
STATUTORY INSTRUMENTS

2007 No. 1157

**The Gambling Act 2005 (Commencement and
Transitional Provisions) (Amendment) Order 2007**

Amendment of Part 7 of Schedule 4 to the Principal Commencement Order

11.—(1) Part 7 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the conversion of licences etc. issued under enactments to be repealed into premises licences under the Gambling Act 2005) is amended as follows.

(2) In paragraph 53, leave out sub-paragraphs (3), (5) and (8).

(3) In paragraph 54—

(a) for sub-paragraph (1) substitute—

“(1) Subject to paragraph 66(4)(b), this paragraph applies to an advance application for a premises licence which—

(a) meets the conditions in sub-paragraphs (1A), (1B) and (1D), and

(b) in a case to which sub-paragraph (1B)(b) applies, also meets the condition in sub-paragraph (1E).

(1A) The first condition is that the application relates to premises in respect of which a person is an existing premises operator.

(1B) The second condition is that the application is made by—

(a) the existing premises operator in relation to those premises; or

(b) a person who is acting with the written consent of the existing premises operator.

(1C) Sub-paragraph (1B)(b) is only to apply where the person who is the existing premises operator in relation to the premises to which the application relates qualifies as such by reason of the fact that he holds—

(a) a licence under the 1968 Act,

(b) a betting office licence issued under Schedule 1 to the 1963 Act,

(c) a track betting licence issued under Schedule 3 to the 1963 Act,

(d) a certificate of approval issued under section 13 of the 1963 Act, or

(e) a permit under section 34 of the 1968 Act.

(1D) The third condition is that 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).

(1E) The fourth condition, which only applies in a case falling within sub-paragraph (1B)(b), is that the application for the premises licence is accompanied by—

(a) the document containing the written consent of the existing premises operator,
and

- (b) a copy of the licence, certificate or permit referred to in sub-paragraph (1C) or, where it is not reasonably practicable to produce a copy of the licence, certificate or permit, a statement explaining why it is not reasonably practicable to do so.”; and
- (b) in sub-paragraph (4), for “, 59(4) and (5) and 60(2)” substitute “and 59(4) and (5)”.
- (4) In paragraph 56, in sub-paragraph (4) after “sub-paragraph (5)” insert “and paragraph 57A”.
- (5) In paragraph 57, insert at the beginning of paragraph (6) “Subject to paragraph 57A,”.
- (6) After paragraph 57 insert—

“Attaching a condition restricting the use of premises to specified periods

57A.—(1) This paragraph applies to a conversion application which includes a request for the licensing authority to exercise its powers under section 169(1)(a) of the 2005 Act to attach a condition so that facilities for gambling may only be provided in reliance on the licence during one or more specified periods in a year.

(2) Despite paragraphs 56(4) and 57(6)(a), where the licensing authority issue a premises licence in pursuance of paragraph 54, they may exercise their powers under section 169(1)(a) of the 2005 Act to attach the condition referred to in sub-paragraph (1).”.

- (7) In paragraph 59(1), in each of paragraphs (b), (d) and (e), leave out “or transfer”.
- (8) Leave out paragraphs 59(3), 60 and 61(5).
- (9) In paragraph 62—
 - (a) in sub-paragraph (1)—
 - (i) leave out “sub-paragraph (2) and”, and
 - (ii) in paragraph (b)—
 - (aa) for “the applicant” substitute “the person, who is the existing premises operator in relation to the premises to which the application relates,”, and
 - (bb) leave out “or transfer”;
 - (b) after sub-paragraph (2), insert—

“(2A) Where the person making the conversion application is not the existing premises operator, the existing licence, permit or certificate is to be treated for the purposes of this paragraph and paragraphs 63 and 64 as if it was issued to the person making the conversion application; and it is to have effect on and after 1st September 2007 accordingly.”.