



Betting and Gaming Duties Act 1981

1981 CHAPTER 63

PART I

BETTING DUTIES

General betting duty

1 General betting duty

- (1) Subject to the provisions of this Part of this Act, on any bet which—
- (a) is made with a bookmaker in Great Britain otherwise than by way of pool betting or coupon betting, or
 - (b) is made by way of sponsored pool betting or is otherwise made by means of facilities provided by the Horserace Totalisator Board and is not a bet made with the Board by way of coupon betting, or
 - (c) is made on any event on a track to which this paragraph applies by means of a totalisator on that track and on the day on which that event takes place,
- there shall be charged a duty of excise to be known as general betting duty.
- (2) General betting duty shall—
- (a) in the case of an on-course bet, be of an amount equal to 4 per cent, of the amount staked, and
 - (b) in the case of any other bet, be of an amount equal to 8 per cent, of the amount staked.
- (3) Paragraph (c) of subsection (1) above applies—
- (a) to any track in respect of which there is for the time being in force a track betting licence granted under Schedule 3 to the Betting, Gaming and Lotteries Act 1963, and
 - (b) to any track which the Commissioners see fit to treat for the purposes of that paragraph as if it were such a track.

2 Payment and recovery of general betting duty

- (1) The general betting duty in respect of any bet shall, without prejudice to any regulations made under paragraph 2 of Schedule 1 to this Act, be due on the making of the bet and shall be paid—
 - (a) in the case of a bet with a bookmaker, and without prejudice to subsection (2) below, by the bookmaker;
 - (b) in the case of a bet made as mentioned in section 1(1)(b) of this Act, by the Horserace Totalisator Board or other person providing the facilities by means of which the bet is made ;
 - (c) in the case of such a bet made by means of a totalisator as is mentioned in section 1(1)(c) of this Act, by the operator.
- (2) The general betting duty chargeable on any bet made with a bookmaker shall be recoverable jointly and severally from all or any of the following persons—
 - (a) that bookmaker;
 - (b) the holder of the bookmaker's permit or betting office licence relating to the business in the course of which, or the premises at which, the bet was made; •
 - (c) any person responsible for the management of that business or those premises ;
 - (d) where the bookmaker is a company, any director of that company.

3 Allowance for hedging bets

- (1) Where it is shown to the satisfaction of the Commissioners that—
 - (a) a bookmaker has laid off the whole or any part of an on-course bet made with him by himself making a hedging bet, that is to say an on-course bet to which section 1(1) above applies and which is made in the course of the same meeting and on the same contingency as the first-mentioned bet; and
 - (b) both the bookmaker making and the person accepting the hedging bet have complied with such conditions as the Commissioners think fit to impose for the protection of the revenue,the first-mentioned bet shall, up to the amount staked on the hedging bet, be exempt from general betting duty and the Commissioners shall remit or repay duty accordingly.
- (2) No relief may be given under subsection (1) above by bringing any part of the amount staked on a hedging bet into account more than once.

4 Bets on more than one contingency

- (1) For the purposes of general betting duty, where a person bets on more than one contingency on the terms that, in the event of his bet being successful in respect of one contingency, his stake on the bet, or his winnings in respect of that contingency, or both, are to provide the stake in respect of another contingency, then, subject to subsection (2) below—
 - (a) he shall be treated as making a separate bet on each respectively of those contingencies and as staking on each of those separate bets the amount respectively provided for by the terms of the original bet;
 - (b) any of those separate bets which depends on the out come of another or others of them shall be treated as made if and when the conditions on which it depends are satisfied.

- (2) Subsection (1) above shall not apply where the person concerned bets on both or all of the contingencies at the same time and on the terms that both his original stake and the whole of his winnings in respect of any of those contingencies are to be the stake in respect of any other contingency on which the bet is made.

5 Calculation of stake

The aggregate amount paid by or debited to the account of a person making a bet chargeable with general betting duty for, or on account of, or in connection with, the bet shall be treated for the purposes of that duty as his stake on the bet, notwithstanding—

- (a) that his winnings (if any) are to be computed on part only of that amount, or
 - (b) that part of that amount is not to be returned to him in the event of his winning,
- and no deduction shall be made for other benefits secured by the person making the bet in paying that amount, or for the expenses of any person on account of the duty or otherwise, or for any other matter.

Pool betting duty

6 Pool betting duty

- (1) There shall be charged a duty of excise, to be known as pool betting duty—
- (a) subject to subsection (2) below, on all bets made by way of pool betting, wherever made, and
 - (b) on all bets made at fixed odds with the Horserace Totalisator Board or a bookmaker in Great Britain by way of coupon betting,
- not being bets made by way of sponsored pool betting or made as mentioned in section 1(1)(c) above.
- (2) Bets made by way of pool betting are chargeable with pool betting duty only if—
- (a) in the case of bets made by means of a totalisator, the totalisator is situated in Great Britain ;
 - (b) in the case of bets made otherwise than by means of a totalisator, the promoter of the betting is in Great Britain.
- (3) For the purposes of this section and sections 7 and 8 below (except in their application to coupon betting)—
- (a) subject to paragraph (b) and section 12(3) below, where payments are made for the chance of winning any money or money's worth on terms under which the persons making the payments have a power of selection which may (directly or indirectly) determine the winner, those payments shall be treated as bets notwithstanding that the power is not exercised ;
 - (b) " bet" does not include the taking of a ticket or chance—
 - (i) in any lottery which is declared by section 3, 4 or 25(6) of the Lotteries and Amusements Act 1976 not to be unlawful; or
 - (ii) in any society's lottery or local lottery within the meaning of section 5 or 6 of that Act, in which the relevant monetary limits are not exceeded.
- (4) In subsection (3) above " relevant monetary limits " means the limits referred to in section 5(3)(d)(i) and subsections (2), (5), (6) and (8) of section 11 of the said Act

of 1976 as those sections have effect on 1st July 1981 or such other limits as the Commissioners may by order provide.

