



Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

PART I

BETTING

General restrictions on betting

1 Restriction on use of premises for betting transactions with persons resorting thereto.

(1) Subject to [F1subsections (4A) and (5)] of this section and section 9(1) of this Act, no person shall—

(a) save as permitted by section 4(1) of this Act, use any premises, or cause or knowingly permit any premises to be used, as a place where persons resorting thereto may effect pool betting transactions; or

(b) use, or cause or knowingly permit any other person to use, any premises for the purpose of the effecting of any other betting transactions by that person or, as the case may be, that other person with persons resorting to those premises;

and every person who contravenes any of the provisions of this subsection shall be guilty of an offence:

Provided that paragraph (b) of this subsection shall not apply where both the person using the premises as mentioned in that paragraph and all the persons with whom the betting transactions so mentioned are effected—

(i) either reside or work on those premises or on premises of which those premises form part; or

(ii) are, or are acting on behalf of, holders of bookmaker's permits which are for the time being in force.

(2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of the foregoing subsection shall be liable on summary conviction to a fine not exceeding [F2level 3 on the standard scale].

Status: Point in time view as at 14/11/1994.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, Cross Heading: General restrictions on betting is up to date with all changes known to be in force on or before 16 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) For the purposes of the last foregoing subsection, proof that any person was on any premises while they were being used as mentioned in that subsection shall be evidence that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.
- (4) The last foregoing subsection shall not apply to Scotland, but, in any proceedings in Scotland under subsection (2) of this section, if any person is proved to have been on any premises while they were being used as mentioned in the said subsection (2), that person shall be held to have resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.
- [^{F3}(4A) Subject to subsections (4B) and (4C) of this section, subsection (1)(a) of this section shall not apply to the use of premises as a place where persons may deliver—
- (a) completed coupons or other entry forms for qualifying competitions promoted by a registered pool promoter in the course of his pool betting business; and
 - (b) the stake money in respect of such coupons or other entry forms; for forwarding to the registered pool promoter.
- (4B) Subsection (4A) of this section shall not affect the operation of subsection (1)(a) of this section in relation to any premises of a class or description for the time being prescribed for the purposes of this subsection.
- (4C) In subsection (4A) of this section, the reference to coupons or other entry forms for qualifying competitions does not include any coupon or other entry form that can effect entry to a competition that is not a qualifying competition.
- (4D) In subsections (4A) and (4C) of this section, “qualifying competition” means a competition—
- (a) that is a competition for prizes for making forecasts as to association football games to be played on a Saturday, a Sunday or a day that is a bank holiday in England and Wales or in Scotland under the ^{M1}Banking and Financial Dealings Act 1971, and
 - (b) that requires each entry in the competition to consist of a forecast as to at least four such games.]

(5) Subsection (1)(b) of this Section shall not apply—

 - (a) to anything done on an approved horse racecourse on a day on which horse races but no other races take place thereon;
 - (b) subject to the next following subsection, to anything done on any track on any day on which under sections 5, 6 and 20 of this Act bookmaking may lawfully be carried on on the track.

(6) Nothing in subsection 5(b) of this section shall affect the operation of subsection (1)(b) of this section in relation to the use on a track which is not an approved horse racecourse by a bookmaker for the purposes of his business—

 - (a) of any permanent structure other than a structure used by him in common with members of the public resorting to the track; or
 - (b) of any position specially appropriated for the use of that particular bookmaker by, or by any person purporting to act on behalf of, the occupier of the track.

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Textual Amendments

- F1** Words in s. 1(1) substituted (14.11.1994) by 1993, c. 39, s. 56(2); S.I. 1994/2659, art. 2
- F2** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G
- F3** S. 1(4A)-(4D) inserted (14.11.1994) by 1993 c. 39, s. 56(3); S.I. 1994/2659, art. 2

Modifications etc. (not altering text)

- C1** S. 1(1) extended (E.W.) by Licensing Act 1964 (c. 26), s. 100(4)(c)

Marginal Citations

- M1** 1971 c. 80.

