

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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# 1985 No. 1204 (N.I. 11)

## The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 <sup>F1</sup>

- - - - - 31st July 1985

**F1** functions transf. by SR 1999/481

### PART I INTRODUCTORY

#### *Title and commencement*

1.—(1) This Order may be cited as the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint<sup>F2</sup>.

**F2** partly exercised by SRs 1986/124; 1987/6, 185; 1990/376

#### *Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“aggregate amount” includes the aggregate value in money's worth;

“amusement permit” means a permit under this Order authorising gaming by means of gaming machines in accordance with the conditions of Article 108 in premises specified in the permit;

“appeal” includes an appeal by way of case stated;

“bet” does not include any bet made or stake hazarded in the course of, or incidentally to, any gaming;

“betting transaction” includes the collection or payment of winnings on a bet and any transaction in which one or more of the parties is acting as a bookmaker;

“bingo” includes any version of that game, by whatever name called;

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“bingo club” means a club established and conducted for the purpose of gaming by way of bingo;

“bingo club licence” means a licence under this Order authorising gaming to which Chapter II of Part III applies in premises specified in the licence;

“bingo club premises” means premises in respect of which a bingo club licence is in force;

“bookmaker” means any person who—

- (a) whether on his own account or as servant or agent of any other person carries on, whether occasionally or regularly, the business of receiving or negotiating bets; or
- (b) by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets;

so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact that—

- (i) he is, or is employed by, or is an agent or collector for, a person carrying on business as a registered pool promoter within the meaning of section 4(2) of the Betting, Gaming and Lotteries Act 1963; or
- (ii) he operates, or is employed in operating, a totalisator; or
- (iii) he is employed in a licensed office as the servant or agent of a licensed bookmaker;

“bookmaker's licence” means a licence under this Order authorising the holder of the licence to carry on the business of a bookmaker—

- (a) at a track or at a recognised point-to-point or coursing meeting; or
- (b) in premises for which he holds a bookmaking office licence;

“bookmaking office licence” means a licence under this Order authorising a licensed bookmaker to carry on the business of a bookmaker in premises specified in the licence;

“business” includes any business whether or not carried on for profit;

“card” includes a ticket, and in relation to bingo means a set of numbers or symbols (in whatever form or lay-out) with which a player plays bingo, matching them against calls made by the house;

“certificate of registration” means a certificate of registration of a club issued under Article 97(1);

“certification year” means a period beginning on 1st April in any year and ending on 31st March in the next following year;

“charge for play”, in relation to a gaming machine, means the amount paid in money by or on behalf of a player in order to play 1 or more games by means of the gaming machine;

“date”, in relation to a lottery, means the date on which the winners in that lottery are ascertained;

“the Department” means the Department of Health and Social Services;

“distribute”, in relation to documents or other matters, includes distribution to persons or places within or outside Northern Ireland;

“exempt entertainment” means a bazaar, sale of work, fete, dinner, dance, sporting or athletic event or other entertainment of a similar character, whether limited to 1 day or extending over 2 or more days;

“fire certificate” means a certificate within the meaning of Part III of the Fire Services (Northern Ireland) Order 1984;

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“game of chance” does not include any athletic game or sport, but, with that exception, and subject to paragraph (6), includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined;

“gaming” (subject to paragraphs (3) to (5)) means the playing of a game of chance for winnings in money or money's worth, whether any person playing the game is at risk of losing any money or money's worth or not;

“gaming machine” means any machine which—

- (a) is constructed or adapted for playing a game of chance by means of it; and
- (b) has a slot or other aperture for the insertion of money in the form of cash or tokens;

“gaming machine certificate” means a certificate authorising—

- (a) the supply of gaming machines; or
- (b) the maintenance of the mechanism of gaming machines; or
- (c) the supply and maintenance of the mechanism of gaming machines;

“gaming machine permit” means a permit granted in relation to a gaming machine authorising—

- (a) the supply of that gaming machine; or
- (b) the maintenance of the mechanism of that gaming machine; or
- (c) the supply and maintenance of the mechanism of that gaming machine;

“licensed bookmaker” means a person who holds a bookmaker's licence;

“licensed office” means premises in respect of which a bookmaking office licence is in force;

“licensed track” means a track in respect of which a track betting licence is in force;

“licensing year”

- (a) in Part II, means a period beginning on 1st October in any year and ending on 30th September in the next following year; and
- (b) in Part III, means a period beginning on 1st April in any year and ending on 31st March in the next following year;

“lottery certificate” means a certificate authorising the holder of the certificate to act as an external lottery consultant or manager;

“machine” includes any apparatus;

“modify” means making additions, omissions, amendments or substitutions;

“money” includes a cheque, banknote, postal order or money order;

“newspaper” includes any journal, magazine or other periodical publication;

“notice” means notice in writing;

“owner”

- (a) in relation to a business, includes any personal representative, trustee, assignee, committee, liquidator, receiver or guardian carrying on the business in exercise of a power conferred by or under any statutory provision, will or deed;
- (b) in relation to premises, means the person for the time being receiving the rack rent of the premises, whether on his own account or as personal representative, trustee, assignee, committee, liquidator, receiver or guardian, or who would so receive the same if the premises were let at a rack rent;

“planning permission” has the same meaning as in the Planning (Northern Ireland) Order<sup>[F3]</sup> 1991];

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“player”, in relation to a game of chance, includes any person taking part in the game against whom other persons taking part in the game stake, play or bet;

“pleasure permit” means a permit under this Order authorising the provision of amusements with prizes in accordance with the conditions of Article 154 in premises specified in the permit;

“police sub-division”, in relation to a sub-divisional commander, means the sub-division for which that commander acts;

“pool betting” has the same meaning as in the Betting and Gaming Duties Act 1981;

“pool betting business” means business involving the receiving or negotiating of bets made by way of pool betting;

“premises” includes any place;

“printing” includes writing and other modes of reproducing words in a visible form;

“private lottery” means a lottery in Northern Ireland which is promoted for,<sup>F4</sup> . . .

- (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
- (b) persons all of whom work on the same premises; or
- (c) persons all of whom reside on the same premises;

[<sup>F4</sup>and which satisfies the conditions in paragraph (2A)];

“promoter”, in relation to any gaming organised under a bingo club licence, means the holder of that licence;

“public place” includes any place to which the public have access whether as of right or by permission and whether subject to or free of charge;

[<sup>F5</sup>“qualified accountant” means a person who is eligible for appointment as a company auditor under Article 28 of the Companies (Northern Ireland) Order 1990;]

“registered club” means a club registered—

- (a) under Part III; or
- (b) [<sup>F6</sup>under the Registration of Clubs (Northern Ireland) Order 1996]

“registered society” means a society registered under Article 136;

“registration year” means a period beginning on 1st April in any year and ending on 31st March in the next following year;

“regulations” means regulations made by the Department;

“renewal date”

- (a) in Part II, in relation to any licensing year, means 1st September in that year;
- (b) in Parts III and IV, in relation to any licensing, certification or registration year, means 1st March in that year;

“society” includes any club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association;

“society's lottery” means a lottery promoted on behalf of a society which is established and conducted wholly or mainly for one or more of the following purposes—

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes which are not described in sub-paragraph (a) or (b) but are neither purposes of private gain nor purposes of any commercial undertaking;

“sporting club” means a club occupying a hereditament to which Article 31 of the Rates (Northern Ireland) Order 1977 applies (rates relief);

“sub-divisional commander” means a sub-divisional commander of the Royal Ulster Constabulary;

“supply”, in Chapter III of Part III, in relation to a gaming machine, includes sale and conversion but does not include the supply of a gaming machine in part exchange against the purchase price of another gaming machine;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“ticket”, in relation to a lottery, includes any document evidencing the claim of a person to participate in the chances of the lottery;

“totalisator” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not;

“track” means premises on which horse or dog races of any description take place;

“track betting licence” means a licence under this Order authorising the provision of betting facilities in accordance with regulations under Article 43 on a track specified in the licence;

“travelling showmen's pleasure fair” means a pleasure fair consisting wholly or mainly of amusements provided by travelling showmen which is held on any day of a year on premises not previously used in that year on more than 27 days for the holding of such a pleasure fair;

“vehicle” includes a railway carriage and also includes an aircraft while it is on the ground and a hovercraft whether it is on the ground or not;

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water;

“winnings” includes any prize or other winnings of any kind and any reference to the amount or to the payment of winnings shall be construed accordingly.

[<sup>F4</sup>(2A) The conditions referred to in the definition of “private lottery” in paragraph (2) are—

- (a) the lottery must be promoted by persons each of whom—
  - (i) is one of the persons for whom the lottery is promoted; and
  - (ii) in the case of a lottery promoted for the members of a society, is authorised in writing by the governing body of the society to promote the lottery; and
- (b) the sale of tickets or chances in the lottery must be confined—
  - (i) to the persons for whom the lottery is promoted; and
  - (ii) in the case of a lottery promoted for the members of a society, to any other persons on the society's premises.]

(3) Where apart from this paragraph the playing of a game of chance would constitute gaming and also constitutes a lottery, then if—

- (a) in so far as it is a lottery, it is a lottery promoted as mentioned in Article 133, 134 or 135<sup>F7</sup> or a lottery forming part of the National Lottery for the purposes of Part I of the National Lottery etc. Act 1993], and
- (b) each winner of a prize is ascertained by reference to not more than 3 determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event,

the playing of the game shall not constitute gaming for the purposes of this Order.

(4) In this Order “gaming” does not include the making of bets by way of pool betting.

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(5) For the purposes of this Order a machine shall be taken not to be used for gaming if it is used in such a way that no game played by means of the machine can result in a player, or a person claiming under a player, receiving or being entitled to receive, any article, benefit or advantage other than 1 (but not both) of the following, that is to say—

- (a) an opportunity afforded by the automatic action of the machine, to play 1 or more further games without the insertion of any cash;
- (b) the delivery by means of the machine of 1 or more coins or tokens as a prize in respect of a game where 1 or more coins of an equal or greater value or aggregate value were inserted into the machine by or on behalf of the player in order to play that game.

(6) In determining for the purposes of this Order whether a game which is played otherwise than against 1 or more other players is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance shall be disregarded.

(7) For the purposes of any provision of this Order which relates to making a charge, or charging a levy, it is immaterial whether a charge or levy is compulsory, customary or voluntary, and any reference to making a charge or charging a levy shall be construed accordingly.

(8) For the purposes of this Order in relation to a gaming machine, playing a game of chance by means of a machine includes playing a game of chance by means of a machine and partly by other means if (but only if) the element of chance in the game is provided by means of the machine.

(9) For the purposes of Articles 122, 126 and 153 where any payment falls to be made—

- (a) by way of a hiring, maintenance or other charge in respect of a gaming machine, or
- (b) in respect of any equipment for holding a lottery or gaming at any entertainment,

then if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the proceeds of the entertainment for the purposes of private gain.

(10) For the purposes of this Order proceeds of any entertainment, lottery or gaming promoted on behalf of a society which is established and conducted either—

- (a) wholly for purposes other than purposes of any commercial undertaking; or
- (b) wholly or mainly for the purpose of participation in or support of athletic sports or athletic games,

which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual.

(11) For the purpose of this Order any purpose for which a society is established and conducted and which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual.

(12) In this Order, a reference to the promotion of a society's lottery includes a reference to the conduct of that lottery, and “promote” shall be construed accordingly.

(13) In relation to a body corporate, persons who have a financial interest in the body corporate means—

- (a) shareholders;
- (b) debenture holders;
- (c) mortgagees;
- (d) any other persons, not being shareholders, debenture holders or mortgagees who have a beneficial interest in the body corporate.

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(14) Any request which under any provision of this Order may be made to the holder of a licence may be made to any one of several joint holders or, if the holder is a body corporate, to the secretary or other executive officer of that body.

(15) In this Order any reference, in relation to a licence, certificate, permit or club, to the register of licences, certificates and permits or, as the case may be, the register of clubs is a reference to the part of the register which relates to that licence, certificate, permit or club.

(16) Subject to paragraph 2(2) and (3) of Schedule 1, paragraph 2(2) of Schedule 3 and paragraph 2(2) of Schedule 7, in this Order any reference to the police sub-division in which a person resides shall, where that person is a body corporate, be construed as a reference to each police sub-division in which it carries on, or proposes to carry on, business under a licence or certificate granted under this Order.

(17) In this Order any reference to a sub-divisional commander of a police sub-division includes a reference to any other member of the Royal Ulster Constabulary nominated by him.

<b>F3</b>	1991 NI 11
<b>F4</b>	1994 NI 8
<b>F5</b>	SR 1993/67
<b>F6</b>	1996 NI 23
<b>F7</b>	1993 c. 39

## PART II

### BETTING

#### *General restrictions on betting*

#### ***Restriction on use of premises for betting transactions***

**3.—**(1) Subject to<sup>[F8]</sup> paragraphs (1A) and (2)], it shall be unlawful for any person to use, or cause or permit any other person to use, any premises for the purpose of the effecting of any betting transactions by that person or, as the case may be, that other person with persons resorting to those premises.

<sup>[F8]</sup>(1A) Subject to paragraphs (1B) and (1C), paragraph (1) shall not apply to the use of premises as a place where persons may deliver—

(a) completed coupons or other entry forms for qualifying competitions promoted by a registered pool promoter within the meaning of section 4(2) of the Betting, Gaming and Lotteries Act 1963, who carries on his pool betting business by post<sup>[F9]</sup> and any of such other means as may be prescribed by regulations]; and

(b) the stake money in respect of such coupons or other entry forms, for forwarding to the registered pool promoter.

(1B) Paragraph (1A) shall not affect the operation of paragraph (1) in relation to such premises as may be prescribed by regulations.

(1C) In paragraph (1A), the reference to coupons or other entry forms for qualifying competitions does not include any coupon or other entry form that can effect entry to a competition that is not a qualifying competition.

(1D) In paragraphs (1A) and (1C), “qualifying competition” means a competition—

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- (a) that is a competition for prizes for making forecasts as to association football games<sup>F9</sup> . . . , and
  - (b) that requires each entry in the competition to consist of a forecast as to at least 4 such games.]
- (2) Paragraph (1) shall not apply—
- (a) where the premises are a licensed office and the person using the premises or, as the case may be, the other person is the licensed bookmaker who is the holder of the bookmaking office licence or his servant or agent;
  - (b) subject to paragraph (3), to bookmaking or a pool betting business carried on on any track on any day on which under Articles 36, 47 and 48 betting may lawfully be carried on on the track;
  - (c) where both the person using the premises and all the persons with whom the betting transactions are effected either reside or work on those premises or on premises of which those premises form part.
- (3) [<sup>F9</sup>Subject to paragraph (3A),] nothing in paragraph (2)(b) shall affect the operation of paragraph (1) in relation to the use on a track by a licensed bookmaker for the purposes of his business—
- (a) of any permanent structure other than a structure used by him in common with members of the public resorting to the track; or
  - (b) of any position specially appropriated for his use by, or by any person purporting to act on behalf of, the occupier of the track.
- [<sup>F9</sup>(3A) In the case of a licensed track, paragraph (3) shall not apply in relation to the use of a permanent structure by a licensed bookmaker for the purposes of his business if—
- (a) the use takes place on a day on which the public are admitted to the track for the purpose of attending horse or, as the case may be, dog racing and no other sporting events are taking place; and
  - (b) no betting transactions in connection with races run on the track are effected in the course of the use.]
- (4) Any person acting in contravention of paragraph (1) shall be guilty of an offence.

<b>F8</b>	1994 NI 8
<b>F9</b>	2004 NI 1

#### ***Persons found on premises used for betting transactions***

4.—(1) Any person found on any premises which are being used in contravention of Article 3(1) shall, unless he proves that he is there for a lawful purpose, be guilty of an offence.

(2) Where, on being asked by a constable for his name and address, a person found as mentioned in paragraph (1)—

- (a) refuses to give them, or
- (b) gives a false name or address, or
- (c) refuses to answer satisfactorily any question put to him to ascertain the correctness of the name or address given,

he shall be guilty of an offence.

(3) A constable may arrest without warrant any person whom he with reasonable cause suspects of having committed an offence under paragraph (2).



### ***Prohibition of betting in streets and public places***

5.—(1) Any person frequenting or loitering in a street or public place, on behalf either of himself or of any other person, for the purpose of bookmaking, betting, agreeing to bet, or paying, receiving or settling bets shall be guilty of an offence.

(2) [F10]Where a person is found committing an offence under this Article, any constable] may seize and detain any books, cards, papers and other articles relating to betting which may be found in his possession.

(3) In this Article—

- (a) “street” includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is open to the public; and
- (b) the doorways and entrances of premises abutting upon, and any ground adjoining and open to, a street shall be treated as forming part of the street.

**F10** 1989 NI 12

### *Licensing of bookmakers*

#### ***Prohibition on acting as a bookmaker without a licence***

6. It shall be unlawful for any person to—

- (a) carry on business or act as a bookmaker, or
- (b) hold himself out or represent himself to be a bookmaker,

unless he holds a bookmaker's licence authorising him to do so and any person acting in contravention of this Article shall be guilty of an offence.

#### ***Persons to whom bookmakers' licences may be granted***

7.—(1) The person to whom a bookmaker's licence is granted shall be the owner of the business proposed to be carried on under the licence.

(2) A bookmaker's licence may be granted to an individual, to a body corporate or to 2 or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold a bookmaker's licence, a court shall have regard to the character, reputation and financial standing—

- (a) of the applicant; and
- (b) of any other person by whom the business which is or is proposed to be carried on under the licence would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part will be complied with.

(4) In considering the fitness of a body corporate to hold a bookmaker's licence, a court shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it or who have a financial interest in it, as if the licence were, or were proposed to be, held by them jointly.

[F11(4A) In considering the fitness of any applicant to hold a bookmaker's licence, the court shall have regard to—

- (a) any failure of the applicant or of any other person mentioned in paragraph (3)(b); and

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(b) where the applicant is a body corporate, any failure of any director of the applicant or of any other person mentioned in paragraph (4);  
to pay any amount due from him or it by way of general betting duty or pool betting duty.]

(5) Subject to paragraphs (6) and (7), the following persons shall be disqualified for obtaining or holding a bookmaker's licence—

- (a) a person under the age of 21;
- (b) a person who does not ordinarily reside in Northern Ireland;
- (c) a person who has ordinarily resided in Northern Ireland for less than 12 months before making an application for the grant of a bookmaker's licence;
- (d) a body corporate which is not registered under the Companies Acts (Northern Ireland) 1960 to 1983 or which is not an existing company within the meaning of those Acts.

(6) For the purposes of paragraph (5) any reference to a person, where that person is a body corporate, shall be construed as a reference to the directors of that body corporate.

(7) The holder of a bookmaker's licence issued under the Betting Act 1931, passed by the legislature of the Republic of Ireland, and for the time being in force shall not be disqualified under paragraph (5)(b) or (c) for holding or obtaining a bookmaker's licence; so, however, that such a person who would, but for this paragraph have been disqualified for obtaining or holding a bookmaker's licence, shall not be regarded as a licensed bookmaker for the purposes of Article 12(4)(b).

(8) A bookmaker's licence purporting to be held by any person

- (a) who is disqualified by paragraph (5) for holding or obtaining such a licence, or
- (b) in respect of whom there is in force a disqualification order under Article 30 or 53,

is void.

**F11** 1986 c. 41

### ***Grant of bookmakers' licences***

**8.—(1)** An application for the grant of a bookmaker's licence shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of bookmakers' licences is set out in Schedule 1.

(3) On an application for the grant of a bookmaker's licence the court shall hear the objections, if any, made under Schedule 1.

(4) A court shall, subject to paragraph (5), refuse an application for the grant of a bookmaker's licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 1 has been complied with; and
- (b) that the applicant is a fit person to hold a bookmaker's licence; and
- (c) that the applicant is not a person in respect of whom a disqualification order under Article 30 or 53 is in force; and
- (d) that the applicant has not been refused the grant or renewal of a bookmaker's licence on the ground mentioned in sub-paragraph (b) or (e)<sup>F12</sup> or in Article 17(2)(d)] within the immediately preceding 12 months; and
- (e) that the applicant will not allow the business proposed to be carried on under the bookmaker's licence to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a bookmaker's licence.

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(5) A court may grant a bookmaker's licence notwithstanding that the procedure relating to the application set out in Schedule 1 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the grant of a bookmaker's licence if it is satisfied that the applicant has been convicted of an offence under this Part<sup>F13</sup> or Chapter III of Part III] or Part I of the Betting and Lotteries Act (Northern Ireland) 1957.

(7) Where the court refuses an application for the grant of a bookmaker's licence, it shall specify in its order the reasons for its refusal.

**F12** 1993 c. 39

**F13** 2004 NI 1

### *Licensing of bookmaking offices*

#### ***Prohibition on using certain premises without a bookmaking office licence***

**9.** It shall be unlawful for any licensed bookmaker to carry on or represent himself as carrying on the business of a bookmaker in any premises unless he holds a bookmaking office licence authorising him to do so in those premises and any licensed bookmaker acting in contravention of this Article shall be guilty of an offence.

#### ***Persons to whom bookmaking office licences may be granted***

**10.—(1)** The licensed bookmaker to whom a bookmaking office licence is granted shall be the owner of the business proposed to be carried on under the licence.

(2) Article 7(2) shall apply to a bookmaking office licence as it applies to a bookmaker's licence.

(3) Any bookmaking office licence purporting to be held by a person—

(a) who is disqualified by Article 7(5) for holding or obtaining a bookmaker's licence, or

(b) in respect of whom there is in force a disqualification order under Article 30 or 53,

is void.

#### ***Premises for which bookmaking office licences may be granted***

**11.—(1)** Any premises for which there is in force a disqualification order under Article 30 shall not be premises for which a bookmaking office licence may be granted.

(2) In considering the suitability of premises for use as a licensed office a court shall have regard—

(a) to the lay-out, character and condition of the premises; and

(b) to the provision in the premises of adequate sanitary appliances and things used in connection with such appliances; and

(c) in the case of an application for the grant of a bookmaking office licence, to the location of the premises.

(3) Any bookmaking office licence purporting to be held by a person in respect of premises for which there is in force a disqualification order under Article 30 is void.

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### **Grant of bookmaking office licences**

**12.**—(1) An application for the grant of a bookmaking office licence shall be made to a<sup>F14</sup> county court].

(2) The procedure for applications for the grant of bookmaking office licences is set out in Schedule 2.

(3) On an application for the grant of a bookmaking office licence the court shall hear the objections, if any, made under Schedule 2.

(4) A court shall, subject to paragraphs (5) and (7), refuse an application for the grant of a bookmaking office licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 2 has been complied with; and
- (b) that the applicant is a licensed bookmaker; and
- (c) that the applicant is not a person in respect of whom a disqualification order in respect of bookmaking office licences under Article 30 or 53 is in force; and
- (d) that the premises are not premises in respect of which a disqualification order under Article 30 is in force; and
- (e) that there is in force in respect of the premises a fire certificate; and
- (f) that the applicant owns the premises either in fee simple or for a term of years of which at least 21 are unexpired at the date of the application; and
- (g) that the premises will not injuriously affect, or be detrimental to, the interests of persons attending a place of worship, a religious institution, a school or premises habitually used by members of a youth organisation in the vicinity of the premises; and
- (h) that the premises do not form part of licensed premises within the meaning of the<sup>F15</sup> Licensing (Northern Ireland) Order 1996]; and

*Sub-para. (i) rep. by 2004 NI 1*

- (j) that, having regard to the demand in the locality in which the premises to which the application relates are situated for facilities afforded by licensed offices, the number of such offices for the time being available (including any premises for which a licence is provisionally granted) to meet that demand is inadequate, and
- (k) either—
  - (i) that there is in force planning permission to use the premises as a bookmaking office for the period during which the licence would be in force; or
  - (ii) that the premises may be used as such an office for that period without such permission.

(5) A court may grant a bookmaking office licence notwithstanding that the procedure relating to the application set out in Schedule 2 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the grant of a bookmaking office licence if it is satisfied—

- (a) that the premises are not suitable as a licensed office; or
- (b) that the applicant has been convicted of an offence under this Part<sup>F14</sup> or Chapter III of Part III] or Part I of the Betting and Lotteries Act (Northern Ireland) 1957.

(7) Paragraph(4)(j) shall not apply to an application for the grant of a bookmaking office licence in respect of premises which are on the site or in the vicinity of a licensed office for which the

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applicant holds a bookmaking office licence and which is a licensed office to which Article 26(1) (a) to (e) applies.

(8) Where the court refuses an application for the grant of a bookmaking office licence, it shall specify in its order the reasons for its refusal.

F14 2004 NI 1  
F15 1996 NI 22

### **Grant of bookmaking office licence conditional on alterations being made in licensed office**

13.—(1) A court which grants a bookmaking office licence may grant the licence subject to the condition that, within a period fixed by the court, the licensed bookmaker—

- (a) shall make such alterations in the licensed office as the court may specify, being alterations which the court thinks necessary to ensure that the premises are suitable for use as a licensed office; and
- (b) shall deposit with the[F16 chief clerk] a plan of the premises showing the alterations so specified.

(2) Notice of any alteration required under paragraph (1) shall be served by the[F16 chief clerk] on the person whose name has been notified to the court as the owner of the premises.

(3) The period fixed by a court under paragraph (1) may be extended by a court of summary jurisdiction on the application of the licensed bookmaker.

(4) A bookmaking office licence granted conditionally under this Article shall, unless it is revoked or is a licence to which a disqualification order under Article 30 or 53 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until the expiration of the period fixed by the court under paragraph (1) or any extended period and the[F16 chief clerk or, as the case may be, the clerk] shall note the date of that expiration on the licence.

(5) A[F16 county court], on the application of the licensed bookmaker, shall declare the grant of a bookmaking office licence to be unconditional, if it is satisfied that alterations to the licensed office have been completed in accordance with the plans deposited with the[F16 chief clerk] under paragraph (1)(b) and the[F16 chief clerk] shall amend the licence accordingly.

F16 2004 NI 1

### **Provisional grant of bookmaking office licences**

14.—(1) Where premises are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made to a[F17 county court] for the provisional grant of a bookmaking office licence for those premises.

(2) An application for the provisional grant of a bookmaking office licence may be made by the licensed bookmaker who proposes to be the owner of the business to be carried on under the licence after it has been declared final under paragraph (7).

(3) The procedure for applications for the provisional grant of bookmaking office licences is set out in Part I of Schedule 2 as modified by Part II of that Schedule.

(4) For the purposes of the provisional grant of bookmaking office licences Article 12 shall have effect as if—

- (a) any reference in paragraphs (3) to (8) to the grant of a bookmaking office licence were a reference to the provisional grant of such a licence; and

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(b) where the application relates to premises about to be constructed or in the course of construction, any reference in paragraphs (4)(f) to (k), (6) and (7) to the premises were a reference to the proposed premises and paragraph (4)(d) and (e) were omitted.

(5) A bookmaking office licence which is provisionally granted shall not authorise a licensed bookmaker to carry on the business of a bookmaker in the premises until the grant of the licence is declared final.

(6) At any time before a licence which has been provisionally granted is declared final, a<sup>F17</sup> county court] may consent to any modification of the plans deposited under Part I of Schedule 2 as modified by Part II of that Schedule if, in its opinion, the premises, when completed in accordance with the modified plans, will be suitable to be licensed as a bookmaking office and, if it does so, it shall require a copy of the modified plans to be deposited with the<sup>F17</sup> chief clerk].

(7) Where a bookmaking office licence has been granted provisionally for any premises, on the application of the licensed bookmaker, a<sup>F17</sup> county court] shall, subject to paragraph (9), declare the grant of the licence final, if it is satisfied—

(a) that the premises have been completed in accordance with the plans deposited under Part I of Schedule 2 as modified by Part II of that Schedule or in accordance with those plans with modifications consented to under paragraph (6); and

(b) that there is in force in respect of the premises a fire certificate.

(8) The procedure for applications to have the provisional grant of bookmaking office licences declared final is set out in Part III of Schedule 2.

(9) A<sup>F17</sup> county court] shall not entertain an application made under paragraph (7) after the expiration of 2 years from the date on which the licence was granted provisionally, unless the applicant satisfies the court that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(10) Where the provisional grant of a licence is declared final the<sup>F17</sup> chief clerk] shall note the declaration on the licence.

F17 2004 NI 1

### ***Form and duration of new bookmakers' licences and bookmaking office licences***

**15.—**(1) A bookmaker's licence shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the licence;
- (b) such other matters as may be so prescribed.

(2) A bookmaking office licence shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the licence;
- (b) the address of the licensed office;
- (c) the name and address of the owner of the licensed office;
- (d) such other matters as may be so prescribed.

(3) Subject to Article 13(4) and to the succeeding provisions of this Article, a bookmaker's licence or a bookmaking office licence shall, unless it is revoked or is a licence to which a disqualification order under Article 30 or 53 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until—

- (a) the expiration of the licensing year in which it is granted, or

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- (b) if it is granted within the 3 months immediately preceding the expiration of that year, the expiration of the next following licensing year.
- (4) Where, at the hearing of an application for the grant of a bookmaker's licence or a bookmaking office licence, any person appears before the court and opposes the grant, but the court grants the licence—
- (a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the licence granted shall not come into force;
- (b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the licence is to be in force the date when the appeal is disposed of shall be substituted for the date on which the licence was granted and the<sup>F18</sup> chief clerk or, as the case may be, the clerk] shall (if necessary) amend the licence accordingly.
- (5) Where a bookmaking office licence granted conditionally is at any time declared unconditional paragraph (3), other than sub-paragraph (b), shall apply as if the licence were granted at that time.
- (6) Where a bookmaking office licence granted provisionally is at any time declared final paragraphs (3) and (4) shall apply as if the licence were granted at that time.
- (7) Paragraph (3) shall not prejudice the operation of Articles 21 and 29 under which a bookmaker's licence and a bookmaking office licence may continue in force after the time when they would otherwise expire.
- (8) Where at any time—
- (a) a licensed bookmaker dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
- (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;
- except for the purposes of the renewal of the licence, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the licensed bookmaker and—
- (i) subject to sub-paragraph (ii), any bookmaker's licence and bookmaking office licence held by the licensed bookmaker shall, where they would otherwise expire under this Article or Article 22(1), continue in force until the end of a period of 6 months from that time unless the licences are revoked or are licences to which a disqualification order under Article 30 or 53 applies or the licences cease to be in force under Article 173;
- (ii) a court of summary jurisdiction may on the application of the person deemed to be the licensed bookmaker, extend the period for which those licences continue to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.
- (9) Where a licensed bookmaker dies and he has no personal representative or his personal representative is unwilling or unable to act, any bookmaker's licence and bookmaking office licence held by the licensed bookmaker shall, unless the licences are revoked or are licences to which a disqualification order under Article 30 or 53 applies or the licences cease to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the licences until—
- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (8) becomes applicable by reason of the appointment of a personal representative,

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whichever first occurs.

(10) The authority conferred on any person by virtue of paragraph (8) or (9) to carry on a business under a licence shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (8), the capacity in which he is doing so) upon—

- (a) the clerk of petty sessions for the petty sessions district, and
- (b) the sub-divisional commander of the police sub-division,

in which the bookmaker's licence was granted or, as the case may be, the licensed office is situated; but the authority, if so suspended, shall revive upon the service of such a notice.

**F18** 2004 NI 1

### *Renewal of bookmakers' licences and bookmaking office licences*

#### ***Renewal of bookmakers' licences***

**16.**—(1) An application for the renewal of a bookmaker's licence shall be made to a court of summary jurisdiction except where the licence is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of bookmakers' licences is set out in Part I of Schedule 3.

(3) Subject to paragraph (4), where notice of an application for the renewal of a bookmaker's licence otherwise than under Article 20 has been served on the clerk of petty sessions, he may renew the licence as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) in the case of an application for the renewal of a bookmaker's licence held by partners or a body corporate, the clerk is not satisfied that—
  - (i) in the case of partners, the partners; or
  - (ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;
 have not changed since the licence was last renewed or, in the case of a first renewal, since the licence was granted; or
- (c) the clerk is of the opinion, for any other reason, that an application for the renewal of the bookmaker's licence should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a bookmaker's licence is renewed, the clerk of petty sessions shall note the renewal on the licence.

#### ***Renewal of bookmakers' licences by a court***

**17.**—(1) On an application for the renewal of a bookmaker's licence a court of summary jurisdiction shall hear the objections, if any, made under Schedule 3.



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(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a bookmaker's licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 3 has been complied with; and
- (b) that the applicant is a fit person to hold a bookmaker's licence; and
- (c) that the applicant has not allowed the business carried on under the bookmaker's licence to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of a bookmaker's licence<sup>[F19]</sup>; and]
- <sup>[F19]</sup>(d) that neither the applicant nor any employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of a National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.]

<sup>[F19]</sup>(2A) For the purposes of paragraph (2)(d), the court shall disregard any bet which ought properly to have been raised by way of objection on a previous occasion when the licence was renewed.]

(3) A court may renew a bookmaker's licence notwithstanding that the procedure relating to the application set out in Schedule 3 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a bookmaker's licence if it is satisfied that the applicant has been convicted of an offence under this Part<sup>[F20]</sup> or Chapter III of Part III] or Part I of the Betting and Lotteries Act (Northern Ireland) 1957.

(5) Where the court refuses an application for the renewal of a bookmaker's licence, it shall specify in its order the reasons for its refusal.

**F19** 1993 c. 39

**F20** 2004 NI 1

### ***Renewal of bookmaking office licences***

**18.**—(1) An application for the renewal of a bookmaking office licence shall be made to a court of summary jurisdiction except where the licence is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of bookmaking office licences is set out in Part I of Schedule 4.

(3) Subject to paragraph (4), where notice of an application for the renewal of a bookmaking office licence otherwise than under Article 20 or 24 has been served on the clerk of petty sessions he may renew the licence as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) the fire certificate in respect of the licensed office has been cancelled; or
- (c) in the case of an application for the renewal of a bookmaking office licence held by partners or a body corporate, the clerk is not satisfied that—
  - (i) in the case of partners, the partners; or
  - (ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;

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have not changed since the licence was last renewed or, in the case of a first renewal, since the licence was granted; or

- (d) the clerk is of the opinion, for any other reason, that an application for the renewal of the bookmaking office licence should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a bookmaking office licence is renewed, the clerk of petty sessions shall note the renewal on the licence.

### ***Renewal of bookmaking office licences by a court***

**19.**—(1) On an application for the renewal of a bookmaking office licence a court of summary jurisdiction shall hear the objections, if any, made under Schedule 4.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a bookmaking office licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 4 has been complied with; and  
 (b) that the applicant is a licensed bookmaker; and  
 (c) that there is in force in respect of the licensed office a fire certificate.

(3) A court may renew a bookmaking office licence notwithstanding that the procedure relating to the application set out in Schedule 4 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a bookmaking office licence if it is satisfied—

- (a) that the premises are not suitable for use as a licensed office; or  
 (b) that, having regard to the manner in which the business carried on in the licensed office has been conducted since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), it is unlikely that, if the licence is renewed, the business will be properly conducted; or  
 (c) that a person has been convicted of an offence in respect of a contravention, in connection with the licensed office, of any of the provisions of this Part, of any regulations made under it, or<sup>F21</sup> of Chapter III of Part III, or any regulations made under it, or] of Part I of the Betting and Lotteries Act (Northern Ireland) 1957; or  
 (d) that, since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), the licensed office has been used for an unlawful purpose or as a resort of persons of known bad character.

(5) Where the court refuses an application for the renewal of a bookmaking office licence, it shall specify in its order the reasons for its refusal.

**F21** 2004 NI 1

### ***Renewal of bookmakers' licences and bookmaking office licences out of time***

**20.**—(1) Where the holder of a bookmaker's licence or a bookmaking office licence which falls to expire at the end of a licensing year fails to serve due notice of the application for its renewal before the renewal date in that year a court of summary jurisdiction, upon application for the renewal of the bookmaker's licence or, as the case may be, the bookmaking office licence being made not

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later than the end of the next following licensing year, may renew the licence if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of bookmakers' licences is set out in Part I of Schedule 3 as modified by Part II of that Schedule, and for the renewal of bookmaking office licences is set out in Part I of Schedule 4 as modified by Part II of that Schedule.

### ***Continuance of bookmakers' licences and bookmaking office licences pending determination of appeal***

**21.** Where a court refuses an application for the renewal of a bookmaker's licence or a bookmaking office licence and the holder of the licence appeals, the licence shall, unless it is revoked or is a licence to which a disqualification order under Article 30 or 53 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed bookmakers' licences and bookmaking office licences***

**22.—**(1) Subject to paragraph (2), on the renewal of a bookmaker's licence or a bookmaking office licence, the licence shall, unless it is revoked or is a licence to which a disqualification order under Article 30 or 53 applies or it ceases to be in force under Article 173, remain in force until—

- (a) if it is renewed within the 3 months immediately preceding the expiration of the then current licensing year, the expiration of the next following licensing year, or
- (b) in any other case, the expiration of the then current licensing year.

(2) Paragraph (1) shall not prejudice the operation of Articles 15(8) and (9), 21 and 29 under which a bookmaker's licence or a bookmaking office licence may continue in force after the time when it would otherwise expire.

### *Transfer of bookmaking office licences*

### ***Transfer of bookmaking office licences***

**23.—**(1) An application for the transfer of a bookmaking office licence shall be made to a court of summary jurisdiction.

(2) The application may be made by the licensed bookmaker who proposes to, or has, become the owner of the business carried on under the bookmaking office licence in the licensed office.

(3) This Article shall apply in relation to the transfer of a bookmaking office licence provisionally granted as if the reference in paragraph (2) to the business carried on under the bookmaking office licence in the licensed office were a reference to that business as proposed to be carried on in that office after the licence has been declared final.

(4) The procedure for applications for the transfer of, respectively, bookmaking office licences and bookmaking office licences provisionally granted is set out in Parts I and II of Schedule 5.

(5) On an application for the transfer of a bookmaking office licence the court shall hear the objections, if any, made under Schedule 5.

(6) A court shall, subject to paragraph (7), refuse an application for the transfer of a bookmaking office licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 5 has been complied with; and
- (b) that the applicant is a licensed bookmaker; and
- (c) that the applicant is not a person in respect of whom a disqualification order in respect of bookmaking office licences under Article 30 or 53 is in force; and

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(d) that there is in force in respect of the licensed office a fire certificate.

(7) A court may transfer a bookmaking office licence notwithstanding that the procedure relating to the application set out in Schedule 5 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(8) A court may refuse an application for the transfer of a bookmaking office licence if it is satisfied—

(a) that the premises are not suitable for use as a licensed office; or

(b) that the applicant has been convicted of an offence under this Part<sup>F22</sup> or Chapter III of Part III] or Part I of the Betting and Lotteries Act (Northern Ireland) 1957.

(9) Where a bookmaking office licence is transferred, the clerk of petty sessions shall note the transfer on the licence.

(10) Where the court refuses an application for the transfer of a bookmaking office licence, it shall specify in its order the reasons for its refusal.

F22 2004 NI 1

### ***Concurrent transfer and renewal of bookmaking office licences***

**24.**—(1) Where a person applies for a transfer of a bookmaking office licence the holder of which has not applied for a renewal of that licence, the court on the application of that person may renew the licence before transferring it to him.

