

SCHEDULES

SCHEDULE 1

Section 11

BETTING: PRIZE COMPETITIONS: DEFINITION OF PAYMENT TO ENTER

Introduction

- 1 This Schedule makes provision about the circumstances in which a person is to be or not to be treated for the purposes of section 11(1)(b) as being required to pay to participate in an arrangement.

Meaning of payment

- 2 For the purposes of section 11 and this Schedule a reference to paying includes a reference to—
- (a) paying money,
 - (b) transferring money's worth, and
 - (c) paying for goods or services at a price or rate which reflects the opportunity to participate in an arrangement under which a participant may win a prize.
- 3 It is immaterial for the purposes of section 11 and this Schedule—
- (a) to whom a payment is made, and
 - (b) who receives benefit from a payment.
- 4 It is also immaterial for the purposes of section 11 and this Schedule whether a person knows when he makes a payment that he thereby participates in an arrangement as a result of which he may win a prize.

Stamps, telephone calls, &c.

- 5 (1) For the purposes of section 11 and this Schedule a reference to paying does not include a reference to incurring the expense, at a normal rate, of—
- (a) sending a letter by ordinary post,
 - (b) making a telephone call, or
 - (c) using any other method of communication.
- (2) For the purpose of sub-paragraph (1)—
- (a) a “normal rate” is a rate which does not reflect the opportunity to participate in an arrangement under which a person may win a prize, and
 - (b) ordinary post means ordinary first-class or second-class post (without special arrangements for delivery).

Status: This is the original version (as it was originally enacted).

Payment to discover whether prize won

- 6 For the purposes of section 11 and this Schedule a requirement to pay in order to discover whether a prize has been won under an arrangement shall be treated as a requirement to pay to participate in the arrangement.

Payment to claim prize

- 7 For the purposes of section 11 and this Schedule a requirement to pay in order to take possession of a prize which a person has or may have won under an arrangement shall be treated as a requirement to pay to participate in the arrangement.

Choice of free entry

- 8 (1) For the purposes of section 11 and this Schedule an arrangement shall not be treated as requiring a person to pay to participate if under the arrangement—
- (a) each person who is eligible to participate has a choice whether to participate by paying or by sending a communication,
 - (b) the communication mentioned in paragraph (a) may be—
 - (i) a letter sent by ordinary post, or
 - (ii) another method of communication which is neither more expensive nor less convenient than participating by paying,
 - (c) the choice is publicised in such a way as to be likely to come to the attention of each person who proposes to participate, and
 - (d) the system for allocating prizes does not differentiate between those who participate by paying and those who participate by sending a communication.
- (2) In this paragraph “ordinary post” has the meaning given by paragraph 5(2)(b).

Power to make regulations

- 9 The Secretary of State may make regulations providing that an activity of a specified kind or performed in specified circumstances is to be or not to be treated for the purposes of section 11 as paying to participate in an arrangement.

SCHEDULE 2

Section 14

LOTTERIES: DEFINITION OF PAYMENT TO ENTER

Introduction

- 1 This Schedule makes provision about the circumstances in which an arrangement is to be or not to be treated for the purposes of section 14 as requiring persons to pay in order to participate in an arrangement.

Meaning of payment

- 2 For the purposes of section 14 and this Schedule a reference to paying includes a reference to—
- (a) paying money,

Status: This is the original version (as it was originally enacted).

- (b) transferring money's worth, and
 - (c) paying for goods or services at a price or rate which reflects the opportunity to participate in an arrangement.
- 3 It is immaterial for the purposes of section 14 and this Schedule—
- (a) to whom a payment is made, and
 - (b) who receives benefit from a payment.
- 4 It is also immaterial for the purposes of section 14 and this Schedule whether a person knows when he makes a payment that he thereby participates in an arrangement.

Stamps, telephone calls, &c.

- 5 (1) For the purposes of section 14 and this Schedule a reference to paying does not include a reference to incurring the expense, at a normal rate, of—
- (a) sending a letter by ordinary post,
 - (b) making a telephone call, or
 - (c) using any other method of communication.
- (2) For the purpose of sub-paragraph (1)—
- (a) a “normal rate” is a rate which does not reflect the opportunity to enter a lottery, and
 - (b) ordinary post means ordinary first-class or second-class post (without special arrangements for delivery).

Payment to discover whether prize won

- 6 For the purposes of section 14 and this Schedule a requirement to pay in order to discover whether a prize has been won under an arrangement shall be treated as a requirement to pay in order to participate in the arrangement.

Payment to claim prize

- 7 For the purposes of section 14 and this Schedule a requirement to pay in order to take possession of a prize which has or may have been allocated to a person under an arrangement shall be treated as a requirement to pay in order to participate in the arrangement.

Choice of free entry

- 8 (1) For the purposes of section 14 and this Schedule an arrangement shall not be treated as requiring persons to pay in order to participate if under the arrangement—
- (a) each individual who is eligible to participate has a choice whether to participate by paying or by sending a communication,
 - (b) the communication mentioned in paragraph (a) may be—
 - (i) a letter sent by ordinary post, or
 - (ii) another method of communication which is neither more expensive nor less convenient than entering the lottery by paying,
 - (c) the choice is publicised in such a way as to be likely to come to the attention of each individual who proposes to participate, and
 - (d) the system for allocating prizes does not differentiate between those who participate by paying and those who participate by sending a communication.

(2) In this paragraph “ordinary post” has the meaning given by paragraph 5(2)(b).

Power to make regulations

- 9 Regulations under section 14(7) may, in particular, provide that an activity of a specified kind or performed in specified circumstances is to be or not to be treated as paying to enter a lottery.

SCHEDULE 3

Section 15

AMENDMENT OF NATIONAL LOTTERY ETC. ACT 1993 (C. 39)

Annual levy

- 1 After section 10B of the National Lottery etc. Act 1993 (financial penalties: appeal) insert—

“10C Annual levy

- (1) The Secretary of State may make regulations requiring holders of licences under section 5 or 6 to pay an annual levy to the Gambling Commission.
- (2) The regulations shall, in particular, make provision for—
 - (a) timing of payment of the levy, and
 - (b) the amount of the levy.
- (3) The regulations may, in particular, make provision—
 - (a) determining the amount of the levy by reference to a percentage of specified receipts of the holder of a licence under section 5 or 6,
 - (b) determining the amount of the levy by reference to a percentage of specified profits of the holder of a licence under section 5 or 6,
 - (c) providing for the determination of the amount of the levy according to a specified formula, or
 - (d) providing for the determination of the amount of the levy in some other way.
- (4) Any sum due by way of levy by virtue of this section shall be treated for the purposes of this Act as if its payment were a condition of the licence under section 5 or 6.
- (5) The Gambling Commission shall, with the consent of the Treasury and of the Secretary of State, expend money received by way of levy for purposes related to, or by providing financial assistance for projects related to—
 - (a) addiction to gambling,
 - (b) other forms of harm or exploitation associated with gambling, or
 - (c) any of the licensing objectives for the purposes of the Gambling Act 2005.
- (6) In subsection (5) the reference to financial assistance is a reference to grants, loans and any other form of financial assistance, which may be made or

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given on terms or conditions (which may include terms and conditions as to repayment with or without interest).

- (7) The Secretary of State may make regulations under this section only if—
- (a) he has made regulations under the Gambling Act 2005 requiring holders of operating licences to pay an annual levy to the Gambling Commission, and
 - (b) he has consulted the National Lottery Commission.
- (8) The Gambling Commission shall consult the National Lottery Commission before incurring expenditure under subsection (5).”

Consultation with Gambling Commission

- 2 After section 4 of the National Lottery etc. Act 1993 (c. 39) (overriding duties) insert—

“4A Consultation with Gambling Commission

- (1) If in the course of the exercise of its functions the National Lottery Commission becomes aware of a matter about which the Gambling Commission is likely to have an opinion, the National Lottery Commission shall consult the Gambling Commission.
- (2) The National Lottery Commission shall comply with any direction of the Secretary of State (which may be general or specific) to consult the Gambling Commission.”

Definition of “lottery”

- 3 In section 20 of the National Lottery etc. Act 1993 (interpretation) after the definition of “contravention” insert—

““lottery” has the same meaning as in the Gambling Act 2005;”.

SCHEDULE 4

Section 20

THE GAMBLING COMMISSION

Constitution

- 1 The Gambling Commission shall consist of a chairman and other commissioners appointed by the Secretary of State.

Tenure

- 2 (1) A commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).
- (2) A commissioner may resign by notice in writing to the Secretary of State.

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- (3) If the Secretary of State thinks that a commissioner is unable, unfit or unwilling to perform his functions, the Secretary of State may dismiss the commissioner.
- 3 The chairman—
- (a) shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule),
- (b) may resign by notice in writing to the Secretary of State, and
- (c) shall cease to be chairman if he ceases to be a commissioner.
- 4 The Secretary of State may not appoint a person as commissioner—
- (a) for a period of more than five years, or
- (b) for periods (whether or not consecutive) exceeding ten years in aggregate.

Staff

- 5 (1) The Commission may, with the Secretary of State's consent as to terms and conditions of employment, appoint a chief executive.
- (2) A person—
- (a) may hold appointment both as the chief executive and as a commissioner, but
- (b) may not hold appointment both as the chief executive and as the chairman.
- (3) Where a person holds appointment both as the chief executive and as a commissioner, if he ceases to be the chief executive he shall cease to be a commissioner.
- 6 The Commission may, with the Secretary of State's consent as to terms and conditions of employment, appoint other staff.

Proceedings

- 7 The Commission shall—
- (a) determine arrangements for the conduct of its proceedings (which may, in particular, include arrangements for a quorum), and
- (b) publish those arrangements.
- 8 (1) The Commission may delegate a function to—
- (a) a commissioner,
- (b) a committee consisting of commissioners, or
- (c) an employee of the Commission.
- (2) Sub-paragraph (1) applies to any function of the Commission including, in particular—
- (a) a discretionary function;
- (b) the function of conducting a review;
- (c) the function of determining whether to revoke a licence or of determining whether to impose a requirement to pay a penalty.

Money

- 9 The Commission may, with the consent of the Secretary of State, pay to or in respect of a commissioner or employee sums by way of or in respect of—
- (a) remuneration;

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- (b) allowances;
 - (c) expenses;
 - (d) pension;
 - (e) gratuity.
- 10 The Secretary of State may make payments to the Commission for the purpose of enabling the Commission to meet such of its expenses as cannot be met out of fees paid to the Commission under this Act.
- 11 The Commission may, with the consent of the Secretary of State, borrow money.
- 12 The Commission may pay money into the Consolidated Fund.
- 13 The Commission shall keep accounting records in such form as the Secretary of State may direct.
- 14 (1) The Commission shall prepare a statement of accounts for each financial year in such form as the Secretary of State may direct.
- (2) The Commission shall send a copy of a statement of accounts under sub-paragraph (1) to—
- (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General.
- (3) The Commission must comply with sub-paragraph (2) within such period, beginning with the end of the financial year to which the accounts relate, as the Secretary of State may specify.
- (4) The Comptroller and Auditor General shall—
- (a) examine a statement sent to him under sub-paragraph (2),
 - (b) report on it, and
 - (c) lay a copy of his report before Parliament.
- 15 (1) The financial year of the Commission shall be the period of 12 months ending with 31st March.
- (2) But the first financial year of the Commission shall be the period—
- (a) beginning with the commencement of section 20, and
 - (b) ending with the following 31st March.

Annual report

- 16 (1) As soon as is reasonably practicable after the end of each financial year the Commission shall send to the Secretary of State a report about the activities of the Commission during the year.
- (2) Where the Secretary of State receives a report under sub-paragraph (1)—
- (a) he shall lay a copy before Parliament, and
 - (b) he may arrange for the report to be published.

Status

- 17 (1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Status: This is the original version (as it was originally enacted).

- (2) Property of the Commission shall not be regarded as property of or held on behalf of the Crown.
- (3) Membership of or employment by the Commission is not employment in the civil service of the State.

Consent

- 18 Consent given by the Secretary of State for the purposes of this Schedule may be general or specific.

SCHEDULE 5

Section 21

TRANSFER FROM GAMING BOARD TO GAMBLING
 COMMISSION: SUPPLEMENTARY PROVISION

- 1 In this Schedule—
 - “the Board” means the Gaming Board for Great Britain,
 - “commencement” means the coming into force of section 21, and
 - “the Commission” means the Gambling Commission.
- 2 Anything done by or in relation to the Board which has effect immediately before commencement shall, so far as necessary for continuing its effect after commencement, have effect as if done by or in relation to the Commission.
- 3 Anything (including any legal proceedings) which immediately before commencement is in the process of being done by or in relation to the Board may be continued by or in relation to the Commission.
- 4 So far as necessary or appropriate in consequence of section 21, on and after commencement a reference to the Board in an enactment, instrument or other document shall be treated as a reference to the Commission.
- 5 (1) Section 21(2) shall operate in relation to rights and liabilities—
 - (a) whether or not they would otherwise be capable of being transferred by the Board, and
 - (b) without any instrument or other formality being required.
- (2) In so far as section 21(2) transfers to the Commission liabilities under contracts of employment nothing in that section or this Schedule shall affect the operation of—
 - (a) the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794), or
 - (b) regulations under section 38 of the Employment Relations Act 1999 (c. 26) (replication of the TUPE regulations).

