



Betting and Gaming Duties Act 1972

CHAPTER 25

LONDON
HER MAJESTY'S STATIONERY OFFICE

Betting and Gaming Duties Act 1972

CHAPTER 25

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ELIZABETH II



Betting and Gaming Duties Act 1972

1972 CHAPTER 25

An Act to consolidate certain enactments concerning the duties of excise relating to betting and gaming.

[11th May 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

BETTING DUTIES

General betting duty

1.—(1) Subject to the provisions of this Act, on any bet which— General betting duty.

- (a) is made with a bookmaker in Great Britain otherwise than by way of pool betting or coupon betting, or
- (b) is made by way of sponsored pool betting or is otherwise made by means of facilities provided by the Horserace Totalisator Board, or
- (c) is made on any event on a track to which this paragraph applies by means of a totalisator on that track and on the day on which that event takes place,

there shall be charged a duty of excise to be known as general betting duty.

(2) The general betting duty in respect of any bet shall—

- (a) if it is an on-course bet, be of an amount equal to 5 per cent. of the amount staked, and

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(b) if it is not an on-course bet, be of an amount equal to 6 per cent. of the amount staked.

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(3) Paragraph (c) of subsection (1) above applies to any track in respect of which there is for the time being in force a track betting licence granted under Schedule 3 to the Betting, Gaming and Lotteries Act 1963, and to any track which the Commissioners see fit to treat for the purposes of that paragraph as if it were such a track.

Payment
and recovery
of general
betting duty.

2.—(1) The general betting duty in respect of any bet shall, without prejudice to any regulations made under paragraph 2 of Schedule 1 to this Act, be due on the making of the bet, and shall be paid—

- (a) in the case of a bet with a bookmaker, and without prejudice to subsection (2) below, by the bookmaker ;
- (b) in the case of a bet made as mentioned in section 1(1)(b) of this Act, by the Horserace Totalisator Board or other person providing the facilities by means of which the bet is made ;
- (c) in the case of such a bet made by means of a totalisator as is mentioned in section 1(1)(c) of this Act, by the operator.

(2) The general betting duty chargeable on any bet made with a bookmaker shall be recoverable jointly and severally from all or any of the following persons—

- (a) that bookmaker ;
- (b) the holder of the bookmaker's permit or betting office licence relating to the business in the course of which, or the premises at which, the bet was made ;
- (c) any person responsible for the management of that business or those premises ;
- (d) where the bookmaker is a company, any director of that company.

Allowance for
hedging bets.

3.—(1) Where it is shown to the satisfaction of the Commissioners—

- (a) that a bookmaker has laid off the whole or any part of an on-course bet made with him by making an on-course bet (in this section called a "hedging" bet), being a dutiable bet made in the course of the same meeting, and on the same contingency, as the first-mentioned bet, and
- (b) that both the bookmaker making, and the person accepting, the hedging bet have complied with such conditions as the Commissioners think fit to impose for the protection of the revenue,

the first-mentioned bet shall, up to the amount staked by the hedging bet, be exempt from general betting duty, and the Commissioners shall remit or repay duty accordingly.

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(2) In giving relief under subsection (1) above, in no circumstances may any part of the amount staked by a hedging bet be brought into account more than once.

(3) In subsection (1) above, "dutiabie bet" means a bet to which section 1(1) of this Act applies.

4. For the purposes of general betting duty, where a person bets on more than one contingency on the terms that, in the event of his bet being successful in respect of one contingency, his stake on the bet, or his winnings in respect of that contingency, or both, are to provide the stake in respect of another contingency, then, unless he makes his bet on both or all of those contingencies at the same time and on the terms that both his original stake and the whole of his winnings in respect of any of those contingencies are to be the stake in respect of any other contingency on which the bet is made—

Bets on more than one contingency.

- (a) he shall be treated as making a separate bet on each respectively of those contingencies and as staking on each of those separate bets the amount respectively provided for by the terms of the original bet ;
- (b) any of those separate bets which depends on the outcome of another or others of them shall be treated as made if and when the conditions on which it depends are satisfied.

5. The aggregate amount paid by or debited to the account of the bettor for or on account of or in connection with any bet chargeable with general betting duty shall be treated for the purposes of that duty as his stake on the bet, notwithstanding that his winnings (if any) are to be computed on part only of that amount, or that part of it is not to be returned to him in the event of his winning, and no deduction shall be made for other benefits secured by the bettor in paying that amount, or for the expenses of any person on account of the duty or otherwise, or for any other matter.

Calculation of stake.

Pool betting duty

6.—(1) There shall be charged a duty of excise, to be known as pool betting duty,—

Pool betting duty.

- (a) subject to subsection (2) below, on all bets made by way of pool betting, wherever made, and
- (b) on all bets made at fixed odds with a bookmaker in Great Britain by way of coupon betting,

not being bets made by way of sponsored pool betting or made as mentioned in section 1(1)(c) of this Act.

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(2) Bets made by way of pool betting are chargeable with pool betting duty only if—

- (a) in the case of bets made by means of a totalisator, the totalisator is situated in Great Britain ;
- (b) in the case of bets made otherwise than by means of a totalisator, the promoter of the betting is in Great Britain.

(3) For the purposes of this and the next two following sections, except in their application to coupon betting,—

- (a) subject to paragraph (b) below and to section 12(3) of this Act, where payments are made for the chance of winning any money or money's worth on terms under which the payors have a power of selection which may (directly or indirectly) determine the winner, those payments shall be treated as bets notwithstanding that the power is not exercised ;
- (b) "bet" does not include the taking of a ticket or chance—

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(i) in any lottery which is declared by section 43, 44 or 46 of the Betting, Gaming and Lotteries Act 1963 not to be unlawful, or

(ii) in any lottery to which section 45 of that Act applies and in the case of which all the conditions specified in subsection (3)(b), (c) and (g) of that section are observed.

Amount of
pool betting
duty.

7.—(1) The amount of the pool betting duty shall be equal to $33\frac{1}{3}$ per cent. of the aggregate of—

- (a) the amount of the stake money paid, and
- (b) the expenses and profits described in subsection (3) below (but subject to subsection (4) below).

(2) For the purposes of pool betting duty, any payment which entitles a person to make a bet by way of pool betting or coupon betting shall, if he makes the bet, be treated as stake money on the bet ; and this subsection shall apply to any payment entitling a person to take part in a transaction which is, on his part, only not a bet made by way of pool betting or coupon betting by reason of his not in fact making any stake as if the transaction were such a bet, and the transaction shall accordingly be treated as a bet for the purposes of pool betting duty.

(3) The expenses and profits referred to in subsection (1)(b) above are the expenses and profits of the promoter of the betting or any other person concerned with or benefiting from the promotion of the betting so far as they are not provided for out of the stake money and are not shown to be referable to matters other than the promotion and management of the betting and activities ancillary thereto or connected therewith; and all payments made for or on account of or in connection with any bets made by way of pool betting or coupon betting in addition to the stake money by the persons making the bets shall be treated as representing amounts on which duty is (subject to subsection (4) below) chargeable by virtue of subsection (1)(b) above except in so far as the promoter of the betting proves the contrary.

(4) There shall be excepted from any charge to duty by virtue of subsection (1)(b) or subsection (2) above the amount of any benefit accruing from the betting to a society established and conducted for charitable purposes only or to a society established and conducted wholly or mainly for the support of athletic sports or athletic games and not established or conducted for purposes of private gain, if the benefit is provided by means of payments made by persons making bets and those persons know, when making the payments, that their purpose is to provide the benefit.

In this subsection "society" includes any club, institution, organisation or association of persons, by whatever name called.

8.—(1) Pool betting duty shall be paid, in the case of bets made by means of a totalisator, by the operator and, in the case of other bets, by the promoter. Payment and recovery of pool betting duty.

(2) The pool betting duty chargeable on any bet shall be recoverable jointly and severally from all or any of the following persons—

- (a) the conductor of the dutiable betting by way of which the bet was made;
- (b) any other person responsible for the management of any premises or totalisator in respect of which that conductor has made entry or given notice in accordance with paragraph 4(2) or (4) of Schedule 1 to this Act;
- (c) where a person within paragraph (a) or (b) above is a company, any director of that company.

(3) In this section—

"conductor of dutiable betting" means a person carrying on a business the carrying on of which involves or may involve any sums becoming payable by him by way of pool betting duty;

"dutiable betting" means betting by way of pool betting or coupon betting.

PART I
Prohibitions
for protection
of revenue.

General

9.—(1) With a view to protecting the revenue derived from general betting duty and pool betting duty, any person who—

- (a) conducts in Great Britain any business or agency for the negotiation, receipt or transmission of bets to which this section applies, or
- (b) knowingly issues, circulates or distributes in Great Britain, or has in his possession for that purpose, any advertisement or other document inviting or otherwise relating to the making of such bets, or
- (c) being a bookmaker in Great Britain, makes or offers to make any such bet with a bookmaker outside Great Britain,

shall be guilty of an offence.

(2) Except as mentioned in subsection (3) below, this section applies to—

- (a) all bets made by way of pool betting or coupon betting unless—
 - (i) in the case of bets made by means of a totalisator, the totalisator is situated in Great Britain,
 - (ii) in the case of bets made otherwise than by means of a totalisator, the promoter of the betting is in Great Britain, and
- (b) all bets made with a bookmaker outside Great Britain (whether or not made by way of pool betting or coupon betting).

(3) This section does not apply—

- (a) to any bet—
 - (i) made by way of pool betting or coupon betting and otherwise than by means of a totalisator, or
 - (ii) made with a bookmaker otherwise than by way of pool betting or coupon betting, where the promoter of the pool betting or coupon betting or, as the case may be, the bookmaker is in Northern Ireland or the Isle of Man and the bet is such as to be chargeable with a duty imposed by or under an Act of the Parliament of Northern Ireland or, as the case may be, of Tynwald which corresponds to, and is chargeable on the bet at a rate not less than the appropriate rate of, pool betting duty or, as the case may be, general betting duty ; or
- (b) to any bet made by means of a totalisator situated in a country outside Great Britain on a horse race taking place in that country ; or

(c) to any bet in respect of an event taking place outside Great Britain made by a bookmaker in Great Britain—

(i) by means of a totalisator situated outside Great Britain, or

(ii) with a bookmaker outside Great Britain,

if it is shown that bets in respect of that event have been made in Great Britain with the first-mentioned bookmaker by other persons.

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction to a penalty not exceeding £100 or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months or to a penalty not exceeding £200 or to both, or

(b) on conviction on indictment, to a penalty not exceeding £500 or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding one year or to a penalty not exceeding £750 or to both.

(5) A person who makes or tries to make a bet, or who gets or tries to get any advertisement or other document given or sent to him, shall not be guilty of an offence by reason of his thereby procuring or inciting some other person to commit, or aiding or abetting the commission of, an offence under this section.

(6) Subsection (3) of section 6 of this Act shall have effect for the purposes of subsections (2)(a) and (5) above (except in their application to coupon betting) as it has effect for the purposes of sections 6 to 8 of this Act.

10.—(1) For the purposes of this Act, any bet shall be deemed to be made by way of pool betting unless it is a bet at fixed odds, and, in particular, bets shall be held to be made by way of pool betting wherever a number of persons make bets—

(a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed or written forms, or otherwise howsoever, or

(b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible

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in any proportions among such of those persons as are winners, or

- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person.

(2) A bet is a bet at fixed odds within the meaning of this section only if each of the persons making it knows or can know, at the time he makes it, the amount he will win, except in so far as that amount is to depend on the result of the event or events betted on, or on any such event taking place or producing a result, or on the numbers taking part in any such event, or on the starting prices or totalisator odds for any such event, or on there being totalisator odds on any such event, or on the time when his bet is received by any person with or through whom it is made.

In this subsection—

“starting prices” means, in relation to any event, the odds ruling at the scene of the event immediately before the start, and

“totalisator odds” means—

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(a) in relation to a race which is a recognised horse race within the meaning of the Betting, Gaming and Lotteries Act 1963, the odds paid on bets on that race made by way of sponsored pool betting, and

(b) in relation to any other event, the odds paid on bets made by means of a totalisator at the scene of the event.

(3) A bet made with or through a person carrying on a business of receiving or negotiating bets, being a bet made in the course of that business, shall be deemed not to be a bet at fixed odds within the meaning of this section if the winnings of the person by whom it is so made consist or may consist wholly or in part of something other than money.

(4) Where a person carries on a business of receiving or negotiating bets and there is or has been issued in connection with that business any advertisement or other publication calculated to encourage in persons making bets of any description with or through him a belief that the bets are made on the basis mentioned in subsection (1)(c) above, then any bets of that description subsequently made with or through him in the course of that business shall be deemed for the purposes of this section to be made on that basis.

11. For the purposes of this Act, bets shall be deemed to be made by way of coupon betting where they are made in pursuance of an invitation which offers stated odds for a choice of bets, being bets of a description not commonly made without such an invitation, unless made by way of pool betting, and not of a description commonly made by means of a totalisator.

