted immediately on the notice board. Failure on the part of any jockey to comply with this rule shall be reported to the Stewards.

8.04.02 Five pounds is the limit of the overweight any horse is allowed to carry but an allowance may be waived with permission of the Stewards to comply with this rule. (See Rule 8.10). However, an owner or his/her representative may, in the absence of sufficient allowances, request an overweight in excess of 5 pounds. The Stewards may grant such request if they believe it is in the best interest of racing.

8.05.01 Each jockey shall weigh in at the same weight as he/she weighed out, except that a tolerance not to exceed two pounds underweight is allowed. If short by more than two pounds his/her mount shall be disqualified.

8.05.02 Should a jockey's weight exceed three (3) pounds overweight (excluding safety helmet and vest) when weighing in, after a race, he/she shall be subject to disciplinary action, unless such weight has been affected by the elements.

8.05.03 No jockey shall, before weighing in, willfully touch any person or thing, other than the equipment that is to be included in their weight.

8.05.04 After unsaddling, a jockey shall pass their equipment to the valet who will carry it to the scales at which time the valet will give it to the jockey to weigh in. After weighing in the equipment may be handed back to their valet.

8.05.05 The Stewards shall display the official sign on the infield board immediately after notification from the claim of foul person is received, provided that none of the following has occurred:

- (1) the Stewards have posted the inquiry sign;
- (2) a jockey has claimed a foul;
- (3) the Stewards have received an objection from an owner or trainer by phone.

If any or all of the above have occurred the Stewards shall delay posting the official sign until all jockeys capable of weighing out have done so and any or all the above have been resolved by the Stewards.

8.06 A jockey's weight shall include their clothing, boots, saddlecloth, saddle-pad, lead, pommel pad, overgirth and the saddle and its attachments. None of the following items shall be included in a jockey's weight: whip, head number, number cloth, cap, blinkers, safety helmet and safety vests.

8.07 Except in handicaps and races where the conditions expressly state to the contrary, fillies two years old shall be allowed three pounds; fillies and

mares three years old or over shall be allowed five pounds before September 1 in any year, and three pounds thereafter.

8.08 Horses penalized in a race shall not be entitled to subsequent weight allowance lines in that race. Any sex, Canadian-bred and/or apprentice allowance may still be claimed.

8.09 Horses not entitled to the first allowance in a race shall not be entitled to any subsequent allowance.

8.10 Allowances, with the exception of the sex allowance, are optional as to all or any part of them and shall be claimed at the time of entry, but even though so claimed remain optional; penalties, however, are obligatory.

8.11 A claim for an allowance less than a horse is entitled to will not disqualify a horse unless persisted in at the weighing out.

8.12 Only the first five finishers shall weigh in upon completion of a race, unless the Stewards direct otherwise.

8.13 No horse shall be penalized, nor shall it be barred from any race, for having placed second or lower in any race.

8.14 Penalties and allowances are not cumulative, unless so declared by the conditions of a race.

8.15 No two-year-old shall compete in an all-age race before September 1 in any year.

8.16.01 In races of shorter lengths than one-half mile, the weights for one-half mile shall be carried.

8.16.02 In races of intermediate lengths, the weights for the next shortest distance shall be carried.

8.16.03 All jockeys riding in stake races that have scale weights shall include the weight of the safety vest in their weight.

8.16.04 Deleted.

8.16.05 The minimum weight shall be 105 pounds in any race.

8.16.06 No allowance shall be made for geldings in any race.

Chapter 9

JOCKEYS

See also Chapter 30 - Apprentice Jockeys.

9.01 Every horse shall be ridden out in a race unless it has been injured or is obviously suffering from some physical impairment, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instructions or advice to disciplinary action by the Stewards. Every rider must persevere throughout the race in order to finish as nearly as possible to first position and must demonstrate the best and fastest race of which their mount is capable.

9.02 Every jockey who is engaged to ride in a race shall report to the scale room on the day of the race at the time required by the officials. He/she shall then report their engagements and overweight, if any, to the clerk of the scales.

9.03 Every jockey shall not thereafter leave the jockey room (except to view the races from a point approved by the Stewards, or to ride in a race), until all their engagements of the day have been fulfilled.

9.04.01 The Clerk of Scales/Custodian shall see to it that no person other than the members of the Commission, authorized racing officials, or the Stewards and the necessary jockey's room attendants, is admitted to the jockeys' room on a day of racing

without the express permission of the Stewards for each time of entry.

9.04.02 The jockeys' room custodian shall oversee the care and storage of all racing colours until the end of a meeting.

9.04.03 It shall be the duty of the jockeys' room custodian to see to it that order, decorum and cleanliness are maintained in the jockey and scale rooms.

9.04.04 The jockeys' room custodian shall report to the Stewards any irregularities or violation of the Rules that occur within their knowledge.

9.05.01 All riders shall be dressed in clean jockey costume, cap and jacket of silk, satin or waterproof material and stock tie, white or light breeches and top boots. In all races, Jockeys shall wear safety helmets and safety vests as prescribed in Rule 14.02.02. The licensee is responsible for ensuring that his/her helmet and safety vest meets the safety standards.

9.05.02 The custodian shall see to it that jockeys are neat in appearance and are attired according to the Rules when they leave the jockey room to ride in a race.

9.06 The minimum riding fees paid to jockeys shall be as agreed by the Jockeys' Benefit Association and the HBPA. A copy of this Agreement must be filed with the Commission.

9.07.01 A jockey's fee shall be considered earned when the Paddock Judge calls "riders up" for the particular race unless the rider fails to fulfil his riding engagements due to their having voluntarily refused to provide their services. The jockey's fee shall not include any jockey's duplicate purse percentage if the initial rider must be replaced between the call for

“riders up” and the official start.

9.07.02 In a dead heat where fees are computed on a percentage basis they shall be computed on the adjusted purse.

If fees are on a set scale for the positions involved they shall be equally divided between the jockeys involved.

9.08 The Association may require owners to deposit in advance a sum sufficient to cover jockeys’ fees incurred.

9.09.01 The jockeys’ room custodian shall oversee the jockey valets and arrange their rotation among jockeys in the matter of weighing out.

9.09.02 Only jockeys’ valets shall be permitted to assist jockeys in weighing out.

9.09.03 No jockey shall have a valet other than one provided by the Racing Association. Such valets shall be paid by the jockeys and the Racing Association.

9.10.01 No jockey shall make a bet on any race nor accept a promise or token of any bet, with respect to the race in which he/she is riding, except through or from the owner or trainer of the horse he/she rides, and then only on that horse. (See also Rule 15.18).

9.10.02 No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then only on that horse.

9.10.03 No person shall offer or give a jockey any money or other benefit in relation to a race, unless that person is the owner or trainer of the horse ridden in that race by that jockey.

9.10.04 No outrider or jockey’s valet shall make a bet on any race nor shall he/she place a bet for anyone else on a day in which they are performing their duties.

9.11.01 After a race has been run and after a jockey has pulled up the horse he/she has ridden, he/she shall ride to a place designated by the Stewards. The valet shall unsaddle the horse and present the jockey's tack to the clerk or assistant clerk of the scales to be weighed in.

9.11.02 If a jockey is prevented from riding their mount to the Stewards' stand because of an accident to, or illness of, either him/herself or their horse, he/she may walk or be carried to the scales, or he/she may be excused by the Stewards from weighing in.

9.12 All jockeys shall faithfully fulfill all riding engagements in respect to racing. In the event a rider books off their engagements during the course of the program due to illness or injury, the rider may be required to furnish a medical clearance prior to resuming their duties.

9.13.01 Should any jockey leave Ontario or fail to honour their riding engagements, their jockey agent shall promptly notify the Stewards accordingly.

9.14.01 The suspension of a jockey for a violation shall begin on the day specified by the Stewards or the Registrar in the ruling.

9.14.02 Where the penalty is for a riding infraction and does not exceed in time a period of five calendar or racing days, the jockey shall complete his or her riding engagements of all horses declared in before the penalty becomes effective. Thereafter a jockey may only ride in stakes races during a suspension of five calendar or racing days or less but the suspension will be extended by one day for each date on which he or she rides in such races.

9.14.03 A jockey temporarily suspended may be permitted to exercise or gallop horses during the

morning hours and to have access to the stabling area unless otherwise stated in the suspension ruling.

9.15.01 A jockey or an apprentice jockey shall not:

- (a) be an owner or trainer of any thoroughbred race horse;
- (b) compete in any race against a horse owned or trained by his or her spouse; or
- (c) compete in any race against a horse owned by his or her mother, father, brother or sister.

9.15.02 Deleted.

9.16 The substitution of a jockey to ride any horse in a race may be made only with the approval of the Stewards.

9.17 No person except the jockey concerned shall assume or pay, directly or indirectly, a penalty imposed upon a jockey.

9.18 Each Association's designated medical attendant may examine any jockey as they report for duty each day and in the event that he/she is of the opinion that any jockey is unfit to ride, he/she shall so inform the Stewards, who shall excuse such jockey from all riding engagements made by him/her for that day and they may, in addition, take such disciplinary action as they may deem fit against such jockey.

9.19 The Registrar or the Stewards may, at any time, order a thorough physical examination of any jockey by a physician appointed by the Registrar and the cost of the said examination shall be borne by the Commission.

9.20 Where a jockey's name appears on a program, at least one of their first or middle names (or a diminutive of it, for instance, "Ted" for "Theodore") shall appear before their last name.

9.21 Every owner, trainer or authorized agent shall, upon making an entry, include the name of the jockey who is to ride their horse and from whom he/she has a firm commitment for a first or second call. If no rider (jockey or apprentice) has been named by the time of the entries, the Stewards shall name a rider (jockey or apprentice) to ride the horse and take whatever action they deem necessary under Rule 16.13. If for any reason a rider is unable to fulfil their riding engagement, the Stewards or their appointed representative shall attempt to contact the trainer and/or owner of the horse in question and if they are unsuccessful they shall name a rider, who is willing to ride the horse in question.

9.22 Signed copies of all contracts or first calls between owners and jockeys or between trainers and jockeys (including apprentice jockeys) shall be filed by the owners or the trainers, as the case may be, with the Stewards forthwith. The Stewards, after they have recorded the details of the contracts, shall at once forward the signed copies to the Registrar. Likewise, when such contracts are terminated, signed copies of the agreements of termination shall be filed with the Stewards forthwith and the Stewards, after they have recorded the details of the agreements of termination shall at once forward the signed copies to the Registrar.

9.23 Any change of a jockey shall be approved by the Stewards and promptly and publicly posted and announced.

9.24 Should any jockey show insufficient skill and/or ability so as to give the Stewards concern for the safety of other horses or riders or such evidence of insufficient skills or ability that will adversely affect

the best interests of the public, the Stewards may take whatever action they feel is necessary to correct the situation. This shall include, but not be limited to, placing conditions on the jockey's licence or suspending the rider's licence.

9.25 Any jockey or apprentice jockey who, in the opinion of the Stewards, rides in an unsafe manner without due cause, may be subject to a penalty at the discretion of the Stewards.

9.26 Jockeys are excused from weighing in after a race provided their mount has not received any portion of the purse, unless directed otherwise by the Stewards.

9.27.01 In any race where a jockey will be riding without a riding crop, the Association is responsible for making an announcement over the public address system and in the program.

9.27.02 Riding crops shall meet the following specifications and/or requirements:

- (a) Be a humane or cushion riding crop, unaltered from original manufacture;
- (b) Be no more than 30 inches in length;
- (c) Have affixed to the end a padded "popper" which is no shorter than 6.5 inches in length and not less than 7/8 of an inch in width. The popper shall consist of two layers sewn down each side with no sewing at the top 1/2 inch of the popper;
- (d) Have a popper with an outer covering consisting of a material approved by the stewards that does not harden over time. Material such as Vinyl, Naugahyde, or Leather will not be allowed;
- (e) Have a popper with an inner layer consisting of memory foam or closed cell foam .15 -.25 of an inch in thickness, folded over and sewn down

each side, with the outer covering to form a hollow channel;

- (f) Be subject to inspection and approval by the Stewards.

Use of a riding crop in a race where the type of riding crop has not been approved by the Stewards or does not meet the requirements of the rule will lead to disqualification of the horse.

9.27.03 The possession or use on a horse of any goading device, or chain, or spur, or mechanical or electrical device other than a riding crop used in the manner prescribed by the Rules upon a horse shall constitute a violation.

9.27.04 The Stewards shall have the authority to disallow the use of any equipment that they feel is unsafe or not in the best interests of racing.

9.27.05 At any time while on the grounds of an Association, it is a violation for a jockey, or rider, or the person in control of the horse, to engage in any of the following actions with respect to their riding conduct:

- (a) Indiscriminate action, which is characterized by unrestrained or careless activity;
- (b) Excessive action, which is characterized by unreasonable quantity or degree;
- (c) Aggressive action, which is characterized by inhumane, severe or brutal activity.

9.27.06 The riding crop shall not be used on a horse in a race where the horse:

- (a) is not visibly responding; or
- (b) is not in contention for a meaningful position.

9.27.07 At any time while on the grounds of an Association, it is a violation for a jockey, or rider, or the person in control of the horse, to use the riding crop to hit or make contact with the horse as follows:

- (a) To raise their hand(s) above their shoulder; or
- (b) To hit another horse; or
- (c) To cut or severely welt a horse.

9.27.08 Violation of any of the provisions in Rule 9.27.05 to 9.27.07 may result in any of the following penalties:

- (a) Monetary penalty;
- (b) Suspension;
- (c) Placement;
- (d) Disqualification; and/or
- (e) Any other penalty as ordered.

Further particulars in respect to the penalties are provided in Policy Directive 4 - 2009, which also provides principles which serve as a guide for interpretation. The directive may be modified from time to time by the Registrar.

9.28 Jockeys shall not wear spurs.

Chapter 10

ENGAGEMENT OF RIDERS, EMPLOYEES AND JOCKEYS' AGENTS

10.01 Each jockey shall have only one agent. All engagements to ride made prior to the drawing of entries for that specific race, other than those for his/her contract employer, shall be made by their agent. However, a jockey not represented by an agent may make their own engagements. In an emergency, an owner or trainer, when directed by the Stewards, shall book the services of a jockey by negotiating with him/her personally.

10.02 It is the responsibility of the jockey's agent to be present at the time of drawing of any program in which any of their jockeys have engagements to ride. If, in the event of mitigating circumstances, the agent

is unable to be present, he/she must be represented by another licensed individual authorized by the agent to act on their behalf.

10.03 No jockeys' agent shall act at the same time for more than two jockeys and one apprentice jockey.

10.04 No jockeys' agent shall make or assist in making any engagement for any rider other than those he/she represents.

10.05 Jockey Agents shall not be allowed in the saddling area, the paddock or winners' circle without the permission of the Stewards.

10.06 Jockey agents shall not communicate in any way with any jockey from the time the jockey leaves the jockey room before a race until the jockey has returned to the jockey room after the race.

10.07 Before a jockey agent's application for a licence is approved by the Registrar such jockey agent shall file with the Stewards a complete list of the jockeys for whom he/she acts as a jockey agent.

10.08 Should any jockey agent cease to be an agent for any jockey, such jockey agent shall promptly notify the Stewards accordingly.

10.09 Should any jockey wish to change his/her jockey agent, he/she shall promptly notify the Stewards accordingly.

10.10 Should any jockey agent cease to be an agent for their last jockey, he/she shall within seven days after ceasing to be an agent for any jockey, either become an agent for another jockey or deliver their licence to the Stewards for delivery to the Registrar.

10.11 No applicant for a jockey agent's licence shall be eligible for licensing unless their past experience in thoroughbred racing is acceptable to the board of Stewards or Registrar, or the applicant has successfully

completed an examination held by the board of Stewards.

10.12 No horse owned by a Jockey's Agent or their spouse shall race in any race where another horse is ridden by a jockey whose book is held by that Agent or their spouse.

10.13 An agent, or a jockey acting on his/her behalf, may accept engagements to ride at more than one track in the Province of Ontario for any given race date.

Chapter 11

FROM PADDOCK TO FINISH

See also Chapter 17- The Starter.

11.01 A trainer shall have their horse in the paddock at the time appointed. The trainer or their Assistant Trainer shall also attend the horse in the paddock, and be present to supervise its saddling, unless he/she has obtained permission of a Steward to send another trainer as a substitute.

11.02.01 The Stewards may permit a horse to be excused from parading with the other horses and be led to the post, but such horse shall nevertheless pass the Stewards' stand on its way to the post.

11.02.02 Lead ponies and their riders shall be permitted to enter the saddling paddock or walking ring only with the permission of the Stewards.

11.03 After the horses enter the racing strip, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the Stewards or the starter and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the doors of the gate.

11.04 In case of accident to a jockey or to their mount or equipment, the Stewards or the starter may

permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

11.05.01 If a jockey is so injured on the way to the post as to require another jockey, the horse may be taken to the paddock, another jockey obtained, and then ridden over any uncompleted portion of the exact route of the parade to the starting point. Provided the horse has carried the jockey throughout the route of the post parade, the starter may, if necessary, load the horse with the rider dismounted.

11.05.02 Deleted

11.05.03 If a horse leaves the course while moving from paddock to post, it shall be returned to the course at the nearest practical point to that at which it left the course, and its jockey shall complete his/her parade to the post from the point at which it left the course.

11.05.04 In case of a pre-start accident to a rider, horse or equipment, the starter may delay the race for such reasonable time as the Stewards determine.

11.06 In case the start of the horses at the post is delayed, the starter may permit jockeys to dismount and their mounts to be attended.

11.07 When clear, a horse may be taken to any part of the track, but if the horse swerves or is ridden to either side so as to interfere with, intimidate or impede any other horse, such horse may be disqualified.

11.08 If in a race a horse leaves the course, it shall be disqualified.

11.09.01 If a horse or jockey bothers another horse or jockey, the aggressor may be disqualified provided that the bothered horse or jockey or an additional horse or any jockey/s was/were not a major contributor to the incident.

11.09.02 During a race no jockey shall cause interference deliberately or inadvertently by striking or touching another jockey's horse or equipment.

11.09.03 For fouling, interference, or careless riding a rider may be subject to a monetary penalty or suspended, or both, by the Stewards according to the nature and seriousness of the violation.

11.09.04 Deleted (TB Directive 1–2001)

11.09.05 Any jockey against whom a foul is claimed shall be given the opportunity to appear before the Stewards at the reviewing of the film and/or video tapes of the race in question, or at any other time agreeable to the Stewards, before any penalty is imposed by them.

11.10 Protests under any Rule in this Chapter shall be made only by the owner, trainer, jockey or their representatives of the horse alleged to be aggrieved, and shall be made to the Stewards or the clerk of the scales before or immediately after weighing in. But nothing in this Chapter shall prevent the Stewards from taking such action as they may see fit in accordance with the Rules.

11.11 A Jockey shall lodge an objection when fouled during the running of a race and failure to do so may result in a penalty.

11.12 Stewards are vested with sole authority to determine the disqualification of a horse or entry. Their decision shall be final for pari-mutuel purposes.

11.13 No person shall assist a jockey in removing from his/her horse the equipment that is to be included in the jockey's weight except an Association valet, except by permission of the Stewards.

11.14 In determining the extent of disqualification of a horse in any race, the Stewards may place the

disqualified horse behind such horse as in their judgment the disqualified horse interfered with, or they may place it last.

11.15 Where a horse of one ownership or interest is coupled with a horse or horses of the same or another ownership or interest, the disqualification of one will not necessarily affect the placing of the other.

11.16 A horse is a starter for all purposes of the Rules when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses in a valid start.

11.17.01 Deleted, replaced by 6.44.01

11.17.02 Deleted, replaced by 6.44.02

11.18 Deleted

11.19 Permission shall be obtained from a Steward to exercise a horse between races.

11.20 In a race, each horse shall carry a conspicuous saddlecloth number and each jockey shall wear the appropriate armband number, corresponding to its number on the official program.

11.21 The elapsed time of the post parade, starting when the first horse to race enters the racing strip from the paddock and ending when the first horse enters the starting gate, shall be determined by the Stewards.

11.22 If there is only one starter in a race, it shall be ridden past the Stewards' stand, go to the post, move over the course and then be deemed the winner.

11.23 In case of a walkover, the owner of the horse or horses walking over shall receive the earned share or shares of the purse money.

11.24 At their discretion, the Stewards may dispense with a walkover.

11.25 The owners of the horses in a dead heat shall divide equally the purse money involved.

11.26 In a dead heat, each horse shall be considered a winner of the amount received according to the preceding rule.

11.27 When two or more horses finish in a dead heat and a protest is made and allowed against a horse having finished in front of the dead heat, the horses which ran the dead heat shall be deemed to have run a dead heat for the higher position.

11.28 Owners of horses in a dead heat shall divide equally all monies and other prizes and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the Stewards.

11.29 If a race has been run by all the horses at the wrong weights or over a wrong course or distance and if a protest is made and allowed before the flashing of the "Official" sign on the totalizer board, the Stewards shall declare the race no contest.

11.30 Where the Stewards determine, after a race has started, that a horse or horses were prevented from having a fair chance to contest a race, due to exceptional circumstances and it is deemed in the public interest to do so, such horse or horses shall be declared non-contestants and the provisions of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada) pertaining to refunds shall apply.

11.30.01 After the horses are released from the starting gate, the Stewards may order the race stopped.

11.31 Should there be less than five horses finish in any claiming or allowance race the finishers shall

be entitled to the same percentage of the purse as set forth by the conditions of that race.

11.32 In all stakes races or walkovers in which there are less than five finishers, the winner shall be entitled to the winner's percentage of the purse plus all unearned portions of that purse.

11.33 All conversions from metric distances to furlong distances for the purpose of eligibility for races shall be at the following equivalents:

2 FURLONGS	400 METERS
3 FURLONGS	600 METERS
4 FURLONGS	800 METERS
4 ½ FURLONGS	900 METERS
5 FURLONGS	1000 METERS
5 ½ FURLONGS	1100 METERS
6 FURLONGS	1200 METERS
6 ½ FURLONGS	1300 METERS
7 FURLONGS	1400 METERS
1 MILE	1600 METERS
1 MILE AND 70 YARDS.....	1670 METERS
1 MILE 1/8	1800 METERS
1 MILE 3/16	1900 METERS
1 MILE 1/4	2000 METERS
1 MILE 5/16	2100 METERS
1 MILE ½	2400 METERS
1 MILE 5/8	2600 METERS
1 MILE 3/4	2800 METERS
1 MILE 7/8	3000 METERS
2 MILES.....	3200 METERS
2 MILES 1/16	3300 METERS

11.34 Deleted

11.35 In the event there is any mechanical or electrical malfunction of equipment which is used as

an aid for race reviewing or the assigning of the official finish, the Stewards shall decide all related matters on the basis of their visual observations and any oral reports received by them and their decisions, subject to appeal to the Horse Racing Appeal Panel (the HRAP), shall be final.

