

## SCHEDULES

### SCHEDULE 1

Sections 2, 9.

#### BOOKMAKER'S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES

##### *Introductory*

- 1 The authority responsible for the grant or renewal of bookmaker's permits, betting agency permits and betting office licences shall be—
- (a) in any petty sessions area in England, a committee constituted in the prescribed manner of not less than five nor more than fifteen of the justices acting for that area, who may sit in two or more divisions, the quorum at any meeting of that committee or a division thereof being three;
  - (b) in any licensing area within the meaning of the Licensing (Scotland) Act 1959, the licensing court constituted for that area under section 1 or 2 of that Act
- 2 In this Schedule, the following expressions have the following meanings respectively, that is to say—
- " appropriate authority " means such a committee or court as are mentioned in paragraph 1 of this Schedule and, in relation to a bookmaker's permit or betting agency permit or in relation to an application for the grant or renewal of a betting office licence, means, subject to paragraph 10 of this Schedule, the committee or court such as aforesaid for the petty sessions area or licensing area in which the relevant premises are, or are to be, situated ;
- " appropriate local authority " means—
- (a) in England, the local authority (being the council of a county borough, metropolitan borough or county district or the Common Council of the City of London) within whose area the relevant premises are, or are to be, situated;
  - (b) in Scotland, where the relevant premises are, or are to be, situated in a burgh, the council of that burgh, and in any other case the council of the county, and the council of the district within which the relevant premises are, or are to be, situated ;
- " appropriate officer of police " means the chief officer of police for the police area in which the relevant premises are, or are to be, situated;
- " clerk to the appropriate authority ", where the authority is a committee of the justices acting for a petty sessions area, means the clerk to those justices or, if there, are two or more clerks to those justices—
- (a) such one of those clerks as the magistrates' courts committee having power over the appointment of clerks to justices for that area may direct; or
  - (b) in default of any such direction, any of those clerks;
- " relevant premises " means—

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- (a) in relation to a bookmaker's permit or betting agency permit, the premises at which for the time being the applicant for or holder of the permit has his office or, if he has more than one office, his principal office or, if he is a company, his registered office or, if he has no office, his usual place of residence ;
- (b) in relation to an application for the grant or renewal of a betting office licence, the premises in respect of which the application is made.

*Applications for grant of permit or licence*

- 3 Each appropriate authority shall for each year fix a day in each of the months of—
- (a) January, April, July and October if the authority is in England; or
  - (b) January, March, June and October if the authority is in Scotland,
- as a day on which, subject to paragraph 7 of this Schedule, they will hold a meeting for the purpose of considering any application for the grant of a bookmaker's permit, betting agency permit or betting office licence then awaiting consideration.
- 4 In addition to any meeting on a day fixed in pursuance of the last foregoing paragraph, an appropriate authority may hold a meeting on any other day for the purpose of considering such applications as aforesaid.
- 5 Any such application as aforesaid may be made at any time and shall be made to the clerk to the appropriate authority in such form and manner, and shall contain such particulars, and, if the application is for a permit, give such references, as may be prescribed; and, not later than seven days after the date when the application is made, the applicant shall send a copy of the application to the appropriate officer of police and, in the case of an application for the grant of a betting office licence, to the appropriate local authority; and if the applicant knowingly makes any false statement in any such application or copy thereof he shall be liable on summary conviction to a fine not exceeding fifty pounds.
- 6 Not later than fourteen days after the making of any such application as aforesaid to the appropriate authority, the applicant shall cause to be published by means of an advertisement in a newspaper circulating in the authority's area a notice of the making of the application which shall also state that any person who desires to object to the grant of the permit or licence should send to the clerk to the authority, before such date not earlier than fourteen days after the publication of the advertisement as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection ; and, in the case of an application for the grant of a betting office licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises not later than fourteen days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.
- 7 Not later than seven days after the publication of the newspaper containing the advertisement of any such application as aforesaid required by the last foregoing paragraph, the applicant shall send a copy of that newspaper to the clerk to the appropriate authority, and the authority shall not consider the application earlier than fourteen days after the date specified in the advertisement ; and, not earlier than the said date and not less than seven days before the date appointed for the consideration of the application, the clerk to the authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—

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- (a) to the applicant;
- (b) to the appropriate officer of police ; and
- (c) if the clerk has received from any person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person,

and also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public; and in sending such a notice to the applicant the clerk shall include therewith a copy of any objection to the grant of the permit or licence which has been received by the clerk from the appropriate officer of police, the appropriate local authority or any other person.

*Applications for renewal of permit or licence*

8 Each appropriate authority, in each year in which any application for the renewal of a bookmaker's permit, betting agency permit or betting office licence, other than an application to which paragraph 10(b) of this Schedule applies, falls to be made to the authority, shall in the month of February (if the authority are in England) or January (if the authority are in Scotland) give in writing to the holder of that permit or licence, and cause to be published by means of an advertisement in a newspaper circulating in their area, notice of a day in April (if the authority are in England) or March (if the authority are in Scotland) on which they will hold a meeting for the purpose of considering such applications, and that notice shall include the time and place appointed for the meeting and shall state—

- (a) in the case of the notice given to the holder of any permit or licence, that any such application must be received by the clerk to the authority before a specified date, being a date not earlier than fourteen days after both the giving of the notice in writing and the publication of the advertisement aforesaid;
- (b) in the case of the notice given by advertisement, that any person who desires to object to the renewal by the authority of any particular permit or licence should send to the clerk to the authority before the same date two copies of a brief statement in writing of the grounds of his objection.

9 Any application for the renewal of such a permit or licence as aforesaid, other than an application to which paragraph 10 (b) of this Schedule applies, shall be made to the clerk to the appropriate authority before the date specified for the purpose in the notice given in pursuance of the last foregoing paragraph, and shall be in such form and contain such particulars as may be prescribed ; and, not earlier than that date nor later than seven days before the day in April or, as the case may be, March appointed by the said notice for the consideration of such applications, the clerk to the authority—

- (a) if he has received from any person an objection in writing to the renewal of a particular permit or licence (being an objection which has not been withdrawn) and the address of that person is known to the clerk, shall send to that person in writing a notification as to whether or not an application for the renewal of that permit or licence has been made;
- (b) shall send to the person by whom any application for the renewal of a permit or licence has been duly made a copy of any objection to the renewal which he has received from the appropriate officer of police, the appropriate local authority or any other person and which has not been withdrawn.

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- 10 Where in any year, by reason of a change in the office or usual place of residence of the holder of a bookmaker's permit or betting agency permit, an application for the renewal of that permit falls, or would but for this paragraph fall, to be made to an authority other than the authority by whom the permit was last either granted or renewed, then—
- (a) unless the change takes place before 1st February or, where the first-mentioned authority are in Scotland, 1st January in that year, any application for the renewal of the permit shall be made to and considered by the authority by whom the permit was last either granted or renewed ;
  - (b) if the change takes place before the said 1st February or, as the case may be, 1st January, paragraphs 5 to 7 of this Schedule shall apply to an application to the first-mentioned authority for the renewal of the permit as if it were an application for the grant thereof.

*Proceedings before appropriate authority*

- 11 On any application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence, the appropriate authority may grant or renew the permit or licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the beginning of the meeting of the authority at which the authority considers the application; but, save as aforesaid, at any such meeting any of the following persons, that is to say—
- (a) the applicant;
  - (b) any person from whom an objection in writing which has not been withdrawn was received by the clerk to the authority before the day on which he sent out the documents referred to in paragraph 7 or, as the case may be, paragraph 9 of this Schedule: and
  - (c) the person making any other objection which the authority have decided under paragraph 12 of this Schedule that they will hear,
- shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made otherwise than by way of objection by, or by any person authorised in that behalf by, the appropriate officer of police.
- 12 Where in the case of an application for the grant or renewal of any such permit or licence as aforesaid an objection to the grant or renewal is received or made on or after the day referred to in paragraph 11(b) of this Schedule, the authority may refuse to entertain the objection and, unless the applicant requests otherwise, shall not hear it until the objector has given to the clerk and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of his objection.
- 13 An appropriate authority may from time to time adjourn the consideration of any application for the grant or renewal of such a permit or licence as aforesaid, whether for the purposes of paragraph 12 of this Schedule or for any other purpose.
- 14 On the consideration of any application for the grant or renewal of any such permit or licence as aforesaid, the appropriate authority may take evidence on oath and may make such order as they think fit for the payment of costs or, in Scotland, expenses by or to the applicant to or by any person who made an objection to the grant or renewal which was not withdrawn before the day referred to in paragraph

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11 (b) of this Schedule ; and any costs ordered by an authority in England to be paid under this paragraph shall be recoverable summarily as a civil debt.

