

Status: Point in time view as at 01/01/2005.

Changes to legislation: Horsrace Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 17 June 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)

VALID FROM 08/07/2005

SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 10

NEW SCHEDULE 1A TO THE BETTING, GAMING AND LOTTERIES ACT 1963

“SCHEDULE 1A

REGULATION OF HORSERACE POOL BETTING

.....
.....
.....

VALID FROM 13/07/2011

SCHEDULE 2

Section 13

SALE OF THE TOTE: CONSEQUENTIAL AMENDMENTS

Betting, Gaming and Lotteries Act 1963 (c. 2)

PROSPECTIVE

1 The Betting, Gaming and Lotteries Act 1963 shall be amended as follows.

PROSPECTIVE

2 In section 1 (restriction on using premises for betting)—
(a) in subsection (1)(a) for “section 4(1)” substitute “ section 4(2), (3) or (5) ”, and
(b) in subsection (5)(a) omit “but no other races”.

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PROSPECTIVE

3

In section 3 (authorisation of agents)—

- (a) in subsection (1) omit—
 - (i) “or to the Totalisator Board”,
 - (ii) “or, as the case may be, by the said Board”, and
 - (iii) “or by the said Board”,
- (b) in subsection (2) omit—
 - (i) “or to the said Board”, and
 - (ii) “or, as the case may be, the Board”, and
- (c) in subsection (3) omit—
 - (i) “The said Board and”, and
 - (ii) “by that Board or, as the case may be,”.

PROSPECTIVE

4

In section 5(3) (restriction of betting on tracks) omit—

- (a) “by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse”, and
- (b) “by that Board or, as the case may be, by those persons”.

PROSPECTIVE

5

In section 6(1) (restriction of bookmaking on tracks) omit “only”.

PROSPECTIVE

6

In section 9 (betting office licences and betting agency permits)—

- (a) in subsection (1) omit the words from “Provided that” to the end,
- (b) subsection (2)(b) shall cease to have effect, and
- (c) in subsection (2)(c)(i) omit—
 - (i) “or by the Totalisator Board”, and
 - (ii) “or, as the case may be, with or through that Board”.

PROSPECTIVE

7

In section 11(1) (bookmaker’s permit and betting agency permit: cancellation and disqualification) after “, 4(1)” insert “, 4A(1)”.

PROSPECTIVE

8

Section 12 (which establishes the Horserace Totalisator Board) shall cease to have effect.

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PROSPECTIVE

9 Section 14 (Tote’s monopoly in relation to pool betting) shall cease to have effect.

PROSPECTIVE

10 Section 15 (Tote’s additional powers and duties) shall cease to have effect.

PROSPECTIVE

11 In section 16(1) (totalisators on licensed tracks) for “4(1)(b)” substitute “4(5)”.

12 (1) Section 24 (Horsrace Betting Levy Board) shall be amended as follows.

(2) In subsection (1) for “the Totalisator Board” substitute “, while the exclusive licence under section 8 of the Horsrace Betting and Olympic Lottery Act 2004 (sale of the Tote) has effect, the successor company nominated for the purposes of section 2 of that Act”.

(3) In subsection (2)—

- (a) for “seven other members” substitute “six other members”, and
- (b) omit subsection (2)(e).

(4) In subsection (4)—

- (a) for “, the Bookmakers' Committee and the Totalisator Board respectively” substitute “ or the Bookmakers' Committee ”, and
- (b) for “subsection (2)(b), (d) or (e)” substitute “ subsection (2)(b) or (d) ”.

13 In section 30 (contributions by Totalisator Board)—

- (a) in each place (including in the heading) before “Totalisator Board” insert “ successor company to the ”, and
- (b) after subsection (1) insert—

“(1A) Subsection (1) does not apply to any contribution which the successor company to the Totalisator Board is liable to make—

- (a) in respect of a time when the exclusive licence does not have effect, and
- (b) as a bookmaker.”

PROSPECTIVE

14 In section 31 (accounts and reports)—

- (a) in subsection (1)—
 - (i) for “and the Totalisator Board shall each” substitute “ shall ”,
 - (ii) for “proper statements” substitute “ a proper statement ”,
 - (iii) omit “of each of the Boards”, and

