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STATUTORY INSTRUMENTS

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**1985 No. 1204**

**The Betting, Gaming, Lotteries and  
Amusements (Northern Ireland) Order 1985**

**PART II  
BETTING**

*Licensing of tracks*

***Restriction of bookmaking and pool betting on tracks***

**36.**—(1) Subject to paragraph (2), it shall be unlawful for bookmaking or a pool betting business to be carried on on any track unless the occupier of the track holds a track betting licence authorising the provision of betting facilities in accordance with regulations under Article 43 on that track.

(2) Paragraph (1) shall not apply to bookmaking on any track on any day if—

- (a) during the year in which that day falls, bookmaking has not been carried on on that track on more than 7 previous days; and
- (b) not less than 1 week before that day, notice of the intention to permit bookmaking on that track on that day is served by the occupier of the track on the sub-divisional commander of the police sub-division in which the track is situated.

*Para. (3) rep. by 2004 NI 1*

(4) If bookmaking or a pool betting business is carried on by any person in contravention of this Article or of regulations made under Article 43, that person and the occupier of the track also, shall be guilty of an offence.

***Grant of track betting licences***

**37.**—(1) An application for the grant of a track betting licence shall be made by the occupier of the track for which the licence is sought to the Department.

(2) An application for a track betting licence shall—

- (a) be in such form and be made in such manner,
- (b) comply with such requirements, and
- (c) contain such information,

as the Department may determine and the applicant shall attach to the application such fee as the Department, with the consent of the Department of Finance and Personnel, may specify by order, subject to affirmative resolution.

(3) Subject to paragraph (4), on an application made for the grant of a track betting licence, the Department, after hearing representations, if any, from the applicant or any other person who wishes to object to the grant of the licence, may grant the track betting licence if it is satisfied—

- (a) <sup>F1</sup> .....

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- (b) either—
  - (i) that there is in force planning permission to use the land in question as a track for the period during which the licence would be in force; or
  - (ii) that the land may be used as a track for that period without such permission.
- (4) The Department may refuse to grant a track betting licence if it is satisfied—
  - (a) that the existence or user of the track—
    - (i) would injuriously affect either the health or the comfort of persons residing in the vicinity of the track, or be detrimental to the interests of persons receiving instruction or residing in any school or institution in that vicinity; or
    - (ii) would seriously impair the amenities of that vicinity; or
    - (iii) would result in undue congestion of traffic or seriously prejudice the preservation of law and order; or
  - (b) that the applicant has been convicted—
    - (i) of any offence under this Part;
    - (ii) of any offence involving fraud or dishonesty.
- (5) On the grant of a track betting licence and, during the currency of that licence, on the anniversary of that grant, the holder of the licence shall pay to the Department such fee as the Department, with the consent of the Department of Finance and Personnel, may specify by order, subject to affirmative resolution.

<p><b>F1</b> <a href="#">Art. 37(3)(a)</a> repealed (15.11.2010) by <a href="#">Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9))</a>, arts. 1(3), 63(2), <a href="#">Sch. 4</a> (with art. 62); S.R. 2010/328, <a href="#">art. 2</a></p>
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### ***Appeal against refusal of track betting licences***

**38.**—(1) If the Department decides to refuse the application for the grant of a track betting licence, it shall serve notice of the decision on the applicant and such notice shall inform him of his right of appeal under paragraph (2) and of the time within which the appeal may be brought.

(2) A person aggrieved by a decision refusing the grant of a track betting licence may, within 21 days from the date on which notice is served on him, appeal to the county court.

(3) The decision of a county court on an appeal brought under paragraph (2) shall be final, and the Department shall give effect to that decision.

### ***Provisional grant of track betting licences***

**39.**—(1) Where a track is about to be constructed, altered or extended or is in the course of construction, alteration or extension the person who proposes to be the occupier of the track may apply to the Department for the provisional grant of a track betting licence for that track.

(2) For the purposes of a provisional grant of a track betting licence, Articles 37 and 38 shall have effect as if—

- (a) any reference to the grant of a track betting licence, except in Article 37(5), were a reference to the provisional grant of a track betting licence, and in Article 37(5), were a reference to the declaration of the grant of a track betting licence final; and
- (b) where the application relates to a track about to be constructed, any reference to the track for which the track betting licence is sought included a reference to the proposed track

<sup>F2</sup> . . . .

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(3) A track betting licence which is provisionally granted shall not authorise the provision of betting facilities in accordance with regulations under Article 43 until the grant of the licence is declared final.

(4) Where a track betting licence has been granted provisionally for any track, the Department, on the application of the holder of the licence shall, subject to paragraph (5), declare the grant of the track betting licence final if it is satisfied that the track has been completed<sup>F3</sup> . . . .

(5) The Department shall not entertain an application under paragraph (4) after the expiration of 2 years from the date on which the track betting licence was granted provisionally, unless the applicant satisfies the Department that there were reasonable grounds for the failure to complete the construction, alteration or extension of the track within that period.

**F2** Words in art. 39(2)(b) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

**F3** Words in art. 39(4) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

### ***Form and duration of track betting licences***

**40.**—(1) A track betting licence shall be in such form as the Department may determine.

(2) Subject to the succeeding provisions of this Article, a track betting licence shall, unless cancelled or revoked, remain in force from the date on which it is granted until the expiration of a period of 7 years beginning with the first day of the month in which it is granted.

