
STATUTORY INSTRUMENTS

2006 No. 3284

The Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006.

(2) Regulations 1 to 26 and Schedules 1 to 6 come into force on 1st January 2007.

(3) Regulation 27 comes into force on 1st September 2007.

General interpretation

2.—(1) In these Regulations—

“the Act” means the Gambling Act 2005;

“ancillary remote operating licence” has the meaning given in regulation 14;

“annual fee” in relation to a licence means the fee prescribed under section 100(1)(b) for that licence;

“application fee” in relation to an application for a licence means the fee prescribed under section 69(2)(g) to accompany an application for that licence;

“combined operating licence” has the meaning given in regulation 15;

“combined non-remote operating licence” has the meaning given in regulation 15(b);

“combined remote operating licence” has the meaning given in regulation 15(a);

“converted casino premises licence” means a casino premises licence issued pursuant to an order made under paragraph 9 of Schedule 18 to the Act;

“existing casino operating licence” means a non-remote casino operating licence which authorises the licensee to operate a casino only in premises in respect of which a converted casino premises licence has effect;

“first annual fee” in relation to a licence means the fee prescribed under section 100(1)(a) in relation to that licence;

“gaming machine technical (full) operating licence” means a gaming machine technical operating licence which authorises the licensee to carry out all of the activities described in section 65(2)(h);

“gaming machine technical (software) operating licence” means a gaming machine technical operating licence which only authorises the licensee to manufacture software for a gaming machine;

“gaming machine technical (supplier) operating licence” means a gaming machine technical operating licence which only authorises the licensee to supply, install, adapt, maintain or repair a gaming machine, or part of a gaming machine;

“general betting (limited) operating licence” means—

- (a) a non-remote general betting operating licence which is subject to a condition that the licensee may not hold a betting premises licence, or
- (b) a remote general betting operating licence that—
 - (i) is subject to a condition that the licensee may not hold a non-remote betting operating licence, and
 - (ii) only authorises the licensee to—
 - (aa) provide facilities for betting by means of a telephone, and
 - (bb) generate an annual gross gambling yield which does not exceed £250,000;

“general betting (standard) operating licence” means—

- (a) a non-remote general betting operating licence that is not a general betting (limited) operating licence, or
- (b) a remote general betting operating licence that is not a general betting (limited) operating licence;

“lottery operating (external lottery manager) licence” means a lottery operating licence issued to a person proposing to act as an external lottery manager on behalf of a non-commercial society or local authority;

“lottery operating (society) licence” means a lottery operating licence which is not a lottery operating (external lottery manager) licence;

“new casino operating licence” means a non-remote casino operating licence which does not authorise the licensee to operate a casino in premises in respect of which a converted casino premises licence has effect;

“remote communication equipment” means electronic or other equipment that—

- (a) is used to facilitate remote communication, but
- (b) is not a gaming machine.

“single premises gaming” means gaming that—

- (a) takes place on one set of premises, and
- (b) is not linked with gaming that takes place on another set of premises;

“supply” does not include install, adapt, maintain or repair.

(2) A reference in these Regulations to a section is, unless the contrary intention appears, a reference to a section of the Act.

Units of division

3.—(1) This regulation defines the units by reference to which licences are to be assigned to categories for the purpose of prescribing certain fees (see regulations 6 and 10).

(2) The units are—

- (a) in relation to an operating licence—
 - (i) the annual gross gambling yield as calculated in accordance with the following formula—

A + B - C

where—

A is the total of any amounts that will be paid to the licensee by way of stakes in the relevant period in connection with the activities authorised by the licence,

B is the total of any amounts (exclusive of value added tax) that will otherwise accrue to the licensee in the relevant period directly in connection with the activities authorised by the licence, and

C is the total of any amounts that will be deducted by the licensee in respect of the provision of prizes or winnings in the relevant period in connection with the activities authorised by the licence; or

