

SCHEDULES

SCHEDULE 1

Section 10.

PROVISIONS AS TO GAMING BOARD FOR GREAT BRITAIN

- 1 The Gaming Board for Great Britain shall by that name be a body corporate with perpetual succession and a common seal.
- 2 The chairman and other members of the Board shall hold and vacate office as such in accordance with the terms of their appointments.
- 3 A person who ceases to hold office as a member of the Board, or ceases to hold office as chairman, shall be eligible for reappointment.
- 4 In addition to the inspectors appointed under section 43 of this Act, the Board may appoint such officers and servants as, after consultation with the Secretary of State and with the consent of the Treasury, the Board may determine ; and the Board shall be included among the bodies specified in Schedule 8 to the Superannuation Act 1965.
- 5 The Secretary of State shall pay to the members of the Board such remuneration and allowances as, with the consent of the Treasury, he may determine.
- 6 The Board shall pay to their officers and servants (including the inspectors appointed under section 43 of this Act) such remuneration and allowances as, after consultation with the Secretary of State and with the consent of the Treasury, the Board may determine.
- 7 The Board shall have power to regulate their own procedure.
- 8 The validity of any proceedings of the Board shall not be affected by any vacancy among the members of the Board or by any defect in the appointment of any such member.

SCHEDULE 2

Section 11(1).

GRANT, RENEWAL, CANCELLATION AND TRANSFER OF LICENCES

Introductory

- 1 (1) Subject to the provisions of this Schedule with respect to certificates of consent, the authority responsible for the grant, renewal, cancellation and transfer of licences under this Act—
 - (a) in any petty sessions area in England or Wales, or
 - (b) in any licensing area (within the meaning of the Licensing (Scotland) Act 1959) in Scotland,

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shall be the authority which under Schedule 1 to the Act of 1963 is responsible for the grant or renewal of bookmaker's permits, betting agency permits and betting office licences in that area.

- (2) Any such authority is in this Act referred to as a "licensing authority".
- 2 (1) In this Schedule "the licensing authority in relation to a licence under this Act or to an application relating to such a licence, means the licensing authority for the petty sessions area in England or Wales, or the licensing area in Scotland, in which the relevant premises are or are to be situated.
- (2) In this Schedule—
- "the appropriate collector of duty" means the Collector of Customs and Excise for the area in which the relevant premises are or are to be situated ;
 - "the appropriate fire authority" means the fire authority (within the meaning of the Fire Services Act 1947) in whose area the relevant premises are or are to be situated ;
 - "the appropriate local authority"—
 - (a) in England and Wales, means the local authority (being the council of a county borough, London borough or county district or the Common Council of the City of London) in whose area the relevant premises are or are to be situated, and
 - (b) in Scotland, where the relevant premises are or are to be situated in a burgh, means the council of that burgh, and in any other case means the council of the county, and the council of the district, in which the relevant premises are or are to be situated;
 - "the appropriate officer of police" means the chief officer of police, or in Scotland, the chief constable, for the police area in which the relevant premises are or are to be situated ;
 - "bingo club licence" means a licence under this Act granted in respect of any premises subject to restrictions under paragraph 25 of this Schedule whereby gaming to which Part II of this Act applies on those premises is limited to the playing of bingo ;
 - "the clerk to the licensing authority", where that authority is a committee of the justices acting for a petty sessions area, means the clerks to those justices, or, if there are two or more clerks to those justices, means—
 - (a) such one of those clerks as the magistrates' courts committee (or, in the case of the inner London area, the committee of magistrates) having power over the appointment of clerks to justices for that area may direct, or
 - (b) in default of any such direction, any of those clerks ; and
 - "the relevant premises", in relation to a licence under this Act or to an application relating to such a licence, means the premises in respect of which the licence is for the time being in force or the premises to which the application relates, as the case may be.

Certificate of consent for purposes of application for licence

- 3 (1) An application for the grant of a licence under this Act in respect of any premises shall be of no effect unless—
- (a) the Board have issued to the applicant a certificate consenting to his applying for such a licence in respect of those premises, and that certificate is for the

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- time being in force and the application is made within the period specified in the certificate, and
- (b) where the certificate is limited to a bingo club licence, the application is for the grant of a bingo club licence in respect of those premises.
- (2) In the following provisions of this Schedule any reference to an application for the grant of a licence under this Act shall be construed as not including any application which by virtue of the preceding sub-paragraph is of no effect.
- 4 (1) The provisions of this paragraph shall have effect with respect to any application for a certificate of consent (in this paragraph referred to as a " consent application ") for the purposes of an application for the grant of a licence under this Act (in this paragraph referred to, in relation to a consent application, as " the relevant licence application ").
- (2) Any consent application shall be made to the Board by the person proposing to make the relevant licence application, and shall—
- (a) specify the premises in respect of which the relevant licence application is proposed to be made, and
- (b) state whether the relevant licence application will be for the grant of a bingo club licence or for a licence under this Act other than a bingo club licence.
- (3) The Board shall not (unless in any particular case they think fit to do so) be required to entertain a consent application unless it is made—
- (a) before the end of the period of three months beginning with the date appointed under section 54(4) of this Act for the purposes of this paragraph, or
- (b) after the end of the period of fifteen months beginning with that date and before the end of the month of October in the year immediately preceding the year in which the relevant licence application is proposed to be made.
- (4) The Board shall not issue a certificate on a consent application if it appears to the Board that the applicant—
- (a) not being a body corporate, is under twenty-one years of age, or
- (b) not being a body corporate, is not resident in Great Britain or was not so resident throughout the period of six months immediately preceding the date on which the application was made, or
- (c) being a body corporate, is not incorporated in Great Britain.
- (5) Subject to sub-paragraph (4) of this paragraph, in determining whether to issue to an applicant a certificate consenting to his applying for the grant of a licence under this Act in respect of any premises, the Board shall have regard only to the question whether, in their opinion, the applicant is likely to be capable of, and diligent in, securing that the provisions of this Act and of any regulations made under it will be complied with, that gaming on those premises will be fairly and properly conducted, and that the premises will be conducted without disorder or disturbance.
- (6) For the purposes of sub-paragraph (5) of this paragraph the Board shall in particular take into consideration the character, reputation and financial standing—
- (a) of the applicant, and
- (b) of any person (other than the applicant) by whom, if a licence were granted on the relevant licence application, the club to which the consent application relates would be managed, or for whose benefit, if a licence were so granted, that club would be carried on,

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but may also take into consideration any other circumstances appearing to them to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing the matters mentioned in that sub-paragraph.

- (7) If on a consent application made to the Board in respect of any premises the Board issue to the applicant a certificate consenting to his applying for the grant of a licence under this Act in respect of those premises, the certificate shall—
- (a) specify the applicant and those premises ;
 - (b) specify a period within which the relevant licence application can be made ;
and
 - (c) state whether the consent is or is not limited to a bingo club licence.

Application for grant of licence (general provisions)

- 5 (1) Except as provided by paragraph 8 of this Schedule, no application for a licence under this Act shall be made except in the month of January or February.
- (2) Any such application shall be made to the clerk to the licensing authority in such form and manner as may be prescribed, and shall specify by name and description a club which either—
- (a) is a club for whose purposes the relevant premises are used at the time when the application is made, or are intended, if the licence is granted, to be used,
or
 - (b) is intended, if the licence is granted, to be formed as a club for whose purposes the relevant premises will be used,
- and shall contain such other particulars as may be prescribed and shall be accompanied by a copy of the certificate of consent issued by the Board for the purposes of that application.
- (3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application—
- (a) to the Board ;
 - (b) to the appropriate officer of police ;
 - (c) to the appropriate local authority ;
 - (d) to the appropriate fire authority, if that authority is not the same body as the appropriate local authority ; and
 - (e) to the appropriate collector of duty.
- 6 (1) At any time in March in the year in which such an application is made, the applicant shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the licensing authority's area.
- (2) A notice published in pursuance of this paragraph shall specify the name of the applicant, the name of the club and the location of the relevant premises, shall indicate whether the application is for a bingo club licence or for a licence under this Act other than a bingo club licence, and shall state that any person who desires to object to the grant of the licence should send to the clerk to the licensing authority, before 15th April, two copies of a brief statement in writing of the grounds of his objection.
- (3) The applicant shall cause a like notice to be displayed outside the entrance to the relevant premises on or before 1st April; and the applicant shall take such steps as

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he reasonably can to keep that notice so displayed during the period beginning with 1st April and ending with 14th April.

- (4) A notice published or displayed under this paragraph shall not include any matter which is not required by the preceding provisions of this paragraph to be included in it.
- 7 (1) Not later than seven days after the publication of the newspaper containing the advertisement required by the last preceding paragraph, the applicant shall send a copy of that newspaper to the clerk to the licensing authority ; and the licensing authority shall not consider the application before the beginning of May.
- (2) On or after 15th April, but not less than seven days before the date fixed by the licensing authority for the consideration of the application, the clerk to the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—
- (a) to the applicant;
 - (b) to all the persons and bodies specified in paragraph 5(3) of this Schedule ; and
 - (c) if the clerk has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person.
- (3) The clerk to the licensing authority shall also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public.
- (4) With the notice sent to the applicant in accordance with sub-paragraph (2) of this paragraph there shall be enclosed a copy of any objection to the grant of the licence which has been received by the clerk to the licensing authority and which has not been withdrawn.

Application for grant of licence (initial period)

- 8 Notwithstanding anything in paragraph 5 of this Schedule, an application for a licence under this Act may be made at any time during the period of six months beginning with the date appointed under section 54(4) of this Act for the purposes of this paragraph (in this Schedule referred to as " the initial period "); and the provisions of sub-paragraphs (2) and (3) of that paragraph shall have effect with respect to any such application, as they have effect with respect to an application made in accordance with sub-paragraph (1) of that paragraph.
- 9 The provisions of paragraphs 10 and 11 of this Schedule shall have effect with respect to any application made during the initial period in substitution for the provisions of paragraphs 6 and 7 of this Schedule.
- 10 (1) Not later than fourteen days after the making of any such application to the licensing authority, the applicant shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the authority's area.
- (2) A notice published in pursuance of this paragraph shall specify the name of the applicant, the name of the club and the location of the relevant premises, shall indicate whether the application is for a bingo club licence or for a licence under this Act other than a bingo club licence, and shall state that any person who desires to

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object to the grant of the licence should send to the clerk to the licensing authority, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection.

- (3) Not later than fourteen days before the date specified in the notice in accordance with the last preceding sub-paragraph, the applicant shall cause a like notice to be displayed outside the entrance to the relevant premises ; and the applicant shall take such steps as he reasonably can to keep that notice so displayed until that date.
 - (4) A notice published or displayed under this paragraph shall not include any matter which is not required by the preceding provisions of this paragraph to be included in it.
- 11
- (1) Not later than seven days after the publication of the newspaper containing the advertisement required by the last preceding paragraph, the applicant shall send a copy of that newspaper to the clerk to the licensing authority ; and the licensing authority shall not consider the application earlier than fourteen days after the date specified in the advertisement.
 - (2) On or after the date so specified, but not less than seven days before the date appointed for the consideration of the application, the clerk to the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—
 - (a) to the applicant;
 - (b) to all the persons and bodies specified in paragraph 5(3) of this Schedule ; and
 - (c) if the clerk has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person.
 - (3) The clerk to the licensing authority shall also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public.
 - (4) With the notice sent to the applicant in accordance with sub-paragraph (2) of this paragraph there shall be enclosed a copy of any objection to the grant of the licence which has been received by the clerk to the licensing authority and which has not been withdrawn.

Application for renewal of licence

- 12
- (1) Any application for the renewal of a licence under this Act shall (subject to sub-paragraph (2) of this paragraph) be made in January or February in the year in which the licence is due to expire, and shall be made to the clerk to the licensing authority in such form and manner, and shall contain such particulars, as may be prescribed.
 - (2) The licensing authority may in any particular case entertain an application for the renewal of a licence under this Act which is made after the end of February if—
 - (a) they are satisfied that the failure to make the application before the end of that month was due to inadvertence, and
 - (b) the application is made before the end of such extended period as the licensing authority may in that case allow.

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- 13 (1) At any time in March in each year, every licensing authority shall cause notice of the date, time and place appointed by the authority for the purpose of considering any applications for the renewal of licences under this Act to be published by means of an advertisement in a newspaper circulating in the authority's area.
- (2) A notice published in pursuance of the preceding sub-paragraph shall state that any person who desires to object to the renewal by the licensing authority of any particular licence under this Act should send to the clerk to the licensing authority, before 15th April, two copies of a brief statement in writing of the grounds of his objection.
- (3) On or after 15th April, but not less than seven days before the date fixed by the licensing authority for the consideration of applications for the renewal of licences under this Act, the clerk to the licensing authority—
- (a) if he has received from any person an objection in writing to the renewal of a particular licence, and that objection has not been withdrawn, and the address of that person is known to the clerk, shall send to that person a notice stating whether an application for the renewal of that licence has been made or not, and
 - (b) shall send to the person by whom any application for the renewal of a licence under this Act has been duly made to the licensing authority a copy of any objection to the renewal which the clerk has received and which has not been withdrawn.

