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STATUTORY INSTRUMENTS

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**1982 No. 270**

**BETTING, GAMING AND LOTTERIES**

**The Betting Levy Appeal Tribunal (England and Wales) (Amendment) Rules 1982**

<i>Made</i>	- - - -	<i>26th February 1982</i>
<i>Laid before Parliament</i>		<i>10th March 1982</i>
<i>Coming into Operation</i>		<i>1st April 1982</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 29(3) of the Betting, Gaming and Lotteries Act 1963(1), and after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Betting Levy Appeal Tribunal (England and Wales) (Amendment) Rules 1982 and shall come into operation on 1st April 1982.

(2) In these Rules a rule referred to by number means the rule so numbered in the Betting Levy Appeal Tribunal (England and Wales) Rules 1963 and unless the context otherwise requires “the Schedule” means the Schedule to those Rules.

2. Rule 2(1) shall be amended as follows:—

(a) for the definition of “the Act” there shall be substituted the following definitions:—

““the Act of 1963” means the Betting, Gaming and Lotteries Act 1963;

“the Act of 1969” means the Horserace Betting Levy Act 1969(2);

“the Act of 1981” means the Horserace Betting Levy Act 1981;”;

(b) for the definition of “appellant” there shall be substituted the following definition:—

““appellant” means a person who has appealed to an appeal tribunal under section 28 of the Act of 1963 or under section 2 of the Act of 1981;”;

(c) in the definition of “the Board” after the words “the Act” there shall be added “of 1963;”;

(d) the definition of “the Committee” shall be omitted;

(e) in the definition of “tribunal” after the words “the Act” there shall be added “of 1963”.

3. For rule 3 there shall be substituted the following rule:—

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(1) section 29 was extended by paragraph 2 of the Schedule to the Horserace Betting Levy Act 1981 (c. 30).

(2) 1969 c. 14.

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“Subject to section 3(7) of the Act of 1981 the Board shall refer an appeal under section 28 of the Act of 1963 or under section 2 of the Act of 1981 to a tribunal by notice in writing substantially in accordance with Forms 1 or 4 respectively.”.

4. Rule 4 shall be amended as follows:—

(a) for paragraph (a) there shall be substituted the following paragraph:—

“(a) furnish the tribunal with copies of the appellant's declaration (if any), the Board's notice of assessment issued under section 28 of the Act of 1963 or notice of determination issued under section 1 of the Act of 1981 (as the case may be) and the appellant's notice of appeal;”;

(b) in paragraph (b) the words “and of any opinion referred to in paragraph (a) of this rule,” shall be omitted.

5. In rule 5(2) after the words “Form 2” there shall be added “or Form 5 as the case may be”.

6. In rule 10(1) after the words “Form 3” there shall be added “or Form 6 as the case may be”.

7. In rule 12 after the words “of the Act” there shall be added “of 1963.”.

8. For rule 13 there shall be substituted the following rule:—

“The tribunal shall not give a direction or a certificate under section 29(6) or (7) of the Act of 1963 or a certificate under section 3 of the Act of 1969(3) without having given the Board and the appellant an opportunity of being heard or of making representations in writing.”.

9. Form 3 of the Schedule shall be amended by inserting after the words “to which the appeal” the words “against notice of assessment”.

10. There shall be added to the forms which appear in the Schedule the forms which are set out in the Schedule to these Rules.

Dated 26th February 1982

*Hailsham of St. Marylebone, C*

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(3) As amended by paragraph 5 of the Schedule to the Act of 1981.

## SCHEDULE

FORM 4NOTICE OF REFERENCE

FORM 5NOTICE REQUIRING FACILITIES FOR INVESTIGATION

FORM 6DECISION OF THE TRIBUNAL

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## EXPLANATORY NOTE

These Rules amend the Betting Levy Appeal Tribunal (England and Wales) Rules 1963 by making provision for those appeals which are brought under the Horserace Betting Levy Act 1981 against a notice of determination issued by the Horserace Betting Levy Board requiring payments on account of the levy payable under section 27 of the Betting, Gaming and Lotteries Act 1963.

Rules 2(d), 4 and 8 also make certain minor amendments to the 1963 Rules which are consequential upon changes that were made to the 1963 Act by sections 2 and 3 of the Horserace Betting Levy Act 1969.