
STATUTORY INSTRUMENTS

2006 No. 3272

**The Gambling Act 2005 (Commencement
No. 6 and Transitional Provisions) Order 2006**

Repeal of the Gaming Act 1968

4.—(1) The repeal of the 1968 Act by section 356(3)(g), (4) and (5) of, and Schedule 17 to, the 2005 Act shall, to the extent that it is not already in force, come into force on 1st September 2007—

- (a) for all purposes in relation to—
 - (i) any licence or other document issued under the 1968 Act, or
 - (ii) any registration under Part 2 or 3 of that Act, which has effect immediately before that date; and
- (b) for all other purposes except as provided in the following provisions of this article.

(2) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling any of the following applications to be determined (including by way of appeal), where the application is made but not determined before that date—

- (a) an application under paragraph 4 of Schedule 2 to that Act **(1)** for the grant of a certificate of consent to apply for a licence under that Act;
- (b) an application under paragraph 56 of that Schedule **(2)** for a certificate of consent for the transfer of a licence under that Act;
- (c) an application under paragraph 5 of that Schedule **(3)** for the grant of a licence under that Act;
- (d) an application under paragraph 12 of that Schedule **(4)** for the renewal of a licence under that Act;
- (e) an application under paragraph 58 of that Schedule **(5)** for the transfer of a licence under that Act;
- (f) an application under Schedule 3 or 4 to that Act **(6)** for the registration of a members' club or miners' welfare institute under Part 2 of that Act;
- (g) an application under Schedule 3 or 4 to that Act for the renewal of the registration of a members' club or miners' welfare institute under Part 2 of that Act;

(1) Paragraph 4 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982 (c. 22), section 1 and paragraph 2 of Schedule 1, and by the Gaming Amendment Act 1990 (c. 26), section 1 and paragraph 7 of the Schedule to that Act.

(2) Paragraph 56 of Schedule 2 to the 1968 Act was amended by the Gaming Amendment Act 1990, section 1 and paragraph 8 of the Schedule to that Act.

(3) Paragraph 5 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982, section 1 and paragraph 3 of Schedule 1, and by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraphs 57 and 58(1) and (3).

(4) Paragraph 12 of Schedule 2 to the 1968 Act was amended by the Gaming (Amendment) Act 1982, section 1 and paragraph 7(1) of Schedule 1, and by the Access to Justice Act 1999, Schedule 13, paragraphs 57 and 58(1) and (5).

(5) Paragraph 58 of Schedule 2 to the 1968 Act was amended by the Access to Justice Act 1999, Schedule 13, paragraphs 57 and 58(1) and (12).

(6) Amendments have been made to Schedule 3 and 4 which (apart from any amendments referred to in footnotes below) are not relevant to this Order.

- (h) an application under paragraph 1 of Schedule 5 to that Act for a certificate under section 19 of that Act;
- (i) an application under Schedule 6 to that Act for the grant or renewal of a certificate under section 27 of that Act;
- (j) an application under Schedule 7 or 8 to that Act⁽⁷⁾ for the registration of a members' club, commercial club or miners' welfare institute under Part 3 of that Act;
- (k) an application under Schedule 7 or 8 to that Act for the renewal of the registration of members' club, commercial club or miners' welfare institute under Part 3 of that Act;
- (l) an application under paragraph 5 of Schedule 9 to that Act⁽⁸⁾ for the grant or renewal of a permit under section 34 of that Act⁽⁹⁾ in respect of amusement machine premises; and
- (m) an application under that paragraph for the grant or renewal of a permit under section 34 of that Act in respect of any other premises.

(3) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a certificate, licence or permit to be granted or renewed, where the application for its grant or renewal is one falling within paragraph (2).

(4) The 1968 Act is to continue to have effect on and after 1st September 2007 for the purposes of enabling a club or miners' welfare institute to be registered under Part 2 or 3 of the 1968 Act, or for such a registration to be renewed, where the application for the registration or the renewal of the registration is one falling within paragraph (2)(f), (g), (j) or (k).

(5) For the purposes of this article—

- (a) where an application is refused, it is not to be treated as having been determined until any period for appealing against the refusal of the application has elapsed; or, if an appeal is made, until the appeal is determined or abandoned;
- (b) where a permit is granted on an application falling within sub-paragraph (m) of paragraph (2), but it is granted subject to a condition limiting the number of machines to which Part 3 of the 1968 Act applies which may be made available for gaming on the relevant premises, the application is not to be treated as having been determined until any period for appealing against that decision has elapsed; or, if an appeal is made, until the appeal is determined or abandoned.

(7) Amendments have been made to Schedule 7 which (apart from the amendments referred to in footnotes below) are not relevant to this Order.

(8) Paragraph 5 of Schedule 9 to the 1968 Act was amended by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1, Part 13, and by S.I. 1996/1359.

(9) Section 34 was amended by S.I. 1996/1359 and S.I. 2003/3275.