



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 89

An Act respecting horse racing

Introduction

**Introduced by
Mr Michel Pagé
Minister of Agriculture, Fisheries and Food**

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EXPLANATORY NOTES

The object of this bill is to establish the Commission des courses de chevaux du Québec and to entrust it with all the functions and powers with respect to horse racing that are presently vested in the Régie des loteries et courses du Québec, the Société des loteries et courses du Québec and SODIC QUÉBEC INC., except that of promoting racehorse breeding which is entrusted to the Minister of Agriculture, Fisheries and Food.

The bill provides that the Commission will be responsible for regulating and supervising horse racing and racehorse breeding and training, and for promoting and providing assistance to the horse racing and racehorse training industry.

The bill also establishes an advisory committee to advise the Commission.

It authorizes the Commission to delegate certain of its powers to racing judges and paddock judges and empowers it to review a decision made by those judges.

The bill provides, in addition, that the Commission will be authorized to issue the licences that are prescribed by the Government with respect to occupations and functions related to activities subject to the Act.

The bill empowers the Government and the Commission to make regulations for the administration of the Act.

Finally, the bill contains provisions amending other Acts in respect of horse racing.

ACTS AMENDED BY THIS BILL

- the Licenses Act (R.S.Q., chapter L-3)
- the Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6)
- the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14)
- the Act respecting the Société des loteries et courses du Québec (R.S.Q., chapter S-13.1).

Bill 89

An Act respecting horse racing

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to horse racing and racehorse breeding and training, and to persons performing a function or carrying on an occupation related to those activities or to a business operated on the premises.

CHAPTER II

COMMISSION DES COURSES DE CHEVAUX DU QUÉBEC

DIVISION I

ESTABLISHMENT OF THE COMMISSION

2. The “Commission des courses de chevaux du Québec” is hereby established.

3. The Commission is a corporation.

4. The Commission is a mandatary of the Government.

The property of the Commission forms part of the public domain, but the performance of its obligations may be levied against its property.

The Commission binds none but itself when it acts in its own name.

5. The Commission has its head office at the place determined by the Government; a notice of the location or of any change of location of the head office is published in the *Gazette officielle du Québec*.

The Commission may hold its sittings anywhere in Québec.

6. The Commission is composed of five members appointed for a term of five years by the Government which shall designate the chairman and vice-chairman from among them.

7. The chairman, the vice-chairman and every other member designated by the Government shall hold office on a full-time basis.

8. The Government shall fix the remuneration, social benefits and other conditions of employment of the members holding office on a full-time basis.

The other members are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties on such conditions and to such extent as may be determined by the Government.

9. No member holding office on a full-time basis may, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Commission. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with all possible dispatch.

Every other member having such an interest must, under pain of forfeiture of office, disclose his interest in writing to the chairman of the Commission and abstain from participating in the deliberations or decisions on any question relating to the undertaking in which he has an interest.

10. The chairman shall be responsible for the administration of the Commission and the direction of its personnel and shall see to it that members of the personnel carry out their duties within the scope of this Act and its regulatory instruments.

11. Sittings of the Commission shall be presided by the chairman or by any member designated by him.

Three members constitute a quorum.

Where the votes are equally divided, the person presiding at the sitting shall have a casting vote.

12. If the chairman is unable to act, has resigned or has been dismissed, the vice-chairman shall act as chairman while the chairman is unable to act or until a new chairman is appointed.

If the vice-chairman is unable to act, has resigned or has been dismissed, another member designated by the Government shall act as vice-chairman while the vice-chairman is unable to act or until a new vice-chairman is appointed.

If another member is unable to act, the Government may appoint a person to exercise his functions while he is unable to act. If the member held office on a full-time basis, the first paragraph of section 8 shall apply; if he held office on a part-time basis, the second paragraph of section 8 shall apply.

13. If, as a result of his being unable to act, a member of the Commission cannot continue the hearing of a matter referred to him or sign the minute of a decision, another member may continue the hearing, with the consent of the parties, and render his decision on the notes and minutes of the hearing or, as the case may be, sign the minute of the decision.

14. Notwithstanding the expiry of his term, a member of the Commission may continue and decide any matter referred to him.

15. The secretary and the other members of the personnel of the Commission, except those referred to in the second paragraph of section 48, are appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

16. The registers kept by the secretary of the Commission to record applications for licences, licences, registration attestations, property and information under section 87 are public.

17. The minutes of the sittings of the Commission, approved by it and signed by the chairman or the secretary, are authentic. The same rule applies to documents or copies emanating from the Commission or forming part of its records, when they are certified by the chairman or the secretary.

18. No document binds the Commission or may be attributed to the Commission unless it is signed by the chairman, another member or a member of the personnel of the Commission and, in the last two cases, only to the extent determined by the Government.

The Government may, on such conditions and for such documents as it determines, allow the signature to be affixed by means of an automatic device or replaced by an engraved, lithographed or printed facsimile countersigned by a person authorized by the chairman.

19. The Commission may, according to law, enter into any agreement with any government other than that of Québec, with a department or body thereof or with any international organization or body of that organization for the carrying out of its duties.

20. The Commission, any of its members or any person designated by it to conduct an inquiry has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

21. The Commission, its members, the members of its personnel, the racing judges and the paddock judges to whom the Commission has delegated powers as regards horse racing cannot be sued by reason of official acts done in good faith in the performance of their duties.

