
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the commencement of the provisions of the Gambling Act 2005 (“the 2005 Act”) which are yet to be brought into force. It also contains transitional provisions in connection with the commencement of the provisions brought into force by the Order.

The Order provides for the relevant provisions of the 2005 Act to come into force on four separate dates: 1st January 2007, 30th April 2007, 1st June 2007 and 1st September 2007.

Provisions coming into force on 1st January 2007

Article 2(1) brings the provisions of the 2005 Act specified in Schedule 1 to the Order into force on 1st January 2007. For the most part, the provisions are in Parts 5, 6 and 7 of the 2005 Act which relate respectively to operating licences, personal licences and appeals to the Gambling Appeals Tribunal.

The provisions of Part 5 that are brought into force include those required to enable advance applications for operating licences to be made, for such applications to be considered and for such licences to be issued before 1st September 2007 (sections 69 to 74); and for conditions to be attached to such licences (sections 75 to 79, 80, 81 and 84 to 99). Other provisions of Part 5 brought into force include section 100 (annual fee); section 101 (power by regulations to require holders of operating licences to notify a change of circumstance); sections 102 and 103 (which relate to cases where the holder of an operating licence is a company limited by shares and undergoes a change of corporate control); sections 104 and 105 (which respectively provide for applications to vary, and powers for the Gambling Commission to require the amendment of, operating licences); section 106 (the maintenance of a register of operating licences by the Gambling Commission); section 107 (the power for the Gambling Commission to issue copies of licences lost, stolen or damaged); and sections 113 to 115 (which provide respectively for the surrender, lapse and forfeiture of operating licences in specified circumstances. Also brought into force on 1 January 2007 are the provisions of Part 5 which provide for review of operating licences (sections 116 to 122).

In relation to Part 6 of the 2005 Act, section 128 (which applies the provisions of Part 5 to personal licences) is brought into force to the extent that it relates to the provisions of Part 5 brought into force on 1st January 2007. Other provisions of Part 6 brought into force on 1 January 2007 include section 129 (which provides an exemption for small-scale operators from the personal licensing regime); section 132 (which makes provision with respect to periodic fees); section 133 (which relates to multiple licences); and section 136.

The whole of Part 7 of the 2005 Act is brought into force on 1st January 2007. That Part provides for appeals to the Gambling Appeals Tribunal from decisions or actions taken by the Gambling Commission in connection with operating and personal licences, and applications for such licences.

Also brought into force on 1 January 2007 are provisions of Part 10 relating to gaming machines. These include sections 235 (partially), 237, 238 and 239 (each of which define terms for the purposes of the 2005 which are relevant to gaming machines); section 240 (which enables regulations to be made controlling the circumstances in which gaming machines are made available for use); section 241 (which enables regulations to be made about the supply, installation, adaptation, maintenance or repair of gaming machines); section 248(2) (which enables regulations to be made creating exceptions from the offence under section 243 in connection with machines which do not provide an opportunity to win a prize); and section 251 (which provides for the territorial application of Part 10).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 341 (which makes it an offence to provide false information to, amongst others, the Gambling Commission) is brought into force on 1st January 2007.

Provisions coming into force on 30th April 2007

Article 2(2) brings the provisions of the 2005 Act specified in Schedule 2 to the Order into force on 30th April 2007. In the main, the provisions are those necessary to enable advance applications to be made for premises licences (other than for regional, large or small casino premises licences), for provisional statements in respect of premises licences and for family entertainment centre permits and prize gaming permits.

The following provisions of Part 8 (which relates to premises licences under the 2005 Act) are brought into force on 30 April 2007: sections 150 to 152 (which make provision with respect to matters relating to premises licences, including the nature of the licence and its form); section 153 (which specifies the principles to be applied by licensing authorities in exercising their functions under Part 8); sections 154 and 155 (which relate to the delegation of functions by licensing authorities) section 156 which requires licensing authorities to maintain a register of premises licences); and sections 157 and 158 (which define respectively the terms “responsible authorities” and “interested party” for the purposes of Part 8). Sections 159 to 165 are brought into force to enable advance application to be made for premises licences, for such applications to be determined and premises licences to be issued before 1st September 2007. These provisions are not however brought into force on 30 April 2007 for enabling advance applications to be made for regional, large and small casino premises licences. Sections 167 to 171, and section 181 (which relates specifically to betting machines) are brought into force for enabling conditions to be attached to premises licences.

Other provisions of Part 8 brought into force on 30th April 2007 are sections 174 and 176 (which relates to casino premise licences); section 184 (which relates to annual fees for premises licences); section 186 (which provides for specified changes of circumstances to be notified by the holder of a premises licence); sections 187 to 189 (which provide for applications to vary and transfer premises licences); section 190 (power for licensing authorities to issues copies of licences lost, stolen or damaged); sections 192 and 194 (which provide for the surrender and lapse in specified circumstances of premises licences); and sections 195 and 196 (which relate to reinstatement of premises licences). Section 204 is also brought into force on 30 April 2007 for the purpose of enabling advance applications for provisional statements to be made, considered and determined. However, it is not brought into force on that date in relation to applications for provisional statements in respect of casinos. Other provisions brought into force on 30 April are section 205 (which makes provision with respect to the effect of a provisional statement in relation to a premises licence application under Part 8); sections 206 to 209 (which provide for appeals against decisions of licensing authorities on applications under Part 8); and sections 210 to 213 (which make provision respectively for the interrelationship between applications under Part 8 and the law relating to planning or building; vehicles and vessels; fees; and interpretation of expressions used in Part 8).

