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

SCHEDULES

SCHEDULE 13

LICENSED PREMISES GAMING MACHINE PERMITS

Modifications etc. (not altering text)

- C1** Sch. 13 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), [Sch. 4 para. 30](#)

Cancellation and forfeiture

- 16 (1) The licensing authority which issued a permit may cancel it, or may vary the number or category (or both) of gaming machines authorised by it, if they think that—
- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
 - gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
 - the premises are mainly used or to be used for making gaming machines available, or
 - an offence under this Act has been committed on the premises.
- (2) Before cancelling or varying a permit under this paragraph a licensing authority shall—
- give the permit holder at least 21 days' notice of the authority's intention to consider cancelling or varying the permit,
 - consider any representations made by the holder,
 - hold a hearing if the holder requests one, and
 - comply with any prescribed requirements for the procedure to be followed in considering whether to cancel or vary a permit.
- (3) If a licensing authority cancel or vary a permit under this paragraph they shall as soon as is reasonably practicable give notice of the cancellation or variation and the reasons for it to—
- the permit holder, and
 - the Commission.
- (4) The cancellation or variation of a permit shall not take effect until—
- the period specified in paragraph 21(2)(c) has expired without an appeal being brought, or
 - any appeal brought has been determined.

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Modifications etc. (not altering text)

- C2** Sch. 13 para. 16 applied (with modifications) (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), Sch. 4 paras. 25(5), 26

Commencement Information

- I1** Sch. 13 para. 16 in force at 21.5.2007 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))
- I2** Sch. 13 para. 16 in force at 1.8.2007 by [S.I. 2006/3272](#), art. 2(3A), [Sch. 3A](#) (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/1157](#), arts. 3(4), 6, Sch. 2)

- 17 (1) The licensing authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 9.
- (2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.

Commencement Information

- I3** Sch. 13 para. 17 in force at 21.5.2007 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))
- I4** Sch. 13 para. 17 in force at 1.8.2007 by [S.I. 2006/3272](#), art. 2(3A), [Sch. 3A](#) (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/1157](#), arts. 3(4), 6, Sch. 2)

- 18 (1) Where a permit holder, or the officer of a permit holder, is convicted of a relevant offence the court by or before which he is convicted may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
- (a) the court which orders forfeiture,
 - (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
 - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.
- (4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the permit holder deliver to the licensing authority within such time as the order may specify—
- (a) the permit, or
 - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

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Modifications etc. (not altering text)

- C3** Sch. 13 paras. 18-20 applied (with modifications) (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), Sch. 4 paras. 25(5), **26**

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Commencement Information

- I5** Sch. 13 para. 18 in force at 21.5.2007 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))
- I6** Sch. 13 para. 18 in force at 1.8.2007 by [S.I. 2006/3272](#), art. 2(3A), **Sch. 3A** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/1157](#), arts. 3(4), 6, Sch. 2)

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