

Information about the Gambling Act

What the Gambling Act says:

Definition of a track

S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Note -The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include:

- a horse racecourse (referred to in this guidance as 'racecourses')
- a greyhound track
- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event

This list is not exhaustive as, in theory, betting could take place at any venue where a sporting or competitive event is occurring. While many of these venues are not commonly understood to be 'tracks', they fall within the definition of 'track' in the Act.

Section 37 - Use of premises

A person commits an offence if he uses premises, or causes or permits premises to be used, to:

provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets).

Does not apply in relation to the use of a track by a person for accepting bets if the use is authorised by a premises licence (whether or not held by him).

A person guilty of an offence under this section shall be liable on summary conviction to:

- (a) imprisonment for a term not exceeding 51 weeks
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both

Section 39 – Occasional Use Notice

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

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

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

An occasional use notice must specify a day on which it has effect.

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.

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