

2007 No. 1834

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Club Gaming and Club Machine
Permits) 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(c) to (e), 3(1), 4, 10(4), 11(1), 14(1)(a) and (2), 15(2)(a), 16(2) and 24(3) of Schedule 12 to, the Gambling Act 2005(a).

Citation, commencement and application

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

2. These regulations apply to England and Wales and Scotland, except regulations 8, 15 and 16, which apply only to England and Wales.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Gambling Act 2005;

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

“applicant” means a members’ club(c), commercial club(d) or miners’ welfare institute(e) that is making an application under paragraph 1(1) or (as the case may be) paragraph 1(2) or 24(1);

“application” means, unless otherwise specified, an application—

(a) for a club gaming permit(f) under paragraph 1(1),

(b) for a club machine permit(g) under paragraph 1(2), or

(c) to renew a club gaming or club machine permit under paragraph 24(1),

as the case may require;

(a) 2005 c.19; for the meaning of “prescribed” in Schedule 12 to the Act, see paragraph 30 of that Schedule.

(b) 1968 c.65.

(c) For the meaning of “members’ club” see section 266 of the Act.

(d) For the meaning of “commercial club” see section 267 of the Act.

(e) For the meaning of “miners’ welfare institute” see section 268 of the Act.

(f) For the meaning of “club gaming permit” see section 271 of the Act.

(g) For the meaning of “club machine permit” see section 273 of the Act.

“existing Part 2 operator” means an applicant—

- (a) who is registered—
 - (i) under Part 2 of the 1968 Act (a “Part 2 registration”) and the registration has effect immediately before 1st September 2007, or
 - (ii) under Part 2 of the 1968 Act on or after 1st September 2007; and
- (b) whose application—
 - (i) relates to the same or substantially the same premises as those to which the Part 2 registration relates,
 - (ii) complies with sub-paragraphs (b) and (e) of paragraph 2 and (where applicable) paragraph 3, and
 - (iii) is made before the relevant date;

“existing Part 3 operator” means an applicant—

- (a) who is registered—
 - (i) under Part 3 of the 1968 Act (a “Part 3 registration”) and the registration has effect immediately before 1st September 2007, or
 - (ii) under Part 3 of the 1968 Act on or after 1st September 2007; and
- (b) whose application—
 - (i) relates to the same or substantially the same premises as those to which the Part 3 registration relates,
 - (ii) complies with sub-paragraphs (b) and (e) of paragraph 2 and (where applicable) paragraph 3, and
 - (iii) is made before the relevant date;

“permit” means—

- (a) a club gaming permit; or
- (b) a club machine permit;

“relevant date”—

- (a) in relation to a Part 2 registration, has the meaning given in paragraphs 80(3) to (5) of Schedule 4 to the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(a) (“the Order”); and
- (b) in relation to a Part 3 registration, has the meaning given in paragraphs 88(3) to (5) of Schedule 4 to the Order.

(2) A reference in these Regulations to a numbered paragraph is a reference to that paragraph of Schedule 12 to the Act so numbered.

Form and manner of application for a permit and application fee

4. An application must be made in the form prescribed in Schedule 1.

5. Where an application is made by an existing Part 2 or Part 3 operator, the application shall be accompanied by a copy of—

- (a) the applicant’s registration certificate within the meaning of paragraph 18(1) of Schedule 3 or paragraph 16(1) of Schedule 4 to the 1968 Act, if the applicant is an existing Part 2 operator, or
- (b) a copy of the certificate issued to the applicant under paragraph 21 of Schedule 7 to the 1968 Act, if the applicant is an existing Part 3 operator.

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

6. An application under paragraph 24(1) to renew a permit shall be accompanied by a copy of that permit.

7. For the purposes of paragraph 3(1), an applicant must send a copy of an application and any accompanying documents to—

- (a) the Commission, and
- (b) the chief officer of police (within the meaning given in paragraph 3(1)(b)), or in Scotland the chief constable,

within a period of 7 days beginning on the date on which the application is made.

8.—(1) The fee to accompany an application, other than an application to renew a permit under paragraph 24(1), is £200 except that where—

- (a) the application is made in accordance with paragraph 10 (which applies where the applicant for a permit is the holder of a club premises certificate under section 72 of the Licensing Act 2003(a)), or
- (b) the application is made by an existing Part 2 operator or an existing Part 3 operator,

the fee is £100.

