

(6) Dividends

Except as is otherwise provided in clause 10 of this Part, dividends shall be payable at the same rates as those paid by the totalisator on the course.

Dividends on cash investments may be paid by cash or by cheque; on telephone or postal investments by cheque, money order, postal note, bank draft, or bank transfer.

In respect of payments of dividends by the Board otherwise than by cash the investor may be required to pay any exchange and stamp duty payable on cheques, bank drafts, and bank transfers or commission on money orders or postal notes as the Board may decide.

Times for Payment of Dividends

(a) *Cash Investments*: No dividends for cash investments will be paid at any totalisator agency on the same day as the race in respect of which the dividend is due is run. They will be paid on the first convenient working day after such race day. There will be facilities at agencies for payment of late dividends. The period during which dividends in respect of any or all race meetings are payable at totalisator agencies or offices may be limited by the Board as it thinks fit and reasonable.

(b) *Telephone and Postal Deposit Investments*: Dividends will be credited to the depositor's account. The Board will dispose of the amount standing to the credit of the account of a depositor in accordance with his instructions. In the absence or pending the receipt of such instructions the whole or part of the amount due may be retained or remitted to the depositor at any time at the discretion of the person in charge at the totalisator agency at which the account is held.

(c) *Postal Investments*: Dividends shall be posted to the investor as soon as conveniently possible.

(7) Office Hours of Totalisator Agencies

Totalisator agencies shall open for business at such times and for such periods reasonably convenient to the public as the Board, from time to time, directs.

(8) Refund of Investments

(a) *Scratchings*: Generally where win and place investments on a horse which is scratched or withdrawn from a race are refunded to the Board, or cannot be invested by the Board on account of such scratching or withdrawal, then such investments shall be refunded to the investor except in so far as is otherwise provided in the rules of the Board.

In general the foregoing will apply to investments on the doubles totalisator but subject to the provisions of clause (9) of this Part and to any rules relating specifically to that type of investment.

(b) *Errors*—(i) *Cash Investments*: The off-course investor will be in the same position as if an error was made in the issue of a ticket from the totalisator on course, that is, unless he rectifies the error at once he is deemed to accept the ticket issued to him.

(ii) *Telephone Investments*—

(a) Where the error results in an incorrect investment being made: *Prima facie* the investment will be deemed to be that which is recorded so that the investor shall suffer the loss or receive the benefit as the case may be.

Where, however, the error results in a loss to the investor who alleges that the error was due to the mistake or other fault of any servant of the Board, or of an agent or of any servant of the agent, the Board will inquire into the circumstances, and if in its sole discretion the Board is satisfied that such error was due either to the wilful default or to the negligence of such servant or agent, the Board will refund the amount invested but shall not be liable for any dividend which would have been payable had the correct investment been made.

Application for a refund must be made promptly after notice of the error is received or deemed to be received by the investor. Further particulars will be the subject of rules of the Board.

Notwithstanding the foregoing the Board shall have a discretion to pay part, or all, of the dividends which would have been due but for the error.

(b) Where the error results in no investment being made: If at the totalisator agency where the deposit lies there is a record, in writing, of an investment having been made the Board will accept it as such even if the investment has not been transmitted to the totalisator.

(iii) *Postal Investments*—In respect of both investments by post and instructions by post against a deposit or dividends credited thereto, the provisions relating to errors in telephone investments shall apply with any necessary modification.

Nothing in this clause or elsewhere in this scheme or in any rules of the Board is intended to or shall impose on the Board or any of its servants or agents any obligation rendered unenforceable or invalid by the Gaming Act 1908, or any other statutory provision.

(9) Investments at Doubles Totalisator

Primarily off-course investments on the doubles totalisator must be subject to such regulations prescribed for the operation of that totalisator as are made from time to time by the

conferences or either of them. While recognising this, it is appreciated that in practice it is not possible to afford the investor off course the same facilities in the nomination of his double or in the replacement of a scratched horse as are available to the investor on course. The off-course investor will be required to nominate his selections in both the first and second race of the double. Having regard to the time available provision will be made in the rules of the Board for the investor to withdraw the investment if a selected horse is scratched or withdrawn from either race of the double.

Where an investment is not withdrawn by the investor in respect of a horse scratched from the first race of the double, the investment will be subject to the provisions of clause 8 governing refunds of investments.

Where an investment is not withdrawn by the investor in respect of a horse scratched from the second race of the double and the horse selected in the first race of the double is the winner of that race, the Board will arrange for the investment to be made in the second race of the double on a substitute horse in such manner as is provided in the rules of the Board.

In order to avoid unnecessary administrative difficulties and to reduce the risk of error at the totalisator, the Board will not transmit to the totalisator details of the investments on the second race of the double at the time the details of the investments on the first race of the double are transmitted. These will be withheld by the Board until after the result of the first race of the double is known, following which only details of those investments which have qualified for the second race will be transmitted.

(10) Transmission or Other Failure Prior to the Closing of the Totalisator

(a) There may be occasions when part or all of the investments received for any race or for a double cannot be recorded on the totalisator because of failure in the means of transmission or by reason of other similar unforeseen circumstances. In any such event the policy of the Board will be to recognise every such investment as qualifying for a dividend depending upon the result of the race concerned.

It is recognised that the adoption of this policy ought to include, so far as is reasonably possible, the payment off course of the same dividend as is declared on course. There is, however, the practical requirement that the Board ought not to be in the position of incurring a heavy loss or making a substantial gain. In respect of win or place investments this is unlikely to result, and accordingly, as to any such investment unable to be recorded on the totalisator, it is intended to pay the same dividend as is declared on the totalisator.

In respect of investments on the doubles totalisator there is a real possibility of heavy loss or a substantial gain unless a large proportion of the investments received are recorded on the totalisator. It is intended, therefore, under the circumstances set out hereunder, either to pay in respect of these investments the same dividend as is declared on the totalisator or to establish a separate pool off course and to calculate the dividend accordingly.

(b) *Investments on the Doubles Totalisator*: Failure in transmission may occur between any totalisator agency or other office and the head office of the Board or between head office and the course. Estimates prepared by the Board show that unless 90 per cent or thereabouts of the total investments received off course, including a like percentage of the details for the second race of the double, are recorded on the totalisator, there is real risk of heavy loss or substantial gain in paying the same dividend off course as is declared on the totalisator. The failure may occur either before the totalisator is closed for the first race of the double or subsequently and prior to the closing for the second race. In the latter event the off-course investments will be included in the pool on the totalisator. Accordingly, different provision is required having regard to the time and circumstances of the failure and it is therefore intended as follows:

Failure Prior to the First Race of the Double:

(i) If an estimated 90 per cent or more of such investments can be transmitted to the totalisator, they shall be so transmitted, and as to the remainder not transmitted the Board will pay, in respect of those investments on the winner of the first race of the double coupled with the winner of the second race of the double, dividends at the rate declared and paid by the totalisator in respect of that double. The moneys received for the investments not transmitted will be subject to such statutory deductions as are made from totalisator investments and the remainder be used so far as available or necessary for the payment of dividends as already provided in respect of those investments.

Provided that if in respect of such 90 per cent or more of investments there is not an investment on every starter in the first race or if transmission to the course totalisator has commenced but there is a failure at any time before verification of the total investments intended to be transmitted has been received from the Board's Representative at the totalisator, then in either such event the circumstances as set out in subclause (ii) hereof shall be deemed to apply.