- (ii) the value of annual gross sales, which is the total amount in money or money's worth that will accrue to the licensee from sales of goods and services authorised by the licence in the relevant period;
 - (b) in relation to a non-remote existing casino operating licence the annual gross gaming yield, which is the gross gaming yield within the meaning of section 11(8) of the Finance Act 1997⁽¹⁾ to be generated in the relevant period from the premises on which gaming authorised by the licence takes place;
 - (c) in relation to a lottery operating licence the annual proceeds, which is the aggregate of the proceeds of lotteries authorised by the licence to be promoted wholly or partly in the relevant period;
 - (d) in relation to a non-remote general betting (limited) operating licence the number of working days, which is the maximum number of days in the relevant period on which the licence will authorise the licensee to undertake the activity authorised by that licence; and
 - (e) in relation to a non-remote general betting (standard) operating licence the number of licensed premises, which is the maximum number of sets of premises on which the licence will authorise the licensee to carry on the activities authorised by the licence in the relevant period.
- (3) In paragraph (2)—
- (a) a reference to anything authorised by, or that will happen pursuant to a licence includes, for the purpose of determining an application fee for that licence, anything included in the application as something to be authorised by the licence; and
 - (b) “relevant period” in relation to a licence means the period of 12 months beginning—
 - (i) where that paragraph is applied for the purpose of determining the amount of an application fee, on the day on which the licence would, if issued, take effect;
 - (ii) where that paragraph is applied for the purpose of determining the amount of a first annual fee, on the effective date;
 - (iii) where that paragraph is applied for the purpose of determining the amount of an annual fee, on the anniversary of the effective date that occurs on, or is the next to occur after, the date on which the fee becomes payable.
- (4) In paragraph (3)(b) “effective date”, in relation to a licence in respect of which an annual fee or first annual fee is prescribed, means the day on which the licence took effect.

⁽¹⁾ 1997 c. 16. Section 11 was amended by section 11(1) and (2) of the Finance Act 1998 (c. 36) and section 10(1) of the Finance Act 2006 (c. 25).

PART 2

Non-remote operating licences – application fees and annual fees

Application of this Part

4.—(1) This Part applies in respect of non-remote operating licences.

(2) A non-remote operating licence is any of the following that is not a remote operating licence within the meaning of section 67 of the Act (remote gambling):

- (a) an existing casino operating licence;
- (b) a new casino operating licence;
- (c) a bingo operating licence;
- (d) a general betting (limited) operating licence;
- (e) a general betting (standard) operating licence;
- (f) a pool betting operating licence;
- (g) a betting intermediary operating licence;
- (h) a gaming machine general operating licence for an adult gaming centre;
- (i) a gaming machine general operating licence for a family entertainment centre;
- (j) a gaming machine technical (full) operating licence;
- (k) a gaming machine technical (supplier) operating licence;
- (l) a gaming machine technical (software) operating licence;
- (m) a gambling software operating licence;
- (n) a lottery operating (external lottery manager) licence; and
- (o) a lottery operating (society) licence.

Non-remote new casino operating licences: fee categories

5. A new casino operating licence to which this Part applies:

- (a) is a category A licence if it does not authorise the holder to operate a casino other than a casino in respect of which a small casino premises licence has effect;
- (b) is a category B licence if it does not authorise the holder to operate a casino other than a casino in respect of which a small casino premises licence or a large casino premises licence has effect;
- (c) is a category C licence if it authorises the licensee to operate a casino in respect of which a small, large or regional casino premises licence has effect.

Other non-remote operating licences: fee categories

6.—(1) A licence to which this Part applies (other than a new casino operating licence) is a licence of the category indicated in the table in Schedule 1.

(2) In that table:

- (a) column (1) indicates the description of licence;
- (b) column (2) indicates the unit of division (as defined in regulation 3) by reference to which licences within that description are assigned to categories; and

- (c) columns (3) to (7) indicate the category to which a licence within that description is assigned, according to the range into which the number or amount of the unit of division authorised by the licence for the relevant period falls.

(3) In this regulation “relevant period” has the same meaning as in regulation 3.

Application fees for non-remote operating licences

7.—(1) Subject to regulations 16 and 18 to 20, the application fee—

- (a) for a category A licence is the amount indicated in column (2) of the table in Schedule 2 adjacent to the description of the licence in column (1) of that table;
- (b) for a category B licence is the amount indicated in column (3) of that table adjacent to the description of the licence in column (1);
- (c) for a category C licence is the amount indicated in column (4) of that table adjacent to the description of the licence in column (1);
- (d) for a category D licence is the amount indicated in column (5) of that table adjacent to the description of the licence in column (1);
- (e) for a category E licence is the amount indicated in column (6) of that table adjacent to the description of the licence in column (1).

(2) In applying regulations 5 and 6 for the purposes of calculating the amount of an application fee under this regulation any reference to—

- (a) the activities authorised by the licence (regulation 5), or
- (b) the number or amount of the unit of division authorised by the licence (regulation 6),

is to be treated (as appropriate) as a reference to the activities, number or amount that the licence would authorise if granted in accordance with the application.