7 Amount of pool betting duty

- (1) The amount of the pool betting duty shall be equal in the case of pool competitions bets to 33| per cent, and in any other case to 40 per cent, of the aggregate of—
 - (a) the amount of the stake money paid, and
 - (b) the expenses and profits described in subsection (4) below (but subject to subsection (5) below).
- (2) For the purposes of subsection (1) above bets are pool competitions bets if they are made by way of pool betting in respect of a competition for prizes held by—
 - (a) the holder of a licence under the Pool Competitions Act 1971, or
 - (b) any person approved by the Secretary of State in that behalf on the recommendation of the Gaming Board for Great Britain.
- (3) For the purposes of pool betting duty, any payment which entitles a person to make a bet by way of pool betting or coupon betting shall, if he makes the bet, be treated as stake money on the bet; and this subsection shall apply to any payment entitling a person to take part in a transaction which is, on his part, only not a bet made by way of pool betting or coupon betting by reason of his not in fact making any stake as if the transaction were such a bet, and the transaction shall accordingly be treated as a bet for the purposes of pool betting duty.
- (4) The expenses and profits referred to in subsection (1)(b) above are the expenses and profits of the promoter of the betting or any other person concerned with or benefiting from the promotion of the betting so far as they are not provided for out of the stake money and are not shown to be referable to matters other than the promotion and management of the betting and activities ancillary thereto or connected therewith; and all payments made for or on account of or in connection with any bets made by way of pool betting or coupon betting in addition to the stake money by the persons making the bets shall be treated as representing amounts on which duty is (subject to subsection (5) below) chargeable by virtue of subsection (1)(b) above except in so far as the promoter of the betting proves the contrary.
- (5) There shall be excepted from any charge to duty under this section the amount of any benefit accruing from the betting to a society established and conducted for charitable purposes only or to a society established and conducted wholly or mainly for the support of athletic sports or athletic games and not established or conducted for purposes of private gain, if the benefit is provided by means of payments made by persons making bets and those persons know, when making the payments, that their purpose is to provide the benefit.

In this subsection " society " includes any club, institution, organisation or association of persons, by whatever name called.

8 Payment and recovery of pool betting duty

- (1) Pool betting duty shall be paid—
 - (a) in the case of bets made by means of a totalisator, by the operator and,
 - (b) in the case of other bets, by the promoter.

- (2) The pool betting duty chargeable on any bet shall be recoverable jointly and severally from all or any of the following persons—
- (a) the conductor of the dutiable betting by way of which the bet was made ;
 - (b) any other person responsible for the management of any premises or totalisator in respect of which that conductor has made entry or given notice in accordance with paragraph 4(2) or (4) of Schedule 1 to this Act;
 - (c) where a person within paragraph (a) or (b) above is a company, any director of that company.
- (3) In this section—
- " conductor of dutiable betting " means a person carrying on a business the carrying on of which involves or may involve any sums becoming payable by him by way of pool betting duty ;
 - " dutiable betting " means betting by way of pool betting or coupon betting.

General

9 Prohibitions for protection of revenue

- (1) Any person who—
- (a) conducts in Great Britain any business or agency for the negotiation, receipt or transmission of bets to which this section applies, or
 - (b) knowingly issues, circulates or distributes in Great Britain, or has in his possession for that purpose, any advertisement or other document inviting or otherwise relating to the making of such bets, or
 - (c) being a bookmaker in Great Britain, makes or offers to make any such bet with a bookmaker outside Great Britain,
- shall be guilty of an offence.
- (2) Except as mentioned in subsection (3) below, this section applies to—
- (a) all bets made by way of pool betting or coupon betting unless—
 - (i) in the case of bets made by means of a totalisator, the totalisator is situated in Great Britain,
 - (ii) in the case of bets made otherwise than by means of a totalisator, the promoter of the betting is in Great Britain; and
 - (b) all bets made with a bookmaker outside Great Britain (whether or not made by way of pool betting or coupon betting).
- (3) This section does not apply—
- (a) to any bet—
 - (i) made by way of pool betting or coupon betting and otherwise than by means of a totalisator, or
 - (ii) made with a bookmaker otherwise than by way of pool betting or coupon betting,where the promoter of the pool betting or coupon betting or, as the case may be, the bookmaker is in Northern Ireland or the Isle of Man and the bet is such as to be chargeable with a duty imposed by or under an Act of the Parliament of Northern Ireland or, as the case may be, of Tynwald which corresponds to,

