



Gambling Act 2005

2005 CHAPTER 19

PART 3

GENERAL OFFENCES

Use of premises

39 Exception: occasional use notice

- (1) A person who accepts bets on a track, or who causes or permits premises to be used for the acceptance of bets, does not commit an offence under section 37 if—
 - (a) a notice has been given under this section in respect of the track, and
 - (b) the activity is carried on in accordance with the notice.
- (2) A notice under this section (an “occasional use notice”) in respect of a track may be given only by a person who is—
 - (a) responsible for the administration of events on the track, or
 - (b) an occupier of the track.
- (3) An occasional use notice must—
 - (a) be given in writing to the licensing authority for any area in which the track is wholly or partly situated, and
 - (b) be copied to either—
 - (i) in England and Wales, the chief officer of police for any area in which the track is wholly or partly situated, or
 - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area.
- (4) An occasional use notice must specify a day on which it has effect.
- (5) An occasional use notice may not be given in respect of a track for a day in a calendar year if eight occasional use notices have been given in respect of that track for days in that year.

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Section 39. (See end of Document for details)

- (6) In this section—
- (a) “chief officer of police” has the meaning given by section 101(1) of the Police Act 1996 (c. 16), and
 - (b) a reference to a chief officer's area is a reference to the area in respect of which he has responsibility under that Act.
- (7) The Secretary of State may by order amend subsection (5) so as to substitute a different maximum number of occasional use notices for a calendar year.
- (8) An order under subsection (7) increasing the maximum number of occasional use notices for a calendar year may also make provision prohibiting the giving of a temporary use notice in a calendar year in respect of premises if a specified number of occasional use notices have been given in respect of the premises in that year.

Commencement Information

- II** S. 39 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Gambling Act 2005, Section 39.