
STATUTORY INSTRUMENTS

2008 No. 1803

BETTING, GAMING AND LOTTERIES

The Gambling (Operating licence and Single-Machine Permit Fees) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>4th July 2008</i>
<i>Laid before Parliament</i>		<i>8th July 2008</i>
<i>Coming into force</i>	- -	<i>1st August 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 69(2)(g) and (5), 100(2) and (3), 103(2), 104(3) and (4) and 355(1) of the Gambling Act 2005⁽¹⁾:

Citation and commencement

1. These Regulations may be cited as the Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2008 and come into force on 1st August 2008.

Amendment of the 2006 Regulations

2. The Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006⁽²⁾ (“the 2006 Regulations”) are amended as set out in Regulations 3 to 20 of these Regulations.

Amendment of regulation 2

3. In regulation 2(1) —

(a) after the definition of “application fee” insert—

““betting intermediary (trading room only) operating licence” means a betting intermediary operating licence (as defined in section 65(2)(e) of the Act) which does not authorise the holder (“H”) to act as a betting intermediary except where—

(a) any betting facilitated by a service provided by H pursuant to the licence is carried out only—

(i) by persons physically present on the premises from which H is providing the service;

(1) 2005 c. 19.

(2) S.I. 2006/3284, as amended by S.I. 2007/269 and S.I. 2007/1791.

- (ii) by means of remote communication; and
 - (iii) through intermediaries other than H; and
- (b) H is not a party to any bet made or accepted by the persons referred to in sub-paragraph (a)(i) above;”
- (b) after the definition of “new casino operating licence” insert
 ““new controller” has the same meaning as in section 102(2) of the Act;”
- (c) after the definition of “single premises gaming” insert—
 ““supplementary gambling software operating licence” (as defined in section 65(2)(i) of the Act) means a gambling software operating licence which does not authorise the holder of the licence (“H”)—
 - (a) to manufacture, supply, install or adapt gambling software other than software for use in connection with gambling facilities provided by H; or
 - (b) to incur, for the purpose of carrying out activities authorised by the licence, costs of more than £50,000 during the period of one year commencing on the day after the day on which the licence is granted, or in any subsequent one year period;
 “supplementary gaming machine technical operating licence” means a gaming machine technical operating licence (as defined in section 65(2)(h) of the Act) which does not—
 - (a) authorise the holder of the licence (“H”) to—
 - (i) manufacture a gaming machine (or part of such a machine); or
 - (ii) supply, install, adapt, maintain or repair a gaming machine (or part of such a machine) except where H is the only person who makes the machine available for use; or
 - (b) authorise H to incur, for the purpose of carrying out activities authorised by the licence, costs of more than £50,000 during the period of one year commencing on the day after the day on which the licence is granted, or in any subsequent one year period;
 “supplementary operating licence” means a supplementary gambling software operating licence or a supplementary gaming machine technical operating licence;”
- (d) in the definition of “gaming machine technical (software) operating licence” after “manufacture” insert “supply, install or adapt”.

Amendment of regulation 4

- 4. In regulation 4(2)—
 - (a) in sub-paragraph (n) omit “and”;
 - (b) for sub-paragraph (o) substitute—
 - “(o) a lottery operating (society) licence, or
 - (p) a supplementary operating licence”

New regulation 4A

- 5. After regulation 4 insert—

“Fees for non-remote supplementary operating licences

4A.—(1) The application fee for a supplementary operating licence to which this Part applies is £165.

- (2) The annual fee for such a licence is £375.
- (3) The first annual fee for such a licence is £281.25.”.

Amendment of regulation 6

6. In regulation 6(1) after “new casino operating licence” insert “or a supplementary operating licence”.

Amendment of regulation 9

- 7.** In regulation 9—
- (a) in paragraph (k) omit “and”;
 - (b) for paragraph (l) substitute—
 - “(l) a lottery operating (society) licence;
 - (m) a supplementary operating licence; or
 - (n) a betting intermediary (trading room only) operating licence”

Amendment of regulation 10

8. In regulation 10(1) for the words in parentheses substitute “(other than a remote general betting (limited) operating licence, an ancillary remote operating licence or a remote supplementary operating licence)”.

