

SCHEDULE 4

Transitional provisions

PART 7

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 issued under enactments to be repealed into premises licences under the Gambling Act 2005

Existing premises operators

53.—(1) This paragraph specifies the circumstances in which a person is to be treated for the purposes of this Part as the existing premises operator in relation to premises which are the subject of an application for a premises licence.

(2) Where the application is for a casino premises licence, a person is the existing premises operator in relation to the premises to which the application relates if—

- (a) on the date on which the application is made he holds a casino licence in respect of the same or substantially the same premises; or
- (b) on that date—
 - (i) he is applying for the grant of such a licence, and
 - (ii) the application (including any appeal) has not been finally determined or withdrawn.

(3) Where the application is for a casino premises licence, a person is also to be treated as the existing premises operator in relation to the premises to which the application relates if on the date on which the application is made—

- (a) another person who holds a casino licence in respect of the same or substantially the same premises is applying for the transfer of that licence to him, and
- (b) the application (including any appeal) has not been finally determined or withdrawn.

(4) Where the application is for a bingo premises licence, a person is the existing premises operator in relation to the premises to which the application relates if—

- (a) on the date on which the application is made he holds a bingo club licence in respect of the same or substantially the same premises; or
- (b) on that date—
 - (i) he is applying for the grant of such a licence, and
 - (ii) the application (including any appeal) has not been finally determined or withdrawn.

(5) Where the application is for a bingo premises licence, a person is also to be treated as the existing premises operator in relation to the premises to which the application relates if on the date on which the application is made—

- (a) another person who holds a bingo club licence in respect of the same or substantially same premises is applying for the transfer of that licence to him, and
- (b) the application (including any appeal) has not been finally determined or withdrawn.

(6) Where the application is for a betting premises licence, a person is the existing premises operator in relation to the premises to which the application relates if—

- (a) on the date on which the application is made he is—
 - (i) the holder of a betting office licence issued under Schedule 1 to the 1963 Act in respect of the same or substantially the same premises,

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- (ii) the holder of a track betting licence issued under Schedule 3 to the 1963 Act in respect of the same or substantially the same premises, or
 - (iii) the holder of a certificate of approval issued under section 13 of that Act⁽¹⁾ (which provides for the approval of horse racecourses by the Levy Board), other than a point to point certificate, in respect of the same or substantially the same premises; or
- (b) on that date—
- (i) he is applying to the appropriate authority for the grant of such a licence or certificate, and
 - (ii) the application (including any appeal) has not been finally determined or withdrawn.

(7) In sub-paragraph (6)(a)(iii), the reference to a point to point certificate is to a certificate issued under section 13 of the 1963 Act which is subject to the restriction that the premises to which it relates may only be used for the purposes of a horse racecourse on a limited number of days during a specified period of no more than 12 months.

(8) Where the application is for a betting premises licence in respect of a track, a person is also to be treated as the existing operator in relation to the track if—

- (a) another person who holds a track betting licence in respect of the same or substantially same premises is applying for the transfer of that licence to him, and
- (b) the application has not been finally determined or withdrawn.

(9) Where the application is for an adult gaming centre premises licence or a family entertainment centre premises licence, a person is the existing premises operator in relation to the premises to which the application relates if on the date on which the application is made the conditions in sub-paragraph (10) or (11) are met.

(10) The conditions are that—

- (a) the person concerned holds a permit under section 34 of the 1968 Act (which makes provision with respect to the use of machines to which Part 3 of that Act applies for gaming) granted by one of the authorities mentioned in paragraph 1(b) or (d) of Schedule 9 to that Act⁽²⁾;
- (b) the permit relates to the same or substantially the same premises as those to which the application for the premises licence relates, and those premises are amusement machine premises; and
- (c) the permit is expressed to be granted for the purposes of section 34(5E) of that Act⁽³⁾.

(11) The conditions are that—

- (a) the person concerned is applying to the relevant authority referred to in paragraph (a) of sub-paragraph (10) for a permit of the description mentioned in paragraphs (b) and (c) of that sub-paragraph, and
- (b) the application (including any appeal) has not been finally determined or withdrawn.

(1) Section 13 was amended by the Horserace Totalisator and Betting Levy Boards Act 1972 (c. 69), section 5(1). Amendments have also been made by the Horserace Betting and Olympic Lottery Act 2004, Schedule 4, paragraphs 1 and 2.

(2) Sub-paragraph (b) of paragraph 1 was partially repealed by the Local Government Act 1972 (c. 70), Schedule 30. Sub-paragraph (d) of paragraph 1 was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 24, paragraph 32, and by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 78(4).

(3) Subsection (5E) was inserted by S.I. 1996/1359.