22. Except in respect of a matter of jurisdiction, none of the extraordinary recourses provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised and no injunction may be granted against the Commission, members of the Commission or against racing judges or paddock judges to whom the Commission has delegated powers as regards horse racing, acting in their official capacity.

A judge of the Court of Appeal, upon a motion, may annul summarily any writ, order or injunction issued or granted contrary to the first paragraph.

23. The fiscal year of the Commission ends on 31 March each year.

24. Not later than 30 June each year, the Commission shall submit to the Minister of Agriculture, Fisheries and Food a report of its activities for the preceding fiscal year.

The Minister shall table the report before the National Assembly within thirty days of receiving it if it is in session or, if it is not sitting, within thirty days of resumption.

25. The Commission shall provide the Minister with any information he requires on its activities.

26. The Commission may establish rules of internal management.

DIVISION II

ADVISORY COMMITTEE

27. An advisory committee is hereby established.

28. The advisory committee shall advise the Commission on any matter submitted to it by the Commission. It shall refer to the Commission any problem or matter that it deems likely to require the Commission's examination or action.

With the prior approval of the Commission, the advisory committee may undertake to examine any matter related to horse racing and racehorse breeding and training, and conduct or commission any research it deems useful or necessary.

The advisory committee may also receive the requests and suggestions of persons and groups on any matter subject to this section.

29. The advisory committee shall be composed of seven members, including a chairman, appointed by the Minister. At least three members shall be chosen from among the persons recommended by groups involved in activities connected with horse racing or racehorse breeding or training.

The members are appointed for a term of three years.

30. Vacancies shall be filled in accordance with the mode of appointment of the member to be replaced and for the remainder of the term of the person to be replaced.

31. The chairman shall direct the activities of the committee and coordinate its work; he shall act as liaison between the committee and the Commission.

If the chairman is unable to act, has resigned or has been dismissed, another member designated by the Minister shall act as chairman while the latter is unable to act or until a new chairman is appointed.

32. The members of the committee are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the performance of their duties on such conditions and to such extent as may be determined by the Government.

33. The Commission shall place such members of its personnel as it may designate at the disposal of the committee.

34. Not later than 30 April each year, the committee shall submit to the Commission a report of its activities for the year ending on 31 March.

35. The committee may establish rules of internal management.

DIVISION III

FUNCTIONS AND POWERS OF THE COMMISSION

36. The functions of the Commission are to regulate and control horse racing, racehorse breeding and training, and to promote and assist the horse racing and racehorse training industry.

The Commission shall see to the protection and safety of the public when such activities are taking place.

37. The Commission may devise plans, programs or projects designed to promote the horse racing or racehorse training industry.

The Commission shall assume the direction and ensure the implementation of the plans, programs and projects.

For such purposes, the Commission may, in particular, grant purses, subsidies, loans or advances, or pay premiums, allowances or indemnities, carry out or commission any improvement, development or equipment work.

38. The Commission is, to the exclusion of any court, competent

(1) to review, in cases described in sections 53 and 54, any decision made by a racing judge or a paddock judge pursuant to a power delegated with respect to horse racing;

(2) to decide any matter or question related to the application of this Act and the regulatory instruments;

(3) to impose, in the cases of determined rule violations, any administrative measure on the person who organizes or takes part in an activity subject to this Act or on the holder of a registration attestation issued under section 81, and confiscate the security furnished;

(4) in the cases of determined rule violations, to withdraw, set back in the order of finish or disqualify a horse taking part in a race, cancel

its entry in a race or invalidate an offer to purchase a horse that has taken part in a race;

(5) to fix and collect the costs prescribed by the rules for every procedural act performed before it.

39. The Commission, sitting for the review of a decision of a racing judge or paddock judge, may render the decision which, in its judgment, should have been rendered in the first place.

The Commission may also rectify any decision made by it where it contains an error in writing or computation or any other clerical error.

40. The Commission may, on its own initiative or on the application of any interested person filed within thirty days after the person was notified of the decision, review or revoke any of its decisions

(1) when a new fact is discovered which, if it had been known in due time, might have justified a different decision;

(2) where the applicant, who is a party to the issue, was, for reasons considered sufficient, prevented from being heard;

(3) where a substantive or procedural defect is likely to invalidate the decision.

41. The Commission, in a matter referred to it, may forbid or order any person to perform an act which, in its opinion, should not or should be performed, as the case may be, before it has decided the matter.

42. Any decision of the Commission containing an error in writing or computation or any other clerical error or which, as a result of manifest oversight, grants more than what was applied for or omits to rule on part of the application, may be rectified by the signatories of the decision, on their own initiative or on an application by an interested person.

43. Decisions of the Commission shall be rendered in writing and shall state the reasons on which they are based; they shall form part of the records of the Commission.

The decisions shall be served on or mailed to the interested persons or their representatives or sent by any other means determined by the rules of proof, procedure or practice, within the time prescribed therein.

44. Any decision of the Commission ordering payment of a sum of money or prohibiting or ordering the performance of any act may,

when it has become final, be filed in the office of the prothonotary of the Superior Court or the office of the clerk of the Provincial Court, of the judicial district of the place where the matter originated according to their respective jurisdictions, taking into account the amount involved.

