

2010 No. 42

TRIBUNALS AND INQUIRIES

BETTING, GAMING AND LOTTERIES

The First-tier Tribunal (Gambling) Fees Order 2010

<i>Made</i> - - - -	<i>10th January 2010</i>
<i>Laid before Parliament</i>	<i>12th January 2010</i>
<i>Coming into force</i> - -	<i>18th January 2010</i>

The Lord Chancellor makes the following Order in exercise of the power conferred by section 42 of the Tribunals, Courts and Enforcement Act 2007(a).

In accordance with section 42(5) of that Act the Lord Chancellor has consulted the Senior President of Tribunals and the Administrative Justice and Tribunals Council.

Citation and commencement

1. This Order may be cited as the First-tier Tribunal (Gambling) Fees Order 2010 and comes into force on 18 January 2010.

Fee for bringing an appeal under the Gambling Act 2005

2.—(1) Subject to paragraph (2) and articles 3 and 4, the fees set out in column 2 of the table in the Schedule are payable in relation to an appeal to the First-tier Tribunal under the Gambling Act 2005(b) listed in column 1 of that table.

(2) Where an appeal relates to a combination of any of the licences listed in fees 1.1 to 1.12 of column 1 of the table in the Schedule, only one fee is payable, and if those fees are different, only the highest fee is payable.

Exemption from fees

3.—(1) No fee is payable under this Order by a person bringing an appeal (“an appellant”) who, at the time that the fee would otherwise become payable, is in receipt of any qualifying benefit.

(2) The following are qualifying benefits for the purpose of paragraph (1)—

- (a) income support under the Social Security Contributions and Benefits Act 1992(c);
- (b) working tax credit under the Tax Credits Act 2002(d), provided that—

(a) 2007 c. 15.

(b) 2005 c. 19.

(c) 1992 c. 4.

(d) 2002 c. 21. Section 3(3) was amended by paragraph 144 of Schedule 24 to the Civil Partnership Act 2004 (c.33).

- (i) child tax credit is being paid to the appellant, or otherwise following a claim made jointly by the appellant and another person as a couple under section 3(3) of that Act; or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the appellant,
- and the gross annual income taken into account for the calculation of the working tax credit is £17,474 or less;
- (c) income-based jobseeker's allowance under the Jobseekers Act 1995(a);
 - (d) guarantee credit under the State Pension Credit Act 2002(b);
 - (e) income-related employment and support allowance payable under Part 1 of the Welfare Reform Act 2007(c).

Reduction and remission of fees

4. Where the payment of any fee prescribed by this Order would, owing to the exceptional circumstances of the particular case, involve undue financial hardship to the appellant, the Lord Chancellor may reduce or remit the fee.

Refunds

- 5.—(1) Subject to paragraph (2), where a fee has been paid at a time—
- (a) when, under article 3, it was not payable, the fee will be refunded;
 - (b) when the Lord Chancellor, if all the circumstances had been known, would have reduced the fee under article 4, the amount by which the fee would have been reduced will be refunded;
 - (c) when the Lord Chancellor, if all the circumstances had been known, would have remitted the fee under article 4, the fee will be refunded.

(2) No refund shall be made under paragraph (1) unless the appellant applies in writing within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if the Lord Chancellor considers that there is good reason for an application being made after the end of the period of 6 months.

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

10th January 2010

SCHEDULE

Article 2

Fees to be taken

<i>(1)</i> <i>Appeal</i>	<i>(2)</i> <i>Amount of fee</i>
1 On filing an appeal under section 141 of the Gambling Act 2005 in relation to—	
1.1 a casino operating licence referred to in section 65(2)(a) of that Act	£13,070

(a) 1995 c. 18.
(b) 2002 c. 16.
(c) 2007 c. 5.

1.2 a bingo operating licence referred to in section 65(2)(b) of that Act	£2,905
1.3 a general betting operating licence referred to in section 65(2)(c) of that Act	£9,335
1.4 a pool betting operating licence referred to in section 65(2)(d) of that Act	£9,335
1.5 a betting intermediary operating licence referred to in section 65(2)(e) of that Act	£9,335
1.6 a gaming machine general operating licence for an adult gaming centre referred to in section 65(2)(f) of that Act	£1,450
1.7 a gaming machine general operating licence for a family entertainment centre referred to in section 65(2)(g) of that Act	£1,450
1.8 a gaming machine technical operating licence referred to in section 65(2)(h) of that Act	£1,450
1.9 a gambling software operating licence referred to in with section 65(2)(i) of that Act	£1,450
1.10 a lottery operating licence referred to in section 65(2)(j) of that Act	£8,710
1.11 a personal management office licence referred to in section 127 of that Act	£1,450
1.12 a personal operational function licence referred to in section 127 of that Act	£755
2 On filing an appeal under section 337(1) of the Gambling Act 2005 against the Gambling Commission's order to void a bet under section 336(1) of that Act	£8,710

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the fees payable when bringing an appeal to the First-tier Tribunal under section 141 or 337(1) of the Gambling Act 2005. The fees payable replicate those payable in relation to appeals under those provisions to the Gambling Appeals Tribunal, whose functions have been transferred to the First-tier Tribunal. Article 2(2) provides that only one fee is payable where an appeal relates to a combined licence.

The maximum gross annual income figure in article 3(2), above which working tax credit will not be a qualifying benefit for the purposes of exemption from paying a fee, is increased from £15,460 to £17,474.