

**Notice under Section 39 of the Gambling Act 2005**  
**Occasional Use of Track for Purpose of Betting**

Swansea Council is the data controller for the personal information you provide on this form. We are collecting this information as part of our obligation under the Gambling Act 2005. Your information will be used to help us fulfill our legal obligation and will not be used for any other purpose. We will not share your data with third parties unless we are required or permitted to do so by law.

Data protection law describes the legal basis for our processing your data as necessary for compliance with a legal obligation. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate privacy notice on our website.

**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"/>
If the track is situated in one or more licensing authority areas, send a copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the track is situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<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 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)

<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.