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STATUTORY INSTRUMENTS

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**1985 No. 1204**

**The Betting, Gaming, Lotteries and  
Amusements (Northern Ireland) Order 1985**

**PART III**

**GAMING**

**CHAPTER III**

**GAMING BY WAY OF A GAMING MACHINE**

*Amusement permits*

***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>F1</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.

[<sup>F1</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>F1</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

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(b) may refuse to grant the amusement permit.

[<sup>F1</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) <sup>F2</sup> .....

[<sup>F1</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>F1</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.

(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>F1</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 [<sup>F3</sup>Article 108(8)(d)] 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.]

(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>F1</sup> paragraph (1B)(a) or (b)(i)] such other fee as may be specified in the order.

**F1** 2004 NI 1

**F2** Art. 111(3)(d) repealed (15.11.2010) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), [Sch. 4](#) (with art. 62); S.R. 2010/328, [art. 2](#)

**F3** Words in art. 111(6A)(b)(i) substituted (27.4.2022) by [Betting, Gaming, Lotteries and Amusements \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 14\)](#), [ss. 8\(8\)](#), 17(2)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument applied by [1997 c. 16 s.15\(3\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act applied by [1997 c. 16 s.15\(3\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 172A and cross-heading inserted by [2022 c. 14 \(N.I.\) s. 15\(1\)](#)
- art. 186(3A) inserted by [2022 c. 14 \(N.I.\) s. 15\(2\)\(a\)](#)