PART I
Definition
of coupon
betting.

12.—(1) Where particulars of an intended bet on which general betting duty or pool betting duty would be chargeable and the stake on that bet are collected for transmission to the person by whom that duty would fall to be paid by some other person, whether or not a bookmaker, who holds himself out as available for so collecting and transmitting them, but are in fact not so transmitted, the bet shall be deemed to have been made but the duty in respect thereof shall be paid by that other person.

Supplementary
provisions.

(2) The provisions of Schedule 1 to this Act (supplementary provisions as to betting duties) shall have effect.

(3) In sections 1 to 10 of this Act, except in sections 6, 7, 8, 9(2)(a) and 9(5) in their application to coupon betting, and in subsection (1) above, “bet” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming.

(4) In this Part of, and in Schedule 1 to, this Act—

“meeting” means any occasion on any one day on which events take place on any track ;

“on-course bet” means a bet made in the course of a meeting, either by means of a totalisator situated on premises forming part of the track or with a bookmaker present at the meeting, where

(a) the person making the bet (that is to say, the person originating the bet and not any agent or intermediary) is present at the meeting, or

(b) the bet is made by a person carrying on a bookmaking business acting as principal (and not acting as agent for, or on behalf of, some other person) ;

“operator”, in relation to bets made by means of a totalisator, means the person who, as principal, operates the totalisator ;

“promoter”, in relation to any betting, means the person to whom the persons making the bets look for the payment of their winnings, if any ;

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“winnings” includes winnings of any kind, and references to amount and to payment in relation to winnings shall be construed accordingly;

and “betting office licence”, “bookmaker”, “bookmaker’s permit”, “bookmaking”, “sponsored pool betting”, “totalisator”, and “track” have the same meanings respectively as in the Betting, Gaming and Lotteries Act 1963.

1963 c. 2.

PART II**GAMING DUTIES***Gaming licence duty*

Gaming licence duty.

13.—(1) There shall be charged a duty of excise on a licence (to be known as a gaming licence) authorising the use of premises specified in the licence for the purpose of gaming by way of any game to which this section for the time being applies.

(2) A gaming licence shall be a licence for the period from 1st October in any year to 31st March in the following year, or from 1st April in any year to 30th September in that year (all dates inclusive).

(3) The authority of a gaming licence shall be required for all gaming by way of any game to which this section for the time being applies, except gaming taking place on any premises at a time when no licence is in force as respects those premises under the Gaming Act 1968.

1968 c. 65.

Amount of gaming licence duty.

14.—(1) The amount of the duty under section 13 of this Act on a gaming licence in respect of any premises shall be determined in accordance with the following Table and the provisions of Schedule 2 to this Act.

TABLE

	<i>Rateable value charge</i>	<i>Charge for each table in excess of two but not exceeding five</i>	<i>Charge for each table in excess of five</i>
	£	£	£
Premises of a rateable value not exceeding £1,000 (or without a rateable value)	750	500	750
Premises of a rateable value exceeding £1,000 but not exceeding £2,500 ...	6,250	1,500	2,000
Premises of a rateable value exceeding £2,500 ...	20,000	4,000	5,000

(2) References in the Table in subsection (1) above to premises of a rateable value of a given amount are references to premises

which for rating purposes constitute or are comprised in a hereditament of a rateable value of that amount.

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(3) For the purposes of the Table in subsection (1) above premises consisting of or comprised in a vessel shall be treated as premises of a rateable value exceeding £1,000 but not exceeding £2,500.

15.—(1) Without prejudice to subsections (2) and (4) below, the games to which section 13 of this Act applies are baccarat, punto banco, big six, blackjack, boule, chemin de fer, chuck-a-luck, craps, crown and anchor, faro, faro bank, hazard, poker dice, pontoon, French roulette, American roulette, trente et quarante, vingt-et-un, and wheel of fortune. Games to which section 13 applies.

(2) The Treasury may by order made by statutory instrument add to the games mentioned in subsection (1) above any game not for the time being mentioned therein if it appears to the Treasury proper so to do for the protection of the revenue, having regard to the character of the game and the circumstances in which it is played.

(3) A statutory instrument containing an order under subsection (2) above shall be laid before the House of Commons after being made, and the order shall cease to have effect at the end of twenty-eight days after the day on which it was made (but without prejudice to anything previously done under the order or to the making of a new order) unless at some time before the end of those twenty-eight days the order is approved by resolution of that House; and, in reckoning for the purposes of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) Any reference in this section or in any order under subsection (2) above to a particular game shall be taken to include a reference to any game (by whatever name called) which is essentially similar to that game; and in proceedings relating to gaming licence duty under the excise Acts an averment in any process that a particular game is essentially similar to another particular game shall, until the contrary is proved, be sufficient evidence that it is so.

16.—(1) Schedule 2 to this Act (supplementary provisions as to gaming licence duty) shall have effect. Supplementary provisions as to gaming licence duty.

(2) In sections 13 to 15 of, and in Schedule 2 to, this Act—
“premises” includes any place and any means of transport,

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“rateable value”, in relation to any hereditament, means (without prejudice to paragraph 1(1) of Schedule 2, but subject to paragraph 18 of that Schedule) the rateable value shown in the valuation list as for the time being in force,

“hereditament”, in relation to Scotland, means lands and heritages, and

“valuation list”, in relation to Scotland, means valuation roll.

Bingo duty

Bingo duty.

17.—(1) A duty of excise, to be known as bingo duty, shall be charged on the playing of bingo in Great Britain except in the cases specified in Part I of Schedule 3 to this Act.

(2) Bingo duty shall be charged in respect of bingo played in a particular week; and the amount of the duty shall be—

(a) $2\frac{1}{2}$ per cent. of the total of the money taken by or on behalf of the promoter in that week as payment by players for their cards, plus

(b) (subject to section 19(1) of this Act) one thirty-ninth of the amount (if any) by which that total, after deduction of the $2\frac{1}{2}$ per cent. chargeable under paragraph (a) above, is exceeded by the total value of the prizes won in that week's bingo.

(3) For the purposes of this section, a player's “cards” are the sets of numbers or symbols (in whatever form or lay-out) with which he plays bingo, matching them against calls made by the house; and a player pays for a card when he gives money in exchange for, or for the use of, a particular card, whether it is appropriated to a particular game or can be appropriated by the player to a game of his choice.

Payment and recovery of bingo duty.

18.—(1) Bingo duty shall be paid by the promoter of the bingo.

(2) Bingo duty shall be recoverable jointly and severally from all or any of the following persons—

(a) the promoter;

(b) any person who took money as payment by players for cards or paid prizes to players;

(c) any person who was responsible for the management of the premises on which bingo was played;

(d) where any person within paragraph (a), (b) or (c) above is a company, any director of the company.

19.—(1) Where bingo is promoted at one place and, for the purpose of a particular game, it is combined with bingo played at another place and promoted by another person, so that the players at both places share in the chance of winning a prize contributed partly by one promoter and partly by the other, then for the purposes of the charge to bingo duty under section 17(2)(b) of this Act—

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Play in
more than
one place.

(a) as against the promoter of the bingo at the place where the prize is won there shall be counted so much only of the value of the prize as represents his contribution, and

(b) so much of the value of the prize as represents the contribution of the other promoter shall be counted as a prize won at bingo promoted by him ;

and where in the case of bingo so combined the prize is provided wholly by or on behalf of one of the promoters concerned, its whole value shall be counted against him under section 17(2)(b), wherever it is won.

(2) It shall not be lawful for a game of bingo, being bingo which is chargeable with bingo duty and is promoted at a place in Great Britain, to be combined as mentioned in subsection (1) above with other bingo played elsewhere than in Great Britain, except where the other bingo is played in Northern Ireland or the Isle of Man and is chargeable, under an Act of the Parliament of Northern Ireland or, as the case may be, Tynwald, with duty corresponding to bingo duty and at a rate not less than that which is chargeable under section 17 of this Act.

20.—(1) The provisions of Part II of Schedule 3 to this Act (supplementary provisions as to bingo duty) shall have effect. Supplementary provisions as to bingo duty.

(2) In sections 17 to 19 of, and in Schedule 3 to, this Act—

“bingo” includes any version of that game, by whatever name called ;

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain ;

“money” includes any token, voucher or other object given by a player in exchange for cards and recognised for the purpose of the exchange to represent a particular sum of money ;

“prize” means anything won or to be won at bingo, whether money or something else having a value, and “value” and “paid”, in relation to prizes, shall be construed accordingly ;

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“the promoter”, in relation to bingo, means the person to whom the players look for the payment of prizes, and “promote” and “promotion” shall be construed accordingly; and

“week” means a period of seven days beginning with Monday.

(3) In proceedings relating to bingo duty under the excise Acts an averment in any process that a particular game is a version of bingo shall, until the contrary is proved, be sufficient evidence that it is so.

Gaming machine licence duty

Gaming
machine
licence duty.

21.—(1) There shall be charged a duty of excise on a licence (to be called a gaming machine licence) authorising gaming machines to be provided for gaming on premises in respect of which the licence is granted.

(2) A gaming machine licence shall be either—

(a) an ordinary licence, being—

(i) a whole-year licence for the period from 1st October in any year to 30th September in the following year, or

(ii) a half-year licence for the period from 1st October in any year to 31st March in the following year or from 1st April in any year to 30th September in that year, or

(b) a holiday season licence (for penny machines only) for the period from 1st March in any year to 31st October in that year,

(all dates inclusive); and where a licence of either description is granted so as to have effect for the remainder of a licence period which has partly expired, the charge to duty shall be unaffected by the circumstance that a licence of the other description has been in force in respect of the same premises for any part of that period.

Criteria for
determining
duty on
ordinary
licences.

22.—(1) The duty on an ordinary gaming machine licence shall be determined by reference—

(a) to whether the premises in question have, or have not, local authority approval under the Gaming Acts, and

(b) to whether the licence authorises the provision of machines chargeable at the lower, or the higher, rate and to the number of machines of either description which it authorises.

(2) Subject to subsection (4) below, premises are to be treated as having local authority approval under the Gaming Acts if there is for the time being in force in respect of the premises—

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- (a) a permit granted under Schedule 6 to the Betting, Gaming and Lotteries Act 1963 (permit for provision of amusements with prizes under section 49 of that Act), or
- (b) a permit granted under section 34 of the Gaming Act 1968 (conditions under which gaming may be carried on by means of machines).

(3) Premises are also to be treated as having local authority approval under the Gaming Acts at any time when—

- (a) there is for the time being in force in respect of them a licence under the Gaming Act 1968, and
- (b) by virtue of a direction of the licensing authority under section 32 of the Gaming Act 1968 (approval for provision of more than two machines) section 34 of that Act has effect in relation to the premises.

(4) Premises are not to be treated as having local authority approval under the Gaming Acts if a club or a miners' welfare institute within the meaning of the Gaming Act 1968 is for the time being registered in respect of them under Part III of that Act (which regulates gaming by means of machines).

(5) For the purposes of an ordinary licence—

- (a) a machine is chargeable at the lower rate if it can only be played by the insertion into the machine of a coin or coins of a denomination, or aggregate denomination, not exceeding 1.25p, and
- (b) a machine is chargeable at the higher rate in any other case,

except that, where the game playable by means of a machine can be played more than once for the insertion of a coin or coins of a denomination, or aggregate denomination, exceeding 1.25p, the machine is to be treated as chargeable at the lower rate if in effect the amount payable to play the game once does not exceed 1.25p.

23.—(1) The duty on an ordinary whole-year gaming machine licence shall be in accordance with the following Tables and—

Amount of duty on ordinary licences.

- (a) Table A shall apply where the Commissioners are satisfied that the premises in question will, on the date on which the licence is first in force, have local authority approval under the Gaming Acts; and

PART II

(b) Table B shall apply in any other case.

TABLE A

Premises with local authority approval

Description of machines authorised by the licence	Number of machines of that description so authorised	Duty on whole-year licence
Chargeable at the lower rate.	One machine	£12.50.
	Two or more machines	£12.50 plus £75 per machine in excess of one.
Chargeable at the higher rate.	One machine	£25.
	Two or more machines	£25 plus £150 per machine in excess of one.

TABLE B

Premises without local authority approval

Description of machines authorised by the licence	Number of machines of that description so authorised	Duty on whole-year licence
Chargeable at the lower rate.	One machine	£50.
	Two or more machines	£50 plus £150 per machine in excess of one.
Chargeable at the higher rate.	One machine	£100.
	Two or more machines	£100 plus £300 per machine in excess of one.

(2) The duty on an ordinary half-year licence shall be eleven-twentieths of that which it would have been if the licence were an ordinary whole-year, but otherwise identical, licence.

Holiday
season
licences.

