

Status: Point in time view as at 10/02/1997. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, Cross Heading: Cancellation of bookmaker’s permit by appropriate authority is up to date with all changes known to be in force on or before 04 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)

SCHEDULES

SCHEDULE 1

BOOKMAKER’S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES

Modifications etc. (not altering text)

C1 Sch. 1 amended by [Gaming Act 1968 \(c. 65\)](#), s. 11, Sch. 2 para. 1(1), [Sch. 3 para. 1\(1\)](#)

Cancellation of bookmaker’s permit by appropriate authority

- 26 If in the case of any bookmaker’s permit an application is made at any time to the clerk to the appropriate authority by any person in the prescribed form and manner requesting that the permit be forfeited and cancelled and accompanied by two copies of a statement of the grounds on which the application is made, the clerk to the authority shall submit the application to any one member of the authority who, after considering the statement accompanying the application—
- (a) if he is of opinion—
 - (i) that further consideration of the matters referred to in that statement is unnecessary or inexpedient before the renewal of the permit falls to be considered; or
 - (ii) that the authority would be required by virtue of paragraph 27(3) of this Schedule to refuse the application,shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit;
 - (b) unless he is of such opinion as aforesaid shall refer the application to the appropriate authority.
- 27 (1) Where an application for the cancellation of a permit is referred to the appropriate authority under the last foregoing paragraph, the clerk to the authority shall, unless the application has been withdrawn, give to the applicant, to the holder of the permit and to the appropriate officer of police not less than twenty-one days notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the permit together with that notice a copy of the applicant’s statement of the grounds on which the application is made.
- (2) Subject to the next following sub-paragraph, at any meeting of the appropriate authority to consider the application, the applicant and the holder of the permit shall be entitled to be heard either in person or by counsel or a solicitor; and where the applicant is a person other than the appropriate officer of police, the authority shall also hear any representations made by, or by any person authorised in that behalf by,

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that officer; and paragraphs 13 and 14 of this Schedule shall apply in relation to the application as they apply in relation to the application as they apply in relation to an application for the renewal of a permit, subject to the following modifications of the said paragraph 14, that is to say—

- (a) as if the reference therein to the applicant for renewal were a reference to the holder of the permit; and
 - (b) as if the reference therein to any person who made an objection as mentioned in that paragraph were a reference to the person by whom the application under paragraph 26 of this Schedule was made.
- (3) The appropriate authority shall refuse the application if they are satisfied that it is made on grounds which—
- (a) have been or ought properly to have been raised previously by way of objection either when the permit was granted or on an occasion when it has been renewed; or
 - (b) are or have been the subject matter of proceedings for such an offence as is mentioned in section 11(1) of this Act.
- (4) The appropriate authority shall not cancel the permit unless—
- (a) satisfactory evidence is produced that the holder is no longer a fit and proper person to hold such a permit; or
 - (b) the authority are satisfied that the business to which it relates is being managed by, or carried on for the benefit of, a person other than the holder, being a person who would himself be refused the grant of such a permit either under paragraph 15 or under paragraph 16(1)(a) of this Schedule ^{F1}; or
 - (c) ^{F1}the authority are satisfied that the holder of the permit or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.]:
- Provided that for the purposes of this sub-paragraph the authority shall disregard any conviction such as is mentioned in paragraph 18 of this Schedule.
- (5) If the appropriate authority decide not to cancel the permit, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit.
- (6) If the appropriate authority decide to forfeit and cancel the permit, the forfeiture and cancellation shall not take effect—
- (a) until the expiration of the time within which notice of an appeal under the next following paragraph may be given; or
 - (b) if such notice is duly given, until the determination or abandonment of the appeal.

Textual Amendments

F1 Sch. 1 para. 27(4)(c) inserted (21.12.1993) by 1993 c. 39, s. 18(4); S.I. 1993/2632, art.3 (with art. 4).

Modifications etc. (not altering text)

C1 Para. 27(1)(2) amended by Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6

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C2 Para. 27(4)(a) extended by Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6

- 28 (1) Where the appropriate authority decide to forfeit and cancel a bookmaker’s permit on an application under paragraph 26 of this Schedule, the holder of the permit may appeal against that decision to [^{F2}the Crown Court] (or in Scotland the sheriff), whose decision on the appeal shall be final.
- (2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and . . . ^{F3}, paragraph 24(1) of this Schedule shall apply for the purposes of an appeal under this paragraph against the forfeiture and cancellation of a bookmaker’s permit as they apply for the purposes of an appeal against the refusal of an application for the renewal of such a permit subject to the following modifications, that is to say—
- (a) as if any reference therein to the applicant for renewal were a reference to the holder of the permit; and
 - (b) as if any reference therein to a person who opposed the application before the appropriate authority were a reference to the person by whom the application under paragraph 26 of this Schedule was made;
- and, in the case of an appeal to the sheriff under this paragraph, the sheriff may make such order as to the expenses of the appeal as he thinks proper.

