



# Tribunals Service

## Gambling

### First-tier Tribunal (Gambling)

#### EXPLANATORY LEAFLET

#### A SHORT GUIDE FOR USERS

ISSUED BY THE First-tier Tribunal (Gambling) Team January 2010

#### CONTENTS

Description	Page
<b>1) USEFUL CONTACT INFORMATION</b>	2
<b>2) ACTS OF PARLIAMENT AND STATUTORY INSTRUMENTS</b>	2
<b>3) INTRODUCTION</b>	2
• This leaflet	2
• What is the First-Tier Tribunal Gambling?	3
<b>4) HOW CASES ARE DEALT WITH BY the First-tier Tribunal (Charities)</b>	4
• How are appeals begun?	5
• What fee's and costs will I have to pay?	5
• Where can I get help?	5
• Will there be a hearing?	5
• Can an appeal be withdrawn?	5
• How long will it take?	5
• Do I need to instruct representatives?	6
<b>5) HEARINGS</b>	6
• Venues	6
• Is a hearing formal?	6
<b>6) DECISIONS</b>	6
• Will there be a written decision?	6
<b>7) FURTHER APPEALS</b>	6
<b>8) COMPLAINTS</b>	7
• Comments and Complaints	7
<b>9) GLOSSARY OF TERMS</b>	8

## 1. USEFUL CONTACT INFORMATION

The administrative team for the First-tier Tribunal (Gambling) is based at **Arnhem House, Tribunals Operational Support Centre, PO Box 9300, Leicester, LE1 6LR.**

Telephone: 0845 6000 877  
Fax: 0116 249 4253  
E-Mail: [GAT@tribunals.gsi.gov.uk](mailto:GAT@tribunals.gsi.gov.uk)

Please contact the Tribunal on the above numbers if you wish to discuss aspects of your case.

Website: [www.gamblingappealtribunal.gov.uk](http://www.gamblingappealtribunal.gov.uk)

The website includes useful information about Tribunal procedures, the relevant Act, Rules and the main forms for commencing proceedings.

## 2. ACTS OF PARLIAMENT AND STATUTORY INSTRUMENTS

**Acts of Parliament giving jurisdiction to the Gambling Appeals Tribunal:**  
Gambling Act 2005

**Statutory Instruments:**

The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

The Gambling Appeals Tribunal Fees Regulations 2010

The Gambling Act (2005) is available on the Tribunal website (under the heading "legislation"). Copies of the act and the rules can be purchased from **The Stationery Office, PO Box 29, Norwich NR3 1GN (Telephone 0870 600 5222).**

It is important to note that statute, regulations and rules may have been amended by subsequent legislation. Up to date versions can usually be found in **Halsbury's Statutes** (found in law libraries).

### **3. INTRODUCTION**

#### **This Leaflet**

This explanatory leaflet is intended to provide helpful information. It is not a substitute for the Acts or the Rules and has no legal force. If you are unsure of your position or your options, you should seek professional legal advice.

#### **What is the First-tier Tribunal (Gambling)?**

The Gambling Act 2005 establishes the creation of the First-tier Tribunal (Gambling). The Act received Royal Assent in April 2005 and applies to England, Wales and Scotland.

The Gambling Appeals Tribunal is an independent body set up to hear appeals against the decisions of the Gambling Commission (Commission).

The Commission will issue operating licences to companies, personal functional licences and personal management licences (for people in key management positions). Holders of, or applicants for, either operating or personal licences have a right of appeal to the Tribunal against the decisions of the Commission which relate to their licences or licence applications.

The First-tier Tribunal (Gambling) is administered by the Tribunals Service, an executive agency of the Ministry Of Justice.

The Tribunal has a Principal Judge who is the judicial head of the Tribunal and 11 Judges. All appeals are heard by one or more judicial members. The composition and complement of the panel will vary according to the complexity of the case. The majority of appeals will be heard by a single Judge with difficult/novel cases requiring three legal panel members, one of whom will be designated as the panel Judge. Tribunal members are appointed by the Lord Chancellor following recommendation from the Judicial Appointments Commission.

The administration of the Tribunal is operated from Arnhem House, Leicester, but hearings can be arranged anywhere in England, Scotland and Wales.

