

**2006 No. 1038**

**BETTING, GAMING AND LOTTERIES**

**The Gambling Act 2005 (Transitional Provisions) Order 2006**

<i>Made</i> - - - -	<i>3rd April 2006</i>
<i>Laid before Parliament</i>	<i>4th April 2006</i>
<i>Coming into force</i> - -	<i>29th April 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 355(1) of, and paragraphs 8 and 11 of Schedule 18 to, the Gambling Act 2005(a):

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Gambling Act 2005 (Transitional Provisions) Order 2006 and shall come into force on 29th April 2006.

(2) In this Order—

“the 1968 Act” means the Gaming Act 1968(b);

“casino licence” means a licence under the 1968 Act other than a bingo club licence (within the meaning of paragraph 2(2) of Schedule 2 to that Act);

“consent application in respect of a casino licence” means an application for a certificate of consent under paragraph 4 of Schedule 2 to the 1968 Act for the purposes of an application under that Act for the grant of a casino licence; and

“licensing board area” means the area of a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976(c).

**Modification of the powers of the Gambling Commission to issue certificates of consent**

2.—(1) This article applies to the exercise by the Gambling Commission(d) of its powers to issue a certificate of consent under paragraph 4 of Schedule 2 to 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 paragraph by section 356(3)(g) and (4) of, and Schedule 17 to, the Gambling Act 2005 takes effect for all purposes.

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(a) 2005 c. 19.

(b) 1968 c. 65. The Gaming Act 1968 is to be repealed by the Gambling Act 2005, section 356(3)(g) and (4) and Schedule 17, on a date to be appointed by order made under section 358(1) of that Act.

(c) 1976 c. 66.

(d) The Gaming Act 1968 confers this function on the Gaming Board for Great Britain, but by virtue of the Gambling Act 2005 the function is now exercisable by the Gambling Commission. The Gambling Commission is established by section 20 of the Gambling Act 2005. Section 21 of that Act provides for the transfer of functions, rights and liabilities of the Gaming Board for Great Britain to the Gambling Commission. Sections 20 and 21 were brought into force by S.I. 2005/2455 on 1st October 2005. Schedule 5, paragraph 4, to the Gambling Act 2005 provides for a reference to the Gaming Board in any enactment to be treated after the commencement of section 21 as a reference to the Gambling Commission.

(2) Where a consent application in respect of a casino licence is made on or after 29th April 2006, the Gambling Commission may only issue a certificate of consent on that application in the circumstances specified in paragraph (3).

(3) The circumstances are that—

- (a) the person making the application holds one or more casino licences in respect of premises in the same licensing area; and
- (b) the Gambling Commission is satisfied that the applicant intends to relinquish such a casino licence if the casino licence in respect of which the consent application is made is granted.

(4) In paragraph (3)(a) the reference to the same licensing area is—

- (a) where the premises to which the consent 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 consent application relates are in Scotland, to the licensing board area in which those premises are situated.

### **Modification of the powers of the Gambling Commission to revoke certificates of consent**

3.—(1) Paragraph 35 of Schedule 2 to the 1968 Act (powers of the Gambling Commission to revoke a certificate of consent) is to be modified as follows in its application to a certificate of consent issued by the Gambling Commission on a consent application in respect of a casino licence made on or after 29th April 2006.

(2) Paragraph 35 is to have effect as if, in addition to the matters referred to in sub-paragraphs (2) and (3), it provided for the Gambling Commission to have power to revoke a certificate of consent where—

- (a) the casino licence to which the certificate relates has been issued and premises are being used in reliance on that licence, but
- (b) the holder of the licence has not relinquished a casino licence falling within the description in article 2(3)(a).

3rd April 2006

*Richard Caborn*  
Minister of State  
Department for Culture, Media and Sport

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes transitional provision in connection with the commencement of the Gambling Act 2005.

Schedule 2 to the Gaming Act 1968 requires a person to hold a certificate of consent issued by the Gambling Commission before the person can apply to the appropriate licensing authority for a licence under that Act. The Order restricts the circumstances in which, during the period between 29 April 2006 and the date on which the relevant provision of the 1968 Act is repealed for all purposes by the Gambling Act 2005, the Gambling Commission may issue a certificate of consent where it relates to an application for a casino licence. Where the application for the certificate of consent is made on or after 29 April 2006, the Gambling Commission may only issue a certificate of consent if they are satisfied that the casino licence to which the consent application relates is intended to replace a casino licence already held by the applicant for premises in the same licensing area. Article 3 makes incidental modifications to the powers of the Gambling Commission to revoke certificates of consent.

Regulatory Impact Assessment of the costs and benefits of this Order is available from the DCMS website ([www.culture.gov.uk](http://www.culture.gov.uk)) and from the Gambling and National Lottery Licensing Division, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6479.

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