

Status: Point in time view as at 01/04/2001.

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

SCHEDULES

SCHEDULE 1

BETTING DUTIES

Enforcement

- 13 ^{F1}(1) Where any person—
- (a) fails to pay any general betting duty or pool betting duty payable by him, or
 - (b) contravenes or fails to comply with any of the provisions of, or of any regulations made under, any of paragraphs 2, 4 and 6 to 10 above,
- his failure to pay, contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) which, in the case of a failure to pay, shall be calculated by reference to the amount of duty payable.
- (2) Any such failure to pay as is mentioned in sub-paragraph (1)(a) above shall also attract daily penalties.
- (2A) Any person who obstructs any officer in the exercise of his functions in relation to general betting duty or pool betting duty shall be guilty of an offence and liable on summary conviction to a penalty of level 4 on the standard scale.]
- (3) Any person who—
- (a) in connection with general betting duty or pool betting duty, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular . . . ^{F2}, or
 - ^{F3}(aa) in that connection, with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular, or]
 - (b) is knowingly concerned in, or in the taking of steps with a view to the fraudulent evasion by him or any other person of general betting duty or pool betting duty,
- shall be guilty of an offence and liable—
- (i) on summary conviction to a penalty of the prescribed sum or, if greater, treble the amount of the duty which is unpaid or payment of which is sought to be avoided, as the case may be, or to imprisonment for a term not exceeding six months or to both, or
 - (ii) on conviction on indictment to a penalty of any amount or to imprisonment for a term not exceeding ^{F4}the maximum term] or to both.
- ^{F5}(4) In sub-paragraph (3) above, “the maximum term” means two years in the case of an offence under paragraph (a) and seven years in the case of an offence under paragraph (aa) or (b) of that sub-paragraph.]

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Textual Amendments

- F1** Sch. 1 para. 13(1)(2) and (2A) substituted (1.1.1995) for para. 13(1)(2) by 1994 c. 9, s. 9, **Sch. 4 Pt. V para. 62(1)** (with s. 19(3)); S.I. 1994/2679, **art. 3**.
- F2** Words repealed by **Finance Act 1988 (c. 39, SIF 40:1)**, ss. 12(4)(a)(6), 148, **Sch. 14 Pt. I** Note 3
- F3** Sch. 1 para. 13(3)(aa) inserted by **Finance Act 1988 (c. 39, SIF 40:1)**, s. **12(4)(b)(6)**
- F4** Words substituted by **Finance Act 1988 (c. 39, SIF 40:1)**, s. **12(4)(c)(6)**
- F5** Sch. 1 para. 13(4) inserted by **Finance Act 1988 (c. 39, SIF 40:1)**, s. **12(4)(d)(6)**

Modifications etc. (not altering text)

- C1** Para. 13(3) amended by **Finance Act 1985 (c. 54, SIF 12:2)** s. 10(5)(6)(f)

- 14 (1) If any person carries on any business in contravention of paragraph 5(1) above he shall be guilty of an offence and liable—
- (a) on summary conviction to a penalty of the prescribed sum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment to a penalty of any amount or to imprisonment for a term not exceeding two years or to both;
- and in a case where the person has so carried on the business after receiving notice under paragraph 12(3) above, he shall be liable on summary conviction to an additional penalty of £25 for each day after the date of that notice on which he has so carried on his business.
- (2) Where a person is convicted of an offence under sub-paragraph (1) above and the offence continues after the conviction, he shall be guilty of a further offence under that sub-paragraph and may, on conviction, be punished accordingly.
- (3) If at any time the holder of a permit under paragraph 5 above fails to produce his permit for examination within such period, and at such time and place, as may be ^{F6} . . . required by an officer, [^{F7}his failure shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).]

Textual Amendments

- F6** Word in Sch. 1 para. 14(3) repealed (1.1.1995) by 1994 c. 9, ss. 9, 258, Sch. 4 Pt. V para. 62(2)(a), **Sch. 26 Pt. III** Note (with s. 19(3)); S.I. 1994/2679, **art. 3**.
- F7** Words in Sch. 1 para. 14(2)(b) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. V para. 62(2)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**.

- 15 (1) Where, on the conviction of any person of an offence under [^{F8}paragraph 13(3) above] in connection with general betting duty [^{F9}. . .] the Commissioners—
- (a) certify to the court by or before whom that person is so convicted that [^{F10}there has been at least one previous occasion on which that or another person has been either—
 - (i) convicted of an offence under paragraph 13(3) above; or
 - (ii) assessed to a penalty to which he was liable under section 8 of the Finance Act 1994 (penalty for evasion),

