

SCHEDULES

SCHEDULE 5

Section 16.

TOTALISATORS ON DOG RACECOURSES

- 1 The totalisator shall be a mechanically or electrically operated apparatus complying with the prescribed conditions.
- 2 The person, whether the occupier of the track or a person authorised in that behalf in writing by that occupier, by whom the totalisator is operated (in this Schedule referred to as " the operator ") shall take all such steps as are necessary to secure that, so long as the totalisator is in use. it is in proper working order and is properly operated.
- 3 The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the track a notice showing the minimum stake (hereinafter referred to as " the betting unit") which will be accepted at the totalisator from persons betting on that race; and that notice shall also—
 - (a) specify the percentage, not exceeding six per cent. which will be deducted by the operator from amounts staked by means of the totalisator; and
 - (b) if the terms on which the operator invites persons to bet include such a condition as is mentioned in paragraph 6 of this Schedule, specify the time referred to in that paragraph.
- 4 The operator shall, in the case of any bets made by means of the totalisator on any race or combination of races—
 - (a) deduct from the aggregate amount staked—
 - (i) any sums payable by the operator by way of the pool betting duty in respect of those bets ; and
 - (ii) subject to paragraph 5 of this Schedule, the percentage specified in the notice posted in pursuance of paragraph 3 thereof ; and
 - (b) subject to paragraphs 5 and 6 of this Schedule, distribute the whole of the remainder of that amount among the persons making such of those bets as are winning bets.
- 5 Where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by three, then—
 - (a) if the remainder does not exceed three halfpence, it may be retained by the operator; but
 - (b) if the remainder exceeds three halfpence, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible.
- 6 The terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet unless the money won on the bet is claimed before such time, not being earlier than forty-eight hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made, as

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may have been specified in the notice posted in pursuance of paragraph 3 of this Schedule.

7 The licensing authority, that is to say, the authority by whom any track betting licence in respect of the track falls to be granted, shall appoint a qualified accountant (hereinafter in this Schedule referred to as " the accountant") who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator and, after consultation with the accountant, shall also appoint an experienced mechanician (hereinafter in this Schedule referred to as " the technical adviser") who shall act as technical adviser to the accountant and be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation thereof.

8 Subject to paragraph 9 of this Schedule, the accountant and the technical adviser shall hold office on such terms (including terms as to remuneration) as may be determined by the licensing authority after consultation with the occupier of the track, and the remuneration of the accountant and the technical adviser shall be payable by the licensing authority ; but so much of that remuneration as is paid to the accountant or the technical adviser in respect of the performance of his functions under this Schedule in relation to the totalisator and is attributable to any period during which a track betting licence was in force in respect of the track shall be recoverable by the licensing authority as a debt due to them from the holder of that licence.

9 The terms on which the accountant is appointed shall include a term that on every betting day fixed by the licensing authority in pursuance of paragraph 14 of Schedule 3 to this Act either he or a servant of his authorised by him in that behalf in writing must be in attendance at the totalisator during such period or periods as may before that day have been notified to him in writing by the operator.

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

11 (1) The accountant the technical adviser and their respective servants authorised in that behalf in writing may at all reasonable times enter the premises in which the totalisator is set up and examine any part of the mechanism and test and watch the working thereof, and may require the operator or any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents, as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with.

(2) Every person who—

- (a) obstructs any of the persons upon whom powers are conferred by the foregoing sub-paragraph in the exercise of any of those powers ; or
- (b) neglects or refuses to give to any of the said persons any such information, or to produce to him any such document as may have been called for by him in pursuance of the said sub-paragraph; or
- (c) knowingly gives to any of the said persons any information which is false or misleading,

shall be liable on summary conviction to a fine not exceeding fifty pounds.

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

- 13 The accountant shall examine the statements of account submitted to him under the last foregoing paragraph and shall, so often as he thinks proper, consult with the technical adviser and carry out, or cause to be carried out, such inspections as either of them deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with, and shall forthwith make a report to the licensing authority if he has reason to believe that the totalisator no longer complies with the prescribed conditions, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule are not being complied with.
- 14 The accountant shall retain for a period of two years all statements of account submitted to him as aforesaid and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the licensing authority.
- 15 Without prejudice to his duties under the foregoing paragraphs, the accountant shall, as soon as may be after the close of each calendar year, audit the accounts of the operator for the year and, if such be the fact, certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 12 of this Schedule and have been examined by him, and that to the best of his information and belief, formed after consultation with the technical adviser, the accounts for the year are complete and accurate and the totalisator complies with the prescribed conditions and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule ; and the operator shall forthwith cause the accounts and certificate to be printed and, subject to paragraph 16 of this Schedule, shall transmit two copies thereof to the licensing authority, who shall cause one of those copies to be deposited at their offices for inspection at any time during office hours by any member of the public free of charge.
- 16 Where by virtue of paragraph 1 of Schedule 3 to this Act the licensing authority are a joint committee such as are mentioned in paragraph 1 (4) of Schedule 2 to this Act, the operator shall transmit to the licensing authority such number of copies of the accounts and certificate referred to in paragraph 15 of this Schedule as are sufficient to enable the licensing authority to keep one copy at their offices for the purposes of record and to deposit for inspection as mentioned in that paragraph one copy at their offices and one copy at the offices of each council whose functions under Schedule 3 to this Act are delegated to that committee.
- 17 Without prejudice to paragraph 11 (2) of this Schedule, if the operator contravenes any of the provisions of this Schedule other than the said paragraph 11 (2) he shall be guilty of an offence.