Gambling Act 2005

2005 CHAPTER 19

PART 9

TEMPORARY USE OF PREMISES

Temporary use notice

214 Exception to offence of using premises for gambling

(1) A person who uses premises to carry on an activity listed in section 37(1), or who causes or permits premises to be used to carry on an activity to which that section applies, does not commit an offence under that section if—

(a) a temporary use notice under this Part has effect in respect of the premises, and

(b) the activity is carried on in accordance with the terms of the notice.

Commencement Information

I1 S. 214 in force at 1.12.2007 by S.I. 2007/3155, **art. 2**

215 Nature of notice

(1) A temporary use notice is a notice given in accordance with the provisions of this Part—

(a) by the holder of an operating licence, and

(b) stating his intention to carry on one or more specified prescribed activities.

(2) The Secretary of State may by regulations—

(a) prescribe activities which may be specified in a notice under subsection (1)(b);

(b) prescribe combinations of activity that may not be specified in a notice under subsection (1)(b);

(c) prescribe activities which may be specified under subsection (1)(b) only if no other prescribed activity is specified in the notice.

(3) A temporary use notice given by a person may specify an activity under subsection (1)(b) only if the person's operating licence authorises him to carry on the activity.

Commencement Information

I2 S. 215 in force at 1.12.2007 by S.I. 2007/3155, **art. 2**

216 Form of notice

(1) A temporary use notice must—

(a) be in the prescribed form,

(b) specify the activity to be carried on in reliance on the notice,

(c) specify the premises on which the activity is to be carried on,

(d) specify the period of time during which the notice is to have effect,

(e) specify the times of day during that period at which the activity is to be carried on,

(f) specify any periods during the previous 12 months during which a temporary use notice has had effect in respect of the premises or any part of the premises,

(g) specify the date on which the notice is given, and

(h) contain any other prescribed information.

(2) In this section "prescribed" means prescribed by regulations made by the Secretary of State.

(3) In subsection (1)(f) "the previous 12 months" means the period of 12 months ending with the last day of the period specified under subsection (1)(d).

Commencement Information

I3 S. 216 in force at 1.12.2007 by S.I. 2007/3155, **art. 2**

217 Effect of notice

A temporary use notice shall, subject to the provisions of this Part and provided that the requirements of this Part are complied with, have effect during the period specified in the notice in accordance with section 216(1)(d).

Commencement Information

I4 S. 217 in force at 1.12.2007 by S.I. 2007/3155, **art. 2**

218 Maximum permitted period

(1) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months.

(2) A set of premises may be the subject of more than one temporary use notice in a period of 12 months (provided that the aggregate of the periods for which the notices have effect does not exceed 21 days).

(3) If a temporary use notice is given to a licensing authority and subsection (1) would be contravened if the notice had effect for any part of the period specified in accordance with section 216(1)(d), the licensing authority shall give a counter-notice providing for the temporary use notice not to have effect.

(4) Subsections (5) and (6) apply where a temporary use notice is given to a licensing authority and—

(a) subsection (1) would be contravened if the notice had effect for the whole of the period specified in accordance with section 216(1)(d) ("the specified period"), but

(b) the notice could have effect for some part of the specified period without resulting in contravention of subsection (1).

(5) The licensing authority shall give a counter-notice providing that the temporary use notice—

(a) shall not have effect during such part of the specified period as the licensing authority may specify in the counter-notice ("the excluded period"), and

(b) shall be treated for the purposes of this Part as if it related only to the non-excluded period.

(6) Where there is a choice as to which part of the specified period to exclude under subsection (5), the licensing authority shall consult the person who gave the temporary use notice before giving a counter-notice by virtue of that subsection.

(7) A counter-notice under this section shall have effect; and subsections (4) and (6) of section 224 shall apply in relation to a counter-notice given under this section as they apply in relation to a counter-notice given under that section.

(8) For the purposes of this section a set of premises is the subject of temporary use notification (or of a notice) if any part of the premises is the subject of temporary use notification (or of a notice).

Commencement Information

I5 S. 218 in force at 1.12.2007 by S.I. 2007/3155, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Temporary use notice.