Proceedings on application for grant or renewal

- 14 (1) On any application for the grant or renewal of a licence under this Act, the licensing authority may grant or renew the licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has been withdrawn before the beginning of the meeting of the authority at which the authority considers the application.
- (2) Except as provided by the preceding sub-paragraph, on any such application any of the following persons, that is to say—
- (a) the applicant;
 - (b) any person from whom an objection in writing which has not been withdrawn was received by the clerk to the licensing authority before the date on which he sent to the applicant the notice required by paragraph 7(2) or paragraph 11(2), or (as the case may be) the copy of that objection required to be sent to him by paragraph 13(3)(b), of this Schedule ; and
 - (c) the person making any other objection which the authority have decided under paragraph 15 of this Schedule that they will hear,
- shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made by or on behalf of the Board, the appropriate officer of police, the appropriate local authority, the Commissioners of Customs and Excise or the appropriate fire authority.
- 15 Where, in the case of an application for the grant or renewal of a licence under this Act, an objection to the grant or renewal is received by the clerk to the licensing authority on or after the date referred to in paragraph 14(2)(b) of this Schedule, the authority—
- (a) may refuse to entertain the objection, or

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- (b) may entertain it but, unless the applicant requests otherwise, shall not hear it until the objector has given to the clerk and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of the objection.
- 16 A licensing authority may from time to time adjourn the consideration of any application for the grant or renewal of a licence under this Act, whether for the purposes of paragraph 15 of this Schedule or for any other purpose.
- 17 On the consideration of any application for the grant or renewal of a licence under this Act, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs (or, in Scotland, expenses)—
- (a) by the applicant to any person who made an objection to the grant or renewal which was not withdrawn before the date referred to in paragraph 14(2)(b) of this Schedule, or
 - (b) by any such person to the applicant.

Grounds for refusal to grant or renew licence

- 18 (1) The licensing authority may refuse to grant a licence under this Act if it is not shown to their satisfaction that, in the area of the authority, a substantial demand already exists on the part of prospective players for gaming facilities of the kind proposed to be provided on the relevant premises.
- (2) Where it is shown to the satisfaction of the licensing authority that such a demand already exists, the licensing authority may refuse to grant a licence if it is not shown to their satisfaction—
- (a) that no gaming facilities of the kind in question are available in that area or in any locality outside that area which is reasonably accessible to the prospective players in question, or
 - (b) where such facilities are available, that they are insufficient to meet the demand.
- 19 (1) For the purposes of the last preceding paragraph, the Board may from time to time give advice to any licensing authority as to the extent of the demand on the part of prospective players for gaming facilities of any particular kind, either generally in Great Britain or in any particular part of Great Britain, and as to the extent to which, and the places in which, gaming facilities of any particular kind are available.
- (2) In determining whether, on an application for the grant of a licence under this Act, a licence should be refused on the grounds specified in the last preceding paragraph, the licensing authority shall take into account any advice given to them by the Board in pursuance of this paragraph, as well as any representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.
- 20 (1) Without prejudice to paragraph 18 of this Schedule, the licensing authority may refuse to grant or renew a licence under this Act on any one or more of the following grounds, that is to say—
- (a) that the relevant premises are unsuitable by reason of their lay-out, character, condition or location ;
 - (b) that the applicant is not a fit and proper person to be the holder of a licence under this Act;

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- (c) that, if the licence were granted or renewed, the club specified in the application would be managed by, or carried on for the benefit of, a person (other than the applicant) who would himself be refused the grant or renewal of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence ;
 - (d) that the licensing authority, the Board, the appropriate officer of police, the appropriate local authority or the appropriate fire authority, or the authorised representatives of any of them, have been refused reasonable facilities to inspect the premises ;
 - (e) that any duty payable in respect of the premises under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- (2) In determining for the purposes of this paragraph whether the relevant premises are unsuitable by reason of any matter mentioned in sub-paragraph (1)(a) of this paragraph, the licensing authority shall take into account any advice given to them by the Board with respect to that matter.
- 21 (1) The licensing authority may refuse to renew a licence under this Act on any one or more of the following grounds, in addition to those specified in paragraph 20 of this Schedule, that is to say—
- (a) that it is not shown to their satisfaction that, in the area of the authority, a substantial demand exists on the part of players or prospective players for gaming facilities of the kind proposed to be provided on the relevant premises ;
 - (b) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act, or of any regulations made thereunder ;
 - (c) that, while the licence has been in force, the relevant premises have not been so conducted as to prevent disturbance or disorder;
 - (d) that, while the licence has been in force, gaming on the relevant premises has been dishonestly conducted;
 - (e) that, while the licence has been in force, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes ;
 - (f) that, while the licence has been in force, appropriate precautions against the danger of fire have not been observed, or have been insufficiently observed, in the use of the relevant premises.
- (2) The licensing authority may also refuse to renew a licence under this Act on the grounds that, within the period of twelve months ending with the date on which the licensing authority consider the application for renewal of the licence, a notice under paragraph 7 of Schedule 5 to this Act has been served on a person stating that a relevant certificate issued in respect of him under section 19 of this Act is revoked as from the end of a period specified in that notice.
- (3) For the purposes of sub-paragraph (2) of this paragraph a certificate issued in respect of a person under section 19 of this Act shall be taken to have been a relevant certificate if it was a certificate certifying that he had been approved by the Board under that section—
- (a) in respect of the performance on the relevant premises of a function which, at the time when the notice referred to in that sub-paragraph was served, he was authorised or required to perform on those premises in pursuance of a service agreement which was then in force, or

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- (b) in respect of his acting in relation to those premises in a capacity in which, at the time when that notice was served, he was acting, or was authorised or required to act, in relation to those premises.
- (4) Paragraph 19 of this Schedule shall have effect for the purposes of sub-paragraph (1) (a) of this paragraph as it has effect for the purposes of paragraph 18 of this Schedule.
- (5) In this paragraph " service agreement" has the same meaning as in section 19 of this Act.
- 22 (1) The licensing authority shall refuse to grant or renew a licence under this Act if, by virtue of a disqualification order made under section 24 of this Act, such a licence is for the time being prohibited from being held in respect of the relevant premises.
- (2) The licensing authority shall refuse to renew a licence under this Act if they are satisfied that, while the licence has been in force, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.
- 23 Where for the purposes of paragraph 20(1)(a) of this Schedule it falls to be determined whether the relevant premises are unsuitable in respect of their location and those premises were used for the purpose of gaming during a period of not less than six months ending with 19th December 1967.—
 - (a) the licensing authority shall consider what (if any) evidence there is that those premises appeared to be unsuitable for that purpose during that period, and
 - (b) if it appears to them that there is no evidence, or insufficient evidence, that they were unsuitable as mentioned in the preceding sub-paragraph, the licensing authority shall have regard in particular to that fact in determining that question.

Restrictions attached to licence

- 24 On granting or renewing a licence under this Act, the licensing authority may impose such restrictions (if any) on the hours during which gaming will be permitted to take place on the relevant premises as appear to the authority to be necessary for the purpose of preventing disturbance or annoyance to the occupiers of other premises in the vicinity.
- 25 (1) Without prejudice to the last preceding paragraph, on granting or renewing a licence under this Act the licensing authority, may impose restrictions of either or both of the following descriptions, that is to say—
 - (a) restrictions limiting the gaming to a particular part or parts of the relevant premises, and
 - (b) restrictions limiting the gaming to a particular kind of game or particular kinds of games.
- (2) Subject to the following provisions of this paragraph, on granting or renewing a licence under this Act the licensing authority (whether they impose any restrictions under sub-paragraph (1) of this paragraph or not) may impose restrictions limiting the purposes, other than gaming, for which, while the licence is in force, the relevant premises may be used, either generally or at such times as may be specified in the restrictions or at times when such conditions as may be so specified are fulfilled.
- (3) Where an application for a licence under this Act is made in pursuance of a certificate of consent which states that the consent is limited to a bingo club licence, then—

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(a) on granting a licence in pursuance of that consent, and
(b) if a licence has been so granted, on any renewal of that licence,
the licensing authority shall impose restrictions under sub-paragraph (1) of this paragraph in respect of the relevant premises limiting gaming to which Part II of this Act applies to the playing of bingo.

- (4) No restrictions shall be imposed under sub-paragraph (2) of this paragraph where, whether in pursuance of sub-paragraph (3) of this paragraph or otherwise, the licensing authority, on granting or renewing the licence, impose restrictions under sub-paragraph (1) of this paragraph in respect of the relevant premises limiting gaming to which Part II of this Act applies to the playing of bingo.
- (5) Subject to sub-paragraphs (3) and (4) of this paragraph, in determining whether to impose any restrictions under this paragraph, the licensing authority shall take into account any advice given to them by the Board (whether given for the purposes of this paragraph or in pursuance of paragraph 19 of this Schedule), as well as any representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.

26 Any restrictions imposed under paragraph 24 or paragraph 25 of this Schedule shall be imposed so as to have effect until the licence ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the licence is renewed, to any power or duty of the licensing authority under either of those paragraphs to impose the like or any other restrictions on renewing the licence.

Regulations under section 22(3)

27 Notwithstanding anything in paragraphs 18 to 26 of this Schedule, the licensing authority, in dealing with any application for the grant or renewal of a licence under this Act, shall comply with any regulations under section 22(3) of this Act which are for the time being in force.

Notification of advice given by Board

28 The clerk to the licensing authority shall, at the request of any applicant for the grant or renewal of a licence under this Act, furnish him with a statement setting out any advice given to the licensing authority by the Board which the licensing authority propose to take into account in determining the application.

Appeal in England or Wales by applicant

- 29 (1) Where on an application under this Schedule to a licensing authority in England or Wales the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the applicant ; and, within fourteen days from the date of service of that notice, the applicant may, by notice to the clerk to the authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) As soon as practicable after receiving notice of appeal against a decision of the licensing authority, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought

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and of the name and last-known residence or place of business of the appellant and of any person who opposed the application before the authority.

- (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing to the appellant, to the Board, to the appropriate officer of police, to the appropriate collector of duty, to any person who opposed the application before the authority and to the licensing authority not less than fourteen days' notice of the date, time and place appointed for the hearing of the appeal.
- (4) 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 licensing authority, whether the appeal relates to that part of it or not, 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.
- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
- 30 (1) On determining any appeal under paragraph 29 of this Schedule, or on being satisfied that the appellant, after giving notice of such an appeal, has failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to—
- (a) the appellant;
 - (b) any person who opposed the application before the licensing authority ; or
 - (c) the licensing authority.
- (2) Where the court of quarter sessions—
- (a) has allowed such an appeal, or
 - (b) has awarded the licensing authority any costs under the preceding subparagraph and is satisfied that the licensing authority cannot recover those costs,
- the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the licensing authority from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.
- (3) Costs payable out of local funds under this paragraph—
- (a) if the licensing authority's area is a borough having a separate court of quarter sessions, shall be paid out of the general rate fund of the borough ; and
 - (b) in any other case, shall be paid out of the county fund of the county in which the licensing authority's area is situated.
- (4) Sections 8(1) and 11(1) of the Costs in Criminal Cases Act 1952 (which make provision for payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this paragraph as if any reference in those provisions to a county borough were a reference to a borough having a separate court of quarter sessions.
- (5) An order of a court of quarter sessions under this paragraph may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions ; and the costs may be taxed either in or out of sessions.

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Appeal in England or Wales by Board

- 31 (1) Where a licensing authority in England or Wales grant or renew a licence under this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend—
- (a) that the licence ought not to have been granted or renewed, or
 - (b) that, on granting or renewing the licence, the licensing authority ought to have imposed restrictions, or (where restrictions were imposed) ought to have imposed more stringent restrictions,
- the Board may, by notice to the clerk to the licensing authority, appeal against the decision of the licensing authority to a court of quarter sessions having jurisdiction in the authority's area.
- (2) As soon as practicable after receiving notice of appeal under this paragraph, the clerk to the licensing authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought and the name and last-known residence or place of business of the applicant who applied for the grant or renewal and of any person (other than the Board) who opposed the application before the licensing authority.
- (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing to the Board, to the applicant, to the appropriate officer of police, to any person (other than the Board) who opposed the application before the licensing authority, and to the licensing authority, not less than seven days' notice of the date, time and place appointed for the hearing of the appeal.
- (4) Sub-paragraphs (4) and (5) of paragraph 29 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.
- 32 (1) On determining any appeal under the last preceding paragraph, or on being satisfied that the Board, after giving notice of such an appeal, have failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to—
- (a) the applicant who applied for the grant or renewal to which the appeal relates;
 - (b) the Board;
 - (c) any person (other than the Board) who opposed the application before the licensing authority ; or
 - (d) the licensing authority.
- (2) Sub-paragraphs (2) to (5) of paragraph 30 of this Schedule shall have effect for the purposes of this paragraph as they have effect for the purposes of that paragraph.

