
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 266

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007

Made - - - - 22nd March 2007
Coming into force - - 30th April 2007

The Scottish Ministers, in exercise of the powers conferred by sections 167 and 168 of the Gambling Act 2005(1) and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 355(9) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 and shall come into force on 30th April 2007.
- (2) These Regulations shall extend to Scotland only.

Interpretation

2. In these Regulations—
- “the Act” means the Gambling Act 2005;
 - “the 1963 Act” means the Betting, Gaming and Lotteries Act 1963(2);
 - “alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005(3);
 - “ATM” means a credit machine located on the premises which satisfies the requirements of section 177(3) of the Act;
 - “betting machine” means a wholly automated machine designed or adapted only for use to bet on future real events and includes—
 - (a) a machine that enables the customer to access an account on an internet website by means of which that person is able to place a bet on and receive winnings; and

(1) 2005 c. 19.
(2) 1963 c. 2.
(3) 2005 asp 16.

- (b) a machine which accepts bets made by the customer and issues a record of the betting transaction which enables the customer to claim winnings from a manned counter on the betting premises, or from the machine;

“betting operator” means a person who in the course of the business of a betting operating licence holder accepts or negotiates bets;

“betting operator’s assistant” means a person who carries out any other functions in the course of the business of a betting operating licence holder in connection with the licensed activities;

“converted casino premises licence” means a premises licence issued in respect of a casino in accordance with transitional provisions made under paragraph 9 of Schedule 18 to the Act;

“gambling area”, in relation to a casino premises licence, means those areas of the casino that are indicated on the plan as being the table gaming area, and any other area in which facilities for gambling may be provided;

“non-gambling area” means those areas of the casino that are available to customers and are indicated on the plan as being areas other than gambling areas;

“ordinary gaming table” means a gaming table that is not a partially or wholly automated gaming table;

“partially automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 of the Act but for its exclusion from that definition by subsection (2)(h) of that section;

“the plan”, in relation to a premises licence, means the plan of the premises that forms part of the licence by virtue of section 151(1)(g) of the Act;

“street” includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls), whether a thoroughfare or not;

“table gaming” means—

- (a) casino games played on ordinary gaming tables, or partially or wholly automated gaming tables; and
- (b) real games of equal chance, other than bingo, played on a table;

“table gaming area”, in relation to a casino premises licence, means the area indicated on the plan as being for table gaming;

“track premises licence” means a betting premises licence in respect of a track; and

“wholly automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 of the Act but for its exclusion from that definition by subsection (2)(i) of that section.

Mandatory conditions attaching to every premises licence

3.—(1) The conditions specified in paragraphs (2), (3) and (4) shall be attached as mandatory conditions to every premises licence.

(2) The summary of the premises licence shall be displayed in a prominent place within the premises.

(3) The layout of the premises shall be maintained in accordance with the plan.

(4) The premises shall not be used for—

- (a) the sale of tickets in a private lottery; or
- (b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.

Mandatory conditions attaching to casino premises licences

4.—(1) Conditions shall be attached to casino premises licences in accordance with the following paragraphs.

(2) The conditions specified in Part 1 of Schedule 1 shall be attached to casino premises licences.

(3) The conditions specified in Part 2 of Schedule 1 shall, in addition to the conditions specified in Part 1 of that Schedule, be attached to regional casino premises licences.

(4) The conditions specified in Part 3 of Schedule 1 shall, in addition to the conditions specified in Part 1 of that Schedule, be attached to large casino premises licences.

(5) The conditions specified in Part 4 of Schedule 1 shall, in addition to the conditions specified in Part 1 of that Schedule, be attached to small casino premises licences.

(6) The conditions specified in Part 5 of Schedule 1 shall, in addition to the conditions specified in Part 1 of that Schedule, be attached to converted casino premises licences.

Default condition attaching to casino premises licences

5. The condition specified in Part 6 of Schedule 1 shall be attached to a casino premises licence unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the Act.

Mandatory conditions attaching to bingo premises licences

6. The conditions specified in Part 1 of Schedule 2 shall be attached to bingo premises licences.

Default conditions attaching to bingo premises licences

7. The conditions specified in Part 2 of Schedule 2 shall be attached to a bingo premises licence unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the Act.

