



# Betting and Gaming Duties Act 1981

## 1981 CHAPTER 63

### PART I

#### BETTING DUTIES

##### *General betting duty*

#### 1 General betting duty.

- (1) Subject to the provisions of this Part of this Act, on any bet [<sup>F1</sup>which is not an on-course bet and] which—
- (a) is made with a bookmaker in [<sup>F2</sup>the United Kingdom] otherwise than by way of pool betting or coupon betting, or
  - (b) is made by way of sponsored pool betting or is otherwise made by means of facilities provided by the Horserace Totalisator Board and is not a bet made with the Board by way of coupon betting, or
  - (c) is made on any event on a track to which this paragraph applies by means of a totalisator on that track and on the day on which that event takes place,
- there shall be charged a duty of excise to be known as general betting duty.
- (2) General betting duty shall—
- (a) .....<sup>F3</sup>
  - (b) .....<sup>F3</sup>, be of an amount equal to [<sup>F4</sup>7.75 per cent.] of the amount staked.
- (3) Paragraph (c) of subsection (1) above applies—
- (a) to any track in respect of which there is for the time being in force a track betting licence granted under Schedule 3 to the <sup>M1</sup>Betting, Gaming and Lotteries Act 1963 [<sup>F5</sup>or Article 37 of the <sup>M2</sup>Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985], and
  - (b) to any track which the Commissioners see fit to treat for the purposes of that paragraph as if it were such a track.

*Status:* Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part I. (See end of Document for details)

**Textual Amendments**

- F1 Words inserted by Finance Act 1987 (c. 16, SIF 12:2), s. 3(1)(a)
- F2 Words substituted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 1(1)
- F3 Words repealed by Finance Act 1987 (c. 16, SIF 12:2), ss. 3(1)(b), 72(7), Sch. 16 Pt. II Note 1
- F4 Words in s. 1(2) substituted (16.3.1992 in relation to bets made on or after 1.4.1992) by Finance Act 1992 (c. 20), s. 5(1)(2)
- F5 Words inserted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 1(2)

**Marginal Citations**

- M1 1963 c. 2(12:1).
- M2 S.I. 1985/1204 (N.I. 11).

**2 Payment and recovery of general betting duty.**

- (1) The general betting duty in respect of any bet shall, without prejudice to any regulations made under paragraph 2 of Schedule 1 to this Act, be due on the making of the bet and shall be paid—
  - (a) in the case of a bet with a bookmaker, and without prejudice to subsection (2) below, by the bookmaker;
  - (b) in the case of a bet made as mentioned in section 1(1)(b) of this Act, by the Horserace Totalisator Board or other person providing the facilities by means of which the bet is made;
  - (c) in the case of such a bet made by means of a totalisator as is mentioned in section 1(1)(c) of this Act, by the operator.
- (2) The general betting duty chargeable on any bet made with a bookmaker shall be recoverable jointly and severally from all or any of the following persons—
  - (a) that bookmaker;
  - (b) the holder of the bookmaker’s permit or betting office licence relating to the business in the course of which, or the premises at which, the bet was made;
  - (c) any person responsible for the management of that business or those premises;
  - (d) where the bookmaker is a company, any director of that company.

3 <sup>F6</sup> .....

**Textual Amendments**

- F6 S. 3 repealed by Finance Act 1987 (c. 16, SIF 12:2), s. 72(7), Sch. 16 Pt. II Note 1

**4 Bets of more than one contingency.**

- (1) For the purposes of general betting duty, where a person bets on more than one contingency on the terms that, in the event of his bet being successful in respect of one contingency, his stake on the bet, or his winnings in respect of that contingency, or both, are to provide the stake in respect of another contingency, then, subject to subsection (2) below—

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- (a) he shall be treated as making a separate bet on each respectively of those contingencies and as staking on each of those separate bets the amount respectively provided for by the terms of the original bet;
  - (b) any of those separate bets which depends on the outcome of another or others of them shall be treated as made if and when the conditions on which it depends are satisfied.
- (2) Subsection (1) above shall not apply where the person concerned bets on both or all of the contingencies at the same time and on the terms that both his original stake and the whole of his winnings in respect of any of those contingencies are to be the stake in respect of any other contingency on which the bet is made.

## 5 Calculation of stake.

The aggregate amount paid by or debited to the account of a person making a bet chargeable with general betting duty for, or on account of, or in connection with, the bet shall be treated for the purposes of that duty as his stake on the bet, notwithstanding—

- (a) that his winnings (if any) are to be computed on part only of that amount, or
- (b) that part of that amount is not to be returned to him in the event of his winning, and no deduction shall be made for other benefits secured by the person making the bet in paying that amount, or for the expenses of any person on account of the duty or otherwise, or for any other matter.

VALID FROM 10/07/2003

### <sup>F7</sup> <sup>F8</sup> 5AA Relief for losses

- (1) This section applies where the amount of a person's net stake receipts for an accounting period in respect of a class of bets (calculated in accordance with section 5(1)) is a negative amount.
- (2) That amount shall be carried forward to the following accounting period and, to the extent that it does not exceed it, deducted from the amount of the person's net stake receipts in respect of the same class of bets for that period.
- (3) If the amount of those net stake receipts for that following accounting period—
  - (a) is not a positive amount, or
  - (b) is less than the amount carried forward,
 the amount carried forward or, as the case may be, the balance of it shall be treated for the purposes of this section as if it were a negative amount of net stake receipts for that period in respect of the same class of bets.