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	(iv) omit “in question”, and
	(b) for subsection (2) substitute—
	“(2) As soon as reasonably practicable after its accounts for a levy period have been audited, the Levy Board shall submit to the Secretary of State a report of its proceedings during that period which shall include the statement of account and the auditor’s report for that period; and the Secretary of State shall lay before Parliament a copy of each report received by him under this subsection.”
	PROSPECTIVE
15	In section 52(1) (penalties) after “4,” insert “ 4A, ”.
	PROSPECTIVE
16	In section 55(1) (interpretation)—
	(a) in the definition of “bookmaker” omit—
	(i) “other than the Totalisator Board”, and
	(ii) for “sponsored pool betting business” substitute “ pool betting business on an approved racecourse in accordance with a point-to-point exemption notice ”,
	(b) after the definition of “game of chance” and “gaming” insert—
	““the Gaming Board” means the Gaming Board for Great Britain;”,
	(c) after the definition of “player” insert—
	““point-to-point exemption notice” has the meaning given by section 4(3)(b) of this Act;”,
	(d) omit the definition of “recognised horse race”,
	(e) in the definition of “registered pool promoter” for “section 4(2)” substitute “ section 4A(3) ”, and
	(f) omit the definitions of—
	(i) “sponsored pool betting”, and
	(ii) “the Totalisator Board”.
	PROSPECTIVE
17	In paragraph 19(a)(i) of Schedule 1 (permits) omit “in the case of an applicant other than the Totalisator Board,”.

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PROSPECTIVE

Gaming Act 1968 (c. 65)

18 In paragraph 6 of Schedule 1 to the Gaming Act 1968 (Gaming Board: remuneration of staff, &c.) after “(including the inspectors appointed under section 43 of this Act” insert “ and the supervising accountant and technical adviser appointed under Schedule 1A to the Betting, Gaming and Lotteries Act 1963 (c. 2) and anyone acting under the authority of the supervising accountant or technical adviser) ”.

Horserace Betting Levy Act 1969 (c. 14)

19 In section 5 of the Horserace Betting Levy Act 1969 (annual contribution by Totalisator Board)—

- (a) in each place in subsection (1) (and the heading) before “Totalisator Board” insert “ successor company to the ”,
- (b) in subsection (1) for ‘object’ substitute ‘objects’, and
- (c) after subsection (1) insert—

“(1A) Subsection (1) does not apply to any contribution which the successor company to the Totalisator Board is liable to make—

- (a) in respect of a time when the exclusive licence does not have effect, and
- (b) as a bookmaker.”

PROSPECTIVE

Race Relations Act 1976 (c. 74)

20 In Part II of Schedule 1A to the Race Relations Act 1976 (persons subject to statutory duty) omit— “ The Horserace Totalisator Board. ”

National Lottery etc. Act 1993 (c. 39)

21 Section 17 of the National Lottery etc. Act 1993 (extension of powers of Tote) shall cease to have effect.

Freedom of Information Act 2000 (c. 36)

22 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit— “ The Horserace Totalisator Board. ”

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PROSPECTIVE

SCHEDULE 3

Section 16

HORSERACE BETTING LEVY BOARD: TRANSFER OF PROPERTY

Introductory

- 1 In this Schedule—
- “the Board” means the Horserace Betting Levy Board,
- “transfer direction” means a direction of the Secretary of State under section 16(2), and
- “transfer scheme” means a transfer scheme under section 16.

Board to assist Secretary of State

- 2 The Board shall on request give the Secretary of State information or assistance in connection with—
- (a) a transfer direction which the Secretary of State has given or may give, or
- (b) a transfer scheme which the Secretary of State has made or may make.

Ancillary powers of Board

- 3 (1) The Board may do anything that it thinks necessary or appropriate in connection with a transfer direction or a transfer scheme.
- (2) In particular, the Board may enter into an agreement which confers or imposes on the Board rights or liabilities in respect of anything which has been or is to be transferred by a transfer scheme; and those rights and liabilities may include—
- (a) rights to receive payments by way of consideration for transfer or otherwise, and
- (b) liabilities to make payments.
- (3) But the Board may enter into an agreement by virtue of sub-paragraph (2) only with the consent of—
- (a) the Secretary of State, and
- (b) the Treasury.

Ancillary powers of Secretary of State

- 4 The Secretary of State may with the consent of the Treasury enter into an agreement which confers or imposes on the Secretary of State rights or liabilities in respect of anything which has been or is to be transferred by a transfer scheme.

