
STATUTORY INSTRUMENTS

2017 No. 303

The Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2017

PART 4

Combined and multiple operating licences – application fees and annual fees

Interpretation and application of Part 4

18.—(1) For the purposes of this Part, a combined operating licence is an operating licence which either—

- (a) combines more than one of the kinds of licence described in regulation 4 (“a combined non-remote operating licence”); or
- (b) combines more than one of the kinds of licence described in regulation 10 (“a combined remote operating licence”).

(2) But in the application of this Part, the following are to be disregarded—

- (a) a supplementary operating licence that is combined with one or more other kinds of licence;
- (b) an application for a supplementary operating licence; and
- (c) a general betting (remote platform) operating licence for which there is—
 - (i) no application fee by virtue of paragraph (2) of regulation 15, or
 - (ii) no first annual fee or no annual fee by virtue of paragraph (3) of regulation 15.

Application fee for combined operating licence

19. Subject to regulations 20, 21 and 25 to 28, the application fee for a combined operating licence is the aggregate of—

- (a) the application fee which is the highest of those payable for the different kinds of licence to which the combined licence relates; and
- (b) 25 per cent of each other application fee payable for the licences to which the combined licence relates.

Application fee for combined game host operating licences

20.—(1) Subject to regulation 28, this regulation applies to a combined operating licence which combines at least two of the following kinds of licence (and no other kind of licence)—

- (a) a casino (game host) operating licence;
- (b) a bingo (game host) operating licence; and
- (c) a remote general betting (host) (virtual events) operating licence.

(2) The application fee for a licence to which this regulation applies is the aggregate of the principal amount determined in accordance with paragraph (3) and the additional amount determined in accordance with paragraph (4).

(3) Where the annual gross gambling yield in respect of the licence—

- (a) is less than £550,000, the principal amount is £1,980;
- (b) is £550,000 or greater but less than £5.5 million, the principal amount is £4,839;
- (c) is £5.5 million or greater but less than £25 million, the principal amount is £7,610;
- (d) is £25 million or greater but less than £100 million, the principal amount is £11,172;
- (e) is £100 million or greater but less than £250 million, the principal amount is £17,983;
- (f) is £250 million or greater but less than £550 million, the principal amount is £25,374;
- (g) is £550 million or greater, the principal amount is £42,978.

(4) Where the licence combines—

- (a) two of the kinds of licence referred to in paragraph (1), the additional amount is £785;
- (b) three of those kinds of licence, the additional amount is £1,570.

(5) The reference in paragraph (3) to the annual gross gambling yield is a reference to the annual gross gambling yield calculated in accordance with regulation 3(2)(a)(i).

Application fee for certain other combined remote licences

21.—(1) Subject to regulation 28, this regulation applies to a combined remote operating licence which combines at least two of the following kinds of licence (and no other kind of licence)—

- (a) a remote casino operating licence;
- (b) a remote bingo operating licence;
- (c) a general betting (virtual events) operating licence.

(2) The application fee for a licence to which this regulation applies is the aggregate of the principal amount determined in accordance with paragraph (3) and the additional amount determined in accordance with paragraph (4).

(3) Where the annual gross gambling yield in respect of the licence—

- (a) is less than £550,000, the principal amount is £2,640;
- (b) is £550,000 or greater but less than £5.5 million, the principal amount is £6,452;
- (c) is £5.5 million or greater but less than £25 million, the principal amount is £10,147;
- (d) is £25 million or greater but less than £100 million, the principal amount is £14,896;
- (e) is £100 million or greater but less than £250 million, the principal amount is £23,977;
- (f) is £250 million or greater but less than £550 million, the principal amount is £33,832;
- (g) is £550 million or greater, the principal amount is £57,304.

(4) Where the licence combines—

- (a) two of the kinds of licence referred to in paragraph (1), the additional amount is £1,050;
- (b) three of those kinds of licence, the additional amount is £2,100.

(5) The reference in paragraph (3) to the annual gross gambling yield is a reference to the annual gross gambling yield calculated in accordance with regulation 3(2)(a)(i).

