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Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 4.

REGISTERED POOL PROMOTERS

Modifications etc. (not altering text)

- C1** Sch. 2: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B(6)

Registering authorities

- 1 (1) Subject to the provisions of this paragraph, each of the following councils shall be the registering authority for their area for the purposes of this Schedule, that is to say—
- (a) in England, the council of any [^{F1}district or London borough and the Common Council of the City of London];
 - (b) in Scotland, the council of any [^{F2}an islands area or district].

(2) F3

(3) F4

(5) F5

Textual Amendments

- F1** Words substituted by Local Government Act 1972 (c. 70), Sch. 29 para. 13(1)
F2 Words substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26
F3 Sch. 2 para. 1(2) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, Sch. 29
F4 Sch. 2 para. 1 (3)(4) repealed by Local Government Act 1972 (c. 70), Sch. 30 and Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, Sch. 29
F5 Sch. 2 para. 1(5) repealed by Police Act 1964 (c. 48), Schs. 9, 10 Pt. I

2 F6

Textual Amendments

- F6** Sch. 2 paras. 1(6), 2 repealed by Local Government Act 1972 (c. 70), Sch. 30 and Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, Sch. 29

3 (1) F7

(2) F8

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Textual Amendments

- F7** Sch. 2 para 3(1) repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 26, **Sch. 29**
- F8** Sch. 2 para. 3(2) repealed by Local Government Act 1972 (c. 70), **Sch. 30** and Local Government (Scotland) Act 1973 (c. 65), **Sch.24 para. 26**. Sch. 29

Interpretation

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

Registration of pool promoters

- 5 (1) If any person makes an application to the registering authority for registration under this Schedule, the registering authority shall, on payment of the appropriate registration fee fixed under paragraph 11 of this Schedule, register him accordingly in a register to be kept by them for the purposes of this Schedule and shall notify him in writing that they have done so.
- (2) Notwithstanding anything in the foregoing sub-paragraph, the registering authority may in the case of any person, after giving him an opportunity of being heard, refuse to register him or revoke his registration if that person or, where that person is a body corporate, any director or manager thereof, has been convicted of any offence under section 4(2) of this Act, under paragraph 29 of this Schedule or under the ^{M1}Pool Betting Act 1954, or of any offence involving fraud or dishonesty.
- (3) If, after a person has been registered under this Schedule, the registering authority, after giving him an opportunity of being heard, are satisfied—
- (a) that he does not intend to carry on a pool betting business; or
 - (b) that he has permanently ceased to carry on pool betting business; or
 - (c) that the place or principal place at which he carries on his pool betting business will not be, or has ceased to be, in their area,
- they shall revoke his registration.

Marginal Citations

- M1** 1954 c. 33.

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- 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, [^{F9} and within twenty-one days of being so notified he may by notice to the appropriate officer of the Crown Court and to the registering authority appeal against the refusal or revocation to the Crown Court].

Textual Amendments

F9 Words stand in the text by virtue of S.I. 1982/1109, rules 6, 7, Sch. 3 Pt. II

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

Fees in respect of registration

- 10 On 1st January in each year the appropriate continuation fee shall become payable to the registering authority by every person who is for the time being a registered 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 [^{F10}£350]) as may be fixed annually by the registering authority for the whole of their area; and different amounts may be so fixed by that authority in respect of businesses of different classes.

Textual Amendments

F10 Words substituted by (E.W.) S.I. 1982/572, art. 2 (which S.I. is revoked (2.12.1991) by S.I. 1991/2175, art. 6) and (S.) S.I. 1982/680, art. 2 (which S.I. is revoked (2.12.1991) by S.I. 1991/2495, art. 6)

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Modifications etc. (not altering text)

- C2** Power to amend para. 11 given by [Local Government Act 1966 \(c. 42\)](#), s. 35(2), [Sch. 3 Pt. II](#) and [Local Government \(Scotland\) Act 1966 \(c. 51\)](#), s. 42(2), [Sch. 4 Pt. 11](#)

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 [^{F11}to the Commissioners of Customs and Excise and] to the accountant before the first of the relevant sporting or other events takes place.

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Textual Amendments

F11 Words inserted by [Finance Act 1967 \(c. 54\), s. 7\(8\)](#)

VALID FROM 14/11/1994

[^{F12}13A(1) In any competition the total amount payable by way of winnings shall be the aggregate of—

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

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

(2) In sub-paragraph (1) of this paragraph “relevant percentage” means such percentage as may be determined by the promoter, being—

- (a) the same percentage in respect of all his competitions which depend on the same events or on events taking place on the same day; and
- (b) a percentage which is determined and notified to the accountant before that day.]

Textual Amendments

F12 [Sch. 2 para. 13A](#) inserted (14.11.1994) by [1993 c. 39, s. 58\(3\)](#); [S.I. 1994/2659, art.2](#)

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 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,

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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.