2 Restriction on bookmaking except under bookmaker's permit.

- (1) No person shall act as a bookmaker on his own account unless he is the holder of a permit authorising him so to act (in this Act referred to as a “bookmaker’s permit”) which is for the time being in force; and if any person acts as a bookmaker in contravention of this subsection he shall be guilty of an offence:
Provided that this subsection shall not apply to the receiving or negotiating by a registered pool promoter of bets made by way of pool betting.
- (2) Schedule 1 to this Act shall have effect for the purposes of bookmaker’s permits.
- (3) If the holder of a bookmaker’s permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to a fine not exceeding [^{F4}level 1 on the standard scale].

Textual Amendments

- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

3 Agent of bookmaker or Totalisator Board to be authorised and registered.

- (1) No person shall by way of business receive or negotiate bets as servant or agent to another bookmaker or to the Totalisator Board unless—
- he has attained the age of twenty-one years; and
 - he is authorised in that behalf in writing in the prescribed form by that other bookmaker or, as the case may be, by the said Board; and
 - in the case of a person acting as servant or agent to another bookmaker, that other bookmaker is the holder of a bookmaker’s permit or betting agency permit:
- Provided that this subsection shall not apply to any person who is the holder of such a permit as aforesaid, or who receives or negotiates bets as aforesaid on premises occupied by the holder of such a permit or by the said Board.
- (2) If any bet is received or negotiated by any person as servant or agent to another bookmaker or to the said Board in contravention of the foregoing subsection, both that

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person and that other bookmaker or, as the case may be, the Board shall be guilty of an offence.

- (3) The said Board and every bookmaker who is the holder of a bookmaker's permit or betting agency permit shall keep a register in the prescribed form showing every person who is for the time being authorised for the purposes of subsection (1) of this section by that Board or, as the case may be, by that bookmaker, and shall not grant any such authorisation without making the appropriate entry in that register; and if any person contravenes any of the requirements of this subsection he shall, in respect of each contravention, be guilty of an offence.
- (4) If any person who holds any authority in writing issued for the purposes of subsection (1) of this section or who is required by subsection (3) of this section to keep a register, on being required by a constable to produce that authority or, as the case may be, register for examination, refuses or without reasonable cause fails so to do, he shall be guilty of an offence.
- (5) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of offences under subsection (2) or subsection (3) of this section, on a second or any subsequent conviction under the same subsection, to a fine not exceeding fifty pounds.
- (6) Nothing in this section shall apply to the receiving or negotiating by any person as servant of agent to a registered pool promoter of bets made by way of pool betting.

Modifications etc. (not altering text)

- C2** To s. 3(5) there are applied (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 35 (in relation to liability on first and subsequent convictions), s. 38 (increase of fines) and s. 46 (substitution of references to levels on the standard scale) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289E (in relation to liability on first and subsequent convictions), s. 289F (increase of fines) and s. 289G (substitution of references to levels on the standard scale)

4 Restriction of pool betting.

- (1) No pool betting business shall be carried on on any track except—
 - (a) on an approved horse racecourse on a day on which horse races but no other races take place thereon, by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse; or
 - (b) on a dog racecourse which is a licensed track, by means of a totalisator operated in accordance with the provisions of section 16 of this Act by, or by a person authorised in that behalf in writing by, the occupier of the track;
 and every person who contravenes the provisions of this subsection shall be guilty of an offence:
 Provided that nothing in this subsection shall prohibit a person from receiving or negotiating bets on an approved horse racecourse with a view to those bets being made by way of sponsored pool betting.
- (2) No person shall carry on any pool betting business otherwise than on a track unless he is a registered pool promoter, that is to say, a person who is registered for the purpose and whose registration is for the time being in force; and any person who carries on any business in contravention of this subsection shall be guilty of an offence:
 Provided that this subsection shall not apply to sponsored pool betting business.

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- (3) Schedule 2 to this Act shall have effect for the purposes of the registration of a person as, and the conduct of his pool betting business by, a registered pool promoter.