Mandatory conditions attaching to adult gaming centre premises licences

8. The conditions specified in Schedule 3 shall be attached to adult gaming centre premises licences.

Mandatory conditions attaching to family entertainment centre premises licences

9. The conditions specified in Schedule 4 shall be attached to family entertainment centre premises licences.

Mandatory conditions attaching to betting premises licences (other than track premises licences)

10. The conditions specified in Part 1 of Schedule 5 shall be attached to betting premises licences (other than track premises licences).

Default conditions attaching to betting premises licences (other than track premises licences)

11. The conditions specified in Part 2 of Schedule 5 shall be attached to betting premises licences (other than a track premises licence) unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the Act.

Mandatory conditions attaching to track premises licences

12.—(1) The conditions specified in Part 1 of Schedule 6 shall be attached to track premises licences.

(2) The conditions specified in Part 2 of Schedule 6 shall, in addition to the conditions specified in Part 1 of that Schedule, be attached to converted track premises licences in respect of premises that are horse-racing tracks.

(3) The conditions specified in Part 3 of Schedule 6 shall, in addition to the conditions specified in Part 1 of that Schedule, be attached to track premises licences in respect of premises that are dog-racing tracks.

Default conditions attaching to track premises licences

13. The conditions specified in Part 4 of Schedule 6 shall be attached to track premises licences unless excluded by the licensing authority who issue the licence in exercise of their powers under section 169(1)(b) of the Act.

St Andrew's House, Edinburgh
22nd March 2007

GEORGE LYON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulations 4 and 5

Conditions attaching to casino premises licences

PART 1

Mandatory conditions attaching to casino premises licences

- 1.—(1) The principal entrance to the premises shall be from a street.
- (2) Any other entrance to the premises shall not be from premises that are used wholly or mainly by children, by young persons, or by both.
- (3) No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued by virtue of section 285 of, or Schedule 10 or 12 to, the Act, has effect.
2. A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.
3. No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
- 4.—(1) The rules of each type of casino game that is available to be played in the premises shall be displayed in a prominent place within the gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.
- (2) This condition may be satisfied by placing a clear and legible sign displaying the rules within the gambling area of the premises, or by making available to customers leaflets or other written material containing the rules of the casino games available to be played in the premises.
5. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.

PART 2

Mandatory conditions attaching to regional casino premises licences

1. A notice shall be displayed in a prominent place at every entrance to the gambling area of the premises stating that no person under the age of 18 years is permitted to enter that part of the premises.
2. The gambling area of the premises shall not be capable of being seen from any part of the premises to which children, young persons, or both have access.
- 3.—(1) The premises shall contain a table gaming area the floor area of which is no less than 1000m².
- (2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.
- (3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.
- (4) No gambling shall be permitted in the table gaming area of the premises other than gambling on—

- (a) casino games that are played on an ordinary gaming table or on a partially or wholly automated gaming table; and
- (b) real games of equal chance, other than bingo, played on a table.

4.—(1) The premises shall contain a non-gambling area the floor area of which is no less than 1500m².

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

5. A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

6.—(1) A notice setting out the information in sub-paragraph (2) shall be displayed in a prominent place at the main point on the premises where charges are made for a game card (or set of game cards) in respect of a game of bingo.

(2) The notice in sub-paragraph (1) shall include the following information—

- (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
- (b) in respect of each game card (or set of game cards) referred to in sub-paragraph (a), the maximum amount that will be charged by way of a participation fee for entitlement to participate in that game; and
- (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(3) The notice may be displayed in electronic form.

(4) A reference in this paragraph to “game card” means a device which provides an individual with the opportunity to win one or more prizes in respect of a game of bingo.

(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the Act (meaning of “prize gaming”) applies.

(6) The rules of each type of bingo game that is available to be played in the premises shall be made available to customers in any part of the premises used for providing facilities for bingo and this requirement may be satisfied by—

- (a) displaying a sign setting out the rules;
- (b) making available leaflets or other written material containing the rules at each table; or
- (c) running an audio-visual guide to the rules prior to any bingo game being commenced.

7. No more than 40 separate betting positions may be made available for use in relation to a betting machine at any time.

PART 3

Mandatory conditions attaching to large casino premises licences

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2.—(1) The premises shall contain a table gaming area, the floor area of which is no less than 1000m².

