
STATUTORY INSTRUMENTS

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

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—

- (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—

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- (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.

(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;

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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
 - (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;
- 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

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or, as the case may be, the permit shall, unless the certificate^{F1} . . . 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.

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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—

- (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.

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.

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(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.

(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.

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(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^[F2] 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^[F3] 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
- ^[F3](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.

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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.

(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
- (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^{F4} Registration of Clubs (Northern Ireland) Order 1996].

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(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.

F4 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

[^{F5}(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.

F5 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 [^{F6}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.

(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 [^{F6} clerk of petty sessions] shall note the declaration or, as the case may be, the

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cancellation on the certificate of registration issued under^[F6] Article 6(1) of that Order of 1996] and in the register of clubs kept under^[F6] Article 16 of that Order] in respect of the club.

F6 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.

^[F7](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)^[F8] £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) ^{F9} 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,

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.

F7	1997 NI 22
F8	SR 1999/4
F9	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^[F10] Licensing (Northern Ireland) Order 1996^[F11] or a licensed office]] are situated declare that the bingo club premises or^{F11} . . . the licensed premises^[F11] or, as the case may be, the licensed office] 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^{F11} . . . the holder of the licence granted under^[F10] that Order of 1996]]^[F11] or the licensed bookmaker, as the case may require].

- (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
 - (b) in the case of premises licensed under^[F10] that Order of 1996], on the application of the holder of the licence under^[F10] that Order],^[F11] and]

^[F11](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.

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(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^[F10] that Order of 1996], on the licence granted under^[F10] that Order] and in the register kept under^[F10] Article 34 of that Order] in respect of the licence.^[F11] and]

^[F11](c) in the case of a licensed office, on the bookmaking office licence.]

F10 1996 NI 22

F11 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^[F12] Licensing (Northern Ireland) Order 1996] as may be prescribed by regulations;

^[F13](ba) on any licensed office;]

^[F13](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^[F12] 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^[F12] that Order] not more than the number of gaming machines specified in that direction shall be made available for gaming on those licensed premises.

^[F13](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)

- [^{F13}(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[^{F13} (7A),] (8),[^{F13} (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[^{F13} £8];
- (b) a non-monetary prize or prizes of a value or aggregate value not exceeding[^{F14} £8] or a token or tokens exchangeable only for such a non-monetary prize or such non-monetary prizes;
- [^{F13}(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]

[^{F13}(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)[^{F13} 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[^{F13} delivered by the machine of an amount] not exceeding[^{F15} £25].

[^{F13}(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[^{F13} £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;]
- (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,—

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- (a) in a case falling within paragraph (1)(a), (b)^{F13}, (ba)^{F13}, (c) or (ca)], the holder of the bingo club licence or the holder of the licence for the sale of intoxicating liquor or^{F13} 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.

F12 1996 NI 22
F13 2004 NI 1
F14 SR 1995/442
F15 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.

(2) An amusement permit may be granted to an individual, to a body corporate which is registered under the^{F16} Companies (Northern Ireland) Order 1986] or which is an existing company within the meaning of^{F16} 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.

F16 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—

- [^{F17}(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.

[^{F17}(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.

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(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^{F17} 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.

^{F17}(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^{F17}; and]
- ^{F17}(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.

^{F17}(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.

[^{F17}(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
 - (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 [^{F17} 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 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;

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(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.

^[F18](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—

- ^[F19](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.

[^{F19}(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
- (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

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- (d) that^[F19], while the amusement permit has been in force,] the council has been refused reasonable facilities to inspect the premises; or
- [^{F19}(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.
- [^{F19}(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;

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- (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^{F19} 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^{F20} 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.

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(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
 - (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.

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(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.

(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.

Status:

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