



# Horserace Betting and Olympic Lottery Act 2004

## CHAPTER 25

### HORSERACE BETTING AND OLYMPIC LOTTERY ACT 2004

#### PART 1

##### SALE OF THE TOTE

###### *Dissolution, and transfer of assets*

- 1 Dissolution of the Tote
- 2 Successor company: transfer
- 3 Sections 1 and 2: supplemental
- 4 Tax

###### *Operation of successor company*

- 5 Pre-sale issue of shares, &c. to government
- 6 Accounts
- 7 Shadow directors

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- 12 Interpretation
- 13 Consequential amendments

*Changes to legislation:* Horserace Betting and Olympic Lottery Act 2004 is up to date with all changes known to be in force on or before 29 April 2023. 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 1 — New Schedule 1A to the Betting, Gaming and Lotteries Act 1963 SCHEDULE 1A REGULATION OF HORSERACE POOL BETTING Part 1...

### SCHEDULE 2 — Sale of the Tote: Consequential Amendments

#### *Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 1 The Betting, Gaming and Lotteries Act 1963 shall be amended...
- 2 In section 1 (restriction on using premises for betting)—
- 3 In section 3 (authorisation of agents)— (a) in subsection (1)...
- 4 In section 5(3) (restriction of betting on tracks) omit—
- 5 In section 6(1) (restriction of bookmaking on tracks) omit “only”....
- 6 In section 9 (betting office licences and betting agency permits)—...
- 7 In section 11(1) (bookmaker’s permit and betting agency permit: cancellation...
- 8 Section 12 (which establishes the Horserace Totalisator Board) shall cease...
- 9 Section 14 (Tote’s monopoly in relation to pool betting) shall...
- 10 Section 15 (Tote’s additional powers and duties) shall cease to...
- 11 In section 16(1) (totalisators on licensed tracks) for “4(1)(b)” substitute...
- 12 (1) Section 24 (Horserace Betting Levy Board) shall be amended...
- 13 In section 30 (contributions by Totalisator Board)—
- 14 In section 31 (accounts and reports)— (a) in subsection (1)—...
- 15 In section 52(1) (penalties) after “4,” insert “ 4A, ”....
- 16 In section 55(1) (interpretation)— (a) in the definition of “bookmaker”...
- 17 In paragraph 19(a)(i) of Schedule 1 (permits) omit “in the...

#### *Gaming Act 1968 (c. 65)*

- 18 In paragraph 6 of Schedule 1 to the Gaming Act...

#### *Horserace Betting Levy Act 1969 (c. 14)*

- 19 In section 5 of the Horserace Betting Levy Act 1969...

#### *Race Relations Act 1976 (c. 74)*

- 20 In Part II of Schedule 1A to the Race Relations...

#### *National Lottery etc. Act 1993 (c. 39)*

- 21 Section 17 of the National Lottery etc. Act 1993 (extension...

#### *Freedom of Information Act 2000 (c. 36)*

- 22 In Part VI of Schedule 1 to the Freedom of...

### SCHEDULE 3 — Horserace Betting Levy Board: Transfer of Property

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### *Introductory*

- 1 In this Schedule— “the Board” means the Horserace Betting Levy...

### *Board to assist Secretary of State*

- 2 The Board shall on request give the Secretary of State...

### *Ancillary powers of Board*

- 3 (1) The Board may do anything that it thinks necessary...

### *Ancillary powers of Secretary of State*

- 4 The Secretary of State may with the consent of the...

### *Content of transfer scheme*

- 5 A transfer scheme— (a) may transfer property, rights or liabilities...

- 6 In specifying property, rights or liabilities to be transferred a...

- 7 A transfer scheme may transfer property, rights or liabilities which—...

- 8 A transfer scheme may transfer property, rights or liabilities to...

- 9 A transfer scheme— (a) may impose obligations on a person...

- 10 (1) A transfer scheme may include provision for the payment...

- 11 A transfer scheme may make consequential, incidental or transitional provision;...

### *Transfer of undertakings*

- 12 (1) Nothing in a transfer scheme shall affect the operation...

### *Certificate of title*

- 13 (1) The Secretary of State may certify that specified property,...

### *Modification of scheme*

- 14 (1) This paragraph applies where— (a) a transfer scheme provides...

- 15 (1) This paragraph applies where— (a) a transfer scheme provides...

