

## SCHEDULE 4

### Transitional provisions

## PART 9

### Conversion of club registrations under the Gaming Act 1968 into club gaming and machine permits under the Gambling Act 2005

#### **Conversion of club registrations under Part 2 of the Gaming Act 1968: transitional provisions**

**84.**—(1) At any time on or after 1 September 2007 until the date on which the club gaming permit is granted in accordance with paragraph 80, a members' club or miners' welfare institute is to be treated for the purposes of the 2005 Act as if it had been granted such a permit in relation to the premises in respect of which the registration under Part 2 of the 1968 Act had effect.

(2) In a case falling within paragraph 78(2), sub-paragraph (1) is not to apply until the date on which the club or institute is registered under Part 2 of the 1968 Act.

(3) Where the club or institute fails to apply for a club gaming permit not less than two months before the relevant date (within the meaning of paragraph 80(3) to (5)), sub-paragraph (1) is to have effect as if it provided for the club or institute to be treated as holding such a permit until the relevant date.

(4) Paragraph 80 and sub-paragraph (1) of this paragraph are to be subject to the following provisions of this paragraph.

(5) Paragraph 80 and sub-paragraph (1) of this paragraph are to cease to apply if the members' club or miners' welfare institute ceases to be such a club or institute within the meaning of sections 266 and 268 of the 2005 Act.

(6) Paragraph 80 and sub-paragraph (1) of this paragraph are to cease to apply to a members' club or miners' welfare institute if notice to that effect is given by the club or institute to the relevant licensing authority.

(7) The relevant licensing authority shall as soon as reasonably practicable inform the persons specified in sub-paragraph (8) if the authority—

- (a) believe that sub-paragraph (5) applies, or
- (b) receive notice given under sub-paragraph (6).

(8) The persons mentioned in sub-paragraph (7) are—

- (a) the Gambling Commission, and
- (b) the chief officer of police for any area in which the premises referred to in sub-paragraph (1) are situated.

(9) The relevant licensing authority may give notice in writing to a members' club or miners' welfare institute that paragraph 80 and sub-paragraph (1) of this paragraph are to be disapplied in relation to the club or institute.

(10) The relevant licensing authority may only give notice in accordance with sub-paragraph (9) if the authority think—

- (a) that the premises on which the club or institute conducts its activities are used wholly or mainly by children, by young persons or by both, or

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(b) that an offence, or a breach of a condition of section 271 of the 2005 Act (which makes provision with respect to club gaming permits), has been committed in the course of gaming activities carried on by the club or institute.

(11) Sub-paragraphs (2) to (4) of paragraph 21 and paragraph 25 of Schedule 12 to the 2005 Act (which provide respectively for cancellation of club gaming permits, and appeals) are to apply to the giving of a notice under sub-paragraph (9) of this paragraph as they apply to the cancellation of a club gaming permit under paragraph 21(1) of that Schedule.

(12) Paragraph 23 of Schedule 12 to the 2005 Act (which provides for forfeiture of club gaming permits on conviction of offences under the 2005 Act) is to apply as if—

(a) the reference in that paragraph to the holder of a club gaming permit, or the officer of the holder of such a permit holder, included a reference to a members' club or miners' welfare institute to which paragraph 80 and sub-paragraph (1) of this paragraph apply or the officer of such a club or institute; and

(b) the reference to the court having power to order forfeiture of the permit included a reference to the court having power to order that paragraph 80 and sub-paragraph (1) of this paragraph should be disapplied in relation to the club or miners' welfare institute concerned.

(13) Paragraph 28 of Schedule 12 to the 2005 Act (which makes provision about the delegation of licensing authority functions) is to apply to the exercise of functions by the relevant licensing authority under this paragraph and under paragraph 80 as it applies to the exercise of functions of a licensing authority under that Schedule.

(14) Despite section 274(2) of the 2005 Act (which disapplies Schedule 12 in relation to specified clubs etc. in Scotland), the provisions of that Schedule referred to in sub-paragraphs (11) to (13) are also to apply to a members' club or miners' welfare institute in Scotland in the same way as they apply to a club or institute in England and Wales.