
STATUTORY INSTRUMENTS

2012 No. 829

The Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2012

Citation and commencement

1. These Regulations may be cited as the Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2012 and come into force on 6th April 2012.

Amendment of the 2006 Regulations

2. The Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006⁽¹⁾ (the “2006 Regulations”) are amended as set out in regulations 3 to 40 of these Regulations.

General interpretation

3. In regulation 2(1) —

(1) in the definition of “betting intermediary (trading room only) operating licence” insert after “through intermediaries other than H” —

“, or with a person other than H who is either the holder of a remote general betting (standard) operating licence or provides facilities for remote betting the arrangements for which are subject to the law about gambling of an EEA state, Gibraltar or a country or place specified in regulations made under section 331(4) of the Act”⁽²⁾.

(2) in the definition of “combined non-remote operating licence”, for “15(b)” substitute “15(1)(a)”;

(3) in the definition of “combined remote operating licence”, for “15(a)” substitute “15(1)(b)”;

(4) in the definition of “general betting (limited) operating licence” —

(a) in paragraph (b)(ii)(aa), for “by means of a telephone” substitute —

“in circumstances in which each bet made or accepted pursuant to the licence occurs —

(i) by means of a telephone or by email, and

(ii) otherwise than by wholly automated means”;

(b) in paragraph (b)(ii)(bb), for “£250,000” substitute “£550,000”;

(c) after paragraph (b), insert —

“(c) in paragraph (b)(ii)(aa)(ii), a bet occurs otherwise than by wholly automated means if the arrangements for it are provided, operated or administered by an individual;”

(5) after the definition of “general betting (standard)(real events) operating licence”, insert —

(1) [S.I. 2006/3284](#), as amended by [S.I. 2007/269](#), [S.I. 2007/1791](#), [S.I. 2008/1803](#), [S.I. 2008/3105](#) and [S.I. 2009/1837](#).

(2) The Gambling Act 2005 (Advertising of Foreign Gambling) Regulations 2007 ([S.I. 2007/2329](#), as amended by [S.I. 2008/2829](#)) were made under section 331(4) of the Act, and specify that the Island of Alderney, Tasmania and Antigua and Barbuda are to be treated for the purposes of section 331(2) of that section as if they were an EEA State, but only in so far as that provision applies to remote gambling.

- ““general betting (standard)(remote platform) operating licence” means a licence which—
- (a) falls within paragraph (b) of the definition of a general betting (standard) operating licence, and
 - (b) authorises the licensee to provide facilities for gambling only by means of a service supplied by—
 - (i) the holder of a remote betting intermediary operating licence,
 - (ii) the holder of a remote general betting (standard) operating licence, or
 - (iii) any other person who provides facilities for remote betting the arrangements for which are subject to the law about gambling of an EEA state, Gibraltar or a country or place specified in regulations made under section 331(4) of the Act;”;
 - (6) after the definition of “general betting (standard)(virtual events) operating licence” insert—

““group company” means in respect of a company “A” any other company which is a subsidiary or holding company of A (as those terms are defined in section 1159 of the Companies Act 2006(3)) or any subsidiary of such holding company;”.

Units of division

4. In regulation 3(2)—
 - (1) in sub-paragraph (b)—
 - (a) after “which is” insert “the aggregate of”, and
 - (b) after “section 11(8) of the Finance Act 1997” insert “and gaming machine revenue”;
 - (2) after sub-paragraph (b), insert—

“(ba) in sub-paragraph (b) “gaming machine revenue” means the total of amounts paid by persons in respect of the use of gaming machines less the value in money or money’s worth of the prizes won in respect of such use;”.

Other non-remote operating licences: fee categories

5. In regulation 6(2)(c) for “(3) to (7)” substitute “(3) to (14)”.

Application fees for non-remote operating licences

6. In regulation 7(1)—
 - (1) for “18 to 20” substitute “18 to 20A”;
 - (2) after paragraph (e) insert—
 - “(f) for a category E1 licence is the amount indicated in column (7) of that table adjacent to the description of the licence in column (1);
 - (g) for a category E2 licence is the amount indicated in column (8) of that table adjacent to the description of the licence in column (1);
 - (h) for a category E3 licence is the amount indicated in column (9) of that table adjacent to the description of the licence in column (1);
 - (i) for a category E4 licence is the amount indicated in column (10) of that table adjacent to the description of the licence in column (1);
 - (j) for a category E5 licence is the amount indicated in column (11) of that table adjacent to the description of the licence in column (1);

- (k) for a category E6 licence is the amount indicated in column (12) of that table adjacent to the description of the licence in column (1);
- (l) for a category E7 licence is the amount indicated in column (13) of that table adjacent to the description of the licence in column (1).”

