

Status: Point in time view as at 01/01/2007. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Part 5. (See end of Document for details)

SCHEDULES

SCHEDULE 11

EXEMPT LOTTERIES

Modifications etc. (not altering text)

- C1** Sch. 11 applied (with modifications) (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 77](#)

VALID FROM 01/09/2007

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.

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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.

Modifications etc. (not altering text)

- C2** Sch. 11 para. 44 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 75(1)** (with Sch. 4 para. 74(7)(a))

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.

Modifications etc. (not altering text)

- C3** Sch. 11 para. 46 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 75(1)** (with Sch. 4 para. 74(7)(a))

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.

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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).

(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.

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- 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.

Modifications etc. (not altering text)

- C4** Sch. 11 para. 54(2) modified (1.1.2007) by The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272), art. 1(1), **Sch. 4 para. 75(3)**

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—

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- (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.

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