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

3. No gambling shall be permitted in the table gaming area of the premises other than gambling on—

- (a) casino games that are played on an ordinary gaming table or on a partially or wholly automated gaming table; and
- (b) real games of equal chance, other than bingo, played on a table.

4.—(1) The premises shall contain a non-gambling area which comprises no less than 500m².

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are being provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

5. A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

6.—(1) A notice setting out the information in sub-paragraph (2) shall be displayed in a prominent place at the main point on the premises where charges are made for a game card (or set of game cards) in respect of a game of bingo.

(2) The notice in sub-paragraph (1) shall include the following information—

- (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
- (b) in respect of each game card (or set of game cards) referred to in sub-paragraph (a) the maximum amount that will be charged by way of a participation fee for entitlement to participate in that game; and
- (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(3) The notice may be displayed in electronic form.

(4) A reference in this paragraph to “game card” means a device which provides an individual with the opportunity to win one or more prizes in respect of a game of bingo.

(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the Act (meaning of “prize gaming”) applies.

(6) The rules of each type of bingo game that is available to be played in the premises shall be made available to customers in any part of the premises used for providing facilities for bingo and this requirement may be satisfied by—

- (a) displaying a sign setting out the rules,
- (b) making available leaflets or other written material containing the rules at each table; or
- (c) running an audio-visual guide to the rules prior to any bingo game being commenced.

7. No more than 40 separate betting positions may be made available for use in relation to a betting machine at any time.

PART 4

Mandatory conditions attaching to small casino premises licences

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2.—(1) The premises shall contain a table gaming area, the floor area of which is no less than 500m².

(2) Subject to sub-paragraph (3), in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

(3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.

3. No gambling shall be permitted in the table gaming area of the premises other than gambling on—

- (a) casino games that are played on an ordinary gaming table or on a partially or wholly automated gaming table; and
- (b) real games of equal chance, other than bingo, played on a table.

4.—(1) The premises shall contain a non-gambling area which comprises no less than 250m².

(2) Facilities for gambling shall not be provided in the non-gambling area.

(3) At any time during which facilities for gambling are being provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(4) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

5. A notice shall be displayed in a prominent place in any part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.

6. No more than 40 separate betting positions may be made available for use in relation to a betting machine at any time.

PART 5

Mandatory conditions attaching to converted casino premises licences

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2.—(1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m².

(2) In determining the floor area of the gambling area, any number of separate areas within the premises shall be taken into account.

(3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.

(4) Facilities for gambling shall not be provided in the non-gambling area.

(5) At any time during which facilities for gambling are being provided on the premises, the non-gambling area shall contain recreational facilities that are available for use by customers on the premises.

(6) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.

PART 6

Default condition attaching to casino premises licences

1. No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.

SCHEDULE 2

Regulations 6 and 7

Conditions attaching to bingo premises licences

PART 1

Mandatory conditions attaching to bingo premises licences

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence;
- (c) a betting premises licence (other than a track premises licence).

3.—(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.

(2) Where category B or C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—

- (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;
- (b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and

- (c) shall be arranged in such a way that ensures all parts of the area can be observed.
 - (3) The reference to supervision in sub-paragraph (2) means supervised by—
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.
 - (4) A notice stating that no person under the age of 18 years is permitted to access the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.
- 4.—**(1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.
- (2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.
- (3) The notice in sub-paragraph (2) shall include the following information—
 - (a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;
 - (b) in respect of each game card (or set of game cards) referred to in sub-paragraph (b) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and
 - (c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.
- (4) The notice may be displayed in electronic form.
- (5) In this paragraph a reference to “game card” means a device which provides an individual with the opportunity to win one or more prizes in respect of a game of bingo.
- (6) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the Act (meaning of “prize gaming”) applies.
- 5.** The rules of each type of game that is available to be played in the premises (other than games played on gaming machines) shall be made available to customers within the premises and this requirement may be satisfied by—
 - (a) displaying a sign setting out the rules;
 - (b) making available leaflets or other written material containing the rules at each table; or
 - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.
- 6.** Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

PART 2

Default conditions attaching to bingo premises licences

- 1.—**(1) Subject to sub-paragraph (2), no facilities for gambling shall be provided on the premises between the hours of midnight and 9am on any day.
- (2) The condition in sub-paragraph (1) shall not apply to making gaming machines available for use.

