

SCHEDULE 2

AMENDMENTS OF PRIMARY LEGISLATION.

Gaming Act 1968

7.—(1) The Gaming Act 1968(1) is amended as follows.

(2) In section 43(9) (rights of entry and related rights) for the words from “fire and rescue authority” to “situated” substitute “appropriate fire and rescue authority”.

(3) In section 52(1) (interpretation) after the definition of “the Act of 1963” insert—

““the appropriate fire and rescue authority”, in relation to premises, means—

(a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order; and

(b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area where the premises are (or are to be) situated ;”.

(4) In Schedule 2 (grant, renewal, cancellation and transfer of licences)—

(a) in paragraph 2(2), omit the definition of “the appropriate fire and rescue authority”;

(b) in paragraph 20(1) after paragraph (a) insert—

“(aa) where the Regulatory Reform (Fire Safety) Order 2005 applies to the relevant premises, that the Order or regulations made under it have not been complied with in respect of the relevant premises;”;

(c) after paragraph 20(2) insert—

“(2A) For the purposes of sub-paragraph (1), a person shall be taken not to be a fit and proper person to be the holder of a licence under this Act if he has been convicted of an offence under the Regulatory Reform (Fire Safety) Order 2005 in respect of the relevant premises.”; and

(d) omit paragraph 21(1)(f).

(1) 1968 (c. 65). Relevant amendments to section 43(9) and Schedule 2 were made by the Gaming (Amendment) Act 1990 (c. 26), section 1 and the Schedule and by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 24 of Schedule 1.