

2007 No. 1791

BETTING, GAMING AND LOTTERIES

The Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) (No. 2) Regulations 2007

<i>Made</i> - - - -	<i>21st June 2007</i>
<i>Laid before Parliament</i>	<i>22nd June 2007</i>
<i>Coming into force</i> - -	<i>1st August 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 100(2) and (3), 103(2), 104(3) and (4), 107(2)(a) and 355(1) of the Gambling Act 2005(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) (No. 2) Regulations 2007 and come into force on 1st August 2007.

(2) In these Regulations “the 2006 Regulations” means the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006(b).

Amendment of Arrangement of Regulations

2. In Part 1 of the Arrangement of Regulations in the 2006 Regulations (introductory), after the entry for regulation 3 insert—

“3A. Converted lottery operating licence”.

Amendment of regulation 2

3.—(1) Regulation 2(1) of the 2006 Regulations (defined terms) is amended as follows.

(2) After the definition of “converted casino premises licence” insert—

““converted lottery operating licence” has the same meaning as in paragraph 71 of Schedule 4 to the Transitional Order;”.

(3) In the definition of “supply”, for “repair.” substitute “repair; and”.

(4) After the definition of “supply” insert—

““the Transitional Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(c).”.

(a) 2005 c.19.

(b) S.I. 2006/3284, amended by S.I. 2007/269.

(c) S.I. 2006/3272 (C.119), to which there are amendments not relevant to these Regulations.

Insertion of new regulation 3A

4. After regulation 3 of the 2006 Regulations (units of division), insert—

“Converted lottery operating licence

3A.—(1) For the purposes of these Regulations a converted lottery operating licence is to be treated as if it is a non-remote lottery operating (society) licence.

(2) But this regulation does not apply to regulation 8(5).”

Amendment of regulation 8

5.—(1) Regulation 8 of the 2006 Regulations (annual fees and first annual fees for non-remote operating licences) is amended as follows.

(2) In paragraph (3) (first annual fee for a non-remote operating licence), for “The” substitute “Subject to paragraphs (4) to (6), the”.

(3) After paragraph (3) insert—

“(4) Where the holder of a gaming machine technical (full) operating licence held a certificate under section 27 of the 1968 Act immediately before the issue of the licence, the first annual fee for the licence is the amount calculated in accordance with the following formula—

$$A - \left(\frac{B}{60} \times C \right)$$

where—

A is the first annual fee that would, but for this paragraph, be payable for the licence under paragraph (3),

B is the amount of the last fee paid under section 48(3)(g) of 1968 Act for the certificate (whether it was in respect of the issue or renewal of the certificate), and

C is the number of whole calendar months between the date on which the licence was issued and—

- (a) where the certificate was issued or renewed on or after 1st September 2007, the date which is 5 years after the date of its issue or renewal, whichever is the later, or
- (b) in any other case, the date on which, as the certificate had effect immediately before 1st September 2007, it was due to expire in accordance with paragraph 3 of Schedule 6 to the 1968 Act.

(5) Where the holder of a lottery operating (society) licence (“the new licence”) held a converted lottery operating licence (“the old licence”) immediately before the issue of the new licence, the first annual fee for the new licence is the amount calculated in accordance with the following formula—

$$A - \left(\frac{B}{12} \times C \right)$$

where—

A is the first annual fee that would, but for this paragraph, be payable for the new licence under paragraph (3),

B is the amount of the last fee paid under section 100 of the Act for the old licence (whether it was a first annual fee or an annual fee), and

C is the number of whole calendar months between—

- (a) the date on which the old licence ceased to have effect in accordance with paragraph 71 of Schedule 4 to the Transitional Order, and

- (b) the next anniversary of the issue of the old licence.
- (6) In paragraph (4) “the 1968 Act” means the Gaming Act 1968(a).”.

Amendment of table in Schedule 3

6.—(1) The table in Schedule 3 to the 2006 Regulations (annual fees for non-remote operating licences) is amended as follows.