SCHEDULE 3

Regulation 8

Mandatory conditions attaching to adult gaming centre premises licences

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
2. No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued by virtue of section 285 of, or Schedule 10 or 12 to, the Act, has effect.
3. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 4.—(1) No alcohol shall be sold, or permitted to be consumed, at any time during which facilities for gambling are being provided on the premises.
(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

SCHEDULE 4

Regulation 9

Mandatory conditions attaching to family entertainment centre premises licences

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—
 - (a) a casino premises licence;
 - (b) an adult gaming centre premises licence;
 - (c) a betting premises licence (other than a track premises licence).
2. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- 3.—(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—
 - (a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access otherwise than by an entrance designed for the purpose;
 - (b) shall be supervised at all times to ensure that children or young persons or both do not enter the area; and
 - (c) shall be arranged in such a way as to permit all parts of the area to be observed.(2) The reference to supervision in sub-paragraph (1) means supervised by—
 - (a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or
 - (b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.(3) A notice stating that no person under the age of 18 years is permitted to access the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.
- 4.—(1) No alcohol shall be sold, or permitted to be consumed, at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

SCHEDULE 5

Regulations 10 and 11

Conditions attaching to betting premises licences

PART 1

Mandatory conditions attaching to betting premises licences (other than track premises licences)

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.

2.—(1) Access to the premises shall be from a street or from other premises with a betting premises licence.

(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.

3. Subject to anything permitted by virtue of the Act, or done in accordance with paragraphs 4 to 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.

4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.

5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—

(a) communicating information about, or coverage of, sporting events, including—

(i) information relating to betting on such an event; and

(ii) any other matter or information, including an advertisement, which is incidental to such an event.

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing, or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8.—(1) No alcohol shall be sold, or permitted to be consumed, at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9. A notice shall be displayed in a prominent place at every entrance to the premises setting out the terms on which persons are invited to bet on the premises.

PART 2

Default conditions attaching to betting premises licences (other than track premises licences)

1. No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

SCHEDULE 6

Regulations 12 and 13

Conditions attaching to track premises licences

PART 1

Mandatory conditions attaching to all track premises licences

1. No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—

- (a) a casino premises licence;
- (b) an adult gaming centre premises licence.

2. A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every entrance to the premises.

3. The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.

4. The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets are—

- (a) operating under a valid operating licence; and
- (b) authorised under sections 92 (general betting operating licence), 93 (pool betting operating licence) and 94 (horse-race pool betting operating licence) of the Act (as appropriate) to accept such bets.

5. The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

PART 2

Mandatory conditions attaching to track premises licences in respect of premises that are horse-racing tracks

1.—(1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-racing tracks.

(2) The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition

imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operator's assistants to use it for carrying on business in connection with providing facilities for betting.

(3) Sub-paragraph (2) is without prejudice to any application under section 187 of the Act (application to vary a premises licence) to change the location of the part of the track to which sub paragraph (2) applies.

(4) Where such an application is granted, sub-paragraph (2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operator's assistants to carry on business in connection with providing facilities for betting.

(5) References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operator's assistants to carry on business in connection with providing facilities for betting.

(6) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—

- (a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and
- (b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.

(7) A betting operator or betting operator's assistants shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.

(8) No charges may be made to betting operators and betting operator's assistants who are admitted to the existing betting areas of the track, other than—

- (a) the charge for admission in accordance with sub-paragraphs (6) and (7); and
- (b) charges levied to cover costs reasonably incurred by the licence holder in discharging the duties under paragraphs 4 and 5 of Part 1 of this Schedule.

(9) Sub-paragraph (8) is without prejudice to any agreement under which a betting operator or a betting operator's assistant is required to make payments to the licence holder in connection with any costs incurred by the licence holder in providing facilities for use by the betting operator or betting operator's assistant in carrying on business in connection with providing facilities for betting.

(10) This paragraph shall not apply after 31st August 2012.

2.—(1) Subject to sub-paragraph (2), this paragraph shall apply to all track premises licences in respect of premises that are horse-racing tracks.

(2) The licence holder shall provide a place on the premises where betting operators, who do not hold a betting premises licence, and betting operators' assistants may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.

(3) This paragraph shall only apply after 31st August 2012.

