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Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

PART I

BETTING

Licensed betting offices

9 Betting office licences and betting agency permits.

- (1) Where in the case of any premises there is for the time being in force a licence authorising the holder of the licence to use those premises as a betting office (in this Act referred to as “a betting office licence”), section 1(1) of this Act shall not apply to the use of those premises for the effecting of betting transactions with or through the holder of the licence or any servant or agent of his:

Provided that the licence shall not authorise the use of the premises for effecting any pool betting transaction made otherwise than by way of sponsored pool betting [F1except where the use consists of the use of the premises as a place where persons may collect amounts payable by way of winnings in respect of competitions of the kind mentioned in section 1(4A)(a) of this Act.].

- (2) The following persons, and the following persons only, may apply for the grant or renewal of a betting office licence in respect of any premises, that is to say—
- (a) a person who is for the time being the holder of, or an applicant for, a bookmaker’s permit;
 - (b) the Totalisator Board;
 - (c) a person who, not being the holder of, or an applicant for, a bookmaker’s permit, is for the time being both—
 - (i) accredited by a bookmaker who is the holder of a bookmaker’s permit or by the Totalisator Board as an agent for the purpose of receiving or negotiating bets by way of business with a view to those bets being made with that bookmaker or, as the case may be, with or through that Board; and

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- (ii) the holder of, or an applicant for, a permit (in this Act referred to as “a betting agency permit”) authorising him to hold a betting office licence.
- (3) An application for the grant of a betting office licence in respect of any premises may be made notwithstanding that the premises have still to be constructed or are still in the course of construction.
- (4) Subject to subsections (2) and (3) of this section, Schedule 1 to this Act shall have effect for the purposes of betting office licences and betting agency permits.
- (5) If the holder of a betting agency permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to fine not exceeding [^{F2}level 1 on the standard scale].

Textual Amendments

- F1** Words in s. 9(1) inserted (20.6.1996) by S.I. 1996/1359, art. 3
- F2** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

10 Conduct of licensed betting offices.

- (1) A licensed betting office shall be managed in accordance with the rules set out in Schedule 4 to this Act, and in the case of any contravention of any of those rules the licensee and any servant or agent of the licensee by whom the contravention was committed shall be liable on summary conviction to a fine not exceeding [^{F3}level 3 on the standard scale]:
 Provided that, where any person is charged with an offence under this subsection by reason only of his being the licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.
- [^{F4}(1A) The Secretary of State may, from time to time, by order made by statutory instrument amend the provisions of Schedule 4 to this Act so as to make new provision with respect to the facilities (other than those in respect of which a betting office licence is required) that may be provided in a licensed betting office; and, without prejudice to the generality of the foregoing, such an order may—
 - (a) require compliance with such restrictions as may be specified in the order in relation to—
 - (i) the use in a licensed betting office of any apparatus for making information or other material available in the form of sounds or visual images or both;
 - (ii) the use of a licensed betting office for any form of entertainment; and
 - (iii) the provision in a licensed betting office of any form of refreshment;
 - (b) provide that paragraphs 1 and 4 of that Schedule shall be construed, subject to those restrictions, as not prohibiting such of the things referred to in subparagraphs (i) to (iii) of paragraph (a) of this subsection, as may be specified in the order;
 - (c) repeal paragraph 5 of that Schedule.

