

## SCHEDULE 4

### Transitional provisions

## PART 10

### Conversion of permits under section 34 of the Gaming Act 1968 into family entertainment centre gaming machine permits

#### **Failure to make the application for a FEC gaming machine permit in the appropriate form or manner**

**96.**—(1) This paragraph applies to any application for a FEC gaming machine permit which meets the conditions in paragraphs (a) to (c) of paragraph 95(1), but does not comply with a requirement imposed under sub-paragraph (a) or (c) of paragraph 5 of Schedule 10 to the 2005 Act.

(2) Where the licensing authority give notice in writing to the applicant requesting him to do anything which is necessary for the purposes of complying with any such requirement, the licensing authority are to cease to be under a duty by virtue of paragraph 95(1) to grant the application until such time as the applicant complies with the request.

(3) In the case of an application made before 31st July 2007, the applicant must comply with any request made under sub-paragraph (2) within such period as may be specified in the relevant notice (such period not being less than 14 days from the date on which the notice is received).

(4) If, in a case to which paragraph 98 applies, the applicant fails to comply with the request within the period specified in accordance with sub-paragraph (3) above—

- (a) sub-paragraph (3) of that paragraph is to cease to apply to the application after the end of that period; and
- (b) where the relevant FEC gaming machine permit is treated as having been issued to the applicant by virtue of that sub-paragraph, the permit is to lapse.