

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, SCHEDULE 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8 **E+W+S**

Section 140

#### GAMBLING APPEALS TRIBUNAL

##### *President, deputy and members*

- 1 (1) The Lord Chancellor shall appoint—
  - (a) a President of the Tribunal, and
  - (b) other members of the Tribunal.
- (2) The Lord Chancellor may appoint one or more members of the Tribunal as deputy President; and a deputy President—
  - (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.

#### **Commencement Information**

**11** Sch. 8 para. 1 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

- 2 A person may be appointed under paragraph 1 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),
  - (b) he is an advocate or solicitor in Scotland of at least seven years' standing, or
  - (c) he is a barrister or solicitor in Northern Ireland of at least seven years' standing.

#### **Commencement Information**

**12** Sch. 8 para. 2 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

##### *Tenure*

- 3 (1) A person appointed under paragraph 1 shall hold and vacate office in accordance with the terms of his appointment (subject to this paragraph).
- (2) A person appointed under paragraph 1 may resign by notice in writing to the Lord Chancellor.
- (3) The Lord Chancellor may dismiss a person appointed under paragraph 1—
  - (a) on the grounds that the person is unable or unwilling to perform his functions, or
  - (b) on the grounds of misbehaviour.

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- [<sup>F1</sup>(3A) The Lord Chancellor may dismiss a person under sub-paragraph (3) only with the concurrence of the appropriate senior judge.
- (3B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the person to be dismissed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.
- (3C) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under this paragraph.
- (3D) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.]
- (4) At the end of Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (offices to which retirement provisions apply) add— “ President or other member of the Gambling Appeals Tribunal ”.

**Textual Amendments**

- F1** Sch. 8 para. 3(3A)-(3D) inserted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), art. 1, **Sch. 1 para. 39**

**Commencement Information**

- I3** Sch. 8 para. 3 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

*Staff*

- 4 The Lord Chancellor may appoint staff for the Tribunal.

**Commencement Information**

- I4** Sch. 8 para. 4 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

*Money*

- 5 The Lord Chancellor may pay sums to or in respect of a person appointed under paragraph 1 or 4 by way of or in respect of—
- (a) remuneration;
  - (b) expenses;
  - (c) allowances.

**Commencement Information**

- I5** Sch. 8 para. 5 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), **Sch. 1** (with arts. 7-11, 7-12, Sch. 4)

- 6 In Part II of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (offices qualifying for pension) at the end of the list under the heading *Members of tribunals* add— “ President of the Gambling Appeals Tribunal ”.

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**Commencement Information**

**I6** Sch. 8 para. 6 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

7 The Lord Chancellor may incur expenditure in respect of the Tribunal.

**Commencement Information**

**I7** Sch. 8 para. 7 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

8 Sums received by way of fees under section 147 shall be paid into the Consolidated Fund.

**Commencement Information**

**I8** Sch. 8 para. 8 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

*Sittings*

- 9 (1) The Tribunal—
- (a) shall sit at such times and in such places as the President may direct in accordance with general arrangements made by the Lord Chancellor, and
  - (b) may sit in more than one place at a time.
- (2) Rules made by the Lord Chancellor under section 146 shall, in particular, make provision for determining whether a case shall be heard by the Tribunal sitting—
- (a) in England or Wales, or
  - (b) in Scotland.

**Commencement Information**

**I9** Sch. 8 para. 9 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

- 10 (1) At each sitting the Tribunal may consist of—
- (a) the President,
  - (b) a member, or
  - (c) the President sitting with two other members.
- (2) The constitution of the Tribunal at each sitting shall be determined—
- (a) by the President, and
  - (b) in accordance with general arrangements made by the Lord Chancellor.
- (3) The arrangements may, in particular, include provision—
- (a) for a three-member tribunal to continue with one or two members in specified circumstances;
  - (b) for the President to have a casting vote if sitting with one other member by virtue of paragraph (a).

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**Commencement Information**

**I10** Sch. 8 para. 10 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

- 11 The Lord Chancellor—
- (a) shall consult the President before making arrangements under paragraph 9(1)(a) or 10(2)(b), and
  - (b) shall publish the arrangements.

**Commencement Information**

**I11** Sch. 8 para. 11 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

*Procedure*

- 12 Decisions of the Tribunal may be taken by majority vote.

**Commencement Information**

**I12** Sch. 8 para. 12 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

- 13 The President may, subject to rules under section 146, give directions about the practice and procedure of the Tribunal.

**Commencement Information**

**I13** Sch. 8 para. 13 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

- 14 Rules made by the Lord Chancellor under section 146 may, in particular, make provision—
- (a) about the manner in which appeals are to be instituted;
  - (b) about the time in which appeals are to be heard;
  - (c) for the President or a member of the Tribunal to determine an interlocutory or ancillary matter;
  - (d) for the President or a member of the Tribunal to give directions—
    - (i) requiring parties or witnesses to take specified steps in relation to proceedings, and
    - (ii) as to how and when those steps are to be taken,
  - (e) about disclosure;
  - (f) for joining the Commission to proceedings;
  - (g) for the suspension by the Tribunal of decisions of the Commission (whether or not they have already taken effect);
  - (h) enabling the Tribunal to require persons to attend proceedings for the purpose of giving evidence or producing documents;
  - (i) enabling the Tribunal to administer oaths to witnesses;
  - (j) about the admission of members of the public to proceedings;
  - (k) about representation of parties;
  - (l) about withdrawal of proceedings;

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- (m) about the recording and promulgation of decisions;
- (n) about the award of costs or expenses (which may, in particular, include an award against the Commission or another party joined in accordance with the rules);
- (o) enabling the Tribunal to vary or revoke a decision, on grounds specified in the rules and within such period as the rules may specify.

**Commencement Information**

**I14** Sch. 8 para. 14 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

*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 Appeals Tribunal established by section 140 of the Gambling Act 2005.”
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**Commencement Information**

**I15** Sch. 8 para. 15 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

*Disqualification, &c.*

- 16 At the appropriate place in Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) insert— “ The Gambling Appeals Tribunal. ”

**Commencement Information**

**I16** Sch. 8 para. 16 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

- 17 At the end of Schedule 11 to the Courts and Legal Services Act 1990 (c. 41) (office-holders barred from legal practice) add—

“President of the Gambling Appeals Tribunal”.

**Commencement Information**

**I17** Sch. 8 para. 17 in force at 1.1.2007 by S.I. 2006/3272, art. 2(1), Sch. 1 (with arts. 7-11, 7-12, Sch. 4)

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