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- and is chargeable on the bet at a rate not less than the appropriate rate of, pool betting duty or, as the case may be, general betting duty ; or
- (b) to any bet made by means of a totalisator situated in a country outside Great Britain on a horse race taking place in that country; or
 - (c) to any bet in respect of an event taking place outside Great Britain made by a bookmaker in Great Britain—
 - (i) by means of a totalisator situated outside Great Britain, or
 - (ii) with a bookmaker outside Great Britain,
 if it is shown that bets in respect of that event have been made in Great Britain with the first-mentioned bookmaker by other persons.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to a penalty of the prescribed sum or, in the case of a second or subsequent conviction, to a penalty of the prescribed sum or to imprisonment for a term not exceeding three months or to both, or
 - (b) on conviction on indictment to a penalty of any amount or, in the case of a second or subsequent conviction, to a penalty of any amount or to imprisonment for a term not exceeding one year or to both.
- (5) A person who makes or tries to make a bet, or who gets or tries to get any advertisement or other document given or sent to him, shall not be guilty of an offence by reason of his thereby procuring or inciting some other person to commit, or aiding or abetting the commission of, an offence under this section.
- (6) Section 6(3) above shall have effect for the purposes of subsections (2)(a) and (5) above (except in their application to coupon betting) as it has effect for the purposes of sections 6 to 8 above.

10 Definition of pool betting

- (1) For the purposes of this Part of this Act, a bet shall be deemed to be made by way of pool betting unless it is a bet at fixed odds, and, in particular, bets shall be held to be made by way of pool betting wherever a number of persons make bets—
- (a) on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed or written forms, or in any other way, or
 - (b) on terms that the winnings of such of those persons as are winners shall be, or shall include, an amount (not determined by reference to the stake money paid or agreed to be paid by those persons) which is divisible in any proportions among such of those persons as are winners, or
 - (c) on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person.
- (2) A bet is a bet at fixed odds within the meaning of this section only if each of the persons making it knows or can know, at the time he makes it, the amount he will win, except in so far as that amount is to depend on the result of the event or events betted on, or on any such event taking place or producing a result, or on the numbers taking part in any such event, or on the starting prices or totalisator odds for any such event, or on there being totalisator odds on any such event, or on the time when his bet is received by any person with or through whom it is made.

In this subsection—

" starting prices " means, in relation to any event, the odds ruling at the scene of the event immediately before the start, and

" totalisator odds " means—

- (a) in relation to a race which is a recognised horse race within the meaning of section 55(1) of the Betting, Gaming and Lotteries Act 1963, the odds paid on bets on that race made by way of sponsored pool betting, and
 - (b) in relation to any other event, the odds paid on bets made by means of a totalisator at the scene of the event.
- (3) A bet made with or through a person carrying on a business of receiving or negotiating bets, being a bet made in the course of that business, shall be deemed not to be a bet at fixed odds within the meaning of this section if the winnings of the person by whom it is so made consist or may consist wholly or in part of something other than money.
- (4) Where a person carries on a business of receiving or negotiating bets and there is or has been issued in connection with that business any advertisement or other publication calculated to encourage in persons making bets of any description with or through him a belief that the bets are made on the basis mentioned in subsection (1)(c) above, then any bets of that description subsequently made with or through him in the course of that business shall be deemed for the purposes of this section to be made on that basis.

11 Definition of coupon betting

—For the purposes of this Part of this Act, bets shall be deemed to be made by way of coupon betting where they are made in pursuance of an invitation which offers stated odds for a choice of bets, being bets of a description not commonly made without such an invitation, unless made by way of pool betting, and not of a description commonly made by means of a totalisator.

12 Supplementary provisions

- (1) Where particulars of an intended bet on which general betting duty or pool betting duty would be chargeable and the stake on that bet are collected for transmission to the person by whom that duty would fall to be paid by some other person, whether or not a bookmaker, who holds himself out as available for so collecting and transmitting them, but are in fact not so transmitted, the bet shall be deemed to have been made but the duty in respect of it shall be paid by that other person.
- (2) The provisions of Schedule 1 to this Act (supplementary provisions as to betting duties) shall have effect.
- (3) In sections 1 to 10 above (except in sections 6, 7, 8, 9(2)(a) and 9(5) in their application to coupon betting), in subsection (1) above and in paragraph 10 of Schedule 1 to this Act, " bet " does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming.
- (4) In this Part of this Act—

" meeting " means any occasion on any one day on which events take place on any track ;

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" on-course bet" means a bet made in the course of a meeting, either by means of a totalisator situated on premises forming part of the track or with a bookmaker present at the meeting, where—

(a) the person making the bet (that is to say, the person originating the bet and not any agent or intermediary) is present at the meeting, or

(b) the bet is made by a person carrying on a bookmaking business acting as principal (and not acting as agent for, or on behalf of, some other person);

" operator", in relation to bets made by means of a totalisator, means the person who, as principal, operates the totalisator;

" promoter ", in relation to any betting, means the person to whom the persons making the bets look for the payment of their winnings, if any ;

" winnings " includes winnings of any kind, and references to amount and to payment in relation to winnings shall be construed accordingly ;

and " betting office licence ", " bookmaker ", " bookmaker's permit", "bookmaking", "sponsored pool betting", "totalisator " and " track " have the same meanings respectively as in section 55(1) of the Betting, Gaming and Lotteries Act 1963.

(5) In this Part of this Act references to this Part of this Act include Schedule 1 to this Act.