Chapter 12

CLAIMING RACES

12.01.01 In claiming races, any horse is subject to be claimed for its entered price by any owner who:

- (a)** is the holder of an owner's licence, in good standing from the Commission;
AND
- (b)** has started a horse in Ontario, either on his/her own behalf or in a multiple ownership during the racing season in which the claim is being made;
OR
- (c)** is eligible to claim under Rule 12.29.

A claimed horse, regardless of ownership, must race only at tracks in Ontario for the next ninety days or until the end of the track's meet where the horse was claimed, whichever of the two that occurs first. Exceptions will apply only by permission of the Stewards.

12.02 The claiming price of each horse in a claiming race shall be the entered claiming price and shall be printed on the day's official program.

12.03 A claim may be made by an authorized agent but only for an owner by whom he/she is authorized. However, when making out such claim the claim slip must include that authorized agents card number or said claim shall be voided.

12.04 No claim shall be valid unless the claimant has

a credit balance in his account with the Horseperson's Bookkeeper in an amount sufficient to satisfy the claim together with all applicable taxes relating to such claim. The said sum must be deposited in the claimant's account at least fifteen (15) minutes prior to the published post time for the race for which the claim is submitted. In the event that the full sum applicable to the proposed claim has not been credited to the claimant's account within the time limited, any claim made by the claimant, who is in default, shall be void.

12.05 Should any of the individuals or entities involved in a partnership submit a claim for the same horse the qualifying claim will be drawn by the Stewards from within that partnership group, preceding the final draw for the claim by the clerk of the scales.

12.05.01 No owner may claim any horse from any other owner if a partnership exists between them with respect to that horse or any other horse which is currently racing, which that partner owns in whole or in part.

12.05.02 A trainer shall not have more than one claim on any one horse in any claiming race. In the event of multiple claims identifying the same designated trainer, the qualifying claim shall be drawn by the Stewards from within that group preceding the final draw for the claim by the clerk of scales.

12.05.03 Deleted (Thoroughbred Directive 1-2007)

12.06 A claim shall, in all cases, represent a bona fide offer by the claimant to buy, and on the owner to sell the horse in question at the claiming price. The Stewards shall fully inquire into any and all circumstances leading them to believe that the above

is not the case and shall punish violators in such manner as the facts warrant. (See Rule 12.17)

12.07 If a horse is claimed, it shall not start in a claiming race for a period of thirty (30) clear days from the date of claim for not less than twenty-five per cent (25%) more than the amount for which it was claimed.

12.08 If a horse is claimed, it shall not be sold or transferred to anyone in whole or in part, except in a claiming race, for a period of thirty (30) clear days from date of claim. It shall not, unless reclaimed, remain in the same stable or under control or management of its former owner or trainer for the same thirty (30) clear days. It shall not race outside Ontario, nor shall the foal registration papers be removed from an Association's Race Secretary's offices for the next ninety (90) clear days from the date of claim other than for the purpose of racing at Woodbine or Fort Erie, or until the end of the track's meet where the horse was claimed, whichever of the two that occurs first. Exceptions may apply with permission of the Stewards, for a claimed horse to compete in stakes races in other jurisdictions during the ninety-day (90) period.

12.09 Deleted (TB Directive 1-2002)

12.10 All claims shall be on forms and contained in envelopes provided by the Commission.

12.11 All claims must be signed, sealed, and the envelope time-stamped and deposited in a locked box at least 15 minutes before the post time of the race in which the claim is made. Such box shall be in the custody of the Clerk of Scales. The following information must be correctly filled in on the claim blank:

- (1) date of claim
- (2) printed name(s) and appropriate signature(s)
- (3) authorized agent number if required
- (4) correct claiming price
- (5) the number of the race from which the horse is to be claimed
- (6) name of horse
- (7) designated trainer
- (8) initial claiming form, if applicable.

Typographical or minor technical errors may be accepted at the discretion of the Stewards.

12.12 Not earlier than 15 minutes before and not later than ten minutes before each race, the clerk of the scales shall open the claims' box and note on the envelope containing each claim the official post time of the race in question which he/she shall take from the totalizator board. Immediately thereafter and in no event later than post time of each race, he/she shall deliver or cause to be delivered to the Stewards all claims which were in the claims' box for the race in question. No money shall accompany the claim.

12.13 Transfer of possession of a claimed horse shall take place in the paddock immediately after the running of said race, unless the horse is required to be taken to either the retention test barn and/or TCO2 test barn for post race testing. The successful claimant or their representative shall maintain physical custody of the claimed horse. Transfer of possession of each claimed horse will take place after sample tags have been signed by the previous trainer and/or their representative.

12.13.01 Transfer of possession of a claimed horse to the successful claimant or their representative shall take place in the paddock immediately after

the running of the race. The horse's halter must accompany the horse. Altering or removing the horse's shoes prior to transfer is not permitted.

12.13.02 Notwithstanding the requirements under 12.13.01, in the case where a claimed horse must submit for post race testing, physical custody of the claimed horse shall transfer from the original owner to the successful claimant outside the retention barn following completion of the test and after the sample tags have been signed by the original owner or their representative.

12.14 In the event that more than one claim is submitted for any horse in any race, the successful claimant shall be determined by lot by one of the Stewards or their deputy and all unsuccessful claims involved in the decision at that time, shall become null and void, notwithstanding any future disposition of such claims.

12.15 When a horse is claimed in another recognized racing jurisdiction, title to such horse shall be accepted in Ontario in accordance with the Rules of the jurisdiction in which the claim was made.

12.16 Any person refusing to deliver a claimed horse shall be suspended and their case referred to the Registrar. Any purse money earned by said horse shall be withheld and such horse may not be re-entered, until it is delivered to the successful claimant or his agent subject to the finding of the Registrar. In the event that the delivery of the horse is not made in the paddock immediately following the race, the claiming money shall immediately revert to the claimant's account and if delivery of the horse is offered at some subsequent date, the claimant has the option to refuse such horse.

12.17 If the Stewards are of the opinion that any person is claiming a horse for the benefit of another they may require such person to give a statutory declaration substantiating that such claim is made only on their own behalf.

12.18.01 Subject to Rule 12.16 title to a claimed horse shall vest in the successful claimant from the time the stall doors of the starting gate open in front of such horse at the time the starter dispatches the horses in a valid start for the claiming race. The successful claimant shall take possession of the claimed horse according to the Rules whether said horse is alive or dead, sound or unsound, or injured during or after the race.

12.18.02 When a claim has been lodged it is irrevocable, and is at the risk of the claimant. Determination of the true sex of a claimed horse shall be the sole responsibility of the claimant, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

12.19 Each horse shall run for the account of the person in whose name it starts.

12.20 No person shall attempt by intimidation to prevent anyone from running a horse in any claiming race for which it is entered.

12.21 No person shall offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race; nor shall any owner or trainer running horses in any claiming race make any agreement for the protection of their or any other person's horses.

12.22 No person or persons shall enter or allow to be entered in a claiming race a horse against which

any claim is held, either as mortgage, bill of sale or lien of any kind, unless the holder of the due obligation signs an official consent form. This form must be put on file prior to entry with the Racing Secretary of the Association conducting the meeting.

12.23 If a filly or mare has been bred she is ineligible to enter into a claiming race unless either (i) or (ii) of the following conditions is fulfilled:

(i)

(a) Full disclosure of this fact is on file with Racing Secretary and such information is posted in their office.

(b) The stallion service certificate has been deposited with the Racing Secretary's Office. (All information contained on the slip shall be confidential).

(c) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(d) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

OR

(ii) A licensed veterinarian's certificate dated at least 25 days after the last breeding of that mare or filly is on file with the Racing Secretary's Office stating that the mare or filly is not in foal.

12.24.02 The stable of an owner racing in Ontario shall be deemed to consist of only those horses that were, at the time the stable was eliminated by claiming, registered with an Ontario racing Association for the current year.

12.25 When a horse has been claimed or sold and a urine or other test subsequently discloses that an improper medication or drug was administered and the Stewards suspend such horse from racing, such suspension shall remain in effect until it is rescinded by the Stewards or the Registrar.

12.26 No person other than an authorized agent acting for his/her principal shall claim a horse for, or on behalf of any other person and, for the purposes of the claiming Rules, an owner making a claim by merely executing said claim declares that he/she is claiming on their own account.

12.27 No horse which is leased may be used by the lessee as a qualifying horse for the purpose of claiming, until the lease has been in effect for 30 days. However, a lease from a person to a corporation, of which the majority of voting shares are owned by such person or vice versa, shall be an exception to this rule. In the event that a leased horse is claimed, the lessee at the time of the claim shall have the right to reclaim said claimed horse during the balance of the meeting where the horse was originally claimed.

12.28 Any purse monies shall not be released to owners for 48 hours after being won, and if a holiday immediately follows, the money shall not be released for a period of 72 hours.

12.29 Any potential ownership which is desirous of entering racing in Ontario by claiming a horse, which is not currently, directly or indirectly involved in horse ownership in another jurisdiction, which does not qualify to claim a horse under Rule 12.01.01 (a) and (b) may be granted the privilege to claim a horse under an initial claim permit, issued by the Registrar, provided the following conditions are fulfilled:

- (a) a payment of \$130.00 is made to the Commission to initiate investigation as to that ownership's suitability to hold a licence. The new owner's fee will be added to the cost of the initial claiming permit;
- (b) an application has been made and held pending until all necessary investigation has been completed to the satisfaction of the Stewards or the Registrar;
- (c) a licensed owner who has raced in Ontario in the previous racing season is eligible to claim as an initial claimant without charge;
- (d) with the exception of the first and last thirty (30) calendar days, an initial claim is valid during the racing season in Ontario;
- (e) the above privilege to claim shall be valid for only one horse unless the claimed horse is physically incapable of starting in Ontario during the next forty-five (45) days of being claimed, as determined by the Commission Veterinarian;
- (f) Deleted.

12.30 Any owner entitled to claim on their own behalf under the Rules, is entitled to claim in a partnership with any other licensee(s) who are entitled to claim on their own behalf. No owner may be involved in more than one claim (in whole or in part) for the same horse in any one race.

12.31 It is the responsibility of anyone making a claim to see that the claim is properly executed. In the event the Stewards find that the claim is improperly executed, they may take any action within the Rules they deem necessary, including declaring the claim invalid.

12.32 Should notification be received by the Stewards, from the Official Chemist, that a positive test has been determined on an official sample from a claimed horse, the claimant of the said horse shall have the right to request of the Stewards that the claim be declared invalid. Such request must be made within 72 hours of the claimant, his/her trainer, or authorized agent, receiving notification of the positive test from the Stewards.

12.32.01 The Stewards, at the option of the claimant, shall rule a claim invalid, if approved post race testing procedures disclose that an improper medication or drug was found to be present in the sample of the claimed horse which is reported in the analysis report from the lab. Once the claim has been declared invalid by the Stewards the claimant must request within 72 hours that the horse be returned to the original owner.

12.33 Deleted (TB Directive 1–2001)

Chapter 13

PROTESTS, OBJECTIONS AND APPEALS

(See also Chapter 24 - Commission's Discretionary Powers)

13.01.01 In order to be recognized, every protest must be made by the owner, trainer, or jockey to the clerk of the scales or to the designated racing association employee.

13.01.02 Every complaint against an Official shall be made to the Stewards in writing signed by the complainant.

13.02 All protests, by licensees must be submitted, in writing, no later than 48 hours after the incident to the Stewards. Every protest shall be dealt with by the Stewards.

13.03 A protest arising out of the happenings in the running of a race shall be made before the official sign has been posted.

13.04.01 A protest on the grounds:

- (a) of misstatement, omission or error in the entry under which a horse has run;
- (b) that a horse which ran was not the horse or was not of the age which it was represented to be at the time of entry;

OR

- (c) that a horse was not qualified under the conditions of the race or by reason of default;

OR

- (d) that a horse has run in contravention of the Rules;

OR

(e) not otherwise provided in the Rules; shall be made within 48 hours after the finish of the race with respect to which the protest is made, excluding dark days.

13.04.02 A protest, except one arising out of happenings in the running of a race, shall be made in writing, signed by the complainant and delivered to the Registrar.

13.05 Protests not lodged with the Stewards prior to the termination of the meeting shall be made to the Registrar at the Commission's head office in Toronto.

13.06.01 If a protest that a horse is ineligible is delivered to the Stewards at least one hour before post time of the race in question, the Stewards shall give such protest immediate consideration. The onus of proof throughout shall be with the protester. In default of proof at least 30 minutes before post time of the race in question that the horse is not qualified to start, the said horse shall start.

13.06.02 A protest respecting the distance of a race shall be delivered to the Stewards at least one hour before post time of the race in question.

13.07 A protest alleging fraud may be delivered at any time.

13.08 Pending the determination of a protest, any money or prize won by the owner of the horse with respect to which the protest is made, and any other money affected by the outcome of the protest, shall be withheld by the Association until the protest is determined, and if the money or the prize handed over before the protest is made the Stewards shall order them returned if the protest is sustained.

13.09.1 Deleted

13.09.2 A person making a protest, which the Stewards decide to be frivolous, may be subject to a monetary penalty or suspended.

13.10 A protest shall not be withdrawn without permission of the Stewards.

13.11 All costs and expenses incurred in determining a protest or conducting an enquiry shall be paid by such person in such proportion as the Registrar or the Stewards may direct.

13.12 If a protest against a horse which has won or placed is allowed, and a race or place is awarded to another horse, the money for such race shall be distributed in accordance with the final placing.

13.13 Pending the determination of a protest, any money held by the Association as the price of a horse claimed in a claiming race (if affected by the protest) or pursuant to the provisions of Rule 13.08 shall be withheld until the protest is determined.

13.14 Rulings on protests which affect purse money or order of finish after the race was declared official

shall have no effect on the distribution of pari-mutuel pools.

13.15 The Stewards shall promptly investigate any protest or complaint properly made to them and render their decision as quickly as possible and forthwith report the subject matter of the protest or complaint and their disposition of it to the Registrar. Should the Stewards not have come to a decision within 10 days of the time of the completion of the Stewards' hearing, it shall be accepted by all persons concerned that the Stewards have taken no action and imposed no penalty, and the Stewards shall take no action and impose no penalty after the expiry of the 10 days mentioned; provided, however, that in such case, the Registrar may review the deliberations of the Stewards and make such decision and impose such penalties as he or she may deem just.

13.16 Should any protest be made to the Stewards, and subsequently be withdrawn, the Stewards may review the circumstances surrounding said protest. After reviewing said circumstances, the Stewards may, if they conclude that the launching or the withdrawal of the protest was made for some improper purpose, assess any penalty within the Rules they feel is just.

13.17 Subject to the *Horse Racing Licence Act, 2015*, any person aggrieved by a decision or ruling of the Stewards, Registrar or delegated officials may appeal the decision or ruling to the Horse Racing Appeal Panel (HRAP).

13.17.01 Deleted (TB Directive 5-2009)

13.17.02 Deleted

13.17.03 Purse money affected by an appeal shall be held by the Association pending disposition.

13.17.04 Pending disposition of an appeal, all

penalties imposed shall continue in full force and effect except when stayed by order of the HRAP.

13.17.05 The official performance records shall reflect the stewards' decision in all cases until all appeal procedures and remedies are exhausted. The eligibility of horses to the conditions of races will be in accordance with the stewards' decision as shown in the official performance records and will not be subsequently affected by the outcome of the appeal process. Whatever the final outcome of the appeal, the horse cannot be retroactively declared ineligible to races already contested prior to the appeal decision.

13.17.06 Deleted (TB Directive 5-2009)

13.17.07 A decision of the HRAP which affects the distribution of purse money or order of finish of a race after the race had been declared official shall have no bearing on the distribution of pari-mutuel pools.

13.17.08 Deleted (TB Directive 5-2009)

13.17.09 Deleted

13.18 Deleted

13.19 Deleted

Chapter 14

SAFETY AND SECURITY

14.01.01 Racing Associations shall take every reasonable precaution to make their premises safe for the protection of the persons and property of patrons and licensees.

14.01.02 Each Association shall police its grounds at all times in such a manner as to prevent the admission of any person in and around the stables excepting those having valid business or duly licensed by the Commission.

14.02 Delete. Replaced by Rule 14.02.01

14.02.01 Only properly Commission licensed participants shall be mounted on a horse or pony on the Association grounds, and such participant is required to wear properly affixed and secured helmets and safety vests, as prescribed by Rule 14.02.02. The licensee is responsible for ensuring that his/her helmet and safety vest meets the safety standards.

(Effective January 1, 2013)

14.02.02 Where it is required under the Rules, only helmets meeting the following standards shall be used:

- (1) American Society for Testing and Materials (ASTM 1163);
- (2) UK Standards (EN-1384 and PAS-015); or,
- (3) Australian/New Zealand Standard (AS/NZ 3838).

Where it is required under the Rules, only safety vests meeting the following standards shall be used:

- (1) British Equestrian Trade Association (BETA:2000 Level 1);
- (2) Euro Norm (EN 13158:2000 Level 1);
- (3) American Society for Testing and Materials (ASTM F2681-08);
- (4) Shoe and Allied Trade Research Association (SATRA Jockey Vest Document M6 Issue 3); or,
- (5) Australian Racing Board (ARB Standard 1.1998).

(Effective January 1, 2013).

14.03 Each Association shall have in attendance at each race track at which horses are being raced or exercised person-ambulance(s) and horse-ambulance(s), staffed with qualified personnel to render first aid and transport injured persons or horses to the closest place available for medical or veterinary treatment, as the case may be; such ambulances shall be placed at an entrance to the racing-strip.

14.04 Associations shall not post or enforce track rules which are in conflict with any provision contained in the Rules. Track rules shall be posted in either the paddock and/or offices of the race secretary. The Stewards may impose a monetary penalty or suspension, or both, for a violation of any of the track rules specifically adopted by the Stewards.

14.05 Smoking is prohibited within 10 feet of any designated signed areas, stall, tack room, shedrow or any portion of a barn including the paddock. For the purpose of this rule, the paddock will include the cafeteria, jockeys' change room, washrooms and offices within the paddock area. Smoking is also prohibited anywhere on the racetrack surface at any time.

Penalty for an infraction of Rule 14.05:

- (i) First violation will result in a \$50 monetary penalty,
- (ii) Second violation within a year of the first violation will result in a \$300 monetary penalty or a 5 day suspension or both,
- (iii) Third violation within a year of the first violation will result in a minimum monetary penalty of \$500 and a 7 day suspension,
- (iv) Fourth violation within a year of the first violation will result in a suspension and referral to the Registrar.

Chapter 15

MISCONDUCT, NEEDLES, SYRINGES AND SEARCHES

15.01.01 Deleted, replaced by Rule 9.27.03 through 9.27.04

15.01.02 Deleted, replaced by Rule 9.27.02

15.01.03 Deleted, replaced by Rule 9.27.03 through 9.27.04

15.02.01 No licensee except physicians, Commission Veterinarians or Official Veterinarians or veterinarians licensed by the Commission, or registered veterinary technicians or veterinary student assistants who are under the supervision of a veterinarian and licensed by the Commission shall, within the grounds of the Association, have in or upon the premises or vehicle which the licensee occupies or has the right to occupy, or in their personal property or effects:

- (a) any hypodermic syringe, hypodermic needle or any other device which could be used for the injection or infusion into a horse of any substance; or
- (b) any injectable (substance capable of being injected) which may be administered by a hypodermic syringe, hypodermic needle, or device (known technically as a substance for parenteral administration) without first securing written permission from the Stewards or the Registrar.

15.02.02 Subject to the *Horse Racing Licence Act, 2015*, participants acting in any capacity at a race meeting approved by the Registrar, by so participating, consent to the examination, search and inspection referred to in the Rules, and to the seizure of any hypodermic syringe, hypodermic needle or any

other device described in the Rules, and all drugs and medicaments including those listed in 15.31.1 or any kind which might be in his or her possession. Any drugs, medicaments or other material or devices seized may be forwarded by the Registrar to the Official Chemist for analysis.

15.02.03 Re-numbered Rule 36.05.05 (TB Directive 1–2001)

15.02.04 For the purposes of this rule a horse that has been nerved, blocked with alcohol or any other drug or medicament or procedure that totally desensitizes the volar or plantar nerves will be deemed to have been nerved within the meaning of this rule.

15.02.05 The Commission Veterinarian or Official Veterinarian will record all information in connection with nerved horses on the pre-race card kept by the Commission. The information as to whether a horse has been nerved is available to licensed owners or trainers.

15.02.06 All denerved horses must be registered with a Commission Veterinarian or Official Veterinarian on forms provided by the Commission for that purpose. No unregistered denerved horses shall be entered in a race nor shall a horse be registered as denerved when in fact it has not been denerved. For failure to report a denerved horse or for reporting a horse denerved when it has not been denerved, the Stewards may impose such penalties as they think proper within the limits prescribed by the Rules, and in their discretion may recommend to the Registrar the imposition of more severe penalties.

15.02.07 The Commission Veterinarian or Official Veterinarian shall keep posted in the Racing

Secretary's office a list of all horses denerved and such list shall include:

- (a) the dates of the denerving; and
- (b) any information re: any tumour removed associated with the surgery.

15.02.08 Subject to Rule 15.02.01 above, if in an emergency and in the absence of all practising or Commission Veterinarians or Official Veterinarians from the grounds of the Association conducting racing, it becomes necessary for any reason for the owner, trainer or attendant who has the care and control of a horse, to administer or cause to be administered orally any drug to such horse and, if at the time of such administration the horse has been entered in a race, the said owner, trainer or attendant shall report the matter fully to the Commission Veterinarian or the Official Veterinarian as soon as he/she returns to the grounds, who shall immediately report the incident in writing to the Stewards or any of them as soon as one or more of them comes upon such grounds and the Stewards shall scratch such horse or permit it to run as they may deem proper.

15.03.01

- (a) Urine and/or blood samples shall be taken from the winning horse of every race, and from such other horse/s as the Stewards, Commission Veterinarian or Official Veterinarian shall direct. Such horse/s shall be sent immediately after each race to the retention area and placed in the custody of an employee of the Commission, Canadian Pari-Mutuel Agency or authorized person approved by the Commission (veterinarian, Registered Veterinary Technician [RVT]);

- (b) The Stewards, Commission Veterinarian or Official Veterinarian may direct the carrying out of any other examinations as may be ordered;
- (c) Failure to proceed directly to the retention (test) barn and/or TCO2 barn and remain therein until the required samples have been collected and/or the horse has been released by the retention test barn and/or TCO2 test barn personnel, may result in forfeiture of the purse money, if any, and disciplinary action against the owner, trainer, or designated representative of the trainer, provided always that the Steward(s) may excuse a horse from attending and/or remaining in the retention barn for any reason which they in their discretion consider justified;
- (d) Only the owner, trainer or designated representative of the trainer, to a maximum of two persons having a valid Commission licence on their person, are permitted to have care, custody or control of a horse in the retention area when any specimen/s are taken from or examination made to a horse under his/her care, and shall remain until the sample tag attached to the specimen shall be signed by him/her as witness to the taking of specimen or the examination is completed. Failure to present the licence may result in a monetary penalty and/or suspension.