Content of transfer scheme

- 5 A transfer scheme—

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- (a) may transfer property, rights or liabilities whether or not they would otherwise be capable of being transferred,
 - (b) may dispense with a formality in relation to a transfer (whether or not it would otherwise be required by virtue of an enactment or instrument),
 - (c) may dispense with a requirement for consent (whether arising under an enactment, an instrument or an agreement),
 - (d) may provide for a transfer not to have an effect which it would otherwise have by virtue of an enactment, instrument or agreement, and
 - (e) may provide for a transfer to have an effect different to that which it would otherwise have by virtue of an enactment, instrument or agreement.
- 6 In specifying property, rights or liabilities to be transferred a transfer scheme—
- (a) may use any manner of description (which may include reference to criteria specified in the scheme or to be determined in accordance with the scheme),
 - (b) may provide for exceptions, and
 - (c) may provide for the division of property, rights or liabilities in a manner specified in the scheme or to be determined in accordance with the scheme.
- 7 A transfer scheme may transfer property, rights or liabilities which—
- (a) do not exist when the scheme is made but do exist when the transfer takes effect, or
 - (b) become property, rights or liabilities of the Board after the scheme is made and before the transfer takes effect.
- 8 A transfer scheme may transfer property, rights or liabilities to more than one person; and a scheme making provision under this paragraph may provide for property, rights or liabilities—
- (a) to vest jointly in a manner specified by the scheme or determined in accordance with the scheme, or
 - (b) to be divided in a manner specified by the scheme or determined in accordance with the scheme.
- 9 A transfer scheme—
- (a) may impose obligations on a person to whom property, rights or liabilities are transferred,
 - (b) may require a person to whom property, rights or liabilities are transferred to enter into an agreement of a specified kind or for a specified purpose,
 - (c) may make provision for the enforcement of an obligation imposed by virtue of this paragraph (which may, in particular, provide for an obligation to be treated as if it arose under a contract between specified persons), and
 - (d) may make provision for the enforcement of a requirement included in a scheme by virtue of this paragraph.
- 10 (1) A transfer scheme may include provision for the payment of compensation in a case where—
- (a) as a result of a provision of the scheme—

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- (i) a third-party right becomes enforceable partly against one transferee and partly against another, or
- (ii) a third-party liability becomes enforceable partly by one transferee and partly by another, and
- (b) an effect of that result is to reduce the value of—
- (i) property of the third party, or
- (ii) a right of the third party.
- (2) Provision included under this paragraph may, in particular—
- (a) provide for compensation to be paid by a transferee;
- (b) provide for compensation to be paid by the transferor;
- (c) provide for compensation to be paid by the Secretary of State;
- (d) provide for arbitration (as to liability or quantum).
- (3) In this paragraph—
- (a) a reference to a third-party right, in relation to a provision of a transfer scheme, is a reference to a right of a person who under that provision is neither the transferor nor a transferee,
- (b) a reference to a third-party liability, in relation to a provision of a transfer scheme, is a reference to a liability of a person who under that provision is neither the transferor nor a transferee,
- (c) a reference to a right's being enforceable includes a reference to its being enforceable if certain events occur or circumstances appertain,
- (d) “transferee” means a person to whom property, rights or liabilities are transferred under a transfer scheme, and
- (e) “transferor” means the Board.
- 11 A transfer scheme may make consequential, incidental or transitional provision; in particular, a transfer scheme—
- (a) may provide for anything done by or in relation to the Board to have effect as if done by or in relation to another person,
- (b) may permit anything (which may include legal proceedings), which is in the process of being done by or in relation to the Board when a provision of a transfer scheme takes effect, to be continued by or in relation to another person, and
- (c) may provide for a reference to the Board in an agreement (whether written or not), instrument or other document to be treated as a reference to another person.
- Transfer of undertakings*
- 12 (1) Nothing in a transfer scheme shall affect the operation of the [F1Transfer of Undertakings (Protection of Employment) Regulations 2006].
- (2) The Secretary of State shall not approve, make or modify a transfer scheme unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.

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Textual Amendments

F1 Words in Sch. 3 para. 12(1) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), **Sch. 2 para. 1(j)**

Certificate of title

- 13 (1) The Secretary of State may certify that specified property, rights or liabilities vest in a specified person by virtue of a transfer scheme.
- (2) A certificate under this paragraph shall be conclusive.

Modification of scheme

- 14 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of specified property, rights or liabilities, and
 - (b) the transfer has not yet taken effect (whether or not another transfer under the scheme has taken effect).
- (2) The Secretary of State may modify the scheme in so far as it relates to the transfer.
- 15 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of specified property, rights or liabilities, and
 - (b) the transfer has taken effect.
- (2) The Secretary of State may modify the scheme in so far as it relates to the transfer.
- (3) Modification under this paragraph must be made by order of the Secretary of State made by statutory instrument.
- (4) An order under this paragraph may not be made without the consent of—
- (a) the person to whom the transfer is made, and
 - (b) any other person specified in or in relation to the provision to be modified.
- (5) An order under this paragraph shall not be made unless a draft has been laid before Parliament.

Consultation and consent

- 16 The Secretary of State shall consult the Board before—
- (a) giving a transfer direction,
 - (b) modifying a transfer scheme under section 16(2)(b) or paragraph 14 or 15,
 - (c) approving a transfer scheme, or
 - (d) making a transfer scheme.
- 17 The Secretary of State shall not approve or make a transfer scheme which provides for the transfer to a person of property, rights or liabilities unless satisfied that the person has consented to—
- (a) the transfer, and

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- (b) the terms of the scheme relevant to the transfer.