Annual fees and first annual fees for non-remote operating licences

8.—(1) Subject to regulations 17 and 21, the annual fee—

- (a) for a category A licence is the amount indicated in column (2) of the table in Schedule 3 adjacent to the description of the licence in column (1) of that table;
- (b) for a category B licence is the amount indicated in column (3) of that table adjacent to the description of the licence in column (1);
- (c) for a category C licence is the amount indicated in column (4) of that table adjacent to the description of the licence in column (1);
- (d) for a category D licence is the amount indicated in column (5) of that table adjacent to the description of the licence in column (1);
- (e) for a category E licence is the amount indicated in column (6) of that table adjacent to the description of the licence in column (1).

(2) In applying this regulation the category to which a particular licence is assigned is to be determined as at the date by which the annual fee for the licence is payable.

(3) The first annual fee for a licence to which this Part applies is 75 per cent of the annual fee for that licence, as determined in accordance with paragraph (1).

PART 3

Remote operating licences – application fees and annual fees

Application of this Part

9. This Part applies in respect of any of the following that is a remote operating licence within the meaning of section 67 of the Act (remote gambling):

- (a) a casino operating licence;
- (b) a bingo operating licence;
- (c) a general betting (limited) operating licence;
- (d) a general betting (standard) operating licence;
- (e) a betting intermediary operating licence;
- (f) a pool betting operating licence;
- (g) a gaming machine technical (full) operating licence;
- (h) a gaming machine technical (supplier) operating licence;
- (i) a gaming machine technical (software) operating licence;
- (j) a gambling software operating licence;
- (k) a lottery operating (external lottery manager) licence; and
- (l) a lottery operating (society) licence.

Remote operating licences: fee categories

10.—(1) A licence to which this Part applies (other than a remote general betting (limited) operating licence or an ancillary remote operating licence) is a licence of the category indicated in the table in Schedule 4.

(2) In that table:

- (a) column (1) indicates the description of the licence;
- (b) column (2) indicates the unit of division (as defined in regulation 3) by reference to which licences within that description are assigned to categories; and
- (c) columns (3), (4) and (5) indicate the category to which a licence within that description is assigned, according to the range into which the number or amount of the unit of division authorised by the licence for the relevant period falls.

(3) In this regulation “relevant period” has the same meaning as in regulation 3.

Application fees for remote operating licences

11.—(1) Subject to regulations 13(1), 14(6), 16 and 18 to 20, the application fee—

- (a) for a category F licence is the amount indicated in column (2) of the table in Schedule 5 adjacent to the description of the licence in column (1) of that table;
- (b) for a category G licence is the amount indicated in column (3) of that table adjacent to the description of the licence in column (1);
- (c) for a category H licence is the amount indicated in column (4) of that table adjacent to the description of the licence in column (1).

(2) In applying regulation 10 for the purposes of calculating the amount of an application fee under this regulation any reference to the number or amount of the unit of division authorised by

the licence is to be treated as a reference to the number or amount that the licence would authorise if granted in accordance with the application.

Annual fees and first annual fees for remote operating licences

12.—(1) Subject to regulations 13(2)(b), 14(7), 17(2) and 21, the annual fee—

- (a) for a category F licence is the amount indicated in column (2) of the table in Schedule 6 adjacent to the description of the licence in column (1) of that table;
- (b) for a category G licence is the amount indicated in column (3) of that table adjacent to the description of the licence in column (1);
- (c) for a category H licence is the amount indicated in column (4) of that table adjacent to the description of the licence in column (1).

(2) In applying this regulation the category into which a particular licence falls is to be determined as at the date by which the annual fee for the licence is payable.

(3) Subject to regulations 13(2)(a), 14(8), 17(3) and 21, the first annual fee for a remote operating licence is the same amount as the annual fee.

Fees for remote general betting (limited) operating licences

13.—(1) Subject to regulations 16 and 18 to 20, the application fee for a remote general betting (limited) operating licence is £660.

(2) Subject to regulations 17 and 21—

- (a) the first annual fee for a remote general betting (limited) operating licence is £1500; and
- (b) the annual fee for such a licence is £1500.

Fees for ancillary remote operating licences

14.—(1) An ancillary remote operating licence is a licence to which any of paragraphs (2) to (5) applies.