#### Textual Amendments

**F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**

**F8** S. 5AA inserted (with application as mentioned in s. 6(6) of the amending Act) by **Finance Act 2003 (c. 14), s. 6(3)**

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VALID FROM 10/07/2003

## **I** **Betting exchanges**

**F9** **5AB**

- (1) This section applies where—
  - (a) one person makes a bet with another person using facilities provided by a third person in the course of a business, and
  - (b) that business is one that does not involve the provision of premises for use by persons making or taking bets.
- (2) General betting duty shall be charged on the amounts (“commission charges”) that the parties to the bet are charged, whether by deduction from winnings or otherwise, for using those facilities.
- (3) No deductions shall be allowed from commission charges.
- (4) The amount of duty charged under this section in respect of bets determined in an accounting period shall be 15 per cent of the commission charges relating to those bets.
- (5) For the purposes of this section, and section 5B(4) so far as relating to this section, a person who arranges for facilities relating to a bet to be provided by another person shall be treated as providing them himself (and the other person shall not).]]

### **Textual Amendments**

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F8** S. 5AA inserted (with application as mentioned in s. 6(6) of the amending Act) by **Finance Act 2003 (c. 14), s. 6(3)**
- F9** S. 5AB inserted (with application as mentioned in s. 7(5)(6) of the amending Act) by **Finance Act 2003 (c. 14), s. 7(2)**

VALID FROM 06/10/2001

## **F10** **5A Multiple bets**

- (1) Subject to subsection (3), this section applies where—
  - (a) a person bets on more than one contingency, and
  - (b) he bets on terms that if his bet in respect of one contingency is successful the stake or winnings will be carried forward as the stake in respect of another contingency.
- (2) Where this section applies—
  - (a) the person mentioned in subsection (1)(a) shall be treated for the purposes of sections 2 to 4 as making a separate bet on each contingency, and
  - (b) each bet which depends on the result of an earlier bet shall be treated as being made at the time of that result.
- (3) This section does not apply where a person bets on more than one contingency if—

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- (a) the betting takes the form of a single bet or of bets placed at a single time, and
  - (b) the terms mentioned in subsection (1) do not permit the arrangement for carrying forward to be varied or terminated.
- (4) In subsection (1)(b) the reference to “the stake or winnings” includes a reference to—
- (a) any part of the stake,
  - (b) any part of the winnings, and
  - (c) any combination of stake and winnings.

#### Textual Amendments

**F10** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**

VALID FROM 06/10/2001

#### **F11** 5B Liability to pay

- (1) At the end of each accounting period all general betting duty chargeable in respect of bets made in the period shall become due.
- (2) In the case of bets made with a bookmaker in an accounting period the general betting duty shall be paid—
  - (a) when it becomes due, and
  - (b) by the bookmaker.
- (3) But general betting duty which is due to be paid by a bookmaker in respect of bets may be recovered from the following persons as if they and the bookmaker were jointly and severally liable to pay the duty—
  - (a) the holder of a bookmaker’s permit for the business in the course of which the bets were made;
  - (b) a person responsible for the management of that business;
  - (c) where the bookmaker is a company, a director.
- (4) In the case of bets made in an accounting period by means of facilities provided by a person as described in section 4(1) to (3) the general betting duty shall be paid—
  - (a) when it becomes due, and
  - (b) by the person who provides the facilities.
- (5) This section is without prejudice to paragraph 2 of Schedule 1 to this Act or regulations made under it.

#### Textual Amendments

**F11** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**

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VALID FROM 06/10/2001

## **F125C Bet-brokers**

- (1) This section applies where—
  - (a) one person (the “bettor”) makes a bet with another person (the “bet-taker”) using facilities provided in the course of a business by a third person (the “bet-broker”), or
  - (b) one person (the “bet-broker”) in the course of a business makes a bet with another person (the “bet-taker”) as the agent of a third person (the “bettor”) (whether the bettor is a disclosed principal or an undisclosed principal).
- (2) For the purposes of sections 2 to 5B—
  - (a) the bet shall be treated as if it were made by the bettor with the bet-broker and not with the bet-taker,
  - (b) the bet-broker shall be treated as a bookmaker in respect of the bet,
  - (c) the aggregate of amounts due to be paid by the bettor in respect of the bet shall be treated as being due to the bet-broker, and
  - (d) a sum paid by the bet-taker by way of winnings in respect of the bet shall be treated as having been paid by the bet-broker at that time and for that purpose.
- (3) But subsection (2) does not apply to a bet if—
  - (a) the bet-taker holds a bookmaker’s permit, and
  - (b) the bet would not be an on-course bet if the bet-broker were making the bet with the bet-taker as principal.
- (4) In the case of a bet which is excluded from subsection (2) by virtue of subsection (3), for the purposes of sections 2 to 5B—
  - (a) the bet shall be treated as if it were made separately by the bettor with the bet-broker and by the bet-broker with the bet-taker,
  - (b) the bet-broker shall be treated as a bookmaker in respect of the bet,
  - (c) the aggregate of amounts due to be paid by the bettor in respect of the bet shall be treated as being due separately to the bet-broker and to the bet-taker (and any amount due to be paid by the bet-broker to the bet-taker shall be disregarded), and
  - (d) a sum paid by the bet-taker by way of winnings in respect of the bet shall be treated as having been paid separately by the bet-taker and by the bet-broker at that time and for that purpose (and any sum paid by the bet-broker shall be disregarded).
- (5) This section does not apply—
  - (a) to bets made by way of pool betting, or
  - (b) to bets made using facilities provided by a person holding (and relying on) a betting agency permit (within the meaning of section 9(2)(c)(ii) of the Betting, Gaming and Lotteries Act 1963).
- (6) Where there is any doubt as to which of two persons is the bettor and which the bet-taker for the purposes of subsection (1)(a), whichever of the two was the first to use the facilities of the bet-broker to offer the bet shall be treated as the bet-taker.