*Grounds for refusal to grant or renew bookmaker's or betting agency permit*

- 15 The appropriate authority shall refuse any application for the grant or renewal of a bookmaker's permit or betting agency permit if it appears that the applicant—
- (a) not being a body corporate, is under twenty-one years of age; or
  - (b) is for the time being disqualified under section 11 (4) of this Act; or
  - (c) not being a body corporate, is not resident in Great Britain or was not so resident throughout the six months immediately preceding the date when the application was made; or
  - (d) being a body corporate, is not incorporated in Great Britain ; or
  - (e) has within the immediately preceding twelve months been refused the grant or renewal—
    - (i) of a bookmaker's permit under paragraph 16 (1) (a) of this Schedule ; or
    - (ii) of a betting agency permit under paragraph 17 (b) of this Schedule ;or
  - (f) has been the holder of a bookmaker's permit which has been cancelled within the immediately preceding twelve months under paragraph 27 of this Schedule.
- 16 (1) In the case of an application for the grant or renewal of a bookmaker's permit, and subject to paragraph 18 of this Schedule, the appropriate authority may refuse the application if—
- (a) they are not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to be the holder of a bookmaker's permit; or
  - (b) the authority are satisfied that, if the permit were to be granted or renewed, the business to which it relates would be managed by, or carried on for the benefit of, a person other than the applicant, being a person who would himself be refused the grant or renewal of such a permit either under paragraph 15 of this Schedule or under paragraph (a) Of this sub-paragraph.
- (2) In considering for the purposes of any application for the renewal of a bookmaker's permit whether any person is or is not a fit and proper person to be the holder of such a permit, the authority shall have regard to whether or not that person has discharged all his liabilities, if any, by way of the bookmakers' levy referred to in section 27 of this Act, and to the circumstances in which any failure to discharge any of those liabilities arose.
- 17 In the case of an application for the grant or renewal of a betting agency permit, the appropriate authority—
- (a) shall refuse the application unless the authority are satisfied that the applicant is for the time being accredited as mentioned in section 9 (2) (c) of this Act;
  - (b) subject to paragraph 18 of this Schedule, may refuse the application if they are not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to hold a betting office licence.

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- 18 For the purposes of paragraph 16 or 17 of this Schedule, the appropriate authority shall disregard—
- (a) any conviction for an offence under the Betting Act 1853, or under section 393 or 407 of the Burgh Police (Scotland) Act 1892, section 51 of the Burgh Police (Scotland) Act 1903 or any corresponding provision of any local Act;
  - (b) any conviction for an offence under the Street Betting Act 1906, unless the offence was committed after 1st December 1961 ; and
  - (c) any conviction for an offence under section 1 (2) of the Betting and Gaming Act 1960 committed before the said 1st December,
- and, without prejudice to their power under paragraph 13 of this Schedule to adjourn consideration of the application, shall also disregard—
- (i) any proceedings for such an offence as is mentioned in section 11 (1) of this Act which have been commenced but not yet determined ; and
  - (ii) any cancellation of a permit under the said section 11 (1) or under paragraph 27 of this Schedule which has not yet taken effect

*Grounds for refusal to grant or renew betting office licence*

- 19 In the case of an application for the grant or renewal of a betting office licence in respect of any premises, the appropriate authority—
- (a) shall refuse the application if they are not satisfied—
    - (i) in the case of an applicant other than the Totalisator Board, that on the date with effect from which the licence would come into force, or, as the case may be, would be continued in force, the applicant will be the holder either of a bookmaker's permit or of a betting agency permit; and
    - (ii) that the premises are or will be enclosed ; and
    - (iii) that there are or will be means of access between the premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions ;
  - (b) may refuse the application on the ground—
    - (i) that, having regard to the lay-out, character, condition or location of the premises, they are not suitable for use as a licensed betting office ; or
    - (ii) that the grant or renewal would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by licensed betting offices and to the number of such offices for the time being available to meet that demand ; or
    - (iii) that the premises have not been properly conducted under the licence.

*Grant or renewal of permit or licence*

- 20 (1) Save as provided by paragraphs 15 to 19 of this Schedule, the appropriate authority shall not refuse any application for the grant or renewal of a bookmaker's permit betting agency permit or betting office licence made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, but shall grant or

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renew the permit or licence on payment by the applicant to the clerk to the authority of a fee of—

- (a) in the case of the grant of a bookmaker's permit, one hundred pounds;
- (b) in the case of the grant of a betting agency permit, five pounds;
- (c) in the case of the renewal of a bookmaker's permit or betting agency permit or the grant or renewal of a betting office licence, one pound ;

and if the authority refuse any such application they shall state the grounds of their refusal.

- (2) The clerk to any appropriate authority in Scotland shall pay over all fees received by him under this paragraph to the local authority liable under section 21 of the Licensing (Scotland) Act 1959 to defray the expenses of that appropriate authority ; and that local authority shall pay to that clerk, in respect of anything done by him under this Act, such fees as the Court of Session may by act of sederunt prescribe.

#### *Appeals against refusals in England*

- 21 (1) Where an appropriate authority in England refuse an application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence, they shall forthwith notify the applicant of the refusal, and within fourteen days of being so notified the applicant may by notice to the clerk to the authority appeal against the refusal to a court of quarter sessions having jurisdiction in the authority's area.
  - (2) As soon as practicable after receiving notice of appeal against the refusal, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision from which the appeal is brought and of the name and last known residence or place of business of the appellant and of any person who opposed the application before the authority.
  - (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing not less than seven days notice to the appellant, to the appropriate officer of police and to any person who opposed the application before the authority and, if the appeal relates to a betting office licence, to the authority, of the date, time and place appointed for the hearing of the appeal.
  - (4) The court of quarter sessions may by its order either—
    - (a) confirm the refusal; or
    - (b) on payment by the appellant to the clerk of the peace for transmission to the clerk to the appropriate authority of the appropriate fee under paragraph 20 of this Schedule, grant or renew the permit or licence in the same way as the appropriate authority could have done ;and the judgment of the court of quarter sessions on the appeal shall be final.
  - (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
  - (6) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by a court of quarter sessions under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.
- 22 On determining any appeal under paragraph 21 of this Schedule, or on being satisfied that the appellant, after giving notice of such an appeal, has failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to the appellant or any person who opposed the application

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before the appropriate authority or, if the appeal relates to a betting office licence, the appropriate authority to or by any other of those persons, and any costs ordered to be paid under this paragraph shall be recoverable summarily as a civil debt.

23 (1) Where, in the case of an appeal under paragraph 21 of this Schedule with respect to a betting office licence, the court of quarter sessions—

- (a) has allowed the appeal; or
- (b) has awarded the appropriate authority any costs under paragraph 22 of this Schedule and is satisfied that the appropriate authority cannot recover those costs,

the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the appropriate authority from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

(2) Costs payable out of local funds under this paragraph shall be paid—

- (a) if the appropriate authority's area is a borough having a separate court of quarter sessions, out of the general rate fund of the borough ;
- (b) in any other case, out of the county fund of the county in which the appropriate authority's area is situated.

(3) Sections 8 (1) and 11 (1) of the Costs in Criminal Cases Act 1952 (which make provision for payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this paragraph as if any reference in those provisions to a county borough were a reference to a borough having a separate court of quarter sessions.

(4) An order of a court of quarter sessions under this paragraph may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions ; and the costs may be taxed either in or out of sessions.

#### *Appeals against refusals in Scotland*

24 (1) Where an appropriate authority in Scotland refuse any application for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence, the authority shall forthwith notify the applicant of the refusal and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority's area.

(2) On any such appeal the sheriff may either—

- (a) confirm the refusal; or
- (b) on payment by the appellant to the sheriff clerk for transmission to the clerk to the appropriate authority of the appropriate fee under paragraph 20 of this Schedule, grant or renew the permit or licence in the same way as the appropriate authority could have done:

and the decision of the sheriff on any such appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.

(3) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by the sheriff under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it



*Notification of change in directors during currency of bookmaker's permit*

- 25 If, where the holder of a bookmaker's permit is a body corporate, any change occurs in the persons who are directors thereof or in accordance with whose directions or instructions the directors thereof are accustomed to act, the holder of the permit shall as soon as reasonably practicable after the occurrence of the change give particulars thereof in writing to the clerk to the appropriate authority and to the appropriate officer of police; and if the holder of the permit fails to comply with this paragraph he shall be liable on summary conviction to a fine not exceeding ten pounds.

*Cancellation of bookmaker's permit by appropriate authority*

- 26 If in the case of any bookmaker's permit an application is made at any time to the clerk to the appropriate authority by any person in the prescribed form and manner requesting that the permit be forfeited and cancelled and accompanied by two copies of a statement of the grounds on which the application is made, the clerk to the authority shall submit the application to any one member of the authority who, after considering the statement accompanying the application—

- (a) if he is of opinion—
- (i) that further consideration of the matters referred to in that statement is unnecessary or inexpedient before the renewal of the permit falls to be considered; or
  - (ii) that the authority would be required by virtue of paragraph 27 (3) of this Schedule to refuse the application,

shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit;

- (b) unless he is of such opinion as aforesaid shall refer the application to the appropriate authority.

- 27 (1) Where an application for the cancellation of a permit is referred to the appropriate authority under the last foregoing paragraph, the clerk to the authority shall, unless the application has been withdrawn, give to the applicant, to the holder of the permit and to the appropriate officer of police not less than twenty-one days notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the permit together with that notice a copy of the applicant's statement of the grounds on which the application is made.
- (2) Subject to the next following sub-paragraph, at any meeting of the appropriate authority to consider the application, the applicant and the holder of the permit shall be entitled to be heard either in person or by counsel or a solicitor; and where the applicant is a person other than the appropriate officer of police, the authority shall also hear any representations made by, or by any person authorised in that behalf by, that officer; and paragraphs 13 and 14 of this Schedule shall apply in relation to the application as they apply in relation to an application for the renewal of a permit, subject to the following modifications of the said paragraph 14, that is to say—
- (a) as if the reference therein to the applicant for renewal were a reference to the holder of the permit; and
  - (b) as if the reference therein to any person who made an objection as mentioned in that paragraph were a reference to the person by whom the application under paragraph 26 of this Schedule was made.

