

*Status: Point in time view as at 01/04/2005.*

**Changes to legislation:** Betting, Gaming and Lotteries Act 1963, SCHEDULE 1 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

Sections 2, 9.

#### BOOKMAKER’S PERMITS, BETTING AGENCY PERMITS AND BETTING OFFICE LICENCES

##### Modifications etc. (not altering text)

C1 Sch. 1 amended by [Gaming Act 1968 \(c. 65\)](#), s. 11, Sch. 2 para. 1(1), [Sch. 3 para. 1\(1\)](#)

##### *Introductory*

- 1 The authority responsible for the grant or renewal of bookmaker’s permits, betting agency permits and betting office licences shall be—
- (a) in any [<sup>F1</sup>local justice] area in England, a committee constituted in the prescribed manner of not less than five nor more than fifteen of the justices [<sup>F2</sup>acting in] that area, who may sit in two or more divisions, the quorum at any meeting of that committee or a division thereof being three;
- [<sup>F3</sup>(b) in any area in Scotland, the licensing board for that area constituted under section 1 of the <sup>M1</sup>Licensing (Scotland) Act 1976.]

##### Textual Amendments

- F1 Words in Sch. 1 para. 1(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 115\(2\)\(a\)](#); S.I. 2005/910, art. 3(y)
- F2 Words in Sch. 1 para. 1(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 115\(2\)\(b\)](#); S.I. 2005/910, art. 3(y)
- F3 Para. 1(b) substituted by [Licensing \(Scotland\) Act 1976 \(c. 66\)](#), s. 133(1)

##### Marginal Citations

M1 1976 c. 66

- 2 In this Schedule, the following expressions have the following meanings respectively, that is to say—

“appropriate authority” means such a committee or [<sup>F4</sup>court][<sup>F4</sup>board] as are mentioned in paragraph 1 of this Schedule and, in relation to a bookmaker’s permit or betting agency permit or in relation to an application for the grant[<sup>F5</sup>, renewal or cancellation] of a betting office licence, means, subject to paragraph 10 of this Schedule, the committee or [<sup>F4</sup>court][<sup>F4</sup>board] such as aforesaid for the [<sup>F6</sup>local justice] area or licensing area in which the relevant premises are, or are to be, situated;

“appropriate local authority” means—

- (a) in England, the local authority (being the council of a <sup>F7</sup>... [<sup>F8</sup>London borough] or county district or the Common Council of the City of

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London) within whose area the relevant premises are, or are to be, situated;

- (b) [F9]in Scotland, [F10]the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area the relevant premises are, or are to be, situated;]

“appropriate officer of police” means the chief officer of police for the police area in which the relevant premises are, or are to be, situated;

- (a) such one of those clerks as the magistrates’ courts committee having power over the appointment of clerks to justices for that area may direct; or  
 (b) in default of any such direction, any of those clerks;

[F11]“the proper officer of the appropriate authority” means—

- (a) in England, the [F12]designated officer for] the justices comprising the committee referred to in paragraph 1 of this Schedule; and  
 (b) in Scotland, the clerk to the licensing court;]

“relevant premises” means—

- (a) in relation to a bookmaker’s permit or betting agency permit, the premises at which for the time being the applicant for or holder of the permit has his office or, if he has more than one office, his principal office or, if he is a company, his registered office or, if he has no office, his usual place of residence;  
 (b) in relation to an application for the grant[F13, renewal or cancellation] of a betting office licence, the premises in respect of which the application is made.

#### Textual Amendments

- F4** Word substituted (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), s. 28(1), [Sch. 2 para. 5](#)
- F5** Words in the definition of “appropriate authority” in Sch. 1 para. 2 substituted (1.9.1997) by [S.I. 1997/947, art. 5\(2\)\(a\)](#)
- F6** Words in Sch. 1 para. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 115\(3\)\(a\)](#); [S.I. 2005/910, art. 3\(y\)](#)
- F7** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F8** Words substituted by [London Government Act 1963 \(c. 33\)](#), [Sch. 17 para. 28\(c\)](#)
- F9** Para. 2(b) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 24 para. 25\(2\)](#)
- F10** Words in the definition of “appropriate local authority” in Sch. 1 para. 2 substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 59\(2\)](#); [S.I. 1996/323, art. 4](#)
- F11** Definition in Sch. 1 para. 2 substituted (1.4.2001) by [1999 c. 22, s. 90\(1\)](#), [Sch. 13 para. 35\(2\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#)
- F12** Words in Sch. 1 para. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 115\(3\)\(b\)](#); [S.I. 2005/910, art. 3\(y\)](#)
- F13** Words in the definition of “relevant premises” in Sch. 1 para. 2 substituted (1.9.1997) by [S.I. 1997/497, art. 5\(2\)\(b\)](#)

#### Modifications etc. (not altering text)

- C2** Para. 2 amended as to para. (a) of definition of “clerk to the appropriate authority” by [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 3 Pt. II para. 29](#)

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### *Applications for grant of permit or licence*

- 3 Each appropriate authority shall for each year fix a day in each of the months of—
- (a) January, April, July and October if the authority is in England; or
  - (b) January, March, June and October if the authority is in Scotland,
- as a day on which, subject to paragraph 7 of this Schedule, they will hold a meeting for the purpose of considering any application for the grant of a bookmaker’s permit, betting agency permit or betting office licence then awaiting consideration.
- 4 In addition to any meeting on a day fixed in pursuance of the last foregoing paragraph, an appropriate authority may hold a meeting on any other day for the purpose of considering such applications as aforesaid.
- 5 Any such application as aforesaid may be made at any time and shall be made to the [<sup>F14</sup>proper officer of] the appropriate authority in such form and manner, and shall contain such particulars, and, if the application is for a permit, give such references, as may be prescribed; and, not later than seven days after the date when the application is made, the applicant shall send a copy of the application to the appropriate officer of police and, in the case of an application for the grant of a betting office licence, to the appropriate local authority; and if the applicant knowingly makes any false statement in any such application or copy thereof he shall be liable on summary conviction to a fine not exceeding [<sup>F15</sup>level 3 on the standard scale].