The decision may then be executed as a final and non appealable judgment of the Superior Court or Provincial Court, as the case may be, and shall have all the effects thereof.

45. The Commission may make rules of proof, procedure and practice for the hearing of the matters and questions referred to it or to a racing judge or paddock judge pursuant to a delegated power in respect of horse racing.

No procedural act shall be considered null or dismissed by reason of a formal defect or procedural irregularity.

CHAPTER III

FUNCTIONS AND OCCUPATIONS RELATED TO ACTIVITIES CARRIED ON AND BUSINESSES OPERATED ON THE PREMISES

DIVISION I

GENERAL PROVISIONS

46. Every person who organizes, conducts or participates in an activity subject to this Act must comply with the standards prescribed by the rules for the holding or conduct of that activity.

47. Every person who performs any function or carries on any occupation related to horse racing or to racehorse breeding or training, or to a business operated where such activities take place shall have such rights and assume such obligations as are prescribed in the rules.

48. At the request of and after consultation with the Commission, the Minister may appoint racing judges and paddock judges to act at horse racing events and fix their conditions of employment.

The Commission may appoint any other person performing a function or carrying on an occupation related to an activity subject to this Act to act at such an activity, and fix his conditions of employment.

DIVISION II

RACING JUDGES AND PADDOCK JUDGES

49. The Commission may delegate, in writing, to a racing judge, the power

(1) to issue, in the circumstances it fixes, the licences it determines and collect the duties therefor;

(2) to enforce the observance of the rules it determines, see to the protection and safety of the public and decide any matter or question relating thereto;

(3) to impose an administrative measure on and confiscate the security furnished by any person who refuses to comply with the rules referred to in paragraph 2 or with an order issued under the said paragraph in such cases and to such extent as it may determine, and collect the fines imposed;

(4) in the cases it determines, to remove, set back in the order of finish or disqualify a horse taking part in a race, cancel its entry in a race, or invalidate any offer to purchase a horse that has taken part in a race;

(5) to fix and collect the costs prescribed by the rules for every procedural act performed before him.

50. The Commission may delegate, in writing, to a paddock judge, the power

(1) to enforce the rules it indicates;

(2) to impose on any person who contravenes any of the rules or any order issued thereunder, from among the prescribed administrative measures, a fine not exceeding \$200 and, if the offender is a licensee, a suspension not exceeding fifteen days;

(3) to fix and collect the costs prescribed by the rules for every procedural act performed before him.

51. Where a racing judge or a paddock judge considers that the maximum penalty or fine that he may impose is insufficient, taking into account the seriousness of the violation, he may transfer the matter referred to him to the Commission for a decision.

52. Sections 41, 43 and 44, adapted as required, apply to the decision of a racing judge or paddock judge.

53. Any interested person may apply to the Commission for a review of a decision rendered by a racing judge

(1) on the interpretation of the rules;

(2) on the eligibility, registration or order of finish of a horse for any race, or the permission to let a horse, or a person driving or riding a horse, take part in a race, following a rule violation by the holder of a licence determined by the rules;

(3) on the validity of any offer to purchase a horse that has taken part in a race;

(4) which entails the disqualification or setting back of a horse in the order of finish for reasons determined by the rules;

(5) which entails a specified administrative measure which, according to the rules, is subject to a review.

54. Any interested person may apply to the Commission for the review of a decision rendered by a paddock judge on the interpretation of the rules, or where the decision entails a specified administrative measure which, according to the rules, is subject to a review.

55. An application for a review is made by filing a notice of review in the form prescribed by the rules, within seven days of the day on which the applicant was informed of the decision he is contesting. The time limit is mandatory.

The Commission shall issue a copy of the form containing the notice of review it has received to any interested person. The record of the decision shall then be transmitted to the Commission.

56. Every decision of a racing judge or paddock judge shall, notwithstanding an application for review, take effect immediately unless the Commission orders that it be suspended.

DIVISION III

LICENCES

57. No person may operate a race track unless he holds a race track licence.

A race track is a place where horse racing is held, and includes enclosures, paddocks, stands, parking areas, grandstands, offices and other facilities put at the disposal of the persons taking part in a horse race or the training of racehorses or of those who are present in such places.

58. No person may hold a horse race unless he holds a racing licence.

59. No person may exercise the functions of a racing judge unless he holds a racing judge's licence.

60. No person may exercise the functions of a paddock judge unless he holds a paddock judge's licence.

61. No person may perform any other function or carry on any other occupation relating to horse racing or racehorse breeding or training, unless he holds the licence prescribed therefor by regulation.

62. No person may operate a business on the premises where an activity subject to this Act is carried on and for which a licence is prescribed by regulation, unless he holds that licence.

63. The holder of a licence issued by an organization situated outside Québec to authorize the performance of functions or the carrying on of occupations for which a licence is prescribed by this Act or the regulations may, except in the cases of section 77 or of a suspension of the person's rights by that organization, perform such functions or carry on such occupations for a period of ten days if within the ten day period, he files an application for a licence with the Commission, together with the documents and fees prescribed, or until the decision of the Commission, whichever comes first.

The first paragraph does not apply unless the holder of a licence issued by the Commission is granted the same privilege in the place where the other organization is situated.

