
STATUTORY INSTRUMENTS

2006 No. xx (C. x)

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Commencement No. [] and
Transitional Provisions) Order 2006**

Made - - - -

Laid before Parliament

Coming into force - - -

The Secretary of State makes the following Order in exercise of the powers conferred by sections 355(1) and 358(1) and (2) of, and paragraphs 2 to 4 and 6 to 11 of Schedule 18 to, the Gambling Act 2005(a):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gambling Act 2005 (Commencement No. [] and Transitional Provisions) Order 2006 and shall come into force on 1st July 2006.

(2) In this Order—

“the 2005 Act” means the Gambling Act 2005;

“the 1963 Act” means the Betting, Gaming and Lotteries Act 1963(b);

“the 1968 Act” means the Gaming Act 1968(c);

“the 1976 Act” means the Lotteries and Amusements Act 1976(d);

“advance application”, in relation to an application for a licence or permit under the 2005 Act, means an application made in advance of 1st September 2007 (being the commencement date for the offences and other provisions of the 2005 Act in connection with which the licence or permit is required); and

“amusement machine premises” means premises used wholly or mainly for the provision of amusements by means of machines to which Part 3 of the 1968 Act applies;

“non-conversion applications for casino premises licence” has the meaning given by paragraph 45 of Schedule 4 to this Order.

(a) 2005 c.19.
(b) 1963 c.2.
(c) 1968 c.65.
(d) 1976 c.32.

Commencement of provisions of the Gambling Act 2005

2.—(1) The provisions of the 2005 Act specified in column 1 of Schedule 1 shall come into force on 1st January 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(2) The provisions of the 2005 Act specified in column 1 of Schedule 2 shall come into force on 31st January 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(3) The provisions of the 2005 Act specified in column 1 of Schedule 3 shall come into force on 1st June 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(4) Save as provided by articles 3 to 5, the 2005 Act shall come into force for all remaining purposes on 1st September 2007.

Repeal of the Betting, Gaming and Lotteries Act 1963

3.—(1) The repeal of the 1963 Act by section 356(3)(f), (4) and (5) of, and Schedule 17 to, the 2005 Act shall come into force for all purposes on 1st September 2007 except as provided in the following provisions of this article.

(2) The repeal of the 1963 Act on 1st September 2007 is not to apply for the purposes of the repeal of sections 12, 14, 15 and 24 to 30 of that Act(a).

(3) The 1963 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling any of the following applications to be determined (including by way of appeal), where the application is made but not determined before that date—

- (a) an application under Schedule 1 to that Act for the grant of a bookmaker's permit, betting agency permit or betting office licence;
- (b) an application under paragraph 5 of Schedule 2 to that Act for the registration of a person as a registered pool promoter;
- (c) an application for the grant or transfer of a track betting licence under Schedule 3 to that Act;
- (d) an application for a licence authorising an inter-track betting scheme under paragraph 2 of Schedule 5ZA to that Act.

(4) Paragraph 1(a) of Schedule 1 to the 1963 Act is to continue in force on and after 1st September 2007 for the purposes of providing for the establishment and constitution of a licensing committee for each local justice area.

(5) Paragraph (4) is to have effect irrespective of whether or not there are any applications for the grant or renewal of a bookmaker's permit, betting agency permit or betting office licence which the licensing committee for a particular area are required to determine by virtue of paragraph (3)(a).

(6) For the purposes of this article, an application is not to be treated as having been determined until any period for appealing against the refusal of the application (if any) has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

(a) Provision is made for the repeal of these sections by the Horserace Betting and Olympic Lottery Act 2004; see in particular section 15(1)(a), and section 38 and Schedule 6.

Repeal of the Gaming Act 1968

4.—(1) The repeal of the 1968 Act by section 356(3)(g), (4) and (5) of, and Schedule 17 to, the 2005 Act shall come into force for all remaining purposes on 1st September 2007 except as provided in the following provisions of this article.

(2) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of determining (including by way of appeal) any of the following applications, where the application is made but not determined before that date—

- (a) an application under paragraph 4 of Schedule 2 for the grant of a certificate of consent to apply for a licence under that Act;
- (b) an application under paragraph 56 of that Schedule for a certificate of consent for the transfer of a licence under that Act;
- (c) an application under paragraph 5 of that Schedule for the grant of a licence under that Act;
- (d) an application under paragraph 12 of that Schedule for the renewal of a licence under that Act;
- (e) an application under paragraph 58 of that Schedule for the transfer of a licence under that Act;
- (f) an application under paragraph Schedule 3 or 4 for the registration of a club or institute under Part 2 of that Act;
- (g) an application for the grant or renewal of a section 27 certificate under paragraph 1 of Schedule 6;
- (h) an application under Schedule 7 or 8 Act for the registration of a club or institute under Part 3 of that Act; and
- (i) an application under Schedule 9 for the grant or renewal of a permit under section 34 of that Act in respect of amusement machine premises.
- (j) an application under that Schedule for the grant or renewal of a permit under section 34 of that Act in respect of any other premises.

(3) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a club or miners' welfare institute to be registered where the application for the registration or its renewal is one falling within paragraph (2)(f) or (h).

(4) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a certificate or permit to be granted or renewed, where the application for its grant or renewal is one falling within paragraph (2)(g) or (j).

(5) For the purposes of this article—

- (a) where an application is refused, it is not to be treated as having been determined until any period for appealing against the refusal of the application has elapsed; or, if an appeal is made, until the appeal is determined or abandoned;
- (b) where an application falling within paragraph (2)(j) is granted subject to a condition limiting the number of machines to which Part 3 of the 1968 Act applies which may be made available for gaming on the relevant premises, the application is not to be treated as having been determined until any period for appealing against that decision has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

Repeal of the Lotteries and Amusements Act 1976

5.—(1) The repeal of the 1976 Act by section 356(3)(i), (4) and (5) of, and Schedule 17 to, the 2005 Act shall come into force for all purposes on 1st September 2007 except as provided in the following provisions of this article.

(2) The 1976 Act is to continue to have effect on and after 1 September 2007 with respect to the registration of a society under Schedule 1 or 1A to the 1976 Act, where the application was made but not determined before that date.

(3) The 1976 Act is to continue to have effect on and after 1st September 2007 with respect to the registration of a scheme submitted by a local authority under Schedule 2 to the 1976 Act, where the scheme was submitted, but no decision taken on its registration, before that date.

(4) The 1976 Act is to continue to have effect on and after 1st September 2007 for the purposes of determining (including by way of appeal) any of the following applications, where the application is made but not determined before that date—

- (a) an application for the grant of a lottery manager's certificate under paragraph 1 of Schedule 2A to the 1976 Act; and
- (b) an application under paragraph 4 of Schedule 3 to the 1976 Act for the grant of a permit under section 16 of that Act.

(5) For the purposes of this article, an application is not to be treated as having been determined until any period for appealing against the refusal of the application has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

Transitional provisions

6. The transitional provisions in Schedule 4 shall have effect.

Minister of State
Department for Culture, Media and Sport

SCHEDULE 1

Article 2(1)

Provisions coming into force on 1st January 2007

<i>Column 1</i>	<i>Column 2</i>
<p>Section 7(5) to (7)</p> <p>Section 65 (to the extent that section is not already in force) and sections 66 to 74</p> <p>Sections 75, 76 and 79 (to the extent that those sections are not already in force)</p> <p>Sections 77 and 78</p> <p>Sections 80 to 99</p> <p>Section 101 to 103</p> <p>Sections 104 to 107</p> <p>Section 109</p> <p>Section 110</p> <p>Sections 113, 114 and 115</p> <p>Subsections (2)(b) and (c) and (3) to (5) of section 116</p> <p>Sections 117 to 120</p> <p>Section 122</p> <p>Sections 124 to 126</p> <p>Schedule 7</p>	<p>For the purpose of—</p> <ul style="list-style-type: none"> (a) enabling advance applications for operating licences to be made, considered and determined; and (b) enabling such licences to be issued before 1st September 2007. <p>In so far as those sections relate to a review under paragraph (b) or (c) of section 116(2).</p>

<i>Column 1</i>	<i>Column 2</i>
<p>Section 128 (to the extent that section is not already in force)</p> <p>Sections 129, 130, 133, 135,136 and 139</p> <p>Sections 140 to 149 and Schedule 8</p> <p>Sections 235 to 241</p> <p>Subsection (2) of section 248</p> <p>Sections 252 to 257</p> <p>Paragraph 2 of Schedule 16</p>	<p>For the purposes of applying the provisions listed above in Column 1 to—</p> <ul style="list-style-type: none"> (a) the making, consideration and determination of advance applications for personal licences; and (b) personal licences issued on the grant of such applications. <p>For the purpose of enabling the Secretary of State to make regulations under that subsection.</p> <p>For the purposes of enabling a person to obtain an enhanced criminal records certificate under section 115 of the Police Act 1997 in respect of an advance application for an operating or a personal licence. This is to be without prejudice to paragraphs (a) to (c) of section 115(5) of that Act continuing to have effect without the amendment made by paragraph 2 of Schedule 16 for the purposes of the matters referred to in those paragraphs.</p>

SCHEDULE 2

Article 2(2)

Provisions coming into force on 31st January 2007

<i>Column 1</i>	<i>Column 2</i>
Sections 150 to 158	

<i>Column 1</i>	<i>Column 2</i>
<p>Sections 159 to 165</p> <p>Sections 167 to 171</p> <p>Sections 174(1) and 176</p> <p>Section 181</p> <p>Sections 186 to 189</p> <p>Sections 190 to 192</p> <p>Sections 194 to 196</p> <p>Sections 197 to 199</p> <p>Subsections (2)(b) and (3) to (6) of section 200</p> <p>Sections 201 to 203</p>	<p>(1) Subject to paragraph (3) below, for the purposes of—</p> <p>(a) enabling advance applications for premises licences under Part 8 of the 2005 Act to be made, considered and determined; and</p> <p>(b) enabling such licences to be issued before 1st September 2007.</p> <p>(2) In so far as they relate to applications for provisional statements under sections 204 and 205 of the 2005 Act.</p> <p>(3) The reference in paragraph (1) to applications for premises licences is not to include non-conversion applications for casino premises licences.</p>
<p>Sections 204 and 205</p>	<p>(1) Subject to paragraph (2) below, for the purposes of enabling applications for a provisional statement to be made, considered and determined.</p> <p>(2) The reference in paragraph (1) to applications for a provisional statement is not to include applications for a provisional statement in respect of a casino.</p>
<p>Sections 206 to 209</p>	
<p>Sections 210 to 213</p>	
<p>Section 247(2) and (3)</p>	

<i>Column 1</i>	<i>Column 2</i>
<p>In Schedule 10— paragraphs 2 to 11 and 22</p> <p>In Schedule 10— paragraphs 1, 12(a), 13, 15 to 17, 21, 23 and 24</p> <p>Section 285</p> <p>Sections 288 and 289(2) and (3)</p> <p>In Schedule 14— paragraphs 3 to 12 and 22</p> <p>In Schedule 14— paragraphs 1, 2, 13(a), 14 to 17, 21, 23 and 24</p>	<p>For the purposes of—</p> <ul style="list-style-type: none"> (a) enabling advance applications for family entertainment centre gaming machine permits to be made, considered and determined; (b) enabling appeals in connection with such applications to be made, considered and determined; and (c) enabling such permits to be issued before 1st September 2007. <p>For the purposes of—</p> <ul style="list-style-type: none"> (a) enabling advance applications for prize gaming permits to be made, considered and determined; (b) enabling appeals in connection with such applications to be made, considered and determined; and (c) enabling such permits to be issued before 1st September 2007.

SCHEDULE 3

Article 2(3)

Provisions coming into force on 1st June 2007

<i>Column 1</i>	<i>Column 2</i>
<p>Sections 159 to 165</p>	<p>(1) For the purposes of—</p> <ul style="list-style-type: none"> (a) enabling non-conversion applications for casino premises licences to be made, considered and determined; and (b) enabling such licences to be issued before 1st September 2007. <p>(2) In so far as they relate to applications for a provisional statement in respect of a casino under sections 204 and 205 of the 2005 Act.</p>
<p>Sections 204 and 205</p>	<p>For all remaining purposes.</p>
<p>Sections 266 to 268</p>	
<p>In Schedule 12— paragraphs 15 to 21, 23 and 26 to 31, and</p> <p>section 274 in so far as it relates to those provisions</p>	
<p>Section 274 (in so far as it relates to the immediately following provisions of Schedule 12), and in Schedule 12— paragraphs 1 to 11 and 25</p>	<p>For the purposes of—</p> <ul style="list-style-type: none"> (a) enabling advance applications for club gaming permits and club machine permits to be made, considered and determined; (b) enabling appeals in connection with such applications to be made, considered and determined; and (c) enabling such permits to be issued before 1st September 2007.
<p>Section 276</p>	

<i>Column 1</i>	<i>Column 2</i>
<p>Sections 277 and 278</p> <p>Section 282</p> <p>Section 283(2) and (5)</p> <p>In Schedule 13— paragraphs 11 to 20, 22 and 23</p> <p>section 283(5) in so far as it relates to those provisions</p>	<p>For the purpose of enabling the holders of on-premises alcohol licences and relevant Scottish licences to send the licensing authority the things referred to in subsection (2) of that section in the period beginning on 31 January 2007 and ending on 31st August 2007.</p>

SCHEDULE 4

Article 6

Transitional provisions

PART 1

General

Interpretation

1. In this Schedule—

“bingo club licence” means a licence under the 1968 Act granted in respect of any premises which is subject to restrictions under paragraph 25 of Schedule 2 to that Act under which gaming on those premises to which Part II of that Act applies is limited to the playing of bingo;

“casino licence” means any licence under the 1968 Act other than a bingo club licence.

