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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 197**

**BETTING, GAMING AND LOTTERIES**

**The Gambling (Premises Licence Fees) (Scotland) Regulations 2007**

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|--|---------|-----------------------|
| <i>Made</i>                                | - - - - | <i>7th March 2007</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>8th March 2007</i> |
| <i>Coming into force</i>                   | - -     | <i>21st May 2007</i>  |

The Scottish Ministers, in exercise of the powers conferred by sections 159(6), (7) and (8)(b), 184(1) and (2), 186(3)(a) and (9)(b), 187(3) and (4), 188(2), 190(2) and (6)(b), 195(3), 204(2) and 355(1) of the Gambling Act 2005(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Gambling (Premises Licence Fees) (Scotland) Regulations 2007 and shall come into force on 21st May 2007.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“annual fee” in relation to a premises licence means the fee payable under section 184(1)(a) or (b) for the licence,

“application fee” means—

- (a) in relation to an application for a premises licence under section 159(1) (whether it is a conversion or non-conversion application), the fee to accompany such an application payable under section 159(6)(c),
- (b) in relation to an application to vary a premises licence under section 187(1), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 187(3)),

- (c) in relation to an application to transfer a premises licence under section 188(1), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 188(2)),
- (d) in relation to an application for a copy of a premises licence under section 190(1), the fee to accompany such an application payable under section 190(2),
- (e) in relation to an application for reinstatement of a premises licence under section 195(2), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 195(3)), and
- (f) in relation to an application for a provisional statement under section 204(1), the fee to accompany such an application payable under section 159(6)(c) (as applied by section 204(2)),

“betting premises (other) licence” means a betting premises licence that is not a betting premises (track) licence,

“betting premises (track) licence” means a betting premises licence issued in respect of a track or any part of a track,

“conversion application” means an application to which paragraph 54 of Schedule 4 to the Transitional Order applies,

“converted casino premises licence” means a casino premises licence to which paragraph 65 of Schedule 4 to the Transitional Order applies,

“fast track application” means an application to which paragraph 57 of Schedule 4 to the Transitional Order applies,

“first annual fee”, in relation to a premises licence, means the fee payable under section 184(1) (a) for the licence,

“non-conversion application” means an application for a premises licence under section 159(1) that is not a conversion application,

“non-fast track application” means an application to which paragraph 56 of Schedule 4 to the Transitional Order applies,

“the Table” means the table of fees set out in the Schedule, and

“the Transitional Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(2).

(2) A reference in these Regulations to a section is a reference to the relevant section of the Gambling Act 2005.

### **Classes of premises licence**

- 3.—(1) For the purposes of these Regulations, there are the following classes of premises licence—
- (a) a regional casino premises licence,
  - (b) a large casino premises licence,
  - (c) a small casino premises licence,
  - (d) a converted casino premises licence,
  - (e) a bingo premises licence,
  - (f) an adult gaming centre premises licence,
  - (g) a betting premises (track) licence,

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(2) S.I. [2006/3272](#), to which there are amendments not relevant to this Order.

- (h) a family entertainment centre premises licence, and
- (i) a betting premises (other) licence.

(2) In applying regulations 4(b), 5(1), 9, 10, 12 and 13(1)–

- (a) the class of premises licence to which an application relates, or
- (b) the relevant class of premises licence, in the case of an application for a provisional statement,

is to be determined as at the date that the application is made.

(3) In applying regulation 6, the class of premises licence to which an annual fee relates is to be determined as at the date by which the fee is payable.

#### **Application fee for conversion application**

4. The amount of the application fee for a conversion application is–

- (a) in the case of a fast track application, £250, and
- (b) in the case of a non-fast track application, the amount specified in column (2) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

#### **Application fee for non-conversion application**

5.—(1) The amount of the application fee for a non-conversion application is–

- (a) in the case of an application in respect of provisional statement premises, the amount specified in column (3) of the Table which is opposite the class of premises licence in column (1) to which the application relates, and
- (b) in the case of an application in respect of any other premises, the amount specified in column (4) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

(2) In paragraph (1) “provisional statement premises”–

- (a) means premises in respect of which a licensing authority have issued a provisional statement under section 164 (as applied by section 204(2)), but
- (b) does not include any such premises which have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement in accordance with section 204(3).

