

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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 3

Section 6.

LICENSING OF TRACKS FOR BETTING

Modifications etc. (not altering text)

- C1** Sch. 3 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 6\(1\)\(2\)](#)
Sch. 3: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#) Table B(7)
- C2** Authority empowered to grant licences under Sch. 3 in relation to Greater London now the Greater London Council: [London Government Act 1963 \(c. 33\)](#), s. [53\(1\)](#)

Licensing authorities and interpretation

- 1 ^{F1}Paragraphs 1, 2 and 3][^{F1}Paragraph 1] of Schedule 2 to this Act shall have effect with respect to licensing authorities for the purposes of this Schedule . . . ^{F2} as if—
- (a) in sub-paragraph (1) of the said paragraph 1 for the words “the registering authority” there were substituted the words “the licensing authority”; and
- (b) any reference in [^{F1}those paragraphs][^{F1}that paragraph] to the said Schedule 2, . . . ^{F3}, were a reference to this Schedule.

Textual Amendments

- F1** Words “Paragraph 1” and “that paragraph” substituted for words “Paragraphs 1, 2 and 3” and “those paragraphs” (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 24 para. 27\(1\)](#)
- F2** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 16, 102(2), [Sch. 8 para. 6\(1\)\(a\)](#) (2), Sch. 17
- F3** Words repealed by [Police Act 1964 \(c. 48\)](#), [Sch. 10 Pt. I](#)

- 2 In this Schedule, except where the context otherwise requires—
- (a) any reference to a track shall be construed as including a reference to the site of a proposed track;
- (b) in relation to any particular track, any reference to the licensing authority shall be construed as a reference to the council [^{F4}or committee] who, under paragraph 1 of this Schedule, are the licensing authority for the area in which that track or the greater part of the superficial area thereof is situated, and the expression “appropriate officer of police” means the chief officer of police for a police area which includes that track or any part thereof.

Textual Amendments

- F4** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 187, [Sch. 24 para. 27\(1\)](#), [Sch. 29](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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)

Applications for licences

- 3 An application for the grant of a track betting licence may be made to the licensing authority—
- (a) in respect of an existing track, by the occupier thereof; or
 - (b) in respect of a track which it is proposed to construct, by any person who proposes to become the occupier of the track if the licence is granted.
- 4 Each licensing authority may from time to time fix dates on which they will entertain applications for the grant of track betting licences by them and shall cause information as to any dates so fixed to be given to any person who asks for it.
- 5 (1) No application for a track betting licence shall be entertained by the licensing authority unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority and to each of the authorities specified in sub-paragraph (2) of this paragraph notice in writing—
- (a) stating that it is intended to make the application on that date; and
 - (b) describing the situation of the track and the number and position of the exits provided or intended to be provided; and
 - (c) stating the number of spectators for whom accommodation is provided or is intended to be provided,
- and has also published such a notice in at least two newspapers circulating in the locality in which the track is situated.
- (2) The authorities referred to in the foregoing sub-paragraph are—
- (a) if the track is situated in England—
 - (i) the council of any [^{F5}county] . . . [^{F6}in which the track or any part thereof is situated; and
 - (ii) the local planning authority within the meaning of the ^{M1}Town and Country Planning Act 1962 [^{F7}(not being the licensing authority)] for any area which includes the track or any part thereof;
 - (b) if the track is situated in Scotland—
 - [^{F8}(i) the council of any islands area or district within which the track or any part thereof is situated; and
 - (ii) the general planning authority or district planning authority for any area which includes the track or any part thereof;]
 - (c) the appropriate officer or officers of police.
- [^{F9}and for the purposes of this and the next succeeding paragraph “general planning authority” and “district planning authority” have the meanings conferred on them by section 172 of the ^{M2}Local Government (Scotland) Act 1973.]
- (3) Every notice given to the licensing authority under sub-paragraph (1) of this paragraph shall, until the hearing of the application to which the notice relates, be kept by the licensing authority at their offices so as to be available, at any time during office hours, for inspection by any member of the public free of charge.

Textual Amendments

F5 Word substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 para. 13\(2\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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)

- F6** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 16, 102(2), Sch. 8 para. 6(1)(b) (2), Sch. 17
- F7** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 6(1)(c)(2)
- F8** Para. 5(2)(b)(i)(ii) substituted by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 27(2)
- F9** Words inserted by Local Government (Scotland) Act 1973 (c. 65), Sch. 24 para. 27(2)

Marginal Citations

- M1** 1962 c. 38.
- M2** 1973 c. 65.