Meaning of “finally determined” in relation to applications for an operating licence

2.—(1) For the purposes of this Schedule, an application for an operating licence is finally determined—

- (a) where the application for the operating licence is granted, on the date on which it is granted;

- (b) where the application is rejected but no appeal is made to the Gambling Appeals Tribunal under section 141 of the 2005 Act against that decision, on the expiry of the period of one month beginning with the date of the decision;
- (c) where—
 - (i) the application is rejected,
 - (ii) an appeal is made to the Gambling Appeals Tribunal against the Gambling Commission’s refusal to grant the licence, and
 - (iii) that appeal is abandoned,
 on the date on which the appeal is abandoned;
- (d) in a case falling within paragraph (c)(i) and (ii), but where the appeal is successful, on the determination of the appeal by the Tribunal (but subject to sub-paragraph (2));
- (e) in a case falling within paragraph (c)(i) and (ii), but where the appeal is unsuccessful and no further appeal is made to the High Court or Court of Session in accordance with section 143 of the 2005 Act, on the expiry of the period for appealing to the High Court or Court of Session;
- (f) in a case falling within paragraph (e), but where an appeal is made to the High Court or Court of Session in accordance with that section, on the determination of that appeal (but subject to sub-paragraph (3)) or when the appeal is abandoned.

(2) Where, in a case falling within sub-paragraph (1)(d), the Tribunal remit the matter to the Gambling Commission, the application is not to be treated as being finally determined until the proceedings on any subsequent decision of the Commission come to an end (including any appeals following a decision of the Commission to reject the application); and for these purposes paragraphs (a) to (f) of sub-paragraph (1) and sub-paragraphs (2) and (3) are to apply in the same way as they apply to proceedings on the earlier decision of the Commission.

(3) Where, in a case falling within sub-paragraph (1)(f), the court remit the matter to the Tribunal, the application is not to be treated as being finally determined until the proceedings on any subsequent decision of the Tribunal come to an end (including any appeal following a further decision of the Tribunal to reject the applicant’s appeal); and for these purposes paragraphs (d) to (e) of sub-paragraph (2) and sub-paragraphs (3) and (4) are to apply in the same way as they apply in respect of proceedings on the earlier decision of the Tribunal.

Licensing authority where premises are situated in the area of more than one authority

3. For the purposes of this Schedule, where—

- (a) the licensing authority under the 2005 Act is to be determined by reference to which authority’s area premises are situated in, and
- (b) the premises are situated in the area of more than one authority,

the licensing authority is the authority in whose area the larger part of the premises is situated.

PART 2

Transitional provisions relating to the grant and renewal of licences and other documents, and registrations, under enactments to be repealed by the Gambling Act 2005

Betting, Gaming and Lotteries Act 1963: Restrictions on applications

4.—(1) This paragraph applies with respect to the grant of applications under the 1963 Act during the period beginning on the date on which this Order comes into force and ending on the date on which that Act is repealed for all purposes.

(2) None of the following applications under the 1963 Act may be granted where the application is made on or after 28th April 2007—

- (a) an application under paragraph 5 of Schedule 1 for the grant of a bookmaker's permit, betting agency permit or betting office licence;
- (b) an application under paragraph 5 of Schedule 2 for the registration of a person as a pool promoter;
- (c) an application under paragraph 3 of Schedule 3 for the grant of a track betting licence;
- (d) an application for a certificate of approval under section 13 for a ground to be used as a horse racecourse;
- (e) an application for a licence authorising an inter-track betting scheme under paragraph 2 of Schedule 5ZA.

Betting, Gaming and Lotteries Act 1963: Period for which licences, permits and registrations are to have effect

5.—(1) Any licence or permit granted or renewed under Schedule 1 or 3 to the 1963 Act on or after the date on which this Order comes into force is to cease to have effect at the end of 31st August 2007; and paragraph 29 of Schedule 1 and paragraph 8 of Schedule 3 to that Act are to be modified accordingly.

(2) Sub-paragraph (1) is without prejudice to any provisions of Schedule 1 or 3 to the 1963 Act under which such a licence or permit may be revoked or cancelled before the date on which it is due to expire in accordance with (as the case may be) paragraph 29 of Schedule 1 or paragraph 8 of Schedule 3 to that Act.

(3) Where a person is registered as a pool promoter under Schedule 2 to the 1963 Act on or after the date on which this Order comes into force but before 1st September 2007, the registration is to cease to have effect at the end of 31st August 2007 (unless revoked before that date under paragraph 5 of that Schedule).

(4) Where on or after the date on which this Order comes into force the Levy Board issue a certificate of approval under section 13 of the 1963 Act for a horse racecourse, the certificate is to cease to have effect at the end of 31st August 2007.

(5) Where any licence authorising an inter-track betting scheme is granted under Schedule 5ZA to the 1963 Act on or after the date on which this Order comes into force issued, the licence is to cease to have effect at the end of 31st August 2007 (unless revoked before that date under paragraph 11 of that Schedule); and paragraph 7 of that Schedule is to be modified accordingly.

Betting, Gaming and Lotteries Act 1963: Automatic grant of new track betting licences

6.—(1) This paragraph applies to any track betting licence which expires in the period beginning on 31st August 2006 and ending on 30th August 2007.

(2) If a track betting licence to which this paragraph applies (referred to below as “the previous track betting licence”) is still in force immediately before it is due to expire, the licensing authority which granted the licence is to grant a new track betting licence in respect of the same track as soon as practicable after the date on which that licence expires (and a licence granted in accordance with this paragraph is referred to below as a “new track betting licence”).

(3) Where sub-paragraph (2) applies, the previous track betting licence is to continue in force until such time as a new track betting licence is issued, and paragraph 8 of Schedule 3 to the 1963 Act is to be modified accordingly in its application to the previous track betting licence.

(4) A new track betting licence is to be granted to the person who held the previous track betting licence immediately before it expired.

(5) Paragraphs 3 to 7 and 12(1) of Schedule 3 to the 1963 Act are not to apply with respect to the grant of a new track betting licence.

(6) Paragraph 8 of Schedule 3 to the 1963 Act is to have effect in relation to a new track betting licence as if it provided for the licence to be in force until 31st August 2007, unless cancelled under paragraph 10 or revoked under paragraph 13 of that Schedule.

(7) In this paragraph “track” and “track betting licence” have the meanings given to them by the 1963 Act.

Gaming Act 1968: Restrictions on applications

7.—(1) This paragraph and paragraph 9 apply with respect to the making and grant of applications under the 1968 Act during the period beginning on the date on which this Order comes into force and ending on the date on which that Act is repealed for all purposes.

(2) Neither of the following applications under the 1968 Act may be granted where the application is made on or after 28 April 2007—

- (a) an application under paragraph 5 of Schedule 2 for the grant of a licence under that Act;
- (b) an application under paragraph 5 of Schedule 9 for the grant of a permit under section 34 of that Act in respect of amusement machine premises.

(3) An application for the grant or renewal of a permit under section 34 of the 1968 Act made to the authority mentioned in sub-paragraph (b) or (d) of paragraph 1 of Schedule 9 to that Act in respect of premises other than amusement machine premises may not be granted where the application is made on or after 1st July 2006.

(4) The Gambling Commission may not grant an application for the renewal of a certificate under section 27 of the 1968 Act where the certificate is due to expire in accordance with paragraph 3 of Schedule 6 to that Act on or after 31st August 2007.

(5) The licensing authority (within the meaning of, as the case may be, Schedule 3, 4, 7 or 8 to the 1968 Act) may not grant an application for the renewal of a registration under Part 2 or 3 where the registration is due to expire on or after 31st August 2007.

(6) The appropriate authority (within the meaning of paragraph 1(a) or (c) of Schedule 9 to the 1968 Act) may not grant an application for the renewal of a permit under section 34 of that Act where the permit is due to expire in accordance with paragraph 18 of that Schedule on or after 31st August 2007.

Gaming Act 1968: Applications for the grant a licence under that Act where a certificate of consent has been applied for but not obtained

8.—(1) On and after this Order comes into force, a person may apply for the grant of a licence under the 1968 Act provided that—

- (a) the relevant consent application has been made to the Gambling Commission,
- (b) and that application has not been withdrawn or refused.

(2) Sub-paragraph (1) is to apply irrespective of whether or not the relevant consent application has been approved; and paragraph 3(2) of Schedule 2 to the 1968 Act is to be modified accordingly.

(3) Where an application for the grant of a licence under the 1968 Act is made before a certificate of consent has been issued, paragraph 5(2) of Schedule 2 to that Act is to have effect as if it required the application to be accompanied by a copy of the relevant consent application.

(4) Paragraphs 6 and 7 of Schedule 2 to the 1968 Act are not to apply in a case falling within sub-paragraph (3) except as provided in sub-paragraph (5).

(5) Where in a case falling within sub-paragraph (3) a certificate of consent is issued on the grant of the relevant consent application—

- (a) sub-paragraph (1) of paragraph 6 of Schedule 2 to the 1968 Act is to have effect as if it required the person applying for the grant of the 1968 Act licence to do the things referred to in that sub-paragraph not later than 14 days after the date on which he receives the certificate of consent issued on the relevant consent application; and

(b) sub-paragraph (1) of paragraph 7 of that Schedule is to have effect as if it required the applicant to send the licensing authority a copy of the certificate of consent at the same time as it sends the things referred to in that sub-paragraph.

(6) The Gambling Commission must notify the licensing authority if the relevant consent application is refused.

(7) The licensing authority must refuse the application for the grant of a 1968 Act licence where the relevant consent application has been refused.

(8) In this paragraph, references to the relevant consent application, in relation to an application for a casino licence, are to an application for a certificate of consent under paragraph 4 of Schedule 2 to the 1968 Act, where the application—

(a) is in respect of the same premises as those to which the application for the casino licence relates, and

(b) is not made only for the purposes of a bingo club licence.

(9) In this paragraph, references to the relevant consent application, in relation to an application for a bingo club licence, are to an application for a certificate of consent under paragraph 4 of Schedule 2 to the 1968 Act where the application—

(a) is in respect of the same premises as those to which the application for the bingo club licence relates, and

(b) is made only for the purposes of a bingo club licence.

Gaming Act 1968: Period for which licences, registrations, and permits are to have effect

9.—(1) Where a licence under the 1968 Act is granted or renewed under Schedule 2 to that Act on or after the date on which this Order comes into force, the licence is to cease to have effect at the end of 31st August 2007; and paragraph 52 of that Schedule is to be modified accordingly.

(2) Sub-paragraph (1) is without prejudice to any provisions of Schedule 2 to the 1968 Act under which a licence may be cancelled (whether in consequence of the revocation of the certificate of consent or by virtue of a disqualification order under that Schedule or otherwise).

(3) Where on or after the date on which this Order comes into force but before 1st September 2007—

(a) a club or miners' welfare institute is registered under Part 2 or Part 3 of the 1968 Act, or

(b) such a registration is renewed,

the registration is to cease to have effect at the end of 31st August 2007; and paragraph 19 of Schedule 3, paragraph 17 of Schedule 4 and paragraph 22 of Schedule 7 to that Act (including as that provision has effect in relation to Scotland by virtue of paragraph 3 of Schedule 8 to that Act) are to be modified accordingly.

(4) Sub-paragraph (3) is without prejudice to any provisions of the Schedules referred to in that sub-paragraph under which the registration of a club or miners' welfare institute may be cancelled.

(5) Where a permit under section 34 of the 1968 Act is granted or renewed in respect of amusement machine premises at any time on or after the date on which this Order comes into force, the permit is to cease to have effect at the end of 31st August 2007; and paragraph 18 of Schedule 9 to that Act is to be modified accordingly.

(6) Sub-paragraph (5) is without prejudice to the cancellation of any such permit under section 39 of the 1968 Act.

Gaming Act 1968: Automatic renewal of licences

10.—(1) This paragraph applies to any licence under the 1968 Act which is due to expire in accordance with paragraph 52 of Schedule 2 to that Act in the period beginning on 31st August 2006 and ending on 30th August 2007.

(2) If the licence is still in force immediately before it is due to expire, the licensing authority must renew the licence, and the licence is to continue to have effect until it is so renewed by the licensing authority.

(3) The licence as renewed is to be subject to the same restrictions as had effect in relation to the licence before it was renewed; and paragraphs 24 to 26 of Schedule 2 to the 1968 Act are to have effect accordingly.

(4) Paragraphs 12 to 17, 20 to 23 and 27 to 34 of Schedule 2 to the 1968 Act are not to apply with respect to the renewal of the licence.

(5) Paragraph 52 of Schedule 2 to the 1968 Act is to have effect in relation to the renewed licence as if it provided for the licence to be in force until the end of 31st August 2007, unless cancelled before then under any provision of that Schedule.

Gaming Act 1968: Automatic renewal of section 34 permits in respect of amusement machine premises

11.—(1) This paragraph applies to any permit under section 34 of the 1968 Act in respect of amusement machine premises which is due to expire in accordance with paragraph 18 of Schedule 9 to that Act in the period beginning on 31st August 2006 and ending on 30th August 2007.