New regulation 14A

- 9.** After regulation 14 insert—

“Fees for non-remote supplementary operating licences

14A.—(1) The application fee for a supplementary operating licence to which this Part applies is £165.

- (2) The annual fee for such a licence is £375.
- (3) The first annual fee for such a licence is £281.25.”.

Amendment of regulation 15

- 10.** In regulation 15—
- (a) for the heading to the regulation substitute “**Interpretation of Part 4**”;
 - (b) the existing provision becomes paragraph (1);
 - (c) in paragraph (1)(b) after “one” insert “of”;
 - (d) after paragraph (1) add—
 - “(2) But in the application of this Part—
 - (a) a supplementary operating licence that is combined with one or more other kinds of licence; and
 - (b) an application for a supplementary operating licenceare to be disregarded.”

Amendment of regulation 20

11. In regulation 20(1) after “an operating licence” insert “other than a supplementary operating licence”.

Amendment of regulation 21

12. In regulation 21(1)—

- (a) in sub-paragraph (a) after “licence” insert “that is not a supplementary operating licence”;
- (b) in sub-paragraph (b) after “ancillary remote” insert “or supplementary”.

New regulations 23, 23A and 23B

13. For regulation 23 substitute—

“23.—(1) Regulation 23A applies to an application under section 102(2)(b) (“a change application”) where at the time the application is made the new controller is not the holder of an operating licence.

(2) Regulation 23B applies to a change application where at the time the application is made the new controller is the holder of an operating licence.

(3) Regulation 15(2) applies for the purposes of regulation 23A(1)(a) and (2) to (4) and regulations 23B(1)(a) and (4) to (6) in the same way as it applies in the application of Part 4.

23A.—(1) Where this regulation applies the fee to accompany a change application in relation to an operating licence is—

- (a) if the licence is a combined operating licence, 75 per cent of the fee referred to in regulation 16(a);
- (b) if paragraph (2) applies, the amount determined in accordance with paragraphs (3) and (4); and
- (c) in any case, 75 per cent of the application fee which would be payable in respect of an operating licence of the same kind at the time the change application is made (as determined by paragraphs 7, 11 and 12(1)).

(2) 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 (other than an ancillary remote operating licence), held by that person.

(3) The fee to accompany each of the applications referred to in paragraph (2) is the amount calculated in accordance with the following formula—

$$[(0.75 \times A) + (0.75 \times B)] \div 2$$

where A and B are the respective application fees payable for each of the licences referred to in that paragraph at the time the change applications are made (as determined in accordance with regulations 7, 11 and 13(1)).

(4) In paragraph (2)—

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

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

23B.—(1) Where this regulation applies the fee to accompany a change application is £100 if the new controller becomes a controller within the meaning of section 422 of the Financial Services and Markets Act 2000⁽³⁾ (“the FSMA”) solely by acquiring a holding of 10% or more of the shares in the company.

(2) But if the new controller becomes a controller within the meaning of section 422 of the FSMA in circumstances other than those falling within paragraph (1) the fee is—

- (a) 25 per cent of the fee referred to in regulation 16(a) if the licence to which the application relates is a combined operating licence;
- (b) the amount determined in accordance with paragraphs (4) and (5) if the application is one to which paragraph (3) applies; or
- (c) in any other case, 25 per cent of the application fee which would be payable in respect of a licence of the same kind as that to which the change application relates at the time the change application is made (as determined by paragraphs 7, 11 and 13(1)).