64. Where the prospective licensee is a legal person or a partnership, every person determined by regulation is required to hold the licence in addition to the legal person or partnership.

65. Every applicant and every licensee must, in the cases and in respect of the classes of licences determined by the rules, have and maintain, for the term of that licence, a liability insurance or such other form of coverage as the Commission may deem satisfactory, for an amount that enables him to satisfy a claim arising out of his civil liability.

66. Where the exercise of the rights conferred by a licence entails, for the licensee, financial commitments towards the Commission or the public, the licensee must, in the cases and for the classes of licences

determined by the rules, furnish security to the Commission in the amount fixed by it, taking into account the importance of the commitments.

67. Every licensee taking an active part in a horse race shall, in the case of the classes of licences determined by the rules, submit to a medical or optometric examination or furnish to the Commission a certificate indicating that he has successfully undergone such an examination in the last six months.

The Commission may require that the examination be performed by a physician or optometrist designated and remunerated by the Commission, or a specialist in the field it determines.

68. Where the Commission receives an application for a race track licence, it shall, before making a decision, publish a notice of the application and, where an objection is raised under section 69, invite interested persons to a public hearing.

The notice shall be published at the expense of the applicant in a Québec newspaper, in a Montréal newspaper and in a newspaper of the place where the race track is situated or, if it has no newspaper, in a newspaper of the nearest place, and shall set out

- (1) the name of the applicant;
- (2) the nature of his application;
- (3) a description of the site of the race track;

(4) the fact that any person wishing to do so is entitled to file an objection to the granting of the licence with the Commission within fifteen days from the publication of the notice.

The publication of such a notice is not required where the race track is, at the time of the publication, operated under a valid race track licence and the notice is not likely to give rise to objections.

At least ten days before the hearing, the Commission shall give notice of the date, place and time of the hearing, by registered or certified mail or by personal service, to the applicant and to the interested persons who raised the objection.

69. Any person wishing to do so may, within fifteen days after the publication of the notice of licence application, forward to the Commission a signed document setting out the objections he may have against the granting of the licence and the reasons therefor.

No person who raised an objection in good faith may be sued for damages by reason of the objection.

70. The Commission shall issue a licence, subject to the quota standards prescribed by regulation, for the term it determines to any person

- (1) who applies therefor on the form prescribed by the rules;
- (2) who, in the case of a natural person, meets the age requirements prescribed by the rules;
- (3) who successfully passed the competency examinations determined by the rules;
- (4) who has completed the studies and has the experience determined by the rules or recognized equivalents;
- (5) who, in the case of a race track licence or a racing licence, has been resident in Québec for at least twelve months or, where the person is a legal person, has its head office or principal establishment in Québec;
- (6) who establishes, in the case of a race track licence, that the race track meets the standards prescribed by the rules;
- (7) who meets the other requirements of this Act and the rules thereunder;
- (8) who furnishes the documents and information that it deems necessary for the examination of the application;
- (9) who pays the fees fixed by regulation, in the manner and at the time prescribed.

71. The term of the licence shall not exceed twelve months. Every licence shall expire on the date indicated on it.

72. A licence is untransferable.

73. Every applicant or licensee shall inform the Commission, without delay, of any change likely to affect documents or information previously filed with the Commission.

74. The Commission may, upon the issue of a licence, impose on the licensee any condition, restriction or prohibition prescribed by such rules as are indicated on the licence.

75. No person holding a racing licence may hold any race other than a horse race defined in the regulations.

76. The holder of a racing licence shall

(1) define the conditions for participation in a race, or cause them to be defined by another person determined by the rules, according to the standards and with the particulars prescribed therein, and post them in the places and at the time prescribed by the rules;

(2) submit the conditions for participation to the Commission for approval, in the cases prescribed by the rules;

(3) make available to the public, for a race with pari-mutuel, a program containing the information prescribed by the rules.

77. The Commission may refuse to grant a licence where the applicant

(1) has been convicted of or pleaded guilty to, in the last five years, an indictable offence for which he has not obtained a pardon, in relation to

(a) games and bets;

(b) Parts VI, VII, VIII or IX of the Criminal Code (R.S.C., chapter C-34), if the offence is related to the functions, occupations or business activities for which a licence is prescribed;

(c) the Narcotic Control Act (R.S.C., chapter N-1);

(d) the Food and Drugs Act (R.S.C., chapter F-27);

(2) has been convicted of or pleaded guilty to, in the last three years, an offence punishable on summary conviction for which he has not obtained a pardon, in relation to

(a) games and bets;

(b) the Narcotic Control Act;

(c) the Food and Drugs Act;

(3) has been convicted of or pleaded guilty, in the last year, an offence against this Act or the rules thereunder for which he has not obtained a pardon;

(4) failed to pay, within the time prescribed, any fine and costs imposed by the Commission, or a racing judge or paddock judge pursuant to a power delegated by the Commission;

(5) is a legal person or a partnership, and any of the circumstances described in subparagraphs 1 to 4 of the first paragraph applies to one of the persons who is required to hold a licence under section 64;

(6) fails to establish that he possesses the qualifications required to perform the functions or carry on the occupation or business activities for which the licence is sought with competence and integrity, taking into account his past conduct in the carrying on of the functions, occupations or business activities that are subject to this Act.