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- (3) The appropriate authority shall refuse the application if they are satisfied that it is made on grounds which—
- (a) have been or ought properly to have been raised previously by way of objection either when the permit was granted or on an occasion when it has been renewed ; or
  - (b) are or have been the subject matter of proceedings for such an offence as is mentioned in section 11 (1) of this Act
- (4) The appropriate authority shall not cancel the permit unless—
- (a) satisfactory evidence is produced that the holder is no longer a fit and proper person to hold such a permit; or
  - (b) the authority are satisfied that the business to which it relates is being managed by, or carried on for the benefit of, a person other than the holder, being a person who would himself be refused the grant of such a permit either under paragraph 15 or under paragraph 16 (1) (a) of this Schedule :

Provided that for the purposes of this sub-paragraph the authority shall disregard any conviction such as is mentioned in paragraph 18 of this Schedule.
- (5) If the appropriate authority decide not to cancel the permit, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit
- (6) If the appropriate authority decide to forfeit and cancel the permit, the forfeiture and cancellation shall not take effect—
- (a) until the expiration of the time within which notice of an appeal under the next following paragraph may be given ; or
  - (b) if such notice is duly given, until the determination or abandonment of the appeal.
- 28 (1) Where the appropriate authority decide to forfeit and cancel a bookmaker's permit on an application under paragraph 26 of this Schedule, the holder of the permit may appeal against that decision to a court of quarter sessions (or in Scotland the sheriff) having jurisdiction in the authority's area, whose decision on the appeal shall be final.
- (2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and 22 (or, as the case may be, paragraph 24 (1)) of this Schedule shall apply for the purposes of an appeal under this paragraph against the forfeiture and cancellation of a bookmaker's permit as they apply for the purposes of an appeal against the refusal of an application for the renewal of such a permit subject to the following modifications, that is to say—
- (a) as if any reference therein to the applicant for renewal were a reference to the holder of the permit; and
  - (b) as if any reference therein to a person who opposed the application before the appropriate authority were a reference to the person by whom the application under paragraph 26 of this Schedule was made ;
- and, in the case of an appeal to the sheriff under this paragraph, the sheriff may make such order as to the expenses of the appeal as he thinks proper.

#### *Duration of permit or licence*

- 29 A bookmaker's permit betting agency permit or betting office licence shall be in the prescribed form and shall show the date with effect from which it is to be, or, as the

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case may be, to be continued, in force and, subject to paragraphs 30 to 33 of this Schedule, shall, unless renewed or, as the case may be, further renewed, cease to be in force at the end of 31st May falling not less than three nor more than fifteen months after the date so shown and shall not be transferable.

30 Where application for the renewal of such a permit or licence as aforesaid has been made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the appropriate authority make their determination on the application.

31 Where the appropriate authority refuse to renew any such permit or licence as aforesaid, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the expiration of the time within which notice of an appeal under paragraph 21 or, as the case may be, paragraph 24 of this Schedule may be given nor, if such notice is duly given, before the determination or abandonment of the appeal.

32 A betting office licence held by the holder of a bookmaker's permit or betting agency permit shall cease to be in force upon that permit ceasing to be in force, whether by virtue of paragraph 29 of this Schedule or by virtue of its cancellation under section 11 (1) of this Act or under paragraph 27 of this Schedule.

33 In the event of the death of the holder of such a permit or licence as aforesaid, then during the period of six months commencing with the death the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule and, except for the purposes of a renewal of that permit or licence, his legal personal representatives shall be deemed to be the holder thereof; and the authority by whom the permit or licence was last either granted or renewed may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

#### *Registers of permits and licences*

34 The clerk to each appropriate authority shall keep registers in the prescribed form and containing the prescribed particulars of nil bookmaker's permits, betting agency permits and betting office licences granted or renewed by that authority, and any such register shall be open during reasonable hours for inspection by any constable or, on payment of the prescribed fee, by any other person.

#### *Service of documents*

35 Any provision of this Schedule requiring any notice or other document to be given or sent to any person by the clerk to an appropriate authority or by the clerk of the peace shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last-known residence or place of business in the United Kingdom, or, in the case of a company, at the company's registered office.

#### *Provision of information*

36 The clerk to each appropriate authority shall send to the Levy Board such particulars of any bookmaker's permit granted or renewed by, or by the court who determined

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any appeal from, that authority as the Secretary of State may by regulations made by statutory instrument direct.

- 37 The clerk to any appropriate authority shall furnish the Secretary of State with such statistical information at such times as the Secretary of State may from time to time require with respect to the performance by the authority of their functions under this Schedule; and the Secretary of State shall in respect of each period of twelve months ending with 31st May in any year lay before each House of Parliament a report containing, in such form as may appear to him convenient, statistical information with respect to the grant, renewal, cancellation and expiry without renewal of bookmakers' permits, betting agency permits and betting office licences respectively in England or, as the case may be, Scotland during that period.

## SCHEDULE 2

Section 4.

### REGISTERED POOL PROMOTERS

#### *Registering authorities*

- 1 (1) Subject to the provisions of this paragraph, each of the following councils shall be the registering authority for their area for the purposes of this Schedule, that is to say—
- (a) in England, the council of any county or county borough ;
  - (b) in Scotland, the council of any county or large burgh.
- (2) For the purposes of paragraph (b) of the foregoing sub-paragraph—
- (a) a county shall be deemed to include any small burgh, and not to include any large burgh, situated therein, and section 118 of the Local Government (Scotland) Act 1947 (which relates to the combination of certain counties for certain purposes) shall have effect accordingly ;
  - (b) the expressions "small burgh" and "large burgh" have the same meanings as in the said Act of 1947.
- (3) Any such council as aforesaid may delegate their functions under this Schedule to a committee consisting of members of the council.
- (4) Any two or more councils such as aforesaid may combine in delegating their functions under this Schedule to a joint committee consisting of members of the constituent councils.
- (5) In England, a county council may delegate their functions under this Schedule to the standing joint committee of quarter sessions and of the county council appointed under section 30 of the Local Government Act 1888, and in that case, so long as the delegation is in force—
- (a) subject to paragraph (b) of this sub-paragraph, it shall be the duty of that committee to discharge those functions ;
  - (b) that committee shall have the like powers as are conferred on councils of counties and county boroughs by sub-paragraph (4) of this paragraph, and accordingly any reference in that sub-paragraph or in paragraph 2 or 3 (b) of this Schedule to a council or councils shall be construed as including a reference to that committee.

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- (6) Section 274 of the Local Government Act 1933 or, as the case may be, section 123 of the Local Government (Scotland) Act 1947 (which empower county councils to delegate their functions to certain other authorities) shall not apply in relation to the functions of a county council under this Schedule.
- 2 Where functions under this Schedule are delegated to a- committee or joint committee—
- (a) in the case of a committee or joint committee specially appointed for the purpose, the number and term of office of the members thereof shall be fixed by the appointing council or councils; and
  - (b) subject to the provisions of this Schedule and to any directions given by the appointing council or councils, the procedure of the committee or joint committee shall be such as they may themselves determine.
- 3 (1) Any expenses incurred in the execution of this Schedule by a standing joint committee of quarter sessions and a county council shall be defrayed by that county council, and any sums received under this Schedule by such a standing joint committee shall be paid or accounted for to that county council.
- (2) Any expenses incurred in the execution of this Schedule by any other joint committee shall be defrayed by the appointing councils in such shares as may be agreed.

#### *Interpretation*

- 4 (1) In relation to any person who carries on or proposes to carry on a pool betting business, any reference in this Schedule to the registering authority shall be construed as a reference to the council or committee who, under paragraph 1 of this Schedule, are the registering authority for the area in which the place, or the principal place, at which that person carries on or proposes to carry on that business is situated.
- (2) In this Schedule, the expression " the accountant " in relation to a registered pool promoter means the person appointed in the case of that promoter under paragraph 12 of this Schedule.
- (3) References in this Schedule to stakes in, or in respect of entries in, any competition do not include references to stakes in respect of rejected entries.
- (4) Any reference in this Schedule to the day on which the events on which a competition depends take place shall, where the events do not take place wholly on the same day, be construed as a reference to the last day on which any of those events takes place.

#### *Registration of pool promoters*

- 5 (1) If any person makes an application to the registering authority for registration under this Schedule, the registering authority shall, on payment of the appropriate registration fee fixed under paragraph 11 of this Schedule, register him accordingly in a register to be kept by them for the purposes of this Schedule and shall notify him in writing that they have done so.
- (2) Notwithstanding anything in the foregoing sub-paragraph, the registering authority may in the case of any person, after giving him an opportunity of being heard, refuse to register him or revoke his registration if that person or, where that person is a body corporate, any director or manager thereof, has been convicted of any offence

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under section 4 (2) of this Act, under paragraph 29 of this Schedule or under the Pool Betting Act 1954, or of any offence involving fraud or dishonesty.