15.03.02 The taking of the tests shall be the responsibility of the Chief Test Inspector, and those under his/her supervision shall perform such duties as may be assigned to them by him/her.

15.03.03 Part V of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code*

(Canada) recites the procedure to be followed in the collection and identification of urine or blood specimens from horses at the tracks, and all officials shall adhere to these rules.

15.03.04 If a Urine Inspector is unable to get a urine sample within two hours from the time the horse arrives at the retention barn, or with respect to the last race, one hour after the last race, the Chief Test Inspector shall contact a Commission Veterinarian, Official Veterinarian or Registered Veterinary Technician who will withdraw a blood sample. The Commission Veterinarian, Official Veterinarian or Registered Veterinary Technician shall draw the blood sample which shall be collected, packaged and sealed in the prescribed manner set down by the Canadian Pari-Mutuel Agency. The trainer or his/her representative shall witness the sample being taken and sign test card.

15.03.05 All abandoned urine tests shall be reported to the Stewards as soon as is convenient.

15.03.06 No person shall be admitted to the testing enclosure except the staff immediately in charge of such work, members of the Commission, duly accredited representatives of the Canadian Pari-Mutuel Agency, officials, employees and persons authorized by Urine Service Rules, the Registrar, the Stewards, any Commission Veterinarian or Official Veterinarian, a representative of the Association and such other persons as may be authorized in writing by the Registrar.

15.03.07 If the Stewards find that there has been improper interference or substitution in the taking of a urine specimen under Rule 15.03.01, subject to Rules 15.04.02 and 15.04.04, they shall take such action as

they deem proper against any person found by them to have improperly interfered with the taking of the urine sample or substituted for the urine sample.

15.03.08 No horse shall be allowed to race in Ontario if the permission for the taking of such blood sample is refused, unless the Commission Veterinarian or Official Veterinarian, for good cause in his/her judgment, excuses the taking of the sample.

15.04.01 Should the Official Chemist's report on urine, blood or other samples taken from a horse be positive, he/she shall immediately notify the Stewards or Registrar and this notification shall be taken as prima facie evidence of a positive test. He/she shall confirm such findings by special delivery prepaid mail to the Registrar and presiding Steward.

15.04.02.1 When the Registrar or the Stewards receive notification from the Official Chemist that an official sample has been found positive, he/she or they shall, as soon as may be possible, summon the trainer and such security officers of the Racing Association as they may choose to assist and inform them that a positive test has occurred.

15.04.02.2 After the Stewards have informed the trainer, or his or her responsible representative of such positive test, a Commission Representative or the Stewards shall direct the security officers and a Commission Veterinarian or Official Veterinarian to accompany the trainer or his or her responsible representative, to the stable and, subject to the *Horse Racing Licence Act, 2015*, conduct a thorough inspection of the trainer's barn, automobile or any other vehicles associated with the trainer or that he or she may have in his or her possession or under his or her control. Security Officers shall ensure that

such vehicles and personal property as they may deem necessary, remain on the backstretch until the barn inspection is complete. The Stewards or other delegate shall continue the review and/or collecting of information from all persons concerned.

15.04.02.3 In addition to conducting the above review into a positive test, the Stewards will inform the trainer of the horse having the positive test that pursuant to Rule 15.06.01:

- (a) he/she is responsible for the condition of the horse, and
- (b) either that
 - (i) the stewards are still reviewing the matter, or
 - (ii) are now prepared to hear the evidence relating to the positive test.

In the event that either the Stewards or trainer are not prepared to proceed forthwith, the Stewards shall then:

- (a) fix a date and a place when the allegation will be considered and disposed of;
- (b) inform the trainer that until that time,
 - (i) he/she will be permitted to continue with his or her business as trainer, or
 - (ii) that he/she has been suspended and that none of the horses in his or her custody or under his or her care and control shall be allowed to start until the matter is considered and disposed of or until the horses have been turned over to another trainer or trainers approved by the Stewards.

15.04.02.4 For the purposes of rule 15.04.02.1, 15.04.02.2 and 15.04.02.3, in the absence of the trainer or if said trainer refuses to cooperate he or she may be represented by his or her authorized representative or other qualified employee or an officer, director or

employee of the HBPA as requested by the Stewards. Notwithstanding the lack of availability of any or all of the above noted persons, the barn search shall continue in their absence.

15.04.02.5 Deleted.

15.04.02.6 The Stewards shall inform the owner and the Racing Association concerned, as expeditiously as possible, of their actions regarding the matter.

15.04.02.7 The procedure detailed in Rule 15.04.03 and in Rule 15.04.02.1 to.4 is also to be followed exactly when the urine or blood sample received by the Official Chemist is determined by him/her to be not entirely horse urine or blood.

15.04.03 When a horse is found to have been administered a prohibited medication resulting in a positive test, such horse shall be declared unplaced for every purpose except pari-mutuel wagering.

15.04.04 Any horse that tests positive in Ontario for any of the following shall be ineligible to race for a period of 90 days from the date of the identification of the horse with the positive test and will be placed on the Stewards' List in accordance with Rule 16.11.01:

- (1) Class I;
- (2) Class II;
- (3) Class III;
- (4) TCO2;
- (5) Substance determined to be non-therapeutic.

Any person who violates this rule shall be subject to a monetary penalty and/or suspension.

15.04.05 Any horse that obtains a positive test from a jurisdiction outside Ontario for any of the following shall be ineligible to race in Ontario for a period of 90 days from the date of the identification of the horse with the positive test:

- (1) Class I;
- (2) Class II;
- (3) Class III;
- (4) TCO2;
- (5) Substance determined to be non-therapeutic.

15.04.06 Rule 15.04.04 and Rule 15.04.05 shall be absolute liability violations.

15.05 If the Stewards find that any prohibited drug has been administered to a horse before a race, they shall take such action as they may deem proper against any person found by them to have administered or attempted to administer any such drug.

15.05.01 Upon a finding of a violation of the positive test rules, the Stewards shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International, Inc.

15.06.01 The trainer, groom and any other person who, in the opinion of the Stewards or the Registrar, has charge, custody or care of a horse:

- (a) is obliged to properly protect the horse, guard it against the administration of a prohibited drug, protect the horse, and guard it against wrongful interference, or a substitution by anyone in taking of a urine or blood sample;
- (b) If such person should fail to so protect and guard the horse, he/she or they will be regarded as bearing responsibility along with the person who actually administered such drug, or wrongfully interfered with or substituted in the taking of a urine or blood sample. Where the Stewards find a failure to properly protect a horse, subject to Rule 15.04.02 they shall impose such penalty and take

such action as they deem proper, or shall refer the matter to the Registrar.

15.06.02 Deleted (TB Directive 1-2004)

15.06.03 Notwithstanding Rule 15.06.01, the Registrar and all delegated officials shall consider the following to be absolute liability violations:

- (a) any trainer whose horse(s) tests positive for any substances determined to be non-therapeutic;
- (b) any trainer whose horse(s) tests positive resulting from the out-of-competition program;
- (c) any trainer whose horse(s) tests positive resulting from testing in accordance with or under the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada);
- (d) any trainer whose horse(s) level of TC02 equals or exceeds the levels set out in Rule 37.01.

15.07.01 No trainer shall knowingly employ or harbour anyone under suspension by a Racing Board or Commission which is a member or associate member of the National Association of State Racing Commissioners.

15.07.02 A trainer shall not knowingly have in their charge or under his/her supervision for the purpose of racing any horse owned, in whole or in part, by a suspended or unlicensed owner.

15.08.01 No one having a financial interest in the result of a race by reason of the ownership of any particular horse in the race, wagering, or financial gain, shall act in any official capacity in connection with the running of said race.

15.08.02 No Racing Official shall wager on the outcome of a race, nor shall any employee or licensee of the Commission or employee of any Association

give to anyone, directly or indirectly, for reward or any other consideration, any information or advice pertaining to a race for the purpose of influencing any person, or that would tend to do so, in the making of a wager on any horse in any race. In the case of Association employees this shall not apply to selections which appear in the official program, newspapers, other approved publications, or over the radio, television or to the selling of approved publications.

15.09.01 Any act or omission related to Thoroughbred horse racing in any or all of its form, which, when measured against generally accepted standards of good conduct would be regarded as dishonest, unfair or unsportsmanlike or contrary to the public interest financially or otherwise, shall be deemed to be a violation of these Rules and shall be dealt with accordingly at the discretion of the Stewards. The ruling and subsequent publication regarding penalty shall include the specific part of the Rules which the licensee violated. In determining whether any act or omission offends this Rule, regards may be had to any Code of Ethical and Professional Business Conduct that may have been adopted by a horsemen's association.

The following subparagraphs of this Rule provide particulars of conduct contemplated by this Rule but are not meant to be exhaustive.

(a) Without limiting the generality of the foregoing, the relationship between an owner and trainer shall be based on integrity, disclosure, maintaining the health and welfare of the horse and acting in the best interests of racing. Conduct unbecoming

an industry participant also refers to conduct that occurs outside of the business of horse racing but which brings the industry into disrepute;

- (b)** Any person who may gain a benefit, financial or otherwise, directly or indirectly, in connection with the sale, purchase, lease or claiming of a racehorse shall disclose in writing to all affected parties involved in the transaction the details of such benefit or the existence of any arrangement that would lead to such a benefit;
- (c)** All of the terms of a trainer's engagement should be set out in a written contract between the owner and trainer. At minimum, a trainer shall advise an owner in written form as to the services to be provided by the trainer for which the owner is to be financially responsible, the trainer's rate schedule including day rate and commissions on purses earned by the horses and the terms of payment;
- (d)** A trainer shall ensure that an owner is advised as soon as it is practical to do so of any material problems affecting an owner's racehorse in their care that could affect its racing potential or ability to be trained on a continuous basis;
- (e)** If an oral offer is presented to a trainer to purchase or lease any interest in an owner's horse, the trainer shall request that such offer be reduced to writing. A trainer shall immediately notify the owner of any written offer received;
- (f)** A trainer shall maintain records relating to the particulars of any medications administered to horses in their care. For the purposes of this Rule, the term medication shall mean a medication that could result in a positive test;

- (g) A trainer shall not put his/her interest above the interests of his/her owner;
- (h) An owner who wishes to cease using the services of a trainer and transfer some or all of their racehorses to another trainer, shall pay prior to the time of transfer the outstanding account of the said trainer to the date of the transfer with respect to the horses being transferred;
- (i) The Registrar and/or the Stewards may require a licensee to provide documentary evidence of any transaction or record referred to or contemplated by this Rule. Refusal or failure to comply may result in immediate suspension of the licence;
- (j) Any act or omission which contravenes this Rule shall be dealt with at the discretion of the Registrar or the Stewards and may include monetary penalty and/or suspension. The ruling and subsequent publication regarding penalty shall include the specific part of the rule which the licensee violated.

15.09.02 No person shall aid, abet, counsel or conspire with any other person in the violation of the Rules and should he/she do so, he/she will be regarded as culpable as the principal.

15.09.03 When a change of ownership of a horse racing in Ontario has occurred, the former owner or his/her agent must make the written medical history of that horse available upon request to the new owner or his/her agent within 72 hours of the request. Failure or refusal to provide the written medical history may result in a monetary penalty and/or suspension. The request for medical records must be made within 30 days of any transfer.

15.09.04 For the purposes of Rule 15.09.03, the written medical history of the horse shall include the records of administration, including brand and date for:

- (i) Vaccinations
- (ii) Dewormings

15.10 No person shall give, offer, or promise directly or indirectly, either on their own behalf or on behalf of another, any bribe, gift or gratuity in any form for the purpose of improperly influencing the result of a race or which would tend to do so.

15.11 No person licensed by the Commission shall accept or offer to accept on their own behalf or on behalf of another any bribe, gift, or gratuity in any form which could or might tend to influence the result of a race.

15.11.01 No licensee shall intimidate, threaten or coerce any other licensee in any manner.

15.12 Delete. Replaced by Rule 15.34.

15.13 Subject to the *Horse Racing Licence Act, 2015*, participants acting in any capacity at a race meeting approved by the Registrar, by so participating consent to the examination, search and inspection referred to in the Rules, and to the seizure of any hypodermic syringe, hypodermic needle or any other device described in the Rules, and all drugs and medicaments of any kind which might be in his or her possession. Any drugs, medicaments or other material or devices obtained may be forwarded by the Registrar to the Official Chemist for analysis.

15.14 The results of any examination, search, inspection or seizure described in these Rules shall be daily reported orally to the Stewards and at the end of each race meeting to the Registrar in writing by

the person who ordered such examination, search or inspection.

15.15 No owner or trainer shall accept, directly or indirectly, any bribe, gift or gratuity or other benefit in any form which might influence the result of any race, or tend to do so, or which is offered for that purpose or which is offered to induce an owner or trainer to enter, not to enter, or withdraw a horse in a race. The owner or trainer shall report to the Stewards the making of any such offers.

15.16 In cases where a horse has bled during or shortly after a race or a workout to the knowledge of a veterinarian licensed by the Commission, the horse may be pre-race medicated, provided that the administration is of a substance which is a coagulant or other median recognized as a treatment to stop bleeding, and is also not included in the group of prohibited medications under the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada). The administration of the medication must be done by a licensed veterinarian who shall report all details in writing to a Commission Veterinarian or Official Veterinarian who shall pass such report to the Stewards for their approval before the horse can start.

15.17.01 In the event the horseperson's bookkeeper accepts a deposit for any owner's account he/she shall keep a record of who deposits the money, and in what form the deposit is made, and have it signed by the depositor should it be other than by cheque or money order.

15.17.02 It is the duty of the horseperson's bookkeeper to immediately notify the Stewards of any unusual money transactions between horseperson's accounts that would indicate any improper procedures or disposition of funds.

15.18 No licensee shall place a wager on any other horse in any race in which he/she shall start a horse owned, trained, groomed, or in any way represented or handled by him or her as a starter. Nor shall he/she cause such a wager to be placed on their behalf except in the case of feature wagering events where he/she may bet or cause another person to bet on their behalf only on combinations in which their horse is selected in the win position. See also: Rules 9.10.01 and 9.10.02 - Jockeys, 9.10.04 - Outriders, Valets, 15.08.02 - Commission Officials or Racing Officials.

15.19 Any act to a horse which, in the opinion of the Stewards, could be deemed to be an act of cruelty shall be a violation of the Rules and the perpetrator is subject to a monetary penalty or suspension. Insufficient care or abandonment shall constitute cruelty under this rule.

15.20 Deleted, replaced by Rule 9.27

15.21 Any licensee must answer completely and truthfully any questions from the Stewards or the Registrar relating to racing.

15.22 Any action taken to falsely cause or attempt to cause the entering, scratching or claiming of a horse shall be contrary to the Rules and may result in a suspension and/or monetary penalty being imposed by the Stewards or by the Registrar.

15.23 Any person making any false, untrue or misleading statement on an application for a licence or registration or in a written or oral examination may be denied such a licence or registration or may be subject to a monetary penalty or suspended.

15.24 Deleted (Thoroughbred Directive 6-2007)

15.24.01 Deleted (Thoroughbred Directive 6-2007)

15.24.02 Deleted (Thoroughbred Directive 6-2007)

15.24.03 Deleted (Thoroughbred Directive 6-2007)

15.24.04 All riders must provide a breath analysis sample no later than one hour before the post time of their first mount. Upon request, and at the discretion of the Stewards, the one hour testing requirement may be reduced.

15.24.05 Deleted (Thoroughbred Directive 6-2007)

15.25 Any person who refuses to submit to a breath analysis test, without reasonable justification, as required by these Rules, shall be liable to the same and like penalties as prescribed in Chapter 38.

15.26.01 Deleted (Thoroughbred Directive 6-2007)

15.26.02 Deleted (Thoroughbred Directive 6-2007)

15.26.03 Deleted (Thoroughbred Directive 6-2007)

15.26.04 Deleted (Thoroughbred Directive 6-2007)

15.26.05 Deleted (Thoroughbred Directive 6-2007)

15.27 Any person who fails to receive permission to enter an allotted stabling area, refuses to leave said area when requested by the trainer or his representative or repeatedly trespasses on an allotted stabling area shall be dealt with according to Rule 16.13. There will be no exceptions including inclement weather, physical infirmities etc.

15.28 In any inspection, investigation or case, if the participant knowingly withholds information or misleads the investigators or the Stewards, it shall constitute a violation.

15.29 The Registrar delegates to the Commission Administration responsibility for the supervision of Thoroughbred Racing in Ontario and its duties shall include but not be limited to the following:

(a) The interviewing of any licensee with respect to any alleged violation of the Rules. The

Administration may require a licensee to make a statutory declaration or a statement in writing or by video or audio recording and /or to produce documents, evidence, of any agreements or transactions, financial or otherwise, relating to any alleged violation of the Rules or to any matter which in the opinion of the Administration is not in the best interest of racing.

15.30 Subject to the *Horse Racing Licence Act, 2015*, whenever reasonable grounds exist for a belief that any participant can give material evidence that would aid in the detection or exposure of any fraud or wrongdoing concerning racing, such participant shall, on the order of the Stewards or other authorized official, be required to provide information. Failure of any participant to comply may result in a suspension.

15.31.01 A person shall not possess, administer, traffic, or attempt to possess, administer, or traffic, in a drug, substance or medication, or anything held out to be a drug, substance or medication, for a horse:

- (a) for which an Official Chemist shall classify an official sample as positive and issue a certificate of positive analysis in accordance with section 165 of the *Pari-Mutuel Betting Supervision Regulations (SOR/91-365)*; and/or
- (b) which has not been labeled for veterinary use under the *Food and Drugs Regulations* under the *Food and Drugs Act (Canada)* or, if labeled for human use under the *Food and Drugs Regulations* under the *Food and Drugs Act (Canada)*, has not been prescribed by a veterinarian after conducting an examination of the horse and determining that the drug, substance or medication is medically required by the horse and the drug, substance

or medication is used only for that horse in accordance with the prescription issued by the veterinarian; and/or

- (c) which may endanger the health and welfare of the horse or endanger the safety of a jockey; and/or
- (d) which is not labeled, or accurately labeled, with the contained drug, substance, medication, or active ingredient; and/or
- (e) which may adversely affect the integrity of racing; and/or
- (f) which is listed hereafter:
 - (i) Erythropoietin or any of its synthetic derivatives, or
 - (ii) Any synthetic hemoglobin like substances.

For the purposes of this section, trafficking includes, but is not limited to, keep for sale, deliver, manufacture, sell, transport, distribute, give, import, and/or export.

Notwithstanding (a) and (b), a veterinarian may possess the drug, substance or medication other than erythropoietin, or any of its synthetic derivatives or any synthetic hemoglobin like substances if the possession is in the ordinary course of the practice of veterinary medicine for purposes of prescribing or administering the drug, substance or medication for the treatment of a horse.

Notwithstanding (a) and (b), a person licensed as a trainer, owner, or groom may possess or use a drug, substance or medication for a horse that is on a list established by the Registrar provided that such possession or use is not otherwise contrary to the Rules, the *Food and Drugs Act* (Canada) and its regulations, the *Pari-Mutuel Betting Supervision Regulations* under the *Criminal Code* (Canada), the *Livestock Medicines Act*, *Controlled Drugs and*

Substances Act and its regulations, the *Health Disciplines Act* and its regulations, the *Veterinarians Act* and its regulations, or any conditions to the possession and use imposed by the Registrar.

15.31.02 The Registrar may establish a list of drugs, substances or medications for purposes of Rule 15.31.01 and may impose conditions to the possession or use of the drug, substance or medication

15.32.01 If a horse dies within 14 days of it being entered or qualified to race, the trainer of record at the time of the death of the horse shall:

- (a) inform the Registrar, or a person designated by the Registrar, in writing within 2 days of the death of the horse that the horse has died, and the location and premises where the horse died;
- (b) provide copies of any reports prepared by the veterinarian(s) who treated the horse prior to its death;
- (c) when directed to do so by the Registrar, transport the horse at the trainer's or owner's expense immediately, or as soon as transportation can be arranged but in any event no later than 2 days of the death of the horse, to a facility approved by the Registrar for a post-mortem and such testing as the Registrar may determine is appropriate; and
- (d) instruct the person conducting the post-mortem and the testing to provide the results of the post-mortem and testing and any reports prepared with respect to the post-mortem and testing to the Registrar within 5 days of their completion.

15.32.02 Where there is no trainer of record at the time of the death of the horse, the owner of the horse shall:

- (a) inform the Registrar, or a person designated by the Registrar, in writing within 2 days of the death of the horse that the horse has died, and the location and premises where the horse died;
- (b) provide copies of any reports prepared by the veterinarian(s) who treated the horse prior to its death;
- (c) when directed to do so by the Registrar, transport the horse at the owner's expense immediately, or as soon as transportation can be arranged but in any event no later than 2 days of the death of the horse, to a facility approved by the Registrar for a post-mortem and such testing as the Registrar may determine is appropriate; and
- (d) instruct the person conducting the post-mortem and the testing to provide the results of the post-mortem and testing and any reports prepared with respect to the post-mortem and testing to the Registrar within 5 days of their completion.

15.32.03 If a horse dies after 14 days but within 60 days of it being entered or qualified to race, the trainer of record at the time of the death of the horse shall:

- (a) inform the Registrar, or a person designated by the Registrar, in writing within 2 days of the death of the horse that the horse has died, the location and premises where the horse died and the cause or apparent cause of death; and
- (b) provide copies of any reports prepared by the veterinarian(s) who treated the horse prior to its death or who determined the cause or apparent cause of death and of any post-mortem or other tests conducted on the horse to determine the cause of death.

15.32.04 If a horse dies after 14 days but within 60 days of it being entered or qualified to race, and there is no trainer of record at the time of the death of the horse, the owner of the horse shall:

- (a) inform the Registrar, or a person designated by the Registrar, in writing within 2 days of the death of the horse that the horse has died, the location and premises where the horse died and the cause or apparent cause of death; and
- (b) provide copies of any reports prepared by the veterinarian(s) who treated the horse prior to its death or who determined the cause or apparent cause of death and of any post-mortem or other tests conducted on the horse to determine the cause of death.

15.32.05 If a horse dies after 14 days but within 60 days of it being entered or qualified to race, the Registrar may order the trainer of record at the time of the death of the horse or the owner of the horse if there was no trainer of record at the time of the death of the horse to transport the horse to a facility approved by the Registrar for a post-mortem and such testing as the Registrar may require to be conducted on the horse at the expense of the trainer or owner, as the case may be. The trainer or owner, as the case may be, shall instruct the person conducting the post-mortem or testing to provide the results of the post-mortem and testing and any reports prepared with respect to the post-mortem and testing to the Registrar within 5 days of their completion.