PART II

GAMING DUTIES

Gaming licence duty

13 Gaming licences

- (1) The authority of a licence (to be known as a gaming licence) shall be required for all gaming by way of any games to which this section for the time being applies taking place on any premises at a time when a licence is in force as respects those premises under the Gaming Act 1968.
- (2) Subject to the provisions of paragraph 1 of Schedule 2 to this Act, a gaming licence shall be a licence for the period from 1st October in any year to 31st March in the following year, or from 1st April in any year to 30th September in that year (all dates inclusive).
- (3) Without prejudice to the following provisions of this section, the games to which this section applies are baccarat, punto banco, big six, blackjack, boule, chemin de fer, chuck-a-luck, craps, crown and anchor, faro, faro bank, hazard, poker dice, pontoon, French roulette, American roulette, tremte et quarante, vingt-et-un, and wheel of fortune.
- (4) The Treasury may by order add to the games mentioned in subsection (3) above any game not for the time being mentioned in that subsection if it appears to the Treasury proper to do so for the protection of the revenue, having regard to the character of the game and the circumstances in which it is played.
- (5) Any reference in this section or in any order under subsection (4) above to a particular game shall include a reference to any game (by whatever name called) which is essentially similar to that game.

14 Gaming licence duty

- (1) A duty of excise shall be charged on gaming licences and, subject to the provisions of Schedule 2 to this Act, the amount of duty on a licence for any period in respect of the premises specified in the licence shall be—
- (a) £250 payable on application for the licence, plus
 - (b) a further sum payable after the end of that period and chargeable at the rates specified in the following Table on the gross gaming yield from the premises in that period.

TABLE

<i>Part of gross gaming yield</i>	<i>Rate</i>
The first £250,000	2 ½ per cent.
The next £500,000	5 per cent.
The next £1,750,000	10 per cent.
The remainder	20 per cent.

- (2) Subject to subsection (3) below, for the purposes of this section and Schedule 2 to this Act the gross gaming yield from any premises in any period shall consist of—
- (a) the receipts in that period from charges made in connection with gaming on the premises by way of any game to which section 13 above for the time being applies, being charges authorised by regulations under section 14(2) of the Gaming Act 1968 but exclusive of value added tax and of any charge the payment of which does no more than entitle a person to admission to the premises ; and
 - (b) where a provider of the premises (or a person acting on his behalf) is banker in relation to any such gaming as aforesaid, the difference between—
 - (i) the value in money or money's worth of the stakes staked with the banker in such gaming; and
 - (ii) the value in money or money's worth of the winnings paid by the banker to those taking part in such gaming otherwise than on behalf of a provider of the premises.
- (3) The Treasury may amend subsection (2) above by order.

15 Gaming without duly paid licence

- (1) If at any time gaming takes place on any premises as respects which a licence is then in force under the Gaming Act 1968 by way of any game to which section 13 above then applies then, unless a person who is a provider of those premises—
- (a) holds a gaming licence which is then in force, and
 - (b) has paid all amounts of gaming licence duty which are payable (or which he reasonably believes are payable) by him before that time,
- every provider of those premises and every person concerned in the organisation or management of the gaming shall be guilty of an offence and liable—
- (i) on summary conviction, to a penalty of the prescribed sum or to imprisonment for a term not exceeding six months or to both ;

- (ii) on conviction on indictment, to a penalty of any amount or to imprisonment for a term not exceeding two years or to both.
- (2) If a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the Criminal Procedure (Scotland) Act 1975) is satisfied on information on oath that there is reasonable ground for suspecting—
 - (a) that an offence under subsection (1) above is being, has been, or is about to be committed on any premises, or
 - (b) that evidence of any such offence is to be found there,
 he may issue a warrant in writing authorising any officer to enter those premises (if necessary by force) at any time within fourteen days from the time of the issue of the warrant and search them.
- (3) An officer who enters premises under the authority of such a warrant may—
 - (a) seize and remove any records, accounts or other documents, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of such an offence, and
 - (b) search any person found on the premises whom he has reasonable cause to believe to be concerned in the organisation or management of gaming on the premises.

16 Supplementary provisions as to gaming licence duty

- (1) Schedule 2 to this Act (supplementary provisions as to gaming licence duty) shall have effect.
- (2) In sections 13 to 15 above and in Schedule 2 to this Act—
 - " premises " includes any place and any means of transport, and
 - " provider ", in relation to any premises used for gaming, means any person having a right to control the admission of persons to those premises, whether or not he also has a right to control the admission of persons to the gaming.
- (3) In proceedings relating to gaming licence duty under the customs and excise Acts an averment in any process that a particular game is essentially similar to another particular game shall, until the contrary is proved, be sufficient evidence that it is so.

Bingo duty

17 Bingo duty

- (1) A duty of excise, to be known as bingo duty, shall be charged on the playing of bingo in Great Britain except in the cases specified in Part I of Schedule 3 to this Act.
- (2) Bingo duty shall be charged in respect of bingo played in a particular week; and the amount of the duty shall be—
 - (a) 10 per cent, of the total of the money taken by or on behalf of the promoter in that week as payment by players for their cards, plus
 - (b) (subject to section 19(1) below) one ninth of the amount (if any) by which that total, after deduction of the 10 per cent, chargeable under paragraph (a) above, is exceeded by the total value of the prizes won in that week's bingo.

