

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relating to the grant and renewal of licences and other documents, and registrations, under enactments to be repealed by the Gambling Act 2005

Betting, Gaming and Lotteries Act 1963: restrictions on applications

2.—(1) This paragraph and paragraphs 3 and 4 apply with respect to the grant of licences and other documents, and registrations, under the 1963 Act during the period beginning on the date on which this Order comes into force and ending on the date on which the repeal of that Act for all purposes takes effect.

(2) Any application under the 1963 Act of the following kinds may be granted only where the application is made before 28th April 2007 and, in a case to which paragraph 4 applies, the condition referred to in sub-paragraph (3) of that paragraph is met—

- (a) an application under paragraph 5 of Schedule 1 for the grant of a bookmaker's permit, betting agency permit or betting office licence;
- (b) an application under paragraph 5 of Schedule 2 for the registration of a person as a pool promoter;
- (c) an application under paragraph 3 of Schedule 3 for the grant of a track betting licence;
- (d) an application for a certificate of approval under section 13(1) for a ground to be used as a horse racecourse;
- (e) an application for a licence authorising an inter-track betting scheme under paragraph 2 of Schedule 5ZA(2).

Betting, Gaming and Lotteries Act 1963: period for which licences and other documents and registrations are to have effect

3.—(1) Any licence or permit, granted under Schedule 1 or 3 to the 1963 Act on or after the date on which this Order comes into force but before 1st September 2007, is to cease to have effect at the end of 31st August 2007; and paragraph 29 of Schedule 1 to the 1963 Act(3) and paragraph 8 of Schedule 3 to that Act are to have effect as if modified accordingly.

(2) Sub-paragraph (1) is without prejudice to any provisions of Schedule 1 or 3 to the 1963 Act under which such a licence or permit may be revoked or cancelled before the date on which it is due to expire.

(3) Where a person is registered as a pool promoter under Schedule 2 to the 1963 Act on or after the date on which this Order comes into force, the registration is to cease to have effect at the end of 31st August 2007 (unless revoked before that date under paragraph 5 of that Schedule).

(4) Where on or after the date on which this Order comes into force the Levy Board issue a certificate of approval under section 13 of the 1963 Act for a horse racecourse, the certificate is

(1) Section 13 was amended by the Horserace Totalisator and Betting Levy Boards Act 1972 (c. 69), section 5(1). Amendments have also been made by the Horserace Betting and Olympic Lottery Act 2004 (c. 25), Schedule 4, paragraphs 1 and 2.

(2) Schedule 5ZA was inserted by S.I. 1995/3231.

(3) Paragraph 29 of Schedule 1 was amended by S.I. 1997/947.

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to cease to have effect at the end of 31st August 2007 (unless revoked before that date under that section).

(5) Where any licence authorising an inter-track betting scheme is granted under Schedule 5ZA to the 1963 Act on or after the date on which this Order comes into force, the licence is to cease to have effect at the end of 31st August 2007 (unless revoked before that date under paragraph 11 of that Schedule); and paragraph 7 of that Schedule is to have effect as if modified accordingly.

Betting, Gaming and Lotteries Act 1963: grant of licences etc. on or after 1st September 2007

4.—(1) This paragraph applies to an application for—

- (a) a betting office licence under Schedule 1 to the 1963 Act,
- (b) a track betting licence under Schedule 3 to that Act, or
- (c) certificate of approval under section 13 of that Act (other than a point to point certificate),

which is not determined before 1st September 2007.

(2) Such a licence or certificate is referred to in this paragraph as a licence or certificate under the 1963 Act.

(3) A licence or certificate under the 1963 Act may only be granted on such an application if—

- (a) the applicant is applying under Part 8 of the 2005 Act for a premises licence in respect of the same or substantially the same premises as those in respect of which the licence or certificate under the 1963 has effect, and
- (b) he qualifies for the purposes of that application as the existing premises operator (within the meaning of paragraph 53 of this Schedule) in relation to the premises by virtue of the fact that he is applying for the licence or certificate under the 1963 Act.

