

Betting and Lotteries Act, 1934.

[24 & 25 GEO. 5. CH. 58.]

ARRANGEMENT OF SECTIONS.

A.D. 1934.

PART I.

BETTING.

Section.

1. Restriction of betting on tracks.
2. Restriction of bookmaking on tracks.
3. Restriction of pari mutuel or pool betting.
4. Restriction of betting on dog racecourses.
5. Licensing authorities.
6. Notices of, and procedure with respect to, applications for licences.
7. Discretion of licensing authority as to grant of licences.
8. Special provisions as to first licences for certain existing tracks.
9. Duration and transfer of licences and fees in respect of licences and transfers.
10. Fixing of days on which betting facilities may be provided.
11. Establishment of totalisators on dog racecourses.
12. Facilities for bookmaking on tracks.
13. Charges to bookmakers on tracks where betting facilities are lawfully provided.
14. Occupiers of tracks not to have an interest in bookmaking thereon.
15. Betting with young persons, and employment of young persons in betting businesses, prohibited on tracks.
16. Revocation of licences.
17. Saving for right of occupier of track to prohibit betting.

A.D. 1934.	Section.
—	18. Amendment and interpretation of Racecourse Betting Act, 1928.
	19. Power of entry on tracks.
	20. Interpretation of Part I.

PART II.

LOTTERIES AND PRIZE COMPETITIONS.

21. Illegality of lotteries.
22. Offences in connection with lotteries.
23. Exemption of small lotteries incidental to certain entertainments.
24. Exemption of private lotteries.
25. Amendment of the law with respect to, and saving for, lotteries of Art Unions.
26. Restriction on certain prize competitions.
27. Power to issue search warrant.
28. Interpretation of Part II.

PART III.

GENERAL.

29. Offences by bodies corporate.
30. Penalties for offences under this Act, and forfeitures.
31. Application to Scotland.
32. Repeal.
33. Short title, commencement and extent.

SCHEDULES :

First Schedule.—Provisions regulating the establishment and operation of totalisators on dog racecourses.

Second Schedule.—Enactments repealed.



CHAPTER 58.

An Act to amend the law with respect to betting on tracks where sporting events take place, including the law with respect to totalisators on horse racecourses; to authorise, subject to restrictions, the establishment of totalisators on dog racecourses; to prohibit betting on tracks with young persons and pari mutuel betting except by authorised totalisators; to amend the law with respect to lotteries and certain prize competitions; and for purposes connected with the matters aforesaid. A.D. 1934.

[16th November 1934.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

BETTING.

- 1.—(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track— Restriction of betting on tracks.
- (a) on more than one hundred and four days in any year; nor
 - (b) on any Good Friday, Christmas Day or Sunday.
- (2) If bookmaking is carried on, or a totalisator is operated, by any person on any track on a day on which

A.D. 1934. betting on that track is prohibited by this section, that person, and if he is not the occupier of the track, the occupier also, shall be guilty of an offence :

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PART I.
—cont.

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his knowledge.

Restriction
of book-
making on
tracks.

2.—(1) Bookmaking shall not be carried on on any track unless the occupier of the track is the holder of a licence in force under this Part of this Act authorising the provision of betting facilities on that track :

Provided that the foregoing provisions of this subsection shall not apply in relation to—

- (a) anything done on any track which is an approved horse racecourse on any day on which that track is used only for the purpose of horse races ; or
- (b) anything done on any track on any day if—

- (i) during the year in which that day falls bookmaking has not been carried on on that track on more than seven previous days ; and

- (ii) notice of the intention to permit bookmaking on that track on that day has been given by post not less than seven clear days beforehand by the occupier of the track to the chief officer of police.

(2) Bookmaking shall not be carried on on any licensed track on any day not being one of the days appointed in accordance with this Part of this Act as the days on which betting facilities may be provided on licensed tracks in the licensing area in which the track is situate.

(3) If bookmaking is carried on by any person on any track on any day in contravention of this section, that person, and, if he is not the occupier of the track, the occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his knowledge.

3.—(1) No pari mutuel or pool betting business shall be carried on on any track, except—

A.D. 1934.

PART I.
—cont.

(a) on an approved horse racecourse by, or by authority of, the Racecourse Betting Control Board under the Racecourse Betting Act, 1928, as amended by this Act, or

Restriction of pari mutuel or pool betting. 18 & 19 Geo. 5. c. 41.

(b) on a licensed track being a dog racecourse, in accordance with the provisions of this Act which relate to totalisators on dog racecourses :

Provided that nothing in this subsection shall prohibit a person from receiving or negotiating bets on an approved horse racecourse with a view to those bets being made by means of a totalisator lawfully operated on that course.

(2) Save as is permitted by the preceding subsection, no person shall use any premises whether situate on a track or not, or cause or knowingly permit any such premises to be used, as a place where persons resorting thereto may effect pari mutuel or pool betting transactions.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence.

4.—(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any day on a track being a dog racecourse, in connection with more than eight dog races, and betting by way of bookmaking or by means of a totalisator on the results of dog races shall not take place on any day on such a track as aforesaid except during one continuous period not exceeding four hours :

Restriction of betting on dog racecourses.

Provided that, in relation to any of the four special appointed days fixed in any year by the licensing authority in accordance with this section, the foregoing provisions of this subsection shall have effect as if there were therein substituted for the word " eight " the word " sixteen " and for the words " one continuous period not exceeding four hours " the words " a period or periods not exceeding eight hours in the aggregate."

(2) If bookmaking is carried on or a totalisator is operated by any person on any track in contravention of this section, that person, and if he is not the occupier of the track, the occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention

A.D. 1934. of this section on the part of another person, it shall be a
— defence for him to prove that the contravention occurred
PART I. without his knowledge.

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(3) The licensing authority, when fixing the appointed days for any year in accordance with this Part of this Act, shall also fix four of those days (which four days shall be the same for the whole of their licensing area) as the special appointed days for the purposes of subsection (1) of this section.

Licensing
authorities.

