

*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Duration. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

#### FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

##### *Duration*

- 12 A permit shall cease to have effect at the end of the period of ten years beginning with the date specified under paragraph 11(1)(c) unless—
- (a) it ceases to have effect before that time in accordance with a provision of this Schedule, or
  - (b) it is renewed in accordance with paragraph 18.

##### **Commencement Information**

- 11** Sch. 10 para. 12(a) in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), Sch. 2 (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)
- 12** Sch. 10 para. 12(b) in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

- 13 (1) A permit shall lapse if the holder ceases to occupy the premises specified under paragraph 11(1)(b).
- (2) A permit shall not take effect if on the date specified under paragraph 11(1)(c) the person to whom the permit is issued is not an occupier of the premises specified under paragraph 11(1)(b).

##### **Commencement Information**

- 13** Sch. 10 para. 13 in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), Sch. 2 (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)

- 14 A permit shall lapse if the licensing authority notify the holder that the premises are not being used as a family entertainment centre.

##### **Commencement Information**

- 14** Sch. 10 para. 14 in force at 1.9.2007 by S.I. 2006/3272, art. 2(4)(5), Sch. 3B (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

- 15 (1) A permit held by an individual shall lapse if—
- (a) he dies,
  - (b) he becomes, in the opinion of the licensing authority as notified to him, incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity,

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- (c) he becomes bankrupt (within the meaning of section 381 of the Insolvency Act 1986 (c. 45)), [F1 or a debt relief order is made in respect of him (under Part 7A of the Insolvency Act 1986)] or
  - (d) sequestration of his estate is awarded under section [F2 22(1) of the Bankruptcy (Scotland) Act 2016] .
- (2) In any other case a permit shall lapse if the holder—
- (a) ceases to exist, or
  - (b) goes into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- (3) During the period of six months beginning with the date on which a permit lapses under this paragraph the following may rely on it as if it had effect and were issued to them—
- (a) the personal representatives of the holder (in the case of an individual holder who dies),
  - (b) the trustee of the bankrupt's estate (in the case of an individual holder who becomes bankrupt), and
  - (c) the liquidator of the company (in the case of a company holder that goes into liquidation).

#### Textual Amendments

- F1** Words in Sch. 10 para. 15(1)(c) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 55(4)** (with art. 5)
- F2** Words in Sch. 10 para. 15(1)(d) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 28(4)**

#### Commencement Information

- I5** Sch. 10 para. 15 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

- 16 A permit shall cease to have effect if the holder gives to the licensing authority—
- (a) notice of surrender, and
  - (b) either—
    - (i) the permit, or
    - (ii) a statement explaining why it is not reasonably practicable to produce the permit.

#### Commencement Information

- I6** Sch. 10 para. 16 in force at 21.5.2007 by [S.I. 2006/3272](#), art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by [S.I. 2007/1157](#), arts. 3(3), 4)

- 17 (1) Where the holder of a permit is convicted of a relevant offence the court by or before which he is convicted may order forfeiture of the permit.
- (2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—
- (a) the court which orders forfeiture,

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- (b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or
  - (c) the High Court, if hearing proceedings relating to the conviction.
- (3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.
- (4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the holder of the permit deliver to the licensing authority within such time as the order may specify—
- (a) the permit, or
  - (b) a statement explaining why it is not reasonably practicable to produce the permit.
- (5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

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**Commencement Information**

**I7** Sch. 10 para. 17 in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), Sch. 2 (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)

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