



# Betting, Gaming and Lotteries Act 1963

## 1963 CHAPTER 2

**E+W+S**

An Act to consolidate certain enactments relating to betting, gaming, lotteries and connected matters. [28th February 1963]

### Modifications etc. (not altering text)

C1 Act applied (22.8.1996) by 1996 c. 18, ss. 233(5), 243

## PART I **E+W+S**

### BETTING

#### *General restrictions on betting*

#### **1 Restriction on use of premises for betting transactions with persons resorting thereto. **E+W+S****

(1) Subject to [F1subsections (4A) and (5)] of this section and section 9(1) of this Act, no person shall—

- (a) save as permitted by section 4(1) of this Act, use any premises, or cause or knowingly permit any premises to be used, as a place where persons resorting thereto may effect pool betting transactions; or
- (b) use, or cause or knowingly permit any other person to use, any premises for the purpose of the effecting of any other betting transactions by that person or, as the case may be, that other person with persons resorting to those premises;

and every person who contravenes any of the provisions of this subsection shall be guilty of an offence:

Provided that paragraph (b) of this subsection shall not apply where both the person using the premises as mentioned in that paragraph and all the persons with whom the betting transactions so mentioned are effected—

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- (i) either reside or work on those premises or on premises of which those premises form part; or
  - (ii) are, or are acting on behalf of, holders of bookmaker's permits which are for the time being in force.
- (2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of the foregoing subsection shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale].
- (3) For the purposes of the last foregoing subsection, proof that any person was on any premises while they were being used as mentioned in that subsection shall be evidence that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.
- (4) The last foregoing subsection shall not apply to Scotland, but, in any proceedings in Scotland under subsection (2) of this section, if any person is proved to have been on any premises while they were being used as mentioned in the said subsection (2), that person shall be held to have resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.
- [<sup>F3</sup>(4A) Subject to subsections (4B) and (4C) of this section, subsection (1)(a) of this section shall not apply to the use of premises as a place where persons may deliver—
- (a) completed coupons or other entry forms for qualifying competitions promoted by a registered pool promoter in the course of his pool betting business; and
  - (b) the stake money in respect of such coupons or other entry forms; for forwarding to the registered pool promoter.
- (4B) Subsection (4A) of this section shall not affect the operation of subsection (1)(a) of this section in relation to any premises of a class or description for the time being prescribed for the purposes of this subsection.
- (4C) In subsection (4A) of this section, the reference to coupons or other entry forms for qualifying competitions does not include any coupon or other entry form that can effect entry to a competition that is not a qualifying competition.
- (4D) In subsections (4A) and (4C) of this section, “qualifying competition” means a competition—
- (a) that is a competition for prizes for making forecasts as to association football games to be played on a Saturday, a Sunday or a day that is a bank holiday in England and Wales or in Scotland under the <sup>M1</sup>Banking and Financial Dealings Act 1971, and
  - (b) that requires each entry in the competition to consist of a forecast as to at least four such games.]

(5) Subsection (1)(b) of this Section shall not apply—

    - (a) to anything done on an approved horse racecourse on a day on which horse races but no other races take place thereon;
    - (b) subject to the next following subsection, to anything done on any track on any day on which under sections 5, 6 and 20 of this Act bookmaking may lawfully be carried on on the track.

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- (6) Nothing in subsection 5(b) of this section shall affect the operation of subsection (1) (b) of this section in relation to the use on a track which is not an approved horse racecourse by a bookmaker for the purposes of his business—
- (a) of any permanent structure other than a structure used by him in common with members of the public resorting to the track; or
  - (b) of any position specially appropriated for the use of that particular bookmaker by, or by any person purporting to act on behalf of, the occupier of the track.

#### Textual Amendments

- F1** Words in s. 1(1) substituted (14.11.1994) by 1993, c. 39, s. 56(2); S.I. 1994/2659, art. 2
- F2** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G
- F3** S. 1(4A)-(4D) inserted (14.11.1994) by 1993 c. 39, s. 56(3); S.I. 1994/2659, art. 2

#### Modifications etc. (not altering text)

- C2** S. 1(1) extended (E.W.) by Licensing Act 1964 (c. 26), s. 100(4)(c)

#### Marginal Citations

- M1** 1971 c. 80.

## 2 Restriction on bookmaking except under bookmaker's permit. **E+W+S**

- (1) No person shall act as a bookmaker on his own account unless he is the holder of a permit authorising him so to act (in this Act referred to as a “bookmaker’s permit”) which is for the time being in force; and if any person acts as a bookmaker in contravention of this subsection he shall be guilty of an offence:  
Provided that this subsection shall not apply to the receiving or negotiating by a registered pool promoter of bets made by way of pool betting.
- (2) Schedule 1 to this Act shall have effect for the purposes of bookmaker’s permits.
- (3) If the holder of a bookmaker’s permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 1 on the standard scale].

#### Textual Amendments

- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

## 3 Agent of bookmaker or Totalisator Board to be authorised and registered. **E+W+S**

- (1) No person shall by way of business receive or negotiate bets as servant or agent to another bookmaker or to the Totalisator Board unless—
- (a) he has attained the age of twenty-one years; and
  - (b) he is authorised in that behalf in writing in the prescribed form by that other bookmaker or, as the case may be, by the said Board; and

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- (c) in the case of a person acting as servant or agent to another bookmaker, that other bookmaker is the holder of a bookmaker's permit or betting agency permit:

Provided that this subsection shall not apply to any person who is the holder of such a permit as aforesaid, or who receives or negotiates bets as aforesaid on premises occupied by the holder of such a permit or by the said Board.

- (2) If any bet is received or negotiated by any person as servant or agent to another bookmaker or to the said Board in contravention of the foregoing subsection, both that person and that other bookmaker or, as the case may be, the Board shall be guilty of an offence.
- (3) The said Board and every bookmaker who is the holder of a bookmaker's permit or betting agency permit shall keep a register in the prescribed form showing every person who is for the time being authorised for the purposes of subsection (1) of this section by that Board or, as the case may be, by that bookmaker, and shall not grant any such authorisation without making the appropriate entry in that register; and if any person contravenes any of the requirements of this subsection he shall, in respect of each contravention, be guilty of an offence.
- (4) If any person who holds any authority in writing issued for the purposes of subsection (1) of this section or who is required by subsection (3) of this section to keep a register, on being required by a constable to produce that authority or, as the case may be, register for examination, refuses or without reasonable cause fails so to do, he shall be guilty of an offence.
- (5) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of offences under subsection (2) or subsection (3) of this section, on a second or any subsequent conviction under the same subsection, to a fine not exceeding fifty pounds.
- (6) Nothing in this section shall apply to the receiving or negotiating by any person as servant of agent to a registered pool promoter of bets made by way of pool betting.

**Modifications etc. (not altering text)**

- C3** To s. 3(5) there are applied (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 35 (in relation to liability on first and subsequent convictions), s. 38 (increase of fines) and s. 46 (substitution of references to levels on the standard scale) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289E (in relation to liability on first and subsequent convictions), s. 289F (increase of fines) and s. 289G (substitution of references to levels on the standard scale)

**4 Restriction of pool betting. E+W+S**

- (1) No pool betting business shall be carried on on any track except—
- (a) on an approved horse racecourse on a day on which horse races but no other races take place thereon, by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse; or
- (b) on a dog racecourse which is a licensed track, by means of a totalisator operated in accordance with the provisions of section 16 of this Act by, or by a person authorised in that behalf in writing by, the occupier of the track;

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and every person who contravenes the provisions of this subsection shall be guilty of an offence:

Provided that nothing in this subsection shall prohibit a person from receiving or negotiating bets on an approved horse racecourse with a view to those bets being made by way of sponsored pool betting.

(2) No person shall carry on any pool betting business otherwise than on a track unless he is a registered pool promoter, that is to say, a person who is registered for the purpose and whose registration is for the time being in force; and any person who carries on any business in contravention of this subsection shall be guilty of an offence:

Provided that this subsection shall not apply to sponsored pool betting business.

(3) Schedule 2 to this Act shall have effect for the purposes of the registration of a person as, and the conduct of his pool betting business by, a registered pool promoter.

## 5 Restriction of betting on tracks. **E+W+S**

(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track—

- (a) .....<sup>F5</sup>
- (b) on any [<sup>F6</sup>Good Friday or Christmas Day]; . . .<sup>F5</sup>
- (c) .....<sup>F5</sup>

(1A) .....<sup>F7</sup>

(2) If bookmaking is carried on, or a totalisator is operated, by any person on any track on a day on which betting on that track is prohibited by this section, that person, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(3) Where facilities for pool betting provided on an approved horse racecourse by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse are provided otherwise than by means of a totalisator, subsections (1) and (2) of this section shall have effect as if the provision of those facilities were the operation of a totalisator by that Board or, as the case may be, by those persons.

### Textual Amendments

- F5** S. 5(1)(a)(c) and word repealed by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\)](#), s. 1, [Sch.](#)
- F6** Words in s. 5(1) substituted (3.1.1995)( by [1994 c. 40, ss. 20\(2\)](#), 82(2)
- F7** [Ss. 5\(1A\), 6\(2\), 7, 16\(1\)\(a\)](#) repealed by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\)](#), s. 1, [Sch.](#)

## 6 Restriction of bookmaking on tracks. **E+W+S**

(1) Except on an approved horse racecourse on a day on which that racecourse is used only for the purpose of horse races, bookmaking shall not be carried on on any track

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unless the occupier of the track is the holder of a licence authorising the provision of betting facilities on that track granted and for the time being in force under Schedule 3 to this Act (in this Act referred to as a “track betting licence”):

Provided that this subsection shall not apply in relation to anything done on any track on any day if—

- (a) during the period of twelve months in which that day falls, being a period beginning with 1st July in any year, bookmaking has not been carried on on that track on more than seven previous days; and
- (b) notice of the intention to permit bookmaking on that track on that day has been given by post not less than seven clear days beforehand by the occupier of the track to the chief officer of police for any police area in which the track or any part thereof is situated.

(2) ..... F8

(3) If bookmaking is carried on by any person on any track on any day in contravention of this section, that person and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

**Textual Amendments**

**F8** Ss. 5(1A), 6(2), 7, 16(1)(a) repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.

7 ..... F9 **E+W+S**

**Textual Amendments**

**F9** Ss. 5(1A), 6(2), 7, 16(1)(a) repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.

**8 Prohibition of betting in streets and public places. E+W+S**

(1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purposes of bookmaking, betting, agreeing to bet, or paying, receiving or settling bets shall be liable on summary conviction—

- (a) to a fine not exceeding [F10one hundred pounds][F10level 4 on the standard scale]; or
- (b) in the case of a second conviction for an offence under this section, to a fine not exceeding [F10two hundred pounds][F10level 4 on the standard scale]; or
- (c) in the case of a third or any subsequent conviction for an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding [F10two hundred pounds][F10level 4 on the standard scale], or to both,

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and shall in any case be liable to forfeit all books, cards, papers and other articles relating to betting which may be found in his possession:

Provided that this subsection shall not apply to anything done on any ground used, or adjacent to ground used, for the purpose of a racecourse for racing with horses on a day on which horse races take place on that racecourse.

[<sup>F11F12</sup>(2) Any constable may take into custody without warrant any person found committing an offence under this section and may seize and detain any article liable to be forfeited thereunder.]

[<sup>F11</sup>(2) Where a person is found committing an offence under this section, any constable may seize and detain any article liable to be forfeited under this section.]

(3) Notwithstanding anything in section 52(3) of this Act, a conviction for an offence under the <sup>M2</sup>Street Betting Act 1906 shall be deemed to have been a conviction for an offence under this section only if the offence was committed after 1st December 1961.

(4) In this section—

- (a) the expression “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public and, in the application of this Act to Scotland, includes also any common close or common stair; and
- (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

#### Textual Amendments

**F10** Words “level 4 on the standard scale” substituted (S.) for “one hundred pounds” and for “two hundred pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

**F11** [S. 8\(2\)](#) commencing “Where a person” substituted (E.W.) for [s. 8\(2\)](#) commencing “Any constable may” by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [s. 119\(1\)](#), **Sch. 6 para. 12**

**F12** [S. 8\(2\)](#) commencing “Where a person” substituted (E.W.) for [s. 8\(2\)](#) commencing “Any constable may” by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [s. 119\(1\)](#), **Sch. 6 para. 12**

#### Modifications etc. (not altering text)

**C4** To [s. 8\(1\)](#) there are applied (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 35** (in relation to liability on first and subsequent convictions), [s. 38](#) (increase of fines) and [s. 46](#) (substitution of references to levels on the standard scale) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289E** (as inserted by [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#)), [s. 54](#) (in relation to liability on first and subsequent convictions)

#### Marginal Citations

**M2** [1906 c. 43](#).

### *Licensed betting offices*

## 9 Betting office licences and betting agency permits. **E+W+S**

(1) Where in the case of any premises there is for the time being in force a licence authorising the holder of the licence to use those premises as a betting office (in this Act referred to as “a betting office licence”), section 1(1) of this Act shall not apply

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to the use of those premises for the effecting of betting transactions with or through the holder of the licence or any servant or agent of his:

Provided that the licence shall not authorise the use of the premises for effecting any pool betting transaction made otherwise than by way of sponsored pool betting.

- (2) The following persons, and the following persons only, may apply for the grant or renewal of a betting office licence in respect of any premises, that is to say—
- (a) a person who is for the time being the holder of, or an applicant for, a bookmaker's permit;
  - (b) the Totalisator Board;
  - (c) a person who, not being the holder of, or an applicant for, a bookmaker's permit, is for the time being both—
    - (i) accredited by a bookmaker who is the holder of a bookmaker's permit or by the Totalisator Board as an agent for the purpose of receiving or negotiating bets by way of business with a view to those bets being made with that bookmaker or, as the case may be, with or through that Board; and
    - (ii) the holder of, or an applicant for, a permit (in this Act referred to as "a betting agency permit") authorising him to hold a betting office licence.
- (3) An application for the grant of a betting office licence in respect of any premises may be made notwithstanding that the premises have still to be constructed or are still in the course of construction.
- (4) Subject to subsections (2) and (3) of this section, Schedule 1 to this Act shall have effect for the purposes of betting office licences and betting agency permits.
- (5) If the holder of a betting agency permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to fine not exceeding [<sup>F13</sup>level 1 on the standard scale].

#### Textual Amendments

- F13** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

## 10 Conduct of licensed betting offices. **E+W+S**

- (1) A licensed betting office shall be managed in accordance with the rules set out in Schedule 4 to this Act, and in the case of any contravention of any of those rules the licensee and any servant or agent of the licensee by whom the contravention was committed shall be liable on summary conviction to a fine not exceeding [<sup>F14</sup>level 3 on the standard scale]:

Provided that, where any person is charged with an offence under this subsection by reason only of his being the licensee, it shall be a defence to prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it.

- [<sup>F15</sup>(1A) The Secretary of State may, from time to time, by order made by statutory instrument amend the provisions of Schedule 4 to this Act so as to make new provision with respect to the facilities (other than those in respect of which a betting office licence is



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required) that may be provided in a licensed betting office; and, without prejudice to the generality of the foregoing, such an order may—

- (a) require compliance with such restrictions as may be specified in the order in relation to—
    - (i) the use in a licensed betting office of any apparatus for making information or other material available in the form of sounds or visual images or both;
    - (ii) the use of a licensed betting office for any form of entertainment; and
    - (iii) the provision in a licensed betting office of any form of refreshment;
  - (b) provide that paragraphs 1 and 4 of that Schedule shall be construed, subject to those restrictions, as not prohibiting such of the things referred to in subparagraphs (i) to (iii) of paragraph (a) of this subsection, as may be specified in the order;
  - (c) repeal paragraph 5 of that Schedule.
- (1B) Notwithstanding anything in an order under sub-section (1A) of this section, Schedule 4 to this Act shall continue to have the effect of prohibiting the provision in a licensed betting office of any facility in respect of which a licence under the Licensing Act <sup>M3</sup>1964 or the Licensing (Scotland) Act <sup>M4</sup>1976 is required.
- (1C) An order under subsection (1A) of this section shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]
- (2) Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, in the case of a licensed betting office the licensee or any servant or agent of his may refuse to admit to, or may expel from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or whose presence on those premises would subject the licensee or any servant or agent of his to a penalty under [<sup>F16</sup>subsection (1) of this section]; and if any person liable to be expelled from the licensed premises under this subsection, when requested by the licensee, any servant or agent of the licensee or any constable to leave those premises, fails to do so, he shall be liable on summary conviction to a fine not exceeding [<sup>F14</sup>level 1 on the standard scale].
  - (3) Any constable may, on the request of the licensee or any servant or agent of the licensee, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled therefrom under subsection (2) of this section; and the constable may use such force as may be required for that purpose.
  - (4) Any constable may enter any licensed betting office for the purpose of ascertaining whether the provisions of subsection (1) of this section are being complied with, and any person who obstructs any constable in the exercise of his powers under this subsection shall be liable on summary conviction to a fine not exceeding [<sup>F14</sup>level 1 on the standard scale].
  - (5) If, [<sup>F17</sup>any advertisement, other than an advertisement to which subsection (6) of this section applies,]is published—
    - (a) indicating that any particular premises are a licensed betting office; or
    - (b) indicating where any such office may be found; or
    - (c) drawing attention to the availability of, or to the facilities afforded to persons resorting to, such offices,

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then, in the case of an advertisement in connection with the office or offices of a particular licensee, that licensee, and in every case any person who published the advertisement or caused or permitted it to be published, shall be guilty of an offence: Provided that it shall be a defence for any person charged with an offence under this subsection to prove—

- (i) that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken all reasonable steps to ascertain that it was not, such an advertisement as aforesaid; or
- (ii) if he is charged by reason only of being a licensee, that the advertisement was published without his consent or connivance and that he exercised all due diligence to prevent the publishing of any such advertisement in connection with his office or offices.

[<sup>F18</sup>(6) The subsection applies to an advertisement if—

- (a) it is published inside but not outside a licensed betting office; or
- (b) it complies with such restrictions as may be prescribed and is, in such manner as may be prescribed, published outside a licensed betting office—
  - (i) from a place inside such an office; or
  - (ii) in premises giving access to such an office; or
  - (iii) by being painted on or otherwise attached to the outside of such an office or the outside of premises in which such an office is situated.]

#### Textual Amendments

- F14** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G
- F15** S. 10(1A)–(1C) inserted by Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 1(1)
- F16** Words substituted by Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 1(2)
- F17** Words substituted by Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 2
- F18** S. 10(6) inserted by Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25, SIF 12:1), s. 2

#### Modifications etc. (not altering text)

- C5** Mode of trial in s. 10(5) specified (S.) (1.4.1996) by 1995 c. 46, ss. 292(1), 309(2), Sch. 10 para. 4(b) (with ss. 24(2), 307(2))

#### Marginal Citations

- M3** 1964 c.26 (68A:1).
- M4** 1976 c.66 (68A:2).

VALID FROM 01/09/1997

#### [<sup>F19</sup>10A Cancellation of betting office licence **E+W+S**

- (1) Where the holder of a betting office licence is convicted under section 10(1) of this Act of an offence in respect of the betting office to which the licence relates, the court by or before whom he is convicted may, if the court thinks fit, order that the licence shall be forfeited and cancelled.

**Status:** Point in time view as at 03/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Betting, Gaming and Lotteries Act 1963 is up to date with all changes known to be in force on or before 09 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) An order under subsection (1) of this section made by a court in England and Wales shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and in the case of such an order, the licence to which the order relates shall not be forfeited or cancelled under it—
- (a) until the end of the period within which notice of appeal against the conviction or sentence may be given; nor
  - (b) if notice of appeal against the conviction or sentence is duly given within that period, until the determination or abandonment of that appeal.
- (3) Where an order under subsection (1) of this section is made by a court in Scotland, the holder of the licence to which the order relates may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and the licence to which the order relates shall not be forfeited or cancelled under it—
- (a) until the end of the period of 14 days commencing with the date on which the order was made; nor
  - (b) if an appeal against the order or the conviction which gave rise to it is made within that period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (4) Where a licence is forfeited and cancelled in pursuance of an order under subsection (1) of this section, the clerk of the court by whom the order was made shall, unless he is also clerk to the authority who last either granted or renewed the licence, send a copy of the order to the clerk to that authority.]

#### Textual Amendments

**F19** S. 10A inserted (1.9.1997) by S.I. 1997/947, art.2

*Special provisions with respect to bookmaker's and betting agency permits*

## 11 Cancellation of and disqualification for bookmaker's or betting agency permit. **E+W+S**

- (1) If the holder of a bookmaker's permit or of a betting agency permit is convicted—
- (a) of an offence under section 1(1), 4(1), 5, 6, 8 or 21 of this Act; or
  - (b) of any offence involving fraud or dishonesty,
- or if the holder of a betting agency permit is convicted of an offence under section 2(1) of this Act, the court by or before whom he is convicted may, if the court thinks fit, order that his permit shall be forfeited and cancelled.
- (2) An order under the foregoing subsection shall be deemed for the purposes of any appeal to be part of the sentence for the offence; and the permit shall not be forfeited or cancelled under that order—
- (a) until the date of expiration of the period within which notice of appeal against the conviction or sentence may be given; nor
  - (b) if notice of appeal against the conviction or sentence is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal.

**Status:** Point in time view as at 03/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Betting, Gaming and Lotteries Act 1963 is up to date with all changes known to be in force on or before 09 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Subsection (2) of this section shall not apply to Scotland, but the holder of a permit in respect of which an order under subsection (1) of this section is made by a court in Scotland may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and a permit shall not be forfeited or cancelled under an order so made—
- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made; nor
  - (b) if an appeal against the order or the conviction which gave rise thereto is taken within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned.
- (4) A person whose bookmaker’s permit or betting agency permit is forfeited and cancelled in pursuance of an order under subsection (1) of this section shall, by virtue of that order, be disqualified for holding or obtaining a permit of either description for a period of five years beginning with the date of the conviction which gave rise to the order:  
Provided that, in a case where it appears to the court making the order to be just in all the circumstances, that court may include in the order a direction that the period of disqualification shall be such period shorter than five years as the court may specify.
- (5) Where a bookmaker’s permit or betting agency permit is forfeited and cancelled in pursuance of an order under subsection (1) of this section, the clerk of the court by whom the order was made shall, unless he is also clerk to the authority who last either granted or renewed the permit, send a copy of the order to the clerk to that authority.
- (6) Any holder of a bookmaker’s permit or betting agency permit who employs in his bookmaking business any person known to him to be for the time being disqualified under subsection (4) of this section shall be guilty of an offence.

**Modifications etc. (not altering text)**

- C6 Mode of trial in s. 11(6) specified (S.) (1.4.1996) by 1995 c. 46, ss. 292(1), 309(2), **Sch. 10 para. 4(c)** (with ss. 24(2), 307(2))

*The Totalisator Board and pool betting on horse races*

**12 Horserace Totalisator Board. E+W+S**

- (1) There shall be a Horserace Totalisator Board (in this Act referred to as “the Totalisator Board”) which shall be a body corporate and have perpetual succession and a common seal.
- (2) The Totalisator Board shall consist of [<sup>F20</sup>a chairman and such number of other members as the Secretary of State may determine, all of whom] shall be appointed by the Secretary of State and hold and vacate office in accordance with the terms of the respective instruments under which they are appointed.
- (3) The Totalisator Board may pay to any member of the Board such remuneration, and travelling, subsistence or other allowances at such rates, as the Board may with the approval of the Secretary of State determine:

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**Changes to legislation:** Betting, Gaming and Lotteries Act 1963 is up to date with all changes known to be in force on or before 09 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Provided that the Board shall not by virtue of this subsection have power to pay remuneration to any member of the Board who is for the time being a member of, or nominated as a candidate for election to, the House of Commons.

