

## SCHEDULES

### SCHEDULE 1

#### BOOKMAKER'S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES

##### *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authority under the last foregoing paragraph, the clerk to the authority shall, unless the application has been withdrawn, give to the applicant, to the holder of the permit and to the appropriate officer of police not less than twenty-one days notice in writing of the date, time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, that officer; and paragraphs 13 and 14 of this Schedule shall 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

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*Status: This is the original version (as it was originally enacted).*

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- (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 :
- 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.
- 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 a court of quarter sessions (or in Scotland the sheriff) having jurisdiction in the authority's area, whose decision on the appeal shall be final.
- (2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and 22 (or, as the case may be, 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.