SCHEDULE 6

Sections 30 and 350

EXCHANGE OF INFORMATION: PERSONS AND BODIES

PART 1

PERSONS AND BODIES WITH FUNCTIONS UNDER THIS ACT

A constable or police force
An enforcement officer
A licensing authority
Her Majesty's Commissioners of Customs and Excise
The Gambling Appeal Tribunal
The National Lottery Commission
The Secretary of State
The Scottish Ministers

PART 2

ENFORCEMENT AND REGULATORY BODIES

The Director and staff of the Assets Recovery Agency
The Charity Commission
The Financial Services Authority
The Director General and staff of the National Crime Squad
The Director General and staff of the National Criminal Intelligence Service
The Occupational Pensions Regulatory Authority
The Office of Fair Trading
The Serious Fraud Office

PART 3

SPORT GOVERNING BODIES

The England and Wales Cricket Board Limited
The Football Association Limited
The Football Association of Wales Limited
The Horseracing Regulatory Authority
The Lawn Tennis Association
The Irish Football Association Limited
The Jockey Club
The National Greyhound Racing Club Limited
The Professional Golfers' Association Limited
The Rugby Football League
The Rugby Football Union
The Scottish Rugby Union
The Scottish Football Association Limited
UK Athletics Limited

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The Welsh Rugby Union Limited

PART 4

NOTES

- 1 Where a person or body listed in this Schedule is by virtue of an enactment restricted in the use that may be made of information provided to him or it by another person or body, nothing in section 30 or 350 overrides that restriction—
 - (a) in relation to information provided to the person or body by the Commission, or
 - (b) so as to permit the person or body to disclose to the Commission information provided to the person or body by another.
- 2 Where by virtue of an enactment the use that may be made of information supplied by a person or body listed in this Schedule is restricted, or where the information may be further disclosed only with the consent of the person or body which provided the information, the prohibition or restriction on further disclosure shall apply to—
 - (a) the supply of information by virtue of this Act, and
 - (b) the supply of information to the Gambling Commission (whether or not by virtue of this Act).
- 3 Information provided to a person or body by Her Majesty's Commissioners of Customs and Excise in reliance on a provision of this Act may not be provided by that person or body to any other person or body without the consent of the Commissioners.

SCHEDULE 7

Section 126

RELEVANT OFFENCES

PART 1

THE OFFENCES

Gambling offences

- 1 An offence under—
 - (a) this Act,
 - (b) the Betting, Gaming and Lotteries Act 1963 (c. 2),
 - (c) the Gaming Act 1968 (c. 65),
 - (d) the Lotteries and Amusements Act 1976 (c. 32),
 - (e) the National Lottery etc. Act 1993 (c. 39), or
 - (f) the National Lottery Act 1998 (c. 22).

Theft, &c.

- 2 An offence under any of the following provisions of the Theft Act 1968 (c. 60)—

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- (a) section 1 (theft),
 - (b) section 8 (robbery),
 - (c) section 9 (burglary),
 - (d) section 10 (aggravated burglary),
 - (e) section 11 (theft from exhibition, &c.),
 - (f) section 12A (aggravated vehicle-taking),
 - (g) section 13 (abstracting electricity),
 - (h) section 15 (obtaining property by deception),
 - (i) section 15A (obtaining money transfer by deception),
 - (j) section 16 (obtaining pecuniary advantage by deception),
 - (k) section 17 (false accounting),
 - (l) section 19 (false statement by director, &c.),
 - (m) section 20 (suppression of document, &c.),
 - (n) section 21 (blackmail),
 - (o) section 22 (handling stolen goods),
 - (p) section 24A (retaining wrong credit), and
 - (q) section 25 (going equipped for stealing, &c.).
- 3 An offence under section 1 or 2 of the Theft Act 1978 (c. 31) (obtaining services, or evading liability, by deception).
- 4 An offence under section 170 or 170B of the Customs and Excise Management Act 1979 (c. 2) (evasion of duty).
- 5 An offence under section 58(1) of the Civic Government (Scotland) Act 1982 (c. 45) (convicted thief in possession).
- 6 Both in England and Wales and in Scotland, the offence at common law of conspiracy to defraud.
- 7 In Scotland the offences at common law of—
- (a) theft,
 - (b) robbery,
 - (c) theft by housebreaking,
 - (d) fraud,
 - (e) extortion, and
 - (f) reset.
- Miscellaneous*
- 8 A sexual offence within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- 9 A violent offence within the meaning of section 161(3) of that Act.
- 10 An offence under—
- (a) the Firearms Act 1968 (c. 27), or
 - (b) the Firearms (Amendment) Act 1988 (c. 45).
- 11 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) (production),

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- (b) section 4(3) (supply),
 - (c) section 5(3) (possession with intent to supply), and
 - (d) section 8 (permitting activity on premises).
- 12 An offence under the Forgery and Counterfeiting Act 1981 (c. 45), except for sections 18 and 19 (reproduction and imitation notes and coins).
- 13 An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (unlicensed activity).
- 14 An offence under section 70 of the Army Act 1955 (c. 18) in so far as it relates to an offence listed elsewhere in this Schedule.
- 15 An offence under section 70 of the Air Force Act 1955 (c. 19) in so far as it relates to an offence listed elsewhere in this Schedule.
- 16 An offence under section 42 of the Naval Discipline Act 1957 (c. 53) in so far as it relates to an offence listed elsewhere in this Schedule.
- 17 An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 (offences relating to indecent photographs of children).
- 18 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)—
- (a) section 1 (incest),
 - (b) section 2 (intercourse with a stepchild),
 - (c) section 3 (intercourse with child under 16 by person in position of trust),
 - (d) section 5 (unlawful intercourse with a girl under 16),
 - (e) section 6 (indecent behaviour towards girl between 12 and 16),
 - (f) section 8 (detention of woman in brothel or other premises),
 - (g) section 10 (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16), and
 - (h) section 13(5) (homosexual offences).
- 19 In Scotland, the offences at common law of—
- (a) rape,
 - (b) clandestine injury to women,
 - (c) abduction of a woman or girl with intent to rape or ravish,
 - (d) assault with intent to rape or ravish,
 - (e) indecent assault,
 - (f) lewd, indecent or libidinous behaviour or practices,
 - (g) shameless indecency,
 - (h) sodomy,
 - (i) murder,
 - (j) culpable homicide, and
 - (k) assault.
- 20 In Scotland, the offence at common law of uttering and fraud.
- 21 An inchoate offence relating to an offence listed elsewhere in this Schedule.
- 22 A reference in this Part of this Schedule to an offence under an Act or a provision of an Act includes a reference to an offence under subordinate legislation made under that Act or provision.

PART 2

POWER TO AMEND PART 1

- 23 The Secretary of State may by order amend Part 1 of this Schedule so as to—
- (a) add an entry,
 - (b) vary an entry, or
 - (c) remove an entry.

SCHEDULE 8

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.
- 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.

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.
- (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”.

Status: This is the original version (as it was originally enacted).

Staff

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

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.
- 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”.
- 7 The Lord Chancellor may incur expenditure in respect of the Tribunal.
- 8 Sums received by way of fees under section 147 shall be paid into the Consolidated Fund.

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.
- 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).
- 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.

Status: This is the original version (as it was originally enacted).

Procedure

- 12 Decisions of the Tribunal may be taken by majority vote.
- 13 The President may, subject to rules under section 146, give directions about the practice and procedure of the Tribunal.
- 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;
 - (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.

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

Status: This is the original version (as it was originally enacted).

“President of the Gambling Appeals Tribunal”.

SCHEDULE 9

Section 175

APPLICATIONS FOR CASINO PREMISES LICENCES

Introduction

- 1 (1) This Schedule applies to an application for a casino premises licence of a kind in respect of which a limit under section 175 has effect.
- (2) An application for the variation or transfer of a premises licence is not to be treated for the purposes of this Schedule as an application for a premises licence (despite sections 187(3) and 188(2)).

Competition for licences

- 2 (1) Before considering an application to which this Schedule applies a licensing authority shall comply with regulations of the Secretary of State about inviting competing applications.
- (2) The regulations shall, in particular, make provision—
 - (a) about the publication of invitations (including provision as to the manner and timing of publication and the matters to be published), and
 - (b) about the timing of responses.

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.
- 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.
- 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.

Status: This is the original version (as it was originally enacted).

- (2) The authority shall then determine which of those applications to grant under section 163(1)(a).
 - (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.
- 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).
- 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.
- 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.

Status: This is the original version (as it was originally enacted).

Provisional statements

- 9 A reference in this Schedule to an application for a casino premises licence includes a reference to an application for a provisional statement where this Schedule would apply to an application for a premises licence made in reliance on the provisional statement.
- 10 (1) This paragraph applies where the process described in paragraphs 3 to 5 results in the issue of a provisional statement.
- (2) Paragraphs 2 to 5 shall not apply by reason only of the fact that an application for a casino premises licence is made—
- (a) in reliance on the provisional statement, and
 - (b) while it has effect.
- (3) The licensing authority may provide in the provisional statement for it to cease to have effect at the end of a specified period.
- (4) A licensing authority may extend a period specified under sub-paragraph (3) on the application of the person to whom the provisional statement is issued; and—
- (a) the Secretary of State may by regulations provide for the procedure to be followed in relation to an application under this subsection, and
 - (b) sections 206 to 209 shall apply but—
 - (i) with the omission of section 206(2)(a),
 - (ii) as if section 208(1) referred not to a determination or other action under this Part but to a provision included in a provisional statement under sub-paragraph (3) above, and
 - (iii) with any other necessary modifications.

SCHEDULE 10

Section 247

FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

Interpretation

- 1 In this Schedule—
- “holder”, in relation to a permit, means the person to whom the permit is issued,
- “the licensing authority”—
- (a) in relation to an application, means the licensing authority to whom the application is made, and
 - (b) in relation to a permit, means the licensing authority who issue it,
- “permit” means a family entertainment centre gaming machine permit,
- “the premises”, in relation to an application or permit, means the premises in respect of which the permit is sought or issued, and
- “prescribed” means prescribed by regulations made by the Secretary of State except that in paragraphs 5(d) and 21(2) it means, where the application is made to a licensing authority in Scotland, prescribed by regulations made by the Scottish Ministers.

Making of application

- 2 (1) An application for a permit may be made only by a person who—
- (a) occupies or proposes to occupy the premises, and
 - (b) proposes to use the premises as an unlicensed family entertainment centre.
- (2) If the applicant for a permit is an individual, he must be an adult.
- 3 An application for a permit may not be made if a premises licence has effect in respect of the premises.
- 4 An application for a permit must be made to a licensing authority in whose area the premises are wholly or partly situated.
- 5 An application for a permit must—
- (a) be made in such form and manner as the licensing authority may direct,
 - (b) specify the premises in respect of which the permit is sought,
 - (c) contain or be accompanied by such other information or documents as the licensing authority may direct, and
 - (d) be accompanied by the prescribed fee.

Consideration of application

- 6 Sections 154 and 155 shall have effect in relation to the functions of a licensing authority under this Schedule as they have effect in relation to functions of a licensing authority under Part 8.
- 7 (1) A licensing authority may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule.
- (2) A statement under sub-paragraph (1) may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit.
- (3) In exercising their functions under this Schedule a licensing authority—
- (a) need not (but may) have regard to the licensing objectives, and
 - (b) shall have regard to any relevant guidance issued by the Commission under section 25.

Determination of application

- 8 (1) On considering an application for a permit a licensing authority may—
- (a) grant it, or
 - (b) refuse it.
- (2) A licensing authority may not attach conditions to a permit.
- (3) As soon as is reasonably practicable after granting an application a licensing authority shall issue a permit to the applicant.
- (4) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
- (a) the refusal, and
 - (b) the reasons for it.
- 9 A licensing authority may grant an application for a permit only if they—

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- (a) are satisfied that the applicant intends to use the premises as an unlicensed family entertainment centre, and
 - (b) have consulted the chief officer of police for a police area in which the premises are wholly or partly situated.
- 10 (1) A licensing authority may not refuse an application unless they have—
 - (a) notified the applicant of their intention to refuse the application and of their reasons, and
 - (b) given the applicant an opportunity to make representations.
- (2) A licensing authority may satisfy sub-paragraph (1)(b) by giving the applicant an opportunity to make—
 - (a) oral representations,
 - (b) written representations, or
 - (c) both.