24. A holiday season licence shall be granted only for premises as to which the Commissioners are satisfied that they will, on the date on which the licence is first in force, have local authority approval under the Gaming Acts by virtue of section 22(2) of this Act; and—

- (a) the licence shall be one which authorises the provision only of penny machines up to a number specified in the licence; and
- (b) the duty on the licence shall be £15 multiplied by that number.

25.—(1) Except in the cases specified in Part I of Schedule 4 PART II
 to this Act, no gaming machine shall be provided for gaming Restrictions
 on any premises situated in Great Britain unless there is a on provision
 gaming machine licence for the time being in force in respect of of gaming
 the premises. machines.

(2) No more than one gaming machine licence shall be in force at any time as respects the gaming machines on any premises, except that there may be one ordinary licence as respects the gaming machines chargeable at the lower rate, and one ordinary licence as respects the gaming machines chargeable at the higher rate.

(3) At any time when there is in force in respect of any such premises an ordinary licence which authorises the provision both of gaming machines chargeable at the lower rate and of gaming machines chargeable at the higher rate, gaming machines chargeable at either rate shall not be provided for gaming on those premises in excess of the number authorised by the licence for machines chargeable at that rate.

(4) At any time when there is in force in respect of any such premises an ordinary licence which authorises the provision of gaming machines chargeable at one only of the two rates—

- (a) gaming machines chargeable at that rate shall not be provided for gaming on those premises in excess of the number authorised by that licence, and
- (b) gaming machines chargeable at the other rate shall not be provided for gaming on those premises unless there is in force in respect of the premises a second ordinary licence authorising the provision of gaming machines chargeable at that other rate.

(5) At any time when a holiday season licence is in force in respect of any such premises, gaming machines shall not be provided for gaming on those premises except penny machines up to the number specified in the licence.

26.—(1) Subject to subsection (3) below, a machine is a Meaning of
 gaming machine for the purposes of this Act if it is of the “gaming
 following description— machine”.

- (a) it is constructed or adapted for playing a game of chance by means of it;
- (b) a player pays to play the machine (except where he has an opportunity to play payment-free as the result of having previously played successfully), either by inserting a coin or token into the machine or in some other way; and

PART II

(c) the outcome of the game is determined by the chances inherent in the action of the machine, whether or not provision is made for manipulation of the machine by a player.

(2) In subsection (1) above, "game of chance" includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined; and the fact that a game contains an element of skill shall not prevent it being treated as a game of chance if nothing but superlative skill can overcome the element of chance.

(3) A machine shall not be treated as a gaming machine for the purposes of this Act if either—

(a) it is constructed or adapted so that a person playing it once and successfully receives nothing except an opportunity, afforded by the automatic action of the machine, to play again (once or more often) without paying, or

(b) it is constructed or adapted so that, where a person plays it once and successfully, that which he receives is determined by the automatic action of the machine and is either—

(i) a money prize not greater than the amount payable to play the machine once, or

(ii) a token which is, or two or more tokens which in the aggregate are, exchangeable only for such a money prize.

(4) For the purposes of determining whether a machine is a gaming machine, it is immaterial whether it is capable of being played by only one person at a time, or is capable of being played by more than one person; but for the purposes of sections 21 to 25 of this Act a machine which two or more persons can play simultaneously (whether or not participating with one another in the same game) shall, instead of being treated as one machine,—

(a) in the case of a penny machine, be treated for the purposes of a holiday season licence as a number of penny machines equal to the number of persons who can play the machine simultaneously;

(b) in the case of a penny machine or any other machine which no player can play except by the insertion into the machine of a coin or coins of a denomination, or aggregate denomination, not exceeding 1.25p, be treated for the purposes of an ordinary licence as a number of machines, all chargeable at the lower rate, equal to the number of persons who can play the machine simultaneously; and

(c) in a case not falling within paragraph (b) above, be treated for the purposes of an ordinary licence as a number of machines, all chargeable at the higher rate, equal to that number of persons ;

PART II

and the number of persons who can play a particular machine simultaneously shall be determined by reference to the number of individual playing positions provided on the machine.

27.—(1) The provisions of Part II of Schedule 4 to this Act (supplementary provisions as to gaming machine licence duty) shall have effect. Supplementary provisions as to gaming machine licence duty.

(2) In sections 21 to 26 of, and in Schedule 4 to, this Act—

“ coin ” means coin lawfully current in the United Kingdom ;

“ Great Britain ” includes the territorial waters of the United Kingdom adjacent to Great Britain ;

“ penny machine ” means a gaming machine which, in order to be played once, requires the insertion of—

- (a) a single new penny, or
- (b) a single new halfpenny, or
- (c) a single penny,

and which cannot be played in any other way ; and

“ premises ” includes any place whatsoever and any means of transport.

(3) A machine is provided for gaming on any premises if it is made available on those premises in such a way that persons resorting to them can play it ; and where on any premises one or more gaming machines are so made available, any such machine anywhere on the premises shall be treated as provided for gaming on those premises, notwithstanding that it is not so made available or is not in a state in which it can be played.

PART III

GENERAL

28.—(1) In this Act “ the Commissioners ” means the Interpretation. Commissioners of Customs and Excise.

(2) In this Act (except where it refers to a machine provided for gaming) “ gaming ” has the same meaning as in the Gaming Act 1968 c. 65.

(3) Except where the context otherwise requires, a reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

PART III

(4) For the avoidance of doubt it is hereby declared that the imposition by this Act of general betting duty, pool betting duty, bingo duty or the duty on gaming machine licences does not make lawful anything which is unlawful apart from this Act.

Repeals and transitional provisions.

1889 c. 63.

29.—(1) Schedule 5 (consequential amendments) and Schedule 6 (transitional provisions) to this Act shall have effect, but the provisions of those Schedules shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

(2) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Short title, construction, commencement and extent.

1952 c. 44.

30.—(1) This Act may be cited as the Betting and Gaming Duties Act 1972.

(2) This Act shall be construed as one with the Customs and Excise Act 1952.

(3) This Act shall come into force at the expiration of the period of one month beginning with the date on which it is passed.

(4) This Act shall not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 12.

SUPPLEMENTARY PROVISIONS AS TO BETTING DUTIES

Definitions

1. In this Schedule—

- “general betting business” means a business the carrying on of which involves or may involve any sums becoming payable by the person carrying on the business by way of general betting duty ;
- “general betting operations” means betting operations which do not involve liability to pool betting duty ;
- “pool betting business” means a business the carrying on of which involves or may involve any sums becoming payable by the person carrying on the business by way of pool betting duty.

General Administration

2.—(1) General betting duty shall be under the care and management of the Commissioners and shall be accounted for by such persons, and accounted for and paid at such times and in such manner, as may be required by or under regulations of the Commissioners.

(2) Without prejudice to any other provision of this Schedule, the Commissioners may make regulations providing for any matter for which provision appears to them to be necessary for the administration or enforcement of general betting duty or for the protection of the revenue from general betting duty.

(3) Regulations under this paragraph may in particular—

- (a) provide for payments on account of the duty which may become chargeable to be made in advance by means of stamps or otherwise, and for that purpose apply, with any necessary adaptations, any of the provisions of the Stamp Duties Management Act 1891 (including the penal provisions repealed save as to Scotland by the Forgery Act 1913) ;
- (b) provide for such payments to be made through the persons providing, at the place where any event is or is to be held, facilities for persons engaging or proposing to engage at that place in an activity by reason of which they are or may be or become liable for duty ;
- (c) require persons providing such facilities as aforesaid at any place to perform other functions in connection with the payment of or accounting for duty by persons engaging or proposing to engage as aforesaid at that place, including the refusal to any of the last-mentioned persons of access to that place unless the requirements of any regulations made by virtue of paragraph (a) or (b) above have been complied with ;

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(d) otherwise provide for the giving of security by means of a deposit or otherwise for duty due or to become due.

(4) Regulations under this paragraph may also in particular include provision—

(a) for the furnishing to such persons or displaying in such manner of such information or records as the regulations may require by persons engaging or proposing to engage in any activity by reason of which they are or may be or become liable for duty, and by persons providing facilities for another to engage in such an activity or entering into any transaction with another in the course of any such activity of his ;

(b) for the keeping, preservation and production of accounts, records or other documents by persons engaging in any such activity ;

(c) for the inspection of the accounts, records and other documents of persons engaging or suspected of engaging in any such activity, and of premises or equipment used or suspected of being used by such persons for or in connection with any such activity and of any other premises where any such activity is carried on.

(5) Any regulations under this paragraph shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the House of Commons.

3. Pool betting duty shall be under the care and management of the Commissioners, and shall be paid at such times by the persons by whom it is payable as the Commissioners may direct.

Notification to Commissioners as to carrying on of betting business

4.—(1) Any person who intends to carry on a general betting business which is not also a pool betting business shall, not less than one week before he begins to carry on the business, notify the Commissioners that he intends to carry it on.

(2) Subject to sub-paragraphs (3) and (4) below, any person who intends to carry on a general betting business or a pool betting business shall, not later than the date when he first uses any premises or totalisator for the purposes of the business, make entry of those premises or that totalisator with the Commissioners.

(3) A person shall not be required by sub-paragraph (2) above to make entry of premises used for the purposes of the business in connection only with general betting operations ; but he shall, not later than the date when he first uses any premises for the purposes of the business in connection with general betting operations, notify the Commissioners of those premises being so used (whether or not he is also required by sub-paragraph (2) above to make entry of them).

(4) Where a bookmaker carries on a business which involves or may involve any sums becoming payable by him by way of pool betting duty in respect of bets made by way of coupon betting, he

shall not be required by sub-paragraph (2) above to make entry of premises used for the purposes of the business in connection only with coupon betting operations; but he shall, not later than the date when he first uses any premises for the purposes of the business in connection with such operations, notify the Commissioners of those premises being so used (whether or not he is also required by sub-paragraph (2) above to make entry of them).

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(5) Any bookmaker carrying on a business of the kind mentioned in sub-paragraph (4) above shall notify the Commissioners of the name of any person acting as his agent for receiving or negotiating bets made by way of coupon betting or otherwise conducting coupon betting operations, and the address of any such person (including any address at which he so acts).

Requirement of permit for carrying on pool betting business

5.—(1) No person shall carry on a pool betting business unless he holds a permit authorising him to carry on that business granted by the Commissioners in respect of any premises or totalisator in respect of which he has made entry or given notice in accordance with paragraph 4(2) or (4) of this Schedule.

(2) A permit under this paragraph shall be granted by the Commissioners within fourteen days of the date when application is made therefor, and shall continue in force unless and until revoked under paragraph 12(3) of this Schedule, except that—

- (a) the Commissioners may refuse to grant such a permit to any person or in respect of any premises or totalisator if within the twelve months immediately preceding the application therefor a previous permit under this paragraph granted to that person or in respect of those premises or that totalisator has been revoked under the said paragraph 12(3), and
- (b) the Commissioners may at any time revoke such a permit by notice in writing to the holder if it appears to them that the holder is not carrying on a business for which such a permit is required or is not using the premises or totalisator in respect of which the permit was granted for the purposes of such a business.

Books, records, accounts, etc.

6.—(1) Any person for the time being carrying on a general betting business or a pool betting business shall—

- (a) keep in relation to the business such books, records and accounts in such form as the Commissioners may direct,
- (b) for at least six months or such shorter or longer period as the Commissioners may direct, preserve, on premises specified in sub-paragraph (2) below, any books, records and accounts directed to be kept by him under paragraph (a) above and any other books, records, accounts or documents relating to the business,

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(c) permit any officer authorised in that behalf by the Commissioners to enter on any premises used for the purposes of the business, and, where the business is a general betting business, to remain on the premises at any time while they are being used, or when the officer has reasonable cause to believe that they are likely to be used, for the conduct of betting operations, and

(d) permit any officer so authorised to inspect any totalisator used for the purposes of the business, and to inspect and take copies of any books, records, accounts or other documents in his possession or power or on any premises used for the purposes of the business, being books, records, accounts or documents which relate or appear to relate to the business.

(2) The premises on which a person is to preserve any books, records, accounts or other documents under sub-paragraph (1)(b) above are—

(a) in the case of books, records, accounts and other documents relating to general betting operations, such of the premises used for the purposes of the business as the Commissioners may direct ;

(b) in the case of books, records, accounts and other documents relating to coupon betting operations, premises about which the Commissioners have been notified in accordance with paragraph 4(4) of this Schedule ; and

(c) in any other case, premises of which entry has been made in accordance with paragraph 4(2) of this Schedule.

(3) The power of the Commissioners under sub-paragraph (1)(b) above to give directions as to the period for which a person is to preserve any books, records, accounts or documents relating to the business carried on by him shall be exercisable either in any particular case or in relation to any particular class of such books, records, accounts or documents.

1963 c. 2.

7. Any person for the time being carrying on a general betting business or a pool betting business, and any other person employed in, or having functions in connection with, any such business (including in particular the accountant referred to in Schedule 5 to the Betting, Gaming and Lotteries Act 1963), shall, if required so to do by the Commissioners or any officer authorised in that behalf by the Commissioners,—

(a) produce, at a time and place to be specified by the Commissioners or the officer, any such books, records, accounts or documents relating to the business,

(b) make, at times and to persons to be so specified, such returns relating to the business, and

(c) give such other information relating to the business, as the Commissioners or the officer may require.

