
STATUTORY INSTRUMENTS

2006 No. 3285

BETTING, GAMING AND LOTTERIES

The Gambling (Personal Licence Fees) Regulations 2006

<i>Made</i>	- - - -	<i>10th December 2006</i>
<i>Laid before Parliament</i>		<i>11th December 2006</i>
<i>Coming into force</i>	- -	<i>1st January 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 69(2)(g) and (5), 104(3) and (4), 107(2)(a), 128, 132(2) and (3) and 355(1) of the Gambling Act 2005(1):

Citation and commencement

1. These Regulations may be cited as the Gambling (Personal Licence Fees) Regulations 2006 and shall come into force on 1st January 2007.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Gambling Act 2005;

“maintenance fee” means a fee payable in accordance with section 132(2) of the Act (as specified in regulation 4);

“personal management licence” means a personal licence which authorises an individual to perform the functions of a management office within the meaning of section 80(5) (whether or not the licence also authorises the individual to perform a specified operational function within the meaning of section 80(6)); and

“personal functional licence” means a personal licence which does not authorise an individual to perform any function other than an operational function within the meaning of section 80(6).

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

(3) A reference in regulations 3, 5 and 6 to a section is a reference to that section as applied to personal licences by section 128(1).

(1) 2005 c.19. Sections 69(2)(g) and (5), 104(3) and (4) and 107(2)(a) apply to personal licences by virtue of section 128(1).

Application fees for personal licences

3.—(1) The fee to accompany an application for a personal licence under section 69 is—

- (a) £330, if the application is for a personal management licence; or
- (b) £165, if the application is for a personal functional licence.

(2) But if an application for a personal licence is made by means of the Commission's website, the fee to accompany that application is 90 per cent of the fee that would, but for this paragraph, be payable under paragraph (1).

(3) For the purposes of paragraph (2), an application shall not be regarded as being made by means of the Commission's website unless it contains the information or documents required by section 69(2)(a), (b), (d), (e) and (f), to the extent that such information or documents can be transmitted electronically.

Maintenance fees for personal licences

4.—(1) The holder of a personal licence shall pay a first maintenance fee to the Commission within 30 days of the fifth anniversary of the date on which the licence was issued.

(2) Thereafter the holder of a personal licence shall pay a further maintenance fee to the Commission every five years, within 30 days of the anniversary of the date on which the licence was issued.

(3) The maintenance fees payable pursuant to paragraphs (1) and (2) are—

- (a) £330, if the maintenance fee is in respect of a personal management licence; or
- (b) £165, if the maintenance fee is in respect of a personal functional licence.

Fees for applications to vary personal licences

5.—(1) The fee to accompany an application under section 104(1)(a) to vary a personal licence is—

- (a) 25 per cent of the fee payable in respect of an application for a licence of the kind sought to be varied (determined in accordance with regulation 3(1)), if the application is to add or amend a licensed activity; or
- (b) £25, if the application is to remove a licensed activity.

(2) The fee to accompany an application under section 104(1)(b) to vary a personal licence is £25.

(3) The fee to accompany an application under section 104(1)(c) to vary a personal licence is 25 per cent of the fee payable in respect of an application for a licence of the kind sought to be varied (determined in accordance with regulation 3(1)).

(4) In determining the fee to which a percentage reduction is made under this regulation, regulations 3(2) and (3) do not apply.

Maximum fee for copy of personal licence

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

10th December 2006

Richard Caborn
Minister of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe application, maintenance and other fees relating to personal licences issued under Part 6 of the Gambling Act 2005 (“Act”).

Regulation 2 defines terms used in the Regulations. Other terms used in the Regulations are defined in section 353(1) of the Act. Regulation 2(3) provides that a reference to a section of the Act in regulations 3, 5 or 6 is a reference to that section as applied to personal licences by section 128(1) of the Act.

The definitions of “personal management licence” and “personal functional licence” divide personal licences into two categories for the purposes of prescribing fees in respect of them. In practice, these categories will be created by the imposition of conditions attached to a licence under section 75, 77 or 78 of the Act (as applied to personal licences by section 128(1)).

Regulation 3 prescribes different application fees payable in respect of each category of personal licence. Regulation 3(2) provides for a discounted application fee where an application for a personal licence is made through the Gambling Commission’s website. Regulation 3(3) provides that an application shall not be regarded as being made via the Commission’s website unless it contains specified information or documents (to the extent that such information or documents can be transmitted via the website), namely:

- information as to the activities to be authorised by the licence,
- an address in the United Kingdom at which a document issued under the Act may be served on the applicant,
- information as to whether the applicant has been convicted of a relevant offence (as defined in section 126 of and Schedule 7 to the Act),
- information as to whether the applicant has been convicted of any other offence, and
- such other information or documents as the Gambling Commission may direct.

Regulation 4 prescribes different maintenance fees payable in respect of each category of personal licence. These fees are prescribed pursuant to section 132(2) of the Act, the term “maintenance fee” being used for convenience in these Regulations. The first maintenance fee is payable to the Gambling Commission within 30 days of the fifth anniversary of the date on which the licence was issued (regulation 4(1)). Thereafter, maintenance fees are payable every five years (regulation 4(2)).

Regulation 5 prescribes the fees payable in respect of an application to vary a personal licence under section 104 of the Act (as applied to personal licences by section 128(1)). Variation fees are not subject to any reduction where the application is made via the Commission’s website. The fee differs depending on the whether the application is made—

- under section 104(1)(a), to add or amend a licensed activity (regulation 5(1)(a)),
- under section 104(1)(a), to remove a licensed activity (regulation 5(1)(b)),
- under section 104(1)(b), to amend another detail of the licence (regulation 5(2)), or
- under section 104(1)(c), to add, amend or remove a condition attached to the licence (regulation 5(3)).

Regulation 6 prescribes the maximum fee payable on application for a copy of a personal licence under section 107 (as applied to personal licences by section 128(1)).

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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 available from Donald Sproson at The Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH; email: donald.sproson@culture.gsi.gov.uk.