

## SCHEDULE 4

### Transitional provisions

## PART 7

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 issued under enactments to be repealed into premises licences under the Gambling Act 2005

#### Existing premises operators

**53.**—(1) This paragraph specifies the circumstances in which a person is to be treated for the purposes of this Part as the existing premises operator in relation to premises which are the subject of an application for a premises licence.

(2) Where the application is for a casino premises licence, a person is the existing premises operator in relation to the premises to which the application relates if—

- (a) on the date on which the application is made he holds a casino licence in respect of the same or substantially the same premises; or
- (b) on that date—
  - (i) he is applying for the grant of such a licence, and
  - (ii) the application (including any appeal) has not been finally determined or withdrawn.

(3) Where the application is for a casino premises licence, a person is also to be treated as the existing premises operator in relation to the premises to which the application relates if on the date on which the application is made—

- (a) another person who holds a casino licence in respect of the same or substantially the same premises is applying for the transfer of that licence to him, and
- (b) the application (including any appeal) has not been finally determined or withdrawn.

(4) Where the application is for a bingo premises licence, a person is the existing premises operator in relation to the premises to which the application relates if—

- (a) on the date on which the application is made he holds a bingo club licence in respect of the same or substantially the same premises; or
- (b) on that date—
  - (i) he is applying for the grant of such a licence, and
  - (ii) the application (including any appeal) has not been finally determined or withdrawn.

(5) Where the application is for a bingo premises licence, a person is also to be treated as the existing premises operator in relation to the premises to which the application relates if on the date on which the application is made—

- (a) another person who holds a bingo club licence in respect of the same or substantially same premises is applying for the transfer of that licence to him, and
- (b) the application (including any appeal) has not been finally determined or withdrawn.

(6) Where the application is for a betting premises licence, a person is the existing premises operator in relation to the premises to which the application relates if—

- (a) on the date on which the application is made he is—
  - (i) the holder of a betting office licence issued under Schedule 1 to the 1963 Act in respect of the same or substantially the same premises,

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- (ii) the holder of a track betting licence issued under Schedule 3 to the 1963 Act in respect of the same or substantially the same premises, or
  - (iii) the holder of a certificate of approval issued under section 13 of that Act<sup>(1)</sup> (which provides for the approval of horse racecourses by the Levy Board), other than a point to point certificate, in respect of the same or substantially the same premises; or
- (b) on that date—
- (i) he is applying to the appropriate authority for the grant of such a licence or certificate, and
  - (ii) the application (including any appeal) has not been finally determined or withdrawn.

(7) In sub-paragraph (6)(a)(iii), the reference to a point to point certificate is to a certificate issued under section 13 of the 1963 Act which is subject to the restriction that the premises to which it relates may only be used for the purposes of a horse racecourse on a limited number of days during a specified period of no more than 12 months.

(8) Where the application is for a betting premises licence in respect of a track, a person is also to be treated as the existing operator in relation to the track if—

- (a) another person who holds a track betting licence in respect of the same or substantially same premises is applying for the transfer of that licence to him, and
- (b) the application has not been finally determined or withdrawn.

(9) Where the application is for an adult gaming centre premises licence or a family entertainment centre premises licence, a person is the existing premises operator in relation to the premises to which the application relates if on the date on which the application is made the conditions in sub-paragraph (10) or (11) are met.

(10) The conditions are that—

- (a) the person concerned holds a permit under section 34 of the 1968 Act (which makes provision with respect to the use of machines to which Part 3 of that Act applies for gaming) granted by one of the authorities mentioned in paragraph 1(b) or (d) of Schedule 9 to that Act<sup>(2)</sup>;
- (b) the permit relates to the same or substantially the same premises as those to which the application for the premises licence relates, and those premises are amusement machine premises; and
- (c) the permit is expressed to be granted for the purposes of section 34(5E) of that Act<sup>(3)</sup>.

(11) The conditions are that—

- (a) the person concerned is applying to the relevant authority referred to in paragraph (a) of sub-paragraph (10) for a permit of the description mentioned in paragraphs (b) and (c) of that sub-paragraph, and
- (b) the application (including any appeal) has not been finally determined or withdrawn.