(2) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote casino operating licence, and
- (b) only authorises the licensee to provide facilities for single premises gaming by means of remote communication equipment that is situated entirely on the set of premises on which the gaming takes place.

(3) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote bingo operating licence, and
- (b) does not authorise the licensee to provide facilities for the playing of bingo other than—
 - (i) by means of remote communication equipment, and
 - (ii) by people who are situated on licensed premises.

(4) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of—
 - (i) a non-remote general betting (limited) operating licence, or
 - (ii) a non-remote general betting (standard) operating licence, and
- (b) only authorises the licensee to provide facilities for betting by means of a telephone.

(5) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of any of the following licences—

- (i) a non-remote gaming machine technical (full) operating licence,
 - (ii) a non-remote gaming machine technical (supplier) operating licence,
 - (iii) a non-remote gaming machine technical (software) operating licence, or
 - (iv) a non-remote gambling software operating licence, and
- (b) only authorises the licensee to supply software by email.
- (6) The application fee for an ancillary remote operating licence is £100.
- (7) The first annual fee for an ancillary remote operating licence is £25.
- (8) The annual fee for an ancillary remote operating licence is £25.
- (9) Nothing in this regulation limits the generality of the powers conferred by sections 75, 77 and 78 of the Act (conditions imposed by Commission (general and individual) and the Secretary of State) to attach conditions to ancillary remote operating licences.

PART 4

Combined and multiple operating licences – application fees and annual fees

Combined operating licence

15. For the purposes of this Part, a combined operating licence is an operating licence which either—

- (a) combines more than one of the kinds of licence described in regulation 4 (a “combined non-remote operating licence”), or
- (b) combines more than one the kinds of licence described in regulation 9 (a “combined remote operating licence”).

Application fee for combined operating licence

16. Subject to regulations 18 to 20, the application fee for a combined operating licence is the sum of—

- (a) the application fee which is the highest of those payable in respect of the different kinds of licence to which the combined licence relates; and
- (b) 25 per cent of each of the other application fees payable in respect of the licences to which the combined licence relates.

Annual fees and first annual fees for combined operating licences

17.—(1) This regulation is subject to regulation 21.

(2) The annual fee for a combined operating licence shall be the aggregate of—

- (a) the annual fee which is the highest of those payable in respect of the different kinds of licence to which the combined licence relates; and
- (b) 90 per cent of each of the other annual fees payable in respect of the licences to which the combined licence relates.

(3) The first annual fee for—

- (a) a combined non-remote operating licence is 75 per cent of the amount of the annual fee that would be payable for such a licence under paragraph (2) (were the annual fee to be payable when the first annual fee is payable);

- (b) a combined remote operating licence is the same amount as the annual fee so prescribed (were the annual fee to be payable when the first annual fee is payable).

Fee for simultaneous applications for two operating licences

18.—(1) This regulation applies where a person applies for—

- (a) a non-remote operating licence, and
- (b) a remote operating licence (other than an ancillary remote operating licence),

at the same time.

(2) The relevant licence is the licence referred to in paragraph (1) the application for which, apart from this regulation, would attract the lesser application fee.

(3) The application fee for the relevant licence is 25 per cent of the application fee that would, but for this regulation, be payable in respect of that licence.

Fee payable on application for a licence when another application is pending

19.—(1) This regulation applies where a person who has applied for an operating licence (“the first application”) applies for another operating licence (“the second application”) before the first application has been determined in accordance with section 74.

(2) Where —

- (a) the application fee that would, but for this regulation, be payable for the second application (“the usual fee”) is less than the application fee payable for the first application, the application fee for the second application is 25 per cent of the usual fee;
- (b) the usual fee is greater than the application fee payable for the first application, the application fee for the second application is the usual fee less 75 per cent of the fee paid in respect of the first application.

(3) In paragraph (1) “operating licence” does not include an ancillary remote operating licence.

Fee payable when holder of existing licence applies for another licence

20.—(1) This regulation applies where a person who holds an operating licence (“the first licence”) applies for another operating licence (“the second application”).

(2) Where—

- (a) the application fee that would, but for this regulation, be payable for the second application (“the usual fee”) is less than the application fee paid for the first licence, the application fee for the second application is 25 per cent of the usual fee;
- (b) the usual fee is greater than the application fee paid for the first licence, the application fee for the second application is the usual fee less 75 per cent of the fee paid in respect of the first licence.

