

SCHEDULE 4

Transitional provisions

PART 3

Continuation of certificates and permits issued under the Gaming Act 1968

Continuation of certificates and permits granted under section 27 of the Gaming Act 1968

17.—(1) This paragraph applies to a certificate or permit under section 27 of the 1968 Act (which makes provision as to the sale, supply and maintenance of machines to which Part 3 of that Act applies) which—

- (a) is in force immediately before 1st September 2007, or
- (b) is granted or renewed on or after that date.

(2) A certificate or permit to which this paragraph applies is referred to in this paragraph and in paragraphs 18 to 22 as a section 27 certificate or, as the case may be, a section 27 permit.

(3) A section 27 certificate or permit is to have effect on and after 1st September 2007.

(4) Where a section 27 certificate has effect in accordance with sub-paragraph (3)—

- (a) if it was issued for the purposes of subsection (1) of section 27 of the 1968 Act, its effect is to authorise the holder—
 - (i) to sell or supply a gaming machine or part of a gaming machine, or
 - (ii) to cause or permit another person to sell or supply a gaming machine or part of a gaming machine on his behalf;
- (b) if it was issued for the purposes of subsection (5) of that section, its effect is to authorise the holder—
 - (i) to maintain or repair a gaming machine or part of a gaming machine, or
 - (ii) to cause or permit another person to maintain or repair a gaming machine or part of a gaming machine on his behalf;
- (c) if it was issued for the purposes of both those subsections, its effect is to authorise the activities described in both paragraphs (a) and (b).

(5) On and after 1st September 2007 a section 27 certificate is to have effect subject to any relevant operating licence conditions.

(6) In sub-paragraph (5), the reference to relevant operating licence conditions is to—

- (a) any conditions for the time being specified by the Gambling Commission under section 75 of the 2005 Act in relation to gaming machine technical operating licences which apply to the activities authorised by the certificate, and
- (b) any conditions attached to the certificate under paragraph 21(3).

(7) Where a section 27 permit has effect on or after 1st September 2007—

- (a) if it was issued for the purposes of subsection (1) of section 27 of the 1968 Act, its effect is to authorise the holder—
 - (i) to sell or supply the gaming machine specified in the permit or a part of that machine, or
 - (ii) to cause or permit another person to sell or supply that gaming machine on his behalf;
- (b) if it was issued under subsection (5) of that section, its effect is to authorise the holder—

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- (i) to maintain or repair the gaming machine specified in the permit or a part of that machine, or
- (ii) to cause or permit another person to maintain that machine or a part of that machine on his behalf.

Duration of section 27 certificates

18.—(1) Subject to the following provisions of this paragraph, a section 27 certificate is to have effect—

- (a) where the application for the certificate is granted on or after 1st September 2007, for a period of 5 years beginning on the date on which the certificate is issued; or
- (b) in any other case, until the date on which, as the certificate had effect immediately before 1st September 2007, it was due to expire in accordance with paragraph 3 of Schedule 6 to the 1968 Act.

(2) Where the holder of a section 27 certificate applies for a gaming machine technical operating licence at least two months before the date on which the certificate is due to expire, the certificate is not to cease to have effect by virtue of sub-paragraph (1) before that application is finally determined or is withdrawn.

(3) A section 27 certificate is to cease to have effect before the date determined in accordance with sub-paragraph (1) if before that date the holder of the certificate is granted a gaming machine technical operating licence.

(4) Where sub-paragraph (3) applies, the certificate is to cease to have effect immediately before the gaming machine technical operating licence has effect.

(5) This paragraph is without prejudice to sections 113 to 115 and 119 of the 2005 Act (which provide respectively for the surrender, lapse, forfeiture and revocation of operating licences) as those sections have effect in relation to section 27 certificates by virtue of paragraphs 20 and 21.

Duration of section 27 permits

19.—(1) Subject to sub-paragraph (2), a section 27 permit is to have effect until the date on which, as it had effect immediately before 1st September 2007, the permit was due to expire.

(2) A section 27 permit is to cease to have effect if before that date the holder of the permit is granted a single-machine supply and maintenance permit under section 250 of the 2005 Act in respect of the gaming machine to which the section 27 permit relates.