Annual fees and first annual fees for combined operating licences

22.—(1) This regulation is subject to regulations 23, 24, 29 (in respect of annual fees only) and 30 (in respect of first annual fees only).

(2) The annual fee for a combined operating licence is the aggregate of—

- (a) the annual fee which is the highest of those payable for the different kinds of licence to which the combined licence relates (excluding any new casino operating licence that is not operational);
- (b) 95 per cent of each other annual fee payable for the licences to which the combined licence relates (excluding any new casino operating licence that is not operational); and
- (c) 50 per cent of the amount of the annual fee for any new casino operating licence that is not operational.

(3) Regulation 8(6) applies for the purposes of paragraph (2) as it applies for the purposes of regulation 8(5).

(4) The first annual fee for—

- (a) a combined non-remote operating licence which does not include a new casino operating licence is 75 per cent of the amount of the annual fee that would be payable for such a licence under paragraph (2) (were the annual fee to be payable when the first annual fee is payable);
- (b) a combined non-remote operating licence which 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 for 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 other annual fee payable for 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;
- (c) a combined remote operating licence is 75 per cent of the amount of the annual fee that would be payable for such a licence under paragraph (2) (were the annual fee to be payable when the first annual fee is payable).

Annual fees and first annual fees for combined game host operating licences

23.—(1) Subject to regulation 30, this regulation applies to a combined remote operating licence which combines at least two of the following kinds of licence (and no other kind of licence)—

- (a) a casino (game host) operating licence;
- (b) a bingo (game host) operating licence; and
- (c) a general betting (host) (virtual events) operating licence.

(2) The annual fee for a licence to which this regulation applies is the aggregate of the principal amount determined in accordance with paragraph (4) and the additional amount determined in accordance with paragraph (5).

(3) The first annual fee for a licence to which this regulation applies is 75 per cent of the amount of the annual fee determined in accordance with paragraph (2) (were the annual fee to be payable when the first annual fee is payable).

(4) Where the annual gross gambling yield in respect of the licence—

- (a) is less than £550,000, the principal amount is £2,027;
- (b) is £550,000 or greater but less than £2 million, the principal amount is £4,855;

- (c) is £2 million or greater but less than £5.5 million, the principal amount is £7,094;
 - (d) is £5.5 million or greater but less than £25 million, the principal amount is £9,958;
 - (e) is £25 million or greater but less than £100 million, the principal amount is £26,595;
 - (f) is £100 million or greater but less than £250 million, the principal amount is £50,993;
 - (g) is £250 million or greater but less than £550 million, the principal amount is £102,108;
 - (h) is £550 million or greater but less than £1 billion, the principal amount is £289,652;
 - (i) is £1 billion or greater, the principal amount is the aggregate of—
 - (i) £389,652, and
 - (ii) £100,000 for each complete additional £500 million of annual gross gambling yield above £1 billion.
- (5) Where the licence combines—
- (a) two of the kinds of licence referred to in paragraph (1), the additional amount is £1,875;
 - (b) three of those kinds of licence, the additional amount is £3,750.
- (6) The reference in paragraph (4) to the annual gross gambling yield is a reference to the annual gross gambling yield calculated in accordance with regulation 3(2)(a)(i).

Annual fees and first annual fees for certain other combined remote licences

24.—(1) Subject to regulation 30, this regulation applies to a combined remote operating licence which combines at least two of the following kinds of licence (and no other kind of licence)—

- (a) a remote casino operating licence;
- (b) a remote bingo operating licence;
- (c) a general betting (virtual events) operating licence.

(2) The annual fee for a licence to which this regulation applies is the aggregate of the principal amount determined in accordance with paragraph (4) and the additional amount specified in paragraph (5).

(3) The first annual fee for a licence to which this regulation applies is 75 per cent of the amount of the annual fee determined in accordance with paragraph (2) (were the annual fee to be payable when the first annual fee is payable).

