

SCHEDULE 2

Article 5

Consequential amendments

PART 1

Primary legislation

Parliamentary Commissioner Act 1967

- 1.—(1) The Parliamentary Commissioner Act 1967(1) is amended as follows.
- (2) In Schedule 2 (departments etc subject to investigation), omit—
“Horserace Betting Levy Board.”.
- (3) In Schedule 4 (relevant tribunals for the purposes of section 5(7)), omit—
 - (a) “The appeal tribunal established for Scotland under section 29 of the Betting, Gaming and Lotteries Act 1963 which is known as the Horserace Betting Levy Appeal Tribunal for Scotland.”; and
 - (b) “Horserace Betting Levy Appeal Tribunal for England and Wales constituted under section 29 of the Betting, Gaming and Lotteries Act 1963.”.

Horserace Betting Levy Act 1969

2. The Horserace Betting Levy Act 1969(2) is repealed.

Finance Act 1969

3. In the Finance Act 1969(3), omit section 59 (disclosure of information by Customs and Excise to the Horserace Betting Levy Board).

House of Commons Disqualification Act 1975

- 4.—(1) Schedule 1 to the House of Commons Disqualification Act 1975(4) (offices disqualifying for membership) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified), omit—
“The Horserace Betting Levy Appeal Tribunal for England and Wales.”.
- (3) In Part 3 (other disqualifying offices), omit—
“Member appointed by the Secretary of State of the Horserace Betting Levy Board.”.

Horserace Betting Levy Act 1981

5. The Horserace Betting Levy Act 1981(5) is repealed.

(1) 1967 c. 13.
(2) 1969 c. 14.
(3) 1969 c. 32.
(4) 1975 c. 24.
(5) 1981 c. 30.

Tribunals and Inquiries Act 1992

6. In Schedule 1 to the Tribunals and Inquiries Act 1992⁽⁶⁾ (tribunals to which Act applies)—
- (a) in Part 1 (tribunals – general), omit the entry for “Betting levy”;
 - (b) in Part 2 (Scottish tribunals), omit the entry for “Betting levy”.

Judicial Pensions and Retirement Act 1993

- 7.—(1) The Judicial Pensions and Retirement Act 1993⁽⁷⁾ is amended as follows.
- (2) In Schedule 5 (retirement provisions: the relevant offices), omit—
- “Chairman of a tribunal established by section 29 of the Betting, Gaming and Lotteries Act 1963.”.
- (3) In Schedule 7 (retirement dates: transitional provisions), omit paragraph 5(5)(xxiv).

Freedom of Information Act 2000

8. In Part 6 of Schedule 1 to the Freedom of Information Act 2000⁽⁸⁾ (public authorities), omit—
- “The Horserace Betting Levy Board.”.

Horserace Betting and Olympic Lottery Act 2004

9. The Horserace Betting and Olympic Lottery Act 2004⁽⁹⁾ is amended as follows.
- 10.—(1) Section 15 (abolition of levy) is amended as follows.
- (2) In subsection (1), for paragraphs (a) to (d) substitute “repeal Part 17A of the Gambling Act 2005 (horserace betting levy) or any provision of that Part.”
- (3) In subsection (2)(c), omit “, in addition to the provision made by section 17 and Schedule 4”.
- (4) In subsection (3)—
- (a) for paragraph (b), substitute—
- “(b) about the conduct of a levy body in the exercise of its functions in relation to the horserace betting levy, pending the repeal of Part 17A of the Gambling Act 2005, or a provision of that Part;”;
- (b) omit paragraphs (c) and (d).
- (5) After subsection (4) insert—
- “(5) In this Part, “levy body” means—
- (a) the Gambling Commission, or
 - (b) the designated body within the meaning of Part 17A of the Gambling Act 2005.”.
- 11.—(1) Section 16 (property of the Levy Board) is amended as follows.
- (2) In the heading to the section, for “the Levy Board” substitute “the levy bodies”.
- (3) In subsection (1), for “the Horserace Betting Levy Board” substitute “a levy body in so far as the property, rights or liabilities relate to the body’s functions in relation to the horserace betting levy”.

⁽⁶⁾ 1992 c. 53.

⁽⁷⁾ 1993 c. 8.

⁽⁸⁾ 2000 c. 36.

⁽⁹⁾ 2004 c. 25.

- (4) In subsection (2)—
 - (a) in the opening words, for “the Board” substitute “a levy body”;
 - (b) in the opening words, after “transfer scheme” insert “in relation to the body”;
 - (c) in paragraph (a), for “the Board” substitute “the levy body”.
 - (5) In subsection (4)—
 - (a) in the opening words, after “scheme” insert “in relation to a levy body”;
 - (b) in paragraph (a), for “the Board” substitute “the levy body”;
 - (c) in paragraph (b), after “submitted” insert “by the levy body”.
- 12.** Omit section 17 (consequential amendments).
- 13.**—(1) Schedule 3 (transfer schemes) is amended as follows.
- (2) For the heading of the Schedule substitute “Levy bodies: transfer of property etc”.
 - (3) In paragraph 1, for the definition of “the Board” substitute—

““the transferor”, in relation to a transfer scheme, means the levy body whose property, rights or liabilities are transferred under the scheme,”.
 - (4) In paragraph 2—
 - (a) in the heading, for “Board” substitute “Levy body”;
 - (b) in the opening words, for “The Board” substitute “A levy body”;
 - (c) in paragraph (a), after “give” insert “to the levy body”;
 - (d) in paragraph (b), after “make” insert “in relation to the levy body”.
 - (5) In paragraph 3—
 - (a) in the heading, for “Board” substitute “levy body”;
 - (b) in sub-paragraph (1)—
 - (i) for “The Board” substitute “A levy body”;
 - (ii) after “direction” insert “given to the levy body”;
 - (iii) after “scheme” insert “in relation to the levy body”;
 - (c) in sub-paragraph (2)—
 - (i) for “the Board”, in both places, substitute “the levy body”;
 - (ii) after “scheme” insert “in relation to the levy body”;
 - (d) in sub-paragraph (3), for “the Board” substitute “a levy body”.
 - (6) In paragraph 7(b), for “the Board” substitute “the transferor”.
 - (7) Omit paragraph 10(3)(e).
 - (8) In paragraph 11(1), for “the Board”, in each place, substitute “the transferor”.
 - (9) In paragraph 16—
 - (a) for “the Board” substitute “a levy body”;
 - (b) in paragraph (a), after “direction” insert “to the levy body”;
 - (c) in paragraphs (b), (c) and (d), after “scheme” insert “in relation to the levy body”.
 - (10) In paragraph 18—
 - (a) in the opening words—
 - (i) for “the Board” substitute “a levy body”;

- (ii) after “transfer scheme” insert “in relation to the levy body”;
 - (b) in paragraphs (a), (b) and (c), for “the Board” substitute “the levy body”.
14. Omit Schedule 4 (abolition of the horserace betting levy system: consequential amendments).

Constitutional Reform Act 2005

- 15.—(1) The Constitutional Reform Act 2005(10) is amended as follows.
- (2) In Schedule 7 (protected functions of the Lord Chancellor), in Part A of the list in paragraph 4, omit the entry relating to section 29 of the Betting, Gaming and Lotteries Act 1963.
 - (3) In Schedule 14 (the Judicial Appointments Commission: relevant offices and enactments), in Table 1 in Part 3, omit the entry relating to the Chairman of a Levy Appeal Tribunal.