(3) Where sub-paragraph (2) applies, the permit is to cease to have effect immediately before the permit under section 250 of the 2005 Act has effect.

Application of the Gambling Act 2005 to section 27 certificates

20.—(1) The 2005 Act is to apply to a section 27 certificate having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph and in paragraph 21.

(2) Section 33 (which makes it an offence to provide facilities for gambling without the appropriate authorisation) is to have effect as if it provided for subsection (1) of that section also not to apply to any activity by a person if—

- (a) he holds a section 27 certificate, or is acting as the servant or agent of any person who holds such a certificate,
- (b) the activity is authorised by the certificate, and
- (c) in carrying out the activity he complies with any relevant operating licence conditions.

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(3) Sections 113 to 115 are to apply to section 27 certificates and the holders of such certificates as they apply to gaming machine technical operating licences and the holders of such licences.

(4) Section 243 (which makes it an offence to manufacture, supply, install etc. a gaming machine without the appropriate authorisation) is to have effect as if it provided for a person not to commit the offence under subsection (1) of that section if—

- (a) he holds a section 27 certificate or is acting as the servant or agent of any person who holds such a certificate, and
- (b) the activity is authorised by the certificate, and
- (c) in carrying out the activity he complies with any relevant operating licence conditions.

(5) Section 308 (which provides for the inspection of premises used by an operating licence holder) is to apply to section 27 certificates and the holders of such certificates as it applies to gaming machine technical operating licences and the holders of such licences with the modifications specified in sub-paragraph (7).

(6) In section 308, in relation to a section 27 certificate—

- (a) any reference to the licensed activities is to have effect as a reference to the activities authorised by the certificate, and
- (b) in subsection (3), the reference to the terms and conditions of the operating licence is to have effect as a reference to any relevant operating licence conditions having effect in relation to the certificate.

(7) In this paragraph, “relevant operating licence conditions” has the meaning given by paragraph 17(6).

Application of review provisions to section 27 certificates

21.—(1) Sections 116 to 122 of the 2005 Act (which make provision with respect to the review of operating licences) are to apply to section 27 certificates and the holders of such certificates as they apply to gaming machine technical operating licences and the holders of such licences, but with the modifications specified in the following provisions of this paragraph.

(2) In section 116 (scope of Gambling Commission’s powers to carry out a review)—

- (a) in subsection (1)—
 - (i) the reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate; and
 - (ii) the reference to ensuring compliance with conditions attached under section 75, 77 or 78 is to have effect as a reference to ensuring compliance with any relevant operating licence conditions; and
- (b) in subsection (2)—
 - (i) the reference to activities carried on otherwise than in accordance with a condition of the operating licence is to have effect as a reference to activities carried on otherwise than in accordance with any relevant operating licence conditions, and
 - (ii) references to the licensed activities are to have effect as references to the activities authorised by the section 27 certificate.

(3) Following a review under either subsection (1) or (2) of section 116, the Gambling Commission may—

- (a) attach an additional condition to the certificate, or
- (b) remove or amend a condition attached under this sub-paragraph as a result of a previous review under either subsection.

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(4) Subsection (1) of section 117 (regulatory powers of the Gambling Commission on a review) is to have effect—

- (a) as if paragraph (b) provided for the Gambling Commission to have power to attach an additional condition to the certificate under sub-paragraph (3) above,
- (b) as if paragraph (c) provided for the Gambling Commission to have power to remove or amend a condition attached to the certificate under that sub-paragraph, and
- (c) as if paragraph (d) were omitted.

(5) Section 118 (powers of Gambling Commission to suspend an operating licence following a review) is to have effect with the omission of subsection (3).

(6) Section 119 (powers of Gambling Commission to revoke an operating licence following a review) is to have effect with the omission of subsections (2) and (3).

(7) Section 120 (which specifies the conditions which are to apply if the Gambling Commission is to exercise its powers to suspend or revoke an operating licence) is to have effect with the omission of subsection (2) and in that section—

- (a) in subsection (1)(b), the reference to a condition of the licence having been breached is to have effect as a reference to a relevant operating licence condition having been breached; and
- (b) in subsections (1)(d) and (3), a reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate.