(4) Where a licence or certificate under the 1963 Act is granted in accordance with sub-paragraph (3)—

- (a) it is only to have effect for the purposes of Part 7 of this Schedule (which provides for the conversion of licences etc. under enactments to be repealed by the 2005 Act into premises licences under that Act), and
- (b) it is to cease to have effect when the application for a premises licence referred to in sub-paragraph (3) is determined or withdrawn.

Gaming Act 1968: restrictions on applications

5.—(1) This paragraph and paragraphs 6 to 11 apply with respect to the grant or renewal of licences, registrations and permits under the 1968 Act during the period beginning on the date on which this Order comes into force and ending on the date on which the repeal of that Act for all purposes takes effect.

(2) Any application of the following kinds may be granted only where the application for the licence or permit is made before 28th April 2007 and, in a case to which paragraph 9 or 11 applies, the condition referred to in sub-paragraph (2) of that paragraph is met—

- (a) a licence under the 1968 Act;
- (b) a permit under section 34 of that Act⁽⁴⁾ (which makes provision about the use for gaming of machines to which Part 3 of that Act applies) in respect of amusement machine premises.

(3) The restriction in sub-paragraph (2) with respect to applications made on or after 28 April 2007 does not apply where—

(4) Section 34 was amended by [S.I. 1996/1359](#) and [S.I. 2003/3275](#).

- (a) the application is for a casino licence;
 - (b) the applicant holds one or more other casino licences in respect of premises in the same licensing area; and
 - (c) the certificate of consent issued under paragraph 4 of Schedule 2 to the 1968 Act for the purposes of the application was issued by the Gambling Commission in pursuance of article 2(2) and (3) of the Gambling Act 2005 (Transitional Provisions) Order 2006⁽⁵⁾ (which specifies the circumstances in which the Commission may issue a certificate of consent for a casino licence where the application is made on or after 29th April 2006).
- (4) In sub-paragraph (3)(b) the reference to the same licensing area is—
- (a) where the premises to which the application relates are in England or Wales, to the local justice area in which those premises are situated; and
 - (b) where the premises to which the application relates are in Scotland, to the area of the licensing board (being the licensing board constituted under section 1 of the Licensing (Scotland) Act 1976⁽⁶⁾) in which those premises are situated.
- (5) The Gambling Commission may grant an application for the renewal of a certificate under section 27 of the 1968 Act (which makes provision about the sale, supply and maintenance of machines to which Part 3 of that Act applies) only where the certificate is due to expire in accordance with paragraph 3 of Schedule 6 to that Act before 31st August 2007.
- (6) The licensing authority (within the meaning of, as the case may be, Schedule 3, 4, 7 or 8 to the 1968 Act) may grant an application for the renewal of a registration under Part 2 or 3 of that Act only where the registration is due to expire before 31st August 2007.
- (7) The appropriate authority (within the meaning of paragraph 1(a) or (c) of Schedule 9 to the 1968 Act⁽⁷⁾) may grant an application for the renewal of a permit under section 34 of that Act only where the permit is due to expire in accordance with paragraph 18 of that Schedule before 31st August 2007.

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⁽⁸⁾ is to have effect as if it required the application to be accompanied by a copy of the relevant consent application.

⁽⁵⁾ S.I. 2006/1038.

⁽⁶⁾ 1976 c. 66.

⁽⁷⁾ Sub-paragraph (a) of paragraph 1 was amended by the Licensing Act 2003 (c. 17), Schedule 6, paragraphs 48 and 52(1) and (2). Sub-paragraph (c) of paragraph 1 was substituted by the Licensing (Scotland) Act 1976 (c. 66), section 133(3).

⁽⁸⁾ 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).

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(4) Paragraphs 6 and 7 of Schedule 2 to the 1968 Act⁽⁹⁾ 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.

(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⁽¹⁰⁾, 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.

Gaming Act 1968: restrictions on applications for a certificate of approval under section 19

7.—(1) The Gambling Commission may issue a certificate under section 19 of the 1968 Act only where the application is made before 1st June 2007.

(2) Where—

(a) a notice is issued under subsection (3) of section 19 of the 1968 Act before 1st June 2007, but

(b) no application for a certificate under subsection (4) of that section is made before that date, the notice is to cease to have effect on that date.