(3) 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 (other than an ancillary remote operating licence), held by that person

(4) The fee to accompany each of the applications to which paragraph (2) applies is the amount calculated in accordance with the following formula—

$$[(0.25 \times A) + (0.25 \times B)] \div 2$$

where A and B are the respective application fees payable for each of the licences referred to in that paragraph at the time the change applications are made (as determined in accordance with regulations 7, 11 and 13(1)).

(5) In paragraph (4)—

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

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

Amendment of regulation 24

14. In regulation 24—

(a) in paragraphs (3) and (4), for “The” substitute “Subject to paragraph (8), the”;

(b) for paragraph (5) substitute—

“(5) Where the effect of the application (if granted) would be to bring the licence within a new category (pursuant to regulation 5, 6 or 10), the fee is—

- (a) if the new category is higher than the category into which the licence falls at the time the application is made, 25 per cent of the application fee for a licence that falls within the new category, and
- (b) in all other cases £25.”;

(c) after paragraph (7), add—

“(8) The fee to accompany an application under paragraph (3) or (4) is £100 where—

(3) 2000 c. 8. There are amendments to section 422 not relevant to these Regulations.

- (a) the application is to vary a licence so as to change a reference to an individual, to an office or a post held by an individual, or to the responsibilities of an individual, an office or a post, and
 - (b) the change is of a kind in respect of which the Commission have published a notice (on their website and by any other means they consider appropriate) before the application is made to the effect that such a change requires them to examine the criminal record of any person before making the change.
- (9) For the purposes of paragraph (5)(a) one category is higher than another if the letter used to denote it comes later in the alphabet.”.

Amendment of Schedule 1 (Categories of non-remote operating licences)

15. For the table in Schedule 1 substitute the table in Schedule 1 to these Regulations.

Amendment of Schedule 2 (Application fees for non-remote operating licences)

16. For the table in Schedule 2 substitute the table in Schedule 2 to these Regulations.

Amendment of Schedule 3 (Annual fees for non-remote operating licences)

17. For the table in Schedule 3 substitute the table in Schedule 3 to these Regulations.

Amendment of Schedule 4 (Categories of remote operating licences)

18. For the table in Schedule 4 substitute the table in Schedule 4 to these Regulations.

Amendment of Schedule 5 (Application fees for remote operating licences)

19. For the table in Schedule 5 substitute the table in Schedule 5 to these Regulations.

Amendment of Schedule 6 (Annual fees for remote operating licences)

20. For the table in Schedule 6 substitute the table in Schedule 6 to these Regulations.

4th July 2008

Gerry Sutcliffe
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

SCHEDULE 1

Regulation 15

Categories of non-remote operating licences

<i>Description of licence</i>	<i>Unit of division</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
Existing casino operating licence	Annual gross gaming yield	Up to million	£5 million or greater, up to and including £25 million	£25 million or greater, up to and including £100 million	£100 million or greater, up to and including £250 million	Greater than £250 million
New casino operating licence	Nature of premises licence	Small	Large			
Bingo operating licence	Number of licensed premises	4 or fewer	5 to 15	16 to 50	51 to 99	100 or more
General betting (standard) operating licence	Number of licensed premises	4 or fewer	5 to 15	16 to 50	51 to 199	200 or more
General betting (limited) operating licence	Number of working days	75 or fewer	76 to 199	200 or more		
Pool betting operating licence	Annual gross gambling yield	Up to million	£5 million or greater, up to and including £100 million	Greater than £100 million		
Betting intermediary operating licence	Annual gross gambling yield	Up to million	£5 million or greater, up to and including £100 million	Greater than £100 million		
Gaming machine general operating licence for an adult gaming centre	Number of licensed premises	4 or fewer	5 to 15	16 to 50	51 to 99	100 or more

