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STATUTORY INSTRUMENTS

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**2006 No. 3272**

**The Gambling Act 2005 (Commencement  
No. 6 and Transitional Provisions) Order 2006**

**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, to the extent that it is not already in force, come into force on 1st September 2007—

(a) for all purposes in relation to—

(i) any licence or other document issued under the 1963 Act, or

(ii) any registration under Schedule 2 to the 1963 Act<sup>(1)</sup> (which relates to the registration of pool promoters),

which has effect immediately before that date; and

(b) for all other purposes except as provided in the following provisions of this article.

(2) The 1963 Act is to continue to have effect on and after 1st September 2007 in so far as is necessary to continue to give effect to sections 12, 14, 15 and 24 to 31 of that Act<sup>(2)</sup>.

(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, where appropriate, by way of appeal), where the application is made but not determined before that date—

(a) an application for a certificate of approval under section 13 of the 1963 Act<sup>(3)</sup> (other than an application for a point to point certificate);

(b) an application under Schedule 1 to that Act<sup>(4)</sup> for the grant of a bookmaker's permit, betting agency permit or betting office licence;

(c) an application under paragraph 5 of Schedule 2 to that Act for the registration of a person as a registered pool promoter;

(d) an application for the grant or transfer of a track betting licence under Schedule 3 to that Act<sup>(5)</sup>;

(e) an application for a licence authorising an inter-track betting scheme under paragraph 2 of Schedule 5ZA<sup>(6)</sup> to that Act.

(4) The 1963 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a certificate of approval under section 13 of that Act, a betting office licence or a track betting licence to be granted, where the application for its grant is one falling within paragraph (3) (a), (b) or (d).

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(1) Amendments have been made to Schedule 2 which are not relevant to this Order.

(2) Provision is made for the repeal of sections 12, 14, 15 and 24 to 30 by the Horserace Betting and Olympic Lottery Act 2004 (c. 25); see in particular section 15(1)(a), and section 38 and Schedule 6.

(3) Section 13 was amended by the Horserace Totalisator and Betting Levy Boards Act 1972 (c. 69), section 5(1). Amendments have also been made by the Horserace Betting and Olympic Lottery Act 2004, Schedule 4, paragraphs 1 and 2.

(4) Amendments have been made to Schedule 1 which (apart from the amendments referred to in footnotes below) are not relevant to this Order.

(5) Amendments have been made to Schedule 3 which are not relevant to this Order.

(6) Schedule 5ZA was inserted by S.I. 1995/3231.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Paragraph 1(a) of Schedule 1 to the 1963 Act<sup>(7)</sup> (which provides for the establishment of licensing committees) is to continue in force on and after 1st September 2007 for the purposes of providing for there to be a licensing committee for each local justice area.

(6) Paragraph (5) is to have effect whether or not there are any applications for the grant 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)(b).

(7) For the purposes of this article, 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.

(8) In this article, "betting agency permit", "betting office licence", "bookmaker's permit" and "track betting licence" shall be construed in accordance with section 55(1) of the 1963 Act.

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(7) Paragraph 1(a) of Schedule 1 to the 1963 Act was amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 115(1) and (2).