⁽⁹⁾ 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).

⁽¹⁰⁾ 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.

(3) Where such a notice is issued on or after 1st June 2007, subsection (4) of section 19 of the 1968 Act is to have effect in relation to the notice as if—

- (a) it required the person on whom it is served, before the end of such period (not being less than 21 days from the date of service of the notice) as may be specified in the notice, to obtain a personal licence under the 2005 Act whose effect would be to authorise the performance of the functions to which the notice relates; and
- (b) it prohibited that person from performing those functions once that period has expired unless—
 - (i) such a personal licence has been granted to him by the Gambling Commission and has effect for the time being for the purposes of that subsection, or
 - (ii) he is applying for such a personal licence and that application has not been finally determined or withdrawn.

Gaming Act 1968: period for which licences, registrations, and permits are to have effect

8.—(1) Subject to paragraph 62 below, where a licence under the 1968 Act is granted or renewed under Schedule 2 to that Act on or after the date on which this Order comes into force but before 1st September 2007, the licence is to cease to have effect at the end of 31st August 2007; and paragraph 52 of that Schedule(11) is to have effect as if modified accordingly.

(2) Sub-paragraph (1) is without prejudice to any provisions of Schedule 2 to the 1968 Act under which a licence may be cancelled (whether in consequence of the revocation of the certificate of consent or by virtue of a disqualification order under that Schedule or otherwise).

(3) Where on or after the date on which this Order comes into force but before 1st September 2007—

- (a) a club or miners' welfare institute is registered under Part 2 or Part 3 of the 1968 Act, or
- (b) such a registration is renewed,

the registration is to cease to have effect at the end of 31st August 2007; and paragraph 19 of Schedule 3(12), paragraph 17 of Schedule 4(13) and paragraph 22 of Schedule 7 to that Act (including as that provision has effect in relation to Scotland by virtue of paragraph 3 of Schedule 8 to that Act) are to have effect as if modified accordingly.

(4) Sub-paragraph (3) is without prejudice to any provisions of the Schedules referred to in that sub-paragraph under which the registration of a club or miners' welfare institute may be cancelled.

(5) Where a permit under section 34 of the 1968 Act is granted in respect of amusement machine premises at any time on or after the date on which this Order comes into force, the permit is to cease to have effect at the end of 31st August 2007; and paragraph 18 of Schedule 9 to that Act is to have effect as if modified accordingly.

(6) Sub-paragraph (5) is without prejudice to the cancellation of any such permit under section 39 of the 1968 Act(14).

Gaming Act 1968: grant of licences under the 1968 Act on or after 1st September 2007

9.—(1) This paragraph applies to an application for a licence under the 1968 Act which is not determined before 1st September 2007.

- (2) A licence under the 1968 Act may only be granted on such an application if—

(11) Paragraph 52 of Schedule 2 was amended by the Gaming (Amendment) Act 1982 (c. 22), section 1 and Schedule 1, paragraph 11.

(12) Paragraph 19 of Schedule 3 was amended by the Gaming (Amendment) Act 1982, section 1 and Schedule 1, paragraph 12.

(13) Paragraph 17 of Schedule 2 was amended by the Gaming (Amendment) Act 1982, section 1 and Schedule 1, paragraph 14.

(14) Section 39 was amended by S.I. 1996/1359.

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- (a) the applicant is applying under Part 8 of the 2005 Act for a premises licence in respect of the same or substantially the same premises as those in respect of which the licence under the 1968 Act has effect, and
 - (b) he qualifies for the purposes of that application as the existing premises operator in relation to the premises because he is applying for the licence under the 1968 Act.
- (3) Where a licence under the 1968 Act is granted in accordance with sub-paragraph (2)—
- (a) it is only to have effect for the purposes of Part 7 of this Schedule (which provides for the conversion of licences etc. under enactments to be repealed by the 2005 Act into premises licences under that Act), and
 - (b) it is to cease to have effect when the application for a premises licence referred to in that sub-paragraph is determined or withdrawn.

