
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision with respect to the Horserace Totalisator Board (“the Tote”).

Article 2 of the Order saves sections 12, 14 and 15 of the Betting, Gaming and Lotteries Act 1963 (“the 1963 Act”) until the date on which the Tote is dissolved under section 1 of the Horserace Betting and Olympic Lottery Act 2004. Section 12 provides for the establishment of the Tote; section 14 provides for the Tote to have exclusive rights in relation to horserace pool betting; and section 15 confers other functions on the Tote. The 1963 Act is repealed by the Gambling Act 2005. Article 2 also provides for section 14 to have effect subject to the modification that specified expressions set out in the table in the Schedule to the Order have the meanings given in that table.

Articles 3 to 5 of the Order modify provisions of the Gambling Act 2005 (“the 2005 Act”) in their application to the Tote and pool betting provided in pursuance of section 14 of the 1963 Act.

Article 3 modifies section 33 of the 2005 Act (which makes it an offence to provide facilities for gambling subject to specified exceptions) so that the offence does not apply in the circumstances specified in paragraphs (2) to (4) of article 3. Paragraph (5) of article 3 modifies section 33 so that the exemptions from the offence provided by subsections (2) and (3) of that section do not apply where the activity concerned infringes the right conferred on the Tote by section 14 of the 1963 Act.

Article 4 modifies section 163 of the 2005 Act so that it has effect in relation to an application for a betting premises licence by the Tote with the omission of subsection (2) (which prevents an application from being granted where the applicant does not hold an operating licence authorising the activity in respect of which the premises licence is sought).

Article 5 modifies sections 336 to 338 of the 2005 Act (which enable the Gambling Commission to void bets in specified circumstances) so that those sections apply to bets accepted by or through the persons referred to in sub-paragraphs (a) to (c) of that article as they apply to bets accepted by or through the holder of a pool betting operating licence.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.