

1. CONSTITUTION AND ORIGIN OF TATTERSALLS COMMITTEE :-

(a) CONSTITUTION. Horse racing in this country is carried on under certain Rules of Racing laid down by the Jockey Club who are the governing body. The Jockey Club was founded in the year 1750 in order to regulate horse racing and they have from time to time made rules and regulations concerning racing and decided disputes in connection therewith, which are accepted by all who engage in horse racing.

Rule 4 of the Rules of Racing reads as follows :-

"The Stewards of the Jockey Club take no cognisance of any disputes or claims with respect to bets, but they have power to give effect to an official report made to them by the Committee of Tattersalls."

Rule 203 (i) reads as follows :-

"If any person be reported by the Committee of Tattersalls he shall, with effect from the fourteenth day of despatch to him of notice of intended disqualification or exclusion to his last known address, be a disqualified person under these Rules or otherwise excluded under Rule 2(iv) from any premises owned, licensed or controlled by the Stewards of the Jockey Club unless the Stewards of the Jockey Club declare that the disqualification or exclusion should not have effect under these Rules. An application to the Stewards of the Jockey Club for such a declaration may be made by the person affected by this Rule provided that he shall have applied to the Registry Office within seven days of the despatch to him of notice of intended disqualification or exclusion."

Rule 203 (ii) reads as follows :-

"The disqualification or exclusion shall cease immediately upon receipt by the Stewards of the Jockey Club of notification that the report from the Committee of Tattersalls is withdrawn and the person affected shall be so informed at his last known address."

From these two Rules it will be seen that although the Stewards of the Jockey Club do not decide any disputes as to bets (disputes regulated by the Stewards being confined entirely to the discipline of horse racing), they regard Tattersalls Committee as being the official Arbitrator in disputes concerning bets, and will therefore give effect to an official report from this Committee made in regard to bets. Tattersalls Committee are the only persons or body of persons whose reports are recognised by the Jockey Club. The Jockey Club nominate two of their members to sit upon Tattersalls Committee one of whom to be the Chairman.

(b) ORIGIN. The predecessors of Tattersalls Committee are the Committee of Tattersalls Subscription Room Knightsbridge London, and the Committee of the Newmarket Subscription Rooms. Tattersalls Subscription Room was in existence sometime before 1795. The Newmarket Subscription Rooms were in existence before the year 1881. As these two betting Clubs fell into disuse and betting increased among the general public who were not members of either Club it became evident that steps must be taken to extend full authority over non-members. The Jockey Club therefore dealt with the matter by Minute in the year 1881 as set out in the following extract of the Minutes :-

"A Memorandum of the following minute of the Committee of the Newmarket Subscription Rooms was forwarded to the Stewards of the Jockey Club - At a meeting of the Committee of the Newmarket Subscription Rooms Club held at Rothesay House, Newmarket the 18th day of May 1881 - Sir John D. Astley Bart, member of the Committee, having as requested by their Chairman enquired of the Stewards of the Jockey Club whether the Committee have power of entertaining cases of disputed bets between persons who are not members of either the Newmarket Rooms or of Tattersalls, Sir D Astley attended and informed the Committee that they did possess such powers and the Stewards would be obliged if such cases were entertained and they will be prepared to enforce the decisions of the Committee."

This Minute shews that the Committee of the Newmarket Subscription Rooms Club were informed by the Jockey Club that they would deal with all default cases reported to them irrespective of the membership of the disputants. No doubt the Committee of Tattersalls Subscription Room had found the same difficulty and had followed suit to the Committee of the Newmarket Subscription Rooms as is shewn by the following extract of a Minute from the Minute Book of Tattersalls Subscription Room dated the 7th October 1895 which reads :-

"It was decided that the Secretary be given the power to
"summon non-members as well as members to appear before.
"the Committee in the case of bets in dispute."

and an extract from Rule VIII of the Rules and Regulations of Tattersalls Subscription Room corrected up to 31st March 1896 reads :-

"VIII.....In compliance with a wish expressed by the
"Stewards of the Jockey Club, the Committee of Tattersalls
"Subscription Room have decided to adjudicate upon cases
"arising out of disputed bets and defaults in bets, wherein
"Non-Members, as well as Members, of Tattersalls may be
"concerned, and in future the Committee will be willing
"when called upon at a race meeting by the Stewards of that
"meeting, to form a quorum, and hear the case on the spot, and
"their decision will be enforced by the Stewards of the
"Meeting, and also by the Stewards of the Jockey Club."

