

---

STATUTORY INSTRUMENTS

---

**2012 No. 829**

**BETTING, GAMING AND LOTTERIES**

**The Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>14th March 2012</i>
<i>Laid before Parliament</i>		<i>15th March 2012</i>
<i>Coming into force</i>	- -	<i>6th April 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 69(2)(g) and (5), 100(2) and (3), 103(2), 104(3) and (4) and 355(1) of the Gambling Act 2005(1):

**Citation and commencement**

1. These Regulations may be cited as the Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2012 and come into force on 6th April 2012.

**Amendment of the 2006 Regulations**

2. The Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006(2) (the “2006 Regulations”) are amended as set out in regulations 3 to 40 of these Regulations.

**General interpretation**

3. In regulation 2(1) —

(1) in the definition of “betting intermediary (trading room only) operating licence” insert after “through intermediaries other than H”—

“, or with a person other than H who is either the holder of a remote general betting (standard) operating licence or provides facilities for remote betting the arrangements for which are subject to the law about gambling of an EEA state, Gibraltar or a country or place specified in regulations made under section 331(4) of the Act”(3).

---

(1) 2005 c.19.

(2) S.I. 2006/3284, as amended by S.I. 2007/269, S.I. 2007/1791, S.I. 2008/1803, S.I. 2008/3105 and S.I. 2009/1837.

(3) The Gambling Act 2005 (Advertising of Foreign Gambling) Regulations 2007 (S.I. 2007/2329, as amended by S.I. 2008/2829) were made under section 331(4) of the Act, and specify that the Island of Alderney, Tasmania and Antigua and Barbuda are to be treated for the purposes of section 331(2) of that section as if they were an EEA State, but only in so far as that provision applies to remote gambling.

- (2) in the definition of “combined non-remote operating licence”, for “15(b)” substitute “15(1)(a)”;
- (3) in the definition of “combined remote operating licence”, for “15(a)” substitute “15(1)(b)”;
- (4) in the definition of “general betting (limited) operating licence”—
  - (a) in paragraph (b)(ii)(aa), for “by means of a telephone” substitute—
    - “in circumstances in which each bet made or accepted pursuant to the licence occurs—
      - (i) by means of a telephone or by email, and
      - (ii) otherwise than by wholly automated means”;
  - (b) in paragraph (b)(ii)(bb), for “£250,000” substitute “£550,000”;
  - (c) after paragraph (b), insert—
    - “(c) in paragraph (b)(ii)(aa)(ii), a bet occurs otherwise than by wholly automated means if the arrangements for it are provided, operated or administered by an individual;”
- (5) after the definition of “general betting (standard)(real events) operating licence”, insert—
 

“general betting (standard)(remote platform) operating licence” means a licence which—

  - (a) falls within paragraph (b) of the definition of a general betting (standard) operating licence, and
  - (b) authorises the licensee to provide facilities for gambling only by means of a service supplied by—
    - (i) the holder of a remote betting intermediary operating licence,
    - (ii) the holder of a remote general betting (standard) operating licence, or
    - (iii) any other person who provides facilities for remote betting the arrangements for which are subject to the law about gambling of an EEA state, Gibraltar or a country or place specified in regulations made under section 331(4) of the Act;”;
- (6) after the definition of “general betting (standard)(virtual events) operating licence” insert—
 

“group company” means in respect of a company “A” any other company which is a subsidiary or holding company of A (as those terms are defined in section 1159 of the Companies Act 2006(4)) or any subsidiary of such holding company;”.

### **Units of division**

- 4. In regulation 3(2)—
  - (1) in sub-paragraph (b)—
    - (a) after “which is” insert “the aggregate of”, and
    - (b) after “section 11(8) of the Finance Act 1997” insert “and gaming machine revenue”;
  - (2) after sub-paragraph (b), insert—
    - “(ba) in sub-paragraph (b) “gaming machine revenue” means the total of amounts paid by persons in respect of the use of gaming machines less the value in money or money’s worth of the prizes won in respect of such use;”.

### **Other non-remote operating licences: fee categories**

- 5. In regulation 6(2)(c) for “(3) to (7)” substitute “(3) to (14)”.

### **Application fees for non-remote operating licences**

**6.** In regulation 7(1)—

(1) for “18 to 20” substitute “18 to 20A”;

(2) after paragraph (e) insert—

“(f) for a category E1 licence is the amount indicated in column (7) of that table adjacent to the description of the licence in column (1);

(g) for a category E2 licence is the amount indicated in column (8) of that table adjacent to the description of the licence in column (1);

(h) for a category E3 licence is the amount indicated in column (9) of that table adjacent to the description of the licence in column (1);

(i) for a category E4 licence is the amount indicated in column (10) of that table adjacent to the description of the licence in column (1);

(j) for a category E5 licence is the amount indicated in column (11) of that table adjacent to the description of the licence in column (1);

(k) for a category E6 licence is the amount indicated in column (12) of that table adjacent to the description of the licence in column (1);

(l) for a category E7 licence is the amount indicated in column (13) of that table adjacent to the description of the licence in column (1).”

### **Annual fees and first annual fees for non-remote operating licences**

**7.—(1)** In regulation 8(1)—

(a) for “17 and 21” substitute “17, 21 and 21A”;

(b) after paragraph (e) insert—

“(f) for a category E1 licence is the amount indicated in column (7) of that table adjacent to the description of the licence in column (1);

(g) for a category E2 licence is the amount indicated in column (8) of that table adjacent to the description of the licence in column (1);

(h) for a category E3 licence is the amount indicated in column (9) of that table adjacent to the description of the licence in column (1);

(i) for a category E4 licence is the amount indicated in column (10) of that table adjacent to the description of the licence in column (1);

(j) for a category E5 licence is the amount indicated in column (11) of that table adjacent to the description of the licence in column (1);

(k) for a category E6 licence is the amount indicated in column (12) of that table adjacent to the description of the licence in column (1);

(l) for a category E7 licence is the amount indicated in column (13) of that table adjacent to the description of the licence in column (1).”

(2) In regulation 8(3) for “(4) to (6)” substitute “(4) to (8)”.

