



# Betting, Gaming and Lotteries Act 1963

## 1963 CHAPTER 2

### PART V

#### GENERAL

#### 51 Search warrants.

- (1) If a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an offence under this Act is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter those premises, if necessary by force, [<sup>F1</sup>at any time within fourteen days from the time of the issue of the warrant] and search them; and any constable who enters the premises under the authority of the warrant may—
- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of any such offence; and
  - (b) [<sup>F1</sup>arrest and] search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.
- (2) In its application to Scotland the foregoing subsection shall have effect as if for the reference to a justice of the peace there were substituted a reference to the sheriff or a magistrate or justice of the peace having jurisdiction in the place where the premises are situated.

#### Textual Amendments

**F1** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(2), [Sch. 7 Pt. I](#)

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

**C1** [S. 51](#) modified (E.W.) (*prosp.*) by [2001 c. 16, ss. 55, 68, 138\(2\)](#), [Sch. 1 Pt. III para. 89](#) (with s. 57(3))

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**C2** S. 51(1) powers of seizure extended (E.W.) (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. I para. 6**

**52 Penalties and forfeitures.**

(1) A person guilty of an offence under any of the following provisions of this Act, that is to say, sections 1(1), 2(1), 4, 5, 6, 16, 32(4) . . . <sup>F2</sup> paragraph 29 of Schedule 2 and paragraph 17 of Schedule 5, shall be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds or to both; or
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both.

(1A) . . . . . <sup>F3</sup>

(2) A person guilty of an offence under any provision of this Act not mentioned in the foregoing subsection, being a provision which does not specify any other penalty, shall be liable—

- [<sup>F4</sup>(a) on summary conviction, to a fine not exceeding fifty pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred pounds or to both; or
- (b) on conviction on indictment, to a fine not exceeding three hundred pounds or, in the case of a second or any subsequent conviction for an offence under the same provision, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both.]

[<sup>F4</sup>on summary conviction to a fine not exceeding [<sup>F5</sup>level 5 on the standard scale] or to imprisonment for a term not exceeding six months or to both]

(3) Subject to section 8(3) of this Act for the purposes of any provision of this Act with respect to a second or subsequent conviction, a conviction for an offence under any provision repealed by this Act shall be deemed to have been a conviction for the like offence under the corresponding provision of this Act.

(4) The court by or before whom a person is convicted of any offence under this Act may order anything produced to the court and shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

**Textual Amendments**

**F2** Words repealed by [Lotteries Act 1975 \(c. 58\)](#), **Sch. 5**

**F3** [Ss. 41–50, 52\(1A\), 54, 55\(2\)](#) repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), **Sch. 5**

**F4** Words from “on summary” to “both” substituted for paras. (a)(b) (E.W.) by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 30, **Sch. 1 para. 17** and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289A, **Sch. 7A para. 13** and amendment continued (S.) (1.4.1996) by [1995 c. 40, ss. 3, 7\(2\)](#), **Sch. 1 para. 1, Sch. 2 Pt. I**

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**F5** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### 53 Offences by bodies corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) In the foregoing subsection, the expression “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry of part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

54 ..... <sup>F6</sup>

#### Textual Amendments

**F6** [Ss. 41–50,52\(1A\),54,55\(2\)](#) repealed by [Lotteries and Amusements Act 1976 \(c. 32\)](#), [Sch. 5](#)

### 55 Interpretation, etc.—general.

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“approved horse racecourse” means any ground in respect of which there is for the time being in force a certificate of approval of that ground as a horse racecourse issued by the [<sup>F7</sup>Levy Board] under section 13 of this Act;

[<sup>F8</sup>“bet” does not include any bet made or stake hazarded in the course of, incidentally to, any gaming]

“betting agency permit” has the meaning assigned by section 9(2) of this Act;

“betting office licence” has the meaning assigned by section 9(1) of this Act;

“betting transaction” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

“bookmaker” means any person other than the Totalisator Board who—

- (a) whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations; or
- (b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations,

so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact—

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- (i) that he carries on, or is employed in, sponsored pool betting business; or
- (ii) that he operates, or is employed in operating, a totalisator;

and the expression “bookmaking” shall be construed accordingly;

“Bookmakers’ Committee” means the committee established in accordance with section 26 of this Act;

“bookmaker’s permit” has the meaning assigned by section 2(1) of this Act;

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“dog race” means a race in which an object propelled by mechanical means is pursued by dogs, and “dog racecourse” shall be construed accordingly;

[<sup>F9</sup>“game of chance” and “gaming” have the same meanings as in the <sup>M1</sup>Gaming Act 1968]

“the Levy Board” means the Horse race Betting Levy Board established in accordance with section 24 of this Act;

“levy period” has the meaning assigned by section 27(1) of this Act;

“licensed betting office” means premises in respect of which a betting office licence is for the time being in force;

“licensed track” means a track in respect of which a track betting licence is for the time being in force;

