

SCHEDULE 4

Transitional provisions

PART 3

Continuation of certificates and permits issued under the Gaming Act 1968

Applications for conversion of permits under section 34 of the Gaming Act 1968: provisions applying to Scotland

29.—(1) This paragraph is only to have effect if on 1st June 2007 regulations under section 285(1)(b) of the 2005 Act are not in force setting out provisions which are to have effect in place of Schedule 13 to that Act in relation to an application for a licensed premises gaming machine permit where the applicant is the holder of a relevant Scottish licence⁽¹⁾.

(2) Sub-paragraph (3) modifies the effect of paragraph 27 in relation to such an application where—

- (a) the person making the application holds a permit under section 34 of the 1968 Act in respect of the premises to which the application relates, and
- (b) that permit is due to expire in accordance with paragraph 24(1) on a date which is no more than 3 months after the date on which the provisions referred to in sub-paragraph (1) come into force.

(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 whichever of the following dates is the later—

- (a) one month after the date on which the provisions referred to in paragraph (1) come into force, or
- (b) two months before the date on which the permit under section 34 of the 1968 Act is due to expire in accordance with paragraph 24(1).

(4) Where—

- (a) a permit under section 34 of the 1968 Act in respect of premises is held by a person who also holds a relevant Scottish licence in respect of the premises, and
- (b) that permit is due to expire in accordance with paragraph 24(1) on a date which is before the date referred to in sub-paragraph (3)(a),

then (subject to sub-paragraph (5)) paragraph 24(1) is to have effect as if it provided for the permit to continue in force until the date referred to in sub-paragraph (3)(a).

(5) Where in a case falling within sub-paragraph (4)—

- (a) the holder of the permit under section 34 of the 1968 Act applies for a licensed premises gaming machine permit, and
- (b) that application meets the conditions in paragraphs (a) to (e) of paragraph 27(1) (as modified by sub-paragraph (3)),

the permit under section 34 of the 1968 Act is not to cease to have effect by virtue of sub-paragraph (4) until the application for the licensed premises gaming machine permit is determined or is withdrawn.

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

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