(2) If the permit still has effect immediately before it is due to expire, it must be renewed by the appropriate authority.

(3) A permit to which sub-paragraph (1) applies is to continue to have effect until it is renewed by the appropriate authority in accordance with sub-paragraph (2).

(4) Paragraphs 5(2), 6, 8(1), 11 to 16, 19 and 21 of Schedule 9 to the 1968 Act are not to apply with respect to the renewal of the permit.

(5) Paragraph 18 of Schedule 9 to the 1968 Act is to have effect in relation to the renewed permit as if it provided for the permit to have effect until the end of 31st August 2007, unless cancelled under section 39 of that Act.

(6) In this paragraph, “appropriate authority” is to have the meaning given to it (as the case may be) by paragraph 1(b) or (d) of Schedule 9 to the 1968 Act.

Effect of references in the Gaming Act 1968 to the licensing authority on and after 1st September 2007

12.—(1) In relation to any time on or after 1st September 2007 any reference in the 1968 Act to a licensing authority is—

- (a) in respect of a local justice area in England or Wales, to the licensing committee for that area established and constituted under paragraph 1 of Schedule 1 to the 1963 Act; and
- (b) in respect of any area in Scotland, to the licensing board for that area constituted under section 1 of the Licensing (Scotland) Act 1976.

(2) Sub-paragraph (1)(a) is to apply irrespective of whether or not the licensing committee for a particular local justice area continues to be responsible under that Schedule for the grant or renewal of bookmaker’s permits, betting agency permits and betting office licences in that area.

Lotteries and Amusements Act 1976: Restrictions on applications

13.—(1) The Gambling Commission may not grant an application under paragraph 1 of Schedule 2A to the 1976 Act for a person to be registered under that Schedule as a lottery manager, where the application is made during the period beginning on 28 April 2007 and ending on the date on which that Act is repealed for all purposes.

(2) An application under Schedule 3 to the 1976 Act for a permit under section 16 of that Act may not be granted, where the application is made during the period beginning on 28 April 2007 and ending on the date on which that Act is repealed for all purposes.

Lotteries and Amusements Act 1976: Period for which registrations, certificates and permits are to have effect

14.—(1) Where on or after the date on which this Order comes into force but before 1st September 2007—

- (a) a society is registered under Schedule 1 to the 1976 Act;
- (b) a society is registered under Schedule 1A to that Act; or
- (c) a local authority scheme is registered under Schedule 2 to that Act,

the registration is to cease to have effect at the end of 31st August 2007.

(2) Sub-paragraph (1) is without prejudice to the revocation of any such permit under a provision of the relevant Schedule referred to in that sub-paragraph.

(3) Any lottery manager's certificate granted under Schedule 2A to the 1976 Act on or after the date on which this Order comes into force is to have effect until 31st August 2007 (unless revoked by the Gambling Commission before that date); and paragraph 5 of that Schedule is to be modified accordingly.

(4) Any section 16 permit granted or renewed under Schedule 3 to the 1976 Act on or after the date on which this Order comes into force is to have effect until 31st August 2007 (unless cancelled before that date under section 17(2) of that Act); and paragraph 15 of that Schedule is to be modified accordingly.

Lotteries and Amusements Act 1976: Automatic renewal of section 16 permits

15.—(1) This paragraph applies to any permit under section 16 of the 1976 Act which is due to expire, if it is not renewed, in the period beginning on 31st August 2006 and ending on 30th August 2007.

(2) If the permit still has effect immediately before it is due to expire, it must be renewed by the appropriate authority.

(3) The permit is to continue to have effect until it is renewed by the appropriate authority in accordance with sub-paragraph (2).

(4) Paragraphs 4(2), 5 to 14, 16 and 18 of Schedule 3 to the 1976 Act are not to apply with respect to the renewal of the permit in accordance with sub-paragraph (2).

(5) Paragraph 15 of Schedule 3 to the 1976 Act is to have effect in relation to the renewed permit as if it provided for the permit to have effect until the end of 31st August 2007.

(6) Sub-paragraphs (2) to (5) are not to apply where—

- (a) a resolution is passed by the appropriate authority under paragraph 2(b) of Schedule 3 to the 1976 Act with the effect that it will not renew permits under section 16 of the 1976 Act in respect of premises of a class which includes the premises to which the permit relates, and
- (b) that resolution is in force when the permit is due to expire.

(7) In this paragraph, "appropriate authority" is to have the meaning given to it by paragraph 1(1) of Schedule 3 to the 1976 Act.

PART 3

Continuation of certain certificates and permits issued under the Gaming Act 1968

Continuation of certificates and permits granted under section 27 of the Gaming Act 1968

16.—(1) This paragraph applies to a certificate or permit granted under section 27 of the 1968 Act which—

- (a) is in force immediately before 1st September 2007, or

(b) is granted on or after that date.

(2) A certificate or permit to which this paragraph applies is referred to in this paragraph and in paragraphs 17 to 20 as a section 27 certificate or (as the case may be) a section 27 permit.

(3) A section 27 certificate or permit is to have effect on and after 1st September 2007, despite the coming into force on that date of the repeal of the provisions of the 1968 Act which authorise machines to which Part 3 of that Act applies to be sold or supplied, or maintained, by a person holding a certificate or permit under section 27 of the 1968 Act.

(4) Where a section 27 certificate has effect on or after 1st September 2007—

(a) if it was issued for the purposes of subsection (1) of section 27 of the 1968 Act, its effect is to authorise the holder—

(i) to sell or supply a gaming machine or part of a gaming machine, or

(ii) to cause or permit another person to sell or supply a gaming machine or part of a gaming machine on his behalf;

(b) if it was issued for the purposes of subsection (5) of that section, its effect is to authorise the holder—

(i) to maintain or repair a gaming machine or part of a gaming machine, or

(ii) to cause or permit another person to maintain or repair a gaming machine or part of a gaming machine on his behalf;

(c) if it was issued for the purposes of both those subsections, its effect is to authorise the activities described in both paragraphs (a) and (b).

(5) On and after 1st September 2007 a section 27 certificate is to have effect subject to any relevant operating licence conditions.

(6) In sub-paragraph (5), the reference to relevant operating licence conditions is to any conditions specified by the Gambling Commission under section 75 of the 2005 Act in relation to gaming machine technical operating licences which apply to the activities authorised by the certificate.

(7) Where a section 27 permit has effect on or after 1 September 2007—

(a) if it was issued for the purposes of subsection (1) of section 27 of the 1968 Act, its effect is to authorise the holder to sell or supply the gaming machine specified in the permit, or to cause or permit another person to sell or supply that gaming machine on his behalf;

(b) if it was issued under subsection (5) of that section, its effect is to authorise the holder to maintain or repair the gaming machine specified in the permit or a part of that machine, or to cause or permit another person to maintain that machine or a part of that machine on his behalf.

Duration of section 27 certificates

17.—(1) Subject to the following provisions of this paragraph, a section 27 certificate is to have effect until—

(a) the date on which immediately before 1st September 2007 it was due to expire in accordance with paragraph 3 of Schedule 6 to the 1968 Act; or

(b) where the application for the permit is granted on or after 1st September 2007, for a period of 5 years beginning on the date on which the permit is granted.

(2) Where the holder of a section 27 certificate applies for a gaming machine technical operating licence at least 2 months before the date on which the certificate is due to expire, the permit is not to cease to have effect by virtue of sub-paragraph (1) before that application is finally determined or is withdrawn.

(3) A section 27 certificate is to cease to have effect before the date referred to in sub-paragraph (1) if before that date the holder of the certificate is granted a gaming machine technical operating licence.

(4) Where sub-paragraph (3) applies, the certificate is to cease to have effect immediately before the gaming machine technical operating licence has effect.

Duration of section 27 permits

18.—(1) Subject to sub-paragraph (2), a section 27 permit is to have effect until the date on which immediately before 1st September 2007 it was due to expire.

(2) A section 27 permit is to cease to have effect before the date referred to in sub-paragraph (1) if before that date the holder of the permit is granted a single-machine supply and maintenance permit under section 250 of the 2005 Act in respect of the gaming machine to which the section 27 permit relates.

(3) Where sub-paragraph (2) applies, the permit is to cease to have effect immediately before the permit under section 250 of the 2005 Act has effect.

Continuation of section 27 certificates: Application of the Gambling Act 2005

19.—(1) The 2005 Act is to apply to a section 27 certificate having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph and in paragraph 20.

(2) Section 33 is to have effect as if after subsection (3) there were inserted—

“(3A) Subsection (1) does not apply to any activity by a person if—

- (a) he holds a section 27 certificate, or is acting as the servant or agent of any person who holds such a certificate,
- (b) the activity is authorised by the certificate, and
- (c) in carrying out the activity he complies with any conditions attached to the certificate by virtue of transitional provisions made under paragraph 2 of Schedule 18 to this Act.”.

(3) Section 243 of the Act is to have effect as if after subsection (1) there were inserted—

“(1A) A person does not commit the offence under subsection (1) if—

- (a) he holds a section 27 certificate or is acting as the servant or agent of any person who holds such a certificate, and
- (b) the activity is authorised by the certificate, and
- (c) in carrying out the activity he complies with any conditions attached to the certificate by virtue of transitional provisions made under paragraph 2 of Schedule 18 to this Act.”.

(4) Section 353(1) is to have effect as if in the appropriate place the following definition was added—

“section 27 certificate” means a certificate granted under section 27 of the Gaming Act 1968 which has effect on and after the commencement of this section by virtue of transitional provisions made under paragraph 2 of Schedule 18 to this Act.”.

Application of review provisions to section 27 certificates

20.—(1) Sections 116 to 120 and 122 of the 2005 Act are to apply to section 27 certificates and the holders of such certificates as they apply to gaming machine technical operating licences and the holders of such licences, but with the modifications specified in the following provisions of this paragraph.

(2) In section 116—

- (a) in subsection (1), the reference to ensuring compliance to conditions attached under section 75, 77 or 78 is to have effect as a reference to ensuring compliance with any relevant operating licence conditions; and
- (b) in subsection (2)—

- (i) the reference to activities carried on not in accordance with a condition of the operating licence is to have effect as a reference to activities carried on not in accordance with any relevant operating licence condition, and
 - (ii) a reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate.
- (3) Subsection (1) of section 117 is to have effect with the omission of paragraphs (b) to (d).
- (4) Section 118 is to have effect with the omission of subsection (3)
- (5) Section 119 is to have effect with the omission of subsections (2) and (3).
- (6) Section 120 is to have effect with the omission of subsection (2) and in that section—
- (a) in subsection (1)(b), the reference to a condition of the licence having been breached is to have effect as a reference to a relevant operating licence condition having been breached; and
 - (b) in subsections (1)(d) and (3), a reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate.
- (7) In section 122—
- (a) In subsections (1)(c) and (4)(b), a reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate; and
 - (b) In subsection (4)(a), the reference to activities carried on not in accordance with a condition of the operating licence is to have effect as a reference to activities carried on not in accordance with any relevant operating licence condition.

Continuation of section 27 permits: Application of the Gambling Act 2005

21.—(1) The 2005 Act is to apply to a section 27 permit having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph.

(2) Subsection (1) of section 250 is to have effect as if the reference to a permit under that section included a reference to a section 27 permit.

(3) In section 243(1), the reference to section 250 is to have effect as a reference to that section as modified by sub-paragraph (2).

Continuation of permits granted under section 34 of the Gaming Act 1968 in respect of alcohol licensed premises

22.—(1) This paragraph applies to a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act which—

- (a) is in force immediately before 1st September 2007, or
- (b) (if not so in force) is granted or renewed on or after that date.

(2) A permit to which this paragraph applies is referred to in this paragraph and in paragraphs 23 and 24 as an alcohol licensed premises gaming machine permit.

(3) An alcohol licensed premises gaming machine permit is to have effect on and after 1st September 2007, despite the coming into force on that date of the repeal of the provisions of the 1968 Act which authorise machines to which Part 3 of that Act applies to be made available in premises mentioned in paragraph (a) or (c) of paragraph 1 of Schedule 9 to that Act.

(4) Where an alcohol licensed premises gaming machine permit has effect on or after 1st September 2007, it is to authorise the holder to make available on the premises to which the permit relates a number of Category C or D gaming machines equal to the number of higher value AWP machines which the permit would have authorised him to make available had the relevant provisions of the 1968 Act continued in force.

(5) In this paragraph, “higher value AWP machine” means a machine—

- (a) to which Part 3 of the 1968 Act applies,

- (b) which is used for gaming (within the meaning of that Act), and
- (c) which complies with the conditions mentioned in subsection (5A) of section 34 of that Act.

Duration of alcohol licensed premises gaming machine permits

23.—(1) Subject to the following provisions of this paragraph, an alcohol licensed premises gaming machine permit is to have effect until—

- (a) in a case falling within paragraph 22(1)(a), whichever is the earlier of—
 - (i) 31st August 2010, or
 - (ii) the date on which immediately before 1st September 2007 the permit was due to expire in accordance with paragraph 18 of Schedule 9 to the 1968 Act; or
- (b) in a case falling within paragraph 22(1)(b), for a period of 3 years beginning on the date on which the permit is granted or renewed.