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<i>Description of licence</i>	<i>Unit of division</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
Gaming machine general operating licence for a family entertainment centre	Number of licensed premises	4 or fewer	5 to 15	16 to 50	51 to 99	100 or more
Gaming machine technical (full) operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, including £6 million	Greater than £6 million		
Gaming machine technical (supplier) operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, including £6 million	Greater than £6 million		
Gaming machine technical (software) operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, up to and including £6 million	Greater than £6 million		
Gambling software operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, up to and including £6 million	Greater than £6 million		
Lottery operating (external lottery manager) licence	Annual proceeds	Up to £100,000	to £100,000 or greater, up to and including £500,000	Greater than £500,000		
Lottery operating (society) licence	Annual proceeds	Up to £100,000	to £100,000 or greater, up to and including £500,000	Greater than £500,000		

SCHEDULE 2

Regulation 16

Application fees for non-remote operating licences

<i>Description of licence</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
Existing casino operating licence	£6,852	£10,277	£20,566	£20,566	£20,566
New casino operating licence	£30,148	£39,569	£45,221		
Bingo operating licence	£1,028	£1,713	£3,426	£17,986	£21,583
General betting (standard) operating licence	£1,028	£1,028	£3,597	£17,986	£42,139
General betting (limited) operating licence	£187	£374	£1,030		
Pool betting operating licence	£685	£1,713	£5,139		
Betting intermediary operating licence	£208	£208	£208		
Gaming machine general operating licence for an adult gaming centre	£1,028	£1,028	£1,713	£5,139	£17,130
Gaming machine general operating licence for a family entertainment centre	£1,028	£1,028	£1,713	£5,139	£17,130

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<i>Description of licence</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
Gaming machine	£1,028	£1,713	£17,130		
technical (full) operating licence					
Gaming machine technical (supplier) operating licence	£1,028	£1,713	£5,139		
Gaming machine technical (software) operating licence	£1,028	£5,139	£17,130		
Gambling software operating licence	£1,028	£5,139	£17,130		
Lottery operating (external lottery manager) licence	£1,028	£1,713	£2,398		
Lottery operating (society) licence	£172	£257	£342		

SCHEDULE 3

Regulation 17

Annual fees for non-remote operating licences

<i>Description of licence</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
Existing casino operating licence	£16,356	£21,752	£69,572	£310,316	£417,436

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<i>Description of licence</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
New casino operating licence	£48,825	£101,771	£203,543		
Bingo operating licence	£1,571	£7,077	£16,860	£37,579	£82,002
General betting (standard) operating licence	£1,571	£7,077	£16,860	£38,705	£222,990
General betting (limited) operating licence	£200	£467	£1,267		
Pool betting operating licence	£2,121	£4,083	£4,083		
Betting intermediary operating licence	£267	£4,083	£4,083		
Gaming machine general operating licence for an adult gaming centre	£1,564	£6,464	£12,928	£27,812	£38,705
Gaming machine general operating licence for a family entertainment centre	£1,047	£4,683	£9,365	£22,352	£37,579
Gaming machine technical (full) operating licence	£2,961	£6,325	£14,883		
Gaming machine technical	£1,201	£3,243	£4,083		

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<i>Description of licence</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Category D</i>	<i>Category E</i>
(supplier) operating licence					
Gaming machine technical (software) operating licence	£1,535	£3,861	£6,188		
Gambling software operating licence	£1,535	£3,861	£6,188		
Lottery operating (external lottery manager) licence	£1,981	£2,261	£2,541		
Lottery operating (society) licence	£348	£692	£1,392		

SCHEDULE 4

Regulation 18

Categories of remote operating licences

<i>Description of licence</i>	<i>Unit of division</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
Casino operating licence	Annual gross gambling yield	Up to £5 million	£5 million or greater, up to £100 million	£100 million or greater, up to and including £200 million	£200 million or greater, up to and including £500 million	Greater than £500 million
Bingo operating licence	Annual gross gambling yield	Up to £5 million	£5 million or greater, up to £100 million	£100 million or greater, up to and including £200 million	£200 million or greater, up to and including £500 million	Greater than £500 million
General betting (standard) operating licence	Annual gross gambling yield	Up to £5 million	£5 million or greater, up to £100 million	£100 million or greater, up to and including £200 million	£200 million or greater, up to and including £500 million	Greater than £500 million