15.32.06 If a horse being treated by a veterinarian dies within 60 days of being entered or qualified to race, the veterinarian shall inform the Registrar, or a

person designated by the Registrar in writing within 2 days of the death of the horse that the horse has died, the location and premises where the horse died and the cause or apparent cause of death.

15.32.07 The Registrar may:

- (a) find that a trainer, owner or veterinarian has failed to comply with the requirements under this Rule; and
- (b) upon notice, impose a monetary penalty, period of suspension of a licence or such other penalty as is appropriate in the circumstances on that trainer, owner or veterinarian or impose conditions on the licence of that trainer, owner or veterinarian.

15.32.08 The Registrar may approve a facility to conduct a post-mortem and testing if:

- (a) the Registrar is satisfied that the facility is adequately equipped and secure to carry out the post-mortem and testing;
- (b) the Registrar is satisfied that the facility operator is competent and that the individuals who will carry out the post-mortem and testing have the requisite training and professional designations or requirements to do so, including a veterinary pathologist; and
- (c) the facility operator and the Registrar have entered into an arrangement, memorandum of understanding or agreement with respect to, among other things, the standards for the carrying out of and reporting on the post-mortem and testing, the confidentiality and use of the results of the post-mortem and testing and any reports prepared therefrom, including use for research purposes for the betterment of racing, protection

of horses and their health, and enforcement purposes.

15.32.09 The Registrar may provide or cause to be provided to Associations, The Jockey Club or similar entities, information that a horse had died and date of death.

15.33.01 Horses may be tested for the indication of the administration of erythropoietin or any of its synthetic derivatives as follows:

- (a) once entered to race;
- (b) when claimed;
- (c) when a horse has died and the trainer or owner is required to report the death of the horse;
- (d) any horse that was entered or raced within the previous 60 days.

15.33.02 The holding of a licence as an owner and/or trainer issued by the Registrar shall constitute permission to allow a person designated by the Registrar to collect or otherwise obtain biological samples from any horse owned and/or trained by a licensee, for purposes of testing. Samples may be collected and tested at any time, whether stabled on or off the grounds of the racing association. Where a blood sample has been collected for purposes of TC02 testing, that sample may be used for testing for the indication of the administration of erythropoietin or any of its synthetic derivatives, and/or any other substance as designated by the Registrar. The application for a licence as an owner and/or trainer issued by the Registrar shall constitute permission for a person designated by the Registrar to obtain that blood sample for such purposes.

15.33.03 The Registrar shall establish a protocol for the collection of or to obtain biological samples from

horses and for the testing for the indication of the administration of erythropoietin or any of its synthetic derivatives. licensees shall comply with the protocol.

15.33.04 The Registrar may approve one or more tests where he or she is satisfied that the testing methodology used is appropriate to determine whether or not the sample will result in the indication of the administration of erythropoietin or any of its synthetic derivatives.

15.33.05 The Registrar may approve a laboratory operator to conduct the testing:

- (a) if he or she is satisfied that the laboratory is adequately equipped and secure to carry out the testing;
- (b) if he or she is satisfied that the laboratory operator is competent and that the individuals who will carry out the testing have the requisite training to do so; and
- (c) the laboratory operator and the Registrar have entered into an arrangement, memorandum of understanding or agreement with respect to, among other things, the standards for the carrying out of the testing, the reporting of the results of the testing, the confidentiality and use of the results of the testing and any reports prepared therefrom, including use for research purposes for the betterment of racing, protection of the horse and the health of the horse, and enforcement purposes.

15.33.06 If there is confirmation of the administration of erythropoietin or any of its synthetic derivatives in the biological sample obtained, the horse from which the sample was collected or obtained shall be placed on the Veterinarians' List (long term) and shall not be removed from the Veterinarians' List until the

Registrar is satisfied that there is no indication of the administration of EPO or any of its synthetic derivatives in the biological sample from the horse.

15.33.07 The Stewards shall declare a claim invalid if there is indication of the administration of erythropoietin or any of its synthetic derivatives in the biological sample of a horse that was claimed in a race and the Stewards are so notified in writing by the Registrar and the claimant of the horse requests that the claim be declared invalid. A request must be made within 48 hours of the claimant, the claimant's trainer or the claimant's authorized agent being advised that the administration of erythropoietin or any of its synthetic derivatives were detected. Once the claim is declared invalid, the horse shall be returned to the previous owner, that owner's trainer or that owner's authorized agent, and the amount of the claiming price shall be repaid to the claimant. The claimant shall be responsible for any reasonable costs incurred for care or training of the horse while it was in the possession of the claimant or his trainer.

15.33.08 For purposes of testing for the indication of the administration of erythropoietin or any of its synthetic derivatives in the biological sample, the Registrar shall establish by Directive the detectable limit for each test that has been approved.

15.33.09 An owner or trainer may be held wholly or partially responsible if any drug substance or medication administered or prescribed by him or her results in:

- (a) The indication of the use of erythropoietin or any of its synthetic derivatives for purposes of the Rules and, if held wholly or partially responsible, may be assessed a monetary penalty and/or suspended by the Stewards;

- (b) The confirmation of the use of erythropoietin or any of its synthetic derivatives for purposes of the Rules and, if held wholly or partially responsible, may be assessed a monetary penalty and/or suspended by the Stewards.

15.34 In accordance with the *Horse Racing Licence Act, 2015*, those persons authorized by the Registrar shall have the right to enter upon the buildings, stables, rooms, vehicles or other places within the grounds of any Association for the purpose of examining, searching, inspecting and seizing the personal property and effects of any person in or upon such place.

15.35 Any licensee, who in the course of their normal duties, locates any item listed in Rule 15.02.01 (a) and (b) or any drug, substance or medication listed in Rule 15.31.01 shall forthwith advise the Stewards of their findings and take direction from the Stewards.

15.36 After considering the evidence and making a ruling concerning a violation of Chapter 15, the Stewards may order that the items seized be disposed of in accordance with the *Horse Racing Licence Act, 2015*.

15.37 The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted on any racehorse unless the following conditions are met:

- (a) the treatment took place a minimum of 4 days (96 hours) prior to competing in a race;
- (b) the treatment using the Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine was conducted by a veterinarian licensed by the Commission as a veterinarian;

- (c) any treatment received while on the grounds of the Association was through the use of an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine owned and operated by a veterinarian licensed by the Registrar; and
- (d) a record of the treatment, including the date and time, is maintained as part of the record of the horse.

15.38 No person shall administer, attempt to administer, or cause to be administered, any medication or substance by a nasogastric tube to a horse on race day prior to its race, except for emergency treatment, which treatment will result in the horse being scratched from the race.

Chapter 16

STEWARDS

16.01.01 At a meeting, except in the case of an emergency, there shall be a minimum of two Stewards employed and appointed by the Registrar, one of whom shall be designated by the Registrar as a Senior Steward under whose supervision the Stewards shall, collectively, carry out all the duties and responsibilities specified in the Rules. All decisions of the Stewards shall be determined by majority vote. In the cases where there are only two Stewards officiating, the Senior Steward or the Steward designated as the Senior Steward by the Registrar, shall have in addition to the regular vote, a casting vote.

16.01.02 Deleted. (TB Directive 3-2011)

16.01.03 Stewards shall not be employed by an Association in any other capacity during the time he/she acts as a Steward. Exceptions to this rule may be authorized by the Registrar.

16.02.01 Subject to the powers and duties of the Registrar, the Stewards have the power to govern, and it is their duty to regulate and govern the conduct of all racing, Racing Officials and owners, trainers, jockeys, grooms and all persons attendant upon horses.

16.02.02 Subject to the powers and duties of the Registrar, the Stewards have power to interpret the Rules and to decide all questions not specifically covered by them.

16.02.03 In the performance of their duties, the Stewards shall have reasonable control over and unrestricted access to all buildings, stables, rooms and all other places within the grounds of any Association.

16.02.04 In all matters pertaining to racing, the orders of the Stewards shall supersede the orders of the officers, directors and officials of the Association.

16.02.05 All entries, declarations and scratches shall be under the control and supervision of the Stewards.

16.02.06 The Stewards shall assume their duties 48 hours prior to 12.01 A.M. of the first day of each meeting and shall retain them until one minute before midnight on the day following the last day of each meeting and no Racing Official who has been approved by the Registrar shall absent him/herself from their duties without permission of the Stewards. Any matters related to the running of a race meeting may be handled subsequent to the close of that meeting at the discretion of the Stewards.

16.02.07 One of the Stewards shall be in attendance throughout the drawing of entries and post positions. However, if due to official racing commitments, no Stewards are available, they shall leave a telephone number where they will be available to aid should any difficulties arise during said draw.

16.03 No person while acting at a track as the Director, Steward, Racing Secretary, Handicapper, Starter, Placing Judge, Patrol Judge, Clerk of the Scales, Horse Identifier, Paddock Judge, Timer, Jockeys' Room Custodian, Valet, Commission Veterinarian, Official Veterinarian, Commission Clerk, or as an assistant to any of those heretofore named shall have any interest directly or indirectly in any horse participating in racing on the circuit in which the meeting is included.

16.03.01 In addition to the provisions of Rule 16.03, no person while acting at a track as the Director, Racing Secretary, Handicapper, Starter, Placing Judge, Patrol Judge, Clerk of the Scales, Horse Identifier, Paddock Judge, Timer, Jockeys' Room Custodian, Valet, Commission Veterinarian, Official Veterinarian, Commission Clerk, or as an assistant to any of those heretofore named shall have any direct or indirect monetary interest in any business which seeks the patronage of thoroughbred horsepeople as such.

16.04 It shall also be the duty of the Stewards, when they deem it advisable, to take such action in advance as they may regard as necessary to prevent an infraction of the Rules.

16.05 The Stewards shall take any action they deem necessary, including the warning of or ordering the ejection from the grounds of all persons who, by reason of past or present conduct would be regarded as objectionable should they find such person has in any manner or at any time:

- (a) Disturbed the peace;
- (b) Made themselves obnoxious on the grounds of any Association;

- (c) Shown disrespect by word or action to any official of racing;
- (d) Falsified, misrepresented or omitted required information on a licence application. The Racing Association shall enforce such an order.

16.06 It is the responsibility of the Stewards to get the horses to the post at post time.

16.07 The Stewards may demand proof that a horse is not disqualified in any particular race or that it is not entered, owned or trained, in whole or in part, by a disqualified person, and in default of satisfactory proof, the Stewards may disqualify the horse.

16.08 Any Steward presiding at a race meeting, or the Registrar, may require of any owner, previous owner or trainer that they make a statutory declaration attesting to the bona fide ownership of a horse that is purported to be owned, previously owned or trained by him or her. The Steward or the Registrar may also require that any business agreements or transactions, financial or otherwise, made in regard to the said horse be included in the statement.

16.09 The Stewards may examine or order a Commission Veterinarian or Official Veterinarian to examine and report upon any horse on the grounds of any Association, whether or not a meeting is being held on such grounds.

16.10 Any owner or trainer who wishes to add or remove blinkers shall submit the equipment change slip with the entry. Any blinkers change may be disallowed by the Stewards.

16.11 The Stewards may place the name of any horse on the Stewards' List for any reason they may deem to be proper. During the time a horse's name is

on such list, it shall not race, nor shall it be entered in any race, except that it may be nominated in a stakes race. Only the Stewards shall remove a horse's name from the Stewards' List.

16.11.01 Any horse that tests positive for any of the following shall remain on the Stewards' List for a period of 90 days from the date of the identification of the horse with the positive test:

- (1) Class I;
- (2) Class II;
- (3) Class III;
- (4) TCO2;
- (5) Substance determined to be non-therapeutic.

16.12 The Stewards shall have the authority to:

- (a) Declare a race no contest.
- (b) Prior to the posting of the "Official" sign, cancel all pari-mutuel wagering on a horse(s) that has an unfair start.

16.12.01 Notwithstanding that a horse is declared a non-contestant for pari-mutuel wagering purposes, the Stewards may permit the horse to participate in the purse distribution.

16.13 The Stewards may impose any or all of the following penalties for conduct prejudicial to the best interests of racing, or for a violation of the Rules:

- (a) Refuse a person admission to the grounds of an Association;
- (b) Expel a person from the grounds of an Association;
- (c) Suspend any Commission licensee;
- (d) Impose whatever monetary penalty they feel is suitable and justifiable;
- (e) Prohibit any Commission licensee from driving a motor vehicle in the stable area;

- (f) Delete (Thoroughbred Directive 2-2012);
- (g) Set limitations for a conditional licence for any licensee or applicant for a new licence.

16.14 Should the Stewards consider the penalties set out in Rule 16.13 inadequate for the violation committed, they shall immediately so report in writing to the Registrar, and the Registrar shall determine the matter.

16.15 No owner or trainer shall move or permit to be moved any horse owned by him/her or in their care from the grounds of an Association if forbidden to do so by the Stewards.

16.16 Any licensee who is the recipient of a notice of review form must select his or her option and complete the form within 10 days of receiving same. Failure to do so will result in the Stewards setting the date of review and this date must be adhered to.

16.17 Deleted (Thoroughbred Directive 1-2004)

16.19 Deleted

16.20 In the absence of the Registrar, for any reason whatever, a Steward at a racetrack operated by an Association shall exercise all authority vested in the Registrar under these rules.

16.21 Stewards must post the inquiry sign when:

- (a) a spill has occurred; and/or
- (b) a rider has been unseated after the start.

Chapter 17

THE STARTER

17.01.01 Only the starter or in their absence the assistant starter or in the absence of both a deputy approved by the Stewards may start a race.

17.01.02 The starter shall give all orders and take all measures necessary to ensure a fair start.

17.01.03 The Steward's decision as to the validity of a start shall be final; likewise their decision as to whether or not a horse was locked in the gate shall be final.

17.01.04 The Stewards may appoint one of their number to supervise the start of any race.

17.02 If the starter or his/her assistants are unable, after reasonable efforts, to place a horse in the gate for a satisfactory start, or if the horse is fractious or unruly, the starter may request the horse be scratched by the Stewards. Such horse may be placed on the Stewards List and shall be placed on the Starters List.

17.03 Horses shall take their positions in numerical order following a consistent pattern.

17.04 All horses being entered for the first time shall be first approved at the starting gate in the current year by the Starter or the Starter's Assistant, and such approval to start slips must be handed in to the Racing Secretary's office before or at the time such horses are entered. In the case of horses shipping in from outside of Ontario, the approval slip must be delivered to the Racing Secretary's office two (2) hours before post time for the first race of that racing card or the horse will be scratched. The date of approval must be no longer than 30 clear days in the current year prior to entry for the horse's first start. The responsibility of handing said slips in to the Racing Secretary's office

must be borne by the individual making the entry.

17.05 The approval of the starter must be obtained for all horses which have never started at an Ontario track if, in the starter's opinion, the horse's record indicates that such horse has been in trouble at the starting gate. A horse which has refused to leave a starting gate on any race track must be schooled to the satisfaction of the Stewards and the starter, before being entered in any race.

17.06.01 The starter shall maintain a schooling list, and horses shall be schooled to barrier or starting gate, if and when required under the personal supervision of the starter or his/her assistants.

17.06.02 Only the starter shall have the authority to designate the horses which shall constitute the schooling list.

17.07.01 The starter shall file a copy of the schooling list with the racing secretary.

17.07.02 The starter shall report to the racing secretary as soon as a horse on the list has been schooled sufficiently to be permitted to start.

17.07.03 Any horse whose name appears on the Starter's list shall not be eligible to enter or start in any race until the Starter orders its name to be stricken from the schooling list.

17.08 The starter may assess a monetary penalty or suspend a jockey for disobedience of his/her orders at the starting point or for attempting any unfair advantage or for unruly conduct or for the use of abusive language. A suspension by the starter shall not exceed ten (10) days and a monetary penalty imposed by the starter shall not exceed \$200.00. Such monetary penalty and/or suspension shall be subject to the approval of the Stewards.

17.09 The starter shall report in writing to the Stewards and to the racing secretary all monetary penalties and suspensions which he/she has imposed and no monetary penalties or suspensions, so reported, shall be modified other than by the Registrar.

17.10 All races shall be started from a starting gate approved by the Registrar but, in the event of emergency, the Stewards may permit a race to be started without a starting gate, or may permit a race to be started with a starting gate with its doors open.

17.11 When a race is started without a gate, there shall be no start until and no recall after an assistant starter has dropped their flag in answer to the direction of the starter.

17.12 If a horse is locked in the gate the starter shall immediately notify the Stewards who shall order the horse scratched.

17.13 If any horse of an entry or any horse grouped in the mutuel field leaves the starting gate in a valid start, all horses in the entry or mutuel field will be regarded as starters. In the case of a part of an entry or part of mutuel field which has become locked in the gate; such horse shall be considered a non-starter in regard to conditions for future races only.

17.14 The following rules related to starting gate safety shall be followed:

- (a) At all starts, Associations shall have some method of mechanically removing the starting gate from the racing strip;
- (b) In addition, a tractor shall be available at the starting gate for emergencies;
- (c) No person shall ride on the starting gate while it is in motion, except the person steering the hind

wheels. That person must be seated on the seat supplied for this purpose.

17.15 Deleted

17.16 No licensee of the Commission shall offer a benefit to the Starter or any of their assistants, directly or indirectly, nor shall the Starter or any of their assistants accept any benefit from any person in this regard, whether or not such person is licensed by the Commission.

17.17 Neither the starter nor their assistants shall mistreat or use abusive language to a jockey.

Chapter 18
PLACING JUDGES AND PHOTOFINISH
CAMERA

18.01.01 One or more placing judges shall occupy the placing judges' stand at the time the horses pass the winning post in every race, and their duty shall be to place and record all horses in their order of finish.

18.01.02 In determining the places of the horses at the finish of a race, the placing judges shall consider only the relative position of the respective noses of such horses.

18.01.03 The placing judges shall cause to be prominently displayed the numbers of the first four horses in each race in the order to finish and shall be responsible for recording the fifth placing.

18.01.04 The placing judges shall make public their decisions as promptly as possible.

18.02.01 When the Placing Judges differ in their placements, the Stewards shall inspect the print prior to the official sign being posted and the decision of the Stewards shall prevail.

18.02.02 The Stewards shall confirm the decision of the placing judges as to the result of every race by declaring the result official, and the word "Official" shall be flashed or otherwise placed on the totalizator board, in a manner in which it may be clearly seen from any part of the grandstand.

18.02.03 Nothing in the Rules shall be construed to prevent the placing judges, with the approval of the Stewards, from correcting an error before the display of the "Official" sign or from recalling the "Official" sign in case it has been displayed through error.

18.03.01 On all tracks a proper camera shall be installed as an aid to the placing judges; however, in all cases, the camera is merely an aid and the decision of the Stewards shall be final.

18.03.02 Delete. Thoroughbred Directive #3-2012

18.03.03 If it is considered advisable to consult a picture from the photo finish camera, the placing judges shall post, without waiting for a picture, such placements as are in their opinions unquestionable, and, after consulting the picture, make the other placements.

18.03.04 Photo finish photographs shall not be released to anyone for publication without permission of the Stewards, except to the Association for its public display at the race track at which racing is being conducted.

Chapter 19

RACING SECRETARY AND HANDICAPPER

(See also Chapter 6 - Entries, Chapter 7 - Declarations and Scratches Chapter 8 - Weights)

19.01.01 The racing secretary shall maintain all ownership records in accordance with the Rules and the Directives of the Registrar.

19.01.02 All ownerships in a horse, except a trainer's percentage of its winnings, shall be filed with the racing secretary, before the horse shall start, as also shall every subsequent change in ownership during the meeting.

19.01.03 The holder of a claim, including, but not limited to, a mortgage, bill of sale, lien or security interest of any kind against a horse entitling the holder thereof to a share in the horse's earnings, shall file notice of same and the terms thereof with the racing secretary within 10 days of the claim's coming into existence and in any event before the horse is entered. Failure of claimant to do so shall disentitle him to any share in the earnings of the horse until such time as notice is filed as aforesaid. The claimant shall be entitled to earnings of the horse subject to a claim only after filing in accordance with this rule.

19.02.01 The racing secretary shall receive all entries, scratches and declarations, and keep a complete record of all races, and keep him/herself informed of all names appearing on the veterinarians', Stewards' and starters' lists.

19.02.02 The racing secretary shall each morning, as soon as the entries have been closed and compiled, and the scratches and declarations have been made, post in a conspicuous place in their office a list of the entries, scratches and declarations.

19.03 The racing secretary shall compile the official program which shall contain the following information; the date, the number of the day of the meeting, the name of the Association and the officers and officials of the meeting, the order in which the races are to be run, the amount of each purse, the conditions and distance of each race, the post position number, name, age, colour, sex, breeding and assigned weight or any change in equipment of each horse, the name of each jockey and trainer, the name under which each owner is licensed to race and their racing colours. The program may contain other pertinent data.

19.03.01 All condition books, programs and other publications of a racing association dealing with a race meeting shall have displayed in a prominent place the following words:

This race meeting is being conducted with the approval of the Alcohol and Gaming Commission of Ontario, and the Rules of Racing of the Commission apply to the conduct of all races and the racing association conducting this meeting has been licensed by the Commission.

19.04 Owners entering horses that have campaigned in countries other than Canada and the United States of America shall, at the time of entry, deliver to the racing secretary a record of all past performances of such horses in races wherever run in the current and previous year for dissemination to the press and the public. Provided, however, that if the owner is not in Ontario, the trainer of such horses shall be obliged to comply with this rule. Otherwise, the entry of such horses shall not be accepted without the permission of the Registrar.

19.05 The handicapper, who may be the racing secretary, shall be appointed by the Association and they shall:

- (a) Assign the weights to be carried by each horse in a handicap;
- (b) Append to the weights for every handicap the day and hour after which races won will make winners liable to weight penalties;
- (c) If there are no penalties, append that fact to the weights;
- (d) In case of omission, through error, of the name or weight of a horse duly entered, rectify the omission.

Chapter 20

CLERK OF THE SCALES

(See also Chapter 8 - Weights)

20.01 The clerk of the scales or their assistant shall weigh all jockeys out and in.

20.02 The clerk of the scales shall promptly report to the Stewards any infraction of the Rules with respect to weight, weighing, or riding equipment.

20.03 The clerk of the scales shall record any over-weight or any change of jockey, weight, or racing colours, as compared with those stated on the official program and shall promptly inform the appropriate racing officials of all pertinent changes.

20.04 The clerk of the scales shall report to the racing secretary at the end of each racing day the weights carried by each horse in each race, together with the name of each horse's jockey and the over-weight carried by any jockey. They shall also report the post time in each race and other information which may from time to time be required.