The provisions of Schedule 10, which relate to the making of applications for family entertainment centre gaming machine permits, are brought into force on 30th April 2007 for the purpose of enabling applications for such permits to be made, considered and determined; and to enable such permits to be issued before 1st September 2007. Other provisions of Schedule 10 which apply to permits once they have been issued are also brought into force on that date.

The provisions of Schedule 14, which relate to the making of applications for prize gaming permits, are brought into force on 30th April 2007 for the purpose of enabling applications for such permits to be made, considered and determined; and to enable such permits to be issued before 1st September 2007. Other provisions of Schedule 14 which apply to permits once they have been issued are also brought into force on that date.

Provisions of Part 15 (which relates to the inspection of premises) are brought into force on 30th April 2007. The provisions which are brought into force are those which enable inspections to take

place in connection with applications for a premises licence, applications for family entertainment centre gaming machine permits and applications for prize gaming permits.

Provisions coming into force on 1st June 2007

Article 2(3) brings the provisions of the 2005 Act specified in Schedule 3 to the Order into force on 1st June 2007.

Sections 159 to 165 (which are partially commenced on 30th April 2007) are brought into force on 1st June 2007 to enable advance applications to be made for regional, large and small casino premises licences, and to enable applications for provisional statements in respect of such casinos to be made under section 204.

Sections 266 to 268 (which define the expressions “members’ club”, “commercial club” and “miners’ welfare institute”) are brought into force on 1st June 2007. Section 271(2) (which defines “club gaming permit”), section 273(2) (which defines “club machine permit”), and section 274 (which gives effect to Schedule 12) are also brought into force on that date. Specified provisions of Schedule 12 are brought into force for the purposes of enabling advance applications for club gaming and machine permits to be made from 1st June 2007, and such permits to be issued before 1st September 2007.

Sections 277 and 278 (which respectively define expressions relating to alcohol licences and specify the premises to which sections 279 to 284 apply) are brought into force on 1st June 2007. Section 282 (partially) (which enables up to 2 Category C or D gaming machines to be made available on alcohol licensed premises) and section 283(2) and (5) (which defines the expression “licensed premises gaming machine permit” and gives effect to Schedule 13) are also brought into force on that date. Specified provisions of Schedule 13 are brought into force for the purposes of enabling advance applications for licensed premises gaming machine permits to be made from 1st June 2007, and such permits to be issued before 1st September 2007.

Section 284 (which enables licensing authorities to make orders disapplying the exemption in section 279 or section 282(1) to specified alcohol licensed premises) is brought into force on 1st June 2007. Also brought into force on that date are sections 310(1) and 312(4) which enable inspections to be carried out in connection with respectively applications for licensed premises gaming machine permits and applications for club gaming and machine permits.

Provisions coming into force on 1st September 2007

Article 2(4) of the Order provides for the 2005 Act to come into force for all remaining purposes on 1st September 2007. This is subject to article 3 to 5 of the Order which make provision for the repeal of the Betting, Gaming and Lotteries Act 1963 (“the 1963 Act”), the Gaming Act 1968 (“the 1968 Act”) and the Lotteries and Amusements Act 1976 (“the 1976 Act”) to have effect on 1 September 2007 for all remaining purposes except to the extent specified in those articles.

Article 3 provides for the repeal of the 1963 Act for all remaining purposes except in relation to specified provisions relating to the Totalisator Board and the Levy Board, and for the purposes of enabling applications for specified licences or other authorisations under that Act, which have not been determined immediately before 1st September 2007, to continue to be dealt with.

Article 4 provides for the repeal of the 1968 Act for all remaining purposes except for the purposes of enabling applications for specified licences and other authorisations under that Act, which have not been determined immediately before 1st September 2007, to continue to be dealt with.

Article 5 provides for the repeal of the 1976 Act for all purposes except for the purposes of enabling applications for registrations and other authorisations under that Act, which have not been determined immediately before 1st September 2007, to continue to be dealt with.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transitional Provisions

Schedule 4 to the Order makes transitional provision in connection with the provisions of the 2005 Act brought into force by the Order.

Part 1 of Schedule 4 defines expressions used in the Schedule.

Part 2 of Schedule 4 contains transitional provisions relating to the grant and renewal of licences and other documents, and registrations, under enactments to be repealed by the 2005 Act.

Paragraphs 2 to 4 of Schedule 4 make provision about the grant of licences and other documents, and registrations, under the 1963 Act. Paragraph 2 provides that the applications listed in sub-paragraph (2) of that paragraph may only be granted where the application is made before 28th April 2007 or where, in a case to which paragraph 4 applies, the condition referred to in that paragraph is met. Paragraph 4 makes provision with respect to the grant of specified licences and certificates under the 1963 Act where the application has not been determined by 1st September 2007. In such a case the licence or certificate may only be granted where an application is being made in accordance with Part 7 of Schedule 4 to the Order to convert the licence or certificate into a premises licence under the 2005 Act. Paragraph 3 makes provision with respect to the duration of licences and other documents, and registrations, under the 1963 Act which are granted or renewed on or after the Order comes into force but before 1st September 2007. In each case the relevant authorisation is to cease to have effect at the end of 31st August 2007.