8. Paragraphs 6 and 7 of this Schedule shall apply to any agent of a bookmaker, being an agent whose name is required under

paragraph 4(5) of this Schedule to be notified to the Commissioners, as they apply to the bookmaker, except that in relation to any such agent—

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- (a) the place at which he is required to preserve books, records, accounts and other documents shall be an address notified under paragraph 4(5) as an address at which he acts, and
- (b) any reference to the business of the bookmaker shall include any of the agent's activities in connection with the business.

9.—(1) The provisions of this paragraph shall apply to a bookmaker at any time when any person is for the time being, or has at any time during the immediately preceding two months been, authorised by that bookmaker to act as his agent for receiving or negotiating bets or otherwise conducting betting operations, other than such bets or operations as involve liability only to pool betting duty.

(2) The bookmaker shall maintain at any of his premises to which bets received by any such person as aforesaid as the bookmaker's agent are or were transmitted, or, if in the case of any such premises the Commissioners think fit, at such other place as the Commissioners may allow, a record in such form and containing such particulars as the Commissioners may direct in respect of any such person who is for the time being, and any such person who has at any time during the said two months been but is no longer, authorised as aforesaid, being in either case a person by or on whose behalf bets received as aforesaid are or were transmitted to those premises.

(3) A bookmaker shall not be guilty of contravening or failing to comply with the provisions of sub-paragraph (2) above by reason of a failure to make an entry or alteration in the record if that entry or alteration is made before six o'clock in the evening of the day after that on which the happening which necessitated the entry or alteration took place.

Powers to enter premises and obtain information

10.—(1) Where in the case of any track or other premises an officer has reason to believe that bookmaking on events taking place thereon is being or is to be carried on, or that facilities for sponsored pool betting on those events are being or are to be provided, or that a totalisator is being or is to be operated in connection with those events, at a place on those premises or on any ground or premises adjacent thereto, he shall be entitled for the purpose of exercising the powers conferred by this paragraph to be admitted without payment to that place, and he may require—

- (a) any person who appears to him to be or intend carrying on bookmaking, providing such facilities or operating a totalisator there to give such information as he may demand, and to produce to him any accounts, records, or other documents which appear to him to be connected with the business of bookmaking or with the provision of those

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facilities or the operation of that totalisator or which it appears to him will establish the identity of that person; and

- (b) any person who appears to him to have made a bet there with any bookmaker, or through the persons providing any such facilities, or by means of a totalisator, to give such information with respect to the bet as he may demand and to produce to him any document in connection with the bet supplied to that person by the bookmaker, the persons providing those facilities, or the operator of that totalisator, as the case may be,

and any such person as aforesaid shall comply with any such requirement.

(2) Where an officer—

- (a) has reason to believe that any person who is not a bookmaker is holding himself out as mentioned in section 12(1) of this Act at any place, and
- (b) has reason to suspect that person to have become liable by virtue of section 12(1) to pay an amount by way of general betting duty or pool betting duty,

the officer shall have the like powers with respect to that place as if the person so holding himself out were a bookmaker and that place were such a place as is mentioned in sub-paragraph (1) above.

(3) In this paragraph, “bet” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming.

Power of Commissioners to estimate general betting duty payable

11. Where an amount is due on account of general betting duty from any person, but by reason of his failure to keep or to produce or furnish to the proper officer the accounts, records or other documents required under or by virtue of this Schedule, or to take or permit to be taken any other step which he is so required to take or permit to be taken, or by reason of the accounts, records, or other documents kept, produced or furnished being materially incomplete or inaccurate, the Commissioners are unable to ascertain the amount of duty properly due from him, the Commissioners may estimate the amount due; and (without prejudice to the recovery of the full amount due or to the making of a further estimate in that behalf) the amount estimated shall be recoverable as duty properly due unless in any action relating thereto the person liable proves the amount properly due, and that amount is less than the amount estimated.

Disputes as to computation of pool betting duty

12.—(1) If there arises between the Commissioners and a person carrying on a pool betting business any dispute as to the basis on which the pool betting duty payable by that person should be computed in connection with betting in accordance with any particular terms—

- (a) the Commissioners shall by notice in writing to that person specify what in their opinion that basis should be, and

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- (b) in connection with betting in accordance with those terms the amount from time to time computed in accordance with that basis shall be recoverable as the duty properly due.
- (2) If a person notified under sub-paragraph (1) above disputes the correctness of the basis specified by the notice—
- (a) he may at any time within three months of the date of the notice, and subject to his having paid and continuing to pay the full amount which, in accordance with that basis, is due from him by way of duty, apply to the High Court or, in Scotland, to the Court of Session for a declaration as to the basis on which duty should be computed in connection with betting in accordance with the terms in question ; and
- (b) if on any such application the Court makes a declaration specifying a different basis from that specified in the notice, the notice shall be amended accordingly and any amount by which duty is found to have been overpaid shall be repaid by the Commissioners together with interest thereon from the date of the overpayment at such rate as the Court may determine or, as the case may be, any amount by which duty is found to have been underpaid shall be recoverable as duty properly due.
- (3) If, after a notice under sub-paragraph (1) above has been given to any person in respect of betting in accordance with particular terms, any amount determined in accordance with the basis specified in that notice which has become due from that person by way of pool betting duty in respect of such betting is not paid in accordance with paragraph 3 of this Schedule, the Commissioners may by notice in writing to that person revoke his permit under paragraph 5 of this Schedule.

Recovery of duty

13.—(1) If a person, on written demand by the proper officer, refuses or neglects to pay any amount recoverable from him by way of general betting duty or by virtue of section 12(1) of this Act, the amount recoverable may be levied by distress on his goods and chattels, and the proper officer may for that purpose by warrant signed by him authorise any person to distrain accordingly and to sell anything so distrained by public auction after giving six days' notice of the sale.

(2) The proceeds of sale of anything distrained under this paragraph shall be applied in or towards payment of the costs and expenses of the distress and sale and the payment of the amount recoverable, and the surplus, if any, shall be paid to the person on whom the distress was levied.

(3) Where under this paragraph distress is levied for any duty in accordance with an estimate made under paragraph 11 of this Schedule, and it is afterwards proved that the amount properly due was less than the amount estimated, that shall not affect the legality of the distress or anything done under this paragraph in connection

SCH. 1 therewith, but the proceeds of sale shall be applied under sub-paragraph (2) above in accordance with the amount properly due and not in accordance with the amount estimated.

(4) In the application of this paragraph to Scotland, any reference to distress shall be construed as a reference to diligence, any reference to distraining or to the levying of distress shall be construed as a reference to the doing of diligence, and the expression "chattels" means corporeal moveables.

14.—(1) There shall be included among the debts which—

- 1914 c. 59. (a) under section 33 of the Bankruptcy Act 1914 are to be paid in priority to all other debts in the distribution of the property of a bankrupt or deceased debtor, or
- 1913 c. 20. (b) under section 118 of the Bankruptcy (Scotland) Act 1913 are to be paid in priority to all other debts in the division of a bankrupt's estate, or
- 1948 c. 38. (c) under section 319 of the Companies Act 1948 are to be paid in priority to all other debts in the winding up of a company, or under section 94 of that Act are on an appointment of a receiver on behalf of debenture holders or taking of possession by or on behalf of debenture holders to be paid in priority to any claim for principal or interest in respect of the debentures,

any amount which is due by way of general betting duty or by virtue of section 12(1) of this Act from the bankrupt, deceased debtor or company at the relevant date and which became due within twelve months next before that date.

(2) In sub-paragraph (1) above, the expression "the relevant date"—

- (a) in relation to section 33 of the Bankruptcy Act 1914 means the date of the receiving order or of the death, as the case may be ;
- (b) in relation to section 118 of the Bankruptcy (Scotland) Act 1913 means the date mentioned in subsection (4) of that section ;
- (c) in relation to section 319 of the Companies Act 1948 has the meaning assigned to it by that section, and in relation to section 94 of that Act means the date of the appointment of the receiver or taking of possession.

Enforcement

15.—(1) If any person—

- (a) fails to pay any general betting duty or pool betting duty payable by him, or
- (b) contravenes or fails to comply with any of the provisions of, or of any regulations made under, paragraphs 2, 4, 6, 7, 8, 9 or 10 of this Schedule, or

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- (c) obstructs any officer in the exercise of his functions in relation to general betting duty or pool betting duty, or
- (d) in connection with general betting duty or pool betting duty, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular or, with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular, or
- (e) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion by him or any other person of general betting duty or pool betting duty,

he shall be liable to a penalty of £200 or treble the amount of the duty which is unpaid or payment of which is sought to be avoided, as the case may be, whichever is the greater; and where a person is convicted of an offence under paragraph (d) or (e) above, the court may, in lieu of or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

(2) Where a person is convicted under sub-paragraph (1)(b) above in respect of a failure to comply with any of the provisions there referred to and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of a further offence under that sub-paragraph and may, on conviction, be punished accordingly.

16.—(1) If any person carries on any business in contravention of paragraph 5(1) of this Schedule he shall be liable to a penalty of £500, and if any person so carries on any business after receiving notice under paragraph 12(3) of this Schedule of the revocation of a permit previously granted to him he shall be liable to an additional penalty of £25 for each day after the date of that notice on which he has so carried on his business; and where a person is convicted of an offence under this sub-paragraph the court may, in lieu of or in addition to ordering him to pay any such penalty, order him to be imprisoned for a term not exceeding two years.

(2) Where a person is convicted of an offence under sub-paragraph (1) above and the offence continues after the conviction, he shall be guilty of a further offence under that sub-paragraph and may, on conviction, be punished accordingly.

(3) If at any time the holder of a permit under paragraph 5 of this Schedule fails to produce his permit for examination within such period, and at such time and place, as may be reasonably required by an officer, he shall be liable to a penalty of £20.

17. Where an offence under paragraph 15(1) or paragraph 16(1) of this Schedule has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the

SCH. 1 offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

18.—(1) Where, on the conviction of any person of an offence under paragraph 15(1) of this Schedule in connection with general betting duty (not being an offence consisting in contravening or failing to comply with any of the provisions of paragraphs 4, 6, 7, 8 or 9 of this Schedule), the Commissioners—

- (a) certify to the court by or before whom that person is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by that or some other person) in the course of the operation of the same premises as a betting office and while the same person has been the holder of a betting office licence in respect thereof, and
- (b) make application to that court for effect to be given to this sub-paragraph,

that court shall order that the betting office licence in respect of those premises shall be forfeited and cancelled.

(2) A licence shall not be forfeited or cancelled under such an order made by a court in England or Wales—

- (a) until the date of expiration of the period within which notice of appeal against the conviction which gave rise to the order may be given, or
- (b) if notice of appeal against that conviction is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal, or
- (c) if on any such appeal the appeal is allowed.

(3) A licence shall not be forfeited or cancelled under such an order made by a court in Scotland—

- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made, or
- (b) if an appeal against the conviction which gave rise to the order is begun within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned, or
- (c) if on any such appeal the appeal is allowed.

(4) Where a betting office licence held by any person in respect of any premises is forfeited and cancelled in pursuance of an order under sub-paragraph (1) above, the clerk of the court by whom the order was made shall, unless he is also clerk to the appropriate authority within the meaning of Schedule 1 to the Betting, Gaming and Lotteries Act 1963 who last either granted or renewed the licence, send a copy of the order to the clerk to that authority; and, without prejudice to the renewal by that authority of any other betting office licence held by that person, that authority shall, notwithstanding anything in paragraph 20(1) of the said Schedule 1, refuse any application by that person for

the grant of a new betting office licence in respect of those or any other premises made less than twelve months after that forfeiture and cancellation.

SCH. 1

19.—(1) If a justice of the peace or, in Scotland, the sheriff or a magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence in connection with general betting duty is being, has been, or is about to be committed on any premises, he may issue a warrant in writing authorising any officer to enter those premises (if necessary by force) at any time within fourteen days from the time of the issue of the warrant and search them.

(2) An officer who enters premises under the authority of such a warrant may—

- (a) seize and remove any records, accounts or other documents, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such an offence, and
- (b) search any person found on the premises whom he has reasonable cause to believe to be carrying on bookmaking on the premises.

20. Where an officer takes any action in pursuance of instructions of the Commissioners or a Collector of Customs and Excise given in connection with the enforcement of the enactments relating to general betting duty and, apart from the provisions of this paragraph, the officer would in taking that action be committing an offence under the enactments relating to betting or gaming, he shall not be guilty of that offence.

