EXPLANATORY MEMORANDUM TO

THE GAMBLING (LICENSING AND ADVERTISING) ACT 2014 (TRANSITIONAL PROVISIONS) (AMENDMENT) (No. 2) ORDER 2014

2014 No. 2665

1. Introduction

This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

The memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

This instrument amends the Gambling (Licensing and Advertising) Act 2014 (Transitional Provisions) Order 2014 (S.I.2004/1641) ("the 2014 Order") which provides for the transitional arrangements that apply in respect of advance applications made under the Gambling Act 2005 for, or to vary, a remote operating licence in anticipation of the coming into force of the new licensing requirement in subsections 1(1) and (2) of the Gambling (Licensing and Advertising) Act 2014 ("the 2014 Act").

The purpose of this instrument is to amend the condition in article 3(2) of the 2014 Order for the issue of a continuation licence. The effect is that advance applications made on or before 23rd October 2014 may now qualify for such a licence where that application has not been determined by the Gambling Commission on or before 1st November 2014.

3. Matters of special interest to the Joint Committee on Statutory Instruments

This instrument is being made to extend the transitional arrangements in line with the amendment of the day appointed for the commencement of specified provisions of the 2014 Act to 1st November 2014 made by the Gambling Act 2014 (Commencement) (Amendment and Consequential Amendments) Order 2014 (S.I. 2014/2646) (see further below).

4. Legislative Context

This instrument is being made by the Department in exercise of the powers conferred by section 1(4), (6) and (7) of the 2014 Act, which received Royal Assent on 14th May 2014.

The 2014 Act and associated guidance of the Gambling Commission are currently subject to judicial review proceedings in the High Court. At the close of the hearing on 24th September 2014, the Judge indicated that owing to the complexity of the issues and volume of material he would not be in a position to give judgement before 1st October 2014, when the Act was due to commence (see The Gambling (Licensing and Advertising) Act 2014 (Commencement No.1)

Order 2014 (S.I.2014/2444)). The Department therefore considered it would be appropriate to take steps to delay commencement of the 2014 Act until 1st November 2014, to allow the Court to reach a decision without undue time pressure.

The Gambling Act 2014 (Amendment and Consequential Amendments) Order 2014 (S.I. 2014/2646) was therefore made on 29th September 2014 amending the day appointed for the commencement of the 2014 Act to 1st November 2014, and making consequential date amendments to the 2014 Order. This instrument extends the transitional arrangements in line with the change in the date of commencement of the 2014 Act.

5. Territorial extent and application

This instrument applies to Great Britain.

6. European Convention on Human Rights

As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is needed.

7. Policy background

A full description of the policy background to reform of the remote gambling regulatory framework by the 2014 Act is set out in the Explanatory Memorandum to the Order, available at http://www.legislation.gov.uk/uksi/2014/1641/memorandum/contents.

8. Consultation outcome

Not applicable.

9. Guidance

The Gambling Commission is responsible for the implementation and enforcement of the 2014 Act. Detailed guidance explaining how the transitional arrangements (including as amended by this instrument) will operate are available on the Gambling Commission's website.

10. Impact

A full impact assessment of the effect that the reform of the remote gambling regulatory framework will have on the costs of business was conducted in relation to the 2014 Act. This instrument does not affect the costs as set out in that impact assessment.

A separate impact assessment has not been prepared for this instrument.

11. Regulating small business

This instrument applies to small business, as all businesses have to pay for the full cost of their regulation.

12. Monitoring and review

This instrument and the Order it amends will be reviewed as part of the Post Implementation Review of the 2014 Act. In line with best practice, the Department expects to conduct a Post Implementation Review within 3-5 years of the Act coming into force.

13. Contact

Please contact David Hughes at the Department for Culture, Media and Sport, Tel: 0207 211 6335 or email: david.hughes@culture.gsi.gov.uk with any queries regarding the instrument.