5.—(1) Subject as hereinafter provided, the councils of administrative counties and the councils of county boroughs shall, in relation to their respective areas, be the authorities empowered to grant licences under this Part of this Act authorising the provision of betting facilities on tracks :

Provided that—

- (a) any such council may delegate their functions under this Part of this Act to a committee consisting of members of the council; and
- (b) any two or more such councils may combine in delegating their functions under this Part of this Act to a joint committee consisting of members of the constituent councils; and
- (c) a county council may delegate their functions under this Part of this Act to the standing joint committee of quarter sessions and of the county council appointed under section thirty of the Local Government Act, 1888.

51 & 52 Vict.
c. 41.

(2) If a county council elect under the foregoing provisions of this section to delegate their functions under this Part of this Act to the standing joint committee, it shall be the duty of that committee to discharge those functions so long as the delegation is in force.

(3) Where functions under this Part of this Act are delegated to a committee or joint committee, the number and term of office of the members thereof shall, in the case of a committee or joint committee specially appointed for the purpose, be fixed by the appointing council or councils, and, subject to the provisions of this Part of this Act and to any directions given by the appointing council or councils, the procedure of the

committee or joint committee shall be such as they may themselves determine. A.D. 1934.

PART I.
—cont.

(4) Any expenses incurred in the execution of this Part of this Act by a standing joint committee shall be defrayed by the council of the county, and any expenses so incurred by any other joint committee shall be defrayed by the appointing councils in such shares as may be agreed.

(5) A standing joint committee to whom the functions of a county council under this Part of this Act are delegated under this section shall have such powers as are conferred on councils of counties and county boroughs by paragraph (b) of the proviso to subsection (1) of this section, and accordingly references in that paragraph and in subsections (3) and (4) of this section to a council or councils shall be construed as including references to such a standing joint committee as aforesaid.

(6) Section two hundred and seventy-four of the Local Government Act, 1933, shall not apply in relation to the functions of a county council under this Part of this Act. 23 & 24
Geo. 5. c. 51.

6.—(1) Every licensing authority shall, as soon as maybe after the passing of this Act, and may subsequently from time to time, fix the dates on which they will entertain applications from the occupiers of tracks within their licensing area for the grant of licences, and shall cause information as to the dates so fixed to be given to any person who asks for it. Notices of, and procedure with respect to, applications for licences.

The dates first so fixed shall be such as will enable licences to be granted so as to take effect on the first day of July, nineteen hundred and thirty-five.

(2) No application for a licence shall be entertained unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority, to the council of the county district or metropolitan borough in which the track or any part thereof is situate, to the responsible authority under any planning scheme in force in an area which includes the track or any part thereof and to the chief officer of police notice in writing stating that it is intended to make the application on that date, and containing such particulars as are hereinafter mentioned, and has also

A.D. 1934.

PART I.
—cont.

published such a notice in at least two newspapers circulating in the locality in which the track is situate.

The notice required by this subsection shall describe the situation of the track and the number and position of the exits provided or intended to be provided, and state the number of spectators for whom accommodation is provided or is intended to be provided.

(3) Every such notice as aforesaid given in respect of any track to the licensing authority shall, until the hearing of the application to which the notice relates, be kept by the licensing authority at their offices so as to be available, at any time during office hours, for inspection by any member of the public free of charge.

(4) Subject as hereinafter provided, upon the consideration by the licensing authority of an application for the grant of a licence, the following persons, in addition to the applicant, shall be entitled to be heard in person or by a representative, that is to say, the chief officer of police, any responsible authority under a planning scheme in force in an area which includes the track or any part thereof, the council of the county district or metropolitan borough in which the track or any part thereof is situate, the local authority of any district adjoining that county district or metropolitan borough, any person owning or occupying premises in the neighbourhood of the track and the governing body of any school or institution in the neighbourhood of the track :

Provided that—

- (a) no objector shall be heard unless he has given to the applicant and to the licensing authority at least seven days notice in writing of the grounds on which he proposes to contend that the application ought to be refused; and
- (b) no local authority shall be entitled to be heard as objectors if the licensing authority are a committee of that local authority, or a joint committee including persons appointed by that local authority.

In this subsection the expression “local authority” means any of the following councils, that is to say, the council of an administrative county or of a county borough, metropolitan borough or county district and the common council of the city of London; and the expression

“district” means, in relation to a local authority, the area for which that authority acts.

(5) An application for the grant of a licence in respect of a track which it is proposed to construct may be made by a person who proposes to become the occupier of the track if a licence is granted, and, in relation to such an application, any reference in this or the next following section to a track shall be construed as including a reference to the site of the proposed track.

7.—(1) Subject as hereinafter provided, the licensing authority may refuse to grant a licence in respect of any track—

(a) if they are satisfied that, in the event of the licence being granted, the existence or user of the track—

(i) would injuriously affect either the health or the comfort of persons residing in the neighbourhood of the track, or be detrimental to the interests of persons receiving instruction, or residing, in any school or institution in that neighbourhood; or

(ii) would seriously impair the amenities of that neighbourhood; or

(iii) would result in undue congestion of traffic, or seriously prejudice the preservation of law and order; or

(b) if the applicant or, where the applicant is a corporate body, any director or the manager thereof has been convicted of any offence under this Part of this Act or under the First Schedule to this Act or of any offence involving fraud or dishonesty,

and, where the track, or any part thereof, is situate in an area—

(a) in which there is in force a planning scheme under which the consent of the planning authority to the establishment or continuance of the track is necessary; or

(b) with respect to which a resolution to prepare or adopt a planning scheme has taken effect, but no such scheme is in force,

the licensing authority shall either refuse to grant a licence unless they are satisfied that the planning autho-

A.D. 1934.

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PART I.
—cont.

Discretion
of licensing
authority as
to grant of
licences.

A.D. 1934.

PART I.

—cont.

rity have consented to the establishment or continuance of the track, or shall grant a licence but suspend its operation until the planning authority have notified their consent in writing to the licensing authority :

Provided that the foregoing provisions of this subsection shall not apply in relation to any application for the first licence in respect of an existing track, as defined in the next following section of this Act, if the applicant has elected to make his application under that section and the conditions imposed by that section in connection with applications made thereunder have been complied with.