(3) Where a track betting licence granted provisionally is at any time declared final paragraph (2) shall apply as if the track betting licence were granted at that time.

(4) Where at any time—

(a) the holder of a track betting licence dies or is adjudged bankrupt, or his track becomes vested in the official assignee (whether before or after his death) without his being so adjudged<sup>F4</sup>... or a receiver of his property or a committee or guardian is appointed with power to manage the track; or

(b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee,<sup>F5</sup>... receiver, committee, guardian or liquidator shall be deemed to be the holder of the track betting licence and—

(i) subject to sub-paragraph (ii), the track betting licence shall, where it would otherwise expire under this Article remain in force until the end of a period of 6 months from that time unless cancelled or revoked;

(ii) the Department may on the application of the person deemed to be the holder of the track betting licence, extend the period for which that licence continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(5) Where the holder of a track betting licence dies and he has no personal representative or his personal representative is unwilling or unable to act, the licence shall, unless cancelled or revoked, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the track until—

(a) the expiration of a period of 2 months from the date of his death, or

(b) paragraph (4) becomes applicable by reason of the appointment of a personal representative,

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whichever first occurs.

(6) The authority conferred on any person by virtue of paragraph (4) or (5) to provide betting facilities on a track shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to provide such facilities on that track unless during that period he has served notice that he is providing the facilities on that track by virtue of that paragraph (and, if he is so providing by virtue of paragraph (4), the capacity in which he is doing so) upon—

- (a) the Department; and
- (b) the sub-divisional commander of the police sub-division in which the track is situated;

but the authority, if so suspended, shall revive upon the service of such a notice.

- F4** Words in art. 40(4)(a) repealed (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 2\), s. 28\(2\), Sch. 4; S.R. 2016/203, art. 2](#)
- F5** Words in art. 40(4) repealed (1.4.2016) by [Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 2\), s. 28\(2\), Sch. 4; S.R. 2016/203, art. 2](#)

#### ***Cancellation of track betting licences***

**41.**—(1) The Department shall, on application by the holder of a track betting licence, cancel the licence.

(2) Where the Department cancels a track betting licence, it shall forthwith send notice of the cancellation to the sub-divisional commander of the police sub-division in which the track is situated.

(3) Where the Department cancels a track betting licence, the person to whom the licence was granted, or any other person in whose possession or under whose control the licence may be, shall surrender it to the Department within 7 days of the date of the cancellation and if any person fails to comply with this paragraph he shall be guilty of an offence.

#### ***Revocation of track betting licences***

**42.**—(1) The Department may, after hearing representations, if any, from the holder of a track betting licence, revoke the licence if it is satisfied—

- (a) that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
- [<sup>F6</sup>(aa) that the track has been conducted in a manner which involved serious, repeated or continuous failure to comply with a code of practice in force under Article 180A; or]
- (b) that undue congestion of traffic or serious prejudice to the preservation of law and order has resulted from the existence of the track; or
- (c) upon a report made to it by the accountant appointed under Schedule 8, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that Schedule, that any totalisator on the track is not an apparatus such as is mentioned in paragraph 1 of that Schedule or that it has been maintained or operated otherwise than in accordance with that Schedule or regulations made under this Part; or
- (d) that the holder of the licence has been convicted of an offence mentioned in Article 37(4)(b)

(2) Article 38 shall apply to the revocation of a track betting licence as it applies to the refusal to grant a track betting licence with the substitution of the reference in Article 38(1) to the applicant by a reference to the holder of the licence.

(3) Where the Department revokes a track betting licence and the holder of the licence appeals, the licence shall continue in force until the appeal is determined or abandoned.

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(4) Where the Department revokes a track betting licence, it shall forthwith send notice of the revocation to the sub-divisional commander of the police sub-division in which the track is situated.

(5) Where an appeal against the revocation of a track betting licence is abandoned or determined by a county court in favour of the Department, the person to whom the licence was granted, or any other person in whose possession or under whose control the licence may be, shall surrender it to the Department within 7 days of the date of that abandonment or determination and if any person fails to comply with this paragraph he shall be guilty of an offence.

**F6** [Art. 42\(1\)\(aa\)](#) inserted (1.10.2023) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\)](#), [ss. 16\(2\)\(c\), 17\(3\)](#); S.R. 2023/74, art. 2, Sch.

### ***Regulation of licensed tracks***

**43.**—(1) Regulations may prescribe—

- (a) the conditions relating to betting at, or the operation of the totalisator at, licensed tracks; and
- (b) the number of days on which such betting may take place or on which the totalisator may be so operated.

(2) If the holder of a track betting licence contravenes any of the provisions of regulations made under paragraph (1) he shall be guilty of an offence.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument applied by [1997 c. 16 s.15\(3\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act applied by [1997 c. 16 s.15\(3\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 172A and cross-heading inserted by [2022 c. 14 \(N.I.\) s. 15\(1\)](#)
- art. 186(3A) inserted by [2022 c. 14 \(N.I.\) s. 15\(2\)\(a\)](#)