STATUTORY INSTRUMENTS

1978 No. 229 (S. 30)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Betting and Gaming Appeals) 1978

Made - - - -	17*th February* 1978
Coming into Operation	13*th March* 1978

The Lords of Council and Session under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(**a**) and of the provisions of the Betting, Gaming and Lotteries Act 1963(**b**) and the Gaming Act 1968(**c**) as detailed in the Schedule hereto, and of all other powers enabling them in that behalf, do hereby enact and declare:—

Citation and commencement

1. This Act of Sederunt may be cited as the Act of Sederunt (Betting and Gaming Appeals) 1978 and shall come into operation on 13th March 1978.

Interpretation

2.—(1) In this Act of Sederunt the following expressions shall have the following meanings unless the context otherwise requires—

(*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 area in which the relevant premises are or are to be situated;

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

(*e*) "licensing board" 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;

(*g*) "section 34" shall mean section 34 of the Gaming Act 1968;

(*h*) "section 49" shall mean section 49 of the Betting, Gaming and Lotteries Act 1963 as amended by section 53 of and Schedule 11 to the Gaming Act 1968.

(2) The Interpretation Act 1889(**d**) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

(**a**) 1971 c. 58. (**b**) 1963 c. 2. (**c**) 1968 c. 65. (**d**) 1889 c. 63.

Procedure

3. Any appeal mentioned in the following provisions of this Act of Sederunt 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 those Acts.

4.—(1) An appeal against the decision of a licensing board—

(*a*) refusing to grant or renew a bookmaker's permit, betting agency permit or betting office licence, or

(*b*) ordering that a bookmaker's permit be forfeited or cancelled,

shall be made within 14 days after notice of such decision has been given to the applicant for such licence or permit, or the holder of such licence or permit, as the case may be.

(2) At the same time as the initial writ is lodged with the sheriff clerk or as soon as may be thereafter, the appellant shall serve a copy thereof on—

(*a*) the clerk to the licensing board;

(*b*) all the other parties who appeared at the hearing before the licensing board;

(*c*) in the case of an appeal against the forfeiture and cancellation of a bookmaker's permit, the applicant for forfeiture and cancellation.

5.—(1) An appeal against the decision of a licensing board—

(*a*) refusing to grant or renew a licence for gaming to take place on premises, or

(*b*) imposing restrictions upon such a licence, or

(*c*) cancelling such a licence,

shall be made within 14 days after notice of such decision has been given to the applicant for such grant or renewal.

(2) At the same time as the initial writ is lodged with the sheriff clerk or as soon as may be thereafter, the appellant shall serve a copy thereof on

(*a*) the clerk to the licensing board,

(*b*) all the other parties who appeared at the hearing before the licensing board,

(*c*) the Gaming Board,

(*d*) the appropriate collector of duty,

(*e*) the appropriate officer of police.

6.—(1) Where a licensing board after hearing any objections or representations made by or on behalf of the Gaming Board or any other person—

(*a*) grants or renews a licence for gaming to take place on premises, with or without imposing restrictions, or

(*b*) refuses an application for the cancellation of such a licence,

the clerk to the licensing board shall forthwith give notice of the decision of the licensing board to the Gaming Board.

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

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

(3) At the same time as the initial writ is lodged with the sheriff clerk or as soon as may be thereafter, the appellant shall serve a copy thereof on—

(*a*) the clerk to the licensing board,

(*b*) the applicant,

(*c*) all the other parties who appeared at the hearing before the licensing board,

(*d*) the appropriate collector of duty,

(*e*) the appropriate officer of police.

7. Within 7 days after service on the clerk to the licensing board of a copy of the initial writ in terms of paragraphs 4, 5 or 6 he shall send to the sheriff clerk, and to each of the persons on whom service of the copy initial writ has been made as aforesaid, a written statement setting out the reasons for the decision of the licensing board.

8.—(1) An appeal against a decision of an appropriate authority—

(*a*) refusing to grant or renew a permit for the provision of amusements with prizes under section 49, or

(*b*) for the provision of machines for amusement purposes under section 34 on any premises, or

(*c*) granting or renewing a permit for the provision of machines for amusement purposes subject to a condition,

shall be made within 14 days after notice of such decision has been given to the applicant for such grant or renewal.

(2) At the same time as the initial writ is lodged with the sheriff clerk or as soon as may be thereafter, the appellant shall serve a copy thereof on the clerk to the licensing board.

Revocation

9. The Act of Sederunt (Betting and Gaming Appeals and Fees of Clerks to the Licensing Authorities) 1970(a) is revoked.

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

G. C. Emslie,
I.P.D.

Edinburgh,

17th February 1978.

(a) S.I. 1970/1806.

SCHEDULE

Provisions of the Betting, Gaming and Lotteries Act 1963 and of the Gaming Act 1968.

Chapter	Short Title	Provision
1963 c. 2	The Betting, Gaming and Lotteries Act 1963	Schedule 1, paragraph 24(1) and 28(2)
1968 c. 65	The Gaming Act 1968	Schedule 2, paragraphs 33(1) 34(1), 45 and 47
		Schedule 9, paragraph 15

EXPLANATORY NOTE

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

This Act of Sederunt re-enacts with amendment the provisions of the Act of Sederunt (Betting and Gaming Appeals and Fees of Clerks to the Licensing Authorities) 1970. The reference in the former rules to a warrant for citation is repealed and provision made for service of the copy initial writ as appropriate, and the reference to "licensing authority" is amended to "licensing board" in accordance with the provisions of the Licensing (Scotland) Act 1976 (c. 66). The provisions for fees to clerks to licensing boards are revoked as a result of the clerk becoming a local authority officer by virtue of the District Courts (Scotland) Act 1975 (c. 20).

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