(2) The fee to accompany an application to renew a permit under paragraph 24(1) is—

- (a) subject to sub-paragraph (b), £200, or
- (b) where the application is made in accordance with paragraph 10, £100.

Objections

9. An objection under paragraph 4 to an application must be made—

- (a) within a period of 28 days beginning on the date on which the application was made to the licensing authority(b);
- (b) by sending to the licensing authority to whom the application is made, two copies of a written statement setting out the reasons for the objection.

Form of Permit

10. A club gaming permit must be in the form prescribed in Schedule 2.

11. A club machine permit must in the form prescribed in Schedule 3.

Annual Fees

12. The first annual fee for a permit payable to the issuing licensing authority under paragraph 14(1)(a) is £50.

13. The annual fee for a permit payable to the issuing licensing authority under paragraph 14(1)(b) is £50.

Date by which first annual fee is payable

14.—(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

(a) 2003 (c. 17).

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

(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

(b) 30 days.

Other Fees

15. The fee to accompany an application under paragraph 15(1) to vary a permit is £100.

16. The fee to accompany an application under paragraph 16(1) for a copy of a permit is £15.

Matters not required to be included in an application or permit

17.—(1) The first page of the form prescribed in Schedule 1 may include any symbol or logo which is commonly used by a licensing authority to identify documents produced by it.

(2) Where matters are included in square brackets in any form in Schedules 1 to 3, they are intended to indicate and explain the information to be specified in the application to which the form relates, and are not required to be included in the application.

26th June 2007

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

SCHEDULE 1

Regulation 4

This form is prescribed by regulation 4 of the Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007

APPLICATION FORM FOR CLUB GAMING PERMIT OR CLUB MACHINE PERMIT

(FOR USE BY APPLICANTS - MEMBERS' CLUBS, COMMERCIAL CLUBS AND MINERS' WELFARE INSTITUTES)

If you are completing this form by hand, please write legibly in block capitals using ink.

To:	Official use only - licensing authority logo or symbol
<i>[insert name and address of relevant licensing authority – this is the authority in whose area the premises relating to this application are wholly or partly situated]</i>	

SECTION A – Type of Application

1. Please indicate type of application by ticking one of the boxes below:

- Application for a club gaming permit**
- Application for a club machine permit**
- Application to renew a club gaming permit**
- Application to renew a club machine permit**

SECTION B – Existing registration under Gaming Act 1968

[To be completed if the applicant wishes to apply as an existing Part 2 or Part 3 operator. Do not complete if applying to renew a permit]

Part I

2. Is this application made before 1st September 2007? Yes No

If the answer to question 2 is 'Yes', complete questions 3 to 5, 11 and 12.

If the answer to question 2 is 'No', complete questions 6 to 12.

Application made before 1st September 2007

3. Is the applicant registered under Part 2 or Part 3 of the Gaming Act 1968? Yes No

If the answer to question 3 is 'Yes', please indicate which type of registration:

Part 2 Registration Part 3 Registration

4. When the registration was granted (or last renewed), was it fixed to expire on a date on or after 1st September 2007? Yes No

5. Please indicate the date on which the registration was fixed to expire.....
.....

Application made on or after 1st September 2007

6. Did the applicant have a Part 2 or Part 3 Registration under the Gaming Act 1968 that had effect on 31st August 2007? Yes No

7. If the answer to question 6 is 'Yes', please indicate the date on which the registration was due to expire (ie the date it was fixed to expire when the registration was granted or last renewed).....
.....

8. If the date given in answer to question 7 is a date before 31st August 2007, was the applicant's registration renewed on or after 1st September 2007? Yes No

Please give date of renewal.....

9. If the answer to question 6 is 'No', was the applicant first registered under Part 2 or Part 3 of the Gaming Act 1968 on or after 1st September 2007? Yes No

Please give date of registration.....

10. If the answer to either question 6 or 9 is 'Yes', please indicate which type of registration:

Part 2 Registration Part 3 Registration

Part II

11. Does this application relate to the same (or substantially the same) premises as those to which the registration relates? Yes No

12. Is this application made before the 'relevant date'? Yes No

[The 'relevant date' is the date on which the registration is due to expire, except where the applicant is registered on or after 1st September 2007, in which case the 'relevant date' for a Part 2 registration is the last day of the period of one year beginning on the date on which it is registered, and for a Part 3 registration is the last day of the period of five years beginning on the date on which it is registered.]