Annual fees and first annual fees for non-remote operating licences

7.—(1) In regulation 8(1)—

(a) for “17 and 21” substitute “17, 21 and 21A”;

(b) after paragraph (e) insert—

“(f) for a category E1 licence is the amount indicated in column (7) of that table adjacent to the description of the licence in column (1);

(g) for a category E2 licence is the amount indicated in column (8) of that table adjacent to the description of the licence in column (1);

(h) for a category E3 licence is the amount indicated in column (9) of that table adjacent to the description of the licence in column (1);

(i) for a category E4 licence is the amount indicated in column (10) of that table adjacent to the description of the licence in column (1);

(j) for a category E5 licence is the amount indicated in column (11) of that table adjacent to the description of the licence in column (1);

(k) for a category E6 licence is the amount indicated in column (12) of that table adjacent to the description of the licence in column (1);

(l) for a category E7 licence is the amount indicated in column (13) of that table adjacent to the description of the licence in column (1).”

(2) In regulation 8(3) for “(4) to (6)” substitute “(4) to (8)”.

(3) After regulation 8(6) insert—

“(7) The first annual fee for a new casino operating licence is 50 per cent of the annual fee for that licence as determined in accordance with paragraph (1).

(8) The annual fee for a new casino operating licence that is not operational is 50 per cent of the annual fee for that licence as determined in accordance with paragraph (1).

(9) For the purposes of paragraph (8), a new casino operating licence is operational if—

(a) in reliance on the licence a casino is trading from premises in respect of which a casino premises licence has effect, or

(b) (i) the holder of the licence has, in accordance with a condition of the licence, notified the Commission of a date upon which it is proposed that a casino will commence trading in reliance on the licence (“the opening date”), and

(ii) the date by which the annual fee for the licence is payable is less than twelve months before the opening date.”

Application, annual and first annual fees for non-remote general betting (standard) operating licences

8. In regulation 8A—

(a) in paragraph (2) for “18 to 20” substitute “18 to 20A”,

(b) in paragraph (4) for “17 and 21” substitute “17, 21 and 21A”,

(c) in paragraph (5)(a) for “£1,571” substitute “£1,461”, and

(d) in paragraph (5)(b) for “£7,077” substitute “£6,582”.

Application of Part 3

9. In regulation 9—

(1) in paragraph (d), for “a general betting (standard) operating licence” substitute “a general betting (standard)(real events) operating licence”;

(2) after paragraph (d) insert—

“(da) a general betting (standard)(remote platform) operating licence;

(db) a general betting (standard)(virtual events) operating licence;”.

Remote operating licences: fee categories

10. In regulation 10(1) after “remote general betting (limited) operating licence,” insert “a general betting (standard)(remote platform) operating licence,”.

Application fees for remote operating licences

11. In regulation 11(1) for “18 to 20” substitute “18 to 20A”.

Annual fees and first annual fees for remote operating licences

12. In regulation 12(1) for “17(2) and 21” substitute “17(2), 21 and 21A”.

Fees for remote general betting (limited) operating licences

13.—(1) In regulation 13(1)—

(a) for “18 to 20” substitute “18 to 20A”; and

(b) for “£660” substitute “£593”.

(2) In regulation 13(2)(a) for “£1,500” substitute “£1,594”.

(3) In regulation 13(2)(b) for “£1,500” substitute “£1,594”.

Fees for general betting (standard) (remote platform) operating licences

14. After regulation 13 insert—

“Fees for general betting (standard)(remote platform) operating licences

13A.—(1) Except where paragraph (3) applies—

(a) the application fee for a general betting (standard)(remote platform) operating licence is £198;

(b) the first annual fee for such a licence is £280;

(c) the annual fee for such a licence is £280.

(2) Where paragraph (3) applies—

(a) there is no application fee for a general betting (standard)(remote platform) operating licence; and

(b) there is no first annual fee and no annual fee for such a licence.

(3) This paragraph applies where the holder of a general betting (standard)(remote platform) operating licence also holds a non-remote general betting (standard) operating licence or a non-remote general betting (limited) operating licence.”