(2) Save as is mentioned in the last preceding subsection or, as the case may be, in the next following section of this Act, the licensing authority shall not refuse any application for the grant of a licence.

(3) Where the licensing authority refuse an application for the grant of a licence, they shall send to the applicant by post a written statement of the grounds of their refusal.

Special provisions as to first licences for certain existing tracks.

8.—(1) The provisions of this section apply in relation to any track on which on more than eight days in the year nineteen hundred and thirty-three book-making was carried on in connection with sporting events on that track, and every such track is hereafter in this section referred to as “an existing track.”

(2) An application for a licence in respect of an existing track made on any such date fixed by the licensing authority under subsection (1) of section six of this Act as falls before the first day of July, nineteen hundred and thirty-five, shall be granted by the licensing authority if, but shall be refused by them unless—

(a) at least two months before the application is made the applicant—

(i) has delivered to the licensing authority and to the chief officer of police a written notice describing the situation of the track and stating that he intends to make application on that date claiming the grant of the licence by virtue of this section, and also a written declaration signed by the applicant, or, where the applicant is a corporate body, by two directors thereof, specifying not less

A.D. 1934.

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PART I.
—cont.

than nine days in the year nineteen hundred and thirty-three on which bookmaking was carried on on the track in connection with sporting events thereon and, as respects each of the days specified, the kinds of sporting events in connection with which bookmaking was carried on on the track on that day; and

(ii) has published the said notice and a copy of the said declaration in at least two newspapers circulating in the locality in which the track is situate; and

(b) the licensing authority have no reason to believe that the statements contained in the said declaration are untrue in any material particular.

(3) Every such declaration as aforesaid delivered to the licensing authority in connection with any application for a licence shall, until the hearing of the application, and, if the application is granted, so long as the licence remains in force, be kept by the licensing authority at their offices so as to be available at any time during office hours for inspection by any member of the public free of charge.

(4) Where an application for a licence in respect of an existing track is made under this section, then, if the conditions laid down in paragraph (a) of subsection (2) of this section have been complied with, no objection to the grant of the licence shall be entertained by the licensing authority except an objection made on the ground that the statements contained in the declaration made by the applicant for the purposes of paragraph (a) of that subsection are untrue.

Save as aforesaid, the provisions of subsection (4) of section six of this Act shall apply in relation to any such application.

(5) A licence granted by virtue of this section in respect of an existing track—

(a) shall, unless revoked or cancelled under the following provisions of this Part of this Act, be in force from the date on which it is expressed to take effect until the expiration of five years from the beginning of July, nineteen hundred and thirty-five; and

A.D. 1934.

PART I.
—cont.

(b) shall be expressed to authorise the provision of betting facilities on the track in connection with such kinds of sporting events only as may be specified in the licence, being the same kinds of sporting events as are specified in the declaration delivered to the licensing authority under subsection (2) of this section in connection with the application for the grant of the licence;

and so far as regards the carrying on of bookmaking, on the track in connection with any kind of sporting event not specified in the licence, the track shall be deemed, for the purposes of subsection (1) of section two of this Act, not to be a licensed track.

(6) Every person who knowingly makes any false statement in a declaration delivered to the licensing authority in pursuance of this section shall be guilty of an offence.

Duration and transfer of licences and fees in respect of licences and transfers. 9.—(1) Subject to the provisions of the last preceding section as to the first licences granted in respect of certain tracks, a licence shall, unless revoked or cancelled under the following provisions of this Part of this Act, be in force for seven years from the date on which it is expressed to take effect.

(2) The licensing authority, if they think fit, may at any time, on an application made to them after notice in writing to the chief officer of police, direct that a licence granted to any person in respect of a track, or the site of a proposed track, within their licensing area shall be transferred to another person, and thereupon the transferee shall, subject as hereinafter provided, be deemed to be the holder of the licence:

Provided that, if the transferee is not the occupier of the track or the site, the transfer shall not take effect until he becomes the occupier thereof.

(3) In the event of the death of the holder of a licence, his legal personal representative shall, during the period of three months from the date of the death, be deemed to be the holder of the licence, notwithstanding that it has not been transferred to him.

(4) The licensing authority shall, upon receiving from the holder of a licence for the time being in force a written request in that behalf accompanied by the

licence, cancel the licence, which shall thereupon cease to be in force.

A.D. 1934.

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PART I.
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(5) In respect of any application for a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for their licensing area, shall be payable by the applicant before the hearing of the application, but, if the licence is granted, the fee so paid shall be treated as a payment on account of the first annual payment to be made in respect of the licence under the next following subsection.

(6) In respect of every licence, such annual fee not exceeding fifty pounds as the licensing authority may fix annually shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of such payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.

(7) In respect of any transfer of a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for their area shall be payable by the person to whom the licence is transferred.

(8) Every fee which by virtue of this section is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

(9) A standing joint committee who receive any sum in respect of fees paid under this section, shall pay, or account for, that sum to the county council represented on the committee.

10.—(1) Not later than the end of May in each year, every licensing authority shall, subject to the provisions of this section, fix one hundred and four days in the year which begins on the first day of July next following, as the days on which betting facilities may be provided on licensed tracks within their licensing area, and the days fixed in pursuance of this section are in this Part of this Act referred to as "appointed days":

Fixing of days on which betting facilities may be provided.

Provided that a licensing authority shall not be bound to fix in advance appointed days in any year if it appears to them that at the commencement of that year no licence in respect of a track in their licensing area will be in force, but, if they avail themselves of this

A.D. 1934.

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PART I.
—*cont.*

provision, then, so soon as they grant a licence to take effect on any date during that year, they shall proceed to fix appointed days in the period between the day preceding that date and the first day of the next year, and the number of the days to be so fixed shall be twice the number of the complete weeks in that period.

(2) The appointed days fixed by a licensing authority shall be the same for the whole of their licensing area, and shall not include any Good Friday, Christmas Day or Sunday.

