

SCHEDULE

Amendments to enactments relating to the Horserace Betting Levy

Betting, Gaming and Lotteries Act 1963

5. After section 27 insert—

“Profits as a bookmaker

27A. A bookmaker’s profits on leviable bets for a levy period are—

$$SM + OA - W$$

where—

SM is the aggregate of the stake money falling due to the bookmaker in the levy period on leviable bets;

OA is aggregate of any other amounts accruing to the bookmaker in the levy period in connection with leviable bets;

W is the aggregate of any winnings paid by the bookmaker in the levy period in respect of leviable bets (irrespective of when the bets were made or determined).

Stake money

27B.—(1) For the purposes of section 27A the stake money on a leviable bet is the aggregate of the amounts which fall due in respect of the bet.

(2) If the stake money falls due to a person other than the bookmaker with whom the bet is made, it is to be treated as falling due to the bookmaker.

(3) Where the bet is not a spread bet and the sum which the person who makes the bet will lose if unsuccessful is known when the bet is made, that sum is to be treated as falling due when the bet is made (irrespective of when it is actually paid or required to be paid).

(4) Where the person who makes the bet does so in pursuance of an offer which waives all or part of the amount which the person would have been required to pay to make the bet, the person is to be treated as being due to pay that amount—

- (a) to the bookmaker with whom the bet is made, and
- (b) at the time when the bet is made.

(5) But subsection (4) does not apply to the extent that—

- (a) the amount in question was won on a leviable bet made in pursuance of a previous offer which waived all or part of the amount which the person would have been required to pay to make the bet, and
- (b) the person was not entitled to use the amount otherwise than for the purpose of making a further leviable bet.

(6) In this section “spread bet” means a bet that constitutes a contract the making or accepting of which is a regulated activity within the meaning of section 22 of the Financial Services and Markets Act 2000.

Betting exchange commission

27C.—(1) This section applies where one person makes a leviable bet with another person using facilities provided in the course of a business by a third person (“the betting exchange provider”).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Any amount that any party to the bet is charged, whether by deduction from winnings or otherwise, for using those facilities is commission on the bet for the purposes of section 27(1B)(b).

(3) If the amount is charged by a person other than the betting exchange provider, it is to be treated for those purposes as charged by the betting exchange provider.

The exempt amount

27D.—(1) This section applies for the purpose of calculating the exempt amount for a levy period.

(2) Subsections (3) and (4) apply in relation to—

(a) a person who, at any time in the levy period, is a parent undertaking of one or more other undertakings, and

(b) those other undertakings.

(3) The undertakings are entitled to a single exempt amount of £500,000 between them for the levy period.

(4) The undertakings—

(a) may allocate the exempt amount between them as they think fit, and

(b) must notify the Levy Board in writing of any such allocation, and of any alterations to the allocation.

(5) In any other case, a person's exempt amount for the levy period is £500,000.

(6) In this section “undertaking” and “parent undertaking” have the meanings given by the Companies Act 2006 (see sections 1161 and 1162 of that Act).

Power to obtain information

27E.—(1) The Levy Board may by notice in writing require any person who appears to them to be liable to pay the levy under section 27 to provide them with information reasonably required by them for the purpose of assessing the person's liability under that section.

(2) The information must be provided in such manner and form, and within such reasonable period, as may be specified in the notice.

(3) Failure to comply with a requirement under this section does not affect a person's liability under section 27.”