[<sup>F21</sup>(3A) The Board may pay such pension or gratuity to or in respect of any member of the Board as the Board may, with the approval of the Secretary of State, determine.]

- (4) The Totalisator Board may appoint officers, servants and agents on such terms as to remuneration, pensions or otherwise as the Board may determine.
- (5) The Totalisator Board may regulate their own procedure and make standing orders governing the conduct of their business.
- (6) No act or proceeding of the Totalisator Board shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any member having been defective.
- (7) Except where the context otherwise requires, any reference in any Act or other document to the Racecourse Betting Control Board shall be construed as a reference to the Totalisator Board.

#### Textual Amendments

**F20** Words substituted by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 2](#)

**F21** S. 12(3A) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\), s. 25\(1\)](#)

### 13 Approval of horse racecourses by Totalisator Board. **E+W+S**

- (1) [<sup>F22</sup>The Levy Board] may for the purposes of this Part of this Act issue (subject to such conditions as they may impose) in respect of any ground used for the purpose of a racecourse for racing with horses and any ground adjacent thereto a certificate of their approval of that ground as a horse racecourse, and the Board may at any time revoke any such certificate issued by them.
- (2) [<sup>F22</sup>The Levy Board] shall make it a condition of the grant of such a certificate of approval of any ground as a horse racecourse that the persons having the management of that racecourse shall provide a place, whether in a building or not, where bookmakers may carry on their business and to which the public may resort for the purpose of betting, and that the charge to a bookmaker and to any assistant accompanying him for admission to an enclosure on the racecourse for the purpose of the bookmaker's business shall, in the case of the bookmaker, not exceed five times the amount, and, in the case of a bookmaker's assistant, not exceed the amount, of the highest charge made to members of the public for admission to that enclosure.

#### Textual Amendments

**F22** Words substituted with saving by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 5\(1\)](#)

#### Modifications etc. (not altering text)

**C7** “The Levy Board” means the Horserace Betting Levy Board established in accordance with s. 24 of this Act

*Status:* Point in time view as at 03/01/1995. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* Betting, Gaming and Lotteries Act 1963 is up to date with all changes known to be in force on or before 09 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## 14 Functions of Totalisator Board with respect to betting on horse races. E+W+S

(1) The Totalisator Board [<sup>F23</sup>shall have the exclusive right] to do, and to authorise other persons to do, either of the following things, that is to say—

- (a) to carry on pool betting business in any form on a recognised horse race; and
- (b) by way of business to receive or negotiate bets on a recognised horse race on terms that the winnings or any part thereof shall be calculated or regulated directly or indirectly by reference to the amounts or rates of any payments or distributions in respect of winning bets on that race made by way of sponsored pool betting;

and in giving any authority under this subsection the Board may do so on such terms, including terms as to payments to the Board, as the Board may think fit.

(2) Any infringement of the right conferred on the Totalisator Board by the foregoing subsection shall be actionable at the suit of the Board; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the Board as is available to the plaintiff in any corresponding proceedings in respect of infringements of proprietary rights and, notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, a county court may, on the application of the Board, grant an injunction restraining an infringement or apprehended infringement of the right aforesaid whether or not any other relief is claimed; and for the purposes of this subsection the right aforesaid is infringed by any person who, without the authority of the Board—

- (a) does or authorises any other person to do anything such as is mentioned in subsection (1)(a) or (b) of this section; or
- (b) by way of business holds himself out as willing to enter into any pool betting transaction on a recognised horse race, whether by way of sponsored pool betting or otherwise, or to receive or negotiate a bet on a recognised horse race on such terms as are mentioned in the said subsection (1)(b).

In the application of this subsection to Scotland, “suit” means instance, “injunction” means an interdict, “accounts” means count, reckoning and payment, and “plaintiff” means pursuer.

(3) Where bets on a race or combination of races are made by way of sponsored pool betting, the Totalisator Board shall—

- (a) cause to be deducted from the aggregate amount staked either—
  - (i) such percentage of that amount as may be determined from time to time by the Board, either generally or with respect to any particular racecourse; or
  - (ii) if so determined as aforesaid, such percentage of such part of that amount as may be determined as aforesaid; and
- (b) cause the whole of the remainder of that amount to be distributed among the persons making such of those bets as are winning bets.

(4) Where facilities for sponsored pool betting are being provided on an approved horse racecourse by the persons having the management of that racecourse, any amount deducted by those persons under subsection (3)(a) of this section shall be paid to the Totalisator Board, but the Board may pay to those persons the amount of the expenses shown to the satisfaction of the Board to have been properly incurred by those persons in connection with the provision of those facilities.

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- (5) Without prejudice to section 12(4) of this Act, the Totalisator Board may remunerate any person, by the payment of commissions or otherwise, in respect of the negotiation, receipt or transmission by that person—
- (a) of bets to be made by way of sponsored pool betting; or
  - (b) of bets such as are mentioned in subsection (1)(b) of this section to be made with the Board or, under the authority of the Board, with the persons having the management of an approved horse racecourse,
- and may provide facilities on any such racecourse for persons engaged in receiving bets to be so made.
- (6) Nothing in this Act shall be construed as restricting the betting transactions which may be effected by way of sponsored pool betting to betting transactions upon the result of a single race, or upon the results of races run on a particular racecourse or on a particular day, or as preventing the Totalisator Board from giving credit in any betting transaction.

#### Textual Amendments

**F23** Words substituted by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 1\(5\)](#)

#### Modifications etc. (not altering text)

**C8** S. 14(3) modified in its application to pool betting by means of facilities provided by the Totalisator Board by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 1\(3\)](#)

**C9** S. 14(4) amended by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 4\(1\)](#)

**C10** S. 14(5) explained by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 1\(4\)](#)

## 15 Additional powers and duties of Totalisator Board. **E+W+S**

- (1) The Totalisator Board shall have power—
- (a) to acquire and hold such land as may be reasonably required for the purposes of any of their functions and to sell or lease any land held by them which is not required for those purposes;
  - (b) to borrow for the purposes of any of their functions and to give security for any moneys borrowed by them;
  - (c) to make such loans or investments as they judge desirable for the proper conduct of their affairs, being loans or investments either—
    - (i) such as, under the enactments for the time being in force, a trustee would be authorised to make out of trust funds; or
    - (ii) approved, or of a description approved, by the Secretary of State;
  - (d) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.
- (2) Subject to section 14(3) to (5) of this Act, the Totalisator Board shall apply any moneys from time to time available in their hands—
- (a) in providing for the payment of rates, taxes, charges, expenses and other outgoings;
  - (b) in making provision for the payment of any contribution for the time being payable by them under section 30 of this Act;
  - (c) in making such other provision in connection with any of their functions as they think proper.

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*Special provisions with respect to licensed tracks*

**16 Totalisators on licensed tracks. E+W+S**

(1) Where in the case of any licensed track, by virtue of section 4(1)(b) of this Act, the occupier of the track or any person authorised in that behalf in writing by the occupier of the track has set up a totalisator, that totalisator shall [<sup>F24</sup>on any day] be operated only—

- (a) .....<sup>F25</sup>
- (b) while the public are admitted to the track for the purpose of attending dog races and no other sporting events are taking place on the track; and
- (c) for effecting with persons resorting to the track betting transactions on dog races run on that track on that day,

and Schedule 5 to this Act shall have effect with respect to the totalisator.

(2) The occupier of a licensed track—

- (a) shall not so long as a totalisator is being lawfully operated on the track exclude any person from the track by reason only that he proposes to carry on bookmaking on the track; and
- (b) shall take such steps as are necessary to secure that so long as a totalisator is being lawfully operated on the track there is available for bookmakers space on the track where they can conveniently carry on bookmaking in connection with dog races run on the track on that day;

and every person who contravenes any of the provisions of this subsection shall be guilty of an offence.

**Textual Amendments**

**F24** Words inserted by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 2(2)

**F25** Ss. 5(1A), 6(2), 7, 16(1)(a) repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.

VALID FROM 07/01/1996

**[<sup>F26</sup>16A Licensing of inter-track betting schemes. E+W+S**

Schedule 5ZA to this Act (which makes provision for and in connection with the licensing of inter-track betting schemes) shall have effect.]

**Textual Amendments**

**F26** S. 16A inserted (7.1.1996) by S.I. 1995/3231, art. 5(3)



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**17 Special rights of occupier of licensed track where totalisator is operated. E+W+S**

- (1) The provisions of this section shall apply in relation to any dog race on a licensed track in connection with which betting takes place by means of a totalisator on the track in accordance with section 16 of this Act.
- (2) The occupier of the track shall have the exclusive right to authorise any person—
  - (a) to carry on pool betting business on any such race as aforesaid;
  - (b) by way of business to receive or negotiate bets on any such race on terms that the winnings or any part thereof shall be calculated or regulated directly or indirectly by reference to the amounts or rates of any payments or distributions in respect of winning bets on that race made by means of the totalisator,

and no person shall have the right to carry on any form of pool betting business on any such race or by way of business to receive or negotiate bets on any such race on such terms as aforesaid except with the authority of the occupier; and in giving any authority under this subsection the occupier may do so on such terms, including terms as to payments to the occupier, as the occupier may think fit.
- (3) Any infringement of the right conferred on the occupier by the last foregoing subsection shall be actionable at the suit of the occupier; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the occupier as is available to the plaintiff in any corresponding proceedings in respect of infringements of proprietary rights and, notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county court, a county court may, on the application of the occupier, grant an injunction restraining an infringement or apprehended infringement of the right aforesaid whether or not any other relief is claimed; and for the purposes of this subsection the right aforesaid is infringed by any person who, without the authority of the occupier—
  - (a) carries on any form of pool betting business on any such race as aforesaid or by way of business holds himself out as willing to enter into any pool betting transaction on any such race; or
  - (b) by way of business, receives or negotiates, or holds himself out as willing to receive or negotiate, any bet on any such race on such terms as are mentioned in subsection (2)(b) of this section.

In the application of this subsection to Scotland, “suit” means instance, “injunction” means an interdict, “accounts” means count, reckoning and payment, and “plaintiff” means pursuer.

**18 Charges to bookmakers on licensed tracks. E+W+S**

- (1) The occupier of any licensed track may make to a bookmaker or to any assistant accompanying a bookmaker to the track for the purpose of his business any charge for admission to any particular part of the track not exceeding, in the case of the bookmaker, five times the amount, or, in the case of an assistant, the amount, of the highest charge made to members of the public for admission to that part of the track: Provided that there shall not be made to any bookmaker or bookmaker’s assistant for admission to any particular part of the track any charge differing in amount from the charge made to any other bookmaker or bookmaker’s assistant, as the case may be, for admission to that part of the track.
- (2) If in the case of any licensed track any charge other than—

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- (a) a charge authorised by the foregoing subsection; or
- (b) any amount payable by way of bookmakers' licence duty under section 4 of the <sup>M5</sup>Betting Duties Act 1963,

is made to a bookmaker or bookmaker's assistant, or any payment, valuable thing or favour, other than a charge so authorised or an amount so payable, is demanded or received by or for the benefit of the occupier of the track as a consideration for facilities being given to a bookmaker for the carrying on of his business, the person immediately responsible, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence under this section by reason of an act of another person, it shall be a defence for the occupier to prove that the act took place without his consent or connivance and that he exercised all due diligence to prevent it.

#### Marginal Citations

M5 1963 c. 3.

### 19 **Occupiers of licensed tracks not to have an interest in bookmaking thereon.** **E** **+W+S**

It shall not be lawful for—

- (a) the occupier of any licensed track or any servant or agent of his; or
- (b) any person having under a lease, agreement or licence granted by the occupier any interest in or right over or in respect of any part of the track,

to engage either directly or indirectly, and either on his own behalf or on behalf of another, in bookmaking on that track; and if any person contravenes the provisions of this section, that person, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person it shall be a defence for the occupier to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

### 20 **Saving for right of occupier of licensed track to prohibit betting.** **E+W+S**

Nothing in this Act shall be construed as requiring the occupier of a licensed track to permit betting thereon at any time when no totalisator is being operated on that track.

*Special provisions with respect to young persons*

### 21 **Betting with young persons.** **E+W+S**

(1) If any person—

- (a) has any betting transaction with a young person; or
- (b) employs a young person in the effecting of any betting transaction or in a licensed betting office; or
- (c) receives or negotiates any bet through a young person,

he shall be guilty of an offence:

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Provided that a person shall not be guilty of an offence under this subsection by reason of—

- (i) the employment of a young person in the effecting of betting transactions by post; or
- (ii) the carriage by a young person of a communication relating to a betting transaction for the purposes of its conveyance by post.

(2) In this section, the expression, “young person” means a person—

- (a) who is under the age of eighteen years and whom the person committing an offence in relation to him under this section knows, or ought to know, to be under that age; or
- (b) who is apparently under the said age:

Provided that in the case of any proceedings under this section for an offence in respect of a person apparently under the said age, it shall be a defence to prove that at the time of the alleged offence he had in fact attained that age.

[<sup>F27</sup>(3) In any case concerning—

- (a) a bet which is an entry in a qualifying competition (as defined in section 1(4D) of this Act), or
- (b) a betting transaction relating to such a bet,

this section shall have effect with the substitution in subsection (2) of “sixteen” for “eighteen”.

(4) Subsection (3) of this section does not apply in relation to the employment of a young person in a licensed betting office.]

#### Textual Amendments

**F27** S. 21(3)(4) added (14.11.1994) by 1993 c. 39, s. 57(1); S.I. 1994/2659, art. 2

#### Modifications etc. (not altering text)

**C11** Mode of trial in s. 21 specified (S.) (1.4.1996) by 1995 c. 46, ss. 292(1), 309(2), Sch. 10 para. 4(f) (with ss. 24(2), 307(2))

## 22 Betting circulars not to be sent to young persons. **E+W+S**

- (1) If any person, for the purpose of earning commission, reward or other profit, sends or causes to be sent to a person whom he knows to be under the age of [<sup>F28</sup>eighteen years] any circular, notice, advertisement, letter, telegram or other document which invites or may reasonably be implied to invite the person receiving it to make any bet, or to enter into or take any share or interest in any betting transaction, or to apply to any person or at any place with a view to obtaining information or advice for the purpose of any bet or for information as to any race, fight, game, sport or other contingency upon which betting is generally carried on, he shall be guilty of an offence.
- (2) If any such document as aforesaid names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting, the person so named or referred to shall be deemed to have sent that document or caused it to be sent unless he proves that he had not consented to be so named and that he was not in any way a party to, and was wholly ignorant of, the sending of the document.

**Status:** Point in time view as at 03/01/1995. This version of this Act contains provisions that are not valid for this point in time.

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(3) If any such document as aforesaid is sent to any person at any university, college, school or other place of education and that person is under the age of [<sup>F28</sup>eighteen years], the person sending the document or causing it to be sent shall be deemed to have known that person to be under that age unless he proves that he had reasonable grounds for believing him [<sup>F29</sup>to have attained that age].

[<sup>F30</sup>(4) In any case concerning—

- (a) a bet which is an entry in a qualifying competition (as defined in section 1(4D) of this Act),
- (b) a betting transaction relating to such a bet, or
- (c) information as to any game of association football upon which such betting is carried on,

this section shall have effect with the substitution in subsections (1) and (3) of “sixteen” for “eighteen”.]

#### Textual Amendments

**F28** Words substituted by [Age of Majority \(Scotland\) Act 1969 \(c. 39\), s. 1\(3\)](#), [Sch. 1 Pt. I](#) and [Family Law Reform Act 1969 \(c. 46\), s. 1\(3\)](#), [Sch. 1 Pt. I](#)

**F29** Words in [s. 22\(3\)](#) substituted (14.11.1994) by [1993 c. 39, s. 57\(2\)\(a\)](#); [S.I. 1994/2659, art. 2](#)

**F30** [S. 22\(4\)](#) added (14.11.1994) by [1993 c. 39, s. 57\(2\)\(b\)](#); [S.I. 1994/2659, art. 2](#)

#### Modifications etc. (not altering text)

**C12** Mode of trial in [s. 22](#) specified (S.) (1.4.1996) by [1995 c. 46, ss. 292\(1\), 309\(2\)](#), [Sch. 10 para. 4\(g\)](#) (with [ss. 24\(2\), 307\(2\)](#))

### *Power of entry on tracks*

## 23 Power of entry on tracks. **E+W+S**

Any person authorised in writing in that behalf by the licensing authority under Schedule 3 to this Act for the area in which any track or the greater part of the superficial area thereof is situated, subject to the production on demand of his authority, and any constable, may at all reasonable times enter upon that track for the purpose of ascertaining whether the provisions of this Part of this Act are being complied with; and every person who obstructs any constable or other person in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding [<sup>F31</sup>level 1 on the standard scale].

#### Textual Amendments

**F31** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

**Status:** Point in time view as at 03/01/1995. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Betting, Gaming and Lotteries Act 1963 is up to date with all changes known to be in force on or before 09 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*Contributions for benefit of horse racing by bookmakers and Totalisator Board*

**24 Horserace Betting Levy Board. E+W+S**

- (1) There shall be a Horserace Betting Levy Board (in this Act referred to as “the Levy Board”) which shall be charged with the duty of assessing and collecting in accordance with the subsequent provisions of this Part of this Act, and of applying, subject to those provisions, for purposes conducive to any one or more of the following, that is to say—
  - (a) the improvement of breeds of horses;
  - (b) the advancement or encouragement of veterinary science or veterinary education;
  - (c) the improvement of horse racing,
 monetary contributions from bookmakers and the Totalisator Board.
- (2) The Levy Board shall consist of a chairman and seven other members of whom—
  - (a) the chairman and two other members shall be appointed by the Secretary of State and be persons who the Secretary of State is satisfied have no interests connected with horse racing which might hinder them from discharging their functions as members of the Board in an impartial manner;
  - <sup>F32</sup>(b) three members shall be appointed by the Jockey Club (incorporating the National Hunt Committee)]
  - (d) one member shall be the chairman for the time being of the Bookmakers’ Committee; and
  - (e) one member shall be the chairman for the time being of the Totalisator Board.
- (3) Any person appointed to be a member of the Levy Board under subsection (2)(a) of this section shall hold and vacate office in accordance with the terms of the instrument under which he was appointed; and any person appointed to be a member of the Board under <sup>F33</sup>subsection (2)(b)] of this section may be removed from the Board at any time by the body by whom he was appointed.
- (4) The Jockey Club, <sup>F33</sup>(incorporating the National Hunt Committee)], the Bookmakers’ Committee and the Totalisator Board respectively may from time to time appoint a person to act in the place of such a member of the Levy Board as is mentioned in <sup>F33</sup>subsection (2)(b), (d) or (e)], as the case may be, of this section at any meeting of the Levy Board at which that member is unable to be present, and while so acting any such person shall be deemed for the purposes of any act or proceeding of the Levy Board to be a member of that Board.
- (5) The Levy Board shall be a body corporate and shall have perpetual succession and a common seal.
- (6) The Levy Board may pay to the chairman and the two other members appointed by the Secretary of State such remuneration, and to any member of the Board travelling, subsistence or other allowances at such rates, as the Board may with the approval of the Secretary of State determine.
- <sup>F34</sup>(6A) The Levy Board may pay such pension or gratuity as the Board may, with the approval of the Secretary of State, determine, to or in respect of the chairman and any other members appointed by the Secretary of State.]
- (7) The Levy Board may appoint officers, servants and agents on such terms as to remuneration, pensions or otherwise as the Board may determine.

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- (8) The Levy Board may regulate their own procedure and make standing orders governing the conduct of their business.
- (9) No act or proceeding of the Levy Board shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any member having been defective.

#### Textual Amendments

**F32** S. 24(2)(b) substituted for s. 24(2)(b)(c) by [Horserace Betting Levy Act 1969 \(c. 14\), s. 6\(2\)](#)

**F33** Words substituted by [Horserace Betting Levy Act 1969 \(c. 14\), s. 6\(3\)\(4\)](#)

**F34** S. 24(6A) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\), s. 25\(2\)](#)

## 25 General powers and duties of Levy Board. **E+W+S**

- (1) The Levy Board shall have power—
- (a) with the approval of, and subject to any conditions imposed by, the Secretary of State, to engage in any activity connected with any of the matters specified in section 24(1)(a) to (c) of this Act;
  - (b) to acquire and hold such land as may be reasonably required for the purposes of any of their functions and to sell or lease any land held by them which is not required for those purposes;
  - (c) to borrow for the purposes of any of their functions and to give security for any moneys borrowed by them;
  - (d) to lend or invest money for the purposes of or in connection with any activity in which they have power under paragraph (a) of this subsection to engage;
  - (e) to make such other loans or investments as they judge desirable for the proper conduct of their affairs and as, under the enactments for the time being in force, a trustee would be authorised to make out of trust funds;
  - (f) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.
- (2) The Levy Board shall apply any moneys from time to time available in their hands—
- (a) in providing for the payment of rates, taxes, charges, expenses and other outgoings, including any sums which they are required or authorised to pay by virtue of [<sup>F35</sup>any enactment];
  - (b) in retaining such sums and making provision for such matters as they think proper in connection with any of their functions;
  - (c) in making such payments as they think fit for charitable purposes;
  - (d) subject to the foregoing paragraphs of this subsection, in making payments, in accordance with schemes from time to time prepared by the Levy Board and approved with or without modifications by the Secretary of State, for such purposes as are mentioned in section 24(1) of this Act.

#### Textual Amendments

**F35** Words substituted by [Horserace Betting Levy Act 1969 \(c. 14\), s. 7\(3\)](#)

**Status:** Point in time view as at 03/01/1995. This version of this Act contains provisions that are not valid for this point in time.

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**Modifications etc. (not altering text)**

**C13** S. 25(2)(d) amended by [Horse Race Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 4\(2\)](#)

**26 Bookmakers' Committee.** **E+W+S**

- (1) For the purposes of the contributions such as are mentioned in section 24(1) of this Act to be made by bookmakers, there shall be a committee, which shall be known as the Bookmakers' Committee, constituted in such manner as the Secretary of State may, after consultation with any body appearing to him to be representative of the interests of bookmakers generally, by regulations made by statutory instrument provide.
- (2) Provision may be made, and from time to time varied, by a scheme under this subsection for the payment of remuneration to all or any of the members of the Bookmakers' Committee, and for the provision of secretarial and other facilities for that committee; and such a scheme—
  - (a) may be made at any time by agreement between the committee and the Levy Board; or
  - (b) on any occasion on which proposals for such a scheme are made by the committee or by the Levy Board but the committee and the Board cannot agree thereon, may be made by the three persons for the time being appointed to be members of the Levy Board by the Secretary of State.
- (3) The Levy Board shall pay—
  - (a) any amounts payable by virtue of any scheme under subsection (2) of this section;
  - (b) any other expenses incurred by the Bookmakers' Committee for the purposes of this Act with the approval, whether general or special, of the Levy Board;
  - (c) any travelling and other expenses reasonably incurred by any person as a member of the Bookmakers' Committee.
- (4) The Bookmakers' Committee may regulate their own procedure and make standing orders governing the conduct of their business.
- (5) No act or proceeding of the Bookmakers' Committee shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any person as a member thereof having been defective.

