

SCHEDULE 4

Transitional provisions

PART 10

Conversion of permits under section 34 of the Gaming Act 1968 into family entertainment centre gaming machine permits

Conversion of section 34 permits into FEC gaming machine permits: supplementary provisions

99.—(1) This paragraph applies to an advance application for a FEC gaming machine permit where the person making the application qualifies as an existing family entertainment centre operator by virtue of paragraph 94(2)(b).

(2) Paragraph 95(1) is to have effect in relation to such an application as if the following paragraph was substituted for paragraph (b)—

“(b) the application relates to the same or substantially the same premises as those to which the application for the section 34 permit relates, and”.

(3) Where the application meets the conditions in paragraphs (a) to (c) of sub-paragraph (1) of paragraph 95, that sub-paragraph is to be modified so that—

- (a) the licensing authority may not determine the application for a FEC gaming machine permit before the application for the section 34 permit has been determined;
- (b) the licensing authority are only to be under a duty to grant the application for a FEC gaming machine permit if the application for the section 34 permit is granted; and
- (c) the licensing authority must reject the application for a FEC gaming machine permit if the application for the section 34 permit is refused.

(4) Sub-paragraph (3) is subject to paragraph 100(2).

(5) The following provisions of this paragraph apply where the application is one to which paragraph 98 applies.

(6) Sub-paragraph (2) of paragraph 98 is to be subject to paragraph (3) above.

(7) Where—

- (a) the application for the section 34 permit is granted before 1st September 2007, but
- (b) it is granted after the day referred to in sub-paragraph (3) of paragraph 98,

that sub-paragraph is to have effect as if it provided for the application to be treated as having been granted and the relevant FEC gaming machine permit issued on the date on which the application for the section 34 permit is granted.

(8) Sub-paragraphs (2) and (3) of paragraph 98 are not to apply where the application for the section 34 permit is refused or withdrawn, or is not granted before 1st September 2007.

(9) For the purposes of this paragraph, where an application for a section 34 permit is refused, it is not to be treated as having been determined or refused until the period for appealing against the decision to refuse the permit has elapsed; or, if an appeal is made, unless and until the appeal is dismissed or abandoned.