Appeal in Scotland by applicant

- 33 (1) Where on an application under this Schedule to a licensing authority in Scotland the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.

Status: This is the original version (as it was originally enacted).

- (2) The sheriff may allow or dismiss the appeal, or reverse or vary any part of the decision of the licensing authority, whether the appeal relates to that part of it or not, and may deal with the application as if it had been made to the sheriff in the first instance.
- (3) 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.

Appeal in Scotland by Board

- 34 (1) Where a licensing authority in Scotland grant or renew a licence under this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend—
- (a) that the licence ought not to have been granted or renewed, or
 - (b) that, on granting or renewing the licence, the licensing authority ought to have imposed restrictions, or (where restrictions were imposed) ought to have imposed more stringent restrictions,
- the Board may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision of the licensing authority to the sheriff having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) and (3) of paragraph 33 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.

Revocation by Board of certificate of consent

- 35 (1) Where under the preceding provisions of this Schedule the Board have issued to a person a certificate of consent to his applying for a licence under this Act in respect of any premises, then, subject to the following provisions of this paragraph, the Board may at any time revoke that certificate, whether before that time—
- (a) the holder of the certificate has applied for a licence under this Act in respect of those premises, or
 - (b) in pursuance of such an application, the licensing authority have granted him such a licence,
- or not.
- (2) Subject to the next following sub-paragraph, the Board shall not revoke a certificate of consent in respect of any premises at any time unless it appears to them—
- (a) that, if the holder of the certificate were then applying for such a certificate under paragraph 4 of this Schedule, the Board would be precluded by sub-paragraph (4) of that paragraph from issuing such a certificate to him, or
 - (b) that any information which, in or in connection with the application on which the certificate was issued, was given to the Board by or on behalf of the applicant for the certificate was false in a material particular, or
 - (c) that, since the certificate was issued, a licence under this Act held by the holder of the certificate (whether in respect of the same or different premises) has been cancelled by virtue of a disqualification order made under section 24 of this Act or under this Schedule or in the exercise of the powers conferred on the licensing authority or the court by the following provisions of this Schedule.

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- (3) Where the holder of a certificate of consent in respect of any premises has in pursuance of the certificate applied for the grant of a licence under this Act in respect of those premises, and such a licence has been granted and is for the time being in force, the Board may revoke the certificate at any time if it appears to them—
 - (a) that, in relation to the conduct of the premises or the conduct of gaming on those premises, effective control is being exercised by a person other than the holder of the certificate, and
 - (b) that the other person in question, in view of his character and reputation, is not a person to whom, if he were then applying for a certificate of consent under the preceding provisions of this Schedule, the Board would issue such a certificate.
- (4) Where the Board determine to revoke a certificate of consent by virtue of this paragraph they shall serve a notice on the holder of the certificate stating that the certificate is revoked as from the end of the period of eight weeks from the date of service of the notice ; and the revocation shall take effect at the end of that period, unless before the end of that period the Board have served on the holder of the certificate a further notice stating that they have rescinded their decision to revoke the certificate.
- (5) Where the Board serve any such notice as is mentioned in sub-paragraph (4) of this paragraph they shall send a copy of the notice to the clerk to the licensing authority, to the appropriate officer of police and to the appropriate collector of duty.
- (6) On the revocation by virtue of this paragraph of a certificate of consent in respect of any premises, any licence under this Act in respect of those premises which—
 - (a) specifies that certificate as being the certificate in pursuance of which the application for the licence was made, and
 - (b) is in force at the time when the revocation of the certificate takes effect, shall thereupon cease to have effect.

Cancellation of licence by licensing authority or court

- 36
- (1) An application for the cancellation of a licence under this Act may be made by any person at any time to the clerk to the licensing authority.
 - (2) Any such application shall be made in the prescribed form and manner and shall -be accompanied by two copies of a statement of the grounds on which the application is made.
 - (3) On receipt of such an application, the clerk to the licensing authority shall submit it to one member of the authority for consideration by him.
 - (4) If that member, after considering the application, is of the opinion that—
 - (a) further consideration of the matters referred to in the statement accompanying the application is unnecessary or inexpedient before the time when the renewal of the licence falls to be considered, or
 - (b) the licensing authority would be required by virtue of paragraph 41 of this Schedule to refuse the application,he shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection to a renewal of the licence.

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- (5) In any other case, the member of the licensing authority to whom the application is submitted shall refer it to the licensing authority.
- 37 Where an application for the cancellation of a licence under this Act is referred to the licensing authority under the last preceding paragraph, and that application has not been withdrawn, the clerk to the authority shall give to the applicant, to the holder of the licence, to the appropriate officer of police, to the Board and to the appropriate collector of duty not less than twenty-one days' notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the licence together with that notice a copy of the applicant's statement of the grounds on which the application is made.
- 38 At any meeting of the licensing authority to consider such an application, the applicant and the holder of the licence shall be entitled to be heard either in person or by counsel or a solicitor ;
and, where the applicant is a person other than the appropriate officer of police, the licensing authority shall also hear any representations made by that officer or by any person authorised by him in that behalf.
- 39 A licensing authority may from time to time adjourn the consideration of any application for the cancellation of a licence under this Act.
- 40 On the consideration of any such application, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs (or, in Scotland, expenses)—
(a) by the applicant to the holder of the licence, or
(b) by the holder of the licence to the applicant.
- 41 The licensing authority shall refuse any such application if they are satisfied that it is made on grounds which have been, or ought properly to have been, raised previously by way of objection either when the licence was granted or on an occasion when it has been renewed.
- 42 Subject to the last preceding paragraph, on any application for the cancellation of a licence under this Act which is referred to them, the licensing authority may cancel the licence on any of the grounds specified in paragraph 20 or paragraph 21 of this Schedule.
- 43 If on such an application the licensing authority decide not to cancel the licence, the authority shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection to a renewal of the licence.
- 44 If on such an application the licensing authority decide to cancel the licence, the cancellation—
(a) shall not take effect until the time within which the holder of the licence can appeal against that decision has expired, and
(b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- 45 The provisions of paragraphs 29 and 30 of this Schedule (in England or Wales) or paragraph 33 of this Schedule (in Scotland) shall have effect in relation to the cancellation of a licence under this Act as they have effect in relation to a refusal to grant or renew such a licence, as if in those paragraphs—
(a) any reference to the applicant were a reference to the holder of the licence, and

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- (b) any reference to a person who opposed the application before the licensing authority were a reference to the person who made the application for the cancellation of the licence.
- 46 (1) Where a licensing authority in England or Wales refuse to cancel a licence under this Act, the Board may, by notice to the clerk of the licensing authority, appeal against the decision of the licensing authority to a court of quarter sessions having jurisdiction in the authority's area.
- (2) The provisions of paragraph 31(2) to (4) and paragraph 32 of this Schedule shall have effect in relation to any such appeal as they have effect in relation to an appeal by the Board against the grant or renewal of such licence, as if in those provisions—
 - (a) any reference to any person (other than the Board) who opposed the application before the licensing authority were omitted, and
 - (b) any reference to the applicant who applied for the grant or renewal were a reference to the holder of the licence.
- 47 (1) Where a licensing authority in Scotland refuse to cancel a licence under this Act, the Board may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision of the licensing authority to the sheriff having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) and (3) of paragraph 33 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.
- 48 (1) Where the holder of a licence under this Act in respect of any premises is convicted of an offence under Schedule 3 to the Finance Act 1966 in respect of a contravention of section 13 or section 14 of that Act, and the Commissioners of Customs and Excise—
 - (a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises and while the same person has been the holder of a licence under this Act in respect of those premises, and
 - (b) apply to the court for effect to be given to this sub-paragraph,that court shall order that the licence under this Act in respect of those premises shall be cancelled.
- (2) An order made under this paragraph by a court in England or Wales—
 - (a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given ;
 - (b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and
 - (c) shall not have effect if, on such an appeal, the appeal is allowed.
- (3) An order made under this paragraph by a court in Scotland—
 - (a) shall not have effect until the end of the period of fourteen days beginning with the date on which the order was made ;
 - (b) if an appeal against the conviction which gave rise to the order is begun within that period, shall not have effect until the appeal has been determined or abandoned or deemed to have been abandoned ; and
 - (c) shall not have effect if, on such an appeal, the appeal is allowed.

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- (4) Where a person is the holder of a licence under this Act, and the licence is cancelled by virtue of an order made under this paragraph, the clerk of the court by which the order was made shall, unless he is also the clerk to the licensing authority, send a copy of the order to the clerk to the licensing authority; and (without prejudice to the renewal of any other licence under this Act held by the same person) the licensing authority shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application by that person for the grant of a licence under this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

Disqualification order on cancellation of licence

- 49 (1) Where under paragraph 42 of this Schedule a licensing authority cancels a licence under this Act, the authority may make a disqualification order under this paragraph prohibiting such a licence from being held in respect of the relevant premises during a period specified in the order. '
- (2) The period specified in a disqualification order under this paragraph shall not exceed five years from the date on which the order comes into force.
- (3) Subject to the next following paragraph, where a disqualification order under this paragraph is made, any licence within the prohibition, if previously obtained, shall by virtue of the order be cancelled, or, if subsequently obtained, shall be null and void.
- 50 Where a licensing authority decides to cancel a licence under this Act, and makes a disqualification order under the last preceding paragraph in respect of the relevant premises, paragraph 44, and the provisions applied by paragraph 45, of this Schedule shall have effect in relation to the disqualification order as they have effect in relation to the cancellation of the licence.

Form and duration of licence

- 51 (1) A licence under this Act shall be in the prescribed form and shall—
- (a) specify by name and description the club which was so specified in the application for the licence in accordance with paragraph 5(2) of this Schedule; and
 - (b) specify (in such manner as may be sufficient to identify it) the certificate of consent under this Schedule in pursuance of which that application was made.
- (2) If any such licence as granted or renewed is subject to any restrictions imposed under paragraph 24 or paragraph 25 of this Schedule, the licence as granted or renewed shall include a statement of those restrictions.
- 52 (1) Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any licence, whether in consequence of the revocation of a certificate of consent or by virtue of a disqualification order or otherwise, a licence under this Act—
- (a) if not renewed, shall cease to be in force at the end of the month of May in the year following that in which it was granted, or
 - (b) if renewed, shall, unless further renewed, cease to be in force at the end of the month of May in the year following that in which it was last renewed.

- (2) In the application of sub-paragraph (1)(a) of this paragraph to a licence which is in force on the date on which section 1 of this Act comes into operation, for the reference to the month of May therein mentioned there shall be substituted a reference to the first month of May following the first anniversary of that date.
- 53 (1) Where an application for the renewal of a licence under this Act has been duly made, the licence shall not cease to be in force by virtue of the last preceding paragraph before the licensing authority have determined the application.
- (2) Where, on such an application, the licensing authority refuse to renew the licence, it shall not cease to be in force by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to be in force by virtue of that paragraph until the appeal has been determined or abandoned.
- 54 If the holder of a licence under this Act dies while the licence is in force—
- (a) the licence shall not cease to be in force by virtue of paragraph 52 of this Schedule before the end of the period of six months beginning with the date of his death, and
- (b) except for the purposes of a renewal of the licence, his personal representatives shall be deemed to be the holder of the licence ;
- and the licensing authority may from time to time, on the application of those personal representatives, extend or further extend the period for which the licence continues to be in force by virtue of this paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

Certificate of consent for purposes of application for transfer of licence

- 55 (1) An application for the transfer of a licence under this Act from one person to another shall be of no effect unless the Board have issued to the applicant a certificate consenting to his applying for a transfer of the licence to that other person, and that certificate is for the time being in force and the application is made within the period specified in the certificate.
- (2) In the following provisions of this Schedule any reference to an application for the transfer of a licence under this Act shall be construed as not including any application which by virtue of the preceding sub-paragraph is of no effect.
- 56 (1) The provisions of this paragraph shall have effect in relation to any application to the Board for such a certificate of consent as is mentioned in the last preceding paragraph.
- (2) The Board shall not issue a certificate on any such application if it appears to the Board that the person to whom the licence is proposed to be transferred (in this and the next following paragraph referred to as " the proposed transferee ")—
- (a) not being a body corporate, is under twenty-one years of age, or
- (b) not being a body corporate, is not resident in Great Britain or was not so resident throughout the period of six months immediately preceding the date on which the application was made, or
- (c) being a body corporate, is not incorporated in Great Britain.
- (3) Subject to sub-paragraph (2) of this paragraph, in determining whether to issue such a certificate of consent the Board shall have regard only to the question whether, in their opinion, the proposed transferee is likely to be capable of, and diligent in,

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securing that the provisions of this Act and of any regulations made under it will be complied with, that gaming on the premises specified in the licence will be fairly and properly conducted, and that the premises will be conducted without disorder or disturbance.

