



Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

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

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

BETTING

General restrictions on betting

1 Restriction on use of premises for betting transactions with persons resorting thereto

- (1) Subject to subsection (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—

- (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 fifty pounds.
- (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.
- (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.
- (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.

2 Restriction on bookmaking except under bookmaker's permit

- (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 ten pounds.

3 Agent of bookmaker or Totalisator Board to be authorised and registered

- (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
 - (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 or agent to a registered pool promoter of bets made by way of pool betting.

4 Restriction of pool betting

- (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;
- 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

- (1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track—
- (a) on more than one hundred and four days in the same period of twelve months, being a period beginning with 1st July in any year ; or
 - (b) on any Good Friday, Christmas Day or Sunday.
- (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.

6 Restriction of bookmaking on tracks

- (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 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) Bookmaking shall not be carried on on any licensed track on any day which is not one of the betting days fixed under paragraph 14 of Schedule 3 to this Act by the authority who granted the licence.
- (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.

7 Restriction of betting on dog racecourses

- (1) Subject to subsection (2) of this section, on any day on which a track is being used as a dog racecourse, betting by way of bookmaking or by means of a totalisator on the results of dog races shall not take place on that track—
 - (a) in connection with more than eight races; or
 - (b) otherwise than during one continuous period not exceeding four hours.
- (2) In relation to any day fixed as a special betting day for the purposes of this subsection under paragraph 14 of Schedule 3 to this Act by the licensing authority within whose area the track falls, the foregoing subsection shall have effect as if—
 - (a) for the word " eight" there were substituted the word " sixteen "; and
 - (b) for the words " one continuous period not exceeding four hours " there were substituted the words " a period or periods not exceeding eight hours in the aggregate ".
- (3) If bookmaking is carried on or a totalisator is operated by any person on any track 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.

8 Prohibition of betting in streets and public places

- (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 one hundred pounds ; or
 - (b) in the case of a second conviction for an offence under 'this section, to a fine not exceeding two hundred pounds; or

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- (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 two hundred pounds, or to both,

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.

- (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.
- (3) Notwithstanding anything in section 52 (3) of this Act, a conviction for an offence under the 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.

Licensed betting offices

9 Betting office licences and betting agency permits

- (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 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

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- (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 a fine not exceeding ten pounds.

10 Conduct of licensed betting offices

- (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 one hundred pounds:

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

- (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 the foregoing subsection; 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 five pounds.
- (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 ten pounds.
- (5) If, save in a licensed betting office or in such manner as may be prescribed on premises giving access to such an office, any advertisement 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,

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.

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

11 Cancellation of and disqualification for bookmaker's or betting agency permit

- (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.
- (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.

The Totalisator Board and pool betting on horse races

12 Horserace Totalisator Board

- (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 a chairman and three other members, all four 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:

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.
- (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.

13 Approval of horse racecourses by Totalisator Board

- (1) The Totalisator 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) The Totalisator 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.

14 Functions of Totalisator Board with respect to betting on horse races

- (1) The Totalisator Board shall have power and 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 any thing 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—

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- (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.
- (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.

15 Additional powers and duties of Totalisator Board

- (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 ;

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- (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.

Special provisions with respect to licensed tracks

16 Totalisators on licensed tracks

- (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 be operated only—
- (a) on a day which is one of the betting days fixed in pursuance of paragraph 14 of Schedule 3 to this Act by the authority by whom the track was licensed ; and
 - (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 book-making 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.

17 Special rights of occupier of licensed track where totalisator is operated

- (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 courts, 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

- (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—
 - (a) a charge authorised by the foregoing subsection ; or
 - (b) any amount payable by way of bookmakers' licence duty under section 4 of the 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.

19 Occupiers of licensed tracks not to have an interest in bookmaking thereon

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

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

(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:

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.

22 Betting circulars not to be sent to young persons

(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 twenty-one 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.
- (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 twenty-one 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 to be of full age.

Power of entry on tracks

23 Power of entry on tracks

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 ten pounds.

Contributions for benefit of horse racing by bookmakers and Totalisator Board

24 Horserace Betting Levy Board

- (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;
 - (b) two members shall be appointed by the Jockey Club;

Status: This is the original version (as it was originally enacted).

- (c) one member shall be appointed by 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 subsection (2)(b) or (c) of this section may be removed from the Board at any time by the body by whom he was appointed.
- (4) The Jockey Club, 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 subsection (2)(b), (c), (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.
- (7) The Levy Board may appoint officers, servants and agents on such terms as to remuneration, pensions or otherwise as the Board may determine.
- (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.

25 General powers and duties of Levy Board

- (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 section 26 or 29 of this Act or section 9 of the Betting Levy Act 1961 ;
 - (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.

26 Bookmakers' Committee

- (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

- (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 ;
 - (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) If the Levy Board do not approve the recommendations or any revised recommendations of the Bookmakers' Committee, or if by the date specified under subsection (3) of this section no recommendations have been received by the Board from the committee, the three persons for the time being appointed to be members of the Board by the Secretary of State shall consider and compare—
 - (a) the extent of the need for the time being for contributions for such purposes as are specified in section 24(1) of this Act;
 - (b) the capacity for the time being of bookmakers to make contributions for such purposes; and
 - (c) the capacity for the time being of the Totalisator Board to make such contributions,

and, in the light of that consideration and comparison, make their own determination as to the scheme to have effect under this section for the levy period in question, which may take the form either of a new scheme or of a direction that the current scheme shall continue to have effect without amendment or with specified amendments; and the scheme so determined shall have effect accordingly for that period.

28 Assessment of or exemption from bookmakers' levy

- (1) Subject to the provisions of this section, a bookmaker shall be assessed to or exempted from the levy under the scheme having effect for any levy period under section 27 of this Act in accordance with his declaration submitted in accordance with that scheme as to the category into which he falls for the purposes thereof.
- (2) If in the case of any bookmaker and any levy period the bookmaker fails to submit such a declaration as aforesaid in accordance with the scheme having effect for that period, the Levy Board shall refer his case to the Bookmakers' Committee for their opinion as to the category into which he falls, and, subject to the provisions of this section, the bookmaker shall be assessed to or exempted from the levy for that period accordingly.
- (3) The Bookmakers' Committee may, and if so required by the Levy Board in the case of any particular declaration or class of declarations shall, scrutinise any such declaration as aforesaid ; and if, in the case of any bookmaker whose declaration is scrutinised under this subsection by the committee, the committee are of opinion that he falls into some other category than that stated by him in his declaration, then, unless an assessment notice or certificate of exemption has already been issued to that bookmaker in respect of the levy period in question, he shall be assessed to or exempted from the levy for that period by reference to that other category.
- (4) In exercising any of their functions under subsection (2) or (3) of this section, the Bookmakers' Committee may consult such persons, if any, as they think proper.
- (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.
- (7) Any amount assessed as payable by any bookmaker by way of the levy in respect of any levy period shall 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, 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 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 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, 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, 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 one hundred pounds.

29 Levy appeal tribunals

- (1) There shall be established for the purposes of section 28 of this Act—
- (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 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 a barrister, advocate or solicitor of not less than seven 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.