Form of permit

- 11 (1) A permit must be in the prescribed form and must specify—
 - (a) the person to whom it is issued,
 - (b) the premises, and
 - (c) the date on which it takes effect.
- (2) If the person to whom a permit is issued changes his name or wishes to be known by another name—
 - (a) he may send the permit to the licensing authority with—
 - (i) the prescribed fee, and
 - (ii) a request that a new name be substituted for the old name, and
 - (b) the licensing authority shall comply with the request and return the permit to the holder.

Duration

- 12 A permit shall cease to have effect at the end of the period of ten years beginning with the date specified under paragraph 11(1)(c) unless—
 - (a) it ceases to have effect before that time in accordance with a provision of this Schedule, or
 - (b) it is renewed in accordance with paragraph 18.
- 13 (1) A permit shall lapse if the holder ceases to occupy the premises specified under paragraph 11(1)(b).
- (2) A permit shall not take effect if on the date specified under paragraph 11(1)(c) the person to whom the permit is issued is not an occupier of the premises specified under paragraph 11(1)(b).
- 14 A permit shall lapse if the licensing authority notify the holder that the premises are not being used as a family entertainment centre.
- 15 (1) A permit held by an individual shall lapse if—
 - (a) he dies,

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- (b) he becomes, in the opinion of the licensing authority as notified to him, incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity,
 - (c) he becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)), or
 - (d) sequestration of his estate is awarded under section 12(1) of the Bankruptcy (Scotland) Act 1985 (c. 66).
- (2) In any other case a permit shall lapse if the holder—
 - (a) ceases to exist, or
 - (b) goes into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- (3) During the period of six months beginning with the date on which a permit lapses under this paragraph the following may rely on it as if it had effect and were issued to them—
 - (a) the personal representatives of the holder (in the case of an individual holder who dies),
 - (b) the trustee of the bankrupt's estate (in the case of an individual holder who becomes bankrupt), and
 - (c) the liquidator of the company (in the case of a company holder that goes into liquidation).
- 16 A permit shall cease to have effect if the holder gives to the licensing authority—
 - (a) notice of surrender, and
 - (b) either—
 - (i) the permit, or
 - (ii) a statement explaining why it is not reasonably practicable to produce the permit.
- 17 (1) Where the holder of a permit is convicted of a relevant offence the court by or before which he is convicted may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
 - (a) the court which orders forfeiture,
 - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
 - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.
- (4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the holder of the permit deliver to the licensing authority within such time as the order may specify—
 - (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

Status: This is the original version (as it was originally enacted).

Renewal

- 18 (1) The holder of a permit may apply to the licensing authority for renewal of the permit.
- (2) An application for renewal may not be made—
- (a) before the period of six months ending with the date on which the permit would otherwise expire in accordance with paragraph 12, or
 - (b) after the beginning of the period of two months ending with that date.
- (3) The provisions of this Schedule shall have effect (with any necessary modifications) in relation to an application for renewal as they have effect in relation to an application for a permit.
- (4) A licensing authority may refuse an application for renewal of a permit only on the grounds—
- (a) that an authorised local authority officer has been refused access to the premises without reasonable excuse, or
 - (b) that renewal would not be reasonably consistent with pursuit of the licensing objectives.
- (5) Paragraph 12 shall have effect in relation to a renewed permit as if the date of renewal were the date specified under paragraph 11(1)(c).
- (6) A permit shall not cease to have effect by virtue only of paragraph 12 while—
- (a) an application for renewal of the permit is pending, or
 - (b) an appeal against a decision on an application for renewal of the permit is pending.

Maintenance

- 19 The holder of a permit shall keep it on the premises.
- 20 (1) An occupier of premises in respect of which a permit has effect commits an offence if without reasonable excuse he fails to produce the permit on request for inspection by—
- (a) a constable,
 - (b) an enforcement officer, or
 - (c) an authorised local authority officer.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 21 (1) Where a permit is lost, stolen or damaged, the holder may apply to the licensing authority for a copy.
- (2) An application under sub-paragraph (1) must be accompanied by the prescribed fee.
- (3) A licensing authority shall consider an application under this paragraph and shall grant it if satisfied—
- (a) that the permit has been lost, stolen or damaged, and
 - (b) where the permit has been lost or stolen, that the loss or theft has been reported to the police.

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- (4) As soon as is reasonably practicable after granting an application under this paragraph a licensing authority shall issue a copy of the permit certified by the authority as a true copy.
- (5) A copy of a permit issued under this paragraph shall be treated as if it were the permit.

Appeal

- 22 (1) The applicant for or holder of a permit may appeal if the licensing authority—
- (a) reject an application for the issue or renewal of a permit,
 - (b) give a notice under paragraph 14, or
 - (c) give a notice under paragraph 15(1)(b).
- (2) An appeal under this paragraph must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.
- (3) On an appeal the magistrates' court may—
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made (with effect from such date and on such transitional or other terms as the court may specify);
 - (c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);
 - (d) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (e) make an order about costs.
- (4) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(d).
- (5) In relation to premises in Scotland—
- (a) sub-paragraph (2)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) sub-paragraph (2)(b) shall not have effect,
 - (c) the reference in sub-paragraph (3) to the magistrates' court shall have effect as a reference to the sheriff, and
 - (d) the reference in sub-paragraph (3) to costs shall have effect as a reference to expenses.

Register

- 23 (1) A licensing authority shall—
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
 - (b) make the register and information available for inspection by members of the public at all reasonable times, and

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- (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.
- (3) The Secretary of State may make regulations about—
 - (a) the form of the register;
 - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations—
 - (a) requiring licensing authorities to give to the Commission specified information about permits issued by them;
 - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a);
 - (c) requiring the Commission to grant access to the register to members of the public (without charge);
 - (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public;
 - (e) excusing licensing authorities, wholly or partly, from compliance with sub-paragraph (1).

Vehicles and vessels

- 24 A permit may not be issued in respect of a vehicle or vessel (or part of a vehicle or vessel).

SCHEDULE 11

Section 258

EXEMPT LOTTERIES

PART 1

INCIDENTAL NON-COMMERCIAL LOTTERIES

The exemption

- 1 (1) A lottery is exempt if—
- (a) it is incidental to a non-commercial event within the meaning of paragraph 2 (“the connected event”), and
 - (b) the conditions specified in this Part are satisfied.
- (2) A lottery to which sub-paragraph (1) applies is referred to in this Part as an incidental non-commercial lottery.
- 2 An event is non-commercial if no sum raised by the organisers of the event (whether by way of fees for entrance or for participation, by way of sponsorship, by way of commission from traders or otherwise) is appropriated for the purpose of private gain.

Deductions from proceeds

- 3 The promoters of an incidental non-commercial lottery may not deduct from the proceeds of the lottery more than the prescribed sum in respect of the cost of the prizes (irrespective of their actual cost).
- 4 The promoters of an incidental non-commercial lottery may not deduct from the proceeds of the lottery more than the prescribed sum in respect of costs incurred in organising the lottery (irrespective of the amount of the costs incurred).

Purpose of lottery

- 5 An incidental non-commercial lottery must be promoted wholly for a purpose other than that of private gain.

No rollover

- 6 The arrangements for an incidental non-commercial lottery must not include a rollover.

Connection between lottery and event

- 7 (1) No lottery ticket for an incidental non-commercial lottery may be sold or supplied otherwise than—
- (a) on the premises on which the connected event takes place, and
 - (b) while the connected event is taking place.
- (2) The results of the lottery must be made public while the connected event is taking place.

Interpretation: “prescribed”

- 8 In this Part “prescribed” means prescribed by the Secretary of State by regulations.

PART 2

PRIVATE LOTTERIES

The exemption

- 9 (1) A lottery is exempt if—
- (a) it is a private society lottery, a work lottery or a residents' lottery within the meaning of paragraphs 10 to 12, and
 - (b) the other conditions specified in this Part are satisfied.
- (2) In this Part a reference to a private lottery is a reference to a private society lottery, a work lottery or a residents' lottery.

Private society lottery

- 10 (1) A lottery is a private society lottery if—
- (a) it is promoted only by authorised members of a society, and

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- (b) each person to whom a ticket is sold is either a member of the society or on premises wholly or mainly used for the administration of the society or the conduct of its affairs (“society premises”).
- (2) In this Part “society” means any group or society established and conducted for purposes not connected with gambling.
 - (3) In sub-paragraph (1)(a) “authorised” means authorised in writing by the society or, if it has one, its governing body.
 - (4) In relation to a society which has branches or sections, the reference to a society in sub-paragraph (1)(a) is a reference to a single branch or section.

Work lottery

- 11 (1) A lottery is a work lottery if—
 - (a) the promoters work on a single set of premises (“the work premises”), and
 - (b) each person to whom a ticket is sold or supplied also works on the work premises.
- (2) For the purposes of this paragraph a person works on premises if he—
 - (a) is employed under a contract of employment to work at or from the premises,
 - (b) undertakes to work at or from the premises (whether or not for remuneration), or
 - (c) conducts a business at or from the premises.

Residents' lottery

- 12 (1) A lottery is a residents' lottery if—
 - (a) the promoters live in a single set of premises (“the residential premises”), and
 - (b) each person to whom a ticket is sold or supplied also lives in the residential premises.
- (2) For the purposes of this paragraph a person lives in premises if he habitually resides in any part of the premises (whether or not there are other premises in which he also habitually resides).

Purpose of lottery

- 13 (1) A private society lottery may be promoted for any of the purposes for which the society is conducted.
- (2) A work lottery or residents' lottery must be organised in such a way as to ensure that no profits are made.

Advertising

- 14 (1) No advertisement for a private society lottery may be—
 - (a) displayed or distributed except on the society premises, or
 - (b) sent to any other premises.
- (2) No advertisement for a work lottery may be—
 - (a) displayed or distributed except on the work premises, or

- (b) sent to any other premises.
- (3) No advertisement for a residents' lottery may be—
 - (a) displayed or distributed except on the residential premises, or
 - (b) sent to any other premises.

Lottery tickets

- 15 Each ticket in a private lottery must be a document (without prejudice to section 253).
- 16 (1) A ticket in a private lottery may be sold or supplied only by or on behalf of the promoters.
- (2) The rights conferred by the sale or supply of a ticket in a private lottery shall not be transferable (and any purported transfer shall be treated by the promoters of the lottery as being ineffective).
- 17 Each ticket in a private lottery—
 - (a) must state the name and an address of each of the promoters of the lottery,
 - (b) must specify the class of persons to whom the promoters are willing to sell or supply tickets, and
 - (c) must explain the condition in paragraph 16(2).

Price

- 18 The price payable for each ticket in a private lottery—
 - (a) must be the same,
 - (b) must be shown on the ticket, and
 - (c) must be paid to the promoters of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated.

No rollover

- 19 The arrangements for a private lottery must not include a rollover.

PART 3

CUSTOMER LOTTERY

The exemption

- 20 (1) A lottery is exempt if—
 - (a) it is promoted by a person (“the promoter”) who occupies premises in Great Britain in the course of a business (“the business premises”),
 - (b) no ticket in the lottery is sold or supplied to a person except at a time when he is on the business premises as a customer of the promoter, and
 - (c) the other conditions of a customer lottery specified in this Part are satisfied.
- (2) A lottery to which sub-paragraph (1) applies is referred to in this Part as a customer lottery.

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- (3) For the purposes of sub-paragraph (1)(a)—
- (a) it is immaterial whether persons other than the person who occupies the business premises also perform activities which amount to promotion of the lottery in accordance with section 252, but
 - (b) a reference in this Part to the promoter does not include a reference to any of those other persons.

No profits

- 21 A customer lottery must be organised in such a way as to ensure that no profits are made.

Advertising

- 22 No advertisement for a customer lottery may be—
- (a) displayed or distributed except on the business premises, or
 - (b) sent to any other premises.

Lottery tickets

- 23 Each ticket in a customer lottery must be a document (without prejudice to section 253).
- 24 (1) A ticket in a customer lottery may be sold or supplied only by or on behalf of the promoter.
- (2) The rights conferred by the sale or supply of a ticket in a customer lottery shall not be transferable (and any purported transfer shall be treated by the promoter of the lottery as being ineffective).
- 25 Each ticket in a customer lottery—
- (a) must state the name and an address of the promoter of the lottery,
 - (b) must specify the class of persons to whom the promoter is willing to sell or supply tickets, and
 - (c) must explain the condition in paragraph 24(2).

Price

- 26 The price payable for each ticket in a customer lottery—
- (a) must be the same,
 - (b) must be shown on the ticket, and
 - (c) must be paid to the promoter of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated.

Maximum prize

- 27 It must not be possible for the purchaser of a ticket in a customer lottery to win by virtue of that ticket more than £50 (whether in money, money's worth, or partly the one and partly the other).

