

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about application, annual and other fees relating to premises licences issued under Part 8 of the Gambling Act 2005 (“the Act”) in England and Wales.

The Regulations provide that the following types of fees are to be determined by licensing authorities:

- licence application fee (regulations 4 and 5),
- first annual fee (regulations 6 and 9),
- annual fee (regulations 8 and 9),
- notification of a change of circumstance fee (regulation 10),
- application to vary a licence fee (regulation 11),
- application to transfer a licence fee (regulation 12),
- fee for a copy of a licence (regulation 13),
- application for reinstatement of a licence fee (regulation 14), and
- provisional statement application fee (regulation 15).

In each case, the fee determined by a licensing authority must not exceed a maximum fee specified in the relevant regulation or in the table of maximum fees in the Schedule. The table in the Schedule specifies maxima for different types of fee according to the class of premises licence to which the fee relates. Regulation 3 sets out the different classes of premises licence. Six of these classes are identical to those set out in section 150 of the Act. The remainder are defined in regulation 2.

Regulations 4 and 5 provide for licensing authorities to determine different licence application fees for conversion applications and non-conversion applications. The terms “conversion application” and “non-conversion application” are defined in regulation 2 – the former meaning an application to which paragraph 54 of Schedule 4 to the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006 (S.I. 2006/3272) (“the Transitional Order”) applies.

Regulation 4 provides for two types of conversion application – fast track and non-fast track applications – which are defined in regulation 2 as meaning applications to which paragraphs 57 and 56 of Schedule 4 to the Transitional Order, respectively, apply. Regulation 4 provides for licensing authorities to determine different fees for fast track and non-fast track applications, which must not exceed amounts specified in regulation 4(2)(a) and the table in the Schedule respectively.

Regulation 5 provides for licensing authorities to determine different fees for two types of non-conversion applications:

- those in respect of provisional statement premises, and
- those in respect of any other premises.

The term “provisional statement premises” is defined in regulation 5(3).

Regulations 6(2) and (3) provide that the first annual fee for a licence determined by a licensing authority must not exceed the annual fee for the licence, determined as at the date by which the first annual fee is payable as if the annual fee were payable by that date.

Regulation 7(1) provides that, where a licence comes into effect on the date on which it is issued (“the issue date”), the first annual fee shall be paid within 30 days after that date. Regulation 7(2) provides

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

that, where a licence specifies that it is to come into force on a date after the issue date (“the effective date”), the first annual fee shall be paid either within 30 days after the effective date, or within 12 months of the issue date, whichever is sooner. Regulation 7(2) does not apply to licences which were issued before 1st September 2007 – transitional provision as to the payment of first annual fees in respect of such licenses is made in paragraph 36 of Schedule 4 to the Transitional Order.

Regulation 9 provides for licensing authorities to determine specific first annual fees and annual fees for licences that are subject to seasonal conditions. The term “seasonal condition” is defined in regulation 9(2). Where a licensing authority does determine a specific first annual fee and annual fee in these circumstances, those fees must be less than the first annual fee and annual fee that would otherwise apply to the licence.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Frances Macleod at the Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH; email: [frances.macleod@culture.gsi.gov.uk](mailto:frances.macleod@culture.gsi.gov.uk).