

SCHEDULE 4

Article 7

Transitional and saving provision

Interpretation

1. In this Schedule—

- (a) “levy appeal tribunal” means the Horserace Betting Levy Appeal Tribunal for England and Wales or the Horserace Betting Levy Appeal Tribunal for Scotland;
- (b) “the Levy Board” means the Horserace Betting Levy Board.

Horserace Betting Levy Board: general

2.—(1) Nothing in this Order affects the validity of anything done by or in relation to the Levy Board before the effective date.

(2) Anything (including any legal proceedings) which immediately before the effective date is in the process of being done by or in relation to the Levy Board in connection with its assessment or collection functions may be continued on or after that date by or in relation to the Gambling Commission.

(3) Anything (including any legal proceedings) which immediately before the effective date is in the process of being done by or in relation to the Levy Board in connection with its application functions may be continued on or after that date by or in relation to the designated body.

(4) Anything done by or in relation to the Levy Board in connection with its assessment or collection functions which has effect immediately before the effective date has effect, so far as is necessary for continuing its effect on or after that date, as if done by or in relation to the Gambling Commission.

(5) Anything done by or in relation to the Levy Board in connection with its application functions which has effect immediately before the effective date has effect, so far as is necessary for continuing its effect on or after that date, as if done by or in relation to the designated body.

(6) So far as necessary or appropriate for the purposes of or in consequence of the provision made by article 4, on or after the effective date a reference to (and a reference which is to be read as a reference to) the Levy Board in an enactment, instrument or other document—

- (a) is to be treated as, or as including, a reference to the Gambling Commission in so far as the reference is in connection with the Levy Board’s assessment or collection functions;
- (b) is to be treated as, or as including, a reference to the designated body in so far as the reference is in connection with the Levy Board’s application functions.

(7) References in this paragraph to the Levy Board’s assessment or collection functions are to its functions under sections 24 to 28 of the Betting, Gaming and Lotteries Act 1963, and the Horserace Betting Levy Act 1981(1), other than its application functions.

(8) References in this paragraph to the Levy Board’s application functions are to its functions under sections 24 to 28 of the Betting, Gaming and Lotteries Act 1963 to apply the monetary contributions mentioned in section 24(1) of that Act.

(1) 1981 c. 30.

Horserace Betting Levy Board: power to recover amounts due

3.—(1) Sub-paragraph (2) applies where, immediately before the effective date, an amount is recoverable by the Levy Board under section 28(7) of the Betting, Gaming and Lotteries Act 1963(2) as a debt due to it.

(2) The amount is, on and after the effective date, recoverable by the Gambling Commission as a debt due to it.

Horserace Betting Levy Board: notice to review operating licence

4.—(1) Sub-paragraph (2) applies where—

- (a) before the effective date, the Levy Board has given notice to the Gambling Commission under article 3(2) of the Gambling Act 2005 (Horserace Betting Levy) Order 2007(3) requiring it to conduct a review under section 116(2)(c) of the Gambling Act 2005, and
- (b) immediately before the effective date, the Gambling Commission has not completed the review.

(2) The Gambling Commission continues, on and after the effective date, to be under an obligation to conduct the review.

Horserace Betting Levy Board: accounts and report

5.—(1) The Gambling Commission must prepare proper statements of the Levy Board’s accounts for the relevant period.

(2) The accounts must be audited by the Comptroller and Auditor General.

(3) The Comptroller and Auditor General must—

- (a) examine, certify and report on the statements of accounts for the relevant period, and
- (b) send a copy of the statements with the report to the Gambling Commission.

(4) The Gambling Commission must prepare a report of the Levy Board’s activities during the relevant period, before the end of the period of four months beginning with the effective date.

(5) The report must include the statements of account and the auditor’s report on those statements.

(6) The Gambling Commission must give a copy of the report to the Secretary of State.

(7) The Secretary of State must arrange for the report to be laid before Parliament.

(8) In this paragraph “the relevant period” means the period—

- (a) beginning immediately after the end of the final period for which the Levy Board prepares a statement of account under section 31 of the Betting, Gaming and Lotteries Act 1963(4), and
- (b) ending immediately before the effective date.

The levy appeal tribunals: general

6. Nothing in this Order affects the validity of anything done by or in relation to a levy appeal tribunal before the effective date.

(2) Section 28(7) was amended by paragraph 1(a) of the Schedule to the Horserace Betting Levy Act 1981, and paragraph 6(5) of S.I. 2017/589.

(3) S.I. 2007/2159, amended by S.I. 2017/589.

(4) Although the 1963 Act was repealed by section 356(3)(f) of, and Schedule 17 to, the Gambling Act 2005 (c. 19), section 31 of the 1963 Act is saved by article 3(2) of S.I. 2006/3272 as amended by article 4 of S.I. 2007/2169.

Appeals referred to levy appeal tribunals before the effective date

7.—(1) Sub-paragraph (2) applies where, before the effective date, the Levy Board has referred an appeal to a levy appeal tribunal under—

- (a) section 28(6) of the Betting, Gaming and Lotteries Act 1963⁽⁵⁾, or
- (b) section 2(2) of the Horserace Betting Levy Act 1981,

and the appeal has not been determined or abandoned before that date.

(2) The levy appeal tribunal to which the appeal was referred continues to exist for the purposes of determining the appeal.

(3) The tribunal's powers in respect of the appeal are those specified in—

- (a) section 28(6) of the Betting, Gaming and Lotteries Act 1963, in the case of an appeal referred under that Act;
- (b) section 2(3) of the Horserace Betting Levy Act 1981⁽⁶⁾, in the case of an appeal referred under that Act.

(4) A decision of the tribunal on the appeal is final.

Chairman of levy appeal tribunals

8. The repeals in the Judicial Pensions and Retirement Act 1993⁽⁷⁾ made by Schedule 2 to this Order do not affect the operation of any provision of or made under that Act, or anything done under such provision, in relation to a Chairman of a levy appeal tribunal.

⁽⁵⁾ Section 28(6) was amended by paragraph 6(4) of the Schedule to [S.I. 2017/589](#).

⁽⁶⁾ Section 2(3) was amended by paragraph 18(3) of the Schedule to [S.I. 2017/589](#).

⁽⁷⁾ [1993 c. 8](#).