

Department for Culture, Media and Sport  
Gambling and National Lottery Licensing Division



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## Draft Gambling Bill

November 2003



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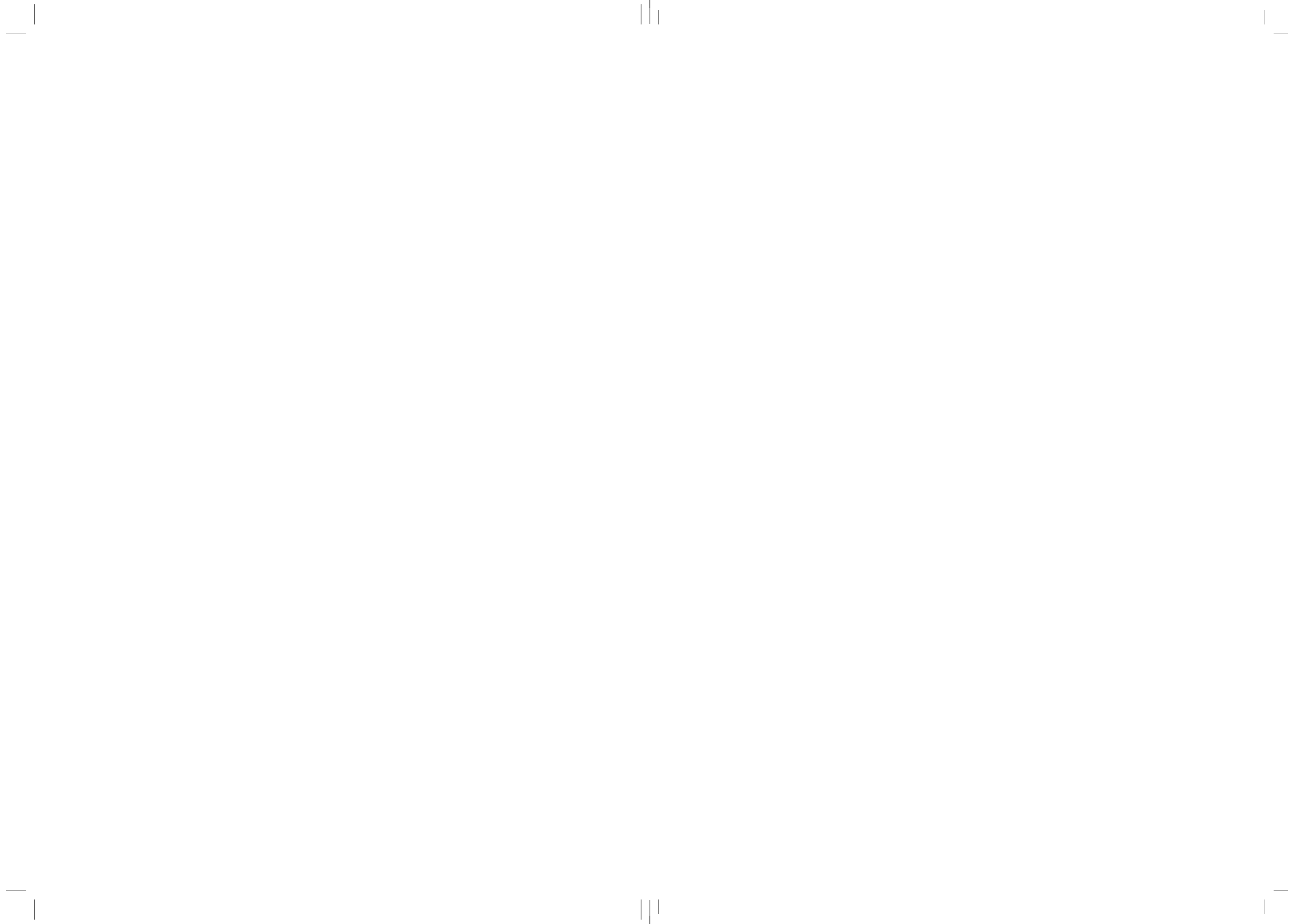
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DEPARTMENT FOR CULTURE, MEDIA AND SPORT

# **DRAFT GAMBLING BILL**

*Presented to Parliament by the  
Secretary of State for Culture, Media and Sport  
by Command of Her Majesty  
November 2003*

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# Gambling Bill

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A  
**B I L L**

TO

Make provision about gambling.

Date Of Enactment

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**PART 1**

INTERPRETATION OF KEY CONCEPTS

*The licensing objectives*

**1 The licensing objectives**

- In this Act a reference to the licensing objectives is a reference to the objectives of—
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
  - (b) ensuring that gambling is conducted in a fair and open way, and
  - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5  
10

*Other principal concepts*

**2 Gambling**

- In this Act “gambling” means—
- (a) gaming (within the meaning of section 6),
  - (b) betting (within the meaning of section 7), and
  - (c) entering a lottery (within the meaning of section 206).
- 15

**3 Remote gambling**

- (1) In this Act “remote gambling” means gambling in which persons participate by the use of remote communication.
- (2) In this Act “remote communication” means communication using –
- (a) the internet, 5
  - (b) telephone,
  - (c) television,
  - (d) radio, or
  - (e) any other kind of electronic or other technology for facilitating communication. 10
- (3) The Secretary of State may by regulations provide that a specified system or method of communication is or is not to be treated as a form of remote communication for the purposes of this Act (and subsection (2) is subject to any regulations under this subsection).

**4 Facilities for gambling**

15

- (1) For the purposes of this Act a person provides facilities for gambling if he –
- (a) invites others to gamble in accordance with arrangements made by him,
  - (b) provides, operates or administers arrangements for gambling by others, or 20
  - (c) participates in the operation or administration of gambling by others.
- (2) For the purposes of this Act a person provides facilities for gambling if he facilitates gambling by others –
- (a) knowingly, and
  - (b) in accordance with arrangements made with a person who carries on, or intends to carry on, any of the activities mentioned in subsection (1)(a) to (c). 25
- (3) But a person does not provide facilities for gambling for the purposes of this Act by virtue only of –
- (a) providing an article other than a gaming machine to a person who intends to use it, or may use it, in the course of any of the activities mentioned in subsection (1)(a) to (c), 30
  - (b) providing, otherwise than in the course of providing, operating or administering arrangements for gambling or participating in the operation or administration of gambling, an article to a person who intends to use it, or may use it, for gambling, 35
  - (c) providing a service to a person who carries on or intends to carry on any of the activities mentioned in subsection (1)(a) to (c), unless the provision of the service itself constitutes one of those activities, or
  - (d) making facilities for electronic communication available for use by – 40
    - (i) persons carrying on any of those activities, or
    - (ii) persons gambling in response to or in accordance with any of those activities.



## 5 Private and non-commercial gaming and betting

Schedule 1 (which defines private and non-commercial gaming and betting) shall have effect.

### *Subsidiary concepts*

- 6 Game of chance** 5
- (1) In this Act “gaming” means playing a game of chance for a prize.
- (2) In this Act “game of chance” –
- (a) includes –
    - (i) a game that involves both an element of chance and an element of skill, 10
    - (ii) a game that involves an element of chance that can be eliminated by superlative skill, and
    - (iii) a game that is presented as involving an element of chance, but
  - (b) does not include a sport.
- (3) For the purposes of this Act a person plays a game of chance if he participates in a game of chance – 15
- (a) whether or not there are other participants in the game, and
  - (b) whether or not a computer generates images or data taken to represent the actions of other participants in the game.
- (4) For the purposes of this Act a person plays a game of chance for a prize – 20
- (a) if he plays a game of chance and thereby acquires a chance of winning a prize, and
  - (b) whether or not he risks losing anything at the game.
- (5) In this section “prize” means money or money’s worth.
- (6) The Secretary of State may by regulations provide that a specified activity, or an activity carried on in specified circumstances, is or is not to be treated for the purposes of this section as – 25
- (a) a game;
  - (b) a game of chance;
  - (c) a sport. 30
- 7 Betting**
- (1) In this Act “betting” means making or accepting a bet, other than a spread bet, on –
- (a) the outcome of a race, competition or other event,
  - (b) the likelihood of anything occurring or not occurring, or 35
  - (c) whether anything is or is not true.
- (2) A transaction that relates to the outcome of a race, competition or other event may be a bet within the meaning of subsection (1) despite the facts that –
- (a) the race, competition or event has already occurred, and
  - (b) one party to the transaction knows the outcome. 40

- 
- (3) A transaction that relates to the likelihood of anything occurring or not occurring may be a bet within the meaning of subsection (1) despite the facts that –
- (a) the thing has already occurred or failed to occur, and
  - (b) one party to the transaction knows that the thing has already occurred or failed to occur. 5
- (4) In subsection (1) “spread bet” means a bet which constitutes a contract to which section 412 of the Financial Services and Markets Act 2000 (c. 8) (enforceable gaming contracts) applies.
- 8 Betting intermediary 10**
- In this Act “betting intermediary” means a person who provides a service designed to facilitate the making or acceptance of bets between others.
- 9 Licensing authorities**
- For the purposes of this Act the following are licensing authorities –
- (a) in relation to England – 15
    - (i) a district council,
    - (ii) a county council for a county in which there are no district councils,
    - (iii) a London borough council,
    - (iv) the Common Council of the City of London, and 20
    - (v) the Council of the Isles of Scilly,
  - (b) in relation to Wales –
    - (i) a county council, and
    - (ii) a county borough council, and
  - (c) in relation to Scotland – 25
    - (i) ...
- 10 Casino**
- (1) For the purposes of this Act a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.
- (2) In this Act “casino game” means a game of chance – 30
- (a) which involves playing or staking against a bank, or
  - (b) in which the chances are not equally favourable to all participants.
- (3) For the purposes of this section it is immaterial –
- (a) whether an arrangement is provided on one set of premises or on more than one; 35
  - (b) whether an arrangement is provided wholly or partly by means of remote communication;
  - (c) how a bank is described;
  - (d) whether or not a bank is controlled or administered by a person who participates in the gambling. 40
- (4) The Secretary of State may by regulations provide that a specified activity, or an activity carried on in specified circumstances, is to be or not to be treated as a casino game for the purposes of this Act.

- 
- (5) The Secretary of State shall make regulations by reference to which any casino may be classified as –
- (a) a large casino,
  - (b) a small casino, or
  - (c) below the minimum size for a licensed casino. 5
- (6) Regulations under subsection (5) –
- (a) may make provision by reference to –
    - (i) the number of tables at which specified casino games or classes of casino game are played or are made available,
    - (ii) the floor area occupied by facilities for playing specified casino games or classes of casino game, or 10
    - (iii) any other matter,
  - (b) may make different provision for different purposes of this Act, and
  - (c) may include provision for determining –
    - (i) what floor area is to be treated as being made available for use, or 15
    - (ii) what activities do or do not amount to the playing of a specified casino game or class of casino game.
- 11 Pool betting**
- (1) For the purposes of this Act betting is pool betting if made on terms that all or part of the winnings – 20
- (a) shall be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting,
  - (b) shall be divided among the winners, or
  - (c) shall or may be something other than money. 25
- (2) For the purposes of this Act pool betting is horse-race pool betting if it relates to horse-racing in Great Britain.

## PART 2

### THE GAMBLING COMMISSION

- 12 Establishment of the Commission** 30
- (1) There shall be a body corporate to be known as the Gambling Commission.
- (2) Schedule 2 (which makes provision about the constitution and proceedings of the Commission) shall have effect.
- 13 Gaming Board: transfer to Commission**
- (1) Section 10 of and Schedule 1 to the Gaming Act 1968 (c. 65) (Gaming Board for Great Britain) shall cease to have effect. 35
- (2) The functions, rights and liabilities of the Gaming Board for Great Britain shall on commencement become functions, rights and liabilities of the Gambling Commission.
- (3) The persons who immediately before commencement are the members of the Gaming Board for Great Britain shall be treated as if on commencement they 40

were appointed as commissioners of the Gambling Commission under paragraph 1 of Schedule 2 to this Act.

- (4) The person who immediately before commencement is the chairman of the Gaming Board for Great Britain shall be treated as if on commencement he were appointed as the chairman of the Gambling Commission under paragraph 1 of Schedule 1 to this Act. 5
- (5) In this section “commencement” means the coming into force of this section.
- (6) Schedule 3 (which makes supplementary provision in relation to the transfer of functions and property from the Gaming Board to the Gambling Commission) shall have effect. 10

#### 14 Duty to promote the licensing objectives

In exercising its functions under this Act the Commission shall aim –

- (a) to pursue, and wherever appropriate to have regard to, the licensing objectives, and
- (b) to permit gambling, in so far as the Commission thinks it reasonably consistent with pursuit of the licensing objectives. 15

#### 15 Policy for licensing and regulation

- (1) The Commission shall prepare a statement setting out the principles to be applied by it in exercising its functions under this Act.
- (2) The statement of policy under this section shall, in particular, explain how the principles to be applied are expected to assist the Commission in its pursuit of the licensing objectives. 20
- (3) The Commission shall –
- (a) review the statement from time to time, and
- (b) revise the statement when the Commission thinks it appropriate. 25
- (4) The Commission shall as soon as is reasonably practicable publish –
- (a) the statement, and
- (b) any revision.
- (5) Before issuing or revising a statement under this section the Commission shall consult – 30
- (a) the Secretary of State,
- (b) one or more persons who appear to the Commission to represent local authorities,
- (c) one or more persons who appear to the Commission to represent chief constables of police forces, 35
- (d) one or more persons who appear to the Commission to represent the interests of persons carrying on gambling businesses,
- (e) one or more persons who appear to the Commission to have knowledge about social problems relating to gambling, and
- (f) in such manner as the Commission thinks appropriate, members of the public. 40

## 16 Codes of practice

- (1) The Commission may issue a code of practice about the manner in which facilities for gambling are provided (whether by the holder of a licence under this Act or by another person).
- (2) A code – 5
  - (a) must state when it comes into force, and
  - (b) may be revised or revoked by the Commission.
- (3) The Commission shall publish a code and any revision in a manner which the Commission thinks likely to bring it to the attention of those whose activities it concerns. 10
- (4) The Commission may make different provision under this section for different cases or circumstances (whether or not by way of separate codes of practice).
- (5) A failure to comply with a provision of a code shall not of itself make a person liable to criminal or civil proceedings.
- (6) But a code – 15
  - (a) shall be admissible in evidence in criminal or civil proceedings,
  - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant, and
  - (c) shall be taken into account by the Commission in the exercise of a function under this Act. 20
- (7) Before issuing or revising a code under this section the Commission shall consult – 25
  - (a) the Secretary of State,
  - (b) one or more persons who appear to the Commission to represent the interests of persons who –
    - (i) carry on gambling businesses, and
    - (ii) are likely to be affected by the code or revision, and
  - (c) one or more persons who appear to the Commission to have knowledge about social problems relating to gambling.
- (8) Before issuing or revising a code under this section the Commission shall also consult, if and to the extent that the Commission thinks appropriate having regard to the nature of the code or revision – 30
  - (a) one or more persons who appear to the Commission to represent local authorities,
  - (b) one or more persons who appear to the Commission to represent chief constables of police forces, 35
  - (c) one or more persons who appear to the Commission to represent the interests of persons carrying on gambling businesses (apart from those consulted under subsection (7)(b)), and
  - (d) in such manner as the Commission thinks appropriate, members of the public. 40

## 17 Guidance to local authorities

- (1) The Commission shall from time to time issue guidance as to – 45
  - (a) the manner in which local authorities are to exercise their functions under this Act, and

- 
- (b) in particular, the principles to be applied by local authorities in exercising functions under this Act.
- (2) A local authority shall have regard to guidance issued under subsection (1).
- (3) The Commission shall publish guidance issued under subsection (1).
- (4) Before issuing guidance under subsection (1) the Commission shall consult— 5
- (a) the Secretary of State,
  - (b) one or more persons who appear to the Commission to represent local authorities, and
  - (c) one or more persons who appear to the Commission to have knowledge about social problems relating to gambling. 10
- (5) Before issuing guidance under subsection (1) the Commission shall also consult, if and to the extent that the Commission thinks appropriate having regard to the nature of the guidance—
- (a) one or more persons who appear to the Commission to represent chief constables of police forces, 15
  - (b) one or more persons who appear to the Commission to represent the interests of persons carrying on gambling businesses, and
  - (c) in such manner as the Commission thinks appropriate, members of the public.
- 18 Duty to advise Secretary of State 20**
- (1) The Commission shall give advice to the Secretary of State about—
- (a) the incidence of gambling,
  - (b) the manner in which gambling is carried on,
  - (c) the effects of gambling, and
  - (d) the regulation of gambling. 25
- (2) Advice under this section shall be given—
- (a) in response to a request from the Secretary of State, and
  - (b) on such other occasions as the Commission thinks appropriate.
- 19 Licensing authority information**
- (1) The Commission may require a licensing authority to provide information that— 30
- (a) forms part of a register maintained by the authority under this Act, or
  - (b) is in the possession of the authority in connection with a provision of this Act.
- (2) A requirement under subsection (1) may include a requirement for information to be— 35
- (a) compiled or collated in a specified manner;
  - (b) provided in a specified form.
- (3) A licensing authority shall comply with a requirement under this section.

## 20 Consultation with National Lottery Commission

- (1) If in the course of the exercise of its functions the Gambling Commission becomes aware of a matter about which the National Lottery Commission is likely to have an opinion, the Gambling Commission shall consult the National Lottery Commission. 5
- (2) The Gambling Commission shall comply with any direction of the Secretary of State (which may be general or specific) to consult the National Lottery Commission.

### PART 3

#### GENERAL OFFENCES 10

##### *Provision of facilities for gambling*

## 21 Provision of facilities for gambling

- (1) A person commits an offence if he provides facilities for gambling unless –
  - (a) an exception provided for in subsection (2) or (3) applies, or
  - (b) any of the exceptions provided for by sections 22 to 24 [or {club gaming permits}, {club machine permits}, {exempt entertainments} or {travelling showmen’s pleasure fairs}] applies. 15
- (2) Subsection (1) does not apply to any activity by a person if –
  - (a) he holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence. 20
- (3) Subsection (1) does not apply to any activity by a person if –
  - (a) he acts in the course of a business carried on by a person who holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence. 25
- (4) A person guilty of an offence under this section shall be liable on summary conviction to –
  - (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both. 30

## 22 Exception: private and non-commercial gaming and betting

- (1) Section 21 shall not apply to the provision of facilities for –
  - (a) private and non-commercial gaming, or
  - (b) private and non-commercial betting. 35
- (2) Section 21 shall also not apply to anything which a person does by way of making or accepting a bet, or offering to make or accept a bet, if he acts otherwise than in the course of a business.

**23 Exception: lotteries**

Section 21 shall not apply to the provision of facilities for a lottery.

**24 Exception: gaming machines**

Section 21 shall not apply to making a gaming machine available for use.

**25 Territorial application**

5

- (1) For the purposes of section 21 it is immaterial whether facilities are provided –
- (a) wholly or partly by means of remote communication;
  - (b) subject to subsections (2) and (3), inside the United Kingdom, outside the United Kingdom, or partly inside and partly outside.

- (2) Section 21 applies to the provision of facilities for non-remote gambling only if anything done in the course of the provision of the facilities is done in Great Britain. 10

- (3) Section 21 applies to the provision of facilities for remote gambling only if at least one piece of remote gambling equipment used in the provision of the facilities is situated in Great Britain (but whether or not the facilities are provided for use wholly or partly in the United Kingdom). 15

- (4) In this Act “remote gambling equipment” means, subject to subsection (5), electronic or other equipment used by or on behalf of a person providing facilities for remote gambling –

- (a) to register a person’s participation in the gambling, 20
- (b) to present, to persons who are participating or may participate in the gambling, a virtual game, virtual race or other virtual event or process by reference to which the gambling is conducted,
- (c) to determine all or part of a result or of the effect of a result, or
- (d) to accept payment in respect of gambling. 25

- (5) In this Act “remote gambling equipment” does not include a computer which –

- (a) is used by a person to take advantage of remote gambling facilities provided by another person, and
- (b) is not provided by that other person. 30

*Use of premises***26 Use of premises**

- (1) A person commits an offence if he uses premises, or causes or permits premises to be used, to –

- (a) operate a casino, 35
- (b) provide facilities for the playing of bingo,
- (c) make a gaming machine available for use,
- (d) provide other facilities for gaming, or
- (e) provide facilities for betting (whether by making or accepting bets or by acting as a betting intermediary). 40

- (2) Subsection (1) does not apply in relation to the use of premises by a person if –



- (a) he holds a premises licence authorising the use, and
  - (b) the use is in accordance with the terms and conditions of the licence.
- (3) Subsection (1) does not apply in relation to the use of premises by a person –
  - (a) in the course of a business carried on by a person who holds a premises licence authorising the use, and 5
  - (b) in accordance with the terms and conditions of the licence.
- (4) Subsection (1) 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).
- (5) Subsection (1) does not apply in relation to the use of a casino for the provision of facilities for bingo or betting in accordance with an authorisation under section 141(4). 10
- (6) Subsection (1) does not apply in relation to the use of premises to provide facilities which are to be used only by persons who are not on the premises.
- (7) Other exceptions to subsection (1) are provided in sections 27 to 29, 173, 203 and 204 [and {licensed clubs and welfare institutes}, {travelling showmen’s pleasure fairs} and {exempt entertainments}]. 15
- (8) A person guilty of an offence under this section shall be liable on summary conviction to –
  - (a) imprisonment for a term not exceeding six months, 20
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (9) The Secretary of State may by order amend subsection (1) so as to –
  - (a) add a gambling activity,
  - (b) remove a gambling activity, or 25
  - (c) vary the entry for a gambling activity.
- (10) In subsection (9) “gambling activity” means an activity that is –
  - (a) a kind of gambling, or
  - (b) the provision of facilities for a kind of gambling.
- (11) An order under subsection (9) may, in particular, make consequential amendment of Part 8 (or a provision of this Act or another enactment that relates to Part 8). 30

**27 Exception: private and non-commercial gaming and betting**

- Section 26 shall not apply to or in respect of the use of premises to carry on –
- (a) private and non-commercial gaming, or 35
  - (b) private and non-commercial betting.

**28 Exception: occasional use notice**

- (1) 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 26 if –
  - (a) a notice has been given under this section in respect of the track, and 40
  - (b) the activity is carried on in accordance with the notice.

- 
- (2) 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 races on the track, or
  - (b) an occupier of the track.
- (3) An occasional use notice must – 5
- (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 the chief officer of police for any area in which the track is wholly or partly situated.
- (4) An occasional use notice must specify a day on which it has effect. 10
- (5) An occasional use notice may not be given in respect of a track for a day in a calendar year if four occasional use notices have been given in respect of that track for days in that year.
- (6) In this section – 15
- (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.
- (7) The Secretary of State may by order amend subsection (5) so as to substitute a different maximum number of occasional use notices for a calendar year. 20
- (8) An order under subsection (7) increasing the maximum number of occasional use notices for a calendar year may also make provision prohibiting the giving of a temporary use notice in a calendar year in respect of premises if a specified number of occasional use notices have been given in respect of the premises in that year. 25
- 29 Exception: football pools**
- (1) A person does not commit an offence under section 26 if he uses premises to receive entries or payments in accordance with an authorisation under section 74(3).
- (2) The Secretary of State may make regulations disapplying subsection (1) to specified classes of premises. 30

*Miscellaneous offences*

**30 Advertising**

...

**31 Provision of unlawful facilities abroad 35**

- (1) A person commits an offence if he does anything in Great Britain, or uses remote gambling equipment situated in Great Britain, for the purpose of inviting or enabling a person in a prohibited territory to participate in remote gambling.
- (2) In subsection (1) “prohibited territory” means a country or place designated for the purpose of this section by order made by the Secretary of State. 40

- (3) An order under subsection (2) shall prescribe the mode of trial and maximum penalty for an offence under subsection (1).

### 32 Giving false information

- (1) A person commits an offence if without reasonable excuse he gives to the Commission or a licensing authority for a purpose connected with a provision of this Act (whether or not in relation to an application under this Act) information which is – 5
- (a) false, or
  - (b) misleading.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to – 10
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

## PART 4

15

### PROTECTION OF CHILDREN AND YOUNG PERSONS

#### *Interpretation*

### 33 Meaning of “child” and “young person”

- (1) In this Act “child” means an individual who is less than 16 years old.
- (2) In this Act “young person” means an individual who is not a child but who is less than 18 years old. 20

#### *Principal offences*

### 34 Invitation to gamble

- (1) A person commits an offence if he invites, causes or permits a child or young person to gamble. 25
- (2) But subsection (1) does not apply to –
- (a) participation in private and non-commercial gaming,
  - (b) participation in private and non-commercial betting,
  - (c) participation in a lottery,
  - (d) participation in football pools, or 30
  - (e) the use of a Category D gaming machine.
- (3) In subsection (1) a reference to inviting a child or young person to gamble includes, in particular, a reference to intentionally –
- (a) sending to a child or young person any document which advertises gambling, or 35
  - (b) bringing to the attention of a child or young person information about gambling with a view to encouraging the child or young person to gamble.

- (4) If a document which is sent to a child or young person and which advertises gambling gives the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person shall be treated as having committed the offence under subsection (1) unless he proves that the document was sent – 5
- (a) without his consent, and
  - (b) without his authority.
- (5) If information about gambling is brought to the attention of a child or young person and includes the name or contact details of a person to whom payment may be made or from whom information may be obtained, that person (“the advertiser”) shall be treated as having committed the offence under subsection (1) unless he proves that the information was brought to the attention of the child or young person – 10
- (a) without the advertiser’s consent or authority, or
  - (b) as an incident of the information being brought to the attention of adults and without a view to encouraging the child or young person to gamble. 15
- (6) In subsections (4) and (5) “contact details” means – 20
- (a) an address or other location,
  - (b) a telephone number,
  - (c) an internet site, or
  - (d) an email address.
- 35 Invitation to enter premises**
- (1) A person commits an offence if he invites or permits a child or young person to enter premises if – 25
- (a) a casino premises licence has effect in respect of the premises, and
  - (b) the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter.
- (2) A person commits an offence if he invites or permits a child or young person to enter premises if – 30
- (a) a betting premises licence has effect in respect of the premises, and
  - (b) the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter.
- (3) A person commits an offence if he invites or permits a child or young person to enter premises if – 35
- (a) an adult gaming centre premises licence has effect in respect of the premises, and
  - (b) the premises are being used in reliance on that licence when the child or young person is invited or permitted to enter.
- (4) A person commits an offence if he invites or permits a child or young person to enter an area from which children and young persons are required to be excluded by virtue of section 144. 40
- (5) A person commits an offence if he invites or permits a child or young person to enter part of premises if – 45
- (a) the premises are a licensed family entertainment centre,

- (b) a person entering that part of the premises has access to a Category C gaming machine, and
  - (c) at the time when the child or young person is permitted or invited to enter a Category C gaming machine is available for use.
- (6) [Access to clubs or institutes with gaming or machine permit.] 5
- 36 Gambling**
- (1) A young person commits an offence if he gambles.
  - (2) But subsection (1) does not apply to –
    - (a) participation in private and non-commercial gaming,
    - (b) participation in private and non-commercial betting, 10
    - (c) participation in a lottery,
    - (d) participation in football pools, or
    - (e) the use of a Category D gaming machine.
- 37 Entering premises**
- A young person commits an offence if he enters premises in circumstances where a person would commit an offence under section 35 if he invited or permitted the young person to enter. 15
- 38 Provision of facilities for gambling**
- (1) A young person commits an offence if he provides facilities for gambling.
  - (2) But subsection (1) does not apply to the provision of facilities in connection with –
    - (a) private and non-commercial gaming,
    - (b) private and non-commercial betting,
    - (c) a lottery, or
    - (d) football pools. 25
- Employment offences*
- 39 Employment to provide facilities for gambling**
- (1) A person commits an offence if he employs a child or young person to provide facilities for gambling.
  - (2) But subsection (1) does not apply to the provision of facilities in connection with –
    - (a) private and non-commercial gaming,
    - (b) private and non-commercial betting,
    - (c) a lottery, or
    - (d) football pools. 30
- 40 Employment for lottery or football pools**
- A person commits an offence if he employs a child to provide facilities for gambling in connection with – 35

- (a) a lottery, or
- (b) football pools.

