

## Notice under Section 39 of the Gambling Act 2005

### Occasional Use of Track for Purpose of Betting

**Name** .....

*Named person must be (a) responsible for the administration of event on the track, or (b) an occupier of the track*

**Address** .....

.....

.....

**Telephone number** .....

**Address of Track** .....

.....

.....

**Date of Event**.....

*Occasional use notices may only be granted in respect of a track for a maximum of 8 days per calendar year.*

**Number of Occasional Use Notices applied for in respect of this track in current year**

.....

<b>Checklist</b>	
I shall (please mark the appropriate boxes with an "x"):	
Send a copy of this notice to the licensing authority for the area in which the track is located	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the track is located	<input type="checkbox"/>
Sign the declaration below	<input type="checkbox"/>

#### Declaration

(i) The information contained in this form is correct to the best of my knowledge and belief.

(ii) I understand that it is an offence:

- Without reasonable excuse to give to the licensing authority information which is false or misleading;
- To use premises, or causes or permit 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 making or accepting bets) in contravention of this notice.

And that a person guilty of either of the above shall be liable on summary conviction to imprisonment not exceeding 51 weeks, a fine not exceeding level 5 on the standard scale or both.

(iii) Only those persons / companies holding a betting operating licence from the Gambling Commission will be allowed to provide betting facilities during the period of the Notice.

(iv) I am a person responsible for the administration of events on the track

Or

An occupier of the track  *either or both boxes as appropriate)*

<b>Signature</b>		<b>Date</b>	
<b>Name of Person Signing</b>			

## **What the Gambling Act says: -**

### **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.