



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 12

#### CLUBS, PUBS, FAIRS, &C.

##### *Pubs, &c.*

#### **284 Removal of exemption**

- (1) A licensing authority may make an order disapplying section 279 or section 282(1) to specified premises.
- (2) A licensing authority may make an order disapplying a section under subsection (1) only if they think that—
  - (a) the application of the section is not reasonably consistent with pursuit of the licensing objectives,
  - (b) gaming has taken place on the premises in purported reliance on the section but in breach of a condition of that section,
  - (c) the premises are mainly used or to be used for gaming, or
  - (d) an offence under this Act has been committed on the premises.
- (3) Before making an order under subsection (1) a licensing authority shall—
  - (a) give the holder of the on-premises alcohol licence or of the relevant Scottish licence (“the licensee”) at least 21 days' notice of the authority's intention to consider making an order,
  - (b) consider any representations made by the licensee,
  - (c) hold a hearing if the licensee requests one, and
  - (d) comply with any prescribed requirements for the procedure to be followed in considering whether to make an order.
- (4) If a licensing authority make an order under subsection (1), they shall as soon as is reasonably practicable give the licensee—
  - (a) a copy of the order, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) written reasons for the decision to make the order.
- (5) A licensee may appeal against the making of an order under subsection (1).
- (6) An appeal under subsection (5) must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
  - (b) by notice of appeal given to the designated officer, and
  - (c) within the period of 21 days beginning with the day on which the appellant receives a copy of the order against which the appeal is brought.
- (7) On an appeal the magistrates' court may—
- (a) dismiss the appeal;
  - (b) allow the appeal and quash the order made by the licensing authority;
  - (c) make an order about costs.
- (8) In relation to premises in Scotland—
- (a) subsection (6)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
  - (b) subsection (6)(b) shall not have effect,
  - (c) the reference in subsection (7) to the magistrates' court shall have effect as a reference to the sheriff, and
  - (d) the reference in subsection (7)(c) to costs shall have effect as a reference to expenses.
- (9) In this section, “prescribed” means prescribed by regulations made by the Secretary of State.