### **Conversion of existing licences etc. into premises licences**

**54.**—(1) Subject to paragraphs 59(3) and 66(4)(b), this paragraph applies to an advance application for a premises licence where—

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(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, Schedule 4, paragraphs 1 and 2.

(2) 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).

(3) Subsection (5E) was inserted by S.I. 1996/1359.

- (a) the person making the application is the existing operator in relation to the premises to which the application relates, and
  - (b) the application complies with any conditions or requirements of subsections (1) to (5) and (6)(c) of section 159 of the 2005 Act (which specifies the conditions and requirements to be met by a person applying for a premises licence).
- (2) An application to which this paragraph applies is referred to in this Part as a conversion application.
- (3) Part 8 of the 2005 Act is to have effect in relation to the making and determination of a conversion application subject to the following provisions of this Part.
- (4) Subject to paragraphs 55(2) and (3), 58(1), 59(4) and (5) and 60(2), the licensing authority must grant the application.
- (5) Section 163(2) of the 2005 Act (which prohibits a licensing authority from determining an application for a premises licence if the applicant does not hold a relevant operating licence) is not to have effect in relation to a conversion application; but any licence issued on such an application in accordance with sub-paragraph (4) is to lapse if the holder's application for a relevant operating licence is rejected when it is finally determined.
- (6) In sub-paragraph (5) the reference to a relevant operating licence is to an operating licence which authorises the holder to carry on the activity to which the premises licence relates.
- (7) Subject to sub-paragraph (8), section 206(2) of the 2005 Act (which provides for rights of appeal in connection with applications under Part 8 of that Act) is not to apply where an application is granted in pursuance of sub-paragraph (4).
- (8) Sub-paragraph (7) is without prejudice to the right of—
- (a) the applicant, or
  - (b) a person who made representations in relation to the application,
- to appeal against any conditions attached by virtue of section 169(1) of the 2005 Act to a premises licence issued in pursuance of sub-paragraph (4).

**Failure to make the application for a premises licence in the appropriate form or manner**

- 55.**—(1) This paragraph applies to any application for a premises licence which—
- (a) is a conversion application, but
  - (b) either—
    - (i) does not comply with a requirement imposed under paragraph (a) or (b) of section 159(6) of the 2005 Act, or
    - (ii) includes a plan of the proposed licensed premises which is incompatible with any conditions which would be attached to the premises licence by virtue of regulations under section 167 of the 2005 Act.
- (2) Where—
- (a) the applicant has failed to comply with a requirement imposed under paragraph (a) or (b) of section 159(6) of the 2005 Act, and
  - (b) the licensing authority give notice in writing to the applicant requesting him to do anything which is necessary for the purposes of complying with the requirement,
- the licensing authority are to cease to be under a duty by virtue of paragraph 54(4) to grant the application until such time as the applicant complies with the request.

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(3) Where the application includes a plan of the proposed licensed premises which is incompatible with any conditions which would be attached to the premises licence by virtue of regulations under section 167 of the 2005 Act, the licensing authority—

- (a) may not grant the application until such time as the applicant has submitted an amended plan which is compatible with the relevant conditions, and
- (b) must give the applicant notice in writing—
  - (i) indicating that the plan is incompatible with specified conditions to be attached to the premises licence, and
  - (ii) requesting the applicant to submit an amended plan which is compatible with those conditions.

(4) In the case of an application made before 28th July 2007, the applicant must comply with any request made under sub-paragraph (2) or (3) within such period as may be specified in the relevant notice (such period not being less than 14 days from the date on which the notice is received).

(5) If, in a case to which paragraph 62 applies, the applicant fails to comply with the request within the period specified in accordance with sub-paragraph (4)—

- (a) that paragraph is to cease to apply after the end of that period; and
- (b) where that period expires on or after 1st September 2007, the existing licence, permit or certificate (within the meaning of that paragraph) is to cease to have effect immediately following the expiry of that period.