30 Contributions by Totalisator Board

- (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) If in the case of any levy period the Totalisator Board object to the contribution determined by the Levy Board under the foregoing subsection, the contribution payable by the Totalisator Board in respect of that period shall instead be determined by the three persons for the time being appointed as members of the Levy Board by the Secretary of State, who shall make their determination after, and in the light of, the consideration and comparison by them of—
 - (a) the extent of the need for the time being for contributions for such purposes as are specified in the said section 24 (1);
 - (b) the capacity for the time being of the Totalisator Board to make contributions for such purposes ; and
 - (c) the capacity for the time being of bookmakers to make such contributions.

Accounts and reports of Levy Board and Totalisator Board

31 Accounts of, and reports by, Levy Board and Totalisator Board

- (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.

PART II

GAMING

32 General provisions as to gaming

- (1) Subject to the provisions of this Act, any gaming shall be lawful if, but only if, it is conducted in accordance with the following conditions, that is to say—
- (a) that either—
 - (i) the chances in the game are equally favourable to all the players ; or
 - (ii) the gaming is so conducted that the chances therein are equally favourable to all the players: and
 - (b) that no money or money's worth which any of the players puts down as stakes, or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than by payment to a player as winnings; and
 - (c) that no other payment in money or money's worth is required for a person to take part in the gaming.
- (2) If in any proceedings under 'this section evidence is adduced that gaming took place on any premises and either—
- (a) that the game was, or was a variant of or of a similar nature to, a game which is capable of being played in accordance with the ordinary rules thereof in such a manner that the chances therein are not equally favourable to all the players, and that ten or more persons were present at the gaming; or
 - (b) that a payment of money or money's worth was required in order to obtain access to the premises,
- then, subject to section 36 of this Act, it shall be held that the gaming was unlawful gaming unless it is proved that the gaming was conducted in accordance with the conditions set out in subsection (1) of this section.
- (3) Subject to the provisions of this Act, no gaming shall take place at which any person under the age of eighteen years is included among the players, except where both the following conditions are satisfied, that is to say—
- (a) that the gaming takes place in a private dwelling-house or in the presence of a parent or guardian of that person; and

- (b) that any such person taking part in the gaming does so with the permission, whether general or special, of a parent or guardian of that person.
- (4) If any gaming takes place on any premises—
- (a) which is by virtue of subsection (1) of this section, or is held in pursuance of subsection (2) of this section to have been, unlawful gaming; or
 - (b) which contravenes subsection (3) of this section,
- any person concerned in the organisation or management of the gaming, and any other person who, knowing or having reasonable cause to suspect that unlawful gaming or gaming in contravention of the said subsection (3) would take place on those premises—
- (i) allowed the premises to be used for the purposes of gaming; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming has been committed,
- shall be guilty of an offence; and for the purposes of this subsection any person who took part in procuring the assembly of the players shall be deemed to have been concerned in the organisation of the gaming.
- (5) Any person who is present at any gaming such as is mentioned in subsection (4) (a) or (b) of this section for the purposes of taking part therein shall be liable on summary conviction to a fine not exceeding fifty pounds:
- Provided that, for the purposes of any proceedings under this subsection in respect of gaming such as is mentioned in the said subsection (4)(a), subsection (1)(c) of this section shall be deemed to be omitted if the person charged proves that he was not required to make, or to undertake to make, any payment such as is mentioned in the said subsection (1)(c) and that he neither knew nor had reasonable cause to suspect that any other person was so required.
- (6) For the purposes of the last foregoing subsection, proof that any person was present at any gaming shall be evidence that he was present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.
- (7) In any proceedings in respect of a contravention of subsection (3) of this section in the case of any gaming, it shall be a defence to prove that the person charged neither knew nor had reasonable cause to suspect that any of the players was under the age of eighteen years.
- (8) In the application of this section to Scotland—
- (a) in subsection (2), for the words " evidence is adduced " there shall be substituted the words " it is proved ";
 - (b) subsection (6) shall not apply, but, in any proceedings in Scotland under subsection (5), if any person is proved to have been present at the gaming to which the proceedings relate, that person shall be held to have been present for the purpose of taking part therein unless he proves that he was present neither for that purpose nor for any of the following purposes, that is to say, taking part in the management of the gaming, operating any instrument or other thing whatsoever used in connection with the gaming, or making bets with respect to the gaming.

33 Gaming machines

- (1) Section 32 of this Act shall not apply to gaming by means of a gaming machine but, subject to the provisions of this Act, if any such gaming takes place on any premises to which, whether on payment or otherwise, the public have access, or which are used wholly or mainly by persons under the age of eighteen years, or, except in accordance with the conditions set out in subsection (2) of this section, on any other premises—
- (a) any person who knowingly allowed the premises to be used for the purposes of the gaming; and
 - (b) any other person who, knowing or having reasonable cause to suspect that the premises would be used for such gaming—
 - (i) caused or allowed the machine to be placed on the premises; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the gaming was committed,
- shall be guilty of an offence.
- (2) The conditions referred to in the foregoing subsection are—
- (a) that not more than two gaming machines are made available for play in any one building or, where different parts of a building are occupied by two or more different persons, in the part or parts of the building occupied by any one of those persons; and
 - (b) that the stake required to be hazarded in order to play the game once does not exceed sixpence; and
 - (c) that all stakes hazarded are applied either in the payment of winnings to a player of the game or for purposes other than private gain.
- (3) In this section—
- (a) the expression " gaming machine " means a machine for playing a game of chance, being a game which requires no action by any player other than the actuation or manipulation of the machine; and
 - (b) the expression " building " includes the curtilage of the building.

34 Gaming in public places

- (1) Subject to the provisions of this Act, if any person takes part in gaming in any street or in any other place to which, whether on payment or otherwise, the public have access, he shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (2) A constable may arrest without warrant anyone whom he finds in a street or in any such place as aforesaid and whom he suspects, with reasonable cause, to be committing an offence under this section.
- (3) In this section, the expression " street" has the meaning assigned by section 8 (4) (a) and (b) of this Act.

35 Saving for dominoes and cribbage on licensed premises, etc.

- (1) Section 34 of this Act shall not apply to the playing of dominoes or cribbage—
- (a) on premises in respect of which there is for the time being in force a justices' on-licence granted under the Licensing Act 1953 or a hotel certificate or public house certificate granted under the Licensing (Scotland) Act 1959 ; or

- (b) on premises in any district specified in Part I of Schedule 9 to the said Act of 1953 or in Part I of Schedule 8 to the said Act of 1959 which are being used for the sale on behalf of the Secretary of State of intoxicating or, as the case may be, exciseable liquor for consumption on those premises.
- (2) The licensing justices for any licensing district within the meaning of the said Act of 1953, or the licensing court for any licensing area within the meaning of the said Act of 1959, may at any time, if in the case of any particular premises such as aforesaid situated within that district or area they think fit so to do, by order impose such requirements or restrictions with respect to the playing of the said games on any part of those premises to which the public have access as they consider necessary to secure—
- (a) that the games are not played on that part of the premises in such circumstances as to constitute an inducement to persons to resort thereto primarily for the purpose of taking part in gaming at those games; and
 - (b) that any such gaming on that part of the premises does not take place for high stakes.
- (3) The justices or court aforesaid may at any time by a further order vary or revoke any previous order made under this section.
- (4) An order under this section with respect to any premises shall come into force upon notice thereof being given—
- (a) in the case of premises such as are mentioned in subsection (1) (a) of this section, to the person who is for the time being the holder of the licence or certificate aforesaid in respect of those premises;
 - (b) in the case of premises such as are mentioned in subsection (1)(b) of this section, to the Secretary of State,
- and the justices or court shall send a copy of the notice to the chief officer of police for the police area in which the premises are situated; and, subject to any further order varying or revoking it, the order shall continue in force so long as the premises continue to be premises such as are mentioned in subsection (1) of this section.
- (5) Section 166 of the Licensing Act 1953 (which relates to the application of that Act to the Isles of Scilly) shall have effect as if the reference therein to the functions of the licensing justices under Part VII of that Act included a reference to the functions of those justices under this section.