No rollover

- 28 The arrangements for a customer lottery must not include a rollover.

Frequency

- 29 A draw in a customer lottery must not take place during a period of seven days beginning with a previous draw in—
- (a) that customer lottery, or
 - (b) another customer lottery promoted on the business premises.

PART 4

SMALL SOCIETY LOTTERIES

The exemption

- 30 (1) A lottery is exempt if—
- (a) it is promoted wholly on behalf of a non-commercial society (“the promoting society”),
 - (b) it is a small lottery (within the meaning of paragraph 31), and
 - (c) the other conditions of a small society lottery specified in this Part are satisfied.
- (2) A lottery promoted wholly on behalf of a non-commercial society is referred to in this Part as a small society lottery.
- 31 (1) For the purposes of this Part a society lottery is a small lottery unless it is a large lottery by virtue of any of sub-paragraphs (2) to (5).
- (2) A society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000.
- (3) A society lottery is a large lottery if it is promoted wholly or partly at a time in a calendar year at which the aggregate of the promoting society’s proceeds from society lotteries promoted wholly or partly during that year exceeds £250,000.
- (4) A society lottery is a large lottery if the arrangements for it are such that (disregarding any other society lottery the sale of tickets for which is not concluded) it may during its promotion become a large lottery by virtue of sub-paragraph (3).
- (5) If a society promotes a lottery that is a large society lottery by virtue of sub-paragraph (2), (3) or (4) (“the first lottery”), any other society lottery promoted by that society is a large lottery if it is wholly or partly promoted—
- (a) after the beginning of the promotion of the first lottery and in a calendar year during which the first lottery is wholly or partly promoted, or
 - (b) in any of the three calendar years successively following the last calendar year during which the first lottery was wholly or partly promoted.

Purpose of lottery

- 32 A small society lottery may be promoted for any of the purposes for which the promoting society is conducted.

Status: This is the original version (as it was originally enacted).

Minimum distribution for fund-raising purpose

- 33 The arrangements for a small society lottery must ensure that at least 20% of the proceeds of the lottery are applied to a purpose for which the society is conducted.

Maximum prize

- 34 It must not be possible for the purchaser of a ticket in a small society lottery to win by virtue of that ticket (whether in money, money's worth, or partly the one and partly the other) more than £25,000.

Rollover

- 35 (1) The arrangements for a small society lottery may include a rollover only if each other lottery which may be affected by the rollover is a small society lottery promoted by or on behalf of the same society.
- (2) This paragraph is subject to paragraph 34.

Tickets

- 36 (1) Where a person purchases a lottery ticket in a small society lottery he must receive a document which—
- (a) identifies the promoting society,
 - (b) states the price of the ticket,
 - (c) states the name and an address of—
 - (i) a member of the society who is designated, by persons acting on behalf of the society, as having responsibility within the society for the promotion of the lottery, or
 - (ii) if there is one, the external lottery manager, and
 - (d) either—
 - (i) states the date of the draw (or each draw) in the lottery, or
 - (ii) enables the date of the draw (or each draw) in the lottery to be determined.
- (2) For the purpose of sub-paragraph (1) a reference to a person receiving a document includes, in particular, a reference to a message being sent or displayed to him electronically in a manner which enables him to—
- (a) retain the message electronically, or
 - (b) print it.

Price

- 37 (1) The price payable for each ticket in a small society lottery—
- (a) must be the same, and
 - (b) must be paid to the promoter of the lottery before any person is given the ticket or any right in respect of membership of the class among whom prizes are to be allocated.
- (2) Membership of the class among whom prizes in a small society lottery are allocated may not be dependent on making any payment (apart from payment of the price of a ticket).

Registration

- 38 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a local authority in accordance with Part 5 of this Schedule.

Filing of records

- 39 (1) The promoting society of a small society lottery must send to the local authority with which the society is registered under Part 5 of this Schedule a statement of the matters specified in sub-paragraph (2).
- (2) Those matters are—
- (a) the arrangements for the lottery (including the dates on which tickets were available for sale or supply, the dates of any draw and the arrangements for prizes (including any rollover),
 - (b) the proceeds of the lottery,
 - (c) the amounts deducted by the promoters of the lottery in respect of the provision of prizes (including the provision of prizes in accordance with any rollover),
 - (d) the amounts deducted by the promoters of the lottery in respect of other costs incurred in organising the lottery,
 - (e) any amount applied to a purpose for which the promoting society is conducted, and
 - (f) whether any expenses in connection with the lottery were defrayed otherwise than by deduction from proceeds, and, if they were—
 - (i) the amount of the expenses, and
 - (ii) the sources from which they were defrayed.
- (3) The statement must be sent to the local authority during the period of three months beginning with the day on which the draw (or the last draw) in the lottery takes place.
- (4) The statement must be—
- (a) signed by two members of the society who are appointed for the purpose in writing by the society or, if it has one, its governing body, and
 - (b) accompanied by a copy of the appointment under paragraph (a).
- (5) A member signing a statement in accordance with sub-paragraph (4) must be an adult.
- 40 (1) If after receiving a statement under paragraph 39 a local authority think that the lottery to which the statement relates was a large lottery, they shall notify the Commission in writing.
- (2) A notice under sub-paragraph (1) shall be accompanied by a copy of—
- (a) the statement relating to the lottery, and
 - (b) the statement relating to any other lottery as a result of which the lottery mentioned in paragraph (a) is a large lottery.

Status: This is the original version (as it was originally enacted).

PART 5

REGISTRATION WITH LOCAL AUTHORITY

Local authority

- 41 In this Part “local authority” means—
- (a) in relation to England—
 - (i) a district council,
 - (ii) a county council for a county in which there are no district councils,
 - (iii) a London borough council,
 - (iv) the Common Council of the City of London, and
 - (v) the Council of the Isles of Scilly,
 - (b) in relation to Wales,
 - (i) a county council, and
 - (ii) a county borough council, and
 - (c) in relation to Scotland, a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976 (c. 66).

Application

- 42 (1) A society may apply to the relevant local authority for registration under this Part.
- (2) An application under this paragraph—
- (a) must be in the prescribed form,
 - (b) must specify the purposes for which the society is conducted,
 - (c) must contain such other information, and be accompanied by such documents, as may be prescribed, and
 - (d) must be accompanied by the prescribed fee.
- 43 In relation to the registration of a society, the relevant local authority is the local authority for the area in which the principal premises of the society are situated.

Registration

- 44 As soon as is reasonably practicable after receipt of an application under paragraph 42 a local authority shall, subject to paragraphs 47 and 48—
- (a) enter the applicant, together with such information as may be prescribed, in a register kept by the authority for the purposes of this Part,
 - (b) notify the applicant of his registration, and
 - (c) notify the Commission of the registration.

Gambling Commission

- 45 As soon as is reasonably practicable after receipt of notice of a registration under paragraph 44(c) the Commission shall record the registration.
- 46 (1) A notice under paragraph 44(c) must be accompanied by such part of the application fee as may be prescribed.
- (2) In sub-paragraph (1) “application fee” means the fee accompanying an application under paragraph 42.

Refusal of registration

- 47 A local authority shall refuse an application for registration if in the period of five years ending with the date of the application—
- (a) an operating licence held by the applicant for registration has been revoked under section 119(1), or
 - (b) an application for an operating licence made by the applicant for registration has been refused.
- 48 A local authority may refuse an application for registration if they think that—
- (a) the applicant is not a non-commercial society,
 - (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
 - (c) information provided in or with the application for registration is false or misleading.
- 49 A local authority may not refuse an application for registration unless they have given the applicant an opportunity to make representations.

Revocation

- 50 (1) A local authority may revoke a registration under this Part if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew.
- (2) Where a local authority revoke a registration under this Part they shall specify that the revocation takes effect—
- (a) immediately, or
 - (b) at the end of such period, beginning with the day of the revocation and not exceeding two months, as they may specify.
- (3) A local authority may not revoke a registration under this Part unless they have given the registered society an opportunity to make representations.

Appeal

- 51 (1) If a local authority refuse or revoke registration under this Part—
- (a) the authority shall notify the applicant society or the formerly registered society as soon as is reasonably practicable, and
 - (b) the society may appeal to a magistrates' court.
- (2) An appeal under this paragraph must be instituted—
- (a) in a magistrates' court for a local justice area which is wholly or partly within the area of the local authority against whose decision the appeal is brought,
 - (b) by notice of appeal given to the designated officer, and
 - (c) in the period of 21 days beginning with the day on which the society is notified of the refusal or revocation of registration, and
- (3) On an appeal under this paragraph a magistrates' court may—
- (a) affirm the local authority's decision;
 - (b) reverse the local authority's decision;
 - (c) make any other order (which may include transitional provision).

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- (4) In relation to registration in Scotland—
- (a) sub-paragraph (1)(b) shall have effect as if the reference to a magistrate's court were a reference to a sheriff whose sheriffdom is wholly or partly within the area of the local authority against whose decision the appeal is brought,
 - (b) sub-paragraph (2)(a) and (b) shall not have effect, and
 - (c) sub-paragraph (3) shall have effect as if the reference to a magistrate's court were a reference to the sheriff.

Cancellation

- 52 A registered society may apply in writing to the registering authority for the registration to be cancelled.
- 53 As soon as is reasonably practicable after receipt of an application under paragraph 52 a local authority shall—
- (a) cancel the registration,
 - (b) notify the formerly registered society of the cancellation, and
 - (c) notify the Commission of the cancellation.

Annual fee

- 54 (1) A registered society shall pay an annual fee to the registering local authority.
- (2) An annual fee—
- (a) shall be paid within such period before each anniversary of the registration as may be prescribed, and
 - (b) shall be of the prescribed amount.
- (3) If a registered society fails to comply with this paragraph the registering authority may cancel the society's registration.
- (4) If a local authority cancel a registration under sub-paragraph (3) the authority shall as soon as is reasonably practicable notify—
- (a) the formerly registered society, and
 - (b) the Commission.

Retention of records

- 55 (1) Where a statement is sent to a local authority under paragraph 39 the authority shall—
- (a) retain it for at least 18 months,
 - (b) make it available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.
- (2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.
- (3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of

providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

Interpretation: “prescribed”

- 56 In this Part “prescribed” means prescribed by the Secretary of State by regulations except that, in the following provisions, it means prescribed by the Scottish Ministers by regulations—
- (a) in paragraph 42(2)(d), where the application is made to a local authority in Scotland,
 - (b) in paragraph 46(1), where the local authority giving notice is in Scotland, and
 - (c) in paragraph 54(2)(b), where the registering local authority is in Scotland.

PART 6

POWERS TO IMPOSE ADDITIONAL RESTRICTIONS, &C.

Distributing lottery tickets by post

- 57 (1) The Secretary of State may by regulations impose a condition in relation to exempt lotteries requiring that tickets purchased be delivered to the purchaser by hand at the time of purchase and not by post.
- (2) Regulations under this paragraph may apply generally, only in relation to a specified class of lottery or only in specified circumstances.

Rollover

- 58 (1) The Secretary of State may by regulations impose in relation to exempt lotteries conditions or limitations in respect of the use of a rollover (in addition to any conditions or limitations set out in this Schedule).
- (2) Regulations under this paragraph may apply generally, only in relation to a specified class of lottery or only in specified circumstances.

Other additional provision

- 59 (1) The Secretary of State may by order impose in relation to a class of lottery a condition (in addition to any specified in this Schedule) with which a lottery must comply if it is to be an exempt lottery within the meaning of this Schedule.
- (2) A condition imposed under this paragraph may, in particular, relate to—
- (a) the persons who may sell or supply lottery tickets;
 - (b) the persons who may buy lottery tickets;
 - (c) the circumstances in which lottery tickets are sold or supplied;
 - (d) the nature of lottery tickets and information appearing on them;
 - (e) arrangements for advertising the lottery;
 - (f) the deductions which promoters may make from the proceeds of a lottery.
- (3) The Secretary of State may by order restrict the extent to which a person may carry on activities in reliance on an exemption under this Schedule.

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- (4) An order under sub-paragraph (3) may, in particular, make provision—
- (a) restricting the number of lotteries that may be promoted on behalf of a person wholly or partly within a specified period;
 - (b) prescribing a minimum interval between activity in connection with one lottery promoted on behalf of a person and activity in connection with another lottery promoted on behalf of that person.
- (5) Before making an order under this paragraph the Secretary of State must consult the Commission.

Variation of monetary limits and percentages

- 60 The Secretary of State may by order vary a monetary amount or a percentage in this Schedule.