The Commission may also refuse to issue a licence where the public interest so requires, where it has reasonable grounds to believe that the refusal is necessary to ensure, in the public interest, that the functions, occupations or business activities that are subject to this Act are carried on with competence and integrity, or where the application for a licence has been filed for the benefit of another person to whom any of the circumstances described in this section would apply.

78. The Commission may suspend or revoke a licence and confiscate the security, if any, of a licensee

(1) in any of the circumstances described in subparagraphs 1, 2, 3 and 5 of the first paragraph of section 77;

(2) in the cases determined under subparagraph 21 of section 104;

(3) where he does not meet the requirements for the issue of the licence or fails to comply with the conditions, restrictions, prohibitions or obligations prescribed by this Act or the rules thereunder which apply to the functions, occupations or business activities performed or carried on by him;

(4) if it has reasonable grounds to believe that he does not perform the functions or carry on the occupation or business activities for which the licence was issued with competence and integrity;

(5) if it has reasonable grounds to believe that the suspension or revocation of his licence and the confiscation of the security, if any, are necessary to ensure, in the public interest, that the functions, occupations or business activities which are subject to this Act are performed or carried on with competence and integrity.

No licensee whose licence is revoked may apply for a licence prescribed by this Act or the regulations to perform or carry on any function, occupation or business activity subject to this Act before the lapse of one year.

79. The Commission shall, before refusing, suspending or revoking a licence, give the applicant or licensee, as the case may be, the opportunity to state his views.

DIVISION IV

REGISTRATION ATTESTATION

80. No person may use a device for the sale, recording or automatic compiling of pari-mutuel betting on horse racing, or another device that may be used in the exercise of rights conferred by a licence and determined by regulation, unless a registration attestation is issued therefor by the Commission.

81. The Commission shall issue a registration attestation for the term it determines to any person

- (1) who applies therefor on the form prescribed by the rules;
- (2) who meets the requirements prescribed by the rules;
- (3) who proves that the device meets the requirements prescribed by the rules;
- (4) who furnishes the documents and information it deems necessary for the examination of the application;
- (5) who pays the fees fixed by regulation, in the manner and at the time prescribed.

82. The term of the registration attestation shall not exceed twelve months. Every registration attestation shall expire on the date indicated on it.

83. A registration attestation is untransferable.

84. Every applicant and every holder of a registration attestation shall inform the Commission, without delay, of any change likely to affect previously filed documents or information.

85. The Commission may upon the issue of a registration attestation impose on the holder any condition, restriction or prohibition provided for by the rules it determines.

86. The Commission may, after giving the applicant or holder, as the case may be, the opportunity to state his views, refuse to issue, suspend or revoke a registration attestation in the case described in sections 77 and 78, adapted as required.

DIVISION V

REGISTRATION

87. The owner of a racehorse stable or of a racehorse, a driver or a jockey may register with the Commission

- (1) the distinctive colours adopted to serve as identification;
- (2) the stable name under which the horse is entered in a race;
- (3) any document or property specified in the rules.

Distinctive colours, stable names, documents or property must not have been registered under this Act by a third party.

88. The Commission shall issue a registration certificate, for the term it determines, to any person who applies therefor and pays the fee fixed by regulation, in the manner and at the time prescribed.

89. The term of a registration certificate shall not exceed twelve months. Every certificate shall expire on the date indicated on it.

90. The Commission may, after giving the applicant or licensee, as the case may be, the opportunity to state his views, refuse to issue, suspend or revoke a registration certificate where the applicant or the licensee, as the case may be, has made a false statement in the documents or information submitted with his application.

CHAPTER IV

CONTROL

DIVISION I

INSPECTION

91. Every person authorized by the Commission to act as an inspector may, for the purposes of an inspection,

(1) enter, at any reasonable time, a place where an activity subject to this Act is carried on, or where a person performs a function or carries on an occupation or business activity for which a licence is prescribed by this Act or the regulations, or a place where a device on which a registration attestation must be placed in accordance with this Act and the regulations may be found, and inspect it;

(2) examine the devices, letters, telegrams and other documents containing information relating to the activities subject to this Act, as well as the horses found in such places;

(3) take photographs of the premises, devices and other property and of the horses, and make copies of the documents;

(4) take free samples and analyze them;

(5) require any information relevant to the application of this Act and its regulatory instruments and the production of any document relating thereto;

(6) compel any person found on the premises to provide him with reasonable assistance and to accompany him on the premises.

The inspector shall, if so requested, identify himself and produce the certificate of his capacity issued by the Commission.

92. During an inspection, the inspector may

(1) order a person to perform or cease to perform any act if he has reasonable grounds to believe that such an omission or act constitutes a rule violation which has or is likely to have a detrimental effect on the health and safety of persons or horses;

(2) seize any device, record, book, document or other property subject to this Act or its regulatory instruments if he has reasonable grounds to believe that an offence against this Act or its regulatory instruments has been committed or that a rule violation has occurred, and that the thing seized may serve as evidence.

93. The inspector shall draw up minutes of the seizure which shall set out

(1) the date, time and place of the seizure;

(2) the circumstances and reasons of the seizure;

(3) a summary description of the thing seized;

- (4) the name of the person from whom the thing has been seized ;
- (5) any information on the basis of which the owner or person who had possession of the thing seized may be identified ;
- (6) the identity and capacity of the seizer.