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### Textual Amendments

- F12** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**

VALID FROM 06/10/2001

### <sup>F13</sup>**5D Accounting period**

- (1) For the purposes of sections 2 to 5C—
- (a) each calendar month is an accounting period, but
  - (b) the Commissioners may provide in regulations under paragraph 2 of Schedule 1 to this Act for some other specified period to be an accounting period.
- (2) Regulations made by virtue of subsection (1)(b) may—
- (a) make provision which applies generally or only in relation to a specified person or class of person;
  - (b) make different provision for different purposes;
  - (c) make transitional provision.

### Textual Amendments

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F13** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**

### *Pool betting duty*

VALID FROM 10/07/2003

### **Relief for losses**

<sup>F14</sup>  
<sup>F15</sup>  
~~7Z~~

- (1) This section applies where the amount of a person's net pool betting receipts for an accounting period is a negative amount.
- (2) That amount shall be carried forward to the following accounting period and, to the extent that it does not exceed it, deducted from the amount of the person's net pool betting receipts for that period.
- (3) If the amount of the net pool betting receipts for that following accounting period—
- (a) is not a positive amount, or
  - (b) is less than the amount carried forward,

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the amount carried forward or, as the case may be, the balance of it shall be treated for the purposes of this section as if it were a negative amount of net pool betting receipts for that period.]

#### Textual Amendments

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**
- F15** S. 7ZA inserted (with application as mentioned in s. 6(6) of the amending Act) by Finance Act 2003 (c. 14), s. 6(5)

VALID FROM 31/03/2002

#### 7A Calculating net pool betting receipts

For the purposes of section 7, the amount of a person's net pool betting receipts for an accounting period is—

$$S + E - W$$

where—

S is the aggregate of amounts falling due to the person in the accounting period in respect of dutiable pool bets,

E is the aggregate of expenses and profits falling within section 7E(2) that are attributable to the accounting period, and

W is the aggregate of amounts paid by the person in the accounting period by way of winnings on dutiable pool bets (irrespective of when the bets were made or determined).

#### Textual Amendments

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**



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VALID FROM 31/03/2002

### **7B Net pool betting receipts: meaning of “dutable pool bet”**

- (1) For the purposes of a calculation under section 7A of the amount of a person’s net pool betting receipts for any accounting period, a bet (wherever made) is a “dutable pool bet” if—
  - (a) the bet is made by way of pool betting, and
  - (b) the following conditions are satisfied.
- (2) The first condition is that—
  - (a) the bet is made by means of a totalisator situated in the United Kingdom and that person is the operator, or
  - (b) the bet is made otherwise than by means of a totalisator and that person is the promoter and is in the United Kingdom.
- (3) The second condition is that the bet is not—
  - (a) made by way of sponsored pool betting,
  - (b) made as mentioned in section 4(3), or
  - (c) made for community benefit.
- (4) The third condition is that if the bet was made before 31st March 2002, at least one event to which it relates takes place on or after that date.

VALID FROM 31/03/2002

### **7C Net pool betting receipts: calculating stake money**

- (1) This section applies for the purpose of calculating S in a calculation under section 7A.
- (2) Any payment that entitles a person to make a bet shall, if he makes the bet, be treated as stake money on the bet.
- (3) All payments made—
  - (a) for or on account of or in connection with bets that are dutable pool bets for the purposes of the calculation,
  - (b) in addition to the stake money, and
  - (c) by the persons making the bets,
 shall be treated as amounts due in respect of the bets except in so far as the contrary is proved by the person whose net pool betting receipts are being calculated.

