

Gambling Act 2005: Betting Guidance

To operate a betting shop after 1 September 2007 you will need:

- an operating licence – apply to the Gambling Commission between 1 January and 27 April 2007;
- a premises licence – apply to us between 21 May and 30 July 2007;
- any personal licences appropriate to your business – apply to the Gambling Commission between 1 January and 29 June 2007.

To operate as an on-course bookmaker after 1 September 2007, you will need:

- an operating licence – apply to the Gambling Commission between 1 January and 27 April 2007;
- any personal licences appropriate to your business – apply to the Gambling Commission between 1 January and 29 June 2007.

To operate as a pool promoter for sports other than horse racing and dog racing after 1 September 2007, you will need:

- a pool betting operating licence – apply to the Gambling Commission between 1 January and 27 April 2007.

Special transitional arrangements will apply to tracks and other sports stadia.

Betting – Existing Operators

This guidance applies to holders of the following permissions under the Betting, Gaming and Lotteries Act 1963, and who want to continue to operate their business after 1 September 2007:

- bookmaker's permits issued under Schedule 1;
- betting agency permits issued under Schedule 1;
- betting office licences issued under Schedule 1;
- tracks licensed for betting under Schedule 3;
- operators registered as pool promoters under Schedule 2;
- horse racecourses with a certificate of approval issued by the Levy Board under section 13;
- holders of licences authorising an inter-track betting scheme under paragraph 2 of Schedule 52A.

Betting shops

What do I need to do if my existing permission expires before 1 September 2007?

If you are currently operating a betting shop you should already have a bookmaker's permit and a betting office licence issued by your licensing justices which are valid until the spring of 2009, so this circumstance should not arise.

What do I need to do if I want to continue to operate my betting shop after 1 September 2007?

You will need to make advance applications under the 2005 Act:

- to the Gambling Commission for a non-remote general betting operating licence;
- to your licensing authority for a betting premises licence; and,
- to the Gambling Commission for any personal licences required by your business.

If you are currently operating any remote services by virtue of your existing betting permit, you will also need to apply to the Gambling Commission for a remote operating licence.

How long will my new licences last?

Betting operating, premises and personal licences will be of unlimited duration. You will not need to apply again unless your circumstances change. You will, however, be required to pay an annual fee to the Gambling Commission in respect of your operating licence, and to your licensing authority in respect of your premises licence. You will also be required to pay a periodic maintenance fee to the Gambling Commission in respect of your personal licence(s).

Operating licences

How do I obtain my operating licence?

You should apply to the Gambling Commission between 1 January and 27 April 2007. The Gambling Commission has issued its own guidance on the application procedures, and what you need to submit with your application. You can find this on the Gambling Commission's website: www.gamblingcommission.gov.uk.

Will I qualify for continuation rights?

If you submit your advance application by 27 April 2007 you will qualify for continuation rights. This means that you will be treated as having an interim operating licence effective from 1 September 2007, even if your application has not been resolved by that date. It is important to note that, even if you are operating by virtue of continuation rights, you will still be expected to abide by any relevant operating licence conditions and codes of practice that come into force on 1 September 2007. You will also be subject to the review provisions set out in the Act. The Gambling Commission must specify the conditions that will apply to your category of interim operating licence. Information about the licence conditions and codes of practice that apply to your sector is available on the Commission's website.

What happens if I don't apply to the Gambling Commission by 27 April 2007?

The Gambling Commission will still process your application, and will do all it can to resolve your application as quickly as possible. However, you will lose your entitlement to continuation rights. This means that if your application has not been resolved by 1 September 2007, you will have to cease trading on that date until such time as your application has been resolved.

Will I qualify for grandfather rights?

The Government has guaranteed that the premises aspects of current permissions will be grandfathered. This means that if you hold a premises-based permission under the existing law (for a betting shop, bingo hall, casino or arcade), you will be guaranteed the equivalent premises licence under the new Act. The Government did not believe that it was appropriate to grandfather operating licences, as no-one should be exempt from the requirement to establish their suitability to be granted an operating licence. For the overwhelming majority of responsible operators in the industry, this should present no problems.

Premises licences

How do I obtain my premises licence?

You should apply to us between 21 May and 30 July 2007.

Will I qualify for continuation rights?