Textual Amendments

- F2** Words substituted by Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. 1
F3 Words repealed by S.I. 1971/1292

VALID FROM 01/09/1997

Cancellation of betting office licence by appropriate authority

- [^{F4}28A(1) This paragraph applies where—
- (a) a person makes an application to the clerk to the appropriate authority requesting that a betting office licence be forfeited and cancelled, and
 - (b) the application is—
 - (i) made in the prescribed form and manner, and
 - (ii) accompanied by two copies of a statement of the grounds on which the application is made.
- (2) The clerk to the authority shall submit the application to any one member of the authority who shall consider whether it is necessary or expedient for the matters referred to in the statement to be given further consideration before the renewal of the licence falls to be considered.
- (3) If the conclusion under sub-paragraph (2) of this paragraph is that further consideration of those matters before then is not necessary or expedient, the member shall cause the applicant to be given notice in writing that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the licence.

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- (4) If the conclusion under sub-paragraph (2) of this paragraph is that further consideration of those matters before then is necessary or expedient, the member shall refer the application to the appropriate authority.]

Textual Amendments

F4 Sch. 1 paras. 28A-28D inserted (1.9.1997) by **S.I. 1997/947, art. 5(1)**

VALID FROM 01/09/1997

- ^{F5}28B (1) This paragraph applies where under paragraph 28A of this Schedule an application for the cancellation of a betting office licence is referred to the appropriate authority.
- (2) Unless the application is withdrawn, the clerk to the authority shall give not less than twenty-one days’ notice in writing of the date, time and place appointed for the consideration of the application by the authority to—
- (a) the applicant,
 - (b) the holder of the licence,
 - (c) the appropriate officer of police, and
 - (d) the Collector of Customs and Excise for the area in which the relevant premises are situated.
- (3) The clerk to the authority shall send with the notice under sub-paragraph (2)(b) of this paragraph a copy of the applicant’s statement of the grounds on which the application is made.
- (4) At any meeting of the authority to consider the application—
- (a) the applicant and the holder of the licence shall be entitled to be heard either in person or by counsel or a solicitor,
 - (b) where the applicant is not the appropriate officer of police, the authority shall also hear any representation made by him, or a person authorised by him, and
 - (c) where the application is not the Commissioners of Customs and Excise, the authority shall also hear any representation made by them, or a person authorised by them.
- (5) The authority shall forfeit and cancel the licence if they are not satisfied—
- (a) that the relevant premises are enclosed, and
 - (b) that there are means of access between the relevant premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions,
- but, apart from that, may only do so on the ground that the relevant premises fall within sub-paragraph (6) of this paragraph.
- (6) The relevant premises fall within this sub-paragraph if—
- (a) having regard to their layout, character or condition, they are not suitable for use as a licensed betting office,

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- (b) they have not been properly conducted under the licence, or
 - (c) they have not been used as a licensed betting office in the period of twelve months ending with the date on which the application is made and the licence has been in force for at least twelve months.
- (7) The authority may from time to time adjourn consideration of the application.
- (8) On consideration of the application, the authority make take evidence on oath and may make such order as they think fit for the payment of costs or, in Scotland, expenses—
- (a) by the applicant to the holder of the licence, or
 - (b) by the holder of the licence to the applicant.
- (9) If the authority decide not to cancel the licence, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the licence.
- (10) If the authority decide to forfeit and cancel the licence, the forfeiture and cancellation shall not take effect—
- (a) until the end of the time within which notice of an appeal under paragraph 28C or, as the case may be, 28D of this Schedule may be given, or
 - (b) if such notice is duly given, until the determination or abandonment of the appeal.
- (11) Where an order for the payment of costs is made under sub-paragraph (8) of this paragraph by an authority in England and Wales, the costs shall be recoverable summarily as a civil debt.

Textual Amendments

F5 Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/974, art. 5(1)

VALID FROM 01/09/1997

- ^{F6}28C (1) Where on an application under paragraph 28A of this Schedule an appropriate authority in England and Wales decide to forfeit and cancel a betting office licence, they shall forthwith notify the holder of the licence of the decision, and within twenty-one days of being so notified, he may by notice to the clerk to the authority appeal against the refusal to the Crown Court.
- (2) As soon as practicable after receiving notice of appeal under sub-paragraph (1) of this paragraph, the clerk to the authority shall send the notice to the appropriate officer of the Crown Court together with a statement of—
- (a) the decision from which the appeal is brought,
 - (b) the name and last known residence or place of business of the appellant, and
 - (c) the name and last known residence or place of business of the person whose application under paragraph 28A of this Schedule led to the decision appealed against.

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- (3) On receipt of notice of appeal under sub-paragraph (2) of this paragraph, the appropriate officer of the Crown Court shall enter the appeal and give not less than seven days notice in writing of the date, time and place appointed for the hearing of the appeal to—
- (a) the appellant,
 - (b) the person mentioned in sub-paragraph (2)(c) of this paragraph,
 - (c) the authority whose decision is appealed against, and
 - (d) the appropriate officer of police.
- (4) The decision of the Crown Court on an appeal under this paragraph shall be final.

Textual Amendments

F6 Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, art. 5(1)

VALID FROM 01/09/1997

- ^{F7}28D (1) Where on an application under paragraph 28A of this Schedule an appropriate authority in Scotland decide to forfeit and cancel a betting office licence, they shall forthwith notify the holder of the licence of the decision and he may appeal, within such time and in accordance with such rules as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority’s area.
- (2) The decision of the sheriff on an appeal under this paragraph shall be final.

Textual Amendments

F7 Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, art. 5(1)

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