(2) In the eleventh row of column (2) (annual fee for category A gaming machine technical (supplier) operating licence), for “£2,401” substitute “£1,201”.

Substitution of table in Schedule 6

7. For the table in Schedule 6 to the 2006 Regulations (annual fees for remote operating licences) substitute the table in the Schedule.

21st June 2007

Richard Caborn
Minister of State
Department for Culture, Media and Sport

(a) 1968 c.65; section 48(3)(g) was amended by article 2 of and the Schedule to SI 2006/541; sections 27 and 48 and Schedule 6 are to be repealed by section 356(3)(g) of the Act on 1st September 2007: see article 4(1) of SI 2006/3272.

SCHEDULE

Regulation 7

New table in Schedule 6 to the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006 (annual fees for remote operating licences)

<i>“Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>
<i>Category</i>	<i>Sub-category F</i>	<i>Sub-category G</i>	<i>Sub-category H</i>
Casino operating licence	£12,733	£34,176	£66,341
Bingo operating licence	£12,733	£34,176	£66,341
General betting (standard) operating licence	£12,733	£34,176	£66,341
Betting intermediary operating licence	£12,733	£34,176	£66,341
Pool betting operating licence	£1,500	£34,176	£66,341
Gaming machine technical (full) operating licence	£6,367	£17,088	£33,171
Gaming machine technical (supplier) operating licence	£6,367	£17,088	£33,171
Gaming machine technical (software) operating licence	£6,367	£17,088	£33,171
Gambling software operating licence	£6,367	£17,088	£33,171
Lottery operating (external lottery manager) licence	£6,367	£17,088	£33,171
Lottery operating (society) licence	£348	£692	£1,392”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006 (“the 2006 Regulations”) (as amended by S.I. 2007/269) which, amongst other things, prescribe fees payable in relation to operating licences under the Gambling Act 2006 (“the 2006 Act”).

Regulation 3 amends regulation 2(1) of the 2006 Regulations (defined terms) by inserting new definitions of—

- “converted lottery operating licence”, and
- “the Transitional Order”.

Converted lottery operating licences are provided for under the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (“the Transitional Order”).

Regulation 4 inserts new regulation 3A into the 2006 Regulations. New regulation 3A provides for converted lottery operating licences to be treated as non-remote lottery operating (society) licences for the purposes of the 2006 Regulations. This is necessary because paragraphs 67(5) and 69(5) of Schedule 4 to the Transitional Order provide for converted lottery operating licences to have effect as both remote and non-remote operating licences.

Regulation 5 amends regulation 8 of the 2006 Regulations (annual fees and first annual fees for non-remote operating licences) in two principal ways.

First, it provides for a portion of the fee paid by a person for a certificate under section 27 of the Gaming Act 1968 to be offset against the first annual fee payable by that person for a non-remote gaming machine technical (full) operating licence. The portion of the section 27 certificate fee that is offset is that part which represents the period between the date that the operating licence is issued (causing the certificate to expire) and the date that the certificate would have otherwise expired.

Second, it provides for a portion of the last annual fee paid by a person for a converted lottery operating licence (“the old licence”) to be offset against the first annual fee payable by that person for a non-remote lottery operating (society) licence (“the new licence”). The portion of the old licence fee that is offset is that part which represents the period between the date that the old licence ceased to have effect and the date that the next annual fee in respect of that licence would have been due.

Regulation 5 ensures that holders of:

- non-remote gaming machine technical (full) operating licences, and
- non-remote lottery operating (society) licences,

do not pay two fees for authorisations covering the same activities during the period.

Regulation 6 substitutes a new annual fee for non-remote category A gaming machine technical (supplier) operating licences in Schedule 3 to the 2006 Regulations.

Regulation 7 substitutes a new table of annual fees for remote operating licences in Schedule 6 to the 2006 Regulations.

2007 No. 1791

BETTING, GAMING AND LOTTERIES

The Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) (No. 2) Regulations 2007

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0916 6/2007 170916T 19585