#### **Non-fast track applications: modification of provisions of the Gambling Act 2005**

**56.**—(1) This paragraph applies to a conversion application which is accompanied by a request made by the applicant for the licensing authority to exercise its powers under section 169(1) of the 2005 Act to exclude, or vary in a specified manner, a condition which would otherwise be attached to the licence by virtue of regulations under section 168 of that Act (which provides for default conditions to be prescribed by regulations).

(2) In this Part any reference to a non-fast track application is to an application to which this paragraph applies.

(3) Section 169 of the 2005 Act is to have effect in relation to a premises licence issued on a non-fast track application subject to the following modifications.

(4) Subject to sub-paragraph (5), in issuing the premises licence the licensing authority may only exercise its powers under section 169(1) for the purposes of complying with the request referred to in sub-paragraph (1).

(5) Where the licensing authority exercises its powers under subsection (1) of section 169 for the purposes of complying with the request referred to in sub-paragraph (1), it may also exercise its powers under that subsection to attach one or more other conditions to the licence.

#### **Fast track applications: modification of provisions of the Gambling Act 2005**

**57.**—(1) This paragraph applies to a conversion application which is not a non-fast track application.

(2) In this Part any reference to a fast track application is to an application to which this paragraph applies.

(3) Part 8 of the 2005 Act is to have effect subject to the modifications specified below.

(4) Section 160(1) of the 2005 Act (which enables the Secretary of State by regulations to require applicants for premises licences to give notice of their applications) is to have effect as if the reference

in that provision to an applicant for a premises licence did not include a person making a fast track application.

(5) Sections 161 and 162 of that Act (which respectively provide for representations to be made by persons with respect to premises licence applications, and specify the circumstances in which a hearing is to take place) are not to apply to fast track applications.

(6) The powers of the licensing authority under section 169(1) of the 2005 Act—

- (a) to attach conditions on issuing a premises licence, and
- (b) to exclude a condition that would otherwise be attached to the licence by virtue of regulations under section 168 of that Act,

are not to apply to a licence issued on a fast track application.

(7) A person may make either a fast-track or a non-fast track application, but not both in respect of the same premises; and, where a person submits both a fast-track and a non-fast track application, the licensing authority must reject the non-fast track application.

#### **Effect of revocation or cancellation of existing licence etc.**

**58.**—(1) Where—

- (a) a person makes a conversion application, and
- (b) the licence, permit or certificate by virtue of which he qualifies as the existing premises operator in relation to the application (“the existing licence, permit or certificate”) is revoked or cancelled,

the licensing authority must reject the application.

(2) Where despite sub-paragraph (1) the licensing authority purport to grant the premises licence in respect of which the application is made, the licence is to be of no effect.

(3) Where the existing licence, permit or certificate is revoked or cancelled after the licensing authority has issued a premises licence in pursuance of paragraph 54(4), the premises licence is to lapse on the date on which the existing licence is revoked or cancelled.

(4) Where the existing licence is a casino licence or a bingo club licence, any reference in this paragraph to the licence being revoked is to include a reference to the licence ceasing to have effect by virtue of paragraph 35(6) of Schedule 2 to the 1968 Act<sup>(4)</sup> because the relevant certificate of consent issued under that Schedule has been revoked.

#### **Conversion of existing licences etc. into premises licences: supplementary provisions**

**59.**—(1) This paragraph applies to an advance application for a premises licence made by a person who qualifies as the existing premises operator in relation to the premises because on the date on which the application is made an application is also being made for—

- (a) the grant of a betting office licence under the 1963 Act,
- (b) the grant or transfer of a track betting licence under that Act,
- (c) the grant of a certificate of approval under section 13 of that Act,
- (d) the grant or transfer of a casino licence under the 1968 Act,
- (e) the grant or transfer of a bingo club licence under that Act, or
- (f) the grant of a permit under section 34 of that Act in respect of amusement machine premises.

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(4) Paragraph 35 of Schedule 2 was amended by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraphs 57 and 58(1) and (9).

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(2) Any reference in this Part to the application under the existing legislation (including any reference to the application for transfer under the existing legislation) is to the relevant application referred to in sub-paragraph (1).