#### **4. HOW CASES ARE DEALT WITH BY THE First-tier Tribunal (Gambling).**

Holders of, or applicants for, either operating or personal licences have a right of appeal to the Tribunal against the decisions of the Commission which relate to their licences or licence applications. **Before you are given a right of appeal to the Tribunal you must complete the Gambling Commission's review process.**

**The Tribunal cannot accept an appeal without the final decision letter from the Commission informing you of your right of appeal. You have 28 days from the date of the Commission's letter to submit your appeal to us.**

The Tribunal deals with the following appeals categories as referred to in Sections 80, 127 and 336 of the Gambling Act 2005:

- An appeal against the decision not to issue or renew an operating or personal licence
- An appeal against the decision to attach a condition to a personal or operating licence
- An appeal against the decision to refuse to continue the effect of an operating licence when a new controller takes over
- An appeal against the decision to refuse to vary an operating or personal licence
- An appeal against the notification to lapse an operating or personal licence due to mental or physical incapacity
- An appeal following a review to;
  1. attach a warning
  2. attach an additional condition to a licence
  3. remove or amend a condition attached to a licence
  4. make, amend or remove an exclusion (for remote licences only)
- An appeal following a review to suspend a licence
- An appeal following a review to revoke a licence
- An appeal following a review to impose a financial penalty on an operating or personal licence
- An appeal against a decision to void a bet

**How are cases begun?**

Appeals are started by the Appellant sending a written Notice of Appeal to the Tribunal with all necessary information and accompanied by the appropriate fee.

**What fees and costs will I have to pay?**

The First-tier Tribunal (Gambling) is required to charge a fee. The amount varies according to the type and category of case. The fee, or an application for a fee exemption/remission, must be included with the Notice of Appeal form.

The Tribunal has powers to order a fee exemption (no fee) or fee remission (reduced fee) in certain exceptional circumstances where payment of a fee would involve undue financial hardship. The Tribunal has power to make an order for costs payable by any party to the proceedings.

**Where can I get help?**

The First-tier Tribunal (Gambling) Team will respond to correspondence and telephone calls and give advice on procedural matters. They cannot advise you on the merits of your case or how to prepare it. If you want advice, you should seek help from a solicitor. A Citizens Advice Bureau or other advisers experienced in First-tier Tribunal (Gambling) matters may also be of assistance.

**Will there be a hearing?**

Normally, yes. As soon as the case is ready, and the requirements of the Rules have been completed, the First-tier Tribunal (Gambling) Team will list it for hearing. All parties will be entitled to appear and address the Tribunal when the appeal is heard. Parties and their representatives will be expected to make themselves available within a reasonable timescale.

**Can an appeal be withdrawn?**

Yes. It is possible for an appellant to withdraw an appeal, by sending a written notice of withdrawal to the First-tier Tribunal (Gambling) office. Alternatively, the Gambling Commission may withdraw their opposition to an appeal, once the First-tier Tribunal (Gambling) Team has accepted it. An appellant would be notified of this by the First-tier Tribunal (Gambling) Team if the situation were to arise on their appeal.

**How long will it take?**

The Tribunal aims to deal with your appeal as quickly as possible. Should the appellant and the respondent both submit all the necessary documents ahead of the specified time limits, and can attend the hearing on the date set by the Tribunal, a decision may be reached in a shorter period of time. For some appeals, especially if they are large or complex, parties may find that getting their cases ready for hearing could take several months or more.

### **Do I need to instruct representatives?**

A party may choose to conduct their own case and appear on their own behalf at the hearing, or to be represented.

## **5. HEARINGS**

### **Venues**

The Tribunal hearing will take place in Tribunal Service hearing centres anywhere in England or Wales. We aim to hold the hearing in a location convenient to the parties. Parties will be notified of the details of their hearing and venue by post.

### **Is a hearing formal?**

No. Tribunal proceedings are informal and neither the Tribunal members nor advocates wear robes or wigs. Hearings are in public unless there are exceptional circumstances. On the day of the hearing you are advised to arrive a little before the appointed time so that you can make yourself known to the tribunal clerk, familiarise yourself with the hearing room layout and get the documentation in order.

