Horserace Betting and Olympic Lottery Act 2004

2004 CHAPTER 25

PART 1

SALE OF THE TOTE

Post-transfer control of horserace pool betting

9 Section 8: supplemental

(1) In considering whether to require the Gaming Board to issue or revoke the exclusive licence the Secretary of State shall consider whether the issue or revocation—

(a) would be in the best interests of members of the public who are in the habit of placing bets on horse races;

(b) would be in the best interests of the sport of horse racing;

(c) would promote the objectives of—

(i) preventing betting from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,

(ii) ensuring that betting is conducted in a fair and open way, and

(iii) protecting children and other vulnerable persons from being harmed or exploited by betting.

(2) While the exclusive licence has effect—

(a) sections 4(1) and 4A(1) of the Betting, Gaming and Lotteries Act 1963 (c. 2) (restriction on pool betting) (as substituted by section 10 of this Act) shall not apply in relation to anything done—

(i) by the successor company in pursuance of the exclusive licence, or

(ii) in accordance with an authorisation under section 8(5)(a) above, and

(b) nothing in section 4 or 4A of that Act shall prejudice the generality of section 8(5)(b) above.

(3) While the exclusive licence has effect—

(a) the successor company or a person authorised under section 8(5)(a) above may apply under section 9(2) of that Act for the grant or renewal of a betting office licence authorising the use of premises for carrying on activity in accordance with the exclusive licence,

(b) a betting office licence under section 9(2) of that Act shall not authorise the use of premises for doing anything prohibited by section 8(5)(b), and

(c) section 9(1) of that Act disapplies section 1(1) of that Act only in relation to activity authorised by a betting office licence.

(4) While the exclusive licence has effect—

(a) the successor company shall not be treated as a bookmaker for the purposes of that Act by virtue of anything done in accordance with the exclusive licence, and

(b) a person authorised under section 8(5)(a) above shall not be treated as a bookmaker for the purposes of that Act by virtue of anything done in accordance with the authorisation.

(5) A person who acts in contravention of section 8(5)(b) above shall be treated as having committed an offence under—

(a) section 4(1) of that Act, in the case of anything done on a track, or

(b) section 4A(1) of that Act, in the case of anything done otherwise than on a track,

whether or not he otherwise would have committed the offence.

(6) If a person commits or threatens a breach of section 8(5)(b), the successor company may (whether or not criminal proceedings are instituted against him by virtue of subsection (5) above) proceed against him in the High Court or **[**[F1]the county court**]** for damages or such other relief as the court thinks appropriate.

(7) Subsection (6) is subject to—

(a) Civil Procedure Rules, and

(b) section 1 of the Courts and Legal Services Act 1990 (c. 41) (allocation of business between High Court and county courts).

Textual Amendments

F1 Words in s. 9(6) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

I1 S. 9(1)(4)(6)(7) in force at 25.2.2011 by S.I. 2011/462, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Horserace Betting and Olympic Lottery Act 2004, Section 9.