

# **HORSERACE BETTING AND OLYMPIC LOTTERY ACT 2004**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part One: Sale of the Tote**

##### ***Section 10: Control when no exclusive licence***

46. This replaces section 4 of the 1963 Act with three new sections: new section 4, section 4A and section 4B and a new Schedule 1A. Under new section 4 a person commits an offence if he carries on a pool betting business on track unless:
- it is in connection with horse racing which is carried on –
    - by the holder of a bookmaker’s permit,
    - on an approved horse racecourse,
    - as long as horse racing takes place on that day,
    - in accordance with the regulatory regime in Part 2 of Schedule 1A, or
  - in accordance with a “point-to-point” exemption notice, issued by the Gaming Board to a single course, on which horse racing is carried out on no more than seven days a year and to which the Gaming Board may attach other conditions relating to the operation of the totalisator and the publication of betting arrangements.
  - it is in connection with dog racing which is carried on –
    - on a dog racecourse which is a licensed track,
    - by means of a totalisators operated –
      - in accordance with section 16 (totalisators on licensed tracks) of the 1963 Act, and
      - by the occupier of the track or by a person authorised by him in writing.
47. Under section 4A a person will commit an offence if he carries on pool betting business otherwise than on a track, unless:
- it is in connection with horseracing and is carried on –
    - by the holder of a bookmaker’s permit,
    - in a licensed betting office,
    - in accordance with the regulatory regime provided for in Part 2 of Schedule 1A,
  - the person is a registered pool promoter in accordance with Schedule 2 (registration and conduct of business) to the 1963 Act,

*These notes refer to the Horserace Betting and Olympic Lottery Act 2004 (c.25) which received Royal Assent on 28 October 2004*

- the pool betting business is carried on in accordance with a licensed inter-track betting scheme under Schedule 5ZA (licensing of inter-track betting schemes) to the 1963 Act.
48. Section 4B introduces a new Schedule (Schedule 1A) which provides for the regulation of pool betting business in connection with horse racing.
  49. The effect of subsections (2) and (3) of new section 4B is that where a condition imposed by Part 2 of Schedule 1A requires action by a person after the conclusion of a race or set of races and that action is not taken he will be treated as not having carried on a pool betting business in accordance with Part 2 of that Schedule. The consequence of this is that in relation to pool betting on track an offence is committed under new section 4(1) (read with new section 4(2)(d)) and in relation to pool betting off track under new section 4A(1) (read with new section 4A(2)(b)).
  50. The effect of subsections (4) and (5) of new section 4B is that where a person who conducts pool betting in connection with horse racing fails to comply with a requirement of Part 3 (supervision) of Schedule 1A he will be treated as having failed to carry on a pool betting business in accordance with Part 2 of that Schedule. The consequence of this is similar to that explained in the previous paragraph, namely that an offence will be committed by virtue of new sections 4(2)(d) or 4A(2)(b).
  51. Subsection (3) of section 10 ensures that the provisions of sections 281 and 282 of the Criminal Justice Act 2003 (under which penalties on summary conviction may be altered) will apply to the 1963 Act as amended by the section.