

STATUTORY INSTRUMENTS
2008 No. 469
BETTING, GAMING AND LOTTERIES, ENGLAND AND WALES

The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008

Made - - - - 25th February 2008

Laid before Parliament 26th February 2008

Coming into force - - 18th March 2008

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 355 of and paragraph 2 of Schedule 9 to the Gambling Act 2005(a).

Citation and commencement

1. These Regulations may be cited as the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and shall come into force on 18th March 2008.

Interpretation

2. In these Regulations—

“application” means—

(a) an application under section 159 for a large or small casino premises licence, or

(b) an application under section 204 for a provisional statement in respect of a large or small casino, and a reference to an “applicant” shall be construed accordingly,

“application pack” has the meaning given in regulation 3(1)(b),

“closing date” has the meaning given in regulation 5(1)(b),

“invitation” has the meaning given in regulation 3(1)(a), and

“the licensing authority”, in relation to an invitation, application pack or application means the licensing authority—

(a) who publish the invitation,

(b) who make the application pack available to a member of the public on request, or

(c) to whom the application is made.

(2) A reference in these Regulations to a section or Schedule is a reference to a section of or Schedule to the Gambling Act 2005.

(a) 2005 c. 19.

Invitations for competing applications and application packs

3.—(1) Before considering an application, a licensing authority must—

(a) publish an invitation calling for applications (“invitation”), and

(b) make arrangements for the provision, free of charge, of a copy of information about an invited application (“application pack”) to a person on request, until the closing date stated in the invitation to which the application pack relates.

(2) An invitation must—

(a) be published in a manner that complies with regulation 4, and

(b) contain the information required by regulation 5.

(3) An application pack must contain the information required by regulation 6.

Manner of publication of invitation

4.—(1) An invitation must be published in a manner which the licensing authority consider is most likely to bring it to the attention of as many potential applicants in the United Kingdom and abroad as possible.

(2) Without prejudice to the generality of paragraph (1), an invitation must be published at least once in a trade newspaper, journal or similar publication which the licensing authority consider is likely to be read by persons in the United Kingdom and abroad who are potential applicants.

Information to be included in invitation

5.—(1) An invitation must state—

(a) whether the licensing authority propose to issue a casino premises licence for a large or small casino,

(b) the latest date by which an application must be made in order to be considered by the licensing authority (“closing date”),

(c) the place from which a person may obtain an application pack, and

(d) such other information as the licensing authority consider appropriate.

(2) The closing date may not be earlier than the date which is 3 months after the later of—

(a) the date on which the invitation is last published, and

(b) the date on which the application pack is first available to a person on request.

Information to be included in application pack

6.—(1) An application pack must include—

(a) a statement that—

(i) an application must be made in the form and manner prescribed by the application regulations, and

(ii) no information, other than information required by the application regulations, may be included in or submitted with an application,

(b) a statement of the procedure that the licensing authority propose to follow to determine whether to grant or reject an application,

(c) a statement that, in making any determination required by paragraph 4 of Schedule 9, the licensing authority will not take into account information which is relevant to a determination under paragraph 5 of that Schedule unless that information is also relevant to the determination under paragraph 4,

(d) a statement of the principles that the licensing authority propose to apply in making any determination required by paragraph 5 of Schedule 9,

(e) the dates by which the licensing authority expect to make—

3

(i) the determination under 163 (if the licensing authority only receives one application), or

(ii) the determination under paragraph 4 of Schedule 9 and any determination under paragraph 5 of that Schedule that may be required (if the licensing authority receives more than one application), and

(f) such other information as the licensing authority consider appropriate.

(2) The statement required by paragraph (1)(b) must, in particular, include information about the two-stage consideration procedure under paragraphs 4 and 5 of Schedule 9.

(3) In this regulation “the application regulations” means the regulations made under section 159(6)(a)—

(a) in relation to applications to licensing authorities in England and Wales, by the Secretary of State, and

(b) in relation to applications to licensing authorities in Scotland, by the Scottish Ministers.

Timing

7.—(1) A licensing authority may not consider an application before the closing date stated in the invitation to which the application relates (“the relevant closing date”).

(2) A licensing authority are not required to consider an application that is made after the relevant closing date.

(3) For the purposes of the Act and any regulations made under it, an application that is made before the relevant closing date shall be treated as if it were made on the relevant closing date.

Andy Burnham

Secretary of State

25th February 2008 Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about inviting applications under the Gambling Act 2005 (“the Act”) for—

— large and small casino premises licences, and

— provisional statements in respect of a large or small casino,

(together referred to as “applications”; and “applicant” means a person who makes an application).

Paragraph 2 of Schedule 9 to the Act requires a licensing authority to invite applications where a limit is specified in relation to the relevant category of casino premises licence under section 175 of the Act.

Regulation 3 provides that, before considering an application, a licensing authority must—

— publish an invitation calling for applications (“invitation”) that accords with regulations 4 and 5, and

— make arrangements for the provision, free of charge, of information about an invited application (“application pack”) to be provided to a person on request until the latest date by which an application must be made in order to be considered by the licensing authority (“closing date”). The application pack must accord with regulation 6.

Regulation 4 provides for the manner in which an invitation must be published.

Regulation 5 sets out the information that must be included in an invitation. This information includes the closing date.

Regulation 6 sets out the information that must be included in an application pack.

Regulation 7(1) and (2) provides that—

— a licensing authority may not consider an application before the closing date stated in the invitation to which the application relates (“the relevant closing date”), and

— a licensing authority are not required to consider an application that is made after the relevant closing date.

Regulation 7(3) provides that an application that is made before the relevant closing date shall be treated, for the purposes of the Act and regulations made under it, as if it were made on the relevant closing date. This will mean, for example, that the period within which a person may make representations in relation to an application (prescribed by regulation 15 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (SI 2007/459)) will begin from the relevant closing date rather than the date that the application was actually made.

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