(3) In paragraph (1) “operating licence” does not include an ancillary remote operating licence.

Annual fees for holders of two operating licences

21.—(1) This regulation applies where a person holds both—

- (a) a non-remote operating licence, and
- (b) a remote operating licence that is not an ancillary remote operating licence,

(“the licences”).

(2) Where a first annual fee (“the relevant first annual fee”) is paid—

- (a) for both of the licences on the same day, the lower of the two fees is reduced by 10 per cent;
 - (b) for one of the licences and that fee is lower than the first annual fee previously paid for the other licence, the relevant first annual fee is reduced by 10 per cent;
 - (c) for one of the licences and that fee is greater than the first annual fee previously paid for the other licence, the relevant first annual fee is reduced by an amount equal to 10 per cent of the fee already paid.
- (3) Where an annual fee (“the relevant annual fee”) is paid—
- (a) for both of the licences on the same day, the lower of the two fees is reduced by 10 per cent;
 - (b) for one of the licences and that fee is lower than the annual fee paid for the other licence (on the last occasion on which it was paid), the relevant annual fee is reduced by 10 per cent;
 - (c) for one of the licences and that fee is greater than the annual fee paid for the other licence (on the last occasion on which it was paid), the relevant annual fee is reduced by an amount equal to 10 per cent of the fee already paid.
- (4) Paragraph (3) is not to apply where the annual fee which was previously paid in respect of the other licence was reduced in accordance with that paragraph.

Interpretation

22. In regulations 18 and 21—

- “non-remote operating licence” includes a combined non-remote operating licence, and
- “remote operating licence” includes a combined remote operating licence.

PART 5

Other prescribed fees relating to operating licences

Change in corporate control application fee

23.—(1) Subject to the following paragraphs, the fee to accompany an application under section 102(2)(b) (a “change application”) in relation to an operating licence is 75 per cent of the application fee which would be payable for such a licence at the time the change application is made (determined by regulations 7, 11 and 13(1)).

(2) The fee to accompany a change application in relation to an ancillary remote operating licence is £100.

(3) The fee to accompany a change application in relation to a combined operating licence is 75 per cent of the fee referred to in regulation 16(a).

(4) But paragraph (3) shall not apply to applications to which paragraph (5) applies.

(5) This paragraph applies to change applications made by a person simultaneously in relation to—

- (a) a non-remote operating licence, and
- (b) a remote operating licence that is not an ancillary remote operating licence,

held by that person.

(6) The fee to accompany each of the applications to which paragraph (5) applies is the amount calculated in accordance with the following formula—

$(0.75 \times A) + 2$

where A is the greater of the two application fees payable for such licences at the time the change applications are made (determined by regulations 7, 11 and 13(1)).

(7) In paragraph (5)—

“non-remote operating licence” includes a combined non-remote operating licence, and

“remote operating licence” includes a combined remote operating licence.

Fees for applications to vary operating licences

24.—(1) The fee to accompany an application under section 104(1)(a) to vary a licence by adding or amending a licensed activity is, respectively, 25 per cent of the application fee for a licence that would only authorise the licensee to engage in—

(a) the licensed activity to be added, or

(b) the licensed activity as amended.

(2) The fee to accompany an application under section 104(1)(a) to vary a licence by removing a licensed activity is £25.

(3) The fee to accompany an application under section 104(1)(b) to vary a licence by amending another detail of the licence is £25.

(4) The fee to accompany an application under section 104(1)(c) to vary a condition attached to a licence shall be determined in accordance with the following paragraphs.

(5) Where the effect of the application (if granted) would be to bring the licence within a new category (pursuant to regulations 5, 6 or 10), the fee is 25 per cent of the application fee for a licence that falls within that category.

(6) In any other case, the fee is 25 per cent of the application fee for a licence in the category to which the condition sought to be varied relates.

(7) But if the condition which it is sought to vary relates to more than one category, the fee shall be 25 percent of the highest of the application fees payable for licences in the categories to which the condition relates.

Maximum fee for copy of operating licence

25. The fee for issuing a copy of an operating licence under section 107 shall not exceed £25.

PART 6

Operating Licences: General

Date for payment of first annual fee

26. The first annual fee for a licence shall be paid within 30 days of the date on which the licence was issued.

PART 7

Single-machine supply and maintenance permits – application fee

Application fee for single-machine supply and maintenance permit

27. The fee to accompany an application for a permit under section 250(2) is £25.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

10th December 2006

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