- (4) For the purposes of sub-paragraph (3) of this paragraph the Board shall in particular take into consideration the character, reputation and financial standing—
- (a) of the proposed transferee, and
 - (b) of any person (other than the proposed transferee) by whom, if the licence in question were transferred to the proposed transferee, the club specified in the licence would be maintained, or for whose benefit, if that licence were so transferred, that club would be carried on,
- but may also take into consideration any other circumstances appearing to them to be relevant in determining whether the proposed transferee is likely to be capable of, and diligent in, securing the matters mentioned in that sub-paragraph.
- (5) If on an application made under the last preceding paragraph the Board issue to the applicant a certificate consenting to his applying for the transfer of the licence to the proposed transferee, the certificate shall specify a period within which an application to the licensing authority for the transfer of the licence can be made.
- 57 (1) Where the Board have issued a certificate of consent in respect of the transfer of a licence under this Act, then, subject to the following provisions of this paragraph, the Board may revoke that certificate at any time before the licence has been transferred to the proposed transferee.
- (2) The Board shall not revoke a certificate by virtue of this paragraph unless it appears to them either—
- (a) that any information which, in or in connection with the application on which the certificate was issued, was given to the Board by or on behalf of the applicant for the certificate was false in a material particular, or
 - (b) that, since the certificate was issued, a licence under this Act held by the proposed transferee has been cancelled by virtue of a disqualification order made under section 24 of this Act or under this Schedule or in the exercise of the powers conferred on the licensing authority or the court by this Schedule.
- (3) Where the Board determine to revoke a certificate by virtue of this paragraph they shall serve a notice on the holder of the certificate stating that the certificate is revoked ; and the revocation shall take effect on the service of that notice.
- (4) Where the Board serve a notice under sub-paragraph (3) of this paragraph they shall send a copy of the notice to the clerk to the licensing authority, to the appropriate officer of police and to the appropriate collector of duty.

Transfer of licence

- 58 (1) An application for the transfer of a licence under this Act from one person to another may be made at any time, and shall be made to the clerk to the licensing authority in such form and manner as may be prescribed and shall be accompanied by a copy of the certificate of consent issued by the Board for the purposes of that application.
- (2) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application—
- (a) to the Board ;

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- (b) to the appropriate officer of police ;
 - (c) to the appropriate local authority ; and
 - (d) to the appropriate collector of duty.
- 59 Paragraphs 10 and 11 of this Schedule shall have effect in relation to any such application as they have effect in relation to an application for the grant of a licence under this Act made during the initial period.
- 60 On an application for the transfer of a licence under this Act the licensing authority shall not refuse to transfer the licence except on the grounds—
- (a) that the person to whom the licence is proposed to be transferred is not a fit and proper person to be the holder of a licence under this Act;
 - (b) that, if the licence were transferred to that person, the club specified in the licence would be managed by, or carried on for the benefit of, a person (other than the proposed transferee) who would himself be refused the grant of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence ; or
 - (c) that any duty payable by the proposed transferee under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- 61 Paragraphs 29 to 34 of this Schedule (with the omission of paragraphs 31(1)(b) and 34(1)(b)) shall have effect in relation to the transfer of licences under this Act as they have effect in relation to the grant or renewal of such licences.

Revocation of certificate after transfer of licence

- 62 In relation to a licence under this Act which has been transferred, and in relation to the certificate of consent in pursuance of which the application for the grant of such a licence was made, the provisions of paragraph 35 of this Schedule shall have effect as if, in sub-paragraphs (2), (3)(a) and (4) of that paragraph, any reference to the holder of the certificate were a reference to the person who is for the time being the holder of the licence.

Payment of fees

- 63 (1) Notwithstanding anything in the preceding provisions of this Schedule, no licence under this Act shall be granted, renewed or transferred except on payment by the applicant to the clerk to the licensing authority of the fee chargeable in accordance with section 48 of this Act.
- (2) The clerk to a licensing authority in Scotland shall pay over all fees received by him under this paragraph to the local authority liable under section 21 of the Licensing (Scotland) Act 1959 to defray the expenses of the licensing authority ; and that local authority shall pay to that clerk, in respect of anything done by him under this Act, such fees as the Court of Session may by Act of Sederunt prescribe.

Notification of change in directors of body corporate holding licence

- 64 (1) Where the holder of a licence under this Act is a body corporate, then if at any time a change occurs—
- (a) in the persons who are directors of that body corporate, or
 - (b) in the persons in accordance with whose directions or instructions the directors of that body corporate are accustomed to act,

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the body corporate shall as soon as reasonably practicable after that time serve on the clerk to the licensing authority, the appropriate officer of police and the Board, a notice giving particulars of the change.

- (2) A body corporate which fails to comply with the preceding sub-paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Relinquishment of licence

- 65 (1) The holder of a licence under this Act may at any time relinquish the licence by notice to the clerk to the licensing authority; and, where such a notice is given, the licence shall thereupon be treated as cancelled.
- (2) Where the holder of a licence under this Act relinquishes the licence under this paragraph, the clerk to the licensing authority shall give notice of that fact to—
- (a) the Board;
 - (b) the appropriate officer of police ;
 - (c) the appropriate local authority ;
 - (d) the appropriate fire authority, if that authority is not the same body as the appropriate local authority ; and
 - (e) the appropriate collector of duty.

SCHEDULE 3

Section 11(2).

REGISTRATION OF MEMBERS' CLUBS UNDER PART II IN ENGLAND AND WALES

Introductory

- 1 (1) Each licensing authority in England or Wales shall, in respect of premises within the area of the authority as mentioned in paragraph 1 of Schedule 2 to this Act, be the authority responsible for the registration of clubs and institutes under Part II of this Act and for the renewal and cancellation of any such registration.
- (2) In this Schedule " institute" means a miners' welfare institute.
- 2 Paragraph 2 of Schedule 2 to this Act shall have effect for the purposes of this Schedule as if in that paragraph references to a licence under this Act, to premises in respect of which such a licence is for the time being in force, and to an application relating to such a licence, were references respectively to registration under Part II of this Act, to premises in respect of which a club or institute is for the time being registered under Part II of this Act, and to an application relating to such registration.

Application for registration

- 3 Paragraphs 5 to 11 of Schedule 2 to this Act shall have effect in relation to applications for registration under Part II of this Act as they have effect in relation to applications for licences under this Act, but as if—
- (a) in paragraph 5(2) of that Schedule the words from "and shall be accompanied by a copy of the certificate " onwards, and in paragraphs 6(2)

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and 10(2) of that Schedule the words from " shall indicate " to " other than a bingo club licence " and

- (b) paragraphs 6(3) and 10(3) of that Schedule, and
- (c) any reference to the appropriate local authority or the appropriate fire authority,

were omitted, and in paragraph 8 of that Schedule the reference to the date appointed under section 54(4) of this Act for the purposes of that paragraph were a reference to the date so appointed for the purposes of this paragraph.

Application for renewal of registration

- 4
- (1) Any application for renewal of the registration of a club or institute under Part II of this Act shall (subject to sub-paragraph (3) of this paragraph) be made in January or February in the year in which the registration is due to expire, and shall be made to the clerk to the licensing authority in such form and manner, and shall contain such particulars, as may be prescribed.
 - (2) In the case of each club or institute whose registration under Part II of this Act is due to expire in any particular year, where an application for renewal of the registration has not already been made, the clerk to the licensing authority shall before the end of January in that year serve on the chairman or secretary of the club or institute a notice stating that the registration is due to expire in that year and that any application for renewal of the registration must be made before the end of February.
 - (3) The licensing authority may in any particular case entertain an application for renewal of such registration which is made after the end of February if—
 - (a) they are satisfied that the failure to make the application before the end of that month was due to inadvertence, and
 - (b) the application is made before the end of such extended period as the licensing authority may in that case allow.
- 5
- (1) At any time in March in each year, every licensing authority shall cause notice of the date, time and place appointed by the authority for the purpose of considering any applications for renewal of registration under Part II of this Act, specifying the clubs and institutes in respect of which such applications have been made to the licensing authority in that year, to be published by means of an advertisement in a newspaper circulating in the authority's area.
 - (2) A notice published in pursuance of the preceding sub-paragraph shall state that any person who desires to object to renewal of the registration of a particular club or institute specified in the notice should send to the clerk to the licensing authority, before 15th April, two copies of a brief statement in writing of the grounds of his objection.
 - (3) On or after 15th April, but not less than seven days before the date fixed by the licensing authority for the consideration of applications for renewal of registration under Part II of this Act, the clerk to the licensing authority, if he has received from any person an objection in writing to renewal of the registration of a particular club or institute, and that objection has not been withdrawn, shall send a copy of the objection to the applicant for renewal of registration of that club or institute.

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Proceedings on application for registration or renewal of registration

- 6 Paragraphs 14 to 17 of Schedule 2 to this Act shall have effect in relation to any application for registration or renewal of registration of a club or institute under Part II of this Act as they have effect in relation to applications for the grant or renewal of licences under this Act, but as if in paragraph 14(2) of that Schedule the references to the appropriate local authority and the appropriate fire authority were omitted.

Grounds for refusal to register or to renew registration

- 7 (1) The licensing authority shall refuse to register or to renew the registration of a club under Part II of this Act if it appears to the authority that the club—
- (a) is not a bona fide members' club, or
 - (b) has less than twenty-five members, or
 - (c) is of a merely temporary character.
- (2) Without prejudice to the preceding sub-paragraph, the licensing authority shall refuse to register a club or to renew the registration of a club under Part II of this Act if it appears to the authority that the principal purpose for which the club is established or conducted is gaming, unless the authority are satisfied that the gaming in question consists exclusively of playing bridge or whist, or both bridge and whist.
- 8 The licensing authority may refuse to register a club or institute under Part II of this Act where the club or institute has previously been so registered and either—
- (a) its registration has been cancelled, or
 - (b) an application for renewal of that registration has been refused.
- 9 The licensing authority may refuse to renew the registration of a club or institute under Part II of this Act on any one or more of the following grounds, in addition to those specified in paragraph 7 of this Schedule, that is to say—
- (a) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act or of any regulations made thereunder ;
 - (b) that, while the club or institute has been registered under Part II of this Act, the relevant premises have not been so conducted as to prevent disturbance or disorder;
 - (c) that, while the club or institute has been so registered, gaming on the relevant premises has been dishonestly conducted ;
 - (d) that, while the club or institute has been so registered, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes ;
 - (e) that any duty payable in respect of the premises under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- 10 The licensing authority shall refuse to renew the registration of a club under Part II of this Act if they are satisfied that, while the club has been registered thereunder, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.

Restrictions attached to registration

- 11 (1) On registering or renewing the registration of a club or institute under Part II of this Act, the licensing authority may, if they think fit, impose restrictions limiting the gaming to a particular part or parts of the relevant premises.
- (2) Any restrictions imposed under the preceding sub-paragraph shall be imposed so as to have effect until the registration of the club or institute under Part II of this Act ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the registration is renewed, to any power of the licensing authority under the preceding sub-paragraph to impose the like or any other restrictions on renewing the registration.

Appeal by applicant

- 12 (1) Where on an application under this Schedule the licensing authority refuse to register or renew the registration of a club or institute under Part II of this Act, or impose restrictions under the last preceding paragraph, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and, within fourteen days from the date of service of that notice, the applicant may, by notice to the clerk to the authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) to (5) of paragraph 29 of Schedule 2 to this Act, and paragraph 30 of that Schedule, shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 29 of that Schedule.

Appeal by Board

- 13 (1) Where on an application under this Schedule the licensing authority register, or renew the registration of, a club or institute under Part II of this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend that the registration or renewal ought to have been refused, the Board may, by notice to the clerk to the licensing authority, appeal against the decision of the licensing authority to a court of quarter sessions having jurisdiction in the authority's area.
- (2) On determining any appeal under this paragraph, or on being satisfied that the Board, after giving notice of such an appeal, have failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to—
- (a) the applicant who applied for the registration or renewal;
 - (b) the Board ;
 - (c) any person (other than the Board) who opposed the application before the licensing authority ; or
 - (d) the licensing authority.
- (3) Sub-paragraphs (4) and (5) of paragraph 29, sub-paragraphs (2) to (5) of paragraph 30 and sub-paragraphs (2) and (3) of paragraph 31 of Schedule 2 to this Act shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 31 of that Schedule.

Status: This is the original version (as it was originally enacted).

