

*Status: Point in time view as at 21/05/2007.*

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

## SCHEDULES

### SCHEDULE 12

#### CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

##### *Consideration of application*

- 4 A person who receives a copy of an application for a permit in accordance with paragraph 3 may object to the application within the prescribed period of time and in the prescribed manner.

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

- C1** Sch. 12 para. 4 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. 80(1), **(2)** (with art. 12(2)-(5), Sch. 4 paras. 81-85) (as amended (29.4.2007) by S.I. 2007/1157, art. 12(2)(a))
- C2** Sch. 12 para. 4 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. 88(2)** (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)

##### **Commencement Information**

- I1** Sch. 12 para. 4 in force at 21.5.2007 for specified purposes 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))

- 5 The licensing authority to whom an application for a permit is made shall consider the application and—
- (a) grant it, or
  - (b) refuse it.

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

- C3** Sch. 12 para. 5(b) 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. 80(1), **(2)** (with art. 12(2)-(5), Sch. 4 paras. 81-85) (as amended (29.4.2007) by S.I. 2007/1157, art. 12(2)(a))
- C4** Sch. 12 para. 5(b) 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. 88(2)** (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)

##### **Commencement Information**

- I2** Sch. 12 para. 5 in force at 21.5.2007 for specified purposes 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))

- 6 (1) A licensing authority may refuse an application for a permit only on one or more of the following grounds (having regard to the matters mentioned in paragraph 27)—
- (a) that the applicant is not—

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- (i) in the case of an application for a club gaming permit, a members' club or a miners' welfare institute, or
  - (ii) in the case of an application for a club machine permit, a members' club, a commercial club or a miners' welfare institute,
  - (b) that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
  - (c) 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 applicant,
  - (d) that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
  - (e) that an objection to the application has been made under paragraph 4.
- (2) If a licensing authority are satisfied in relation to an application for a permit of the matters specified in sub-paragraph (1)(a) or (b), they shall refuse the application.

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

- C5** Sch. 12 para. 6 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. 88(2)** (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)
- C6** Sch. 12 para. 6 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. 80(1), **(2)** (with art. 12(2)-(5), Sch. 4 paras. 81-85) (as amended (29.4.2007) by S.I. 2007/1157, art. 12(2)(a))

**Commencement Information**

- I3** Sch. 12 para. 6 in force at 21.5.2007 for specified purposes 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))

- 7 (1) Before refusing an application for a permit a licensing authority must hold a hearing to consider the application and any objection made under paragraph 4.
- (2) But a licensing authority may dispense with the requirement for a hearing with the consent of—
- (a) the applicant, and
  - (b) any person who has made (and not withdrawn) an objection under paragraph 4.

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

- C7** Sch. 12 para. 7 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. 88(2)** (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)
- C8** Sch. 12 para. 7 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. 80(1), **(2)** (with art. 12(2)-(5), Sch. 4 paras. 81-85) (as amended (29.4.2007) by S.I. 2007/1157, art. 12(2)(a))

**Commencement Information**

- I4** Sch. 12 para. 7 in force at 21.5.2007 for specified purposes 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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- 8 (1) Where a licensing authority grant an application for a permit they shall as soon as is reasonably practicable—
- (a) give notice of their decision and, where an objection was made under paragraph 4, of the reasons for it to—
    - (i) the applicant,
    - (ii) the Commission, and
    - (iii) the chief officer of police for any area in which the premises specified in the application are wholly or partly situated, and
  - (b) issue the permit to the applicant.
- (2) A licensing authority may not attach conditions to a permit.

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

- C9** Sch. 12 para. 8 restricted (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. 88(2)** (with art. 12(4), (5), (7)-(9), Sch. 4 paras. 89-93)
- C10** Sch. 12 para. 8 restricted (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. 80(1), **(2)** (with art. 12(2)-(5), Sch. 4 paras. 81-85) (as amended (29.4.2007) by S.I. 2007/1157, art. 12(2)(a))

**Commencement Information**

- I5** Sch. 12 para. 8 in force at 21.5.2007 for specified purposes 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))

- 9 Where a licensing authority reject an application for a permit they shall as soon as is reasonably practicable give notice of their decision and the reasons for it to—
- (a) the applicant,
  - (b) the Commission, and
  - (c) the chief officer of police for any area in which the premises specified in the application are wholly or partly situated.

**Commencement Information**

- I6** Sch. 12 para. 9 in force at 21.5.2007 for specified purposes 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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