

2007 No. 319

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Inspection) (Provision of Information)
Regulations 2007**

<i>Made</i> - - - -	<i>8th February 2007</i>
<i>Laid before Parliament</i>	<i>8th February 2007</i>
<i>Coming into force</i> - -	<i>21st May 2007</i>

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 322(1) and (2) and of the Gambling Act 2005(a):

Citation and commencement

1. These Regulations may be cited as the Gambling Act 2005 (Inspection) (Provision of Information) Regulations 2007 and shall come into force on 21st May 2007.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Gambling Act 2005;

“appropriate recipient” means a person present at a premises at any time during an inspection, and who appears to the inspector to occupy the premises or to be responsible for their management;

“inspection” means the entry of an inspector into premises pursuant to a power conferred by Part 15, and the carrying out there of activities authorised under that Part;

“inspector” means a constable, enforcement officer or authorised person;

“interested person” in relation to an inspection means any of the following:

- (a) the Gambling Commission;
- (b) an appropriate recipient;
- (c) the holder of a relevant authorisation in relation to the premises;
- (d) where an inspection occurs pursuant to section 315 (which enables an inspector to enter premises in respect of which a temporary use notice has been given), the person who gave the temporary use notice;
- (e) a society registered with a local authority in accordance with Part 5 of Schedule 11 of the Act, where the premises are owned or used by that society at the time of the inspection;

- (f) a person who occupies the premises or is responsible for their management at the time of the inspection;

“relevant authorisation” in relation to the premises means a premises licence, a permit issued under the Act or an on-premises alcohol licence that has effect in relation to the premises at the time the inspection takes place;

(2) A reference in these Regulations to a numbered Part or section is a reference to that Part or section of the Act so numbered.

Evidence of identity

3. Whilst an inspection is taking place, an inspector must ensure that a person who accompanies him pursuant to section 324 produces evidence of his identity to an appropriate recipient, or if there is no appropriate recipient, to a person who works at the premises and is there in his capacity as an employee.

Statement on entry

4.—(1) Where—

- (a) an appropriate recipient is present at the premises at the start of an inspection, or
- (b) such a recipient arrives at the premises during the inspection,

an inspector carrying out the inspection must communicate to the recipient the information set out in paragraph (2) (whether orally or in writing) as soon as reasonably practicable after the start of the inspection or the arrival of the recipient.

(2) The information is—

- (a) that anyone who is an interested person in relation to the premises may, following the inspection, make a request in writing for the inspector to provide a written record of the inspection;
- (b) the manner in which and the person to whom an interested person can make that request; and
- (c) the persons, or categories of persons, who are interested persons in relation to those premises.

(3) Paragraph (1) does not apply where the information set out in paragraph (2) has already been communicated to an appropriate recipient during the inspection.

(4) If at no time during an inspection an appropriate recipient is present at the premises, an inspector must leave a written notice on the premises setting out—

- (a) the fact that the premises have been inspected;
- (b) the name of any inspector who carried out the inspection;
- (c) the date of the inspection; and
- (d) the information referred to in paragraph (2).

5. If—

- (a) an inspector questions a person on the premises under section 317(1)(b), and
- (b) that person refuses to answer the question,

the inspector must orally inform the person that he is exercising a power to question under section 317(1)(b) and that it is an offence under section 326 if, without reasonable excuse, a person obstructs, or fails to cooperate with, an inspector who is exercising or seeking to exercise a power under or by virtue of Part 15.

Written record of inspection

6.—(1) If, following an inspection, an interested person makes a request in writing for a written record of the inspection, the inspector must, as soon as reasonably practicable after receipt of the request, supply the person with a written record including the information set out in paragraph (2).

(2) The information is, in relation to that inspection—

- (a) the postal address of the premises;
- (b) the name of the inspector who visited the premises and the name of any person accompanying him;
- (c) the date and time when the inspector entered the premises;
- (d) a description of the power that the inspector exercised to enter the premises, together with a reference to the relevant section of the Act;
- (e) a record of any part of the premises, or any machine or other thing on the premises, that was inspected in exercise of the inspector's power under section 317(1)(a);
- (f) a record of any written or electronic record to which the inspector required access under section 317(1)(c);
- (g) a description of any copies of written or electronic records that were supplied to the inspector in compliance with his request under section 317(1)(d), specifying the form in which they were supplied;
- (h) a record of anything that was removed from the premises and the reasons for its removal;
- (i) a record of whether any force was used for the purpose of entering the premises, by whom it was used and the reason why it was used;
- (j) if force was used for the purpose of entering the premises, a record of what steps were taken in accordance with section 325, to ensure that when the inspector left the premises they were as secure as they were before he entered;
- (k) a record of any damage caused during the inspection, and of the circumstances in which it was caused.

8th February 2007

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations come into force on 21st May 2007 and require persons who exercise their powers of entry and inspection under Part 15 of the Gambling Act 2005 (the Act), to provide information about those powers and their exercise.

Part 15 of the Act empowers constables, enforcement officers and authorised persons (“inspectors”) to enter different kinds of premises under specified circumstances. An inspector exercising a power under Part 15 to enter premises, also has powers under section 317(1) of the Act to inspect the premises, question persons on the premises, require access to and copies of written or electronic records on the premises, and remove and retain material from the premises.

Regulation 3 places an obligation on inspectors exercising their powers under Part 15 of the Act, to ensure that anyone accompanying them produces evidence of his identity. Section 324 of the Act allows an inspector exercising a power to enter premises under Part 15 of the Act to take one or more persons with him.

Regulation 4 requires inspectors to inform specified persons on the premises (“appropriate recipients”, defined in regulation 2(1)) of their right to request a written record of the visit. If there is no appropriate recipient on the premises, the inspector is required to leave that information in a written notice, with his name and the date of the inspection.

Regulations 5 requires inspectors to inform persons they are questioning, of the inspector’s power to question any person on the premises under section 317(1)(b) of the Act, and of the offence of obstruction under section 326 of the Act. An inspector’s obligation under regulation 5 will arise where a person refuses to answer any of his questions.

Regulation 6(1) requires an inspector to provide a written record of his inspection to the persons listed in regulation 2(1), referred to as “interested persons”. The record is only required to be provided on request, and Regulation 6(2) sets out the required contents of that record.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Premises Licences Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6420.

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.

E0143 2/2007 170143T 19585