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO GAMING LICENCE DUTY

Section 16

Rateable value

1.—(1) The Commissioners may by regulations provide for the adjustment (by way of repayment or of a further charge of duty) of the duty charged on a gaming licence in any case where—

- (a) there is an alteration of the valuation list affecting the hereditament consisting of or comprising the premises in respect of which the licence is granted, and
- (b) that alteration comes into effect as respects the whole of the period of validity of the licence.

(2) Where a hereditament ceases to be one without a rateable value, regulations under this paragraph may require the appropriate adjustment by way of any further charge of duty notwithstanding that the alteration of the valuation list assigning a rateable value to the hereditament comes into effect as respects part only of the period of the validity of the licence, and the regulations may require the further charge of duty to be paid as if the alteration had come into effect as respects the whole of the period of validity of the licence.

SCH. 2

Gaming tables

2.—(1) For the purpose of determining, under section 14 of this Act, the appropriate licence in respect of any premises, account shall be taken not only of all gaming tables in use when any game to which section 13 of this Act applies is played, but also—

- (a) of all other gaming tables on the premises, whether or not available for use, or prepared for use, and whether for the game played, or for any other game to which section 13 applies, and
- (b) of any other tables or other equipment on the premises which can readily be converted into gaming tables.

(2) For the said purposes “table” includes any surface provided or used for playing any game to which section 13 of this Act applies, or for hazarding any money or token in connection with any such game.

(3) In arriving at the number of tables on any premises, any table exceeding the prescribed size shall count as two tables, or such greater number of tables as may be prescribed.

(4) In this paragraph “prescribed” means prescribed by regulations made by the Commissioners and—

- (a) the regulations prescribing the size of a table may take account not only of its area but also of any other measurements or characteristics,
- (b) the regulations may make different provision in relation to different games, or in any other different circumstances.

Application for and duration of licence

3.—(1) An application for a gaming licence shall be made to the Commissioners not later than fourteen days before the date on which the licence is to be in force.

(2) A gaming licence shall be expressed to take effect on the first day of the period for which it is granted or the first day after the date of the application, whichever is the later.

(3) A gaming licence shall expire at the end of 31st March or, as the case may be, 30th September next after the date on which it is expressed to take effect.

Transfer and amendment of licence

4.—(1) The proper officer may, in such manner as the Commissioners may direct, and without any additional payment, transfer a gaming licence in respect of any premises to a successor in title to the interest in those premises of the person to whom the licence was granted.

(2) Where the holder of a gaming licence in respect of any premises dies, the proper officer may transfer the licence, in such manner as the Commissioners may direct, and without any additional payment, to some other person for the remainder of the period for which the licence was granted.

5.—(1) This paragraph has effect as respects the amendment of a gaming licence converting it into one in respect of which a greater amount of duty is payable.

(2) The holder of the gaming licence may at any time apply to the Commissioners for the licence to be so amended, and the proper officer shall, on payment of the additional duty specified below, amend the licence accordingly.

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(3) The amount of the additional duty shall be the difference between the amount of duty payable on the licence as amended, and the amount payable on the licence before amendment.

(4) Regulations under this Schedule may make provision with respect to the procedure for amending licences under this paragraph, and any such regulations may include provision—

- (a) as to the method of amendment (that is to say, whether it is to be effected by endorsement of the licence, or by the issue of an amended licence, or otherwise), and
- (b) as to the time at which a licence is to have effect as amended.

Surrender of licence

6. If while a gaming licence is in force in respect of any premises, and not less than three months before the date when the licence is due to expire, the holder of the licence surrenders the licence to the proper officer and satisfies the proper officer that those premises will not be used on or after the date of surrender of the licence for the purpose of gaming by way of any game to which section 13 of this Act for the time being applies, he shall be entitled in respect of the period of validity of the licence unexpired at the date of surrender to repayment of one-half of the duty paid on the licence.

Payment of duty by cheque

7. Section 234 of the Customs and Excise Act 1952 (which relates to payment for excise licences by cheque) shall apply to the duty on a gaming licence as if for the reference to a penalty of £50 there were substituted a reference to a penalty of £500. 1952 c. 44.

Regulations

8.—(1) Without prejudice to any other provision of this Schedule, the Commissioners may make regulations providing for any matter for which provision appears to them to be necessary for the administration or enforcement of the duty on gaming licences, or for the protection of the revenue from that duty.

(2) Regulations under this paragraph may in particular include provision—

- (a) for the furnishing to such persons or displaying in such manner of such information or records as the regulations may require by persons engaging or proposing to engage in any activity by reason of which they are or may be or become liable for duty, and by persons providing facilities for another to engage in such an activity or entering into any transaction with another in the course of any such activity of his ;
- (b) for the keeping, preservation and production of accounts, records or other documents by persons engaging in any such activity ;

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- (c) for the inspection of the accounts, records and other documents of persons engaging or suspected of engaging in any such activity, and of premises or equipment used or suspected of being used by such persons for or in connection with any such activity and of any other premises where any such activity is carried on ;
- (d) for requiring the licence to be displayed on the premises, and the production of the licence for inspection by the proper officer ;
- (e) for requiring gaming tables to be labelled or marked in the prescribed manner.

(3) Regulations under this Schedule shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the House of Commons.

Inspection of premises

1968 c. 65.

9.—(1) Any officer may (without payment) enter any premises in respect of which a licence under the Gaming Act 1968 is for the time being in force and inspect those premises and require any person who is concerned in the management of the premises, or who is on the premises and appears to the officer to have any responsibility whatsoever in respect of their management or of the control of the admission of persons thereto—

- (a) to produce or secure the production of any gaming licence for the time being in force in respect of the premises, or
- (b) to provide information with respect to any gaming which is being, or has been, carried on on the premises, and as to any gaming tables or other equipment on the premises which is or can be used for gaming.

(2) If the premises in respect of which the licence under the Gaming Act 1968 is for the time being in force form, for rating purposes, part only of a hereditament, the powers conferred by this paragraph shall be exercisable as respects each part of the hereditament.

Recovery of Duty

10.—(1) If a person, on written demand by the proper officer, refuses or neglects to pay any amount recoverable from him by virtue of paragraph 1 or 12(2)(b) of this Schedule, the amount recoverable may be levied by distress on his goods and chattels, and the proper officer may for that purpose by warrant signed by him authorise any person to distrain accordingly and to sell anything so distrained by public auction after giving six days' notice of the sale.

(2) Where an amount recoverable as mentioned in sub-paragraph (1) above is determined by reference to the duty on a gaming licence in respect of premises on which gaming is carried on as an activity of a club, the goods and chattels on which distress may be levied under that sub-paragraph shall include any goods and chattels used for the purposes of the club and found on those premises ; but distress shall not be levied on any goods or chattels by virtue

of this sub-paragraph unless a copy of the demand for the amount recoverable has been served on the secretary of the club (or person performing the functions of secretary) by leaving it or sending it by post addressed to him at an address to which communications about the affairs of the club are ordinarily sent.

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(3) The proceeds of sale of anything distrained under this paragraph shall be applied in or towards payment of the costs and expenses of the distress and sale and the payment of the amount recoverable, and the surplus, if any, shall be paid, where distress was levied on any goods or chattels by virtue of sub-paragraph (2) above to the secretary (or person performing the functions of secretary) of the club, and in any other case to the person on whom the distress was levied.

(4) In the application of this paragraph to Scotland any reference to distress shall be construed as a reference to diligence, any reference to distraining or to the levying of distress shall be construed as a reference to the doing of diligence, and the expression "chattels" means corporeal movables.

11. Paragraph 14 of Schedule 1 to this Act (priority of debts in bankruptcy etc.) shall have effect in relation to any amount which is due by virtue of paragraph 1 or 12(2)(b) of this Schedule as it has effect in relation to any amount which is due by way of general betting duty.

Enforcement

12.—(1) There is a contravention of subsection (3) of section 13 of this Act if on any occasion gaming takes place on any premises by way of any game to which that section for the time being applies unless—

- (a) no licence is for the time being in force as respects those premises under the Gaming Act 1968, or 1968 c. 65.
- (b) a provider of those premises is the holder of a gaming licence which is for the time being in force, and which is the appropriate licence having regard to—
 - (i) the rateable value of the hereditament consisting of or comprising the premises, and
 - (ii) the number of gaming tables.

(2) If there is a contravention of section 13(3) of this Act—

- (a) any provider of the premises and any person concerned in the organisation or management of the gaming shall each be liable—
 - (i) on summary conviction to a penalty of treble the amount of the duty on the appropriate gaming licence, or to imprisonment for a term not exceeding twelve months, or to both,
 - (ii) on conviction on indictment, to the like penalty, or to imprisonment for a term not exceeding two years, or to both, and

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(b) in addition and without prejudice to any liability under paragraph (a) above, unless and until the appropriate gaming licence in respect of those premises is taken out during the period of six months (beginning with 1st October or 1st April) in which the offence was committed, an amount equal to the duty on the appropriate gaming licence, together with interest thereon from the date of the offence, shall become due and recoverable as a debt due to the Crown jointly and severally from all or any of the persons liable under paragraph (a) above.

(3) Any gaming tables or other things which are being used, or are available or prepared for use, in connection with gaming in respect of which an offence is committed under this paragraph shall be liable to forfeiture.

(4) In this paragraph "provider", in relation to any premises used for gaming, means any person having a right to control the admission of persons to those premises, whether or not he also has a right to control the admission of persons to the gaming.

13.—(1) If any person—

- (a) contravenes or fails to comply with any of the provisions of regulations made under this Schedule, or
- (b) obstructs any officer in the exercise of his functions in relation to the duty on gaming licences, or
- (c) in connection with the duty on gaming licences, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or, with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular, or
- (d) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of gaming licence duty,

he shall be liable to a penalty of £500 or treble the amount of the duty which is unpaid or payment of which is sought to be avoided, as the case may be, whichever is the greater; and where a person is convicted of an offence under paragraph (c) or (d) above, the court may, in lieu of or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

(2) Where a person is convicted under sub-paragraph (1) above in respect of a failure to comply with the provisions of regulations made under this Schedule and the failure continues after his conviction then, unless he has reasonable excuse for the continuance of the failure, he shall be guilty of a further offence under this paragraph and may, on conviction, be punished accordingly.

14. Where an offence under paragraph 12 or paragraph 13 of this Schedule has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or

was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves—

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(a) in the case of an offence under paragraph 12, that he did not consent to, or connive at, the relevant contravention mentioned in paragraph 12(1), or

(b) in the case of an offence under paragraph 13, that the offence was committed without his consent or connivance,

and that he exercised all such diligence to prevent the contravention or, as the case may be, the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

15.—(1) If a justice of the peace or, in Scotland, the sheriff or a magistrate is satisfied on information on oath that there is reasonable ground for suspecting that a contravention of section 13(3) of this Act is being, has been, or is about to be committed on any premises, he may issue a warrant in writing authorising any officer to enter those premises (if necessary by force) at any time within fourteen days from the time of the issue of the warrant and search them.

(2) An officer who enters premises under the authority of such a warrant may—

(a) seize and remove any records, accounts or other documents, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such a contravention, and

(b) search any person found on the premises whom he has reasonable cause to believe to be concerned in the organisation or management of gaming on the premises.

16. Where an officer takes any action in pursuance of instructions of the Commissioners or a Collector of Customs and Excise given in connection with the enforcement of the enactments relating to the duty on gaming licences and, apart from the provisions of this paragraph, the officer would in taking that action be committing an offence under the enactments relating to betting or gaming, he shall not be guilty of that offence.

Modification of agreements

17.—(1) Where before 1st October 1970 a person who is granted a gaming licence in respect of any premises entered into an agreement with any other person whereby that other person is entitled to use those premises after that date for the purpose of gaming, and the consideration for that other person under that agreement does not take account of the additional duty payable under the Finance Act 1970 or this Act, as compared with section 13 of the Finance Act 1966, the first-mentioned person shall be entitled to recover from that other person such amount, if any, not exceeding that additional amount of duty, in such manner as may be agreed between them (or, in default of such agreement, as may be determined by the appropriate court) to be fair in all the circumstances, having regard in particular to the extent, if any, to which while the licence is in

1970 c. 24.
1966 c. 18.

SCH. 2 force the premises will be or are likely to be used otherwise than by that person for the purpose of gaming.

(2) In this paragraph "the appropriate court" means—

- (a) where the premises in question are in England or Wales and the amount of the duty on the licence in question exceeds £5,000, the High Court,
- (b) in any other case, the county court or, if the premises in question are situated in Scotland, the sheriff.

Temporary provisions as to rateable values in Scotland

18.—(1) For the purpose of determining the amount of the duty chargeable on a gaming licence in respect of premises in Scotland for a period beginning after 30th September 1971 but before 1st April 1973 the rateable value of any lands and heritages shall be ascertained in accordance with the following provisions of this paragraph in any case where a rateable value is shown for them in the valuation roll for the time being in force and either a lower value or no value was shown for them in the valuation roll for the year 1970–71.