“licensee” in relation to a licensed betting office, means the holder of the betting office licence for the time being in force in respect of that office;

“money” includes a cheque, banknote, postal order or money order;

<sup>F10</sup>

“player”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet;

“pool betting” has the same meaning as for the purposes of [<sup>F11</sup>the Betting and Gaming Duties Act 1981];

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

“premises” includes any place and, in sections 1, 32 and 33 of this Act, also includes any vessel;

“prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and any such regulations may make different provision for different circumstances;

[<sup>F12</sup>“qualified accountant” means a person who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989;]

“recognised horse race” means a horse race run on an approved horse racecourse on a day when horse races and no other races take place on that racecourse;

“registered pool promoter” has the meaning assigned by section 4(2) of this Act;

“sponsored pool betting” means pool betting by means of facilities provided by the Totalisator Board or provided on an approved horse racecourse with the authority of that Board by the persons having the management of that racecourse;

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“ticket”, in relation to any lottery or proposed lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

“totalisator” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not;

“the Totalisator Board” means the Horserace Totalisator Board established in accordance with section 12 of this Act;

“track” means premises on which races of any description, athletic sports or other sporting events take place;

“track betting licence” has the meaning assigned by section 6(1) of this Act;

“winnings” includes winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

(2) . . . . . F13

(3) . . . . . F14

(4) . . . . . F15 the M2 Statutory Instruments Act 1946 shall apply to any instrument made in pursuance. . . . . F15 of the power conferred on the Lord President of the Court of Session by section 29(3) of this Act in like manner as if that power had been conferred on a Minister of the Crown.

(5) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

#### Textual Amendments

- F7 Words substituted by [Horserace Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 5\(1\)](#)
- F8 Definition added by [Gaming Act 1968 \(c. 65\), Sch. 11 Pt. I](#)
- F9 Definition substituted by [Gaming Act 1968 \(c. 65\), Sch. 11 Pt. I](#)
- F10 Definition of “newspaper” repealed by [Lotteries and Amusements Act 1976 \(c. 32\), Sch. 5](#)
- F11 Words substituted by [Betting and Gaming Duties Act 1981 \(c. 63, SIF 12:2\), s. 34\(1\), Sch. 5 para. 1](#)
- F12 [S. 55\(1\)](#): definition of ‘qualified accountant’ substituted by [S.I. 1991/1997, arts. 2, 4, Sch. para.11](#)
- F13 [S. 55\(2\)](#) repealed by [Lotteries and Amusements Act 1976 \(c. 32\), Sch. 5](#)
- F14 [S. 55\(3\)](#) repealed by [Administration of Justice Act 1964 \(c. 42\), Sch. 5](#)
- F15 Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\), s. 10, Sch. Pt. I](#)

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

- C3 Functions of Board of Trade now exercisable by Secretary of State concurrently with Board of Trade: [S.I. 1970/1537](#)

#### Marginal Citations

- M1 [1968 c. 65.](#)
- M2 [1946 c. 36.](#)

## 56 Consequential amendments in other Acts.

(1) . . . . . F16

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(2) ..... F17

**Textual Amendments**

- F16 S. 56(1) repealed by [Billiards \(Abolition of Restrictions\) Act 1987 \(c. 19\), s. 1, Sch.](#)
- F17 S. 56(2)(3) repealed by [Licensing Act 1964 \(c. 26\), Sch. 15](#)

**57 Repeals and savings.**

(1) ..... F18

- (2) Where any provision contained in any local Act passed before the <sup>M3</sup>Betting and Gaming Act 1960 appears to the Secretary of State to have been superseded by, or to be inconsistent with, any enactment contained in this Act, being an enactment corresponding to any enactment in the said Act of 1960 which is repealed by this Act, the Secretary of State may by order made by statutory instrument, a draft of which shall be laid before Parliament, specify that provision for the purposes of this subsection; and, without prejudice to the operation in the meantime of any rule of law relating to the effect on any such provision of any such enactment, any provision so specified is hereby repealed as from the date of the making of the order.
- (3) Any regulation, licence, permit, register or other instrument or document whatsoever made, issued or kept, and any other thing done, under or by virtue of any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made or issued, to be kept, or to have been done, as the case may be, under the corresponding provision of this Act; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.
- (4) So much of any enactment or document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.
- (5) Nothing in this section . . . <sup>F19</sup> shall be taken as affecting the general application of section 38 of the <sup>M4</sup>Interpretation Act 1889 with regard to the effect of repeals.

**Textual Amendments**

- F18 S. 57(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)
- F19 Words repealed by [Licensing Act 1964 \(c. 26\), Sch. 15](#)

**Marginal Citations**

- M3 1960 c. 60.
- M4 1889 c. 63.

**58 Short title, extent and commencement.**

- (1) This Act may be cited as the Betting, Gaming and Lotteries Act 1963.
- (2) This Act shall not extend to Northern Ireland.
- (3) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.

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