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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 196**

**The Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007**

**PART 4**

**Manner of making and giving applications and notices**

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**16.**—(1) An application, or a notice under Part 3 of these Regulations, must be made or given in writing.

(2) For the purposes of paragraph (1), an application or notice which is sent by facsimile transmission or electronic mail shall be treated as being made or given in writing if it meets the conditions in paragraph (3).

(3) The conditions are that—

(a) the text of the application or notice—

(i) is capable of being accessed by the recipient;

(ii) is legible in all material respects; and

(iii) is capable of being read and reproduced in written form and used for subsequent reference by the recipient; and

(b) the person to whom the application or notice is to be made or given has agreed in advance that an application or notice may be made or given by the particular electronic means used.

(4) Subject to paragraph (5), where an application or notice is sent by facsimile transmission or electronic mail, it is to be treated as having been made or given at the time the conditions specified in paragraph (3)(a) are satisfied.

(5) An application is not to be treated as having been made until—

(a) the prescribed fee has been received by the licensing authority; or

(b) where any document required to accompany the application has not been sent by electronic means, or has been sent in a form that does not meet the conditions in paragraph (3), any such document has been received by the licensing authority in hard copy.

(6) In this regulation—

(a) “legible in all material respects” means, in relation to an application or notice sent by electronic means, that the information contained in the application or notice is available to the recipient to no lesser extent than it would be if given by means of a document in written form;

(b) “the prescribed fee”, in relation to an application, means the fee determined in accordance with regulations made under Part 8 of the Act which an applicant is required to pay in connection with the making of the application; and

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (c) any reference to a document in hard copy is to a written document or a document in the form of a plan.