(8) In section 121 (which enables the Gambling Commission to impose financial penalties on operating licence holders) any reference (however expressed) to a breach of a condition of an operating licence is to have effect as a reference to a breach of a relevant operating licence condition.

(9) In section 122 (which enables the Gambling Commission to require an operating licence holder to provide information)—

- (a) In subsections (1)(c) and (4)(b), a reference to the licensed activities is to have effect as a reference to the activities authorised by the section 27 certificate; and
- (b) In subsection (4)(a), the reference to activities carried on otherwise than in accordance with a condition of the operating licence is to have effect as a reference to activities carried on otherwise than in accordance with any relevant operating licence condition.

(10) Section 141 of the 2005 Act (which provides for appeals to the Gambling Appeals Tribunal) is to have effect in relation to a section 27 certificate as if—

- (a) in subsections (6) to (8), references to the Gambling Commission taking action, or determining to take action, under section 117, 118 or 119 included references to the Gambling Commission taking action, or determining to take action, under any of those sections in relation to the certificate;
- (b) in subsection (9), the reference to the Gambling Commission giving notice of a penalty under section 121(4) included giving such a notice in relation to the certificate; and
- (c) references to a licensee in those subsections included a reference to the holder of the certificate.

(11) In this paragraph, “relevant operating licence conditions” has the meaning given by paragraph 17(6).

Application of the Gambling Act 2005 to section 27 permits

22.—(1) The 2005 Act is to apply to a section 27 permit having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph.

(2) Subsection (1) of section 250 is to have effect as if the reference to a permit under that section included a reference to a section 27 permit.

(3) In section 243(1), the reference to section 250 is to have effect as a reference to that section as modified by sub-paragraph (2).

Continuation of permits granted under section 34 of the Gaming Act 1968 in respect of alcohol licensed premises

23.—(1) This paragraph applies to a permit under section 34 of the 1968 Act⁽¹⁾ (which makes provision with respect to the use for gaming of machines to which Part 3 of that Act applies) granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act⁽²⁾ which—

- (a) is in force immediately before 1st September 2007, or
- (b) (if not so in force) is granted or renewed on or after that date.

(2) A permit to which this paragraph applies is referred to in this paragraph and in paragraphs 24 to 26 as an alcohol licensed premises gaming machine permit.

(3) An alcohol licensed premises gaming machine permit is to have effect on and after 1st September 2007.

(4) Where an alcohol licensed premises gaming machine permit has effect in accordance with sub-paragraph (3), its effect is to authorise the holder to make available on the premises to which the permit relates a number of Category C or D gaming machines⁽³⁾ equal to the number of AWP machines which the permit would have authorised him to make available under the 1968 Act.

(5) An alcohol licensed premises gaming machine permit is to be subject to the conditions that any gaming machine must—

- (a) be located on premises which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
- (b) be made available for use only at a time when (as the case may be)—
 - (i) alcohol may be supplied in reliance on the premises licence under Part 3 of the Licensing Act 2003⁽⁴⁾, or
 - (ii) alcohol may be sold for consumption on the premises in reliance on the relevant Scottish licence⁽⁵⁾.

(6) In this paragraph and in paragraph 27, “AWP machine” means a machine—

- (a) to which Part 3 of the 1968 Act applies,
- (b) which is used for gaming (within the meaning of that Act), and
- (c) which complies with the conditions specified in subsections (2), (3) and (5) of section 34 of that Act or those specified in subsections (5B) to (5C) of that section⁽⁶⁾.

Duration of alcohol licensed premises gaming machine permits

24.—(1) Subject to the following provisions of this paragraph, an alcohol licensed premises gaming machine permit is to have effect until—

(1) Section 34 was amended by [S.I. 1996/1359](#) and [S.I. 2003/3275](#).
(2) Sub-paragraph (a) of paragraph 1 was amended by the Licensing Act 2003 ([c. 17](#)), Schedule 6, paragraphs 48 and 52(1) and (2). Sub-paragraph (c) of paragraph 1 was substituted by the Licensing (Scotland) Act 1976 ([c. 66](#)), section 133(3).
(3) See section 236 of the 2005 Act.
(4) [2003 \(c. 17\)](#).
(5) See section 277 of the 2005 Act for the definition of “relevant Scottish licence” for the purposes of that Act.
(6) Subsections (5A) to (5E) were inserted by [S.I. 1996/1359](#). Further provisions were inserted by [S.I. 2003/3275](#).

