



# Betting, Gaming and Lotteries Act 1963

## 1963 CHAPTER 2

### PART I

#### BETTING

##### *Contributions for benefit of horse racing by bookmakers and Totalisator Board*

#### **24 Horserace Betting Levy Board.**

- (1) There shall be a Horserace Betting Levy Board (in this Act referred to as “the Levy Board”) which shall be charged with the duty of assessing and collecting in accordance with the subsequent provisions of this Part of this Act, and of applying, subject to those provisions, for purposes conducive to any one or more of the following, that is to say—
  - (a) the improvement of breeds of horses;
  - (b) the advancement or encouragement of veterinary science or veterinary education;
  - (c) the improvement of horse racing,monetary contributions from bookmakers and the Totalisator Board.
- (2) The Levy Board shall consist of a chairman and seven other members of whom—
  - (a) the chairman and two other members shall be appointed by the Secretary of State and be persons who the Secretary of State is satisfied have no interests connected with horse racing which might hinder them from discharging their functions as members of the Board in an impartial manner;
  - [<sup>F1</sup>(b) three members shall be appointed by the Jockey Club (incorporating the National Hunt Committee)]
  - (d) one member shall be the chairman for the time being of the Bookmakers’ Committee; and
  - (e) one member shall be the chairman for the time being of the Totalisator Board.
- (3) Any person appointed to be a member of the Levy Board under subsection (2)(a) of this section shall hold and vacate office in accordance with the terms of the instrument under which he was appointed; and any person appointed to be a member of the Board

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under <sup>F2</sup>subsection (2)(b)] of this section may be removed from the Board at any time by the body by whom he was appointed.

- (4) The Jockey Club, <sup>F2</sup>(incorporating the National Hunt Committee)], the Bookmakers' Committee and the Totalisator Board respectively may from time to time appoint a person to act in the place of such a member of the Levy Board as is mentioned in <sup>F2</sup>subsection (2)(b), (d) or (e)], as the case may be, of this section at any meeting of the Levy Board at which that member is unable to be present, and while so acting any such person shall be deemed for the purposes of any act or proceeding of the Levy Board to be a member of that Board.
- (5) The Levy Board shall be a body corporate and shall have perpetual succession and a common seal.
- (6) The Levy Board may pay to the chairman and the two other members appointed by the Secretary of State such remuneration, and to any member of the Board travelling, subsistence or other allowances at such rates, as the Board may with the approval of the Secretary of State determine.
- <sup>F3</sup>(6A) The Levy Board may pay such pension or gratuity as the Board may, with the approval of the Secretary of State, determine, to or in respect of the chairman and any other members appointed by the Secretary of State.]
- (7) The Levy Board may appoint officers, servants and agents on such terms as to remuneration, pensions or otherwise as the Board may determine.
- (8) The Levy Board may regulate their own procedure and make standing orders governing the conduct of their business.
- (9) No act or proceeding of the Levy Board shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any member having been defective.

#### Textual Amendments

- F1** S. 24(2)(b) substituted for s. 24(2)(b)(c) by [Horserace Betting Levy Act 1969 \(c. 14\), s. 6\(2\)](#)
- F2** Words substituted by [Horserace Betting Levy Act 1969 \(c. 14\), s. 6\(3\)\(4\)](#)
- F3** S. 24(6A) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\), s. 25\(2\)](#)

## 25 General powers and duties of Levy Board.

- (1) The Levy Board shall have power—
  - (a) with the approval of, and subject to any conditions imposed by, the Secretary of State, to engage in any activity connected with any of the matters specified in section 24(1)(a) to (c) of this Act;
  - (b) to acquire and hold such land as may be reasonably required for the purposes of any of their functions and to sell or lease any land held by them which is not required for those purposes;
  - (c) to borrow for the purposes of any of their functions and to give security for any moneys borrowed by them;
  - (d) to lend or invest money for the purposes of or in connection with any activity in which they have power under paragraph (a) of this subsection to engage;

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- (e) to make such other loans or investments as they judge desirable for the proper conduct of their affairs and as, under the enactments for the time being in force, a trustee would be authorised to make out of trust funds;
  - (f) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.
- (2) The Levy Board shall apply any moneys from time to time available in their hands—
- (a) in providing for the payment of rates, taxes, charges, expenses and other outgoings, including any sums which they are required or authorised to pay by virtue of [<sup>F4</sup>any enactment];
  - (b) in retaining such sums and making provision for such matters as they think proper in connection with any of their functions;
  - (c) in making such payments as they think fit for charitable purposes;
  - (d) subject to the foregoing paragraphs of this subsection, in making payments, in accordance with schemes from time to time prepared by the Levy Board and approved with or without modifications by the Secretary of State, for such purposes as are mentioned in section 24(1) of this Act.

