

# THE JOCKEY CLUB

Tuesday, 9 March 2004

G Chalmers Esq.  
Department for Culture, Media and Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

*Sean Gray,*

## Gambling Bill

Thank you for taking the time to see Paul Scotney and me about the new clauses. We found the meeting most useful. As promised, we are writing to you to reiterate our views.

We particularly welcome the proposed criminal offence of cheating and the intention to allow the Gambling Commission to operate independently of the Police, coupled with direct access to the Crown Prosecution Service. We also welcome the powers that will be afforded the Gambling Inspectors and Authorised Persons, in particular powers of entry. We do, however, have some reservations.

Our first concern is that the overall thrust of the new clauses appears to be limited to regulating licensed premises and people connected with licensed premises. As you know, many of the cheats we deal with now commit the offence on personal computers at their home addresses. The Bill does not, in our view, make it clear that it will be able to tackle people who perpetrate acts of cheating from unlicensed premises (see below for more detail on this matter).

On a more specific note in relation to the powers afforded to Gambling Inspectors, section 243 states:

**(1) Suspected Offence:**

*A constable or gambling inspector may enter premises if he reasonably suspects that an offence under this Act;*

*(a) may be being committed on the premises, or*

*(b) may be about to be committed on the premises.*

Our observation is that it does not seem to cover an offence of cheating that “has been committed”. Clearly there are going to be occasions where the offence occurred some time ago and the Bill does not appear, on the face of it, to cover this eventuality.

### **Searches of premises**

Clauses 244 to 251 describe the various types of premises or premises holding certain types of licence that a gambling inspector may enter in order to carry out his duties. The general thrust of these sections appears to be in relation to licensed premises and Clubs etc. Our observation is (as touched on earlier) that the gambling inspectors will need to have the powers to enter unlicensed premises.

### **(3) Powers**

Following on from this, Clause 252 relates to the powers of gambling inspector once they have gained entry to premises. Again, the general thrust seems to be specific to premises other than a private residence. The powers of the gambling inspector upon entry to premises are set out in specific detail in sub-clauses (1) and (2)

The sub-clauses do not use the words “search or seize” and, as such, our query is over whether the gambling inspectors would be allowed for example to search through drawers and cupboards of a private residence, searching say for betting slips. Following on from this, it is not clear, in the event of finding betting slips, whether they can be seized. Additionally, it is not clear whether the gambling inspectors would have the power to request telephone or indeed banking records. In our experience telephone records are a crucial aid to many of our investigations and it is our view that if the gambling inspectors do not have the power to seize/request itemised telephone bills they are likely to be carrying out some investigations with one hand tied behind their back e.g. investigations into incidences of cheating involving the betting exchanges.

### **Information Gateway**

Clearly there is a need to share both information and intelligence between the Gambling Commission, Police and other regulatory bodies. We believe that it is vital that the Jockey Club is one of the regulatory bodies authorized to exchange information and intelligence with the Gambling Commission.

**(5) Other Matters**

In relation to the other issues we discussed at our meeting, I have not included a further copy of our written submission to the Scrutiny Committee herewith since I am aware you have one on file. However, there were some important points in our submission regarding the operation of the Gambling Commission and we look forward to taking up your offer to participate in further discussions when you reach that level of detail.

Finally at our meeting, I also mentioned the potential problem for Point-to-Pointing where courses host more than 4 point-to-points. I have re-examined the statistics and an analysis of Point to Point fixtures in 2004 shows:-

- 58 courses used once
- 37 courses used twice
- 16 courses used thrice
- 4 courses used four times
- 1 course used five times (Garthorpe)
- 1 course used eight times (Larkhill)

As the wording of Clause 28 (5) currently stands Garthorpe and Larkhill would be unable to take advantage of the "occasional use notice" route and will be faced with the full effects of the Bill, even though these are essentially amateur events with low betting activity. An increase in the relevant trigger figure from 4 to 5 in Clause 28 (5) would solve the Garthorpe problem.

In racing under Jockey Club Rules the following are the racecourses with the fewest days' racing:-

- Cartmel        6
- Aintree        7
- Fakenham      9

Clearly the Act will be intended to apply to Aintree!

It should be noted that in Larkhill's case, although the course itself, owned by the Army, is used on 8 occasions there will in fact be 8 different organisers, namely:-

- Army Point to Point Committee
- Royal Artillery Point to Point Committee
- United Services Point to Point Committee
- 14<sup>th</sup> Regiment Royal Artillery Point to Point Committee
- Staff College & RMAS Point to Point Committee

- New Forest Foxhounds Hunt Committee  
Avon Vale Hunt Committee
- South & West Wilts Hunt Committee

If you are unable to raise the trigger in 28 (5) to eight, could you consider re-jigging the wording so that the trigger is related to the event organiser as well as the track by the addition of a clause at the end along the lines of:-

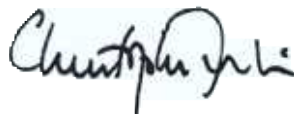
“except where the person responsible for the administration of races is not responsible for the use of the track on more than X days in that year”?

We would be grateful for your thoughts on how the difficulties faced by Garthorpe and Larkhill Point to Point courses might best be overcome.

We look forward to hearing from you on this and we would of course be more than happy to expand on the earlier points in this letter if that would be helpful.

With best wishes,

Yours sincerely



Christopher Foster  
Executive Director &  
Keeper of the Match Book

c.c. R T Ricketts Esq.