(2) Where in a case falling within sub-paragraph (1)(a)—

- (a) the permit has effect immediately before 1 September 2007 by virtue of paragraph 19 of Schedule 9 to the 1968 Act;
- (b) and the application under Schedule 9 to that Act for the renewal of the permit is granted,

the permit is to have effect for a period of 3 years beginning on the date on which the permit is renewed.

(3) Where the holder of a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act applies for a licensed premises gaming machine permit at least 2 months before the date on which the section 34 permit is due to expire, the permit is not to cease to have effect by virtue of sub-paragraph (1) or (2) until the application for the licensed premises gaming machine permit is determined or is withdrawn.

(4) An alcohol licensed premises gaming machine permit is to cease to have effect before the date referred to in sub-paragraph (1) if before that date—

- (a) the holder of the permit is granted a licensed premises gaming machine permit; or
- (b) section 282 of the 2005 Act applies to the premises specified in the permit.

(5) Where sub-paragraph (4) applies, the permit is to cease to have effect immediately before the licensed premises gaming machine permit or section 282 of the 2005 Act has effect in relation to the premises specified in the permit.

Continuation of alcohol licensed premises gaming machine permits: modification of the Gambling Act 2005

24.—(1) The 2005 Act is to apply to an alcohol licensed premises gaming machine permit having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph.

(2) Subsections (1), (3) and (4) of section 283 of the Act are to have effect as if the reference to a licensed premises gaming machine permit included a reference to an alcohol licensed premises gaming machine permit.

(3) In sections 37(7)(e) and 242(1), the reference to section 283 is to have effect as a reference to that section as modified by sub-paragraph (2).

(4) Subject to the following provisions of this paragraph, the following provisions of Schedule 13 to the 2005 Act are to apply to an alcohol licensed premises gaming machine permit as they apply to a licensed premises gaming machine permit—

paragraphs 7(2), 8, 10 to 14, 16, 18 to 20 and 21 (as that last paragraph has effect for the purposes of appeals under sub-paragraph (1)(c) of that paragraph).

(5) In paragraphs 7(2), 11, 16, 18(4), 19(4) and (5), and 21(3) of Schedule 13, any reference to a licensing authority is to have effect as a reference to the licensing authority in whose area the premises to which the permits relates are situated.

(6) Paragraph 12 of Schedule 13 is to have effect as if it provided for a permit to continue to have effect until the date determined in accordance with paragraph 22 above, unless and until it ceases to have effect before that time in accordance with any of the provisions of that Schedule referred to in sub-paragraph (4).

Continuation of alcohol licensed premises gaming machine permits: modification of provisions of the Gambling Act 2005 in relation to permits in Scotland

25.—(1) Despite Schedule 13 to the 2005 Act not applying in relation to Scotland, the provisions of that Schedule referred to in sub-paragraphs (4) of paragraph 24 (other than paragraphs 19 and 20 of that Schedule) are also to apply to alcohol licensed premises gaming machine permits issued in Scotland.

(2) The provisions of Schedule 13 to the 2005 Act referred to in sub-paragraph (1) are to apply to alcohol licensed premises gaming machine permits issued in Scotland with—

- (a) the modifications specified in sub-paragraph (5) and (6) of paragraph 24, and
- (b) the modifications specified in sub-paragraph (3) below.

(3) In relation to alcohol licensed premises gaming machine permits issued in Scotland, paragraph 21 of Schedule 13 to the 2005 Act is to have effect as if—

- (a) sub-paragraph (2)(a) referred to a sheriff within whose sheriffdom the premises to which the permit relates are wholly or partly situated;
- (b) sub-paragraph (2)(b) was omitted;
- (c) the reference in sub-paragraph (3) to the magistrates' court was to the sheriff; and
- (d) the reference in sub-paragraph (3) to costs was to expenses.

Conversion of permits under section 34 of the 1968 Act into licensed premises gaming machine permits

26.—(1) This paragraph applies where the holder of a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act applies for a licensed premises gaming machine permit on or before the relevant date.

(2) Sub-paragraph (1) applies irrespective of whether the application is made before, on or after 1st September 2007.

(3) In sub-paragraph (1) the relevant date is the date which is 2 months before the date on which the permit under section 34 of the 1968 Act is due to expire in accordance with paragraph 18 of Schedule 9 to that Act.

(4) If the application is in respect of a number of gaming machines which does not exceed the number of higher value AWP machines or Category C or D gaming machines authorised by the permit under section 34 of the 1968 Act (referred to below as “the authorised number”), the licensing authority must grant the application.

(5) If the application is in respect of a number of gaming machines which is bigger than the authorised number, the licensing authority must grant the application in respect of a number of gaming machines which is no smaller than the authorised number.

(6) In a case to which sub-paragraph (5) applies, where the number of Category C gaming machines specified in the application does not exceed the authorised number, the licensing authority may not grant the application in respect of a smaller number of Category C gaming machines than that specified in the application.

(7) Where the application referred to in sub-paragraph (1) is made before 1st September 2007—

- (a) the licensing authority is not to grant the application for the licensed premises gaming machine permit until that date, and

(b) sub-paragraphs (4) to (6) are not to apply if the permit under section 34 of the 1968 Act ceases to have effect before 1st September 2007.

(8) Sub-paragraphs (4) to (6) are also not to apply where, after the application for the licensed premises gaming machine permit has been made, the permit under section 34 of the 1968 Act is cancelled or forfeited under respectively paragraph 16 or 18 of Schedule 13 to the 2005 Act (as those provisions have effect by virtue of paragraph 24(4) above).

(9) For the purposes of sub-paragraph (8), a permit is to be treated as having been cancelled until the period for appealing against the decision has elapsed; and, if an appeal is made, the permit is not to be treated as being cancelled unless and until the appeal is dismissed or abandoned

(10) Sub-paragraphs (4) to (6) are subject to paragraph 6(1) of Schedule 13 to the 2005 Act (which prohibits the grant of a licensed premises gaming machine permit to a person who does not hold an on-premises alcohol licence).

Continuation of other permits granted under section 34 of the Gaming Act 1968

27.—(1) This paragraph applies to a permit under section 34 of the 1968 Act granted by the authority mentioned in paragraph 1(b) or (d) of Schedule 9 to that Act in respect of non-amusement premises which—

- (a) is in force immediately before 1st September 2007, or
- (b) (if not so in force) is granted or renewed on or after that date.

(2) A permit to which this paragraph applies is referred to in this paragraph and in paragraphs 28 and 29 as a non-amusement Category D gaming machine permit.

(3) A non-amusement Category D gaming machine permit is to continue to have effect on and after 1 September 2007, despite the coming into force on that date of the repeal of the provisions of the 1968 Act authorising gaming machines to be made available in non-amusement premises.

(4) Where a non-amusement Category D gaming machine permit has effect on or after 1st September 2007, it is to authorise the holder to make available on the premises to which the permit relates a number of Category D gaming machines equal to the number of lower value AWP machines which the permit would have authorised him to make available had the relevant provisions of the 1968 Act continued in force.

(5) [A non-amusement Category D gaming machine permit is to have effect until—

- (a) in a case falling within paragraph (a) of sub-paragraph (1), whichever is the earlier of 30th June 2009 or the date on which immediately before 1st September 2007 the permit was due to expire in accordance with paragraph 18 of Schedule 9 to the 1968 Act; or
- (b) in a case falling within paragraph (b) of that sub-paragraph, 30 June 2009.]

(6) In this paragraph —

- (a) “lower value AWP machine” means a machine—
 - (i) to which Part 3 of the 1968 Act applies,
 - (ii) which is used for gaming (within the meaning of that Act), and
 - (iii) which complies with the conditions mentioned in subsection (1) of section 34 of that Act; and
- (b) “non-amusement premises” means any premises other than amusement machine premises.

Continuation of non-amusement Category D gaming machine permits: provision of information where permit issued in Scotland

28.—(1) This paragraph applies to a non-amusement Category D gaming machine permit which was granted in Scotland by the appropriate authority mentioned in paragraph 1(d) of Schedule 9 to the 1968 Act (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994).

(2) The council which granted the permit must on the relevant date, or as soon as practicable after that date, provide the relevant licensing board with the information specified in sub-paragraph (3).

(3) The information to be provided is—

- (a) the name and address of the permit holder,
- (b) the premises to which the permit relates,
- (c) the date on which the permit was granted or last renewed, and
- (d) the date on which the permit is due to expire.

(4) In this paragraph—

- (a) a reference to the relevant date is to—
 - (i) 1st September 2007, or
 - (ii) in a case falling within sub-paragraph (1)(b) of paragraph 27, the date on which the permit is granted; and
- (b) a reference to the relevant licensing board is to the licensing board in whose area the premises to which the permit relates are situated.

Continuation of non-amusement Category D gaming machine permits: modification of the Gambling Act 2005

29.—(1) The 2005 Act is to apply to a non-amusement Category D gaming machine permit on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph.

(2) Subsection (1) of section 247 is to have effect as if the reference to a family entertainment centre gaming machine permit included a reference to a non-amusement Category D gaming machine permit.

(3) In sections 37(7)(c) and 242(1), the reference to section 247 is to have effect as a reference to that section as modified by sub-paragraph (2).

(4) Section 309(2) is to have effect as if any reference to a family entertainment centre gaming machine permit included a reference to a non-amusement Category D gaming machine permit.

(5) Subject to the following provisions of this paragraph, the following provisions of Schedule 10 are to apply to a non-amusement Category D gaming machine permit as they apply to a family entertainment centre gaming machine permit—

paragraphs 11(2), 12(a), 13(1), 15 to 17, 19 to 21 and 22 (as that last paragraph has effect for the purposes of appeals under sub-paragraph (1)(c) of that paragraph).

(6) In paragraphs 11(2), 15(1), 16, 17(4) and 21 of Schedule 10, any reference to the licensing authority is to have effect as a reference to the licensing authority in whose area the premises to which the permits relates are situated.

(7) Paragraph 12(a) of Schedule 10 is to have effect as if it provided for the permit to cease to have effect on the date determined in accordance with paragraph 27(5) above unless it ceases to have effect before that time in accordance with any of the provisions of that Schedule referred to in sub-paragraph (5).

(8) Paragraph 13(1) of Schedule 10 is to have effect as if the reference to the premises specified under paragraph 11(1)(b) was a reference to the premises specified in the non-amusement Category D gaming machine permit as it had effect immediately before 1st September 2007.

PART 4

Licences etc. granted under the Gambling Act 2005 before 1st September 2007

Licences etc. granted under the Gambling Act 2005 before 1st September 2007

30.—(1) Where a licence or permit is issued under the 2005 Act (including under a provision of this Schedule) before 1st September 2007, it is not to take effect until that date.

(2) Where a club gaming or club machine permit is issued before 1st September 2007, paragraph 17(1) of Schedule 12 to the 2005 Act is to have effect in relation to the permit as it provided for the permit to cease to have effect at the end of the period of ten years beginning on that date unless—

- (a) it ceases to have effect before that time in accordance with a provision of that Schedule, or
- (b) it is renewed in accordance with paragraph 24 of that Schedule.

PART 5

Advance applications for operating licences by existing operators

Meaning of existing operator

31.—(1) This paragraph specifies the circumstances in which a person making an advance application for an operating licence is to be treated for the purposes of this Part as an existing operator.

(2) Where the advance application is for a non-remote casino operating licence, a person is an existing operator if on the date on which the advance application is made—

- (a) he holds a certificate of consent issued by the Gambling Commission under paragraph 4 or paragraph 56 of Schedule 2 to the 1968 Act for the purposes of the grant or transfer of a casino licence; or
- (b) he is applying for such a certificate and the application has not been withdrawn or refused.

(3) Where the advance application is for a remote or non-remote bingo operating licence, a person is an existing operator if on the date on which the advance application is made—

- (a) he holds a certificate of consent issued by the Gambling Commission under paragraph 4 or paragraph 56 of Schedule 2 to the 1968 Act for the purposes of the grant or transfer of a bingo club licence; or
- (b) he is applying for such a certificate and the application has not been withdrawn or refused.

(4) Where the advance application is for a remote or non-remote general betting operating licence, a person is an existing operator if on the date on which the advance application is made—

- (a) he holds a bookmaker's permit or a betting agency permit issued under Schedule 1 to the 1963 Act; or
- (b) he is applying to the appropriate authority for such a permit, and the application (including any appeal) has not been withdrawn or finally determined.

(5) Where the advance application is for a remote or non-remote pool betting operating licence, a person is an existing operator if on the date on which the advance application is made—

- (a) he is registered as a pool promoter under Schedule 2 to the 1963 Act; or
- (b) he is applying to the appropriate authority to be so registered, and the application (including any appeal) has not been withdrawn or finally determined.

(6) Where the advance application is for a gaming machine general operating licence in respect of a family entertainment centre, a person is an existing operator if on the date on which the advance application is made —

- (a) he holds a permit—
 - (i) granted by one of the authorities mentioned in paragraph 1(b) or (d) of Schedule 9 to the 1968 in respect of amusement machine premises; and
 - (ii) which is expressed to be granted for the purposes of section 34(5E) of the 1968 Act; or
- (b) he is applying to the appropriate authority for such a permit, and the application (including any appeal) has not been withdrawn or finally determined.

(7) Where the advance application is for a remote or non-remote lottery operating licence, a person is an existing operator if on the date on which the advance application is made—

- (a) he holds a lottery manager's certificate granted under Schedule 2A to the Lotteries and Amusements Act 1976; or
- (b) he is applying for such a certificate, and the application has not been withdrawn or finally determined.