(3) After regulation 8(6) insert—

“(7) The first annual fee for a new casino operating licence is 50 per cent of the annual fee for that licence as determined in accordance with paragraph (1).

(8) The annual fee for a new casino operating licence that is not operational is 50 per cent of the annual fee for that licence as determined in accordance with paragraph (1).

(9) For the purposes of paragraph (8), a new casino operating licence is operational if—

- (a) in reliance on the licence a casino is trading from premises in respect of which a casino premises licence has effect, or
- (b)
  - (i) the holder of the licence has, in accordance with a condition of the licence, notified the Commission of a date upon which it is proposed that a casino will commence trading in reliance on the licence (“the opening date”), and
  - (ii) the date by which the annual fee for the licence is payable is less than twelve months before the opening date.”

### **Application, annual and first annual fees for non-remote general betting (standard) operating licences**

**8.** In regulation 8A—

- (a) in paragraph (2) for “18 to 20” substitute “18 to 20A”,
- (b) in paragraph (4) for “17 and 21” substitute “17, 21 and 21A”,
- (c) in paragraph (5)(a) for “£1,571” substitute “£1,461”, and
- (d) in paragraph (5)(b) for “£7,077” substitute “£6,582”.

### **Application of Part 3**

**9.** In regulation 9—

- (1) in paragraph (d), for “a general betting (standard) operating licence” substitute “a general betting (standard)(real events) operating licence”;
- (2) after paragraph (d) insert—
  - “(da) a general betting (standard)(remote platform) operating licence;
  - (db) a general betting (standard)(virtual events) operating licence;”.

### **Remote operating licences: fee categories**

**10.** In regulation 10(1) after “remote general betting (limited) operating licence,” insert “a general betting (standard)(remote platform) operating licence;”.

### **Application fees for remote operating licences**

**11.** In regulation 11(1) for “18 to 20” substitute “18 to 20A”.

### **Annual fees and first annual fees for remote operating licences**

**12.** In regulation 12(1) for “17(2) and 21” substitute “17(2), 21 and 21A”.

### **Fees for remote general betting (limited) operating licences**

**13.—**(1) In regulation 13(1)—

- (a) for “18 to 20” substitute “18 to 20A”; and
  - (b) for “£660” substitute “£593”.
- (2) In regulation 13(2)(a) for “£1,500” substitute “£1,594”.
- (3) In regulation 13(2)(b) for “£1,500” substitute “£1,594”.

## **Fees for general betting (standard) (remote platform) operating licences**

14. After regulation 13 insert—

### **“Fees for general betting (standard)(remote platform) operating licences**

**13A.**—(1) Except where paragraph (3) applies—

- (a) the application fee for a general betting (standard)(remote platform) operating licence is £198;
- (b) the first annual fee for such a licence is £280;
- (c) the annual fee for such a licence is £280.

(2) Where paragraph (3) applies—

- (a) there is no application fee for a general betting (standard)(remote platform) operating licence; and
- (b) there is no first annual fee and no annual fee for such a licence.

(3) This paragraph applies where the holder of a general betting (standard)(remote platform) operating licence also holds a non-remote general betting (standard) operating licence or a non-remote general betting (limited) operating licence.”

## **Fees for ancillary remote operating licences**

15. In regulation 14—

(1) for paragraph (4) substitute—

“(4) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote general betting (limited) operating licence;
- (b) authorises the licensee to provide facilities for betting only in circumstances in which each bet made or accepted pursuant to the licence occurs—
  - (i) by means of a telephone or by email, and
  - (ii) otherwise than by wholly automated means; and
- (c) authorises the licensee only to generate an annual gross gambling yield which—
  - (i) is less than the annual gross gambling yield generated by activities authorised by the non-remote operating licence, and
  - (ii) does not in any event exceed £550,000;
- (d) In sub-paragraph (b)(ii), a bet occurs otherwise than by wholly automated means if the arrangements for it are provided, operated or administered by an individual.”.

(2) after paragraph (4), insert—

“(4A) This paragraph applies to a remote operating licence which—

- (a) is held by the holder of a non-remote general betting (standard) operating licence;
- (b) authorises the licensee to provide facilities for betting only—
  - (i) by means of a machine, other than a gaming machine, used for the purpose of making or accepting bets on premises in respect of which a betting premises licence has effect, or
  - (ii) in circumstances in which each bet made or accepted pursuant to the licence occurs—
    - (aa) by means of a telephone or by email, and

- (bb) otherwise than by wholly automated means; and
- (c) in respect of facilities for betting to which sub-paragraph (b)(ii) applies, authorises the licensee only to generate an annual gross gambling yield which—
  - (i) is less than the annual gross gambling yield generated by activities authorised by the non-remote operating licence, and
  - (ii) does not in any event exceed £550,000;
- (d) In sub-paragraph (b)(ii)(bb), a bet occurs otherwise than by wholly automated means if the arrangements for it are provided, operated or administered by an individual.
- (4B) This paragraph applies to a remote operating licence which—
  - (a) is held by the holder of a non-remote pool betting operating licence; and
  - (b) authorises the licensee to accept bets only by means of a machine, other than a gaming machine, used for the purpose of making or accepting bets on premises in respect of which a betting premises licence has effect.
- (4C) This paragraph applies to a remote operating licence which—
  - (a) is held by the holder of a non-remote lottery operating (society) licence; and
  - (b) authorises the licensee to accept payments for participation in a lottery only—
    - (i) by means of remote communication, and
    - (ii) up to an aggregate sum of £250,000 during each period of 12 months ending on an anniversary of the date of issue of the licence.”;
- (3) after paragraph (6), add—
  - “(6A) There is no first annual fee and no annual fee for an ancillary remote operating licence to which any of paragraphs (2) to (4B) or (5) applies.
  - (6B) The first annual fee for an ancillary remote operating licence to which paragraph (4C) applies is £50.
  - (6C) The annual fee for such a licence is £50.”;
- (4) omit paragraphs (7) and (8).

#### **Fees for supplementary operating licences**

- 16. In the heading to regulation 14A omit “non-remote”.