#### **Textual Amendments**

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

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VALID FROM 31/03/2002

## **7D Net pool betting receipts: when stakes etc fall due**

- (1) Subsections (2) to (5) apply for the purpose of calculating S in a calculation under section 7A but have effect subject to any regulations under subsection (6).
- (2) Where—
  - (a) a person makes a bet, and
  - (b) the bet relates to a single event, or to two or more events all taking place on the same day,
 any sum due to a person in respect of the bet shall be treated as falling due on the day on which the event or events take place.
- (3) Where—
  - (a) a person makes a bet, and
  - (b) subsection (2) does not apply,
 any sum due to a person in respect of the bet shall (subject to subsection (5)) be treated as falling due when the bet is made.
- (4) Subsections (2) and (3) have effect in relation to a sum irrespective of when it is actually paid or required to be paid (even where a sum that those subsections require to be treated as falling due on or after 31st March 2002 was actually paid, or required to be paid, before that date).
- (5) As respects a bet made before 31st March 2002 that relates to events at least one of which takes place before that date and at least one of which takes place on or after that date, any sum paid on or after that date in respect of the bet shall be treated as falling due when it is paid.
- (6) The Commissioners may by regulations make provision as to when any sum due to a person in respect of a bet is to be treated as falling due for the purpose of calculating S in a calculation under section 7A.
- (7) Provision made by regulations under subsection (6) may not provide for a sum due to a person in respect of a bet to be treated as falling due—
  - (a) earlier than when the bet is made, or
  - (b) later than when the bet is determined.
- (8) Regulations made under subsection (6) may—
  - (a) make provision that applies generally or only in relation to a specified description of bet;
  - (b) make different provision for different purposes;
  - (c) make provision relating to bets made before the regulations are made (including bets made before the passing of the Finance Act 2002);
  - (d) make transitional provision.

### **Textual Amendments**

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**

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- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

VALID FROM 31/03/2002

**7E Net pool betting receipts: expenses and profits**

- (1) Subsections (2) and (3) apply for the purpose of calculating E in a calculation under section 7A.
- (2) The expenses and profits falling within this subsection are (subject to subsection (3))—
  - (a) those of the person whose net pool betting receipts are being calculated, and
  - (b) those of any other person concerned with or benefiting from the promotion of the betting concerned.
- (3) Expenses and profits do not fall within subsection (2) so far as they are—
  - (a) provided out of amounts due, in respect of bets that are dutiable pool bets for the purposes of the calculation, to the person whose net pool betting receipts are being calculated, or
  - (b) referable to matters other than—
    - (i) the promotion or management of the betting concerned, or
    - (ii) activities ancillary to, or connected with, such promotion or management.
- (4) The Commissioners may by regulations make provision as to the accounting period to which expenses and profits falling within subsection (2) are to be treated as attributable for the purpose of calculating E in a calculation under section 7A.
- (5) Regulations made under subsection (4) may—
  - (a) make provision that applies generally or only in relation to a specified description of bet;
  - (b) make different provision for different purposes;
  - (c) make provision applying in respect of expenses incurred, and profits accruing, before the regulations are made (including any incurred or accruing before the passing of the Finance Act 2002);
  - (d) make transitional provision.

**Textual Amendments**

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

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VALID FROM 31/03/2002

## **7F Net pool betting receipts: calculating winnings**

- (1) Subsections (2) to (5) apply for the purpose of calculating W in a calculation under section 7A.
- (2) The reference to paying an amount to a person includes a reference to holding it in an account if the person is notified that the amount is being held for him in the account and that he is entitled to withdraw it on demand.
- (3) The return of a stake shall be treated as a payment by way of winnings.
- (4) Only payments of money shall be taken into account.
- (5) Where a bet made before 31st March 2002 relates to events at least one of which takes place before that date and at least one of which takes place on or after that date, no account shall be taken of any payment by way of winnings on the bet.
- (6) The Commissioners may by regulations make provision as to when amounts paid by way of winnings are to be treated as being paid for the purposes of calculating W in a calculation under section 7A.
- (7) Regulations made under subsection (6) may—
  - (a) make provision that applies generally or only in relation to a specified description of bet;
  - (b) make different provision for different purposes;
  - (c) make provision applying in respect of amounts paid before the regulations are made (including amounts paid before the passing of the Finance Act 2002);
  - (d) make transitional provision.

### **Textual Amendments**

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

VALID FROM 31/03/2002

## **8A Meaning of “bet made for community benefit” in sections 6 to 8**

- (1) For the purposes of sections 6 to 8 (but subject to any direction under subsection (3)), a bet is made “for community benefit” if—
  - (a) the promoter of the betting concerned is a community society or is bound to pay all benefits accruing from the betting to such a society, and
  - (b) the person making the bet knows, when making it, that the purpose of the betting is to benefit such a society.

**Status:** Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part 1. (See end of Document for details)

- (2) In the case of a bet made by means of a totalisator, the reference in subsection (1) to the promoter of the betting concerned is a reference to the operator.
- (3) The Commissioners may direct that any bet specified by the direction, or of a description so specified, is not a bet made for community benefit.
- (4) The power conferred by subsection (3) may not be exercised unless the Commissioners consider that an unreasonably large part of the amounts paid in respect of the bets concerned will, or may, be applied otherwise than—
  - (a) in the payment of winnings, or
  - (b) for the benefit of a community society.
- (5) In this section “community society” means—
  - (a) a society established and conducted for charitable purposes only, or
  - (b) a society established and conducted wholly or mainly for the support of athletic sports or athletic games and not established or conducted for purposes of private gain.
- (6) In this section “society” includes any club, institution, organisation or association of persons, by whatever name called.

