



**Atlantic Provinces Harness Racing  
Commission**

**Rules of Standardbred Harness  
Racing  
(Revised 2020)**

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Commission

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**Provinces of Prince Edward Island, Nova Scotia, New Brunswick and Newfoundland and Labrador Regulations made pursuant to the Atlantic Provinces Harness Racing Commission Act.**

**The Commission may:**

- **govern, regulate and supervise harness racing in all of its forms relevant and related to pari-mutuel betting;**
- **govern and regulate inter-track betting, separate-pool betting, foreign-race inter-track betting and foreign-race separate-pool betting in accordance with the Pari-Mutuel Betting Supervision Regulations made pursuant to the Criminal Code (Canada);**
- **govern and regulate the operation of betting theatres authorized by the Governor in Council in accordance with the Pari-Mutuel Betting Supervision Regulations made pursuant to the Criminal Code (Canada);**
- **govern, regulate and supervise the operation of race tracks;**
- **recommend home-market areas to the Canadian Pari-Mutuel Agency for the**

**purpose of telephone-account betting and theatre betting in accordance with the Pari-Mutuel Betting Supervision Regulations made pursuant to the Criminal Code (Canada);**

- **establish uniform rules for the conduct of harness racing;**
- **license track operators and impose such terms and conditions on a licence as the Commission considers appropriate;**
- **licence betting theatres in accordance with the Pari-Mutuel Betting Supervision Regulations made pursuant to the Criminal Code (Canada) and impose such terms and conditions on a licence as the Commission considers appropriate;**
- **licence owners, trainers, drivers, grooms and such other persons in or about race tracks and impose such terms and conditions on a licence as the Commission considers appropriate;**
- **on written application to the Commission by the person affected, revoke, suspend or vary a term or condition imposed on a licence by the Commission;**

- **fix and collect fees or other charges for licences and prescribe the form of licences and the conditions under which licences may be issued;**
- **refuse the granting of any licence;**
- **make, adopt or incorporate by reference rules for the conduct of harness racing;**
- **fix, impose and collect fines, not exceeding five thousand dollars, and other penalties for the violation**
  - **of any term or condition imposed by the Commission,**
  - **of any rule made, adopted or incorporated by reference by the Commission, and**
  - **of an order of the Commission, or of a harness-racing judge or Board to which the Commission has delegated powers pursuant to this Act;**
- **recruit, train, evaluate, license and employ harness-racing judges and such other officials and staff as the Commission considers appropriate to attend at harness-racing meets on behalf of the Commission;**

- **approve the appointment of race-track officials and employees whose duties relate to the actual running of harness races;**
- **require licensed track operators to keep books of account in a manner satisfactory to the Commission;**
- **inspect at any reasonable time books of account referred to in clause (m);**
- **investigate any action by a person licensed or required to be licensed by the Commission that allegedly constitutes conduct detrimental to harness racing and, for that purpose, engage the services of a licensed private investigator;**
- **hold hearings relating to the carrying out of the powers of the Commission;**
- **without limiting the generality of the power to hold hearings pursuant to clause (p), hold a hearing in respect of a person who is licensed or required to be licensed by the Commission or who participates in harness racing at any track when**
  - **a written and signed complaint is made to the Commission concerning any action of the person that may indicate**

**conduct detrimental to harness racing,  
or**

- the Commission has reasonable and probable grounds to believe that the person has engaged in conduct detrimental to harness racing;**
- at the conclusion of a hearing, suspend or revoke any licence;**
- on written application to the Commission by the person affected, reinstate a licence that has been suspended or revoked and impose such terms and conditions on the reinstated licence as the Commission considers appropriate;**
- when it delegates to a harness-racing judge or to the Board the power to hold a hearing, delegate to the judge or the Board any of its powers and duties in relation to hearings;**
- intervene as a facilitator or mediator for the purpose of convening parties to attempt to bring resolution to matters in dispute where it deems it necessary for the governance, regulation and integrity of harness racing and delegate this power to any person;**

- **make by-laws for the conduct of the business of the Commission and for the control and direction of the work of the Commission, including for the conduct of hearings;**
- **do such other things relating to harness racing or to the operation of race tracks as are authorized or directed by the Governor in Council. 1994, c. 40, s. 3; 2002, c. 35, s. 3.**

**A complete copy of the Provincial Acts can be obtained at:**

**Province of Prince Edward Island**

**[http://www.gov.pe.ca/law/statutes/pdf/m-01\\_3.pdf?](http://www.gov.pe.ca/law/statutes/pdf/m-01_3.pdf)**

**Province of New Brunswick**

**<http://www.gnb.ca/acts/acts/m-01-3.htm>**

**Province of Nova Scotia**

**[www.gov.ns.ca/legi/legc/statutes/marprhar.htm](http://www.gov.ns.ca/legi/legc/statutes/marprhar.htm)**

**Amendment**

**[www.gov.ns.ca/legi/legc/bills/58th\\_2nd/3rd\\_read/b083.htm](http://www.gov.ns.ca/legi/legc/bills/58th_2nd/3rd_read/b083.htm)**

**Province of Newfoundland and Labrador**

**<http://assembly.nl.ca/Legislation/sr/statutes/a19-1.htm>**

## Table of Contents

### PART 1

MANDATE AND PRELIMINARY ----- 15

### PART 2

DEFINITIONS ----- 19

### PART 3

COMMISSION ADMINISTRATION ---- 41

### PART 4

LICENCING ----- 46

4.1 GENERAL ----- 46

4.2 TRACK FACILITY ----- 46

4.2.1 RACE MEETING

LICENCE -----46

4.2.2 FILING REQUIREMENTS --- 49

4.2.3 PROCEDURE FOR

APPROVAL -----53

4.2.4 TRACK RULES -----56

4.2.5 INTER TRACK &

BETTING THEATRES ----- 57

4.3 OFFICIALS ----- 62

4.3.1 STANDARDS AND

REQUIREMENTS----- 62

4.3.2 RACING OFFICIALS &

DUTIES ----- 62

4.3.3 JUDGES ----- 67

4.3.4 RACE SECRETARY ----- 70

4.3.5 STARTER ----- 71

4.3.6 PADDOCK JUDGE ----- 74

4.3.7	OFFICIAL TIMER -----	76
4.3.8	PATROL JUDGE -----	77
4.3.9	CHART MAKER -----	78
4.3.10	COMMISSION VETERINARIAN -----	78
4.3.11	FIELD REPRESENTATIVE -----	79
4.3.12	ADDITIONAL OFFICIAL POSITIONS ---	82
4.3.13	PADDOCK BLACKSMITH OR FARRIER -----	82
4.3.14	DECLARATION OF RACING OFFICIALS -----	82
4.3.15	OFFICIALS' FINES AND SUSPENSIONS -----	83
4.4	OWNER -----	83
4.4.1	LICENCE -----	83
4.5	TRAINER -----	84
4.5.1	LICENCE -----	84
4.6	GROOM -----	90
4.6.1	LICENCE -----	90
4.7	DRIVER -----	91
4.7.1	GENERAL -----	91
4.7.2	LICENCE AND DRIVER UPGRADE -----	92
4.8	RACING FARM, CORPORATE OR STABLE NAME -----	109
4.9	REFUSAL & REVOCATION LICENCE AND GENERAL SANCTIONS RELATED -----	113
4.10	INSURANCE COVERAGE -----	116

**PART 5**

**HARNESSES RACES ----- 117**

**5.1 PARTICIPANTS ----- 117**

**5.1.1 OWNERS, LESSEES  
          AND STABLES -----117**

**5.1.2 TRAINERS AND  
          GROOMS -----117**

**5.1.3 DRIVERS ----- 123**

**5.1.4 PARI-MUTUEL  
          BETTING  
          PROHIBITED ----- 127**

**5.1.5 PHYSICAL  
          EXAMINATION ----- 128**

**5.2 ELIGIBILITY TO RACE ----- 128**

**5.3 QUALIFYING RACES ----- 133**

**5.4 CONDITIONS AND STAKE  
      CONDITIONS ----- 144**

**5.5 DECLARATION AND  
      DRAWING OF POST  
      POSITIONS ----- 148**

**5.6 TYPES OF RACES  
      PERMITTED -----165**

**5.6.1 OVERNIGHT EVENTS -- 166**

**5.6.2 CLAIMING RACES -----169**

**5.6.3 ADDED MONEY  
          EVENTS ----- 183**

**5.7 WARMING HORSES UP ----- 197**

**5.8 REPORTING TO PADDOCK -- 197**

**5.9 STARTING THE RACE ----- 198**

**5.10 RACE FINISH ----- 203**

**5.11 NO CONTEST----- 204**

<b>5.12</b>	<b>TIME, TIMING THE RACE AND RECORDS -----</b>	<b>206</b>
<b>5.13</b>	<b>CHARTING THE RACE -----</b>	<b>208</b>
<b>5.14</b>	<b>PLACING AND MONEY DISTRIBUTION -----</b>	<b>210</b>
<b>5.15</b>	<b>ACCESS TO GROUNDS, PADDOCK AND OTHER FACILITIES -----</b>	<b>216</b>
<b>5.16</b>	<b>CANCELLATION OF RACE CARDS-----</b>	<b>218</b>

**PART 6**

**RACING, CONDUCT AND**

	<b>PENALTIES -----</b>	<b>221</b>
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<b>6.1</b>	<b>JUDGES' LIST-----</b>	<b>221</b>
<b>6.2</b>	<b>RACING RULES -----</b>	<b>225</b>
<b>6.3</b>	<b>DEVICES AND URGING TOOL</b>	<b>233</b>
<b>6.4</b>	<b>RACING VIOLATIONS -----</b>	<b>242</b>
<b>6.5</b>	<b>PYLONS -----</b>	<b>251</b>
<b>6.6</b>	<b>BROKEN EQUIPMENT-Recall -</b>	<b>253</b>
<b>6.7</b>	<b>EQUIPMENT -----</b>	<b>254</b>
<b>6.8</b>	<b>CONDUCT -----</b>	<b>258</b>
<b>6.8.1</b>	<b>GENERAL -----</b>	<b>258</b>
<b>6.8.2</b>	<b>ALCOHOL SCREENING AND DRUG CONTROL – HUMAN -----</b>	<b>263</b>
<b>6.8.3</b>	<b>EQUINE MEDICATION CONTROL -----</b>	<b>289</b>
<b>6.8.4</b>	<b>BLOOD GAS ANALYSIS (TCO2) -----</b>	<b>299</b>

6.8.5	COMMISSION REVIEW -----	303
6.8.6	NEEDLES, SYRINGES AND SEARCHES -----	303
6.9	PENALTIES -----	305
6.9.1	TYPE "P" OFFENCE-----	305
6.9.2	TYPE "IP" OFFENCE ----	306
6.9.3	FINES AND SUSPENSIONS-----	306

## **PART 7**

### **PROTESTS, JUDGES' HEARINGS, APPEALS, COMPLAINTS AND**

	INVESTIGATIONS -----	313
7.1	PROTESTS -----	313
7.2	JUDGES' HEARINGS -----	315
7.3	APPEALS -----	317
7.4	COMPLAINTS -----	325
7.5	INVESTIGATIONS -----	326

## **PART 8**

### **SUNDRY AND MISCELLANEOUS ---**

8.1	OUT OF COMPETITION TESTING -----	329
8.2	EPO TESTING -----	330
8.3	EQUINE POST MORTEM -----	333
8.4	LICENSING OF VETERINARIANS .....	339

<b>8.5</b>	<b>STANDARD BRED EXERCISE INDUCED PULMONARY HEMORRHAGE (EIPH) PROGRAM -----</b>	<b>352</b>
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## **PART 1 MANDATE AND PRELIMINARY**

- Rule 1. The following rules have been enacted and declared to be the official Rules of the Atlantic Provinces Harness Racing Commission (to be referred to hereinafter as the Commission) and these rules shall apply to all standardbred track facilities and participants in New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador.
- Rule 2. Standardbred racing shall be conducted in accordance with the rules, directives, conditions of licences granted by the Commission, track rules approved by the Commission, and any other applicable laws and regulations.
- Rule 3. Should any provisions of these rules or any Commission directive conflict with any track rules, the appropriate Commission rule or directive shall govern.

- Rule 4. Ignorance of the rules will not be accepted as an excuse for their violation.
- Rule 5. Directives of the Commission shall have all the force and effect of the rules.
- Rule 6. Every person participating in and every patron of a meeting shall abide by these rules and accept the decisions of the judges, subject to rights of appeal.
- Rule 7. No track facility shall conduct a race meeting unless the Commission has granted formal approval of the meeting.
- Rule 8. If any case occurs which is not or which is alleged not to be provided for by these rules, it shall be determined by the Judges or the Commission as the case may be, in such manner as they think is in the best interests of racing.
- Rule. 9. The past performance statistics compiled by the Commission and Standardbred Canada shall be deemed to be the official statistics for the purpose of producing race

programs for the use of the standardbred industry and the general public.

- Rule 10. The records of fines, penalties, drivers' statistics and infraction records, race results, purse winnings for horses and participants, and past performance and other statistics compiled by the Commission and Standardbred Canada shall be deemed to be the official records and statistics for use by the standardbred breeding and racing industry for the support of standardbred racing and breeding.
- Rule 11. The Commission has authority, as it may deem proper, to make and, if necessary, to vary all arrangements for the conduct of a race meeting.
- Rule 12. In the articulation of these Rules, the Commission is stating its position on given subjects. Any reference in these Rules to the phrase "as may be determined by the appropriate jurisdictional reference via decision of the Commission" means that the Commission may refer to and utilize the most appropriate guiding

principle utilized by Standardbred  
Canada.

- Rule 13. If necessary, any matter not covered by the enabling statutes creating the Commission, or by these rules, shall be referred to the Commission for disposition.

## PART 2 DEFINITIONS

Rule 14. In these Rules:

- (1) "Act" means the Atlantic Provinces Harness Racing Commission Act.
- (2) "Added Money Event" means stakes, futurities, early closing events and late closing events.
- (3) "Age" of a horse shall be reckoned from the first day of January of the year of foaling.
- (4) "Alcohol" means the intoxicating agent in Beverage Alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl.
- (5) "Atlantic Bred" is the progeny of a registered stallion standing in NB, NS, PEI or NL for the industry accepted breeding season and foaled from a mare, oblique/filly owned or leased and

maintained in NB, NS, PEI or NL.

- (6) "Atlantic Foaled" means born in NB, NS, PEI, or NL.
- (7) "Authorized Agent" anyone who has been authorized by a member to accept responsibility and make decisions binding upon the member and has been designated as such in writing by the member.
- (8) "BAC" means Blood Alcohol Concentration. It is the grams of alcohol in 100 milliliters of blood when referenced as .02 to .039 BAC and the equivalent of 20 to 39 milligrams of alcohol in 100 milliliters of blood.
- (9) "Betting Theatre" means the physical premises, structure, and equipment used by an off-track betting location or off-track betting location licensee for the conduct of off-track betting. The betting theatre facility shall include, but not

be limited to, the following: television display units, a display system for racing performance, odds, and payout prices; areas for viewing and seating, a food and beverage facility; and any other conveniences regularly provided at racetracks under the jurisdiction of the Commission.

- (10) "Beverage Alcohol" means beer, wine and distilled spirits.
- (11) "Breeder" means the registered owner or lessee, subject to the terms of a lease agreement, of the dam at the time she conceived.
- (12) "Canadian Owned" is a horse 100% owned by a Canadian resident(s)
- (13) "Canadian Resident" means any person who maintains his/her permanent residence in Canada for at least 183 days in any given year.

- (14) "Chief Test Inspector" means the official approved pursuant to the Pari- Mutuel Betting Supervision Regulations of the Criminal Code and who is directly responsible to the Canadian Pari-Mutuel Agency and to the judges for the taking of official samples from the horses and for the handling and shipping of such samples.
- (15) "Claiming Race" means a race in which any horse drawn therein may be claimed for a designated amount in conformance with the rules.
- (16) "Classified Race" means a race to which declarations are selected on the basis of ability or performance.
- (17) "Colt/Gelding/Ridgling" is a male horse under the age of four (4) years old.
- (18) "Conditioned Race" means an overnight event to which eligibility is determined

according to specified qualifications.

- (19) "Commission" means the Atlantic Provinces Harness Racing Commission.
- (20) "Commission Veterinarian" means a graduate in veterinary medicine from a university of recognized standing, licensed to practice in New Brunswick, Nova Scotia, Prince Edward Island or Newfoundland and Labrador and whom the Commission appoints.
- (21) "Coupled Entry" means two or more entries in a contest (race) that are treated as a single betting interest for pari-mutuel betting purposes.
- (22) "Dash" means a race decided in a single trial.
- (23) "Day", in reference to a suspension, means 24 hours ending at midnight.
- (24) "Days and Days Clear": Days means where a number of

days not expressed to be clear days is prescribed, they shall be reckoned exclusively of the first day and inclusively of the last day. Clear Days means where a number of days are expressed to be clear days, they shall be reckoned exclusively of the first day and exclusively of the last day.

- (25) "Dead Heat" is the finish of a race in which the noses of two or more horses reach the finish line at the same time.
- (26) "Declaration" means the naming of a particular horse to a particular race as a starter.
- (27) "Detention Barn" means a stabling area isolated and under direct supervision for a given period of time prior to racing.
- (28) "Director" means the Chief Administrative Officer of the Atlantic Provinces Harness Racing Commission.

- (29) "Distanced" in a race means finishing more than twenty-five (25) lengths behind the winning horse.
- (30) "Early Closing Event" means a race to which nominations close at least six weeks preceding the date of the race. All monies offered for the race by a track or sponsor shall be in addition to all nomination, sustaining and starting payments to determine the purse. All payments are forfeits.
- (31) "Elimination Heats" means heats of a race split according to the rules to qualify the horses for a final heat.
- (32) "Entry" means two or more horses in the same race, which are coupled as a common interest for racing of pari-mutuel betting purposes.
- (33) "Extended Meeting" means a race meeting of at least ten days in any consecutive 12-

month period with pari-mutuel wagering.

- (34) "Feature Wagering" means wagering as approved by the Commission and as deemed pursuant to the Pari-Mutuel Betting Supervision Regulations of the Criminal Code.
- (35) "Filly" is a female horse younger than four (4) years old
- (36) "Futurity" means a stake event in which the competing horse was nominated when its dam was in foal or during its year of foaling.
- (37) "Gelding/Colt/Ridgling" is a male horse under the age of four (4) years old.
- (38) "Gelding/Horse" is a male horse four (4) years and older.
- (39) "Gelding/Stallion/Ridgling" is a male horse four (4) years and older.

- (40) "Handicap" means a race in which performance, claiming price, sex or distance allowance is made. The race secretary may assign post positions for a handicap.
- (41) "Heat" means a single trial of a race to be decided by a series of heats.
- (42) "Horse/Gelding" is a male horse four (4) years and older.
- (43) "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.
- (44) "Impairing Prescription Medication" means a substance, other than Marijuana, that may be legally prescribed by a health care professional in Canada and that has the potential to impair the physical or cognitive abilities of the person using the substance, regardless of whether the substance is or is

not used as prescribed.

- (45) "Inter-track Betting" means pari-mutuel betting at one or more satellite tracks or in one or more places in one or more foreign countries on a race that is held at a host track, where the money bet on each pool at each satellite track or place is combined with the money bet on the corresponding pool at the host track to form one pool from which the pay-out price is calculated and distributed.
- (46) "Judge" means a person licensed by the Commission to carry out all of the duties and responsibilities specified by the rules and the Commission.
- (47) "Judges List" is a current list of horses that are refused declaration, and includes the Veterinarians' List.
- (48) "Late Closing Event" means a race to which nominations close less than six weeks, and more than five days before the

date on which the race is to be contested. All monies offered to the race by a track or sponsor shall be in addition to all nomination, sustaining and starting payments to determine the purse. All payments, once made, are forfeits.

- (49) "Length of Race and Number of Heats" means races or dashes shall be given at a stated distance in units not shorter than a sixteenth of a mile. The length of a race and the number of heats shall be stated in the conditions.
- (50) "Maiden" means a horse that has never won a heat or race at the gait at which it is entered to start, and for which a purse is offered. Races or purse money awarded to a horse after the "official sign" has been posted shall not be considered winning performance or affect the status of a maiden unless the horse is placed first as the result of a positive test or disqualification of the winner

of the race. Should a Maiden finish first in a race for which a purse is offered and is subsequently disqualified it shall not lose its maiden classification.

- (51) "Mare" is a female horse four (4) years and older.
- (52) "Marijuana" means all parts of the Cannabis plant, its derivatives and compounds that contain the psychoactive cannabinoid chemical "delta-9-tetrahydro-cannabinol" (THC).
- (53) "Masculine, Feminine" means words in the masculine shall also include the feminine and words in the feminine shall also include the masculine.
- (54) "Match Race" means a race, which has been arranged, and the conditions thereof agreed upon between contestants.
- (55) "Matinee Race" means a race where a horse's performance

shall not be considered an official start

- (56) "Nerved Horse" means a horse on which a posterior digital neurectomy has been performed.
- (57) "Nomination" means the naming of a horse (or in the event of a futurity the naming of a foal in utero), to a certain race or series of races, for a fee.
- (58) "Official Chemist" means a graduate in chemistry from a university of recognized standing approved pursuant to the Pari-Mutuel Betting Supervision Regulations of the Criminal Code.
- (59) "Official Sample" means a sample of blood, saliva, urine or other bodily substance that has, in accordance with the Pari-Mutuel Betting Supervision Regulations of the Criminal Code, been obtained from the horse, sealed and identified.

- (60) "Overnight Event" means a race for which declarations close not more than five clear days before the date on which it will be contested, excluding statutory holidays.
- (61) "Owner" means the full owner, part owner, lessor or lessee of a registered standardbred horse who is recorded as such in the Standardbred Canada or the United States Trotting Association registry.
- (62) "Participant" means any person, partnership, limited partnership, estate, registered farm and stable names, corporation or other legal entity participating directly in standardbred horse racing and who, under the rules, is required to be licensed by the Commission.
- (63) "Person(s)" include a corporation and their heirs, executors, administrators or other legal representatives of a person, and for the purpose of

these rules, shall also include a racing association.

- (64) "Post Position" means the position assigned or drawn for a horse for the start of a race.
- (65) "Post Time" means the time set for the arrival at the starting point of the horses in a race.
- (66) "Prohibited Substance" means any substance which the APHRC has declared prohibited and includes Marijuana.
- (67) "Qualifying Race" means a race in which a horse or driver must establish its or his/her ability to participate at a race meeting consistent with the qualifying standards established for both.
- (68) "Race" means a contest of speed among registered standardbred horses racing at a trotting or pacing gait and conducted in accordance with these rules.

- (69) "Race Meeting" is the specified period and dates each year during which a track facility is authorized to conduct racing cards and pari-mutuel wagering by approval of the Commission.
- (70) "Racing Card" means a number of races scheduled to be run consecutively during a specified period on any one day at a track facility.
- (71) "Racehorse" means a horse registered with Standardbred Canada and has attempted to qualify at least once and is within 60 days of participating to qualify or race, or has participated within the last 60 days.
- (72) "Raceway" means a track facility located in the Atlantic Provinces conducting standardbred racing and classified and licensed annually by the Commission.
- (73) "Registration" means that all matters relating to the registration of standardbred

horses, unless otherwise provided for herein, shall be governed by the constitution and by-laws and regulations of the Atlantic Provinces Harness Racing Commission and Standardbred Canada.

- (74) "Retention Area" means that area within the grounds of a raceway designated for the purpose of obtaining and securing official samples.
- (75) "Rules" means the Commission Rules or any incorporation by reference the Commission may choose to utilize, and any track rules adopted by the Commission.
- (76) "Safety Sensitive Position" means a position, as determined by the APHRC, in which a licensee has a direct role in racing such that Alcohol, Illegal Drug, Impairing Prescription Medication or Prohibited Substance use could result in:
- (a) An incident affecting the health or safety of

employees, licensees, patrons, horses, or the public; or

- (b) An inadequate response or failure to respond to an emergency or operational situation.

When determining if a position is a Safety Sensitive Position, the factors which the APHRC will consider include, but are not limited, to the following:

- (a) The type and amount of contact the position has with horses
- (b) The extent to which the position requires the individual to be on the racetrack at the same time as horses and the circumstances of that presence on the racetrack.

This category includes any and all licensees required to temporarily act in a Safety Sensitive Position.

The following positions  
are Safety Sensitive  
Positions:

Race officials, driver,  
trainer, groom, starting  
gate personnel, horse  
identifier, commission and  
official veterinarian,  
outrider and blacksmith,  
test inspector, TCO2  
technician and track  
maintenance personnel.

- (77) "Sex" means gender, which includes mare, filly, spayed mare or filly, colt, stallion, ridgling or gelding.
- (78) "Singular, Plural" means words in the singular number include the plural, and plural numbers include the singular.
- (79) "Stable Area" includes, but is not limited to, those places within the property of a track facility wherein the stables, track kitchen, racing offices, training areas, paddock and winner's enclosure are located.

- (80) "Stable or Multiple Ownership Manager" means the operating executive of a racing stable or multiple ownership who is not otherwise licensed by the Commission as an owner, trainer or driver.
- (81) "Stake" means a race, which will be contested in a year subsequent to the closing of nominations.
- (82) "Stallion/Gelding/Ridglin" is a male horse four (4) years and older.
- (83) "Standardbred Horse" means a horse, mare, colt, filly, gelding or ridgling duly registered as a purebred standardbred (must have a minimum of seven eighths of their inheritance from the foundation stock or from animals previously registered in the Canadian Stud Book and does not make provisions for the registration of non-purebreds) race horse with Standardbred Canada or the United States Trotting

Association or other  
recognized global bodies.

- (84) "Start" means only those performances in a purse race. Each dash or heat shall be considered as a separate "start" for the purpose of condition races.
- (85) "Sulky" means a dual shaft and dual hitch racing vehicle (bike) having two shafts which must be parallel to, and securely hitched on each side of the horse with a safety hookup. No point of hitch or any part of a shaft shall be above a horizontal level equal to the lowest point of the horse's back.
- (86) "Sustaining Fees" means fees or payments made subsequent to the acceptance of nomination for an added money event.
- (87) "Theatre Betting" means pari-mutuel betting that is conducted in a betting theatre in accordance with Pari-

Mutuel Betting Supervision  
Regulations made pursuant to  
the Criminal Code (Canada).

- (88) "Track Facility" means a facility at which racing of standardbred horses is conducted and including the person, association or corporation conducting the racing of standardbred horses.
- (89) "Track Rules" means rules posted by a track facility to govern the conduct of racing and participants at that track facility's raceway.
- (90) "Trainer" means a licensed person to whom responsibility accrues and lies, at all times, for the condition of all horses under his or her care whether such care be direct or indirect.
- (91) "Walk Over" occurs when only one entry starts in a Futurity or Stake race and travels the required distance. In a Stake or Futurity, a Walk Over is entitled to all the advertised money.

## **PART 3 COMMISSION ADMINISTRATION**

Rule 15. For the purposes of the Rules of Standardbred Racing, the Commission Administration comprises the following:

- (1) The Director of Racing
- (2) Secretary and Accounting Clerk
- (3) Such other individuals as the Commission may designate from time to time.

Rule 16. Under the delegation of the Commission the Administration is responsible for the supervision of Standardbred Racing in the Provinces of Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador and its duties shall include:

- (1) The issuing of orders in the name of the Appeal Board and the Commission;
- (2) The making of reports to the Commission as the Commission requires or as the Administration deems fit;
- (3) The conducting of investigations into the conduct

- of racing and of the participants in racing;
- (4) The delegation to judges or to other persons the right to conduct investigations, searches, seizures and hearings;
  - (5) The interrogation of any licensee with respect to any suspected crime or violation of the Rules. The Administration may require a licensee to make a statutory declaration or a statement in writing and to produce documents, evidence of any agreements or transactions, financial or otherwise, relating to any suspected crime or violation of the rules or to any matter which in the opinion of the Administration is not in the best interests of racing.

Rule 17. The Commission shall create and maintain four committees, which shall include:

- (1) Finance Committee comprised of two (2) Commissioners)
- (2) Rules Committee (comprised of two (2) Commissioners)

- (3) Training and Education Committee (comprised of (2) two Commissioners)
- (4) Senior Judges Group is comprised of up to but not exceeding (8) eight senior judges licensed by the Commission and appointed to the Group by the Director of Racing.

Rule 18. The Director of Racing is responsible for the discharge of all Commission matters including the keeping of Journals, Minutes of Commission meetings and the keeping of Commission files. In addition, he/she shall be the Administrative Co-ordinator, Recording Secretary for and advisor to all Appeal Boards and Commission in the conduct of hearings. The Director of Racing as may be referenced, specifically herein, may delegate these functions, and such other responsibilities.

Rule 19. In the name of the Commission, the Director of Racing may charge any licensee of the Commission or any person with a violation of the rules

and impose or recommend a penalty or penalties for any violation of the Rules on any matter deemed not to be in the best interest of racing, subject to appeal in accordance with the rules.

Rule 20. No Owner, Trainer, Driver or Groom shall use offensive language, assault, or threaten to do bodily injury to an Official, Appointee, Designate, Representative, Employee of the Commission or member of the general public. No Commission Official, Designate, Representative, Employee of the Commission shall use offensive language, assault, or threaten to do bodily injury to an Owner, Trainer, Driver, Groom or member of the general public.

Rule 21. Any violation of Rules 19, 20, or Rule 82 is an offence punishable by a fine of not more than Five Hundred Dollars (\$500.00) and automatic suspension of licence privileges for a period of not less than ten (10) calendar days.

Rule 22. Any person who pays any amount or charge due the Commission which upon presentation is protested, payment refused, or otherwise dishonored, shall by order of the Director of Racing, be subject to a fine not exceeding the amount in default and shall be suspended until the original amount and fine are paid to the Commission.

Rule 23. A rule may be created, amended, or rescinded by the Commission at any time with appropriate and adequate notice.

## **PART 4 LICENCING**

### **4.1 GENERAL**

- Rule 24. The Commission may grant annual licences, in accordance with the approved fee schedule for the following categories: track facility, officials, officials apprentice, commission veterinarians, horse owners, trainers, grooms, drivers, stable, inter-track betting and betting theatres.
- Rule 25. Licences granted by the Commission shall be on forms prescribed and approved by the Commission.
- Rule 26. The Commission reserves the right to establish, review and modify licence fees and categories of licencees at any time.

### **4.2 TRACK FACILITY**

#### **4.2.1 Race Meeting Licence**

- Rule 27. No owner or owners of any track facility shall hold or conduct a pari-mutuel meet without first obtaining

a Race Meeting Licence from the Commission.

- Rule 28. All applications for licence shall be made to the Commission on the form prescribed by the Commission and provide such information as required under the guidelines set out by the Commission and shall indicate the number of proposed dates of racing to be held or conducted during the calendar year, and shall be accompanied by the required fee.
- Rule 29. The Commission may set conditions for the issuance of any Race Meeting Licence.
- Rule 30. Immediately after the 1st day of October, annually, which shall be the last day for receiving application for Race Meeting Licences, the Commission shall allocate racing dates among the various applicants for the next calendar year. Notices shall be forwarded to prospective licencees and may vary from those dates applied for.
- Rule 31. The Commission may grant additional dates or postpone dates or

declare off races due to unforeseen contingencies, or for any reason deemed sufficient by the Commission.

- Rule 32. The Commission has authority to revoke, cancel or suspend the licence of any track owner or operator who conducts any race meet contrary to the conditions of the track facility licence granted or for any infraction of these Rules.
- Rule 33. The licensing fee shall be One Hundred Dollars (\$100.00) for the first racing date and Five Dollars (\$5.00) for each additional racing date in the calendar year to a maximum of Five Hundred Dollars (\$500.00) per licence. No track facility may hold or race in any one racing card more than sixteen (16) dashes, including qualifiers without prior approval of the APHRC.
- Rule 34. In order that performances thereon may be recognized and published as official, every track facility shall have filed with the Commission, the certificate of a duly licensed Civil Engineer or Land Surveyor that the track has been measured from wire

to wire three feet out from the inside hub rail/pylons and certifying exactly the result of such measurements. Each track shall be measured and recertified in the event of any changes or relocation of the hub rail/pylons.