- 6 (1) Upon the consideration by the licensing authority of an application for the grant of a track betting licence, the following persons in addition to the applicant shall be entitled to be heard in person or by a representative, that is to say—
- any appropriate officer of police;
 - any person owning or occupying premises in the neighbourhood of the track;
 - the governing body of any school or institution in the neighbourhood of the track;
 - if the track is situated in England, any of the authorities specified in sub-paragraph (2) of this paragraph;
 - of the track is situated in Scotland, any of the authorities specified in sub-paragraph (3) of this paragraph:

Provided that no objector shall be heard unless he has given to the applicant and to the licensing authority at least seven days' notice in writing of the grounds on which he proposes to contend that the application ought to be refused.

- (2) The authorities referred to in sub-paragraph (1)(d) of this paragraph are—
- the local planning authority within the meaning of the ^{M3}Town and Country Planning Act 1962 [^{F10}(not being the licensing authority)] for any area which includes the track or any part thereof;
 - the council of any [^{F11}county] . . . ^{F12}in which the track or any part thereof is situated;
 - any other local authority whose area adjoins [^{F13}the area of the licensing authority]:

Provided that no local authority shall be entitled to be heard as an objector if the licensing authority are a committee of that local authority or a joint committee including persons appointed by that local authority.

In this sub-paragraph, the expression “local authority” means any of the following councils, that is to say, the council of a county, . . . ^{F14}, [^{F15}London borough] or county district and the Common Council of the City of London.

- ^{F16}(3) The authorities referred to in sub-paragraph (1)(e) of this paragraph are—
- the general planning authority or district planning authority for any area which includes the track or any part thereof;
 - the council of any region (not being a general Planning authority) which includes the track or any part thereof;
 - any other local authority whose area adjoins any district which includes the track or any part thereof,

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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)

where that authority or council are not the licensing authority.]

Textual Amendments

- F10** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 6(1)(c)(2)**
- F11** Word substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 29 para. 13(2)**
- F12** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 16, 102(2), **Sch. 8 para. 6(1)(b)(2)**, Sch. 17
- F13** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 6(1)(d)(2)**
- F14** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F15** Words substituted by [London Government Act 1963 \(c. 33\)](#) Sch. 17 para. 28
- F16** [Sch. 3 para. 6\(3\)](#) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 24 para. 27(3)**

Marginal Citations

- M3** 1962 c. 38.

Grant or refusal of licence

- 7 (1) The provisions of this paragraph shall have effect with respect to any application to a licensing authority for the grant of a track betting licence in respect of any track.
- (2) The licensing authority may refuse to grant the licence if they are satisfied that, in the event of the licence being granted, the existence or user of the track—
- (a) would injuriously affect either the health or the comfort of persons residing in the neighbourhood of or track, or be detrimental to the interests of persons receiving instruction of residing or any school or institution in that neighbourhood; or
 - (b) would seriously impair the amenities of that neighbourhood; or
 - (c) would result in undue congestion of traffic or seriously prejudice the preservation of law and order.
- (3) The Licensing authority may also refuse to grant the licence if the applicant or, where the applicant is a body corporate, any director or the manager thereof has been convicted—
- (a) of an offence under any of the following provisions of this Act, that is to say, sections 1(1)(a), 4(1), 5, 6, 7, 16, 18, 19, 21 and 23 and paragraphs 11 and 17 of Schedule 5;
 - (b) of any offence under Part I of, or Schedule 1 to, the ^{M4}Betting and Lotteries Act 1934 or under section 7 of the ^{M5}Betting and Gaming Act 1960; or
 - (c) of any offence involving fraud or dishonesty.
- (4) If the licensing authority are not satisfied that any planning permission required under Part III of the ^{M6}Town and Country Planning Act 1962 or under the ^{M7}Town and Country Planning (Scotland) Act 1947 for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of the said Act of 1962 or, as the case may be, 1947 have notified the licensing authority that any such planning permission has been, or is deemed to be, granted.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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)

- (5) Save as is mentioned in sub-paragraph (2), (3) or (4) of this paragraph, the licensing authority shall not refuse the application; and if they do refuse it they shall send to the applicant by post a written statement of the grounds of their refusal.

Marginal Citations

- M4** 1934 c. 58.
M5 1960 c. 60.
M6 1962 c. 38.
M7 1947 c. 53.

Duration and transfer of licences

- 8 A track betting licence shall, unless cancelled under paragraph 10 or revoked under paragraph 13 of this Schedule, be in force for seven years from the date on which it is expressed to take effect.
- 9 Where in the case of any track the licensing authority have granted a track betting licence to any person, they may at any time, if they think fit, on an application made to them after notice in writing to the appropriate officer or officers of police, direct that the licence shall be transferred to another person, and thereupon the transferee shall be deemed to be the holder of the licence, so, however, that, if the transferee is not the occupier of the track, the transfer shall not take effect until he becomes the occupier thereof.
- 10 The licensing authority by whom any track betting licence for the time being in force was granted shall, upon receiving from the holder of the licence a written request in that behalf accompanied by the licence, cancel the licence, which shall thereupon cease to be in force.
- 11 In the event of the death of the holder of a track betting licence, his legal personal representatives shall, during the period of three months from the date of the death, be deemed to be the holder of the licence, notwithstanding that it has not been transferred to them.

