



Gambling Act 2005

2005 CHAPTER 19

PART 8

PREMISES LICENCES

Maintenance

184 Annual fee

- (1) The holder of a premises licence—
 - (a) shall pay a first annual fee to the licensing authority within such period after the issue of the licence as may be prescribed, and
 - (b) shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.
- (2) In this section “annual fee” means a fee of such amount as may be prescribed; and “prescribed” means prescribed by regulations made—
 - (a) in relation to premises licences issued by authorities in England and Wales, by the Secretary of State, and
 - (b) in relation to premises licences issued by authorities in Scotland, by the Scottish Ministers.
- (3) Regulations prescribing the annual fee may, in particular, make different provision for—
 - (a) licences authorising different classes of activity, or
 - (b) different circumstances.
- (4) The Secretary of State may by regulations—
 - (a) require a licensing authority to refund a prescribed part of an annual fee paid under this section where a premises licence ceases to have effect otherwise than on or immediately before an anniversary of its issue,
 - (b) require a licensing authority to refund a prescribed part of an annual fee paid under this section if a premises licence is altered under section 186, 187, 188

Status: This is the original version (as it was originally enacted).

or 202 and the annual fee for the licence as altered is less than the annual fee for the licence before alteration, and

- (c) require a licensee to pay an additional amount by way of annual fee if a premises licence is altered under section 186, 187, 188 or 202 and the annual fee for the licence as altered is more than the annual fee for the licence before alteration.
- (5) In relation to premises licences issued by authorities in Scotland, subsection (4) shall have effect as if the reference to the Secretary of State were a reference to the Scottish Ministers.
- (6) Subsection (1)(b) does not apply in relation to an anniversary of the issue of a licence on or immediately before which the licence expires in accordance with regulations under section 191(1).

185 Availability of licence

- (1) The holder of a premises licence shall—
- (a) keep the licence on the premises, and
 - (b) arrange for the licence to be made available on request to—
 - (i) a constable,
 - (ii) an enforcement officer, or
 - (iii) an authorised local authority officer.
- (2) A person commits an offence if he fails without reasonable excuse to comply with subsection (1).
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

186 Change of circumstance

- (1) If the holder of a premises licence ceases to reside or attend at the address specified in the licence under section 151(1)(b) he shall as soon as is reasonably practicable—
- (a) notify the licensing authority, and
 - (b) inform the licensing authority of a home or business address at which he resides or attends.
- (2) The Secretary of State may make regulations requiring the holder of a premises licence—
- (a) to notify the licensing authority of any change of circumstance of a prescribed kind in relation to him or to an authorised activity, and
 - (b) to give the licensing authority prescribed details of the change.
- (3) If a change of circumstance notified under or by virtue of this section falsifies information contained in the premises licence in accordance with section 151, the notification must be accompanied by—
- (a) the prescribed fee, and
 - (b) either—
 - (i) the licence, or
 - (ii) an application under section 190 for a copy of the licence.

- (4) Where notification is accompanied by the licence, the licensing authority shall—
 - (a) make such alteration to the information contained in the licence as appears to them to be required by the change in circumstance, and
 - (b) return the licence to the licensee.
- (5) Where the notification is accompanied by an application for a copy of the licence, the licensing authority shall, if they grant the application, issue the copy in a form which appears to them to reflect the change in circumstance.
- (6) The holder of a premises licence commits an offence if he fails without reasonable excuse to comply with a provision of this section or of regulations made under this section.
- (7) A person guilty of an offence under subsection (6) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) This section does not prevent the imposition of a requirement to notify the licensing authority of a specified change of circumstance by way of the attachment of a condition to a premises licence.
- (9) In subsection (3)(a) “prescribed” means—
 - (a) in relation to notification given to authorities in England and Wales, prescribed by regulations made by the Secretary of State, and
 - (b) in relation to notifications given to authorities in Scotland, prescribed by regulations made by the Scottish Ministers.

187 Application to vary licence

- (1) The holder of a premises licence may apply to the licensing authority to vary the licence by—
 - (a) adding, amending or removing an authorised activity,
 - (b) amending another detail of the licence,
 - (c) excluding a condition attached by virtue of section 168, or
 - (d) adding, amending or removing a condition attached to the licence under section 169.
- (2) A licence may not be varied under this section so as to relate to premises to which it did not previously relate.
- (3) The provisions of this Part shall apply in relation to an application for variation as they apply in relation to an application for a premises licence—
 - (a) subject to the provisions of this section, and
 - (b) with any other necessary modifications.
- (4) Regulations under this Part which relate to an application for a premises licence may make—
 - (a) provision which applies only in the case of an application for variation;
 - (b) provision which does not apply in the case of an application for variation;
 - (c) different provision in relation to an application for variation from that made in relation to an application for a premises licence;
 - (d) different provision in relation to applications for variations of different kinds.