#### Textual Amendments

**F4** Words substituted by [Horserace Betting Levy Act 1969 \(c. 14\), s. 7\(3\)](#)

#### Modifications etc. (not altering text)

**C1** [S. 25\(2\)\(d\)](#) amended by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 4\(2\)](#)

## 26 Bookmakers' Committee.

- (1) For the purposes of the contributions such as are mentioned in section 24(1) of this Act to be made by bookmakers, there shall be a committee, which shall be known as the Bookmakers' Committee, constituted in such manner as the Secretary of State may, after consultation with any body appearing to him to be representative of the interests of bookmakers generally, by regulations made by statutory instrument provide.
- (2) Provision may be made, and from time to time varied, by a scheme under this subsection for the payment of remuneration to all or any of the members of the Bookmakers' Committee, and for the provision of secretarial and other facilities for that committee; and such a scheme—
- (a) may be made at any time by agreement between the committee and the Levy Board; or
  - (b) on any occasion on which proposals for such a scheme are made by the committee or by the Levy Board but the committee and the Board cannot agree thereon, may be made by the three persons for the time being appointed to be members of the Levy Board by the Secretary of State.
- (3) The Levy Board shall pay—
- (a) any amounts payable by virtue of any scheme under subsection (2) of this section;
  - (b) any other expenses incurred by the Bookmakers' Committee for the purposes of this Act with the approval, whether general or special, of the Levy Board;
  - (c) any travelling and other expenses reasonably incurred by any person as a member of the Bookmakers' Committee.

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- (4) The Bookmakers’ Committee may regulate their own procedure and make standing orders governing the conduct of their business.
- (5) No act or proceeding of the Bookmakers’ Committee shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any person as a member thereof having been defective.

**27 Bookmakers’ levy schemes.**

- (1) The contributions such as are mentioned in section 24(1) of this Act to be made by bookmakers shall be paid by way of a levy in respect of each levy period in accordance with a scheme having effect for that period under this section; and in this Act the expression “levy period” means a period of twelve months beginning with 1st April in any year.
- (2) Any such scheme shall include provision—
  - (a) for securing that the levy shall be payable only by a bookmaker who carries on on his own account a business which includes the effecting of betting transactions on horse races, and only in respect of so much of the business of the bookmaker as relates to such betting transactions;
  - (b) for bookmakers to be divided for the purposes of the levy into different categories;
  - (c) for the amount, if any, payable by way of the levy by any particular bookmaker to be determined by reference to the category into which he falls;
  - (d) as to the method of the promulgation of the scheme by the Levy Board;
  - (e) for the submission to the Levy Board by each bookmaker before a specified date of a declaration as to the category into which he falls;
  - (f) for the issue by the Levy Board of notices of assessment to, and certificates of exemption from, the levy.
- (3) Not later than such date before the beginning of any levy period as the Levy Board may determine, the Bookmakers’ Committee shall make recommendations to the Levy Board with respect to the scheme to have effect under this section for that period, and those recommendations shall take the form either of a draft scheme or of a recommendation that the current scheme shall continue to have effect without amendment or with specified amendments.
- (4) If the Levy Board approve the recommendations aforesaid, or those recommendations as revised by the Bookmakers’ Committee in the light of any observations thereon made to the committee by the Board, the scheme so recommended and approved shall have effect accordingly for the levy period in question.
- (5) . . . . . F5

<b>Textual Amendments</b>	
<b>F5</b>	Sch. 7 repealed by <a href="#">Lotteries Act 1975 (c. 58)</a> , <a href="#">Sch. 5</a>
<b>Modifications etc. (not altering text)</b>	
<b>C2</b>	S. 27 amended by <a href="#">Horserace Betting Levy Act 1969 (c. 14)</a> , <a href="#">s. 1(1)–(8)</a>

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## 28 Assessment of or exemption from bookmakers' levy.

