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SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO ACT OF 1963

PERMITS UNDER SECTION 49

Authority responsible for grant and renewal of permits

- 1 (1) In this Schedule "the Gaming Act Schedule" means Schedule 9 to the Gaming Act 1968 (which relates to permits under section 34 of that Act), " the appropriate authority " has the meaning assigned to it by paragraph 1 of that Schedule, and " local authority " has the meaning assigned to it by paragraph 3 of that Schedule.
- (2) In this Schedule, and in any provisions of the Gaming Act Schedule as applied by this Schedule, " permit" means a permit under section 49 of this Act.
- 2 Paragraph 2 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

Resolution by local authority as to grant or renewal of permits

- 3 Any local authority may pass either of the following resolutions, that is to say—
- (a) that (subject to paragraph 4 of this Schedule) the authority will not grant any permits in respect of premises of a class specified in the resolution ;
 - (b) that (subject to paragraph 4 of this Schedule) the authority will neither grant nor renew any permit in respect of premises of a class specified in the resolution.
- 4 (1) No resolution under paragraph 3 of this Schedule shall have effect in relation to the grant or renewal of permits in respect of premises to which this paragraph applies.
- (2) This paragraph applies to any premises used or to be used wholly or mainly for the purposes of a pleasure fair consisting wholly or mainly of amusements.

Application for grant or renewal of permit

- 5 Paragraphs 5 and 6 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

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Grounds for refusal to grant or renew permit

- 6 Where an application for the grant or renewal of a permit is made to a local authority, then if—
- (a) there is for the time being in force a resolution passed by that authority in accordance with paragraph 3 of this Schedule which is applicable to the premises to which the application relates, and
 - (b) the permit could not be granted or renewed without contravening that resolution,
- it shall be the duty of the authority to refuse to grant or renew the permit.
- 7 (1) In the case of premises to which paragraph 4 of this Schedule applies—
- (a) the grant of a permit shall be at the discretion of the appropriate authority; but
 - (b) the appropriate authority shall not refuse to renew a permit except either on the grounds that they or their authorised representatives have been refused reasonable facilities to inspect the premises or by reason of the conditions in which amusements with prizes have been provided on the premises, or the manner in which any such amusements have been conducted, while the permit has been in force.
- (2) In the case of premises other than premises to which paragraph 4 of this Schedule applies, the grant or renewal of a permit shall (subject to paragraph 6 of this Schedule) be at the discretion of the appropriate authority; and in particular, and without prejudice to the generality of that discretion, the appropriate authority may refuse to grant or renew any such permit on the grounds that, by reason of the purposes for which, or the persons by whom, or any circumstances in which, the premises are or are to be used, it is undesirable that amusements with prizes should be provided on those premises.
- (3) The preceding provisions of this paragraph shall have effect subject to section 49(3B) of this Act.
- (4) In this paragraph any reference to amusements with prizes includes any amusements provided by means of a machine to which Part III of the Gaming Act 1968 applies.

Appeal in England or Wales against decision of appropriate authority

- 8 Paragraph 11 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.
- 9 The court of quarter sessions shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 of this Schedule, it was the duty of the appropriate authority to refuse to grant or renew the permit.
- 10 Subject to paragraph 9 of this Schedule, on any such appeal the court of quarter sessions may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to the court of quarter sessions in the first instance; and the judgment of the court of quarter sessions on the appeal shall be final.
- 11 Paragraph 14 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.

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Appeal in Scotland against decision of appropriate authority

- 12 Paragraph 15 of the Gaming Act Schedule shall have effect for the purposes of this Schedule.
- 13 The sheriff shall not allow an appeal under this Schedule if satisfied that, by virtue of paragraph 6 of this Schedule, it was the duty of the appropriate authority to refuse to grant or renew the permit.
- 14 (1) Subject to paragraph 13 of this Schedule, on any such appeal the sheriff may either allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to him in the first instance.
- (2) The decision of the sheriff on the appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.

Duration of permit

- 15 Paragraphs 18 to 20 of the Gaming Act Schedule shall have effect for the purposes of this Schedule, with the substitution, for the reference in paragraph 18 of that Schedule to section 39 of that Act, of a reference to section 49 of this Act.

Payment of fees

- 16 Notwithstanding anything in the preceding provisions of this Schedule, no permit shall be granted or renewed except on payment by the applicant to the appropriate authority or their clerk of a fee of twenty-five shillings.

Supplementary provisions

- 17 The grant or renewal of a permit shall not be invalidated by any failure to comply with paragraph 6 of this Schedule ; and any duty of a local authority to comply with that paragraph shall not be enforceable by any legal proceedings.