

GAMBLING ACT 2005 PRIZE GAMING PERMITS GUIDANCE NOTES

What is a Prize Gaming Permit?

A prize gaming permit is a permit issued by us to authorise the provision of facilities for gaming with prizes on specified premises. Permits cannot be issued to vessels or vehicles.

Prize gaming is a form of normally low stakes and prizes gambling in which neither the nature nor the size of the prize is determined by the number of persons playing or the amount paid for or raised by the gaming. It can comprise a variety of games (e.g. bingo or roulette), providing that the participation fees and prizes do not exceed the level prescribed in regulations. The prize can be a cash or non-cash prize. Any non-gambling premises (i.e. one that has not got a premises licence under the Gambling Act 2005) that wishes to provide such gambling would need to apply for a prize gaming permit.

Part 13 of the Gambling Act 2005 ("the Act"), which concerns prize gaming, replaces and updates Section 21 of the Gaming Act 1968 and Section 16 of the Lotteries and Amusements Act 1976.

Prize gaming permits do not permit the provision of gaming machines. 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.

The following premises are authorised by the Act to offer prize gaming, subject to certain conditions, and do not therefore require a separate prize gaming permit:

- Holders of adult gaming centre premises licences;
- Holders of family entertainment centre premises licences;
- Holders of family entertainment centre gaming machine permits;
- Travelling fairs;
- Bingo halls

Who can apply for a permit?

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, s/he must be aged 18 or over.

Holders of premises licences under the Act and holders of club gaming permits may not apply for prize gaming permits. Applicants are not required to have an operating licence issued by the Gambling Commission.

What do I have to produce in making an application?

Documents to produce:

- (i) The appropriate application form;
- (ii) The appropriate fee for the application being made;
- (iii) Details of the types of gaming that it is intended to offer;
- (iv) Evidence that applicants understand the limits to stakes and prizes that are set out in the Regulations; and,
- (v) Evidence that the gaming offered is within the law.

Do I have to copy my application to anyone else?

No, however, the Act requires that we consult Thames Valley Police on any prize gaming permit application which we receive. We will, therefore, forward a copy to them (they then have 14 days in which to make any comments on the application).

What can you do with my application?

We can either grant or refuse an application for a permit, however we cannot add conditions. Should we be minded to refuse an application we will write to you with our reasons and you will be given the opportunity to make representations against our decision.

How long does a permit last?

A permit lasts for 10 years. There is no annual fee for this type of permit.

Can my permit lapse before it expires?

The permit may lapse for a number of reasons:

- 1) if the holder ceases to occupy the premises;
- 2) if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of his estate is ordered; or
- 3) if the company holding the permit ceases to exist, or goes into liquidation.

Where a permit lapses, the Act provides that the permit may be relied upon for a period of six months after it has lapsed, by the following persons:

- the personal representative of the holder (in the case of death);
- the trustee of the bankrupt's estate (in the case of individual bankruptcy);
- the holder's interim or permanent trustee (in the case of an individual whose estate is sequestered); or
- the liquidator of the company (in the case of a company that goes into liquidation).

The permit may also cease to have effect if the holder surrenders it to us. Notice of such surrender must be accompanied by the permit, or by an explanation of why the permit cannot be produced.

If the permit holder is convicted of a relevant offence (that is an offence listed in schedule 7 of the Act) the court may order the forfeiture of the permit. The court must order the holder to deliver the permit to the licensing authority, or provide a statement explaining why it is not reasonably practicable to produce it. The court must notify the licensing authority that it has made a forfeiture order as soon as is reasonably practicable after making the order. Such an order may be suspended by a higher court pending appeal against conviction of a relevant offence.

Do I need to keep a copy of my permit on the premises?

Yes. It must be kept on the premises and available for inspection at all times. It is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. If a permit is lost, stolen or damaged, you may apply for a replacement (such replacement being subject to a fee).

What if my business changes its name?

If the person to whom the permit is issued changes their name, or wants to be known by another name, they may send the permit back to us for amendment, together with the appropriate fee. We must comply with the request and return the permit to the holder.

How do I renew my permit?

An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application (except that you will have to return your original permit along with your application form and documents). The duration of the permit will not be curtailed while a renewal application is pending, including any appeal against a decision not to renew.