- (1) .....<sup>F6</sup>
- (5) An assessment notice issued by the Levy Board in the case of any bookmaker for any levy period shall be conclusive as to his liability to the levy for that period and the amount payable by him by way thereof unless not later than twenty-eight days after the notice is served on him he gives to the Board notice in writing of appeal therefrom.
- (6) On receiving any notice of appeal under the last foregoing subsection, the Levy Board shall refer the appeal to an appeal tribunal established in pursuance of section 29 of this Act, which shall have power to confirm, increase or reduce the assessment, or grant the appellant a certificate of exemption from the levy, according to the tribunal's opinion as to the category into which he falls, but which—
- (a) shall not reduce the assessment or grant the appellant a certificate of exemption unless the appellant has afforded the tribunal all the facilities it may have required for the investigation of his case;
- (b) shall confirm the assessment unless the tribunal is satisfied that, on all the evidence made available to it, the assessment should be varied or rescinded;
- and any decision of the tribunal as to the category into which the appellant falls for the purposes of the levy for the levy period in question shall be final.
- (7) Any amount assessed as payable by any bookmaker by way of the levy in respect of any levy period shall [<sup>F7</sup>(except to the extent of any payments on account)] become due twenty-eight days after notice of the assessment has been served on the bookmaker or, if he appeals therefrom in pursuance of the foregoing provisions of this section, on the determination or abandonment of the appeal, and shall be recoverable by the Levy Board as a debt due to them.
- (8) Upon the discharge by a bookmaker of his liability by way of the levy in respect of any levy period [<sup>F8</sup>in accordance with the notice of assessment issued in his case], the Levy Board shall issue to him a certificate in writing to the effect that he has done so, and any such certificate shall be conclusive evidence of the facts stated therein.
- (9) An assessment notice may be served on any bookmaker either by serving it on him personally or by sending it to him by post at his usual or last-known residence or place of business in the United Kingdom or, if the bookmaker is a company, at the company's registered office.
- (10) If, otherwise than with the consent in writing of the bookmaker concerned or—
- (a) for the purposes of this section [<sup>F9</sup>or section 2 of the <sup>M1</sup>Horsrace Betting Levy Act 1969] or of a report of any proceedings before an appeal tribunal thereunder; or
- (b) for the purposes of, or of a report of—
- (i) proceedings for the recovery from that bookmaker of any amount due from him [<sup>F10</sup>under this section] by way of the levy; or
- (ii) proceedings relating to that bookmaker before an appropriate authority within the meaning of Schedule 1 to this Act, or before any court on an appeal from any such authority; or
- (iii) any criminal proceedings,
- any person who is a member, officer or servant of the Levy Board, the Bookmakers' Committee or an appeal tribunal established in pursuance of section 29 of this Act, or who is consulted by the Bookmakers' Committee in pursuance of subsection (4)

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of this section, [<sup>F9</sup>or by members of the Levy Board in pursuance of section 2(4) of the said Act of 1969], discloses to any other person in such a manner as to identify the bookmaker concerned any declaration by or assessment on any bookmaker for the purposes of the levy, or any other information concerning that bookmaker obtained through the exercise of any functions under this section [<sup>F9</sup>or under section 2 of the said Act of 1969], or any ruling of the Bookmakers' Committee or an appeal tribunal as to the category into which any bookmaker falls, he shall be liable on summary conviction to a fine not exceeding [<sup>F11</sup>level 4 on the standard scale].

#### Textual Amendments

- F6** S. 28(1)–(4) repealed with saving by Horserace Betting Levy Act 1969 (c. 14), ss. 2(1), 7(4)
- F7** Words inserted by Horserace Betting Levy Act 1981 (c. 30, SIF 12:1), s. 4(6), **Sch. para. 1(a)**
- F8** Words inserted by Horserace Betting Levy Act 1981 (c. 30, SIF 12:1), s. 4(6), **Sch. para 1(b)**
- F9** Words inserted by Horserace Betting Levy Act 1969 (c. 14), s. 2(5)(a)–(c)
- F10** Words inserted by Horserace Betting Levy Act 1981 (c. 30, SIF 12:1), s. 4(6), **Sch. para. 1(c)**
- F11** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 39(3), 56(2), **Sch. 3, Sch. 6** and expressed to be substituted (1.4.1996) by 1995 c. 40, ss. 3, 7(2), **Sch. 1 para. 10, Sch. 2 Pt. III**

#### Marginal Citations

- M1** 1969 c. 14.