36 Saving for clubs

In any proceedings under section 32 of this Act, gaming shall be held to have been conducted in accordance with the condition set out in subsection (1) (c) of that section if it is proved—

- (a) that the gaming was carried on as an activity of a club ; and
- (b) that, apart from any annual subscription for membership of the club, the only other payment required for a person to take part in the gaming was of a fixed sum of money determined before the gaming began; and
- (c) that no person took part in the gaming who was not either—
 - (i) a member of the club in pursuance of an application or nomination for membership made more than twenty-four hours before the gaming began ; or
 - (ii) a bona fide guest of such a member; and

- (d) that the club is so constituted and conducted, both as regards membership and otherwise, as not to be of a merely temporary character.

37 Saving for entertainments not held for private gain

- (1) Where gaming is carried on at an entertainment promoted for raising money to be applied for purposes other than private gain, then, in relation to that gaming—
 - (a) so much of section 34 of this Act as relates to gaming in a place other than a street shall not apply ; and
 - (b) section 32 of this Act shall have effect—
 - (i) as if subsection (2) (b) thereof were omitted; and
 - (ii) as if for the conditions set out in subsection (1) (b) and (c) of that section there were substituted the conditions set out in subsection (2) of this section.
- (2) The conditions referred to in the foregoing subsection are—
 - (a) that not more than one payment (whether by way of entrance fee or stake or otherwise) is made by each player in respect of all games played at the entertainment, and that no such payment exceeds five shillings;
 - (b) that not more than one distribution of prizes or awards is made in respect of all games played at the entertainment, and that, subject to subsection (3) of this section, the total value of all prizes and awards distributed in respect of those games does not exceed twenty pounds ;
 - (c) that the whole of the proceeds of such payments as are mentioned in paragraph (a) of this subsection, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, are applied for purposes other than private gain;
 - (d) that the amount of the said proceeds appropriated in respect of expenses does not exceed the reasonable cost of the facilities provided for the purposes of the games.
- (3) Where two or more entertainments are promoted on the same premises by the same persons on the same day, the conditions set out in subsection (2) of this section shall apply in relation to those entertainments collectively as if they were a single entertainment; but, save as aforesaid, where a series of such entertainments is held, the said conditions shall apply separately to each entertainment in the series, whether or not some or all of the persons taking part in any one of those entertainments are thereby qualified to take part in any other of them; and where each of the persons taking part in the games played at the final entertainment of such a series is qualified to do so by reason of having taken part in the games played at another entertainment of that series held on a previous day, subsection (2)(b) of this section shall apply in relation to that final entertainment as if for the words " twenty pounds " there were substituted the words " one hundred pounds " .

38 Supplementary provisions with respect to gaming

- (1) Notwithstanding any rule of law, premises shall not be a common gaming house by reason of the carrying on of gaming thereon.
- (2) Nothing in section 41 of this Act shall make unlawful any gaming conducted in such circumstances that no offence under this Part of this Act is committed.

- (3) Notwithstanding any rule of law, for the purposes of any enactment relating to betting, the expression " bet " shall not include any bet or stake at any gaming conducted as aforesaid.
- (4) Notwithstanding any rule of law—
- (a) the making of bets by way of pool betting; and
 - (b) participation in any lottery which satisfies the conditions set out in subsection (5) of this section,
- shall not be held to be gaming.
- (5) The conditions referred to in subsection (4) (b) of this section are—
- (a) that the lottery is a lottery declared by section 43, 44 or 45 of this Act not to be unlawful; and
 - (b) that each winner of a prize is ascertained by reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event.

39 Local authorities not to subsidise premises for gaming

It is hereby declared that nothing contained in section 132 of the Local Government Act 1948 or in any local or private Act shall be deemed to authorise any local authority to maintain or subsidise any premises wholly or mainly for the purpose of persons resorting thereto habitually for the purpose of taking part in gaming:

Provided that this section shall not apply where the gaming is by way only of amusements with prizes and the premises are premises in respect of which a permit for the provision thereon of such amusements has been granted, and is for the time being in force, under Schedule 6 to this Act.

40 References in other Acts to gaming or unlawful games

In the following provisions, that is to say, section 44 of the Metropolitan Police Act 1839, section 28 of the City of London Police Act 1839, section 32 of the Refreshment Houses Act 1860 and section 141 (1) of the Licensing Act 1953 (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 this Part of this Act is committed or a requirement or restriction for the time being in force under section 35 of this Act is contravened.

PART III

LOTTERIES AND PRIZE COMPETITIONS

41 Illegality of lotteries

Subject to the provisions of this Act, all lotteries are unlawful.

42 Offences in connection with lotteries

- (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere—

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- (a) prints any tickets for use in the lottery; or
- (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery; or
 - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) brings, or invites any person to send, into Great Britain for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
- (e) sends or attempts to send out of Great Britain any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
- (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence.

- (2) In any proceedings instituted under the foregoing subsection, it shall be a defence to prove either—
 - (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by section 43, 44, 45 or 46 of this Act, and that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken; or
 - (b) that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable ground for believing, that it was being conducted in such circumstances that no offence under Part II of this Act was committed.
- (3) In England, proceedings under subsection (1) (c) (iii) of this section in respect of any matter published in a newspaper shall not be instituted except by, or by direction of the Director of Public Prosecutions.

43 Exemption of small lotteries incidental to certain entertainments

- (1) Where a lottery is promoted as an incident of an entertainment to which this section applies, that lottery shall not be unlawful but the conditions set out in subsection (2) of this section shall be observed in connection with its promotion and conduct and, if any of those conditions is contravened, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

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- (2) The conditions referred to in the foregoing subsection are that—
- (a) the whole, proceeds of the entertainment (including the proceeds of the lottery) after deducting—
 - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and
 - (ii) the expenses incurred in printing tickets in the lottery; and
 - (iii) such sum, if any, not exceeding ten pounds as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes -in the lottery,shall be devoted to purposes other than private gain;
 - (b) none of the prizes in the lottery shall be money prizes;
 - (c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
 - (d) the facilities afforded for participating in lotteries, or those facilities together with either or both of the following, that is to say—
 - (i) facilities offered by virtue of section 37 of this Act for taking part in gaming;
 - (ii) the opportunity to win prizes at amusements to which section 48 (3) of this Act applies,shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (3) The entertainments to which this section applies are bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

44 Exemption of private lotteries

- (1) In this section, the expression "private lottery" means a lottery in Great Britain which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—
- (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
 - (b) persons all of whom work on the same premises; or
 - (c) persons all of whom reside on the same premises,
- and which is promoted by persons each of whom is a person to whom under the foregoing provisions of this subsection tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing "body of the society to promote the lottery; and for the purposes of this section, the expression "society" includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.
- (2) A private lottery shall not be unlawful, but the following conditions shall be observed in connection with its promotion and conduct, that is to say—
- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets

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or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either—

