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STATUTORY INSTRUMENTS

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**2007 No. 1157**

**BETTING, GAMING AND LOTTERIES**

**The Gambling Act 2005 (Commencement and Transitional Provisions) (Amendment) Order 2007**

<i>Made</i>	- - - -	<i>29th March 2007</i>
<i>Laid before Parliament</i>		<i>2nd April 2007</i>
<i>Coming into force</i>	- -	<i>29th April 2007</i>

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 and 4 to 11 of Schedule 18 to, the Gambling Act 2005<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Gambling Act 2005 (Commencement and Transitional Provisions) (Amendment) Order 2007 and shall come into force on 29th April 2007.

(2) In this Order, “the Principal Commencement Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006<sup>(2)</sup>.

**Amendment of the Gambling Act 2005 (Transitional Provisions) (No. 2) Order 2006**

2.—(1) Article 6 of the Gambling Act 2005 (Transitional Provisions) (No. 2) Order 2006<sup>(3)</sup> is amended as follows.

(2) At the beginning of paragraph (2) insert “Subject to paragraph (2A),”.

(3) After paragraph (2) insert—

“(2A) Paragraph (2) does not apply to the grant or renewal of permits under section 34 of the 1968 Act by the authority mentioned in paragraph 1(d) of Schedule 9 to that Act where the application for grant or renewal relates to premises in respect of which a relevant Scottish licence has effect.”.

(4) After paragraph (4) insert—

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(1) 2005 c. 19.  
(2) S.I. 2006/3272, amended by S.I. 2006/3361.  
(3) S.I. 2006/1758.

“(5) In this article “relevant Scottish licence” means any licence granted under section 9(1) of the Licensing (Scotland) Act 1976(4) (licence for sale by retail or supply of alcoholic liquor) provided it is not an off-sale licence.”.

(5) The amendments made by this article shall not affect the validity of any decision taken by a Scottish council on an application for the grant or renewal of a permit under section 34 of the Gaming Act 1968(5) in respect of the kind of premises described in the amendment, where the decision was taken before the date on which this Order comes into force.

(6) In paragraph (5) above, “Scottish council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(6).

### **Amendment of article 2 of the Principal Commencement Order**

3.—(1) Article 2 of the Principal Commencement Order is amended as follows.

(2) After paragraph (1) insert—

“(1A) Section 182(4) of the 2005 Act shall come into force on 30th April 2007.”

(3) In paragraph (2) for “30th April” substitute “21st May”.

(4) After paragraph (3) insert—

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

(5) In paragraph (4) after “2005 Act” insert “, apart from paragraph 17 of Schedule 16,”.

### **Amendment of Schedule 2 to the Principal Commencement Order**

4.—(1) Schedule 2 to the Principal Commencement Order is amended as follows.

(2) In the heading to the Schedule, for “30th April” substitute “21st May”.

(3) In column 1—

(a) leave out the following entries—

(i) “Section 7(5) to (7)”,

(ii) “Section 235 (for all remaining purposes)”, and

(iii) “Section 236”;

(b) after “Section 184” insert “(for all remaining purposes)”;

(c) after the entry relating to section 346(1)(l), (2) and (3) insert the following entry—

“Section 347”;

(d) in the first entry relating to Schedule 10, for “paragraphs 2 to 6” substitute “paragraphs 2 to 5”;

(e) in the second entry relating to Schedule 10, for “paragraphs 12(a)” substitute “paragraphs 6, 12(a)”;

(f) in the first entry relating to Schedule 14, for “paragraphs 3 to 7” substitute “paragraphs 3 to 6”; and

(g) in the second entry relating to Schedule 14, for “paragraphs 2” substitute “paragraphs 2, 7”.

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(4) 1976 c. 66.

(5) 1968 c. 65.

(6) 1994 c. 39.