(2) Where the rateable value of any lands and heritages falls to be ascertained in accordance with this paragraph, then,—

- (a) if a rateable value was shown for them in the valuation roll for the year 1970–71, their rateable value shall be taken to be the value so shown, but subject to paragraph (b) below;
- (b) if, since the valuation roll for the year 1970–71 was made up, there has been a material change of circumstances affecting the value of the lands and heritages, their rateable value shall be taken to be the value determined under this paragraph as the rateable value that would have been shown for them in that valuation roll if the change had been given effect to in making up that roll;
- (c) if no value was shown for the lands and heritages in the valuation roll for the year 1970–71, their rateable value shall be taken to be the value determined under this paragraph as the value that would have been so shown if, at the time of the valuation for the purposes of that roll, the premises in respect of which the licence is to be granted had been in existence and all relevant circumstances had been the same as at the time the value of the lands and heritages is determined under this paragraph.

(3) Any determination under this paragraph shall be made by the Commissioners after consultation with the assessor appointed under the Valuation and Rating (Scotland) Act 1956 for the valuation area concerned; but the person to whom the licence is to be or has been granted may, by notice in writing given to the Commissioners not later than four weeks after the date on which the determination is notified to him, require the determination to be referred to the arbitration of a referee appointed by the Lord President of the Court of Session, whose decision shall be final and conclusive.

(4) A person appointed under sub-paragraph (3) above shall not be an officer of any Government department. SCH. 2

(5) If the amount of duty chargeable is reduced in consequence of a decision of a referee appointed under this paragraph, any amount overpaid shall be repaid.

(6) In this paragraph "the year 1970-71" shall be construed in accordance with section 26 of the Local Government (Financial Provisions) (Scotland) Act 1963 and "material change of circumstances" has the meaning assigned to it by section 9(7) of the Valuation and Rating (Scotland) Act 1956. 1963 c. 12.
1956 c. 60.

SCHEDULE 3

Sections 17, 20.

PROVISIONS RELATING TO BINGO DUTY

PART I

EXEMPTIONS FROM DUTY

Domestic bingo

1. Bingo duty shall not be charged in respect of bingo played both in a private dwelling and on a domestic occasion.

Club bingo

2. Bingo duty shall not be charged in respect of bingo played as an activity of a club in compliance with the following conditions:—

- (a) the subscription for membership of the club does not exceed £2 a year; and
- (b) not more than one payment by way of a charge for admission to any premises being or including the place at which bingo is played is payable by a person in order to enable him to play bingo, and that payment does not exceed 5p; and
- (c) no other payment is required to be or has been made, and no obligation to make any other payment is required to be incurred, in order to enable a person to play bingo.

Charitable and other similar entertainments

3.—(1) Bingo duty shall not be charged in respect of bingo provided by way of an amusement at an entertainment (whether limited to one day or extending over two or more days) being a bazaar, sale of work, fête, dinner, dance, sporting or athletic event or other entertainment of a similar character, in compliance with the following conditions:—

- (a) the whole proceeds of the entertainment (including the proceeds of bingo) after deducting the expenses of it (including any expenses incurred in connection with bingo and the provision of prizes) will be devoted to purposes other than private gain; and
- (b) the opportunity to play bingo is not the only, or the only substantial, inducement to persons to attend the entertainment.

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(2) In construing sub-paragraph (1) above, proceeds of an entertainment promoted on behalf of a society to which this sub-paragraph extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(3) Sub-paragraph (2) above extends to any society which is established and conducted either—

(a) wholly for purposes other than purposes of any commercial undertaking, or

(b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games ;

and in this paragraph "society" includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

4.—(1) Bingo duty shall not be charged in respect of bingo played at an entertainment promoted otherwise than for purposes of private gain, in compliance with the following conditions:—

(a) not more than one payment (whether by way of entrance-fee, payment for cards or otherwise) is made by each player of bingo at the entertainment, and no such payment exceeds 50p ;

(b) the total value of all prizes won at bingo played at the entertainment does not exceed £50 ;

(c) the whole of the proceeds of such payments as are mentioned in paragraph (a) above, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes at bingo, is applied for purposes other than private gain ;

(d) the sum appropriated out of the said proceeds in respect of expenses does not exceed the reasonable cost of the facilities provided for playing bingo.

(2) For the purposes of this paragraph, two or more entertainments promoted on the same premises by the same person on the same day shall be treated as one single entertainment ; but where a series of entertainments is held otherwise than as aforesaid—

(a) paragraphs (a) to (d) of sub-paragraph (1) above shall have effect separately in relation to each entertainment in the series, whether some or all of the persons taking part in any one of those entertainments are thereby qualified to take part in any other of them or not, and

(b) if each of the persons taking part in the bingo played at the final entertainment of the series is qualified to do so by reason of having taken part in the bingo played at another entertainment of the series held on a previous day, paragraph (b) of that sub-paragraph shall have effect in relation to that final entertainment as if for the words "£50" there were substituted the words "£100".

(3) The Commissioners may by order made by statutory instrument provide that, in relation to entertainments held on or after the date

on which the order comes into operation, this paragraph shall have effect as if, for such one or more of the following sums as may be specified in the order, that is to say—

SCH. 3

- (a) the sum of 50p referred to in sub-paragraph (1)(a) above,
- (b) the sum of £50 referred to in sub-paragraph (1)(b) and sub-paragraph (2)(b), and
- (c) the sum of £100 referred to in sub-paragraph (2)(b),

there were substituted such larger sum as is specified in the order.

Any statutory instrument containing an order under this sub-paragraph shall be subject to annulment in pursuance of a resolution of the House of Commons.

(4) Sub-paragraphs (2) and (3) of paragraph 3 of this Schedule shall apply for the construction of sub-paragraph (1) above as they apply for the construction of paragraph 3(1).

Small-scale amusements provided commercially

5.—(1) Bingo duty shall not be charged in respect of bingo played in compliance with the conditions of this paragraph—

- (a) on any premises in respect of which a permit under section 49 of the Betting, Gaming and Lotteries Act 1963 (pro- 1963 c. 2. vision of amusements with prizes) has been granted in accordance with Schedule 6 to that Act and is for the time being in force ;
- (b) on any premises in respect of which there is for the time being in force both a gaming machine licence under section 21 of this Act and a permit granted under section 34 of the Gaming Act 1968, not being premises in respect of 1968 c. 65. which a club or a miners' welfare institute within the meaning of the Gaming Act 1968 is for the time being registered under Part III of that Act ; or
- (c) at any pleasure fair consisting wholly or mainly of amusements provided by travelling showmen, which is held on any day of a year on premises not previously used in that year for more than twenty-seven days for the holding of such a pleasure fair.

(2) The conditions of this paragraph are that—

- (a) the amount payable by any person for a card for any one game of bingo does not exceed 5p ;
- (b) the total amount taken as payment by players for their cards for any one game does not exceed £2.50 ;
- (c) no money prize exceeding 5p is distributed or offered ;
- (d) the winning of, or the purchase of a chance to win, a prize does not entitle any person (whether subject to a further payment by him or not) to any further opportunity to win money or money's worth by taking part in any gaming or in any lottery ; and
- (e) in the case of such a pleasure fair as is described above, the opportunity to play bingo is not the only, or the only substantial, inducement to persons to attend the fair.

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Machine bingo

6. Bingo duty shall not be charged in respect of bingo played by means of a gaming machine the provision of which on premises requires the authority of an excise licence under section 21 of this Act.

PART II

SUPPLEMENTARY PROVISIONS

Definitions

7. In this Part of this Schedule—

“bingo-promoter” means a person who promotes the playing of bingo chargeable with bingo duty ;

“prescribed” means prescribed by regulations ;

“regulations” means regulations of the Commissioners under this Part of this Schedule.

General administration

8.—(1) Bingo duty shall be under the care and management of the Commissioners and shall be accounted for by such persons, and accounted for and paid at such times and in such manner, as may be required by or under regulations.

(2) Without prejudice to any other provision of this Schedule, regulations may provide for any matter for which provision appears to the Commissioners to be necessary for the administration or enforcement of bingo duty, or for the protection of the revenue in respect of that duty.

(3) Regulations shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the House of Commons.

Notification to Commissioners by, and registration of, bingo-promoters

9.—(1) Any person who intends to promote the playing of bingo which will, or may, be chargeable with bingo duty shall, not less than fourteen days before the first day on which bingo is to be played, notify the Commissioners of his intention, specifying the premises on which the bingo is to be played, and applying to be registered as a bingo-promoter.

(2) Where a person notifies his intention as aforesaid, he shall be entitled to be registered by the Commissioners, except that the Commissioners may, where it appears to them to be requisite for the security of the revenue to do so, impose as a condition of a person's registration, or may subsequently impose as a condition of the continuance in force of his registration, a requirement that he shall give such security (or further security) by way of deposit or otherwise for any bingo duty which he is, or may become, liable to pay as the Commissioners may from time to time require.

(3) Where, in the case of a person who is for the time being registered as a bingo-promoter, the Commissioners exercise their power under sub-paragraph (2) above to impose, as a condition

of the continuance in force of his registration, a requirement that he shall give security or further security, and he does not give it, the Commissioners may cancel his registration (without prejudice, however, to his right to apply again to be registered).

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Announcement of prizes

10. A bingo-promoter shall ensure that, before the beginning of any game of bingo promoted by him, the value of any prize to be won in the game is made known to the players in accordance with such requirements as may be prescribed for the purposes of this paragraph.

Books, records, accounts, etc.

11.—(1) A bingo-promoter shall keep such books, records and accounts as may be prescribed, or as the Commissioners may direct either generally or in a particular case.

(2) Any such books, records and accounts—

(a) shall be preserved for at least two years or such shorter period as the Commissioners may in any particular case direct, and

(b) shall be kept in such form as the Commissioners may direct either generally or in a particular case ;

and different directions under this sub-paragraph may be given by the Commissioners in relation to different cases or to different classes of books, records or accounts.

(3) A bingo-promoter shall, if so required by the Commissioners or an officer—

(a) produce, at a time and place specified in the requirement, such books, records, accounts or documents relating to the playing of bingo promoted by him as may be so specified, and

(b) give such other information relating thereto as may be so specified.

(4) Without prejudice to the foregoing provisions of this paragraph, regulations may include provision requiring bingo-promoters to keep and, if required by the Commissioners or an officer, to produce for inspection records showing the value of prizes won at bingo.

Powers to enter premises and obtain information

12.—(1) Any officer may, without paying, enter on any premises where bingo is played or on which he has reasonable cause to suspect that bingo has been or is about to be played, and inspect the premises and anything whatsoever which he finds there ; and he may further—

(a) require any person concerned with the management of the premises to provide him with information with respect to activities carried on there ;

(b) require any person on the premises who appears to him to be, or to have been, playing any game to provide him with information with respect to the game and, in

SCH. 3 particular, to produce to him any document or thing in his possession which is or was used in connection with the playing of the game.

(2) An officer who enters any premises in the exercise of powers conferred by this paragraph shall be permitted to remain there at any time when the premises are being used for gaming, or when he has reasonable cause to suspect that they are about to be so used.

Power of Commissioners to estimate duty payable

13. Where an amount is due on account of bingo duty from any person, but by reason of his failure to keep, or to produce or furnish to the proper officer, any books, records, accounts or other documents which he is required or directed under this Schedule to keep, produce or furnish, or of his failure to take or permit to be taken any other step which he is so required to take or permit to be taken, or by reason of such books, records or accounts being materially incomplete or inaccurate, the Commissioners are unable to ascertain the amount of duty properly due from him, the Commissioners may estimate the amount due; and (without prejudice to the recovery of the full amount due or to the making of a further estimate in that behalf) the amount estimated shall be recoverable as duty properly due, unless in any action relating thereto the person liable proves the amount properly due and that amount is less than the amount estimated.

Disputes as to computation of duty

14.—(1) Without prejudice to paragraph 13 of this Schedule, if any dispute arises between the Commissioners and a bingo-promoter as to the amount taken by him or on his behalf, on a particular occasion, as payment by players for cards, or as to the value of any prize, then—

- (a) the Commissioners shall by notice in writing to the bingo-promoter specify what in their opinion the amount or value is; and
- (b) the amount of duty chargeable to, and recoverable from, the promoter shall be computed in accordance with that opinion.

(2) If the promoter disputes the Commissioners' opinion as to the said amount or value, he may at any time within three months of the date of the notice, and subject to his having paid the full amount of duty which in accordance with that opinion (as stated in the notice) is due from him, apply to the High Court or, in Scotland, the Court of Session for a declaration as to what the said amount or value is.

(3) If on an application under sub-paragraph (2) above the court makes a declaration specifying a different amount or value from that specified in the Commissioners' notice, then—

- (a) the notice shall be amended accordingly;
- (b) any amount by which duty is found to have been overpaid shall be repaid by the Commissioners together with interest thereon from the date of overpayment at such rate as the court may determine;

- (c) any amount by which duty is found to have been underpaid shall be recoverable as duty properly due.