Paragraphs 5 to 11 make provision about the grant and renewal of licences and other documents, and registrations, under the 1968 Act. Paragraph 5 provides that, subject to the exception specified in sub-paragraph (3), a licence under the 1968 Act may only be granted where the application for the licence is made before 28th April 2007. A similar restriction is imposed on the grant of permits under section 34 of the 1968 Act for amusement machine premises (referred to in this paragraph as “arcade permits”). Paragraphs 9 and 11 impose further restrictions on the grant of licences under the 1968 Act and arcade permits where the application for the licence or permit has not been determined before 1st September 2007. In such a case, a licence under the 1968 Act may only be granted where an application is being made in accordance with Part 7 of Schedule 4 to the Order to convert the licence into a premises licence under the 2005 Act. Similarly, an arcade permit may only be granted where an application is being made either under Part 7 of Schedule 4 to convert the permit into a premises licence, or under Part 10 of that Schedule to convert the permit into a family entertainment centre gaming machine permit.

Paragraph 6 makes provision in relation to certificates granted under section 19 of the 1968 Act and provides for such certificates only to be granted where the application is made before 1st June 2007. Paragraph 7 modifies the effect of Schedule 2 to the 1968 Act to enable applications for licences under the 1968 Act to be made where a person has applied for but not obtained the relevant certificate of consent. Paragraph 8 specifies the period for which licences, registrations and permits under section 34 of the 1968 Act are to have effect where granted or renewed before 1st September 2007. Paragraph 10 makes provision with respect to the registration of members’ clubs, commercial clubs and miners’ welfare institutes under Part 2 or 3 of the 1968 Act on or after 1st September 2007.

Paragraphs 13 to 16 make provision about the grant of certificates, permits and registrations under the 1976 Act. Paragraph 13 provides that a lottery manager’s certificate under Schedule 2A to that Act may only be issued where the application is made before 28th April 2007. That paragraph also prohibits permits under section 16 of the 1976 Act from being granted where the application is made on or after that date. Paragraph 14 specifies the period for which registrations, certificates and permits issued under the 1976 Act are to have effect where granted or renewed before 1st September 2007. Paragraph 15 makes provision with respect to society and local authority registrations which take effect on or after 1st September 2007. It provides for any such registration only to have effect for the purposes of Part 8 of Schedule 4 to the Order. Paragraph 15 also makes provision as to the duration of such a registration. Paragraph 16 imposes restrictions on the grant of permits under section 16 of the 1976 Act where the application is not determined by 1st September 2007. In such case, the

permit may only be granted where an application is being made under Part 11 of Schedule 4 to the Order to convert the permit into a prize gaming permit.

Part 3 of Schedule 4 makes provision for specified certificates and permits issued under the 1968 Act to continue in force on and after 1st September 2007.

Paragraphs 17 to 22 of Schedule 4 make provision with respect to certificates and permits under section 27 of the 1968 Act. Paragraph 17 provides for such certificates and permits to continue in force on and after 1st September 2007 to authorise the sale, supply, repair and maintenance of gaming machines and parts of gaming machines. Paragraphs 18 and 19 make provision as to the duration of section 27 certificates and permits. Paragraphs 20 and 22 make provision as to the application of the 2005 Act to section 27 certificates and permits, and provide for the offences relating to providing facilities for gambling (section 33) and to the supply and repair etc. of gaming machines (section 243) not to apply where a person acts in pursuance of the authorisation under a section 27 certificate. Paragraph 21 provides for the provisions of the 2005 Act relating to the review of operating licences by the Gambling Commission to apply to section 27 certificates in the same way that they apply to gaming machine technical operating licences.

Paragraphs 23 to 26 make provision with respect to permits under section 34 of the 1968 Act (which relates to the use of machines for gaming) granted in respect of premises which are licensed for the supply of alcohol on the premises. Paragraph 23 provides for such permits to continue in force on and after 1st September 2007 and to authorise the holder to make available Category C and D gaming machines on the premises to which the permit relates. The number of machines authorised by the permit is to be the same as was authorised under the 1968 Act immediately before 1st September 2007. Paragraph 24 makes provision as to the duration of the permit on and after 1 September 2007, and paragraph 25 makes provision as to the application of the 2005 Act to the permit. Under paragraph 25, a section 34 permit is to be treated for the purposes of the 2005 Act in the same way as a licensed premises gaming machine permit under that Act, and specified provisions of Schedule 13 to that Act (which relate to such permits) are expressly applied to the section 34 permits. Paragraph 26 makes special provision in relation to Scotland which takes account of the fact that Schedule 13 does not have effect in relation to Scotland.

