

ELIZABETH II



Gaming (Amendment) Act 1982

1982 CHAPTER 22

An Act to amend the law with respect to the times of year at which applications may be made relating to the licensing of premises or the registration of clubs or institutes under section 10 of the Gaming Act 1845 or Part II of the Gaming Act 1968 and otherwise with respect to the procedure to be followed in connection with such applications; to empower the Secretary of State to make provision by order as to the fees payable in connection with licences under the said section 10; and to repeal certain spent or obsolete enactments relating to the matters aforesaid. [28th June 1982]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Gaming Act 1968 shall have effect with the amendments specified in Schedule 1 to this Act.

Amendments of the Gaming Act 1968. 1968 c. 65.

The purpose of those amendments is—

- (a) to enable an application to be made at any time of year for the grant of a licence under that Act, for the registration under Part II of that Act in England or Wales of a members' club or miners' welfare institute or for the renewal of such a licence or registration;
(b) to make minor changes in the procedure to be followed in connection with such applications; and
(c) to repeal spent provisions.

Amendments relating to billiard licences.

1845 c. 109.

1872 c. 94.

1964 c. 26.

2. The Gaming Act 1845 and the Licensing Act 1872 shall have effect with the amendments specified in Schedule 2 to this Act.

The purpose of those amendments is—

- (a) to enable an application for the grant or transfer of a billiard licence under section 10 of the Gaming Act 1845 to be made at any licensing sessions held under the Licensing Act 1964 ;
- (b) to empower the Secretary of State to make provision by order as to the fees payable for the grant or transfer of such licences ; and
- (c) to replace or repeal obsolete provisions.

Short title, commencement, savings and extent.

3.—(1) This Act may be cited as the Gaming (Amendment) Act 1982.

(2) The provisions of this Act come into force at the end of the period of two months beginning with the day on which it is passed.

(3) The amendments made by this Act do not affect—

- (a) the duration or validity of a licence or registration in force immediately before the commencement of this Act ; or
- (b) the procedure for granting, transferring or renewing a licence or registration in a case where the application was made before the commencement of this Act.

(4) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

AMENDMENTS OF THE GAMING ACT 1968

Meetings of licensing authority

1.—(1) In Schedule 2 (which relates to the grant, renewal, cancellation and transfer of licences), insert the following paragraph after paragraph 2—

“2A.—(1) Each licensing authority shall for each year fix a day in each of the months of—

(a) January, April, July and October if the authority is in England or Wales; or

(b) January, March, June and October if the authority is in Scotland,

as a day on which, subject to paragraphs 7 and 13 of this Schedule, they will hold a meeting for the purpose of considering any application for the grant or renewal of a licence under this Act then awaiting consideration.

(2) In addition to any meeting on a day fixed in pursuance of the preceding sub-paragraph, a licensing authority may hold a meeting on any other day for the purpose of considering such applications as are mentioned in that sub-paragraph.”

(2) In paragraph 2 of Schedule 3 (which applies in relation to the registration of members' clubs and miners' welfare institutes in England and Wales certain of the introductory provisions of Schedule 2), for “Paragraph 2” substitute “Paragraphs 2 and 2A” and for “that paragraph” substitute “those paragraphs”.

Application for Gaming Board consent

2. In paragraph 4 of Schedule 2 (application for Gaming Board consent to licence application), omit sub-paragraph (3) (which in paragraph (b) requires such applications to be made before the end of October, and is otherwise spent).

Application for grant of licence or registration

3. In paragraph 5 of Schedule 2 (application for grant of licence), for sub-paragraph (1) (which requires such applications to be made in January or February) substitute—

“(1) An application for the grant of a licence under this Act may be made at any time.”.

4.—(1) Paragraph 6 of Schedule 2 (publication of notices in connection with an application for the grant of a licence) is amended as follows.

(2) In sub-paragraph (1) (advertisement giving notice of application to be published in local newspaper), for “At any time in March in the year in which such an application is made” substitute “Not

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later than fourteen days after the making of any such application to the licensing authority”.

(3) In sub-paragraph (2) (which requires the notice to contain specified particulars and to invite objections by 15th April), for “before 15th April” substitute “before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice”.

(4) For sub-paragraph (3) (which requires a like notice to be displayed outside the relevant premises during the period 1st to 14th April) substitute—

“(3) Not later than fourteen days before the date specified in the notice in accordance with the preceding sub-paragraph the applicant shall cause a like notice to be displayed outside the entrance to the relevant premises; and the applicant shall take such steps as he reasonably can to keep that notice so displayed until that date.”.