#### Textual Amendments

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

VALID FROM 31/03/2002

#### **8B** Meaning of “accounting period” in sections 6 to 8

- (1) For the purposes of sections 6 to 8—
  - (a) each period that ends with the last Saturday in a calendar month, and begins with the Sunday immediately following the previous such Saturday, is an accounting period, but
  - (b) the Commissioners may by regulations make provision for some other specified period to be an accounting period.
- (2) Regulations made under subsection (1)(b) may—
  - (a) make provision that applies generally or only in relation to a specified person or class of person;
  - (b) make different provision for different purposes;
  - (c) make transitional provision.

*Status: Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part I. (See end of Document for details)*

### Textual Amendments

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

VALID FROM 31/03/2002

### 8C Meaning of “bet” in sections 6 to 8A

- (1) For the purposes of sections 6 to 8A, “bet” does not include the taking of a ticket or chance in a lottery.
- (2) Where payments are made for the chance of winning any money or money’s worth on terms under which the persons making the payments have a power of selection that may (directly or indirectly) determine the winner, those payments shall be treated as bets for the purposes of sections 6 to 8A notwithstanding that the power is not exercised.
- (3) Subsection (2) has effect subject to section 12(3).
- (4) Where any payment entitles a person to take part in a transaction that is, on his part only, not a bet made by way of pool betting by reason of his not in fact making any stake as if the transaction were such a bet, the transaction shall be treated as such a bet for the purposes of pool betting duty (and section 7C(3) shall apply to any such payment).]]

### Textual Amendments

- F7** Cross-heading and ss. 1-5D substituted (6.10.2001 with effect as mentioned in art. 2 of the commencing S.I.) for ss. 1-5 by 2001 c. 9, s. 6, **Sch. 1**; S.I. 2001/3089, **art. 2**
- F14** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, **Sch. 4 Pt. 1 para. 2**

## 6 Pool betting duty.

- (1) There shall be charged a duty of excise, to be known as pool betting duty—
  - (a) subject to subsection (2) below, on all bets made by way of pool betting, wherever made, and
  - (b) on all bets made at fixed odds with the Horserace Totalisator Board or a bookmaker in [<sup>F16</sup>the United Kingdom] by way of coupon betting, not being bets made by way of sponsored pool betting or made as mentioned in section 1(1)(c) above.
- (2) Bets made by way of pool betting are chargeable with pool betting duty only if—

**Status:** Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part 1. (See end of Document for details)

- (a) in the case of bets made by means of a totalisator, the totalisator is situated in <sup>F16</sup>the United Kingdom];
  - (b) in the case of bets made otherwise than by means of a totalisator, the promoter of the betting is in <sup>F16</sup>the United Kingdom].
- (3) For the purposes of this section and sections 7 and 8 below (except in their application to coupon betting)—
- (a) subject to paragraph (b) and section 12(3) below, where payments are made for the chance of winning any money or money’s worth on terms under which the persons making the payments have a power of selection which may (directly or indirectly) determine the winner, those payments shall be treated as bets notwithstanding that the power is not exercised;
  - (b) “bet” does not include the taking of a ticket or chance—
    - (i) in any lottery which is declared by section 3, 4 or 25(6) of the <sup>M3</sup>Lotteries and Amusements Act 1976 <sup>F17</sup>or, as the case may be, Article 133 or 134 of, or paragraph 6 of Schedule 20 to, the <sup>M4</sup>Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985] not to be unlawful; or
    - (ii) <sup>F18</sup>in Great Britain] in any society’s lottery or local lottery within the meaning of section 5 or 6 of that Act, in which the relevant monetary limits are not exceeded. <sup>F19</sup>or
    - (iii) in Northern Ireland, in any society’s lottery within the meaning of Article 2(2) of that Order which is not unlawful under that Order.]
- (4) In subsection (3) above “relevant monetary limits” means the limits referred to in section 5(3)(d)(i) and subsections (2), (5), (6) and (8) of section 11 of the said Act of 1976 as those sections have effect on 1st July 1981 or such other limits as the Commissioners may by order provide.

#### Textual Amendments

- F16** Words substituted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 2(1)
- F17** Words inserted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 2(2)(a)
- F18** Words inserted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 2(2)(b)
- F19** S. 6(3)(b)(iii) added by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 2(2)(c) (as to commencement see s. 6(3)(5) and S.R. (N.I.) 1987 Nos. 6, 185)

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

- C1** S. 6(3) amended by S.I. 1989/1358, art. 2

#### Marginal Citations

- M3** 1976 c. 32(12:1).
- M4** S.I. 1985/1204 (N.I. 11).

## 7 Amount of pool betting duty.

- (1) The amount of the pool betting duty shall be equal . . . <sup>F20</sup> to <sup>F21</sup>37.50 per cent.] of the aggregate of—
- (a) the amount of the stake money paid, and
  - (b) the expenses and profits described in subsection (4) below (but subject to subsection (5) below).