3. In this Part, "converted track premises licence" means a premises licence issued in respect of a track where—

- (a) the holder of the licence held a track betting licence under section 6 of the 1963 Act, or a certificate under section 13 of that Act, in respect of the same or substantially the same premises (referred to below as “the 1963 Act permission”);
- (b) the 1963 Act permission had effect immediately before 1st September 2007; and
- (c) the holder of the licence was granted the premises licence, under transitional provisions made under paragraph 9 of Schedule 18 to the Act, by reason of holding the 1963 Act permission.

PART 3

Mandatory conditions attaching to track premises licences in respect of premises that are dog-racing tracks

1. A totalisator on the premises shall only be operated—
 - (a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
 - (b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.
2. At any time during which the totalisator is being lawfully used on the premises—
 - (a) no betting operator or betting operator’s assistant shall be excluded from the premises by reason only of the fact that that person proposes to accept or negotiate bets on the premises; and
 - (b) there shall be made available on the premises space for betting operators and betting operator’s assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.
3. For the purposes of this Part, “totalisator” means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature whether mechanically operated or not.

PART 4

Default conditions attaching to all track premises licences

- 1.—(1) Subject to sub-paragraph (2), no facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.
 - (2) The prohibition in sub-paragraph (1) does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Gambling Act 2005 (“the Act”) gives the Scottish Ministers powers to make regulations which provide for conditions to be attached to premises licences under sections 167 and 168 of the Act. Two types of conditions may be attached. The conditions attached to premises licences under section 168 will attach to all specified types of premises licence, unless they are excluded by the licensing authority responsible for issuing the premises licence (“default conditions”). The conditions attached to premises licences under section 167 will attach to all specified types of premises licence and can only be amended or excluded by further regulations made by the Scottish Ministers (“mandatory conditions”).

These Regulations provide for various conditions to be attached to premises licences.

Regulation 3 sets out mandatory conditions that will apply to all premises licences.

Regulation 4 provides for various conditions to be attached to casino premises licences. The conditions set out in Part 1 of Schedule 1 will be attached as mandatory conditions to all casino premises licences. In addition, the following mandatory conditions will apply to the following types of premises licence—

- the conditions set out in Part 2 of Schedule 1 will be attached to regional casino premises licences;

- the conditions set out in Part 3 of Schedule 1 will be attached to large casino premises licences;

- the conditions set out in Part 4 of Schedule 1 will be attached to small casino premises licences;

- the conditions set out in Part 5 of Schedule 1 will be attached to converted casino premises licences. Converted casino premises licences are the type of licence granted to persons who were already operating casinos when the Act came into force.

Regulation 5 provides that the conditions set out in Part 6 of Schedule 1 to the Regulations will be attached as default conditions to all casino premises licences. As described above, these conditions can be excluded by licensing authorities under section 169 of the Act. Should they choose to exclude these conditions, licensing authorities have the discretion to attach new conditions to the premises licence which address a matter that was addressed by the excluded condition.

Regulation 6 provides that the conditions set out in Part 1 of Schedule 2 to the Regulations will be attached as mandatory conditions to all bingo premises licences. Regulation 7 provides that the conditions set out in Part 2 to that Schedule will be attached as default conditions to all bingo premises licences.

Regulations 8 and 9 provide that the mandatory conditions set out in Schedules 3 and 4 will be attached to adult gaming centre premises licences and family entertainment centre premises licences respectively. No default conditions will attach to these types of premises licence.

Regulation 10 provides that the conditions set out in Part 1 of Schedule 5 will be attached as mandatory conditions to betting premises licences, other than betting premises licences in respect of premises that are tracks. Regulation 11 provides that the conditions set out in Part 2 of that Schedule will be attached as default conditions to betting premises licences (other than in respect of premises that are tracks).

Regulation 12 provides that the conditions set out in Part 1 of Schedule 6 will be attached as mandatory conditions to all betting premises licences in respect of premises that are tracks (“track

premises licences”). In addition, it provides that the following mandatory conditions will be attached to the following types of premises licence—

the conditions set out in Part 2 of Schedule 6 will be attached to track premises licences in respect of premises that are horse-racing tracks;

the conditions set out in Part 3 of Schedule 6 will be attached to track premises licences in respect of premises that are dog-racing tracks.

Regulation 13 provides that the conditions set out in Part 4 of Schedule 6 will be attached as default conditions to all track premises licences.