- (3) If, after a person has been registered under this Schedule, the registering authority, after giving him an opportunity of being heard, are satisfied—
- (a) that he does not intend to carry on a pool betting business ; or
  - (b) that he has permanently ceased to carry on pool betting business; or
  - (c) that the place or principal place at which he carries on his pool betting business will not be, or has ceased to be, in their area,
- they shall revoke his registration.
- 6 Where the registration of any person has been refused or revoked under the last foregoing paragraph by a registering authority in England, that authority shall forthwith notify that person of the refusal or revocation, and he may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area in which the place or principal place at which he carries on or intends to carry on his pool betting business is situated and held not less than twenty-one clear days after the notice of the refusal or revocation is given to him, and notice of any appeal under this paragraph shall be given to the registering authority and to the clerk of the peace.
- 7 Where the registration of any person has been refused or revoked under paragraph 5 of this Schedule by a registering authority in Scotland, that authority shall forthwith notify that person of the refusal or revocation, and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the place or principal place at which that person carries on or intends to carry on his pool betting business is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as .to the expenses of the appeal as he thinks proper.
- 8 Where the registering authority revoke a registration under paragraph 5 of this Schedule, then, until the time within which notice of appeal under paragraph 6 or 7 thereof may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the court of quarter sessions or, as the case be, the sheriff confirms the decision of the registering authority, the court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.
- 9 If a registered pool promoter dies, his registration shall, for the period of three months beginning with the date of the death, enure for .the benefit of his legal personal representatives.

#### *Fees in respect of registration*

- 10 On 1st January in each year the appropriate continuation fee shall become payable to the registering authority by every person who is for the time being a registered pool promoter, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the registering authority as a debt
- 11 For the purposes of paragraphs 5 and 10 of this Schedule the appropriate registration fee and the appropriate continuation fee shall be fees of such amounts respectively (not in either case exceeding fifty pounds) as may be fixed annually by the registering authority for the whole of their area; and different amounts may be so fixed by that authority in respect of businesses of different classes.

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*Appointment of accountant by registering authority*

- 12 (1) The registering authority shall, in the case of each registered pool promoter, appoint a person, being a qualified accountant and not being a person employed by the registered pool promoter in connection with his pool betting business, to exercise and perform, in relation to that registered pool promoter, the powers and duties conferred and imposed by the subsequent provisions of this Schedule on the accountant
- (2) The accountant shall hold office on such terms (including terms as to remuneration) as may be determined by the registering authority after consultation with the registered pool promoter.
- (3) The remuneration of the accountant shall be payable by the registering authority, but any sum paid by them by way of such remuneration shall be recoverable by the registering authority as a debt due to them from the registered pool promoter.
- (4) In this paragraph " remuneration " includes any sums paid or to be paid to the accountant in respect of his expenses.

*Conduct of registered pool promoter's business*

- 13 Subject to paragraphs 14 to 19 of this Schedule, the pool betting business carried on by any registered pool promoter shall comply with the following requirements—
- (a) it shall take the form of the promotion of competitions for prizes for making forecasts as to sporting or other events, the bets being entries in the competitions and the winnings in respect of the bets being the prizes or shares in the prizes;
- (b) each bet shall be an entry in a particular competition;
- (c) the stakes and the winnings shall be wholly in money;
- (d) in each competition, the prizes shall be equally available for all the bets, and accordingly the question which bets qualify for, or for shares in, the prize or prizes and, save so far as it depends on the amounts staked, the amounts of the respective shares in the prizes, shall be determined solely by the relative success of the forecasts embodied in the respective bets;
- (e) the total amount payable by way of winnings shall, in the case of each competition, be the total amount of the stakes in respect of entries in that competition less such percentage of that total amount as may be determined by the promoter, being—
- (i) the same percentage in respect of all his competitions which depend on the same events or on events taking place on the same day ; and
- (ii) a percentage which is determined and notified to the accountant before that day ;
- (f) the rules applying to the competition shall be notified to the accountant before the first of the relevant sporting or other events takes place.
- 14 Notwithstanding anything in paragraph 13 (d) or (e) of this Schedule, the rules applicable to any competition may provide—
- (a) that the winnings shall not, in the case of any bet, exceed a stated amount and that any resulting decrease in the total amount payable in the case of the winning bets qualifying for, or for shares in, a prize in the competition shall be applied in increasing the amount payable in the case of the winning

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- bets qualifying for, or for shares in, another prize or other prizes in that competition;
- (b) that, in specified circumstances, one or more of the prizes shall not be paid and that the amount which would have been payable in the case of the winning bets qualifying for, or for shares in, that prize or those prizes shall be applied in increasing the amount payable in the case of the winning bets qualifying for, or for shares in, another prize or other prizes in that competition;
- (c) for the winnings of winning bets (being bets staking the minimum permissible under the rules of the competition) being increased or decreased (with a view to facilitating payment) by not more than sixpence, and consequentially for the winnings of other winning bets (being bets staking more than the said minimum) being increased or decreased by not more than a proportionately greater sum than sixpence,
- and the total amount payable by way of winnings in the case of the competition may exceed or fall short of the amount specified in the said paragraph 13 (e) to such extent as is reasonably necessary having regard to any such provision of the rules applicable thereto as is mentioned in sub-paragraph (c) of this paragraph.
- 15 Notwithstanding anything in paragraph 13 (d) or (e) of this Schedule, if it is found that a bet which ought to have been treated as a winning bet has been inadvertently overlooked, the promoter may pay to the person making that bet the sum paid by him to other persons making comparable bets, or, if there are no comparable bets, such sum as may be proper, and any sum paid under this paragraph shall be left out of account for the purposes of the said paragraph 13 (e).
- 16 Nothing in paragraph 13 (b) of this Schedule shall be construed as preventing—
- (a) several bets being made by a person relating to the same competition; or
- (b) several bets (whether relating to the same competition or to different competitions) being made by a person by means of the same coupon or other entry form ; or
- (c) the use of a formula for the purpose of making several bets and, in particular, the use for that purpose of any form of the device commonly known as a permutation.
- 17 Nothing in paragraph 13(f) of this Schedule shall be construed as requiring, in the case of a series of competitions proposed to be held under the same rules, that those rules should be re-notified to the accountant on the occasion of each competition, and, if the rules are altered before the series is completed, it shall suffice if the alteration is notified to the accountant before any of the sporting or other events relevant to the first competition to which the alteration applies takes place.
- 18 Nothing in paragraphs 13 to 17 of this Schedule shall prevent the rules of any competition from providing that the competition may be declared void in specified circumstances.
- 19 Where two or more competitions of the same registered pool promoter are so conducted that entries in all of them can be effected by a person without completing more than a single coupon or other entry form, the promoter may arrive at the total amount of the stakes in respect of the entries in each competition by—
- (a) ascertaining the aggregate total amount of the stakes in respect of the entries in all the competitions ; and



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- (b) causing the said aggregate total amount to be apportioned among those competitions by reference to the results of an inspection of samples of the completed coupons or forms ;

and if the sampling, inspection and apportionment is such (both as to the process adopted and as to the manner of carrying it out) that the amount apportioned to each competition is not likely to differ from the total amount actually staked therein by more than one per cent. the amount so apportioned to any such competition shall for all the purposes of this Schedule be deemed to be the total amount actually staked in that competitions

*Information to be given by promoters*

- 20 (1) As soon as may be after the events to which any of his competitions relates have taken place, and in any case not later than seven days after the announcement of the results of that competition, every registered pool promoter shall send to the accountant a statement showing—
- (a) the total amount of the stakes in respect of entries in the competition;
  - (b) the total amount payable by way of winnings in that competition;
  - (c) the total amount of the stakes in respect of winning bets in the competition and, if there are more prizes than one in the competition, the total amount of the stakes in respect of winning bets qualifying for, or for shares in, each of the prizes; and
  - (d) the amount payable in respect of each winning bet or, as the case may be, of each winning bet qualifying for, or for a share of, each of the prizes, bets staking more than the minimum which is permissible under the rules of the competition being treated for the purposes of this paragraph as if they were several separate bets each staking the said minimum.
- (2) Where a payment is made in accordance with paragraph 15 of this Schedule after the sending of the statement to the accountant under the foregoing sub-paragraph, the registered pool promoter shall as soon as may be send particulars of that payment to the accountant
- 21 (1) Every registered pool promoter shall, not more than twenty-one days after the events to which any of his competitions relate have taken place, send to every competitor in that competition a statement of the percentage (calculated to the nearest one-tenth of one per cent.) which the first of the amounts hereinafter mentioned bears to the second of those amounts, that is to say—
- (a) the aggregate total stakes in that competition and all other competitions of that promoter which depend on those events or on other events taking place on the same day, after deducting the aggregate prizes in, and the aggregate pool betting duty payable in respect of, all those competitions;
  - (b) the said aggregate total stakes, without any such deduction,
- unless he has secured all such publicity as is reasonably necessary for the said statement by means of a newspaper announcement or newspaper announcements published within the said twenty-one days.
- (2) The statement aforesaid may take the following form, that is to say—
- Commission and expenses            per cent.**
- with the addition (if in the context this is necessary) of words identifying the competition or competitions to which the statement relates.

