

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Making of application. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 13

#### LICENSED PREMISES GAMING MACHINE PERMITS

##### Modifications etc. (not altering text)

- C1** Sch. 13 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 30**

##### *Making of application*

- 1 (1) A person who applies to a licensing authority (in its capacity as a licensing authority under the Licensing Act 2003 (c. 17)) for an on-premises alcohol licence or who holds an on-premises alcohol licence issued by a licensing authority (in that capacity) may apply to that licensing authority (in its capacity as a licensing authority under this Act) for a licensed premises gaming machine permit.
- (2) An application may not be made under this Schedule if a licence under Part 8 has effect in relation to the premises.

##### Commencement Information

- I1** Sch. 13 para. 1 in force at 21.5.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by [SI 2007/1157](#), art. 3(3), 4(2))
- I2** Sch. 13 para. 1 in force at 1.8.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(3A), **Sch. 3A** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/1157](#), arts. 3(4), 6, Sch. 2)
- I3** Sch. 13 para. 1 in force at 1.9.2007 in so far as not already in force by [S.I. 2006/3272](#), art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/2169](#), arts. 3, 6, Sch.)

- 2 An application for a permit must—
- be made in such form and manner as the licensing authority may direct,
  - specify the premises in respect of which the permit is sought,
  - specify the number and category of gaming machines in respect of which the permit is sought,
  - contain or be accompanied by such other information or documents as the licensing authority may direct, and
  - be accompanied by the prescribed fee.

##### Commencement Information

- I4** Sch. 13 para. 2 in force at 21.5.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by [SI 2007/1157](#), art. 3(3), 4(2))
- I5** Sch. 13 para. 2 in force at 1.8.2007 for specified purposes by [S.I. 2006/3272](#), art. 2(3A), **Sch. 3A** (with arts. 7-11, 7-12, Sch. 4) (as inserted by [S.I. 2007/1157](#), arts. 3(4), 6, Sch. 2)

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**16** Sch. 13 para. 2 in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

3 Sections 154 and 155 shall have effect in relation to the functions of a licensing authority under this Schedule as they have effect in relation to functions of a licensing authority under Part 8.

#### Commencement Information

**I7** Sch. 13 para. 3 in force at 21.5.2007 for specified purposes by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

**I8** Sch. 13 para. 3 in force at 1.8.2007 by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)

4 (1) A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.

(2) On considering an application for a permit a licensing authority shall—

- (a) grant the application,
- (b) refuse the application, or
- (c) grant it in respect of—
  - (i) a smaller number of machines than that specified in the application,
  - (ii) a different category of machines from that specified in the application, or
  - (iii) both.

#### Commencement Information

**I9** Sch. 13 para. 4 in force at 21.5.2007 for specified purposes by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

**I10** Sch. 13 para. 4 in force at 1.8.2007 for specified purposes by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)

**I11** Sch. 13 para. 4 in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

5 (1) A licensing authority may not attach conditions to a permit.

(2) As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.

(3) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—

- (a) the refusal, and
- (b) the reasons for it.

#### Commencement Information

**I12** Sch. 13 para. 5 in force at 21.5.2007 for specified purposes by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))

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- I13** Sch. 13 para. 5 in force at 1.8.2007 for specified purposes by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)
- I14** Sch. 13 para. 5 in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

- 6 (1) A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.
- (2) A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have—
- (a) notified the applicant of their intention to refuse the application, or grant the application in respect of—
- (i) a smaller number of machines than that specified in the application,
- (ii) a different category of machines from that specified in the application, or
- (iii) both, and
- (b) given the applicant an opportunity to make representations.
- (3) A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—
- (a) oral representations,
- (b) written representations, or
- (c) both.
- (4) Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

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**Commencement Information**

- I15** Sch. 13 para. 6 in force at 21.5.2007 for specified purposes by S.I. 2006/3272, art. 2(3), Sch. 3 (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I16** Sch. 13 para. 6 in force at 1.8.2007 for specified purposes by S.I. 2006/3272, art. 2(3A), Sch. 3A (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)
- I17** Sch. 13 para. 6 in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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