SCHEDULE 4

Transitional provisions

PART 3

Continuation of certificates and permits issued under the Gaming Act 1968

Continuation of other permits granted under section 34 of the Gaming Act 1968

31.—(1) This paragraph applies to a permit under section 34 of the 1968 Act granted by the authority mentioned in paragraph 1(b) or (d) of Schedule 9 to that Act(**1**) in respect of non-amusement premises which—

(a) is in force immediately before 1st September 2007, or

(b) (if not so in force) is granted or renewed on or after that date.

(2) A permit to which this paragraph applies is referred to in this paragraph and in paragraphs 32 and 33 as a Category D gaming machine permit.

(3) A Category D gaming machine permit is to continue to have effect on and after 1st September 2007.

(4) Where a Category D gaming machine permit has effect in accordance with sub-paragraph (3), it is to authorise the holder to make available on the premises to which the permit relates a number of Category D gaming machines(**2**) equal to the number of lower value AWP machines which the permit would have authorised him to make available under the 1968 Act.

(5) A Category D gaming machine permit is to have effect until—

(a) in a case falling within paragraph (a) of sub-paragraph (1), whichever is the earlier of 31st July 2009 or the relevant expiry date; or

(b) in a case falling within paragraph (b) of that sub-paragraph, 31st July 2009.

(6) Sub-paragraph (5) is subject to paragraph 33(8).

(7) In this paragraph—

(a) "lower value AWP machine" means a machine—

(i) to which Part 3 of the 1968 Act applies,

(ii) which is used for gaming (within the meaning of that Act), and

(iii) which complies with the conditions mentioned in subsection (1) of section 34 of that Act;

(b) "non-amusement premises" means any premises other than amusement machine premises; and

(c) "relevant expiry date", in relation to a Category D gaming machine permit, means the date on which, as it had effect immediately before 1st September 2007, the permit was due to expire.

(**1**) Sub-paragraph (b) of paragraph 1 was partially repealed by the Local Government Act 1972 (c. 70), Schedule 30. Sub-paragraph (d) of paragraph 1 was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 24, paragraph 32, and by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 78(4).

(**2**) See section 236 of the 2005 Act.