(3) The following provisions shall have effect in relation to the fixing of appointed days for any year :—

(a) at least one month before fixing appointed days for the year, the licensing authority shall publish in at least two newspapers circulating in their licensing area a notice of their intention so to do ;

(b) if, within the period of one month from the date of the publication of the said notice, the licensing authority receive a written notice signed—

(i) in the case of the fixing of appointed days for the year beginning on the first day of July, nineteen hundred and thirty-five, by all the persons who have given to the licensing authority notice in writing of their intention to apply for licences in respect of tracks in the licensing area ; or

(ii) in any other case by all the holders of licences in force in respect of tracks in the licensing area ;

stating that the signatories unanimously desire that the appointed days in that year should be the days specified in the notice given under this paragraph, then, if those days are days which might lawfully be fixed under the foregoing provisions of this section as the appointed days for the year, the licensing authority shall fix as those appointed days the days so specified ;

(c) unless the licensing authority fix the appointed days for the year in accordance with paragraph (b) of this subsection, the authority shall, before fixing those days, consider any representations which may, during the period of one month from the date of the publication of the notice required by paragraph (a) of this subsection,

have been made to the licensing authority in writing by the chief officer of police, or by any person who is the holder of a licence in force in respect of a track in the licensing area or who has given to the licensing authority notice in writing of his intention to apply for a licence in respect of such a track;

- (d) the licensing authority shall, on being requested by any person so to do, inform that person as to the latest time by which a notice under paragraph (b) or a representation under paragraph (c) of this subsection must be received by the licensing authority if it is to be effective.

(4) In this section the expression "week" means a period of seven consecutive days beginning on a Sunday.

11.—(1) Notwithstanding any enactment or rule of law to the contrary, it shall be lawful on any licensed track being a dog racecourse for the occupier of the track or any person authorised by him in writing—

A.D. 1934.

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PART I.
—cont.

Establish-
ment of
totalisator
on dog race-
courses.

- (a) to set up and keep a totalisator, whether in a building or not; and

- (b) on any appointed day, while the public are admitted to the track for the purpose of attending dog races and no other sporting events are taking place on the track, to operate a totalisator so set up, but only for effecting with persons resorting to the track betting transactions on dog races run on that track on that day;

and for any person to effect betting transactions by means of a totalisator lawfully operated.

- (2) The occupier of a licensed track—

- (a) shall not, so long as a totalisator is being lawfully operated on the track, exclude any person from the track by reason only that he proposes to carry on bookmaking on the track; and

- (b) shall take such steps as are necessary to secure that, so long as a totalisator is being lawfully operated on the track, there is available for bookmakers space on the track where they can conveniently carry on bookmaking in connection with dog races run on the track on that day;

A.D. 1934.

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PART I.
—cont.

and every person who contravenes, or fails to comply with, any of the provisions of this subsection shall be guilty of an offence.

(3) The provisions of the First Schedule to this Act shall have effect with respect to every totalisator operated in pursuance of this section on a licensed track being a dog racecourse, and if any person operating a totalisator on such a track contravenes, or fails to comply with, any of the provisions of that Schedule not being a provision failure to comply with which is punishable under that Schedule, he shall be guilty of an offence.

Facilities
for book-
making
on tracks.16 & 17 Vict.
c. 119.

12. Nothing in the Betting Act, 1853, shall apply to anything done on any licensed track by a bookmaker on any day on which bookmaking may lawfully be carried on on the track :

Provided that nothing in this section shall affect the operation of the said Act in relation to the use by a bookmaker for the purposes of his business—

- (a) of any permanent structure other than a structure used by him in common with members of the public resorting to the track ; or
- (b) of any position on the track specially appropriated for the use of that particular bookmaker by the occupier of the track or by any person purporting to act on behalf of the occupier.

Charges to
bookmakers
on tracks
where
betting
facilities are
lawfully
provided

13.—(1) The occupier of any licensed track may make to a bookmaker, or to any assistant accompanying a bookmaker to the track for the purpose of his business, any charge for admission to any particular part of the track not exceeding, in the case of a bookmaker, five times the amount, or, in the case of an assistant, the amount, of the highest charge made to members of the public for admission to that part of the track :

Provided that there shall not be made to any bookmaker or bookmaker's assistant for admission to any particular part of the track any charge differing in amount from the charge made to any other bookmaker or bookmaker's assistant, as the case may be, for admission to that part of the track.

(2) If any charge other than a charge authorised by the preceding subsection is made to a bookmaker or

an assistant of a bookmaker, or if any payment, valuable thing or favour, other than a charge so authorised, is demanded or received by or for the benefit of the occupier of a track as a consideration for facilities being given to a bookmaker for the carrying on of his business, the person immediately responsible and also the occupier of the track shall be guilty of an offence :

A.D. 1934.

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PART I.
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Provided that where the occupier of a track is charged with an offence under this section by reason of an act of another person, it shall be a defence for the occupier to prove that the act took place without his knowledge.

14. It shall not be lawful for the occupier of any licensed track, or for any servant or agent of his, or for any person having, under a lease, agreement or licence granted by the occupier, any interest in, or right over or in respect of, any part of the track, to engage either directly or indirectly, and either on his own behalf or on behalf of another, in bookmaking on that track, and if any person contravenes the provisions of this section, that person, and if he is not himself the occupier of the track, the occupier also, shall be guilty of an offence :

Occupiers of tracks not to have an interest in book-making thereon.

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for the occupier to prove that the contravention occurred without his knowledge.

15.—(1) If on any track—

- (a) any bookmaker or commission agent has any betting transaction with a person apparently under, or known to him to be under, the age of eighteen years; or
- (b) any person engaged in operating a totalisator has by means thereof any betting transaction with a person apparently under, or known to him to be under, the age of eighteen years,

Betting with young persons, and employment of young persons in betting businesses, prohibited on tracks.

then in the first case that bookmaker or commission agent, and in the second case the occupier of the track on which the totalisator is set up, shall be guilty of an offence.

(2) If any person employs on any track for the purposes of his business as a bookmaker or commission agent, or in connection with the operation of a totalisator,

A.D. 1934.

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PART I.
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a person apparently under, or known to him to be under, the age of eighteen years, he shall be guilty of an offence.

