

SCHEDULE 4

Transitional provisions

PART 5

Advance applications for operating licences by existing operators

Application of the Gambling Act 2005 to interim operating licences

42.—(1) Section 74(2) of the 2005 Act (which requires the Gambling Commission to notify the applicant and issue the operating licence as soon as reasonably practicable after its grant) is not to have effect in relation to an interim operating licence.

(2) In exercising its powers under section 75 of the 2005 Act (powers of Gambling Commission to impose general conditions on operating licences), the Gambling Commission must specify any conditions which are to apply to an interim operating licence or an interim operating licence falling within a specified class.

(3) Where an interim operating licence has effect before the date on which the Commission publish in accordance with section 76(3) of the 2005 Act the specification of any condition which applies to the licence, the licence is to be subject to the condition on and after that date.

(4) Where an interim operating licence has effect on or after the date on which the Commission so publish the specification of any condition which applies to the licence, the licence is to be subject to the condition as soon as it has effect.

(5) Regulations under section 78 of the 2005 Act (which allows conditions to be imposed on operating licences by the Secretary of State) may specify conditions which are to apply to each interim operating licence or to interim operating licences falling within a specified description.

(6) In subsection (2) of section 78 of the 2005 Act, the reference to licences issued before regulations under that section are made is to include a reference to interim operating licences having effect before such regulations are made.

(7) The following provisions of the 2005 Act are not to apply to interim operating licences—

- (a) section 100 (which provides for the payment of an annual fee by the holder of an operating licence);
- (b) sections 104 to 107 (which make provision respectively for applications to vary operating licences, amendments to licences, registration of licences, copies of licences and production of licences); and
- (c) section 111 (which provides for the Gambling Commission to have power to limit the duration of operating licences) and section 112 (which makes provision about the renewal of operating licences).

(8) Section 110 (which provides for the duration of operating licences) is to have effect in relation to an interim operating licence as if it provided for the licence to cease to have effect when the advance application made by the existing operator is finally determined, unless and until it ceases to have effect before that date in accordance with section 113, 114, 115, 118 or 119 of the 2005 Act (which provide respectively for the surrender, lapse, forfeiture, suspension and revocation of operating licences).