



ST. CHRISTOPHER AND NEVIS

CHAPTER 17.03

ST. KITTS AND NEVIS RACING COMMISSION ACT

Revised Edition

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ST. KITTS AND NEVIS RACING COMMISSION ACT

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CHAPTER 17.03

ST. KITTS AND NEVIS RACING COMMISSION ACT

AN ACT TO PROVIDE FOR THE REGULATION AND CONTROL OF THE RACING INDUSTRY BY THE ESTABLISHMENT OF A ST. KITTS AND NEVIS RACING COMMISSION; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the St. Kitts and Nevis Racing Commission Act.

Interpretation.

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

“authorised person” means a person appointed by the Commission pursuant to section 24;

“Commission” means the St. Kitts and Nevis Racing Commission established pursuant to section 3;

“dog” means a greyhound used for the sport of racing;

“functions” includes powers and duties;

“horse” means mare, gelding, colt and filly;

“Minister” means the Minister responsible for industry;

“racecourse” means any ground in Saint Christopher and Nevis including any grounds or structures used or intended to be used for the purpose of a racecourse for racing with horses or dogs and other incidental activities, where betting transactions are concluded;

“racing” means horse or dog racing;

”Racing Rules’ means the rules referred to in section 22.

PART II

ST. KITTS AND NEVIS RACING COMMISSION

Establishment and constitution of Commission.

3. (1) There is hereby established a body to be known as the St. Kitts and Nevis Racing Commission to regulate and control racing and the operation of racehorses and race dogs and to carry out such other functions as are assigned to it by or in pursuance of the provisions of this Act or any other enactment.

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and may acquire, hold and dispose of any property.

(3) The provisions of the Schedule shall have effect as to the constitution and operation of the Commission.

Functions of Commission.

4. Subject to the provisions of this and any other enactment, the Commission shall be responsible for the regulation and control of the racing industry and in furtherance of its responsibility shall have the power to—

- (a) make all such rules as are necessary;
- (b) undertake the registration of racehorses, dogs and owners thereof;
- (c) issue such licences and permits as may be required by this Act;
- (d) establish training schemes for jockeys, stable lads and other personnel in the racing industry;
- (e) administer and enforce rules made under section 22 and Regulations made under section 31;
- (f) hear all disputes arising out of the Racing Rules made under section 22; and
- (g) introduce and implement or assist in or undertake the implementation of any scheme for the development of the racing industry.

Funds and resources of Commission.

5. The funds and resources of the Commission shall consist of—

- (a) such sums as may be appropriated by Parliament for the purposes of this Act;
- (b) any fees collected in respect of the issue of licences and permits;
- (c) moneys collected as penalties pursuant to section 29;
- (d) all other sums or property which may become payable to or vested in the Commission in respect of any matter incidental to its functions under this Act or any other enactment.

Application of funds.

6. (1) The Commission may apply its funds for—

- (a) the payment of expenses incurred in the exercise of its functions pursuant to this Act or any other enactment;
- (b) the remuneration of the members of the Commission;
- (c) the making of payments, grants or loans for all or any of the following purposes—
 - (i) the increase of prize money in connection with racing at racecourses;
 - (ii) any purpose approved by the Minister for the improvement of the breeding of horses or dogs for racing;
- (d) the setting up or the operation of any undertaking, or both, for the provision of horses, dogs, amenities and any other matter or things relating to racing;

(e) any other purpose properly chargeable to the revenue account.

(2) The Commission may attach to any grant or loan made or proposed to be made pursuant to this section such conditions as the Commission may think fit.

Borrowing powers.

7. (1) Subject to the provisions of subsection (2) the Commission may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Commission to borrow shall be exercisable only with the approval of the Minister responsible for finance as to the amount, the source of the borrowing and the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purpose of this section may be either general or limited to a particular borrowing and be either unconditional or subject to conditions.

Guarantees of borrowings.