#### **Textual Amendments**

- F14** Words in Sch. 1 para. 5 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F15** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

#### **Modifications etc. (not altering text)**

- C3** Para. 5 amended by **Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6**

- 6 Not later than fourteen days after the making of any such application as aforesaid to the appropriate authority, the applicant shall cause to be published by means of an advertisement in a newspaper circulating in the authority’s area a notice of the making of the application which shall also state that any person who desires to object to the grant of the permit or licence should send to the [<sup>F16</sup>proper officer of] the authority, before such date not earlier than fourteen days after the publication of the advertisement as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection; and, in the case of an application for the grant of a betting office licence in respect of any premises, the applicant shall also cause a like notice to be posted up outside the entrance, or on the site of the proposed entrance, to the premises not later than fourteen days before the date specified as aforesaid and take such steps as he reasonably can to keep that notice so posted until that date.

#### **Textual Amendments**

- F16** Words in Sch. 1 para. 6 substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 35(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

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- 7 Not later than seven days after the publication of the newspaper containing the advertisement of any such application as aforesaid required by the last foregoing paragraph, the applicant shall send a copy of that newspaper to the [<sup>F17</sup>proper officer of] the appropriate authority, and the authority shall not consider the application earlier than fourteen days after the date specified in the advertisement; and, not earlier than the said date and not less than seven days before the date appointed for the consideration of the application, the [<sup>F17</sup>proper officer of] the authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—
- (a) to the applicant;
  - (b) to the appropriate officer of police; and
  - (c) if the [<sup>F18</sup>proper officer] has received from any person an objection in writing which has not been withdrawn and the address of that person is known to the [<sup>F18</sup>proper officer], to that person,
- and also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public; and in sending such a notice to the applicant the [<sup>F18</sup>proper officer] shall include therewith a copy of any objection to the grant of the permit or licence which has been received by the [<sup>F18</sup>proper officer] from the appropriate officer of police, the appropriate local authority or any other person.

#### Textual Amendments

- F17** Words in Sch. 1 para. 7 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(4)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F18** Words in Sch. 1 para. 7 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(4)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

#### Modifications etc. (not altering text)

- C4** Para. 7(b) amended by **Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6**

#### *Applications for renewal of permit or licence*

- 8 Each appropriate authority, in each year in which any application for the renewal of a bookmaker’s permit, betting agency permit or betting office licence, other than an application to which paragraph 10(b) of this Schedule applies, falls to be made to the authority shall in the month of February (if the authority are in England) or January (if the authority are in Scotland) give in writing to the holder of that permit or licence, and cause to be published by means of an advertisement in a newspaper circulating in their area, notice of a day in April (if the authority are in England) or March (if the authority are in Scotland) on which they will hold a meeting for the purpose of considering such applications, and that notice shall include the time and place appointed for the meeting and shall state—
- (a) in the case of the notice given to the holder of any permit or licence, that any such application must be received by the [<sup>F19</sup>proper officer of] the authority before a specified date, being a date not earlier than fourteen days after both the giving of the notice in writing and the publication of the advertisement aforesaid;
  - (b) in the case of the notice given by advertisement,

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- [<sup>F20</sup>(i)] that any person who desires to object to the renewal by the authority of any particular permit or licence should send to the [<sup>F19</sup>proper officer of] the authority before the same date two copies of brief statement in writing of the grounds of his objection [<sup>F21</sup>, and
- (ii) where relevant, that there are circumstances in which an application for renewal may be dealt with under paragraph 20A of this Schedule by the [<sup>F19</sup>proper officer of] the authority instead of at the meeting.]

#### Textual Amendments

- F19** Words in Sch. 1 para. 8 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(5)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F20** Words from “that” to the end in Sch. 1 para. 8 renumbered as para. 8(b)(i) by S.I. 1997/947, **art. 3(2)**
- F21** Sch. 1 para. 8(b)(ii) and the word preceding it inserted (1.9.1997) by S.I. 1997/947, **art. 3(2)**

- 9 Any application for the renewal of such a permit or licence as aforesaid, other than an application to which paragraph 10(b) of this Schedule applies, shall be made to the [<sup>F22</sup>proper officer of] the appropriate authority before the date specified for the purpose in the notice given in pursuance of the last foregoing paragraph, and shall be in such form and contain such particulars as may be prescribed; and, not earlier than that date nor later than seven days before the day in April or, as the case may be, March appointed by the said notice for the consideration of such applications, the [<sup>F22</sup>proper officer of] the authority—
- (a) if he has received from any person an objection in writing to the renewal of a particular permit or licence (being an objection which has not been withdrawn) and the address of that person is known to the [<sup>F23</sup>proper officer], shall send to that person in writing a notification as to whether or not an application for the renewal of that permit or licence has been made;
- (b) shall send to the person by whom any application for the renewal of a permit or licence has been duly made a copy of any objection to the renewal which he has received from the appropriate officer of police, the appropriate local authority or any other person and which has not been withdrawn.

#### Textual Amendments

- F22** Words in Sch. 1 para. 9 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(6)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F23** Words in Sch. 1 para. 9(a) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(6)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

- 10 Where in any year, by reason of a change in the office or usual place of residence of the holder of a bookmaker’s permit or betting agency permit, an application for the renewal of that permit falls, or would but for this paragraph fall, to be made to an authority other than the authority by whom the permit was last either granted or renewed, then—
- (a) unless the change takes place before 1st February or, where the first-mentioned authority are in Scotland, 1st January in that year, any application for the renewal of the permit shall be made to and considered by the authority by whom the permit was last either granted or renewed;

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- (b) if the change takes place before the said 1st February or, as the case may be, 1st January, paragraphs 5 to 7 of this Schedule shall apply to an application to the first-mentioned authority for the renewal of the permit as if it were an application for the grant thereof.

*Proceedings before appropriate authority*

11 On any application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence, the appropriate authority may grant or renew the permit or licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the beginning of the meeting of the authority at which the authority considers the application; but, save as aforesaid, at any such meeting any of the following persons, that is to say—

- (a) the applicant;
- (b) any person from whom an objection in writing which has not been withdrawn was received by the <sup>F24</sup>proper officer of] the authority before the day on which he sent out the documents referred to in paragraph 7 or, as the case may be, paragraph 9 of this Schedule: and
- (c) the person making any other objection which the authority have decided under paragraph 12 of this Schedule that they will hear,

shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made otherwise than by way of objection by, or by any person authorised in that behalf by, the appropriate officer of police.