Fees for ancillary remote operating licences

15. In regulation 14—

(1) for paragraph (4) substitute—

“(4) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote general betting (limited) operating licence;
- (b) authorises the licensee to provide facilities for betting only in circumstances in which each bet made or accepted pursuant to the licence occurs—
 - (i) by means of a telephone or by email, and
 - (ii) otherwise than by wholly automated means; and
- (c) authorises the licensee only to generate an annual gross gambling yield which—
 - (i) is less than the annual gross gambling yield generated by activities authorised by the non-remote operating licence, and
 - (ii) does not in any event exceed £550,000;
- (d) In sub-paragraph (b)(ii), a bet occurs otherwise than by wholly automated means if the arrangements for it are provided, operated or administered by an individual.”

(2) after paragraph (4), insert—

“(4A) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote general betting (standard) operating licence;
- (b) authorises the licensee to provide facilities for betting only—
 - (i) by means of a machine, other than a gaming machine, used for the purpose of making or accepting bets on premises in respect of which a betting premises licence has effect, or
 - (ii) in circumstances in which each bet made or accepted pursuant to the licence occurs—
 - (aa) by means of a telephone or by email, and
 - (bb) otherwise than by wholly automated means; and
- (c) in respect of facilities for betting to which sub-paragraph (b)(ii) applies, authorises the licensee only to generate an annual gross gambling yield which—
 - (i) is less than the annual gross gambling yield generated by activities authorised by the non-remote operating licence, and
 - (ii) does not in any event exceed £550,000;
- (d) In sub-paragraph (b)(ii)(bb), a bet occurs otherwise than by wholly automated means if the arrangements for it are provided, operated or administered by an individual.

(4B) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote pool betting operating licence; and
- (b) authorises the licensee to accept bets only by means of a machine, other than a gaming machine, used for the purpose of making or accepting bets on premises in respect of which a betting premises licence has effect.

- (4C) This paragraph applies to a remote operating licence which—
- (a) is held by the holder of a non-remote lottery operating (society) licence; and
 - (b) authorises the licensee to accept payments for participation in a lottery only—
 - (i) by means of remote communication, and
 - (ii) up to an aggregate sum of £250,000 during each period of 12 months ending on an anniversary of the date of issue of the licence.”;
- (3) after paragraph (6), add—
- “(6A) There is no first annual fee and no annual fee for an ancillary remote operating licence to which any of paragraphs (2) to (4B) or (5) applies.
- (6B) The first annual fee for an ancillary remote operating licence to which paragraph (4C) applies is £50.
- (6C) The annual fee for such a licence is £50.”;
- (4) omit paragraphs (7) and (8).

Fees for supplementary operating licences

16. In the heading to regulation 14A omit “non-remote”.

Combined and multiple operating licences (application fees and annual fees)

17. After regulation 15(2) insert—
- “(3) This Part does not apply to a general betting (standard)(remote platform) operating licence to which regulation 13A(3) applies.”

Application fee for combined operating licence

18. In regulation 16 for “18 to 20” substitute “18 to 20A”.

Application fee for certain combined remote licences

19. In regulation 16A(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

Annual fees and first annual fees for combined operating licences

20. In regulation 17—
- (1) in paragraph (1), for “17A and 21” substitute “17A, 21 and 21A”;
 - (2) in paragraph (2)(a), after “relates” insert “, but ignoring any new casino operating licence that is not operational”;
 - (3) in paragraph (2)(b), after “relates” insert “, but ignoring any new casino operating licence that is not operational, and”;
 - (4) after paragraph (2)(b), insert—

“(c) 50 per cent of the amount of the annual fee for a new casino operating licence that is not operational”;
 - (5) after paragraph (2), insert—

“(2A) Regulation 8(9) applies for the purposes of paragraph (2) as it applies for the purposes of regulation 8(8).”
 - (6) in paragraph (3)—

- (a) in sub-paragraph (a) after “a combined non-remote operating licence” insert “, which does not include a new casino operating licence,” ;
- (b) after sub-paragraph (a) insert—
 - “(aa) a combined non-remote operating licence that includes a new casino operating licence is the aggregate of—
 - (i) 75 per cent of the amount of the annual fee which is the highest of those payable in respect of the different kinds of licence to which the combined licence relates, but excluding the new casino operating licence;
 - (ii) 71.25 per cent of each of the other annual fees payable in respect of the licences to which the combined licence relates, but excluding the new casino operating licence; and
 - (iii) 50 per cent of the amount of the annual fee for a new casino operating licence.”