## **6. DECISIONS**

### **Will there be a written decision?**

Yes. The Tribunal may announce its decision at the conclusion of the main hearing or say that the decision will be given later. If announced at the conclusion a written copy of the decision will be sent later.

## **7. FURTHER APPEALS**

### **Can I appeal against the decision of the First-tier Tribunal (Gambling)?**

#### ***Application to set aside the decision***

You can ask the Tribunal Panel to set aside the decision if:

a relevant document in your case was not received in time to be considered by the appeal panel:

you or your representative was not present at the hearing; or

you think there was some irregularity in the proceedings.

If you want to ask for the decision to be set aside, you must do so in writing within 28 days of receiving the decision.

### ***Application to appeal the Tribunal's decision***

You can appeal the decision of the Tribunal to the Upper Tribunal. However, you must first apply to this Tribunal asking for permission to appeal.

On receipt of an appeal application, the Tribunal will first consider whether to review its decision based on your reasons for appeal. A fresh decision may be issued following a review, or if the Tribunal grants you leave to appeal to the Upper Tribunal to consider.

### **If you are given permission to appeal to the Upper Tribunal.**

It is your responsibility to make the appeal. You should do so without delay because you have just one month between being given permission to appeal and notifying the Upper Tribunal of your appeal. Contact details are below.

### **If you are refused permission to appeal to the Upper Tribunal.**

If the Tribunal decides that a review is not appropriate and if it refuses your Application, to appeal, you can appeal direct to the Upper Tribunal. To do this you should contact:

### **The Upper Tribunal Office (Administrative Appeals Chamber)**

5th Floor  
Chichester Rents  
81 Chancery Lane  
London  
WC2A 1DD

[www.administrativeappeals.tribunals.gov.uk](http://www.administrativeappeals.tribunals.gov.uk)

## **8. COMPLAINTS**

### **Comments and Complaints**

If you have any comments or complaints about the service you have received from the First-tier Tribunal (Gambling) Team, please contact the Tribunal Manager:

**Team Manager  
First-tier Tribunal (Gambling)  
Tribunals Operational Support Centre  
PO Box 9300  
Leicester  
LE1 6ZX**

If you then wish to take the matter further contact:

**Centre Manager  
First-tier Tribunal (Gambling)  
Tribunals Operational Support Centre  
PO Box 9300  
Leicester  
LE1 6ZX**

The Tribunals Service complaint leaflet is available on the Tribunals Service website <http://www.ait.gov.uk/dcafe/AIT-leaflet.pdf>

**PLEASE NOTE:** Neither the Tribunal Manager nor the Customer Service Unit can deal with complaints about judicial decisions. If you are dissatisfied with the **final decision** made after the hearing of your case, your only recourse is to request the First-tier Tribunal (Gambling) to review its decision or apply for permission to apply to appeal to the Upper Tribunal.

## **9. GLOSSARY OF TERMS**

**Act:** Law, as an Act of Parliament; a statute passed by both Houses of Parliament and ratified by Royal Assent

**Advocate:** a person representing a party in a hearing before the Tribunal, e.g. a barrister (Counsel), or a solicitor, or a lay representative

**Appellant:** a person who appeals, either by having a right of appeal, or by being granted permission to appeal

**Counsel:** a barrister

**Determination:** the final disposal of a case by the Tribunal's decision

**Jurisdiction:** the area of matters over which a court or tribunal has legal authority

**Legal precedents:** judicial decisions which are reported and lay down principles of law affecting future cases of a similar nature

**Litigant:** a party in legal proceedings

**Notice of Appeal:** a statement submitted under the Tribunal's rules setting out the basis of an appellant's case

**Preliminary Issue:** an issue ordered to be heard by the Tribunal in advance of the main issue because it is considered to have a material bearing on the outcome of the case

**Response:** a respondent's reply submitted under the Tribunal's rules in reply to an appellant's Notice of Appeal.

**Respondent:** a person who submits a notice of intention to respond to an appeal, or who responds to other forms of proceedings

**Statutory Instrument:** a document issued by the delegated authority (usually a Government Minister or committee) named within an Act of Parliament which affects the working of the original Act.

**Statutory powers:** legal powers derived from statutes, i.e. Acts of Parliament