5.—(1) Paragraph 7 of Schedule 2 (further steps preparatory to the hearing of an application for the grant of a licence) is amended as follows.

(2) In sub-paragraph (1) (which requires the applicant to send a copy of the newspaper containing the required advertisement to the clerk to the authority and prohibits the authority from considering the application before the beginning of May), for “before the beginning of May” substitute “earlier than fourteen days after the date specified in the advertisement”.

(3) In sub-paragraph (2) (which requires the clerk to the authority to give notice, after the expiry of the period for objecting to the application, of the date fixed for its consideration), for “On or after 15th April” substitute “On or after the date so specified”.

6.—(1) Omit paragraphs 8 to 11 of Schedule 2 (which, although also applied for certain other purposes, primarily relate to applications made in the initial period following the commencement of the 1968 Act and are in that connection spent).

(2) In paragraph 14 of Schedule 2 (proceedings on an application for the grant of a licence), in sub-paragraph (2)(b) (which relates to the right of objectors to be heard), omit “or paragraph 11(2)”.

(3) In paragraph 59 of Schedule 2 (which applies in relation to an application for the transfer of a licence certain procedural provisions relating to an application for the grant of a licence)—

(a) for “Paragraphs 10 and 11 of this Schedule” substitute “Paragraphs 6 and 7 of this Schedule”; and

(b) omit “made during the initial period”.

(4) In paragraph 3 of Schedule 3 (which applies in relation to the registration of clubs and institutes in England and Wales the provisions of Schedule 2 relating to applications for licences)—

(a) in the opening words, for “Paragraphs 5 to 11” substitute “Paragraphs 5 to 7”;

- (b) in sub-paragraph (a), for “ paragraphs 6(2) and 10(2) ” substitute “ paragraph 6(2) ” ;
- (c) in sub-paragraph (b), for “ paragraphs 6(3) and 10(3) ” substitute “ paragraph 6(3) ” ; and
- (d) in the closing words, omit the words from “ and in paragraph 8 ” to the end.

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(5) In paragraph 4 of Schedule 4 (which applies in relation to the registration of clubs and institutes in Scotland certain provisions of Schedule 2 relating to applications for licences) for “ Paragraph 10 of Schedule 2 ” substitute “ Paragraph 6 of Schedule 2 ” ; and in paragraph 5(1) of that Schedule (which specifies the further steps to be taken on such an application) for “ paragraph 10 of Schedule 2 ” substitute “ paragraph 6 of Schedule 2 ” .

Application for renewal of licence or registration

7.—(1) Paragraph 12 of Schedule 2 (application for renewal of licence) is amended as follows.

(2) In sub-paragraph (1) (which requires such applications to be made in January or February, subject to sub-paragraph (2)), for “ in January or February in the year in which the licence is due to expire ” substitute “ not earlier than five or later than two months before the date on which the licence is due to expire ” .

(3) In sub-paragraph (2) (which enables the licensing authority to consider a late application if the failure to apply in time was due to inadvertence)—

- (a) for “ after the end of February ” substitute “ later than is required by the last preceding sub-paragraph ” ; and
- (b) for “ before the end of that month ” substitute “ in time ” .

8. For paragraph 13 of Schedule 2 (steps preparatory to the hearing by the licensing authority of an application for renewal of a licence) substitute—

“ 13.—(1) Not later than seven days after the date on which an application for the renewal of a licence under this Act is made, the applicant shall send a copy of the application—

- (a) to the Board ;
- (b) to the appropriate officer of police ;
- (c) to the appropriate local authority ;
- (d) to the appropriate fire authority, if that authority is not the same body as the appropriate local authority ; and
- (e) to the appropriate collector of duty.

(2) Not later than fourteen days after the making of any such application, the clerk to the licensing authority shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the licensing authority’s area.

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(3) A notice published in pursuance of the preceding sub-paragraph shall state that any person who desires to object to the renewal by the licensing authority of the licence should send to the clerk to the licensing authority, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection.

(4) On or after the date so specified, but not less than seven days before the day appointed for the consideration of the application, the clerk to the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—

(a) to the applicant ;

(b) to all the persons and bodies specified in sub-paragraph (1) of this paragraph ; and

(c) if the clerk has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person.

(5) With the notice sent to the applicant in accordance with the preceding sub-paragraph there shall be enclosed a copy of any objection to the renewal of the licence which has been received by the clerk to the licensing authority and which has not been withdrawn.”.

