

SCHEDULES

SCHEDULE 3

Section 6.

LICENSING OF TRACKS FOR BETTING

Licensing authorities and interpretation

- 1 Paragraphs 1, 2 and 3 of Schedule 2 to this Act shall have effect with respect to licensing authorities for the purposes of this Schedule as if—
- (a) in sub-paragraph (1) of the said paragraph 1 for the words " the registering authority" there were substituted the words " the licensing authority "; and
 - (b) any reference in those paragraphs to the said Schedule 2, except in sub-paragraph (5) (b) of the said paragraph 1, were a reference to this Schedule.
- 2 In this Schedule, except where the context otherwise requires—
- (a) any reference to a track shall be construed as including a reference to the site of a proposed track;
 - (b) in relation to any particular track, any reference to the licensing authority shall be construed as a reference to the council or committee who, under paragraph 1 of this Schedule, are the (licensing authority for the area in which that track or the greater part of the superficial area thereof is situated, and the expression " appropriate officer of police " means the chief officer of police for a police area which includes that track or any part thereof.

Applications for licences

- 3 An application for the grant of a track betting licence may be made to the licensing authority—
- (a) in respect of an existing track, by the occupier thereof; or
 - (b) in respect of a track which it is proposed to construct, by any person who proposes to become the occupier of the track if the licence is granted.
- 4 Each licensing authority may from time to time fix dates on which they will entertain applications for the grant of track betting licences by them and shall cause information as to any dates so fixed to be given to any person who asks for it
- 5 (1) No application for a track betting licence shall be entertained by the licensing authority unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority and to each of the authorities specified in sub-paragraph (2) of this paragraph notice in writing—
- (a) stating that it is intended to make the application on that date; and
 - (b) describing the situation of the track and the number and position of the exits provided or intended to be provided; and
 - (c) stating the number of spectators for whom accommodation is provided or is intended to be provided. and has also published such a notice in at least two newspapers circulating in the locality in which the track is situated.

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- (2) The authorities referred to in the foregoing sub-paragraph are—
- (a) if the track is situated in England—
 - (i) the council of any county district or metropolitan borough in which the track or any part thereof is situated; and
 - (ii) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof;
 - (b) if the track is situated in Scotland—
 - (i) the council of any county or burgh within which the track or any part thereof is situated; and
 - (ii) the local planning authority within the meaning of the Town and Country Planning (Scotland) Act 1947 for any area which includes the track or any part thereof,
 where that council or authority are not the licensing authority;
 - (c) the appropriate officer or officers of police.
- (3) Every notice given to the licensing authority under sub-paragraph (1) of this paragraph 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.
- 6 (1) Upon the consideration by the licensing authority of an application for the grant of a track betting 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) any appropriate officer of police ;
 - (b) any person owning or occupying premises in the neighbourhood of the track;
 - (c) the governing body of any school or institution in the neighbourhood of the track;
 - (d) if the track is situated in England, any of the authorities specified in sub-paragraph (2) of this paragraph;
 - (e) if the track is situated in Scotland, any of the authorities specified in sub-paragraph (3) of this paragraph:

Provided that 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.

- (2) The authorities referred to in sub-paragraph (1) (d) of this paragraph are—
- (a) the local planning authority within the meaning of the Town and Country Planning Act 1962 for any area which includes the track or any part thereof;
 - (b) the council of any county district or metropolitan borough in which the track or any part thereof is situated ;
 - (c) any other local authority whose area adjoins any such county district or metropolitan borough:

Provided that no local authority shall be entitled to be heard as an objector if the licensing authority are a committee of that local authority or a joint committee including persons appointed by that local authority.

In this sub-paragraph, the expression " local authority " means any of the following councils, that is to say, the council of a county, county borough, metropolitan borough or county district and the Common Council of the City of London.

- (3) The authorities referred to in sub-paragraph (1) (a) of this paragraph are—
- (a) the council of any county or burgh adjoining the area of the licensing authority;
 - (b) where the licensing authority are a county council or a joint county council, the town council of any burgh situated in the county, or in either of the counties combined;
 - (c) where the licensing authority are a town council, the council of the county in which the burgh is situated.

Grant or refusal of licence

- 7 (1) The provisions of this paragraph shall have effect with respect to any application to a licensing authority for the grant of a track betting licence in respect of any trade
- (2) The licensing authority may refuse to grant the licence if they are satisfied that, in the event of the licence being granted, the existence or user of the track—
- (a) 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 (hat neighbourhood; or
 - (b) would seriously impair the amenities of that neighbourhood ; or
 - (c) would result in undue congestion of traffic or seriously prejudice the preservation of law and order.
- (3) The licensing authority may also refuse to grant the licence if the applicant or, where the applicant is a body corporate, any director or the manager thereof has been convicted—
- (a) of an offence under any of the following provisions of this Act, that is to say, sections 1 (1) (a), 4 (1). 5, 6, 7,. 16, 18, 19, 21 and 23 and paragraphs 11 and 17 of Schedule 5;
 - (b) of any offence under Part I of, or Schedule 1 to, The Betting and Lotteries Act 1934 or under section 7 of the Betting and Gaming Act 1960; or
 - (c) of any offence involving fraud or dishonesty.
- (4) If the licensing authority are not satisfied that any planning permission required under Part III of the Town and Country Planning Act 1962 or under the Town and Country Planning (Scotland) Act 1947 for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been, or is deemed to be, granted, they shall either refuse to grant the licence or grant the licence but suspend its operation until the local planning authority within the meaning of the said Act of 1962 or. as the case may be. 1947 have notified the licensing authority that any such planning permission has been, or is deemed to be, granted.
- (5) Save as is mentioned in sub-paragraph (2), (3) or (4) of this paragraph, the licensing authority shall not refuse the application ; and if they do refuse it they shall send to the applicant by post a written statement of the grounds of their refusal.