**27 Bookmakers' levy schemes.** **E+W+S**

- (1) The contributions such as are mentioned in section 24(1) of this Act to be made by bookmakers shall be paid by way of a levy in respect of each levy period in accordance with a scheme having effect for that period under this section; and in this Act the expression "levy period" means a period of twelve months beginning with 1st April in any year.
- (2) Any such scheme shall include provision—
  - (a) for securing that the levy shall be payable only by a bookmaker who carries on on his own account a business which includes the effecting of betting transactions on horse races, and only in respect of so much of the business of the bookmaker as relates to such betting transactions;
  - (b) for bookmakers to be divided for the purposes of the levy into different categories;

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- (c) for the amount, if any, payable by way of the levy by any particular bookmaker to be determined by reference to the category into which he falls;
  - (d) as to the method of the promulgation of the scheme by the Levy Board;
  - (e) for the submission to the Levy Board by each bookmaker before a specified date of a declaration as to the category into which he falls;
  - (f) for the issue by the Levy Board of notices of assessment to, and certificates of exemption from, the levy.
- (3) Not later than such date before the beginning of any levy period as the Levy Board may determine, the Bookmakers’ Committee shall make recommendations to the Levy Board with respect to the scheme to have effect under this section for that period, and those recommendations shall take the form either of a draft scheme or of a recommendation that the current scheme shall continue to have effect without amendment or with specified amendments.
- (4) If the Levy Board approve the recommendations aforesaid, or those recommendations as revised by the Bookmakers’ Committee in the light of any observations thereon made to the committee by the Board, the scheme so recommended and approved shall have effect accordingly for the levy period in question.
- (5) ..... F36

**Textual Amendments**  
**F36** Sch. 7 repealed by [Lotteries Act 1975 \(c. 58\)](#), [Sch. 5](#)

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**Modifications etc. (not altering text)**  
**C14** S. 27 amended by [Horserace Betting Levy Act 1969 \(c. 14\)](#), [s. 1\(1\)–\(8\)](#)

**28 Assessment of or exemption from bookmakers’ levy. E+W+S**

- (1) ..... F37
- (5) An assessment notice issued by the Levy Board in the case of any bookmaker for any levy period shall be conclusive as to his liability to the levy for that period and the amount payable by him by way thereof unless not later than twenty-eight days after the notice is served on him he gives to the Board notice in writing of appeal therefrom.
- (6) On receiving any notice of appeal under the last foregoing subsection, the Levy Board shall refer the appeal to an appeal tribunal established in pursuance of section 29 of this Act, which shall have power to confirm, increase or reduce the assessment, or grant the appellant a certificate of exemption from the levy, according to the tribunal’s opinion as to the category into which he falls, but which—
- (a) shall not reduce the assessment or grant the appellant a certificate of exemption unless the appellant has afforded the tribunal all the facilities it may have required for the investigation of his case;
  - (b) shall confirm the assessment unless the tribunal is satisfied that, on all the evidence made available to it, the assessment should be varied or rescinded;
- and any decision of the tribunal as to the category into which the appellant falls for the purposes of the levy for the levy period in question shall be final.



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- (7) Any amount assessed as payable by any bookmaker by way of the levy in respect of any levy period shall [<sup>F38</sup>(except to the extent of any payments on account)] become due twenty-eight days after notice of the assessment has been served on the bookmaker or, if he appeals therefrom in pursuance of the foregoing provisions of this section, on the determination or abandonment of the appeal, and shall be recoverable by the Levy Board as a debt due to them.
- (8) Upon the discharge by a bookmaker of his liability by way of the levy in respect of any levy period [<sup>F39</sup>in accordance with the notice of assessment issued in his case], the Levy Board shall issue to him a certificate in writing to the effect that he has done so, and any such certificate shall be conclusive evidence of the facts stated therein.
- (9) An assessment notice may be served on any bookmaker either by serving it on him personally or by sending it to him by post at his usual or last-known residence or place of business in the United Kingdom or, if the bookmaker is a company, at the company's registered office.
- (10) If, otherwise than with the consent in writing of the bookmaker concerned or—
- (a) for the purposes of this section [<sup>F40</sup>or section 2 of the <sup>M6</sup>Horseshoe Betting Levy Act 1969] or of a report of any proceedings before an appeal tribunal thereunder; or
  - (b) for the purposes of, or of a report of—
    - (i) proceedings for the recovery from that bookmaker of any amount due from him [<sup>F41</sup>under this section] by way of the levy; or
    - (ii) proceedings relating to that bookmaker before an appropriate authority within the meaning of Schedule 1 to this Act, or before any court on an appeal from any such authority; or
    - (iii) any criminal proceedings,
- any person who is a member, officer or servant of the Levy Board, the Bookmakers' Committee or an appeal tribunal established in pursuance of section 29 of this Act, or who is consulted by the Bookmakers' Committee in pursuance of subsection (4) of this section, [<sup>F40</sup>or by members of the Levy Board in pursuance of section 2(4) of the said Act of 1969], discloses to any other person in such a manner as to identify the bookmaker concerned any declaration by or assessment on any bookmaker for the purposes of the levy, or any other information concerning that bookmaker obtained through the exercise of any functions under this section [<sup>F40</sup>or under section 2 of the said Act of 1969], or any ruling of the Bookmakers' Committee or an appeal tribunal as to the category into which any bookmaker falls, he shall be liable on summary conviction to a fine not exceeding [<sup>F42</sup>level 4 on the standard scale].

#### Textual Amendments

- F37** S. 28(1)–(4) repealed with saving by [Horseshoe Betting Levy Act 1969 \(c. 14\), ss. 2\(1\), 7\(4\)](#)
- F38** Words inserted by [Horseshoe Betting Levy Act 1981 \(c. 30, SIF 12:1\), s. 4\(6\), Sch. para. 1\(a\)](#)
- F39** Words inserted by [Horseshoe Betting Levy Act 1981 \(c. 30, SIF 12:1\), s. 4\(6\), Sch. para 1\(b\)](#)
- F40** Words inserted by [Horseshoe Betting Levy Act 1969 \(c. 14\), s. 2\(5\)\(a\)–\(c\)](#)
- F41** Words inserted by [Horseshoe Betting Levy Act 1981 \(c. 30, SIF 12:1\), s. 4\(6\), Sch. para. 1\(c\)](#)
- F42** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 39\(3\), 56\(2\), Sch. 3, Sch. 6](#) and expressed to be substituted (1.4.1996) by [1995 c. 40, ss. 3, 7\(2\), Sch. 1 para. 10, Sch. 2 Pt. III](#)

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### Marginal Citations

M6 1969 c. 14.

## 29 Levy appeal tribunals. **E+W+S**

- (1) There shall be established for the purposes of section 28 of this Act [<sup>F43</sup>and section 2 of the Horserace Betting Levy Act 1981]—
  - (a) one or more appeal tribunals for England and Wales; and
  - (b) one or more appeal tribunals for Scotland;
 and an appeal under section 28(5) of this Act [<sup>F44</sup>or section 2(1) of the said Act of 1981] shall be referred to a tribunal established for Scotland if the appellant is the holder of a bookmaker's permit which was last granted or renewed by an authority in Scotland.
- (2) Each such tribunal shall consist of a chairman and two other members of whom—
  - (a) the chairman, who shall be
    - <sup>F45</sup>(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
    - (ii) an advocate or solicitor in Scotland of at least 7 years' standing,]
 shall be appointed by the Lord Chancellor or, in the case of a tribunal established for Scotland, by the Lord President of the Court of Session; and
  - (b) the other members shall be appointed by the Secretary of State;
 and each member of any such tribunal shall hold office in accordance with the terms of the instrument under which he was appointed.
- (3) The procedure of any such tribunal shall be such as the Lord Chancellor or, in the case of a tribunal established for Scotland, the Lord President of the Court of Session may by rules prescribe; and any such rules shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Levy Board shall pay to the members of any such tribunal such remuneration as the Board may with the approval of the Secretary of State determine and any travelling and other expenses reasonably incurred by them as members of the tribunal.
- (5) The Levy Board shall provide any such tribunal with such secretarial and other facilities as may appear to the Board to be necessary or expedient, and, without prejudice to subsection (7) of this section, shall pay any expenses incurred by the tribunal for the purposes of their functions with the approval, whether general or special, of the Levy Board.
- (6) If any such tribunal thinks it just so to direct in allowing any appeal by a bookmaker, the Levy Board shall pay to that bookmaker such amount as the tribunal may specify towards expenses appearing to the tribunal to have been reasonably incurred by the bookmaker in connection with the appeal.
- (7) If any such tribunal, in dismissing any appeal by a bookmaker, or on the abandonment of any appeal after the tribunal has taken some action towards its determination, thinks it just that the bookmaker should make a payment towards expenses incurred by the tribunal in connection with the appeal, the tribunal may certify accordingly and the Levy Board shall be entitled to recover from the bookmaker as a debt due to them the amount specified in the certificate.

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**Textual Amendments**

- F43 Words inserted by [Horserace Betting Levy Act 1981 \(c.30, SIF 12:1\)](#), s. 4(6), **Sch. para. 2(a)**
- F44 Words inserted by [Horserace Betting Levy Act 1981 \(c.30, SIF 12:1\)](#), s. 4(6), **Sch. para. 2(b)**
- F45 [S. 29\(2\)\(a\)](#) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 16**

**Modifications etc. (not altering text)**

- C15 [S. 29](#) extended by [Horserace Betting Levy Act 1969 \(c. 14\)](#), s. **3(1)**

**30 Contributions by Totalisator Board. E+W+S**

(1) Subject to subsection (2) of this section, the contribution such as is mentioned in section 24(1) of this Act to be paid by the Totalisator Board in respect of any levy period shall be such as may be determined before the beginning of that period by the Levy Board after consultation with the Totalisator Board.

(2) ..... F46

**Textual Amendments**

- F46 [S. 30\(2\)](#) repealed with saving by [Horserace Betting Levy Act 1969 \(c. 14\)](#), ss. **5(2)**, 7(4)

**Modifications etc. (not altering text)**

- C16 [S. 30\(1\)](#) amended by [Horserace Betting Levy Act 1969 \(c. 14\)](#), s. **5(1)**

*Accounts and reports of Levy Board and Totalisator Board*

**31 Accounts of, and reports by, Levy Board and Totalisator Board. E+W+S**

(1) The Levy Board and the Totalisator Board shall each keep proper accounts and proper records in relation to those accounts and prepare proper statements of account in respect of each levy period; and the accounts of each of the Boards for each such period shall be audited by qualified accountants appointed for the purpose by the Board in question for that period.

(2) As soon as the accounts of the Totalisator Board for any levy period have been audited, that Board shall submit a copy of their statements of account and the auditor’s report thereon for that period, together with a report of their proceedings during that period, to the Levy Board; and the Levy Board shall submit to the Secretary of State a report of the proceedings during that period both of the Levy Board and of the Totalisator Board, which shall include the statements of account and the auditor’s report for that period of each of the Boards; and the Secretary of State shall cause a copy of the Levy Board’s report to be laid before each House of Parliament.

(3) The Levy Board shall cause copies of any report submitted by them under the last foregoing subsection to be made and kept available at their offices for inspection by the public without charge during reasonable hours and for supply on demand to any member of the public upon payment of such reasonable charge in respect of each copy as the Board may determine.

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### <sup>F47</sup> Betting workers: Sunday working]

#### Textual Amendments

**F47** Crossheading and s. 31A inserted (3.1.1995) by 1994 c. 40, ss. 20(3), 82(2)

### <sup>F48</sup>31A Rights of betting workers as respects Sunday working. **E+W**

Schedule 5A to this Act shall have effect for the purpose of making provision about the rights of betting workers as respects Sunday working.]

#### Textual Amendments

**F48** S. 31A and the crossheading inserted (3.1.1995) (E.W.) by 1994 c. 40, ss. 20(3), 40(1), 82(2)(a)

## PART II **E+W+S**

### GAMING

**32—** ..... <sup>F49</sup> **E+W+S**  
**39.**

#### Textual Amendments

**F49** Ss. 32–39 repealed by Gaming Act 1968 (c. 65), s. 44(2), Sch. 12

### **40** References in other Acts to gaming or unlawful games. **E+W+S**

In the following provisions, that is to say, section 44 of the <sup>M7</sup>Metropolitan Police Act 1839, section 28 of the <sup>M8</sup>City of London Police Act 1839, ... <sup>F50</sup> ... <sup>F51</sup> (which prohibit gaming in refreshment houses or on licensed premises), any reference to gaming or unlawful games shall be construed as a reference to the playing of any game in such circumstances that an offence under [<sup>F52</sup>the <sup>M9</sup>Gaming Act 1968] is committed or a requirement or restriction for the time being in force under [<sup>F52</sup>section 6 of that Act] is contravened.

#### Textual Amendments

**F50** Words repealed by Late Night Refreshment Houses Act 1969 (c. 53), Sch.

**F51** Words repealed by Licensing Act 1964 (c. 26), Sch. 15

**F52** Words substituted by Gaming Act 1968 (c. 65), s. 53(1)(a), Sch. 11 Pt. I

#### Marginal Citations

**M7** 1839 c. 47.

**M8** 1839 c. xciv.

**M9** 1968 c. 65.

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**PART III E+W+S**

41— .....<sup>F53</sup> **E+W+S**  
47.

**Textual Amendments**

**F53** Ss. 41–50,52(1A),54,55(2) repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 5](#)

**PART IV E+W+S**

48— .....<sup>F54</sup> **E+W+S**  
50.

**Textual Amendments**

**F54** Ss. 41–50,52(1A),54,55(2) repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 5](#)

**PART V E+W+S**

GENERAL

**51 Search warrants. E+W+S**

- (1) If a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, [<sup>F55</sup>at any time within fourteen days from the time of the issue of the warrant] and search them; and any constable who enters the premises under the authority of the warrant may—
  - (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and
  - (b) [<sup>F55</sup>arrest and] search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.
- (2) In its application to Scotland the foregoing subsection shall have effect as if for the reference to a justice of the peace there were substituted a reference to the sheriff or a magistrate or justice of the peace having jurisdiction in the place where the premises are situated.

**Textual Amendments**

**F55** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

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#### Modifications etc. (not altering text)

**C17** S. 51 modified (E.W.) (*prosp.*) by 2001 c. 16, ss. 55, 68, 138(2), **Sch. 1 Pt. III para. 89** (with s. 57(3))

**C18** S. 51(1) powers of seizure extended (E.W.) (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. I para. 6**

## 52 Penalties and forfeitures. **E+W+S**

(1) A person guilty of an offence under any of the following provisions of this Act, that is to say, sections 1(1), 2(1), 4, 5, 6, 16, 32(4) . . . <sup>F56</sup> paragraph 29 of Schedule 2 and paragraph 17 of Schedule 5, shall be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds or to both; or
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both.

(1A) . . . . . <sup>F57</sup>

(2) A person guilty of an offence under any provision of this Act not mentioned in the foregoing subsection, being a provision which does not specify any other penalty, shall be liable—

- <sup>F58</sup>(a) on summary conviction, to a fine not exceeding fifty pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred pounds or to both; or
- (b) on conviction on indictment, to a fine not exceeding three hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both.]

[<sup>F58</sup>on summary conviction to a fine not exceeding [<sup>F59</sup>level 5 on the standard scale] or to imprisonment for a term not exceeding six months or to both]

(3) Subject to section 8(3) of this Act for the purposes of any provision of this Act with respect to a second or subsequent conviction, a conviction for an offence under any provision repealed by this Act shall be deemed to have been a conviction for the like offence under the corresponding provision of this Act.

(4) The court by or before whom a person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

#### Textual Amendments

**F56** Words repealed by **Lotteries Act 1975 (c. 58), Sch. 5**

**F57** Ss. 41–50, 52(1A), 54, 55(2) repealed by **Lotteries and Amusements Act 1976 (c. 32), Sch. 5**

**F58** Words from “on summary” to “both” substituted for paras. (a)(b) (E.W.) by **Criminal Law Act 1977 (c. 45, SIF 39:1), s. 30, Sch. 1 para. 17** and (S.) by **Criminal Procedure (Scotland) Act 1975 (c. 21,**

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SIF 39:1), s. 289A, **Sch. 7A para. 13** and amendment continued (S.) (1.4.1996) by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 1, **Sch. 2 Pt. I**

**F59** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

**53 Offences by bodies corporate. E+W+S**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) In the foregoing subsection, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry of part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

**54** ..... <sup>F60</sup> **E+W+S**

**Textual Amendments**

**F60** Ss. 41–50, 52(1A), 54, 55(2) repealed by Lotteries and Amusements Act 1976 (c. 32), **Sch. 5**

**55 Interpretation, etc.—general. E+W+S**

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—
  - “approved horse racecourse” means any ground in respect of which there is for the time being in force a certificate of approval of that ground as a horse racecourse issued by the [<sup>F61</sup>Levy Board] under section 13 of this Act;
  - [<sup>F62</sup>“bet” does not include any bet made or stake hazarded in the course of, incidentally to, any gaming]
  - “betting agency permit” has the meaning assigned by section 9(2) of this Act;
  - “betting office licence” has the meaning assigned by section 9(1) of this Act;
  - “betting transaction” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;
  - “bookmaker” means any person other than the Totalisator Board who—
    - (a) whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations; or
    - (b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations,

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so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact—

- (i) that he carries on, or is employed in, sponsored pool betting business; or
- (ii) that he operates, or is employed in operating, a totalisator;

and the expression “bookmaking” shall be construed accordingly;

“Bookmakers’ Committee” means the committee established in accordance with section 26 of this Act;

“bookmaker’s permit” has the meaning assigned by section 2(1) of this Act;

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“dog race” means a race in which an object propelled by mechanical means is pursued by dogs, and “dog racecourse” shall be construed accordingly;

[<sup>F63</sup>“game of chance” and “gaming” have the same meanings as in the <sup>M10</sup>Gaming Act 1968]

“the Levy Board” means the Horse race Betting Levy Board established in accordance with section 24 of this Act;

“levy period” has the meaning assigned by section 27(1) of this Act;

“licensed betting office” means premises in respect of which a betting office licence is for the time being in force;

“licensed track” means a track in respect of which a track betting licence is for the time being in force;

“licensee” in relation to a licensed betting office, means the holder of the betting office licence for the time being in force in respect of that office;

“money” includes a cheque, banknote, postal order or money order;

<sup>F64</sup>

“player”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet;

“pool betting” has the same meaning as for the purposes of [<sup>F65</sup>the Betting and Gaming Duties Act 1981];

“pool betting business” means business involving the receiving or negotiating of bets made by way of pool betting;

“premises” includes any place and, in sections 1, 32 and 33 of this Act, also includes any vessel;

“prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and any such regulations may make different provision for different circumstances;

[<sup>F66</sup>“qualified accountant” means a person who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989;]

“recognised horse race” means a horse race run on an approved horse racecourse on a day when horse races and no other races take place on that racecourse;

“registered pool promoter” has the meaning assigned by section 4(2) of this Act;

“sponsored pool betting” means pool betting by means of facilities provided by the Totalisator Board or provided on an approved horse



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racecourse with the authority of that Board by the persons having the management of that racecourse;

“ticket”, in relation to any lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

“totalisator” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not;

“the Totalisator Board” means the Horserace Totalisator Board established in accordance with section 12 of this Act;

“track” means premises on which races of any description, athletic sports or other sporting events take place;

“track betting licence” has the meaning assigned by section 6(1) of this Act;

“winnings” includes winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) . . . . . F67

(3) . . . . . F68

(4) . . . F69 the M11 Statutory Instruments Act 1946 shall apply to any instrument made in pursuance. . . F69 of the power conferred on the Lord President of the Court of Session by section 29(3) of this Act in like manner as if that power had been conferred on a Minister of the Crown.

(5) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

**Textual Amendments**

- F61 Words substituted by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 5\(1\)](#)
- F62 Definition added by [Gaming Act 1968 \(c. 65\), Sch. 11 Pt. I](#)
- F63 Definition substituted by [Gaming Act 1968 \(c. 65\), Sch. 11 Pt. I](#)
- F64 Definition of “newspaper” repealed by [Lotteries and Amusements Act 1976 \(c. 32\), Sch. 5](#)
- F65 Words substituted by [Betting and Gaming Duties Act 1981 \(c. 63, SIF 12:2\), s. 34\(1\), Sch. 5 para. 1](#)
- F66 S. 55(1): definition of 'qualified accountant' substituted by S.I. 1991/1997, arts. 2, 4, [Sch. para.11](#)
- F67 S. 55(2) repealed by [Lotteries and Amusements Act 1976 \(c. 32\), Sch. 5](#)
- F68 S. 55(3) repealed by [Administration of Justice Act 1964 \(c. 42\), Sch. 5](#)
- F69 Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\), s. 10, Sch. Pt. I](#)

**Modifications etc. (not altering text)**

- C19 Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1970/1537](#)

**Marginal Citations**

- M10 1968 c. 65.
- M11 1946 c. 36.

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## 56 Consequential amendments in other Acts. **E+W+S**

- (1) ..... <sup>F70</sup>
- (2) ..... <sup>F71</sup>

### Textual Amendments

**F70** S. 56(1) repealed by **Billiards (Abolition of Restrictions) Act 1987 (c. 19), s. 1, Sch.**

**F71** S. 56(2)(3) repealed by **Licensing Act 1964 (c. 26), Sch. 15**

## 57 Repeals and savings. **E+W+S**

- (1) ..... <sup>F72</sup>
- (2) Where any provision contained in any local Act passed before the <sup>M12</sup>Betting and Gaming Act 1960 appears to the Secretary of State to have been superseded by, or to be inconsistent with, any enactment contained in this Act, being an enactment corresponding to any enactment in the said Act of 1960 which is repealed by this Act, the Secretary of State may by order made by statutory instrument, a draft of which shall be laid before Parliament, specify that provision for the purposes of this subsection; and, without prejudice to the operation in the meantime of any rule of law relating to the effect on any such provision of any such enactment, any provision so specified is hereby repealed as from the date of the making of the order.
- (3) Any regulation, licence, permit, register or other instrument or document whatsoever made, issued or kept, and any other thing done, under or by virtue of any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made or issued, to be kept, or to have been done, as the case may be, under the corresponding provision of this Act; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.
- (4) So much of any enactment or document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.
- (5) Nothing in this section . . . <sup>F73</sup> shall be taken as affecting the general application of section 38 of the <sup>M13</sup>Interpretation Act 1889 with regard to the effect of repeals.

### Textual Amendments

**F72** S. 57(1) repealed by **Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI**

**F73** Words repealed by **Licensing Act 1964 (c. 26), Sch. 15**

### Marginal Citations

**M12** 1960 c. 60.

**M13** 1889 c. 63.

## 58 Short title, extent and commencement. **E+W+S**

- (1) This Act may be cited as the Betting, Gaming and Lotteries Act 1963.
- (2) This Act shall not extend to Northern Ireland.

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- (3) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.

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## SCHEDULES

### SCHEDULE 1 E+W+S

Sections 2, 9.

#### BOOKMAKER’S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES

**Modifications etc. (not altering text)**

**C20** Sch. 1 amended by [Gaming Act 1968 \(c. 65\)](#), s. 11, Sch. 2 para. 1(1), [Sch. 3 para. 1\(1\)](#)

#### *Introductory*

- 1 The authority responsible for the grant or renewal of bookmaker’s permits, betting agency permits and betting office licences shall be—
- (a) in any petty sessions area in England, a committee constituted in the prescribed manner of not less than five nor more than fifteen of the justices acting for that area, who may sit in two or more divisions, the quorum at any meeting of that committee or a division thereof being three;
  - <sup>F74</sup>(b) in any area in Scotland, the licensing board for that area constituted under section 1 of the <sup>M14</sup>Licensing (Scotland) Act 1976.]