*Status: Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part I. (See end of Document for details)*

- (2) ..... F22
- (3) For the purposes of pool betting duty, any payment which entitles a person to make a bet by way of pool betting or coupon betting shall, if he makes the bet, be treated as stake money on the bet; and this subsection shall apply to any payment entitling a person to take part in a transaction which is, on his part, only not a bet made by way of pool betting or coupon betting by reason of his not in fact making any stake as if the transaction were such a bet, and the transaction shall accordingly be treated as a bet for the purposes of pool betting duty.
- (4) The expenses and profits referred to in subsection (1)(b) above are the expenses and profits of the promoter of the betting or any other person concerned with or benefiting from the promotion of the betting so far as they are not provided for out of the stake money and are not shown to be referable to matters other than the promotion and management of the betting and activities ancillary thereto or connected therewith; and all payments made for or on account of or in connection with any bets made by way of pool betting or coupon betting in addition to the stake money by the persons making the bets shall be treated as representing amounts on which duty is (subject to subsection (5) below) chargeable by virtue of subsection (1)(b) above except in so far as the promoter of the betting proves the contrary.
- (5) There shall be excepted from any charge to duty under this section the amount of any benefit accruing from the betting to a society established and conducted for charitable purposes only or to a society established and conducted wholly or mainly for the support of athletic sports or athletic games and not established or conducted for purposes of private gain, if the benefit is provided by means of payments made by persons making bets and those persons know, when making the payments, that their purpose is to provide the benefit.

In this subsection “society” includes any club, institution, organisation or association of persons, by whatever name called.

#### Textual Amendments

**F20** Words repealed by [Finance Act 1990 \(c. 29, SIF 12:2\)](#), s. 132, [Sch. 19 Pt. I](#)

**F21** Words in [s. 7\(1\)](#) substituted by [Finance Act 1991 \(c. 31, SIF 12:2\)](#), [s. 5\(1\)\(2\)](#) (with application in relation to bets made at any time by reference to an event taking place on or after 17.8.1991)

**F22** [S. 7\(2\)](#) repealed by [Finance Act 1990 \(c. 29, SIF 12:2\)](#), s. 132, [Sch. 19 Pt. I](#)

### **F23** 8 **Payment and recovery of pool betting duty.**

- (1) Pool betting duty shall be paid—
- in the case of bets made by means of totalisator, by the operator and,
  - in the case of other bets, by the promoter.
- (2) The pool betting duty chargeable on any bet shall be recoverable jointly and severally from all or any of the following persons—
- the conductor of the dutiable betting by way of which the bet was made;
  - any other person responsible for the management of any premises or totalisator in respect of which that conductor has made entry or given notice in accordance with paragraph 4(2) or (4) of Schedule 1 to this Act;



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**Changes to legislation:** There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part 1. (See end of Document for details)

- (c) where a person within paragraph (a) or (b) above is a company, any director of that company.

(3) In this section—

“conductor of dutiable betting” means a person carrying on a business the carrying on of which involves or may involve any sums becoming payable by him by way of pool betting duty;

“dutiable betting” means betting by way of pool betting or coupon betting.

#### Textual Amendments

**F23** Ss. 6-8C and preceding cross-heading substituted for ss. 6-8 (24.7.2002 for specified purposes and otherwise retrospective to 31.3.2002 with effect as mentioned in s. 12(3) of the amending Act) by Finance Act 2002 (c. 23), s. 12, Sch. 4 Pt. 1 para. 2

### General

## 9 Prohibitions for protection of revenue.

(1) Any person who—

- (a) conducts in [<sup>F24</sup>the United Kingdom] any business or agency for the negotiation, receipt or transmission of bets to which this section applies, or
- (b) knowingly issues, circulates or distributes in [<sup>F24</sup>the United Kingdom], or has in his possession for that purpose, any advertisement or other document inviting or otherwise relating to the making of such bets, or
- (c) being a bookmaker in [<sup>F24</sup>the United Kingdom], makes or offers to make any such bet with a bookmaker outside [<sup>F24</sup>the United Kingdom],

shall be guilty of an offence.

(2) Except as mentioned in subsection (3) below, this section applies to—

- (a) all bets made by way of pool betting or coupon betting unless—
- (i) in the case of bets made by means of a totalisator, the totalisator is situated in [<sup>F24</sup>the United Kingdom],
- (ii) in the case of bets made otherwise than by means of a totalisator, the promoter of the betting is in [<sup>F24</sup>the United Kingdom]; and
- (b) all bets made with a bookmaker outside [<sup>F24</sup>the United Kingdom] (whether or not made by way of pool betting or coupon betting).