PART 7

GENERAL

Interpretation: advertisement

- 61 For the purposes of this Schedule—
- (a) “advertisement”, in relation to a lottery, includes any document, or electronic communication, announcing that a lottery will take place or inviting people to participate in a lottery (in either case whether or not it also gives other information),
 - (b) a reference to displaying an advertisement includes a reference to publishing a notice, and
 - (c) in the case of an advertisement in the form of an electronic communication, the communication is to be treated as being—
 - (i) distributed to any place at which a person can access it, and
 - (ii) sent to any premises at which a person can access it.

Interpretation: business

- 62 In this Schedule “business” includes trade and profession.

Vessels

- 63 Nothing in Part 2 or 3 of this Schedule applies to anything done on a vessel.

SCHEDULE 12

Section 274

CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

Application

- 1 (1) A members' club or miners' welfare institute may apply to a licensing authority for a club gaming permit.
- (2) A members club, commercial club or miners' welfare institute may apply to a licensing authority for a club machine permit.
- 2 An application must—
 - (a) be made to a licensing authority in whose area the premises are wholly or partly situated,
 - (b) specify the premises in relation to which the permit is sought,
 - (c) be made in the prescribed form and manner,
 - (d) contain or be accompanied by the prescribed information and documents, and
 - (e) be accompanied by the prescribed fee.
- 3 (1) A club or institute making an application for a permit must within the prescribed time send a copy of the application and of any accompanying documents to—
 - (a) the Commission, and
 - (b) the chief officer of police for any police area in which the premises are wholly or partly situated.
- (2) If a club or institute fails to comply with sub-paragraph (1) the application, and any permit issued in response to it, shall have no effect.

Consideration of application

- 4 A person who receives a copy of an application for a permit in accordance with paragraph 3 may object to the application within the prescribed period of time and in the prescribed manner.
- 5 The licensing authority to whom an application for a permit is made shall consider the application and—
 - (a) grant it, or
 - (b) refuse it.
- 6 (1) A licensing authority may refuse an application for a permit only on one or more of the following grounds (having regard to the matters mentioned in paragraph 27)—
 - (a) that the applicant is not—
 - (i) in the case of an application for a club gaming permit, a members' club or a miners' welfare institute, or
 - (ii) in the case of an application for a club machine permit, a members' club, a commercial club or a miners' welfare institute,
 - (b) that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
 - (c) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the applicant,

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- (d) that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
 - (e) that an objection to the application has been made under paragraph 4.
- (2) If a licensing authority are satisfied in relation to an application for a permit of the matters specified in sub-paragraph (1)(a) or (b), they shall refuse the application.
- 7 (1) Before refusing an application for a permit a licensing authority must hold a hearing to consider the application and any objection made under paragraph 4.
- (2) But a licensing authority may dispense with the requirement for a hearing with the consent of—
- (a) the applicant, and
 - (b) any person who has made (and not withdrawn) an objection under paragraph 4.
- 8 (1) Where a licensing authority grant an application for a permit they shall as soon as is reasonably practicable—
- (a) give notice of their decision and, where an objection was made under paragraph 4, of the reasons for it to—
 - (i) the applicant,
 - (ii) the Commission, and
 - (iii) the chief officer of police for any area in which the premises specified in the application are wholly or partly situated, and
 - (b) issue the permit to the applicant.
- (2) A licensing authority may not attach conditions to a permit.
- 9 Where a licensing authority reject an application for a permit they shall as soon as is reasonably practicable give notice of their decision and the reasons for it to—
- (a) the applicant,
 - (b) the Commission, and
 - (c) the chief officer of police for any area in which the premises specified in the application are wholly or partly situated.

Fast-track procedure for holder of club premises certificate

- 10 (1) This paragraph applies to an application if—
- (a) the applicant for a permit is the holder of a club premises certificate under section 72 of the Licensing Act 2003 (c. 17), and
 - (b) the application asserts that paragraph (a) is satisfied and is accompanied by the certificate.
- (2) In the case of an application to which this paragraph applies—
- (a) paragraphs 3 to 6 shall not apply, and
 - (b) paragraphs 7 and 8 shall apply with the omission of any reference to objections.
- (3) The authority to whom an application to which this paragraph applies is made shall grant it unless they think—
- (a) that the applicant is established or conducted wholly or mainly for the purposes of the provision of facilities for gaming, other than gaming of a prescribed kind,

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- (b) that the applicant is established or conducted wholly or mainly for the purposes of the provision of facilities for gaming of a prescribed kind and also provides facilities for gaming of another kind, or
 - (c) that a club gaming permit or club machine permit issued to the applicant has been cancelled during the period of ten years ending with the date of the application.
- (4) Regulations prescribing anything for the purposes of this Act may, in particular, make provision that differs in effect according to whether or not a permit is granted in pursuance of an application to which this paragraph applies.
- (5) This paragraph does not apply to Scotland.

Form of permit

- 11 (1) A permit must be in the prescribed form and must specify—
- (a) the name of the club or institute in respect of which it is issued,
 - (b) the premises to which it relates,
 - (c) whether it is a club gaming permit or a club machine permit,
 - (d) the date on which it takes effect, and
 - (e) such other information as may be prescribed.
- (2) If the application for the permit was made in accordance with paragraph 10, the permit must also identify the club premises certificate under section 72 of the Licensing Act 2003 (c. 17).

Maintenance

- 12 The holder of a permit shall keep it on the premises to which it relates.
- 13 (1) An occupier of premises to which a permit relates commits an offence if without reasonable excuse he fails to produce the permit on request for inspection by—
- (a) a constable, or
 - (b) an enforcement officer.
- (2) A person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 14 (1) The holder of a permit—
- (a) shall pay a first annual fee to the issuing licensing authority within such period after the issue of the permit as may be prescribed, and
 - (b) shall pay an annual fee to the issuing licensing authority before each anniversary of the issue of the permit.
- (2) In this paragraph “annual fee” means a fee of such amount as may be prescribed.
- (3) Sub-paragraph (1)(b) does not apply in relation to an anniversary of the issue of a permit immediately before which the permit expires in accordance with paragraph 17.
- 15 (1) If information contained in a permit ceases to be accurate the holder of the permit shall as soon as is reasonably practicable apply to the issuing licensing authority to have the permit varied.
- (2) An application under sub-paragraph (1) must be accompanied by—

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- (a) the prescribed fee, and
- (b) either—
 - (i) the permit, or
 - (ii) a statement explaining why it is not reasonably practicable to produce the permit.
- (3) The licensing authority to whom an application is made under sub-paragraph (1) shall issue a copy of the permit varied in accordance with the application (and the copy shall be treated as if it were the original permit).
- (4) But if the authority think that they would refuse an application for the permit were it made anew, they may—
 - (a) refuse the application for variation, and
 - (b) cancel the permit.
- (5) Paragraphs 7, 9 and 25 apply in relation to a decision under sub-paragraph (4) as they apply in relation to a decision to refuse an application for a permit (and paragraph 21 shall not apply).
- (6) The holder of a permit commits an offence if without reasonable excuse he fails to comply with sub-paragraph (1).
- (7) A person guilty of an offence under sub-paragraph (6) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 16 (1) Where a permit is lost, stolen or damaged, the holder may apply to the issuing licensing authority for a copy.
- (2) An application under sub-paragraph (1) must be accompanied by the prescribed fee.
- (3) A licensing authority shall grant an application under sub-paragraph (1) if satisfied—
 - (a) that the permit has been lost, stolen or damaged, and
 - (b) where the permit has been lost or stolen, that the loss or theft has been reported to the police.
- (4) As soon as is reasonably practicable after granting an application under sub-paragraph (1) a licensing authority shall issue a copy of the permit certified by the authority as a true copy (and the copy shall be treated as if it were the original permit).

Duration

- 17 (1) A permit shall cease to have effect at the end of the period of ten years beginning with the date on which it is issued unless—
 - (a) it ceases to have effect before that time in accordance with a provision of this Schedule, or
 - (b) it is renewed in accordance with paragraph 24.
- (2) But a permit issued in pursuance of an application to which paragraph 10 applies—
 - (a) shall not cease to have effect by virtue of sub-paragraph (1),
 - (b) may cease to have effect in accordance with paragraph 19, 21, 22 or 23, and
 - (c) shall lapse if the club premises certificate on which the application relied ceases to have effect.

- 18 (1) If the holder of a permit ceases to be a members' club (whether or not it becomes a commercial club), a commercial club or a miners' welfare institute, the permit shall lapse.
- (2) But this paragraph does not apply to a permit issued in pursuance of an application to which paragraph 10 applies.
- 19 (1) A permit shall cease to have effect upon being surrendered by notice given by the holder of the permit to the issuing licensing authority.
- (2) A notice under sub-paragraph (1) must be accompanied by—
- (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- 20 (1) The licensing authority which issues a permit shall as soon as is reasonably practicable inform the persons specified in sub-paragraph (2) if the authority—
- (a) believe that the permit has lapsed under paragraph 17(2)(c) or 18, or
 - (b) receive notice of surrender under paragraph 19.
- (2) The persons mentioned in sub-paragraph (1) are—
- (a) the Commission, and
 - (b) the chief officer of police for any area in which the premises to which the permit relates are wholly or partly situated.

Cancellation and forfeiture

- 21 (1) The licensing authority which issued a permit may cancel it if the authority think—
- (a) that the premises on which the holder of the permit conducts its activities are used wholly or mainly by children, by young persons or by both, or
 - (b) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the holder of the permit.
- (2) Before cancelling a permit under this paragraph a licensing authority shall—
- (a) give the holder of the permit at least 21 days' notice of the authority's intention to consider cancelling the permit,
 - (b) consider any representations made by the holder,
 - (c) hold a hearing if the holder requests one, and
 - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to cancel a permit.
- (3) If a licensing authority cancel a permit they shall as soon as is reasonably practicable give notice of the cancellation and the reasons for it to—
- (a) the holder,
 - (b) the Commission, and
 - (c) the chief officer of police for any area in which the premises to which the permit relates are wholly or partly situated.
- (4) The cancellation of a permit shall not take effect until—
- (a) the period specified in paragraph 25(5)(c) has expired without an appeal being brought, or
 - (b) any appeal brought has been determined.

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- 22 (1) The licensing authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 14.
- (2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.
- 23 (1) Where the holder of a permit, or an officer of the holder of a permit, is convicted of an offence under this Act by or before a court in Great Britain, the court may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
- (a) the court which orders forfeiture,
 - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
 - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under sub-paragraph (1).
- (4) The terms on which a forfeiture order is made under this paragraph shall, in particular, include a requirement that the holder deliver to the licensing authority who issued the permit, within such time as the order may specify—
- (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making an order for forfeiture under this paragraph the court shall notify the licensing authority who issued the permit.

Renewal

- 24 (1) The holder of a permit may apply to the issuing authority for its renewal.
- (2) An application for the renewal of a permit may not be made—
- (a) before the period of three months ending with the date on which the permit would otherwise expire, or
 - (b) after the beginning of the period of six weeks ending with that date.
- (3) The provisions of this Schedule shall have effect (with any necessary modifications) in relation to an application for renewal as they have effect in relation to an application for a permit.
- (4) Paragraph 17 shall have effect in relation to a renewed permit with the substitution of the date of renewal for the date of issue.
- (5) A permit shall not cease to have effect by virtue only of paragraph 17 while—
- (a) an application for renewal of the permit is pending, or
 - (b) an appeal against a decision on an application for renewal of the permit is pending.

Appeal

- 25 (1) Where a licensing authority reject an application for the issue or renewal of a permit the applicant may appeal.

Status: This is the original version (as it was originally enacted).

- (2) Where a licensing authority grant an application for the issue or renewal of a permit in relation to which an objection was made under paragraph 4, the person who made the objection may appeal.
- (3) Where a licensing authority cancel a permit the holder may appeal.
- (4) Where a licensing authority determine not to cancel a permit, any person who in accordance with regulations under paragraph 21(2)(d) made representations to the authority in connection with their consideration whether to cancel the permit may appeal.
- (5) An appeal under this paragraph must be instituted—
 - (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.
- (6) On an appeal a magistrates' court may—
 - (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made;
 - (c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);
 - (d) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (e) make an order about costs.
- (7) In relation to premises in Scotland—
 - (a) sub-paragraph (5)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) sub-paragraph (5)(b) shall not have effect,
 - (c) the reference in sub-paragraph (6) to the magistrates' court shall have effect as a reference to the sheriff, and
 - (d) the reference in sub-paragraph (6)(e) to costs shall have effect as a reference to expenses.
- (8) Sub-paragraphs (1) to (4) apply to a decision of a licensing authority following remittal under sub-paragraph (6)(d) above.

Register

- 26 (1) A licensing authority shall—
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
 - (b) make the register and information available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.

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- (3) The Secretary of State may make regulations about—
 - (a) the form of the register;
 - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations—
 - (a) requiring licensing authorities to give to the Commission specified information about permits issued by them;
 - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a);
 - (c) requiring the Commission to grant access to the register to members of the public (without charge);
 - (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public;
 - (e) excusing licensing authorities, wholly or partly, from compliance with sub-paragraph (1).