(2) A court shall not renew a bookmaking office licence on an application under this Article unless the application is made—

(a) within the 3 months immediately preceding the date on which the licence is due to expire; or

(b) not later than the end of the licensing year next following the date on which the licence expired; or

(c) where the licence continues in force under Article 15(8) or (9).

(3) The procedure for applications under this Article for the renewal of bookmaking office licences is set out in Part I of Schedule 4 as modified by Part II of that Schedule.

### ***Appeal from transfer***

**25.** Where, at the hearing of an application for the transfer of a bookmaking office licence, any person appears before the court and opposes the transfer, but the court grants the transfer, the transfer shall not take effect until the expiry of the time for bringing an appeal against the transfer and, if an appeal is brought, until the transfer is confirmed or the appeal is abandoned.

### *Temporary continuance of business in other premises*

### ***Temporary continuance of business in certain circumstances***

**26.**—(1) Where any licensed office—

(a) has, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used for the business carried on in it under the bookmaking office licence; or

(b) has been or, is likely to be, acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or

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- (c) has been or, is likely to be, extended to include premises which are, or are to be constructed so as to be, contiguous to it; or
- (d) is or is to be used for the purpose of the same business in conjunction with additional premises which are or are to be constructed adjacent to it; or
- (e) has been or is to be wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within its curtilage;

and the licensed bookmaker is unable to carry on the business of a bookmaker in the licensed office, a court of summary jurisdiction may, on an application made by him in compliance with the procedure set out in Schedule 6, make an order authorising the continuance of that business in—

- (i) temporary premises erected or to be erected wholly or partly within the curtilage or on the site, of the licensed office; or
  - (ii) premises in the vicinity of the licensed office or its site, for such period, not exceeding 6 months, as the court thinks fit.
- (2) A court shall not make an order under paragraph (1) unless it is satisfied—
- (a) that the premises in which the business is proposed to be carried on are adequate for the conduct of the business and will continue to be adequate during the period of the order; and
  - (b) that the premises are not premises in respect of which a disqualification order under Article 30 is in force; and
  - (c) that there is in force in respect of the premises a fire certificate; and
  - (d) that the licensed bookmaker either—
    - (i) proposes to resume business in the licensed office within a reasonable period; or
    - (ii) has made an application for a new bookmaking office licence for those or other premises, or proposes to do so within a reasonable period.

(3) An application under this Article shall be made to a court of summary jurisdiction for the petty sessions district in which the premises in which the business is sought to be continued are situated.

(4) Where an order has been made under paragraph (1), a court of summary jurisdiction may, on application by the licensed bookmaker, make such further order or orders under that paragraph as it thinks fit.

- (5) The temporary continuance of a business under this Article shall cease—
- (a) at the end of the period specified in an order or a further order made under paragraph (1), or
  - (b) when the licensed bookmaker resumes business in the licensed office or in premises for which a new bookmaking office licence is granted,

whichever first occurs.

(6) Where under this Article a court authorises the temporary continuance of a business in any premises, those premises shall be deemed to be the licensed office.

#### *Revocation of bookmakers' licences and bookmaking office licences*

#### **Revocation of bookmakers' licences**

**27.—**(1) An application for the revocation of a bookmaker's licence may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that the licensed bookmaker is not a fit person to hold a bookmaker's licence; or

**Status:** Point in time view as at 01/01/2006.

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- (b) that any information which, in or in connection with the application on which the licence was granted or renewed, was given to the court by the applicant was false in a material particular; or
  - (c) that the licensed bookmaker has been refused the grant or renewal of a bookmaker's licence on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or
  - (d) that the licensed bookmaker has allowed the business carried on under the licence to be managed by, or carried on for the benefit of, a person other than the bookmaker who would himself be refused the grant of a bookmaker's licence; or
  - (e) that the licensed bookmaker has been convicted of an offence under this Part<sup>F23</sup> or Chapter III of Part III] or Part I of the Betting and Lotteries Act (Northern Ireland) 1957<sup>F24</sup>; or]
  - <sup>F24</sup>(f) that the licensed bookmaker or an employee of his has, since the licence was granted, received or negotiated a bet on the outcome of any lottery forming part of a National Lottery for the purposes of Part I of the National Lottery etc. Act 1993.]
- (2) The procedure for applications for the revocation of bookmakers' licences is set out in Schedule 7.
- (3) On an application for the revocation of a bookmaker's licence a court shall hear the objections, if any, made under Schedule 7.
- (4) A court shall refuse an application for the revocation of a bookmaker's licence unless it is satisfied that the application is not made on grounds which—
- (a) have been, or ought to have been, raised previously by way of objection either when the bookmaker's licence was granted or on an occasion when it has been renewed; or
  - (b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 53.
- (5) Where the court refuses an application for the revocation of a bookmaker's licence, it shall specify in its order the reasons for its refusal.

**F23** 2004 NI 1

**F24** 1993 c. 39

### ***Revocation of bookmaking office licences***

**28.**—(1) An application for the revocation of a bookmaking office licence may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that any information which, in or in connection with the application on which the licence was granted, transferred or renewed, was given to the court by the applicant was false in a material particular; or
- (b) that a person has been convicted of an offence in respect of a contravention, in connection with the licensed office, of any of the provisions of this Part, of any regulations made under it, or<sup>F25</sup> of Chapter III of Part III, or any regulations made under it, or] of Part I of the Betting and Lotteries Act (Northern Ireland) 1957; or
- (c) that the premises are not suitable for use as a licensed office; or
- (d) that the business carried on in the licensed office has not been properly conducted; or
- (e) that the licensed office has been used for an unlawful purpose or as a resort of persons of known bad character; or
- (f) that the fire certificate in respect of the licensed office has been cancelled.

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(2) The procedure for applications for the revocation of bookmaking office licences is set out in Schedule 7.

(3) On an application for the revocation of a bookmaking office licence a court shall hear the objections, if any, made under Schedule 7.

(4) A court shall refuse an application for the revocation of a bookmaking office licence unless it is satisfied that the application is not made on grounds which—

- (a) have been, or ought to have been, raised previously by way of objection either when the bookmaking office licence was granted or transferred or on an occasion when it has been renewed; or
- (b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 53.

(5) Where the court refuses an application for the revocation of a bookmaking office licence, it shall specify in its order the reasons for its refusal.

F25 2004 NI 1

### ***Continuance of bookmakers' licences or bookmaking office licences pending determination of appeal against revocation***

**29.** Where a court revokes a bookmaker's licence or a bookmaking office licence and the licensed bookmaker appeals, the licence shall, unless it is a licence to which a disqualification order under Article 30 or 53 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Disqualification of licensed bookmaker or licensed office on revocation of licence***

**30.—**(1) Where a court of summary jurisdiction revokes a bookmaker's licence or a bookmaking office licence, the court may make a disqualification order prohibiting—

- (a) the person to whom the bookmaker's licence or, as the case may be, the bookmaking office licence was granted from holding such a licence; or
- (b) a bookmaking office licence from being held in respect of the premises to which the revoked licence related;

during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made—

- (a) in the case of a disqualification from holding a bookmaker's licence, any bookmaker's licence and any bookmaking office licence held by the bookmaker, or
- (b) in the case of a disqualification from holding a bookmaking office licence, any bookmaking office licence held by the bookmaker, or
- (c) in the case of a disqualification of a licensed office as premises for which a bookmaking office licence may be held, any bookmaking office licence,

within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the revocation of the bookmaker's licence or, as the case may be, the bookmaking office licence or against the making of the order, and

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- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

### *Licensed bookmakers and licensed offices*

#### ***Closing of licensed offices on certain days***

**31.**—(1) A licensed office shall not be opened or kept open for the transaction of business at any time on any Sunday, Christmas Day or Good Friday or at such other times, if any, as may be prescribed by regulations.

(2) If paragraph (1) is contravened the licensed bookmaker and any servant or agent of his by whom the contravention was committed shall be guilty of an offence.

(3) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for the licensed bookmaker to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it.

#### ***Conduct of licensed offices***

**32.**—(1) The licensed bookmaker shall—

- (a) display his bookmaking office licence in the licensed office; and
- (b) exhibit in that office such notices in such form and in such positions as may be prescribed by regulations; and
- (c) comply with such restrictions with respect to the exhibiting of other written matter or of signs of any description or of audible or visual displays in the licensed office as may be prescribed by regulations.

*Para. (2) rep. by 2004 NI 1*

[<sup>F26</sup>(3) Except as permitted by paragraph (3A) or (3B), no apparatus for making information or other material available in the form of sounds or visual images or both shall be used in the licensed office.

(3A) Subject to paragraphs (4) to (4B) such apparatus as is mentioned in paragraph (3) may be used in the licensed office provided that the matter seen or heard comprises only information about, and the coverage of, a sporting event including—

- (a) information relating to any betting on such an event; and
- (b) any other matter, including an advertisement, which is incidental to such an event or such coverage.

(3B) Subject to paragraphs (4) to (4B) such apparatus as is mentioned in paragraph (3) may be used in the licensed office provided that the matter seen or heard comprises only—

- (a) information relating to any betting on any event in connection with which betting transactions may be or have been effected in that office; and
- (b) the result of such an event.

(4) No apparatus for making information or other material available in the form of sounds or sounds and visual images shall be used in the licensed office so as to be audible outside that office.

(4A) No apparatus for making information or other material available in the form of visual images shall be used in the licensed office unless those images appear on a screen; and any screen so used shall not—

*Sub-para. (a) rep. by 2004 NI 1*

- (b) be so positioned that those images can be seen from outside the licensed office.



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(4B) No apparatus for showing visual images of a sporting event shall be used in the licensed office if—

- (a) the service by means of which such images appear is not intended to be received by the general public or other licensed offices generally; or
- (b) in the case of images that appear by means of the use of video recordings, identical recordings of the same event are not available to other licenced offices generally.

(4C) In paragraph (4B) “video recording” has the same meaning as in section 1(3) of the Video Recordings Act 1984.

(5) <sup>F27</sup>Subject to paragraph (6) and Article 95(1)(b),] A licenced office shall not be used for any purpose other than the effecting of betting transactions and no music, dancing or other entertainment, except any entertainment which complies with the provisions of paragraph (3A), shall be provided or allowed, and no refreshment of any kind shall be served, in such an office.

[  
<sup>F27</sup>(6) A licensed office may be used as a place where persons may collect amounts payable by way of winnings in respect of competitions of the kind mentioned in Article 3(1A)(a).]

(7) Except for the licensed bookmaker and his servant or agent, no person resorting to the licensed office shall be allowed to use any means of direct access between the licensed office and premises used for the effecting with persons resorting to those premises of transactions other than betting transactions.

(8) The licensed bookmaker himself or by his servant or agent shall not permit overcrowding or loitering in a licensed office.

(9) If any provision of paragraphs (1) to (8) is contravened the licensed bookmaker and any servant or agent of his by whom the contravention was committed shall be guilty of an offence.

(10) In any proceedings for an offence by reason of a contravention of paragraphs (1) to (8) it shall be a defence for the licensed bookmaker to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it.

(11) Where any advertisement, other than<sup>F27</sup> an advertisement published in a material form or] an advertisement to which paragraph (12) applies, is published—

- (a) indicating that any particular premises are a licensed office; or
- (b) indicating where any such office may be found; or
- (c) drawing attention to the availability of, or to the facilities afforded to persons resorting to, such offices;

then, in the case of an advertisement in connection with the licensed office of a particular licensed bookmaker, that bookmaker, and in every case any person who published the advertisement or caused or permitted it to be published shall be guilty of an offence.

(12) This paragraph applies to an advertisement if<sup>F27</sup> it is published otherwise than in a material form and]

- (a) it is published inside but not outside a licensed office; or
  - (b) it complies with such restrictions as may be prescribed by regulations and is, in such manner as may be so prescribed, published outside a licensed office—
    - (i) from a place inside such an office; or
    - (ii) in premises giving access to such an office;<sup>F27</sup> . . .
- Sub-para. (b)(iii) rep. by 2004 NI 1*

(13) In any proceedings for an offence under paragraph (11) it shall be a defence—

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- (a) for any person charged to prove that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken all reasonable steps to ascertain that it was not, an advertisement as mentioned in paragraph (11); and
- (b) for the licensed bookmaker to prove that the advertisement was published without his consent or connivance and that he exercised all due diligence to prevent the publishing of any such advertisement in connection with his licensed office.

(14) The Department may, by order subject to affirmative resolution, substitute for paragraphs (3) to (6) new provisions with respect to the facilities (other than those in respect of which a bookmaking office licence or a licence under the<sup>F28</sup> Licensing (Northern Ireland) Order 1996] is required) that may be provided in a licensed office and, without prejudice to the generality of the foregoing, such an order may—

- (a) require compliance with such restrictions as may be specified in the order in relation to—
  - (i) the use in a licensed office of any apparatus for making information or other material available in the form of sounds or visual images or both;
  - (ii) the use of a licensed office for any form of entertainment; and
  - (iii) the provision in a licensed office of any form of refreshment;

*Sub-para. (b) rep. by 2004 NI 1*

<b>F26</b>	SR 1987/396
<b>F27</b>	2004 NI 1
<b>F28</b>	1996 NI 22

### ***Employment of agents***

**33.** A person who, in connection with the business carried on in a licensed office, employs any other person directly or indirectly as his agent or collector of bets at any place other than that office shall be guilty of an offence.

### ***Employment of disqualified persons***

**34.—(1)** A licensed bookmaker who employs in his bookmaking business a person in respect of whom there is in force a disqualification order under Article 30 or 53 shall be guilty of an offence.

(2) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for the licensed bookmaker to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it.

### ***Power to exclude drunken persons, etc., from licensed offices***

**35.—(1)** Without prejudice to any other right to refuse a person admission to premises or to expel a person from premises, the licensed bookmaker or his servant or agent may refuse to admit to, or may expel from, the licensed office any person who is drunken, or is acting in a disorderly manner, or whose presence on the licensed office would subject the licensed bookmaker or his servant or agent to a penalty under this Order.

(2) Any person liable to be expelled from a licensed office under this Article, when requested by the licensed bookmaker himself or his servant or agent or a constable to leave that office, fails to do so, shall be guilty of an offence.

(3) A constable shall, on the demand of the licensed bookmaker or his servant or agent, help to expel from the licensed office any person liable to be expelled from that office under this Article, and may use such force as may be required for the purpose.

## *Licensing of tracks*

### **Restriction of bookmaking and pool betting on tracks**

**36.**—(1) Subject to paragraph (2), it shall be unlawful for bookmaking or a pool betting business to be carried on on any track unless the occupier of the track holds a track betting licence authorising the provision of betting facilities in accordance with regulations under Article 43 on that track.

(2) Paragraph (1) shall not apply to bookmaking on any track on any day if—

- (a) during the year in which that day falls, bookmaking has not been carried on on that track on more than 7 previous days; and
- (b) not less than 1 week before that day, notice of the intention to permit bookmaking on that track on that day is served by the occupier of the track on the sub-divisional commander of the police sub-division in which the track is situated.

*Para. (3) rep. by 2004 NI 1*

(4) If bookmaking or a pool betting business is carried on by any person in contravention of this Article or of regulations made under Article 43, that person and the occupier of the track also, shall be guilty of an offence.

### **Grant of track betting licences**

**37.**—(1) An application for the grant of a track betting licence shall be made by the occupier of the track for which the licence is sought to the Department.

(2) An application for a track betting licence shall—

- (a) be in such form and be made in such manner,
- (b) comply with such requirements, and
- (c) contain such information,

as the Department may determine and the applicant shall attach to the application such fee as the Department, with the consent of the Department of Finance and Personnel, may specify by order, subject to affirmative resolution.

(3) Subject to paragraph (4), on an application made for the grant of a track betting licence, the Department, after hearing representations, if any, from the applicant or any other person who wishes to object to the grant of the licence, may grant the track betting licence if it is satisfied—

- (a) that there is in force in respect of premises (if any) on the track a fire certificate; and
- (b) either—

- (i) that there is in force planning permission to use the land in question as a track for the period during which the licence would be in force; or
- (ii) that the land may be used as a track for that period without such permission.

(4) The Department may refuse to grant a track betting licence if it is satisfied—

- (a) that the existence or user of the track—
  - (i) would injuriously affect either the health or the comfort of persons residing in the vicinity of the track, or be detrimental to the interests of persons receiving instruction or residing in any school or institution in that vicinity; or
  - (ii) would seriously impair the amenities of that vicinity; or
  - (iii) would result in undue congestion of traffic or seriously prejudice the preservation of law and order; or
- (b) that the applicant has been convicted—

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- (i) of any offence under this Part;
- (ii) of any offence involving fraud or dishonesty.

(5) On the grant of a track betting licence and, during the currency of that licence, on the anniversary of that grant, the holder of the licence shall pay to the Department such fee as the Department, with the consent of the Department of Finance and Personnel, may specify by order, subject to affirmative resolution.

#### ***Appeal against refusal of track betting licences***

**38.**—(1) If the Department decides to refuse the application for the grant of a track betting licence, it shall serve notice of the decision on the applicant and such notice shall inform him of his right of appeal under paragraph (2) and of the time within which the appeal may be brought.

(2) A person aggrieved by a decision refusing the grant of a track betting licence may, within 21 days from the date on which notice is served on him, appeal to the county court.

(3) The decision of a county court on an appeal brought under paragraph (2) shall be final, and the Department shall give effect to that decision.

#### ***Provisional grant of track betting licences***

**39.**—(1) Where a track is about to be constructed, altered or extended or is in the course of construction, alteration or extension the person who proposes to be the occupier of the track may apply to the Department for the provisional grant of a track betting licence for that track.

(2) For the purposes of a provisional grant of a track betting licence, Articles 37 and 38 shall have effect as if—

- (a) any reference to the grant of a track betting licence, except in Article 37(5), were a reference to the provisional grant of a track betting licence, and in Article 37(5), were a reference to the declaration of the grant of a track betting licence final; and
- (b) where the application relates to a track about to be constructed, any reference to the track for which the track betting licence is sought included a reference to the proposed track and, in Article 37, paragraph (3)(a) were omitted.

(3) A track betting licence which is provisionally granted shall not authorise the provision of betting facilities in accordance with regulations under Article 43 until the grant of the licence is declared final.

(4) Where a track betting licence has been granted provisionally for any track, the Department, on the application of the holder of the licence shall, subject to paragraph (5), declare the grant of the track betting licence final if it is satisfied that the track has been completed and that there is in force in respect of premises (if any) on the track a fire certificate.

(5) The Department shall not entertain an application under paragraph (4) after the expiration of 2 years from the date on which the track betting licence was granted provisionally, unless the applicant satisfies the Department that there were reasonable grounds for the failure to complete the construction, alteration or extension of the track within that period.

#### ***Form and duration of track betting licences***

**40.**—(1) A track betting licence shall be in such form as the Department may determine.

(2) Subject to the succeeding provisions of this Article, a track betting licence shall, unless cancelled or revoked, remain in force from the date on which it is granted until the expiration of a period of 7 years beginning with the first day of the month in which it is granted.

(3) Where a track betting licence granted provisionally is at any time declared final paragraph (2) shall apply as if the track betting licence were granted at that time.

(4) Where at any time—

(a) the holder of a track betting licence dies or is adjudged bankrupt, or his track becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the track; or

(b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the track betting licence and—

(i) subject to sub-paragraph (ii), the track betting licence shall, where it would otherwise expire under this Article remain in force until the end of a period of 6 months from that time unless cancelled or revoked;

(ii) the Department may on the application of the person deemed to be the holder of the track betting licence, extend the period for which that licence continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(5) Where the holder of a track betting licence dies and he has no personal representative or his personal representative is unwilling or unable to act, the licence shall, unless cancelled or revoked, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the track until—

(a) the expiration of a period of 2 months from the date of his death, or

(b) paragraph (4) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(6) The authority conferred on any person by virtue of paragraph (4) or (5) to provide betting facilities on a track shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to provide such facilities on that track unless during that period he has served notice that he is providing the facilities on that track by virtue of that paragraph (and, if he is so providing by virtue of paragraph (4), the capacity in which he is doing so) upon—

(a) the Department; and

(b) the sub-divisional commander of the police sub-division in which the track is situated;

but the authority, if so suspended, shall revive upon the service of such a notice.

### ***Cancellation of track betting licences***

**41.**—(1) The Department shall, on application by the holder of a track betting licence, cancel the licence.

(2) Where the Department cancels a track betting licence, it shall forthwith send notice of the cancellation to the sub-divisional commander of the police sub-division in which the track is situated.

(3) Where the Department cancels a track betting licence, the person to whom the licence was granted, or any other person in whose possession or under whose control the licence may be, shall surrender it to the Department within 7 days of the date of the cancellation and if any person fails to comply with this paragraph he shall be guilty of an offence.

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### ***Revocation of track betting licences***

**42.**—(1) The Department may, after hearing representations, if any, from the holder of a track betting licence, revoke the licence if it is satisfied—

- (a) that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
- (b) that undue congestion of traffic or serious prejudice to the preservation of law and order has resulted from the existence of the track; or
- (c) upon a report made to it by the accountant appointed under Schedule 8, or upon a refusal of that accountant to give such a certificate as is mentioned in paragraph 15 of that Schedule, that any totalisator on the track is not an apparatus such as is mentioned in paragraph 1 of that Schedule or that it has been maintained or operated otherwise than in accordance with that Schedule or regulations made under this Part; or
- (d) that the holder of the licence has been convicted of an offence mentioned in Article 37(4)(b)

(2) Article 38 shall apply to the revocation of a track betting licence as it applies to the refusal to grant a track betting licence with the substitution of the reference in Article 38(1) to the applicant by a reference to the holder of the licence.

(3) Where the Department revokes a track betting licence and the holder of the licence appeals, the licence shall continue in force until the appeal is determined or abandoned.

(4) Where the Department revokes a track betting licence, it shall forthwith send notice of the revocation to the sub-divisional commander of the police sub-division in which the track is situated.

(5) Where an appeal against the revocation of a track betting licence is abandoned or determined by a county court in favour of the Department, the person to whom the licence was granted, or any other person in whose possession or under whose control the licence may be, shall surrender it to the Department within 7 days of the date of that abandonment or determination and if any person fails to comply with this paragraph he shall be guilty of an offence.

### ***Regulation of licensed tracks***

**43.**—(1) Regulations may prescribe—

- (a) the conditions relating to betting at, or the operation of the totalisator at, licensed tracks; and
- (b) the number of days on which such betting may take place or on which the totalisator may be so operated.

(2) If the holder of a track betting licence contravenes any of the provisions of regulations made under paragraph (1) he shall be guilty of an offence.

### *Totalisators*

### ***Restriction of pool betting***

**44.**—(1) No pool betting business shall be carried on on any licensed track except by means of a totalisator operated in accordance with Article 45.

(2) Subject to paragraph (3), no person shall carry on any pool betting business otherwise than on a licensed track.

(3) Paragraph (2) shall not apply to a registered pool promoter within the meaning of section 4(2) of the Betting, Gaming and Lotteries Act 1963, who carries on his pool betting business by post<sup>F29</sup> and any of such other means as may be prescribed by regulations].

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(4) Any person acting in contravention of paragraph (1) or (2) shall be guilty of an offence.

F29 2004 NI 1

### **Totalisators on licensed tracks**

**45.**—(1) Where, in the case of any licensed track, by virtue of Article 44, the occupier of the track or any person authorised in that behalf in writing by the occupier of the track has set up a totalisator, that totalisator shall be operated only—

- (a) while the public are admitted to the track for the purpose of attending horse or, as the case may be, dog racing and no other sporting events are taking place on the track; and
- (b) for effecting with persons resorting to the track betting transactions on horse or, as the case may be, dog races run on that track on that day or on that day together with no more than 5 consecutive days on which such races are run on that track; and
- (c) in accordance with the provisions of Schedule 8.

(2) The occupier of a licensed track—

- (a) shall not so long as a totalisator is being lawfully operated on the track exclude any licensed bookmaker from the track by reason only that he proposes to carry on bookmaking on the track; and
- (b) subject to paragraph (3), shall take such steps as are necessary to secure that so long as a totalisator is being lawfully operated on the track there is available for licensed bookmakers space on the track where they can conveniently carry on bookmaking in connection with horse or, as the case may be, dog races run on the track on that day.

(3) The space made available for bookmakers under paragraph (2)(b) shall be sufficient to accommodate no less than the greatest number of bookmakers admitted to the track at any time during the 2 years immediately preceding the introduction of a totalisator on the track.

### *Conduct of licensed tracks*

### **Charges to bookmakers on licensed tracks**

**46.**—(1) The occupier of any licensed track may make to a licensed bookmaker or to any assistant accompanying a licensed bookmaker to the track for the purpose of his business any charge for admission to any particular part of the track not exceeding, in the case of the licensed bookmaker, 10 times the amount, or, in the case of an assistant, the amount, of the highest charge made to members of the public for admission to that part of the track; so, however, that there shall not be made to any licensed bookmaker or licensed bookmaker's assistant for admission to any particular part of the track any charge differing in amount from the charge made to any other licensed bookmaker or licensed bookmaker's assistant, as the case may be, for admission to that part of the track.

(2) If in the case of any licensed track any charge other than a charge authorised by paragraph (1) is made to a licensed bookmaker or licensed bookmaker's assistant, or any payment, valuable thing or favour, other than a charge so authorised or an amount so payable, is demanded or received by or for the benefit of the occupier of the track as a consideration for facilities being given to a licensed bookmaker for the carrying on of his business, the person immediately responsible, and, if that person is not the occupier of the track, that occupier also, shall be guilty of an offence.

(3) In any proceedings for an offence under paragraph (2) it shall be a defence for the occupier of the track to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it.

**Status:** Point in time view as at 01/01/2006.

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[<sup>F30</sup>(4) In paragraph (2) the reference to facilities shall be construed as a reference to facilities other than in relation to a permanent structure.]

**F30** 2004 NI 1

### ***Saving for right of occupier of licensed tracks to prohibit betting***

**47.** Nothing in this Part shall be construed as requiring the occupier of a licensed track to permit betting on the track at any time when no totalisator is being operated on the track.

### ***Restriction on betting on tracks on certain days***

**48.—**(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track on<sup>F31</sup> . . . Christmas Day or Good Friday or at such other times, if any, as may be prescribed by regulations.

(2) If bookmaking is carried on, or a totalisator is operated, by any person in contravention of paragraph (1), that person and the occupier of the track also, shall be guilty of an offence.

(3) In any proceedings for an offence under paragraph (2) it shall be a defence for the occupier of the track to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it.

**F31** 2004 NI 1

### ***Occupiers of licensed tracks not to have an interest in bookmaking on the track***

**49.—**(1) It shall not be lawful for—

- (a) the occupier of any licensed track or any servant or agent of his, or
- (b) any person having under a lease, agreement or licence granted by the occupier any interest in or right over or in respect of any part of the track,

to engage either directly or indirectly, and either on his own behalf or on behalf of another, in bookmaking carried on, on that track.

(2) If paragraph (1) is contravened, the occupier of the licensed track and the person by whom the contravention was committed shall be guilty of an offence.

(3) In any proceedings for an offence by reason of a contravention of paragraph (1) it shall be a defence for the occupier of the licensed track to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it.

[<sup>F32</sup>(4) Paragraph (1) shall only apply in relation to bookmaking in connection with races run on that track.]

**F32** 2004 NI 1

### *Special provisions with respect to young persons*

#### ***Young persons prohibited from licensed offices***

**50.—**(1) A person under the age of 18 shall not be admitted to a licensed office.



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(2) A licensed bookmaker himself or by his servant or agent, or such servant or agent, shall not allow a person under the age of 18 to be in a licensed office.

(3) Any person acting in contravention of paragraph (1) or (2) shall be guilty of an offence.

(4) In any proceedings for an offence by reason of a contravention of paragraph (1) or (2) it shall be a defence—

(a) for the licensed bookmaker to prove that the contravention took place without his consent or connivance and that he exercised due diligence to prevent it; or

(b) for the licensed bookmaker or his servant or agent to prove that he had good reason to believe that the person under the age of 18 had attained that age.

(5) Nothing in this Article shall apply with respect to a person under the age of 18 who is a person who has attained the upper limit of compulsory school age as determined under Article 36(2) of the Education and Libraries (Northern Ireland) Order 1972 and is apprenticed to the licensed bookmaker under a contract in writing.

(6) Where a person under the age of 18 who is found in a licensed office is apprenticed to the licensed bookmaker, that person or the bookmaker shall at the request of a constable produce the contract of apprenticeship within 7 days of the request to, or in accordance with reasonable directions of, the constable for examination, and if it is not so produced that person or, as the case may be, the bookmaker shall be guilty of an offence.

### **Betting with young persons**

**51.**—(1) If any person—

(a) has any betting transaction with a person under the age of 18, or

(b) employs a person under the age of 18 in the effecting of any betting transaction, or

(c) receives or negotiates any bet through a person under the age of 18,

he shall be guilty of an offence.

(2) If any person under the age of 18 enters into any betting transaction he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under paragraph (1) by reason of—

(a) the employment of a person under the age of 18 in the effecting of betting transactions by post; or

(b) the carriage by a person under the age of 18 of a communication relating to a betting transaction for the purposes of its conveyance by post.

(4) In any proceedings for an offence under paragraph (1) it shall be a defence to prove that there was good reason to believe that the person under the age of 18 had attained that age.

[<sup>F33</sup>(4A) In any case concerning—

(a) a bet which is an entry in a qualifying competition (as defined in Article 3(1D)), or

(b) a betting transaction relating to such a bet,

this Article shall have effect with the substitution in paragraphs (1) to (4) of “ 16 ” for “ 18 ”.]

(5) Paragraphs (5) and (6) of Article 50 shall apply to persons under the age of 18 for the purposes of this Article as they apply to such persons for the purposes of Article 50.

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### ***Betting circulars not to be sent to young persons***

**52.**—(1) If any person, for the purpose of earning commission, reward or other profit, sends or causes to be sent to a person whom he knows to be under the age of 18 any circular, notice, advertisement, letter, telegram or other document which invites or may reasonably be implied to invite the person receiving it—

- (a) to make any bet, or
- (b) to enter into or take any share or interest in any betting transaction, or
- (c) to apply to any person or at any place with a view to obtaining information or advice for the purpose of any bet or for information as to any race, fight, game, sport or other contingency upon which betting is generally carried on,

he shall be guilty of an offence.

(2) If any document such as is mentioned in paragraph (1) names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting, the person so named or referred to shall be deemed to have sent that document or caused it to be sent unless he proves that he had not consented to be so named and that he was not in any way a party to, and was wholly ignorant of, the sending of the document.

(3) If any document such as is mentioned in paragraph (1) is sent to any person at any university, college, school or other place of education and that person is under the age of 18, the person sending the document or causing it to be sent shall be deemed to have known that person to be under that age unless he proves that he had good reason to believe that the person under the age of 18 had attained that age.

[<sup>F34</sup>(4) In any case concerning—

- (a) a bet which is an entry in a qualifying competition (as defined in Article 3(1D)),
- (b) a betting transaction relating to such a bet, or
- (c) information as to any game of association football upon which such betting is carried on,

this Article shall have effect with the substitution in paragraphs (1) and (3) of “ 16 ” for “18”.]

**F34** 1994 NI 8

### *Miscellaneous*

#### ***Disqualification of licensed bookmaker on conviction of offence***

**53.**—(1) Where a licensed bookmaker is convicted of—

- (a) an offence under this Part [<sup>F35</sup> or Chapter III of Part III]; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting him from holding a bookmaker's licence or a bookmaking office licence during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made—

- (a) in the case of a disqualification from holding a bookmaker's licence, any bookmaker's licence and any bookmaking office licence held by the bookmaker, or
- (b) in the case of a disqualification from holding a bookmaking office licence, any bookmaking office licence held by the bookmaker,

within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

- (3) A disqualification order under paragraph (1) shall not take effect—
- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
  - (b) if such an appeal is brought, until the appeal has been determined or abandoned.

F35 2004 NI 1

### [<sup>F36</sup>Rights of betting workers as respects Sunday working

**53A.** Schedule 8A shall have effect for the purpose of making provision about the rights of betting workers as respects Sunday working.]

F36 2004 NI 1

### Exclusion of Sunday Observance Act (Ireland) 1695

**53B.** The Sunday Observance Act (Ireland) 1695 does not apply to any person by reason of his having effected a betting transaction on a non-sporting event at a track which is open on a Sunday and on which betting is taking place.

## PART III

### GAMING

#### CHAPTER I

#### GAMING ELSEWHERE THAN ON BINGO CLUB PREMISES

#### *Gaming to which Chapter I applies*

- 54.** This Chapter applies to all gaming other than—
- (a) gaming on bingo club premises;
  - (b) gaming by means of a gaming machine;
  - (c) gaming at entertainments to which Article 126 applies;
  - (d) gaming which constitutes the provision of amusements with prizes as mentioned in Article 153 or 154.

#### *Prohibition of certain gaming*

**55.—**(1) Subject to paragraph (2), no gaming shall take place where any one or more than one of the following conditions is fulfilled—

- (a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not;
- (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;

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- (c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are 2 or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person.
- (2) Paragraph (1) shall not apply to—
  - (a) gaming which takes place on a domestic occasion in premises used only as a private residence;
  - (b) any gaming where the gaming takes place in a hostel, hall of residence or similar establishment which is not carried on by way of a trade or business and the players consist exclusively or mainly of persons who are residents or inmates in that establishment.

### ***No charge for taking part in gaming***

**56.**—(1) Subject to Article 128 and the following provisions of this Article, no gaming to which this Chapter applies shall take place in circumstances where (apart from any stakes hazarded) a charge, in money or money's worth, is made in respect of that gaming.

(2) Subject to paragraph (3), any admission charge shall, unless the contrary is proved, be taken to be a charge made as mentioned in paragraph (1).

(3) For the purposes of this Article a payment which constitutes payment of, or of a quarterly or half-yearly instalment of, an annual subscription to a club, or which constitutes payment of an entrance subscription for membership of a club, shall not be taken to be a charge made as mentioned in paragraph (1); but this paragraph shall not apply—

- (a) in relation to a club, unless it is shown that the club is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character; and
  - (b) in relation to an entrance subscription, unless it is shown that the payment is not made in respect of temporary membership of the club.
- (4) Regulations may—
- (a) require the officers of a club to make, and to retain during such period, such records and accounts with respect to gaming on the club premises as may be prescribed by the regulations;
  - (b) require the disclosure to club members, and the display in the club premises, of such accounts in such manner and at such intervals as may be prescribed by the regulations.

### ***No levy on stakes or winnings***

**57.** Without prejudice to the generality of Article 56, no gaming to which this Chapter applies shall take place where a levy is charged on any of the stakes or on the winnings of any of the players, whether by way of direct payment or deduction, or by the exchange of tokens at a lower rate than the rate at which they were issued, or by any other means.

### ***Prohibition of gaming in streets and public places***

**58.**—(1) Any person taking part in gaming to which this Chapter applies in a street or public place shall be guilty of an offence.

(2) A constable may arrest without warrant any person found committing an offence under this Article and may seize and detain any books, cards, papers and other articles relating to gaming which may be found in his possession.

(3) In this Article “street” has the meaning assigned to it by Article 5(3)(a) and (b).

### ***Offences relating to gaming***

**59.**—(1) If any gaming to which this Chapter applies takes place in contravention of any of the provisions of Articles 55 to 57, every person concerned in the organisation or management of the gaming shall be guilty of an offence.

(2) For the purposes of paragraph (1) any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.

(3) Without prejudice to paragraphs (1) and (2), where any gaming to which this Chapter applies takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of Articles 55 to 57, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those provisions,—

- (a) allowed the premises, vessel or vehicle to be used for the purpose of the gaming, or
- (b) let, or let on hire, the premises, vessel or vehicle, or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under paragraph (1) is committed in connection with the gaming,

shall be guilty of an offence.

## CHAPTER II

### GAMING ON BINGO CLUB PREMISES

#### ***Gaming to which Chapter II applies***

**60.** This Chapter applies to—

- (a) gaming by way of bingo,
- (b) gaming to which Article 77 applies,

which takes place on bingo club premises and which is not gaming by means of a gaming machine.

#### *Bingo club licences*

#### ***Persons to whom bingo club licences may be granted***

**61.**—(1) The person to whom a bingo club licence is granted shall be the owner of the bingo club proposed to be carried on under the bingo club licence.

(2) A bingo club licence may be granted to an individual, to a body corporate, or to 2 or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold a bingo club licence, a court shall have regard to the character, reputation and financial standing—

- (a) of the applicant; and
- (b) of any other person by whom the bingo club to which the application relates would be managed, or for whose benefit, if a licence were granted, gaming would be organised;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part and of any regulations made under it will be complied with, that gaming on the premises of the bingo club will be fairly and properly conducted, and that those premises will be conducted without disorder or disturbance.

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(4) In considering the fitness of a body corporate to hold a bingo club licence, a court shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it or who have a financial interest in it, as if the licence were, or were proposed to be, held by them jointly.

[<sup>F37</sup>(4A) In considering the fitness of any applicant to hold a bingo club licence, a court shall have regard to—

- (a) any failure of the applicant or of any other person mentioned in paragraph (3)(b); and
- (b) where the applicant is a body corporate, any failure of any director of the applicant or of any other person mentioned in paragraph (4);

to pay any amount due from him or it by way of bingo duty.]

(5) Subject to paragraph (6), the following persons shall be disqualified for obtaining or holding a bingo club licence—

- (a) a person under the age of 21;
- (b) a person who does not ordinarily reside in Northern Ireland;
- (c) a person who has ordinarily resided in Northern Ireland for less than 12 months before making an application for the grant of a bingo club licence;
- (d) a body corporate which is not registered under the Companies Acts (Northern Ireland) 1960 to 1983 or which is not an existing company within the meaning of those Acts.

(6) For the purposes of paragraph (5) any reference to a person, where that person is a body corporate, shall be construed as a reference to the directors of that body corporate.

(7) A bingo club licence purporting to be held by any person—

- (a) who is disqualified by paragraph (5) for holding or obtaining such a licence, or
- (b) in respect of whom there is in force a disqualification order under Article 74 or 79,

is void.

**F37** 1986 c. 41

### ***Premises for which bingo club licences may be granted***

**62.**—(1) The premises in which bingo is authorised by a bingo club licence shall be the premises of a bingo club.

(2) Any bingo club premises for which there is in force a disqualification order under Article 74 or 79 shall not be premises for which a bingo club licence may be granted.

(3) In considering the suitability of premises for use as bingo club premises, a court shall have regard—

- (a) to the lay-out, character and condition of the premises; and
- (b) to the provision in the premises of adequate sanitary appliances and things used in connection with such appliances; and
- (c) in the case of an application for the grant of a bingo club licence, to the location of the premises.

(4) Any bingo club licence purporting to be held by any person in respect of premises for which there is in force a disqualification order under Article 74 or 79 is void.

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### **Grant of bingo club licences**

**63.**—(1) An application for the grant of a bingo club licence shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of bingo club licences is set out in Schedule 9.

(3) On an application for the grant of a bingo club licence the court shall hear the objections, if any, made under Schedule 9.