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- (a) in a case falling within paragraph 23(1)(a), whichever is the earlier of—
 - (i) 31st August 2010, or
 - (ii) the date on which the permit, as it had effect immediately before 1st September 2007, was due to expire in accordance with paragraph 18 of Schedule 9 to the 1968 Act; or
- (b) in a case falling within paragraph 23(1)(b), for a period of 3 years beginning on the date on which the permit is granted or renewed.
- (2) Where in a case falling within paragraph 23(1)(a)—
 - (a) the permit has effect immediately before 1st September 2007 by virtue of paragraph 19 of Schedule 9 to the 1968 Act; and
 - (b) the application under Schedule 9 to that Act for the renewal of the permit is granted on or after that date,the permit is to have effect until 31st August 2010.
- (3) Where the holder of a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act applies for a licensed premises gaming machine permit at least two months before the date on which the permit under section 34 of the 1968 Act is due to expire, the permit is not to cease to have effect by virtue of sub-paragraph (1) or (2) until the application for the licensed premises gaming machine permit is determined or is withdrawn.
- (4) An alcohol licensed premises gaming machine permit is to cease to have effect before the date referred to in sub-paragraph (1) if before that date—
 - (a) the holder of the permit is granted a licensed premises gaming machine permit; or
 - (b) section 282 of the 2005 Act (which enables up to 2 Category C or D gaming machines to be made available in alcohol licensed premises) applies to the premises specified in the permit.
- (5) Where sub-paragraph (4) applies, the permit is to cease to have effect immediately before the licensed premises gaming machine permit or section 282 of the 2005 Act has effect in relation to the premises specified in the permit.
- (6) This paragraph is subject to paragraphs 25(8), 28(5) and 29(4) and (5).

Application of the Gambling Act 2005 to alcohol licensed premises gaming machine permits

25.—(1) The 2005 Act is to apply to an alcohol licensed premises gaming machine permit having effect on or after 1st September 2007 with the modifications specified in the following provisions of this paragraph.

(2) Subsections (1), (3) and (4) of section 283 of the Act (which enables Category C and D gaming machines to be made available under the authority of a licensed premises gaming machine permit) are to have effect as if the reference to a licensed premises gaming machine permit included a reference to an alcohol licensed premises gaming machine permit.

(3) In sections 37(7)(e) and 242(1) (which make it an offence respectively to use premises for providing facilities for gambling and to make gaming machines available for use), the reference to section 283 is to have effect as a reference to that section as modified by sub-paragraph (2).

(4) The provisions of Schedule 13 to the 2005 Act (which relates to licensed premises gaming machine permits) specified in sub-paragraph (5) are to apply to an alcohol licensed premises gaming machine permit as they apply to a licensed premises gaming machine permit.

(5) The provisions of Schedule 13 referred to in sub-paragraph (4) are paragraphs 7(2), 8, 10 to 14, 16, 18 to 20 and 21 (as that last paragraph has effect for the purposes of appeals under sub-paragraph (1)(c) of that paragraph).

(6) In paragraphs 7(2), 11, 16, 18(4), 19(4) and (5), and 21(3) of Schedule 13, any reference to the licensing authority is to have effect as a reference to the licensing authority which in its capacity as a licensing authority under the Licensing Act 2003 granted the premises licence under Part 3 of the Licensing Act 2003 in respect of the premises to which the permit relates.

(7) Sub-paragraph (6) is subject to paragraph 26(4).

(8) Paragraph 12 of Schedule 13 is to have effect as if it provided for a permit to continue to have effect until the date determined in accordance with paragraph 24 above, unless and until it ceases to have effect before that time in accordance with any of the provisions of that Schedule specified in sub-paragraph (5).

