

**2007 No. 1833**

**BETTING, GAMING AND LOTTERIES, ENGLAND AND WALES**

**The Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007**

<i>Made</i> - - - -	<i>26th June 2007</i>
<i>Laid before Parliament</i>	<i>26th June 2007</i>
<i>Coming into force</i> - -	<i>1st August 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 355(1) of, and paragraphs 2(e), 7(1)(a) and (2)(a)(i), 9, 11(2), 15(2) and 19(2) of Schedule 13 to, the Gambling Act 2005(a).

**Commencement, citation and application**

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007 and shall come into force on 1st August 2007.

(2) These Regulations apply to England and Wales.

**Interpretation**

2.—(1) In these Regulations—

“the 1968 Act” means the Gaming Act 1968(b);

“application” means an application for a licensed premises gaming machine permit(c) under paragraph 1(1);

“existing operator” means a person who makes an application and—

(a) on the date on which he makes the application, holds a permit issued under section 34 of the 1968 Act by the authority mentioned in sub-paragraph (a) of paragraph 1 of Schedule 9 to the 1968 Act (a “section 34 permit”);

(b) that section 34 permit—

(i) authorises him to make available a number of gaming machines, being a number which is greater than two, and

(ii) is due to expire in accordance with paragraph 24(1) or (2) of Schedule 4 to the Order on a date on or after 1st September 2007;

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(a) 2005 c.19; for the meaning of “prescribed” in Schedule 13 to the Gambling Act 2005 (“the Act”), see paragraph 23 of that Schedule.

(b) 1968 c.65.

(c) For the meaning of “licensed premises gaming machine permit” see section 283 of the Act.

- (c) the application for the permit is made before the date on which the section 34 permit is due to expire in accordance with paragraph 24(1) or (2) of Schedule 4 to the Order; and
- (d) the application relates to the same or substantially the same premises as those to which the section 34 permit relates;

“the Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(a); and

“permit” means a licensed premises gaming machine permit, unless the contrary is indicated.

(2) A reference in these Regulations to a numbered paragraph is a reference to that paragraph of Schedule 13 to the Gambling Act 2005 so numbered.

### **Application fees**

3. For the purposes of paragraph 2(e)—

- (a) subject to sub-paragraphs (b) and (c), the fee to accompany an application for a permit under paragraph 1(1) is—
  - (i) £100, if it is made by an existing operator, and
  - (ii) £150 in all other cases;
- (b) the fee to accompany an application to vary a permit under paragraph 15(1) is £100;
- (c) the fee to accompany an application to transfer a permit under paragraph 19(1) is £25.

### **Form of Permit**

4. A permit must be in the form prescribed in the Schedule to these Regulations.

### **Annual Fees**

5. The first annual fee for a permit payable to the issuing licensing authority(b) under paragraph 9(1)(a) is £50.

6. The annual fee for a permit payable to the issuing licensing authority under paragraph 9(1)(b) is £50.

### **Date by which first annual fee is payable**

7.—(1) Where a permit comes into effect on the issue date, the first annual fee for the permit shall be paid within 30 days after that date.

(2) Where a permit specifies that it is to come into effect on a date after the issue date, the first annual fee for the permit shall be paid within—

- (a) the relevant period, or
- (b) 12 months,

after the issue date, whichever is sooner.

(3) Paragraph (2) does not apply to a permit issued before 1st September 2007.

(4) In this regulation—

“the effective date”, in relation to a permit which specifies that it is to come into effect on a date after the issue date, means the date so specified,

“the issue date” means the date on which a permit is issued, and

“the relevant period”, in relation to a permit, means the period which is equal to the sum of—

- (a) the period between the issue date and the effective date, and

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(a) SI 2006/3272; a relevant amending instrument is SI 2007/1157.

(b) For the meaning of “licensing authority” see section 2 of the Act.

(b) 30 days.

**Other fees**

8. For the purposes of paragraph 7(2)(a)(i), the fee to be sent with a request that a new name be substituted for the old name specified on a permit is £25.

9. For the purposes of paragraph 11(2), the fee to accompany an application for a copy of a permit is £15.

26th June 2007

*Richard Caborn*  
Minister of State  
Department for Culture, Media and Sport

SCHEDULE

Regulation 4

*This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007*

**Licensed Premises Gaming Machine Permit**

No:.....(*insert licensed premises gaming machine permit number*)

This licensed premises gaming machine permit authorises.....

.....

.....(*name of permit holder*)

to make gaming machines, of the category and number specified below, available for use on the following premises.....

.....

.....

.....

.....

(*address of premises, including postcode*)

Number of Category C gaming machines authorised by this permit:.....(*if no machines of this category are authorised, insert '0'*)

Number of Category D gaming machines authorised by this permit:.....(*if no machines of this category are authorised, insert '0'*)

Date on which this permit takes effect:

.....

This permit is issued by.....

.....

.....

.....

.....

.....(*Name and address of licensing authority issuing permit*)

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in relation to licensed premises gaming machine permits (“permits”), including the form of a permit and various fees.

The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (SI 2006/3272), makes transitional provision relating to the conversion of section 34 permits in respect of alcohol licensed premises (permits under section 34 of the Gaming Act 1968 (c. 65), granted in respect of premises which are licensed for the supply of alcohol on the premises), into licensed premises gaming machine permits under the Gambling Act 2005. In specified circumstances, local authorities must grant a permit to holders of an equivalent section 34 permit, defined in paragraph 3 of the Regulations as “existing operators”.

Regulation 3(a) prescribes the fee for applying for a permit. Existing operators will be required to pay a different application fee. Regulations 3(b) and (c) prescribe the fees for applying to vary and transfer a permit respectively.

Regulation 4 and the Schedule to these Regulations prescribe the form of the permit.

Regulations 5 and 6 prescribe the first annual fee and the annual fee for a permit respectively. Regulation 7 prescribes the period within which a first annual fee must be paid.

Regulation 8 prescribes the fee for substituting a name on a permit. The name on a permit may be substituted if the permit holder changes his name or wishes to be known by another name.

Regulation 9 prescribes the fee for applying for a copy of the permit. A permit holder may apply for a copy of the permit if it is lost, stolen or damaged.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Premises Licence Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6368.

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£3.00

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E0936 7/2007 170936T 19585

