



# Gambling Act 2005

## 2005 CHAPTER 19

### <sup>F1</sup>PART 8

#### PREMISES LICENCES

##### *Provisional statement*

#### **204 Application**

- (1) A person may make an application for a provisional statement in respect of premises—
  - (a) that he expects to be constructed,
  - (b) that he expects to be altered, or
  - (c) that he expects to acquire a right to occupy.
- (2) The provisions of this Part shall apply in relation to an application for a provisional statement as they apply in relation to an application for a premises licence—
  - (a) subject to the provisions of this section and section 205, and
  - (b) with any other necessary modifications.
- (3) An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as may be prescribed.
- (4) Sections 152(1)(b) and 159(3) and (5) shall not apply in relation to an application for a provisional statement.

#### **Commencement Information**

- I1** S. 204 in force at 21.5.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(2), [Sch. 2](#) (with arts. 7-11, 7-12, [Sch. 4](#)) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)
- I2** S. 204 in force at 21.5.2007 in so far as not already in force by [S.I. 2006/3272](#), art. 2(3), [Sch. 3](#) (with arts. 7-11, 7-12, [Sch. 4](#)) (as amended by [SI 2007/1157](#), art. 3(3), 4(2))

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*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Provisional statement. (See end of Document for details)*

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- I3** S. 204 in force at 1.9.2007 for specified purposes by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, **Sch. 4**) (as inserted by S.I. 2007/2169, arts. 3, 6, **Sch.**)
- I4** S. 204 in force at 20.5.2008 for specified purposes by S.I. 2008/1326, art. 2, **Sch.**

## **205 Effect**

- (1) This section applies where—
- (a) a licensing authority issue a provisional statement in respect of premises, and
  - (b) an application is made under section 159 for a premises licence in respect of the premises.
- (2) The licensing authority shall disregard any representations made in relation to the application for the premises licence unless they think that the representations—
- (a) address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
  - (b) reflect a change in the applicant's circumstances.
- (3) The licensing authority may refuse the application, or grant it on terms or conditions not included in the provisional statement, only by reference to matters which—
- (a) the authority have considered in reliance on subsection (2)(a), or
  - (b) in the authority's opinion reflect a change in the applicant's circumstances.
- (4) But subsections (2) and (3) do not apply in the case of a provisional statement issued in response to an application under section 204(1)(a) or (b) if the licensing authority think that the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement in accordance with section 204(3).

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### **Commencement Information**

- I5** S. 205 in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, **Sch. 4**) (as amended by S.I. 2007/1157, arts. 3(3), 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading:  
Provisional statement.