

*Changes to legislation:* There are currently no known outstanding effects  
for the Gambling Act 2005, Part 5. (See end of Document for details)

## SCHEDULES

### SCHEDULE 11

#### EXEMPT LOTTERIES

##### Modifications etc. (not altering text)

- C1** Sch. 11 applied (with modifications) (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 77](#)

#### PART 5

##### REGISTRATION WITH LOCAL AUTHORITY

###### *Local authority*

- 41 In this Part “local authority” means—
- (a) in relation to England—
    - (i) a district council,
    - (ii) a county council for a county in which there are no district councils,
    - (iii) a London borough council,
    - (iv) the Common Council of the City of London, and
    - (v) the Council of the Isles of Scilly,
  - (b) in relation to Wales,
    - (i) a county council, and
    - (ii) a county borough council, and
  - (c) in relation to Scotland, a licensing board [<sup>F1</sup>continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005 ([asp 16](#))].

##### Textual Amendments

- F1** Words in Sch. 11 para. 41(c) substituted (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), [sch. 1 para. 12\(8\)](#) (with art. 3)

##### Commencement Information

- II** Sch. 11 para. 41 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.](#))

###### *Application*

- 42 (1) A society may apply to the relevant local authority for registration under this Part.
- (2) An application under this paragraph—

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- (a) must be in the prescribed form,
- (b) must specify the purposes for which the society is conducted,
- (c) must contain such other information, and be accompanied by such documents, as may be prescribed, and
- (d) must be accompanied by the prescribed fee.

**Commencement Information**

- I2** Sch. 11 para. 42 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.)

- 43 In relation to the registration of a society, the relevant local authority is the local authority for the area in which the principal premises of the society are situated.

**Commencement Information**

- I3** Sch. 11 para. 43 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.)

*Registration*

- 44 As soon as is reasonably practicable after receipt of an application under paragraph 42 a local authority shall, subject to paragraphs 47 and 48—
- (a) enter the applicant, together with such information as may be prescribed, in a register kept by the authority for the purposes of this Part,
  - (b) notify the applicant of his registration, and
  - (c) notify the Commission of the registration.

**Modifications etc. (not altering text)**

- C2** Sch. 11 para. 44 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 75(1)** (with Sch. 4 para. 74(7)(a))

**Commencement Information**

- I4** Sch. 11 para. 44 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.)

*Gambling Commission*

- 45 As soon as is reasonably practicable after receipt of notice of a registration under paragraph 44(c) the Commission shall record the registration.

**Commencement Information**

- I5** Sch. 11 para. 45 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.)

- 46 (1) A notice under paragraph 44(c) must be accompanied by such part of the application fee as may be prescribed.

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(2) In sub-paragraph (1) “application fee” means the fee accompanying an application under paragraph 42.

**Modifications etc. (not altering text)**

**C3** Sch. 11 para. 46 excluded (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 75(1)** (with Sch. 4 para. 74(7)(a))

**Commencement Information**

**I6** Sch. 11 para. 46 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.)

*Refusal of registration*

- 47 A local authority shall refuse an application for registration if in the period of five years ending with the date of the application—
- (a) an operating licence held by the applicant for registration has been revoked under section 119(1), or
  - (b) an application for an operating licence made by the applicant for registration has been refused.

**Commencement Information**

**I7** Sch. 11 para. 47 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.)

- 48 A local authority may refuse an application for registration if they think that—
- (a) the applicant is not a non-commercial society,
  - (b) a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
  - (c) information provided in or with the application for registration is false or misleading.

**Commencement Information**

**I8** Sch. 11 para. 48 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.)

- 49 A local authority may not refuse an application for registration unless they have given the applicant an opportunity to make representations.

**Commencement Information**

**I9** Sch. 11 para. 49 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.)

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### *Revocation*

- 50 (1) A local authority may revoke a registration under this Part if they think that they would be obliged or permitted to refuse an application for the registration were it being made anew.
- (2) Where a local authority revoke a registration under this Part they shall specify that the revocation takes effect—
- (a) immediately, or
  - (b) at the end of such period, beginning with the day of the revocation and not exceeding two months, as they may specify.
- (3) A local authority may not revoke a registration under this Part unless they have given the registered society an opportunity to make representations.