- (4) Where the annual gross gambling yield in respect of the licence—
- (a) is less than £550,000, the principal amount is £2,709;
 - (b) is £550,000 or greater but less than £2 million, the principal amount is £6,488;
 - (c) is £2 million or greater but less than £5.5 million, the principal amount is £9,480;
 - (d) is £5.5 million or greater but less than £25 million, the principal amount is £13,307;
 - (e) is £25 million or greater but less than £100 million, the principal amount is £35,541;
 - (f) is £100 million or greater but less than £250 million, the principal amount is £68,146;
 - (g) is £250 million or greater but less than £550 million, the principal amount is £136,455;
 - (h) is £550 million or greater but less than £1 billion, the principal amount is £387,083;
 - (i) is £1 billion or greater, the principal amount is the aggregate of—
 - (i) £512,083, and
 - (ii) £125,000 for each complete additional £500 million of annual gross gambling yield above £1 billion.
- (5) Where the licence combines—

- (a) two of the kinds of licence referred to in paragraph (1), the additional amount is £2,500;
 - (b) three of those kinds of licence, the additional amount is £5,000.
- (6) The reference in paragraph (4) to the annual gross gambling yield is a reference to the annual gross gambling yield calculated in accordance with regulation 3(2)(a)(i).

Fee for simultaneous applications for a remote and a non-remote operating licence

25.—(1) Subject to regulation 28, this regulation applies where a person applies at the same time for—

- (a) a non-remote operating licence; and
- (b) a remote operating licence (other than an ancillary remote operating licence).

(2) In paragraph (3), the “relevant licence” is the licence in paragraph (1) that would attract the lesser application fee.

(3) The application fee for the relevant licence is 25 per cent of the application fee that would, but for this regulation, be payable for that licence.

(4) Where the application fees that would be payable for the two operating licences applied for are equal, the application fee for the remote licence is 25 per cent of the application fee that would, but for this regulation, be payable for that remote licence.

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

26.—(1) Subject to regulation 28, this regulation applies where a person who has applied for an operating licence (“the first application”) applies for another operating licence (“the second application”) before the first application has been determined in accordance with section 74.

(2) Where—

- (a) the application fee that would, but for this regulation, be payable for the second application (“the usual fee”) is equal to or less than the application fee payable for the first application, the application fee for the second application is 25 per cent of the usual fee;
- (b) the usual fee is greater than the application fee payable for the first application, the application fee payable for the second application is the usual fee less 75 per cent of the fee paid in respect of the first application.

(3) In paragraph (1), “operating licence” does not include an ancillary remote operating licence.

Fee payable when holder of existing licence applies for another licence

27.—(1) Subject to regulation 28, this regulation applies where a person who holds an operating licence other than a supplementary operating licence (“the first licence”) applies for another operating licence (“the second application”).

(2) Where—

- (a) the application fee that would, but for this regulation, be payable for the second application (“the usual fee”) is equal to or less than the application fee paid for the first licence, the application fee for the second application is 25 per cent of the usual fee;
- (b) the usual fee is greater than the application fee payable for the first licence, the application fee payable for the second application is the usual fee less 75 per cent of the fee paid in respect of the first licence.

(3) In paragraph (1), “operating licence” does not include an ancillary remote operating licence.

Reduced fee for applications for licences in certain circumstances

28.—(1) Where paragraph (2) or (3) applies to an application for a licence, the application fee payable is 25 per cent of the application fee that would, but for this regulation, 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 already holds a complementary licence;
- (c) if the application is for a licence of a kind (or includes one or more licences of a kind) for which these Regulations provide for separate categories by reference to the fee payable, the kind of licence (or as the case may be, each kind of licence) applied for falls within the same or a lower category as the complementary licence;
- (d) the transferor falls within a category set out in column A in Table 1 below and—
 - (i) the applicant is of the nature listed in a corresponding entry in column B, and
 - (ii) the condition set out in column C of that corresponding entry is satisfied; and
- (e) the transferor has given notice to the Commission of the transferor’s intention to surrender the complementary licence subject only to the application being granted.

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— <ul style="list-style-type: none"> (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 Operator) Regulations 2006(1), 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(2).
3	Individual	Limited liability partnership	The transferor is a member of the applicant, the applicant has only one other member, and that other member— <ul style="list-style-type: none"> (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 Operator) Regulations 2006, or (c) was a person relevant to an application for an operating licence to whose integrity,

(1) S.I. 2006/3266.

