EXECUTIVE NOTE TO

THE GAMBLING ACT 2005 (FEES NO. 3) (SCOTLAND) REGULATIONS 2007
SSI 2007 No. 395

The above instrument was made in exercise of the powers conferred by paragraphs 42(2)(d), 54(2)(b) and 56 of Schedule 11 to the Gambling Act 2005 (c.19**)**. The instrument is subject to the negative resolution procedure.

Policy Objectives

The Gambling Act 2005, which will be operational with effect from 1 September 2007, replaces most of the existing law about gambling in Great Britain and aims to put in place an improved, more comprehensive structure of gambling regulation. The Act modernises 40-year-old gambling laws and makes licensing authorities (Licensing Boards in Scotland) responsible for the licensing and regulating of gambling premises. The costs of these responsibilities will be met by gambling operators through fees for premises licences and permits. The fees will apply to the various categories of premises, i.e. casinos, bingo etc. and miscellaneous permits, such as gaming machine permissions for pubs and clubs.

Department for Culture, Media and Sport (DCMS) Ministers decided in 2004 that in England and Wales licensing authorities will determine their own fees for gambling premises licences limited to recovery of the costs of carrying out their functions under the Act. Fees for miscellaneous permits will be set centrally by DCMS Ministers. The policy in Scotland is that all fees for Licensing Boards will be set centrally by Scottish Ministers with a flat rate for each premises/permit category, aimed at cost recovery.

This instrument deals with fees for the registration of non-commercial societies for the promotion of small society lotteries under the Gambling Act. A small society lottery is one with proceeds of up to £20,000, of which 20% must go to purposes for which the society is conducted. The fees payable are in line with the DCMS fees.

Consultation

The policy proposals underlying this instrument and proposed fee levels issued for consultation on 6 December 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 consultation paper was also posted on the Scottish Executive's consultation website and copies were placed in SPICe. The Executive received 13 responses as at the closing date of 2 February 2007, which were fully considered before finalising this instrument. The individual responses, an analysis of their comments and the Executive's response have been posted on the Executive's website.

Financial Effects

The fees set by this instrument accord with the proposals consulted on by the Executive and are in line with the equivalent DCMS fees. There are no Scottish nuances to the fees or their application. A full Regulatory Impact Assessment of the costs and benefits of the fees prepared by, and available from, the DCMS thus also covers the Scottish position.

Criminal Justice Directorate
August 2007