Paragraphs 27 to 30 provide for the conversion of section 34 permits in respect of alcohol licensed premises into licensed premises gaming machine permits under the 2005 Act. Under paragraph 27, where a person who holds a section 34 permit in respect of two or more gaming machines applies for a licensed premises gaming machine permit, the licensing authority must grant that application in respect of no fewer Category C or D gaming machines than that authorised by the section 34 permit. Paragraph 28 makes special provision with respect to applications made to licensing authorities in England and Wales. Where the applicant in such a case has failed to comply with a specified requirement of Schedule 13 to the 2005 Act, and they have been requested in writing by the licensing authority to provide the things necessary to comply with the requirement, the licensing authority are not under a duty by virtue of paragraph 27 to grant the application until such time as the request has been complied with. Paragraph 29 makes special provision with respect to Scotland. It modifies the effect of paragraphs 24 and 27 in such a case. The modifications are only to apply if on 1st June 2007 regulations under section 285(1)(b) are not in force setting out provisions which are to apply to applications for licensed premises gaming machine permits in place of Schedule 13 to the 2005 Act. Paragraph 30 makes special provision in relation to applications for licensed premises gaming machine permits where the licensed premises forms part of a track in England or Wales.

Paragraphs 31 to 33 make provision with respect to section 34 permits granted in respect of other kinds of premises apart from amusement machine premises (ie amusement arcades). Paragraph 31 provides for such permits to continue in force on and after 1st September 2007 and to authorise the holder to make available Category D gaming machines on the premises to which the permit relates. The number of machines authorised by the permit is the same as was authorised under the 1968 Act immediately before 1st September 2007. Paragraph 32 makes special provision in relation to Scotland, and requires the council which granted the permit to provide the relevant licensing board

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

with the information specified in that paragraph. Paragraph 33 makes provision as to the application of the 2005 Act to the relevant type of section 34 permit. Under paragraph 33 a section 34 permit is to be treated for the purposes of the 2005 Act in the same way as a family entertainment gaming machine permit under that Act, and provisions of Schedule 10 to that Act (which relate to such permits) are expressly applied to the section 34 permits.

Part 4 of Schedule 4 makes provision about licences and permits issued under the 2005 Act before 1st September 2007. Paragraph 34 provides for such a licence or permit not to take effect until that date. Paragraphs 35 to 38 modify the annual fee provisions of the 2005 Act which have effect in relation to the types of licence and permit referred to in those paragraphs. In each case, the relevant provision has effect to provide for the first annual fee to be paid within a period beginning on 1 September 2007 instead of being made within the same length of period beginning on the date of issue. Each subsequent annual fee is payable before 1 September in each year following 2007 instead of being payable before each anniversary of the issue of the licence or permit.

Part 5 of Schedule 4 makes provision about advance applications for operating licences made by existing operators.

Paragraph 39 specifies the circumstances in which a person is to be treated as an existing operator for these purposes. A person is an existing operator in respect of an application for a particular kind of operating licence if, when he applies for the operating licence, he holds the equivalent authorisation under the 1963, 1968 or 1976 Act (“the existing legislation”), or he is making (or is the subject of) an application for such an authorisation.

Paragraph 40 provides for a person, who applies before 28th April 2007 for an operating licence in respect of which he is an existing operator, to be treated as having been granted such a licence, where the application is not determined within a period of 4 months. This is referred to as an interim operating licence. Special provision is made where the application is for a combined operating licence, or where the equivalent permission under the existing legislation is revoked or cancelled before 1st September 2007. The provisions of paragraph 40 described above in this paragraph also apply where a person applies for any of the following kinds of operating licence: a betting intermediary operating licence; a gaming machine technical operating licence where the activity specified in the application is restricted to the manufacture of gaming machines or parts of gaming machines; or a gaming machine technical operating licence where the activities specified in the application are restricted to the installation, adaptation, maintenance or repair of gaming machines or parts of gaming machines otherwise than for valuable consideration.

Paragraph 41 applies to those cases where the person applying for an operating licence qualifies as an existing operator because he is making (or is the subject of) an application for an authorisation under the existing legislation. Such a person does not qualify for an interim operating licence if the application under the existing legislation is refused or withdrawn before the end of the 4 month period within which the application for an operating licence is to be determined. Further, any interim operating licence is to lapse if the application under the existing legislation is refused, withdrawn or is not granted before 1st September 2007. Special provision is made about notifying the Gambling Commission of the grant of the application under the existing legislation in those cases where another authority is responsible for determining that application.

Paragraph 42 modifies provisions of Part 5 of the 2005 Act in their application to interim operating licences.

Paragraph 43 makes specific provision in relation to interim operating licences which authorise non-remote pool betting on dog racing and where the person holds the licence because, when the advance application was made, he was authorised in writing under section 16 of the 1963 Act to operate a totalisator on a track. In such a case the interim operating licence is to have effect as if subject to a condition requiring the holder to carry on the activities authorised by the licence only at those tracks where he was authorised under section 16 of the 1963 Act to operate a totalisator.

Part 6 of Schedule 4 makes transitional provision with respect to personal licences.

Paragraph 45 makes provision for certificates issued under section 19 of the 1968 Act to continue in force on and after 1st September 2007. This applies to section 19 certificates which have effect immediately before 1st September 2007 or are issued after that date. On and after 1st September 2007 a section 19 certificate authorises the holder to perform the functions specified in the certificate on the premises so specified. Special provision is made where a holder of a certificate applies for an equivalent personal licence under the 2005 Act. In those circumstances, the certificate authorises the holder to perform the functions on any premises in respect of which, as the case may be, a casino or a bingo premises licence has effect. On and after 1st September 2007 a section 19 certificate is subject to any relevant personal licence conditions (as defined in paragraph 45).