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- (1B) Notwithstanding anything in an order under sub-section (1A) of this section, Schedule 4 to this Act shall continue to have the effect of prohibiting the provision in a licensed betting office of any facility in respect of which a licence under the Licensing Act ^{M1}1964 or the Licensing (Scotland) Act ^{M2}1976 is required.
- (1C) An order under subsection (1A) of this section shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]
- (2) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, in the case of a licensed betting office the licensee or any servant or agent of his may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence on those premises would subject the licensee or any servant or agent of his to a penalty under [^{F5}subsection (1) of this section]; and if any person liable to be expelled from the licensed premises under this subsection, when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he shall be liable on summary conviction to a fine not exceeding [^{F3}level 1 on the standard scale].
- (3) Any constable may, on the request of the licensee or any servant or agent of the licensee, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled therefrom under subsection (2) of this section; and the constable may use such force as may be required for that purpose.
- (4) Any constable may enter any licensed betting office for the purpose of ascertaining whether the provisions of subsection (1) of this section are being complied with, and any person who obstructs any constable in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding [^{F3}level 1 on the standard scale].
- (5) If, [^{F6}any advertisement, other than [^{F7}an advertisement published in a material form or]an advertisement to which subsection (6) of this section applies,]is published—
- indicating that any particular premises are a licensed betting office; or
 - indicating where any such office may be found; or
 - drawing attention to the availability of, or to the facilities afforded to persons resorting to, such offices,
- then, in the case of an advertisement in connection with the office or offices of a particular licensee, that licensee, and in every case any person who published the advertisement or caused or permitted it to be published, shall be guilty of an offence: Provided that it shall be a defence for any person charged with an offence under this subsection to prove—
- that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken all reasonable steps to ascertain that it was not, such an advertisement as aforesaid; or
 - if he is charged by reason only of being a licensee, that the advertisement was published without his consent or connivance and that he exercised all due diligence to prevent the publishing of any such advertisement in connection with his office or offices.
- [^{F8}(6) The subsection applies to an advertisement if [^{F9}it is published otherwise than in a material form and]—
- it is published inside but not outside a licensed betting office; or

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- (b) it complies with such restrictions as may be prescribed and is, in such manner as may be prescribed, published outside a licensed betting office—
- (i) from a place inside such an office; or
 - (ii) in premises giving access to such an office; ^{F10} . . .
 - ^{F10}(iii)]

Textual Amendments

- F3** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46** and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G**
- F4** **S. 10(1A)–(1C)** inserted by **Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 1(1)**
- F5** Words substituted by **Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 1(2)**
- F6** Words substituted by **Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 2**
- F7** Words in **s. 10(5)** inserted (19.4.1997) by **S.I. 1997/1074, art. 5(2)**
- F8** **S. 10(6)** inserted by **Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 2**
- F9** Words in **s. 10(6)** inserted (19.4.1997) by **S.I. 1997/1074, art. 5(3)(a)**
- F10** **S. 10(6)(b)(iii)** and the word “or” preceding it repealed (19.4.1997) by **S.I. 1997/1074, art. 5(3)(b)**

Modifications etc. (not altering text)

- C1** Mode of trial in **s. 10(5)** specified (S.) (1.4.1996) by **1995 c. 46, ss. 292(1), 309(2), Sch. 10 para. 4(b)** (with **ss. 24(2), 307(2)**)

Marginal Citations

- M1** **1964 c.26 (68A:1).**
- M2** **1976 c.66 (68A:2).**

VALID FROM 01/09/1997

^{F11}10A Cancellation of betting office licence

- (1) Where the holder of a betting office licence is convicted under section 10(1) of this Act of an offence in respect of the betting office to which the licence relates, the court by or before whom he is convicted may, if the court thinks fit, order that the licence shall be forfeited and cancelled.
- (2) An order under subsection (1) of this section made by a court in England and Wales shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and in the case of such an order, the licence to which the order relates shall not be forfeited or cancelled under it—
 - (a) until the end of the period within which notice of appeal against the conviction or sentence may be given; nor
 - (b) if notice of appeal against the conviction or sentence is duly given within that period, until the determination or abandonment of that appeal.
- (3) Where an order under subsection (1) of this section is made by a court in Scotland, the holder of the licence to which the order relates may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and the licence to which the order relates shall not be forfeited or cancelled under it—

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- (a) until the end of the period of 14 days commencing with the date on which the order was made; nor
 - (b) if an appeal against the order or the conviction which gave rise to it is made within that period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (4) Where a licence is forfeited and cancelled in pursuance of an order under subsection (1) of this section, the clerk of the court by whom the order was made shall, unless he is also clerk to the authority who last either granted or renewed the licence, send a copy of the order to the clerk to that authority.]

Textual Amendments

F11 S. 10A inserted (1.9.1997) by S.I. 1997/947, art.2

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