

## SCHEDULE 4

### Transitional provisions

## PART 3

### Continuation of certificates and permits issued under the Gaming Act 1968

#### **Application of the Gambling Act 2005 to section 27 certificates**

**20.**—(1) The 2005 Act is to apply to a section 27 certificate having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph and in paragraph 21.

(2) Section 33 (which makes it an offence to provide facilities for gambling without the appropriate authorisation) is to have effect as if it provided for subsection (1) of that section also not to apply to any activity by a person if—

- (a) he holds a section 27 certificate, or is acting as the servant or agent of any person who holds such a certificate,
- (b) the activity is authorised by the certificate, and
- (c) in carrying out the activity he complies with any relevant operating licence conditions.

(3) Sections 113 to 115 are to apply to section 27 certificates and the holders of such certificates as they apply to gaming machine technical operating licences and the holders of such licences.

(4) Section 243 (which makes it an offence to manufacture, supply, install etc. a gaming machine without the appropriate authorisation) is to have effect as if it provided for a person not to commit the offence under subsection (1) of that section if—

- (a) he holds a section 27 certificate or is acting as the servant or agent of any person who holds such a certificate, and
- (b) the activity is authorised by the certificate, and
- (c) in carrying out the activity he complies with any relevant operating licence conditions.

(5) Section 308 (which provides for the inspection of premises used by an operating licence holder) is to apply to section 27 certificates and the holders of such certificates as it applies to gaming machine technical operating licences and the holders of such licences with the modifications specified in sub-paragraph (7).

(6) In section 308, in relation to a section 27 certificate—

- (a) any reference to the licensed activities is to have effect as a reference to the activities authorised by the certificate, and
- (b) in subsection (3), the reference to the terms and conditions of the operating licence is to have effect as a reference to any relevant operating licence conditions having effect in relation to the certificate.

(7) In this paragraph, “relevant operating licence conditions” has the meaning given by paragraph 17(6).