Status: This is the original version (as it was originally enacted).

- (5) An application for variation must (in addition to anything required by section 159) be accompanied by a statement of the variation sought.
- (6) An application for variation must (in addition to anything required by section 159) also be accompanied by —
 - (a) the licence to be varied, 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.
- (7) In granting an application for variation a licensing authority—
 - (a) shall specify a time when the variation shall begin to have effect, and
 - (b) may make transitional provision.

188 Transfer

- (1) A person may apply to a licensing authority for a premises licence to be transferred to him.
- (2) The provisions of this Part shall apply in relation to an application for transfer as they apply in relation to an application for a premises licence—
 - (a) subject to the provisions of this section and section 189, and
 - (b) with any other necessary modifications.
- (3) An application for transfer must (in addition to anything required by section 159)—
 - (a) specify the time when the transfer is to take effect, and
 - (b) be accompanied by a written statement by the licensee consenting to the transfer.
- (4) A licensing authority shall grant an application for transfer unless they think it would be wrong to do so having regard to representations made under section 161 (as applied by subsection (2) above).
- (5) On the grant of an application for the transfer of a premises licence the licensing authority—
 - (a) shall alter the licence so that the applicant for the transfer becomes the licensee,
 - (b) shall specify in the licence the time when the transfer takes effect (being either the time specified in the application under subsection (3) above or, if later, 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 authority under section 169 as applied by subsection (2) above to make new or varied provision for the attachment or exclusion of conditions).
- (6) A licence to which a condition is attached under section 169 for the purpose of giving effect to an agreement entered into under paragraph 5(3)(b) of Schedule 9 (“the original agreement”) shall not be transferred unless—
 - (a) the transferee enters into an agreement (“the new agreement”) which appears to the licensing authority to have substantially the same effect as the original agreement, and

- (b) the condition is altered so as to give effect to the new agreement.

189 Transfer: supplemental

- (1) If an application for transfer under section 188 states that the applicant has failed to contact the licensee having taken all reasonable steps to do so, the licensing authority shall—
 - (a) disapply section 188(3)(b) and take all reasonable steps to notify the licensee, or
 - (b) determine not to disapply section 188(3)(b) and notify the applicant of their determination and the reasons for it.
- (2) An application for transfer 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 by the licensee under section 190 for the issue of a copy of the licence.
- (3) In relation to an application for transfer to which subsection (1) applies, for the purposes of any application under section 190 required in accordance with subsection (2)(b)(ii) above—
 - (a) the application under that section shall be made by the applicant for transfer, 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 transfer.
- (4) Regulations under section 160, as they have effect in relation to applications for transfer by virtue of section 188(2), may require notice to be given to specified responsible authorities (and not to all responsible authorities).
- (5) Section 161 shall have effect in relation to an application for transfer with the omission of the reference to interested parties.
- (6) If an application for the transfer of a premises licence includes a request that this subsection apply, the licence shall have effect as if the applicant for transfer were the licensee during the period—
 - (a) beginning with the receipt of the application for transfer by the licensing authority, and
 - (b) ending with the determination of the application by the licensing authority.

190 Copy of licence

- (1) Where a premises licence issued, or a summary given, under section 164 is lost, stolen or damaged, the licensee may apply to the licensing authority for a copy.
- (2) An application under subsection (1) must be accompanied by the prescribed fee.
- (3) A licensing authority shall consider an application under this section as soon as is reasonably practicable and shall grant it if satisfied—

Status: This is the original version (as it was originally enacted).

- (a) that the licence or summary to which the application relates has been lost, stolen or damaged, and
 - (b) where the licence or summary has been lost or stolen, that the loss or theft has been reported to the police.
- (4) As soon as is reasonably practicable after granting an application under this section a licensing authority shall issue a copy of the licence or summary to the applicant—
- (a) certified by the authority as a true copy, and
 - (b) in, or in relation to, the form in which the licence had effect before the loss, theft or damage.
- (5) A copy of a licence or summary issued under this section shall be treated as if it were the licence or summary.
- (6) In subsection (2) “prescribed” means—
- (a) in relation to applications to authorities in England and Wales, prescribed by regulations made by the Secretary of State, and
 - (b) in relation to applications to authorities in Scotland, prescribed by regulations made by the Scottish Ministers.