20.05 Jockeys are required to present themselves to be weighed out at the time fixed by the clerk of the scales.

20.06 The jockeys' room custodian shall assist the clerk of the scales in the performance of his/her duties.

Chapter 21

Paddock Judge

21.01.01 The Paddock Judge shall be in charge of the paddock.

21.01.02 It is the duty of the horse identifier under the supervision of the paddock judge to check all horses for every race and to have all horses properly identified.

21.01.03 The paddock judge shall keep a record of all equipment carried by all horses in all races, permitting no change in equipment not authorized by the Stewards.

21.01.04 The paddock judge shall, in every race, require the blacksmith in attendance in the paddock to see to it that all horses are properly shod. The paddock judge shall report immediately to the Stewards the findings of the blacksmith.

21.02 Other duties of the paddock judge shall be such as may be assigned him/her from time to time by the Stewards.

21.03 The paddock judge shall report any irregularities to the Stewards.

21.04 All horses shall be saddled in the paddock or walking ring unless the Stewards permit otherwise.

Chapter 22

PATROL JUDGES

DELETED Thoroughbred Directive #1-2000

Chapter 23

TIMERS AND CLOCKERS

23.01 There shall be one or more timers. They shall determine the official time of each race.

23.02 Deleted (Thoroughbred Directive 1-2006)

23.03 The time of each race shall be announced and prominently displayed.

23.04 Deleted (Thoroughbred Directive 1-2006)

23.05 Deleted (Thoroughbred Directive 1-2006)

23.06 An Official Timer, to be appointed by the Association and approved by the Registrar, shall attend at an Association racetrack daily for morning workouts, shall time all workouts at such racetrack and make public the length and time of the workouts.

23.07 Every Commission licensee accompanying a horse to the racing strip for a workout shall correctly identify to the timer the horse, state the distance over which such horse is to be worked and the point on the racing strip where it is intended to start the workout.

23.08 Clockers shall not be permitted access to the stabling area of any racetrack unless they are licensed by the Commission. They shall restrict their activities to such parts of the racetrack as may be designated by the Association concerned.

Chapter 24

REGISTRAR'S DISCRETIONARY POWERS

(See also Chapter 16 - STEWARDS)

(See also Chapter 13 - Protests, Objections and Appeals)

24.01 The Registrar may impose in his or her absolute discretion any or all the following penalties for conduct prejudicial to the best interests of racing, or for a violation of the Rules:

- (a) Refuse the person admission to the grounds of an Association;
- (b) Expel the person from the grounds of an Association;
- (c) Suspend any Commission licensee for any length or time he or she may deem proper;
- (d) Impose a penalty he or she deems proper.
- (e) Rule a person off the turf for any length of time he or she may deem proper.

24.02 When there is no specified penalty for violations of the Rules or of the regulations of the Association, the Registrar has power to disqualify, assess a monetary penalty, suspend, expel from the course, rule off or otherwise sanction.

24.03 If any case occurs which is not or which is alleged not to be provided for by the Rules or if the imposition of the Rules would prove to be a hardship on any licensee, it shall be determined by the Registrar in such manner as he or she believes is in the best interest of racing. The Registrar may also, in his or her absolute discretion, at any time waive the breach of any of the Rules, which waiver or breach the Registrar does not consider prejudicial to the best interests of racing.

24.04 Monetary penalties imposed by the Registrar, the Stewards and the starter are payable on the due date listed in the ruling. A licensee who fails to pay such a penalty may automatically become suspended on the second day following the due date on the ruling and they shall remain suspended until the penalty is paid.

24.04.01 Subject to Rule 9.14.01 penalties other than monetary penalties are effective forthwith or as of the date stated in the ruling except in the case of an appeal when they may be stayed by the HRAP.

24.05 When an owner is suspended, all their horses are likewise suspended from participation in racing and the suspension of such horses will be rescinded automatically upon the expiration of the owner's suspension or by the Registrar if such horses are sold in good faith to a private purchaser or at public auction.

24.06 Any participant having been assessed a monetary penalty, suspended or expelled may be verbally advised by an official, which shall constitute proper notice. In any event, written notice or ruling shall be sent or delivered to the person penalized, and notice forwarded immediately to the Registrar.

Chapter 25

REVIEW AND APPEAL

See Chapter 13 - Protest, Objections And Appeals
Rule 13.02

Chapter 26

DIRECTOR

26.01 The Director is the representative of the Registrar on the grounds of an Association when it is conducting a race meeting and he/she shall:

- (a) In the performance of his/her duties, have unrestricted access to all buildings, stables, rooms and all other places within the grounds of any Association;
- (b) Issue orders in the name of the Registrar, effective unless and until countermanded by the Registrar;
- (c) Attend Thoroughbred Racing Meetings licensed by the Commission;
- (d) Make such reports to the Registrar as he/she may see fit and supervise, in the performance of their duties, all Commission and Association officials and employees.

Chapter 27

COMMISSION VETERINARIANS, OFFICIAL VETERINARIANS AND OTHER VETERINARIANS

27.01 The Veterinary staff of the Commission shall be those veterinarians appointed by the Commission from time to time to officiate at thoroughbred race meetings; in these Rules all referred to as Commission Veterinarian or Official Veterinarian.

27.01.01 The Official Veterinarians shall be those veterinarians appointed by the Associations and

approved by the Registrar to officiate at extended racing meetings. At the discretion of the Registrar, the duties of the Official Veterinarian may be assumed by the Commission Veterinarian.

27.02 During the period of their employment the Commission Veterinarian or Official Veterinarian shall not, without the approval of the Registrar, diagnose, treat or prescribe for any horse, for compensation or otherwise, except in case of emergency when they may do so without compensation of any kind except out of pocket expenses.

27.03 Any horse scratched by the Commission Veterinarian or Official Veterinarian or a licensed Veterinarian may be placed on a seven (7) day list. Any horse that has been placed on the Veterinarian's List may be required to work one (1/2) mile at the discretion of the Commission Veterinarian or Official Veterinarian. On the eighth day, the horse shall be eligible to be removed from the Veterinarian's List and entered. Where entries are taken more than 72 hours in advance, a horse with the permission of the Commission Veterinarian may be entered. Any horse that has been on the Veterinarian's List twice in a 30 day span shall be placed on the Veterinarian's List and it shall be mandatory for the horse to work one half (1/2) mile to the satisfaction of the Commission Veterinarian or Official Veterinarian, no matter how long the horse has been on the Veterinarian's List or turned out .

27.04 A Commission Veterinarian or Official Veterinarian shall be continuously in the paddock from the time the horses enter the paddock until they leave, and all horses shall be inspected by him/her. If in

their opinion, any horse is not fit, sound and ready for racing, he/she shall recommend to the Stewards that it be scratched and the Stewards shall take such action as they deem fit.

27.05 A Commission Veterinarian or Official Veterinarian shall inspect all horses at the starting point of each race. If in their opinion, any horse is not fit, sound and ready for racing, he/she shall recommend to the Stewards that it be scratched and the Stewards shall take such action as they deem fit.

27.05.01 A Commission Veterinarian and/or Official Veterinarian shall inspect all lead and outrider ponies on a regular basis (no less than monthly) during each meeting, after advising the person/s in charge. If, in the opinion of the Commission Veterinarian and/or Official Veterinarian, any pony is not fit, sound and ready for its work purpose, they shall recommend to the Stewards that the pony not work and shall only return to work when, in the opinion of the Commission Veterinarian and/or Official Veterinarian, it is fit and sound.

27.06 A Commission Veterinarian or Official Veterinarian shall as quickly as possible inspect all horses regarding soundness which have been involved in a race or otherwise and he/she shall take appropriate action required in the examination of such horse/horses.

27.07 If in the opinion of a Commission Veterinarian or Official Veterinarian an injured horse should be destroyed, he/she shall destroy the horse quickly, humanely, and out of sight of the public unless any delay will prolong the suffering of the horse.

27.08 Commission Veterinarians or Official Veterinarians shall keep a list to be called the Commission Veterinarians' or Official Veterinarians' List (otherwise referred to as the Vets' List) upon which shall be entered the name of any horse which any Commission Veterinarian or Official Veterinarian considers unfit, unsound or not ready for racing. During the time a horse's name is on such list, it shall not race in Ontario, nor shall it be entered in any race, except that it may be nominated in a stakes race. Only a Commission Veterinarian or Official Veterinarian shall remove a horse's name from the Vets' List and shall do so only when, in their opinion, the horse is fit, sound and ready for racing.

27.09 Any owner or trainer whose horse has been placed on the Commission Veterinarians' or Official Veterinarians' List may apply at any time to a Commission Veterinarian or Official Veterinarian for their examination of such horse, and such examination shall be conducted within 24 hours of the request for it, provided that the horse is stabled at a convenient track.

27.09.01 A horse scratched from the official race program by a veterinarian and placed on the Commission Veterinarian's List is ineligible to record an official workout within two clear days of having been a veterinarian scratch without the permission of the Official Veterinarian or Commission Veterinarian or the Stewards.

27.10 A Commission Veterinarian or Official Veterinarian shall observe the horse so examined standing in its stall, walking and trotting. Provided, however, the horse shall be trotted on a racing-strip or worked on a racing-strip if requested by either the Veterinarian or horseperson.

27.11 Such horse shall be observed at the end of the work, if any, and cooling out, and the Commission Veterinarian or Official Veterinarian shall then inform the horseperson that their horse is to remain on the Commission Veterinarians' or Official Veterinarians' List or when it will be removed from this list, as the case may be.

27.12 In the interest of equine health, and in connection with horses being shipped into any Ontario race track, a Commission Veterinarian or Official Veterinarian may examine any horse at their discretion after advising the trainer or person in charge of such horse of their intention to do so.

27.13 A veterinarian shall maintain and keep the records required pursuant to the Rules for not less than two clear years and shall make such records available to the Registrar, stewards or their delegates upon request.

27.14 The records maintained and kept by a veterinarian shall include the name of the horse, the names of the owner and trainer, the date of the administration or prescription of the drug, substance or medication, and its nature.

27.15 Deleted (Thoroughbred Directive 1-2004)

27.16.01 A veterinarian shall:

- (a)** determine from the trainer or owner what drugs, substances or medications are being administered to the horse before prescribing or administering any drug, substance or medication and shall maintain that information in his or her records,
- (b)** determine from the trainer or owner prior to prescribing or administering any drug, substance or medication to a horse if the horse is or will be

entered to race during the period of time in which any drug, substance or medication may affect the performance of the horse or could result in the issuance of a certificate of positive analysis, if an official sample were tested for that drug, substance or medication, or metabolite or derivative of that drug, substance or medication,

- (c)** advise the trainer or owner in writing:
- (i) of the detection limit for any drug, substance or medication identified in the Schedule of Drugs, as amended from time to time, published by the Canadian Pari-Mutuel Agency and the circumstances which would or could alter that detection limit set out in the Schedule of Drugs, including those related to condition of the horse, dosage, method of administration, format in which the medication is administered, or other circumstances,
 - (ii) if no detection limit is provided for in the Schedule of Drugs, an estimate of the detection limit based upon the veterinarian's professional opinion, after carrying out such research as is required for him or her to form a professional opinion, and shall maintain a copy of that written advice in his or her records,
- (d)** advise the trainer or owner in writing of the potential or anticipated results of the administration of the drug, substance or medication on the horse and shall maintain a copy of that written advice in his or her records, and

(e) advise the trainer or owner in writing of any potential or anticipated side effects of the administration of the drug, substance or medication, including any that may result from interaction with any other drug, substance or medication that the veterinarian knows, ought to know or has reason to believe is being administered to the horse, and shall maintain a copy of that written advice in his or her records.

27.16.02 A veterinarian may comply with the requirements with 27.16.01(c), (d) and (e) if he or she provides the advice to the trainer in writing at least once every calendar year and there is no reason to provide the advice in writing again during that calendar year. The veterinarian, in deciding that there is no reason to provide the advice in writing again, shall take into account the health and safety of the horse, the integrity of racing, his or her knowledge of the practices and procedures of the trainer and the trainer's employees, his or her knowledge and experience with the drug, substance or medication, and such other factors that the veterinarian, acting reasonably, considers relevant.

27.16.03 A veterinarian may comply with 27.16.01(a) and (b) if he or she obtains the required information from a bona fide representative of the trainer or owner who has been designated by the trainer or owner to act on his or her behalf and the veterinarian has no reason to believe otherwise. A veterinarian may comply with 27.16.01(c), (d) and (e) if he or she provides the written advice to a bona fide representative of the trainer or owner who has been designated by the trainer or owner to act on his or her behalf and the veterinarian has no reason to believe otherwise.

27.16.04 A veterinarian shall only examine or treat a horse, or prescribe or administer a drug, substance or medication if he or she is in compliance with the requirements of the College of Veterinarians of Ontario, including, but not limited to, the Minimum Standards for Veterinary Facilities in Ontario, as amended from time to time.

27.17 A veterinarian may be held wholly or partially responsible if any drug, substance or medication administered or prescribed by him or her is a cause for:

- (i) the issuance of a certificate of positive analysis under the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* (Canada),
- (ii) an excess level of total carbon dioxide for purposes of the Rules, or
- (iii) the detection of the antibodies of erythropoietin or darbepoetin for purposes of the Rules,

and, if held wholly or partially responsible, may be subject to a monetary penalty and/or suspended by the Stewards.

27.18 Deleted (Thoroughbred Directive 1-2004)

27.19 When a horse has been pulled up during a race it must fulfil the following conditions before it is eligible to be entered to race:

- (a) have a recorded work;
- (b) must meet the conditions of Rules 27.03 and 27.08.

27.20 A veterinarian who dispenses a drug or medication shall label the container in which the drug or medication is dispensed with the following information:

- (i) name and strength of the drug or medication,
- (ii) date and quantity prescribed,
- (iii) name and address of the dispensing veterinarian,
- (iv) name of the horse for which it is prescribed,
- (v) name of the trainer of the horse,
- (vi) directions for use, and
- (vii) detection limit determined in accordance with Rule 27.16.

In the event that a drug or medication is to be dispensed to multiple horses from a single container, such container shall be marked "BARN USE", and will be exempt from items (ii) and (iv) above and replaced by a written log, to include the following information:

- (i) name of the horse for which it is prescribed, and
- (ii) date and quantity prescribed.

27.21 A veterinarian who owns, in whole or in part, a horse shall not treat another horse that is entered in a race in which the veterinarian's horse is entered. If the veterinarian has treated or otherwise provided veterinarian services for a horse that is entered in a race after the horse was entered, the horse owned by the veterinarian, in whole or in part, is not eligible to race and shall be scratched.

Chapter 28

OUTRIDERS

28.01 There shall be two or more outriders at all tracks while racing is being conducted and one of them shall be on duty during training hours. Exceptions to this rule will require the authorization of the Registrar.

28.02 Clothing of outriders shall be provided by the Association and shall be kept clean and neat.

Chapter 29

TRAINERS, ASSISTANT TRAINERS AND SUBSTITUTE TRAINERS

29.01 A trainer must register with the racing secretary of each Association all horses in their charge, stating the name, colour, sex, age and breeding of each and the name of the owner. Such registration may be made by the owner or authorized agent but in all cases the name of both owner and trainer must be given.

29.02.01 A trainer may represent the owner in the matter of all entries, scratches, declarations and the engagement of jockeys, veterinarians and tradesperson. (Attention Rule 6.10.3)

29.02.02 An owner wishing to deny or restrict the authorization given under Rule 29.02.1 shall give notice of their intentions to the trainer and to the Stewards, such notice shall be by personal service or registered mail.

29.03 If a trainer is to be absent from the track where their horses are participating in races, he/she must obtain a licensed trainer to substitute for him/her during their absence. Such a substitute trainer must be approved by the Stewards upon forms approved by the Registrar. The original trainer is responsible for the horses he/she has entered prior to their absence from the track. The substitute trainer will then become responsible for any additional horses entered by either trainer.

29.03.01 An Assistant Trainer or employee who has ownership wholly or in part of a horse must have that horse stabled with his/her employer. Exception to this rule may be granted by the Stewards.

29.04 A trainer shall be responsible for the condition of a horse trained by him/her and it shall constitute a violation of the Rules for a trainer to knowingly enter a horse that is unfit. It shall also constitute a violation of the Rules for a trainer to race a horse with defective, worn out, or unsafe equipment.

29.04.01 A trainer shall be responsible to ensure that all horses under his/her care and control, while training or racing on Association grounds are properly equipped, which may include the use of safety reins.

29.05 Upon any occupational licensee leaving an owner's or trainer's employ, the said employer shall notify the Commission Agent accordingly, who in turn shall inform the Security Chief. It shall be a violation of the Rules for a trainer to employ unlicensed help.

29.06 If an owner changes his/her trainer he/she shall notify the racing secretary and cause the new trainer to sign his/her name on the owner's registration. This shall be done only after the Stewards have approved the transfer authorization, having satisfied themselves that obligations regarding finances have been met.

29.07 For racing, all horses shall be shod with racing plates, unless otherwise permitted by the Stewards.

29.08 No horse may be admitted into an Association grounds unless the Foal Registration Certificate is accepted by, and on file with the racing secretary's office, and that horse is on the stall list of its trainer. In the event this horse is racing or training from stabling off the Association grounds the papers must be accepted by, and on file with the racing secretary's office. The Stewards may grant exceptions from all or any of these conditions at their discretion.

29.09 Any owner, trainer, assistant trainer,

authorized agent, pony person or any other person who places any licensee in a horse related occupation on their payroll at the race track must cover that licensee under the Workplace Safety and Insurance Board Act and keep that individual covered under this Act throughout the time he/she is in their employ at the racetrack. Trainers shipping in from outside of Ontario must satisfy the Stewards that their employees have equivalent coverage.

29.09.01 A Workplace Safety and Insurance Board clearance certificate or equivalent Certificate of Insurance is required and must accompany a Commission trainer's licence application before such licence is issued in Ontario.

29.10 A person shall not train horses or be programmed as a Trainer or Assistant Trainer of record, without first having obtained a trainer or assistant trainer licence valid for the current year by meeting the standards for trainer or assistant trainer as laid down by the HBPA.

29.11.01 Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the Stewards. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

29.11.02 Qualifications for obtaining an assistant trainer's licence shall be prescribed by the Stewards and the Registrar and may include those requirements prescribed in Rule 29.10.

29.11.03 An assistant trainer may substitute for and shall assume the same duties, responsibilities and restrictions as imposed on the licensed trainer. In which case, the trainer shall be jointly responsible for the assistant trainer's compliance with the rules governing racing.

29.12.01 A trainer absent for more than five days from their responsibility as a licensed trainer, or on a day in which the trainer has a horse in a race, shall obtain another licensed trainer to substitute.

29.12.02 A substitute trainer shall accept responsibility for the horses in writing and be approved by the Stewards.

29.12.03 A substitute trainer and the absent trainer may be jointly responsible for the condition of their horses entered in an official workout or race.

29.13 For any medication or drug requiring a prescription and any treatment ordinarily requiring the services of a veterinarian for any horse under his/her care and control, a trainer is required to use a veterinarian licensed by the Commission as a veterinarian.

A trainer of a horse may apply to the Registrar for an exemption from this rule, where the trainer trains a horse in an area under-serviced by equine veterinarians licensed by the Commission. Further a trainer may use a veterinarian not licensed by the Commission for the purposes of emergency treatment of a horse, provided the trainer advises the Registrar of the circumstance in writing as soon as practical.

29.14 Deleted (Thoroughbred Directive 2-2009)

29.15 Any horse under the care and control of a licensed trainer must have a current negative Coggins test. A lapsed Coggins test may result in the horse being removed/barred from the grounds by the Association and/or barred from racing.

Chapter 30

APPRENTICE JOCKEYS

30.01 Apprentice jockeys shall be bound by all the Rules for jockeys, except insofar as the Rules may be in conflict with the Rules for apprentices in this Chapter.

30.02 A copy of all apprentice jockey contracts or certificates, wherever made, shall be filed with the Commission.

30.03 Apprentice Jockey certificates may be entered into for a period of three years.

30.04 A first application for an apprentice jockey's licence shall be accompanied by:

- (a)** evidence that the applicant has had at least one year's experience with a racing stable which is acceptable to the Stewards;
- (b)** his/her birth certificate or acceptable proof of his/her date of birth.

30.05 No apprentice shall ride in a race for two-year-olds without permission of the Stewards.

30.06 No apprentice shall carry a whip in a race until he/she has ridden in at least five races and then only with the permission of the Stewards.

30.07 Only races reported in The Daily Racing Form or a comparable domestic or foreign publication shall be considered in determining the allowance to which an apprentice jockey is entitled.

30.08 Upon an apprentice jockey losing all rights to claim an apprentice jockey allowance, he/she shall not ride again without the permission of the Stewards until they have been granted a jockey licence by the Commission.

30.09 Deleted, see Rule 30.15

30.10 A time allowance in addition to one calendar

year from his/her fifth winner will be made for an apprentice jockey who does not accept riding engagements after the end of the Ontario season. In such case, he/she will receive a time allowance equal to the number of days from the close of one season's racing in Ontario to the opening of the next season's racing in Ontario;

- (a) Provided the apprentice jockey has ridden his/her first and fifth winners during the course of a single 12-month period;
- (b) And provided, the time allowance shall not extend beyond the next racing season following the date of his/her fifth winner;
- (c) And provided the apprentice jockey has ridden the majority of their races in Ontario during the year prior to the said winter extension, and subsequently rides the majority of their races in Canada during the period of that extension;
- (d) Extension or modifications shall be granted only with the permission of the parties to the contract or certificate.

30.11 Any apprentice jockey licensed by the Commission who is injured during the course of their duties and becomes incapable of riding for a period of at least 7 days or any such jockey who becomes incapable of riding for a period of 7 days as a result of an accident or illness over which he/she has no control is entitled to an extension of the same duration. This claim for an extension must be accompanied by a doctor's certificate stating said injury, accident or illness had prevented the apprentice jockey from pursuing their profession for a specific period of time. Any apprentice jockey who is prevented from riding as a result of a restriction on racing for more than 7

days may apply to the Stewards or the Registrar for an extension for the period of time that racing was restricted.

30.12 Allowances made under this Chapter must be claimed at the time of entry, and the owner concerned shall not abandon any allowance to which an apprentice is entitled without permission of the Stewards, who may grant or withhold such permission as they may deem proper. Such allowances shall be designated on the entry sheets as follows:

5 pounds X 10 pounds XXX

30.13 Subject to Rule 4.04.2 the Stewards or other person designated by the Registrar may grant a certificate to any person who qualifies under the conditions set forth for an individual to be licensed as an apprentice jockey. The said certificate may be refused by the Registrar.

30.14 The granting of the certificate shall permit the holder to be licensed as a free-lance apprentice jockey and shall be approved by the Stewards or other person designated by the Registrar after the applicant has displayed acceptable qualifications. The said certificate may be refused by the Registrar.

