

© Copyright Treasury of the Isle of Man

Crown Copyright reserved

See introductory page for restrictions on copying and reproduction

BETTING OFFICES ACT 2001

Chapter 8

Arrangement of sections

1. Betting office licences
2. Conduct of betting offices
3. Cancellation of permit
4. Short title etc.

Schedule Further amendments of the 1988 Act

Part 1 Amendments of Schedule 1

Part 2 Consequential amendments



Signed in Tynwald: 24th April 2001
Received Royal Assent: 24th April 2001
Announced to Tynwald: 24th April 2001
Passed: 24th April 2001

AN ACT

to amend the law relating to betting; and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. Betting office licences

(1) For section 15 (betting office licence) of the Gaming, Betting and Lotteries Act 1988¹ ("the 1988 Act") there is substituted the following section —

"15. Betting office licences

(1) A licensed bookmaker shall not carry on or represent himself as carrying on the business of a bookmaker in any premises unless he holds a licence (a "betting office licence") granted by the Commissioners authorising him to do so in those premises.

(2) A betting office licence shall be either —

(a) a public betting office licence, that is, a licence authorising the licensee to effect betting transactions with —

(i) persons resorting to the premises to which the licence relates, and

(ii) other persons who are within the Island or the United Kingdom; or

(b) a restricted betting office licence, that is, a licence authorising the licensee to effect betting transactions

¹ 1988 c.17

Betting Offices Act 2001

with persons who are outside the Island and the United Kingdom.

(3) For the purpose of subsection (2), a betting transaction effected with one person as agent for another shall be treated as effected with each of those persons.

(4) Any licensed bookmaker who —

(a) contravenes subsection (1); or

(b) effects a betting transaction with a person other than one with whom he is authorised by a betting office licence to effect such transactions,

shall be guilty of an offence.

(5) In proceedings for an offence under subsection (4)(b) it shall be a defence for the person accused to show that he took all reasonable steps to ascertain whether the person with whom the betting transaction was effected was a person with whom he was authorised by a betting office licence to effect such transactions."

(2) Schedule 1 to the 1988 Act is amended in accordance with Part 1 of the Schedule.

2. Conduct of betting offices

(1) Section 20 of the 1988 Act (conduct of licensed betting offices) is amended as follows.

(2) In subsections (1), (3), (5) and (6), for "licensed betting office" substitute "public licensed betting office".

(3) After subsection (1) insert —

"(1A) With the consent of the Council of Ministers, the Commissioners may make regulations —

(a) prescribing the rules in accordance with which restricted licensed betting offices shall be managed;

(b) prescribing the conditions subject to which betting transactions may be effected at such offices;

(c) providing for the appointment of an accountant to supervise on behalf of the Board the operation of such offices;

(d) prescribing the duties of the accountant, the manner in which they are to be carried out and the facilities to be granted to him for the purpose of carrying them out; and

(e) providing that a contravention of any provision thereof shall be an offence punishable —

(i) on information by a fine; or

Betting Offices Act 2001

- (ii) on summary conviction by a fine not exceeding £5,000."

(4) In subsection (2), after "subsection (1)" insert "or regulations under subsection (1A)".

3. Cancellation of permit

In section 18(1) (cancellation of permit) of the 1988 Act, for paragraph (b) there is substituted —

- "(b) any offence punishable (in the case of an adult) with custody,".

4. Short title etc.

(1) This Act may be cited as the Betting Offices Act 1999.

(2) This Act shall come into operation on such day as the Department of Home Affairs may by order appoint.

(3) The consequential amendments of the 1988 Act specified in Part 2 of the Schedule shall have effect.

(4) Any betting office licence in force immediately before the commencement of this Act shall have effect as follows —

- (a) where immediately before such commencement the holder was carrying on a business consisting only of effecting betting transactions as mentioned in section 15(2)(b) of the 1988 Act (as amended by this Act), as a restricted betting office licence,
- (b) in any other case, as a public betting office licence,

granted or renewed in accordance with Schedule 1 to the 1988 Act as amended by this Act and expiring on the date on which it would have expired if this Act had not been passed.

(5) In this Act "the 1988 Act" means the Gaming, Betting and Lotteries Act 1988.

Betting Offices Act 2001

Sections 1(2) and 4(3).