(4) A court shall, subject to paragraphs (5) and (7), refuse an application for the grant of a bingo club licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 9 has been complied with; and
- (b) that the applicant is a fit person to hold a bingo club licence; and
- (c) that the applicant is not a person in respect of whom a disqualification order under Article 74 or 79 is in force; and
- (d) that the premises are not premises in respect of which a disqualification order under Article 74 or 79 is in force; and
- (e) that there is in force in respect of the premises a fire certificate; and
- (f) that the applicant has not been refused the grant or renewal of a bingo club licence on the ground mentioned in sub-paragraph (b) or (i) within the immediately preceding 12 months; and
- (g) that, having regard to the demand in the locality in which the premises to which the application relates are situated for gaming facilities afforded by bingo club premises, the number of such bingo club premises for the time being available (including any premises for which a licence is provisionally granted) to meet that demand is inadequate; and
- (h) either—
  - (i) that there is in force planning permission to use the premises as a bingo club for the period during which the licence would be in force; or
  - (ii) that the premises may be used as such a club for that period without such permission; and
- (i) that the applicant will not allow the bingo club premises to be managed by, or if a licence were granted, gaming to be organised for the benefit of, a person other than the applicant who would himself be refused the grant of a bingo club licence.

(5) A court may grant a bingo club licence notwithstanding that the procedure relating to the application set out in Schedule 9 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the grant of a bingo club licence if it is satisfied—

- (a) that the premises are not suitable for use as bingo club premises; or
- (b) that the applicant has been convicted of an offence under this Part.

(7) Paragraph (4)(g) shall not apply to an application for the grant of a bingo club licence in respect of premises which are on the site or in the vicinity of bingo club premises for which the applicant holds a bingo club licence and which—

- (a) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used for the bingo club carried on in them under the bingo club licence; or
- (b) have been or, are likely to be acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or

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- (c) have been or, are likely to be, extended to include premises which are, or are to be constructed so as to be, contiguous to them; or
  - (d) are or are to be used for the purpose of the same bingo club in conjunction with additional premises which are or are to be constructed adjacent to it; or
  - (e) have been or are to be wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within their curtilage.
- (8) A court which grants a bingo club licence may impose—
- (a) restrictions limiting the gaming to a particular part or parts of the bingo club premises; and
  - (b) subject to Article 76(7) and (8)(d), such restrictions on the hours during which gaming will be permitted to take place on the bingo club premises as the court thinks necessary for the purpose of preventing disturbance or annoyance to the occupiers of other premises in the vicinity of the bingo club premises.
- (9) Where a court grants a bingo club licence and the applicant for that licence has applied to the court for a direction specifying the number of gaming machines which may be made available for gaming on the bingo club premises in accordance with Article 108, the court shall give such a direction.
- (10) Where the court refuses an application for the grant of a bingo club licence it shall specify in its order the reasons for its refusal.
- (11) Where a court imposes restrictions under paragraph (8) or gives a direction under paragraph (9) the clerk of petty sessions shall note the restrictions or, as the case may be, the direction on the bingo club licence.

***Grant of bingo club licence conditional on alterations being made in bingo club premises***

- 64.**—(1) A court which grants a bingo club licence may grant the licence subject to the condition that, within a period fixed by the court, the holder of the licence—
- (a) shall make such alterations in the bingo club premises as the court may specify, being alterations which the court thinks necessary to ensure that the premises are suitable for use as bingo club premises; and
  - (b) shall deposit with the clerk of petty sessions a plan of the premises showing the alterations so specified.
- (2) Notice of any alteration required under paragraph (1) shall be served by the clerk of petty sessions on the person whose name has been notified to the court as the owner of the premises.
- (3) The period fixed by a court under paragraph (1) may be extended by a court of summary jurisdiction on the application of the holder of the licence.
- (4) A bingo club licence granted conditionally under this Article shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until the expiration of the period fixed by the court under paragraph (1) or any extended period and the clerk of petty sessions shall note the date of that expiration on the licence.
- (5) A court of summary jurisdiction, on the application of the holder of the licence, shall declare the grant of a bingo club licence to be unconditional, if it is satisfied that alterations to the bingo club premises have been completed in accordance with the plans deposited with the clerk of petty sessions under paragraph (1)(b) and the clerk of petty sessions shall amend the licence accordingly.



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### **Provisional grant of bingo club licences**

65.—(1) Where premises are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made to a court of summary jurisdiction for the provisional grant of a bingo club licence for those premises.

(2) An application for the provisional grant of a bingo club licence may be made by the person who proposes to be the owner of the bingo club to be carried on under the licence after it has been declared final under paragraph (7).

(3) The procedure for applications for the provisional grant of bingo club licences is set out in Part I of Schedule 9 as modified by Part II of that Schedule.

(4) For the purposes of the provisional grant of bingo club licences, Article 63 shall have effect as if—

- (a) any reference in paragraphs (3) to (11) to the grant of a bingo club licence were a reference to the provisional grant of such a licence; and
- (b) where the application relates to premises about to be constructed or in the course of construction, any reference in paragraphs (4)(g) to (i), (6) and (7) to the premises were a reference to the proposed premises and paragraph (4)(d) and (e) were omitted.

(5) A bingo club licence which is provisionally granted shall not authorise the holder of the licence to carry on a bingo club in the premises until the grant of the licence is declared final.

(6) At any time before a licence which has been provisionally granted is declared final, a court of summary jurisdiction may consent to any modification of the plans deposited under Part I of Schedule 9 as modified by Part II of that Schedule if, in its opinion, the premises, when completed in accordance with the modified plans, will be suitable to be licensed as a bingo club and, if it does so, shall require a copy of the modified plans to be deposited with the clerk of petty sessions.

(7) Where a bingo club licence has been granted provisionally for any premises, on the application of the holder of the licence, a court of summary jurisdiction shall, subject to paragraph (9), declare the grant of the licence final, if it is satisfied—

- (a) that the premises have been completed in accordance with the plans deposited under Part I of Schedule 9 as modified by Part II of that Schedule or in accordance with those plans with modifications consented to under paragraph (6); and
- (b) that there is in force in respect of the premises a fire certificate.

(8) The procedure for applications to have the provisional grant of bingo club licences declared final is set out in Part III of Schedule 9.

(9) A court of summary jurisdiction shall not entertain an application made under paragraph (7) after the expiration of 2 years from the date on which the licence was granted provisionally, unless the applicant satisfies the court that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(10) Where the provisional grant of a licence is declared final the clerk of petty sessions shall note the declaration on the licence.

### **Form and duration of new bingo club licences**

66.—(1) A bingo club licence shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the licence;
- (b) the name of the bingo club;
- (c) the address of the premises for which it is granted;
- (d) the name and address of the owner of the premises; and

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- (e) such other matters as may be so prescribed.
- (2) Subject to Article 64(4) and to the succeeding provisions of this Article, a bingo club licence shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until—
- (a) the expiration of the licensing year in which it is granted, or
  - (b) if it is granted within the 3 months immediately preceding the expiration of that year, the expiration of the next following licensing year.
- (3) Where, at the hearing of an application for the grant of a bingo club licence any person appears before the court and opposes the grant, but the court grants the licence—
- (a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the licence granted shall not come into force;
  - (b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the licence is to be in force the date when the appeal is disposed of shall be substituted for the date on which the licence was granted and the clerk of petty sessions shall (if necessary) amend the licence accordingly.
- (4) Where a bingo club licence granted conditionally is at any time declared unconditional paragraph (2), other than sub-paragraph (b), shall apply as if the licence were granted at that time.
- (5) Where a bingo club licence granted provisionally is at any time declared final paragraphs (2) and (3) shall apply as if the licence were granted at that time.
- (6) Paragraph (2) shall not prejudice the operation of Articles 70 and 73 under which a bingo club licence may continue in force after the time when it would otherwise expire.
- (7) Where at any time—
- (a) the holder of a bingo club licence dies or is adjudged bankrupt, or his bingo club becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the bingo club; or
  - (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;
- except for the purposes of the renewal of the licence, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the bingo club licence and—
- (i) subject to sub-paragraph (ii), the bingo club licence shall, where it would otherwise expire under this Article or Article 71 continue in force until the end of a period of 6 months from that time unless the licence is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or the licence ceases to be in force under Article 173;
  - (ii) a court of summary jurisdiction may on the application of the person deemed to be the holder of the bingo club licence, extend the period for which that licence continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.
- (8) Where the holder of a bingo club licence dies and he has no personal representative or his personal representative is unwilling or unable to act, the licence shall, unless the licence is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or the licence ceases to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the bingo club until—
- (a) the expiration of a period of 2 months from the date of his death, or

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(b) paragraph (7) becomes applicable by reason of the appointment of a personal representative,  
whichever first occurs.

(9) The authority conferred on any person by virtue of paragraph (7) or (8) to carry on a bingo club shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that club unless during that period he has served notice that he is carrying on the bingo club by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (7), the capacity in which he is doing so) upon—

- (a) the clerk of petty sessions for the petty sessions district, and
- (b) the sub-divisional commander of the police sub-division,

in which the bingo club premises are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

### **Renewal of bingo club licences**

**67.—**(1) An application for the renewal of a bingo club licence shall be made to a court of summary jurisdiction except where the licence is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of bingo club licences is set out in Part I of Schedule 10.

(3) Subject to paragraph (4), where notice of an application for the renewal of a bingo club licence otherwise than under Article 69 has been served upon the clerk of petty sessions, he may renew the licence as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) the fire certificate in respect of the bingo club premises has been cancelled; or
- (c) the application for renewal is in respect of bingo club premises for which the applicant has also applied to the court for a direction specifying the number of gaming machines which may be made available on the bingo club premises; or
- (d) in the case of an application for the renewal of a bingo club licence held by partners or a body corporate, the clerk is not satisfied that—
  - (i) in the case of partners, the partners; or
  - (ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;have not changed since the licence was last renewed or, in the case of a first renewal of the licence, since the licence was granted; or
- (e) the clerk is of the opinion, for any other reason, that an application for the renewal of the bingo club licence should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a bingo club licence is renewed, the clerk of petty sessions shall note the renewal on the licence.

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### **Renewal of bingo club licences by a court**

**68.**—(1) On an application for the renewal of a bingo club licence a court of summary jurisdiction shall hear the objections, if any, made under Schedule 10.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a bingo club licence unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 10 has been complied with; and
- (b) that the applicant is a fit person to hold a bingo club licence; and
- (c) that the applicant has not allowed the bingo club premises to be managed by, or gaming to be organised for the benefit of, a person other than the applicant who would himself be refused the grant of a bingo club licence; and
- (d) that there is in force in respect of the bingo club premises a fire certificate.

(3) A court may renew a bingo club licence notwithstanding that the procedure relating to the application set out in Schedule 10 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a bingo club licence if it is satisfied—

- (a) that the premises are not suitable for use as bingo club premises; or
- (b) that, having regard to the manner in which gaming carried on in the bingo club premises has been conducted since the last previous renewal of the bingo club licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), it is unlikely that, if the licence is renewed, gaming will be properly conducted; or
- (c) that a person has been convicted of an offence in respect of a contravention, in connection with the bingo club premises, of any of the provisions of this Part, or of any regulations made under it; or
- (d) that, since the last previous renewal of the licence (or, where the renewal applied for is the first renewal of the licence, since the licence was granted), the bingo club premises have been used for an unlawful purpose or as a resort of persons of known bad character.

(5) A court which renews a bingo club licence may—

- (a) where the licence is not subject to any restrictions imposed under Article 63(8), impose such restrictions; or
- (b) vary any restrictions imposed under sub-paragraph (a) or Article 63(8).

(6) A court which renews a bingo club licence, on the application of the holder of the licence—

- (a) where a direction has not been given under Article 63(9) in respect of the bingo club premises, shall give such a direction; or
- (b) shall cancel or may vary a direction given under sub-paragraph (a) or Article 63(9).

(7) Where the court refuses an application for the renewal of a bingo club licence or for the variation of a direction under paragraph (6) it shall specify in its order the reasons for its refusal.

(8) Where a court imposes or varies restrictions under paragraph (5) or gives, cancels or varies a direction under paragraph (6) the clerk of petty sessions shall note the restrictions, direction, cancellation or variation, as the case may require, on the bingo club licence.

### **Renewal of bingo club licences out of time**

**69.**—(1) Where the holder of a bingo club licence which falls to expire at the end of a licensing year fails to serve due notice of the application for its renewal before the renewal date in that year a court of summary jurisdiction, upon application for the renewal of the bingo club licence being

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made not later than the end of the next following licensing year, may renew the bingo club licence if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of bingo club licences is set out in Part I of Schedule 10 as modified by Part II of that Schedule.

### ***Continuance of bingo club licences pending determination of appeal***

**70.** Where a court refuses an application for the renewal of a bingo club licence and the holder of the licence appeals, the licence shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed bingo club licences***

**71.—**(1) Subject to paragraph (2), on the renewal of a bingo club licence, the licence shall, unless it is revoked or is a licence to which a disqualification order under Article 74 or 79 applies or it ceases to be in force under Article 173, remain in force until—

- (a) if it is renewed within the 3 months immediately preceding the expiration of the then current licensing year, the expiration of the next following licensing year, or
- (b) in any other case, the expiration of the then current licensing year.

(2) Paragraph (1) shall not prejudice the operation of Articles 66(7) and (8), 70 and 73 under which a bingo club licence may continue in force after the time when it would otherwise expire.

(3) Where, on renewing a bingo club licence, a court—

- (a) varies any restrictions imposed on the licence under Article 63(8) or 68(5)(a) or any direction given under Article 63(9) or 68(6)(a); or
- (b) in the case of a licence which is not subject to any restrictions imposed under Article 63(8), imposes such restrictions;

and the holder of the licence appeals against the variation or, as the case may be, the imposition of such restrictions, the variation or restrictions shall not take effect until the appeal is determined or abandoned.

### ***Revocation of bingo club licences***

**72.—**(1) An application for the revocation of a bingo club licence may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that the holder of the licence is not a fit person to hold a bingo club licence; or
- (b) that any information which, in or in connection with the application on which the licence was granted or renewed, was given to the court by the applicant was false in a material particular; or
- (c) that the holder of the licence has been refused the grant or renewal of a bingo club licence on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or
- (d) that the holder of the licence has allowed the bingo club premises to be managed by, or gaming to be organised for the benefit of, a person other than the holder of the licence who would himself be refused the grant of a bingo club licence; or
- (e) that a person has been convicted of an offence in respect of a contravention, in connection with the bingo club premises, of any of the provisions of this Part, or of any regulations made under it; or
- (f) that the premises are not suitable for use as bingo club premises; or

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- (g) that gaming on the bingo club premises has not been properly conducted; or
  - (h) that the bingo club premises have been used for an unlawful purpose or as a resort of persons of known bad character; or
  - (i) that the fire certificate in respect of the bingo club premises has been cancelled.
- (2) The procedure for applications for the revocation of bingo club licences is set out in Schedule 7.
- (3) On an application for the revocation of a bingo club licence a court shall hear the objections, if any, made under Schedule 7.
- (4) A court shall refuse an application for the revocation of a bingo club licence unless it is satisfied that the application is not made on grounds which—
- (a) have been, or ought to have been, raised previously by way of objection either when the bingo club licence was granted or on an occasion when it has been renewed; or
  - (b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 79.
- (5) Where the court refuses an application for the revocation of a bingo club licence, it shall specify in its order the reasons for its refusal.

***Continuance of bingo club licences pending determination of appeal against revocation***

73. Where a court revokes a bingo club licence and the holder of the licence appeals, the licence shall, unless it is a licence to which a disqualification order under Article 79 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

***Disqualification of holder of bingo club licence or bingo club premises on revocation of licence***

74.—(1) Where a court of summary jurisdiction revokes a bingo club licence, the court may make a disqualification order prohibiting—

- (a) the person to whom the bingo club licence was granted from holding such a licence; or
- (b) a bingo club licence from being held in respect of the premises to which the revoked licence related;

during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any bingo club licence within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the revocation of the bingo club licence or against the making of the order, and
- (b) if such appeal is brought, until the appeal has been determined or abandoned.

*Gaming by way of bingo*

***Who may participate in bingo***

75.—(1) Subject to paragraph (2), where bingo takes place on any bingo club premises, no person shall participate in the bingo—

- (a) if he is not present on the premises at the time when the bingo takes place there, or

(b) on behalf of another person who is not present on the premises at that time.

(2) Where a game of bingo is played simultaneously on different bingo club premises in circumstances where—

- (a) all the players take part in the same game at the same time and all are present, at that time on 1 or other of those premises, and
- (b) the draw takes place on 1 or other of those premises while the game is being played, and
- (c) any claim of 1 of the players to have won is indicated to all the other players before the next number is called,

then if—

- (i) the aggregate amount paid to players as winnings in respect of that game does not exceed the aggregate amount of the stakes hazarded by the players in playing that game, and
- (ii) the aggregate amount paid to players as winnings in respect of that game, together with the aggregate amount paid to players as winnings in respect of all games of bingo which, in the circumstances specified in sub-paragraphs (a) to (c), have previously been played in the same week and have been so played on premises consisting of, or including any of, those premises, does not exceed<sup>[F38]</sup> £55,000] or such other amount as the Department may specify by order, subject to affirmative resolution,

paragraph (1) shall have effect as if those different premises were the same premises.

(3) Subject to the following provisions of this Article, where bingo takes place on bingo club premises, no person shall participate in the bingo unless either—

- (a) he is a member of the bingo club specified in the bingo club licence who, at the time when he begins to take part in the bingo, is eligible to take part in it; or
- (b) he is a bona fide guest of a person who is a member of that bingo club and who, at the time when the guest begins to take part in the bingo, is eligible to take part in it;

and neither the holder of the licence nor any person acting on his behalf or employed in the bingo club premises in question shall participate in the bingo.

(4) For the purposes of paragraph (3)—

- (a) a member of the bingo club specified in the bingo club licence is eligible to take part in the bingo at any particular time if at that time at least 24 hours have elapsed since he applied for membership of the bingo club;
- (b) a person employed in the bingo club premises in the capacity of a cleaner, or in such other capacity as may be prescribed by regulations, is eligible to take part in the bingo as a player.

(5) Where paragraph (2) has effect in relation to a game of bingo played simultaneously on different premises, for the purposes of the application of paragraphs (3) and (4) in relation to each of those premises, regard shall be had only to such of the players as are present on those particular premises.

(6) For the purposes of paragraph (3)(b) a person shall not be precluded from being a bona fide guest by reason only that he makes a payment which is required by regulations made under Article 76(2)(b).

(7) A person under the age of 18 shall not participate in bingo which takes place on bingo club premises.

(8) For the purposes of this Article a person participates in bingo if he takes part in the bingo as a player.

(9) In this Article and Article 76 “week” means a period of 7 days beginning with a Monday.

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**F38** SR 2001/414

### **Conditions applying to bingo**

**76.**—(1) Subject to the following provisions of this Article, Articles 55(1), 56 and 57 shall have effect in relation to gaming by way of bingo as they have effect in relation to gaming to which Chapter I applies.

(2) Regulations may—

- (a) provide that Article 55(1) shall not have effect in relation to gaming by way of bingo if the bingo is so played as to comply with such conditions as the regulations may prescribe;
- (b) subject to paragraph (3), provide that charges which, apart from the regulations, would be prohibited by Article 56, may be made in such circumstances as the regulations may prescribe if they comply with such conditions as are so prescribed;
- (c) provide that, where bingo takes place on bingo club premises, a levy, of such amount or calculated in such manner as the regulations prescribe, may in such circumstances as may be so prescribed be charged on the stakes or on the winnings of the players.

(3) No charge shall be made in accordance with paragraph (2)(b) unless particulars of the charges and of the circumstances in which they are chargeable—

- (a) are displayed on the bingo club premises, and
- (b) have, not less than 14 days before the date on which the charge is made, been notified to the sub-divisional commander of the police sub-division in which the bingo club premises are situated,

and, if the regulations so provide, those particulars comprise such matters as the regulations prescribe and are displayed on the bingo club premises in a manner, and in positions, determined in accordance with the regulations.

(4) Every prize won in respect of all games of bingo played in bingo club premises, other than games of bingo to which Article 77 applies, shall be a monetary prize.

(5) Without prejudice to the operation of Article 75(2) and (5), the aggregate amount paid to players as winnings in respect of all games of bingo played in any 1 week on any particular bingo club premises shall not exceed the aggregate amount of the stakes hazarded by the players in playing those games by more than<sup>F39</sup> £10,000] or such other amount as the Department may specify by order, subject to affirmative resolution.

(6) The holder of a bingo club licence or any person acting on his behalf or under any arrangement with him shall not—

- (a) make any loan or otherwise provide or allow to any person any credit, or release, or discharge on another person's behalf, the whole or part of any debt,—
  - (i) for enabling any person to take part in bingo in the bingo club premises; or
  - (ii) in respect of any losses incurred by any person in that bingo; or
- (b) accept a cheque and give in exchange for it cash or tokens for enabling any person to take part in that bingo.

(7) Bingo shall not take place on any bingo club premises on any Sunday, Christmas Day or Good Friday.

(8) Regulations may—

- (a) restrict the amount of stakes and prizes in any single game of bingo;
- (b) prescribe—



- (i) the types of games of bingo which may be promoted in bingo club premises;
- (ii) the detailed rules in accordance with which any game of bingo is to be played;
- (iii) the manner in which participation fees are to be allocated between the different games of bingo; and
- (iv) the information to be made available to the players;
- (c) require the holder of the bingo club licence to display, in such manner and in such position on the bingo club premises as the regulations may prescribe, the rules in accordance with which any game of bingo is to be played on the bingo club premises;
- (d) without prejudice to paragraph (7), restrict the hours during which games of bingo will be permitted to take place on bingo club premises;
- (e) impose such prohibitions, restrictions or other requirements (in addition to those imposed by or under the provisions of this Chapter) as appear to the Department to be requisite—
  - (i) for securing that bingo on any bingo club premises is fairly and properly conducted;
  - (ii) for preventing the use of any indirect means for doing anything which if done directly would be a contravention of this Chapter or of any regulations made under it.

**F39** SR 2001/414

### *Gaming for prizes*

#### ***Gaming for prizes on bingo club premises***

77.—(1) This Article applies to gaming, other than gaming by means of a gaming machine, which takes place on bingo club premises which is gaming for prizes in respect of which the following conditions are fulfilled, that is to say—

- (a) the amount paid by any 1 person for any 1 chance to win a prize does not exceed<sup>[F40]</sup> £0.50;
- (b) the aggregate amount taken by way of the sale of chances in any 1 determination of winners (if any) of prizes does not exceed<sup>[F40]</sup> £120], and the sale of those chances and the declaration of the result take place on the same day and on the premises on which and at the time when, the game is played;
- (c) no money prize exceeding<sup>[F41]</sup> £25] is distributed or offered;
- (d) the winning of, or the purchase of a chance to win, a prize does not entitle any person (whether subject to a further payment by him or not) to any further opportunity to win money or money's worth by taking part in any other gaming or in any lottery;
- (e) the aggregate amount or value of the prizes on any 1 determination of winners does not exceed<sup>[F40]</sup> £120]; and
- (f) in relation to a game of bingo played for prizes, the amount of money staked in the game is prominently displayed in the bingo club premises before the game has ended.

(2) Article 75, other than paragraphs (2) and (5), and Article 76, other than paragraph (1) in so far as it relates to Article 55(1) and paragraph (4), shall have effect in relation to gaming to which this Article applies as they have effect in relation to bingo, and, in relation to such gaming—

- (a) for the purpose of Article 75 as applied by this paragraph, a person participates in the gaming if, where the game involves playing or staking against a bank, he holds the bank or has a share or interest in it; and

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- (b) in a game which involves playing or staking against a bank, nothing in Article 75(1) or (3) shall prevent the holder of the bingo club licence or a person acting on his behalf from holding the bank or having a share or interest in it; and
- (c) Article 56 as applied by Article 76 shall not be taken to be contravened by reason only that a person pays for a chance to win a prize.

(3) Where a game of bingo is played for prizes on any bingo club premises and constitutes gaming to which this Article applies, the prizes won in that game shall be disregarded for the purposes of Article 76(5).

(4) The Department may, by order subject to affirmative resolution, substitute for any amount in paragraph (1) such other amount as may be specified in the order.

**F40** SR 2001/414  
**F41** SR 2003/15

### *Miscellaneous*

#### ***Offences relating to bingo and bingo club premises***

**78.**—(1) Subject to the following provisions of this Article, if any of the provisions of Article 75 or 76 or of any regulations made under Article 76 is contravened in relation to any bingo club premises, the holder of the bingo club licence shall be guilty of an offence.

(2) Without prejudice to paragraph (1), but subject to paragraph (3), if any of the provisions mentioned in paragraph (1) is contravened in relation to any gaming to which this Chapter applies, every person concerned in the organisation or management of that gaming shall be guilty of an offence.

(3) Where a person is charged with an offence under either paragraph (1) or (2) in respect of a contravention of any of the provisions mentioned in paragraph (1), it shall be a defence for him to prove—

- (a) that the contravention occurred without his knowledge; and
- (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

(4) Where on the grant or renewal of a bingo club licence, a court of summary jurisdiction imposes any restrictions under Article 63(8) or 68(5), paragraphs (1) to (3) shall have effect in relation to any contravention of those restrictions as they have effect in relation to any contravention of the provisions of Article 75 or 76.

#### ***Disqualification of holder of bingo club licence or bingo club premises on conviction of offence***

**79.**—(1) Subject to paragraph (4), where a person is convicted of—

- (a) an offence committed in respect of any bingo club premises under paragraph (1) or (2) of Article 78 (including either of those paragraphs as applied by paragraph (4) of that Article); or
- (b) an offence under Article 108(11) or (12); or
- (c) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting—

- (i) the person to whom the bingo club licence was granted from holding such a licence; or
- (ii) a bingo club licence from being held in respect of those premises;

during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made, any bingo club licence within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

(a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and

(b) if such appeal is brought, until the appeal has been determined or abandoned.

(4) Where the person on whose conviction a disqualification order may be made under paragraph (1) is not the holder of the bingo club licence, a court shall not make the disqualification order under paragraph (1)(ii) unless an opportunity has been given to any person interested in the bingo club premises and applying to be heard by the court to show cause why the order should not be made.

(5) A court which makes a disqualification order under paragraph (1)(ii) may, on the application of any person affected by the order,—

(a) revoke the order; or

(b) vary the order by reducing any period of prohibition specified in it.

(6) An application under paragraph (5) shall not be made during the period of 6 months from the date on which—

(a) the disqualification order under paragraph (1) takes effect; or

(b) a previous application under paragraph (5) was made to the court.

(7) An applicant under paragraph (5) shall serve on the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated notice of the application under that paragraph.

### CHAPTER III

#### GAMING BY WAY OF A GAMING MACHINE

##### *Gaming to which Chapter III applies*

**80.** This Chapter applies to gaming by way of a gaming machine.

##### *Supply and maintenance of gaming machines*

##### *General restrictions*

**81.—**(1) Except as provided by paragraphs (2) and (3), no person shall supply a gaming machine unless—

(a) he holds a gaming machine certificate or, in respect of that gaming machine, a gaming machine permit; or

(b) where he supplies the gaming machine as the servant or agent of another person, that other person is the holder of such a certificate or permit;

and any person acting in contravention of this paragraph shall be guilty of an offence.

(2) Paragraph (1) does not apply—

*Status: Point in time view as at 01/01/2006.*

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- (a) to the supply of a gaming machine to a person buying or agreeing or proposing to buy it under a credit-sale agreement, or to the supply of a gaming machine to a person as being a person hiring or agreeing or proposing to hire under a hire-purchase agreement, where (in any such case) the person who is or is to be the seller or owner in relation to the agreement has at no time had possession of the machine and became or becomes the owner of it only for the purpose of entering into the agreement;
  - (b) to the supply of a gaming machine as scrap;
  - (c) to any transaction whereby the premises in which a gaming machine is installed are sold or let and the gaming machine is supplied to the purchaser or tenant as part of the fixtures and fittings of the premises.
- (3) The Department may by order direct that paragraph (1) shall not apply to the supply of a gaming machine for use exclusively at a travelling showmen's pleasure fair or for use exclusively on premises used or to be used—
- (a) wholly or mainly for the provision of amusements; or
  - (b) as a pleasure pier.
- (4) No person shall undertake to maintain the mechanism of a gaming machine or cause or permit another person to enter into such an undertaking on his behalf unless he holds a gaming machine certificate or, in respect of that gaming machine, a gaming machine permit, and any person acting in contravention of this paragraph shall be guilty of an offence.
- (5) In this Article “credit-sale agreement” means an agreement for the sale of goods under which the whole or part of the purchase price is payable by instalments, and “hire-purchase agreement” has the meaning assigned to it by section 189(1) of the Consumer Credit Act 1974.

### ***Restrictions as to terms and conditions***

- 82.**—(1) The Department may by regulations impose such restrictions as the Department may consider necessary or expedient with respect to the terms and conditions on which gaming machines may be supplied or undertaken to be maintained.
- (2) Without prejudice to any restrictions imposed by regulations under paragraph (1) but subject to paragraph (3), no person shall supply or undertake to maintain a gaming machine on terms and conditions which are in any way dependent upon, or provide for any calculation by reference to, the extent to which, or the manner in which, that gaming machine, or any other gaming machine, machine or equipment is used.
- (3) Paragraph (2) shall not have effect in relation to the supply of a gaming machine for use exclusively at a travelling showmen's pleasure fair or for use exclusively on premises used or to be used as mentioned in Article 81(3), or in relation to an undertaking to maintain a gaming machine at any such pleasure fair or on any such premises.
- (4) The Department may by order direct that paragraph (3) shall cease to have effect, or shall have effect subject to such exceptions as may be specified in the order.
- (5) Any person who—
- (a) supplies or undertakes to maintain a gaming machine in contravention of any regulations made under paragraph (1), or
  - (b) contravenes paragraph (2),
- shall be guilty of an offence.
- (6) In this Article “terms and conditions” includes any terms and conditions as to price, rent or any other payment.

### ***Application of Articles 81 and 82 to concessionaires***

**83.** For the purposes of Articles 81 and 82 a person (other than a travelling showman) who, in pursuance of any concession, licence or other right granted to him, places a gaming machine, or causes a gaming machine to be placed, on premises which are not in his occupation shall be treated as supplying the gaming machine at the time when it is placed on those premises.

### *Gaming machine certificates and permits*

#### ***Persons to whom gaming machine certificates or permits may be granted***

**84.—(1)** A gaming machine certificate or a gaming machine permit may be granted to an individual, to a body corporate or to 2 or more persons carrying on business in partnership.

(2) In considering the fitness of a person to hold a gaming machine certificate or a gaming machine permit, a court shall have regard to the character, reputation and financial standing—

- (a) of the applicant; and
- (b) of any other person by whom the business to be carried on under the certificate would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part and of any regulations made under it will be complied with.

(3) In considering the fitness of a body corporate to hold a gaming machine certificate or a gaming machine permit, a court shall have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it or who have a financial interest in it, as if the certificate or permit were, or proposed to be, held by them jointly.

(4) Subject to paragraph (5), the following persons shall be disqualified for obtaining or holding a gaming machine certificate or a gaming machine permit—

- (a) a person under the age of 21;
- (b) a person who does not ordinarily reside in Northern Ireland;
- (c) a person who has ordinarily resided in Northern Ireland for less than 12 months before making an application for the grant of a gaming machine certificate or a gaming machine permit;
- (d) a body corporate which is not registered under the Companies Acts (Northern Ireland) 1960 to 1983 or which is not an existing company within the meaning of those Acts.

(5) For the purposes of paragraph (4) any reference to a person, where that person is a body corporate, shall be construed as a reference to the directors of that body corporate.

(6) A gaming machine certificate or a gaming machine permit purporting to be held by any person—

- (a) who is disqualified by paragraph (4) for holding or obtaining such a certificate or permit, or
- (b) in respect of whom there is in force a disqualification order under Article 94 or 125,

is void.

#### ***Grant of gaming machine certificates or permits***

**85.—(1)** An application for the grant of a gaming machine certificate shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of gaming machine certificates is set out in Part I of Schedule 11.

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(3) An application for the grant of a gaming machine permit shall be made to a court of summary jurisdiction except where it is granted by the clerk of petty sessions under this Article.

(4) The procedure for applications for the grant of gaming machine permits is set out in Part I of Schedule 11 as modified by Part II of that Schedule.

(5) Subject to paragraph (6), where notice of an application for the grant of a gaming machine permit has been served upon the clerk of petty sessions, he may grant the gaming machine permit as if the application had been made to him and may do so in the absence of the applicant.

(6) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) the clerk is of the opinion, for any other reason, that an application for the grant of the gaming machine permit should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(7) On an application for the grant of a gaming machine certificate or a gaming machine permit, the court shall hear the objections, if any, made under Schedule 11.

(8) A court shall, subject to paragraph (9), refuse an application for the grant of a gaming machine certificate or a gaming machine permit unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 11 has been complied with; and
- (b) that the applicant is a fit person to hold a gaming machine certificate or, as the case may be, a gaming machine permit; and
- (c) that the applicant is not a person in respect of whom a disqualification order in respect of a gaming machine certificate or, as the case may be, a gaming machine permit under Article 94 or 125 is in force; and
- (d) that the applicant has not been refused the grant or renewal of a gaming machine certificate or, as the case may be, the grant of a gaming machine permit on the ground mentioned in sub-paragraph (b) or (e) within the immediately preceding 12 months; and
- (e) that the applicant will not allow the business proposed to be carried on under the certificate or, as the case may be, the permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a gaming machine certificate or a gaming machine permit.

(9) A court may grant a gaming machine certificate or, as the case may be, a gaming machine permit notwithstanding that the procedure relating to the application set out in Schedule 11 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(10) A court may refuse an application for the grant of a gaming machine certificate or a gaming machine permit if it is satisfied that the applicant has been convicted of an offence under this Part.

(11) Where the court refuses an application for the grant of a gaming machine certificate or a gaming machine permit it shall specify in its order the reasons for its refusal.

### ***Form and duration of new gaming machine certificates and permits***

**86.**—(1) A gaming machine certificate shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the certificate;
- (b) whether the certificate is in respect of—
  - (i) the supply of gaming machines; or

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- (ii) the maintenance of the mechanism of gaming machines; or
    - (iii) the supply and maintenance of the mechanism of gaming machines;
  - (c) such other matters as may be so prescribed.
- (2) A gaming machine permit shall be in such form as may be prescribed by regulations and shall specify—
  - (a) the name and address of the holder of the permit;
  - (b) the gaming machine in respect of which the permit is granted;
  - (c) whether the permit is in respect of—
    - (i) the supply of the gaming machine; or
    - (ii) the maintenance of the mechanism of the gaming machine; or
    - (iii) the supply and maintenance of the mechanism of the gaming machine;
  - (d) the period for which it is granted;
  - (e) such other matters as may be so prescribed.
- (3) Subject to the succeeding provisions of this Article, a gaming machine certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 94 or 125 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until—
  - (a) the expiration of the certification year in which it is granted, or
  - (b) if it is granted within the 3 months immediately preceding the expiration of that year, the expiration of the next following certification year.
- (4) Subject to the succeeding provisions of this Article, a gaming machine permit shall, unless it is a permit to which a disqualification order under Article 125 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until the expiration of the period specified on the permit.
- (5) Where, at the hearing of an application for the grant of a gaming machine certificate or a gaming machine permit, any person appears before the court and opposes the grant, but the court grants the certificate or, as the case may be, the permit—
  - (a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the certificate or, as the case may be, the permit granted shall not come into force;
  - (b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate or, as the case may be, the permit is to be in force the date when the appeal is disposed of shall be substituted for the date on which the certificate or permit was granted and the clerk of petty sessions shall (if necessary) amend the certificate or permit accordingly.
- (6) Paragraph (3) shall not prejudice the operation of Articles 90 and 93 under which a gaming machine certificate may continue in force after the time when it would otherwise expire.
- (7) Where at any time—
  - (a) the holder of a gaming machine certificate or a gaming machine permit dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
  - (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

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except for the purposes of the renewal of the gaming machine certificate, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the gaming machine certificate or, as the case may be, the gaming machine permit and—

- (i) subject to sub-paragraph (ii), the gaming machine certificate shall, where it would otherwise expire under this Article or Article 91 continue in force until the end of a period of 6 months from that time unless the certificate is revoked or is a certificate to which a disqualification order under Article 94 or 125 applies or the certificate ceases to be in force under Article 173;
- (ii) a court of summary jurisdiction may on the application of the person deemed to be the holder of the gaming machine certificate extend the period for which that certificate continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(8) Where the holder of a gaming machine certificate or a gaming machine permit dies and he has no personal representative or his personal representative is unwilling or unable to act, the certificate or, as the case may be, the permit shall, unless the certificate<sup>F42</sup> . . . is revoked or is a certificate or permit to which a disqualification order under Article 94 or 125 applies or the certificate or permit ceases to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the certificate or, as the case may be, permit until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (7) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(9) The authority conferred on any person by virtue of paragraph (7) or (8) to carry on a business under a gaming machine certificate or a gaming machine permit shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (7), the capacity in which he is doing so) upon—

- (a) the clerk of petty sessions for the petty sessions district, and
- (b) the sub-divisional commander of the police sub-division,

in which the premises in which the business is carried on are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

**F42** 2004 NI 1

### ***Renewal of gaming machine certificates***

**87.**—(1) An application for the renewal of a gaming machine certificate shall be made to a court of summary jurisdiction except where the certificate is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of gaming machine certificates is set out in Part I of Schedule 12.

(3) Subject to paragraph (4), where notice of an application for the renewal of a gaming machine certificate otherwise than under Article 89 has been served upon the clerk of petty sessions, he may renew the certificate as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—



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- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) in the case of an application for the renewal of a gaming machine certificate held by partners or a body corporate, the clerk is not satisfied that—
  - (i) in the case of partners, the partners; or
  - (ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;have not changed since the certificate was last renewed or, in the case of a first renewal of the certificate, since the certificate was granted; or
- (c) the clerk is of the opinion, for any other reason, that an application for the renewal of the certificate should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a gaming machine certificate is renewed, the clerk shall note the renewal on the certificate.

#### ***Renewal of gaming machine certificates by a court***

**88.**—(1) On an application for the renewal of a gaming machine certificate a court shall hear the objections, if any, made under Schedule 12.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a gaming machine certificate unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 12 has been complied with; and
- (b) that the applicant is a fit person to hold a gaming machine certificate; and
- (c) that the applicant has not allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of a gaming machine certificate.

(3) A court may renew a gaming machine certificate notwithstanding that the procedure relating to the application set out in Schedule 12 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a gaming machine certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(5) Where the court refuses an application for the renewal of a gaming machine certificate it shall specify in its order the reasons for its refusal.

#### ***Renewal of gaming machine certificates out of time***

**89.**—(1) Where the holder of a gaming machine certificate which falls to expire at the end of a certification year fails to serve due notice of the application for its renewal before the renewal date in that year a court of summary jurisdiction, upon application for the renewal of the gaming machine certificate being made not later than the end of the next following certification year, may renew the gaming machine certificate if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of gaming machine certificates is set out in Part I of Schedule 12 as modified by Part II of that Schedule.

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### ***Continuance of gaming machine certificates pending determination of appeal***

**90.** Where a court refuses an application for the renewal of a gaming machine certificate and the holder of the certificate appeals, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 94 or 125 applies, or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed gaming machine certificates***

**91.**—(1) Subject to paragraph (2), on the renewal of a gaming machine certificate, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 94 or 125 applies or it ceases to be in force under Article 173, remain in force until—

- (a) if it is renewed within the 3 months immediately preceding the expiration of the then current certification year, the expiration of the next following certification year, or
- (b) in any other case, the expiration of the then current certification year.