#### 41 Employment on bingo and club premises

- A person commits an offence if he employs a child to perform any function on premises where, and at a time when – 5
- (a) facilities are provided for the playing of bingo, or
  - (b) facilities for gambling are provided [in accordance with a club permit].

#### 42 Employment on premises with gaming machines

- (1) A person commits an offence if – 10
- (a) he employs a child or young person to perform any function on premises where a Category A, B, C or D gaming machine is situated, and
  - (b) the child or young person is or may be required in the course of his employment to perform a function in connection with the gaming machine. 15
- (2) A young person commits an offence if he is employed in contravention of subsection (1).

#### 43 Employment in casino, &c.

- (1) A person commits an offence if he employs a child or young person to perform any function on premises in respect of which any of the following have effect – 20
- (a) a casino premises licence,
  - (b) a betting premises licence, and
  - (c) an adult gaming centre premises licence.
- (2) But subsection (1) does not apply to employment at a time when no activity is being carried on in reliance on the premises licence. 25
- (3) A young person commits an offence if he is employed in contravention of subsection (1).

#### *Miscellaneous offences*

#### 44 Invitation to participate in lottery

- (1) A person commits an offence if he invites, causes or permits a child to participate in – 30
- (a) a lottery promoted on behalf of a society,
  - (b) a lottery promoted by a local authority, or
  - (c) a customer lottery.
- (2) In subsection (1)(a) “society” – 35
- (a) means any group or society established and conducted for purposes not connected with gambling, and
  - (b) includes a branch or section of a society.

- 
- (3) In subsection (1)(c) “customer lottery” has the meaning given by Part 3 of Schedule 8.
- (4) Subsections (3) to (6) of section 34 shall have effect in relation to subsection (1) of this section as they have effect in relation to subsection (1) of that section; and for that purpose – 5
- (a) references to a child or young person shall be treated as references only to a child, and
  - (b) references to gambling shall be treated as references to participation in a lottery.
- 45 Invitation to participate in football pools 10**
- (1) A person commits an offence if he invites, causes or permits a child to participate in football pools.
- (2) Subsections (3) to (6) of section 34 shall have effect in relation to subsection (1) of this section as they have effect in relation to subsection (1) of that section; and for that purpose – 15
- (a) references to a child or young person shall be treated as references only to a child, and
  - (b) references to gambling shall be treated as references to participation in football pools.
- 46 Return of stake 20**
- A person commits an offence if without reasonable excuse he fails to comply with a condition attached to an operating licence by virtue of section 66.
- General*
- 47 Temporary use notice 25**
- For the purposes of this Part a temporary use notice in respect of the use of premises to carry on an activity shall be treated as if it were a premises licence authorising that activity.
- 48 Meaning of employment 30**
- In this Part a reference to employing a person includes a reference to –
- (a) employing or engaging the person whether or not under a contract of employment, and
  - (b) causing or permitting the person to be employed or engaged.
- 49 Penalty 35**
- (1) A person guilty of an offence under this Part shall be liable on summary conviction to –
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

- (2) But in relation to an offence committed by a young person subsection (1) shall have effect as if –
- (a) paragraphs (a) and (c) were omitted, and
  - (b) in paragraph (b) the reference to level 5 were a reference to level 3.

## 50 Reasonable belief about person’s age 5

- (1) Where a person is charged with an offence under this Part of doing anything in relation to an individual who is a child it is a defence for the person charged to prove that –
- (a) he took all reasonable steps to determine the individual’s age, and
  - (b) he reasonably believed that the individual was not a child. 10
- (2) Where a person is charged with an offence under this Part of doing anything in relation to an individual who is a young person it is a defence for the person charged to prove that –
- (a) he took all reasonable steps to determine the individual’s age, and
  - (b) he reasonably believed that the individual was not a young person. 15

## PART 5

### OPERATING LICENCES

#### *Introductory*

## 51 Nature of licence

- (1) The Commission may issue operating licences in accordance with the provisions of this Part. 20
- (2) An operating licence is a licence which states that it authorises the licensee –
- (a) to operate a casino (a “casino operating licence”),
  - (b) to provide facilities for playing bingo (a “bingo operating licence”),
  - (c) to provide facilities for betting other than pool betting (a “general betting operating licence”), 25
  - (d) to provide facilities for pool betting (a “pool betting operating licence”),
  - (e) to act as a betting intermediary (a “betting intermediary operating licence”),
  - (f) to make gaming machines available for use in an adult gaming centre (a “gaming machine general licence” for an adult gaming centre), 30
  - (g) to make gaming machines available for use in a family entertainment centre (a “gaming machine general licence” for a family entertainment centre),
  - (h) to manufacture, supply, install, adapt, maintain or repair a gaming machine, or a part of a gaming machine, within one of Categories A to D (a “gaming machine technical operating licence”), or 35
  - (i) to promote a lottery (a “lottery operating licence”).
- (3) The issue of an operating licence does not affect the application of section 26.
- (4) The Secretary of State may by order amend subsection (2) so as to – 40
- (a) add a class of operating licence,
  - (b) remove a class of operating licence, or



- (c) vary a class of operating licence.
  - (5) An order under subsection (4) may, in particular, make consequential amendment of this Part (or a provision of this Act or another enactment that relates to this Part).
- 52 Form of licence** 5
- (1) An operating licence must specify –
    - (a) the person to whom it is issued,
    - (b) the period during which it is to have effect, and
    - (c) any condition attached by the Commission under section 60 or 62.
  - (2) The Secretary of State may by regulations require the Commission to ensure that an operating licence –
    - (a) is issued in such form as the regulations may specify, and
    - (b) contains, in addition to the matters specified in subsection (1), such information as the regulations may specify (which may, in particular, include information about conditions attached to the licence by virtue of section 63). 10
- 53 Remote gambling** 15
- (1) An operating licence must state whether or not it authorises a class of activity to be carried on –
    - (a) in respect of remote gambling, or 20
    - (b) by means of remote communication.
  - (2) An operating licence which authorises activity to be carried on in respect of remote gambling or by means of remote communication (in this Act referred to as a “remote operating licence”) may not also authorise the carrying on of activity which is neither –
    - (a) in respect of remote gambling, nor
    - (b) carried on by means of remote communication. 25
- 54 Multiple licence**
- (1) An operating licence may be a licence of more than one of the kinds described in section 51(2). 30
  - (2) Subsection (1) is subject to the following provisions of this section.
  - (3) A casino operating licence may not also be a general betting operating licence or a bingo operating licence except in so far as it authorises the licensee –
    - (a) to provide facilities for betting together with the operation of a casino;
    - (b) to provide facilities for the playing of bingo together with the operation of a casino. 35
  - (4) For the purposes of subsection (3) facilities are provided together with the operation of a casino only if they are provided –
    - (a) on the premises where the casino is operated, or
    - (b) in the case of a remote casino operating licence, as part of the arrangements by which the casino is operated. 40

- (5) The following kinds of operating licence authorise the holder, by virtue of this subsection, to make a gaming machine within one of Categories A to D available for use (in addition to authorising the activities specified in accordance with section 51(2)) –
- (a) a non-remote casino operating licence, 5
  - (b) a non-remote bingo operating licence,
  - (c) a non-remote general betting operating licence, and
  - (d) a non-remote pool betting operating licence.
- (6) No other kind of operating licence (other than a gaming machine general operating licence) may authorise the holder to make a gaming machine available for use. 10

*Issue*

## 55 Application

- (1) A person may apply to the Gambling Commission for an operating licence to be issued authorising him to provide facilities for gambling. 15
- (2) An application must –
- (a) specify the activities to be authorised by the licence,
  - (b) specify an address in the United Kingdom at which a document issued under this Act may be served on the applicant,
  - (c) be made in such form and manner as the Commission may direct, 20
  - (d) state whether the applicant has been convicted of a relevant offence,
  - (e) state whether the applicant has been convicted of any other offence,
  - (f) contain or be accompanied by such other information or documents as the Commission may direct, and
  - (g) be accompanied by the prescribed fee. 25
- (3) An application may not be made by –
- (a) a child or young person, or
  - (b) a group that includes a child or young person.
- (4) The Secretary of State may by regulations –
- (a) require an applicant for an operating licence to notify specified persons within a specified period (which may be wholly or partly before the application is made), and 30
  - (b) provide for the consequences of failure to comply with a requirement under paragraph (a) (which may, in particular, include provision for an application to be disregarded or for a licence to lapse). 35
- (5) In subsection (2)(g) “prescribed” means prescribed by regulations made by the Secretary of State; and the regulations may, in particular, make different provision for –
- (a) applications for the authorisation of different classes of activity, or
  - (b) different circumstances. 40

## 56 Consideration of application: general principles

- (1) In considering an application under section 55 the Commission –
- (a) shall have regard to the licensing objectives,

- (b) shall form and have regard to an opinion of the applicant’s suitability to carry on the licensed activities,
  - (c) shall consider the suitability of any gaming machine to be used in connection with the licensed activities, and
  - (d) may consider the suitability of any other equipment to be used in connection with the licensed activities. 5
- (2) For the purpose of subsection (1)(b) the Commission may, in particular, have regard to –
  - (a) the integrity of the applicant or of a person relevant to the application;
  - (b) the competence of the applicant or of a person relevant to the application to carry on the licensed activities in a manner consistent with pursuit of the licensing objectives; 10
  - (c) the financial and other circumstances of the applicant or of a person relevant to the application (and, in particular, the resources likely to be available for the purpose of carrying on the licensed activities). 15
- (3) The statement maintained by the Commission under section 15 must specify the principles to be applied by the Commission in considering applications under section 55.
- (4) The statement must, in particular, specify the kind of evidence to which the Commission will have regard when assessing integrity, competence and financial or other circumstances; and that evidence may include –
  - (a) interviews conducted by or on behalf of the Commission;
  - (b) references provided to the Commission at the request of the applicant;
  - (c) information or opinions provided to the Commission (whether or not on request) by other persons; 25
  - (d) information sought by the Commission as to solvency in general and financial reserves in particular;
  - (e) the completion of training (whether provided in accordance with arrangements made by the Commission or otherwise);
  - (f) the possession of qualifications (whether awarded in accordance with arrangements made by the Commission or otherwise). 30
- (5) The statement must also, in particular, specify the kind of evidence to which the Commission will have regard in considering the suitability of a gaming machine or of other equipment; and that evidence may include –
  - (a) the result of a test carried out by a person at the request of the Commission; 35
  - (b) the opinion of any person.
- (6) The statement may specify a class of applicant or other person in relation to whom the Commission will or may assume integrity for the purpose of subsection (2)(a). 40
- (7) The statement may specify a class of gaming machine or other equipment in relation to which the Commission will or may assume suitability; and subsection (1)(c) and (d) shall not apply to the consideration of an application in so far as it specifies that a gaming machine or other equipment falling within a class specified under this subsection is to be used in connection with the licensed activities. 45
- (8) For the purposes of this section –

- (a) in relation to an application, a reference to the licensed activities is a reference to the activities which will be the licensed activities if the application is granted, and
- (b) a person is relevant to an application if, in particular, he is likely to exercise a function in connection with, or to have an interest in, the licensed activities. 5

### 57 Consideration of application: criminal record

- (1) The Commission may refuse an application under section 55 if the applicant or a person relevant to the application has a conviction for a relevant offence.
- (2) This section does not prejudice the generality of section 56. 10
- (3) The reference in subsection (1) to a person who is relevant to an application shall be construed in accordance with section 56(8)(b).

### 58 Procedure

- (1) For the purpose of considering an application under section 55 the Commission may – 15
  - (a) require the applicant to provide information;
  - (b) consult, and have regard to information provided by or an opinion stated by, any person.
- (2) In subsection (1) “information” and “opinion” mean information or an opinion about – 20
  - (a) the applicant,
  - (b) a person relevant to the application, or
  - (c) the licensed activities.
- (3) In particular, the Commission may require the production of an enhanced criminal record certificate under section 115 of the Police Act 1997 (c. 50) relating to – 25
  - (a) the applicant, or
  - (b) a person relevant to the application.
- (4) The statement maintained by the Commission under section 15 must specify the practice and procedure to be followed by the Commission in considering applications under section 55. 30
- (5) In particular, the statement must specify the Commission’s practice in relation to – 35
  - (a) the delegation of functions in relation to applications,
  - (b) the holding of oral hearings of applications, and
  - (c) evidence required or accepted in connection with applications.
- (6) The Commission may disregard an irregularity or deficiency in or in relation to an application, other than a failure to pay the fee required by section 55(2)(g).
- (7) For the purposes of this section a reference to the licensed activities or to a person relevant to an application shall be construed in accordance with section 56(8). 40

## 59 Determination of application

- (1) On considering an application under section 55 the Commission shall –
  - (a) grant it,
  - (b) reject it, or
  - (c) grant it in respect of one or more of the activities specified in accordance with section 55(2)(a) and reject it in respect of the others. 5
- (2) Where the Commission grants an application in whole or in part it shall as soon as is reasonably practicable –
  - (a) notify the applicant of the grant, and
  - (b) issue an operating licence to the applicant. 10
- (3) Where the Commission rejects an application in whole or in part it shall as soon as is reasonably practicable notify the applicant of –
  - (a) the rejection, and
  - (b) the reasons for it.

*Conditions* 15

## 60 General conditions imposed by Commission

- (1) The Commission may specify conditions to be attached to –
  - (a) each operating licence, or
  - (b) each operating licence falling within a specified class.
- (2) For the purposes of subsection (1)(b) a class may be defined wholly or partly by reference to –
  - (a) the nature of the licensed activities;
  - (b) the circumstances in which the licensed activities are carried on;
  - (c) the nature or circumstances of the licensee or of another person involved or likely to be involved in the conduct of the licensed activities. 20 25
- (3) Where the Commission issues an operating licence it shall attach to the licence any condition specified under subsection (1) as a condition to be attached to operating licences of a class within which the licence falls.

## 61 General conditions: procedure

- (1) The Commission may amend or revoke a condition specified under section 60; and a reference in this section to the specification of a condition includes a reference to the amendment or revocation of a condition. 30
- (2) Before specifying a condition the Commission shall consult –
  - (a) one or more persons who in the Commission’s opinion represent the interests of operating licencees who may be affected by the condition, and
  - (b) such of the persons specified in section 15(5) as the Commission thinks appropriate (if any). 35
- (3) The Commission shall publish any specification as soon as is reasonably practicable. 40
- (4) Where the Commission proposes to specify a condition –

- 
- (a) at least three months before making the specification the Commission shall give notice of it to the holder of each licence which –
- (i) has effect at that time, and
  - (ii) is within a class affected by the specification,
- (b) if the Commission issues, after that time but before the specification is made, an operating licence of a class affected by the specification, the Commission shall give the licensee notice of the proposed specification, and 5
- (c) on the making of the specification an existing licence shall by virtue of this paragraph be subject to the condition specified. 10
- (5) If the Commission thinks it necessary by reason of urgency to make a specification without giving the notice required by subsection (4)(a) –
- (a) the Commission shall give as much notice as it thinks possible in the circumstances to the persons mentioned in that provision,
  - (b) subsection (4)(b) shall have effect after the time when notice is given under paragraph (a) above, and 15
  - (c) subsection (4)(c) shall have effect.
- (6) Subsection (4)(c), in its application to the amendment or revocation of a condition (by virtue of subsection (1)), shall be treated as –
- (a) making existing licences subject to the condition as amended, or 20
  - (b) relieving existing licences from the condition revoked.

## 62 Individual condition imposed by Commission

Where the Commission issues an operating licence it may attach a condition to the licence.

## 63 Condition imposed by Secretary of State 25

The Secretary of State may by regulations provide for a specified condition to be attached to operating licences falling within a specified class.

## 64 Scope of powers to attach conditions

- (1) Without prejudice to the generality of the powers conferred by sections 60, 62 and 63, a condition attached under any of those sections may, in particular, do any of the things specified in this section. 30
- (2) A condition may limit or restrict the licensed activities within a class of activity authorised in accordance with section 51(2).
- (3) A condition may operate wholly or partly by reference to compliance with a provision of a code of practice issued under section 16. 35
- (4) A condition may make provision wholly or partly by reference to –
- (a) the nature of the licensed activities;
  - (b) the circumstances in which the licensed activities are carried on;
  - (c) the nature or circumstances of the licensee or of another person involved or likely to be involved in the conduct of the licensed activities. 40
- (5) In regulating the licensed activities a condition may make provision about –

- (a) the facilities that may or must be provided in connection with the licensed activities;
  - (b) the number of persons that may or must be employed in the provision of facilities;
  - (c) the financial resources available for particular purposes to the person providing facilities; 5
  - (d) any other matter.
- (6) A condition may relate to the financial circumstances of the licensee or of another person involved or likely to be involved in the conduct of the licensed activities; in particular, a condition may make provision about the maintenance of reserves in respect of potential liabilities. 10
- (7) A condition of a remote operating licence may restrict the methods of communication that may be used in the course of the licensed activities.

## 65 Requirement for personal licence

- (1) The Commission shall use its powers under sections 60 and 62 to ensure that in respect of each operating licence at least one person – 15
- (a) occupies a specified management office in or in respect of the licensee or in connection with the licensed activities, and
  - (b) holds a personal licence authorising the performance of the functions of the office. 20
- (2) A condition under either of those sections may impose requirements which relate to a management office and are in addition to any required by subsection (1).
- (3) A condition attached to an operating licence by virtue of section 60, 62 or 63 may, in particular, provide that if a specified management office is held in or in respect of the licensee or in connection with a licensed activity (whether or not in pursuance of another condition) – 25
- (a) it must be held by an individual who holds a personal licence authorising the performance of the functions of the office, and
  - (b) anything done in the performance of the functions of the office must be done in accordance with the terms and conditions of the personal licence. 30
- (4) A condition attached to an operating licence by virtue of section 60, 62 or 63 may, in particular, provide that if a specified operational function is performed in connection with a licensed activity it must be performed – 35
- (a) by an individual who holds a personal licence authorising performance of the function, and
  - (b) in accordance with the terms and conditions of the personal licence.
- (5) In this section “management office” in relation to a licensee means – 40
- (a) if the licensee is a company, the office of director,
  - (b) if the licensee is a partnership (including a limited liability partnership), the office of partner,
  - (c) if the licensee is an unincorporated association, any office in the association, and
  - (d) in any case, any position which carries (whether solely or otherwise) responsibility for – 45

- 
- (i) the conduct of a person who performs an operational function in connection with a licensed activity, or
  - (ii) facilitating or ensuring compliance with terms or conditions of the operating licence.
- (6) In this section “operational function” means— 5
- (a) any function which enables the person exercising it to influence the outcome of gambling,
  - (b) receiving or paying money in connection with gambling, and
  - (c) manufacturing, supplying, installing, maintaining or repairing a gaming machine. 10
- (7) Provision by virtue of subsection (1) may be general or may relate only to specified—
- (a) kinds of operating licence,
  - (b) cases, or
  - (c) circumstances. 15
- (8) The Secretary of State may by order amend the definition of “management office” or “operational function” for the purposes of this section.
- 66 Return of stakes to children**
- (1) An operating licence shall by virtue of this section be subject to the condition that if the licensee becomes aware that a child or young person is using or has used facilities provided in reliance on the licence, the licensee— 20
- (a) must return any money paid by the child or young person as soon as is reasonably practicable, and
  - (b) may not pay any winnings to the child or young person.
- (2) But subsection (1) does not apply to the use of a Category D gaming machine. 25
- (3) The condition in subsection (1)—
- (a) shall have effect despite any contract or other agreement and despite any rule of law, and
  - (b) shall not enable a licensee to demand repayment of, and shall not require a child or young person to return, any winnings paid before the licensee becomes aware that the participant is a child or young person. 30
- (4) In this section—
- (a) a reference to a licensee includes a reference to anyone employed or engaged by a licensee to perform an operational function within the meaning of section 65, and 35
  - (b) in relation to participation in a lottery or football pools a reference to a child or young person shall be treated as a reference only to a child.
- 67 Premises**
- An operating licence—
- (a) may not include a condition (whether attached by virtue of section 60, 62 or 63) specifying premises on which the licensed activities may be carried on, but 40
  - (b) may include a condition about—



- (i) the number of sets of premises on which the licensed activities may be carried on;
- (ii) the number of persons for whom facilities may be provided on any premises where the licensed activities are carried on.

**68 Equipment** 5

- (1) A condition attached to an operating licence by virtue of section 60, 62 or 63 may make provision about equipment used in the provision of the licensed activities.
- (2) In particular, a condition attached by virtue of this section may –
  - (a) make provision about the number of pieces of equipment that may be used to provide facilities for gambling; 10
  - (b) make provision about the specification of equipment used to provide facilities for gambling.
- (3) For the purposes of this section “equipment” includes –
  - (a) a computer, 15
  - (b) a device for the playing of a casino game, and
  - (c) any other piece of equipment.
- (4) But a gaming machine is not equipment for the purposes of this section.

**69 Gaming machines**

- An operating licence may not include a condition (whether attached by virtue of section 60, 62 or 63) – 20
- (a) about the number or categories of gaming machine that may be made available for use in accordance with the licence,
  - (b) that contradicts a provision of regulations under section 193, 198 or 197, or 25
  - (c) of a kind prohibited by regulations under any of those sections.

*Rules for particular kinds of licence*

**70 Remote operating licence**

- (1) This section applies to a remote operating licence.
- (2) A remote licence shall, by virtue of this subsection, be subject to the condition that remote gambling equipment used by the licensee in connection with the licensed activities must be situated in Great Britain. 30
- (3) The Commission may establish, or provide for the establishment of, standards in respect of –
  - (a) a system used for the generation of results in a virtual game, virtual race or other virtual event or process used in the course of remote gambling; 35
  - (b) any other aspect of the process of remote gambling.
- (4) In particular, the Commission may –
  - (a) provide for the enforcement of standards by the attachment of conditions under section 60 or 62; 40

- (b) make arrangements with any person for the establishment of standards;
- (c) make arrangements with any person for the administration of tests of compliance with standards;
- (d) for the purpose of considering whether a condition under section 60 or 62 has been complied with, require the licensee under a remote licence – 5
  - (i) to submit to a test in accordance with arrangements made under paragraph (c) above, and
  - (ii) to produce specified evidence of the result of the test; 10
- (e) for the purpose of considering whether to grant an application under this Part, require a licensee under a remote licence or an applicant for a remote licence –
  - (i) to submit to a test in accordance with arrangements made under paragraph (c) above, and 15
  - (ii) to produce specified evidence of the result of the test.
- (5) Standards established under subsection (4) may, in particular, be expressed –
  - (a) by reference to the opinion of a specified person or class of persons;
  - (b) by reference to a specified process or piece of equipment.
- (6) This section is without prejudice to the generality of sections 60, 62 and 63. 20

## 71 Casino operating licence

- (1) A casino operating licence may authorise a person to operate a casino in more than one place.
- (2) A casino operating licence shall, by virtue of this section, authorise the provision of facilities for any game of chance that is not a casino game. 25
- (3) A casino operating licence may be subject to a condition (whether imposed by virtue of section 60, 62 or 63) restricting the class of casino game that may be made available.
- (4) In determining whether to grant a casino operating licence the Commission may not have regard to – 30
  - (a) the area in Great Britain within which it is proposed to operate a casino, or
  - (b) the expected demand for the facilities which it is proposed to provide in a casino.
- (5) A casino operating licence may not be subject to a condition (whether by virtue of section 60, 62 or 63) – 35
  - (a) requiring the casino to be operated as a club or other body with membership, or
  - (b) restricting use of the casino wholly or partly by reference to membership of a club or other body. 40

## 72 Bingo operating licence

- (1) Regulations under section 63 may provide for the attachment to a bingo operating licence of a condition –
  - (a) limiting the amount that may be accepted or charged by way of stakes;

(b) limiting the amount that may be charged by way of participation fee;	
(c) limiting the amount or value of a prize or class of prize;	
(d) requiring that at least a specified proportion of stakes be paid out by way of prizes;	
(e) imposing requirements that are specific to games of bingo played on more than one set of premises (whether facilities for the game are provided in accordance with one bingo operating licence or more than one).	5
(2) But subject to subsection (1) a bingo operating licence may not be subject to a condition –	10
(a) limiting the amount that may be accepted or charged by way of stakes,	
(b) limiting the amount that may be charged by way of participation fee,	
(c) restricting the nature of prizes,	
(d) controlling the proportion of stakes paid out by way of prizes,	
(e) preventing the provision of prizes funded other than out of stakes,	15
(f) requiring a game of bingo to be played entirely on one set of premises, or	
(g) imposing requirements that are specific to games of bingo played on more than one set of premises (whether facilities for the game are provided in accordance with one bingo operating licence or more than one).	20
(3) In determining whether to grant a bingo operating licence the Commission may not have regard to –	
(a) the area in Great Britain within which it is proposed to provide facilities for the playing of bingo, or	25
(b) the expected demand for the facilities which it is proposed to provide.	
(4) A bingo operating licence may not be subject to a condition (whether by virtue of section 60, 62 or 63) –	
(a) requiring the bingo to be played only as part of the activities of a club or other body with membership, or	30
(b) restricting the class of person to whom facilities for the playing of bingo may be made available wholly or partly by reference to membership of a club or other body.	
(5) Provision made by virtue of subsection (1)(c) may define a class of prize –	
(a) by reference to a game or a number of games,	35
(b) by reference to a period of time, or	
(c) in any other way.	
<b>73 General betting operating licence</b>	
(1) A general betting operating licence shall, by virtue of this section, be subject to the condition that bets may be accepted on behalf of the licensee only by –	40
(a) the licensee,	
(b) a person employed by the licensee under a written contract of employment, or	
(c) the holder of another general betting operating licence.	
(2) A general betting operating licence may not be subject to a condition (whether imposed by virtue of section 60, 62 or 63) –	45

- (a) requiring that facilities be provided at a specified place or class of place, or
  - (b) preventing the provision of facilities at a specified place or class of place.
- (3) A general betting operating licence shall be treated as containing an implied term permitting the use of postal services for the making of bets. 5
- (4) The effect of the term implied by subsection (3) may not be disapplied or restricted by a condition attached under section 60, 62 or 63.

#### 74 Pool betting operating licence

- (1) A pool betting operating licence shall, by virtue of this section, be subject to the condition that bets may be accepted on behalf of the licensee only – 10
- (a) by the licensee,
  - (b) by a person employed by the licensee under a written contract of employment,
  - (c) by the holder of another pool betting operating licence, or 15
  - (d) in accordance with subsection (2) or (3).
- (2) A bet is accepted by a person (“the agent”) on behalf of a licensee in accordance with this subsection if – 20
- (a) the agent is authorised by the licensee in writing to accept bets on behalf of the licensee,
  - (b) the agent is an adult,
  - (c) at the time of accepting the bet the agent is on a track,
  - (d) the bet is accepted in reliance on an occasional use notice, and
  - (e) the bet is in connection with a horse-race or a dog race.
- (3) The holder of a pool betting operating licence that authorises (whether expressly or impliedly) the provision of facilities for football pools may in writing authorise an adult or young person – 25
- (a) to receive entries on behalf of the licensee;
  - (b) to receive payments on behalf of the licensee.
- (4) An authorisation under subsection (3) – 30
- (a) shall be treated for the purposes of section 21 as if it were a pool betting operating licence, but
  - (b) shall have no effect in relation to any entry or payment that relates partly to a football pool and partly to another form of gambling.
- (5) An authorisation under subsection (3) may be issued on terms and conditions which may, in particular, include – 35
- (a) provision for payment by the person issuing the authorisation;
  - (b) provision for commission.
- (6) A pool betting operating licence shall, by virtue of this subsection, contain an implied term permitting the use of postal services for the making of bets. 40
- (7) The effect of the term implied by subsection (6) may not be disapplied or restricted by a condition attached under section 60, 62 or 63.
- (8) The Secretary of State may by order amend or repeal subsection (2)(e).

