



Horserace Betting Levy Act 1969

CHAPTER 14

ARRANGEMENT OF SECTIONS

Section

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ELIZABETH II



1969 CHAPTER 14

An Act to make further provision with respect to the contributions to be made, under Part I of the Betting, Gaming and Lotteries Act 1963, by bookmakers and the Totalisator Board to the Horsrace Betting Levy Board; and to amend section 24 of the said Act of 1963 with respect to the appointment and removal of members of the last-mentioned Board.

[27th March 1969]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In section 27 of the Act of 1963 (settlement of annual scheme for levy to be paid by bookmakers to the Horsrace Betting Levy Board), the provisions of subsection (5) (which requires a scheme to be settled, in the absence of agreement between the Bookmakers' Committee and the Board, by the members of the Board appointed by the Secretary of State) shall, in relation to the levy period beginning with 1st April 1970 and any subsequent levy period, be replaced by those of the following subsection.

Determination of annual scheme for bookmakers' levy.

(2) If six months before the beginning of a levy period the Levy Board have not approved recommendations or revised recommendations of the Bookmakers' Committee with respect to the scheme to have effect under section 27 for that period (or if no such recommendations have been received by the Levy Board), then—

- (a) the Levy Board shall forthwith report the circumstances to the Secretary of State; and
- (b) the Secretary of State shall determine the scheme to have effect as aforesaid.

(3) The Secretary of State may under subsection (2) of this section either—

- (a) determine a new scheme for the said period ; or
- (b) direct that the current scheme shall continue to have effect for that period also, subject to such modifications (if any) as he may specify.

(4) A scheme determined by members of the Levy Board for the levy period beginning with 1st April 1969 shall not have effect unless confirmed by the Secretary of State, who may in confirming it direct that it shall have effect with such modifications as he may specify.

(5) Before determining a scheme under subsection (2) of this section, or confirming a scheme under subsection (4) thereof, the Secretary of State may appoint one or more persons to enquire into, and report to him their opinion on, any matter appearing to him to be relevant to the form or content of the scheme.

(6) The Secretary of State may require the Levy Board to pay to a person appointed by him under subsection (5) of this section such remuneration as the Secretary of State may specify and any travelling and other expenses reasonably incurred by that person in doing that which he was appointed by the Secretary of State to do.

(7) The period of months specified in subsection (2) of this section may be varied by order of the Secretary of State substituting, in relation to any levy period beginning after the date on which the order comes into force, a different period, whether longer or shorter, but not longer than fifteen months:

Provided that where the effect of an order is to increase the said period of months, the order shall not be made so as to come into force later than three months before the beginning of the increased period.

(8) The power of the Secretary of State to make an order under subsection (7) of this section shall be exercisable by statutory instrument and include power to vary or revoke the order by a subsequent order.

Assessment
to levy of
individual
bookmakers.

2.—(1) Subsections (1) to (4) of section 28 of the Act of 1963 (bookmaker's assessment to levy to be in accordance with his declaration as to the category into which he falls, subject to alteration by the Bookmakers' Committee, or, failing a declaration by him, to be determined by the Committee, subject in either case to appeal to an appeal tribunal) shall not have effect in relation to the levy period beginning with 1st April 1969 or any subsequent levy period.

(2) A bookmaker shall, whether or not he submits a declaration in accordance with the scheme having effect for any such

period, be assessed to, or exempted from, levy in accordance with such opinion as the Government-appointed members of the Levy Board may form as to the category into which he falls for the purposes of the scheme.

(3) In this section, references to the Government-appointed members of the Levy Board are to the three persons for the time being appointed to be members of the Board by the Secretary of State.

(4) In considering the category into which a bookmaker falls for the purposes of a scheme, the said members of the Board may consult the Bookmakers' Committee and such other persons, if any, as those members of the Board think proper.

(5) In subsection (10) of the said section 28 (penalty for unauthorised disclosure of information concerning an individual bookmaker),—

- (a) after the words "this section", where first occurring, there shall be inserted the words "or section 2 of the Horsrace Betting Levy Act 1969";
- (b) after those words where they occur for the second time there shall be inserted the words "or by members of the Levy Board in pursuance of section 2(4) of the said Act of 1969"; and
- (c) after those words where they occur for the third time there shall be inserted the words "or under section 2 of the said Act of 1969".

3.—(1) The following subsection shall have effect where, Levy Board's costs on appeal by bookmaker against assessment of levy.
 under section 28 of the Act of 1963 (assessment of individual bookmakers to levy), a bookmaker appeals in respect of an assessment notice issued by the Levy Board in his case, and the appeal, having been referred to a tribunal established under section 29 of that Act, is either dismissed by the tribunal or abandoned by the bookmaker.

(2) If the tribunal thinks it just that the bookmaker should make a payment towards expenses appearing to it to have been reasonably incurred by the Levy Board in connection with the appeal, the tribunal may certify accordingly and the Board shall be entitled to recover from the bookmaker as a debt due to them the amount specified in the certificate.

4.—(1) Subject to this section, where an application is made to the appropriate authority under Schedule 1 to the Act of 1963 for the renewal of a bookmaker's permit and the authority, at the time when they determine the application, are satisfied— Non-renewal of bookmaker's permit in case of failure to pay levy.

