

## SCHEDULE 4

### Transitional provisions

## PART 2

### Transitional provisions relating to the grant and renewal of licences and other documents, and registrations, under enactments to be repealed by the Gambling Act 2005

#### **Gaming Act 1968: applications for the grant of a licence under that Act where a certificate of consent has been applied for but not obtained**

6.—(1) A person may apply for the grant or transfer of a licence under the 1968 Act provided that—

- (a) the relevant consent application has been made to the Gambling Commission,
- (b) and that application has not been withdrawn or refused.

(2) Sub-paragraph (1) is to apply whether or not the relevant consent application has been approved; and (as the case may be) paragraph 3 or 55 of Schedule 2 to the 1968 Act is to have effect as if modified accordingly.

(3) Where an application for the grant or transfer of a licence under the 1968 Act is made before a certificate of consent has been issued by the Gambling Commission with respect to the application, paragraph 5(2) or (as the case may be) paragraph 58(1) of Schedule 2 to that Act<sup>(1)</sup> is to have effect as if it required the application to be accompanied by a copy of the relevant consent application.

(4) Paragraphs 6 and 7 of Schedule 2 to the 1968 Act<sup>(2)</sup> are only to apply in a case falling within sub-paragraph (3) where a certificate of consent is issued on the grant of the relevant application; and in such a case those paragraphs are to have effect as provided in sub-paragraph (5).

(5) Where in a case falling within sub-paragraph (3) a certificate of consent is issued on the grant of the relevant consent application—

- (a) sub-paragraph (1) of paragraph 6 of Schedule 2 to the 1968 Act is to have effect as if it required the person applying for the grant of the 1968 Act licence to do the things referred to in that sub-paragraph not later than 14 days after the date on which he receives the certificate of consent issued on the relevant consent application; and
- (b) sub-paragraph (1) of paragraph 7 of that Schedule is to have effect as if it required the applicant to send the licensing authority a copy of the certificate of consent at the same time as it sends the things referred to in that sub-paragraph.

(6) The Gambling Commission must notify the licensing authority responsible for determining the application for the grant or transfer of the 1968 Act licence if the relevant consent application is refused.

(7) The licensing authority must refuse the application for the grant or transfer of a 1968 Act licence if the relevant consent application is refused.

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(1) Paragraph 5 of Schedule 2 was amended by the Gaming (Amendment) Act 1982 (c. 22), section 1 and Schedule 1, paragraph 3, by the Access to Justice Act 1999, Schedule 13, paragraphs 57 and 58(1) and (3), and by the Fire and Rescue Services Act 2004 (c. 21), paragraphs 24(1) and (3).

(2) Paragraphs 6 and 7 of Schedule 2 were amended by the Gaming (Amendment) Act 1982 (c. 22), section 1 and Schedule 1, paragraph 4 and by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraphs 57 and 58(1), (3) and (4).

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

(8) In this paragraph, references to the relevant consent application, in relation to an application for the grant or transfer of a casino licence, are to an application for a certificate of consent under (as the case may be) paragraph 4 or 56 of Schedule 2 to the 1968 Act<sup>(3)</sup>, where the application—

- (a) is in respect of the same premises as those to which the application for the grant or transfer of the casino licence relates, and
- (b) where the application relates to the grant of a casino licence, is not made only for the purposes of an application for the grant of a bingo club licence.

(9) In this paragraph, references to the relevant consent application, in relation to an application for the grant or transfer of a bingo club licence, are to an application for a certificate of consent under (as the case may be) paragraph 4 or 56 of Schedule 2 to the 1968 Act where the application—

- (a) is in respect of the same premises as those to which the application for the grant or transfer of the bingo club licence relates, and
- (b) where the application relates to the grant of a bingo club licence, is made only for the purposes of an application for the grant of a bingo club licence.

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(3) Paragraph 4 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982, section 1 and paragraph 2 of Schedule 1, and by the Gaming Amendment Act 1990 (c. 26), section 1 and paragraph 7 of the Schedule to that Act. Paragraph 56 of Schedule 2 to the 1968 Act was amended by the Gaming Amendment Act 1990, section 1 and paragraph 8 of the Schedule to that Act.