## 75 Horse-race pool betting operating licence

- (1) This section applies to a pool betting operating licence which provides for this section to apply.
- (2) The holder of a licence to which this section applies may in writing authorise a person to provide facilities for horse-race pool betting. 5
- (3) An authorisation under subsection (2) shall be treated for the purposes of section 21 as if it were a pool betting operating licence authorising the provision of facilities for horse-race pool betting.
- (4) An authorisation under subsection (2) may be issued on terms and conditions which may, in particular, include – 10
  - (a) provision for payment to or by the person issuing the authorisation;
  - (b) provision for agency or commission.
- (5) A pool betting operating licence to which this section applies shall, by virtue of this subsection, contain an implied term permitting the use of postal services for the making of bets. 15
- (6) The effect of the term implied by subsection (5) may not be disapplied or restricted by a condition attached under section 60, 62 or 63.
- (7) The Secretary of State may by order repeal this section.

## 76 Lottery operating licences

- (1) A lottery operating licence may be issued only to – 20
  - (a) a non-commercial society,
  - (b) a local authority, or
  - (c) a person proposing to act as external lottery manager on behalf of a non-commercial society or a local authority.
- (2) A lottery operating licence may authorise – 25
  - (a) promotion generally or only specified promoting activities;
  - (b) the promotion of lotteries generally or only the promotion of lotteries of a specified kind or in specified circumstances;
  - (c) action as an external lottery manager (in which case it is known as a “lottery manager’s operating licence”). 30
- (3) In issuing a lottery operating licence to a society or authority the Commission –
  - (a) may attach a condition under section 60 or 62 requiring that the society or authority ensure that all the arrangements for the lottery are made by the holder of a lottery manager’s operating licence, and 35
  - (b) may, if they attach a condition under paragraph (a), issue the lottery licence to the society or authority without consideration of the matters specified in section 56(1)(b).
- (4) A lottery operating licence shall by virtue of this subsection permit the delivery of lottery tickets by post. 40
- (5) The effect of the term implied by subsection (4) may not be disapplied or restricted by a condition attached under section 60, 62 or 63.

- (6) In issuing a lottery operating licence the Commission may attach a condition under section 60 or 62 preventing, restricting or controlling the use of a rollover.
- (7) In this section “local authority” means –
- (a) in relation to England – 5
    - (i) a district council,
    - (ii) a county council for a county in which there are no district councils,
    - (iii) a London borough council,
    - (iv) the Common Council of the City of London, and 10
    - (v) the Council of the Isles of Scilly,
  - (b) in relation to Wales –
    - (i) a county council, and
    - (ii) a county borough council, and
  - (c) in relation to Scotland, ... 15
- 77 Mandatory conditions of lottery operating licence**
- (1) In issuing a lottery operating licence to a non-commercial society or to a local authority, the Commission shall attach conditions under section 60 or 62 for the purpose of achieving the requirements specified in this section.
- (2) The first requirement is that no draw in a lottery promoted in reliance on the licence may take place unless at least 24 hours have elapsed since the last sale of a lottery ticket in respect of which a prize may be allocated in the draw. 20
- (3) But subsection (2) does not apply to a lottery if each prize in the lottery is allocated to a lottery ticket before any ticket is sold.
- (4) The second requirement is that at least 20% of the proceeds of any lottery promoted in reliance on the licence are applied – 25
- (a) in the case of a licence issued to a non-commercial society, to a purpose for which the promoting society is conducted, and
  - (b) in the case of a licence issued to a local authority, for a purpose for which the authority has power to incur expenditure. 30
- (5) The third requirement is that –
- (a) the proceeds of any lottery promoted in reliance on the licence may not exceed £2,000,000, and
  - (b) the aggregate of the proceeds of lotteries promoted wholly or partly in a calendar year in reliance on the licence may not exceed £10,000,000. 35
- (6) The fourth requirement is that it must not be possible for the purchaser of a ticket in a lottery promoted in reliance on the licence to win by virtue of that ticket (whether in money, money’s worth, or partly the one and partly the other) more than – 40
- (a) £25,000, or
  - (b) if more, 10% of the proceeds of the lottery;
- and any rollover must comply with this subsection.
- (7) The fifth requirement is that each ticket in any lottery promoted by a non-commercial society in reliance on the licence – 45
- (a) must be a document,

- (b) must identify the promoting society,
  - (c) must state the name and address of a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery, and
  - (d) must give the date of the draw (or each draw) in the lottery. 5
- (8) The sixth requirement is that the price payable for each ticket in any lottery promoted in reliance on the licence –
- (a) must be the same,
  - (b) must be shown on the ticket, and
  - (c) must be paid to the promoter of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated. 10
- (9) The seventh requirement is that membership of the class among whom prizes in any lottery promoted in reliance on the licence are allocated may not be dependent on making any payment (apart from payment of the price of a ticket). 15
- (10) Nothing in this section prevents the Commission from attaching a condition to a lottery licence of a kind similar to but more onerous than a requirement of this section.
- (11) The Secretary of State may by regulations amend subsection (2) so as to change the amount of time that must elapse between the sale of tickets and a draw. 20

#### *Maintenance*

### **78 Annual fee**

- (1) The holder of an operating licence –
- (a) shall pay a first annual fee to the Commission within such period after the issue of the licence as may be prescribed, and 25
  - (b) shall pay an annual fee to the Commission before each anniversary of the issue of the licence.
- (2) In this section –
- “annual fee” means a fee of such amount as may be prescribed, and 30
  - “prescribed” means prescribed by the Secretary of State by regulations.
- (3) Regulations under this section may, in particular, make different provision for –
- (a) different kinds of operating licence, or
  - (b) different circumstances. 35
- (4) Subsection (1)(b) does not apply in relation to an anniversary of the issue of a licence on or immediately before which the licence ceases to have effect in accordance with section 87.

### **79 Change of circumstance**

- (1) The Secretary of State may make regulations requiring the holder of an operating licence – 40
- (a) to notify the Commission of any change of circumstance of a prescribed kind in relation to him or to a licensed activity, and

- (b) to give the Commission prescribed details of the change.
- (2) If a change of circumstance notified under subsection (1) falsifies information contained in the operating licence in accordance with section 52 the notification must be accompanied by –
- (a) the licence, or 5
  - (b) an application to the Commission for the issue of a copy of the licence under section 84.
- (3) Where notification is accompanied by the licence, the Commission shall –
- (a) make such alteration to the information contained in the licence as appears to it to be required by the change in circumstance, and 10
  - (b) return the licence to the licensee.
- (4) Where the notification is accompanied by an application for a copy of the licence, the Commission shall, if it grants the application, issue the copy in a form which appears to the Commission to reflect the change in circumstance.
- (5) In this section “prescribed” means prescribed by regulations under this section. 15
- (6) The holder of an operating licence commits an offence if he fails without reasonable excuse to comply with regulations under this section.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) This section does not prevent the imposition of a requirement to notify the Commission of a specified change of circumstance by way of the attachment of a condition to an operating licence. 20

## 80 Change of corporate control

- (1) This section applies where the holder of an operating licence is a company limited by shares (“the company”). 25
- (2) If a person becomes a controller of the company (“the new controller”), within the meaning of section 422 of the Financial Services and Markets Act 2000 (c. 8), the company shall inform the Commission and either –
- (a) surrender the operating licence under section 88, or
  - (b) apply to the Commission under this section for a determination that the operating licence shall continue to have effect. 30
- (3) An application under subsection (2)(b) must be accompanied by such information as the Commission may direct about –
- (a) the new controller,
  - (b) his interest in the company, and 35
  - (c) his interest in any company of which the company is a subsidiary (within the meaning of section 736 of the Companies Act 1985 (c. 6)).
- (4) On considering an application under section (2)(b) the Commission shall –
- (a) make the determination sought, if satisfied that the Commission would have granted the operating licence to the licensee had the new controller been a controller of the company when the application for the operating licence was made, and 40
  - (b) otherwise, revoke the operating licence under section 94.



- (5) The Commission shall as soon as is reasonably practicable inform an applicant under subsection (2)(b) of –
  - (a) the Commission’s decision, and
  - (b) the reasons for it.
- (6) In giving a direction under subsection (3) the Commission shall have regard to normal commercial practices in relation to the confidentiality of information. 5
- (7) If the company fails to take either action mentioned in subsection (2) before the end of the period of five weeks beginning with the day on which the new controller becomes a controller of the company, the Commission shall revoke the operating licence under section 94. 10
- (8) But the Commission may extend the period under subsection (7) (before or after its expiry).
- (9) An application may be made under subsection (2)(b) in respect of a person who is expected to become a controller of a company.
- (10) An application under subsection (2)(b) must be accompanied by the prescribed fee. 15
- (11) Regulations under subsection (10) may, in particular, provide for a reduction of fee where the application is a result of –
  - (a) the merger of more than one company, or
  - (b) the division of a company. 20
- (12) The Secretary of State may by regulations provide for this section not to apply to the holder of a specified description of operating licence.

## 81 Application to vary licence

- (1) The holder of an operating licence may apply to the Commission to vary the licence by –
  - (a) adding, amending or removing a licensed activity,
  - (b) amending another detail of the licence, or
  - (c) adding, amending or removing a condition attached to the licence under section 62. 25
- (2) A licence may not be varied under this section so as to authorise anyone other than the person to whom it was issued to provide facilities for gambling. 30
- (3) The provisions of this Part shall apply in relation to an application for variation as they apply in relation to an application for a licence –
  - (a) subject to the provisions of this section, and
  - (b) with any other necessary modifications. 35
- (4) A direction or regulations under this Part which relate to an application for an operating licence may make –
  - (a) provision which applies only in the case of an application for variation;
  - (b) provision which does not apply in the case of an application for variation; 40
  - (c) different provision in relation to an application for variation from that made in relation to an application for an operating licence;
  - (d) different provision in relation to applications for variations of different kinds.

- (5) An application for variation must (in addition to anything required by section 55) be accompanied by –
- (a) a statement of the variation sought, and
  - (b) either –
    - (i) the licence to be varied, or 5
    - (ii) a statement explaining why it is not reasonably practicable to produce the licence.
- (6) In granting an application for variation the Commission –
- (a) shall specify a time when the variation shall begin to have effect, and
  - (b) may make transitional provision. 10

## 82 Amendment

- (1) The Commission may require the holder of an operating licence to submit it to the Commission for the purpose of amendment to reflect –
- (a) a general variation of conditions under section 61,
  - (b) a change notified under section 79, 15
  - (c) the grant of an application for variation under section 81,
  - (d) the attachment of an additional condition, or the amendment of a condition, under section 93,
  - (e) the grant of an application for renewal under section 91, or
  - (f) anything done in relation to a personal licence under Part 6. 20
- (2) A licensee shall comply with a requirement under subsection (1) within the period of 14 days beginning with the day on which he receives notice of the requirement.
- (3) A person commits an offence if he fails without reasonable excuse to comply with a requirement imposed under subsection (1). 25
- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) Subsection (1)(a) is without prejudice to section 61(4)(c).

## 83 Register of operating licences

- (1) The Commission shall – 30
- (a) maintain a register of operating licences containing such details of and relating to each licence as the Commission thinks appropriate,
  - (b) make the register available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register to a member of the public on request. 35
- (2) The Commission may refuse to provide access to the register or to provide a copy of an entry unless the person seeking access or a copy pays a fee specified by the Commission.
- (3) The Commission may not specify a fee under subsection (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the Commission may include a reasonable share of expenditure which is referable only indirectly to the provision of that service). 40

#### 84 Copy of licence

- (1) The Commission may make arrangements to issue to a licensee on request a copy of an operating licence which has been lost, stolen or damaged.
- (2) The arrangements may, in particular, include a requirement –
  - (a) for the payment of a fee not exceeding such sum as may be prescribed for the purposes of this subsection by the Secretary of State by regulations; 5
  - (b) in the case of a licence being lost or stolen, that the licensee has complied with specified arrangements for reporting the loss or theft to the police. 10
- (3) A copy of a licence issued under this section shall be treated as if it were the licence.

#### 85 Production of licence

- (1) A constable or gambling inspector may require the holder of an operating licence to produce it to the constable or gambling inspector within a specified period. 15
- (2) A licensee commits an offence if he fails without reasonable excuse to comply with a requirement under subsection (1).
- (3) The fact that a licence has been lost, stolen or damaged shall not be treated as a reasonable excuse for the purposes of subsection (2) unless the licensee has applied for a copy of the licence under section 84. 20
- (4) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### 86 Conviction

- (1) If the holder of an operating licence is convicted of an offence by or before a court in Great Britain he shall as soon as is reasonably practicable notify the Commission of –
  - (a) his conviction, and
  - (b) any sentence passed in respect of it. 25
- (2) If the holder of an operating licence is convicted of a relevant offence by or before a court in Great Britain he shall immediately inform the court that he is the holder of an operating licence 30
- (3) If the holder of an operating licence is convicted of a relevant offence by or before a court outside Great Britain he shall as soon as is reasonably practicable notify the Commission of –
  - (a) his conviction, and
  - (b) any sentence passed in respect of it. 35
- (4) A person commits an offence if he fails without reasonable excuse to comply with any of subsections (1) to (3).
- (5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. 40

*Duration***87 Initial duration**

- (1) The Commission shall determine the period during which operating licences are, subject to the provisions of this Part, to have effect.
- (2) The period must, in relation to each operating licence – 5  
 (a) begin with the date on which it is issued, and  
 (b) end with a date not more than ten years after the date on which it is issued.
- (3) The Commission – 10  
 (a) may determine different periods under subsection (1) for operating licences authorising different classes of activity (but may not otherwise determine different periods for different licences), and  
 (b) may alter a determination under subsection (1) (but not in relation to licences already issued).
- (4) The Commission shall publish any determination under subsection (1) as part 15  
 of the statement prepared under section 15.
- (5) The Secretary of State may by order –  
 (a) amend subsection (2)(b);  
 (b) prescribe a period during which operating licences, or operating 20  
 licences authorising a specified class of activity, are to have effect (subject to the provisions of this Part).
- (6) Subsection (1) is subject to subsection (5).
- (7) Provision made under subsection (5) shall have no effect in relation to an operating licence issued before the provision is made.

**88 Surrender**

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An operating licence shall cease to have effect if the licensee –

- (a) notifies the Commission of his intention to surrender the licence, and  
 (b) gives the Commission either –  
 (i) the licence, or  
 (ii) a written statement explaining why it is not reasonably 30  
 practicable to produce the licence.

**89 Lapse**

- (1) In the case of an operating licence issued to an individual, the licence shall lapse if the licensee – 35  
 (a) dies,  
 (b) becomes, in the opinion of the Commission as notified to the licensee, incapable of carrying on the licensed activities by reason of mental or physical incapacity, or  
 (c) becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)). 40
- (2) In any other case an operating licence shall lapse if the licensee –  
 (a) ceases to exist, or

- (b) goes into liquidation (within the meaning of section 247(2) of that Act).

## 90 Forfeiture

- (1) Where the holder of an operating licence is convicted of a relevant offence by or before a court in Great Britain the court may order forfeiture of the licence.
- (2) Forfeiture under this section shall be on such terms (which may include terms as to suspension) as may be specified by – 5
- (a) the court which orders forfeiture,
  - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
  - (c) the High Court, if hearing proceedings relating to the conviction. 10
- (3) Subject to any express provision made under subsection (2), an operating licence shall cease to have effect on the making of a forfeiture order under subsection (1).
- (4) The terms on which a forfeiture order is made under this section shall, in particular, include a requirement that the licensee deliver to the Commission, within such time as the order may specify – 15
- (a) the licence, or
  - (b) a statement explaining why it is not reasonably practicable to produce the licence.
- (5) As soon as is reasonably practicable after making an order for forfeiture under this section the court shall notify the Commission. 20

## 91 Renewal of licence

- (1) The holder of an operating licence may apply to the Commission for its renewal.
- (2) The provisions of this Part shall apply in relation to an application for renewal as they apply in relation to an application for a licence – 25
- (a) subject to the provisions of this section, and
  - (b) with any other necessary modifications.
- (3) An application for renewal of an operating licence may be made only during the period which – 30
- (a) begins three months before the date on which the licence would otherwise expire in accordance with section 87, and
  - (b) ends one month before the date on which the licence would otherwise expire in accordance with that section.
- (4) Where an application for renewal of an operating licence is awaiting determination on the date when it would expire in accordance with section 87, the licence shall continue to have effect by virtue of this subsection until the application is determined, unless it ceases to have effect by virtue of a provision of this Part other than that section. 35
- (5) A direction or regulations under this Part which relate to an application for an operating licence may make – 40
- (a) provision which applies only in the case of an application for renewal;
  - (b) provision which does not apply in the case of an application for renewal;

- (c) different provision in relation to an application for renewal from that made in relation to an application for an operating licence.
- (6) An application for renewal must (in addition to anything required by section 55) be accompanied by –
- (a) the licence to be renewed, or 5
  - (b) a statement explaining why it is not reasonably practicable to submit the licence to be renewed.
- (7) The Commission shall determine the period during which a renewed operating licence is, subject to the provisions of this Part, to have effect; and subsections (2) to (6) of section 87 shall have effect in relation to this subsection (as if a reference to the issue of a licence were a reference to renewal). 10
- (8) The Secretary of State may by order amend subsection (3) so as to substitute a different time for a time specified.

### *Regulation*

- 92 Review** 15
- (1) The Commission may in relation to operating licences of a particular class review –
- (a) the manner in which licensees carry on licensed activities, and
  - (b) in particular, arrangements made by licensees to ensure compliance with conditions attached under section 60, 62 or 63. 20
- (2) The Commission may review any matter connected with the provision of facilities for gambling as authorised by an operating licence if the Commission –
- (a) has reason to suspect that activities may have been carried on in purported reliance on the licence but not in accordance with a condition of the licence, 25
  - (b) believes that the licensee, or a person who exercises a function in connection with or is interested in the licensed activities, has acquired a conviction of a kind mentioned in section 57(1), or
  - (c) for any reason (which may relate to the receipt of a complaint about the licensee’s activities) – 30
    - (i) suspects that the licensee may be unsuitable to carry on the licensed activities, or
    - (ii) thinks that a review would be appropriate.
- (3) Before commencing a review of an operating licence under subsection (2) the Commission shall – 35
- (a) notify the licensee, and
  - (b) inform him of the procedure to be followed in the conduct of the review.
- (4) In conducting a review of an operating licence under subsection (2) the Commission – 40
- (a) shall give the licensee an opportunity to make representations, and
  - (b) may give other persons an opportunity to make representations.

### 93 Regulatory powers

- (1) Following a review of an operating licence under section 92 the Commission may –
  - (a) give the licensee a warning;
  - (b) attach an additional condition to the licence under section 62; 5
  - (c) remove or amend a condition attached to the licence under section 62;
  - (d) exercise the power under section 94 to revoke the licence;
  - (e) exercise the power under section 95 to impose a penalty.
- (2) Where the Commission determines to take action under subsection (1) in respect of a licence it shall as soon as is reasonably practicable notify the licensee of –
  - (a) the action, and
  - (b) the Commission’s reasons. 10
- (3) In determining what action to take under subsection (1) following a review the Commission may have regard to a warning under that subsection given to the licensee following an earlier review (whether or not of that licence). 15

### 94 Revocation

- (1) The Commission may revoke an operating licence if following a review under section 92 the Commission thinks that –
  - (a) a licensed activity is being or has been carried on in a manner which is inconsistent with the licensing objectives, 20
  - (b) a condition of the licence has been breached,
  - (c) the licensee has failed to –
    - (i) comply with a requirement of regulations under section 79,
    - (ii) cooperate with a review under section 92(1) or (2), or 25
    - (iii) submit the licence to the Commission for amendment in accordance with section 82, or
  - (d) the licensee is unsuitable to carry on the licensed activities.
- (2) In considering the licensee’s suitability for the purpose of subsection (1)(d) the Commission may, in particular, have regard to –
  - (a) the integrity of the licensee or of any person who exercises a function in connection with or is interested in the licensed activities;
  - (b) the competence of the licensee to carry on the licensed activities in a manner consistent with pursuit of the licensing objectives;
  - (c) the financial and other circumstances of the licensee or of any person who exercises a function in connection with or is interested in the licensed activities (and, in particular, the resources available for the purpose of carrying on the licensed activities). 35
- (3) The Commission shall revoke an operating licence if the licensee fails to pay the annual fee in accordance with section 78; but the Commission may disapply this subsection if it thinks that a failure to pay is attributable to administrative error. 40
- (4) Where the Commission revokes an operating licence it –
  - (a) shall specify the time when the revocation takes effect, and
  - (b) may make saving or transitional provision (which may, in particular, provide for a licence to continue to have effect in relation to a gaming 45

machine supplied, or another thing done, before the time when the revocation takes effect for other purposes).

## 95 Financial penalty

- (1) The Commission may require the holder of an operating licence to pay a penalty if the Commission thinks that a condition of the licence has been breached. 5
- (2) Before imposing a requirement on a licensee to pay a penalty under this section the Commission must notify him –
  - (a) that the Commission proposes to require him to pay a penalty,
  - (b) of the amount of the proposed penalty, 10
  - (c) of the Commission’s reasons, and
  - (d) of a period within which he may make representations to the Commission.
- (3) The Commission may not give a notice under subsection (2) in respect of the breach of a condition after the end of the period of two years beginning with –
  - (a) the day on which the breach occurred or began to occur, or 15
  - (b) if later, the day on which the breach came to the knowledge of the Commission.
- (4) After the end of the period specified under subsection (2)(d) the Commission may give the licensee a notice requiring him to pay a penalty under this section. 20
- (5) A penalty imposed by notice under subsection (4) –
  - (a) shall be payable by the licensee to the Commission,
  - (b) may be enforced as if it were a debt owed by the licensee to the Commission, and
  - (c) on receipt by the Commission shall be paid into the Consolidated Fund after deduction of a sum which represents the direct costs to the Commission of, and a reasonable share of expenditure by the Commission which is indirectly referable to –
    - (i) the investigation by the Commission of the matter in respect of which the penalty is imposed (whether by review under section 92 or otherwise), or 25
    - (ii) the imposition and enforcement of the penalty. 30
- (6) The Commission shall –
  - (a) prepare a statement setting out the principles to be applied by the Commission in exercising the powers under this section, 35
  - (b) review the statement from time to time,
  - (c) revise the statement when the Commission thinks it necessary,
  - (d) as soon as is reasonably practicable –
    - (i) send the statement and any revision to the Secretary of State, and 40
    - (ii) publish the statement and any revision, and
  - (e) have regard to the statement when exercising a power under this section.
- (7) The statement maintained under subsection (6) must, in particular, require the Commission in considering the imposition of a penalty under this section or the amount of a penalty to have regard, in particular, to – 45



- (a) the seriousness of the breach of condition in respect of which the penalty is proposed,
  - (b) whether or not the licensee knew or ought to have known of the breach, and
  - (c) the nature of the licensee (including, in particular, his financial resources). 5
- (8) Before preparing or revising a statement under subsection (6) the Commission shall consult –
  - (a) the Secretary of State, and
  - (b) such other persons as the Commission thinks appropriate. 10

*General*

**96 Levy**

- (1) The Secretary of State may make regulations requiring holders of operating licences to pay an annual levy to the Commission.
- (2) The regulations shall, in particular, make provision for – 15
  - (a) timing of payment of the levy;
  - (b) the amount of the levy.
- (3) The regulations may, in particular, make provision –
  - (a) determining the amount of the levy by reference to a percentage of specified receipts of an operating licence holder, 20
  - (b) determining the amount of the levy by reference to a percentage of specified profits of an operating licence holder,
  - (c) determining the amount of the levy by reference to a percentage of the annual fee under section 78,
  - (d) providing for the determination of the amount of the levy according to a specified formula, or 25
  - (e) providing for the determination of the amount of the levy in some other way.
- (4) Any sum due by way of levy by virtue of this section shall be treated for the purposes of this Act as if it were due by way of annual fee under section 78. 30
- (5) The Commission shall, with the consent of the Treasury and of the Secretary of State, expend money received by way of levy for purposes related to, or by providing financial assistance for projects related to –
  - (a) addiction to gambling,
  - (b) other forms of harm or exploitation associated with gambling, or 35
  - (c) any of the licensing objectives.
- (6) In subsection (5) the reference to financial assistance is a reference to grants, loans and any other form of financial assistance, which may be made or given on terms or conditions (which may include terms and conditions as to repayment with or without interest). 40
- (7) The Secretary of State shall consult the Commission before making regulations under this section.

**97 Directions and requirements**

Where the Commission has power under this Part to give a direction or impose a requirement it may give different directions or impose different requirements in relation to different cases or circumstances.

**98 Relevant offence: disapplication of rehabilitation**

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Section 4 of the Rehabilitation of Offenders Act 1974 (c. 53) (effect of rehabilitation) shall not apply for the purposes of or in connection with—

- (a) section 55(2)(d), or
- (b) section 57(1).

**99 Interpretation**

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## (1) In this Part—

“conviction”—

- (a) has the meaning given by section 1(4) of the Rehabilitation of Offenders Act 1974 (c. 53), and
- (b) includes, to the extent required by section 98, a spent conviction within the meaning of that Act,

15

“holder”, in relation to an operating licence, means the person to whom the licence is issued,

“the licensed activities” in relation to an operating licence means the activities which it authorises, and

20

“licensee”, in relation to an operating licence, means the person to whom the licence is issued.

## (2) In this Part “relevant offence” means—

- (a) an offence listed in Schedule 4, and
- (b) an offence under the law of a country or territory outside the United Kingdom (a “foreign offence”) which prohibits a kind of activity prohibited by an offence listed in that Schedule (a “domestic offence”).

25

## (3) For the purpose of subsection (2)(b) it is immaterial—

- (a) whether or not the foreign offence prohibits all the kinds of activity prohibited by the domestic offence, and
- (b) whether or not the foreign offence prohibits kinds of activity not prohibited by the domestic offence.

30

**PART 6**

## PERSONAL LICENCES

**100 Nature of personal licence**

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For the purposes of this Act a “personal licence” is a licence which authorises an individual to perform a specified function in connection with—

- (a) the provision of facilities for gambling, or
- (b) a person who provides facilities for gambling.

### 101 Application of provisions of Part 5

- (1) The provisions of Part 5 shall apply to a personal licence as they apply to an operating licence, with—
  - (a) the modifications and exclusions specified in this Part, and
  - (b) any other necessary modifications. 5
- (2) Regulations under a provision of Part 5—
  - (a) may make different provision for purposes of this Part and for purposes of that Part, and
  - (b) in making provision for purposes of this Part, may make different provision in relation to personal licences authorising— 10
    - (i) the performance of different kinds of function, or
    - (ii) the performance of functions in different circumstances.

### 102 Exemption for small-scale operators

- (1) A condition may not be attached to an operating licence under section 60, 62 or 63 requiring possession of a personal licence if the licensee is a small-scale operator. 15
- (2) In this section “small-scale” operator shall have such meaning as the Secretary of State may prescribe by regulations.
- (3) Regulations under subsection (2) may, in particular, make provision by reference to— 20
  - (a) the size or value of business carried on, or expected to be carried on, in reliance on an operating licence;
  - (b) the number of persons employed, or expected to be employed, by the licensee.
- (4) A constable or gambling inspector may under section 85(1) require a small-scale operator to produce his operating licence— 25
  - (a) within a specified period, or
  - (b) while the operator is carrying on a licensed activity, immediately.