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- 22 The statements and announcements referred to in paragraphs 20 and 21 of this Schedule may be expressed to be subject to some form of check or scrutiny, but where a statement expressed to be subject to a check or scrutiny is sent to the accountant under sub-paragraph (1) of the said paragraph 20, the registered pool promoter shall as soon as may be send to the accountant a further statement, stating that, as the result of the check or scrutiny, specified corrections or no corrections are necessary in the earlier statement or that the check or scrutiny has not been made and is not intended to be made.
- 23 (1) In August in each year every registered pool promoter shall send to the accountant and to the registering authority a statement showing, as respects his competitions depending on events which took place on any day during the period of twelve months ending with 31st July in that year—
- (a) the aggregate total stakes in all those competitions ;
  - (b) the said aggregate total stakes after deducting the aggregate prizes in. and the aggregate pool betting duty payable in respect of those competitions ; and
  - (c) the amount of the promoter's commission or, at the option of the promoter, the percentage (calculated to the nearest one-tenth of one per cent.) which the said commission bears to the said aggregate total stakes :

Provided that, if the percentage referred to in paragraph (c) of this sub-paragraph does not exceed three per cent., the statement required by that paragraph may, if the promoter so desires, be a statement that the said percentage does not exceed three per cent.

- (2) In the foregoing sub-paragraph, the expression "the promoter's commission" means the amount by which the aggregate total stakes in all the competitions referred to in that sub-paragraph exceeds the sum of—
- (a) the aggregate prizes in those competitions ; and
  - (b) the aggregate pool betting duty payable in respect of the competitions; and
  - (c) the expenses of the promoter actually incurred by him in the conduct of those competitions, excluding any expenses properly chargeable to capital and any interest on borrowed money, and, in particular, excluding any provision for depreciation of buildings or equipment, any emoluments payable to the promoter or, if the promoter is a partnership, to any of the partners, or, if the promoter is a body corporate, to any of the directors, and in any case, any emoluments payable to any person whose emoluments depend to any extent on the profits of the promoter.
- (3) The registering authority shall preserve any statement sent to them under this paragraph for at least two years and shall deposit it at their office and permit any member of the public to inspect it during office hours free of charge.
- 24 (1) Where a registered pool promoter is a company to which section 148 of the Companies Act 1948 applies, then, whenever a profit and loss account of the company is laid before the company in general meeting in pursuance of that section, the company shall forthwith send a copy of that account and of the relevant auditor's report to the accountant
- (2) Every registered pool promoter to whom the foregoing sub-paragraph does not apply shall at least once in every calendar year send to the accountant a profit and loss account of his pool betting business, covering, in the case of the first account, a period beginning at the commencement of the business, and, in the case of subsequent accounts, a period beginning at the end of the period covered by the last account,

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together with a report thereon by an auditor, being a qualified accountant who neither is, nor is a partner of, nor is in the employment of any person who is, an officer or servant of the registered pool promoter; and Schedule 9 to the Companies Act 1948 (which enumerates the matters which are to be expressly stated in auditors' reports) shall, with the necessary adaptations, apply in relation to every such report

*Duties and powers of the accountant*

- 25 The accountant shall—
- (a) examine all statements submitted to him under paragraph 20, 22 or 23 of this Schedule with a view to determining whether there is cause to believe that any of the provisions of this Schedule are being contravened in relation to the competition in question ; and
  - (b) retain all such statements for two years ; and
  - (c) at any time during that period give facilities for their examination by any officer or servant of the registering authority authorised in that behalf by that authority.
- 26 The accountant and any servant of his authorised in that behalf by him in writing may at all reasonable times enter any premises on which a registered pool promoter is carrying on his business and enquire into the manner in which that business is being carried on. and may require the registered pool promoter or any servant of his to give to the accountant or his servant authorised as aforesaid all such information, and to produce all such accounts, books and other documents and carry out such checks or additional checks of coupons or other entry forms, as the accountant or his servant authorised as aforesaid may think necessary for the purpose of determining whether there is cause to believe that any of the provisions of this Schedule are being contravened; and it shall be the duty of the promoter to preserve, or, to such extent as he may prefer to do so, to preserve photographic copies of, all accounts, books or other documents (including coupons or other entry forms) which relate wholly or partly to any of his competitions for at least two months from the day on which the events take place on which that competition depends.
- 27 (1) If at any time the accountant has cause to believe that any of the provisions of this Schedule are being contravened in relation to any of the competitions of a registered pool promoter, he shall report the matter to the registering authority.
- (2) Not later than the end of October in each year the accountant shall furnish to the registering authority a report stating, if such be the fact that he—
- (a) has examined all statements submitted to him by a registered pool promoter under paragraph 20, 22 or 23 of this Schedule in respect of the period of twelve months ending with 31st July in that year;
  - (b) has conducted such enquiries into the manner in which the business of that promoter is carried on and made such examination of that promoter's records as he considers necessary; and
  - (c) has no cause to believe that any of the provisions of this Schedule have been contravened in relation to any of the competitions of that promoter taking place during the said period except in relation to such matters (if any) as have been reported by the accountant in pursuance of the foregoing subparagraph.
- 28 Paragraphs 20 to 27 of this Schedule shall apply in relation to a competition declared void in pursuance of any such rule of the competition as is mentioned in paragraph 18 of this Schedule as they apply in relation to other competitions, except that—

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- (a) instead of the statements required by paragraphs 20 and 21 of this Schedule to be sent to the accountant in respect of the competition and to be included in announcements of the results of, or to be sent to competitors in, the competition, there shall be sent statements that the competition has been declared void and that sums paid as stakes therein will be repaid or credited to the payers thereof;
- (b) the competition shall be left out of account in computing the percentage a statement of which is required by the said paragraph 21 to be included in announcements of the results of, or to be sent to competitors in, other competitions depending on the same events or other events taking place on the same day.

### *Enforcement*

- 29 (1) Any person who—
- (a) obstructs the accountant or any servant of his in the execution of any powers or duties under this Schedule; or
  - (b) fails to comply with any requirement duly made of him by the accountant or any servant of his or, in response to such a requirement, knowingly gives any information which is false or misleading,
- shall be guilty of an offence.
- (2) If any registered pool promoter fails to comply with any duty imposed upon him by this Schedule or if any of the provisions of this Schedule, except so far as they impose duties on the accountant or the registering authority, are contravened in the case of the business of any registered pool promoter, the registered pool promoter shall be guilty of an offence.
- (3) In England, the registering authority shall have power to take proceedings for offences under this paragraph or under section 4 (2) of this Act

## SCHEDULE 3

Section 6.

### LICENSING OF TRACKS FOR BETTING

#### *Licensing authorities and interpretation*

- 1 Paragraphs 1, 2 and 3 of Schedule 2 to this Act shall have effect with respect to licensing authorities for the purposes of this Schedule as if—
- (a) in sub-paragraph (1) of the said paragraph 1 for the words " the registering authority" there were substituted the words " the licensing authority "; and
  - (b) any reference in those paragraphs to the said Schedule 2, except in sub-paragraph (5) (b) of the said paragraph 1, were a reference to this Schedule.
- 2 In this Schedule, except where the context otherwise requires—
- (a) any reference to a track shall be construed as including a reference to the site of a proposed track;
  - (b) in relation to any particular track, any reference to the licensing authority shall be construed as a reference to the council or committee who, under paragraph 1 of this Schedule, are the (licensing authority for the area in

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which that track or the greater part of the superficial area thereof is situated, and the expression " appropriate officer of police " means the chief officer of police for a police area which includes that track or any part thereof.

*Applications for licences*

- 3 An application for the grant of a track betting licence may be made to the licensing authority—
- (a) in respect of an existing track, by the occupier thereof; or
  - (b) in respect of a track which it is proposed to construct, by any person who proposes to become the occupier of the track if the licence is granted.
- 4 Each licensing authority may from time to time fix dates on which they will entertain applications for the grant of track betting licences by them and shall cause information as to any dates so fixed to be given to any person who asks for it
- 5 (1) No application for a track betting licence shall be entertained by the licensing authority unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority and to each of the authorities specified in sub-paragraph (2) of this paragraph notice in writing—
- (a) stating that it is intended to make the application on that date; and
  - (b) describing the situation of the track and the number and position of the exits provided or intended to be provided; and
  - (c) stating the number of spectators for whom accommodation is provided or is intended to be provided, and has also published such a notice in at least two newspapers circulating in the locality in which the track is situated.
- (2) The authorities referred to in the foregoing sub-paragraph are—
- (a) if the track is situated in England—
    - (i) the council of any county district or metropolitan borough in which the track or any part thereof is situated; and
    - (ii) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof;
  - (b) if the track is situated in Scotland—
    - (i) the council of any county or burgh within which the track or any part thereof is situated; and
    - (ii) the local planning authority within the meaning of the Town and Country Planning (Scotland) Act 1947 for any area which includes the track or any part thereof,where that council or authority are not the licensing authority;
  - (c) the appropriate officer or officers of police.
- (3) Every notice given to the licensing authority under sub-paragraph (1) of this paragraph shall, until the hearing of the application to which the notice relates, be kept by the licensing authority at their offices so as to be available, at any time during office hours, for inspection by any member of the public free of charge.
- 6 (1) Upon the consideration by the licensing authority of an application for the grant of a track betting licence, the following persons in addition to the applicant shall be entitled to be heard in person or by a representative, that is to say—
- (a) any appropriate officer of police ;

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- (b) any person owning or occupying premises in the neighbourhood of the track;
- (c) the governing body of any school or institution in the neighbourhood of the track;
- (d) if the track is situated in England, any of the authorities specified in sub-paragraph (2) of this paragraph;
- (e) if the track is situated in Scotland, any of the authorities specified in sub-paragraph (3) of this paragraph:

Provided that no objector shall be heard unless he has given to the applicant and to the licensing authority at least seven days' notice in writing of the grounds on which he proposes to contend that the application ought to be refused.

