

1982 No. 270

BETTING, GAMING AND LOTTERIES

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

Made - - - - 26th February 1982

Laid before Parliament 10th March 1982

Coming into Operation 1st April 1982

The Lord Chancellor, in exercise of the powers conferred on him by section 29(3) of the Betting, Gaming and Lotteries Act 1963 (a), and after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971 (b), 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 (c) 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 (d);

“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;”;

(a) 1963 c. 2; section 29 was extended by paragraph 2 of the Schedule to the Horserace Betting Levy Act 1981 (c. 30).

(b) 1971 c. 62.

(c) S.I. 1963/748.

(d) 1969 c. 14.

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- (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:—
“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 (a) 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.

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

SCHEDULE

FORM 4

Horserace Betting Levy Act 1981

NOTICE OF REFERENCE

The Horserace Betting Levy Board hereby refers to the Horserace Betting Levy Appeal Tribunal for England and Wales the appeal of [*name and address of appellant*].

Notice of the appeal, of which a copy is attached, was received by the Board on
19

Dated 19 . (*Signed*)

On behalf of the Board.

To the Horserace Betting Levy Appeal Tribunal for England and Wales.

FORM 5

Horserace Betting Levy Act 1981

NOTICE REQUIRING FACILITIES FOR INVESTIGATION

The Horserace Betting Levy Appeal Tribunal for England and Wales, to which your appeal has been referred, requires the following facilities [*or further facilities*] for the investigation of your appeal, which was referred to the tribunal on 19 :—

[*Here state facilities required*]

If you object to affording the facilities mentioned above on the grounds that they are unnecessary or unreasonable, you should so inform the tribunal immediately. You will then be given an opportunity of making representations to the tribunal which may, if it thinks fit, after having considered your representations, modify or withdraw this notice.

Note.—Section 2(3)(a) of the Act provides that the tribunal “shall not rescind the determination or reduce the amount so payable unless the appellant has afforded the tribunal all the facilities it may have required for the investigation of his case”.

Dated 19 . (*Signed*)

On behalf of the tribunal.

To [*name of appellant*]

FORM 6

Horserace Betting Levy Act 1981

DECISION OF THE TRIBUNAL

The Horserace Betting Levy Appeal Tribunal for England and Wales, to which the appeal against notice of determination of [*name of appellant*] was referred by the Horserace Betting Levy Board by notice dated 19 , having heard the said appeal, has determined that, in respect of the levy period commencing on 1 st April 19

- Delete if applicable*
- * (1) the appellant falls for the purposes of the relevant scheme into the following categories for payments on account of the levy:
 - * (2) the following special provisions of the said scheme requiring payments on account of the levy apply to the appellant:
 - * (3) the appellant is not liable under the said scheme to make any payments on account of the levy.

The tribunal accordingly directs that—

- * (1) the notice of determination issued by the Board in respect of the appellant and dated 19 shall be confirmed [*or shall be amended by substituting for the amounts to be paid on account the following amounts*]
[*and/or shall be amended by substituting for the times specified therein as the times during the levy period at which payments on account are to be made the following times*].
- * (2) the notice of determination issued by the Board in respect of the appellant shall be rescinded.

Dated 19 . (*Signed*)

Chairman
On behalf of the tribunal.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

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.

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