(3) Where the applicant qualifies as the existing premises operator because on the date on which the application is made an application is also being made for the transfer to him of a track betting licence under the 1963 Act, a casino licence or a bingo club licence—

- (a) section 159 of the 2005 Act is to have effect in relation to the application for the premises licence as if subsection (5) were omitted, and
- (b) paragraph (b) of paragraph 54(1) is to have effect as if the reference in that paragraph to subsections (1) to (5) of that section did not include a reference to subsection (5).

(4) Where the application is a conversion application, sub-paragraph (4) of paragraph 54 is to be modified so that—

- (a) the licensing authority may not determine the application for the premises licence before being notified in writing by the applicant that the application under the existing legislation has been determined; and
- (b) the licensing authority are to be under a duty to grant the application for a premises licence only where the application under the existing legislation is granted and the applicant has sent them a copy of the relevant licence, permit or certificate.

(5) Where the application under the existing legislation is refused, the licensing authority must reject the application for the premises licence.

(6) Where despite the refusal of the application under the existing legislation the licensing authority purport to grant the premises licence, the licence is to be of no effect.

(7) Where, in a case to which paragraph 54 applies, the application under the existing legislation is granted before 1st September 2007, paragraph 58 is to apply to a licence, permit or certificate granted on such an application as it applies to the existing licence, permit or certificate in a case to which that paragraph applies.

### **Special provision where the application under the existing legislation is for the transfer of a licence**

**60.**—(1) This paragraph applies to a conversion application where—

- (a) the applicant qualifies as the existing premises operator for the purposes of the application by reason of the fact that on the date on which he makes the application he holds a casino licence, a bingo club licence or a track betting licence granted under Schedule 3 to the 1963 Act; and
- (b) the applicant is also applying to transfer the licence under the 1963 or 1968 Act to another person.

(2) Paragraph 54(4) is to be modified in relation to the application for the premises licence so that—

- (a) the licensing authority may not determine the application before being notified in writing by the applicant that the application for transfer under the existing legislation has been determined, and
- (b) the licensing authority—
  - (i) are to be under a duty to grant the application only where the application for transfer under the existing legislation is refused, and
  - (ii) must reject the application where the application for transfer under the existing legislation is granted.

(3) Where despite the grant of the application for transfer under the existing legislation the licensing authority purport to grant the premises licence to the applicant, the licence is to be of no effect.

**Special provisions where the application for the premises licence and the application under the existing legislation are being made to the same authority**

**61.**—(1) Sub-paragraph (4) applies to a conversion application for an adult gaming centre premises licence or a family entertainment centre premises licence where—

- (a) the person making the application qualifies as the existing premises operator by reason of the fact that on the date on which he makes the application he is also applying for a permit under section 34 of the 1968 Act in respect of amusement machine premises, and
- (b) both the application for the premises licence and the application for the permit are being made to the same local authority in England or Wales.

(2) Sub-paragraph (4) also applies to any of the applications specified in sub-paragraph (3) where—

- (a) the person making the application qualifies as the existing premises operator by reason of the fact that on the date on which he makes the application he is also making an application of one of the types referred to in paragraph (a), (d) or (e) of paragraph 59(1), and
- (b) both the application for the premises licence and the application under the 1963 Act or the 1968 Act are being made to the same licensing board in Scotland.

(3) The applications referred to in sub-paragraph (2) are—

- (a) a conversion application for a casino premises licence,
- (b) a conversion application for a bingo premises licence, and
- (c) a conversion application for a betting premises licence.

(4) Where this sub-paragraph applies, paragraph 59 is to have effect as if in sub-paragraph (4) (b), the words “and the applicant has sent them a copy of the relevant licence, permit or certificate” were omitted.

(5) Where in a case to which paragraph 60 applies—

- (a) the person referred to in sub-paragraph (1)(a) of that paragraph is applying for a casino premises licence or a bingo premises licence and qualifies as an existing operator for the purposes of the application for the premises licence by reason of the fact that he holds a casino or bingo club licence, and
- (b) both the application for the premises licence and the application for the transfer of the casino or bingo club licence are being made to the same licensing board in Scotland,

that paragraph is to have effect as if in sub-paragraph (2)(a) the words “being notified in writing by the applicant that” were omitted.