- (a) that the applicant is in default in respect of bookmakers' levy and has been so for at least three months; and

- (b) that on a previous occasion (not before the passing of this Act, nor before the period of five years ending with the date of the application), being an occasion on which the permit was renewed (whether by the same or another authority), he was so in default and had been so for at least three months,

the authority shall refuse the application.

(2) Subsection (1) of this section shall apply only where the Levy Board appear, by counsel or a solicitor, at the hearing of the application and maintain an objection duly made by them in accordance with Schedule 1 to the Act of 1963, being an objection to the renewal of the permit on the ground (either alone or among other grounds) that the applicant has failed to discharge his liabilities by way of the bookmakers' levy.

(3) For the purposes of subsection (1) of this section, a person is in default in respect of bookmakers' levy if—

- (a) there has become due from him under section 28(7) of the Act of 1963 an amount assessed as payable by him by way of levy ; and
 (b) the whole or any part of that amount remains unpaid.

(4) In paragraph 15 of Schedule 1 to the Act of 1963 (which specifies the grounds on which the grant or renewal of a bookmaker's permit or betting agency permit must be refused by the appropriate authority), the following shall be inserted after sub-paragraph (e):—

“(e) has within the immediately preceding twelve months been refused the renewal of a bookmaker's permit under section 4 of the Horseshoe Betting Levy Act 1969 and has not obtained the approval of the Levy Board to his application”.

(5) Nothing in this section shall be taken as prejudicing paragraph 16(2) of Schedule 1 to the Act of 1963 (under which an authority dealing with an application for the renewal of a bookmaker's permit have a discretion to refuse the application on the ground of the character or conduct of the applicant, including his failure to pay levy).

Annual
contribution
by Totalisator
Board.

5.—(1) If, in the case of the levy period beginning with 1st April 1970 or any subsequent levy period, the Totalisator Board object to the contribution determined by the Levy Board under section 30(1) of the Act of 1963, the contribution payable by the Totalisator Board in respect of that period shall instead be determined by the Secretary of State.

(2) If the contribution payable by the Totalisator Board in respect of the levy period beginning with 1st April 1969 falls,

or has before the passing of this Act fallen, to be determined under section 30(2) of the Act of 1963 by the three members of the Levy Board referred to in that subsection, their determination shall not have effect unless confirmed by the Secretary of State; and if the Secretary of State decides not to confirm it, he shall himself determine the contribution.

(3) Before determining a contribution under this section, or confirming a determination under subsection (2) thereof, the Secretary of State may appoint one or more persons to enquire into, and report to him their opinion on, any matter appearing to him to be relevant to the subject matter of his determination.

(4) The Secretary of State may require the Levy Board to pay to a person appointed by him under subsection (3) of this section such remuneration as the Secretary of State may specify and any travelling and other expenses reasonably incurred by that person in doing that which he was appointed by the Secretary of State to do.

6.—(1) In consequence of the amalgamation of the Jockey Club and the National Hunt Committee, section 24 of the Act of 1963 (constitution and membership of Levy Board) shall be amended in accordance with this section.

Amendment
of s. 24 of
Act of 1963
as to
appointment
of members
of Levy Board.

(2) In section 24(2), for paragraphs (b) and (c) (which provide for two members of the Board to be appointed by the Jockey Club and one by the National Hunt Committee) there shall be substituted the following:—

“(b) three members shall be appointed by the Jockey Club (incorporating the National Hunt Committee)”.

(3) In section 24(3) (duration and terms of membership and removal of members) for the words “subsection (2)(b) or (c)” there shall be substituted the words “subsection (2)(b)”.

(4) In section 24(4) (temporary substitute members)—

(a) for the words “the National Hunt Committee” there shall be substituted the words “(incorporating the National Hunt Committee)” ; and

(b) for the words “subsection (2)(b), (c), (d) or (e)” there shall be substituted the words “subsection (2)(b), (d) or (e)”.

(5) Any person who at the passing of this Act is, or acts as, a member of the Levy Board by virtue of appointment under section 24(2) or (4) of the Act of 1963 by the Jockey Club or the National Hunt Committee shall be deemed to have been appointed by the Jockey Club (incorporating the National Hunt Committee).

Citation,
interpretation,
repeal and
extent.
1963c. 2.

7.—(1) This Act may be cited as the Horserace Betting Levy Act 1969.

(2) In this Act “ the Act of 1963 ” means the Betting, Gaming and Lotteries Act 1963 ; and the expressions “ bookmaker ”, “ Bookmakers’ Committee ”, “ bookmaker’s permit ”, “ Levy Board ”, “ levy period ” and “ Totalisator Board ” have the same meanings as in that Act.

(3) In section 25(2)(a) of the Act of 1963 (application of moneys in the hands of the Levy Board), for the words “ section 26 or 29 of this Act or section 9 of the Betting Levy Act 1961 ” there shall be substituted the words “ any enactment ”.

(4) The following enactments in the Act of 1963 are hereby repealed:—

section 27(5), except in relation to a levy period beginning with or before 1st April 1969 ;

section 28(1) to (4), except in relation to a levy period beginning before that date ; and

section 30(2), except in relation to a levy period beginning with or before that date.

(5) This Act shall not extend to Northern Ireland.

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