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<i>Description of licence</i>	<i>Unit of division</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
General betting (limited) operating licence	Annual gross gambling yield	Up to £250,000				
Pool betting operating licence	Annual gross gambling yield	Up to million	£5 or greater, up to £100 million	£5 million or greater, up to £100 million	£100 million or greater, up to and including £200 million	£200 million or greater, up to and including £500 million
Betting intermediary operating licence	Annual gross gambling yield	Up to million	£5 or greater, up to £100 million	£5 million or greater, up to £100 million	£100 million or greater, up to and including £200 million	£200 million or greater, up to and including £500 million
Betting intermediary (trading room only) operating licence	Annual gross gambling yield	Up to £500,000	to £500,000 or greater, up to and including £6 million	£500,000 or greater, up to and including £6 million	Greater than £6 million	
Gaming machine technical (full) operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, up to and including £6 million	£500,000 or greater, up to and including £6 million	Greater than £6 million	
Gaming machine technical (supplier) operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, up to and including £6 million	£500,000 or greater, up to and including £6 million	Greater than £6 million	
Gaming machine technical (software) operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, up to and including £6 million	£500,000 or greater, up to and including £6 million	Greater than £6 million	
Gambling software operating licence	Value of annual gross sales	Up to £500,000	to £500,000 or greater, up to and	£500,000 or greater, up to and	Greater than £6 million	

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<i>Description of licence</i>	<i>Unit of division</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
				including £6 million		
Lottery operating (external lottery manager licence)	Annual proceeds	Up to £500,000	to £500,000 or greater, up to and including £6 million		Greater than £6 million	
Lottery operating (society) licence	Annual proceeds	Up to £100,000	to £100,000 or greater, up to and including £500,000		Greater than £500,000	

SCHEDULE 5

Regulation 19

Application fees for remote operating licences

<i>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
Casino operating licence	£6,860	£13,703	£20,580	£30,148	£39,569
Bingo operating licence	£3,430	£7,546	£17,130	£20,580	£30,148
General betting (standard) operating licence	£3,430	£7,546	£17,130	£20,580	£30,148
General betting (limited) operating licence	£624				
Betting intermediary operating licence	£6,680	£13,703	£17,130	£20,580	£30,148
Betting intermediary (trading room only)	£624	£1,028	£1,713		

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<i>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
operating licence					
Pool betting operating licence	£685	£1,713	£5,139	£5,139	£5,139
Gaming machine technical (full) operating licence	£1,028	£1,713	£17,130		
Gaming machine technical (supplier) operating licence	£1,028	£1,713	£5,139		
Gaming machine technical (software) operating licence	£1,028	£5,139	£17,130		
Gambling software operating licence	£6,680	£13,703	£17,130		
Lottery operating (external lottery manager) licence	£1,028	£1,713	£2,398		
Lottery operating (society) licence	£172	£257	£342		

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SCHEDULE 6

Regulation 20

Annual fees for remote operating licences

<i>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
Casino operating licence	£12,733	£35,885	£69,658	£110,820	£146,282
Bingo operating licence	£12,733	£35,885	£69,658	£110,820	£146,282
General betting (standard) operating licence	£12,733	£35,885	£69,658	£110,820	£146,282
General betting (limited) operating licence	£1,500				
Betting intermediary operating licence	£12,733	£35,885	£69,658	£110,820	£146,282
Betting intermediary (trading room only) operating licence	£1,500	£6,367	£17,942		
Pool betting operating licence	£1,500	£35,885	£69,658	£110,820	£146,282
Gaming machine technical (full) operating licence	£6,367	£17,942	£34,829		
Gaming machine technical (supplier) operating licence	£6,367	£17,942	£34,829		
Gaming machine	£6,367	£17,942	£34,829		

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<i>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>
technical (software) operating licence					
Gambling software operating licence	£6,367	£17,942	£34,829		
Lottery operating (external lottery manager) licence	£6,367	£17,942	£34,829		
Lottery operating (society) licence	£348	£692	£1,392		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006 (“the 2006 Regulations”) made under the Gambling Act 2005 (“the Act”). The amendments create certain new fee categories and set new levels of fees that will be payable under the 2006 Regulations from 1st August 2008.