5 Restriction of betting on tracks.

- (1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track—

- (a) F5
(b) on any Good Friday, Christmas Day or Sunday; . . . F5
(c) F5

- (1A) F6

- (2) If bookmaking is carried on, or a totalisator is operated, by any person on any track on a day on which betting on that track is prohibited by this section, that person, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

- (3) Where facilities for pool betting provided on an approved horse racecourse by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse are provided otherwise than by means of a totalisator, subsections (1) and (2) of this section shall have effect as if the provision of those facilities were the operation of a totalisator by that Board or, as the case may be, by those persons.

Textual Amendments

- F5** S. 5(1)(a)(c) and word repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.
F6 Ss. 5(1A), 6(2), 7, 16(1)(a) repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.

6 Restriction of bookmaking on tracks.

- (1) Except on an approved horse racecourse on a day on which that racecourse is used only for the purpose of horse races, bookmaking shall not be carried on on any track unless the occupier of the track is the holder of a licence authorising the provision of betting facilities on that track granted and for the time being in force under Schedule 3 to this Act (in this Act referred to as a “track betting licence”):

Provided that this subsection shall not apply in relation to anything done on any track on any day if—

- (a) during the period of twelve months in which that day falls, being a period beginning with 1st July in any year, bookmaking has not been carried on on that track on more than seven previous days; and
(b) notice of the intention to permit bookmaking on that track on that day has been given by post not less than seven clear days beforehand by the occupier

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of the track to the chief officer of police for any police area in which the track or any part thereof is situated.

(2) F7

(3) If bookmaking is carried on by any person on any track on any day in contravention of this section, that person and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

Textual Amendments

F7 Ss. 5(1A), 6(2), 7, 16(1)(a) repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.

7 F8

Textual Amendments

F8 Ss. 5(1A), 6(2), 7, 16(1)(a) repealed by Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18, SIF 12:1), s. 1, Sch.

8 Prohibition of betting in streets and public places.

(1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purposes of bookmaking, betting, agreeing to bet, or paying, receiving or settling bets shall be liable on summary conviction—

- (a) to a fine not exceeding [F9one hundred pounds][F9level 4 on the standard scale]; or
(b) in the case of a second conviction for an offence under this section, to a fine not exceeding [F9two hundred pounds][F9level 4 on the standard scale]; or
(c) in the case of a third or any subsequent conviction for an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding [F9two hundred pounds][F9level 4 on the standard scale], or to both,

and shall in any case be liable to forfeit all books, cards, papers and other articles relating to betting which may be found in his possession:

Provided that this subsection shall not apply to anything done on any ground used, or adjacent to ground used, for the purpose of a racecourse for racing with horses on a day on which horse races take place on that racecourse.

[F10F11(2) Any constable may take into custody without warrant any person found committing an offence under this section and may seize and detain any article liable to be forfeited thereunder.]

[F10(2) Where a person is found committing an offence under this section, any constable may seize and detain any article liable to be forfeited under this section.]

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- (3) Notwithstanding anything in section 52(3) of this Act, a conviction for an offence under the ^{M2}Street Betting Act 1906 shall be deemed to have been a conviction for an offence under this section only if the offence was committed after 1st December 1961.
- (4) In this section—
- (a) the expression “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public and, in the application of this Act to Scotland, includes also any common close or common stair; and
 - (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

Textual Amendments

- F9** Words “level 4 on the standard scale” substituted (S.) for “one hundred pounds” and for “two hundred pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**
- F10** [S. 8\(2\)](#) commencing “Where a person” substituted (E.W.) for [s. 8\(2\)](#) commencing “Any constable may” by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [s. 119\(1\)](#), **Sch. 6 para. 12**
- F11** [S. 8\(2\)](#) commencing “Where a person” substituted (E.W.) for [s. 8\(2\)](#) commencing “Any constable may” by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [s. 119\(1\)](#), **Sch. 6 para. 12**

Modifications etc. (not altering text)

- C3** To [s. 8\(1\)](#) there are applied (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 35** (in relation to liability on first and subsequent convictions), [s. 38](#) (increase of fines) and [s. 46](#) (substitution of references to levels on the standard scale) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289E** (as inserted by [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#)), [s. 54](#) (in relation to liability on first and subsequent convictions)

Marginal Citations

- M2** [1906 c. 43](#).

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