Gaming Act 1968: registrations under Part 2 or 3 after 1st September 2007

10. Where a members' club, commercial club or miners' welfare institute⁽¹⁵⁾ is registered under Part 2 or 3 of the 1968 Act on or after 1st September 2007—

- (a) the registration is only to have effect for the purposes of Part 9 of this Schedule (which provides for the conversion of club registrations under the 1968 Act into club gaming and machine permits under the 2005 Act), and
- (b) it is to cease to have effect on the date on which the information specified in, as the case may be, paragraph 79 or 87 of this Schedule is sent to the relevant licensing authority (within the meaning of that paragraph).

Gaming Act 1968: grant of permits under section 34 on or after 1st September 2007

11.—(1) This paragraph applies to an application for a permit under section 34 of the 1968 Act in respect of amusement machine premises which is not determined before 1st September 2007.

- (2) A permit under section 34 of the 1968 Act may only be granted on such an application if—
- (a) the applicant is applying for a premises licence under Part 8 of the 2005 Act, or a family entertainment centre gaming machine permit⁽¹⁶⁾, in respect of the same or substantially the same premises as those in respect of which the permit under section 34 of the 1968 Act has effect, and
 - (b) he qualifies for the purposes of that application as the existing premises operator, or (as the case may be) the existing family entertainment centre operator, in relation to the premises because he is applying for the permit under section 34 of the 1968 Act.
- (3) Where a permit under section 34 of the 1968 Act is granted in accordance with sub-paragraph (2)—
- (a) it is only to have effect for the purposes of, as the case may be—
 - (i) Part 7 of this Schedule (which provides for the conversion of licences and permits etc. under enactments to be repealed by the 2005 Act into premises licences under that Act), or
 - (ii) Part 10 of this Schedule (which provides for the conversion of permits under section 34 of the 1968 Act into family entertainment centre gaming machine permits); and

⁽¹⁵⁾ See sections 266 to 268 of the 2005 Act for definitions of “members' club”, “commercial club” and “miners' welfare institute”.

⁽¹⁶⁾ See section 247(2) of the 2005 Act.

- (b) it is to cease to have effect when the application for a premises licence, or a family entertainment centre gaming machine permit, referred to in sub-paragraph (2) is determined or withdrawn.

Effect of references in the Gaming Act 1968 to the licensing authority on and after 1st September 2007

12.—(1) In relation to any time on or after 1st September 2007 any reference in the 1968 Act to a licensing authority is—

- (a) in respect of a local justice area in England and Wales, to the licensing committee for that area established and constituted under paragraph 1 of Schedule 1 to the 1963 Act⁽¹⁷⁾; and
- (b) in respect of any area in Scotland, to the licensing board for that area constituted under section 1 of the Licensing (Scotland) Act 1976⁽¹⁸⁾.

(2) Sub-paragraph (1)(a) is to apply irrespective of whether or not the licensing committee for a particular local justice area continues to be responsible under that Schedule for the grant or renewal of bookmaker's permits, betting agency permits and betting office licences in that area.

Lotteries and Amusements Act 1976: restrictions on applications

13.—(1) This paragraph and paragraphs 14 to 16 apply with respect to the grant of certificates, permits and registrations under the 1976 Act during the period beginning on the date on which this Order comes into force and ending on the date on which the repeal of that Act for all purposes takes effect.

(2) The Gambling Commission may grant an application under paragraph 1 of Schedule 2A to the 1976 Act⁽¹⁹⁾ for a person to be registered under that Schedule as a lottery manager only where the application is made before 28th April 2007.

(3) An application under paragraph 4 of Schedule 3 to the 1976 Act for the grant of a permit under section 16 of that Act may be granted only where the application is made before 28th April 2007 and, in a case to which paragraph 16 applies, the condition referred to in sub-paragraph (2) of that paragraph is met.

Lotteries and Amusements Act 1976: period for which registrations, certificates and permits are to have effect

14.—(1) Where on or after the date on which this Order comes into force but before 1st September 2007—

- (a) a society is registered under Schedule 1 to the 1976 Act;
- (b) a society is registered under Schedule 1A to that Act⁽²⁰⁾; or
- (c) a local authority scheme is registered under Schedule 2 to that Act,

the registration is to cease to have effect at the end of 31st August 2007.