**Textual Amendments**

**F24** Words in Sch. 1 para. 11(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(7)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

**Modifications etc. (not altering text)**

**C5** Para. 11 amended by **Finance Act 1966 (c. 18)**, **Sch. 3 Pt. 1 para. 6**

12 Where in the case of an application for the grant or renewal of any such permit or licence as aforesaid an objection to the grant or renewal is received or made on or after the day referred to in paragraph 11(b) of this Schedule, the authority may refuse to entertain the objection and, unless the applicant requests otherwise, shall not hear it until the objector has given to the <sup>F25</sup>proper officer]and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of his objection.

**Textual Amendments**

**F25** Words in Sch. 1 para. 12 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(8)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

13 An appropriate authority may from time to time adjourn the consideration of any application for the grant or renewal of such a permit or licence as aforesaid, whether for the purposes of paragraph 12 of this Schedule or for any other purpose.

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- 14 On the consideration of any application for the grant or renewal of any such permit or licence as aforesaid, the appropriate authority may take evidence on oath and may make such order as they think fit for the payment of costs or, in Scotland, expenses by or to the applicant to or by any person who made an objection to the grant or renewal which was not withdrawn before the day referred to in paragraph 11(b) of this Schedule; and any costs ordered by an authority in England to be paid under this paragraph shall be recoverable summarily as a civil debt.

*Grounds for refusal to grant or renew bookmaker’s or betting agency permit*

- 15 The appropriate authority shall refuse any application for the grant or renewal of a bookmaker’s permit or betting agency permit if it appears that the applicant—
- (a) not being a body corporate, is under twenty-one years of age; or
  - (b) is the time being disqualified under section 11(4) of this Act; or
  - (c) not being a body corporate, is not resident in Great Britain or was not so resident throughout the six months immediately preceding the date when the application was made; or
  - (d) being a body corporate, is not incorporated in Great Britain; or
  - (e) has within the immediately preceding twelve months been refused the grant or renewal—
    - (i) of a bookmaker’s permit under paragraph 16(1)(a) [<sup>F26</sup>or 18A] of this Schedule; or
    - (ii) of a betting agency permit under paragraph 17(b) [<sup>F26</sup>or 18A] of this Schedule; or
  - [<sup>F27</sup>(ee) has within the immediately preceding twelve months been refused the renewal of a bookmaker’s permit under section 4 of the <sup>M2</sup>Horserace Betting Levy Act 1969 and has not obtained the approval of the Levy Board to his application.]
  - (f) has been the holder of a bookmaker’s permit which has been cancelled within the immediately preceding twelve months under paragraph 27 of this Schedule.

**Textual Amendments**

**F26** Words in Sch. 1 para 15(e) inserted (21.12.1993) by 1993 c. 39, s. 18(2); S.I. 1993/2632, art.3.

**F27** Para. 15(ee) added with saving by Horserace Betting Levy Act 1969 (c. 14), s. 4(4)(5)

**Marginal Citations**

**M2** 1969 c. 14.

- 16 (1) In the case of an application for the grant or renewal of a bookmaker’s permit, and subject to paragraph 18 of this Schedule, the appropriate authority may refuse the application if—
- (a) they are not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to be the holder of a bookmaker’s permit; or
  - (b) the authority are satisfied that, if the permit were to be granted or renewed, the business to which it relates would be managed by, or carried on for the benefit of, a person other than the applicant, being a person who would

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himself be refused the grant or renewal of such a permit either under paragraph 15 of this Schedule or under paragraph (a) of this sub-paragraph.

- (2) In considering for the purposes of any application for the renewal of a bookmaker’s permit whether any person is or is not a fit and proper person to be the holder of such a permit, the authority shall have regard to whether or not that person has discharged all his liabilities, if any, [<sup>F28</sup>under assessments to] the bookmakers’ levy referred to in section 27 of this Act, and to the circumstances in which any failure to discharge any of those liabilities arose.

#### Textual Amendments

**F28** Words substituted by [Horse Race Betting Levy Act 1981 \(c. 30, SIF 12:1\)](#), s. 4(6), **Sch. para. 3**

#### Modifications etc. (not altering text)

**C6** Para. 16(1) extended by [Finance Act 1966 \(c. 18\)](#), **Sch. 3 Pt. 1 para. 6**

**C7** Para. 16(2) saved by [Horse Race Betting Levy Act 1969 \(c. 14\)](#), s. 4(5)

- 17 In the case of an application for the grant or renewal of a betting agency permit, the appropriate authority—
- (a) shall refuse the application unless the authority are satisfied that the applicant is for the time being accredited as mentioned in section 9(2)(c) of this Act;
  - (b) subject to paragraph 18 of this Schedule, may refuse the application if they are not satisfied that the applicant is, or satisfactory evidence is produced that the applicant is not, a fit and proper person to hold a betting office licence.

#### Modifications etc. (not altering text)

**C8** Para. 17(b) extended by [Finance Act 1966 \(c. 18\)](#), **Sch. 3 Pt. 1 para. 6**

- 18 For the purposes of paragraph 16 or 17 of this Schedule, the appropriate authority shall disregard—
- (a) any conviction for an offence under the <sup>M3</sup>Betting Act 1853, or under section 393 or 407 of the <sup>M4</sup>Burgh Police (Scotland) Act 1892, section 51 of the <sup>M5</sup>Burgh Police (Scotland) Act 1903 or any corresponding provision of any local Act;
  - (b) any conviction for an offence under the <sup>M6</sup>Street Betting Act 1906, unless the offence was committed after 1st December 1961; and
  - (c) any conviction for an offence under section 1(2) of the <sup>M7</sup>Betting and Gaming Act 1960 committed before the said 1st December,
- and, without prejudice to their power under paragraph 13 of this Schedule to adjourn consideration of the application, shall also disregard—
- (i) any proceedings for such an offence as is mentioned in section 11(1) of this Act which have been commenced but not yet determined; and
  - (ii) any cancellation of a permit under the said section 11(1) or under paragraph 27 of this Schedule which has not yet taken effect.