(3) This section does not apply—

- (a) to any bet—
- (i) made by way of pool betting or coupon betting and otherwise than by means of a totalisator, or
- (ii) made with a bookmaker otherwise than by way of pool betting or coupon betting,

where the promoter of the pool betting or coupon betting or, as the case may be, the bookmaker is in . . . <sup>F25</sup> the Isle of Man and the bet is such as to be chargeable with a duty imposed by or under an Act . . . <sup>F25</sup> of Tynwald which corresponds to, and is chargeable on the bet at a rate not less than the appropriate rate of, pool betting duty or, as the case may be, general betting duty; or

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*Changes to legislation: There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part I. (See end of Document for details)*

- (b) to any bet made by means of a totalisator situated in a country outside [<sup>F24</sup>the United Kingdom] on a horse race taking place in that country; or
- (c) to any bet in respect of an event taking place outside [<sup>F24</sup>the United Kingdom] made by a bookmaker in [<sup>F24</sup>the United Kingdom]—
  - (i) by means of a totalisator situated outside [<sup>F24</sup>the United Kingdom], or
  - (ii) with a bookmaker outside [<sup>F24</sup>the United Kingdom],
 if it is shown that bets in respect of that event have been made in [<sup>F24</sup>the United Kingdom] with the first-mentioned bookmaker by other persons.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction to a penalty of the prescribed sum or, in the case of a second or subsequent conviction, to a penalty of the prescribed sum or to imprisonment for a term not exceeding three months or to both, or
  - (b) on conviction on indictment to a penalty of any amount or, in the case of a second or subsequent conviction, to a penalty of any amount or to imprisonment for a term not exceeding one year or to both.
- (5) A person who makes or tries to make a bet, or who gets or tries to get any advertisement or other document given or sent to him, shall not be guilty of an offence by reason of his thereby procuring or inciting some other person to commit, or aiding or abetting the commission of, an offence under this section.
- (6) Section 6(3) above shall have effect for the purposes for subsections (2)(a) and (5) above (except in their application to coupon betting) as it has effect for the purposes of sections 6 to 8 above.

#### Textual Amendments

**F24** Words substituted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, Sch. 4 para. 3(1)

**F25** Words repealed by Finance Act 1986 (c. 41, SIF 12:2), ss. 6, 114(6), Sch. 4 para. 3(2), Sch. 23 Pt. III

Notes (a), (b)

VALID FROM 25/07/2002

#### <sup>F26</sup>9A Further prohibitions for protection of revenue: overseas bet-brokers

- (1) A person shall be guilty of an offence if—
  - (a) he knowingly issues, circulates or distributes in the United Kingdom, or has in his possession for that purpose, any advertisement or other document inviting the use of or otherwise relating to bet-broking services, and
  - (b) any person providing any of the bet-broking services concerned—
    - (i) is outside the United Kingdom, and
    - (ii) provides them in the course of a business.
- (2) In this section “bet-broking services” means—
  - (a) facilities provided by a person that may be used by other persons in making bets with third persons, or
  - (b) a person’s services of acting as agent for other persons in making bets on their behalf with third parties (whether the persons on whose behalf the bets are made are disclosed principals or undisclosed principals).

**Status:** Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part 1. (See end of Document for details)

- (3) In subsection (2) “bet” means a bet other than one made by way of pool betting.
- (4) A person who gets or tries to get any advertisement or other document given or sent to him shall not be guilty of an offence by reason of his thereby procuring or inciting some other person to commit, or aiding or abetting the commission of, an offence under this section.]

#### Textual Amendments

**F26** S. 9A inserted (25.7.2002) by [Finance Act 2002 \(c. 23\), s. 14\(1\)\(5\)](#)

VALID FROM 24/07/2002

#### [<sup>F27</sup>9B Offences under sections 9 and 9A: penalties

- (1) This section applies where a person is guilty of an offence under section 9 or 9A (a “relevant offence”).
- (2) In the case of the person’s first conviction for a relevant offence, he is liable—
  - (a) on summary conviction to a penalty of the prescribed sum, or
  - (b) on conviction on indictment to a penalty of any amount.
- (3) In the case of a second or subsequent conviction of the person for a relevant offence, he is liable—
  - (a) on summary conviction to a penalty of the prescribed sum or to imprisonment for a term not exceeding three months or to both, or
  - (b) on conviction on indictment to a penalty of any amount or to imprisonment for a term not exceeding one year or to both.]

#### Textual Amendments

**F27** S. 9B inserted (24.7.2002 with application as mentioned in s. 14(6) of the inserting Act) by [Finance Act 2002 \(c. 23\), s. 14\(2\)](#)

## 10 Definition of pool betting.

- (1) For the purposes of this Part of this Act, a bet shall be deemed to be made by way of pool betting unless it is a bet at fixed odds, and, in particular, bets shall be held to be made by way of pool betting wherever a number of persons make bets—
  - (a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed or written forms, or in any other way, or
  - (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners, or

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*Changes to legislation: There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part I. (See end of Document for details)*