### 103 Application

- (1) A direction under section 55(2)(c) or (f) (as applied by section 101) may, in particular, require that an application— 30
  - (a) be signed by the applicant’s employer;
  - (b) contain or be accompanied by information provided by the applicant’s employer or relating to his employment.
- (2) The Commission may under section 58(1)(a) (as applied by section 101) require an applicant to obtain information from his employer. 35
- (3) For the purposes of this section a reference to an applicant’s employer is a reference to any person for whom the applicant, in the course of a business (but whether or not under a contract of employment)— 40
  - (a) provides services,
  - (b) has provided services, or
  - (c) intends to provide services.

- (4) Neither this section nor any other provision of this Act shall be treated as preventing a person who is not employed from applying for a personal licence.

#### 104 Initial duration

- (1) A personal licence shall, subject to sections 88 to 91 (as applied by section 101), have effect for the period of ten years beginning with the date on which it is issued. 5
- (2) The Secretary of State may by order amend subsection (1).
- (3) An amendment made under subsection (2) shall have no effect in relation to a personal licence issued before the amendment is made.

#### 105 No annual fee 10

Section 78 shall not have effect in relation to personal licences.

#### 106 Multiple licences

- (1) The Commission may not issue a personal licence to an individual who already holds one.
- (2) But a personal licence may authorise the performance of more than one function. 15

#### 107 Production of licence

- (1) A constable or gambling inspector may under section 85 (as applied by section 101) require the individual who holds a personal licence to produce the licence – 20
- (a) within a specified period,
  - (b) while the individual is carrying on a licensed activity, immediately, or
  - (c) while the individual is on premises in respect of which a premises licence has effect, immediately.
- (2) A licensee commits an offence if he fails without reasonable excuse to comply with a requirement under subsection (1). 25
- (3) The fact that a licence has been lost, stolen or damaged shall not be treated as a reasonable excuse for the purposes of subsection (2) unless the licensee has applied for a copy of the licence under section 84.
- (4) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. 30

#### 108 Review

Section 92(1) shall not apply in relation to personal licences.

#### 109 Renewal

- (1) A renewed personal licence shall, subject to sections 88 to 90 (as applied by section 101), have effect for the period of ten years beginning with the date on which it is renewed. 35

- (2) The Secretary of State may by order amend subsection (1).
- (3) An amendment made under subsection (2) shall have no effect in relation to a personal licence renewed before the amendment is made.

### 110 Disqualification

- (1) A court which may order the forfeiture of an individual's personal licence under section 90 (as applied by section 101) may, whether or not it makes an order for forfeiture, make an order disqualifying the individual from holding a personal licence for a specified period, not exceeding ten years, beginning with the date of the order. 5
- (2) The Commission shall not issue a personal licence to a person while a disqualification order under this section has effect in respect of him. 10
- (3) Subsections (2) to (5) of section 90 shall have effect in relation to an order under this section (and in relation to a licence held by the person disqualified) as they have effect in relation to an order under that section (and in relation to the licence forfeited). 15

### 111 Notification of operating licensee

- (1) This section applies where the Commission –
  - (a) revokes a personal licence under section 94 (as applied by section 101),
  - (b) is informed by a court of the making of a forfeiture order in respect of a personal licence under section 90 (as applied by section 101), or 20
  - (c) is informed by a court of the making of a disqualification order under section 110.
- (2) If the Commission believes that the holder of the personal licence, or the subject of the disqualification order, is providing services to the holder of an operating licence in connection with the licensed activities, the Commission shall as soon as is reasonably practicable notify the holder of the operating licence of the matter specified in subsection (1). 25

### 112 Conviction

- (1) This section applies if the holder of a personal licence is convicted of a relevant offence by or before a court (whether inside or outside Great Britain). 30
- (2) The holder of any relevant operating licence shall notify the Commission of the conviction, and of any sentence passed in respect of it, as soon as is reasonably practicable after becoming aware of it.
- (3) A person commits an offence if he fails without reasonable excuse to comply with subsection (2). 35
- (4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) For the purposes of subsection (2) an operating licence is relevant if the holder of the personal licence acts in connection with activities authorised by the operating licence. 40
- (6) The duty under subsection (2) is in addition to any duty of the holder of the personal licence under section 86 (as applied by section 101).

- (7) In this Part “relevant offence” has the same meaning as in section 99.

### 113 Breach of personal licence condition

- (1) This section applies where –
- (a) a condition attached to an operating licence includes provision for a personal licence in accordance with section 65, 5
  - (b) an individual who holds a personal licence under Part 6 acts in the course of or in connection with any of the activities authorised by the operating licence, and
  - (c) the individual’s action is not in accordance with the terms and conditions of the personal licence. 10
- (2) The individual commits an offence.
- (3) The individual may be proceeded against for the offence under subsection (2) whether or not the holder of the operating licence is proceeded against for an offence under section 21 (by reason of a breach of the condition under section 65). 15
- (4) An individual guilty of an offence under this section shall be liable on summary conviction to –
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both. 20

## PART 7

### OPERATING AND PERSONAL LICENCES: APPEALS

### 114 The Gambling Appeal Tribunal

- (1) There shall be a tribunal to be known as the Gambling Appeal Tribunal.
- (2) Schedule 5 (which makes provision about the constitution and proceedings of the Tribunal) shall have effect. 25
- (3) In this Part “the Tribunal” means the Gambling Appeal Tribunal.

### 115 Appeal to Tribunal

- (1) Where the Commission determines an application under section 55 or 91 (including either of those sections as applied by section 101) for the issue or renewal of an operating licence or a personal licence, the applicant may appeal to the Tribunal. 30
- (2) Where the Commission attaches a condition to a licence under section 62 (including that section as applied by section 101) the licensee may appeal to the Tribunal. 35
- (3) Where the Commission determines an application under section 80(2)(b) the applicant may appeal to the Tribunal.
- (4) Where the Commission takes action, or determines to take action, under section 93 (including that section as applied by section 101) in respect of a licence, the licensee may appeal to the Tribunal. 40

- (5) Where the Commission determines an application under section 81 (including that section as applied by section 101) the applicant may appeal to the Tribunal.
- (6) Where the Commission takes action, or determines to take action, under section 94 (including that section as applied by section 101) in respect of a licence, the licensee may appeal to the Tribunal. 5
- (7) Where the Commission gives a notice imposing a penalty on a licensee under section 95(4) (including that section as applied by section 101) the licensee may appeal to the Tribunal.

#### 116 Timing

- (1) An appeal under section 115 must be instituted before the end of the period of one month beginning with the date of the decision or action appealed against. 10
- (2) But the Tribunal may permit an appeal to be instituted after the end of that period.

#### 117 Appeal from Tribunal

- (1) A party to proceedings before the Tribunal under section 115 may appeal on a point of law to— 15
  - (a) the High Court, or
  - (b) in Scotland, the Court of Session.
- (2) An appeal under this section may be brought only with the permission of— 20
  - (a) the Tribunal, or
  - (b) if the Tribunal refuses permission, the court referred to in subsection (1).

#### 118 Powers of Tribunal

- (1) On an appeal under section 115 against a decision or action taken by the Commission the Tribunal may— 25
  - (a) affirm the Commission’s decision or action;
  - (b) quash the Commission’s decision or action in whole or in part;
  - (c) substitute for all or part of the Commission’s decision or action another decision or action of a kind that the Commission could have taken;
  - (d) add to the Commission’s decision or action a decision or action of a kind that the Commission could have taken; 30
  - (e) remit a matter to the Commission (generally, or for determination in accordance with a finding made or direction given by the Tribunal).
- (2) In determining an appeal the Tribunal shall have regard to any relevant provision of a code of practice issued by the Commission under section 16. 35
- (3) In determining an appeal the Tribunal may take account of evidence which was not available to the Commission.
- (4) Section 115 applies to a decision or action of the Commission following remittal under subsection (1)(e) above.

**119 Stay pending appeal**

- (1) A decision or other action under Part 5 or 6 shall have no effect while an appeal under section 115—
- (a) could be brought, or
  - (b) has been brought and has not yet been either finally determined or abandoned. 5
- (2) But when making a decision or taking other action under Part 5 or 6 the Commission may direct that subsection (1) shall not apply (in which case the Tribunal determining an appeal may make any order that it thinks appropriate). 10

**120 Rules**

- (1) The Secretary of State may make rules—
- (a) regulating the exercise of a right of appeal to the Tribunal;
  - (b) about practice and procedure in relation to proceedings before the Tribunal. 15
- (2) Rules under this section may, in particular, specify that a class of person is or is not to be treated as a party to proceedings before the Tribunal—
- (a) for the purpose of section 117(1);
  - (b) for another specified purpose.

**PART 8** 20

## PREMISES LICENCES

*The licence***121 Nature of licence**

- (1) A premises licence is a licence which states that it authorises premises to be used for— 25
- (a) the operation of a casino (a “casino premises licence”),
  - (b) the provision of facilities for the playing of bingo (a “bingo premises licence”),
  - (c) making Category B gaming machines available for use (an “adult gaming centre premises licence”), 30
  - (d) making Category C gaming machines available for use (a “family entertainment centre premises licence”), or
  - (e) the provision of facilities for betting, whether by making or accepting bets or by acting as a betting intermediary (a “betting premises licence”). 35
- (2) A casino premises licence is—
- (a) a “large casino premises licence” if it relates to a large casino, and
  - (b) a “small casino premises licence” if it relates to a small casino.

**122 Form of licence**

- (1) A premises licence must— 40



- (a) specify the name of the person to whom it is issued,
  - (b) specify a home or business address of that person,
  - (c) specify the premises to which it relates,
  - (d) specify the activities for which it authorises the premises to be used,
  - (e) specify any condition attached by the licensing authority under section 139(1)(a), 5
  - (f) specify any exclusion of a default condition effected by the licensing authority under section 139(1)(b),
  - (g) include a plan of the premises, and
  - (h) if a period is prescribed under section 153 at the end of which the licence will expire (unless renewed or terminated earlier), specify the period. 10
- (2) The Secretary of State may make regulations about –
- (a) the form of a premises licence, and
  - (b) the content of a premises licence (which may, in particular, require the inclusion of information about mandatory conditions, default conditions or conditions attached to the licence by virtue of a provision of this Part). 15

### 123 Multiple licences

- (1) A premises licence – 20
- (a) may not authorise the use of premises for activities of more than one of the kinds specified in section 121(a) to (e) (subject to sections 140 and 141 and subsection (2) below), and
  - (b) may not be issued in respect of premises if a premises licence already has effect in relation to the premises (subject to subsection (4)). 25
- (2) Subsection (1)(a) does not apply in the case of a track.
- (3) More than one premises licence may have effect in relation to a track provided that –
- (a) each licence relates to a specified area of the track, and
  - (b) not more than one premises licence has effect in relation to any area of the track. 30
- (4) If a person applies for a premises licence in respect of an area of a track (“a subsidiary licence”) and a premises licence already has effect in respect of the whole track or a part of the track that includes that area (“the main licence”) –
- (a) the application for the subsidiary licence must be accompanied by an application under section 149 to vary the main licence so that it does not have effect in relation to the area to which the subsidiary licence is to relate, and 35
  - (b) the application for the subsidiary licence may be granted only after, or together with, the grant of the application for variation. 40

### *Licensing authorities’ functions*

### 124 Three-year licensing policy

- (1) A licensing authority shall before each successive period of three years –

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Part during that period, and
  - (b) publish the statement.
- (2) A licensing authority shall –
- (a) review their statement under this section from time to time, 5
  - (b) if they think it necessary in the light of a review, revise the statement, and
  - (c) publish any revision before giving it effect.
- (3) In preparing a statement or revision under this section a licensing authority shall consult – 10
- (a) the chief officer of police for the authority’s area,
  - (b) the fire authority for that area, and
  - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under this Part. 15
- (4) The Secretary of State may make regulations about –
- (a) the form of statements under this section;
  - (b) the procedure to be followed in relation to the preparation, review or revision of statements under this section;
  - (c) the publication of statements under this section. 20
- (5) The Secretary of State shall by order appoint a day as the first day of the first period of three years for the purpose of this section.

## 125 Principles to be applied

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it – 25
- (a) in accordance with any relevant code of practice under section 16,
  - (b) in accordance with any relevant guidance issued by the Commission under section 17,
  - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and 30
  - (d) in accordance with the statement published by the authority under section 124) (subject to paragraphs (a) to (c)).
- (2) Subsection (1)(d) does not apply in relation to an authority’s function under section 124.

## 126 Delegation to licensing committee 35

- (1) The functions under this Part of a licensing authority in England and Wales are by virtue of this subsection delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003 (c. 17).
- (2) Subsection (1) does not apply to a licensing authority’s function under section 124. 40
- (3) The following provisions of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee by virtue of this section as they apply in relation to a function delegated under that Act –
- (a) section 7(9) (referral back to licensing authority), and

- (b) section 10 (sub-delegation).
- (4) In the application of section 10(4) of that Act (matters not to be delegated to officer) by virtue of subsection (3) above, the following shall be substituted for the list of functions –
  - (a) determination of an application for a premises licence in respect of which representations have been made under section 132 (and not withdrawn), 5
  - (b) determination of an application for the variation of a premises licence in respect of which representations have been made under section 132 as applied by section 149 (and not withdrawn), 10
  - (c) determination of an application for transfer following representations by the Commission,
  - (d) determination of an application for a provisional statement under section 166 in respect of which representations have been made under section 132 as applied by section 166 (and not withdrawn), and 15
  - (e) a review of a premises licence under section 163.
- (5) The provisions of section 9 of that Act and regulations under it apply to proceedings of licensing committees and their sub-committees in relation to the exercise of functions under this Part; and for that purpose regulations may, in particular, make provision which applies – 20
  - (a) only in relation to functions under that Act,
  - (b) only in relation to functions under this Part, or
  - (c) differently in relation to functions under that Act and functions under this Part.
- (6) [Scotland.] 25

## 127 Register

- (1) A licensing authority shall –
  - (a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and 30
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority. 35
- (3) The Secretary of State may make regulations about –
  - (a) the form of the register;
  - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations – 40
  - (a) requiring licensing authorities to give to the Commission specified information about premises licences issued by them,
  - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a),
  - (c) requiring the Commission to grant access to the register to members of the public (without charge), 45

- (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public, and
- (e) excusing licensing authorities, wholly or partly, from compliance with subsection (1).

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*Other relevant persons***128 Responsible authorities**

- (1) For the purposes of this Part the following are responsible authorities in relation to premises –

- (a) a licensing authority in whose area the premises are wholly or partly situated, 10
- (b) the Commission,
- (c) the chief officer of police for a police area in which the premises are wholly or partly situated,
- (d) the fire authority for an area in which the premises are wholly or partly situated, 15
- (e) the local planning authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated,
- (f) an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated, 20
- (g) a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm, 25
- (h) Commissioners of Customs and Excise, and
- (i) any other person prescribed for the purposes of this section by regulations made by the Secretary of State. 30

- (2) In relation to a vessel, the following are responsible authorities (in addition to the persons listed in subsection (1)) –

- (a) a navigation authority, within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57), which has functions in relation to a place where the vessel is likely to be at any time while activities are being carried on in the vessel in reliance on a premises licence, 35
- (b) the Environment Agency,
- (c) the British Waterways Board, and
- (d) the Secretary of State.

**129 Interested party**

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For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person –

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities, 45

- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b).

*Application for licence*

- 130 Making of application** 5
- (1) A person may apply to a licensing authority for a premises licence to be issued to him authorising the use of premises to carry on an activity listed in section 26(1). 5
  - (2) An application must be made to a licensing authority in whose area the premises are wholly or partly situated. 10
  - (3) An application may be made only by a person who holds an operating licence which authorises him to carry on the activity in respect of which the premises licence is sought. 10
  - (4) But subsection (3) does not apply to an application for a premises licence which authorises a track to be used for accepting bets (and which does not also, other than by virtue of section 140, authorise it to be used for another purpose). 15
  - (5) An application may be made only by a person who has a right to occupy the premises to which the application relates. 15
  - (6) An application must – 20
    - (a) be made in the prescribed form and manner,
    - (b) contain or be accompanied by the prescribed information or documents, and
    - (c) be accompanied by the prescribed fee.
  - (7) Regulations prescribing a matter for the purposes of this section may, in particular, make different provision for – 25
    - (a) applications in respect of different classes of activity, or
    - (b) different circumstances.
- 131 Notice of application**
- (1) The Secretary of State may make regulations requiring an applicant for a premises licence – 30
    - (a) to publish notice of his application;
    - (b) to give notice of his application to the responsible authorities in relation to the premises;
    - (c) to give notice of his application to other persons.
  - (2) Regulations under subsection (1) shall include provision – 35
    - (a) about the manner and form in which notice is to be published or given,
    - (b) about the period of time within which notice is to be published or given, and
    - (c) for the consequences of failure to comply with the regulations.

**132 Representations**

- (1) Where an application is made to a licensing authority for a premises licence, an interested party or responsible authority in relation to the premises may make representations in writing to the licensing authority.
- (2) Representations under subsection (1) must be made within such period as the Secretary of State shall prescribe by regulations. 5

*Determination of application***133 Requirement for hearing**

- (1) In determining an application for a premises licence a licensing authority must hold a hearing if – 10
  - (a) an interested party or responsible authority has made (and not withdrawn) representations about the application under section 132,
  - (b) the authority propose to attach a condition to the licence under section 139, or
  - (c) the authority propose to exclude under section 139(1)(b) a condition that would otherwise be attached to the licence under section 138. 15
- (2) But a licensing authority may determine an application for a premises licence without a hearing despite subsection (1) with the consent of –
  - (a) the applicant, and
  - (b) any interested party or responsible authority who has made (and not withdrawn) representations about the application under section 132. 20
- (3) A licensing authority may also determine an application for a premises licence without a hearing despite subsection (1)(a) if the authority think that the representations made under section 132 –
  - (a) are vexatious, 25
  - (b) are frivolous, or
  - (c) will certainly not influence the authority’s determination of the application.
- (4) If a licensing authority propose to determine an application in reliance on subsection (3) they shall as soon as is reasonably practicable notify any person who made representations under section 132. 30

**134 Determination of application**

On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall –

- (a) grant it, or 35
- (b) reject it.

**135 Grant of application**

- (1) Where a licensing authority grant an application for a premises licence they shall as soon as is reasonably practicable –
  - (a) give notice of the grant to – 40
    - (i) the applicant,
    - (ii) the Commission,

- (iii) any person who made representations about the application under section 132,
    - (iv) the chief officer of police for any area in which the premises are wholly or partly situated, and
    - (v) the Commissioners of Customs and Excise,
  - (b) issue a premises licence to the applicant, and
  - (c) give the applicant a summary of the terms and conditions of the licence in the prescribed form.
- (2) A notice under subsection (1)(a) –
- (a) must be in the prescribed form,
  - (b) if the licensing authority have attached a condition to the licence under section 139(1)(a) or excluded under section 139(1)(b) a condition that would otherwise have attached by virtue of section 138, must give the authority’s reasons, and
  - (c) if representations were made about the application under section 132, must give the authority’s response to the representations.

**136 Rejection of application**

- (1) Where a licensing authority reject an application for a premises licence they shall as soon as is reasonably practicable give notice of the rejection to –
- (a) the applicant,
  - (b) the Commission,
  - (c) any person who made representations about the application under section 132,
  - (d) the chief officer of police for any area in which the premises are wholly or partly situated, and
  - (e) Commissioners of Customs and Excise.
- (2) A notice under subsection (1) –
- (a) must be in the prescribed form, and
  - (b) must give the authority’s reasons for rejecting the application.

*Conditions* 30

**137 Mandatory conditions**

- (1) The Secretary of State may by regulations provide for a specified condition to be attached to premises licences.
- (2) Regulations under this section may, in particular –
- (a) make provision which applies generally, only to premises licences in a specified class or only in specified circumstances;
  - (b) make different provision for different classes of licence or for different circumstances.

**138 Default conditions**

- (1) The Secretary of State may by regulations prescribe for a specified condition to be attached to any premises licence unless excluded by the authority who issue the licence.

- (2) Regulations under this section may, in particular –
- (a) make provision which applies generally, only to premises licences in a specified class or only in specified circumstances;
  - (b) make different provision for different classes of licence or for different circumstances.

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### 139 Conditions imposed or excluded by licensing authority

- (1) Where a licensing authority issue a premises licence they may –
- (a) attach a condition to the licence;
  - (b) exclude a condition that would otherwise be attached to the licence by virtue of section 138.
- (2) A condition attached to the licence under subsection (1)(a) may, in particular, address a matter addressed by a condition excluded under subsection (1)(b).
- (3) A condition attached to the licence under subsection (1)(a) may apply in relation to the premises generally or only in relation to a specified part of the premises.

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#### *Specific cases*

### 140 Gaming machines

- (1) An adult gaming centre premises licence shall, by virtue of this section, authorise the holder –
- (a) to make up to four Category B gaming machines available for use on the premises,
  - (b) to make any number of Category C gaming machines available for use on the premises, and
  - (c) to make any number of Category D gaming machines available for use on the premises.
- (2) A family entertainment centre premises licence shall, by virtue of this section, authorise the holder –
- (a) to make any number of Category C gaming machines available for use on the premises, and
  - (b) to make any number of Category D gaming machines available for use on the premises.
- (3) A casino premises licence shall, by virtue of this section, authorise the holder to make gaming machines, each of which may be of Category A, B, C or D, available for use on the premises.
- (4) The maximum number of gaming machines permitted in accordance with subsection (3) is –
- (a) in the case of a small casino, three times the number of gaming tables,
  - (b) in the case of a large casino with not more than 40 gaming tables, three times the number of gaming tables, and
  - (c) in the case of a large casino with more than 40 gaming tables, unlimited.
- (5) Regulations under section 10(5) shall make provision for determining the number of gaming tables in a casino for the purposes of subsection (4) above.
- (6) A bingo premises licence shall, by virtue of this section, authorise the holder –

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- (a) to make up to four Category B gaming machines available for use on the premises,
  - (b) to make any number of Category C gaming machines available for use on the premises, and
  - (c) to make any number of Category D gaming machines available for use on the premises. 5
- (7) A betting premises licence shall, by virtue of this section, authorise the holder to make up to four gaming machines, each of which may be of Category B, C or D, available for use.
- (8) But subsection (7) applies to a betting premises licence in respect of a track only if the holder also holds a pool betting operating licence. 10
- (9) A premises licence may not (whether by way of condition or otherwise) –
- (a) make provision about the number or categories of gaming machine that may be made available for use that contradicts a provision of this section, 15
  - (b) make provision that contradicts a provision of regulations under section 193, 197 or 198, or
  - (c) make provision of a kind prohibited by regulations under any of those sections.
- (10) The Secretary of State may by order amend a provision of this section. 20

#### 141 Casino premises licence

- (1) A casino premises licence may be issued only in respect of –
- (a) a large casino, or
  - (b) a small casino.
- (2) A casino premises licence shall, by virtue of this section and subject to subsection (3), authorise the holder to make available any number of games of chance other than casino games. 25
- (3) A condition of a casino premises licence may not impose limits on stakes or prizes.
- (4) A casino premises licence shall, by virtue of this subsection, authorise the holder, and any person authorised by him in writing, to use the premises for the provision of facilities for –
- (a) bingo,
  - (b) betting, or
  - (c) both. 30
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#### 142 Door supervision

- (1) Where a condition for door supervision is attached to a premises licence (whether by virtue of section 137, 138 or 139) the licence shall also by virtue of this section be subject to the condition specified in subsection (3).
- (2) In subsection (1) “door supervision condition” means a condition requiring that one or more persons be responsible for guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage, where the guarding will amount to an activity of a security operative 40

for the purposes of paragraph 2(1)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12).

- (3) The condition mentioned at the end of subsection (1) is the condition that the activity mentioned in subsection (2) be performed by a person who holds a licence which— 5
- (a) is granted by the Security Industry Authority, and
  - (b) authorises the performance of the activity.

#### 143 Pool betting on track

- (1) A betting premises licence in respect of a track may not authorise the acceptance of bets by way of pool betting except in a case to which subsection (2) applies. 10
- (2) This subsection applies to the acceptance of bets, by way of pool betting on horse-racing or dog-racing—
- (a) by the holder of the betting premises licence, or
  - (b) in accordance with arrangements made by him. 15
- (3) The Secretary of State may by order amend this section so as to—
- (a) add an exception to subsection (1),
  - (b) amend an exception to subsection (1), or
  - (c) remove an exception to subsection (1).

#### 144 Exclusion of children from track areas 20

- (1) A premises licence in respect of a track shall by virtue of this section be subject to the condition that the licensee shall ensure that children and young persons are excluded from—
- (a) any area where facilities for betting are provided, and
  - (b) any area where a Category C gaming machine is situated. 25
- (2) But subsection (1)(a)—
- (a) shall not apply to a dog-race track on a day on which dog-racing takes place, or is expected to take place, on the track, and
  - (b) shall not apply to a horse-race course on a day on which horse-racing takes place, or is expected to take place, on the course. 30
- (3) For the purposes of this section a reference to the area where facilities are provided or where a machine is situated is a reference to any place in which it is possible to take advantage of the facilities or use the machine.
- (4) The Secretary of State may by order amend this section so as to—
- (a) provide an additional exception to subsection (1)(a), 35
  - (b) remove an exception to subsection (1)(a), or
  - (c) vary an exception to subsection (1)(a).

#### 145 Prohibition of membership condition

A premises licence may not be subject to a condition (whether imposed by virtue of section 137, 138 or 139)— 40

- (a) requiring all or part of the premises, or any activity carried on on the premises, to be operated or carried on as a club or other body with membership, or
- (b) restricting use of any part of the premises wholly or partly by reference to membership of a club or other body. 5

*Maintenance*

**146 Annual fee**

- (1) The holder of a premises licence –
  - (a) shall pay a first annual fee to the licensing authority within such period after the issue of the licence as may be prescribed, and 10
  - (b) shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.
- (2) In this section “annual fee” means a fee of such amount as may be prescribed.
- (3) Regulations prescribing the annual fee may, in particular, make different provision for – 15
  - (a) licences authorising different classes of activity, or
  - (b) different circumstances.
- (4) The Secretary of State may by regulations –
  - (a) require a licensing authority to refund a prescribed part of an annual fee paid under this section where a premises licence ceases to have effect otherwise than on or immediately before an anniversary of its issue, 20
  - (b) require a licensing authority to refund a prescribed part of an annual fee paid under this section if a premises licence is altered under section 148, 149, 150 or 164 and the annual fee for the licence as altered is less than the annual fee for the licence before alteration, and 25
  - (c) require a licensee to pay an additional amount by way of annual fee if a premises licence is altered under section 148, 149, 150 or 164 and the annual fee for the licence as altered is more than the annual fee for the licence before alteration. 30
- (5) Subsection (1)(b) does not apply in relation to an anniversary of the issue of a licence on or immediately before which the licence expires in accordance with regulations under section 153(1).

**147 Availability of licence**

- (1) The holder of a premises licence shall – 35
  - (a) keep the licence on the premises, and
  - (b) arrange for the licence to be made available on request to –
    - (i) a constable,
    - (ii) a gambling inspector, or
    - (iii) an authorised local authority officer. 40
- (2) A person commits an offence if he fails without reasonable excuse to comply with subsection (1).

- (3) The fact that a licence has been lost, stolen or damaged shall not be treated as a reasonable excuse for the purposes of subsection (2) unless the licensee has applied for a copy of the licence under section 152.
- (4) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. 5

#### 148 Change of circumstance

- (1) If the holder of a premises licence ceases to reside or attend at the address specified in the licence under section 122(1)(b) he shall as soon as is reasonably practicable –
- (a) notify the licensing authority, and 10
  - (b) inform the licensing authority of a home or business address at which he resides or attends.
- (2) The Secretary of State may make regulations requiring the holder of a premises licence –
- (a) to notify the licensing authority of any change of circumstance of a prescribed kind in relation to him or to an authorised activity, and 15
  - (b) to give the licensing authority prescribed details of the change.
- (3) If a change of circumstance notified under or by virtue of this section falsifies information contained in the premises licence in accordance with section 122, the notification must be accompanied by – 20
- (a) the licence, or
  - (b) an application under section 152 for a copy of the licence.
- (4) Where notification is accompanied by the licence, the licensing authority shall –
- (a) make such alteration to the information contained in the licence as appears to them to be required by the change in circumstance, and 25
  - (b) return the licence to the licensee.
- (5) Where the notification is accompanied by an application for a copy of the licence, the licensing authority shall, if they grant the application, issue the copy in a form which appears to them to reflect the change in circumstance. 30
- (6) The holder of a premises licence commits an offence if he fails without reasonable excuse to comply with a provision of this section or of regulations made under this section.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. 35
- (8) This section does not prevent the imposition of a requirement to notify the licensing authority of a specified change of circumstance by way of the attachment of a condition to a premises licence.

