
EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations come into force on 21st May 2007 and require persons who exercise their powers of entry and inspection under Part 15 of the Gambling Act 2005 (the Act), to provide information about those powers and their exercise.

Part 15 of the Act empowers constables, enforcement officers and authorised persons (“inspectors”) to enter different kinds of premises under specified circumstances. An inspector exercising a power under Part 15 to enter premises, also has powers under section 317(1) of the Act to inspect the premises, question persons on the premises, require access to and copies of written or electronic records on the premises, and remove and retain material from the premises.

Regulation 3 places an obligation on inspectors exercising their powers under Part 15 of the Act, to ensure that anyone accompanying them produces evidence of his identity. Section 324 of the Act allows an inspector exercising a power to enter premises under Part 15 of the Act to take one or more persons with him.

Regulation 4 requires inspectors to inform specified persons on the premises (“appropriate recipients”, defined in regulation 2(1)) of their right to request a written record of the visit. If there is no appropriate recipient on the premises, the inspector is required to leave that information in a written notice, with his name and the date of the inspection.

Regulations 5 requires inspectors to inform persons they are questioning, of the inspector’s power to question any person on the premises under section 317(1)(b) of the Act, and of the offence of obstruction under section 326 of the Act. An inspector’s obligation under regulation 5 will arise where a person refuses to answer any of his questions.

Regulation 6(1) requires an inspector to provide a written record of his inspection to the persons listed in regulation 2(1), referred to as “interested persons”. The record is only required to be provided on request, and Regulation 6(2) sets out the required contents of that record.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Premises Licences Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6420.