(2) Sub-paragraph (1) is without prejudice to the revocation of any such registration under a provision of the relevant Schedule referred to in that sub-paragraph.

(3) Any lottery manager's certificate granted under Schedule 2A to the 1976 Act on or after the date on which this Order comes into force is to have effect until 31st August 2007 (unless revoked

⁽¹⁷⁾ Paragraph 1(a) of Schedule 1 to the 1963 Act was amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 115(1) and (2).

⁽¹⁸⁾ 1976 c. 66.

⁽¹⁹⁾ Schedule 2A was inserted by the National Lottery etc. Act 1993 (c. 39), section 50(2) and Schedule 9.

⁽²⁰⁾ Schedule 1A was inserted by the National Lottery etc. Act 1993, section 48(5) and Part 2 of Schedule 7.

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by the Gambling Commission before that date); and paragraph 5 of that Schedule is to have effect as if modified accordingly.

(4) Any permit under section 16 of the 1976 Act granted or renewed under Schedule 3 to that Act on or after the date on which this Order comes into force is to have effect until 31st August 2007 (unless cancelled before that date under section 17(2) of that Act); and paragraph 15 of that Schedule is to have effect as if modified accordingly.

Lotteries and Amusements Act 1976: society and local authority scheme registrations taking effect on or after 1st September 2007

15.—(1) Where a society or local authority scheme is registered on or after 1st September 2007 under, as the case may be, Schedule 1, 1A or 2 to the 1976 Act⁽²¹⁾—

- (a) the registration is only to have effect for the purposes of Part 8 of this Schedule (which provides for the conversion of registrations under the 1976 Act into lottery operating licences and registrations under Part 5 of Schedule 11 to the 2005 Act); and
- (b) it is to cease to have effect in accordance with the following provisions of this paragraph.

(2) Where a society or local authority scheme is registered under Schedule 1A or 2 to the 1976 Act, the registration is to cease to have effect on the date on which a converted lottery operating licence (within the meaning of Part 8 of this Schedule) is issued to, as the case may be, the society or the local authority.

(3) Where a society is registered under Schedule 1 to the 1976 Act, the registration is to cease to have effect on the date on which the society is registered under Part 5 of Schedule 11 to the 2005 Act in accordance with paragraph 74 of this Schedule.

Lotteries and Amusements Act 1976: grant of permits under section 16 on or after 1st September 2007

16.—(1) This paragraph applies to an application for a permit under section 16 of the 1976 Act which is not determined before 1st September 2007.

(2) A permit under section 16 of the 1976 Act may only be granted on such an application if—

- (a) the applicant is applying for a prize gaming permit⁽²²⁾ in respect of the same or substantially the same premises as those in respect of which the permit under section 16 of the 1976 Act has effect, and
- (b) he qualifies for the purposes of that application as an existing operator because he is applying for the permit under section 16 of the 1976 Act.

(3) Where a permit under section 16 of the 1976 Act is granted in accordance with subparagraph (2)—

- (a) it is only to have effect for the purposes of Part 11 of this Schedule (which provides for the conversion of permits under section 16 of the 1976 Act into prize gaming permits), and the case may be—
- (b) it is to have effect until the application for a premises licence referred to in that subparagraph is determined or withdrawn.

⁽²¹⁾ Schedule 1 to the 1976 Act was amended by the National Lottery etc. Act 1993 (c. 39), paragraphs 2 and 3 of Schedule 7, and Schedule 10; by the Local Government (Wales) Act 1994 (c. 19), paragraph 50(2) of Schedule 16; and by Local Government (Scotland) Act 1994 (c. 39), paragraph 104(3) of Schedule 13. Other amendments were made to Schedule 1 which are not relevant. Schedule 1A was inserted by the National Lottery etc. Act 1993, section 48(5) and Part 2 of Schedule 7. Schedule 2 was amended by the National Lottery etc. Act, paragraphs 1 to 10 of Schedule 8.

⁽²²⁾ See section 289(2) of the 2005 Act.

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