Cancellation of registration

- 14 Paragraphs 36 to 44 of Schedule 2 to this Act shall have effect in relation to cancellation of the registration of a club or institute under Part II of this Act as they have effect in relation to cancellation of a licence under this Act, but as if—
- (a) any reference to the holder of the licence were a reference to the chairman or secretary of the club or institute, and
 - (b) in paragraph 42 of that Schedule, the reference to the grounds specified in paragraphs 20 and 21 of that Schedule were a reference to the grounds specified in paragraph 9 of this Schedule.
- 15 (1) Where on an application made by virtue of paragraph 14 of this Schedule the licensing authority decide to cancel the registration of a club or institute under Part II of this Act, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the chairman or secretary of the club or institute; and, within fourteen days from the date of service of that notice, the chairman or secretary may, by notice to the clerk to the licensing authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) The provisions of paragraph 29(2) to (5) of Schedule 2 to this Act, and of paragraph 30 of that Schedule, shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 29 of that Schedule, but as if in those provisions any reference to a person who opposed the application before the licensing authority were a reference to the person who made the application for the registration to be cancelled.
- 16 (1) Where an application for cancellation of the registration of a club or institute under Part II of this Act is made by the Board, and the licensing authority refuse to cancel the registration, the Board may, by notice to the clerk to the licensing authority, appeal against the decision of the licensing authority to a court of quarter sessions having jurisdiction in the authority's area.
- (2) The provisions of paragraph 31(2) to (4) of Schedule 2 to this Act, and of paragraph 32 of that Schedule, shall have effect in relation to any such appeal as they have effect in relation to an appeal by the Board against the grant or renewal of a licence, but as if in those provisions—
- (a) any reference to any person (other than the Board) who opposed the application before the licensing authority were omitted, and
 - (b) any reference to the applicant who applied for the grant or renewal were a reference to the chairman or secretary of the club or institute.
- 17 (1) Where a person is convicted of an offence under Schedule 3 to the Finance Act 1966 in respect of a contravention of section 13 or section 14 of that Act in relation to premises in respect of which a club or institute is for the time being registered under Part II of this Act, and the Commissioners of Customs and Excise—
- (a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises while that club or institute has been so registered, and
 - (b) apply to the court for effect to be given to this sub-paragraph,
- that court shall order that the registration of the club or institute under Part II of this Act shall be cancelled.
- (2) An order made under this paragraph—

- (a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given;
 - (b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and
 - (c) shall not have effect if, on such an appeal, the appeal is allowed.
- (3) Where the registration of a club or institute is cancelled by virtue of an order made under this paragraph, the clerk of the court by which the order was made shall, unless he is also the clerk to the licensing authority, send a copy of the order to the clerk to the licensing authority; and the licensing authority shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application for the registration of that club or institute under Part II of this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

Issue and duration of registration certificates

- 18 (1) Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part II of this Act, the licensing authority shall issue to the applicant a certificate (in this Schedule referred to as a "registration certificate") which shall be in the prescribed form.
- (2) If the registration or any renewal of the registration of a club or institute is subject to any restrictions imposed under paragraph 11 of this Schedule, the registration certificate shall include a statement of those restrictions.
- 19 (1) Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation the registration of a club or institute under Part II of this Act—
- (a) if not renewed, shall cease to have effect at the end of the month of May in the year following that in which it was effected, or
 - (b) if renewed, shall, unless further renewed, cease to have effect at the end of the period for which it was renewed or last renewed, as the case may be.
- (2) In the application of sub-paragraph (1)(a) of this paragraph to a club or institute which, on the date on which section 1 of this Act comes into operation, is for the time being registered under Part II of this Act, for the reference to the month of May therein mentioned there shall be substituted a reference to the first month of May following the first anniversary of that date.
- 20 (1) An application for renewal of the registration of a club or institute under Part II of this Act may specify a number of years, not exceeding ten, for which the renewal is requested; and any renewal of the registration shall be for such number of years, not exceeding the number specified in the application, as the licensing authority think fit.
- (2) Except as provided by the preceding sub-paragraph, any renewal of the registration shall be for a period of one year.
- 21 (1) Where the registration of a club or institute under Part II of this Act has been renewed for a period of two or more years, and is subject to any restriction imposed under paragraph 11 of this Schedule, then, with a view to the cancellation or variation of those restrictions, an application for renewal of the registration may be made in any of those years, notwithstanding that the registration is not due to expire in that year.
- (2) On any application made by virtue of this paragraph the registration may be renewed as if it were due to expire at the end of the month of May in that year.

Status: This is the original version (as it was originally enacted).

- 22 (1) Where an application for renewal of the registration of a club or institute under Part II of this Act has been duly made, the registration shall not cease to have effect by virtue of paragraph 19 of this Schedule until the licensing authority have determined the application.
- (2) Where, on such an application, the licensing authority refuse to renew the registration, it shall not cease to have effect by virtue of paragraph 19 of this Schedule before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

Payment of fees

- 23 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute shall not be registered under Part II of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment by the applicant to the clerk to the licensing authority of the fee chargeable in accordance with section 48 of this Act.

Relinquishment of registration

- 24 (1) A club or institute registered under Part II of this Act may at any time relinquish its registration by notice given to the clerk to the licensing authority by the chairman or secretary of the club or institute; and, where such a notice is given, the registration of the club or institute under Part II of this Act shall thereupon be treated as cancelled.
- (2) Where the registration of a club or institute is relinquished under this paragraph, the clerk to the licensing authority shall give notice of that fact to the Board, the appropriate officer of police and the appropriate collector of duty.

SCHEDULE 4

Section 11(2).

REGISTRATION OF MEMBERS' CLUBS UNDER PART II IN SCOTLAND

Introductory

- 1 (1) The sheriff shall, in respect of premises in Scotland within his jurisdiction, be the authority responsible for the registration of clubs and institutes under Part II of this Act and for the renewal and cancellation of any such registration.
- (2) In this Schedule, " institute " means a miners' welfare institute.
- 2 (1) Any provision of Schedule 2 to this Act containing a reference to the licensing authority, the clerk to the licensing authority and a newspaper circulating in the authority's area shall, when applied by any provision of this Schedule, be construed respectively as a reference to the sheriff, the sheriff clerk and a newspaper circulating within the jurisdiction of the sheriff.
- (2) In this Schedule—
 " the appropriate chief constable " means the chief constable for the police area in which the relevant premises are situated ;

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" the appropriate collector of duty " means the Collector of Customs and Excise for the area in which the relevant premises are situated ;

" the relevant premises ", in relation to registration under Part II of this Act or to an application relating to such registration, means the premises in respect of which a club or institute is for the time being registered under that Part or the premises to which the application relates, as the case may be.

Application for registration

- 3 (1) An application for the registration of a club or institute in Scotland under Part II of this Act may be made at any time, and shall be made to the sheriff clerk in such form and manner as may be prescribed.
- (2) Any such application shall specify the name, objects and address of the club or institute to which it relates and the premises in respect of which it is proposed that the club or institute should be registered, and shall contain such other particulars as may be prescribed.
- (3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application to the Board, the appropriate chief constable and to the appropriate collector of duty.
- 4 Paragraph 10 of Schedule 2 to this Act shall have effect in relation to any such application as it has effect in relation to applications for the grant of licences under this Act but as if in sub-paragraph (2) the words from " shall indicate " to " other than a bingo club licence ", and sub-paragraph (3), were omitted.
- 5 (1) Not later than seven days after the publication of the newspaper containing the advertisement required by paragraph 10 of Schedule 2 to this Act as it has effect by virtue of the last foregoing paragraph, the applicant shall send a copy of that newspaper to the sheriff clerk ; and the sheriff shall not consider the application earlier than fourteen days after the date specified in the advertisement.
- (2) On or after the date so specified, but not later than seven days before the date appointed for the consideration of the application the sheriff clerk shall send to the applicant a copy of any objection to the proposed registration which he has received and which has not been withdrawn.

Application for renewal of registration

- 6 (1) Not later than six weeks before the date of expiry of the registration of a club or institute in Scotland under Part II of this Act, the sheriff clerk shall, unless an application for renewal of the registration has already been received by him, serve notice on the chairman or secretary of that club or institute that the registration will expire on that date unless an application for its renewal is made in accordance with this Schedule.
- (2) At the same time as serving notice on the chairman or secretary of the club or institute under the foregoing sub-paragraph, the sheriff clerk shall cause to be published in a newspaper circulating within the jurisdiction of the sheriff an advertisement stating that the registration of the club will shortly expire and that any person who desires to object to its renewal should send to the sheriff clerk, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified therein, two copies of a brief statement in writing of the grounds of his objection.

Status: This is the original version (as it was originally enacted).

- (3) A notice served under sub-paragraph (1) of this paragraph shall state that any application for renewal of the registration must be received by the sheriff clerk before such date (not being earlier than fourteen days after the service of the notice) as may be specified in the notice.
- 7 (1) Any application for renewal of the registration of a club or institute in Scotland under Part II of this Act shall be made to the sheriff clerk and (subject to sub-paragraph (3) of this paragraph) shall be made before the date specified as mentioned in paragraph 6(3) of this Schedule, and shall be made in such form and manner, and shall contain such particulars, as may be prescribed.
- (2) Not less than seven days before the date appointed for the consideration of applications for renewal of registration of clubs and institutes in Scotland under Part II of this Act, the sheriff clerk—
- (a) if he has received from any person an objection in writing to renewal of the registration of a particular club or institute, and that objection has not been withdrawn, and the address of that person is known to the clerk, shall send to that person a notice stating whether an application for renewal of the registration of that club or institute has been made or not, and
 - (b) shall send to the person by whom any application for renewal of the registration of a club or institute under Part II of this Act has been duly made to the sheriff a copy of any objection to the renewal which the clerk has received and which has not been withdrawn.
- (3) The sheriff may in any particular case entertain an application for renewal of registration under Part II of this Act which is made after the date referred to in sub-paragraph (1) of this paragraph if—
- (a) he is satisfied that the failure to make the application before that date was due to inadvertence ; and
 - (b) the application is made before the end of such extended period as the sheriff may in that case allow.

Proceedings on application for registration or renewal of registration

- 8 Paragraphs 14 to 16 of Schedule 2 to this Act shall have effect in relation to any application for registration or renewal of registration of a club or institute in Scotland under Part II of this Act as they have effect in relation to applications for the grant or renewal of licences under this Act, but as if in paragraph 14 of that Schedule—
- (a) in sub-paragraph (1), for the words from " the beginning " to the end there were substituted the words " the day on which the sheriff considers the application. ";
 - (b) in sub-paragraph (2), the references to the appropriate local authority and the appropriate fire authority were omitted.

Grounds for refusal to register or to renew registration

- 9 (1) The sheriff shall refuse to register or to renew the registration of a club in Scotland under Part II of this Act if it appears to the sheriff that the club—
- (a) is not a bona fide members' club, or
 - (b) has less than twenty-five members, or
 - (c) is of a merely temporary character.

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- (2) Without prejudice to the preceding sub-paragraph, the sheriff shall refuse to register a club or to renew the registration of a club under Part II of this Act if it appears to the sheriff that the principal purpose for which the club is established or conducted is gaming, unless the sheriff is satisfied that the gaming in question consists exclusively of playing bridge or whist, or both bridge and whist.
- 10 The sheriff may refuse to register a club or institute under Part II of this Act where the club or institute has previously been so registered and either—
- (a) its registration has been cancelled, or
 - (b) an application for renewal of that registration has been refused.
- 11 The sheriff may refuse to renew the registration of a club or institute under Part II of this Act on any one or more of the following grounds, in addition to those specified in paragraph 9 of this Schedule, that is to say—
- (a) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act or of any regulations made thereunder ;
 - (b) that, while the club or institute has been registered under Part II of this Act the relevant premises have not been so conducted as to prevent disturbance or disorder;
 - (c) that, while the club or institute has been so registered, gaming on the relevant premises has been dishonestly conducted ;
 - (d) that, while the club or institute has been so registered, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes ;
 - (e) that any duty payable in respect of the premises under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- 12 The sheriff shall refuse to renew the registration of a club under Part II of this Act if he is satisfied that, while the club has been registered thereunder, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.

Restrictions attached to registration

- 13 (1) On registering or renewing the registration of a club or institute under Part II of this Act, the sheriff may, if he thinks fit, impose restrictions limiting the gaming to a particular part or parts of the relevant premises.
- (2) Any restrictions imposed under the preceding sub-paragraph shall be imposed so as to have effect until the registration of the club or institute under Part II of this Act ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the registration is renewed, to any power of the sheriff under the preceding sub-paragraph to impose the like or any other restrictions on renewing the registration.