(3) Upon a charge under this section in respect of a person apparently under the age of eighteen years, it shall be a defence to prove that, at the time of the alleged offence, he had in fact attained that age.

(4) In this section the expression "commission agent" includes any person who by way of business receives bets to be transmitted by him directly or indirectly to another person with a view to the bets being made by means of a totalisator.

(5) Section four of the Racecourse Betting Act, 1928, is hereby repealed.

Revocation
of licences.

16.—(1) A licensing authority may at any time, after giving to the holder of the licence an opportunity of being heard, revoke a licence in respect of a track in their licensing area—

- (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
- (b) if without their approval, to be given after such notice as they deem proper, the accommodation for spectators on the track as stated in the notice under subsection (2) of section six of this Act has been substantially increased, or the exits from the track as described in that notice have been materially altered, and they are satisfied that undue congestion of traffic or serious prejudice to the preservation of law and order has resulted therefrom; or
- (c) if on a report made to them by the accountant appointed under the First Schedule to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in the said Schedule, they are satisfied that any totalisator on the track has been maintained or operated otherwise than in accordance with the provisions of that Schedule; or
- (d) if the holder of the licence or, where the holder is a corporate body, any director or the manager thereof is convicted of any offence

under this Part of this Act or under the First Schedule to this Act or of any offence involving fraud or dishonesty;

A.D. 1934.
—
PART I.
—cont.

and, if they revoke a licence, shall forthwith send notice of the revocation by post to the holder of the licence and to the chief officer of police.

(2) The holder of a licence which has been revoked under this section may appeal, in accordance with the provisions of the Quarter Sessions Act, 1849, to the next practicable court of quarter sessions having jurisdiction in the county, borough or place in which the track is situate and held not less than twenty-one clear days after notice of the revocation is given to him by the licensing authority.

12 & 13 Vict.
c. 45.

In any case arising under this subsection, the notice of appeal shall be given to the licensing authority and to the clerk of the peace.

(3) Where a licensing authority revoke a licence under this section, then, until the time within which notice of an appeal under this section may be given has expired and, if such notice is duly given, until the determination of the appeal, the licence shall be deemed to continue in force, and if the court of quarter sessions confirm the decision of the licensing authority, the court may, if they think fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

17. Nothing in the foregoing provisions of this Part of this Act shall be construed as requiring the occupier of a licensed track to permit betting thereon at any time at which no totalisator is being operated on that track.

Saving for right of occupier of track to prohibit betting.

18.—(1) The power of the Racecourse Betting Control Board under subsection (2) of section one of the Racecourse Betting Act, 1928, to authorise any person to set up and keep, or to operate, a totalisator on an approved racecourse shall be limited to the giving of such authority to the persons having the management of the racecourse, and where such authority is so given, such deductions as the Board may, under paragraph (3) of section three of the said Act, direct to be made from moneys staked by means of the totalisator shall be paid into the totalisator fund, but the Board may pay out of

Amendment and interpretation of Racecourse Betting Act, 1928.

A.D. 1934.

PART I.
—cont.

that fund to the persons having the management of the racecourse the amount of the expenses shown to the satisfaction of the Board to have been properly incurred by those persons in connection with the setting up, keeping and operation of the totalisator.

(2) For the avoidance of doubts it is hereby declared that the powers of the Racecourse Betting Control Board under the Racecourse Betting Act, 1928, include, and always have included, power to remunerate any person, by the payment of commissions or otherwise, in respect of the negotiation, receipt or transmission by that person of bets to be made by means of a totalisator lawfully operated on an approved horse racecourse and to provide facilities on any such racecourse for persons engaged in receiving bets to be so made.

(3) Nothing in the Racecourse Betting Act, 1928, shall be construed as restricting the betting transactions which may be effected by means of a totalisator lawfully operated on an approved horse racecourse on any day to betting transactions upon the result of a single race, or upon the result or results of a race or races run on that course or run on that day.

(4) The percentage of the moneys staked which may be deducted under paragraph (3) of section three of the Racecourse Betting Act, 1928, may be a percentage of the whole or of any part of such moneys.

(5) The purposes for which the Racecourse Betting Control Board, acting under paragraph (6) of section three of the Racecourse Betting Act, 1928, may, in accordance with a scheme approved by the Secretary of State, apply moneys comprised in the totalisator fund shall include purposes conducive to the advancement and encouragement of veterinary science and education.

Powers of
entry on
tracks.

19. Any person authorised in writing in that behalf by the licensing authority, on producing his authority on demand, and any constable, may at all reasonable times enter upon any track for the purpose of ascertaining whether the provisions of this Part of this Act are being complied with, and every person who obstructs any constable or other person in the exercise of his powers under this section shall be guilty of an offence.

20.—(1) In this Part of this Act the following expressions have, unless the context otherwise requires, the meanings hereby assigned to them :—

A.D. 1934.
—
PART I.
—cont.

“ approved horse racecourse ” means a track which is an approved racecourse within the meaning of the Racecourse Betting Act, 1928 ;

Interpreta-
tion of
Part I.

“ bookmaker ” means any person who, whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pari mutuel or pool betting operations, or who in any manner holds himself out, or permits himself to be held out in any manner, as a person who receives or negotiates bets or conducts such operations, and “ bookmaking ” shall be construed accordingly ; so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact that he operates, or is employed in operating a totalisator, and the operating of a totalisator shall be deemed not to be bookmaking ;

“ chief officer of police ” and “ police area ” have the same meanings as in the Police Pensions Act, 1921, and, in relation to any particular track or proposed track, the first mentioned expression means the chief officer of police within whose police area the track, or the site of the proposed track, is situate ;

11 & 12
Geo. 5. c. 31.

“ dog race ” means a race in which an object propelled by mechanical means is pursued by dogs, and “ dog racecourse ” shall be construed accordingly ;

“ licence ” means a licence granted under this Part of this Act ;

“ licensed track ” means a track in respect of which a licence is for the time being in force ;

“ licensing area ” means the area over which a licensing authority have jurisdiction ;

“ licensing authority ” means a council or committee having power to grant licences and, in relation to a track or proposed track, means

A.D. 1934.

