



# Betting, Gaming and Lotteries Act 1963

## 1963 CHAPTER 2

### [<sup>F1</sup>PART I

#### BETTING

##### *The Totalisator Board and pool betting on horse races*

### 12 Horserace Totalisator Board.

[<sup>F1</sup>(1) There shall be a Horserace Totalisator Board (in this Act referred to as “the Totalisator Board”) which shall be a body corporate and have perpetual succession and a common seal.

(2) The Totalisator Board shall consist of [<sup>F2</sup>a chairman and such number of other members as the Secretary of State may determine, all of whom] shall be appointed by the Secretary of State and hold and vacate office in accordance with the terms of the respective instruments under which they are appointed.

(3) The Totalisator Board may pay to any member of the Board such remuneration, and travelling, subsistence or other allowances at such rates, as the Board may with the approval of the Secretary of State determine:

Provided that the Board shall not by virtue of this subsection have power to pay remuneration to any member of the Board who is for the time being a member of, or nominated as a candidate for election to, the House of Commons.

[<sup>F3</sup>(3A) The Board may pay such pension or gratuity to or in respect of any member of the Board as the Board may, with the approval of the Secretary of State, determine.]

(4) The Totalisator Board may appoint officers, servants and agents on such terms as to remuneration, pensions or otherwise as the Board may determine.

(5) The Totalisator Board may regulate their own procedure and make standing orders governing the conduct of their business.

*Status: Point in time view as at 01/09/2007.*

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- (6) No act or proceeding of the Totalisator Board shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any member having been defective.
- (7) Except where the context otherwise requires, any reference in any Act or other document to the Racecourse Betting Control Board shall be construed as a reference to the Totalisator Board.]

#### Textual Amendments

- F1** Act repealed (1.1.2007 for the repeal of Sch. 2 para. 10, 1.9.2007 in so far as not already in force) by [Gambling Act 2005 \(c. 19\)](#), ss. 356(3), 358(1), [Sch. 17](#) (with ss. 352, 354); S.I. 2006/3272, art. 2(1), [Sch. 1](#) (with arts. 7-12, Sch. 4); S.I. 2006/3272, art. 3 (as amended by S.I. 2007/2169, art. 4)
- F2** Words substituted by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\)](#), s. 2
- F3** S. 12(3A) inserted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 25(1)

#### Modifications etc. (not altering text)

- C1** Ss. 12, 14, 15 saved (1.9.2007) by the [Gambling Act 2005 \(Horserace Totalisator Board\) Order 2007 \(S.I. 2007/2102\)](#), arts. 1(1), 2

### <sup>F1</sup>13 Approval of horse racecourses by Totalisator Board.

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### 14 Functions of Totalisator Board with respect to betting on horse races.

<sup>F1</sup>(1) The Totalisator Board [<sup>F4</sup>shall have the exclusive right] to do, and to authorise other persons to do, either of the following things, that is to say—

- (a) to carry on pool betting business in any form on a recognised horse race; and
- (b) by way of business to receive or negotiate bets on a recognised horse race on terms that the winnings or any part thereof shall be calculated or regulated directly or indirectly by reference to the amounts or rates of any payments or distributions in respect of winning bets on that race made by way of sponsored pool betting;

and in giving any authority under this subsection the Board may do so on such terms, including terms as to payments to the Board, as the Board may think fit.

(2) Any infringement of the right conferred on the Totalisator Board by the foregoing subsection shall be actionable at the suit of the Board; and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the Board as is available to the plaintiff in any corresponding proceedings in respect of infringements of proprietary rights and, notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, a county court may, on the application of the Board, grant an injunction restraining an infringement or apprehended infringement of the right aforesaid whether or not any other relief is claimed; and for the purposes of this subsection the right aforesaid is infringed by any person who, without the authority of the Board—

- (a) does or authorises any other person to do anything such as is mentioned in subsection (1)(a) or (b) of this section; or

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- (b) by way of business holds himself out as willing to enter into any pool betting transaction on a recognised horse race, whether by way of sponsored pool betting or otherwise, or to receive or negotiate a bet on a recognised horse race on such terms as are mentioned in the said subsection (1)(b).

