

2007 No. 311

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Fees No. 2) (Scotland)
Regulations 2007**

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| <i>Made</i> - - - - | <i>6th June 2007</i> |
| <i>Laid before the Scottish Parliament</i> | <i>7th June 2007</i> |
| <i>Coming into force</i> - - | <i>1st August 2007</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 282(2)(b) and (5)(b) and 355(1) of, and paragraphs 2(e), 15(2)(a), 16(2), 24(3) and 30 of Schedule 12 to, the Gambling Act 2005(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Gambling Act 2005 (Fees No. 2) (Scotland) Regulations 2007 and come into force on 1st August 2007.

Interpretation

2. In these Regulations—

“the Act” means the Gambling Act 2005;

“the 1968 Act” means the Gaming Act 1968(b);

“the 1976 Act” means the Licensing (Scotland) Act 1976(c);

“existing Part 2 operator” means a person who is registered under Part 2 of the 1968 Act (a “Part 2 registration”) and whose application under paragraph 1 of Schedule 12 to the Act—

- (a) relates to the same or substantially the same premises as those to which the Part 2 registration relates; and
- (b) is made before the date which is “the relevant date” in terms of paragraph 80(3) to (5) of Schedule 4 to the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(d);

“existing Part 3 operator” means a person who is registered under Part 3 of the 1968 Act (a “Part 3 registration”) and whose application under paragraph 1 of Schedule 12 to the Act—

- (a) relates to the same or substantially the same premises as those to which the Part 3 registration relates; and
- (b) is made before the date which is “the relevant date” in terms of paragraph 88(3) to (5) of Schedule 4 to the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006;

(a) 2005 c.19.
(b) 1968 c.65.
(c) 1976 c.66.
(d) S.I. 2006/3272.

“Licensing Board” means a Board continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005(a);

“relevant alcohol licence” means any licence granted under section 9(1) of the 1976 Act provided it is not an off-sale licence.

Application of regulations 4 to 7

3. Regulations 4 to 7 prescribe fees in respect of cases where–

- (a) an application is or has been made to a Licensing Board under Schedule 12 to the Act; and
- (b) the applicant or holder of the permit in question is not the holder of a certificate of registration under section 105 of the 1976 Act(b) or a relevant alcohol licence.

Fee for application for permit

4. The fee to accompany an application under paragraph 1 of Schedule 12 to the Act is–

- (a) £100 where the application is made by an existing Part 2 or Part 3 operator;
- (b) £200 in any other case.

Fee for application to vary permit

5. The fee to accompany an application to vary a permit under paragraph 15(1) of Schedule 12 to the Act is £100.

Fee for application for copy of permit

6. The fee to accompany an application for a copy of a permit under paragraph 16(1) of Schedule 12 to the Act is £15.

Fee for application for renewal of permit

7. The fee to accompany an application for renewal of a permit under paragraph 24(1) of Schedule 12 to the Act is £200.

Fee under section 282(2)(b) of the Act

8. The fee prescribed for the purposes of section 282(2)(b) of the Act is £50 in the case of premises in respect of which a relevant alcohol licence has effect.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
6th June 2007

(a) 2005 asp 16.

(b) Section 105 was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 106(7), by the Fire (Scotland) Act 2005 (asp 5), Schedule 3, paragraph 8(2)(e), and by S.S.I. 2006/475.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe certain fees under the Gambling Act 2005 (“the Act”).

Regulations 4 to 7 set fees in connection with club gaming permits and club machine permits under Schedule 12 to the Act. That Schedule applies in Scotland only in respect of members’ clubs, commercial clubs and miners’ welfare institutes which do not hold a certificate or licence under the Licensing (Scotland) Act 1976 authorising the sale of alcohol.

Regulation 8 prescribes a fee of £50 under section 282(2)(b) of the Act. That section authorises up to two Category C or D gaming machines to be made available on alcohol licensed premises if the person who holds the relevant licence has notified the Licensing Board of an intention to make gaming machines available and has paid the prescribed fee.

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