

SCHEDULE 4

Transitional provisions

PART 10

Conversion of permits under section 34 of the Gaming Act 1968 into family entertainment centre gaming machine permits

Conversion of section 34 permits into FEC gaming machine permits: supplementary provisions where premises are situated in Scotland

100.—(1) This paragraph applies in any case falling within paragraph 99 where the premises to which the application for the section 34 permit relates are situated in Scotland.

(2) Paragraph 99 is to have effect as if for sub-paragraph (3) there were substituted—

“(3) Where the application meets the conditions in paragraphs (a) to (c) of sub-paragraph (1) of paragraph 95, that sub-paragraph is to be modified so that—

- (a) the licensing authority may not determine the application for a FEC gaming machine permit until the applicant notifies it in writing of the determination of the application for the section 34 permit;
- (b) the licensing authority are only to be under a duty to grant the application for a FEC gaming machine permit if—
 - (i) the application for the section 34 permit is granted, and
 - (ii) the applicant has given the authority written notice of that fact and provided it with a copy of the permit; and
- (c) the licensing authority must reject the application for a FEC gaming machine permit if the application for the section 34 permit is refused.”

(3) Subject to sub-paragraphs (4) and (5) below, where sub-paragraph (3) of paragraph 98 applies because the application for the section 34 permit is granted before 1st September 2007, sub-paragraph (4) of that paragraph is to have effect as if it required the licensing authority to provide the applicant with a copy of the FEC gaming machine permit as soon as practicable on or after the date on which they are notified of the grant of the application for the section 34 permit and provided with a copy of the permit.

(4) Where paragraph 98(3) applies because the application for the section 34 permit is granted before 1st September 2007, the applicant must notify the licensing authority of the fact that the application has been granted, and provide them with a copy of the section 34 permit, before the end of the period of 14 days beginning on the day on which the application is granted.

(5) Where the applicant fails to do the things referred to in sub-paragraph (4) within the period specified in that sub-paragraph, the licensing authority may revoke the permit issued in accordance with paragraph 98(3).