Accounts

18 If the Secretary of State directs the Board to prepare accounts in respect of a specified period ending with the day on which a transfer scheme comes into force—

- (a) the Board shall comply with the request,
- (b) the Board shall arrange for the accounts to be audited by qualified accountants,
- (c) the Board shall submit the accounts and the auditors' report to the Secretary of State, and
- (d) the Secretary of State shall lay a copy of the accounts and the auditors' report before Parliament.

PROSPECTIVE

SCHEDULE 4

Section 17

ABOLITION OF THE HORSESHOE BETTING LEVY SYSTEM: CONSEQUENTIAL AMENDMENTS

Betting, Gaming and Lotteries Act 1963 (c. 2)

1 The Betting, Gaming and Lotteries Act 1963 shall be amended as follows.

2 (1) Section 13 (approval of horse-race courses) shall be amended as follows.

(2) In subsections (1) and (2) for “The Levy Board” substitute “ The Gaming Board ”.

(3) In subsection (1) omit “, and the Board may at any time revoke any such certificate issued by them”.

(4) At the end add—

“(3) The Gaming Board shall grant a certificate of approval requested in respect of any ground if satisfied that the arrangements for the management of the ground are reasonably consistent with pursuit of the objectives of—

- (a) preventing betting from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that betting is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by betting.

(4) In particular, the Gaming Board shall consider whether—

- (a) the place mentioned in subsection (2) will be clearly delineated,
- (b) the terms on which members of the public are invited to make bets will be clearly displayed, and
- (c) satisfactory arrangements will be made—

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- (i) to control the conduct of persons receiving or negotiating bets on the ground, and
 - (ii) to address complaints made by members of the public about the conduct of persons receiving or negotiating bets on the ground.
 - (5) If the Gaming Board would be satisfied in respect of the matters specified in subsections (3) and (4) if the certificate of approval were granted on conditions, the Gaming Board shall—
 - (a) grant the certificate of approval, and
 - (b) impose the conditions.
 - (6) The Gaming Board shall not grant a certificate of approval unless the prescribed fee has been paid for the certificate; and subsections (3) and (5) are subject to this subsection.
 - (7) The Gaming Board may revoke a certificate of approval if not satisfied that the arrangements for the management of the ground are reasonably consistent with pursuit of the objectives specified in subsection (3)(a) to (c) (having regard, in particular, to the matters specified in subsection (4)).
 - (8) A certificate of approval shall, unless earlier revoked, expire at the end of the period of three years beginning with the date of issue (but without prejudice to the power to issue a new certificate).
 - (9) If the Gaming Board refuse a request for a certificate of approval, or revoke a certificate of approval, they shall give their reasons in writing.
 - (10) In subsection (6) “prescribed” means prescribed by order of the Secretary of State.
 - (11) An order under subsection (10)—
 - (a) shall include provision about the timing and manner of payment,
 - (b) shall provide for fees to be paid into the Consolidated Fund,
 - (c) may make different provision for different circumstances,
 - (d) shall be made by statutory instrument, and
 - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 3 In section 55(1) (interpretation)—
- (a) in the definition of “approved horse racecourse” for “issued by the Levy Board” substitute “issued by the Gaming Board for Great Britain”, and
 - (b) omit the entries for—
 - (i) “Bookmakers' Committee”,
 - (ii) “the Levy Board”, and
 - (iii) “levy period”.
- 4 In Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences)—
- (a) paragraph 25A shall cease to have effect, and
 - (b) paragraph 36 shall cease to have effect.

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Parliamentary Commissioner Act 1967 (c. 13)

5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, &c. subject to investigation) omit— “ Horserace Betting Levy Board. ”

Finance Act 1969 (c. 32)

6 Section 59 of the Finance Act 1969 (disclosure of information by Customs and Excise to Levy Board) shall cease to have effect.

House of Commons Disqualification Act 1975 (c. 24)

7 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit— “ Member appointed by the Secretary of State of the Horserace Betting Levy Board. ”

Race Relations Act 1976 (c. 74)

8 In Part II of Schedule 1A to the Race Relations Act 1976 (persons subject to statutory duty) omit— “ The Horserace Betting Levy Board. ”

Freedom of Information Act 2000 (c. 36)

9 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (public authorities) omit— “ The Horserace Betting Levy Board. ”

SCHEDULE 5

Section 29

THE OLYMPIC LOTTERY DISTRIBUTOR

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VALID FROM 08/04/2005

SCHEDULE 6

Section 38

REPEALS

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Status:

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