- (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person.
- (2) A bet is a bet at fixed odds within the meaning of this section only if each of the persons making it knows or can know, at the time he makes it, the amount he will win, except in so far as that amount is to depend on the result of the event or events betted on, or on any such event taking place or producing a result, or on the numbers taking part in any such event, or on the starting prices or totalisator odds for any such event, or on there being totalisator odds on any such event, or on the time when his bet is received by any person with or through whom it is made.
- In this subsection—
- “starting prices” means, in relation to any event, the odds ruling at the scene of the event immediately before the start, and
- “totalisator odds” means—
- (a) in relation to a race which is a recognised horse race within the meaning of section 55(1) of the <sup>M5</sup>Betting, Gaming and Lotteries Act 1963, the odds paid on bets on that race made by way of sponsored pool betting, and
- (b) in relation to any other event, the odds paid on bets made by means of a totalisator at the scene of the event.
- (3) A bet made with or through a person carrying on a business of receiving or negotiating bets, being a bet made in the course of that business, shall be deemed not to be a bet at fixed odds within the meaning of this section if the winnings of the person by whom it is so made consist or may consist wholly or in part of something other than money.
- (4) Where a person carries on a business of receiving or negotiating bets and there is or has been issued in connection with that business any advertisement or other publication calculated to encourage in persons making bets of any description with or through him a belief that the bets are made on the basis mentioned in subsection (1)(c) above, then any bets of that description subsequently made with or through him in the course of that business shall be deemed for the purposes of this section to be made on that basis.

#### Marginal Citations

M5 1963 c. 2(12:1).

## 11 Definition of coupon betting.

—For the purposes of this Part of this Act, bets shall be deemed to be made by way of coupon betting where they are made in pursuance of an invitation which offers stated odds for a choice of bets, being bets of a description not commonly made without such an invitation, unless made by way of pool betting, and not of a description commonly made by means of a totalisator.

## 12 Supplementary provisions.

- (1) Where particulars of an intended bet on which general betting duty or pool betting duty would be chargeable and the stake on that bet are collected for transmission to the person by whom that duty would fall to be paid by some other person, whether or not a bookmaker, who holds himself out as available for so collecting and transmitting

them, but are in fact not so transmitted, the bet shall be deemed to have been made but the duty in respect of it shall be paid by that other person.

(2) The provisions of Schedule 1 to this Act (supplementary provisions as to betting duties) shall have effect.

(3) In sections 1 to 10 above (except in sections 6, 7, 8, 9(2)(a) and 9(5) in their application to coupon betting), in subsection (1) above and in paragraph 10 of Schedule 1 to this Act, “bet” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming.

(4) In this Part of this Act—

[<sup>F28</sup>“betting office licence”—

(a) in Great Britain, has the meaning given by section 9(1) of the <sup>M6</sup>Betting, Gaming and Lotteries Act 1963, and

(b) in Northern Ireland, means a bookmaking office licence as defined in Article 2(2) of the <sup>M7</sup>Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985;

“bookmaker”—

(a) in Great Britain, has the meaning given by section 55(1) of the said Act of 1963, and

(b) in Northern Ireland has the meaning given by Article 2(2) of the said Order of 1985;

and (in either case) the expression “bookmaking” shall be construed accordingly;

“bookmaker’s permit”—

(a) in Great Britain, has the meaning given by section 2(1) of the said Act of 1963, and

(b) in Northern Ireland, means a bookmaker’s licence as defined in Article 2(2) of the said Order of 1985;]

“meeting” means any occasion on any one day on which events take place on any track;

“on-course bet” means a bet made in the course of a meeting, either by means of a totalisator situated on premises forming part of the track or with a bookmaker present at the meeting, where—

(a) the person making the bet (that is to say, the person originating the bet and not any agent or intermediary) is present at the meeting, or

(b) the bet is made by a person carrying on a bookmaking business acting as principal (and not acting as agent for, or on behalf of, some other person);

“operator”, in relation to bets made by means of a totalisator, means the person who, as principal, operates the totalisator;

“promoter”, in relation to any betting, means the person to whom the persons making the bets look for the payment of their winnings, if any;

[<sup>F29</sup>“sponsored pool, betting” has the meaning given by section 55(1) of the said Act of 1963;

“totalisator” has the meaning given by section 55(1) of the said Act of 1963 and Article 2(2) of the said Order of 1985;

“track”—

(a) in Great Britain, has the meaning given by section 55(1) of the said Act of 1963, and

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(b) in Northern Ireland, has the meaning given by Article 2(2) of the said Order of 1985;]

“winnings” includes winnings of any kind, and references to amount and to payment in relation to winnings shall be construed accordingly;

F30

(5) In this Part of this Act references to this Part of this Act include Schedule 1 to this Act.

#### Textual Amendments

- F28** Definitions “betting office licence”, “bookmaker” and “bookmaker's permit” inserted by [Finance Act 1986 \(c. 41, SIF 12:2\)](#), s. 6, **Sch. 4 para. 4(a)**
- F29** Definitions “sponsored pool betting”, “totaliser” and “track” inserted by [Finance Act 1986 \(c. 41, SIF 12:2\)](#), s. 6, **Sch. 4 para. 4(b)**
- F30** Words repealed by [Finance Act 1986 \(c. 41, SIF 12:2\)](#), ss. 6, 114(6), Sch. 4 para. 4(c), **Sch. 23 Pt. III**  
Notes (a)(b)

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

- C2** S. 12 applied (17.10.1994) by [S.I. 1994/2679](#), **art. 3**.

#### Marginal Citations

- M6** [1963 c. 2\(12:1\)](#).
- M7** [S.I. 1985/1204 \(N.I. 11\)](#).

**Status:**

Point in time view as at 27/07/1993. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Betting and Gaming Duties Act 1981, Part I.