30.15 Upon compliance with these requirements, an apprentice jockey certificate will entitle the holder to claim the following weight allowances in all overnight races, except handicaps, provided he/she qualifies under Rule 30.18.

- (a) 10 pounds for the first five winners;
- (b) 5 pounds for the next forty winners or for one year from the date of his/her fifth winner, whichever happens last;
- (c) If in that year he/she has not ridden forty-five winners, the allowance will continue for three years

from the date of their first race, or until he/she has ridden forty-five winners, whichever happens first.

30.16 Provisions of contracts and certificates previously in force in Ontario and elsewhere will be recognized by the Registrar.

30.17 All apprentice jockeys' licences shall be granted on a probationary basis. The Stewards may suspend this licence for any period of time determined by them if in their opinion the apprentice requires more experience or expertise before being allowed to continue riding. If the Stewards act under this rule they may make whatever adjustments they deem necessary in regard to apprentice allowances for the apprentice in question.

30.18 No weight allowances granted an apprentice jockey shall extend past three (3) years from the date of their first race with the exception of medical extension(s). If medical extension(s) have been granted the weight allowances shall extend past three (3) years only for the total number of days granted in said extension(s). To qualify for a medical extension a physician's report(s) must be submitted to the Registrar prior to the termination of the apprentice jockey's allowances.

30.19 In all overnight races, when drawing post positions, if the rider/riders named at the time of entry is/are not available at the time of the draw, and an apprentice rider is then named by either the Owner, Trainer, Authorized Agent or the Stewards, the apprentice rider so named will be allowed his/her apprentice weight allowance.

30.19.1 In all overnight races, with permission of a Steward, an apprentice weight allowance may be claimed up to the time the mutuels open.

Chapter 31

STABLE NAMES

31.01 Stable names or changes of stable names shall be registered with the Commission.

31.02 A stable name shall not be used unless annually registered and remains in effect only during the year for which the fee is paid.

31.03 A stable name may be changed at any time by registering a new stable name.

31.04 No one shall register as his/her stable name one which has been already registered by any other person, or the real name of any other owner of race horses, nor one which is the real or assumed name of any prominent person not owning race horses.

31.05 Any person who has registered a stable name may, at any time, abandon it by giving written notice to the Registrar, after which all entries which have been made in the stable name shall be altered to the real name of the owner.

31.06 A trainer, who is a licensed owner or part owner, may register a stable name as owner or part owner. See also Rule 4.09.

31.07 Upon request to the Registrar and/or the Racing Association, the real names of persons who race under stable names shall be disclosed and the Registrar shall cause a list of all stable names currently granted by the Registrar and the persons who race under such stable names to be kept up to date.

31.08 A person can have only one stable name at any time, and so long as he/she has a registered stable name he/she shall not race any horse except under that name, with the exception that an owner may race under their own name and be involved as a partner in one stable name.

31.09 If the horses of a partnership are to be run in the name of a member of a partnership, such name need not be registered as a stable name, but all horses of the partnership must be run under either (a) in the names of all members of the partnership, or (b) one name of a partner plus "and partner" or "and partners" as applicable.

31.10 A stable name shall be plainly distinguishable from that of another duly registered stable name.

31.11 A corporate name shall be considered as a stable name for the purposes of the Rules but the Registrar reserves the right to refuse any corporation the privilege of registering a stable name.

31.12 Deleted TB Directive 1-2002

Chapter 32

PARTNERSHIPS

32.01 For the purposes of this chapter Syndicates and Joint Ventures which are not in the form of Limited Partnerships or Corporations shall be deemed to be Partnerships.

32.02 Partnerships must be registered with the Commission.

32.03 Partnership registration papers shall, among other things, set forth the following:

- (a) The name and address of every person having any interest in the horses involved;
- (b) The relative proportions of such interests;
- (c) To whom the winnings are payable;
- (d) In whose name the horses shall run;
- (e) With whom the power of entry and scratching rests;
- (f) The terms of any contingency, lease or other similar arrangement.

32.04 Any individual or entity owning at least five (5%) percent of any horse in a Partnership must be licensed as an owner. In the event a Partnership does not contain at least two (2) individuals or entities that each has at least a five (5%) percent interest therein, then two (2) partners shall be designated to represent the Partnership and must be licensed as owners.

32.05 In the event that a partnership contains members that are not required to be licensed under Rule 32.04, those members that are required to be licensed under Rule 32.04 must file a statutory declaration that no member of the Partnership is ineligible for licensing in any racing jurisdiction or is currently suspended by any Racing Authority. If a member of a partnership not required to be licensed under Rule 32.04 is a Corporation, such statutory declaration shall also state that all officers, directors and shareholders of such Corporation are eligible for licensing.

32.06 In any Partnership, any member required to be licensed under Rule 32.04, which is a Corporation or a Limited Partnership, shall also satisfy the provisions of this chapter relating to Corporations and Limited Partnerships.

32.07 An alteration in the Partnership registration papers or contents thereof must be reported in writing to the Registrar and signed by all the partners.

32.08 All members of a Partnership and each of them shall be jointly and severally liable for all stakes and other obligations.

32.09 Any claim not signed by all members of a Partnership shall not be recognized unless the Partnership has licensed with the Commission an Authorized Agent with the power to claim on that

Partnership's behalf and said Agent has signed the claim in question.

32.10 If the members of a registered partnership decide to race their horse or horses in a single designated name, other than a stable name, the name and the phrase "and partner(s)" shall be carried on the daily racing program.

LIMITED PARTNERSHIPS

32.11 Limited Partnerships must be registered with the Commission.

32.12 Limited Partnership registration papers shall, among other things, set forth the following:

- (a) The name and address of the General Partner and of each Limited Partner;
- (b) The proportional interest owned by the General Partner and each Limited Partner;
- (c) To whom the winnings are payable;
- (d) In whose name the horses shall run;
- (e) With whom the power of entry and scratching rests;
- (f) The terms of any contingency, lease or other similar arrangement.

32.13 All Limited Partnership registration papers shall be signed by the General Partner.

32.14 The General Partner must be licensed as an Owner and in the event the General Partner is a Corporation it must satisfy the provisions for licensing as required in this chapter relating to Corporations.

32.15 The General Partner must file a statutory declaration that no Limited Partner is ineligible for licensing in any racing jurisdiction or is currently suspended by any racing authority. In the event that a Limited Partner is a Corporation, such statutory declaration shall also state that all officers, directors

and shareholders of such Corporation are eligible for licensing.

32.16 Any alteration in the Limited Partnership registration papers or contents thereof must be reported in writing to the Registrar and signed by the General Partner.

32.17 Any claim not signed by the General Partner shall not be recognized unless the General Partner has licensed with the Commission an Authorized Agent with the power to claim on the Limited Partnership's behalf and said Agent has signed the claim in question.

32.18 If the General Partner does not decide to race under a stable name, the name and phrase "limited partnership" shall be carried on the daily racing program.

CORPORATIONS

32.19 On the renewal of any licence involving a corporation, the structure of the corporation must be re-filed to provide the names and addresses of all shareholders holding more than five (5) percent of the voting shares of the corporation.

32.20 Corporate registration papers shall, among other things, set forth the following:

- (a) The head office address of the Corporation;
- (b) The name and address of every director and officer and each shareholder holding or controlling five (5%) percent or more of the capital stock in the corporation;
- (c) The proportional interest of each shareholder holding or controlling five (5%) percent or more of the capital stock in the corporation;
- (d) To whom the winnings are payable;
- (e) In what name the horses shall run;
- (f) With whom the power of entry and scratching rests;

(g) The terms of any contingency, lease or other similar arrangement.

32.21 In corporations where one individual is both the sole officer and director, such individual must be licensed as an owner. In all other corporations two (2) officers, who are also directors, must be licensed as owners.

32.22 All corporate registration papers shall be signed by those officers/directors who are required to be licensed as owners.

32.23 The officers/directors required to be licensed as owners pursuant to rule 32.21 shall file a statutory declaration that no officer, director, or shareholder is ineligible for licensing in any racing jurisdiction or is currently suspended by any Racing Authority.

32.24 If any shareholder holding or controlling at least five (5%) percent of the capital stock in the Corporation is a Partnership, Limited Partnership or Corporation, it must make similar full disclosure as required by those entities under the Rules of this chapter.

32.25 Any alteration in the corporate registration papers or contents thereof must be reported in writing to the Commission and signed by the officers/directors required to be licensed as owners under Rule 32.21.

32.26 Any claim not signed by the officers/directors required to be licensed as owners under Rule 32.21 shall not be recognized unless the said officers/directors have licensed with the Commission an Authorized Agent with the power to claim on the Corporation's behalf and said Agent has signed the claim in question.

32.27 Subject to the provisions of Chapter 31, a corporate name shall be considered as a stable name for the purposes of the Rules.

GENERAL PROVISIONS

32.28 Any person having an interest in more than one racing entity must be licensed with the Commission.

32.29 Notwithstanding the provisions in the Rules or in any registrations with the Commission pursuant to such Rules, winnings may, subject to lawful assignment or court order, be made by a Racing Association to such entity or entities as, according to the documents the Racing Association has received from the Registrar, appear to be the entity or entities entitled to be paid such winnings, and such payment shall constitute valid payment of those winnings.

32.30 Any Partnership, Limited Partnership or Corporation in which any participant is not eligible for licensing or is currently suspended shall itself not be eligible to race any horse until the ineligible or suspended participant completely disassociates himself, herself or itself from the Partnership, Limited Partnership or Corporation.

32.31 The Registrar or the Stewards may demand submissions of any further statutory declarations they deem necessary in regard to full disclosure of ownership or beneficial ownership under the Rules of this chapter and may prevent the entering of horses until such statutory declarations have been placed on file.

Chapter 33

AUTHORIZED AGENTS

33.01 All documents by which an owner appoints an authorized agent shall be registered with the Commission.

33.02 Any change in or revocation of such appointment shall be in writing and signed by the owner and shall not be effective until filed with the Commission.

33.03 Notwithstanding any provisions contained in the rules of racing, as between an owner and any Racing Association, a document appointing an authorized agent which has been registered with the Commission, shall remain in full force and effect until December 31 of the current calendar year, or until notice in writing of its revocation has been received by such Racing Association from the Registrar, whichever shall first occur.

33.04 Persons appointed as Authorized Agents, unless otherwise licensed by the Commission - shall be licensed as Authorized Agents.

33.05 A joint partnership appointing an authorized agent is deemed to be solely for that entity and not to be used independently for any one individual in the partnership.

Chapter 34

CANADIAN-BRED HORSES

34.01 In all races except handicaps, stakes and races where conditions expressly state to the contrary, a weight allowance of five pounds will be made for Canadian-bred two-year-old horses, and three pounds for Canadian-bred three-year-old horses in three-year-old races.

34.02 Canadian-bred horses, to be eligible to enter and start in Canadian-bred races, or to receive Canadian-bred weight allowances in other races, shall have their Canadian Thoroughbred Horse Society registration papers, or recorded numbers thereof, on file with the Association and the trainers of such horses shall be responsible for filing such papers or such recorded numbers.

Chapter 35

VISUAL ACUITY AND COLOUR BLINDNESS TESTS

Deleted. See Rule 4.18

Chapter 36

ONTARIO THOROUGHBRED EXERCISE INDUCED PULMONARY HAEMORRHAGE (EIPH) PROGRAM

36.01 All licensees owning, training or acting as authorized agents on behalf of owners with a horse or horses participating in the Program shall complete, in full, the Exercise Induced Pulmonary Haemorrhage (EIPH) certification Forms 1 and 2, as applicable. Form 1 is to be used for horses ordinarily competing in Ontario and Form 2 is to be used for horses shipping in from a foreign jurisdiction to compete in Ontario. Each form shall contain certification by or on behalf of a duly qualified veterinarian in Ontario, or as provided in Form 2 with respect to any other jurisdiction recognized by the Registrar, to the effect that the subject thoroughbred horse has displayed symptoms of EIPH and is qualified for the EIPH program in their opinion to justify the use of Furosemide in pari-mutuel

racings in accordance with the program accepted by the Registrar.

In instances where Form 2 is applicable, the Stewards, prior to entry, must be provided with past performance lines of the horse or horses acceptable to the Stewards and a signed statement from a veterinarian in the foreign jurisdiction who fulfills the duties ordinarily performed by a Commission Veterinarian or Official Veterinarian in Ontario certifying that the horse has qualified for the EIPH Program in the jurisdiction in which it is enrolled. Notwithstanding the above, the Stewards may accept an entry in the absence of such Forms or performance lines, provided that all Forms including the past performance lines of the horse or horses and the signed statement from a veterinarian in the foreign jurisdiction, if required, must be filed with and accepted by the Stewards four and one half (4 ½) hours before post time of race for which the horse is entered.

36.01.01 Should a Commission Veterinarian or Official Veterinarian not be available to co-sign Form 1 prior to the time of entry, a Steward may sign said Form 1 if all other required conditions have been fulfilled. Said Form 1 shall be co-signed by the Commission Veterinarian or Official Veterinarian as soon as possible after the time of entry.

36.01.02 Any person providing false or misleading information on Form 1 or Form 2 may be subject to a suspension and or monetary penalty being levied by the Stewards or by the Registrar.

36.01.03 To be placed on the EIPH program, a trainer, owner or Authorized Agent acting on behalf of the owners must present the completed Form 1 to the

Commission Veterinarian or Official Veterinarian who will place the horse on the EIPH list and the horse will be eligible to race on the 14th day thereafter.

If the completed Form 1 is presented within 96 hours of the consultation having taken place, the day the consultation took place shall be considered to be the horse's first day on the EIPH list and the horse will be eligible to race on the 14th day following the date of the consultation.

If the completed Form 1 is presented 96 hours or more after the date of the consultation, the date on which it is actually presented will be considered to be the horse's first day on the EIPH list and the horse will be eligible to race on the 14th day thereafter.

36.02 No horse is accepted in the EIPH Program until one of the following procedures is completed:

- (a)** The Commission Veterinarian or Official Veterinarian has signed and stamped the Exercise Induced Pulmonary Haemorrhage (EIPH) Certification Application Form 1 permitting the horse entered to race on Furosemide; or
- (b)** The Stewards have declared the horse accepted to the EIPH Program as a result of their having received Form 2 duly executed by the owner or his or her authorized representative, the past performance lines, acceptable to the Stewards, of the horse and a signed statement from a veterinarian in the foreign jurisdiction who fulfills the duties ordinarily performed by a Commission Veterinarian or Official Veterinarian in Ontario certifying that the horse has qualified for the EIPH Program in the jurisdiction in which it is enrolled.

36.03 The status of all horses enrolled in the EIPH Program must be declared on the entry form at the time of entry.

36.04.01 Any horse that is declared as eligible (hereinafter called “certified horse”) to receive Furosemide on the entry form must have, in fact, been accepted to the EIPH Program at the time of such declaration. Any licensee who falsely declares that the horse has been enrolled in the EIPH Program when such horse is not a certified horse shall be deemed to have violated these rules by such false declaration and shall be subject to discipline by the Stewards in accordance with the provisions of Rule 16.13.

36.04.02 EIPH horses shipping in from a foreign jurisdiction wishing to compete in Ontario using Furosemide must be acceptable to the Ontario Thoroughbred EIPH Program. When declaring a EIPH horse at time of entry, pursuant to Rule 36.01, any licensee who falsely declares that the horse is acceptable to be enrolled in the EIPH Program when such horse is not, shall be deemed to have violated these rules by such false declaration and shall be subject to discipline by the Stewards in accordance with the provisions of Rule 16.13.

36.05.01 A certified horse will receive Furosemide (Lasix) in its stall in the presence of the trainer of record and/or their representative no earlier than 4 hours and 15 minutes and no later than 3 hours and 45 minutes before the published post time for the race in which the horse is to compete. Any certified horse not receiving Furosemide (Lasix) within the specified time shall be automatically scratched.

36.05.02 The certified horse must be medicated with the correct dosage of Furosemide (Lasix) intravenously

by the designated registered animal health technician in the horse's stall (or in the presence of that technician by a veterinarian licensed by the Commission who shall use only Furosemide, syringes and needles supplied by the technician).

36.05.03 In the event that an owner or trainer, as the case may be, has failed to assure that the certified horse was medicated, the owner or trainer shall be in violation of these rules and may be subject to discipline by the Stewards in accordance with the provisions of Rule 16.13.

36.05.04 Any trainer of a horse that has been certified to receive Furosemide in accordance with the provisions of the EIPH Program, who fails or refuses, without reasonable justification, to have the certified horse injected with Furosemide within the time limited in accordance with the provisions of the Pari-Mutuel Betting Supervision Regulations under the *Criminal Code* and these rules for any race in which the horse is programmed to start shall be deemed to have committed a breach of these rules and shall be subject to a monetary penalty and/or suspension being imposed by the Stewards within the provisions of Rule 16.13.

36.05.05 A horse that bleeds in a race in Ontario or that is observed by the Commission Veterinarian or Official Veterinarian bleeding in the detention barn following a race in Ontario for the first time will be placed on the Bleeder List. If it is already on the Lasix Program, it will also be suspended for 14 days from the date of the race in which it bled.

If a horse bleeds in a race in Ontario, or is observed by the Commission Veterinarian or Official Veterinarian



bleeding in the detention barn following a race in Ontario for a second time within 365 days of the first time it bled in a race in Ontario, it will be suspended from racing in Ontario for 90 days from the date of the race in which it bled for the second time.

If a horse bleeds in a race in Ontario or is observed by the Commission Veterinarian or Official Veterinarian bleeding in the detention barn following a race in Ontario for a third time within 365 days of the first time it bled in a race in Ontario, it will be suspended for 365 days from racing in Ontario from the date of the race in which it bled for the third time.

Following the horse bleeding on any of the above occasions, the owner/trainer has the option to have the horse examined with a Fibreoptic Bronchoscope by a veterinarian licensed to practice in Ontario by the College of Veterinarians of Ontario and by the Commission. The horse must be examined within two hours of the race in question. If the veterinarian certifies to the Stewards, in writing, that on bronchoscopic examination there was no blood in the trachea or bronchi, the horse shall be exempted from the provisions of this rule.

36.06 A certified horse must remain on the Lasix Program for 100 days calculated from the date of its initial or most recent certification.

36.07 Each racing association is responsible to provide the program printer with the following information regarding the Lasix program:

	denotes horses treated with Lasix today who were not so treated for their last start (formerly an L inside a circle)
	denotes horses treated with Lasix which were also treated with Lasix in their last start

A footnote at the bottom of the race program page will indicate horses off Lasix since their last start.

Chapter 37

TCO₂ Testing Program

37.01 An excess level of total carbon dioxide (TCO₂) in a race horse is deemed to be adverse to the best interests of horse racing, and adverse to the best interests of the horse in that such condition alters its normal physiological state. Accordingly, a person designated by an approved TCO₂ laboratory may obtain venous blood samples from the jugular vein of a horse for the purpose of the testing of said samples by that laboratory for TCO₂ levels as outlined in Rule 37.06. Where the TCO₂ level, based upon such testing equals or exceeds the following levels, the Stewards shall order the relief authorized pursuant to Rule 37.07:

- (1) Thirty-seven (37) or more millimoles per litre of blood for horses not competing on furosemide; or
- (2) Thirty-nine (39) or more millimoles per litre for those horses competing on furosemide.

37.02 Approved TCO2 Laboratory

In any part of Chapter 37, approved TCO2 laboratory means a laboratory approved by the Registrar under Rule 37.03, to conduct the testing of horses in accordance with Rule 37.06.

37.03 Laboratory Approval Process

The Registrar may approve a laboratory under Rule 37.02, if:

- (a) the Registrar is satisfied that the laboratory employs competent staff, and has the necessary facilities and technical capability to conduct the testing of horses in accordance with Rule 37.06; and
- (b) the laboratory conducts the testing of horses in accordance with Rule 37.06; and
- (c) the laboratory undertakes to permit the Registrar or any person designated by the Registrar such access to its facilities and records, at any reasonable time selected by the Registrar or person, that will allow the Registrar or person to audit the laboratory operations for the purposes of determining its compliance with the requirements of Rule 37.03 (a) and (b).

37.04 Withdrawal of Approval

The Registrar may withdraw its approval under Rule 37.03 if the approved TCO2 laboratory, in the opinion of the Registrar, does not comply with the provisions of Rule 37.03 or 37.06.

37.05 Association Obligations

No Association may hold a race meeting unless the Association assures, at its sole cost and expense, that approved TCO2 laboratory personnel are present at the track, at the time of the race, who are ready, willing

and able to conduct the collection of blood in horses in accordance with Rule 37.06.

Each Association is required to engage the approved TC02 laboratory to obtain up to 24 samples per live race day over the period of the meet.

37.06 Testing Procedures

All horses that race are eligible to be selected by the Stewards for blood gas testing. The entry of a horse shall constitute permission for a person designated by the approved TC02 laboratory to obtain blood samples. To the extent that it is feasible, the owner, trainer or other person responsible for the horse will be given notice that the horse is to be tested and may be present when the blood sample is taken. Refusal by an owner, trainer or other person responsible for the horse to attend the taking of the sample will not affect the validity of the test. Any owner, trainer or other person responsible for the horse who refuses or fails to permit the taking of a sample from a horse shall have all applicable horses scratched by the Stewards. Such refusal shall be deemed an admission of a violation of Rule 37.01 empowering the Stewards to review the matter whereby the penalties contemplated by Rule 37.07 may be imposed. It shall be the responsibility of the trainer of a horse selected for post-race testing to see that the horse is taken directly to the testing barn or retention area immediately after being notified of the horse's selection for testing.

Commission Stewards will select the horses to be tested and advise the approved TC02 laboratory personnel accordingly. Commission Stewards may also instruct the approved TC02 laboratory personnel to collect samples from every horse in selected races.

The approved TCO₂ laboratory is responsible for:

- (a) collecting blood samples, by an authorized person (veterinarian, RVT- Registered Veterinary Technician or other person approved by the Registrar) from each selected horse into two plasma separator tubes;
- (b) collecting the samples within approximately 35 minutes immediately preceding the start of the race in which the selected horse is entered, or as directed by a Commission Steward. The Stewards may also direct the collection of the sample from a selected horse at least 90 minutes after a race in a secured area designated by the Stewards;
- (c) ensuring that the samples are centrifuged within approximately 20 minutes of collection and kept under refrigerated conditions until shipped;
- (d) shipping the samples to the laboratory in an insulated container;
- (e) analysing the samples for TCO₂ using a Beckman Synchron EL-ISE;
- (f) analysing samples within 48 hours, or up to a maximum of 96 hours in exceptional circumstances, of collection and reporting all results to the Registrar and the Canadian Pari-Mutuel Agency.