**Continuation of existing licences, permits and certificates on and after 1st September 2007**

**62.**—(1) Subject to sub-paragraph (2) and paragraph 55(5), this paragraph and paragraphs 63 and 64 apply where—

- (a) a conversion application is made before 31st July 2007;
- (b) the applicant is the holder immediately before 1st September 2007 of a licence, permit or certificate of one of the kinds described in paragraph 53 (referred to in this paragraph and in paragraphs 63 and 64 as “the existing licence, permit or certificate”); and—

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- (i) it is by virtue of that licence, certificate or permit that he qualifies as the existing premises operator for the purposes of the application, or
    - (ii) it is by virtue of an application for the grant or transfer of that licence, certificate of permit that he qualifies as the existing premises operator for the purposes of the application;
  - (c) the licensing authority are under a duty to grant the application by virtue of paragraph 54(4); and
  - (d) the licensing authority have not issued the premises licence to the applicant before 1st September 2007.
- (2) The existing licence, permit or certificate is to continue in force on and after 1st September 2007.
- (3) Sub-paragraph (2) is to apply whether or not the existing licence, permit or certificate was due to expire at the end of 31st August 2007.
- (4) Where the application for the premises licence is one to which paragraph 59 applies, sub-paragraph (2) is not to apply, or (as the case may be) is to cease to apply, to the existing licence, permit or certificate unless—
- (a) the applicant notifies the licensing authority in writing of the grant of the existing licence, permit or certificate before the end of the period of 14 days beginning on the day on which it is granted, and
  - (b) provides the authority with a copy of the relevant licence, permit or certificate.
- (5) Sub-paragraph (4) does not apply where the application for the premises licence is one to which paragraph 61(4) applies.
- (6) On and after 1st September 2007—
- (a) a casino licence is to have effect to authorise the licensed premises to be used for providing facilities for gambling as if it were a converted casino premises licence;
  - (b) a bingo club licence is to have effect to authorise the licensed premises to be used for providing facilities for gambling as if it were a bingo premises licence;
  - (c) a betting office licence under the 1963 Act, a track betting licence under that Act or a certificate of approval under section 13 of that Act is to have effect to authorise the premises to which the licence or certificate relates to be used for providing facilities for gambling as if it were a betting premises licence;
  - (d) a permit under section 34 of the 1968 Act is to have effect to authorise the premises to which the permit relates to be used for the purposes of providing facilities for gambling as if it were a relevant premises licence.
- (7) In sub-paragraph (6)(d) the reference to a relevant premises licence is to—
- (a) an adult gaming centre premises licence, if the conversion application is for a adult gaming centre premises licence;
  - (b) a family entertainment centre premises licence, if the conversion application is for a family entertainment centre premises licence.
- (8) On and after 1st September 2007 the existing licence, permit or certificate is to have effect—
- (a) subject to any relevant premises licence conditions, and
  - (b) until the premises licence which is being applied for has been issued or, in a case to which paragraph 60(2)(b)(ii) applies, until the application for transfer under the existing legislation is granted.



(9) In sub-paragraph (8) and in paragraph 64, references to relevant premises licence conditions are to—

- (a) any conditions which premises licences of the relevant kind are subject to by virtue of any provision of the 2005 Act (including any provision of that Act as modified by a provision of this Schedule),
- (b) any conditions which premises licences of the relevant kind are subject to by virtue of regulations under section 167 of that Act,
- (c) any default conditions, and
- (d) any conditions attached to the existing licence, permit or certificate under paragraph 64(3).

(10) In sub-paragraph (9)(c) and paragraph 64, references to default conditions are to any conditions prescribed in regulations under section 168 in relation to premises licences of the relevant kind.

(11) Sub-paragraph (9)(c) is subject to paragraph 64(3)(a).

#### **Application of the Gambling Act 2005 to the existing licence, permit or certificate**

**63.**—(1) The 2005 Act is to apply to the existing licence, permit or certificate on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph and in paragraph 64.

(2) Section 37 (which makes it an offence to use premises for providing facilities for gambling) is to have effect as if it provided for subsection (1) of that section not to apply to the use of the premises to which the existing licence, permit or certificate relates by—

- (a) the person to whom the existing licence, permit or certificate was issued, or
- (b) a person acting in the course of a business carried on by the person referred to in paragraph (a),

if the use is authorised by the licence, permit or certificate.