Annual fees and first annual fees for certain combined remote licences

21. In regulation 17A(1) for “This regulation” substitute “Subject to regulation 21A, this regulation”.

Fee for simultaneous applications for two operating licences

22. In regulation 18(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

Fee payable on application for a licence when another application is pending

23. In regulation 19(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

Fee payable when holder of existing licence applies for another licence

24. In regulation 20(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

Reduced fees in certain circumstances

25. After regulation 20 insert—

“Reduced fee for applications for licences in certain circumstances

20A.—(1) Where paragraph (2) or (3) applies, the application fee is 25 per cent of the application fee which, but for this regulation, would be payable.

(2) This paragraph applies to an application for a licence where—

- (a) the applicant is the transferee of the whole of the business, including the property and liabilities, of another person (“the transferor”);
- (b) at the date of the application the transferor is the holder of a licence (“the existing licence”)—
 - (i) of the same kind, or
 - (ii) if a combined licence, of one which includes the same kind, or

- (iii) where the application is for a combined licence, of one which comprises at least the kind of licence to which the application relates;
- (c) if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, it is for a licence of the same category or a lower category (by reference to the fee payable) as the existing licence;
- (d) (i) the transferor is the kind of person listed in one of the lines in column A in Table 1;
- (ii) the applicant is the kind of person listed in the corresponding line in column B; and
- (iii) the condition set out in column C is satisfied; and
- (e) the transferor has given notice to the Gambling Commission of the transferor's intention to surrender the existing licence conditional only upon the grant of the application.

Table 1

	<i>Column A (Transferor)</i>	<i>Column B (Applicant)</i>	<i>Column C (Condition)</i>
1	Individual	Company limited by shares	The transferor is the sole shareholder and sole director of the applicant.
2	Individual	Partnership	The transferor is a partner in the applicant, the applicant has only one other partner, and that other partner: <ul style="list-style-type: none"> (a) holds an operating or personal licence, or (b) is a qualified person within the meaning of regulation 2(3) of the Gambling Act 2005 (Definition of Small Scale Operator) Regulations 2006(4), or (c) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
3	Individual	Limited Liability Partnership	The transferor is a member of the applicant, the applicant has only one other member, and that other member: <ul style="list-style-type: none"> (a) holds an operating or personal licence, or (b) is a qualified person within the meaning of regulation 2(3) of the Gambling Act 2005

	Column A (Transferor)	Column B (Applicant)	Column C (Condition)
			(definition of Small Scale Operators) Regulations 2006; or (c) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
4	Partnership	Individual	The applicant was one of only two partners in the transferor and paragraph (7) of this regulation does not apply.
5	Partnership	Company limited by shares	All persons who are shareholders or directors of the applicant were partners in the transferor.
6	Partnership	Limited Liability Partnership	All persons who are members of the applicant were partners in the transferor.
7	Company limited by shares	Individual	The applicant is the sole shareholder and sole director of the transferor.
8	Company limited by shares	Limited Liability Partnership	All persons who are members of the applicant were shareholders or directors in the transferor.
9	Company limited by shares	Partnership	All persons who are partners in the applicant were shareholders or directors in the transferor.
10	Limited Liability Partnership	Individual	The applicant was one of only two members of the transferor.
11	Limited Liability Partnership	Company limited by shares	All persons who are shareholders or directors of the applicant were members of the transferor.
12	Limited Liability Partnership	Partnership	All persons who are partners in the applicant were members of the transferor.

(3) This paragraph applies to an application for a licence where—

- (a) the applicant is a person who, subject to being granted an operating licence, intends to carry on a business which was, at the date of the death of an individual (“the deceased”), being carried on by the deceased in reliance on an operating licence held by the deceased (“the former licence”);
- (b) the application is for a licence—
 - (i) of the same kind as the former licence,

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- (ii) where the former licence was a combined licence, of one of the kinds comprised in the former licence, or
- (iii) where the application is for a combined licence, it is for one which comprises only kinds of licence which were comprised in the former licence;
- (c) if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, it is for a licence of the same category or a lower category (by reference to the fee payable) as the former licence;
- (d) the application is made within six months of the date of death of the deceased; and
- (e) the applicant is the kind of person listed in one of the lines in column A in Table 2 and the conditions set out in columns B and C are each satisfied.

