

# Pubs and Other Alcohol Licenced Premises

The Gambling Act 2005:  
Changes that affect your business.

## Information for pubs and certain other alcohol licensed premises on changes in gambling licensing under the Gambling Act 2005

Gambling law in Great Britain is changing. On 1 September 2007 the Gambling Act 2005 will come into force. This includes new rules for the provision of gaming machines and other forms of gambling in alcohol licensed premises.

This leaflet provides information on the new permits including how and when you will need to obtain them. It is for premises with an alcohol licence, which have a bar at which alcohol is served for consumption on the premises without a requirement that alcohol is served only with food. There is a separate leaflet for club operators.

### **I currently have a section 34 permit, what do I need under the new law?**

*If you wish to provide 2 or less gaming machines:*

- The Act provides an **automatic entitlement** which allows certain alcohol licensed premises, such as pubs and bars, to provide two gaming machines without a permit.

- To use this entitlement you must notify your local licensing authority – for further details contact your local licensing authority.

*If you wish to provide more than two gaming machines:*

- You will need a Gambling Act 2005 **licensed premises gaming machine permit**.

If you require clarification as to the application/notification procedure, contact your local licensing authority.

If you require clarification as to your status under the current legislation or have lost your section 34 permit, you should also contact your licensing authority (or licensing magistrates in England and Wales if it was issued before November 2005).

### **What kind of machines can I offer after 1 September?**

The new law establishes several categories of gaming machines. It restricts the gaming machines that can be operated on an alcohol licensed premises to categories C and D. The level of stakes and prizes define the category of a machine. For further information contact the Gambling Commission.

### **When do I have to get a Gambling Act 05 permit?**

*If your current permit expires before 31 August 2007:*

- You should apply to your licensing authorities for a new 1968 Gaming Act section 34 permit.
- If successful, your application will normally be granted for three years.
- As long as you apply on or before 31 August 2007, your licensing authority will still be able to process your application under the old system, even if it is not able to do so until after 31 August.

- You only need to apply for a Gambling Act 05 permit when your 1968 Act permit is due to expire.

*If your current permit expires after 31 August 2007:*

- You should apply to your licensing authority for a Gambling Act 05 **licensed premises gaming machine permit** (for more than 2 gaming machines) – you will need to do this before your 1968 Act permit expires to qualify for continuation and grandfather rights (see below).

Or

- Notify your licensing authority that you wish to use the **automatic entitlement** (for 2 or less gaming machines) – you will need to do this before the expiration of your 1968 Act permit.

### Fees for Gambling Act 05 permits/notifications

*Automatic entitlement:*

You must pay a one off fee of £50 when you submit your notification to the licensing authority.

### *Licensed premises gaming machine permit:*

When you apply for your Gambling Act 05 permit, you will have to pay an application fee of £100 for operators who have a section 34 permit (£150 for those who do not). You must also pay an annual fee of £50. The first annual fee is to be paid within 30 days of the date your permit takes effect. After that, the annual fee will be paid before the anniversary of the date your permit takes effect.

For example, if your permit is issued on 30 September 2007, you will pay £50 for the first year of your permit by 29 October 2007. You will then pay another £50 by 30 September 2008 for the second year of your permit.

### **Grandfather rights and continuation rights**

*Continuation rights* – allow you to continue operating whilst your application for a Gambling Act 05 permit is being determined.

*Grandfather rights* – guarantee that an alcohol licensed premises with a permit under the existing legislation will be granted a permit for the same number of gaming machines under the 2005 Act.

### **What happens to my 1968 Act permit after September 1?**

Your existing section 34 permit will continue to have effect after 1 September 2007 as if it were a licensed premises gaming machine permit issued under the new Act. You will continue to be entitled to offer the same number of gaming machines that your Section 34 permit entitled you to offer.

*It is important to note that from 1 September 2007 you will be required to abide by the new legislation, regulations and relevant Gambling Commission codes of practice which are available via the Commission's website.*

### **Exempt Gaming**

- The new Act allows some non-machine gaming to take place in alcohol licensed premises with or without a permit. This is called "exempt gaming".
- Only equal chance gaming can be provided as exempt gaming and there are limits on stakes and prizes.
- Further information on exempt gaming, including stake and prize limits, will be available in the Gambling Commission's Code of Practice on Gaming in Clubs and Pubs due to be published shortly.

### **Further Information**

For further information on permits contact your licensing authority.

For information on codes of practice and general gambling queries contact the Gambling Commission – [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or 0121 230 6666

For other information relating to the Gambling Act 2005 and the implementation of the Act contact the Department for Culture, Media and Sport – [www.culture.gov.uk](http://www.culture.gov.uk)

