
STATUTORY INSTRUMENTS

2007 No. 2102

**The Gambling Act 2005 (Horserace
Totalisator Board) Order 2007**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gambling Act 2005 (Horserace Totalisator Board) Order 2007 and shall come into force on whichever is the later of 1st September 2007 or the day after the day on which the Order is made.

(2) In this Order—

“the 1963 Act” means the Betting, Gaming and Lotteries Act 1963⁽¹⁾;

“the 2005 Act” means the Gambling Act 2005;

“approved horse-race course” means any horse-race course⁽²⁾ in respect of which a betting premises licence or an occasional use notice for the time being has effect;

“the dissolution date” means the day appointed for the purposes of section 1 of the Horserace Betting and Olympic Lottery Act 2004⁽³⁾ as the day on which the Tote ceases to exist;

“pool betting business” has the meaning given in the table in the Schedule;

“sponsored pool betting” has the meaning given in the table in the Schedule;

“sponsored pool betting business” means business involving the receiving or negotiating of bets made by way of sponsored pool betting; and

“the Tote” means the Horserace Totalisator Board.

(3) Any reference in this Order to a person infringing the right conferred on the Tote by section 14 of the 1963 Act shall be construed in accordance with subsection (2) of that section.

Savings

2.—(1) Despite the repeal of the 1963 Act by the 2005 Act, sections 12, 14 and 15 of the 1963 Act shall continue in force until immediately before the dissolution date, subject to the following modification.

(2) Section 14 shall have effect as if the expressions listed in column 1 of the table in the Schedule had the meanings given in the associated entry in column 2 of that table.

Modification of section 33 of the Gambling Act 2005

3.—(1) Section 33 of the 2005 Act shall have effect until immediately before the dissolution date with the following modifications.

(2) Subsection (1) does not apply to any activity by—

(a) the Tote in pursuance of the right conferred by section 14 of the 1963 Act, or

(1) 1963 c. 2.

(2) See section 353(1) of the Gambling Act 2005 for the meaning of the expression “horse-race course”.

(3) 2004 c. 25.

- (b) any other person acting in the course of a business carried on by the Tote in pursuance of that right.
- (3) Subsection (1) does not apply to any activity which—
 - (a) takes place on an approved horse-race course on a day on which horse races but no other races take place, and
 - (b) is carried out by a person acting in the course of an authorised pool betting business.
- (4) Subsection (1) does not apply to any activity by a person acting in the course of a sponsored pool betting business.
- (5) Subsections (2) and (3) do not apply to any activity by a person which infringes the right conferred on the Tote by section 14 of the 1963 Act whether or not those subsections would otherwise apply to the activity.
- (6) In paragraph (3) “authorised pool betting business” means a pool betting business carried on, with the authority of the Tote, by the persons having the management of the horse-race course referred to in sub-paragraph (a) of that paragraph.

Modification of section 163 of the Gambling Act 2005

- 4. Section 163 of the 2005 Act shall have effect in relation to an application by the Tote for a betting premises licence with the omission of subsection (2).

Modification of sections 336 to 338 of the Gambling Act 2005

- 5. Sections 336 to 338 of the Gambling Act 2005 shall apply to a bet accepted by or through—
 - (a) the Tote;
 - (b) a person carrying on a sponsored pool betting business; or
 - (c) the persons having the management of an approved horse-race course, where the act of accepting the bet is an activity to which article 3(3) applies,as those sections apply to a bet accepted by or through the holder of a pool betting operating licence.

19th July 2007

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