37.07 Penalties

Where the TCO₂ level in a horse is determined to equal or exceed the levels set forth in Rule 37.01 above, the Stewards shall assess penalties in accordance with Policy Directive: *Guidelines – Penalties for Equine Drug, TCO₂ and Non-Therapeutic Drug Violations*.

37.08 Quarantine

If the level of TCO₂ is determined to equal or exceed

those set forth in Rule 37.01 above, and the licensed owner or trainer of that horse contends in writing to the Stewards within three calendar days of notification of the results that such levels are physiologically normal for the particular horse, said licensee may request, in writing, that the horse be held in guarded quarantine. If quarantine is so requested, the track association shall make such guarded quarantine available, for a period of time to be determined by the Stewards but in no event less than 72 hours, at the sole expense of the licensee requesting same. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during such quarantine period, it may be exercised and trained at times prescribed by the track association and consistent with the ability to monitor the horse. The horse will only be fed hay, oats and water during the quarantine period. If the Stewards are satisfied, on the basis of the evident facts, the quarantine, and the testing of the horse's blood during the quarantine period utilizing a Beckman Synchron EL-ISE, that the level of TCO₂ set forth in Rule 37.01 above is physiologically normal for that particular horse, the Stewards shall not order the relief set forth in Rule 37.07 above and the horse shall be permitted to compete. In such case, the Stewards or staff of the Commission in their discretion may require that the horse re-establish that such TCO₂ level is physiologically normal to it pursuant to the quarantine procedure set forth in this rule.

Chapter 38

ALCOHOL AND DRUG VIOLATIONS - HUMAN

38.01 All Designated Racing Officials and individuals who hold a safety sensitive position are subject to the following Alcohol & Drug Rules.

38.02 Designated Licensees are prohibited from the following:

- (a) the use, possession, distribution, manufacture, offering or sale of illegal drugs or illegal drug paraphernalia;
- (b) reporting for work under the influence of illegal drugs;
- (c) the presence in the body of illegal drugs or unprescribed drugs for which a prescription is legally required in Canada, as determined through the testing program.

38.03 Designated Licensees are prohibited from the following:

- (a) reporting for work under the influence of alcohol from any source;
- (b) the use of alcohol within the first eight hours after an accident or until tested or advised by the ORC representative that a test is not required.

38.04 Designated Licensees are prohibited from the following:

- (a) the intentional misuse of medications including using medication not as prescribed, using someone else's prescription medication, combining medication and alcohol use against direction; and
- (b) the unauthorized possession of prescribed medications without a legally obtained prescription, and unauthorized distribution,

offering or sale of prescription medications (trafficking).

The onus rests with Designated Licensees to determine (through their doctor or pharmacist) whether a medication can affect safe operation and take appropriate action to minimize safety risk.

38.05 Designated Licensees called in unexpectedly and requested to perform unscheduled duties associated with the business of racing while under the influence of alcohol, drugs or medications that could impact safety and/or breach the Alcohol and Drug Rules shall decline the request.

38.06 Subject to the *Horse Racing Licence Act, 2015*, Commission Representatives may conduct unannounced searches where there are reasonable grounds to believe a prohibited substance is present on Commission licensed premises in violation of the Rules of Racing or specific track rules. Prohibited substances include illegal drugs and prescribed medications possessed without a legally obtained prescription as set out in Rule 38.02.

38.07 Designated Licensees are subject to testing in the following situations:

(a) Reasonable Cause

Designated Licensees are required to submit to testing on request whenever an Commission Representative has reasonable grounds to believe that the actions, appearance or conduct of a Designated Licensee are consistent with, or indicative of the use of drugs or alcohol, or where the Designated Licensees have been involved in an incident or accident and the Commission Representative has reasonable grounds to

believe that alcohol or drug use may have been a contributing factor. The decision to test shall be made by an Commission Representative;

(b) Post Incident/Accident

Designated Licensees may be subject to alcohol and drug testing after a significant accident, incident or near miss that occurs at a Commission licensed facility as part of a review into the circumstances. The decision to refer an individual or a group of individuals for a test will be made by the Commission Representative reviewing the incident;

(c) Unannounced Drug Testing

Designated Licensees are subject to drug testing which will take place on an unannounced basis throughout the racing season. Selection for testing will be handled through an independent selection system managed by the Commission's Program Administrator;

(d) Required Alcohol Testing

All Designated Licensees are subject to alcohol testing at any time that they are engaged in the business of racing at a licensed facility;

(e) Return to Duty - Post Violation

Following a violation resulting in a suspension, Designated Licensees will be required to pass a return to duty alcohol and drug test and will be subject to unannounced testing as a condition of continued licensing as set out in an agreement with the Commission and the provisions of 38.08 (f);

(f) Return to Duty - Post Treatment

Following a violation resulting in a Designated Licensee completing primary treatment for an

alcohol or drug problem, Designated Licensees may be subject to testing as a monitoring tool as determined on a case by case basis to support the Designated Licensee's recovery;

(g) Failure to Test

Any Designated Licensee who fails to report directly for a test, refuses to submit to a test, refuses to agree to disclosure of a test result to the Program Administrator, or whose test results in a report from the Medical Review Officer stating that the sample has been adulterated or tampered with, commits a violation of the Alcohol and Drug Rules with consequences set out in 38.08 (d);

(h) Dilute Samples

If the laboratory identifies a dilute sample, the Designated Licensee will be required to complete another test.

38.08 The penalties for Designated Licensees are as follows:

(a) Alcohol: Test Result of .02 to .039 BAC

- (i) for a first violation, suspension from performing the duty or duties for which he/she is licensed for that day, a \$100 monetary penalty and reminder of the policy requirements and suggested referral for assistance,
- (ii) for a second violation, suspension from performing the duty or duties for which he/she is licensed for that day, a \$300 monetary penalty and suspension of 5 days if committed within 12 months of the first violation, and the licensee will be referred to a Substance Abuse Professional (SAP) for evaluation to determine

the need for a structured assistance program and must provide a negative return to duty drug and alcohol test,

- (iii) any subsequent violation within 12 months of the second violation shall result in suspension from performing the duty or duties for which they are licensed and they shall be referred to the Commission.

(b) Alcohol: Test result of .04 to .079 BAC

- (i) for a first violation, suspension from performing the duty or duties for which he/she is licensed for that day, a \$300 monetary penalty, a suspension for five (5) days, a reminder of the policy requirements and a suggested referral for assistance and must provide a negative return to duty alcohol test,
- (ii) for a second violation, suspension from performing the duty or duties for which he/she is licensed for that day, a monetary penalty of \$500 and a suspension of fifteen (15) days if committed within 12 months of the first violation, referral to a Substance Abuse Professional (SAP) for evaluation to determine the need for a structured assistance program if they choose to return to duties with the Commission, compliance with return to work conditions set out in an agreement with the individual, and must provide a negative return to duty drug and alcohol test,
- (iii) any subsequent violation within 12 months of the second violation shall result in suspension from performing the duty or duties for which they are licensed and they shall be referred to the Commission.

- (c) Illegal Drugs or Alcohol test result of .08 BAC or higher**
- (i) for a first violation, suspension from performing the duty or duties for which he/she is licensed for that day, a \$500 monetary penalty, a suspension of fifteen (15) days, referral to a Substance Abuse Professional (SAP) for evaluation to determine the need for a structured assistance program if they choose to return to their duties as a licensee, and compliance with return to work conditions set out in an agreement with the individual, and must provide a negative return to duty drug and alcohol test,
 - (ii) any subsequent violation within 12 months of the first violation shall result in suspension from performing the duty or duties for which they are licensed and they shall be referred to the Registrar.
- (d) Refusal to Test Situation (including adulterating/tampering with the sample)**
A first violation shall result in suspension from performing the duty or duties for which they are licensed and they shall be referred to the Registrar;
- (e) Subsequent Violation Situation**
The penalty for a second violation will be administered in accordance with the specific penalties for that second violation category;
- (f) Post Violation Agreements**
Specific conditions will be set out by agreement with the Designated Licensee which will include, at a minimum the following:
- (i) full cooperation with the Substance Abuse Professional (SAP) assessment process,

- (ii) adherence to any recommended treatment, monitoring, and aftercare program,
- (iii) maintenance of sobriety on return to duty,
- (iv) successful completion of a return to duty alcohol and drug test,
- (v) ongoing unannounced testing for a period set out in the agreement, and
- (vi) no further violations of the policy.

Although the Commission will refer individuals who test positive to qualified services, the cost of these services is not covered by the Commission. All costs associated with assessment, treatment and aftercare, will be at the expense of the individual.

(g) Referral to the Registrar

Designated Licensees who have been suspended from performing the duties for which they are licensed and who are referred to the Registrar:

- (i) must provide proof that they have a negative result before applying to be reinstated,
- (ii) will be referred to the Registrar within twenty (20) days of the request for reinstatement,
- (iii) will have a continued suspension from all licensed activities, duties and responsibilities and barred from attendance at all AGCO licensed Racetracks pending final disposition by the Registrar.

This process is for the sole purpose of determining the future status of the licensee, which may include a lifetime ban from the sport, and industry of racing, or other specific conditions.

38.09 The Registrar has the authority and discretion to suspend any Designated Licensee who:

- (a) tests .02 BAC or greater;
- (b) has been tested in a reasonable cause or post incident situation pending the results of the test;
- (c) has refused to complete the testing process as directed by the Commission Official.

38.10 Definitions moved to Chapter 2.

38.11 Whether breath analysis testing equipment is or is not available, and if due to alcohol or drug impairment, a person is unfit to drive, or carry out his or her duties, or whose conduct may reflect adversely on the sport, he/she shall forthwith be suspended for the remainder of that day and may be subject to a further suspension and monetary penalty as the Stewards or other officials see fit.

38.12 Any official who fails to report a participant, whom he/she might reasonably determine to have been consuming alcoholic beverages or drugs, to the stewards shall be guilty of violation and shall be subject to a monetary penalty or suspended, or both.

38.13 Additional Penalties

No racetrack, Association, or licensed body shall impose a penalty upon a licensee who has violated this policy, unless that licensee is directly employed by that racetrack, Association, or licensed body.

Chapter 39

OUT OF COMPETITION PROGRAM

39.01 The Registrar may require that biological samples be taken from a horse at any time or place and without prior notice.

39.02 The samples provided pursuant to the Rules will be taken by a veterinarian employed by the Commission an Official Veterinarian, or a qualified person approved by the Commission Supervisor of Veterinarians, to determine whether or not the horse has any drug, medication or other substance in its system.

39.03 Biological samples include, but are not limited to, blood, hair, saliva and urine from the horse.

39.04 Where the Registrar or his or her delegate has required that a biological sample be provided, the horse will be made available forthwith by the owner as recorded with the breed registry body and/or trainer of record of the horse, or, if the trainer of record of the horse is not readily available, any assistant trainer, or, if there is no assistant trainer, or, if no assistant trainer is readily available, any groom employed by the trainer of record of the horse.

39.05 The failure or refusal, following notification as described in Rule 39.04 to make a horse available, forthwith, for biological sampling may result in one or more of the following sanctions:

- (a)** The horse may be scratched from any race it is entered into;
- (b)** The owner or trainer may be prevented from entering any horse(s) in future races in Ontario; and
- (c)** The owner or trainer may become subject to a monetary penalty and/or suspension.

39.06 No licensee, other than those authorized by the Registrar, may obtain biological samples from any horse located off of the grounds of an Association for the purposes described in these rules.

39.07 The Commission may direct a laboratory to retain and preserve samples for future analysis.

39.08 The Registrar may, at his or her discretion fix a time period that the sample(s) will be stored for, and may order the destruction of stored samples as he or she sees fit.

39.09 Owners and/or trainers of horses shall allow a person designated by the Registrar acting upon reasonable grounds that the business of horse racing in any or all of its forms is taking place, access at any reasonable time, whether on or off the grounds of a racing association, to the following:

- (a) stabling areas;
- (b) training areas; and/or
- (c) vehicles and/or trailers used for the transportation of horses or the business of horseracing.

Access shall be granted for the purposes of:

- (a) conducting unannounced random inspections for illegal or non-therapeutic medications or drugs, including any drug, substance, article or medication listed in Rule 15.31.01, or other device described in the Rules; and/or
- (b) subject to the *Horse Racing Licence Act, 2015*, seizing any suspected illegal or non-therapeutic medication or drugs, including any drug, substance, article or medication listed in Rule 15.31.01, or other device described in the Rules. Any medication, drug, substance, article or device seized may be forwarded by the Commission for analysis to a lab of its choice.

For the purposes of Rule 39.09, a horse shall be deemed to be:

- (a)** a horse that has raced in the past 60 days or is within 60 days of racing and/or workout;
- (b)** a horse qualified to race in Ontario;
- (c)** a horse entered to race in Ontario; and/or
- (d)** a registered Thoroughbred.

QUARTER HORSE APPENDIX

Pari-mutuel Quarter Horse Racing shall be governed by the Rules of Thoroughbred Racing 2016, with the following exceptions:

Chapter 2

Breeder is the owner of the dam at the time of service.

Canadian-bred horse deleted.

Horse is:

- (a) any equine (including and designated as a mare, filly, stallion, colt, ridgling or gelding) registered for racing; or
- (b) Specifically an entire male 5 years of age or older.

Maiden means a horse which at the time of starting has never won a race under the auspices of the American Quarter Horse Association.

Overnight Race is one for which the entries close 96 hours or less before the time set for the first race of the day on which such race is to be run and in which no liability is incurred for entrance money or stakes.

Chapter 4

4.09 Delete.

Chapter 6

6.01 No horse shall be permitted to enter or start unless:

- (a) it is duly registered with and approved by the registry office of the American Quarter Horse Association or the American Paint Horse Association;
- (b) the horse's registration certificate is filed with the race office of the Association by the time required for identification purposes;

- (c) it is owned or leased by a licensed owner and is in the care of and saddled by a licensed trainer or his/her licensed assistant;
- (d) at the time of entry, the horse must be eligible to the conditions of the race as specified by the Racing Secretary and must remain eligible until the race, with the exception of Rule 6.30.

The Director or the Stewards may waive any of the above conditions of this rule under exceptional circumstances.

6.03 If a horse's name is changed, its new name shall be registered with the America Quarter Horse Association and its old, as well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races.

6.03 Delete.

6.14.03 Notwithstanding Rule 6.14.02 where two or more horses are coupled as an entry only for the reason that the horses are trained by the same trainer, the racing association may with the consent of the stewards run those horses as separate interests.

6.30.01 A horse, other than a first time starter, shall not be eligible to race unless it has started in a race or completed a time work out with a speed index of 20 or greater. This work out must be satisfactory to the Stewards and within 45 clear days of the day of the race for which it is entered and be published in the official program.

6.30.02 A timed work out must be published in the Official Program for any horse that shows no race or timed work out within the last forty-five (45) days in the Racing form. This rule may be waived for Staked races at the discretion of the stewards.

6.30.03 Delete.

6.35 All first life-time starters must have two (2) published work outs out of the starting gate, one of which must be in company with at least one other horse. Both times must make the speed index chart, achieving a minimum speed rating of 20, and be clocked on different dates at Ajax Downs. One of these work out times must be within 30 clear days of the day of entry.

Chapter 8

8.04.02 All horses in Quarter Horse Racing must carry between 116 lbs. and 127 lbs. An over weight allowance limited to 5 lbs. (five pounds) is allowed. All jockeys must declare their weight prior to riding the first race on any racing card and must ride at that weight for all races on that date. The afore mentioned weight must be posted prominently before the public prior to the mutuels opening for any race in which any jockey rides.

8.05.04 After unsaddling a jockey shall pass their equipment to a valet or will carry it to the scales to be weighed in.

8.16.05 The minimum weight shall be 105 pounds in any race.

Chapter 9

9.15.01 A Quarter Horse Jockey shall not:

- (a) be an owner or trainer of any quarter horse race horse;
- (b) compete in any race against a horse owned or trained by his or her spouse; or
- (c) compete in any race against a horse owned by his or her mother, father, brother or sister.

Chapter 10

With the exception of the following, all other rules in this chapter are deleted;

10.01 A jockey may represent him or herself and may make their own engagements. In an emergency an owner/trainer, when directed by the Stewards, shall book the services of a Jockey by negotiating with him/her personally.

Chapter 11

11.13 Delete

11.33 The following distances are applicable for Ajax

Downs:

220 yards

250 yards

300 yards

330 yards

350 yards

400 yards

440 yards.

Chapter 12

12.08 If a horse is claimed, it shall not be sold or transferred to anyone in whole or in part, except in a claiming race, for a period of thirty (30) clear days from the date of claim. It shall not, unless reclaimed, remain in the same stable or under control or management of its former owner or trainer for the same thirty (30) clear days.

12.09 The papers of any horse that is claimed must be forwarded, forth with, by the Association's Racing Secretary's Offices to the American Quarter Horse Association so that they may record the transfer of ownership.

12.11 All claims must be signed, sealed and deposited in a locked box at least 15 minutes before the scheduled post time of the race in which the claim is made. Such box shall be in the custody of the Racing Secretary. The following information must be correctly filled in on the claim blank:

1. date of claim
2. printed name(s) and appropriate signature(s)
3. authorized agent number if required
4. correct claiming price
5. the number of the race from which the horse is to be claimed
6. name of the horse
7. designated trainer
8. initial claiming form, if applicable.

Typographical or minor technical errors may be accepted at the discretion of the Stewards.

12.12 Not earlier than 15 minutes before and not later than ten minutes before each race, the Racing Secretary shall open the claim box and note on the envelope containing each claim the official post time of the race in question which he/she shall take from the official program. Immediately thereafter and in no event later than post time of each race, he/she shall deliver or cause to be delivered to the stewards all claims that were in the claims' box for the race in question. No money shall accompany the claim.

12.23 If a filly or mare has been bred, she is eligible to be entered into a claiming race.

12.24.2 Delete.

Chapter 18

18.01.01 Delete.

18.01.02 In determining the places of the horses at the finish of a race the Stewards shall consider only the relative position of the respective noses of such horses.

18.01.03 The Stewards shall cause to be prominently displayed the numbers of the first four horses in each race in the order of finish and shall be responsible for recording the fifth placing.

18.01.04 The Stewards shall make public their decisions as promptly as possible.

18.02.01 The Stewards shall inspect the print prior to the official sign being posted and the decision of the Stewards shall prevail.

18.02.02 The Stewards shall confirm the result of every race by declaring the result official.

18.02.03 Nothing in the Rules shall be construed to prevent the stewards from correcting an error before declaring the race official.

18.03.01 On all tracks a proper camera shall be installed as an aid to the Stewards, however, in all cases, the camera is merely an aid and the decision of the Stewards shall be final.

18.03.03 If it is considered advisable to consult a picture from the photo finish camera, the Stewards shall post, or announce without waiting for a picture, such placements as are in their opinions unquestionable, and after consulting the picture, make the other placements.

Chapter 22

Delete in its entirety.

Chapter 27

27.03 Any horse scratched by the Commission Veterinarian or Official Veterinarian or a licensed Veterinarian may be placed on a (7) day list. Any horse that has been placed on the Veterinarian's List may be required to work at the discretion of the attending Veterinarian approved by the Ontario Racing Commission. On the 8th day, the horse shall be eligible to be removed from the Veterinarians' List and entered. Any horse that has been on the Veterinarian's List twice in a 30 day span shall be placed on the Veterinarians' List and it shall be mandatory the horse work to the satisfaction of the Commission Veterinarian or Official Veterinarian, no matter how long the horse has been on the Veterinarians' List.

27.05 An Official Veterinarian shall inspect all horses in the pad dock and at the starting point of each race. If in his/her opinion, any horse is not fit, sound and ready for racing, he/she shall recommend to the Stewards that it be scratched and the Stewards shall take such action as they deem fit.

Chapter 29

29.10 A person shall not train horses or be programmed as a trainer or assistant trainer of record, without first having obtained a trainer or assistant trainer license valid for the current year by meeting the standards for trainer or assistant trainer as laid down by the Quarter Racing Owners of Ontario Inc.

Chapter 30

With the exception of the following, all other rules in this chapter are deleted;

30.04 A first application for a jockeys license shall be accompanied by:

- (a) Evidence that the applicant has had at least one year's experience with a racing stable which is acceptable to the Stewards;
- (b) His/her birth certificate or acceptable proof of his/her date of birth.

30.06 No jockey shall carry a whip in a race until he/she has ridden in at least five races and then only with permission of the Stewards.

30.07 All jockeys licenses shall be granted on a probationary basis. The Stewards may suspend this license for any period of time determined by them if in their opinion the jockey requires more experience or expertise before being allowed to continue riding. If the Stewards act under this rule they may make whatever adjustments they deem necessary.

Chapter 34

Delete in its entirety.

POLICY DIRECTIVE NO. 2–2008
Trainer Transfer Guidelines

The Ontario Racing Commission at its meeting of Tuesday, January 22, 2008, approved the Trainer Transfer Guidelines Policy as follows:

The Ontario Racing Commission is committed to improved communication to the horse racing community. It has determined that the industry should have access to information regarding the criteria used and the decisions made surrounding trainer transfers.

The following factors shall be taken into consideration by the Judges and Stewards when making their determination of applications for trainer transfers:

1. the degree of closeness of any relationship, whether it be fiduciary, employee/employer and/or family in nature;
2. the past conduct of the proposed trainer; and
3. the licensing history of the proposed trainer.

Final determination of suitability is the sole discretion of the Judges and Stewards who assess situations on a case by case basis.

Judges or Stewards are required to document in the form of a ruling their decisions on applications for trainer transfers and provide in the ruling their reasons for approving or denying the transfer.

POLICY DIRECTIVE NO. 3–2008**Licensing Terms Guidelines for Positive Test/
Medication Rule Violations**

The Ontario Racing Commission at its meeting of Tuesday, January 22, 2008, approved the Licensing Terms Guidelines Policy as follows:

WHEREAS the Director has the authority to issue terms to a licence;

AND WHEREAS the Ontario Racing Commission is committed to ensuring that the integrity of the horse racing industry is maintained throughout the racing season;

TAKE NOTICE that the Director may issue terms to a licence for a two-year period for the following situations:

1. Any Licensee whose horse has tested positive for a Class I, II or III drug and the penalty issued is 60 days or more; or
2. Any Licensee whose horse has tested positive for a Class IV or V drug and the offence is a 2nd offence or more for the Licensee within three (3) years where the penalty issued is 60 days or more; or
3. Any Licensee whose horse was tested and the sample was found to contain Erythropoietin/ Darbepoietin-Alfa or the existence of any substance or drug with no therapeutic value to the horse; or
4. Any licensee who has been found in violation of Standardbred Rule 6.46.01 or Thoroughbred Rule 15.31.01.