#### 149 Application to vary licence

- (1) The holder of a premises licence may apply to the licensing authority to vary the licence by – 40
- (a) adding, amending or removing an authorised activity,
  - (b) amending another detail of the licence,
  - (c) excluding a condition attached by virtue of section 138, or

- (d) adding, amending or removing a condition attached to the licence under section 139.
- (2) A licence may not be varied under this section so as to relate to premises to which it did not previously relate.
- (3) The provisions of this Part shall apply in relation to an application for variation as they apply in relation to an application for a premises licence – 5
  - (a) subject to the provisions of this section, and
  - (b) with any other necessary modifications.
- (4) Regulations under this Part which relate to an application for a premises licence may make – 10
  - (a) provision which applies only in the case of an application for variation;
  - (b) provision which does not apply in the case of an application for variation;
  - (c) different provision in relation to an application for variation from that made in relation to an application for a premises licence; 15
  - (d) different provision in relation to applications for variations of different kinds.
- (5) An application for variation must (in addition to anything required by section 130) be accompanied by a statement of the variation sought.
- (6) An application for variation must (in addition to anything required by section 130) also be accompanied by – 20
  - (a) the licence to be varied, or
  - (b) both –
    - (i) a statement explaining why it is not reasonably practicable to produce the licence, and 25
    - (ii) an application under section 152 for the issue of a copy of the licence.
- (7) In granting an application for variation a licensing authority –
  - (a) shall specify a time when the variation shall begin to have effect, and
  - (b) may make transitional provision. 30

## 150 Transfer

- (1) A person may apply to a licensing authority for a premises licence to be transferred to him.
- (2) The provisions of this Part shall apply in relation to an application for transfer as they apply in relation to an application for a premises licence – 35
  - (a) subject to the provisions of this section and section 151, and
  - (b) with any other necessary modifications.
- (3) An application for transfer must (in addition to anything required by section 130) –
  - (a) specify the time when the transfer is to take effect, and 40
  - (b) be accompanied by a written statement by the licensee consenting to the transfer.

- (4) A licensing authority shall grant an application for transfer unless they think it would be wrong to do so having regard to representations made under section 132 (as applied by subsection (2) above).
- (5) On the grant of an application for the transfer of a premises licence the licensing authority – 5
- (a) shall alter the licence so that the applicant for the transfer becomes the licensee,
  - (b) shall specify in the licence the time when the transfer takes effect (being either the time specified in the application under subsection (3) above or, if later, the time when the application is granted), and 10
  - (c) shall make such other alteration of the licence as appears to them to be required (which may, in particular, include an alteration to reflect a decision of the authority under section 139 as applied by subsection (2) above to make new or varied provision for the attachment or exclusion of conditions). 15

### 151 Transfer: supplemental

- (1) If an application for transfer under section 150 states that the applicant has failed to contact the licensee having taken all reasonable steps to do so, the licensing authority shall –
- (a) disapply section 150(3)(b) and take all reasonable steps to notify the licensee, or 20
  - (b) determine not to disapply section 150(3)(b) and notify the applicant of their determination and the reasons for it.
- (2) An application for transfer must (in addition to anything required by section 130) be accompanied by – 25
- (a) the licence, or
  - (b) both –
    - (i) a statement explaining why it is not reasonably practicable to produce the licence, and
    - (ii) an application by the licensee under section 152 for the issue of a copy of the licence. 30
- (3) In relation to an application for transfer to which subsection (1) applies, for the purposes of any application under section 152 required in accordance with subsection (2)(b)(ii) above –
- (a) the application under that section shall be made by the applicant for transfer, and 35
  - (b) a reference to the licence being lost, stolen or damaged shall be treated as a reference to the licence being unavailable to the applicant for transfer.
- (4) Regulations under section 131, as they have effect in relation to applications for transfer by virtue of section 150(2), may require notice to be given to specified responsible authorities (and not to all responsible authorities). 40
- (5) Section 132 shall have effect in relation to an application for transfer with the omission of the reference to interested parties.
- (6) If an application for the transfer of a premises licence includes a request that this subsection apply, the licence shall have effect as if the applicant for transfer were the licensee during the period – 45

- (a) beginning with the receipt of the application for transfer by the licensing authority, and
- (b) ending with the determination of the application by the licensing authority.

<b>152 Copy of licence</b>	5
(1) Where a premises licence issued, or a summary given, under section 135 is lost, stolen or damaged, the licensee may apply to the licensing authority for a copy.	
(2) An application under subsection (1) must be accompanied by the prescribed fee.	
(3) A licensing authority shall consider an application under this section as soon as is reasonably practicable and shall grant it if satisfied –	10
(a) that the licence or summary to which the application relates has been lost, stolen or damaged, and	
(b) where the licence or summary has been lost or stolen, that the loss or theft has been reported to the police.	15
(4) As soon as is reasonably practicable after granting an application under this section a licensing authority shall issue a copy of the licence or summary to the applicant –	
(a) certified by the authority as a true copy, and	
(b) in, or in relation to, the form in which the licence had effect before the loss, theft or damage.	20
(5) A copy of a licence or summary issued under this section shall be treated as if it were the licence or summary.	

#### *Duration*

<b>153 Initial duration</b>	25
(1) The Secretary of State may by regulations prescribe a period at the end of which premises licences expire (unless they cease to have effect earlier in accordance with a provision of this Part).	
(2) Regulations under this section may make provision about renewal (and may, in particular, apply or make provision similar to any provision of this Part about an application for a premises licence).	30
(3) Regulations under this section may make provision which applies to licences issued before the regulations are made.	
(4) If the Secretary of State does not prescribe a period under this section in respect of a premises licence, it shall continue to have effect unless and until it ceases to have effect in accordance with a provision of this Part.	35

<b>154 Surrender</b>	
(1) A premises licence shall cease to have effect if the licensee –	
(a) notifies the licensing authority of his intention to surrender the licence, and	40
(b) gives the licensing authority either –	

- 
- (i) the licence, or
  - (ii) a written statement explaining why it is not reasonably practicable to produce the licence.
- (2) As soon as is reasonably practicable after receipt of notification under subsection (1)(a) the licensing authority shall notify – 5
- (a) the Commission,
  - (b) the chief officer of police for any area in which the premises are wholly or partly situated, and
  - (c) Commissioners of Customs and Excise.
- 155 Revocation for failure to pay fee 10**
- (1) Where the holder of a premises licence fails to pay the annual fee in accordance with regulations under section 146 the licensing authority shall revoke the licence.
- (2) But the licensing authority may disapply subsection (1) if they think that a failure to pay is attributable to administrative error. 15
- 156 Lapse**
- (1) In the case of a premises licence issued to an individual, the licence shall lapse if the licensee –
- (a) dies,
  - (b) becomes, in the opinion of the licensing authority as notified to the licensee, incapable of carrying on the licensed activities by reason of mental or physical incapacity, or 20
  - (c) becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)).
- (2) In any other case a premises licence shall lapse if the licensee – 25
- (a) ceases to exist, or
  - (b) goes into liquidation (within the meaning of section 247(2) of that Act).
- (3) If a licensing authority become aware that a premises licence issued by them has lapsed, they shall as soon as is reasonably practicable notify –
- (a) the Commission, 30
  - (b) the chief officer of police for any area in which the premises are wholly or partly situated, and
  - (c) Commissioners of Customs and Excise.
- 157 Reinstatement**
- (1) This section applies where a premises licence lapses under section 156. 35
- (2) During the period of 21 days beginning with the date of the lapse of the premises licence a person may apply to the licensing authority for the licence to be reinstated with the applicant as the licensee.
- (3) The provisions of this Part shall apply in relation to an application for reinstatement as they apply in relation to an application for a premises licence – 40
- (a) subject to the provisions of this section and section 158, and



- (b) with any other necessary modifications.
- (4) An application for reinstatement must (in addition to anything required by section 130) request that the reinstatement take effect upon the application being granted.
- (5) A licensing authority shall grant an application for reinstatement unless they think it would be wrong to do so having regard to representations made under section 132 (as applied by subsection (3) above). 5
- (6) On the grant of an application for the reinstatement of a premises licence the licensing authority –
  - (a) shall alter the licence so that the applicant for reinstatement becomes the licensee, 10
  - (b) shall specify in the licence that the reinstatement takes effect at the time when the application is granted, and
  - (c) shall make such other alteration of the licence as appears to them to be required (which may, in particular, include an alteration to reflect a decision of the authority under section 139 as applied by subsection (3) above to make new or varied provision for the attachment or exclusion of conditions). 15

#### 158 Reinstatement: supplemental

- (1) An application under section 157 for the reinstatement of a premises licence must (in addition to anything required by section 130) be accompanied by –
  - (a) the licence, or
  - (b) both –
    - (i) a statement explaining why it is not reasonably practicable to produce the licence, and 25
    - (ii) an application under section 152 for the issue of a copy of the licence.
- (2) In the case of an application under section 152 made in accordance with subsection (1)(b)(ii) above –
  - (a) the application shall be made by the applicant for reinstatement, and
  - (b) a reference to the licence being lost, stolen or damaged shall be treated as a reference to the licence being unavailable to the applicant for reinstatement. 30
- (3) Regulations under section 131, as they have effect in relation to applications for reinstatement by virtue of section 157(3), may require notice to be given to specified responsible authorities (and not to all responsible authorities). 35
- (4) Section 132 shall have effect in relation to an application for reinstatement with the omission of the reference to interested parties.
- (5) Where an application is made under section 157 for the reinstatement of a premises licence, the licence shall have effect as if the applicant for reinstatement were the licensee during the period –
  - (a) beginning with the receipt of the application for reinstatement by the licensing authority, and
  - (b) ending with the determination of the application by the licensing authority. 40  
45

- (6) During the period of seven days beginning with the day on which a premises licence lapses, an application for reinstatement of the licence may not be made under section 157 if an application has already been made under that section during that period and in respect of the licence.

*Review* 5

### 159 Application for review

- (1) A responsible authority or interested party may apply to the licensing authority for a review by the authority of a premises licence.
- (2) An application must –
- (a) be made in the prescribed form and manner, 10
  - (b) specify the grounds on which the review is sought, and
  - (c) contain or be accompanied by the prescribed information or documents.
- (3) The Secretary of State may make regulations requiring an applicant –
- (a) to give notice of his application to the licensee; 15
  - (b) to give notice of his application to the responsible authorities in relation to the premises.
- (4) The Secretary of State may make regulations requiring the licensing authority to whom an application is made under this section to publish notice of the application. 20
- (5) Regulations under subsection (3) or (4) shall include provision –
- (a) about the manner and form in which notice is to be published or given,
  - (b) about the period of time within which notice is to be published or given, and
  - (c) for the consequences of failure to comply with the regulations. 25
- (6) Regulations by virtue of subsection (5)(a) shall, in particular, require a notice to specify a period of time during which representations about the application may be made to the licensing authority by –
- (a) the licensee,
  - (b) a responsible authority, or 30
  - (c) an interested party.

### 160 Rejection of application

- (1) A licensing authority may reject an application under section 159 for the review of a premises licence if they think that the grounds on which the review is sought – 35
- (a) do not raise an issue relevant to the principles to be applied in accordance with section 125,
  - (b) are frivolous,
  - (c) are vexatious,
  - (d) will certainly not cause the authority to wish to take action of a kind 40 specified in section 164(1),
  - (e) are substantially the same as the grounds specified in an earlier application under section 159 in respect of the premises licence, or

- (f) are substantially the same as representations made under section 132 in relation to the application for the premises licence.
- (2) In determining whether to exercise the power to reject an application under section 159 in accordance with subsection (1)(e) or (f), a licensing authority shall consider the length of time that has elapsed since the making of the earlier application or since the making of the representations under section 132. 5
- (3) If a licensing authority consider that paragraphs (a) to (f) apply to some but not all of the grounds on which a review is sought, they may reject the application in so far as it relies on grounds to which those paragraphs apply.
- (4) In this section a reference to section 132 includes a reference to that section as applied by section 149(3). 10

### 161 Grant of application

- (1) This section applies where an application for review has been made to a licensing authority under section 159.
- (2) If, or in so far as, the licensing authority do not reject the application under section 160 they shall grant it. 15

### 162 Initiation of review by licensing authority

- (1) A licensing authority may in relation to premises licences of a particular class review –
  - (a) the use made of premises, and 20
  - (b) in particular, arrangements made by licensees to ensure compliance with conditions attached under section 137, 138 or 139 or by a provision of this Part.
- (2) A licensing authority may review any matter connected with the use of premises in reliance on a premises licence if the authority –
  - (a) have reason to suspect that the premises may have been used in purported reliance on a licence but not in accordance with a condition of the licence, or 25
  - (b) for any reason (which may relate to the receipt of a complaint about the use of the premises) think that a review would be appropriate. 30
- (3) Before reviewing a premises licence under subsection (2) the licensing authority shall –
  - (a) give notice of their intention to hold the review to the licensee, and
  - (b) publish notice of their intention to hold the review.
- (4) The Secretary of State may make regulations about –
  - (a) the manner and form in which notice under subsection (3) is to be given or published, and 35
  - (b) the period of time within which notice is to be given or published.
- (5) Regulations under subsection (4)(a) shall, in particular, require a notice to specify a prescribed period of time during which the licensee, a responsible authority or an interested party may make representations to the licensing authority about the review. 40

**163 Review**

- (1) This section applies where a licensing authority –
- (a) have granted an application for a review of a premises licence under section 161, or
  - (b) have given notice under section 162 of their intention to hold a review of a premises licence. 5
- (2) As soon as is reasonably practicable after the expiry of any period for representations prescribed under section 159(6) or 162(5), the licensing authority shall review the premises licence.
- (3) The purpose of the review shall be to consider whether to take any of the action of a kind specified in section 164(1) in relation to the licence. 10
- (4) In conducting a review of a premises licence a licensing authority shall hold a hearing unless –
- (a) the applicant for the review (if there is one), and each person who has made representations about the review under section 159(6) or 162(5), have consented to the conduct of the review without a hearing, or 15
  - (b) the licensing authority think that each representation made about the review in accordance with section 159(6) or 162(5) –
    - (i) is frivolous,
    - (ii) is vexatious, or 20
    - (iii) will certainly not influence the review.
- (5) In considering whether to take action of a kind specified in section 164(1) the licensing authority shall have regard (in addition to the matters specified in section 125) to –
- (a) any representations made in accordance with section 159(6) or 162(5), 25
  - (b) any representations made at the hearing of the review (if there is one), and
  - (c) in the case of a review held in response to an application under section 159, the grounds specified in the application for the review (apart from any in relation to which the application was rejected under section 160(3)). 30

**164 Action following review**

- (1) As a result of a review of a premises licence under section 161 a licensing authority may –
- (a) revoke the licence; 35
  - (b) suspend the licence for a specified period not exceeding three months;
  - (c) exclude a condition attached to the licence under section 138;
  - (d) add, remove or amend a condition under section 139.
- (2) If the licensing authority decide to take action of a kind specified in subsection (1) they shall specify the time at which the action shall begin to have effect. 40
- (3) A licensing authority may, in particular, take action under subsection (1) on the grounds that the premises have been used in reliance on the licence –
- (a) not at all, or
  - (b) less than might be expected to be the case if the premises licence were held by another person. 45

## 165 Determination

- (1) As soon as possible after completion of a review of a premises licence under section 161 a licensing authority shall give notice of their decision on the review to—
  - (a) the licensee, 5
  - (b) the applicant for the review (if any),
  - (c) the Commission,
  - (d) any person who made representations in accordance with section 159 or 162,
  - (e) the chief officer of police for any area in which the premises are wholly or partly situated, and 10
  - (f) the Commissioners of Customs and Excise.
- (2) A notice under subsection (1)—
  - (a) must be in the prescribed form, and
  - (b) must give the authority’s reasons for their decision. 15

### *Provisional statement*

## 166 Application

- (1) A person may make an application for a provisional statement in respect of premises—
  - (a) that he expects to be constructed, 20
  - (b) that he expects to be altered, or
  - (c) that he expects to acquire a right to occupy.
- (2) The provisions of this Part shall apply in relation to an application for a provisional statement as they apply in relation to an application for a premises licence—
  - (a) subject to the provisions of this section and section 167, and
  - (b) with any other necessary modifications. 25
- (3) An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as may be prescribed. 30

## 167 Effect

- (1) This section applies where—
  - (a) a licensing authority issue a provisional statement in respect of premises, and
  - (b) an application is made under section 130 for a premises licence in respect of the premises. 35
- (2) The licensing authority shall disregard any representations made in relation to the application for the premises licence unless they think that the representations—
  - (a) address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
  - (b) reflect a change in circumstances. 40

- (3) The licensing authority may refuse the application, or grant it on terms or conditions not included in the provisional statement, only by reference to matters which –
- (a) the authority have considered in reliance on subsection (2)(a), or
  - (b) in the authority’s opinion reflect a change in circumstances. 5
- (4) But subsections (2) and (3) do not apply in the case of a provisional statement issued in response to an application under section 166(1)(a) or (b) if the licensing authority think that the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement in accordance with section 166(3). 10

### *Appeals*

#### **168 Rights of appeal**

- (1) Where a licensing authority reject an application under this Part the applicant may appeal.
- (2) Where a licensing authority grant an application under this Part either of the following may appeal – 15
- (a) a person who made representations in relation to the application, and
  - (b) the applicant.
- (3) Where a licensing authority take action under section 164 as a result of a review of a premises licence, or determine to take no action as a result of a review, any of the following may appeal – 20
- (a) the licensee,
  - (b) a person who made representations in relation to the review,
  - (c) the person (if any) who applied for the review, and
  - (d) the Commission. 25
- (4) Where a licensing authority take action or make a determination under section 150(5) either of the following may appeal –
- (a) the licensee, and
  - (b) the applicant for transfer.

#### **169 Process** 30

- (1) An appeal under section 168 in relation to premises must be instituted –
- (a) the magistrates’ court for a petty sessions area in which the premises are wholly or partly situated,
  - (b) by notice of appeal given to the justices’ chief executive, and
  - (c) within the period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought. 35
- (2) Where an appeal is brought under section 168 the licence holder (or the applicant in the case of an appeal against the grant of an application for a premises licence) shall be a respondent in addition to the licensing authority (unless he is the appellant). 40
- (3) On an appeal under section 168 the magistrates’ court may –
- (a) dismiss the appeal;

- (b) substitute for the decision appealed against any decision that the licensing authority could have made;
  - (c) remit the case to the licensing authority to decide in accordance with a direction of the court;
  - (d) make an order about costs. 5
- (4) Section 168 applies to a decision of a licensing authority following remittal under subsection (3)(c) above.

#### 170 Stay pending appeal

- (1) A determination or other action under this Part shall have no effect while an appeal under section 168 – 10
- (a) could be brought, or
  - (b) has been brought and has not yet been either finally determined or abandoned.
- (2) But a licensing authority making a determination or taking other action under this Part may direct that subsection (1) shall not apply (in which case the magistrates’ court determining an appeal may make any order that it thinks appropriate). 15

#### 171 Further appeal

A party to an appeal under section 168 may appeal to the High Court on a point of law. 20

### General

#### 172 Interpretation

In this Part –

- (a) “authorised activity”, in relation to a premises licence, means an activity specified under section 122(1)(d), 25
- (b) “chief officer of police” has the meaning given by section 101(1) of the Police Act 1996 (c. 16),
- (c) a reference to a chief officer’s area is a reference to the area in respect of which he has responsibility under that Act,
- (d) “holder”, in relation to a premises licence, means the person to whom the licence is issued, 30
- (e) “licensee”, in relation to a premises licence, means the person to whom the licence is issued,
- (f) “the licensing authority”, in relation to a premises licence, means the authority who issued the licence, and 35
- (g) “prescribed” means prescribed by regulations made by the Secretary of State.

**PART 9**

## TEMPORARY USE OF PREMISES

*Temporary use notice***173 Exception to offence of using premises for gambling**

- (1) A person who uses premises to carry on an activity listed in section 26(1), or who causes or permits premises to be used to carry on an activity to which that section applies, does not commit an offence under that section if— 5
- (a) a temporary use notice under this Part has effect in respect of the premises, and
  - (b) the activity is carried on in accordance with the terms of the notice. 10

**174 Nature of notice**

- (1) A temporary use notice is a notice given in accordance with the provisions of this Part—
- (a) by the holder of an operating licence, and
  - (b) stating his intention to carry on one or more specified prescribed activities. 15
- (2) The Secretary of State may by regulations—
- (a) prescribe activities which may be specified under subsection (1)(b);
  - (b) provide that an activity may be specified in a temporary use notice under subsection (1)(b) only if another activity, of a kind described by the regulations, is not also specified in the notice. 20
- (3) A temporary use notice given by a person may specify an activity under subsection (1)(b) only if the person’s operating licence authorises him to carry on the activity.

**175 Form of notice**

- (1) A temporary use notice must— 25
- (a) be in the prescribed form, and
  - (b) contain the prescribed information.
- (2) A temporary use notice must, in particular, give prescribed details of— 30
- (a) the activity to be carried on in reliance on the notice,
  - (b) the premises on which the activity is to be carried on,
  - (c) the period of time during which the notice is to have effect,
  - (d) the times of day during that period at which the activity is to be carried on, and
  - (e) any periods during the previous 12 months during which a temporary use notice has had effect in respect of the premises. 35
- (3) A temporary use notice must also specify the date on which it is given.
- (4) In this section “prescribed” means prescribed by regulations made by the Secretary of State.



- (5) In subsection (2)(e) “the previous 12 months” means the period of 12 months ending with the last day of the period specified under subsection (2)(c).

**176 Effect of notice**

A temporary use notice shall, subject to the provisions of this Part and provided that the requirements of this Part are complied with, have effect during the period specified in the notice in accordance with section 175(2)(c). 5

**177 Maximum permitted period**

- (1) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months.
- (2) A set of premises may be the subject of more than one temporary use notice in a period of 12 months (provided that the aggregate of the periods for which the notices have effect does not exceed 21 days). 10
- (3) If a temporary use notice is given to a licensing authority and subsection (1) would be contravened if the notice had effect for any part of the period specified in accordance with section 175(2)(c), the licensing authority shall give a counter-notice under section 183 providing for the temporary use notice not to have effect. 15
- (4) Subsections (5) and (6) apply where a temporary use notice is given to a licensing authority and—
- (a) subsection (1) would be contravened if the notice had effect for the whole of the period specified in accordance with section 175(2)(c) (“the specified period”), but 20
  - (b) the notice could have effect for some part of the specified period without resulting in contravention of subsection (1).
- (5) The licensing authority shall give a counter-notice under section 183 providing that the temporary use notice— 25
- (a) shall not have effect during such part of the specified period as the licensing authority may specify in the counter-notice (“the excluded period”), and
  - (b) shall be treated for the purposes of this Part as if it related only to the non-excluded period. 30
- (6) Where there is a choice as to which part of the specified period to exclude under subsection (5), the licensing authority shall consult the person who gave the temporary use notice before giving a counter-notice by virtue of that subsection. 35

*Procedure*

**178 Giving notice**

- (1) A temporary use notice must be given to the licensing authority for the area in which the premises specified under section 175(2)(b) are situated.
- (2) A temporary use notice must be given before the period of three months ending with the day before the period specified under section 175(2)(c). 40
- (3) A temporary use notice given under subsection (1) must be accompanied by—

- (a) a copy of the notice, and
  - (b) such fee as the Secretary of State may prescribe by regulations.
- (4) A person who gives a temporary use notice must give a copy of it to –
- (a) the Commission,
  - (b) the chief officer of police for any area in which the premises specified in the notice are wholly or partly situated, and
  - (c) the Commissioners of Customs and Excise.
- (5) A person who gives a temporary use notice must ensure that it, and any copy required by this section to be given, are received within the period of 7 days beginning with the date specified under section 175(3).
- (6) In the case of premises situated partly in the area of one licensing authority and partly in the area of another –
- (a) the person giving the notice may give it to either authority,
  - (b) he must give a copy of the notice to the other authority,
  - (c) the authority to whom the notice is given may require the person to give a new notice to the other authority (in which case the first notice shall be disregarded), and
  - (d) for the purpose of subsection (2) a new notice given in accordance with paragraph (b) shall be treated as having been given on the day on which notice was given under paragraph (a).
- (7) In this Part –
- (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.

### 179 Acknowledgment of notice

Where a licensing authority receive a temporary use notice in accordance with section 178(1) they shall as soon as is reasonably practicable send a written acknowledgment of the notice to the person who gave it.

### 180 Objections

- (1) This section applies where a person receives a temporary use notice, or a copy of a temporary use notice, in accordance with section 178.
- (2) If the person thinks that having regard to the licensing objectives the temporary premises notice should not have effect, or should have effect only with modification, he may give a notice of objection to the person who gave the temporary use notice.
- (3) A person who gives a notice of objection under subsection (2) must give a copy of the notice to the licensing authority to which the temporary use notice was given (unless it is that licensing authority which gives the notice of objection).
- (4) A notice of objection and any copy required by subsection (3) must be given within the period of 21 days beginning with the date on which the temporary use notice is given as specified under section 175(3).
- (5) A notice of objection must state –

- (a) that the person giving the notice objects to the temporary use notice, and
  - (b) the person’s reasons.
- (6) If the person who gives a notice of objection later withdraws it by notice in writing to the persons mentioned in subsections (2) and (3), the notice of objection shall be disregarded. 5

**181 Hearing of objections**

- (1) This section applies where –
- (a) a temporary premises notice is given to a licensing authority in accordance with section 178, and 10
  - (b) a notice of objection is given in accordance with section 180.
- (2) The licensing authority shall hold a hearing at which any of the following may make representations about the notice of objection –
- (a) the person who gave the temporary use notice,
  - (b) the person who gave the notice of objection, and 15
  - (c) any other person who was entitled to receive a copy of the temporary use notice in accordance with section 178.
- (3) But the licensing authority need not arrange a hearing if the authority and each person who would be entitled to make representations agree in writing that a hearing is unnecessary. 20

**182 Modification by agreement**

- (1) This section applies where –
- (a) a person has given a temporary use notice to a licensing authority in accordance with section 178,
  - (b) a notice of objection has been given by a person (“the objector”) in accordance with section 180, and 25
  - (c) a hearing in accordance with section 181(2) has neither –
    - (i) taken place, nor
    - (ii) been dispensed with in accordance with section 181(3).
- (2) The objector may by notice in writing to the person who gave the temporary use notice propose a modification of that notice. 30
- (3) If the person who gave the temporary use notice accepts the modification –
- (a) he shall give a new notice, incorporating the modification, in accordance with section 178, and
  - (b) the objection shall be treated as withdrawn (but without prejudice to the right of any person other than the objector to give a notice of objection in relation to the new notice). 35
- (4) The following provisions of section 178 shall not apply to a temporary use notice given under subsection (3)(a) above –
- (a) subsection (2), and 40
  - (b) subsection (3)(b).