Table 2

	Column A (Applicant)	Column B (Condition 1)	Column C (Condition 2)
1	Individual	The applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either <ul style="list-style-type: none"> (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
2	A partner in a partnership	Each partner in the applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either <ul style="list-style-type: none"> (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
3	A member of a Limited Liability Partnership	Each member of the applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either <ul style="list-style-type: none"> (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances

Column A (Applicant)	Column B (Condition 1)	Column C (Condition 2)
		the Commission had regard in granting the licence.
4 A shareholder and director of a company limited by shares	Each shareholder and director of the applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.

(4) Where paragraph (2) of this regulation would apply but for either or both of—

- (a) the requirement contained in paragraph (2)(c), or
- (b) the condition set out in column C of Table 1,

the application fee is 75 per cent of the application fee which, but for this regulation, would be payable.

(5) Where paragraph (3) of this regulation would apply but for either or both of—

- (a) the requirement contained in paragraph 3(c), or
- (b) the condition set out in column C of Table 2,

the application fee is 75 per cent of the application fee which, but for this regulation, would be payable.

(6) Where paragraph (7) of this regulation applies the application fee is £100.

(7) This paragraph applies to an application for a licence where—

- (a) the applicant is an individual who, subject to being granted an operating licence, intends to carry on a business (“the business”) previously carried on by a partnership;
- (b) the business was carried on pursuant to an operating licence (“the former licence”) of the same kind and, if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, the same category as that to which the application relates;
- (c) the partnership comprised two partners only, of which the applicant was one, and
- (d) the former licence—
 - (i) has lapsed pursuant to section 114(1)(a) of the Act by virtue of the death of the other partner, or
 - (ii) will lapse, pursuant to section 114(2)(a) of the Act by virtue of the retirement of the other partner.

(8) This regulation does not apply to an application for an ancillary remote operating licence or a supplementary operating licence.”

Annual fees for holders of two operating licences

26. In sub-paragraphs (a), (b) and (c) of regulation 21(2), for “10 per cent” substitute “5 per cent”.

Reduced fees in certain circumstances

27. After regulation 21 insert—

“Reduced first annual fee in certain circumstances

21A.—(1) This regulation applies in any case where any of paragraphs (2), (3), (4), (5) or (7) of regulation 20A applied to the application for the licence.

(2) In this regulation “the old licence” means—

- (a) in a case to which paragraph (2) or (4) of regulation 20A applies, the existing licence;
- (b) in a case to which paragraph (3), (5) or (7) of regulation 20A applies, the former licence.

(3) Subject to paragraph (4), where this regulation applies the first annual fee for the licence is the amount calculated in accordance with the following formula—

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

where—

A is the first annual fee that would, but for this paragraph, be payable in respect of a licence of the kind and category being applied for;

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, and
- (b) the next anniversary of the issue of the old licence.

(4) Where application of the formula set out in paragraph (3) produces a negative figure there is no first annual fee for the licence.”

Change in corporate control

28. In regulation 23(1) for “where at the time the application is made the new controller is not the holder of an operating licence” substitute “except where regulation 23B applies”.

29. For regulation 23(2) substitute—

“(2) Regulation 23B applies to a change application where at the time the application is made the new controller—

- (a) is the holder of an operating licence; or
- (b) is a financial institution (as defined by article 4.5 of the Banking Consolidation Directive (5))—
 - (i) regulated by the Financial Services Authority, or
 - (ii) which has its registered office or, if it has no registered office, its head office, in an EEA state other than the United Kingdom and which is regulated by its

home state regulator as defined in paragraph 9 of Schedule 3 to the Financial Services and Markets Act 2000(6).”

30. In regulation 23A—

- (1) at the end of paragraph (1)(b) omit “and”;
- (2) after paragraph (1)(b) insert—
 - “(ba) if paragraph (5) applies, the amount determined in accordance with paragraph (6), and”;
- (3) in paragraph (1)(c) after “any” insert “other”;
- (4) after paragraph (4) insert—
 - “(5) This paragraph applies to change applications made by two or more holders of operating licences where—
 - (a) the applications are made on the same occasion and in respect of the same new controller, and
 - (b) each applicant is, in respect of each other applicant, a group company.
 - (6) Except where paragraph (c) applies, the fee payable in respect of the applications referred to in paragraph (5) is—
 - (a) in the case of the application for which the fee would be the highest if the fee for each application were calculated in accordance with paragraph (1) (but ignoring paragraph (1)(c)), the fee so calculated;
 - (b) in the case of each of the other applications, £100.
 - (c) In the case of two or more of the applications being of equally highest fee (if the fee for each application were calculated in accordance with paragraph (1)) (but ignoring paragraph (1)(c)), the fee payable—
 - (i) for each application of equally highest fee is to be determined in accordance with the following formula—
$$\left(\frac{X}{Y}\right) + ((£100 \times (Y - 1)) / Y)$$
where X is the highest fee payable and Y is the number of applications of equally highest fee; and
 - (ii) in the case of each of the other applications, is £100.”

