

EXPLANATORY MEMORANDUM TO
THE FIRST-TIER TRIBUNAL (GAMBLING) FEES (AMENDMENT) ORDER 2010

2010 No. 633

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 To increase the fees payable when bringing an appeal to the First-tier Tribunal under section 141 or 337(1) of the Gambling Act 2005 to reflect the increase in inflation since the start of the Tribunal in January 2007 to April 2009.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None.

4. Legislative Context

4.1 This instrument will amend The First-tier Tribunal (Gambling) Fees Order 2010 (S.I. 2010/42) by increasing all the appeal fees set out in that Order in line with inflation from the start of the Gambling Appeals Tribunal in January 2007, to April 2009. The increase has been calculated at 7.6%

4.2 The threshold for the purpose of exemption for paying a fee was increased in The First-tier Tribunal Gambling Fees Order 2010 which came into force on 18th January 2010.

5. Territorial Extent and Application

5.1 This instrument applies to England, Wales and Scotland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Gambling Appeal Fees were introduced in January 2007 on a full cost recovery basis with the policy intention that the fees would be reviewed annually. Due to the low number of appeals the fees have not been reviewed on a yearly basis and the fees have remained the same since January 2007.

7.2 In order that the fees allow the jurisdiction to continue to function on a full cost recovery basis it is necessary to increase the fees in line with inflation. This increase has been calculated at 7.6% and represents the inflationary increase from the start of the Tribunal in January 2007 to April 2009.

7.3 In January 2010 the Gambling Appeal jurisdiction transferred into the First-tier Tribunal General Regulatory Chamber at which point the fee levels, set out in the First-

tier Tribunal (Gambling) Fees Order 2010, remained the same. That Order is amended by this instrument.

8. Consultation outcome

8.1 On the initial introduction of Gambling Appeal fees in the Gambling Appeals Tribunal Fees Regulations 2006 no public consultation exercise was undertaken as there were no genuine alternatives to charging fees and the jurisdiction needed to cover its costs by charging fees at full cost recovery levels.

8.2 This rationale remains the same as the increases in this instrument are equivalent to the rate of inflation there has been no public consultation carried out on this instrument.

8.3 In accordance with section 42 (5) of the Tribunals, Courts and Enforcement Act 2007 the Administrative Justice and Tribunals Council and the Senior President have been consulted on the increase and their comments have been considered in the final version of this instrument.

8.4 Copies of the draft instrument were also circulated to key stakeholders, the Gambling Commission and DCMS for their information. No comments were received from either of these organisations.

9. Guidance

9.1 There will be no publicity on this SI.

10. Impact

10.1 The impact on business, charities or voluntary bodies is very small. This instrument increases fees which were already in place and the increase is in line with inflation since the introduction of the fees.

10.2 The impact on the public sector is limited. The instrument will ensure that the Gambling Appeals Tribunal will be able to function at a full cost recovery basis and will not be a strain on the public purse, as was the initial policy intention when the appeal fees were introduced.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation may apply to a limited number of small businesses however as the increase is in line with inflation it is not felt that this increase would deter or prevent them from making an appeal they would have made prior to the fee increase. The First-tier Tribunal (Gambling) Fees Order 2010 increased the exemption levels so potential appellants have the same access to justice.

12. Monitoring & review

12.1 The increases in the appeal fees aim for the Gambling Appeal Jurisdiction to continue to achieve full cost recovery.

13. Contact

Christine Lloyd at the Tribunal Service Tel: 0191 2982243 or email:
Christine.Lloyd@tribunals.gsi.gov.uk can answer any queries regarding the instrument.