(4) In column 2, in the entry relating to sections 159 to 165, for paragraph (2) of that entry substitute—

“(2) Sections 159 to 165 are also to have effect for the purposes of applications under section 187 (applications to vary a premises licence), section 188 (applications to transfer a premises licence), section 195 (applications for the reinstatement of a premises licence) and section 204 (applications for a provisional statement).”.

### **Amendment of Schedule 3 to the Principal Commencement Order**

5. The Principal Commencement Order is amended by substituting for Schedule 3 the Schedule set out in Schedule 1 to this Order.

### **Amendment of the Principal Commencement Order to insert a Schedule specifying provisions coming into force on 1st August 2007**

6. The Principal Commencement Order is amended by inserting after Schedule 3 the Schedule 3A set out in Schedule 2 to this Order.

### **Amendment of Part 2 of Schedule 4 to the Principal Commencement Order**

7.—(1) Paragraph 2 of Schedule 4 to the Principal Commencement Order (which restricts the circumstances in which applications under the Betting, Gaming and Lotteries Act 1963(7) may be granted) is amended as follows.

(2) At the beginning of sub-paragraph (2) insert “Subject to sub-paragraph (3),”.

(3) After sub-paragraph (2) insert—

“(3) Sub-paragraph (2)(a) does not apply in relation to any application under Schedule 1 to the 1963 Act for the grant of a bookmaker’s permit where the application is made by the company which is nominated by the Secretary of State for the purposes of section 2 of the Horserace Betting and Olympic Lottery Act 2004(8) in accordance with subsection (2) (a) of that section.”.

### **Amendment of Part 3 of Schedule 4 to the Principal Commencement Order**

8.—(1) Part 3 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the continuation of certificates and permits issued under the Gaming Act 1968) is amended as follows.

(2) In paragraph 24(3) leave out “at least two months”.

(3) In paragraph 27—

(a) in sub-paragraph (1)—

(i) for paragraph (a) substitute—

“(a) the holder of a permit under section 34 of the 1968 Act—

(i) granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act, or

(ii) granted by the authority mentioned in sub-paragraph (d) of that paragraph in respect of premises in respect of which a relevant Scottish licence has effect,

applies for a licensed premises gaming machine permit;”

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(7) 1963 c. 2.  
(8) 2004 c. 25.

- (ii) in paragraph (c), after “paragraph 24(1) or (2)” insert “, or (as the case may be) paragraph 31(5) or (5A),”;
- (iii) after paragraph (c) insert—
  - “(cc) the application for the licensed premises gaming machine permit relates to the same or substantially the same premises as those in respect of which the permit under section 34 of the 1968 Act has effect;”;
- (iv) in paragraph (d), leave out “at least two months”, and after “paragraph 24(1) or (2)” insert “or (as the case may be) paragraph 31(5) or (5A),”;
- (b) in sub-paragraph (6), for “authorised number” substitute “relevant number”; and
- (c) after sub-paragraph (6) insert—
  - “(6A) In sub-paragraph (6), the relevant number is the authorised number unless the authorised number is less than two, in which case the relevant number is two.”.
- (4) In paragraph 29—
  - (a) in sub-paragraph (1) for “1st June” substitute “1st August”;
  - (b) in sub-paragraph (2)(b)—
    - (i) for “paragraph 24(1)” substitute “paragraph 24(1) or 31(5)”, and
    - (ii) for “3 months” substitute “one month”;
  - (c) for sub-paragraph (3) substitute—
    - “(3) Paragraph (d) of paragraph 27(1) is to have effect as if it required the application for the licensed premises gaming machine permit to be made on or before the date which is one month after the date on which the provisions referred to in paragraph (1) come into force.”; and
  - (d) in sub-paragraph (4)—
    - (i) for “paragraph 24(1)”, in each place where it occurs, substitute “paragraph 24(1) or 31(5)”, and
    - (ii) for “paragraph (3)(a)”, in each place where it occurs, substitute “paragraph (3)”.
- (5) In paragraph 31—
  - (a) after sub-paragraph (5) insert—
    - “(5A) Where in a case falling within sub-paragraph (5)(a)—
      - (a) the permit has effect immediately before 1st September 2007 by virtue of paragraph 19 of Schedule 9 to the 1968 Act; and
      - (b) the application under that Schedule for the renewal of the permit is granted on or after that date,
 the permit is to have effect until 31st July 2009.”; and
  - (b) in sub-paragraph (6), for “Sub-paragraph (5) is” substitute “Sub-paragraphs (5) and (5A) are”.
- (6) In paragraph 33(8), for “paragraph 31(5)” substitute “paragraphs 31(5) and (5A)”.