#### **Combined and multiple operating licences (application fees and annual fees)**

- 17. After regulation 15(2) insert—
  - “(3) This Part does not apply to a general betting (standard)(remote platform) operating licence to which regulation 13A(3) applies.”

#### **Application fee for combined operating licence**

- 18. In regulation 16 for “18 to 20” substitute “18 to 20A”.

#### **Application fee for certain combined remote licences**

- 19. In regulation 16A(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

### **Annual fees and first annual fees for combined operating licences**

20. In regulation 17—

- (1) in paragraph (1), for “17A and 21” substitute “17A, 21 and 21A”;
- (2) in paragraph (2)(a), after “relates” insert “, but ignoring any new casino operating licence that is not operational”;
- (3) in paragraph (2)(b), after “relates” insert “, but ignoring any new casino operating licence that is not operational, and”;
- (4) after paragraph (2)(b), insert—
  - “(c) 50 per cent of the amount of the annual fee for a new casino operating licence that is not operational”;
- (5) after paragraph (2), insert—

“(2A) Regulation 8(9) applies for the purposes of paragraph (2) as it applies for the purposes of regulation 8(8).”
- (6) in paragraph (3)—
  - (a) in sub-paragraph (a) after “a combined non-remote operating licence” insert “, which does not include a new casino operating licence,” ;
  - (b) after sub-paragraph (a) insert—
    - “(aa) a combined non-remote operating licence that includes a new casino operating licence is the aggregate of—
      - (i) 75 per cent of the amount of the annual fee which is the highest of those payable in respect of the different kinds of licence to which the combined licence relates, but excluding the new casino operating licence;
      - (ii) 71.25 per cent of each of the other annual fees payable in respect of the licences to which the combined licence relates, but excluding the new casino operating licence; and
      - (iii) 50 per cent of the amount of the annual fee for a new casino operating licence.”

### **Annual fees and first annual fees for certain combined remote licences**

21. In regulation 17A(1) for “This regulation” substitute “Subject to regulation 21A, this regulation”.

### **Fee for simultaneous applications for two operating licences**

22. In regulation 18(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

### **Fee payable on application for a licence when another application is pending**

23. In regulation 19(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

### **Fee payable when holder of existing licence applies for another licence**

24. In regulation 20(1) for “This regulation” substitute “Subject to regulation 20A, this regulation”.

## Reduced fees in certain circumstances

25. After regulation 20 insert—

### “Reduced fee for applications for licences in certain circumstances

**20A.**—(1) Where paragraph (2) or (3) applies, the application fee is 25 per cent of the application fee which, but for this regulation, would be payable.

(2) This paragraph applies to an application for a licence where—

- (a) the applicant is the transferee of the whole of the business, including the property and liabilities, of another person (“the transferor”);
- (b) at the date of the application the transferor is the holder of a licence (“the existing licence”)—
  - (i) of the same kind, or
  - (ii) if a combined licence, of one which includes the same kind, or
  - (iii) where the application is for a combined licence, of one which comprises at least the kind of licence to which the application relates;
- (c) if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, it is for a licence of the same category or a lower category (by reference to the fee payable) as the existing licence;
- (d)
  - (i) the transferor is the kind of person listed in one of the lines in column A in Table 1;
  - (ii) the applicant is the kind of person listed in the corresponding line in column B; and
  - (iii) the condition set out in column C is satisfied; and
- (e) the transferor has given notice to the Gambling Commission of the transferor’s intention to surrender the existing licence conditional only upon the grant of the application.

**Table 1**

	<i>Column A (Transferor)</i>	<i>Column B (Applicant)</i>	<i>Column C (Condition)</i>
1	Individual	Company limited by shares	The transferor is the sole shareholder and sole director of the applicant.
2	Individual	Partnership	The transferor is a partner in the applicant, the applicant has only one other partner, and that other partner: <ol style="list-style-type: none"> <li>(a) holds an operating or personal licence, or</li> <li>(b) is a qualified person within the meaning of regulation 2(3) of the Gambling Act 2005 (Definition of Small Scale Operator) Regulations 2006(5), or</li> </ol>



	<b>Column A (Transferor)</b>	<b>Column B (Applicant)</b>	<b>Column C (Condition)</b>
			(c) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
3	Individual	Limited Liability Partnership	The transferor is a member of the applicant, the applicant has only one other member, and that other member: (a) holds an operating or personal licence, or (b) is a qualified person within the meaning of regulation 2(3) of the Gambling Act 2005 (definition of Small Scale Operators) Regulations 2006; or (c) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
4	Partnership	Individual	The applicant was one of only two partners in the transferor and paragraph (7) of this regulation does not apply.
5	Partnership	Company limited by shares	All persons who are shareholders or directors of the applicant were partners in the transferor.
6	Partnership	Limited Liability Partnership	All persons who are members of the applicant were partners in the transferor.
7	Company limited shares	Individual by	The applicant is the sole shareholder and sole director of the transferor.
8	Company limited shares	Limited Liability Partnership by	All persons who are members of the applicant were shareholders or directors in the transferor.
9	Company limited shares	Partnership by	All persons who are partners in the applicant were shareholders or directors in the transferor.

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

	<b>Column A (Transferor)</b>	<b>Column B (Applicant)</b>	<b>Column C (Condition)</b>
10	Limited Liability Partnership	Individual	The applicant was one of only two members of the transferor.
11	Limited Liability Partnership	Company limited by shares	All persons who are shareholders or directors of the applicant were members of the transferor.
12	Limited Liability Partnership	Partnership	All persons who are partners in the applicant were members of the transferor.

- (3) This paragraph applies to an application for a licence where—
- (a) the applicant is a person who, subject to being granted an operating licence, intends to carry on a business which was, at the date of the death of an individual (“the deceased”), being carried on by the deceased in reliance on an operating licence held by the deceased (“the former licence”);
  - (b) the application is for a licence—
    - (i) of the same kind as the former licence,
    - (ii) where the former licence was a combined licence, of one of the kinds comprised in the former licence, or
    - (iii) where the application is for a combined licence, it is for one which comprises only kinds of licence which were comprised in the former licence;
  - (c) if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, it is for a licence of the same category or a lower category (by reference to the fee payable) as the former licence;
  - (d) the application is made within six months of the date of death of the deceased; and
  - (e) the applicant is the kind of person listed in one of the lines in column A in Table 2 and the conditions set out in columns B and C are each satisfied.

