STATUTORY INSTRUMENTS

1969 No. 1452 (S.115)

SHERIFF COURT, SCOTLAND
BETTING AND GAMING

Act of Sederunt (Betting and Gaming Appeals and Fees of Clerks to Licensing Authorities) 1969

Made - - - -	*7th October* 1969
Coming into Operation	*8th October* 1969

The Lords of Council and Session, under and by virtue of the powers conferred upon them by paragraph 20(2), paragraph 24(1), and paragraph 28(2) of Schedule 1 to the Betting, Gaming and Lotteries Act 1963(a); paragraph 7 of Schedule 6 to the said Act(a) as amended by the Betting, Gaming and Lotteries Act 1964(b); paragraph 33(1), the said paragraph 33(1) as applied by paragraph 45, paragraph 34(1), and paragraph 47, all of Schedule 2 to the Gaming Act 1968(c); and paragraph 15 of Schedule 9 to the said Act(c), do hereby enact and declare as follows:—

1. In this Act of Sederunt the following expressions shall have the following meanings:—

(*a*) "appropriate authority" shall mean an authority responsible for the grant or renewal in any area of a permit for the provision of amusements with prizes or of machines for amusement purposes.

(*b*) "appropriate collector of duty" shall mean the Collector of Customs and Excise for the area in which the relevant premises are or are to be situated.

(*c*) "appropriate officer of police" shall mean the chief constable for the police area in which the relevant premises are or are to be situated.

(*d*) "the Board" shall mean the Gaming Board for Great Britain, established under section 10(1) of the Gaming Act 1968(c).

(*e*) "licensing authority" shall mean an authority responsible for the grant or renewal of bookmakers' permits, betting agency permits, betting office licences and licences for gaming in any area.

(*f*) "relevant premises" shall mean premises in respect of which a licence for gaming is for the time being in force or premises to which an application for a licence for gaming relates.

2.—(1) An appeal against the decision of a licensing authority refusing to grant or renew a bookmaker's permit, betting agency permit or betting office licence, or ordering that a bookmaker's permit be forfeited or cancelled, shall be made within 14 days after notice of such decision shall have been given to the applicant for such licence or permit, or the holder of such licence or permit, as the case may be.

(a) 1963 c. 2. (b) 1964 c. 78. (c) 1968 c. 65.

8. The Act of Sederunt (Sheriff Court Betting and Gaming Act Appeals) 1961(**a**) and the Act of Sederunt (Fees of Clerks to Appropriate Authorities) 1961(**b**) are hereby repealed.

9. This Act of Sederunt may be cited as the Act of Sederunt (Betting and Gaming Appeals) 1969, and shall come into operation on 8th October 1969.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
7th October 1969.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt makes provision for appeals to the Sheriff Court in applications relating to the grant or renewal of a bookmaker's permit, a betting agency permit, or a betting office licence, the forfeiture and cancellation of a bookmaker's permit, the grant or renewal or cancellation of a gaming licence, and the grant or renewal of a permit for the provision of amusements with prizes or of machines for amusement purposes. It also prescribes the fees payable to the clerk to a licensing authority for work done by him under the Betting, Gaming and Lotteries Act 1963 and the Gaming Act 1968. It supersedes the Acts of Sederunt which have hitherto provided for appeals relating to the grant or renewal of a bookmaker's permit, a betting agency permit or a betting office licence or the forfeiture and cancellation of a bookmaker's permit, and for the fees payable to the clerk to a licensing authority for the said work.

(**a**) S.I. 1961/124 (1961 I, p. 177). (**b**) S.I. 1961/692 (1961 I, p. 1432).

appropriate authority granting or renewing a permit for machines for amusement purposes subject to a condition, shall be made within 14 days after notice of such decision shall have been given to the applicant for such grant or renewal.

(2) Such appeal shall be made by initial writ under the Sheriff Courts (Scotland) Acts 1907(a) and 1913(b), and shall be disposed of as a summary application as defined in the said Acts.

(3) The person upon whom warrant for citation on any initial writ lodged in terms of this paragraph shall be granted, is the clerk to the appropriate authority.

