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Broxtowe
Borough
COUNCIL

Positive People - Positive Leadership - Positive Partnerships

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

Checklist	
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	
Send a copy of this notice to the chief officer of police for the area in which the track is located	
If the track is situated in one or more licensing authority areas, send a copy of this notice to each additional licensing authority	
If the track is situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Sign the declaration below	

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 the 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 (tick either or both boxes as appropriate)

Signature		Date	
Name of Person Signing			

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.