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STATUTORY INSTRUMENTS

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**2006 No. 1758**

**The Gambling Act 2005 (Transitional Provisions) (No.2) Order 2006**

**Gaming Act 1968: renewal of section 34 permits granted in respect of amusement machine premises**

5.—(1) This article applies to any permit under section 34 of the 1968 Act (which provides for the use of machines for amusement purposes), granted in respect of amusement machine premises, which is due to expire in accordance with paragraph 18 of Schedule 9 to that Act in the period beginning on 1st September 2006 and ending on 30th August 2007.

(2) Subject to paragraph (7), if the permit still has effect immediately before it is due to expire, the appropriate authority is to be treated as having renewed the permit immediately before it expires.

(3) Section 48(3)(h) and (i) and (4B) of, and paragraph 21 of Schedule 9 to, the 1968 Act(1) (which provide for the payment of a fee on renewal) are not to apply in relation to the renewal of a permit in accordance with paragraph (2).

(4) Where—

- (a) the holder of a permit renewed in accordance with paragraph (2) makes a request in writing to the appropriate authority for a copy of the permit as so renewed, and
- (b) that request is made in accordance with paragraph (5),

the authority must comply with the request as soon as reasonably practicable.

(5) When making a request under paragraph (4), the holder of the permit must include the permit held by him or, if for any reason that is not reasonably practicable, he must include a written statement—

- (a) explaining why it is not reasonably practicable to provide the permit, and
- (b) indicating—
  - (i) the premises to which the permit relates,
  - (ii) the date on which it was granted or (as the case may be) last renewed before its renewal in accordance with paragraph (2), and
  - (iii) the date on which it was due to expire before being renewed in accordance with that paragraph.

(6) Where before its renewal in accordance with paragraph (2) the holder of the permit makes an application to the appropriate authority in accordance with paragraph 5(2) of Schedule 9 to the 1968 Act(2) for the renewal of the permit—

- (a) the appropriate authority may not determine the application before the permit is due to expire;

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(1) Subsection (3)(h) of section 48 was amended by S.I.1991/2177, 1991/2499 and 1996/1359. Subsections (3)(i) and (4B) of section 48 were inserted by S.I. 1996/1359. An amendment has been made to paragraph 21 of Schedule 9 which is not relevant to this Order.

(2) Amendments have been made to paragraph 5 of Schedule 9 which are not relevant to this Order.

- (b) where the permit is renewed in accordance with paragraph (2), the application is to be treated on and after the permit's renewal as if it were a request made under paragraph (4); and
  - (c) the requirement to comply with that request is to apply irrespective of whether the application is accompanied by the permit or includes the information specified in paragraph (5).
- (7) Paragraphs (2) to (6) are not to apply where before the date on which this Order comes into force—
- (a) the holder of the permit applies under paragraph 5(2) of Schedule 9 to the 1968 Act for the renewal of the permit, and
  - (b) the appropriate authority determine that application.
- (8) Paragraph 18 of Schedule 9 to the 1968 Act is to have effect in relation to the renewal of a permit to which this article applies as if it provided for the permit to have effect until the end of 31st August 2007 unless cancelled before that date under section 39 of that Act<sup>(3)</sup>.
- (9) In this article “appropriate authority”, in relation to a permit under section 34 of the 1968 Act, has the meaning given to it (as the case may be) by paragraph 1(b) or (d) of Schedule 9 to the 1968 Act.

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(3) Amended by S.I. 1996/1359.