Exercise of functions by licensing authority: general

- 27 In exercising a function under this Schedule a licensing authority shall have regard to—
 - (a) any relevant guidance under section 25, and
 - (b) subject to paragraph (a), the licensing objectives.
- 28 (1) Sections 154 and 155 shall have effect in relation to the functions of a licensing authority under this Schedule as they have effect in relation to functions of a licensing authority under Part 8.
- (2) In the application of section 154 to this Schedule the following shall be substituted for the list of functions in subsection (4) (which itself substitutes a list of functions for that in section 10(4) of the Licensing Act 2003)—
 - (a) determination of an application for a permit in respect of which an objection has been made under this Schedule (and not withdrawn), and
 - (b) cancellation of a permit under paragraph 21.

Vehicles and vessels

- 29 A club gaming permit or club machine permit may not be issued in respect of a vehicle or vessel (or part of a vehicle or vessel).

Interpretation

- 30 In this Schedule “prescribed” means prescribed by the Secretary of State by regulations except that in paragraphs 2(e), 15(2)(a) and 16(2) it means, where the application in question is made to a licensing authority in Scotland, prescribed by the Scottish Ministers by regulations.
- 31 This Schedule shall, in its application to Scotland, have effect as if references to a chief officer of police were references to a chief constable.

SCHEDULE 13

Section 283

LICENSED PREMISES GAMING MACHINE PERMITS

Making of application

- 1 (1) A person who applies to a licensing authority (in its capacity as a licensing authority under the Licensing Act 2003 (c. 17)) for an on-premises alcohol licence or who holds an on-premises alcohol licence issued by a licensing authority (in that capacity) may apply to that licensing authority (in its capacity as a licensing authority under this Act) for a licensed premises gaming machine permit.
- (2) An application may not be made under this Schedule if a licence under Part 8 has effect in relation to the premises.
- 2 An application for a permit must—
 - (a) be made in such form and manner as the licensing authority may direct,
 - (b) specify the premises in respect of which the permit is sought,
 - (c) specify the number and category of gaming machines in respect of which the permit is sought,
 - (d) contain or be accompanied by such other information or documents as the licensing authority may direct, and
 - (e) be accompanied by the prescribed fee.
- 3 Sections 154 and 155 shall have effect in relation to the functions of a licensing authority under this Schedule as they have effect in relation to functions of a licensing authority under Part 8.
- 4 (1) A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.
- (2) On considering an application for a permit a licensing authority shall—
 - (a) grant the application,
 - (b) refuse the application, or
 - (c) grant it in respect of—
 - (i) a smaller number of machines than that specified in the application,
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both.
- 5 (1) A licensing authority may not attach conditions to a permit.
- (2) As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.
- (3) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
 - (a) the refusal, and
 - (b) the reasons for it.
- 6 (1) A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.

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- (2) A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have—
- (a) notified the applicant of their intention to refuse the application, or grant the application in respect of—
 - (i) a smaller number of machines than that specified in the application,
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations.
- (3) A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—
- (a) oral representations,
 - (b) written representations, or
 - (c) both.
- (4) Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

Form of permit

- 7 (1) A permit must be in the prescribed form and must specify—
- (a) the person to whom it is issued,
 - (b) the premises,
 - (c) the number and category of gaming machines which it authorises, and
 - (d) the date on which it takes effect.
- (2) If the person to whom a permit is issued changes his name or wishes to be known by another name—
- (a) he may send the permit to the licensing authority with—
 - (i) the prescribed fee, and
 - (ii) a request that a new name be substituted for the old name, and
 - (b) the licensing authority shall comply with the request and return the permit to the holder.

Maintenance

- 8 The holder of a permit shall keep it on the premises to which it relates.
- 9 (1) The holder of a permit—
- (a) shall pay a first annual fee to the issuing licensing authority within such period after the issue of the permit as may be prescribed, and
 - (b) shall pay an annual fee to the issuing licensing authority before each anniversary of the issue of the permit.
- (2) In this paragraph “annual fee” means a fee of such amount as may be prescribed.
- 10 (1) An occupier of premises in respect of which a permit has effect commits an offence if without reasonable excuse he fails to produce the permit on request for inspection by —

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- (a) a constable,
 - (b) an enforcement officer, or
 - (c) an authorised local authority officer.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 11 (1) Where a permit is lost, stolen or damaged, the holder may apply to the licensing authority for a copy.
- (2) An application under sub-paragraph (1) must be accompanied by the prescribed fee.
- (3) A licensing authority shall consider an application under this paragraph and shall grant it if satisfied—
 - (a) that the permit has been lost, stolen or damaged, and
 - (b) where the permit has been lost or stolen, that the loss or theft has been reported to the police.
- (4) As soon as is reasonably practicable after granting an application under this paragraph a licensing authority shall issue a copy of the permit certified by the authority as a true copy.
- (5) A copy of a permit issued under this paragraph shall be treated as if it were the permit.
- 12 A permit shall continue to have effect unless and until it ceases to have effect in accordance with a provision of this Schedule.
- 13 A permit shall cease to have effect if—
 - (a) an on-premises alcohol licence ceases to have effect with respect to the premises to which it relates, or
 - (b) the permit holder ceases to be the holder of an on-premises alcohol licence.
- 14 A permit shall cease to have effect if the permit holder gives to the licensing authority—
 - (a) notice of surrender, and
 - (b) either—
 - (i) the permit, or
 - (ii) a statement explaining why it is not reasonably practicable to produce the permit.

Variation

- 15 (1) The holder of a permit may apply to the licensing authority to vary the number or category (or both) of gaming machines authorised by the permit.
- (2) Paragraphs 1 to 7 and 21 shall have effect (with any necessary modifications) in relation to an application for variation under this paragraph as they have effect in relation to an application for the issue of a permit.

Cancellation and forfeiture

- 16 (1) The licensing authority which issued a permit may cancel it, or may vary the number or category (or both) of gaming machines authorised by it, if they think that—
 - (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,

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- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
 - (c) the premises are mainly used or to be used for making gaming machines available, or
 - (d) an offence under this Act has been committed on the premises.
- (2) Before cancelling or varying a permit under this paragraph a licensing authority shall—
 - (a) give the permit holder at least 21 days' notice of the authority's intention to consider cancelling or varying the permit,
 - (b) consider any representations made by the holder,
 - (c) hold a hearing if the holder requests one, and
 - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to cancel or vary a permit.
- (3) If a licensing authority cancel or vary a permit under this paragraph they shall as soon as is reasonably practicable give notice of the cancellation or variation and the reasons for it to—
 - (a) the permit holder, and
 - (b) the Commission.
- (4) The cancellation or variation of a permit shall not take effect until—
 - (a) the period specified in paragraph 21(2)(c) has expired without an appeal being brought, or
 - (b) any appeal brought has been determined.
- 17 (1) The licensing authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 9.
- (2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.
- 18 (1) Where a permit holder, or the officer of a permit holder, is convicted of a relevant offence the court by or before which he is convicted may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
 - (a) the court which orders forfeiture,
 - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
 - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.
- (4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the permit holder deliver to the licensing authority within such time as the order may specify—
 - (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.

- (5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

Transfer of permit

- 19 (1) A person may apply for the transfer of a permit to him if—
- (a) he is applying for the transfer of an on-premises alcohol licence to him in accordance with—
 - (i) section 42 of the Licensing Act 2003 (c. 17) (application for transfer), or
 - (ii) section 50 of that Act (transfer following death of holder), and
 - (b) a permit has effect in respect of the same premises.
- (2) The provisions of this Schedule shall have effect (with any necessary modifications) in relation to an application for the transfer of a permit as they have effect in relation to an application for the issue of a permit.
- (3) A person applying for the transfer of a permit to him must supply with his application—
- (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (4) A licensing authority may not approve an application for the transfer of a permit under this paragraph unless the transfer of the on-premises alcohol licence is approved under section 45 of the Licensing Act 2003 (determination of application).
- (5) Where a licensing authority refuse an application for the transfer of a permit under this paragraph by virtue of sub-paragraph (4), the provisions of paragraph 6(2)(b) shall not apply to the refusal.
- 20 (1) This paragraph applies where—
- (a) the transfer of an on-premises alcohol licence is to be given immediate effect under section 43 of the Licensing Act 2003 (interim effect of transfer application), and
 - (b) the applicant has also made an application under paragraph 19.
- (2) A permit in respect of those premises shall have effect during the application period as if the applicant for the transfer were the permit holder.
- (3) In this paragraph “application period” has the same meaning as in section 43 of the Licensing Act 2003.

Appeal

- 21 (1) The applicant for or holder of a permit may appeal if the licensing authority—
- (a) reject an application for a permit,
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application (or both), or
 - (c) give a notice under paragraph 16.
- (2) An appeal under this paragraph must be instituted—

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- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.
- (3) On an appeal the magistrates' court may—
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made (with effect from such date and on such transitional or other terms as the court may specify);
 - (c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);
 - (d) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (e) make an order about costs.
- (4) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(d).

Register

- 22 (1) A licensing authority shall—
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
 - (b) make the register and information available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.
- (3) The Secretary of State may make regulations about—
- (a) the form of the register;
 - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations—
- (a) requiring licensing authorities to give to the Commission specified information about permits issued by them;
 - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a);
 - (c) requiring the Commission to grant access to the register to members of the public (without charge);
 - (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public;
 - (e) excusing licensing authorities, wholly or partly, from compliance with sub-paragraph (1).

Interpretation

- 23 In this Schedule—
- “permit” means a licensed premises gaming machine permit, and
 - “prescribed” means prescribed by regulations made by the Secretary of State.

SCHEDULE 14

Section 289

PRIZE GAMING PERMITS

Interpretation

- 1 In this Schedule—
- “holder”, in relation to a permit, means the person to whom the permit is issued,
 - “the licensing authority”—
 - (a) in relation to an application, means the licensing authority to whom the application is made, and
 - (b) in relation to a permit, means the licensing authority who issue it,
 - “permit” means a prize gaming permit,
 - “the premises”, in relation to an application or permit, means the premises in respect of which the permit is sought or issued, and
 - “prescribed” means prescribed by regulations made by the Secretary of State except that in paragraphs 6(e) and 21(2) it means, where the application in question is made to a licensing authority in Scotland, prescribed by regulations made by the Scottish Ministers.
- 2 This Schedule shall, in its application to Scotland, have effect as if references to a chief officer of police were references to a chief constable.

Making of application

- 3 (1) An application for a permit may be made only by a person who occupies or proposes to occupy the premises.
- (2) If the applicant for a permit is an individual, he must be an adult.
- 4 An application for a permit may not be made if—
- (a) a premises licence has effect in respect of the premises, or
 - (b) a club gaming permit has effect in respect of the premises.
- 5 An application for a permit must be made to a licensing authority in whose area the premises are wholly or partly situated.
- 6 An application for a permit must—
- (a) be made in such form and manner as the licensing authority may direct,
 - (b) specify the premises,
 - (c) specify the nature of the gaming in respect of which the permit is sought,
 - (d) contain or be accompanied by such other information or documents as the licensing authority may direct, and

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- (e) be accompanied by the prescribed fee.

Consideration of application

- 7 Sections 154 and 155 shall have effect in relation to functions of a licensing authority under this Schedule as they have effect in relation to the functions of a licensing authority under Part 8.
- 8 (1) A licensing authority may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule.
- (2) A statement under sub-paragraph (1) may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of an applicant for a permit.
- (3) In exercising their functions under this Schedule a licensing authority—
- (a) need not (but may) have regard to the licensing objectives, and
 - (b) shall have regard to any relevant guidance issued by the Commission under section 25.

Determination of application

- 9 (1) On considering an application for a permit a licensing authority may—
- (a) grant it, or
 - (b) refuse it.
- (2) A licensing authority may not attach conditions to a permit.
- (3) As soon as is reasonably practicable after granting an application a licensing authority shall issue a permit to the applicant.
- (4) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
- (a) the refusal, and
 - (b) the reasons for it.
- 10 A licensing authority may grant an application for a permit only if they have consulted the chief officer of police for a police area in which the premises are wholly or partly situated.
- 11 (1) A licensing authority may not refuse an application unless they have—
- (a) notified the applicant of their intention to refuse the application and of their reasons, and
 - (b) given the applicant an opportunity to make representations.
- (2) A licensing authority may satisfy sub-paragraph (1)(b) by giving the applicant an opportunity to make—
- (a) oral representations,
 - (b) written representations, or
 - (c) both.