Interim operating licences

32.—(1) This paragraph applies where—

- (a) an advance application for an operating licence is made by a person who is an existing operator in respect of one or more of the kinds of operating licence to which the application relates;
- (b) the application is made before 28th April 2007; and
- (c) the application complies with section 69 of the 2005 Act.

(2) This paragraph also applies where—

- (a) a person makes an advance application for an operating licence and the application is for, or includes an application for—
 - (i) a betting intermediary operating licence,
 - (ii) a gaming machine technical operating licence where the activity specified in the application is the manufacture of gaming machines or parts of gaming machines, or
 - (iii) a gaming machine technical operating licence where the activity specified in the application is the installation, adaptation, maintenance or repair of gaming machines or parts of gaming machines otherwise than for valuable consideration,
 - (iv) gambling software operating licence;
- (b) the application is made before 28th April 2007; and
- (c) the application complies with section 69 of the 2005 Act.

(3) The Gambling Commission must determine any such application and inform the applicant of its decision before 1st September 2007.

(4) Where—

- (a) the application is not finally determined before 1st September 2007, or
- (b) the applicant is not notified of that determination before that date,

the Gambling Commission is to be treated as having issued the applicant on that date with an operating licence of the same description as that being applied for.

(5) Where—

- (a) the application is for an operating licence of more than one of the kinds described in section 65(2) of the 2005 Act, and
- (b) the applicant is an existing operator in respect of one or more, but not all, of the kinds of licence for which the application is made,

sub-paragraph (4) only has effect to provide for the issuing of an operating licence of those kinds in respect of which the applicant is an existing operator.

(6) For the purposes of sub-paragraph (5), a person who makes an application to which sub-paragraph (2) applies is to be treated as an existing operator in relation to any part of the application falling within sub-paragraphs (i) to (iii) of paragraph (a) of that sub-paragraph.

(7) An operating licence granted by virtue of sub-paragraph (4) is referred to in this Schedule as an interim operating licence.

(8) Sub-paragraphs (3) and (4) are not to apply where a permit, registration or certificate, by virtue of which a person making an application for an operating licence qualifies as an existing operator, is (as the case may be) revoked or cancelled before 1st September 2007.

(9) For the purposes of sub-paragraph (8), a permit, registration or certificate is not to be treated as being revoked or cancelled until any period for appealing against that decision has elapsed; and, if an appeal is made, it is not to be treated as being revoked or cancelled unless and until the appeal is dismissed or abandoned.

Modifications where the applicant qualifies as an existing operator because he is applying for a permission under the existing legislation

33.—(1) This paragraph applies where a person qualifies as an existing operator by reason of the fact that—

- (a) on the date on which he makes the advance application for an operating licence he is applying for a bookmaker's or betting agency permit or for registration as a pool promoter; or
- (b) on that date he is applying to the Gambling Commission for a certificate of consent or for a lottery manager's certificate.

(2) Sub-paragraphs (3) and (4) of paragraph 32 are not to apply where the application referred to in sub-paragraph (1) is withdrawn, refused or is not determined before 1st September 2007.

(3) Paragraphs (4) and (5) apply in relation to any application falling within paragraph (a) of sub-paragraph (1).

(4) The applicant must notify the Gambling Commission if the application is granted, and the notification must be given before the end of the period of 14 days beginning on the day on which the application referred to in sub-paragraph (1)(a) is granted.

(5) Where the applicant fails to notify the Gambling Commission within the period specified in sub-paragraph (4), paragraph 32(4) is to cease to apply in relation to the advance application for the operating licence after the end of that period.

Application of the Gambling Act 2005 to interim operating licences

34.—(1) Section 74(2) of the 2005 Act (which requires the Gambling Commission to notify the applicant and issue the operating licence as soon as reasonably practicable after its grant) is not to have effect in relation to an interim operating licence.

(2) In exercising its powers under section 75 of the 2005 Act, the Gambling Commission must specify any conditions which are to apply to an interim operating licence or an interim operating licence falling within a specified class.

(3) Where an interim operating licence has effect before the date on which the Commission publish in accordance with section 76(3) of the 2005 Act the specification of any condition which applies to the licence, the licence is to be subject to the condition on and after that date.

(4) Where an interim operating licence has effect on or after the date on which the Commission so publish the specification of any condition which applies to the licence, the licence is to be subject to the condition as soon as it has effect.

(5) Regulations under 78 of the 2005 Act may specify conditions which are to apply to each interim operating licence or to interim operating licences falling within a specified description.

(6) In subsection (2) of section 78 of the 2005 Act, the reference to licences issued before regulations under that section are made is to include a reference to interim operating licences having effect before such regulations are made.

(7) The following provisions of the 2005 Act are not to apply to interim operating licences—

- (a) section 100 (which provides for the payment of an annual fee by the holder of an operating licence);
- (b) sections 104 to 107 (which make provision respectively for applications to vary operating licences, amendments to licences, registration of licences, copies of licences and production of licences); and
- (c) section 110 (which provides for the duration of operating licences).

(8) An interim operating licence is to cease to have effect when the advance application made by the existing operator is finally determined, unless it ceases to have effect before that date in accordance with a provision of Part 5 of the 2005 Act.

PART 6

Conversion of licences etc. issued under enactments to be repealed into premises licences under the Gambling Act 2005

Existing premises operators

35.—(1) This paragraph specifies the circumstances in which a person making an advance application for a premises licence is to be treated for the purposes of this Part as an existing premises operator.

(2) Where the application is for a casino premises licence, a person is an existing premises operator if—

- (a) on the date on which the application is made he holds a casino licence; or
- (b) on that date—
 - (i) he is applying for the grant or transfer of such a licence, and
 - (ii) the application (including any appeal) has not been finally determined.

(3) Where the application is for a bingo premises licence, a person is an existing premises operator if—

- (a) on the date on which the application is made he holds a bingo club licence; or
- (b) on that date—
 - (i) he is applying for the grant or transfer of such a licence, and
 - (ii) the application (including any appeal) has not been finally determined.

(4) Where the application is for a betting premises licence, a person is an existing premises operator if—

- (a) on the date on which the application is made he is—
 - (i) the holder of a betting office licence issued under Schedule 1 to the 1963 Act,
 - (ii) the holder of a track betting licence issued under Schedule 3 to that Act, or
 - (iii) the holder of a certificate of approval of in respect of a horse racecourse; or
- (b) on that date—
 - (i) he is applying to the appropriate authority for such a licence or certificate, or he is applying under paragraph 9 of Schedule 3 to the 1963 Act for the transfer of a track betting licence to him, and
 - (ii) the application (including any appeal) has not been finally determined.

(5) Where the application is for a family entertainment centre premises licence, a person is an existing premises operator if he is an existing operator by virtue of paragraph 31(6).

Conversion of existing licences etc. into premises licences

36.—(1) This paragraph applies to any application for a premises licence where the following conditions are met—

- (a) the application is an advance application made by an existing premises operator,
- (b) the application relates to the same or substantially same premises as the premises to which (as the case may be) the existing licence, permit or horse racecourse certificate relates,
- (c) the application complies with the requirements imposed by or under section 159 of the 2005 Act.

(2) Subject to paragraph [34], sections 160 and 161 of the 2005 Act are to not apply to such an application.

(3) Subject to paragraphs 37(1), 39(3) and 41(5), the licensing authority must grant the application and issue the licence.

(4) Sections 162 and 163(2) of the 2005 Act are not to have effect in relation to a premises licence which is issued in accordance with sub-paragraph (3); but any such licence is to lapse if the holder's application for a relevant operating licence is rejected when it is finally determined.

(5) In sub-paragraph (4) the reference to a relevant operating licence is to an operating licence which authorises the holder to carry on the activity to which the premises licence relates.

(6) Subject to sub-paragraph (7), section 206(2) of the 2005 Act (which provides for rights of appeal in connection with applications under Part 8 of that Act) is not to apply where an application is granted in pursuance of sub-paragraph (3).

(7) Sub-paragraph (6) is without prejudice to the right of the licence holder to appeal against any conditions attached to the premises licence issued in pursuance of sub-paragraph (3).

(8) Subject to paragraph 39, in this paragraph and paragraph 37 any reference to the existing licence, permit or horse racecourse certificate is to the licence, permit or certificate held by the applicant on the date on which he applies for the premises licence, and by virtue of which he qualifies as an existing premises operator.

Effect of revocation or cancellation of existing licence etc.

37.—(1) Where the application is one to which paragraph 36 applies, sub-paragraph (3) of that paragraph is to cease to apply where the existing licence is revoked or cancelled before 1st September 2007.

(2) Where the licensing authority has issued a premises licence in accordance with paragraph 34(3) before the existing licence or permit is revoked or cancelled, the premises licence is to lapse on the date on which the existing licence is revoked or cancelled.

(3) In a case falling within sub-paragraph (2), the application for the premises licence is to be treated as if it had not been granted by the licensing authority; and sub-paragraph (4) is to apply as it applies in other cases where the existing licence or permit is revoked or cancelled.

(4) Sub-paragraphs (2) to (7) of paragraph 41 are to apply where the existing licence or permit is revoked or cancelled as it applies where the application under the existing legislation (within the meaning of paragraph 39(10)) is refused.

(5) For the purposes of sub-paragraph (4), any reference in paragraph 41 to the date on which the application under the existing legislation is refused is to include a reference to the date on which the existing licence or permit is revoked or cancelled.

(6) For the purposes of this paragraph, the existing licence or permit is not to be treated as being revoked or cancelled until the period for appealing against that decision has elapsed; and, if an

appeal is made, the licence is not to be treated as being revoked unless and until the appeal is dismissed or abandoned.

Provisions to ensure that existing premises operators can continue to operate on and after 1st September 2007

38.—(1) This paragraph applies to an application for a premises licence which meets the conditions in paragraph 36(1), but where the application is made before 28 April 2007.

(2) If the licensing authority have not issued the premises licence before 1st September 2007, the licence is to be treated as having been issued on that date.

(3) Sub-paragraphs (4) to (7) of paragraph 36 are to apply to such a licence as they apply to a licence issued by a licensing authority in pursuance of sub-paragraph (3) of that paragraph.

(4) Sub-paragraph (2) above is not to affect the operation of section 164 of the 2005 Act, but that section is to have effect subject to the modifications specified in the following provisions of this paragraph.

(5) Subsection (1) of section 164 is to have effect as if it required the licensing authority to do the things required by paragraphs (a) to (c) of that subsection as soon as practicable on or after 1st September 2007.

(6) Any conditions attached by a licensing authority to a licence issued by virtue of sub-paragraph (2) are not to have effect until notice of those conditions is received by the licence holder in pursuance of section 164(1)(c) of the 2005 Act.

Conversion of existing licences etc. into premises licences: Supplementary provisions

39.—(1) Subject to paragraph 40, this paragraph applies to an application for a premises licence where the person making the application qualifies as an existing premises operator by reason of the fact that on the date on which he makes the application for the premises licence he is also applying for—

- (a) the grant of a betting office licence under the 1963 Act,
- (b) the grant or transfer of a track betting licence under that Act ,
- (c) the grant of a certificate of approval in respect of an horse racecourse under that Act,
- (d) the grant or transfer of a casino licence under the 1968 Act,
- (e) the grant or transfer of a bingo club licence under that Act, or
- (f) the grant of a permit under section 34 of that Act in respect of amusement machine premises.

(2) Sub-paragraph (1) of paragraph 36 is to have effect in relation to such an application as if the reference in sub-paragraph (1) to the existing licence, permit or certificate is to the licence, permit or certificate of approval which is being applied for.

(3) Where the application is one to which paragraph 36 applies, sub-paragraph (3) of that paragraph is to be modified so that—

- (a) the licensing authority may not determine the application for the premises licence before being notified by the applicant that the application under the existing legislation has been determined; and
- (b) the licensing authority are only to be under a duty to grant the application for a premises licence where the application under the existing legislation is granted and they have been notified of that fact by the applicant.

(4) Where, in a case to which paragraph 36 applies, the application under the existing legislation is granted before 1st September 2007, paragraph 37 is to apply to a licence granted on such an application as it applies to an existing licence within the meaning of paragraph 36(8).

(5) Where the application is one to which paragraph 38 applies, sub-paragraph (2) of that paragraph is only to apply if the application under the existing legislation is granted before 1st September 2007.

(6) Where—

- (a) sub-paragraph (2) of paragraph 38 applies because the application under the existing legislation is granted before 1st September 2007, but
- (b) the applicant does not notify the licensing authority of that fact until after 1st September 2007,

sub-paragraph (5) of that paragraph is to have effect as if it required the licensing authority to do the things required by paragraphs (a) to (c) of section 164(1) of the 2005 Act as soon as practicable on or after the date on which they are notified of the grant of the application under the existing legislation.

(7) Sub-paragraph (6) is without prejudice to sub-paragraph (9).

(8) Where paragraph 38(2) applies because the application under the existing legislation is granted before 1st September 2007, the applicant must notify the licensing authority of that fact before the end of the period of 14 days beginning on the day on which the application under the existing legislation is granted.

(9) Where the applicant fails to notify the licensing authority within the period specified in sub-paragraph (8), paragraph 38(2) is to cease to apply in relation to the application for the premises licence after the end of that period.

(10) Any reference in this paragraph and paragraph 41 to the application under the existing legislation is to the relevant application referred to in sub-paragraph (1).