31. In regulation 23B—

- (1) at the end of paragraph (2)(b) omit “or”;
- (2) after paragraph (2)(b) insert—
 - “(ba) the amount determined in accordance with paragraph (7) if the application is one to which paragraph (6) applies; or”.
- (3) after paragraph (5) insert—
 - “(6) This paragraph applies to change applications made by two or more holders of operating licences where—
 - (a) the applications are made on the same occasion and in respect of the same new controller, and
 - (b) each applicant is, in respect of each other applicant, a group company.

(7) Except where paragraph (c) applies, the fee payable in respect of the applications referred to in paragraph (6) is—

- (a) in the case of the application for which the fee would be the highest if the fee for each application were calculated in accordance with paragraph (1) (but ignoring paragraph (1)(c)), the fee so calculated;
- (b) in the case of each of the other applications, £100.
- (c) In the case of two or more of the applications being of equally highest fee (if the fee for each application were calculated in accordance with paragraph (1)) (but ignoring paragraph (1)(c)), the fee payable—
 - (i) for each application of equally highest fee is to be determined in accordance with the following formula—

$$\left(\frac{X}{Y}\right) + ((£100 \times (Y - 1)) / Y)$$

where X is the highest fee payable and Y is the number of applications of equally highest fee; and

- (ii) in the case of each of the other applications, is £100.”

Fees for applications to vary operating licences

32.—(1) For regulation 24(1) substitute—

“(1) Subject to regulation 24A, the fee to accompany an application under section 104(1) (a) to vary a licence by adding a licensed activity is 25 per cent of the application fee for a licence that would authorise the licensee to engage only in the licensed activity to be added.”.

- (2) In regulation 24(4) after “Subject to paragraph (8)” insert “and regulation 24A”.
- (3) In regulation 24(5)(a) for “25 per cent” substitute “20 per cent”.

33. After regulation 24 insert—

“Fees for applications to vary certain remote operating licences

24A.—(1) This paragraph applies to an application under section 104(1)(a) to vary a remote licence by adding a licensed activity in circumstances where, were the application to be granted, the resulting combined remote operating licence would be one to which regulation 16A applies.

- (2) The fee to accompany an application to which paragraph (1) applies is—
 - (a) £1,050 if the application is to add a single additional licensed activity, and
 - (b) £2,100 if it is to add two additional licensed activities.

(3) This paragraph applies to an application to which paragraph (1) applies and which also comprises an application under section 104(1)(c) to vary a condition attached to the licence, the effect of which would be to bring the licence within a new category pursuant to regulation 10.

(4) The fee to accompany an application to which paragraph (3) applies is the aggregate of the fee prescribed under paragraph (2) plus—

- (a) where the new category is higher than the category into which the licence falls at the time the application is made, 20 per cent of the application fee for a licence that falls within the new category, or
- (b) where sub-paragraph (a) does not apply, £25.”

Date for payment of first annual fee

34. For regulation 26 substitute—

“(1) Except where paragraph (2) applies, the first annual fee for a licence shall be paid within 30 days of the date on which the licence was issued.

(2) This paragraph applies to a new casino operating licence.

(3) Where paragraph (2) applies the first annual fee for a licence shall be paid within six months of the date on which the licence was issued.”

Substitution of schedules

35. For the table in Schedule 1 to the 2006 Regulations substitute the table in Schedule 1 to these Regulations.

36. For the table in Schedule 2 to the 2006 Regulations substitute the table in Schedule 2 to these Regulations.

37. For the table in Schedule 3 to the 2006 Regulations substitute the table in Schedule 3 to these Regulations.

38. For the table in Schedule 4 to the 2006 Regulations substitute the table in Schedule 4 to these Regulations.

39. For the table in Schedule 5 to the 2006 Regulations substitute the table in Schedule 5 to these Regulations.

40. For the table in Schedule 6 to the 2006 Regulations substitute the table in Schedule 6 to these Regulations.

14th March 2012

John Penrose
Parliamentary Under Secretary of State
Department for Culture, Media and Sport