1963 No. 748

BETTING AND GAMING

The Betting Levy Appeal Tribunal (England and Wales) Rules 1963

Made - - - -	*2nd April* 1963
Laid before Parliament	*9th April* 1963
Coming into Operation	*1st May* 1963

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 29 (3) of the Betting, Gaming and Lotteries Act 1963(**a**), and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(**b**), hereby make the following rules:—

Title and Commencement

1. These rules may be cited as the Betting Levy Appeal Tribunal (England and Wales) Rules 1963 and shall come into operation on 1st May 1963.

Interpretation

2.—(1) In these rules, unless the context otherwise requires:—

"the Act" means the Betting, Gaming and Lotteries Act 1963;

"appellant" means a person who has appealed to an appeal tribunal under section 28 of the Act;

"the Board" means the Horserace Betting Levy Board established under section 24 of the Act;

"the Committee" means the Bookmakers' Committee established under section 26 of the Act;

"tribunal" means an appeal tribunal established for England and Wales under section 29 of the Act and, in relation to an appeal, means the tribunal to which the appeal has been referred.

(2) A form referred to by number means the form so numbered in the Schedule to these rules.

(3) The Interpretation Act 1889(**c**) shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

Preliminary procedure

3. The Board shall refer an appeal to a tribunal by notice in writing substantially in accordance with Form 1.

4. On referring an appeal to a tribunal, the Board shall—

(*a*) furnish the tribunal with copies of the appellant's declaration (if any), the Board's notice of assessment and the appellant's notice of appeal, together with any opinion of the Committee as to the category into which the appellant falls; and

(a) 1963 c. 2. (b) 6 & 7 Eliz. 2. c. 66. (c) 52 & 53 Vict. c. 63.

(*b*) furnish the appellant with copies of the notice of reference and of any opinion referred to in paragraph (*a*) of this rule, and inform him of the address of the tribunal.

5.—(1) Within twenty-one days of being notified under the last foregoing rule that his appeal has been referred to the tribunal, the appellant shall furnish the tribunal and the Board with a statement in writing setting out the grounds of his appeal.

(2) If the tribunal requires any facilities or further facilities for the investigation of the appellant's case, it shall give to the appellant notice in writing, substantially in accordance with Form 2, specifying such facilities or further facilities:

Provided that no such notice shall be given until the tribunal has received the appellant's statement of the grounds of his appeal or, if the appellant does not furnish such a statement, until the time limited by paragraph (1) of this rule has expired.

(3) The tribunal shall give to the appellant an opportunity of objecting to any notice under paragraph (2) of this rule on the grounds that the facilities or further facilities specified therein are unnecessary or unreasonable and may, after considering any such objection, modify or withdraw the notice.

Hearing

6.—(1) The tribunal shall fix the date, time and place of the hearing and shall give to the appellant and to the Board not less than twenty-eight days' notice thereof, together with copies of any reports it may have received as the result of its investigation of the appellant's case.

(2) The appellant may, if he so desires, submit to the tribunal for consideration at the hearing representations in writing relating to his appeal and in that case shall supply the Board with copies thereof not less than fourteen days before the hearing.

7.—(1) The hearing shall be in private:

Provided that the tribunal shall, if the appellant so requests in writing, hear the appeal in public.

(2) Nothing in this rule shall prevent a member of the Council on Tribunals from attending the hearing in his capacity as such.

8.—(1) The tribunal shall give the appellant and the Board an opportunity to address it, to give evidence, to call witnesses and to put questions to any witness called by the other party.

(2) If the appellant fails to attend at the time and place fixed for the hearing, the tribunal may (after considering any representations in writing submitted to it by the appellant) dispose of the appeal in his absence or adjourn the hearing to a later date.

9.—(1) The tribunal shall, if practicable, secure the attendance at the hearing of any person from whom it has received a report on the appellant's case and in that case shall give the appellant and the Board an opportunity of putting questions to such person:

Provided that the attendance of such person may be dispensed with if the appellant and the Board agree.

(2) The tribunal may call any other person as a witness and in that case shall—

(*a*) at the same time as it gives notice of the hearing under Rule 6 (1) (or as soon as may be practicable thereafter and in any event not less than seven days before such person is to be called) notify the appellant and the Board of his name; and

(*b*) give the appellant and the Board an opportunity of putting questions to him at the hearing.

Decision of the tribunal

10.—(1) The decision of the tribunal may be taken by a majority thereof and shall be recorded in writing substantially in accordance with Form 3 and signed by the chairman and shall be communicated in writing to the appellant and the Board within seven days.

(2) The reasons for the tribunal's decision shall be recorded in writing and signed by the chairman and shall, if the appellant or the Board so requests within twenty-one days of receiving notice in writing of the decision, be supplied to the appellant and the Board.

Representation

11. The appellant and the Board may, for the purposes of the appeal and any proceedings connected with it, be represented by counsel or solicitor or by any other person.

Abandonment of appeal

12. The appellant may at any time abandon his appeal by notice in writing to the tribunal and in that case the tribunal shall inform the Board of the abandonment of the appeal and shall give the Board an opportunity of applying for a certificate under section 29 (7) of the Act.