## 29 Levy appeal tribunals.

- (1) There shall be established for the purposes of section 28 of this Act [<sup>F12</sup>and section 2 of the Horserace Betting Levy Act 1981]—
- (a) one or more appeal tribunals for England and Wales; and
  - (b) one or more appeal tribunals for Scotland;
- and an appeal under section 28(5) of this Act [<sup>F13</sup>or section 2(1) of the said Act of 1981] shall be referred to a tribunal established for Scotland if the appellant is the holder of a bookmaker's permit which was last granted or renewed by an authority in Scotland.
- (2) Each such tribunal shall consist of a chairman and two other members of whom—
- (a) the chairman, who shall be
    - [<sup>F14</sup>(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
    - (ii) an advocate or solicitor in Scotland of at least 7 years' standing,]
 shall be appointed by the Lord Chancellor or, in the case of a tribunal established for Scotland, by the Lord President of the Court of Session; and
  - (b) the other members shall be appointed by the Secretary of State;
- and each member of any such tribunal shall hold office in accordance with the terms of the instrument under which he was appointed.
- (3) The procedure of any such tribunal shall be such as the Lord Chancellor or, in the case of a tribunal established for Scotland, the Lord President of the Court of Session may by rules prescribe; and any such rules shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (4) The Levy Board shall pay to the members of any such tribunal such remuneration as the Board may with the approval of the Secretary of State determine and any travelling and other expenses reasonably incurred by them as members of the tribunal.
- (5) The Levy Board shall provide any such tribunal with such secretarial and other facilities as may appear to the Board to be necessary or expedient, and, without prejudice to subsection (7) of this section, shall pay any expenses incurred by the tribunal for the purposes of their functions with the approval, whether general or special, of the Levy Board.
- (6) If any such tribunal thinks it just so to direct in allowing any appeal by a bookmaker, the Levy Board shall pay to that bookmaker such amount as the tribunal may specify towards expenses appearing to the tribunal to have been reasonably incurred by the bookmaker in connection with the appeal.
- (7) If any such tribunal, in dismissing any appeal by a bookmaker, or on the abandonment of any appeal after the tribunal has taken some action towards its determination, thinks it just that the bookmaker should make a payment towards expenses incurred by the tribunal in connection with the appeal, the tribunal may certify accordingly and the Levy Board shall be entitled to recover from the bookmaker as a debt due to them the amount specified in the certificate.

#### Textual Amendments

- F12** Words inserted by [Horserace Betting Levy Act 1981 \(c.30, SIF 12:1\)](#), s. 4(6), **Sch. para. 2(a)**
- F13** Words inserted by [Horserace Betting Levy Act 1981 \(c.30, SIF 12:1\)](#), s. 4(6), **Sch. para. 2(b)**
- F14** [S. 29\(2\)\(a\)](#) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 16**

#### Modifications etc. (not altering text)

- C3** [S. 29](#) extended by [Horserace Betting Levy Act 1969 \(c. 14\)](#), **s. 3(1)**

### 30 Contributions by Totalisator Board.

- (1) Subject to subsection (2) of this section, the contribution such as is mentioned in section 24(1) of this Act to be paid by the Totalisator Board in respect of any levy period shall be such as may be determined before the beginning of that period by the Levy Board after consultation with the Totalisator Board.
- (2) . . . . . <sup>F15</sup>

#### Textual Amendments

- F15** [S. 30\(2\)](#) repealed with saving by [Horserace Betting Levy Act 1969 \(c. 14\)](#), **ss. 5(2), 7(4)**

#### Modifications etc. (not altering text)

- C4** [S. 30\(1\)](#) amended by [Horserace Betting Levy Act 1969 \(c. 14\)](#), **s. 5(1)**

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