**183 Counter-notice**

- (1) This section applies where –
  - (a) a person has given a temporary use notice to a licensing authority in accordance with section 178,
  - (b) a notice of objection has been given in accordance with section 180, and 5
  - (c) a hearing –
    - (i) has taken place in accordance with section 181(2), or
    - (ii) has been dispensed with in accordance with section 181(3).
- (2) If the licensing authority think that having regard to the licensing objectives the temporary use notice should not have effect or should have effect only with modification, the authority may give a counter-notice under this subsection to the person who gave the temporary use notice. 10
- (3) A counter-notice may provide for the temporary use notice –
  - (a) not to have effect;
  - (b) to have effect only in respect of a specified activity; 15
  - (c) to have effect only in respect of activity carried on during a specified period of time or at specified times of day;
  - (d) to have effect subject to compliance with a specified condition.
- (4) A counter-notice must –
  - (a) be in the prescribed form, and 20
  - (b) contain the prescribed information.
- (5) In addition to anything included in accordance with subsection (3) or (4)(b), a counter-notice must state the licensing authority’s reasons for giving the counter-notice.
- (6) Where a licensing authority give a counter-notice they shall give a copy to any person who was entitled to receive a copy of the temporary use notice. 25
- (7) Provision made under subsection (3) shall have effect.
- (8) In this section “prescribed” means prescribed by regulations made by the Secretary of State.

**184 Dismissal of objection**

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- (1) This section applies where a licensing authority determine not to give a counter-notice to a temporary use notice.
- (2) The licensing authority shall give notice of their determination to –
  - (a) the person who gave the temporary use notice, and
  - (b) each person who received a copy of the temporary use notice in accordance with section 178. 35

**185 Appeal**

- (1) This section applies where a licensing authority –
  - (a) give a counter-notice under section 183, or
  - (b) give a notice under section 184. 40
- (2) Any of the following may appeal –

---

(a)	the person who gave the temporary use notice, and	
(b)	a person who was entitled to receive a copy of the temporary use notice under section 178.	
(3)	An appeal under this section must be instituted –	
(a)	in the magistrates’ court for a petty sessions area in which the premises to which the temporary use notice relates are wholly or partly situated,	5
(b)	by notice of appeal given to the justices’ chief executive, and	
(c)	within the period of 21 days beginning with the day on which the appellant receives notice of the action against which the appeal is brought.	10
(4)	Where an appeal is brought against the giving of a notice under section 184 the person who gave the temporary use notice shall be a respondent in addition to the licensing authority.	
(5)	On an appeal under this section the magistrates’ court may –	
(a)	dismiss the appeal;	15
(b)	direct the licensing authority to take action of a specified kind;	
(c)	remit the case to the licensing authority to decide in accordance with a direction of the court;	
(d)	make an order about costs.	
(6)	Subsection (2) applies to a decision of a licensing authority following remittal under subsection (5)(c) above.	20
(7)	A party to an appeal under this section may bring a further appeal to the High Court on a point of law.	
<b>186</b>	<b>Endorsement of notice</b>	
(1)	This section applies where a temporary use notice has been given to a licensing authority under section 178.	25
(2)	If no notice of objection is pending in relation to the temporary use notice when the 21 day period specified by section 180(4) expires, the licensing authority shall –	
(a)	endorse the copy submitted under section 178(3)(a) in such manner as may be prescribed by the Secretary of State by regulations, and	30
(b)	return the endorsed copy, as soon as is reasonably practicable, to the person giving the notice.	
(3)	If a notice of objection is pending in relation to a temporary use notice when the 21 day period specified by section 180(4) expires, then as soon as is reasonably practicable after the completion of proceedings on the temporary use notice the licensing authority shall, unless they give a counter-notice under section 183(3)(a) –	35
(a)	endorse the copy submitted under section 178(3)(a) in such manner as may be prescribed by the Secretary of State by regulations, and	40
(b)	return the endorsed copy, as soon as is reasonably practicable, to the person giving the temporary use notice.	
(4)	For the purposes of this section a notice of objection is pending if it has been given in accordance with section 180 and –	
(a)	it has not been withdrawn, and	45

- (b) it is not treated as withdrawn in accordance with section 182(3)(b).
- (5) For the purposes of this section proceedings on a temporary use notice are completed –
- (a) if any notice of objection given in relation to the temporary use notice has been withdrawn, or 5
  - (b) if the licensing authority has given a counter-notice under section 183 or a notice under section 184.
- 187 Consideration by licensing authority: timing**
- (1) Where a licensing authority are given a temporary use notice in accordance with section 178 the authority shall complete proceedings on the notice before the end of the period of two months beginning with the date on which they receive the notice. 10
- (2) In subsection (1) the reference to proceedings on a temporary use notice is a reference to –
- (a) considering whether to give a notice of objection under section 180, 15
  - (b) holding a hearing in relation to any notice of objection given under section 180 (whether or not by the licensing authority) or agreeing to dispense with a hearing in accordance with section 181(3), and
  - (c) giving a counter-notice under section 183 or a notice under section 184.
- Miscellaneous* 20
- 188 Availability of notice**
- (1) A person who gives a temporary use notice in respect of premises –
- (a) arrange for a copy of the notice to be displayed prominently on the premises at any time when an activity is being carried on in reliance on the notice, and 25
  - (b) arrange for the notice endorsed by the licensing authority in accordance with section 186 to be made produced on request to –
    - (i) a constable,
    - (ii) a gambling inspector, or
    - (iii) an authorised local authority officer. 30
- (2) A person commits an offence if he fails without reasonable excuse to comply with subsection (1).
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 189 Withdrawal of notice** 35
- If a person who gives a temporary use notice to a licensing authority in accordance with section 178 notifies the licensing authority that the notice is withdrawn –
- (a) the notice shall have no effect (or, if it has started to have effect, shall cease to have effect), and 40

- (b) no further proceedings shall take place in respect of the notice (except in respect of a matter arising during or in relation to a time at which the notice had effect).

## 190 Delegation of licensing authority functions

- (1) The functions under this Part of a licensing authority in England and Wales are by virtue of this subsection delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003 (c. 17). 5
- (2) The following provisions of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee under this section as they apply in relation to a function delegated under that Act— 10
  - (a) section 7(9) (referral back to licensing authority), and
  - (b) section 10 (sub-delegation).
- (3) In the application of section 10(4) of that Act (matters not to be delegated to officer) by virtue of subsection (2) above, for the list of functions there shall be substituted a reference to any function under section 183 of this Act. 15
- (4) The provisions of section 9 of that Act and regulations under it apply to proceedings of licensing committees and their sub-committees in relation to the exercise of functions under this Part; and for that purpose regulations may, in particular, make provision which applies— 20
  - (a) only in relation to functions under that Act,
  - (b) only in relation to functions under this Part, or
  - (c) differently in relation to functions under that Act and functions under this Part.
- (5) [Scotland.]

## 191 Register

- (1) A licensing authority shall— 25
  - (a) maintain a register of temporary use notices given to them together with such other information as may be prescribed,
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and 30
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority. 35
- (3) The Secretary of State may make regulations about—
  - (a) the form of the register;
  - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations— 40
  - (a) requiring licensing authorities to give to the Commission specified information about temporary use notices given to them,
  - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a),

- (c) requiring the Commission to grant access to the register to members of the public (without charge),
- (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public, and 5
- (e) excusing licensing authorities, wholly or partly, from compliance with subsection (1).

## PART 10

### GAMING MACHINES

#### *Definitions* 10

#### 192 Gaming machine

- (1) In this Act “gaming machine” means a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).
- (2) But— 15
  - (a) a domestic or dual-use computer is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,
  - (b) a telephone or other machine for facilitating communication is not a gaming machine by reason only of the fact that it may be used to participate in remote gambling, 20
  - (c) a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on real events,
  - (d) a machine other than a computer is not a gaming machine by reason only of the fact that it is designed or adapted for use in playing a real game of chance, and 25
  - (e) a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to enter a lottery before any draw in the lottery has taken place.
- (3) In this Act—
  - (a) a reference to a machine is a reference to any apparatus which uses or applies mechanical power, electrical power or both, 30
  - (b) a reference to a part of a gaming machine—
    - (i) includes a reference to any computer software designed or adapted for use in a gaming machine, but
    - (ii) does not include a reference to a component of a gaming machine which does not influence the outcome of a game, 35
  - (c) a reference to installing a part of a gaming machine includes a reference to installing computer software for the purpose of altering the operation of a gaming machine,
  - (d) a reference to installing computer software includes a reference to downloading computer software, 40
  - (e) a reference to adapting a gaming machine includes a reference to adapting a machine so that it becomes a gaming machine, and
  - (f) “domestic computer” and “dual-use” computer shall have the meanings assigned by the Secretary of State by regulations. 45



- (4) Regulations under subsection (3)(f) may, in particular, make provision by reference to –
- (a) the location of a computer,
  - (b) the purposes for which a computer is used,
  - (c) the circumstances in which a computer is used, 5
  - (d) the software installed on a computer, or
  - (e) any other matter.

**193 Gaming machines: Categories A to D**

- (1) The Secretary of State shall make regulations defining four classes of gaming machine for the purposes of this Act (to be known as Categories A, B, C, and D). 10
- (2) Regulations under subsection (1) may, in particular, make provision by reference to –
- (a) amounts that may be deposited by way of stake or paid in respect of the use of a machine; 15
  - (b) the value of prizes;
  - (c) the nature of prizes;
  - (d) the premises where a machine is used.
- (3) Regulations under subsection (1) may identify matters (whether or not addressed by other provisions of the regulations) as to which a condition may not be attached to an operating licence or to a premises licence. 20

**194 Adult gaming centre**

In this Act “adult gaming centre” means premises in respect of which an adult gaming centre premises licence has effect.

**195 Family entertainment centre** 25

In this Act –

“family entertainment centre” means premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use, and

“licensed family entertainment centre” means premises in respect of which a family entertainment centre premises licence has effect. 30

**196 Prize**

In this Act “prize” in relation to a gaming machine includes any money, article or service won, whether or not described as a prize or winnings.

*Regulations* 35

**197 Use of machine**

- (1) The Secretary of State may make regulations controlling the circumstances in which a gaming machine is made available for use.

- (2) Regulations under subsection (1) may, in particular, make provision by reference to –
- (a) the method by which stakes may be deposited or payments made for the use of a machine;
  - (b) the nature of, or arrangements in respect of receiving or claiming, prizes; 5
  - (c) rollover of stakes or prizes;
  - (d) the proportion of amounts staked or paid that is returned by way of prizes;
  - (e) the display of information; 10
  - (f) any other matter relating to the manner in which a machine operates.
- (3) Regulations under subsection (1) may identify matters (whether or not addressed by other provisions of the regulations) as to which a condition may not be attached to an operating licence or to a premises licence.
- 198 Supply, &c.** 15
- (1) The Secretary of State may make regulations about the supply, installation, adaptation, maintenance or repair of a gaming machine or part of a gaming machine.
- (2) Regulations under subsection (1) may identify matters (whether or not addressed by other provisions of the regulations) as to which a condition may not be attached to an operating licence or to a premises licence. 20

### *Offences*

- 199 Making machine available for use**
- (1) A person commits an offence if he makes a gaming machine available for use by another unless – 25
- (a) he makes the machine available for use in accordance with an operating licence, or
  - (b) either of the exceptions in sections 203 and 204 applies.
- (2) A person commits an offence if he makes a gaming machine available for use in contravention of regulations under section 197. 30
- 200 Manufacture, supply, &c.**
- (1) A person commits an offence if he manufactures, supplies, installs, adapts, maintains or repairs a gaming machine or part of a gaming machine unless – 35
- (a) he acts in accordance with an operating licence, or
  - (b) the exception in section 205 applies.
- (2) A person commits an offence if he –
- (a) supplies, installs, adapts, maintains or repairs a gaming machine or part of a gaming machine, and
  - (b) fails to comply with a provision of regulations under section 198.

## 201 Linked machines

- (1) A person commits an offence if—
  - (a) he makes a gaming machine (“the first gaming machine”) available for use by another, and
  - (b) the amount of winnings available through use of the first gaming machine is or may be wholly or partly determined by reference to use made of another gaming machine (“the linked gaming machine”).5
- (2) But subsection (1) does not apply where—
  - (a) the person who makes the first gaming machine available for use is the holder of a casino premises licence, and
  - (b) the first gaming machine and the linked gaming machine are situated on the same premises.10

## 202 Penalty

- A person guilty of an offence under this Part shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- 15

### *Exceptions*

## 203 Category D gaming machine permits

- (1) A person does not commit an offence under section 26 or 199 if he makes a Category D gaming machine available for use in accordance with a Category D gaming machine permit.
  - (2) A Category D gaming machine permit is a permit issued by a licensing authority authorising a person to make a specified number of Category D gaming machines available for use on specified premises.
  - (3) Schedule 6 makes further provision about Category D gaming machine permits.
- 20
- 
- 25

## 204 Free use

- (1) A person does not commit an offence under section 26 or 199 if he makes a gaming machine available for use by another person who—
  - (a) does not pay for or in connection with the use, and
  - (b) does not, by using the machine, acquire an opportunity to win a prize.30
- (2) For the purpose of subsection (1)(a)—
  - (a) the reference to paying includes a reference to—
    - (i) paying money by way of an entrance charge,
    - (ii) using a coin to activate a gaming machine where the coin will not or may not be returned,
    - (iii) transferring money’s worth, and
    - (iv) paying for goods or services at a price or rate which reflects the opportunity to use a gaming machine, and3540

- (b) it is immaterial –
  - (i) to whom payment is made, and
  - (ii) who receives benefit from the payment.

## 205 Single-machine supply and maintenance permits

- (1) A person does not commit an offence under section 200(1) by reason only of the fact that he supplies, repairs, installs or maintains a gaming machine or part of a gaming machine in accordance with a permit under this section. 5
- (2) A person may apply to the Commission for a permit authorising him to supply, repair, install or maintain a gaming machine or part of a gaming machine.
- (3) An application under this section must – 10
  - (a) be made in writing,
  - (b) specify the gaming machine or part in relation to which the permit is sought,
  - (c) give such details of the activity in relation to which the permit is sought as the Commission may direct, 15
  - (d) be in such form, and contain such other information, as the Commission may direct, and
  - (e) be accompanied by the prescribed fee.
- (4) On consideration of an application under this section the Commission may – 20
  - (a) grant the application and issue a permit to the applicant, or
  - (b) refuse the application.
- (5) The Commission may grant an application under this section only if satisfied that the licensing objectives are irrelevant to the activity for which the permit is sought.
- (6) A permit under this section must specify – 25
  - (a) a period, not exceeding one year, during which it has effect,
  - (b) the machine or part to which it relates, and
  - (c) the activities which it authorises.
- (7) A permit under this section may be subject to a condition attached by the Commission. 30
- (8) In subsection (3)(e) “prescribed” means prescribed by regulations made by the Secretary of State.

## PART 11

### LOTTERIES

*Interpretation* 35

## 206 Lottery

- (1) For the purposes of this Act an arrangement is a lottery, irrespective of how it is described, if under the arrangement – 40
  - (a) one or more prizes are allocated to one or more members of a class (or to each member of the class),

- (b) the system for determining the allocation of prizes relies wholly on chance, and
  - (c) individuals are required to pay in order to enter the lottery.
- (2) In this Act a reference to entry, in relation to a lottery, is a reference to joining the class among whom prizes are to be allocated. 5
- (3) In subsection (1)(a) “prize” includes any money, articles or services –
  - (a) whether or not described as a prize, and
  - (b) whether or not consisting wholly or partly of money paid, or articles or services provided, by the members of the class among whom the prize is allocated. 10
- (4) For the purposes of subsection (1)(b) a system for the allocation of prizes relies wholly on chance despite the fact that persons are required to exercise skill in order to enter the lottery, if the requirement is not likely to prevent persons who want to enter the lottery from doing so.
- (5) Schedule 7 makes further provision about when an arrangement is to be or not to be treated for the purposes of subsection (1)(c) as requiring individuals to pay. 15
- (6) The Secretary of State may by regulations provide that an arrangement of a specified kind is to be or not to be treated as a lottery for the purposes of this Act; and – 20
  - (a) the power in this subsection is not constrained by subsections (1) to (5) or Schedule 7, and
  - (b) regulations under this subsection may amend other provisions of this section or Schedule 7.
- 207 Promoting a lottery** 25
- (1) For the purposes of this Act a person promotes a lottery if he makes or participates in making the arrangements for a lottery.
- (2) In particular, a person promotes a lottery if he –
  - (a) makes arrangements for the printing of lottery tickets,
  - (b) makes arrangements for the printing of promotional material, 30
  - (c) arranges for the distribution or publication of promotional material,
  - (d) possesses promotional material with a view to its distribution or publication,
  - (e) makes other arrangements to advertise a lottery,
  - (f) invites a person to participate in a lottery, 35
  - (g) sells or supplies a lottery ticket,
  - (h) offers to sell or supply a lottery ticket,
  - (i) possesses a lottery ticket with a view to its sale or supply,
  - (j) does or offers to do anything by virtue of which a person becomes a member of a class among whom prizes in a lottery are to be allocated, or 40
  - (k) uses premises for the purpose of allocating prizes or for any other purpose connected with the administration of a lottery.
- (3) In subsection (2) “promotional material” means a document which –
  - (a) advertises a specified lottery,
  - (b) invites participation in a specified lottery, 45

- 
- (c) contains information about how to participate in a specified lottery, or  
(d) lists winners in a specified lottery.
- (4) Where arrangements for a lottery are made by an external lottery manager on behalf of a society or authority, for the purposes of this Act both the external lottery manager and the society or authority promote the lottery. 5
- 208 Lottery ticket**
- (1) For the purposes of this Act a document or article is a lottery ticket if it confers, or can be used to prove, membership of a class for the purpose of the allocation of prizes in a lottery.
- (2) A reference in this Act to the sale or supply of a lottery ticket by a person includes a reference to a person doing anything as a result of which another person becomes a member of the class among whom prizes in a lottery are to be allocated. 10
- (3) A reference in this Act to purchase of a lottery ticket includes a reference to any action by a person as a result of which he becomes a member of the class among whom prizes in a lottery are to be allocated. 15
- 209 Proceeds and profits**
- (1) In this Act a reference to the proceeds of a lottery is a reference to the aggregate of amounts paid in respect of the purchase of lottery tickets.
- (2) In this Act a reference to the profits of a lottery is a reference to – 20
- (a) the proceeds of the lottery, minus
- (b) amounts deducted by the promoters of the lottery in respect of –
- (i) the provision of prizes,
- (ii) sums to be made available for allocation in another lottery in accordance with a rollover, or 25
- (iii) other costs reasonably incurred in organising the lottery.
- 210 Draw**
- In this Act “draw”, in relation to a lottery, includes any process by which a prize in the lottery is allocated.
- 211 Rollover** 30
- (1) In this Act “rollover” in relation to a lottery means an arrangement whereby the fact that a prize is not allocated or claimed in one lottery increases the value of the prizes available for allocation in another lottery.
- (2) For the purposes of subsection (1) where prizes are allocated by means of more than one draw – 35
- (a) the draws together constitute a single lottery if the class of persons among whom prizes are allocated is (and, by virtue of arrangements for the sale or supply of tickets, must be) the same in the case of each draw, and
- (b) otherwise, the arrangements for each draw constitute a separate lottery. 40

## 212 Non-commercial society

- (1) For the purposes of this Act a society is non-commercial if it is established and conducted –
  - (a) for charitable purposes,
  - (b) for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity, or
  - (c) for any other non-commercial purpose other than that of private gain.5
- (2) In subsection (1) “charitable purposes” means –
  - (a) in relation to England and Wales, purposes which are exclusively charitable according to the law of England and Wales, and
  - (b) in relation to Scotland,...10
- (3) In this Act the provision of goods or services for the benefit of individuals does not amount to a provision for the purpose of private gain if made in the course of the activities of a society that is a non-commercial society by virtue of subsection (1)(a) or (b). 15

## 213 External lottery manager

A person acts as an external lottery manager for the purposes of this Act if he makes arrangements for a lottery on behalf of a society or authority of which he is not a member, officer or employee under a contract of employment.

*Offences* 20

## 214 Promotion of lottery

- (1) A person commits an offence if he promotes a lottery unless –
  - (a) the exception in subsection (2) or (3) applies, or
  - (b) the lottery is an exempt lottery.
- (2) This section does not apply to activity by a person if –
  - (a) he holds an operating licence authorising the activity, and
  - (b) he acts in accordance with the terms and conditions of the licence.25
- (3) This section does not apply to any activity by a person if –
  - (a) he acts, otherwise than as an external lottery manager, on behalf of a person who holds an operating licence authorising the activity, and
  - (b) the activity is carried on in accordance with the terms and conditions of the licence.30
- (4) It is a defence for a person charged with an offence under this section to show that he reasonably believed that he was not committing the offence by reason of subsection (1)(b), (2) or (3). 35
- (5) In this Act “exempt lottery” means a lottery which is exempt by virtue of a provision of Schedule 8.

## 215 Facilitating a lottery

- (1) A person commits an offence if he facilitates a lottery unless –
  - (a) the exception in subsection (3) applies, or40

- 
- (b) the lottery is an exempt lottery.
- (2) For the purposes of this section a person facilitates a lottery if (and only if) he –
- (a) prints lottery tickets for a particular lottery,
  - (b) prints promotional material for a particular lottery, or
  - (c) advertises a particular lottery. 5
- (3) This section does not apply to activity by a person if he acts in accordance with the terms and conditions of an operating licence.
- (4) It is a defence for a person charged with an offence under this section to show that he reasonably believed that he was not committing the offence by reason of subsection (1)(b) or (3). 10
- (5) In subsection (2)(b) “promotional material” means a document which –
- (a) advertises a specified lottery,
  - (b) invites participation in a specified lottery,
  - (c) contains information about how to participate in a specified lottery, or
  - (d) lists winners in a specified lottery. 15
- 216 Misusing profits of lottery**
- (1) This section applies to a lottery in respect of which the promoter has stated (in whatever terms) a fund-raising purpose for the promotion of the lottery.
- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than that stated. 20
- (3) The reference in subsection (2) to the use of profits includes a reference to permitting profits to be used.
- (4) In subsection (1) the reference to a statement of a purpose for the promotion of a lottery is a reference to a statement appearing –
- (a) on the lottery tickets, or
  - (b) in an advertisement for the lottery. 25
- (5) In subsection (4)(b) “advertisement” in relation to a lottery includes any written notice announcing that a lottery will take place or inviting people to participate in a lottery (in either case whether or not it also gives other information). 30
- 217 Misusing profits of exempt lottery**
- (1) This section applies to the following kinds of lottery –
- (a) a small incidental lottery (within the meaning of Part 1 of Schedule 8),
  - (b) a private society lottery (within the meaning of Part 2 of that Schedule),  
and
  - (c) a small society lottery (within the meaning of Part 4 of that Schedule). 35
- (2) A person commits an offence if he uses any part of the profits of a lottery to which this section applies for a purpose other than one for which the lottery is permitted to be promoted in accordance with Schedule 8.
- (3) Subsections (3) and (4) of section 216 shall have effect for the purpose of this section as they have effect for the purpose of that section. 40



**218 Society lottery: breach of condition**

- (1) A non-commercial society commits an offence if—
- (a) a small society lottery is promoted on the society’s behalf wholly or partly at a time when the society is not registered with a local authority in accordance with Part 5 of Schedule 8, 5
  - (b) the society fails to comply with the requirements of paragraph 35 of that Schedule, or
  - (c) the society provides false or misleading information for the purposes of paragraph 35 of that Schedule.
- (2) Where an offence under subsection (1) is committed with the knowledge, consent or connivance of, or as a result of the negligence of, an officer or member of the society, the officer or member (as well as the society) shall be guilty of the offence. 10
- (3) In this section the following expressions have the same meaning as in Part 4 of Schedule 8— 15
- (a) society lottery, and
  - (b) small lottery.

**219 Penalty**

A person guilty of an offence under this Part shall be liable on summary conviction to— 20

- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

*General*

**220 National Lottery**

25

Nothing in this Part applies to a lottery which forms part of the National Lottery (within the meaning of section 1 of the National Lottery etc. Act 1993 (c. 39)).

**221 Territorial application**

This Part applies to anything done in England, Wales or Scotland in relation to a lottery, irrespective of whether the lottery is promoted wholly or partly — 30

- (a) elsewhere in the United Kingdom, or
- (b) outside the United Kingdom.

**PART 12**

INSPECTION

35

*Inspectors*

**222 Gambling inspectors**

- (1) The Commission may appoint persons to act as gambling inspectors.

- (2) A gambling inspector may be, but need not be, an employee of the Commission.
- (3) The Commission may pay to or in respect of a gambling inspector who is not an employee of the Commission sums determined by the Secretary of State by way of or in respect of –
- (a) remuneration;
  - (b) allowances;
  - (c) expenses;
  - (d) pension;
  - (e) gratuity.
- (4) A reference in this Act to a gambling inspector is a reference to a person appointed under this section.

### 223 Authorised persons

- (1) In this Act –
- (a) “authorised person” has the meaning given by this section, and
  - (b) a reference to an authorised local authority officer is a reference to a person who is an authorised person by virtue of subsection (2).
- (2) An officer of a licensing authority is an authorised person for a purpose relating to premises if –
- (a) the premises are wholly or partly situated in the authority’s area, and
  - (b) the officer is designated by the authority as an authorised person for the purposes of this section.
- (3) An officer of an authority other than a licensing authority is an authorised person for a purpose relating to premises if –
- (a) the authority has statutory functions, for an area in which the premises are wholly or partly situated, in relation to minimising or preventing the risk of pollution of the environment or of harm to human health, and
  - (b) the officer is authorised by the authority for the purpose of exercising any of those statutory functions.
- (4) The following are authorised persons for purposes relating to any premises –
- (a) an inspector appointed under section 18 of the Fire Precautions Act 1971 (c. 40) (enforcement),
  - (b) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37) (inspectors),
  - (c) an inspector or surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995 (c. 21) (enforcement),
  - (d) an officer of the Commissioners of Customs and Excise designated by them for the purposes of this section, and
  - (e) a person who is within a class prescribed by the Secretary of State by regulations.

*Kinds of inspection*

**224 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 5
- (b) may be about to be committed on the premises.

**225 Inspection of gambling**

- (1) A constable, gambling inspector or authorised person may enter premises to which this section applies for a purpose specified in subsection (3).
- (2) This section applies to premises if a constable, gambling inspector or authorised person reasonably suspects that facilities for gambling other than private and non-commercial gaming or betting may be being provided, may be about to be provided or have been provided, on the premises. 10
- (3) The purposes mentioned in subsection (1) are –
  - (a) to discover whether facilities for gambling other than private and non-commercial gaming or betting are being provided, are about to be provided or have been provided on the premises, 15
  - (b) to determine whether an operating licence or premises licence is held in respect of the provision of facilities for gambling on the premises, and
  - (c) to determine whether facilities are being, will be or have been provided in accordance with the terms and conditions of an operating licence or premises licence. 20

**226 Operating licence holders**

- (1) A constable or gambling inspector may enter premises to which this section applies for the purpose specified in subsection (3). 25
- (2) This section applies to premises which a constable or gambling inspector reasonably believes to be used by the holder of an operating licence wholly or partly for purposes connected with the licensed activities.
- (3) The purpose mentioned in subsection (1) is to determine whether the licensed activities are being carried on in accordance with the terms and conditions of the operating licence. 30
- (4) The power under subsection (1) –
  - (a) may be exercised only at a reasonable time, and
  - (b) does not apply to a dwelling.

**227 Category D gaming machine premises** 35

- (1) An authorised local authority officer may enter premises in respect of which an application has been made for a Category D gaming machine permit for a purpose connected with the consideration of the application.
- (2) A constable or authorised local authority officer may enter premises in respect of which a Category D gaming machine permit has effect for the purpose of 40

ascertaining whether the number of Category D gaming machines being made available for use on the premises exceeds that authorised by the permit.

