



ANALYSIS

Title
Preamble
1. Short Title
2. Interpretation

- 3. Payment of costs, disbursements, and expenses
- 4. Disposal of jackpot pool
- 5. Rules
- 6. Rights extinguished
- 7. Private Act

1977, No. 2—*Private*

An Act to enable the Greymouth Trotting Club (Incorporated), the Reefton Trotting Club (Incorporated), and the Marlborough Trotting Club (Incorporated) to dispose of the accumulated fund of the jackpot pool held by the trustees for such clubs in respect of certain non-terminating jackpots conducted by such clubs during the years 1971 and 1972 which jackpots were not struck before the Racing Act 1971 came into force on the 1st day of August 1972

[12 August 1977]

WHEREAS in the year 1971 the Greymouth Trotting Club (Incorporated), the Reefton Trotting Club (Incorporated), and the Marlborough Trotting Club (Incorporated) (hereinafter called the said clubs) agreed together to conduct a non-terminating jackpot at all of their successive trotting meetings commencing at the trotting meeting conducted by the Greymouth Trotting Club on the 18th day of October 1971 and so on at each and every trotting meeting of the said clubs until such jackpot was struck: And whereas the rules of such jackpot provided (*inter alia*) that the entrant or entrants who successfully picked 5 winners in the 5 races selected by the said clubs as jackpot races should be paid the amount in the accumulated jackpot pool and if more than

one in equal shares: And whereas the rules of such jackpot further provided that if at any trotting meeting of the said clubs no person picked 5 winners then the amount in the jackpot pool should be passed on to and form part of the accumulated jackpot pool at the next successive trotting meeting of the said clubs: And whereas the said jackpot was not struck at any of the 8 successive trotting meetings conducted by the said clubs, the last of such meetings being held on the 10th day of April 1972 and at the conclusion of such meetings on the 10th day of April 1972 the accumulated jackpot pool amounted to \$24,012: And whereas the Racing Act 1971 came into force on the 1st day of August 1972 and such Act did not entitle any of the said clubs to conduct jackpots, but section 38 (1) (e) of that Act provided that totalisator clubs could use the totalisator for the purpose of such other forms of betting as the Minister may, after consulting with the Authority, from time to time authorise: And whereas subsequent to the said 1st day of August 1972 representations were duly made to the Minister of Internal Affairs to permit a jackpot to be conducted to dispose of the accumulated jackpot pool held by the trustees of the said clubs but the Minister stated that he could not make such recommendation owing to the fact that it was not possible for jackpots to be conducted through a totalisator: And whereas during the years 1973 and 1974 a series of Supreme Court writs were issued against the said clubs by persons claiming that they were entitled to share the accumulated jackpot pool on the grounds that they had each selected 4 winners out of the 5 jackpot races conducted by the Greymouth Trotting Club on the 10th day of April 1972 and a further writ was issued against James Totalizators Limited in its capacity as stake holder of the said jackpot pool: And whereas all of the abovementioned claims were heard in the Supreme Court of New Zealand at Greymouth on the 24th day of March 1975, and on the 25th day of May 1975 Mr Justice Casey entered an interim judgment only in respect of all of the said claims but reserved the matter for further consideration if the parties desired the assistance of the Court on any other matter not covered by the judgment: And whereas no steps have been taken by any of the parties to any of the said writs to obtain any further assistance of the Court, nor has any final judgment been entered: And whereas it is desirable in the interests of all parties to the

said writs and to the public generally that the method of disposal of the said jackpot pool should now be settled by legislation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Seddon Shield Districts Trotting Jackpot Empowering Act 1977.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Jackpot pool” means the net balance in the hands of the trustees of the Seddon Shield Districts Trotting Jackpot Pool after payment of the costs, disbursements, and expenses referred to in section 3 of this Act:

“Said clubs” means the Greymouth Trotting Club (Incorporated), the Reefton Trotting Club (Incorporated), and the Marlborough Trotting Club (Incorporated).

3. Payment of costs, disbursements, and expenses—The said trustees shall as soon as practicable after the passing of this Act pay the costs and disbursements referred to by Mr Justice Casey in his said interim judgment, and the costs and expenses incurred by the said trustees in respect of the promotion of this Act.

4. Disposal of jackpot pool—(1) Notwithstanding anything in the Gaming Act 1908 or the Racing Act 1971, the jackpot pool shall be equally divided between the said clubs for the sole purpose of applying the same towards either a contributing or a non-contributing terminating jackpot to be conducted by each of the said clubs at its first trotting meeting held after the passing of this Act. Such jackpot pool shall be paid to the entrant or entrants who picks or pick the winner in each of the 5 races selected by each of the said clubs as jackpot races at such first trotting meeting and if more than one in equal shares:

Provided that if no entrant picks the 5 winners of such jackpot races then the pool shall be paid to the entrant or entrants who selects or select, irrespective of order, the most winners of the jackpot races at the meeting.

(2) If a contributing jackpot is held, the maximum amount payable by any bettor in respect of each entry shall be 50 cents.

5. Rules—Each of the said jackpots shall be conducted subject to rules consented to by the New Zealand Trotting Conference.

6. Rights extinguished—Subject to section 3 of this Act, all rights in any way arising before the passing of this Act in respect of the net balance in the hands of the trustees of the Seddon Shield Districts Trotting Jackpot Pool are hereby extinguished; and the jackpot pool as defined in section 2 of this Act shall be distributed in accordance with section 4 of this Act.

7. Private Act—This Act is hereby declared to be a private Act.
