



# Horserace Betting and Olympic Lottery Act 2004

## 2004 CHAPTER 25

### PART 1

#### SALE OF THE TOTE

##### *Post-transfer control of horserace pool betting*

PROSPECTIVE

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

- (1) For section 4 of the Betting, Gaming and Lotteries Act 1963 (c. 2) (restriction on pool betting) substitute—

##### **“4 Restriction on pool betting on track**

- (1) A person commits an offence if he carries on pool betting business on a track unless subsection (2), (3) or (5) applies.
- (2) This subsection applies to pool betting business which is in connection with horse racing and which is carried on—
- by the holder of a bookmaker’s permit,
  - on an approved horse racecourse,
  - on a day on which one or more horse races take place on the racecourse, and
  - in accordance with Part 2 of Schedule 1A.
- (3) This subsection applies to pool betting business in connection with horse racing carried on—
- on an approved horse racecourse, and

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Horserace Betting and Olympic Lottery Act 2004, Section 10. (See end of Document for details)*

(b) in accordance with a notice (to be known as a “point-to-point exemption notice”) issued by the Gaming Board under this subsection.

(4) A point-to-point exemption notice—

- (a) may be issued by the Gaming Board in response to an application in writing,
- (b) must relate to horse racing to be carried on along a single course specified in the notice,
- (c) must specify a maximum number of days, not exceeding 7, on which horse racing may be carried on in reliance on the notice,
- (d) may specify other conditions which relate to—
  - (i) the operation of a totalisator,
  - (ii) the publication of terms on which pool bets may be made (and a condition may, in particular, relate to minimum stakes, or deductions), or
  - (iii) compliance with terms published under sub-paragraph (ii),
- (e) must specify a calendar year during which the notice has effect, and
- (f) must be issued before the beginning of that year.

(5) This subsection applies to pool betting business which is in connection with dog racing and which is carried on—

- (a) on a dog racecourse which is a licensed track, and
- (b) by means of a totalisator operated—
  - (i) in accordance with section 16, and
  - (ii) by the occupier of the track or by a person authorised by him in writing.

#### **4A Restriction on pool betting off track**

- (1) A person commits an offence if he carries on pool betting business otherwise than on a track, unless subsection (2), (3) or (4) applies.
- (2) This subsection applies to pool betting business which is in connection with horse racing and which is carried on—
  - (a) by the holder of a bookmaker’s permit, and
  - (b) in accordance with Part 2 of Schedule 1A.
- (3) This subsection applies to pool betting business which is carried on by a person registered for the purpose of this subsection (in this Act referred to as a “registered pool promoter”); and Schedule 2 to this Act (registration and conduct of business) shall have effect.
- (4) This subsection applies to pool betting business carried on in accordance with a licensed inter-track betting scheme.

#### **4B Regulation of horserace pool betting**

- (1) Schedule 1A (which provides for the regulation of pool betting business in connection with horse racing) shall have effect.
- (2) Subsection (3) applies where—

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- (a) a condition imposed by Part 2 of that Schedule requires or may require a person to act after the conclusion of a race or set of races in relation to which he conducts pool betting business, and
  - (b) the person fails, in respect of a matter wholly or partly relating to that race or set of races, to comply with the condition after that conclusion.
- (3) The pool betting business carried on by the person in relation to the race or set of races shall be treated as not having been carried on in accordance with Part 2 of that Schedule.
- (4) Subsection (5) applies where a person who has received or negotiated bets made by way of pool betting in connection with horse racing fails to comply with a requirement of Part 3 of that Schedule.
- (5) Any pool betting business which was carried on by the person and to which the requirement was or might have been relevant shall be treated as not having been carried on in accordance with Part 2 of that Schedule.”
- (2) After Schedule 1 to that Act (bookmakers' permits, &c.) insert the Schedule 1A set out in Schedule 1 to this Act (regulation of horserace pool betting).
- (3) Sections 281 and 282 of the Criminal Justice Act 2003 (c. 44) (increases in maximum terms of imprisonment) shall apply to the Betting, Gaming and Lotteries Act 1963 (c. 2) as amended by this section.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

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