- Rule 35. Where any licensed track is in arrears for money owing the Commission and the amount in arrears is not paid within 30 days of the date of invoice, the Director shall issue a notice of suspension of licence effective fourteen (14) days after the issuance of the notice. Such notice may be suspended if the owners or operators of the racetrack make arrangements satisfactory to the Director to pay the amount in arrear.

#### **4.2.2 Filing Requirements**

- Rule 36. All applications for licence shall be made to the Commission on a prescribed form and shall indicate the number and requested proposed calendar dates of the race meeting to be held or conducted during the calendar year.

- Rule 37. Prior to the issuance of a licence by the Director the following documents shall be filed with the Commission by each track facility:
- (1) Race Meeting Licence Fee
  - (2) The annual financial statements of the track facility for the previous year which shall be filed on or before the expiration of six (6) months of the relevant track facility's financial year-end
  - (3) Track Rules and Proposed Amendments
  - (4) A current contract between a track facility and a Horsemen's Association that contain provisions that include the following:
    - (a) The sharing with the horsemen's association of the total pari-mutuel handle of the respective track facility;
    - (b) A specific percentage of the pari-mutuel handle to be paid to a purse pool account on at least a monthly basis;
    - (c) A purse account separate and apart from the track facility's and the

- horseowners'  
association's financial  
and accounting  
management;
- (d) Provide to the parties to the agreement or contract and the Commission on a monthly basis summaries showing total wagering, gross commission revenue, monies accruing to horsemen, total purses paid, the amount of any underpayment or overpayment of purses for the year to date;
  - (e) All purses earned shall be issued from the purse account within fifteen (15) calendar days after the race event;
  - (f) Monies from other sources deposited to the purse account and the accounting to show those deposited monies separate from the monies derived from the pari-mutuel handle;
  - (g) Monies deposited to the account shall not be used for any other purpose

other than for payment of purses.

(h) Agreed upon number of Race Dates in a race meeting.

(5) The provisions of Subsection (4) are not applicable to licensee tracks racing fewer than 6 cards in a calendar year.

Rule. 38. Any horsemen's association or organization contracting or purporting to contract with a licensed track facility must submit their Articles of Incorporation or Letters Patent, where applicable, a copy of the body's constitution, its voting procedures and membership provisions or amended articles of incorporation, letters patent, bodies constitution, voting procedures and membership provision, within thirty (30) calendar days of such formal changes. The Commission may require any horsemen's association or organization to file annual financial statements.

Rule 39. The Director of Racing may not issue a Race Meeting Licence when

- (1) The applicant track facility has not completed the filing of all relevant documents in Rule 36 and Rule 37;
- (2) The applicant track facility cannot demonstrate to the satisfaction of the Commission that it has the financial stability to carry out the proposed race dates; or
- (3) The relevant horse owners' association fails to comply with Rule 38.

### **4.2.3 Procedure for Approval**

Rule 40. For purposes of the consideration of applications and issuance of Race Meeting Licences including applications for amendment of issued licences the following shall constitute the procedure of the Commission:

- (1) Track facility submit to the Commission applications for Race Meeting Licences that include requested race dates or amendments to licences.
- (2) The Director reviews all applications or amendments for variation in schedules from

- the year before, special requests and conflicts.
- (3) The Director identifies the applications/amendments in conflict and if necessary, invites the relevant track facility and other necessary parties to attempt to resolve any conflicts. Such identification may be based on submissions by tracks or relevant parties and the findings.
  - (4) In the case of annual applications, all applications, supporting documentation and resolutions reached shall be distributed to all applicant tracks and relevant parties. In regards to amendments such documentation is distributed to relevant parties.
  - (5) A Schedule of Race Dates is submitted to the Commission for consideration and approval.
  - (6) The Commission may require a hearing and the attendance of relevant track facility and affected parties in the following circumstances:

- (a) Where the consultation or mediation process has been unable to resolve outstanding matters;
  - (b) Where applications result in a significant decrease or increase in live race dates;
  - (c) Where the Commission deems it necessary to hear representations from tracks and relevant parties.
- (7) The Director issues Race Meeting Licences, on or before December 31, annually.
- (8) Once final approval is given to the Schedule of Race Dates and Race Meeting Licences are issued, only minor amendments shall be permitted during the Race Meet. Such amendments shall be issued at the discretion of the Director who shall report all amendments to the Commission.

#### 4.2.4 Track Rules

- Rule 41. Track facility must apply to the Commission for approval of or amendments to their Track Rules. A copy of the proposed Track Rules must accompany the application and no Track Rules may be implemented unless and until approved by the Commission. The Commission shall receive annual submission of Track Rules indicating amendments to such rules no later than October 1st of each year.
- Rule 42. Track Rules cannot be contrary to the Rules of the Commission (unless approved by the Commission) nor at variance with the general principles or the enabling statutes that created the Commission and must be developed in consultation with the Horsemen's Association, Officials and Track Management at said licensed track facility. Track Rules may be adopted in whole or in part by the Commission.
- Rule 43. Track facility licensed by the Commission, may be required or directed by the Commission to have

in attendance for each racing program a vehicle staffed with qualified personnel and equipment to render first aid and transport of any injured person or persons.

Rule 44. The Commission may prescribe guidelines for the provision of such rules. A track facility shall comply with the prescribed guidelines.

Rule 45. Every licensed track facility must post a copy of the relevant track rules at three (3) prominent locales within the premises of the track facility not later than March 1, annually.

#### **4.2.5 Inter Track and Betting Theatres**

Rule 46. Any betting theatre shall require a licence from the Commission to operate. The Commission on an annual basis may issue applications for licence renewal.

Rule 47. Applications are required for the following:

- (1) Establishment of a new betting theatre;
- (2) Modification to or relocation of a licensed betting theatre;

- (3) Annual renewal of an existing licence.

Rule 48. A renewal application must be submitted to the Commission by October 1<sup>st</sup> of the year preceding the renewal.

Rule 49. Each application for the establishment or relocation of an off-track betting licence filed with the Commission must contain such information and be accompanied by such documents or exhibits as specified by the Commission.

Rule 50. An application for a betting theatre licence shall contain written documentation that must include:

- (1) The anticipated revenue to be generated from the betting theatre;
- (2) The expenditures expected to be incurred by the theatre;
- (3) The level of attendance expected and the area from which that attendance is anticipated to be drawn to the betting theatre;
- (4) The level of anticipated theatre betting;

- (5) A demographic study or market survey of the applicant's home market area;
- (6) Details on how the facility will promote and enhance live racing in the region; and
- (7) A copy of the relevant horseman's association and track facility agreement (Refer to Rule 37(4)) in directing the revenue share between the association and the track facility.

Rule 51. Additional information deemed relevant, including, but not limited to:

- (1) The number of simulcast racing programs to be displayed;
- (2) The amount and source of revenue necessary to acquire and construct the off-track betting facility;
- (3) The accommodations available to the public.

Rule 52. The Commission shall consider every completed application for a licence to conduct off-track betting at an off-track betting facility at a hearing before the Commission. At

the discretion of the Commission, such a hearing may be in the form of written or oral submissions. The Commission shall approve or deny the application.

Rule 53. Each licence shall specify the person to whom it is issued, the dates on which wagering is permitted, the tracks or location where the wagering is to be conducted, and confirmation that all wagering under the licence is subject to the *Pari-Mutuel Betting Supervision Regulations* of the Canadian Pari-Mutuel Agency, the rules of the Commission and any requirements imposed by the Commission as a condition for the exercise of the licence. The Commission may impose any condition on a licence and the exercise of that licence which it determines to be in the interests of harness racing.

Rule 54. The Commission may hold a public hearing on any application for a new betting theatre licence, relocation of a betting theatre or modification to or renewal of any existing licence.

- Rule 55. The Commission may impose penalties of up to \$1,000 for each violation of any rules related to betting theatres, any order of the Commission, any action, or failure to act, which the Commission finds and determines not in the interests of harness racing or any requirement imposed as a condition of licensing.
- Rule 56. The Commission shall set an application fee for new betting theatres, the relocation of existing theatres and each licence renewal.
- Rule 57. For purposes of common or separate pool wagering, eligible licensed track facility shall request, annually, authorization from the Commission to simulcast races from other track facilities for the period January 1 to December 31 of the next ensuing year.
- Rule 58. In order to comply with Rule 57, request forms shall be submitted to the Director of Racing on or before November 1 of the preceding year.
- Rule 59. Request for authorization shall be submitted on forms as prescribed by the Commission.

## **4.3 OFFICIALS**

### **4.3.1 Standards and Requirements**

- Rule 60. (1) Racing officials are prohibited from racing horses they own wholly or in part at any track where they are officiating under the jurisdiction of the APHRC.
- (2) Racing officials are prohibited from wagering on races conducted under the jurisdiction of the APHRC.

Rule 61. A person having an interest in the result of a race by reason of personal or spousal ownership, in whole or in part, in a participating horse shall not act as a racing official during the race card.

### **4.3.2 Racing Officials & Duties**

- Rule 62. Officials at a race meeting must include the following:
- (1) JUDGES
  - (2) RACE SECRETARY
  - (3) OFFICIAL STARTER
  - (4) PADDOCK JUDGE
  - (5) OFFICIAL TIMER

- (6) PATROL JUDGE (Refer to Rule 74)
- (7) CHART MAKER
- (8) TEST INSPECTORS

- Rule 63. Other than Test Inspectors, to qualify as a Racing Official the individual must be a licensed member of the Commission and accredited in that capacity by Standardbred Canada after a determination that he:
- (1) is of good character and reputation;
  - (2) is experienced and knowledgeable of harness racing;
  - (3) is familiar with the duties to which he is appointed and the Commission Rules;
  - (4) possesses mental and physical capacity to perform;
  - (5) is not under suspension or expulsion by any racing jurisdiction; and
  - (6) submit to a written examination and achieve a passing grade.

- Rule 64. Racing Officials shall not engage in any of the following activities while

serving in an official capacity at a race meeting:

- (1) wagering on any horse at tracks where they are officiating for that race card;
- (2) Sell or solicit horse insurance on any horse racing at the meeting;
- (3) Be licensed in any other capacity without permission of the Commission; and
- (4) Refuse to take a breath and drug test when directed by the Judge or the Commission

Rule 65. Racing Officials shall report every violation of these rules to the Judges.

Rule 66. A person shall not be appointed to more than one racing official position on the same race card unless approved by the Director of Racing.

### **4.3.3 Judges**

Rule 67. The Judges have the following duties and responsibilities:

- (1) The Judges shall be responsible to the Commission for the conduct of the racing meeting in accordance with the laws of its jurisdiction and these Rules.
- (2) Judges authority includes supervision of all racing Officials, Licensed Personnel, and other persons responsible for the conduct of racing, and patrons, as necessary.
- (3) The Judges have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with these Rules.
- (4) Purses, Prizes and Awards shall be redistributed if the Judges order a change in the official order of finish.
- (5) The Judges have the authority to interpret the Rules and to decide all questions of racing including a change in the official time of a race or fractions thereof if a majority of the Judges panel believe the Official Timer is in error in the official timing of a race or fractions thereof. (Also see Part 5, Section 5.12)

- (6) The Judges have authority to charge any licensee for a violation of these Rules, to conduct Hearings and to impose disciplinary action in accordance with the Commission Rules.
- (7) The Judges may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.
- (8) The Judges may, where they deem necessary, inspect licence documents, registration papers, including lease and other documents related to horse racing.
- (9) The Judges have the power to administer Oaths and to examine, under Oath, all parties connected with a race as to any wrong or complaint. Any person required to appear before the Judges for a hearing or examination who shall fail to appear, without just cause or reasonable excuse, after due notice, written or oral, shall be subject to a fine of not less than One Hundred Dollars (\$100.00).

- (10) The Judges shall submit a written report of every inquiry and hearing to the Director of Racing.
- (11) The Judges may impose, but are not limited to, any of the following sanctions, or a combination thereof, upon a licensee for a violation of these Rules:
  - (a) Forfeiture or re-distribution of Purse or Award;
  - (b) Suspend licence or racing privileges (See Rule 351(4))
- (12) The Judges may make a formal recommendation to the Commission calling for the revocation of a Licensee's licence, or prohibit from entering upon grounds of a track facility under the jurisdiction of the Commission.
- (13) All fines levied for a violation of these Rules that have been imposed by the Judges shall be paid to Standardbred Canada Field Representative at the track facility.

- (14) The Judges may refer any matter to the Commission and may include recommendations for disposition. The absence of a Judge's referral does not preclude the Commission from acting upon the matter or matters.
- (15) The Judges shall investigate every protest, objection and complaint made to them in the proper manner. They shall maintain a record of all protests, objections and complaints.
- (16) The Judges shall determine the official order of finish.
- (17) It shall be the duty of one of the judges to call out every break made and have them duly recorded in the judges official race reports.
- (18) The decision of the Judges as to the order of finish, including disqualification of a horse or horses as a result of any event occurring during the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.
- (19) The Senior Judge shall maintain a log of the Judges'

official activities. The log shall be available at all times for inspection by Members of the Commission and the Director of Racing.

- (20) Not later than seven (7) days after a race card, the Senior Judge shall submit to the Commission a written report regarding the race card. The report shall contain the Judges' observations and comments regarding the conduct of the race card and any recommendations for improvement or action by the Commission.
- (21) The Judges shall maintain a list of the racehorses, which are ineligible to be entered.
- (22) The Judges may place a horse on the Judges' List when there exists a question as to the exact identification, management or ownership of said horse.
- (23) The Judges may place a horse on the Judges' List because of inconsistent performance or behavior.

#### 4.3.4 Race Secretary

Rule 68. The Race Secretary has the following duties and responsibilities:

- (1) setting conditions for each race of the race meeting, regulating the nomination of entries and determining the amounts of purses and to whom they are due;
- (2) familiarizing himself/herself with the age, class, sex and competitive ability of all horses racing at the meeting;
- (3) classifying horses in accordance with these rules and list horses in the categories in which they qualify;
- (4) examining all entry declarations to verify information set forth therein and provide the listing of the horses for the daily program;
- (5) examining nominations and declarations of early closing events, late closing events and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication;

- (6) establishing conditions and eligibility for entering races and cause them to be published and communicated to Owners, Trainers and the Commission and such conditions are to be published and posted in the Race Secretary's office;
- (7) completing the draw each day, the Race Secretary shall post a list of entries in a conspicuous place at the track facility's grounds accessible during and after regular business hours;
- (8) for purposes of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of declaration for the race and winnings during the year shall be calculated from the preceding January 1<sup>st</sup>.

#### **4.3.5 Starter**

Rule 69. The Starter has the following duties and responsibilities:

- (1) Providing a fair start for each race and reporting violations of these rules occurring at the

start of a race to the Judges and he shall have authority to assess fines and to suspend the licence of drivers for any violation of these rules from the formation of the post-parade until the word "Go" is given.

- (2) Controlling of the horses from the formation of the post parade until a start has been determined. For purposes of this rule, the determination of the start is when the horses have passed the starting point and have been released by the starter.
- (3) Bringing the horses to the starting gate as near one quarter of a mile before the start as the track will permit.
- (4) Causing the gate to move towards the starting point, gradually increasing the speed of the gate to maximum speed. The Starter should allow sufficient time so that the speed of the gate can be increased gradually. The following minimum speeds should be maintained:

- (a) For the first 1/8 mile not less than eleven (11) miles per hour or 18 km per hour.
  - (b) For the next 1/16 of a mile not less than eighteen (18) miles per hour or 29 km per hour.
  - (c) From that point to the starting point the speed shall be gradually increased to the optimum speed.
- (5) Practice of Emergency Procedures: Every licensed starter is required to check his/her starting gate for malfunctions before commencing any race card (including qualifiers), and to practice the procedure to be followed in the event of a malfunction. Both the starter and the driver of the gate must know and practice emergency procedures and the starter is responsible for the training in such procedures of drivers.

### 4.3.6 Paddock Judge

Rule 70. The Paddock Judge shall be under the direction and supervision of the Judges and shall have complete charge of all paddock activities.

Rule 71. The Paddock Judge shall be responsible for:

- (1) Having fields on the track for post parade in accordance with the schedule determined by the Judges;
- (2) Having an equipment inspector keeping a record of the equipment and harness worn by every horse racing at the meeting. The equipment and harness worn by every horse shall be checked in the paddock against such records before each race. All changes from the previous race shall be noted and the Judges notified if a written authorization or the prescribed form is not presented for any change of equipment;
- (3) Inspecting of horses for changes of equipment, broken or faulty equipment, head numbers and saddle pads;

- (4) Supervising of the paddock security personnel;
- (5) Checking horses in and out;
- (6) Ensuring the providing of a paddock blacksmith and directing his/her activities;
- (7) Immediately notifying the Judges of anything that could in any way change, delay or otherwise affect the race program;
- (8) Permitting only properly authorized persons to enter the paddock;
- (9) Identifying of horses in a race, including verification of lip tattoo or freeze brand numbers;
- (10) Having necessary extra equipment available in the paddock so as to avoid undue delays to the race program;
- (11) Notifying the Judges of horses returning to the paddock after having entered the track for the post parade and before the start of a race;
- (12) Notifying the Judges of drivers, trainers or grooms leaving the paddock in an emergency;

- (13) Maintaining cleanliness in the paddock;
- (14) Supervising the conduct of persons in the paddock and reporting any abuses or rule violations to the Judges;
- (15) Reporting to judges any observed acts of cruelty towards a racehorse;
- (16) Submitting paddock reports and attendance records to the Judges when requested and retaining such reports for at least twelve (12) months;
- (17) Ensuring that all entrances and exits to the racing surface are closed before the Starter calls the field to post.

#### **4.3.7 Official Timer**

Rule 72. In accordance with Section 5.12, the Official Timer is responsible for recording the time elapsed between the start and finish of each race and time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

Rule 73. An official timer must be fourteen (14) years of age or older and comply with Rule 63 (2) (3) and (4).

#### **4.3.8 Patrol Judge**

Rule 74. The Patrol Judge is responsible for observing the race and reporting information concerning the race to the Judges. If the Commission deems the track's video replay system adequate, the use of Patrol Judges is optional.

Rule 75. Under the supervision of the Judges the Patrol Judges shall:

- (1) Observe and report to the Judges on all activity in their areas of the track at all times during the races programmed, giving particular attention to violation of the rules of decorum, lameness and fitness of horses and any lack of proper equipment or faulty equipment;
- (2) Communicate constantly with the Judges during the course of every race and advise them immediately of rule violations, improper acts or unusual

- occurrences which could affect the outcome of a race;
- (3) Prepare and submit any reports requested by the Judges; and,
  - (4) Attend hearings or inquiries and testify thereat when requested by the Judges.

#### **4.3.9 Chart Maker**

Rule 76. The Chart Maker shall be responsible for properly and accurately completing the official chart of each race in accordance with the requirements under Section 5.13 - Charting the Race.

#### **4.3.10 Commission Veterinarian**

Rule 77. The Commission may deploy a Commission Veterinarian who shall:

- (1) Be a graduate Veterinarian and be licensed in the Commission's jurisdiction;
- (2) Recommend to the Judges any horse deemed unsafe to be raced or a horse that it would be inhumane to allow to race;
- (3) Place horses on the Veterinarian's List, if necessary;

- (4) Report to the Commission the names of all horses humanely destroyed, or which otherwise expire at the meeting and the reasons therefore; and
- (5) Be available to the Racing Secretary and Judges prior to scratch time each racing day at a time designated by the Judges, to inspect any horses and report on their condition as may be requested by the Judges and make recommendations to the Commission.

#### **4.3.11 Field Representative**

Rule 78. A Standardbred Canada Field Representative shall:

- (1) represent Standardbred Canada during at least two consecutive hours, prior to post time to provide services to racing participants; and
- (2) input and maintain accurately the Standardbred Canada database, including:
  - (a) adding U.S. horses to the database when racing for the first time at a track facility under the

- jurisdiction of the Commission;
- (b) inputting changes of ownership to the database, necessitated by claims and transfers and recording whether a hard copy or electronic registration is required;
  - (c) inputting electronic claiming authorization information to the system when provided, which includes minimum claiming price and signature acknowledgment for all owners or their authorized agents, or all prospective claimants or their agents;
  - (d) inputting change of sex information for horses to the database;
  - (e) inputting all race results and printing reports for all types of races to the database as soon as they become available, and providing reports to the Judges to ensure that information input to the database is correct before

- completion of the race card;
- (f) collecting memberships for Standardbred Canada and the Commission and providing delinquent reports to the Judges when applicable;
  - (g) inputting Coggins' Test information from laboratory certificates and removing horses from the Judges' List if required, immediately upon receipt of such test results;
  - (h) collecting fines and upon receipt of a fine updating the list of fines;
  - (i) updating and maintaining the Judges' List on the written instruction of a Judge;
  - (j) ensuring eligibility of first-time starters by adding same to electronic eligibility system;
  - (k) if applicable, maintaining a list of all horses enrolled in the Exercise Induced Pulmonary Hemorrhage Program (EIPH);

- (1) maintaining a daily remittance on the Standardbred Canada database indicating all fees collected.

#### **4.3.12 Additional Official Positions**

Rule 79. The Commission may create additional Racing Official positions, as needed. Persons selected for these positions shall be considered Racing Officials and shall be subject to the general eligibility outlined in these Rules.

#### **4.3.13 Paddock Blacksmith or Farrier**

Rule 80. A licensed track facility must retain the services of an accredited blacksmith or farrier at the paddock during a race card.

#### **4.3.14 Declaration of Racing Officials**

Rule 81. Each licensed track facility is required, on or before the 1<sup>st</sup> day of May, to declare annually all persons employed or to be employed for a race meeting in the capacity of any racing official as described in Rule 62 excepting senior and associate

judges and test inspectors.  
Declarations shall be made on forms prescribed by the Commission.

### **4.3.15 Officials' Fines and Suspensions**

Rule 82. An official may be fined, suspended, or disciplined by the Director of Racing for cause. When such action is taken, the Director of Racing shall make a report to the Commission. (Refer to Rule 21 for sanction.)

## **4.4 OWNER**

### **4.4.1 Licence**

Rule 83. No owner, lessee or stable member shall have an interest whatsoever in any horse declared to qualify or race without first having obtained a licence for the current year.

Rule 84. The membership of every owner under 16 years of age is valid for racing purposes only when,  
(1) an authorized agent as defined in these Rules, has been appointed by such owner, and

- (2) the authorized agent has accepted in writing all the responsibilities and liabilities of the owner. (See Rule 14(4))

## **4.5 TRAINER**

### **4.5.1 Licence**

- Rule 85. A person shall not train horses, or be programmed as Trainer of Record at extended meetings, without first having obtained a trainer licence valid for the current year from the Commission. The holder of a driver's licence issued by the Commission is entitled to all privileges of a trainer and is subject to all rules respecting trainers.
- Rule 86. A trainer's licence shall not be issued until the candidate has met application and testing requirements approved by the Atlantic Provinces Harness Racing Commission/ Standardbred Canada or its delegate.
- Rule 87. Licensing of Trainers – There shall be the following categories of trainers' licences:

- (1) “A”, a licence valid for operation of a public stable and training of horses at all race meetings; and
- (2) “F”, a licence restricted to training only horses wholly owned by the holder or his/her immediate family at all race meetings. Immediate family shall include spouse including common law, son, daughter, son-in-law, daughter-in-law, father, mother, aunt, uncle, grandchild, grand-parent, adopted son, adopted daughter, stepson, stepdaughter, sister, brother, or person to whom the affected licensee stands in loco parentis.

Rule 88. First Time Applicant “F” Trainer Licence – To be eligible for an “F” category trainer licence for the first time, the applicant must:

- (1) have attained 16 years of age;
- (2) be licensed as an owner by Standardbred Canada for one full year;
- (3) submit a completed application;

- (4) submit to a physical and eye examination, the cost of which is the responsibility of the applicant or show proof of one within the last year;
- (5) submit to a written examination and achieve a passing grade.

Rule 89. First Time Applicant “A” Trainer Licence – To be eligible for an “A” category trainer licence for the first time, the applicant must:

- (1) have attained 16 years of age;
- (2) have completed two full years as an “F” trainer or two full years as a groom and “F” trainer combined;
- (3) submit a completed application;
- (4) have two favourable recommendations from licensed drivers, “A” trainers or race officials in response to confidential reference inquiries provided by Standardbred Canada;
- (5) submit to a physical and eye examination, the cost of which is the responsibility of the applicant;

- (6) submit to a written examination and achieve a passing grade.

Rule 90. Upgrading to “A” Trainer Licence  
To be eligible for an “A” category trainer licence, the applicant must:

- (1) have completed two full years as an “F” trainer or two full years as a groom and “F” trainer combined;
- (2) submit a completed application;
- (3) have two favourable recommendations from licensed drivers, “A” trainers or race officials in response to confidential reference inquiries provided by Standardbred Canada; and
- (4) submit to a written examination and achieve a passing grade if a trainer exam has not already been written.

Rule 91. Holders of USTA Trainer Licences  
– A person who is not a Canadian resident, holding a trainer licence granted by the United States Trotting Association shall be eligible for the equivalent category of licence upon application to the

Commission provided that the applicant;

- (1) has attained 16 years of age;
- (2) has submitted a completed application; and
- (3) submits evidence acceptable to the Commission of current trainer licence granted by the United States Trotting Association.

Rule 92. Licences of Foreign Jurisdictions Other Than USTA– The holder of a trainer licence granted by a foreign jurisdiction other than the United States Trotting Association applying to the Commission for a trainer licence must:

- (1) have attained 16 years of age;
- (2) submit a completed application;
- (3) submit evidence acceptable to the Commission of current trainer licence granted by his/her foreign jurisdiction; and
- (4) fulfill other such requirements that may be specified by the Commission.

Rule 93. Renewal of Trainer Licences –  
Renewal of trainer licences will be

granted in each category subject to the following provisions:

- (1) if the applicant has not renewed his/her trainer licence for any period of less than three years, a completed application must be submitted;
- (2) if the applicant has not renewed his/her trainer licence for a period of (3) three years or more, the applicant must;
  - (a) submit a completed application;
  - (b) have a minimum of two (2) favourable; recommendations from licensed drivers, “A” trainers or race officials in response to confidential reference inquiries provided by Standardbred Canada;
  - (c) submit to a satisfactory physical and eye examination, the cost of which is the responsibility of the applicant, and
  - (d) achieve a passing grade on a written examination.

Rule 94. Drivers and trainers must meet the requirements of Standardbred

Canada regarding visual acuity. Those requiring corrective eye wear will be required to wear properly prescribed glasses or lenses at all times when driving or training.

- Rule 95. In the event a driver or trainer is involved in an accident in a race or elsewhere, such person shall, upon demand of the Commission or Senior Judge, submit to a physical examination within thirty (30) days of such request or his/her licence may be suspended until the demand is complied with.

## **4.6 Groom**

### **4.6.1 Licence**

- Rule 96. No person shall groom a registered horse(s) on the grounds of a track facility without being licensed by Standardbred Canada.
- Rule 97. Applicants for groom licence shall have their status confirmed by the trainer actively utilizing their services.
- Rule 98. A member ten (10) years of age or older will be eligible to be licensed

as a groom upon submission of a completed application to Standardbred Canada.

## **4.7 Driver**

### **4.7.1 General**

Rule 99. Drivers must have a valid driver licence and be properly insured in accordance with Rule 120 in order to be eligible to drive at any extended pari-mutuel track. A person shall not drive a horse in any race or performance against time, other than an exhibition race, without having first obtained a driver licence valid for the current year by meeting the standards as laid down by Standardbred Canada or the United States Trotting Association and being licensed by the Commission. The licences shall be presented to the judges prior to participating for the first time at any race meeting.

Rule 100. A driver is required to be eighteen (18) years of age to drive in a pari-mutuel race held at a licensed track facility.

## 4.7.2 Licence and Driver Upgrade

Rule 101. There shall be the following categories of driver licences:

- (1) “A”, a general licence valid for all meetings;
- (2) “B”, a provisional licence valid for all meetings subject to satisfactory performance;
- (3) “C”, a licence valid for fairs and for qualifying races subject to first having driven an agreed upon rated mile to the satisfaction of the Judges, and for overnight (except for Invitational or Free-For-All races and Added Money Events with a purse greater than \$2,500.) races at all pari-mutuel meetings, subject to the approval of the Judges subject to Rule 106;
- (4) “F”, a licence valid for Fairs, and for non-extended pari-mutuel meetings, subject to the approval of the Judges;
- (5) “P”, a probationary licence valid for all meetings in accordance with the terms of the probation. A probationary licence may be revoked

should the holder thereof  
commit more than one  
violation or one major  
violation.

Rule 102. The Judges may review the  
performance of a driver at any time  
and may take the following actions:

- (1) amend the licence category,
- (2) revoke the licence,
- (3) apply conditions to the  
licence,  
or,
- (4) require the driver to re-  
qualify for his or her licence  
in accordance with  
Standardbred Canada  
regulations

Rule 103. The category of a driver licence  
shall be printed beside the driver's  
name on the program. The program  
shall include the definition of  
licence categories.

Rule 104. First Time Applicants "F" Driver  
Licence – To be eligible for an "F"  
category driver licence for the first  
time, the applicant must:

- (1) have attained 18 years of age;

- (2) have been licensed by the Commission as an “F” trainer for two full years;
- (3) submit a completed application;
- (4) have three favourable recommendations from licensed drivers, “A” trainers or race officials in response to confidential reference inquiries provided by Standardbred Canada;
- (5) submit to a physical and eye examination, the cost of which shall be the responsibility of the applicant; and
- (6) submit to a written examination and achieve a passing grade.

Rule 105. First Time Applicants “C” Driver Licence – To be eligible for a “C” category driver licence for the first time, the applicant must:

- (1) have attained 18 years of age;
- (2) have been licensed by the Commission as an “A” trainer for one full year, or as an “F” trainer for three full years, or as an “F” driver for one full year and had a minimum of five drives;

- (3) submit a completed application;
- (4) have three favourable recommendations from licensed drivers, “A” trainers or race officials in response to confidential reference inquiries provided by Standardbred Canada;
- (5) submit to a physical and eye examination, the cost of which shall be the responsibility of the applicant; and
- (6) submit to a written examination and achieve a passing grade.

Rule 106. Upgrading Category of Driver Licence – To be eligible to have a category of driver licence upgraded, the holder must fulfill the following requirements:

- (1) The holder of an “F” category of driver licence will be eligible to upgrade to a “C” licence:
  - (a) after having held an “F” driver licence for a minimum of one full year;
  - (b) after having completed an application for a “C” driver licence; and

- (c) after having driven in at least five races.
- (2) The holder of a “C” category of driver licence will be eligible to be upgraded to a “B” category licence:
  - (a) after having driven a satisfactory rated mile;
  - (b) after having accumulated 50 points in Qualifying races;
  - (c) after having accumulated 75 points in Overnight events in accordance with Rule 106(7); and
  - (d) is recommended, in writing, for a “B” driver licence by a Judge licensed for extended meetings.
- (3) The holder of a "B" category of driver licence will be eligible to be upgraded to an "A" category driver licence:
  - (a) after having held a “B” licence for a minimum of one full year;
  - (b) after having driven satisfactorily in at least forty (40) purse races during the prior eighteen (18) months; and

- (c) is recommended, in writing, for an "A" driver licence by a Judge licensed for extended meetings.
- (4) For purposes of obtaining a recommendation under Rule 106(3)(c) or formulating a recommendation in accordance with Rule 106(3)(c) the following factors, among others, shall be considered:
- (a) competitiveness and safety;
  - (b) tenure and experience driving in premier or stake events shall be considered an asset;
  - (c) frequency of starts;
  - (d) overall demeanor with officials and judges;
  - (e) leadership qualities and overall competence;
  - (f) overall driving record that includes:
    - (i) Actions that may be detrimental to the sport of harness racing;

- (ii) Incidence of positive tests as a trainer;
    - (iii) Careless driving infractions.
  - (g) overall record of infractions and the nature of those infractions.
- (5) The procedure shall be as follows:
- (a) The applicant driver is required to declare to a local judge his/her desire to upgrade his/her licence from “B” to “A”.
  - (b) The applicant driver may be required to deliver to the local judge a written request accompanied by five (5) video replays of individual races that he/she thinks best demonstrate his/her qualifications and driving skills to warrant an “A” licence.
  - (c) If prepared to do so, the local judge will make a recommendation through the Director of Racing to the Senior Judges’ Group.