**Textual Amendments**

**F74** Para. 1(b) substituted by [Licensing \(Scotland\) Act 1976 \(c. 66\)](#), s. 133(1)

**Marginal Citations**

**M14** 1976 c. 66

- 2 In this Schedule, the following expressions have the following meanings respectively, that is to say—

“appropriate authority” means such a committee or <sup>F75</sup>court][<sup>F75</sup>board] as are mentioned in paragraph 1 of this Schedule and, in relation to a bookmaker’s permit or betting agency permit or in relation to an application for the grant or renewal of a betting office licence, means, subject to paragraph 10 of this Schedule, the committee or <sup>F75</sup>court][<sup>F75</sup>board] such as aforesaid for the petty sessions area or licensing area in which the relevant premises are, or are to be, situated;

“appropriate local authority” means—

- (a) in England, the local authority (being the council of a . . . <sup>F76</sup>[<sup>F77</sup>London borough] or county district or the Common Council of the City of London) within whose area the relevant premises are, or are to be, situated;
- (b) <sup>F78</sup>in Scotland,

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- (i) where the relevant premises are, or are to be, situated in an islands area, the council for that area;
- (ii) in any other case, the council for the district within whose area the relevant premises are, or are to be, situated;]

“appropriate officer of police” means the chief officer of police for the police area in which the relevant premises are, or are to be, situated;

“clerk to the appropriate authority”, where the authority is a committee of the justices acting for a petty sessions area, means the clerk to those justices or, if there are two or more clerks to those justices—

- (a) such one of those clerks as the magistrates’ courts committee having power over the appointment of clerks to justices for that area may direct; or
- (b) in default of any such direction, any of those clerks;

“relevant premises” means—

- (a) in relation to a bookmaker’s permit or betting agency permit, the premises at which for the time being the applicant for or holder of the permit has his office or, if he has more than one office, his principal office or, if he is a company, his registered office or, if he has no office, his usual place of residence;
- (b) in relation to an application for the grant or renewal of a betting office licence, the premises in respect of which the application is made.

**Textual Amendments**

- F75** Word substituted (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), s. 28(1), [Sch. 2 para. 5](#)
- F76** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F77** Words substituted by [London Government Act 1963 \(c. 33\)](#), [Sch. 17 para. 28\(c\)](#)
- F78** [Para. 2\(b\)](#) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 24 para. 25\(2\)](#)

**Modifications etc. (not altering text)**

- C21** [Para. 2](#) amended as to para. (a) of definition of “clerk to the appropriate authority” by [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 3 Pt. II para. 29](#)

*Applications for grant of permit or licence*

- 3 Each appropriate authority shall for each year fix a day in each of the months of—
  - (a) January, April, July and October if the authority is in England; or
  - (b) January, March, June and October if the authority is in Scotland,as a day on which, subject to paragraph 7 of this Schedule, they will hold a meeting for the purpose of considering any application for the grant of a bookmaker’s permit, betting agency permit or betting office licence then awaiting consideration.
- 4 In addition to any meeting on a day fixed in pursuance of the last foregoing paragraph, an appropriate authority may hold a meeting on any other day for the purpose of considering such applications as aforesaid.
- 5 Any such application as aforesaid may be made at any time and shall be made to the clerk to the appropriate authority in such form and manner, and shall contain

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such particulars, and, if the application is for a permit, give such references, as may be prescribed; and, not later than seven days after the date when the application is made, the applicant shall send a copy of the application to the appropriate officer of police and, in the case of an application for the grant of a betting office licence, to the appropriate local authority; and if the applicant knowingly makes any false statement in any such application or copy thereof he shall be liable on summary conviction to a fine not exceeding [<sup>F79</sup>level 3 on the standard scale].

**Textual Amendments**

**F79** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**Modifications etc. (not altering text)**

**C22** [Para. 5](#) amended by [Finance Act 1966 \(c. 18\)](#), **Sch. 3 Pt. 1 para. 6**

- 6 Not later than fourteen days after the making of any such application as aforesaid to the appropriate authority, the applicant shall cause to be published by means of an advertisement in a newspaper circulating in the authority’s area a notice of the making of the application which shall also state that any person who desires to object to the grant of the permit or licence should send to the clerk to the authority, before such date not earlier than fourteen days after the publication of the advertisement as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection; and, in the case of an application for the grant of a betting office licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises not later than fourteen days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.
- 7 Not later than seven days after the publication of the newspaper containing the advertisement of any such application as aforesaid required by the last foregoing paragraph, the applicant shall send a copy of that newspaper to the clerk to the appropriate authority, and the authority shall not consider the application earlier than fourteen days after the date specified in the advertisement; and, not earlier than the said date and not less than seven days before the date appointed for the consideration of the application, the clerk to the authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—
- (a) to the applicant;
  - (b) to the appropriate officer of police; and
  - (c) if the clerk has received from any person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person,
- and also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public; and in sending such a notice to the applicant the clerk shall include therewith a copy of any objection to the grant of the permit or licence which has

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been received by the clerk from the appropriate officer of police, the appropriate local authority or any other person.

**Modifications etc. (not altering text)**

**C23** Para. 7(b) amended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. I para. 6](#)

*Applications for renewal of permit or licence*

- 8 Each appropriate authority, in each year in which any application for the renewal of a bookmaker’s permit, betting agency permit or betting office licence, other than an application to which paragraph 10(b) of this Schedule applies, falls to be made to the authority shall in the month of February (if the authority are in England) or January (if the authority are in Scotland) give in writing to the holder of that permit or licence, and cause to be published by means of an advertisement in a newspaper circulating in their area, notice of a day in April (if the authority are in England) or March (if the authority are in Scotland) on which they will hold a meeting for the purpose of considering such applications, and that notice shall include the time and place appointed for the meeting and shall state—
- (a) in the case of the notice given to the holder of any permit or licence, that any such application must be received by the clerk to the authority before a specified date, being a date not earlier than fourteen days after both the giving of the notice in writing and the publication of the advertisement aforesaid;
  - (b) in the case of the notice given by advertisement, that any person who desires to object to the renewal by the authority of any particular permit or licence should send to the clerk to the authority before the same date two copies of brief statement in writing of the grounds of his objection.
- 9 Any application for the renewal of such a permit or licence as aforesaid, other than an application to which paragraph 10(b) of this Schedule applies, shall be made to the clerk to the appropriate authority before the date specified for the purpose in the notice given in pursuance of the last foregoing paragraph, and shall be in such form and contain such particulars as may be prescribed; and, not earlier than that date nor later than seven days before the day in April or, as the case may be, March appointed by the said notice for the consideration of such applications, the clerk to the authority—
- (a) if he has received from any person an objection in writing to the renewal of a particular permit or licence (being an objection which has not been withdrawn) and the address of that person is known to the clerk, shall send to that person in writing a notification as to whether or not an application for the renewal of that permit or licence has been made;
  - (b) shall send to the person by whom any application for the renewal of a permit or licence has been duly made a copy of any objection to the renewal which he has received from the appropriate officer of police, the appropriate local authority or any other person and which has not been withdrawn.
- 10 Where in any year, by reason of a change in the office or usual place of residence of the holder of a bookmaker’s permit or betting agency permit, an application for

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the renewal of that permit falls, or would but for this paragraph fall, to be made to an authority other than the authority by whom the permit was last either granted or renewed, then—

- (a) unless the change takes place before 1st February or, where the first-mentioned authority are in Scotland, 1st January in that year, any application for the renewal of the permit shall be made to and considered by the authority by whom the permit was last either granted or renewed;
- (b) if the change takes place before the said 1st February or, as the case may be, 1st January, paragraphs 5 to 7 of this Schedule shall apply to an application to the first-mentioned authority for the renewal of the permit as if it were an application for the grant thereof.

*Proceedings before appropriate authority*

11 On any application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence, the appropriate authority may grant or renew the permit or licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the beginning of the meeting of the authority at which the authority considers the application; but, save as aforesaid, at any such meeting any of the following persons, that is to say—

- (a) the applicant;
- (b) any person from whom an objection in writing which has not been withdrawn was received by the clerk to the authority before the day on which he sent out the documents referred to in paragraph 7 or, as the case may be, paragraph 9 of this Schedule: and
- (c) the person making any other objection which the authority have decided under paragraph 12 of this Schedule that they will hear,

shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made otherwise than by way of objection by, or by any person authorised in that behalf by, the appropriate officer of police.

**Modifications etc. (not altering text)**

**C24** Para. 11 amended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. I para. 6](#)

12 Where in the case of an application for the grant or renewal of any such permit or licence as aforesaid an objection to the grant or renewal is received or made on or after the day referred to in paragraph 11(b) of this Schedule, the authority may refuse to entertain the objection and, unless the applicant requests otherwise, shall not hear it until the objector has given to the clerk and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of his objection.

13 An appropriate authority may from time to time adjourn the consideration of any application for the grant or renewal of such a permit or licence as aforesaid, whether for the purposes of paragraph 12 of this Schedule or for any other purpose.



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- 14 On the consideration of any application for the grant or renewal of any such permit or licence as aforesaid, the appropriate authority may take evidence on oath and may make such order as they think fit for the payment of costs or, in Scotland, expenses by or to the applicant to or by any person who made an objection to the grant or renewal which was not withdrawn before the day referred to in paragraph 11(b) of this Schedule; and any costs ordered by an authority in England to be paid under this paragraph shall be recoverable summarily as a civil debt.

*Grounds for refusal to grant or renew bookmaker’s or betting agency permit*

- 15 The appropriate authority shall refuse any application for the grant or renewal of a bookmaker’s permit or betting agency permit if it appears that the applicant—
- (a) not being a body corporate, is under twenty-one years of age; or
  - (b) is the time being disqualified under section 11(4) of this Act; or
  - (c) not being a body corporate, is not resident in Great Britain or was not so resident throughout the six months immediately preceding the date when the application was made; or
  - (d) being a body corporate, is not incorporated in Great Britain; or
  - (e) has within the immediately preceding twelve months been refused the grant or renewal—
    - (i) of a bookmaker’s permit under paragraph 16(1)(a) [<sup>F80</sup> or 18A] of this Schedule; or
    - (ii) of a betting agency permit under paragraph 17(b) [<sup>F80</sup> or 18A] of this Schedule; or
  - [<sup>F81</sup>(ee) has within the immediately preceding twelve months been refused the renewal of a bookmaker’s permit under section 4 of the <sup>M15</sup>Horserace Betting Levy Act 1969 and has not obtained the approval of the Levy Board to his application.]
  - (f) has been the holder of a bookmaker’s permit which has been cancelled within the immediately preceding twelve months under paragraph 27 of this Schedule.

**Textual Amendments**

**F80** Words in Sch. 1 para 15(e) inserted (21.12.1993) by 1993 c. 39, s. 18(2); S.I. 1993/2632, art.3.

**F81** Para. 15(ee) added with saving by Horserace Betting Levy Act 1969 (c. 14), s. 4(4)(5)

**Marginal Citations**

**M15** 1969 c. 14.

- 16 (1) In the case of an application for the grant or renewal of a bookmaker’s permit, and subject to paragraph 18 of this Schedule, the appropriate authority may refuse the application if—
- (a) they are not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to be the holder of a bookmaker’s permit; or
  - (b) the authority are satisfied that, if the permit were to be granted or renewed, the business to which it relates would be managed by, or carried on for the benefit of, a person other than the applicant, being a person who would

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himself be refused the grant or renewal of such a permit either under paragraph 15 of this Schedule or under paragraph (a) of this sub-paragraph.

- (2) In considering for the purposes of any application for the renewal of a bookmaker’s permit whether any person is or is not a fit and proper person to be the holder of such a permit, the authority shall have regard to whether or not that person has discharged all his liabilities, if any, [<sup>F82</sup>under assessments to] the bookmakers’ levy referred to in section 27 of this Act, and to the circumstances in which any failure to discharge any of those liabilities arose.

#### Textual Amendments

**F82** Words substituted by [Horse Race Betting Levy Act 1981 \(c. 30, SIF 12:1\)](#), s. 4(6), [Sch. para. 3](#)

#### Modifications etc. (not altering text)

**C25** [Para. 16\(1\)](#) extended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. 1 para. 6](#)

**C26** [Para. 16\(2\)](#) saved by [Horse Race Betting Levy Act 1969 \(c. 14\)](#), s. 4(5)

- 17 In the case of an application for the grant or renewal of a betting agency permit, the appropriate authority—
- (a) shall refuse the application unless the authority are satisfied that the applicant is for the time being accredited as mentioned in section 9(2)(c) of this Act;
  - (b) subject to paragraph 18 of this Schedule, may refuse the application if they are not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to hold a betting office licence.

#### Modifications etc. (not altering text)

**C27** [Para. 17\(b\)](#) extended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. 1 para. 6](#)

- 18 For the purposes of paragraph 16 or 17 of this Schedule, the appropriate authority shall disregard—
- (a) any conviction for an offence under the <sup>M16</sup>Betting Act 1853, or under section 393 or 407 of the <sup>M17</sup>Burgh Police (Scotland) Act 1892, section 51 of the <sup>M18</sup>Burgh Police (Scotland) Act 1903 or any corresponding provision of any local Act;
  - (b) any conviction for an offence under the <sup>M19</sup>Street Betting Act 1906, unless the offence was committed after 1st December 1961; and
  - (c) any conviction for an offence under section 1(2) of the <sup>M20</sup>Betting and Gaming Act 1960 committed before the said 1st December,
- and, without prejudice to their power under paragraph 13 of this Schedule to adjourn consideration of the application, shall also disregard—
- (i) any proceedings for such an offence as is mentioned in section 11(1) of this Act which have been commenced but not yet determined; and
  - (ii) any cancellation of a permit under the said section 11(1) or under paragraph 27 of this Schedule which has not yet taken effect.

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#### Marginal Citations

**M16** 1853 c. 119.

**M17** 1892 c. 55.

**M18** 1903 c. 33.

**M19** 1906 c. 43.

**M20** 1960 c. 60.

<sup>F83</sup>18A(1) In the case of an application for the renewal of a bookmaker’s permit or a betting agency permit, the appropriate authority shall refuse the application if they are satisfied that the applicant or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.

(2) For the purposes of sub-paragraph (1) above, the appropriate authority shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the permit was renewed.]

#### Textual Amendments

**F83** Sch. 1 para. 18A inserted (21.12.1993) by 1993 c. 39, s. 18(3); S.I. 1993/2632, art.3 (with art. 4).

#### *Grounds for refusal to grant or renew betting office licence*

19 In the case of an application for the grant or renewal of a betting office licence in respect of any premises, the appropriate authority—

- (a) shall refuse the application if they are not satisfied—
  - (i) in the case of an applicant other than the Totalisator Board, that on the date with effect from which the licence would come into force, or, as the case may be, would be continued in force, the applicant will be the holder either of a bookmaker’s permit or of a betting agency permit; and
  - (ii) that the premises are or will be enclosed; and
  - (iii) that there are or will be means of access between the premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions;
- (b) may refuse the application on the ground—
  - (i) that, having regard to the lay-out, character, condition or location of the premises, they are not suitable for use as a licensed betting office; or
  - (ii) that the grant <sup>F84</sup>or renewal<sup>F84</sup> (if the application is for that, and the applicant is not the Totalisator Board nor applying for the grant of a licence by way of transfer of one that is in force for the same premises at the time of the application) would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by licensed betting offices and to the number of such offices for the time being available to meet that demand; or
  - (iii) that the premises have not been properly conducted under the licence.

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#### Textual Amendments

**F84** Words “(if the” to “application)” substituted (*prosp.*) for words “or renewal” by [Horse Race Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 3\(2\)\(3\)](#)

#### Modifications etc. (not altering text)

**C28** [Para. 19\(b\)\(ii\)](#) excluded (*prosp.*) by [Horse Race Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 3\(1\)\(3\)](#)

### *Grant or renewal of permit or licence*

- 20 (1) Save as provided by paragraphs 15 to 19 of this Schedule, the appropriate authority shall not refuse any application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, but shall grant or renew the permit or licence on payment by the applicant to the clerk to the authority of a fee of—
- (a) in the case of the grant of a bookmaker’s permit, one hundred pounds;
  - (b) in the case of the grant of a betting agency permit, [<sup>F85</sup>£100];
  - [<sup>F86</sup>(c) in the case of the grant of a betting office licence, £80;
  - (d) in the case of the renewal of a bookmaker’s permit or betting agency permit, £12;
  - (e) in the case of the renewal of a betting office licence, £15;]
- and if the authority refuse any such application they shall state the grounds of their refusal.
- [<sup>F87</sup>(1A) The Secretary of State may by order made by statutory instrument amend sub-paragraph (1) above so as to vary any fee for the time being specified in that sub-paragraph; and a statutory instrument containing an order under this sub-paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (2) The clerk to any appropriate authority in Scotland shall pay over all fees received by him under this paragraph to the local authority liable under section 21 of the <sup>M21</sup>Licensing (Scotland) Act 1959 to defray the expenses of that appropriate authority; . . . <sup>F88</sup>

#### Textual Amendments

**F85** Words substituted by (E.W.) [S.I. 1987/95, art. 2\(a\)](#) and (S.) [S.I. 1987/93, art. 2\(a\)](#)

**F86** [Sch. 1 para. 20\(1\)\(c\)–\(e\)](#) substituted by (E.W.) [S.I. 1987/95, art. 2\(b\)](#) (which S.I. was revoked (2.12.1991) by [S.I. 1991/2176, art. 3](#)) and (S.) [S.I. 1987/93, art. 2\(b\)](#) (which S.I. was revoked (2.12.1991) by [S.I. 1991/2496, art. 3](#))

**F87** [Sch. 1 para. 20\(1A\)](#) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1984 \(c. 25, SIF 12:1\), s. 3](#)

**F88** Words repealed by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 2](#)

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**Modifications etc. (not altering text)**

**C29** Sch. 1 para. 20(1) excluded by Betting and Gaming Duties Act 1981 (c. 63, SIF 12:2), s. 12(2), Sch. 1 para. 15(4)

**Marginal Citations**

**M21** 1959 c. 51.

VALID FROM 01/09/1997

*Unopposed applications for renewal*

[<sup>F89</sup>20A(1) Where—

- (a) an application for the renewal of a bookmaker’s permit, betting agency permit or betting office licence (other than an application to which paragraph 10(b) of this Schedule applies) has been made in accordance with paragraph 9 of this Schedule, and
  - (b) immediately before the meeting of the appropriate authority at which the application would, apart from this paragraph, fall to be considered—
    - (i) the clerk to the authority has not received any objection to the renewal of the permit or licence, or
    - (ii) every such objection received by him has been withdrawn,the clerk may act for the authority in relation to the determination of the application.
- (2) Sub-paragraph (1) of this paragraph shall not have effect to enable the clerk to the appropriate authority to act for the authority in—
- (a) refusing the application, or
  - (b) granting the application in circumstances where there is a discretion to refuse it.
- (3) The clerk to the appropriate authority may not act under sub-paragraph (1) of this paragraph in any case where to do so would be contrary to the authority’s directions.
- (4) The functions of the clerk to the appropriate authority under sub-paragraph (1) of this paragraph shall also be exercisable by such other officer of the appropriate authority as the clerk may designate for the purposes of this paragraph.]

**Textual Amendments**

**F89** Sch. 1 para. 20A inserted (1.9.1997) by S.I. 1997/947, art. 3(1)

*Appeals against refusals in England*

- 21 (1) Where an appropriate authority in England refuse an application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence, they shall forthwith notify the applicant of the refusal, and within [<sup>F90</sup>twenty-one

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days] of being so notified the applicant may by notice to the clerk to the authority appeal against the refusal to [F91the Crown Court].

- (2) As soon as practicable after receiving notice of appeal against the refusal, the clerk to the authority shall send the notice to [F92the appropriate officer of the Crown Court] together with a statement of the decision from which the appeal is brought and of the name and last known residence or place of business of the appellant and of any person who opposed the application before the authority.
- (3) On receipt of the notice of appeal, [F92the appropriate officer of the Crown Court] shall enter the appeal and give in writing not less than seven days notice to the appellant, to the appropriate officer of police and to any person who opposed the application before the authority and, if the appeal relates to a betting office licence, to the authority, of the date, time and place appointed for the hearing of the appeal.
- (4) [F91The Crown Court] may by its order either—
- (a) confirm the refusal; or
  - (b) on payment by the appellant to [F92the appropriate officer of the Crown Court] for transmission to the clerk to the appropriate authority of the appropriate fee under paragraph 20 of this Schedule, grant or renew the permit or licence in the same way as the appropriate authority could have done;

and the judgment of [F91the Crown Court] on the appeal shall be final.

- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
- (6) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by [F91the Crown Court] under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.

#### Textual Amendments

**F90** Words stand in the text by virtue of S.I. 1982/1109, rules 6, 7, Sch. 3 Pt. II

**F91** Words substituted by Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. 1

**F92** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para. 2

#### Modifications etc. (not altering text)

**C30** Para. 21(3) amended by Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6

**C31** The text of Sch. 1 para. 21(5), now spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

22

F93

#### Textual Amendments

**F93** Sch. 1 para. 22 repealed by S.I. 1971/1292

- 23 (1) Where, in the case of an appeal under paragraph 21 of this Schedule with respect to a betting office licence, [F94the Crown Court]—
- (a) has allowed the appeal; or

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(b) has awarded the appropriate authority any costs under paragraph 22 of this Schedule and is satisfied that the appropriate authority cannot recover those costs,

the court shall order payment out of [<sup>F95</sup>central funds] of such sums as appear to the court sufficient to indemnify the appropriate authority from all costs and charges whatever to which they have been put in consequence of the appellant’s having served notice of appeal.

(2) ..... <sup>F96</sup>

**Textual Amendments**

**F94** Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. 1**

**F95** Words substituted by Courts Act 1971 (c. 23), **Sch. 6 para. 6**

**F96** Sch. 1 para. 23(2)– (4) repealed by the Courts Act 1971 (c. 23), **Sch. 11 Pt. III**

*Appeals against refusals in Scotland*

24 (1) Where an appropriate authority in Scotland refuse any application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence, the authority shall forthwith notify the applicant of the refusal and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority’s area.

(2) ..... <sup>F97</sup>

(3) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by the sheriff under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.

**Textual Amendments**

**F97** Sch. 1 para. 24(2) repealed by Licensing (Scotland) Act 1976 (c. 66), **Sch. 8**

**Modifications etc. (not altering text)**

**C32** Para. 24 applied by Licensing (Scotland) Act 1976 (c. 66), **s. 133(4)**

*Notification of change in directors during currency of bookmaker’s permit*

25 If, where the holder of a bookmaker’s permit is a body corporate, any change occurs in the persons who are directors thereof or in accordance with whose directions or instructions the directors thereof are accustomed to act, the holder of the permit shall as soon as reasonably practicable after the occurrence of the change give particulars thereof in writing to the clerk to the appropriate authority and to the appropriate officer of police; and if the holder of the permit fails to comply with this paragraph he shall be liable on summary conviction to a fine not exceeding [<sup>F98</sup>level 1 on the standard scale].

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#### Textual Amendments

**F98** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

#### Modifications etc. (not altering text)

**C33** [Para. 25](#) amended by [Finance Act 1966 \(c. 18\)](#), **Sch. 3 Pt. I para. 6**

VALID FROM 01/09/1997

#### *Notification of change of relevant premises during currency of permit*

[<sup>F99</sup>25A If during the currency of a bookmaker’s permit there is any change in the address of the relevant premises, the holder of the permit shall as soon as reasonably practicable after the change occurs give notice in writing of the change of address to the Levy Board; and if the holder of the permit fails to comply with this paragraph he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.]

#### Textual Amendments

**F99** [Sch. 1 para. 25A](#) inserted (1.9.1997) by [S.I. 1997/947](#), **art. 4(1)**

#### *Cancellation of bookmaker’s permit by appropriate authority*

- 26 If in the case of any bookmaker’s permit an application is made at any time to the clerk to the appropriate authority by any person in the prescribed form and manner requesting that the permit be forfeited and cancelled and accompanied by two copies of a statement of the grounds on which the application is made, the clerk to the authority shall submit the application to any one member of the authority who, after considering the statement accompanying the application—
- (a) if he is of opinion—
    - (i) that further consideration of the matters referred to in that statement is unnecessary or inexpedient before the renewal of the permit falls to be considered; or
    - (ii) that the authority would be required by virtue of paragraph 27(3) of this Schedule to refuse the application,
 shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit;
  - (b) unless he is of such opinion as aforesaid shall refer the application to the appropriate authority.
- 27 (1) Where an application for the cancellation of a permit is referred to the appropriate authority under the last foregoing paragraph, the clerk to the authority shall, unless



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the application has been withdrawn, give to the applicant, to the holder of the permit and to the appropriate officer of police not less than twenty-one days notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the permit together with that notice a copy of the applicant’s statement of the grounds on which the application is made.