The following terms may be added to the licence of the

Licensee as follows:

1. The Licensee shall keep the peace and be of good behaviour;
2. The Licensee shall allow Commission investigators access to his/her stabling area at any time to conduct unannounced random searches for illegal or non-therapeutic medications or drugs;
3. The Licensee shall allow Commission investigators to seize any illegal or non-therapeutic medications or drugs found at his/her stabling area; and
4. The Licensee shall be subject to the Commission's Out of Competition Program.
5. The Licensee may be subject to a Notice of Proposed Order in addition to any penalty imposed by the ORC Judges or Stewards for any breach of the terms of their licence.

POLICY DIRECTIVE NO. 4–2009

Penalty Guidelines for Inappropriate Urging of a Horse in Thoroughbred Racing

The Ontario Racing Commission at its meeting of Thursday, September 24, 2009, resolved that the following directive be approved, effective immediately.

PENALTY GUIDELINES RULE 9.27

Any violation of Rule 9.27.05, 9.27.06 and 9.27.07 is an offence and covered by this penalty structure.

Races with a purse of under \$100,000

1st offence	
Min Fine	\$200
Minimum Driving Suspension	0 days
Other Penalty	Mandatory meeting with the Stewards for the purposes of providing training on the Rules

2nd offence within one year of the 1st offence	
Min Fine	\$300
Minimum Driving Suspension	1 day
Other Penalty	Mandatory meeting with the Stewards for the purposes of providing training on the Rules

3rd offence within one year of the 1st offence	
Min Fine	\$500
Minimum Driving Suspension	3 days
Other Penalty	Mandatory meeting with the Stewards for the purposes of providing training on the Rules

4th offence within one year of the 1st offence	
Min Fine	
Minimum Driving Suspension	Immediate Suspension
Other Penalty	Referral to the Director

OFFENCE – Cutting or Welting the horse

1st offence	
Min Fine	\$300
Minimum Driving Suspension	1 day
Other Penalty	Mandatory meeting with the Stewards for the purposes of providing training on the Rules

2nd offence within one year of the 1st offence	
Min Fine	\$500
Minimum Driving Suspension	3 days

Other Penalty	Mandatory meeting with the Stewards for the purposes of providing training on the Rules
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3rd offence within one year of the 1st offence	
Min Fine	
Minimum Driving Suspension	Immediate suspension
Other Penalty	Referral to the Director

Races with a purse of \$100,000 and over
<p>For any offence that takes place in a race where the purse is \$100,000 or more, the penalty shall be a minimum fine of 20% of the jockey's earnings for placings 1st through 5th and shall be a minimum fine equivalent to 20% of the jockey's earning for 5th place for placings 6th and on. If in the opinion of the Stewards, the offence was egregious, a riding suspension may be issued. While discretion is available to the Stewards, the riding suspension should be calculated at 1 day riding suspension for each \$200,000 of total purse money for the race.</p>

<p>Placing of a horse may be considered by the Stewards where the misuse of the riding crop caused interference with another horse or, in the opinion of the Stewards, there has been a flagrant disregard for these rules.</p>

Application of the Guidelines will take into consideration the following:

- 1)** This penalty structure provides guidance to Stewards as to minimum penalties for inappropriate urging of the horse, and for the cutting and welting of a horse.
- 2)** The penalty for any subsequent offence cannot be less than the previous offence, regardless of whether the offence is for inappropriate urging of the horse or for cutting and welting of a horse.
- 3)** Any cut or welt offence shall be counted and considered by the Stewards as the next offence for inappropriate urging on a cumulative basis.
- 4)** For races under \$100,000, the penalty structure is progressive in nature, irrespective of which of the encompassed rules are violated. For races over \$100,000 the penalty is aligned with the purse value of the race
- 5)** In determining whether a violation of the Rules has occurred or in assessing penalty, Stewards may consider mitigating factors in exceptional circumstances. An example of conduct that may be viewed as a mitigating consideration would be striking a horse to prevent inevitable harm to another rider, horse, participant or patron.
- 6)** In assessing penalty, Stewards may also consider aggravating factors, such as the licensee's history of violations pertaining to inappropriate urging of the horse (which offence/s occurred more than a year before the subject offence or under a different category).
- 7)** If the offence is sufficiently egregious, the Stewards may depart from the penalty structure

and impose higher penalties than those enumerated in the chart above.

- 8) All first infractions of the encompassed rules that occur subsequent to the implementation of the new rules will be treated as a first offence for the purposes of setting penalty, except as noted above for cutting or severely welting a horse.

DESCRIPTION OF TERMS

This Policy was established to provide more description of what constitutes an offence under the Rules regarding inappropriate urging of the horse in Ontario racing:

Indiscriminate action means unrestrained or careless activity without regard for safety or care.

For the purposes of Rule 9.27.05 (a), the following are examples of indiscriminate action but do not constitute an exhaustive list:

- a. Use of the riding crop during the post parade or after the wire, except when necessary to control the horse;
- b. striking the horse with the butt end of the riding crop;
- c. hitting the horse with the riding crop in an area other than the shoulders or hind quarters;
or
- d. punching the horse.

Excessive action means unreasonable quantity or degree.

For the purposes of Rule 9.27.05 (b), the following are examples of excessive action with respect to inappropriate urging of the horse but does not constitute an exhaustive list:

- a. use of the riding crop when a horse is not in contention in a race;
- b. use of the riding crop more than 3 times in a row without giving the horse time to respond

Aggressive action means inhumane, severe or brutal activity.

For the purposes of Rule 9.27.05 (c), the following are examples of aggressive action but do not constitute an exhaustive list:

- a. use of the riding crop on the head or in the area surrounding the head of the horse
- b. use of any object or stimulating device and/or application; or
- c. leaving any cuts, abrasions or severe welts on the horse caused by the riding crop;

Loose lining means the indiscriminate action of carelessly lengthening the lines while driving so as to allow the loopy shaking of the lines (i.e. butterfly action) or to permit the arm to swing past a 90-degree angle to affect a wide arch when using the whip or shaking the lines.

Meaningful Position (9.27.06) means the horse has a reasonable opportunity to finish in an advantageous position. Examples of meaningful include, but are not limited to, maintaining times, receiving points towards future races or earning purse monies.

Giving the horse a chance to respond (9.27.05

Excessive Action) means limiting the number of strikes applied to a horse in succession, in order to give the horse a chance to respond to the application. The rule requires that riding crop use shall not be continued if the horse is unable to respond or does not respond. The skill of the jockey comes in to play in assessing the

horse's ability to continue to respond. The riding crop is one of a number of tools available to the jockey to encourage the horse forward, weight, voice and hand riding being others.

BACKGROUND

Under a process established by the Executive Director in the fall of 2008 to gather industry input on the appropriate use of the riding crop in horse racing, it was recognized that the use of the riding crop is a necessary tool in racing.

The following principles were agreed to and serve as a guide for all decision making on rule development:

1. Ensure the welfare of the horse

The welfare of the horse is paramount and guides decision making in all matters

2. Promote safety for racing participants (including the horse)

Where the safety of racing participants has been compromised, appropriate action shall be taken

3. Create simple, clear and consistent rules (and enforcement)

To be adhered to or enforced correctly, rules must be written and communicated in a straightforward manner.

4. Address customer/public perception and education

Shifting public sensitivity on the use of the whip in horseracing must be recognized by all industry participants, who must also do their part in educating new fans about the sport.

5. Support growth of the customer base

Racetrack management has identified use of the whip as a barrier to increased customer growth.

Participants must be involved, as our industry builds to creating a more desirable product

The outcome of the industry discussion has led to the formation of rules regarding the appropriate methods for urging a horse in racing.

POLICY DIRECTIVE NO. 1-2012
Compliance with CPMA requirements

The Ontario Racing Commission (ORC) at its meeting of Wednesday, January 4, 2012, resolved that the following Directive be approved, effective January 9, 2012.

WHEREAS Policy Directive No. 3 – 2011 was released on December 20, 2011 which required the licensing of horsepeople's organizations;

AND WHEREAS in addition to Policy Directive No.3 – 2011, Standardbred Directive No. 6 – 2011 and Thoroughbred Directive No. 6 – 2011 were issued on December 20, 2011;

TAKE NOTICE that the ORC Board has authorized the use of access agreements between ORC licensed horsepeople and licensed racetracks which will be accepted by the ORC as an alternative method of compliance with the requirements set out by the Canadian Pari-Mutuel Agency through the Pari-Mutuel Betting Supervision Regulations.

POLICY DIRECTIVE NO. 2-2012**Track Rules**

The Ontario Racing Commission (ORC) at its meeting of Thursday, April 26, 2012, resolved that the following directive be approved, effective immediately.

WHEREAS, the Racing Commission Act, 2000 states that:

Section 11(2) In its rules, **the Commission may adopt by reference, in whole or in part**, with the changes that the Commission considers necessary, **rules and procedures of racing associations or bodies**, as amended from time to time, with respect of any matter except hearings held under Part II;

AND WHEREAS Track Rules govern licensees' conduct on the property of the racing association;

AND WHEREAS, upon application for a racetrack operator's licence, Track Rules for that association must be submitted;

AND WHEREAS, the Director has authority to approve Track Rules generally, and can additionally authorize the adoption of those Track Rules not covered by Rules of Racing but that require adoption where the ORC will enforce and issue penalty;

To be approved by the Director, Track Rules must conform as follows:

1. A "suspension" in Track Rules can only refer to a suspension of licence as ordered by the ORC and cannot be used to refer to loss of privileges to access the property of the racing association.

2. A Track Rule cannot supersede or change a requirement specified in the Rules of Racing, unless that Track Rule is approved or adopted by the ORC.
3. A Track Rule that varies an ORC rule may be considered for approval and/or adoption where that variation refers to local issues specific to operations.
4. A Track Rule cannot layer an additional penalty on a rule of racing excepting any penalties that may be applied by an association as it relates to the conduct of their employees.
5. A demerit system can be used by the association to manage loss of privilege under the Trespass to Property Act, but cannot compound a penalty issued by the ORC.
6. A Track Rule cannot require membership in a horseperson's association.
7. Where the Association wishes to highlight an existing ORC rule, the Track Rule must include the specific ORC rule reference (e.g. ORC SB Rule X.XX).
8. Where a Track Rule is determined to be impermissible or redundant by the ORC, it must be removed.
9. Where an approved or adopted Track Rule is enforced by an official of the ORC, the penalty will be issued by the ORC, and any fines will be collected by the ORC.

Upon review and recommendation of ORC Administration, the Director will issue approval of the submitted Track Rules in whole and/or in part. Approval of Track Rules in whole means the Director

finds no issue with the rules contained therein, and the rules are permissible. Where the Director determines that ORC officials will enforce a specific track rule, that rule will be adopted by reference.

POLICY DIRECTIVE NO. 1–2013

Postponement, Rescheduling or Cancellation of Added Money Events

The Ontario Racing Commission (ORC) at its meeting of Thursday, July 4, 2013, resolved that the following directive be approved, effective immediately.

This policy covers different circumstances that may arise where an added money event (stakes race) needs to be rescheduled and addresses defined protocol. The policy provides guidance as follows:

1. Defines the limitations for “postponing” a race
2. Details the protocol to be followed when races are rescheduled to a time beyond reasonable limits affecting the eligibility of entered horses.

Added Money Events are defined in the Rules of Standardbred Racing under Chapter 2 – Definitions as meaning stakes, futurities, early closing events and late closing events.

For the purposes of this Policy Directive Added Money Events include any race regardless of breed to which a horse must pay a nomination fee in advance of entry day.

Postponing

A stakes race (including divisions, eliminations, legs, trials or finals) where the entry box has been closed, that cannot be run on the advertised date but can be rescheduled within 7 clear days (Standardbred) or 14 clear days (Thoroughbred) of the original date, is considered postponed and the following will apply:

1. The horses are not required to be re-entered, as all horses are considered to have maintained their eligibility (unless the trainer has done something to make them ineligible, e.g. the horse is on the Stewards' List).
2. As all originally entered horses are still considered eligible, the stake race will be conducted as drawn and all starting fees remain due and payable.
3. Any horse that was scratched for the original date, remains scratched for the postponed date, and the starting fee is due and payable.
4. To maintain their eligibility to the postponed race, horses entered and eligible to the race cannot enter and race in another race.

Re-scheduling

A stakes race (including divisions, eliminations, legs, trials or finals) where the entry box has been closed, that cannot be run on the advertised dates but cannot be scheduled within 7 clear days (Standardbred) or 14 clear days (Thoroughbred) of the original date, is considered re-scheduled and the following will apply:

1. Eligible horses must be re-entered to the re-scheduled race. Trainers are responsible for declaring horses to the re-scheduled race, and under the Rules of Racing responsible for ensuring entry of an eligible horse. Rules surrounding eligibility continue to apply.
2. Only horses declared to the original event are eligible to be declared to the re-scheduled event.
3. Any horse that was scratched before the decision to cancel was made is ineligible to enter in the re-scheduled event. The starting fee for that horse remains payable.

4. Where the horse's interests decide not to enter the horse to the re-scheduled event, they are not required to pay the starting fee.
5. There will be a redraw for post positions.
6. Where the re-scheduled race is a Final, all results from any required trials will be carried over.

Cancellation

In the case where the added money event must be cancelled, the nomination and sustaining payments will be returned to the owner of the horse.

QUARTER HORSE DIRECTIVE NUMBER 1 – 2014
RULES OF THOROUGHBRED RACING 2012,
Quarter Horse Appendix

The Ontario Racing Commission at its meeting of Thursday, April 24, 2014 resolved that the Rules of Thoroughbred Racing 2012, including the Quarter Horse Appendix be amended by the promulgation of the following Rules, effective immediately.

Chapter 2
DEFINITIONS

Safety Sensitive Position means a position in which individuals have a key and direct role in the handling of horse such that performance impacted by alcohol or other drug use could result in:

- (1) An incident affecting the health or safety of employees, licensees, patrons, horses, or the public, or
- (2) An inadequate response or failure to respond to an emergency or operational situation.

This category includes any and all individuals required to temporarily relieve in a safety-sensitive position.

The following positions are included:

Apprentice jockey, exercise person, jockey, pony person, starting gate personnel, horse identifier, commission and official veterinarian, jockey valet, trainer, groom, hot walker and blacksmith, test inspector, TCO2 technician, ambulance personnel and track maintenance personnel.

Chapter 6

ENTRIES AND SUBSCRIPTIONS

Rule 6.20 (d) Delete

Chapter 27

COMMISSION VETERINARIANS, OFFICIAL VETERINARIANS AND OTHER VETERINARIANS

Rule 27.03 Any horse scratched by the Commission Veterinarian or Official Veterinarian or a licensed Veterinarian may be placed on a seven (7) day list. Any horse that has been placed on the Veterinarian's List may be required to work one (1/2) mile at the discretion of the Commission Official Veterinarian. On the eighth day, the horse shall be eligible to be removed from the Veterinarian's List and entered. Any horse that has been on the Veterinarian's List twice in a 30 day span shall be placed on the Veterinarian's List and it shall be mandatory for the horse to work one half (1/2) mile to the satisfaction of the Commission or Official Veterinarian, no matter how long the horse has been on the Veterinarian's List or turned out.

QUARTER HORSE DIRECTIVE NO. 1 – 2015

Enhanced Testing for Clenbuterol

Preamble

WHEREAS the Ontario Racing Commission is committed to working with Industry stakeholders to expand the medication control program beyond existing pre-race, post-race testing and retention requirements;

AND WHEREAS concerns were brought forward by the Quarter Horse Racing Owners of Ontario Inc. (QROOI) and other participants in the Quarter Horse Racing community regarding alleged misuse of the therapeutic drug clenbuterol;

AND WHEREAS the Ontario Racing Commission (ORC) responded to this concern by working with the Canadian Pari-Mutuel Agency (CPMA) to develop an agreement to allow for enhanced testing of samples;

TAKE NOTICE THAT effective May 10, 2015 all horses competing in Quarter Horse races in Ontario, where those horses have been selected to provide an Official Sample as defined by the CPMA and its regulations, may have their samples subjected to enhanced testing by the ORC for the presence of the drug clenbuterol.

AND FURTHER TAKE NOTICE THAT any sample where clenbuterol is detected at any level in either urine or blood, will be deemed to be a violation of the Rules of Thoroughbred Racing 2012 and the Racing Commission Act, 2000 and the following regulatory action against the owner and/or trainer of the horse will result:

1. Disqualification of the horse from the race;
2. Return and redistribution of all earnings from that race;
3. The horse will be ineligible to race until:
 - (i) The owner provides a negative test result from the horse; and
 - (ii) The ORC investigation is complete.
4. Any other penalties that the Director or his designate deems appropriate;

AND FURTHER TAKE NOTICE THAT clenbuterol testing will be occurring on a more frequent basis;

AND FURTHER TAKE NOTICE THAT if clenbuterol is detected in a horse that has been claimed, the regulatory action will be imposed against the original owner and/or trainer of record and the claimant has the option to return the horse to the original owner and the claiming price will be returned to the claimant. The request to return the horse shall be made in accordance with the procedure outlined in Rule 12.32 of the Rules of Thoroughbred Racing. If the horse is not returned, the new owner will be required to provide the negative test result prior to entering the horse to race.

Amended GENERAL DIRECTIVE NO. 2/2015 Enhanced Testing for Cobalt

Preamble

The Ontario Racing Commission is committed to working with Industry stakeholders to expand the medication control program beyond existing pre-race, post-race testing and retention requirements;

As a result of concerns brought forward by the Industry regarding alleged misuse of cobalt;

The Ontario Racing Commission responded to this concern by working with the Canadian Pari-Mutuel Agency (CPMA) to develop a partnership to allow for enhanced testing of Official Samples once the CPMA has completed their testing.

Effective August 1, 2015 all horses that have been selected to provide an Official Sample as defined by the CPMA and its' regulations will have their samples subjected to enhanced testing by the ORC for the presence of cobalt.

Any sample where Cobalt is detected at a level of 50 ng/ml or more in blood will be deemed to be a violation of the Rules of Standardbred Racing 2012, Rules of Thoroughbred Racing 2012 and the Racing Commission Act 2000 and the following regulatory action against the owner and/or trainer of the horse will result:

- Disqualification of the horse from the race;
- Return and redistribution of all earnings from that race;

- The horse will be made ineligible to race until:
 - o The owner of the horse produces a negative test result; and
 - o The ORC investigation is complete
- Any other penalties that the Director or his designate deems appropriate.

In addition to horses that have been selected to provide an Official Sample, if a horse has been claimed the new owner and/or trainer of record may request that the claimed horse be tested for cobalt according to Racing Forensics protocol. Where cobalt is detected at a level of 50 ng/mL or more in the blood sample regulatory action will be imposed against the original owner and/or trainer of record of the horse, and the claimant has the option to return the horse to the original owner and the claiming price will be returned to the claimant. The request to return the horse shall be made in accordance with the procedure outlined in Rule 15.20.01 of the Rules of Standardbred Racing and Rule 12.32 of the Rules of Thoroughbred Racing. If the horse is not returned, the current owner will be required to provide the negative test result.

POLICY DIRECTIVE NO. 1 – 2016

Revision to Penalty Guidelines

The Ontario Racing Commission at its meeting of Friday, December 18, 2015, approved the Revision to Penalty Guidelines for Equine Drug, TCO2, and Non-Therapeutic Drug Offences as follows:

For the purposes of Policy Directive No. 1-2008 Penalty Guidelines for Equine Drug, TCO2, and Non-Therapeutic Drug Offences (the Penalty Guidelines), acetylsalicylic acid (Aspirin), will be considered a Class V drug and furosemide and procaine will be considered Class V drugs upon the receipt of a certificate of positive analysis indicating a prohibited quantitative level.

Accordingly, the Revised Penalty Guidelines are as follows:

GUIDELINES

Penalties for Equine Drug, TCO2 and Non-Therapeutic Drug Offences

Class of Drug	1st Offence	2st Offence	3st Offence	4st Offence
Class I	1 – 5 years plus \$5,000 fine	5 – 10 years plus \$20,000 fine	10 year suspension plus fine	
Class II	1 – 5 years plus \$5,000 fine	2 – 10 years plus \$10,000 fine	10 year suspension plus fine	

Class III	60 – 180 days plus \$1,500 fine	6 months – 1 year plus \$5,000 fine	1 year – 2 years plus \$10,000 fine	2 years or more plus \$20,000 fine
Class IV	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Class V	15 – 75 days plus \$1,000 fine	30 – 150 days plus \$2,000 fine	60 – 300 days plus \$4,000 fine	1 year or more plus \$8,000 fine
Non-Therapeutic	10 years plus \$40,000 fine	25 years plus \$100,000 fine		

Application of the Guidelines will take into consideration the following:

1. The Commission and/or its representatives will consider all offences for the purposes of assessing a penalty as a second or subsequent offence under these Guidelines.
2. The suggested penalties (suspension and fines) are guidelines only.
3. The Commission and/or its representatives may take into consideration any mitigating circumstances surrounding a positive test case, and may do any of the following:
 - i. Impose a penalty that is lower than suggested in these guidelines.
 - ii. Subject to due process, find other licensed

individuals responsible and impose penalties upon such licensee as deemed appropriate.

4. The Commission and/or its representatives may exercise discretion in interpreting these Guidelines and assessing penalties, and may consider all prior offences, in and outside of Ontario, involving any drug, medication, bicarbonate (TCO₂) or any other substance prohibited by rule or law. Although all prior offences may be considered in determining the appropriate penalty, the penalties for second and subsequent offences suggested in these Guidelines are based on:
 - i. The assumption that the previous offence(s) being considered were in the same class of drug, and
 - ii. The date of conviction or ruling for the previous offence(s) occurred within 3 years of the first offence.
5. For second or subsequent offences which occurred within 3 years of the first offence but in a different class of drug, the Commission and/or its representative will exercise discretion in assessing the penalty by considering the following:
 - i. The number and class(es) of all previous offences;
 - ii. The time frame between offences; and
 - iii. Any mitigating circumstances.
6. For the purposes of these Guidelines, a TCO₂ offence is considered a Class III drug.
7. On a first offence, the Commission and/or its representatives may impose a penalty beyond or below the range in appropriate circumstances.

- 8.** Multiple offences occurring on the same race day to different horses of the same trainer may be considered as individual offences in appropriate circumstances.
- 9.** Suspension periods are full suspensions as described in the Rules of Racing.
- 10.** Regardless of the penalty imposed, the horse in question will be disqualified and the purse will be redistributed.
- 11.** Class I through V drugs are based on the Uniform Classification Guidelines for Foreign Substances, published by the Association of Racing Commissioners International.
- 12.** Non-Therapeutic will include any drug, substance or medication that is determined to be in the system of a horse that has no therapeutic value to the horse.
- 13.** Acetylsalicylic acid (Aspirin) will be considered a Class V drug and furosemide and procaine will be considered Class V drugs upon the receipt of a certificate of positive analysis indicating a prohibited quantitative level.

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-XYZ-

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