#### **Annual fee for premises licence**

6.—(1) Subject to paragraph (2), the amount of the annual fee for a premises licence is the amount specified in column (5) of the Table which is opposite the class of premises licence in column (1) to which the fee relates.

(2) Where a premises licence is issued in consequence of the grant of a non-conversion application, the amount of the first annual fee for that licence is the amount specified in column (6) of the Table which is opposite the class of premises licence in column (1) to which the fee relates.

#### **Date by which first annual fee is payable**

7.—(1) Where a licence comes into effect on the issue date, the first annual fee for the licence shall be paid within 30 days after that date.

(2) Where a licence specifies that it is to come into effect after the issue date, the first annual fee for the licence shall be paid within—

- (a) the relevant period, or
- (b) 12 months,

after the issue date, whichever is sooner.

(3) Paragraph (2) does not apply to a premises licence issued before 1st September 2007.

(4) In this regulation—

“the issue date” means the date on which a licence is issued, and

“the relevant period”, in relation to a licence, means the period which is equal to the sum of—

- (a) the period between the issue date and the date specified in the licence as that on which it is to come into effect, and
- (b) 30 days.

#### **Change of circumstance fee**

8. The amount of the fee under section 186(3)(a) to accompany a notification of a change of circumstance under section 186(1) is £50.

#### **Fee for application to vary licence**

9. The amount of the application fee for an application to vary a licence under section 187(1) is the amount specified in column (7) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

#### **Fee for application to transfer**

10. The amount of the application fee for an application to transfer a licence under section 188(1) is the amount specified in column (8) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

#### **Fee for application for copy of licence**

11. The amount of the application fee for an application for a copy of a licence under section 190(1) is £25.

#### **Fee for application for reinstatement**

12. The amount of the application fee for an application for reinstatement of a licence under section 195(2) is the amount specified in column (8) of the Table which is opposite the class of premises licence in column (1) to which the application relates.

#### **Fee for application for provisional statement**

13.—(1) The amount of the application fee for an application for a provisional statement under section 204(1) is the amount specified in column (4) of the Table which is opposite the relevant class of premises licence in column (1).

(2) In paragraph (1), “the relevant class of premises licence”, in relation to an application for a provisional statement in respect of premises, means the class of premises licence to which an application for a licence in respect of the premises would, if made, relate.

St Andrew's House,  
Edinburgh  
7th March 2007

*GEORGE LYON*  
Authorised to sign by the Scottish Ministers

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

## SCHEDULE 1

Regulations 4 to 6 and 9, 10, 12 and 13

## Table of fees

| <i>Column (1)</i>                    | <i>Column (2)</i>                                    | <i>Column (3)</i>  | <i>Column (4)</i>  | <i>Column (5)</i> | <i>Column (6)</i>  | <i>Column (7)</i>                          | <i>Column (8)</i>   |
|--------------------------------------|--|--|--|-------------------|--|--|---|
| <i>Classes of premises licence</i>   | <i>Conversion fee for non-fast track application</i> | <i>Non-conversion fee in respect of provisional statement premises</i> | <i>Fee for – (a) non-conversion application in respect of other premises; or (b) application for provisional statement</i> | <i>Annual fee</i> | <i>First annual fee following non-conversion application</i> | <i>Fee for application to vary licence</i> | <i>Fee for application – (a) to transfer a licence; or (b) for reinstatement of a licence</i> |
| Regional casino premises licence     |  | £6,000   | £11,250  | £11,250           | £8,440   | £5,625                                     | £4,880  |
| Large casino premises licence        |  | £3,750   | £7,500   | £7,500            | £5,620   | £3,750                                     | £1,600  |
| Small casino premises licence        |  | £2,250   | £6,000   | £3,750            | £2,810   | £3,000                                     | £1,350  |
| Converted casino premises licence    | £1,500   |  |  | £2,550            |  | £1,500                                     | £1,000  |
| Bingo premises licence               | £1,200   | £840   | £2,450   | £700              | £525   | £1,200                                     | £840  |
| Adult gaming centre premises licence | £700   | £840   | £1,400   | £700              | £525   | £700                                       | £840  |
| Betting premises (track) licence     | £870   | £660   | £1,750   | £1,000            | £750   | £870                                       | £660  |
| Family entertainment                 | £700   | £660   | £1,400   | £500              | £375   | £700                                       | £660  |

