



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 9 **E+W+S**

#### TEMPORARY USE OF PREMISES

##### *Miscellaneous*

#### **229** Availability of notice **E+W+S**

- (1) A person who gives a temporary use notice in respect of premises shall—
- (a) arrange for a copy of the notice to be displayed prominently on the premises at any time when an activity is being carried on in reliance on the notice, and
  - (b) arrange for the notice endorsed by the licensing authority in accordance with section 227 to be produced on request to—
    - (i) a constable,
    - (ii) an officer of customs and excise,
    - (iii) an enforcement officer, or
    - (iv) an authorised local authority officer.
- (2) A person commits an offence if he fails without reasonable excuse to comply with subsection (1).
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Commencement Information**

**II** S. 229 in force at 1.12.2007 by [S.I. 2007/3155](#), [art. 2](#)

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

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### 230 **Withdrawal of notice** E+W+S

If a person who gives a temporary use notice to a licensing authority in accordance with section 219 notifies the licensing authority that the notice is withdrawn—

- (a) the notice shall have no effect (or, if it has started to have effect, shall cease to have effect), and
- (b) no further proceedings shall take place in respect of the notice (except in respect of a matter arising during or in relation to a time at which the notice had effect).

**Commencement Information**

**I2** [S. 230](#) in force at 1.12.2007 by [S.I. 2007/3155](#), [art. 2](#)

### 231 **Vehicles and vessels** E+W+S

- (1) A temporary use notice—
  - (a) may not be given in respect of a vehicle (or part of a vehicle),
  - (b) may be given in respect of all or part of a passenger vessel,
  - (c) may be given in respect of all or part of a vessel (within the meaning of section 353(1)) situated at a fixed place in or on water, and
  - (d) may not be given in respect of all or part of a vessel to which neither of paragraphs (b) and (c) applies.
- (2) In relation to a vessel, a reference in this Part to a place in which premises are wholly or partly situated shall be construed—
  - (a) in the case of a vessel (within the meaning of section 353(1)) situated at a fixed place in or on water, as a reference to that place,
  - (b) in the case of a vessel which is permanently moored at a place, as a reference to that place,
  - (c) in the case of a vessel which is habitually moored at one place more frequently or for longer periods than at any other place, as a reference to that place, and
  - (d) in any other case, as a reference to any place at which a vessel is moored or is likely to be moored, or to the place in the United Kingdom nearest to any place at which a vessel is or is likely to be, while activities are carried on in the vessel in reliance on a temporary use notice.
- (3) In relation to a vessel, the following are responsible authorities for the purposes of this Part (in addition to the persons listed in section 157)—
  - (a) a navigation authority, within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57), which has functions in relation to any place at which a vessel is moored or is likely to be moored, or to the place in the United Kingdom nearest to any place at which a vessel is or is likely to be, while activities are carried on in the vessel in reliance on a temporary use notice,
  - (b) the Environment Agency,
  - <sup>[F1]</sup>(c) the British Waterways Board, if the place where the vessel is moored or is likely to be moored, or the place in the United Kingdom nearest to the place at which the vessel is or is likely to be, while activities are carried on in the vessel in reliance on a temporary use notice is in Scotland,

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- (ca) Canal & River Trust, if the place where the vessel is moored or is likely to be moored, or the place in the United Kingdom nearest to the place at which the vessel is or is likely to be, while activities are carried on in the vessel in reliance on a temporary use notice is in England or Wales, and]
- (d) the Secretary of State.

#### Textual Amendments

- F1** S. 231(3)(c)(ca) substituted for s. 231(3)(c) (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 17(3)** (with arts. 4-6)

#### Commencement Information

- I3** S. 231 in force at 1.12.2007 by [S.I. 2007/3155](#), art. 2

### 232 Delegation of licensing authority functions: England and Wales **E+W+S**

- (1) The functions under this Part of a licensing authority in England and Wales are by virtue of this subsection delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003 (c. 17).
- (2) The following provisions of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee under this section as they apply in relation to a function delegated under that Act—
  - (a) section 7(9) (referral back to licensing authority), and
  - (b) section 10 (sub-delegation).
- (3) In the application of section 10(4) of that Act (matters not to be delegated to officer) by virtue of subsection (2) above, for the list of functions there shall be substituted a reference to any function under section 224 of this Act.
- (4) The provisions of section 9 of that Act and regulations under it apply to proceedings of licensing committees and their sub-committees in relation to the exercise of functions under this Part; and for that purpose regulations may, in particular, make provision which applies—
  - (a) only in relation to functions under that Act,
  - (b) only in relation to functions under this Part, or
  - (c) differently in relation to functions under that Act and functions under this Part.

#### Commencement Information

- I4** S. 232 in force at 1.12.2007 by [S.I. 2007/3155](#), art. 2

### 233 Delegation of functions under Part 9: Scotland **E+W+S**

- [<sup>F2</sup>(1) Subject to subsection (2), a licensing authority in Scotland may arrange for the discharge of any of its functions under this Part by—
- (a) any member of the authority,
  - (b) any committee established by the authority,
  - (c) the clerk of the authority, or

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- (d) any member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005 (asp 16).]
- (2) A licensing authority are not to make any arrangements under subsection (1) for the discharge by the clerk of the authority or any [<sup>F3</sup>member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005] of any of the authority's functions under section 224.
- (3) The procedures applicable to the proceedings of licensing boards in the exercise of their functions under the Licensing (Scotland) Act [<sup>F4</sup>2005] apply to the proceedings of those boards in the exercise of their functions under this Part; and for that purpose regulations made by the Scottish Ministers may, in particular, make provision which applies—
- (a) only in relation to functions under that Act,
  - (b) only in relation to functions under this Part,
  - (c) differently in relation to functions under that Act and functions under this Part.

#### Textual Amendments

- F2** S. 233(1) substituted (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), [sch. 1 para. 12\(5\)\(a\)](#) (with art. 3)
- F3** Words in s. 233(2) substituted (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), [sch. 1 para. 12\(5\)\(b\)](#) (with art. 3)
- F4** Word in s. 233(3) substituted (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), [sch. 1 para. 12\(5\)\(c\)](#) (with art. 3)

#### Commencement Information

- I5** S. 233 in force at 1.12.2007 by [S.I. 2007/3155](#), [art. 2](#)

## 234 Register **E+W+S**

- (1) A licensing authority shall—
- (a) maintain a register of temporary use notices given to them 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 temporary use notices given to them,
  - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a),

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- (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, and
- (e) excusing licensing authorities, wholly or partly, from compliance with subsection (1).

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**Commencement Information**

**16** S. 234 in force at 1.12.2007 by S.I. 2007/3155, art. 2

**Changes to legislation:**

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