- (2) Subject to the next following sub-paragraph, at any meeting of the appropriate authority to consider the application, the applicant and the holder of the permit shall be entitled to be heard either in person or by counsel or a solicitor; and where the applicant is a person other than the appropriate officer of police, the authority shall also hear any representations made by, or by any person authorised in that behalf by, that officer; and paragraphs 13 and 14 of this Schedule shall apply in relation to the application as they apply in relation to the application as they apply in relation to an application for the renewal of a permit, subject to the following modifications of the said paragraph 14, that is to say—
  - (a) as if the reference therein to the applicant for renewal were a reference to the holder of the permit; and
  - (b) as if the reference therein to any person who made an objection as mentioned in that paragraph were a reference to the person by whom the application under paragraph 26 of this Schedule was made.
- (3) The appropriate authority shall refuse the application if they are satisfied that it is made on grounds which—
  - (a) have been or ought properly to have been raised previously by way of objection either when the permit was granted or on an occasion when it has been renewed; or
  - (b) are or have been the subject matter of proceedings for such an offence as is mentioned in section 11(1) of this Act.
- (4) The appropriate authority shall not cancel the permit unless—
  - (a) satisfactory evidence is produced that the holder is no longer a fit and proper person to hold such a permit; or
  - (b) the authority are satisfied that the business to which it relates is being managed by, or carried on for the benefit of, a person other than the holder, being a person who would himself be refused the grant of such a permit either under paragraph 15 or under paragraph 16(1)(a) of this Schedule [<sup>F100</sup>; or]
  - (c) [<sup>F100</sup>the authority are satisfied that the holder of the permit or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.]:

Provided that for the purposes of this sub-paragraph the authority shall disregard any conviction such as is mentioned in paragraph 18 of this Schedule.

- (5) If the appropriate authority decide not to cancel the permit, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit.
- (6) If the appropriate authority decide to forfeit and cancel the permit, the forfeiture and cancellation shall not take effect—

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- (a) until the expiration of the time within which notice of an appeal under the next following paragraph may be given; or
- (b) if such notice is duly given, until the determination or abandonment of the appeal.

#### Textual Amendments

**F100** Sch. 1 para. 27(4)(c) inserted (21.12.1993) by 1993 c. 39, s. 18(4); S.I. 1993/2632, art.3 (with art. 4).

#### Modifications etc. (not altering text)

**C34** Para. 27(1)(2) amended by Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6

**C35** Para. 27(4)(a) extended by Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6

- 28 (1) Where the appropriate authority decide to forfeit and cancel a bookmaker’s permit on an application under paragraph 26 of this Schedule, the holder of the permit may appeal against that decision to [<sup>F101</sup>the Crown Court] (or in Scotland the sheriff), whose decision on the appeal shall be final.
- (2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and . . . <sup>F102</sup>, paragraph 24(1) of this Schedule shall apply for the purposes of an appeal under this paragraph against the forfeiture and cancellation of a bookmaker’s permit as they apply for the purposes of an appeal against the refusal of an application for the renewal of such a permit subject to the following modifications, that is to say—
- (a) as if any reference therein to the applicant for renewal were a reference to the holder of the permit; and
  - (b) as if any reference therein to a person who opposed the application before the appropriate authority were a reference to the person by whom the application under paragraph 26 of this Schedule was made;
- and, in the case of an appeal to the sheriff under this paragraph, the sheriff may make such order as to the expenses of the appeal as he thinks proper.

#### Textual Amendments

**F101** Words substituted by Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. 1

**F102** Words repealed by S.I. 1971/1292

VALID FROM 01/09/1997

#### *Cancellation of betting office licence by appropriate authority*

[<sup>F103</sup>28(1)] This paragraph applies where—

- (a) a person makes an application to the clerk to the appropriate authority requesting that a betting office licence be forfeited and cancelled, and
- (b) the application is—
  - (i) made in the prescribed form and manner, and
  - (ii) accompanied by two copies of a statement of the grounds on which the application is made.

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- (2) The clerk to the authority shall submit the application to any one member of the authority who shall consider whether it is necessary or expedient for the matters referred to in the statement to be given further consideration before the renewal of the licence falls to be considered.
- (3) If the conclusion under sub-paragraph (2) of this paragraph is that further consideration of those matters before then is not necessary or expedient, the member shall cause the applicant to be given notice in writing that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the licence.
- (4) If the conclusion under sub-paragraph (2) of this paragraph is that further consideration of those matters before then is necessary or expedient, the member shall refer the application to the appropriate authority.]

#### Textual Amendments

**F103** SCh. 1 paras. 28A-28D inserted (1.9.1997) by [S.I. 1997/947](#), [art. 5\(1\)](#)

VALID FROM 01/09/1997

- F104**~~28B~~(1) This paragraph applies where under paragraph 28A of this Schedule an application for the cancellation of a betting office licence is referred to the appropriate authority.
- (2) Unless the application is withdrawn, the clerk to the authority shall give not less than twenty-one days’ notice in writing of the date, time and place appointed for the consideration of the application by the authority to—
    - (a) the applicant,
    - (b) the holder of the licence,
    - (c) the appropriate officer of police, and
    - (d) the Collector of Customs and Excise for the area in which the relevant premises are situated.
  - (3) The clerk to the authority shall send with the notice under sub-paragraph (2)(b) of this paragraph a copy of the applicant’s statement of the grounds on which the application is made.
  - (4) At any meeting of the authority to consider the application—
    - (a) the applicant and the holder of the licence shall be entitled to be heard either in person or by counsel or a solicitor,
    - (b) where the applicant is not the appropriate officer of police, the authority shall also hear any representation made by him, or a person authorised by him, and
    - (c) where the application is not the Commissioners of Customs and Excise, the authority shall also hear any representation made by them, or a person authorised by them.
  - (5) The authority shall forfeit and cancel the licence if they are not satisfied—
    - (a) that the relevant premises are enclosed, and

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(b) that there are means of access between the relevant premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions,

but, apart from that, may only do so on the ground that the relevant premises fall within sub-paragraph (6) of this paragraph.

- (6) The relevant premises fall within this sub-paragraph if—
- (a) having regard to their layout, character or condition, they are not suitable for use as a licensed betting office,
  - (b) they have not been properly conducted under the licence, or
  - (c) they have not been used as a licensed betting office in the period of twelve months ending with the date on which the application is made and the licence has been in force for at least twelve months.
- (7) The authority may from time to time adjourn consideration of the application.
- (8) On consideration of the application, the authority may take evidence on oath and may make such order as they think fit for the payment of costs or, in Scotland, expenses—
- (a) by the applicant to the holder of the licence, or
  - (b) by the holder of the licence to the applicant.
- (9) If the authority decide not to cancel the licence, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the licence.
- (10) If the authority decide to forfeit and cancel the licence, the forfeiture and cancellation shall not take effect—
- (a) until the end of the time within which notice of an appeal under paragraph 28C or, as the case may be, 28D of this Schedule may be given, or
  - (b) if such notice is duly given, until the determination or abandonment of the appeal.
- (11) Where an order for the payment of costs is made under sub-paragraph (8) of this paragraph by an authority in England and Wales, the costs shall be recoverable summarily as a civil debt.

#### Textual Amendments

**F104** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/974, art. 5(1)

VALID FROM 01/09/1997

**F105** 28(1) Where on an application under paragraph 28A of this Schedule an appropriate authority in England and Wales decide to forfeit and cancel a betting office licence, they shall forthwith notify the holder of the licence of the decision, and within twenty-one days of being so notified, he may by notice to the clerk to the authority appeal against the refusal to the Crown Court.

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- (2) As soon as practicable after receiving notice of appeal under sub-paragraph (1) of this paragraph, the clerk to the authority shall send the notice to the appropriate officer of the Crown Court together with a statement of—
- (a) the decision from which the appeal is brought,
  - (b) the name and last known residence or place of business of the appellant, and
  - (c) the name and last known residence or place of business of the person whose application under paragraph 28A of this Schedule led to the decision appealed against.
- (3) On receipt of notice of appeal under sub-paragraph (2) of this paragraph, the appropriate officer of the Crown Court shall enter the appeal and give not less than seven days notice in writing of the date, time and place appointed for the hearing of the appeal to—
- (a) the appellant,
  - (b) the person mentioned in sub-paragraph (2)(c) of this paragraph,
  - (c) the authority whose decision is appealed against, and
  - (d) the appropriate officer of police.
- (4) The decision of the Crown Court on an appeal under this paragraph shall be final.

#### Textual Amendments

**F105** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, art. 5(1)

VALID FROM 01/09/1997

- <sup>F106</sup>28D(1) Where on an application under paragraph 28A of this Schedule an appropriate authority in Scotland decide to forfeit and cancel a betting office licence, they shall forthwith notify the holder of the licence of the decision and he may appeal, within such time and in accordance with such rules as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority’s area.
- (2) The decision of the sheriff on an appeal under this paragraph shall be final.

#### Textual Amendments

**F106** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, art. 5(1)

### *Duration of permit or licence*

- 29 A bookmaker’s permit, betting agency permit or betting office licence shall be in the prescribed form and shall show the date with effect from which it is to be, or, as the case may be, to be continued, in force and, subject to paragraphs 30 to 33 of this Schedule, shall, unless renewed or, as the case may be, further renewed, cease to be in force at the end of 31st May falling not less than three nor more than fifteen months after the date so shown and shall not be transferable.

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- 30 Where application for the renewal of such a permit or licence as aforesaid has been made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the appropriate authority make their determination on the application.
- 31 Where the appropriate authority refuse to renew any such permit or licence as aforesaid, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the expiration of the time within which notice of an appeal under paragraph 21 or, as the case may be, paragraph 24 of this Schedule may be given nor, if such notice is duly given, before the determination or abandonment of the appeal
- 32 A betting office licence held by the holder of a bookmaker’s permit or betting agency permit shall cease to be in force upon that permit ceasing to be in force, whether by virtue of paragraph 29 of this Schedule or by virtue of its cancellation under section 11(1) of this Act or under paragraph 27 of this Schedule.
- 33 In the event of the death of the holder of such a permit or licence as aforesaid, then during the period of six months commencing with the death the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule and, except for the purposes of a renewal of that permit or licence, his legal personal representatives shall be deemed to be the holder thereof; and the authority by whom the permit or licence was last either granted or renewed may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased’s estate and that no other circumstances make it undesirable.

#### *Registers of permits and licences*

- 34 The clerk to each appropriate authority shall keep registers in the prescribed form and containing the prescribed particulars of all bookmaker’s permits, betting agency permits and betting office licences granted or renewed by that authority, and any such register shall be open during reasonable hours for inspection by any constable or, on payment of the prescribed fee, by any other person.

**Modifications etc. (not altering text)**

**C36** Para. 34 amended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. I para. 6](#)

#### *Service of documents*

- 35 Any provision of this Schedule requiring any notice or other document to be given or sent to any person by the clerk to an appropriate authority or by the clerk of the peace shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last-known residence or place of business in the United Kingdom, or, in the case of a company, at the company’s registered office.

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### Provision of information

- 36 The clerk to each appropriate authority shall send to the Levy Board such particulars of any bookmaker's permit granted or renewed by, or by the court who determined any appeal from, that authority as the Secretary of State may by regulations made by statutory instrument direct.
- 37 The clerk to any appropriate authority shall furnish the Secretary of State with such statistical information at such times as the Secretary of State may from time to time require with respect to the performance by the authority of their functions under this Schedule; and the Secretary of State shall in respect of each period of twelve months ending with 31st May in any year lay before each House of Parliament a report containing, in such form as may appear to him convenient, statistical information with respect to the grant, renewal, cancellation and expiry without renewal of bookmakers' permits, betting agency permits and betting office licences respectively in England or, as the case may be, Scotland during that period.

## SCHEDULE 2 E+W+S

Section 4.

### REGISTERED POOL PROMOTERS

#### Modifications etc. (not altering text)

- C37** Sch. 2: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B(6)

### Registering authorities

- 1 (1) Subject to the provisions of this paragraph, each of the following councils shall be the registering authority for their area for the purposes of this Schedule, that is to say—
- (a) in England, the council of any <sup>F107</sup>district or London borough and the Common Council of the City of London];
  - (b) in Scotland, the council of any <sup>F108</sup>an islands area or district].
- (2) ..... <sup>F109</sup>
- (3) ..... <sup>F110</sup>
- (5) ..... <sup>F111</sup>

#### Textual Amendments

**F107** Words substituted by Local Government Act 1972 (c. 70), Sch. 29 para. 13(1)

**F108** Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26

**F109** Sch. 2 para. 1(2) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, Sch. 29

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- F110** Sch. 2 para. 1 (3)(4) repealed by Local Government Act 1972 (c. 70), **Sch. 30** and Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, **Sch. 29**
- F111** Sch. 2 para. 1(5) repealed by Police Act 1964 (c. 48), Schs. 9, **10 Pt. I**

2 ..... **F112**

**Textual Amendments**

**F112** Sch. 2 paras. 1(6), 2 repealed by Local Government Act 1972 (c. 70), **Sch. 30** and Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, **Sch. 29**

3 (1) ..... **F113**

(2) ..... **F114**

**Textual Amendments**

**F113** Sch. 2 para 3(1) repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, **Sch. 29**

**F114** Sch. 2 para. 3(2) repealed by Local Government Act 1972 (c. 70), **Sch. 30** and Local Government (Scotland) Act 1973 (c. 65), **Sch.24 para. 26**. Sch. 29

*Interpretation*

- 4 (1) In relation to any person who carried on or proposes to carry on a pool betting business, any reference in this Schedule to the registering authority shall be construed as a reference to the council or committee who, under paragraph 1 of this Schedule, are the registering authority for the area in which the place, or the principal place, at which that person carries on or proposes to carry on that business is situated.
- (2) In this Schedule, the expression “the accountant” in relation to a registered pool promoter means the person appointed in the case of that promoter under paragraph 12 of this Schedule.
- (3) References in this Schedule to stakes in, or in respect of entries in, any competition do not include references to stakes in respect of rejected entries.
- (4) Any reference in this Schedule to the day on which the events on which a competition depends take place shall, where the events do not take place wholly on the same day, be construed as a reference to the last day on which any of those events takes place.

*Registration of pool promoters*

- 5 (1) If any person makes an application to the registering authority for registration under this Schedule, the registering authority shall, on payment of the appropriate registration fee fixed under paragraph 11 of this Schedule, register him accordingly in a register to be kept by them for the purposes of this Schedule and shall notify him in writing that they have done so.
- (2) Notwithstanding anything in the foregoing sub-paragraph, the registering authority may in the case of any person, after giving him an opportunity of being heard, refuse to register him or revoke his registration if that person or, where that person is a body corporate, any director or manager thereof, has been convicted of any offence under



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section 4(2) of this Act, under paragraph 29 of this Schedule or under the <sup>M22</sup>Pool Betting Act 1954, or of any offence involving fraud or dishonesty.

- (3) If, after a person has been registered under this Schedule, the registering authority, after giving him an opportunity of being heard, are satisfied—
- (a) that he does not intend to carry on a pool betting business; or
  - (b) that he has permanently ceased to carry on pool betting business; or
  - (c) that the place or principal place at which he carries on his pool betting business will not be, or has ceased to be, in their area,
- they shall revoke his registration.

#### Marginal Citations

**M22** 1954 c. 33.

- 6 Where the registration of any person has been refused or revoked under the last foregoing paragraph by a registering authority in England, that authority shall forthwith notify that person of the refusal or revocation, [<sup>F115</sup>and within twenty-one days of being so notified he may by notice to the appropriate officer of the Crown Court and to the registering authority appeal against the refusal or revocation to the Crown Court].

#### Textual Amendments

**F115** Words stand in the text by virtue of S.I. 1982/1109, rules 6, 7, Sch. 3 Pt. II

- 7 Where the registration of any person has been refused or revoked under paragraph 5 of this Schedule by a registering authority in Scotland, that authority shall forthwith notify that person of the refusal or revocation, and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the place or principal place at which that person carries on or intends to carry on his pool betting business is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.
- 8 Where the registering authority revoke a registration under paragraph 5 of this Schedule, then, until the time within which notice of appeal under paragraph 6 or 7 thereof may be given has expired and, if such notice is duly given, until the determination or abandonment of the appeal, the registration shall be deemed to continue in force, and if the court of quarter sessions or, as the case be, the sheriff confirms the decision of the registering authority, the court or the sheriff may, if it or he thinks fit, order that the registration shall continue in force for a further period not exceeding two months from the date of the order.
- 9 If a registered pool promoter dies, his registration shall, for the period of three months beginning with the date of the death, enure for the benefit of his legal personal representatives.

#### *Fees in respect of registration*

- 10 On 1st January in each year the appropriate continuation fee shall become payable to the registering authority by every person who is for the time being a registered

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pool promoter, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the registering authority as a debt.

- 11 For the purposes of paragraphs 5 and 10 of this Schedule the appropriate registration fee and the appropriate continuation fee shall be fees of such amounts respectively (not in either case exceeding [<sup>F116</sup>£464]) as may be fixed annually by the registering authority for the whole of their area; and different amounts may be so fixed by that authority in respect of businesses of different classes.

#### Textual Amendments

**F116** Words in [Sch. 2 para. 11](#) substituted (E.W.) (2.12.1991) by [S.I. 1991/2175, art. 2](#) and (S.) (2.12.1991) by [S.I. 1991/2495, art. 2](#)

#### Modifications etc. (not altering text)

**C38** Power to amend [para. 11](#) given by [Local Government Act 1966 \(c. 42\), s. 35\(2\)](#), [Sch. 3 Pt. II](#) and [Local Government \(Scotland\) Act 1966 \(c. 51\), s. 42\(2\)](#), [Sch. 4 Pt. II](#)

#### *Appointment of accountant by registering authority*

- 12 (1) The registering authority shall, in the case of each registered pool promoter, appoint a person, being a qualified accountant and not being a person employed by the registered pool promoter in connection with his pool betting business, to exercise and perform, in relation to that registered pool promoter, the powers and duties conferred and imposed by the subsequent provisions of this Schedule on the accountant.
- (2) The accountant shall hold office on such terms (including terms as to remuneration) as may be determined by the registering authority after consultation with the registered pool promoter.
- (3) The remuneration of the accountant shall be payable by the registering authority, but any sum paid by them by way of such remuneration shall be recoverable by the registering authority as a debt due to them from the registered pool promoter.
- (4) In this paragraph “remuneration” includes any sums paid or to be paid to the accountant in respect of his expenses.

#### *Conduct of registered pool promoter’s business*

- 13 Subject to paragraphs 14 to 19 of this Schedule, the pool betting business carried on by any registered pool promoter shall comply with the following requirements—
- (a) it shall take the form of the promotion of competitions for prizes for making forecasts as to sporting or other events, the bets being entries in the competitions and the winnings in respect of the bets being the prizes or shares in the prizes;
  - (b) each bet shall be an entry in a particular competition;
  - (c) the stakes and the winnings shall be wholly in money;
  - (d) in each competition, the prizes shall be equally available for all the bets, and accordingly the question which bets qualify for, or for shares in, the prize or prizes and, save so far as it depends on the amounts staked, the amounts of the respective shares in the prizes, shall be determined solely by the relative success of the forecasts embodied in the respective bets;

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- [<sup>F117</sup>(e) the total amount payable by way of winnings shall, in the case of each competition, be calculated in accordance with paragraph 13A of this Schedule;]
- (f) the rules applying to the competition shall be notified [<sup>F118</sup>to the Commissioners of Customs and Excise and] to the accountant before the first of the relevant sporting or other events takes place.

#### Textual Amendments

**F117** Sch. 2 para. 13(e) substituted (14.11.1994) by 1993 c. 39, s. 58(2); S.I. 1994/2659, art.2

**F118** Words inserted by Finance Act 1967 (c. 54), s. 7(8)

[<sup>F119</sup>13A] In any competition the total amount payable by way of winnings shall be the aggregate of—

- (a) the total amount of the stakes in respect of entries in the competition, less the relevant percentage of that total amount; and
- (b) any amount that has been duly carried over to the competition from a previous competition in accordance with any provision made under paragraph 14A of this Schedule;

less any amount that falls to be carried over from the competition in accordance with any such provision.

- (2) In sub-paragraph (1) of this paragraph “relevant percentage” means such percentage as may be determined by the promoter, being—
  - (a) the same percentage in respect of all his competitions which depend on the same events or on events taking place on the same day; and
  - (b) a percentage which is determined and notified to the accountant before that day.]

#### Textual Amendments

**F119** Sch. 2 para. 13A inserted (14.11.1994) by 1993 c. 39, s. 58(3); S.I. 1994/2659, art.2

[<sup>F120</sup>(1)] Notwithstanding anything in paragraph 13(d) or (e) [<sup>F121</sup>or 13A] of this Schedule, the rules applicable to any competition may provide—

- (a) that the winnings shall not, in the case of any bet, exceed a stated amount and that any resulting decrease in the total amount payable in the case of the winning bets qualifying for, or for shares in, a prize in the competition shall be applied in increasing the amount payable in the case of the winning bets qualifying for, or for shares in, another prize or other prizes in that competition;
- (b) that, in specified circumstances, one or more of the prizes shall not be paid and that the amount which would have been payable in the case of the winning bets qualifying for, or for shares in, that prize or those prizes shall be applied in increasing the amount payable in the case of [the winning bets qualifying for, or for shares in, another prize or other prizes in that competition;
- (c) for the winnings of winning bets (being bets staking the minimum permissible under the rules of the competition) being increased or decreased (with a view to facilitating payment) by not more than [<sup>F122</sup>20 pence], and

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consequentially for the winnings of other winning bets (being bets staking more than the said minimum) being increased or decreased by not more than a proportionately greater sum than [<sup>F122</sup>20 pence],

and the total amount payable by way of winnings in the case of the competition may exceed or fall short of the amount specified in the said [<sup>F123</sup>paragraph 13A] to such extent as is reasonably necessary having regard to any such provision of the rules applicable thereto as is mentioned in [<sup>F122</sup>paragraph (c) of this sub-paragraph].

[<sup>F120</sup>(2) The Secretary of State may by order made by statutory instrument vary the sum for the time being specified in sub-paragraph (1)(c) of this paragraph; and an instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F120** Sch. 2 para. 14 renumbered as para. 14(1) and para. 14(2) added (14.11.1994) by 1993 c. 39, s. 59(4); S.I. 1994/2659, art. 2

**F121** Words in Sch. 2 para. 14 inserted (14.11.1994) by 1993 c. 39, s. 58(4)(a); S.I. 1994/2659, art. 2

**F122** Words in Sch. 2 para. 14 substituted (14.11.1994) by 1993 c. 39, s. 59(2)(3); S.I. 1994/2659, art. 2

**F123** Words in Sch. 2 para. 14 substituted (14.11.1994) by 1993 c. 39, s. 58(4)(b); S.I. 1994/2659, art. 2

[<sup>F124</sup>14A] Subject to any directions under paragraph 14B of this Schedule, the rules applicable to any competition may provide that if none of the bets in the competition qualifies for, or for a share in, the first prize—

- (a) the amount of that prize shall be carried over to the next relevant competition, or
- (b) part of that amount shall be carried over to the next relevant competition and the balance shall be applied as mentioned in paragraph 14(1)(b) of this Schedule.

