2006 No. 154

BETTING, GAMING AND LOTTERIES

The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006

Made - - - -	*15th March 2006*
Laid before the Scottish Parliament	*15th March 2006*
Coming into force - -	*23rd April 2006*

The Scottish Ministers, in exercise of the powers conferred by section 349(4) and (5) of the Gambling Act 2005(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006 and shall come into force on 23rd April 2006.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

"the Act" means the Gambling Act 2005;

"authority" means (in terms of section 2(1)(c) of the Act) a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976(**b**);

"authority's area" means the geographical area in respect of which an authority exercises its functions under the Licensing (Scotland) Act 1976;

"revision" means a revision of a statement under section 349(2) of the Act;

"statement" means the statement of principles which the authority is required to prepare under section 349(1) of the Act.

Form of the statement or revision

3. A statement shall contain an introductory section at or near the beginning which shall include–

(a) a summary of the matters dealt with in the statement;

(b) either–

(i) a description; or

(**a**) 2005 c.19.

(**b**) 1976 c.66; section 1 was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 106(2), by the Licensing (Amendment) (Scotland) Act 1996 (c.36), section 2 and by S.I. 1996/739; the whole of the Licensing (Scotland) Act 1976 is prospectively repealed by the Licensing (Scotland) Act 2005 (asp 16), schedule 7.

(ii) a plan,

of the authority's area; and

(c) a list of the persons whom the authority has consulted in preparing the statement.

4. The statements of principles to be applied by the authority in exercising the functions under–

(a) section 157(h) of the Act with respect to the designation, in writing, of a body which is competent to advise the authority about the protection of children from harm;

(b) section 158 of the Act with respect to the determination of whether a person is an interested party in relation to a premises licence or an application for or in respect of a premises licence;

(c) section 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act; or

(d) Part 15 of the Act with respect to the inspection of premises,

shall be contained in separate sections in the statement.

5.—(1) A revision shall contain an introductory section at or near the beginning which shall include–

(a) a summary of the matters dealt with in the revision; and

(b) a list of the persons whom the authority has consulted in preparing the revision.

(2) In so far as a revision deals with any of the matters referred to in regulation 4, the form of the revision shall be in accordance with that regulation.

Procedure to be followed in preparing or publishing a statement or revision

6.—(1) The authority shall publish a notice of its intention to publish a statement or revision in accordance with paragraphs (2) and (3).

(2) The notice shall–

(a) state that it is the intention of the authority to publish a statement or revision;

(b) specify the date, which must be at least four weeks prior to the date specified in accordance with sub-paragraph (c), on which the statement or revision is to be published;

(c) specify the date on which the statement or revision will come into effect; and

(d) specify–

(i) the internet address on which the statement or revision will be published; and

(ii) the address of the premises at which it may be inspected,

in accordance with paragraph (4).

(3) The notice shall be published no later than the date specified in accordance with paragraph (2)(b)–

(a) on the authority's website; and

(b) in or on one or more of the following:–

(i) a local newspaper circulated in the authority's area;

(ii) a local newsletter, circular, or similar document circulated in the authority's area;

(iii) a public notice board in or near the principal office of the authority;

(iv) a public notice board on the premises of one or more public libraries in the authority's area.

(4) The authority shall–

(a) publish the statement or revision on the authority's website; and

(b) make the statement or revision available for inspection by members of the public in one or both of–

(i) the principal office of the authority;

(ii) a public library in the authority's area,

for a period of at least four weeks immediately prior to the date specified in the notice in accordance with paragraph (2)(c).

GEORGE LYON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
15th March 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Gambling Act 2005 ("the Act") gives licensing authorities functions in relation to the licensing of premises and issuing of permits for gambling. Under section 349 of the Act, licensing authorities are required to produce, at least every three years, a statement of the principles which they propose to apply when exercising their functions under the Act ("a statement"). A licensing authority may revise a statement at any time during which it has effect.

These Regulations set out requirements as to the form and publication of a statement or a revision to a statement.

Regulation 3 requires the statement to include an introductory section summarising the matters contained in the statement, describing the geographical area in respect of which the authority exercises functions under the Act, and listing the persons consulted in preparing the statement.

Regulation 4 provides that statements of principles to be applied in relation to specified functions must be contained in separate sections of the statement.

Under regulation 5, a revision is also to include a summary of the matters contained in the revision. The introductory section of a revision is also to list the persons whom the authority has consulted in preparing the revision. Where a revision deals with any of the matters referred to in regulation 4 it is to comply with the provisions of that regulation.

Regulation 6 sets out requirements about the advertisement and publication of a statement or revision. No later than the date on which a statement or revision is published, a notice setting out various details about the statement or revision must be published on the licensing authority's website, and in at least one of the other places set out in paragraph (3)(b). The statement or revision must be published on the licensing authority's website, and in at least one of the places set out in paragraph (4), for a period of at least four weeks before it comes into effect.

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