## 228 Licensed premises

- (1) A constable, gambling inspector or authorised person may enter premises in respect of which an application for a premises licence has been made to assess, having regard to the licensing objectives, the likely effects of activity carried on in reliance on the premises licence. 5
- (2) A constable, gambling inspector or authorised person may enter premises in respect of which a premises licence has effect for a purpose connected with a review under section 163. 10

## 229 Lotteries: registered societies

- (1) Where a society is registered with a local authority in accordance with Part 5 of Schedule 8, a gambling inspector or an authorised local authority officer may enter premises owned or used by the society for the purpose of making inquiries in connection with a lottery promoted by a member of the society. 15
- (2) The power under subsection (1) –
- (a) may be exercised only at a reasonable time, and
  - (b) does not apply to a dwelling.

## 230 Temporary use notice

- (1) A constable, gambling inspector or authorised person may enter premises in respect of which a temporary use notice has effect to determine whether an activity of a kind listed in section 26(1) is being carried on otherwise than in accordance with the temporary use notice. 20
- (2) A constable, gambling inspector or authorised person may enter premises in respect of which a temporary use notice has been given to assess, having regard to the licensing objectives, the likely effects of activity carried on in reliance on the temporary use notice. 25

## 231 Authorisations: production on demand

- (1) A constable or gambling inspector may require the holder of an operating licence to produce to the constable or gambling inspector within a specified period a copy of any authorisation given by the holder or the licence under section 74(2) or (3) or 75(2). 30
- (2) While a person is holding himself out as willing to accept bets on behalf of the holder of an operating licence in accordance with section 74(2) or (3) or 75(2), a constable or gambling inspector may require the person to produce a copy of his authorisation under that section – 35
- (a) within a specified period, or
  - (b) immediately.
- (3) A constable or gambling inspector may require the holder of a casino premises licence to produce to the constable or gambling inspector within a specified period a copy of any authorisation given by the holder of the licence under section 141(4). 40

- (4) While a person is carrying on an activity in reliance on an authorisation under section 141(4), a constable or gambling inspector may require the person to produce a copy of his authorisation under that section –
  - (a) within a specified period, or
  - (b) immediately. 5
- (5) A person commits an offence if he fails without reasonable excuse to comply with a requirement imposed under this section.
- (6) A person guilty of an offence under subsection (5) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

*Powers and procedure* 10

**232 Powers**

- (1) A constable, gambling inspector or authorised person exercising a power under this Part to enter premises may –
  - (a) inspect any part of the premises and any machine or other thing on the premises; 15
  - (b) question any person on the premises;
  - (c) require access to any written or electronic record which is kept on the premises;
  - (d) require to be supplied with a copy, in such form as he directs, of an entry in a written or electronic record which is kept on the premises; 20
  - (e) remove and retain anything which he reasonably suspects may be or contain a record which provides evidence of –
    - (i) the commission of an offence under this Act, or
    - (ii) a breach of a term or condition of a licence issued under this Act.
- (2) The Secretary of State may by regulations make provision about the retention, use, return or destruction of –
  - (a) copies supplied under subsection (1)(d), and
  - (b) things removed under subsection (1)(e). 25

**233 Evidence of authorisation**

A gambling inspector or authorised person seeking to exercise a power under this Part must on request produce evidence of his identity and authority. 30

**234 Use of force**

- (1) A constable may use reasonable force for the purpose of entering premises in pursuance of a power under this Part.
- (2) A gambling inspector may use reasonable force for the purpose of entering premises in pursuance of a power under section 224 or 225. 35
- (3) An authorised person may use reasonable force for the purpose of entering premises in pursuance of a power under section 225.

**235 Obstruction**

- (1) A person commits an offence if without reasonable excuse he obstructs, or fails to cooperate with, a constable, gambling inspector or authorised person who is exercising or seeking to exercise a power under this Part.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale. 5

**PART 13**

## GENERAL

**236 Interpretation**

- (1) In this Act, except where the context otherwise requires – 10
- “adult” means an individual who is not a child or young person,
- “adult gaming centre” has the meaning given by section 194,
- “authorised local authority officer” has the meaning given by section 223,
- “authorised person” has the meaning given by that section,
- “betting” has the meaning given by section 7, 15
- “betting intermediary” has the meaning given by section 8,
- “bingo” means any version of that game, irrespective of by what name it is described,
- “casino” has the meaning given by section 10,
- “casino game” has the meaning given by that section, 20
- “Category A gaming machine” (or B, C or D) means a gaming machine falling within Category A (or B, C or D) as prescribed under section 193,
- “Category D gaming machine permit” has the meaning given by section 203,
- “chief constables of police forces” has the same meaning – 25
- (a) in relation to England and Wales, as in the Police Act 1996 (c. 16), and
- (b) in relation to Scotland, as in...,
- “child” has the meaning given by section 33,
- “the Commission” means the Gambling Commission, 30
- “director” –
- (a) has the meaning given by section 741 of the Companies Act 1985 (c. 6), and
- (b) includes a shadow director within the meaning of that section,
- “dog track” means premises which are designed, used or adapted for use for dog-racing, 35
- “draw”, in relation to a lottery, has the meaning given by section 210,
- “external lottery manager” has the meaning given by section 213,
- “family entertainment centre” has the meaning given by section 195,
- “football pools” means an arrangement whereby – 40
- (a) people compete for prizes by forecasting the results of association football games, and
- (b) each entry to the competition must forecast the results of at least four games,
- “gambling” has the meaning given by section 2, 45

“gambling inspector” has the meaning given by section 222,	
“game of chance” has the meaning given by section 6,	
“gaming” has the meaning given by that section,	
“gaming machine” has the meaning given by section 192,	
“horse-race course” means premises which are designed, used or adapted for use for horse-racing,	5
“horse-race pool betting” has the meaning given by section 11,	
“large casino” has the meaning given by regulations under section 10(5),	
“licensed family entertainment centre” has the meaning given by section 195,	10
“the licensing objectives” has the meaning given by section 1,	
“licensing authority” has the meaning given by section 9,	
“local authority” has the meaning given—	
(a) in relation to England and Wales, by section 48 of the Local Government Act 2000 (c. 22), and	15
(b) in relation to Scotland, by...,	
“lottery” has the meaning given by section 206,	
“lottery manager’s operating licence” has the meaning given by section 76,	
“lottery ticket” has the meaning given by section 208,	20
“non-commercial society” has the meaning given by section 212,	
“occasional use notice” means a notice given under section 28,	
“operating licence” means a licence issued under Part 5,	
“participant”, in relation to a game of chance, includes a person who discharges an administrative or other function in relation to the game,	25
“participation fee” has the meaning given by subsection (3) below,	
“personal licence” means a licence issued under Part 6,	
“pool betting” has the meaning given by section 11,	
“premises”—	
(a) includes any place, and	30
(b) includes a vessel, but	
(c) does not include a vehicle,	
“premises licence” means a licence issued under Part 8,	
“private and non-commercial betting” has the meaning given by section 5 and Part 2 of Schedule 1,	35
“private and non-commercial gaming” has the meaning given by section 5 and Part 1 of Schedule 1,	
“private gain” is to be construed in accordance with section 212,	
“prize” in relation to a gaming machine has the meaning given by section 196,	40
“prize” in relation to a lottery has the meaning given by section 206,	
“proceeds”, in relation to a lottery, has the meaning given by section 209,	
“profits”, in relation to a lottery, has the meaning given by that section,	
“racecourse” means premises on any part of which a race takes place or is intended to take place,	45
“real”, in relation to a game, event or process means non-virtual,	
“remote gambling” has the meaning given by section 3,	
“remote gambling equipment” has the meaning given by section 25,	
“remote operating licence” has the meaning given by section 53,	

- “rollover”, in relation to a lottery, has the meaning given by section 211,  
“small casino” has the meaning given by regulations under section 10(5),  
“society” includes a branch or section of a society,  
“stake” includes participation fee (but a reference to a participation fee  
does not include a reference to stakes), 5  
“supply” includes –  
(a) sale,  
(b) lease, and  
(c) placing on premises with permission or in accordance with a  
contract or other arrangement, 10  
“temporary use notice” has the meaning given by section 174,  
“track” means a horse-race course, dog track or other premises on any part  
of which a race or other sporting event takes place or is intended to take  
place,  
“vessel” includes – 15  
(a) anything designed or adapted for navigation or other use in, on  
or over water, and  
(b) anything, or any part of any place, situated in or on water,  
“virtual” has the meaning given by subsection (5) below,  
“winnings” includes any kind of prize (whether in money or money’s  
worth), and 20  
“young person” has the meaning given by section 33.
- (2) In this Act –  
(a) a reference to accepting a bet includes a reference to negotiating a bet,  
(b) a reference to postal services does not include a reference to facsimile  
transmission, 25  
(c) a reference to entering a lottery is to be construed in accordance with  
section 206,  
(d) a reference to promoting a lottery is to be construed in accordance with  
section 207, 30  
(e) a reference to providing facilities for gambling is to be construed in  
accordance with section 4,  
(f) a reference to publication includes a reference to display, and  
(g) a reference to the sale, supply or purchase of a lottery ticket is to be  
construed in accordance with section 208. 35
- (3) In this Act “participation fee” means an amount paid in respect of entitlement  
to participate in gambling, for which purpose it is immaterial –  
(a) whether the amount is described as a participation fee, as a  
membership fee or in some other way,  
(b) to whom the amount is payable, and 40  
(c) when and how the amount is payable.
- (4) The Secretary of State may make regulations providing, in connection with the  
operation of a provision of this Act in relation to a participation fee, for the  
apportionment of an amount which is payable partly in respect of entitlement  
to participate in gambling and partly in respect of another matter; and that  
provision may, in particular – 45  
(a) provide for apportionment by a specified person;  
(b) provide for apportionment in accordance with a specified formula or  
principle;



- (c) refer to the concept of reasonableness.
- (5) For the purposes of this Act a reference to a virtual game, race or other event or process is a reference to –
  - (a) images generated by computer so as to resemble all or part of a game, race or other event or process of a kind that is played by or involves actual people, animals or things, 5
  - (b) images generated by computer so as to represent an imaginary game, race or other event or process, or
  - (c) any game, race or other event or process the result of which is determined by computer. 10
- (6) A requirement under this Act to give a notice (or to notify) is a requirement to give notice in writing; and for that purpose –
  - (a) a message sent by facsimile transmission or electronic mail shall be treated as a notice given in writing, and
  - (b) a notice sent to a licensee at the address specified for that purpose in the licence shall, unless the contrary is proved, be treated as reaching him within a period within which it could reasonably be expected to reach him in the ordinary course of events. 15

### 237 Regulations, orders and rules

- (1) Regulations, rules or an order of the Secretary of State under this Act – 20
  - (a) may make provision which applies generally or only for specified purposes or in specified cases or circumstances,
  - (b) may make different provision for different purposes, cases or circumstances, and
  - (c) may include incidental, consequential or transitional provision. 25
- (2) A provision of this Act which permits regulations, rules or an order to make provision of a specified kind is without prejudice to the generality of subsection (1).
- (3) Regulations, rules or an order of the Secretary of State under this Act shall be made by statutory instrument. 30
- (4) Regulations or rules under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subject to subsection (6), an order of the Secretary of State under a provision of this Act shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament. 35
- (6) An order of the Secretary of State under section 124(5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 238 Amendments

- (1) Schedule 9 (consequential amendments) shall have effect.
- (2) An amendment in that Schedule shall have the same extent as the enactment amended (or as the relevant portion of the enactment amended) except where the contrary is expressly provided in that Schedule. 40

**239 Money**

- (1) Any expenditure of the Secretary of State in connection with this Act shall be paid out of money provided by Parliament.
- (2) A sum received by the Secretary of State in connection with this Act shall be paid into the Consolidated Fund. 5

**240 Commencement**

- (1) The preceding provisions of this Act shall come into force on such day as the Secretary of State may appoint by order.
- (2) Transitional provision of an order under this section may, in particular, disapply section 141(1) in respect of premises that are in use for the operation of a casino (within the meaning of section 10(1) to (3)) when Part 8 of this Act comes into force. 10

**241 Extent**

- (1) Part [National Lottery] extends to the whole of the United Kingdom.
- (2) The remainder of this Act extends only to— 15
  - (a) England and Wales, and
  - (b) Scotland.

**242 Short title**

This Act may be cited as the Gambling Act [*Year of enactment*].

## SCHEDULES

### SCHEDULE 1

Section 5

#### PRIVATE AND NON-COMMERCIAL GAMING AND BETTING

##### PART 1

##### GAMING

5

##### *Introduction*

- 1 Gaming is private and non-commercial gaming if it satisfies the conditions specified in this Part of this Schedule.
- 2 (1) For the purposes of this Part of this Schedule gaming is domestic gaming if it takes place –
  - (a) in a private dwelling, and
  - (b) on a domestic occasion.
- (2) For the purposes of this Part of this Schedule gaming is residential gaming if –
  - (a) it takes place in a hostel, hall of residence or similar establishment which is not administered in the course of a trade or business, and
  - (b) more than half of the participants are residents of the hostel, hall or establishment.

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##### *No charge for participation*

- 3 (1) It is a condition of private and non-commercial gaming that no charge is made for participation.
- (2) For the purposes of this paragraph –
  - (a) it is immaterial how a charge is described,
  - (b) it is immaterial whether a charge is in money or money's worth,
  - (c) an amount deducted or levied, by a person providing facilities for gaming, from sums staked or won in the course of gaming is a charge for participation in the gaming,
  - (d) a charge for admission to premises where gaming takes place shall be treated as a charge for participation in the gaming, and
  - (e) a stake is not a charge for participation.

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##### *No bank*

- 4 (1) It is a condition of private and non-commercial gaming that it does not involve playing or staking against a bank.

- (2) But this condition does not apply in relation to domestic or residential gaming.
- (3) For the purposes of sub-paragraph (1) it is immaterial –
- (a) how a bank is described, and
  - (b) whether or not the bank is controlled or administered by a player. 5

*Equal chances*

- 5 (1) It is a condition of private and non-commercial gaming that the chances are equally favourable to all participants.
- (2) But this condition does not apply in relation to domestic or residential gaming. 10

*Privacy*

- 6 It is a condition of private and non-commercial gaming that it does not occur in a place to which the public have access (whether or not on payment).

PART 2

BETTING 15

*Introduction*

- 7 Betting is private and non-commercial betting if it is –
- (a) domestic betting,
  - (b) workers' betting, or
  - (c) non-business betting. 20

*Domestic betting*

- 8 (1) A betting transaction is domestic betting if made on premises in which each party to the transaction lives.
- (2) For the purposes of this paragraph a person lives in premises if he habitually resides in any part of the premises (whether or not there are other premises in which he also habitually resides). 25

*Workers' betting*

- 9 A betting transaction is workers' betting if made between persons each of whom is employed under a contract of employment with the same employer. 30

*Non-business betting*

- 10 A betting transaction is non-business betting if no party to the transaction –
- (a) enters the transaction in the course of a business, or
  - (b) holds himself out as being in business in relation to the acceptance of bets. 35

SCHEDULE 2

Section 12

THE GAMBLING COMMISSION

*Constitution*

- 1 The Gambling Commission shall consist of a chairman and other commissioners appointed by the Secretary of State. 5

*Tenure*

- 2 (1) A commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).  
(2) A commissioner may resign by notice in writing to the Secretary of State.  
(3) If the Secretary of State thinks that a commissioner is unable, unfit or unwilling to perform his functions, the Secretary of State may dismiss the commissioner. 10
- 3 The chairman –  
(a) shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule), 15  
(b) may resign by notice in writing to the Secretary of State, and  
(c) shall cease to be chairman if he ceases to be a commissioner.
- 4 The Secretary of State may not appoint a person as commissioner –  
(a) for a period of more than five years, or  
(b) for periods (whether or not consecutive) exceeding ten years in aggregate. 20

*Staff*

- 5 (1) The Commission may appoint a chief executive.  
(2) A person may hold appointment both as the chief executive and as a commissioner. 25
- 6 The Commission may appoint other staff with the Secretary of State's approval as to terms and conditions of employment.

*Proceedings*

- 7 The Commission shall –  
(a) determine arrangements for the conduct of its proceedings (which may, in particular, include arrangements for a quorum), and 30  
(b) publish those arrangements.
- 8 (1) The Commission may delegate a function to –  
(a) a commissioner,  
(b) a committee consisting of commissioners, or 35  
(c) an employee of the Commission.
- (2) Sub-paragraph (1) applies to any function of the Commission including, in particular –  
(a) a discretionary function;

- (b) the function of conducting a review;
- (c) the function of determining whether to revoke a licence or whether to impose a requirement to pay a penalty.

*Money*

- 9 The Commission may pay to or in respect of a commissioner or employee sums by way of or in respect of – 5
- (a) remuneration;
  - (b) allowances;
  - (c) expenses;
  - (d) pension; 10
  - (e) gratuity.
- 10 The Secretary of State may make payments to the Commission for the purpose of enabling the Commission to meet such of its expenses as cannot be met out of fees paid to the Commission under this Act.
- 11 The Commission may pay money into the Consolidated Fund. 15
- 12 The Commission shall keep accounting records in such form as the Secretary of State may direct.
- 13 (1) The Commission shall prepare a statement of accounts for each financial year in such form as the Secretary of State may direct.
- (2) The Commission shall send a copy of a statement of accounts under sub-paragraph (1) to – 20
- (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General.
- (3) The Commission must comply with sub-paragraph (2) within such period, beginning with the end of the financial year to which the accounts relate, as the Secretary of State may specify. 25
- (4) The Comptroller and Auditor General shall –
- (a) examine a statement sent to him under sub-paragraph (2),
  - (b) report on it, and
  - (c) lay a copy of his report before Parliament. 30
- 14 (1) The financial year of the Commission shall be the period of 12 months ending with 31st March.
- (2) But the first financial year of the Commission shall be the period –
- (a) beginning with the commencement of section 12, and
  - (b) ending with the following 31st March. 35

*Annual report*

- 15 (1) As soon as is reasonably practicable after the end of each financial year the Commission shall send to the Secretary of State a report about the activities of the Commission during the year.
- (2) Where the Secretary of State receives a report under sub-paragraph (1) – 40
- (a) he shall lay a copy before Parliament, and
  - (b) he may arrange for the report to be published.

*Status*

- 16 (1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) Property of the Commission shall not be regarded as property of or held on behalf of the Crown. 5
- (3) Membership of or employment by the Commission is not employment in the civil service of the State.

SCHEDULE 3

Section 13

TRANSFER FROM GAMING BOARD TO GAMBLING COMMISSION: SUPPLEMENTARY PROVISION 10

- 1 In this Schedule –  
“the Board” means the Gaming Board for Great Britain,  
“commencement” means the coming into force of section 13, and  
“the Commission” means the Gambling Commission.
- 2 Anything done by or in relation to the Board which has effect immediately before commencement shall, so far as necessary for continuing its effect after commencement, have effect as if done by or in relation to the Commission. 15
- 3 Anything (including any legal proceedings) which immediately before commencement is in the process of being done by or in relation to the Board may be continued by or in relation to the Commission. 20
- 4 So far as necessary or appropriate in consequence of section 13, on and after commencement a reference to the Board in an enactment, instrument or other document shall be treated as a reference to the Commission.
- 5 (1) Section 13(2) shall operate in relation to rights and liabilities –  
(a) whether or not they would otherwise be capable of being transferred by the Board, and 25  
(b) without any instrument or other formality being required.
- (2) In so far as section 13(2) transfers to the Commission liabilities under contracts of employment nothing in that section or this Schedule shall affect the operation of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794). 30

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SCHEDULE 4

Section 99

RELEVANT OFFENCES

PART 1

THE OFFENCES

	<i>Gambling offences</i>	5
1	An offence under –	
	(a) this Act,	
	(b) the Betting, Gaming and Lotteries Act 1963 (c. 2),	
	(c) the Gaming Act 1968 (c. 65),	
	(d) the Lotteries and Amusements Act 1976 (c. 32),	10
	(e) the National Lottery etc. Act 1993 (c. 39), or	
	(f) the National Lottery Act 1998 (c. 22).	
	<i>Theft, &amp;c.</i>	
2	An offence under any of the following provisions of the Theft Act 1968 (c. 60) –	15
	(a) section 1 (theft),	
	(b) section 8 (robbery),	
	(c) section 9 (burglary),	
	(d) section 10 (aggravated burglary),	
	(e) section 11 (theft from exhibition, &c.),	20
	(f) section 12A (aggravated vehicle-taking),	
	(g) section 13 (abstracting electricity),	
	(h) section 15 (obtaining property by deception),	
	(i) section 15A (obtaining money transfer by deception),	
	(j) section 16 (obtaining pecuniary advantage by deception),	25
	(k) section 17 (false accounting),	
	(l) section 19 (false statement by director, &c.),	
	(m) section 20 (suppression of document, &c.),	
	(n) section 21 (blackmail),	
	(o) section 22 (handling stolen goods),	30
	(p) section 24A (retaining wrong credit), and	
	(q) section 25 (going equipped for stealing, &c.).	
3	An offence under section 1 or 2 of the Theft Act 1978 (c. 31) (obtaining services, or evading liability, by deception).	
4	An offence under section 170 or 170B of the Customs and Excise Management Act 1979 (c. 2) (evasion of duty).	35
	<i>Miscellaneous</i>	
5	A sexual offence within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).	



6	A violent offence within the meaning of section 161(3) of that Act.	
7	An offence under – (a) the Firearms Act 1968 (c. 27), or (b) the Firearms (Amendment) Act 1988 (c. 45).	
8	An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38) – (a) section 4(2) (production), (b) section 4(3) (supply), (c) section 5(3) (possession with intent to supply), and (d) section 8 (permitting activity on premises).	5    10
9	An offence under the Forgery and Counterfeiting Act 1981 (c. 45), except for sections 18 and 19 (reproduction and imitation notes and coins).	
10	An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (unlicensed activity).	
11	A reference in this Part of this Schedule to an offence under an Act or a provision of an Act includes a reference to an offence under subordinate legislation made under that Act or provision.	15

PART 2

POWER TO AMEND PART 1

12	(1) The Secretary of State may by order amend Part 1 of this Schedule so as to – (a) add an entry, (b) vary and entry, or (c) remove an entry. (2) An order under this paragraph may make transitional provision. (3) An order under this paragraph – (a) shall be made by statutory instrument, and (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.	20      25
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SCHEDULE 5

Section 114

GAMBLING APPEAL TRIBUNAL

30

*President, deputy and chairmen*

1	The Secretary of State shall appoint a President of the Tribunal.	
2	The Secretary of State may appoint persons to a panel of chairmen of the Tribunal.	
3	A person may be appointed under paragraph 1 or 2 only if – (a) he has a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41), or	35

	(b) he is an advocate or solicitor in Scotland of at least seven years' standing.	
4	(1) The Secretary of State may appoint a member of the panel of chairmen as deputy President of the Tribunal.	
	(2) The deputy President –	5
	(a) may act for the President when he is unable to act or unavailable, and	
	(b) shall perform such other functions as the President may delegate or assign to him.	
<i>Members</i>		
5	(1) The Secretary of State may appoint persons to a panel of members of the Tribunal.	10
	(2) The Secretary of State may appoint a person to the panel of members only if the Secretary of State thinks that the person has appropriate knowledge or experience relating to gambling.	
<i>Tenure</i>		
6	(1) A person appointed under paragraph 1, 2 or 5 shall hold and vacate office in accordance with the terms of his appointment (subject to this paragraph).	
	(2) A person appointed under paragraph 1, 2 or 5 may resign by notice in writing to the Secretary of State.	
	(3) The Secretary of State may dismiss a person appointed under paragraph 1, 2 or 5 –	20
	(a) on the grounds that the person is unable or unwilling to perform his functions, or	
	(b) on the grounds of misbehaviour.	
<i>Staff</i>		
7	The Secretary of State may appoint staff for the Tribunal.	25
<i>Money</i>		
8	The Secretary of State may pay sums to or in respect of a person appointed under paragraph 1, 2, 5 or 7 by way of or in respect of –	
	(a) remuneration;	30
	(b) expenses;	
	(c) allowances.	
9	The Secretary of State may incur expenditure in respect of the Tribunal.	
<i>Sittings</i>		
10	The Tribunal –	35
	(a) shall sit at such times and in such places as the Secretary of State shall direct, and	
	(b) may sit in more than one place at a time.	

- 11 (1) The Secretary of State shall make arrangements for determining which of the persons appointed under paragraphs 1, 2 and 5 shall constitute the Tribunal at each sitting.
- (2) The arrangements shall, in particular, ensure that at each sitting the Tribunal consists of – 5
- (a) the President or a member of the panel of chairmen, or
  - (b) the President, or a member of the panel of chairmen, sitting with two other members of the Tribunal, or
  - (c) with the consent of the parties to the proceedings, the President, or a member of the panel of chairmen, sitting with one other member of the Tribunal. 10
- (3) The Secretary of State –
- (a) shall consult the President before making arrangements under this paragraph, and
  - (b) shall publish arrangements made under this paragraph. 15

*Procedure*

- 12 (1) Decisions of the Tribunal may be taken by majority vote.
- (2) Where paragraph 11(2)(c) applies the President or member of the panel of chairmen shall have a casting vote.
- 13 The President may, subject to rules under section 120, give directions about the practice and procedure of the Tribunal. 20
- 14 Rules made by the Secretary of State under section 120 may, in particular, make provision –
- (a) about the manner in which appeals are to be instituted;
  - (b) for the President or a member of the panel of chairmen to determine an interlocutory or ancillary matter; 25
  - (c) for the suspension by the Tribunal of decisions of the Commission (whether or not they have already taken effect);
  - (d) about disclosure;
  - (e) for joining the Commission to proceedings; 30
  - (f) about the admission of members of the public to proceedings;
  - (g) about representation of parties;
  - (h) about withdrawal of proceedings;
  - (i) about the recording and promulgation of decisions;
  - (j) about the award of costs or expenses. 35

*Council on Tribunals*

- 15 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under general supervision of Council) the following shall be inserted before paragraph 22 –

“Gambling appeals	21C. The Gambling Appeal Tribunal established by section 114 of the Gambling Act [ <i>Year of enactment</i> ].”
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## SCHEDULE 6

Section 203

5

## CATEGORY D GAMING MACHINE PERMITS

*Interpretation*

- 1 In this Schedule—
- “holder”, in relation to a permit, means the person to whom the permit is issued, 10
- “the licensing authority”—
- (a) in relation to an application, means the licensing authority to whom the application is made, and
- (b) in relation to a permit, means the licensing authority who issue it, 15
- “permit” means a Category D gaming machine permit,
- “the premises”, in relation to an application or permit, means the premises in respect of which the permit is sought or issued, and
- “prescribed” means prescribed by regulations made by the Secretary of State. 20

*Making of application*

- 2 (1) An application for a permit may be made by a person who occupies or proposes to occupy the premises.
- (2) If the applicant for a permit is an individual, he must be an adult.
- 3 An application for a permit may not be made if— 25
- (a) [an alcohol licence has effect in respect of the premises], or
- (b) a premises licence has effect in respect of the premises.
- 4 An application for a permit must be made to a licensing authority in whose area the premises are wholly or partly situated.
- 5 An application for a permit must— 30
- (a) be made in such form and manner as the licensing authority may direct,
- (b) specify the premises in respect of which the permit is sought,
- (c) specify the number of Category D gaming machines in respect of which the permit is sought, 35
- (d) contain or be accompanied by such other information or documents as the licensing authority may direct, and
- (e) be accompanied by the prescribed fee.

*Consideration of application*

- 6 Section 126 shall have effect in relation to the functions of a licensing authority under this Schedule as it has effect in relation to the functions of a licensing authority under Part 8 (apart from section 124).
- 7 (1) A licensing authority may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule. 5
- (2) A statement prepared by an authority under this paragraph may, in particular –
- (a) provide that the authority will not issue or renew a permit in respect of a specified class of premises other than a family entertainment centre; 10
- (b) provide in respect of a specified class of premises, other than a family entertainment centre, a maximum number of gaming machines in respect of which the authority will issue or renew a permit.
- (3) In exercising their functions under this Schedule a licensing authority – 15
- (a) need not (but may) have regard to the licensing objectives, and
- (b) shall have regard to any relevant guidance issued by the Commission under section 17.