If you hold a valid betting office licence issued under Schedule 1 to the 1963 Act, and you submit your advance application by 30 July 2007, you will qualify for continuation rights. This means that you will continue to be able to operate from 1 September 2007, even if your application has not been resolved by that date. It is important to note that, even if you are operating by virtue of continuation rights, you will still be expected to abide by the relevant mandatory and default premises licence conditions that come into force on 1 September 2007. You will also be subject to the review provisions set out in the Act. We will acknowledge receipt of your application, notify you that your application has been received in time and as such, if you hold an existing permission, you will qualify for continuation rights. They will also provide you with a summary of the mandatory and default premises licence conditions that will apply to the category of premises licence for which you are applying.

Will I qualify for grandfather rights?

Yes. If you are an existing operator, and you apply for your premises licence before 1 September 2007, you will be guaranteed a premises licence (except in the circumstances described in the next question).

Are there any circumstances in which the licensing authority can refuse my application?

We could only refuse your application for a premises licence if:

- you have failed to submit any information that we need to process your application; or,
- it is obvious to us from the plan of your premises that you will be unable to comply with any condition attached to the category of premises licence for which you are applying.

Further information about these circumstances is provided below.

What will I need to submit with my application?

You will be able to obtain information about application procedures from us. However, in summary, you will need to submit the following with your application:

- a completed premises licence application form;
- a plan of the premises, which includes some basic information about the situation and layout of the premises;
- the prescribed application fee.

Will any special arrangements apply during the transitional period?

The application form will give you two choices. During the advance application period, you must opt for one option or the other:

- **fast track application** – you can opt to accept in full the mandatory and default conditions that the government will attach to the type of premises licence you are applying for; or,
- **non-fast track application** – you can apply to vary any of the default conditions that apply to the category of premises licence for which you are applying.

In general, the only default condition that will apply to premises licences will relate to gambling hours – the hours each day that gambling will be permitted on the premises. Whichever option you choose, if you are an existing operator, you will be guaranteed to obtain a premises licence with the mandatory and default conditions attached to it. You will not be permitted to make both a fast track and a non-fast track application. If you do make both applications, we will be required to refuse your non-fast track application.

What is the difference between the two procedures?

1. Fast track grandfathered premises licence application

Key features:

- we must grant it;
- the new mandatory and default conditions will be attached to your premises licence and nothing more;
- we will not be able to amend default conditions or attach additional conditions at the point of issue (after issue, your premises licence may be reviewed like any other);
- it will involve a straightforward administrative procedure with no requirement for a hearing, to publish notice of the application or to notify responsible authorities;
- responsible authorities or interested parties will not be able to make representations;
- the application will be subject to a lower fee reflecting the reduced amount of work for us in dealing with the application.

2. Application for a grandfathered premises licence with a default condition excluded or varied (non-fast track application)

Key features:

- we must ultimately grant at least a premises licence with the new mandatory and default conditions attached to it.

- we may grant or refuse your request to exclude or vary a default condition;
- where we grant the request, we may attach other conditions. This may, for example, relate to the same matter dealt with by the default condition, but it does not necessarily have to be so limited;
- all the normal requirements relating to the making of an application for a premises licence will apply, including the requirements to publish notice of the application and to notify responsible authorities;
- responsible authorities and interested parties may make representations;
- there may be (but will not necessarily be) a requirement for a hearing;
- your application will attract a higher fee to reflect the increased costs incurred by us.

What will happen if I make a mistake in my application form, or if there is an error or omission in my plan? Will you automatically refuse my application?

No. We will notify you of any error or omission. If you fail to rectify any error, We may then refuse your application. If the application qualifies for continuation rights (because it was made before 30 July 2007), we will specify a period of not less than 14 days for rectifying the error or omission. If you fail to do so within this period the continuation rights will lapse.

What will happen if you believe that, on the basis of the plan of my premises, I will be unable to comply with a condition attached to the licence under the new Act?

We will give you notice in writing indicating that it believes that, on the basis of your plan, the proposed premises is incompatible with a condition, explaining what that condition is and requesting information showing how you will meet the relevant condition, including an amended plan. You will be given a minimum of 14 days to comply with this request, and we cannot grant the licence until you comply. If you qualify for continuation rights, we will specify a period of not less than 14 days for complying with the request. If you fail to comply within this period the continuation rights will lapse.

Personal licences

How many personal licences will I need and which people in my business will need them?

The Gambling Commission will issue separate guidance on who in your business requires a personal licence. If you qualify as a small scale operator, you will not need to obtain any personal licences, and the Gambling Commission will also publish advice on the operation of this exemption.

How do I obtain my personal licences?

You should apply to the Gambling Commission between 1 January and 29 June 2007. Information about application procedures and application forms will be available on the Gambling Commission's website.