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Recovery of duty

15.—(1) If a person, on written demand by the proper officer, refuses or neglects to pay any amount recoverable from him by way of bingo duty, the amount recoverable may be levied by distress on his goods and chattels; and the proper officer may for that purpose by warrant signed by him authorise any person to distrain accordingly and to sell anything so distrained by public auction after giving six days' notice of the sale.

(2) Where an amount recoverable by virtue of this paragraph is determined (wholly or in part) by reference to the duty on the playing of bingo on any premises, the goods and chattels on which distress may be levied shall include any goods and chattels used for the purposes of the bingo and found on those premises; but distress shall not be levied on such goods or chattels unless a copy of the demand for the amount recoverable has been served on the bingo-promoter, or the person having the management of those premises, by sending it by post addressed to him at the premises or at an address at which he carries on any business.

(3) The proceeds of sale of anything distrained under this paragraph shall be applied in or towards payment of the costs and expenses of the distress and sale and the payment of the amount recoverable, and the surplus (if any) shall be paid to the person on whom the distress was levied.

(4) Where under this paragraph distress is levied for duty payable in accordance with an estimate by the Commissioners under paragraph 13 of this Schedule and it is afterwards proved that the amount properly due was less than the amount estimated, this shall not affect the legality of the distress or anything done under this paragraph in connection therewith; but the proceeds of sale shall be applied under sub-paragraph (3) above in accordance with the amount properly due and not in accordance with the amount estimated.

(5) In the application of this paragraph to Scotland, any reference to distress shall be construed as a reference to diligence, any reference to distraining or to the levying of distress shall be construed as a reference to the doing of diligence, and the expression "chattels" means corporeal movables.

16. Paragraph 14 of Schedule 1 to this Act (priority of debts in bankruptcy etc.) shall have effect in relation to bingo duty as it has effect in relation to general betting duty.

Enforcement

17.—(1) If any person is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion (by him or any other person) of bingo duty, he shall be liable to a penalty of £500 or treble the amount of the duty payment of which is sought to be evaded, whichever is the greater.

(2) If any person—

- (a) is knowingly concerned with the promotion of bingo (being bingo which is or may be chargeable with bingo duty),

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where the promoter is not registered by the Commissioners in accordance with paragraph 9 of this Schedule, or

- (b) is knowingly concerned with the combination of any game of bingo with other bingo contrary to section 19(2) of this Act ;

he shall be liable to a penalty of £500.

(3) Where a person is convicted of an offence under sub-paragraph (1) or (2) above the court may, in lieu of or in addition to ordering him to pay the said penalty, order him to be imprisoned for a term not exceeding two years.

(4) If any person contravenes or fails to comply with any provision of this Part of this Schedule or of regulations, or fails to comply with any requirement made of him by or under any such provision, he shall be liable to a penalty of £500.

18. Where a person is convicted of an offence under paragraph 17(4) of this Schedule, consisting in a failure to comply with any provision of this Part of this Schedule or of regulations, and the failure continues after the conviction, he shall be guilty of a further offence under paragraph 17(4) and may on conviction be punished accordingly.

19. Where an offence under paragraph 17 of this Schedule has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

20.—(1) If a justice of the peace or, in Scotland, the sheriff or a magistrate is satisfied on information on oath that there is reasonable ground for suspecting that an offence under paragraph 17 of this Schedule is being, has been, or is about to be committed on any premises, he may issue a warrant in writing authorising any officer to enter those premises (if necessary by force) at any time within fourteen days from the time of the issue of the warrant and search them.

(2) An officer who enters premises under the authority of such a warrant may—

- (a) seize and remove any books, records, accounts, documents, money or valuable thing, and any instrument, device, apparatus or other thing whatsoever found on the premises, which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such an offence, and
- (b) search any person found on the premises whom he has reasonable cause to believe to be concerned with the promotion of bingo or, as the case may be, with the management of any premises used for the purpose of playing bingo.

21. Where an officer takes any action in pursuance of instructions of the Commissioners or a Collector of Customs and Excise given in connection with the enactments relating to bingo duty and, apart from this paragraph, would in taking that action be committing an offence under the enactments relating to gaming, he shall not be guilty of that offence.

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SCHEDULE 4

Sections 25, 27.

PROVISIONS RELATING TO GAMING MACHINE LICENCE DUTY

PART I

EXEMPTIONS FROM REQUIREMENT OF EXCISE LICENCE

Charitable entertainments, etc.

1.—(1) A gaming machine licence shall not be required in order to authorise the provision of a gaming machine at an entertainment (whether limited to one day or extending over two or more days), being a bazaar, sale of work, fête, dinner, dance, sporting or athletic event or other entertainment of a similar character, where the conditions of this paragraph are complied with in relation to the entertainment.

(2) The conditions of this paragraph are that—

- (a) the whole proceeds of the entertainment (including the proceeds of gaming by means of any machine) after deducting the expenses of the entertainment, including any expenses incurred in connection with the provision of gaming machines and of prizes to successful players thereof, will be devoted to purposes other than private gain ; and
- (b) the opportunity to win prizes by playing the machine (or that machine and any other provided for gaming at the entertainment) does not constitute the only, or the only substantial, inducement for persons to attend the entertainment.

(3) Sub-paragraphs (2) and (3) of paragraph 3 of Schedule 3 to this Act (construction of reference to “private gain”) shall apply for the construction of sub-paragraph (2)(a) above as they apply for the construction of sub-paragraph (1) of that paragraph.

Pleasure fairs

2.—(1) A gaming machine licence shall not be required in order to authorise the provision of a gaming machine at a pleasure fair, consisting wholly or mainly of amusements provided by travelling showmen, which is held on any day of a year on premises not previously used in that year for more than twenty-seven days for the holding of such a pleasure fair, where the conditions of this paragraph are complied with in relation to the machine.

(2) The conditions of this paragraph are that—

- (a) the amount payable to play the machine once does not exceed 5p ;

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(b) a person playing the machine once and successfully does not receive any thing other than one of the following prizes or combinations of prizes:—

(i) a money prize not exceeding 10p or a token which is, or two or more tokens which in the aggregate are, exchangeable only for such a money prize;

(ii) a non-monetary prize or prizes of a value or aggregate value not exceeding 25p or a token exchangeable only for such a non-monetary prize or such non-monetary prizes;

(iii) a money prize not exceeding 10p together with a non-monetary prize of a value which does not exceed 25p less the amount of the money prize;

(iv) one or more tokens which can be exchanged for a non-monetary prize or non-monetary prizes at the appropriate rate; and

(c) the opportunity to play the machine (or that machine and any other provided for gaming at the fair) does not constitute the only, or the only substantial, inducement for persons to attend the fair.

(3) In sub-paragraph (2)(b) above, "non-monetary prize", in relation to a machine, means a prize which does not consist of or include any money and does not consist of or include any token which can be exchanged for money or money's worth or be used for playing the machine; and, for the purposes of sub-paragraph (2)(b)(iv), a token or tokens shall be taken to be exchanged for a non-monetary prize or prizes at the appropriate rate if either—

(a) the value or aggregate value of the prize or prizes does not exceed 25p and the token or tokens exchanged represent the maximum number of tokens which can be won by playing the machine once, or

(b) in any other case, the value or aggregate value of the prize or prizes does not exceed 25p and bears to 25p a proportion not exceeding that which the number of tokens exchanged bears to the maximum number of tokens which can be won by playing the machine once.

(4) The condition specified in sub-paragraph (2)(b) above shall not, in relation to a machine, be taken to be contravened by reason only that a successful player of the machine receives an opportunity to play again (once or more often) without paying, so long as the most which he can receive if he wins each time he plays again is a money prize or money prizes of an amount, or aggregate amount, of 10p or less.

PART II

SUPPLEMENTARY PROVISIONS

General administration

3.—(1) The duty on gaming machine licences shall be under the care and management of the Commissioners, who may (without prejudice to any other provision of this Schedule) make regulations providing for any matter for which provision appears to them to

be necessary for the administration or enforcement of the duty, or for the protection of the revenue in respect thereof; and in this Schedule—

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(a) “regulations” means regulations of the Commissioners made thereunder; and

(b) “prescribed” means prescribed by regulations.

(2) Regulations shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the House of Commons.

Application for and duration of licence

4.—(1) An application for an ordinary licence in respect of any premises shall, in the case of a new licence, be made to the Commissioners not later than fourteen days before the date on which the licence is to be in force; and, in the case of an ordinary licence in continuation of one of which the applicant is the holder, be made not later than fourteen days before the date on which the licence held by him is due to expire.

(2) An application for a holiday season licence in respect of any premises shall be made not less than fourteen days before the date on which the licence is to be first in force.

5.—(1) A licence shall be expressed to take effect on the first day of the period for which it is granted or, if it is granted after the beginning of a licence-period so as to have effect for the remainder of that period, on the day following the date of the grant.

(2) An ordinary whole-year licence shall expire at the end of 30th September next after the date on which it is expressed to take effect; and an ordinary half-year licence shall expire at the end of 31st March or, as the case may be, 30th September next after that date.

(3) A holiday season licence shall expire at the end of 31st October next after the date on which it is expressed to take effect.

(4) If a holiday season licence is granted in respect of any premises, any ordinary licence in respect of those premises shall (if not surrendered under paragraph 9 of this Schedule) become void as from the day on which the holiday season licence is first in force.

(5) If an ordinary licence (whole-year or half-year) is granted in respect of any premises, any holiday season licence in respect of those premises shall become void as from the day on which the ordinary licence is first in force.

Transfer and amendment of licence

6.—(1) The proper officer may, in such manner as the Commissioners may direct, and without any additional payment, transfer a gaming machine licence in respect of any premises to a successor in title to the interest in those premises of the person to whom the licence was granted.

(2) Where the holder of a gaming machine licence in respect of any premises dies, the proper officer may transfer the licence, in such manner as the Commissioners may direct and without any

SCH. 4 additional payment, to some other person for the remainder of the period for which the licence was granted.

7. The proper officer may, in such manner as the Commissioners may direct, and without any additional payment, amend a gaming machine licence by substituting different premises for those in respect of which it is for the time being in force, but—

- (a) this paragraph shall not be taken as authorising any amendment affecting the number or descriptions of gaming machines authorised by the licence, and
- (b) in the case of an ordinary licence, the proper officer must be satisfied that there is no other licence in force as respects the new premises, except where the transfer is of a licence relating only to machines chargeable at the lower rate, or the higher rate, and the licence already in force relates only to machines chargeable at the other rate.

8.—(1) Where there is a gaming machine licence for the time being in force in respect of any premises, the holder may at any time apply to the Commissioners for the licence to be amended under this paragraph, and the proper officer shall, on payment of the additional duty (if any), amend the licence accordingly.

(2) An ordinary licence may be amended under this paragraph—

- (a) so as to increase the number of machines which are authorised by the licence for the premises in question (whether chargeable at one or other, or at each, of the two rates respectively); or
- (b) so as to increase the number of machines chargeable at one rate and reduce the number chargeable at the other rate; or
- (c) in the case of a licence which authorises only machines chargeable at one rate, so as to authorise a specified number of machines chargeable at the other rate.

(3) A holiday season licence may be amended under this paragraph so as to increase the number of penny machines which are authorised by the licence for the premises in question.

(4) The additional duty referred to in sub-paragraph (1) above shall be payable only where—

- (a) the amount of the duty originally paid on the licence, or
- (b) in the case of a licence previously amended under this paragraph, that amount plus any additional duty paid in respect of that amendment,

is exceeded by the amount of duty which would have been payable on the original licence if it had been granted as proposed to be amended; and the amount of the additional duty shall then be the difference between those two amounts, except that where an ordinary whole-year licence falls to be amended in pursuance of an application made after 31st March immediately preceding 30th September on which it is due to expire, the additional duty shall be eleven-twentieths of that difference.

(5) Regulations may make provision with respect to the procedure for amending licences under this paragraph, and any such regulations may include provision—

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- (a) as to the method of amendment (that is to say, whether it is to be effected by endorsement of the licence, or by the issue of an amended licence, or otherwise howsoever), and
- (b) as to the time at which a licence is to have effect as amended.

Surrender of licence

9.—(1) The following provisions shall have effect where an ordinary whole-year licence is in force in respect of any premises and, not later than 31st March immediately preceding 30th September on which the licence is due to expire, the holder of the licence surrenders it to the proper officer.

(2) Subject to sub-paragraph (3) below, the holder, if he satisfies the proper officer either—

- (a) that, during the period between the date of the surrender and that on which the licence would otherwise expire, he will not be concerned with the provision of any gaming machines for gaming on the premises to which the licence relates, or
- (b) that as from the date of the surrender there will be in force in respect of those premises a holiday season licence,

shall be entitled to repayment of an amount equal to nine-twentieths of the duty paid on the licence.