- (d) The Director of Racing will submit to the Senior Judges' Group:
  - (i) the driver's record;
  - (ii) the recommendation of the local judge;
  - (iii) the five (5) official video race replays.
- (e) The Senior Judges' Group will jointly consider:
  - (i) the application and the driver's record;
  - (ii) the recommendation of the local judge and the video replays.
- (f) The Senior Judges' Group will reach a consensus on whether or not a recommendation is made to Standardbred Canada.
- (g) If the recommendation is positive, the Director of Racing will forward the recommendation to Standardbred Canada.
- (h) If it is negative, the consensus of the Senior Judges' Group will be conveyed to the applicant driver with reasons as to why the licence will not

be upgraded. In addition, the applicant will be informed as to what he needs to focus on before re-applying.

- (6) In the determination of whether a driver is satisfactory, the Judges shall evaluate the driver's performance:
- (a) while coming to and while at the starting gate;
  - (b) while leaving the gate and positioning the horse;
  - (c) when confronted with situations during the race;
  - (d) while in the homestretch and during the finish of the race; and
  - (e) his/her overall performance and conduct during the race.
- (7) One point shall be credited for satisfactory performance in each of the five areas specified in the foregoing. The holder of a "C" category licence must attain 50 points, in qualifying races before being permitted to drive in overnight events, and 75 points in overnight events to be eligible to be

upgraded to a “B” category licence. Points awarded for each category of area shall be duly recorded in electronically maintained official performance records.

- (8) With respect to Qualifying and “C” Drivers:
- (a) A rated mile must be successfully completed within three (3) attempts or the applicant will be required to wait a period of three (3) full months before attempting again. The time of the rated mile must be within five (5) seconds of the qualifying time at the track where the rated mile is attempted allowing for variant given by the Judges for the track conditions on that date.
  - (b) All qualifying drivers and “C” drivers qualified for overnight races must present themselves to the judges, before every qualifying race or overnight drive, thus affording not only the

judges, but the driver the opportunity to discuss their previous drive or any other questions or problems that they may have, which in turn will afford a better working relationship between drivers and officials.

- (c) All qualifying drivers and “C” drivers qualified for overnight races who are inactive for one (1) full year from their last recorded drive will lose all of their accumulated points and will be required to start at zero (0) points, but may remain with the same category of driver licence.
- (d) All qualifying drivers and “C” drivers qualified for overnight races who are inactive for two (2) full years or more from their last recorded drive must reapply and fulfill all requirements of a participant applying for a driver licence for the first

time. (e.g. references, medical, exam).

- (e) All qualifying drivers and “C” drivers qualified for overnight races must complete all requirements of the point system within (3) three years of their “first” recorded drive in an overnight race or will be required to start again in overnight races at zero (0) points.

- (9) Holders of USTA Driver Licences – A person who is not a Canadian resident, holding a driver licence granted by the United States Trotting Association and who maintain their residency in the United States shall be eligible for the equivalent category of licence upon application to Standardbred Canada provided that the applicant;
  - (a) has attained 18 years of age;
  - (b) has submitted a completed application; and
  - (c) submits evidence acceptable to

Standardbred Canada of a current driver licence granted by the United States Trotting Association.

- (10) Licences of Foreign Jurisdictions Other Than the United States Trotting Association – The holder of a driver licence granted by a foreign jurisdiction other than the United States Trotting Association applying to the Commission for a driver licence must:
- (a) have attained 18 years of age;
  - (b) submit a completed application;
  - (c) submit evidence acceptable to the Commission of current driver licence granted by the foreign jurisdiction; and
  - (d) submit to a written driver examination and achieve a passing grade. Upon satisfactorily fulfilling the foregoing requirements, the applicant will be granted a “C” category

driver licence and must drive in one or more qualifying races at the discretion of a Judge licensed for extended meetings and be approved by said Judge to be eligible to drive in overnight events. The applicant must then fulfill the requirements of Rule 106(2) to be eligible to be upgraded to a “B” category driver licence.

- (11) **Renewal of Driver Licences Inactive Qualifying Drivers and “C” drivers (See Rule 106(8)(c)(d))**  
Renewal of “A” and “B” driver licences will be subject to the following provisions:
- (a) Drivers who hold “A” and “B” licences and who have renewed their licences annually, but have amassed less than ten (10) drives during a period of three (3) or more years, will be flagged by Standardbred Canada to this effect and

will be required to fulfill any and all conditions of the Commission to retain such “A” or “B”

Categories.

- (b) If the applicant who holds an “A” or “B” license, has not renewed his/her driver’s licence for a period of less than 5 years, such applicant will be eligible to be licensed in the same category as granted previously when:
  - (i) a completed application is submitted to Standardbred Canada; and
  - (ii) a satisfactory physical and eye examination may be required.
  - (iii) will be required to fulfill any and all conditions of the Commission to retain such “A” or “B” Categories.
- (c) If the applicant, who holds an “A” or “B” licence, has not renewed his/her driver’s

licence for a period of five or more consecutive years, such applicant will be eligible to be licensed as a “C” category driver when:

- (i) a completed application is submitted to Standardbred Canada; and
  - (ii) a satisfactory physical and eye examination report is submitted to Standardbred Canada; and
  - (iii) submit to a written examination and achieve a passing grade.
- (d) Applicants for renewal of drivers licences must submit a satisfactory eye examination report every five years before renewal of the licence will be granted.
- (e) Applicants for renewal of driver licences who have been hospitalized or under medical care during the prior year shall, upon demand of the

Commission or Standardbred Canada, submit a satisfactory physical and eye examination report before renewal of licence will be granted.

(f) In cases where physical or eye examinations are required as a condition for renewal of a driver licence, the cost of same is the responsibility of the applicant.

(12) Exhibition Races – Where non-betting promotional races such as celebrity races, junior driving championships, collegiate driving championships or other similar events are conducted by a track facility, such races shall be regarded as exhibitions and performances therein shall not be noted on the official performance records or otherwise officially credited to either horses or drivers. Any money awarded or paid on such races shall not be credited to the horses or drivers as official earnings and

shall not affect the eligibility of participating horses to any subsequent event. Other than those currently licensed as drivers, trainers or grooms, participants in such races shall not be covered under the terms of the insurance coverage provided through the administration of Standardbred Canada.

#### **4.8 Racing Farm, Corporate or Stable Name**

Rule 107. Racing farm, corporate or stable names, hereinafter referred to as "stable names", may be used by owners or lessees provided the names are first registered with Standardbred Canada. A name that is the same as or similar to one registered with Standardbred Canada or the United States Trotting Association may not be used. Standardbred Canada may reject a name considered to be confusing, unbecoming to the sport or which exceeds twenty-five (25) letters or spaces.

Rule 108. Applications by stables for membership shall include the names and addresses of each member thereof. Each member of a registered stable, other than a corporation or limited partnership, must be a member in good standing of the Commission and Standardbred Canada. Where the stable is a corporation or a limited partnership, the following persons must be members of the Commission:

- (1) in the case of a corporation with less than ten (10) shareholders,
  - (a) every director, and
  - (b) every shareholder;
- (2) in the case of a corporation with ten (10) or more shareholders, but less than fifty (50),
  - (a) every director, and
  - (b) every shareholder holding or controlling a certain number of shares giving him or her five (5) percent or more of the voting rights in the corporation;
- (3) in the case of a corporation with fifty (50) or more shareholders or which is

registered with a Canadian stock exchange,

- (a) every director or, where applicable, every member of the executive committee of the board of directors,
  - (b) every person acting as chairman, secretary or holding a similar office,
  - (c) the person responsible within the corporation for the activities for which the registration is required, and
  - (d) every shareholder holding or controlling a certain number of shares giving him or her five (5) percent or more of the voting rights in the corporation;
- (4) in the case of a limited partnership,
- (a) the limited partnership
  - (b) the general partner and where the general partner is a corporation or a general partnership, the persons covered by the foregoing provisions of this section, and

- (c) the manager of the general partner or any person holding a similar office.

Rule 109. Each member of a stable must sign a document designating a corresponding officer or officers. Corresponding officers must be members of the Commission and Standardbred Canada and must be at least 18 years of age. Only the signature of the corresponding officer or officers will be recognized for transfers of ownership of horses or other documents pertaining to the registered stable. Documents bearing the signature of the corresponding officer or officers will be considered binding upon the members of the stable.

Rule 110. Standardbred Canada shall be notified forthwith if additional persons become members of a stable or when a member thereof becomes disassociated. Consent in writing must be given by any member being disassociated from a stable.

Rule 111. Any liability of a stable and any penalty imposed upon the stable

shall apply to all of its members and horses owned wholly or in part by the stable. In the event one or more of the members of a stable is suspended, the suspension shall also include any horses owned wholly or in part by the stable.

#### **4.9 Refusal & Revocation of Licence and General Sanctions Related**

- Rule 112. Notice by the Commission or to the Commission, or by any other authority or Standardbred Canada that an application for a licence or membership is refused, or that a licence for membership has been revoked shall be in writing and shall contain a concise statement of the reason or reasons for such refusal or revocation.
- Rule 113. The determination to refuse or revoke a licence or membership shall lie with the Commission.
- Rule 114. Upon notice of Appeal to the Commission by a person who has been refused a licence or membership or by a licensee or member whose licence or membership has been revoked, the

Commission shall give notice of time and place for such an Appeal Hearing. The appropriate form prescribed by the Commission must be completed and filed with the Commission in a timely manner. A request for a hearing under this rule, in order to be timely, must be received by the Commission no later than 48 hours after receiving notice that the application for a licence or membership has been refused or a licensee has been suspended or has been revoked.

Rule 115. Licensed track facility shall ensure that the following individuals hold a Commission accredited Official Licence valid for the season in which their racing meets are conducted: Race Secretary, Chart Maker, Timer, Paddock Judge and Starter.

Rule 116. Where any licensed track facility permits without consent from the Commission, a person not a member or accredited to act in any official capacity listed in Rule 115, the Commission may impose a fine upon such track facility of not more

than Five Hundred Dollars  
(\$500.00) for each violation.

Rule 117. After due notice and hearing, an official holding a Commission licence and/or membership in any of the following capacities:

- (1) Senior Judge
- (2) Timer
- (3) Associate Judge
- (4) Race Secretary
- (5) Starter
- (6) Patrol Judge
- (7) Paddock Judge
- (8) Veterinarian
- (9) Chart Maker

may be fined a sum not to exceed Five Hundred Dollars (\$500.00), suspended or have such licence or membership revoked or denied by the Director of Racing for incompetence, failure to follow or enforce the Rules or any conduct detrimental to the sport. The Director shall report any suspension, revocation or denial to the Commission. (See Rule 82)

Rule 118. Suspension, refusal or revocation of a licence or suspension of a standardbred race horse by another

standardbred racing authority may be recognized by the Commission.

- Rule 119. Any licensee of the Commission found to be incapable of performing the duties associated with his/her licence by virtue of test results from tests conducted in accordance with Section 6.8.2 shall be forwarded to the Director of Racing.

#### **4.10 Insurance Coverage**

- Rule 120. The Commission adopts the requirements of Standardbred Canada governing the insurance of members. All members shall be insured under a group insurance policy administered through Standardbred Canada subject to eligibility requirements being met or capable of being met.

## **PART 5 HARNESS RACES**

### **5.1 Participants**

#### **5.1.1 Owners, Lessees and Stables**

Rule 121. Owners or lessees having an interest in a horse shall be entitled to enter the paddock on days in which their horse is racing. Upon challenge to entry to the paddock, such owner(s) or lessee(s) must provide proof of propriety interest in the horse to the Paddock Judge or his/her delegate.

#### **5.1.2 Trainers and Grooms**

- Rule 122. (1) A trainer shall be responsible at all times for the condition of all horses trained by him/her. The trainer must safeguard, from tampering, each horse trained by him/her and must exercise all reasonable precautions, in guarding or causing any horse trained by him/her to be guarded, from the time of entry of that horse until the conclusion of the race.
- (2) No trainer shall start a horse or permit a horse in his/her

custody to be started if he knows, or, if by the exercise of a reasonable degree of care having regard to his/her duty to safeguard his/her horse from tampering or have cause to believe that the horse is not in a fit condition to race, or received any drug that could result in a positive drug test. Every trainer must guard, or cause to be guarded by the exercise of all reasonable standards of care and protection, each horse trained by him/her so as to prevent any person from obtaining access to the horse in such a manner as would permit any person not employed by or not connected with the owner or trainer from administering any drug or other substance resulting in a pre-race or post-race positive test. Every trainer must also take all reasonable precautions to protect the horse and guard it against wrongful interference or substitution by anyone in connection with the taking of an official sample.

Rule 123. If a trainer is to be absent fifteen (15) consecutive days or more from the track where his/her horses are participating in races, he/she must obtain a licensed trainer to substitute for him/her during his/her absence. The Judges must approve such substitute. The original trainer is responsible for the horses he has declared in to start. The substitute trainer will then become responsible for any additional horses he may declare in to start.

- Rule 124. (1) When the judges determine that someone other than the officially named trainer of record is actually in charge, has custody or care of a horse, the judges shall have the right to hold such person responsible instead of, or in addition to, the person named as trainer of record.
- (2) If deemed by Judges that someone other than the named official trainer is training the horse, then horse will be placed on the Judge's list for papers not in order.

Rule 125. A person shall not represent himself/herself to be the trainer of a horse unless he is actually training that horse. In determining the identity of the actual trainer of a horse the Judges shall consider the following:

- (1) the identity of the person who is responsible for the business decisions of the training or racing stable including, but not limited to, business arrangements with and any payments to or from owners or other trainers, licensed or otherwise, veterinarians, feed companies, hiring and firing of employees;
- (2) the identity of the person responsible for communicating with the racing secretary's office, the stall manager, the Racing Association and the owners regarding racing schedules;
- (3) the identity of the person responsible for the conditioning of a horse or horses;
- (4) the identity of the person responsible for race day preparation including but not

- limited to accompanying the horses to the paddock, selection of equipment, authority to warm up horses before the public, and discussion of driving strategy;
- (5) the total number of horses in the control of the training or racing stable;
  - (6) the number of active licensed trainers on the payroll of the training stable;
  - (7) the number of different stabling locations; and
  - (8) any other relevant matters.

Rule 126. If an owner changes his/her trainer the new trainer must immediately notify the Race Secretary. The Race Secretary shall cause a notation in the race program of the trainer change. If the program is printed, the judges shall announce the change.

Rule 127 The trainer of record of a horse shall be responsible to:

- (1) ensure that any person he permits to take the horse on the track for a warm-up before a race is capable and competent to do so; and

- (2) notify a catch driver he is to drive.
- (3) The trainer of record of a horse declared to race is responsible for the eligibility of the horse.
- (4) In order to assist with infectious disease control, the owner/trainer of record or the person having control of the horse must report to the APHRC the presence of any clinical signs of an infectious disease.

Rule 128. Whenever a trainer is suspended, any horses trained by him/her or under his/her care but not owned wholly or in part by him/her may, with the consent of the Judges at the meeting where the suspension was imposed, be released to the care of another licensed trainer and may race.

Rule 129. It shall be the responsibility of a trainer to determine that every assistant trainer or groom employed by him/her is licensed by Standardbred Canada and/or APHRC.

- Rule 130. It shall be the responsibility of a trainer to refuse employment to any unlicensed person.
- Rule 131. It shall be the responsibility of a trainer to have the horses under his or her care, and which are programmed to race, properly equipped and in the paddock at the time prescribed by the track facility. It is the responsibility of the trainer to maintain an up-to-date equipment card for all horses under his or her care.
- Rule 132. A trainer shall not start a horse or permit a horse in his/her custody to be raced if he knows or if by the exercise of reasonable care he has cause to believe that the horse is not physically fit to race.
- Rule 133. It is the responsibility of the trainer that all horses racing in his/her custody have a negative Coggins Test Certificate, in accordance with Rule 149.

### **5.1.3 Drivers**

- Rule 134. (1) No person shall drive a horse in any race or performance

against time, without having first obtained a driver licence valid for the current year.

- (2) A driver shall not drive for any other person in a race in which one of the horses he/she trains or owns has been declared into race, except where such horses are coupled as an entry. If they are not coupled as an entry then he/she must drive the horse he/she trains as long as the one he/she trains is owned by said driver. If the one he/she trains is not owned by said driver, said driver must drive the one he/she owns.
- (3) No driver shall drive against a horse owned by his/her spouse.

Rule 135. Drivers must have their licence available at all times while participating in racing. Failure to do so is a violation in racing.

Rule 136. Drivers must report to the Paddock Judge not less than 30 minutes before post time of any race in

which they are programmed to drive, unless excused by the Judges.

- Rule 137. (1) Drivers must wear distinguishing colours, and shall not be permitted to drive in a race or other public performance unless, in the opinion of the Judges, they are properly dressed, their driving outfits are clean, they are well groomed, and they are fit and able. During inclement weather conditions, drivers must wear rain suits either of their colours or made of a transparent material through which their colours can be distinguished.
- (2) Training suits (in good condition) will be allowed for qualifying and schooling races.

Rule 138. A driver must register his/her driving colours with the Commission. A driver can only utilize those colours other than those registered with the Commission with the permission of the judges. Permission may only be granted for

reasons of unforeseen circumstances beyond the control of the driver.

Rule 139. Company logos, trademarks or other advertising insignias may be displayed on a driver's colours provided the driver is properly authorized by the entity owning the logo and registered with the Commission. Each logo or trademark shall not exceed a total area of twenty-five square inches in size, or its equivalence in centimeters. All logos and trademarks must be in good taste.

Rule 140. Once a driver reports to the paddock, he/she shall not enter the public stands or the betting area until his/her driving duties for the day have been completed, unless he/she has the permission of the Judges. Upon completion of his/her driving duties, he/she shall not enter the public stands until he/she has replaced his/her driving outfit with ordinary clothing.

## 5.1.4 Pari-Mutuel Betting Prohibited

- Rule 141. (1) An owner, trainer, driver, agent, employee or groom shall not have pari-mutuel tickets in his/her possession, or bet or cause any other person to bet on his/her behalf, on any other horse in any race in which a horse owned, trained, or driven, in which he/she in any way represents or handles as a starter; except in the case of feature wagering events where any owner, trainer, driver, agent, employee or groom may bet, or cause any other person to bet on his or her behalf only on combinations in which his or her horse or entry is selected in the "Win" position. A breach of this rule may result in suspension.
- (2) No association shall allow a person under 19 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.

### **5.1.5 Physical Examination**

Rule 142. Notwithstanding the requirements of Standardbred Canada, in the event any participant is involved in an accident on or off the track, the judges may order such participant to submit to a physical examination if the judges feel it is in the best interest of harness racing.

## **5.2 Eligibility to Race**

Rule 143. A horse shall not be permitted to race unless:

- (1) it is duly registered with and approved by the registry office of Standardbred Canada or the United States Trotting Association (USTA) subject to the requirements in Rule 143(2).

- (2) notwithstanding that a horse is registered with the USTA, any horse registered with the USTA that would not meet the registry requirements set out by Standardbred Canada shall not be eligible to race.
- (3) No horse shall race (purse or qualifier) more than once per day unless it is an elimination race.
- (4) its eligibility fees are outstanding.

Rule 144. Notwithstanding any other rules relevant to eligibility of a horse to race, no horse shall be permitted to race unless:

- (1) it has been properly identified with its assigned number by freeze branding or tattooing;
- (2) Standardbred Canada is notified by the owner, trainer or veterinarian that a mare has been spayed or a horse has been gelded.
- (3) All horses that have been nerved shall be so designated on both declaration and published program. A horse is not eligible to be declared in if it has been nerved above the

pastern. Standardbred Canada must be officially notified, in writing, by the owner or trainer when a horse is de-nerved.

Rule 145. Notwithstanding Section 6.1 Judges' List, a horse programmed to race and subsequently scratched by the trainer or owner shall be eligible to race provided five days have elapsed since the race in which the horse was scratched. If the horse is scratched by the trainer or owner from two consecutive races the horse is required to qualify before re-entering, unless Rule 298(10) was involved in one of these scratches.

Rule 146. If a horse participates in a race while having been declared into a subsequent race it shall be ruled ineligible except for overnight events to the subsequent race and scratched if its performance in the initial race or event makes it ineligible under the rules. If the race from which the horse is scratched is an added money event, any starting fee paid or payable shall be forfeited.

Rule 147. A horse shall not be entered in, or started in, any race if owned or controlled in whole or in part by a suspended, expelled or unlicensed person. In the event a nomination or declaration is made by or for a suspended or expelled person or horse, the owner of the horse shall be held liable for any nomination, sustaining or starting fees thus contracted but the horse shall not be eligible to compete.

Rule 148. Any Also Eligible horse shall not start if the Race Secretary or Judges does not declare the said horse in to race at least one (1) hour prior to post time of the first race of a Race Card or prior to opening of the pari-mutuel betting, except for added money events where an Also Eligible horse may be declared in to race as a non-betting entry up to 90 minutes prior to the PUBLISHED post time of the race. (See Rule 205(6))

Rule 149. Coggins Test Certificates are a prerequisite for eligibility.  
(1) It is the responsibility of the trainer that all horses racing in

his/her custody have a negative Coggins Test Certificate. A laboratory approved by the Canadian Food Inspection Agency must issue the certificate, properly identifying the horse and certifying that within the prior 2 years the horse has been tested negative for equine infectious anemia (EA). For racing purposes, proof of a negative Coggins Test may be one of the copies of the stamped and signed serum test reports presented to the Race Secretary before the horse is declared in to start. A horse will be permitted to start in one Pari-Mutuel/Qualifier race with an expired Coggins Test Certificate. Following that one start, no horse will be permitted to race without a new Coggins Test Certificate being provided to the Race Secretary.

- (2) A horse shall be placed on a Judges' List if proof of a valid negative Coggins' Test is not provided to Standardbred Canada.

- (3) If a horse is claimed and tests positive for equine infectious anemia, the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse.

### **5.3 Qualifying Races**

Rule 150. The Race secretary shall establish qualifying standards. The standards shall be filed with the judges and posted for inspection by participants at all times.

Rule 151. Qualifying standards shall apply only to the track facility where established.

Rule 152. (1) Where a horse is required to qualify, either by virtue of the operation of these rules, by order of the judges, or for any other reason whatsoever, the Judges may establish standards relating to an

individual horse's performance.

- (2) Notwithstanding Part (1) above, the judges may order any horse, in any qualifying race, to the retention area for the purpose of determining thereby the presence of any prohibited medication(s) as determined by a Canadian Pari-Mutuel accredited laboratory.

- Rule 153.
- (1) Any horse that chokes or bleeds while warming-up for a race or during a race or that is suspended in accordance with these rules, shall be placed on the Judges' List and required to go a qualifying race and perform to the satisfaction of the judges.
  - (2) If the horse, after having qualified, bleeds within its next 3 starts, it will be required to sit out 30 days before it may requalify. If no bleeding after 3 starts, it will be considered a first time bleeder if it bleeds again.

Rule 154. No horse:

- (1) wearing hobbles may start in a race, other than a qualifying race, without those hobbles unless it has qualified to do so, or
- (2) racing without hobbles, may start in a race, other than a qualifying race, wearing hobbles unless it has qualified to do so. (Refer to Rule 198)

Rule 155. A horse making a break in a qualifying race or in the first start thereafter must qualify again unless the break was an equipment break or caused by interference.

- Rule 156. (1) A horse making a break in each of two consecutive races must qualify unless the breaks were equipment breaks or caused by interference. A charted line containing only a break or breaks caused by interference or an equipment break shall be considered a clean-charted line.
- (2) A horse placed on the judges' list shall be required to qualify in accordance with Rule 298, off a race where the horse did

not chart a clean line for reasons other than interference on the horse or an equipment break.

Rule 157. A horse making its second consecutive break or making a break off a qualifier in an elimination heat will be allowed to race in the final or consolation.

Rule 158 A horse that falls to the track surface during a race must qualify unless the fall was caused by interference from another horse or driver, in which case, the fallen horse must sit out 5 days and present a veterinary certificate, prior to declaration (to race or qualify), declaring the horse fit to race or it must qualify in order to race. The horse that caused the fall may be required to qualify. Horses that fall to the track during warm up, post parade or when going to the gate shall be scratched from their race and required to qualify unless the fall was caused by interference from another horse(s) in which case they may be permitted to race if the judges determine the horse fit by checking with some or all of the

following individuals: trainer, driver, starter, paddock judge, veterinarian. The judges may also require the horse to score down. Rule 303 (1) applies to overnight and added money events. For purposes of this rule the word “fall” does not include “faltering or stumbling”. (Refer to Rule 298(8) & Rule 303 (1).

- Rule 159. If the judges scratch a horse at the request of the owner or trainer, in accordance with Rule 298 (12), or is scratched by an accredited veterinarian, from two (2) consecutive races, the horse is required to qualify before declaring in to a pari-mutuel race.
- Rule 160. The Judges shall use the interference break symbol when they determine the horse was interfered by a competing horse or the equipment of a competing horse.
- Rule 161. Within forty-five (45) days of being declared in to race, a horse that has not raced previously at the gate chosen (or show a clean line) must go a qualifying race under the supervision of a judge holding a

Senior or Associate Judge's licence for pari-mutuel meetings and acquire at least one charted line by a licensed chart maker. However, for Added Money Events where the horse is declared in to race in an elimination race, within the **45** day rule, but said elimination race does not fill, the said horse can go directly to the final even if the final is not contested within the **45** day rule for said horse. Participants are encouraged to check added money events conditions concerning the number of days to be qualified.

- Rule 162. The following provisions shall apply to the setting up and carrying out of any qualifying race(s):
- (1) All qualifying races shall be held according to the demand as determined by the Director of Racing.
  - (2) For purposes of holding qualifying races, a schedule for qualifying races shall be submitted to the Director of Racing by the licensed track facility not less than four (4) weeks prior to the opening of a racing meet.

- (3) Such schedule shall contain information including the name of the track facility, dates and time the qualifying races will be held.

Rule 163. A track facility requesting to reschedule approved qualifying races or to revise an approved schedule shall request such change in writing to the Director of Racing not less than two (2) days prior to the relevant approved qualifying day.

Rule 164. In the case of cancellation of qualifying races the relevant Race Office shall inform the Director of Racing at least one (1) day prior to the event.

Rule 165. Qualifying Races shall be presided over by licensed Commission officials and shall include:

- (1) A Senior or an Associate Judge
- (2) A Race Secretary
- (3) A Timer
- (4) A Chart Maker
- (5) A Paddock Judge/Identifier
- (6) A Starter

- Rule 166. The Director of Racing shall assign a licensed judge to preside over only approved qualifying events.
- Rule 167. It is the responsibility of the track facility to assign and remunerate all other officials.
- Rule 168. Qualifying races require the services of the Standardbred Canada Field Representative.
- Rule 169. Unless otherwise approved by the Director of Racing, all qualifiers during the racing year shall be held immediately prior to the commencement of a race card.
- Rule 170. At racetracks that race once per week or less frequently, qualifying races may be permitted between race cards.
- Rule 171. Race Secretaries shall maintain a declaration box and set a specific time to close the box to all entries for scheduled qualifying races.
- Rule 172. (1) All entries of horses to qualify must be entered in the declaration box and no late entries will be accepted.

- (2) A trainer or owner must give 3 hours notice if they are withdrawing a horse or horses out of a qualifying race. Any trainer or owner withdrawing a horse or horses from a qualifying race less than three hours before, without a bonafide reason, will be subject to a fine or suspension.

Rule 173. Unless otherwise approved by the Director of Racing, the declaration box will be closed for entries 24 hours prior to the scheduled time of the qualifying races. In the case where a Race Office's normal hours of operation cannot accommodate a 24-hour box, the box will close the last day the office is open prior to the day of the scheduled qualifying event.

Rule 174. All horses shall qualify from a single designated paddock area located at the track facility where all horses and drivers in a qualifying field shall report and get on the track to go the qualifying mile.

Rule 175. In the paddock area, all horses shall be identified by the Identifier who

will compare and confirm the tattoo/freeze brand number with the list of entries contained in a report supplied by Race Office Staff via the Standardbred Canada Computer.

Rule 176. Number of horses required:

- (1) Except for a qualifying event held immediately prior to pari-mutuel racing, each and every qualifying event shall have no less than a total of four (4) horses.
- (2) The Judge(s) may permit a horse to qualify by means of a timed workout consistent with the time of the races in which it will compete separate and apart from the others in the qualifying event.
- (3) There will be no trailing horses in a qualifying race.
- (4) Horses starting in (3) consecutive qualifying races failing to meet the prescribed standards may not be allowed to start in future qualifying races for a minimum of thirty (30) days at tracks under the jurisdiction of the APHRC.  
This does not apply to 2 and 3

year olds that are to compete in Added Money Events. However, at the discretion of the Judges, a horse may be allowed to qualify prior to the expiration of thirty days, but will be required to go two (2) successful qualifying races.

Rule 177. A track facility holding qualifying races is responsible for ensuring the communication of a qualifying schedule and any revisions including the specific time the declaration box shall close to both horsemen stabled at the track facility and those ship-ins that normally race at the track facility holding the qualifying races.

Rule 178. All Race Offices shall post this directive and approved schedule in an appropriate location(s) where all participants can be informed. Race Offices will make the appropriate number of announcements and advertisements.

Rule 179. Schedules shall be submitted on forms as prescribed by the Commission.

## 5.4 Conditions and Stake Conditions

- Rule 180. At extended meetings, condition sheets must be available to participants at least 24 hours prior to closing declarations to any race program contained therein. At other meetings, conditions must be posted and available to participants at least 18 hours prior to closing declarations. This also applies to overnight and added money events. Conditions may be based only on:
- (1) horses' money winnings in a specified number of previous races or during a specified previous time;
  - (2) horses' finishing positions in a specified number of previous races or during a specified period of time;
  - (3) age;
  - (4) sex;
  - (5) number of starts during a specified period of time;
  - (6) special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada;
  - (7) the exclusion of schooling races; or

- (8) any one more combinations of the qualifications herein listed.

Rule 181. Conditions shall not be written in such a way that a horse is deprived of an opportunity to race in a normal preference cycle. Where the word preference is used in a condition, it shall not supersede date of preference as provided for in the rules.

- Rule 182. (1) Not more than three also eligible conditions shall be used in writing conditions of overnight events.
- (2) If a posted race condition has a number of declarations sufficient for (2) two or more divisions of such condition, the declarations must be electronically drawn for the classification as well as for post position of the declarations. (Also see Rule 201)

Rule 183. The Commission may, upon application from a Race Secretary, approve conditions other than those listed for overnight events.

Rule 184. In the event there are conflicting published conditions and neither one nor the other is withdrawn by the track facility, the one more favourable to the declarer shall apply.

Rule 185. Eligibility – Winning Dollars

- (1) For the purposes of eligibility, a racing season or racing year shall be the calendar year. All races based on winnings will be programmed “non-winners of \$..” or “winners over \$..”. Additional conditions may be added.
- (2) Gross winnings shall be used and cents shall be disregarded when recording winnings.
- (3) Winnings in the United States of America are deemed at par with Canadian funds.
- (4) Winnings earned outside of North America will be calculated in Canadian Currency based on the conversion rate as of January 1<sup>st</sup> of the year the foreign earnings were amassed, or recognized as recorded by Standardbred Canada whichever comes first.

- Rule 186. Horses must be eligible when declarations close, notwithstanding that:
- (1) Wins and winnings on or after the closing date of declarations shall not be considered.
  - (2) Age allowances shall be given according to the age of the horse on the date the race is contested.
  - (3) In mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait at which it is stated on the declaration form the horse will perform.
- Rule 187. When conditions refer to previous performances, those performances shall only include those in a purse race. Each dash or heat shall be considered as a separate performance for the purpose of condition races.
- Rule 188. Added money events include stakes, futurities, early closing events and late closing events and for the setting of conditions the following applies:

- (1) all sponsors and presenters of added money events must comply with the rules and must submit annually to the Commission the conditions, any amendment to the conditions for the event or events and any other information pertaining to the conditions;
- (2) unless approved by the Commission any conditions contrary to the provisions of these rules are prohibited; and
- (3) before any sponsor or presenter issues conditions, approval must first be received from the Commission.

## **5.5 Declarations and Drawing of Post Positions**

Rule 189. If any owner, trainer or driver threatens to join with others in threatening not to race, or not to declare in because of the declaration of a certain horse or of a particular stable, thereby compelling or trying to compel the Race Secretary to reject certain eligible declarations, it

shall be immediately reported to the Judges and, if found guilty, the offending parties may be suspended, fined or both.