Fees in respect of licences

- 12 (1) In respect of any application for a track betting licence, such fee not exceeding [^{F17}£35] as the licensing authority may from time to time fix for the whole of their area shall be payable by the applicant before the hearing of the application, but, if the licence is granted, the fee so paid shall be treated as a payment on account of the first annual payment to be made in respect of the licence under the next following sub-paragraph.
- (2) In respect of every such licence, such annual fee not exceeding [^{F18}£350] as the licensing authority may fix annually for the whole of their area shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of those payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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) In respect of any transfer of such a licence, such fee not exceeding [^{F19}£35] as the licensing authority may from time to time fix for the whole of their area shall be payable by the person to whom the licence is transferred.
- (4) Every fee which by virtue of this paragraph is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

Textual Amendments

- F17** Words substituted by (E.W.) [S.I. 1982/572, art. 3](#) and (S.) [S.I. 1982/680, art. 3](#) (which S.I.s are revoked (2.12.1991) by [S.I. 1991/2175, art. 6](#) and [S.I. 1991/2495, art. 6](#) respectively)
- F18** Words substituted by (E.W.) [S.I. 1982/572, art. 4](#) and (S.) [S.I. 1982/680, art. 4](#) (which S.I.s are revoked (2.12.1991) by [S.I. 1991/2175, art. 6](#) and [S.I. 1991/2495, art. 6](#) respectively)
- F19** Words substituted by (E.W.) [S.I. 1982/572, art. 5](#) and (S.) [S.I. 1982/680, art. 5](#) (which S.I.s are revoked (2.12.1991) by [S.I. 1991/2175, art. 6](#) and [S.I. 1991/2495, art. 6](#) respectively)

Modifications etc. (not altering text)

- C3** Power to amend para. 12 given by [Local Government Act 1966 \(c. 42\), s. 35\(2\), Sch. 3 Pt. II](#) and [Local Government \(Scotland\) Act 1966 \(c. 51\), s. 42\(2\), Sch. 4 Pt. II](#)

Revocation of licence and appeal therefrom

- 13 (1) At any time while a track betting licence is in force in respect of any track, the licensing authority by whom it was granted may, after giving to the holder of the licence an opportunity of being heard, revoke the licence—
- (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
 - (b) if without their approval, to be given after such notice as they deem proper, the accommodation for spectators on the track as stated in the notice under paragraph 5(1) of this Schedule has been substantially increased, or the exits from the track as described in that notice have been materially altered, and the authority are satisfied that undue congestion of traffic, or serious prejudice to the preservation of law and order has resulted therefrom; or
 - (c) if on a report made to them by the accountant appointed under Schedule 5 to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that Schedule, they are satisfied that any totalisator on the track has been maintained or operated otherwise than in accordance with the provisions of that Schedule; or
 - (d) if the holder of the licence or, where the holder is a body corporate, any director or the manager thereof is convicted of any offence such as is mentioned in paragraph 7(3)(a) or (c) of this Schedule;
- and if the authority revoke any such licence, they shall forthwith send notice of the revocation by post to the holder of the licence and to the appropriate officer or officers of police.
- (2) The holder of a licence in respect of a track in England which has been revoked under the foregoing sub-paragraph may appeal . . . ^{F20}[^{F21} to the Crown Court, and such appeal shall be commenced by giving notice to the appropriate officer of the Crown Court and to the licensing authority within twenty-one days of the holder's being notified of the revocation by the licensing authority.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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) The holder of a licence in respect of a track in Scotland which has been revoked under sub-paragraph (1) of this paragraph 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 area in which the track in respect of which the licence was held, or the greater part of the superficial area thereof, is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.
- (4) Where a licensing authority revoke a licence under sub-paragraph(1) of this paragraph, then, until the time within which notice of appeal under sub-paragraph (2) or (3) of this paragraph may be given has expired and, if such notice is given, until the determination or abandonment of the appeal, the licence shall be deemed to continue in force, and if [^{F22}the Crown Court]or, as the case may be, the sheriff confirms the decision of the licensing authority, the court or the sheriff may, if it or he thinks fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

Textual Amendments

- F20** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
- F21** Words stand in the text by virtue of [S.I. 1982/1109](#), rules 6, 7, [Sch. 3 Pt. II](#)
- F22** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. 1](#)

14, 15. ^{F23}

Textual Amendments

- F23** [Sch. 3 paras. 14, 15](#) repealed by [Betting, Gaming and Lotteries \(Amendment\) Act 1971 \(c. 26\)](#), [Sch.](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Betting, Gaming and Lotteries Act 1963, SCHEDULE 3 is up to date with all changes known to be in force on or before 22 July 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.