Continuation of alcohol licensed premises gaming machine permits: application of the Gambling Act 2005 in relation to permits in Scotland

26.—(1) Despite Schedule 13 to the 2005 Act not applying in relation to Scotland, the provisions of that Schedule specified in sub-paragraph (5) of paragraph 25 (other than paragraphs 19 and 20 of that Schedule) are to apply to alcohol licensed premises gaming machine permits issued in Scotland.

(2) The provisions of Schedule 13 to the 2005 Act referred to in sub-paragraph (1) are to apply to alcohol licensed premises gaming machine permits issued in Scotland with—

- (a) the modification specified in sub-paragraph (8) of paragraph 25, and
- (b) the modifications specified in sub-paragraphs (3) and (4) below.

(3) In relation to alcohol licensed premises gaming machine permits issued in Scotland—

- (a) paragraph 13 of Schedule 13 is to have effect as if any reference to an on-premises alcohol licence was to a relevant Scottish licence⁽⁷⁾;
- (b) paragraph 18(2)(c) of that Schedule is to have effect as if the reference to the High Court was a reference to the Court of Session; and
- (c) paragraph 21 of that Schedule is to have effect as if—
 - (i) sub-paragraph (2)(a) referred to a sheriff within whose sheriffdom the premises to which the permit relates are wholly or partly situated;
 - (ii) sub-paragraph (2)(b) was omitted;
 - (iii) the reference in sub-paragraph (3) to the magistrates' court was to the sheriff; and
 - (iv) the reference in sub-paragraph (3) to costs was to expenses.

(4) Any reference to the licensing authority in the provisions of Schedule 13 to the 2005 Act mentioned in paragraph 25(6) is to have effect as a reference to the licensing authority which in its capacity as a licensing board under the Licensing (Scotland) Act 1976⁽⁸⁾ granted the relevant Scottish licence in respect of the premises to which the permit relates.

Conversion of permits under section 34 of the Gaming Act 1968 into licensed premises gaming machine permits

27.—(1) This paragraph applies where—

- (a) the holder of a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act⁽⁹⁾ applies for a licensed premises gaming machine permit;

⁽⁷⁾ See section 277 of the 2005 Act for the definition of “relevant Scottish licence”.

⁽⁸⁾ 1976 c. 66.

⁽⁹⁾ Sub-paragraph (a) of paragraph 1 was amended by the Licensing Act 2003 (c. 17), Schedule 6, paragraphs 48 and 52(1) and (2). Sub-paragraph (c) of paragraph 1 was substituted by the Licensing (Scotland) Act 1976 (c. 66), section 133(3).

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- (b) that permit authorises the holder to make available a number of gaming machines, being a number which is greater than two;
 - (c) that permit is due to expire in accordance with paragraph 24(1) or (2) on a date on or after 1st September 2007;
 - (d) the application for the licensed premises gaming machine permit is made at least two months before the date on which the permit under section 34 of the 1968 Act is due to expire in accordance with paragraph 24(1) or (2); and
 - (e) (where the applicant holds a premises licence under Licensing Act 2003(10) in respect of the premises to which the application relates) the application for the licensed premises gaming machine permit complies with sub-paragraphs (b), (c), and (e) of paragraph 2 of Schedule 13 to the 2005 Act.
- (2) In sub-paragraph (1)(b) the reference to gaming machines is—
- (a) in relation to any time before 1st September 2007, to AWP machines, and
 - (b) in relation to any time on or after that date, to Category C or D gaming machines.
- (3) Sub-paragraph (1) applies whether the application is made before, on or after 1st September 2007.
- (4) If the application is in respect of a number of gaming machines which does not exceed the number of AWP machines or Category C or D gaming machines authorised by the permit under section 34 of the 1968 Act (referred to in this paragraph as “the authorised number”), the licensing authority must grant the application.
- (5) If the application is in respect of a number of gaming machines which is greater than the authorised number, the licensing authority must grant the application in respect of a number of gaming machines which is no smaller than the authorised number.
- (6) In a case to which sub-paragraph (5) applies, where the number of Category C gaming machines specified in the application does not exceed the authorised number, the licensing authority may not grant the application in respect of a smaller number of Category C gaming machines than that specified in the application.
- (7) Where the application referred to in sub-paragraph (1) is made before 1st September 2007—
- (a) the licensing authority must not grant the application for the licensed premises gaming machine permit until that date, and
 - (b) sub-paragraphs (4) to (6) are not to apply if the permit under section 34 of the 1968 Act ceases to have effect before 1st September 2007.
- (8) Sub-paragraphs (4) to (6) also do not apply where, after the application for the licensed premises gaming machine permit has been made, the permit under section 34 of the 1968 Act is cancelled or forfeited under paragraph 16 or 18 of Schedule 13 to the 2005 Act (as those provisions have effect by virtue of paragraph 25(4) above).
- (9) Where the premises to which the permit under section 34 of the 1968 Act relates are situated in England or Wales, sub-paragraphs (4) to (6) are to be subject to paragraph 6(1) of Schedule 13 to the 2005 Act (which prohibits the grant of a licensed premises gaming machine permit to a person who does not hold an on-premises alcohol licence).