From 1881 onwards the Committee of the Newmarket Subscription Rooms and from 1895 onwards the Committee of Tattersalls Subscription Room adjudicated on all betting cases whether the parties were members of Tattersalls Subscription Room or the Newmarket Subscription Rooms or not and the Stewards of the Jockey Club warned off Defaulters for bets reported by both these bodies up to 1899 and since that date those reported by Tattersalls Committee being either individuals who have defaulted (by failure to carry out orders for payment made by Tattersalls Committee after the Committee has heard and decided the claim) or being Directors of a Limited Company which has defaulted in the same way.

There were, as has been shewn, originally two Committees (the Committee of Tattersalls Subscription Room and the Committee of the Newmarket Subscription Rooms) both of whom had authority to deal with defaulters and report them to the Stewards of the Jockey Club. It was found in practice that this duplicated the work and records of the Jockey Club and in order therefore to simplify matters representations were made by the Jockey Club to the two Committees to consider an amalgamation to act under the name of the Committee of Tattersalls. The desired amalgamation took place in 1899. This joint Committee under the style of the Committee of Tattersalls or as it is more commonly known Tattersalls Committee functioned until the year 1929 when at the request and suggestion of the Jockey Club a Resolution was passed to the effect that the Committee of Tattersalls should consist of the Members of the Committee by name (not being the members nominated by the Jockey Club) and two nominees of the Jockey Club and that any successor to a retiring or deceased member (not being one of the nominees of the Jockey Club) should with the approval of the Jockey Club be nominated by the surviving members of the Committee and not as theretofore by the Committee of the Newmarket Subscription Rooms and Tattersalls Room respectively. Notice of such Resolution was sent to the Jockey Club and the Secretaries of the Newmarket Subscription Rooms and Tattersalls Room

2. FUNCTIONS OF TATTERSALLS COMMITTEE :-

Tattersalls Committee consist of fourteen members (twelve who have the power of filling any vacancy in their number by co-option, subject to the approval of the Jockey Club) and two members of the Jockey Club (nominated by the Jockey Club). The Committee meet in London and any member of the Committee has a right to be present at meetings held. The present members of the Committee consist of persons who are keenly interested in the turf including professional bookmakers and others expert in their own fields.

Tattersalls Committee has long been recognised as a tribunal before whom all persons interested in betting disputes or claims in connection with bets on horse racing can bring their disputes or claims for decision and is the only tribunal recognised by the Jockey Club on whose reports with reference to bets "warning off" the turf takes place. It is not necessary for any person making a complaint to the Committee to be a member of any body or club: all categories of bookmakers, large or small organisations, on or off the course, cash or credit, and also punters (backers) bring claims before the Committee. Anyone, backer or bookmaker, can take a complaint or dispute to Tattersalls Committee and the Committee is as ready to hear a claim arising from a £1 bet in a Point to Point as to adjudicate in a dispute between professionals involving thousands of pounds. The only charge the Committee make for hearing and determining a claim is the fee paid on lodgement of a claim which is graded from £5.00 for a claim up to £499.00 to £1,000.00 for a claim over £20,000.00. The Committee do not ask the complainant or the respondent to sign any formal submission or in any way agree to be bound by their decision. They report their findings to the interested parties only but do not in any way make public the result of their determination (except in cases where a general ruling as to the destination of bets is required). Reports are made privately and confidentially to the Jockey Club.

In 1886 the Committee issued Rules on Betting. Changes in the Rules of Racing, which are evolutionary, frequently require changes in the Rules on Betting, the last revision being made on the ^{15th FEBRUARY, 2005} ~~26th March, 1997~~: a print of the current Rules on Betting is submitted herewith. Most bookmakers' rules are drafted round the Rules on Betting and are invariably recognised by the Committee as binding unless they conflict with the Rules on Betting, an example of this is when a bet is struck 'first past the post' in direct conflict with Rule 3. Attention is drawn to Rule 4(C) providing for reductions in bookmakers' liabilities when horses are withdrawn before coming under Starters Orders and 4(E) the like when a horse is eliminated under Jockey Club Rule 125 so far as ante-post betting is concerned.

In addition to hearing cases of disputed bets and claims the Committee are often called upon to give their decision as to the destination of bets in cases where

there have been peculiar circumstances and in such cases they report their decision to the Press. The settling on these races has been governed by their decision.

