

## SCHEDULE 4

### Transitional provisions

## PART 3

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

#### Application of review provisions to section 27 certificates

**21.**—(1) Sections 116 to 122 of the 2005 Act (which make provision with respect to the review of operating licences) 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 (scope of Gambling Commission's powers to carry out a review)—

(a) in subsection (1)—

- (i) the reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate; and
- (ii) the reference to ensuring compliance with 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 otherwise than in accordance with a condition of the operating licence is to have effect as a reference to activities carried on otherwise than in accordance with any relevant operating licence conditions, and
- (ii) references to the licensed activities are to have effect as references to the activities authorised by the section 27 certificate.

(3) Following a review under either subsection (1) or (2) of section 116, the Gambling Commission may—

- (a) attach an additional condition to the certificate, or
- (b) remove or amend a condition attached under this sub-paragraph as a result of a previous review under either subsection.

(4) Subsection (1) of section 117 (regulatory powers of the Gambling Commission on a review) is to have effect—

- (a) as if paragraph (b) provided for the Gambling Commission to have power to attach an additional condition to the certificate under sub-paragraph (3) above,
- (b) as if paragraph (c) provided for the Gambling Commission to have power to remove or amend a condition attached to the certificate under that sub-paragraph, and
- (c) as if paragraph (d) were omitted.

(5) Section 118 (powers of Gambling Commission to suspend an operating licence following a review) is to have effect with the omission of subsection (3).

(6) Section 119 (powers of Gambling Commission to revoke an operating licence following a review) is to have effect with the omission of subsections (2) and (3).

(7) Section 120 (which specifies the conditions which are to apply if the Gambling Commission is to exercise its powers to suspend or revoke an operating licence) is to have effect with the omission of subsection (2) and in that section—

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- (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.
- (8) In section 121 (which enables the Gambling Commission to impose financial penalties on operating licence holders) any reference (however expressed) to a breach of a condition of an operating licence is to have effect as a reference to a breach of a relevant operating licence condition.
- (9) In section 122 (which enables the Gambling Commission to require an operating licence holder to provide information)—
- (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 otherwise than in accordance with a condition of the operating licence is to have effect as a reference to activities carried on otherwise than in accordance with any relevant operating licence condition.
- (10) Section 141 of the 2005 Act (which provides for appeals to the Gambling Appeals Tribunal) is to have effect in relation to a section 27 certificate as if—
- (a) in subsections (6) to (8), references to the Gambling Commission taking action, or determining to take action, under section 117, 118 or 119 included references to the Gambling Commission taking action, or determining to take action, under any of those sections in relation to the certificate;
  - (b) in subsection (9), the reference to the Gambling Commission giving notice of a penalty under section 121(4) included giving such a notice in relation to the certificate; and
  - (c) references to a licensee in those subsections included a reference to the holder of the certificate.
- (11) In this paragraph, “relevant operating licence conditions” has the meaning given by paragraph 17(6).