

# Gambling Act 2005: Clubs Guidance

This part applies to members' clubs and commercial clubs which are already offering gaming machines and other gaming under the system of registrations under Part II and Part III of the Gaming Act 1968, and who wish to go on offering these facilities under the new Act.

## **What do I do if I need to renew my existing Part II or Part III registration before 31 August 2007?**

You should apply to your licensing justices in the normal way. If successful, your application will normally be renewed for up to ten years for a Part II registration and five years for a Part III registration. As long as you apply on or before 31 August 2007, your licensing justices will still be able to resolve your application under the old Act, even if it is not able to do so until after 31 August.

## **What do I do if my existing Part II or Part III registration expires on or after 1 September 2007?**

You should apply to us for the relevant permission under the new Act at least two months before the expiry date of your registration. For example, if your registration expires on 2 September 2007, you should apply under the new Act no later than 2 July 2007.

## **What permission will I require under the new Act?**

The 2005 Act replaces the current system of registration with two new permissions:

**Club machine permit** – This permit will entitle clubs to offer up to three Category B4 machines, with a maximum stake of £1 and maximum prize of £250. It will not, however, authorise the provision of any other facilities for gaming. It is the equivalent to Part III registration under the existing legislation.

**Club gaming permit** – This permit will entitle clubs to offer up to three Category B4 gaming machines (as above), plus facilities for equal chance gaming (subject to certain limits) and such games as are prescribed by the Secretary of State in regulations. It is broadly the equivalent to Part II registration under the existing legislation. This type of permit cannot be issued to commercial clubs.

## **How long will my new permission last?**

Both new permits will last for ten years. A renewal fee will apply at the end of this period. Holders of both permits will also be required to pay an annual fee to us.

## **When will I need to obtain my new permission under the 2005 Act?**

On 1 September 2007, you will be treated for the purposes of the 2005 Act as having been granted the relevant new permit:

- clubs registered under Part II will be treated as if they hold club gaming permits;
- clubs registered under Part III will be treated as if they hold club machine permits.

You will need to apply for a permit under the new Act two months before your registration under the 1968 Act would have expired. It is important to note that from 1 September 2007 you will be required to abide by any rules relating to the new permits in the new Act and accompanying regulations, and by the Gambling Commission's Code of Practice for the location and operation of gaming machines in clubs. You will be able to find details of the new rules and a copy of the code of

practice on the Gambling Commission's website – [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). The relevant rules relating to club gaming and club machine permits set out in Schedule 12 of the Act will also apply. These include the rules relating to the cancellation and forfeiture of permits.

**Will I need anything in addition to my Certificate of Registration under the 1968 Act to prove my entitlement under the new Act?**

No. Your existing certificate of registration is all you need. You will, however, need to ensure that you apply for a permit under the new Act at least two months before your existing registration was due to expire.

**Will I qualify for continuation rights?**

Yes. If you apply at least two months before the expiry date of your existing registration, or automatically converted permit, you will continue to be able to offer the gaming facilities you do now until such time as your application has been resolved.

**Will I qualify for grandfather rights?**

Yes. All clubs with an existing permission will have until two months before the date on which their registration under the 1968 Act would have expired to apply for a grandfathered permit under the new Act. Provided you apply two months in advance:

- if you currently hold a Part II registration under the 1968 Act, you will be entitled to a club gaming permit under the 2005 Act.
- if you currently hold a Part III registration under the 1968 Act, you will be entitled to a club machine permit under the 2005 Act.
- You will only lose your grandfather rights in the rare event that your existing registration is cancelled.

**How do I make my application?**

You will be able to obtain information about this from us.

**Are there any circumstances in which we can refuse your application?**

We could only refuse your application for a grandfathered permit if you have failed to submit any information which must be given when applications are made. Where we write requesting the relevant information we will not be under a duty to grant the application until the information is provided. If we specify a period in the notice (being not less than 14 days), but you fail to comply with the request before the end of that period, continuation rights will be lost. However we will still be under a duty to grant the grandfathered permit once the information is supplied.

**Will any other special arrangements apply as a result of the transfer of responsibility for gaming in clubs from licensing magistrates to licensing authorities?**

Yes. The transitional arrangements place a duty on the magistrates courts to transfer certain information relating to the registrations that they have made to the appropriate licensing authority on or as soon as is practicable after 1 September 2007. After 1 September 2007, if you have any issue relating to your gaming or gaming machine permission, you should address this to the Licensing Team here.

# Clubs – New Operators

This part applies to members' clubs and commercial clubs which:

- wish to offer gaming machines and other gaming for the first time before 1 September 2007; and
- who wish to go on offering these facilities under the new Act.

## **What do I do if I want to apply for a first registration before 1 September 2007?**

You should apply to your licensing justices for the relevant registration in the normal way under the old legislation. If successful, as with new registrations currently, your registration will be granted as follows:

- Part II registration – for one year;
- Part III registration – for five years.

As long as you apply on or before 31 August 2007, your licensing justice will still be able to resolve your application under the old Act, even if it is not able to do so until after 31 August 2007. You will then be treated like any other existing operator, and you should follow the same advice set out above to convert your registration into the relevant permit under the new Act. New operators may also apply to us for a permit under the new Act from 1 June 2007, but it is important to note that they would not be able to operate by virtue of a 2005 Act permit before 1 September 2007.

## **What do I do if I want to apply for a first permission to begin on or after 1 September 2007?**

You must make an application to your licensing authority for the appropriate permit under the 2005 Act. Applications may be made from 1 June 2007.