

SCHEDULE 4

Transitional provisions

PART 2

Transitional provisions relating to the grant and renewal of licences and other documents, and registrations, under enactments to be repealed by the Gambling Act 2005

Gaming Act 1968: restrictions on applications

5.—(1) This paragraph and paragraphs 6 to 11 apply with respect to the grant or renewal of licences, registrations and permits under the 1968 Act during the period beginning on the date on which this Order comes into force and ending on the date on which the repeal of that Act for all purposes takes effect.

(2) Any application of the following kinds may be granted only where the application for the licence or permit is made before 28th April 2007 and, in a case to which paragraph 9 or 11 applies, the condition referred to in sub-paragraph (2) of that paragraph is met—

- (a) a licence under the 1968 Act;
- (b) a permit under section 34 of that Act⁽¹⁾ (which makes provision about the use for gaming of machines to which Part 3 of that Act applies) in respect of amusement machine premises.

(3) The restriction in sub-paragraph (2) with respect to applications made on or after 28 April 2007 does not apply where—

- (a) the application is for a casino licence;
- (b) the applicant holds one or more other casino licences in respect of premises in the same licensing area; and
- (c) the certificate of consent issued under paragraph 4 of Schedule 2 to the 1968 Act for the purposes of the application was issued by the Gambling Commission in pursuance of article 2(2) and (3) of the Gambling Act 2005 (Transitional Provisions) Order 2006⁽²⁾ (which specifies the circumstances in which the Commission may issue a certificate of consent for a casino licence where the application is made on or after 29th April 2006).

(4) In sub-paragraph (3)(b) the reference to the same licensing area is—

- (a) where the premises to which the application relates are in England or Wales, to the local justice area in which those premises are situated; and
- (b) where the premises to which the application relates are in Scotland, to the area of the licensing board (being the licensing board constituted under section 1 of the Licensing (Scotland) Act 1976⁽³⁾) in which those premises are situated.

(5) The Gambling Commission may grant an application for the renewal of a certificate under section 27 of the 1968 Act (which makes provision about the sale, supply and maintenance of machines to which Part 3 of that Act applies) only where the certificate is due to expire in accordance with paragraph 3 of Schedule 6 to that Act before 31st August 2007.

(1) Section 34 was amended by [S.I. 1996/1359](#) and [S.I. 2003/3275](#).

(2) [S.I. 2006/1038](#).

(3) [1976 c. 66](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) The licensing authority (within the meaning of, as the case may be, Schedule 3, 4, 7 or 8 to the 1968 Act) may grant an application for the renewal of a registration under Part 2 or 3 of that Act only where the registration is due to expire before 31st August 2007.

(7) The appropriate authority (within the meaning of paragraph 1(a) or (c) of Schedule 9 to the 1968 Act⁽⁴⁾) may grant an application for the renewal of a permit under section 34 of that Act only where the permit is due to expire in accordance with paragraph 18 of that Schedule before 31st August 2007.

(4) Sub-paragraph (a) of paragraph 1 was amended by the Licensing Act 2003 (c. 17), Schedule 6, paragraphs 48 and 52(1) and (2). Sub-paragraph (c) of paragraph 1 was substituted by the Licensing (Scotland) Act 1976 (c. 66), section 133(3).