Rule 190. The track member shall specify the time for closing of declarations. The time must be published on condition sheets. If a declaration time has not been stated in the conditions of the stake race, then it will automatically be considered 10:00 am, three (3) days prior to the race excluding Sundays and the day of the race.

For example:

- (1) If the race is being held on Saturday, then declaration would be 10:00 am on Wednesday.
- (2) If the race is being held on Monday, then declaration would be 10:00 am on Thursday.

Rule 191. A declaration received after the specified time of closing shall not be accepted except those omitted due to error or negligence by an official or employee of the track facility, in accordance with Rule 208.

Rule 192. The track facility shall provide a locked box with an aperture through which declarations shall be deposited. Participants shall deposit their declarations in the declaration box, except as provided in Rule 194.

- Rule 193. (1) The submitting of a declaration for a horse that is ineligible to race because it has been placed on the Judges' List and is required to qualify is prohibited. Violation of this restriction will subject the person making the declaration to a fine not to exceed \$50.00.
- (2) The submitting of a declaration will be permitted for a horse that is on the Judges' or Veterinarians' List but is scheduled to be removed therefrom prior to the race.
- (3) The submitting of declarations for one horse to races scheduled for the same day at different tracks is prohibited. Violation of this restriction will subject the person making the declaration to a fine not to exceed \$50.00.

- Rule 194. (1) Declarations made by mail, electronic mail, facsimile or telephone are acceptable. Such declarations shall be subject to the same terms and conditions as written declarations, provided evidence of same is deposited in the declaration box before the time specified for declarations and, provided that adequate program information is provided, including current ownership, and if known, whether the declaration may cause any entry due to common ownership is furnished by the declarer. The Race Secretary or his/her licensed delegate is responsible for depositing such declarations. A mail, facsimile or telephone declaration must state the name of the horse, the event it is to be declared to and be signed by the person who received and deposited it.
- (2) A horse shall not be entered in a class without the permission of the owner, trainer, driver or authorized agent of that horse. No person shall declare a

horse using more than one (1) declaration form, however, the person may enter on the form a preferred condition and a second preference. Regardless of preference (Rule 201), the Race Secretary will only enter the horse in the class of second choice, if that class does not fill with horses which originally were declared into that class as the preferred class and the horse is competitive.

Rule 195. Race Secretaries and Race Office Staff who receive entry declarations by telephone shall be responsible for ensuring that the person declaring in the horse provides all information requirements of the entry declaration form. The Race Secretary shall verify all information provided.

Rule 196. Responsibility for Declaration Box: Prior to the opening of the box for the draw, the Race Secretary or his/her licensed delegate shall be in charge of the declaration box. The box may be opened by him/her prior to the time of closing to provide an opportunity to process declarations.

Information as to the names of horses declared shall not be given by any person or to any person until the time for closing of declarations has expired.

Rule 197. Although the trainer of record has the primary responsibility for the eligibility of each of his/her horses declared to race (see Rule 127(3)) the Race Secretary shall check the official performance of each horse declared and certify to the Judges the eligibility of each horse.

Rule 198. Notwithstanding Rule 154, any horse that has raced with hobbles and qualified to race without hobbles may race without hobbles in one pari-mutuel race and then go back to hobbles for its next start without qualifying. Any horse that has raced without hobbles and qualified to race with hobbles may race with hobbles in one pari-mutuel race and then go back to without hobbles for its next start without qualifying. However, the trainer of the horse must decide, before declaration into the second programmed pari-mutuel race after qualifying, whether the horse will

race without hobbles or with hobbles in any subsequent races.

Rule 199. At the time specified, one of the Judges, or in the event of their inability to be present, the race secretaries, or licensed delegate shall unlock the declaration box. The race secretary will be responsible to see that at least one licensed participant is present to witness the draw. An owner or agent of a horse with a declaration in the declaration box shall not be denied the privilege of being present. Declarations shall be listed, the eligibility verified, preference ascertained, starters selected, and post positions drawn. In the event the class does not fill and it becomes necessary to reopen any race, the owners and/or trainers of horses that fit the class may be contacted by the Race Secretary. (See Rule 201(5)).

Rule 200. A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race.

Rule 201. Starters and also eligibles for overnight events shall be drawn electronically from the horses properly declared to start, except that preference shall be given according to a horse's last previous start in a purse race, other than races designated as "Schooling Races" at the gait for which it is declared. In addition, preference shall be governed by the following: (Also see Rule 182)

- (1) If more than the required number of horses is declared in with the same preference date, the previous eight (8) preferences shall apply. If there are more than eight (8) identical previous preference dates, the starter or also eligible will be determined by lot.
- (2) When a horse is racing for the first time at the gait declared, it shall have preference over other horses regardless of their preference dates.
- (3) If declaration is made for a horse that has already been drawn in to start in a race that has not yet been contested, the

- date of that uncontested race shall be its preference date.
- (4) The declarant shall be responsible for providing acceptable evidence of exact preference dates governed by eligible declaration or starts in uncontested races made at other track facilities.
  - (5) When a race has been reopened for additional declarations, preference shall be given those horses eligible and declared at the time declarations closed originally.
  - (6) If conditions so specify, preference can be given two year-olds regardless of preference date.
  - (7) If a horse is a judge's scratch because it is ineligible to the class or if there is conclusive evidence that there has been a race office error, it shall not be counted as a preference date. If a horse is scratched for any other reason, it shall be counted as a preference date. Refusal to start shall also be counted as a preference date.

- Rule 202. All starting positions for any pari-mutuel race shall be drawn electronically using the electronic draw system provided by Standardbred Canada unless prior permission has been granted by the Director of Racing to permit an alternative draw method. Two (2) year old maidens shall draw the inside post positions in an overnight event.
- Rule 203. Postpositions in claiming handicap races shall be determined by claiming price prior to application of allowances. In handicap races, in the event of an "also eligible" horse moving into the race, the "also eligible" horse shall take the place of the horse that it replaces provided that the handicap is the same. In the event the handicap is different, the "also eligible" horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the "also eligible" horse shall take the trailing position, regardless of its handicap. In handicap races with one trailer, the trailer shall be

determined as the 4<sup>th</sup> best postposition.

Rule 204. In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

Rule 205. Not more than two horses may be drawn as also eligibles, except for races on which triactor, superfecta, etc. wagering is conducted in which case more than two also eligibles are permitted in accordance with the following provisions:

- (1) Notwithstanding Rule 201, also eligibles shall be drawn from horses having the best preference except priority may be given to horses stabled on the grounds.
- (2) No horse shall be added to the race as an also eligible unless it was drawn as such at the time declarations closed or omitted in error by an official,

provided that its inclusion does not exceed the maximum allowable number of also eligibles.

- (3) No horse shall be drawn as an also eligible if the required program information cannot be published in the official program.
- (4) No horse may be barred from another race to which it is eligible and has preference due to the fact that it has been drawn as an also eligible.
- (5) Also eligible horses moved into races shall be posted in the office of the Race Secretary and their owners or trainers shall be so notified at once.
- (6) All also eligible horses not moved into a race by 9:00 a.m. of the day of the race shall be released. (See Rule 148)
- (7) If an also eligible horse is moved into a race it shall be scratched from any subsequent race it has been drawn into unless its now new preference date still allows it in ahead of

any also eligible in that subsequent race.

- (8) In the event one or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the also eligible horse shall take the trailing position, regardless of handicap.

Rule 206. Horses may not be coupled as an entry for pari-mutuel purposes where:

- (1) a person is the owner or part owner of two or more horses in a race; or

- (2) the spouse, including common law, of a person who is the owner or part owner of one horse in a race is the owner or part owner of another horse in that race.
- (3) coupled entries are no longer required.

Rule 207. The following shall apply to the splitting of entries into divisions or eliminations and the assignment of postpositions:

- (1) For any added money event that is split into divisions or elimination heats, horses shall be seeded in separate divisions or elimination heats insofar as possible; first by owners, then by trainers, then by stables; but the divisions or elimination heats in which they are to compete and their post positions shall be determined randomly by electronic draw.
- (2) Unless the conditions for an added money event provide otherwise, the judges shall draw by lot the post positions to determine which of the two elimination events, i.e. they

shall draw positions to determine which of the two elimination heat winners shall have the pole, and which the second positions; which of the two horses that were second shall start in the third position, and which in the fourth, etc. The trailing position shall be determined as the 4<sup>th</sup> best post position provided there are no other trailers.

Rule 208. The drawing of postpositions shall be final, except:

- (1) When there is conclusive evidence that a horse was properly declared, but omitted due to error or negligence by an official or employee of the track facility; then:
  - (a) If the horse omitted by error was declared to an overnight event, it may be added to the race and given the last post position, providing its addition does not exceed the maximum number of starters allowed in a single field and provided the error is discovered

- prior to the printing of the program. Otherwise, such horse shall not be permitted to start;
- (b) If the horse was omitted by an error in calculating preference date and the horse is carded as an also eligible, it may move in and the programmed horse with the most recent date shall be scratched. In the event that two or more horses programmed have identical dates more recent than the also eligible, the horse to be scratched shall be determined in accordance with Rule 201(1). The post position of the horse moving in shall be determined in accordance with Rule 205(8); or
  - (c) If the horse omitted by error was declared to a stake, futurity, early closing event or late closing event, the race shall be re-drawn provided the error is

discovered prior to the printing of the program.

- Rule 209. A horse properly declared and drawn to start, or as an also eligible, shall not be withdrawn or scratched from the race without the permission of the Judges. A fine not to exceed \$500.00, may be imposed when this requirement is violated. Where the person making the declaration fails to honor it, and there is not opportunity for a hearing by the Judges, this penalty may be imposed by the Director of Racing.
- Rule 210. If the ownership of a horse changes, such horse may start under the new ownership not more than once without reasonable evidence being given to the judges that the registration certificate has been forwarded to Standardbred Canada. Any participant skipping or omitting transfers of ownership of any horse shall be guilty of a violation.
- Rule 211. After having been drawn to start in any race, or also eligible and not released, a horse shall not be sold prior to the racing of that particular race, unless the horse is sold at a

public horse auction and the horse remains under the care, custody and responsibility of the trainer who entered the horse into the race.

Rule 212. Drivers shall be named not later than the time to permit this information to be published in the official race program. The deadline for naming of drivers will be set by the track facility, and no driver may be changed thereafter without permission of the Judges.

## **5.6 Types of Races Permitted**

Rule 213. In presenting a program of racing the Race Secretary shall use exclusively the following types of racing.

- (1) Overnight events which include:
  - (a) Condition Races
  - (b) Claiming Races
  - (c) Preferred, Invitational, Handicap, Open or Free-For-All Races
  - (d) Schooling Races
  - (e) Matinee Races
- (2) Added money events which include:

- (a) Stakes
  - (b) Futurities
  - (c) Early Closing Races
  - (d) Late Closing Races
- (3) Match Races

### **5.6.1 Overnight Events**

Rule 214. For the purposes of this rule overnight events shall include condition, claiming, preferred, invitational, handicap, open, free-for-all, schooling, or matinee races or a combination thereof.

Rule 215. The track facility must specify the number of declarations required and when this condition is fulfilled the event must be contested on the day it was offered unless it is postponed in accordance with Rule 294.

Rule 216. A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race. Claiming races may be carded to the proportion of each week's racing program based on the number of hard copy or electronic claiming authorizations on file with the Race Secretary or

Standardbred Canada data base that bears to the total number of horses which are qualified and available for racing.

Rule 217. Substitute races may be provided for each race program and shall be so designated in condition books. A substitute race may be used when a regularly scheduled race fails to fill.

Rule 218. Regularly scheduled races or substitute races may be divided where necessary to fill a card of races or may be divided and carried over to subsequent cards, subject to the following:

- (1) No such division shall be used in the place of regularly scheduled races, which fill.
- (2) Where races are divided in order to fill a card, the Race Secretary may select the starters, after preference has been applied, for the divisions of one divided race provided eligibility to the said race is based solely upon lifetime earnings. Otherwise, starters for each division must be determined by lot after preference has been applied

unless the conditions provide for divisions based upon age, performance, earnings or sex.

Rule 219. No time records or bars shall be used as an element of eligibility.

Rule 220. Preferred, invitation, junior invitation, open and free-for-all races are those limited to the fastest horses competing at the meeting. Horses to be used in such races shall be posted in the office of the Race Secretary prior to closing declarations thereon. Horses so posted shall not be eligible to conditioned races unless the conditions specifically include horses posted to any or all such races. Removal of a horse from such lists must be made not later than the day following the start which caused it to be removed. Purses offered for such races shall be at least 15% higher than the highest purse offered for a conditioned race, on the same gait, programmed the same racing week. No two-year-old will be eligible to be placed on such lists to race against older horses until it has won seven races, unless requested by the

owner or authorized agent. The owner or authorized agent may withdraw such request at his/her discretion.

- Rule 221. In overnight and added money events, not more than two (2) trailers shall be permitted, regardless of the size of the track. A track facility may elect to go with less than the number of trailers specified above.
- Rule 222. The Race Secretary may reject the declaration to an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses declared to that particular event.

### **5.6.2 Claiming Races**

- Rule 223. (1) Unless a horse is currently on the electronic claiming authorization system, no horse shall race in a claiming race unless the owner or his/her authorized agent has provided written authorization to the Race Secretary prior to declaration to the race in which the horse is being

entered. If the horse is owned by more than one party, all parties must sign the authorization. Any questions relating to the validity of such authorization shall be referred to the Judges who shall have the authority to disallow a declaration or scratch the horse if they deem the authorization to be improper.

- (2) Unless a horse is on the electronic registration system, the Canadian registration certificate in current ownership, duly endorsed by all registered owners, must be filed with Standardbred Canada for all horses claimed within forty-eight (48) hours after the race from which the horse was claimed. All horses that have been claimed out of a claiming race will automatically be put on electronic registration by Standardbred Canada. The requirement of a Canadian registration certificate will be waived in the case of horses claimed by members who are not Canadian residents from

other members who are not Canadian residents.

Rule 224. The price allowances that govern claiming races are as follows.

(1)	Colts, Stallions, Geldings and Spayed Mares		Fillies and Mares
	2-year-old	75%	100%
	3-year-old	50%	75%
	4-year-old	25%	50%
	5 year-old and over		20%

(2) All Atlantic Bred horses up to and including the age of six (6) must have an additional 20% added to their claiming price.

Rule 225. The claiming price, including any allowances for which a horse can be claimed shall be printed on the official program adjacent to the horse's program number and claims shall be for the amount designated. Claiming prices recorded in past performance lines in programs and in the official performance record shall not include allowances.

Rule 226. (1) To be eligible to be claimed, a horse must start in the event in which it has been declared to race. For the purposes of this

rule, a horse shall be considered to have started if it is behind the gate (even if the horse is deemed to have not received a fair start for any reason whatsoever) when the field is released at the starting point by the starter.

- (2) If a horse that has been drawn in to start in a claiming race at any race track licensed by the APHRC is scratched for reasons other than being ineligible to the race, the horse shall be subject to claim in its next start at any licensed APHRC race track, provided such start occurs within 60 days of the date of the scratch, regardless of type and conditions of the race, or ownership, at a claiming price not greater than the amount for which it could have been claimed in the race from which it was scratched.
- (3) Where a horse drawn in to start in a claiming race has been declared to start in a subsequent race, the successful claimant, if any, of the horse in the first race shall

have the option of scratching the horse from the subsequent race and the 60 day provision of this section will not apply.

Rule 227. Any person, or authorized agent of such person who holds a current valid Commission licence may claim any horse. Proof of such licence must be included in the claiming forms if a claim is to be exercised. In addition, the signature of the prospective claimant, or his/her authorized agent, must be, personally witnessed, by the Race Secretary or his/her designate. (Refer to Rule 228)

Rule 228. Persons licensed in the following categories are eligible to claim horses:

- (1) Owners and lessees
- (2) Drivers
- (3) Trainers
- (4) A person desirous of becoming an owner can become an owner by effecting the claim of a horse, provided that application for membership has been submitted to the head office of Standardbred Canada and a

“Licence” has been issued to such person. An authorized agent may claim on behalf of a person eligible to claim. Any member eligible to claim a horse, or his/her authorized agent, shall be allowed access to the grounds of the track facility in order to effect a claim at the designated place for making claims and to take possession of the horse claimed.

Rule 229. Prohibitions on Claims:

- (1) A person shall not claim directly or indirectly his/her own horse or a horse trained by him/her or cause such horse to be claimed directly or indirectly for his/her own account.
- (2) A person shall not directly or indirectly offer, or directly or indirectly enter into an agreement, to claim or not to claim or directly or indirectly attempt to prevent another person from claiming any horse in a claiming race.

- Rule 230. A person shall not tender more than one (1) claim on any one horse in any claiming race.
- Rule 231. A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims.
- Rule 232. If a claimed horse is found to have a positive test or if such horse has incurred a positive test for which the positive test is not yet reported, in races immediately prior to that from which it was claimed, then such claim may be nullified and the claiming price, including all allowances, may be returned at the option of the claimant.
- Rule 233. Claiming Procedure:  
(1) A person desirous of making a claim must remit the required amount by certified cheque, bank draft, or money order payable to the track facility, or by cash. The required amount shall include the claiming price plus the transfer of ownership fee plus applicable taxes. All claim forms, including unsuccessful ones,

are to be retained by the track for a period of one (1) year from the date of claim.

- (2) The claimant shall provide all information required on the claim form provided by the Commission
- (3) The claim form shall be completed and signed by the claimant prior to placing it in an envelope provided for this purpose by the track facility. The claimant shall seal the envelope and identify on the outside the date, race number and track name only.
- (4) The envelope shall be delivered to the Race Secretary or a person delegated by him/her for this purpose, at least (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received and whether credit in the required amount has been established.
- (5) It shall be the responsibility of the Race Secretary to ensure that all such envelopes are

delivered unopened or otherwise undisturbed to the Judges prior to the race from which the claim is being made.

- (6) The Judges shall disallow any claim made on a form or in a manner, which fails to comply with all requirements of this rule.
- (7) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the methods of payment.
- (8) Should more than one claim be filed for the same horse, the successful claimant shall be determined by lot by the Judges.
- (9) A claim may not be withdraw if the horse on which the claim has been submitted is not scratched and the deadline for the submission of claims has expired.

Rule 234. A tendered claim or claims shall be announced to the public prior to the commencement of the claiming race. The judges shall notify the paddock judge of the name of the

horse or horses claimed, the name of the claimant or the claimants and the name of the person to whom the horse is to be delivered. The successful claims shall be announced to the public upon completion of the race.

Rule 235. Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested to the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, or sound or unsound, or injured during or after the race.

Rule 236. The original owner, his/her trainer or authorized representative shall deliver a claimed horse to the paddock to the successful claimant upon authorization of the Judges after an official sample has been collected from the horse as required in Rule 238. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation.

- Rule 237. Any person who refuses to deliver a horse legally claimed as expeditiously as possible out of a claiming race shall be suspended, together with the horse, until delivery is made.
- Rule 238. A post race official sample shall be taken from any horse claimed out of a claiming race. The original owner, trainer or authorized representative of the horse shall be responsible for the claimed horse until the post race official sample is collected and the horse is delivered to the successful claimant as required in Rule 236. The successful claimant shall have the right to void the claim should the analysis of the official sample be positive for any prohibited substance, provided the claimant notifies the Judges or the Commission within 48 hours of receiving notification of the positive test result.
- Rule 239. If a sample for a post race urinalysis or blood sample for post race analysis is unable to be obtained the claimant shall decide immediately whether or not to void the claim. (Reference Rule 368(5)(a))

Rule 240. In the event that the sex of a claimed horse has been inaccurately described in the racing program, the claimant or his/her authorized representative must notify the Judges of the error within 30 minutes from the time that the horse is physically retrieved by the claimant or his/her authorized representative, whether he wishes to retain the horse. If the claimant or his/her authorized representative fails to notify the Judges of the error within this prescribed time, the claimant shall be deemed to have accepted the horse so claimed.

Rule 241. A claimed horse shall not be eligible to start in any race in the name or interest of the original owner for 30 days, unless reclaimed out of another claiming race. Nor shall such horse remain in or be returned to the same stable or care or management of the first owner or trainer for the same period of 30 days, unless reclaimed out of another claiming race

Rule 242. (1) A claimed horse, regardless of ownership, shall race only at a

track facility or facilities licensed by the Commission for the next thirty (30) days unless the track facility where the horse was claimed is closing for more than thirty (30) days. In the case of a track facility closing for more than thirty (30) days, the horse is released from provisions of this rule. Any person who violates this rule shall be subject to a fine of ten (10) percent of the claiming price of the horse for each start of the horse, which violates this rule to a maximum of \$500.00 per start.

- (2) When a horse is claimed at a recognized meeting in a jurisdiction outside of the Atlantic Provinces under rules which differ from these rules, title to and entry restrictions on the claimed horse must be recognized in the Atlantic Provinces with the rules in the jurisdiction in which the claim was made.

Rule 243. Any mare which has been bred shall not be declared into a claiming race

for at least thirty (30) days following the last breeding of the mare, and there after such a mare may not be declared into a claiming race after a veterinarian has pronounced the mare to be in foal. Any mare pronounced in foal shall not be declared into a claiming race. Where a mare is claimed out of a claiming race and subsequently proves to be in foal from a breeding which occurred prior to the race from which she was claimed, the claim may be voided by the Judges at the option of the claimant provided the mare is subjected to a pregnancy examination within eighteen (18) days of the date of the claim, and is found to be pregnant as a result of that pregnancy examination. A claimant seeking to void the claim must file a petition to void the claim with the Judges within ten (10) days after this pregnancy examination and shall thereafter be heard by the Judges after due notice of the hearing to the parties concerned.

Rule 244. The appointment of an authorized agent must be made by a document executed in writing, specifying the

authorities delegated to the agent and to be available for presentation when requested by an official. A copy shall be filed with Standardbred Canada and any changes to, or revocation of such appointment by the issuer must also be filed immediately with Standardbred Canada.

### **5.6.3 Added Money Events**

Rule 245. For the purpose of this rule, added money events include stakes, futurities, early closing events and late closing events as defined in Part 2 – Definitions.

Rule 246 Conditions for Added Money Events are contained in Rules 180 and 181 as well as:

- (1) All sponsors and presenters of added money events must comply with the rules and must submit annually to the Commission the conditions and other information pertaining to such events.
- (2) Any conditions contrary to the provisions of any of these rules are prohibited.
- (3) Conditions for added money

events must specify:

- (a) which horses are eligible to be nominated;
  - (b) the amount to be added to the purse by the sponsor or presenter, should the amount be known at the time;
  - (c) the dates and amounts of nomination, sustaining and starting payments;
  - (d) whether the event will be raced in divisions or conducted in elimination heats,
  - (e) the distribution of the purse, in percent, to the money winners in each heat or dash, and the distribution should the number of starters be less than the number of premiums advertised; and
  - (f) whether also eligible horses may be carded prior to the running heats or legs of added money events.
- (4) Sponsors or presenters of stakes, futurities or early closing events shall make available a list of nominations

to each nominator or owner and to the track facility concerned within 60 days after the date on which nominations close, other than for nominations payable prior to January 1<sup>st</sup> of a horse's two-year-old year.

- (5) In the case of nominations for futurities payable during the foaling year, such lists must be forwarded out prior to October 15<sup>th</sup> of that year and, in the case of nominations payable in the yearling year, such lists must be forwarded out not later than September 1<sup>st</sup> of that year.
- (6) Sponsors or presenters of stakes, futurities or early closing events shall also provide a list of horses remaining eligible to each owner of an eligible horse within 45 days after the date on which sustaining payments are payable. All lists shall include a resume of the current financial status of the event.
- (7) The Commission may require the sponsor or presenter to file

with the Commission a surety bond in the amount of the fund to ensure faithful performance of the conditions, including a guarantee that the event will be raced as advertised and all funds will be segregated and all premiums paid. Commission consent must be obtained to transfer or change the date of the event, or to alter the conditions. In any instance where a sponsor or presenter furnishes the Commission with substantial evidence of financial responsibility satisfactory to the Commission, such evidence may be accepted in lieu of a surety bond.

(8) Dates for nomination payments:

- (a) Stakes: The date for closing of nominations on yearlings shall be May 15<sup>th</sup>. The date for closing of nominations to all other stakes shall fall on the fifteenth day of a month.
- (b) Futurity: The date of

closing of nominations shall be August 15<sup>th</sup> of the year of foaling.

- (c) Early Closing Events: The date for closing of nominations shall fall on the first or fifteenth day of a month. Nominations on two-year-olds shall not be taken prior to February 15<sup>th</sup>.
  - (d) Late Closing Events: The date for closing of nominations shall be at the discretion of the sponsor or presenter.
- (9) Dates for sustaining payments:
- (a) Stakes and Futurities: Sustaining payments shall fall on the fifteenth day of a month. No stake or futurity sustaining fee shall become due prior to February 15<sup>th</sup> of the year in which the horses nominated become two years of age.
  - (b) Early and Late Closing Events: Sustaining payments shall fall on the first or fifteenth day of a month.

- (10) The starting fee shall become due when a horse is properly declared to start and shall be payable in accordance with the conditions of the added money event. Once a horse has been properly declared to start, the starting fee shall be forfeited, whether or not the horse starts. Should payment not be made sixty (60) minutes before the post time of the event, the horse shall be scratched and the payment shall become a liability of the owner who shall, together with the horse or horses, be suspended until payment is made in full, providing the track facility notifies the Commission within 30 days after the starting date.
- (11) Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.
- (12) Notwithstanding conditions that eliminate horses by points earned in a series of legs leading to a final, conditions that will eliminate horses nominated to an event, or add

horses that have not been nominated to an event by reason of performance of such horses at an earlier meeting, are invalid. Early and late closing events shall have not more than two also eligible conditions.

- (13) The date and place where early and late closing events will be raced must be announced before nominations are taken. The date and place where stakes and futurities will be raced must be announced as soon as determined but, in any event, such announcement must be made no later than March 30<sup>th</sup> of the year in which the event is to be raced.
- (14) Deductions may not be made from nomination, sustaining and starting payments or from the advertised purse for clerical or any other expenses.
- (15) All nominations to added money events must be made in accordance with the conditions.
- (16) Every nomination shall constitute an agreement by the

person making the nomination of the horse and shall be subject to these rules. All disputes and questions arising out of such nomination shall be submitted to the Director, whose decision shall be final.

- (17) All nomination and sustaining payments, including those made online, must be received by the administrator not later than the hour of closing, except those made by mail must bear a postmark or processing mark placed thereon not later than the hour of closing despite inadequacies of the postal system. In the event the hour of closing falls on a Saturday, Sunday, or legal holiday in any of the participating provinces, the hour of closing shall be extended to the same hour of the next business day. The hour of closing shall be midnight of the due date.
- (18) If conditions require a minimum number of nominations and the event does not fill, the Commission and each nominator shall be notified within 20 days of the

closing of nominations and a refund of nomination fee shall accompany such notice to nominators.

- (19) If conditions for early or late closing events allow transfer for change of gait, such transfer shall be to the lowest class the horse is eligible to at the adopted gait, eligibility to be determined at the time of closing nominations. The race to which the transfer may be made must be the one nearest the date of the event originally nominated to. Two-year-olds, three-year-olds, or four-year-olds, nominated in classes for their age, may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event they were originally nominated to, and entry fees to be adjusted.
- (20) A nominator is required to guarantee the identity and eligibility of nominations, and if this information is given incorrectly he may be fined, suspended or expelled and the horse declared ineligible. If

any purse money was obtained by an ineligible horse, the monies shall be forfeited and redistributed among those justly entitled to the same.

(21) Minimum declarations required to race:

(a) Early or late closing events must be contested if five or more betting interests are declared to start. If fewer horses are declared to start than required, the race may be declared off, in which case the total of nominations, sustaining and starting payments received shall be divided equally to the horses declared to start. Such distribution shall not be credited as purse winnings.

(b) Stake or futurity finals must be contested if one or more horses are declared to start. In the event only one horse, or only horses in the same interest start, it constitutes a walk-over. In the event

no declarations are made, the total of nomination and sustaining payments shall be divided equally to the horses remaining eligible after payment of the last sustaining payment, but such distribution shall not be credited as purse winnings.

- (22) A track facility shall provide acceptable stable space for each horse declared.
- (23) In the event more horses are declared to start than allowed in one field, the race will be conducted in divisions or eliminations, as specified in the conditions.
- (24) In added money events conducted in divisions:
  - (a) the track facility shall contribute at least 75% of the track facility's advertised added money to the purse in each division. To this amount shall be added the contributions by sponsors other than the track facility and the total of

nomination and sustaining fees, and the revised total purse shall be divided equally between or among the divisions. Each starting fee shall be added to the division in which the horse starts.

(b) Notwithstanding the provisions of Rule 246 (24)(a), where a track facility is adding \$10,000 or more to the added money event, and the event is conducted in divisions, the track facility may divide the purse equally between or among the divisions, provided however, that no division shall be contested for less than the track facility's added money.

(25) In added money events conducted in eliminations, starters shall be divided by lot. Sixty (60) percent of the total purse will be divided equally among the elimination heats. The final heat will be contested for forty (40) percent of the total purse.

Unless the conditions provide otherwise, all elimination heats and the final heat must be raced on the same day. If the conditions provide otherwise, elimination heats must be contested not more than seven 7 days prior to the date of the final heat. The winner of the final heat shall be the winner of the race. If the estimated value of the purse for the event is \$10,000 or more, the division of the purse between elimination heats and the final may be other than the formula above; however, the purse for an elimination heat shall not be less than \$1,000 and the distribution must be contained in the printed conditions of the event.

- (26) The number of horses allowed to qualify for the final heat of an event conducted in elimination heats shall not exceed the maximum number permitted to start in accordance with the rules.
- (27) The judges' decisions in arriving at the official order of

finish of elimination heats on the same program shall be final.

(28) Notwithstanding Rule 246(27) such decision is appealable.

(29) In a two-in-three race, a horse must win two heats to win a race and there shall be 10 percent set aside for the race winner. The purse shall be divided and awarded according to the finish in each of the first two or three heats, as the case may be. If the number of advertised premiums exceeds the number of finishers, the excess premiums shall go to the winner of the heat. The fourth heat, when required, shall be raced for 10 percent of the purse set aside for the race winner. In the event there are three separate heat or dash winners and they alone come back in order to determine the race winner, they will take post positions according to the order of their finish in the previous heat. In a two-year-old race, if there are two heat winners and they have made a

dead heat in the third heat, the race shall be declared finished and the one standing best in the summary shall be awarded the 10 percent. If the two heat winners make a dead heat and stand the same in the summary, the 10 percent shall be divided equally among them.

## **5.7 Warming Horses Up**

Rule 247. If a horse is to warm up it must go its last warm-up mile on the same racing surface as it will compete on unless excused by the judges.

## **5.8 Reporting to Paddock**

Rule 248. It shall be the responsibility of a trainer to have the horses under his or her care, and which are programmed to race, properly equipped and in the paddock not less than 30 minutes before the scheduled post time or by the time prescribed by the track.

## 5.9 Starting the Race

Rule 249. All races must be started with a mobile starting gate of approved design. No person shall be allowed to ride in the starting gate except the starter, the driver and a patrol judge without the permission of the Judges. The starting gate must be equipped with two-way communications to the judges' stand and a mechanical loudspeaker to be used for the sole purpose of communicating instructions to drivers. Other use of the loudspeaker is a violation. Notwithstanding the foregoing the Judges may, in exceptional circumstances, (this does not mean weather) allow races to be started using a replacement vehicle approved by the judges. (Refer to Rule 295)

Rule 250. The starting point will be the point marked by a black and white Starting Pole on the inside limit of the racing strip and safety lane, and shall protrude at least two (2) feet above the pylon markers at a distance of not less than 200 feet from the first turn. The starter shall

release the horses at the starting point.

- Rule 251. When a speed has been reached in the course of a start, there shall be no decrease, except in the case of a recall.
- Rule 252. The horses shall be deemed to have started when released by the starter at the starting point, which will be the official start unless a recall has been sounded and all horses must go the course unless dismissed by the starter or, in the opinion of the Judges, it is impossible to do so.
- Rule 253. If, in the opinion of the judges or the starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who shall scratch the horse.
- Rule 254. In case of a recall, a light visible to the drivers shall be flashed and a recall sounded. If possible, the starter shall leave the wings of the starting gate open and gradually slow the speed of the gate to assist

in stopping and turning the field. Drivers shall take up their horses and return, without delay, to the point where fields are gathered for the start.

