STATUTORY INSTRUMENTS

1963 No. 1830 (S. 91)

BETTING AND GAMING

The Betting Levy Appeal Tribunal (Scotland) Rules 1963

Made - - - -	*6th November* 1963
Laid before Parliament	*13th November* 1963
Coming into Operation	*14th November* 1963

I, James Latham Clyde, Lord President of the Court of Session, in exercise of the powers conferred upon 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:—

Citation and Commencement

1. These Rules may be cited as the Betting Levy Appeal Tribunal (Scotland) Rules 1963, and shall come into operation on 14th November 1963.

Interpretation

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

" the Act " means the Betting, Gaming and Lotteries Act 1963(a).

" appellant " means a person whose appeal has been referred 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 Scotland under section 29 of the Act, and, in relation to an appeal, means the tribunal to which the appeal has been referred.

(2) 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.—(1) The Board shall refer an appeal to a tribunal by sending to the tribunal a notice as nearly as possible in the form set out in Schedule 1 hereto.

(2) On referring an appeal to a tribunal, the Board shall at the same time—

(*a*) send copies to the tribunal of the appellant's declaration (if any), the Board's notice of assessment, the appellant's notice of appeal, and the opinion (if any) 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*) send copies to the appellant of the notice of reference and of any such opinion as is referred to in paragraph (*a*) of this Rule, inform him in writing of the address of the tribunal, and advise him that he should within twenty-one days send to the tribunal and to the Board the statement referred to in paragraph (3) of this Rule.

(3) Within twenty-one days of an appeal being referred to the tribunal, the appellant shall send to the tribunal and to the Board a statement in writing setting out the grounds of his appeal.

(4) Where the tribunal requires facilities for the investigation of the case of an appellant, it shall send to the appellant a notice as nearly as possible in the form set out in Schedule 2 hereto, specifying such facilities; and the tribunal may from time to time send to the appellant a further notice or notices as nearly as possible in the form set out in Schedule 2 hereto, specifying such further facilities as it may require: 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 shall fail to send such a statement to the tribunal within the time allowed by paragraph (3) of this Rule, until such time has expired.

(5) If required to do so by the appellant within seven days of sending any notice under paragraph (4) of this Rule, the tribunal shall give the appellant an opportunity to make representations orally or in writing objecting to such notice on the grounds that the facilities or further facilities or any of them specified therein are unnecessary or unreasonable, and may modify or withdraw the notice after considering any such representations.

Time and place of hearing

4. The tribunal shall fix the date, time and place of the hearing of an appeal and shall give not less than twenty-eight days notice of such date, time and place to the appellant and to the Board, and shall at the same time send to the appellant and to the Board copies of any reports it may have received during its investigation of the appellant's case.

Hearing

5.—(1) The hearing of an appeal shall take place in private unless the tribunal shall determine at the request of the appellant to hear the appeal in public: provided that any member or members of the Council on Tribunals or of the Scottish Committee of the Council on Tribunals shall be entitled to attend the hearing of any appeal in his or their capacity as such member.

(2) If an appellant or the Board shall desire to submit representations in writing relating to an appeal for consideration by the tribunal at the hearing of such appeal, the appellant or the Board as the case may be shall submit such representations to the tribunal not less than fourteen days before the hearing and shall at the same time send a copy thereof to the other party.

(3) The tribunal shall give notice to the appellant and to the Board not less than seven days before the date fixed for the hearing of an appeal, of the name and address of any person, other than a person from whom such a report has been received as is referred to in Rule 4, whom it intends to call as a witness at the hearing.

Representation

6.—(1) An appellant may appear at the hearing of his appeal and may be heard in person or be represented by counsel or solicitor or, with leave of the tribunal, by any other person.

(2) The Board may appear at the hearing of an appeal and may be represented by any member or officer thereof or by counsel or solicitor.

Procedure at hearing

7.—(1) The appellant and the Board shall be entitled to make opening statements, to call witnesses, to cross-examine any witnesses called by the other party or by the tribunal, and to address the tribunal.

