

GAMBLING ACT 2005

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial limits – vessels and aircraft

Schedule 9: Applications for casino premises licences

Sections 204 & 205: Provisional statement

519. Where a person expects premises to be constructed or altered, or expects to acquire a right to occupy premises, he may apply for a provisional statement from the licensing authority, in advance of a full premises licence.
520. Subject to any necessary modifications, the provisions relating to applications for premises licences under this Part apply to applications for provisional statements. A person does not require a right to occupy the premises, or an operating licence in order to be granted a provisional statement.
521. An application for a provisional statement must include plans, and information in relation to the construction, alteration or acquisition of property as may be prescribed by the Secretary of State in regulations.
522. Where granted, the provisional statement offers a degree of certainty to the applicant when he comes to apply for a premises licence because, unless the property has not been constructed or altered in accordance with the plans submitted to the licensing authority, when considering the application for the premises licence:
- the licensing authority must disregard any representations made, except where they relate to matters that could not have been addressed in relation to the application for a provisional statement; or where they reflect a change of circumstances relating to the applicant; and
 - the licensing authority may only refuse the application for the premises licence or impose conditions not included in the provisional statement, by taking into account matters which are valid representations (as defined above) or where there has been a change in the circumstances of the applicant.
523. An example of a change in an applicant's circumstances that might be relevant may be where the applicant has been convicted of a relevant offence following his application for a provisional statement; such that the applicant is now unable to get an operating licence.
524. If the property in respect of which the application has been made has been altered or constructed in a way that is not in accordance with the plans that were submitted with the application for a provisional statement, the licensing authority are not limited in their consideration of the application for the premises licence in the ways outlined above.
525. Where a provisional statement is granted in respect of a casino premises, under Schedule 9, *paragraphs 9 and 10*, the licensing authority may specify a time period for which it

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

is to have effect. In such a case, the period may be extended by the licensing authority on application by the holder.