Special provisions where the application for the premises licence and the application under the existing legislation are being made to the same authority

40.—(1) Sub-paragraph (4) applies to an application for the grant of a family entertainment centre premises licence where—

- (a) the person making the application qualifies as an existing premises operator by reason of the fact that on the date on which he makes the application he is also applying for a permit under section 34 of the 1968 Act in respect of amusement machine premises, and
- (b) both the application for the premises licence and the application for the permit are being made to the same local authority in England or Wales.

(2) Sub-paragraph (4) also applies to any of the applications specified in sub-paragraph (3) where—

- (a) the person making the application qualifies as an existing premises operator by reason of the fact that on the date on which he makes the application he is also making an application of one of the types referred to in paragraphs (a), (d) or (e) of paragraph 39(1), and
- (b) both the application for the premises licence and the application under the 1963 or the 1968 Act are being made to the same licensing board in Scotland.

(3) The applications referred to in sub-paragraph (2) are—

- (a) an application for a casino premises licence,
- (b) an application for a bingo premises licence, and
- (c) an application for a betting premises licence.

(4) Where this sub-paragraph applies, paragraph 39 is to have effect as if—

- (a) in sub-paragraph (3)(b), the words “and they have been notified of that fact by the applicant” were omitted, and
- (b) sub-paragraphs (6) to (9) were omitted.

Determination of premises licence applications where the application under the existing licence is refused

41.—(1) This paragraph applies where, in a case falling within both paragraph 36(1) and paragraph 39(1), the application under the existing legislation is refused.

(2) This paragraph is subject to paragraph 42.

(3) The applicant must notify the licensing authority in writing that the application under the existing legislation has been refused.

(4) Notice under sub-paragraph (2) is to be given before the end of the period of 14 days beginning on the date on which the application under the existing legislation is refused.

(5) Where the applicant fails to notify the licensing authority within the period specified in sub-paragraph (3) the application for the premises licence is to be treated as having been withdrawn.

(6) Sub-paragraphs (2) to (7) of paragraph 36 are not to apply to the application for the premises licence or to any premises licence issued on that application.

(7) The applicant is to comply with any requirements of section 160 of the 2005 Act about publishing notice of his application apart from any requirement as to the date on which the notice is to be published.

(8) Where the applicant is required to publish notice of his application under section 160 of the 2005 Act, he is to do so before the end of the period of 14 days beginning on the date on which the application under the existing legislation is refused.

Specific provisions in relation to casinos

Restrictions on the grant of casino premises licences

42.—(1) This paragraph applies where, in a case falling within both paragraph 36(1) and paragraph 39(1), the application being made is for a casino premises licence.

(2) Where the application under the existing legislation is refused, the licensing authority must refuse the casino premises licence application.

(3) Where despite sub-paragraph (2) the licensing authority purport to grant the casino premises licence, the licence is to be of no effect.

Restrictions on the conversion of casino licences

43.—(1) Paragraph 36 does not apply to an application for a premises licence where—

- (a) the application is for a casino premises licence,
- (b) it relates to the same or substantially the same premises as those in respect of which the applicant holds a casino licence, and
- (c) the conditions specified in sub-paragraph (2) are met.

(2) The conditions are that—

- (a) the applicant has made a consent application in respect of a casino licence on or after 29th April 2006 and that application relates to premises which are different from those to which the casino licence referred to in sub-paragraph (1) relates;
- (b) the application is made in reliance on article 2(3) of the Gambling Act 2005 (Transitional Provisions) Order 2006 and the fact that the premises to which the casino licence referred to in sub-paragraph (1) relates cannot be used for the purposes for which the licence was granted;
- (c) the applicant is applying for a casino premises licence in respect of the same or substantially the same premises as those to which the consent application relates; and
- (d) the application referred to in paragraph (c) is one to which paragraph 36 applies, but not one to which paragraph 42 applies.

(3) The licensing authority must reject the application for a casino premises licence referred to in sub-paragraph (1).

(4) Where despite sub-paragraph (3) the licensing authority purport to grant the casino premises licence, the licence is to be of no effect.

(5) In this paragraph “a consent application in respect of a casino licence” means an application for a certificate of consent under paragraph 4 of Schedule 2 to the 1968 Act for the purposes of an application under that Act for the grant of a casino licence.

Application of the Gambling Act 2005 to casino premises licences granted on a conversion application

44.—(1) This paragraph applies to—

- (a) an application for a casino premises licence to which paragraph 36(1) applies,
- (b) a casino premises licence issued on the grant of such an application in pursuance of paragraph 36(3) or one that is treated as having been issued by virtue of paragraph 38(2), and
- (c) a casino operated under the authority of such a licence.

(2) This paragraph is without prejudice to paragraphs 36 to 41.

(3) Part 8 of the 2005 Act is to have effect subject to the modifications specified in the following provisions of this paragraph.

(4) A casino premises licence to which this paragraph applies is not to count for the purposes of any of the limits in section 175(1) to (3).

(5) Subsections (5) and (7) of section 175, and Schedule 9, are not to apply to an application for a casino premises licence to which this paragraph applies.

(6) Section 174(1) is not to apply to a casino which is the subject of an application for a casino premises licence to which this paragraph applies.

(7) Subsections (3) to (5) of section 172 are to have effect as if they provided for a casino premises licence issued on an application to which this paragraph applies to authorise the holder of the licence—

- (a) to make 20 gaming machines available for use on the premises where at least one of the machines is of Category B and provided that each machine is of Category B, C or D; or
- (b) to make available for use on the premises any number of Category C or D gaming machines.

(8) Sub-paragraph (7) is to apply irrespective of whether the casino to which the premises licence relates is a regional, large or small casino or is below the minimum size for a small casino.

(9) Section 174(3) (which provides for casino premises licences to authorise the holder to use the premises for the provision of bingo, betting or both) is not to apply to a casino premises licence to which this paragraph applies.

(10) Section 174(2) (which provides for casino premises licences to authorise the holder to make available any number of games of chance other than casino games) is not to have effect to authorise the playing of bingo in a casino to which this paragraph applies.

(11) Section 187(2) (which prohibits a premises licence from being varied so as to relate to premises to which it did not previously relate) is not to have effect in relation to a casino premises licence to which this paragraph applies.

(12) Where a casino premises licence to which this paragraph applies is varied to relate to premises to which it did not previously relate, those premises must be wholly or partly situated in the area of the licensing authority which issued the licence.

(13) The modifications in sub-paragraphs (7) to (11) are to cease to have effect in relation to a particular kind of casino premises licence, and a casino operated under that kind of licence, if an order is made under section 175(8) of the Act repealing the provision which imposes a limit on the number of casino premises licences of that kind which may have effect at any time.

(14) For the purposes of sub-paragraph (13), a casino premises licence which applies to a casino which is below the size for a small casino is to be treated as if it were a small casino premises licence, and the casino to which the licence applies is to be treated as if it were a small casino.

Non-conversion applications for casino premises licences

45.—(1) Where a converted casino premises licence has effect in respect of premises, nothing in Part 8 of the 2005 Act is to be taken as preventing the licence holder from making a non-conversion application for a casino premises licence in respect of the same or substantially the same premises.

(2) Sub-paragraph (1) is to apply irrespective of whether or not the non-conversion application is made before, on or after 1st September 2007, or whether a previous non-conversion application has been made in respect of the same or substantially the same premises.

(3) Where a non-conversion application falling within sub-paragraph (1) is granted, the converted casino premises licence is to lapse when the licence issued on the grant of the non-conversion application takes effect.

(4) In this paragraph—

“conversion application” means an application for a casino premises licence to which paragraph 36(1) applies, and the expressions “non-conversion application for a casino premises licence” and “non-conversion application” are to be construed accordingly;

“converted casino premises licence” means a casino premises licence issued in accordance with paragraphs 36 to 40 on the making of a conversion application.

PART 7

Conversion of lottery registrations under the 1976 Act into operating licences or registrations under the Gambling Act 2005

Conversion of society registrations into lottery operating licences

46.—(1) This paragraph applies where—

- (a) a society is registered under Schedule 1A to the 1976 Act, and
- (b) the registration has effect immediately before 1st September 2007.

(2) This paragraph also applies where a society is registered under Schedule 1A to the 1976 Act on or after 1st September 2007.

(3) The Gambling Commission must grant a lottery operating licence to the society on the relevant date or as soon as practicable after that date.

(4) Such a licence—

- (a) is referred to in this paragraph and in paragraph 47 as a converted society lottery operating licence, and
- (b) is included in any reference in paragraphs 50 and 51 to a converted lottery operating licence.

(5) A converted society lottery operating licence is to have effect as both a remote and non-remote lottery operating licence; and section 67(2) and (3) of the 2005 Act is not to apply to the licence.

(6) In exercising its powers under section 75 of the 2005 Act, the Commission must specify any conditions which are to apply to—

- (a) a converted society lottery operating licence, or
- (b) a converted society lottery operating licence falling within a specified class.

(7) Regulations under section 78 of the 2005 Act may specify conditions which are to apply to a converted society lottery operating licence or to converted society lottery operating licences falling within a specified description.

(8) In this paragraph a reference to the relevant date is to—

- (a) 1st September 2007, or
- (b) in a case falling within sub-paragraph (2), the date on which the society is registered.

Conversion of society registrations: Transitional provisions

47.—(1) In a case falling within paragraph 46(1), until the Gambling Commission grants the converted society lottery operating licence the society is to be treated for the purposes of the 2005 Act as if it holds such a licence.

(2) Where the society or a person acting on its behalf carries out activities in reliance on sub-paragraph (1) they are to comply with any relevant operating licence conditions.

(3) Section 258 of the 2005 Act is not to apply to activity by a society acting in reliance on sub-paragraph (1) if the activity is carried on in accordance with any relevant operating licence conditions.

(4) Section 258 of the Act is not to apply to activity by a person acting on behalf of a society to which sub-paragraph (1) applies if—

- (a) he acts otherwise than as an external lottery manager, and
- (b) the activity is carried on in accordance with any relevant operating licence conditions.

(5) In this paragraph, any reference to relevant operating licence conditions is to—

- (a) any conditions specified by the Gambling Commission under section 75 of the 2005 Act which would be attached in accordance with subsection (3) of that section to a converted society lottery operating licence,
- (b) any conditions specified by the Secretary of State in regulations under section 78 of that Act which would be attached to such a licence, and
- (c) any conditions attached to lottery operating licences by virtue of any provisions of the 2005 Act.

Conversion of local lottery scheme registrations into lottery operating licences

48.—(1) This paragraph applies where—

- (a) a scheme approved by a local authority in connection with the promotion of lotteries is registered under Schedule 2 to the 1976 Act, and
- (b) the registration has effect immediately before 1st September 2007.

(2) This paragraph also applies where a scheme is registered under Schedule 2 to the 1976 Act on or after 1st September 2007.

(3) The Gambling Commission must issue a lottery operating licence to the local authority on the relevant date or as soon as practicable after that date.

(4) Such a licence—

- (a) is referred to in this paragraph and in paragraph 49 as a converted local authority lottery operating licence, and
- (b) is included in any reference in paragraphs 50 and 51 to a converted lottery operating licence.

(5) A converted local authority lottery operating licence is to be both a remote and non-remote lottery operating licence and section 67(2) and (3) of the Act is not to apply to the licence.

(6) In exercising its powers under section 75 of the 2005 Act, the Commission must specify any conditions which are to be attached to—

- (a) a converted local authority lottery operating licence, or

(b) a converted local authority lottery operating licence falling within a specified class.

(7) Regulations under section 78 of the 2005 Act may specify conditions which are to be attached to a converted local authority lottery operating licence or to converted local authority lottery operating licences falling within a specified description.

(8) In this paragraph a reference to the relevant date is to—

- (a) 1st September 2007, or
- (b) in a case falling within sub-paragraph (2), the date on which the scheme is registered.

Conversion of local lottery scheme registrations: Transitional provisions

49.—(1) In a case falling within paragraph 48(1), until the Gambling Commission issues the converted local lottery operating licence, the local authority is to be treated for the purposes of the 2005 Act as if it holds such a licence.

(2) Where the local authority or a person acting on its behalf carries out activities in reliance on sub-paragraph (1) they are to comply with any relevant operating licence conditions.

(3) Section 258 of the Act is not to apply to activity by a local authority acting in reliance on sub-paragraph (1) if the activity is carried on in accordance with any relevant operating licence conditions.

(4) Section 258 of the Act is not to apply to activity by a person acting on behalf of a local authority to which sub-paragraph (1) applies if—

- (a) he acts otherwise than as an external lottery manager, and
- (b) the activity is carried on in accordance with any relevant operating licence conditions.

(5) In this paragraph, any reference to relevant operating licence conditions is to—

- (a) any conditions specified by the Gambling Commission under section 75 of the 2005 Act which would be attached in accordance with subsection (3) of that section to a converted local lottery operating licence,
- (b) any conditions specified by the Secretary of State in regulations under section 78 of that Act which would be attached to such a licence, and
- (c) any conditions attached to lottery operating licences by virtue of any provisions of the 2005 Act.

Duration of converted lottery operating licences and the renewal of such licences

50.—(1) Subject to the following provisions of this paragraph, a converted lottery operating licence is to cease to have effect on the last day of the period of three years beginning with the date on which the last 1976 Act fee was payable.

