

SCHEDULE 4

Transitional provisions

PART 3

Continuation of certificates and permits issued under the Gaming Act 1968

Application of the Gambling Act 2005 to Category D gaming machine permits

33.—(1) The 2005 Act is to apply to a Category D gaming machine permit on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph.

(2) Subsection (1) of section 247 (which provides for Category D gaming machines to be made available under the authority of a family entertainment centre gaming machine permit) is to have effect as if the reference to a family entertainment centre gaming machine permit included a reference to a Category D gaming machine permit.

(3) In sections 37(7)(c) and 242(1) (which make it an offence respectively to use premises for providing facilities for gambling or to make gaming machines available for use), the reference to section 247 is to have effect as a reference to that section as modified by sub-paragraph (2).

(4) Section 309(2) (which provides for the inspection of premises in respect of which a family entertainment centre gaming machine permit has effect) is to have effect as if any reference to a family entertainment centre gaming machine permit included a reference to a Category D gaming machine permit.

(5) The provisions of Schedule 10 to the 2005 Act (which relates to family entertainment centre gaming machine permits) specified in sub-paragraph (6) are to apply to a Category D gaming machine permit as they apply to a family entertainment centre gaming machine permit.

(6) The provisions of Schedule 10 referred to in sub-paragraph (5) are paragraphs 11(2), 12(a), 13(1), 15 to 17, 19 to 21 and 22 (as that last paragraph has effect for the purposes of appeals under sub-paragraph (1)(c) of that paragraph).

(7) In paragraphs 11(2), 15(1), 16, 17(4) and 21 of Schedule 10 to the 2005 Act, any reference to the licensing authority is to have effect as a reference to the licensing authority in whose area the premises to which the permits relates are situated.

(8) Paragraph 12(a) of Schedule 10 to the 2005 Act is to have effect as if it provided for the permit to cease to have effect on the date determined in accordance with paragraph 31(5) above unless it ceases to have effect before that time in accordance with any of the provisions of that Schedule specified in sub-paragraph (6).

(9) Paragraph 13(1) of Schedule 10 to the 2005 Act is to have effect as if the reference to the premises specified under paragraph 11(1)(b) of that Schedule was a reference to the premises specified in the Category D gaming machine permit.