Paragraph 46 makes provision about the duration of section 19 certificates which, subject to the provisions of that paragraph, are to have effect until 31st December 2009. Paragraph 47 provides for any condition attached to an operating licence requiring specified functions to be performed by the holder of a personal licence to be treated as having been complied with if performed by a person holding a section 19 certificate authorising the performance of the functions. Paragraph 48 provides for the provisions of the 2005 Act relating to the review of personal licences by the Gambling Commission to apply to section 19 certificates in the same way as they apply to personal licences.

Paragraph 49 applies to advance applications for personal licences, where the application is for a personal licence authorising the performance of the functions of a specified management office, or the application is for a licence authorising the performance of operational functions falling within section 19(2) of the 1968 Act, and is made by a person who holds a section 19 certificate. In any such case, the application is to be treated as having been granted if it is not determined within a period of two months. This is referred to as an interim personal licence. Special provision is made where the application is for a multiple personal licence. Paragraphs 50 and 51 make provision as to the application respectively of Parts 5 and 6 of the 2005 Act to interim personal licences. Paragraph 52 makes provision for personal licences issued before 1st September 2007 to be treated for the purposes of section 19 as certificates issued under that section.

Part 7 of Schedule 4 makes provision for the conversion of licences etc. issued under the 1963 and 1968 Acts to be converted into premises licences under the 2005 Act.

Paragraph 53 defines what is meant by the existing premises operator for the purposes of applications for premises licence to which Part 7 of Schedule 4 to the Order applies. A person is the existing premises operator in respect of an application for a particular kind of premises licence if, when he applies for the premises licence, he holds the equivalent permission under the 1963 or 1968 Act (“the existing legislation”) in relation to the same or substantially the same premises, or he is making (or is the subject of) an application for such a permission.

Paragraph 54 applies to an advance application for a premises licence where the person making the application is the existing premises operator and the application complies with any conditions or requirements of section 159(1) to (5) and (6)(c) of the 2005 Act (which impose requirements in relation to applications for premises licences). These are referred to below as “conversion applications”. In such a case the licensing authority is required to grant the application and issue the relevant premises licence.

Paragraph 55 makes provision in relation to conversion applications where the person making the application has failed to comply with a requirement of paragraph (a) or (b) of section 159(6) of the 2005 Act, or where the application includes a plan of the proposed licensed premises which is incompatible with any mandatory conditions to be attached to the licence under section 167. In the former case, where the licensing authority give notice in writing requesting the applicant to do anything which is necessary to comply with the particular requirement, their duty to grant the application is not to apply until such time as the applicant complies with the request. In the latter case, the licensing authority may not grant the application until an amended plan has been submitted. The licensing authority must give notice in writing to the applicant indicating that the plan is incompatible and requesting the applicant to submit an amended plan.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 7 of Schedule 4 to the Order provides for a conversion application either to be treated as a fast track or a non-fast track application. Paragraph 56 makes provision with respect to non-fast track applications, and paragraph 57 makes provision with respect to fast track applications. A non-fast track application is one which is accompanied by a request for the licensing authority to exercise its powers under section 169 of the 2005 Act (which enables licensing authorities to attach individual conditions to premises licences) to exclude, or vary in a specified manner, a default condition that would otherwise be attached to the licence under section 168. Paragraph 56 modifies section 169 of the 2005 Act in its application to non-fast applications so that the licensing authority may only exercise its powers under section 169 for the purposes of complying with the applicant's request. Where the licensing authority exercises its powers in this way, it may also exercise its powers under section 169 to attach one or more other conditions to the licence. A fast track application is any other conversion application which is not a non-fast track application. Paragraph 57 modifies Part 8 of the 2005 Act in its application to fast track applications. Sections 160 to 162 of the 2005 Act (which provide respectively for the publication of notice of the application, the making of representations on the application, and for the holding of hearings) are disapplied. The powers of the licensing authority to attach individual conditions under section 169 are also disapplied.

Paragraph 58 makes provision with respect to conversion applications where the existing permission under the existing legislation is revoked or cancelled. Where this happens before the application for the premises licence is determined, the licensing authority must reject the conversion application. Where it happens after the converted premises licence is issued, that licence is to lapse.

Paragraph 59 makes provision with respect to conversion applications where the applicant is the existing premises operator because he is making (or is subject to) an application under the existing legislation. Paragraph 59 modifies paragraph 54 so that the licensing authority may not determine the application for the premises licence until the application under the existing legislation has been determined, and they may only grant the application where the application is granted and they have received a copy of the relevant licence etc. If the application under the existing legislation is refused, the licensing authority must reject the application for the premises licence.

Paragraph 60 is concerned with conversion applications where the applicant qualifies as the existing premises operator because he holds a track betting licence under the 1963 Act or a licence under the 1968 Act, but he is also applying to transfer that licence to another person. In such a case the duty of the licensing authority under paragraph 54 is modified so that they may not determine the application before being notified in writing that the application for transfer has been determined. The licensing authority are only to be under a duty to grant the application if the application for transfer is refused. Where it is granted, the licensing authority must reject the conversion application.

Paragraph 61 makes specific provision in relation to specified cases to which paragraphs 59 and 60 apply, where the same authority is determining the conversion application and the application under the existing legislation. Paragraph 61 modifies the relevant provisions of paragraphs 59 and 60 to take account of that fact.