(2) Subject to sub-paragraph (3), where—

- (a) the holder of a converted lottery operating licence applies for a lottery operating licence at least 2 months before the date on which the converted lottery operating licence is due to expire in accordance with sub-paragraph (1), and
- (b) that application complies with section 69 of the Act,

the converted lottery operating licence is not to cease to have effect by virtue of sub-paragraph (1) until the application is finally determined or is withdrawn.

(3) A converted operating licence may cease to have effect before the date determined in accordance with sub-paragraphs (1) and (2) by virtue of section 113, 114, 115, 118 or 119 of the Act.

(4) The reference in sub-paragraph (1) to the date on which the last 1976 Act fee was payable is to the last date before 1 September 2007 on which a fee was payable in respect of the registration under (as the case may be) paragraph 6(1)(a) of Schedule 1A or paragraph 7(1)(b) of Schedule 2 to the 1976 Act.

(5) Where no fee is payable under the provisions of the 1976 Act referred to in sub-paragraph (2), the reference in sub-paragraph (1) to the date on which the last 1976 Act fee was payable is to be treated as a reference to the date on which the society or the local authority scheme was registered under that Act.

Application of the Gambling Act 2005 to converted lottery operating licences

51.—(1) Part 5 of the 2005 Act is to be modified as follows in its application to a converted lottery operating licence.

(2) Section 100 (payment of annual fee) is not to apply.

(3) Sections 110 to 112 (which relate to duration of operating licences) are not to apply.

Conversion of society registrations into registrations under the Gambling Act 2005

52.—(1) This paragraph applies where—

(a) a society is registered under Schedule 1 to the 1976 Act, and

(b) the registration has effect immediately before 1st September 2007.

(2) This paragraph also applies where a society is registered under Schedule 1 to the 1976 Act on or after 1st September 2007.

(3) In England and Wales, the local authority which registered the society must on the relevant date, or as soon as practicable after that date, register the society under Part 5 of Schedule 11 to the Act.

(4) In Scotland, the council which registered the society must on the relevant date, or as soon as practicable after that date, provide the relevant licensing board with the information specified in sub-paragraph (5).

(5) The information to be provided is—

(a) the name and address of the society,

(b) the purposes for which the society is established,

(c) the date on which the society was registered under Schedule 1 to 1976 Act, and

(d) copies of any returns submitted in respect of the society in accordance with paragraph 11 of Schedule 1 to the 1976 Act.

(6) As soon as practicable after receiving the information specified in sub-paragraph (5), the relevant licensing board must register the society under Part 5 of Schedule 11 to the 2005 Act.

(7) Where a society is registered under Part 5 of Schedule 11 to the 2005 Act in accordance with this paragraph, that Schedule is to have effect with the modifications specified in sub-paragraphs (8) and (9).

(8) Paragraph 44 of Schedule 11 is to have effect as if for the reference to the applicant there were substituted a reference to the society.

(9) Paragraph 46 of Schedule 11 is not to apply.

(10) In a case falling within sub-paragraph (1), until a local authority in England or Wales or a licensing board in Scotland registers a society under Part 5 of Schedule 11 to the Act in accordance with this paragraph, the society is to be treated for the purposes of the 2005 Act as having been so registered on the relevant date.

(11) In this paragraph—

(a) a reference to the relevant date is to—

(i) 1st September 2007, or

(ii) in a case falling within sub-paragraph (2), the date on which the society is registered;
and

(b) a reference to the relevant licensing board is to the licensing board in whose area the principal premises of the society are situated.

PART 8

Conversion of club registrations under the 1968 Act into club gaming and machine permits under the Gambling Act 2005

Conversion of a club registration under Part 2 of the 1968 Act into a club gaming permit: scope of application of provisions

53.—(1) Subject to sub-paragraph (2), paragraphs 51 to 53 only apply to a club or miners' welfare institute where—

- (a) the club or institute is registered under Schedule 3 or 4 to the 1976 Act, and
- (b) the registration has effect immediately before 1st September 2007.

(2) Paragraphs 54 to 56 also apply to a club or miners' welfare institute which is registered under Schedule 3 or 4 to the 1968 Act on or after 1st September 2007.

(3) In paragraphs 54 to 56, a reference to the relevant licensing authority is to the licensing authority in whose area the premises are situated in respect of which the club or institute was registered under Part 2 of the 1968 Act.

Conversion of club registrations under Part 2 of the 1968 Act: Provision of information by the 1968 Act registration authority

54.—(1) In England and Wales, the designated officer for the authority which registered the club or institute under Schedule 3 to the 1968 Act must on the relevant date, or as soon as practicable after that date, provide the relevant licensing authority with the information specified in sub-paragraph (3).

(2) In Scotland, the sheriff clerk to the sheriff who registered the club or institute under Schedule 4 to the 1968 Act must on the relevant date, or as soon as practicable after that date, provide the relevant licensing authority with the information specified in sub-paragraph (3).

(3) The information to be provided is—

- (a) the name of the club or miners' welfare institute,
- (b) a description of the purposes for which the club is established or, in the case of a miners' welfare institute, a statement that it is such;
- (c) a description of the premises to which the registration relates,
- (d) the address of those premises,
- (e) the date of registration or, where the registration has been renewed, the date on which it was last renewed,
- (f) in a case falling within paragraph 53(1), the date on which immediately before 1st September 2007 the registration was due to expire, and
- (g) the name and address of the chairman or secretary of the club or institute as recorded in the register under Part 2 of the 1968 Act.

(4) In this paragraph a reference to the relevant date is to—

- (a) 1st September 2007, or
- (b) in a case falling within paragraph 53(2), the date on which the club or miners' welfare institute is registered.

Duty of licensing authority to convert a registration under Part 2 of the 1968 Act into a club gaming permit

55.—(1) Subject to the following provisions of this paragraph, where—

- (a) a club or miners' welfare institute applies for the grant of a club gaming permit;
- (b) the application complies with paragraphs 2 and 3 of that Schedule; and

(c) the application is made not less than 2 months before the relevant date, the licensing authority must grant that application.

(2) Paragraphs 4, 5(b), 6, 7 and 10 of Schedule 12 to the 2005 Act are not to apply to an application falling within sub-paragraph (1), and paragraph 8 is to apply with the omission of any reference to objections.

(3) In sub-paragraph (1)(c) the relevant date is—

- (a) the date on which immediately before 1st September 2007 the club or institute's registration was due to expire in accordance with (as the case may be) paragraph 19 of Schedule 3 or paragraph 17 of Schedule 4 to the 1968 Act; or
- (b) where the club or institute is registered on or after that date, the last day of the period of one year beginning on the date on which it is registered.

Conversion of club registrations under Part 2 of the 1968 Act: Transitional provisions

56.—(1) At any time on or after 1 September 2007 until the date on which the club gaming permit is granted in accordance with paragraph 55, a club or miners' welfare institute is to be treated for the purposes of the 2005 Act as if it had been granted such a permit in relation to the premises in respect of which the registration under Part 2 of the 1968 Act had effect.

(2) Where the club or institute fails to apply for a club gaming permit not less than 2 months before the relevant date (within the meaning of paragraph 55(3)), sub-paragraph (1) is to have effect as if it provided for the club or institute to be treated as holding such a permit until the relevant date.

(3) Paragraph 55 and sub-paragraph (1) of this paragraph are to be subject to the following provisions of this paragraph.

(4) Paragraph 55 and sub-paragraph (1) of this paragraph are to cease to apply if the club or miners' institute ceases to be such a club or institute within the meaning of sections 266 to 268 of the 2005 Act.

(5) Paragraph 55 and sub-paragraph (1) of this paragraph are to cease to apply to a club or miners' welfare institute if notice to that effect is given by the club or institute to the relevant licensing authority.

(6) The relevant licensing authority shall as soon as reasonably practicable inform the persons specified in sub-paragraph (7) if the authority—

- (a) believe that sub-paragraph (4) applies, or
- (b) receive notice given under sub-paragraph (5).

(7) The persons mentioned in sub-paragraph (6) are—

- (a) the Gambling Commission, and
- (b) the chief officer of police for any area in which the premises referred to in sub-paragraph (1) are situated.

(8) The relevant licensing authority may give notice in writing to a club or miners' welfare institute that paragraph 55 and sub-paragraph (1) of this paragraph are to be disapplied in relation to the club or institute.

(9) The relevant licensing authority may only give notice in accordance with sub-paragraph (7) if the authority think—

- (a) that the premises on which the club or institute conducts its activities are used wholly or mainly by children, by young persons or by both, or
- (b) that an offence, or a breach of a condition of section 271 of the 2005 Act, has been committed in the course of gaming activities carried on by the club or institute.

(10) Sub-paragraphs (2) to (4) of paragraph 21, and paragraph 25, of Schedule 12 to the 2005 Act are to apply to the giving of a notice under sub-paragraph (8) of this paragraph as they apply to the cancellation of a club gaming permit under paragraph 21(1) of that Schedule.

(11) Paragraph 23 of Schedule 12 to the 2005 Act is to apply as if—

- (a) the reference in that paragraph to the holder of a club gaming permit, or the officer of the holder of such a permit holder, included a reference to a club or miners' welfare institute to which paragraph 55 and sub-paragraph (1) of this paragraph applies, or the officer of such a club or institute; and
- (b) the reference to the court having power to order forfeiture of the permit included a reference to the court having power to order that paragraph 55 and sub-paragraph (1) of this paragraph should be disapplied in relation to the club or miners' welfare institute concerned.

(12) Paragraph 28 of Schedule 12 to the 2005 Act is to apply to the exercise of functions by the relevant licensing authority under this paragraph and paragraph 55 as it applies to the exercise of functions of a licensing authority under that Schedule.

(13) Despite section 274(2) of the 2005 Act (which disapplies Schedule 12 in relation to specified clubs etc. in Scotland), the provisions of that Schedule referred to in sub-paragraphs (10) to (12) are also to apply to a club or miners' welfare institute in Scotland in the same way as they apply to a club or institute in England and Wales.

Conversion of a club registration under Part 3 of the 1968 Act into a club machine permit

57.—(1) Subject to sub-paragraph (2), paragraphs 55 to 57 only apply to a club or miners' welfare institute where—

- (a) the club or institute is registered under Schedule 7 or 8 to the 1976 Act, and
- (b) the registration has effect immediately before 1st September 2007.

(2) Paragraphs 55 to 57 also apply to a club or miners' welfare institute which is registered under Schedule 7 or 8 to the 1968 Act on or after 1st September 2007.

(3) In paragraphs 55 to 57, any reference to the relevant licensing authority is to the licensing authority in whose area are situated the premises in respect of which the club or institute was registered under Part 3 of the Act.

Conversion of club registrations under Part 3 of the 1968 Act: Provision of information by the 1968 Act licensing authority

58.—(1) In England and Wales the designated officer for the authority which registered the club or institute under Schedule 7 to the 1968 Act must on the relevant date, or as soon as practicable after that date, provide the relevant licensing authority with the information specified in sub-paragraph (3).

(2) In Scotland, the sheriff clerk to the sheriff who registered the club or institute under Schedule 8 to the 1968 Act must on the relevant date, or as soon as practicable after that date, provide the relevant licensing authority with the information specified in sub-paragraph (3).

(3) The information to be provided is—

- (a) the name of the club or miners' welfare institute,
- (b) a description of the purposes for which the club is established or, in the case of a miners' welfare institute, a statement that it is such;
- (c) a description of the premises to which the registration relates,
- (d) the address of those premises,
- (e) the date of registration or, where the registration has been renewed, the date on which it was last renewed,
- (f) in a case falling within paragraph 54(1), the date on which immediately before 1st September 2007 the registration was due to expire, and
- (g) the name and address of the chairman or secretary of the club or institute as recorded in the register under Part 3 of the 1968 Act.

- (4) In this paragraph a reference to the relevant date is to—
- (a) 1st September 2007, or
 - (b) in a case falling within paragraph 54(2), the date on which the club or miners' welfare institute is registered

Duty of licensing authority to convert a registration under Part 3 of the 1968 Act into a club machine permit

59.—(1) Subject to the following provisions of this paragraph, where--

- (a) a club or miners' welfare institute applies under Schedule 12 to the Act for the grant of a club machine permit;
- (b) the application complies with paragraphs 2 and 3 of that Schedule; and
- (c) the application is made not less than 2 months before the relevant date

the relevant licensing authority must grant that application.

(2) Paragraphs 4, 5(b), 6, 7 and 10 of Schedule 12 to the 2005 Act are not to apply to an application falling within sub-paragraph (1), and paragraph 8 is to apply with the omission of any reference to objections.

(3) In sub-paragraph (1)(c) the relevant date is—

- (a) the date on which immediately before 1st September 2007 the club or institute's registration was due to expire in accordance with paragraph 22 of Schedule 7 to the 1968 Act (including as that paragraph has effect in relation to Scotland by virtue of paragraph 3 of Schedule 8 to that Act); or
- (b) where the club or institute is registered on or after that date, the last day of the period of 5 years beginning with the date on which it is registered.

Conversion of club registrations under Part 3 of the 1968 Act: Transitional provisions

60.—(1) At any time on or after 1st September 2007 until the date on which the club gaming permit is granted in accordance with paragraph 56, a club or miners' welfare institute is to be treated for the purposes of the Act as if it had been granted such a permit in relation to the premises in respect of which the registration under Part 3 of the 1968 Act had effect.