(2) Paragraph (1) shall not prejudice the operation of Articles 86(7) and (8), 90 and 93 under which a gaming machine certificate may continue in force after the time when it would otherwise expire.

### ***Revocation of gaming machine certificates***

**92.**—(1) An application for the revocation of a gaming machine certificate may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that the holder of the certificate is not a fit person to hold a gaming machine certificate; or
- (b) that any information which, in or in connection with the application on which the certificate was granted or renewed, was given to the court by the applicant was false in a material particular; or
- (c) that the holder of the certificate has been refused the grant or renewal of a gaming machine certificate on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or
- (d) that the holder of the certificate has allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the holder of the certificate who would himself be refused the grant of a gaming machine certificate; or
- (e) that the holder of the certificate has been convicted of an offence under this Part.

(2) The procedure for applications for the revocation of gaming machine certificates is set out in Schedule 7.

(3) On an application for the revocation of a gaming machine certificate a court shall hear the objections, if any, made under Schedule 7.

(4) A court shall refuse an application for the revocation of a gaming machine certificate unless it is satisfied that the application is not made on grounds which—

- (a) have been, or ought to have been, raised previously by way of objection either when the gaming machine certificate was granted or on an occasion when it has been renewed; or
- (b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 125.

(5) Where the court refuses an application for the revocation of a gaming machine certificate it shall specify in its order the reasons for its refusal.

### ***Continuance of gaming machine certificates pending determination of appeal or otherwise***

**93.**—(1) Where a court revokes a gaming machine certificate and the holder of the certificate appeals, the certificate shall, unless it is a certificate to which a disqualification order under Article 125 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

(2) Where a court revokes a gaming machine certificate and the court is satisfied that a postponement of the revocation is necessary for the purpose of fulfilling contractual agreements which were entered into before the date of the revocation and that no other circumstances make it undesirable, the court may order that the revocation shall not take effect until the end of such period as the court may specify (not being more than 6 months from the date of the revocation or, where the holder of the certificate appeals, the date on which the appeal is disposed of).

### ***Disqualification of holder of gaming machine certificate on revocation of certificate***

**94.**—(1) Where a court of summary jurisdiction revokes a gaming machine certificate, the court may make a disqualification order prohibiting the person to whom the gaming machine certificate was granted from holding such a certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any gaming machine certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the revocation of the gaming machine certificate or against the making of the order, and
- (b) if such appeal is brought, until the appeal has been determined or abandoned.

### *Use of gaming machines*

#### ***General restriction on use of gaming machines***

**95.**—(1) No gaming machine shall be used for gaming except—

- (a) subject to Article 105, on the premises of a registered club; or
- (b) subject to Article 107, on the premises specified in Article 108(1); or
- (c) as an incident of an exempt entertainment to which Article 122 applies.

(2) Where a gaming machine is used for gaming on any premises, or in any vessel or vehicle, in contravention of paragraph (1) any person who allowed the gaming machine to be on the premises or in the vessel or vehicle shall be guilty of an offence.

(3) Where a gaming machine which has been supplied otherwise than by—

- (a) a person who holds a gaming machine certificate or, in respect of that gaming machine, a gaming machine permit;
- (b) a servant or agent of such a person;

is used for gaming on any premises or at an exempt entertainment as mentioned in paragraph (1) (a) to (c), any person who allowed the gaming machine to be used for gaming shall be guilty of an offence.

(4) In any proceedings for an offence under paragraph (2) or (3) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and he exercised due diligence to prevent it.

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(5) Where paragraph (1) is contravened in relation to a gaming machine, then (without prejudice to any liability of any other person under paragraph (2)) any person who, knowing or having reasonable cause to suspect that paragraph (1) would be contravened in relation to the gaming machine, supplied the gaming machine shall be guilty of an offence.

### *Registration of clubs*

#### **Registration of clubs**

**96.**—(1) An application for registration of a club may be made by the chairman or secretary of the club and shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of registration of clubs is set out in Schedule 13.

(3) On an application for the grant of registration of a club, the court shall hear the objections, if any, made under Schedule 13.

(4) A court shall, subject to paragraph (5), refuse an application for the grant of registration of a club unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 13 has been complied with; and
- (b) that the club—
  - (i) is a bona fide members' club; and
  - (ii) has, at least, 25 members; and
- (c) that the premises of the club have been habitually used for the objects of the club, for<sup>[F43]</sup> not less than] 1 year; and
- (d) that the premises of the club are not frequented wholly or mainly by persons under the age of 18; and
- (e) that the club is not registered under the<sup>[F44]</sup> Registration of Clubs (Northern Ireland) Order 1996].

(5) A court may grant the registration of a club notwithstanding that the procedure relating to the application set out in Schedule 13 has not been complied with, if having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the registration of a club if it is satisfied—

- (a) that a previous registration in respect of the club has been cancelled or that an application for renewal of registration has been refused; or
- <sup>[F44]</sup>(b) that registration under that Order of 1996 or a certificate of registration under the Registration of Clubs (Northern Ireland) Order 1987 has been cancelled or that an application for renewal of such registration or certificate of registration has been refused.]

(7) Where the court refuses an application for the grant of registration of a club it shall specify in its order the reasons for its refusal.

**F43** 2004 NI 1  
**F44** 1996 NI 23

#### **Issue and duration of certificate of registration**

**97.**—(1) Where a court of summary jurisdiction grants an application for the registration of a club, the court shall issue a certificate of registration which shall be in such form as may be prescribed by regulations.

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(2) Subject to the succeeding provisions of this Article, a certificate of registration unless registration is cancelled under Article 103 shall remain in force from the date on which it is issued until—

- (a) the expiration of the registration year in which it is issued, or
- (b) if it is issued within the 3 months immediately preceding the expiration of that year, the expiration of the next following registration year.

(3) Where, at the hearing of an application for the registration of a club any person appears before the court and opposes the registration, but the court registers the club—

- (a) until the expiry of the time for bringing an appeal against the registration and, if an appeal is brought, until the registration is confirmed or the appeal is abandoned, the certificate of registration shall not come into force;
- (b) if on appeal the registration is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate of registration is to be in force the date when the appeal is disposed of shall be substituted for the date on which the certificate of registration was issued and the clerk of petty sessions shall (if necessary) amend the certificate accordingly.

(4) Paragraph (2) shall not prejudice the operation of Articles 101 and 104 under which a certificate of registration may continue in force after the time when it would otherwise expire.

### ***Renewal of registration of clubs***

**98.**—(1) An application for the renewal of registration of a club may be made by the chairman or secretary of the club and shall be made to a court of summary jurisdiction except where the registration is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of registration of clubs is set out in Part I of Schedule 14.

(3) Subject to paragraph (4), where notice of an application for the renewal of registration of a club otherwise than under Article 100 has been served upon the clerk of petty sessions, he may renew the registration of the club as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) the clerk is of the opinion, for any other reason, that an application for the renewal of the registration of a club should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where the registration of a club is renewed, the clerk of petty sessions shall note the renewal on the certificate of registration.

### ***Renewal of registration of clubs by a court***

**99.**—(1) On an application for the renewal of registration of a club, the court shall hear the objections, if any, made under Schedule 14.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of registration of a club unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 14 has been complied with; and

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- (b) that the club—
  - (i) is a bona fide members' club; and
  - (ii) has, at least, 25 members; and
- (c) that the premises of the club have been habitually used since the last previous renewal of registration (or where the renewal applied for is the first renewal of the registration, since the club was registered) for the objects of the club; and
- (d) that the premises of the club are not frequented wholly or mainly by persons under the age of 18; and
- (e) that the club is not registered under the<sup>F45</sup> Registration of Clubs (Northern Ireland) Order 1996].

(3) A court may renew the registration of a club notwithstanding that the procedure relating to the application set out in Schedule 14 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of registration of a club if it is satisfied that a person has been convicted of an offence in respect of a contravention, in connection with the premises of the club, of any of the provisions of this Chapter or Chapter I or of any regulations made under them.

(5) Where the court refuses an application for the renewal of registration of a club it shall specify in its order the reasons for its refusal.

**F45** 1996 NI 23

### ***Renewal of registration of clubs out of time***

**100.**—(1) Where the chairman, or as the case may be, secretary of a club the registration of which falls to expire at the end of a registration year fails to serve due notice of the application for renewal of the registration before the renewal date in that year a court of summary jurisdiction, upon application for renewal of registration of the club being made not later than the end of the next following registration year, may renew the registration of the club if it is satisfied that there was good reason for the failure.

(2) The procedure for applications under this Article for the renewal of registration of clubs is set out in Part I of Schedule 14 as modified by Part II of that Schedule.

### ***Continuance of registration of clubs pending determination of appeal***

**101.** Where a court refuses an application for the renewal of the registration of a club and the applicant for the renewal appeals, the registration of the club shall, unless cancelled, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed certificates of registration***

**102.**—(1) Subject to paragraph (2), on the renewal of registration of a club, the certificate of registration, unless registration is cancelled, shall remain in force until—

- (a) if it is renewed within the 3 months immediately preceding the expiration of the then current registration year, the expiration of the next following registration year, or
- (b) in any other case, the expiration of the then current registration year.

(2) Paragraph (1) shall not prejudice the operation of Articles 101 and 104 under which a certificate of registration may continue in force after the time when it would otherwise expire.

### ***Cancellation of registration of clubs***

**103.**—(1) An application for the cancellation of registration of a club may be made by the sub-divisional commander of the police sub-division in which the premises of the club are situated to a court of summary jurisdiction on any of the following grounds—

- (a) that the club is not a bona fide members' club; or
- (b) that the club has less than 25 members; or
- (c) that the premises of the club have not been habitually used for the objects of the club; or
- (d) that the premises of the club are frequented wholly or mainly by persons under the age of 18; or
- [<sup>F46</sup>(e) that the club is registered under the Registration of Clubs (Northern Ireland) Order 1996; or]
- (f) that a person has been convicted of an offence in respect of a contravention, in connection with the premises of the club, of any of the provisions of this Chapter or Chapter I or of any regulations made under them.

(2) On an application for the cancellation of registration of a club a court shall hear representations, if any, from the applicant and the chairman or secretary of the club.

(3) A court shall refuse an application for the cancellation of registration of a club if it is satisfied that the application is made on grounds which have been, or ought to have been, raised previously by way of objection either when the club was registered or on an occasion when registration has been renewed.

(4) Where the court refuses an application for the cancellation of registration of a club, it shall specify in its order the reasons for its refusal.

(5) A certificate of registration purporting to be held in respect of the registration of a club shall, where that registration has been cancelled, be void.

**F46** 1996 NI 23

### ***Continuance of registration of clubs pending determination of appeal against cancellation***

**104.** Where a court cancels the registration of a club and the chairman or, as the case may be, the secretary of the club appeals, the registration shall continue in force until the appeal is determined or abandoned.

### *Gaming machines in registered clubs*

#### ***Gaming machines restricted from certain registered clubs***

**105.**—(1) A court of summary jurisdiction may, on an application by the sub-divisional commander of the police sub-division in which the premises of a club registered under the [<sup>F47</sup>Registration of Clubs (Northern Ireland) Order 1996] are situated, declare that the premises of that club are not the premises of a registered club to which the exception in Article 95(1)(a) applies.

- (2) A declaration under paragraph (1) shall not take effect—
  - (a) until the expiry of the time for bringing an appeal against the making of the declaration; and
  - (b) if such an appeal is brought, until the appeal is determined or abandoned.

(3) On an application for a declaration under paragraph (1) a court shall hear representations, if any, from the chairman or secretary of the club.

*Status: Point in time view as at 01/01/2006.*

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(4) A court which makes a declaration under paragraph (1) may, on the application of the chairman or secretary of the club, cancel the declaration.

(5) An application under paragraph (4) shall not be made during the period of 2 years from the date on which—

- (a) the declaration under paragraph (1) takes effect; or
- (b) a previous application under paragraph (4) was made to the court.

(6) An applicant under paragraph (4) shall serve on the sub-divisional commander mentioned in paragraph (1) notice of the application under paragraph (4).

(7) Where the court makes a declaration under paragraph (1) or cancels the declaration under paragraph (4) the<sup>[F47]</sup> clerk of petty sessions] shall note the declaration or, as the case may be, the cancellation on the certificate of registration issued under<sup>[F47]</sup> Article 6(1) of that Order of 1996] and in the register of clubs kept under<sup>[F47]</sup> Article 16 of that Order] in respect of the club.

F47 1996 NI 23

### ***Use of gaming machines in registered clubs***

**106.**—(1) This Article shall have effect where, in pursuance of the exception in Article 95(1)(a), a gaming machine is used for gaming on the premises of any registered club.

<sup>[F48]</sup>(2) Not more than 3 gaming machines (or such other number as the Department may specify, by order subject to affirmative resolution) shall be made available for gaming on those premises.]

(3) The charge for playing a game once by means of any gaming machine shall be a coin or coins inserted in the machine of an amount not exceeding (or, if more than 1, not in the aggregate exceeding)<sup>[F49]</sup> £0.50] or such other sum as the Department may specify, by order subject to affirmative resolution.

(4) In respect of any 1 game played by means of a gaming machine no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than a coin or coins delivered by the machine.

(5) <sup>F50</sup> If an amount is prescribed by regulations for the purposes of this paragraph, the coins delivered by any gaming machine as a prize in respect of any 1 game played by means of the machine shall not in the aggregate exceed the amount so prescribed.

(6) In relation to any gaming machine used on any premises mentioned in paragraph (1), regulations may—

- (a) make provision as to the amount which that machine shall pay out;
- (b) require the display of such information in such form and manner and at such intervals as may be prescribed by regulations;
- (c) require copies of such information to be furnished to such persons as may be so prescribed;
- (d) require the officers of the club to make and keep such records and accounts as may be prescribed by the regulations, to retain those records and accounts during such period as may be so prescribed and to send copies of those records and accounts to such persons as may be so prescribed.

(7) No gaming machine shall be used on the premises mentioned in paragraph (1) except by—

- (a) a member of the registered club who, at the time when he uses the gaming machine, is eligible to do so; or
- (b) a bona fide guest of a person who is a member of that club and who, at the time when the guest uses the gaming machine, is eligible himself to do so,



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and for the purposes of this paragraph a member of a club registered under this Part is eligible to use the gaming machine at any particular time if at that time at least 24 hours have elapsed since he applied for membership of the club.

(8) Where any of the provisions of this Article or of any regulations made under this Article is contravened—

- (a) every officer of the club, and
- (b) insofar as the provision is contravened in relation to a gaming machine on a registered club, any person who allowed the gaming machine to be on the registered club,

shall be guilty of an offence.

(9) In any proceedings for an offence under paragraph (8), it shall be a defence for any person charged to prove—

- (a) that the contravention occurred without his knowledge, and
- (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

(10) Where any of the provisions of this Article or of any regulations made under this Article is contravened in relation to a gaming machine, then (without prejudice to any liability of any other person under paragraph (8)) any person who, knowing or having reasonable cause to suspect that the provision in question would be contravened in relation to the gaming machine, supplied the gaming machine shall be guilty of an offence.

**F48** 1997 NI 22  
**F49** SR 1999/4  
**F50** mod. by SR 1999/5

#### *Gaming machines on other premises*

#### ***Gaming machines restricted from certain premises***

**107.**—(1) A court of summary jurisdiction may, on an application by the sub-divisional commander of the police sub-division in which bingo club premises or premises licensed under the<sup>F51</sup> Licensing (Northern Ireland) Order 1996<sup>F52</sup> or a licensed office<sup>F52</sup> are situated declare that the bingo club premises or<sup>F52</sup> . . . the licensed premises<sup>F52</sup> or, as the case may be, the licensed office<sup>F52</sup> are not premises to which the exception in Article 95(1)(b) applies.

(2) Where a court makes a declaration under paragraph (1) in respect of bingo club premises, any direction under Article 63(9) or, as the case may be, Article 68(6)(a) obtained before the declaration is made or before it takes effect shall by virtue of the declaration be void from the time when the declaration takes effect.

(3) A declaration under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the making of the declaration; and
- (b) if such an appeal is brought, until the appeal is determined or abandoned.

(4) On an application for a declaration under paragraph (1) a court shall hear representations, if any, from the holder of the bingo club licence or<sup>F52</sup> . . . the holder of the licence granted under<sup>F51</sup> that Order of 1996<sup>F52</sup> or the licensed bookmaker, as the case may require<sup>F52</sup>.

(5) A court which makes a declaration under paragraph (1) may,—

- (a) in the case of bingo club premises, on the application of the holder of the bingo club licence, and

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- (b) in the case of premises licensed under<sup>[F51]</sup> that Order of 1996], on the application of the holder of the licence under<sup>[F51]</sup> that Order],<sup>[F52]</sup> and]  
<sup>[F52]</sup>(c) in the case of a licensed office, on the application of the licensed bookmaker,]  
cancel the declaration.
- (6) An application under paragraph (5) shall not be made during the period of 2 years from the date on which—
- (a) the declaration under paragraph (1) takes effect; or
  - (b) a previous application under paragraph (5) was made to the court.
- (7) An applicant under paragraph (5) shall serve on the sub-divisional commander mentioned in paragraph (1) notice of the application under paragraph (5).
- (8) Where the court makes a declaration under paragraph (1) or cancels the declaration under paragraph (5) the clerk of petty sessions shall note the declaration or, as the case may be, the cancellation—
- (a) in the case of bingo club premises, on the bingo club licence; and
  - (b) in the case of premises licensed under<sup>[F51]</sup> that Order of 1996], on the licence granted under<sup>[F51]</sup> that Order] and in the register kept under<sup>[F51]</sup> Article 34 of that Order] in respect of the licence.<sup>[F52]</sup> and]  
<sup>[F52]</sup>(c) in the case of a licensed office, on the bookmaking office licence.]

**F51** 1996 NI 22

**F52** 2004 NI 1

### ***Use of gaming machines on other premises***

**108.**—(1) The conditions specified in the following provisions of this Article shall be observed where, in pursuance of the exception in Article 95(1)(b), a gaming machine is used for gaming—

- (a) on any bingo club premises in respect of which a court of summary jurisdiction has given a direction under Article 63(9) or, as the case may be, Article 68(6)(a);
  - (b) on such licensed premises within the meaning of the<sup>[F53]</sup> Licensing (Northern Ireland) Order 1996] as may be prescribed by regulations;
- <sup>[F54]</sup>(ba) on any licensed office;]  
<sup>[F54]</sup>(c) on any premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of this sub-paragraph;
- (ca) on any premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of this sub-paragraph;]
  - (d) at a travelling showmen's pleasure fair.

(2) Not more than the number of gaming machines specified by a court of summary jurisdiction in a direction under Article 63(9) or, as the case may be, Article 68(6)(a) in respect of any bingo club premises shall be made available for gaming on those bingo club premises.

(3) Gaming machines shall not be made available for gaming on bingo club premises on any Sunday, Christmas Day or Good Friday.

(4) Where a county court, or as the case may be, a court of summary jurisdiction gives a direction under<sup>[F53]</sup> Article 7(13) or, as the case may be, Article 15(6) of the Licensing (Northern Ireland) Order 1996] in respect of any licensed premises within the meaning of<sup>[F53]</sup> that Order] not more than

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the number of gaming machines specified in that direction shall be made available for gaming on those licensed premises.

[<sup>F54</sup>(4A) Not more than 2 gaming machines (or such other number as the Department may specify, by order subject to affirmative resolution) shall be made available for gaming on any licensed office.]

(5) In the case of a travelling showmen's pleasure fair the opportunity to win prizes by means of amusements which constitute gaming (whether by use of gaming machines or otherwise) shall not constitute the only, or the only substantial, inducement to persons to attend the fair.

(6) The charge for playing a game once by means of the gaming machine shall be 1 or more coins inserted in the gaming machine of an amount or value not exceeding (or, if more than 1, not in the aggregate exceeding)

[<sup>F54</sup>(a) £0.30 in respect of a gaming machine where the condition specified in paragraph (7) applies; or

(b) £0.30 in respect of a gaming machine where the condition specified in paragraph (8) applies.]

(7) Except as provided by paragraphs [<sup>F54</sup> (7A),] (8), [<sup>F54</sup> (8A),] (9) and (16), in respect of any 1 game played by means of the gaming machine no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than 1 (and only 1) of the following, that is to say—

(a) a money prize not exceeding [<sup>F54</sup> £8];

(b) a non-monetary prize or prizes of a value or aggregate value not exceeding [<sup>F55</sup> £8] or a token or tokens exchangeable only for such a non-monetary prize or such non-monetary prizes;

[<sup>F54</sup>(c) a money prize together with a non-monetary prize of an aggregate value not exceeding £8 or a token or tokens exchangeable only for such a combination of a money prize and a non-monetary prize]

[<sup>F54</sup>(7A) In the case of bingo club premises, in addition to the condition specified in paragraph (7), paragraph (8) shall apply in respect of any 1 game played by means of a gaming machine installed on such premises.]

(8) In respect of any 1 game played by means of a gaming machine installed on licensed premises such as are mentioned in paragraph (1)(b) [<sup>F54</sup> or on any licensed office] no player or person claiming under a player shall receive, or shall be entitled to receive, any article, benefit or advantage other than a money prize [<sup>F54</sup> delivered by the machine of an amount] not exceeding [<sup>F56</sup> £25].

[<sup>F54</sup>(8A) In the case of premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of paragraph (1)(ca), in addition to the condition specified in paragraph (7), paragraph (8) shall apply in respect of any 1 game played by means of a gaming machine installed on such premises.]

(9) The condition specified in paragraph (7) or (8) shall not be taken to be contravened by reason only that a player, after inserting in the gaming machine an amount permitted in accordance with paragraph (6) and playing a game successfully, is afforded by the automatic action of the machine an opportunity to play 1 or more further games without inserting any further coins in the gaming machine, if in respect of all those games—

(a) he does not receive, and is not entitled to receive, any article other than a money prize or money prizes of an amount or aggregate amount not exceeding [<sup>F54</sup> £8 or, in relation to a machine to which paragraph (8) applies, a money prize or money prizes of an amount or aggregate amount not exceeding £25 delivered by the machine;]

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- (b) he does not receive and is not entitled to receive, any other benefit or advantage apart from the opportunity to play the further game or games.
- (10) In relation to any gaming machine used on any premises mentioned in paragraph (1), regulations may—
- (a) make provision as to the amount which that machine shall pay out;
  - (b) require the display of such information in such form and manner and at such intervals as may be prescribed by regulations.
- (11) Where any of the provisions of this Article or of any regulations made under this Article is contravened,—
- (a) in a case falling within paragraph (1)(a), (b)<sup>[F54]</sup>, (ba)<sup>[F54]</sup>, (c) or (ca)], the holder of the bingo club licence or the holder of the licence for the sale of intoxicating liquor or<sup>[F54]</sup> the licensed bookmaker or] the holder of the amusement permit, as the case may require,
  - (b) in a case falling within paragraph (1)(d) the person in charge of the gaming machine,
- shall be guilty of an offence.
- (12) Where any of the provisions of this Article or of any regulation made under this Article is contravened in relation to a gaming machine on bingo club premises, any person who allowed the gaming machine to be on the bingo club premises shall be guilty of an offence.
- (13) In any proceedings for an offence under paragraph (11) or (12) it shall be a defence for any person charged to prove—
- (a) that the contravention occurred without his knowledge, and
  - (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.
- (14) Where any of the provisions of this Article or of any regulations made under this Article is contravened in relation to a gaming machine, then (without prejudice to any liability of any other person under paragraph (11) or (12)) any person who, knowing or having reasonable cause to suspect that the provision in question would be contravened in relation to the gaming machine, supplied the gaming machine shall be guilty of an offence.
- (15) In this Article “non-monetary prize” means a prize which does not consist of or include any money and does not consist of or include any token which can be exchanged for money or money’s worth.
- (16) The Department may, by order subject to affirmative resolution, substitute for any amount in this Article such other amount as may be specified in the order.

<b>F53</b>	1996 NI 22
<b>F54</b>	2004 NI 1
<b>F55</b>	SR 1995/442
<b>F56</b>	SR 2003/15

#### *Amusement permits*

#### ***Persons to whom amusement permits may be granted***

**109.**—(1) The person to whom an amusement permit is granted shall be the person who is, or who proposes to be, the occupier of the premises for which the amusement permit is sought.

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(2) An amusement permit may be granted to an individual, to a body corporate which is registered under the<sup>F57</sup> Companies (Northern Ireland) Order 1986] or which is an existing company within the meaning of<sup>F57</sup> that Order] or to 2 or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold an amusement permit, a district council shall have regard to the character, reputation and financial standing—

- (a) of the applicant; and
- (b) of any other person by whom the business which is or is proposed to be carried on under the permit would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part and of any regulations made under it will be complied with.

(4) In considering the fitness of a body corporate to hold an amusement permit, a district council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly.

F57 1986 NI 9

### ***Premises for which amusement permits may be granted***

**110.**—(1) The premises in which gaming by means of a gaming machine in accordance with Article 108 is authorised by an amusement permit shall be such premises as may be prescribed by regulations.

(2) Subject to paragraph (3), a district council may pass any of the following resolutions, that is to say—

- (a) that the council will not grant an amusement permit in respect of premises of a class specified in the resolution;
- (b) that the council will not grant or renew an amusement permit in respect of premises of a class specified in the resolution;
- (c) that, where the council grants or renews an amusement permit in respect of any premises, or in respect of premises of a class specified in the resolution, it will grant or renew it subject to a condition limiting the number of gaming machines which may be made available for gaming on the premises so as not to exceed such number as may be specified in the resolution.

(3) A resolution under paragraph (2) shall not have effect in relation to the grant or renewal of permits in respect of premises used wholly or mainly for the provision of amusements by means of gaming machines.

### ***Grant of amusement permits***

**111.**—(1) An application for the grant of an amusement permit shall be made by the person who is, or by any person who proposes to be, the occupier of the premises for which the amusement permit is sought to the district council for the district in which those premises are situated and the applicant shall—

- <sup>F58</sup>(a) attach to the application such fee as is specified in paragraph (1B); and
- (b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

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[<sup>F58</sup>(1A) An application for the grant of an amusement permit shall be either—

- (a) for the grant of a permit for the purposes of Article 108(1)(c); or
- (b) for the grant of a permit for the purposes of Article 108(1)(ca).

(1B) The fee required under paragraph (1)(a) shall be—

- (a) where the application is for the grant of an amusement permit for the purposes of Article 108(1)(c), a fee of £32; or
- (b) where the application is for the grant of an amusement permit for the purposes of Article 108(1)(ca), such fee as may be fixed annually by the district council for the whole of its district, not exceeding—
  - (i) £250; or
  - (ii) the rate mentioned in paragraph (1C) whichever is the less.

(1C) The rate referred to in paragraph (1B)(b)(ii) is such rate as the district council reasonably considers necessary to balance its income and expenditure in connection with such amusement permits.]

(2) Subject to [<sup>F58</sup> paragraphs (3) to (4B)], where an application is made for the grant of an amusement permit, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served,—

- (a) may grant the amusement permit; or
- (b) may refuse to grant the amusement permit.

[<sup>F58</sup>(2A) Where a district council grants an amusement permit under paragraph (2), the council shall state in the permit whether it is granted for the purposes of Article 108(1)(c) or (ca).]

(3) A district council shall refuse an application for the grant of an amusement permit, unless it is satisfied—

- (a) in a case where there is in force a resolution passed by the council as mentioned in Article 110(2)(a) or (b) which is applicable to the premises to which the application relates, that the grant of the permit will not contravene that resolution; and
- (b) that the applicant is a fit person to hold an amusement permit; and
- (c) that the applicant will not allow the business proposed to be carried on under the amusement permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an amusement permit; and
- (d) that there is in force in respect of the premises a fire certificate [<sup>F58</sup>; and]

[<sup>F58</sup>(e) that, where the application is for the grant of an amusement permit for the purposes of Article 108(1)(ca), the premises for which the permit is sought are premises used wholly or mainly for the provision of amusements by means of gaming machines.]

(4) Without prejudice to its power to refuse to grant an application for an amusement permit on any ground, a district council may refuse to grant an amusement permit in respect of premises, other than premises used wholly or mainly for the provision of amusements by means of gaming machines, if it is satisfied that, by reason of the purposes for which, or the persons by whom, or any circumstances in which the premises are or are to be used, it is undesirable that gaming machines should be used for providing amusements on those premises.

[<sup>F58</sup>(4A) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(ca) is made in respect of premises about which the district council is satisfied as mentioned in paragraph (3)(e) and in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(c), the district council may only refuse to grant the permit if it would have grounds for refusing an application to renew the existing permit.

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(4B) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(c) is made in respect of premises in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(ca), the district council may only refuse to grant the permit if it would have grounds for refusing an application to renew the existing permit were it expressed to be granted for the purposes of Article 108(1)(c).]

- (5) A district council shall grant the amusement permit subject to the condition—
- (a) that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character; and
  - (b) where there is in force a resolution passed by a district council as mentioned in Article 110(2)(c) which is applicable to the premises to which an application for the grant of an amusement permit relates, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number (being a number not exceeding the number specified in the resolution) as the council may determine.
- (6) A district council may grant the amusement permit, subject to the condition—
- (a) in the case of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements by means of gaming machines, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number as the council may determine;
  - (b) in the case of an amusement permit in respect of premises used wholly or mainly for the provision of amusements,—
    - (i) that the premises are illuminated in the manner specified by the council; or
    - (ii) that advertising of, and window displays on, the premises are in the form specified by the council; or
    - (iii) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the amusement permit is subject.

[<sup>F58</sup>(6A) Without prejudice to any condition in paragraph (5)(a) or (6)(b), where a district council grants an amusement permit for the purposes of Article 108(1)(ca), it shall be subject to the conditions—

- (a) in the case of premises where admission is restricted to persons aged 18 or over,—
  - (i) that no person under 18 is admitted to the premises; and
  - (ii) that at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18; and
- (b) in the case of premises where admission is not restricted to persons aged 18 or over—
  - (i) that any machine in respect of which the condition mentioned in Article 108(8) is observed is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access otherwise than by means of an entrance designed for the purpose;
  - (ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;
  - (iii) that access to an area of the premises in which any such machine is located is supervised;
  - (iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and

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(v) that at any entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.]

(7) The grant of an amusement permit shall not be invalidated by any failure to comply with paragraph (3)(a) or (5)(b) and no duty of a district council to comply with paragraph (3)(a) or (5)(b) shall be enforceable by legal proceedings.

(8) The Department may, by order subject to affirmative resolution, substitute for the fee specified in<sup>F58</sup> paragraph (1B)(a) or (b)(i)] such other fee as may be specified in the order.

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### ***Grant of amusement permit conditional on alterations being made in premises***

**112.**—(1) A district council which grants an amusement permit in respect of premises used wholly or mainly for the provision of amusements may grant the amusement permit subject to the condition that, within a period fixed by the council the holder of the amusement permit—

(a) shall make such alterations in the premises as the council may specify, being alterations which the council thinks necessary to ensure that the lay-out, character or condition (including the provision in the premises of adequate sanitary appliances and things used in connection with such appliances) of the premises is suitable for use as premises in which amusements by way of gaming machines are provided; and

(b) shall deposit with the district council a plan of the premises showing the alterations so specified.

(2) Notice of any alteration required under paragraph (1) shall be served by the district council on the owner of the premises.

(3) The period fixed by a district council under paragraph (1) may be extended by the council on the application of the holder of the amusement permit.

(4) An amusement permit granted conditionally under this Article shall, unless cancelled, remain in force from the date on which it is granted until the expiration of the period fixed by the district council under paragraph (1) or any extended period and the district council shall note the date of that expiration on the amusement permit.

(5) A district council, on the application of the holder of an amusement permit, shall declare the grant of an amusement permit to be unconditional, if it is satisfied that alterations to the premises have been completed in accordance with the plans deposited with the district council under paragraph (1)(b) and the council shall amend the amusement permit accordingly.

### ***Provisional grant of amusement permits***

**113.**—(1) Where premises used wholly or mainly for the provision of amusements are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made by the person who proposes to be the occupier of the premises to the district council for the district in which the premises are or are to be situated for the provisional grant of an amusement permit for those premises.

(2) For the purposes of the provisional grant of an amusement permit Article 111 shall have effect as if—

(a) any reference to the grant of an amusement permit were a reference to the provisional grant of such a permit; and



(b) where the application relates to premises about to be constructed or in the course of construction, any reference to the premises for which an amusement permit is sought were a reference to the proposed premises and paragraph (3)(d) were omitted.

(3) An amusement permit which is provisionally granted shall not authorise gaming by means of a gaming machine in accordance with the conditions specified in Article 108 until the grant of the amusement permit is declared final.

(4) Where an amusement permit has been granted provisionally for any premises, a district council, on the application of the holder of the amusement permit, shall, subject to paragraph (5), declare the grant of the amusement permit final, if it is satisfied that the premises have been completed and that there is in force in respect of the premises a fire certificate.

(5) A district council shall not entertain an application made under paragraph (4) after the expiration of 2 years from the date on which the amusement permit was granted provisionally, unless the applicant satisfies the council that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(6) Where the provisional grant of an amusement permit is declared final, the district council shall note the declaration on the permit.

#### ***Form and duration of amusement permits***

**114.**—(1) An amusement permit shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the permit;
- (b) the address of premises for which it is granted;
- (c) the kind of premises;
- (d) the name and address of the owner of the premises;
- (e) such other matters as may be so prescribed.

(2) Subject to Article 112(4) and to the succeeding provisions of this Article, an amusement permit shall, unless cancelled, remain in force from the date on which it is granted until the expiration of a period of 12 months beginning with the first day of the month in which it is granted.

(3) Where a district council grants an amusement permit subject to a condition specified in Article 111(6) and the applicant for the grant appeals against the imposition of the condition—

- (a) until the expiry of the time for bringing an appeal and, if an appeal is brought, until the appeal is disposed of or abandoned, the permit granted shall not come into force;
- (b) if on appeal the condition is confirmed or varied or if the appeal is abandoned, for the purpose of determining the period for which the permit is to be in force the date when the appeal is disposed of or abandoned shall be substituted for the date on which the permit was granted and the district council shall (if necessary) amend the permit accordingly.

(4) Where an amusement permit granted conditionally is at any time declared unconditional paragraph (2) shall apply as if the permit were granted at that time.

(5) Where an amusement permit granted provisionally is at any time declared final paragraphs (2) and (3) shall apply as if the permit were granted at that time.

(6) Paragraph (2) shall not prejudice the operation of Article 116 under which an amusement permit may continue in force after the time when it would otherwise expire.

(7) Where at any time—

- (a) the holder of an amusement permit dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or

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a receiver of his property or a committee or guardian is appointed with power to manage the business; or

- (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

except for the purposes of the renewal of the amusement permit, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the amusement permit and—

- (i) subject to sub-paragraph (ii), the amusement permit shall, where it would otherwise expire under this Article or under Article 117 continue in force until the end of a period of 6 months from that time, unless cancelled;
- (ii) a district council may, on the application of the person deemed to be the holder of the amusement permit, extend the period for which that permit continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(8) Where the holder of an amusement permit dies and he has no personal representative or his personal representative is unwilling or unable to act, the permit shall, unless cancelled, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the permit until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (7) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(9) The authority conferred on any person by virtue of paragraph (7) or (8) to carry on a business under an amusement permit shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (7), the capacity in which he is doing so) upon—

- (a) the district council for the district, and
- (b) the sub-divisional commander of the police sub-division,

in which the premises in which the business authorised by the amusement permit is conducted are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

[<sup>F59</sup>(10) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(ca) is made in respect of premises in respect of which there is in force an amusement permit expressed to be granted for the purposes of Article 108(1)(c), that permit shall remain in force, notwithstanding the expiration of the period of 12 months beginning with the first day of the month on which it was granted, until the district council grants or refuses to grant an amusement permit for the purposes of Article 108(1)(ca) in respect of those premises.

(11) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(ca) is made in respect of premises in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(c), that permit shall cease to have effect on the grant in respect of the premises to which the permit relates of an amusement permit expressed to be granted for the purposes of Article 108(1)(ca).

(12) Where an application for the grant of an amusement permit for the purposes of Article 108(1)(c) is made in respect of premises in respect of which the applicant holds an amusement permit expressed to be granted for the purposes of Article 108(1)(ca), that permit shall cease to have effect on the grant in respect of the premises to which the permit relates of an amusement permit expressed to be granted for the purposes of Article 108(1)(c).]

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### **Renewal of amusement permits**

**115.**—(1) An application for the renewal of an amusement permit in respect of any premises shall be made to the district council for the district in which the premises are situated and the applicant shall—

- [<sup>F60</sup>(a) attach to the application such fee as is specified in paragraph (1A); and]
- (b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which the premises are situated.

[<sup>F60</sup>(1A) The fee required under paragraph (1)(a) shall be—

- (a) where the application is for the renewal of an amusement permit expressed to be granted for the purposes of Article 108(1)(c), a fee of £32; or
- (b) where the application is for the renewal of an amusement permit expressed to be granted for the purposes of Article 108(1)(ca), such fee as may be fixed annually by the district council for the whole of its district not exceeding—
- (i) £250; or
- (ii) the rate mentioned in paragraph (1B) whichever is the less.

(1B) The rate referred to in paragraph (1A)(b)(ii) is such rate as the district council reasonably considers necessary to balance its income and expenditure in connection with such amusement permits.]

(2) Subject to paragraphs (3) and (4), where application is made for the renewal of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served,—

- (a) may renew the amusement permit; or
- (b) may refuse to renew the amusement permit.

(3) A district council shall refuse an application for the renewal of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements unless it is satisfied—

- (a) in a case where there is in force a resolution passed by the council as mentioned in Article 110(2)(b) which is applicable to the premises to which the application relates, that the renewal of the permit will not contravene that resolution; and
- (b) that the applicant is a fit person to hold an amusement permit; and
- (c) that the applicant has not allowed the business carried on under the amusement permit to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of an amusement permit; and
- (d) that there is in force in respect of the premises a fire certificate.

(4) Without prejudice to its power to refuse to renew an application for an amusement permit on any ground, a district council may refuse to renew an amusement permit in respect of premises, other than premises used wholly or mainly for the provision of amusements, if it is satisfied—

- (a) that, by reason of the purposes for which, or the persons by whom, or any circumstances in which the premises are or are to be used, it is undesirable that gaming machines should be used for providing amusements on those premises; or

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- (b) that, since the last previous renewal of the permit (or, where the renewal applied for is the first renewal of the permit, since the permit was granted), the premises have been used for an unlawful purpose or as a resort of persons of known bad character.

(5) Where application is made for the renewal of an amusement permit in respect of premises used wholly or mainly for the provision of amusements, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served, shall renew the permit unless it is satisfied—

- (a) that the applicant is not a fit person to hold an amusement permit; or
- (b) that the applicant has allowed the business carried on under the amusement permit to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of an amusement permit; or
- (c) that there is not in force in respect of the premises a fire certificate; or
- (d) that<sup>F60</sup>, while the amusement permit has been in force,] the council has been refused reasonable facilities to inspect the premises; or

<sup>F60</sup>(da) that, where the amusement permit is expressed to be granted for the purposes of Article 108(1)(ca), either of the conditions specified in Article 111(6A)(a) or, as the case may be, any of the conditions specified in Article 111(6A)(b) has not been complied with to the satisfaction of the council; or]

- (e) that, having regard to the conditions or manner in which gaming machines have been used on the premises, or any other amusements have been provided or conducted on the premises since the permit was granted it is undesirable that gaming machines should be used for providing amusements on those premises; or
- (f) that, since the last previous renewal of the permit (or, where the renewal applied for is the first renewal of the permit, since the permit was granted), the premises have been used for an unlawful purpose or as a resort of persons of known bad character.

