

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 13: Licensed premises gaming machine permits

Part 13: Prize Gaming

Section 289: Prize gaming permits and Schedule 14

733. One way of authorising prize gaming is to obtain a prize gaming permit from a licensing authority. This section and Schedule 14 make provision for the grant and maintenance of prize gaming permits. Anyone who occupies, or proposes to occupy, premises may apply for a permit, but a permit is not available in respect of premises which are subject to a premises licence under Part 8, or a club gaming permit under Part 12. This is because those licences and permits already give such premises the relevant rights to offer prize gaming, where appropriate. A permit cannot be granted for a vessel or a vehicle.
734. The reference to “occupy” in this context means a legal right to be in occupation of the premises. This can either be by having a freehold or leasehold interest in the property, or holding it on a tenancy agreement. A person who is seeking a prize gaming permit must have a right to occupy the premises where the prize gaming takes place. For example, if “A” has a prize gaming permit and owns the freehold of the premises where the prize gaming is taking place, and leases the property to “B”, then (subject to the terms of the lease), A will no longer have the right to be in occupation of the premises. On this basis, the permit shall lapse in accordance with *paragraph 14* of Schedule 14. If “B” wishes to offer prize gaming at the premises then he will need to make an application for a new permit under paragraph 3. In these circumstances, “B’s” permit will not take effect until the lease has formally been executed in his favour (see paragraph 14(2)).
735. By virtue of the provisions of Part 4 of the Act, children and young people may only participate in equal chance prize gaming, and not any other form of prize gaming made available pursuant to a permit. There are a number of conditions applicable to prize gaming permits, which are common to all prize gaming authorised by this Part, contained in section 293.
736. *Schedule 14* covers the process and procedure of the grant and maintenance of a prize gaming permit. The requirements are similar, but not identical, to those applicable to family entertainment centre gaming machine permits under Part 10 of and Schedule 12 to the Act. The licensing authority must maintain a register of prize gaming permits.
737. Under *paragraph 8* of *Schedule 14* a licensing authority can prepare a statement of principles which they propose to use for determining applications for permits, and, in particular, the suitability of an applicant. In exercising their functions in relation to prize gaming permits, a licensing authority may have regard to the licensing objectives set out in Part 1 of the Act, but must have regard to any relevant guidance issued by the Commission (paragraph 8(3)). Subject to this, an authority has discretion whether to

*These notes refer to the Gambling Act 2005 (c.19)
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grant or refuse a permit. *Paragraph 10* requires the authority to consult the police prior to issuing a permit.

738. Under *paragraphs 13 to 17*, a permit will expire after ten years (when it can be renewed) unless it lapses (in which case certain transitional provisions are made), is surrendered or is forfeited under the provisions of these paragraphs. Renewal applications are considered on the same grounds as an original application (this is different to the renewal of a family entertainment centre gaming machine permit under *Schedule 12*, where the grounds for refusing renewal are more narrowly defined). Forfeiture can be ordered by any court sentencing a permit holder for a relevant offence, as defined in section 126.
739. *Paragraph 22* provides a full appeals procedure for anyone wishing to appeal against the decisions of a licensing authority under this Schedule.