- (i) to the provision of prizes as aforesaid ; or
 - (ii) to purposes which are purposes of the society; or
 - (iii) as to part to the provision of prizes as aforesaid and as to the remainder to such purposes as aforesaid;
- (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—
- (i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and
 - (ii) such announcement or advertisement thereof as is contained in the tickets, if any;
- (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (d) every ticket shall bear upon the face of it the name and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;
- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and
- (f) no tickets in the lottery shall be sent through the post.
- (3) If any of the conditions set out in subsection (2) of this section is contravened, each of the promoters of the lottery, and, where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence:

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

45 Exemption of certain small lotteries conducted for charitable, sporting or other purposes

- (1) This section applies to any lottery which, not being a lottery declared by any other section of this Act not to be unlawful, is promoted in Great Britain on behalf of a society registered for the purposes of this section under Part I of Schedule 7 to this Act, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—
- (a) charitable purposes;
 - (b) participation in or support of athletic sports or games or cultural activities;
 - (c) purposes which, not being described in paragraph (a) or (b) of this subsection, are neither purposes of private gain nor purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

- (2) In construing subsection (1) (c) of this section, any purpose for which any society is established and conducted which is calculated to benefit the society as a whole

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shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual; and for the purposes of this section, the expression "society" includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

- (3) A lottery to which this section applies shall not be unlawful but the following conditions shall be observed in connection with its promotion and conduct, that is to say—
- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter;
 - (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by the promoter in connection with the lottery who carries on a betting business or is otherwise engaged by way of business in the organisation of betting;
 - (c) no prize shall exceed one hundred pounds in amount or value, and no ticket or chance shall be sold at a price exceeding one shilling;
 - (d) the whole proceeds after deducting sums lawfully appropriated on account of expenses or for the provision of prizes shall be applied to purposes of the society such as are described in subsection (1) (a), (b) or (c) of this section;
 - (e) the amount of the proceeds appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred, or
 - (ii) ten per cent. of the whole proceeds,whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one half of the whole proceeds ;
 - (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
 - (g) the total value of the tickets or chances sold shall not exceed seven hundred and fifty pounds ; and if, on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed seven hundred and fifty pounds; and for the purposes of this paragraph tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which those tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day;
 - (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except—
 - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society; and
 - (ii) such notice or advertisement as may be contained in the tickets, if any;
 - (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize winners are ascertained will take place;
 - (j) no ticket shall be sent through the post to a person who is not a member of the society;

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- (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;
 - (l) no payment on account of expenses or prizes shall be made out of moneys of the society other than proceeds of the lottery; and
 - (m) no ticket or chance shall be sold by or to a person under sixteen years of age.
- (4) Any amount payable by way of the pool betting duty in respect of a lottery to which this section applies shall be included in the sums which may be deducted from the proceeds of the lottery under subsection (3)(d) of this section before those proceeds are applied as therein mentioned, but no reference in any other provision of this section to expenses shall be construed as including a reference to that amount.
- (5) If any condition required by subsection (3) of this section to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence:

Provided that—

- (a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it;
 - (b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or (l) of the said subsection (3) to prove—
 - (i) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (ii) that the appropriation or payment was made in respect of expenses actually incurred, or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; and
 - (iii) that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully be appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.
- (6) Part II of Schedule 7 to this Act shall have effect with respect to the returns to be made by the promoter of a lottery to which this section applies.

46 Saving for lotteries of Art Unions

Nothing in this part of this Act shall affect the operation of the Art Unions Act 1846, and any lottery promoted and conducted in accordance with that Act shall not be unlawful.

47 Restriction of certain prize competitions

- (1) It shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—
- (a) any competition in which prizes are offered for forecasts of the result either—
 - (i) of a future event; or

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- (ii) of a past event the result of which is not yet ascertained or not yet generally known;
- (b) any other competition success in which does not depend to a substantial degree upon the exercise of skill:

Provided that nothing in this subsection with respect to the conducting of competitions in connection with a trade or business shall apply in relation to sponsored pool betting or in relation to pool betting operations carried on by a person whose only trade or business is that of a bookmaker.

- (2) Any person who contravenes the provisions of this section shall, without prejudice to any liability to be proceeded against under section 42 of this Act, be guilty of an offence.

PART IV

AMUSEMENTS WITH PRIZES

48 Provisions of amusements with prizes at certain noncommercial entertainments

- (1) The provisions of this section shall have effect for the purpose of permitting the provision at any entertainment to which section 43 of this Act applies of amusements with prizes.
- (2) Nothing in section 32, 33, 34, 41 or 42 of this Act shall apply in relation to amusements with prizes provided as an incident of such an entertainment as aforesaid ; but, in relation to any such amusement to which any of those sections would apply but for this subsection, the conditions set out in subsection (3) of this section shall be observed, and if either of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it
- (3) The conditions referred to in the last foregoing subsection are—
 - (a) that the whole proceeds of the entertainment (including the proceeds of any amusements to which this subsection applies) after deducting—
 - (i) the expenses of the entertainment, including any expenses incurred in connection with any such amusements and the provision of prizes thereat; and
 - (ii) any other amounts authorised to be deducted by section 43 (2) (a) of this Act will be devoted to purposes other than private gain; and
 - (b) that the opportunity to win prizes at amusements to which this subsection applies, or that opportunity together with facilities offered by virtue of section 43 of this Act for participating in a lottery or by virtue of section 37 of this Act for taking part in gaming, is not the only, or the only substantial, inducement to persons to attend the entertainment

49 Provision of amusements with prizes at certain commercial entertainments

- (1) The provisions of this section shall have effect for the purpose of permitting the provision of amusements with prizes—

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- (a) on any premises in respect of which a permit for the provision thereon of such amusements has been granted by the local authority, and is for the time being in force, under Schedule 6 to this Act; and
 - (b) at any pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of a year on premises not previously used in that year on more than twenty-seven days for the holding of such a pleasure fair.
- (2) Nothing in section 32, 33, 34, 41 or 42 of this Act shall apply in relation to amusements with prizes provided on such premises as are mentioned in subsection (1) (a) or at such a pleasure fair as is mentioned in subsection (1)(b) of this section ; but in relation to any such amusement to which any of those sections would apply but for this subsection, the conditions set out in subsection (3) of this section shall be observed, and if any of those conditions is contravened every person concerned in the provision or conduct of that amusement shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (3) The conditions referred to in the last foregoing subsection are—
- (a) that the amount paid by any person for any one chance to win a prize does not exceed one shilling;
 - (b) that the aggregate amount taken by way of the sale of chances in any one determination of-winners, if any, of prizes does not exceed fifty shillings, and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided;
 - (c) that no money prize is distributed or offered which exceeds one shilling;
 - (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery;
 - (e) in the case of such a pleasure fair as is mentioned in subsection (1) (b) of this section, that the opportunity to win prizes at amusements to which this subsection applies is not the only, or the only substantial, inducement to persons to attend the fair.
- (4) Where any amusement with prizes takes the form of a game played by means of a machine, being a game which is made playable by the insertion of a coin or coins into the machine, then, notwithstanding that, in addition to a money prize, a successful player receives the opportunity to play the game again without the insertion of another coin, the condition set out in subsection (3)(d) of this section shall not be deemed to be contravened if the aggregate amount which can be won by the player without inserting another coin does not exceed one shilling.