PART I.
—cont.

the licensing authority having jurisdiction in the licensing area in which the track or proposed track is, or will be, situate;

“ planning authority ” means, in relation to any land subject to a planning scheme or a resolution to prepare or adopt such a scheme, the authority having power to control the development or interim development of that land, and includes any tribunal or authority to whom an appeal lies from any decisions of a planning authority;

“ planning scheme ” means a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts;

“ quarter sessions area ” means the area within which a court of quarter sessions have jurisdiction;

“ totalisator ” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not;

“ track ” means premises on which races of any description, athletic sports or other sporting events take place;

“ year ” means a period of twelve consecutive months beginning on the first day of July.

(2) Where a track or the site of a proposed track extends into two or more licensing areas, or two or more quarter sessions areas, the track or site shall, for the purpose of this Part of this Act, be deemed to be situate wholly within that area which comprises the greater part of the superficial area of the track or site.

(3) Where a track or the site of a proposed track extends into two or more police areas, anything which by this Part of this Act is required to be done to, or is authorised to be done by, the chief officer of police, shall be done to, or, as the case may be, may be done by, the chief officer of police of each of those areas.

15 & 16
Geo. 5. c. 16.
22 & 23
Geo. 5. c. 48.

PART II.

A.D. 1934.

LOTTERIES AND PRIZE COMPETITIONS.

21. Subject to the provisions of this Part of this Act, all lotteries are unlawful. Illegality of lotteries.

22.—(1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere— Offences in connection with lotteries.

- (a) prints any tickets for use in the lottery; or
- (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery; or
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) brings, or invites any person to send into, Great Britain for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
- (e) sends or attempts to send out of Great Britain any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
- (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (g) causes, procures or attempts to procure any person to do any of the above mentioned acts,

shall be guilty of an offence.

A.D. 1934.

PART II.
—*cont.*

(2) In any proceedings instituted under the preceding subsection it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by any subsequent section of this Part of this Act not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.

(3) Proceedings under sub-paragraph (iii) of paragraph (c) of subsection (1) of this section in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions.

Exemption
of small
lotteries
incidental
to certain
entertain-
ments.

23.—(1) A lottery promoted as an incident of an entertainment to which this section applies shall be deemed not to be an unlawful lottery, but the conditions specified in the next succeeding subsection shall be observed in connection with the promotion and conduct of the lottery, and if any of those conditions is broken, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the offence was committed without his knowledge.

(2) The conditions referred to in the preceding subsection are that—

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum (if any) not exceeding ten pounds as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

- (b) none of the prizes in the lottery shall be money prizes; A.D. 1934.
(c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and PART II.
(d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment. —cont.

(3) The entertainments to which this section applies are bazaars, sales of work, fêtes and other entertainments of a similar character, whether limited to one day or extending over two or more days.

24.—(1) In this section, the expression “private lottery” means a lottery in Great Britain which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either— Exemption of private lotteries.

- (a) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries; or
(b) persons all of whom work on the same premises; or
(c) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom under the foregoing provisions tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the lottery.

For the purposes of this section, the expression “society” includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(2) A private lottery shall be deemed not to be an unlawful lottery, but the following conditions shall be observed in connection with the promotion and conduct of the lottery, that is to say:—

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be

A.D. 1934.

PART II.

—cont.

devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the society or, as to part, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid;

(b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—

(i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and

(ii) such announcement or advertisement thereof as is contained in the tickets, if any;

(c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;

(d) every ticket shall bear upon the face of it the names and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;

(e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and

(f) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions specified in the preceding subsection is broken, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence :

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

A.D. 1934.
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PART II.
—cont.

25.—(1) The power of His Majesty under section one of the Art Unions Act, 1846, to revoke or annul the charter, deed or other instrument under which an Art Union has been constituted may be exercised by His Majesty at any time upon a recommendation from the President of the Board of Trade that it is desirable for His Majesty so to do, and it shall not be necessary to the exercise of that power that there should have been given such a certificate as is mentioned in the said section.

Amendment of the law with respect to, and saving for, lotteries of Art Unions. 9 & 10 Vict. c. 48.

(2) In the case of an Art Union constituted under a deed or other instrument, not being a charter, the power of annulment referred to in the foregoing subsection may be exercised also by the President of the Board of Trade or, in his absence, by a Secretary of State, if, in the opinion of the President or Secretary of State, as the case may be, it is expedient, having regard to the circumstances, that immediate action be taken in the matter.

(3) Save as aforesaid, nothing in this Part of this Act shall affect the operation of the Art Unions Act, 1846, and a lottery promoted and conducted in accordance with that Act, as amended by this section, shall be deemed not to be an unlawful lottery.

26.—(1) It shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—

Restriction on certain prize competitions.

- (a) any competition in which prizes are offered for forecasts of the result either of a future event, or of a past event the result of which is not yet ascertained or not yet generally known;
- (b) any other competition success in which does not depend to a substantial degree upon the exercise of skill:

Provided that nothing in this subsection with respect to the conducting of competitions in connection with a trade or business shall apply in relation to pari-mutuel or pool betting operations carried on by a

A.D. 1934. person whose only trade or business is that of a book-maker as defined in Part I of this Act.

PART II.

—cont.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence, without prejudice, however, to his liability, if any, to be proceeded against under the preceding provisions of this Part of this Act relating to lotteries.

Power to
issue search
warrant.

27. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence under this Part of this Act in connection with a lottery or proposed lottery, may grant a warrant under his hand authorising any constable at any time or times within one month from the date thereof to enter, if necessary by force, the said premises and every part thereof, and to search for and seize and remove any documents, money or valuable thing found therein which he has reasonable ground to suppose are on those premises for any purpose which constitutes an infringement of any provision of this Part of this Act relating to lotteries.

Interpreta-
tion of
Part II.