Will I qualify for continuation rights?

Yes. As long as you apply before 30 June 2007, you will qualify for continuation rights, and you will be treated as having been granted a personal licence until such time as your application is determined, even if this is after 1 September 2007.

Special circumstances

What happens if my existing permit or licence is cancelled before 1 September 2007?

In the rare event that an existing permit or licence is cancelled before 1 September 2007, the following arrangements will apply.

If your betting office licence is cancelled:

- if you have already been issued with a new premises licence under the new Act, that premises licence will lapse on the date on which your licence under the old Act was cancelled;
- if your application under the new Act is still outstanding, we must refuse your application for a grandfathered premises licence. You may, of course, if you wish make a new application under the new Act for the appropriate licence.

If your bookmaker's permit is cancelled, the Gambling Commission will continue to be able to resolve any outstanding applications for a betting operating licence and personal licences, but you will lose your entitlement to continuation rights.

What happens if I want to make substantial alterations to my premises during the transition period?

Grandfather rights only apply where the application for a premises licence under the new Act relates to the same or substantially the same premises as those to which the betting office licence under the 1963 Act relates. If you are planning to make substantial alterations to your existing premises, you may wish to consider applying first for a grandfathered premises licence for your existing premises. You would then need to apply to us to vary your new premises licence.

This part applies to operators who:

- wish to apply for a first betting shop licence before 31 August 2007; or,
- who already have an outstanding application for a betting shop licence under the existing law.

What do I do if I want to apply for a first bookmaker's permit and betting shop licence before 31 August 2007?

You may continue to apply in the normal way to your licensing magistrates for both permissions until 27 April 2007. Applications under the existing legislation made after this date will not be granted.

Assuming my application for a permit under the old Act is successful, how do I then convert it to a new licence or permit under the 2005 Act?

Broadly the same transitional arrangements will apply as for existing operators. You will still need to make advance applications for operating, premises and personal licences under the new Act, and you should ensure that you make these applications by the dates stipulated above (at whatever point consideration of your application under the old legislation may have reached). It will be your responsibility to notify the Gambling Commission in writing if the application for a bookmaker's permit under the old legislation is granted, enclosing a copy of the permit. You must do so within 14 days of the application under the old legislation being granted. If you fail to do so, you will lose any entitlement to continuation rights. We will not be able to resolve your application for a betting premises licence under the new Act until your application for a betting office licence under the old legislation has been resolved.

Again, it will be your responsibility to notify us in writing that your application under the 1963 Act has been determined and to enclose with your notification a copy of the relevant betting office licence.

What will happen if my application under the old legislation is withdrawn or refused?

If your application for a bookmaker's permit under the old legislation is withdrawn or refused, the Gambling Commission will still consider your applications for operating and personal licences under the new Act. However, you will not be entitled to continuation rights as an existing operator. If your application for a betting office licence under the old Act is withdrawn or refused, we must refuse your application for a grandfathered premises licence under the new Act.

Will I qualify for continuation rights?

If your application under the existing legislation is resolved by 31 August 2007, but your advance applications under the new Act remain unresolved on that date, you will qualify for continuation rights. However, if your application under the old legislation has not been resolved by 31 August, you will not qualify for continuation rights as there will have been no existing permission to continue.

What do I do if I want to obtain a first licence or permit after 27 April 2007?

Any applications under the existing legislation made after 27 April 2007 will not be granted. If you wish to apply for a permission to operate a betting shop after that date, you will need to apply under the new Act to the Gambling Commission for operating and personal licences, and to us for a premises licence.

Betting Shops – New Operators

This explains what the holders of other betting permissions, including tracks, will need to do to obtain the equivalent permissions under the new Act.

On-course bookmakers

If you currently hold, or are applying for, a bookmaker's permit to operate only as an on-course bookmaker, and wish to continue to operate after 1 September 2007, you will need to make advance applications to the Gambling Commission for a general betting operating licence and any personal licences required by your business. The same arrangements that apply to a betting shop seeking to convert its bookmaker's permit into a general betting operating licence will apply. Bookmakers who only operate on-course will not require a premises licence.

Betting agency permits

If you currently hold, or are applying for, a betting agency permit issued under Schedule 1 of the 1963 Act, and wish to continue to operate after 1 September 2007, you will need to make advance applications to the Gambling Commission for a general betting operating licence and any personal licences required by your business. The same arrangements that apply to a betting shop seeking to convert its bookmaker's permit into a general betting operating licence will apply.