Form of permit

- 12 (1) A permit must be in the prescribed form and must specify—

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- (a) the person to whom it is issued,
 - (b) the nature of the gaming in respect of which it has effect,
 - (c) the premises, and
 - (d) the date on which it takes effect.
- (2) If the person to whom a permit is issued changes his name or wishes to be known by another name—
- (a) he may send the permit to the licensing authority with—
 - (i) the prescribed fee, and
 - (ii) a request that a new name be substituted for the old name, and
 - (b) the licensing authority shall comply with the request and return the permit to the holder.

Duration

- 13 A permit shall cease to have effect at the end of the period of ten years beginning with the date specified under paragraph 12(1)(d) unless—
- (a) it ceases to have effect before that time in accordance with a provision of this Schedule, or
 - (b) it is renewed in accordance with paragraph 18.
- 14 (1) A permit shall lapse if the holder ceases to occupy the premises specified under paragraph 12(1)(c).
- (2) A permit shall not take effect if on the date specified under paragraph 12(1)(d) the person to whom the permit is issued is not an occupier of the premises specified under paragraph 12(1)(c).
- 15 (1) A permit held by an individual shall lapse if—
- (a) he dies,
 - (b) he becomes, in the opinion of the licensing authority as notified to the individual, incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity,
 - (c) he becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)), or
 - (d) sequestration of his estate is awarded under section 12(1) of the Bankruptcy (Scotland) Act 1985 (c. 66).
- (2) In any other case a permit shall lapse if the holder—
- (a) ceases to exist, or
 - (b) goes into liquidation (within the meaning of section 247(2) of that Act).
- (3) During the period of six months beginning with the date on which a permit lapses under this paragraph the following may rely on it as if it had effect and were issued to them—
- (a) the personal representatives of the holder (in the case of an individual holder who dies),
 - (b) the trustee of the bankrupt's estate (in the case of an individual holder who becomes bankrupt),
 - (c) the holder's interim or permanent trustee (in the case of an individual holder whose estate is sequestrated), and

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- (d) the liquidator of the company (in the case of a company holder that goes into liquidation).
- (4) In relation to premises in Scotland—
 - (a) sub-paragraph (2)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) sub-paragraph (2)(b) shall not have effect,
 - (c) the reference in sub-paragraph (3) to a magistrate’s court shall have effect as a reference to the sheriff, and
 - (d) the reference in sub-paragraph (3)(d) to costs shall have effect as a reference to expenses.
- 16 A permit shall cease to have effect if the holder gives to the licensing authority—
 - (a) notice of surrender, and
 - (b) either—
 - (i) the permit, or
 - (ii) a statement explaining why it is not reasonably practicable to produce the permit.
- 17 (1) Where the holder of a permit is convicted of a relevant offence the court by or before which he is convicted may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
 - (a) the court which orders forfeiture,
 - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
 - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.
- (4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the holder of the permit deliver to the licensing authority within such time as the order may specify—
 - (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

Renewal

- 18 (1) The holder of a permit may apply to the licensing authority for renewal of the permit.
- (2) An application for renewal may not be made—
 - (a) before the period of six months ending with the date on which the permit would otherwise expire in accordance with paragraph 13, or
 - (b) after the beginning of the period of two months ending with that date.

- (3) The provisions of this Schedule shall have effect (with any necessary modifications) in relation to an application for renewal as they have effect in relation to an application for a permit.
- (4) Paragraph 13 shall have effect in relation to a renewed permit as if the date of renewal were the date specified under paragraph 12(1)(d).
- (5) A permit shall not cease to have effect by virtue only of paragraph 13 while—
 - (a) an application for renewal of the permit is pending, or
 - (b) an appeal against a decision on an application for renewal of the permit is pending.

Maintenance

- 19 The holder of a permit shall keep it on the premises.
- 20 (1) An occupier of premises in respect of which a permit has effect commits an offence if without reasonable excuse he fails to produce the permit on request for inspection by—
 - (a) a constable, or
 - (b) an enforcement officer,
 - (c) an authorised local authority officer.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 21 (1) Where a permit is lost, stolen or damaged, the holder may apply to the licensing authority for a copy.
- (2) An application under sub-paragraph (1) must be accompanied by the prescribed fee.
- (3) A licensing authority shall consider an application under this paragraph and shall grant it if satisfied—
 - (a) that the permit has been lost, stolen or damaged, and
 - (b) where the permit has been lost or stolen, that the loss or theft has been reported to the police.
- (4) As soon as is reasonably practicable after granting an application under this paragraph a licensing authority shall issue a copy of the permit certified by the authority as a true copy.
- (5) A copy of a permit issued under this paragraph shall be treated as if it were the permit.

Appeal

- 22 (1) Where a licensing authority reject an application for the issue or renewal of a permit the applicant may appeal.
- (2) An appeal under this paragraph must be instituted—
 - (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

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- (3) On an appeal a magistrates' court may—
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made;
 - (c) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (d) make an order about costs.
- (4) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(c) above.

Register

- 23 (1) A licensing authority shall—
- (a) maintain a register of permits issued by the authority together with such other information as may be prescribed,
 - (b) make the register and information available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.
- (3) The Secretary of State may make regulations about—
- (a) the form of the register;
 - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations—
- (a) requiring licensing authorities to give to the Commission specified information about permits issued by them;
 - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a);
 - (c) requiring the Commission to grant access to the register to members of the public (without charge);
 - (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public;
 - (e) excusing licensing authorities, wholly or partly, from compliance with sub-paragraph (1).

Vehicles and vessels

- 24 A permit may not be issued in respect of a vehicle or vessel (or part of a vehicle or vessel).

SCHEDULE 15

Section 295

PRIVATE GAMING AND BETTING

PART 1

GAMING

Introduction

- 1 Gaming is private if it satisfies the conditions specified in this Part of this Schedule.
- 2 (1) For the purposes of this Part of this Schedule gaming is domestic if it takes place—
 - (a) in a private dwelling, and
 - (b) on a domestic occasion.
- (2) For the purposes of this Part of this Schedule gaming is residential if—
 - (a) it takes place in a hostel, hall of residence or similar establishment which is not administered in the course of a trade or business, and
 - (b) more than half of the participants are residents of the hostel, hall or establishment.

No charge for participation

- 3 (1) It is a condition of private gaming that no charge is made for participation.
- (2) For the purposes of this paragraph—
 - (a) it is immaterial how a charge is described,
 - (b) it is immaterial whether a charge is in money or money's worth,
 - (c) an amount deducted or levied, by a person providing facilities for gaming, from sums staked or won in the course of gaming is a charge for participation in the gaming,
 - (d) a charge for admission to premises where gaming takes place shall be treated as a charge for participation in the gaming, and
 - (e) a stake is not a charge for participation.

Equal chance gaming

- 4 (1) It is a condition of private gaming that it is equal chance gaming.
- (2) But this condition does not apply in relation to domestic or residential gaming.

Privacy

- 5 It is a condition of private gaming that it does not occur in a place to which the public have access (whether or not on payment).

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PART 2

BETTING

Introduction

- 6 Betting is private betting if it is—
- (a) domestic betting, or
 - (b) workers' betting.

Domestic betting

- 7 (1) A betting transaction is domestic betting if made on premises in which each party to the transaction lives.
- (2) For the purposes of this paragraph a person lives in premises if he habitually resides in any part of the premises (whether or not there are other premises in which he also habitually resides).

Workers' betting

- 8 A betting transaction is workers' betting if made between persons each of whom is employed under a contract of employment with the same employer.

SCHEDULE 16

Section 356

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AMENDMENTS

Metropolitan Police Act 1839 (c. 47)

- 1 In section 44 of the Metropolitan Police Act 1839 (refreshment houses)—
- (a) omit “, or knowingly suffer any unlawful games or any gaming whatsoever therein,” and
 - (b) in the heading, omit “, or gaming”.

Libraries Offences Act 1898 (c. 53)

- 2 Section 2(3) of the Libraries Offences Act 1898 (offence of annoying library users) shall cease to have effect.

Gaming Act 1968 (c. 65)

- 3 (1) The Gaming Act 1968 shall be amended as follows.
- (2) For section 6(2) (premises licensed for the sale of alcohol) substitute—

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- “(2) This section applies to any premises in England and Wales—
- (a) in respect of which a premises licence under Part 3 of the Licensing Act 2003 (c. 17) has effect,
 - (b) which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
 - (c) at a time when alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003.”

(3) In section 12(3)—

- (a) in paragraph (a) the words from “and at that time” to the end of the paragraph shall cease to have effect,
- (b) in paragraph (b) the words from “and at that time” to the end of the paragraph shall cease to have effect, and
- (c) in paragraph (c) the words from “and at that time” to the end of the paragraph shall cease to have effect.

(4) For section 20(5) substitute—

“(5) Section 12(3) shall not apply in relation to any club to which this section applies.”

(5) In section 31—

- (a) in subsection (2)(c) for “ten” substitute “twenty”,
- (b) for subsection (3E) substitute—

“(3E) The initial amount must not exceed the higher of—

- (a) the highest coin value, or
- (b) the charge for playing a game once by means of the machine.”, and
- (c) in subsection (3G) for “the highest coin value” substitute “the higher of—
 - (a) the highest coin value, or
 - (b) the charge for playing a game once by means of the machine.”

(6) In section 51(3) after “regulations” insert “or an order”.

(7) In paragraph 10A(1) of Schedule 9, leave out “sub-paragraph (a) or”.

(8) After paragraph 10A of Schedule 9 insert—

“10AA A permit in respect of premises to which sub-paragraph (a) of paragraph 1 of this Schedule applies shall be subject to the conditions that a machine must—

- (a) be located on premises which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
- (b) be made available for use only at a time when alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003.”

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Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 4 Section 8B(2)(c) of the Chronically Sick and Disabled Persons Act 1970 (report by Secretary of State on access to betting offices) shall cease to have effect.

PART 2

CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

- 5 In Schedule 2 to the Parliamentary Commissioner Act 1967 (bodies subject to investigation) for “Gaming Board for Great Britain.” substitute “Gambling Commission.”

Superannuation Act 1972 (c. 11)

- 6 In Schedule 1 to the Superannuation Act 1972 (employment to which superannuation schemes may extend) for “Gaming Board for Great Britain.” substitute “Gambling Commission.”

House of Commons Disqualification Act 1975 (c. 24)

- 7 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices) for “The Gaming Board for Great Britain.” substitute “The Gambling Commission.”

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 8 In section 20(9) of the Local Government (Miscellaneous Provisions) Act 1976 (sanitation) for the definition of “betting office” substitute—

““betting office” means premises, other than a track within the meaning of the Gambling Act 2005, in respect of which a betting premises licence under Part 8 of that Act has effect;”.

Race Relations Act 1976 (c. 74)

- 9 In Schedule 1A to the Race Relations Act 1976 (bodies subject to general statutory duty) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

London Local Authorities Act 1995 (c. x)

- 10 In section 14 of the London Local Authorities Act 1995 (interpretation of licensing provisions) for the provision excluding premises licensed under Part II of the Gaming Act 1968 substitute: “does not include premises in respect of which a casino premises licence, bingo premises licence, adult gaming centre premises licence, family entertainment centre premises licence or betting premises licence under Part 8, or a family entertainment centre gaming permit under section 247, of the Gambling Act 2005 has effect;”.

Employment Rights Act 1996 (c. 18)

11 For section 233 of the Employment Rights Act 1996 (betting workers) substitute—

“233 Betting workers

- (1) In this Act “betting worker” means an employee who under his contract of employment is or may be required to do betting work.
- (2) In this Act “betting work” means—
 - (a) work which consists of or includes dealing with betting transactions at a track in England or Wales and which is carried out for a person who holds a general betting operating licence, a pool betting operating licence or a horse-race pool betting operating licence, and
 - (b) work on premises in respect of which a betting premises licence has effect at a time when the premises are used for betting transactions.
- (3) In subsection (2) “betting transactions” includes the collection or payment of winnings.
- (4) Expressions used in this section and in the Gambling Act 2005 have the same meaning in this section as in that Act.
- (5) In this Act—
 - “notice period”, in relation to an opted-out betting worker, has the meaning given by section 41(3),
 - “opted-out”, in relation to a betting worker, shall be construed in accordance with section 41(1) and (2),
 - “opting-in notice”, in relation to a betting worker, has the meaning given by section 36(6),
 - “opting-out notice”, in relation to a betting worker, has the meaning given by section 40(2), and
 - “protected”, in relation to a betting worker, shall be construed in accordance with section 36(1) to (5).”

Police Act 1997 (c. 50)

12 In section 115 of the Police Act 1997 (enhanced criminal record certificates) for subsection (5)(a) to (c) substitute—
“(a) a process under the Gambling Act 2005”.

Terrorism Act 2000 (c. 11)

13 In paragraph 4 of Schedule 3A to the Terrorism Act 2000 (regulated sector and supervisory authorities) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

Regulation of Investigatory Powers Act 2000 (c. 23)

14 In paragraph 20A of Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant public authorities) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

Status: This is the original version (as it was originally enacted).

