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STATUTORY INSTRUMENTS

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**2006 No. 3272**

**The Gambling Act 2005 (Commencement  
No. 6 and Transitional Provisions) Order 2006**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 and shall come into force on 1st January 2007.

(2) In this Order—

“the 1963 Act” means the Betting, Gaming and Lotteries Act 1963<sup>(1)</sup>;

“the 1968 Act” means the Gaming Act 1968<sup>(2)</sup>;

“the 1976 Act” means the Lotteries and Amusements Act 1976<sup>(3)</sup>;

“the 2005 Act” means the Gambling Act 2005;

“advance application”, in relation to an application for a licence or permit under the 2005 Act, means an application made before 1st September 2007 (being the commencement date for the offences and other provisions of the 2005 Act in connection with which the licence or permit is required);

“amusement machine premises” means premises used wholly or mainly for the provision of amusements by means of machines to which Part 3 of the 1968 Act applies;

“non-conversion application for a casino premises licence” has the meaning given by paragraph 66(4) of Schedule 4 to this Order; and

“point to point certificate” has the meaning given by paragraph 53(7) of Schedule 4 to this Order.

**Commencement of provisions of the Gambling Act 2005**

2.—(1) The provisions of the 2005 Act specified in column 1 of Schedule 1 shall come into force on 1st January 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(2) The provisions of the 2005 Act specified in column 1 of Schedule 2 shall come into force on 30th April 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(3) The provisions of the 2005 Act specified in column 1 of Schedule 3 shall come into force on 1st June 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date for that purpose only.

(4) Save as provided by articles 3 to 5, the 2005 Act shall come into force for all remaining purposes on 1st September 2007.

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(1) 1963 c.2.  
(2) 1968 c.65.  
(3) 1976 c.32.

### Repeal of the Betting, Gaming and Lotteries Act 1963

3.—(1) The repeal of the 1963 Act by section 356(3)(f), (4) and (5) of, and Schedule 17 to, the 2005 Act shall, to the extent that it is not already in force, come into force on 1st September 2007—

(a) for all purposes in relation to—

(i) any licence or other document issued under the 1963 Act, or

(ii) any registration under Schedule 2 to the 1963 Act<sup>(4)</sup> (which relates to the registration of pool promoters),

which has effect immediately before that date; and

(b) for all other purposes except as provided in the following provisions of this article.

(2) The 1963 Act is to continue to have effect on and after 1st September 2007 in so far as is necessary to continue to give effect to sections 12, 14, 15 and 24 to 31 of that Act<sup>(5)</sup>.

(3) The 1963 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling any of the following applications to be determined (including, where appropriate, by way of appeal), where the application is made but not determined before that date—

(a) an application for a certificate of approval under section 13 of the 1963 Act<sup>(6)</sup> (other than an application for a point to point certificate);

(b) an application under Schedule 1 to that Act<sup>(7)</sup> for the grant of a bookmaker's permit, betting agency permit or betting office licence;

(c) an application under paragraph 5 of Schedule 2 to that Act for the registration of a person as a registered pool promoter;

(d) an application for the grant or transfer of a track betting licence under Schedule 3 to that Act<sup>(8)</sup>;

(e) an application for a licence authorising an inter-track betting scheme under paragraph 2 of Schedule 5ZA<sup>(9)</sup> to that Act.

(4) The 1963 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a certificate of approval under section 13 of that Act, a betting office licence or a track betting licence to be granted, where the application for its grant is one falling within paragraph (3) (a), (b) or (d).

(5) Paragraph 1(a) of Schedule 1 to the 1963 Act<sup>(10)</sup> (which provides for the establishment of licensing committees) is to continue in force on and after 1st September 2007 for the purposes of providing for there to be a licensing committee for each local justice area.

(6) Paragraph (5) is to have effect whether or not there are any applications for the grant of a bookmaker's permit, betting agency permit or betting office licence which the licensing committee for a particular area are required to determine by virtue of paragraph (3)(b).

(7) For the purposes of this article, where an application is refused it is not to be treated as having been determined until any period for appealing against the refusal of the application has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

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<sup>(4)</sup> Amendments have been made to Schedule 2 which are not relevant to this Order.

<sup>(5)</sup> Provision is made for the repeal of sections 12, 14, 15 and 24 to 30 by the Horserace Betting and Olympic Lottery Act 2004 (c. 25); see in particular section 15(1)(a), and section 38 and Schedule 6.

<sup>(6)</sup> 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.

<sup>(7)</sup> Amendments have been made to Schedule 1 which (apart from the amendments referred to in footnotes below) are not relevant to this Order.

<sup>(8)</sup> Amendments have been made to Schedule 3 which are not relevant to this Order.

<sup>(9)</sup> Schedule 5ZA was inserted by S.I. 1995/3231.

<sup>(10)</sup> 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).

(8) In this article, “betting agency permit”, “betting office licence”, “bookmaker’s permit” and “track betting licence” shall be construed in accordance with section 55(1) of the 1963 Act.

### **Repeal of the Gaming Act 1968**

4.—(1) The repeal of the 1968 Act by section 356(3)(g), (4) and (5) of, and Schedule 17 to, the 2005 Act shall, to the extent that it is not already in force, come into force on 1st September 2007—

- (a) for all purposes in relation to—
  - (i) any licence or other document issued under the 1968 Act, or
  - (ii) any registration under Part 2 or 3 of that Act, which has effect immediately before that date; and
- (b) for all other purposes except as provided in the following provisions of this article.

