



# Gambling Act 2005

## 2005 CHAPTER 19

### <sup>F1</sup>PART 8

#### PREMISES LICENCES

##### *Duration*

#### **191 Initial duration**

- (1) The Secretary of State may by regulations prescribe a period at the end of which premises licences expire (unless they cease to have effect earlier in accordance with a provision of this Part).
- (2) Regulations under this section may make provision about renewal (and may, in particular, apply or make provision similar to any provision of this Part about an application for a premises licence).
- (3) Regulations under this section may make provision which applies to licences issued before the regulations are made.
- (4) If the Secretary of State does not prescribe a period under this section in respect of a premises licence, it shall continue to have effect unless and until it ceases to have effect in accordance with a provision of this Part.

#### **Commencement Information**

- II** S. 191 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

#### **192 Surrender**

- (1) A premises licence shall cease to have effect if the licensee—
  - (a) notifies the licensing authority of his intention to surrender the licence, and

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- (b) gives the licensing authority either—
  - (i) the licence, or
  - (ii) a written statement explaining why it is not reasonably practicable to produce the licence.
- (2) As soon as is reasonably practicable after receipt of notification under subsection (1)
  - (a) the licensing authority shall notify—
    - (a) the Commission,
    - (b) either—
      - (i) in England and Wales, the chief officer of police for any area in which the premises are wholly or partly situated, or
      - (ii) in Scotland, the chief constable of the police force maintained for a police area in which the premises are wholly or partly situated, and
    - (c) Her Majesty's Commissioners of Customs and Excise.

**Commencement Information**

- I2** S. 192 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

**193 Revocation for failure to pay fee**

- (1) Where the holder of a premises licence fails to pay the annual fee in accordance with regulations under section 184 the licensing authority shall revoke the licence.
- (2) But the licensing authority may disapply subsection (1) if they think that a failure to pay is attributable to administrative error.

**Commencement Information**

- I3** S. 193 in force at 1.9.2007 by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

**194 Lapse**

- (1) In the case of a premises licence issued to an individual, the licence shall lapse if—
  - (a) the licensee dies,
  - (b) the licensee becomes, in the opinion of the licensing authority as notified to the licensee, incapable of carrying on the licensed activities by reason of mental or physical incapacity,
  - (c) the licensee becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)), [<sup>F1</sup>or a debt relief order is made in respect of the licensee (under Part 7A of the Insolvency Act 1986),] or
  - (d) sequestration of the licensee's estate is awarded under section [<sup>F2</sup>22(1) of the Bankruptcy (Scotland) Act 2016] .
- (2) In any other case a premises licence shall lapse if the licensee—
  - (a) ceases to exist, or

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- (b) goes into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- (3) If a licensing authority become aware that a premises licence issued by them has lapsed, they shall as soon as is reasonably practicable notify—
  - (a) the Commission,
  - (b) either—
    - (i) in England and Wales, the chief officer of police for any area in which the premises are wholly or partly situated, or
    - (ii) in Scotland, the chief constable of the police force maintained for a police area in which the premises are wholly or partly situated, and
  - (c) Her Majesty's Commissioners of Customs and Excise.

#### Textual Amendments

- F1** Words in s. 194(1)(c) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 55(3)** (with art. 5)
- F2** Words in s. 194(1)(d) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 28(3)**

#### Commencement Information

- I4** S. 194 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

## 195 Reinstatement

- (1) This section applies where a premises licence lapses under section 194.
- (2) During the period of six months beginning with the date of the lapse of the premises licence a person may apply to the licensing authority for the licence to be reinstated with the applicant as the licensee.
- (3) The provisions of this Part shall apply in relation to an application for reinstatement as they apply in relation to an application for a premises licence—
  - (a) subject to the provisions of this section and section 196, and
  - (b) with any other necessary modifications.
- (4) An application for reinstatement must (in addition to anything required by section 159) request that the reinstatement take effect upon the application being granted.
- (5) A licensing authority shall grant an application for reinstatement unless they think it would be wrong to do so having regard to representations made under section 161 (as applied by subsection (3) above).
- (6) On the grant of an application for the reinstatement of a premises licence the licensing authority—
  - (a) shall alter the licence so that the applicant for reinstatement becomes the licensee,
  - (b) shall specify in the licence that the reinstatement takes effect at the time when the application is granted, and
  - (c) shall make such other alteration of the licence as appears to them to be required (which may, in particular, include an alteration to reflect a decision of the

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authority under section 169 as applied by subsection (3) above to make new or varied provision for the attachment or exclusion of conditions).

**Commencement Information**

**I5** S. 195 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

**196 Reinstatement: supplemental**

- (1) An application under section 195 for the reinstatement of a premises licence must (in addition to anything required by section 159) be accompanied by—
  - (a) the licence, or
  - (b) both—
    - (i) a statement explaining why it is not reasonably practicable to produce the licence, and
    - (ii) an application under section 190 for the issue of a copy of the licence.
- (2) In the case of an application under section 190 made in accordance with subsection (1)(b)(ii) above—
  - (a) the application shall be made by the applicant for reinstatement, and
  - (b) a reference to the licence being lost, stolen or damaged shall be treated as a reference to the licence being unavailable to the applicant for reinstatement.
- (3) Regulations under section 160, as they have effect in relation to applications for reinstatement by virtue of section 195(3), may require notice to be given to specified responsible authorities (and not to all responsible authorities).
- (4) Section 161 shall have effect in relation to an application for reinstatement with the omission of the reference to interested parties.
- (5) Where an application is made under section 195 for the reinstatement of a premises licence, the licence shall have effect as if the applicant for reinstatement were the licensee during the period—
  - (a) beginning with the receipt of the application for reinstatement by the licensing authority, and
  - (b) ending with the determination of the application by the licensing authority.

**Commencement Information**

**I6** S. 196 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

**Changes to legislation:**

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