The applicant may apply as an existing operator if:

- (a) the answer to questions 3, 11 and 12 is 'Yes' and the answer to question 4 is 'No' OR**
- (b) the answer to questions 6, 8, 11 and 12 is 'Yes' OR**
- (c) the answer to questions 9, 11 and 12 is 'Yes'**

If the applicant is applying as an existing operator:

- **Do NOT complete SECTION C**
- **Relevant documentation must be provided – see SECTION H**
- **A different application fee is payable for an existing operator.**

SECTION C – Fast-track Procedure

[This section does not apply to Scotland]

13. Please indicate if this application is made under the fast-track procedure *[tick as appropriate]*:
Yes No *[to apply under the fast-track procedure, the applicant must be the holder of a club premises certificate under section 72 of the Licensing Act 2003]*

14. If the answer to question 13 is ‘Yes’, please complete the declaration below:

‘I hereby certify that the applicant for a permit is the holder of a club premises certificate under section 72 of the Licensing Act 2003’

.....*[full name]*

.....*[signature]*

Capacity.....

If the answer to question 13 is ‘Yes’ relevant documentation must be provided – see SECTION H

SECTION D – Contact Details of the Applicant

15. Name of applicant.....

16. Address (including postcode) of premises on which the applicant operates.....

[any gaming or gaming machines authorised by a relevant permit must take place or be located on these premises]

SECTION E – Information about the Applicant

If the applicant is a miners’ welfare institute, complete questions 17 to 20:

17. Is the applicant established and conducted for social and recreational purposes?
Yes No

18. Are the applicant’s affairs managed by a group of individuals of whom at least two thirds are miners’ representatives? Yes No

19. Does the applicant operate on premises the use of which is regulated in accordance with a charitable trust? Yes No

20. If the answer to question 19 is ‘Yes’, has the charitable trust received money from any of the following:

- (a) the Miners’ Welfare Fund established by section 20 of the Mining Industry Act 1920,
- (b) the former body corporate which was known as the Coal Industry Social Welfare Organisation and incorporated under the Companies Act 1948, or
- (c) the charitable trust known as the Coal Industry Social Welfare Organisation?

Yes No

If the applicant is a members' club or commercial club, complete questions 21 to 26

21. Is the applicant established with the purpose of functioning only for a limited period of time?
Yes No

22. Does the applicant have at least 25 individual members? Yes No

23. Is the applicant established and conducted for the benefit of its members? Yes No

24. Is the applicant established or conducted as a commercial enterprise? Yes No

25. Describe the purpose(s) for which the applicant is wholly or mainly established and conducted
.....
.....
.....
.....
.....

26. If the applicant is established or conducted wholly or mainly for the purpose of the provision of facilities for gaming, please specify the kinds of gaming.....
.....
.....
.....

SECTION F – General information about person completing this application form on behalf of applicant

27. Name.....
28. Capacity.....
29. Address (including postcode).....
.....
.....
.....

SECTION G – Contact details for correspondence associated with this application

30. Please tick one box as appropriate:
Address in section E Address in section F Address below :
Address (including postcode).....
.....
Telephone number.....
E-mail address (if the applicant is happy for correspondence in relation to this application to be sent via e-mail).....
.....

SECTION H – Declaration

31. Please complete the following declarations and checklist:

I *[full name]*.....

a. make this application on behalf of the applicant and have authority to act on behalf of the applicant.

b. confirm that I am aware of any relevant provision of a code of practice issued by the Gambling Commission under section 24 of the Gambling Act 2005 about the location and operation of a gaming machine.

c. confirm that I am aware that the permit to which this application relates will be subject to the relevant conditions specified in section 271 or 273 of the Gambling Act 2005.

d. confirm that I am aware that (unless this application is made under the fast-track procedure) the applicant must send a copy of this application and any accompanying documents to the Gambling Commission and the chief officer of police (or chief constable in Scotland) within a period of seven days beginning on the date this application is made.

e. Checklist *[tick as appropriate]*:

- Payment of the appropriate fee of £..... is enclosed.
- A copy of the existing club gaming permit or club machine permit is enclosed *[only applies to applications to renew a permit]*
- A copy of the registration certificate issued under Part 2 of the Gaming Act 1968 is enclosed *[only applies if the applicant wishes to apply as an existing Part 2 operator]*
- A copy of the registration certificate issued under Part 3 of the Gaming Act 1968 is enclosed *[only applies if the applicant wishes to apply as an existing Part 3 operator]*
- The applicant’s club premises certificate issued under section 72 of the Licensing Act 2003 is enclosed *[only applies if the applicant has completed the declaration in section C]*

f. confirm that, to the best of my knowledge, the information contained in this application is true. I understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

Signature.....

