

SCHEDULE 4

Transitional provisions

PART 3

Continuation of certificates and permits issued under the Gaming Act 1968

Conversion of permits under section 34 of the Gaming Act 1968 into licensed premises gaming machine permits

27.—(1) This paragraph applies where—

- (a) the holder of a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act⁽¹⁾ applies for a licensed premises gaming machine permit;
- (b) that permit authorises the holder to make available a number of gaming machines, being a number which is greater than two;
- (c) that permit is due to expire in accordance with paragraph 24(1) or (2) on a date on or after 1st September 2007;
- (d) the application for the licensed premises gaming machine permit is made at least two months before the date on which the permit under section 34 of the 1968 Act is due to expire in accordance with paragraph 24(1) or (2); and
- (e) (where the applicant holds a premises licence under Licensing Act 2003⁽²⁾ in respect of the premises to which the application relates) the application for the licensed premises gaming machine permit complies with sub-paragraphs (b), (c), and (e) of paragraph 2 of Schedule 13 to the 2005 Act.

(2) In sub-paragraph (1)(b) the reference to gaming machines is—

- (a) in relation to any time before 1st September 2007, to AWP machines, and
- (b) in relation to any time on or after that date, to Category C or D gaming machines.

(3) Sub-paragraph (1) applies whether the application is made before, on or after 1st September 2007.

(4) If the application is in respect of a number of gaming machines which does not exceed the number of AWP machines or Category C or D gaming machines authorised by the permit under section 34 of the 1968 Act (referred to in this paragraph as “the authorised number”), the licensing authority must grant the application.

(5) If the application is in respect of a number of gaming machines which is greater than the authorised number, the licensing authority must grant the application in respect of a number of gaming machines which is no smaller than the authorised number.

(6) In a case to which sub-paragraph (5) applies, where the number of Category C gaming machines specified in the application does not exceed the authorised number, the licensing authority may not grant the application in respect of a smaller number of Category C gaming machines than that specified in the application.

(7) Where the application referred to in sub-paragraph (1) is made before 1st September 2007—

(1) Sub-paragraph (a) of paragraph 1 was amended by the Licensing Act 2003 (c. 17), Schedule 6, paragraphs 48 and 52(1) and (2). Sub-paragraph (c) of paragraph 1 was substituted by the Licensing (Scotland) Act 1976 (c. 66), section 133(3).

(2) 2003 c. 17.

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

- (a) the licensing authority must not grant the application for the licensed premises gaming machine permit until that date, and
- (b) sub-paragraphs (4) to (6) are not to apply if the permit under section 34 of the 1968 Act ceases to have effect before 1st September 2007.

(8) Sub-paragraphs (4) to (6) also do not apply where, after the application for the licensed premises gaming machine permit has been made, the permit under section 34 of the 1968 Act is cancelled or forfeited under paragraph 16 or 18 of Schedule 13 to the 2005 Act (as those provisions have effect by virtue of paragraph 25(4) above).

(9) Where the premises to which the permit under section 34 of the 1968 Act relates are situated in England or Wales, sub-paragraphs (4) to (6) are to be subject to paragraph 6(1) of Schedule 13 to the 2005 Act (which prohibits the grant of a licensed premises gaming machine permit to a person who does not hold an on-premises alcohol licence).