Paragraphs 62 to 64 make provision for the continuation of the permission under the existing legislation in specified cases where the conversion application is not determined before 1st September 2007. Paragraphs 62 to 64 apply where the conversion application is made before 31st July 2007 and the relevant permission under the existing legislation is held immediately before 1st September 2007. In such a case, paragraph 62 provides for the permission under the existing legislation to continue to have effect despite the repeal of the relevant legislation. The permission has effect subject to any relevant premises licence conditions as defined in that paragraph. Paragraph 63 makes provision about the application of the 2005 Act to permissions continued in force in accordance with paragraph 62. It ensures that an offence is not committed under section 37 of that Act (which makes it an offence to use premises for providing facilities for gambling without the appropriate authorisation) where facilities for gambling are provided in accordance with the permission under the existing legislation. Paragraph 64 provides for the provisions of the Part 8

relating to the review of premises licences to apply to permissions continued in force under paragraph 62.

Paragraphs 65 and 66 make specific provision with respect to casinos. Paragraph 65 makes specific modifications to Part 8 of the 2005 Act in the case of conversion applications for a casino premises licence and licences issued on the grant of such applications (referred to in that paragraph as “converted casino premises licences”). Paragraph 66 is concerned with ensuring that, where a converted casino premises licence has effect in respect of premises, that does not prevent the holder from making a non-conversion application for one of the kinds of casino premises licence provided for under the 2005 Act. Where a non-conversion application is granted, the converted casino premises licence is to lapse when the licence granted on that application takes effect.

Part 8 of Schedule 4 provides for the conversion of lottery registrations under the 1976 Act into the equivalent authorisations under the 2005 Act.

Paragraph 67 applies where a society is registered under Schedule 1A to the 1976 Act, and either that registration has effect immediately before 1st September 2007, or the registration takes effect on or after that date. In such a case the Gambling Commission is under a duty to grant a lottery operating licence to the society on 1st September 2007 or the date of registration (if later), or as soon as practicable after that date. The lottery operating licence has effect as both a remote and non-remote licence and section 67(2) and (3) is modified accordingly. Paragraph 68 makes provision covering any period from 1st September 2007 until the date on which the converted lottery operating licence is granted to a society under paragraph 67. It exempts the society, or a person acting on its behalf, from committing an offence under section 258 of the 2005 Act (which makes it an offence to promote a lottery without the appropriate authorisation under that Act) where a lottery is promoted in accordance with any relevant operating licence conditions as defined in that paragraph.

Paragraph 69 applies where a local authority scheme is registered under Schedule 1A to the 1976 Act, and either that registration has effect immediately before 1st September 2007, or the registration takes effect on or after that date. In such a case the Gambling Commission is under a duty to grant a lottery operating licence to the local authority on 1st September 2007 or the date of registration (if later), or as soon as practicable after that date. In other respects, paragraphs 69 and 70 make provision which is identical for that applying to societies under paragraphs 67 and 68.

Paragraph 71 makes provision about the duration of lottery operating licences granted in accordance with paragraphs 67 and 69. It provides for the licence to have effect until the date which is three year from the date when the last 1976 Act fee was payable. This is a reference to the last date before 1st September 2007 on which a fee was payable in respect of the 1976 Act registration under the relevant Schedule to that Act. Where no such fee is payable before 1st September 2007, it is a reference to the date of registration.

Paragraph 72 modifies the effect of section 99(3)(b) of the 2005 Act (which specifies the requirement which is to apply with respect to maximum aggregate proceeds of lotteries promoted in a calendar year promoted in reliance on a lottery operating licence) in relation to licences granted under paragraph 67 or 69. Paragraph 72 provides for section 99(3)(b) to have effect in relation to such a licence, for the period from issue to 31st December 2007, as if it prohibited the aggregate proceeds of lotteries from exceeding the amount left after deducting the following amounts from £10,000,000. The amounts to be deducted are: the value of tickets and chances sold in lotteries promoted in reliance on the 1976 Act registration for the period from 1st January 2007 until immediately before 1 September 2007; and the aggregate proceeds from lotteries promoted under the arrangements set out in paragraphs 68 and 70.

Paragraph 73 provides for the application of the 2005 Act to lotteries begun before 1st September 2007. Where in such a case a person was able to participate in the lottery by buying a chance (as well as or instead of a ticket) persons may continue to participate in the lottery in that way provided that the following condition is met. The condition is that the arrangements for the lottery provide for every draw in the lottery to take place before 1st March 2009.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraphs 74 to 76 make provision about the conversion of society lottery registrations under Schedule 1 to the 1976 Act into registrations under Part 5 of Schedule 11 to the 2005 Act (which provides for the registration by local authorities of societies promoting small society lotteries).

Paragraph 74 applies where a registration of a society under Schedule 1 to the 1976 Act has effect immediately before 1st September 2007 or a society is registered on or after that date. In England and Wales, the local authority which registered the society under the 1976 Act must register the society under Part 5 of Schedule 11 to the 2005 Act. In Scotland, the council which registered the society must provide the relevant licensing board (within the meaning of paragraph 74) with specified information about the society and its registration. As soon as practicable after receiving that information the licensing board must register the society under Part 5 of Schedule 11.