8. (1) The Minister responsible for finance may, in accordance with the Finance Administration Act, 2007 and with the approval of the National Assembly, guarantee, in such manner and such conditions as he may think fit, the repayment of the principal and the payment of interest on any authorised borrowings of the Commission.

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or in the payment of interest guaranteed pursuant to this section, he shall direct the repayment or payment out of the Consolidated Fund of the amount in respect of which there has been such default.

Repayment of and interest on sums issued to meet guarantees.

9. The Commission shall make to the Accountant General at such times and in such manner as the Minister may direct payments of any sums issued in fulfillment of any guarantee given pursuant to section 8.

Reserves.

10. The Commission shall establish and maintain such reserves as it considers necessary and as the Minister may approve.

Financial year, accounts and audit.

11. (1) The financial year of the Commission commences on 1st January and ends on 31st December in each year.

(2) The Commission shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister being a form which shall conform with generally accepted international accounting standards.

(3) The accounts and records shall be kept in such manner as to secure the provisions of separate information as respects each of the main activities of the Commission.

(4) The Commission shall within two months after the end of each financial year have its accounts audited annually by an auditor or auditors appointed annually by the Commission and approved by the Minister.

(5) As soon as the accounts of the Commission have been audited, the Commission shall send the statement of its accounts referred to in subsection (1) to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Commission.

(6) The auditor's fees and expenses of the audit shall be paid by the Commission.

(7) The Auditor General shall be entitled, on the direction of the Minister, at all times to examine the accounts and other records in relation to the business of the Commission.

Annual report.

12. (1) The Commission shall, within four months after the end of each financial year, or within such longer period as the Minister may in special circumstances approve, cause to be made and transmit to the Minister, a report dealing generally with the activities of the Commission during the preceding financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditors report on the accounts prepared pursuant to section 11 to be laid in the National Assembly.

(3) Copies of the Commission's report together with the annual statement of accounts and the auditors reports on that statement or on the accounts of the Commission shall be published in such manner as the Minister may direct and shall be made available to the public by the Commission at a reasonable price.

Power of Minister to give directions to Commission.

13. (1) The Minister may give to the Commission, such directions of a general or specific character as to the policy to be followed by the Commission in the discharge of its functions as appears to the Minister to be necessary in the public interest.

(2) The Commission shall comply with the directions given by the Minister pursuant to subsection (1).

(3) The Commission shall furnish the Minister such information as he may require with respect to the property and activities of the Commission and shall afford him facilities for verifying such information in such manner and at such times as he may reasonably require.

PART III

STAFF

Staff of Commission.

14. (1) The Commission may appoint and employ a Manager and such other officers, employees and agents as may be necessary for the due and efficient performance of its functions.

(2) The Manager and other officers referred to in subsection (1) shall be employed at such remuneration and on such terms and conditions as the Minister may, in writing, approve.

(3) No post shall be established and no salary in excess of any amount determined by the Minister and notified in writing to the Commission shall be assigned to any post without the prior approval of the Minister.

Secondment of public officers.

15. The Governor General may, subject to such conditions as he may impose, approve the secondment of any public officer to any office of the Commission and any public officer so seconded shall, in relation to pension, gratuity or other allowance be treated as continuing in the public service.

PART IV

RACECOURSES AND RACE MEETINGS

License required operating racecourse.

16. (1) Subject to subsection (2), no person shall, operate a racecourse, without obtaining a licence from the Minister authorising him to do so.

(2) Any person who at the date of the coming into operation of this Act was operating a race course shall upon that date be deemed to be duly licensed under this Act for a period of three months and shall require a licence in order to operate a race course after the expiry of that period.

(3) Any person who operates a racecourse without a licence from the Minister commits an offence and is liable on summary conviction to—

- (a) a fine for each day during which the offence continues not exceeding ten thousand dollars for each such day and in default of the payment of such fine to imprisonment for a term not exceeding twelve months; or
- (b) to both penalties that is to say for a term not exceeding twelve months and a fine not exceeding ten thousand dollars for each day during which the offence continues.

