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STATUTORY INSTRUMENTS

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**2007 No. 2159**

**The Gambling Act 2005 (Horserace Betting Levy) Order 2007**

**Modification of the Gambling Act 2005**

3.—(1) Sections 116 to 120 of the 2005 Act (review of operating licences) shall have effect until immediately before the dissolution date subject to the following modifications.

(2) The Gambling Commission must carry out a review of an operating licence under section 116(2)(c) if it is notified in writing by the Horserace Betting Levy Board that—

- (a) the holder of the operating licence is in default of the bookmakers' levy and has been so for at least three months; and
- (b) on a previous occasion (not being before the period of five years ending with the date on which the Gambling Commission receives the notice from the Horserace Betting Levy Board) he was so in default and had been so for at least three months.

(3) The Gambling Commission must exercise its powers under section 119 to revoke the operating licence (on the grounds that the condition in section 120(1)(d) applies) if—

- (a) the Commission is satisfied that the matters referred to in sub-paragraphs (a) and (b) of paragraph (2) are in fact the case; and
- (b) having notified the Horserace Betting Levy Board and the operating licence holder in writing of this decision, the Commission has received written confirmation from the Horserace Betting Levy Board that they want the operating licence to be revoked.

(4) The Gambling Commission must provide the holder of the operating licence with an opportunity to make representations on the matters referred to in sub-paragraphs (a) and (b) of paragraph (2) before reaching a decision under paragraph (3)(a).

(5) For the purposes of this article, a person is in default in respect of the bookmakers' levy if—

- (a) there has become due from him under section 28(7) of the 1963 Act an amount assessed as payable by him by way of levy, and
- (b) the whole or any part of that amount remains unpaid.