

Status: Point in time view as at 01/02/1991.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 5 is up to date with all changes known to be in force on or before 22 May 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 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. [^{F1}or such other percentage as may be specified in an order made by the Secretary of State by statutory instrument], which will be deducted by the operator from amounts staked by means of the totalisator; and
 - (b) if the terms on which the operator invites persons to bet include such a condition as is mentioned in paragraph 6 of this Schedule, specify the time referred to in that paragraph [^{F2}: and]
 - [^{F2}(c) specify such other particulars of the said terms as may be prescribed.][^{F1}Any power conferred by this paragraph to make an order shall include power to vary or revoke the order by subsequent order.]

Textual Amendments

- F1** Words inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1969 \(c. 17\), s. 1](#)
- F2** [Sch. 5 para. 3\(c\)](#) and word inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(3\)](#)

- 4 The operator shall, in the case of any bets made by means of the totalisator on any race or combination of races—
 - (a) deduct from the aggregate amount staked—
 - (i) any sums payable by the operator by way of the [^{F3}general betting duty] in respect of those bets; and

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- (ii) subject to paragraph 5 of this Schedule, the percentage specified in the notice posted in pursuance of paragraph 3 thereof; and
- (b) subject to paragraphs 5 and 6 of this Schedule, distribute the whole of the remainder of that amount among the persons making such of those bets as are winning bets.

Textual Amendments

F3 Words substituted by [Finance Act 1966 \(c. 18\), s. 12\(6\)\(b\)](#)

- [^{F4}4A The terms on which the operator invites persons to bet on any race or combination of races on the track by means of the totalisator may include a condition that, in the event of there being no winning bets on that race or those races, the aggregate amount staked thereon by way of bets made by means of the totalisator (less any deductions made in pursuance of paragraph 4(a) of this Schedule) shall be carried over to a subsequent race or combination of races on the track by being added to the aggregate amount staked thereon by way of bets so made; and nothing in section 16(1) of this Act shall be construed as precluding the totalisator from being so operated as to allow any such amount to be carried over as aforesaid from one day to another.]

Textual Amendments

F4 [Sch. 5 paras. 4A, 4B](#) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(4\)](#)

- [^{F5}4B Where, in accordance with such a condition as is mentioned in paragraph 4A of this Schedule, any amount is to be added to the aggregate amount staked by way of bets made by means of the totalisator on any race or combination of races, that amount shall be disregarded for the purpose of making any deduction required by paragraph 4(a) of this Schedule.]

Textual Amendments

F5 [Sch. 5 paras. 4A, 4B](#) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(4\)](#)

VALID FROM 07/01/1996

- [^{F6}4C (1) This paragraph applies where the amount payable in respect of each betting unit staked by a person winning a bet is or includes a fraction of the betting unit where is not one or more tenths of that unit.
- (2) Where the fraction is less than a twentieth of the betting unit, the operator may retain it.
- (3) Where the fraction is more than a tenth of the betting unit, but exceeds the next lower tenth of that unit by less than a twentieth of that unit, the operator may retain so much of it as exceeds that tenth of that unit.

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- (4) Otherwise, the amount payable in respect of each betting unit staked by a person winning a bet shall be deemed to be increased —
- (a) to the next higher tenth of the betting unit; or
 - (b) where the fraction concerned exceeds nine tenths of the betting unit, to the next multiple of that unit.]

Textual Amendments

F6 Sch. 5 para. 4C inserted (7.1.1996) by S.I. 1995/3231, art. 7(5)

- [^{F75} Where the amount payable in respect of each betting unit staked by a person winning a bet is or includes a fraction of a new penny, then—
- (a) if that fraction does not exceed one-half, it may be retained by the operator; but
 - (b) if that fraction exceeds one-half, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the nearest multiple of a new penny.]

Textual Amendments

F7 Para. 5 substituted by Decimal Currency Act 1969 (c. 19), Sch. 2 para. 17

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

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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 [^{F8}where the accountant has before any day been notified in writing by the operator that it is intended that betting should take place on that day by means of the totalisator] either he or a servant of his authorised by him in that behalf in writing must be in attendance at the totalisator during such period or periods [^{F9}on that day as may be specified in the notification.]

Textual Amendments

- F8** Words substituted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(5\)\(a\)](#)
F9 Words substituted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(5\)\(b\)](#)

- 10 The totalisator shall not be operated at any time when neither the accountant nor a servant of his authorised by him in that behalf in writing is present.

- [^{F10}10A The amount which is to be carried over from one race or combination of races to another in accordance with such a condition as is mentioned in paragraph 4A of this Schedule shall be determined by the accountant and notified by him to the operator.]

Textual Amendments

- F10** [Sch. 5 para. 10A](#) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1985 \(c. 18, SIF 12:1\), s. 2\(6\)](#)

- 11 (1) The accountant, the technical adviser and their respective servants authorised in that behalf in writing may at all reasonable times enter the premises in which the totalisator is set up and examine any part of the mechanism and test and watch the working thereof, and may require the operator or any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents, as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with.

(2) Every person who—

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

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

- 12 The operator shall, within seven days after the close of each month, submit to the accountant for examination by him a complete statement of account for that

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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.

VALID FROM 07/01/1996

[^{F11}18 (1) In relation to the operation of the totalisator for effecting betting transactions under a licensed inter-track betting scheme, this Schedule shall have effect with the following modifications.

(2) Where the operation is in connection with racing on the track where the totalisator is situated, the references in paragraphs 4 and 4B to the totalisator shall be construed

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as references to any totalisator on a track participating in the inter-track betting scheme.

- (3) Where the operation is in connection with racing on a track other than the track where the totalisator is situated—
 - (a) the references in paragraph 3(a) and (b) to the operator shall be construed as references to the operator of the totalisator on the track where the racing takes place; and
 - (b) paragraphs 4 and 4B to 6 shall be omitted.
- (4) In paragraph 4A—
 - (a) references to a race or combination of races on the track shall be construed as references to a race or combination of races in relation to which betting takes place under the inter-track betting scheme; and
 - (b) references to bets made by means of the totalisator shall be construed as references to bets made under the inter-track betting scheme.
- (5) In paragraph 13, the reference to the licensing authority shall be construed as including a reference to the authority by whom the inter-track betting scheme is licensed.]

Textual Amendments

F11 Sch. 5 para. 18 inserted (7.1.1996) by S.I. 1995/3231, art. 5(5)

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