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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Gambling Act 2005 (“the Act”) gives the Scottish Ministers powers to make regulations which provide for conditions to be attached to premises licences under sections 167 and 168 of the Act. Two types of conditions may be attached. The conditions attached to premises licences under section 168 will attach to all specified types of premises licence, unless they are excluded by the licensing authority responsible for issuing the premises licence (“default conditions”). The conditions attached to premises licences under section 167 will attach to all specified types of premises licence and can only be amended or excluded by further regulations made by the Scottish Ministers (“mandatory conditions”).

These Regulations provide for various conditions to be attached to premises licences.

Regulation 3 sets out mandatory conditions that will apply to all premises licences.

Regulation 4 provides for various conditions to be attached to casino premises licences. The conditions set out in Part 1 of Schedule 1 will be attached as mandatory conditions to all casino premises licences. In addition, the following mandatory conditions will apply to the following types of premises licence—

- the conditions set out in Part 2 of Schedule 1 will be attached to regional casino premises licences;

- the conditions set out in Part 3 of Schedule 1 will be attached to large casino premises licences;

- the conditions set out in Part 4 of Schedule 1 will be attached to small casino premises licences;

- the conditions set out in Part 5 of Schedule 1 will be attached to converted casino premises licences. Converted casino premises licences are the type of licence granted to persons who were already operating casinos when the Act came into force.

Regulation 5 provides that the conditions set out in Part 6 of Schedule 1 to the Regulations will be attached as default conditions to all casino premises licences. As described above, these conditions can be excluded by licensing authorities under section 169 of the Act. Should they choose to exclude these conditions, licensing authorities have the discretion to attach new conditions to the premises licence which address a matter that was addressed by the excluded condition.

Regulation 6 provides that the conditions set out in Part 1 of Schedule 2 to the Regulations will be attached as mandatory conditions to all bingo premises licences. Regulation 7 provides that the conditions set out in Part 2 to that Schedule will be attached as default conditions to all bingo premises licences.

Regulations 8 and 9 provide that the mandatory conditions set out in Schedules 3 and 4 will be attached to adult gaming centre premises licences and family entertainment centre premises licences respectively. No default conditions will attach to these types of premises licence.

Regulation 10 provides that the conditions set out in Part 1 of Schedule 5 will be attached as mandatory conditions to betting premises licences, other than betting premises licences in respect of premises that are tracks. Regulation 11 provides that the conditions set out in Part 2 of that Schedule will be attached as default conditions to betting premises licences (other than in respect of premises that are tracks).

Regulation 12 provides that the conditions set out in Part 1 of Schedule 6 will be attached as mandatory conditions to all betting premises licences in respect of premises that are tracks (“track

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premises licences”). In addition, it provides that the following mandatory conditions will be attached to the following types of premises licence–

the conditions set out in Part 2 of Schedule 6 will be attached to track premises licences in respect of premises that are horse-racing tracks;

the conditions set out in Part 3 of Schedule 6 will be attached to track premises licences in respect of premises that are dog-racing tracks.

Regulation 13 provides that the conditions set out in Part 4 of Schedule 6 will be attached as default conditions to all track premises licences.