SCHEDULE

FURTHER AMENDMENTS OF THE 1988 ACT

PART 1

AMENDMENTS OF SCHEDULE 1

Application in respect of several premises

1. (1) After paragraph 4 insert —

"Application in respect of several premises

4A. Where —

- (a) an application for a restricted betting office licence is made in respect of 2 or more separate premises, and
- (b) the Commissioners are satisfied that all those premises are occupied by the applicant for the purpose of a single business consisting of effecting betting transactions as mentioned in section 15(2)(b),

the Commissioners may direct that all those premises shall be treated as single premises for the purposes of the application and of any licence granted pursuant to the application."

(2) In paragraph 14, after paragraph (3) insert —

"(3A) Without prejudice to sub-paragraph (1)(b) (and to paragraph 4A as applied by sub-paragraph (4)), where by virtue of a direction under paragraph 4A a restricted betting office licence is in force in respect of 2 or more separate premises, the Commissioners may, on an application made to them in that behalf, do all or any of the following —

- (a) revoke the direction;
- (b) amend the licence so that it will cease to apply to some of those premises;
- (c) where the Commissioners are satisfied that such premises and any other premises to which the licence will continue to apply are occupied by the applicant for the purpose of a single business consisting of effecting betting transactions as mentioned in section 15(2)(b), amend the licence so that it will apply to premises other than those in respect of which the licence was issued."

Grounds for refusal to grant or renew licence

2. For paragraph 11 substitute —

"Grounds for refusal to grant or renew licence

11. (1) The Commissioners shall refuse an application for the grant or renewal of a licence in respect of any premises —

- (a) if they are not satisfied that on the date with effect from which the licence would come into force, or, as the case may be, would be continued in force, the applicant will be the holder of a bookmaker's permit;
- (b) if they are not satisfied that the premises are or will be enclosed;
- (c) if, in the case of an application for a public betting office licence, they are not satisfied that there are or will be means of access between the premises and a street otherwise than through other premises used for the effecting with persons resorting to those other premises of transactions other than betting transactions; or
- (d) unless, in the case of an application for a public betting office licence, the premises are, in the opinion of the Commissioners,

Betting Offices Act 2001

suitable both as to facilities and location for use as a public betting office and that all licences, permissions or other authorities requisite for their use as such under any other enactment have been duly obtained.

(2) The Commissioners shall refuse an application for a public betting office licence on the ground —

- (a) that, having regard to the lay-out, character, condition or location of the premises, they are not suitable for use as a public licensed betting office; or
- (b) that the grant or renewal would be inexpedient having regard to the demand for the time being in the locality for the facilities afforded by public licensed betting offices and to the number of such offices for the time being available to meet that demand; or
- (c) that the premises have not been properly conducted under the licence.

(3) The Commissioners may refuse an application for renewal of a restricted betting office licence if it appears to them that so much of the business of a bookmaker as consists of effecting betting transactions with persons outside the Island and the United Kingdom has not been carried on to any substantial extent on the premises during the immediately preceding 12 months."

Fees

3. (1) In paragraph 12(1), for heads (a) and (b) substitute —
- "(a) in the case of the grant of a permit, £700;
 - (b) in the case of the renewal of a permit, £100;
 - (c) in the case of the grant or renewal of a public betting office licence, £100;
 - (d) in the case of the grant or renewal of a restricted betting office licence, £25,000."
- (2) After paragraph 12(1) insert —
- "(1A) Where a restricted betting office licence is granted on or after the 1st July or before the 1st March in any year, the fee payable under sub-paragraph (1)(d) shall be reduced by one-twelfth for each complete month which has elapsed since the previous 31st May."

PART 2

CONSEQUENTIAL AMENDMENTS

4. For section 11(2)(a) substitute —
- "(a) where the premises are a public licensed betting office and the person using the premises or, as the case may be, the other person is the licensed bookmaker who is the holder of the public betting office licence relating to the premises or his servant or agent;"
5. In section 48(1) —
- (a) for the definition of "betting office licence" substitute —
""betting office licence" means a licence granted by the Commissioners authorising the holder of the licence to carry on the business of a bookmaker at the premises specified in the licence;"
 - (b) at the appropriate places insert —
""public betting office licence" means a betting office licence granted under section 15(2)(a);"
""public licensed betting office" means premises in respect of which there is for the time being in force a public betting office licence;"

Betting Offices Act 2001

""restricted licensed betting office" means premises in respect of which there is for the time being in force a restricted betting office licence;"

""restricted betting office licence" means a betting office licence granted under section 15(2)(b);"

6. In column 1 of Schedule 5, for "Section 15(2)" substitute "Section 15(4)".