**Table 2**

	<b>Column A (Applicant)</b>	<b>Column B (Condition 1)</b>	<b>Column C (Condition 2)</b>
1	Individual	The applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either <ol style="list-style-type: none"> <li>(a) holds an operating or personal licence, or</li> <li>(b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.</li> </ol>

	<b>Column A (Applicant)</b>	<b>Column B (Condition 1)</b>	<b>Column C (Condition 2)</b>
2	A partner in a partnership	Each partner in the applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
3	A member of a Limited Liability Partnership	Each member of the applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.
4	A shareholder and director of a company limited by shares	Each shareholder and director of the applicant is the spouse, civil partner or child of the deceased	The person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either (a) holds an operating or personal licence, or (b) was a person relevant to an application for an operating licence to whose integrity, competence and financial and other circumstances the Commission had regard in granting the licence.

(4) Where paragraph (2) of this regulation would apply but for either or both of—

- (a) the requirement contained in paragraph (2)(c), or
- (b) the condition set out in column C of Table 1,

the application fee is 75 per cent of the application fee which, but for this regulation, would be payable.

(5) Where paragraph (3) of this regulation would apply but for either or both of—

- (a) the requirement contained in paragraph 3(c), or
- (b) the condition set out in column C of Table 2,

the application fee is 75 per cent of the application fee which, but for this regulation, would be payable.

- (6) Where paragraph (7) of this regulation applies the application fee is £100.
- (7) This paragraph applies to an application for a licence where—
- (a) the applicant is an individual who, subject to being granted an operating licence, intends to carry on a business (“the business”) previously carried on by a partnership;
  - (b) the business was carried on pursuant to an operating licence (“the former licence”) of the same kind and, if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, the same category as that to which the application relates;
  - (c) the partnership comprised two partners only, of which the applicant was one, and
  - (d) the former licence—
    - (i) has lapsed pursuant to section 114(1)(a) of the Act by virtue of the death of the other partner, or
    - (ii) will lapse, pursuant to section 114(2)(a) of the Act by virtue of the retirement of the other partner.
- (8) This regulation does not apply to an application for an ancillary remote operating licence or a supplementary operating licence.”

#### **Annual fees for holders of two operating licences**

26. In sub-paragraphs (a), (b) and (c) of regulation 21(2), for “10 per cent” substitute “5 per cent”.

#### **Reduced fees in certain circumstances**

27. After regulation 21 insert—

##### **“Reduced first annual fee in certain circumstances**

**21A.**—(1) This regulation applies in any case where any of paragraphs (2), (3), (4), (5) or (7) of regulation 20A applied to the application for the licence.

(2) In this regulation “the old licence” means—

- (a) in a case to which paragraph (2) or (4) of regulation 20A applies, the existing licence;
- (b) in a case to which paragraph (3), (5) or (7) of regulation 20A applies, the former licence.

(3) Subject to paragraph (4), where this regulation applies the first annual fee for the licence is the amount calculated in accordance with the following formula—

$$A - \left( \left( \frac{B}{12} \right) \times C \right)$$

where—

A is the first annual fee that would, but for this paragraph, be payable in respect of a licence of the kind and category being applied for;

B is the amount of the last fee paid under section 100 of the Act for the old licence (whether it was a first annual fee or an annual fee); and

C is the number of whole calendar months between –

- (a) the date on which the old licence ceased to have effect, and
- (b) the next anniversary of the issue of the old licence.

(4) Where application of the formula set out in paragraph (3) produces a negative figure there is no first annual fee for the licence.”

### **Change in corporate control**

**28.** In regulation 23(1) for “where at the time the application is made the new controller is not the holder of an operating licence” substitute “except where regulation 23B applies”.

**29.** For regulation 23(2) substitute—

“(2) Regulation 23B applies to a change application where at the time the application is made the new controller—

- (a) is the holder of an operating licence; or
- (b) is a financial institution (as defined by article 4.5 of the Banking Consolidation Directive (6))—
  - (i) regulated by the Financial Services Authority, or
  - (ii) which has its registered office or, if it has no registered office, its head office, in an EEA state other than the United Kingdom and which is regulated by its home state regulator as defined in paragraph 9 of Schedule 3 to the Financial Services and Markets Act 2000(7).”

**30.** In regulation 23A—

- (1) at the end of paragraph (1)(b) omit “and”;
- (2) after paragraph (1)(b) insert—
  - “(ba) if paragraph (5) applies, the amount determined in accordance with paragraph (6), and”;
- (3) in paragraph (1)(c) after “any” insert “other”;
- (4) after paragraph (4) insert—
  - “(5) This paragraph applies to change applications made by two or more holders of operating licences where—
    - (a) the applications are made on the same occasion and in respect of the same new controller, and
    - (b) each applicant is, in respect of each other applicant, a group company.
  - (6) Except where paragraph (c) applies, the fee payable in respect of the applications referred to in paragraph (5) is—
    - (a) in the case of the application for which the fee would be the highest if the fee for each application were calculated in accordance with paragraph (1) (but ignoring paragraph (1)(c)), the fee so calculated;
    - (b) in the case of each of the other applications, £100.
    - (c) In the case of two or more of the applications being of equally highest fee (if the fee for each application were calculated in accordance with paragraph (1)) (but ignoring paragraph (1)(c)), the fee payable—
      - (i) for each application of equally highest fee is to be determined in accordance with the following formula—

$$\left(\frac{X}{Y}\right) + \left(\left(\frac{\pounds 100 \times (Y - 1)}{Y}\right)\right)$$

---

(6) 2006/48/EC.

(7) 2000 c.8.

where X is the highest fee payable and Y is the number of applications of equally highest fee; and

(ii) in the case of each of the other applications, is £100.”