Date.....

Capacity.....

SCHEDULE 2

Regulation 10

This form is prescribed by regulation 10 of the Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007

Club Gaming Permit

No:.....*[insert club gaming permit number]*

This club gaming permit authorises.....

.....*[name of permit holder]*

to provide facilities for gaming in accordance with section 271 of the Gambling Act 2005, and to make available for use up to three gaming machines, each of which must be of Category B3A, B4, C, or D, on the following premises.....

.....*[address of premises, including postcode]*

Club Premises Certificate Number (if any).....
[complete if permit holder is the holder of a club premises certificate under section 72 of the Licensing Act 2003 (c. 17)].

Date on which this permit takes effect or is renewed:
.....

Date on which this permit expires:
.....

This permit is issued by.....
.....
.....
.....
.....

.....*[Name and address of licensing authority issuing permit]*

SCHEDULE 3

Regulation 11

This form is prescribed by regulation 11 of the Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007

Club Machine Permit

No:.....*[insert club gaming permit number]*

This club machine permit authorises.....
.....
.....*[name of permit holder]*

to make available for use up to three gaming machines, each of which must be of Category B3A (except that category B3A machines may not be made available for use in commercial clubs), B4, C or D, on the following premises.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

[address of premises, including postcode]

Club Premises Certificate Number (if any).....
[complete if permit holder is the holder of a club premises certificate under section 72 of the Licensing Act 2003 (c. 17)].

Date on which this permit takes effect or is renewed:
.....

Date on which this permit expires:
.....

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 club gaming and club machine permits (“permits”), including the application form, the form of each 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 club registrations under Part 2 and Part 3 of the Gaming Act 1968 (c. 65), into permits under the Gambling Act 2005 (“the Act”). In specified circumstances, local authorities must grant a permit to holders of an equivalent Part 2 or Part 3 registration certificate. Paragraph 3 of the Regulations defines “existing Part 2 operators” and “existing Part 3 operators”, being applicants for permits that are registered under Part 2 or Part 3 of the Gaming Act 1968 and that satisfy specified criteria.

Regulation 4 and Schedule 1 prescribe the form in which an application for a permit must be made. The form is also for applications to renew a permit, and applications under the fast-track procedure. Paragraph 10 of Schedule 12 to the Act enables holders of a club premises certificate under section 72 of the Licensing Act 2003 (c. 17), to apply for a permit under a fast-track procedure (which disappplies the provisions that relate to objecting to an application).

Regulation 5 requires applications made by existing Part 2 or Part 3 operators to be accompanied by a copy of the relevant registration certificate issued under the Gaming Act 1968.

Regulation 6 requires an application for renewal of a permit to be accompanied by a copy of the relevant permit.

Regulation 7 requires copies of an application to be sent to the Gambling Commission and chief officer of police (or chief constable in Scotland) within seven days of the application being made.

Regulation 8(1) prescribes the fee to accompany an application for a permit (a different fee applies where the application is made under the fast-track procedure, or by an existing Part 2 or Part 3 operator). Regulation 8(2) prescribes the fee to accompany an application to renew a permit (a different fee applies if the application to renew is made under the fast-track procedure).

Regulation 9 prescribes the time and manner in which the Commission and chief officer of police may object to an application.

Regulations 10 and 11 prescribe the form of a club gaming and club machine permit respectively.

Regulations 12 and 13 prescribe the first annual fee and the annual fee for a permit respectively. Regulation 14 prescribes the period in which a first annual fee must be paid.

Regulations 15 and 16 prescribe the fees to accompany an application to vary a permit and for a copy of the permit.

Regulations 8, 15 and 16 do not apply to Scotland.

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 6361.

£3.00

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