



Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

PART I

BETTING

General restrictions on betting

1 Restriction on use of premises for betting transactions with persons resorting thereto

- (1) Subject to subsection (5) of this section and section 9(1) of this Act, no person shall—
- (a) save as permitted by section 4 (1) of this Act use any premises, or cause or knowingly permit any premises to be used, as a place where persons resorting thereto may effect pool betting transactions; or
 - (b) use, or cause or knowingly permit any other person to use, any premises for the purpose of the effecting of any other betting transactions by that person or, as the case may be, that other person with persons resorting to those premises ;

and every person who contravenes any of the provisions of this subsection shall be guilty of an offence:

Provided that paragraph (b) of this subsection shall not apply where both the person using the premises as mentioned in that paragraph and all the persons with whom the betting transactions so mentioned are effected—

- (i) either reside or work on those premises or on premises of which those premises form part; or
 - (ii) are, or are acting on behalf of, holders of bookmaker's permits which are for the time being in force.
- (2) Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of the foregoing subsection shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (3) For the purposes of the last foregoing subsection, proof that any person was on any premises while they were being used as mentioned in that subsection shall be evidence

that he resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.

- (4) The last foregoing subsection shall not apply to Scotland, but, in any proceedings in Scotland under subsection (2) of this section, if any person is proved to have been on any premises while they were being used as mentioned in 'the said subsection (2), that person shall be held to have resorted to the premises for such a purpose as is so mentioned unless he proves that he was on the premises for bona fide purposes which were not connected with the effecting of a betting transaction.
- (5) Subsection (1)(b) of this section shall not apply—
- (a) to anything done on an approved horse racecourse on a day on which horse races but no other races take place thereon ;
 - (b) subject to the next following subsection, to anything done on any track on any day on which under sections 5, 6 and 20 of this Act bookmaking may lawfully be carried on on the track.
- (6) Nothing in subsection 5(b) of this section shall affect the operation of subsection (1) (b) of this section in relation to the use on a track which is not an approved horse racecourse 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 specially appropriated for the use of that particular bookmaker by, or by any person purporting to act on behalf of, the occupier of the track.

2 Restriction on bookmaking except under bookmaker's permit

- (1) No person shall act as a bookmaker on his own account unless he is the holder of a permit authorising him so to act (in this Act referred to as a " bookmaker's permit") which is for the time being in force; and if any person acts as a bookmaker in contravention of this subsection he shall be guilty of an offence:

Provided that this subsection shall not apply to the receiving or negotiating by a registered pool promoter of bets made by way of pool betting.

- (2) Schedule 1 to this Act shall have effect for the purposes of bookmaker's permits.
- (3) If the holder of a bookmaker's permit, on being required by a constable to produce his permit for examination, refuses or without reasonable cause fails so to do, he shall be liable on summary conviction to a fine not exceeding ten pounds.

3 Agent of bookmaker or Totalisator Board to be authorised and registered

- (1) No person shall by way of business receive or negotiate bets as servant or agent to another bookmaker or to the Totalisator Board unless—
- (a) he has attained the age of twenty-one years ; and
 - (b) he is authorised in that behalf in writing in the prescribed form by that other bookmaker or, as the case may be, by the said Board; and
 - (c) in the case of a person acting as servant or agent to another bookmaker, that other bookmaker is the holder of a bookmaker's permit or betting agency permit:

Provided that this subsection shall not apply to any person who is the holder of such a permit as aforesaid, or who receives or negotiates bets as aforesaid on premises occupied by the holder of such a permit or by the said Board.

- (2) If any bet is received or negotiated by any person as servant or agent to another bookmaker or to the said Board in contravention of the foregoing subsection, both that person and that other bookmaker or, as the case may be, the Board shall be guilty of an offence.
- (3) The said Board and every bookmaker who is the holder of a bookmaker's permit or betting agency permit shall keep a register in the prescribed form showing every person who is for the time being authorised for the purposes of subsection (1) of this section by that Board or, as the case may be, by that bookmaker, and shall not grant any such authorisation without making the appropriate entry in that register; and if any person contravenes any of the requirements of this subsection he shall, in respect of each contravention, be guilty of an offence.
- (4) If any person who holds any authority in writing issued for the purposes of subsection (1) of this section or who is required by subsection (3) of this section to keep a register, on being required by a constable to produce that authority or, as the case may be, register for examination, refuses or without reasonable cause fails so to do, he shall be guilty of an offence.
- (5) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of offences under subsection (2) or subsection (3) of this section, on a second or any subsequent conviction under the same subsection, to a fine not exceeding fifty pounds.
- (6) Nothing in this section shall apply to the receiving or negotiating by any person as servant or agent to a registered pool promoter of bets made by way of pool betting.

