
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 196

The Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007

PART 2

Form and content of applications

Form and content of applications for a premises licence

3.—(1) Subject to the following provisions of this regulation, an application for a premises licence under section 159 shall be in the form, and contain the information, specified in Part 1 of Schedule 1.

(2) Subject to paragraph (3), an application for a premises licence in respect of premises which are a vessel shall be in the form, and contain the information, specified in Part 2 of Schedule 1.

(3) An application for a converted premises licence shall be in the form, and contain the information, specified in—

- (a) Part 3 of Schedule 1, if it is in respect of premises which are not a vessel; or
 - (b) Part 4 of Schedule 1, if it is in respect of premises which are a vessel.
- (4) This regulation is subject to regulation 11.

Plan to accompany applications for a premises licence

4.—(1) An application for a premises licence under section 159 shall be accompanied by a scale plan of the premises to which the application relates which complies with the following provisions of this regulation.

(2) The plan must show—

- (a) the extent of the boundary or perimeter of the premises;
- (b) where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- (c) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises;
- (d) where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- (e) the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads; and
- (f) any other matter required in accordance with the following provisions of this regulation.

(3) Where the application is for a casino premises licence, the plan must show—

- (a) the principal entrance to the premises of those identified in accordance with paragraph (2) (e);
- (b) the location and extent of any part of the premises which will be a table gaming area;

- (c) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and
 - (d) the location and extent of any part of the premises which will be a non-gambling area.
- (4) Where the application is for a regional casino premises licence, the plan must show–
- (a) the location and extent of any part of the premises to which children or young persons, or both, will have access; and
 - (b) where any part of the premises referred to in sub-paragraph (a) is immediately adjacent to any part of the casino which will be used to provide facilities for gambling in reliance on the licence, the nature and location of any barrier or other thing separating the two parts of the casino.
- (5) Where the application is for a bingo premises licence in respect of premises to which children or young persons will be permitted to have access, the plan must show–
- (a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines);
 - (b) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence; and
 - (c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.
- (6) Where the application is for an adult gaming centre premises licence, the plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.
- (7) Where the application is for a family entertainment centre premises licence, the plan must show–
- (a) the location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
 - (b) the location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence; and
 - (c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.
- (8) Where the application is for a betting premises licence, other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- (9) Where the application is for a betting premises licence in respect of a track, the plan must show–
- (a) the location and extent of any part of the premises which is a five times rule betting area;
 - (b) the location and extent of any other parts of the premises which will be used for providing facilities for betting in reliance on the licence;
 - (c) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence; and
 - (d) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.
- (10) In this regulation–

- (a) “betting operator” means a person who in the course of the business of a betting operating licence holder accepts or negotiates bets;
- (b) “five times betting rule area”, in relation to a track, means any part of the track in respect of which, in accordance with conditions attached under section 167, the charge for admission to that part of the track payable by betting operators may not exceed five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track;
- (c) “non-gambling area” means any part of the proposed casino—
 - (i) which will be made available to customers but will not be used for providing facilities for gambling; and
 - (ii) which, unless it is a lobby area or toilet facilities, will contain recreational facilities for use by customers on the premises;
- (d) “partially automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 but for its exclusion from that definition by subsection (2)(h) of that section;
- (e) “table gaming area” means any part of the proposed casino which is to be used for—
 - (i) casino games played on gaming tables (including wholly or partially automated gaming tables); or
 - (ii) real games of equal chance, other than bingo, played on a table; and
- (f) “wholly automated gaming table” means equipment that would fall within the definition of a gaming machine in section 235 but for its exclusion from that definition by subsection (2)(i) of that section.

Documents to accompany applications for a converted premises licence

5.—(1) An application under section 159 for a converted premises licence shall be accompanied by—

- (a) a copy of the equivalent permission under the existing legislation; or
- (b) where the applicant is applying for but has not been granted the equivalent permission under the existing legislation, copies of the documents submitted by the applicant in applying for the permission.

(2) Where an applicant is unable to comply with paragraph (1)(a) because it is not reasonably practicable for him to produce a copy of the relevant permission under the existing legislation, he must include with the application under section 159 a statement—

- (a) explaining why it is not reasonably practicable to do so; and
- (b) setting out the nature of the permission, the date on which it was granted and by whom.

(3) In this regulation and in regulation 6, “the equivalent permission under the existing legislation”, in relation to an application for a converted premises licence, means the licence or permit under the Betting, Gaming and Lotteries Act 1963(1) or the Gaming Act 1968(2)—

- (a) held by the applicant in respect of the premises to which the application relates; and
- (b) by virtue of which the applicant is entitled to be issued with a converted premises licence.

Written statement to accompany applications for a casino premises licence

6. Where a person who is applying for a casino premises licence—

(1) 1963 c. 2.
(2) 1968 c. 65.

- (a) is entitled to apply for a converted casino premises licence in respect of the premises to which the application relates, but
- (b) does not want the application to be treated as an application for a converted casino premises licence,

the application must be accompanied by a written statement confirming that the applicant does not want paragraph 54 of Schedule 4 to the Commencement and Transitional Provisions Order (which provides for the grant of applications for a premises licence made by a person holding the equivalent permission under the existing legislation) to apply.

Form and content of applications to vary a premises licence

7.—(1) Subject to regulation 11, an application under section 187 to vary a premises licence shall be in the form, and contain the information, specified in Schedule 2.

(2) Where the application includes an application to vary the plan which forms part of the premises licence under section 151(1)(g), the application must be accompanied by a scale plan which complies with paragraph (3).

(3) The plan must show the matters which it would be required to show under regulation 4 if the application were for the issue of a premises licence—

- (a) of the same type as that to which the application relates; and
- (b) which included the variations specified in the application.

Form and content of applications to transfer a premises licence

8. Subject to regulation 11, an application under section 188 for the transfer of a premises licence shall be in the form, and contain the information, specified in Schedule 3.

Form and content of applications for the reinstatement of a premises licence

9. Subject to regulation 11, an application under section 195 for the reinstatement of a premises licence shall be in the form, and contain the information, specified in Schedule 4.

Form and content of applications for a provisional statement

10.—(1) Subject to regulation 11, an application under section 204 for a provisional statement shall be in the form, and contain the information, specified in—

- (a) Part 1 of Schedule 5, if it is in respect of premises or proposed premises which are not a vessel; or
- (b) Part 2 of Schedule 5, if it is in respect of premises or proposed premises which are a vessel.

(2) An application under section 204 for a provisional statement in respect of premises which the applicant expects to acquire a right to occupy must be accompanied by a scale plan which complies with the requirements of paragraphs (2) to (9) of regulation 4 (as modified in accordance with paragraph (3) of this regulation).

(3) Any reference in paragraphs (3) to (9) of regulation 4 to an application for a particular kind of premises licence is to have effect for the purposes of this regulation as a reference to an application for a provisional statement in respect of premises whose use would require the same kind of premises licence.

Matters not required to be included in an application

11.—(1) Where matters are included in square brackets in any form in Schedules 1 to 5, they are intended to indicate and explain the information to be specified in the application to which the form relates, and are not required to be included in the application.

(2) The first page of the form used for an application may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by it.