**31.** In regulation 23B—

(1) at the end of paragraph (2)(b) omit “or”;

(2) after paragraph (2)(b) insert—

“(ba) the amount determined in accordance with paragraph (7) if the application is one to which paragraph (6) applies; or”.

(3) after paragraph (5) insert—

“(6) This paragraph applies to change applications made by two or more holders of operating licences where—

(a) the applications are made on the same occasion and in respect of the same new controller, and

(b) each applicant is, in respect of each other applicant, a group company.

(7) Except where paragraph (c) applies, the fee payable in respect of the applications referred to in paragraph (6) is—

(a) in the case of the application for which the fee would be the highest if the fee for each application were calculated in accordance with paragraph (1) (but ignoring paragraph (1)(c)), the fee so calculated;

(b) in the case of each of the other applications, £100.

(c) In the case of two or more of the applications being of equally highest fee (if the fee for each application were calculated in accordance with paragraph (1)) (but ignoring paragraph (1)(c)), the fee payable—

(i) for each application of equally highest fee is to be determined in accordance with the following formula—

$$\left(\frac{X}{Y}\right) + ((£100 \times (Y - 1)) / Y)$$

where X is the highest fee payable and Y is the number of applications of equally highest fee; and

(ii) in the case of each of the other applications, is £100.”

### **Fees for applications to vary operating licences**

**32.**—(1) For regulation 24(1) substitute—

“(1) Subject to regulation 24A, the fee to accompany an application under section 104(1)

(a) to vary a licence by adding a licensed activity is 25 per cent of the application fee for a licence that would authorise the licensee to engage only in the licensed activity to be added.”.

(2) In regulation 24(4) after “Subject to paragraph (8)” insert “and regulation 24A”.

(3) In regulation 24(5)(a) for “25 per cent” substitute “20 per cent”.

**33.** After regulation 24 insert—

#### **“Fees for applications to vary certain remote operating licences**

**24A.**—(1) This paragraph applies to an application under section 104(1)(a) to vary a remote licence by adding a licensed activity in circumstances where, were the application

to be granted, the resulting combined remote operating licence would be one to which regulation 16A applies.

(2) The fee to accompany an application to which paragraph (1) applies is—

- (a) £1,050 if the application is to add a single additional licensed activity, and
- (b) £2,100 if it is to add two additional licensed activities.

(3) This paragraph applies to an application to which paragraph (1) applies and which also comprises an application under section 104(1)(c) to vary a condition attached to the licence, the effect of which would be to bring the licence within a new category pursuant to regulation 10.

(4) The fee to accompany an application to which paragraph (3) applies is the aggregate of the fee prescribed under paragraph (2) plus—

- (a) where the new category is higher than the category into which the licence falls at the time the application is made, 20 per cent of the application fee for a licence that falls within the new category, or
- (b) where sub-paragraph (a) does not apply, £25.”

#### **Date for payment of first annual fee**

**34.** For regulation 26 substitute—

“(1) Except where paragraph (2) applies, the first annual fee for a licence shall be paid within 30 days of the date on which the licence was issued.

(2) This paragraph applies to a new casino operating licence.

(3) Where paragraph (2) applies the first annual fee for a licence shall be paid within six months of the date on which the licence was issued.”

#### **Substitution of schedules**

**35.** For the table in Schedule 1 to the 2006 Regulations substitute the table in Schedule 1 to these Regulations.

**36.** For the table in Schedule 2 to the 2006 Regulations substitute the table in Schedule 2 to these Regulations.

**37.** For the table in Schedule 3 to the 2006 Regulations substitute the table in Schedule 3 to these Regulations.

**38.** For the table in Schedule 4 to the 2006 Regulations substitute the table in Schedule 4 to these Regulations.

**39.** For the table in Schedule 5 to the 2006 Regulations substitute the table in Schedule 5 to these Regulations.

**40.** For the table in Schedule 6 to the 2006 Regulations substitute the table in Schedule 6 to these Regulations.

14th March 2012

*John Penrose*  
Parliamentary Under Secretary of State  
Department for Culture, Media and Sport

**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

Regulation 35

Categories of Non-Remote Operating Licences

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)	Column (14)
Description of licence	Limit of Division	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
Existing casino operating licence	Annual gross gaming yield	Less than £5.5 million	£5.5 million or greater	£27.5 million or greater	£110 million or greater	£275 million or greater							
New casino operating licence	Nature of premises	Small	Large										
Bingo operating licence	Number of premises	4 or fewer	5 to 15	16 to 50	51 to 99	100 or more							
General betting (standard) operating licence	Number of premises	4 or fewer	5 to 15	16 to 50	51 to 99	not applicable	100 to 199	200 to 349	350 to 499	500 to 999	1000 to 1499	1500 to 1999	2000 or more
General betting (limited) operating licence	Number of operating days	75 or fewer	76 to 199	200 or more									
Pool betting operating licence	Annual gross gaming yield	Less than £550,000	£550,000 or greater	£10.5 million or greater	£5.5 million or greater	£10 million or greater							
Betting intermediary operating licence	Annual gross gaming yield	Less than £5.5 million	£5.5 million or greater	£110 million or greater									



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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)	Column (14)
Description of licence	Unit of Division	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
Gaming machine of general licensed operating premises licence for an adult gaming centre	Number of	4 or fewer	5 to 15	16 to 50	51 to 99	not applicable	100 to 199	200 to 299	300 to 399	400 or more			
Gaming machine of general licensed operating premises licence for a family entertainment centre	Number of	4 or fewer	5 to 15	16 to 50	51 to 99	100 or more							
Gaming machine of technical annual (full) gross operating sales licence	Value Less than or greater than	£550,000	£550,000 or more	£6.6 million or more									
Gaming machine of technical annual (supplier) gross operating sales licence	Value Less than or greater than	£550,000	£550,000 or more	£6.6 million or more									
Gaming machine of technical annual (software) gross operating sales licence	Value Less than or greater than	£550,000	£550,000 or more	£6.6 million or more									

