

POOL BETTING (ISLE OF MAN) ACT 1970

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Received Royal Assent: 24 March 1970

Passed: 19 May 1970

GENERAL NOTE: The maximum fines in this Act are as increased by the Fines Act 1986 and by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.

AN ACT

to amend the procedure with reference to the recovery of pool betting duty and for matters ancillary thereto.

1 Necessity for permit from Treasury

As from the appointed day, and without prejudice to the requirements of any other enactment, no person shall carry on a business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty unless he holds a permit authorising him to carry on that business granted by the Treasury in respect of his relevant premises; and paragraph 2(a) of the Schedule to the principal Act (which requires not less than one week's notice of intention to carry on such a business to be given to the Treasury) shall cease to apply in relation to the carrying on of such a business without prejudice to its application by virtue of any past or future enactment to the carrying on of any other business.

[S 1 amended by Treasury Act 1985 Sch 2.]

2 Granting and revoking of permits

A permit under this Act shall be granted by the Treasury within fourteen days of the date (which may be any time after the passing of this Act) when application is made therefor, and shall continue in force unless and until revoked under section 4 of this Act, except that-

- (a) the Treasury may refuse to grant such a permit to any person or in respect of any premises if within the twelve months immediately preceding the application therefor a previous permit under this Act granted to that person or in respect of those premises has been revoked under the said section 4; and

[Para (a) amended by Treasury Act 1985 Sch 2.]

- (b) the Treasury may at any time revoke such a permit by notice in writing to the holder if it appears to them that the holder is not carrying on a business for which such a permit is required or is not using the premises in respect of which the permit was granted for the purposes of such a business.

[S 2 amended by Treasury Act 1985 Sch 2. Para (b) amended by Treasury Act 1985 Sch 2.]

3 and 4

[Ss 3 and 4 repealed by SD248/02.]

5 Penalties

(1) If any person carries on any business in contravention of section 1 of this Act, he shall be liable to a penalty of £2,500, and if any person so carries on any business after receiving notice under section 4 of this Act of the revocation of a permit under this Act previously granted to him he shall be liable to an additional penalty of £25 for each day after the date of that notice on which he has so carried on his business and such penalty shall be recoverable in the same manner as a penalty under the Customs and Excise Acts 1986:

Provided that where a person is convicted of an offence under this section the Court may, in lieu of or in addition to ordering him to pay such a penalty as aforesaid, order him to be imprisoned for a term not exceeding two years.

[Subs (1) amended by Customs and Excise Management Act 1986 Sch 4.]

(2) Where a person is convicted of an offence under the foregoing subsection and the offence continues after the conviction, he shall be guilty of a further offence under that section and may, on conviction, be punished accordingly.

6 Production of permit

If at any time the holder of a permit under this Act fails to produce his permit for examination within such period, and at such time and place, as may be reasonably required by an officer, he shall be liable to a penalty of £500.

7 Amendment of s 7(1)(f) of the principal Act

Section 7(1)(f) of the principal Act (which requires the rules applying to any competition promoted by a registered pools promoter to be notified to the accountant appointed for the purpose by the Board before the first of the relevant sporting or other events takes place) shall have effect with the insertion after the word 'notified' of the words 'to the Treasury and'; and if any such promoter is, under section 12(2) of the principal Act, guilty of an offence by reason of a failure to comply with the duty imposed on him by virtue of this section the penalty shall be recoverable in the same manner as a penalty under the Customs and Excise Acts 1986.

[S 7 amended by Treasury Act 1985 Sch 2 and by Customs and Excise Management Act 1986 Sch. 4.]

8 [Amends section 5 of the principal Act.]

9 Transfer of functions

(1) All functions heretofore exercisable by the Isle of Man Local Government Board under the principal Act, and any property, rights and liabilities enjoyed or incurred by that Board in connection with any of the aforesaid functions shall, by virtue of this Act be transferred to the Isle of Man Gaming Board of Control, and references in any instrument, contract or legal proceedings to the Isle of Man Local Government Board made or instituted by virtue of the principal Act before the commencement of this Act, shall be construed as references to the Isle of Man Gaming Board of Control.

(2) The Isle of Man Gaming Board of Control shall carry on and complete anything commenced by the Isle of Man Local Government Board by virtue of the principal Act, before the commencement of this Act.

10 Interpretation

(1) In this Act, the following expressions have the following meanings respectively, namely-

'appointed day' means such day as the Governor may by order appoint under section 11(2) of this Act;

'conductor of dutiable betting' means a person carrying on such a business as is mentioned in section 1 of this Act;

'the Customs and Excise Acts 1986' has the meaning assigned to it in the Customs and Excise Management Act 1986;

[Definition of **'the Customs and Excise Acts 1986'** substituted by Customs and Excise Management Act 1986 Sch 4.]

'dutiable betting' means betting by way of pool betting or coupon betting;

'enactment' includes an enactment of the Imperial Parliament;

'officer' has the same meaning as in the Customs and Excise Management Act 1986;

[Definition of **'officer'** amended by Customs and Excise Management Act 1986 Sch 4.]

'principal Act' means the Pool Betting (Isle of Man) Act, 1961;

'relevant premises' in relation to any person means premises of which that person has made entry in pursuance of paragraph 2 of the Schedule to the principal Act or about which that person has notified the Treasury in accordance with section 2(2)(a) of the Pool Betting (Isle of Man) Act 1965.

[Definition of **'relevant premises'** amended by Treasury Act 1985 Sch 2.]

(2) References in this Act to any enactment are references thereto as amended by or under any subsequent enactment including this Act.

11 Citation and commencement

(1) This Act may be cited as the Pool Betting (Isle of Man) Act 1970 and shall be construed as one with the principal Act and the Pool Betting (Isle of Man) Act 1965 and those Acts and this Act may be together cited as the Pool Betting (Isle of Man) Acts 1961 to

1970.

(2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall not take effect until such day as the Governor may by order appoint, being a day not less than one month nor more than six weeks after the commencement of this Act.

[ADO (whole Act) 23/6/1970 (GC67/70.)]