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- in respect of conduct taking place] in the course of the operation of the same premises as a betting office and while the same person has been the holder of a betting office licence in respect thereof, and
- (b) make application to that court for effect to be given to this sub-paragraph, that court shall order that the betting office licence in respect of those premises shall be forfeited and cancelled.
- (2) A licence shall not be forfeited or cancelled under such an order made by a court in England or Wales [^{F11}or Northern Ireland]—
- (a) until the date of expiration of the period within which notice of appeal against the conviction which gave rise to the order may be given, or
- (b) if notice of appeal against that conviction is duly given within the period aforesaid, until the date of the determination or abandonment of the appeal, or
- (c) if on any such appeal the appeal is allowed.
- (3) A licence shall not be forfeited or cancelled under such an order made by a court in Scotland—
- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made, or
- (b) if an appeal against the conviction which gave rise to the order is begun within the said period, until the date when that appeal is determined or abandoned or deemed to have been abandoned, or
- (c) if on any such appeal the appeal is allowed.
- (4) Where a betting office licence held by any person in respect of any premises is forfeited and cancelled in pursuance of an order under subparagraph (1) above, the [^{F12}proper officer of] the court by whom the order was made shall, unless he is also [^{F13}proper officer of the appropriate authority who last either granted or renewed the licence, send a copy of the order to the proper officer of] that authority; and, without prejudice to the renewal by that authority of any other betting office licence held by that person, that authority shall, notwithstanding anything in paragraph 20(1) of the said Schedule 1, refuse any application by that person for the grant of a new betting office licence in respect of those or any other premises [^{F14}in England, Wales or Scotland] made less than twelve months after that forfeiture and cancellation.
- [^{F15}(4A) In sub-paragraph (4) above—
- “proper officer of the court” means—
- (a) in relation to a magistrates’ court in England and Wales, the justices’ chief executive for the court; and
- (b) in relation to any other court, the clerk of the court, and
- “appropriate authority” and “proper officer of the appropriate authority” have the same meaning as in Schedule 1 to the ^{M1}Betting, Gaming and Lotteries Act 1963.]
- [^{F16}(5) Subject to sub-paragraph (6) below, where under sub-paragraph (1) above a court orders that a betting office licence held by a person in respect of premises in Northern Ireland shall be forfeited and cancelled, no court of summary jurisdiction shall entertain an application by that person for the grant (or provisional grant) of a new betting office licence in respect of those premises or any other premises situated in

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the same petty sessions district as those premises made less than twelve months after that forfeiture and cancellation.

- (6) Sub-paragraph (5) above—
- (a) shall not prejudice the right of such a person as is mentioned in that sub-paragraph to seek the renewal of any betting office licence (other than that which is forfeited) which he holds; and
 - (b) applies notwithstanding anything in Article 12 of the ^{M2}Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985].

Textual Amendments

- F8** Words in Sch. 1 para. 15(1) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. V para. 62(3)(a)** (with s. 19(3)); S.I. 1994/2679, **art. 3**.
- F9** Words in Sch. 1 para. 15(1) repealed (1.1.1995) by 1994 c. 9, ss. 9, 258, Sch. 4 Pt. V para. 62(3)(a), **Sch. 26 Pt. III** Note (with s. 19(3)); S.I. 1994/2679, **art. 3**.
- F10** Words in Sch. 1 para. 15(1)(a) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. V para. 62(3)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**.
- F11** Words inserted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, **Sch. 4 Pt. I para. 11(2)(a)**
- F12** Words in Sch. 1 para. 15(4) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 120(2)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F13** Words in Sch. 1 para. 15(4) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 120(2)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F14** Words inserted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, **Sch. 4 Pt. I para. 11(2)(b)**
- F15** Sch. 1 para. 15(4A) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 120(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F16** Sub-paras (5) and (6) inserted by Finance Act 1986 (c. 41, SIF 12:2), s. 6, **Sch. 4 Pt. I para. 11(2)(c)**

Marginal Citations

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

- 16 (1) If a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the ^{M3}Criminal Procedure (Scotland) Act 1975) is satisfied on information on oath that there is reasonable ground for suspecting that an offence in connection with general betting duty is being, has been, or is about to be committed on any premises, he may issue a warrant in writing authorising any officer to enter those premises (if necessary by force) at any time within [^{F17}one month] from the time of the issue of the warrant and search them.
- (2) An officer who enters premises under the authority of such a warrant may—
- (a) seize and remove any records, accounts or other documents, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such an offence, and
 - (b) search any person found on the premises whom he has reasonable cause to believe to be carrying on bookmaking on the premises.

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Textual Amendments

F17 Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 6 Pt. II para. 39(b)**

Modifications etc. (not altering text)

C2 [Sch. 1 para. 16\(2\)](#) powers of seizure extended (1.4.2003) by [2001 c. 16](#), ss. 50, 52-54, 68, 138(2), [Sch. 1 Pt. I para. 27](#); [S.I. 2003/708](#), **art. 2(a)(c)(j)**

C3 Power(s) of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), ss. 50, 52-54, 68, **Sch. 1 Pt. 1 para. 27**; [S.I. 2003/708](#), **art. 2(a)(j)**

Marginal Citations

M3 [1975 c. 21\(39:1\)](#).

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