(4) Where a company has committed the offence specified in subsection (1), each director, manager, agent or officer of the company who is knowingly a party to the offence shall be liable to the penalties prescribed in subsection (2).

Application for licence.

17. (1) A person requiring a licence pursuant to this Part shall make an application in writing to the Minister in the prescribed form and manner giving in the application the information which may be required by regulations made under this Act.

(2) The Minister shall transmit the application to the Commission for its recommendation before granting a licence except that the Minister may where he considers it expedient to do so, grant a provisional licence for a period not exceeding six months and subject to such terms and conditions as he thinks fit.

(3) The Commission may, upon receipt of an application which has been transmitted to it by the Minister, make such investigation in connection with the application as it considers necessary in order to satisfy itself that the application is in order.

(4) If the Commission is satisfied that the application is in order, it shall—

- (a) direct an authorised person to visit and inspect the racecourse in respect of which the application is made; and
- (b) inform the applicant of such direction.

(5) Where directed pursuant to subsection (4)(a), an authorised person may, for the purpose of carrying out an inspection pursuant to this section—

- (a) enter upon and examine the racecourse in respect of which the application is made;
- (b) put to any person on the racecourse any question relating to the application for a licence to operate the racecourse if he reasonably believe that any information can be so obtained which will assist the Commission in arriving at a decision as to whether or not the application should be recommended;
- (c) produce his certificate of appointment to any person on the racecourse reasonably requiring him to do so.

(6) The authorised person shall, upon completion of the inspection referred to in subsection (5) make a report in writing to the Commission which shall as soon as practicable thereafter forward its recommendation to the Minister.

Grant of licence for racecourse.

18. (1) The Minister may, in respect of any application pursuant to section 17, if satisfied that it is desirable to do so, as soon as practicable after receipt of the recommendations of the Commission, grant or refuse to grant the licence to the applicant to operate the racecourse and shall notify the applicant in writing accordingly.

(2) The issuing of the licence shall be upon the payment of such fees as may be prescribed.

(3) A licence granted by the Minister shall be for such period and be subject to such terms and conditions as may be specified therein.

Transfer of licence.

19. A person may, by application in writing to the Commission in the prescribed form and manner giving such information as may be required by regulations made under this Act, request the transfer of a licence granted under this Part.

(2) Upon receipt of an application made pursuant to subsection (1), the Commission shall conduct such inquiries in respect of the application as it may think fit and shall transmit such application with its recommendation to the Minister who may if satisfied that it is desirable to do so, as soon as practicable thereafter, grant or refuse to grant the licence.

(3) Where an application for a transfer of a licence is granted, the Minister shall endorse upon the licence an order to this effect.

Suspension and revocation of licence.

20. The Minister may suspend or revoke a licence granted pursuant to this Part, upon the recommendation of the Commission made pursuant to an investigation made under section 25.

Race meetings.

21. The fixing of the days on which meetings for horse racing at racecourses may be held shall be subject to the approval of the Commission.

Racing Rules.

22. (1) The Commission shall make rules to be called the Racing Rules for the conduct of racing.

(2) The Racing Rules may provide for—

- (a) the content and publication of programmes for race meetings;
- (b) the conditions for the acceptance of entries for races;
- (c) entry fees;
- (d) the payment of prize money;
- (e) the classification of horses;
- (f) handicapping;
- (g) any other matters relating to the owning, breeding, training, grooming and racing of race horses;
- (h) for the imposition of fines and other penalties for any breach thereof;
- (i) for all matters relating to dog racing;
- (j) all such matters, whether similar to the foregoing or not, relating to horses and dogs that are bred for racing and matters relating to racing, breeding, training and grooming as the Commission may require.

(3) It shall be lawful for the Commission or its employees or agents to exercise such functions as may be prescribed by the Racing Rules.

Requirement for occupation permits.