7.—(1) The following fees shall be payable to the clerk to a licensing authority for work done under the Betting, Gaming and Lotteries Act 1963(c) or under the Gaming Act 1968(d):—

	£ s. d.
(i) Unopposed Applications:	
(*a*) Application for grant of any permit (except a permit for amusements with prizes or for machines for amusement purposes) or of any licence	4 4 0
(*b*) Application for renewal or extension, or for forfeiture and cancellation, of any permit or licence	2 2 0
(ii) Opposed Applications:	
(*c*) Objections received to any such application, an additional fee,	
if objections are not persisted in	2 2 0
if proof or submissions are heard	3 14 0
(iii) Appeals to Sheriff:	
(*d*) Appeal to Sheriff against refusal to grant or renew any permit (except a permit for amusements with prizes or for machines for amusement purposes) or of any licence, or against forfeiture or cancellation of any such permit or licence	2 12 0
(iv) Provision of information:	
(*e*) Particulars sent to the Horserace Betting Levy Board in respect of each grant or renewal of a bookmaker's permit in terms of paragraph 36 of Schedule 1 to the Betting, Gaming and Lotteries Act 1963(c)	— 4 0

(2) The fees prescribed in sub-paragraph (1) hereof shall be held to cover all work done by the clerk to the licensing authority in connection with the applications specified in that sub-paragraph and all work in connection with the furnishing by him of information in terms of paragraph 37 of Schedule 1 to the Betting, Gaming and Lotteries Act 1963(c) and the provision by him of information in terms of Schedule 10 of the Gaming Act 1968(d): provided that where applications are dealt with at a sitting of a licensing authority held separately from a sitting required to be held in terms of the Licensing (Scotland) Act 1959(e), the clerk to the licensing authority may, in place of the fees prescribed in sub-paragraph (1) hereof claim in respect of that sitting an inclusive fee of £8. 8s. 0d.

(a) 1907 c. 51. (b) 1913 (2 & 3 Geo. 5) c. 28. (c) 1963 c. 2.
(d) 1968 c. 65. (e) 1959 c. 51.

(2) Such appeal shall be made by initial writ under the Sheriff Courts (Scotland) Acts 1907(a) and 1913(b), and shall be disposed of as a summary application as defined in the said Acts.

(3) The persons upon whom warrant for citation on any initial writ lodged in terms of this paragraph shall be granted are (i) the clerk to the licensing authority, (ii) any person or persons who were heard as objectors at the proceedings on the application, and, in the case of an application for forfeiture and cancellation of a bookmaker's permit, (iii) the applicant for forfeiture and cancellation.

3.—(1) An appeal against the decision of a licensing authority refusing to grant or renew a licence for gaming to take place on premises, or imposing restrictions upon such a licence, or cancelling such a licence, shall be made within 14 days after notice of such decision shall have been given to the applicant for such grant or renewal.

(2) Such appeal shall be made by initial writ under the Sheriff Courts (Scotland) Acts 1907(a) and 1913(b), and shall be disposed of as a summary application as defined in the said Acts.

(3) The persons upon whom warrant for citation on any initial writ lodged in terms of this paragraph shall be granted are (i) the clerk to the licensing authority, (ii) the Board, (iii) the appropriate collector of duty, (iv) the appropriate officer of police, and (v) any person or persons who were heard as objectors at the proceedings on the application.

4.—(1) Where a licensing authority grants or renews a licence for gaming to take place on premises, with or without imposing restrictions, after hearing any objections or representations made by or on behalf of the Board or any other person, or where the licensing authority refuses an application for the cancellation of such a licence, the clerk to the licensing authority shall forthwith give notice of the decision of the licensing authority to the Board.

(2) An appeal by the Board against any such decision as is referred to in sub-paragraph (1) hereof shall be made within 14 days after notice of such decision shall have been given to the Board.

(3) Such appeal shall be made by initial writ under the Sheriff Courts (Scotland) Acts 1907(a) and 1913(b), and shall be disposed of as a summary application as defined in the said Acts.

(4) The persons upon whom warrant for citation on any initial writ lodged in terms of this paragraph shall be granted are (i) the clerk to the licensing authority, (ii) the applicant for grant or renewal, (iii) the appropriate collector of duty, (iv) the apropriate officer of police and (v) any person or persons who were heard as objectors at the proceedings on the application.

5. Within 7 days after service upon the clerk to the licensing authority of a copy of the initial writ in terms of paragraph 2, paragraph 3, or paragraph 4 hereof, he shall send to the Sheriff Clerk, and to each of the persons upon whom warrant for citation is to be granted as aforesaid, a written statement setting out the reasons for the decision of the licensing authority.

6.—(1) An appeal against the decision of an appropriate authority refusing to grant or renew a permit for the provision of amusements with prizes or of machines for amusement purposes on any premises or against the decision of an

(a) 1907 c. 51. (b) 1913 (2 & 3 Geo. 5) c. 28.