#### **Amendment of Part 4 of Schedule 4 to the Principal Commencement Order**

9. Paragraph 36(2) of Schedule 4 to the Principal Commencement Order (which makes provision about premises licences issued before 1st September 2007) is amended by inserting after “2007” the words “and which take effect on the date of issue”.

#### **Amendment of Part 5 of Schedule 4 to the Principal Commencement Order**

**10.**—(1) Paragraph 39 of Schedule 4 to the Principal Commencement Order (which defines “existing operator” for the purposes of Part 5 of that Schedule) is amended as follows.

(2) At the beginning of sub-paragraph (7) insert “Subject to sub-paragraph (7A)”.

(3) After sub-paragraph (7) insert—

“(7A) The Horserace Totalisator Board is an existing operator in relation to any advance application the Board makes for a remote or non-remote general betting operating licence.”.

#### **Amendment of Part 7 of Schedule 4 to the Principal Commencement Order**

**11.**—(1) Part 7 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the conversion of licences etc. issued under enactments to be repealed into premises licences under the Gambling Act 2005) is amended as follows.

(2) In paragraph 53, leave out sub-paragraphs (3), (5) and (8).

(3) In paragraph 54—

(a) for sub-paragraph (1) substitute—

“(1) Subject to paragraph 66(4)(b), this paragraph applies to an advance application for a premises licence which—

(a) meets the conditions in sub-paragraphs (1A), (1B) and (1D), and

(b) in a case to which sub-paragraph (1B)(b) applies, also meets the condition in sub-paragraph (1E).

(1A) The first condition is that the application relates to premises in respect of which a person is an existing premises operator.

(1B) The second condition is that the application is made by—

(a) the existing premises operator in relation to those premises; or

(b) a person who is acting with the written consent of the existing premises operator.

(1C) Sub-paragraph (1B)(b) is only to apply where the person who is the existing premises operator in relation to the premises to which the application relates qualifies as such by reason of the fact that he holds—

(a) a licence under the 1968 Act,

(b) a betting office licence issued under Schedule 1 to the 1963 Act,

(c) a track betting licence issued under Schedule 3 to the 1963 Act,

(d) a certificate of approval issued under section 13 of the 1963 Act, or

(e) a permit under section 34 of the 1968 Act.

(1D) The third condition is that the application complies with any conditions or requirements of subsections (1) to (5) and (6)(c) of section 159 of the 2005 Act (which specifies the conditions and requirements to be met by a person applying for a premises licence).

(1E) The fourth condition, which only applies in a case falling within sub-paragraph (1B)(b), is that the application for the premises licence is accompanied by—

(a) the document containing the written consent of the existing premises operator, and

(b) a copy of the licence, certificate or permit referred to in sub-paragraph (1C) or, where it is not reasonably practicable to produce a copy of the licence, certificate

or permit, a statement explaining why it is not reasonably practicable to do so.”; and

- (b) in sub-paragraph (4), for “, 59(4) and (5) and 60(2)” substitute “and 59(4) and (5)”.
- (4) In paragraph 56, in sub-paragraph (4) after “sub-paragraph (5)” insert “and paragraph 57A”.
- (5) In paragraph 57, insert at the beginning of paragraph (6) “Subject to paragraph 57A,”.
- (6) After paragraph 57 insert—

**“Attaching a condition restricting the use of premises to specified periods**

**57A.**—(1) This paragraph applies to a conversion application which includes a request for the licensing authority to exercise its powers under section 169(1)(a) of the 2005 Act to attach a condition so that facilities for gambling may only be provided in reliance on the licence during one or more specified periods in a year.

(2) Despite paragraphs 56(4) and 57(6)(a), where the licensing authority issue a premises licence in pursuance of paragraph 54, they may exercise their powers under section 169(1)(a) of the 2005 Act to attach the condition referred to in sub-paragraph (1).”.

- (7) In paragraph 59(1), in each of paragraphs (b), (d) and (e), leave out “or transfer”.
- (8) Leave out paragraphs 59(3), 60 and 61(5).
- (9) In paragraph 62—
  - (a) in sub-paragraph (1)—
    - (i) leave out “sub-paragraph (2) and”, and
    - (ii) in paragraph (b)—
      - (aa) for “the applicant” substitute “the person, who is the existing premises operator in relation to the premises to which the application relates,”, and
      - (bb) leave out “or transfer”;
  - (b) after sub-paragraph (2), insert—
 

“(2A) Where the person making the conversion application is not the existing premises operator, the existing licence, permit or certificate is to be treated for the purposes of this paragraph and paragraphs 63 and 64 as if it was issued to the person making the conversion application; and it is to have effect on and after 1st September 2007 accordingly.”.

**Amendment of Part 9 of Schedule 4 to the Principal Commencement Order**

**12.**—(1) Part 9 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the conversion of club registrations under the Gaming Act 1968 into club gaming and machine permits under the Gambling Act 2005) is amended as follows.

- (2) In each of the following provisions leave out “not less than two months”—
  - (a) paragraph 80(1)(c),
  - (b) paragraph 84(3),
  - (c) paragraph 88(1)(c).
- (3) In paragraph 82(1)(e)—
  - (a) leave out “not less than two months”, and
  - (b) for “80(3) to (5)” substitute “80(3) and (4)”.
- (4) In each of the following provisions leave out “two months before”—
  - (a) paragraph 85(4)(b), and

- (b) paragraph 93(4)(b).
- (5) In each of the following provisions for “1st June” substitute “1st August”—
  - (a) paragraph 85(3), and
  - (b) paragraph 93(3).
- (6) In paragraph 86(1)(a), for “1976” substitute “1968”.
- (7) In the headings of paragraphs 89 and 90, in each case for “Part 2” substitute “Part 3”.
- (8) In paragraph 90(1)(e)—
  - (a) leave out “not less than two months”, and
  - (b) for “88(3) to (5)” substitute “88(3) and (4)”.
- (9) In paragraph 92(3), leave out “not less than 2 months”.

29th March 2007

*Richard Caborn*  
Minister of State  
Department for Culture, Media and Sport

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SCHEDULE 1

Article 5

New Schedule 3 to the Principal Commencement Order

“SCHEDULE 3

Article 2(3)

Provisions coming into force on 1st June 2007

<i>Column 1</i>	<i>Column 2</i>
Section 7(5) to (7)	
Sections 159 to 165	Sections 159 to 165 are to have effect for the purposes of enabling non-conversion applications for casino premises licences to be made, considered and determined; and for enabling such licences to be issued before 1st September 2007.
Section 175	
Section 204 (for all remaining purposes)	
Schedule 9”	

SCHEDULE 2

Article 6

New Schedule 3A to the Principal Commencement Order

“SCHEDULE 3A

Article 2(3A)

Provisions coming into force on 1st August 2007

<i>Column 1</i>	<i>Column 2</i>
Sections 266 to 268	
Sections 271(2) and 273(2)	
Section 274	In so far as it relates to the provisions of Schedule 12 specified below in this Schedule.



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<i>Column 1</i>	<i>Column 2</i>
Section 276	
Sections 277 and 278	

Subsection (2) of section 282	For the purposes of enabling a person to comply with the condition in that subsection before 1st September 2007 (being the date on which section 282 comes into force).
Section 283(2)	
Section 283(5)	In so far as it relates to the provisions of Schedule 13 specified below in this Schedule.
Section 284	
Sections 310(1) and 312(4)	
In Schedule 12, paragraphs 1 to 11 and 25	For the purposes of— (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.
In Schedule 12, paragraphs 14 to 21, 23 and 26 to 31	
In Schedule 13, paragraphs 1, 2, 4 to 7 and 21	For the purposes of— (a) enabling advance applications for licensed premises 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.
In Schedule 13, paragraphs 3, 9, 11 to 20, 22 and 23”	

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Gambling Act 2005 (Transitional Provisions) (No. 2) Order 2006 ([S.I. 2006/1758](#)) and the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 ([S.I. 2006/3272](#)).

Article 2 amends article 6 of the Gambling Act 2005 (Transitional Provisions) (No. 2) Order 2006 (“the Transitional Provisions Order”). Article 6 of that Order makes provision about the grant and renewal of certain kinds of permit granted under section 34 of the Gaming Act 1968. The permits affected are those issued by an authority mentioned in paragraph 1(b) or (d) of Schedule 9 to that Act (local authorities in England and Wales and councils in Scotland). Such permits may be granted in respect of any kind of premises other than the kinds of alcohol licensed premises referred to in paragraph 1(a) or (c) of Schedule 9. Article 6 of the Transitional Provisions Order prohibits the grant of an application for the grant or renewal of such a permit where the application is made on or after 1st August 2006, unless the application relates to amusement machine premises.

Article 2 amends article 6 of the Transitional Provisions Order so that this restriction does not apply to applications for the grant or renewal of permits in respect of premises subject to a relevant Scottish licence (as defined in the amended provision). Whilst the relevant type of permit under section 34 of the Gaming Act 1968 cannot be granted in respect of premises in Scotland which hold a public house licence or a hotel licence, such permits may be granted in respect of premises which have the benefit of other types of licence under section 9(1) of the Licensing (Scotland) Act 1976.

Article 3 amends article 2 of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (“the Principal Commencement Order”). Article 2 of the Principal Commencement Order specifies the commencement dates for provisions of the Gambling Act 2005. Article 3 amends that article:

- To provide for section 182(4) of the Gambling Act 2005 (which allows the Secretary of State by order to amend the exception provided for in that section relating to the exclusion of children from track areas used for betting) to come into force on 30th April 2007 instead of 1st September 2007.
- To provide for the provisions listed in Schedule 2 (as amended by article 4) to come into force on 21st May 2007 instead of 30th April 2007.
- To provide for the provisions listed in Schedule 3A (as inserted by article 6) to come into force on 1st August 2007.

Article 3 also amends article 2 of the Principal Commencement Order so that paragraph 17 of Schedule 16 to the Gambling Act 2005 no longer comes into force on 1st September 2007. That provision amends paragraph 8(3)(e) of Schedule 2 to the Private Security Industry Act 2001. The amendment cannot however be made in the form set out in paragraph 17 of Schedule 16 to the Gambling Act 2005 because it does not take account of an amendment to paragraph 8(3) made by paragraph 118(3) of Schedule 6 to the Licensing Act 2003.

Article 4 amends Schedule 2 to the Principal Commencement Order. The amendment to the heading of the Schedule is consequential on the amendment made by article 3. Article 4 removes the reference to section 7(5) to (7) which relates to categories of casino. The reference is included instead in Schedule 3 which lists the provisions coming into force on 1st June 2007. Article 4 also removes the reference to section 235 (definition of gaming machine) and section 236 (categories of gaming machine) with the effect that those sections will instead come into force (in the case of section 235

for all remaining purposes) on 1st September 2007. Article 4 amends the entry in Schedule 2 which specifies the purposes for which sections 159 to 165 are to come into force on 21st May 2007. Schedule 2 is further amended to insert a reference to section 347 (which makes provision as to the time for prosecution for offences under the 2005 Act). The entries in Schedule 2 relating to Schedules 10 and 14 are amended to ensure that the provisions applying sections 154 and 155 to the exercise of functions by licensing authorities under those Schedules are not limited to the authorities' functions relating to the determination of applications for the grant of permits.

Article 5 substitutes a new Schedule 3 to the Principal Commencement Order (which lists the provisions which are to come into force on 1st June 2007). It removes certain provisions which were previously listed in that Schedule. The relevant provisions appear instead in Schedule 3A to the Principal Commencement Order which is inserted by article 6. By virtue of the amendment made to article 2 of the Principal Commencement Order, the provisions listed in Schedule 3A will come into force on 1st August 2007.

Article 7 amends paragraph 2 of Schedule 4 to the Principal Commencement Order which prevents applications for the grant of certain permissions under the Betting, Gaming and Lotteries Act 1963 from being granted where made on or after 28th April 2007. Article 7 amends that paragraph so that the restriction does not apply where the application is for the grant of a bookmaker's permit and is made by the company nominated by the Secretary of State for the purposes of section 2 of the Horserace Betting and Olympic Lottery Act 2004.

Article 8 amends Part 3 of Schedule 4 to the Principal Commencement Order which, amongst other things, contains transitional provisions for certain permits under section 34 of the Gaming Act 1968 to continue to have effect on and after 1st September 2007, and for converting such permits into licensed premises gaming machine permits under the Gambling Act 2005. There are two strands to the amendments made by Article 8:

- It amends the provisions relating to the duration of permits under section 34 of the Gaming Act 1968 ("section 34 permits") which continue to have effect on and after 1st September 2007. Under those provisions the permit is to continue in force after it would otherwise have expired, if an application for a licensed premises gaming machine permit is made at least two months before the expiry date and the application has not been determined by that date. Article 8 amends this provision so that instead the application for the licensed premises gaming machine permit is only required to be made before the expiry of the section 34 permit. A similar change is made to the provisions relating to applications to convert a section 34 permit into a licensed premises gaming machine permit. The licensing authority are only required to grant such an application where it is made at least 2 months before the expiry of the section 34 permit. This is amended so as to require instead the application to be made before the expiry of the section 34 permit. Connected amendments are made to paragraph 29 of Schedule 4 to the Principal Amendment Order which makes special provision in relation to Scotland. All of these changes are consequential on the change of commencement date from 1st June 2007 to 1st August 2007 for the provisions listed in Schedule 3A to the Principal Commencement Order.
- Article 8 amends the provisions relating to applications to convert a section 34 permit into a licensed premises gaming machine permit so that such applications may also be made where the section 34 permit was granted by the authority mentioned in paragraph 1(d) of Schedule 9 to the Gaming Act 1968 in respect of premises subject to a relevant Scottish alcohol licence. This amendment is connected to the amendment made by article 2 to article 6 of the Transitional Provisions Order.

Article 8 also amends paragraph 27(1) of Schedule 4 to the Principal Commencement Order. Paragraph 27(1) specifies the conditions which must be met for an application for a licensed premises gaming machine permit to fall within paragraph 27. Where an application falls within paragraph 27, the licensing authority must grant the licensed premises gaming machine being applied for at least to the extent that the permit authorises the same number and category of gaming machines authorised by the permit under section 34 of the Gaming Act 1968 previously held by the applicant. Paragraph

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(3)(a)(iii) amends paragraph 27(1) of Schedule 4 to the Principal Commencement Order to insert the condition that the application for the licensed premises gaming machine permit must relate to the same or substantially the same premises as those in respect of which the permit under section 34 of the Gaming Act 1968 has effect.