In the application of this subsection to Scotland, “suit” means instance, “injunction” means an interdict, “accounts” means count, reckoning and payment, and “plaintiff” means pursuer.

- (3) Where bets on a race or combination of races are made by way of sponsored pool betting, the Totalisator Board shall—
- (a) cause to be deducted from the aggregate amount staked either—
- (i) such percentage of that amount as may be determined from time to time by the Board, either generally or with respect to any particular racecourse; or
- (ii) if so determined as aforesaid, such percentage of such part of that amount as may be determined as aforesaid; and
- (b) cause the whole of the remainder of that amount to be distributed among the persons making such of those bets as are winning bets.
- (4) Where facilities for sponsored pool betting are being provided on an approved horse racecourse by the persons having the management of that racecourse, any amount deducted by those persons under subsection (3)(a) of this section shall be paid to the Totalisator Board, but the Board may pay to those persons the amount of the expenses shown to the satisfaction of the Board to have been properly incurred by those persons in connection with the provision of those facilities.
- (5) Without prejudice to section 12(4) of this Act, the Totalisator Board may remunerate any person, by the payment of commissions or otherwise, in respect of the negotiation, receipt or transmission by that person—
- (a) of bets to be made by way of sponsored pool betting; or
- (b) of bets such as are mentioned in subsection (1)(b) of this section to be made with the Board or, under the authority of the Board, with the persons having the management of an approved horse racecourse,
- and may provide facilities on any such racecourse for persons engaged in receiving bets to be so made.
- (6) Nothing in this Act shall be construed as restricting the betting transactions which may be effected by way of sponsored pool betting to betting transactions upon the result of a single race, or upon the results of races run on a particular racecourse or on a particular day, or as preventing the Totalisator Board from giving credit in any betting transaction.]

#### Textual Amendments

**F4** Words substituted by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 1\(5\)](#)

#### Modifications etc. (not altering text)

**C1** Ss. 12, 14, 15 saved (1.9.2007) by the [Gambling Act 2005 \(Horserace Totalisator Board\) Order 2007 \(S.I. 2007/2102\)](#), arts. 1(1), 2

**C2** S. 14(3) modified in its application to pool betting by means of facilities provided by the Totalisator Board by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 1\(3\)](#)

**C3** S. 14(4) amended by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 4\(1\)](#)

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**C4** S. 14(5) explained by [Horsrace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 1\(4\)](#)

## 15 Additional powers and duties of Totalisator Board.

[<sup>F1</sup>(1) The Totalisator Board shall have power—

- (a) to acquire and hold such land as may be reasonably required for the purposes of any of their functions and to sell or lease any land held by them which is not required for those purposes;
- (b) to borrow for the purposes of any of their functions and to give security for any moneys borrowed by them;
- (c) to make such loans or investments as they judge desirable for the proper conduct of their affairs, being loans or investments either—
  - (i) such as, under the enactments for the time being in force, a trustee would by authorised to make out of trust funds; or
  - (ii) approved, or of a description approved, by the Secretary of State;
- (d) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.

(2) Subject to section 14(3) to (5) of this Act, the Totalisator Board shall apply any moneys from time to time available in their hands—

- (a) in providing for the payment of rates, taxes, charges, expenses and other outgoings;
- (b) in making provision for the payment of any contribution for the time being payable by them under section 30 of this Act;
- (c) in making such other provision in connection with any of their functions as they think proper.]

### Modifications etc. (not altering text)

**C1** Ss. 12, 14, 15 saved (1.9.2007) by the [Gambling Act 2005 \(Horsrace Totalisator Board\) Order 2007 \(S.I. 2007/2102\)](#), arts. 1(1), 2

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