Rule 255. There shall be no recall after the starter has released the horses.

Rule 256. The starter shall endeavor to get all horses away in position and on the gate. The starter shall sound a recall when the starter notices any one of the following:

- (1) A horse scores ahead of the starting gate.
- (2) There is interference before the horses have reached the starting point.
- (3) A horse has broken equipment.
- (4) A horse falls before the starting point.
- (5) A horse coming to the starting gate in the wrong position.
- (6) A malfunction of the starting gate or in the interests of safety.

Rule 257. The starter may, before the horses are released at the starting point, order a recall and restart the race. In

the event a second recall is sounded for the same horse in the same race, that horse shall be scratched. There shall be no recall for a breaking or refusing horse.

Rule 258. Where the judges determine that, after the horses have been released at the starting point, a horse was 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 shall be declared a non-contestant and the provisions of the Pari-Mutuel Betting Supervision Regulations of the Criminal Code pertaining to refunds shall apply.

Rule 259. Fair Start Pole

- (1) All licensed track facilities shall erect and maintain a pole inside the inner limit of the racing surface and no less than 200 feet before the starting line. The Fair Start Pole shall be yellow in colour and shall protrude at least 2 feet above the pylon marker.
- (2) If a horse has not reached the Fair Start Pole when the starter releases the horses at

the starting point, the Judges shall cause the inquiry sign to be displayed immediately and shall request the horse be scratched from the mutuels.

Rule 260. A fine not to exceed \$500.00 may be applied by the starter or by the Judges for any of the following violations:

- (1) Delaying the start.
- (2) Failure to obey the starter's instructions.
- (3) Allowing a horse to pass the inside or the outside wing of the gate.
- (4) Coming to the starting gate in the wrong position.
- (5) Crossing over before reaching the starting point where the horses are released by the starter. The penalty for any offence against Rule 260(5), within the same calendar year shall be assessed with the following penalty schedule:
  - (a) *For the first offence*  
*assess a fine of \$50.00*
  - (b) *For the second offence*  
*within the calendar year*  
*assess a fine of \$100.00*

- (c) *For the third offence within the calendar year assess a fine of \$200.00 and a two day driving suspension.*
- (d) *For the fourth offence within the calendar year assess a fine of \$300.00 and a four day driving suspension.*
- (e) *For the fifth offence within the calendar year assess a fine of \$400.00 and a six day driving suspension.*
- (6) Interference with another horse or driver during the start.
- (7) Failure to come into position or remain in position on the gate.

## **5.10 Race Finish**

Rule 261. The wire or finish line is a real line established with the aid of a surveyor's transit, or an imaginary line running from the centre of the

Judge's stand to a point immediately across and at right angles to the track.

Rule 262. The horse whose nose reaches the wire first is the winner. If there is a dead heat for first, both horses shall be considered winners. In races having more than one heat or dash, where two horses are tied in the summary, the winner of the faster dash or heat shall be entitled to the trophy. Where the dashes or heats are of the same time, both horses shall be considered winners and the entitlement of the trophy will be decided by lot.

## **5.11 No-Contest**

Rule 263. If, in their opinion, the Judges are unable to properly judge the running or finish of a race they may declare the race to be "No Contest". When a race has been declared "No Contest" by the Judges, all monies wagered on that race will be distributed in accordance with the provisions of the Pari-Mutuel Betting Supervision Regulations of the Criminal Code. Purse distribution shall be divided

equally to all unoffending horses deemed to have started. Such distribution shall not be credited as purse winnings. The line for the race will be charted by the charter to the best of his/her ability to indicate the performance of each horse in the race; however, such charted line shall not be used for the determination of preference dates. In the event that the race that is declared “No Contest” is a claiming race the provisions of Section 5.6.2 Claiming Races of these rules are applicable, and notwithstanding a determination that the race is “No Contest”, to the horse shall be deemed to have passed to the claimant if the claimed horse is behind the gate when the field is released at the starting point by the starter.

Rule 264. If any division of an early or late closing event, stake or futurity is declared no contest by the judges, the total of nomination, sustaining and starting payments applicable to that division shall be divided equally to all unoffending horses deemed to have started. Such distribution shall not be credited as

purse winnings.

## **5.12 Time, Timing the Race and Records**

- Rule 265. A record will be the fastest time made by a horse in a heat or dash, which it won, or in a performance against time.
- Rule 266. In every race, one Timer or an approved electrical timing device, in which case, there shall be one timer, shall accurately record the time of each heat.
- Rule 267. The time of each heat or dash shall be accurately taken by one Timer or an approved electric timing device, and placed in the record in minutes, seconds and fifths of seconds, and upon the decision of each heat, the time thereof shall be publicly announced or admitted to the record. When the Timer fails to act, no time shall be announced or recorded.
- Rule 268. In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor said horse or

owner, except upon the sworn statement of the Judges and Timers who officiated in the race.

Rule 269. The leading horse shall be timed and its time only shall be announced. No horse shall obtain a win-race record by reason of disqualification of another horse unless a horse is declared the winner by reason of the disqualification of the breaking horse on which it was lapped, or, unless the time of the horse that is being placed first, as the result of a disqualification due to ineligibility or a positive test, can be determined by electronic timing from the official chart. If a horse takes a win-race record in a qualifying race, or schooling race, such record must be prefaced with the letter "Q", except in a case where the race was subject to a urine test or other official recognized test. The judges shall note on the official race reports for each qualifying race whether or not the race was subject to such a test.

Rule 270. In case of a dead heat, the time may constitute a record for the horses

making the dead heat and both shall be considered winners.

- Rule 271. The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.
- Rule 272. No person shall intentionally misrepresent the time of a race or alter the record thereof. Any record recorded as a result of misrepresentation may be expunged.
- Rule 273. Any person found guilty of fraudulent misrepresentation of time or the alteration of the record thereof, in any race, shall be suspended or expelled, and time declared not a record.

### **5.13 Charting the Race**

- Rule 274. Every race shall be accurately charted during the conduct of the race and such charts shall include the following:
- (1) The date, place and size of the track if other than one-half mile;

- (2) Symbol for free-legged pacers and hopped trotters;
- (3) Track condition, distance and type of race. Under the supervision of the Judges, the Chart Maker shall record any time allowances granted for track or weather conditions and this shall be recorded in the official performance records for all races, including qualifying races. These allowances shall be increments of full seconds and shall appear beside the track condition;
- (4) Post positions and positions at the quarter, half-mile, three-quarters and at the head of the homestretch with lengths behind the leader;
- (5) Driver and Trainer changes;
- (6) Standard symbols for breaks and park outs and interference, where applicable;
- (7) Finishing positions as determined by the Judges, beaten lengths and individual times; and
- (8) Closing dollar odds.

## **5.14 Placing and Money Distribution**

- Rule 275. Unless otherwise provided in the conditions, all purses shall be distributed on the dash basis with the money awarded according to a horse's position in each separate dash or heat of the race. Purse money distribution in overnight events shall be limited to five monies.
- Rule 276. In overnight events, if there are fewer than 5 starters, the premium for the positions for which there are no starters may be awarded to the race winner or may be retained by the track facility, but such premiums retained are not to be included in percentages of any agreement between the track facility and any recognized participants' association.
- Rule 277. Licensed track facilities, in agreement with their local horsemen's association, may set the percentages for purse money distribution in overnight events subject to Commission approval. Purse distribution percentages for stake events shall be determined by stake organizations subject to

Commission approval and included in the published stake conditions.

- Rule 278. If there are any premiums for which horses started but were unable to finish and the situation is not dealt with by these rules, all such premiums shall be paid to the race winner.
- Rule 279. Every heat is a race and the purse shall be distributed as in dash races with nothing being required to be set aside for the race winner, unless otherwise stated in the conditions of an added money event.
- Rule 280. In elimination heats, the total purse shall be distributed in accordance with the provisions of Rule 246(25) and the purse for each heat shall be distributed in accordance with these rules.
- Rule 281. If the placing system is specified in the conditions, the purse shall be distributed according to the standing of the horses in the summary. In order to share in the purse distribution each horse must complete the race and compete in

each heat to which it is eligible. A horse must win two heats to be declared the race winner and such horse will stand first in the summary. In deciding the rank of the horses other than the race winner, a horse that has been placed first in one heat shall be ranked better than any other horse that has been placed second in any number of heats; a horse that has been placed second in one heat shall be ranked better than any other horse that has been placed third in any number of heats, etc., e.g., a horse finishing 3-6 would be ranked ahead of another horse finishing 4-4. A horse finishing in a dead heat would be ranked below another horse finishing in the same position and not in a dead heat. If there be any premium for which no horse has maintained a position, it shall go to the race winner.

Rule 282. If for any reason a horse is disqualified or declared ineligible, any purse monies or trophies received by the owner shall be returned within fifteen (15) days of notification to the track facility for redistribution.

Rule 283. (1) When a winning horse is disqualified as a result of being ineligible, or as a result of a positive test, it shall lose any purse money, its finishing position and its time in the following manner:

- (a) The horse will be disqualified and placed last;
- (b) The horse will lose all purse money earned from the race;
- (c) All remaining horses will move up in position, their summaries adjusted, and the money re-distributed accordingly.

In the event the horse won the race, it shall lose the winning time and the actual time of the horse will read: TDIS (time disallowed). Further, the horse that finished second and placed first will be awarded with a win and, credited with a winning time as determined by electronic timing from the official chart.

- (2) In the event a horse is placed by the judges all remaining

horses will move up in position, their summaries adjusted and purse money redistributed accordingly. In the event the horse won the race, it shall lose the winning time and the actual time of the horse will read: TDIS (time disallowed). Further, the horse that finished second and placed first will be awarded with a win and, credited with a winning time as determined by timing from the official chart.

Rule 284. Purses earned outside of North America will be calculated in U.S. dollars based on the conversion rate as at January 1<sup>st</sup> of the year the foreign earnings are amassed. Winnings in the United States will be deemed to be at par with Canadian funds.

Rule 285. All races shall be bona fide contests with the winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No arrangement for equal distribution of the purse money is permitted.

Rule 286 (1) Any track facility that defaults in the payment of a premium that has been raced for shall stand suspended, together with its officers. No deduction, voluntary or involuntary, may be made from any purse, nomination, sustaining or starting payments, except those deductions made from purse monies for overnight events and paid to recognized participants' organizations through agreements with the track facility.

(2) Where an agreement exists between a recognized harness participants' association and a racing association, drivers', grooms' and trainers' fees may be deducted from the purses payable to owners and paid to the drivers, grooms and trainers within 30 days. A copy of such agreement must be filed with the Commission.

Rule 287. No addition shall be made to any purse after it is contested unless through error. Money due through contractual arrangements with

recognized participants' organizations shall be added to the purse account of the next meeting. Any bonus payments or awards made to owners by track facility that is not money due through contractual arrangements with recognized participants' organizations shall not be considered earnings of a horse and shall be excluded from the records of the horse involved.

Rule 288. If a race is contested which another party has promoted and the promoters thereof default in payment of the amount raced for, the same liability shall attach to the track facility, as if the race had been offered by the track facility.

Rule 289. A track facility shall not pay a purse for less than the amounts specified on the condition sheet for that race, unless the amount so specified results from a clerical, typographical or other unintended error.

### **5.15 Access to Grounds, Paddock and other Facilities**

Rule 290. If determined by the Commission, a

track facility may be required to limit access in the paddock to licencees and a record shall be maintained indicating the names and times of entry and departure of all persons admitted to the paddock. The persons entitled to admission to the paddock area are:

- (1) owners, lessees, trainers, drivers or grooms of horses which have been summoned to the paddock;
- (2) officials whose duties require their presence in the paddock; and
- (3) other persons authorized by the judges or the Commission.

Rule 291. Staff of the Commission and duly appointed officials of the Commission shall be permitted access to all grounds, barns, paddocks, trailers and vehicles of and at licensed and member track facility's premises.

Rule 292. Owners, lessees, lessors or stable members of horses competing on the date of the race shall be entitled to admission to the paddock subject to the Rules relating to the administration of the paddock and

any specific instructions or restrictions conveyed by the Judge or the Paddock Judge.

Rule 293. Any other matter relating to paddock and grounds not specifically addressed in these rules shall be governed via Directive of the Commission. (Cross Reference Directives 052-2007 and 053-2007)

## **5.16 Cancellation of Race Cards**

Rule 294. (1) A scheduled race card can only be cancelled for bonafide cause and after consultation with the Director of the APHRC, or designate. Such notice of cancellation shall be given no later than four (4) hours prior to the advertised post time. The track facility has the right to conduct the same card within 84 hours and if not conducted within 84 hours a new card shall be rescheduled within the race meeting. Horses programmed in the postponed or cancelled card may not be withdrawn

without reasonable cause and judges' consent.

- (2) The sole exception to Rule 294(1) is an act of God, for illustration purposes flood, tornado, earthquake, hurricane, tropical storm, blizzard, etc.

Rule 295. Once a Race Card has been commenced and if track conditions are questionable for the warming up or racing of horses, the Judges shall convene a meeting with representatives of the track facility's management, horsemen's representatives, the starter and paddock judge to determine whether racing shall continue. If, as a result of this meeting, it is determined to continue racing then trainers will be allowed to withdraw horses without penalty. In the event that the starting vehicle is unable to be used because of unsafe track conditions, the race card will be cancelled. (Refer to Rule 249)

Rule 296. Rules 294 and 295 do not preclude the track facility's management from canceling the races due to track or weather conditions without

consultation with a Horsemen's Representative.

Rule 297. The Commission may decrease inter-track and simulcasting privileges when race dates are cancelled without rescheduling.

## **PART 6 RACING, CONDUCT AND PENALTIES**

### **6.1 Judges' List**

Rule 298. A horse shall be placed on the Judges' List if:

- (1) a horse is declared unfit to race by an accredited veterinarian because it is sick, lame or otherwise physically unfit to race. This will be known as the Short Term Veterinarian's List and horses placed on the list shall come off the list after seven (7) clear days unless a veterinarian certificate is issued to the Judges that declares the horse fit to race.
- (2) a horse is placed on the Long Term Veterinarian's List by an accredited veterinarian due to chronic physical or health problems. The horse may come off the list after seven (7) clear days from the date of being placed on the Long Term List and upon receipt of a veterinarian certificate declaring the horse fit to race;

- (3) a horse is declared dangerous or unmanageable by the judges;
- (4) proof of negative coggins test required in accordance with Rule 149 is not presented;
- (5) a valid eligibility certificate is not presented in accordance with Rule 143;
- (6) exact identification, management or ownership of the horse is not presented;
- (7) inconsistent behavior, performance or time;
- (8) a horse that falls on the track or on its way to/from the track prior to a race must be scratched and must sit out 5 days and present a veterinary certificate, prior to declaration, declaring the horse fit to race or it must qualify in order to race again. A horse that falls on the track or on its way from the track after a race must present a veterinary certificate, prior to declaration, declaring the horse fit to race or it must qualify in order to race again (Refer to Rule 158 & Rule 303(1)). Horses that fall to the

track during warm up, post parade or when going to the gate shall be scratched from their race and required to qualify unless the fall was caused by interference from another horse(s) in which case they may be permitted to race if the judges determine the horse fit by checking with some or all of the following individuals: trainer, driver, starter, paddock judge, veterinarian. The judges may also require the horse to score down. Rule 303(1) applies to overnight and added money events. For purposes of this rule the word “fall” does not include “faltering or stumbling”. (Refer to Rule 298(8) & Rule 303(1).

- (9) a horse that refuses to start;
- (10) a horse scratched due to a transportation problem will not be eligible to race for (7) seven clear days from the date the horse was scratched.
- (11) a horse is scratched due to a violation of Rule 372; and
- (12) a veterinarian is not available, the judges order scratched

from a race any horse that is, in his/her opinion, or the opinion of the owner or trainer, sick, lame or otherwise physically unfit to race.

- Rule 299. The Judges may scratch a horse at the request of the trainer or owner but such horse shall not be eligible to race or qualify for five (5) clear days, where the first clear day shall be the day after from the date the horse was scratched. (See Rule 145)
- Rule 300. When a horse is placed on the Judges' List, the owner or trainer shall be notified by written notice posted in the area of the race office accessible to participants. The reason for such action must be stated in the notice. Also, the Judges shall report that a horse is on the Judges' List with reasons on the Standardbred Canada Official Chart.
- Rule 301. No horse that is on the Judges' List either by virtue of the operation of this Section, or any other rule shall be eligible to compete in any added money event or overnight event until it has been removed from the

Judges' List. Only Judges at an extended meeting shall have the authority to remove a horse that is on the judges' list. Refer to Section 5.3 Qualifying Races for qualifying requirements of horses placed on the Judges' List.

## 6.2 Racing Rules

Rule 302. The pari-mutuel manager shall establish post time for each race and the judges shall call the horses onto the track in time to allow the horses to parade and be exhibited before the public but to preclude an excessive delay before the start.

- (1) The time between separate heats of a single race shall be no less than 40 minutes.
- (2) Horses called for a race shall have the exclusive right of the course, and all other horses shall vacate the racing strip as soon as possible.
- (3) In the case of accidents, only so much time shall be allowed as the judges may deem necessary and proper.
- (4) All sulkies must be equipped with mud fenders and mud

aprons at all extended meetings when deemed necessary by the judges. Only sulkies shall be permitted to be used in a race and every sulky used in a race must be equipped with uniform coloured or colourless wheel discs on the inside and the outside of each wheel.

- (5) Horses are required to parade in programmed order. All horses must remain in proper order until the parade has passed in front of the grandstand. The judges may impose a penalty for a violation of this rule.
- (6) All horses must be exhibited at least once before the public. Horses may be held on the backstretch not to exceed five minutes awaiting post, except when delayed by the judges.
- (7) In the event there are two tiers of horses, the scratching of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier, except as provided for in

handicap claiming races.  
Whenever a horse is scratched from any tier, horses on the outside move in to fill up the vacancy. When there is only one trailer, it may start from any position in the second tier. When there is more than one trailer, the inside trailer shall follow either the horse in the #1 or #2 position, the next trailer shall follow either the horse in the #3 or #4 position.

Rule 303. When, before a race starts:

- (1) Horses that fall to the track during warm-up, post parade or when going to the gate shall be scratched from their race and required to qualify unless the fall was caused by interference from another horse(s) in which case they may be permitted to race if the judges determine the horse fit by checking with some or all of the following individuals: trainer, driver, starter, paddock judge, veterinarian. The judges may also require the horse to score down. Rule 303(1) applies to overnight

and added money events. For purposes of this rule the word “fall” does not include “faltering or stumbling”. (Refer to Rule 158 & Rule 298(8))

- (2) A driver is unseated and appears to have been injured; the horse that was being driven by that driver may compete with a substitute driver of comparable ability, approved by the judges.
- (3) If for any other reason there must be a driver change after betting has begun on that race, the horse that was being driven by that driver may compete with a substitute driver of comparable ability, approved by the judges.
- (4) If a comparable driver cannot be found, the horse may compete but will be barred from betting.

Rule 304. A driver shall not commit any of the following acts, which are considered **TYPE I** offences against the driving rules:

- (1) Change course or position, or swerve in or out or bear in or

out during any part of the race in such a manner as to compel a horse to shorten its stride or cause another driver to change course, take his or her horse back, or pull his or her horse out of its stride;

- (2) Strike or hook wheels with another sulky
- (3) Cross sharply in front of a horse or cross over in front of a field of horses.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by "putting a wheel under him".
- (6) Carry a horse out.
- (7) Take up or slow up in front of other horses so as to cause confusion or interference among the trailing horses
- (8) Allow another horse to pass needlessly on the inside, or commit any other act that helps another horse to improve its position;
- (9) Impede the progress of another horse or cause it to break from its gait;
- (10) Change course after selecting a position in the home stretch or swerve in and out, or bear

in or out, in such a manner as to interfere with another horse or cause him to change course or take back.

- (11) To drive in a careless or reckless manner.
- (12) Driving within the inside perimeter of the race course except, where so provided, the designated passing lane.
- (13) Fail to set or maintain a pace comparable to the class in which he is racing considering the horse's ability, track conditions, weather and circumstances confronted in the race. Maximum fine for a slow fraction regardless of purse is \$500. For a first time offence in a calendar year, the penalty is 5% of purse, for the 2<sup>nd</sup> offence in a calendar year, the penalty is 10% of purse, and for a 3<sup>rd</sup> offence or additional offences, in a calendar year, the penalty is 10% of the purse plus a **DRIVING** suspension **SEVEN (7)** racing days and may be required to go a rated mile.

- (14) Laying off a normal pace and leaving a hole when it is well within the horse's capacity to keep the hole closed.
- (15) Take up or slow up in front of other horses and then subsequently come on when challenged
- (16) Converse with other drivers from the forming of the post parade until released by the starter, and then after the finish of a race.
- (17) Blatantly examining the tote board at any time from the commencement of the official post parade until the starter releases the horses to start the race.
- (18) Driving in a 1/2 in 1/2 out position or taking up two (2) driving lanes.

Rule 305. Violations of the following rules shall make drivers liable to penalty as a Type 1 Offence:

- (1) failure to drive when programmed without having been excused by the judges;
- (2) failure to participate in, or being late for a post parade

without permission of the judges.

Rule 306. With approval of the Commission, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racing surface.

Rule 307. In the event the home stretch is expanded pursuant to Rule 307, the following shall apply on 1/2 mile and 5/8 mile tracks:

- (1) no horse shall pass on the extended inside lane entering the stretch the first time,
- (2) the lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane, and
- (3) horses using the open stretch must first have complete clearance of the pylons. If there is conclusive evidence that any horse or the inside wheel of the horse's sulky leaves the race course by going inside the pylons, when not forced to do so as a result

of the actions of another driver and/or horse without being interfered with by another driver and/or horse to clear shall be subject to Section 6.5 – Pylons.

### **6.3 Devices and Urging Tool**

Rule 308. Drivers' urging tool shall:

- (1) be no more than 48 inches in length, not including the snapper;
- (2) be made of a material other than rawhide;
- (3) include a snapper that is no less than 6 inches and no more than 12 inches in length; and
- (4) not include a snapper that is altered from original manufacture or knotted.
- (5) shall be black

Rule 309. The possession or use of any goading device, chain, spur or mechanical devices or electrical device other than an urging tool as allowed in these rules, upon any horse, shall constitute a violation.

- Rule 310. (1) The possession of any mechanical or electrical goading device on the grounds of a track facility shall constitute a violation.
- (2) The Judges have the authority to disallow the use of any equipment or harness that they feel is unsafe or not in the best interest of racing.

- Rule 311. (1) Unauthorized, or indiscriminate use of an urging tool, flagrant use of the urging tool causing visible injury or striking a horse with the butt end of the urging tool shall be a **TYPE II** offence.
- (2) The placing of both lines in one hand in order to urge the horse will be considered a Type II offence except as allowed under Rule 313(4)(a).

- Rule 312. (1) At any time while on the grounds of a licensed racetrack facility, it is a violation of the Rules for a driver, or the person in control of the horse, to engage in any of the following actions with

respect to their driving  
conduct:

- (a) Indiscriminate action, which is characterized by unrestrained or careless activity;
  - (b) Excessive action, which is characterized by unreasonable quantity or degree including using the urging tool continuously and/or without allowing the horse time to respond;
  - (c) Aggressive action, which is characterized by inhumane or severe activity.
- (2) The urging tool shall not be used on a horse in a race:
- (a) Where the horse is not visibly responding; or
  - (b) Where the horse is not in contention for a meaningful position.
  - (c) Where the horse is not maintaining or improving its position;
  - (d) Where the horse is clearly winning;
  - (e) Where the horse has passed the winning post at the finish of the race.

- (3) At any time while on the grounds of a licensed racetrack facility the urging tool shall only be used for safety purposes and for very light encouragement. The only movement allowed to encourage a horse is a movement of the wrist. It is a violation of the Rules for a driver, or the person in control of the horse, to use the urging tool to hit or make contact with the horse as follows:
- (a) To raise their hand(s) above their head;
  - (b) To use more than acceptable wrist action;
  - (c) To cause any portion of the urging tool to be outside the confines of the wheels of the race bike;
  - (d) To strike the shaft of the race bike, or the horse below the level of the shaft of the race bike;
  - (e) To cut or severely welt a horse.
- (4) A driver, or the person in control of the horse, is required to:

- (a) Keep a line in each hand for the entire race, from the starter's call to the gate until the finish of the race, except for the purpose of adjusting equipment.
- (b) Keep both hands in front of their body;
- (c) Keep their hands below their head; and
- (d) Have control of their horse at all times when on the racetrack.
- (e) Only black urging tools shall be permitted.

Violation of any of the provisions in Rule 312 (1), (2), (3) or (4) may result in any of the following penalties:

- (a) Fine;
- (b) Suspension;
- (c) Any other penalty as ordered.

**Indiscriminate action** means unrestrained or careless activity without regard for safety or care. For the purposes of Rule 312(1) (a), the following are examples of

indiscriminate action but do not constitute an exhaustive list:

- (a) use of the urging tool in any manner between the hind legs of the horse
- (b) loose lining or driving the horse so as to not have control of the horse
- (c) striking the horse with the butt end of the urging tool; or
- (d) punching the horse.

**Excessive action** means unreasonable quantity or degree. For the purposes of Rule 312 (1) (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 urging tool when a horse is not in contention in a race;
- (b) use of the urging tool without giving the horse time to respond to a previous application of the use of the urging tool
- (c) use of the urging tool on the horse anywhere below

the level of the shaft of the race bike.

**Aggressive action** means inhumane or severe or activity. For the purposes of Rule 312 (1) (c), the following are examples of aggressive action but do not constitute an exhaustive list:

- (a) use of the urging tool 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 urging tool;

**Loose lining** means the indiscriminate action of carelessly adjusting the handholds 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 allow a wide arch when using the urging tool or shaking the lines.

### **Meaningful Position Rule 312**

**(2)(b)** means the horse has a reasonable opportunity to finish in an advantageous position. Examples of meaningful include, but are not limited to, maintaining qualifying times, receiving points towards future races or earning purse monies.

### **Confines of the wheels Rule 312**

**(3) (c)** means that any part of the urging tool cannot move outside of a line which runs parallel to the horse from a point outlined by the outside of the race bike wheel.

- Rule 313. The penalty for any offence against Rule 312, within the same calendar year shall be assessed in accordance with the following penalty schedule:
- (1) For the first offence assess a \$100 fine
  - (2) For the second offence within the calendar year assess a \$150 fine & shall be required to meet with Judges
  - (3) 3rd offence: \$200 fine and one day driving suspension & shall be required to meet with Judges

- (4) 4th offence: \$300.00 fine and four day driving suspension & shall be required to meet with Judges
- (5) 5th offence: \$400.00 fine and six day driving suspension & shall be required to meet with Judges
- (6) After each 300 drives within the same calendar year, the next offence shall be assessed as if it is the first in accordance with the penalty schedule outlined above.
- (7) After any driver commits more than five (5) offences in the same calendar year the Commission shall review the matter and an appropriate penalty may be assessed in accordance with the Atlantic Provinces Harness Racing Commission Rules and Regulations.
- (8) For purses of \$5,000 or greater, the penalty for any offence against Rule 312 shall be 10% of the purse (up to a max of \$1,000) and a 3-day driving suspension.

Rule 314. The use of an urging tool under the arch of the sulky, is a **TYPE II** offence, for which the penalty shall be no less than 10 days suspension.

#### **6.4 Racing Violations**

Rule 315. A complaint by a driver or trainer of any violation of the rules, or other misconduct during a race in which they are participating shall be made immediately after the race to which it relates, unless the driver or trainer is prevented from doing so by an accident or injury or other reasonable excuse. A driver or trainer entering an objection or other complaint of violation of the rules, shall make this known to the nearest patrol judge, starter and/or paddock judge and shall proceed forthwith to the paddock telephone to communicate immediately with the judges. The judges shall not cause the official sign to be posted until the matter has been dealt with. (See Rule 316)

Rule 316. A driver shall have committed a violation for failure to report

interference or any other infraction that occurred during a race, or for lodging an objection or complaint, which the Judges deem to be frivolous. Drivers shall notify the Starter of any objection or violation of the racing rules immediately upon completion of the race.

Rule 317. If a person commits a violation driving a horse coupled as an entry, the judges shall set both horses back if, in their opinion, the violation affected the finish of the race, otherwise penalties may be applied to each entry.

Rule 318. In the case of interference, collision, or violation of any rule, the offending horse may be placed back one or more positions in that heat or dash, and in the event of such collisions, interference or violation preventing any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be fined or suspended. If a horse is set back, it must be placed behind the horse with which it interfered. If an offending horse has interfered with a horse involved in a dead heat and

the offending horse is set back, it must be placed behind the horses in the dead heat.

- Rule 319. If the judges believe that a horse is, or has been driven with design to prevent it winning a race or races, they shall consider it a violation by the driver. **(Type II Offense)**
- Rule 320. If the judges believe that a horse has been driven in an inconsistent manner, they shall consider it a violation.
- Rule 321. If the judges believe that a horse has been driven in an unsatisfactory manner due to lack of effort, they shall consider it a violation. **(Type II Offense)**
- Rule 322. If the judges believe that a horse has been driven in an unsatisfactory manner, not otherwise specified in these rules, they shall consider it a violation and furnish particulars thereof to the driver, prior to the instituting of any action.
- Rule 323. (1) The Judges may remove a driver at any time if, in their

opinion, his or her driving would not be in the best interests of harness racing.

- (2) A driver cannot decline to be substituted by the Judges. Any driver who refuses shall be suspended and may be subject to a monetary penalty.

Rule 324. A driver must be mounted in the sulky at the finish of the race or the horse must be placed as not finishing.

- (1) A horse shall be placed as not finishing where the driver at any time during the running of the race was not mounted in the sulky but was mounted in the sulky at the finish of the race.
- (2) If a horse falls at any time during the race and was able to get back to its feet and finish the race it shall be placed as not finishing.

Rule 325. If, during the preliminary scores or during a race a driver is unseated in such a manner that falls to the ground, the judges may direct the driver to report to the infirmary or to the emergency department of the

nearest hospital for examination and receive written clearance to continue with driving assignments on that day of racing.

Rule 326. Profanity and other improper conduct in a race is forbidden.

- Rule 327. (1) Drivers shall keep both feet in the stirrups during the post parade, while in front of the grandstand, and from the time the horses are brought to the starting gate until the race has been completed. Drivers shall be permitted to remove a foot from the stirrups during the course of the race solely for the purpose of pulling ear plugs and once these have been pulled, the foot must be placed back into the stirrup. If a driver's foot is in the stirrup, he or she shall not allow his/her foot to hit a horse in any manner;
- (2) Striking the wheel disk of a sulky while holding one line in each hand by the handholds is a Type I offence except that striking the wheel disk of a sulky while holding one line

in each hand by the handholds will be allowed from the 5/8 pole finishing the race.

Excessive wheel disking is a Type 1 offence (Reference Rule 312(1) (b) for the definition of Excessive. For any offense against Rule 327 the following penalties apply:

- (a) 1<sup>st</sup> offence: within the calendar year assess a \$25.00 fine
- (b) 2<sup>nd</sup> offence: within the calendar year assess a \$50.00 fine.
- (c) 3<sup>rd</sup> offence: within the calendar year assess a \$100.00 fine
- (d) 4<sup>th</sup> offence: within the calendar year assess a \$100.00 fine and one day driving suspension
- (e) 5<sup>th</sup> offence: within the calendar year assess a \$100.00 fine and two day driving suspension

For purposes of this section, after each 100 drives within the same calendar year his/her next offence shall be assessed as if it is the first in accordance with the above

penalty schedule. Upon the expiration of the calendar year penalties shall be assessed starting with the first offence.