Failure to make the application for a licensed premises gaming machine permit in the appropriate form or manner

28.—(1) This paragraph applies to any application for a licensed premises gaming machine permit made to a licensing authority in England or Wales which meets the conditions in paragraphs

(10) 2003 c. 17.

(a) to (e) of paragraph 27(1) above, but does not comply with a requirement imposed under sub-paragraph (a) or (d) of paragraph 2 of Schedule 13 to the 2005 Act.

(2) Where the licensing authority give notice in writing to the applicant requesting him to do anything which is necessary for the purposes of complying with any such requirement, the licensing authority are to cease to be under a duty by virtue of paragraph 27(4) to (6) to grant the application, or to grant the application in respect of a specified number and type of gaming machines, until such time as the applicant complies with the request.

(3) The applicant must comply with any request made under sub-paragraph (2) within such period as may be specified in the notice (such period not being less than 14 days from the date on which the notice is received).

(4) Sub-paragraph (5) applies where the applicant fails to comply with the notice within the period referred to in sub-paragraph (3).

(5) Where an alcohol licensed premises gaming machine permit has effect in respect of the premises to which the application relates—

- (a) paragraph 24(3) is not to apply to the permit, and
- (b) if the permit has effect by virtue of that provision, the permit is to lapse on the expiry of the period referred to in sub-paragraph (3).

Applications for conversion of permits under section 34 of the Gaming Act 1968: provisions applying to Scotland

29.—(1) This paragraph is only to have effect if on 1st June 2007 regulations under section 285(1) (b) of the 2005 Act are not in force setting out provisions which are to have effect in place of Schedule 13 to that Act in relation to an application for a licensed premises gaming machine permit where the applicant is the holder of a relevant Scottish licence⁽¹¹⁾.

(2) Sub-paragraph (3) modifies the effect of paragraph 27 in relation to such an application where—

- (a) the person making the application holds a permit under section 34 of the 1968 Act in respect of the premises to which the application relates, and
- (b) that permit is due to expire in accordance with paragraph 24(1) on a date which is no more than 3 months after the date on which the provisions referred to in sub-paragraph (1) come into force.

(3) Paragraph (d) of paragraph 27(1) is to have effect as if it required the application for the licensed premises gaming machine permit to be made on or before whichever of the following dates is the later—

- (a) one month after the date on which the provisions referred to in paragraph (1) come into force, or
- (b) two months before the date on which the permit under section 34 of the 1968 Act is due to expire in accordance with paragraph 24(1).

(4) Where—

- (a) a permit under section 34 of the 1968 Act in respect of premises is held by a person who also holds a relevant Scottish licence in respect of the premises, and
- (b) that permit is due to expire in accordance with paragraph 24(1) on a date which is before the date referred to in sub-paragraph (3)(a),

then (subject to sub-paragraph (5)) paragraph 24(1) is to have effect as if it provided for the permit to continue in force until the date referred to in sub-paragraph (3)(a).

⁽¹¹⁾ See section 277 of the 2005 Act for the definition of “relevant Scottish licence”.

