

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 9: Applications for casino premises licences

Sections 188 & 189: Transfer

486. Unlike operating licences, premises licences can be transferred, provided the transfer is to another operating licence holder (except in the case of betting premises licences in respect of tracks, where the transfer can be to any person). The procedures under this Part for premises licence applications will apply to applications for transfer with any necessary modifications. A different fee may be prescribed in relation to applications for transfer to that which applies in relation to an application for a licence.
487. Where a licensing authority grants the application for transfer, it must alter the licence so that the applicant for transfer becomes the licensee; specify in the licence the time at which the transfer takes place; and make any alteration that appears to them to be required. This includes an alteration to attach or remove any condition.
488. Where a licence has a condition attached in order to give effect to an agreement made for the provision of services by the licensee in the context of a competition for a casino premises licence under Schedule 9, that licence cannot be transferred unless the transferee enters into a new agreement that appears to the licensing authority to have substantially the same effect as the original agreement. The condition of the licence to which the agreement relates must then be altered to reflect the new agreement.
489. Applications for transfer must state when the transfer is to take place and be accompanied by a written statement from the existing licence holder consenting to the transfer. It is possible for a transfer application to proceed without such a statement if the applicant has been unable to contact the existing licence holder, having taken all reasonable steps to do so. In such circumstances the licensing authority may disapply the requirement for consent from the licence holder and take all reasonable steps to notify the existing licence holder of their decision.
490. The licence or an application for a copy of the licence must accompany the application. Where the existing licensee is not contactable, the licence will be treated as being lost, stolen or damaged and the applicant must apply for a copy under section 190.
491. If the application for transfer so requests, the applicant will be treated as though he were the licensee from the point that the application is received by the licensing authority to the determination of the application by the licensing authority.
492. Regulations can be made to require an applicant for transfer to publish or give notice of his application to responsible authorities and other people specified. A responsible authority may make representations about the application to the licensing authority.

*These notes refer to the Gambling Act 2005 (c.19)
which received Royal Assent on 7 April 2005*

493. A licensing authority will grant an application for transfer, unless they think it would be wrong to do so having regard to any representations that have been made. Decisions made under this section will be subject to rights of appeal by the licensee or the applicant for transfer.