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Control of Racing Order, 1974

Kings Order in Council 30 of 1974

Legislation as at 1 December 1998

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Control of Racing Order, 1974

Kings Order in Council 30 of 1974

Assented to on 8 October 1974

Commenced on 18 October 1974

[This is the version of this document at 1 December 1998.]

A King's Order-in-Council to licence and control horse and dog racing in Swaziland.

1. Short title

This King's Order-in-Council may be cited as The Control of Racing Order, 1974.

2. Interpretation

In this Order, unless the context otherwise requires—

“**bet**” or “betting” means the staking of any money or valuable thing by or on behalf or expressly or impliedly promised, undertaken or agreed to be paid or given to any person as or for the consideration for any assurance, undertaking, promise or agreement, expressed or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any race; foot race, cycle race, motor-cycle race, motor race, fight, game, sport or exercise or any event whatsoever, or as or for the consideration of securing the paying of any money or valuable thing on any such event or contingency whatsoever;

“**Board**” means the Swaziland Racing Control Board established in terms of [section 8](#);

“**licence**” means a licence granted under this Order;

“**licensee**” means a person who is the holder of a licence;

“**Minister**” means the Minister for Commerce;

“**race**” means horse, pony, galloway, dog race or any other race whatsoever;

“**race course**” means any land licensed under this Order for the holding of race meetings or any place where licenced dog or other racing takes place;

“**race meeting**” means any gathering of the public or of the members of any society or association of persons to watch a race if the date and place of holding thereof have been notified by public advertisement or private invitation;

“**totalizator**” means the instrument, machine, or contrivance commonly known as a “totalizator” or any other instrument, machine, or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on principles of a like nature;

“**totalizator licence**” means a licence issued in terms of [section 6](#).

3. Licensing of race-course

- (1) The Minister, acting in consultation with the Deputy Prime Minister, may upon written application made to him grant or renew a licence to any person to hold such race meetings as the Minister may determine on any land which is in the lawful occupation of such person, and which is situate in the Hhohho region.

- (2) Such licence shall be in respect of such land which shall, during the period of the validity of such licence, be deemed to be a licensed race-course.
- (3) Such licence shall, subject to its being renewed at the end of each period of twelve months, be valid for such period as the Minister may determine.
- (4) A licence shall in the case of a horse, pony or galloway race, comply with the rules and regulations of the Jockey Club of South Africa:

Provided that the Minister, acting in consultation with the Deputy Prime Minister, may in his discretion amend such rules and regulations from time to time.
- (5) A licensee shall in the case of a dog race comply with the rules and regulations of the Board.
- (6) The Minister may revoke any licence granted by him if the licensee commits an offence under this Order or breaches any of the rules or regulations referred to in subsection (4) or (5), as the case may be.
- (7) The licensee shall not transfer, cede or assign, let or otherwise alienate the licence granted to him by the Minister save with the written consent of the Minister acting in consultation with the Deputy Prime Minister.

4. Conditions of the licence

In addition to any other conditions which the Minister may impose in the granting of a licence, the following conditions shall apply:

- (a) No person shall be admitted to a race-course on any day on which a race meeting is being held without the payment of a maximum charge of E1.00, (which amount may be reviewed by the Minister by regulation), unless such person is in possession of a certificate issued by or on the authority of the licensee certifying that such person is a *bona fide* owner or trainer or *bona fide* employed in connection with the meeting or is a member of the club or association holding the meeting and has paid to the licensee an annual subscription, the amount of which shall have been approved by the Minister, or is a person for whose admission to a racecourse without such payment authority has been given by the Minister to the licensee.
- (b) No race meeting shall be held by the licensee on any area other than on the race-course mentioned in the licence.

5. Prohibition of racing except on race-course

- (1) No person shall hold a race on any race-course unless he is a licensee and he shall only hold such race in respect of the land to which the licence refers.
- (2) Any person who contravenes this section shall be guilty of an offence and liable on conviction to a fine of E500 or imprisonment for twelve months, or both.

6. Licensing of totalizators

The Minister, acting in consultation with the Deputy Prime Minister, may upon written application issue to a licensee a totalizator licence to use one or more totalizators on a race day on a race-course in respect of which the licence has been granted to him:

Provided that the Minister may permit a licensee to establish a totalizator agency in premises approved by the Minister.

7. Application of proceeds of totalizator takings

- (1) Ten per cent of the gross takings of any totalizator shall be paid by the holder of a totalizator licence to the Government and the balance of such takings shall be applied by such holder in

accordance with the terms of any written agreement signed by such holder of the licence and by or on behalf of the Minister.

- (2) A duly audited statement showing all the particulars mentioned in subsection (1) shall be delivered by the holder of a totalizator licence to the Collector of Income Tax within seven days after every race day on which the totalizator was used together with any sum accruing to the Government in terms of subsection (1).
- (3) The holder of a totalizator licence shall enter or cause to be entered regularly in a book kept for such purpose all the particulars referred to in subsection (1) and the Collector of Income Tax shall have the right of inspection of such books at all reasonable times.
- (4) Any person who contravenes this section or who makes a false statement or refuses to allow inspection of the books required to be kept by him shall be guilty of an offence and liable on conviction to a fine of E500 or twelve months' imprisonment, or both.

8. Establishment of Greyhound Racing Control Board

- (1) There is hereby established in Swaziland a Board to be known as the Greyhound Racing Control Board of Swaziland, the functions of which shall be to regulate and control dog racing in Swaziland for which purpose it may make such rules and regulations as it deems fit:

Provided that such rules and regulations shall not be inconsistent with this Order or the terms and conditions of any licence.

- (2) The Board shall consist of five persons, of whom one shall be a public officer designated by the Minister, one a nominee of His Majesty the King, one a nominee of the Licensees of Swaziland and two persons appointed by the Minister.
- (3) The Minister may prescribe the qualifications of any member of the Board.
- (4) The Minister shall appoint one of the members of the Board as its chairman.

9. Regulations

The Minister may make such regulations as he thinks necessary for the purpose of carrying out this Order and, without derogating from the generality of the foregoing, may prescribe any fees payable by any person, the qualifications of any member of the Board, any forms to be used and any restriction on the right of admission, specifically or generally, of any person to a race-course.

10. Police may enter race-course

- (1) Any member of the Royal Swaziland Police Force of and above the rank of inspector or any person authorised thereto by the Minister may enter into any race-course at any time if he has reasonable ground for suspecting that this Order has been contravened.
- (2) Any person who resists or obstructs any police officer in the exercise of his powers under this Order shall be guilty of an offence and liable on conviction to a fine of E300 or imprisonment for six months, or both.

11. Amendment of definition of "race" in Act No. 27 of 1970

Section 2 of the Licensing of Bookmakers and Taxation Act [No. 27 of 1970](#) is amended by adding the following words at the end of the definition of "race";

"but does not include dog racing".

12. Non-applicability of the Crimes Act

Part II of the Crimes Act [No. 6 of 1889](#) shall not apply to anything done by a person which is permitted by the provisions of this Order:

Provided that nothing in this Order shall be deemed to permit any betting on a race-course save by means of a duly licensed totalizator.