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STATUTORY INSTRUMENTS

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**2010 No. 42**

**The First-tier Tribunal (Gambling) Fees Order 2010**

**Citation and commencement**

1. This Order may be cited as the First-tier Tribunal (Gambling) Fees Order 2010 and comes into force on 18 January 2010.

**Fee for bringing an appeal under the Gambling Act 2005**

2.—(1) Subject to paragraph (2) and articles 3 and 4, the fees set out in column 2 of the table in the Schedule are payable in relation to an appeal to the First-tier Tribunal under the Gambling Act 2005(1) listed in column 1 of that table.

(2) Where an appeal relates to a combination of any of the licences listed in fees 1.1 to 1.12 of column 1 of the table in the Schedule, only one fee is payable, and if those fees are different, only the highest fee is payable.

**Exemption from fees**

3.—(1) No fee is payable under this Order by a person bringing an appeal (“an appellant”) who, at the time that the fee would otherwise become payable, is in receipt of any qualifying benefit.

(2) The following are qualifying benefits for the purpose of paragraph (1)—

- (a) income support under the Social Security Contributions and Benefits Act 1992(2);
- (b) working tax credit under the Tax Credits Act 2002(3), provided that—
  - (i) child tax credit is being paid to the appellant, or otherwise following a claim made jointly by the appellant and another person as a couple under section 3(3) of that Act; or
  - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the appellant,and the gross annual income taken into account for the calculation of the working tax credit is £17,474 or less;
- (c) income-based jobseeker’s allowance under the Jobseekers Act 1995(4);
- (d) guarantee credit under the State Pension Credit Act 2002(5);
- (e) income-related employment and support allowance payable under Part 1 of the Welfare Reform Act 2007(6).

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(1) 2005 c. 19.

(2) 1992 c. 4.

(3) 2002 c. 21. Section 3(3) was amended by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).

(4) 1995 c. 18.

(5) 2002 c. 16.

(6) 2007 c. 5.

### **Reduction and remission of fees**

4. Where the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue financial hardship to the appellant, the Lord Chancellor may reduce or remit the fee.

### **Refunds**

5.—(1) Subject to paragraph (2), where a fee has been paid at a time—

- (a) when, under article 3, it was not payable, the fee will be refunded;
- (b) when the Lord Chancellor, if all the circumstances had been known, would have reduced the fee under article 4, the amount by which the fee would have been reduced will be refunded;
- (c) when the Lord Chancellor, if all the circumstances had been known, would have remitted the fee under article 4, the fee will be refunded.

(2) No refund shall be made under paragraph (1) unless the appellant applies in writing within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if the Lord Chancellor considers that there is good reason for an application being made after the end of the period of 6 months.

Signed by authority of the Lord Chancellor

10th January 2010

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice