
STATUTORY INSTRUMENTS

2006 No. 1758

The Gambling Act 2005 (Transitional Provisions) (No.2) Order 2006

Lotteries and Amusements Act 1976: renewal of section 16 permits

7.—(1) This article applies to any permit under section 16 of the 1976 Act⁽¹⁾ (which relates to the provision of amusements with prizes at certain commercial entertainments) which is due to expire in accordance with paragraph 15 of Schedule 3 to that Act in the period beginning on 1st September 2006 and ending on 30th August 2007.

(2) Subject to paragraphs (7) and (8), if the permit still has effect immediately before it is due to expire, the appropriate authority is to be treated as having renewed the permit immediately before it expires.

(3) Paragraph 18 of Schedule 3 to the 1976 Act⁽²⁾ (which provides for the payment of a fee on grant or renewal of a permit) is not to apply in relation to the renewal of a permit in accordance with paragraph (2).

(4) Where—

- (a) the holder of a permit renewed in accordance with paragraph (2) makes a request in writing to the appropriate authority for a copy of the permit as so renewed, and
- (b) that request is made in accordance with paragraph (5),

the authority must comply with the request as soon as reasonably practicable.

(5) When making a request under paragraph (4), the holder of the permit must include the permit held by him or, if for any reason that is not reasonably practicable, he must include a written statement—

- (a) explaining why it is not reasonably practicable to provide the permit, and
- (b) indicating—
 - (i) the premises to which the permit relates,
 - (ii) the date on which it was granted or (as the case may be) last renewed before its renewal in accordance with paragraph (2), and
 - (iii) the date on which it was due to expire before being renewed in accordance with that paragraph.

(6) Where before its renewal in accordance with paragraph (2) the holder of the permit makes an application to the appropriate authority in accordance with paragraph 4(2) of Schedule 3 to the 1976 Act for the renewal of the permit—

- (a) the appropriate authority may not determine the application before the permit is due to expire;

(1) Amendments have been made to section 16 which are not relevant to this Order.
(2) Amended by S.I.1991/2174.

- (b) where the permit is renewed in accordance with paragraph (2), the application is to be treated on and after the permit's renewal as if it were a request made under paragraph (4); and
 - (c) the requirement to comply with that request is to apply irrespective of whether the application is accompanied by the permit or includes the information specified in paragraph (5).
- (7) Paragraphs (2) to (6) are not to apply where before the date on which this Order comes into force—
- (a) the holder of the permit applies under paragraph 4(2) of Schedule 3 to the 1976 Act for the renewal of the permit, and
 - (b) the appropriate authority determine that application.
- (8) Paragraphs (2) to (6) are also 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 the authority will not renew permits under section 16 of that Act in respect of premises of a class which includes the premises to which the permit relates, and
 - (b) that resolution is in force—
 - (i) in relation to paragraph (6)(a), when the relevant application is made, or
 - (ii) in the case of any other provision, when the permit is due to expire.
- (9) Paragraph 15 of Schedule 3 to the 1976 Act is to have effect in relation to the renewal of a permit to which this article applies as if it provided for the permit to have effect until the end of 31st August 2007, unless cancelled before that date under section 17(2) of that Act.
- (10) In this article, “appropriate authority” is to have the meaning given to it by paragraph 1(1) of Schedule 3 to the 1976 Act(3).

(3) Sub-paragraph (1)(a) of paragraph 1 and connected definitions in sub-paragraph (2) of that paragraph have been amended by the Licensing Act 2003, section 198(1) and paragraphs 62 and 63 of Schedule 6. Sub-paragraph (1)(c) of paragraph 1 (including connected definitions in sub-paragraph (2) of that paragraph have been amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), section 28(1), and paragraph 8 of Schedule 2. The definition of “local authority” in paragraph 1(2), which is relevant for the purposes of paragraph 1(1)(b), has been amended by the Local Government (Wales) Act 1994 (c. 19), section 66(6) and paragraph 50(3) of Schedule 16.