

## GAMBLING APPEALS TRIBUNAL

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## **GAMBLING APPEALS TRIBUNAL**

- The Gambling Act 2005 has revolutionised the gambling industry and has made fundamental changes to the regulation and licensing of gambling businesses.
- Existing gambling operators were required to make applications for operating and premises licences to ensure they could continue to trade past September 2007. Most new operators entering the gambling industry are now required to apply to the Gambling Commission for an operating licence to enable them to trade under the new regime. This includes the previously unregulated sectors of gambling software and gaming machine suppliers.
- Under previous legislation, no specific provision was made for appeal by an applicant aggrieved by a decision of the Gambling Commission (or its predecessor the Gaming Board for Great Britain). The Gambling Act 2005 now provides that an applicant for an operating or personal licence who wishes to appeal against the decision of the Commission may now apply to a new independent body, the Gambling Appeals Tribunal.
- An appeal in relation to an operating or personal licence application must be made within one month of receipt of the Gambling Commission's decision. Before lodging the appeal, an applicant can ask the Commission to review its decision, but this does not postpone the one-month deadline for submitting the appeal.
- Once the Notice of Appeal is submitted, the Gambling Commission's decision will be stayed pending the outcome of the appeal, although the Commission does have the power to disapply this provision.
- In most cases, a hearing will be held before the Gambling Appeals Tribunal and this must be compliant with the Gambling Tribunal Rules.
- The Tribunal may make one of six orders, including quashing the Gambling Commission's initial decision in whole or in part or remitting the matter to the Commission with a determination that a particular finding be made.
- Should an appellant be aggrieved by the Tribunal's decision, application may be made to the High Court for judicial review of that decision if it is considered that the decision has been wrongly made as a matter of law. Very careful consideration of the Tribunal's written decision by specialist lawyers in this field of law is essential in such an instance.
- With over 25 years' experience in the field of betting, gaming and lotteries law, and having been independently recommended for "*understanding all the licensing processes to the core*", we are well-placed to give a dissatisfied applicant an accurate assessment of the prospects of successfully appealing a decision of the Gambling Commission and to provide carefully tailored advice and representation throughout the appeal process.

# JOELSON WILSON

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**Need to know more?**

**Ask us. *“Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...”* – Chambers Guide to the UK Legal Profession 2008. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:**

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**This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.**

**Joelson Wilson LLP**

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