*Determination of application*

- 8 (1) On considering an application for a permit a licensing authority may – 20
- (a) grant it in respect of the number of gaming machines specified in the application under paragraph 5(c),
- (b) grant it in respect of a smaller number of gaming machines, or
- (c) refuse it.
- (2) Where an application for a permit relates to a family entertainment centre – 25
- (a) sub-paragraph (1)(b) does not apply, and
- (b) the licensing authority may not refuse the application on grounds relating to the number of gaming machines specified in the application under paragraph 5(c).
- (3) A licensing authority may not attach conditions to a permit. 30
- (4) As soon as is reasonably practicable after granting an application a licensing authority –
- (a) shall issue a permit to the applicant, and
- (b) if they have granted the application in respect of a smaller number of gaming machines than that specified under paragraph 5(c), shall notify the applicant of their reasons. 35
- (5) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of –
- (a) the refusal, and
- (b) the reasons for it. 40
- 9 (1) A licensing authority may not refuse an application unless they have –
- (a) notified the applicant of their intention to refuse the application and of their reasons, and
- (b) given the applicant an opportunity to make representations.

- (2) But sub-paragraph (1) shall not apply to refusal of an application on the grounds that to grant it would be contrary to provision made by virtue of paragraph 7(2).
- (3) A licensing authority may satisfy sub-paragraph (1)(b) by giving the applicant an opportunity to make – 5
- (a) oral representations,
  - (b) written representations, or
  - (c) both.
- (4) This paragraph applies to the grant of an application in respect of a smaller number of gaming machines than that specified under paragraph 5(c) as it applies to the refusal of an application. 10

*Form of permit*

- 10 (1) A permit must specify –
- (a) the person to whom it is issued,
  - (b) the number of Category D gaming machines in respect of which it has effect, 15
  - (c) the premises in respect of which it has effect, and
  - (d) the date on which it takes effect.
- (2) If the person to whom a permit is issued changes his name or wishes to be known by another name – 20
- (a) he may send the permit to the licensing authority with a request that his new name be substituted for his old name, and
  - (b) the licensing authority shall comply with the request and return the permit to the holder.

*Duration* 25

- 11 A permit shall cease to have effect at the end of the period of ten years beginning with the date specified under paragraph 10(d) unless –
- (a) it ceases to have effect before that time in accordance with a provision of this Schedule, or
  - (b) it is renewed in accordance with paragraph 16. 30
- 12 (1) A permit shall lapse if the holder ceases to occupy the premises specified under paragraph 10(c).
- (2) A permit shall not take effect if on the date specified under paragraph 10(d) the person to whom the permit is issued is not an occupier of the premises specified under paragraph 10(c). 35
- 13 (1) A permit held by an individual shall lapse if he –
- (a) dies,
  - (b) becomes, in the opinion of the licensing authority as notified to the holder, incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity, or 40
  - (c) becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)).
- (2) In any other case a permit shall lapse if the holder –
- (a) ceases to exist, or

- (b) goes into liquidation (within the meaning of section 247(2) of that Act).
- (3) During the period of six months beginning with the date on which a permit lapses under this paragraph the following may rely on it as if it had effect and were issued to them – 5
  - (a) the personal representatives of the holder (in the case of an individual holder who dies),
  - (b) the trustee of the bankrupt’s estate (in the case of an individual holder who goes bankrupt), and
  - (c) the liquidator of the company (in the case of a company holder that goes into liquidation). 10
- 14 A permit shall cease to have effect if the holder gives to the licensing authority –
  - (a) notice of surrender, and
  - (b) either – 15
    - (i) the permit, or
    - (ii) a statement explaining why it is not reasonably practicable to produce the permit.
- 15 (1) Where the holder of a permit is convicted of an offence under this Act the court by or before which he is convicted may order forfeiture of the permit. 20
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by –
  - (a) the court which orders forfeiture,
  - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or 25
  - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.
- (4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the holder of the permit deliver to the licensing authority within such time as the order may specify – 30
  - (a) the permit, or
  - (b) a statement explaining why it is not reasonably practicable to produce the permit. 35
- (5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

*Renewal*

- 16 (1) The holder of a permit may apply to the licensing authority for renewal of the permit. 40
- (2) An application for renewal may not be made –
  - (a) before the period of six months ending with the date on which the permit would otherwise expire in accordance with paragraph 11, or
  - (b) after the beginning of the period of two months ending with that date. 45

- (3) The provisions of this Schedule shall have effect (with any necessary modifications) in relation to an application for renewal as they have effect in relation to an application for a permit.
- (4) A licensing authority may refuse an application for renewal of a permit in respect of a family entertainment centre only on the grounds – 5
- (a) that an authorised local authority officer has been refused access to the centre without reasonable excuse, or
  - (b) that renewal would not be reasonably consistent with pursuit of the licensing objectives.
- (5) Paragraph 11 shall have effect in relation to a renewed permit as if the date of renewal were the date specified under paragraph 10(d). 10
- (6) A permit shall not cease to have effect by virtue only of paragraph 11 while –
- (a) an application for renewal of the permit is pending, or
  - (b) an appeal against a decision on an application for renewal of the permit is pending. 15

*Maintenance*

- 17 The holder of a permit shall keep it on the premises.
- 18 (1) An occupier of premises in respect of which a permit has effect commits an offence if without reasonable excuse he fails to produce the permit on request for inspection by – 20
- (a) a constable, or
  - (b) an authorised local authority officer within the meaning given by section 223.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale. 25
- 19 (1) Where a permit is lost, stolen or damaged, the holder may apply to the licensing authority for a copy.
- (2) An application under sub-paragraph (1) must be accompanied by the prescribed fee. 30
- (3) A licensing authority shall consider an application under this paragraph and shall grant it if satisfied –
- (a) that the permit has been lost, stolen or damaged, and
  - (b) where the permit has been lost or stolen, that the loss or theft has been reported to the police. 35
- (4) As soon as is reasonably practicable after granting an application under this paragraph a licensing authority shall issue a copy of the permit certified by the authority as a true copy.
- (5) A copy of a permit issued under this paragraph shall be treated as if it were the permit. 40

*Appeal*

- 20 (1) Where a licensing authority reject an application for the issue or renewal of a permit, or grant it in respect of a smaller number of gaming machines than that specified in the application under paragraph 5(c), the applicant may appeal. 45



- (2) But no appeal shall lie against any decision taken on the grounds that to grant the application, or to grant it in respect of a greater number of gaming machines, would contravene provision made by virtue of paragraph 7(2).
- (3) An appeal under this paragraph must be instituted –
- (a) in the magistrates’ court for a petty sessions area in which the premises to which the appeal relates are wholly or partly situated, 5
  - (b) by notice of appeal given to the justices’ chief executive, and
  - (c) within the period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought. 10
- (4) On an appeal a magistrates’ court may –
- (a) dismiss the appeal;
  - (b) substitute for the decision appealed against any decision that the licensing authority could have made;
  - (c) remit the case to the licensing authority to decide in accordance with a direction of the court; 15
  - (d) make an order about costs.
- (5) But the magistrates’ court may not make a decision that would contravene provision made by the licensing authority by virtue of paragraph 7(2).
- (6) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (4)(c) above. 20

*Register*

- 21 (1) A licensing authority shall –
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed, 25
  - (b) make the register and information available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority. 30
- (3) The Secretary of State may make regulations about –
- (a) the form of the register;
  - (b) the manner in which it is maintained. 35
- (4) The Secretary of State may make regulations –
- (a) requiring licensing authorities to give to the Commission specified information about permits issued by them;
  - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a); 40
  - (c) requiring the Commission to grant access to the register to members of the public (without charge);
  - (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public; 45

- (e) excusing licensing authorities, wholly or partly, from compliance with sub-paragraph (1).

## SCHEDULE 7

Section 206

## LOTTERIES: DEFINITION OF PAYMENT TO ENTER

<i>Introduction</i>		5
1	This Schedule makes provision about the circumstances in which an arrangement is to be or not to be treated for the purposes of section 206(1)(c) as requiring individuals to pay in order to join the class of persons among whom prizes are to be allocated.	
<i>Meaning of payment</i>		10
2	For the purposes of section 206 and this Schedule a reference to paying includes a reference to –	
	(a) paying money,	
	(b) transferring money’s worth, and	
	(c) paying for goods or services at a price or rate which reflects the opportunity to enter the lottery.	15
3	It is immaterial for the purposes of section 206 and this Schedule –	
	(a) to whom a payment is made, and	
	(b) who receives benefit from a payment.	
4	It is also immaterial for the purposes of section 206 and this Schedule whether a person knows when he makes a payment that he thereby enters a lottery.	20
<i>Stamps, telephone calls, &amp;c.</i>		
5	(1) For the purposes of section 206 and this Schedule a reference to paying does not include a reference to incurring the expense, at a normal rate, of –	25
	(a) sending a letter by ordinary post,	
	(b) making a telephone call, or	
	(c) using any other method of communication.	
	(2) For the purpose of sub-paragraph (1) –	
	(a) a “normal rate” is a rate which does not reflect the opportunity to enter a lottery, and	30
	(b) ordinary post means postal services other than –	
	(i) registered post (within the meaning of section 125 of the Postal Services Act 2000 (c. 26)), and	
	(ii) recorded delivery (within the meaning of paragraph 3 of Schedule 8 to that Act.)	35

*Payment to claim prize*

- 6 For the purposes of section 206 and this Schedule a requirement to pay in order to take possession of a prize which has or may have been allocated to a person in a lottery shall be treated as a requirement to pay in order to enter the lottery. 5

*Choice of free entry-route*

- 7 (1) For the purposes of section 206 and this Schedule an arrangement shall not be treated as requiring individuals to pay in order to enter a lottery if under the arrangement – 10
- (a) each individual who is eligible to enter the lottery has a choice whether to enter by paying or by sending a communication, 10
  - (b) the communication mentioned in sub-paragraph (i) may be – 15
    - (i) a letter sent by ordinary post, or
    - (ii) another method of communication which is neither more expensive nor less convenient than entering the lottery by paying, 15
  - (c) the choice is publicised in such a way as to be likely to come to the attention of each individual who proposes to join the class, and
  - (d) the system for allocating prizes does not differentiate between those who enter by paying and those who enter by sending a communication. 20
- (2) In this paragraph “ordinary post” has the meaning given by paragraph 5(2)(b).

*Power to make regulations*

- 8 Regulations under section 206(6) may, in particular, provide that an activity of a specified kind or performed in specified circumstances is to be or not to be treated as paying to enter a lottery. 25

SCHEDULE 8

Section 214

EXEMPT LOTTERIES

PART 1 30

SMALL INCIDENTAL LOTTERIES

*The exemption*

- 1 (1) A lottery is exempt if – 35
- (a) it is incidental to a non-commercial event within the meaning of paragraph 2 (“the connected event”),
  - (b) it is a small lottery within the meaning of paragraph 3, and
  - (c) the other conditions of a small incidental lottery specified in this Part are satisfied.

- 
- (2) A lottery to which sub-paragraph (1) applies is referred to in this Part as a small incidental lottery.
- 2 An event is non-commercial if no sum raised by the organisers of the event (whether by way of fees for entrance or for participation, by way of sponsorship, by way of commission from traders or otherwise) is appropriated for the purpose of private gain. 5
- 3 A lottery is a small lottery if not more than £250 is deducted by the promoters of the lottery from the proceeds in respect of the cost of the prizes (irrespective of their actual cost).
- Purpose of lottery* 10
- 4 A small incidental lottery must be promoted wholly for a purpose other than that of private gain.
- No rollover*
- 5 The arrangements for a small incidental lottery must not include a rollover.
- Connection between lottery and event* 15
- 6 (1) No lottery ticket for a small incidental lottery may be sold or supplied otherwise than—  
 (a) on the premises on which the connected event takes place, and  
 (b) while the connected event is taking place.
- (2) The results of the lottery must be made public while the connected event is taking place. 20

## PART 2

### PRIVATE LOTTERIES

- The exemption*
- 7 (1) A lottery is exempt if— 25  
 (a) it is a private society lottery, a work lottery or a residents' lottery within the meaning of paragraphs 8 to 10, and  
 (b) the other conditions specified in this Part are satisfied.
- (2) In this Part a reference to a private lottery is a reference to a private society lottery, a work lottery or a residents' lottery. 30
- Private society lottery*
- 8 (1) A lottery is a private society lottery if—  
 (a) it is promoted only by authorised members of a society, and  
 (b) each person to whom a ticket is sold is either a member of the society or on premises wholly or mainly used for the administration of the society or the conduct of its affairs (“society premises”). 35
- (2) In this Part “society” means any group or society established and conducted for purposes not connected with gambling

- (3) In sub-paragraph (1)(a) “authorised” means authorised in writing by the society or, if it has one, its governing body.

*Work lottery*

- 9 (1) A lottery is a work lottery if –
- (a) the promoters work on a single set of premises (“the work premises”), and 5
  - (b) each person to whom a ticket is sold or supplied also works on the work premises.
- (2) For the purposes of this paragraph a person works on premises if he –
- (a) is employed under a contract of employment to work at the premises, or 10
  - (b) conducts a business from the premises.

*Residents’ lottery*

- 10 (1) A lottery is a residents’ lottery if –
- (a) the promoters live in a single set of premises (“the residential premises”), and 15
  - (b) each person to whom a ticket is sold or supplied also lives in the residential premises.
- (2) For the purposes of this paragraph a person lives in premises if he habitually resides in any part of the premises (whether or not there are other premises in which he also habitually resides). 20

*Purpose of lottery*

- 11 (1) A private society lottery may be promoted for any of the purposes for which the society is conducted.
- (2) A work lottery or residents’ lottery must be organised in such a way as to ensure that no profits are made. 25

*Advertising*

- 12 (1) No advertisement for a private society lottery may be displayed except on society premises.
- (2) No advertisement for a work lottery may be displayed except on the work premises. 30
- (3) No advertisement for a residents’ lottery may be displayed except on the residential premises.

*Lottery tickets*

- 13 Each ticket in a private lottery must be a document (without prejudice to section 208(2) and (3)). 35
- 14 (1) A ticket in a private lottery may be sold or supplied only by or on behalf of the promoters.

(2)	The rights conferred by the sale or supply of a ticket in a private lottery shall not be transferable (and any purported transfer shall be treated by the promoters of the lottery as being ineffective).	
15	Each ticket in a private lottery –	
	(a) must state the name and an address of each of the promoters of the lottery,	5
	(b) must specify the class of persons to whom the promoters are willing to sell or supply tickets, and	
	(c) must explain the condition in paragraph 14(2).	
<i>Price</i>		10
16	The price payable for each ticket in a private lottery –	
	(a) must be the same,	
	(b) must be shown on the ticket, and	
	(c) must be paid to the promoters of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated.	15
<i>No rollover</i>		
17	The arrangements for a private lottery must not include a rollover.	
PART 3		
CUSTOMER LOTTERY		
		20
<i>The exemption</i>		
18	(1) A lottery is exempt if –	
	(a) it is promoted by a person (“the promoter”) who occupies premises in Great Britain in the course of a business (“the business premises”),	25
	(b) no ticket in the lottery is sold or supplied to a person except at a time when he is on the business premises as a customer of the promoter, and	
	(c) the other conditions of a customer lottery specified in this Part are satisfied.	
	(2) A lottery to which sub-paragraph (1) applies is referred to in this Part as a customer lottery.	30
<i>No profits</i>		
19	A customer lottery must be organised in such a way as to ensure that no profits are made.	
<i>Advertising</i>		35
20	No advertisement for a customer lottery may be displayed except on the business premises.	

*Price*

- 21 The price payable for each ticket in a customer lottery –
- (a) must be the same,
  - (b) must be shown on the ticket, and
  - (c) must be paid to the promoter of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated. 5

*Maximum prize*

- 22 It must not be possible for the purchaser of a ticket in a customer lottery to win by virtue of that ticket more than £50 (whether in money, money's worth, or partly the one and partly the other). 10

*No rollover*

- 23 The arrangements for a lottery must not include a rollover.

*Frequency*

- 24 A draw in a customer lottery must not take place during a period of seven days beginning with a previous draw in – 15
- (a) that customer lottery, or
  - (b) another customer lottery promoted on the business premises.

PART 4

SMALL SOCIETY LOTTERIES 20

*The exemption*

- 25 (1) A lottery is exempt if –
- (a) it is promoted wholly on behalf of a non-commercial society (“the promoting society”),
  - (b) it is a small lottery (within the meaning of paragraph 26), and 25
  - (c) the other conditions of a small society lottery specified in this Part are satisfied.
- (2) A lottery promoted wholly on behalf of a non-commercial society is referred to in this Part as a small society lottery.
- 26 (1) For the purposes of this Part a society lottery is a small lottery unless it is a large lottery by virtue of any of sub-paragraphs (2) to (5). 30
- (2) A society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000.
  - (3) A society lottery is a large lottery if it is promoted wholly or partly at a time in a calendar year at which the aggregate of the promoting society's proceeds from society lotteries promoted wholly or partly during that year exceeds £250,000. 35
  - (4) A society lottery is a large lottery if the arrangements for it are such that (disregarding any other society lottery the sale of tickets for which is not

concluded) it may during its promotion become a large lottery by virtue of sub-paragraph (3).

- (5) If a society promotes a lottery that is a large society lottery by virtue of sub-paragraph (2), (3) or (4) (“the first lottery”), any other society lottery promoted by that society is a large lottery if it is wholly or partly promoted – 5
- (a) after the beginning of the promotion of the first lottery and in a calendar year during which the first lottery is wholly or partly promoted, or
  - (b) in any of the three calendar years successively following the last calendar year during which the first lottery was wholly or partly promoted. 10

*Promotion*

- 27 A small society lottery may be promoted only –
- (a) by members of the promoting society authorised in writing by the society or, if it has one, its governing body, or 15
  - (b) by the holder of a lottery manager’s operating licence.

*Purpose of lottery*

- 28 A small society lottery may be promoted for any of the purposes for which the promoting society is conducted. 20

*Minimum distribution for fund-raising purpose*

- 29 The arrangements for a small society lottery must ensure that at least 20% of the proceeds of the lottery are applied to a purpose for which the society is conducted.

*Maximum prize* 25

- 30 It must not be possible for the purchaser of a ticket in a small society lottery to win by virtue of that ticket (whether in money, money’s worth, or partly the one and partly the other) more than £25,000.

*Rollover*

- 31 (1) The arrangements for a small society lottery may include a rollover only if each other lottery which may be affected by the rollover is a small society lottery promoted by or on behalf of the same society. 30
- (2) This paragraph is subject to paragraph 30.

*Tickets*

- 32 Each ticket in a small society lottery – 35
- (a) must be a document,
  - (b) must identify the promoting society,
  - (c) must state the name and an address of –



- (i) a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery, or
- (ii) if there is one, the external lottery manager, and
- (d) must give the date of the draw (or each draw) in the lottery. 5

*Price*

- 33 (1) The price payable for each ticket in a small society lottery –
- (a) must be the same,
  - (b) must be shown on the ticket, and
  - (c) must be paid to the promoter of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated. 10
- (2) Membership of the class among whom prizes in a small society lottery are allocated may not be dependent on making any payment (apart from payment of the price of a ticket). 15

*Registration*

- 34 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a local authority in accordance with Part 5 of this Schedule.

*Filing of records* 20

- 35 (1) The promoting society of a small society lottery must send to the local authority with which the society is registered under Part 5 of this Schedule a statement of the matters specified in sub-paragraph (2).
- (2) Those matters are –
- (a) the arrangements for the lottery (including the dates on which tickets were available for sale or supply, the dates of any draw and the arrangements for prizes (including any rollover), 25
  - (b) the proceeds of the lottery,
  - (c) the amounts deducted by the promoters of the lottery in respect of the provision of prizes (including the provision of prizes in accordance with any rollover), 30
  - (d) the amounts deducted by the promoters of the lottery in respect of other costs incurred in organising the lottery, and
  - (e) any amount applied to a purpose for which the promoting society is conducted. 35
- (3) The statement must be sent to the local authority during the period of three months beginning with the day on which the draw (or the last draw) in the lottery takes place.
- (4) The statement must be –
- (a) signed by two members of the society who are appointed for the purpose in writing by the society or, if it has one, its governing body, and 40
  - (b) accompanied by a copy of the appointment under paragraph (a).

(5)	A member signing a statement in accordance with sub-paragraph (4) must be an adult.	
36	(1) If after receiving a statement under paragraph 35 a local authority think that the lottery to which the statement relates was a large lottery, they shall notify the Commission in writing.	5
	(2) A notice under sub-paragraph (1) shall be accompanied by a copy of—	
	(a) the statement relating to the lottery, and	
	(b) the statement relating to any other lottery as a result of which the lottery mentioned in paragraph (a) is a large lottery.	
PART 5		
10		
REGISTRATION WITH LOCAL AUTHORITY		
<i>Local authority</i>		
37	In this Part “local authority” means—	
	(a) in relation to England—	
	(i) a district council,	15
	(ii) a county council for a county in which there are no district councils,	
	(iii) a London borough council,	
	(iv) the Common Council of the City of London, and	
	(v) the Council of the Isles of Scilly,	20
	(b) in relation to Wales,	
	(i) a county council, and	
	(ii) a county borough council, and	
	(c) in relation to Scotland,...	
<i>Application</i>		
25		
38	(1) A society may apply to the relevant local authority for registration under this Part.	
	(2) An application under this paragraph—	
	(a) must be in the prescribed form,	
	(b) must specify the purposes for which the society is conducted,	30
	(c) must contain such other information, and be accompanied by such documents, as may be prescribed, and	
	(d) must be accompanied by the prescribed fee.	
39	In relation to the registration of a society, the relevant local authority is the local authority for the area in which the principal premises of the society are situated.	35
<i>Registration</i>		
40	As soon as is reasonably practicable after receipt of an application under paragraph 38 a local authority shall, subject to paragraphs 43 and 44—	

- (a) enter the applicant, together with such information as may be prescribed, in a register kept by the authority for the purposes of this Part,
- (b) notify the applicant of his registration, and
- (c) notify the Gambling Commission of the registration. 5

*Gambling Commission*

- 41 As soon as is reasonably practicable after receipt of notice of a registration under paragraph 40(c) the Gambling Commission shall record the registration.
- 42 (1) A notice under paragraph 40(c) must be accompanied by such part of the application fee as may be prescribed. 10
- (2) In sub-paragraph (1) “application fee” means the fee accompanying an application under paragraph 38.

*Refusal of registration*

- 43 A local authority shall refuse an application for registration if in the period of five years ending with the date of the application – 15
- (a) an operating licence held by the applicant for registration has been revoked under section 94(1), or
  - (b) an application for an operating licence made by the applicant for registration has been refused. 20
- 44 A local authority may refuse an application for registration if they think that –
- (a) the applicant is not a non-commercial society,
  - (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence within the meaning of Part 5 of this Act, or 25
  - (c) that information provided in or with the application for registration is false or misleading.

*Revocation*

- 45 (1) A local authority may revoke a registration under this Part if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew. 30
- (2) Revocation under this paragraph shall have no effect in relation to a lottery for which a ticket has been sold or supplied before the revocation.

*Appeal*

- 46 (1) If a local authority refuse or revoke registration under this Part – 35
- (a) the authority shall notify the applicant society or the formerly registered society as soon as is reasonably practicable, and
  - (b) the society may appeal to a magistrates’ court.
- (2) An appeal under this paragraph must be instituted – 40

- (a) in a magistrates' court for a commission area which is wholly or partly within the area of the local authority against whose decision the appeal is brought,
  - (b) by notice of appeal given to the justices' chief executive, and
  - (c) in the period of 21 days beginning with the day on which the society is notified of the refusal or revocation of registration, and 5
- (3) On an appeal under this paragraph a magistrates' court may –
- (a) affirm the local authority's decision;
  - (b) reverse the local authority's decision;
  - (c) make any other order (which may include transitional provision). 10

### *Cancellation*

- 47 A registered society may apply in writing to the registering authority for the registration to be cancelled.
- 48 As soon as is reasonably practicable after receipt of an application under paragraph 47 a local authority shall – 15
- (a) cancel the registration,
  - (b) notify the formerly registered society of the cancellation, and
  - (c) notify the Gambling Commission of the cancellation.

### *Annual fee*

- 49 (1) A registered society shall pay an annual fee to the registering local authority. 20
- (2) An annual fee –
- (a) shall be paid within such period before each anniversary of the registration as may be prescribed, and
  - (b) shall be of the prescribed amount.
- (3) If a registered society fails to comply with this paragraph the registering authority may cancel the society's registration. 25
- (4) If a local authority cancel a registration under sub-paragraph (3) the authority shall as soon as is reasonably practicable notify –
- (a) the formerly registered society, and
  - (b) the Gambling Commission. 30

### *Retention of records*

- 50 (1) Where records are sent to a local authority under paragraph 35 the authority shall –
- (a) retain the records for at least 18 months,
  - (b) make the records available for inspection by members of the public at all reasonable times, and 35
  - (c) make arrangements for the provision of a copy of a record to any member of the public on request.
- (2) But a local authority may refuse to provide access to records or to provide a copy of a record unless the person seeking access or a copy pays a fee specified by the authority. 40

- (3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

5

*Interpretation: “prescribed”*

- 51 In this Part “prescribed” means prescribed by the Secretary of State by regulations.

PART 6

POWERS TO IMPOSE ADDITIONAL RESTRICTIONS, &C.

10

*Distributing lottery tickets by post*

- 52 The Secretary of State may by regulations impose a condition in relation to a specified kind of exempt lottery requiring that tickets purchased be delivered to the purchaser by hand at the time of purchase and not by post.

*Rollover*

15

- 53 The Secretary of State may by regulations impose in relation to a specified kind of exempt lottery conditions or limitations in respect of the use of a rollover (in addition to any conditions or limitations set out in this Schedule).

*Prevention of repetitive play*

20

- 54 The Secretary of State may by regulations make provision in respect of an exempt lottery of a kind designed to prevent, restrict or control the ability of a person who participates in a lottery to participate again after learning the result of his earlier participation.

*Small incidental lottery: maximum deduction for prizes*

25

- 55 The Secretary of State may by order amend paragraph 3 so as to substitute a different amount for the amount specified.

*Additional provision*

- 56 (1) The Secretary of State may by order impose in relation to a class of lottery a condition (in addition to any specified in this Schedule) with which a lottery must comply if it is to be an exempt lottery within the meaning of this Schedule.

30

- (2) A condition imposed under this paragraph may, in particular, relate to—
- (a) the persons who may sell or supply lottery tickets;
  - (b) the persons who may buy lottery tickets;
  - (c) the nature of lottery tickets and information appearing on them;
  - (d) advertising the lottery;
  - (e) the deductions which promoters may make from the proceeds of a lottery.

35

- (3) Before making an order under this paragraph the Secretary of State must consult the Gambling Commission.

PART 7

INTERPRETATION

*Advertisement* 5

- 57 In this Schedule—
- (a) “advertisement”, in relation to a lottery, includes any written notice announcing that a lottery will take place or inviting people to participate in a lottery (in either case whether or not it also gives other information), and 10
  - (b) a reference to displaying an advertisement includes a reference to publishing a notice.

*Business*

- 58 In this Schedule “business” includes trade and profession.

SCHEDULE 9

Section 238 15

CONSEQUENTIAL AMENDMENTS

*Art Unions Act 1846 (c. 48)*

- 1 Section 1 of the Art Unions Act 1846 shall cease to have effect.

*Superannuation Act 1972 (c. 11)*

- 2 In Schedule 1 to the Superannuation Act 1972 (employment to which superannuation schemes may extend) for “Gaming Board for Great Britain.” substitute “Gambling Commission.” 20

*Police Act 1997 (c. 50)*

- 3 In section 115 (enhanced criminal record certificates) for subsection (5)(a) to (c) substitute— 25
- “(a) a certificate, licence or authorisation under the Gambling Act [Year of enactment]”.