Rule 328. During a race:

- (1) A driver shall not make an overt kicking motion towards the horse before, during or after a race.  
Type II Offence.
- (2) In addition to kicking, which is a Type II offence, no driver shall hit a horse with his/her foot in any manner. The following penalties apply:
  - (a) *1<sup>st</sup> offence within the calendar year assess a \$50 fine.*
  - (b) *2<sup>nd</sup> offence within the calendar year assess a \$100 fine.*
  - (c) *3<sup>rd</sup> offence within the calendar year assess a \$200 fine.*
  - (d) *4<sup>th</sup> offence within the calendar year assess a \$200 fine and one day driving suspension.*
  - (e) *5<sup>th</sup> offence within the calendar year assess a \$200 fine and two days driving suspension.*

For purposes of this section, after each 100 drives within the same calendar year his/her next offence shall be assessed as if it is the first in accordance with the above penalty schedule. Upon the expiration of the calendar year penalties shall be assessed starting with the first offence.

Rule 329. No horse will be permitted in a race wearing any type of equipment that covers, protrudes, or extends beyond its nose or that in any way could interfere with the true placing of the horse.

Rule 330. (1) If a horse is not on its proper gait, in a race, for 25 consecutive strides or more (extended break) after the horse's nose has crossed the start line, that horse shall be placed last. However, the Judges may, in their discretion, determine not to set the horse back if interference caused by another driver(s) or horse(s) has caused the horse to be on a

break for 25 consecutive strides or more.

- (2) When a horse breaks from its gait in a race, the driver shall:
  - (a) Take the horse to the inside or outside of other horses where clearance exists;
  - (b) Properly attempt to pull the horse to its gait; and
  - (c) Continuously loses ground while on the break.

If there has been no violation of 330(2)(a), (b) or (c) above, the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish, however, notwithstanding the foregoing, if interference caused by another driver(s) or horse(s) has caused the horse to be on a break at the finish, the Judges may, in their discretion, determine not to set the horse back even if a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. The Judges may set any horse back one or more places if, in their judgment, any of the above violations have been committed, and the driver may

be subject to a monetary penalty or suspension or both.

Rule 331. If, in the opinion of the judges, a driver allows a horse to break for the purpose of losing a race, he shall be in violation of Rule 319.

Rule 332. If a horse is scratched in error and cannot be added back into the pari-mutuel system, the horse may race for purse only. The judges shall ensure that the race announcer informs the public that the horse will be racing without pari-mutuel wagering.

## 6.5 Pylons

Rule 333. If there is conclusive evidence that any horse or the inside wheel of the horse's sulky leaves the race course by going inside the pylons, when not forced to do so as a result of the actions of another driver or horse or without being interfered with by another driver or horse, shall be placed as follows:

- (1) if any horse or the inside wheel of the horse's sulky goes inside
- (2) two consecutive pylons, the

offending horse shall be placed behind all horses that are lapped on to the offending horse at the wire;

- (2) if any horse or the inside wheel of the horse's sulky goes inside three (3) or more consecutive pylons, the offending horse shall be placed last.

Rule 334. Racetracks with pylons shall meet the following criteria regarding pylon location, design standards and angles:

- (1) sixty (60) feet apart on the straight away
- (2) forty (40) feet apart on the turns
- (3) pylons leading into the passing lanes to be 15 feet or less apart
- (4) thirty inches in length above ground
- (5) pylons shall be angled 22.5 degrees to 30 degrees inward to the racetrack surface and have the top three inches of the pylon painted bright orange.

- Rule 335. All tracks must have the pylons in place for regular racing and qualifying.
- Rule 336. Drivers who in the opinion of the judges, leave the racing strip when not forced to do so as a result of the actions of another driver or horse may be fined or suspended by the judges.
- Rule 337. Notwithstanding Rule 333 if in the opinion of the Judges a horse while on stride, or part of the horse's race bike (sulky), goes inside a pylon(s) and that action gave the horse an unfair advantage over other horses in the race or the action helped improve its position in the race, the horse may be placed at the discretion of the Judges.

## **6.6 Broken Equipment – Recall**

- Rule 338. If for any cause other than being interfered with, or broken equipment, a horse fails to finish after starting a race, that horse shall be ruled out. If it is alleged that a horse failed to finish a race because of broken equipment, this fact must be reported to the paddock judge

who shall make an examination to verify the allegation and report the findings to the Judges.

## **6.7 Equipment**

Rule 339. The Judges shall have the authority to disallow the use of any equipment or harness that they feel is unsafe or not in the best interest of harness racing.

Rule 340. Safety Helmets and Safety Vests

- (1) A fastened safety helmet, meeting the Snell Foundation standards for protective helmets, shall be worn by any person involved in the driving, training or exercising of a racehorse including the getting to and from the barn, the paddock area, the winner's circle and the racetrack surface at any licensed racetrack within the jurisdiction of the Commission.
- (2) Any licensed racetrack shall adopt the above rule provision in its track rules.
- (3) The track rule shall include a provision for enforcement of

the safety helmet rule in the following manner:

(a) After due and proper notice issued by track management anyone violating this rule shall be subject to the following penalties:

- (i) 1<sup>st</sup> offence – the Commission or its delegate, which may be track management, shall issue to the offender a \$25.00 fine;
- (ii) 2<sup>nd</sup> offence – the Commission or its delegate, which may be track management, shall issue to the offender a \$50.00 fine;
- (iii) 3<sup>rd</sup> offence – the Commission or its delegate, which may be track management, shall expel the offender from driving, training or exercising of any racehorse at the

- relevant racetrack  
for a period of time  
determined by the  
Commission;
- (iv) 4<sup>th</sup> offence – the  
matter be referred to  
the Commission and  
after a hearing it  
may issue a fine or  
suspension. Such  
suspension may be  
effective for only  
the racetrack where  
the offence occurred  
or all licensed  
racetracks within  
the jurisdiction of  
the Commission.
- (4) In the circumstance where the  
offender is not a licensed  
member of the Commission  
the Trainer of Record of the  
horse being driven, trained or  
exercised at the time of the  
offence shall be responsible  
for the person's violation of  
the safety helmet rule and  
therefore be subject to fine or  
suspension.
- (5) All drivers must wear an  
approved safety vest (ASTM  
Standard). Failure to wear an

approved vest will result in the driver being assessed a fine of \$50.00. A Doctor's note is required every calendar year for those who cannot medically wear a safety vest.

Rule 341. The Saddle Pads in use at licensed track facilities conducting Race Meetings shall be standardized with a format to be established by the Commission.

Rule 342. Sulky & Sulky Standards

- (1) Every sulky used in a race shall have uniform coloured or colourless wheel disks on the inside and outside of each wheel.
- (2) The sulky shall attach to both sides of the harness.
- (3) The sulky shall not create either by design or manufacture any interference or hazard to any driver or horse in a race.
- (4) All components of the sulky shall be attached to one another in such a way that they remain attached during normal use and testing.

- (5) The Judges may order an inspection of a sulky at any time and order that sulky replaced that does not meet normal standards.
- (6) Use of bent shaft sulkies in any race is prohibited. Only USTA approved conventional sulkies will be permitted to be used.

## **6.8 Conduct**

### **6.8.1 General**

Rule 343. Any attempt to violate any of the Rules of the Commission falling short of actual accomplishment shall constitute an offence.

Rule 344. In the event that the Commission/Judges require a licensee or any person to appear before them and they are unable to notify the licensee or person, they may suspend such licensee or person if it is deemed in the best interest of the sport or having notified a participant and he fails to appear, the Commission/Judges may suspend or fine such licensee or person.

- Rule 345. After proper notice and upon failure to make restitution, any licensee responsible for an unsatisfied court judgment or dishonored negotiable instrument related to harness horse racing shall be suspended until the satisfaction of the court judgment or bona fide payment is made.
- Rule 346. If any person is approached with any offer or promise of a bribe fraudulent in nature, or is solicited to perform any improper, corrupt or fraudulent act in relation to racing, that participant shall report the details thereof immediately to the Judges or the Director of Racing.
- Rule 347. Any person shall be deemed to have violated Rule 319 for attempting to or succeeding to affect the outcome of any race, either individually or in concert with another.
- Rule 348. No licensee shall:
- (1) commit assault or battery against any person;
  - (2) threaten to do bodily injury to any participant;
  - (3) use insulting, offensive or improper language to any official or licensee;

If a licensee so does it shall constitute a violation of these rules.

- Rule 349. A licensee or any person providing inaccurate information about a horse, or attempting to have misleading information given in a program may be fined, suspended or expelled.
- Rule 350. A licensee or any person obtaining purse money through fraud or error shall surrender or pay same to the Commission upon demand, or he shall be suspended until such demand is complied with. Such purse money shall be awarded to the party justly entitled to the same.
- Rule 351. The judges may impose any or all of the following penalties for conduct detrimental to the best interests of racing, or for violation of the rules:
- (1) refuse an offender admission to the grounds of a track facility;
  - (2) expel an offender from the grounds of a track facility;
  - (3) impose a fine or a suspension or both; or

- (4) impose conditions on a licence.

Rule 352. The following violation(s) shall make offenders liable to penalty as a

**Type 1 Offence:**

- (1) use of offensive or profane language;
- (2) smoking on the track within (2) two hours of post time of the first race on the programme;
- (3) failure to wear racing colours when warming up a horse prior to racing;
- (4) failure to have proper saddle cloth on a horse when warming up for a race; or
- (5) failure to have proper saddle cloth on a horse when racing.
- (6) A trainer/owner who scratches a horse for a medication in error is automatically fined \$50.00.
- (7) Any person removing or altering a horse's equipment without the permission of the Judges is in violation of the rules and fined a minimum of \$50.00 for making an unauthorized equipment change.

- (8) Failure to adhere to Track Rules may result in a fine and/or suspension.

Rule 353. The following violations shall make licencees liable to a **Type II Offense**:

- (1) blatant failure to obey a Judge's Order, depending on the nature of the order the Judges may determine that failure to obey such an order is a Type I Offense;
- (2) consume alcohol within eight (8) hours of post time of which the licencee is to carry out his/her duties or is programmed to drive;
- (3) appear in the paddock in an unfit condition to drive; (Depending on the circumstances the Judges may determine the violation is a Type I Offense.)
- (4) be involved in fighting or assaulting Commission licencees, officials, members of the Commission and members of the public;
- (5) disturb the peace;
- (6) refuse to adhere to the Alcohol Screening and Human Drug

- Testing Programs as set out by these regulations; and
- (7) commit an act of cruelty or neglect to a horse.

### **6.8.2 Alcohol Screening and Drug Control—Human**

Rule 354. A licensee in a Safety Sensitive Position is prohibited from the following:

- (1) Using an Illegal Drug or a Prohibited Substance at a licenced facility;
- (2) Performing activities of the Safety Sensitive Position at a licenced facility while an Illegal Drug or a Prohibited Substance is present in his or her body;
- (3) Consuming Alcohol at a licenced facility while performing, or reasonably prior to performing activities, of a Safety Sensitive Position;
- (4) Performing activities of the Safety Sensitive Position at a licenced facility while having a BAC of .02 or higher;
- (5) Using, at a licenced facility, any Impairing Prescription Medication without a prescription for the licensee's use of that medication;

- (6) Performing activities of the Safety Sensitive Position at a licenced facility while an Impairing Prescription Medication for which the licensee does not have a prescription for use is present in his or her body;
- (7) Intentionally using, at a licenced facility, any Impairing Prescription Medication prescribed for the licensee's use in a manner not prescribed and which use has the potential to impair the licensee's abilities to perform the activities of his or her position safely;
- (8) Performing activities of the Safety Sensitive Position at a licenced facility while,
  - (a) An Impairing Prescription Medication intentionally used in a manner not prescribed to the licensee is present in his or her body, and
  - (b) He or she displays signs that his or her physical or cognitive abilities are impaired to the extent that there is a potential that the licensee cannot safely perform the activities of the

Safety Sensitive Position.

- (9) Within the first eight hours of an event described in Rule 356(a) or until tested or advised by a Commission Representative under Rule 356(a) that a test is not required, using an Illegal Drug or a Prohibited Substance or consuming Alcohol or using any Impairing Prescription Medication without a prescription for the licensee's use or intentionally using any Impairing Prescription Medication prescribed for the licensee's use in a manner not prescribed.
- (10) A licensee in a Safety Sensitive Position called in unexpectedly to perform the activities of a Safety Sensitive Position in a manner that would violate Rule 304(b), (d), (f) or (h) shall decline the request.

Rule 355. A licensee or Designated Racing Official shall not be present at a licenced facility in the following circumstances:

- (1) Alcohol, an Illegal Drug, a Prohibited Substance or an Impairing Prescription

Medication is present in his or her body, and

- (2) He or she displays signs that his or her physical or cognitive abilities are impaired to the extent that there is a potential that the licensee or Designated Racing Official cannot safely perform his or her activities or duties related to the business of racing, he or she poses a safety risk to himself or herself, to other persons or to horses or, in a situation where the licensee or Designated Racing Official has been involved in an incident, accident or near miss, the licensee or Designated Racing Official displays signs of physical or cognitive impairment.

Rule 356. A licensee in a Safety Sensitive Position is subject to testing in the following situations:

- (1) **Post Incident/Accident**  
A Commission Representative investigating a significant accident, incident or near miss that occurs at a licensed facility

may require a licensee in a Safety Sensitive Position to undergo testing for the presence of Illegal Drugs, Prohibited Substances, Impairing Prescription Medication or a combination of these substances in his or her body, if the Representative has a reasonable belief that the licensee's activities are or were relevant to the accident, incident or near miss being investigated.

(2) **Required Alcohol Testing**

At times or in circumstances set by the Commission or a Commission Representative or upon direction of a Commission Representative, a licensee in a Safety Sensitive position shall undergo testing for Alcohol in his or her body when they are performing, scheduled to perform or have completed performing the activities of the position.

(3) **Unannounced Drug Testing**

A licensee in a Safety Sensitive Position shall undergo testing for the presence of Illegal Drugs, Prohibited Substances, Impairing Prescription Medication or a

combination of these substances in his or her body without notice to the licensee at any time during the racing season. The selection of the licensee for testing will be by an objective selection system managed by the Commission's Program Administrator or Representative.

**(4) Return to Duty – Post Violation**

Where a licensee seeks to return to a Safety Sensitive Position after a suspension for a violation of a prohibition in Rule 355, he or she will be required to undergo testing for the presence of Alcohol, Illegal Drugs, Prohibited Substances, Impairing Prescription Medication, or a combination of these substances in his or her body and the test or tests must show no presence of such substances in his or her body before the licensee may return to such a position. In addition, it shall be a condition of the licensee's licence as set out in a Post-Violation Agreement described in Rule 365 that the licensee will be required to undergo testing for the

presence of Illegal Drugs, Prohibited Substances, Impairing Prescription Medication or a combination of these substances in his or her body without notice to the licensee at any time.

(5) **Return to Duty – Post Treatment**

Where a licensee is returning to a Safety Sensitive Position after receiving treatment for abuse of or addiction to Alcohol, Illegal Drugs, Impairing Prescription Medication or a combination of these substances, the licensee may be subject to testing for such substances in his or her body as a monitoring tool on a case by case basis to support the licensee's recovery.

(6) **Additional Testing**

Where a laboratory conducting a test for the presence of an Illegal Drug, a Prohibited Substance or an Impairing Prescription Medication reports that the testing of the sample cannot provide an accurate determination of the presence or the amount of the substance in the licensee's body for whatever reason, including that the sample

is a dilute sample, the licensee shall submit to an additional test, if directed by a Commission Representative.

**Rule 357. Reasonable Cause Testing**

Any licensee and any Designated Racing Official engaged in the business of racing at a licenced facility, whether or not he or she is in a Safety Sensitive Position, shall submit to the testing for the presence in his or her body of Alcohol, Illegal Drugs, Prohibited Substances or Impairing Prescription Medications on the request of a Commission Representative where,

- (1) That Representative has reasonable grounds to believe that the licensee's or Designated Racing Official's physical and cognitive abilities are impaired to the extent that there is a potential that the licensee or Designated Racing Official cannot safely perform their activities or duties related to the business of racing, poses a safety risk to other persons or horses, or

- (2) The licensee or Designated Racing Official has been involved in an incident, accident or near miss and a Commission Representative has reasonable grounds to believe that that the licensee's or Designated Racing Official's physical and cognitive abilities are impaired or were impaired at the time of the incident, accident or near miss.

Rule 358. (1) **Testing Protocol – Alcohol**

A person required to undergo testing for the presence of Alcohol in his or her body shall provide a breath sample to a Commission Representative for analysis at a time and place and in a manner directed by the representative.

- (2) **Testing Protocol – Illegal Drugs, Prohibited Substances and Impairing Prescription Medications**

A person required to undergo testing for the presence in his or her body of Illegal Drugs, Prohibited Substances or Impairing Prescription Medications, or a combination of

these substances, shall provide a sample of bodily fluid to a Commission Representative at a time and place and in a manner directed by the Representative.

**Rule 359. Immediate Suspension – Illegal Drugs, Prohibited Substances in a Licensee in a Safety Sensitive Position**

Should an Illegal Drug or a Prohibited Substance be found to be present in the body of a licensee in a Safety Sensitive Position at the time of testing, the licensee is suspended from his or her duties until a Medical Review Officer has reviewed the result and provided a report to the Commission or a Commission Representative. Upon reviewing the report the Commission Representative will make a recommendation to the APHRC concerning the future status of the licensee.

**Rule 360. Immediate Suspension – Impairing Prescription Medication without a Valid Prescription in a Safety Sensitive Position**

Should an Impairing Prescription Medication be found to be present in

the body of a licensee in a Safety Sensitive Position at the time of testing and the licensee cannot show that he or she has a valid prescription for the medication, the licensee is suspended from his or her duties until a Medical Review Officer has reviewed the result and provided a report to the Commission or a Commission Representative. Upon reviewing the report the Commission Representative will make a recommendation to the APHRC concerning the future status of the licensee.

**Rule 361. Immediate Suspension – Impairing Prescription Medication with a Valid Prescription in a Safety Sensitive Position**

Should an Impairing Prescription Medication be found to be present in the body of a licensee in a Safety Sensitive Position at the time of testing and, notwithstanding that the medication has been validly prescribed to the licensee, a Commission Representative has reasonable grounds to believe that the licensee displays signs that the licensee's physical or cognitive abilities are impaired extent that there

is a potential that the licensee cannot safely perform the activities of the Safety Sensitive Position, the licensee is suspended from his or her duties until a Medical Review Officer has reviewed the result and provided a report to the Commission or a Commission Representative. Upon reviewing the report the Commission Representative will make a recommendation to the APHRC concerning the future status of the licensee.

**Rule 362. Immediate Suspension – Reasonable Cause Testing for Illegal Drugs, Prohibited Substances or Impairing Prescription Medication**

A licensee or Designated Racing Official is suspended from his or her duties until a Medical Review Officer notifies the licensee or Designated Racing Official that he or she may return to his or her duties, if, after a test under 36.05, Alcohol, an Illegal Drug, Prohibited Substance or Impairing Prescription Medication is present in the body of a licensee or Designated Racing Official at the time of testing and,

(1) A Commission Representative

- has reasonable grounds to believe licensee's or Designated Racing Official's physical and cognitive abilities are impaired to the extent that there is a potential that the licensee or Designated Racing Official cannot safely perform their activities or duties related to the business of racing or poses a safety risk to other persons or horses, or
- (2) a situation where the licensee or Designated Racing Official has been involved in an incident, accident or near miss, the Commission Representative has reasonable grounds to believe that that the licensee's or Designated Racing Official's physical and cognitive abilities are impaired or were impaired at the time of the incident, accident or near miss.

**Rule 363. Penalties for Violations of Rule 354.  
– Safety Sensitive Positions**

- (1) The penalties for a violation of 354 (d) are the following:
- (a) Where the breath sample

provided results in a test result of .02 to .039 BAC,

- (i) For a first violation, a suspension from performing the duty or duties for which he or she is licenced for that day, a \$100 monetary penalty, a reminder of the policy requirements and a suggested referral for assistance;
- (ii) For a second violation, a suspension from performing the duty or duties for which he or she is licenced for that day, a \$300 monetary penalty, a suspension for a further 5 days if the second violation occurs within 12 months of the first violation, and a referral, at the discretion of a Commission Representative, to a Substance Abuse Professional (SAP) for evaluation to determine

the need for a structured assistance program, and

(iii) Any subsequent violation within 12 months of the second or subsequent violation shall result in the suspension from the duty or duties for which they are licences and the licensee shall be referred to the APHRC who may impose a monetary penalty, a suspension, make directions, impose conditions, or a combination of all of these.

- (b) Where the breath sample provided results in a 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 of five (5) days, a reminder of the

- policy requirements and a 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 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, 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,

(iii) Any subsequent violation within 12 months of the second or subsequent violation shall result in suspension from performing the duty or duties for which they are licensed and they shall be referred to the APHRC who may impose a monetary penalty, a suspension, make directions, impose conditions, or a combination of all of these.

(c) Where the breath sample provided results in a 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 APHRC who may impose a monetary penalty, a suspension, make directions, impose conditions, or a combination of all of these.

- (d) In the event of a positive test result relating to a controlled substance, as outlined in the Criminal Code of Canada or Federal legislation or regulations respecting the administration of Horse Racing, for which an APHRC licensee does not have a valid medical prescription for such use and administration, said licensee shall be, mandatorily, subject to the following penalties:
- (i) If the positive test report is an initial positive test report for any controlled substance, the licensee shall be suspended for a minimum of fifteen (15) days and assessed a \$100.00 fine and such violating licensee shall be suspended, immediately, from all licensed activities, duties and responsibilities. The APHRC will provide the services of a Substance Abuse Professional (SAP), if desired, by the offending licensee. The

suspension shall remain in effect after the fifteen (15) day period until such time as the licensee provides a urine sample, for testing purposes at his/her own and total expense, and such test result indicates an absolute absence of any controlled substance from the licensee's metabolism.

- (ii) If a controlled substance positive result is a second or further violation of the Human Drug Testing Rule within a twelve (12) month period of initial positive test finding, said licensee shall be suspended, immediately for a minimum of twenty one (21) days and assessed a \$300.00 fine. The violating licensee shall be suspended, immediately, from all licensed activities, duties and responsibilities. The offending licensee shall be referred by the

Commission to a Substance Abuse Professional (SAP) for evaluation to determine the need for a structured assistance program if the offending licensee chooses to return to racing duties within the territorial and regulatory jurisdiction of the APHRC. Failure to accept the automatic referral to a Substance Abuse Professional shall result in an indefinite suspension of the licensee by the APHRC who shall make such formal determination at a special Hearing of the Commission solely for such purpose. The suspension shall remain in effect after the twenty-one (21) days until such time as the offending licensee provides a urine sample, for testing purposes at his/her own and total expense, and such test result indicates

an absolute absence of any controlled substance from his/her metabolism. Further offences shall be referred to a special Hearing before the APHRC and said Hearing shall be for the sole purpose of determining the future status of the licensee which may include a lifetime ban from the sport and industry of harness racing.

- (iii) Any licensee who refuses to provide a saliva or urine sample as provided for in these Rules, when requested to do so, shall be deemed to have contravened the Rules as a strict liability offence in the deemed to have contravened the Rules as a strict liability offence in the same manner and effect as a finding of a positive test result. Said licensee shall, forthwith, have their Commission license suspended

indefinitely. Such suspension shall remain in effect until the licensee complies with the request for urine testing in the manner prescribed, supra, of this Rule and a negative laboratory report is in the possession of the Director of Racing. Penalty or penalties shall be governed by Rule 365.

- (iv) At any Hearing conducted under this Section, the offending licensee shall be entitled to have Counsel or his/her representative in attendance to represent his/her interests.

**Rule 364. Post Violation Agreements**

A licensee or Designated Racing Official who has violated any of Rules 354, 355 or 356 may be directed by the APHRC to enter into a Post Violation Agreement which will, at a minimum, include the following:

- (1) Full cooperation with the Substance Abuse Professional (SAP) assessment process,

- (2) Adherence to any recommended treatment, monitoring, and aftercare program,
- (3) Maintenance of sobriety on return to duty,
- (4) Successful completion of a return to duty alcohol and drug test,
- (5) Ongoing unannounced testing for a period set out in the agreement, and
- (6) No further violations of the policy.

Although the APHRC will refer licensees and Designated Racing Officials who test positive to qualified services, the cost of these services to persons not employed by the Commission is not covered by the Commission. All costs associated with assessment, treatment and aftercare will be at his or her own expense.

**Rule 365. Immediate Suspension and Referral – Refusal to Test, Adulterating or Tampering with Sample**

Where a licensee refuses to undergo testing as required by this Rule 354 or adulterates or tampers with, or

attempts to adulterate or tamper with, a sample provided under this Rule 354, he or she shall be suspended from performing the duties for which they are licenced and the matter shall be referred to the APHRC who may impose a monetary penalty, a suspension, make directions, impose conditions, or a combination of all of these.

Rule 366. Nothing in this section 6.8.2 of APHRC rules restricts a Judge's authority to impose a penalty under Rule 8 for conduct prejudicial to the best interests of racing including, but not limited to, penalties for the following:

- (1) Possession, distribution, manufacture, offering for sale of Illegal Drugs, Illegal Drug paraphernalia, Prohibited Substances or Prohibited Substances paraphernalia;
- (2) Manufacture, distribution or offering for sale of drugs for which a prescription is required in Canada; or
- (3) Possession of Impairing Prescription Medications that are

- not legally prescribed to the person possessing them.
- (4) Nothing in this section 6.8.2 of APHRC restricts a Judge's authority to impose a penalty under Rule 8 in circumstances where the Judge has reasonable grounds to believe that a licensee or Designated Racing Official is not capable of performing his or her activities or duties relating to the business of horse racing, whether due to impairment or any other reason.
  - (5) Additional Penalties: No Raceway, Association, or licensed body shall impose a penalty upon a licensee who has violated this rule, unless that licensee is directly employed by that Raceway, Association or licensed body.
  - (6) Any licensee or Designated Racing Official who fails to report a participant whom he or she might reasonably determine to have been consuming Alcohol, Illegal Drugs or Prohibited Substances, to the Judges

violates these rules and shall be subject to a monetary penalty or suspension, or both.

### **6.8.3 Equine Medication Control**

Rule 367. (1) Unauthorized administration of any drug or foreign substance, or the administration of non-therapeutic medications to racehorses is absolutely prohibited.

- (a) A non-therapeutic medication is one that will include any drug, substance or medication that has been determined to be in the metabolism and system of a racehorse that has no therapeutic value to the racehorse.
- (b) For the purposes of all APHRC Rules where this subject becomes a factor or subject to medication control, the presence of non-therapeutic drugs will be considered a Class 1 offense. (Cross

Reference Table 1 of Rule  
368(2)(a))

- (c) The Trainer of Record of every or any racehorse must make every diligent effort to protect the racehorse from unauthorized administration of any drug or foreign substance or non-therapeutic medication product.
- (2) On the date of a racing event, after an entry has entered the paddock, parenteral or oral medication of that horse is prohibited whether or not the medication is on the prohibited list.

Rule 368. Where any test taken under the Pari-Mutuel Betting Supervision Regulations reveals a positive presence of a restricted drug as described in such regulations, the APHRC shall refer to the uniform classification guidelines for foreign substances concerning the drug class.

- (1) Rule On Drug Classifications—Upon finding of a violation of these

medication and prohibited substances rules, the senior judge 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., and impose penalties and disciplinary measures consistent with the prescribed APHRC penalty table (Rule 368 (2)(a)). Provided, however, that in the event a majority of the judges panel determine that mitigating circumstances require imposition of a lesser penalty they may impose a lesser penalty. In the event of a majority of the judges panel wishes to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such an event,

they may impose the maximum penalty authorized and refer the matter to the Commission with specific recommendations for further action. *For the purposes of this rule Furosemide positive test results will be considered a Class V positive.*

- (2) Penalty in the absence of mitigating circumstances, the penalties contained in Table 1 shall apply.

(a) Table 1

Table 1 Class	1st Offense		2nd Offense		3 Offense		Loss of Purse	Horse Suspension
	Suspension	Fine	Suspension	Fine	Suspension	Fine		
Class 1	1-2 Years	\$1000 - \$2,000	3-4 Years	\$3000 - \$4000	5 Years	\$5,000	Yes	30 Days
Class 2	6-8 Months	\$1,500	9-10 Months	\$1,500	11-12 Months	\$1,500	Yes	30 Days
Class 3	60-100 Days	\$500	100-140 Days	\$500	140-180 Days	\$500	Yes	15 Days
Class 4	15-30 Days	\$200	31-45 Days	\$200	45-59 Days	\$200	Yes	
Class 5	15 Days	\$100	15 Days	\$100	15 Days	\$100	Yes	

\*\*Class 4 and 5 for 1<sup>st</sup> offence within 2 years the offender shall be given the option of taking the prescribed penalty as noted above or, pay a monetary fine of \$750 for a Class 5 violation or \$1,500 for a Class 4 violation.

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- (b) For purposes of clarification, if a licensee regulated and under the jurisdiction of these rules incurs a 2<sup>nd</sup> offense and that offense is for a drug/medication classification different than his/her 1<sup>st</sup> offense, the Class of the 2<sup>nd</sup> offense shall determine the sanction range and the financial penalty. (i.e. If a 1<sup>st</sup> offense is proven a Class 1 violation for which a licensee is sanctioned an eighteen (18) month suspension and a \$1200 fine and the 2<sup>nd</sup> offense is a Class 4 proven violation the sanction for the 2<sup>nd</sup> offense shall be a suspension of between 31 and 45 days and a \$200 fine.) *For Class 4 and Class 5 medications if the date of conviction or ruling for the previous Class 4 and Class 5 offence(s) occurred more than three (3) years prior*

*to the race in which the trainer's horse tested positive, then this would be considered as a first time offence.*

- (3) The person or persons so responsible for such racehorses are suspended from participation in harness racing at Commission licensed and member racetracks until the imposed penal days are discharged.
- (4) All other horses under the care and control of the person responsible for the horse having tested positive under Rule 368(1) and Rule 378 shall not be eligible for declaration or entry purposes for a period of seven (7) calendar days. Further, when so permitted under this Rule, the horse having tested positive must re-qualify to a time within three (3) seconds of the horse's recorded time in the race in which the horse tested positive. However, if in such race the horse did not have a clean line then the horse would have to qualify

within three (3) seconds of its recorded time for its last clean line prior to the race in which it tested positive. Class 4 and 5 violations are exempt from this provision.

For a third offence, the person responsible shall be suspended indefinitely and the matter referred to the Commission.

For a fourth and subsequent offence, the person responsible shall be suspended indefinitely and the matter referred to the Commission. (Refer to Rule 373)

- (5) (a) Where a racehorse has failed to provide a satisfactory urine sample, the owner, trainer or other authorized person in charge of the racehorse shall submit the racehorse to a blood test to determine the presence of drugs, stimulants, depressants or sedatives. The provisions of the Pari-Mutuel Betting

Supervision Regulations apply except that such sample shall be taken by a Veterinarian or a qualified Technician. The sample may be taken by an owner, trainer or designate under the supervision of the CPMA Test Inspector using a syringe and vial provided by the CPMA Test Inspector. All costs associated with such a test shall be borne by the owner of the racehorse.

- (b) In cases where blood has to be drawn, it shall be the responsibility of the Trainer of Record.

Rule 369. A licensee holding an owner-trainer-driver Commission licence found culpable under Rule 368 is not permitted to participate at any Commission licensed and member raceway.

Rule 370. Where a licensee refuses to submit a racehorse to pre or post race test or tests as required under this rule or

by direction of the Judges' panel, the following shall apply:

- (1) The racehorse shall not be permitted to race in a qualifying or pari-mutuel race for a minimum period of thirty (30) days; and
- (2) Upon due notice of a charge of failure to submit a race horse to a pre or post race test and after an opportunity to respond to the charge before a judges panel, the owner, trainer or other authorized person(s) in charge of the horse found guilty of the charge shall be assessed an automatic six (6) month suspension and a \$1,000 fine for each and every horse so refusing to submit to testing; and
- (3) For purposes of this rule, the filing of a bona fide appeal shall not effect a stay on any penalty or penalties assessed by the Judges for refusal to submit to testing.

Rule 371. The provisions of Section 6.8.3 does not preclude the Commission from revoking the licence of the person

responsible for the horse if there is a repeat positive test finding in a calendar year.

Rule 372. Any horse having or alleged to have tested positive for a prohibited substance shall not race during the investigation, appeal or the suspension period of the horse and must re-qualify for eligibility to participate in a pari-mutuel race. The horse may be tested after the qualifying race.