(3) Where the premises concerned are a track, section 37 is to have effect as if it provided for subsection (1) of that section not to apply to the use of the track by a person for accepting bets if the use is authorised by the existing licence or certificate.

#### **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—

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- (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.

#### **Application of the Gambling Act 2005 to casino premises licences granted on a conversion application**

- 65.**—(1) This paragraph applies to—
- (a) a conversion application for a casino premises licence, and
  - (b) a casino premises licence issued on the grant of such an application in pursuance of paragraph 54(4).
- (2) This paragraph is without prejudice to paragraphs 54 to 61.
- (3) Part 8 of the 2005 Act is to have effect subject to the modifications specified in the following provisions of this paragraph.
- (4) Section 150(2) (which describes the kinds of casino premises licences) is not to apply to a casino premises licence to which this paragraph applies and instead such a licence is to be referred to as a converted casino premises licence.
- (5) A converted casino premises licence is a licence which states that it authorises premises to be used for the operation of a casino or for providing other facilities for gaming (apart from bingo); and section 150(1)(a) is to be modified accordingly.
- (6) Section 172 (which makes provision as to the effect of a premises licence in authorising the making available of gaming machines) is to be modified so as to provide for a converted casino premises licence to authorise the holder of the licence either—
- (a) to make 20 gaming machines available for use on the premises where at least one of the machines is of Category B and provided that each machine is of Category B, C or D<sup>(5)</sup>; or
  - (b) to make available for use on the premises any number of Category C or D gaming machines.
- (7) Section 174(1) (which makes provision as to the kinds of premises in respect of which a casino premises licence may be granted) is not to apply where the application is for a converted casino premises licence.

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(5) See section 236 of the 2005 Act.

(8) Section 174(2) (which provides for casino premises licences to authorise the holder to make available any number of games of chance other than casino games)—

- (a) is not to have effect to authorise the playing of bingo in premises in respect of which a converted casino premises licence has effect;
- (b) is to have effect to authorise the holder of a converted casino premises licence to make available other games of chance which are not casino games, irrespective of whether or not casino games are also made available on the premises.

(9) Section 174(3) (which provides for casino premises licences to authorise the holder to use the premises for the provision of bingo, betting or both) is not to apply to a converted casino premises licence to which this paragraph applies.

(10) A converted casino premises licence is not to count for the purposes of any of the limits in section 175(1) to (3) (which limit the overall numbers of specified kinds of casino premises licences).

(11) Subsections (5) and (7) of section 175 and Schedule 9 (which make provision about applications for casino premises licences) are not to apply to an application for a converted casino premises licence.

(12) The licence holder may apply under section 187 to vary a converted casino premises licence so that it relates to premises which are different from those to which it previously related, and subsection (2) of that section (which prohibits a premises licence from being varied so as to relate to premises to which it did not previously relate) is accordingly not to have effect in relation to a converted casino premises licence.

(13) Where a converted casino premises licence is varied to relate to premises to which it did not previously relate, those premises must be wholly or partly situated in the area of the licensing authority which issued the licence.

### **Non-conversion applications for casino premises licences**

**66.**—(1) Where a converted casino premises licence has effect in respect of premises, nothing in Part 8 of the 2005 Act is to be taken as preventing the licence holder from making a non-conversion application for a casino premises licence which relates to or includes the same or substantially the same premises.

(2) Sub-paragraph (1) is to apply irrespective of whether or not the non-conversion application is made before, on or after 1st September 2007; or whether a previous non-conversion application has been made which relates to or includes the same or substantially the same premises.

(3) Where a non-conversion application for a casino premises licence is granted, the converted casino premises licence is to lapse when the licence issued on the grant of the non-conversion application takes effect.

(4) In this paragraph a “non-conversion application for a casino premises licence” means an application for a casino premises licence—

- (a) to which paragraph 54 does not apply, or
- (b) in a case in which that paragraph would otherwise apply, where the applicant includes a statement in the application indicating that that paragraph is not to apply to the application.