(6) A district council shall renew the amusement permit subject to the condition—

- (a) that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character; and
- (b) where there is in force a resolution passed by a district council as mentioned in Article 110(2)(c) which is applicable to the premises to which an application for the renewal of an amusement permit relates, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number (being a number not exceeding the number specified in the resolution) as the council may determine.

(7) A district council may renew the amusement permit, subject to the condition—

- (a) in the case of an amusement permit in respect of premises other than premises used wholly or mainly for the provision of amusements by means of gaming machines, that the number of gaming machines which may be made available for gaming on the premises shall not exceed such number as the council may determine;
- (b) in the case of an amusement permit in respect of premises used wholly or mainly for the provision of amusements—
  - (i) that the premises are illuminated in the manner specified by the council; or
  - (ii) that advertising of, and window displays on, the premises are in the form specified by the council; or
  - (iii) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the amusement permit is subject.

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[<sup>F60</sup>(7A) Without prejudice to any condition in paragraph (6)(a) or (7)(b), a district council shall renew an amusement permit expressed to be granted for the purposes of Article 108(1)(ca) subject to the conditions—

- (a) in the case of premises where admission is restricted to persons aged 18 or over—
  - (i) that no person under 18 is admitted to the premises; and
  - (ii) that at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18; and
- (b) in the case of premises where admission is not restricted to persons aged 18 or over—
  - (i) that any machine in respect of which the condition mentioned in Article 108(8) is observed is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access otherwise than by means of an entrance designed for the purpose;
  - (ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;
  - (iii) that access to an area of the premises in which any such machine is located is supervised;
  - (iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and
  - (v) that at any entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.]

(8) The renewal of an amusement permit shall not be invalidated by any failure to comply with paragraph (3)(a) or (6)(b), and no duty of a district council to comply with paragraph (3)(a) or (6)(b) shall be enforceable by legal proceedings.

(9) The Department may, by order subject to affirmative resolution, substitute for [<sup>F60</sup> the fee specified in paragraph (1A)(a) or (b)(i) such other fee as may be specified in the order].

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### ***Continuance of amusement permits pending determination of appeal***

**116.** Where a district council refuses to renew an amusement permit and the holder of the permit appeals the amusement permit shall, unless it is cancelled, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed amusement permits***

**117.—**(1) Subject to paragraph (2), on the renewal of an amusement permit, it shall, unless cancelled, remain in force until the expiration of a period of 12 months beginning with the day when it would, if it had not been renewed, otherwise have expired.

(2) Paragraph (1) shall not prejudice the operation of [<sup>F61</sup> Articles 114(7), (8) and (10)] and 116 under which an amusement permit may continue in force after the time when it would otherwise expire.

(3) Where, in the case of an amusement permit which is not subject to a condition specified in Article 111(6), the district council renews that permit subject to a condition specified in Article 115(7) and the holder of the permit appeals against the imposition of the condition, the condition shall not take effect until the appeal is determined or abandoned.

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### ***Certain amusement premises to close at certain hours***

**118.**—(1) A district council may require premises used wholly or mainly for the provision of amusements situated in its district for which an amusement permit is in force to close at such hour in the evening as the council may determine not being earlier than half past 10.

(2) A district council shall not impose a requirement under paragraph (1) unless—

- (a) it is satisfied that the premises have been conducted in such a manner as to cause disturbance to persons residing in the vicinity of the premises; and
- (b) it has consulted the sub-divisional commander of the police sub-division in which the premises are situated.

(3) Where a district council imposes a requirement under paragraph (1) it may revoke that requirement at any time.

(4) Where a district council imposes a requirement under paragraph (1) and the holder of the amusement permit appeals the requirement shall not take effect until the appeal is determined or abandoned.

### ***Appeals in relation to amusement permits***

**119.**—(1) Not less than 14 days before a district council—

- (a) refuses to grant, or renew, an amusement permit; or
- (b) grants an amusement permit subject to a condition specified in Article 111(6) or renews an amusement permit subject to a condition specified in Article 115(7); or
- (c) imposes a requirement under Article 118;

the council shall serve notice of its intention to so refuse, grant, renew or impose the requirement on the applicant or, as the case may be, the holder of the amusement permit.

(2) Every such notice shall state the grounds on which the district council intends to so refuse, grant, renew or impose the requirement under Article 118 and shall contain an intimation that if, within 14 days after the service of the notice, the applicant or, as the case may be, the holder of the amusement permit informs the council in writing of his desire to show cause, in person or by a representative, why the application should not be refused or granted or renewed subject to a condition or the requirement not imposed, as the case may require, the council shall, before so refusing, granting, renewing or imposing the requirement, afford him an opportunity to do so.

(3) If the district council, after giving the applicant or, as the case may be, the holder of the amusement permit an opportunity of being heard by it, decides to refuse the application or to grant or renew the application subject to a condition or to impose a requirement under Article 118, it shall serve notice of the decision on the applicant or, as the case may be, the holder of the amusement permit, and such notice shall inform him of his right to appeal under paragraph (4) and of the time within which the appeal may be brought.

(4) A person aggrieved by a decision refusing an application for the grant or renewal of an amusement permit, or granting such an application subject to a condition specified in Article 111(6), or renewing such an application subject to a condition specified in Article 115(7) or imposing a requirement under Article 118 may, within 21 days from the date on which notice of the decision is served on him, appeal to the county court.

(5) The decision of a county court on an appeal brought under paragraph (4) shall be final, and the district council shall give effect to that decision.

### ***Offences in connection with amusement permits***

**120.**—(1) Where a condition to which an amusement permit is subject is contravened or a requirement imposed under Article 118 is contravened the holder of the amusement permit shall be guilty of an offence.

(2) In any proceedings for an offence under paragraph (1), it shall be a defence for the holder of the amusement permit to prove—

- (a) that the contravention occurred without his knowledge, and
- (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

### ***Cancellation of amusement permit by a court***

**121.**—(1) Where the holder of an amusement permit is convicted of—

- (a) an offence under Article 120; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may cancel the permit.

(2) The cancellation of a permit under paragraph (1) shall not take effect—

- (a) until the end of the period within which the holder of the amusement permit can appeal against his conviction or against the cancellation, and
- (b) if he so appeals, until the appeal has been determined or abandoned.

(3) An amusement permit which has been cancelled by a court shall be void.

### *Gaming machines at exempt entertainments*

#### ***Use of gaming machines at exempt entertainments***

**122.**—(1) The conditions set out in paragraph (2) shall be observed where a gaming machine is used for gaming as an incident of any exempt entertainment which takes place elsewhere than on—

- (a) bingo club premises; or
- (b) the premises of a registered club.

(2) The conditions referred to in paragraph (1) are—

- (a) the whole proceeds of the entertainment (including the proceeds from the use of the gaming machine), after deducting, subject to paragraph (9), the expenses of the entertainment, shall be devoted to purposes other than private gain; and
- (b) that the facilities for winning prizes by means of the gaming machine, or those facilities together with any other facilities for participating in lotteries or gaming shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) Regulations may impose such restrictions (in addition to those specified in paragraph (2)) as the Department may consider necessary or expedient with respect to the use of any gaming machine for gaming as an incident of an exempt entertainment as mentioned in paragraph (1).

(4) The person who organises the exempt entertainment shall—

- (a) make, and keep for a period of at least 18 months, records and accounts relating to that entertainment;
- (b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and

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(c) inform all potential participants of those purposes.

(5) Any person who organises an exempt entertainment at which a gaming machine is to be used for gaming shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(6) Where any of the provisions of this Article or of any regulations made under this Article is contravened in relation to an exempt entertainment, every person concerned in the conduct of that entertainment shall be guilty of an offence.

(7) In any proceedings for an offence under paragraph (6) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

(8) Where any of the provisions of this Article is contravened in relation to a gaming machine, then (without prejudice to any liability of any other person under paragraph (6)) any person who, knowing or having reasonable cause to suspect that the provisions in question would be contravened in relation to the gaming machine, supplied the gaming machine shall be guilty of an offence.

(9) The reference to expenses in paragraph (2)(a) shall not include a reference to any charge mentioned in Article 2(9) and falling to be determined as there mentioned.

#### *Miscellaneous*

#### ***Removal of money from gaming machines on certain premises***

**123.**—(1) Where a gaming machine is installed—

- (a) on bingo club premises, or
- (b) on the premises of a registered club;

no person who is not an authorised person for the purposes of this Article shall remove from the gaming machine any money, other than any money delivered by the gaming machine as, or as part of, a prize in respect of a game played by means of the gaming machine.

(2) For the purposes of this Article the following are authorised persons in relation to a gaming machine according to the premises on which it is installed, that is to say—

- (a) in the case of bingo club premises, the holder of the bingo club licence and any person employed by the holder of the licence in connection with the premises and authorised in writing by such holder; and
- (b) in the case of the premises of a registered club, any officer nominated by the club and any person authorised in writing by such officer.

(3) Any person who contravenes this Article shall be guilty of an offence.

#### ***Regulation of gaming machines***

**124.**—(1) Regulations may—

- (a) prohibit, or impose such restrictions as the Department considers necessary or expedient on the supply, maintenance or use of gaming machines;
- (b) impose special requirements in respect of gaming machines which are installed, or are supplied for the purpose of being installed—
  - (i) on bingo club premises; or
  - (ii) on the premises of a registered club;
- (c) impose restrictions on the design of gaming machines.



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(2) Any person who supplies or maintains a gaming machine in contravention of any regulations made under paragraph (1) shall be guilty of an offence.

(3) Where a gaming machine is used in contravention of any regulations under paragraph (1) on any premises—

- (a) in the case of a registered club, every officer of the club, or
- (b) in the case of bingo club premises, the holder of the bingo club licence, or
- (c) in the case of any other premises, the person who causes or permits the machine to be used,

shall be guilty of an offence.

(4) Where any of the provisions of regulations made under paragraph (1) in so far as they relate to the use of gaming machines is contravened in relation to a gaming machine on any premises, any person who allowed the gaming machine to be on the premises shall be guilty of an offence.

(5) In any proceedings for an offence under paragraph (4) it shall be a defence for any person charged to prove—

- (a) that the contravention occurred without his knowledge, and
- (b) that he exercised all such care as was reasonable in the circumstances to secure that the provisions in question would not be contravened.

#### ***Disqualification of holder of gaming machine certificate or gaming machine permit on conviction of offence***

**125.**—(1) Where a holder of a gaming machine certificate or a gaming machine permit is convicted of—

- (a) an offence under this Chapter; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting him from holding a gaming machine certificate or, as the case may be, a gaming machine permit during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any gaming machine certificate or, as the case may be, gaming machine permit within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

### CHAPTER IV

#### GAMING AT ENTERTAINMENTS NOT HELD FOR PRIVATE GAIN

##### ***Gaming at entertainments not held for private gain***

**126.**—(1) This Article applies to gaming, other than—

- (a) gaming on bingo club premises,
- (b) gaming by means of a gaming machine, or
- (c) gaming which constitutes the provision of amusements with prizes as mentioned in Article 153 or 154,

*Status: Point in time view as at 01/01/2006.*

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which consists of games played at an entertainment promoted otherwise than for purposes of private gain.

(2) Article 55 shall have effect in relation to gaming to which this Article applies as it has effect in relation to gaming to which Chapter I applies.

(3) In respect of all games played at the entertainment which constitute gaming to which this Article applies, not more than 1 payment (whether by way of entrance fee or stake or otherwise) shall be made by each player, and no such payment shall exceed<sup>[F62]</sup> £4.

(4) Subject to paragraphs (10) and (11), the total value of all prizes and awards distributed in respect of those games shall not exceed<sup>[F62]</sup> £400.

(5) The whole of the proceeds of such payments as are mentioned in paragraph (3), after deducting sums lawfully appropriated on account of expenses or for the provision of prizes or awards in respect of the games, shall be applied for purposes other than private gain.

(6) The sum appropriated out of those proceeds in respect of expenses shall not—

- (a) exceed the reasonable cost incurred in the provision of the facilities for the purposes of the games;
- (b) include any charge mentioned in Article 2(9) and falling to be determined as there mentioned.

(7) Regulations may impose such restrictions (in addition to those specified in paragraphs (2) to (6)) as the Department may consider necessary or expedient with respect to gaming to which this Article applies.

(8) The person who organises the entertainment shall—

- (a) make, and keep for a period of at least 18 months, records and accounts relating to that entertainment;
- (b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and
- (c) inform all potential participants of those purposes.

(9) Any person who organises an entertainment at which gaming to which this Article applies is to be played shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the place or premises where the entertainment is to take place is or are situated.

(10) Where 2 or more entertainments are promoted on the same premises by the same persons on the same day, paragraphs (3) to (6) shall have effect in relation to those entertainments collectively as if they were a single entertainment.

(11) Where a series of entertainments is held otherwise than as mentioned in paragraph (10)—

- (a) paragraphs (3) to (6) shall have effect separately in relation to each entertainment in the series, whether some or all of the persons taking part in any 1 of those entertainments are thereby qualified to take part in any other of them or not, and
- (b) if each of the persons taking part in the games played at the final entertainment of the series is qualified to do so by reason of having taken part in the games played at another entertainment of the series held on a previous day, paragraph (4) shall have effect in relation to that final entertainment as if for<sup>[F62]</sup> £400] there were substituted<sup>[F62]</sup> £700].

(12) If any gaming takes place in contravention of any of the provisions of this Article or of any regulations made under this Article, every person concerned in the organisation or management of the gaming shall be guilty of an offence.

(13) For the purposes of paragraph (12) any person who takes part in procuring the assembly of the players shall be taken to be concerned in the organisation of the gaming.

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(14) Without prejudice to paragraphs (12) and (13), where any gaming takes place on any premises, or in any vessel or vehicle, in contravention of any of the provisions of this Article or of any regulations made under this Article, any person who, knowing or having reasonable cause to suspect that the premises, vessel or vehicle would be used for gaming in contravention of any of those provisions,—

- (a) allowed the premises, vessel or vehicle to be used for the purpose of gaming, or
- (b) let, or let on hire, the premises, vessel or vehicle, or otherwise made the premises, vessel or vehicle available, to any person by whom an offence under paragraph (12) is committed in connection with the gaming,

shall be guilty of an offence.

(15) The Department may, by order subject to affirmative resolution, substitute, in relation to entertainments held on or after the date on which the order comes into operation, for any amount in this Article such other amount as may be specified in the order.

**F62** SR 2001/414

#### ***Prohibition on clubs on conviction of offence***

**127.**—(1) Where a person is convicted of an offence under Article 126(12) or (14) committed in respect of the premises of a club, the court by which he is convicted may make an order prohibiting—

- (a) that club from being used for the purposes of an entertainment at which gaming to which Article 126 applies takes place; and
- (b) that club from making any daily charge under Article 128;

during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) An order made under paragraph (1) shall not take effect—

- (a) until the expiry of the time within which the person on whose conviction the order was made can bring an appeal against his conviction or against the making of the order, and
- (b) if an appeal is brought, until the appeal has been determined or abandoned.

(3) Where the person on whose conviction an order may be made under paragraph (1) is not an officer of the club, a court shall not make the order under paragraph (1) unless an opportunity has been given to such an officer and applying to be heard by the court to show cause why the order should not be made.

(4) A court which makes an order under paragraph (1), may, on the application of an officer of the club,—

- (a) revoke the order; or
- (b) vary the order by reducing any period of prohibition specified in it.

(5) An application under paragraph (4) shall not be made during the period of 6 months from the date on which—

- (a) the order under paragraph (1) takes effect; or
- (b) a previous application under paragraph (4) was made to the court.

(6) An applicant under paragraph (4) shall serve on the sub-divisional commander of the police sub-division in which the club to which the application relates is situated notice of the application under that paragraph.

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## CHAPTER V MISCELLANEOUS AND SUPPLEMENTARY

### *Special charges for play at certain clubs*

**128.**—(1) This Article applies to gaming which—

- (a) is carried on as one of the activities of a club whether or not there is in force in respect of the club a bingo club licence or the club is a registered club; and
- (b) is gaming in respect of which none of the conditions specified in Article 55 is fulfilled.

(2) <sup>F63</sup> Subject to the following provisions of this Article, nothing in Article 56 or 76 shall have effect so as to prevent a charge from being made in respect of any person for the right to take part in gaming to which this Article applies, if the charge or (if more than 1) the aggregate amount of the charges made in respect of that person for the right to take part in such gaming on any 1 day does not exceed<sup>F64</sup> £0.60].

(3) The Department may, by order subject to affirmative resolution,—

- (a) substitute for the sum in paragraph (2) such other sum as may be specified in the order;
- (b) in the case of gaming which consists exclusively of such game or games as the order may specify, and which takes place on a day on which the premises used therefor are not used for any other gaming, or for any other gaming except gaming by means of a gaming machine, specify a sum greater than that applicable in all other cases.

(4) Any such charge as is mentioned in paragraph (2) may be made in addition to any stakes hazarded in the gaming.

(5) In this Article “club” means a club which—

- (a) has not less than 25 members; and
- (b) is so constituted and conducted, in respect of membership and otherwise, as not to be of a temporary character.

**F63** mod. by SR 1987/186

**F64** SR 2001/414

### *Eviction of tenant permitting premises to be used for gaming*

**129.**—(1) Where the tenant or occupier of any premises is convicted of an offence under Article 59(3), 95(2) or 126(14) of allowing the premises to be used for the purpose of gaming, Schedule 15 shall apply to enlarge the rights of the lessor or landlord with respect to the assignment or determination of the lease or other contract under which the premises are held by the person convicted.

(2) Where the tenant or occupier of any premises is so convicted and either—

- (a) the lessor or landlord, after having the conviction brought to his notice, fails to exercise his statutory rights in relation to the lease or contract under which the premises are held by the person convicted; or
- (b) the lessor or landlord, after exercising his statutory rights so as to determine that lease or contract, grants a new lease or enters into a new contract of tenancy of the premises to, with or for the benefit of the same person, without having all reasonable provisions to prevent the recurrence of the offence inserted in the new lease or contract;

then, if subsequently an offence under any of the provisions mentioned in paragraph (1) is committed in respect of the premises during the subsistence of the lease or contract referred to in sub-

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paragraph (a) or (where sub-paragraph (b) applies) during the subsistence of the new lease or contract, the lessor or landlord shall be deemed to be a party to that offence unless he shows that he took all reasonable steps to prevent the recurrence of the offence.

(3) References in paragraph (2) to the statutory rights of a lessor or landlord refer to his rights under Schedule 15.

### **Restrictions on advertisements relating to gaming**

**130.**—(1) Except as provided by this Article, no person shall issue, or cause to be issued, any advertisement—

- (a) informing the public that any premises in Northern Ireland are premises on which gaming takes place or is to take place, or
- (b) inviting the public to take part as players in any gaming which takes place, or is to take place, on any such premises, or to apply for information about facilities for taking part as players in any gaming which takes place, or is to take place, in Northern Ireland, or
- (c) inviting the public to subscribe any money or money's worth to be used in gaming whether in Northern Ireland or elsewhere, or to apply for information about facilities for subscribing any money or money's worth to be so used,

and, subject to paragraph (6), any person who contravenes this paragraph shall be guilty of an offence.

(2) Paragraph (1) does not apply to any advertisement in so far as it relates to gaming which is, or is to be,—

- (a) gaming by way of gaming machine at exempt entertainments to which Article 122 applies; or
- (b) gaming at entertainments to which Article 126 applies; or
- (c) gaming by way of gaming machine on premises used wholly or mainly for the provision of amusements by means of gaming machines in respect of which an amusement permit is in force; or
- (d) gaming at any travelling showmen's pleasure fair<sup>[F65]</sup> or<sup>[F65]</sup>
- (e) gaming in the form of playing bingo.]

<sup>[F65]</sup>(3) Paragraph (1) does not apply to the publication or display of a notice, where the notice is required to be published or displayed by any provision of Schedules 9 to 14 and the publication or display is so made as to comply with the requirements of that provision.]

*Para. (4) rep. by 2004 NI 1*

(5) Where a person is charged with an offence under this Article it shall be a defence to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this Article.

(6) For the purposes of this Article an advertisement issued by displaying or exhibiting it shall be treated as issued on every day on which it is displayed or exhibited.

*Para. (7) rep. by 2004 NI 1*

(8) In this Article—

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television,<sup>[F66]</sup> or by inclusion in

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any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service,] and references to the issue of an advertisement shall be construed accordingly;

“the public” means the public in Northern Ireland, and includes any section of the public, however selected.

**F65** 2004 NI 1

**F66** 1990 c. 42

## PART IV LOTTERIES

### *General Illegality of Lotteries*

#### *Illegality of lotteries*

**131.** Subject to the provisions of this Part and paragraph 6(1) of Schedule 20<sup>F67</sup> and to section 2(1) of the National Lottery etc. Act 1993], all lotteries which do not constitute gaming are unlawful.

**F67** 1993 c. 39

#### *General lottery offences*

**132.**—(1) Subject to the provisions of this Article, every person who in connection with any lottery promoted or proposed to be promoted in Northern Ireland or elsewhere—

- (a) subject to paragraph (2), makes, prints, advertises or publishes any tickets for use in the lottery or any proposal, scheme or plan relating to the lottery; or
- (b) sells, barter, exchanges or otherwise disposes of, or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
  - (i) any advertisement of the lottery; or
  - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or
  - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
- (d) brings, or invites any person to send, into Northern Ireland<sup>F68</sup> from a place outside the British Islands and the member States] for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
- (e) conducts or manages any scheme, contrivance or operation of any kind for the purpose of determining who, or the holders of what lots, tickets, numbers or chances, are the winners of any property proposed to be advanced, loaned, given, sold or disposed of by the lottery; or

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- (f) sends or attempts to send out of Northern Ireland<sup>[F68]</sup> to a place outside the British Islands and the member States] any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
  - (g) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
  - (h) causes, procures or attempts to procure any person to do any of the above mentioned acts;
- shall be guilty of an offence.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for any person charged to prove—

- (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by Article 133 or 134 or paragraph 6(1) of Schedule 20 and that at the date of the alleged offence he believed, and had reasonable ground for believing, that none of the conditions required by that Article or paragraph to be observed in connection with the promotion and conduct of the lottery had been broken; or
- (b) that the lottery to which the proceedings relate was a society's lottery, and that at the date of the alleged offence he believed, and had reasonable ground for believing, that it was being conducted in accordance with the requirements of this Part; or
- (c) that the lottery to which the proceedings relate was not promoted wholly or partly outside Northern Ireland and constituted gaming as well as a lottery<sup>[F68]</sup>; or
- <sup>[F68]</sup>(d) that the lottery to which the proceedings relate was a lottery forming part of the National Lottery for the purposes of Part I or the National Lottery etc. Act 1993 or that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, it to be such a lottery.]

(3) In any proceedings for an offence under paragraph (1) in respect of the printing, sale or possession of any tickets, advertisements or other documents or in respect of anything done with a view to or in connection with the printing, sale or export from Northern Ireland of any tickets, advertisements or other documents, it shall be a defence for any person charged to prove that at the date of the alleged offence he believed, and had reasonable ground for believing—

- (a) that the lottery to which the proceedings relate was not being, and would not be, promoted or conducted wholly or partly in Northern Ireland; and
- (b) that the tickets, advertisements or other documents were not being, and would not be, used in Northern Ireland in or in connection with that or any other lottery.

(4) Proceedings under paragraph (1)(c)(iii) in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions for Northern Ireland.

(5) This Article shall not apply to—

- (a) the recalling by drawing of lots of any bonds, debentures, shares, stocks or other securities, upon the redemption thereof whether with or without interest or payment of premium or otherwise;
- (b) the division by lot or chance of any estate in land or any moveable property amongst the joint tenants or tenants in common thereof, or amongst other persons having joint interests therein;
- (c) the distribution by lot of premiums given as rewards to promote thrift by regularity in making periodical deposits of weekly or monthly savings in the National Savings Bank or in any Trustee Savings Bank or in the purchase of <sup>F69</sup>... National Savings Certificates out of such savings at periodic intervals; or

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- (d) the use of chance to select for special benefits particular securities issued under the National Loans Act 1939 or the National Loans Act 1968, if the terms of the issue provide that the amount subscribed is to be repayable in full in the case of all the securities.

**F68** 1993 c. 39  
**F69** 2004 NI 22

### *Small lotteries at exempt entertainments*

#### ***Small Lotteries at exempt entertainments***

**133.**—(1) Where a lottery is promoted as an incident of an exempt entertainment, that lottery is not unlawful, but the conditions set out in paragraph (2) shall be observed in connection with its promotion and conduct.

(2) The conditions referred to in paragraph (1) are—

- (a) that the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—
- (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and
  - (ii) the expenses incurred in printing tickets in the lottery; shall be devoted to purposes other than private gain;
- (b) that tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
- (c) that the facilities for participating in lotteries under this Article, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) Regulations may impose such restrictions (in addition to those specified in paragraph (2)) as the Department may consider necessary or expedient with respect to a lottery promoted as an incident of an exempt entertainment.

(4) The person who organises the exempt entertainment shall—

- (a) make and keep records and accounts relating to that entertainment;
- (b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and
- (c) inform all potential participants of those purposes.

(5) Any person who organises an exempt entertainment at which a lottery is to be promoted under this Article shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(6) If any of the provisions of this Article or of any regulations made under this Article is contravened in relation to any lottery, every person concerned in the promotion or conduct of that lottery shall be guilty of an offence.

(7) In any proceedings for an offence under paragraph (6) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.



## Private lotteries

### Private Lotteries

**134.—(1)** A private lottery is not unlawful, but the following conditions shall be observed in connection with its promotion and conduct—

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of the society, shall be devoted—
  - (i) to the provision of such prizes; or
  - (ii) to purposes which are purposes of the society; or
  - (iii) as to part to the provision of such prizes and as to the remainder to such purposes;
- (b) the total value of tickets or chances to be sold shall not exceed £1,000;
- (c) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—
  - (i) a notice of it exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and
  - (ii) such announcement or advertisement of it as is contained in the tickets, if any;
- (d) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (e) every ticket shall bear upon the face of it the name and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;
- (f) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of its full price, and no money or valuable thing so received by a promoter shall in any circumstances be returned;
- (g) the price shown on every ticket shall be the whole price paid for it;
- (h) the total proceeds from the sale of tickets or chances shall constitute the whole proceeds of the lottery;
- (i) subject to the conditions governing the lottery, participation in the lottery shall depend solely on the purchase of a ticket or chance in it;
- (j) purchase of a ticket or chance in a lottery promoted by a society shall not confer membership of the society;
- (k) no tickets in the lottery shall be sent through the post; and
- (l) the amount of the proceeds appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—
  - (i) the expenses actually incurred; or
  - (ii) 10 per cent. of those proceeds.

(2) If any of the conditions set out in paragraph (1) is contravened, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence.

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(3) It shall be a defence for a person charged with an offence under paragraph (2) only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(4) For the purposes of this Article, each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(5) The Department may, by order subject to affirmative resolution, substitute for any amount specified in paragraph (1) such other amount as may be specified in the order.

### *Societies' lotteries*

#### **Societies' lotteries**

**135.**—(1) Subject to the provisions of this Order, a society's lottery is not unlawful if—

- (a) it is promoted in Northern Ireland; and
- (b) the society is registered under Article 136; and
- (c) it is promoted in accordance with a lottery scheme approved by the registered society.

(2) The whole proceeds of a society's lottery, after deducting sums lawfully appropriated on account of expenses or for the provision of prizes, shall be applied to the purposes of the registered society.

#### **Registration of societies**

**136.**—(1) An application for the registration of a society shall be made to the district council for the district in which the office or head office of the society is situated and a copy of the application shall be served upon the sub-divisional commander of the police sub-division in which the office or head office of the society is situated.

(2) An application under paragraph (1) shall—

- (a) specify the purposes for which the society is established and conducted; and
- (b) contain such other information with respect to those purposes as the district council may reasonably require; and
- [<sup>F70</sup>(bb) specify the address of the office or head office of the society; and]
- (c) have attached to it a copy of its lottery scheme.

(3) Subject to paragraphs (4) and (5), where an application is made for the registration of a society, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served, and on payment of a fee of [<sup>F71</sup> £35], may register the society in a register kept by the district council for that purpose.

(4) A district council shall refuse to register a society, unless it is satisfied—

- (a) that the society satisfies the conditions specified in the definition of “society's lottery” in Article 2(2) in relation to the purposes of the society; and
- (b) that the lottery scheme is not contrary to law.

(5) A district council may refuse to register a society, if it is satisfied—

- (a) that any person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of—
  - (i) an offence under Article 132 or 139(1) or (2); or
  - (ii) an offence under section 25 of the Betting and Lotteries Act (Northern Ireland) 1957; or

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- (iii) any offence involving fraud or dishonesty; or
- [<sup>F70</sup>(aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or]
- (b) that any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted.
- (6) Where a district council registers a society under paragraph (3) it shall notify the society in writing.
- (7) Where a registered society applies to the district council for the cancellation of the registration, the district council shall cancel the registration.
- (8) Every registered society shall pay to the district council on 1st January in each year a fee of [<sup>F71</sup> £17.50].
- (9) A district council shall revoke the registration of a society if it is satisfied that the society has ceased to satisfy the conditions specified in the definition of “society's lottery” in Article 2(2) in relation to the purposes of the society.
- (10) A district council may revoke the registration of a society if it is satisfied—
- (a) that any person connected with a lottery promoted or proposed to be promoted on behalf of the society has been convicted of an offence mentioned in paragraph (5)(a)(i) to (iii); or
- [<sup>F70</sup>(aa) that the address of the office or head office of the society is the same as that of the office or head office of another registered society that is established for the same or a connected purpose; or]
- (b) that the lottery scheme is contrary to law; or
- (c) that any lottery promoted by or on behalf of the society within the last 5 years has not been properly conducted; or
- (d) that the fee mentioned in paragraph (8) has not been paid; or
- (e) that an officer of the council has been refused reasonable facilities to inspect the records of the society or the promotion of any lottery.
- [<sup>F70</sup>(10A) A registered society shall notify the district council of any change in the address of the society's office or head office within 21 days from the day on which the change takes effect.]
- (11) Where a registered society changes, whether by way of substitution of a new lottery scheme or otherwise, the lottery scheme submitted to the district council under paragraph (2)(c), the society shall notify the change to the district council before any tickets or chances are sold in any lottery conducted under the new or revised lottery scheme.
- (12) A district council shall serve a copy of—
- (a) any notice served on it under paragraph [<sup>F70</sup> (10A) or (11)],
- (b) any notice served by it under Article 119, as applied by paragraph (13),
- on the sub-divisional commander for the police sub-division in which the office or head office of the society to which the notice relates is situated.
- (13) Article 119 shall apply to the refusal, or revocation, of registration under paragraphs (4), (5), (9) and (10) as it applies to the refusal to grant an amusement permit.
- (14) Where a district council revokes the registration of a society under paragraph (9) or (10) and the society appeals, the registration shall continue until the appeal is determined or abandoned.
- (15) The Department may, by order subject to affirmative resolution, substitute for the fees specified in paragraphs (3) and (8) such other fees as may be specified in the order.

**Status:** Point in time view as at 01/01/2006.

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**F70** 1994 NI 8  
**F71** SR 1995/343

### **Rules for societies' lotteries**

**137.**—(1) In this Article “lottery” means a society's lottery.

(2) The promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter.

(3) Every ticket<sup>[F72]</sup> distributed or sold] shall specify the name of the society, the name and address of the promoter and the date of the lottery.

<sup>[F72]</sup>(4) The Department may, by order subject to affirmative resolution, specify—

- (a) the maximum number of lotteries that may be promoted on behalf of the same society in any year; and
- (b) the minimum number of days that must elapse between the dates of any two lotteries promoted on behalf of the same society.]

(5) No ticket or chance in a lottery shall be sold at a price exceeding<sup>[F73]</sup> £1].

(6) The price of every ticket or chance shall be the same, and the price of any ticket<sup>[F72]</sup> distributed or sold] shall be stated on the ticket.

(7) No person shall be admitted to participate in a lottery in respect of a ticket or chance except after payment to the society of the whole price of the ticket or chance; and no money received for or on account of a ticket or chance shall in any circumstances be returned.

(8) The price shown on every ticket shall be the whole price paid for it.

(9) The total proceeds from the sale of tickets or chances shall constitute the whole proceeds of the lottery.

(10) Subject to the conditions governing the lottery, participation in the lottery shall depend solely on the purchase of a ticket or chance in it.

(11) No prize in a lottery shall exceed<sup>[F72]</sup> in amount or value £25,000 or 10 per cent. of the proceeds of the lottery (whichever is greater)].

(12) The total value of the tickets or chances sold in a lottery shall not exceed £80,000 for any single lottery or £1,000,000 for all the lotteries promoted by any society in any year.

(13) The amount of the proceeds of a lottery appropriated for the provision of prizes shall not<sup>[F72]</sup> . . . exceed 50 per cent. of the proceeds of the lottery.

(14) The amount of the proceeds of a lottery appropriated on account of expenses (exclusive of prizes) shall not exceed whichever is the less of—

- (a) the expenses actually incurred; or
- (b) whichever of the amounts specified in paragraph (15) applies.

(15) The amounts referred to in paragraph (14)(b) are—

- (a) where the whole proceeds of the lottery do not exceed £10,000, 20 per cent. of those proceeds; or
- (b) where the whole proceeds of the lottery exceed £10,000, 15 per cent. of those proceeds.

<sup>[F72]</sup>(15A) For the purposes of paragraph (14), the amount of any expenses that are met—

- (a) by the society on whose behalf the lottery is promoted, or
- (b) by any beneficiary of the lottery,

shall be treated as having been appropriated on account of expenses from the proceeds of the lottery.

(15B) In paragraph (15A) “beneficiary of the lottery” means a person (other than the society on whose behalf the lottery is promoted) to whom or for whose benefit any of the proceeds of the lottery, other than amounts appropriated in respect of expenses or prizes, are lawfully paid or applied.

(15C) The amount of the proceeds of a lottery appropriated for the provision of prizes and the amount of those proceeds appropriated on account of expenses (exclusive of prizes) shall not exceed in aggregate such percentage of the whole proceeds of the lottery as the Department may specify, by order subject to affirmative resolution.]

(16) A society shall not employ any person as an external lottery consultant or manager unless that person holds a lottery certificate.

(17) The promoter of a lottery shall, not later than the end of the third month after the date of the lottery, send a return in such form and containing such information as regulations may prescribe to such persons as may be so prescribed.

(18) Every registered society shall keep copies of any return sent under paragraph (17) together with copies of supporting bills, receipts and accounts for a period of at least 18 months and during that period shall supply, on request, a copy of that return and these other documents to the district council or any member of the Royal Ulster Constabulary.

(19) Any officer of a district council authorised in writing in that behalf may, on production, if required, of his credentials, at any reasonable time, enter any office of a registered society and—

- (a) inspect the records of the society; and
- (b) inspect the promotion of any lottery.

(20) Every person who obstructs an officer of a district council in the exercise of the powers conferred by paragraph (19) shall be guilty of an offence.

(21) The Department may, by order subject to affirmative resolution substitute for any amount or percentage specified in this Article such other amount or percentage as may be specified in the order.

F72 1994 NI 8  
F73 SR 1990/238

### ***Regulation of societies' lotteries***

**138.**—(1) Regulations may make such provision with respect to the promotion of societies' lotteries as may be considered necessary or expedient and without prejudice to the generality of the foregoing, regulations may make provision with respect to all or any of the following matters—

- (a) the persons to whom and by whom tickets or chances in a lottery may or may not be sold;
- (b) the rewards, if any, for persons by whom tickets are sold;
- (c) the circumstances in which tickets or chances may be sold and in which persons may be invited to purchase tickets or chances;
- (d) the minimum age at which any person may buy a ticket or chance;
- (e) the standards of, and the conditions for the production of, tickets;
- (f) any information which must, or must not, appear on a ticket;
- (g) the manner in which a lottery may be advertised;
- (h) the use of postal services in connection with lotteries;
- (i) the matters in respect of which expenses in a lottery may be incurred;
- (j) the provision of accounts in relation to any lottery and any information which may be required in respect of any lottery promoted or to be promoted;

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(k) the provision of such other information as may be so prescribed.

(2) Before making any regulations under this Article, the Department shall consult such associations of district councils as appear to the Department to be concerned.

### ***Offences relating to societies' lotteries***

**139.**—(1) If any requirement of this Part<sup>[F74]</sup>, of any regulations made under it or of any order made under Article 137(4)] in respect of a society's lottery is contravened, the promoter of that lottery and any other person who is party to the contravention shall be guilty of an offence.

(2) If any person knowingly gives in any return sent by him under this Part any information which is false in a material particular he shall be guilty of an offence.

(3) It shall be a defence for a person charged with any offence under paragraph (1) only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

[<sup>F74</sup>(3A) It shall be a defence for a person charged with an offence under paragraph (1) in respect of a contravention of Article 137(11) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the amount or value of the prize in question would not have contravened Article 137(11) if the proceeds of the lottery had amounted to the sum reasonably estimated; and
- (c) that, if the amount or value of the prize had been any less, an unconditional undertaking as to prizes given in connection with the sale of tickets or chances would have been broken.]

(4) It shall be a defence for any person charged with an offence under paragraph (1) in respect of an appropriation made in contravention of Article 137(13) or (14) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the appropriation was made in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances, or in respect of expenses actually incurred; and
- (c) that the total amounts appropriated in respect of prizes or expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under the said paragraphs if the proceeds had amounted to the sum reasonably estimated.

[<sup>F74</sup>(4A) It shall be a defence for any person charged with an offence under paragraph (1) in respect of an appropriation made in contravention of Article 137(15C) to prove—

- (a) that the proceeds of the lottery fell short of the sum reasonably estimated; and
- (b) that the appropriation was made—
  - (i) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; or
  - (ii) in respect of expenses actually incurred; or
  - (iii) in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances and in respect of expenses actually incurred; and
- (c) that the total amounts appropriated in respect of prizes and expenses did not exceed the amounts which could lawfully have been appropriated out of the proceeds of the lottery under paragraph (15C) if the proceeds had amounted to the sum reasonably estimated.]

(5) It shall be a defence for any person charged with an offence under paragraph (1) in respect of a<sup>[F74]</sup> contravention of an order made under Article 137(4) or of Article 137(12)] to prove that the date of a lottery was later than he had expected for reasons which he could not foresee.

F74 1994 NI 8

### *Lottery certificates*

#### ***Prohibition on acting as a lottery consultant or manager without a certificate***

**140.** It shall be unlawful for any person to act<sup>F75</sup> in relation to any society's lottery] as an external lottery consultant or manager unless he holds a lottery certificate authorising him to do so and any person acting in contravention of this Article shall be guilty of an offence.

F75 1994 NI 8

#### ***Persons to whom lottery certificates may be granted***

**141.—(1)** A lottery certificate may be granted to an individual, to a body corporate or to 2 or more persons carrying on business in partnership.

(2) In considering the fitness of a person to hold a lottery certificate, a court shall have regard to the character, reputation and financial standing—

- (a) of the applicant; and
- (b) of any other person by whom the business which is or is proposed to be carried on under the certificate would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of this Part or any regulations made under it will be complied with.