- (3) For the purposes of this section, a player's " cards " are the sets of numbers or symbols (in whatever form or lay-out) with which he plays bingo, matching them against calls made by the house ; and a player pays for a card when he gives money in exchange for, or for the use of, a particular card, whether it is appropriated to a particular game or can be appropriated by the player to a game of his choice.

18 Payment and recovery of bingo duty

- (1) Bingo duty shall be paid by the promoter of the bingo.
- (2) Bingo duty shall be recoverable jointly and severally from all or any of the following persons—
- (a) the promoter;
 - (b) any person who took money as payment by players for cards or paid prizes to players ;
 - (c) any person who was responsible for the management of the premises on which bingo was played ;
 - (d) where any person within paragraph (a), (b) or (c) above is a company, any director of the company.

19 Play in more than one place

- (1) Where bingo is promoted at one place and, for the purpose of a particular game, it is combined with bingo played at another place and promoted by another person, so that the players at both places share in the chance of winning a prize contributed partly by one promoter and partly by the other, then for the purposes of the charge to bingo duty under section 17(2)(b) above
- (a) as against the promoter of the bingo at the place where the prize is won there shall be counted so much only of the value of the prize as represents his contribution, and
 - (b) so much of the value of the prize as represents the contribution of the other promoter shall be counted as a prize won at bingo promoted by him ;
- and where the prize is provided wholly by or on behalf of one of the promoters concerned, its whole value shall be counted against him under section 17(2)(b), wherever it is won.
- (2) It shall not be lawful for a game of bingo, being bingo which is chargeable with bingo duty and is promoted at a place in Great Britain, to be combined as mentioned in subsection (1) above with other bingo played elsewhere than in Great Britain, except where the other bingo is played in Northern Ireland or the Isle of Man and is chargeable, under an Act of the Parliament of Northern Ireland or, as the case may be, Tynwald, with duty corresponding to bingo duty and at a rate not less than that which is chargeable under section 17 above.

20 Supplementary provisions as to bingo duty

- (1) The provisions of Part II of Schedule 3 to this Act (supplementary provisions as to bingo duty) shall have effect.
- (2) In sections 17 to 19 above and in Schedule 3 to this Act—
- " bingo " includes any version of that game, by whatever name called;

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

" Great Britain" includes the territorial waters of the United Kingdom adjacent to Great Britain ;

" money " includes any token, voucher or other object given by a player in exchange for cards and recognised for the purpose of the exchange to represent a particular sum of money;

" prize" means anything won or to be won at bingo, whether money or something else having a value, and " value " and " paid ", in relation to prizes, shall be construed accordingly;

" the promoter ", in relation to bingo, means the person to whom the players look for the payment of prizes, and " promote" and " promotion" shall be construed accordingly; and

"week" means a period of seven days beginning with Monday.

- (3) In proceedings relating to bingo duty under the customs and excise Acts an averment in any process that a particular game is a version of bingo shall, until the contrary is proved, be sufficient evidence that it is so.

Gaming machine licence duty

21 Gaming machine licences

- (1) Except in the cases specified in Part I of Schedule 4 to this Act, the authority of a licence (to be known as a gaming machine licence) shall be required for the provision of any gaming machine (other than a penny machine) for gaming on any premises situated in Great Britain.
- (2) A gaming machine licence shall be either—
- (a) a whole-year licence for the period from 1st October in any year to 30th September in the following year (both dates inclusive), or
 - (b) a half-year licence for the period from 1st October in any year to 31st March in the following year or from 1st April in any year to 30th September in that year (all dates inclusive).

22 Gaming machine licence duty

- (1) A duty of excise shall be charged on gaming machine licences and the duty on a licence shall be determined by reference—
- (a) to whether the premises in respect of which the licence is granted have or have not local authority approval under the Gaming Acts, and
 - (b) to whether the licence authorises the provision of machines chargeable at the lower, the higher or the peak rate and to the number of machines of each of those descriptions which it authorises.
- (2) Subject to subsection (4) below, premises are to be treated as having local authority approval under the Gaming Acts if there is for the time being in force in respect of the premises—
- (a) a permit granted under Schedule 3 to the Lotteries and Amusements Act 1976 (permit for provision of amusements with prizes under section 16 of that Act), or
 - (b) a permit granted under section 34 of the Gaming Act 1968 (conditions under which gaming may be carried on by means of machines).

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

- (3) Premises are also to be treated as having local authority approval under the Gaming Acts at any time when—
- (a) there is for the time being in force in respect of them a licence under the Gaming Act 1968, and
 - (b) by virtue of a direction of the licensing authority under section 32 of the Gaming Act 1968 (approval for provision of more than two machines) section 34 of that Act has effect in relation to the premises.
- (4) Premises are not to be treated as having local authority approval under the Gaming Acts if a club or a miners' welfare institute within the meaning of the Gaming Act 1968 is for the time being registered in respect of them under Part III of that Act (which regulates gaming by means of machines).
- (5) Subject to subsection (6) below, for the purposes of a gaming machine licence—
- (a) a machine is chargeable at the lower rate if it can only be played by the insertion into the machine of a coin or coins of a denomination, or aggregate denomination, not exceeding 2p;
 - (b) a machine is chargeable at the higher rate—
 - (i) if it is on premises which have local authority approval under the Gaming Acts and is not within paragraph (a) above, or
 - (ii) if it is not on such premises and it can only be played by the insertion into it of a coin or coins of a denomination, or aggregate denomination, exceeding 2p but not exceeding 5p; and
 - (c) a machine is chargeable at the peak rate in any other case.
- (6) Where the game playable by means of a machine can be played more than once for the insertion of a coin or coins of a denomination, or aggregate denomination, exceeding a sum mentioned in subsection (5) above, the machine is to be treated for the purposes of that subsection as if it can only be played by the insertion into it of a coin of a denomination not exceeding that sum if in effect the amount payable to play the game once does not exceed that sum.