50 Amusement machines

- (1) Nothing in section 32, 33, 34, 41 or 42 of this Act shall apply to a game played by means of a machine in accordance with the conditions set out in subsection (2) of this section.
- (2) The conditions referred to in the foregoing subsection are that—
- (a) the game is made playable by the insertion of a coin or coins into the machine by means of which it is played; and

- (b) a successful player neither receives nor is offered any benefit other than—
 - (i) the opportunity, afforded by the automatic action of the machine, to play the game again without the insertion of another coin; or
 - (ii) the delivery by the machine of a coin or coins of a value or aggregate value not exceeding that required in order to play the game once.

PART V

GENERAL

51 Search warrants

- (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, 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) 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.

52 Penalties and forfeitures

- (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), 42, 43, 44, 45 and 47, 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.
- (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—
 - (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

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- (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.
- (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.

53 Offences by bodies corporate

- (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 or 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 Construction of certain references to private gain

- (1) In construing section 33, 37, 43 or 48 of this Act, proceeds of any entertainment, lottery, gaming or amusement promoted on behalf of a society to which this subsection extends which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.
- (2) For the purposes of the said sections 33, 37 and 48, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a gaming machine within the meaning of the said section 33 or in respect of any equipment for holding a lottery or gaming at any entertainment, then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the stakes hazarded or proceeds of the entertainment, as the case may require, for purposes of private gain; and accordingly any reference in the said section 37 or 48 to expenses shall not include a reference to any such charge falling to be so determined.
- (3) Subsection (1) of this section extends to any society which is established and conducted either—
 - (a) wholly for purposes other than purposes of any commercial undertaking; or
 - (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games ;

and in this section the expression " society " includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

55 Interpretation, etc.-general

(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 Totalisator Board under section 13 of this Act;

" 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,

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;

" game of chance " includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport;

" gaming " means the playing of a game of chance. for winnings in money or money's worth ;

" the Levy Board " means the Horserace 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;

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" 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;

" newspaper ", in Part III of this Act, includes any journal, magazine or other periodical publication ;

" 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 the Betting Duties Act 1963 ;

" 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;

" qualified accountant " means a person who is a member, or a firm all of the partners wherein are members, of one or more of the following bodies, that is to say—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified and Corporate Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161 (1) (a) of the Companies Act 1948 by the Board of Trade ;

" 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 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;

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" 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) For the purposes of Part III of this Act—
- (a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form; and
 - (b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Great Britain, and the expression " distribution " shall be construed accordingly.
- (3) Section 8 of the Summary Jurisdiction (Appeals) Act 1933 (which prescribes the courts for the hearing of certain appeals to quarter sessions for the county of London) shall apply to' an appeal under any of the following provisions of this Act, that is to say, paragraphs 21 and 28 of Schedule 1, paragraph 6 of Schedule 2, paragraph 13 of Schedule 3, paragraph 6 of Schedule 6 and paragraph 5 of Schedule 7, as they apply to an appeal from a magistrates' court.
- (4) Any power to make an act of Sederunt conferred on the Court of Session by this Act shall be exercisable by statutory instrument, and the Statutory Instruments Act 1946 shall apply to any instrument made in pursuance of such a power or 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.

56 Consequential amendments in other Acts

- (1) For so much of section 11 of the Gaming Act 1845 as follows the words " kept or used " there shall be substituted the words " shall be liable—
- (a) on summary conviction, to a fine not exceeding fifty pounds or, in the case of a second or any subsequent conviction for the like offence, 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 the like offence, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both;

and every person licensed under this Act who shall not during the continuance of such billiard licence put and keep up the words "licensed for billiards" legibly printed in some conspicuous place near the door and on the outside of the house specified in the licence shall be liable on summary conviction to a fine not exceeding ten pounds."

- (2) For section 141 (2) of the Licensing Act 1953 there shall be substituted the following, that is to say—
- “(2) The conviction of the holder of a justices' licence of an offence in connection with his premises under section 1 (1) of the Betting, Gaming and Lotteries Act 1963 shall for the purposes of this Act be deemed to be a conviction of an offence under this section.”

- (3) In section 3 (10) of the Licensing Act 1961—
- (a) in paragraph (c), for the reference to section 26 of the Betting and Gaming Act 1960 there shall be substituted a reference to section 40 of this Act;
 - (b) in paragraph (d), for the reference to section 3 (2) of the Betting and Lotteries Act 1934 and section 1 (2) of the said Act of 1960 there shall be substituted a reference to section 1 (1) of this Act.

57 Repeals and savings

- (1) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule.
- (2) Where any provision contained in any local Act passed before the 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 or in section 56 (3) of this Act shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

58 Short title, extent and commencement

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

SCHEDULES

SCHEDULE 1

Sections 2, 9.

BOOKMAKER'S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES

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;
 - (b) in any licensing area within the meaning of the Licensing (Scotland) Act 1959, the licensing court constituted for that area under section 1 or 2 of that Act
- 2 In this Schedule, the following expressions have the following meanings respectively, that is to say—
- " appropriate authority " means such a committee or court 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 court 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 county borough, metropolitan 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) in Scotland, where the relevant premises are, or are to be, situated in a burgh, the council of that burgh, and in any other case the council of the county, and the council of the district within which 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—

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- (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.

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 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 fifty pounds.
- 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—

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

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 a 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.

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- 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 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.
- 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.
- 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

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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 for 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) of this Schedule ; or
 - (ii) of a betting agency permit under paragraph 17 (b) of this Schedule ;or
 - (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.
- 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 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, by way of 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.
- 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.

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- 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 Betting Act 1853, or under section 393 or 407 of the Burgh Police (Scotland) Act 1892, section 51 of the Burgh Police (Scotland) Act 1903 or any corresponding provision of any local Act;
 - (b) any conviction for an offence under the 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 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

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 or renewal 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.

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

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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, five pounds;
- (c) in the case of the renewal of a bookmaker's permit or betting agency permit or the grant or renewal of a betting office licence, one pound ;

and if the authority refuse any such application they shall state the grounds of their refusal.

- (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 Licensing (Scotland) Act 1959 to defray the expenses of that appropriate authority ; and that local authority shall pay to that clerk, in respect of anything done by him under this Act, such fees as the Court of Session may by act of sederunt prescribe.

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 fourteen days of being so notified the applicant may by notice to the clerk to the authority appeal against the refusal to a court of quarter sessions having jurisdiction in the authority's area.
 - (2) As soon as practicable after receiving notice of appeal against the refusal, the clerk to the authority shall send the notice to the clerk of the peace 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, the clerk of the peace 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) The court of quarter sessions may by its order either—
 - (a) confirm the refusal; or
 - (b) on payment by the appellant to the clerk of the peace 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 the court of quarter sessions 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 a court of quarter sessions under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.
- 22 On determining any appeal under paragraph 21 of this Schedule, or on being satisfied that the appellant, after giving notice of such an appeal, has failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to the appellant or any person who opposed the application

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before the appropriate authority or, if the appeal relates to a betting office licence, the appropriate authority to or by any other of those persons, and any costs ordered to be paid under this paragraph shall be recoverable summarily as a civil debt.

23 (1) Where, in the case of an appeal under paragraph 21 of this Schedule with respect to a betting office licence, the court of quarter sessions—

- (a) has allowed the appeal; or
- (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 local 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) Costs payable out of local funds under this paragraph shall be paid—

- (a) if the appropriate authority's area is a borough having a separate court of quarter sessions, out of the general rate fund of the borough ;
- (b) in any other case, out of the county fund of the county in which the appropriate authority's area is situated.