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#### Marginal Citations

**M3** 1853 c. 119.

**M4** 1892 c. 55.

**M5** 1903 c. 33.

**M6** 1906 c. 43.

**M7** 1960 c. 60.

<sup>F29</sup>18A(1) In the case of an application for the renewal of a bookmaker’s permit or a betting agency permit, the appropriate authority shall refuse the application if they are satisfied that the applicant or an employee of his has, since the permit was granted, received or negotiated a bet on the outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.

(2) For the purposes of sub-paragraph (1) above, the appropriate authority shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the permit was renewed.]

#### Textual Amendments

**F29** Sch. 1 para. 18A inserted (21.12.1993) by 1993 c. 39, s. 18(3); S.I. 1993/2632, art.3 (with art. 4).

#### *Grounds for refusal to grant or renew betting office licence*

19 In the case of an application for the grant or renewal of a betting office licence in respect of any premises, the appropriate authority—

- (a) shall refuse the application if they are not satisfied—
  - (i) in the case of an applicant other than the Totalisator Board, that on the date with effect from which the licence would come into force, or, as the case may be, would be continued in force, the applicant will be the holder either of a bookmaker’s permit or of a betting agency permit; and
  - (ii) that the premises are or will be enclosed; and
  - (iii) that there are or will be means of access between the premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions;
- (b) may refuse the application on the ground—
  - (i) that, having regard to the lay-out, character, condition or location of the premises, they are not suitable for use as a licensed betting office; or
  - (ii) that the grant <sup>F30</sup>or renewal<sup>F30</sup> (if the application is for that, and the applicant is not the Totalisator Board nor applying for the grant of a licence by way of transfer of one that is in force for the same premises at the time of the application) would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by licensed betting offices and to the number of such offices for the time being available to meet that demand; or
  - (iii) that the premises have not been properly conducted under the licence.

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#### Textual Amendments

**F30** Words “(if the” to “application)” substituted (*prosp.*) for words “or renewal” by [Horse Race Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 3\(2\)\(3\)](#)

#### Modifications etc. (not altering text)

**C9** Para. 19(b)(ii) excluded (*prosp.*) by [Horse Race Totalisator and Betting Levy Boards Act 1972 \(c. 69\), s. 3\(1\)\(3\)](#)

### *Grant or renewal of permit or licence*

20 (1) Save as provided by paragraphs 15 to 19 of this Schedule, the appropriate authority shall not refuse any application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, but shall grant or renew the permit or licence on payment by the applicant to the [<sup>F31</sup>proper officer of] the authority of a fee of—

- [<sup>F32</sup>(a) in the case of the grant of a bookmaker’s permit, £160;
- (b) in the case of the grant of a betting agency permit, £160;
- (c) in the case of the grant of a betting office licence, £125;
- (d) in the case of the renewal of a bookmaker’s permit or betting agency permit, £20;
- (e) in the case of the renewal of a betting office licence, £25;]

and if the authority refuse any such application they shall state the grounds of their refusal.

[<sup>F33</sup>(1A) The Secretary of State may by order made by statutory instrument amend sub-paragraph (1) above so as to vary any fee for the time being specified in that sub-paragraph; and a statutory instrument containing an order under this sub-paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(2) The [<sup>F34</sup>proper officer of]any appropriate authority in Scotland shall pay over all fees received by him under this paragraph to the local authority liable under section 21 of the <sup>M8</sup>Licensing (Scotland) Act 1959 to defray the expenses of that appropriate authority; . . . <sup>F35</sup>

#### Textual Amendments

**F31** Words in Sch. 1 para. 20(1) substituted (1.4.2001) by 1999 c. 22, s. 90, [Sch. 13 para. 35\(9\)](#) (a)(with s. 107, Sch. 14 para. 7(2)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#)

**F32** Sch. 1 para. 20(1)(a)-(e) substituted (10.2.1997) by [S.I. 1997/42, art. 2](#); [S.I. 1997/77, art. 2](#)

**F33** Sch. 1 para. 20(1A) inserted by [Betting, Gaming and Lotteries \(Amendment\) Act 1984 \(c. 25, SIF 12:1\), s. 3](#)

**F34** Words in Sch. 1 para. 20(2) substituted (1.4.2001) by 1999 c. 22, s. 90, [Sch. 13 para. 35\(9\)\(b\)](#) (with s. 107, Sch. 14 para. 7(2)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#)

**F35** Words repealed by [District Courts \(Scotland\) Act 1975 \(c. 20\), Sch. 2](#)

*Status: Point in time view as at 01/04/2005.*

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#### Modifications etc. (not altering text)

- C10** Sch. 1 para. 20(1) excluded by [Betting and Gaming Duties Act 1981 \(c. 63, SIF 12:2\)](#), s. 12(2), [Sch. 1 para. 15\(4\)](#)
- C11** Functions conferred by Sch. 1 para. 20(1A) transferred (1.7.1999) by [S.I. 1999/1750](#), [art. 2](#), [Sch. 1](#)

#### Marginal Citations

- M8** 1959 c. 51.

### *[<sup>F36</sup>Unopposed applications for renewal*

#### Textual Amendments

- F36** Sch. 1 para. 20A inserted (1.9.1997) by [S.I. 1997/947](#), [art. 3\(1\)](#)

20A (1) Where—

- (a) an application for the renewal of a bookmaker’s permit, betting agency permit or betting office licence (other than an application to which paragraph 10(b) of this Schedule applies) has been made in accordance with paragraph 9 of this Schedule, and
- (b) immediately before the meeting of the appropriate authority at which the application would, apart from this paragraph, fall to be considered—
- (i) the [<sup>F37</sup>proper officer of]the authority has not received any objection to the renewal of the permit or licence, or
- (ii) every such objection received by him has been withdrawn,
- the [<sup>F37</sup>clerk to the authority may] act for the authority in relation to the determination of the application.

(2) Sub-paragraph (1) of this paragraph shall not have effect to enable the clerk to the appropriate authority to act for the authority in—

- (a) refusing the application, or
- (b) granting the application in circumstances where there is a discretion to refuse it.

