



PRESS COMMUNIQUE

Following the communique issued last night on 21 April 2022 by MTCSL, the Gambling Regulatory Authority (GRA) would like to set the records straight by informing the members of the public of the following:

Further to its communique of 15 April 2022, the Gambling Regulatory Authority (GRA) wishes to further clarify the situation with regards to the Horse Racing Organiser licence sought by Mauritius Turf Club Sports and Leisure Ltd (MTCSL).

This year again just like last year, the MTCSL made an application for a Horse Racing Organiser licence on a quarterly basis. The application submitted on **7 February 2022** was meant for the period **01 January 2022** up to **31 March 2022**, which is the first quarter of the calendar year 2022.

It has always been the practice, for the Mauritius Turf Club (MTC) in the past and MTCSL last year, to submit a fresh application for every quarter of the calendar year and effect payment accordingly. Application made for the first quarter is processed and a licence issued on the understanding that a new application would be made for every subsequent quarter and the earlier licence renewed accordingly.

The decision of the Board of the GRA was taken on the 15 April 2022 on the assumption that the MTCSL, just like its usual practice of the previous years would be effecting the application and payment for the second quarter of the calendar year that is from April 2022 to June 2022. But unfortunately, this year the MTCSL has failed to do so presumably due to internal disagreement between MTC and MTCSL as per their own admission.

Basing itself on the actual status of MTCSL application form dated **07 February 2022** where the period applied for is clearly to cover the first quarter of the year starting from **01 January 2022 to 31 March 2022 only**, the Authority is legally not in a position to accept payment of licence fees amounting to Rs 1 million, which the MTCSL is unlawfully forcing the Authority to accept by all means, in as much as this sum represents the licence fee covering the whole year up to December 2022, until and unless the MTCSL makes an application to cover the remaining applicable period of the year.

Furthermore, this year, derogating from its usual past practice where the MTC and MTCSL has always been deputing a director or CEO to come personally at the office of the authority to effect payment and at the same time to acknowledge receipt, take cognisance of and accept all the conditions attached to the Horse Racing Organiser licence, on behalf of MTCSL, this year MTCSL has been persistently and without any excuse or justification refusing to comply with this practice. It is to be noted that according to section 97 of the GRA Act 2007, every

licence is issued subject to terms and conditions approved and imposed by the GRA Board and these conditions are binding on all prospective licensees, including the body corporate MTCSL.

This year, the MTCSL is asking to be communicated in advance a copy of the conditions of licence and this is a highly unusual behaviour from a prospective licensee since these conditions attached to the licence are non-negotiable and binding.

Last but not the least, as a fatal blow to any real prospect of starting the racing season 2022 this Saturday, the MTCSL has sent a letter to the HRD on 20 April 2022 requesting for the payment of a fee of Rs 1 million per racing day for the whole racing season in consideration for the use by the HRD of its infrastructure, equipment and logistics that the HRD will be needing on race days to regulate race meeting. This is totally unacceptable and shows the clear unwillingness on behalf of the MTCSL to comply with section 31 of the GRA Act which provides that MTCSL has to put at the disposal of the HRD in its capacity as horse racing organiser the necessary infrastructure, equipment and logistics, without any consideration.

This letter emanating from MTCSL, unambiguously and in no uncertain terms convey to the Authority the clear intention of MTCSL to not assuming its duties, obligations and functions as a prospective horse racing organiser in breach of the law.

Being in a country governed by the Rule of law, the MTCSL is indeed encouraged to seek proper legal advice before drawing any hasty conclusions in the above issue as the application of the most elementary maxims of statutory interpretation would lead to the correct interpretation.

At any rate, common sense is sufficient Authority to lead to the obvious and inescapable interpretation to be given to section 31 (1) (n) of the GRA Act based on the ordinary dictionary meaning of the plain simple English language used and the context in which this specific duty is imposed on the horse racing organiser under the law.

The GRA wishes to reassure the public and all stakeholders directly concerned by Horse Racing in Mauritius that it acts strictly within the parameters of the law and that it carries out its duties without fear or favour.

Gambling Regulatory Authority

This 22nd of April 2022