- (2) The authorities referred to in sub-paragraph (1) (d) of this paragraph are—
- (a) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof;
  - (b) the council of any county district or metropolitan borough in which the track or any part thereof is situated ;
  - (c) any other local authority whose area adjoins any such county district or metropolitan borough:

Provided that no local authority shall be entitled to be heard as an objector if the licensing authority are a committee of that local authority or a joint committee including persons appointed by that local authority.

In this sub-paragraph, the expression " local authority " means any of the following councils, that is to say, the council of a county, county borough, metropolitan borough or county district and the Common Council of the City of London.

- (3) The authorities referred to in sub-paragraph (1) (a) of this paragraph are—
- (a) the council of any county or burgh adjoining the area of the licensing authority;
  - (b) where the licensing authority are a county council or a joint county council, the town council of any burgh situated in the county, or in either of the counties combined;
  - (c) where the licensing authority are a town council, the council of the county in which the burgh is situated.

#### *Grant or refusal of licence*

- 7 (1) The provisions of this paragraph shall have effect with respect to any application to a licensing authority for the grant of a track betting licence in respect of any trade
- (2) The licensing authority may refuse to grant the licence if they are satisfied that, in the event of the licence being granted, the existence or user of the track—
- (a) would injuriously affect either the health or the comfort of persons residing in the neighbourhood of the track, or be detrimental to the interests of persons receiving instruction or residing in any school or institution in that neighbourhood; or
  - (b) would seriously impair the amenities of that neighbourhood ; or
  - (c) would result in undue congestion of traffic or seriously prejudice the preservation of law and order.

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- (3) The licensing authority may also refuse to grant the licence if the applicant or, where the applicant is a body corporate, any director or the manager thereof has been convicted—
- (a) of an offence under any of the following provisions of this Act, that is to say, sections 1 (1) (a), 4 (1), 5, 6, 7, 16, 18, 19, 21 and 23 and paragraphs 11 and 17 of Schedule 5;
  - (b) of any offence under Part I of, or Schedule 1 to, The Betting and Lotteries Act 1934 or under section 7 of the Betting and Gaming Act 1960; or
  - (c) of any offence involving fraud or dishonesty.
- (4) If the licensing authority are not satisfied that any planning permission required under Part III of the Town and Country Planning Act 1962 or under the Town and Country Planning (Scotland) Act 1947 for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of the said Act of 1962 or, as the case may be, 1947 have notified the licensing authority that any such planning permission has been, or is deemed to be, granted.
- (5) Save as is mentioned in sub-paragraph (2), (3) or (4) of this paragraph, the licensing authority shall not refuse the application ; and if they do refuse it they shall send to the applicant by post a written statement of the grounds of their refusal.

#### *Duration and transfer of licences*

- 8 A track betting licence shall, unless cancelled under paragraph 10 or revoked under paragraph 13 of this Schedule, be in force for seven years from the date on which it is expressed to take effect.
- 9 Where in the case of any track the licensing authority have granted a track betting licence to any person, they may at any time, if they think fit, on an application made to them after notice in writing to the appropriate officer or officers of police, direct that the licence shall be transferred to another person, and thereupon the transferee shall be deemed to be the holder of the licence, so, however, that, if the transferee is not the occupier of the track, the transfer shall not take effect until he becomes the occupier thereof.
- 10 The licensing authority by whom any track betting licence for the time being in force was granted shall, upon receiving from the holder of the licence a written request in that behalf accompanied by the licence, cancel the licence, which shall thereupon cease to be in force.
- 11 In the event of the death of the holder of a track betting licence, his legal personal representatives shall, during the period of three months from the date of the death, be deemed to be the holder of the licence, notwithstanding that it has not been transferred to them.

#### *Fees in respect of licences*

- 12 (1) In respect of any application for a track betting licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for the whole of their area shall be payable by the applicant before the hearing of the application, but, if the licence is granted, the fee so paid shall be treated as a payment on account of the

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first annual payment to be made in respect of the licence under the next following sub-paragraph.

- (2) In respect of every such licence, such annual fee not exceeding fifty pounds as the licensing authority may fix annually for the whole of their area shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of those payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.
- (3) In respect of any transfer of such a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for the whole of their area shall be payable by the person to whom the licence is transferred.
- (4) Every fee which by virtue of this paragraph is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

*Revocation of licence and appeal therefrom*

- 13 (1) At any time while a track betting licence is in force in respect of any track, the (licensing authority by whom it was granted may, after giving to the holder of the licence an opportunity of being heard, revoke the licence—
  - (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
  - (b) if without their approval, to be given after such notice as they deem proper, the accommodation for spectators on the track as stated in the notice under paragraph 5 (1) of this Schedule has been substantially increased, or the exits from the track as described in that notice have been materially altered, and the authority are satisfied that undue congestion of traffic, or serious prejudice to the preservation of law and order has resulted therefrom ; or
  - (c) if on a report made to them by the accountant appointed under Schedule 5 to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that Schedule, they are satisfied that any totalisator on the track has been maintained or operated otherwise than in accordance with the provisions of that Schedule ; or
  - (d) if the holder of the licence or, where the holder is a body corporate, any director or the manager thereof is convicted of any offence such as is mentioned in paragraph 7 (3) (a) or (c) of this Schedule ;

and if the authority revoke any such licence, they shall forthwith send notice of the revocation by post to the holder of the licence and to the appropriate officer or officers of police.

- (2) The holder of a licence in respect of a track in England which has been revoked under the foregoing sub-paragraph may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area in which the track or the greater part of the superficial area thereof is situated and held not later than twenty-one clear days after notice of the revocation is given to him' by the licensing authority, and notice of any appeal under this sub-paragraph shall be given to the licensing authority and to the clerk of the peace.
- (3) The holder of a licence in respect of a track in Scotland which has been revoked under sub-paragraph (1) of this paragraph may appeal, within such time, and in accordance



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with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the track in respect of which the licence was held, or the greater part of the superficial area thereof, is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

- (4) Where a licensing authority revoke a licence under sub-paragraph (1) of this paragraph, then, until the time within which notice of appeal under sub-paragraph (2) or (3) of this paragraph may be given has expired and, if such notice is given, until the determination or abandonment of the appeal, the licence shall be deemed to continue in force, and if the court of quarter sessions or, as the case may be, the sheriff confirms the decision of the licensing authority, the court or the sheriff may, if it or he thinks fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

*Fixing of betting days by licensing authority*

- 14 (1) Subject to the provisions of this and the next following paragraph, each licensing authority shall, not later than the end of May in each year, fix one hundred and four days in the period of twelve months beginning with 1st July in that year as betting days, that is to say, days on which betting facilities may be provided on licensed tracks within the authority's area, and shall further fix four of those days as special betting days for the purposes of section 7 (2) of this Act.
- (2) A licensing authority shall not be bound under the foregoing sub-paragraph to fix in advance betting days in any period of twelve months if it appears to them that at the beginning of that period no track betting licence will be in force in respect of a track in their area ; but, if they avail themselves of this sub-paragraph, then, so soon as they grant a track betting licence to take effect on any date during that period, they shall proceed to fix betting days in the part of that period which falls after the day preceding that date, and the number of days so fixed shall be twice the number of the complete weeks in that part of that period.
- In this sub-paragraph, the expression "week" means a period of seven consecutive days beginning with a Sunday.
- (3) The betting days and special betting days fixed by a licensing authority under this paragraph shall be the same for the whole of their area and shall not include Good Friday, Christmas Day or any Sunday.
- 15 (1) The following provisions of this paragraph shall have effect as regards the fixing of betting days for any period under paragraph 14 of this Schedule.
- (2) At least one month before fixing the betting days for the period in question, the licensing authority shall publish in at least two newspapers circulating in their area a notice of their intention so to do.
- (3) If, within one month from the date of the publication of the said notice, the licensing authority receive a notice in writing signed by all the holders of track betting licences in force in respect of tracks in their area stating that the signatories unanimously desire that the betting days in the period in question should be the days specified in the notice given under this sub-paragraph, then, if those days are days which might lawfully be fixed under paragraph 14 of this Schedule as the betting days for that period, the authority shall fix the days so specified as the betting days for that period.

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- (4) Unless the licensing authority fix the betting days for the period in question in accordance with sub-paragraph (3) of this paragraph, they shall before fixing those days consider any representations which may, during the period of one month beginning with the date of the publication of the notice required by sub-paragraph (2) of this paragraph, be made to them in writing by—
- (a) any appropriate officer of police; or
  - (b) any person who is the holder of a track betting licence in force in respect of a track in the authority's area ; or
  - (c) any person who has given to the authority notice in writing of his intention to apply for such a licence in respect of such a track.
- (5) The licensing authority shall, on being requested by any person so to do, inform that person of the latest time by which a notice under sub-paragraph (3) or a representation under sub-paragraph (4) of this paragraph must be received by the authority if it is to be effective.