(3) The clerk to the appropriate authority may not act under sub-paragraph (1) of this paragraph in any case where to do so would be contrary to the authority’s directions.

(4) The functions of the clerk to the appropriate authority under sub-paragraph (1) of this paragraph shall also be exercisable by such other officer of the appropriate authority as the clerk may designate for the purposes of this paragraph.

[ For the purposes of this paragraph, the clerk to the appropriate authority, where the <sup>F38</sup>(5) authority is a committee of the justices acting [<sup>F39</sup>in a local justice area, is a justices’ clerk designated by the Lord Chancellor in relation to the committee].]

#### Textual Amendments

- F37** Words in Sch. 1 para. 20A(1) substituted (1.4.2001) by [1999 c. 22](#), s. 90(1), [Sch. 13 para. 35\(10\)\(a\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916](#), [art. 2\(a\)\(ii\)](#)
- F38** Sch. 1 para. 20A(5) inserted (1.4.2001) by [1999 c. 22](#), s. 90(1), [Sch. 13 para. 35\(10\)\(b\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916](#), [art. 2\(a\)\(ii\)](#)

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**F39** Words in Sch. 1 para. 20A(5) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\)](#), [Sch. 8 para. 115\(4\)](#); [S.I. 2005/910, art. 3\(y\)](#)

### *Appeals against refusals in England*

- 21 (1) Where an appropriate authority in England refuse an application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence, they shall forthwith notify the applicant of the refusal, and within <sup>[F40]</sup>twenty-one days] of being so notified the applicant may by notice to the <sup>[F41]</sup>proper officer of] the authority appeal against the refusal to <sup>[F42]</sup>the Crown Court].
- (2) As soon as practicable after receiving notice of appeal against the refusal, the <sup>[F41]</sup>proper officer of] the authority shall send the notice to <sup>[F43]</sup>the appropriate officer of the Crown Court] together with a statement of the decision from which the appeal is brought and of the name and last known residence or place of business of the appellant and of any person who opposed the application before the authority.
- (3) On receipt of the notice of appeal, <sup>[F43]</sup>the appropriate officer of the Crown Court] shall enter the appeal and give in writing not less than seven days notice to the appellant, to the appropriate officer of police and to any person who opposed the application before the authority and, if the appeal relates to a betting office licence, to the authority, of the date, time and place appointed for the hearing of the appeal.
- (4) <sup>[F42]</sup>The Crown Court] may by its order either—
- (a) confirm the refusal; or
  - (b) on payment by the appellant to <sup>[F43]</sup>the appropriate officer of the Crown Court] for transmission to the <sup>[F41]</sup>proper officer of] the appropriate authority of the appropriate fee under paragraph 20 of this Schedule, grant or renew the permit or licence in the same way as the appropriate authority could have done;
- and the judgment of <sup>[F42]</sup>the Crown Court] on the appeal shall be final.
- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
- (6) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by <sup>[F42]</sup>the Crown Court] under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.

#### **Textual Amendments**

**F40** Words stand in the text by virtue of [S.I. 1982/1109, rules 6, 7](#), [Sch. 3 Pt. II](#)

**F41** Words in Sch. 1 para. 21(1)(2)(4)(b) substituted (1.4.2001) by [1999 c. 22, s. 90\(1\)](#), [Sch. 13 para. 35\(11\)](#) (a) (with [s. 107](#), [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#)

**F42** Words substituted by [Courts Act 1971 \(c. 23\), s. 56\(2\)](#), [Sch. 9 Pt. 1](#)

**F43** Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 2](#)

#### **Modifications etc. (not altering text)**

**C12** Para. 21(3) amended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. I para. 6](#)

*Status: Point in time view as at 01/04/2005.*

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**C13** The text of Sch. 1 para. 21(5), now spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

22 ..... F44

**Textual Amendments**

**F44** Sch. 1 para. 22 repealed by [S.I. 1971/1292](#)

23 (1) Where, in the case of an appeal under paragraph 21 of this Schedule with respect to a betting office licence, [<sup>F45</sup>the Crown Court]—  
(a) has allowed the appeal; or  
(b) has awarded the appropriate authority any costs under paragraph 22 of this Schedule and is satisfied that the appropriate authority cannot recover those costs,

the court shall order payment out of [<sup>F46</sup>central funds] of such sums as appear to the court sufficient to indemnify the appropriate authority from all costs and charges whatever to which they have been put in consequence of the appellant’s having served notice of appeal.

(2) ..... F47

**Textual Amendments**

**F45** Words substituted by [Courts Act 1971 \(c. 23\), s. 56\(2\), Sch. 9 Pt. 1](#)

**F46** Words substituted by [Courts Act 1971 \(c. 23\), Sch. 6 para. 6](#)

**F47** Sch. 1 para. 23(2)– (4) repealed by the [Courts Act 1971 \(c. 23\), Sch. 11 Pt. III](#)

*Appeals against refusals in Scotland*

24 (1) Where an appropriate authority in Scotland refuse any application for the grant or renewal of a bookmaker’s permit, betting agency permit or betting office licence, the authority shall forthwith notify the applicant of the refusal and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority’s area.

(2) ..... F48

(3) For the purposes of paragraphs 10, 33 and 34 of this Schedule, the grant or renewal of a permit or licence by the sheriff under this paragraph shall be treated as if it were a grant or renewal by the appropriate authority who refused it.

**Textual Amendments**

**F48** Sch. 1 para. 24(2) repealed by [Licensing \(Scotland\) Act 1976 \(c. 66\), Sch. 8](#)

**Modifications etc. (not altering text)**

**C14** Para. 24 applied by [Licensing \(Scotland\) Act 1976 \(c. 66\), s. 133\(4\)](#)

*Status: Point in time view as at 01/04/2005.*

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*Notification of change in directors during currency of bookmaker’s permit*

- 25 If, where the holder of a bookmaker’s permit is a body corporate, any change occurs in the persons who are directors thereof or in accordance with whose directions or instructions the directors thereof are accustomed to act, the holder of the permit shall as soon as reasonably practicable after the occurrence of the change give particulars thereof in writing to the [<sup>F49</sup>proper officer of] the appropriate authority and to the appropriate officer of police; and if the holder of the permit fails to comply with this paragraph he shall be liable on summary conviction to a fine not exceeding [<sup>F50</sup>level 1 on the standard scale].