Rule 373. Whenever a Trainer is suspended under Section 6.8.3, and 6.8.4 any horse trained by him/her or under his/her care, but not owned wholly or in part by him or her, with the consent of the Commission or its designates, may be released to the care of another licensed trainer and may race. (Refer to Rule 368 (4))

#### **6.8.4 Blood Gas Analysis (TCO<sub>2</sub>)**

Rule 374. The Atlantic Provinces Harness Racing Commission shall have a standard method of checking total carbon dioxide (TCO<sub>2</sub>) in racehorses scheduled to race in the Atlantic Provinces.

Rule 375. Following proper identification, a veterinarian, or qualified technician shall take a blood sample from the horse(s) selected for blood gas analysis anytime upon arrival to the racetrack and up to 90 minutes after their race. In the event the horse is scratched and the trainer has been notified to present the horse for testing and fails to do so within the prescribed time, it shall be considered a refusal to submit a horse for testing purposes. (Refer to Rule 370)

Rule 376. Each sample shall be centrifuged, and forwarded to a CPMA approved laboratory and analyzed according to CPMA established guidelines.

Rule 377. If the total carbon dioxide (TCO<sub>2</sub>) is equal to 37 mml/litre or higher, said horse will be considered to have a positive test. 39.0 mmol/litre or higher if said horse is competing on furosemide (Lasix) at a racetrack which EIPH is offered shall be considered a positive test. No TCO<sub>2</sub> readings will be released

other than to inform trainer that horse's reading was equal to 37 mml/litre or higher.

Rule 378. In the event a horse has a positive test, the judges shall impose a penalty on the horse's trainer of not less than (6) six months suspension from racing and a fine of not less than \$1,000. A 1-year probation shall also be included as part of the ruling. All purses paid shall be returned and re-distributed. Prior to re-instatement, the trainer shall be required to appear before the Commission to deliberate the conditions of re-instatement. The horse showing the positive test shall be excluded from racing for a period of not less than **15** days. Any trainer receiving a second positive test within twelve months from receiving the first shall be subject to a suspension of not less than 12 months with a Commission review before possible re-instatement.

Rule 379. In the event a horse registers a second excessive TCO<sub>2</sub> concentration, the horse shall be scratched from the racing program. In addition, for any such offence, the

judges may fine the horse's trainer the maximum amount permitted by these rules and suspend him/her for the maximum amount of time permitted by these rules and refer the case to the Commission for violation of Atlantic Provinces Harness Racing Commission Rules and Regulations.

Rule 380. The Commission shall be responsible for the expense of each blood gas analysis device, as well as all maintenance costs associated with its use.

Rule 381. An excess level of total carbon dioxide (TCO<sub>2</sub>) in a racehorse is deemed to be adverse to the best interests of harness 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 TCO<sub>2</sub> 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 TCO<sub>2</sub> levels.

Rule 382. Should an owner or trainer wish to contest a blood gas analysis test which results in a positive test, he must, at their expense, arrange to have the horse in question quarantined at the Atlantic Veterinary College in Charlottetown, Prince Edward Island, for the purpose of being re-tested under a controlled environment. The horse shall be quarantined for a period not to exceed ten (10) days, during which time blood samples from the horse shall be tested at least one (1) time each day until a staff veterinarian determines that the (TCO<sub>2</sub>) total carbon dioxide concentration in the horse has returned to its proper level.

### **6.8.5 Commission Review**

Rule 383. The Commission will review all decisions made by the judges pertaining to positive tests and may, at its discretion, reopen any case to rehear and rule on the evidence.

### **6.8.6 Needles, Syringes and Searches**

Rule 384. No person except physicians,

Commission Veterinarians or Official Veterinarians or veterinarians licensed by the Commission, shall have in their possession while on the grounds of a track facility:

- (1) any hypodermic needle or any other device which could be used for the injection or infusion into a horse of any substance or any injectable, which might be administered by a hypodermic needle, or device, without first securing written permission from the judges or Director of Racing.
- (2) Used needles and syringes within locked sharps containers will not be considered a violation of this rule.

Rule 385. The Director of Racing or persons authorized by him shall have the right to enter in or upon the buildings, stables, rooms, vehicles or other places within the grounds of any track facility for the purpose of examining, searching, inspecting and seizing the personal property and effects of any person in or upon such place.

Rule 386. Participants acting in any capacity at a race meeting approved by the Commission 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 medications and prohibited substances of any kind which might be in his or her possession. The Commission may forward any drugs, medicaments or other material or devices obtained to the official chemist for analysis.

Rule 387. A fine of \$500 and a 15 day full suspension may be imposed for a violation of Rule 384(1). Reference must also be made to Rule 386.

## **6.9 PENALTIES**

### **6.9.1 Type I Offence**

Rule 388. Minor infractions of these rules, enabling legislation or, where applicable, the Rules and Regulations of the Commission by

Licencees are considered as **Type I Offences** for which a fine of not less than \$25.00 or more than \$200.00 and/or suspension from Commission licensed activity for a period not to exceed five (5) calendar days unless otherwise specified under the rule.

### **6.9.2 Type II Offence**

Rule 389. Major infractions of these rules, enabling legislation or, where applicable, the Rules and Regulations of the Commission are considered **TYPE II Offences** for which a fine of not less than \$200.00 or more than \$5000.00 and/or suspension for a period not to exceed 240 days, revocation of Commission licence and/or expulsion for life unless otherwise specified under the relevant rule.

### **6.9.3 Fines and Suspensions**

Rule 390. When a suspension is prescribed it shall be construed to mean an unconditional exclusion from the grounds of all track facilities where a licence is required and disqualification from any participation, either directly or

indirectly, in racing unless otherwise specifically limited when such suspension is imposed.

Rule 391. Where the penalty is for a driving violation and does not exceed in time a period of five days, the driver shall complete the engagements of all horses declared in before the penalty becomes effective. However, a driver may drive in stakes, futurities, early closing or late closing races during a suspension of five days or less, but the suspension will be extended one day for each date on which he drives in such a race. If the suspension is for more than five (5) days the driver shall be prohibited from any participation. A sanction of a day is a 24-hour period ending at midnight and which is a race day.

Rule 392. (1) If suspended, expelled, or unlicensed, a person is prohibited from transferring his/her interest to his/her immediate family. Immediate family shall include spouse (including common law), son, daughter, son-in-law, daughter-in-law, father,

mother, grandchild, grandparent, adopted son, adopted daughter, stepson, stepdaughter, sister, brother, or person to whom the affected licensee stands in loco parentis.

- (2) If a suspended, expelled or unlicensed person purports to transfer his/her interest in a horse while suspended, expelled or unlicensed, the judges may inquire into any such transfer to determine whether the racing of a horse is under the control or influence of the transferor. If it is concluded that the horse is under the control or influence of the transferor, the Judges may declare the horse ineligible.

Rule 393. During an inquiry conducted pursuant to Rule 392, the Judges may inquire into, and require the submission of documentary evidence to establish that the transfer is a bona fide transaction. Such documentary evidence may consist of, but not limited to, a

statutory declaration relating to the following:

- (1) whether the transferee and transferor maintain separate books and records relating to the racing of horses;
- (2) whether the transferee maintains separate books and records relating to the racing of horses;
- (3) whether money earned from racing or used for the payment of debts relating to racing is either deposited to, or paid from, an account held jointly with the transferor;
- (4) whether the transferee is responsible for his/her own obligations and liabilities relating to racing and pays such obligations from his/her own separate and independent account;
- (5) whether the transferee contracts independently of the transferor with any trades people, entity or track facility;
- (6) whether the transferee maintains a wholly independent business relating to the racing of standardbred

horses and is not influenced by the transferor in any matter relating thereto.

Rule 394. Any participant having been fined, suspended or expelled shall be advised verbally by the judges, which shall constitute proper notice. In any event, written or printed notice thereof shall be delivered to the person penalized. Notice shall be posted immediately at the office of the track facility and notice shall be forwarded immediately to the Commission and Standardbred Canada.

Rule 395. Whenever the penalty of suspension is prescribed in these rules it shall be effective from the time that notice is given. It shall mean exclusion and disqualification from any participation, direct or indirect, in the privileges and uses of any track facility, unless otherwise specifically limited, and from participating in any racing of standardbred horses.

Rule 396. A three (3) day driving suspension means the driver is suspended from driving for three (3) days including

qualifying and pari-mutuel races that occur on those race days.

Rule 397. Notwithstanding Rule 370 or a positive test as a consequence of blood, blood gas analysis, urine or saliva, fines imposed in accordance with these rules are payable forthwith upon their imposition and before the participant races again unless an appeal has been filed. A licensee who fails to pay such fine may be suspended until the fine is paid, and such suspension will result in a penalty of not less than \$25.00.

Rule 398. All fines imposed and collected shall be in accordance with an agreement between the Commission and Standardbred Canada.

Rule 399. (1) The timely filing of any appeal shall suspend the payment of any fines or the serving of any calendar days in a Judges' ruling, unless it is deemed by the Commission to not be in the best interest of racing to stay the penalties. There will be no stay granted for Class 1, 2 & 3 or TCO2

violations associated with Rule 370 or a positive test analysis result as a consequence of blood, blood gas analysis, urine or saliva sample analysis. Class 4 and 5 violations may be considered for a stay.

- (2) The timely filing of a Notice of Intent to Appeal or a formal appeal shall not suspend the payment of any fines or the serving of any calendar days or any other sanction in a Judges' ruling for a positive test result in any testing of APHRC licensees for alcohol or illegal drugs or controlled substances outlined in the Criminal Code of Canada where such testing is by way of analysis of a urine or saliva sample of said licensee(s) when such sample was taken by a person so authorized to take such samples by the Commission.

## **PART 7    PROTESTS, JUDGES' HEARINGS, APPEALS, COMPLAINTS AND INVESTIGATIONS**

### **7.1    Protests**

Rule 400.    A protest is an objection charging that a horse is ineligible to a race, alleging improper nomination or declaration of a horse, or citing any act of an owner, trainer, driver or official prohibited by the rules and which, if true, would exclude the horse or driver from the race.

Rule 401.    Protests must be made no later than 15 days following the race in question and must contain at least one specific charge, which if true, would prevent the horse from competing in the race or from winning purse money. The judges may require that protests be reduced to writing and sworn to. If more than 15 days have passed since the race was run, no adjustments shall be made to purses or placing or records in the races contested after that time other than for positive tests. Notwithstanding

the above, the Commission may review any allegation, at any time, that a horse was ineligible and take what action they deem appropriate against the owner, trainer, driver or race secretary who declared the horse or allowed the horse to be declared and to race.

- Rule 402. Every protest shall be considered and decided by the judges. Should the protest not be determined prior to the race, the horse shall be allowed to race under protest. Any purse money that may be affected by the outcome of the protest shall be held by the track facility pending the judges' decision.
- Rule 403. When a protest has been duly made it shall not be withdrawn or surrendered without approval of the judges.
- Rule 404. Any person found guilty of making a protest falsely or without cause shall be liable to a fine, or suspension, or expulsion.
- Rule 405. If the placings of a race are altered as a result of a protest, purse money for the race shall be distributed

according to the decision made on the protest. The eligibility of horses involved in protests that may participate in subsequent races pending determination of the protest is not affected.

Rule 406. 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.

## **7.2 Judges' Hearings**

Rule 407. Any participant charged with a violation of these rules shall be notified by an official of the alleged rule violation and the place and time of a hearing to be held by the Judges. In the event the violation occurs during the course of a race meeting, no hearing shall take place without the consent of the person charged, until at least twenty-four (24) hours have elapsed to give the person charged time to prepare a defense, summon witnesses, and arrange to be represented by legal counsel or any other person of his/her choice.

- Rule 408. Notwithstanding the foregoing, any person charged with a violation of these rules may waive the right to a hearing by signing a Waiver of Hearing form. The signing of the waiver shall constitute a plea of guilty to the alleged violation.  
(Cross Reference Rule 413)
- Rule 409. In the event that the Judges are unable to promptly give notice of a hearing to a participant, the participant may be suspended pending a hearing if it is deemed to be in the best interests of racing. The Judges may impose penalties on a participant who fails to appear for a hearing after being duly notified to do so.
- Rule 410. Before the Judges impose a penalty on any driver in a race, they shall view the official race video replay, when available, of the race and shall interview such drivers they deem necessary and shall consider any information concerning the race that can be ascertained. Then, and then only, may a hearing be convened.

Rule 411. Any driver charged with a violation of the rules shall be given an opportunity of appearing before the Judges and hearing all witnesses against him/her, and of seeing the videotape, when available, of the race before the judges impose any penalty.

Rule 412. Judges shall conduct hearings in a summary manner giving effect to principles of natural justice. Judges may consider any oral testimony and any document or other thing, whether or not given or proven under oath or affirmation, relevant to the subject matter of the hearing. During the course of the hearing, the Judges shall keep written notes identifying the persons who give testimony along with a brief summary of the evidence, which is presented.

### **7.3 Appeals**

Rule 413. Following a hearing with the judges', any person who is allegedly aggrieved by a decision or ruling of the judges' or delegated official in respect to placings, penalties, interpretation of the rules

or conduct of a race, may appeal to the Commission by filing a Notice of Intent to Appeal with the Director of Racing within 48 hours of the judges' hearing. Failure to file such a Notice of Intent to Appeal will preclude a licensee's right to appear before the Commission. Such licensee must attend the judges' hearing in order to sustain the licensee's right of Appeal to the Commission.

Rule 414. An Appeal form must be received in the Head Office of the Commission by the close of business (4:00 pm) on the 8th day following the Notice of Intent to Appeal. The person aggrieved shall file a Notice of Appeal with the Director of Racing on a form prescribed by the Commission setting out the particulars of the decision or ruling being appealed, the parties to the appeal and the grounds for the appeal.

Rule 415. The relevant track facility shall hold purse money affected by the appeal pending disposition of the appeal by the Commission.

- Rule 416. Subject to adherence to the rules of natural justice and as may be prescribed by law, the Commission shall determine its own procedure.
- Rule 417. A ruling of the Commission, which affects the distribution of purse money or order of finish of a race after the race has been declared official, shall have no bearing on the distribution of pari-mutuel pools.
- Rule 418. The official performance records shall reflect the Judges' 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 Judges' 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.
- Rule 419. The Commission may uphold, rescind or modify decisions or

rulings being appealed and increase or decrease the penalty imposed by the judges or delegated officials.

Rule 420. There shall be no appeal from the decision of the Commission.

Rule 421. In the conduct of a Atlantic Provinces Harness Racing Commission Appeal, as contemplated by these Rules, the following protocols are mandatory:

- (1) The Appeal Hearing shall be conducted adhering to the principles of natural justice and the Commission shall have power to subpoena and summons witnesses and order the production and submission of necessary documents. The Commission shall not be bound by the strict rules of evidence but every attempt will be made to eliminate hearsay testimony and observations from the record.
- (2) The following persons will, where required, or may, with consent of the Appeal Panel of the Commission, be

present at the Appeal Hearing.

- (a) The Appellant, his/her Counsel and any witness he/she might wish to subpoena.
- (b) The members of the Atlantic Provinces Harness Racing Commission other than those that comprise the Appeal Panel, the Executive Director of Racing for the Commission, the Administrative Assistant for the Commission, the Respondent and any licensed Atlantic Provinces Harness Racing Commission Officials directly or indirectly involved in said Appeal as well as any potential witnesses the Commission may wish to summons to the Appeal Hearing.
- (c) No person, other than the aforementioned, will be permitted to attend an appeal hearing.

However, if a licensee feels he or she is an interested party or intervener, such licensee shall, in writing, submit their argument to the Director of Racing as to why such licensee, or licensees, should merit interested party or intervener status and standing. The Director of Racing will evaluate the argument of the licensee, or licensees, and make a final and binding decision thereon. The party(ies) making such written request shall receive the decision of the Director of Racing as soon as possible after such request is submitted.

- (d) Any written submission from a APHRC licensee for “Interested Party” or “Intervener” status and standing to appear at a scheduled Appeal Hearing must be submitted, in writing, to the Director of Racing at

least ten (10) clear days  
prior to the scheduled  
Appeal Hearing date.

- (3) The Appellant shall provide the Director of Racing with a list of witnesses he/she plan on utilizing at the Appeal and the sequential order in which they are to be called. This list must be provided no later than 5 days prior to the appeal hearing.
- (4) The Senior Judge or Commission licensed official associated with the decision appealed from shall provide the Director of Racing with a list of witnesses he/she/they plan on utilizing at the Appeal and the sequential order in which they are to be called.
- (5) Prior to the commencement of the Appeal Hearing, the Director of Racing shall provide all persons properly involved with the Appeal with the full list of Witnesses and the order in which they will give testimony before the Appeal Board.

- (6) All witnesses so listed shall be excluded from the venue in which the appeal proceedings take place until such time as they are required to testify at said Appeal Hearing.
- (7) At the commencement of an Appeal Hearing the persons properly present are the Atlantic Provinces Harness Racing Commission Appeal Panel, other APHR Commission Members, the Director of Racing, the Administrative Assistant to the Atlantic Provinces Harness Racing Commission, the Appellant and his/her Counsel, if required and the Respondent(s) and his/her/their Counsel, if required, only.

Rule 422. The party requesting such subpoena shall pay all costs relating to the subpoena of witnesses.

Rule 423. The Commission shall be bound, to every extent possible, by prior decisions or rulings of the Commission.

Rule 424. The Appeal Process including the issuance of a decision by the Commission shall not exceed one hundred and twenty (120) days except by ruling of the Commission.

- Rule 425. (1) If after holding the hearing the Commission is of the opinion that the appeal was frivolous or vexatious, it may order a penalty against the person filing the Appeal in an amount not to exceed \$1,000 in addition to any other penalty for which the person may be liable.
- (2) An appellant or summoned witness who fails to show for an Appeal Hearing will be subject to a fine of \$500.00.

## **7.4 Complaints**

Rule 426. Any person having a formal complaint may file such complaint with the Director of Racing. All complaints must be specific and filed on the appropriate form prescribed by the Commission. All

complaints must be legible and signed by the Complainant.

Rule 427. The Commission shall determine whether a formal complaint warrants examination and investigation. All formal complaints will be acknowledged by the Commission, in writing, together with a brief outline of the proposed action, if any.

## **7.5 Investigations**

Rule 428. (1) The judges, the Commission or its authorized agent, may question any licensee or member and may require him/her to make statutory declarations or statements in writing and provide documentary evidence of any agreements or transactions, financial or otherwise, respecting to any suspected violation of these rules, or any matter which, in the opinion of the Commission or the judges, is not in the best interest of racing.

- (2) Any licensee ordered to appear before a Commission Hearing of any kind by way of summons, subpoena, written directive or written instruction, or by way of verbal demand of the Commission Chair, shall comply with such summons, subpoena, written directive or written instruction, or verbal demand. Failure to do so, without written permission of the Commission Chair to be relieved from so appearing, may result in such license being suspended, forthwith, from all licensee activities for a period of up to two (2) years and a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both for such violation of this Type II Offense.

Rule 429. 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 judges or other authorized official, be compelled to testify.

## **PART 8      SUNDRY & MISCELLANEOUS**

### **8.1      Out of Competition Testing**

Rule 430. Effective April 1, 2008, any owner and/or trainer licensed as a APHRC owner or trainer of record with respect to any standardbred horse racing in the provinces of NB, NS, PEI or NL, shall be required at any time or place within the three provinces aforesaid and without prior notice to make his or her horse or horses available to have a biological sample taken.

Biological samples include, but are not limited to, blood, urine and hair. The sample shall be taken by an official veterinarian or other delegated authority of the APHRC which shall be under the jurisdiction of the Director of the APHRC. Failure to make the horse or horses available to have the biological sample taken on demand shall result in any or all of the following as determined by the APHRC:

- (1) the horse or horses and trainer are suspended immediately
- (2) the trainer is refused the right to enter the horse or horses in future races at racetracks in NB, NS, PEI, or NL for an indefinite period
- (3) the owner is refused the right to enter horses in future races at licensed racetracks in NB, NS, PEI or NL for an indefinite period
- (4) notwithstanding the sanctions outlined in (1), (2), and (3), the trainer and/or owner must make such horse or horses available for said testing prior to return to racing
- (5) three refusals within a 12-month period will result in a full suspension of license privileges for a minimum of 2 years and not more than 5 years.

## **8.2 EPO Testing**

Rule 431. Horses may be tested for the presence of the drug or antibodies to the drug of erythropoietin or any

of its synthetic derivatives if they meet any of the following criteria:

- (1) once entered to race,
- (2) when claimed,
- (3) when a horse has died and the trainer or owner is required to report the death of the horse,
- (4) any horse that was entered or raced within the previous 60 days.

Rule 432. The entry of a horse to race shall constitute permission for a person designated by the Director of Racing to collect or otherwise obtain a blood sample from or of that horse for purposes of testing. Where a blood sample has been collected for purposes of TCO<sub>2</sub> testing, that sample may be used for testing for the presence of the drug or antibodies to the drug of erythropoietin or any of its synthetic derivatives, and the entry of the horse to race shall constitute permission for a person designated by the Director of Racing to obtain that blood sample for purposes of testing for such presence of the drug erythropoietin or any of its synthetic derivatives.

Rule 433. If the presence of the drug erythropoietin or any of its synthetic derivatives are detected in the blood sample, the horse from which the blood sample was collected or obtained shall be placed on the Veterinarians List (long term). The horse shall not be removed from the Veterinarians List until the Director of Racing is satisfied that there is no indication of the administration of erythropoietin or any of its synthetic derivatives in the biological sample of the horse. The present registered owner is financially responsible for the complete cost of the blood sample and testing thereof.

Rule 434. The Judges shall declare a claim invalid if there is the presence of the drug erythropoietin or any of its synthetic derivatives detected in the blood sample of a horse that was claimed in a race (and the Judges are so notified by the Director of Racing) and the claimant of the horse or horses requests that the claim be declared invalid. A request must be made within 48 hours after notification that the test

result was positive. 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 reasonable costs incurred for care or training of the horse while it was in the possession of the claimant or his or her trainer.

Rule 435. For purposes of testing for the presence of the drug erythropoietin or any of its synthetic derivatives, the Director of Racing shall establish, by Directive, the threshold limit beyond which a rule violation exists.

### **8.3 Equine Post Mortem**

Rule 436. (1) 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 that the horse shall;

(a) Inform the APHRC 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 APHRC, transport the horse at the trainer's or owners 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 APHRC for a post-mortem and such testing as the APHRC may deem is appropriate and;
  - (d) Instruct the person conducting the post-mortem and the testing and any reports prepared with respect to the post-mortem and testing to the APHRC within 5 days of their completion.

- (2) Where there is no trainer of record at the time of the death of the horse, the owner shall:
- (a) Inform the APHRC 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 APHRC, transport the horse at the trainer's or owners 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 APHRC for a post-mortem and such testing as the APHRC may deem is appropriate and;
  - (d) Instruct the person conducting the post-mortem

and the testing and any reports prepared with respect to the post-mortem and testing to the APHRC within 5 days of their completion.

- (3) 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 that the horse shall;
  - (a) Inform the APHRC 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 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.

- (4) 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 APHRC 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 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.
- (5) If a horse dies after 14 days but within 60 days of it being entered or qualified to race; the APHRC may order the trainer of record at the time of death or the owner of the horse if there was no trainer of record at the time of death of the horse, to

transport the horse at the trainer's or owners 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 APHRC for a post-mortem and such testing as the APHRC may deem is appropriate and; Instruct the person conducting the post-mortem and the testing and any reports prepared with respect to the post-mortem and testing to the APHRC within 5 days of their completion.

(6) If a horse being treated by a veterinarian dies within 60 days of being entered or qualified to race, the attending veterinarian shall inform the APHRC 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 and the cause or apparent cause of death.

(7) The APHRC may:

(a) Find that a trainer, owner or veterinarian failed to report

a horse death pursuant to the Rules; and

- (b) Find that a trainer, owner or veterinarian failed to conduct a post-mortem.
- (c) Upon notice, impose a monetary penalty, suspension of license or other such penalty as is appropriate in the circumstances on that trainer, owner, veterinarian or impose conditions on the license of that trainer, owner or veterinarian.

**Penalty for failure to report death of a horse  
Minimum of \$1,000- and 90-day suspension**

**Penalty for failure to conduct a post-mortem  
Minimum of \$1,000- and 90-day suspension**

## **8.4 Licensing of Veterinarians**

Rule 437. (1) 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 of

horses treated at APHRC tracks available to the Director, Judges or their delegates upon request.

- (2) Only veterinarians licensed by the APHRC may be permitted to treat horses at APHRC licensed race tracks.
- (3) 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.
- (4) Except in emergency situations, veterinarians shall not parenterally or orally treat or medicate a horse in the paddock and/or ship in barns prior to post time and/or racing. When a horse has been treated parenterally or orally or medicated, the administering veterinarian shall report it to the Judges who shall then scratch the horse.

- (5) 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 of the potential or anticipated results of the administration of the drug, substance or medication on the horse and note this on his or her treatment records, and

- (e) advise the trainer or owner 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 note this on his or her treatment records.
- (6) A veterinarian may comply with the requirements with 5(c), (d) and 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.

- (7) A veterinarian may comply with 5(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 5(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.

- (8) 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 the Province in which he or she practices, including, but not limited to, the *Minimum Standards for Veterinary Facilities in the Province* in which he or she practices, as amended from time to time.
- (9) A veterinarian may be held wholly or partially responsible if any drug, substance or medication administered or prescribed by him/her results in:
- (a) the issuance of a certificate of positive analysis under the Pari-Mutuel Betting Supervision Regulations,
  - (b) an excess level of total carbon dioxide for purposes of the Rules, or
  - (c) confirmation of the

administration of erythropoietin or any of its synthetic derivatives for purposes of the Rules and, if held wholly or partially responsible, may be fined and/or suspended by the Judges.

- (10) (a) A veterinarian who dispenses a drug or medication shall label the container (according to their provincial veterinary association by-laws) in which the drug or medication is dispensed. The following information must be provided in writing to the trainer and/or owner if it is not included on the label.
- (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/or owner of the horse,
- (vi) the directions for use, and
- (vii) detection limit determined in accordance with Rule 5

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 horses for which it is prescribed, and
  - (ii) date and quantity prescribed.
- (b) 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.

- (11) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted on any race horse 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 (or veterinary technician

- under the supervision of a licensed 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 (or veterinary technician under the supervision of a licensed veterinarian) licensed by the Commission; and
  - (d) a record of the treatment, including the date and time, is maintained as part of the record of the horse.
  - (e) treatment using the Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine conducted by anyone other than a veterinarian (or

veterinary technician  
under the supervision of  
a licensed veterinarian)  
licensed by the  
Commission as a  
veterinarian may result in  
the seizure of the  
machine.

- (12) 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.
- (13) Should any veterinarian licensed by the Commission be found guilty of any offence contrary to the rules or be found guilty of any actions that would be considered a breach of ethics by the veterinary profession, that veterinarian may be fined, and/or suspended by the Judges, or may be referred to the Commission for disciplinary action under the rules.

8.5      STANDARDBRED EXERCISE  
INDUCED PULMONARY  
HEMORRHAGE (EIPH) PROGRAM

Rule 438. (1)      All licensees owning or training a horse or horses participating in the EIPH Program shall complete, in full, the EIPH Certification Forms 1 or 2 as applicable. Form 1 is that form to be used for horses ordinarily competing in the Atlantic Provinces and Form 2 is that form for horses shipping in to compete in the Atlantic Provinces. Each form shall contain certification by way of an endoscopy performed by a veterinarian licensed by the Commission and eligible to practice in the Atlantic Provinces, or as provided in Form 2, from any other jurisdiction recognized by the Commission to the effect that the subject Standardbred horse has displayed symptoms of EIPH and is qualified for the EIPH Program within the past 365 days in their opinion to justify

the use of Furosemide in pari-mutuel racing in accordance with the program accepted by the Commission. In instances where Form 2 is applicable, the Judges must also be provided with a signed statement from a veterinarian licensed in another jurisdiction who fulfills the duties ordinarily performed by a Commission veterinarian or official veterinarian in the Atlantic Provinces certifying the horse has qualified for the EIPH Program in the jurisdiction in which it is enrolled. The certification form and any other applicable form(s) must be filed with and accepted by the Judges prior to the time of entry (subject to any time extension permitted by Rule 437(8)).

- (2) 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 Judges or by the Commission.

- (3) A veterinarian who is duly licensed by the College of Veterinarians in any of the Atlantic Provinces and the Commission who certifies by way of endoscopy that a horse displays symptoms of Exercise Induced Pulmonary Hemorrhage (EIPH) shall, upon request, issue Form 1 to the trainer of the horse.
- (4) Any owner or trainer who intends to race a horse within the EIPH Program that is properly certified as per Rule 437 (3) is required to submit the Form 1 certificate to a Standardbred Canada representative. The Standardbred Canada representative shall cause the Form 1 to be entered into the Standardbred Canada computer data indicating that the subject horse has been certified to receive Furosemide. Such information shall be entered into the computer by the Standardbred Canada representative at or before the time of the entry of the horse

into the race following the date upon which it was certified.

- (5) The Form 1 certificate shall, in no case, be valid for any period which is the earlier of 45 days from the date upon which the veterinarian licensed by the Commission certified that the horse was qualified to perform on Furosemide or until the first time the horse races in a pari-mutuel race following the issuance of said certificate by the veterinarian. In any case, the certificate must properly identify the horse entitled to receive Furosemide.
- (6) Where a horse has bled in another jurisdiction the Commission veterinarian shall certify that horse as being eligible to contest races when using Furosemide upon presentation by the owner or trainer of the subject horse of a duly completed Form 2 containing certification from a veterinarian licensed in another jurisdiction recognized by the

- Commission that the horse displays symptoms of EIPH.
- (7) After a horse is certified as a bleeder, the said horse may not race for 14 clear days from the date it was certified.
  - (8) If a horse to which Form 2 applies and with respect to which enrolment is sought in the EIPH Program has not been enrolled prior to the time of entry of the subject race, such enrolment may be extended to immediately prior to the time it is required to receive Furosemide on the date of the first occasion in which it races in the Atlantic Provinces and seeks certification. Such extension of time is solely within the discretion of the Judges and may be granted by them if evidence is presented to the Commission veterinarian or official veterinarian by the owner or trainer or the authorized representative of the owner or trainer of the subject horse that the horse has raced on Furosemide in such other jurisdictions where

the use of Furosemide is authorized.

- (9) The status of all horses enrolled in the EIPH Program must be declared on the entry form at the time of entry.
- (10) If a horse has been enrolled in the EIPH Program, it shall remain on the Exercise Induced Pulmonary Hemorrhage (EIPH) List for 100 days from the date of its first or most recent certification and be administered Furosemide prior to any of its races regardless of any change of owner or trainer. After being on the program for at least 100 days, if upon certification by way of an endoscopy by a duly qualified veterinarian licensed by the Commission, (provided that the horse has not been treated with Furosemide prior to certification, shows no evidence of Exercise Induced Pulmonary Hemorrhage) and the results of that examination are endorsed by the Commission veterinarian or

official veterinarian, such horse may be removed from the EIPH Program and after this examination date shall be eligible to be entered to race without being treated with Furosemide prior to racing. At a later date, if such horse bleeds it may be readmitted to the EIPH Program upon certification by way of endoscopy the Commission veterinarian or official veterinarian in accordance with Rule 437(7)

- (11) Any horse that is declared eligible (referred to in these Rules as a “certified horse”) to receive Furosemide 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 Judges in

accordance with the provisions of Rule 350.

- (12) Any certified horse must be presented by the owner or trainer, or his or her duly licensed representative at a retention facility at the track where the horse is racing on that occasion at least four hours and fifteen minutes prior to the post time as published on the overnight sheet of the race in question and shall remain there until medicated with the correct dosage of Furosemide. Any certified horse that does not receive Furosemide no earlier than four hours and fifteen minutes and no later than three hours and forty-five minutes before the published post time for the race in which it is entered to compete shall be automatically scratched.
- (13) All racing associations shall provide a secure retention facility for the administration of the EIPH program.
- (14) The certified horse must be medicated with the correct

dosage of Furosemide intravenously by the designated veterinarian or technician acting under the supervision of the designated veterinarian, or by a veterinarian licensed by the Commission who shall use only Furosemide, syringes and needles supplied by the designated veterinarian or technician.

