

2007 No. 3157

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Temporary Use Notices) Regulations
2007**

<i>Made</i> - - - -	<i>1st November 2007</i>
<i>Laid before Parliament</i>	<i>7th November 2007</i>
<i>Coming into force</i> - -	<i>1st December 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 212, 215(2), 216, 219(3)(b) and (8), 224(4), 227(2), (3) and (6) and 355(1) of the Gambling Act 2005(a).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Temporary Use Notices) Regulations 2007 and shall come into force on 1st December 2007.

(2) Subject to paragraph (3), these Regulations apply to England and Wales and Scotland.

(3) Regulation 7(1) applies only to temporary use notices given in respect of premises in England and Wales.

(4) In these Regulations “the Act” means the Gambling Act 2005.

Activities which may be specified in a temporary use notice

2.—(1) This regulation specifies for the purposes of section 215(2)(a) of the Act the activities which may be specified in a temporary use notice under Part 9 of the Act.

(2) The activities are providing facilities for any form of equal chance gaming(b) where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

(3) In paragraph (2) the reference to providing facilities for equal chance gaming does not include providing such facilities in circumstances where any person participating in the gaming does so by means of a gaming machine(c).

Form and content of a temporary use notice

3.—(1) Subject to paragraph (2), a temporary use notice under Part 9 of the Act must be in the form, and contain the information, specified in Part 1 of Schedule 1.

(2) A temporary use notice given in respect of a vessel must be in the form, and contain the information, specified in Part 2 of Schedule 1.

(a) 2005 c.19; see sections 216(2) and 224(8) for the definition of “prescribed” where used in section 216(1) and 224(4).
(b) See section 8 of the Gambling Act 2005 for the definition of “equal chance gaming”.
(c) See section 235 of the Gambling Act 2005 for the definition of “gaming machine”.

(3) This regulation is subject to regulation 5.

Form and content of a counter-notice

4. Subject to regulation 5, a counter-notice under Part 9 of the Act must be in the form, and contain the information, specified in Schedule 2.

Matters not required to be included in a notice

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

(2) The first page of the form used for a temporary use notice or a counter-notice under Part 9 of the Act may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by them.

(3) In paragraph (2) “the licensing authority” means—

- (a) in relation to a temporary use notice, the licensing authority to whom the notice is given, and
- (b) in relation to a counter-notice, the licensing authority by whom the notice is given.

Endorsement of temporary use notices

6.—(1) This regulation prescribes for the purposes of each of subsections (2)(a) and (3)(a) of section 227 of the Act the manner in which the copy of a temporary use notice submitted under section 219(3)(a) of the Act is endorsed.

(2) The copy of the notice is endorsed by the licensing authority to whom it is given completing the section of the notice headed “Endorsement of notice by licensing authority”.

Fees in connection with temporary use notices

7.—(1) The fee payable under section 219(3)(b) of the Act on giving a temporary use notice shall be of such amount not exceeding £500 as may be determined by the licensing authority to whom the notice is given.

(2) The fee payable under section 227(6)(a) of the Act for the replacement of an endorsed copy of a temporary use notice—

- (a) where the licensing authority responsible for issuing the copy of the notice is in England or Wales, shall be of such amount not exceeding £25 as the licensing authority may determine; or
- (b) where the licensing authority responsible for issuing the copy of the notice is in Scotland, shall be £25.

1st November 2007

Gerry Sutcliffe
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

SCHEDULE 1

Regulation 3

Form and content of a temporary use notice

PART 1

Form and content of temporary use notice applying to premises other than a vessel

[SPACE FOR LICENSING AUTHORITY LOGO ETC.]

**Gambling Act 2005 - Temporary Use Notice
(for premises other than vessels)**

Notice is hereby given under Part 9 of the Gambling Act 2005 that:
[Insert the name and address of the person or organisation giving the notice]

.....
.....
.....

intends to use the following premises:
[Identify the premises giving an address and postcode]

.....
.....
.....
.....

for carrying on the following activities:
[Indicate the type of gaming which will take place under the notice]

.....
.....
.....
.....

during the following period:

Start date	End date

Additional information

1. Please describe the nature of the premises to which the notice relates:
[Where the activities to be authorised by the notice are to take place only in a part of the premises, include a description of the nature of the part of the premises in which the activities are taking place and its location within the premises.]

.....
.....
.....
.....
.....
.....

2. Please describe the nature of the event which is to take place (including the number of persons who are expected to participate in the event):

.....
.....
.....
.....
.....

3. Please give for each day of the period of the notice the times when activities are to begin and end.

Date	Start time	Finish time

[Use additional sheets if necessary. These should be headed "Additional information about times when premises are to be used under the notice", and attached to the notice.]

4. Please give the operating licence number of the person or organisation giving the notice:

.....

5(a) Please give the name of a person who is responsible for the conduct of the event to which the notice relates, and who will be available to be contacted during the course of the event:

.....

5(b) Please specify that person's role or title in connection with the event:

.....

5(c) Please give a telephone number at which that person can be contacted when the event is taking place:

.....