(3) Sub-paragraph (2) above shall not apply if any person has been convicted of an offence under paragraph 15 of this Schedule in respect of a contravention on the premises of section 25 of this Act, being a contravention which occurred between the grant of the licence and the date of surrender; and where at the date of surrender proceedings for such an offence are pending against any person, the right to repayment under this paragraph shall not arise until the proceedings are terminated, nor unless every person charged in those proceedings with such an offence has been acquitted thereof.

Payment of duty by cheque

10. Section 234 of the Customs and Excise Act 1952 (which relates to payment of duty on excise licences by cheque) shall apply to the duty on a gaming machine licence, but as if for the reference to a penalty of £50 there were substituted a reference to a penalty of £500. 1952 c. 44.

Requirements to be observed by licence-holder

11. The holder of a gaming machine licence in respect of any premises shall secure that the licence is displayed on the premises at such times and in such manner as may be prescribed, and shall on demand by an officer at any time produce the licence for the officer's inspection.

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12. Regulations may make provision with respect to the labelling or marking of gaming machines provided on any premises in respect of which a gaming machine licence is for the time being in force, with a view to enabling such machines to be identified as chargeable at the lower rate or at the higher rate or, as the case may be, as penny machines; and any such regulations may include provision as to the size and description of labels or marks to be applied to machines, as to the cases in which they are required to be, or are prohibited from being, applied, and as to the manner of their application.

Power to enter premises and obtain information

13. Any officer may (without payment) enter on any premises on which he knows or has reasonable cause to suspect that gaming machines are or have been provided for gaming and inspect those premises and require any person who is concerned in the management of the premises, or who is on the premises and appears to the officer to have any responsibility whatsoever in respect of their management or of the control of the admission of persons thereto—

- (a) to produce or secure the production of any gaming machine licence for the time being in force in respect of the premises, or
- (b) to provide information with respect to any use to which the premises are or have been put, or to any machine which is or has been on the premises and any game which may have been played by means of such a machine or to the way in which the machine works, or to the amount which is or has been payable to play it.

Registers of permits, etc.

14.—(1) The clerk to the appropriate authority shall keep a register in the prescribed form and containing the prescribed particulars of—

- 1963 c. 2. (a) all permits issued by the authority for the purposes of section 49 of the Betting, Gaming and Lotteries Act 1963 (permitted gaming in the form of amusements with prizes),
- 1968 c. 65. (b) all permits so issued for the purposes of section 34 of the Gaming Act 1968 (conditions under which gaming may be carried on by means of machines), and
- (c) all directions given by the authority under section 32 of the Gaming Act 1968 (approval for provision of more than two gaming machines);

and any such register shall be open during reasonable hours for inspection by any officer.

(2) In sub-paragraph (1) above, “the appropriate authority”—

- (a) in relation to permits issued for the purposes of section 49 of the Betting, Gaming and Lotteries Act 1963, means the local authority within the meaning of Schedule 6 to that Act,
- (b) in relation to permits issued for the purposes of section 34 of the Gaming Act 1968, has the same meaning as in Schedule 9 to that Act, and

- (c) in relation to directions under section 32 of the Gaming Act 1968, means the licensing authority under that Act. SCH. 4
1968 c. 65.

Enforcement

15. If any gaming machine is provided for gaming on any premises in contravention of section 25 of this Act, any person who at the time when it is so provided—

- (a) is the owner, lessee or occupier of the premises, or
- (b) is for the time being responsible to the owner, lessee or occupier for the management of the premises, or
- (c) is a person responsible for issuing or exchanging coins or tokens for use in playing any gaming machine on the premises, or otherwise for controlling the use of any such machine, or
- (d) is for the time being responsible for controlling the admission of persons to the premises or for providing persons resorting thereto with any goods or services, or
- (e) is the owner or hirer of the machine, or
- (f) is a party to any contract under which a gaming machine may, or is required to, be on the premises at that time,

shall be guilty of an offence and be liable to a penalty of £500 or, if he knowingly or recklessly brought about the relevant contravention of section 25 of this Act, or took any steps with a view to procuring it—

- (i) on summary conviction to a penalty of £1,000 or to imprisonment for not more than twelve months, or to both; or
- (ii) on conviction on indictment, to the like penalty or to imprisonment for not more than two years, or to both.

16.—(1) If any person contravenes or fails to comply with any provision of this Part of this Schedule or regulations, or fails or refuses to comply with any requirement lawfully made of him under this Part of this Schedule or regulations, he shall be guilty of an offence and be liable to a penalty of £500.

(2) Where a person is convicted of an offence under this paragraph consisting in a failure to comply with any provision of this Part of this Schedule or of regulations, and the failure continues after the conviction, he shall be guilty of a further offence under this paragraph and may on conviction be punished accordingly.

17. Where an offence under paragraph 15 or 16 of this Schedule has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves—

- (a) in the case of an offence under paragraph 15, that he did not consent to, or connive at, the relevant contravention of section 25 of this Act, or

(b) in the case of an offence under paragraph 16, that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the contravention or, as the case may be, the commission of the offence as he ought

SCH. 4 to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

18.—(1) If a justice of the peace or, in Scotland, a sheriff or a magistrate is satisfied on information on oath that there is reasonable ground for suspecting that gaming machines are or have been, or are to be, provided for gaming on any premises in contravention of section 25 of this Act, he may issue a warrant in writing authorising an officer to enter the premises (if necessary by force) at any time within fourteen days of the issue of the warrant and search them.

(2) An officer who enters premises under the authority of such a warrant may—

- (a) seize and remove any records, accounts or other documents, or any gaming machine (including any machine appearing to the officer to be constructed or adapted, or to be capable of use, for playing a game of chance by means of it), or any tokens or other thing whatsoever, found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under paragraph 15 or 16 of this Schedule ;
- (b) search any person found on the premises whom he has reasonable cause to believe to be or have been concerned with the provision of gaming machines on the premises, or with the management of the premises, or to be or have been responsible for controlling the admission of persons to the premises.

19. Where an officer finds gaming machines provided on any premises in such circumstances that a gaming machine licence is required so as to authorise them so to be provided and either—

- (a) there is not produced to him on demand a valid gaming machine licence in respect of the premises, or
- (b) such a licence is produced, but the officer is satisfied that, having regard to the number of machines on the premises and their description, there is or has been a contravention of section 25 of this Act in respect of the premises,

all gaming machines found on the premises shall be liable to forfeiture.

20. Where an officer takes any action in pursuance of instructions of the Commissioners or a Collector of Customs and Excise given in connection with the enforcement of the enactments relating to the duty on gaming machine licences and, apart from the provisions of this paragraph, the officer would in taking that action be committing an offence under the enactments relating to betting or gaming, he shall not be guilty of that offence.

Modification of agreements

21.—(1) The following provisions of this paragraph shall have effect where a person (called "the hirer") entered into an agreement before 1st October 1969 with another person (called "the supplier") for the provision by the supplier on any premises of a gaming machine during a period beginning before, and extending beyond, that date.

(2) If the consideration for the provision of the gaming machine was determined on the assumption that someone other than the hirer would pay the duty on any gaming machine licence required for the premises under section 14 of the Finance Act 1966, and the hirer has paid, or will be accountable for, the corresponding duty under section 5 of the Finance Act 1969 or section 21 of this Act, the hirer shall be entitled to recover from the supplier such amount, or to make such reduction in periodical payments due from him under the agreement, as may be agreed between them (or, in default of agreement, as may be determined by the appropriate court) to be fair in all the circumstances having regard in particular—

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1966 c. 18.

1969 c. 32.

(a) to the period for which, under the agreement, the supplier is to provide a gaming machine as aforesaid on the premises in question, and

(b) to the incidence of the duty under the said section 14 and sections 5 and 21 as respects that period.

(3) In sub-paragraph (2) above, "the appropriate court" means—

(a) where the premises in question are in England or Wales, the county court, and

(b) where the premises in question are in Scotland, the sheriff.

SCHEDULE 5

Section 29.

CONSEQUENTIAL AMENDMENTS

1. In section 55(1) of the Betting, Gaming and Lotteries Act 1963, in the definition of "pool betting", for the words "the Betting Duties Act 1963" there shall be substituted the words "the Betting and Gaming Duties Act 1972".

2. In section 12(6) of the Finance Act 1966, the word "In" shall be inserted before the words "paragraph 4(a)(i)".

3. In paragraph 48(1) of Schedule 2 to the Gaming Act 1968, for the words from "section 13" to "and the Commissioners" there shall be substituted the words "section 13 of that Act or of an offence under paragraph 12 or 13 of Schedule 2, or paragraph 15 or 16 of Schedule 4, to the Betting and Gaming Duties Act 1972 (or under the corresponding provisions of the enactments consolidated by that Act), and the Commissioners".

4. In each of—

(a) paragraph 17(1) of Schedule 3 to the Gaming Act 1968, and

(b) paragraph 15(1) of Schedule 4 to that Act,

for the words from "section 13" to "in relation to premises" there shall be substituted the words "section 13 of that Act or of an offence under paragraph 15 or 16 of Schedule 4 to the Betting and Gaming Duties Act 1972 (or under the corresponding provisions of the enactments consolidated by that Act) in relation to premises".

5. In paragraph 20(1)(e) of Schedule 2 to the Gaming Act 1968, as amended by paragraph 16(2) of Schedule 1 to the Finance Act 1970, after the words "Finance Act 1970" there shall be inserted the words "or section 13 of or Schedule 2 to the Betting and Gaming

1970 c. 24.

SCH. 5 Duties Act 1972"; and the like amendment shall be made in each of—

- (a) paragraph 60(c) of Schedule 2,
- (b) paragraph 9(e) of Schedule 3, and
- (c) paragraph 11(e) of Schedule 4

to the said Act of 1968 as so amended.

1969 c. 32.

6. In section 3(8) of the Finance Act 1969, for the words "the Act of 1963" there shall be substituted the words "the Betting, Gaming and Lotteries Act 1963".

Section 29.

SCHEDULE 6

TRANSITIONAL PROVISIONS

1. In so far as any regulation, order, licence, permit, notice, entry, direction, warrant or other instrument made, issued or given, or having effect as if made, issued or given, under any enactment repealed by this Act, or any other thing done or having effect as if done under any such enactment, could have been made, issued, given or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if made, issued, given or done under that corresponding provision.

2. Without prejudice to paragraph 1 of this Schedule, any provision of this Act relating to anything done or required or authorised to be done under or by reference to that provision or any other provision of this Act shall have effect as if any reference to that provision, or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.

3.—(1) Nothing in this Act shall affect the enactments repealed by this Act in their operation in relation to offences committed before the commencement of this Act.

(2) Where an offence, for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence had been committed under the corresponding provision of this Act.

1952 c. 33.
1963 c. 3.

4.—(1) For the purposes of section 9(4) of this Act a conviction for an offence under section 5 of the Finance Act 1952 or under section 2 of the Betting Duties Act 1963 (either as originally enacted or as subsequently amended) shall be deemed to have been a conviction for an offence under section 9 of this Act.

(2) Paragraph 9(3) of Schedule 4 to this Act shall have effect in relation to an offence under paragraph 22 of Schedule 11 to the Finance Act 1969 in respect of a contravention of section 5(11) of that Act (either as originally enacted or as subsequently amended) as it has effect in relation to an offence under paragraph 15 of the said Schedule 4 in respect of a contravention of section 25 of this Act.

5. Where any Act or document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

SCHEDULE 7

Section 29.

REPEALS

Chapter	Short Title	Extent of Repeal
1963 c. 3.	The Betting Duties Act 1963.	The whole Act.
1964 c. 49. 1966 c. 18.	The Finance Act 1964. The Finance Act 1966.	In section 7, subsections (2) to (4). Section 12, except subsection (6)(b). Section 15, except subsection (5). Schedule 3, except paragraph 6.
1967 c. 54. 1968 c. 44.	The Finance Act 1967. The Finance Act 1968.	Section 7, except subsection (8). In section 4, subsections (2) and (4). Schedule 5.
1968 c. 65.	The Gaming Act 1968.	In Schedule 2, in each of paragraphs 20(1)(f) and 60(c), the words "under section 3 of the Finance Act 1969". In Schedule 3, in paragraph 9(f), the words "under section 3 of the Finance Act 1969". In Schedule 4, in paragraph 11(f), the words "under section 3 of the Finance Act 1969". In Schedule 11, in Part III, the entry relating to section 3(6) of the Betting Duties Act 1963 and the entry relating to section 15(6) of the Finance Act 1966.
1969 c. 32.	The Finance Act 1969.	Section 3, except subsections (8) and (9). Section 5, except subsection (17). In Schedule 9, paragraphs 1 to 21, and in paragraphs 22, 23 and 24 the words "under section 3 of the Finance Act 1969" wherever they occur. Schedule 11.
1970 c. 24.	The Finance Act 1970.	In section 1, subsections (1) to (4). Section 2, except subsection (9). Section 3. Schedule 1, except paragraphs 14 and 16(2) and (3).
1971 c. 68.	The Finance Act 1971.	Sections 8 to 10. In section 69(3), the words "8, 9, 10".

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