- (15) The veterinarian or his or her designate shall intravenously administer to the horse a dosage of Furosemide which is no less than 150 mg. and no more than 250 mg.
- (16) The trainer, or his or her authorized representative with a valid licence, shall remain with the certified horse from the time of its arrival in the retention facility until it is removed there from after having been medicated or scratched. During the time that the horse is in the retention facility the trainer or a duly licensed representative, is responsible to give such assistance as is

required by the veterinarian or his designate or such other person involved in the EIPH Program in identifying the horse and guarding the horse from the administration of any other substance. Any horse left unattended for any time during the period when it is in the retention barn shall be automatically scratched and the trainer thereof shall be deemed to have violated this rule and may be subject to discipline by the Judges in accordance with Rule 350.

- (17) In the event that the trainer, or his or her authorized representative with a valid licence, has failed to assure that the certified horse was medicated, the trainer and/or his duly authorized licensed representative shall be in violation of these rules and may be subject to discipline by the Judges in accordance with Rule 350.
- (18) 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 bring the certified horse, or to have the certified horse brought to the retention facility within the time prescribed by the provisions of the Pari-Mutuel Betting Supervision Regulations under the Criminal Code (Canada) and these Rules for any race in which that horse is programmed to start shall be deemed to have violated these rules and shall be subject to a monetary penalty and/or suspension being imposed by the Judges in accordance with Rule 350. Also refer to APHRC Rule 367(5)(b)

# A

## Accident

- Effect on purse distribution ..... R277
- Time Allowed ..... R302(3)
- Falling horse ..... R158, R298(8), R303(1)
- May cause accident, unmanageable ..... R253
- Judges may order participant  
to physical exam ..... R95, R142

## Added Money Event

- Defined ..... R14(2), R245
- Cancelled or postponed ..... R246(7), R294
- Commission approval ..... R188, R246(1)
- Conditions of  
Eligibility ..... R180, R246(3), R246(15)
- Conditions of  
Races ... R180, R246(3), R246(7), R246(12)
- Starting fee ..... R246(10)
- Division of purse if less  
than five horses ..... R246(3)(e)
- Lists of eligible horses ..... R246(4), R246(6)
- Nomination and sustaining  
deadlines ..... R246(8), R246(9), R246(17)
- Nomination and sustaining  
lists ..... R246(4), R246(6)
- Splitting of entries (seeding) ..... R207
- Trailers ..... R221
- Types of races ..... R213
- Sustaining fees defined ..... R14(86)
- Dates and place where raced ..... R246(13)

Deductions for clerical costs	
not allowed .....	R246(14)
Rules regarding .....	R246(15), R246(16)
Transfers for change of gait .....	R246(19)
Insufficient horses, refund	
distribution .....	R246(18)
Minimum declaration required	
to race .....	R246(21)
No contest, distribution of purse .....	R264
Redraw post positions .....	R208(1)(c)
Scratched in error .....	R332
Judges' List .....	R301

## **Alcohol Screening and Drug Control Human**

### Testing and penalties

Subsection 6.8.2 .....	Rules 354-366
------------------------	---------------

## **Allowance**

Handicap races defined .....	R14(40)
Price allowance in claiming races .....	R224
Race secretary to establish and post .....	R225
Track allowance affecting times.....	R274(3)
Age allowance .....	R186(2)

## **Also Eligibles**

Maximum number .....	R205
Placement in claiming race .....	R203
Rule regarding .....	R148, R205, R209, R211
Assigned post position .....	R205(8)
Conditions .....	R182

## **Appeals**

Also, see protests

- Appealing Commission decision ..... R420
- Appeal procedure ..... R413, R414
- Effect on official performance records ... R419
- May assess costs ..... R425
- Frivolous ..... R425
- No-effect on pari-mutuel distribution ..... R417
- Notice of intent to appeal ..... R114, R413
- Right of appeal ..... R6, R19, R408, R413
- Stay..... R399, R416
- Time limitations ..... R413, R414, R424
- Waiver of hearing ..... R408
- Person present at appeal hearing ..... R421
- Purse money ..... R415
- Uphold, rescind or modify decisions ..... R419

## **Assault and Battery**

Against Commission Licencee or

- general public ..... R20, R348, R353(4)

## **Authorized Agent**

Defined ..... R14(7)

Authority to act filed with

- Commission ..... R227, R244

Claiming

- Authority ..... R78(2)(c), R223(1), R228(4)

Agent of the Commission ..... R363, R428

## **B**

### **Best Interests of Racing**

Commission can act .....	R19
Director can act .....	R19
Participant guilty of violation of rules	R428(1)
Judges can act .....	R428(1)

### **Bike, Sulky**

Also, see Sulky

### **Bleeders**

Judges' List .....	R153
Must qualify .....	R153

### **Blood Gas Analysis (TCO2)**

Subsection 6.8.4 .....	Rules 374-382
------------------------	---------------

### **Board of Appeal**

Duty of Commission .....	R16(1)
Director of Racing .....	R18
General .....	Subsection 7.3

### **Bona fide contests**

All races shall be .....	R285
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### **Breaking**

Judges recording .....	R67(17)
Off/in a qualifier .....	R155
Equipment break .....	R156, R160
Must qualify for two in a row .....	R156
Interference break .....	R155, R156, R160

Clean line .....	R156
Elimination heat .....	R157
Lapped on at wire .....	R269, R330
No recall .....	R257
Fraudulent breaking .....	R331
Extended break .....	R330(1)
Driver penalized .....	R330(2)

### **Breath Analysis**

Refusal to submit .....	R353(6), R359
Penalty for failure to report .....	R353, R359
Rules governing and penalties .....	Subsection 6.8.2

Where equipment not available .....	R356
No stay .....	R399

### **Breeder**

Defined .....	R14(11)
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### **Broken Equipment**

Must be inspected .....	R338
Non-verification of broken equipment ...	R338
Starter recall .....	R256

## **C**

### **Cancellation of Races**

General.....	Subsection 5.16, Rules 294-297
Qualifying races .....	R164

## **Change of Equipment**

- Duties of paddock judge ..... R71
- Equipment card ..... R131
- Reporting procedures ..... R71(2)

## **Charting the Race**

- Rule ..... R274

## **Chief Test Inspector**

- Defined ..... R14(14)
- Responsibility, official samples ..... R14(14)

## **Children**

- Groom's licence, age restrictions..... R98

## **Choking, Horse**

- Warming-up, racing ..... R153
- Must qualify ..... R153

## **Claim**

- Announced ..... R234
- Duplicate claim ..... R233(8)
- Licencee can claim ..... R227, R228
- Procedures ..... R233

## **Claiming Certificate**

- Electronic claiming authorization ..... R223

## **Claiming races**

- Allowances ..... R225
- Owners' authorization required .... R223, R244

Ownership of horse .....	R223
Price allowances .....	R224
Claiming own horse prohibited .....	R229(1)
Claiming scratched horse .....	R226
Classified under .....	R213(1), R214
Who may claim .....	R227, R228
Prohibitions on claiming ....	R229, R230, R231
Positive test .....	R232
Price on program .....	R225
Procedure .....	R233
Ownership of horse .....	R235
Mares and fillies in foal ineligible .....	R243
Original owner .....	R241
Racing elsewhere after claimed .....	R242
Purse .....	R235
Delivery of claimed horse .....	R236, R237
Test .....	R238, R239
Incorrect sex .....	R240
No contest .....	R263
Handicap, post positions .....	R203
Original owner responsibility .....	R238

### **Classified race**

Defined .....	R14(16)
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### **Clear days**

Defined .....	R14(24)
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### **Coggins Test**

Trainers responsibility .....	R133, R149(1)
Judges' List if proof not provided .....	R149(2), R298(4)

Claimed horse .....	R149(3)
Procedure .....	R149(1)

### **Commission Administration**

Comprises of .....	R15
Duties .....	R16
In-house Committees .....	R17
Director of Racing responsible for ...	R18, R19
Improper language, assault .....	R20, R21
Dishonoured payment .....	R22
Rule change .....	R23

### **Complaints**

Formal complaint .....	R426
Warrants examination and investigation	R427

### **Condition Sheet**

Must be posted .....	R180
Closing of declarations .....	R189
Published purse must be paid .....	R289

### **Conditioned race**

Also, see Declaration

#### Calendar used in determining

Eligibility .....	R68, R179
Classified under .....	R213(1), R214
Defined .....	R14(18)
Eligibility .....	R68, R185, R219
Limitations on conditions .....	R182
Preference determined .....	R181
Race secretary's authority to reject	R68, R222

Trailers permitted ..... R221

## **Conduct**

General .....Subsection 6.8.1

Unable to notify ..... R344

Dishonoured negotiable instrument ..... R345

Bribery ..... R346

Fraud ..... R347, R350

Assault or battery ..... R348

False information ..... R349

Detrimental to the best interest of racing R351

Type I offences ..... R352, R388

Type II offences ..... R353

Offensive Lang. toward official R20,R348,352

## **Cruelty or Neglect to Horse**

Paddock Judge must report ..... R71(15)

Penalty ..... R353(7)

## **D**

### **Dash**

Defined ..... R14(22)

### **Days**

Defined ..... R14(23)

Clear ..... R14(24)

### **Dead Heat**

Defined ..... R14(25)

Two-in-three races ..... R246(29)

Effect on order of finish .....	R262, R281
Time .....	R270
Interference .....	R318

## **Declaration**

Also, see Drawing of Post Position

Boycott .....	R189
Box closings, time limits .....	R190, R191
Locked box for declarations .....	R192
Double entry .....	R193
Horse on Judges'/Vets' List .....	R193
How made .....	R194
Disclosure of entries, opening of the box	R196
Telephone declaration .....	R195
With or without hobbles .....	R198
Preferences .....	R201
Sales not allowed after .....	R211
Defined .....	R14(26)

Also see Drawing of Post Position

## **Definitions**

Rule 14

## **Devices and Whipping**

Length allowed .....	R308
Goading device .....	R309
Indiscriminate use .....	R311
Usage allowed .....	R312
Penalties .....	R313
Under arch of sulky .....	R314

## **Directives**

Have force of rules ..... R2, R3, R5

## **Disqualification**

Horse ..... R269

Redistribution of purse .....R67(4), R283(2)

Pari-mutuel pool ..... R67(18)

Human disqualification ..... R390, R395

## **Distribution of purse**

No-contest ..... R263

Overnight/stake

events ..... R275, R276, R277, R281

Percentage split ... ..... R285

## **Drawing of post position**

Procedures ..... Section 5.5

Preference dates ..... R201

Also eligible ..... R205

Entries, coupling,

seeding ..... R134(2), R206, R207

Errors in draw ..... R208

## **Driver**

General ..... R99

Age ..... R100

Categories ..... R101-105

Upgrading ..... R106

USTA Driver Licences ..... R106(9)

Foreign Jurisdictions ..... R106(10)

Renewal ..... R106(11)

Exhibition Races ..... R106(12)

Licence .....	R134
Trained or owned .....	R134(2)
Report to Paddock Judge .....	R136
Colours .....	R137
Accident .....	R95
Naming of driver .....	R212
Driver changes .....	R303(2-4)
Driving outfits .....	R137
Leaving paddock .....	R140

### **Drivers' colours**

Must wear .....	Rules 137-139
Wearing of, prohibited in certain areas ....	R140
Failure to wear .....	R352(3)

### **Drug Use, Horses**

Also, see Positive Test

Also, see Blood Gas Analysis

Medical treatment not permitted

in paddock .....	R367(2)
Needle, injectables prohibited .....	R384
Positive test .....	R368
Suspended for positive .....	R368
Trainer responsibility .....	R122, R367
Non-therapeutic medication .....	R367

### **Drug Use, Human**

Controlled substance, defined .....	R362
Licencees to be tested .....	R363
Procedures for testing .....	R354, R363
Unfit to carry on, judges can suspend .....	R357
Penalties .....	R365

## **E**

### **Eligibility to Race**

Also, see Ineligible

Registered .....	R143(1)
Race Once per day .....	R143(2)
Freeze branding/tattooing .....	R144
Spayed or gelded .....	R144
Nerved/denerved .....	R144(3)
Scratched by trainer or owner .....	R145
Declared into subsequent race .....	R146
Suspended, expelled or unlicensed	
person .....	R147
Also eligible .....	R148
Coggins Test .....	R149

### **Elimination Heats**

Defined .....	R14(31)
Number of races .....	R143(2)
Break in elimination heat .....	R157
Pari-mutuel betting purposes .....	R206(2)
Splitting of entries .....	R206, R207
Added money events .....	R246(3)(d)
Number of horses .....	R246(23), R246(26)
Purse distribution .....	R246(25), R280

### **Entry**

Defined .....	R14(32)
Drivers .....	R134(2)
Mail, electronic mail, facsimile, telephone .....	R194(1), R195
Coupled as an entry .....	R206

Violation has occurred  
involving ..... R317, R368(4)

## **EPO Testing**

Subsection 8.2 ..... Rules 431-435

## **Equine Medication Control**

Subsection 6.8.3 ..... Rules 367-373  
Trainer responsible ..... R122, R367  
Rule on Classification/Penalties ... R368, R369  
Refused to submit racehorse to test ..... R370  
Re-qualify ... .....R372  
Released to another trainer ..... R373  
Non-therapeutic medication ..... R367

## **Equine Post Mortem**

Rule 437

## **Equipment**

Paddock judge to report if broken ..... R71  
Patrol judge reporting ..... R75(1)  
Equipment card ..... R131  
Broken in race ..... R155, R156  
Recall ..... R256(3), R338  
Restrictions ..... R331, R339  
Whips, length ..... R308  
Safety Helmets..... R340  
Saddle Pads .....R352(4,5), R341  
Sulky .....R342  
Safety vests ..... R340(5)

## **F**

### **Fair Start**

Starter's duty .....	R69(1)
Pole .....	R259(1)
Horse does not reach .....	R259(2)
Horse prevented from having .....	R258

### **Feature Wagering**

Defined .....	R14(34)
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### **Field Representative**

#### Standardbred Canada Field

Representative .....	R67(13), R78, R168
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### **Fields**

Size of .....	R208(1)(a), R246(23), R221
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### **Fillies and Mares**

See Mares and Fillies

### **Films of Race, Video**

Patrol Judge .....	R74
Judges to view .....	R410
Driver to view .....	R411

### **Financial Responsibility**

Evidence of financial responsibility ...	R246(7)
Added money events .....	R246(7)
Payments to Commission dishonoured.....	R22

## **Fines**

- When due and payable ..... R67(13), R395,  
And ..... R397, R399

## **Fines and Suspensions**

- Unconditional exclusion ..... R390  
Suspension/days ..... R391, R397  
Transfer interest in horse(s) ..... R392, R393  
Appeal, delays penalty ..... R399  
No automatic stay ..... R399

## **Fraud, affecting race**

- Affecting time of race ..... R273  
Bribe ..... R346  
Purse money ..... R350  
Affective outcome of race ..... R429

## **Freeze Branding, Tattooing**

- Must be, to race ..... R71(9), R144(1), R175

## **Futurities**

- Classified as ..... R14(2), R188, R213, R245  
Defined ..... R14(33)  
Dates of nomination ..... R246  
Dates of sustaining ..... R246

# **G**

## **Gate Schooling**

- Exclusion of condition ..... R180(7)  
Preference ..... R201  
Overnight event ..... R213(1)(d), R214

Win race record ..... R269

## **Grooms**

Licence ..... R24, R96, R98

Paddock restrictions ..... R71(12), R290

Trainers responsibility ..... R97, R129

Age ..... R98

Wagering restrictions ..... R141

Tested for controlled substance ..... R358

# **H**

## **Handicap**

Defined ..... R14(36)

Handicap claiming race ..... R203

Post position determination ..... R203

Also eligible ..... R205(8)

Considered an overnight ..... R213, R214

## **Head Numbers, Saddle Pads**

Paddock Judge check ..... R71(3)

Saddle pad, standardized with format ..... R341

Violation when improper .... R352(4), R352(5)

## **Hearing**

Commission ..... R16(4), R18, R40(7)

Off-track betting facility ..... R52, R54

Judges duties & responsibilities ..... R67(6),

    And ..... R67(7), R67(9), R67(10)

Must testify if required ..... R75(4)

Time and place ..... R114

Of official ..... R117

Safety helmet .....	R342(3)(iv)
Alcohol/drug .....	R354(3)
Previously penalized .....	R355
Human positive test .....	R354, R365
Special hearing .....	R366
When charged with violation .....	R407
Right to waive hearing .....	R408
Driver .....	R410, R411
Notice of Intent to Appeal .....	R413
Protocol .....	R421
Failure to appear .....	R428(2)

## **Heat**

Defined .....	R14(41)
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## **Heat Racing**

Definitions .....	R14(41)
Breaks .....	R157
Separate performance .....	R187
Heats and finals .....	R246(25)
Conditions .....	R246(3)(d)(e)(f)
Allowable starters in final .....	R246(26)
Judges decision final when same day .....	R246(27)
Two-in-three heat racing .....	R246(29)
Dead heat .....	R262, R270
Purse money distribution... ..	R246(25), R275(1),
And .....	R279, R280, R281
Minimum time between heats .....	R302(1)
Horse claimed from .....	R228(3)

## **Helmet**

Must be worn .....	R340
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Penalty ..... R340

## **Hopples**

Changing use ..... R154, R198

# **I**

## **Ignorance of Rules**

Not accepted ..... R4

## **Ineligible Horse**

Also, see Eligibility to Race

Judges' List .....R67(21), R193, R201(7),

And .....R67(22)

Declared into subsequent race ..... R146

Same day at different tracks ..... R193

Claiming race ..... R226(1), R226(2)

Preference date ..... R201(7)

Incorrect information ..... R246(20)

Redistribution of purse ..... R246(20)

Protesting eligibility ..... R400, R401

Cannot be declared retroactively

Ineligible..... R418

## **Insurance Coverage**

Members ..... R120

## **Interference**

Affecting purse distribution ..... R278

Affecting clean line ..... R156

Breaks, re-qualifying ..... R155, R160

Driving violation ..... R260(6), R304(7)

Recall .....	R256(2)
Reporting interference .....	R316
Affecting placement .....	R318
Break at finish .....	R269, R330(1)(a)(b)
Break in race .....	DELETED RULE

## **Investigations**

Licencee or member required to attend ...	R428
Compelled to testify .....	R429

## **J**

### **Judges' Hearings**

Notification .....	R407, R409
Waiver of Hearing .....	R408, R413
Hearing convened only when .....	R410, R411
Summary manner, hearing .....	R412

### **Judges' List**

Defined .....	R14(47)
Placed on list .....	R67(22)(23), R153, R298
Coggins Test .....	R149(2)
Must qualify .....	R156(2)
General .....	Subsection 6.1
Removal from .....	R301
Scratched horse .....	R299
Notifying owner/trainer .....	R302
Transportation scratch .....	R298(10)
Scratched without permission .....	R209
Inconsistent performance .....	R67(23)
Behavior, horse .....	R67(23)

Long/short term list ..... R298(1,2)

## **L**

### **Late Closing Events**

Also see Added Money Events

Defined ..... R14(2), R14(48), R188

Classified as added

    money event ..... R188, R213(2), R245

Omitted from box in error ..... R208(1)(c)

Dates of nomination ..... R246(8)(d)

Dates of sustaining ..... R246(9)(b)

Conditions ..... R246(12)

Date and place announced ..... R246(13)

Transfer of gait ..... R246(19)

Minimum, maximum declarations

    to start ..... R246 (21)(23)

No contest ..... R264

Driver suspension ..... R391

General ..... R246

### **Length of Race**

Defined ..... R14(49)

### **Licence, Track Facility**

Race Meeting Licence ..... Subsection 4.2.1

Filing Requirements ..... Subsection 4.2.2

Procedure for Approval ..... Subsection 4.2.3

Track Rules ..... Subsection 4.2.4

Inter Track and Betting

    Theatres ..... Subsection 4.2.5

## **Licencing**

Categories ..... R24

Fees ..... R26

## **M**

### **Maiden**

Defined ..... R14(50)

### **Mandate and Preliminary**

Rules 1 – 13 inclusive

### **Mares and Fillies**

Ineligible to claiming races in foal ..... R243

Notify SC if spayed ..... R144(2)

Price allowances in claiming races ..... R224(1)

### **Match Race**

Defined ..... R14(54)

Classified as ..... R213(3)

### **Matinee Race**

Classified as ..... R213(1), R214

Defined ..... R14(55)

### **Medication**

In error ..... R352(6)

### **Misconduct**

Considered violation of

the rules ..... R315, R352, R353

Assault, threats, offensive

language ..... R20, R348, R353(4)

Betting against own horse .....	R141
Betting by officials, association employees .....	R60
Boycotting box .....	R189
Bribery .....	R346
Conduct contrary to public interest ....	R353(4)
Penalties .....	R351
Race fixing .....	R347
Unpaid obligations .....	R345

## **N**

### **Naming of Drivers**

Trainer's responsibility .....	R127(2), R212
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### **Needles, Syringes and Searches**

Possession of .....	R384
Search and Seizure .....	R385
Chemist analysis .....	R386
Penalty .....	R387

### **No contest**

Added money events .....	R264
Rule regarding .....	R263

### **Notice of Intent to Appeal**

Procedures .....	R413, R414
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# O

## Objections

Drivers objection in race ..... R315, R316

## Out of Competition Testing

Rule 431

## Overnight Events

Includes ..... R214

Number of declarations, must  
be contested .....R215

Trotters and Pacers reasonable  
proportion ..... R216

Substitute races ..... R217

May be divided..... R218

Trailers ..... R221

Reject declaration ..... R222

## Owner

Licence ..... R83

Under 16 years of age ..... R84

Doubtful of ownership .... R67(8)(22), R428(1)

Change of ownership ..... R210, R211

Transfer of ownership ..... R392, R393

# P

## Paddock

Controlled access area ..... R290

Drivers ..... R136

Horse due in .....	R131, R248
Medical treatment in paddock	
not allowed .....	R367(b)
Persons cannot leave .....	R140
Persons entitled to access .....	R121, R290,
And .....	R212, R292
Phone line to judges' available .....	R315
Blacksmith required .....	R80

### **Paddock Judge**

General .....	Subsection 4.3.6
Must be accredited with SC .....	R63, R115
Broken equipment in race,	
must report to .....	R338
Drivers must report to .....	R136, R315
Fined .....	R117
Can be tested .....	R354
Duties and responsibilities .....	R70, R71
Equipment change .....	R71(2)(3)
Impaired licencee .....	R358

### **Pari-Mutuel Betting Prohibited**

By whom .....	R141
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### **Passing Lane**

Violation .....	R304(12), R307
Pylons .....	R334

### **Patrol Judge**

Rules regarding .....	Subsection 4.3.8
Must be accredited with SC .....	R62, R63

Responsible for .....	R74
Report to Judges .....	R75
Incompetence .....	R117
Optional .....	R74

## **Penalties**

Breath analysis .....	R354
Can be modified by Director/ Commission .....	R419
Controlled substances .....	R365
Driving violations .....	R304
Feet out of stirrup .....	R327, R328
Fines and suspensions .....	Rules 388-399
Line in each hand .....	R312
Human positive test .....	R365
Equine positive test .....	R368
Horse not eligible to race .....	R193
Starting violations .....	R260
Whipping .....	R313, R314
Safety helmets .....	R340
Cruelty/neglect to horses .....	R353(7)
Type I offence .....	R388
Type II offence .....	R389
Full suspension .....	R147, R390
Failure to take horse to retaining area .	R353(1)
Smoking on the track .....	R352(2)
Jogging through the post parade .....	R302(2)

## **Physical Examination**

Accident .....	R142
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## **Placing and Money Distribution**

Distribution .....	R275, R281
Less than 5 starters, Overnight events ....	R276
Percentage agreement .....	R277
Less than 5 finishers, Overnight events ...	R278
Elimination heats .....	R280
Disqualified horse .....	R282, R283
Outside North America .....	R284
Default in payment by track .....	R286
Addition to purse .....	R287
Promoters default .....	R288
Purse default .....	R289

## **Positive Tests**

Defined .....	R362(4)
Placing, effect on .....	R283
Claim, effect on .....	R232, R238
Purse redistributed .....	R283(1)(2)
Human .....	R363, R364, R365
Trainer responsible .....	R122, R238
Transferring horses to another trainer ....	R375
Winning record voided .....	R269
TCO2 .....	R377
Appeal .....	R399
Penalties .....	R365, R368(2), R378

## **Post Parade**

Failure to appear .....	R305(2)
Fall on track .....	R303
Parade in order .....	R71, R302(5)
Procedures .....	R71
Exhibited at least once .....	R302(6)

Starter ..... R69(2)

### **Post Position**

General ..... Rules 202-208  
Defined ..... R14(64)  
Also eligible draws into race ..... R203,  
.....R205(2), R208(1)(b)  
Errors in draw ..... R205(2), R208  
Reasons for redrawing ..... R208  
Separating entries (seeding) ..... R206, R207  
Trailing post position ..... R203  
Two-in-three races ..... R246(29)  
Vacancy in tier ..... R204, R302  
Electronic draw ..... R202  
Claiming races ..... R203

### **Post Time**

Defined ..... R14(65)  
Rule regarding ..... R302  
Horses held on backstretch ..... R302(6)

### **Protests**

Also, see Appeals  
Defined ..... R400  
General...R67(15), R403, R405, Subsection 7.1  
Pari-mutuel payouts, effect on ..... R406  
Purse help pending outcome ..... R402, R405  
Racing under protest ..... R402  
Time limits ..... R401  
False protest..... R404

## **Pylons**

- Passing lane, violation ..... R304(12), R307
- Placed back ..... R333
- Location ..... R334
- In place at all times ..... R335
- Pylon violation, safety ..... R337
- Penalties ..... R333, R336

## **Q**

### **Qualifying List**

- Placed on by Judges ..... R158, R298

### **Qualifying Race**

- Defined ..... R14(67)
- General..... R162
- Association must get approval for.. R163, R169
- May be tested ..... R152(2), 269
- Placed on Judges' List ..... R158, R301
- Required, break off a qualifier ..... R155
- Required, changing use of hobbles ..... R154
- Required, chokes or bleeds ..... R153
- Required, for driver qualifications ..... R101,  
.....R106(2), R106(7), R106(8)
- Required, horse distanced in race ..... R298(7)
- Required, horse scratched twice ..... R159
- Required, horse did not finish .. R158, R298(8)
- Required, no clean line ..... R156
- Required, two breaks in two  
consecutive races ..... R156
- Win in qualifying race designated  
with 'Q' ..... R269

Break in a qualifier .....	R155
Cancelled .....	R164
Thirty (30) day rule .....	R161

### **Qualifying Times**

Added money events .....	R301
Judges can set individual standards or timed workouts .....	R152, R176(2)
Overnights .....	R301
Race secretary establishes track standards .....	R150, R151

## **R**

### **Race Dates**

Cancellation or change requires approval .....	R40(9), R297
Number of race dates .....	R37(4)(h)
Procedures for approval .....	R40
Amendments .....	R40(9)

### **Race Finish**

Finish line .....	R261
Nose on wire .....	R262

### **Race Officials**

Also, see Judges .....	Subsection 4.3.3
Also, see Race Secretary .....	Subsection 4.3.4
Also, see Starter .....	Subsection 4.3.5
Also, see Paddock Judge .....	Subsection 4.3.6
Also, see Official Timer .....	Subsection 4.3.7

Also, see Patrol Judge ..... Subsection 4.3.8  
 Also, see Chart Maker ..... Subsection 4.3.9  
 Also, see Field  
     Representative ..... Subsection 4.3.11  
 General ..... Subsection 4.3.2  
 Standards and Requirements .. Subsection 4.3.1  
 Additional Official Positions Subsection 4.3.12  
 Declaration of Racing  
     Officials ..... Subsection 4.3.14  
 Officials' Fines and  
     Suspensions ..... Subsection 4.3.15  
 Ownership, wagering ..... R60, R61, R64  
 Accredited ..... R63  
 Must report violations of the rules ..... R65  
 Two or more official positions ..... R66  
 Must submit to breath analysis  
     test ..... R64(4), R354

## **Races**

Defined ..... R14(68)  
 Time between heats ..... R302(1)  
 Types of ..... Subsection 5.6  
 Number of races ..... R33  
 Number of starters ..... R221  
 Rated Mile ..... R106(8)(a)  
 Official Workout ..... R177(2)

## **Racing Farm, Corporate or Stable Name**

Subsection 4.8  
 Rules 108 – 112

## **Racing Rules**

Post Time .....	R302
Exclusive right to course .....	R302(2)
Mudguards, wheel discs .....	R302(4)
Parade .....	R302(5)
Exhibited at least once .....	R302(6)
Held on backstretch .....	R302(6)
One trailer, position .....	R302(7)
Falling horse .....	R158, R298(8), R303
Unseated Driver .....	R303(2)
Driver change .....	R303(3)(4)
Type I offences .....	R304, R388
Failure to drive when programmed ....	R305(1)
Late for post parade .....	R305(2)
Extended inside land/passing lane .....	R307
Leaving the course .....	R333,R336,R337

## **Racing Violations**

Complaint by driver .....	R315
Failure to report .....	R316
Coupled as entry .....	R317
Driven to defraud .....	R319, R331
Inconsistent manner .....	R320
Lack of effort .....	R321, R322
Unfit, incompetent driver .....	R323
Unseated driver .....	R324, R325
Profanity, improper conduct .....	R326
Kicking .....	R327, R328
Head Gear on horse .....	R329
Placing by judges .....	R330
Lapped on .....	R330

## **Recall**

Rules regarding ..... Subsection 6.6,  
.....Rules 251-257, R338

## **Reciprocal licences**

Rule 118

## **Refunds**

Fair start ..... R258

No contest .....R263, R264

## **Refusal & Revocation of Licence and General Sanctions Related**

Reasons for ..... R112

Commission responsibility ..... R113

Appeal to Commission ..... R114

Non licenced official ..... R116

Incompetence of official ..... R117

Reciprocity ..... R118

Substance abuse ..... R119

## **Reporting to Paddock**

Trainers responsibility ..... R248

## **Retention Area**

Defined ..... R14(74)

Horses ordered to for urine sample .... R152(2)

Failure to take horse, a violation ..... R370

## **Rules**

Where not provided..... R 8

# S

## Scratch

Scratched in error .....R332

## Spouse

“F” trainers ..... R87(2)

Coupled as an entry ..... R206(1)(b)

## Starter

Accredited with SC ..... R63

Duties and responsibilities ..... R69

## Starting Gate

Equipment ..... R249

All races started with ..... R249

Procedures ..... R69

Penalties ..... R69

Replacement vehicle .....R249

## Starting the Race

Starting Gate ..... R249

Two-way communication ..... R249

Replacement Starting Gate ..... R249

Starting Pole ..... R250

Speed of Gate ..... R69, R251

Released ..... R252

Unmanageable horse ..... R253

Recall ..... R254, R255, R256, R257

Fair start ..... R258

Fair Start Pole ..... R259

Fined by Starter ..... R260

## **Sulky**

Also, see Bike

Standards .....	R342
Wheel discs .....	R302(4)
Disallowed by judges .....	R339
Defined .....	R14(85)

## **T**

### **Time, Timing the Race and Records**

Overview .....	Subsection 5.12
Record .....	R267
Times .....	R266, R267
Win-race record .....	R269
Dead Heat .....	R270
Misrepresented time .....	R272, R273
Timed workout .....	R176(2)
Rated Mile .....	R106(8)(a)

### **Track Rules**

Also, see Licence, Track Facility

Rules .....	R2, R40-R44
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### **Trainer**

Licence .....	R85, R86
Categories .....	R87-R90
USTA Trainer Licences .....	R91
Foreign Jurisdictions .....	R92
Renewal of Trainer Licences .....	R93
Driver to Trainer .....	R94
Accident .....	R96
Responsibility	R122, R127, R129-R133, R248

Absent from track .....	R123
Change of trainer .....	R126
Suspension .....	R128
Paddock .....	R131
Equipment Card .....	R131
Coggins Test .....	R133
Racing wrong horse .....	R131, R248

## **Types of Races Permitted**

Rule 213

## **V**

Veterinarians

Licence ..... Rule 437

## **W**

**Walk Over**

Defined ..... R14(91)

**Warming Horses Up**

Same racing surface ..... R247



## ***MISSION STATEMENT***

**To regulate all facets of the harness racing industry and in so doing promote integrity, honesty, and fairness at the highest level while at the same time protecting the public's interest. Furthermore, to protect and improve the health and safety of both horses and licensees.**