

*Status:* Point in time view as at 01/01/2007. This version of this cross heading 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, Cross Heading: Cancellation and forfeiture. (See end of Document for details)

## SCHEDULES

VALID FROM 21/05/2007

### SCHEDULE 12

#### CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

##### *Cancellation and forfeiture*

- 21 (1) The licensing authority which issued a permit may cancel it if the authority think—
- (a) that the premises on which the holder of the permit conducts its activities are used wholly or mainly by children, by young persons or by both, or
  - (b) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the holder of the permit.
- (2) Before cancelling a permit under this paragraph a licensing authority shall—
- (a) give the holder of the permit at least 21 days' notice of the authority's intention to consider cancelling the permit,
  - (b) consider any representations made by the holder,
  - (c) hold a hearing if the holder requests one, and
  - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to cancel a permit.
- (3) If a licensing authority cancel a permit they shall as soon as is reasonably practicable give notice of the cancellation and the reasons for it to—
- (a) the holder,
  - (b) the Commission, and
  - (c) the chief officer of police for any area in which the premises to which the permit relates are wholly or partly situated.
- (4) The cancellation of a permit shall not take effect until—
- (a) the period specified in paragraph 25(5)(c) has expired without an appeal being brought, or
  - (b) any appeal brought has been determined.

#### **Modifications etc. (not altering text)**

- C1** Sch. 12 para. 21(2)-(4) applied (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. 84(11), (14) (with art. 12(2)-(5), Sch. 4 paras. 81-85)
- C2** Sch. 12 para. 21(2)-(4) applied (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. 92(11), (14) (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)

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VALID FROM 01/09/2007

- 22 (1) The licensing authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 14.
- (2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.
- 23 (1) Where the holder of a permit, or an officer of the holder of a permit, is convicted of an offence under this Act by or before a court in Great Britain, the court may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
- (a) the court which orders forfeiture,
  - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
  - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under sub-paragraph (1).
- (4) The terms on which a forfeiture order is made under this paragraph shall, in particular, include a requirement that the holder deliver to the licensing authority who issued the permit, within such time as the order may specify—
- (a) the permit, or
  - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making an order for forfeiture under this paragraph the court shall notify the licensing authority who issued the permit.

**Modifications etc. (not altering text)**

- C3** Sch. 12 para. 23 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. 92(12), (14) (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)
- C4** Sch. 12 para. 23 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. 84(12), (14) (with art. 12(2)-(5), Sch. 4 paras. 81-85)

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