(3) In considering the fitness of a body corporate to hold a lottery certificate, a court shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it or who have a financial interest in it, as if the certificate were, or proposed to be held by them jointly.

(4) Subject to paragraph (5), the following persons shall be disqualified for obtaining or holding a lottery certificate—

- (a) a person under the age of 21;
- (b) a person who does not ordinarily reside in Northern Ireland;
- (c) a person who has ordinarily resided in Northern Ireland for less than 12 months before making an application for the grant of a lottery certificate;
- (d) a body corporate which is not registered under the Companies Acts (Northern Ireland) 1960 to 1983 or which is not an existing company within the meaning of those Acts.

(5) For the purposes of paragraph (4) any reference to a person, where that person is a body corporate, shall be construed as a reference to the directors of that body corporate.

(6) A lottery certificate purporting to be held by any person—

- (a) who is disqualified by paragraph (4) for holding or obtaining such a certificate; or
- (b) in respect of whom there is in force a disqualification order under Article 151 or 152;

is void.

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### **Grant of lottery certificates**

**142.**—(1) An application for the grant of a lottery certificate shall be made to a court of summary jurisdiction.

(2) The procedure for applications for the grant of lottery certificates is set out in Schedule 16.

(3) On an application for the grant of a lottery certificate the court shall hear the objections, if any, made under Schedule 16.

(4) A court shall, subject to paragraph (5), refuse an application for the grant of a lottery certificate unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 16 has been complied with; and
- (b) that the applicant is a fit person to hold a certificate; and
- (c) that the applicant is not a person in respect of whom a disqualification order under Article 151 or 152 is in force; and
- (d) that the applicant has not been refused the grant or renewal of a lottery certificate on the ground mentioned in sub-paragraph (b) or (e) within the immediately preceding 12 months; and
- (e) that the applicant will not allow the business proposed to be carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a lottery certificate.

(5) A court may grant a lottery certificate notwithstanding that the procedure relating to the application set out in Schedule 16 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(6) A court may refuse an application for the grant of a lottery certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(7) Where the court refuses an application for the grant of a lottery certificate it shall specify in its order the reasons for its refusal.

### **Form and duration of new lottery certificates**

**143.**—(1) A lottery certificate shall be in such form as may be prescribed by regulations.

(2) Subject to the succeeding provisions of this Article, a lottery certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, remain in force from the date on which it is granted until—

- (a) the expiration of the certification year in which it is granted; or
- (b) if it is granted within the 3 months immediately preceding the expiration of that year, the expiration of the next following certification year.

(3) Where, at the hearing of an application for the grant of a lottery certificate, any person appears before the court and opposes the grant, but the court grants the certificate—

- (a) until the expiry of the time for bringing an appeal against the grant and, if an appeal is brought, until the grant is confirmed or the appeal is abandoned, the certificate granted shall not come into force;
- (b) if on appeal the grant is confirmed or if the appeal is abandoned, for the purpose of determining the period for which the certificate is to be in force the date when the appeal is disposed of shall be substituted for the date on which the certificate was granted and the clerk of petty sessions shall (if necessary) amend the certificate accordingly.



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(4) Paragraph (2) shall not prejudice the operation of Articles 147 and 150 under which a lottery certificate may continue in force after the time when it would otherwise expire.

(5) Where at any time—

- (a) the holder of a lottery certificate dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
- (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

except for the purposes of the renewal of the lottery certificate, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the lottery certificate and—

- (i) subject to sub-paragraph (ii), the lottery certificate shall, where it would otherwise expire under this Article or Article 148 continue in force until the end of a period of 6 months from that time unless the certificate is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or the certificate ceases to be in force under Article 173;
- (ii) a court of summary jurisdiction may on the application of the person deemed to be the holder of the lottery certificate, extend the period for which that certificate continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(6) Where the holder of a lottery certificate dies and he has no personal representative or his personal representative is unwilling or unable to act, the certificate shall, unless the certificate is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or the certificate ceases to be in force under Article 173, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the certificate until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (5) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(7) The authority conferred on any person by virtue of paragraph (5) or (6) to carry on a business under a lottery certificate shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (5), the capacity in which he is doing so) upon—

- (a) the clerk of petty sessions for the petty sessions district, and
- (b) the sub-divisional commander of the police sub-division,

in which the premises in which the business is carried on are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

### ***Renewal of lottery certificates***

**144.**—(1) An application for the renewal of a lottery certificate shall be made to a court of summary jurisdiction except where the certificate is renewed by the clerk of petty sessions under this Article.

(2) The procedure for applications for the renewal of lottery certificates is set out in Part I of Schedule 17.

*Status: Point in time view as at 01/01/2006.*

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(3) Subject to paragraph (4), where notice of an application for the renewal of a certificate otherwise than under Article 146 has been served upon the clerk of petty sessions, he may renew the lottery certificate as if the application had been made to him and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served on the clerk of petty sessions and has not been withdrawn; or
- (b) in the case of an application for the renewal of a lottery certificate held by a partner or a body corporate, the clerk is not satisfied that—
  - (i) in the case of partners, the partners; or
  - (ii) in the case of a body corporate, the directors or the persons who have executive control of it or who have a financial interest in it;
    - have not changed since the certificate was last renewed or, in the case of a first renewal of the certificate, since the certificate was granted; or
- (c) the clerk is of the opinion, for any other reason, that an application for the renewal of the certificate should be made to the court;

the clerk shall require the application to be made to the court and shall notify the applicant and the objectors, if any, of the requirement and of the time and place of the hearing.

(5) Where a lottery certificate is renewed, the clerk shall note the renewal on the certificate.

#### ***Renewal of lottery certificates by a court***

**145.**—(1) On an application for the renewal of a lottery certificate a court shall hear the objections, if any, made under Schedule 17.

(2) A court shall, subject to paragraph (3), refuse an application for the renewal of a lottery certificate unless it is satisfied—

- (a) that the procedure relating to the application set out in Schedule 17 has been complied with; and
- (b) that the applicant is a fit person to hold a lottery certificate; and
- (c) that the applicant has not allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of a lottery certificate.

(3) A court may renew a lottery certificate notwithstanding that the procedure relating to the application set out in Schedule 17 has not been complied with if, having regard to the circumstances, it is reasonable to do so.

(4) A court may refuse an application for the renewal of a lottery certificate if it is satisfied that the applicant has been convicted of an offence under this Part.

(5) Where the court refuses an application for the renewal of a lottery certificate it shall specify in its order the reasons for its refusal.

#### ***Renewal of lottery certificates out of time***

**146.**—(1) Where the holder of a lottery certificate which falls to expire at the end of a certification year fails to serve due notice of the application for its renewal before the renewal date in that year a court of summary jurisdiction, upon application for the renewal of the lottery certificate being made not later than the end of the next following certification year, may renew the lottery certificate if it is satisfied that there was good reason for the failure.

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(2) The procedure for applications under this Article for the renewal of lottery certificates is set out in Part I of Schedule 17 as modified by Part II of that Schedule.

### ***Continuance of lottery certificates pending determination of appeal***

**147.** Where a court refuses an application for the renewal of a lottery certificate and the holder of the certificate appeals, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed lottery certificates***

**148.—**(1) Subject to paragraph (2), on the renewal of a lottery certificate, the certificate shall, unless it is revoked or is a certificate to which a disqualification order under Article 151 or 152 applies or it ceases to be in force under Article 173, remain in force until—

- (a) if it is renewed within the 3 months immediately preceding the expiration of the then current certification year, the expiration of the next following certification year, or
- (b) in any other case, the expiration of the then current certification year.

(2) Paragraph (1) shall not prejudice the operation of Articles 143(5) and (6), 147 and 150 under which a lottery certificate may continue in force after the time when it would otherwise expire.

### ***Revocation of lottery certificates***

**149.—**(1) An application for the revocation of a lottery certificate may be made by any person to a court of summary jurisdiction on any of the following grounds—

- (a) that the holder of the certificate is not a fit person to hold a lottery certificate; or
- (b) that any information which, in or in connection with the application on which the certificate was granted, was given to the court by the applicant was false in a material particular; or
- (c) that the holder of the certificate has been refused the grant or renewal of a lottery certificate on the ground mentioned in sub-paragraph (a) or (d) within the preceding 12 months; or
- (d) that the holder of the certificate has allowed the business carried on under the certificate to be managed by, or carried on for the benefit of, a person other than the holder of the certificate who would himself be refused the grant of a lottery certificate; or
- (e) that the holder of the certificate has been convicted of an offence under this Part.

(2) The procedure for applications for the revocation of lottery certificates is set out in Schedule 7.

(3) On an application for the revocation of a lottery certificate, a court shall hear the objections, if any, made under Schedule 7.

(4) A court shall refuse an application for the revocation of a lottery certificate unless it is satisfied that the application is not made on grounds which—

- (a) have been, or ought to have been, raised previously by way of objection either when the lottery certificate was granted or on an occasion when it has been renewed; or
- (b) are or have been the subject matter of proceedings for such an offence as is mentioned in Article 152.

(5) Where the court refuses an application for the revocation of a lottery certificate it shall specify in its order the reasons for its refusal.

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### ***Continuance of lottery certificates pending determination of appeal against revocation***

**150.** Where a court revokes a lottery certificate and the holder of the certificate appeals, the certificate shall, unless it is a certificate to which a disqualification order under Article 152 applies or it ceases to be in force under Article 173, continue in force until the appeal is determined or abandoned.

### ***Disqualification of holder of lottery certificate on revocation of certificate***

**151.**—(1) Where a court of summary jurisdiction revokes a lottery certificate the court may make a disqualification order prohibiting the person to whom the lottery certificate was granted from holding such a certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any lottery certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the revocation of the lottery certificate or against the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

### ***Disqualification of holder of lottery certificate on conviction of offence***

**152.**—(1) Where a holder of a lottery certificate is convicted of—

- (a) an offence under Article 139(1) or (2) or 140; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may make a disqualification order prohibiting him from holding or obtaining a lottery certificate during such period, not exceeding 5 years from the date on which the order takes effect, as may be specified in the order.

(2) Where a disqualification order under paragraph (1) is made any lottery certificate within the prohibition obtained before the order is made or before it takes effect shall by virtue of the order be void as from the time when the order takes effect.

(3) A disqualification order under paragraph (1) shall not take effect—

- (a) until the expiry of the time for bringing an appeal against the conviction or against the making of the order, and
- (b) if such an appeal is brought, until the appeal has been determined or abandoned.

## **PART V**

### **AMUSEMENTS AND COMPETITIONS**

#### *Amusements with prizes*

#### ***Amusements with prizes at exempt entertainments***

**153.**—(1) This Article applies to the provision at any exempt entertainment of any amusement with prizes which constitutes a lottery or gaming or both but which is not—

- (a) gaming on bingo club premises; or

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(b) gaming by means of a gaming machine.

(2) Where any such amusement constitutes a lottery, nothing in Article 131 or 132 shall apply to it but in relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in paragraph (3) shall be observed.

(3) The conditions referred to in paragraph (2) are—

(a) that the whole proceeds of the entertainment (including the proceeds from the provision of the amusement with prizes), after deducting, subject to paragraph (9), the expenses of the entertainment, shall be devoted to purposes other than private gain; and

(b) that chances to win a prize shall not be sold nor shall the result be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and

(c) that the facilities for winning prizes at amusements to which this Article applies, or those facilities together with any other facilities for participating in lotteries or gaming, shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(4) Regulations may impose such restrictions (in addition to those specified in paragraph (3)) as the Department may consider necessary or expedient with respect to the provision of an amusement to which this Article applies.

(5) The person who organises the exempt entertainment shall—

(a) make, and keep for a period of at least 18 months, records and accounts relating to that entertainment;

(b) record in those accounts the purposes for which the proceeds of the entertainment are to be applied; and

(c) inform all potential participants of those purposes.

(6) Any person who organises an exempt entertainment at which amusements to which this Article applies are to be provided shall, not less than 7 days before the date on which the entertainment is to take place, serve notice of the entertainment upon the sub-divisional commander of the police sub-division in which the premises where the entertainment is to take place are situated.

(7) If any of the provisions of this Article or of any regulations made under this Article is contravened in relation to the provision of any amusement with prizes every person concerned in the provision or conduct of that amusement shall be guilty of an offence.

(8) In any proceedings for an offence under paragraph (7) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(9) The reference to expenses in paragraph (3)(a) shall not include a reference to any charge mentioned in Article 2(9) and falling to be determined as there mentioned.

#### ***Amusements with prizes at certain other places***

**154.**—(1) This Article applies to the provision at the places specified in paragraph (2) of any amusement with prizes which constitutes a lottery or gaming or both but which is not—

(a) gaming on bingo club premises; or

(b) gaming by means of a gaming machine.

(2) The places referred to in paragraph (1) are—

(a) premises in respect of which a pleasure permit is in force;

(b) premises used wholly or mainly for the provision of amusements and in respect of which an amusement permit is in force; or

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(c) a travelling showmen's pleasure fair.

(3) Where any such amusement constitutes a lottery, nothing in Article 131 or 132 shall apply to it but in relation to any such amusement (whether it constitutes a lottery or not) the conditions set out in paragraph (4) shall be observed.

(4) The conditions referred to in paragraph (3) are—

- (a) that the amount paid by any 1 person for any 1 chance to win a prize does not exceed £0.30; and
- (b) that the aggregate amount taken by way of the sale of chances in any 1 determination of winners, if any, of prizes does not exceed<sup>[F76]</sup> £30], and that the sale of those chances and the declaration of the result take place on the same day and on the premises on which, and during the time when, the amusement is provided; and
- (c) that no money prize is distributed or offered which exceeds £0.30; and
- (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person, whether or not subject to a further payment by him, to any further opportunity to win money or money's worth by taking part in any amusement with prizes or in any gaming or lottery; and
- (e) that, in the case of a group game, the amount of money staked in the game is prominently displayed before the game has ended; and
- (f) in the case of a travelling showmen's pleasure fair, that the opportunity to win prizes at amusements to which this paragraph applies is not the only, or the only substantial, inducement to persons to attend the fair.

(5) If any of the provisions of this Article is contravened in relation to the provision of any amusement with prizes—

- (a) every person concerned in the provision or conduct of that amusement, and
- (b) in a case falling within paragraph (2)(a) or (b), the holder of the pleasure permit or, as the case may be, the amusement permit,

shall be guilty of an offence.

(6) In any proceedings for an offence under paragraph (5) it shall be a defence for any person charged to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(7) The Department may, by order subject to affirmative resolution, substitute for any amount specified in paragraph (4) such other amount as may be specified in the order.

**F76** SR 1996/572

### *Pleasure permits*

#### ***Persons to whom pleasure permits may be granted***

**155.**—(1) The person to whom a pleasure permit is granted shall be the person who is, or who proposes to be, the occupier of the premises for which the pleasure permit is sought.

(2) A pleasure permit may be granted to an individual, to a body corporate which is registered under the<sup>[F77]</sup> Companies (Northern Ireland) Order 1986] or which is an existing company within the meaning of<sup>[F77]</sup> that Order] or to 2 or more persons carrying on business in partnership.

(3) In considering the fitness of a person to hold a pleasure permit, a district council shall have regard to the character, reputation and financial standing—

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- (a) of the applicant; and
- (b) of any other person by whom the business which is or is proposed to be carried on under the permit would be managed, or for whose benefit that business would be carried on;

but may also take into consideration any other circumstances appearing to it to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing that the provisions of Article 154 will be complied with.

(4) In considering the fitness of a body corporate to hold a pleasure permit, a district council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly.

F77 1986 NI 9

### ***Premises for which pleasure permits may be granted***

**156.** The premises in which amusements with prizes provided in accordance with Article 154 is authorised by a pleasure permit shall be premises used wholly or mainly for the provision of amusements.

### ***Grant of pleasure permits***

**157.—**(1) An application for the grant of a pleasure permit shall be made by the person who is, or by any person who proposes to be, the occupier of the premises for which the pleasure permit is sought to the district council for the district in which those premises are situated and the applicant shall—

- (a) attach to the application a fee of £8.50; and
- (b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

(2) Subject to paragraph (3), where an application is made for the grant of a pleasure permit, the district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served—

- (a) may grant the pleasure permit; or
- (b) may refuse to grant the pleasure permit.

(3) A district council shall refuse an application for the grant of a pleasure permit unless it is satisfied—

- (a) that the applicant is a fit person to hold a pleasure permit; and
- (b) that the applicant will not allow the business proposed to be carried on under the pleasure permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of a pleasure permit; and
- (c) that there is in force in respect of the premises a fire certificate.

(4) A district council shall grant the pleasure permit subject to the condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character.

(5) A district council may grant a pleasure permit subject to the condition—

- (a) that the premises are illuminated in the manner specified by the council; or
- (b) that advertising of, and window displays on, the premises are in the form specified by the council; or

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- (c) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the pleasure permit is subject.
- (6) The Department may, by order subject to affirmative resolution, substitute for the fee specified in paragraph (1)(a) such other fee as may be specified in the order.

***Grant of pleasure permit conditional on alterations being made in premises***

**158.**—(1) A district council which grants a pleasure permit may grant the pleasure permit subject to the condition that, within a period fixed by the council, the holder of the pleasure permit—

- (a) shall make such alterations in the premises as the council may specify being alterations which the council thinks necessary to ensure that the lay-out, character or condition (including the provision in the premises of adequate sanitary appliances and things used in connection with such appliances) of the premises is suitable for use as premises in which amusements with prizes are provided; and
- (b) shall deposit with the district council a plan of the premises showing the alterations so specified.

(2) Notice of any alterations required under paragraph (1) shall be served by the district council on the owner of the premises.

(3) The period fixed by a district council under paragraph (1) may be extended by the council on the application of the holder of the pleasure permit.

(4) A pleasure permit granted conditionally under this Article shall, unless cancelled, remain in force from the date on which it is granted until the expiration of the period fixed by the district council under paragraph (1) or any extended period and the district council shall note the date of that expiration on the pleasure permit.

(5) A district council, on the application of the holder of a pleasure permit, shall declare the grant of a pleasure permit to be unconditional, if it is satisfied that alterations to the premises have been completed in accordance with the plans deposited with the district council under paragraph (1)(b) and the council shall amend the pleasure permit accordingly.

***Provisional grant of pleasure permits***

**159.**—(1) Where premises are about to be constructed, altered or extended or are in the course of construction, alteration or extension, an application may be made by the person who proposes to be the occupier of the premises to the district council for the district in which the premises are or are to be situated for the provisional grant of a pleasure permit for those premises.

(2) For the purposes of the provisional grant of a pleasure permit Article 157 shall have effect as if—

- (a) any reference to the grant of a pleasure permit were a reference to the provisional grant of a pleasure permit; and
- (b) where the application relates to premises about to be constructed or in the course of construction, any reference to the premises for which a pleasure permit is sought were a reference to proposed premises and paragraph (3)(c) were omitted.

(3) A pleasure permit which is provisionally granted shall not authorise the provision of amusements with prizes in accordance with the conditions of Article 154 until the grant of the pleasure permit is declared final.

(4) Where a pleasure permit has been granted provisionally for any premises, a district council, on the application of the holder of the pleasure permit, shall, subject to paragraph (5), declare the grant of the pleasure permit final, if it is satisfied that the premises have been completed and that there is in force in respect of the premises a fire certificate.



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(5) A district council shall not entertain an application made under paragraph (4) after the expiration of 2 years from the date on which the pleasure permit was granted provisionally, unless the applicant satisfies the council that there were reasonable grounds for the failure to complete the construction, alteration or extension of the premises within that period.

(6) Where the provisional grant of a pleasure permit is declared final, the district council shall note the declaration on the permit.

### ***Form and duration of pleasure permits***

**160.**—(1) A pleasure permit shall be in such form as may be prescribed by regulations and shall specify—

- (a) the name and address of the holder of the permit;
- (b) the address of the premises for which it is granted;
- (c) the name and address of the owner of the premises;
- (d) such other matters as may be so prescribed.

(2) Subject to Article 158(4) and to the succeeding provisions of this Article, a pleasure permit shall, unless cancelled, remain in force from the date on which it is granted until the expiration of a period of 12 months beginning with the first day of the month in which it is granted.

(3) Where a district council grants a pleasure permit subject to a condition specified in Article 157(5) and the applicant for the grant appeals against the imposition of the condition—

- (a) until the expiry of the time for bringing an appeal and, if an appeal is brought, until the appeal is disposed of or abandoned, the permit granted shall not come into force;
- (b) if on appeal the condition is confirmed or varied or if the appeal is abandoned, for the purpose of determining the period for which the permit is to be in force the date when the appeal is disposed of or abandoned shall be substituted for the date on which the permit was granted and the district council shall (if necessary) amend the permit accordingly.

(4) Where a pleasure permit granted conditionally is at any time declared unconditional paragraph (2) shall apply as if the permit were granted at that time.

(5) Where a pleasure permit granted provisionally is at any time declared final paragraphs (2) and (3) shall apply as if the permit were granted at that time.

(6) Paragraph (1) shall not prejudice the operation of Article 162 under which a pleasure permit may continue in force after the time when it would otherwise expire.

(7) Where at any time—

- (a) the holder of a pleasure permit dies or is adjudged bankrupt, or his business becomes vested in the official assignee (whether before or after his death) without his being so adjudged or becomes vested in a trustee under a deed of arrangement with his creditors, or a receiver of his property or a committee or guardian is appointed with power to manage the business; or
- (b) in the case of a body corporate, a winding-up is commenced or a receiver is appointed as aforesaid;

except for the purposes of the renewal of the pleasure permit, the personal representative or, as the case requires, the assignees or trustee in bankruptcy, official assignee, trustee under the deed, receiver, committee, guardian or liquidator shall be deemed to be the holder of the pleasure permit and—

- (i) subject to sub-paragraph (ii), the pleasure permit shall, where it would otherwise expire under this Article or under Article 163 continue in force until the end of a period of 6 months from that time, unless cancelled;

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(ii) a district council may on the application of the person deemed to be the holder of the pleasure permit, extend the period for which that permit continues to be in force by virtue of this paragraph if it is satisfied that no circumstances make it undesirable.

(8) Where the holder of a pleasure permit dies and he has no personal representative or his personal representative is unwilling or unable to act, the permit shall, unless cancelled, continue in force for the benefit of any person entitled in consequence of his death to a beneficial interest in the business carried on under the permit until—

- (a) the expiration of a period of 2 months from the date of his death, or
- (b) paragraph (7) becomes applicable by reason of the appointment of a personal representative,

whichever first occurs.

(9) The authority conferred on any person by virtue of paragraph (7) or (8) to carry on a business under a pleasure permit shall be suspended on the expiration of the period of 2 weeks from the date when he commenced to carry on that business unless during that period he has served notice that he is carrying on the business by virtue of that paragraph (and, if he is carrying it on by virtue of paragraph (7), the capacity in which he is doing so) upon—

- (a) the district council for the district; and
- (b) the sub-divisional commander of the police sub-division,

in which the premises in which the business authorised by the pleasure permit is conducted are situated; but the authority, if so suspended, shall revive upon the service of such a notice.

### ***Renewal of pleasure permits***

**161.**—(1) An application for the renewal of a pleasure permit shall be made to the district council for the district in which the premises are situated and the applicant shall—

- (a) attach to the application a fee of £8.50; and
- (b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

(2) The district council, after hearing representations, if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served shall renew the pleasure permit unless it is satisfied—

- (a) that the applicant is not a fit person to hold a pleasure permit; or
- (b) that the applicant has allowed the business carried on under the pleasure permit to be managed by, or carried on for the benefit of, a person other than the applicant, who would himself be refused the grant of a pleasure permit; or
- (c) that there is not in force in respect of the premises a fire certificate; or
- (d) that the council has been refused reasonable facilities to inspect the premises; or
- (e) that, having regard to the conditions in which amusements with prizes have been provided on the premises, or the manner in which any such amusements have been conducted since the permit was granted it is undesirable that amusements with prizes should be provided on those premises; or
- (f) that, since the last previous renewal of the permit (or, where the renewal applied for is the first renewal of the permit, since the permit was granted), the premises have been used for an unlawful purpose or as a resort of persons of known bad character.

(3) A district council shall renew the pleasure permit subject to the condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character.

(4) A district council may renew the pleasure permit subject to the condition—

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- (a) that the premises are illuminated in the manner specified by the council; or
  - (b) that advertising of, and window displays on, the premises are in the form specified by the council; or
  - (c) that such notices are displayed and such information given on the premises as the council specifies in relation to any condition to which the pleasure permit is subject.
- (5) The Department may, by order subject to affirmative resolution, substitute for the fee specified<sup>F78</sup> in paragraph (1)] such other fee as may be specified in the order.

F78 2004 NI 1

### ***Continuance of pleasure permits pending determination of appeal***

**162.** Where a district council refuses to renew a pleasure permit and the holder of the permit appeals the pleasure permit shall, unless it is cancelled, continue in force until the appeal is determined or abandoned.

### ***Duration of renewed pleasure permits***

**163.**—(1) Subject to paragraph (2), on the renewal of a pleasure permit, it shall, unless cancelled, remain in force until the expiration of a period of 12 months beginning with the day when it would, if it had not been renewed, otherwise have expired.

(2) Paragraph (1) shall not prejudice the operation of Articles 160(7) and (8) and 162 under which a pleasure permit may continue in force after the time when it would otherwise expire.

(3) Where, in the case of a pleasure permit which is not subject to a condition specified in Article 157(5), the district council renews that permit subject to a condition specified in Article 161(4) and the holder of the permit appeals against the imposition of the condition, the condition shall not take effect until the appeal is determined or abandoned.

### ***Certain premises providing amusements to close at certain hours***

**164.**—(1) A district council may require premises situated in its district for which a pleasure permit is in force to close at such hour in the evening as the council may determine not being earlier than half past 10.

(2) A district council shall not impose a requirement under paragraph (1) unless—

- (a) it is satisfied that the premises have been conducted in such a manner as to cause disturbance to persons residing in the vicinity of the premises; and
- (b) it has consulted the sub-divisional commander of the police sub-division in which the premises are situated.

(3) Where a district council imposes a requirement under paragraph (1) the council may revoke that requirement at any time.

(4) Where a district council imposes a requirement under paragraph (1) and the holder of the pleasure permit appeals, the requirement shall not take effect until the appeal is determined or abandoned.

### ***Appeals in relation to pleasure permits***

**165.** Article 119 shall apply to the refusal to grant, or renew, a pleasure permit, or the grant of a pleasure permit subject to a condition specified in Article 157(5), or the renewal of a pleasure permit subject to a condition specified in Article 161(4) or the imposition of a requirement under Article

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164, as it applies to the refusal to grant, or renew, an amusement permit, or the grant or renewal of an amusement permit subject to a condition specified in Article 111(6) or, as the case may be, Article 115(7) or the imposition of a requirement under Article 118.

### ***Offences in connection with pleasure permits***

**166.**—(1) Where a condition to which the pleasure permit is subject is contravened or a requirement imposed under Article 164 is contravened the holder of the pleasure permit shall be guilty of an offence.

(2) In any proceedings for an offence under paragraph (1) it shall be a defence for the holder of the pleasure permit to prove that the contravention occurred without his consent or connivance and that he exercised due diligence to prevent it.

### ***Cancellation of pleasure permit by a court***

**167.**—(1) Where the holder of a pleasure permit is convicted of—

- (a) an offence under Article 166; or
- (b) any offence involving fraud or dishonesty;

the court by which he is convicted may cancel the permit.

(2) The cancellation of a permit under paragraph (1) shall not take effect—

- (a) until the end of the period within which the holder of the pleasure permit can appeal against his conviction or against the cancellation, and
- (b) if he so appeals, until the appeal has been determined or abandoned.

(3) A pleasure permit which has been cancelled by a court shall be void.

### *Newspaper and other competitions*

#### ***Prize competitions***

**168.**—(1) Subject to paragraph (2), it shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—

- (a) any competition in which prizes are offered for forecasts of the result either—
  - (i) of a future event; or
  - (ii) of a past event the result of which is not yet ascertained, or not yet generally known;
- (b) any other competition in which success does not depend to a substantial degree on the exercise of skill.

(2) Nothing in paragraph (1) with respect to the conducting of competitions in connection with a trade or business shall apply in relation to totalisator or pool betting operations carried on by a person whose only trade or business is the carrying on of such operations.

(3) Any person who contravenes this Article shall, without prejudice to any liability to be proceeded against under Article 132, be guilty of an offence.

## PART VI

### MISCELLANEOUS

#### *Cheating*

**169.** Every person who by any fraud or cheat in organising or managing or assisting in organising or managing or in providing facilities for any game or in acting as banker for those who play or in playing at, or in wagering on the event of, any game, sport, pastime or exercise wins from any other person or causes or procures any person to win from another any property shall be guilty of an offence.

#### *Gaming and wagering contracts void*

**170.**—(1) Every contract by way of gaming or wagering is void.

(2) No action shall lie for the recovery of any money or thing which is alleged to be won or to have been paid upon a wager or which has been deposited to abide the event on which a wager is made.

(3) A promise, express or implied, to pay any person any money paid by him under or in respect of a contract such as is mentioned in paragraph (1) or to pay any money by way of commission, fee, reward or otherwise in respect of such a contract or of any services connected with such a contract is void and no action shall lie for the recovery of any such money.

(4) This Article does not apply to any agreement to subscribe or contribute to any plate, prize or sum of money to be awarded to the winner or winners of any game, sport or pastime not prohibited by this Order, if the subscription or contribution is not a stake.

#### *Securities in connection with gaming and wagering illegal*

**171.**—(1) Every security given in whole or in part—

- (a) for any money or thing won by gaming or wagering, or
- (b) for any money knowingly lent for gaming or wagering, or
- (c) for any money lent, in a place where and at a time when gaming or wagering is taking place, to or for the benefit of any persons who are or may be gaming or wagering there,

shall be deemed to have been given for an illegal consideration.

(2) In this Article—

“gaming” includes taking part in an athletic game or sport;

“security” includes any note, bill, bond, mortgage or conveyance, and also includes a judgment other than a judgment obtained adversely.

#### *Charges by Department*

#### *Charges for licences and certificates*

**172.**—(1) There shall be paid to the Department—

- (a) by every person who intends to apply under Article 8 for the grant of a bookmaker's licence, a charge of £100;
- (b) by every person who intends to apply under Article 12 for the grant of a bookmaking office licence, a charge of £1;

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- (c) by every person who intends to apply under Article 14 to have the provisional grant of a bookmaking office licence declared final, a charge of £1;
- (d) by every person who intends to apply under Article 16 for the renewal of a bookmaker's licence, a charge of £1;
- (e) by every person who intends to apply under Article 18 for the renewal of a bookmaking office licence, a charge of £1;
- (f) by every person who intends to apply under Article 23 for the transfer of a bookmaking office licence, a charge of £1;
- (g) by every person who intends to apply under Article 63 for the grant of a bingo club licence, a charge of<sup>F79</sup> £2,300];
- (h) by every person who intends to apply under Article 65 to have the provisional grant of a bingo club licence declared final, a charge of<sup>F79</sup> £2,300];
- (i) by every person who intends to apply under Article 67 for the renewal of a bingo club licence, a charge of<sup>F79</sup> £820];
- (j) by every person who intends to apply under Article 85 for the grant of a gaming machine certificate, a charge of<sup>F80</sup> £1,840];
- (k) by every person who intends to apply under Article 87 for the renewal of a gaming machine certificate, a charge of<sup>F80</sup> £690].

(2) The Department, with the consent of the Department of Finance and Personnel, may, by order subject to affirmative resolution, substitute for any of the charges specified in paragraph (1) such other charges as may be specified in the order.

(3) The Department shall issue a receipt to every person who pays a charge specified in paragraph (1).

(4) Where any application for the grant, renewal or transfer of a licence or certificate, as the case may require, in respect of which a person has paid to the Department the charge specified in paragraph (1) has been refused by a court, the Department shall, after the expiry of the time for making an appeal against the refusal, and, if an appeal is brought, after the appeal is dismissed or abandoned, refund to that person the amount paid under paragraph (1).

**F79** SR 1990/403

**F80** SR 1992/43

### *Change of directors of body corporate*

#### **Notification of change of directors, etc., of a body corporate**

**173.** Where the holder of a—

- (a) bookmaker's licence;
- (b) bookmaking office licence;
- (c) bookmaking office licence granted provisionally;
- (d) bingo club licence;
- (e) bingo club licence granted provisionally;
- (f) gaming machine certificate;
- (g) gaming machine permit; or
- (h) lottery certificate;

is a body corporate, then if at any time a change occurs—

- (i) in the persons who are directors of that body corporate; or
- (ii) in the persons in accordance with whose directions or instructions the directors of that body corporate are accustomed to act,

the licence, certificate or permit, as the case may require, shall cease to be in force on the expiration of 14 days after that time unless the body corporate serves, within that 14 days, a notice giving particulars of that change upon—

- (aa) the clerk of petty sessions for the petty sessions district; and
- (bb) the sub-divisional commander of the police sub-division;

in which the licence, certificate or permit was granted<sup>F81</sup> or, in the case of a bookmaking office licence, in which the licensed office is situated].

**F81** 2004 NI 1

*Registers and proof of licences, etc.*

**Register of licences, certificates and permits**

174.—(1) Each clerk of petty sessions shall keep a register of—

- (a) bookmakers' licences;
- (b) bookmaking office licences;
- (c) bingo club licences;
- (d) gaming machine certificates;
- (e) gaming machine permits; and
- (f) lottery certificates;

granted by a<sup>F82</sup> county court for premises in, or a court of summary jurisdiction,] for the petty sessions district for which he acts as clerk.

(2) Each clerk of petty sessions shall record in the register in respect of each licence, certificate or permit—

- (a) the matters which under this Order or by regulations are required to be specified on the licence, certificate or permit;
- (b) particulars of the provisional grant of a bookmaking office licence or a bingo club licence and of any such licence declared final;
- (c) particulars of any renewal of the licence or certificate or of the transfer of any bookmaking office licence;
- (d) particulars of any bookmaking office licence or bingo club licence granted conditionally, of any period fixed by the court under Article 13(1) or (3) or 64(1) or (3) and of any declaration made by the court under Article 13(5) or 64(5);
- (e) particulars of any notice served under Article 15(10), 66(9), 86(9) or 143(7);
- (f) particulars of any restriction imposed on a bingo club licence under Article 63(8) or 68(5)
  - (a), any direction given in respect of bingo club premises under Article 63(9) or 68(6)(a), any declaration made in respect of bingo club premises under Article 107, any variation of any such restriction or direction and any cancellation of any such direction or declaration;

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- [<sup>F82</sup>(fa) particulars of any declaration made in respect of a licensed office under Article 107 and any cancellation of any such declaration;]
- (g) particulars of any revocation of the licence, certificate or permit and of any disqualification order made in consequence of the revocation;
- [<sup>F83</sup>(gg) particulars of the forfeiture and cancellation of any bookmaking office licence in consequence of an order made under paragraph 15(1) of Schedule 1 to the Betting and Gaming Duties Act 1981;]
- (h) particulars of any conviction of—
  - (i) a licensed bookmaker of any offence such as is mentioned in Article 53(1); or
  - (ii) any person of an offence mentioned in Article 79(1); or
  - (iii) a holder of a gaming machine certificate or a gaming machine permit of any offence mentioned in Article 125(1); or
  - (iv) a holder of a lottery certificate of any offence mentioned in Article 152;
 and of any disqualification order made in consequence of the conviction;
- (i) particulars of any matters such as are mentioned in paragraph (4)(a);
- (j) such other matters as may be prescribed by regulations.
- (3) Each clerk of petty sessions shall also keep—
  - (a) the plans received by him under [<sup>F82</sup> paragraph (4)], Article 64(1)(b)<sup>F82</sup>. . . or Part I of Schedule 9 as modified by Part II of that Schedule and any modifications of those plans consented to by the court under [<sup>F82</sup> Article] 65(6);
  - (b) the particulars of any notice served under Article 173;

and those plans and particulars shall be deemed to be matters which are required to be, and have been, recorded in the register under paragraph (2).

(4) Where a court—

- [<sup>F82</sup>(za) on the application of any person grants, conditionally grants or provisionally grants a bookmaking office licence or declares the conditional grant to be unconditional or the provisional grant to be final; or]
- (a) confirms, reverses or varies any decision or determination of any other court relating to a licence, certificate or permit; or
- (b) convicts—
  - (i) a licensed bookmaker of any offence mentioned in Article 53(1); or
  - (ii) any person of an offence mentioned in Article 79(1); or
  - (iii) a holder of a gaming machine certificate or a gaming machine permit of an offence mentioned in Article 125(1); or
  - (iv) a holder of a lottery certificate of any offence mentioned in Article 152; [<sup>F83</sup> or]
- [<sup>F83</sup>(c) orders the forfeiture and cancellation of a bookmaking office licence under paragraph 15(1) of Schedule 1 to the Betting and Gaming Duties Act 1981;]

the court, where it is not a court of summary jurisdiction for the petty sessions district [<sup>F82</sup> in which the premises specified in the bookmaking office licence are situated or, as the case may be,] in which the licence, certificate or permit is recorded in a register under paragraph (1), shall cause a copy of its order [<sup>F82</sup>, and any plan which was attached to, or received in connection with, the application, and, where the order relates to the grant, conditional grant or provisional grant of a bookmaking office licence, particulars of any matters to be entered on the register under paragraph (2)(a), (b) or (d),] to be sent to the clerk of petty sessions for that district.



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(5) A clerk of petty sessions may make such alterations in the register as are necessary to ensure that the matters recorded in the register in respect of the licence, certificate or permit are accurate.

**F82** 2004 NI 1  
**F83** 1986 c. 41

### **Register of clubs**

**175.**—(1) Each clerk of petty sessions shall keep a register of clubs having premises within the petty sessions district in respect of which a certificate of registration is issued under Article 97(1).

(2) Each clerk of petty sessions shall record in respect of each club entered in the register—

- (a) the name of the club;
- (b) the address of the premises of the club;
- (c) the name and address of the owner of the premises;
- (d) particulars of any renewal of registration of the club;
- (e) particulars of any cancellation of registration of the club;
- (f) particulars of conviction of any person of an offence under Article 126(12) or (14) committed in respect of the premises of the club and of any order made under Article 127 in consequence of the conviction;
- (g) particulars of any matters such as are mentioned in paragraph (3);
- (h) such other matters as may be prescribed by regulations.

(3) Where a court confirms, reverses or varies any decision or determination of any other court in relation to the registration of a club under this Order the court, where it is not a court of summary jurisdiction for the petty sessions district in which the club is so registered, shall cause a copy of its order to be sent to the clerk of petty sessions for that district.

(4) Article 174(5) shall apply to a register of clubs under this Article as it applies to a register of licences, certificates and permits under that Article.

### **Inspection of registers**

**176.** A register of licences, certificates and permits and a register of clubs may be inspected, and copies of all or any part of any entry in those registers may be taken, at all reasonable hours.