(2) Section 70(2) of the Gambling Act 2005 gives the Gambling Commission power to have regard to such matters.

	<i>Column A (transferor)</i>	<i>Column B (applicant)</i>	<i>Column C (condition)</i>
			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 by shares	Individual	The applicant is the sole shareholder and sole director of the transferor.
8	Company limited by shares	Limited liability partnership	All persons who are members of the applicant were shareholders or directors in the transferor.
9	Company limited by shares	Partnership	All persons who are partners in the applicant were shareholders or directors in the transferor.
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 former licence was for or included all of the kinds of licence to which the application relates;
- (c) if the application is for a licence of a kind (or includes one or more licences of a kind) for which these Regulations provide for separate categories by reference to the fee payable, the kind of licence (or as the case may be, each kind of licence) applied for falls within the same category as, or a lower category than, the former licence;
- (d) the application is made within six months of the date of death of the deceased;
- (e) the person who, by the terms of their appointment, will have primary responsibility for the management of the licensed activity, either—
 - (i) holds an operating or personal licence, or
 - (ii) 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; and
- (f) the applicant falls within a category set out in column A in Table 2 below, and the condition set out in the corresponding entry in column B is satisfied.

Table 2

	<i>Column A (applicant)</i>	<i>Column B (condition)</i>
1	Individual	The applicant is the spouse, civil partner or child of the deceased.
2	Partnership	Each partner in the applicant is the spouse, civil partner or child of the deceased.
3	Limited liability partnership	Each member of the applicant is the spouse, civil partner or child of the deceased.
4	Company limited by shares	Each shareholder and director of the applicant is the spouse, civil partner or child of the deceased.

(4) Where paragraph (2) of this regulation would apply but for a failure to satisfy one or both of—

- (a) the requirement 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 that would, but for this regulation, be payable.

(5) Where paragraph (3) of this regulation would apply but for a failure to satisfy one or both of the requirements in paragraph (3)(c) or (e), the application fee is 75 per cent of the application fee that would, but for this regulation, be payable.

(6) An individual who intends to carry on a business previously carried on by a partnership may apply for an operating licence in respect of that business where the conditions set out in paragraph (7) are satisfied, and the fee for any such application is £100.

(7) The conditions referred to in paragraph (6) are that—

- (a) that business is or was carried on under an operating licence (“the partnership licence”)—
 - (i) which is for or includes (or was for or included) all of the kinds of licence to which the application relates, and
 - (ii) if the application is for a licence of a kind in respect of which these Regulations provide for separate fee categories, of the same category as that to which the application relates;
- (b) the partnership comprises or comprised two partners only, of which the applicant is or was one; and
- (c) the partnership licence—
 - (i) has lapsed in accordance with section 114(2)(a) on the death of the other partner, or
 - (ii) has lapsed or will lapse in accordance with section 114(2)(a) on 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.

(9) In paragraphs (2)(c) and (3)(c) of this regulation, one category of operating licence is lower than a second category if—

- (a) the letter used to denote that first category comes earlier in the alphabet; and
- (b) where the letter is the same, the number used to denote that first category is lower.

Annual fees for holders of two operating licences

29. When a person holds—

- (a) a non-remote operating licence which is not a supplementary operating licence; and
- (b) a remote operating licence which is neither a supplementary operating licence nor an ancillary remote operating licence,

the annual fee (other than the first annual fee) for any such licence is 95 per cent of the annual fee that would, but for this regulation, be payable.

Reduced first annual fee in certain circumstances

30.—(1) This regulation applies in any case where any of paragraphs (2), (3), (4), (5) or (6) of regulation 28 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 28 applies, the complementary licence;
- (b) in a case to which paragraph (3) or (5) of regulation 28 applies, the former licence;
- (c) in a case to which paragraph (6) of regulation 28 apply, the partnership licence.

(3) Where this regulation applies, the first annual fee for the licence is the amount calculated in accordance with the following formula—

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

where—

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

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

C is the number of whole calendar months (if any) between—

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

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

Interpretation

31. In regulations 25 and 29—

- (a) “non-remote operating licence” includes a combined non-remote operating licence; and
- (b) “remote operating licence” includes a combined remote operating licence.