

Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

PART I

BETTING

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 belting 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—

Document Generated: 2023-07-06

Status: This is the original version (as it was originally enacted).

- (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.