

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 3 of the 1968 Act: transitional provisions

92.—(1) At any time on or after 1st September 2007 until the date on which the club machine permit is granted in accordance with paragraph 88, a club or miners' welfare institute is to be treated for the purposes of the Act as if it had been granted such a permit in relation to the premises in respect of which the registration under Part 3 of the 1968 Act had effect.

(2) In a case falling within paragraph 86(2), sub-paragraph (1) is not to apply until the date on which the club or institute is registered under Part 3 of the 1968 Act.

(3) Where the club or institute fails to apply for a club machine permit not less than 2 months before the relevant date (within the meaning of paragraph 88(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 88 and sub-paragraph (1) of this paragraph are to be subject to the following provisions of this paragraph.

(5) Paragraph 88 and sub-paragraph (1) of this paragraph are to cease to apply if the members' club, commercial club or miners' welfare institute ceases to be such a club or institute within the meaning of sections 266 to 268 of the 2005 Act.

(6) Paragraph 88 and sub-paragraph (1) of this paragraph are to cease to apply to a 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 club or miners' welfare institute that paragraph 88 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
- (b) that an offence, or a breach of a condition of section 273 of the 2005 Act, has been committed in the course of gaming activities carried on by the club or institute.

Status: This is the original version (as it was originally made).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

(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 machine 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 machine permit under paragraph 21(1) of that Schedule.

(12) Paragraph 23 of Schedule 12 to the 2005 Act (which provides for forfeiture of club machine 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 machine permit, or the officer of the holder of such a permit holder, included a reference to a club or miners' welfare institute to which paragraph 88 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 88 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 paragraph 88 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 (10) to (12) are also to apply to any club or miners' welfare institute in Scotland in the same way as they apply to a club or institute in England and Wales.