**Textual Amendments**

- F49** Words in Sch. 1 para. 25 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(11)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F50** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

**Modifications etc. (not altering text)**

- C15** Para. 25 amended by **Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6**

*Notification of change of relevant premises during currency of permit*

- [<sup>F51</sup>25A If during the currency of a bookmaker’s permit there is any change in the address of the relevant premises, the holder of the permit shall as soon as reasonably practicable after the change occurs give notice in writing of the change of address to the Levy Board; and if the holder of the permit fails to comply with this paragraph he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.]

**Textual Amendments**

- F51** Sch. 1 para. 25A inserted (1.9.1997) by **S.I. 1997/947, art. 4(1)**

*Cancellation of bookmaker’s permit by appropriate authority*

- 26 If in the case of any bookmaker’s permit an application is made at any time to the [<sup>F52</sup>proper officer of] the appropriate authority by any person in the prescribed form and manner requesting that the permit be forfeited and cancelled and accompanied by two copies of a statement of the grounds on which the application is made, the [<sup>F52</sup>proper officer of] the authority shall submit the application to any one member of the authority who, after considering the statement accompanying the application—
- (a) if he is of opinion—
    - (i) that further consideration of the matters referred to in that statement is unnecessary or inexpedient before the renewal of the permit falls to be considered; or
    - (ii) that the authority would be required by virtue of paragraph 27(3) of this Schedule to refuse the application,
- shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of

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- objection in accordance with the provisions of this Schedule to a renewal of the permit;
- (b) unless he is of such opinion as aforesaid shall refer the application to the appropriate authority.

#### Textual Amendments

**F52** Words in s. 26 substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(11)(c)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

- 27 (1) Where an application for the cancellation of a permit is referred to the appropriate authority under the last foregoing paragraph, the [<sup>F53</sup>proper officer of] the authority shall, unless the application has been withdrawn, give to the applicant, to the holder of the permit and to the appropriate officer of police not less than twenty-one days notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the permit together with that notice a copy of the applicant’s statement of the grounds on which the application is made.
- (2) Subject to the next following sub-paragraph, at any meeting of the appropriate authority to consider the application, the applicant and the holder of the permit shall be entitled to be heard either in person or by counsel or a solicitor; and where the applicant is a person other than the appropriate officer of police, the authority shall also hear any representations made by, or by any person authorised in that behalf by, that officer; and paragraphs 13 and 14 of this Schedule shall apply in relation to the application as they apply in relation to the application as they apply in relation to an application for the renewal of a permit, subject to the following modifications of the said paragraph 14, that is to say—
- (a) as if the reference therein to the applicant for renewal were a reference to the holder of the permit; and
- (b) as if the reference therein to any person who made an objection as mentioned in that paragraph were a reference to the person by whom the application under paragraph 26 of this Schedule was made.
- (3) The appropriate authority shall refuse the application if they are satisfied that it is made on grounds which—
- (a) have been or ought properly to have been raised previously by way of objection either when the permit was granted or on an occasion when it has been renewed; or
- (b) are or have been the subject matter of proceedings for such an offence as is mentioned in section 11(1) of this Act.
- (4) The appropriate authority shall not cancel the permit unless—
- (a) satisfactory evidence is produced that the holder is no longer a fit and proper person to hold such a permit; or
- (b) the authority are satisfied that the business to which it relates is being managed by, or carried on for the benefit of, a person other than the holder, being a person who would himself be refused the grant of such a permit either under paragraph 15 or under paragraph 16(1)(a) of this Schedule [<sup>F54</sup>; or]
- (c) [<sup>F54</sup>the authority are satisfied that the holder of the permit or an employee of his has, since the permit was granted, received or negotiated a bet on the

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outcome of any lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.]:

Provided that for the purposes of this sub-paragraph the authority shall disregard any conviction such as is mentioned in paragraph 18 of this Schedule.

- (5) If the appropriate authority decide not to cancel the permit, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the permit.
- (6) If the appropriate authority decide to forfeit and cancel the permit, the forfeiture and cancellation shall not take effect—
  - (a) until the expiration of the time within which notice of an appeal under the next following paragraph may be given; or
  - (b) if such notice is duly given, until the determination or abandonment of the appeal.

#### Textual Amendments

**F53** Words in Sch. 1 para. 27(1) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(11)(c)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

**F54** Sch. 1 para. 27(4)(c) inserted (21.12.1993) by 1993 c. 39, s. 18(4); S.I. 1993/2632, **art. 3** (with art. 4).

#### Modifications etc. (not altering text)

**C16** Para. 27(1)(2) amended by **Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6**

**C17** Para. 27(4)(a) extended by **Finance Act 1966 (c. 18), Sch. 3 Pt. I para. 6**

- 28 (1) Where the appropriate authority decide to forfeit and cancel a bookmaker’s permit on an application under paragraph 26 of this Schedule, the holder of the permit may appeal against that decision to [<sup>F55</sup>the Crown Court] (or in Scotland the sheriff), whose decision on the appeal shall be final.
- (2) Paragraphs 21 (except sub-paragraphs (4) and (6) thereof), and . . . <sup>F56</sup>, paragraph 24(1) of this Schedule shall apply for the purposes of an appeal under this paragraph against the forfeiture and cancellation of a bookmaker’s permit as they apply for the purposes of an appeal against the refusal of an application for the renewal of such a permit subject to the following modifications, that is to say—
  - (a) as if any reference therein to the applicant for renewal were a reference to the holder of the permit; and
  - (b) as if any reference therein to a person who opposed the application before the appropriate authority were a reference to the person by whom the application under paragraph 26 of this Schedule was made;
 and, in the case of an appeal to the sheriff under this paragraph, the sheriff may make such order as to the expenses of the appeal as he thinks proper.

