

SCHEDULE 4

Transitional provisions

PART 6

Transitional arrangements with respect to personal licences

Application of review provisions to section 19 certificates

48.—(1) Sections 116 to 122 of the 2005 Act (which make provision with respect to the review of operating licences) are to apply to section 19 certificates and the persons to whom such certificates are issued as they apply to personal licences and the holders of such licences, but with the modifications specified in the following provisions of this paragraph.

(2) In section 116(2) (scope of Gambling Commission's powers to carry out a review) the reference to a condition of the personal licence is to have effect as a reference to any relevant personal licence conditions having effect in relation to the section 19 certificate.

(3) Following a review under subsection (2) of section 116, the Gambling Commission may—

- (a) attach an additional condition to the certificate, or
- (b) remove or amend a condition attached under this paragraph as a result of a previous review under that subsection

(4) Section 117(1) (regulatory powers of the Gambling Commission on a review) is to have effect—

- (a) as if paragraph (b) provided for the Gambling Commission to have power to attach an additional condition to the certificate under sub-paragraph (3) above,
- (b) as if paragraph (c) provided for the Gambling Commission to have power to remove or amend a condition attached to the certificate under that sub-paragraph, and
- (c) as if paragraph (d) were omitted.

(5) Section 118 (powers of Gambling Commission to suspend a personal licence following a review) is to have effect with the omission of subsection (3).

(6) Section 119 (powers of Gambling Commission to revoke a personal licence following a review) is to have effect with the omission of subsections (2) and (3).

(7) Section 120 (which specifies the conditions which are to apply if the Gambling Commission is to exercise its powers to suspend or revoke a personal licence) is to have effect with the omission of subsection (2), and in that section—

- (a) in subsection (1)(b), the reference to a condition of the licence having been breached is to have effect as a reference to a relevant personal licence condition having been breached; and
- (b) in subsection (3), the reference to carrying on the licensed activities is to have effect as a reference to performing the functions to which the section 19 certificate relates.

(8) In section 121 (which enables the Gambling Commission to impose financial penalties on personal licence holders) any reference (however expressed) to a breach of a condition of a personal licence is to have effect as a reference to a breach of a relevant personal licence condition.

(9) In section 122 (which enables the Gambling Commission to require a personal licence holder to provide information)—

- (a) in subsection (1)(c), the reference to the licensed activities is to have effect as a reference to the performance of the functions to which the section 19 certificate relates;

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- (b) in subsection (4)—
 - (i) in paragraph (a), the reference to a condition of the personal licence is to have effect as a reference to any relevant personal licence conditions; and
 - (ii) in paragraph (b), reference to carrying on the licensed activities is to have effect as a reference to performing the functions to which the section 19 certificate relates.
- (10) Section 141 of the 2005 Act (which provides for appeals to the Gambling Appeals Tribunal) is to have effect in relation to a section 19 certificate as if—
 - (a) in subsections (6) to (8), references to the Gambling Commission taking action, or determining to take action, under section 117, 118 or 119, included references to the Gambling Commission taking action, or determining to take action, under any of those sections in relation to the certificate;
 - (b) in subsection (9), the reference to the Gambling Commission giving notice of a penalty under section 121(4) included giving such a notice in relation to the certificate; and
 - (c) references to a licensee in those subsections included a reference to the holder of the certificate.
- (11) In this paragraph, “relevant personal licence conditions” has the meaning given by paragraph 45(8).