### **Returns to Department**

**177.** The clerk of petty sessions for any petty sessions district, in respect of each such period as may be specified by the Department, shall send to the Department a statement showing—

- (a) the number of—
  - (i) bookmakers' licences;
  - (ii) bookmaking office licences;
  - (iii) bingo club licences;
  - (iv) gaming machine certificates;
  - (v) gaming machine permits; and
  - (vi) lottery certificates;

**Status:** Point in time view as at 01/01/2006.

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granted<sup>F84</sup> in the case of a bookmaking office licence, by a county court for premises situated in that district or, in any other case,] by the court of summary jurisdiction for that district;

- (b) the number of clubs having premises within that district registered under this Order;
- (c) the number of licences or certificates so granted which have been renewed;
- (d) the number of bookmaking office licences which have been transferred;
- (e) the number of clubs so registered for which registration has been renewed;
- (f) the number of licences or certificates so granted which have been revoked;
- (g) the number of clubs so registered for which registration has been cancelled;
- (h) the number of disqualification orders made in consequence of—
  - (i) the revocation of any licence or certificate; or
  - (ii) the conviction of a licensed bookmaker for an offence mentioned in Article 53(1), or any person for an offence mentioned in Article 79(1) or for an offence under Article 126(12) or (14), or a holder of a gaming machine certificate or a gaming machine permit for an offence mentioned in Article 125(1) or the holder of a lottery certificate for an offence mentioned in Article 152;

and containing such other information as the Department may require.

**F84** 2004 NI 1

### **Registers to be evidence**

**178.**—(1) A register of licences, certificates and permits and a register of clubs shall be received in evidence of the matters required by or under this Order to be recorded in them, and any document purporting to be certified by a clerk of petty sessions to be a true copy of an entry in either of those registers kept by him shall be received in evidence of any such matters contained in the entry.

- (2) On an application for—
  - (a) the grant, renewal or revocation of a bookmaker's licence, bookmaking office licence, bingo club licence, gaming machine certificate, or lottery certificate;
  - (b) the transfer of a bookmaking office licence;
  - (c) the grant of a gaming machine permit; or
  - (d) the grant, renewal or cancellation of the registration of a club under this Order;

the court<sup>F85</sup> . . . shall have regard to the entries, if any, in the register of licences, certificates and permits or, as the case may be, the register of clubs relating to the person by whom, or the premises in respect of which, the application is made.

**F85** 2004 NI 1

### **Proof of licences, etc.**

- 179.**—(1) A document purporting to be—
  - (a) a bookmaker's licence;
  - (b) a bookmaking office licence;
  - (c) a bingo club licence;

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- (d) a gaming machine certificate;
- (e) a gaming machine permit;
- (f) a lottery certificate; or
- (g) a certificate of registration issued under Article 97(1);

and to be signed by the clerk of<sup>F86</sup> the court] by which the licence, certificate or permit was granted or, as the case may be, the club was registered shall be received in evidence.

(2) A document which has been issued by the clerk of petty sessions for the petty sessions district in which the licence, certificate or permit is recorded in the register kept under Article 174(1) or, as the case may be, in which a club is registered and certified by him to contain a true copy of the particulars recorded in the register of licences, certificates and permits in respect of that licence, certificate or permit or, as the case may be, in the register of clubs in respect of that club shall be treated for the purposes of this Order as the licence, certificate or permit as the case may require.

(3) The clerk of petty sessions may issue a document under paragraph (2) where he is satisfied that a licence, certificate or permit has been lost or destroyed.

F86 2004 NI 1

### *Inspection and rights of entry*

#### ***Provision for inspection and rights of entry***

**180.**—(1) For the purpose of ascertaining whether a contravention of this Order or of any regulations made under it is being or has been committed or whether any conditions which are applicable under this Order are being or have been complied with a constable may at any reasonable time—

- (a) enter—
  - (i) any licensed office; or
  - (ii) any licensed track; or
  - (iii) any bingo club premises; or
  - (iv) any premises which belong to the holder of a gaming machine certificate; or
  - (v) any registered club; or
  - (vi) any licensed premises such as are mentioned in Article 108(1)(b); or
  - (vii) any premises for which an amusement permit is in force; or
  - (viii) any premises on which a constable has reason to believe an entertainment to which Article 126 applies or an exempt entertainment is being held; or
  - (ix) any travelling showmen's pleasure fair; or
  - (x) any office of a registered society; or
  - (xi) any premises for which a pleasure permit is in force; and
- (b) inspect any premises mentioned in sub-paragraph (a) and any gaming machine, machine or other equipment or any book or document found on those premises; and
- (c) upon production of a receipt, remove any such book or document for the purpose of having copies of it made or extracts taken from it; and
- (d) ask of any person found on any premises mentioned in sub-paragraph (a) such reasonable questions in relation to the business carried on on those premises as he thinks proper.

**Status:** Point in time view as at 01/01/2006.

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(2) If the holder of any licence, certificate or permit held in respect of any premises mentioned in paragraph (1)(a), or any officer of the registered society or registered club, or any person organising the entertainment or exempt entertainment, as the case may require, or any person acting on behalf of any such holder, officer or person—

- (a) fails without reasonable excuse to admit a constable who demands admission to the premises under paragraph (1); or
- (b) on being required by a constable to do so, fails without reasonable excuse to permit the constable to inspect the premises or any gaming machine, machine or other equipment on those premises; or
- (c) on being required by a constable to produce any book or document in his possession or under his control which relates to the premises and which the constable reasonably requires to inspect for the purpose specified in paragraph (1), fails without reasonable excuse to produce it to the constable and to permit the constable to remove the book or document for the purpose of taking copies of it or of any entry in it; or
- (d) fails or refuses to answer to the best of his knowledge and ability any question asked of him by a constable in exercise of the power conferred by paragraph (1) or gives an answer to any such question which is to his knowledge false or misleading;

he shall be guilty of an offence.

(3) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Order is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter the premises, if necessary by force,<sup>F87</sup> . . . and to search the premises.

(4) Any constable who enters any premises under the authority of a warrant issued under paragraph (3) may—

- (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Order, and
- (b) <sup>F87</sup> . . . search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

*Para. (5) rep. by 1989 NI 12*

**F87** 1989 NI 12

### *Legal proceedings*

#### ***Prosecution and punishment of offences***

**181.**—(1) Schedule 18 sets out in tabular form the manner in which offences under this Order are punishable on conviction.

(2) In relation to an offence under a provision of this Order specified in column 1 of Schedule 18 (the general nature of that offence being described in column 2)—

- (a) column 3 shows whether the offence is punishable on summary conviction or on indictment or in either one way or the other;
- (b) column 4 shows the punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in column 3 (that is to say, summarily or

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on indictment), any reference in column 4 to a period of years or months being construed as a reference to a term of imprisonment for that duration.

(3) In Schedule 18—

- (a) a reference to a period of imprisonment shall be construed as a reference to the maximum term of imprisonment which may be imposed for the offence;
- (b) a reference to a fine without a qualifying reference to a sum of money shall be construed as a reference to an unlimited fine;
- (c) a reference to a level shall be construed as a reference to that level on the standard scale; and
- (d) a reference to the statutory maximum or a level shall be construed as the maximum fine which may be imposed for that offence.

(4) This Article and Schedule 18 shall be subject to any other provision of this Order with respect to the prosecution and punishment of any offence specified in that Schedule.

#### ***Forfeiture of gaming machines as statutory consequence of conviction***

**182.**—(1) Without prejudice to Article 183, where a person has been convicted of an offence under Article 95(2) in respect of the use of a gaming machine that gaming machine shall, unless the court by or before which the person has been convicted makes an order under paragraph (2), as a statutory consequence of the conviction, stand forfeited.

(2) Where, on the application of—

- (a) in the case of a registered club, the chairman or secretary of the club, or
- (b) in the case of bingo club premises, licensed premises within the meaning of the<sup>F88</sup> Licensing (Northern Ireland) Order 1996<sup>F89</sup>, a licensed office] or premises for which an amusement permit is in force, the holder of the bingo club licence, the holder of the licence granted under that<sup>F88</sup> Order of 1996<sup>F89</sup>, the licensed bookmaker] or the holder of the amusement permit, as the case may require,

the court is satisfied that the offence mentioned in paragraph (1) was committed by reason of the failure to renew the registration of the club, the bingo club licence, the licence granted under that<sup>F88</sup> Order of 1996<sup>F89</sup>, the bookmaking office licence] or the amusement permit, as the case may require, and that there was good reason for the failure to so renew, the court may order that the gaming machine to which the offence relates shall not, as a statutory consequence of the conviction, stand forfeited.

(3) Where, as a statutory consequence of a conviction under this Order, a gaming machine stands forfeited, then, notwithstanding any enactment or rule of law, it shall not be necessary for the court—

- (a) to pronounce the fact of such forfeiture at the time of adjudication; or
- (b) to record the fact of such forfeiture in the Order Book or in the order of convictions.

(4) A gaming machine forfeited as a statutory consequence of a conviction under this Order shall be destroyed or dealt with in such other manner as the court may direct.

**F88** 1996 NI 22

**F89** 2004 NI 1

*Status: Point in time view as at 01/01/2006.*

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### **Forfeiture on order of court**

**183.**—(1) Subject to paragraph (2), the court by or before which a person is convicted of an offence under this Order may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(2) The court shall not order anything to be forfeited under paragraph (1), where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

### **[<sup>F90</sup> Appeals**

**184.**—(1) Without prejudice to Articles 61 and 65 of the County Courts (Northern Ireland) Order 1980, any party to the proceedings who is dissatisfied with a decision of a county court on an application made to it under this Order may appeal from that decision as if the decision had been made in exercise of the jurisdiction conferred by Part III of that Order of 1980 and the appeal were brought under Article 60 of that Order of 1980.

(2) For the purposes of—

- (a) paragraph (1),
- (b) Articles 61 and 62 of the County Courts (Northern Ireland) Order 1980,
- (c) Articles 143 and 146 of the Magistrates' Courts (Northern Ireland) Order 1981,

a person who appears as an objector in any proceedings under this Order shall be deemed to be a party to the proceedings.]

**F90** 2004 NI 1

### **Procedure in connection with revocation, cancellation and disqualification**

**185.**—(1) A court which—

- (a) revokes a bookmaker's licence, a bookmaking office licence, a bingo club licence, a gaming machine certificate or a lottery certificate, or
- (b) cancels the registration of a club or cancels an amusement permit or a pleasure permit, or
- (c) makes a disqualification order in respect of a bookmaker's licence or a bookmaking office licence under Article 30 or 53 or in respect of a bingo club licence under Article 74 or 79 or in respect of a gaming machine certificate or a gaming machine permit under Article 94 or 125 or in respect of a lottery certificate under Article 151 or 152,

shall order the holder of the licence, certificate or permit or, in the case of the cancellation of a club's registration, the chairman or secretary of the club to deliver that licence, certificate or permit or, as the case may require, the certificate of registration of the club to the clerk of the court within a period specified in the order of the court, and if the person so ordered contravenes that court order he shall be guilty of an offence.

(2) The clerk of a court to whom a licence, certificate or permit is delivered under paragraph (1) shall—

- (a) in the case of a licence, certificate or gaming machine permit,—
  - (i) if he is not the clerk of petty sessions who keeps the register in which particulars of the licence, certificate or permit are recorded or, in the case of a certificate of registration of a club, in which the club is registered, send the licence, certificate or permit to that clerk of petty sessions; or
  - (ii) if he keeps that register, retain the licence, certificate or permit; or

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- (b) in the case of an amusement permit or a pleasure permit, send the permit to the district council by which the permit was granted.
- (3) The clerk of a court which revokes a licence, certificate or permit, cancels a registration or a permit or makes a disqualification order as mentioned in paragraph (1) or an order under Article 127 shall send notice of the revocation, cancellation or order—
  - (a) in the case of the revocation of, or a disqualification order made in respect of, a bookmaker's licence, to the sub-divisional commander of the police sub-division in which the holder of the licence resides; and
  - (b) in any other case, to the sub-divisional commander of the police sub-division in which the premises or club in respect of which the licence, registration or permit is in force or from which the holder of a certificate or permit carries on his business are situated.

### *Supplemental*

#### **Orders and regulations**

- 186.**—(1) The Department may by regulations provide that a court<sup>F91</sup> . . . or, as the case may be, a district council—
- (a) shall refuse—
    - (i) to grant or renew a relevant licence, certificate or permit,
    - (ii) to grant a gaming machine permit,
    - (iii) to transfer a bookmaking office licence,
    - (iv) to grant or renew the registration of a club under Part III,
    - (v) to grant the registration of a society under Article 136, or
    - (vi) to grant or renew a pleasure permit,in such circumstances as may be prescribed by the regulations;
  - (b) may refuse—
    - (i) to grant or renew a relevant licence, certificate or permit,
    - (ii) to transfer a bookmaking office licence,
    - (iii) to grant or renew the registration of a club under Part III, or
    - (iv) to grant the registration of a society,in such circumstances as may be so prescribed, without prejudice to any other grounds on which the grant or renewal could be refused apart from the regulations.
- (2) In this Article “relevant licence, certificate or permit” means—
- (a) a bookmaker's licence;
  - (b) a bookmaking office licence;
  - (c) a bingo club licence;
  - (d) a gaming machine certificate;
  - (e) lottery certificate; or
  - (f) an amusement permit.
- (3) Regulations under paragraph (1) shall be subject to affirmative resolution.
- (4) Orders made by the Department under Articles 81(3) and 82(4) and, subject to paragraph (3), regulations shall be subject to negative resolution.

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**F91** 2004 NI 1

***Modifications of Schedules, amendments, transitional provisions and repeals***

**187.**—(1) The provisions of [F92] Schedule 2 may be modified by county court rules and the provisions of Schedules 1, 3] to 7, 9 to 14, 16 and 17 may be modified by magistrates' courts rules and any rules under this paragraph may make consequential modifications of this Order.

*Para. (2)—Amendments*

(3) The transitional provisions in Schedule 20 shall have effect for the purposes of this Order.

*Para. (4)—Repeals*

(5) The rules of law relating to common gaming houses are hereby abolished.

**F92** 2004 NI 1



## SCHEDULES

### SCHEDULE 1

Articles 8(2), (3), (4)(a) and (5) and  
187(1).

#### APPLICATIONS FOR THE GRANT OF BOOKMAKERS' LICENCES

1. Without prejudice to section 42(2) of the Interpretation Act (Northern Ireland) 1954, where a person intends to carry on the business of a bookmaker in any premises he may apply for the grant of a bookmaker's licence to a court of summary jurisdiction acting for the petty sessions district in which those premises are situated notwithstanding the fact that he does not ordinarily reside in that district.

2.—(1) A person who intends to make an application for the grant of a bookmaker's licence shall—

- (a) not more than 6 weeks or less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the area in which he resides or, in the case of an applicant who does not reside in Northern Ireland, circulating throughout Northern Ireland;
- (b) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
  - (i) the sub-divisional commander of the police sub-division in which the application is to be made; and
  - (ii) except in the case of an applicant who does not reside in Northern Ireland, where the applicant resides in some other police sub-division the sub-divisional commander of that sub-division.

(2) For the purposes of sub-paragraph (1)(a), a body corporate shall be taken not to reside in Northern Ireland.

(3) Sub-paragraph (1)(b)(ii) shall not apply if the applicant is a body corporate.

3.—(1) The notice mentioned in paragraph 2(1) shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 2(1) relates to an application to be made by a body corporate, the notice served under paragraph 2(1)(b) shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest).

4. The applicant shall attach to the notice mentioned in paragraph 2(1)(b)—

- (a) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(a); and

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- (b) except in the case of an applicant who intends to apply for the grant of a bookmaking office licence, the receipt issued by the Department of Agriculture under<sup>F93</sup> Article 9(2) of the Horse Racing (Northern Ireland) Order 1990] in respect of payment, in relation to his application for the grant of a bookmaker's licence, of the charge<sup>F93</sup> under Article 9(1)] of that Order.

**F93** 1990 NI 12

5. Any person shall be entitled to appear at the hearing of the application and object to the grant of the bookmaker's licence on any of the grounds mentioned in Article 8(4) and (6).

6. A person intending to object under paragraph 5 shall, not less than 1 week before the time mentioned in paragraph 2(1)(a),—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

## SCHEDULE 2

Articles 12(2), (3), (4)(a) and (5), 14(3),  
(6), (7)(a) and (8) and 187(1).

### APPLICATIONS FOR THE GRANT OF BOOKMAKING OFFICE LICENCES

## PART I

### GRANT OF BOOKMAKING OFFICE LICENCES

1. A licensed bookmaker who intends to make an application for the grant of a bookmaking office licence shall—

- (a) not more than 6 weeks or less than 2 weeks before the time of the<sup>F94</sup> opening of the] court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises for which the licence is to be sought;
- (b) not less than 3 weeks before that time, serve notice of the application upon the<sup>F94</sup> chief clerk] and at the same time serve a copy of the notice upon—
- (i) the sub-divisional commander of the police sub-division in which the premises are situated; and
- (ii) the district council for the district in which the premises are situated;
- (c) during the 2 weeks before that time, cause notice of the application to be displayed outside the premises for which the licence is to be sought.

**F94** 2004 NI 1

2.—(1) The notice mentioned in paragraph 1 shall specify—

- (a) the name of the applicant;
- (b) the address of the premises for which the licence is sought;
- (c) the name of the owner of the premises;

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and shall be in such form and shall contain such other information as may be prescribed by<sup>F95</sup> county court] rules.

(2) Without prejudice to sub-paragraph (1) where the notice mentioned in paragraph 1 relates to an application to be made by a body corporate, the notice served under paragraph 1(b) shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest).

**F95** 2004 NI 1

3. The applicant shall attach to the notice mentioned in paragraph 1(b)—

- (a) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(b); and
- (b) the receipt issued by the Department of Agriculture under<sup>F96</sup> Article 9(2) of the Horse Racing (Northern Ireland) Order 1990] in respect of payment, in relation to his application for the grant of a bookmaking office licence, of the charge<sup>F96</sup> under Article 9(1)] of that Order.

**F96** 1990 NI 12

4. Any person shall be entitled to appear at the hearing of the application and object to the grant of the bookmaking office licence on any of the grounds mentioned in Article 12(4) and (6).

5. A person intending to object under paragraph 4 shall, not less than 1 week before the time mentioned in paragraph 1(a),—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the<sup>F97</sup> chief clerk]

**F97** 2004 NI 1

## PART II

### PROVISIONAL GRANT OF BOOKMAKING OFFICE LICENCES

6. Part I shall apply for the purposes of an application for the provisional grant of a bookmaking office licence subject to the following modifications—

- (a) for any reference to the grant of a bookmaking office licence there shall be substituted a reference to the provisional grant of such a licence;
- (b) where the application relates to premises about to be constructed, or in the course of construction, for any reference to the vicinity, the police sub-division or the district in which the premises are situated there shall be substituted a reference to the vicinity, the police sub-division or the district in which the premises are to be situated and in paragraph

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- 1(c) after the word “premises” there shall be inserted the words “ or the site of the proposed premises ”;
- (c) in paragraph 2(1)(b) and (c) after the word “premises” there shall be inserted the words “ or proposed premises ”;
- (d) in paragraph 3 for sub-paragraphs (a) and (b) there shall be substituted the words “ a plan of the premises for which the provisional licence is sought showing the premises as they will be when their construction, alteration or extension has been completed ”.

### PART III

#### APPLICATIONS TO HAVE PROVISIONAL GRANT OF BOOKMAKING OFFICE LICENCES DECLARED FINAL

7. A licensed bookmaker who intends to make an application to have the provisional grant of a bookmaking office licence declared final shall, not less than 3 weeks before the time of the<sup>F98</sup> opening of the] court sitting at which the application is to be made, serve notice of the application upon the<sup>F98</sup> chief clerk] and at the same time serve a copy of the notice upon the sub-divisional commander of the police sub-division in which the premises for which the licence was provisionally granted are situated.

**F98** 2004 NI 1

8. The applicant shall attach to the notice mentioned in paragraph 7—
- (a) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(c); and
- (b) the receipt issued by the Department of Agriculture under<sup>F99</sup> Article 9(2) of the Horse Racing (Northern Ireland) Order 1990] in respect of payment, in relation to his application to have the provisional grant of a bookmaking office licence declared final, of the charge<sup>F99</sup> under Article 9(1)] of that Order.

**F99** 1990 NI 12

9. Before or at the hearing of the application to have the provisional grant of a bookmaking office licence declared final, the applicant shall deposit the licence with the<sup>F100</sup> chief clerk].

**F100** 2004 NI 1

## SCHEDULE 3

Articles 16(2), 17(1), (2)(a) and (3), 20(2)  
and 187(1).

### APPLICATIONS FOR THE RENEWAL OF BOOKMAKERS' LICENCES

#### PART I

##### GENERAL PROCEDURE

**1.** The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 5 to be published in 2 newspapers circulating in the district.

**2.—(1)** A person who intends to make an application for the renewal of a bookmaker's licence shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions for the petty sessions district and at the same time serve a copy of the notice upon—

- (a) the sub-divisional commander of the police sub-division in which the application is to be made; and
- (b) except in the case of an applicant who does not reside in Northern Ireland, where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division.

(2) Sub-paragraph (1)(b) shall not apply if the applicant is a body corporate.

**3.—(1)** The notice mentioned in paragraph 2(1) shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 2(1) relates to an application to be made by a body corporate, that notice shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction, to the directors given by that financial interest);

and shall specify details of any change in the information specified under heads (a) to (d) from the information so specified on the application for the last previous renewal of the bookmaker's licence (or where the renewal to be applied for is the first renewal of the licence, on the application for the grant of the licence).

**4.** The applicant shall attach to the notice mentioned in paragraph 2(1)—

- (a) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(d); and
- (b) except in the case of an applicant who intends to apply for the grant, or renewal, of a bookmaking office licence, the receipt issued by the Department of Agriculture under<sup>F101</sup> Article 9(2) of the Horse Racing (Northern Ireland) Order 1990] in respect of payment, in relation to his application for the renewal of a bookmaker's licence, of the charge<sup>F101</sup> under Article 9(1)] of that Order.

**F101** 1990 NI 12

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

5. Any person shall be entitled to appear at the hearing of the application and object to the renewal of the bookmaker's licence on any of the grounds mentioned in Article 17(2) and (4).

6. A person intending to object under paragraph 5 shall, not less than 1 week before the renewal date,—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

7. Before the renewal date, the applicant shall deposit the bookmaker's licence with the clerk of petty sessions.

## PART II

### PROCEDURE FOR RENEWALS OUT OF TIME

8. Part I shall apply for the purposes of an application under Article 20(1) for the renewal of a bookmaker's licence subject to the following modifications—

- (a) paragraph 1 shall be omitted;
- (b) in paragraphs 2, 6 and 7 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.

#### SCHEDULE 4

Articles 18(2), 19(1), (2)(a) and (3), 20(2),  
24(3) and 187(1).

### APPLICATIONS FOR THE RENEWAL OF BOOKMAKING OFFICE LICENCES

## PART I

### GENERAL PROCEDURE

1. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 5 to be published in 2 newspapers circulating in the district.

2. A licensed bookmaker who intends to make an application for the renewal of a bookmaking office licence shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—

- (a) the sub-divisional commander of the police sub-division in which the licensed office is situated; and
- (b) the district council for the district in which the licensed office is situated.

3.—(1) The notice mentioned in paragraph 2 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 2 relates to an application to be made by a body corporate, that notice shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;

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- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest);

and shall specify details of any change in the information specified under heads (a) to (d) from the information so specified on the application for the last previous renewal of the bookmaking office licence (or where the renewal to be applied for is the first renewal of the licence, on the application for the grant or, as the case may be, the transfer of the licence).

4. The applicant shall attach to the notice mentioned in paragraph 2—
  - (a) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(e); and
  - (b) the receipt issued by the Department of Agriculture under<sup>F102</sup> Article 9(2) of the Horse Racing (Northern Ireland) Order 1990] in respect of payment, in relation to his application for the renewal of a bookmaking office licence, of the charge<sup>F102</sup> under Article 9(1)] of that Order.

**F102** 1990 NI 12

5. Any person shall be entitled to appear at the hearing of the application and object to the renewal of the bookmaking office licence on any of the grounds mentioned in Article 19(2) and (4).

6. A person intending to object under paragraph 5 shall, not less than 1 week before the renewal date,—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

7. Before the renewal date, the applicant shall deposit the bookmaking office licence with the clerk of petty sessions.

## PART II

### PROCEDURE FOR RENEWALS OUT OF TIME

8. Part I shall apply for the purposes of an application under Article 20(1) or 24(1) for the renewal of a bookmaking office licence subject to the following modifications—

- (a) paragraph 1 shall be omitted;
- (b) in paragraphs 2, 6 and 7 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.

9. Where the application is made under Article 24(1) the requirements of this Schedule shall be taken to be satisfied if the notices mentioned in paragraphs 2 and 6(a) were served by and upon either the holder of the bookmaking office licence or the licensed bookmaker who intends to make application for the transfer of the licence.

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 5

Articles 23(4), (5), (6)(a) and (7) and  
187(1).

### APPLICATIONS FOR THE TRANSFER OF BOOKMAKING OFFICE LICENCES

#### PART I

##### TRANSFER OF BOOKMAKING OFFICE LICENCES

**1.** A licensed bookmaker who intends to make an application for the transfer of a bookmaking office licence shall—

- (a) not more than 6 weeks or less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the licensed office;
- (b) not less than 3 weeks before that time serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
  - (i) the sub-divisional commander of the police sub-division in which the licensed office is situated; and
  - (ii) the district council for the district in which the licensed office is situated.

**2.—(1)** The notice mentioned in paragraph 1 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 1 relates to an application to be made by a body corporate, the notice served under paragraph 1(b) shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest).

**3.** The applicant shall attach to the notice mentioned in paragraph 1(b) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(f).

**4.** Any person shall be entitled to appear at the hearing of the application and object to the transfer of the bookmaking office licence on any of the grounds mentioned in Article 23(6) and (8).

**5.** A person intending to object under paragraph 4 shall, not less than 1 week before the time mentioned in paragraph 1(a),—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

**6.—(1)** Before the hearing of the application for the transfer of a bookmaking office licence, the applicant shall deposit the licence with the clerk of petty sessions.

(2) Where the applicant has not possession of the bookmaking office licence and the court has reason to believe that the licence is in the possession of some other person the court may order that person to deposit it with the clerk within a reasonable period specified in the order and if he contravenes the order without reasonable excuse he shall be guilty of an offence.



## PART II

### TRANSFER OF BOOKMAKING OFFICE LICENCES PROVISIONALLY GRANTED

7. Part I shall apply for the purposes of an application for the transfer of a bookmaking office licence provisionally granted subject to the modification that where the application relates to a bookmaking office licence for premises about to be constructed or in the course of construction, for any reference to the vicinity, the police sub-division or the district in which the licensed office is situated there shall be substituted a reference to the vicinity, the police sub-division or the district in which the premises are to be situated.

#### SCHEDULE 6

Articles 26(1) and 187(1).

#### APPLICATIONS FOR AUTHORISATIONS OF TEMPORARY CONTINUANCE OF BUSINESS

1. A licensed bookmaker who intends to make an application for an order authorising the temporary continuance of the business carried on under a bookmaking office licence in premises other than the licensed office shall, not less than 4 days before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated.

2. The notice mentioned in paragraph 1 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

3. The sub-divisional commander upon whom notice is required by paragraph 1 to be served shall be entitled to appear at the hearing of the application and object to the making of the order authorising the temporary continuance of the business carried on under the bookmaking office licence in the premises in question.

#### SCHEDULE 7

Articles 27(2) and (3), 28(2) and (3), 72(2)  
and (3), 92(2) and (3), 149(2) and (3) and  
187(1).

#### APPLICATIONS FOR THE REVOCATION OF LICENCES AND CERTIFICATES

1. In this Schedule “application” means an application for the revocation of—

- (a) a bookmaker's licence;
- (b) a bookmaking office licence;
- (c) a bingo club licence;
- (d) a gaming machine certificate; or
- (e) a lottery certificate.

2.—(1) A person who intends to make an application shall, not less than 3 weeks before the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—

- (a) the holder of the licence or, as the case may be, the certificate;

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the sub-divisional commander of the police sub-division in which the application is to be made; and
  - (c) where the holder of the licence or certificate resides in some other police sub-division, the sub-divisional commander of that sub-division.
- (2) Where the application is for the revocation of a bookmaker's licence or a bookmaking office licence, sub-paragraph (1)(c) shall not apply if the holder of the licence is a body corporate.
3. The notice mentioned in paragraph 2(1) shall specify the grounds on which the application is to be made and shall be in such form and contain such other information as may be prescribed by magistrates' courts rules.
4. The holder of the licence or, as the case may be, the certificate, and any other person shall be entitled to appear at the hearing of the application and object to the revocation of the licence or, as the case may be, the certificate.
5. A person intending to object under paragraph 4 shall, not less than 1 week before the time mentioned in paragraph 2(1),—
- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
  - (b) serve a copy of the notice upon the clerk of petty sessions.

## SCHEDULE 8

Articles 42(1)(c) and 45(1)(c).

### TOTALISATORS ON LICENSED TRACKS

1. The totalisator shall be a mechanically or electrically operated apparatus complying with such conditions as may be prescribed by regulations, or such other apparatus as may be approved by the Department.
2. The person, whether the occupier of the licensed track or a person authorised in that behalf in writing by that occupier, by whom the totalisator is operated (in this Schedule referred to as “the operator”) shall take all such steps as are necessary to secure that, so long as the totalisator is in use, it is in proper working order and is properly operated.
3. The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the licensed track<sup>F103</sup> or, where bets may be made by means of the totalisator in more than one distinct area of the track, in each such area] a notice<sup>F103</sup> in easily legible print] showing the minimum stake (the betting unit) which will be accepted at the totalisator from persons betting on that race; and that notice shall also—
- (a) specify<sup>F103</sup> prominently] the percentage,<sup>F103</sup> . . . which will be deducted by the operator from amounts staked by means of the totalisator; and
  - (b) if the terms on which the operator invites persons to bet include such a condition as is mentioned in paragraph 6, specify the time referred to in that paragraph.

**F103** 1996 NI 11

4. The operator shall, in the case of any bets made by means of the totalisator on any race or combination of races,—
- (a) deduct from the aggregate amount staked—

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- (i) any sums payable by the operator by way of the general betting duty in respect of those bets; and
    - (ii) subject to paragraph 5, the percentage specified in the notice posted in pursuance of paragraph 3; and
  - (b) subject to paragraphs 5 and 6, distribute the whole of the remainder of that amount among the persons making such of those bets as are winning bets.
- 5.** Where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by 5, then—
- (a) if the remainder does not exceed one half of £0.05, it may be retained by the operator; but
  - (b) if the remainder exceeds one half of £0.05, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible.
- 6.** The terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet unless the money won on the bet is claimed before such time, not being earlier than 48 hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made as may have been specified in the notice posted in pursuance of paragraph 3.
- 7.** The Department may appoint a qualified accountant (the accountant) who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator and, after consultation with the accountant, may appoint an experienced mechanic (the technical adviser) who shall act as technical adviser to the accountant and be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation of the totalisator.
- 8.** Subject to paragraph 9, the accountant and the technical adviser shall hold office on such terms (including terms as to remuneration) as may be determined by the Department after consultation with the occupier of the licensed track, and the remuneration of the accountant and the technical adviser shall be payable by the Department; but so much of that remuneration as is paid to the accountant or the technical adviser in respect of the performance of his functions under this Schedule in relation to the totalisator and is attributable to any period during which a track betting licence was in force in respect of the licensed track shall be recoverable by the Department as a debt due to it from the occupier of that track.
- 9.** The terms on which the accountant is appointed shall include a term that on every day when the totalisator is operating either he or a servant of his authorised by him in that behalf in writing must be in attendance at the totalisator during such period or periods as may before that day have been notified to him in writing by the operator.
- 10.** Where an accountant has been appointed under paragraph 7, the totalisator shall not be operated at any time when neither the accountant nor a servant of his authorised by him in that behalf in writing is present.
- 11.—(1)** The accountant, the technical adviser and their respective servants and an officer of the Department authorised in writing in that behalf may, on production, if required, of their credentials, at any reasonable time, enter the premises in which the totalisator is set up and examine any part of the mechanism and test and watch the working thereof, and may require the operator or any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents, as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule and of regulations made under Part II are being complied with.
- (2) Every person who—

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) obstructs any of the persons upon whom powers are conferred by sub-paragraph (1) in the exercise of any of those powers; or
  - (b) neglects or refuses to give to any of the said persons any such information, or to produce to him any such document, as may have been called for by him in pursuance of sub-paragraph (1); or
  - (c) knowingly gives to any of the said persons any information which is false or misleading,
- shall be guilty of an offence.

**12.** The operator shall, within 7 days after the close of each month, submit to the accountant for examination by him a complete statement of account for that month, giving all such information as the accountant may require for the purpose of ascertaining whether the provisions of this Schedule and of regulations made under Part II have been complied with.

**13.** The accountant shall examine the statements of account submitted to him under paragraph 12 and shall, so often as he thinks proper, consult with the technical adviser and carry out, or cause to be carried out, such inspections as either of them deems necessary for the purpose of ascertaining whether the provisions of this Schedule and of regulations made under Part II are being complied with, and shall forthwith make a report to the Department if he has reason to believe that the totalisator is not an apparatus such as is mentioned in paragraph 1, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule or of regulations made under Part II are not being complied with.

**14.** The accountant shall retain for a period of 2 years all statements of account submitted to him under paragraph 12 and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the Department.

**15.—(1)** Without prejudice to his duties under the preceding paragraphs, the accountant shall, as soon as may be after the close of each year, audit the accounts of the operator for the year and, if such be the fact, certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 12 and have been examined by him, and that to the best of his information and belief, formed after consultation with the technical adviser, the accounts for the year are complete and accurate and the totalisator is an apparatus such as is mentioned in paragraph 1 and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule and of regulations made under Part II.

(2) The operator shall forthwith cause the accounts and certificate mentioned in sub-paragraph (1) to be printed and shall transmit 2 copies thereof to the Department, who shall cause 1 of those copies to be deposited at its offices for inspection at any time during office hours by any member of the public free of charge.

**16.** Without prejudice to paragraph 11(2) and Article 43(2), if the operator contravenes any of the provisions of this Schedule (other than paragraph 11(2)) or of regulations made under Part II he shall be guilty of an offence.

## [<sup>F104</sup>SCHEDULE 8A

### RIGHTS OF BETTING WORKERS AS RESPECTS SUNDAY WORKING

F104 2004 NI 1

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Interpretation*

1.—(1) In this Schedule “betting worker” means an employee who, under his contract of employment, is or may be required to do betting work.

(2) In this Schedule “betting work” means work at a track for a bookmaker on a day on which the bookmaker acts as such at the track, being work which consists of or includes dealing with betting transactions.

(3) In this Schedule “bookmaker” means any person who—

- (a) whether on his own account or as servant or agent of any other person carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations; or
- (b) by way of business in any manner holds himself out, or permits himself to be held out as a person who receives or negotiates bets or conducts such operations.

(4) In this Schedule—

“commencement date” means the day on which Schedule 1 to the Betting and Gaming (Northern Ireland) Order 2004 comes into operation;

“notice period”, in relation to an opted-out betting worker, has the meaning given by paragraph 7(3);

“opted-out”, in relation to a betting worker, shall be construed in accordance with paragraph 7(1) and (2);

“opting-in notice”, in relation to a betting worker, has the meaning given by paragraph 2(6);

“opting-out notice”, in relation to a betting worker, has the meaning given by paragraph 6(2); and

“protected”, in relation to a betting worker, shall be construed in accordance with paragraph 2(1) to (5).

(5) This Schedule shall be construed as one with the Employment Rights (Northern Ireland) Order 1996 (NI 16), referred to in this Schedule as “the Employment Rights Order”.

(6) Chapter III of Part I of the Employment Rights Order (computation of period of continuous employment) shall have effect for the purposes of this Schedule as it has effect for the purposes of that Order.

### *Protected betting workers*

2.—(1) Subject to sub-paragraph (5), a betting worker is to be regarded as “protected” for the purposes of any provision of this Schedule if (and only if) sub-paragraph (2) or (3) applies to him.

(2) This sub-paragraph applies to any betting worker if—

- (a) on the day before the commencement date, he was employed as a betting worker, but not to work only on Sunday;
- (b) he has been continuously employed during the period beginning with that day and ending with the day which, in relation to the provision concerned, is the appropriate date; and
- (c) throughout that period, or throughout every part of it during which his relations with his employer were governed by a contract of employment, he was a betting worker.

(3) This sub-paragraph applies to any betting worker whose contract of employment is such that under it he—

- (a) is not, and may not be, required to work on Sunday; and
- (b) could not be so required even if the provisions of this Schedule were disregarded.

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) Where on the day before the commencement date an employee's relations with his employer have ceased to be governed by a contract of employment, he shall be regarded as satisfying subparagraph (2)(a) if—

- (a) that day fell in a week which counts as a period of employment with that employer under Article 8(3) of the Employment Rights Order or under regulations under Article 15 of that Order; and
- (b) on the last day before the commencement date on which his relations with his employer were governed by a contract of employment, the employee was employed as a betting worker, but not to work only on Sunday.

(5) A betting worker is not a protected betting worker if—

- (a) he has given his employer an opting-in notice on or after the commencement date; and
- (b) after giving the notice, he has expressly agreed with his employer to do betting work on Sunday or on a particular Sunday.

(6) In this Schedule “opting-in notice”, in relation to a betting worker, means written notice, signed and dated by the betting worker, in which the betting worker expressly states that he wishes to work on Sunday or that he does not object to Sunday working.

#### *Contractual requirements relating to Sunday work*

**3.—**(1) Any contract of employment under which a betting worker who satisfies paragraph 2(2) (a) was employed on the day before the commencement date is unenforceable to the extent that it—

- (a) requires the betting worker to do betting work on Sunday on or after that date; or
- (b) requires the employer to provide the betting worker with betting work on Sunday on or after that date.

(2) Subject to paragraph (3), any agreement entered into after the commencement date between a protected betting worker and his employer is unenforceable to the extent that it—

- (a) requires the betting worker to do betting work on Sunday; or
- (b) requires the employer to provide the betting worker with betting work on Sunday.

(3) Where, after giving an opting-in notice, a protected betting worker expressly agrees with his employer to do betting work on Sunday or on a particular Sunday (and so ceases to be protected), his contract of employment shall be taken to be varied to the extent necessary to give effect to the terms of the agreement.

(4) For the purposes of paragraph 2(2)(b), the appropriate date in relation to this paragraph is the day on which the agreement is entered into.

#### *Contracts with guaranteed hours*

**4.—**(1) This paragraph applies where—

- (a) under the contract of employment under which a betting worker who satisfies paragraph 2(2)(a) was employed on the day before the commencement date, the employer is, or may be, required to provide him with betting work for a specified number of hours each week;
- (b) under the contract the betting worker was, or might have been, required to work on Sunday before the commencement date; and
- (c) the betting worker has done betting work on Sunday in that employment (whether or not before the commencement date) but has, on or after that date ceased to do so.

(2) So long as the betting worker remains a protected betting worker, the contract shall not be regarded as requiring the employer to provide him with betting work on weekdays in excess of the

**Status:** Point in time view as at 01/01/2006.

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hours normally worked by the betting worker on weekdays before he ceased to do betting work on Sunday.

(3) For the purposes of paragraph 2(2)(b), the appropriate date in relation to this paragraph is any time in relation to which the contract is to be enforced.

*Reduction of pay, etc.*

5.—(1) This paragraph applies where—

- (a) under the contract of employment under which a betting worker who satisfies paragraph 2(2)(a) was employed on the day before the commencement date, the betting worker was, or might have been, required to work on Sunday before the commencement date;
- (b) the betting worker has done betting work on Sunday in that employment (whether or not before the commencement date) but has, on or after that date, ceased to do so; and
- (c) it is not apparent from the contract what part of the remuneration payable, or of any other benefit accruing, to the betting worker was intended to be attributable to betting work on Sunday.