The 2006 Regulations prescribe fees relating to operating licences (application, annual and other fees) and single-machine supply and maintenance permits (application fees only) issued under Parts 5 and 10 of the Gambling Act 2005 (“the Act”) respectively.

Regulation 3 inserts a series of new definitions into the 2006 Regulations.

The first of these defines a new fee category of a betting intermediary (trading room only) licence which is a licence which authorises a person to act as a betting intermediary but any betting facilitated by a service provided by the licence holder pursuant to the licence is carried out on the premises from which the licence holder is providing the service, and only in circumstances where the betting is carried out by persons who are (a) present on the licensed premises, (b) using remote equipment, and (c) betting through intermediaries other than the licence holder. In addition, the holder of the licence must not be a party to any bet made or accepted by those persons.

Regulation 3 also introduces two new fee categories together referred to as “supplementary operating licences”. The two new categories are a “supplementary gambling software operating licence” and a “supplementary gaming machine technical operating licence”. The former is defined as a gambling

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software operating licence (as defined in section 65(2)(i) of the Act) that authorises a person to manufacture, supply, install or adapt gambling software for use in connection with gambling facilities provided by the licence holder. The latter is defined as a gaming machine technical operating licence (as defined in section 65(2)(h) of the Act) that authorises a person to supply, install, adapt, maintain or repair a gaming machine (or part of such a machine) where the licence holder is the only person who makes the machine available for use. In relation to both new categories, the licence holder must not be authorised to incur costs of more than £50,000 for the purpose of carrying out the activities authorised by the licence during the period of one year commencing on the day after the day the licence is granted, or in any subsequent one year period.

Regulation 3 also defines the term “new controller” by reference to the local definition in section 102 of the Act for the purposes of the provisions being introduced by Regulation 13.

In addition, regulation 3 amends the definition of the existing fee category of a “gaming machine technical (software) operating licence” to include within its scope the activities of supplying, installing and adapting gambling software for a gaming machine.

Regulation 4 amends Regulation 4(2) of the 2006 Regulations by adding references to the new fee categories described above so that Part 2 of the 2006 Regulations applies in respect of non-remote licences that fall within the new categories.

Regulation 5 introduces a new regulation 4A into Part 2 of the 2006 Regulations to prescribe application, annual and first annual fees for non-remote supplementary operating licences.

Regulation 6 amends Regulation 6(1) of the 2006 Regulations to exclude non-remote supplementary operating licences from the scope of Schedule 1 to the 2006 Regulations. It is not necessary for the Schedule to apply in relation to such licences, as the fees in relation to them are determined in accordance with the new regulation 4A, and not by means of categories assigned under the Schedule.

Regulation 7 amends Regulation 9 of the 2006 Regulations by adding references to the new fee categories described above so that Part 3 of the 2006 Regulations applies in respect of remote licences that fall within the new categories.

Regulation 8 amends Regulation 10(1) of the 2006 Regulations to exclude remote supplementary operating licences from the scope of Schedule 4 to the 2006 Regulations. It is not necessary for Schedule 4 to apply in relation to such licences, as the fees in relation to them are determined in accordance with the new regulation 14A (see below), and not by means of categories assigned under the Schedule.

Regulation 9 introduces a new Regulation 14A into Part 3 of the 2006 Regulations to prescribe application, annual and first annual fees for remote supplementary operating licences.