Postal Services Act 2000 (c. 26)

- 15 In section 7 of the Postal Services Act 2000 (exceptions to the restrictions on provision of postal services) for the definition of “authorised promoter” substitute—
- ““authorised promoter” means—
- (a) the holder of a pool betting operating licence under Part 5 of the Gambling Act 2005,
 - (b) a person authorised under section 93(3) of that Act to do anything on behalf of the holder of a pool betting operating licence, and
 - (c) an associate, within the meaning of section 184 of the Consumer Credit Act 1974 (c. 39), of a person within paragraph (a) or (b).”.

Freedom of Information Act 2000 (c. 36)

- 16 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which the Act applies) for “Gaming Board of Great Britain” substitute “Gambling Commission.

Private Security Industry Act 2001 (c. 12)

- 17 For paragraph 8(3)(e) of Schedule 2 to the Private Security Industry Act 2001 (exceptions for certain premises) substitute—
- “(e) in relation to any occasion on which a casino premises licence or a bingo premises licence is in force in respect of the premises under the Gambling Act 2005 and the premises are being used in reliance on that licence; or”.

Criminal Justice and Police Act 2001 (c. 16)

- 18 (1) In Schedule 1 of the Criminal Justice and Police Act 2001 (seizure powers to which extending provision of section 50 applies)—
- (a) paragraphs 6, 11 and 20 cease to have effect,
 - (b) at the end of Part 1 (renumbering the entry for the Licensing Act 2003 as paragraph 73E) add—
- “Gambling Act 2005*
- 73F The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).”.
- (c) paragraphs 89, 93 and 97 cease to have effect, and
 - (d) at the end of Part 3 (renumbering the entry for the Licensing Act 2003 as paragraph 111) add—
- “Gambling Act 2005*
- 112 The powers conferred by section 317 of the Gambling Act 2005 (inspection powers).”
- (2) For the purposes of the amendments made by this paragraph, the powers in section 317(1)(d), (e) and (f) are powers of seizure.

Proceeds of Crime Act 2002 (c. 29)

- 19 In Part 2 of Schedule 9 to the Proceeds of Crime Act 2002 (supervisory authorities) in paragraph 4(g) for “Gaming Board for Great Britain” substitute “Gambling Commission”.

Licensing Act 2003 (c. 17)

- 20 (1) The Licensing Act 2003 shall be amended as follows.
(2) For section 175 (exemption for raffle, tombola, &c.) substitute—

“175 Exemption for incidental non-commercial lottery

- (1) The promotion of a lottery to which this section applies shall not constitute a licensable activity by reason only of one or more of the prizes in the lottery consisting of or including alcohol, provided that the alcohol is in a sealed container.
- (2) This section applies to an incidental non-commercial lottery (within the meaning of Part 1 of Schedule 11 to the Gambling Act 2005).”
- (3) In paragraph 10(3) of Schedule 1 (provision of regulated entertainment) for “section 22 of the Lotteries and Amusements Act 1976 (c. 32)” substitute “section 19(3) of the Gambling Act 2005”.
- (4) In Schedule 4 (relevant offences) after paragraph 20 insert—
- “21 An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.”

Note

- 21 The amendments made by this Schedule are without prejudice to the generality of paragraph 4 of Schedule 5.

SCHEDULE 17

Section 356

REPEALS

<i>Enactment</i>	<i>Repeal</i>
Gaming Act 1710 (c. 19)	The whole Act.
Gaming Act 1738 (c. 28)	The whole Act.
Gaming Act 1835 (c. 41)	The whole Act.
Metropolitan Police Act 1839 (c. 47)	The words “, or knowingly suffer any unlawful games or any gaming whatsoever therein,”.

Note

The repeal of section 2 of the National Lottery etc. Act 1993 shall not extend to Northern Ireland.

Status: This is the original version (as it was originally enacted).

<i>Enactment</i>	<i>Repeal</i>
Gaming Act 1845 (c. 109)	The whole Act.
Gaming Act 1892 (c. 9)	The whole Act.
Libraries Offences Act 1898 (c. 53)	Section 2(3).
Betting, Gaming and Lotteries Act 1963 (c. 2)	The whole Act.
Police Act 1964 (c. 48)	In Schedule 9, the entry for the Betting, Gaming and Lotteries Act 1963.
Local Government Act 1966 (c. 42)	In Schedule 3, paragraph 23.
Theft Act 1968 (c. 60)	In Schedule 2, the entry for the Gaming Act 1845.
Gaming Act 1968 (c. 65)	The whole Act.
Decimal Currency Act 1969 (c. 19)	In Schedule 2, paragraph 17.
Family Law Reform Act 1969 (c. 46)	In Schedule 1, the entry for the Betting, Gaming and Lotteries Act 1963.
Chronically Sick and Disabled Persons Act 1970 (c. 44)	Section 8B(2)(c).
Courts Act 1971 (c. 23)	In Schedule 6, paragraph 6. In Schedule 9 (a) the entry for the Betting, Gaming and Lotteries Act 1963, and (b) the entry for the Gaming Act 1968.
Local Government Act 1972 (c. 70)	In Schedule 29, paragraph 13.
Gaming (Amendment) Act 1973 (c. 12)	The whole Act.
Lotteries Act 1975 (c. 58)	The whole Act.
Lotteries and Amusements Act 1976 (c. 32)	The whole Act.
Licensing (Scotland) Act 1976 (c. 66)	Section 133.
Criminal Law Act 1977 (c. 45)	In Schedule 1, paragraph 17. In Schedule 6, the entry for the Gaming Act 1968. In Schedule 12, the entry for the Gaming Act 1968.
Gaming (Amendment) Act 1980 (c. 8)	The whole Act.
Local Government, Planning and Land Act 1980 (c. 65)	In Schedule 8, the entry for the Lotteries and Amusements Act 1976.
Supreme Court Act 1981 (c. 54)	In section 28(2)(b), the references to the Betting, Gaming and Lotteries Act 1963 and the Gaming Act 1968.

Note

The repeal of section 2 of the National Lottery etc. Act 1993 shall not extend to Northern Ireland.

Status: This is the original version (as it was originally enacted).

<i>Enactment</i>	<i>Repeal</i>
Betting and Gaming Duties Act 1981 (c. 63)	Sections 9 to 9B.
Gaming (Amendment) Act 1982 (c. 22)	The whole Act.
Criminal Justice Act 1982 (c. 48)	In Schedule 3, the entry for the Betting, Gaming and Lotteries Act 1963.
Lotteries (Amendment) Act 1984 (c. 9)	The whole Act.
Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25)	The whole Act.
Police and Criminal Evidence Act 1984 (c. 60)	In Schedule 6, paragraph 12.
Companies Consolidation (Consequential Provisions) Act 1985 (c. 9)	In Schedule 2, the entry for the Betting, Gaming and Lotteries Act 1963.
Betting, Gaming and Lotteries (Amendment) Act 1985 (c. 18)	The whole Act.
Gaming (Bingo) Act 1985 (c. 35)	The whole Act.
Local Government Act 1985 (c. 51)	In Schedule 8, paragraph 6.
Social Security Act 1985 (c. 53)	Section 25.
Gaming (Amendment) Act 1986 (c. 11)	The whole Act.
Gaming (Amendment) Act 1987 (c. 11)	The whole Act.
Companies Act 1989 (c. 40)	In Schedule 10, paragraph 25.
Gaming (Amendment) Act 1990 (c. 26)	The whole Act.
Bingo Act 1992 (c. 10)	The whole Act.
National Lottery etc. Act 1993 (c. 39)	Section 2. Section 18(1) to (4). Section 45. Section 46(3). Sections 47 to 59. In Schedule 1, paragraphs 1 and 2. Schedules 7 to 9.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraph 50.
Coal Industry Act 1994 (c. 21)	Section 68(2)(d)(iv). In Schedule 9, paragraph 12.
Deregulation and Contracting Out Act 1994 (c. 40)	Section 20.
Civil Evidence Act 1995 (c. 38)	In Schedule 1, paragraph 4.
Employment Rights Act 1996 (c. 18)	In Schedule 1, paragraph 9.

Note

The repeal of section 2 of the National Lottery etc. Act 1993 shall not extend to Northern Ireland.

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<i>Enactment</i>	<i>Repeal</i>
Access to Justice Act 1999 (c. 22)	In Schedule 13, paragraphs 32 to 35.
Financial Services and Markets Act 2000 (c. 8)	In section 412(1) (a) in paragraph (a), the words “section 18 of the Gaming Act 1845, section 1 of the Gaming Act 1892 or”, and (b) paragraph (b).
Criminal Justice and Police Act 2001 (c. 16)	Section 63(2)(d). In Schedule 1, paragraphs 6, 11, 20, 89, 93 and 97.
Licensing Act 2003 (c. 17)	In Schedule 6, paragraphs 29 to 31, 48 to 52 and 62 to 66.
Courts Act 2003 (c. 39)	In Schedule 8, paragraphs 113 to 115 and 132.
Criminal Justice Act 2003 (c. 44)	In Schedule 25, paragraph 54.

Note

The repeal of section 2 of the National Lottery etc. Act 1993 shall not extend to Northern Ireland.

SCHEDULE 18

Section 358

TRANSITIONAL

PART 1

TRANSITIONAL CONTINUATION OF OLD LICENCES, &C.

Introduction

- 1 (1) In this Part a reference to a commencement order is a reference to an order under section 358(1).
- (2) This Part is without prejudice to the generality of section 355(1)(c).

Transitional continuation of licences, &c.

- 2 A commencement order may—
- (a) provide for a licence or other document issued under an enactment repealed by this Act to have such effect as the order may specify after the commencement of the repeal until a time specified by or determined in accordance with the order;
 - (b) provide for the application of this Act, with any specified modifications, in relation to a licence or document to which paragraph (a) applies;
 - (c) disapply, or modify the application of, a provision of this Act in relation to specified things done in reliance on a licence or document to which paragraph (a) applies.

Transitional protection for casinos below minimum licensable size

- 3 A commencement order may—
- (a) disapply section 174(1) in respect of premises that are in use, or could lawfully be used, for the operation of a casino (within the meaning of section 7(1) to (3)) when Part 8 of this Act comes into force;
 - (b) provide for the application of this Act, with any specified modifications, in relation to premises of that kind;
 - (c) disapply, or modify the application of, a provision of this Act in relation to specified things done on or in relation to premises of that kind.

References to procedures under this Act

- 4 A commencement order may include provision for a reference in this Act or in another enactment to anything done under or by virtue of this Act to be taken, for such transitional purposes as may be specified, as including a reference to a thing done under or by virtue of an enactment repealed by this Act.

PART 2

ADVANCE AND INTERIM APPLICATIONS, AND CONVERSION

Advance applications

- 5 In this Schedule a reference to an advance application for a licence or permit is a reference to an application made in advance of the commencement of the offence or other provision of this Act in connection with which the licence or permit is required.
- 6 The Secretary of State may by order—
- (a) make provision about the making, consideration or determination of an advance application for a licence or permit;
 - (b) make provision about the effect of a licence or permit issued in response to an advance application;
 - (c) require the person to whom an advance application for a licence or permit under this Act is made to determine the application within a specified period;
 - (d) make provision for an advance application for a licence or permit under this Act to be treated as granted (for such purposes, with such effect and for such period as the order may specify) if not determined in accordance with a requirement imposed under paragraph (c).
- 7 An order under paragraph 6—
- (a) may make provision about advance applications generally or only if made before a specified date or during a specified period, and
 - (b) may make different provision in relation to different classes of advance application or different classes of activity.

Interim applications

- 8 The Secretary of State may by order make provision for or about the grant or renewal of a licence or other document, or a registration, under an enactment to be

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repealed by this Act during a specified period between the passing of this Act and the commencement of the repeal.

Conversion of existing licences, &c.

- 9 The Secretary of State may by order—
- (a) make provision for the conversion of a licence or other document under an enactment to be repealed by this Act into a licence or permit under this Act (which may, in particular, include provision requiring a person to whom an advance application is made to grant it in specified circumstances or to a specified extent);
 - (b) make provision for the conversion of registration under an enactment to be repealed by this Act into registration under this Act or into possession of a licence or permit under this Act (which may, in particular, include provision requiring a person to whom an advance application is made to grant it in specified circumstances or to a specified extent).
- 10 An order under paragraph 9 may provide for conversion of licences, other documents or registrations generally or by reference to—
- (a) the use made of a licence, document or registration,
 - (b) the age or duration of a licence, document or registration, or
 - (c) any other matter.

Orders: general

- 11 An order under this Part—
- (a) may include provision modifying the effect of a provision of this Act or the effect of a provision to be repealed by this Act, and
 - (b) may apply or replicate a provision of this Act with or without modification (including a provision conferring a discretion or providing for the payment of a fee).