28.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ chief officer of police ” has the same meaning as in the Police Pensions Act, 1921 ;

“ money ” includes a cheque, banknote, postal order or money order ;

“ newspaper ” includes any journal, magazine or other periodical publication ;

“ ticket ” includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

(2) For the purposes of this Part of this Act—

(a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form ; and

- (b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Great Britain, and the expression "distribution" shall be construed accordingly.

A.D. 1934.
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PART II.
—cont.

PART III.

GENERAL.

29. Where a person convicted of an offence under this Act is a body corporate, every person who at the date of the commission of the offence was a director or officer of the body corporate shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge.

Offences by
bodies cor-
porate.

30.—(1) A person guilty of an offence under section one, section two, section three or section eleven, or under any section contained in Part II, of this Act shall be liable—

Penalties
for offences
under this
Act and
forfeitures.

- (a) on summary conviction, to a fine not exceeding one hundred pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine; or
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and such fine.

(2) A person guilty of an offence under any other section of this Act, being a section which does not provide a special penalty, shall be liable—

- (a) on summary conviction, to a fine not exceeding fifty pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine; or

A.D. 1934.

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PART III.
—*cont.*

(b) on conviction on indictment, to a fine not exceeding three hundred pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) The court before which a person is proved to have committed any offence under Part II of this Act in relation to a lottery or proposed lottery shall order to be forfeited any coins and bank notes produced to the court which are shown to the satisfaction of the court to represent the price of tickets or chances, or prize money, or prizes in the lottery, and shall order to be destroyed all documents (other than bank notes) produced to the court which are shown to the satisfaction of the court to relate to the promotion or conduct of the lottery.

Application
to Scotland.

31. This Act shall, in its application to Scotland, have effect subject to the following modifications:—

(1) For any reference in section five of this Act to the council of an administrative county there shall be substituted a reference to a county council, or to the joint county council of the combined county in any case where two counties are combined for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929; for any reference to a county borough there shall be substituted a reference to a large burgh as defined in the said Act, and for the purposes of the said section five every other burgh shall be deemed to be included in the county in which it is situate.

(2) For any reference to section two hundred and seventy four of the Local Government Act, 1933, there shall be substituted a reference to section thirteen of the Local Government (Scotland) Act, 1929, and for references to the Town Planning Act, 1925, and the Town and Country Planning Act, 1932, there shall be respectively substituted references to the Town Planning (Scotland) Act, 1925, and the Town and Country Planning (Scotland) Act, 1932.

19 & 20
Geo. 5. c. 25.15 & 16
Geo. 5. c. 17
22 & 23
Geo. 5. c. 49.

- (3) Subsection (2) of section six shall have effect as if for the councils and authorities (other than the licensing authority) therein mentioned the following councils and authorities were substituted, that is to say:—

A.D. 1934.
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PART III.
—cont.

(a) the council of the county or burgh within which the track or any part thereof is situate; and

(b) the responsible authority under a planning scheme in force in any area which includes the track or any part thereof;

where such council or responsible authority is not the licensing authority.

- (4) The following subsection shall be substituted for subsection (4) of section six and any reference to the said subsection (4) shall be construed as a reference to the following subsection:—

“(4) Subject as hereinafter provided, upon the consideration by the licensing authority of an application for the grant of a licence, the following persons, in addition to the applicant, shall be entitled to be heard in person or by a representative, that is to say,—

(a) the chief officer of police :

(b) the council of any county or burgh adjoining the area of the licensing authority :

(c) where the licensing authority area a county council or a joint county council, the town council of any burgh situate in the county, or in either of the counties combined :

(d) where the licensing authority are a town council, the council of the county in which the burgh is situate :

(e) any person owning or occupying premises in the neighbourhood of the track :

(f) the governing body of any school or institution in the neighbourhood of the track :

Provided that no objector shall be heard unless he has given to the applicant and the licensing authority at least seven days' notice

A.D. 1934.

PART III.

—cont.

in writing of the grounds on which he proposes to contend that the application ought to be refused.”

- (5) The following subsection shall be substituted for subsection (2) of section sixteen—

“(2) The holder of a licence which has been revoked under this section may, on giving such notice within such time as may be prescribed by Act of Sederunt, appeal in accordance with any rules that may be made by Act of Sederunt to the sheriff.”

- (6) Any reference to a court of quarter sessions shall be construed as a reference to the sheriff and any reference to a quarter sessions area shall be construed as a reference to the area within which a sheriff is entitled to exercise jurisdiction.
- (7) Subsection (3) of section twenty-two shall not apply.
- (8) The power conferred by section twenty-seven on a justice of the peace shall be exercisable also by the sheriff.

Repeal.

32. The enactments mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Short title,
commence-
ment and
extent.

33.—(1) This Act may be cited as the Betting and Lotteries Act, 1934.

(2) Sections five to ten, sections eighteen and twenty and sections twenty-nine to thirty-one of this Act shall come into operation forthwith, and Part II of this Act and (except in so far as it effects the repeal of any provision of the Racecourse Betting Act, 1928), section thirty-two of this Act shall come into operation on the first day of January, nineteen hundred and thirty-five, but save as aforesaid this Act shall come into operation on the first day of July, nineteen hundred and thirty-five.

- (3) This Act does not extend to Northern Ireland.

SCHEDULES.

A.D. 1934.

FIRST SCHEDULE.

PROVISIONS REGULATING THE ESTABLISHMENT AND OPERATION OF TOTALISATORS ON DOG RACECOURSES.

Sections 7,
11 and 16.

1. A totalisator set up under this Act on a dog racecourse shall be a mechanically or electrically operated apparatus complying with such conditions as a Secretary of State may by regulations prescribe.

2. The person, whether the occupier of the track or a person authorised in writing by the occupier, by whom the totalisator is operated (in this Schedule referred to as "the operator") shall take all such steps as are necessary to secure that, so long as the totalisator is in use, it is in proper working order and is properly operated.

