

SCHEDULE 4

Transitional provisions

PART 7

Conversion of licences etc. issued under enactments to be repealed into premises licences under the Gambling Act 2005

Conversion of existing licences etc. into premises licences

54.—(1) Subject to paragraphs 59(3) and 66(4)(b), this paragraph applies to an advance application for a premises licence where—

- (a) the person making the application is the existing operator in relation to the premises to which the application relates, and
- (b) the application complies with any conditions or requirements of subsections (1) to (5) and (6)(c) of section 159 of the 2005 Act (which specifies the conditions and requirements to be met by a person applying for a premises licence).

(2) An application to which this paragraph applies is referred to in this Part as a conversion application.

(3) Part 8 of the 2005 Act is to have effect in relation to the making and determination of a conversion application subject to the following provisions of this Part.

(4) Subject to paragraphs 55(2) and (3), 58(1), 59(4) and (5) and 60(2), the licensing authority must grant the application.

(5) Section 163(2) of the 2005 Act (which prohibits a licensing authority from determining an application for a premises licence if the applicant does not hold a relevant operating licence) is not to have effect in relation to a conversion application; but any licence issued on such an application in accordance with sub-paragraph (4) is to lapse if the holder's application for a relevant operating licence is rejected when it is finally determined.

(6) In sub-paragraph (5) the reference to a relevant operating licence is to an operating licence which authorises the holder to carry on the activity to which the premises licence relates.

(7) Subject to sub-paragraph (8), section 206(2) of the 2005 Act (which provides for rights of appeal in connection with applications under Part 8 of that Act) is not to apply where an application is granted in pursuance of sub-paragraph (4).

(8) Sub-paragraph (7) is without prejudice to the right of—

- (a) the applicant, or
- (b) a person who made representations in relation to the application,

to appeal against any conditions attached by virtue of section 169(1) of the 2005 Act to a premises licence issued in pursuance of sub-paragraph (4).