
Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Cancellation and forfeiture. (See end of Document for details)

SCHEDULES

SCHEDULE 12

CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

Cancellation and forfeiture

- 21 (1) The licensing authority which issued a permit may cancel it if the authority think—
- (a) that the premises on which the holder of the permit conducts its activities are used wholly or mainly by children, by young persons or by both, or
 - (b) that an offence, or a breach of a condition of a permit, has been committed in the course of gaming activities carried on by the holder of the permit.
- (2) Before cancelling a permit under this paragraph a licensing authority shall—
- (a) give the holder of the permit at least 21 days' notice of the authority's intention to consider cancelling the permit,
 - (b) consider any representations made by the holder,
 - (c) hold a hearing if the holder requests one, and
 - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to cancel a permit.
- (3) If a licensing authority cancel a permit they shall as soon as is reasonably practicable give notice of the cancellation and the reasons for it to—
- (a) the holder,
 - (b) the Commission, and
 - (c) the chief officer of police for any area in which the premises to which the permit relates are wholly or partly situated.
- (4) The cancellation of a permit shall not take effect until—
- (a) the period specified in paragraph 25(5)(c) has expired without an appeal being brought, or
 - (b) any appeal brought has been determined.

Modifications etc. (not altering text)

- C1** Sch. 12 para. 21(2)-(4) applied (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. 84(11), (14) (with art. 12(2)-(5), Sch. 4 paras. 81-85)
- C2** Sch. 12 para. 21(2)-(4) applied (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. 92(11), (14) (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)

Commencement Information

- II** Sch. 12 para. 21 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

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I2 Sch. 12 para. 21 in force at 1.8.2007 by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)

- 22 (1) The licensing authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 14.
- (2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.

Commencement Information

I3 Sch. 12 para. 22 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.)

- 23 (1) Where the holder of a permit, or an officer of the holder of a permit, is convicted of an offence under this Act by or before a court in Great Britain, the court may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
- (a) the court which orders forfeiture,
 - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
 - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under sub-paragraph (1).
- (4) The terms on which a forfeiture order is made under this paragraph shall, in particular, include a requirement that the holder deliver to the licensing authority who issued the permit, within such time as the order may specify—
- (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making an order for forfeiture under this paragraph the court shall notify the licensing authority who issued the permit.

Modifications etc. (not altering text)

C3 Sch. 12 para. 23 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. 92(12), (14) (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)

C4 Sch. 12 para. 23 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. 84(12), (14) (with art. 12(2)-(5), Sch. 4 paras. 81-85)

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I4 Sch. 12 para. 23 in force at 21.5.2007 by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

I5 Sch. 12 para. 23 in force at 1.8.2007 by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)

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