EXECUTIVE NOTE

DRAFT : The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007

The above instrument, which extends to Scotland only, was made in exercise of the powers conferred by sections 167 and 168 of the Gambling Act 2005 (c.19). The instrument is subject to the affirmative resolution procedure.

Policy Objectives

The Gambling Act 2005 gives Scottish Ministers powers to make regulations which provide for conditions to be attached to premises licences under sections 167 and 168 of the Act – 2 types of conditions may be attached. The conditions attached to premises licences under section 168 will attach to all specified types of premises licence, unless they are excluded by the licensing authority responsible for issuing the premises licence ("default conditions"). In Scotland, the licensing authority will be the local Licensing Board. The conditions attached to premises licences under section 167 will attach to all specified types of premises licence and can only be amended or excluded by further regulations made by Scottish Ministers ("mandatory conditions").

The licensing objectives of the Gambling Act are:

> preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
> ensuring that gambling is conducted in a fair and open way, and
> protecting children and other vulnerable persons from being harmed or exploited by gambling.

Scottish Ministers and Department for Culture, Media and Sport Ministers have stated publicly that increased social responsibility lies at the heart of the new regulatory regime and that protection of the public (especially children and the vulnerable) is the top priority in implementing the Act's provisions.

Within that overall policy framework, the policy objective for these regulations is that **mandatory conditions** will apply basic minimum requirements to all premises licence holders and the regulations mostly comprise such conditions. **Default conditions** apply where a general industry/sector-wide approach is desirable in order to assist national consistency, but allow licensing authorities to respond to local circumstances by altering those conditions if necessary. The default conditions contained in the regulations relate solely to opening hours.

The regulations, which contain numerous measures designed to protect children and vulnerable people, cover the following sectors of the gambling industry in Scotland:

> Casino premises licences (both existing and new ones permitted under the Act)
> Bingo premises licences
> Adult gaming centre premises licences
> Family entertainment centre premises licences
> Betting premises licences (other than tracks)
> Track premises licences (including horse-racing and dog-racing tracks)

Consultation

A draft of the instrument issued for consultation on 27 October 2006 to 200 interested parties including local authorities, Licensing Boards, the police, those involved in the provision of gambling, their trade associations, legal interests, club associations, faith groups and gambling help/charity groups. The draft regulations and consultation paper were also posted on the Scottish Executive's consultation website and copies were placed in SPICe. The Executive received 14 responses as at the closing date of 22 December 2006, which were fully considered before finalising this instrument. The individual responses, an analysis of their comments and the Executive's response will be posted on the Executive's consultation website.

Financial Effects

The instrument is part of a package of regulations affecting premises licences and the associated regulations for the remainder of the package will be laid before the Scottish Parliament shortly after this. The associated regulations will cover procedural aspects of the premises licensing process and fees that will be set for the gambling industry. A Regulatory Impact Assessment covering the package as a whole will accompany the associated regulations that will follow shortly.

Scottish Executive Finance and Central Services Department
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