



Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

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
 - (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;

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" 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;

" 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;

" 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;

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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.