(2) So long as the betting worker remains a protected betting worker, the contract shall be regarded as enabling the employer to reduce the amount of remuneration paid, or the extent of the other benefit provided, to the betting worker in respect of any period by the relevant proportion.

(3) In sub-paragraph (2) “the relevant proportion” means the proportion which the hours of betting work which (apart from this Schedule) the betting worker could have been required to do on Sunday in the period (“the contractual Sunday hours”) bears to the aggregate of those hours and the hours of work actually done by the betting worker in the period.

(4) Where, under the contract of employment, the hours of work actually done on weekdays in any period would be taken into account in determining the contractual Sunday hours, they shall be taken into account in determining the contractual Sunday hours for the purposes of sub-paragraph (3).

(5) For the purposes of paragraph 2(2)(b), the appropriate date in relation to this paragraph is the end of the period in respect of which the remuneration is paid or the benefit accrues.

*Notice of objection to Sunday working*

6.—(1) A betting worker to whom this paragraph applies may at any time give his employer written notice, signed and dated by the betting worker, to the effect that he objects to Sunday working.

(2) In this Schedule “opting-out notice” means a notice given under sub-paragraph (1) by a betting worker to whom this paragraph applies.

(3) This paragraph applies to any betting worker who under his contract of employment—

- (a) is or may be required to work on Sunday (whether or not as a result of previously giving an opting-in notice); but
- (b) is not employed to work only on Sunday.

*Meaning of “opted-out betting worker”*

7.—(1) Subject to sub-paragraph (2), a betting worker is to be regarded as “opted-out” for the purposes of this Schedule if (and only if)—

- (a) he has given his employer an opting-out notice;
- (b) he has been continuously employed during the period beginning with the day on which the notice was given and ending with the day which, in relation to the provision concerned, is the appropriate date; and

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- (c) throughout that period, or throughout every part of it during which his relations with his employer were governed by a contract of employment, he was a betting worker.
- (2) A betting worker is not an opted-out betting worker if—
  - (a) after giving the opting-out notice concerned, he has given his employer an opting-in notice; and
  - (b) after giving the opting-in notice, he has expressly agreed with his employer to do betting work on Sunday or on a particular Sunday.
- (3) In this Schedule “notice period”, in relation to an opted-out betting worker, means, subject to paragraph 8(2), the period of three months beginning with the day on which the opting-out notice concerned was given.

#### *Explanatory statement*

**8.—(1)** Where a person becomes a betting worker to whom paragraph 6 applies, his employer shall, before the end of the period of two months beginning with the day on which that person becomes such a worker, give him a written statement in the prescribed form.

(2) If—

- (a) an employer fails to comply with sub-paragraph (1) in relation to any betting worker; and
- (b) the betting worker, on giving the employer an opting-out notice, becomes an opted-out betting worker,

paragraph 7(3) has effect in relation to the betting worker with the substitution for “three months” of “one month”.

(3) An employer shall not be regarded as failing to comply with sub-paragraph (1) in any case where, before the end of the period referred to in that sub-paragraph, the betting worker has given him an opting-out notice.

(4) Subject to sub-paragraph (5), the prescribed form is as follows—

#### “STATUTORY RIGHTS IN RELATION TO SUNDAY BETTING WORK

You have become employed under your contract of employment to do Sunday betting work, that is to say, work at a track on a Sunday on which your employer is taking bets at the track.

However, if you wish, you can give a notice, as described in the next paragraph, to your employer and you will then have the right not to do Sunday betting work once three months have passed from the date on which you gave the notice.

Your notice must—

- be in writing;
- be signed and dated by you;
- say that you object to doing Sunday betting work.

For three months after you give the notice, your employer can still require you to do all the Sunday betting work your contract provides for. After the three month period has ended, you have the right to complain to an industrial tribunal if, because of your refusal to do Sunday betting work, your employer—

- dismisses you, or
- does something else detrimental to you, for example, failing to promote you.

Once you have the rights described, you can surrender them only by giving your employer a further notice, signed and dated by you, saying that you wish to do Sunday betting work or that you do not object to doing Sunday betting work and then agreeing with your employer to do such work on Sundays or on a particular Sunday.”



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(5) The Department for Employment and Learning may by order subject to negative resolution amend the prescribed form set out in sub-paragraph (4).

*Contractual requirements relating to Sunday work*

**9.—(1)** Where a betting worker gives his employer an opting-out notice, the contract of employment under which he was employed immediately before he gave that notice becomes unenforceable to the extent that it—

- (a) requires the betting worker to do betting work on Sunday after the end of the notice period; or
- (b) requires the employer to provide the betting worker with betting work on Sunday after the end of that period.

(2) Subject to sub-paragraph (3), any agreement entered into between an opted-out betting worker and his employer is unenforceable to the extent that it—

- (a) requires the betting worker to do betting work on Sunday after the end of the notice period; or
- (b) requires the employer to provide the betting worker with betting work on Sunday after the end of that period.

(3) Where, after giving an opting-in notice, an opted-out betting worker expressly agrees with his employer to do betting work on Sunday or on a particular Sunday (and so ceases to be opted-out), his contract of employment shall be taken to be varied to the extent necessary to give effect to the terms of the agreement.

(4) For the purposes of paragraph 7(1)(b), the appropriate date in relation to this paragraph is the day on which the agreement is entered into.

*Right not to suffer detriment for refusing Sunday work*

**10.—(1)** An employee who is a protected betting worker or an opted-out betting worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the employee refused (or proposed to refuse) to do betting work on Sunday or on a particular Sunday.

(2) Sub-paragraph (1) does not apply to anything done in relation to an opted-out betting worker on the ground that he refused (or proposed to refuse) to do betting work on any Sunday or Sundays falling before the end of the notice period.

(3) An employee who is a betting worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the employee gave (or proposed to give) an opting-out notice to his employer.

(4) Sub-paragraphs (1) and (3) do not apply where the detriment in question amounts to dismissal (within the meaning of Part XI of the Employment Rights Order).

(5) For the purposes of this paragraph a betting worker who does not work on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by—

- (a) a failure to pay remuneration in respect of betting work on a Sunday which he has not done;
- (b) a failure to provide him with any other benefit, where that failure results from the application (in relation to a Sunday on which the employee has not done betting work) of a contractual term under which the extent of that benefit varies according to the number of hours worked by the employee or the remuneration of the employee; or
- (c) a failure to provide him with any work, remuneration or other benefit which by virtue of paragraph 4 or 5 the employer is not obliged to provide.

(6) Where an employer offers to pay a sum specified in the offer to any one or more employees—

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(a) who are protected betting workers or opted-out betting workers; or  
 (b) who under their contracts of employment are not obliged to do betting work on Sunday,  
 if they agree to do betting work on Sunday or on a particular Sunday sub-paragraphs (7) and (8) apply.

(7) An employee to whom the offer is not made is not to be regarded for the purposes of this paragraph as having been subjected to any detriment by any failure to make the offer to him or to pay him the sum specified in the offer.

(8) An employee who does not accept the offer is not to be regarded for the purposes of this paragraph as having been subjected to any detriment by any failure to pay him the sum specified in the offer.

(9) For the purposes of paragraph 2(2)(b) or 7(1)(b), the appropriate date in relation to this paragraph is the date of the act or failure to act.

(10) For the purposes of sub-paragraph (9)—

- (a) where an act extends over a period, the “date of the act” means the first day of that period; and
- (b) a deliberate failure to act shall be treated as done when it was decided on;

and, in the absence of evidence establishing the contrary, an employer shall be taken to decide on a failure to act when he does an act inconsistent with doing the failed act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.

(11) Articles 71 and 72 of the Employment Rights Order (which relate to proceedings brought by an employee or, as the case may be, worker on the ground that he has been subjected to a detriment in contravention of Article 68, 69, 70, 70A, 70B, 70C or 70D of that Order) shall have effect as if the reference in Article 71 to those Articles included a reference to this paragraph.

(12) Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996 (NI 18) (conciliation) has effect in relation to industrial tribunal proceedings, or claims which could be the subject of tribunal proceedings, arising out of a contravention or alleged contravention of this paragraph.

(13) The remedy of an employee for infringement of the right conferred by this paragraph is by way of proceedings as mentioned in sub-paragraph (11) and not otherwise.

(14) Articles 248 and 249 of the Employment Rights Order (death of employee or employer) apply in relation to this paragraph as they apply in relation to provisions of the Employment Rights Order listed in Article 248(2) of that Order.

#### *Right not to be dismissed for refusing Sunday work*

**11.—(1)** Where an employee who is a protected betting worker or an opted-out betting worker is dismissed, he shall be regarded for the purposes of Part XI of the Employment Rights Order as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that he refused, or proposed to refuse, to do betting work on Sunday or on a particular Sunday.

(2) Sub-paragraph (1) does not apply in relation to an opted-out betting worker where the reason (or principal reason) for the dismissal is that he refused, or proposed to refuse, to do betting work on any Sunday or Sundays falling before the end of the notice period.

(3) A betting worker who is dismissed shall be regarded for the purposes of Part XI of the Employment Rights Order as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the betting worker gave, or proposed to give, an opting-out notice to the employer.

(4) For the purposes of paragraph 2(2)(b) or 7(1)(b), the appropriate date in relation to this paragraph is the effective date of termination.

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**12.—(1)** An employee who is dismissed shall be regarded for the purposes of Part XI of the Employment Rights Order as unfairly dismissed if—

- (a) the reason (or, if more than one, the principal reason) for the dismissal is that the employee was redundant;
  - (b) it is shown that the circumstances constituting the redundancy applied equally to one or more other employees in the same undertaking who held positions similar to that held by the employee and who have not been dismissed by the employer; and
  - (c) it is shown that sub-paragraph (2) applies.
- (2) This sub-paragraph applies if either—
- (a) the employee was a protected betting worker or an opted-out betting worker and the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was that specified in sub-paragraph (1) of paragraph 11 (read with sub-paragraph (2) of that paragraph); or
  - (b) the employee was a betting worker and the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was that specified in sub-paragraph (3) of that paragraph.
- (3) For the purposes of paragraph 2(2)(b) or 7(1)(b), the appropriate date in relation to this paragraph is the effective date of termination.

**13.** Articles 140 and 141 of the Employment Rights Order (qualifying period of employment and upper age limit) and Article 142(1) of that Order (dismissal procedures agreements) do not apply if—

- (a) sub-paragraph (1) of paragraph 11 (read with sub-paragraph (2) of that paragraph) or sub-paragraph (3) of that paragraph applies; or
- (b) paragraph 12 applies.

*Restrictions on contracting out of Schedule*

**14.—(1)** Any provision in an agreement (whether a contract of employment or not) shall be void in so far as it purports—

- (a) to exclude or limit the operation of any provision of this Schedule; or
  - (b) to preclude any person from presenting a complaint to an industrial tribunal by virtue of any provision of this Schedule.
- (2) Sub-paragraph (1) does not apply to an agreement to refrain from presenting or continuing with a complaint where—
- (a) the Agency has taken action under Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996 (conciliation); or
  - (b) the conditions regulating compromise agreements (as set out in Article 245(3) of the Employment Rights Order) are satisfied in relation to the agreement.

*Dismissal on grounds of assertion of statutory right*

**15.** In Article 135 of the Employment Rights Order (dismissal on grounds of assertion of statutory right) in paragraph (4)(a) after “Order 1997” insert “ or Schedule 8A to the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 ”.

*Power to confer rights on individuals*

**16.** In Article 24 of the Employment Relations (Northern Ireland) Order 1999 (NI 9) (power to confer rights on individuals) in paragraph (1), at the beginning of sub-paragraph (d) insert “ the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 or ”.]

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## SCHEDULE 9

Articles 63(2), (3), (4)(a) and (5), 65(3),  
(6), (7)(a) and (8) and 187(1).

### APPLICATIONS FOR THE GRANT OF BINGO CLUB LICENCES

#### PART I

#### GRANT OF BINGO CLUB LICENCES

1. A person who intends to make an application for the grant of a bingo club licence shall—
  - (a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises for which the licence is to be sought;
  - (b) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
    - (i) the sub-divisional commander of the police sub-division in which the premises are situated;
    - (ii) where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division;
    - (iii) the district council for the district in which the bingo club premises are situated;
  - (c) during the 2 weeks before that time, cause notice of the application to be displayed outside the premises for which the licence is to be sought.

- 2.—(1) The notice mentioned in paragraph 1 shall specify—

- (a) the name of the applicant;
- (b) the name of the bingo club;
- (c) the address of the premises for which the licence is sought;
- (d) the name of the owner of the premises;

and shall be in such form and shall contain such other information as may be prescribed by magistrates' courts rules.

- (2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 1 relates to an application to be made by a body corporate, the notice served under paragraph 1(b) shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest).

3. The applicant shall attach to the notice mentioned in paragraph 1(b) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(g).

4. Any person shall be entitled to appear at the hearing of the application and object to the grant of the bingo club licence on any of the grounds mentioned in Article 63(4) and (6).

5. A person intending to object under paragraph 4 shall, not less than 1 week before the time mentioned in paragraph 1(a),—

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- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

## PART II

### PROVISIONAL GRANT OF BINGO CLUB LICENCES

6. Part I shall apply for the purposes of an application for the provisional grant of a bingo club licence subject to the following modifications—

- (a) for any reference to the grant of a bingo club licence there shall be substituted a reference to the provisional grant of such a licence;
- (b) where the application relates to premises about to be constructed, or in the course of construction, for any reference to the vicinity, the police sub-division or the district in which the premises are situated there shall be substituted a reference to the vicinity, the police sub-division or the district in which the premises are to be situated and in paragraph 1(c) after the word “premises” there shall be inserted the words “ or the site of the proposed premises ”;
- (c) in paragraph 2(1)(c) and (d) after the word “premises” there shall be inserted the words “ or proposed premises ”;
- (d) in paragraph 3, for the words from “the receipt issued” onwards there shall be substituted the words “ a plan of the premises for which the provisional licence is sought showing the premises as they will be when their construction, alteration or extension has been completed ”.

## PART III

### APPLICATIONS TO HAVE PROVISIONAL GRANT OF BINGO CLUB LICENCES DECLARED FINAL

7. A person who intends to make an application to have the provisional grant of a bingo club licence declared final shall not less than 3 weeks before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon the sub-divisional commander of the police sub-division in which the premises for which the licence was provisionally granted are situated.

8. The applicant shall attach to the notice mentioned in paragraph 7 the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(h).

9. Before or at the hearing of the application to have the provisional grant of a bingo club licence declared final, the applicant shall deposit the licence with the clerk of petty sessions.

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## SCHEDULE 10

Articles 67(2), 68(1), (2)(a) and (3), 69(2)  
and 187(1).

### APPLICATIONS FOR THE RENEWAL OF BINGO CLUB LICENCES

#### PART I

##### GENERAL PROCEDURE

1. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 5 to be published in 2 newspapers circulating in that district.

2. A person who intends to make an application for the renewal of a bingo club licence shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—

- (a) the sub-divisional commander of the police sub-division in which the bingo club premises are situated; and
- (b) where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division; and
- (c) the district council for the district in which the bingo club premises are situated.

3.—(1) The notice mentioned in paragraph 2 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 2 relates to an application to be made by a body corporate that notice shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest);

and shall specify details of any change in the information specified under heads (a) to (d) from the information so specified on the application for the last previous renewal of the bingo club licence (or, where the renewal is the first renewal of the licence, on the application for the grant of the licence).

4. The applicant shall attach to the notice mentioned in paragraph 2 the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(i).

5. Any person shall be entitled to appear at the hearing of the application and object to the renewal of the bingo club licence on any of the grounds mentioned in Article 68(2) and (4).

6. A person intending to object under paragraph 5 shall, not less than 1 week before the renewal date,—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

7. Before the renewal date, the applicant shall deposit the bingo club licence with the clerk of petty sessions.

## PART II

### PROCEDURE FOR RENEWAL OUT OF TIME

8. Part I shall apply for the purposes of an application under Article 69(1) for the renewal of a bingo club licence subject to the following modifications—

- (a) paragraph 1 shall be omitted;
- (b) in paragraphs 2, 6 and 7 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.

#### SCHEDULE 11

Articles 85(2), (4), (7), (8)(a) and (9) and  
187(1).

### APPLICATIONS FOR THE GRANT OF GAMING MACHINE CERTIFICATES AND GAMING MACHINE PERMITS

## PART I

### GAMING MACHINE CERTIFICATES

1. A person who intends to make an application for the grant of a gaming machine certificate shall—

- (a) not more than 6 weeks or less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises in which the applicant carries on his business and in the area in which he resides;
- (b) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
  - (i) the sub-divisional commander of the police sub-division in which the premises in which the applicant carries on his business are situated; and
  - (ii) where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division.

2.—(1) The notice mentioned in paragraph 1 shall specify—

- (a) the name of the applicant;
- (b) the name of the owner of the business;
- (c) whether the application is in respect of a gaming machine certificate for—
  - (i) the supply of gaming machines; or
  - (ii) the maintenance of the mechanism of gaming machines; or
  - (iii) the supply and maintenance of the mechanism of gaming machines;

and shall be in such form and shall contain such other information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1) where the notice mentioned in paragraph 1 relates to an application to be made by a body corporate, the notice served under paragraph 1(b) shall specify—

- (a) the names of the directors of the body corporate;

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- (b) the names of any persons who have executive control of the body corporate;
  - (c) the names of any persons who have a financial interest in the body corporate; and
  - (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest).
3. The applicant shall attach to the notice mentioned in paragraph 1(b) the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(j).
4. Any person shall be entitled to appear at the hearing of the application and object to the grant of the gaming machine certificate on any of the grounds mentioned in Article 85(8) and (10).
5. A person intending to object under paragraph 4 shall, not less than 1 week before the time mentioned in paragraph 1(a),—
- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
  - (b) serve a copy of the notice upon the clerk of petty sessions.

## PART II

### GAMING MACHINE PERMITS

6. Part I shall apply for the purposes of an application for the grant of a gaming machine permit subject to the following modifications—
- (a) paragraph 1(a) shall be omitted;
  - (b) in paragraphs 1(b) and 5 for any reference to the time mentioned in paragraph 1(a) there shall be substituted a reference to the time of the court sitting at which the application is to be made;
  - (c) paragraph 1(b)(i) shall be omitted;
  - (d) for paragraph 2(1)(c) there shall be substituted—
    - “(c) the gaming machine in respect of which the permit is required;
    - (d) the circumstances in which the permit is required;
    - (e) whether the application is in respect of a gaming machine permit for—
      - (i) the supply of the gaming machine; or
      - (ii) the maintenance of the mechanism of the gaming machine; or
      - (iii) the supply and maintenance of the mechanism of the gaming machine” ;
  - (e) paragraph 3 shall be omitted.



## SCHEDULE 12

Articles 87(2), 88(1), (2)(a) and (3), 89(2)  
and 187(1).

### APPLICATIONS FOR THE RENEWAL OF GAMING MACHINE CERTIFICATES

#### PART I

##### GENERAL PROCEDURE

1. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 5 to be published in 2 newspapers circulating in the district.

2. A person who intends to make an application for the renewal of a gaming machine certificate shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—

- (a) the sub-divisional commander of the police sub-division in which the premises in which the applicant carries on his business are situated; and
- (b) where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division.

3.—(1) The notice mentioned in paragraph 2 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 2 relates to an application to be made by a body corporate, that notice shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and
- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest);

and shall specify details of any change in the information specified under heads (a) to (d) from the information so specified on the application for the last previous renewal of the gaming machine certificate (or where the renewal to be applied for is the first renewal of the certificate, on the application for the grant of the certificate).

4. The applicant shall attach to the notice mentioned in paragraph 2 the receipt issued by the Department under Article 172(3) in respect of payment of the charge specified in Article 172(1)(k).

5. Any person shall be entitled to appear at the hearing of the application and object to the renewal of the gaming machine certificate on any of the grounds mentioned in Article 88(2) and (4).

6. A person intending to object under paragraph 5 shall, not less than 1 week before the renewal date,—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

7. Before the renewal date, the applicant shall deposit the gaming machine certificate with the clerk of petty sessions.

**Status:** Point in time view as at 01/01/2006.

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## PART II

### PROCEDURE FOR RENEWALS OUT OF TIME

**8.** Part I shall apply for the purposes of an application under Article 89(1) for the renewal of a gaming machine certificate subject to the following modifications—

- (a) paragraph 1 shall be omitted;
- (b) in paragraphs 2, 6 and 7 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.

#### SCHEDULE 13

Articles 96(2), (3), (4)(a) and (5) and  
187(1).

#### APPLICATIONS FOR REGISTRATION OF CLUBS

**1.** A person who intends to make an application for the registration of a club shall—

- (a) not less<sup>F105</sup> than 1 year] before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon the sub-divisional commander of the police sub-division in which the premises of the club are situated;
- (b) not more than 6 weeks nor less than 2 weeks before that time, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises of the club for which registration is to be sought;
- (c) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
  - (i) the sub-divisional commander mentioned in sub-paragraph (a); and
  - (ii) the district council for the district in which the premises of the club are situated.

**F105** 2004 NI 1

**2.** The notice mentioned in paragraph 1 shall specify—

- (a) the name of the club;
- (b) the objects of the club;
- (c) the address of the premises of the club;
- (d) the name of the owner of the premises of the club;
- (e) the estimated number of persons who will be members of the club during the period for which a certificate of registration will be in force;

and shall be in such form and shall contain such other information as may be prescribed by magistrates' courts rules.

**3.** Any person shall be entitled to appear at the hearing of the application and object to registration of the club on any of the grounds mentioned in Article 96(4) and (6).

**4.** A person intending to object under paragraph 3 shall, not less than 1 week before the time mentioned in paragraph 1(a),—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;

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- (b) serve a copy of the notice upon the clerk of petty sessions.

## SCHEDULE 14

Articles 98(2), 99(1), (2)(a) and (3), 100(2)  
and 187(1).

### APPLICATIONS FOR THE RENEWAL OF REGISTRATION OF CLUBS

#### PART I

##### GENERAL PROCEDURE

1. A person who intends to make an application for the renewal of the registration of a club shall—
  - (a) not more than 6 weeks nor less than 2 weeks before the renewal date, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises of the club for which renewal of registration is sought;
  - (b) not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
    - (i) the sub-divisional commander of the police sub-division in which the premises of the club are situated; and
    - (ii) the district council for the district in which the premises of the club are situated.
2. The notice mentioned in paragraph 1 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.
3. Any person shall be entitled to appear at the hearing of the application and object to the renewal of registration on any of the grounds mentioned in Article 99(2) and (4).
4. A person intending to object under paragraph 3 shall, not less than 1 week before the renewal date,—
  - (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
  - (b) serve a copy of the notice upon the clerk of petty sessions.
5. Before the renewal date, the applicant shall deposit the certificate of registration with the clerk of petty sessions.

#### PART II

##### PROCEDURE FOR RENEWALS OUT OF TIME

6. Part I shall apply for the purposes of an application under Article 100(1) for the renewal of the registration of a club subject to the modification that in paragraphs 1, 4 and 5 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.

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## SCHEDULE 15

Article 129.

**RIGHTS OF LANDLORD WHERE TENANT CONVICTED  
OF PERMITTING USE OF PREMISES FOR GAMING**

1. Upon the conviction of the tenant or occupier (in this Schedule referred to as “the tenant”), the lessor or landlord may require the tenant to assign the lease or other contract under which the premises are held by him to some person approved by the lessor or landlord.

2. If the tenant fails to do so within 3 months, the lessor or landlord may determine the lease or contract (but without prejudice to the rights or remedies of any party thereto accrued before the date of the determination).

3. Where the lease or contract is determined under this Schedule, the court by which the tenant was convicted may make a summary order for delivery of possession of the premises to the lessor or landlord.

4. The approval of the lessor or landlord for the purposes of paragraph 1 shall not be unreasonably withheld.

*Para. 5 rep. by 1996 NI 5*

6. This Schedule shall have effect subject to the Rent (Northern Ireland) Order 1978.

## SCHEDULE 16

Articles 142(2), (3), (4)(a), and (5) and  
187(1).

**APPLICATIONS FOR THE GRANT OF LOTTERY CERTIFICATES**

1. A person who intends to make an application for the grant of a lottery certificate shall—

- (a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises in which the applicant carries on his business and in the area in which he resides;
- (b) not less than 3 weeks before that time, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
  - (i) the sub-divisional commander of the police sub-division in which the premises in which the applicant carries on his business are situated; and
  - (ii) where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division.

2.—(1) The notice mentioned in paragraph 1 shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.

(2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 1 relates to an application to be made by a body corporate the notice served under paragraph 1(b) shall specify—

- (a) the names of the directors of the body corporate;
- (b) the names of any persons who have executive control of the body corporate;
- (c) the names of any persons who have a financial interest in the body corporate; and

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- (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest).
3. Any person shall be entitled to appear at the hearing of the application and object to the grant of the lottery certificate on any of the grounds mentioned in Article 142(4) and (6).
4. A person intending to object under paragraph 3 shall, not less than 1 week before the time mentioned in paragraph 1(a),—
- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
  - (b) serve a copy of the notice upon the clerk of petty sessions.

## SCHEDULE 17

Articles 144(2), 145(2)(a) and (3), 146(2)  
and 187(1).

### APPLICATIONS FOR THE RENEWAL OF LOTTERY CERTIFICATES

#### PART I

##### GENERAL PROCEDURE

1. The clerk of petty sessions for each petty sessions district shall, not less than 6 weeks before the renewal date, cause notice of that date and of the provisions of paragraph 4 to be published in 2 newspapers circulating in the district.
2. A person who intends to make an application for the renewal of a lottery certificate shall, not less than 3 weeks before the renewal date, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
- (a) the sub-divisional commander of the police sub-division in which the premises in which the applicant carries on his business are situated; and
  - (b) where the applicant resides in some other police sub-division, the sub-divisional commander of that sub-division.
- 3.—(1) The notice mentioned in paragraph 2 shall be in such form and contain such information as may be prescribed by magistrates' courts rules.
- (2) Without prejudice to sub-paragraph (1), where the notice mentioned in paragraph 2 relates to an application to be made by a body corporate that notice shall specify—
- (a) the names of the directors of the body corporate;
  - (b) the names of any persons who have executive control of the body corporate;
  - (c) the names of any persons who have a financial interest in the body corporate; and
  - (d) a statement of the nature and extent of the financial interest of persons mentioned in head (c) (including a description of any right of direction or instruction to the directors given by that financial interest);

and shall specify details of any change in the information under heads (a) to (d) from the information so specified on the application for the last previous renewal of the lottery certificate (or where the renewal to be applied for is the first renewal of the certificate, on the application for the grant of the certificate).

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4. Any person shall be entitled to appear at the hearing of the application and object to the renewal of the lottery certificate on any of the grounds mentioned in Article 145(2) and (4).

5. A person intending to object under paragraph 4 shall, not less than 1 week before the renewal date,—

- (a) serve upon the applicant notice of his intention to object briefly stating his grounds for so doing;
- (b) serve a copy of the notice upon the clerk of petty sessions.

6. Before the renewal date, the applicant shall deposit the lottery certificate with the clerk of petty sessions.

## PART II

### PROCEDURE FOR RENEWALS OUT OF TIME

7. Part I shall apply for the purposes of an application under Article 146(1) for the renewal of a lottery certificate, subject to the following modifications—

- (a) paragraph 1 shall be omitted;
- (b) in paragraphs 2, 5 and 6 for any reference to the renewal date there shall be substituted a reference to the time of the court sitting at which the application is to be made.

### SCHEDULE 18

Article 181.

#### TABLE OF OFFENCES WITH MODE OF PROSECUTION AND PUNISHMENTS

Article of Order	General nature of offence	Mode of prosecution	Punishment
3(4)	Using premises for betting.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
4(1)	Resorting to premises used for betting.	Summary	Level 3.
4(2)	Failure to give name and address to constable, etc.	Summary	Level 1.
5(1)	Betting in streets and public places.	Summary	Level 4 or imprisonment for 3 months or both.

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6	Carrying on business, etc., as a bookmaker without a bookmaker's licence.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
9	Licensed bookmaker carrying on business, etc., in premises without a bookmaking office licence.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
31(2)	Opening licensed office for business on prohibited days.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
32(9)	Contravention of provisions for conduct of licensed office.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
32(11)	Advertising licensed office.	Summary	Level 5 or imprisonment for 6 months or both.
33	Employment of agents.	Summary	Level 5 or imprisonment for 6 months or both.

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34(1)	Employment of disqualified persons.	Summary	Level 5 or imprisonment for 6 months or both.
35(2)	Failure to leave licensed office when so requested.	Summary	Level 3.
36(4)	Bookmaking on tracks without a track betting licence or in contravention of regulations, betting on different sport from that taking place on the track.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
41(3)	Failure to surrender track betting licence after cancellation.	Summary	Level 4 or imprisonment for 3 months or both.
42(5)	Failure to surrender track betting licence after revocation.	Summary	Level 4 or imprisonment for 3 months or both.
43(2)	Contravention of regulations relating to licensed tracks.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
44(4)	Carrying on pool betting business otherwise than by totalisator or on licensed track.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
46(2)	Excessive charge for admission to licensed track.	Summary	Level 5 or imprisonment for 6 months or both.
48(2)	Betting on tracks on prohibited days.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment



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				for 2 years or both.
				(b) The statutory maximum or imprisonment for 6 months or both.
49(2)	Occupiers of tracks having interest in bookmaking on the track.	Summary		Level 5 or imprisonment for 6 months or both.
50(3)	Admitting a person under 18 into, or allowing such a person to be in, a licensed office.	Summary		Level 3.
50(6)	Failure to produce a contract of apprenticeship to a constable.	Summary		Level 2.
51(1)	Betting with persons under 18 <sup>F106</sup> or, as the case may be, 16].	Summary		Level 5 or imprisonment for 6 months or both.
51(2)	Person under 18 <sup>F106</sup> or, as the case may be, 16] not allowed to bet.	Summary		Level 3.
51(5)	Application of offence under Article 50(6).	As for offence under Article 50(6)		As for offence under Article 50(6).
52(1)	Sending betting circulars to persons under 18 <sup>F106</sup> or, as the case may be, 16].	Summary		Level 5 or imprisonment for 6 months or both.
58(1)	Gaming in streets and public places.	Summary		Level 4 or imprisonment for 3 months or both.
59(1)	Organising or managing prohibited gaming, charging for gaming or levying stakes on winnings.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	

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59(3)	Allowing or letting premises, etc., for prohibited gaming, etc.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
78(1)	Failure to comply with Article 75 or 76 in relation to bingo club premises.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
78(2)	Failure to comply with Article 75 or 76 in relation to gaming on bingo club premises.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
81(1)	Supplying gaming machine without a gaming machine certificate or permit.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
81(4)	Maintaining the mechanism of a gaming machine without a gaming machine certificate or permit.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment

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				for 6 months or both.
82(5)	Supplying, etc., gaming machine in contravention of regulations.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
95(2)	Allowing gaming machine on prohibited premises.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
95(3)	Allowing gaming machine supplied by unauthorised supplier to be used for gaming.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
95(5)	Supplying gaming machine for use on prohibited premises.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
106(8)	Contravention of provisions regulating gaming machines in registered clubs.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or	

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				imprisonment for 6 months or both.
106(10)	Supplying gaming machine for use in contravention of Article 106.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 6 months or both. (b) The statutory maximum or imprisonment for 6 months or both.	
108(11)	Contravention of provisions regulating gaming machines in certain premises.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
108(12)	Contravention of provisions regulating gaming machines in bingo clubs.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
108(14)	Supplying gaming machine for use in contravention of Article 108.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
120(1)	Breach of conditions of amusement permit.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.	

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			(b) The statutory maximum or imprisonment for 6 months or both.
122(6)	Contravention of provisions regulating gaming machines at exempt entertainments.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
122(8)	Supplying gaming machine for use in contravention of Article 122.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
123(3)	Unauthorised person removing money from a gaming machine.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
124(2)	Supplying or maintaining gaming machine in contravention of regulations.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both.  (b) The statutory maximum or imprisonment for 6 months or both.
124(3)	Using gaming machine in contravention of regulations.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment

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				for 2 years or both.
			(b)	The statutory maximum or imprisonment for 6 months or both.
124(4)	Contravening regulations relating to use of gaming machines.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
126(12)	Organising or managing gaming at entertainment in contravention of Article 126.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
126(14)	Allowing or letting premises, etc., for gaming in contravention of Article 126.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
130(1)	Advertising gaming.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
132(1)	General lottery offences.	(a) (a) Indictment	(a) (a) A fine or	

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		(b) Summary	imprisonment for 2 years or both.
			(b) The statutory maximum or imprisonment for 6 months or both.
133(6)	Contravention of conditions relating to small lotteries.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
134(2)	Contravention of conditions relating to private lotteries.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
137(20)	Obstructing officers of a district council.	Summary	Level 3.
139(1)	Contravention of requirements relating to societies' lotteries.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.
139(2)	Making a false return.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment

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				for 6 months or both.
140	Acting as lottery consultant without a lottery certificate.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
153(7)	Contravention of conditions relating to amusements with prizes at exempt entertainments.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
154(5)	Contravention of conditions relating to amusements with prizes at certain other places.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
166(1)	Breach of conditions of pleasure permit.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
168(3)	Conducting prize competitions.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or	



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				imprisonment for 6 months or both.
169	Cheating.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	
180(2)	Failure to admit constable to premises for inspection, etc., failing to answer questions or giving false answers.	Summary	Level 4.	
185(1)	Failure to comply with court order to deliver licence, certificate or permit to court.	Summary	Level 4 or imprisonment for 3 months or both.	
Schedule 5 para. 6(2)	Failure to comply with court order to deposit bookmaking office licence with court.	Summary	Level 4 or imprisonment for 3 months or both.	
Schedule 8 para. 11(2)	Obstructing officers of Department, failing to give information or giving false information.	Summary	Level 3.	
Schedule 8 para. 16	Contravening provisions relating to totalisators.	(a) (a) Indictment (b) Summary	(a) (a) A fine or imprisonment for 2 years or both. (b) The statutory maximum or imprisonment for 6 months or both.	

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## Schedule 19—Amendments

### SCHEDULE 20

Article 187(3).

#### TRANSITIONAL PROVISIONS

##### *Existing licences*

1.—(1) Notwithstanding the repeal of the Act of 1957 by Article 187(4) and Schedule 21, any bookmaker's licence or bookmaking office licence issued under that Act and in force immediately before the commencement date shall on and after that date be deemed to be such a licence granted by a court of summary jurisdiction and shall, unless revoked or a disqualification order takes effect under Article 30 or 53, continue in force until the 30th September next following that date.

(2) Notwithstanding the repeal of the Dog Races (Restriction) Act (Northern Ireland) 1946 by Article 187(4) and Schedule 21, any licence granted under section 2 of that Act and in force immediately before the commencement date shall on and after that date be deemed to be a track betting licence granted by the Department and shall, unless cancelled or revoked, continue in force for a period of 7 years from that date.

##### *Applications for certificates*

2.—(1) Where, before the commencement date, notice of an application to a court of summary jurisdiction for the grant of a certificate of character under section 2 of the Act of 1957, has been published and served, the application may be treated by the court as an application under Part II for the grant of a bookmaker's licence and the court may treat the application as complying with Schedule 1 notwithstanding that some provision of that Schedule has not been complied with.

(2) Where, before the commencement date, notice of an application to a court of summary jurisdiction for the grant of a certificate of suitability under section 6 of the Act of 1957 has been published and served, the application may be treated by the court as an application under Part II for the grant of a bookmaking office licence and the court may treat the application as complying with Schedule 2 notwithstanding that some provision of that Schedule has not been complied with.

##### *Renewals of bookmaking office licences*

3.—(1) Notwithstanding the provisions of Article 18, on the first occasion on which, after the commencement date, an application is made for the renewal of a bookmaking office licence, the clerk of petty sessions shall require the application to be made to a court of summary jurisdiction.

(2) Article 13 shall apply on the renewal of a bookmaking office licence to which sub-paragraph (1) applies as it applies on the grant of a bookmaking office licence with the substitution—

- (a) for any reference to the court granting a bookmaking office licence of a reference to a court renewing a bookmaking office licence; and
- (b) for the reference in paragraph (2) to the person whose name has been notified to the court as the owner of the premises of a reference to the person whose name is recorded in the register of licences, certificates and permits as the owner of the premises.

(3) Where a bookmaking office licence to which sub-paragraph (1) applies is renewed conditionally by virtue of sub-paragraph (2), Article 22(1) shall apply as if the licence were renewed at any time when it is declared unconditional.

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### *Licensed bookmakers on certain tracks*

4. For the purposes of Article 45(2)(b), where the occupier of any track holds, on the date of the making of this Order, a totalisator licence granted under section 21 of the Act of 1957 in respect of that track as an approved horse racecourse within the meaning of section 23 of the Act of 1957, or a licence granted under section 2 of the Dog Races (Restriction) Act (Northern Ireland) 1946 in respect of that track, paragraph (3) of that Article shall have effect as if for the reference to the 2 years immediately preceding the introduction of a totalisator there were substituted a reference to the 2 years immediately preceding that date.

### *Registration of existing clubs*

5.—(1) The chairman or secretary of a club in existence immediately before the commencement date may, within a period of 6 months after the commencement date,—

- (a) if the club will have been in existence for 2 years or, in the case of a sporting club, 1 year at the time of the court sitting at which the application is to be made, make an application under Article 96 for registration of the club; or
- (b) if the club will have been in existence for 2 years or, in the case of a sporting club, 1 year on a date after the end of that period, serve notice of the intention to make an application under Article 96 for registration of the club on or after that date upon the clerk of petty sessions and at the same time serve a copy of the notice upon the sub-divisional commander of the police sub-division in which the premises of the club are situated.

(2) Where by virtue of sub-paragraph (1) an application is made under Article 96 for registration of a club—

- (a) paragraph (4)(c) of that Article shall have effect as if there were inserted at the beginning the words “ that the club has been in existence, and ”; and
- (b) Schedule 13 shall have effect as if—
  - (i) paragraph 1(a) were omitted; and
  - (ii) in paragraph 1(b) for the words “that time” there were substituted the words “ the time of the court sitting at which the application is to be made ”; and
  - (iii) in paragraph 1(c) for the words “mentioned in sub-paragraph (a)” there were substituted the words “ of the police sub-division in which the premises of the club are situated ”; and
  - (iv) in paragraph (4) for “(a)” there were substituted “ (b) ”.

### *Lotteries of Art Unions*

6.—(1) Notwithstanding the repeal of the Art Unions Act 1846 by Article 187(4) and Schedule 21, nothing in Part IV shall apply to any lottery promoted and conducted in accordance with that Act by any Art Union and any such lottery shall not be unlawful.

(2) In sub-paragraph (1) Art Union means a voluntary association constituted under that Act on or before the commencement date.

### *Saving*

7. The provisions of this Schedule shall have effect without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954.

### *Interpretation*

8. In this Schedule—

“The Act of 1957” means the Betting and Lotteries Act (Northern Ireland) 1957;

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“commencement date” for the purposes of any provision of this Schedule, means the day appointed under Article 1(2) for the coming into operation of that provision.

#### *Schedule 21—Repeals*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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