

SCHEDULE 4

Transitional provisions

PART 7

Conversion of licences etc. issued under enactments to be repealed into premises licences under the Gambling Act 2005

Application of review provisions to the existing licence, permit or certificate

64.—(1) Sections 197 to 203 of the 2005 Act (which provide for the review of premises licences by licensing authorities) are to apply to the existing licence, permit or certificate and the holder of the existing licence, permit or certificate as they apply to premises licences and the holder of such licences, but with the modifications specified in sub-paragraphs (2) to (4).

(2) In subsection (2)(a) of section 200 (which specifies the circumstances in which a licensing authority may carry out a review), the reference to a condition of the licence is to have effect as a reference to any relevant premises licence conditions having effect in relation to the existing licence, permit or certificate.

(3) Following a review under section 201 (which specifies the procedure on a review), the licensing authority may—

- (a) exclude a default condition, or remove or amend an exclusion having effect by virtue of this sub-paragraph as a result of a previous review, or
- (b) attach a condition, or remove or amend a condition attached under this sub-paragraph as a result of a previous review.

(4) Subsection (1) of section 202 (which makes provision as to the action which may be taken following a review) is to have effect—

- (a) as if paragraph (c) provided for the licensing authority to have power to exclude a default condition, or remove or amend an exclusion having effect by virtue of sub-paragraph (3) (a) above, and
- (b) as if paragraph (d) provided for the licensing authority to have power to attach a condition to the existing licence, permit or certificate under sub-paragraph (3)(b) above.

(5) Section 206(3) of the 2005 Act (which makes provision for appeals against actions taken by licensing authorities on a review) is to have effect in relation to the existing licence, permit or certificate as if—

- (a) a reference to a licensing authority taking action under section 202 as a result of a review, or determining to take no action as a result of a review, included a reference to the licensing authority taking such action, or determining to take no such action, in relation to the existing licence, permit or certificate; and
- (b) the reference to the licensee included a reference to the holder of the existing licence, permit or certificate.

(6) Section 313(2) of the 2005 Act (which provides for the inspection of premises in respect of which a premises licence has effect) is to apply to the premises in respect of which the existing licence, permit or certificate has effect as it applies to premises in respect of which a premises licence has effect.