

(iii) On receipt of the instructions the operator will read back the message unless the depositor states he does not require the instructions repeated.

D. DISPOSAL OF BALANCE IN A DEPOSIT ACCOUNT

(i) The amount standing to the credit of the account of a depositor at any time shall be disposed of in accordance with the instructions of the depositor. The instructions shall be in such form as the Board from time to time may require.

(ii) In the absence of such instructions the amount may be retained pending receipt of instructions or the whole or part of the amount may be remitted to the depositor at any time at the discretion of the person in charge at the totalisator agency at which the deposit account is held.

E. PROVISIONS APPLICABLE WHERE ERROR IS MADE IN THE GIVING OR RECORDING OF TELEPHONE INVESTMENTS

(i) *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 default of any servant of the Board, or of any agent or of any servant of any 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 to 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. Notwithstanding the foregoing, the Board shall have a discretion to pay part or all of the dividend which would have been due but for the error.

(ii) *Where the Error Results in no Investment Being Made on the Totalisator*—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.

F. BRACKETS

Notwithstanding that the selected horses may be required to be named, the investment shall be subject to the provisions of rule 4 (d) relating to brackets except that the horses shall not be deemed to be identifiable for the purposes of rule 4 (d) (ii).

G. SPECIAL CONDITIONS APPLICABLE TO TELEPHONE INVESTMENTS

(i) Neither the Board nor any servant or agent of the Board shall be responsible for any loss arising from the unauthorised use of a depositor's account.

(ii) Remittances posted to the address given by the depositor will be at the sole risk of the depositor.

(iii) Whenever requested particularly by the depositor the Board will send a statement of account by unregistered post to the address given by the depositor in his application form or such other address as may be notified subsequently to the Board by the depositor. Statements will be deemed to be received by the depositor at the time such statement would be delivered in the ordinary course of post.

(iv) Any claim in respect of an alleged inaccurate entry in the depositor's statement of account must be rendered to the totalisator agency within 4 weeks after the statement has been received or is deemed to be received by the depositor; otherwise the claim will not be admitted by the Board.

(v) In any case in which a depositor has not requested particularly that a statement of account should be sent to him the depositor is required to agree the balance of his account with the telephone operator at the totalisator agency at least once in every 4 weeks. No claim in respect of an alleged incorrect balance will be admitted by the Board if the depositor has failed to agree the balance at least once in the 4 weeks immediately preceding the claim.

(vi) If the depositor's account has not been operated for a period of 12 months the Board may close the account and may in its discretion retain the amount standing to the credit of the account or remit the same to the depositor.

8. Provisions Relating to Investments by Post

A. GENERAL

(i) Investments by written instructions through the post will be accepted if accompanied by a remittance for the amount to be invested, but only at such totalisator agencies as the Board may from time to time nominate, and the Board may at any time direct that investments posted from any particular area, district, or locality, shall be addressed to a particular totalisator agency. The Board may also at any time close any totalisator agency for the receipt of investments by post.

(ii) No instructions or amendments to previous instructions will be acted upon if received by telegram or money-order telegram or telephone.

(iii) Remittances may be by bank draft, postal note, money order, bank note, guaranteed cheque, cheque drawn on a totalisator agency bank account, cheque drawn on a private account, or such other instrument for payment of money as the Board may determine from time to time. All cheques must include appropriate exchange. Subject to any determination of the Board as to any type of cheque or other instrument, cheques and other instruments can be accepted only if there is sufficient time to enable it to be cleared before the closing time for acceptance of the investments for which the cheque or other instrument is remitted.

(iv) If a remittance is received for an amount net to the Board other than in complete units of investment, the person on duty at the totalisator agency concerned may be in his sole discretion either reject the investment altogether or accept it up to the multiple next below the net amount so received by the Board. The amount due to the investor in accordance with the exercise of the discretion as aforesaid shall be refunded to the investor by the Board less exchange or poundage.

(v) Investments will not be accepted before the publication of acceptances for the race meeting concerned.

B. METHOD OF INVESTING

(i) Instructions must be in writing and be accompanied by a remittance sufficient, and no more, for the investment or investments required.

(ii) The instructions as to investments must record clearly:

(a) The surname, initials, and postal address of the investor in block letters.

(b) The race meeting, the race at that race meeting, and the name or code number of the horse or horses in respect of which the investment is required and whether for win, place, or double, and/or such other information as may be required to identify the investment to be made.

(c) The amount to be invested on each separate investment and the total amount enclosed.

(d) Whether the investment is for win, place, or doubles.

(e) The usual signature of the investor.

Notwithstanding that the selected horses may be named the investment shall be subject to the provisions of rule 4 (d) relating to brackets, except that the horses shall not be deemed to be identifiable for the purposes of rule 4 (d) (ii).

Instructions will not be accepted for alternative investments to be made in the event of a nominated horse being scratched. The investor shall be bound by the particulars and instructions supplied by him.

(iii) Where instructions are incomplete or ambiguous the senior officer of the Board present when such instructions are received may at his discretion reject the investment or accept the investment according to what he believes to be the intention of the investor. The investor shall be bound by such interpretation.

(iv) Investments against dividends or refunds payable or to become payable on previous investments will not be accepted.

(v) The Board may accept part of any investment instructions where the acceptance of the whole is not permitted under these rules.

(vi) The Board will accept investments up to 6 p.m. on the working day preceding the race day concerned. Instructions received by the Board at any time later will not be accepted unless the senior officer on duty at the totalisator agency concerned, in his discretion, accepts the instructions.

(vii) The Board shall not be bound to acknowledge receipt of or compliance with instructions for an investment.

C. PAYMENT OF DIVIDENDS AND REFUNDS

(i) In respect of investments by post dividends and refunds due will be posted on the earliest convenient day next after the day of the race meeting concerned.

(ii) If in any case the Board is in doubt to whom or to what address any dividend or refund from the Board should be sent, the Board shall retain the amount payable and the person who claims to be entitled thereto must apply in writing, or, if so required, in person to the totalisator agency to which the investment was sent, and submit proof to the satisfaction of the Board of his right to the amount held by the Board.

(iii) Any investor who claims he has not received the full dividend or refund to which he is entitled, must apply in writing to the totalisator agency where the investment was