(2) In sub-paragraph (1) of this paragraph—

- (a) “the first prize” means the highest prize that can be won, having regard to the outcome of the events on which the competition depends (and not any higher prize that could have been won had the outcome of those events been different),
- (b) “the next relevant competition” means the next competition to be held by the same registered pool promoter under the same rules within the fourteen days following the day on which the result of the competition is determined, and
- (c) the reference in paragraph (b) to part of the amount referred to in paragraph (a) is to such proportion of that amount as may be specified in the rules or as may be determined by the promoter in accordance with the rules.]

#### Textual Amendments

**F124** Sch. 2 paras. 14A, 14B inserted (14.11.1994) by 1993 c. 39, s. 58(5); S.I. 1994/2659, art. 2

[<sup>F125</sup>14B(1) The Secretary of State may direct that any provision made under paragraph 14A of this Schedule—

- (a) is not to have effect, or
- (b) is to have effect subject to such limitations as are specified in the direction.

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- (2) The limitations that may be specified under sub-paragraph (1)(b) of this paragraph include—
- (a) limitations as to the number of competitions from which amounts may be carried over, and
  - (b) limitations as to the period within which any such competitions may be held.
- (3) Any directions under this paragraph shall be given in writing and may be varied or revoked by subsequent directions.

#### Textual Amendments

**F125** Sch. 2 paras. 14A, 14B inserted (14.11.1994) by 1993 c. 39, s. 58(5); S.I. 1994/2659, art. 2

- 15 Notwithstanding anything in paragraph 13(d) or (e) [<sup>F126</sup>or 13A] of this Schedule, if it is found that a bet which ought to have been treated as a winning bet has been inadvertently overlooked, the promoter may pay to the person making that bet the sum paid by him to other persons making comparable bets, or, if there are no comparable bets, such sum as may be proper, and any sum paid under this paragraph shall be left out of account for the purposes of the said [<sup>F127</sup>paragraph 13A].

#### Textual Amendments

**F126** Words in Sch. 2 para. 15 inserted (14.11.1994) by 1993 c. 39, s. 58(6)(a); S.I. 1994/2659, art. 2

**F127** Words in Sch. 2 para. 15 substituted (14.11.1994) by 1993 c. 39, s. 58(6)(b); S.I. 1994/2659, art. 2

- 16 Nothing in paragraph 13(b) of this Schedule shall be construed as preventing—
- (a) several bets being made by a person relating to the same competition; or
  - (b) several bets (whether relating to the same competition or to different competitions) being made by a person by means of the same coupon or other entry form; or
  - (c) the use of a formula for the purpose of making several bets and, in particular, the use for that purpose of any form of the device commonly known as a permutation.
- 17 Nothing in paragraph 13(f) of this Schedule shall be construed as requiring, in the case of a series of competitions proposed to be held under the same rules, that those rules should be re-notified to the accountant on the occasion of each competition, and, if the rules are altered before the series is completed, it shall suffice if the alteration is notified to the accountant before any of the sporting or other events relevant to the first competition to which the alteration applies takes place.
- 18 Nothing in paragraphs 13 to 17 of this Schedule shall prevent the rules of any competition from providing that the competition may be declared void in specified circumstances.
- 19 Where two or more competitions of the same registered pool promoter are so conducted that entries in all of them can be effected by a person without completing more than a single coupon or other entry form, the promoter may arrive at the total amount of the stakes in respect of the entries in each competition by—
- (a) ascertaining the aggregate total amount of the stakes in respect of the entries in all the competitions; and

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- (b) causing the said aggregate total amount to be apportioned among those competitions by reference to the results of an inspection of samples of the completed coupons or forms;

and if the sampling, inspection and apportionment is such (both as to the process adopted and as to the manner of carrying it out) that the amount apportioned to each competition is not likely to differ from the total amount actually staked therein by more than one per cent., the amount so apportioned to any such competition shall for all the purposes of this Schedule be deemed to be the total amount actually staked in that competition.

*Information to be given by promoters*

- 20 (1) As soon as may be after the events to which any of his competitions relates have taken place, and in any case not later than seven days after the announcement of the results of that competition, every registered pool promoter shall send to the accountant a statement showing—
- (a) the total amount of the stakes in respect of entries in the competition;
  - (b) the total amount payable by way of winnings in that competition;
  - [<sup>F128</sup>(bb) the amount (if any) carried over to the competition from a previous competition in accordance with any provision made under paragraph 14A of this Schedule;
  - <sup>F128</sup>(bbb) the amount (if any) carried over from the competition in accordance with any such provision;]
  - (c) the total amount of the stakes in respect of winning bets in the competition and, if there are more prizes than one in the competition, the total amount of the stakes in respect of winning bets qualifying for, or for shares in, each of the prizes; and
  - (d) the amount payable in respect of each winning bet or, as the case may be, of each winning bet qualifying for, or for a share of, each of the prizes, bets staking more than the minimum which is permissible under the rules of the competition being treated for the purposes of this paragraph as if they were several separate bets each staking the said minimum.
- (2) Where a payment is made in accordance with paragraph 15 of this Schedule after the sending of the statement to the accountant under the foregoing sub-paragraph, the registered pool promoter shall as soon as may be send particulars of that payment to the accountant.

**Textual Amendments**

**F128** Sch. 2 para. 20(1)(bb)(bbb) inserted (14.11.1994) by 1993 c. 39, s. 58(7); S.I. 1994/2659, art. 2

- 21 (1) Every registered pool promoter shall, not more than twenty-one days after the events to which any of his competitions relate have taken place, send to every competitor in that competition a statement of the percentage (calculated to the nearest one-tenth of one per cent.) which the first of the amounts hereinafter mentioned bears to the second of those amounts, that is to say—
- (a) the aggregate total stakes in that competition and all other competitions of that promoter which depend on those events or on other events taking place on the same day, [<sup>F129</sup>after making in respect of each of those competitions the deductions mentioned in sub-paragraph (1A) of this paragraph;]

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(b) the said aggregate total stakes, without any such deduction.

[<sup>F130</sup>(1A) In relation to any competition, the deductions referred to are—

- (a) a deduction of the aggregate of the total amount payable by way of winnings in the competition and any amount carried over from the competition in accordance with any provision made under paragraph 14A of this Schedule, less any amount carried over to the competition in accordance with any such provision, and
- (b) a deduction of the amount of pool betting duty payable in respect of the competition.]

unless he has secured all such publicity as is reasonably necessary for the said statement by means of a newspaper announcement or newspaper announcements published within the said twenty-one days.

(2) The statement aforesaid may take the following form, that is to say—  
“Commission and expenses per cent.”

with the addition (if in the context this is necessary) of words identifying the competition or competitions to which the statement relates.

#### Textual Amendments

**F129** Words in Sch. 2 para. 21(1)(a) substituted (14.11.1994) by 1993 c. 39, s. 58(8)(a); S.I. 1994/2659, art.2

**F130** Sch. 2 para. 21(1A) inserted (14.11.1994) by 1993 c. 39, s. 58(8)(b); S.I. 1994/2659, art.2

22 The statements and announcements referred to in paragraphs 20 and 21 of this Schedule may be expressed to be subject to some form of check or scrutiny, but where a statement expressed to be subject to a check or scrutiny is sent to the accountant under sub-paragraph (1) of the said paragraph 20, the registered pool promoter shall as soon as may be send to the accountant a further statement, stating that, as the result of the check or scrutiny, specified corrections or no corrections are necessary in the earlier statement or that the check or scrutiny has not been made and is not intended to be made.

23 (1) In August in each year every registered pool promoter shall send to the accountant and to the registering authority a statement showing, as respects his competitions depending on events which took place on any day during the period of twelve months ending with 31st July in that year—

- (a) the aggregate total stakes in all those competitions;
- (b) the said aggregate total stakes [<sup>F131</sup>after making in respect of each of those competitions the deductions mentioned in paragraph 21(1A) of this Schedule;] and
- (c) the amount of the promoter’s commission or, at the option of the promoter, the percentage (calculated to the nearest one-tenth of one per cent.) which the said commission bears to the said aggregate total stakes:

Provided that, if the percentage referred to in paragraph (c) of this sub-paragraph does not exceed three per cent., the statement required by that paragraph may, if the promoter so desires, be a statement that the said percentage does not exceed three per cent.

(2) In the foregoing sub-paragraph, the expression “the promoter’s commission” means the amount by which the aggregate total stakes in all the competitions referred to in that sub-paragraph exceeds the sum of—

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- (a) the aggregate prizes in those competitions; and
  - (b) the aggregate pool betting duty payable in respect of the competitions; and
  - (c) the expenses of the promoter actually incurred by him in the conduct of those competitions, excluding any expenses properly chargeable to capital and any interest on borrowed money, and, in particular, excluding any provision for depreciation of buildings or equipment, any emoluments payable to the promoter or, if the promoter is a partnership, to any of the partners, or, if the promoter is a body corporate, to any of the directors, and in any case, any emoluments payable to any person whose emoluments depend to any extent on the profits of the promoter.
- (3) The registering authority shall preserve any statement sent to them under this paragraph for at least two years and shall deposit it at their office and permit any member of the public to inspect it during office hours free of charge.

#### Textual Amendments

**F131** Words in [Sch. 2 para. 23\(1\)\(b\)](#) substituted (14.11.1994) by [1993 c. 39, s. 58\(9\)](#); [S.I. 1994/2659, art. 2](#)

- 24 (1) Where a registered pool promoter is a company to which [<sup>F132</sup>[<sup>F133</sup>section 241 of the Companies Act 1985] applies; then, whenever a copy of] a profit and loss account of the company is laid before the company in general meeting in pursuance of that section, the company shall forthwith send a copy of that account and of the relevant auditor's report to the accountant.
- (2) Every registered pool promoter to whom the foregoing subparagraph does not apply shall at least once in every calendar year send to the accountant a profit and loss account of his pool betting business, covering, in the case of the first account, a period beginning at the commencement of the business, and, in the case of subsequent accounts, a period beginning at the end of the period covered by the last account, together with a report thereon by an auditor, being a qualified accountant who neither is, nor is a partner of, nor is in the employment of any person who is, an officer or servant of the registered pool promoter; [<sup>F134</sup>and sections 235(2) and 237(1) and (3) of the Companies Act 1985 (matters to be stated in auditors' report and responsibility of auditors in preparing their report)] shall, with the necessary adaptations, apply in relation to every such report.

#### Textual Amendments

**F132** Words substituted by [Companies Act 1976 \(c. 69\), s. 45\(3\), Sch. 2](#)

**F133** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\), s. 30, Sch. 2](#)

**F134** Words substituted by virtue of [Companies Act 1989 \(c. 40, SIF 27\), s. 23, Sch. 10 Pt. II para. 25](#)

#### *Duties and powers of the accountant*

- 25 The accountant shall—
- (a) examine all statements submitted to him under paragraph 20, 22 or 23 of this Schedule with a view to determining whether there is cause to believe that any of the provisions of this Schedule are being contravened in relation to the competition in question; and



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- (b) retain all such statements for two years; and
  - (c) at any time during that period give facilities for their examination by any officer or servant of the registering authority authorised in that behalf by that authority.
- 26 The accountant and any servant of his authorised in that behalf by him in writing may at all reasonable times enter any premises on which a registered pool promoter is carrying on his business and enquire into the manner in which that business is being carried on, and may require the registered pool promoter or any servant of his to give to the accountant or his servant authorised as aforesaid all such information, and to produce all such accounts, books and other documents and carry out such checks or additional checks of coupons or other entry forms, as the accountant or his servant authorised as aforesaid may think necessary for the purpose of determining whether there is cause to believe that any of the provisions of this Schedule are being contravened; and it shall be the duty of the promoter to preserve, or, to such extent as he may prefer to do so, to preserve photographic copies of, all accounts, books or other documents (including coupons or other entry forms) which relate wholly or partly to any of his competitions for at least two months from the day on which the events take place on which that competition depends.
- 27 (1) If at any time the accountant has cause to believe that any of the provisions of this Schedule are being contravened in relation to any of the competitions of a registered pool promoter, he shall report the matter to the registering authority.
- (2) Not later than the end of October in each year the accountant shall furnish to the registering authority a report stating, if such be the fact, that he—
  - (a) has examined all statements submitted to him by a registered pool promoter under paragraph 20, 22 or 23 of this Schedule in respect of the period of twelve months ending with 31st July in that Year;
  - (b) has conducted such enquiries into the manner in which the business of that promoter is carried on and made such examination of that promoter's records as he considers necessary; and
  - (c) has no cause to believe that any of the provisions of this Schedule have been contravened in relation to any of the competitions of that promoter taking place during the said period except in relation to such matters (if any) as have been reported by the accountant in pursuance of the foregoing subparagraph.
- 28 Paragraphs 20 to 27 of this Schedule shall apply in relation to a competition declared void in pursuance of any such rule of the competition as is mentioned in paragraph 18 of this Schedule as they apply in relation to other competitions, except that—
  - (a) instead of the statements required by paragraphs 20 and 21 of this Schedule to be sent to the accountant in respect of the competition and to be included in announcements of the results of, or to be sent to competitors in, the competition, there shall be sent statements that the competition has been declared void and that sums paid as stakes therein will be repaid or credited to the payers thereof;
  - (b) the competition shall be left out of account in computing the percentage a statement of which is required by the said paragraph 21 to be included in announcements of the results of, or to be sent to competitors in, other competitions depending on the same events or other events taking place on the same day.

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### *Enforcement*

- 29 (1) Any person who—
- (a) obstructs the accountant or any servant of his in the execution of any powers or duties under this Schedule; or
  - (b) fails to comply with any requirement duly made of him by the accountant or any servant of his or, in response to such a requirement, knowingly gives any information which is false or misleading,
- shall be guilty of an offence.
- (2) If any registered pool promoter fails to comply with any duty imposed upon him by this Schedule or if any of the provisions of this Schedule, except so far as they impose duties on the accountant or the registering authority, are contravened in the case of the business of any registered pool promoter, the registered pool promoter shall be guilty of an offence.
- (3) In England, the registering authority shall have power to take proceedings for offences under this paragraph or under section 4(2) of this Act.

**Modifications etc. (not altering text)**

**C39** Para. 29(3) excluded by [Finance Act 1967 \(c. 54\), s. 7\(8\)\(a\)](#)

## SCHEDULE 3 E+W+S

Section 6.

### LICENSING OF TRACKS FOR BETTING

**Modifications etc. (not altering text)**

- C40** [Sch. 3](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 16, Sch. 8 para. 6\(1\)\(2\)](#)  
[Sch. 3](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#) Table B(7)
- C41** Authority empowered to grant licences under [Sch. 3](#) in relation to Greater London now the Greater London Council: [London Government Act 1963 \(c. 33\), s. 53\(1\)](#)

### *Licensing authorities and interpretation*

- 1 <sup>F135</sup>Paragraphs 1, 2 and 3<sup>F135</sup>Paragraph 1] of Schedule 2 to this Act shall have effect with respect to licensing authorities for the purposes of this Schedule . . .  
<sup>F136</sup>as if—
- (a) in sub-paragraph (1) of the said paragraph 1 for the words “the registering authority” there were substituted the words “the licensing authority”; and
  - (b) any reference in <sup>F135</sup>those paragraphs<sup>F135</sup>that paragraph] to the said Schedule 2, . . . <sup>F137</sup>, were a reference to this Schedule.

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#### Textual Amendments

- F135** Words “Paragraph 1” and “that paragraph” substituted for words “Paragraphs 1, 2 and 3” and “those paragraphs” (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 24 para. 27\(1\)](#)
- F136** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 16, 102(2), [Sch. 8 para. 6\(1\)\(a\)](#) (2), Sch. 17
- F137** Words repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#)

- 2 In this Schedule, except where the context otherwise requires—
- (a) any reference to a track shall be construed as including a reference to the site of a proposed track;
  - (b) in relation to any particular track, any reference to the licensing authority shall be construed as a reference to the council [<sup>F138</sup>or committee] who, under paragraph 1 of this Schedule, are the licensing authority for the area in which that track or the greater part of the superficial area thereof is situated, and the expression “appropriate officer of police” means the chief officer of police for a police area which includes that track or any part thereof.

#### Textual Amendments

- F138** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 187, [Sch. 24 para. 27\(1\)](#), [Sch. 29](#)

#### *Applications for licences*

- 3 An application for the grant of a track betting licence may be made to the licensing authority—
- (a) in respect of an existing track, by the occupier thereof; or
  - (b) in respect of a track which it is proposed to construct, by any person who proposes to become the occupier of the track if the licence is granted.
- 4 Each licensing authority may from time to time fix dates on which they will entertain applications for the grant of track betting licences by them and shall cause information as to any dates so fixed to be given to any person who asks for it.
- 5 (1) No application for a track betting licence shall be entertained by the licensing authority unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority and to each of the authorities specified in sub-paragraph (2) of this paragraph notice in writing—
- (a) stating that it is intended to make the application on that date; and
  - (b) describing the situation of the track and the number and position of the exits provided or intended to be provided; and
  - (c) stating the number of spectators for whom accommodation is provided or is intended to be provided,
- and has also published such a notice in at least two newspapers circulating in the locality in which the track is situated.
- (2) The authorities referred to in the foregoing sub-paragraph are—
- (a) if the track is situated in England—

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- (i) the council of any <sup>F139</sup>county] . . . <sup>F140</sup>in which the track or any part thereof is situated; and
  - (ii) the local planning authority within the meaning of the <sup>M23</sup>Town and Country Planning Act 1962 <sup>F141</sup>(not being the licensing authority)] for any area which includes the track or any part thereof;
  - (b) if the track is situated in Scotland—
    - <sup>F142</sup>(i) the council of any islands area or district within which the track or any part thereof is situated; and
    - (ii) the general planning authority or district planning authority for any area which includes the track or any part thereof;]
  - (c) the appropriate officer or officers of police.
- <sup>F143</sup>and for the purposes of this and the next succeeding paragraph “general planning authority” and “district planning authority” have the meanings conferred on them by section 172 of the <sup>M24</sup>Local Government (Scotland) Act 1973.]
- (3) Every notice given to the licensing authority under sub-paragraph (1) of this paragraph shall, until the hearing of the application to which the notice relates, be kept by the licensing authority at their offices so as to be available, at any time during office hours, for inspection by any member of the public free of charge.

#### Textual Amendments

**F139** Word substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 29 para. 13(2)**

**F140** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 16, 102(2), **Sch. 8 para. 6(1)(b)** (2), Sch. 17

**F141** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 6(1)(c)(2)**

**F142** [Para. 5\(2\)\(b\)\(i\)\(ii\)](#) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 24 para. 27(2)**

**F143** Words inserted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 24 para. 27(2)**

#### Marginal Citations

**M23** 1962 c. 38.

**M24** 1973 c. 65.

- 6 (1) Upon the consideration by the licensing authority of an application for the grant of a track betting licence, the following persons in addition to the applicant shall be entitled to be heard in person or by a representative, that is to say—
- (a) any appropriate officer of police;
  - (b) any person owning or occupying premises in the neighbourhood of the track;
  - (c) the governing body of any school or institution in the neighbourhood of the track;
  - (d) if the track is situated in England, any of the authorities specified in sub-paragraph (2) of this paragraph;
  - (e) if the track is situated in Scotland, any of the authorities specified in sub-paragraph (3) of this paragraph:

Provided that no objector shall be heard unless he has given to the applicant and to the licensing authority at least seven days’ notice in writing of the grounds on which he proposes to contend that the application ought to be refused.

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- (2) The authorities referred to in sub-paragraph (1)(d) of this paragraph are—
- (a) the local planning authority within the meaning of the <sup>M25</sup>Town and Country Planning Act 1962 [<sup>F144</sup>(not being the licensing authority)] for any area which includes the track or any part thereof;
  - (b) the council of any [<sup>F145</sup>county] . . . <sup>F146</sup>in which the track or any part thereof is situated;
  - (c) any other local authority whose area adjoins [<sup>F147</sup>the area of the licensing authority]:

Provided that no local authority shall be entitled to be heard as an objector if the licensing authority are a committee of that local authority or a joint committee including persons appointed by that local authority.

In this sub-paragraph, the expression “local authority” means any of the following councils, that is to say, the council of a county, . . . <sup>F148</sup>, [<sup>F149</sup>London borough] or county district and the Common Council of the City of London.

- <sup>F150</sup>(3) The authorities referred to in sub-paragraph (1)(e) of this paragraph are—
- (a) the general planning authority or district planning authority for any area which includes the track or any part thereof;
  - (b) the council of any region (not being a general Planning authority) which includes the track or any part thereof;
  - (c) any other local authority whose area adjoins any district which includes the track or any part thereof,
- where that authority or council are not the licensing authority.]

#### Textual Amendments

- F144** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 6\(1\)\(c\)\(2\)](#)  
**F145** Word substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 para. 13\(2\)](#)  
**F146** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 16, 102(2), [Sch. 8 para. 6\(1\)\(b\)](#) (2), Sch. 17  
**F147** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 6\(1\)\(d\)\(2\)](#)  
**F148** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)  
**F149** Words substituted by [London Government Act 1963 \(c. 33\)](#) Sch. 17 para. 28  
**F150** [Sch. 3 para. 6\(3\)](#) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 24 para. 27\(3\)](#)

#### Marginal Citations

- M25** [1962 c. 38](#).

#### *Grant or refusal of licence*

- 7 (1) The provisions of this paragraph shall have effect with respect to any application to a licensing authority for the grant of a track betting licence in respect of any track.
- (2) The licensing authority may refuse to grant the licence if they are satisfied that, in the event of the licence being granted, the existence or user of the track—
- (a) would injuriously affect either the health or the comfort of persons residing in the neighbourhood of or track, or be detrimental to the interests of persons receiving instruction of residing or any school or institution in that neighbourhood; or

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- (b) would seriously impair the amenities of that neighbourhood; or
  - (c) would result in undue congestion of traffic or seriously prejudice the preservation of law and order.
- (3) The Licensing authority may also refuse to grant the licence if the applicant or, where the applicant is a body corporate, any director or the manager thereof has been convicted—
- (a) of an offence under any of the following provisions of this Act, that is to say, sections 1(1)(a), 4(1), 5, 6, 7, 16, 18, 19, 21 and 23 and paragraphs 11 and 17 of Schedule 5;
  - (b) of any offence under Part I of, or Schedule 1 to, the <sup>M26</sup>Betting and Lotteries Act 1934 or under section 7 of the <sup>M27</sup>Betting and Gaming Act 1960; or
  - (c) of any offence involving fraud or dishonesty.
- (4) If the licensing authority are not satisfied that any planning permission required under Part III of the <sup>M28</sup>Town and Country Planning Act 1962 or under the <sup>M29</sup>Town and Country Planning (Scotland) Act 1947 for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of the said Act of 1962 or, as the case may be, 1947 have notified the licensing authority that any such planning permission has been, or is deemed to be, granted.
- (5) Save as is mentioned in sub-paragraph (2), (3) or (4) of this paragraph, the licensing authority shall not refuse the application; and if they do refuse it they shall send to the applicant by post a written statement of the grounds of their refusal.

#### **Marginal Citations**

- M26** 1934 c. 58.
- M27** 1960 c. 60.
- M28** 1962 c. 38.
- M29** 1947 c. 53.

#### *Duration and transfer of licences*

- 8 A track betting licence shall, unless cancelled under paragraph 10 or revoked under paragraph 13 of this Schedule, be in force for seven years from the date on which it is expressed to take effect.
- 9 Where in the case of any track the licensing authority have granted a track betting licence to any person, they may at any time, if they think fit, on an application made to them after notice in writing to the appropriate officer or officers of police, direct that the licence shall be transferred to another person, and thereupon the transferee shall be deemed to be the holder of the licence, so, however, that, if the transferee is not the occupier of the track, the transfer shall not take effect until he becomes the occupier thereof.
- 10 The licensing authority by whom any track betting licence for the time being in force was granted shall, upon receiving from the holder of the licence a written request in that behalf accompanied by the licence, cancel the licence, which shall thereupon cease to be in force.

