

2006 No. 3287

BETTING, GAMING AND LOTTERIES

The Gambling Appeals Tribunal Fees Regulations 2006

<i>Made</i> - - - -	<i>8th December 2006</i>
<i>Laid before Parliament</i>	<i>11th December 2006</i>
<i>Coming into force</i> - -	<i>1st January 2007</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 147 and 355(5) of the Gambling Act 2005(a), after consultation with the Secretary of State under subsection (1) of section 147, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling Appeals Tribunal Fees Regulations 2006 and shall come into force on 1st January 2007.

(2) In these Regulations—

- (a) any reference to a section by number alone is a reference to the section so numbered in the Gambling Act 2005;
- (b) “appeal” means an appeal to the Tribunal under section 141 or section 337(1);
- (c) “appellant” means a person who brings an appeal before the Tribunal;
- (d) “fee” means the fee prescribed by these Regulations;
- (e) “Table” means to the table set out in Part 1 of the Schedule to these Regulations;
- (f) “Tribunal” means the Gambling Appeals Tribunal established under section 140(1).

Fee for bringing an appeal

2. Subject to regulations 3 and 4, the fee in relation to an appeal listed in column 1 of the Table is the amount set out opposite it in column 2 of the Table.

Exemptions, reductions, waivers and refunds

3.—(1) No fee is payable under these Regulations by an appellant who, at the time that the fee would otherwise become payable, is in receipt of any qualifying benefit.

(2) The following are qualifying benefits for the purpose of paragraph (1)—

- (a) income support under the Social Security Contributions and Benefits Act 1992(b);

(a) 2005 c.19.
(b) 1992 c.4.

- (b) working tax credit under the Tax Credits Act 2002(a), provided that—
 - (i) child tax credit is being paid to the appellant, or otherwise following a claim made jointly by the appellant and another person as a couple under section 3(3) of that Act(b); or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the appellant,

and the gross annual income taken into account for the calculation of the working tax credit is £15,460 or less;

- (c) income-based jobseeker's allowance under the Jobseekers Act 1995(c);
- (d) guarantee credit under the State Pension Credit Act 2002(d).

4. Where the payment of any fee prescribed by these Regulations would, owing to the exceptional circumstances of the particular case, involve undue financial hardship to the appellant, the Tribunal may reduce or waive the fee.

5.—(1) Subject to paragraph (2), where a fee has been paid at a time—

- (a) when, under regulation 3, it was not payable, the fee shall be refunded;
- (b) when the Tribunal, if it had been aware of all the circumstances, would have reduced the fee under regulation 4, the amount by which the fee would have been reduced shall be refunded; and
- (c) when the Tribunal, if it had been aware of all the circumstances, would have waived the fee under regulation 4, the fee shall be refunded.

(2) No refund shall be made under paragraph (1) unless the appellant applies to the Tribunal in writing within 6 months of paying the fee.

(3) The Tribunal may extend the period of 6 months referred to in paragraph (2) if it considers that there is good reason for an application being made after the end of the period of 6 months.

On the authority of the Lord Chancellor

Cathy Ashton
Parliamentary Under Secretary of State
Department

8th December 2006

(a) 2002 c.19
(b) Section 3 is amended by the Civil Partnership Act 2004 (c. 33) Schedule 24, Part 14.
(c) 1995 c.18.
(d) 2002 c.16.

SCHEDULE

PART 1

Table

<i>Column 1</i>	<i>Column 2</i>
<i>On filing an appeal of a description set out in Part 2 in relation to one of the operating licences listed:</i>	<i>Fee (£)</i>
Casino operating licence in accordance with section 65(2)(a).	13,070
Bingo operating licence in accordance with section 65(2)(b).	2,905
General betting operating licence in accordance with section 65(2)(c).	9,335
Pool betting operating licence in accordance with section 65(2)(d).	9,335
Betting intermediary operating licence in accordance with section 65(2)(e).	9,335
Gaming machine general operating licence for an adult gaming centre in accordance with section 65(2)(f).	1,450
Gaming machine general operating licence for a family entertainment centre in accordance with section 65(2)(g).	1,450
Gaming machine technical operating licence in accordance with section 65(2)(h).	1,450
Gambling software operating licence in accordance with section 65(2)(i).	1,450
Lottery operating licence in accordance with section 65(2)(j).	8,710
<i>On filing an appeal of a description set out in Part 2 in relation to one of the personal licences listed:</i>	<i>Fee (£)</i>
Personal management office licence in accordance with sections 127 and 80(5).	1,450
Personal operational function licence in accordance with sections 127 and 80(6).	755
<i>Voided bet order</i>	<i>Fee (£)</i>
On filing an appeal under section 337(1) against the Gambling Commission's order under section 336(1) to void a bet.	8,710

Part 2

An appeal under section 141(1) against the Gambling Commission's decision not to issue or renew an operating or personal licence.
An appeal under section 141(2) against the Gambling Commission's decision to attach a condition to a personal or operating licence.

An appeal under section 141(3) against the Gambling Commission's decision that an operating licence shall not continue to have effect when there is a new company controller.
An appeal under section 141(4) against the Gambling Commission's decision to refuse to vary an operating or personal licence following an application to vary under section 104.
An appeal under section 141(5) against the Commission's notification relating to the lapse of an operating or personal licence due to mental or physical incapacity.
An appeal under section 141(6) against the Gambling Commission's exercise of a section 117 regulatory power to— give a warning attach an additional condition to a licence remove or amend a condition attached to a licence make, amend or remove an exclusion to a remote licence under section 67(1) suspend a licence revoke a licence impose a penalty
An appeal under section 141(7) against the Gambling Commission's decision to suspend a licence, except following a section 116 review.
An appeal under section 141(8) against the Gambling Commission's decision to revoke a licence, except following a section 116 review.
An appeal under section 141(9) against the Gambling Commission's decision to impose a financial penalty under section 121.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide the fee that will be payable when bringing an appeal to the Gambling Appeals Tribunal ('the Tribunal') under section 141 of the Gambling Act 2005 (c. 19). The level of fee will depend on whether the licence is an operating licence or a personal licence and also on the type of operating or personal licence that is the subject matter of the appeal. An appeal can also be brought against an order by the Gambling Commission to void a bet. Appeals brought as regards an order to void a bet can be brought by a party to the bet or to any contract or other arrangement in relation to that bet.

The Regulations provide that no fee will be payable when a person is in receipt of a qualifying benefit listed in regulation 3. A fee can also be reduced or waived when the Tribunal is satisfied that undue hardship would be caused to the appellant. An appellant can apply to the Tribunal to have any fee paid by him refunded in accordance with the grounds stated in regulation 5.

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