Expenses

13. The tribunal shall not give a direction or certificate under section 29 (6) or (7) of the Act without having given the Board and the appellant an opportunity of being heard or of making representations in writing.

Service of documents

14. Any notice required by these rules shall be in writing and all notices and documents required or authorised by these rules to be sent or given to any person may be sent by the recorded delivery service or delivered—

(*a*) in the case of a document directed to the tribunal or the Board, to their respective offices, or

(*b*) in the case of a document directed to any other person, to his last known address,

and, if sent or given to the authorised representative of the appellant or the Board, shall be deemed to have been sent or given to him or it, as the case may be.

Time

15. The tribunal may, if it thinks fit, extend the time appointed by these rules for doing any act and may do so notwithstanding that the time appointed has already expired.

Miscellaneous

16. The tribunal may, if it thinks fit, postpone the day or time fixed for, or adjourn, the hearing of any appeal.

17. Any act, other than the consideration of an appeal or of an application for expenses, required or authorised by these rules to be done by the tribunal, may be done by, or on the direction of, the chairman.

18. Subject to the provisions of these rules, the tribunal may regulate its own procedure.

Dated 2nd April 1963.

Dilhorne, C.

SCHEDULE

FORM 1 Rule 3

Betting, Gaming and Lotteries Act 1963

NOTICE OF REFERENCE

The Horserace Betting Levy Board hereby refers to the Horserace Betting Levy Appeal Tribunal for England and Wales the appeal of [*name and address of appellant*].

Notice of the appeal, of which a copy is attached, was received by the Board on 19 .

Dated 19 . (*Signed*)

On behalf of the Board.

To the Horserace Betting Levy Appeal Tribunal for England and Wales.

FORM 2 Rule 5

Betting, Gaming and Lotteries Act 1963

NOTICE REQUIRING FACILITIES FOR INVESTIGATION

The Horserace Betting Levy Appeal Tribunal for England and Wales, to which your appeal has been referred, requires the following facilities [*or* further facilities] for the investigation of your appeal, which was referred to the tribunal on 19 :—

[*Here state facilities required*]

If you object to affording the facilities mentioned above on the grounds that they are unnecessary or unreasonable, you should so inform the tribunal immediately. You will then be given an opportunity of making representations to the tribunal which may, if it thinks fit, after having considered your representations, modify or withdraw this notice.

Note.—Section 28 (6) of the Act provides that the tribunal "shall not reduce the assessment or grant the appellant a certificate of exemption unless the appellant has afforded the tribunal all the facilities it may have required for the investigation of his case".

Dated 19 . (*Signed*)

On behalf of the tribunal.

To [*name of appellant*].

Rule 10

FORM 3

Betting, Gaming and Lotteries Act 1963

DECISION OF THE TRIBUNAL

The Horserace Betting Levy Appeal Tribunal for England and Wales, to which the appeal of [*name of appellant*] was referred by the Horserace Betting Levy Board by notice dated 19 , having heard the said appeal, has determined that, in respect of the levy period commencing on 1st April 19

* *Delete if inapplicable.*

*(1) the appellant falls for the purposes of the relevant scheme into the following categories:

*(2) the following special provisions of the said scheme apply to the appellant:

*(3) the appellant is exempt from payment of a levy under the said scheme.

The tribunal accordingly directs that—

*(1) the notice of assessment issued by the Board in respect of the appellant and dated 19 shall be confirmed [*or* shall be amended by substituting for the amount therein stated an amount of]

*(2) the appellant shall, in respect of the levy period aforesaid, be granted a certificate of exemption.

Dated 19 (*Signed*)

Chairman.

On behalf of the tribunal.

EXPLANATORY NOTE

(*This note is not part of the rules, but is intended to indicate their general purport.*)

These rules prescribe the procedure to be followed in proceedings before the appeal tribunals established for England and Wales under the Betting, Gaming and Lotteries Act 1963.

Rule 3 provides for the reference of an appeal to the tribunal by the Horserace Betting Levy Board and Rule 4 prescribes the information to be supplied by the Board. Rule 6 requires the tribunal to give the parties twenty-eight days' notice of the hearing which, under Rule 7, is in private unless the appellant requests the tribunal to hear the appeal in public. Rules 8 and 9 prescribe the procedure to be followed at the hearing and Rule 10 requires the tribunal to communicate its decision in writing to the parties and to give its reasons if so requested. Rule 11 provides for the parties to be represented by counsel or solicitor or by any other person.

Rule 13 requires the tribunal to give the Board and the appellant an opportunity of being heard or making written representations before directing the payment of any of the appellant's expenses by the Board or certifying that the appellant should make a payment towards the tribunal's expenses in connection with the appeal. Rules 14 to 16 govern the service of documents, extension of time, adjournments and other miscellaneous matters. Rule 17 authorises the chairman to act on behalf of the tribunal and Rule 18 permits the tribunal, subject to the rules, to regulate its own procedure.