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- 11 In the event of the death of the holder of a track betting licence, his legal personal representatives shall, during the period of three months from the date of the death, be deemed to be the holder of the licence, notwithstanding that it has not been transferred to them.

#### *Fees in respect of licences*

- 12 (1) In respect of any application for a track betting licence, such fee not exceeding [<sup>F151</sup>£46] as the licensing authority may from time to time fix for the whole of their area shall be payable by the applicant before the hearing of the application, but, if the licence is granted, the fee so paid shall be treated as a payment on account of the first annual payment to be made in respect of the licence under the next following sub-paragraph.
- (2) In respect of every such licence, such annual fee not exceeding [<sup>F152</sup>£464] as the licensing authority may fix annually for the whole of their area shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of those payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.
- (3) In respect of any transfer of such a licence, such fee not exceeding [<sup>F153</sup>£46] as the licensing authority may from time to time fix for the whole of their area shall be payable by the person to whom the licence is transferred.
- (4) Every fee which by virtue of this paragraph is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

#### **Textual Amendments**

**F151** Words in [Sch. 3 para. 12\(1\)](#) substituted (E.W.) (2.12.1991) by [S.I. 1991/2175, art. 3](#) and (S.) (2.12.1991) by [S.I. 1991/2495, art.3](#)

**F152** Words in [Sch. 3 para. 12\(2\)](#) substituted (E.W.) (2.12.1991) by [S.I. 1991/2175, art. 4](#) and (S.) (2.12.1991) by [S.I. 1991/2495, art.4](#)

**F153** Words in [Sch. 3 para. 12\(3\)](#) substituted (E.W.) (2.12.1991) by [S.I. 1991/2175, art. 5](#) and (S.) (2.12.1991) by [S.I. 1991/2495, art.5](#)

#### **Modifications etc. (not altering text)**

**C42** Power to amend para. 12 given by [Local Government Act 1966 \(c. 42\), s. 35\(2\)](#), [Sch. 3 Pt. II](#) and [Local Government \(Scotland\) Act 1966 \(c. 51\), s. 42\(2\)](#), [Sch. 4 Pt. II](#)

#### *Revocation of licence and appeal therefrom*

- 13 (1) At any time while a track betting licence is in force in respect of any track, the licensing authority by whom it was granted may, after giving to the holder of the licence an opportunity of being heard, revoke the licence—
- (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
- (b) if without their approval, to be given after such notice as they deem proper, the accommodation for spectators on the track as stated in the notice under paragraph 5(1) of this Schedule has been substantially increased, or the

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exits from the track as described in that notice have been materially altered, and the authority are satisfied that undue congestion of traffic, or serious prejudice to the preservation of law and order has resulted therefrom; or

- (c) if on a report made to them by the accountant appointed under Schedule 5 to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that Schedule, they are satisfied that any totalisator on the track has been maintained or operated otherwise than in accordance with the provisions of that Schedule; or
- (d) if the holder of the licence or, where the holder is a body corporate, any director or the manager thereof is convicted of any offence such as is mentioned in paragraph 7(3)(a) or (c) of this Schedule;

and if the authority revoke any such licence, they shall forthwith send notice of the revocation by post to the holder of the licence and to the appropriate officer or officers of police.

- (2) The holder of a licence in respect of a track in England which has been revoked under the foregoing sub-paragraph may appeal . . . <sup>F154</sup>[<sup>F155</sup> to the Crown Court, and such appeal shall be commenced by giving notice to the appropriate officer of the Crown Court and to the licensing authority within twenty-one days of the holder's being notified of the revocation by the licensing authority.]
- (3) The holder of a licence in respect of a track in Scotland which has been revoked under sub-paragraph (1) of this paragraph may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the track in respect of which the licence was held, or the greater part of the superficial area thereof, is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.
- (4) Where a licensing authority revoke a licence under sub-paragraph(1) of this paragraph, then, until the time within which notice of appeal under sub-paragraph (2) or (3) of this paragraph may be given has expired and, if such notice is given, until the determination or abandonment of the appeal, the licence shall be deemed to continue in force, and if [<sup>F156</sup>the Crown Court]or, as the case may be, the sheriff confirms the decision of the licensing authority, the court or the sheriff may, if it or he thinks fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

#### Textual Amendments

**F154** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

**F155** Words stand in the text by virtue of [S.I. 1982/1109](#), rules 6, 7, [Sch. 3 Pt. II](#)

**F156** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. 1](#)

14, 15. . . . . <sup>F157</sup>

#### Textual Amendments

**F157** [Sch. 3 paras. 14, 15](#) repealed by [Betting, Gaming and Lotteries \(Amendment\) Act 1971 \(c. 26\)](#), [Sch.](#)



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SCHEDULE 4 **E+W+S**

Section 10.

RULES FOR LICENSED BETTING OFFICES

1 The licensed premises shall be closed throughout [<sup>F158</sup> Good Friday and Christmas Day], and at such other times, if any, as may be prescribed, and shall not be used for any purpose other than the effecting of betting transactions.

**Textual Amendments**

**F158** Words in Sch. 4 para. 1 substituted (3.1.1995) by 1994 c. 40, ss. 20(4), 40(6), 82(2)

2 No person who is apparently under the age of eighteen years, or who is known to any person connected with the licensee's business and present on the licensed premises to be under that age, shall be admitted to or allowed to remain on those premises, so, however, that in any proceedings for a contravention of this rule in respect of a person apparently under the said age it shall be a defence to prove that at the time of the alleged contravention he had in fact attained that age.

3 The licensee—  
(a) shall display his betting office licence on the licensed premises;  
(b) shall exhibit on those premises such notices in such form and in such positions as may be prescribed; and  
(c) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.

4 Neither the licensee nor any servant or agent of his shall, while any other person is on the licensed premises, encourage him to bet.

5 ..... <sup>F159</sup>

**Textual Amendments**

**F159** Sch. 4 para. 5 repealed by S.I. 1986/11, art. 2

6 Except for the licensee and any servant or agent of his, no person resorting to the licensed premises shall be allowed to use any means of direct access between the licensed premises and other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions.

[<sup>F160</sup>7 (1) Except as permitted by sub-paragraph (2) or (3) below, no apparatus for making information or other material available in the form of sounds or visual images or both shall be used on the licensed premises.

(2) Subject to paragraph 8 below, such apparatus may be used on the licensed premises provided that the matter seen or heard comprises only information about, and the coverage of, a sporting event including—

- (a) information relating to any betting on such an event; and
- (b) any other matter, including an advertisement, which is incidental to such an event or such coverage.

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- (3) Subject to paragraph 8 below, such apparatus may be used on the licensed premises provided that the matter seen or heard comprises only—
- (a) information relating to betting on any event in connection with which betting transactions may be or have been effected on those premises; and
  - (b) the result of such an event.]

**Textual Amendments**

**F160** Sch. 4 paras. 7–11 added by S.I. 1986/11, art. 3

- [<sup>F161</sup>8 (1) No apparatus for making information or other material available in the form of visual images shall be used on the licensed premises unless those images appear on a screen; and any screen so used shall not—
- (a) exceed 30 inches wide; or
  - (b) be so positioned that those images can be seen from outside the licensed premises, whether through a window or otherwise.
- (2) No apparatus for showing visual images of a sporting event shall be used on the licensed premises if—
- (a) the service by means of which such images appear is not intended to be received by the general public or other licensees generally; or
  - (b) in the case of images that appear by means of the use of video recordings, identical recordings of the same event are not available to other licensees generally.

In this sub-paragraph “video recording” has the same meaning as in section 1(3) of the Video Recordings Act 1984.]

**Textual Amendments**

**F161** Sch. 4 paras. 7–11 added by S.I. 1986/11, art. 3

- [<sup>F162</sup>9 No music, dancing or other entertainment shall be provided or allowed on the licensed premises, except any entertainment which complies with the provisions of paragraph 7 above.]

**Textual Amendments**

**F162** Sch. 4 paras. 7–11 added by S.I. 1986/11, art. 3

- [<sup>F163</sup>10(1) Except as permitted by this paragraph, no refreshments shall be provided on the licensed premises.
- (2) Subject to section 10(1B) of this Act, any drink may be sold, by any means whatever, on the licensed premises except—
- (a) where those premises are in England and Wales, intoxicating liquor within the meaning of section 20(1) of the Licensing Act 1964; or

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- (b) where those premises are in Scotland, alcoholic liquor within the meaning of section 139(1) of the Licensing (Scotland) Act 1976.
- (3) There may be sold, by any means whatever, on the licensed premises the following refreshments:
- (a) biscuits (not including cakes);
  - (b) chocolates, sweets and similar confectionery;
  - (c) potato crisps, potato sticks, potato puffs and similar products made from the potato, or from potato flour, or from potato starch; and
  - (d) salted or roasted peanuts.]

#### Textual Amendments

**F163** Sch. 4 paras. 7–11 added by S.I. 1986/11, art. 3

VALID FROM 20/06/1996

- [<sup>F164</sup>10A Machines to which Part III of the Gaming Act 1968 (gaming machines) applies may be used on the licensed premises, but only if—
- (a) they are machines in respect of which the conditions mentioned in section 34(5A) of the Gaming Act 1968 are observed (cash prizes only), and
  - (b) they do not exceed two in number.]

#### Textual Amendments

**F164** Sch. 4 paras. 10A-10C inserted (20.6.1996) by S.I. 1996/1359, art. 4(3)

VALID FROM 20/06/1996

- <sup>F165</sup>10B Publications may be sold on the licensed premises, but only if they are racing periodicals or specialist betting publications.

#### Textual Amendments

**F165** Sch. 4 paras. 10A-10C inserted (20.6.1996) by S.I. 1996/1359, art. 4(3)

VALID FROM 20/06/1996

- <sup>F166</sup>10C The licensed premises may be used for—
- (a) the sale of tickets in any lottery other than—
    - (i) a private lottery within the meaning of the Lotteries and Amusements Act 1976, or
    - (ii) a lottery the sale of tickets in which on the licensed premises is otherwise prohibited,

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- (b) the collection of amounts payable by way of winnings in any lottery for the sale of whose tickets the premises may be used,
- (c) the delivery of entry forms and stakes relating to competitions in which success depends to a substantial degree on the exercise of skill, and
- (d) the collection of amounts payable by way of winnings in any such competition as is mentioned in sub-paragraph (c) of this paragraph.

#### Textual Amendments

**F166** Sch. 4 paras. 10A-10C inserted (20.6.1996) by S.I. 1996/1359, art. 4(3)

[<sup>F167</sup>11 Paragraphs 1 and 4 above shall be construed, subject to the restrictions in paragraphs 7 to 10 above, as not prohibiting the provision of the facilities permitted by paragraphs 7, 9 and 10(2) and (3) above.]

#### Textual Amendments

**F167** Sch. 4 paras. 7–11 added by S.I. 1986/11, art. 3

## SCHEDULE 5 E+W+S

Section 16.

### TOTALISATORS ON DOG RACECOURSES

- 1 The totalisator shall be a mechanically or electrically operated apparatus complying with the prescribed conditions.
- 2 The person, whether the occupier of the track or a person authorised in that behalf in writing by that occupier, by whom the totalisator is operated (in this Schedule referred to as “the operator”) shall take all such steps as are necessary to secure that, so long as the totalisator is in use, it is in proper working order and is properly operated.
- 3 The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the track a notice showing the minimum stake (hereinafter referred to as “the betting unit”) which will be accepted at the totalisator from persons betting on that race; and that notice shall also—
  - (a) specify the percentage, not exceeding six per cent. [<sup>F168</sup>or such other percentage as may be specified in an order made by the Secretary of State by statutory instrument], which will be deducted by the operator from amounts staked by means of the totalisator; and
  - (b) if the terms on which the operator invites persons to bet include such a condition as is mentioned in paragraph 6 of this Schedule, specify the time referred to in that paragraph [<sup>F169</sup>: and]
  - [<sup>F169</sup>(c) specify such other particulars of the said terms as may be prescribed.]

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[<sup>F168</sup>Any power conferred by this paragraph to make an order shall include power to vary or revoke the order by subsequent order.]

#### Textual Amendments

**F168** Words inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1969 \(c. 17\), s. 1](#)

**F169** [Sch. 5 para. 3\(c\)](#) and word inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(3\)](#)

- 4 The operator shall, in the case of any bets made by means of the totalisator on any race or combination of races—
- (a) deduct from the aggregate amount staked—
    - (i) any sums payable by the operator by way of the [<sup>F170</sup>general betting duty] in respect of those bets; and
    - (ii) subject to paragraph 5 of this Schedule, the percentage specified in the notice posted in pursuance of paragraph 3 thereof; and
  - (b) subject to paragraphs 5 and 6 of this Schedule, distribute the whole of the remainder of that amount among the persons making such of those bets as are winning bets.

#### Textual Amendments

**F170** Words substituted by [Finance Act 1966 \(c. 18\), s. 12\(6\)\(b\)](#)

- [<sup>F171</sup>4A The terms on which the operator invites persons to bet on any race or combination of races on the track by means of the totalisator may include a condition that, in the event of there being no winning bets on that race or those races, the aggregate amount staked thereon by way of bets made by means of the totalisator (less any deductions made in pursuance of paragraph 4(a) of this Schedule) shall be carried over to a subsequent race or combination of races on the track by being added to the aggregate amount staked thereon by way of bets so made; and nothing in section 16(1) of this Act shall be construed as precluding the totalisator from being so operated as to allow any such amount to be carried over as aforesaid from one day to another.]

#### Textual Amendments

**F171** [Sch. 5 paras. 4A, 4B](#) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(4\)](#)

- [<sup>F172</sup>4B Where, in accordance with such a condition as is mentioned in paragraph 4A of this Schedule, any amount is to be added to the aggregate amount staked by way of bets made by means of the totalisator on any race or combination of races, that amount shall be disregarded for the purpose of making any deduction required by paragraph 4(a) of this Schedule.]

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### Textual Amendments

**F172** Sch. 5 paras. 4A, 4B inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\)](#), s. 2(4)

VALID FROM 07/01/1996

[<sup>F173</sup>4C(1) This paragraph applies where the amount payable in respect of each betting unit staked by a person winning a bet is or includes a fraction of the betting unit where is not one or more tenths of that unit.

- (2) Where the fraction is less than a twentieth of the betting unit, the operator may retain it.
- (3) Where the fraction is more than a tenth of the betting unit, but exceeds the next lower tenth of that unit by less than a twentieth of that unit, the operator may retain so much of it as exceeds that tenth of that unit.
- (4) Otherwise, the amount payable in respect of each betting unit staked by a person winning a bet shall be deemed to be increased —
  - (a) to the next higher tenth of the betting unit; or
  - (b) where the fraction concerned exceeds nine tenths of the betting unit, to the next multiple of that unit.]

### Textual Amendments

**F173** Sch. 5 para. 4C inserted (7.1.1996) by [S.I. 1995/3231](#), art. 7(5)

[<sup>F174</sup>5 Where the amount payable in respect of each betting unit staked by a person winning a bet is or includes a fraction of a new penny, then—

- (a) if that fraction does not exceed one-half, it may be retained by the operator; but
- (b) if that fraction exceeds one-half, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the nearest multiple of a new penny.]

### Textual Amendments

**F174** Para. 5 substituted by [Decimal Currency Act 1969 \(c. 19\)](#), [Sch. 2 para. 17](#)

6 The terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet unless the money won on the bet is claimed before such time, not being earlier than forty-eight hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made, as may have been specified in the notice posted in pursuance of paragraph 3 of this Schedule.

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- 7 The licensing authority, that is to say, the authority by whom any track betting licence in respect of the track falls to be granted, shall appoint a qualified accountant (hereinafter in this Schedule referred to as “the accountant”) who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator and, after consultation with the accountant, shall also appoint an experienced mechanic (hereinafter in this Schedule referred to as “the technical adviser”) who shall act as technical adviser to the accountant and be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation thereof.
- 8 Subject to paragraph 9 of this Schedule, the accountant and the technical adviser shall hold office on such terms (including terms as to remuneration) as may be determined by the licensing authority after consultation with the occupier of the track, and the remuneration of the accountant and the technical adviser shall be payable by the licensing authority; but so much of that remuneration as is paid to the accountant or the technical adviser in respect of the performance of his functions under this Schedule in relation to the totalisator and is attributable to any period during which a track betting licence was in force in respect of the track shall be recoverable by the licensing authority as a debt due to them from the holder of that licence.
- 9 The terms on which the accountant is appointed shall include a term that [<sup>F175</sup>where the accountant has before any day been notified in writing by the operator that it is intended that betting should take place on that day by means of the totalisator] either he or a servant of his authorised by him in that behalf in writing must be in attendance at the totalisator during such period or periods [<sup>F176</sup>on that day as may be specified in the notification.]

**Textual Amendments**

**F175** Words substituted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(5\)\(a\)](#)

**F176** Words substituted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(5\)\(b\)](#)

- 10 The totalisator shall not be operated at any time when neither the accountant nor a servant of his authorised by him in that behalf in writing is present.
- [<sup>F177</sup>10A The amount which is to be carried over from one race or combination of races to another in accordance with such a condition as is mentioned in paragraph 4A of this Schedule shall be determined by the accountant and notified by him to the operator.]

**Textual Amendments**

**F177** [Sch. 5 para. 10A](#) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(6\)](#)

- 11 (1) The accountant, the technical adviser and their respective servants authorised in that behalf in writing may at all reasonable times enter the premises in which the totalisator is set up and examine any part of the mechanism and test and watch

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the working thereof, and may require the operator or any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents, as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with.

(2) Every person who—

- (a) obstructs any of the persons upon whom powers are conferred by the foregoing sub-paragraph in the exercise of any of those powers; or
- (b) neglects or refuses to give to any of the said persons any such information, or to produce to him any such document, as may have been called for by him in pursuance of the said sub-paragraph; or
- (c) knowingly gives to any of the said persons any information which is false or misleading,

shall be liable on summary conviction to a fine exceeding fifty pounds.

12 The operator shall, within seven days after the close of each month, submit to the accountant for examination by him a complete statement of account for that month, giving all such information as the accountant may require for the purpose of ascertaining whether the provisions of this Schedule have been complied with.

13 The accountant shall examine the statements of account submitted to him under the last foregoing paragraph and shall, so often as he thinks proper, consult with the technical adviser and carry out, or cause to be carried out, such inspections as either of them deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with, and shall forthwith make a report to the licensing authority if he has reason to believe that the totalisator no longer complies with the prescribed conditions, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule are not being complied with.

14 The accountant shall retain for a period of two years all statements of account submitted to him as aforesaid and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the licensing authority.

15 Without prejudice to his duties under the foregoing paragraphs, the accountant shall, as soon as may be after the close of each calendar year, audit the accounts of the operator for the year and, if such be the fact, certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 12 of this Schedule and have been examined by him, and that to the best of his information and belief, formed after consultation with the technical adviser, the accounts for the year are complete and accurate and the totalisator complies with the prescribed conditions and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule; and the operator shall forthwith cause the accounts and certificate to be printed and, subject to paragraph 16 of this Schedule, shall transmit two copies thereof to the licensing authority, who shall cause one of those copies to be deposited at their offices for inspection at any time during office hours by any member of the public free of charge.

16 Where by virtue of paragraph 1 of Schedule 3 to this Act the licensing authority are a joint committee such as are mentioned in paragraph 1 (4) of Schedule 2 to this Act, the operator shall transmit to the licensing authority such number of copies



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of the accounts and certificate referred to in paragraph 15 of this Schedule as are sufficient to enable the licensing authority to keep one copy at their offices for the purposes of record and to deposit for inspection as mentioned in that paragraph one copy at their offices and one copy at the offices of each council whose functions under Schedule 3 to this Act are delegated to that committee.

- 17 Without prejudice to paragraph 11(2) of this Schedule, if the operator contravenes any of the provisions of this Schedule other than the said paragraph 11(2) he shall be guilty of an offence.

VALID FROM 07/01/1996

- [<sup>F178</sup>18(1) In relation to the operation of the totalisator for effecting betting transactions under a licensed inter-track betting scheme, this Schedule shall have effect with the following modifications.
- (2) Where the operation is in connection with racing on the track where the totalisator is situated, the references in paragraphs 4 and 4B to the totalisator shall be construed as references to any totalisator on a track participating in the inter-track betting scheme.
- (3) Where the operation is in connection with racing on a track other than the track where the totalisator is situated—
- (a) the references in paragraph 3(a) and (b) to the operator shall be construed as references to the operator of the totalisator on the track where the racing takes place; and
- (b) paragraphs 4 and 4B to 6 shall be omitted.
- (4) In paragraph 4A—
- (a) references to a race or combination of races on the track shall be construed as references to a race or combination of races in relation to which betting takes place under the inter-track betting scheme; and
- (b) references to bets made by means of the totalisator shall be construed as references to bets made under the inter-track betting scheme.
- (5) In paragraph 13, the reference to the licensing authority shall be construed as including a reference to the authority by whom the inter-track betting scheme is licensed.]

#### Textual Amendments

**F178** Sch. 5 para. 18 inserted (7.1.1996) by S.I. 1995/3231, art. 5(5)

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[<sup>F179</sup>SCHEDULE  
5A **E+W+S**]

RIGHTS OF BETTING WORKERS AS RESPECTS SUNDAY WORKING]

**Textual Amendments**

**F179** Sch. 5A (paras. 1-22) inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8

<sup>F180</sup>*General interpretation*

**Textual Amendments**

**F180** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

<sup>F181</sup>1 (1) In this Schedule, except where a contrary intention appears—

“the 1978 Act” means the Employment <sup>M30</sup>Protection (Consolidation) Act 1978;

“betting transaction” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

“betting work” means—

- (a) work at a track in England or Wales for a bookmaker on a day on which the bookmaker acts as such at the track, being work which consists of or includes dealing with betting transactions, and
- (b) work in a licensed betting office in England or Wales on a day on which the office is open for use for the effecting of betting transactions;

“betting worker” means an employee who, under his contract of employment, is required to do betting work or may be required to do such work;

“bookmaker” means any person who—

- (a) whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations; or
- (b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations;

“the commencement date” means the day on which this Schedule comes into force;

“dismissal” has the same meaning as in Part V of the 1978 Act;

“notice period”, in relation to an opting-out notice, has the meaning given by paragraph 6 below;

“opted-out”, in relation to a betting worker, shall be construed in accordance with paragraph 5 below;

“opting-in notice” has the meaning given by paragraph 3(2) below;

“opting-out notice” has the meaning given by paragraph 4(3) below;

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“protected”, in relation to a betting worker, shall be construed in accordance with paragraphs 2 and 3 below.

- (2) Subject to sub-paragraph (3) below, the following provisions of the 1978 Act—  
section 151(1) and (2) (computation of period of continuous employment), and  
section 153 (general interpretation),

shall have effect for the purposes of this Schedule as they have effect for the purposes of that Act.

- (3) For the purposes of this Schedule, section 151(2) of the 1978 Act shall have effect with the omission of the words from “but” onwards and Schedule 13 to that Act shall have effect with the following modifications—

- (a) in paragraph 1 for the words “paragraphs 3 to 12” there shall be substituted “paragraph 4 or paragraphs 9 to 12”,
- (b) paragraph 3 and paragraphs 5 to 8 shall be omitted, and
- (c) in paragraph 4 the words “which normally involves employment for sixteen hours or more weekly” shall be omitted.

- (4) Where section 56 of the 1978 Act (failure to permit women to return to work after childbirth treated as dismissal) applies to an employee who was employed as a betting worker under her contract of employment on the last day of her maternity leave period, she shall be treated for the purposes of this Schedule as if she had been employed as a betting worker on the day with effect from which she is treated as dismissed under that section.