#### SCHEDULE 4

Section 10.

##### RULES FOR LICENSED BETTING OFFICES

- 1 The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, and at such other times, if any, as may be prescribed, and shall not be used for any purpose other than the effecting of betting transactions.
- 2 No person who is apparently under the age of eighteen years, or who is known to any person connected with the licensee's business and present on the licensed premises to be under that age, shall be admitted to or allowed to remain on those premises, so, however, that in any proceedings for a contravention of this rule in respect of a person apparently under the said age it shall be a defence to prove that at the time of the alleged contravention he had in fact attained that age.
- 3 The licensee—
  - (a) shall display his betting office licence on the licensed premises;
  - (b) shall exhibit on those premises such notices in such form and in such positions as may be prescribed; and
  - (c) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.
- 4 Neither the licensee nor any servant or agent of his shall, while any other person is on the licensed premises, encourage him to bet.
- 5 No facilities for—
  - (a) seeing any television broadcast; or
  - (b) hearing any sound broadcast which—
    - (i) is transmitted by wireless telegraphy within the meaning of the Wireless Telegraphy Act 1949 and is intended to be received by the general public: or
    - (ii) comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises,

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shall be provided or allowed to be used on the licensed premises, and neither the licensee nor any servant or agent of his shall cause or permit any such facilities to be provided at any place under his control in such a manner that they can be enjoyed by persons resorting to the licensed premises; and no music, dancing or other entertainment shall be provided or allowed, and no refreshment of any kind shall be served, on those premises.

- 6 Except for the licensee and any servant or agent of his, no person resorting to the licensed premises shall be allowed to use any means of direct access between the licensed premises and other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions.

## SCHEDULE 5

Section 16.

### TOTALISATORS ON DOG RACECOURSES

- 1 The totalisator shall be a mechanically or electrically operated apparatus complying with the prescribed conditions.
- 2 The person, whether the occupier of the track or a person authorised in that behalf in writing by that occupier, by whom the totalisator is operated (in this Schedule referred to as " the operator ") shall take all such steps as are necessary to secure that, so long as the totalisator is in use. it is in proper working order and is properly operated.
- 3 The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the track a notice showing the minimum stake (hereinafter referred to as " the betting unit") which will be accepted at the totalisator from persons betting on that race; and that notice shall also—
- (a) specify the percentage, not exceeding six per cent. which will be deducted by the operator from amounts staked by means of the totalisator; and
  - (b) if the terms on which the operator invites persons to bet include such a condition as is mentioned in paragraph 6 of this Schedule, specify the time referred to in that paragraph.
- 4 The operator shall, in the case of any bets made by means of the totalisator on any race or combination of races—
- (a) deduct from the aggregate amount staked—
    - (i) any sums payable by the operator by way of the pool betting duty in respect of those bets ; and
    - (ii) subject to paragraph 5 of this Schedule, the percentage specified in the notice posted in pursuance of paragraph 3 thereof ; and
  - (b) subject to paragraphs 5 and 6 of this Schedule, distribute the whole of the remainder of that amount among the persons making such of those bets as are winning bets.
- 5 Where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by three, then—
- (a) if the remainder does not exceed three halfpence, it may be retained by the operator; but

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- (b) if the remainder exceeds three halfpence, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible.
- 6 The terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet unless the money won on the bet is claimed before such time, not being earlier than forty-eight hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made, as may have been specified in the notice posted in pursuance of paragraph 3 of this Schedule.
- 7 The licensing authority, that is to say, the authority by whom any track betting licence in respect of the track falls to be granted, shall appoint a qualified accountant (hereinafter in this Schedule referred to as "the accountant") who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator and, after consultation with the accountant, shall also appoint an experienced mechanic (hereinafter in this Schedule referred to as "the technical adviser") who shall act as technical adviser to the accountant and be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation thereof.
- 8 Subject to paragraph 9 of this Schedule, the accountant and the technical adviser shall hold office on such terms (including terms as to remuneration) as may be determined by the licensing authority after consultation with the occupier of the track, and the remuneration of the accountant and the technical adviser shall be payable by the licensing authority ; but so much of that remuneration as is paid to the accountant or the technical adviser in respect of the performance of his functions under this Schedule in relation to the totalisator and is attributable to any period during which a track betting licence was in force in respect of the track shall be recoverable by the licensing authority as a debt due to them from the holder of that licence.
- 9 The terms on which the accountant is appointed shall include a term that on every betting day fixed by the licensing authority in pursuance of paragraph 14 of Schedule 3 to this Act either he or a servant of his authorised by him in that behalf in writing must be in attendance at the totalisator during such period or periods as may before that day have been notified to him in writing by the operator.
- 10 The totalisator shall not be operated at any time when neither the accountant nor a servant of his authorised by him in that behalf in writing is present
- 11 (1) The accountant the technical adviser and their respective servants authorised in that behalf in writing may at all reasonable times enter the premises in which the totalisator is set up and examine any part of the mechanism and test and watch the working thereof, and may require the operator or any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents, as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with.
- (2) Every person who—
- (a) obstructs any of the persons upon whom powers are conferred by the foregoing sub-paragraph in the exercise of any of those powers ; or
- (b) neglects or refuses to give to any of the said persons any such information, or to produce to him any such document as may have been called for by him in pursuance of the said sub-paragraph; or

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(c) knowingly gives to any of the said persons any information which is false or misleading,

shall be liable on summary conviction to a fine not exceeding fifty pounds.

- 12 The operator shall, within seven days after the close of each month, submit to the accountant for examination by him a complete statement of account for that month, giving all such information as the accountant may require for the purpose of ascertaining whether the provisions of this Schedule have been complied with.
- 13 The accountant shall examine the statements of account submitted to him under the last foregoing paragraph and shall, so often as he thinks proper, consult with the technical adviser and carry out, or cause to be carried out, such inspections as either of them deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with, and shall forthwith make a report to the licensing authority if he has reason to believe that the totalisator no longer complies with the prescribed conditions, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule are not being complied with.
- 14 The accountant shall retain for a period of two years all statements of account submitted to him as aforesaid and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the licensing authority.
- 15 Without prejudice to his duties under the foregoing paragraphs, the accountant shall, as soon as may be after the close of each calendar year, audit the accounts of the operator for the year and, if such be the fact, certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 12 of this Schedule and have been examined by him, and that to the best of his information and belief, formed after consultation with the technical adviser, the accounts for the year are complete and accurate and the totalisator complies with the prescribed conditions and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule; and the operator shall forthwith cause the accounts and certificate to be printed and, subject to paragraph 16 of this Schedule, shall transmit two copies thereof to the licensing authority, who shall cause one of those copies to be deposited at their offices for inspection at any time during office hours by any member of the public free of charge.
- 16 Where by virtue of paragraph 1 of Schedule 3 to this Act the licensing authority are a joint committee such as are mentioned in paragraph 1 (4) of Schedule 2 to this Act, the operator shall transmit to the licensing authority such number of copies of the accounts and certificate referred to in paragraph 15 of this Schedule as are sufficient to enable the licensing authority to keep one copy at their offices for the purposes of record and to deposit for inspection as mentioned in that paragraph one copy at their offices and one copy at the offices of each council whose functions under Schedule 3 to this Act are delegated to that committee.
- 17 Without prejudice to paragraph 11 (2) of this Schedule, if the operator contravenes any of the provisions of this Schedule other than the said paragraph 11 (2) he shall be guilty of an offence.

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## SCHEDULE 6

Sections 39, 49.

### PERMITS FOR PROVISION OF AMUSEMENTS WITH PRIZES

- 1      Application for the grant of a permit for the provision of amusements with prizes on any premises may be made to the local authority by the person who is, or by any person who proposes if the permit is granted to become, the occupier of those premises; and the holder of such a permit may apply to the local authority from time to time for a renewal of his permit.
- 2      Subject to the provisions of this Schedule, the grant or renewal of a permit under this Schedule shall be at the discretion of the local authority, and if the permit is granted or renewed it shall cease to be in force on such date, not being earlier than three years after the date of the grant or renewal, as the authority may specify:  
  
         Provided that, where application for the renewal of a permit is made not less than one month before the date specified as aforesaid, the permit shall not cease to be in force before the authority have made their determination on the application or the application has been withdrawn.
- 3      The local authority shall not refuse an application for the grant or renewal of a permit under this Schedule without giving the applicant or a person acting for him an opportunity of appearing before and being heard by the authority or a committee thereof, and shall not refuse an application for the renewal of such a permit otherwise than by reason of the conditions in which amusements with prizes have been provided under the permit or the manner in which those amusements have been conducted.
- 4      On any grant or renewal by the local authority of a permit under this Schedule there shall be paid to the authority by the applicant for the grant or renewal a fee of one pound.
- 5      A permit under this Schedule shall not be transferable and shall be of no effect at any time when the holder of the permit is not the occupier of the premises to which it relates; but in the event of the death of the holder of such a permit, then during the period of six months commencing with the death the permit shall be deemed to continue in force and, except for the purposes of a renewal of the permit, his legal personal representatives shall be deemed to be the holder thereof; and the local authority may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.
- 6      Where a local authority in England refuse any application for the grant or renewal of a permit under this Schedule, the authority shall forthwith inform the applicant of the refusal and furnish him with a written statement of the grounds thereof, and the applicant may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area of the authority and held not less than twenty-one clear days after notice of the refusal is given to him, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.
- 7      Where a local authority in Scotland refuse any application for the grant or renewal of a permit under this Schedule in respect of any premises, the local authority shall forthwith notify the applicant of the refusal and furnish him with a written statement of the grounds thereof, and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt,