94. A copy of the minutes and, where samples are taken, a sealed sample shall be remitted to the person from whom the thing was seized.

95. As soon as possible, the inspector shall report to the Commission on every order given by him and on every seizure effected by him.

96. The thing seized must be deposited at the head office of the Commission or at another place designated by it.

In the case of an amount of money, the Commission must deposit it in a trust account.

97. The Commission must, upon request, allow the examination of the thing seized by its owner or by the person who had possession of it at the time of seizure.

98. The thing seized shall be returned to the owner or person who had possession of it in the following cases :

(1) ninety days have elapsed from the date of the seizure and no proceedings have been instituted before a justice of the peace, and no complaint has been filed with the Commission ;

(2) the person authorized to make an inquiry is of opinion, after verification within that period, that no offence against this Act or its regulatory instruments has been committed and no rule violation has occurred, or that the owner or person who had possession of the thing seized has, since the seizure, complied with this Act and its regulatory instruments.

A justice of the peace may, on the application of the seizer, order that the period of detention be prolonged for a maximum of ninety days.

99. The owner or person who had possession of the thing seized may, at any time, apply to a justice of the peace or to the Commission to obtain the release of the thing, subject to the grounds of the seizure.

The application shall be served on the seizer or, if proceedings have been instituted or a complaint has been filed, on the plaintiff or complainant, as the case may be.

The justice of the peace shall grant the application if he is satisfied that the applicant will suffer serious or irreparable damage if detention of the thing seized is maintained and its release will not hinder the course of justice.

100. When imposing a penalty, the justice of the peace may order the confiscation of the thing seized.

The thing seized shall be confiscated ninety days after the date of the seizure if the lawful owner or possessor is unknown or cannot be found.

Notwithstanding the foregoing, no book, record, account, voucher or other document may be confiscated.

101. Except for sums of money, the Commission shall dispose, by public sale or destruction, of the things that have been confiscated and of the things which, while not confiscated, have not been claimed within sixty days of the date on which the matter was decided.

Sums of money and proceeds of sales shall be deposited into the consolidated revenue fund.

DIVISION II

INQUIRIES

102. The Commission or any person it designates as an investigator may inquire into any matter subject to this Act or its regulatory instruments.

Every investigator shall, on request, identify himself and produce the certificate of his capacity issued by the Commission.

103. The Commission may, in a written request, require a licensee to file, within such reasonable time as it may fix, by registered or certified mail, information, records, books or other documents to which this Act or its rules apply.

CHAPTER V

REGULATIONS

104. The Commission may, in addition to the rules made under sections 26 and 45, make rules to

(1) determine the rule violations for which it may withdraw or disqualify a horse from a race, set it back in the order of finish or refuse its entry in a race, or invalidate an offer to purchase a horse having taken part in a race;

(2) prescribe the standards for the holding and conduct of an activity subject to this Act with which a person who organizes or takes part in such activities is required to comply; such standards may include provisions on

(a) the organization, management and performance of the activity;

(b) the conduct and code of ethics;

(c) the protection and safety of persons and horses on the premises;

(d) the advertising relating to the activity and to the functions, occupations and business activities for which a licence is required under this Act and the regulations;

(e) the layout, equipment, operation and cleanliness of the premises;

(f) the number, frequency, classes and sub-classes of horse race that may be held;

(g) the classes of race tracks;

(h) the standards for access to the premises;

(i) the equipment required of persons who organize or take part in such activity, as well as the horses' equipment;

(j) the purses offered at a horse race and the awarding standards;

(k) health control measures for participants and horses, including the taking of samples to test for alcohol, drug or stimulant;

(l) the training of participants;

(3) determine the rights and obligations of persons performing a function or carrying on an occupation or business activity subject to this Act;

(4) determine the cases where a rule violation may entail a review under subparagraph 2 of the first paragraph of section 53;

(5) determine the grounds justifying the review of a decision of a racing judge which entails the disqualification or setting back of a horse in the order of finish;

(6) determine the nature of an administrative measure imposed by a racing judge or paddock judge for which any interested person may apply for a review;

(7) determine the circumstances and the licences and classes thereof for which liability insurance or a security is required, the form of security and the procedure for its confiscation;

(8) determine the licences and classes thereof for which a medical or optometric certificate or examination is required and the nature of such certificate or examination;

(9) determine the conditions with which a person applying for a licence or a registration attestation is required to comply, and the minimum age required to obtain a licence;

(10) determine the competency examinations a person applying for a licence is required to pass, the subjects of those examinations, the passing mark, and the period during which a person is barred from taking again a competency examination it has failed;

(11) determine the experience and studies required of a person applying for a licence, and the equivalency standards applicable;

(12) prescribe the standards a race track must satisfy for the purposes of the issue of a race track licence;

(13) determine the obligations that the Commission may impose on the holder of a licence or registration attestation upon the issue of such licence or attestation;

(14) determine the standards according to which the conditions governing participation in a horse race are to be established, the particulars that must be included, the persons who may establish those conditions, the places where and time when they must be posted, and the cases where they must be approved by the Commission;

(15) prescribe the information that must be included in a program;

(16) determine the specifications that must be met by a device for the issue of a registration attestation;

(17) determine the documents and property that may be registered by the owner of a racing stable or racehorse, the driver or the jockey;

(18) determine the information that must appear in the report submitted by the holder of a registration certificate, and the period when that report must be filed;

(19) prescribe the forms to be used for the purposes of this Act and the rules thereunder;

(20) determine the costs of any procedure brought before it, a racing judge or a paddock judge;

(21) determine, among the provisions of its rules those the violation of which entails an administrative measure, and determine the nature of such measures;

(22) determine the classes of activities or persons that may be exempt, in whole or in part, from any duty or obligation imposed by a rule.

