

SCHEDULE 4

Transitional provisions

PART 3

Continuation of certificates and permits issued under the Gaming Act 1968

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

26.—(1) Despite Schedule 13 to the 2005 Act not applying in relation to Scotland, the provisions of that Schedule specified in sub-paragraph (5) of paragraph 25 (other than paragraphs 19 and 20 of that Schedule) are 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 modification specified in sub-paragraph (8) of paragraph 25, and
- (b) the modifications specified in sub-paragraphs (3) and (4) below.

(3) In relation to alcohol licensed premises gaming machine permits issued in Scotland—

- (a) paragraph 13 of Schedule 13 is to have effect as if any reference to an on-premises alcohol licence was to a relevant Scottish licence⁽¹⁾;
- (b) paragraph 18(2)(c) of that Schedule is to have effect as if the reference to the High Court was a reference to the Court of Session; and
- (c) paragraph 21 of that Schedule is to have effect as if—
 - (i) sub-paragraph (2)(a) referred to a sheriff within whose sheriffdom the premises to which the permit relates are wholly or partly situated;
 - (ii) sub-paragraph (2)(b) was omitted;
 - (iii) the reference in sub-paragraph (3) to the magistrates' court was to the sheriff; and
 - (iv) the reference in sub-paragraph (3) to costs was to expenses.

(4) Any reference to the licensing authority in the provisions of Schedule 13 to the 2005 Act mentioned in paragraph 25(6) is to have effect as a reference to the licensing authority which in its capacity as a licensing board under the Licensing (Scotland) Act 1976⁽²⁾ granted the relevant Scottish licence in respect of the premises to which the permit relates.

(1) See section 277 of the 2005 Act for the definition of “relevant Scottish licence”.

(2) 1976 c. 66.