(3) Sections 8 (1) and 11 (1) of the Costs in Criminal Cases Act 1952 (which make provision for payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this paragraph as if any reference in those provisions to a county borough were a reference to a borough having a separate court of quarter sessions.

(4) An order of a court of quarter sessions under this paragraph may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions ; and the costs may be taxed either in or out of sessions.

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) On any such appeal the sheriff may either—

- (a) confirm the refusal; or
- (b) on payment by the appellant to the sheriff clerk 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 decision of the sheriff on any such appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.

(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

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 ten pounds.

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 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 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.

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- (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 :
- 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—
- (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.
- 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 a court of quarter sessions (or in Scotland the sheriff) having jurisdiction in the authority's area, whose decision on the appeal shall be final.
- (2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and 22 (or, as the case may be, 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.

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

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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.

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 nil 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.

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.

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

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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

Section 4.

REGISTERED POOL PROMOTERS

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 county or county borough ;
 - (b) in Scotland, the council of any county or large burgh.
- (2) For the purposes of paragraph (b) of the foregoing sub-paragraph—
- (a) a county shall be deemed to include any small burgh, and not to include any large burgh, situated therein, and section 118 of the Local Government (Scotland) Act 1947 (which relates to the combination of certain counties for certain purposes) shall have effect accordingly ;
 - (b) the expressions "small burgh" and "large burgh" have the same meanings as in the said Act of 1947.
- (3) Any such council as aforesaid may delegate their functions under this Schedule to a committee consisting of members of the council.
- (4) Any two or more councils such as aforesaid may combine in delegating their functions under this Schedule to a joint committee consisting of members of the constituent councils.
- (5) In England, a county council may delegate their functions under this Schedule to the standing joint committee of quarter sessions and of the county council appointed under section 30 of the Local Government Act 1888, and in that case, so long as the delegation is in force—
- (a) subject to paragraph (b) of this sub-paragraph, it shall be the duty of that committee to discharge those functions ;
 - (b) that committee shall have the like powers as are conferred on councils of counties and county boroughs by sub-paragraph (4) of this paragraph, and accordingly any reference in that sub-paragraph or in paragraph 2 or 3 (b) of this Schedule to a council or councils shall be construed as including a reference to that committee.

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- (6) Section 274 of the Local Government Act 1933 or, as the case may be, section 123 of the Local Government (Scotland) Act 1947 (which empower county councils to delegate their functions to certain other authorities) shall not apply in relation to the functions of a county council under this Schedule.
- 2 Where functions under this Schedule are delegated to a- committee or joint committee—
- (a) in the case of a committee or joint committee specially appointed for the purpose, the number and term of office of the members thereof shall be fixed by the appointing council or councils; and
 - (b) subject to the provisions of this Schedule and to any directions given by the appointing council or councils, the procedure of the committee or joint committee shall be such as they may themselves determine.
- 3 (1) Any expenses incurred in the execution of this Schedule by a standing joint committee of quarter sessions and a county council shall be defrayed by that county council, and any sums received under this Schedule by such a standing joint committee shall be paid or accounted for to that county council.
- (2) Any expenses incurred in the execution of this Schedule by any other joint committee shall be defrayed by the appointing councils in such shares as may be agreed.

Interpretation

- 4 (1) In relation to any person who carries 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

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under section 4 (2) of this Act, under paragraph 29 of this Schedule or under the 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.
- 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, and he may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area in which the place or principal place at which he carries on or intends to carry on his pool betting business is situated and held not less than twenty-one clear days after the notice of the refusal or revocation is given to him, and notice of any appeal under this paragraph shall be given to the registering authority and to the clerk of the peace.
- 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 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 fifty pounds) 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.

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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;
- (e) the total amount payable by way of winnings shall, in the case of each competition, be the total amount of the stakes in respect of entries in that competition less such percentage of that total amount as may be determined by the promoter, being—
- (i) 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
- (ii) a percentage which is determined and notified to the accountant before that day ;
- (f) the rules applying to the competition shall be notified to the accountant before the first of the relevant sporting or other events takes place.
- 14 Notwithstanding anything in paragraph 13 (d) or (e) 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

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- 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 sixpence, and 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 sixpence,
- 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 paragraph 13 (e) to such extent as is reasonably necessary having regard to any such provision of the rules applicable thereto as is mentioned in sub-paragraph (c) of this paragraph.
- 15 Notwithstanding anything in paragraph 13 (d) or (e) 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 paragraph 13 (e).
- 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 competitions

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;
 - (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
- 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, after deducting the aggregate prizes in, and the aggregate pool betting duty payable in respect of, all those competitions;
 - (b) the said aggregate total stakes, without any such deduction,
- 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.

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- 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 after deducting the aggregate prizes in. and the aggregate pool betting duty payable in respect of those competitions ; 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—
 - (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.
- 24 (1) Where a registered pool promoter is a company to which section 148 of the Companies Act 1948 applies, then, whenever 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 sub-paragraph 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,

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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; and Schedule 9 to the Companies Act 1948 (which enumerates the matters which are to be expressly stated in auditors' reports) shall, with the necessary adaptations, apply in relation to every such report

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
 - (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 sub-paragraph.
- 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—

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- (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.

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

SCHEDULE 3

Section 6.

LICENSING OF TRACKS FOR BETTING

Licensing authorities and interpretation

- 1 Paragraphs 1, 2 and 3 of Schedule 2 to this Act shall have effect with respect to licensing authorities for the purposes of this Schedule 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 those paragraphs to the said Schedule 2, except in sub-paragraph (5) (b) of the said paragraph 1, were a reference to this Schedule.
- 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 or committee who, under paragraph 1 of this Schedule, are the (licensing authority for the area in

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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.

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—
 - (i) the council of any county district or metropolitan borough in which the track or any part thereof is situated; and
 - (ii) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof;
 - (b) if the track is situated in Scotland—
 - (i) the council of any county or burgh within which the track or any part thereof is situated; and
 - (ii) the local planning authority within the meaning of the Town and Country Planning (Scotland) Act 1947 for any area which includes the track or any part thereof,where that council or authority are not the licensing authority;
 - (c) the appropriate officer or officers of police.
- (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.
- 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 ;

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- (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.

- (2) The authorities referred to in sub-paragraph (1) (d) of this paragraph are—
- (a) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof;
 - (b) the council of any county district or metropolitan borough in which the track or any part thereof is situated ;
 - (c) any other local authority whose area adjoins any such county district or metropolitan borough:

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, county borough, metropolitan borough or county district and the Common Council of the City of London.

- (3) The authorities referred to in sub-paragraph (1) (a) of this paragraph are—
- (a) the council of any county or burgh adjoining the area of the licensing authority;
 - (b) where the licensing authority are a county council or a joint county council, the town council of any burgh situated in the county, or in either of the counties combined;
 - (c) where the licensing authority are a town council, the council of the county in which the burgh is situated.

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 trade
- (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 the track, or be detrimental to the interests of persons receiving instruction or residing in any school or institution in that neighbourhood; or
 - (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.

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- (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 Betting and Lotteries Act 1934 or under section 7 of the 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 Town and Country Planning Act 1962 or under the 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.

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.
- 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 ten pounds 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

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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 fifty pounds 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 ten pounds 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.

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 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 in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area in which the track or the greater part of the superficial area thereof is situated and held not later than twenty-one clear days after notice of the revocation is given to him' by the licensing authority, and notice of any appeal under this sub-paragraph shall be given to the licensing authority and to the clerk of the peace.
- (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

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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 the court of quarter sessions 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.

