EXPLANATORY MEMORANDUM TO

THE GAMBLING (OPERATING LICENCES AND SINGLE-MACHINE PERMIT FEES) (AMENDMENT) (No 2) REGULATIONS 2008

2008 No. 3105

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

2. Purpose of the instrument

2.1 These Regulations amend the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006 ("the 2006 Regulations") made under the Gambling Act 2005. The 2006 Regulations prescribe fees relating to operating licences (application, annual and other fees) and single-machine supply and maintenance permits (application fees only).

2.2 These Regulations remove an unintended overlap between certain categories of licence fee and eliminate the uncertainty in interpretation arising from those errors. The errors are contained in the tables in Schedules 1 and 4 to the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006 ("the 2006 Regulations"), and relate specifically to the following fee categories:

Type of licence (Schedule 1)	**Annual gross gaming yield**
Existing casino operating licence	£25 million
Existing casino operating licence	£100 million
Type of licence (Schedule 4)	**Annual gross gambling yield**
Casino operating licence	£200 million
Bingo operating licence	£200 million
General betting (standard) operating licence	£200 million
Pool betting operating licence	£200 million

Betting intermediary operating licence	£200 million

2.3 The overlap in the fee categories was inadvertent and resulted from the threshold figure falling within the lower and higher fee categories for each licence type. This arose because the lower fee category applied "up to and including" the threshold figure, whilst the higher fee category applied at "or greater" than the threshold figure. Regulations 3 and 4 substitute tables in Schedules 1 and 4 for the tables in Schedules 1 and 4 to the 2006 Regulations. The wording in the tables removes any overlap between the categories.

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

3.1 These Regulations address an issue which was brought to the Department's attention by the Joint Committee on Statutory Instruments on 15 October 2008, and which the Department acknowledged in its response to the Committee dated 22 October 2008 would necessitate these Regulations.

4. Legislative Context

4.1 The fuller background is set out at paragraphs 4.1 to 4.5 of the Explanatory Memorandum which accompanied the Gambling (Operating Licence and Single-Machine Permit Fees) (Amendment) Regulations 2008 ("the 2008 Regulations").

5. Territorial Extent and Application

5.1 These Regulations extend to England and Wales, and to Scotland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 These Regulations introduce amendments to rectify the errors described in paragraphs 2.2 and 2.3 above. The Department has also been advised by the Gambling Commission (the body with responsibility for determining applications for operating licences) that the uncertainty in interpretation arising from the errors has not had an impact on any licence applications it has processed. The full

background is set out at paragraphs 7.1 to 7.9 of the Explanatory Memorandum which accompanied the 2008 Regulations.

- ***Consolidation***

7.2 Not applicable

8. Consultation outcome

8.1 Not applicable

9. Guidance

9.1 No guidance is necessary.

10. Impact

10.1 No Impact Assessment is necessary.

11. Regulating small business

11.1 Not applicable

12. Monitoring and review

12.1 Not applicable

13. Contact

Jill McKenzie at the Department for Culture, Media and Sport, Tel: 020 7211 6473; or e-mail: Jill.McKenzie@culture.gsi.gov.uk can answer any queries regarding the instrument.