4 Restriction of pool betting

- (1) No pool betting business shall be carried on on any track except—
 - (a) on an approved horse racecourse on a day on which horse races but no other races take place thereon, by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse ; or
 - (b) on a dog racecourse which is a licensed track, by means of a totalisator operated in accordance with the provisions of section 16 of this Act by, or by a person authorised in that behalf in writing by, the occupier of the track;and every person who contravenes the provisions of this subsection shall be guilty of an offence:

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 way of sponsored pool betting.

- (2) No person shall carry on any pool betting business otherwise than on a track unless he is a registered pool promoter, that is to say, a person who is registered for the purpose and whose registration is for the time being in force; and any person who carries on any business in contravention of this subsection shall be guilty of an offence :

Provided that this subsection shall not apply to sponsored pool betting business.

- (3) Schedule 2 to this Act shall have effect for the purposes of the registration of a person as, and the conduct of his pool betting business by, a registered pool promoter.

5 Restriction of betting on tracks

- (1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track—
- (a) on more than one hundred and four days in the same period of twelve months, being a period beginning with 1st July in any year ; or
 - (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 betting on that track is prohibited by this section, that person, and, if that person is not the occupier of the track, that 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 consent or connivance and that he exercised all due diligence to prevent it.

- (3) Where facilities for pool betting provided on an approved horse racecourse by the Totalisator Board or, with the authority of that Board, by the persons having the management of that racecourse are provided otherwise than by means of a totalisator, subsections (1) and (2) of this section shall have effect as if the provision of those facilities were the operation of a totalisator by that Board or, as the case may be, by those persons.

6 Restriction of bookmaking on tracks

- (1) Except on an approved horse racecourse on a day on which that racecourse is used only for the purpose of horse races, bookmaking shall not be carried on on any track unless the occupier of the track is the holder of a licence authorising the provision of betting facilities on that track granted and for the time being in force under Schedule 3 to this Act (in this Act referred to as a " track betting licence ") :

Provided that this subsection shall not apply in relation to anything done on any track on any day if—

- (a) during the period of twelve months in which that day falls, being a period beginning with 1st July in any year, bookmaking has not been carried on on that track on more than seven previous days ; and
 - (b) 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 for any police area in which the track or any part thereof is situated.
- (2) Bookmaking shall not be carried on on any licensed track on any day which is not one of the betting days fixed under paragraph 14 of Schedule 3 to this Act by the authority who granted the licence.
- (3) If bookmaking is carried on by any person on any track on any day in contravention of this section, that person and, if that person is not the occupier of the track, that 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 consent or connivance and that he exercised all due diligence to prevent it.

7 Restriction of betting on dog racecourses

- (1) Subject to subsection (2) of this section, on any day on which a track is being used as a dog racecourse, betting by way of bookmaking or by means of a totalisator on the results of dog races shall not take place on that track—
 - (a) in connection with more than eight races; or
 - (b) otherwise than during one continuous period not exceeding four hours.
- (2) In relation to any day fixed as a special betting day for the purposes of this subsection under paragraph 14 of Schedule 3 to this Act by the licensing authority within whose area the track falls, the foregoing subsection shall have effect as if—
 - (a) for the word " eight" there were substituted the word " sixteen "; and
 - (b) for the words " one continuous period not exceeding four hours " there were substituted the words " a period or periods not exceeding eight hours in the aggregate ".
- (3) 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 that person is not the occupier of the track, that 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 consent or connivance and that he exercised all due diligence to prevent it.

8 Prohibition of betting in streets and public places

- (1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purposes of bookmaking, betting, agreeing to bet, or paying, receiving or settling bets shall be liable on summary conviction—
 - (a) to a fine not exceeding one hundred pounds ; or
 - (b) in the case of a second conviction for an offence under 'this section, to a fine not exceeding two hundred pounds; or
 - (c) in the case of a third or any subsequent conviction for an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both,

and shall in any case be liable to forfeit all books, cards, papers and other articles relating to betting which may be found in his possession:

Provided that this subsection shall not apply to anything done on any ground used, or adjacent to ground used, for the purpose of a racecourse for racing with horses on a day on which horse races take place on that racecourse.

- (2) Any constable may take into custody without warrant any person found committing an offence under this section and may seize and detain any article liable to be forfeited thereunder.

Status: This is the original version (as it was originally enacted).

- (3) Notwithstanding anything in section 52 (3) of this Act, a conviction for an offence under the Street Betting Act 1906 shall be deemed to have been a conviction for an offence under this section only if the offence was committed after 1st December 1961.
- (4) In this section—
- (a) the expression " street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is for the time being open to the public and, in the application of this Act to Scotland, includes also any common close or common stair; and
 - (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.