(2) If the appellant or the Board or both of them shall fail to appear or be represented at the time and place fixed for the hearing of an appeal, the tribunal may dispose of the appeal in the absence of such party or parties, or may adjourn the hearing to a later date: provided that before disposing of an appeal in the absence of either or both parties, the tribunal shall consider any representations submitted by such party or parties under Rule 5(2).

(3) The tribunal shall endeavour to secure the attendance at the hearing of any person from whom it has received a report during its investigation of the appellant's case, and shall give the appellant and the Board an opportunity to cross-examine such person: provided that the attendance of such person may be dispensed with if the tribunal are satisfied that there are good reasons which render his attendance impossible or impracticable, or if the appellant and the Board agree to dispense with his attendance.

(4) The tribunal may call any other person as a witness provided that notice under Rule 5(3) has been duly given in respect of such person.

Decision of tribunal

8.—(1) The decision of the tribunal on an appeal shall, in the event of disagreement, be the decision of the majority.

(2) The decision of the tribunal shall be recorded in writing as nearly as possible in the form set out in Schedule 3 hereto and signed by the chairman, and notice thereof shall be given to the appellant and the Board within seven days thereafter.

(3) The reasons for the tribunal's decision shall be recorded in writing and signed by the chairman, and, if the appellant or the Board so request the tribunal within twenty-one days of receiving notice of the decision, a copy of such reasons shall be sent to the party or parties so requesting.

Abandonment of appeal

9. The appellant may at any time abandon his appeal by giving notice to the tribunal and in that event the tribunal shall send notice to the Board of the abandonment of the appeal, and shall give the Board an opportunity to apply for a certificate under section 29(7) of the Act.

Expenses

10. The tribunal shall not give a direction or certificate under section 29(6) or (7) of the Act without giving both the Board and the appellant an opportunity of making representations thereon orally or in writing.

Service of documents

11. All notices or 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 notice or document directed to the Board or the tribunal, to their respective offices, and

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

provided that if a notice or document is sent or given to a solicitor duly authorised by the appellant or the Board to represent them under Rule 6 hereof, it shall be deemed to have been sent or given to the appellant or the Board as the case may be.

Extension of time

12. 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 so appointed has expired before an application for extension is made.

Miscellaneous

13.—(1) The tribunal may, if it thinks fit, postpone the day or time fixed for the hearing of any appeal or may adjourn such appeal.

(2) 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 thereof.

(3) Subject to the provisions of these Rules, the tribunal may regulate its own procedure.

J. L. Clyde.

6th November 1963.

Rule 3(1)

SCHEDULE 1

NOTICE OF REFERENCE

Betting, Gaming and Lotteries Act 1963

The Horserace Betting Levy Board hereby refer to the Horserace Betting Levy Appeal Tribunal for Scotland 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 .

Date 19 .

(Signed)

On behalf of the Board.

To the Horserace Betting Levy Appeal Tribunal for Scotland.

Rule 3(4)

SCHEDULE 2

NOTICE REQUIRING FACILITIES FOR INVESTIGATION

Betting, Gaming and Lotteries Act 1963

The Horserace Betting Levy Appeal Tribunal for Scotland, 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 and in any event not later than seven days after the date of this Notice. You will then be given an opportunity of making representations to the tribunal, which may modify or withdraw this Notice, if it thinks fit, after having considered your representations.

N.B.—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 ".

Date 19 .

(Signed)

On behalf of the tribunal.

To (*name of appellant*).

SCHEDULE 3

Rule 8(2)

DECISION OF THE TRIBUNAL

Betting, Gaming and Lotteries Act 1963

The Horserace Betting Levy Appeal Tribunal for Scotland, to which the appeal of (*name of appellant*) was referred by the Horserace Betting Levy Board by dated 19 , having heard the said appeal, has determined that, in respect of the levy period commencing on 1st April 19 —

*(1) The appellant falls for the purpose of the relevant scheme into the following category:

*(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.

*Delete if inapplicable

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) *OR*

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

Date 19 .

(Signed)

Chairman.

On behalf of the tribunal.

*Delete if inapplicable

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 an appeal tribunal established for Scotland under section 29 of the Betting, Gaming and Lotteries Act 1963 to hear appeals from assessments to the bookmakers' levy made by the Horserace Betting Levy Board.