6(a) Have any activities taken place, or will any activities take place, on the premises under any other temporary use notice during the period of 12 months ending on the last day of the period specified in this notice?

Yes No

6(b) Where the answer to question 6(a) is "yes", give the dates on which such activities have taken or will take place:

Start date	End date	Number of days

[Use additional sheets if necessary. These should be headed "Additional information on previous notice periods", and attached to the notice.]

This notice is given on:

[Specify the date on which the notice is given. This is the date on which it is sent or delivered to the licensing authority.]

.....

Declarations and Checklist (please tick or check)

I confirm that, to the best of my knowledge, the information contained in this notice is true. I understand that it is an offence under section 342 of the Gambling Act 2005 without reasonable excuse to give information which is false or misleading in, or in relation to, this notice.

Checklist:

- The date on which this notice is given is more than 3 months before the date on which the activities to which this notice relates are due to start
- Payment of the appropriate fee has been made/is enclosed
- I understand that premises cannot be used under temporary use notices for more than 21 days in any 12 month period. I confirm that the notice will not lead to this limit being exceeded
- I understand that each of the following persons and organisations must be given a copy of the notice and that they must receive it no later than 6 days after the date on which it is sent or delivered to the licensing authority:
 - The Gambling Commission,
 - The chief officer of police, or in Scotland the chief constable of the police, for any area in which the premises are wholly or partly situated, and
 - The Commissioners for Her Majesty's Revenue and Customs.

Signature

Signature of the person giving the temporary use notice, or signature of the solicitor or other duly authorised agent acting on behalf of the person or organisation giving the notice. If you are signing on behalf of the person or organisation giving the notice, please state in what capacity:

Signature:

Print Name:

Date:Capacity:.....

[Where the notice is given in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Contact Details

The following person can be contacted about this temporary use notice:

.....Tel:.....

The postal and/ or e-mail address for any correspondence associated with the notice is:

.....
.....
.....

ENDORSEMENT OF NOTICE BY LICENSING AUTHORITY

(For Licensing Authority use only)

Endorsed by:

[Specify the name of the licensing authority by whom the notice is endorsed in accordance with section 227 of the Gambling Act 2005.]

.....

Signed on behalf of the licensing authority:

Signature:.....

Name:.....

Date: Capacity:.....

PART 2

Form and content of temporary use notices applying to a vessel

[SPACE FOR LICENSING AUTHORITY LOGO ETC.]

Gambling Act 2005 - Temporary Use Notice (Vessel)

Notice is hereby given under Part 9 of the Gambling Act 2005 that:

[Insert the name and address of the person or organisation giving the notice]

.....
.....
.....
.....

intends to use the following vessel:

[Give the name of the vessel]

.....

for carrying on the following activities:

[Indicate the type of gaming which will take place under the notice]

.....
.....
.....
.....
.....

during the following period:

Start date	End date

Additional information

1. Please give the country in which the vessel is registered:

.....

2(a) Please give the place in the licensing authority's area at which the vessel is situated or moored: *[Give an address with postcode if available]*

.....

.....

.....

2(b) Please confirm by ticking or checking the appropriate box whether the place stated in question 2(a) is:

- (i) a fixed place in or on water at which the vessel is situated; or
- (ii) a place at which the vessel is permanently moored; or
- (iii) a place at which the vessel is habitually moored; or
- (iv) in any other case, a place at which the vessel is moored or is likely to be moored, or a place in the United Kingdom nearest to any place at which a vessel is or is likely to be, while activities are carried on in the vessel in reliance on this notice.

2(c) Where either sub-paragraph (iii) or (iv) of question 2(b) has been ticked or checked, please indicate all the places where the vessel will be during the whole of the period of time covered by the notice.

.....

.....

.....

.....

3. Please describe the nature of the event which is to take place (including the number of persons who are expected to participate in the event):

.....

.....

.....

.....

.....

4. Please indicate whether the activities to be authorised by the notice are to take place only in a part of the vessel; and, if so, please include a description of the part in which the activities are taking place and its location within the vessel:

.....

.....

.....

.....

.....

.....

5. Please give for each day of the period of the notice the times when activities are to begin and end.

Date	Start time	Finish time

[Use additional sheets if necessary. These should be headed "Additional information about times when premises are to be used under the notice", and attached to the notice.]

6. Please give the operating licence number of the person or organisation giving the notice:

.....

7(a) Please give the name of a person who is responsible for the conduct of the event to which the notice relates, and who will be available to be contacted during the course of the event:

.....

7(b) Please specify that person's role or title in connection with the event:

.....

7(c) Please give a telephone number at which that person can be contacted when the event is taking place:

.....

8(a) Have any activities taken place, or will any activities take place, on the premises under any other temporary use notice during the period of 12 months ending on the last day of the period specified in this notice?

Yes No

8(b) Where the answer to question 8(a) is “yes”, give the dates on which such activities have taken or will take place:

Start date	End date	Number of days

[Use additional sheets if necessary. These should be headed “Additional information on previous notice periods”, and attached to the notice.]

This notice is given on:

[Specify the date on which the notice is given. This is the date on which you send or deliver it to the licensing authority.]

.....