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Duration and transfer of licences

- 8 A track betting licence shall, unless cancelled under paragraph 10 or revoked under paragraph 13 of this Schedule, be in force for seven years from the date on which it is expressed to take effect.
- 9 Where in the case of any track the licensing authority have granted a track betting licence to any person, they may at any time, if they think fit, on an application made to them after notice in writing to the appropriate officer or officers of police, direct that the licence shall be transferred to another person, and thereupon the transferee shall be deemed to be the holder of the licence, so, however, that, if the transferee is not the occupier of the track, the transfer shall not take effect until he becomes the occupier thereof.
- 10 The licensing authority by whom any track betting licence for the time being in force was granted shall, upon receiving from the holder of the licence a written request in that behalf accompanied by the licence, cancel the licence, which shall thereupon cease to be in force.
- 11 In the event of the death of the holder of a track betting licence, his legal personal representatives 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 them.

Fees in respect of licences

- 12 (1) In respect of any application for a track betting licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for the whole of their 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 sub-paragraph.
- (2) In respect of every such licence, such annual fee not exceeding fifty pounds as the licensing authority may fix annually for the whole of their area 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 those 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.
- (3) In respect of any transfer of such a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for the whole of their area shall be payable by the person to whom the licence is transferred.
- (4) Every fee which by virtue of this paragraph is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

Revocation of licence and appeal therefrom

- 13 (1) At any time while a track betting licence is in force in respect of any track, the (licensing authority by whom it was granted may, after giving to the holder of the licence an opportunity of being heard, revoke the licence—
- (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance; or

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- (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 paragraph 5 (1) of this Schedule has been substantially increased, or the exits from the track as described in that notice have been materially altered, and the authority 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 Schedule 5 to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that 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 body corporate, any director or the manager thereof is convicted of any offence such as is mentioned in paragraph 7 (3) (a) or (c) of this Schedule ;

and if the authority revoke any such licence, they shall forthwith send notice of the revocation by post to the holder of the licence and to the appropriate officer or officers of police.

- (2) The holder of a licence in respect of a track in England which has been revoked under the foregoing sub-paragraph 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 area in which the track or the greater part of the superficial area thereof is situated and held not later than twenty-one clear days after notice of the revocation is given to him' by the licensing authority, and notice of any appeal under this sub-paragraph shall be given to the licensing authority and to the clerk of the peace.
- (3) The holder of a licence in respect of a track in Scotland which has been revoked under sub-paragraph (1) of this paragraph 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 area in which the track in respect of which the licence was held, or the greater part of the superficial area thereof, is situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.
- (4) Where a licensing authority revoke a licence under sub-paragraph (1) of this paragraph, then, until the time within which notice of appeal under sub-paragraph (2) or (3) of this paragraph may be given has expired and, if such notice is given, until the determination or abandonment of the appeal, the licence shall be deemed to continue in force, and if the court of quarter sessions or, as the case may be, the sheriff confirms the decision of the licensing authority, the court or the sheriff may, if it or he thinks fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

Fixing of betting days by licensing authority

- 14 (1) Subject to the provisions of this and the next following paragraph, each licensing authority shall, not later than the end of May in each year, fix one hundred and four days in the period of twelve months beginning with 1st July in that year as betting days, that is to say, days on which betting facilities may be provided on licensed tracks within the authority's area, and shall further fix four of those days as special betting days for the purposes of section 7 (2) of this Act.

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- (2) A licensing authority shall not be bound under the foregoing sub-paragraph to fix in advance betting days in any period of twelve months if it appears to them that at the beginning of that period no track betting licence will be in force in respect of a track in their area ; but, if they avail themselves of this sub-paragraph, then, so soon as they grant a track betting licence to take effect on any date during that period, they shall proceed to fix betting days in the part of that period which falls after the day preceding that date, and the number of days so fixed shall be twice the number of the complete weeks in that part of that period.
- In this sub-paragraph, the expression "week" means a period of seven consecutive days beginning with a Sunday.
- (3) The betting days and special betting days fixed by a licensing authority under this paragraph shall be the same for the whole of their area and shall not include Good Friday, Christmas Day or any Sunday.
- 15 (1) The following provisions of this paragraph shall have effect as regards the fixing of betting days for any period under paragraph 14 of this Schedule.
- (2) At least one month before fixing the betting days for the period in question, the licensing authority shall publish in at least two newspapers circulating in their area a notice of their intention so to do.
- (3) If, within one month from the date of the publication of the said notice, the licensing authority receive a notice in writing signed by all the holders of track betting licences in force in respect of tracks in their area stating that the signatories unanimously desire that the betting days in the period in question should be the days specified in the notice given under this sub-paragraph, then, if those days are days which might lawfully be fixed under paragraph 14 of this Schedule as the betting days for that period, the authority shall fix the days so specified as the betting days for that period.
- (4) Unless the licensing authority fix the betting days for the period in question in accordance with sub-paragraph (3) of this paragraph, they shall before fixing those days consider any representations which may, during the period of one month beginning with the date of the publication of the notice required by sub-paragraph (2) of this paragraph, be made to them in writing by—
- (a) any appropriate officer of police; or
 - (b) any person who is the holder of a track betting licence in force in respect of a track in the authority's area ; or
 - (c) any person who has given to the authority notice in writing of his intention to apply for such a licence in respect of such a track.
- (5) The licensing authority shall, on being requested by any person so to do, inform that person of the latest time by which a notice under sub-paragraph (3) or a representation under sub-paragraph (4) of this paragraph must be received by the authority if it is to be effective.