23. (1) Subject to subsection (2), no person may, after the date of the commencement of this Act, hold himself out or be employed as—

- (a) a trainer of horses or dogs, jockey or an apprentice; or
- (b) a stable employee or other worker in connection with any horse or dog being trained for racing or at any establishment operated for the breeding of racehorses,

unless that person is the holder of a permit issued or granted by the Commission for such purpose.

(2) Any person who at the date of the coming into operation of this Act was carrying on or employed in any of the occupations referred to in subsection (1) shall upon that date be deemed to be the holder of a permit duly issued under this Act for a period of three months and shall require a permit in order to carry on or be employed in any of the occupations after the expiry of that period.

(3) Any person who was operating a race course shall upon that date be deemed to be duly licensed under this Act for a period of six months and shall require a licence in order to operate a race course after the expiry of that period.

(4) An application for a permit under subsection (1) shall be in such form and furnish such information as may be prescribed.

(5) The Commission may—

- (a) upon receipt of an application made pursuant to subsection (2) and upon payment of the prescribed fee, grant a permit under this section for such period and subject to such restrictions as it may think fit; or

(b) in its discretion, refuse to grant such permit.

(6) The Commission may, at any time, suspend or revoke a permit granted pursuant to this section and shall immediately notify the person concerned of the suspension or revocation as the case may be of his permit specifying the date on which the suspension or revocation shall have effect.

(7) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars and in default to imprisonment for a term not exceeding six months.

(8) Where a company contravenes the provisions of subsection (1) each director, manager, agent or officer of the company who is knowingly a party to the offence is liable to the prescribed penalties.

PART V

MISCELLANEOUS

Appointment of authorised persons.

24. (1) The Commission may appoint such persons as it may think fit including persons who are members of the Commission, for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of this Act and the Regulations and the Racing Rules made pursuant to this Act.

(2) Any person appointed pursuant to subsection (1) is an authorised person.

(3) The Commission shall furnish each authorised person with a certificate of appointment.

(4) An authorised person may, subject to the production by him if so required of his certificate of appointment, at all reasonable times enter any premises which are used or which he has reasonable cause to believe are used—

- (a) for the operations of a racecourse;
- (b) for controlling the operations of a racecourse;
- (c) for keeping horses or dogs for racing; or
- (d) for the breeding of horses or dogs for racing,

and may examine the entries required to be made in the records kept in connection therewith and copy the whole or any part of such materials.

Investigations.

25. (1) The Commission may, where it considers it expedient to do so, hold or cause an investigation to be held—

- (a) to determine whether any licence granted pursuant to Part III should be suspended or revoked;
- (b) in respect of the breach of any of the regulations or of the Racing Rules made under this Act or of any terms or conditions of any licence or provisional licence; or
- (c) as respects any matter related to or connected with its functions so as to determine whether any of such functions should be exercised.

(2) The following provisions shall have effect with respect to any investigation made pursuant to subsection (1)—

- (a) the person or persons holding the investigation hereinafter referred to in this section as the Tribunal shall do so in such manner and under such conditions as the Tribunal may think most effective for ascertaining the facts of the matter under investigation;
- (b) the Tribunal shall for the purpose of the investigation have all the powers of a magistrate to summon witnesses, call for the production of books and documents and to examine witnesses and the parties concerned on oath;
- (c) any person who is summoned to attend or to produce books or documents pursuant to this section who refuses to do so or refuses to answer any question put to him by or with the concurrence of the Tribunal commits an offence except that no person shall be bound to incriminate himself and each witness shall, in respect of any evidence given by him at such an investigation be entitled to the same privileges to which he would be entitled if giving evidence before a court of law.

(3) Any person who is convicted of an offence pursuant to subsection (2)(c) is liable on summary conviction to a fine not exceeding five thousand dollars and in default of payment to imprisonment for a term not exceeding six months.

(4) Any witness attending at the request of or upon summons by the Tribunal shall, subject to any order made by the tribunal be entitled to similar allowances for expenses as if summoned to attend a Magistrates Court.