Regulation 10 amends Regulation 15 of the 2006 Regulations by defining the extent to which the provisions of Part 4 of the 2006 Regulations (which deal with fees for combined and multiple operating licences) apply to supplementary operating licences. The effect of the amendments is that a supplementary operating licence that is combined with one or more other kinds of licence and an application for a supplementary operating licence are to be disregarded in applying Part 4 of the 2006 Regulations.

Regulations 11 and 12 exclude supplementary operating licences from the scope of regulations 20 and 21 of 2006 Regulations.

Regulation 13 substitutes new regulations 23, 23A and 23B for regulation 23 of the 2006 Regulations. These provisions modify the fees applicable in respect of an application to the Commission for a determination that an operating licence is to continue to have effect following a change of control of a company limited by shares which holds the licence. Such an application is referred to in the Regulations as a “change application”.

If the person who acquires a controlling interest is not already the holder of an operating licence at the time the application is made, the fee for a change application is to be determined in accordance

with the new regulation 23A. The applicable fee is to be determined under that provision according to whether-

- the licence in question is a combined operating licence (an operating licence that combines more than one kind of non-remote or more than one kind of remote operating licence) in which case the fee is 75% of the application fee referred to in regulation 16(a) of the 2006 Regulations, or
- change applications are made simultaneously in respect of a non-remote operating licence and a remote operating licence (other than an ancillary remote operating licence) in which case the fee is to be determined in accordance with the formula set out in new regulation 23A(3), or
- if neither of these cases applies the fee is 75% of the application fee which would be payable for an operating licence of the kind to which the change application relates at the time the application is made.

If the person who acquires a controlling interest is the holder of an operating licence at the time the application is made, the fees are to be determined in accordance with the new regulation 23B. The applicable fee is to be determined under that provision according to whether-

- the new controller becomes a controller within the meaning of section 422 of the Financial Services and Markets Act 2000 solely by acquiring a holding of 10% or more of the shares, (in which case the applicable fee is £100 regardless of whether the change application relates to a combined operating licence or a simultaneous application for a non-remote and remote operating licence), or
- the new controller becomes a controller within the meaning of the 2000 Act in circumstances other than by solely acquiring a holding of 10% or more of the shares (in which case the applicable fee is determined according to whether (a) the licence is a combined operating licence, in which case the fee is 25 per cent of the application fee referred to in regulation 16(a) of the 2006 Regulations); (b) simultaneous change applications are made in respect of a non-remote operating licence and a remote operating licence (other than an ancillary remote operating licence), in which case the fee is to be determined in accordance with the formula set out in new regulation 23B(4); or (c) in any other case the fee is 25% of the application fee which would be payable for an operating licence of the kind to which the change application relates at the time the application is made.

Regulation 14 amends regulation 24 of the 2006 Regulations (fees for applications to vary operating licences) in two respects:

- where an application to vary a condition attached to an operating licence would bring the licence into a new category under regulations 5, 6 or 10 of the 2006 Regulations, the fee is to be 25% of the application fee for a licence within that category (if the category is “higher” than, i.e. denoted by a letter in the alphabet later than, the existing category), and otherwise £25;
- where an application to vary a licence under s104(1)(b) or (c) seeks to change a reference in the licence to an individual, to an office or a post held by an individual, or to the responsibilities of an individual, an office or a post, the application fee is to be £100 if the Commission have, before the application is made, indicated (by publication on their website or by other means they consider appropriate) that a criminal records check of any person is required before the change is made.

The Regulations introduce above inflation increases to application and annual fees in relation to a number of gambling activities (e.g. non-remote and remote casino, bingo and general betting (standard) operating licences). The level of fee increases, and the extent to which these apply to different gambling activities, is based on assessment undertaken by the Gambling Commission of the level of regulatory work required to ensure compliance by gambling operators in particular sectors of the industry. Further details are contained in the Final Impact Assessment.

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

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is annexed to the Explanatory Memorandum prepared in relation to the instrument.