Declarations and Checklist (please tick or check)

I confirm that, to the best of my knowledge, the information contained in this notice is true. I understand that it is an offence under section 342 of the Gambling Act 2005 without reasonable excuse to give information which is false or misleading in, or in relation to, this notice.

Checklist:

- **The date on which this notice is given is more than 3 months before the date on which the activities to which this notices relates are due to start**
- **Payment of the appropriate fee has been made/is enclosed**
- **I understand that premises cannot be used under temporary use notices for more than 21 days in any 12 month period. I confirm that the notice will not lead to this limit being exceeded**
- **I understand that each of the following persons and organisations must be given a copy of the notice and that they must receive it no later than 6 days after the date on which it is sent or delivered to the licensing authority:**
 - **The Gambling Commission,**
 - **The chief officer of police, or in Scotland the chief constable of the police, for any area in which the premises are wholly or partly situated, and**
 - **The Commissioners for Her Majesty’s Revenue and Customs**

Signature

Signature of the person giving the temporary use notice, or signature of the solicitor or other duly authorised agent acting on behalf of the person or organisation giving the notice. If you are signing on behalf of the person or organisation giving the notice, please state in what capacity:

Signature:

Print Name:

Date:Capacity:.....

[Where the notice is given in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Contact Details

The following person can be contacted about this temporary use notice:

.....Tel:.....

The postal and/ or e-mail address for any correspondence associated with the notice is:

.....

.....

.....

ENDORSEMENT OF NOTICE BY LICENSING AUTHORITY

(For Licensing Authority use only)

Endorsed by:

[Specify the name of the licensing authority by whom the notice is endorsed in accordance with section 227 of the Gambling Act 2005.]

.....

Signed on behalf of the licensing authority:

Signature:.....

Name:.....

Date: Capacity:.....

SCHEDULE 2

Regulation 4

Form and content of a counter-notice

[SPACE FOR LICENSING AUTHORITY LOGO ETC.]

COUNTER-NOTICE
(Given in response to a temporary use notice under Part 9 of the Gambling Act 2005)

This counter-notice is given under section 224 of the Gambling Act 2005 and relates to a

temporary use notice given onin respect of the following premises:

[Identify the premises to which the temporary use notice applies, giving where applicable an address and postcode]

.....
.....
.....

The temporary use notice was given by the following person or organisation:

[Give the name and address of the person or organisation who gave the temporary use notice]

.....
.....
.....

The temporary use notice provided for the premises to be used for the following activities:

.....
.....
.....

during the following period:

Start date	End date

The licensing authority have decided that the temporary use notice referred to in this counter-notice: *[tick or check the box or boxes which apply, and give any additional information as appropriate]*

- Is not to have effect

- Is to have effect only in respect of the following activities:

.....

- Is to have effect only during the following period:

Start date	End date

- Is to authorise the activities to take place only at the following times of day:

Date	Start time	Finish time

- Is to have effect subject to the activities being carried out in accordance with the following condition(s) attached in accordance with section 224(3)(d) of the Gambling Act 2005:

.....

.....

.....

.....

.....

This decision has been taken by the licensing authority for the following reasons:

.....

.....

.....

.....

Signed on behalf of the licensing authority:

Signature:

Print Name:

Date: Capacity:.....

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with temporary use notices under Part 9 of the Gambling Act 2005 (“the Act”). Part 9 enables a person holding an operating licence to give a temporary use notice in respect of premises. The effect of the notice is to authorise the premises to be used during the period specified in the notice for carrying on gambling activities without an offence being committed under section 37 of the Act (which makes it unlawful to use premises for providing facilities for gambling without the appropriate premises licence).

Regulation 2 prescribes for the purposes of section 215(2)(a) of the Act the activities which may be specified in a temporary use notice. The activities are providing facilities for any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner. But this does not include equal chance gaming where any person is participating by means of a gaming machine.

Regulation 3 and Schedule 1 prescribe the form of a temporary use notice and the information to be contained in it. Two forms are prescribed: the form in Part 1 of Schedule 1 is to be used for premises other than vessels, and the form in Part 2 of Schedule 1 is to be used for vessels.

Regulation 4 and Schedule 2 prescribe the form of a counter-notice under Part 9 of the Act.

Regulation 5 makes further provision about the information to be included in a temporary use notice or a counter-notice under Part 9 of the Act.

Regulation 6 makes provision about the manner in which a temporary use notice submitted to a licensing authority is to be endorsed by the authority under section 227(2) or (3) of the Act.

Regulation 7 makes provision about fees in connection with temporary use notices. Paragraph (1) (which applies to England and Wales only) makes provision about the amount of the fee which is to accompany a temporary use notice given to a licensing authority. It provides for the fee to be of such amount as may be determined by the licensing authority up to a maximum of £500. Paragraph (2) prescribes the amount of the fee which is payable under section 227(6) where a licensing authority make arrangements for the replacement of an endorsed temporary use notice which has been lost, stolen or damaged. In England and Wales, the fee is to be of such amount as may be determined by the licensing authority up to a maximum of £25; and in Scotland the fee is £25.

£3.00

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