23 Amount of duty

- (1) The duty on a whole-year gaming machine licence shall be in accordance with the following Tables and—
- (a) Table A shall apply where the Commissioners are satisfied that the premises in question will, on the date on which the licence is first in force, have local authority approval under the Gaming Acts; and
 - (b) Table B shall apply in any other case.

TABLE A

PREMISES WITH LOCAL AUTHORITY APPROVAL

Description of machines authorised by the licence	Number of machines of that description so authorised	Duty on whole-year licence
Chargeable at the lower rate.	One or more machines	£25 per machine.

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

Description of machines authorised by the licence	Number of machines of that description so authorised	Duty on whole-year licence
Chargeable at the higher rate.	One machine	£60.
	Two or more machines	£60 plus £120 per machine in excess of one.

TABLE B

PREMISES WITHOUT LOCAL AUTHORITY APPROVAL

Description of machines authorised by the licence	Duty on whole-year licence
Chargeable at the lower rate.	£75 per machine.
Chargeable at the higher rate.	£200 per machine.
Chargeable at the peak rate.	£400 per machine.

- (2) The duty on a half-year licence shall be eleven-twentieths of that which it would have been if the licence were a whole-year, but otherwise identical, licence.

24 Restrictions on provision of gaming machines

- (1) Except in the cases specified in Part I of Schedule 4 to this Act, no gaming machine (other than a penny machine) shall be provided for gaming on any premises situated in Great Britain unless there is a gaming machine licence for the time being in force in respect of the premises.
- (2) No more than one gaming machine licence shall be in force at any time as respects the gaming machines on any premises except that there may be one licence as respects the gaming machines chargeable at one rate, and one licence as respects the gaming machines chargeable at another rate.
- (3) Gaming machines chargeable at a particular rate shall not be provided on any such premises in excess of the number authorised by the licence authorising the provision of gaming machines chargeable at that rate.
- (4) Where a licence which authorises the provision of gaming machines chargeable at one rate only is in force in respect of any such premises, gaming machines chargeable at any other rate shall not be provided for gaming on those premises unless another licence authorising the provision of gaming machines chargeable at that other rate is also in force in respect of the premises.
- (5) If any gaming machine is provided for gaming on any premises in contravention of this section, any person who at the time when it is so provided—
- is the owner, lessee or occupier of the premises, or
 - is for the time being responsible to the owner, lessee or occupier for the management of the premises, or
 - is a person responsible for issuing or exchanging coins or tokens for use in playing any gaming machine on the premises, or otherwise for controlling the use of any such machine, or

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- (d) is for the time being responsible for controlling the admission of persons to the premises or for providing persons resorting thereto with any goods or services, or
- (e) is the owner or hirer of the machine, or
- (f) is a party to any contract under which a gaming machine may, or is required to, be on the premises at that time,

shall be guilty of an offence and liable on summary conviction to a penalty of £500.

- (6) If any gaming machine is provided for gaming on any premises in contravention of this section and any such person as is mentioned in subsection (5) above knowingly or recklessly brought about the contravention or took any steps with a view to procuring it he shall be guilty of an offence and liable—
 - (a) on summary conviction to a penalty of the prescribed sum or to imprisonment for a term not exceeding six months or to both ; or
 - (b) on conviction on indictment to a penalty of any amount or to imprisonment for a term not exceeding two years or to both.

25 Meaning of " gaming machine "

- (1) Subject to subsection (3) below, a machine is a gaming machine for the purposes of this Act if it is of the following description—
 - (a) it is constructed or adapted for playing a game of chance by means of it;
 - (b) a player pays to play the machine (except where he has an opportunity to play without payment as the result of having previously played successfully), either by inserting a coin or token into the machine or in some other way; and
 - (c) the outcome of the game is determined by the chances inherent in the action of the machine, whether or not provision is made for manipulation of the machine by a player.
- (2) In subsection (1) above, " game of chance" includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined; and the fact that a game contains an element of skill shall not prevent it being treated as a game of chance if nothing but superlative skill can overcome the element of chance.
- (3) A machine shall not be treated as a gaming machine for the purposes of this Act if either—
 - (a) it is constructed or adapted so that a person playing it once and successfully receives nothing except an opportunity, afforded by the automatic action of the machine, to play again (once or more often) without paying, or
 - (b) it is constructed or adapted so that, where a person plays it once and successfully, that which he receives is determined by the automatic action of the machine and is either—
 - (i) a money prize not greater than the amount payable to play the machine once, or
 - (ii) a token which is, or two or more tokens which in the aggregate are, exchangeable only for such a money prize.
- (4) For the purposes of determining whether a machine is a gaming machine, it is immaterial whether it is capable of being played by only one person at a time, or is capable of being played by more than one person; but for the purposes of sections 21 to 24 above a machine which two or more persons can play simultaneously (whether

or not participating with one another in the same game) shall, instead of being treated as one machine, be treated—