Paragraph 75 modifies the way in which Part 5 of Schedule 11 to the 2005 Act applies to a society registered under that Part in pursuance of paragraph 74. It modifies paragraph 54 of that Schedule which relates, amongst other things, to the date on which the annual fee is payable. Paragraph 68 also contains provisions requiring a society to be notified of its registration under Part 5 of Schedule 11.

Paragraph 76 makes provision about the period from 1 September 2007 to the date when a society is registered under Part 5 of Schedule 11 to the 2005 Act in pursuance of paragraph 74. It disapplies during that period the requirement in paragraph 38 of that Schedule which requires a society promoting a small society lottery to be registered. Paragraph 70 also modifies the effect of the definition of small society lottery in paragraph 31.

Paragraph 77 modifies Schedule 11 to the 2005 Act in its application to lotteries whose promotion was begun but not completed before 1st September 2007. It provides for Schedule 11 to apply to such lotteries in the same way as it applies to lotteries wholly promoted on or after that date. This is subject to modifications which allow, in particular, persons to continue to be able to participate by purchasing chances provided that each and every draw in the lottery takes place before 1st March 2009.

Part 9 of Schedule 4 makes provision about the conversion of club registrations under the 1968 Act into club gaming and machine permits under the 2005 Act.

Paragraphs 78 to 85 make provision about members' clubs and miners' welfare institutes registered under Part 2 of the 1968 Act where the registration has effect immediately before 1st September 2007 or the club or institute is registered on or after that date.

Paragraph 79 requires the authority responsible for the registration to provide information about the club or institute and its registration to the licensing authority for the purposes of the 2005 Act. Paragraph 80 provides for the conversion of the registration under Part 2 into a club gaming permit under the 2005 Act. Where an application for a club gaming permit is made by a club or institute before a specified date, and that application relates to the same or substantially the same premises as the registration under Part 2, the licensing authority are under a duty to grant that application. The application must be made not less than two months before the relevant date as defined in that paragraph. Paragraph 81 specifies circumstances in which the duty to provide information under paragraph 79, and the duty under paragraph 80 to grant an application for a club gaming permit, are not to apply. Paragraph 82 makes specific provision relating to those cases where the application for the club gaming permit is liable to be one to which paragraph 80 applies, but the application is made before 1st September 2007. In such a case, the licensing authority may not determine the application before 1st September 2007.

Paragraph 83 make specific provision for those cases where an application for a club gaming permit which meets the conditions in paragraphs (a) to (c) of paragraph 80(1), but does not comply with any of the requirements of paragraphs (c) and (d) of paragraph 2 to Schedule 12 to the 2005 Act (which relate to the form of the application and the information and documents to accompany it). In such a case, where the licensing authority give notice requesting the club or institute to do anything necessary for the purposes of complying with the requirement, the authority are to cease to be under a duty to grant the application until such time as the request is complied with. Where a period for

complying with the request (being a period of not less than 14 days) is specified in the notice, the club or institute will lose the benefit of the transitional provisions in paragraph 84 if they fail to comply with the request within that period.

Paragraph 84 make provision for the period between 1st September 2007, or (where later) the date of registration, and the date on which the club gaming permit is granted in accordance with paragraph 80. During that period the club or institute is to be treated as if it had been granted a club gaming permit.

Paragraph 85 applies to clubs etc. in Scotland in respect of which a certificate of registration under section 105 of the Licensing (Scotland) Act 1976 has effect. It disapplies those provisions (paragraphs 80(1)(b), 80(2), 82(d) and 83) which are only relevant to applications for club gaming permits made under Schedule 12. By virtue of section 274(2) of the 2005 Act, that Schedule does not apply to clubs etc. in Scotland in respect of which a certificate of registration has effect. Paragraph 85 also contains provisions which are only to have effect if on 1st June 2007 regulations under section 285(1)(a) are not in force setting out provisions which are to apply to applications for licensed premises gaming machine permits in place of Schedule 13 to the 2005 Act. These provisions modify the effect of paragraphs 80 and 84 in such cases.

Paragraphs 86 to 93 make provision about members' clubs, commercial clubs and miners' welfare institutes registered under Part 3 of the 1968 Act where the registration has effect immediately before 1st September 2007 or the club or institute is registered on or after that date. The provisions are concerned with the conversion of such registrations into club machine permits under the 2005 Act, and are substantially the same as those in paragraphs 78 to 85 in relation to the conversion of registrations under Part 2 of the 1968 Act into club gaming permits under the 2005 Act.

Part 10 of Schedule 4 provides for the conversion of permits under section 34 of the 1968 Act which have effect in respect of amusement machine premises (commonly referred to as amusement arcades) into family entertainment centre (FEC) gaming machine permits.

Paragraph 94 defines what is meant by an existing FEC operator for the purposes of an application for a FEC gaming machine permit under Schedule 10 to the 2005 Act. A person is an existing FEC operator if, when he applies for the permit, he is the holder of a permit under section 34 of the 1968 Act granted in respect of amusement machine premises and expressed to be for the purposes of section 34(1) of the 1968 Act. A person is also an existing FEC operator if he is applying for such a permit on the date on which the application for the FEC gaming machine permit is made.