(2) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling any of the following applications to be determined (including by way of appeal), where the application is made but not determined before that date—

- (a) an application under paragraph 4 of Schedule 2 to that Act **(11)** for the grant of a certificate of consent to apply for a licence under that Act;
- (b) an application under paragraph 56 of that Schedule **(12)** for a certificate of consent for the transfer of a licence under that Act;
- (c) an application under paragraph 5 of that Schedule **(13)** for the grant of a licence under that Act;
- (d) an application under paragraph 12 of that Schedule **(14)** for the renewal of a licence under that Act;
- (e) an application under paragraph 58 of that Schedule **(15)** for the transfer of a licence under that Act;
- (f) an application under Schedule 3 or 4 to that Act **(16)** for the registration of a members’ club or miners’ welfare institute under Part 2 of that Act;
- (g) an application under Schedule 3 or 4 to that Act for the renewal of the registration of a members’ club or miners’ welfare institute under Part 2 of that Act;
- (h) an application under paragraph 1 of Schedule 5 to that Act for a certificate under section 19 of that Act;
- (i) an application under Schedule 6 to that Act for the grant or renewal of a certificate under section 27 of that Act;
- (j) an application under Schedule 7 or 8 to that Act **(17)** for the registration of a members’ club, commercial club or miners’ welfare institute under Part 3 of that Act;

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**(11)** Paragraph 4 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982 (c. 22), 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.

**(12)** 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.

**(13)** Paragraph 5 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982, section 1 and paragraph 3 of Schedule 1, and by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraphs 57 and 58(1) and (3).

**(14)** Paragraph 12 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982, section 1 and paragraph 7(1) of Schedule 1, and by the Access to Justice Act 1999, Schedule 13, paragraphs 57 and 58(1) and (5).

**(15)** Paragraph 58 of Schedule 2 to the 1968 Act was amended by the Access to Justice Act 1999, Schedule 13, paragraphs 57 and 58(1) and (12).

**(16)** Amendments have been made to Schedule 3 and 4 which (apart from any amendments referred to in footnotes below) are not relevant to this Order.

**(17)** Amendments have been made to Schedule 7 which (apart from the amendments referred to in footnotes below) are not relevant to this Order.

- (k) an application under Schedule 7 or 8 to that Act for the renewal of the registration of members' club, commercial club or miners' welfare institute under Part 3 of that Act;
- (l) an application under paragraph 5 of Schedule 9 to that Act<sup>(18)</sup> for the grant or renewal of a permit under section 34 of that Act<sup>(19)</sup> in respect of amusement machine premises; and
- (m) an application under that paragraph for the grant or renewal of a permit under section 34 of that Act in respect of any other premises.

(3) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a certificate, licence or permit to be granted or renewed, where the application for its grant or renewal is one falling within paragraph (2).

(4) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a club or miners' welfare institute to be registered under Part 2 or 3 of the 1968 Act, or for such a registration to be renewed, where the application for the registration or the renewal of the registration is one falling within paragraph (2)(f), (g), (j) or (k).

(5) For the purposes of this article—

- (a) where an application is refused, it is not to be treated as having been determined until any period for appealing against the refusal of the application has elapsed; or, if an appeal is made, until the appeal is determined or abandoned;
- (b) where a permit is granted on an application falling within sub-paragraph (m) of paragraph (2), but it is granted subject to a condition limiting the number of machines to which Part 3 of the 1968 Act applies which may be made available for gaming on the relevant premises, the application is not to be treated as having been determined until any period for appealing against that decision has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

### **Repeal of the Lotteries and Amusements Act 1976**

5.—(1) The repeal of the 1976 Act by section 356(3)(i), (4) and (5) of, and Schedule 17 to, the 2005 Act shall, to the extent that it is not already in force, come into force on 1st September 2007—

- (a) for all purposes in relation to—
  - (i) any certificate or permit issued under the 1976 Act, or
  - (ii) any registration under that Act,
 which has effect immediately before that date; and
- (b) for all other purposes except as provided in the following provisions of this article.

(2) The 1976 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling any of the following applications to be determined (including by way of appeal), where the application is made but not determined before that date—

- (a) an application for the registration of a society under Schedule 1 or 1A to that Act<sup>(20)</sup>;
- (b) an application for the registration of a scheme submitted by a local authority under Schedule 2 to that Act<sup>(21)</sup>;

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<sup>(18)</sup> Paragraph 5 of Schedule 9 to the 1968 Act was amended by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1, Part 13, and by S.I. 1996/1359.

<sup>(19)</sup> Section 34 was amended by S.I. 1996/1359 and S.I. 2003/3275.

<sup>(20)</sup> 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.

<sup>(21)</sup> Amendments have been made to Schedule 2 which are not relevant to this Order.

- (c) an application for the grant of a lottery manager's certificate under paragraph 1 of Schedule 2A to that Act(22); and
- (d) an application under paragraph 4 of Schedule 3 for the grant or renewal of a permit under section 16 of that Act.

(3) The 1976 Act is to continue to have effect on and after 1 September 2007 for the purposes of enabling a society to be registered under Schedule 1 or 1A to the 1976 Act, where the application for its registration is one falling within paragraph (2)(a).

(4) The 1976 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a scheme submitted by a local authority under Schedule 2 to the 1976 Act to be registered, where the application for its registration is one falling within paragraph (2)(b).

(5) The 1976 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a permit under section 16 of that Act to be granted or renewed, where the application for its grant or renewal is one falling within paragraph (2)(d).

(6) For the purposes of this article, where an application is refused, the application is not to be treated as having been determined until any period for appealing against the refusal of the application has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

#### **Transitional provisions**

- 6. The transitional provisions in Schedule 4 shall have effect.

6th December 2006

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