



Horserace Totalisator and Betting Levy Boards Act 1972

1972 CHAPTER 69

An Act to extend the corporate powers of the Horserace Totalisator Board; to remove the limit on the number of members of that Board; to make provision with respect to applications by that Board for betting office licences; to transfer the functions of that Board with respect to the approval of horse racecourses to the Horserace Betting Levy Board; to facilitate the exercise of the functions of the government-appointed members of the Horserace Betting Levy Board; and for other purposes related to the activities of those Boards. [17th October 1972]

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:—

1 New corporate powers for Totalisator Board.

- (1) The Totalisator Board shall have power—
 - (a) to carry on pool betting business in any form—
 - (i) on any horse race ;
 - (ii) on any other event approved by the Secretary of State for the purposes of this paragraph ;
 - (b) by way of business to receive or negotiate bets made otherwise than by way of pool betting—
 - (i) on any sporting event;
 - (ii) on any other event approved by the Secretary of State for the purposes of this paragraph.
- (2) Any approval for the purposes of paragraph (a) or (b) of subsection (1) of this section shall be given by order made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the power

to make orders under this subsection shall include power to vary or revoke a previous order under this subsection.

- (3) In its application to pool betting by means of facilities provided by the Totalisator Board, section 14(3) of the Act of 1963 (which requires the Board when bets on a race or races are made by way of sponsored pool betting to cause the whole of the aggregate amount of the stake money to be distributed after deducting a percentage determined by the Board either generally or with respect to any particular racecourse) shall have effect as if—
 - (a) references to a race included references to any event other than a race ; and
 - (b) for the words " either generally or with respect to any particular racecourse " there were substituted the words " either generally or with respect to any particular case or class of cases. "
- (4) Nothing in section 14(5) of the Act of 1963 (which gives the Board power to remunerate and provide facilities for persons who negotiate, receive or transmit bets on behalf of the Board) shall be construed as limiting the power which the Board have under section 15(1)(d) of that Act (general incidental powers) to make arrangements of any kind for the performance of any of their functions with the assistance of, or in conjunction with, any other person.
- (5) In section 14(1) of the Act of 1963 (which confers on the Board power and the exclusive right to undertake a range of activities more limited than those specified in subsection (1) of this section) for the words " shall have power and the exclusive right" there shall be substituted the words " shall have the exclusive right ".
- (6) In section 6(1)(b) of the Betting and Gaming Duties Act 1972 and in paragraph 4(4) and (5) and paragraph 8 of Schedule 1 to that Act (which makes provision for and in connection with the charge of pool betting duty on bets made with a bookmaker by way of coupon betting) references to a bookmaker shall apply also to the Totalisator Board, and section 1(1)(b) of that Act (under which general betting duty is charged on bets made by means of facilities provided by the Board) shall not apply to bets made with the Board by way of coupon betting within the meaning of section 6(1)(b).

2 Removal of limit on number of members of Totalisator Board.

In section 12(2) of the Act of 1963 (which provides that the Totalisator Board is to consist of a chairman and three other members) for the words " a chairman and three other members, all four of whom " there shall be substituted the words " a chairman and such number of other members as the Secretary of State may determine, all of whom ".

3 Applications by Totalisator Board for betting office licences.

- (1) Paragraph 19(b)(ii) of Schedule 1 to the Act of 1963 (which enables the appropriate authority to refuse an application for the grant or renewal of a betting office licence on the ground that the grant or renewal would be inexpedient having regard to the demand in the locality and the number of betting offices already available) shall not apply to an application by the Totalisator Board for the grant of a betting office licence, but such an application may be refused on the ground that reasonably adequate facilities exist in the locality for betting at licensed betting offices of the Board.
- (2) Paragraph 19(b)(ii) shall also cease to apply to any application for the renewal of such a licence, or to any application for the grant of such a licence by way of transfer of one

that is in force for the same premises at the time of the application ; and accordingly in paragraph 19(b)(ii) for the words " or renewal " there shall be substituted the words " (if the application is for that, and the applicant is not the Totalisator Board nor applying for the grant of a licence by way of transfer of one that is in force for the same premises at the time of the application) ".

- (3) This section shall not come into force unless and until the Secretary of State so directs by order made by statutory instrument of which a draft has been laid before Parliament.

4 Financing of totalisators on approved horse racecourses.

- (1) Where facilities for sponsored pool betting are, with the authority of the Totalisator Board, being provided on an approved horse racecourse by the persons having the management of that course, any amount deducted by those persons under section 14(3) (a) of the Act of 1963 from the aggregate amount staked may, to such extent as the Totalisator Board may allow, be retained by those persons instead of being paid to the Board as required by section 14(4).
- (2) It is hereby declared that the purposes for which the Levy Board have power under section 25(2)(d) of the Act of 1963 to make payments (in accordance with schemes prepared by them and approved by the Secretary of State) as purposes conducive to the improvement of horseracing include the provision on approved horse racecourses of facilities for sponsored pool betting, whether provided by the Totalisator Board or by the persons having the management of the course.

5 Transfer to Levy Board of Totalisator Board's functions with respect to approval of horse racecourses.

- (1) The functions of the Totalisator Board under section 13 of the Act of 1963 (grant and revocation of certificates of approval of horse racecourses) are hereby transferred to the Levy Board; and accordingly in the said section 13 and in the definition of " approved horse racecourse " in section 55(1) of that Act for any reference to the Totalisator Board there shall be substituted a reference to the Levy Board.
- (2) This section does not affect the validity of any certificate under the said section 13 which is in force at the passing of this Act, and any such certificate shall thereafter be treated for the purposes of the said section 13 as if it had been granted by the Levy Board.

6 Exercise of functions of government-appointed members of Levy Board.

Any functions of the government-appointed members of the Levy Board may be exercised by any two of those members.

7 Remission of contributions due from Totalisator Board to Levy Board.

The Levy Board shall have power to remit in whole or in part any sums outstanding at the passing of this Act in respect of the contributions payable to that Board by the Totalisator Board as mentioned in section 24(1) of the Act of 1963.

8 Short title, interpretation and extent.

- (1) This Act may be cited as the Horserace Totalisator and Betting Levy Boards Act 1972.

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

- (2) In this Act " the Act of 1963 " means the Betting, Gaming and Lotteries Act 1963, and any expression in this Act which is also used in that Act has the same meaning as in that Act.
- (3) In this Act references to the government-appointed members of the Levy Board are references to the three persons for the time being appointed to be members of the Board by the Secretary of State.
- (4) Except 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.
- (5) This Act shall not form part of the law of Northern Ireland.