#### Textual Amendments

**F55** Words substituted by **Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. 1**

**F56** Words repealed by **S.I. 1971/1292**



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### *Cancellation of betting office licence by appropriate authority*

<sup>F57</sup>28A(1) This paragraph applies where—

- (a) a person makes an application to the <sup>F58</sup>proper officer of] the appropriate authority requesting that a betting office licence be forfeited and cancelled, and
  - (b) the application is—
    - (i) made in the prescribed form and manner, and
    - (ii) accompanied by two copies of a statement of the grounds on which the application is made.
- (2) The <sup>F58</sup>proper officer of] the authority shall submit the application to any one member of the authority who shall consider whether it is necessary or expedient for the matters referred to in the statement to be given further consideration before the renewal of the licence falls to be considered.
- (3) If the conclusion under sub-paragraph (2) of this paragraph is that further consideration of those matters before then is not necessary or expedient, the member shall cause the applicant to be given notice in writing that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the licence.
- (4) If the conclusion under sub-paragraph (2) of this paragraph is that further consideration of those matters before then is necessary or expedient, the member shall refer the application to the appropriate authority.]

#### **Textual Amendments**

**F57** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, **art. 5(1)**

**F58** Words in Sch. 1 para. 28A(1)(a)(2) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 35(11)(d)** (with s. 107, **Sch. 14 para. 7(2)**); S.I. 2001/916, **art. 2(a)(ii)**

<sup>F59</sup>28B(1) This paragraph applies where under paragraph 28A of this Schedule an application for the cancellation of a betting office licence is referred to the appropriate authority.

- (2) Unless the application is withdrawn, the <sup>F60</sup>proper officer of] the authority shall give not less than twenty-one days’ notice in writing of the date, time and place appointed for the consideration of the application by the authority to—
  - (a) the applicant,
  - (b) the holder of the licence,
  - (c) the appropriate officer of police, and
  - (d) the Collector of Customs and Excise for the area in which the relevant premises are situated.
- (3) The <sup>F60</sup>proper officer of] the authority shall send with the notice under sub-paragraph (2)(b) of this paragraph a copy of the applicant’s statement of the grounds on which the application is made.
- (4) At any meeting of the authority to consider the application—
  - (a) the applicant and the holder of the licence shall be entitled to be heard either in person or by counsel or a solicitor,
  - (b) where the applicant is not the appropriate officer of police, the authority shall also hear any representation made by him, or a person authorised by him, and

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- (c) where the application is not the Commissioners of Customs and Excise, the authority shall also hear any representation made by them, or a person authorised by them.
- (5) The authority shall forfeit and cancel the licence if they are not satisfied—
- (a) that the relevant premises are enclosed, and
  - (b) that there are means of access between the relevant premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions,
- but, apart from that, may only do so on the ground that the relevant premises fall within sub-paragraph (6) of this paragraph.
- (6) The relevant premises fall within this sub-paragraph if—
- (a) having regard to their layout, character or condition, they are not suitable for use as a licensed betting office,
  - (b) they have not been properly conducted under the licence, or
  - (c) they have not been used as a licensed betting office in the period of twelve months ending with the date on which the application is made and the licence has been in force for at least twelve months.
- (7) The authority may from time to time adjourn consideration of the application.
- (8) On consideration of the application, the authority make take evidence on oath and may make such order as they think fit for the payment of costs or, in Scotland, expenses—
- (a) by the applicant to the holder of the licence, or
  - (b) by the holder of the licence to the applicant.
- (9) If the authority decide not to cancel the licence, they shall cause notice in writing to be given to the applicant that the application is refused without prejudice to the raising of the same matters by way of objection in accordance with the provisions of this Schedule to a renewal of the licence.
- (10) If the authority decide to forfeit and cancel the licence, the forfeiture and cancellation shall not take effect—
- (a) until the end of the time within which notice of an appeal under paragraph 28C or, as the case may be, 28D of this Schedule may be given, or
  - (b) if such notice is duly given, until the determination or abandonment of the appeal.
- (11) Where an order for the payment of costs is made under sub-paragraph (8) of this paragraph by an authority in England and Wales, the costs shall be recoverable summarily as a civil debt.

#### Textual Amendments

**F59** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/974, [art. 5\(1\)](#)

**F60** Words in Sch. 1 para. 28B(2) and (3) substituted (1.4.2001) by 1999 c. 22, s. 90(1), [Sch. 13 para. 35\(11\)](#) (d) (with s. 107, [Sch. 14 para. 107\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#)

<sup>F61</sup>28C(1) Where on an application under paragraph 28A of this Schedule an appropriate authority in England and Wales decide to forfeit and cancel a betting office licence,

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they shall forthwith notify the holder of the licence of the decision, and within twenty-one days of being so notified, he may by notice to the [<sup>F62</sup>proper officer of] the authority appeal against the refusal to the Crown Court.

- (2) As soon as practicable after receiving notice of appeal under sub-paragraph (1) of this paragraph, the [<sup>F62</sup>proper officer of] the authority shall send the notice to the appropriate officer of the Crown Court together with a statement of—
- (a) the decision from which the appeal is brought,
  - (b) the name and last known residence or place of business of the appellant, and
  - (c) the name and last known residence or place of business of the person whose application under paragraph 28A of this Schedule led to the decision appealed against.
- (3) On receipt of notice of appeal under sub-paragraph (2) of this paragraph, the appropriate officer of the Crown Court shall enter the appeal and give not less than seven days notice in writing of the date, time and place appointed for the hearing of the appeal to—
- (a) the appellant,
  - (b) the person mentioned in sub-paragraph (2)(c) of this paragraph,
  - (c) the authority whose decision is appealed against, and
  - (d) the appropriate officer of police.
- (4) The decision of the Crown Court on an appeal under this paragraph shall be final.

#### Textual Amendments

**F61** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, [art. 5\(1\)](#)

**F62** Words in Sch. 1 para. 28C(1) and (2) substituted (1.4.2001) by 1999 c. 22, s. 90(1), [Sch. 13 para. 35\(11\)](#) (d) (with s. 107, [Sch. 14 para. 107\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#)

<sup>F63</sup>28D(1) Where on an application under paragraph 28A of this Schedule an appropriate authority in Scotland decide to forfeit and cancel a betting office licence, they shall forthwith notify the holder of the licence of the decision and he may appeal, within such time and in accordance with such rules as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the authority’s area.