9. In paragraph 14 of Schedule 2 (proceedings on an application for the renewal of a licence), in sub-paragraph (2)(b) (which relates to the right of objectors to be heard) for “ paragraph 13(3) (b) ” substitute “ paragraph 13(5) ”.

10. For paragraphs 4 and 5 of Schedule 3 (which provide for the making of applications for renewal of registration and for the steps to be taken preparatory to the hearing of such applications by the licensing authority) substitute—

“ 4. Paragraphs 12 and 13 of Schedule 2 to this Act shall have effect in relation to any application for renewal of the registration of a club or institute under Part II of this Act as they have effect in relation to applications for the renewal of licences under this Act, but as if in paragraph 13(1) of that Schedule the references to the appropriate local authority and the appropriate fire authority were omitted.”.

Duration of licence or registration

11.—(1) Paragraph 52 of Schedule 2 (duration of licences) is amended as follows.

(2) In sub-paragraph (1) (of which paragraph (a) relates to the expiry of licences which have not been renewed and paragraph (b) to the expiry of licences which have been renewed)—

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- (a) in paragraph (a) for “the end of the month of May in the year following that in which it was granted” substitute “the end of the period of one year beginning with the date on which it was granted”; and
- (b) in paragraph (b) for “the end of the month of May in the year following that in which it was last renewed” substitute “the end of the period of one year from the date on which it would otherwise have expired”.

(3) Omit sub-paragraph (2) (which is spent).

12.—(1) Paragraph 19 of Schedule 3 (duration of registration) is amended as follows.

(2) In sub-paragraph (1), in paragraph (a) (which relates to the expiry of a registration which has not been renewed) for “the end of the month of May in the year following that in which it was effected” substitute “the end of the period of one year beginning with the date on which it was effected”.

(3) Omit sub-paragraph (2) (which is spent).

13. In paragraph 21 of Schedule 3 (which permits an application for renewal of registration to be made in a year when the registration is not due to expire, for the purpose of securing the cancellation or variation of a restriction imposed under paragraph 11 as to the parts of the premises in which gaming may take place), in sub-paragraph (2) for “as if it were due to expire at the end of the month of May in that year” substitute “as if it were due to expire on the day before the anniversary of the date on which it was renewed or last renewed”.

14. In paragraph 17 of Schedule 4 (duration of registration), omit sub-paragraph (2) (which is spent).

SCHEDULE 2

Section 2.

AMENDMENTS RELATING TO BILLIARD LICENCES

Replacement of main licensing provision

1. For section 10 of the Gaming Act 1845 (grant and transfer of 1845 c. 109. billiard licences) substitute the following section—

“Billiard licences. 10.—(1) The licensing justices for any licensing district may at any licensing sessions held by them in pursuance of section 2(3) of the Licensing Act 1964—

- (a) grant billiard licences to such persons as the justices shall in their discretion deem fit and proper persons to keep public billiard tables and bagatelle boards or instruments used in any game of the like kind;

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(b) transfer such billiard licences to such other persons as they in their discretion shall deem fit and proper to continue to hold the same.

(2) The provisions of Part II of Schedule 1 to the Licensing Act 1964 (which relate to the holding of licensing sessions) and the provisions of Schedule 2 to that Act (which relate to the procedure to be followed in connection with applications for justices' licences) shall apply in relation to applications for the grant or transfer of billiard licences as they apply to applications for the grant or transfer of a justices' on-licence under that Act.

(3) A billiard licence shall be in the form given in the Third Schedule annexed to this Act and shall have effect for a period of one year beginning with such date as may be specified in the licence.

(4) There may be charged by justices' clerks in respect of the grant or transfer of billiard licences such fees as may be provided for by order of the Secretary of State; and the fee so provided for in relation to the grant of a licence may be different from that provided for in relation to the transfer of a licence.

(5) An order under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Form of licence

1845 c. 109.

2. In the Third Schedule to the Gaming Act 1845 (which sets out the form of a billiard licence under section 10 of that Act)—

- (a) for "general licensing annual meeting [or an adjournment of the general annual licensing meeting, or at a special petty session]" substitute "licensing sessions";
- (b) for "division [or liberty, &c., as the case may be,]" and "county [or liberty, &c., as the case may be,]" substitute "licensing district"; and
- (c) for "the said session" substitute "the said sessions".

Consequential repeal

1872 c. 94.

3. In the proviso to section 75 of the Licensing Act 1872, omit the words from "in the case of persons intending to apply for billiard licences" to "or as near thereto as the circumstances admit; and" (which provide for the giving of notices by persons intending to apply for the grant or transfer of a billiard licence).

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