Paragraph 95 makes provision for the conversion of section 34 permits in respect of amusement machine premises into FEC gaming machine permits. It requires the licensing authority to grant an advance application for a FEC gaming machine permit made by an existing FEC operator where the application relates to the same or substantially the same premises as the section 34 permit, and the application complies with specified requirements of Schedule 10 to the 2005 Act. (Such an application is referred to below as a "FEC permit conversion application".)

Paragraph 96 makes specific provision for those cases where a FEC permit conversion application fails to comply with a requirement imposed under sub-paragraph (a) or (c) of paragraph 5 to Schedule 10 to the 2005 Act (which relate to the form of the application and the information and documents to accompany it). In such a case, where the licensing authority give notice requesting the applicant to do anything necessary for the purposes of complying with the requirement, the authority are to cease to be under a duty to grant the application until such time as the request is complied with. In the case of an application made before 31st July 2007, the applicant must comply with the request within the period specified in the authority's notice. If he fails to do so, the provisions in paragraph 95 which provide for the automatic grant of the FEC gaming machine permit are to cease to apply.

Paragraph 97 makes provision with respect to FEC permit conversion applications where the section 34 permit held by the existing FEC operator is cancelled. Where this happens before the application for the FEC gaming machine permit is determined, the licensing authority must reject

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

that application. Where it happens after the FEC gaming machine permit is issued, that permit is to lapse.

Paragraph 98 makes special provision for those cases where a FEC permit conversion application is made before 31st July 2007. The licensing authority are required to determine the application within a period of 1 month beginning on the date on which the application is made. Where they fail to do so, the application is to be treated as having been granted and the relevant FEC gaming machine permit as having been issued on the day immediately following the end of the 1 month period.

Paragraph 99 is concerned with those cases where the person making a FEC permit conversion application qualifies as an existing FEC operator because he is applying for a section 34 permit. In such a case, the licensing authority may not determine the FEC permit conversion application until the application for the section 34 permit has been determined. The licensing authority are only to be under a duty to grant the FEC permit conversion application if the application for the section 34 permit is granted, and they must reject the application if the application for the section 34 permit is refused. In a case to which paragraph 98 applies, the requirement under that paragraph to determine the FEC permit conversion application within a specified period, and the provision under which the permit is treated as having been issued if the application is not so determined, are only to apply if the application for the section 34 permit is granted before 1st September 2007.

Paragraph 100 modifies the effect of paragraphs 98 and 99 in those cases falling within the latter paragraph where the premises to which the application for the section 34 permit relates are situated in Scotland.

Part 11 of Schedule 4 provides for the conversion of permits under section 16 of the 1976 Act into prize gaming permits.

Paragraph 101 defines what is meant by an existing operator for the purposes of an application for a prize gaming permit under Schedule 14 to the 2005 Act. A person is an existing operator if, when he applies for the permit, he is the holder of a permit under section 16 of the 1976 Act. A person is also an existing operator if he is applying for such a permit on the date on which the application for the prize gaming permit is made.

Paragraph 102 makes provision for the conversion of section 16 permits into prize gaming permits. It requires the licensing authority to grant an advance application for a prize gaming permit made by an existing operator where the application relates to the same or substantially the same premises as the section 16 permit, and the application complies with specified requirements of Schedule 14 to the 2005 Act. (Such an application is referred to below as a “prize gaming permit conversion application”.)

Paragraph 103 makes specific provision for those cases where a prize gaming permit conversion application fails to comply with a requirement imposed under sub-paragraph (a) or (d) of paragraph 6 to Schedule 14 to the 2005 Act (which relate to the form of the application and the information and documents to accompany it). In such a case, where the licensing authority give notice requesting the applicant to do anything necessary for the purposes of complying with the requirement, the authority are to cease to be under a duty to grant the application until such time as the request is complied with. In the case of an application made before 31st July 2007, the applicant must comply with the request within the period specified in the authority’s notice. If he fails to do so, the provisions in paragraph 102 which provide for the automatic grant of the prize gaming permit are to cease to apply.

Paragraph 104 makes provision with respect to prize gaming permit conversion applications where the section 16 permit held by the existing operator is cancelled. Where this happens before the application for the FEC gaming machine permit is determined, the licensing authority must reject that application. Where it happens after the FEC gaming machine permit is issued, that permit is to lapse.

Paragraph 105 makes special provision for those cases where a prize gaming permit conversion application is made before 31st July 2007. The licensing authority are required to determine the application within a period of 1 month beginning on the date on which the application is made. Where

they fail to do so, the application is to be treated as having been granted and the relevant prize gaming permit as having been issued on the day immediately following the end of the 1 month period.

Paragraph 106 is concerned with those cases where the person making a prize gaming permit conversion application qualifies as an existing operator because he is applying for a section 16 permit. In such a case, the licensing authority may not determine the prize gaming permit conversion application until the application for the section 16 permit has been determined. The licensing authority are only to be under a duty to grant the prize gaming permit conversion application if the application for the section 16 permit is granted, and they must reject the application if the application for the section 16 permit is refused. In a case to which paragraph 105 applies, the requirement under that paragraph to determine the prize gaming permit conversion application within a specified period and the provision under which the permit is treated as having been issued if the application is not so determined, are only to apply if the application for the section 16 permit is granted before 1st September 2007.

Paragraph 107 modifies the effect of paragraphs 105 and 106 in those cases falling within the latter paragraph where the premises to which the application for the section 16 permit relates are situated in Scotland.