

Gambling Act 2005: Prize Gaming Permits Guidance

To operate prize gaming by virtue of a prize gaming permit after 1 September 2007, you will need:

- **a prize gaming permit** – apply to your licensing authority between 21 May and 30 July 2007.

Holders of certain permissions under the new Act (bingo halls, adult gaming centres, licensed family entertainment centres and holders of family entertainment centre gaming machine permits) will be automatically entitled to offer prize gaming. The 2005 Act also authorises prize gaming to be offered at travelling fairs without the need for a permit. It is important to note that Part 13 of the new Act, which relates to prize gaming, does not authorise the use of any gaming machines.

Prize Gaming Permits – Existing Operators

This part applies to existing holders of permits for the commercial provision of amusements with prizes (Section 16 permits) issued under Schedule 3 of the Lotteries and Amusements Act 1976, and who want to continue to offer prize gaming after 1 September 2007.

What do I need to do if my existing Section 16 permit expires before 1 September 2007?

Nothing. Your existing permit has been automatically renewed until 31 August 2007. You can, if you want, write to us to obtain a copy of your renewed permit, and it will provide a copy free of charge. However, there is no requirement to do so.

What equivalent permission does the Gambling Act 2005 create?

Part 13 of the new Act replaces and updates Section 21 of the Gaming Act 1968 and Section 16 of the Lotteries and Amusements Act 1976. As under the existing legislation, the holders of certain permissions under the new Act (bingo halls, adult gaming centres, licensed family entertainment centres and holders of family entertainment centre gaming machine permits) will be automatically entitled to offer prize gaming. The Act also authorises prize gaming to be offered at travelling fairs without the need for a permit. Other non-gambling premises that wish to offer prize gaming may apply for a prize gaming permit under the new Act. Holders of premises licences under the new Act and holders of club gaming permits may not apply for prize gaming permits. It is important to note that Part 13 does not authorise the use of any gaming machines. Gaming machines will be regulated by Part 10 of the new Act. Certain equipment used for prize gaming – for example, mechanised cash bingo equipment – will not be treated as gaming machines by virtue of the exemptions to the general gaming machine definition included in Section 235.

What do I need to do if I want to continue to offer prize gaming in reliance on a prize gaming permit after 1 September 2007?

If you currently hold a Section 16 permit under the 1976 Act, and wish to continue to offer prize gaming after 1 September 2007, you will need to make advance applications under the 2005 Act to us for a prize gaming permit. You will not need to apply to the Gambling Commission for an operating licence.

How long will my new permit last?

Prize gaming permits will be granted for ten years, and are renewable at the end of this period. There is no annual fee.

How do I obtain my permit?

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

Will I qualify for continuation rights?

If you hold a valid Section 16 permit issued under the 1976 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 any relevant rules and code of practice relating to prize gaming permits 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. We will also provide you with a summary of the rules that will apply to prize gaming permits.

Will any special arrangements apply during the transitional period?

If you hold a valid permit and so qualify for a grandfathered prize gaming permit, we will be required to grant your application. It will be treated in broadly the same way as a fast track grandfathered family entertainment centre premises licence application, and a reduced application fee will apply.

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

If you hold an existing Section 16 permit, we could only refuse your application for a prize gaming permit under the new Act if you have failed to submit any information that we need to process your application.

What will I need to submit with my application?

You will be able to obtain information about application procedures from us. More information about applying for prize gaming permits, including the application form, will be available on the Gambling Commission's website.

What will happen if I make a mistake in my application form? Will you automatically refuse my application?

No. We will notify you of any error or omission and give you a period of no less than 14 days to rectify the error. If you fail to rectify any error within this period, we may then refuse your application.

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

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

- if you have already been issued with a new permit under the new Act, that permit will lapse on the date on which your permit under the old Act was cancelled;
- if your application for a grandfathered permit under the new Act is still outstanding, we must refuse your application.

Prize Gaming Permits – New Operators

This guidance applies to operators who:

- wish to apply for a first Section 16 permit before 31 August 2007; or
- who already have an outstanding application for a Section 16 permit under the existing law.

What do I do if I want to apply for a first prize gaming permit before 31 August 2007?

You may continue to apply in the normal way to us for a Section 16 permit until 21 May 2007. No further applications under the existing legislation will be permitted after this date.

I thought I had to apply to the licensing magistrates for my Section 16 permit, not my licensing authority?

Responsibility for issuing Section 16 permits was transferred to licensing authorities in England and Wales in November 2005 as a result of changes made by the Licensing Act 2003. Licensing authorities will continue to be responsible for issuing the equivalent prize gaming permits under the Gambling Act 2005.

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

Broadly the same transitional arrangements will apply as for existing operators. You will still need to make an advance application for a permit under the new Act, and you should ensure that you make this application by the date stipulated above (at whatever point consideration of your application under the old legislation may have reached). We will not be able to resolve your application under the new Act until your application under the old legislation has been resolved.

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

If your application under the old legislation is withdrawn or refused, we will be required to refuse your application for a grandfathered prize gaming permit under the new Act.

Will I qualify for continuation rights?

If your application under the old Act is resolved before 31 August 2007, but your advance application under the new Act remains 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.

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

No further applications will be permitted under the 1976 Act after 27 April 2007. If you wish to apply for a prize gaming permit after that date, you will need to apply to us under the new Act.