Article 9 amends paragraph 36(2) of Schedule 4 to the Principal Commencement Order. Paragraph 36 makes provision, amongst other things, as to the period within which the first annual fee is to be paid in the case of a premises licence which is issued before 1st September 2007. It provides for the fee to be paid within the “relevant period” after 1st September 2007. “Relevant period” is defined to mean a period equal in length to the period prescribed for the purposes of section 184(1)(a) of the Gambling Act 2005 as that provision has effect in relation to licences issued on or after 1st September 2007. Article 9 amends this definition so that the reference to licences issued on or after 1 September 2007 refers instead to licences which are both issued on or after 1 September 2007 and which have effect on the date of issue. This amendment reflects the fact that the relevant regulations made under section 184(1)(a) provide for different periods in those cases where the licence has effect on issue and those where it has effect on a date after issue.

Article 10 amends paragraph 39 of Schedule 4 to the Principal Commencement Order which defines who is an existing operator for the purposes of Part 5 of that Schedule. Part 5 makes transitional provision with respect to advance applications for operating licences by existing operators. Article 10 amends paragraph 39 of Schedule 4 to the Principal Commencement Order to insert a new sub-paragraph (7A). That sub-paragraph provides for the Horserace Totalisator Board to be an existing operator in relation to an application for a general betting operating licence.

Article 11 amends Part 7 of Schedule 4 to the Principal Commencement Order which makes transitional provision relating to the conversion of licences etc. issued under enactments to be repealed by the Gambling Act 2005 into premises licences under that Act. Paragraph (3) of article 11 amends paragraph 54 of Schedule 4 to the Principal Commencement Order to enable conversion applications (within the meaning of that paragraph) to be made not only by the existing premises operator (within the meaning of paragraph 53 of Schedule 4), but also by a person acting with the written consent of the existing premises operator.

Paragraph (9) of article 11 contains amendments to paragraph 62 of Schedule 4 to the Principal Commencement Order which are consequential on the amendments made by paragraph (3) of that article. Paragraph 62 of Schedule 4 makes provision for the continuation on and after 1st September 2007 of an existing licence, permit or certificate (as defined in that paragraph) which has effect immediately before that date in relation to premises, where a conversion application for a premises licence for the same or substantially the same premises has not been determined by that date. Paragraph (9) amends paragraph 62 of Schedule 4 to the Principal Commencement Order so that that paragraph is capable of applying where the conversion application is being made by a person other than the existing premises operator as provided by paragraph 54(1B)(b) (as inserted by paragraph (3)). Paragraph (9) also amends paragraph 62 to provide for the existing licence, permit or certificate to be treated on and after 1 September 2007 as if it had been granted to the person making the conversion application.

Article 11 also amends Part 7 of Schedule 4 to the Principal Commencement Order by inserting a new paragraph 57A which has the effect of allowing a person, who is making a conversion application, to request that a condition be attached to the premises licence applied for so that the premises may only be used for providing facilities for gambling during specified periods in a year. Where such a request is made and a premises licence is issued on the conversion application, the licensing authority may attach the requested condition to the licence. The amendments made by paragraphs (4) and (5) of article 11 are consequential on the insertion of paragraph 57A in Schedule 4 to the Principal Commencement Order.

Article 12 amends Part 9 of Schedule 4 to the Principal Commencement Order which makes transitional provision relating to the conversion of club registrations under the Gaming Act 1968 into club gaming and machine permits under the Gambling Act 2005. Part 9 includes provisions

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which refer to things being done not less than two months before the relevant date (as defined in paragraph 80(3) to (5) of Schedule 4 to the Principal Commencement Order) or which refer to a date which is two months before the relevant date. Article 12 amends these provisions so that they refer instead to things being done before the relevant date, or (where a date is being referred to) refer to that date as the relevant date rather than two months before the relevant date. This change, as with the amendments made by article 8, is consequential on the change of commencement date from 1st June to 1st August for the provisions listed in Schedule 3A to the Principal Commencement Order. Article 12 also makes minor corrections in paragraph 82(1)(e), 86(1)(a) and 90(1)(e) and in the headings to paragraphs 89 and 90.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.