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- (5) Where in a case falling within sub-paragraph (4)—
- (a) the holder of the permit under section 34 of the 1968 Act applies for a licensed premises gaming machine permit, and
 - (b) that application meets the conditions in paragraphs (a) to (e) of paragraph 27(1) (as modified by sub-paragraph (3)),

the permit under section 34 of the 1968 Act is not to cease to have effect by virtue of sub-paragraph (4) until the application for the licensed premises gaming machine permit is determined or is withdrawn.

Special provision with respect to alcohol licensed premises within tracks in England and Wales

- 30.**—(1) This paragraph applies where—
- (a) a person holds a permit under section 34 of the 1968 Act granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act, and
 - (b) the premises to which that permit relates form part of a track, and are situated in England or Wales.
- (2) Where—
- (a) the holder of the permit applies for a licensed premises gaming machine permit, and
 - (b) the application is one to which paragraph 27 applies,

Schedule 13 to the 2005 Act is to have effect in relation to that application as if paragraph 1(2) of that Schedule were omitted.

Continuation of other permits granted under section 34 of the Gaming Act 1968

- 31.**—(1) This paragraph applies to a permit under section 34 of the 1968 Act granted by the authority mentioned in paragraph 1(b) or (d) of Schedule 9 to that Act⁽¹²⁾ in respect of non-amusement premises which—
- (a) is in force immediately before 1st September 2007, or
 - (b) (if not so in force) is granted or renewed on or after that date.
- (2) A permit to which this paragraph applies is referred to in this paragraph and in paragraphs 32 and 33 as a Category D gaming machine permit.
- (3) A Category D gaming machine permit is to continue to have effect on and after 1st September 2007.
- (4) Where a Category D gaming machine permit has effect in accordance with sub-paragraph (3), it is to authorise the holder to make available on the premises to which the permit relates a number of Category D gaming machines⁽¹³⁾ equal to the number of lower value AWP machines which the permit would have authorised him to make available under the 1968 Act.
- (5) A Category D gaming machine permit is to have effect until—
- (a) in a case falling within paragraph (a) of sub-paragraph (1), whichever is the earlier of 31st July 2009 or the relevant expiry date; or
 - (b) in a case falling within paragraph (b) of that sub-paragraph, 31st July 2009.
- (6) Sub-paragraph (5) is subject to paragraph 33(8).

⁽¹²⁾ Sub-paragraph (b) of paragraph 1 was partially repealed by the Local Government Act 1972 (c. 70), Schedule 30. Sub-paragraph (d) of paragraph 1 was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 24, paragraph 32, and by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 78(4).

⁽¹³⁾ See section 236 of the 2005 Act.

- (7) In this paragraph—
- (a) “lower value AWP machine” means a machine—
 - (i) to which Part 3 of the 1968 Act applies,
 - (ii) which is used for gaming (within the meaning of that Act), and
 - (iii) which complies with the conditions mentioned in subsection (1) of section 34 of that Act;
 - (b) “non-amusement premises” means any premises other than amusement machine premises; and
 - (c) “relevant expiry date”, in relation to a Category D gaming machine permit, means the date on which, as it had effect immediately before 1st September 2007, the permit was due to expire.

Continuation of Category D gaming machine permits: provision of information where permit issued in Scotland

32.—(1) This paragraph applies to a Category D gaming machine permit which was granted in Scotland by the appropriate authority mentioned in paragraph 1(d) of Schedule 9 to the 1968 Act (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹⁴⁾).

(2) The council which granted the permit must on the relevant date, or as soon as practicable after that date, provide the relevant licensing board with the information specified in sub-paragraph (3).

- (3) The information to be provided is—
- (a) the name and address of the permit holder,
 - (b) the premises to which the permit relates,
 - (c) the date on which the permit was granted or last renewed, and
 - (d) in a case falling within paragraph 31(1)(a), the date on which, as it had effect immediately before 1st September 2007, the permit was due to expire.
- (4) In this paragraph—
- (a) a reference to the relevant date is to—
 - (i) 1st September 2007, or
 - (ii) in a case falling within paragraph 31(1)(b), the date on which the permit is granted; and
 - (b) a reference to the relevant licensing board is to the licensing authority under the 2005 Act in whose area the premises to which the permit relates are situated.

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).

(14) 1994 c. 39.

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

(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.