

## **EXECUTIVE NOTE TO**

### **THE GAMBLING ACT 2005 (FEES NO. 4) (SCOTLAND) REGULATIONS 2007 S.S.I. 2007/ 461**

The above instrument was made in exercise of the powers conferred by section 219(3)(b) of the Gambling Act 2005 (c.19). The instrument is subject to the negative resolution procedure.

#### **Policy Objectives**

Part 9 of the Gambling Act enables a person holding an operating licence (granted by the Gambling Commission, the GB-wide regulatory body) to give a temporary use notice in respect of premises. Such notices authorise the premises to be used for up to 21 days in any 12-month period to provide certain gambling activities, without an offence being committed under section 37 of the Act - this makes it unlawful to use premises for gambling purposes without the appropriate premises licence.

The power to prescribe the procedures for temporary use notices rests with the Department for Culture, Media and Sport (DCMS) Secretary of State. DCMS regulations on these are being finalised and will apply on a GB-wide basis, but the power to set fees for such notices has been devolved to Scottish Ministers.

This instrument provides that a fee of £350 will be payable on giving a temporary use notice in relation to premises in Scotland.

#### **Consultation**

The fees were the subject of widespread consultation a few months ago as part of the DCMS consultation on the procedural regulations. The consultation paper is available on the DCMS website and the consultation responses will also be posted there. In finalising the fee level, the Scottish Government took account of the maximum fee that will apply in England and Wales.

#### **Financial Effects**

The fees set by this instrument (which formed part of the DCMS consultation exercise) will apply only to people wishing to provide temporary gambling in unlicensed premises. A full Regulatory Impact Assessment of the costs and benefits of the fees prepared by, and available from, the DCMS also covers the Scottish position.

Criminal Justice Directorate  
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