Cancellation of registration

- 14 Paragraphs 36 to 38 and 41 to 43 of Schedule 2 to this Act shall have effect in relation to cancellation of the registration of a club or institute in Scotland under Part II of this Act as they have effect in relation to cancellation of a licence under this Act, but as if—

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- (a) any reference to the holder of the licence were a reference to the chairman or secretary of the club or institute ;
 - (b) in paragraph 36 of that Schedule, sub-paragraphs (3), (4) and (5) were omitted ;
 - (c) in paragraph 38 thereof, for the words from the beginning to " application " there were substituted the words " On the consideration of the application by the sheriff ";
 - (d) in paragraph 42 thereof, the reference to the grounds specified in paragraphs 20 and 21 thereof were a reference to the grounds specified in paragraph 11 of this Schedule.
- 15 (1) Where a person is convicted of an offence under Schedule 3 to the Finance Act 1966 in respect of a contravention of section 13 or section 14 of that Act in relation to premises in respect of which a club or institute in Scotland is for the time being registered under Part II of this Act, and the Commissioners of Customs and Excise—
- (a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises while that club or institute has been so registered, and
 - (b) apply to the court for effect to be given to this sub-paragraph,
- that court shall order that the registration of the club or institute under Part II of this Act shall be cancelled.
- (2) An order made under this paragraph—
- (a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given ;
 - (b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and
 - (c) shall not have effect if, on such an appeal, the appeal is allowed.
- (3) Where the registration of a club or institute is cancelled by virtue of an order made under this paragraph, the sheriff shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application for the registration of that club or institute under Part II of this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

Issue and duration of registration certificates

- 16 (1) Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part II of this Act, the sheriff shall issue to the applicant a certificate (in this Schedule referred to as a " registration certificate ") which shall be in the prescribed form.
- (2) If the registration or any renewal of the registration of a club or institute is subject to any restrictions imposed under paragraph 13 of this Schedule, the registration certificate shall include a statement of those restrictions.
- 17 (1) Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation, the registration of a club or institute in Scotland under Part II of this Act—
- (a) if not renewed, shall cease to have effect at the end of the month of December in the year following that in which it was effected, or

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- (b) if renewed, shall, unless further renewed, cease to have effect at the end of the period for which it was renewed or last renewed, as the case may be.
- (2) In the application of sub-paragraph (1)(a) of this paragraph to a club or institute which, on the date on which section 1 of this Act comes into operation, is for the time being registered under Part II of this Act, for the reference to the month of December therein mentioned there shall be substituted a reference to the first month of December following the first anniversary of that date.
- 18 (1) An application for renewal of the registration of a club or institute in Scotland under Part II of this Act may specify a number of years, not exceeding ten, for which the renewal is requested ; and any renewal of the registration shall be for such number of years, not exceeding the number specified in the application, as the sheriff thinks fit.
- (2) Except as provided by the preceding sub-paragraph, any renewal of the registration shall be for a period of one year.
- 19 (1) Where the registration of a club or institute in Scotland under Part II of this Act has been renewed for a period of two or more years, and is subject to any restriction imposed under paragraph 13 of this Schedule, then, with a view to the cancellation or variation of those restrictions, an application for renewal of the registration may be made in any of those years, notwithstanding that the registration is not due to expire in that year.
- (2) On any application made by virtue of this paragraph the registration may be renewed as if it were due to expire at the end of the month of December in that year.
- 20 Where an application for renewal of the registration of a club or institute in Scotland under Part II of this Act has been duly made, the registration shall not cease to have effect by virtue of paragraph 17 of this Schedule until the sheriff has determined the application.

No appeal against determination of sheriff

- 21 The determination of the sheriff on an application under this Schedule for registration or renewal or cancellation of registration of a club or institute under Part II of this Act shall be final, and in his determination the sheriff may include such order as to the expenses of the application as he thinks proper.

Payment of fees

- 22 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute in Scotland shall not be registered under Part II of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment by the applicant to the sheriff clerk of the fee chargeable in accordance with section 48 of this Act.

Relinquishment of registration

- 23 (1) A club or institute registered under Part II of this Act may at any time relinquish its registration by notice given to the sheriff clerk by the chairman or secretary of the club or institute ; and, where such a notice is given, the registration of the club or institute under Part II of this Act shall thereupon be treated as cancelled.

Status: This is the original version (as it was originally enacted).

- (2) Where the registration of a club or institute is relinquished under this paragraph, the sheriff clerk shall give notice of that fact to the Board, the appropriate chief constable and the appropriate collector of duty.

SCHEDULE 5

Section 19.

PROCEDURE FOR APPROVAL BY BOARD

PART I

ISSUE AND REVOCATION OF CERTIFICATES OF APPROVAL

Issue of certificate

1 Any person may apply to the Board for the issue in respect of him of a certificate under section 19 of this Act, certifying that, in relation to premises specified in the certificate, he has been approved by the Board under that section—

- (a) in respect of the performance on those premises of a function to which subsection (1) of that section applies which is specified in the certificate, or
- (b) for acting in relation to those premises in a capacity such as is mentioned in subsection (3) of that section which is so specified.

2 Any such application shall specify the premises, and the function to which subsection (1) of section 19 applies, or (as the case may be) the capacity such as is mentioned in subsection (3) of that section, in respect of which the certificate is required.

3 In determining whether to issue a certificate on any such application, the Board shall have regard only to the question whether, in relation to the premises specified in the application, the applicant is a fit and proper person to perform the function or act in the capacity so specified.

4 Where on an application under this Schedule it appears to the Board that the applicant requires their approval in respect of performing the function in question on, or acting in the capacity in question in relation to, all or any of a number of premises specified in the application, and the Board determine to give that approval, the Board may, if they think fit, issue to him a single certificate specifying all those premises.

5 Where the Board issue a certificate under that section, it shall continue in force until it is revoked by the Board and that revocation takes effect in accordance with the following provisions of this Schedule.

Revocation of certificate

6 The Board may at any time revoke any such certificate if it appears to the Board that, in relation to the premises specified in the certificate, the person to whom the certificate relates is not a fit and proper person to perform the function or act in the capacity so specified.

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- 7 Where the Board determine to revoke any such certificate, they shall serve a notice on the person to whom it relates stating that the certificate is revoked as from the end of the period of twenty-one days from the date of service of the notice ; and the revocation shall take effect at the end of that period.

Payment of fees

- 8 Notwithstanding anything in the preceding provisions of this Schedule, the Board shall not issue a certificate of approval under section 19 of this Act except on payment by the applicant to the Board of the fee chargeable in accordance with section 48 of this Act.

PART II

PENDING APPLICATIONS

- 9 Where a person applies to the Board for a certificate under section 19 of this Act, and either—
- (a) at the time of that application a certificate issued by the Board in respect of him (whether in relation to the same premises or not) is in force, or
 - (b) the certificate is required by reason that a notice has been served on him under subsection (3) of that section and the application is made before the end of the period specified in that notice,
- the application shall, until it is determined by the Board, have the same effect for the purposes of that section as if it were a certificate issued by the Board, and for the time being in force, certifying that, in relation to the premises specified in the application, he has been approved by the Board in respect of the performance of the function, or for acting in the capacity, specified in the application.

SCHEDULE 6

Section 27.

CERTIFICATES AND PERMITS UNDER SECTION 27

Issue and renewal of certificates

- 1 (1) A certificate may be issued in accordance with the following provisions of this Schedule for the purposes of subsection (1) of section 27 of this Act only, or for the purposes of subsection (5) of that section only, or for the purposes of both those subsections.
- (2) In this Schedule " the relevant functions "—
- (a) in relation to an application for the issue or renewal of a certificate for the purposes of subsection (1) of that section only, or to a certificate issued for those purposes, means selling or supplying machines to which Part III of this Act applies;
 - (b) in relation to an application for the issue or renewal of a certificate for the purposes of subsection (5) of that section only, or to a certificate issued for those purposes, means maintaining the mechanism of such machines ; and
 - (c) in relation to an application for the issue or renewal of a certificate for the purposes of both those subsections, or to a certificate issued for those

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purposes, means selling or supplying such machines and maintaining their mechanism.

2 In determining whether to issue or renew any such certificate, the Board shall have regard only to the question whether the person applying for it is a fit and proper person to perform the relevant functions.

3 Subject to the following provisions of this Schedule, any such certificate issued by the Board—

- (a) if not renewed, shall cease to have effect at the end of the period of five years beginning with the date on which it was issued, or
- (b) if renewed, shall, unless further renewed, cease to have effect at the end of the period of five years beginning with the date as from which it was renewed or last renewed, as the case may be.

Revocation of certificate

4 The Board may at any time revoke any such certificate if it appears to the Board that the person to whom it relates is not a fit and proper person to perform the relevant functions.

5 Where the Board determine to revoke any such certificate, they shall serve a notice on the person to whom it relates stating that the certificate is revoked as from the end of the period of twenty-one days from the date of service of the notice; and the revocation shall take effect at the end of that period.

Payment of fees

6 Notwithstanding anything in the preceding provisions of this Schedule, the Board shall not issue or renew any such certificate except on payment by the applicant to the Board of the fee chargeable in accordance with section 48 of this Act.

Grant of permits

7 Any application for the grant of a permit for the purposes of subsection (1) or subsection (5) of section 27 of this Act shall specify the machine in respect of which, and the circumstances in which, the permit is required.

8 Any such permit granted by the Board shall specify the machine to which it relates and the period for which the permit is granted; and the permit shall cease to have effect at the end of that period.

Supplementary provisions

9 (1) In determining, for the purposes of this Schedule, whether a person is a fit and proper person to perform the relevant functions, where he carries on a business which consists of or includes those functions, regard shall be had in particular to the way in which the business is conducted by him and by any persons employed by him or acting on his behalf in connection with the business.

(2) Without prejudice to the preceding sub-paragraph, for the purposes of this Schedule a person shall not be taken to be a fit and proper person to perform the relevant functions if those functions are, or if the certificate in question were issued or renewed would be, performed by him as servant or agent of, or otherwise for the

benefit of, a person who would himself be refused a certificate as not being a fit and proper person to perform those functions.

SCHEDULE 7

Section 30.

REGISTRATION UNDER PART III IN ENGLAND AND WALES

Introductory

- 1 Each licensing authority in England, or Wales shall, in respect of premises within the area of the authority as mentioned in paragraph 1 of Schedule 2 to this Act, be the authority responsible for the registration of clubs and institutes under Part III of this Act and for the renewal and cancellation of any such registration.
- 2 (1) Paragraph 2 of Schedule 2 to this Act shall have effect for the purposes of this Schedule as if in that paragraph references to a licence under this Act, to premises in respect of which such a licence is for the time being in force, and to an application relating to such a licence, were references respectively to registration under Part III of this Act, to premises in respect of which a club or institute is for the time being registered under Part III of this Act, and to an application relating to such registration.
(2) In this Schedule " institute " means a miners' welfare institute.

Application for registration

- 3 (1) An application for the registration of a club or institute under Part III of this Act may be made at any time, and shall be made to the clerk to the licensing authority in such form and manner as may be prescribed.
(2) Any such application shall specify the name, objects and address of the club or institute to which it relates and the premises in respect of which it is proposed that the club or institute should be registered, and shall contain such other particulars as may be prescribed.
(3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application to the appropriate officer of police.

Application for renewal of registration

- 4 (1) An application for renewal of the registration of a club or institute under Part III of this Act shall be made not earlier than three months and not later than six weeks before the date on which the registration is due to expire, and shall be made to the clerk to the licensing authority in such form and manner as may be prescribed.
(2) The licensing authority may in any particular case entertain an application for renewal of registration under Part III of this Act made after the latest date on which the application could be made in accordance with sub-paragraph (1) of this paragraph if—
 - (a) they are satisfied that the failure to make the application before that date was due to inadvertence, and
 - (b) the application is made before the end of such extended period as the licensing authority may in that case allow.

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- (3) Not later than seven days after the date on which any such application is made, the applicant shall send a copy of the application to the appropriate officer of police.

Proceedings on application for registration or renewal of registration

- 5 (1) On any application for the registration, or for renewal of the registration, of a club or institute under Part III of this Act, the licensing authority may register or renew the registration of the club or institute without hearing the applicant if no objection to the registration or renewal of registration has been made by or on behalf of the appropriate officer of police, or if any objection so made has been withdrawn.
- (2) Except as provided by the preceding sub-paragraph, on any such application the applicant and the appropriate officer of police shall be entitled to be heard either in person or by counsel or a solicitor.
- 6 (1) A licensing authority may from time to time adjourn the consideration of any application for the registration or for renewal of the registration of a club or institute under Part III of this Act.
- (2) On the consideration of any such application, a licensing authority may take evidence on oath, and, if the appropriate officer of police has made an objection which has not been withdrawn, may make such order as they think fit for the payment of costs—
- (a) by the applicant to that officer, or
 - (b) by that officer to the applicant.