Gambling Act 2005

16. The Gambling Act 2005(11) is amended as follows.
17. In section 22 (duty to promote the licensing objectives)—
- (a) the existing text becomes subsection (1);
 - (b) after that subsection, insert—
 - “(2) Subsection (1) does not apply to the Commission’s functions under Part 17A (horserace betting levy).”.
18. In section 23 (statement of principles for licensing and regulation), after subsection (5) insert—
 - “(6) The reference in subsection (1) to the Commission’s functions under this Act does not include its functions under Part 17A (horserace betting levy).”.
19. In section 69(2)(b) (application), after “Act” insert “, apart from a document issued under Part 17A (see section 338V),”.
20. In section 116 (review), after subsection (3) insert—
 - “(3A) A licensee’s failure to pay the horserace betting levy under section 338A is a reason for the purposes of subsection (2)(c)(i) but only if the licensee—
 - (a) is in default and has been so for a period of at least three months beginning with the date when that payment became due under section 338H, and
 - (b) has failed to pay the levy on a previous occasion within the last 5 years and was in default then for a period of at least three months beginning with the date when that payment became due under section 338H.”.
21. In section 120 (conditions for suspension or revocation), after subsection (3) insert—
 - “(4) A licensee’s failure to pay the horserace betting levy under section 338A is a basis for the condition in subsection (1)(d) applying but only if the licensee—
 - (a) is in default and has been so for a period of at least three months beginning with the date when that payment became due under section 338H, and
 - (b) has failed to pay the levy on a previous occasion within the last 5 years and was in default then for a period of at least three months beginning with the date when that payment became due under section 338H.”.

(10) 2005 c. 4.
(11) 2005 c. 19.

22. In Part 15 (inspection), at the beginning insert—

“Application of this Part

Application of this Part

302A. Nothing in this Part applies for the purposes of Part 17A (horserace betting levy).”.

23. In section 342 (false information)—

(a) in subsection (1), after “provision of this Act” insert—

“other than a provision contained in Part 17A”;

(b) in subsection (4), after “this Act” insert—

“, other than a provision contained in Part 17A,”.

24. In section 353 (interpretation), after subsection (4) insert—

“(4A) Subsection (4) does not apply to a requirement to give a notice (or to notify) under Part 17A (horserace betting levy) (as to which, see section 338V).”.

25. Omit section 358(6) (transitional provision relating to repeal of Betting, Gaming and Lotteries Act 1963⁽¹²⁾).

26.—(1) Schedule 6 (exchange of information: persons and bodies) is amended as follows.

(2) In Part 2 (enforcement and regulatory bodies), omit—

“The Horserace Betting Levy Board”.

(3) In Part 3 (sport governing bodies)—

(a) in the heading, at the end, insert “and horserace betting levy designated body”;

(b) at the appropriate place insert “The designated body within the meaning of Part 17A (horserace betting levy)”.

(4) In Part 4 (notes), after note 3, insert—

“4. References in section 30 to the functions of the designated body within the meaning of Part 17A by virtue of its listing in Part 3 of this Schedule are references to the functions of that body under Part 17A only.”.

27. In Schedule 7 (relevant offences), omit paragraph 1(b).

Gambling (Licensing and Advertising) Act 2014

28. Omit section 2 of the Gambling (Licensing and Advertising) Act 2014⁽¹³⁾ (payment of Horserace Betting Levy by holders of remote operating licences).

⁽¹²⁾ 1963 c. 2.

⁽¹³⁾ 2014 c. 17.

PART 2

Secondary legislation

Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006

29. Omit article 3(2) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(**14**) (repeal of the Betting, Gaming and Lotteries Act 1963).

Gambling Act 2005 (Horserace Betting Levy) Order 2007

30. The Gambling Act 2005 (Horserace Betting Levy) Order 2007(**15**) is revoked (and accordingly sections 24 to 30 of the Betting, Gaming and Lotteries Act 1963 cease to have effect, to the extent that they continue to do so).

Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2012

31. In the Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2012(**16**), omit articles 2 and 3 (audit of accounts of the Horserace Betting Levy Board).

Horserace Betting Levy Regulations 2017

32. The Horserace Betting Levy Regulations 2017(**17**) are revoked.

(14) [S.I. 2006/3272](#).

(15) [S.I. 2007/2159](#).

(16) [S.I. 2012/854](#).

(17) [S.I. 2017/589](#).