Fixing of betting days by licensing authority

- 14 (1) Subject to the provisions of this and the next following paragraph, each licensing authority shall, not later than the end of May in each year, fix one hundred and four days in the period of twelve months beginning with 1st July in that year as betting days, that is to say, days on which betting facilities may be provided on licensed tracks within the authority's area, and shall further fix four of those days as special betting days for the purposes of section 7 (2) of this Act.

- (2) A licensing authority shall not be bound under the foregoing sub-paragraph to fix in advance betting days in any period of twelve months if it appears to them that at the beginning of that period no track betting licence will be in force in respect of a track in their area ; but, if they avail themselves of this sub-paragraph, then, so soon as they grant a track betting licence to take effect on any date during that period, they shall proceed to fix betting days in the part of that period which falls after the day preceding that date, and the number of days so fixed shall be twice the number of the complete weeks in that part of that period.

In this sub-paragraph, the expression "week" means a period of seven consecutive days beginning with a Sunday.

- (3) The betting days and special betting days fixed by a licensing authority under this paragraph shall be the same for the whole of their area and shall not include Good Friday, Christmas Day or any Sunday.

- 15 (1) The following provisions of this paragraph shall have effect as regards the fixing of betting days for any period under paragraph 14 of this Schedule.

- (2) At least one month before fixing the betting days for the period in question, the licensing authority shall publish in at least two newspapers circulating in their area a notice of their intention so to do.

- (3) If, within one month from the date of the publication of the said notice, the licensing authority receive a notice in writing signed by all the holders of track betting licences in force in respect of tracks in their area stating that the signatories unanimously desire that the betting days in the period in question should be the days specified in the notice given under this sub-paragraph, then, if those days are days which might lawfully be fixed under paragraph 14 of this Schedule as the betting days for that period, the authority shall fix the days so specified as the betting days for that period.

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- (4) Unless the licensing authority fix the betting days for the period in question in accordance with sub-paragraph (3) of this paragraph, they shall before fixing those days consider any representations which may, during the period of one month beginning with the date of the publication of the notice required by sub-paragraph (2) of this paragraph, be made to them in writing by—
- (a) any appropriate officer of police; or
 - (b) any person who is the holder of a track betting licence in force in respect of a track in the authority's area ; or
 - (c) any person who has given to the authority notice in writing of his intention to apply for such a licence in respect of such a track.
- (5) The licensing authority shall, on being requested by any person so to do, inform that person of the latest time by which a notice under sub-paragraph (3) or a representation under sub-paragraph (4) of this paragraph must be received by the authority if it is to be effective.

SCHEDULE 4

Section 10.

RULES FOR LICENSED BETTING OFFICES

- 1 The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday, 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.
- 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 No facilities for—
 - (a) seeing any television broadcast; or
 - (b) hearing any sound broadcast which—
 - (i) is transmitted by wireless telegraphy within the meaning of the Wireless Telegraphy Act 1949 and is intended to be received by the general public: or
 - (ii) comprises matter other than information relating to events in connection with which betting transactions may be or have been effected on the licensed premises,

shall be provided or allowed to be used on the licensed premises, and neither the licensee nor any servant or agent of his shall cause or permit any such facilities to be provided at any place under his control in such a manner that they can be enjoyed by persons resorting to the licensed premises; and no music, dancing or other entertainment shall be provided or allowed, and no refreshment of any kind shall be served, on those premises.

- 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.

SCHEDULE 5

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. 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.
- 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 pool 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.
- 5 Where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by three, then—
- (a) if the remainder does not exceed three halfpence, it may be retained by the operator; but

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- (b) if the remainder exceeds three halfpence, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible.
- 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.
- 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 on every betting day fixed by the licensing authority in pursuance of paragraph 14 of Schedule 3 to this Act 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 as may before that day have been notified to him in writing by the operator.
- 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
- 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 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

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(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 not 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 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.

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SCHEDULE 6

Sections 39, 49.

PERMITS FOR PROVISION OF AMUSEMENTS WITH PRIZES

- 1 Application for the grant of a permit for the provision of amusements with prizes on any premises may be made to the local authority by the person who is, or by any person who proposes if the permit is granted to become, the occupier of those premises; and the holder of such a permit may apply to the local authority from time to time for a renewal of his permit.
- 2 Subject to the provisions of this Schedule, the grant or renewal of a permit under this Schedule shall be at the discretion of the local authority, and if the permit is granted or renewed it shall cease to be in force on such date, not being earlier than three years after the date of the grant or renewal, as the authority may specify:

 Provided that, where application for the renewal of a permit is made not less than one month before the date specified as aforesaid, the permit shall not cease to be in force before the authority have made their determination on the application or the application has been withdrawn.
- 3 The local authority shall not refuse an application for the grant or renewal of a permit under this Schedule without giving the applicant or a person acting for him an opportunity of appearing before and being heard by the authority or a committee thereof, and shall not refuse an application for the renewal of such a permit otherwise than by reason of the conditions in which amusements with prizes have been provided under the permit or the manner in which those amusements have been conducted.
- 4 On any grant or renewal by the local authority of a permit under this Schedule there shall be paid to the authority by the applicant for the grant or renewal a fee of one pound.
- 5 A permit under this Schedule shall not be transferable and shall be of no effect at any time when the holder of the permit is not the occupier of the premises to which it relates ; but in the event of the death of the holder of such a permit, then during the period of six months commencing with the death the permit shall be deemed to continue in force and, except for the purposes of a renewal of the permit, his legal personal representatives shall be deemed to be the holder thereof; and the local authority 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.
- 6 Where a local authority in England refuse any application for the grant or renewal of a permit under this Schedule, the authority shall forthwith inform the applicant of the refusal and furnish him with a written statement of the grounds thereof, and the applicant may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area of the authority and held not less than twenty-one clear days after notice of the refusal is given to him, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.
- 7 Where a local authority in Scotland refuse any application for the grant or renewal of a permit under this Schedule in respect of any premises, the local authority shall forthwith notify the applicant of the refusal and furnish him with a written statement of the grounds thereof, 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,

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to the sheriff having jurisdiction in the area in which the premises are 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 In the case of a refusal by the local authority to renew a permit under this Schedule, the permit shall not cease to be in force by virtue of paragraph 2 of this Schedule—
- (a) until the expiration of the time within which notice of an appeal under paragraph 6 or, as the case may be, paragraph 7 of this Schedule may be given; nor
 - (b) if such notice is duly given, until the determination or abandonment of the appeal; nor
 - (c) if the appeal succeeds, until such date as may be specified by the local authority under paragraph 2 of this Schedule on renewing the permit in consequence of the allowing of the appeal.
- 9 In this Schedule, the expression " local authority ", in relation to any premises, means—
- (a) in England, the local authority (being the council of a county borough, metropolitan borough or county district or the Common Council of the City of London) within whose area the premises are situated;
 - (b) in Scotland, where the premises are situated in a burgh, the council of that burgh, and in any other case the council of the county within which the premises are situated:

Provided that, in the case of premises in Scotland situated within a district, on each occasion on which any functions under this Schedule fall to be performed in relation to those premises by the local authority, that authority shall consult with the council of that district before exercising those functions.

SCHEDULE 7

Section 45.