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| Column<br>(1)                             | Column<br>(2)  | Column<br>(3)  | Column<br>(4)  | Column<br>(5) | Column<br>(6)  | Column<br>(7)                                | Column<br>(8)   |
|---|--|--|--|---------------|--|--|---|
| Classes<br>of<br>premises<br>licence      | Conversion<br>application<br>fee for<br>non-fast<br>track<br>application | Non-<br>conversion<br>application<br>fee in<br>respect<br>of<br>provisional<br>statement<br>premises | Fee for –<br>(a) non-<br>conversion<br>application<br>in<br>respect<br>of other<br>premises;<br>or (b)<br>application<br>for<br>provisional<br>statement | Annual<br>fee | First<br>annual<br>fee<br>following<br>non-<br>conversion<br>application | Fee for<br>application<br>to vary<br>licence | Fee for<br>application<br>– (a) to<br>transfer<br>a<br>licence;<br>or (b) for<br>reinstatement<br>of a<br>licence |
| centre<br>premises<br>licence             |  |  |  |               |  |  |   |
| Betting<br>premises<br>(other)<br>licence | £1,050   | £840   | £2,100   | £400          | £300   | £1,050                                       | £840  |

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about application, annual and other fees relating to premises licences issued under Part 8 of the Gambling Act 2005 (“the Act”).

The Regulations make provision as to the following types of fee:

- licence application fee (regulations 4 and 5),
- annual fee (regulation 6),
- notification of a change of circumstance fee (regulation 8),
- application to vary a licence fee (regulation 9),
- application to transfer a licence fee (regulation 10),
- fee for a copy of a licence (regulation 11),
- application for reinstatement of a licence fee (regulation 12), and
- provisional statement application fee (regulation 13).

In each case, the fee is that specified in the relevant regulation or in the table of fees in the Schedule. That table specifies fees according to the class of premises licence to which the fee relates. Regulation 3 sets out the different classes of premises licence. Six of these classes are identical to those set out in section 150 of the Act. The remainder are defined in regulation 2.

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Regulations 4 and 5 provide for the fees for conversion applications and non-conversion applications. The terms “conversion application” and “non-conversion application” are defined in regulation 2 – the former meaning an application to which paragraph 54 of Schedule 4 to the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (S.I.2006/3272) (“the Transitional Order”) applies.

Regulation 4 provides for two types of conversion application – fast track and non-fast track applications – which are defined in regulation 2 as meaning applications to which paragraphs 57 and 56 of Schedule 4 to the Transitional Order, respectively, apply. Regulation 4 provides that the fees for fast track and non-fast track applications are to be the amounts specified in regulation 4(a) and the table in the Schedule respectively.

Regulation 5 provides for different fees for two types of non-conversion applications:

- those in respect of provisional statement premises, and
- those in respect of any other premises.

The term “provisional statement premises” is defined in regulation 5(2).

Regulation 6 provides that the annual fee for a premises licence is to be as set out in column (5) of the table in the Schedule, except in the case of the first annual fee for a licence issued following a non-conversion application (where the fee will be as specified in column (6) of that table).

Regulation 7(1) provides that, where a licence comes into effect on the date on which it is issued (“the issue date”), the first annual fee shall be paid within 30 days after that date. Regulation 7(2) provides that, where a licence specifies that it is to come into force on a date after the issue date, the first annual fee shall be paid either within 30 days after the date of coming into force, or within 12 months of the issue date, whichever is sooner. Regulation 7(2) does not apply to licences which were issued before 1st September 2007 – transitional provision as to the payment of first annual fees in respect of such licences is made in paragraph 36 of Schedule 4 to the Transitional Order.

Regulations 8 to 13 set further fees.