#### **Commencement Information**

**I10** Sch. 11 para. 50 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.)

### *Appeal*

- 51 (1) If a local authority refuse or revoke registration under this Part—
- (a) the authority shall notify the applicant society or the formerly registered society as soon as is reasonably practicable, and
  - (b) the society may appeal to a magistrates' court.
- (2) An appeal under this paragraph must be instituted—
- (a) in a magistrates' court for a local justice area which is wholly or partly within the area of the local authority against whose decision the appeal is brought,
  - (b) by notice of appeal given to the designated officer, and
  - (c) in the period of 21 days beginning with the day on which the society is notified of the refusal or revocation of registration, and
- (3) On an appeal under this paragraph a magistrates' court may—
- (a) affirm the local authority's decision;
  - (b) reverse the local authority's decision;
  - (c) make any other order (which may include transitional provision).
- (4) In relation to registration in Scotland—
- (a) sub-paragraph (1)(b) shall have effect as if the reference to a magistrate's court were a reference to a sheriff whose sheriffdom is wholly or partly within the area of the local authority against whose decision the appeal is brought,
  - (b) sub-paragraph (2)(a) and (b) shall not have effect, and
  - (c) sub-paragraph (3) shall have effect as if the reference to a magistrate's court were a reference to the sheriff.

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**Commencement Information**

- I11** Sch. 11 para. 51 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.)

*Cancellation*

- 52 A registered society may apply in writing to the registering authority for the registration to be cancelled.

**Commencement Information**

- I12** Sch. 11 para. 52 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.)

- 53 As soon as is reasonably practicable after receipt of an application under paragraph 52 a local authority shall—
- (a) cancel the registration,
  - (b) notify the formerly registered society of the cancellation, and
  - (c) notify the Commission of the cancellation.

**Commencement Information**

- I13** Sch. 11 para. 53 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.)

*Annual fee*

- 54 (1) A registered society shall pay an annual fee to the registering local authority.
- (2) An annual fee—
- (a) shall be paid within such period before each anniversary of the registration as may be prescribed, and
  - (b) shall be of the prescribed amount.
- (3) If a registered society fails to comply with this paragraph the registering authority may cancel the society's registration.
- (4) If a local authority cancel a registration under sub-paragraph (3) the authority shall as soon as is reasonably practicable notify—
- (a) the formerly registered society, and
  - (b) the Commission.

**Modifications etc. (not altering text)**

- C4** Sch. 11 para. 54(2) modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 75(3)**

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**Commencement Information**

**I14** Sch. 11 para. 54 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.)

*Retention of records*

- 55 (1) Where a statement is sent to a local authority under paragraph 39 the authority shall—
- (a) retain it for at least 18 months,
  - (b) make it available for inspection by members of the public at all reasonable times, and
  - (c) make arrangements for the provision of a copy of it or part of it to any member of the public on request.
- (2) But a local authority may refuse to provide access or a copy unless the person seeking access or a copy pays a fee specified by the authority.
- (3) A local authority may not specify a fee under sub-paragraph (2) which exceeds the reasonable cost of providing the service sought (but in calculating the cost of providing a service to a person the authority may include a reasonable share of expenditure which is referable only indirectly to the provision of that service).

**Commencement Information**

**I15** Sch. 11 para. 55 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.)

*Interpretation: “prescribed”*

- 56 In this Part “prescribed” means prescribed by the Secretary of State by regulations except that, in the following provisions, it means prescribed by the Scottish Ministers by regulations—
- (a) in paragraph 42(2)(d), where the application is made to a local authority in Scotland,
  - (b) in paragraph 46(1), where the local authority giving notice is in Scotland, and
  - (c) in paragraph 54(2)(b), where the registering local authority is in Scotland.

**Commencement Information**

**I16** Sch. 11 para. 56 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.)

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