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)	Column (14)
Description of licence	Limit of Division	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
			£6.6 million										
Gambling software operating licence	Value of annual gross sales	Less than £550,000	£550,000 or greater but up to £6.6 million	£0.6 million or greater but excluding £6.6 million									
Lottery (external manager) licence	Annual proceeds	Less than £550,000	£550,000 or greater but up to £2.5 million	£0.5 million or greater but excluding £5.5 million	£5.5 million or greater but up to £10 million	£10 million or greater but up to £10 million							
Lottery (society) licence	Annual proceeds	Less than £100,000	£100,000 or greater but up to £500,000	£0 or greater but excluding £500,000									

SCHEDULE 2

Regulation 36

Application Fees for Non-Remote Operating Licences

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
Existing casino operating licence	£6,509	£9,673	£19,528	£19,528	£19,528							
New casino	£28,641	£37,591										

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
operating licence												
Bingo operating licence	£977	£1,627	£3,255	£17,087	£20,504							
General betting (standard) operating licence	£977	£977	£3,417	£17,087	none	£19,087	£22,087	£31,037	£40,037	£40,037	£40,037	£40,032
General betting (limited) operating licence	£178	£355	£979									
Pool betting operating licence	£651	£977	£1,274	£1,627	£4,882							
Betting intermediary operating licence	£198	£198	£198									
Gaming machine general operating licence for an adult gaming centre	£977	£977	£1,627	£4,882	none	£16,274	£16,274	£16,274	£16,274			
Gaming machine general operating licence for a family entertainment centre	£977	£977	£1,627	£4,882	£16,274							
Gaming machine	£977	£1,627	£16,274									

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
technical (full) operating licence												
Gaming machine technical (supplier) operating licence	£977	£1,627	£4,882									
Gaming machine technical (software) operating licence	£977	£4,882	£16,274									
Gambling software operating licence	£977	£4,882	£16,274									
Lottery operating (external lottery manager) licence	£977	£1,627	£1,878	£2,278	£2,527							
Lottery operating (society) licence	£163	£244	£325									

SCHEDULE 3

Regulation 37

Annual Fees for Non-Remote Operating Licences

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
Existing casino	£17,378	£23,117	£74,117	£329,711	£443,526							

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
operating licence												
New casino operating licence	£51,877	£108,132										
Bingo operating licence	£1,531	£6,894	£17,914	£43,921	£95,840							
General betting (standard) operating licence	£1,531	£6,894	£17,914	£45,426	none applicable	£51,551	£113,960	£69,960	£44,960	£264,960	£84,900	
												Where the number of licensed premises operated by the holder of the licence is 2,000 to 2,499, £304,960.
												Where the number of licensed premises operated by the holder of the licence is 2,500 or more, £304,960 plus £25,000 for each block of up

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7

to 500 premises over 2,499.

General betting (limited) operating licence

£200 £467 £1,346

Pool betting operating licence

£2,222 £2,879 £4,277 £6,477 £12,137

Betting intermediary operating licence

£280 £4,277 £4,338

Gaming machine general operating licence for an adult gaming centre

£1,523 £6,297 £13,736 £32,505 none applicable £45,236 £50,236 £55,236

Where the number of licensed premises operated by the holder of the licence is 400 to 499, £60,236.

Where the number of licensed premises operated by the holder of the licence is 500 or

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
									more, £60,236 plus £5,000 for each block of up to 100 premises over 499.			
Gaming machine general operating licence for a family entertainment centre	£1,020	£4,562	£9,950	£26,124	£43,921							
Gaming machine technical (full) operating licence	£3,102	£6,625	£15,813									
Gaming machine technical (supplier) operating licence	£1,258	£3,397	£4,338									
Gaming machine technical (software) operating licence	£1,608	£4,044	£6,575									
Gambling software operating licence	£1,608	£4,044	£6,575									

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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)	Column (10)	Column (11)	Column (12)	Column (13)
Description of licence	Category A	Category B	Category C	Category D	Category E	Category E1	Category E2	Category E3	Category E4	Category E5	Category E6	Category E7
Lottery operating (external lottery manager) licence	£2,075	£2,368	£4,044	£6,675	£15,813							
Lottery operating (society) licence	£348	£692	£1,458									

SCHEDULE 4

Regulation 38

Categories of Remote Operating Licences

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)
Description of licence	Unit of Division	Category F	Category G	Category H	Category I	Category J	Category K	Category L
Casino operating licence	Annual gross gambling yield	Less than £0.5 million	£0.5 million or greater, up to but excluding £5 million	£5 million or greater, up to but excluding £25 million	£25 million or greater, up to but excluding £100 million	£100 million or greater, up to but excluding £250 million	£250 million or greater, up to but excluding £500 million	£500 million or greater
Bingo operating licence	Annual gross gambling yield	Less than £0.5 million	£0.5 million or greater, up to but excluding £5 million	£5 million or greater, up to but excluding £25 million	£25 million or greater, up to but excluding £100 million	£100 million or greater, up to but excluding £250 million	£250 million or greater, up to but excluding £500 million	£500 million or greater
General betting (standard) (virtual events) operating licence	Annual gross gambling yield	Less than £0.5 million	£0.5 million or greater, up to but excluding £5 million	£5 million or greater, up to but excluding £25 million	£25 million or greater, up to but excluding £100 million	£100 million or greater, up to but excluding £250 million	£250 million or greater, up to but excluding £500 million	£500 million or greater