(2) The decision of the sheriff on an appeal under this paragraph shall be final.

#### Textual Amendments

**F63** Sch. 1 paras. 28A-28D inserted (1.9.1997) by S.I. 1997/947, [art. 5\(1\)](#)

#### *Duration of permit or licence*

29 <sup>F64</sup>(1) A bookmaker’s permit, betting agency permit or betting office licence shall be in the prescribed form and shall show the date with effect from which it is to be, or, as the case may be, to be continued, in force and, subject to paragraphs 30 to 33 of this Schedule, shall, unless renewed or, as the case may be, further renewed, cease to be in force at the end of [<sup>F65</sup>the licensing period in which that date falls or, if that date falls in the last five months of that period, at the end of the next licensing period] and shall not be transferable.

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: Betting, Gaming and Lotteries Act 1963, SCHEDULE 1 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F66</sup>(2) In this paragraph “licensing period” means the period of three years beginning with 1st June 1997 and each successive period of three years.]

#### Textual Amendments

- F64** Sch. 1 para. 29 renumbered as Sch. 1 para. 29(1) (1.9.1997) by [S.I. 1997/947, art. 6\(3\)](#).  
**F65** Words in Sch. 1 para. 29 substituted (1.9.1997) by [S.I. 1997/947, art. 6\(2\)](#)  
**F66** Sch. 1 para. 29(2) added (1.9.1997) by [S.I. 1997/947, art. 6\(3\)](#)

30 Where application for the renewal of such a permit or licence as aforesaid has been made, so far as lies within the control of the applicant, in accordance with the provisions of this Act, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the appropriate authority make their determination on the application.

31 Where the appropriate authority refuse to renew any such permit or licence as aforesaid, the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule before the expiration of the time within which notice of an appeal under paragraph 21 or, as the case may be, paragraph 24 of this Schedule may be given nor, if such notice is duly given, before the determination or abandonment of the appeal

32 A betting office licence held by the holder of a bookmaker’s permit or betting agency permit shall cease to be in force upon that permit ceasing to be in force, whether by virtue of paragraph 29 of this Schedule or by virtue of its cancellation under section 11(1) of this Act or under paragraph 27 of this Schedule.

33 In the event of the death of the holder of such a permit or licence as aforesaid, then during the period of six months commencing with the death the permit or licence shall not cease to be in force by virtue of paragraph 29 of this Schedule and, except for the purposes of a renewal of that permit or licence, his legal personal representatives shall be deemed to be the holder thereof; and the authority by whom the permit or licence was last either granted or renewed may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased’s estate and that no other circumstances make it undesirable.

#### *Registers of permits and licences*

34 The [<sup>F67</sup>proper officer of] each appropriate authority shall keep registers in the prescribed form and containing the prescribed particulars of all bookmaker’s permits, betting agency permits and betting office licences granted or renewed by that authority, and any such register shall be open during reasonable hours for inspection by any constable or, on payment of the prescribed fee, by any other person.

#### Textual Amendments

- F67** Words in Sch. 1 para. 34 substituted (1.4.2001) by [1999 c. 22, s. 90\(1\), Sch. 13 para. 35\(11\)\(e\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 2\(a\)\(ii\)](#)

*Status: Point in time view as at 01/04/2005.*

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#### Modifications etc. (not altering text)

**C18** Para. 34 amended by [Finance Act 1966 \(c. 18\)](#), [Sch. 3 Pt. I para. 6](#)

#### *Service of documents*

- 35 Any provision of this Schedule requiring any notice or other document to be given or sent to any person<sup>F68</sup> . . . shall be deemed to be satisfied if the document is either served personally on that person or sent to him by post at his usual or last-known residence or place of business in the United Kingdom, or, in the case of a company, at the company’s registered office.

#### Textual Amendments

**F68** Words in Sch. 1 para. 35 repealed (1.9.1997) by [S.I. 1997/947](#), [art. 4\(2\)](#)

#### *Provision of information*

- 36 The [<sup>F69</sup>proper officer of] each appropriate authority shall send to the Levy Board such particulars of any bookmaker’s permit granted or renewed by, or by the court who determined any appeal from, that authority as the Secretary of State may by regulations made by statutory instrument direct.

#### Textual Amendments

**F69** Words in Sch. 1 para. 36 substituted (1.4.2001) by [1999 c. 22, s. 90\(1\)](#), [Sch. 13 para. 35\(11\)\(f\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916](#), [art. 2\(a\)\(ii\)](#)

- 37<sup>F70F71</sup>(1) The [<sup>F72</sup>proper officer of] any appropriate authority shall furnish the Secretary of State with such statistical information at such times as the Secretary of State may from time to time require with respect to the performance by the authority of their functions under this Schedule; and the Secretary of State shall in respect of each [<sup>F73</sup>relevant period] lay before each House of Parliament a report containing, in such form as may appear to him convenient, statistical information with respect to the grant, renewal, cancellation and expiry without renewal of bookmakers’ permits, betting agency permits and betting office licences respectively in England or, as the case may be, Scotland during that period.

<sup>F70</sup>[(2) In this paragraph “relevant period” means the period of three years beginning with 1st June 1997 and each successive period of three years.]

#### Textual Amendments

**F70** Sch. 1 para. 37(2) added (1.9.1997) by [S.I. 1997/947](#), [art. 7\(3\)](#)

**F71** Sch. 1 para. 37 renumbered as para. 37(1) (1.9.1997) by [S.I. 1997/947](#), [art. 7\(3\)](#)

**F72** Words in Sch. 1 para. 37(1) substituted (1.4.2001) by [1999 c. 22, s. 90\(1\)](#), [Sch. 13 para. 35\(11\)\(f\)](#); (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916](#), [art. 2\(a\)\(ii\)](#)

**F73** Words in Sch. 1 para. 37 substituted (1.9.1997) by [S.I. 1997/947](#), [art. 7\(2\)](#)

**Status:**

Point in time view as at 01/04/2005.

**Changes to legislation:**

Betting, Gaming and Lotteries Act 1963, SCHEDULE 1 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.