Grounds for refusal to register or to renew registration

- 7 The licensing authority shall refuse to register, or to renew the registration of, a club or institute under Part III of this Act if it appears to them that the relevant premises are premises which (for whatever purposes) are frequented wholly or mainly by persons under eighteen.
- 8 The licensing authority may refuse to register or to renew the registration of a club under Part III of this Act if it appears to the authority that the club—
- (a) is not a bona fide members' club, or
 - (b) has less than twenty-five members, or
 - (c) is of a merely temporary character.
- 9 The licensing authority may refuse to renew the registration of a club or institute under Part III of this Act on the grounds that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of Parts I to III of this Act or of any regulations made thereunder.
- 10 The licensing authority may refuse to register a club or institute under Part III of this Act where the club or institute has previously been so registered and either—
- (a) its registration has been cancelled, or
 - (b) an application for renewal of that registration has been refused.

Appeal by applicant

- 11 (1) Where on an application under this Schedule the licensing authority refuse to register or renew the registration of a club or institute under Part III of this Act, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to

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the applicant; and, within fourteen days from the date of service of that notice, the applicant may, by notice to the clerk to the authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.

- (2) As soon as practicable after receiving notice of appeal against such a decision of the licensing authority, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant.
 - (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing to the appellant, to the appropriate officer of police and to the licensing authority not less than seven days' notice of the date, time and place appointed for the hearing of the appeal.
 - (4) The court of quarter sessions may by its order allow or dismiss the appeal 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.
 - (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
- 12 Paragraph 30 of Schedule 2 to this Act shall have effect in relation to appeals under the last preceding paragraph as it has effect in relation to appeals under paragraph 29 of that Schedule.

Cancellation of registration

- 13 (1) Subject to the following provisions of this paragraph, an application for cancellation of the registration of a club or institute under Part III of this Act may be made at any time by the appropriate officer of police to the clerk to the licensing authority.
- (2) Any such application shall be made in the prescribed form and manner and shall be accompanied by two copies of a statement of the grounds on which the application is made.
- 14 Where such an application has been made and not withdrawn, the clerk to the licensing authority shall give to the appropriate officer of police and to the chairman or secretary of the club or institute not less than twenty-one days' notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the chairman or secretary of the club or institute together with that notice a copy of a statement by the appropriate officer of police of the grounds on which the application is made.
- 15 At any meeting of the licensing authority to consider such an application, the appropriate officer of police and the chairman or secretary of the club or institute shall be entitled to be heard either in person or by counsel or a solicitor.
- 16 A licensing authority may from time to time adjourn the consideration of any application for cancellation of the registration of a club or institute under Part III of this Act.
- 17 On the consideration of any such application, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs—
- (a) by the appropriate officer of police to the chairman or secretary of the club or institute, or

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- (b) by the chairman or secretary of the club or institute to the appropriate officer of police.
- 18 On any such application the licensing authority may cancel the registration of the club or institute under Part III of this Act if they are satisfied—
- (a) that the relevant premises are frequented wholly or mainly by persons under eighteen, or
 - (b) that, in the case of a club, the club is not a bona fide members' club, or has less than twenty-five members, or is of a merely temporary character, or
 - (c) that a person has been convicted as mentioned in paragraph 9 of this Schedule,
- and (in any such case) that in the circumstances the registration ought to be cancelled.
- 19 If on the consideration of any such application the licensing authority decide to cancel the registration, the cancellation—
- (a) shall not take effect until the time within which the chairman or secretary of the club or institute can appeal against that decision has expired, and
 - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- 20 (1) Where on any such application the licensing authority decide to cancel the registration, the clerk to the licensing authority shall forthwith give notice of the decision to the chairman or secretary of the club or institute ; and, within fourteen days from the date of service of that notice, the chairman or secretary may, by notice to the clerk to the licensing authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) to (5) of paragraph 11 of this Schedule, and the provisions applied by paragraph 12 of this Schedule, shall have effect in relation to cancellation of the registration of a club or institute under Part III of this Act as they have effect in relation to refusal to register a club or institute.

Issue and duration of registration certificate

- 21 Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part III of this Act, the licensing authority shall issue to the applicant a certificate to that effect, which shall be in the prescribed form.
- 22 Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation, the registration of a club or "institute under Part III of this Act—
- (a) if not renewed, shall cease to have effect at the end of the period of five years beginning with the date of registration, or
 - (b) if renewed, shall, unless further renewed, cease to have effect at the end of the period of five years beginning with the date on which it was renewed or last renewed, as the case may be.
- 23 (1) Where an application for renewal of the registration of a club or institute under Part III of this Act has been duly made, the registration shall not cease to have effect by virtue of the last preceding paragraph until the licensing authority have determined the application.

- (2) Where, on such an application, the licensing authority refuse to renew the registration, it shall not cease to have effect by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

Payment of fees

- 24 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute shall not be registered under Part III of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment by the applicant to the clerk to the licensing authority of the fee chargeable in accordance with section 48 of this Act.

Relinquishment of registration

- 25 (1) A club or institute registered under Part III of this Act may at any time relinquish its registration by notice given to the clerk to the licensing authority by the chairman or secretary of the club or institute ; and, where such a notice is given, the registration of the club or institute under Part III of this Act shall thereupon be treated as cancelled.
- (2) Where the registration of a club or institute is relinquished under this paragraph, the clerk to the licensing authority shall give notice of that fact to the appropriate officer of police.

SCHEDULE 8

Section 30.

REGISTRATION UNDER PART III IN SCOTLAND

- 1 The sheriff shall, in respect of premises in Scotland within his jurisdiction, be the authority responsible for the registration of clubs and institutes under Part III of this Act and for the renewal and cancellation of any such registration.
- 2 (1) Any provision of Schedule 7 to this Act containing a reference to the licensing authority, the clerk to the licensing authority and the appropriate officer of police shall, when applied by any provision of this Schedule, be construed respectively as a reference to the sheriff, the sheriff clerk and the chief constable for the police area in which the relevant premises are situated.
- (2) In this Schedule—
- " institute " means a miners' welfare institute ;
- " the relevant premises ", in relation to registration under Part III of this Act or to an application relating to such registration, means the premises in respect of which a club or institute is for the time being registered under that Part or the premises to which the application relates, as the case may be.
- 3 Subject to the foregoing provisions of this Schedule, paragraphs 3 to 5, 7 to 10, 13 to 15, 18, 21, 22, 23(1), 24 and 25 of Schedule 7 to this Act shall apply to Scotland as they apply to England or Wales, but as if, in paragraph 15, for the words from the beginning to " application" there were substituted the words " On the consideration of the application by the sheriff " .

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- 4 The determination of the sheriff on an application under this Schedule for registration or renewal or cancellation of registration of a club or institute under Part III of this Act shall be final, and in his determination the sheriff may include such order as to the expenses of the application as he thinks proper.

SCHEDULE 9

Section 34.

PERMITS UNDER SECTION 34

Authority responsible for grant and renewal of permits

- 1 In this Schedule " the appropriate authority "—
- (a) in relation to any premises in England or Wales in respect of which a justices' on-licence (other than a Part IV licence) is for the time being in force, and in relation to any premises in the district specified in Part I of Schedule 9 to the Licensing Act 1964 (the Carlisle district) which are for the time being used for the sale on behalf of the Secretary of State of intoxicating liquor for consumption on the premises, means the licensing justices for the licensing district in which the premises are situated ;
 - (b) in relation to any other premises in England or Wales, means the council of the county borough, London borough or county district in which the premises are situated, or, where the premises are in the City of London, means the Common Council of the City ;
 - (c) in relation to any premises in Scotland in respect of which a hotel certificate or a public house certificate is for the time being in force, and in relation to any premises in a district specified in Part I of Schedule 8 to the Licensing (Scotland) Act 1959 (State management districts) which are for the time being used for the sale on behalf of the Secretary of State of exciseable liquor for consumption on the premises, means the licensing court for the licensing area in which the premises are situated ;
 - (d) in relation to any other premises in Scotland, where they are situated in a burgh, means the council of the burgh, and in any other case means the council of the county in which the premises are situated,
- and " permit" means a permit under section 34 of this Act.

- 2 Where the premises are in Scotland and are situated in a district, the appropriate authority shall on each occasion consult the council of the district before performing any functions under this Schedule.

Resolution by local authority as to grant or renewal of permits

- 3 Any such council as is mentioned in sub-paragraph (b) or sub-paragraph (d) of paragraph 1 of this Schedule (in this Schedule referred to as a " local authority ") may pass any 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;

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- (c) that (subject to paragraph 4 of this Schedule) where the authority grant or renew a permit in respect of any premises, or in respect of premises of a class specified in the resolution, they will grant or renew it subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises so as not to exceed such number as may be 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 provision of amusements by means of machines to which Part III of this Act applies.

Application for grant or renewal of permit

- 5 (1) An application for the grant of a permit in respect of any premises may be made as follows, that is to say—
- (a) by the holder of the licence or certificate, or (as the case may be) by the Secretary of State, in the case of any such premises as are mentioned in sub-paragraph (a) or sub-paragraph (c) of paragraph 1 of this Schedule, and
 - (b) in any other case, by the person who is, or by any person who proposes if the permit is granted to become, the occupier of the premises.
- (2) The holder of a permit may apply from time to time for the renewal of the permit.
- 6 The appropriate authority shall not refuse to grant or renew a permit without affording to the applicant or a person acting for him an opportunity of appearing before, and being heard by, the appropriate authority or (where that authority is a local authority) a committee of the local authority.

Grounds for refusal to grant or renew permit

- 7 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 as mentioned in sub-paragraph (a) or sub-paragraph (b) of 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.
- 8 (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 or manner in which machines to which Part III of this Act applies have been used on the premises, or any other amusements have been provided or conducted on the premises, 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 1 of this Schedule) be at the discretion of the appropriate authority; and in particular, and without

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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 machines to which Part III of this Act applies should be used for providing amusements on those premises.

- (3) The preceding provisions of this paragraph shall have effect subject to section 34(7) of this Act.

Condition imposed on grant or renewal of permit

9 Where an application for the grant or renewal of a permit is made to a local authority, and there is for the time being in force a resolution passed by that authority as mentioned in sub-paragraph (c) of paragraph 3 of this Schedule which is applicable to the premises to which the application relates, then, if the authority grant or renew the permit, it shall be their duty to do so subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to such number, not exceeding the number specified in the resolution, as the authority may determine.

10 Subject to paragraph 9 of this Schedule, on granting or renewing a permit in respect of any premises, other than premises to which paragraph 4 of this Schedule applies, the appropriate authority may grant or renew it subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to such number as the authority may determine.

Appeal in England or Wales against decision of appropriate authority

11 (1) Where on an application under this Schedule in England or Wales the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made.

(2) Where such a notice has been given, the applicant may, by notice to the clerk to the appropriate authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.

(3) As soon as practicable after receiving notice of appeal against a decision of the appropriate authority, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant.

(4) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give to the appellant and to the appropriate authority not less than seven days' notice in writing of the date, time and place appointed for the hearing of the appeal.

(5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

12 (1) Where the appeal is an appeal against a decision of a local authority refusing to grant or renew a permit, the court of quarter sessions shall not allow the appeal if satisfied that, by virtue of paragraph 7 of this Schedule, it was the duty of the authority to refuse to grant or renew the permit.

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- (2) Where the appeal is against a decision of a local authority to grant or renew a permit subject to a condition, and the court of quarter sessions is satisfied that, by virtue of paragraph 9 of this Schedule, it was the duty of the authority to grant or renew the permit subject to such a condition as is mentioned in that paragraph, the court shall not reverse or vary the decision so as—
- (a) to grant or renew the permit unconditionally, or
 - (b) to grant or renew the permit subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to a number exceeding the number specified in the resolution of the local authority.
- 13 Subject to paragraph 12 of this Schedule, on any appeal under paragraph 11 of this Schedule 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.
- 14 (1) On determining any appeal under paragraph 11 of this Schedule, or on being satisfied that the appellant, after giving notice of such an appeal, has failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to the appellant or the appropriate authority.
- (2) Where the appropriate authority is die licensing justices for a licensing district, and the court of quarter sessions—
- (a) has allowed such an appeal, or
 - (b) has awarded the licensing justices any costs under the preceding sub-paragraph and is satisfied that the licensing justices cannot recover those costs,
- the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.
- (3) Costs payable out of local funds under this paragraph—
- (a) if the licensing district is a borough having a separate court of quarter sessions, shall be paid out of the general rate fund of the borough ; and
 - (b) in any other case, shall be paid out of the county fund of the county in which the licensing district is situated.
- (4) Sections 8(1) and 11(1) of the Costs in Criminal Cases Act 1952 (which make provision for payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this paragraph as if any reference in those provisions to a county borough were a reference to a borough having a separate court of quarter sessions.
- (5) An order of a court of quarter sessions under this paragraph may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions; and the costs may be taxed either in or out of sessions.