### *Consultation and consent*

- 16 The Secretary of State shall consult the Board before—

- 17 The Secretary of State shall not approve or make a...

### *Accounts*

- 18 If the Secretary of State directs the Board to prepare...

## SCHEDULE 4 — Abolition of the Horserace Betting Levy System: Consequential Amendments

### *Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 1 The Betting, Gaming and Lotteries Act 1963 shall be amended...

- 2 (1) Section 13 (approval of horse-race courses) shall be amended...

- 3 In section 55(1) (interpretation)— (a) in the definition of “approved...

- 4 In Schedule 1 (bookmaker’s permits, betting agency permits and betting...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments,...

*Finance Act 1969 (c. 32)*

- 6 Section 59 of the Finance Act 1969 (disclosure of information...

*House of Commons Disqualification Act 1975 (c. 24)*

- 7 In Part III of Schedule 1 to the House of...

*Race Relations Act 1976 (c. 74)*

- 8 In Part II of Schedule 1A to the Race Relations...

*Freedom of Information Act 2000 (c. 36)*

- 9 In Part VI of Schedule 1 to the Freedom of...

SCHEDULE 5 — The Olympic Lottery Distributor  
Part 1 — CONSTITUTION

*Membership*

- 1 (1) The Secretary of State or the Paymaster General—

*Tenure*

- 2 A person shall hold and vacate office as Chairman or...  
3 The Secretary of State shall not appoint a person to...  
4 The Chairman or another member of the Distributor may resign...  
5 The Chairman or another member of the Distributor may be...  
6 A person who ceases, otherwise than by virtue of paragraph...

*Staff*

- 7 The Distributor may appoint staff.

*Committees*

- 8 (1) The Distributor may establish a committee.

*Status*

- 9 The Distributor shall not be regarded as the servant or...

*Supervision*

- 10 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

*Disqualification*

- 11 In Part III of Schedule 1 to the House of...  
12 In Part III of Schedule 1 to the Northern Ireland...

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## Part 2 — PROCEEDINGS

### *Delegation*

13 (1) The Distributor may delegate a function to—

#### *Directions of the Secretary of State or the Paymaster General*

14 (1) In exercising its functions the Distributor shall comply with...

### *Self-regulation*

15 The Distributor may, subject to this Schedule, regulate its own...

### *Records*

16 In Schedule 1 to the Public Records Act 1958 (c....

### *Annual report*

17 (1) As soon as is reasonably practicable after the end...

### *Saving*

18 The validity of proceedings of the Distributor shall not be...

## Part 3 — MONEY

### *Remuneration, &c.*

19 (1) The Distributor may pay to the Chairman, another member...

20 (1) The Distributor may pay sums to or in respect...

### *Payments*

21 The Distributor may make payments in respect of expenditure (which...

### *Investment*

22 The Distributor may deposit money in an interest-bearing account (but...

### *Miscellaneous receipts*

23 (1) The Secretary of State or the Paymaster General may pay...

24 The Distributor may accept gifts.

### *Accounts*

25 (1) The Distributor shall— (a) keep proper accounting records, and...

### *Financial year*

26 (1) The financial year of the Distributor shall be the...

## SCHEDULE 6 — Repeals

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**Changes and effects yet to be applied to :**

- s. 21(1) words substituted by [2006 c. 23 Sch. 1 para. 16\(2\)\(a\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 21(2)(3) ceases to have effect by [2006 c. 23 Sch. 1 para. 16\(2\)\(b\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 21(3) ceases to have effect by [2006 c. 23 Sch. 1 para. 16\(2\)\(b\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 22(1) words substituted by [2006 c. 23 Sch. 1 para. 16\(3\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 24(1) substituted by [2006 c. 23 Sch. 1 para. 16\(4\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 26(4)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(5\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence

Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)

- s. 28(3)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(6\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)
- s. 32(3)(a) words substituted by [2006 c. 23 Sch. 1 para. 16\(7\)](#) (Section 6 provides for Schedule 1 to be commenced by an order under that section rather than under the normal commencement provision (section 22). In particular, it requires the order to be subject to negative resolution procedures. Schedule 1 is to be commenced in this different way to reflect the intention that the Secretary of State will not commence Schedule 1 immediately but only if she considers that the current licensing structure has failed in creating an effective competition for the licence under section 5 of the 1993 Act to run the National Lottery and so risks failing to maximise returns to good causes.)