The Commission may establish different rules, for the purposes of subparagraphs 2 and 3, according to the functions, occupations or business activities; for the purposes of subparagraphs 2, 3 and 12, according to the classes of race tracks; for the purposes of subparagraphs 2, 3, 14 and 15, according to the classes or sub-classes of races and horses; for the purposes of subparagraphs 3, 9, 10, 11 and 13, according to classes or sub-classes of licences; and for the purposes of subparagraph 9, according to whether it is a licence or a certificate.

105. The Government may, by regulation,

(1) prescribe the classes and sub-classes of licences required for the performance of a function or the carrying on of an occupation related to horse racing or racehorse breeding and training, or an activity related to a business operated on the premises;

(2) determine the persons who are required to hold a licence where a function, an occupation or a business activity is performed or carried on by a legal person or a partnership;

(3) delimit regions and prescribe quota standards governing the issue of licences under this Act or its rules for each region;

(4) determine the fee payable by a person applying for a licence, a certificate or an attestation, the mode and the time of payment, and the fee exigible to obtain a duplicate of such documents. The amount of the fee may vary according to the classes of licences or certificates;

(5) determine the forms of horse racing that may be held;

(6) determine what devices cannot be used in exercising rights conferred by a licence unless a registration attestation is issued in respect of the device by the Commission;

(7) determine, among the provisions of the rules established by the Commission, those the violation of which constitutes an offence;

(8) determine the classes of activities or persons that may be exempt, in whole or in part, from the duties and obligations imposed under this Act or the regulations.

CHAPTER VI

PENAL PROVISIONS

106. Every person who hinders the Commission, an inspector or an investigator in the performance of their duties, misleads them through concealment or false declarations, refuses to provide them with any information, document or other object they are entitled to require or examine, conceals or destroys any document or other object necessary in the course of an inspection or investigation, refuses to provide reasonable assistance or to accompany an inspector or investigator is liable, in addition to costs, to a fine of not less than \$100 nor more than \$1 000.

107. Every person who furnishes to the Commission information or documents relating to an application for a licence or certificate which he knows are incomplete, false or misleading is liable, in addition to costs, to a fine of not less than \$100 nor more than \$2 000.

108. Every person having in his possession, on a race track, an injectable substance or a device that can be used to inject or administer such substance to a racehorse is liable, in addition to costs, to a fine of not less than \$100 nor more than \$3 000.

The first paragraph does not apply to a person authorized for that purpose by the Commission or to a veterinarian.

109. Every person who contravenes a provision of any of sections 57 to 62, 75 and 80 or a provision of a rule the violation of which constitutes an offence pursuant to the regulation made under section 105 is liable for each day during which the offence continues, in addition to costs, to a fine of not less than \$500 nor more than \$3 000 in the case of a natural person and of not less than \$1 000 nor more than \$6 000 in the case of a legal person.

110. A director or partner who contravenes section 64 is liable for each day during which the offence continues, in addition to costs, to a fine of not less than \$500 nor more than \$3 000.

111. In the event of a subsequent offence within two years after a conviction for an offence against the same provision, the offender is liable, in addition to costs, to a fine equal to twice the amount prescribed in that provision.

112. Proceedings shall be brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

They shall be brought by the Commission or by any person specially or generally authorized by it for that purpose.

113. Fines prescribed under this Act are paid into the consolidated revenue fund.

114. Every person who, by his consent, encouragement, advice or order, causes another person to commit an offence is guilty of the offence as if he had committed it himself and of any other offence committed by the other person as a consequence of the consent, encouragement, advice or order if he knew or should have known that his consent, encouragement, advice or order would likely result in the commission of the offences.

115. Every person who, by his act or omission, assists a person in committing an offence is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would likely result in assisting the person in committing the offence.

CHAPTER VII

AMENDING PROVISIONS

LICENSES ACT

116. Section 50 of the Licenses Act (R.S.Q., chapter L-3) is repealed.

ACT RESPECTING LOTTERIES, RACING, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

117. Section 1 of the Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended

(1) by replacing subparagraph c of the first paragraph by the following subparagraph:

“(c) “racing” means any form of racing, other than horse racing, that may be prescribed by regulation of the Government;”;

(2) by striking out subparagraph *e* of the first paragraph;

(3) by adding, after the word “skill” in the third line of the second paragraph, the words “and the word “animals” does not include horses”.

118. Section 20 of the said Act is amended

(1) by striking out the words “and racehorse training or breeding farms” in the first and second lines of subparagraph *a* of the first paragraph;

(2) by striking out the words “race-horse breeding and training,” in the second and third lines of the second paragraph.

