

Status: Point in time view as at 01/09/2009.

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Two-stage consideration. (See end of Document for details)

SCHEDULES

SCHEDULE 9

APPLICATIONS FOR CASINO PREMISES LICENCES

Two-stage consideration

- 3 Paragraph 4 applies where (whether or not as a result of the competition provided for by paragraph 2)—
- (a) a number of applications for a casino premises licence are made to a licensing authority (“the competing applications”), and
 - (b) as a result of section 175 and the order under it the authority are able to grant one or more, but not all, of the competing applications.

Commencement Information

- I1** Sch. 9 para. 3 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I2** Sch. 9 para. 3 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, Sch.

- 4 (1) The licensing authority shall first consider in respect of each application whether they would grant it under section 163 if section 175 did not apply.
- (2) For that purpose—
- (a) the authority shall not have regard to whether any of the other competing applications is more deserving of being granted,
 - (b) subject to paragraph (a), each competing applicant is an interested party in relation to each of the other competing applications, and
 - (c) Part 8 shall apply, but with the substitution for a reference to the grant of an application in sections 163(1)(a) and 206(2) of a reference to a provisional decision to grant an application subject to the provisions of paragraph 5 below.

Commencement Information

- I3** Sch. 9 para. 4 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I4** Sch. 9 para. 4 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, Sch.

- 5 (1) This paragraph applies if a licensing authority determine under paragraph 4 that they would grant a number of competing applications greater than the number which they can grant as a result of section 175 and the order under it.
- (2) The authority shall then determine which of those applications to grant under section 163(1)(a).

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- (3) For that purpose the authority—
- (a) shall determine which of the competing applications would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area,
 - (b) may enter into a written agreement with an applicant, whether as to the provision of services in respect of the authority's area or otherwise,
 - (c) may determine to attach conditions under section 169 to any licence issued so as to give effect to an agreement entered into under paragraph (b), and
 - (d) may have regard to the effect of an agreement entered into under paragraph (b) in making the determination specified in paragraph (a).
- (4) Having determined to grant one or more applications under sub-paragraph (2) the authority shall—
- (a) grant that application or those applications under section 163(1)(a), and
 - (b) reject the other competing applications under section 163(1)(b).
- (5) The list in section 164(1)(a) shall be treated as including any competing applicant whose application the authority decided provisionally to grant under paragraph 4.

Commencement Information

- I5** Sch. 9 para. 5 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I6** Sch. 9 para. 5 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, Sch.

- 6 (1) The Secretary of State may issue a code of practice about—
- (a) the procedure to be followed in making the determinations required by paragraphs 4 and 5, and
 - (b) matters to which a licensing authority should have regard in making those determinations.
- (2) A licensing authority shall comply with a code of practice under sub-paragraph (1).

Commencement Information

- I7** Sch. 9 para. 6 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I8** Sch. 9 para. 6 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, Sch.

- 7 (1) Where a licensing authority issue a casino premises licence following a determination to grant an application in accordance with paragraph 5, a condition attached to the licence under section 169 may, in particular, give effect to any agreement entered into under paragraph 5(3)(b) above.
- (2) In that case—
- (a) the condition shall refer to the agreement,
 - (b) a copy of the agreement shall be attached to the licence, and
 - (c) a variation of the agreement shall have effect only if accompanied by variation of the condition under section 187.

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- I9** Sch. 9 para. 7 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I10** Sch. 9 para. 7 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, Sch.

- 8 (1) An appeal may be brought under section 206(1) or (2) in respect of a decision under paragraph 4.
- (2) While an appeal under section 206 could be brought by virtue of sub-paragraph (1), or has been brought by virtue of that sub-paragraph and has not yet been either finally determined or abandoned, the licensing authority shall take no action under paragraph 5(2).
- (3) Sub-paragraph (2) has effect in place of section 208 in respect of an appeal by virtue of sub-paragraph (1).
- (4) No appeal may be brought under section 206 in respect of a decision under paragraph 5.

Commencement Information

- I11** Sch. 9 para. 8 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I12** Sch. 9 para. 8 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, Sch.

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