At their meetings the Committee hear the evidence of the parties who are present before them and read letters or statements from parties not present, hear the evidence of witnesses or read letters or statements from witnesses not present read any documentary evidence and inspect any betting books or slips relevant to the claim before them and generally give the matters before them all consideration: the parties before them and any witnesses present are subject to cross-examination by the Committee and are allowed to cross-examine one another and the Committee observe the rules of natural justice. In cases of dispute where the Committee are satisfied that it is a question of a mistake on the part of one or other gentlemen whose honesty and integrity is not in question they come to a decision as to whom they will award their adjudication but before so doing they ask both parties if they will agree 'to divide', many do and everyone is satisfied. If one of the parties will not agree 'to divide' then the parties are informed of the Committee's decision already made. If the Committee are satisfied that the complainant has established his claim and there is no question of 'a division' they make an Order for payment. If this Order is not complied with, after giving due notice to the respondent, they will at the request of the complainant report the respondent to the Stewards of the Jockey Club. The Stewards of the Jockey Club will treat such persons who are reported to them by the Committee as "Disqualified Persons" under the Rules of Racing and will "warn them off" until the Report is withdrawn. Such 'warning off' carries with it the scratching of horses belonging to the person reported from all races, the cancellation of his registration as an owner of horses under Jockey Club Rules and the exclusion from holding appointments and Licences under the Rules of Racing and so long as the disqualification lasts the person 'warned off' unless the Stewards of the Jockey Club otherwise declare would be prohibited from entering the enclosures at race meetings. By agreement with Turf Authorities in countries who have reciprocal arrangements with the Jockey Club the 'warning off' can be extended to those countries. The Committee will not allow any person who is reported to the Stewards of the Jockey Club and 'warned off' to bring claims before them until such person or in the case of a Director until the Limited Company has cleared his of its own default. There is no appeal from the decision of the Committee but Rule 1 of the Rules on Betting provides :-

"Upon an application being made to the Committee
"in any case to admit or hear further evidence,
"the Committee may at its discretion, decide to
"re-hear such case and upon such re-hearing may
"admit such further evidence and uphold, reverse
"or amend its original decision or adjudication
"as it may think fit."

On a Report being made to the Stewards of The Jockey Club the parties are issued with a Certificate of Adjudication and Report of Default which the claimant can produce in any proceedings he may care to take under the provisions of The Betting, Gaming and Lotteries Act 1963 with reference to the granting of, renewal of or the forfeiture of a Bookmaker's Permit and the appropriate Licensing Authorities do observe and accept the Committee's decision in such cases, and what is important the Committee not only safeguards the punter but enhances the reputation of the Bookmaking Profession by eliminating the very few unscrupulous bookmakers.

3. LEGAL POSITION OF TATTERSALLS COMMITTEE :-

In an action in the High Court brought against the Committee for an Injunction restraining the Committee from hearing a dispute because the Bookmakers' rules provided that disputes should be settled by the Editor of The Sporting Life (Joe Lee Ltd v Lord Dalmeny and others 17 Novr 1926: Law Reports 1927 1 Chancery P 300 and Law Times Reports Vol 136. P 375/6/7) judgement was given for the Committee with costs and in the course of his summing up the Judge stated that the Committee were the right and proper tribunal for hearing betting disputes on horse racing and that statements before the Committee and correspondence in connection with cases before the Committee are the subject of qualified privilege.

4. SUMMARY :-

It will be seen therefore (1) that Tattersalls Committee (and their predecessors) have exercised their functions (namely of hearing and deciding disputes and claims with regard to bets on horse racing in Great Britain and of reporting Defaulters in Bets or Directors of defaulting Limited Companies to the Stewards of the Jockey Club) for the past 180 years, (2) they are recognised by the ruling authorities of the Turf (See the Rules of Racing already quoted), (3) they are recognised by the general racing and betting public as is evidenced by the number of cases brought before them annually, (4) their authority has been recognised in the High Court, (5) they were recognised by Parliament under the Racecourse Betting Act 1928 when the Committee were empowered to appoint one member to sit on the Racecourse Betting Control Board, (6) they are recognised by the Betting Licensing Committees in proceedings before such Committees under the provisions of The Betting Gaming and Lotteries Act 1963, and (7) they issue and revise the Rules on Betting from time to time and give rulings as to the destination of bets in peculiar circumstances.

Tattersalls Committee do hold a very strong fiduciary position not only with regard to those who actually attend race meetings but also with regard to the general public who perhaps never or rarely attend Race Meetings.

5. TATTERSALLS COMMITTEE, THE RECOGNISED TRIBUNAL FOR HEARING BETTING CLAIMS AND DISPUTES ON HORSE RACING :-

It is submitted that Tattersalls Committee, grounded in tradition, acting directly under the authority of the Jockey Club, making the Rules on Betting, and composed of members of undoubted impartiality integrity and knowledge, are the proper tribunal to carry out expeditiously and cheaply the functions of hearing and deciding betting disputes and claims and should continue to do so. The Complexities of betting warrant an "Ombudsman" and for over a hundred years Tattersalls Committee has been just that.