#### Textual Amendments

**F181** Sch. 5A para. 1 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

#### Marginal Citations

**M30** 1978 c. 44.

#### <sup>F182</sup>Meaning of “protected betting worker”

#### Textual Amendments

**F182** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- <sup>F183</sup>2 (1) Subject to paragraph 3 below, a betting worker is to be regarded for the purposes of this Schedule as “protected” if, and only if, sub-paragraph (2) or (3) below applies to him.

- (2) This sub-paragraph applies to any betting worker if—
- (a) on the day before the commencement date, he was employed as a betting worker,
  - (b) on that day, he was not employed to work only on Sunday,
  - (c) he has been continuously employed during the period beginning with that day and ending with the appropriate date, and

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- (d) throughout that period, or throughout every part of it during which his relations with his employer were governed by a contract of employment, he was a betting worker.
- (3) This sub-paragraph applies to any betting worker whose contract of employment is such that under it he—
- (a) is not, and may not be, required to work on Sunday, and
  - (b) could not be so required even if the provisions of this Schedule were disregarded.
- (4) In sub-paragraph (2)(c) above “the appropriate date” means—
- (a) in relation to paragraphs 7 and 8 below, the effective date of termination,
  - (b) in relation to paragraph 10 below, the date of the act or failure to act,
  - (c) in relation to sub-paragraph (2) or (3) of paragraph 12 below, the day on which the agreement is entered into,
  - (d) in relation to sub-paragraph (4) of that paragraph, the day on which the employee returns to work,
  - (e) in relation to paragraph 14 below, any time in relation to which the contract is to be enforced, and
  - (f) in relation to paragraph 15 below, the end of the period in respect of which the remuneration is paid or the benefit accrues.
- (5) For the purposes of sub-paragraph (4)(a) above, “the effective date of termination”, in any case falling within paragraph 1(4) above, means the day with effect from which the employee is treated by section 56 of the 1978 Act as being dismissed.
- (6) For the purposes of sub-paragraph (4)(b) above—
- (a) where an act extends over a period, the “date of the act” means the first day of the period, and
  - (b) a deliberate failure to act shall be treated as done when it was decided on, and in the absence of evidence establishing the contrary, an employer shall be taken to decide on a failure to act when he does an act inconsistent with doing the failed act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.
- (7) Where on the day before the commencement date an employee’s relations with his employer have ceased to be governed by a contract of employment, he shall be regarded as satisfying the conditions in sub-paragraph (2)(a) and (b) above if—
- (a) that day falls in a week which counts as a period of employment with that employer under paragraph 9 or 10 of Schedule 13 to the 1978 Act (absence from work because of sickness, pregnancy etc.) or under regulations made under paragraph 20 of that Schedule (reinstatement or re-engagement of dismissed employee), and
  - (b) on the last day before the commencement date on which his relations with his employer were governed by a contract of employment, the employee was a betting worker and was not employed to work only on Sunday.

#### Textual Amendments

**F183** Sch. 5A para. 2 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

**F184**<sup>3</sup> (1) A betting worker is not a protected betting worker if—

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- (a) on or after the commencement date, he has given his employer an opting-in notice, and
- (b) after giving that notice, he has expressly agreed with his employer to do betting work on Sunday or on a particular Sunday.

(2) In this Schedule “opting-in notice” means a written notice, signed and dated by the betting worker, in which the betting worker expressly states that he wishes to work on Sunday or that he does not object to Sunday working.

#### Textual Amendments

**F184** Sch. 5A para. 3 inserted (3.1.1995) by 1994 c. 30, ss. 20(5), 40(1), 82(2), Sch. 8.

#### *F185* Notice of objection to Sunday working

#### Textual Amendments

**F185** Crossheading inserted (3.1.1995) by 1994 c. 30, ss. 20(5), 40(1), 82(2), Sch. 8.

- F186**<sup>4</sup> (1) This paragraph applies to any betting worker who, under his contract of employment—
- (a) is or may be required to work on Sunday (whether or not as a result of previously giving an opting-in notice), but
  - (b) is not employed to work only on Sunday.
- (2) A betting worker to whom this paragraph applies may at any time give his employer written notice, signed and dated by the betting worker, to the effect that the betting worker objects to Sunday working.
- (3) In this Schedule “opting-out notice” means a notice given under sub-paragraph (2) above by a betting worker to whom this paragraph applies.

#### Textual Amendments

**F186** Sch. 5A para. 4 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

#### *F187* Meaning of “opted-out betting worker”

#### Textual Amendments

**F187** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- F188**<sup>5</sup> (1) Subject to sub-paragraph (5) below, a betting worker is to be regarded for the purposes of this Schedule as “opted-out” if, and only if—
- (a) he has given his employer an opting-out notice,

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- (b) he has been continuously employed during the period beginning with the day on which the notice was given and ending with the appropriate date, and
  - (c) throughout that period, or throughout every part of it during which his relations with his employer were governed by a contract of employment, he was a betting worker.
- (2) In sub-paragraph (1) above “the appropriate date” means—
- (a) in relation to paragraphs 7 and 8 below, the effective date of termination,
  - (b) in relation to paragraph 10 below, the date of the act or failure to act,
  - (c) in relation to sub-paragraph (2) or (3) of paragraph 13 below, the day on which the agreement is entered into, and
  - (d) in relation to sub-paragraph (4) of that paragraph, the day on which the employee returns to work.
- (3) For the purposes of sub-paragraph (2)(a) above, “the effective date of termination”, in any case falling within paragraph 1(4) above, means the day with effect from which the employee is treated by section 56 of the 1978 Act as being dismissed.
- (4) For the purposes of sub-paragraph (2)(b) above—
- (a) where an act extends over a period, the “date of the act” means the first day of the period, and
  - (b) a deliberate failure to act shall be treated as done when it was decided on, and in the absence of evidence establishing the contrary, an employer shall be taken to decide on a failure to act when he does an act inconsistent with doing the failed act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.
- (5) A betting worker is not an opted-out betting worker if—
- (a) after giving the opting-out notice concerned, he has given his employer an opting-in notice, and
  - (b) after giving that opting-in notice, he has expressly agreed with his employer to do betting work on Sunday or on a particular Sunday.

**Textual Amendments**

**F188** Sch. 5A para. 5 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

*<sup>F189</sup>Meaning of “notice period”*

**Textual Amendments**

**F189** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

<sup>F190</sup>6 In this Schedule “notice period”, in relation to an opted-out betting worker, means, subject to paragraph 11(2) below, the period of three months beginning with the day on which the opting-out notice concerned was given.

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#### Textual Amendments

**F190** Sch. 5A para. 6 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

*<sup>F191</sup>Right not to be dismissed for refusing Sunday work*

#### Textual Amendments

**F191** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- <sup>F1927</sup> (1) Subject to sub-paragraph (2) below, the dismissal of a protected or opted-out betting worker by his employer shall be regarded for the purposes of Part V of the 1978 Act as unfair if the reason for it (or, if more than one, the principal reason) was that the betting worker refused, or proposed to refuse, to do betting work on Sunday or on a particular Sunday.
- (2) Sub-paragraph (1) above does not apply in relation to an opted-out betting worker where the reason (or principal reason) for the dismissal was that he refused, or proposed to refuse, to do betting work on any Sunday or Sundays falling before the end of the notice period.
- (3) The dismissal of a betting worker by his employer shall be regarded for the purposes of Part V of the 1978 Act as unfair if the reason for it (or, if more than one, the principal reason) was that the betting worker gave, or proposed to give, an opting-out notice to the employer.
- (4) Section 142 of the 1978 Act (contracts for a fixed term) shall not exclude the application of section 54 of that Act (right of employee not to be unfairly dismissed) in relation to any dismissal which is unfair by virtue of sub-paragraph (1) or (3) above.

#### Textual Amendments

**F192** Sch. 5A para. 7 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- <sup>F193g</sup> (1) Where the reason or principal reason for the dismissal of a protected or opted-out betting worker was that he was redundant, but it is shown—
- (a) that the circumstances constituting the redundancy applied equally to one or more other employees in the same undertaking who held positions similar to that held by him and who have not been dismissed by the employer, and
- (b) that the reason (or, if more than one, the principal reason) for which he was selected for dismissal was that specified in paragraph 7(1) above,
- then, for the purposes of Part V of the 1978 Act, the dismissal shall be regarded as unfair.
- (2) Sub-paragraph (1) above does not apply in relation to an opted-out betting worker where the reason (or principal reason) for which he was selected for dismissal was that specified in paragraph 7(2) above.

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- (3) Where the reason or principal reason for the dismissal of a betting worker was that he was redundant, but it is shown—
- (a) that the circumstances constituting the redundancy applied equally to one or more other employees in the same undertaking who held positions similar to that held by him and who have not been dismissed by the employer, and
  - (b) that the reason (or, if more than one, the principal reason) for which he was selected for dismissal was that specified in paragraph 7(3) above,
- then, for the purposes of Part V of the 1978 Act, the dismissal shall be regarded as unfair.

**Textual Amendments**

**F193** Sch. 5A para. 8 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

*F194* Exclusion of section 64(1) of Employment Protection (Consolidation) Act 1978

**Textual Amendments**

**F194** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

- F195<sup>9</sup>** Section 54 of the 1978 Act (right of employee not to be unfairly dismissed) shall apply to a dismissal regarded as unfair by virtue of paragraph 7 or 8 above regardless of the period for which the employee has been employed and of his age; and accordingly section 64(1) of that Act (which provides a qualifying period and an upper age limit) shall not apply to such a dismissal.

**Textual Amendments**

**F195** Sch. 5A para. 9 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

*F196* Right not to suffer detriment for refusing Sunday work

**Textual Amendments**

**F196** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

- F197<sup>10</sup>** (1) Subject to sub-paragraphs (2) and (4) below, a protected or opted-out betting worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the betting worker refused, or proposed to refuse, to do betting work on Sunday or on a particular Sunday.
- (2) Sub-paragraph (1) above does not apply to anything done in relation to an opted-out betting worker on the ground that he refused, or proposed to refuse, to do betting work on any Sunday or Sundays falling before the end of the notice period.



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- (3) Subject to sub-paragraph (4) below, a betting worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that he gave, or proposed to give, an opting-out notice to his employer.
- (4) Sub-paragraphs (1) and (3) above do not apply where the detriment in question amounts to dismissal.
- (5) For the purposes of this paragraph a betting worker who does not work on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by—
  - (a) any failure to pay remuneration in respect of betting work on a Sunday which he has not done,
  - (b) any failure to provide him with any other benefit, where that failure results from the application, in relation to a Sunday on which the employee has not done betting work, of a contractual term under which the extent of that benefit varies according to the number of hours worked by the employee or the remuneration of the employee, or
  - (c) any failure to provide him with any work, remuneration or other benefit which by virtue of paragraph 14 or 15 below the employer is not obliged to provide.
- (6) Where an employer offers to pay a sum specified in the offer to any one or more employees who are protected or opted-out betting workers or who, under their contracts of employment, are not obliged to do betting work on Sunday, if they agree to do betting work on Sunday or on a particular Sunday—
  - (a) an employee to whom the offer is not made is not to be regarded for the purposes of this paragraph as having been subjected to any detriment by any failure to make the offer to him or to pay him that sum, and
  - (b) an employee who does not accept the offer is not to be regarded for those purposes as having been subjected to any detriment by any failure to pay him that sum.

**Textual Amendments**

**F197** Sch. 5A para. 10 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

*<sup>F198</sup>Employer's duty to give explanatory statement*

**Textual Amendments**

**F198** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- <sup>F199</sup>11 (1) Where a person becomes a betting worker to whom paragraph 4 above applies, his employer shall, before the end of the period of two months beginning with the day on which that person becomes such a betting worker, give him a written statement in the prescribed form.
- (2) If—

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- (a) an employer fails to comply with sub-paragraph (1) above in relation to any betting worker, and
- (b) the betting worker, on giving the employer an opting-out notice, becomes an opted-out betting worker,

paragraph 6 above shall have effect, in relation to the betting worker, with the substitution for “three months” of “one month”.

- (3) An employer shall not be regarded as failing to comply with sub-paragraph (1) above in any case where, before the end of the period referred to in that sub-paragraph, the betting worker has given him an opting-out notice.
- (4) Subject to sub-paragraph (5) below, the prescribed form is as follows

“STATUTORY RIGHTS IN RELATION TO SUNDAY BETTING WORK—

You have become employed under a contract of employment under which you are or can be required to do Sunday betting work, that is to say, work—

at a track on a Sunday on which your employer is taking bets at the track, or  
in a licensed betting office on a Sunday on which it is open for business.

However, if you wish, you can give a notice, as described in the next paragraph, to your employer and you will then have the right not to do Sunday betting work once three months have passed from the date on which you gave the notice.

Your notice must—

be in writing;  
be signed and dated by you;  
say that you object to doing Sunday betting work.

For three months after you give the notice, your employer can still require you to do all the Sunday betting work your contract provides for. After the three month period has ended, you have the right to complain to an industrial tribunal if, because of your refusal to do Sunday betting work, your employer—

dismisses you, or  
does something else detrimental to you, for example, failing to promote you.

Once you have the rights described, you can surrender them only by giving your employer a further notice, signed and dated by you, saying that you wish to do Sunday betting work or that you do not object to doing Sunday betting work and then agreeing with your employer to do such work on Sundays or on a particular Sunday.”

- (5) The Secretary of State may by order amend the prescribed form set out in sub-paragraph (4) above.
- (6) An order under sub-paragraph (5) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

**F199** [Sch. 5A para. 11](#) inserted (3.1.1995) (E.W.) by [1994 c. 40, ss. 20\(5\), 40\(1\), 82\(2\)](#), [Sch. 8](#).

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## <sup>F200</sup>Effect of rights on contracts of employment

### Textual Amendments

**F200** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

- <sup>F201</sup>12 (1) Any contract of employment under which a betting worker who satisfies the conditions in paragraph 2(2)(a) and (b) above was employed on the day before the commencement date is unenforceable to the extent that it—
- (a) requires the betting worker to do betting work on Sunday on or after the commencement date, or
  - (b) requires the employer to provide the betting worker with betting work on Sunday on or after that date.
- (2) Except as provided by sub-paragraph (3) below, any agreement entered into after the commencement date between a protected betting worker and his employer is unenforceable to the extent that it—
- (a) requires the betting worker to do betting work on Sunday, or
  - (b) requires the employer to provide the betting worker with betting work on Sunday.
- (3) Where, after giving an opting-in notice, a protected betting worker expressly agrees as mentioned in paragraph 3(1)(b) above (and so ceases to be protected), his contract of employment shall be taken to be varied to the extent necessary to give effect to the terms of the agreement.
- (4) The reference in sub-paragraph (2) above to a protected betting worker includes a reference to an employee who, although not a protected betting worker for the purposes of that sub-paragraph at the time when the agreement is entered into, is a protected betting worker on the day on which she returns to work as mentioned in paragraph 10 of Schedule 13 to the 1978 Act (maternity).

### Textual Amendments

**F201** **Sch. 5A para. 12** inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

- <sup>F202</sup>13 (1) Where a betting worker gives his employer an opting-out notice, the contract of employment under which he was employed immediately before he gave that notice becomes unenforceable to the extent that it—
- (a) requires the betting worker to do betting work on Sunday after the end of the notice period, or
  - (b) requires the employer to provide the betting worker with betting work on Sunday after the end of that period.
- (2) Except as provided by sub-paragraph (3) below, any agreement entered into between an opted-out betting worker and his employer is unenforceable to the extent that it—
- (a) requires the betting worker to do betting work on Sunday after the end of the notice period, or

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- (b) requires the employer to provide the betting worker with betting work on Sunday after the end of that period.
- (3) Where, after giving an opting-in notice, an opted-out betting worker expressly agrees as mentioned in paragraph 5(5)(b) above (and so ceases to be opted-out), his contract of employment shall be taken to be varied to the extent necessary to give effect to the terms of the agreement.
- (4) The reference in sub-paragraph (2) above to an opted-out betting worker includes a reference to an employee who, although not an opted-out betting worker for the purposes of that sub-paragraph at the time when the agreement is entered into, had given her employer an opting-out notice before that time and is an opted-out betting worker on the day on which she returns to work as mentioned in paragraph 10 of Schedule 13 to the 1978 Act (maternity).

#### Textual Amendments

**F202** Sch. 5A para. 13 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

**F203**<sup>14</sup> If—

- (a) under the contract of employment under which a betting worker who satisfies the conditions in paragraph 2(2)(a) and (b) above was employed on the day before the commencement date, the employer is, or may be, required to provide him with betting work for a specified number of hours each week,
- (b) under that contract, the betting worker was or might have been required to work on Sunday before the commencement date, and
- (c) the betting worker has done betting work on Sunday in that employment (whether or not before the commencement date) but has, on or after the commencement date, ceased to do so,

then, so long as the betting worker remains a protected betting worker, that contract shall not be regarded as requiring the employer to provide him with betting work on weekdays in excess of the hours normally worked by the betting worker on weekdays before he ceased to do betting work on Sunday.

#### Textual Amendments

**F203** Sch. 5A para. 14 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

**F204**<sup>15</sup> (1) If—

- (a) under the contract of employment under which a betting worker who satisfies the conditions in paragraph 2(2)(a) and (b) above was employed on the day before the commencement date, the betting worker was or might have been required to work on Sunday before that date,
- (b) the betting worker has done betting work on Sunday in that employment (whether or not before the commencement date) but has, on or after the commencement date, ceased to do so, and

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- (c) it is not apparent from the contract what part of the remuneration payable, or of any other benefit accruing, to the betting worker was intended to be attributable to betting work on Sunday,

then, so long as the betting worker remains a protected betting worker, that contract shall be regarded as enabling the employer to reduce the amount of remuneration paid, or the extent of the other benefit provided, to the betting worker in respect of any period by the proportion which the hours of betting work which (apart from this Schedule) the betting worker could have been required to do on Sunday in the period (in this paragraph referred to as “the contractual Sunday hours”) bears to the aggregate of those hours and the hours of work actually done by the betting worker in the period.

- (2) Where, under the contract of employment, the hours of work actually done on weekdays in any period would be taken into account in determining the contractual Sunday hours, they shall be taken into account in determining the contractual Sunday hours for the purposes of sub-paragraph (1) above.

**Textual Amendments**

**F204** Sch. 5A para. 15 inserted (3.1.1995) by 1994 c. 40, ss. 2(5), 40(1), 82(2), Sch. 8.

*F205 Proceedings for contravention of paragraph 10*

**Textual Amendments**

**F205** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- F206**<sup>16</sup> Sections 22B and 22C of the 1978 Act (which relate to proceedings brought by an employee on the ground that he has been subjected to a detriment in contravention of section 22A of that Act) shall have effect as if the reference in section 22B(1) to section 22A included a reference to paragraph 10 above.

**Textual Amendments**

**F206** Sch. 5A para. 16 inserted (3.1.1995) (E.W) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

*F207 Restrictions on contracting out of Schedule*

**Textual Amendments**

**F207** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

- F208**<sup>17</sup> (1) Any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—
- (a) to exclude or limit the operation of any provision of this Schedule, or

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- (b) to preclude any person from presenting a complaint to an industrial tribunal by virtue of any provision of this Schedule.
- (2) Sub-paragraph (1) above does not apply to an agreement to refrain from presenting or continuing with a complaint where—
- (a) a conciliation officer has taken action under section 133(2) or (3) of the 1978 Act (general provisions as to conciliation) or under section 134(1), (2) or (3) (conciliation in case of unfair dismissal) of that Act, or
  - (b) the conditions regulating compromise agreements under the 1978 Act (as set out in section 140(3) of that Act) are satisfied in relation to the agreement.

#### Textual Amendments

**F208** Sch. 5A para. 17 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

#### *F209 Transitional modifications relating to maternity cases*

#### Textual Amendments

**F209** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

<sup>F210</sup>18 (1) Where—

- (a) an employee exercises a right to return to work under Part III of the 1978 Act (maternity), and
  - (b) because amendments of that Part made by the Trade Union <sup>M31</sup>Reform and Employment Rights Act 1993 (in this paragraph referred to as “the 1993 Act”) do not have effect in her case, her right is a right to return to work in the job in which she was employed under the original contract of employment, the preceding provisions of this Schedule shall have effect subject to the modifications in sub-paragraphs (2) and (3) below.
- (2) In paragraph 1(4), for “her contract of employment on the last day of her maternity leave period” there shall be substituted “her original contract of employment”.
- (3) In paragraph 2(7), for paragraph (b) there shall be substituted—
- (”) under her original contract of employment, she was a betting worker and was not employed to work only on Sunday.”
- (4) In this paragraph and in paragraphs 1 and 2 above as modified by sub-paragraphs (2) and (3) above, “original contract of employment” has the meaning given by section 153(1) of the 1978 Act as originally enacted.

#### Textual Amendments

**F210** Sch. 5A para. 18 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), Sch. 8.

#### Marginal Citations

**M31** 1993 c. 19.

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### *F211 Dismissal on grounds of assertion of statutory right*

#### **Textual Amendments**

**F211** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

**F212**<sup>19</sup> In section 60A of the 1978 Act (dismissal on grounds of assertion of statutory right) in subsection (4)(a), after “or” at the end of paragraph (i) there shall be inserted—  
”ia Schedule 5A to the Betting,<sup>M32</sup> Gaming and Lotteries Act 1963, or”.

#### **Textual Amendments**

**F212** **Sch. 5A para. 19** inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

#### **Marginal Citations**

**M32** 1963 c. 2.

### *F213 Dismissal procedures agreements*

#### **Textual Amendments**

**F213** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

**F214**<sup>20</sup> In section 65 of the 1978 Act (exclusion in respect of dismissal procedures agreement) in subsection (4), after “section 60A(1)” there shall be inserted “ or the right conferred by paragraph 7 or 8 of Schedule 5A to the Betting, Gaming and Lotteries Act<sup>M33</sup> 1963”.

#### **Textual Amendments**

**F214** **Sch. 5A para. 20** inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

#### **Marginal Citations**

**M33** 1963 c. 2.

### *F215 Conciliation*

#### **Textual Amendments**

**F215** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

**F216**<sup>21</sup> In section 133 of the 1978 Act (general provisions as to conciliation officers) after “or” at the end of paragraph (a) there shall be inserted—

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(”) arising out of a contravention, or alleged contravention, of paragraph 10 of Schedule 5A to the Betting, Gaming and Lotteries Act 1963; or”.

**Textual Amendments**

**F216** Sch. 5A para. 21 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

*F217* Application of certain other provisions of 1978 Act

**Textual Amendments**

**F217** Crossheading inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

**F218**<sup>22</sup> In the following provisions of the 1978 Act—  
 section 129 (remedy for infringement of certain rights),  
 section 141(2) (employee ordinarily working outside Great Britain), and  
 section 150 and Schedule 12 (death of employee or employer),  
 any reference to Part II of the 1978 Act includes a reference to paragraph 10 of  
 this Schedule.

**Textual Amendments**

**F218** Sch. 5A para. 22 inserted (3.1.1995) by 1994 c. 40, ss. 20(5), 40(1), 82(2), **Sch. 8**.

VALID FROM 07/01/1996

[<sup>F219</sup>SCHEDULE  
 5ZA **E+W+S**

Section 16A

LICENSING OF INTER-TRACK BETTING SCHEMES

**Textual Amendments**

**F219** Sch. 5ZA inserted (7.1.1996) by S.I. 1995/3231, art. 5(6), **Sch.1**

**Modifications etc. (not altering text)**

**C43** Sch. 5ZA: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**



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F221F221 SCHEDULE  
6 E+W+S

**Textual Amendments**

F221 Sch. 6 repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 5](#)

F221

F222F222 SCHEDULE  
7 E+W+S

**Textual Amendments**

F222 Sch. 7 repealed by [Lotteries Act 1975 \(c. 58\)](#), [Sch. 5](#)

F222

F223F223 SCHEDULE  
8 E+W+S

**Textual Amendments**

F223 Sch. 8 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

F223

**Status:**

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