Registered pool promoters – sports other than horse racing and dog racing

If you are currently registered, or are applying for registration, as a pool promoter under Schedule 2 of the 1963 Act, and wish to continue to operate pool-betting for sporting events other than horse racing and dog racing after 1 September 2007, you will need to make advance applications to the Gambling Commission for a pool betting operating licence and for any personal licences required by your business. Broadly the same arrangements that apply to a betting shop seeking to convert its bookmaker's permit into a general betting operating licence will apply. It is important to note that, if you currently operate pool betting on a remote as well as a non-remote basis, you will need to obtain both a remote and a non-remote pool betting operating licence under the new Act.

Dog tracks

If you currently hold a track betting licence under the 1963 Act for a dog track, you will need to make an advance application under the new Act to us for a betting premises licence for a dog track.

Other operators in the betting industry

The transitional arrangements will be broadly similar to those that apply to betting shops seeking to convert their 1963 Act betting office licence into a betting premises licence under the new Act. You will qualify for grandfather rights. You will not require a betting operating or personal licence in addition to your betting premises licence unless you also intend to operate your own facilities for betting at the track. If you are offering facilities for pool betting at a dog track, either by virtue of your track betting licence, or by virtue of a written authorisation given under section 16(1) of the 1963 Act, you will also need to make advance applications under the new Act to the Gambling Commission for a pool betting operating licence for dog racing and for any personal licences required by your business. Broadly the same arrangements that apply to a betting shop seeking to convert its bookmaker's permit into a general betting operating licence will apply. It is important to note that, where you are an existing pool betting operator by virtue of one or more section 16(1) authorisations, any continuation rights will be limited to the tracks to which the section 16(1) authorisations

relate. If the holder of a track betting licence in respect of a dog track under the 1963 Act is applying for that licence to be transferred to another person, and that application has not been resolved, the transferee may also make advance applications as an existing operator for:

- a betting premises licence for a dog track; and/or
- a pool betting operating licence.

Both the transferor and the transferee will potentially qualify for continuation rights and grandfather rights in respect for the track concerned, where both make the appropriate advance applications. The transferee will, however, only qualify for continuation rights if the application is successful before 1 September 2007.

Horse racecourses

If you currently hold a certificate of approval for a horse racecourse under Section 13 of the 1963 Act, you will need to make an advance application under the new Act to us for a betting premises licence in respect of a horse racecourse. The transitional arrangements will be broadly similar to those that apply to betting shops seeking to convert their 1963 Act betting office licence into a betting premises licence under the new Act. You will qualify for grandfather rights. The only exception to this general rule is in the case of holders of Section 13 certificates issued under the 1963 Act in respect of point to point courses. Operators of point to point courses will not be required to obtain betting premises licences under the new Act. Instead, they will be able to take advantage of new arrangements under section 39 of the new Act for occasional use notices. These arrangements, which will not come into force until 1 September 2007, will enable operators to offer betting on tracks up to eight times a year by way of a simple notification procedure.

Other sports

If you currently hold a track betting licence under the 1963 Act for any other track or sports venue, you will need to make an advance application under the new Act to us for a betting premises licence. The transitional arrangements will be broadly similar to those that apply to betting shops seeking to convert their 1963 Act betting office licence into a betting premises licence under the new Act. You will qualify for grandfather rights.

Inter-track betting scheme

If you currently hold a licence to operate an inter-track betting scheme under paragraph 2 of Schedule 52A to the 1963 Act, you will need to make advance applications under the new Act to the Gambling Commission for a remote pool betting operating licence restricted for dog racing and for any personal licences required by your business. Broadly the same arrangements that apply to a betting shop seeking to convert its bookmaker's permit into a general betting operating licence will apply.

Betting intermediaries

If you are currently operating as a betting intermediary, and wish to continue to operate in this capacity after 1 September 2007, you should make advance applications to the Gambling Commission for a remote (or non-remote) betting intermediary operating licence, and for any personal licences required by your business. As this is a new permission under the 2005 Act, you will qualify for continuation rights whether or not you currently hold a bookmaker's permit, as long as you apply for your operating licence by 27 April 2007 and for your personal licences before 30 June 2007.

Remote betting facilities

If you currently operate any form of remote betting facilities by virtue of a bookmaker's or betting agency permit, you will need to make advance applications to the Gambling Commission for a remote general betting operating licence and for any personal licences required by your business. If you are an existing operator, you will need to apply to the Gambling Commission by 27 April 2007 for your operating licence, and by 29 June 2007 for your personal licences, to qualify for continuation rights.