3. The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the track a notice showing the minimum stake (hereinafter referred to as the "betting unit") which will be accepted at the totalisator from persons betting on that race, and shall distribute or cause to be distributed the whole of the moneys staked on any race or races by means of the totalisator among the persons winning bets made by means of the totalisator on that race or those races, after deducting or causing to be deducted such percentage not exceeding six per cent. as he may have specified in the said notice :

Provided that—

- (a) where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by three, then—
- (i) if the remainder does not exceed three halfpence, it may be retained by the operator ; but
 - (ii) if the remainder exceeds three halfpence, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible ; and
- (b) the terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet, unless the money won on the

A.D. 1934.

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1ST SCH.
—cont.

bet is claimed before such time, not being earlier than forty-eight hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made, as may have been specified in the notice aforesaid.

4. The licensing authority shall appoint a qualified accountant, who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator, and, after consultation with the accountant so appointed, the licensing authority shall appoint also an experienced mechanic who shall act as technical adviser to the accountant and shall be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation thereof.

5. The accountant and the mechanic appointed by the licensing authority under the last foregoing paragraph shall hold office on such terms (including terms as to remuneration) as may, subject as hereinafter provided, be determined by the licensing authority after consultation with the holder of any licence for the time being in force in respect of the track in connection with which the appointment is made, and the remuneration of the accountant and the mechanic shall be payable by the licensing authority; but so much of the remuneration paid to the accountant and to the mechanic, in respect of the performance of their functions under this Schedule in relation to the totalisator as is attributable to any period during which any person held a licence in force in respect of the track on which the totalisator is set up, shall be recoverable by the licensing authority as a debt due to them from that person :

Provided that the terms on which any accountant is appointed as aforesaid shall include a term that on every appointed day either he or a servant of his authorised in that behalf by him in writing must be in attendance at the totalisator during such period or periods as may before that day have been notified to him in writing by the operator.

6. The totalisator shall not be operated at any time when neither the accountant nor a servant of the accountant authorised in that behalf by him in writing is present.

7. The accountant and his technical adviser and their respective servants authorised in that behalf in writing may, at all reasonable times, enter the premises in which the totalisator is set up, and examine any part of the mechanism and test and watch the working thereof, and may require the operator and any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents,

as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with. A.D. 1934.

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1ST SCH.
—cont.

Every person who—

- (a) obstructs the accountant or his technical adviser or any duly authorised servant of either of them in the exercise of any of the powers conferred on him by this paragraph; or
- (b) neglects or refuses to give to any such person as aforesaid any such information, or to produce to him any such document, as may have been called for by him in pursuance of this paragraph; or
- (c) knowingly gives to any such person as aforesaid any information which is false or misleading,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

8. The operator shall, within seven days after the close of each month, submit to the accountant for examination by him a complete statement of accounts for that month, giving all such information as he may require for the purpose of ascertaining whether the provisions of this Schedule have been complied with.

9. The accountant shall examine the statements of accounts so submitted to him and shall, as often as he thinks proper, consult with his technical adviser and carry out, or cause to be carried out, such inspections as either of them deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with, and shall forthwith make a report to the licensing authority if he has reason to believe that the totalisator no longer complies with the prescribed conditions, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule are not being complied with.

10. The accountant shall retain for a period of two years all statements of account so submitted to him as aforesaid and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the licensing authority.

11. Without prejudice to his duties under the preceding paragraphs, the accountant shall, as soon as may be after the close of each calendar year, audit the accounts of the operator for the year and, if such be the fact, shall certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 8 of this Schedule and have been examined by him, and that to the best of his information and belief, formed after consultation

A.D. 1934.

—
1st SCH.
—cont.

with his technical adviser, the accounts for the year are complete and accurate and the totalisator complies with the prescribed conditions and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule; and the operator shall forthwith cause the accounts and certificate to be printed and shall transmit two copies thereof to the licensing authority, who shall cause one of those copies to be deposited at their offices for inspection at any time during office hours by any member of the public free of charge :

Provided that, where the licensing authority are a joint committee appointed in accordance with the provisions of section five of this Act, the operator shall transmit to the licensing authority such number of copies of the accounts and certificate as are sufficient to enable the licensing authority to keep one copy at their offices for the purpose of record and to deposit for inspection as aforesaid one copy at their offices and one copy at the offices of each of the councils by whom the licensing authority were appointed.

12. For the purposes of this Schedule the expression "qualified accountant" means a person being a member of one or more of the following bodies, that is to say:—

The Institute of Chartered Accountants in England and Wales;
The Society of Incorporated Accountants and Auditors;
The Society of Accountants in Edinburgh;
The Institute of Accountants and Actuaries in Glasgow;
The Society of Accountants in Aberdeen;
The London Association of Certified Accountants, Limited;
The Corporation of Accountants, Limited.

Section 32

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 Will. 3. c. 23.*	An Act for Suppressing of Lotteries.	The whole Act.
9 Anne c. 6 -	The Lotteries Act, 1710 -	The whole Act.
8 Geo. 1. c. 2 -	The Lotteries Act, 1721 -	The whole Act.

* c. 17 in Ruffhead.

A.D. 1934.

2ND SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Geo. 1. c. 19	The Lotteries Act, 1722 -	Sections four and five.
6 Geo. 2. c. 35	The Lotteries Act, 1732 -	The whole Act.
12 Geo. 2. c. 28.	The Gaming Act, 1738 -	Section one; in section two, the words "Games or" and the words from "by cards" to the end of the section; section three; in section four, the word "such" where that word first occurs, and the words from "and all such" to the end of the section; sections five to seven and section nine.
42 Geo. 3. c. 119.	The Gaming Act, 1802 -	The whole Act.
46 Geo. 3. c. 148.	The Lotteries Act, 1806 -	The whole Act.
4 Geo. 4. c. 60	The Lotteries Act, 1823 -	The whole Act.
6 & 7 Will. 4. c. 66.	The Lotteries Act, 1836 -	The whole Act.
8 & 9 Vict. c. 74.	The Lotteries Act, 1845 -	The whole Act.
61 & 62 Vict. c. 46.	The Revenue Act, 1898 -	In paragraph (ii) of section one the words "the Lotteries Act, 1836," "or," the word "other" where it secondly occurs, and the word "foreign."
18 & 19 Geo. 5. c. 41.	The Racecourse Betting Act, 1928.	Section four.

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