Power of Commission to delegate functions.

26. The Commission may by instrument in writing, and subject to such conditions as may be prescribed in the instrument, delegate to any person any of the functions exercisable by the Commission by virtue of the provisions of this Act or any other enactment.

(2) A delegation made pursuant to this section shall be revocable by the Commission and no delegation shall prevent the exercise by the Commission of any of its functions.

(3) Any person to whom a delegation is made pursuant to this section shall furnish to the Commission from time to time such information as the Commission may require with respect to the exercise of the functions delegated pursuant to this section except that nothing in this section shall authorise the Commission to depute any person to hear any appeal or to make Regulations or Racing Rules under the powers conferred upon it by any enactment.

Appeal to Commission.

27. (1) There shall be a right of appeal to the Commission against a decision given by a person acting in pursuance of any function delegated under section 26.

(2) Any person who is aggrieved by a decision given by a person referred to in subsection (1) may appeal to the Commission against such decision within such time and in such manner as may be prescribed.

(3) The Commission may, at the hearing of an appeal against a decision in respect of which the appeal is brought—

- (a) dismiss the appeal and confirm the decision;

- (b) allow the appeal and set aside the decision; or
- (c) set aside the decision and substitute therefor such other decision as the Commission may think proper;
- (d) allow the appeal and direct that the proceedings in respect of which the decision and the subject of the appeal was made, be reconducted either by the person who made that decision or such other person as the Commission may decide.

Decisions of Commission final.

28. All decisions of the Commission given in respect of any matter which falls within its functions shall be final.

Power of Commission to impose penalties.

29. (1) The Commission shall have the power to impose penalties for any breach which has been found to be committed pursuant to investigation under section 25 except that the penalty in respect of such breach shall not exceed five thousand dollars.

(2) Any such penalty shall—

- (a) be paid into the funds of the Commission;
- (b) be recoverable by the Commission as a debt in the Magistrates Court.

Offences.

30. Any person who—

- (a) obtains a licence or permit or the renewal of a permit or the transfer of a licence under this Act by wilful misrepresentation;
- (b) wilfully or recklessly gives any false or misleading information or makes a false or misleading statement in relation to any application for a licence or permit or renewal or the transfer of a licence; or
- (c) refuses to permit any authorised person to enter or inspect any racecourse or any premises used for the purpose of keeping racehorses or race dogs in training or breeding horses for racing or to examine the entries required to be made in the records kept in connection with the operation of a racecourse or obstructs him in the execution of his duty under this Act,

commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months.

Regulations.

31. (1) The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act.

(2) Regulations made under this section may, without prejudice to the generality of subsection (1), make provisions for the—

- (a) authorising of inspectors for the purposes of this Act;
- (b) issuing of license and grant of permits;
- (c) setting of minimum standards of competence for trainers and jockeys;

- (d) compilation and publication of a stud book;
 - (e) fees required to be prescribed by this Act and charges in respect of any other matter;
 - (f) security of persons, horses and vehicles within a racecourse;
 - (g) security arrangements within a racecourse;
 - (h) prohibition of any form of act or conduct within a racecourse which may cause obstruction, injury or damage to any person, horse, dog or property;
 - (i) determining or prohibiting of the presence or movement of any person, animal, or vehicle within a racecourse or any part thereof or otherwise regulating the use of any such animal or vehicle;
 - (j) prescribing of conditions and fixing of charges to be paid for the use of a racecourse and the facilities provided therein;
 - (k) disposal of unclaimed property in the custody of the Commission or of the licensee of a racecourse;
 - (l) regulation of any other matter relating to racing not provided for in this Act;
 - (m) regulation of any other matter required or permitted by this Act to be prescribed.
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SCHEDULE*(Section 3)*

ST. KITTS AND NEVIS RACING COMMISSION

Constitution of Commission

1. The Commission shall consist of five members appointed by the Minister on the advice and consent of Cabinet as follows—
 - (a) two members appointed after consultation with the organisations most representative of the owners or breeders of race horses or dogs;
 - (b) one member representing the Ministry of Finance;
 - (c) two other persons at least one of whom shall have qualifications in law.

