

SCHEDULE 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

The Gaming Act 1968 (c. 65)

5.—(1) The Gaming Act 1968 is amended as follows.

(2) In section 43 (rights of entry and related rights), in subsection (9)(1) for the words from “relevant authority” to “(asp 5)” substitute “appropriate fire and rescue authority”.

(3) In section 52, in subsection (1), after the definition of “the Act of 1963” insert—

“the appropriate fire and rescue authority”, in relation to premises, means—

- (a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the premises, the enforcing authority (as defined in section 61(9) of that Act of 2005);
- (b) in any other case, the relevant authority (as defined in section 6 of that Act of 2005) for the area where the premises are (or are to be) situated;”.

(4) In Schedule 2 (grant, renewal, cancellation and transfer of licences)—

(a) for the words “the appropriate authority” wherever they appear, substitute “the appropriate fire and rescue authority”;

(b) in paragraph 20—

(i) in sub-paragraph (1), after paragraph (a) insert—

“(aa) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the relevant premises, that any requirements or prohibitions imposed by virtue of that Part have not been complied with in respect of the relevant premises;”;

(ii) after sub-paragraph (2) insert—

“(2A) For the purposes of sub-paragraph (1), a person shall be taken not to be a fit and proper person to be the holder of a licence under this Act if he has been convicted of an offence by virtue of any provision of Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) in respect of the relevant premises.”; and

(c) in paragraph 65(2)(d), for the words “appropriate fire authority” substitute “appropriate fire and rescue authority”.

(1) Subsection (9) was amended by the Gaming (Amendment) Act 1990 (c. 26), section 1 and the Schedule by [S.S.I. 2005/383](#).