- (a) in the case of a machine which no player can play except by (the insertion into the machine of a coin or coins of a denomination, or aggregate denomination not exceeding 2p, as a number of machines, all chargeable at the lower rate, equal to the number of persons who can play the machine simultaneously ; and
- (b) in the case of a machine which is on premises which have local authority approval under the Gaming Acts and is not within paragraph (a) above or which is not on such premises and which no player can play except by the insertion into the machine of a coin or coins of a denomination, or aggregate denomination, exceeding 2p but not exceeding 5p as a number of machines, all chargeable at the higher rate, equal to that number of persons; and
- (c) in a case not falling within paragraph (a) or (b) above, as a number of machines, all chargeable at the peak rate, equal to that number of persons ;

and the number of persons who can play a particular machine simultaneously shall be determined by reference to the number of individual playing positions provided on the machine.

26 Supplementary provisions as to gaming machine licence duty

- (1) The provisions of Part II of Schedule 4 to this Act (supplementary provisions as to gaming machine licence duty) shall have effect.
- (2) In sections 21 to 25 above and in Schedule 4 to this Act—
 - " coin " means coin lawfully current in the United Kingdom;
 - " Great Britain " includes the territorial waters of the United Kingdom adjacent to Great Britain ;
 - " penny machine " means a gaming machine which, in order to be played once, requires the insertion of—
 - (a) a single new penny, or
 - (b) a single new halfpenny, and which cannot be played in any other way; and
 - " premises " includes any place whatsoever and any means of transport.
- (3) A machine is provided for gaming on any premises if it is made available on those premises in such a way that persons resorting to them can play it; and where on any premises one or more gaming machines are so made available, any such machine anywhere on the premises shall be treated as provided for gaming on those premises, notwithstanding that it is not so made available or is not in a state in which it can be played.

PART III

GENERAL

27 Offences by bodies corporate

—Where an offence under section 15 or 24 above, paragraph 13(1) or (3) or 14(1) of Schedule 1, paragraph 7 of Schedule 2, paragraph 16 of Schedule 3 or paragraph 16 of Schedule 4 to this Act has been committed by a body corporate, every person who at

the date of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves—

- (a) that the offence was committed without his consent or connivance, and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

28 Recovery of duty by distress in England and Wales

- (1) If a person, on written demand by the proper officer, refuses or neglects to pay any amount recoverable from him by way of general betting duty or bingo duty or by virtue of section 12(1) or 14 above or of Schedule 2 to this Act, the amount recoverable may be levied by distress on his goods and chattels, and the proper officer may for that purpose by warrant signed by him authorise any person to distrain accordingly and to sell anything so distrained by public auction after giving six days' notice of the sale.
- (2) Where an amount recoverable as mentioned in subsection (1) above is determined by reference to the duty on a gaming licence in respect of premises on which gaming is carried on as an activity of a club or wholly or in part by reference to the duty on the playing of bingo on any premises, the goods and chattels on which distress may be levied under that subsection shall include any goods and chattels used for the purposes of the club or, as the case may be, the bingo and found on those premises ; but distress shall not be levied on any goods or chattels by virtue of this subsection unless a copy of the demand for the amount recoverable has been served—
 - (a) in the case of an amount recoverable by reference to the duty on a gaming licence, on the secretary of the club (or person performing the functions of secretary) by leaving it or sending it by post addressed to him at an address to which communications about the affairs of the club are ordinarily sent, or
 - (b) in the case of an amount recoverable by reference to bingo duty, on the bingo promoter or the person having the management of those premises by sending it by post addressed to him at the premises or at an address at which he carries on any business.
- (3) The proceeds of sale of anything distrained under this section shall be applied in or towards payment of the costs and expenses of the distress and sale and the payment of the amount recoverable and the surplus, if any, shall be paid—
 - (a) in the case of an amount recoverable by reference to the duty on a gaming licence where the distress was levied on any goods or chattels by virtue of subsection (2) above, to the secretary (or person performing the functions of secretary) of the club, and
 - (b) in any other case to the person on whom the distress was levied.
- (4) Where under this section distress is levied for any duty in accordance with an estimate made under paragraph 11 of Schedule 1, paragraph 5 of Schedule 2 or paragraph 14 of Schedule 3 to this Act and it is afterwards proved that the amount properly due was less than the amount estimated, that shall not affect the legality of the distress or anything done under this section in connection with it but the proceeds of sale shall be applied under subsection (3) above in accordance with the amount properly due and not in accordance with the amount estimated.
- (5) This section shall not apply to Scotland.