Appointment of members of Commission

2. The members of the Commission shall be appointed by the Minister by instrument in writing and, subject to this Act, shall hold office for such period not less than two years and not more than five years as the Minister may direct in the instrument of appointment.

Reappointment of members

3. Each member of the Commission shall be eligible for reappointment.

Chairman

4. The Minister shall appoint one of the members of the Commission to be the chairman of the Commission.

Acting appointments

5. If the chairman or any other member of the Commission is absent or is unable to act, the Minister may appoint any person to act in the place of such chairman or other member.

Resignation

6.
 - (1) Any member of the Commission, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and that member shall cease to be a member of the Commission from the date of receipt by the Minister of the instrument.
 - (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and the resignation shall take effect as from the date of receipt by the Minister of the instrument of resignation.

Leave

7. The Minister may on the application of any member grant leave of absence to the member.

Revocation of appointment

8. The Minister may at any time revoke the appointment of any member of the Commission who—

- (a) absents himself from three consecutive meetings of the Commission except on leave granted by the Commission;
- (b) behaves in such a way as in the opinion of the Minister is likely to bring the Commission into disrepute;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit.

Gazetting of appointments

9. The appointment of any person as a member of the Commission and the termination of office of such person whether by death, resignation, revocation, effluxion of time or otherwise shall be notified and published in the *Gazette*.

Protection of members of the Commission

10. (1) A member of the Commission shall not be personally liable for any act or default of the Commission done or omitted to be done in good faith in the course of the operation of the Commission.
- (2) Where any person is exempt from liability by reason only of the provisions of this paragraph the Commission shall be liable to the extent that it would be if that person was an employee or agent of the Commission.

Remuneration of members

11. The chairman and other members of the Commission shall be paid such remuneration (by way of honorarium, salary and fees) and other allowances, out of the funds of the Commission, as the Minister may determine.

Seal and execution of documents

12. (1) The seal of the Commission shall be kept in the custody of the chairman or any other officer of the Commission authorised by the Commission.
- (2) The seal of the Commission shall be affixed to instruments pursuant to a resolution of the commission, in the presence of the chairman or any other member of the Commission authorised to act in that behalf and the secretary thereof.

- (3) The seal of the Commission shall be authenticated by the signatures of the chairman or any other member of the Commission authorised to act on his behalf and the secretary or some other officer authorised by the Commission to act instead of the secretary.
- (4) Subject to any limitation in the articles or the by-laws of a foundation, an action which may be taken by the councillors at a meeting, other than an annual meeting convened in accordance with paragraph 1, may also be taken by a resolution of councillors consented to in writing or by telex, telegram, cable or other written electronic communication, without the need for any notice.

Procedure and meetings

13. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Commission may determine.
- (2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Commission.
- (3) The chairman shall preside at meetings of the Commission and if the chairman is absent from a meeting the members of the Commission present shall elect one of their number to preside at the meeting.
- (4) Three members of the Commission shall constitute a quorum.
- (5) The decisions of the Commission shall be by a majority of votes and in addition to an original vote, the chairman or other member presiding at the meeting shall have a casting vote in any case in which voting is equal.
- (6) Minutes of each meeting of the Commission shall be kept in proper form and shall be confirmed as soon as practicable at a subsequent meeting.
- (7) The validity of the proceedings of the Commission shall not be affected by any vacancy amongst the members of the Commission or by any defect in the appointment of a member.
- (8) Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.

Disclosure of interest

14. A member of the Commission who is directly or indirectly interested in any matter which is being dealt with by the Commission—
 - (a) shall disclose the nature of his interest at a meeting of the Commission; and
 - (b) shall not take part in any deliberation or decision of the Commission with respect to that matter.