119. Section 23 of the said Act is amended by replacing the words “the judges contemplated in sections 24, 24.1 and 25” in the second and third lines of paragraph *a* by the words “a judge referred to in section 24”.

120. Sections 24.1 and 25 of the said Act are repealed.

121. Section 26 of the said Act is amended by striking out the words “or a paddock judge” in the first line.

122. Section 27 of the said Act is amended by replacing the words “, the racing judges and the paddock judges” in the first line by the words “and the racing judges”.

123. Section 28 of the said Act is amended by replacing the words “, a racing judge or a paddock judge” in the first line by the words “or a racing judge”.

124. Section 29 of the said Act is amended by striking out the words “or a paddock judge” in the second line.

125. Section 31 of the said Act is amended by striking out the words “or a paddock judge” in the second line of the second paragraph.

126. Section 33 of the said Act is amended by replacing the word and figure “to 25” in the second line by the word and figure “and 24”.

127. Section 34 of the said Act is amended by striking out the words “or of the breeding or training of racehorses,” in the first and second lines of the first paragraph.

128. Section 53 of the said Act is amended by striking out the words “device for the sale, recording or automatic compiling of *paris mutuels* or another” in the first and second lines.

129. Section 56 of the said Act is amended by striking out the words “, jockeys or stables or teams” in the second line.

ACT RESPECTING THE MINISTÈRE DE
L'AGRICULTURE, DES PÊCHERIES ET DE
L'ALIMENTATION

130. Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by adding, after subparagraph 7 of the first paragraph, the following subparagraph:

“(8) he shall be responsible for promoting and providing assistance to the horse breeding industry.”

ACT RESPECTING THE SOCIÉTÉ DES
LOTÉRIES ET COURSES DU QUÉBEC

131. Section 16 of the Act respecting the Société des loteries et courses du Québec (R.S.Q., chapter S-13.1) is amended by striking out the words “and to promote the race-horse breeding industry in Québec” in the third and fourth lines of the first paragraph.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

132. This Act is binding on the Government and its departments and agencies.

133. Licences issued for horse racing under the Act respecting lotteries, racing, publicity contests and amusement machines remain in force until the date on which they would have expired under the said Act and the holders of such licences may, until that date, carry on the activities authorized by their licences, subject to the provisions of this Act or of statutory instruments, without being required to hold, for the carrying on of such activities, a licence issued under this Act.

134. Every provision of a rule made under section 20 of the Act respecting lotteries, racing, publicity contests and amusement machines is, to the extent that it is consistent with this Act, a provision of a rule made under section 104 and remains in force until it is replaced or repealed.

135. Every provision of a regulation made under section 119 of the Act respecting lotteries, racing, publicity contests and amusement machines is, to the extent that it is consistent with this Act, a provision of a regulation made under section 105 and remains in force until it is replaced or repealed.

136. The personnel of the horse racing division of the Régie des loteries et courses du Québec and the personnel of SODIC QUÉBEC INC. become, without any other formality, the personnel of the Commission des courses de chevaux du Québec.

137. Cases concerning horse racing matters the hearing of which has begun before (*insert here the day preceding that of the coming into force of this Act*) before the Régie des loteries et courses du Québec, a racing judge or a paddock judge to whom the board has delegated its powers are continued before the board or the judge, as the case may be, in accordance with the provisions of the Act respecting lotteries, racing, publicity contests and amusement machines as they read before being amended by this Act.

Decisions of racing judges or paddock judges rendered under the first paragraph may be appealed from and shall be decided in accordance with the provisions of the Act respecting lotteries, racing, publicity contests and amusement machines as they read before being amended by this Act.

138. The Commission acquires the rights of SODIC QUÉBEC INC. and assumes the obligations thereof with respect to activities to promote the horse racing industry and racehorse training.

Subsidies granted by SODIC QUÉBEC INC. are deemed to have been granted by the Commission des courses de chevaux du Québec.

139. The records and documents of the Régie des loteries et courses du Québec which relate to horse racing and those of SODIC QUÉBEC INC. which relate to the promotion of the horse racing industry and racehorse training become the records and documents of the Commission des courses de chevaux du Québec.

140. The Minister of Agriculture, Fisheries and Food acquires the rights of SODIC QUÉBEC INC. and assumes the obligations thereof with regard to activities to promote the racehorse breeding industry in Québec.

141. Proceedings to which the Régie des loteries et courses du Québec or a racing judge or paddock judge to whom it has delegated

its powers is a party in matters pertaining to horse racing, and proceedings to which SODIC QUÉBEC INC. is a party with respect to the promotion of the horse racing industry and racehorse training or the promotion of the racehorse breeding industry in Québec are continued, respectively, without continuance of suit, by the Commission des courses de chevaux du Québec and the Minister of Agriculture, Fisheries and Food.

142. The sums placed at the disposal of the Régie des loteries et courses du Québec with regard to horse racing are, to the extent determined by the Government, transferred to the Commission des courses de chevaux du Québec.

143. The fees and other charges payable under this Act are paid into the consolidated revenue fund.

[[**144.** The sums required for the administration of this Act for the fiscal year 1987-88 are, to the extent determined by the Government, taken out of the consolidated revenue fund.]]

145. The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

146. This Act comes into force on the date fixed by the Government.

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