29 Recovery of duty by poinding in Scotland

- (1) If a person, on written demand by the proper officer, refuses or neglects to pay any amount recoverable from him by way of general betting duty or bingo duty or by virtue of section 12(1) or 14 above or of Schedule 2 to this Act, the amount recoverable may be recovered by poinding of his corporeal moveables, and the proper officer may for that purpose by warrant signed by him authorise any person to poind and to sell any moveables so poinded by public roup after giving six days' notice of the sale.
- (2) Where an amount recoverable as mentioned in subsection (1) above is determined by reference to the duty on a gaming licence in respect of premises on which gaming is carried on as an activity of a club or wholly or in part by reference to the duty on the playing of bingo on any premises, the moveables which may be poinded under that subsection shall include any corporeal moveables used for the purposes of the club or, as the case may be, the bingo and found on those premises; but no moveables shall be poinded by virtue of this subsection unless a copy of the demand for the amount recoverable has been served—
 - (a) in the case of an amount recoverable by reference to the duty on a gaming licence, on the secretary of the club (or person performing the functions of secretary) by leaving it or sending it by post addressed to him at an address to which communications about the affairs of the club are ordinarily sent, or
 - (b) in the case of an amount recoverable by reference to bingo duty, on the bingo promoter or the person having the management of those premises by sending it by post addressed to him at the premises, or at an address at which he carries on any business.
- (3) The proceeds of sale of anything sold under this section shall be applied in or towards payment of the costs and expenses of the poinding and sale and the payment of the amount recoverable and the surplus, if any, shall be paid—
 - (a) in the case of an amount recoverable by reference to the duty of a gaming licence where any moveables were poinded by virtue of subsection (2) above, the secretary (or person performing the functions of secretary) of the club, and
 - (b) in any other case to the person in whose hands the moveables were poinded.
- (4) Where under this section corporeal moveables are poinded for any duty in accordance with an estimate made under paragraph 11 of Schedule 1, paragraph 5 of Schedule 2 or paragraph 14 of Schedule 3 to this Act and it is afterwards proved that the amount properly due was less than the amount estimated, that shall not affect the legality of the poinding or anything done under this section in connection with it but the proceeds of sale shall be applied under subsection (3) above in accordance with the amount properly due and not in accordance with the amount estimated.
- (5) This section shall not apply to England and Wales.

30 Priority in bankruptcy etc. of debts in respect of duty

- (1) There shall be included among the debts which—
 - (a) under section 33 of the Bankruptcy Act 1914 are to be paid in priority to all other debts in the distribution of the property of a bankrupt or deceased debtor, or
 - (b) under section 118 of the Bankruptcy (Scotland) Act 1913 are to be paid in priority to all other debts in the division of a bankrupt's estate, or

- (c) under section 319 of the Companies Act 1948 are to be paid in priority to all other debts in the winding up of a company, or under section 94 of that Act are on an appointment of a receiver on behalf of debenture holders or taking of possession by or on behalf of debenture holders to be paid in priority to any claim for principal or interest in respect of the debentures,

any amount which is due by way of general betting duty or bingo duty or by virtue of section 12(1) or 14 above or of Schedule 2 to this Act from the bankrupt, deceased debtor or company at the relevant date and which became due within twelve months next before that date.

- (2) In subsection (1) above, the expression " the relevant date"—
- (a) in relation to section 33 of the Bankruptcy Act 1914 means the date of the receiving order or of the death, as the case may be;
 - (b) in relation to section 118 of the Bankruptcy (Scotland) Act 1913 means the date mentioned in subsection (4) of that section;
 - (c) in relation to section 319 of the Companies Act 1948 has the meaning assigned to it by that section, and in relation to section 94 of that Act means the date of the appointment of the receiver or taking of possession.

31 Protection of officers

Where an officer takes any action in pursuance of instructions of the Commissioners or a Collector of Customs and Excise given in connection with the enforcement of the enactments relating to general betting duty, bingo duty or the duty on gaming licences or gaming machine licences and, apart from the provisions of this section, the officer would in taking that action be committing an offence under the enactments relating to betting or gaming, he shall not be guilty of that offence.

32 Orders and regulations

- (1) Any power conferred by any provision of this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) Subject to subsection (3) below, any statutory instrument made under any power conferred by this Act shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (3) A statutory instrument containing an order under section 13(4) or 14(3) above shall be laid before the House of Commons after being made and the order shall cease to have effect at the end of twenty-eight days after the day on which it was made (but without prejudice to anything previously done under the order or to the making of a new order) unless at some time before the end of those twenty-eight days the order is approved by resolution of that House ; and, in reckoning for the purposes of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

33 Interpretation

- (1) In this Act—
"the Commissioners" means the Commissioners of Customs and Excise;

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

" gaming " (except where it refers to a machine provided for gaming) has the same meaning as in section 52 of the Gaming Act 1968 ;

" the prescribed sum " in relation to the penalty provided for an offence, means—

- (a) if the offence was committed in England or Wales, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (£1,000 or other sum substituted by order under section 143(1) of that Act); and
 - (b) if the offence was committed in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (£1,000 or other sum substituted by order under section 289D(1) of that Act).
- (2) For the avoidance of doubt it is hereby declared that the imposition by this Act of general betting duty, pool betting duty, bingo duty or the duty on gaming machine licences does not make lawful anything which is unlawful apart from this Act.

34 Consequential and transitional provisions and repeals

- (1) Schedule 5 (consequential amendments) and Schedule 6 (transitional and saving provisions) to this Act shall have effect, but without prejudice to the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals).
- (2) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

35 Short title, construction, commencement and extent

- (1) This Act may be cited as the Betting and Gaming Duties Act 1981.
- (2) This Act shall be construed as one with the Customs and Excise Management Act 1979.
- (3) This Act shall not extend to Northern Ireland.