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

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)
Description of licence	Unit of Division	Category F	Category G	Category H	Category I	Category J	Category K	Category L
General betting (standard) (real events) operating licence	Annual gross gambling yield	Less than £5.5 million	£5.5 million or greater, up to but excluding £55 million	£55 million or greater, up to but excluding £110 million	£110 million or greater, up to but excluding £220 million	£220 million or greater, up to but excluding £550 million	£550 million or greater	
General betting (limited) operating licence	Annual gross gambling yield	Less than £550,000						
Pool betting operating licence	Annual gross gambling yield	Less than £1.5 million	£1.5 million or greater, up to but excluding £5.5 million	£5.5 million or greater, up to but excluding £55 million	£55 million or greater, up to but excluding £110 million	£110 million or greater, up to but excluding £220 million	£220 million or greater, up to but excluding £550 million	£550 million or greater
Betting intermediary operating licence	Annual gross gambling yield	Less than £5.5 million	£5.5 million or greater, up to but excluding £55 million	£55 million or greater, up to but excluding £110 million	£110 million or greater, up to but excluding £220 million	£220 million or greater, up to but excluding £550 million	£500 million or greater	
Betting intermediary (trading room only) operating licence	Annual gross gambling yield	Less than £550,000	£550,000 or greater, up to but excluding £6.6 million	£6.6 million or greater				
Gaming machine technical (full) operating licence	Value of annual gross sales	Less than £550,000	£550,000 or greater, up to but excluding £6.6 million	£6.6 million or greater				
Gaming machine technical (supplier) operating licence	Value of annual gross sales	Less than £550,000	£550,000 or greater, up to but excluding £6.6 million	£6.6 million or greater				

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

<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>Column (9)</i>
<i>Description of licence</i>	<i>Unit of Division</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
Gaming machine technical (software) operating licence	Value of annual gross sales	Less than £550,000p	£550,000 or greater, excluding £6.6 million	£6.6 million or greater				
Gambling software operating licence	Value of annual gross sales	Less than £550,000p	£550,000 or greater, excluding £6.6 million	£6.6 million or greater				
Lottery operating (external lottery manager) licence	Annual proceeds	Less than £550,000p	£550,000 or greater, excluding £2.5 million	£2.5 million or greater, excluding £5.5 million	£5.5 million or greater, up to but excluding £10 million	£10 million or greater, up to but excluding £10 million		
Lottery operating (society) licence	Annual proceeds	Less than £100,000p	£100,000 or greater, excluding £500,000	Greater than £500,000				

## SCHEDULE 5

Regulation 39

## Application Fees for Remote Operating Licences

<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>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
Casino operating licence	£2,933	£7,169	£11,274	£16,551	£26,641	£37,591	£63,671
Bingo operating licence	£2,933	£7,169	£11,274	£16,551	£26,641	£37,591	£63,671
General betting (standard)	£2,933	£7,169	£11,274	£16,551	£26,641	£37,591	£63,671

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

<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>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
(virtual events) operating licence							
General betting (standard) (real events) operating licence	£3,259	£7,169	£9,474	£16,274	£19,551	£28,641	
General betting (limited) operating licence	£593						
Pool betting operating licence	£651	£982	£1,627	£2,027	£4,882	£4,882	£4,882
Betting intermediary operating licence	£6,346	£13,018	£14,784	£16,274	£19,551	£28,641	
Betting intermediary (trading room only) operating licence	£593	£977	£1,627				
Gaming machine technical (full) operating licence	£977	£1,627	£16,274				
Gaming machine technical (supplier) operating licence	£977	£1,627	£4,882				

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

<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>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
Gaming machine technical (software) operating licence	£977	£4,882	£16,274				
Gambling software operating licence	£6,346	£13,018	£16,274				
Lottery operating (external lottery manager) licence	£977	£1,627	£1,879	£2,278	£2,463		
Lottery operating (society) licence	£163	£244	£325				

## SCHEDULE 6

Regulation 40

## Annual Fees for Remote Operating Licences

<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>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
Casino operating licence	£3,188	£9,563	£13,529	£38,128	£74,012	£117,746	£155,425
Bingo operating licence	£3,188	£9,563	£13,529	£38,128	£74,012	£117,746	£155,425
General betting (standard) (virtual events) operating licence	£3,188	£9,563	£13,529	£38,128	£74,012	£117,746	£155,425

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

<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>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
General betting (standard) (real events) operating licence	£13,529	£38,128	£48,893	£74,012	£117,746	£155,425	
General betting (limited) operating licence	£1,594						
Pool betting operating licence	£1,594	£13,529	£38,128	£48,893	£74,012	£117,746	£155,425
Betting intermediary operating licence	£13,529	£38,128	£48,893	£74,012	£117,746	£155,425	
Betting intermediary (trading room only) operating licence	£1,594	£6,765	£19,063				
Gaming machine technical (full) operating licence	£6,765	£19,063	£37,006				
Gaming machine technical (supplier) operating licence	£6,765	£19,063	£37,006				
Gaming machine technical (software)	£6,765	£19,063	£37,006				

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

<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>Description of licence</i>	<i>Category F</i>	<i>Category G</i>	<i>Category H</i>	<i>Category I</i>	<i>Category J</i>	<i>Category K</i>	<i>Category L</i>
operating licence							
Gambling software operating licence	£6,765	£19,063	£37,006				
Lottery operating (external lottery manager) licence	£6,765	£19,063	£24,372	£37,006	£48,893		
Lottery operating (society) licence	£348	£692	£1,458				

## EXPLANATORY NOTE

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

These Regulations amend the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006 (“the 2006 Regulations”) made under the Gambling Act 2005 (“the Act”). The amendments create new fee categories and add to the list of ancillary remote operating licences. They set application and annual fees in respect of those categories and those licence types. They also correct a number of anomalies in the 2006 Regulations (as previously amended).

The 2006 Regulations prescribe fees relating to operating licences (application, annual and other fees) and single-machine supply and maintenance permits (application fees only) issued under Parts 5 and 10 of the Act respectively.

Regulation 3 makes various amendments to regulation 2(1) of the 2006 Regulations. It amends the definition of the betting intermediary (trading room only) licence to extend its scope to include situations in which customers use terminals in trading rooms to place bets with betting operators who are licensed in Great Britain or regulated in Gibraltar or an EEA state or so called white listed jurisdictions, i.e. those listed in regulations made under section 331(4) of the Act. It also introduces a new sub-category of remote general betting (standard) operating licence. It defines a general betting (standard)(remote platform) operating licence, which is a type of remote general betting (standard) operating licence which authorises the licence holder to provide only facilities for gambling via a service supplied by the holder of a remote betting intermediary operating licence or a remote general betting (standard) operating licence. It also amends the definition of a remote general betting (limited) operating licence to permit the licensee to provide facilities for betting by

email (in circumstances in which the transaction is processed by an individual, rather than by wholly automated means) as well as by telephone.