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to the sheriff having jurisdiction in the area in which the premises are situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

- 8 In the case of a refusal by the local authority to renew a permit under this Schedule, the permit shall not cease to be in force by virtue of paragraph 2 of this Schedule—
- (a) until the expiration of the time within which notice of an appeal under paragraph 6 or, as the case may be, paragraph 7 of this Schedule may be given; nor
  - (b) if such notice is duly given, until the determination or abandonment of the appeal; nor
  - (c) if the appeal succeeds, until such date as may be specified by the local authority under paragraph 2 of this Schedule on renewing the permit in consequence of the allowing of the appeal.
- 9 In this Schedule, the expression " local authority ", in relation to any premises, means—
- (a) in England, the local authority (being the council of a county borough, metropolitan borough or county district or the Common Council of the City of London) within whose area the premises are situated;
  - (b) in Scotland, where the premises are situated in a burgh, the council of that burgh, and in any other case the council of the county within which the premises are situated:

Provided that, in the case of premises in Scotland situated within a district, on each occasion on which any functions under this Schedule fall to be performed in relation to those premises by the local authority, that authority shall consult with the council of that district before exercising those functions.

## SCHEDULE 7

Section 45.

### PROMOTION OF SMALL LOTTERIES BY REGISTERED SOCIETIES

#### PART I

##### *Registration of societies*

- 1 (1) An application for the registration of a society for the purposes of section 45 of this Act shall be made to the local authority.
- (2) In this Schedule, the expression "the local authority." in relation to any society, means the authority, being—
- (a) in England, the council of a county borough, metropolitan borough or county district or the Common Council of the City of London ; or
  - (b) in Scotland, a county council or town council,
- within whose area the office or head office of the society is situated.
- 2 Any such application shall specify the purposes for which the society is established and conducted.

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- 3 Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and on payment of a fee of one pound, the local authority shall register the society in a register to be kept for the purposes of section 45 of this Act and notify the society in writing that they have done so.
- 4 The local authority may, after giving the society an opportunity of being heard, refuse or revoke the registration of a society under this Part of this Schedule if it appears to the authority—
- (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society, being—
    - (i) an offence under section 45 of this Act, under paragraph 12 of this Schedule or under the Small Lotteries and Gaming Act 1956 ; or
    - (ii) an offence under section 42 of this Act; or
    - (iii) an offence under section 22 of the Betting and Lotteries Act 1934 committed after 4th August 1956 ; or
  - (b) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under the said section 45.
- 5 Where the registration of any society has been refused or revoked under the last foregoing paragraph by a local authority in England, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the local authority's area and held not less than twenty-one clear days after the notice of the refusal or revocation is given to the society, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.
- 6 Where the registration of any society has been refused or revoked under paragraph 4 of this Schedule by a local authority in Scotland, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the local authority's area, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.
- 7 Where the local authority revoke a registration under paragraph 4 of this Schedule, then, until the time within which notice of appeal under paragraph 5 or 6 thereof may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the court of quarter sessions or, as the case may be, the sheriff confirms the decision of the local authority, the court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.
- 8 A society which is for the time being registered under this Part of this Schedule may at any time apply to the local authority for the cancellation of the registration ; and in any such case the authority shall cancel the registration accordingly.
- 9 Every society which is registered under this Part of this Schedule shall pay to the local authority on 1st January in each year while it is so registered a fee of one pound, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.



## PART II

### *Returns to be made by promoters*

- 10 The promoter of a lottery to which section 45 of this Act applies shall, not later than the end of the third month after the month in which the winners of prizes in the lottery are ascertained, send to the local authority a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—
- (a) the whole proceeds of the lottery;
  - (b) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively ;
  - (c) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of section 45 (3) (d) of this Act, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
  - (d) the dates between which tickets or chances in the lottery were sold.
- 11 The local authority shall preserve any return sent to them under the last foregoing paragraph for a period of at least one year, and during that period shall keep the return deposited at their office and permit any member of the public to inspect it during office hours free of charge.
- 12 Any person who fails to send a return in accordance with the provisions of this Part of this Schedule, or who knowingly gives in any such return sent by him any information which is false or misleading, or who certifies any such return knowing it to contain such information, shall be liable on summary conviction to a fine not exceeding twenty pounds.

## SCHEDULE 8

Section 57.

### REPEALS

Session and Chapter	Short Title	Extent of Repeal
55 & 56 Vict c. 4.	The Betting and Loans (Infants) Act 1892.	Section 1. In section 3, the words "as in the preceding sections or either of them mentioned".
6 Edw.7. c. 43.	The Street Betting Act 1906.	The whole Act.
18 & 19 Geo. 5. c. 41.	The Racecourse Betting Act 1928.	The whole Act.
24 & 25 Geo. 5. c. 58.	The Betting and Lotteries Act 1934.	The whole Act except section 25 (1)and (2)
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	So much of Schedule 8 as relates to the Betting and Lotteries Act 1934.

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Session and Chapter	Short Title	Extent of Repeal
<a href="#">10 &amp; 11 Geo.6. c. 53.</a>	The Town and Country Planning (Scotland) Act 1947.	So much of Schedule 8 as relates to the Betting and Lotteries Act 1934.
<a href="#">11 &amp; 12 Geo. 6. c. 9.</a>	The Finance (No. 2) Act 1947.	Section 6 (3).
<a href="#">11 &amp; 12 Geo. 6. c. 49.</a>	The Finance Act 1948.	In Schedule 6, paragraph 3 (2).
<a href="#">2 &amp; 3 Eliz. 2. c. 33.</a>	The Pool Betting Act 1954.	The whole Act.
<a href="#">4 &amp; 5 Eliz. 2. c. 45.</a>	The Small Lotteries and Gaming Act 1956.	The whole Act except section 5 (2).
<a href="#">8 &amp; 9 Biz. 2. c. 60.</a>	The Betting and Gaming Act 1960.	The whole Act except paragraph 7 of Schedule 4, and in the said paragraph 7 the words from "and nothing" to "negotiating of".
<a href="#">9 &amp; 10 Eliz. 2. c. 17.</a>	The Betting Levy Act 1961.	The whole Act except sections 1 (11), 9, 10 (1) and 10(3).
<a href="#">10 &amp; 11 Eliz. 2. c. 55.</a>	The Lotteries and Gaming Act 1962.	The whole Act.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Metropolitan Police Act 1839	<a href="#">2 &amp; 3 Vict. c. 47.</a>
City of London Police Act 1839	<a href="#">2 &amp; 3 Vict. c. xciv.</a>
Gaming Act 1845	<a href="#">8 &amp; 9 Vict. c. 109.</a>
Art Unions Act 1846	<a href="#">9 &amp; 10 Vict. c. 48.</a>
Quarter Sessions Act 1849	<a href="#">12 &amp; 13 Vict. c. 45.</a>
Betting Act 1853	<a href="#">16 &amp; 17 Vict. c. 119.</a>
Refreshment Houses Act 1860	<a href="#">23 &amp; 24 Vict. c. 27.</a>
Local Government Act 1888	<a href="#">51 &amp; 52 Vict. c. 41.</a>
Interpretation Act 1889	<a href="#">52 &amp; 53 Vict. c. 63.</a>
Burgh Police (Scotland) Act 1892	<a href="#">55 &amp; 56 Vict. c. 55.</a>
Burgh Police (Scotland) Act 1903	<a href="#">3 Edw. 7. c. 33.</a>
Street Betting Act 1906	<a href="#">6 Edw. 7. c. 43.</a>
Summary Jurisdiction (Appeals) Act 1933	<a href="#">23 &amp; 24 Geo. 5. c. 38.</a>
Local Government Act 1933	<a href="#">23 &amp; 24 Geo. 5. c. 51.</a>
Betting and Lotteries Act 1934	<a href="#">24 &amp; 25 Geo. 5. c. 58.</a>

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Short Title	Session and Chapter
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Wireless Telegraphy Act 1949	12, 13 & 14 Geo. 6. c.54.
Costs in Criminal Cases Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.
Licensing Act 1953	1 & 2 Eliz. 2. c. 46.
Pool Betting Act 1954	2 & 3 Eliz. 2. c. 33.
Small Lotteries and Gaming Act 1956	4 & 5 Eliz. 2. c. 45.
Licensing (Scotland) Act 1959	7 & 8 Eliz. 2. c. 51.
Betting and Gaming Act 1960	8 & 9 Eliz. 2. c. 60.
Betting Levy Act 1961	9 & 10 Eliz. 2. c. 17.
Licensing Act 1961	9 & 10 Eliz. 2. c. 61.
Town and Country Planning Act 1962	10 & 11 Eliz. 2. c. 38.
Betting Duties Act 1963	1963 c. 3.