(2) Where the club or institute fails to apply for a club machine permit not less than 2 months before the relevant date (within the meaning of paragraph 56(2)), sub-paragraph (1) is to have effect as if it provided for the club or institute to be treated as holding such a permit until the relevant date.

(3) Paragraph 56 and sub-paragraph (1) of this paragraph are to be subject to the following provisions of this paragraph.

(4) Paragraph 56 and sub-paragraph (1) of this paragraph are to cease to apply if the club or miners' institute ceases to be such a club or institute within the meaning of sections 266 to 268 of the 2005 Act.

(5) Paragraph 56 and sub-paragraph (1) of this paragraph are to cease to apply to a club or miners' welfare institute if notice to that effect is given by the club or institute to the relevant licensing authority.

(6) The relevant licensing authority shall as soon as reasonably practicable inform the persons specified in sub-paragraph (7) if the authority—

- (a) believe that sub-paragraph (4) applies, or
- (b) receive notice given under sub-paragraph (5).

(7) The persons mentioned in sub-paragraph (6) are—

- (a) the Gambling Commission, and
- (b) the chief officer of police for any area in which the premises referred to in sub-paragraph (1) are situated.

(8) The relevant licensing authority may give notice in writing to a club or miners' welfare institute that paragraph 56 and sub-paragraph (1) of this paragraph are to be disapplied in relation to the club or institute.

(9) The relevant licensing authority may only give notice in accordance with sub-paragraph (7) if the authority think—

- (a) that the premises on which the club or institute conducts its activities are used wholly or mainly by children, by young persons or by both, or
- (b) that an offence, or a breach of a condition of section 273 of the 2005 Act, has been committed in the course of gaming activities carried on by the club or institute.

(10) Sub-paragraphs (2) to (4) of paragraph 21, and paragraph 25, of Schedule 12 to the 2005 Act are to apply to the giving of a notice under sub-paragraph (8) of this paragraph as they apply to the cancellation of a club machine permit under paragraph 21(1) of that Schedule.

(11) Paragraph 23 of Schedule 12 to the 2005 Act is to apply as if—

- (a) the reference in that paragraph to the holder of a club machine permit, or the officer of the holder of such a permit holder, included a reference to a club or miners' welfare institute to which paragraph 56 and sub-paragraph (1) of this paragraph applies, or the officer of such a club or institute; and
- (b) the reference to the court having power to order forfeiture of the permit included a reference to the court having power to order that paragraph 56 and sub-paragraph (1) of this paragraph should be disapplied in relation to the club or miners' welfare institute concerned.

(12) Paragraph 28 of Schedule 12 to the 2005 Act is to apply to the exercise of functions by the relevant licensing authority under this paragraph and paragraph 56 as it applies to the exercise of functions of a licensing authority under that Schedule.

(13) Despite section 274(2) of the 2005 Act (which disapplies Schedule 12 in relation to specified clubs etc. in Scotland), the provisions of that Schedule referred to in sub-paragraphs (10) to (12) are also to apply to any club or miners' welfare institute in Scotland in the same way as they apply to a club or institute in England and Wales.

PART 9

Conversion of permits under section 34 of the 1968 Act in respect of amusement machine premises into family entertainment centre gaming machine permits

Meaning of existing operator for the purposes of applications for family entertainment centre gaming machine permits

61.—(1) This paragraph specifies the circumstances in which a person applying for a family entertainment centre gaming machine permit (“FEC gaming machine permit”) is to be treated for the purposes of this Part as an existing family entertainment centre operator.

(2) A person is an existing family entertainment centre operator if on the date on which he makes the application for the FEC gaming machine permit—

- (a) he holds a permit (referred to in paragraphs 62 to 65 as a “section 34 permit”)—
 - (i) granted by one of the authorities mentioned in paragraph 1(b) or (d) of Schedule 9 to the 1968 in respect of amusement machine premises, and
 - (ii) which is expressed to be granted for the purposes of section 34(1) of the 1968 Act; or
- (b) he is applying to the appropriate authority for such a permit, and the application (including any appeal) has not been finally determined.

Conversion of section 34 permits into FEC gaming machine permits

62.—(1) Where—

- (a) an existing family entertainment centre operator makes an advance application for a FEC gaming machine permit under Schedule 10 to the 2005 Act,
- (b) the application relates to the same or substantially the same premises as those to which the section 34 permit relates, and
- (c) the application complies with any requirements imposed by or under paragraphs 2 to 5 of that Schedule,

the licensing authority must grant the application and issue the FEC gaming machine permit.

(2) Paragraphs 8(1)(b), 9 and 10 of Schedule 10 to the 2005 Act are not to apply to such an application.

Provisions to ensure that existing family entertainment centre operators can continue to operate on and after 1st September 2007

63.—(1) This paragraph applies to an application for a FEC gaming machine permit which meets the conditions in paragraph 62(1), but where in addition the application is made before 28 April 2007.

(2) If the licensing authority have not issued the FEC gaming machine permit before 1st September 2007, the permit is to be treated as having been issued on that date.

(3) Sub-paragraph (2) of paragraph 62 is to apply to such a permit as it applies to a permit issued by a licensing authority in pursuance of sub-paragraph (1) of that paragraph.

(4) Where by virtue of sub-paragraph (2) above a FEC gaming machine permit is treated as having been issued to a person on 1st September 2007, paragraph 8(3) of Schedule 10 to the 2005 Act is to have effect as if it required the licensing authority to issue the FEC gaming machine permit to that person as soon as practicable on or after that date.

(5) For the purposes of paragraph 11(1)(c) of Schedule 10 to the 1968 Act, the licensing authority are to specify 1st September 2007 as the date on which the FEC gaming machine permit takes effect.

Conversion of section 34 permits into FEC gaming machine permits: Supplementary provisions

64.—(1) This paragraph applies to an advance application for a FEC gaming machine permit where the person making the application qualifies as an existing family entertainment centre operator by virtue of paragraph 61(2)(b).

(2) Paragraph 62(1) is to have effect in relation to such an application as if the following paragraph was substituted for paragraph (b)—

“(b) the application relates to the same or substantially the same premises as those to which the application for the section 34 permit relates, and”.

(3) Where the application meets the conditions in paragraphs (a) to (c) of sub-paragraph (1) of paragraph 59, that sub-paragraph is to be modified so that—

- (a) the licensing authority may not determine the application for a FEC gaming machine permit before the application for the section 34 permit has been determined; and
- (b) the licensing authority are only to be under a duty to grant the application for a FEC gaming machine permit if the application for the section 34 permit is granted.

(4) Sub-paragraph (3)(b) is subject to paragraph 65(2).

(5) Where the application for the section 34 permit is refused, the modifications made by paragraph 62(2) are not to apply to the application for a FEC gaming machine permit.

(6) Where the application is one to which paragraph 63 applies, sub-paragraph (2) of that paragraph is only to apply if the application for the section 34 permit is granted before 1st September 2007.

(7) For the purposes of this paragraph, where an application for a section 34 permit is refused, it is not to be treated as having been determined or refused until the period for appealing against the

decision to refuse the permit has elapsed; or, if an appeal is made, unless and until the appeal is dismissed or abandoned.

Conversion of section 34 permits into FEC gaming machine permits: Supplementary provisions where premises are situated in Scotland

65.—(1) This paragraph applies in any case falling within paragraph 64 where the premises to which the application for the section 34 permit relates are situated in Scotland.

(2) Where the application for the section 34 permit is granted, the licensing authority are not to be under a duty by virtue of paragraph 62(1) to grant the application for a FEC gaming machine permit until the date on which the applicant notifies it of the grant of the application for the section 34 permit.

(3) Where—

- (a) sub-paragraph (2) of paragraph 63 applies because the application for the section 34 permit is granted before 1st September 2007, but
- (b) the applicant does not notify the licensing authority of that fact until after 1st September 2007,

sub-paragraph (4) of that paragraph is to have effect as if it required the licensing authority to issue the FEC gaming machine permit as soon as practicable on or after the date on which they are notified of the grant of the application for the section 34 permit.

(4) Sub-paragraph (3) is subject to sub-paragraphs (5) and (6).

(5) Where paragraph 63(2) applies because the application for the section 34 permit is granted before 1st September 2007, the applicant must notify the licensing authority of the fact that the application has been granted before the end of the period of 14 days beginning on the day on which the application is granted.

(6) Where the applicant fails to notify the licensing authority within the period specified in sub-paragraph (5), paragraph 63(2) is to cease to apply in relation to the application for a FEC gaming machine permit after the end of that period.

PART 10

Conversion of permits under section 16 of the 1976 Act into prize gaming permits

Meaning of existing operator for the purposes of an application for a prize gaming permit

66.—(1) This paragraph specifies the circumstances in which a person applying for a prize gaming permit under Schedule 14 to the Act is to be treated for the purposes of this Part as an existing operator.

(2) A person is an existing operator if on the date on which he makes the application for the prize gaming permit—

- (a) he holds a permit issued under section 16 of the 1976 Act (which provides for permits authorising the provision of amusements with prizes at certain commercial entertainments) (referred to in paragraphs 67 to 70 as a “section 16 permit”), or
- (b) he is applying to the appropriate authority for such a permit, and the application (including any appeal) has not been finally determined.

Conversion of section 16 permits into prize gaming permits

67.—(1) Where—

- (a) an existing operator makes an advance application for a prize gaming permit under Schedule 14 to the 2005 Act,

- (b) the application relates to the same or substantially the same premises as those to which the section 16 permit relates, and
- (c) the application complies with the requirements of paragraphs 3 to 6 of Schedule 14 to the Act,

the licensing authority must grant that application and issue the prize gaming permit.

(2) Paragraphs 9(1)(b), 10 and 11 of Schedule 14 to the 2005 Act are not to apply to such an application.

Provisions to ensure that existing operators can continue to operate on and after 1st September 2007

68.—(1) This paragraph applies to an application for a prize gaming permit which meets the conditions in paragraph 67(1), but where in addition the application is made before 28 April 2007.

(2) If the licensing authority have not issued the prize gaming permit before 1st September 2007, the permit is to be treated as having been issued on that date.

(3) Sub-paragraph (2) of paragraph 67 is to apply to such a permit as it applies to a permit issued by a licensing authority in pursuance of sub-paragraph (1) of that paragraph.

(4) Where by virtue of sub-paragraph (2) above a prize gaming permit is treated as having been issued to a person on 1st September 2007, paragraph 9(3) of Schedule 14 to the 2005 Act is to have effect as if it required the licensing authority to issue the prize gaming permit to that person as soon as practicable on or after that date.

(5) For the purposes of paragraph 12(1)(d) of Schedule 14 to the 1968 Act, the licensing authority are to specify 1st September 2007 as the date on which the prize gaming permit takes effect.

Conversion of section 16 permits into prize gaming permits: Supplementary provisions

69.—(1) This paragraph applies to an application for a prize gaming permit where the person making the application qualifies as an existing operator by virtue of paragraph 66(2)(b).

(2) Paragraph 67(1) is to have effect in relation to such an application as if the following paragraph was substituted for paragraph (b)—

“(b) the application relates to the same or substantially the same premises as those to which the application for the section 16 permit relates, and”.

(3) Where the application meets the conditions in paragraphs (a) to (c) of sub-paragraph (1) of paragraph 67, that sub-paragraph is to be modified so that—

- (a) the licensing authority may not determine the application for a prize gaming permit before the application for the section 16 permit has been determined; and
- (b) the licensing authority are only to be under a duty to grant the application for a prize gaming permit where the application for the section 16 permit is granted.

(4) Sub-paragraph (3)(b) is subject to paragraph 70(2).

(5) Where the application for the section 16 permit is refused, the modifications made by paragraph 67(2) are not to apply to the application for a prize gaming permit.

(6) Where the application is one to which paragraph 68 applies, sub-paragraph (2) of that paragraph is only to apply if the application for the section 16 permit is granted before 1st September 2007.

(7) For the purposes of this paragraph, where an application for a section 16 permit is refused, it is not to be treated as having been determined or refused until the period for appealing against the decision to refuse the permit has elapsed; or, if an appeal is made, unless and until the appeal is dismissed or abandoned.

Conversion of section 16 permits into prize gaming permits: Supplementary provisions where premises are situated in Scotland

70.—(1) This paragraph applies in any case falling within paragraph 67 where the premises to which the application for the section 16 permit relates are situated in Scotland.

(2) Where the application for the section 16 permit is granted, the licensing authority are not to be under a duty by virtue of paragraph 67(1) to grant the application for a prize gaming permit until the date on which the applicant notifies it of the grant of the application for the section 16 permit.

(3) Where—

(a) sub-paragraph (2) of paragraph 68 applies because the application for the section 16 permit is granted before 1st September 2007, but

(b) the applicant does not notify the licensing authority of that fact until after 1st September 2007,

sub-paragraph (4) of that paragraph is to have effect as if it required the licensing authority to issue the prize gaming permit as soon as practicable on or after the date on which they are notified of the grant of the application for the section 16 permit.

(4) Where paragraph 68(2) applies because the application for the section 16 permit is granted before 1st September 2007, the applicant must notify the licensing authority of the fact that the application has been granted before the end of the period of 14 days beginning on the day on which the application is granted.

(5) Where the applicant fails to notify the licensing authority within the period specified in sub-paragraph (4), paragraph 68(2) is to cease to apply in relation to the application for a prize gaming permit after the end of that period.