Regulation 4 amends the unit of division governing categories of non-remote existing casino operating licences to make it clear that, as used here, gross gambling yield includes net revenue from gaming machines as well as table games.

Regulations 5 to 8 expand the fee categories in respect of the general betting (standard) operating licence and the gaming machine general operating licence for an adult gaming centre, set the fees for these new categories and introduce discounted first annual fees for new casino operating licences and discounted annual fees for new casino operating licences which are not operational.

Regulation 9 amends the list of remote operating licences in regulation 9 of the 2006 Regulations to include a general betting (standard)(remote platform) operating licence. It also replaces the reference to a general betting (standard) operating licence with references to a general betting (standard)(real events) operating licence and a general betting (standard)(virtual events) operating licence, thus reflecting the reference to these licences in Schedules 4 to 6 to the 2006 Regulations.

Regulation 10 amends regulation 10(1) of the 2006 Regulations to exclude a general betting (standard)(remote platform) operating licence from the scope of Schedule 4 to the 2006 Regulations. It is not necessary for Schedule 4 to apply in relation to such licence, as the fees in relation to it are determined in accordance with new regulation 13A (see below), and not by means of categories assigned under the Schedule.

Regulation 13 amends the fees for remote general betting (limited) operating licences

Regulation 14 introduces new regulation 13A into Part 3 of the 2006 Regulations. This prescribes an application fee, first annual fee and annual fee for a general betting (standard)(remote platform) operating licence, except where regulation 13A(3) applies, in which case no application or annual fees are payable.

Where regulation 13A(3) applies, regulation 16 excludes a general betting (standard)(remote platform) operating licence from the operation of Part 4 of the 2006 Regulations. Part 4 provides for a reduction in application and annual fees in respect of combined or multiple operating licences.

Regulation 15 amends regulation 14 of the 2006 Regulations in order to add, and set the fees for, three new types of ancillary remote licence. The first can be held by a society holding a non-remote lottery operating licence and authorises acceptance of payment to enter lotteries made by means of remote communication up to £250,000 per year. The second and third are available to respectively the holders of general betting (standard) operating licences and non-remote pool betting operating licences making betting machines available as an alternative means for their customers to place bets. It also abolishes annual fees in respect of all ancillary licences except the new ancillary lottery licence. It also makes amendments in respect of certain ancillary remote operating licences, in order to permit the licensee to provide facilities for betting by email (in circumstances in which the transaction is processed by an individual, rather than by wholly automated means) as well as by telephone.

Regulation 16 corrects the heading to regulation 14A of the 2006 Regulations.

Regulation 20 amends regulation 17 of the 2006 Regulations to introduce reduced annual fees for combined operating licences which include new casino licences.

Regulations 25 and 27 insert new regulations 20A and 21A into the 2006 Regulations. These new regulations outline circumstances in which reduced application and annual fees apply in respect of licence applications following business transfers between individuals, companies and partnerships or on succession to the business of a deceased licence holder who was a sole trader or one of only two partners in a partnership. In these situations provision is made for a reduced first annual fee in respect of the new licence to reflect the unexpired portion of the last annual fee paid in respect of the old licence.

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

Regulation 26 amends regulation 21 in order to reduce the amount by which some first annual fees are already reduced in certain circumstances. Those circumstances are where a person holds both a non-remote operating licence (which is not a supplementary operating licence) and a remote operating licence (which is not an ancillary remote or supplementary operating licence).

Regulations 28 to 31 make amendments to regulations 23, 23A and 23B of the 2006 Regulations so as to introduce reduced fees for change of corporate control applications in two circumstances. First, where the new controller is a financial institution regulated by the Financial Services Authority or an equivalent Regulator in an EEA state. This brings the position into line with that which applies where the new controller is already licensed by the Commission. Secondly, in situations where two or more companies in a group are required each to make a change application as a consequence of the same new controller becoming a controller.

Regulation 32 makes minor amendments to regulation 24 of the 2006 Regulations relating to applications to vary licences. It reduces to 20% (from 25%) the proportional fee payable when variation of a licence condition brings the licence within a new, higher, fee category.

Regulation 33 introduces a new regulation 24A to the 2006 Regulations which sets revised fees for variation of certain remote operating licences.

Regulation 34 amends regulation 26 of the 2006 Regulations to extend to 6 months the period after issue of a new casino operating licence within which the first annual fee must be paid.

Regulations 35 to 40 substitute revised tables in Schedules 1 to 6 to the 2006 Regulations which, among other things:

- correct an erroneous reference in Schedule 2 to a “gaming software operating licence” which will now read “gambling software operating licence”,
- correct an error in Schedules 4 to 6 where two categories of general betting (standard) operating licence were incorrectly referred to as general betting (limited) operating licences,
- remove an erroneous reference to a general betting (limited) operating licence in Schedule 4, together with the related entries in the second and third columns. (The fees for a remote general betting (limited) operating licence are contained in regulation 13 of the 2006 Regulations, and so reference to this type of licence in the Schedules is unnecessary.),
- correct anomalies in Schedules 5 and 6 replacing the reference to a “new casino operating licence” with reference to a “casino operating licence”; the definition of “new casino operating licence” in regulation 2 of the 2006 Regulations applies only to non-remote casino operating licences,
- remove erroneous references to a “general betting (telephone only) operating licence” and the related entry in the second column, and
- correct the reference to a “betting intermediary (trading rooms) operating licence” so that it will now read “betting intermediary (trading room only) operating licence”, thus reflecting the reference to this licence in regulation 9(n) of the 2006 Regulations.

Regulations 11, 12, 17, 18, 19, 21, 22, 23, 24 and 27 make consequential amendments or corrections to the 2006 Regulations.

A full regulatory impact assessment is available from the website of the Department for Culture, Media and Sport ([www.culture.gov.uk](http://www.culture.gov.uk)) and is annexed to the Explanatory Memorandum which is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).