PROMOTION OF SMALL LOTTERIES BY REGISTERED SOCIETIES

PART I

Registration of societies

- 1 (1) An application for the registration of a society for the purposes of section 45 of this Act shall be made to the local authority.
- (2) In this Schedule, the expression "the local authority." in relation to any society, means the authority, being—
- (a) in England, the council of a county borough, metropolitan borough or county district or the Common Council of the City of London ; or
 - (b) in Scotland, a county council or town council,
- within whose area the office or head office of the society is situated.
- 2 Any such application shall specify the purposes for which the society is established and conducted.

Status: This is the original version (as it was originally enacted).

- 3 Subject to the provisions of this Schedule, upon application being duly made on behalf of a society and on payment of a fee of one pound, the local authority shall register the society in a register to be kept for the purposes of section 45 of this Act and notify the society in writing that they have done so.
- 4 The local authority may, after giving the society an opportunity of being heard, refuse or revoke the registration of a society under this Part of this Schedule if it appears to the authority—
- (a) that any person has been convicted of an offence committed in connection with a lottery promoted or proposed to be promoted on behalf of the society, being—
 - (i) an offence under section 45 of this Act, under paragraph 12 of this Schedule or under the Small Lotteries and Gaming Act 1956 ; or
 - (ii) an offence under section 42 of this Act; or
 - (iii) an offence under section 22 of the Betting and Lotteries Act 1934 committed after 4th August 1956 ; or
 - (b) that the society is not or has ceased to be a society on behalf of which lotteries may be promoted under the said section 45.
- 5 Where the registration of any society has been refused or revoked under the last foregoing paragraph by a local authority in England, that authority shall forthwith notify the society of the refusal or revocation, and the society may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the local authority's area and held not less than twenty-one clear days after the notice of the refusal or revocation is given to the society, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.
- 6 Where the registration of any society has been refused or revoked under paragraph 4 of this Schedule by a local authority in Scotland, that authority shall forthwith notify the society of the refusal or revocation, and the society 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 local authority's area, 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.
- 7 Where the local authority revoke a registration under paragraph 4 of this Schedule, then, until the time within which notice of appeal under paragraph 5 or 6 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 may be, the sheriff confirms the decision of the local 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.
- 8 A society which is for the time being registered under this Part of this Schedule may at any time apply to the local authority for the cancellation of the registration ; and in any such case the authority shall cancel the registration accordingly.
- 9 Every society which is registered under this Part of this Schedule shall pay to the local authority on 1st January in each year while it is so registered a fee of one pound, and any such fee which remains unpaid after the date on which it becomes payable may be recovered by the authority as a debt.

Status: This is the original version (as it was originally enacted).

PART II

Returns to be made by promoters

- 10 The promoter of a lottery to which section 45 of this Act applies shall, not later than the end of the third month after the month in which the winners of prizes in the lottery are ascertained, send to the local authority a return certified by two other members of the society, being persons of full age appointed in writing by the governing body of the society, showing—
- (a) the whole proceeds of the lottery;
 - (b) the sums appropriated out of those proceeds on account of expenses and on account of prizes respectively ;
 - (c) the particular purpose or purposes to which proceeds of the lottery were applied in pursuance of section 45 (3) (d) of this Act, and the amount applied for that purpose, or for each of those purposes, as the case may be; and
 - (d) the dates between which tickets or chances in the lottery were sold.
- 11 The local authority shall preserve any return sent to them under the last foregoing paragraph for a period of at least one year, and during that period shall keep the return deposited at their office and permit any member of the public to inspect it during office hours free of charge.
- 12 Any person who fails to send a return in accordance with the provisions of this Part of this Schedule, or who knowingly gives in any such return sent by him any information which is false or misleading, or who certifies any such return knowing it to contain such information, shall be liable on summary conviction to a fine not exceeding twenty pounds.

SCHEDULE 8

Section 57.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
55 & 56 Vict c. 4.	The Betting and Loans (Infants) Act 1892.	Section 1. In section 3, the words "as in the preceding sections or either of them mentioned".
6 Edw.7. c. 43.	The Street Betting Act 1906.	The whole Act.
18 & 19 Geo. 5. c. 41.	The Racecourse Betting Act 1928.	The whole Act.
24 & 25 Geo. 5. c. 58.	The Betting and Lotteries Act 1934.	The whole Act except section 25 (1) and (2)
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	So much of Schedule 8 as relates to the Betting and Lotteries Act 1934.

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Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo.6. c. 53.	The Town and Country Planning (Scotland) Act 1947.	So much of Schedule 8 as relates to the Betting and Lotteries Act 1934.
11 & 12 Geo. 6. c. 9.	The Finance (No. 2) Act 1947.	Section 6 (3).
11 & 12 Geo. 6. c. 49.	The Finance Act 1948.	In Schedule 6, paragraph 3 (2).
2 & 3 Eliz. 2. c. 33.	The Pool Betting Act 1954.	The whole Act.
4 & 5 Eliz. 2. c. 45.	The Small Lotteries and Gaming Act 1956.	The whole Act except section 5 (2).
8 & 9 Biz. 2. c. 60.	The Betting and Gaming Act 1960.	The whole Act except paragraph 7 of Schedule 4, and in the said paragraph 7 the words from "and nothing" to "negotiating of".
9 & 10 Eliz. 2. c. 17.	The Betting Levy Act 1961.	The whole Act except sections 1 (11), 9, 10 (1) and 10(3).
10 & 11 Eliz. 2. c. 55.	The Lotteries and Gaming Act 1962.	The whole Act.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Metropolitan Police Act 1839	2 & 3 Vict. c. 47.
City of London Police Act 1839	2 & 3 Vict. c. xciv.
Gaming Act 1845	8 & 9 Vict. c. 109.
Art Unions Act 1846	9 & 10 Vict. c. 48.
Quarter Sessions Act 1849	12 & 13 Vict. c. 45.
Betting Act 1853	16 & 17 Vict. c. 119.
Refreshment Houses Act 1860	23 & 24 Vict. c. 27.
Local Government Act 1888	51 & 52 Vict. c. 41.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Burgh Police (Scotland) Act 1892	55 & 56 Vict. c. 55.
Burgh Police (Scotland) Act 1903	3 Edw. 7. c. 33.
Street Betting Act 1906	6 Edw. 7. c. 43.
Summary Jurisdiction (Appeals) Act 1933	23 & 24 Geo. 5. c. 38.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Betting and Lotteries Act 1934	24 & 25 Geo. 5. c. 58.

Status: This is the original version (as it was originally enacted).

Short Title	Session and Chapter
Statutory Instruments Act 1946	9 & 10 Geo. 6. c. 36.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Wireless Telegraphy Act 1949	12, 13 & 14 Geo. 6. c.54.
Costs in Criminal Cases Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.
Licensing Act 1953	1 & 2 Eliz. 2. c. 46.
Pool Betting Act 1954	2 & 3 Eliz. 2. c. 33.
Small Lotteries and Gaming Act 1956	4 & 5 Eliz. 2. c. 45.
Licensing (Scotland) Act 1959	7 & 8 Eliz. 2. c. 51.
Betting and Gaming Act 1960	8 & 9 Eliz. 2. c. 60.
Betting Levy Act 1961	9 & 10 Eliz. 2. c. 17.
Licensing Act 1961	9 & 10 Eliz. 2. c. 61.
Town and Country Planning Act 1962	10 & 11 Eliz. 2. c. 38.
Betting Duties Act 1963	1963 c. 3.