VALID FROM 14/11/1994

- [^{F13}14A(1) Subject to any directions under paragraph 14B of this Schedule, the rules applicable to any competition may provide that if none of the bets in the competition qualifies for, or for a share in, the first prize—
- (a) the amount of that prize shall be carried over to the next relevant competition, or
 - (b) part of that amount shall be carried over to the next relevant competition and the balance shall be applied as mentioned in paragraph 14(1)(b) of this Schedule.
- (2) In sub-paragraph (1) of this paragraph—
- (a) “the first prize” means the highest prize that can be won, having regard to the outcome of the events on which the competition depends (and not any higher prize that could have been won had the outcome of those events been different),
 - (b) “the next relevant competition” means the next competition to be held by the same registered pool promoter under the same rules within the fourteen days following the day on which the result of the competition is determined, and
 - (c) the reference in paragraph (b) to part of the amount referred to in paragraph (a) is to such proportion of that amount as may be specified in the rules or as may be determined by the promoter in accordance with the rules.]

Textual Amendments

F13 Sch. 2 paras. 14A, 14B inserted (14.11.1994) by 1993 c. 39, s. 58(5); S.I. 1994/2659, art.2

VALID FROM 14/11/1994

- ^{F14}14B(1) The Secretary of State may direct that any provision made under paragraph 14A of this Schedule—
- (a) is not to have effect, or
 - (b) is to have effect subject to such limitations as are specified in the direction.
- (2) The limitations that may be specified under sub-paragraph (1)(b) of this paragraph include—
- (a) limitations as to the number of competitions from which amounts may be carried over, and
 - (b) limitations as to the period within which any such competitions may be held.

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(3) Any directions under this paragraph shall be given in writing and may be varied or revoked by subsequent directions.

Textual Amendments

F14 Sch. 2 paras. 14A, 14B inserted (14.11.1994) by 1993 c. 39, s. 58(5); S.I. 1994/2659, art. 2

- 15 Notwithstanding anything in paragraph 13(d) or (e) 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
 - (b) causing the said aggregate total amount to be apportioned among those competitions by reference to the results of an inspection of samples of the completed coupons or forms;
- and if the sampling, inspection and apportionment is such (both as to the process adopted and as to the manner of carrying it out) that the amount apportioned to each competition is not likely to differ from the total amount actually staked therein by more than one per cent., the amount so apportioned to any such competition shall for all the purposes of this Schedule be deemed to be the total amount actually staked in that competition.

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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.
- 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.

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- 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 [^{F15}[^{F16}section 241 of the Companies Act 1985] applies; then, whenever a copy of] a profit and loss account of the company is laid before the company in general meeting in pursuance of that section, the company shall forthwith send a copy of that account and of the relevant auditor's report to the accountant.
- (2) Every registered pool promoter to whom the foregoing subparagraph does not apply shall at least once in every calendar year send to the accountant a profit and loss account of his pool betting business, covering, in the case of the first account, a period beginning at the commencement of the business, and, in the case of subsequent accounts, a period beginning at the end of the period covered by the last account, together with a report thereon by an auditor, being a qualified accountant who neither is, nor is a partner of, nor is in the employment of any person who is, an officer or servant of the registered pool promoter; [^{F17}and sections 235(2) and 237(1) and (3) of the Companies Act 1985 (matters to be stated in auditors' report and responsibility of auditors in preparing their report)] shall, with the necessary adaptations, apply in relation to every such report.

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Textual Amendments

- F15** Words substituted by [Companies Act 1976 \(c. 69\), s. 45\(3\), Sch. 2](#)
- F16** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\), s. 30, Sch. 2](#)
- F17** Words substituted by virtue of [Companies Act 1989 \(c. 40, SIF 27\), s. 23, Sch. 10 Pt. II para. 25](#)

Duties and powers of the accountant

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

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- 28 Paragraphs 20 to 27 of this Schedule shall apply in relation to a competition declared void in pursuance of any such rule of the competition as is mentioned in paragraph 18 of this Schedule as they apply in relation to other competitions, except that—
- (a) instead of the statements required by paragraphs 20 and 21 of this Schedule to be sent to the accountant in respect of the competition and to be included in announcements of the results of, or to be sent to competitors in, the competition, there shall be sent statements that the competition has been declared void and that sums paid as stakes therein will be repaid or credited to the payers thereof;
 - (b) the competition shall be left out of account in computing the percentage a statement of which is required by the said paragraph 21 to be included in announcements of the results of, or to be sent to competitors in, other competitions depending on the same events or other events taking place on the same day.

Enforcement

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

Modifications etc. (not altering text)

C3 Para. 29(3) excluded by Finance Act 1967 (c. 54), s. 7(8)(a)

Status:

Point in time view as at 01/02/1991. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation:

Betting, Gaming and Lotteries Act 1963, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.