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Appeal in Scotland against decision of appropriate authority

- 15 Where on an application under this Schedule in Scotland the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made ; and the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.
- 16 Paragraph 12 of this Schedule shall apply to an appeal under the last foregoing paragraph except that for any reference to the court of quarter sessions there shall be substituted a reference to the sheriff.
- 17 (1) Subject to paragraph 16 of this Schedule, on any appeal under paragraph 15 of this Schedule the sheriff may 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 sheriff 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

- 18 Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any permit under section 39 of this Act, a permit—
- (a) if not renewed, shall cease to have effect on such date, not being less than three years beginning with the date on which it was granted, as may be specified in the permit, or
 - (b) if renewed, shall, unless further renewed, cease to have effect on such date, not being less than three years beginning with the date on which it was renewed or last renewed, as the case may be, as may be specified in the decision to renew it.
- 19 (1) Where an application for the renewal of a permit is made not less than one month before the date on which it is due to expire, the permit shall not cease to have effect by virtue of the last preceding paragraph before the appropriate authority have determined the application or the application has been withdrawn.
- (2) Where, on such an application, the appropriate authority refuse to renew the permit, it shall not cease to have effect by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.
- 20 (1) A permit shall not be transferable, and, subject to the following provisions of this paragraph, shall cease to have effect if—
- (a) in the case of premises falling within sub-paragraph (a) or sub-paragraph (c) of paragraph 1 of this Schedule, the holder of the permit (not being the Secretary of State) ceases to be the holder of the licence or certificate in respect of the premises, or
 - (b) in the case of any other premises, the holder of the permit ceases to be the occupier of the premises.
- (2) If the holder of a permit (not being the Secretary of State) dies while the permit is in force—

- (a) the permit shall not cease to have effect by virtue of paragraph 18 of this Schedule or by virtue of the preceding sub-paragraph before the end of the period of six months beginning with the date of his death, and
- (b) except for the purposes of a renewal of the permit, his personal representatives shall be deemed to be the holder of the permit;

and the appropriate authority may from time to time, on the application of those personal representatives, extend or further extend the period for which the permit continues to have effect by virtue of this sub-paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.

Payment of fees

- 21 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 the fee chargeable in accordance with section 48 of this Act.

Supplementary provisions

- 22 The grant or renewal of a permit shall not be invalidated by any failure to comply with any requirement of paragraph 7 or paragraph 9 of this Schedule ; and any duty of a local authority to comply with such a requirement shall not be enforceable by any legal proceedings.
- 23 In this Schedule " justices' on-licence ", " Part IV licence ", and " licensing district" have the same meanings as in the Licensing Act 1964, and " hotel certificate ", " public house certificate " and " licensing area " have the same meanings as in the Licensing (Scotland) Act 1959.

SCHEDULE 10

Section 49.

PROVISION OF INFORMATION BY LICENSING AUTHORITIES AND SHERIFF CLERKS

- 1 The clerk to each licensing authority shall keep in the prescribed form registers containing such particulars as may be prescribed with respect to the grant, renewal, cancellation and transfer by the licensing authority of licences under this Act.
- 2 The clerk to each licensing authority in England or Wales and each sheriff clerk in Scotland shall keep in the prescribed form registers containing such particulars as may be prescribed with respect to the registration by the authority or sheriff of clubs and miners' welfare institutes under Part II or Part III of this Act, and of the renewal and cancellation by the authority or sheriff of any such registration.
- 3 Each licensing authority shall permit any constable, and any other person on payment of the prescribed fee, to inspect at any reasonable time any register kept by the authority under paragraph 1 or (in England or Wales) under paragraph 2 of this Schedule.
- 4 Any constable, and any other person on payment of the prescribed fee, may inspect at any reasonable time any register kept by the sheriff clerk under paragraph 2 of this Schedule.

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- 5 (1) The clerk to each licensing authority shall send to the Board such particulars as may be prescribed with respect to matters in relation to which the authority are required to keep registers under paragraph 1, or in England or Wales under paragraphs 1 and 2, of this Schedule.
- (2) Each sheriff clerk shall send to the Board such particulars as may be prescribed with respect to matters in relation to which he is required to keep registers under paragraph 2 of this Schedule.
- 6 The Board may request a licensing authority to send to the Board a statement setting out any particulars notified to the licensing authority under section 14(4) of this Act during a period specified in the request, and the licensing authority shall comply with any such request.
- 7 Without prejudice to the preceding provisions of this Schedule, the clerk to each licensing authority, and each sheriff clerk, on being requested by the Board to do so, shall compile from such information as is for the time being in his possession, and shall furnish the Board with, such statistics as the Board may from time to time require for the purpose of assisting the Board in the performance of their functions, and in particular their functions under section 10(3), of this Act.

SCHEDULE 11

Section 53.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF BETTING, GAMING AND LOTTERIES ACT 1963

<i>Section of Act</i>	<i>Amendment</i>
Section 40	For the words " this Part of this Act " there shall be substituted the words " the Gaming Act 1968 ", and for the words " section 35 of this Act" there shall be substituted the words " section 6 of that Act ".
Section 41	After the word " lotteries " there shall be inserted the words " which do not constitute gaming ".
Section 42	In subsection (2)(b), for the words from " was also " onwards there shall be substituted the words " was not promoted wholly or partly outside Great Britain and constituted gaming as well as a lottery ".
Section 48	From the words from the beginning of subsection (1) to the words " but for this subsection' in subsection (2) there shall be substituted the following:—

Status: This is the original version (as it was originally enacted).

<i>Section of Act</i>	<i>Amendment</i>
<p>Section 49</p>	<p>“(1) This section applies to the provision, at any entertainment to which section 43 of this Act applies, of any amusement with prizes which constitutes a lottery or gaming or both but does not constitute—</p> <ul style="list-style-type: none"> (a) gaming to which Part II of the Gaming Act 1968 applies, or (b) gaming by means of a machine to which Part III of that Act applies. <p>(2) Where any such amusement constitutes a lottery, nothing in section 41 or section 42 of this Act shall apply to it.</p> <p>(3) In relation to any such amusement (whether it constitutes a lottery or not).”</p> <p>In subsection (3)(b), for the word " subsection " there shall be substituted the word " section ", and for the words " section 37 of this Act" there shall be substituted the words " section 33 or section 41 of the Gaming Act 1968 " .</p> <p>In subsection (1), for the words from the beginning of paragraph (a) to " (b) " there shall be substituted the words " where those amusements constitute a lottery or gaming or both but do not constitute gaming to which Part II of the Gaming Act 1968 applies or gaming by means of a machine to which Part III of that Act applies, and they are provided—</p> <ul style="list-style-type: none"> (a) on any premises in respect of which a permit under this section has been granted in accordance with Schedule 6 to this Act and is for the time being in force, or (b) on any premises used mainly for the purposes of amusements by means of such machines, being premises in respect of which a permit granted under section 34 of the Gaming Act 1968 is for the time being in force, or (c) <p>In subsection (2), for the words from the beginning of the subsection to the words</p>

Status: This is the original version (as it was originally enacted).

<i>Section of Act</i>	<i>Amendment</i>
	<p>" but for this subsection" there shall be substituted the following:—</p> <p style="padding-left: 40px;">“(2) Nothing in section 41 or section 42 of this Act shall apply in relation to amusements falling within subsection (1) of this section; but in relation to any such amusement”.</p> <p>In subsection (3)(e), for the words " subsection (1)(b)" there shall be substituted the words " subsection (1)(c) ".</p> <p>After subsection (3) there shall be inserted the following subsections:—</p> <p style="padding-left: 40px;">“(3A) The court by or before which the holder of a permit under this section is convicted of an offence under this section in connection with the premises to which the permit relates may, if the court thinks fit, order that the permit shall be forfeited and cancelled: and subsections (2) and (3) of section 11 of this Act shall apply to an order under this subsection as they apply to an order under subsection (1) of that section.</p> <p style="padding-left: 40px;">(3B) No permit under this section shall be granted in respect of any premises where a licence under the Gaming Act 1968 is for the time being in force in respect of them or where a club or a miners' welfare institute is for the time being registered in respect of them under Part II of that Act; and, where such a licence is granted or a club or a miners' welfare institute is so registered in respect of any premises, and a permit under this section is then in force in respect of those premises, the permit shall thereupon cease to have effect.</p> <p style="padding-left: 40px;">(3C) The Secretary of State may by order direct that any provision of this section which is specified in the order and which specifies a sum shall have effect as if, for that sum, there were substituted such other sum as may be specified in the order.</p>

Status: This is the original version (as it was originally enacted).

<i>Section of Act</i>	<i>Amendment</i>
Section 54	<p>(3D) Any power to make an order under this section shall include power to vary or revoke the order by a subsequent order, and shall be exercisable by statutory instrument; and any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.”</p> <p>In subsection (1), for the words " section 33, 37, 43 or 48 of this Act" there shall be substituted the words " section 43 or section 48 of this Act or section 33 or section 41 of the Gaming Act 1968 ".</p> <p>In subsection (2), for the words " the said sections 33, 37 and 48 " there shall be substituted the words " section 48 of this Act or section 33 or section 41 of that Act "; for the words " gaming machine within the meaning of the said section 33" there shall be substituted the words " machine to which Part III of that Act applies "; and for the words " the said section 37 or 48 " there shall be substituted the words " any of those sections ".</p>
Section 55	<p>In subsection (1), after the definition of " approved horse racecourse " there shall be inserted the following definition, namely, " 'bet' does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming ", and for the definitions of " game of chance " and " gaming " there shall be substituted the words " ' game of chance ' and ' gaming ' have the same meanings as in the Gaming Act 1968 ".</p>

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.

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- (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.

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

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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.

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.

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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.

PART III

AMENDMENTS OF OTHER ENACTMENTS

<i>Enactment</i>	<i>Amendment</i>
<p>The Licensing (Scotland) Act 1959 (1959 c. 51).</p>	<p>In Schedule 2—</p> <p>(a) in the form of certificate for a hotel, in condition (11) for the words from " Part II" to the end there shall be substituted the words " the Gaming Act 1968 is committed or a requirement or restriction for the time being in force under section 6 of that Act is contravened: " and</p> <p>(b) in the form of certificate for a public house, in condition (12) for the words from " Part II " to the end there shall be substituted the words " the Gaming Act 1968 is committed or a requirement or restriction for the time being in force under section 6 of that Act is contravened; ".</p>
<p>The Betting Duties Act 1963 (1963 c. 3).</p>	<p>In section 3(6), for the words from " or stake " onwards there shall be substituted the words " made or stake hazarded in the course of, or incidentally to, any gaming ".</p>
<p>The Licensing Act 1964 (1964 c. 26).</p>	<p>In section 177, for the words "Part II of the Betting, Gaming and Lotteries Act 1963 " there shall be substituted the words " the Gaming Act 1968 "; and for the words " section 35 " there shall be substituted the words " section 6 ".</p> <p>In section 202(1)(b) for the words " section 35 of the Betting, Gaming and Lotteries Act 1963 " there shall be substituted the words " section 6 of the Gaming Act 1968 ".</p>
<p>The Finance Act 1966 (1966 c. 18).</p>	<p>In section 13(4), in paragraph (b), for the words from " carried on " onwards there shall be substituted the words " which constitutes the provision of amusements with prizes to which section 48 of the Betting, Gaming and Lotteries Act 1963 applies, where the conditions applicable in accordance</p>

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<i>Enactment</i>	<i>Amendment</i>
	<p>with the provisions of that section are observed, or constitutes the provision of amusements with prizes in the circumstances specified in subsection (1) of section 49 of that Act, where the conditions applicable in accordance with the provisions of that section are observed "; and in paragraph (c), for the words from " in such circumstances " onwards there shall be substituted the words " which constitutes gaming to which section 41 of the Gaming Act 1968 applies, where the conditions applicable in accordance with the provisions of that section are observed ".</p> <p>In section 14(2), for paragraphs (a) and (b) there shall be substituted the words " any gaming machine on those premises is there—</p> <ul style="list-style-type: none">(a) for the purposes only of an entertainment to which section 33 of the Gaming Act 1968 applies, or(b) in the circumstances specified in any of paragraphs (a) to (d) of subsection (1) of section 34 of that Act, <p>and (in either case) the conditions specified in subsections (2) to (4) of section 34 of that Act, or those subsections as modified by any order made under subsection (9) of that section, are observed; and no such licence shall be required for a gaming machine which is on the premises for the purpose only of being used as mentioned in section 52(5) of the Gaming Act 1968 ".</p> <p>In section 15(6), before the words " betting agency permit" there shall be inserted the word " bet ", the definitions of " gaming " and " gaming machine " shall be omitted, and the following definitions shall be inserted at the appropriate point in alphabetical order:—</p> <ul style="list-style-type: none">“ gaming ' has the same meaning as in the Gaming Act 1968;' gaming machine ' means a machine to which Part III of the Gaming Act 1968 applies”.

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SCHEDULE 12

Section 53.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	Sections 32 to 39. Section 49(4). Section 50.
1964 c. 78.	The Betting, Gaming and Lotteries Act 1964.	The whole Act.